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CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTIETH CONGRESS, SECOND SESSION.

VOLUME XX.

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VOLUME XX, PART III.

CONGRESSIONAL RECORD,

FIFTIETH CONGRESS, SECOND SESSION.

Mr. McMILLIN. If the gentleman will permit me, I wish to make a single suggestion in the line of his remarks. I do not think I exaggerate when I say that two-thirds of these bills proposing large increases of pension which go through here obtain their passage in this House under agreement that there shall be a reduction. This proceeding has come to be almost farcical.

Mr. SPOONER. I think if the gentleman will permit me I can explain——

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. SPOONER. To his satisfaction what I supposed, if a secret at all, was an open secret.

Mr. BRECKINRIDGE, of Kentucky. I do not hear what the gentleman says.

Mr. SPOONER. The passage of private pension bills in this House, as the gentleman, as well as the remainder of the House, well understands, takes place at the Friday evening sessions, where such matters are the special order. It is also known that at these evening sessions, though the business may be of the utmost importance, there is not at any time a quorum of the House present. It is also well understood by those who have attended the evening sessions of the House that upon some of these bills where the great majority of those present, as well as the great majority of the House, are in favor of a certain bill covering a certain rate of pension, we almost always have in attendance at these evening sessions one or more gentlemen who obstruct the action of those constituting a majority of those present, and also, as I have suggested, a vast majority of this House. At such evening sessions it is impossible frequently to secure the deliberate action which should embody in itself the expression of the majority of those present or of a majority of the House itself; and consequently, in order that the business at such sessions shall not be obstructed and the passage of all bills prevented, it has been usual for some of us to submit under protest, as we have, to the dictation, as it has been, of one or more gentlemen insisting that his or their judgment shall be superior to the judgment of the majority of this House and of the vast majority of those present at such evening sessions.

Mr. McMILLIN. Does the gentleman admit that this is a trick to get around the amendments put upon the bill in the House?

Mr. SPOONER. I admit that it is a trick on the part of a single member who undertakes, in the absence of a majority of the House, to prevent the House from transacting the business it desires to transact.

Mr. McMILLIN. That was not the point. The gentleman evades the question. Does he admit that this is a parliamentary trick to get rid of whatever amendments may be put on in the House? If he does, I think he does himself and the House an injustice.

Mr. SPOONER. The gentleman need not get excited. I say it is in the course of regular legislative procedure——

Mr. SCOTT. Will the gentleman allow me a question?

Mr. SPOONER. Certainly.

Mr. SCOTT. If there is so large a majority in favor of the policy of which the gentleman speaks, is it not the prerogative of this vast majority to come here on Friday evenings and carry such measures through?

Mr. SPOONER. I think the gentleman who has been "conspicuous by his absence" on such occasions can answer for himself at least. [Laughter.] I have been willing to be present——

Mr. SCOTT. I have been present in this city and this House every day since Christmas——

Mr. SPOONER. Evenings we were talking of.

Mr. SCOTT. Evenings and all.

Mr. SPOONER. Now, Mr. Speaker, a word as to the merits of this particular bill. It is proposed to increase the pension of one of the most valiant soldiers who went from my State into the late war. He had previously served with distinction during the Mexican war. In the first three years' regiment which went from my State he was appointed colonel. He distinguished himself at the battle of Bull Run, as he had previously done in the organization of his regiment. At the battle of Bull Run, at the head of his regiment, he received the wound of which he afterward died, leaving his wife with two daughters and an aged mother dependent upon her for support, and leaving no property by which they might be maintained.

I have had, sir, from the leading citizens of my State, including its present governor, most urgent requests that this case should be considered and the pension increased to the reasonable sum named in the Senate bill.

When the case was considered at one of these evening sessions only one gentleman opposed the amount named in the Senate bill, and threatened unless some change was made, or if the bill was pressed, a quorum would be demanded and the bill defeated, and the remainder of the pension business at that evening session would also be prevented from receiving attention. I accordingly permitted the gentleman to offer such an amendment as he saw fit, as I could not prevent it.

The House committee had reported favorably on the Senate bill, and it was the opinion of the Senate Committee on Invalid Pensions that the Senate bill was a fair and proper one under the circumstances, and should been acted into law. On the conference the result occurred which I presumed would occur; the House conferees and the Senate conferees represented, as I believed then, and as I believe now, the sentiments of the vast majority of this House, who are in favor of the passage of the Senate bill without the House amendment. I performed not only my duty on that committee as representing myself but the Committee on Invalid Pensions, which had made a favorable report on the Senate bill, and I also, as I believed, and as the test on this bill will show, represented the sentiments of the House of Representatives, and as my friend behind me says, the country as well. [Applause.]

I reserve the remainder of my time.

Mr. BLOUNT. I hope gentlemen will agree on both sides of the House to fix some time when this debate shall close.

Mr. SPOONER. I hold the floor and reserve the balance of my time. Unless some other gentleman wishes to be heard, I will demand the previous question.

Mr. BRECKINRIDGE, of Kentucky. I was under the impression I had the floor, and only yielded to the gentleman from Rhode Island to make an explanation.

Mr. SPOONER. I will yield to the gentleman from Indiana [Mr CHEADLE] for five minutes.

Mr. BLAND. The gentleman from Rhode Island took his seat.

The SPEAKER. But he reserved his time.

Mr. BLAND. He took his seat and yielded up the floor.

Mr. BRECKINRIDGE, of Kentucky. I thought I had the floor, and yielded to the gentleman from Rhode Island.

Mr. RANDALL. The gentleman in charge of a bill is always recognized.

The SPEAKER. The gentleman from Rhode Island yields five minutes to the gentleman from Indiana.

Mr. SCOTT. Is the gentleman from Rhode Island in favor of the bill, or opposed to it?

The SPEAKER. The Chair does not know. He has an hour under the rules, and has yielded five minutes of his time to the gentleman from Indiana.

Mr. BRECKINRIDGE, of Kentucky. I only want to have one or two minutes before this matter is closed. I supposed I had the floor, and yielded to the gentleman.

The SPEAKER. The gentleman did have the floor in his own right but yielded it, as the Chair understood. The gentleman from Rhode Island yielded for five minutes to the gentleman from Indiana [Mr CHEADLE]. There is no difficulty. The gentleman can have the floor, unless the previous question should be demanded.

Mr. BRECKINRIDGE, of Kentucky. I do not wish to be cut out altogether. The gentleman from Indiana [Mr. CHEADLE] is entitled to the floor for five minutes.

Mr. CHEADLE. Mr. Speaker, one remark which fell from the lips of the distinguished gentleman has brought me to my feet. He said the opposition made to this measure on last Friday night's session was a trick. Now, I deny that it was a trick.

He also says that I insisted, unless certain concessions should be made, which were made subsequently, that I would stop legislation. I want to call the attention of the gentleman and of the House to the RECORD, on page 1805, wherein the language I used is recorded, and where I said:

I will state to the gentleman that I am perfectly willi ng for that bill to go over to a full House. If that is not acceptable I shall call a quorum.

That is what I said and all I said. I took the same position upon that measure that I have taken uniformly upon every other bill of a similar character that has come up for consideration in this Congress. The husband of the claimant in this case was a colonel. The general law fixes the amount of pension to which she is entitled at $30 a month. The rule of the Committee on Invalid Pensions is to give to the widows of brigadier-generals $50 a month, but not to widows of officers below that grade. The amendment, Mr. Speaker and gentlemen of the House, was the proposition of the gentleman himself, and he asked me if I would accept it if he reduced the amount to $30 a month. Of course I could not object, because that amount is what the general law allows anyhow. I appeal to the RECORD to justify the statement I make that it was not a trick, but an open, frank, honest investigation of that particular case; and I say to the House that neither by the general law of the land nor by the rule adopted by the Committee on Invalid Pensions has the claimant in this bill any title whatever to the sum of $50 fixed by the bill.

Mr. SPOONER. If the gentleman from Kentucky desires it I will yield him now such time as he desires.

Mr. BRECKINRIDGE, of Kentucky. I only want a few minutes. Mr. Speaker, I know nothing whatever of the merits of this case; I have not investigated it. It comes from the Committee on Invalid Pensions. It is the duty of the House to investigate the facts, and if the pension is not sufficient under the circumstances, and the services were conspicuous and gallant, it is further the duty of the House to do not only what is just but what is generous.

But, sir, I have succeeded in doing all I desired when I took the floor on this report. I have called the attention of the House to the extreme slimness of the meetings of Friday night sessions as a rule, allowing each member to take his share of the blame, whether he ought to be

present or not, being willing at the same time to take my own share with the others. I have called attention to the "parliamentary procedure," as my friend from Rhode Island [Mr. SPOONER] euphoniously calls it, by which pension bills are passed through the House with the understanding that they shall carry certain amounts, and after being passed through the House by a "parliamentary proceeding," to use his language again, of a conference report that understanding is violated and the judgment of the House disregarded.

Having done that, I have accomplished all I desire. If the gentleman from Rhode Island is satisfied that it is a proper proceeding for gentlemen on this floor to say that they will consent to the passage of a bill in the nature of a compromise, and they get the benefit of the compromise, and then violate its terms because they subsequently have the power to do so, I have no observations whatever to submit.

Mr. SCOTT rose.

Mr. SPOONER. I yield three minutes to the gentleman from Pennsylvania.

Mr. SCOTT. Mr. Speaker, I desire to protest against the insinuations thrown out by the gentleman from Rhode Island, that when any member on this side questions any pension bill presented here, that we, as a body, are to be charged with opposing the whole pension system. I will say to that gentleman, that during the time I have held a seat on this floor I have voted for as many of these bills as he has. It was only yesterday, sir, when I cast my vote for two of them. But when you take up the daily papers and find that within twelve minutes forty-two private pension bills have passed the Senate of the United States, when you come to take up these bills and examine them, as was the case only a short time ago, and find a bill passed there and sent over here from the Senate, which was passed by the House subsequently, placing upon the pension-roll a pensioner who was already upon the pension-roll under a similar bill at the same rate three years ago, I think, sir, it is full time that we should ask ourselves whether this pension legislation is not becoming so loose and so discreditable to the House that if it is allowed to go on in the future, as it has been allowed in the past, the whole system will be uprooted from bottom to top.

That is all I wished to say.

Mr. SPOONER. I will not quarrel with the gentleman from Pennsylvania as to his statement that he has voted for as many pension bills as I have, if he would only keep the record even by voting for this one.

Mr. SCOTT. I do not say I will not.

Mr. SPOONER. I demand the previous question upon the adoption of the report.

The previous question was ordered.

The question was put on the adoption of the report; and there were on a division—ayes 78, noes 27.

Mr. CHEADLE. No quorum.

Mr. SPOONER. I demand the yeas and nays.

Mr. DOCKERY. Oh, no; let us take the vote by tellers.

Mr. SPOONER. I withdraw the demand.

Mr. SOWDEN. I renew it.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 131, nays 69, not voting 122; as follows:

YEAS—131.

Allen, Mass.	Dorsey,	Lawler,	Ryan,
Allen, Mich.	Dunn,	Lehlbach,	Sawyer,
Anderson, Iowa	Ermentrout,	Lind,	Scott,
Anderson, Kans.	Farquhar,	Lodge,	Scull,
Arnold,	Felton,	Long,	Seney,
Atkinson,	Finley,	Mason,	Seymour,
Baker, Ill.	Fuller,	McAdoo,	Sherman,
Bayne,	Gaines,	McCullogh,	Shively,
Bingham,	Gallinger,	McKenna,	Sowden,
Boothman,	Gear,	McKinley,	Spinola,
Bound,	Gest,	Milliken,	Spooner,
Boutelle,	Grosvenor,	Moffitt,	Springer,
Bowden,	Grout,	Morrill,	Steele,
Brewer,	Guenther,	Morrow,	Stephenson,
Brown, Ohio	Hall,	Nelson,	Symes,
Brown, J. R., Va.	Harmer,	O'Donnell,	Taulbee,
Bryce,	Haugen,	Osborne,	Taylor, E. B., Ohio.
Burrows,	Hayden,	Owen,	Taylor, J. D., Ohio.
Butterworth,	Hayes,	Parker,	Thomas, Ky.
Campbell, F., N. Y.	Henderson, Iowa	Patton,	Thomas, Wis.
Cannon,	Hermann,	Payson,	Thompson, Ohio.
Caswell,	Hiestand,	Perkins,	Townshend,
Chipman,	Hires,	Peters,	Turner, Kans.
Clark,	Hitt,	Phelps,	Vandever,
Cogswell,	Holman,	Plumb,	Wade,
Conger,	Holmes,	Posey,	Weaver,
Cooper,	Hopkins, Ill.	Post,	Weber,
Cox,	Hunter,	Randall,	Whiting, Mass.
Cummings,	Jackson,	Reed,	Wickham,
Cutcheon,	Kelley,	Rice,	Williams,
Darlington,	Kennedy,	Rockwell,	Woodburn,
De Lano,	Ketcham,	Romeis,	Yoder.
Dockery,	La Follette,	Rowell,	

NAYS—69.

Abbott,	Breckinridge, Ark.	Cheadle,	Davidson, Fla.
Allen, Miss.	Breckinridge, Ky.	Cobb,	Elliott,
Anderson, Miss.	Bynum,	Cothran,	Enloe,
Bacon,	Campbell, Ohio	Cowles,	Forney,
Bankhead,	Candler,	Crisp,	Glass,
Bland,	Caruth,	Dargan,	Grimes,
Blount,	Catchings,	Davidson, Ala.	Hare,
Hatch,	Lanham,	Penington,	Tillman,
Heard,	Latham,	Richardson,	Tracey,
Henderson, N. C.	Martin,	Rogers,	Turner, Ga.
Herbert,	McClammy,	Rowland,	Vance,
Hooker,	McCreary,	Sayers,	Walker,
Hopkins, Va.	McMillin,	Smith,	Washington,
Johnston, N. C.	McRae,	Stewart, Tex.	Wheeler,
Kerr,	Montgomery,	Stewart, Ga.	Wise.
Kilgore,	Moore,	Stone, Ky.	
Laffoon,	Outhwaite,	Stone, Mo.	
Landes,	Peel,	Tarsney,	

NOT VOTING—122.

Adams,	Davis,	Laird,	Pidcock,
Anderson, Ill.	Dibble,	Lane,	Pugsley,
Baker, N. Y.	Dingley,	Lee,	Rayner,
Barnes,	Dougherty,	Lyman,	Robertson,
Barry,	Dunham,	Lynch,	Russell, Mass.
Belden,	Fisher,	Macdonald,	Russell, Conn.
Biggs,	Fitch,	Maffett,	Rusk,
Blanchard,	Flood,	Mahoney,	Shaw,
Bliss,	Foran,	Maish,	Simmons,
Bowen,	Ford,	Mansur,	Snyder,
Brower,	French,	Matson,	Stahlnecker,
Browne, T. H. B., Va.	Funston,	McComas,	Stewart, Vt.
Browne, Ind.	Gay,	McCormick,	Stockdale,
Brumm,	Gibson,	McKinney,	Struble,
Buchanan,	Glover,	McShane,	Thomas, Ill.
Buckalew,	Goff,	Merriman,	Thompson, Cal.
Bunnell,	Granger,	Mills,	Warner,
Burnett,	Greenman,	Morgan,	West,
Butler,	Hemphill,	Morse,	White, Ind.
Campbell, T. J., N. Y.	Henderson, Ill.	Neal,	White, N. Y.
Carlton,	Hogg,	Newton,	Whiting, Mich.
Clardy,	Hopkins, N. Y.	Nichols,	Whitthorne,
Clements,	Houk,	Norwood,	Wilber,
Cockran,	Howard,	Nutting,	Wilkins,
Collins,	Hudd,	Oates,	Wilkinson,
Compton,	Hutton,	O'Ferrall,	Wilson, Minn.
Crain,	Johnston, Ind.	O'Neall, Ind.	Wilson, W. Va.
Crouse,	Jones,	O'Neill, Pa.	Yardley,
Culberson,	Kean,	O'Neill, Mo.	Yost.
Dalzell,	Lagan,	Perry,	
Davenport,	Laidlaw,	Phelan,	

So the report of the committee of conference was agreed to.

On motion of Mr. DOCKERY, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced until further notice:

Mr. CLEMENTS with Mr. GOFF.

Mr. FORD with Mr. GUENTHER.

Mr. PIDCOCK with Mr. BRUMM.

Mr. PERRY with Mr. CROUSE.

Mr. GLOVER with Mr. BUNNELL.

Mr. BARRY with Mr. YOST.

Mr. COCKRAN with Mr. NUTTING.

Mr. GREENMAN with Mr. YARDLEY.

Mr. PHELAN with Mr. BUTLER.

Mr. MANSUR with Mr. WARNER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. MCSHANE with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. BUCKALEW with Mr. DALZELL, until February 18.

Mr. OATES with Mr. STEWART, of Vermont, until the 18th instant.

The following pairs were announced for this day:

Mr. WILKINS with Mr. LAIDLAW.

Mr. FRENCH with Mr. THOMAS H. B. BROWNE.

Mr. LEE with Mr. MCCORMICK.

Mr. STOCKDALE with Mr. O'NEILL, of Pennsylvania.

Mr. GRANGER with Mr. HOPKINS, of New York.

Mr. WILSON, of Minnesota, with Mr. DAVIS.

Mr. ROBERTSON with Mr. DUNHAM.

Mr. WILSON, of West Virginia, with Mr. RUSSELL, of Connecticut.

Mr. RAYNER with Mr. MCCOMAS.

Mr. WHITING, of Michigan, with Mr. STRUBLE.

Mr. HEMPHILL with Mr. JOHNSTON, of Indiana.

Mr. DAVIS. I find that I am paired, and therefore I withdraw my vote.

The vote was then announced as above recorded.

Mr. SPOONER moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota;

A bill (H. R. 11300) granting a pension to George H. Burgess;

A bill (H. R. 424) granting a pension to Elizabeth Myers;

A bill (H. R. 9408) granting an increase of pension to Stephen L. Kearney;

A bill (H. R. 10216) granting a pension to William Fowler;

A bill (H. R. 10337) granting a pension to John Ebert;
A bill (H. R. 10474) granting a pension to Dorcus Alford;
A bill (H. R. 10639) granting a pension to John Y. Hooper;
A bill (H. R. 10879) increasing the pension of Permelia Smith;
A bill (H. R. 10975) granting a pension to John H. Starr;
A bill (H. R. 11311) granting a pension to James Metcalf;
A bill (H. R. 11430) to increase the pension of Harlan E. King;
A bill (H. R. 11515) granting a pension to Charles G. Sanders;
A bill (H. R. 11466) granting a pension to Mary A. Selbach;
A bill (H. R. 10882) granting a pension to Nancy Hamilton;
A bill (H. R. 10791) granting a pension to Marinda Wakefield Reed;
A bill (H. R. 10301) for the relief of Emily Cross;
A bill (H. R. 917) for the relief of Julianna Muller;
A bill (H. R. 2428) granting an increase of pension to William H. Koch;
A bill (H. R. 11586) for the relief of Stephen Williams;
A bill (H. R. 11736) granting a pension to Margaret M. Nugent;
A bill (H. R. 11741) granting a pension to Alexander M. Boatright;
A bill (H. R. 11871) for the relief of Hardin County, Kentucky;
A bill (H. R. 11993) granting a pension to Mary A. Long;
A bill (H. R. 12006) granting a pension to Leonard Schaefer;
A bill (H. R. 12047) granting an increase of pension to George Colwell;
A bill (H. R. 12506) granting an increase of pension to Patrick Geraghty;
A bill (H. R. 11924) granting a pension to Annie Balser;
A bill (H. R. 6535) granting a pension to Mary Gray;
A bill (H. R. 10780) for the relief of Benjamin E. Snyder;
A bill (H. R. 11923) granting a pension to Charles Schuler;
A bill (H. R. 12303) granting a pension to Ester Gaven;
A bill (H. R. 3766) for the relief William Pfaender;
A bill (H. R. 3888) granting a pension to Mary H. Stacy;
A bill (H. R. 4789) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Tex.;
A bill (H. R. 5790) granting a pension to Mary Whitney;
A bill (H. R. 6598) granting a pension to Maria Brasted;
A bill (H. R. 6886) granting a pension to Hannah McKee;
A bill (H. R. 7123) for the relief of Catharine Mutz;
A bill (H. R. 7566) granting a pension to George W. Lloyd;
A bill (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll;
A bill (H. R. 8801) granting a pension to William Logan;
A bill (H. R. 9179) granting a pension to W. B. Green;
A bill (S. 3949) to enable the President to protect the interests of the United States in Panama; and
A bill (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

DUTY ON TIMBER.

Mr. BRECKINRIDGE, of Arkansas, from the Committee on Ways and Means, reported back favorably the bill (H. R. 3250) to amend section 2506 of the Revised Statutes, as amended by the act of March 3, 1883, relating to the duty on timber in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. The regular order is the call of committees for reports.

INTERNAL-REVENUE LAWS.

Mr. RANDALL, from the Committee on Appropriations, reported back with amendment the bill (H. R. 12131) to amend the internal-revenue laws; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FORNEY. I desire to file the views of the minority on that bill.

Mr. RANDALL. I had intended to ask that that might be done.

Mr. FORNEY. And that they be ordered to be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent to dispense with the morning hour, and pending that I request that gentlemen be allowed to file reports.

Mr. SPEAKER. Is there objection?

Mr. HERMANN. And also that members having bills for reference may introduce them.

The SPEAKER. Next Monday is the day for the introduction of bills.

Mr. DOCKERY. I suggest that we take one request at a time.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? The Chair hears none, and it is so ordered. The gentleman from Oregon asks unanimous consent that all gentlemen having bills to introduce be allowed to present them to the Clerk for reference to appropriate committees. Is there objection? The Chair hears none, and it is so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

BRANCH POST-OFFICE, WASHINGTON, D. C.

Mr. ENLOE, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 12108) to authorize the Postmaster-General to rent a suitable building on Capitol Hill, in the city of Washington, for use as a branch of the Washington city post-office; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NEW MEXICO.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 12592) to enable the people of New Mexico to form a constitution and State government, etc.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUILDING FOR UNITED STATES GEOLOGICAL SURVEY.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 11689) for the erection of a public building for the use and accommodation of the United States Geological Survey upon the Government reservation in the city of Washington, D. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ROBLEY D. EVANS AND RICHARD M. GREEN.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (H. R. 11479) for the relief of Robley D. Evans and Richard M. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP S. POST.

Mr. TAULBEE, from the Committee on Claims, reported back favorably the bill (H. R. 11481) for the relief of Philip S. Post; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS OSAGE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton and in the State of Missouri; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. CRISP also, from the Committee on Commerce, reported back favorably the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with accompanying report, ordered to be printed.

EDWARD P. ALSBURY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 11850) for the relief of Edward P. Alsbury, sole surviving heir of Harriette R. Alsbury, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. LIGHTER.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12599) for the relief of John H. Lighter, administrator of Peter Lighter, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. B. ROHRBACK.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 12600) for the relief of H. B. Rohrback; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUPERVISING SURGEON-GENERAL MARINE HOSPITAL SERVICE.

Mr. CLARDY, from the Committee on Commerce, reported back favorably the joint resolution (S. R. 124) relating to the salary of the Supervising Surgeon-General of the Marine-Hospital Service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDS IN LIEU OF MINERAL LANDS, CALIFORNIA.

Mr. MCKENNA, from the Committee on the Public Lands, reported back favorably the bill (S. 419) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EFFICIENCY OF THE SIGNAL SERVICE.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back the bill (H. R. 5604) to promote the efficiency of the Signal Service; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FILING OF BILLS.

The following bills were filed by being handed in at the Clerk's desk:

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. MCRAE introduced a bill (H. R. 12601) to forfeit the rights to lands granted to the Atlantic and Pacific Railroad Company for a branch road; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ROAD TO NATIONAL CEMETERY, LEBANON, KY.

Mr. MONTGOMERY introduced a bill (H. R. 12602) to macadamize the road from the Lebanon and Campbellsville Turnpike Company's road to the national cemetery near Lebanon, in Marion County, Kentucky; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONUMENT ON BATTLE-FIELD OF GETTYSBURGH.

Mr. OWEN introduced a bill (H. R. 12603) to erect a monument to the division of Regulars on the battle-field of Gettysburgh; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TURNER, of Georgia, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the Post-Office appropriation bill. The Clerk will read the pending amendment.

The Clerk read as follows:

It is proposed, in line 10, on page 7, to strike out "five" and insert "eight," making it $6,850,000.

The CHAIRMAN. On this amendment a vote was had by tellers, on which it appeared that no quorum had voted. The point of no quorum having been insisted upon, the tellers will take their places.

Mr. BLOUNT and Mr. CANNON took their places as tellers, and subsequently reported—ayes 86, noes 87.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Insert, after the word "provide," in line 14, page 7, the following:
"*Provided further*, That the aggregate salaries as fixed by such classification shall not exceed the sum hereby appropriated."

Mr. PETERS. As the amendment of the gentleman from Illinois did not carry I see no necessity for this amendment now.

Mr. HOLMAN. The necessity for it is that under the classification the salaries will be fixed, and whether we appropriate or not they will be fixed salaries and a charge upon the Treasury.

Mr. PETERS. The objection to that is this: It is almost conceded by those who have examined this subject, composed partly of those who are opposed to the Cannon amendment, that in case there was not a sufficient amount appropriated the amount could be brought in in the deficiency bill shortly after the convening of the next Congress. Now, if you place this provision on this law, you thereby absolutely tie the hands of the Postmaster-General, and you simply cripple the service for the incoming year. The Postmaster-General, with this provision in here, tying his hands, must absolutely take notice that he must be confined to the appropriation that is made in the bill, and that he will have no discretion whatever; that no discretion can be allowed to him by reason of the contingencies of the service, or by reason of any misjudgment in regard to the appropriations that are made to carry out this new classification scheme.

Now then, I say that it is unjust, not only to the post-office service, but to the incoming administration, to tie the hands of that administration by such a limitation as this, a limitation that has never before been placed on any Post-Office appropriation bill. We who have had experience with this branch of the service know that the large and ever-increasing need for the extension of the mail service demands the exercise of a certain amount of discretion on the part of the Postmaster-General, and we know also that during the present administration such discretion has been exercised; and I submit to my friend from Indiana [Mr. HOLMAN] whether it is exactly fair or exactly in harmony with the proper order of things for him to come in here now, in view of the incoming of a new administration, and endeavor by this limitation to tie the hands of that administration and deprive it of any discretion whatever in this matter.

Mr. HOLMAN. My friend from Kansas must bear in mind that there is now and has been for many years a limitation upon the Post-Office Department as to its expenditure for clerk-hire.

Mr. PETERS. Then why put this limitation?

Mr. HOLMAN. The restriction has been made in the current law. We have appropriated so much money for this purpose, and the Post-Office Department has no power to create any liability for such service beyond the appropriation. As to the incoming administration, it is being treated with a degree of liberality unknown heretofore so far as the Post-Office Department is concerned. By this bill we are adding to the appropriation $600,000, which is more than $200,000 in excess of the amount carried in any preceding appropriation bill of this kind. What does the gentleman propose? If the Post-Office Department think proper to classify so as to involve large expenditure, then that expenditure will remain a charge upon the Treasury. The Postmaster-General can fix the salaries at just what he pleases. He can, by the classification, double the amount of expenditure over and above the appropriation, and there is no mode whatever of imposing any limitation upon him that I know of, except by the proposition which has been submitted.

Mr. COX. Will the gentleman from Indiana answer a question?

Mr. HOLMAN. Certainly.

Mr. COX. Is there not an existing law which prevents his expending money in excess of the appropriation?

Mr. HOLMAN. Oh, this bill uproots all that.

Mr. COX. But is there not such a law?

Mr. HOLMAN. None that applies to this classification.

Mr. COX. Is there not a general law on the subject?

Mr. HOLMAN. None that applies to this classification. If this bill is passed in the form in which it now stands the salaries can be fixed by the Postmaster-General at whatever he pleases, and if we do not appropriate the money now it must be appropriated hereafter.

Mr. COX. I ask the gentleman's attention to the law.

Mr. HOLMAN. It does not apply to this.

Mr. COX. I think it does. The law is general, and it does apply to this matter, and therefore I think there is no occasion for the additional limitation that is proposed.

Mr. ROGERS. Mr. Chairman, the gentleman from Kansas [Mr. PETERS] is laboring under a mistake. If he will examine section 3679 of the Revised Statutes of the United States he will find a provision that "no Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by the Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriation." That has been the law since 1870.

Mr. PETERS. If my friend will allow me, that is just what I stated awhile ago, that we have a law now limiting this expenditure, and that consequently there is no need to duplicate it by this proposed limitation.

Mr. ROGERS. My friend from Kansas has forgotten what he did say. After the gentleman from Indiana [Mr. HOLMAN] had directed his attention to the fact that there was a law of this character, then he took the position which he is now assuming. But the answer to that is patent. There is grave doubt in the minds of good lawyers as to what the effect of the passage of this bill is to be upon this section of the Revised Statutes when construed in connection with it. Now, if there is any doubt, it is an all-important matter that the limitation proposed by the gentleman from Indiana [Mr. HOLMAN] shall go upon this bill, so that when the bill comes to be construed it shall be construed in the same way that previous administrations have construed previous appropriation bills making provision for the support of the Government for each fiscal year.

There is another reason, Mr. Chairman—not a strong reason, I think, to the legal mind, but still a reason—and that is, that the present administration, in more than one Department of the Government—and I have no doubt that preceding administrations have done the same thing—has, by some sort of construction, created deficiencies in various Departments in violation of the express provision of the statute. At a later day, when the deficiency bill shall be under consideration, and when my voice shall be in better condition than to-day, I shall undertake to show that what I have just stated is true in practice. So that the Congress, which is the great controlling power of the purse of this Government, ought to emphasize its settled purpose that no Department of the Government shall have unlimited access to the Treasury, but that, on the contrary, the purse-strings of the nation shall remain in the hands of the Congress of the United States, where they were placed by the Constitution.

For, under the Constitution, no expenditure of public money can be made except in virtue of appropriations made in pursuance of law. Therefore Congress, emphasizing this principle of the Constitution as I now recollect it, has declared that these Departments must be limited to such appropriations as are made by Congress in the exercise of its discretion and judgment in providing for the support of the Government.

I hope, therefore, Mr. Chairman, that if we are to adopt this measure we shall put upon it the amendment of the gentleman from Indiana, so that it may be made as emphatic and definite and certain as anything can be made by public law that no Department or officer of this Government shall have the power to do what he pleases with the pub-

lic money, and that no Department or officer shall have the power to make contracts without authority of law or to create claims upon the Treasury which Congress will afterwards be compelled to recognize, as we shall be compelled before Congress adjourns to recognize certain matters of this kind from a sense of common decency, common justice, and common honesty.

Mr. PETERS. Mr. Chairman, the gentleman from Arkansas [Mr. ROGERS] has entirely misapprehended the position I took, as I think I can convince him in a very few moments. The law at present on the statute-book contains that general limitation upon the power of all the Executive Departments; yet there has been a discretion exercised by the present Postmaster-General as well as all preceding Postmasters-General whenever there was a necessity that could not possibly be foreseen at the time the appropriation bill was passed. This discretion has frequently been exercised in the enlargement of the service in the extension of postal routes when rendered necessary in consequence of the growth of new cities and the increase of existing offices from third-class or second-class offices to first-class offices. It has become a custom wherever such necessities have existed for the Postmaster-General to go on and do what the necessities of the service required; and this custom has acquired somewhat the force of a law.

Now, if that custom is to be abrogated; if you are to say to the Postmaster-General by an express enactment in this bill that henceforth under no circumstances can he take the responsibility, where the necessity of the service requires, of establishing service which will exceed the appropriations already made, or place a greater clerical force in a post-office which within a year or two has advanced from a third or fourth class office to a first-class office; if you say to him that under no circumstances shall he take upon himself to exercise this discretion, the result will be to cripple the service. And it will be treating unfairly the incoming administration. It will place upon it a limitation that has not operated upon the Post-Office Department during the present and former administrations. The enactment now proposed to be made will have the effect of saying to the Postmaster-General, "You have no discretion under any circumstances, no matter what may be the need of the service or the postal needs of any community, to go beyond the existing appropriation; because here is an iron-clad provision of instruction which has been placed upon the Post-Office appropriation bill for this fiscal year in addition to the limitation prescribed by the previous law, which, by custom, has been extended so as to recognize the necessities of the service." This is the reason I say it would be an injustice, not only to the needs of the service, but to the incoming administration, if we deprive the Post-Office Department of the power to exercise a discretion in providing for the needs of the service and protecting the interests of the public.

Mr. HOLMAN. The gentleman will allow me to ask him this question: Has not the general law heretofore operated always as a limitation upon the amount to be expended by the Department, and does not this bill in the new legislation proposed set aside entirely the provisions or the section to which the gentleman from Arkansas has referred?

Mr. ROGERS. In this connection allow me to read another section of law bearing upon this same subject, so that my friend from Kansas [Mr. PETERS] may have an opportunity of answering this also. The law approved May 1, 1884, to be found in volume 23 of the Statutes at Large, page 17, contains this provision:

> Hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

Mr. PETERS. Why, Mr. Chairman, that simply emphasizes the argument I have been trying to make, that there is no necessity for this additional or duplicated provision of law. This will be simply a duplication of the existing law; but it takes the form of an emphatic declaration that the Postmaster-General can not under any circumstances be allowed to exceed the appropriation.

Mr. HOLMAN. Does not my friend know that the legislative provisions proposed in this bill would operate to defeat both the sections of law referred to by the gentleman from Arkansas?

Mr. PETERS. This simply provides for a classification, and leaves the discretion of the Postmaster-General as to the amount of clerical force where it always has been.

Mr. HOLMAN. It makes no limitation whatever.

Mr. PETERS. There is no limitation whatever upon the amount of clerical force, but the present law puts a limitation upon the amount that the Postmaster-General shall use for the purpose of paying that clerical force.

Mr. HOLMAN. The provision in this bill, being the later law, will be in express conflict with the earlier provision.

Mr. PETERS. This later law is not in conflict with the former; it must be construed in harmony with the provisions of that law.

[Here the hammer fell.]

Mr. BINGHAM. Mr. Chairman, not only in committee but in the House grave doubts have been entertained as to how far the provisions of this new legislation go in giving freedom or liberty to the Postmaster-General in the expenditure of the public money outside of the amount appropriated in the bill.

If there is no doubt upon the question, while to my mind there is no doubt—if there is no doubt I heartily concur in the amendment of the gentleman from Indiana, and I believe it should be fixed in this legislation that the Postmaster-General has no right under existing or pre-existing law to exceed the appropriation voted for when we put the bill through its passage in this House.

But the fact is to be considered in connection with the statutes now on the statute-book. We know the Postmaster-General is prohibited from spending money outside of the appropriation specified in the bill, and each year he comes to Congress with a deficiency appropriation. In the present deficiency bill we find $50,000 for the present year for postal clerks in the railway mail service. Why is that? It is on the basis that there will be a deficiency of $50,000 in the service as now conducted by the Department, if continued. If Congress refuses to make up that deficiency, when Congress adjourns the Postmaster-General will immediately cut down that force in the railway mail service so that at the end of the year he will come within the limitations and provisions not only of the statute but of the appropriations. He came last year to Congress and asked for $100,000 deficiency in clerical force, and Congress gave him that.

I merely desire to make this clear, that when the appropriation of Congress is not sufficient to carry out the programme of the administration as it grows up during the year, the Postmaster-General comes to Congress and asks for a deficiency. If the deficiency is not granted he immediately curtails the service so that at the close of the year it shall be within the limits of the appropriation.

Right here in connection with that proposition. You have voted down the amendment of the gentleman from Illinois [Mr. ADAMS] increasing this appropriation $300,000. I believe, and I state it after examination of the legislation contained in this bill, that the $600,000 increase for the clerical force will not be sufficient to carry out the provisions of the new legislation incorporated in that bill. Last year, or rather the present fiscal year ending with the close of the month of June, we appropriated $550,000 increased clerical appropriation over the preceding year.

The Postmaster-General in his report in December asks $6,600,000 as the appropriation necessary to carry on the clerical force in the post-offices. Your committee gives $6,550,000, or $50,000 less than in December last the Postmaster-General asked for. I claim you, sir, his judgment and recommendation, as to his administration for the past four years, is a good, wise, experienced, and intelligent recommendation to Congress. He has asked for $6,600,000. We have given him in this bill $6,550,000. With no invidious purpose I make the declaration that the next administration should have the same leeway in the conduct of this Department as the present incumbent, who makes recommendation for this deficiency.

One step further. Since the recommendations of the Postmaster-General for $6,600,000, we find in January, not December, the presentation of a new scheme whereby the humbler or less paid clerical force of this Department shall receive a larger compensation, and the report of the chairman of the committee makes the statement that in order to carry out the provisions of this legislation $300,000 additional will be required. Therefore if the legislation now on the statute-book is to be re-enacted by the provisions of the amendment of the gentleman from Indiana, in which I concur, I claim you, sir, that in the passage of this legislation and its enactment into law the recommendations of the Postmaster-General for $6,600,000 should be conceded to the next administration as well as the additional $300,000 to carry out the provisions of the paragraphs of this bill; and when this amendment is disposed of, in view of the defeat of the proposition of the gentleman from Illinois [Mr. ADAMS], I shall move that $200,000 be added to the $6,550,000 already incorporated in this bill.

Mr. BLOUNT. Mr. Chairman, the proposition contained in the amendment of the gentleman from Indiana [Mr. HOLMAN] is nothing, in my judgment, but a repetition of existing law—a statute which has commended itself after an experience in governmental affairs to the Congress of the United States. It has prevented a great many abuses; it is in the nature of a restriction upon the Executive Departments in their use of the revenues of the people of this country, and is a proper and rightful restriction. If at some time it shall appear that the service may be affected by a failure to confer this absolute authority upon a head of a Department over the revenues of the Government, as has already been indicated in this discussion, your fiscal year begins on the 1st day of July, and you have but a few months when you may submit the question to the consideration of Congress, and then Congress in its judgment may vote an additional sum of money, or refuse it, as the exigencies of the case may warrant. There has been found no difficulty whatever in that direction in the past.

But I do not agree with my friend from Indiana that this legislation repeals that law; and the only reason I consent to its going on the bill at all is that I have no possible objection to that limitation being strengthened if it can be strengthened, or to its being repeated as often in these appropriation bills as anybody may desire.

Now, Mr. Chairman, my friend from Pennsylvania [Mr. BINGHAM] has recurred to the discussion in reference to the compensation of clerks in the post-offices, and he has stated that the increase of this fiscal year over the preceding year was, I believe, $555,000.

Mr. BINGHAM. Five hundred and seventy-five thousand dollars.

Mr. BLOUNT. Now, sir, that statement left without explanation would be misleading. It was made under these circumstances: The Congress of the United States after the passage of the appropriation bill provided that the money-order clerks in post-offices, who are paid fees, should thereafter be paid out of the item in the Post-Office bill known as "compensation to clerks in post-offices," and in that year (not the preceding year) the Postmaster-General undertook to run on that fund for compensation of clerks in post-offices both classes of clerks for a time. The sum of $100,000, however, was granted; but this year, as stated by the gentleman from Pennsylvania, a large increase was allowed on the express ground that unless it were done the allowance for the compensation of clerks in the first and second class post-offices was less than in the preceding year, so that you had to make provision for the failure of the preceding year to grade the service up, and for this year also, and we had to meet the complaints here with a deficiency. We had to give an additional allowance, not because the natural growth of the service was $555,000, because, taking it through a series of years, it will be found that the average is less than $150,000, but because of the neglect to make an appropriation in pursuance of this changed legislation.

Now, when you have by adding to the amount of the appropriation for clerks in post-offices a sum equal to the amount you have been paying to the money-order clerks in the shape of fees, you have met the difficulty. When you have put the $550,000 into that fund you have answered the question, and it does not again arise, and then we come back to the other question, what is the normal increase in the matter of clerical hire in the post-offices of the country? When you find, Mr. Chairman, instead of its being $550,000 or $575,000, as my friend asserts, that it averages less than $200,000, I think you will agree that the appropriation here is ample, and if this be true, that that is the average, will you take the exceptional condition of this year as a basis and ignore the experience of past years? Certainly not.

My friend says the next administration should be treated fairly, as fairly as this. I wish to say that the items in this bill for the next fiscal year, which will be expended by the next administration, present the most liberal appropriation ever passed by Congress.

[Here the hammer fell.]

Mr. SOWDEN. Mr. Chairman, as I stated the other day, there seems to be a manifest misunderstanding or disagreement——

Mr. BLOUNT. Will the gentleman yield to me for a moment?

Mr. SOWDEN. Certainly.

Mr. BLOUNT. I ask unanimous consent to close the debate on this paragraph and the amendments thereto in ten minutes.

Mr. CANNON. I hope not.

Mr. BINGHAM. I have given notice that it was my purpose to offer an amendment in reference to the sum total. I do not care to debate it.

Mr. DOCKERY. Make it twenty minutes.

Mr. BLOUNT. I wish to agree on some time, if possible.

Mr. PETERS. I want two or three minutes longer myself.

Mr. CANNON. Why do you not vote on this amendment now?

Mr. BLOUNT. I am perfectly willing to do it, and then my friend from Pennsylvania can take the floor.

Mr. SOWDEN. With that understanding, that I be recognized on the amendment of my colleague from Pennsylvania, I shall yield the floor.

Mr. PETERS. I would like to be heard on this amendment for a few minutes before it is voted upon.

Mr. SOWDEN. Mr. Chairman, I yield the floor to the gentleman from New York [Mr. COX] for the present.

Mr. COX. Mr. Chairman, I desire to say but a few words. I introduced the bill as to classification—not this bill, but one regarding the classification of clerks in post-offices—in January, 1888. That was before the Committee on the Post-Office and Post-Roads, and enough has been accumulating since then to form this bundle of papers which I hold in my hand. I am glad the committee has produced this bill, and that this legislation, under all of the circumstances, is embodied in the appropriation bill. I do not believe with the gentleman from Indiana that any more legislation is needed to prevent an excess of the appropriation.

I do not believe this, and I did not vote for the amendment of my friend from Illinois for reasons which I would like to spread out upon the RECORD a little more at length; and therefore I ask leave to print some remarks upon this subject and not take up any more time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? The Chair hears none, and the leave requested is granted.

Mr. PETERS. I simply want to add a word in opposition to this amendment. Now, it is conceded, and I think correctly so, that the current law is a sufficient limitation upon the incoming administration. If that be so, it seems to me an act of injustice to place an additional limitation upon the incoming administration. The present administration has already placed some limitation upon the incoming administration. It has placed the railway mail service under the civil-service law; and that must necessarily interfere with the correct administration of the service at least for a time. I am frank to say that I am not friendly to this civil service reform law. I believe it is the very froth of political economy. I believe it is the very morass of political honesty. I think more than that. I believe it is the excelsior of political hypocrisy. But as that limitation has been placed upon the incoming administration, I want to raise my voice against putting any further limitation upon the administration, and to restore to its proper efficiency the postal service upon the railway trains of this country. The only effect this law can have is to make an edict issued to the incoming Postmaster-General that where in the past the Postmaster-General may have exercised his discretion he can not do so even in the face of the necessities of the service in the future.

Mr. HOLMAN. Will my friend allow me this question? This bill contains the following provision:

That all acts and parts of acts in conflict with this law are hereby repealed.

Does not my friend see very clearly that by that repealing provision all restriction upon the Postmaster-General and the Department is swept away?

Mr. PETERS. I think not, because there is no conflict between this act and the statute of to-day.

The question was taken on Mr. HOLMAN'S amendment, and it was agreed to.

Mr. BINGHAM. Mr. Chairman, I offer the following amendment: In line 10, page 2, in lieu of "$550,000" I move to insert "$750,000;" so that it will read:

For compensation to clerks in post-offices, $6,750,000.

Mr. SOWDEN. When I first obtained the floor my intention was to limit my remarks to the amendment offered by the gentleman from Indiana [Mr. HOLMAN], but upon request I graciously yielded a moment to my friend from New York [Mr. COX], through which I was taken off the floor. Whatever remarks I shall now submit will be on the pending amendment. It ought to be voted down. There is no occasion for its adoption.

The able chairman of the committee, who has this bill in charge, in answer to a question put to him yesterday by the gentleman from Indiana [Mr. HOLMAN] when this bill was under discussion, remarked that under the proposed classification of the clerks and employés in the first-class post-offices of the country a saving would be effected of $541,800, and in the second-class offices $347,000, or in all $889,600. He undoubtedly meant to have said $888,800 instead of $889,600, as stated by him. He repeats that there is "saved on these two items, as estimated by the chief of the allowance division, $889,600, and yet the proposition is to increase the amount of the bill by the amount of $900,000."

This would have been exactly the result had the amendment offered by the gentleman from Illinois [Mr. CANNON] been adopted. The appropriations carried by his bill exceed those for the current fiscal year $600,000; and the amendment just offered by the gentleman from Pennsylvania [Mr. BINGHAM] proposes a still further increase of $200,000, as I understand it. If it be true that there will be a saving of nearly $900,000 through the classification provided for in this measure, why is it that the Committee on the Post-Office and Post-Roads reported a bill increasing the appropriations $600,000 over those of the current fiscal year? The committee in its report says that—

The amount recommended for compensation to clerks in post-offices is very large, an increase over the current fiscal year of $600,000.

The gentleman from Pennsylvania [Mr. BINGHAM], who is a member of the committee, just said that the increase is $575,000. The Postmaster-General is of the opinion that the proposed classification of the clerks and employés in the first and second class post-offices will result in an increase of expenditure to the extent of $300,000, and that this increase would possibly meet the expenditures under the new arrangement provided for in this bill.

Mr. Chairman, I would be pleased to have some one harmonize these different and contradictory statements. If it be true that nearly $900,000 will be saved under the proposed plan as stated by the distinguished chairman of the committee [Mr. BLOUNT], whence the necessity for any increased appropriations? This matter should be clearly and satisfactorily explained by the chairman of the committee, since he failed to do so yesterday in response to a similar question from my friend from Indiana [Mr. HOLMAN].

Why is it, I repeat to the gentleman having this bill in charge, that you propose to increase these appropriations $575,000 or $600,000, when you tell us that by reason of the proposed classification of these clerks there will be a saving of nearly $900,000? If this is so it is very evident that there is no occasion for any increased appropriations, and much less for the additional increase proposed by the amendment offered by my colleague from Pennsylvania, which I hope will not prevail.

Mr. BLOUNT. My friend from Pennsylvania [Mr. SOWDEN] entirely misunderstood me in the discussion to which he alludes; and if he will give me his attention I think I will solve the contradiction that he seems to find in the situation and the statements that have been made.

The appropriation bill contains an increase for clerk-hire for the year ending June 30, 1890, of $600,000. The gentleman from Illinois [Mr. CANNON] proposes an amendment of $300,000, which would make the

total $900,000. The chief of the salary and allowance division had made a calculation of that sort, and while the bill itself discloses the fact that all of these lower-grade salaries are raised, I took his calculation and showed that instead of its being necessary to make a nine-hundred-thousand-dollar increase, I could take 2,439 clerks at a thousand dollars per annum and rate them at $800 per annum, and 1,239 at $900 and rate them at $700 (which is more than the lower-grade clerks are getting now), and it would result in a reduction below the amount of his calculation of $889,000; and I argued that if this were true the Committee on the Post-Office and Post-Roads were perfectly safe in saying that $600,000 was ample. My judgment is that it is far more than ample, and I regret that any attempt to increase the amonut at this rate has been even proposed in this House.

I desired and do desire a liberal course as contrasted with the past in reference to clerks in the first and second class offices. I know how little detailed information has been resorted to in the administration of the service and in the provision of sums of money for the pay of these clerks, and how inequitably, in some instances, these salaries have been reduced, and I have been and I am willing to classify them so that this ruinous reduction shall not occur again, and to put a sum of money in this bill sufficient to prevent it. It has been no argument of mine, sir, that instead of increasing this bill $900,000 we ought to make it about the same as the bill of last year. Not at all. I want to take advanced ground and make a large increase, and the committee have proposed that and it is contained in this item, and I do not want a just movement discredited by what I deem an extravagant appropriation of money. I believe, sir, that a judicious administration of this service will bring satisfaction to the clerks in all the post-offices of this country, and that the sum herein provided need not all be consumed in doing so.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BINGHAM. Mr. Chairman, this committee has inserted in the bill the limitation, as provided by the amendment of the gentleman from Indiana, that the Postmaster-General, in carrying out the provisions of this legislation, shall not exceed the amount appropriated in this bill. The Postmaster-General in his report uses this language:

> At present, having in view the statements hereinbefore made and the rapid increase and growth of the postal service, I am of the opinion that not less than $6,600,000 will be required for compensation of clerks in post-offices for the fiscal year ending June 30, 1889, and I so recommend.

The Committee on the Post-Office and Post-Roads have inserted in this bill an appropriation of $50,000 less than the recommendation of the Postmaster-General. So much for the general appropriation. The chairman says further—I quote from his report:

> For many years the heads of the Departments have urged the necessity of classifying the clerks in the first and second class post-offices. This has been done in the accompanying bill, and will result, in the opinion of the Postmaster-General, in an increase of expenditures to the extent of $300,000.

We have decreased the recommendation of the Postmaster-General $50,000, and my amendment decreases the amount $100,000 more. Therefore I say, in view of the amendment of the gentleman from Indiana, made a part and parcel of this bill, reducing as we do the recommendations of the Postmaster-General $150,000, I claim that my amendment will be sufficient to carry out the provisions of the proposed legislation, coming within the limitations of the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. DOCKERY. Mr. Chairman, I hope we shall now have a vote.

Mr. BLOUNT. I want to see whether I understand my friend correctly. Does the gentleman [Mr. BINGHAM] mean to say that the amount contained in this bill is $50,000 less than the amount in the estimates?

Mr. BINGHAM. On page 43 of your report you will find a quotation from the report of the Postmaster-General wherein the statement is made of a recommendation of $6,600,000. We recommend in this bill $6,550,000. I am quoting from your own report.

Mr. BLOUNT. I wish to say to my friend that that is a typographical error. If he will turn to the Book of Estimates, page 185, he will see the amount stated as $6,550,000, the exact amount contained in this bill.

Mr. BINGHAM. Very well; that makes a difference of $50,000. I was led into the error by the chairman's own report, and I apologize.

Mr. BLOUNT. I am willing to take my share of the responsibility.

The Clerk read as follows:

> Line 10, page 2, strike out "five" and insert "seven;" so that the clause if amended as proposed will read:
> "For compensation of clerks in post-offices, $6,750,000."

The amendment was rejected.

Mr. PETERS. I move to amend by inserting, after the word "from," in line 13, page 2, the words "and after;" so as to read "from and after July 1, 1889."

The amendment was agreed to.

Mr. DOCKERY. I move to amend by striking out "and" where it appears the second time in line 10, page 2, and also by striking out the semicolon and inserting a period; so as entirely to disconnect this legislation, which is designed to be permanent, from the amount of the appropriation carried in this bill. [A pause, during which Mr. BLOUNT conferred with Mr. DOCKERY.] On the suggestion of my friend from Georgia [Mr. BLOUNT] I withdraw the amendment.

The Clerk read as follows:

> Assistant postmaster, salary not exceeding 50 per cent. of the salary of the postmaster, as provided by act of March 3, 1883, graded in even hundreds of dollars, from $1,500 to not exceeding $3,000 per annum, except New York, N. Y., where the salary of the assistant postmaster shall be fixed at $3,000 per annum, and that of the second assistant postmater at $2,000 per annum.

Mr. BLOUNT. I move to amend by striking out the words "three thousand," in the twenty-first line, page 2, and inserting "three thousand five hundred." Mr. Chairman, I wish to say that this amount——

Mr. HOLMAN. I wish to reserve a point of order on that.

Mr. BLOUNT. I wish the gentleman would state his point of order. If the amendment is to be ruled out on a point of order there is no use in my speaking upon it.

Mr. HOLMAN. It may be that the point of order should be made to the whole paragraph. My point is that this is not covered by the consent given to the classification referred to; that this is an increase of salary. The question is whether this is authorized by the consent given the other day.

Mr. BLOUNT. Is that the point of order which the gentleman makes?

Mr. HOLMAN. If the salary proposed is the same heretofore given, I do not care to press the point. I only wish by the point of order to prevent an increase of salaries, if I can do so.

Mr. ADAMS. I want to know what the point of order is. Is it against the whole paragraph or against the amendment?

Mr. BLOUNT. Against the amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] will proceed.

Mr. BLOUNT. I understand the gentleman from Indiana makes a point of order that this officer is not known as a clerk, and that therefore this proposition does not come within the permission given to the Committee on the Post-Office and Post-Roads to propose legislation with reference to classifying clerks in first and second class offices. Do I state the point of the gentleman from Indiana correctly?

Mr. HOLMAN. Yes, sir.

Mr. BLOUNT. Mr. Chairman, the fact is that assistant postmasters are always paid out of the fund provided for clerks in post-offices, and their salaries are fixed in just the same way—on a roster approved by the First Assistant Postmaster-General. They are known in the Department as clerks, just as much so as a stamper is known as a clerk. The gentleman might say that a stamper is not a clerk. The Department has made these designations for these various branches of the service. I submit that this proposition is entirely within the permission granted by the House to the committee. I presume that if the gentleman from Indiana were aware that the amount named in the bill is simply an error made by the printer at the Government Printing Office, and that the salary proposed in the amendment is just the amount now allowed, he might not be disposed to insist on his point of order, or rather his objection.

Mr. HOLMAN. If the salary proposed in the amendment is the same as that now allowed, the point of order is of course unimportant.

Mr. BLOUNT. The salary is not fixed except by order of the Postmaster-General on a roster; it may be made larger or smaller, but this is the amount at which it has been running.

Mr. HOLMAN. How many assistant postmasters receive as high a salary as $3,500?

Mr. BLOUNT. None except this one at the New York office, which has always been regarded as an exceptional case.

Mr. BINGHAM. The salary proposed in the amendment is the same that the assistant postmaster at New York now receives.

Mr. BLOUNT. So I have just stated.

Mr. BINGHAM. On the point of order I desire to make this statement——

Mr. HOLMAN. In view of the statement just made, I will not press the point of order to this proposition.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment of the gentleman from Georgia [Mr. BLOUNT].

The amendment was agreed to.

Mr. REED. I desire to offer an amendment, to substitute "50 per cent.," in line 15, for "65 per cent."

The Clerk read the amendment of Mr. REED, as follows:

> In line 15 strike out "50" and insert "65;" so as to read:
> "Assistant postmaster, salary not exceeding 65 per cent. of the salary of the postmaster," etc.

Mr. HOLMAN. I reserve a point of order on that amendment.

Mr. RICE. I desire to offer an amendment to insert "75 per cent." instead of "50 per cent."

The CHAIRMAN. Does the gentleman from Indiana make a point of order on the amendment of the gentleman from Maine?

Mr. HOLMAN. Yes, sir.

Mr. REED. What is the point of order?

Mr. HOLMAN. The effect of the amendment, as I understand, is to increase materially the salaries above the rates now provided for in the Post-Office Department. And this officer not being a clerk, as I

understand, the authority to entertain this proposition does not exist under the consent given by the House.

Mr. REED. I think there was general permission given for this.

Mr. CANNON. What was the order?

Mr. BINGHAM. Let us hear the order read.

Mr. REED. Let the order be read. I hope that by some accident the power has been given to the House to legislate. [Laughter.]

The CHAIRMAN. Will the gentleman from Maine furnish the reference to which he has called the attention of the Chair?

Mr. REED. I presume the order is in the Calendar.

Mr. BLOUNT. The proceedings in reference to this matter will be found in the RECORD of January 17, page 888.

The CHAIRMAN. The Clerk will read from the RECORD.

The Clerk read as follows:

CLERKS IN FIRST AND SECOND CLASS OFFICES.

Mr. BLOUNT. I desire, Mr. Speaker, to make to the House a request at the instance of the Committee on the Post-Office and Post-Roads, and it is that that committee be allowed to report in the Post-Office appropriation bill legislation providing for the classification of clerks in first and second class offices. It has been recommended by the President and by Postmasters-General from time to time, and the only reason the matter has not been disposed of has been the difficulty under the rules of the House of reaching the matter. I hope there will be no objection to my request, so that the matter may be brought before the House for disposition.

Mr. BURROWS. To be considered in order.

Mr. BLOUNT. That is all. I merely ask that it may be brought before the House for consideration.

The SPEAKER. Is there objection?

Mr. TAULBEE. I shall have to raise the point of order against the proposition if it is to bring these clerks under the provisions of the civil service.

Mr. BLOUNT. It has no relation to the civil service.

Mr. TAULBEE. I would like to hear, then, exactly what is the object of the proposition.

Mr. BLOUNT. The object of it is simply this: The gentleman from Kentucky is aware that the clerks in the Post-Office Department have their salaries fixed. He is also aware that the letter-carriers have their salaries fixed by law. The postal clerks also have their salaries fixed by law, but so far as the first and second class offices are concerned the clerks therein have their salaries fixed, not by law, but regulated by the chief of the salary and allowance division in the Post-Office Department. The proposition we ask to bring before the House for consideration is in relation to that matter.

Mr. TAULBEE. That is the object of the provision, then.

Mr. BLOUNT. The object is to fix the salaries of these clerks in first and second class offices.

Mr. TAULBEE. I am for it. I do not object to that. I thought it was a proposition to classify them within the civil service.

Mr. HOLMAN. I wish to inquire whether the object of this request is to classify in the same manner as in the Department, or to increase or diminish the salaries of the employés?

Mr. BLOUNT. No, sir; not to increase, but simply to classify them. So far as the details are concerned, whether the salaries shall be higher or lower, is a matter for the House to determine.

Mr. HOLMAN. I wish to know whether my friend proposes in any respect to increase these salaries or the grade of the employés in the branches of the Department to which he refers?

Mr. BLOUNT. I do not.

Mr. CUTCHEON. Will the classification proposed carry any particular rate of salary?

Mr. BLOUNT. Well, that is just the very object, to fix the salary and to limit the power of the head of the bureau in the matter.

Mr. CUTCHEON. But will not this allowance of salaries have to be paid as heretofore, through the Department?

The SPEAKER. This is not debatable.

Mr. TOWNSHEND. I wish to ask the gentleman from Georgia if a bill has been reported heretofore to the same effect as he now proposes from the Committee on the Post-Office and Post-Roads?

Mr. BLOUNT. Oh, yes, I think on several occasions.

The CHAIRMAN. Can the gentleman from Maine supply the Chair with information as to whether the duties of the assistant postmasters are similar or equivalent to the duties of the clerks mentioned there?

Mr. REED. I so understand.

Mr. BLOUNT. Undoubtedly. I do not think, Mr. Chairman, that there can be the least doubt upon the question. The Clerk has just read the proceedings at the time permission was given by the House to classify the clerks of the first and second classes, and the object there was to classify them, not for the purpose of fixing their salaries, for the order does not fix the salaries at all, the RECORD disclosing that the permission was given to make the classification; and as to what might be the result on salaries there could be a difference of opinion, possibly, whether it made them higher or lower. But the order was intended to allow us to legislate upon the whole subject.

Mr. KERR. But not to increase the salaries.

Mr. BLOUNT. I do not say that it did give the power to increase salaries, but it gave the committee freedom in the matter to make up this bill in regard to the classification of the clerks; and under the order then made the committee had the right to legislate upon the subject. Now, it is a matter of opinion as to what the effect will be. But for the rule of the House we might do this any way. We have dispensed with the rule of the House, however, and are under no restraint except as to what may be the judgment of the House in this matter.

Mr. KERR. I wish to say in regard to the matter that there is an express statement by the chairman of the committee, as reported to the House, to the effect that the object of the permission was not to increase salaries.

Mr. REED. But there are two distinct statements, that the object was to classify the clerks in the first place, and that it was also designed to fix the salaries of these clerks.

Mr. BLOUNT. The matter is perfectly clear, as appears from the RECORD.

Mr. KERR. This committee is now before the House asking an appropriation of six and a half millions of dollars for salaries of clerks in post-offices, when on the last year's bill they received but five and a half millions. It seems to me that the provisions of this bill expressly violate the permission given by the House, as understood by the House, and as we had a right to understand it from the statement of the chairman of the committee.

Mr. BLOUNT. I hope the gentleman will not be unfair enough to construe my statement by a single sentence. I had called attention to the report of the President of the United States and several Postmasters-General to the effect that by reason of the salaries being unfixed sometimes many of them were brought too low, and the service was entitled to have these clerks classified. I did not know, sir, whether under that classification, when we could get it, the general result would be, as I have said, to make the salaries higher or lower. Various opinions have been expressed on that subject. The Postmaster-General himself was in doubt too, when he was asked the question in the light of all the references that had been made to it. I will concede that a fair construction is that the object was not to increase salaries, but simply to accomplish the classification. Still, we did not know whether it was going to increase or diminish. The prime object was to classify them.

Mr. REED. If the point of order is good against this paragraph, it probably strikes every paragraph under this head.

Mr. KERR. It ought to strike them.

Mr. ROGERS. Let me suggest to the gentleman from Georgia that he had a right to report upon that without asking anybody's consent as to whether he would put in six or seven million dollars.

Mr. BLOUNT. The gentleman from Arkansas suggests what is entirely true, and very pertinent here, that we could have put in a million of dollars more in this appropriation. The salaries were not fixed. They could have been raised under that provision far beyond anything in the bill. So that the tendency is restrictive rather than otherwise.

Mr. KERR. Yet it does increase the appropriation over a million of dollars.

Mr. BLOUNT. Not a cent, and the only question is how much we will give to this item of clerk-hire when you provide this legislation.

Mr. KERR. It is a million dollars more than last year.

Mr. BINGHAM. Five hundred and seventy-five thousand dollars.

Mr. KERR. Well, there is a large increase.

Mr. BLOUNT. Yes, there is an increase over last year, and the gentleman will find that there is more given every year, for this business will grow in spite of the inconvenience it is to some gentlemen. [Laughter.]

Mr. HOLMAN. There is no ambiguity in the language read. In all that has been read the Chair will perceive that the classification, and the classification of clerks only, was the question. Now, I made an inquiry at the moment whether the proposition was to classify as in the other Departments, for it is well known that there are four classes—first, second, third, and fourth classes—or four grades of clerks which were originally intended to be brought under the operation of the civil-service law. The answer was, I think, that that was the purpose of the proposition; but from the beginning of the colloquy to the end the subject of clerks alone was mentioned—clerks, as in the other Departments.

Mr. BLOUNT. Will my friend yield to me for a question?

Mr. HOLMAN. Certainly.

Mr. BLOUNT. If the assistant postmaster is not a clerk, by what authority has the Postmaster-General from time to time paid him out of the fund for clerks of post-offices?

Mr. HOLMAN. That does not reach the point at all.

Mr. BLOUNT. It did with the Postmaster-General, when he paid the clerks out of that fund.

Mr. HOLMAN. He could pay the Postmaster-General, the First Assistant Postmaster-General, the Second Assistant Postmaster-General, and the Third Assistant Postmaster-General out of the same appropriation that you pay these clerks out of, if he thought proper. But the gentleman will not say that the First, Second, and Third Assistant Postmasters-General are clerks. They are not clerks at all. They are the heads of the Department.

Mr. BLOUNT. They are paid out of the appropriation for the Post-Office Department fixing their salaries.

Mr. HOLMAN. Is the Commissioner of the General Land Office a clerk in the ordinary acceptance of the term, taking it in connection with the ordinary meaning of clerk? What is the use of making it ambiguous? It should be made clear, specific, and definite. So that I submit to the Chair that there is no room for contradiction. The assistant postmaster is simply a deputy postmaster. He is the second postmaster. In other words, he acts in lieu of the postmaster himself.

Mr. BLOUNT. When the postmaster is out.

Mr. HOLMAN. He performs the duty of the postmaster when he is absent.

Mr. WEBER. I desire to ask the gentleman from Indiana whether his point of order is based upon the ground that it increases the salary?

Mr. HOLMAN. I think that is the effect of it; but whether it does or not the result is the same.

Mr. WEBER. The gentleman will understand that this section only refers to the assistant postmaster.

Mr. HOLMAN. Yes, sir.

Mr. WEBER. And that the fixing of the salaries is not arbitrary with reference to this section. In a subsequent section it is within the discretion of the postmaster; in other words, it is where it is now.

Mr. HOLMAN. Not where it is now?

Mr. WEBER. Precisely. The postmaster fixes the salary of the assistant postmaster.

Mr. REED. And he can fix it now?

Mr. HOLMAN. This establishes it by law. Because it has been done heretofore without law it is now sought to be made specific by law. It changes law and makes new law upon the subject.

The CHAIRMAN. The Chair understands that the gentleman from Georgia has some authorities on the question, and the Chair will be glad to hear them.

Mr. ROGERS (to Mr. BLOUNT). Let me say a word or two here.

Mr. BLOUNT. Very well.

Mr. ROGERS. Mr. Chairman, I just want to make one observation. If there is any such thing as an assistant postmaster known to the law, it ought to be in these statutes. If it can not be shown, it does not exist. I think that is the whole argument.

Mr. HOLMAN. Then that office is created by this bill, and makes the point of order stronger.

Mr. WEBER. There is an assistant postmaster, and his oath of office is required to be filed.

Mr. ROGERS. Where is the statute?

Mr. WEBER. I do not know where the statute is. That is the practice.

The CHAIRMAN. The Chair would like to hear the gentleman from Georgia as to the clerks mentioned in the order of January 16.

Mr. BLOUNT. I have always understood that the Chair in determining questions of this nature would take whatever aid came from official statements, from reports, statutes, etc., and take notice of them to assist him in reaching a conclusion. I hold in my hand, sir, a paper forwarded to me by the First Assistant Postmaster-General, showing the total number of employés in each of the ninety-seven first-class post-offices, with the number designated for duty, and the various lines of duty required, the maximum and minimum, and their compensation, of the employés in each line of duty.

The appropriation bill is in this form in reference to clerks in post-offices:

Compensation of postmasters.

And the next item is:

Compensation for clerks in post-offices.

In the designation of the persons employed I find as follows: Assistant postmasters, chief clerks, secretaries and stenographers, cashiers, finance clerks, stamp clerks, superintendents of divisions, assistant superintendents of divisions, mailing clerks, letter distributers, paper distributers, separators and assorters, record clerks, registry clerks, inquiry clerks, dispatchers, watchmen, laborers, messengers, porters, carpenters, and timekeepers.

Why, Mr. Chairman, if the proposition of my friend from Indiana be correct, there is not a messenger or laborer or any person who is, in accordance with his peculiar definition of a clerk, entitled to be paid out of that fund. The appropriation, as it is applied in pursuance of law, is given without any designation of a single employé, and has left it to be determined in the particular offices. For the convenience of the labor of that office, one person is designated as the assistant postmaster, another as secretary or stenographer, another as a messenger or porter, because this designation was deemed fit in the order of business.

The gentleman from Indiana says the assistant postmaster simply acts in the absence of the postmaster. The gentleman from Indiana is quite mistaken. If he were designated the chief clerk it would come very much nearer the correct designation of his labor.

Mr. HOLMAN. There is a chief clerk besides that.

Mr. BLOUNT. The gentleman from Indiana says there is a chief clerk besides that. At some offices there are some persons who are designated as chief clerks, at other offices there are none. It is a mere designation. If the gentleman desires to change the office, or to call this man a "chief clerk" instead of an "assistant postmaster," it will be no inconvenience to him, although it may perhaps affect his vanity because he may prefer to be called "assistant postmaster."

Mr. CANNON. I want to make a suggestion to the Chair touching the point of order——

Mr. BLOUNT. If my friend from Illinois will allow me, I have not quite completed what I desired to say. Under the law the Postmaster-General may make allowances out of this fund to the post-offices of the country entitled to it, for what is called technically "clerk-hire." The postmaster submits a roster, designating one clerk as an "assistant postmaster" or "chief clerk," or whatever the designation may be. There is no law for it. It is merely a matter of convenience in the performance of the work, and the allowance is made by order of the Postmaster-General in that form. There is no provision of law for this clerk except out of this fund, and there never has been, so far as I know.

Mr. HOLMAN. But this law creates it here.

Mr. CANNON. Mr. Chairman, I want to make a suggestion to the Chair in reference to the point of order. None of these provisions would be in order without unanimous consent. But the unanimous consent has been given, and you turn to it and you find that it relates to the classification of clerks in first and second class post-offices. It goes no farther. It does not relate to superintendents; it does not relate to assistant postmasters; it relates to nothing but clerks. Yet the gentleman has brought in here a classification and proposes to put it in the form of permanent law and to fix the salaries for a vast army of office-holders. I do not think the House intended to give its consent to any such thing, or did give it.

Mr. BINGHAM. Mr. Chairman, I desire to antagonize the position of the gentleman from Illinois [Mr. CANNON] to this extent: Your bill not only now, but heretofore, has indicated its compensation to postmasters. It has then, in a distinct and other paragraph, indicated the allowance for the clerical force, or the clerks in post-offices, giving a round sum total. Every employé in post-offices of the first and second class other than a carrier (who is appropriated for under another head in this bill) is a clerk. "Assistant postmaster" is merely a convenient designation for a particular line of official work, the same as "cashier" or "finance clerk" or "distributing clerk." The assistant postmaster gives no bond to the Government. He is a subordinate to the postmaster and gives a bond to him, the same as the cashier, and the same as the other subordinates of the office. Their names are duly reported to the Department and their oath of office is filed with the report, but the responsibility of the assistant is to the postmaster, and he is not known in any official relation with the Department other than when he signs during the absence of the postmaster. He carries no money relation nor responsibility to the Government, but is responsible directly to the postmaster. In other words, "assistant postmaster" is only a convenient designation for a clerk detailed for a specific line of work, and he is paid his compensation, and has been heretofore, out of the compensation for clerk-hire, and it is so proposed in this bill.

Mr. HOLMAN. I wish to say a single word, Mr. Chairman, before the Chair gives his decision.

The CHAIRMAN. The Chair does not desire to hear further from the gentleman from Indiana. The order of the 16th of January makes provision for clerks as "clerks," and it seems to the mind of the Chair that "assistant postmaster" and "clerk" are entirely distinct designations of officers, and that if it had been the intention of the House to include other officers they would have been distinctly named. Therefore the Chair sustains the point of order.

Mr. REED. Does that decision strike out the paragraph?

The CHAIRMAN. The Chair has at present been called upon only to pass upon the amendment proposed by the gentleman from Maine. No point of order has yet been made upon the paragraph.

Mr. CANNON. I make the point of order upon the paragraph.

Mr. BLOUNT. I respectfully appeal from the decision of the Chair because it goes to the gist of the whole matter.

Mr. REED. I want to say a word about this. I do not understand what the permission of the House has to do with this matter.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] proposes an appeal from the decision of the Chair.

Mr. BLOUNT. Mr. Chairman, this question is one of very great importance in reference to this bill. It does not relate to this paragraph alone; the same strict construction would prevent the consideration of various other paragraphs in this bill.

Mr. HOLMAN. Is this question debatable?

The CHAIRMAN. The gentleman from Georgia appeals from the decision of the Chair; and the Chair proposes to allow him reasonable latitude it stating his appeal.

Mr. BLOUNT. Mr. Chairman, I understand the ruling of the Chair to be that the order adopted by the House provided in terms for entertaining a provision with reference to the compensation of clerks in first and second class offices, and that as the assistant postmaster is not designated as a clerk, therefore this proposition can not be entertained under the order of the House.

Let us see how this construction will operate in regard to other paragraphs of this bill. The next paragraph of the bill relates to secretary and stenographer. In that case the same question might be raised, whether he is to be regarded as a clerk; he is not so designated. Next we have the cashier; he is not designated as a clerk. Then we have the stamp agent, who is not designated as a clerk. Then we have the superintendents of mails, the assistant superintendents of mails, the superintendents of delivery, the assistant superintendents of delivery, the superintendents of registry, the assistant superintendents of registry, the superintendents of the money-order divisions, the superintendents of stations, the foremen of crews or working sections, the separators, and paper distributers, and so on. Under the ruling made, the classification of the great mass of clerks, as that designation is understood by the Postmaster-General, would not be in order on this bill; and the House would have been guilty of a great folly in adopting that order if the rigid construction which has been adopted were insisted upon. If because a person doing clerical work happens to be designated an assistant postmaster, it is not in order on this bill, by virtue of the specific language used by the House, to embrace him in the

classification, then the same ruling applies to most of the employés provided for in this bill; and it is impossible for us to do anything now with this legislation. The opinion that an assistant postmaster is not a clerk does not obtain in the Department.

Mr. HOLMAN. Is the postmaster himself a clerk?

Mr. BLOUNT. No, sir; and I am glad the gentleman has asked me that question. The postmaster receives a salary fixed by law.

Mr. HOLMAN. And he is not a clerk; yet the gentleman holds that the assistant postmaster is.

Mr. BLOUNT. The gentleman appears to assume that if the postmaster is a clerk, therefore the assistant postmaster must be a clerk. Why, Mr. Chairman, the postmaster is designated by name in the statute; his salary and designation are fixed by law.

Mr. HOLMAN. And you do the same thing in this bill as to the assistant postmaster; you fix his salary and give him his title by the express terms of this bill.

Mr. BLOUNT. I do not think that is at all responsive to the matter to which I was addressing myself. The gentleman made a remark implying that because I admitted the postmaster is not a clerk I was bound to admit that the assistant postmaster was not a clerk. It was not to that point I was addressing myself. The gentleman injects into my speech something which is not responsive to my remarks. I must be permitted to proceed in some order.

Now, is the assistant postmaster designated by law? Are any of these clerks designated by law? Is the salary of the assistant postmaster fixed by law or specifically appropriated, or are the designation and salary left to the Post-Office Department? I say it is left to the Department to call him an assistant postmaster, or a clerk, or any other name that it may deem proper, with the view of adjusting him to particular work in a particular office.

Now, Mr. Chairman, I wish to say I have profound respect for the ability and character of the distinguished chairman, and nothing could impel me to appeal but the fact this ruling destroys the privileges given to the committee, as I understand it, by the House, and the additional fact that the President of the United States, the Postmaster-General for ten years, the actual condition of the service, and the demand of the intelligent press all over the country require something shall be done in this connection.

Mr. COX. I should like to say one word on the point of order. I would address it to the Chair, but really it would be for the House and the committee.

The gentleman from Georgia [Mr. BLOUNT] obtained leave, as the committee will remember, to legislate on classification of clerks in the first and second class offices. That is the foundation of this special classifying legislation. These officers, when leave was obtained, were paid under and by virtue of the item of "compensation of clerks." You can not get over, under, or around that.

Mr. BINGHAM. And always have been so paid.

Mr. COX. Yes, and always have been paid under that designation. What the various clerks were called, whether cashier, or superintendent, or assistant postmaster, then or now, does not matter. The only question which the Chair has decided wrongly, in my judgment, is as to the item of compensation of clerks. That should end the matter as a matter of parliamentary law.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] appeals from the decision of the Chair——

Mr. HOLMAN. Permit me to say a word before the ruling is made. I hope the gentleman from Georgia will withdraw his appeal.

Mr. BLOUNT. I will withdraw it if the gentleman will withdraw his point of order. I think it is much more important that he should withdraw his point of order than that I should withdraw my appeal.

Mr. HOLMAN. My friend from Georgia should not ask that the point of order should be withdrawn. It is clearly right. If the gentleman from Georgia rose in his place and proposed to classify the employés of the Post-Office Department, I would have made that objection promptly. It was understood the classification intended was only that which has prevailed in the other Departments. If any other classification had been proposed I would have objected.

Mr. BLOUNT. I am surprised that my friend from Indiana should speak on this matter as he does. I confess there is a division of opinion around me. I find the Department in all its practice has treated the matter in a different way from what the gentleman from Indiana proposes.

The gentleman has said if all these designations had been proposed objection would have been made. The gentleman from Indiana knows, as well as any member of this House, that the words "of compensation of clerks" included postmasters under all these designations, and that these designations were simply made for convenience in handling the men in relation to their business and nothing else. Therefore, I think, he does himself injustice in attempting to reflect on me by the suggestion he has made. I would be glad if he would relieve this situation by allowing a majority of this committee to determine for itself whether or not it will allow this item under this designation, for it does not increase, sir, by one single nickel, the amount of money for clerical force.

Mr. HOLMAN. Will the gentleman permit me to ask him a question? Has the office of Assistant Postmaster-General existed by law up to this time?

Mr. BLOUNT. Whatever this man does he will do, no matter by what name you call him, and so will all the clerks in this bill. The committee in making this request have followed what the Department was understood to desire.

Mr. HOLMAN. But you asked me a question, whether the office of Assistant Postmaster-General heretofore existed by law.

Mr. BINGHAM. It is not known to the law.

Mr. BLOUNT. I will ask the gentleman from Indiana if the provision for stenographers, or the provision for a stamper, exists by law?

Mr. HOLMAN. That does not answer my question.

Mr. BLOUNT. Yes, it does.

Mr. HOLMAN. How?

Mr. BLOUNT. By showing that these do not exist by virtue of law.

Mr. HOLMAN. But——

Mr. BLOUNT. Now, I can not be interrupted. I have the floor, and wish to proceed.

Mr. HOLMAN. The gentleman is asking a question, and I want to answer him.

Mr. BLOUNT. The gentleman must not break me up by continued interruptions. I decline emphatically to yield.

I was about to say, Mr. Chairman, that the fact that there was no provision of law in reference to an assistant postmaster was just the same as the law in reference to a stamper, and just the same as it is with reference to other offices than those designated in this classification, none of them resting on law, all of them alike resting on the fund designated as "compensation for clerks in post-offices." What deduction is made as to any applies likewise to all.

Mr. CANNON. Before the question is submitted to the committee, Mr. Chairman, I desire to be heard for a moment.

I believe the decision of the Chair upon the point of order is right, and therefore I shall vote to sustain the Chair, and I am much more free to do so and desirous of doing so because I believe from a parliamentary standpoint the decision is right, for the reason that the legislation proposed by this bill is wide-reaching in its character, and the more I examine it the more I believe it to be unwise, or at least that it should not be brought in here and forced through upon an appropriation bill.

But before the committee votes upon the question to be submitted by the Chair I want to turn for a moment to the terms of the leave granted to move this legislation by the Committee on the Post-Office and Post-Roads, which is that—

That committee be allowed to report in the Post-Office appropriation bill legislation providing for the classification of clerks in first and second class offices.

Now take up your bill and examine it for a moment and what do you find? You find here eight or nine pages of legislation making a complete organization of this vast concern, running through "assistant postmasters," in some cases "second assistants," "stenographers," "secretaries," "cashiers," "superintendents of mails," "superintendents of registry," "superintendents of stations," "clerks in charge of stations," "stampers," "separators," "printers," "pressmen," "draughtsmen," and a great many other employés of that Department. The scheme embodies and embraces the whole service there.

In the first place, Mr. Chairman, on the merits of the question, from the short examination I have been able to give to it, this legislation would embarrass the orderly administration of the Post-Office Department throughout the country, greatly increase the expenses and seriously cripple and limit the efficiency of the service under the appropriation proposed. Therefore, sir, as you would not give the additional appropriation necessary I am against the legislation. The terms of the leave to move this legislation only run to clerks and not to a complete organization, and I believe the Chair ought to be, and I hope will be, sustained in his ruling.

The CHAIRMAN. With great distrust of his own opinion and judgment, the Chair desires simply to state again that he understands an assistant postmaster to be one who shares the functions of the postmaster himself; and that if under the order of the House made on the 16th day of January assistant postmasters could be provided for by a change of salary or otherwise, the committee might perhaps under the same authority change the salaries of postmasters themselves.

But the question presented now is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division there were—ayes 45, noes 29.

So the decision of the Chair was sustained.

Mr. BLOUNT. I wish now to offer an amendment——

Mr. CANNON. I make a point of order upon the paragraph.

The CHAIRMAN. The Chair has recognized the gentleman from Georgia.

Mr. CANNON. But I rise to make a point of order.

The CHAIRMAN. If the point of order is of such a nature as to take the gentleman from Georgia off the floor, the Chair would entertain it.

Mr. CANNON. I think it will. He rises to amend the paragraph;

I rise to make a point of order on the paragraph beginning with line 15 and ending with line 23, inclusive.

Mr. BLOUNT. I wish to reply to the point of order that this paragraph has been already amended by an increase of the salary from $3,000 to $3,500. It has been adopted, and the point of order comes too late.

The CHAIRMAN. Will the gentleman from Illinois state his point of order?

Mr. CANNON. My point of order is that from lines 15 to 23, inclusive, there is a provision for the creation of the office of assistant postmaster, not authorized under the terms of the order obtained by the gentleman from Georgia.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that this paragraph has been under discussion, has been amended, and hence the point of order is too late, in the opinion of the Chair.

Mr. CANNON. I was not aware that it had been amended.

Mr. BINGHAM. It has been.

Mr. REED. I would like to offer another amendment in the same direction, if there is no objection.

Mr. BLOUNT. I yield to allow the gentleman to offer it now.

Mr. REED. Then I offer the amendment I send to the desk.

The Clerk read as follows:

Add to the paragraph:
"*Provided*, That no salaries shall be hereby decreased."

Mr. HOLMAN. That is legislation, not classification. I make the point of order against it.

Mr. REED. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. REED. The Chair has already decided that this paragraph is before the House; and if it is before the House, it is before it for the purpose of amendment. Here is a provision which directly relates to the salaries. It proposes to provide what the limitation of that provision which is already before the House shall be, that it shall not be construed to decrease any salaries now existing. I do not understand what point of order can be made against that, except the sympathetic one which would be likely to be made.

Mr. HOLMAN. That is not before the committee.

Mr. BLOUNT. I desire to make a point of order on that amendment.

Mr. HOLMAN. The point of order that I make is that this paragraph stands just as though it were in conformity with law; nothing beyond that. This proposition proposes to amend that law.

Mr. REED. Proposes to do what?

Mr. HOLMAN. Proposes to go beyond the provision itself.

Mr. REED. Not at all.

Mr. HOLMAN. It declares that no salary shall be reduced.

Mr. REED. It simply provides that no salary shall be hereby decreased. That is in accordance with the law.

Mr. HOLMAN. It is not in accordance with this law. It is legislation. It is a provision to enlarge the law as it stands, and proposes to incorporate that in this bill. The fact that this provision is in the bill, and is there properly, does not authorize further legislation upon the subject.

Mr. REED. Certainly it does.

Mr. BLOUNT. I hope the gentleman from Maine will withdraw his amendment at this time and offer it at the end of the bill.

Mr. REED. I would rather try it on this section, because I do not know how it would work on the rest of the bill.

The CHAIRMAN. The Chair thinks the amendment proposed by the gentleman from Maine is in order, and overrules the point of order.

Mr. BINGHAM. Mr. Chairman, I would like to have the section read as it would be with the amendment proposed by the gentleman from Maine.

The Clerk read as follows:

Assistant postmaster, salary not exceeding 50 per cent. of the salary of the postmaster, as provided by act of March 3, 1883, graded in even hundreds of dollars, from $1,500 to not exceeding $3,000 per annum, except New York, N. Y., where the salary of the assistant postmaster shall be fixed at $3,000 per annum, and that of the second assistant postmaster at $2,000 per annum: *Provided*, That no salary shall be hereby decreased.

Mr. CANNON. I desire to offer an amendment to the amendment: *Provided further*, That no salary shall be increased.

Mr. HOLMAN. That is right.

Mr. KERR. I make the point of order against the amendment that it is inconsistent with the action of the House.

The CHAIRMAN. The gentleman will state the point of order.

Mr. KERR. The point of order is this: That the House has determined what the salaries shall be by the adoption of the proposition before the committee; and the amendment is not in order, because it changes the action of the House.

Mr. BLOUNT. I understand, Mr. Chairman, that the matter is now before the House on its merits, and that there is a pending proposition.

The CHAIRMAN. The point of order of the gentleman from Iowa rests upon the amendment proposed by the gentleman from Illinois. Does the gentleman from Georgia desire to be heard on that point of order?

Mr. BLOUNT. I do not desire to be heard upon the point of order.

Mr. KERR. The House has fixed the salaries, and therefore the amendment proposed by the gentleman from Illinois is not in order, as it would be inconsistent with the action of the House.

The CHAIRMAN. The Chair overrules the point of order, because, however absurd an amendment may be, it is for the House to decide the matter, and not for the Chair.

Mr. CANNON. I do not think it is absurd, for the reason that if it is competent to provide that the salaries shall not be decreased, it is certainly equally competent to provide that they shall not be increased.

Mr. BLOUNT. The proposition is a proviso to the section as it now stands—that it shall decrease any salaries.

Mr. REED. I would like the attention of the House for a moment to this matter, because it is a business proposition. This classification which we now have proposes to limit the salaries of the assistant postmasters, who are, practically, the managing men in the offices, to 50 per cent. of the salaries of the postmasters.

Now, the salary of the postmaster depends largely if not wholly upon the actual cash receipts of the office. Those cash receipts have their origin mainly in the sale of stamps, and that would be a very fair basis on which to grade both the salary of the postmaster and of his manager were it not for the fact that in some offices the work is peculiar and is increased out of proportion to the receipts which are evidenced by the sale of postage-stamps. As I remarked to the committee the other day, the post-offices in Portland and Augusta, Me., are flooded, I might say, with a kind of work which has its origin in the operations of several firms who in the course of their business receive large amounts of postage-stamps and are consequently sellers of stamps rather than purchasers. Therefore, to limit the salary of the assistant postmaster or manager of the Portland or of the Augusta post-office in proportion to the actual cash receipts would be grossly unjust. Hence, the effect of this bill is to reduce the salary of the assistant postmaster at Portland below what is given him by the Postmaster-General, which salary, fixed by the Postmaster-General, has been fixed in view of all the facts. I desire, therefore, that this classification, if adopted, shall not involve the payment of a less salary than fairly belongs to the assistant postmaster at Portland. I know gentlemen say that we can get men to fill this place or that place or the other place at a smaller salary than is now paid. It is true that we can get men to occupy the places, but it is very difficult to get men to fill many of them even with the salaries that are now paid, and any one who knows the business of some of these offices knows perfectly well that the proper men to fill them will have to be paid a fair compensation or else the service will suffer.

Mr. WISE. Can the gentleman state what is the salary now fixed by the Postmaster-General for the assistant postmaster at Portland?

Mr. REED. I think it is fixed at $1,600, which is a very reasonable salary for a man who has to do the amount of work that he has to do.

Mr. FARQUHAR. Mr. Chairman, in the line of the remarks of the gentleman from Maine [Mr. REED] I want to call attention to the effect of his amendment, which I regard as a very proper one. In the Buffalo post-office the salary of the postmaster is $3,800 a year. The present salary of the assistant postmaster there is $2,200 a year. The gross receipts of the office are $381,000. Now, under this new classification the assistant postmaster at Buffalo would have $400 taken from his salary, and would receive only $1,900 a year; so that that office, the eleventh office in rank in the United States, would have the compensation of its officers reduced in this way. As it is now arranged the assistant postmaster is the custodian, or cashier, and is in charge of all the money in that office. He is under a sufficient bond to cover the responsibility, and the office has no "cashier" or "first clerk." As to efficiency, the most efficient officer in the Buffalo post-office would have $400 a year taken off his salary by this bill.

In speaking with the honorable chairman of the committee a day or two ago, he said that even if the assistant postmaster's salary was cut down $400 it was due to the Buffalo post-office that it should have a cashier. If that office should have a cashier, it certainly could not pay him less than $1,500 a year; so that under this classification, cutting down $400 from the salary of the assistant postmaster and paying a cashier, the United States, in order to secure like service to that which it receives now, would have to pay $1,100 more than it now pays.

Mr. BINGHAM. Not necessarily.

Mr. FARQUHAR. Yes, sir; necessarily.

Mr. BINGHAM. They could make the assistant postmaster the cashier.

Mr. FARQUHAR. The gentleman from Pennsylvania suggests that they can make the assistant postmaster the cashier also.

Mr. BINGHAM. I mean that they can call him "cashier" and not "assistant postmaster."

Mr. FARQUHAR. Then there would be no "assistant postmaster" at all in the office.

Mr. BINGHAM. No.

Mr. FARQUHAR. Well, if that could be regulated by your bill I would have no objection to it, but when the proposition is made by the Post-Office Committee that an office like that at Buffalo shall be made inefficient in order that they may secure a certain classification, I, as the Representative from that district, feel bound to see to it, so far as I

can, that the efficiency of that office is not impaired by any classification. I am quite willing that this system of classification shall apply to the clerical service, but when you touch the efficient working, managing power of the post-office, as I know that the assistant postmaster at Buffalo is, you are impairing the efficiency of the service.

Mr. RICE. Mr. Chairman, I desire to make a statement in relation to the post-offices at St. Paul and Minneapolis, in my district, as they would be affected by this paragraph. The postmasters at each of those places now receive $3,700 a year salary. Each assistant postmaster receives $2,400 a year. The one at Minneapolis has been in office twenty-seven years. He has grown up with the office. The one at St. Paul has been in office nineteen years, and the business of those two great offices mainly depends upon those two assistant postmasters. The disbursements of the St. Paul office during the last calendar year exceeded $5,000,000 and the disbursements of the Minneapolis office were perhaps a little less. I state these facts to show the very great importance of these two growing offices and to show that if the salaries of these assistant postmasters are reduced, as they would be by this paragraph, to $1,800 a year, a reduction of $600 apiece, the service must suffer in consequence. It is all they can do now to run those offices, working from twelve to eighteen hours a day, not excluding Sundays. They are overworked now, and it would be a great hardship to them and a retrogressive step to reduce their salaries from $2,400 to $1,800 a year. It would be an injustice to them and an injury to the service against which I feel bound to protest.

Mr. ADAMS. If the amendment of the gentleman from Maine [Mr. REED] will have the effect which he evidently thinks it will have, I am in favor of it. There is, however, a question in my mind whether it will have that effect. The salary of the assistant postmaster at Chicago has been until within a few months $3,400. It has been reduced within the present year to $3,200. This bill would reduce it to $3,000, being one-half of the amount which the postmaster receives—$6,000. The postmaster at that place gets the same salary received by the postmasters in certain other large cities, although the total business of the office is greater by nearly 50 per cent. than at most of those offices. In New York the total business is about $4,800,000 per annum; in Chicago it is $2,400,000 per annum; in Philadelphia, $1,800,000; in Boston, $1,700,000; in St. Louis, about $900,000; and in Cincinnati, $684,000. Yet all these postmasters at these different cities, except New York, receive $6,000 and no more, the reason being that when you passed in 1882 the bill fixing the salaries of postmasters you made those salaries depend upon the total business, and you did not take into account in the total business any excess over $600,000. What the business at Chicago was at that time I do not know, but if it was $600,000 then, it has since risen to $2,400,000. For the same reason which prompted the gentleman from Georgia an hour ago to raise the salary of the assistant postmaster at New York from $3,000 to $3,500, I should desire to have the salary of the assistant postmaster at Chicago fixed at the amount which he is now receiving—not the sum which he has been receiving for a series of years, but the $3,200 which he is receiving now. If the amendment of the gentleman from Maine would have that effect, I should be satisfied with it. But will it? The provision is, "No salaries shall be hereby decreased." Is there a "salary" for the assistant postmaster? The "salary" which the gentleman has in his mind is the sum which the officer is now receiving. Will that be the construction adopted by the Department or by the courts, if the case should go to the courts? The question is whether the sum which was allowed by the Postmaster-General last year is the "salary" contemplated by the provision.

Mr. REED. My idea is that this provision will simply allow the Post-Office Department the same discretion that it has had hitherto, and that is all I ask. If at any time the Post-Office Department should think that the salary at the Portland office ought to be decreased below the sum at present fixed, I have no objection.

Mr. ADAMS. Do you mean the salary of the postmaster, or that of the assistant postmaster?

Mr. REED. The salary of the assistant postmaster.

Mr. ADAMS. How is it now fixed?

Mr. REED. It is fixed by the Post-Office Department, and I am perfectly willing that it shall continue to be so fixed.

Mr. ADAMS. So am I.

Mr. REED. This bill provides that the salary of the assistant postmaster may be fixed by the Department, but shall not in any case exceed 50 per cent. of that of the postmaster. My amendment provides that this limitation shall be flexible to this extent, that it shall not be allowed to lower the salaries now paid.

Mr. ADAMS. Below what point? Below the amount that is now received?

Mr. REED. My object is that the Department shall not be forced to lower the salaries, if it does not deem it proper to do so.

Mr. ADAMS. But here is the state of the law: In 1882 we passed a statute fixing the salaries of the postmasters. Now, have these other officials "salaries" within the contemplation of law?

Mr. REED. I think they certainly have.

Mr. ADAMS. I mean will it be so construed under the provision which we propose to insert in this bill?

Mr. REED. I have no doubt of it; the language will have to be construed to mean something, and what else can it mean?

Mr. BLOUNT. Mr. Chairman, in fixing the salaries of the postmasters of the country, the rule has been adopted of regulating those salaries with reference to the gross revenues of the office. For instance, it is provided that first-class offices shall consist of those having gross receipts from $40,000 to not exceeding $600,000. Where the gross receipts are $40,000 and not exceeding $45,000 the salary is $3,000. I will not take up time in reading these provisions in detail; but those to which I have just referred illustrate the manner in which salaries in the first, second, and third class offices are fixed.

Is there any better basis? Has there been any better basis proposed? Can you imagine any better rule for determining the salaries of postmasters in this country than by seeing what their business is and determining that business by the amount of the gross receipts? We have been content for a long period to ascertain in that way the salary of every postmaster in these United States who is paid a salary at all. If it will answer for the adjustment of the salaries of postmasters of the country, I ask, when you come to assistant postmasters why may you not adopt the same rule in reference to them? If it is reasonable as to the chief official it is certainly reasonable as to the chief clerk or the assistant postmaster.

If you adopt that rule in reference to the post-offices of the country you will find that the very same inexactness in the result which the gentleman from Maine [Mr. REED] complains of applies to other postmasters. You can not get any rule which works an exact mathematical equality.

What was done in relation to assistant postmasters? Some clerks were being paid too low, and when I use the word "clerk" I use it in reference to assistant postmasters as well as others. The rosters were taken throughout the country, the maximum and the minimum salaries were taken, and an adjustment between those lines had to be regulated by something. You would not give an assistant postmaster where the gross receipts were $40,000 as much as you would give to an assistant postmaster at an office where the gross receipts were $600,000. There must be some regulation, of course, as between $40,000 and $600,000. The revenue was taken as a basis. On an examination of these salaries, with this basis adjusted in this way the calculation was made in reference to the various offices of the country. You have the result in the tabulated statement found in the committee's report on page 15, which changes these salaries simply by causing them to relate to revenue, in some cases increasing and in some decreasing them.

While there may be some inapt result, it is far better to have some system of adjustment instead of leaving these assistant postmasters of the United States to be determined by some clerk in the Post-Office Department who is besieged by importunity, one person having dominating influence and the other having none.

Mr. WEBER. Is it not a fact that the postmasters fix the salary of the assistant postmasters?

Mr. BLOUNT. No, sir.

I wish to say there ought to be some influence somewhere restraining the discretion of the Department in this matter. I have never seen any head of that Department, Republican or Democrat, who did not feel the necessity of it. The Congress of the United States provided a rule, as follows:

SEC. 460. The Postmaster-General may allow to the postmaster at New York City and to the postmasters at offices of the first and second classes, out of the surplus revenue of their respective offices, that is to say, the excess of box-rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts; and no such allowance shall be made except upon the order of the Postmaster-General.

While unintentionally that statute has been repealed the Department has been using it as a basis upon which to adjust salaries. I take it, no matter what political complexion the Postmaster-General may be, there should be some rule to bring about equality in these offices throughout the country. In the office of my friend from Maine I take his statement as true. In that particular case it may be the fact, but I think the gentleman will find in reference to other clerks the salaries will be increased.

[Here the hammer fell.]

Mr. ANDERSON, of Illinois, was recognized and yielded his time to Mr. BLOUNT.

Mr. BLOUNT. Mr. Chairman, the gentleman representing the Buffalo district has stated that the salary of the assistant postmaster there was reduced by the operation of this rule. That is true; but if the gentleman will look further he will find that the salaries of several persons there are increased, should the bill become a law, by the operation of this rule. He will find that the aggregate result of this legislation is to increase the amount recommended for clerical hire there, and that is the general result as to all places in this country. It is too apt to be true that the leading clerk in an office gets his unequal share of a fund set apart for the office, while men of less influence have their allowance cut down with a view of building his up.

Now, if the classification shall make some such changes in regard to individual instances, but in its general results adds not only to the

clerical force but to the efficiency of the offices throughout the country, I do not believe that my friend from the Buffalo district, or the gentleman from Maine would be willing to destroy the bill where its general operations were advantageous not only to their localities, but to all localities instead of to some particular individual. In the operation of the law, if some individual may incidentally have his salary reduced, the general result is beneficial to all and to the service.

Mr. FARQUHAR. If the gentleman will allow me a word, I only wish to say that in the remarks I made I called attention to the fact that the official in the Buffalo post-office to whom I referred is one of the most efficient officers in the service. And I want to call attention to another fact which has been incidentally mentioned by the gentleman from Georgia, and that is that the Buffalo post-office, when you take the figures of $380,000 of gross receipts, is not credited for at least 30 per cent. of the work of our great transfer there of mails into the Canadian and Western country. It does not form a part of the $380,000, and that is why, when the amendment of the gentleman from Maine was proposed, I believed it would have the effect of saving an efficient officer, and favored it. I desire to keep the salaty of this official where it is.

I grant you that the remarks of the gentleman from Georgia are correct as far as the general efficiency of the service is concerned, and I have no objection whatever to make to that, and I hope no one else on the floor will; but I think it important and proper that an efficient officer doing a large share of work should not have his salary cut down needlessly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 139) to credit and pay to the several States and Territories and to the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861.

It also announced that the Senate had agreed to the amendment of the House to the bill (S. 2091) granting a pension to Frances H. Plummer.

It further announced that the Senate had concurred in the resolution of the House for printing and binding 10,000 additional copies of the third annual report of the Commissioner of Labor for the use of the Department of Labor.

It also stated that the Senate had passed without amendment the bill (H. R. 7718) for the relief of Milo McCrillis.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 8557) for the relief of Dr. David Bell.

It stated also that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 2766) for the relief of Maj. James Belger;

A bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes; and

A bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians, in the Indian Territory, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. WILKINSON. Mr. Chairman, I am unwilling to see the salary of any good and competent official reduced. The Government of the United States needs in the Post-Office service good and competent men, and to obtain such men it is necessary to pay fair and suitable salaries. This provision making the pay of the assistant postmasters 50 per cent. that of the postmasters would in the city of New Orleans cut down the pay of the official, the assistant postmaster, from $2,400 to $1,800, and as long as I am on this floor I shall protest against any such reduction. Hence I support the amendment of the gentleman from Maine.

The salary of the postmaster at the city of New Orleans is based, as the other salaries are, on the gross receipts from the sale of stamps, and now, Mr. Chairman, at this point it should be remembered that this is hardly a fair criterion. New Orleans is the great distributing center of the mails to South America and Mexico. The handling of these mails and the labor entailed in their transmission does not add 1 cent to the gross receipts of the office there, while it adds a great deal to the cost of carrying on the business of the office. The postmaster of that city is not paid adequately for the importance and the amount of the work that he performs, and, as I said before, I shall resist any reduction of this or any other official in the public service who is now paid no more than he deserves.

Mr. REED. Mr. Chairman, the general principle which the gentleman from Georgia has enunciated to the committee and the ease with which it can be applied would be very effective if it were not for the trouble that wherever it is applied to the detriment of the efficiency of the office the people feel it just as much as if the general principle were not actually in use. Personally I am very confident that the reduction of this salary in my own city will result in less efficient service, and I care more for that than I do for any relief that can be given to the Postmaster-General.

The committee themselves have recognized this fact in the very proposition which they bring in. If the general principle is so delightful to contemplate, why should it not apply also in New York? Why should an exception be made of this city and their assistant postmaster and second assistant postmaster, who are kept at the same price? Surely the principle ought to apply to New York as well as to Portland, Me. If the principle is a good thing, the more you spread it the better.

Mr. BLOUNT. Will the gentleman allow me there?

Mr. REED. Certainly.

Mr. BLOUNT. The bill simply follows the present exception as to the New York office that has been the practice for many years, the service there being of an exceptional character. It has always been treated so.

Mr. REED. The service, as I have tried to point out, is of an exceptional character, and that is the reason why I want to make an exceptional arrangement. Now, mark the cogent result of that fact. The fact is, the Postmaster-General, having the right, fixed the compensation of these men, and having the information necessary to enable him to fix it, has fixed it at rates below which the committee tried to give. Now, is that just or right? He says there will be importunities in regard to particular individuals. These importunities will be well counterbalanced by importunities in other directions, for the amount appropriated being limited he can not make an increase in one place without making a decrease in others. It would seem that we ought to have originally passed an increased amount, but failing in that we at least ought to pass that which permits the salary to remain at what the Postmaster-General, the most competent judge on the subject, has already fixed it.

Mr. ENLOE. I only want to say in reference to this matter that I am very much inclined to favor the amendment of the gentleman from Maine [Mr. REED] if it is also to be amended by the amendment of the gentleman from Illinois [Mr. CANNON]. That, as I understand it, cuts this section or paragraph of the bill off at both ends and renders it of no effect, for it is equivalent to striking out that paragraph of the bill. I think the discussion here has developed a fact which it seems to me will be developed all the way through in the discussion of this matter, and that is that there are such peculiar conditions surrounding the service of the different offices of the country as they will be presented by the different members of Congress here that this classification ought to rest where it does to-day, with the Postmaster-General. He is the party who has the information and can regulate these matters, not strictly in accordance with the receipts of the office, but according to the nature of the service to be performed and the value of those services. But, Mr. Chairman, I want to take this occasion to say that I am opposed to the entire classification business. I am opposed to this increase of $600,000 proposed in this bill. I would vote, if I had an opportunity, to strike it out entirely, and pass the appropriation bill as it has been passed heretofore, without that provision in it. I think the discussion on this paragraph demonstrates that gentlemen are willing to accept this classification where it will increase the salaries of assistant postmasters in their districts, but that where it will reduce salaries it is not acceptable to the Representatives. I am opposed to the principle of increasing salaries, am opposed to this entire classification as proposed, and would be quite willing to see it stricken out of the bill.

Mr. DOCKERY. I have restrained any desire that I might have had to discuss the propositions that are now before the House with a view to expediting the consideration of this bill and reach a conclusion. It does seem to me, Mr. Chairman, that the discussion has spread and proceeded to a length that the House is fully ready to pass upon the question, and I am anxious that it shall. The proposition before the House is simply this: The section of the bill limits the discretion of the Postmaster-General to fix the salaries of the assistant postmasters to a point not exceeding 50 per cent. The gentleman from Maine further proposes to restrict that discretion by providing that the salaries shall in no case be reduced, and the gentleman from Illinois offers a further amendment, which is very plausible, that the salaries shall in no case be increased. I think the committee understands the question, and if they are ready to adopt both amendments the result will be that we will have the present law.

Mr. REED. We will not adopt but one of them.

Mr. CANNON. I want to say a word about my amendment. Under the law as it now is the Postmaster-General is given the discretion from year to year and from month to month to make such allowance for clerk-hire as the demands of the service may require. In a country like ours, that has increased in thirty years 30,000,000 of people, it is very desirable that that power should be given to him and remain in him, and I can prove that by this proposition in this bill and the amendment to it. What is the proposition? To limit that discretion so that the salaries shall not exceed so much. The gentleman from Maine and various other gentlemen, from Minnesota, in rapidly-growing towns

where business is more lively than other places, say "The bill is all right, but I want an amendment, that it shall not cut down my man; he has not got too much."

I sympathize with them. They are right. But, then, I come to my amendment, and say that if it is just in enacting this law in providing that it shall be nullified where it cuts down the salaries, then I want to take the other step with my amendment and say that it shall be nullified where it increases the salary. Where does that leave you? It leaves you back where the law now is, and where it ought to be; and, therefore, I shall insist upon the adoption of my amendment at least.

Mr. LIND. There has been thus far a great deal of discussion in regard to the effect of this bill on first and second class offices, but the committee should not forget that the appropriation that was determined on a while ago also includes all the clerk-hire that will be provided for the compensation of clerks in third-class offices where any clerks are allowed. Now, I am not prepared to say that this proposed classification is just; I am not prepared to say that it is the best that could be made; but I will say this, and I believe I am justified in making the statement, that we have got either to accept this classification as it is without amendment or we have to abandon it entirely. If the amendment offered by the gentleman from Maine [Mr. REED] should carry, so that no salary could be reduced under any circumstances, then, many salaries being necessarily increased by the bill and there being only a certain amount of money for the Postmaster-General to dispose of, the result would be that the salaries of employés in first and second class offices would in all probability consume 95 per cent. of the appropriation, and the third-class offices having clerks would have to go without any compensation for them. So, without going into any lengthy explanation, I repeat that we have got either to stand by this bill and take it with its defects and its hardships, if it carries any, or else abandon the whole thing.

Mr. BLOUNT. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] says that he is opposed to this bill because he thinks the existing system is a better one, and he says that with all the emphasis of his emphatic nature. But, while the gentleman is so earnest in his opposition the committee should remember that for more than ten years past the distinguished men who have been at the head of the Post-Office Department, Mr. Howe, Mr. Hatton, Mr. Vilas—all these gentlemen, without any division of opinion, have taken a view quite different from that taken by the gentleman from Illinois. The press of the country, too, has taken a different view, and therefore I trust that the Committee on the Post-Office and Post-Roads have at least as much reason for the opinion they entertain in relation to this matter as the gentleman from Illinois has for his opinion. The salaries of postmasters vary with the gross receipts. They are adjusted from time to time, and the salaries of these officials may be readjusted by being put into different classifications with reference to receipts; so that there is elasticity all along the line.

The general results that have been sought by the various recommendations in the reports of the Postmaster-General, and which have been especially urged by the President of the United States in his late message to the Congress of the United States, are reached by this bill. I trust, therefore, that this committee will think it is as reasonable to fix the salaries of clerks in post-offices as it is to fix the salaries of postal clerks, or of letter-carriers, or of clerks in the several Departments of this Government, and to fix them by law, rather than to leave them to be determined by a single person in the Post-Office Department, without rule, just as he pleases. If at some particular locality some person has influence, he gets his increase, and the money for it is taken from some section where they have no such influence. I am opposed to any principle that puts citizens on an unequal footing in this regard. If this proposed classification obtains, it regulates the allowance in Maine, it regulates the allowance in Texas, it regulates the allowance in Pennsylvania, it regulates the allowance in Oregon, it regulates it everywhere by rule, and I submit, sir, that that is far better than for a member of Congress to have to go to a clerk in the Post-Office Department and beg him to make a particular allowance for a particular postmaster. [Cries of "Vote!" "Vote!"]

Mr. COX. Mr. Chairman, I move to strike out the last word. The gentleman from Tennessee seems to be dissatisfied with the general system of classification. I do not know how much he has studied it, and do not know whether he has read the recommendations of previous Postmasters-General. I know why the gentleman from Illinois [Mr. CANNON] is opposed to this portion of the bill. His amendment was not adopted, and therefore every point of order that is made upon the bill should be sustained, and every argument against it should be sustained. Every word said against the bill must be correct because our friend's amendment was not adopted.

Mr. CANNON. You propose legislation and yet refuse money to carry it out; therefore I am against the legislation.

Mr. COX. I am not debating that; that is a foregone matter. The question now is whether this classification system is not valuable and worth sustaining now that it is before us.

I have not a doubt that these clerks in our post-offices are overworked and inadequately paid. A former Postmaster-General, Mr. Howe—than whom a better Postmaster never held office—declared, summing up the results of his experience in this matter—

First. That the efforts of the Department to equitably distribute the allowances have been unsuccessful.
Second. That the distribution of the allowances has resulted disastrously to the clerks and detrimentally to the service.
Third. That post-office clerks, as a rule, are overworked and underpaid.
Fourth. That the element of chance as to the salaries of clerks, dependent upon the importunities of postmasters, should be removed.
Fifth. That the present system of allowances is a total failure.
Sixth. The immediate necessity on the part of Congress to take legislative action, both on account of the interests of the public service and for the welfare of the clerk.

These statements embody the experience of Postmaster-General Howe during the time he held office. It is clearly established that these post-office clerks, in view of the labor, the inordinate labor, that they perform in all the very large offices of the country, are very poorly paid. We have passed bills providing as the average rate of work eight hours per diem. Ten hours' work by a competent clerk ought to be well paid for. Yet what do we find to be the hours of labor of these various clerks? I submit a statement showing the number of working hours per day in various sections of the country:

Brooklyn, N. Y., ten to twelve hours (until the work is up).
Bridgeport, Conn., twelve hours.
Boston, Mass., eight and one-half to thirteen hours (until the work is up).
Charleston, S. C., 5 a. m. to 7 p. m. (time for meals).
Cleveland, Ohio, eight to twelve hours.
Erie, Pa., twelve hours.
Hartford, Conn., nine to ten hours.
Jersey City, N. J., nine to eleven hours.
Minneapolis, Minn., ten to fourteen hours.
Newark, N. J., nine to ten and one-half hours.
New Bedford, Mass., nine to ten hours.
New York City, N. Y., eight to ten hours.
Philadelphia, Pa., nine to twelve hours (until the work is up).
Portland, Me., 5 a. m. to 10 p. m., with intermissions, making nine hours.
Rochester, N. Y., eight to twelve hours.
Springfield, Mass., twelve hours.
Worcester, Mass., twelve hours.

These are the usual hours of labor, and may be increased at any time by reason of unusually heavy mails or delay in arrival of trains. This statement shows that these clerks work far beyond the ordinary hours of labor. If I had time I could dwell upon the very onerous and exhausting nature of the work which they are compelled to perform—the wear and tear upon their memory and their physical powers—the stamping, the distribution and the sending out of mails, all this mass of labor, almost intolerable to contemplate and worse to perform. I hope that the House will not go back on the experience of these various postmasters and Postmasters-General because the amendment of my friend from Illinois failed to receive the vote of this Committee of the Whole.

[Here the hammer fell.]

The CHAIRMAN. The Chair understands that the gentleman from New York withdraws his *pro forma* amendment.

Mr. COX. Yes, sir.

Mr. REED. I understand the gentleman from New York to be in favor of the amendment which I have proposed.

Mr. COX. I am speaking generally.

Mr. REED. Well, I so understand the gentleman.

Mr. COX. No, I did not say that.

Mr. REED. I want to understand the real point of the gentleman's remarks. He has just closed by saying that we ought not to cast aside the experiencelof the postmasters and Postmasters-General. That is precisely what g am arguing for. I propose that the committee shall not, by adoptin an arbitrary 50 per cent. limitation, prevent the payment of a larger salary where the propriety of a larger salary is suggested by the experience of the postmasters and the Postmasters-General.

Mr. COX. I understand the gentleman.

Mr. REED. I am quite sure the gentleman from New York will follow the logic of his remarks and help me to rectify what seems to be an accidental oversight on the part of the committee.

Mr. COX. I do not want to make a law for every postmaster in the country. I have sought to answer the objurgatory remarks in regard to this classification system. I was trying to answer the gentleman from Tennessee and my friend from Illinois. I am not disputing now with the gentleman from Maine.

Mr. REED. The general principle which the gentleman from New York has laid down shows that he is not disputing with me. I want him to go one step further——

The CHAIRMAN. Debate is not in order except by unanimous consent. All debate upon the pending amendment has been exhausted.

Mr. KERR. I move to amend by striking out the paragraph.

The CHAIRMAN. That would be an amendment in the third degree and is not in order now, as there are two amendments pending. The first question is on the amendment proposed by the gentleman from Illinois [Mr. CANNON], which the Clerk will read.

The Clerk read as follows:

Provided further, That no salary shall be hereby increased.

The question being taken, the amendment was rejected; there being—ayes 16, noes 46.

The question then recurred on the amendment of Mr. REED; which was read, as follows:

Provided, That no salary shall be hereby decreased.

The question being taken, the amendment was rejected; there being—ayes 32, noes 52.

Mr. ENLOE. I move to strike out the paragraph.

Mr. KERR. That is the motion I desired to make.

The question being taken on the motion of Mr. ENLOE to strike out the pending paragraph, there were, on a division (called for by Mr. REED)—ayes 29, noes 53.

Mr. KERR. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint tellers.

Mr. BLOUNT. It is quite evident that there is no quorum now in the Hall. It is Saturday evening, and I think no progress will be made on this bill by sitting longer now. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. TURNER, of Georgia, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

And then, on motion of Mr. KILGORE (at 4 o'clock and 30 minutes p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CRAIN: A bill (H. R. 12604) to restore the pension of Ann G. Barker—to the Committee on Pensions.

By Mr. DE LANO: A bill (H. R. 12605) granting a pension to Abbie D. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12606) granting a pension to Alfred A. Lord—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 12607) to grant a pension to Ira Wells—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 12608) to pension William J. Martin—to the Committee on Pensions.

By Mr. SPRINGER: A bill (H. R. 12609) for the relief of John A. McClernand—to the Committee on Military Affairs.

Also, a bill (H. R. 12610) for the relief of John M. Palmer—to the Committee on Military Affairs.

By Mr. MONTGOMERY: A bill (H. R. 12611) to grant a pension to Moses Stone—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 12612) to authorize the construction of a bridge across the Mississippi River at New Orleans, La.—to the Committee on Commerce.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DORSEY: Memorial of citizens of McCook, Nebr., for opening up Indian Territory and No Man's Land—to the Committee on the Territories.

By Mr. ERMENTROUT: Petition of Typographical Union No. 86, of Reading, Pa., favoring the passage of the Chace-Breckinridge copyright bill—to the Committee on Patents.

By Mr. GEST: Proof on the pension bill of Ira Wells—to the Committee on Pensions.

By Mr. GROSVENOR: Memorial of New Matamoras Post, No. 666, and of Charles Beman Gates Post, No. 452, Grand Army of the Republic, of Ohio, for liberal appropriations for publication of war records—to the Committee on Appropriations.

By Mr. D. B. HENDERSON: Petition of citizens of Cascade, Iowa, asking for pension legislation before the revenue is otherwise reduced—to the Committee on Invalid Pensions.

By Mr. HOWARD: Medical evidence in the claim of Sarah E. McClure—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition of citizens of Old Albuquerque, N. Mex., denouncing a certain petition recently sent from that city—to the Committee on the Territories.

By Mr. MCCORMICK: Petition of C. A. Gorrie and other citizens of Wellsborough, Pa., against the adulteration of food and liquors—to the Committee on Agriculture.

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, relating to the removal of the Prairie band of Pottawatomie Indians from Kansas—to the Committee on Indian Affairs.

By Mr. ROGERS: Memorial of the convention at Fort Smith, Ark., in relation to the Indian Territory—to the Committee on the Territories.

By Mr. TOOLE: Memorial of the Legislative Assembly of Montana Territory, in relation to the Fort Ellis military reservation—to the Committee on the Public Lands.

Also, petition of Hon. Lee Mantle, speaker of the house of representatives of Montana Territory, in relation to the same—to the Committee on the Public Lands.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. BREWER: Of 694 citizens of Michigan.

By Mr. BRYCE: Of 2,968 citizens of New York.

By Mr. J. E. CAMPBELL: Of 687 citizens of Ohio.

By Mr. HITT: Of 269 citizens of Edinburgh, Ill.

By Mr. HUNTER: Of citizens of sundry towns in Kentucky.

By Mr. MATSON: Of 1,255 citizens of Indiana.

By Mr. MILLIKEN (by request): Of John Collins and other citizens of Maine.

By Mr. YOST: Of 297 citizens of Staunton, Va.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. CASWELL: Of 69 citizens of Clinton, Wis.

By Mr. DORSEY: Of 24 citizens of Glenville; of 48 citizens of Red Cloud, and of 108 citizens of Wakefield and Concord, Nebr.

By Mr. FELTON: Of 113 citizens of Gilroy, Colo.

By Mr. GIFFORD: Of 27 citizens of Ripon; of 88 citizens of Canton; of 26 citizens of Templeton; of 48 citizens of Copp and Lebanon, Dak.

By Mr. HIRES: Of 28 citizens of Roodstown, and of 28 citizens of Dennisville, N. J.

By Mr. A. J. HOPKINS: Of 24 citizens of Big Foot, Ill.

By Mr. MCADOO: Of 108 citizens of Jersey City, and of 55 citizens of Bayonne, N. J.

By Mr. ROCKWELL: Of 63 citizens of Chicopee, Mass.

By Mr. J. E. RUSSELL: Of 32 citizens of Auburn, and of 54 citizens of East Brookfield, Mass.

By Mr. E. B. TAYLOR: Of 90 citizens of Kinsman, Ohio.

By Mr. E. J. TURNER: Of 47 citizens of Burr Oak, Kans.

By Mr. VANDEVER: Of 68 citizens of Tustin City, Cal.

By Mr. VOORHEES: Of 247 citizens of Spokane, of 31 citizens of Buckeye Run, of 52 citizens of Ellensburgh, of 18 citizens of Whidby's Island, of 19 citizens of Seattle, of 49 citizens of Columbus, of 55 citizens of Elberton, of 44 citizens of Blaine and Luniahwoo, of 71 citizens of Asotin, and of 130 citizens of Cheney, Washington Territory.

SENATE.

MONDAY, *February* 18, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

FORT OMAHA, NEBRASKA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of the 8th instant, certain information in regard to the relocation of Fort Omaha, Nebraska, and disapproving the purchase of 900 acres of land south of Omaha, recommended as a site for the relocation of such fort; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALLISON. I ask that all the papers accompanying the communication may be printed, if the order has not been made.

The PRESIDENT *pro tempore*. That order was made.

Mr. ALLISON. Very well.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the clerk of the Court of Claims, transmitting the conclusion of facts and law filed by the Court of Claims in a certain French spoliation claim; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PENNSYLVANIA BOUNDARY LINE.

The PRESIDENT *pro tempore* laid before the Senate a communication from Charles W. Stone, secretary of the Commonwealth of Pennsylvania, transmitting, by direction of the governor of Pennsylvania, a certified copy of "An act to confirm the boundary lines between this Commonwealth and the States of New York, Ohio, and West Virginia, as resurveyed by the joint commissions appointed for that purpose, and to ratify and confirm the agreement entered into by commissioners on the part of the Commonwealth of Pennsylvania and the State of New York in relation to the boundary line between said States," approved the 6th day of June, A. D. 1887; which, with the accompanying paper, was referred to the Committee on the Judiciary, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution adopted by the Legislature of Kansas, favoring an appropriation for deep-water harbors on the coast of Texas; which was referred to the Committee on Commerce.

He also presented a concurrent joint memorial of the Legislative Assembly of the Territory of Montana, favoring the free and untrammeled introduction of foreign capital for the purpose of the further development of the mining industry in that Territory; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented the petition of Frank Gilbert and 45 others (20 voters and 26 women), citizens of Burr Oak, Kans., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented a petition of 124 citizens of the State of Kansas, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

RETURN OF DIRECT TAXES.

Mr. VEST. Mr. President, on Saturday afternoon I was absent from the Senate at the time when the report of the conferees of the House of Representatives and the Senate on the direct-tax bill was taken up and disposed of. I wish to enter a motion to reconsider the vote of the Senate by which that report was adopted.

I take it for granted that the Senator from Tennessee [Mr. HARRIS], who seems to have had charge of the conference report, will submit the ordinary motion to lay the motion to reconsider on the table. Unless some other Senator proposes to make that motion I will let the matter lie over until the Senator from Tennessee comes in.

Mr. BLAIR. The Senator from Ohio [Mr. SHERMAN] had charge of the report.

Mr. SHERMAN. What is the motion?

Mr. VEST. The motion is to reconsider the vote by which the report of the committee of conference on the direct-tax bill was concurred in.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to reconsider the vote by which the Senate agreed to the report of the committee of conference.

Mr. SHERMAN. I could hardly ask the Senator from Missouri how he voted. I do not want to make that point.

Mr. VEST. I was not here, but I believe the custom of the Senate is to allow the motion to be made by any one under such circumstances.

Mr. SHERMAN. I do not intend to raise that point.

The PRESIDENT *pro tempore*. When a vote is not taken by yeas and nays it is not customary to inquire how the Senator voted who makes a motion to reconsider.

Mr. VEST. That is my information.

Mr. SHERMAN. I should like to have the motion acted upon immediately, and am ready to make an explanation. If there can be action upon the motion now I should be very glad to have it seconded.

Mr. HOAR. I desire to raise that point, and my reason for doing it is not because I have the slightest doubt of the right of the Senator from Missouri to make the motion now. As I understand, unless there is a record by yeas and nays, it is the universal custom of the Senate, as the Chair has said, to permit any Senator to make a motion to reconsider, and I only raise the point for consideration because in regard to this very matter the Senator from Vermont [Mr. EDMUNDS] made this remark in regard to this very report on Saturday:

> But as I was not present at the time I have no right to move a reconsideration.

I think, therefore, there is so much of a divergence of opinion on the question that the ruling of the Chair should be given, and I respectfully ask the ruling of the Chair as to the right of the Senator from Missouri to make the motion.

Mr. CULLOM. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator desire to speak to the point of order?

Mr. CULLOM. No, sir; not to the question of order.

The PRESIDENT *pro tempore*. The question of order being raised by the Senator from Massachusetts, the Chair states that it has been the uniform practice and custom in the Senate during the time that the Presiding Officer has served, now sixteen years, when no record of the final vote upon a question was taken by yeas and nays, to allow any Senator to enter a motion to reconsider.

Mr. CULLOM. I simply desired to inquire of the Senator from Missouri whether he would delay making the motion until after reports of committees, etc., are made, as the motion will probably, if it is taken up to be disposed of, elicit a good deal of discussion.

Mr. VEST. As a matter of course I will yield for morning business. I will state very frankly to the Senator from Ohio that my object is to give my reasons for opposing the direct-tax bill, and I took this method by which to do it.

Mr. SHERMAN. All I want is to get the action of the Senate now upon the question. It is an important bill involving a very large sum of money, and if there are objections to it they should be stated and we should have a fair vote. All I want is to have action now, because Senators can see that to put it over a few days is a defeat of the bill; and if it can not get a large majority in the Senate I do not want to see it passed.

Mr. VEST. I do not make the motion for any dilatory purpose whatever.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. The Senator will pardon the Chair one moment. The bill having gone to the House of Representatives, the motion to reconsider should be accompanied by a request to the House of Representatives to return the same to the Senate under the rules.

Mr. EDMUNDS. I wish to ask whether the bill as agreed upon in conference is printed?

The PRESIDENT *pro tempore*. It was not ordered printed by the Senate.

Mr. SHERMAN. It was not ordered printed, I believe.

The PRESIDENT *pro tempore*. Not by the Senate.

Mr. SHERMAN. But it is in fact in print.

Mr. EDMUNDS. Is it in print in the form in which the conferees agreed to it?

Mr. SHERMAN. Yes.

The PRESIDENT *pro tempore*. The report of the committee of conference is printed in full in the RECORD.

Mr. SHERMAN. It was printed in the RECORD.

Mr. EDMUNDS. But does the RECORD show how the bill would read then consecutively?

Mr. SHERMAN. Precisely.

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. SHERMAN. It does. The change from the original bill consists in one amendment, all of which is embodied in the print of the report.

Mr. EDMUNDS. Then there is no need to move to print. I was not present when the matter passed, but from seeing some statement of it in a newspaper, I was very much afraid that the conferees in some aspects of the bill had gone much further than they themselves intended to go. I was very much afraid of that and I am glad the motion to reconsider has been made, so that we may have time to examine the matter. I will not make any motion to print.

Mr. SHERMAN. Perhaps it may be well now, as the matter is up on a motion to reconsider, that I should state the exact point.

I suppose the Senator from Missouri is opposed to the report on account of the main question and not in regard to the amendment. The House of Representatives attached to the bill one amendment only. There was one informal amendment and then the other amendment. There is only one amendment that involves any material question of dispute, and that proposes to appropriate about $850,000 to pay to certain citizens of South Carolina, the estimated value, according to a certain appraisement made before the war, of two parishes, or what we would call townships of land in that State, including also the city of Beaufort. It proposes to pay the owners of this land, taken and sold under the direct-tax law, for the value of their land. They lost the title; it is divested, and is now owned by a great number of people, largely colored people. The original owners lost their right to the land, and the House of Representatives appropriated $850,000 to pay to these owners the value of the land.

This amendment was referred to the Committee on Finance, and they examined very carefully into the whole history of the matter, and became satisfied that the amount to be paid upon the principle stated in the bill was wrong; that even if it was equitable to pay to the owners of this land the value of the land, the amount of the valuation was excessive; and we reduced it about one-half. We also corrected some provisions in the bill as passed by the House which would have made double payments, and the conferees finally agreed upon a proposition to give to the owners of the land about $40,000 and to make the same rule apply to one or two cases that occurred in the State of Tennessee of a similar character.

All there was in controversy between the two Houses was whether it was right and equitable in the settlement of this great controversy to pay the owners of the land that was sold for direct taxes under the acts of 1861 and 1862, and we made a kind of compromise proposition which I believe is founded upon substantial equity. There was no legal claim for it, but we considered on the whole that it was better to appropriate the half million dollars, which is probably more than enough to pay all that is to be paid under the amendment as agreed upon, and the conferees agreed to it. I may perhaps say that it was not an entirely unanimous report, although it was on the part of the Senate unanimous. It was signed by two conferees on the part of the House, as appears from the conference report, and I think on the whole it is a pretty fair and just solution.

These lands that were taken belonged to private individuals just like all the lands in the State of South Carolina. The United States made a lodgment at Beaufort and seized upon these lands, as they had a

right to do, and sold them for a proportionate payment of the share of South Carolina in the direct-tax apportionment. It was hard, it was oppressive, you might say, as a war measure, to take the private land of two townships in the State of South Carolina, sell it at a nominal price at a tax sale, and resell those lands at a subsequent sale, which was done in pursuance of our policy to settle the lands with the negroes there.

Upon the first sale for direct taxes the land was bid in, I think, at some $13,000, which was credited to the State of South Carolina, and it was subsequently resold by the United States for $455,000. So after all the money we are to pay back to the owners of this land in South Carolina is only about the sum that we received on the resale of the land.

As a matter of course the resale of the lands was not so much for the purpose of collecting the tax as it was to settle the negroes who were gathered into that part of the State, where our flag then floated alone probably in the whole State of South Carolina. The negroes gathered in there and the resale of the lands was for the purpose of giving them homes and means of occupation. It was a part of the public policy of the country.

After a careful review of the whole matter my friend from Vermont [Mr. MORRILL] and myself agreed that it would be substantial justice to pay back to the owners of the land about what the Government received for it on the resale, and that is about what was done. But in order to get a distribution of the money we took one-half of the appraised value of the land for taxation, the valuation having been made by the direct-tax commissioners sent down there to collect the tax. We took one-half of their valuation of the city of Beaufort and one-half of the valuation imposed by the local authorities on the land outside the city of Beaufort as the valuation of the lands, and that money is to be refunded, amounting, as near as we can get at it, for we have not very accurate figures in regard to it, to about $400,000.

Mr. EDMUNDS. If this subject is to be now discussed I should like to say a word, although I think it is better to get back the bill and then we can carefully examine it.

If the Senator from Ohio is right in his historic statement I am very much surprised. I understand him to say that the lands in these one or two counties were sold to pay the United States the whole amount of the direct tax imputed to the State of South Carolina. That must be, I think, a mistake.

Mr. SHERMAN. No, I did not say that. I said they were bid in at about $13,000 and subsequently resold.

Mr. EDMUNDS. That is quite another thing.

Mr. SHERMAN. That is precisely what I said.

Mr. EDMUNDS. Then I misunderstood the Senator.

Mr. SHERMAN. They were bid in for about $13,000.

Mr. EDMUNDS. I am very glad, then, to find out that I did misunderstand the Senator.

Mr. SHERMAN. And they were resold afterwards for $455,000.

Mr. EDMUNDS. The case we now have, then, is that the United States, under the Constitution, apportioned to the State of South Carolina her proportion, according to her population, of the direct tax. The same law provided that each State might assume that tax and pay it herself and collect it by her own taxation from all her citizens in any way she thought fit. The State of Vermont did that. The State of South Carolina did not.

The tax then had to be distributed as a tax against every land-owner according to the proportion that the value of his land bore to all the lands in the State. I take it that is clear. The consequence was that just as if the State of South Carolina had raised a tax on all the lands of the State to the same amount and the citizens of these two counties did not choose to pay their tax, according to the State law that land would have been sold and was sold, in the illustration I am now making, for the payment of that tax, and it was bid off by somebody at a great deal less than its value. It was bid in by the Government, if you please, as States and counties and the District of Columbia bid in lands to pay taxes where the owners do not pay them.

Now, the thing that troubles me about this is the principle which appears to be involved in this report, that when a government, be it State or national, having assessed a lawful tax against a land-owner, and he does not pay, and the government then proceeds to sell that land and pay the tax, and it is sold for less than it is worth, that that government, State or national, is under any obligations whatever, legal or moral or equitable, in the slightest degree, to reimburse that land-owner for the value of the land that he lost by not paying his tax. That is the difficulty I have.

Now, when you come to the second branch of the proposition stated by the Senator from Ohio, it comes nearer to being an act of generosity that perhaps on discussion may turn out to be right, the owners not then being able to pay, and not intending any preceding wrong to the Government by not paying, if the United States itself bid in these lands and afterwards got more money than the amount of the tax from the sale of them, it would then be proper, or certainly generous and very likely proper, for the United States to say to the land-owner, "I have got more money out of this land than your tax was; here is the balance of this thing." But Congress has proceeded from time to time to provide for that very thing; first, that the land-owner within a certain time might apply, if the Congress had not sold the land, and redeem his lands, and if they were sold for more than the amount of the tax and the costs, etc., he might apply and obtain the proceeds from the Treasury. All that has been provided for for a great many years.

What there is remaining of this proposition of generosity for the United States to do I should be glad to have some further explanation about; but to set the precedent that whenever any sovereign power sells the land of a private citizen to pay a tax it is to be called upon for repayment, or has the right, even from generosity, to say, "I will make you good for what you lost by not paying your tax," is a proposition which is destructive of the very principle of taxation in a government. That is the only thing that troubles me. Very likely it may be all explained when we can get the papers.

Mr. PALMER. I ask unanimous consent that the morning business be informally laid aside that I may present some resolutions in accordance with notice previously given.

Mr. SHERMAN. Let us get through with this formal matter.

Mr. EDMUNDS. Just to return the papers.

Mr. SHERMAN. I have no objection to the ordinary motion to return the bill being adopted.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the order of morning business may be informally laid aside to enable him to offer resolutions concerning the acceptance by the United States of the statue of Lewis Cass from the State of Michigan.

Mr. SHERMAN. I have no objection except that I should like to have the order made that will get the bill and papers.

The PRESIDENT *pro tempore*. That order has been made.

Mr. SHERMAN. Then it is all right.

HENRY M. RECTOR.

Mr. JONES, of Arkansas. Will the Senator from Michigan allow me to withdraw a motion to reconsider which I made a day or two ago?

Mr. PALMER. Certainly, if it will lead to no discussion.

Mr. JONES, of Arkansas. It will only take a moment. I made a motion to reconsider the vote by which the Senate passed the bill (S. 314) for the relief of Henry M. Rector. As I find the bill is in proper shape, I desire to withdraw the motion by unanimous consent.

The PRESIDENT *pro tempore*. The motion to reconsider the vote by which the bill was passed is withdrawn, if there be no objection. The Chair hears none, and the bill stands passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2737) granting a pension to Anna Krumpholz;
A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;
A bill (H. R. 5390) granting a pension to John Limeric;
A bill (H. R. 5398) granting a pension to Catherine Hays;
A bill (H. R. 6763) granting a pension to John Mann;
A bill (H. R. 8100) granting a pension to Anna J. Weaver;
A bill (H. R. 8225) for the relief of William S. Kellington;
A bill (H. R. 8429) granting a pension to W. W. Wilson;
A bill (H. R. 9113) granting a pension to Frank M. Martin;
A bill (H. R. 9159) granting a pension to William A. Taylor;
A bill (H. R. 10644) granting a pension to Elizabeth Peterson;
A bill (H. R. 11184) for the relief of Jessie Isherwood;
A bill (H. R. 11707) granting a pension to Gertrude Northrop;
A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;
A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford;
A bill (H. R. 12273) for the relief of Newton C. Ridenour;
A bill (H. R. 12403) granting a pension to Bennett Cooper;
A bill (H. R. 12428) for the relief of Martha Rhodes;
A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell;
A bill (H. R. 12491) granting a pension to Lucinda Mewman;
A bill (H. R. 12510) granting a pension to George Hunter;
A bill (H. R. 12540) to increase the pension of Theodore White; and
A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder.

STATUE OF LEWIS CASS.

Mr. PALMER. In accordance with the notice that I gave January 21, I present the resolutions I send to the desk, and ask for their immediate consideration.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be tendered to the governor, and through him to the people of the State of Michigan, for the statue of Lewis Cass, whose name is so conspicuously connected with the development of the Northwest Territory and with eminent services to his State and country both at home and abroad.

Resolved, That the statue is accepted in the name of the nation and assigned a place in the old Hall of Representatives, and that a copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Michigan.

Mr. PALMER. I ask for the reading of the governor's letter.

The PRESIDENT *pro tempore*. It will be read.
The Chief Clerk read as follows:

EXECUTIVE OFFICE, MICHIGAN, *Lansing, Mich., January* 16, 1889.

DEAR SIR: I have the pleasure at this time to inform you, and through you the Senate, that in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, a statue in marble of Lewis Cass has been made in pursuance of an act of the Legislature of this State, passed at its biennial session in 1885, and which statue is the work of the celebrated American sculptor, Mr. D. C. French, of Concord, Mass. The same has been placed in the old Hall of the House of Representatives at the Capitol of the United States, in the custody of the Architect of such Capitol.

This work is now presented to the Congress of the United States as one of the statues contributed by the State of Michigan in pursuance of the invitation aforesaid.

I write you at this time that such further action may be taken in the matter by Congress as may be deemed expedient.

Very respectfully, yours,

CYRUS G. LUCE, *Governor*.

Hon. JOHN J. INGALLS,
President of Senate of United States, Washington, D. C.

Mr. PALMER. Mr. President, in responding to the nation's invitation to the States, that each should place two statues of her illustrious men in Memorial Hall, there was a fitness that the first place should be given by a State to one, if such there be, who more than any other had been identified with her infancy, who had defended her in war, who had guided her youthful footsteps, who had laid down for her rules of conduct, who had brought order out of chaos, who, although separated from her by oceans, or called away by public duty, still clung to her as his home, and fondly looked to her soil as the dust with which his own was to at last commingle.

To-day, Mr. President, we formally accept Michigan's first contribution to the Valhalla of the nation, and it is but seemly that the reasons for her action should be recited.

Lewis Cass was born in Exeter, N. H., on the 9th day of October, 1782. He died in Detroit June 17, 1866. He was of Puritan descent, and the names of his ancestors, Cass and Gilman, are to be found creditably mentioned in early colonial history.

His father, Jonathan Cass, a type of the young patriots of 1776, enlisted at the age of nineteen, on the day after the battle of Lexington, and shared the vicissitudes of the patriot army until its disbandment in 1783, attaining the rank of captain by gallantry and faithful service. He was subsequently recommended by the Legislature of New Hampshire for appointment as the first marshal of that State under the Constitution, and was commissioned as captain in the regular Army upon its organization. He rose to the rank of major, and resigned in 1799, when he settled on the Muskingum River, a few miles above Zanesville, Ohio. There he died in 1830, high in the esteem of the community in which he lived.

Lewis was the eldest of five children. He was of robust constitution and of bright and eager mind. At ten years of age he entered Exeter Academy, then under the charge of that accomplished scholar and instructor, Dr. Abbott. He was noted for diligence and manly excellence. He remained there seven years, and during a portion of that time had among his associates the afterward distinguished Buckingham, Salstonstall, and Daniel Webster.

In 1799 he taught school at Wilmington, Del., for a few months, preliminary to a foot and boat journey to the field of his future work. In October, 1800, he reached Marietta, the gateway through which Puritan blood and sentiment first poured its tide, destined to overspread and irrigate the great West. He entered the office of Governor Meigs and commenced the study of law, which he continued in the office of Matthew Baccus until licensed to practice in the courts of the Territory, in December, 1802. He removed to Zanesville, Ohio, where he rapidly acquired the confidence and clientage of the pioneers, and in 1806 he married Elizabeth, daughter of Dr. Spencer, of Wood County, Virginia, formerly of Lansingburgh, N. Y., a lady of culture and refinement.

In December of the same year he took his seat in the Ohio Legislature, and at once was conceded a leadership unusual to so young a man. The treasonable expedition of Aaron Burr was the center of public interest at that time, and General Cass framed the law under which his boats were seized and men arrested. He draughted the official communication to President Jefferson, stating the views of the Legislature on that subject.

The ability displayed and zeal shown influenced the President to appoint him marshal of Ohio in 1807, which position he held until he exchanged it for the colonelcy of the Third Regiment of Volunteers, with which he joined General Hull at the outbreak of hostilities in 1812.

His services during that war form no mean part of its history, and mark him as a true patriot and capable soldier. He led the advance into Canada, drew up the proclamation addressed by General Hull to the inhabitants, and commanded the detachment that drove in the outposts at Aux Canards, where was shed the first blood of the war. When included in the surrender of Detroit and paroled, he was selected by his fellow-officers, who shared his indignation, to lay the facts before the President. He hastened to Washington and made the first report, September 12, 1812, on the inexplicable circumstances through which a fort, an army, and a Territory were surrendered without the firing of a gun.

Immediately upon his exchange he was appointed colonel in the regular Army, and soon after was promoted to the rank of brigadier-general. He shared in the campaign of 1813, ending in the defeat of General Proctor at the battle of the Thames and the death of Tecumseh, and was left in command at Detroit in the fall. He was almost immediately appointed civil governor of the Territory of Michigan and *ex officio* superintendent of Indian affairs.

Mr. President, were the claim for the admission of his statue to "the American Pantheon," based solely upon his conduct of that office for eighteen years, there surely had been none to gainsay the right.

He assumed jurisdiction over a wilderness containing 6,000 French and English speaking whites and 40,000 savages. No lands had been sold by the United States; no surveys had been made; no titles were possible. The interior was without roads and the savages were jealous, restless, or openly hostile.

His grasp of the Indian problem of that day was the comprehensive grasp of a statesman. He cast aside the methods and policies previously pursued by the French and English and treated the Indians as mere occupants and not owners of the lands. He proposed to purchase their possessory rights, limit their ranging, teach them mechanics and agriculture, and provide them with schools and churches. From the outset he impressed them with the power and benignity of our Government.

In twenty-two treaties he secured the peaceable cession to the Government of the vast territory now occupied in part by four great States. He built roads, ordered and superintended surveys, established and maintained military posts, built light-houses, organized counties and townships, established courts, and provided all needed conveniences and machinery for civilized government and the protection of life and property.

In 1820 he planned and personally conducted an exploration of the Territory, in which he traveled over 5,000 miles, most of the way in birch canoes, treating and exchanging courtesies with the leading tribes of Indians. He settled finally the question of supremacy as to whom their allegiance was due—Great Britain or the United States—with them at Sault Ste. Marie, overawing the insolent Chippewas by an act of personal heroism worthy of ancient song and story.

He prospected the copper region, estimated and reported on the timber and mineral resources of the Lake Superior country, navigated the unknown rivers, ascended the Mississippi to its source, and ascertained the internal geography of a vast wilderness, the speedy population of which was largely due to the reports of this expedition. As an indication of his economic management, it is well to recall that in proposing this journey to the Secretary of War he stated that no extra appropriation was needed for it, and only asked permission to "assign a small part, say from $1,000 to $1,500, of the sum apportioned for Indian expenses." It was this expedition which gave Henry R. Schoolcraft his opportunity to make a lasting fame in connection with Indian legends and history.

In July, 1831, General Cass resigned his office as governor of Michigan to accept the War portfolio in the Cabinet of Andrew Jackson. He had been appointed governor six times, under Presidents Madison, Monroe, and Adams, without a protest from the people or a dissenting vote in the Senate. No treaty made by him was ever rejected by the Senate or complained of by the Indians, who as late as the last council in Detroit, of the Chippewas, Ottawas, and Pottawatomies, July 25, 1855, testified their respect for and confidence in him by abandoning their discussion, flocking about him, grasping his hand, and saluting him as an old and valued friend when he unexpectedly entered the council room.

Hon. James V. Campbell, for over thirty years a justice of the supreme court of Michigan, a man of the highest repute as a jurist and citizen and a critical scholar, writing, in 1876, his Political History of Michigan, sums up his account of General Cass's service there as follows:

His administration was eminently popular, and he desired and endeavored to secure to the people as soon as possible all the privileges of self-government. If he erred in this respect it was an error in the direction of the largest popular authority. His views were broad and sagacious, and he was very free from personal bitterness and malignity. The inevitable asperities of politics exposed him in later years to the attacks made on all public men, and his course in national affairs has been severely assailed and warmly defended; but no one now has any doubts about his sincere and unqualified patriotism. He was a brave defender and a true lover of his country.

As Secretary of War, General Cass held the confidence and friendship of President Jackson, although he joined Secretary McLane in opposing the proposed removal of the deposits. The Black Hawk war occurred and was energetically conducted. The executive measures called out by the nullification acts of South Carolina received his approval and co-operation. His report on what was known as "the Cherokee question" was an able and exhaustive state paper, and the plan outlined for the care of the Indians at that time has been substantially followed to this day.

During his Secretaryship he presided at the first temperance meeting ever held in Washington (February 24, 1833), and delivered the opening address upon the organization of the American Historical Society (October 12, 1835). Both of these addresses were delivered in the hall where his statue now stands, and so far as I can learn they were his only public appearances there. On April 7, 1836, General Cass pre-

sented a report relative to the military and naval defenses of the country and the supervision of internal improvements by the Corps of Engineers, which was of great merit, and its leading features have become incorporated in our public policy.

In August of that year, finding that his health was becoming impaired, he exchanged the Secretaryship for the position of minister to France. Almost immediately upon his presentation at court he obtained the payment of interest on our indemnity claims, thus terminating a vexatious dispute which at one time threatened to involve us in a war.

His most important act as minister and as an American was in effecting the defeat of the ratification of the quintuple treaty by the French Chamber of Deputies. England sought by diplomacy to secure the active consent of Austria, Russia, Prussia, and France to the enforcement of her long claimed and persistently contested right of visit and search, under cover of the general abhorrence of the African slave trade. The United States was not furnished a copy of the proposed treaty or asked to subscribe to it, although ours was the first nation to declare the slave trade unlawful, the first to declare it to be piracy and to take extreme measures for its suppression.

General Cass not only filed a masterly and comprehensive protest with the French Government, but with the consent of M. Guizot, minister of foreign affairs, issued an address directly to the French people, which has served as a text-book of the American position until this day. His efforts secured the rejection of the treaty.

The negotiation of the Ashburton treaty by Mr. Webster, without insisting upon the renunciation of England's claim to the right of visit and search in set terms, led to the resignation of General Cass, and a voluminous correspondence with the Secretary of State on the subject followed.

If it had not been for the sensitiveness of the public mind of America on the subject of slavery, which was prepared to welcome any blow at that institution, although that blow might involve concessions which would return to plague us, this action of General Cass would have given him immediate, exceptional, and lasting fame. To the student of political history the stand he took and the ability with which he defended, yea more, that he advanced it, together with the dexterity in adapting means to an end, stamp him not only as a statesman but a diplomat of the highest order.

Isolated in opinion, cut off from instructions from home, with an administration behind him whose views on the subject were unknown to him, surrounded by trained and adverse diplomats, to whom politics was the game of a lifetime, he threw himself wholly and positively into the conflict with a directness, an earnestness, and an alertness that must command our admiration. The wonder grows, as we analyze the situation, that this man, whose associations at the plastic time of his life had been on the frontier, who had been denied that conventional education which comes of mingling in old communities, whose training was neither of the court nor the forum, who had been forbidden access to well-filled libraries, should not only have circumvented the methods of men trained for diplomacy in the most refined and critical arena of Europe, but should have succeeded in holding a position that our commissioners had relinquished at Ghent, and for which blood and treasure had been poured out in the war of 1812. He not only did this, but by his arguments, based on the law of nations and fortified by citations from learned jurists, he drew conclusions which availed us much in a dark period of our civil war and which now are recognized as a maritime rule of conduct throughout Christendom.

His return to the United States was marked by a succession of popular ovations which emphasized the public opinion of his services.

In the national convention of 1844 he stood next to Van Buren in the balloting for the Democratic candidate for the Presidency, until a dead-lock under the two-thirds rule terminated in a compromise on James K. Polk. In 1845, at the earliest opportunity, he was elected to represent Michigan on this floor.

Here he at once assumed a leading position, being heard in January, 1846, in defense of the Monroe doctrine and in March delivering a learned and forcible address on the Oregon boundary question, which was afterward paraphrased as "fifty-four forty or fight" and used as a watch-word in the campaign of 1848. During this and the succeeding Congress the Wilmot proviso was the central question. When first proposed General Cass favored its incorporation, but subsequently yielded to the advice of Justice McLean and opposed it on the ground of its unconstitutionality, although instructed to vote for it by the Legislature of Michigan. The instruction was, however, rescinded before the final vote was reached.

In the Thirty-first Congress he was second to Mr. Clay on the committee which formulated the celebrated "compromise measures" of that day, and was chosen second only because he himself urged the propriety and policy of placing the great Whig leader first.

He supported the measures reported by the committee with the exception of the "fugitive slave law," for which he refused to vote, although in his seat at the time of its passage.

In 1848 he was the nominee of his party for the Presidency, receiving ten more than the necessary two-thirds of the votes on the fourth ballot, but was defeated through divisions on the slavery question in New York and Pennsylvania. He received the electoral vote of one-half the States, including the State of his birth, New Hampshire, Ohio, and the entire Northwest. He so bore himself in the struggle and after the defeat that in 1852, during forty-nine ballots, he led the poll for renomination, and in 1856 was solicited, through published correspondence to again bear the standard, but declined to be considered.

When he accepted the nomination in 1848 he resigned his Senatorship, but was re-elected upon the assembling of the Legislature in 1849 to serve out his own unexpired term, and was continued in the Senate as long as his party retained supremacy in Michigan.

During his service in the Senate he advocated a homestead law, and favored the peaceable purchase of Cuba, but opposed every measure looking to its forcible seizure.

Abhorring slavery and deprecating its extension, he held with the men of his school that it was beyond the interference of the General Government, excepting for protection in its constitutional status.

Upon leaving the Senate, in 1857, he was called to the Cabinet of President Buchanan, as Secretary of State. There he maintained the doctrines essential to our nationality, which had grown with his growth during his extended service as a builder and director of States and as his country's representative in European councils.

During his care of our foreign relations "the Republic received no harm," and in 1858 he was gratified with the consummation of his efforts in the abandonment by Great Britain of her assumption of the right of visit and search.

Amid the internal commotions preceding the outbreak of civil war he, as with Clay in 1850, advocated compromise between the discordant elements, but when the President refused to reinforce and defend Fort Sumter, he resigned his seat in the Cabinet and retired to private life after fifty-six years of official service.

On April 17, 1861, he addressed the first war meeting in Detroit. In company and in practical accord with Senator Zachariah Chandler, he appealed to his fellow-citizens to stand by the Union. His last public service was a letter of patriotic advice to Secretary Seward during the threatening complications with Great Britain, growing out of the seizure of Mason and Slidell.

Mr. President, I know of no public man who has filled so many places in the economy of life—teacher, explorer, negotiator of treaties, governor, pioneer, lawyer, legislator, marshal, soldier, diplomat, Secretary of War, Senator, and Secretary of State. In all he acquitted himself well, and in most surpassing well. His failings were the faults of his party; his virtues were his own. In diplomacy, bold or placable as the occasion might demand; in legislation, considerate, logical, and never dramatic; in administration, assiduous and conservative—the purity of his motives can not be gainsaid and the integrity of his acts is above reproach. He was a man of fine presence, grave demeanor, and cultivated manners. He took a great interest in young men, and many now living can attest his active and effective assistance. His house in Detroit, Washington, and Paris was always the seat of a refined and elegant hospitality.

General Cass's life spanned the experimental era of our history. To some the Constitution was a Procrustean bed to which all things were to be made to conform; to others it was an instrument elastic enough to meet every emergency. On the one hand it was regarded as a skin which would expand with every development of frame or muscle; on the other a coat of mail, within which the organism might grow but beyond the scales of which growth was impossible. It was a very difficult thing to reconcile or compass conflicts apparent at the time of its adoption; to foresee those which should arise in the future was beyond human prescience. To outside pressure we were strong; as against internal discord we were weak.

It was the old fable of the twigs—together we could not be broken, apart we were easily rent—and the problem was, could we hold together? The twigs took root, their pendent branches drooping to the West, banyan-like, sought earth and water, and soon their giant boles sent back life and vigor to the composite parent stem. It was the West which made us a nation, and to General Cass more than any other man was the West indebted for that self-dependence, that positiveness, that development which, while it was inherent in the race, was promoted and stimulated by his efforts to impress upon it that the people were the source of power, and that society with its statutes and forms of law should be a growth and not a creation.

Like most of the prominent men of his time, he believed that the Union could be preserved only by conciliation. He was a strict constructionist of the Constitution. He abhorred slavery, but he honestly believed that under the Constitution it could not be interfered with and that the power of Congress was limited in legislating against it in the Territories.

With Clay, Webster, and others, he tried by tentative methods to arrest the storm which was threatening all along the horizon. With them he tried to dam the stream that bade fair to overwhelm the nation in a common ruin—and who shall say that their efforts were not essential to the final glorious consummation? The stream rose higher than the crown of the dam and then "battlement and plank and pier rushed headlong to the sea." It carried destruction in its way, but a destruction necessary to re-creation.

The invisible forces, always the most potent, were the factors which solved the problem. The moral law recognized in the ordinance of 1787 wrought out the economic results of 1865; Appomattox Court-House was the corollary of Marietta; humanity was stronger than statutes, and parchments shriveled before the fires which warmed the children in a hundred thousand school-houses. Cadmus had planted the dragon's teeth, and, behold, armed men were brought forth. The knot which all the sages could not untie was cut by the sword.

In that crucial time when parties were tossing in angry tumult, like ships in a tempest with no beacon to guide, General Cass was true to the flag. His influence, like that of Douglas, sustained the wavering, checked the disloyal, and inspired the patriot. The homes which he more than any other had opened for the emigrant, the civilization which he more than any other had promoted and encouraged, then sent forth hundreds of thousands of men to die, if need be, for the Union.

He saw the flag trailed in dishonor; he lived to see it restored in glory. He saw the staff stripped of the emblem of a united country before hostile cannon; he lived to see it bend beneath the streaming folds, no star blotted out and no stripe discolored, when it was again hoisted amid the salvos of artillery. He found us bound together by a rope of sand; he lived to see that bond transmuted in the fierce heat of battle and on the forge of conflict to hooks of triple steel that no man might put asunder. He entered the wilderness which Virginia released, and which the ordinance of 1787 consecrated eternally to freedom; he lived to see that wilderness transformed into populous States which hurled nearly a million of men to fight for national unity.

His first year in public life found him strenuous to circumvent the traitorous designs of an arch conspirator against his country. His last official act was to protest against the vacillation which permitted a State to arm itself against the Federal authority unchallenged and unchecked. Two years after he entered public life the Afro-American slave trade was abolished by statute; two years before he died domestic slavery was swept away by force of arms. His youthful ears heard the rejoicing on the adoption of the Constitution; his aged eyes saw that instrument relieved of all complicity with a system that the public conscience had come to regard as a crime. He could say, "All of this I saw and part of which I was."

Whatever may be said of the sentiments he entertained in matters of political economy concerning which able and honest men have differed, no one will ever assail his integrity of administration, the comprehensiveness of his outlook, and the entire devotion of thought and purpose to the aggrandizement of his country. He found her great in possibilities; he left her great in development.

Along that toilsome journey of eighty-four years he saw no encroachment on her rights that he did not strive to thwart; he had no aspiration that was not consistent with her greatness.

More than twenty years have passed since he died. The mists engendered by the heat, passion, and rancor of the crucial time of the nation's history have risen, and men are judged not only by their acts but by the results of their acts. It has been said that the highest place in history must be assigned to the founders of states. If this be so, certainly the next gradation must be assigned to him who builds the superstructure on foundations already laid.

To such a place impartial biography must assign Lewis Cass. The State whose institutions he did so much to mold, and in whose soil his ashes repose, after a lapse of twenty-two years, a time sufficient for scrutiny of his acts and their consequences, has decreed through its representatives assembled that he is worthy of a place beside the great men who stand serene and changeless beneath the Dome of the Capitol.

It remains for us, Mr. President, to formally accept his statue presented to the nation by the State of Michigan. She invokes for the life and character which it represents and recalls the calm judgment of the present and the future. She leaves it in that august tribunal where the nation has gathered in part the counterfeit presentments of her heroic sons, with Williams the tolerant, Allen the vehement, Winthrop the devout, and the goodly array of worthies on whom history has set her seal.

In that court of last resort, where every American must of necessity be his own accuser, defender, and judge, it were well that we should pause and, after calm deliberation, let our consciences enter up the verdict whether or no our aspirations, our aims, and our acts have been and are consistent with the glory of the Republic.

Mr. MORRILL. Mr. President, General Cass, when I first came to Washington as a member of the House of Representatives, was a prominent member of the Senate, and in 1857 he was appointed Secretary of State by President Buchanan, where he served until December, 1860, and here resided for some time subsequently. He owned a large house here, befitting the generous hospitality of himself and family, where members of Congress, irrespective of party affiliations, were invited and made welcome. His early, long, and important State and national services could not fail to make it peculiarly appropriate that a life-like representation of his imposing form and figure should be presented to the National Hall of Statuary, where the magic of many names of former days yet lingers, and a hall already reverently dedicated to some of our bravest and best, and, as we trust—

Immortal names
That were not born to die.

In 1864, by act of Congress, all of the States were invited—

To provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown, or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration.

For this purpose the old Hall of the House of Representatives was set apart as a National Statuary Hall, and I may be pardoned for mentioning, as the measure was introduced by me, that it was designed with the further object of preserving untouched the admirable features of perhaps the finest hall of our country, then in imminent danger of being appropriated and cut up for the humble use of document-rooms, with a "long-drawn aisle" or narrow passage way between the House and Senate through the center.

Beyond the great beauty of the Hall itself, its attractions are destined to be immensely augmented as each State adds its chosen representatives to the national muster-roll of eminent men who have decorated our history. Many States have already presented statues of those whose renown the American people will preserve with pride, and whose merits are here daily recognized by troops of visitors, but likely hereafter to be even more earnestly studied and appreciated whenever the statues appear to be inspired by the genius of our best artists. The statue now offered by the prosperous State of Michigan, I feel sure, will be received as in every respect a creditable addition to a creditable assembly representing celebrities of the past who rendered some service to the Republic.

But there will be abundant room for many more, and we have much reason to expect the grand old hall will ere long be adorned by such notable figures, possibly, as would be that of Benton, from Missouri, or those of Charles Carroll and William Wirt, from Maryland; Lincoln and Douglas, from Illinois; Grimes, from Iowa; Morton and Hendricks, of Indiana; Webster, from New Hampshire; Macon, once styled "the last of the Romans," from North Carolina; Clay, from Kentucky; Calhoun, from South Carolina; William H. Crawford and George M. Troup, from Georgia; Austin and Sam Houston, from Texas; and Madison and Patrick Henry, from Virginia, with a long illustrious list of others easily to be mentioned, sufficient to show that our materials to make the hall nationally attractive are in no danger of being exhausted, but in some States may prove embarrassing from their abundance.

This truly representative hall, with its fraternal congress of the dead, who yet speak in marble and bronze, will tend to increase mutual respect, tend to knit us together as a homogeneous people, here united forever in a common tribute of high regard to Americans not unknown to fame, and designated and crowned by their respective States as worthy of national commemoration.

When we notice how swiftly some of those with whom we have been associated here, and whom we have loved and admired, have passed away, and whose eloquence, wit, and learning are only brought to the recollection of the public on rare occasions, is it not a gratification to feel that there have been some of our countrymen in public service who have left their

Footprints on the sands of time,

and to find there are traditions and personal memories extant in each and every State of historic worthies that are to have honored remembrance here through all the future ages of the Republic?

Lewis Cass belonged to the age of Webster, Clay, and Calhoun, born in the same year with Webster, Calhoun, Van Buren, and Benton; and though his forensic fame may have been eclipsed when contrasted with that of the foremost trio of our country, as was that of nearly all of their contemporaries, he was a strong, well-informed man, capable of lucid and cogent argument whenever he chose to prepare himself for debate, as he thought it only respectful to the Senate to do, and throughout his long career he was a prominent participant in events that will be honorably perpetuated in the annals of our country.

The biographical details of the life of General Cass have been so learnedly and completely portrayed by the distinguished Senator from Michigan, whose services here we all regret are so soon to terminate, that I am reluctant to touch even briefly these details again, but feel that I must, because the succession of these related facts, covering more than half a century of his personal history, are more eloquent than any comments can be of mine, and because they seem to be necessary to give substance and support to the slight contribution which it is possible for me to offer relative to the life and leading traits of character of this favorite son of the State of Michigan.

General Cass may be reckoned as one of the class often held to be somewhat characteristic of our American civilization, or as born in one State, obtaining a profession in another, and finally achieving fame and fortune in still another—an example of the restless and enterprising pioneers the East has sent and is still sending to the West. The son of a captain in the Continental army, born in New Hampshire, educated at its famous Exeter Academy, becoming a young schoolmaster in Delaware, and the next year, at seventeen years of age, going across the Alleghanies on foot to Marietta, Ohio, where he studied law, and then started in his profession, in 1803, at Zanesville. Here he married and began his political career as a member of the Ohio Legislature in 1806, where he suddenly became famous as the author of an act to ar-

rest the men believed to be engaged in treasonable movements with Aaron Burr. For this timely service, very near to the heart of President Jefferson, he was rewarded by an appointment as marshal of Ohio, an office he retained until 1813.

At the beginning of the second war with England he joined the forces of General Hull as a colonel of the Ohio volunteers, and was too soon included in the capitulation known as Hull's disgraceful surrender. Having been paroled, he hastened to Washington with an aching heart and made the first report of the sad affair, and, like a gallant and indignant young soldier, said in his communication to the Secretary of War, "Our duty and our interest was to fight." As the forces of the enemy were greatly inferior to ours under General Hull, this appears to have been the unvarnished truth. After being exchanged he was appointed to the Twenty-seventh Regiment of Infantry and was soon promoted to the rank of brigadier-general. He was in the battle of the Thames, and at the close of hostilities what his prowess and military efficiency had been was clearly indicated by his being placed in command of the Territory of Michigan, and finally he was made governor of that Territory for many years, showing throughout the long service unimpeachable administrative ability.

In 1831 he was made Secretary of War by President Jackson, and largely sympathized in 1832 with the President in his resolute purpose to crush out nullification.

In 1836 he was appointed minister to France, where his most important act was a vigorous argumentative protest against the quintuple treaty that Great Britain sought by a joint proposal with other European powers for the suppression of the slave trade, to maintain the right of search on the high seas, but where only a small portion of the high contracting parties could give or were expected to give practical service or attention. It is enough to say that our minister's earnest protest dissuaded the French Government from signing the treaty and therefore defeated it. Soon after our own Government made a treaty with Great Britain for a mutual effort to suppress the slave trade, which, while not authorizing a search of American by British vessels, did not explicitly forbid it, as General Cass thought it should have done, and therefore, feeling himself indirectly discredited, he asked to be recalled, which request was granted. His controversy on this subject with Lord Brougham, and also with the Secretary of State, Daniel Webster, attracted at the time considerable attention and occupied much space in the public prints.

The omission of any declaration against the right of search was perhaps less conspicuous in 1842 than in our treaty of peace in 1815, when the exercise of that right was understood to have been the principal cause of the war of 1812, but Great Britain then found out and has known ever since that any practical reassertion of the right would be regarded by us as a sufficient cause for war. Most certainly General Cass would not have concluded the treaty of 1815 without an open and explicit provision against the right of search, but this probably would have been a humiliation to which Great Britain would not have submitted.

After his return from France he was a candidate, in 1844, for the Presidency. Always acknowledging his allegiance to the principles of the Democratic party, he cordially accepted the measures for which the party then contended, and announced that he was against a national bank and in favor of the annexation of Texas. He was against the Wilmot proviso, and upon the question of whether new States should be admitted in the Union with or without slavery he held that it should be left to be determined by the people of the Territories, and this his opponents described as "squatter sovereignty." He also, in relation to the tariff, declared—

> That in the imposition of duties necessary with the proceeds of the public lands to provide this revenue incidental protection should be afforded to such branches of American industry as may require it. This appears to me—

He said—

> not only constitutional, but called for by the great interests of the country.

In the Democratic convention, however, Martin Van Buren had the lead, and only lacked twenty votes of a two-thirds majority, but the friends of General Cass declined to supply the few votes so greatly needed, and Mr. Polk, of Tennessee, finally received the nomination.

General Cass, in 1845, was elected to the Senate, and at once joined in the earnest assertion of our rignt to all of Oregon up to the Russian boundary. He would, as he declared, "not surrender one inch of it to England," and it may be doubted whether any of us would today be satisfied with less than "all of Oregon" were the question now an open one. At that time it might, it is true, have led to a third war with Great Britain. On the resolution of Senator Allen, of Ohio, against the interposition of the powers of Europe in the political affairs of America, he was for vigorous action, for an American policy, and declared:

> We shall lose nothing at home or abroad, now or hereafter, by establishing and maintaining an American policy—a policy decisive in its spirit, moderate in its tone, and just in its objects—proclaimed and supported firmly but temperately.

At the Baltimore Democratic convention in May, 1848, General Cass was once more a candidate for the Presidency, and after several ballots obtained the nomination by the required majority of two-thirds, his chief contestants being James Buchanan and Levi Woodbury. General Cass at once resigned his seat in the Senate and retired to his home in Michigan, quietly awaiting the result. In his letter of acceptance, as his predecessor, Mr. Polk had done, he announced his purpose, if elected, not to be a candidate for re-election.

Later, the so-called "Barn-burner" friends of Mr. Van Buren, feeling that he had been neglected by his party, and not opportunely helped by General Cass in 1844, united on a Free-soil ticket, nominating Mr. Van Buren for President and Charles Francis Adams for Vice-President. General Cass, having been defeated and General Taylor elected, was re-elected to the Senate, where he took part in the important debates of that important epoch, generally supporting the compromise measures of Mr. Clay and opposing both Southern rights dogmas and the Wilmot proviso; but, though present, he declined to vote on the question of the fugitive-slave law.

In 1852 he was for the third time a prominent but unsuccessful candidate for the nomination to the Presidency. His claims were widely conceded, but his party decided that a candidate who had never lost a race would be more available, and nominated and elected Franklin Pierce, of New Hampshire.

In 1857 he accepted the position of Secretary of State under President Buchanan. The great crisis in our national affairs was rapidly approaching, and in 1860 President Buchanan, in his message to Congress, denied the existence of the power in the Constitution by which the General Government can coerce a State. This was not openly disapproved by General Cass in the Cabinet meeting when the message was first read. Eight days afterwards, however, he reasserted the Jacksonian principles of 1832–'33, that "the Union must be preserved," and when the President refused to reinforce Major Anderson and reprovision Fort Sumter he resigned his place in the Cabinet.

This last act in his public career of fifty-six years shows that he was, like "Abdiel, faithful found among the faithless," an ardent lover of the Union, and did not lack the courage of his convictions. The act greatly endeared him to all supporters of the Government, many of whom thronged to his house to listen to the sage and temperate counsel of a firm believer in the ultimate triumph of the Union with not a State blotted out.

He was, as has been stated, for six or seven years marshal of Ohio, for several years in active military service, governor of Michigan Territory for eighteen years, five years Secretary of War, minister to France for six years, eleven years in the United States Senate, and three and one-half years Secretary of State—a most unexampled tenure and diversity of official services, all requiring comprehensive knowledge and ability, both in civil and military affairs, whether as an executive officer, diplomat, or statesman, and the general voice of his countrymen has been that in none of these high positions was he found deficient, but that he discharged every duty with absolute fidelity, with stainless purity in private life, and with honor to himself, his State, and the country for which he had early shown himself ready to stake his life.

Let us welcome the statue of Lewis Cass as a felicitous contribution to our American Pantheon, where are clustered precious memories that will be for all future generations an inspiration to noble deeds and unselfish devotion to the institutions of a free, enlightened, and independent people.

Mr. CHANDLER Mr. President, the present occasion naturally suggests an inquiry into the plan and purpose of Congress in establishing the National Statuary Hall. The movement originated in the act of July 2, 1864, which authorized the President—

> To invite each and all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or from distinguished civic or military services, such as each State shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall, for the purposes herein indicated.

Rhode Island was the first State to respond to this invitation, and in January, 1870, the statue of Nathaniel Greene was received by Congress. This was followed in January, 1872, by the statue of Roger Williams.

Connecticut, early in 1872, presented statues of Jonathan Trumbull and Roger Sherman.

New York, in 1873 and 1874, placed in the hall statues of George Clinton and Robert R. Livingston.

Vermont, in 1876, erected the statue of Ethan Allen, and in 1881 that of Jacob Collamer.

Massachusetts presented, in 1876, statues of John Winthrop and Samuel Adams.

Pennsylvania, in 1883, presented the statue of Robert Fulton, and in 1884 that of Peter Muhlenberg.

Maine, in 1878, placed in the hall the statue of William King.

Ohio, in 1886, erected the statue of James A. Garfield, and in 1888 the statue of William Allen.

New Jersey, in August, 1888, presented the statues of Philip Kearny and Richard Stockton.

Michigan to-day tenders to the nation the statue of Lewis Cass.

A memorandum concerning the National Statuary Hall, further mentioning the statues received prior to and including February 18, 1889, I will insert in the RECORD:

National Statuary Hall—Statues received prior to and including February 18, 1889.

State.	Statue.	Date received by Senate.	Date received by House.	Proceedings in CONGRESSIONAL RECORD.	Biographical sketch in—	
					Appleton's Cyclopedia of Biography.	American Cyclopedia, edition 1883.
Rhode Island	Nathaniel Greene	Jan. 20, 1870	Jan. 31, 1870	Forty-first Congress, second session, part 1, page 593; Forty-first Congress, second session, part 1, page 921.	Vol. 2, page 750	Vol. 8, page 229.
	Roger Williams	Jan. 9, 1872	Jan. 12, 1872	Forty-second Congress, second session, part 1, page 318; Forty-second Congress, second session, part 1, page 362.	Vol. 6, page 531	Vol. 16, page 639.
Connecticut	Jonathan Trumbull	Mar. 8, 1872	Apr. 29, 1872	Forty-second Congress, second session, part 2, page 1529; Forty-second Congress, second session, part 4, page 2899.	Vol. 6, page 168	Vol. 16, page 14.
	Roger Sherman	do	do	do	Vol. 5, page 501	Vol. 14, page 850.
New York	George Clinton			(Placed in Memorial Hall, 1873; no action by Senate or House.)	Vol. 1, page 659	Vol. 4, page 690.
	Robert R. Livingston			(Placed in Memorial Hall, 1874; no action by Senate or House.)	Vol. 3, page 744	Vol. 10, page 546.
Vermont	Ethan Allen	June 10, 1876	May 18, 1876	Vol. 4, part 4, page 3738; Vol. 4, part 4, page 3178.	Vol. 1, page 51	Vol. 1, page 328.
	Jacob Collamer	Jan. 31, 1881	Feb. 15, 1881	Vol. 11, part 2, page 1055; Vol. 11, part 2, page 1609.	Vol. 1, page 689	Vol. 5, page 56.
Massachusetts	John Winthrop	Dec. 19, 1876	Dec. 19, 1876	Vol. 5, part 1, page 280	Vol. 6, page 572	Vol. 16, page 675.
	Samuel Adams	do	do	Vol. 5, part 1, page 300	Vol. 1, page 29	Vol. 1, page 106.
Pennsylvania	Robert Fulton			(Placed in Memorial Hall, 1883; no action by Senate or House.)	Vol. 2, page 563	Vol. 7, page 525.
	Peter Muhlenberg			(Placed in Memorial Hall, 1884; no action by Senate or House.)	Vol. 4, page 454	Vol. 12, page 27.
Maine	William King	Jan. 22, 1878	Jan. 22, 1878	Vol. 7, part 1, page 455; vol. 7, part 1, page 469.	Vol. 3, page 543	
Ohio	James A. Garfield	Jan. 5, 1886	Jan. 19, 1886	Vol. 17, part 1, page 404; vol. 17, part 1, page 762.	Vol. 2, page 599	Vol. 7, page 849.
	William Allen			(Placed in Memorial Hall, 1888; no action by Senate or House.)	Vol. 1, page 56	
New Jersey	Philip Kearny	Aug. 28, 1888	Aug. 28, 1888	Vol. 19, part 8, page 7763	Vol. 3, page 497	Vol. 9, page 779.
	Richard Stockton	do	do	Vol. 19, part 8, page 7798	Vol. 5, page 693	Vol. 15, page 392.
Michigan	Lewis Cass	Feb. 18, 1889	Feb. 18, 1889		Vol. 1, page 551	Vol. 4, page 59.

NOTE.—The statues of Washington, Jefferson, Hamilton, Lincoln, and Edward D. Baker, of Oregon, were not presented by their States, and are not, therefore, included in the above list.

New Hampshire has as yet taken no action in response to the national invitation. By universal consent in our State the first place among New Hampshire's earlier citizens, illustrious for their historic renown or from distinguished civic or military services, will be assigned to John Stark, the gallant Indian ranger and fighter, the brave soldier of the Revolution, who fought at Bunker Hill, led the van at Trenton, was conspicuous at Princeton, and was the hero of the battle of Bennington, which was fought August 16, 1777, mainly by New Hampshire troops, who achieved the victory which cut off the retreat of Burgoyne and his army and made possible their capture at Saratoga. He was born in Londonderry August 28, 1728, became the last surviving general, except one, of the Revolution, and died at Manchester, May 8, 1822, at the great age of 94, the most famous soldier of the Granite State.

The second selection by New Hampshire will be made from among several of her distinguished sons, all worthy and eminent, but preeminence among whom it will be difficult to determine.

New Hampshire is, however, as well as Michigan, honored by the presence in the national gallery of the statue this day presented. Lewis Cass was born at Exeter, in New Hampshire, October 9, 1782. He soon emigrated to Ohio, and thence to Michigan, but he was followed throughout his long career by feelings of pride justly entertained by the people of his native State. As a lawyer, member of the Legislature of Ohio, marshal of that State, volunteer soldier, colonel and general in the war of 1812, governor of Michigan, Secretary of War, minister to France, United States Senator, Secretary of State, he proved himself at all times worthy of the respect and admiration not only of his native and of his adopted State but also of the people of the whole country. As a representative of New Hampshire in this Chamber, I desire to thank the people of Michigan for the appropriate memorial which they this day place in the national Capitol to one of the most distinguished sons of New Hampshire, and one of the most eminent citizens of Michigan and of the Union, and which Congress now accepts in behalf of a grateful people.

It does not fall within my province on this occasion, after the full narratives and eloquent eulogies of the Senator from Michigan and the Senator from Vermont, who have preceded me, to recite at any length the words or the deeds of General Cass. My brief contribution will be confined to an attempt to fix attention upon a few of the special circumstances of his life which seem to me to have materially aided in forming his strong and remarkable character, and to a consideration of his relations to the most important question of his public life, the controversy over slavery.

In the first place, the character of General Cass must have been largely influenced by his familiarity with the patriotic services of his father and uncle in the war of the Revolution. It appears that his father, Jonathan Cass, with his brother Daniel, enlisted in the Revolutionary army at the outbreak of hostilities, and fought side by side at Bunker Hill; and his father was in the conflicts of Monmouth, Trenton, Princeton, Germantown, and Saratoga. About the close of the war Lewis Cass was born, and he soon began to realize how momentous had been the recent Revolutionary struggle, and with what devotion and patriotic ardor his father and his uncle had sacrificed the comforts of home and periled their lives in order to secure the independence of the colonies. Such ancestry and such surroundings in his early and susceptible youth inevitably made a deep impression upon the mind and heart of the boy, and doubtless largely contributed to the development in him of that energy, patriotism, and devotion to the Union of the States, which under all circumstances of hope and joy, or of doubt and gloom, were an inseparable part of his character and life.

Highly beneficial to the subject of these remarks must also have been his school education and his own experience as a school-teacher. Exeter Academy was founded by John Phillips in 1781, and soon became a school of note; and young Cass, born in Exeter, was as fortunate in receiving the help of that academy as have been in later years other distinguished men in enjoying the advantages of a school which has become so justly celebrated. After leaving the academy he became a school-teacher, and was thus engaged at Wilmington, Del., when his father took his family thence to Ohio. Until recent years nearly every son of New England who has become prominent in professional or public life has been able to recur to the fact that in his youth, when obtaining his education, he taught a village school. Such experiences in the capacity of teacher have been of quite as high a value to the teacher as to those who have been taught; and it may safely be affirmed that to this early and fortunate connection with Exeter Academy and to his practice as a teacher of others General Cass mainly owed that intellectual discipline and literary culture and ability which he displayed when long years after, having in the mean time been a soldier and a frontier pioneer, he became an orator upon the floor of the United States Senate.

To the military experiences of General Cass must also have been due much of the confidence and firmness which he afterwards displayed. Enlisting in the war of 1812 he soon became a colonel and was captured at the fall of Detroit under General Hull; returning, indignant, to Ohio, he received a commission as brigadier-general, joined the army under General Harrison, and participated in the victories of this distinguished commander, by whom he was commended for his ability and bravery. The whole military career of General Cass was in the highest degree honorable; and in searching for the causes of his distinguished success in after years great importance must be attached to the effect of his military experience in forming and strengthening the character which guided and energized the work of his life as a public man.

Hardly less important than his military experience in the formation of his character must be placed his long service as Territorial governor of Michigan. Beginning in 1813 and not ending until 1831, these

eighteen years of varied labors and achievements, involving the settlement of troublesome Indian questions and all the difficulties incident at that day to the government of a Western Territory slowly growing toward statehood, must have been fruitful in events and experiences which tended to shape and develop those traits which were soon to find scope for their influence on the broadest national field.

Coming now to consider the career of General Cass as a statesman and a publicist, it would be interesting, if time were afforded, to review the principal incidents of his eventful life during the thirty years from 1831 to 1861. There were many phases to his work as Secretary of War. He was compelled to continue to deal with Indian questions, for which he was so well fitted, particularly with the difficulties with the Cherokees. As minister to France he showed himself an able diplomatist, and his persistency in resisting the right of search, notwithstanding the quintuple treaty was satisfactory to Mr. Webster and the national administration, undoubtedly caused the defeat of that treaty through the non-concurrence of France, resulting from the vigorous protest of Mr. Cass. He was a many-sided man, and during his long public career, which can not be said to have ended until five years before his death, which occurred on the 17th of June, 1866, he dealt with many public questions, always with ability, zeal, and patriotic devotion to his country's interests. But his relations to the public controversies over slavery were the most important of his life, and to considering those alone will the remainder of my remarks be directed. It is impossible to comprehend his public life without such consideration; it is needful while so engaged to speak with candor and fairness and with becoming reserve.

Concisely stated, General Cass's political action with reference to the slavery question, which was the overpowering national issue from his entry into the Senate, March 4, 1845, until he left the Cabinet of President Buchanan, December 14, 1860, was this: He advocated the Mexican war and he opposed the Wilmot proviso, notably in his famous Nicholson letter of December 24, 1847. In 1848 he was a candidate for President on a platform and with a letter of acceptance so much favoring slavery that Mr. Van Buren became a third-party candidate on an anti-slavery platform and caused the defeat of General Cass and the election of General Taylor. Later, in the Senate, he continued his opposition to the Wilmot proviso and was a leading advocate of the compromise measures of 1850, and of the repeal of the Missouri compromise, in 1853. Entering the Cabinet of President Buchanan as Secretary of State, he supported the Kansas-Nebraska policy, and favored during the winter of 1860–'61 the Crittenden resolutions, designed to make the abolition of slavery in the States by national action impossible without the consent of all the States.

From this recital it appears that General Cass was one of those national Democrats who believed in maintaining in the broadest and fullest extent those compromises favoring slavery which entered into the framing of the national Constitution, and that he was opposed to all those views hostile to slavery which finally found expression in the organization in 1856 of the Republican party. The conflict between these two sets of opinions has now so far passed into history that it ought to be possible to discuss the question without partisanship and with some hope of reaching a just judgment. In looking back to 1852 and the previous years it must be admitted that anti-slavery condemnation of Mr. Cass and those Democrats who thought and acted with him must also be extended to all the leading members of the Whig party.

Both parties in 1852 indorsed the compromises of 1850 and nominated their respective candidates—General Pierce, the Democrat, and General Scott, the Whig—upon the platform of adherence to those compromise measures and of disapprobation of anti-slavery agitation. If both parties were wrong at that time it is necessary to maintain that out of the 3,144,201 voters in the Presidential election of 1852 who voted, 1,601,474 for Pierce, 1,386,578 for Scott, and 156,149 for Hale, only the latter number were correct in their position on the slavery question; and even if, in view of later history, this assertion may be confidently made, yet it still remains impossible to charge upon the great mass of voters of this country unworthy motives or a lack of patriotism in assuming their positions upon this troublesome question.

But how, it will naturally be asked, is it possible for those Americans who earnestly affirm that the compromise measures of 1850 were a mistake, that the repeal of the Missouri compromise was a grievous wrong, and that the many concessions to slavery were fatal mistakes, also to admit that the motives of the advocates of such wrongful measures were as honest as their opponents and were patriotic statesmen whom the country justly honored while living, and to whose memories, now they are gathered to their fathers, the American people should pay such tributes of respect and affection as those which are now being offered to the memory of the favorite statesman of Michigan? Simply in this way, as I humbly conceive—by ascribing to General Cass and his political associates the lofty motive of a determination that nothing whatever should be allowed to endanger or destroy the Union of the States. To do them full justice we must go back to the early years of the century. At the present time, after one hundred years under the Constitution and the Union, whose various parts have become firmly cemented together by the sad but helpful experiences of the great civil war, the Union seems to be and really is beyond danger of destruction for a long period, perhaps for centuries to come; but this confidence was by no means felt in the days of those men whose lives we are now contemplating.

The Union had hardly begun when the slavery question threatened trouble, and there came many fears, naturally arising even if not well founded, that to tolerate controversy over slavery would bring about a dissolution of the Union. It seemed easy then for the anti-slavery men to say that those fears were groundless, but the recent events from 1861 to 1865 have proved that they were based upon real dangers. At all events General Cass and his associates so believed and so acted. The Union was much to them. For independence some of them had fought. They were near to the days of the Revolution. They and theirs had made sacrifices for the Union, and it embodied for them their whole hope for a prosperous future for their posterity. Under these circumstances they maintained that it was only by what they considered a faithful observance of the Constitution and by discouraging agitation on the subject of slavery that the inestimable blessings of the Union of these States could be made perpetual.

I am not prepared myself to say that in taking this view of their political duties these men were absolutely unselfish or wholly sincere, or in every way patriotic, but such has been the opinion of some anti-slavery writers and speakers when they have endeavored to dispassionately review the incidents of the great anti-slavery conflict before its culmination in civil war.

Mr. Webster, who had always leaned strongly toward the anti-slavery side, at last, in his speech on the 7th of March, 1850, approved the compromise measures of that year, and thus brought bitter anti-slavery denunciations upon his head. But Mr. Blaine, in his "Twenty Years of Congress," is inclined to attribute Mr. Webster's action at this crisis to sincere sentiments of patriotism. He says of Mr. Webster in this connection:

> He belonged with those who could remember the first President, who personally knew much of the hardships and sorrows of the Revolutionary period, who were born to poverty and reared in privation. To these the formation of the Federal Government had come as a gift from Heaven, and they had heard from the lips of the living Washington, in his farewell words, that "the Union is the edifice of our real independence, the support of our tranquillity at home, our peace abroad, our prosperity, our safety, and of the very liberty which we so highly prize, that for this Union we should cherish a cordial, habitual, immovable attachment, and should discountenance whatever may suggest even a suspicion that it can in any event be abandoned." Mr. Webster had in his own lifetime seen the thirteen colonies grow to thirty powerful States. He had seen three millions of people, enfeebled and impoverished by a long struggle, increased eightfold in number, surrounded by all the comforts, charms, and securities of life. All this spoke to him of the Union and of its priceless blessings. He now heard its advantages discussed, its perpetuity doubted, its existence threatened.
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> A convention of slaveholding States had been called to meet at Nashville for the purpose of considering the possible separation of the sections. Mr. Webster felt that a generation had been born who were undervaluing their inheritance, and who might, by temerity, destroy it. Under motives inspired by these surroundings, he spoke for the preservation of the Union. He believed it to be seriously endangered. His apprehensions were ridiculed by many who, ten years after Mr. Webster was in his grave, saw for the first time how real and how terrible were the perils upon which those apprehensions were founded.
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> The thoughtful reconsideration of his severest critics must allow that Mr. Webster saw before him a divided duty, and that he chose the part which in his patriotic judgment was demanded by the supreme danger of the hour.

Whether or not the course of Mr. Webster can be thus justified and must be adjudged to be patriotic, opinions will differ, and every one must decide for himself. If Mr. Webster was right, equally so was General Cass. For the Union to establish which his father had fought; for the Union in the service of which he had himself risked his life in battle; for the Union of those States which, so feeble at first, he saw beginning to move forward toward a wonderful greatness, of which he, however, in his most hopeful visions had no adequate comprehension—for this Union he was willing, and others like him were willing, to yield too much to slavery and to the South. But it certainly is our duty in this generation, when the black cloud of slavery has forever passed away, to endeavor to charitably and favorably judge those whose sole controlling motive may have been devotion to the Union of the States which even then so much blood and treasure had been spent to accomplish.

But however pure and patriotic may have been the motives of General Cass in his political course, it is sadly true that his sufferings were intense as the culmination approached of those dark events which preceded and opened up the war of the rebellion. Personal humiliation also tended to embitter his existence. The State of Michigan, which had been justly proud of her favorite and greatest son, and had always sustained him by her votes, ceased from her devotion, and, on January 10, 1857, Zachariah Chandler was elected as his successor in the Senate. The same writer from whom I have quoted, in an introduction to a biography of Mr. Chandler, says:

> It is a noteworthy fact, not infrequently adverted to, that the political opinions of Michigan, both as Territory and State, for a period of sixty years, were represented and indeed, in no small degree, formed by two men of New Hampshire birth. From 1819 to 1854 General Cass was the accepted political leader of Michigan, and only once in all that long period of thirty-five years did her people fail to follow him.

Notwithstanding the desertion by his State he continued to be a representative of the national Democracy, which came at once to his support. He passed immediately from the Senate into the Cabinet of Pres-

ident Buchanan and continued his efforts for the preservation of the Union by further yielding to the demands of the advocates of slavery. But as the evil and terrible days of civil war were approaching, even he begun to feel that the policy of conciliation and concession might be carried too far. When President Buchanan decided not to reinforce Fort Sumter General Cass's indignation was aroused, and he resigned from the Cabinet and was succeeded by Jeremiah S. Black, and about the time of the inauguration of President Lincoln, in March, 1861, he returned to his home in Detroit full of forebodings for his country. I have been told by more than one person who saw him at this time of the sadness and gloom which had settled down upon him on account of the distracted condition of the country he had served so long, and I also find his condition aptly described by General Garfield in his speech in the House of Representatives in commemoration of the life of Zachariah Chandler. He said:

In the stormy spring of 1861, when the foundations of the Republic trembled under the tread of assembling armies, I made a pilgrimage to the home of the venerable Lewis Cass, who had just laid down his great office as chief of the State Department, and for an hour I was a reverent listener to his words of wisdom. And in that conversation he gave me the thought which I wish to record. He said, "You remember, young man, that the Constitution did not take effect until nine States had ratified it. My native State was the ninth. It hung a long time in doubtful scale whether nine would agree; but when at last New Hampshire ratified the Constitution, it was a day of great rejoicing. My mother held me, a little boy of six years, in her arms at a window and pointed me to a great man on horseback and to the bonfires that were blazing in the streets of Exeter, and told me that the horseman was General Washington and the people were celebrating the adoption of the Constitution. So," said the aged statesman, "I saw the Constitution born, and I fear I may see it die."

This occurrence was on Wednesday, November 4, 1789, while Washington as President was making his Eastern tour, as he passed from Portsmouth, through Exeter, to Haverhill, Mass.

General Garfield proceeded:

He then traced briefly the singular story of his life. He said, "I crossed the Alleghany Mountains and settled in your State of Ohio one year before the beginning of this century. Fifty-four years ago now I sat in the General Assembly of your State of Ohio. In 1807 I received from Thomas Jefferson a commission as United States marshal, which I still preserve, and am probably the only man living to-day who bears a commission from Jefferson's hand." And so, running over the great retrospect of his life and saddened by the bloody prospect that 1861 brought to his mind, he said, "I have loved the Union ever since the light of that bonfire and the sight of General Washington greeted my eyes. I have given fifty-five years of my life and my best efforts to its preservation. I fear I am doomed to see it perish."

How solitary and sad indeed was the condition of this patriotic old statesman going home to Michigan to die. All his labors and sacrifices seemed to him to have been in vain. Although, as the world esteems achievements, he had attained a high degree of success in life, yet he thought of his defeat as a candidate for President; he realized that he had been forced from the Senate, and he now saw, simultaneously with the defeat of his party which he loved, the country which he had served going rapidly, as he believed, to inevitable dissolution and destruction. It is remarkable that with such depression of spirits, aged upwards of eighty years, General Cass continued much longer to survive.

But Providence had kindly decreed that he should not pass away from earth in doubt whether his country was to live or die. Before his death in 1866 glad tidings reached this son of the Revolution, soldier of the war of 1812, and pioneer of the magnificent Commonwealth of Michigan; to this grand statesman and true patriot came the welcome and glorious announcement that the country of his affection had indeed safely passed through the fiery furnace of civil war, to be in its new and freer life stronger and more enduring than he had ever dreamed it could become—for the reason that the great source of all his fears during his long lifetime of patriotic service had in the heat of the conflict disappeared forever and forever, and the Union of these States, saved by doing justly, at last stood a nation, exalted by righteousness; "redeemed, regenerated, and disenthralled by the irresistible genius of universal emancipation."

The PRESIDENT *pro tempore*. If there be no objection, the consideration of the unfinished business, which should be resumed at this hour, will be informally laid aside until debate upon the pending resolution shall have been concluded.

Mr. MORGAN. Mr. President, in expressing my cordial approval of the resolution and my concurrence with the statements and sentiments expressed on this occasion by the Senator from Michigan [Mr. PALMER], I also desire to state that, as a Senator from Alabama, I am glad of the opportunity of uniting with them in doing honor to the memory and fame of Lewis Cass.

Alabama never for a moment forgot to hold Lewis Cass in honored and affectionate remembrance as a patriot, a soldier, a statesman, and a legislator.

In December, 1860, he closed a continuous public service of more than a half century, in which every act was honorable, by his resignation from the Cabinet of President Buchanan as Secretary of State. In that act was expressed a total dissent from the attitude held by the people of Alabama on a subject that had begun to grow up into a sectional dispute when Lewis Cass was born, and was ended by the sword in the last years of his life.

The side of that question that had become so serious to the South, on account of the value of the property involved and its social bearings, had to him some very repulsive features. But he saw a people included in its toils who had not created the evil, but had found it among them as an inheritance. He found that the compact of union contained guaranties for its protection, and he was the sworn friend and supporter of that compact.

Down to the hour when the sword became the arbiter of these controversies he smothered his aversion to slavery that he might bear true allegiance to the Constitution, and he endeavored to interpose that shield for the protection of the South.

We parted, at the close of the seventh decade of our Union, as men part when one man goes out to death and the other to assured life and prosperity; but being friends, their parting is equally sad to both. So Cass and the South parted.

He had always been faithful to the Constitution and just to the South, and in parting with us to assume toward us the attitude of a public enemy he did not withdraw any declaration he had ever made as to the character of the Southern people or the motives that he recognized as being sincere which led them to protect their rights, as they understood them, under the Constitution of the United States.

In 1855, when the great issue between the sections had taken definite shapes, and a terrible conflict was impending, he wrote this to the Detroit Free Press:

I have never known the time when the Democratic party was called upon by higher considerations to adhere faithfully and zealously to their organization and their principles than they are at this day. Our confederation is passing through the most severe trial it has undergone. Unceasing efforts are making to excite hostile and sectional feelings, against which we were prophetically warned by the Father of his Country, and if these are successful the days of the Constitution are numbered.

The continued assaults upon the South, upon its character, its constitutional rights, and its institutions, and the systematic perseverance and bitter spirit with which these are pursued, while they warn the Democratic party of the danger, should also incite it to united and vigorous action. They warn it, too, that the time has come when all other differences which may have divided it should give way to the duty of defending the Constitution, and when that great party, coeval with the Government, should be united as one man for the accomplishment of the work to which it is now called, and before it is too late.

When the struggle that he apprehended had passed the States still lived, and Lewis Cass still lived to see that the principles of government he had so long and so ably advocated were adequate, far beyond his hopes and expectations, to the restoration to the Union of these imperishable States. His belief was that the sovereign power and life of the States was the immortal part of the Union, as the spirit is the immortal part of man, and that nothing could destroy the Union while these living States should maintain its perpetuity. He saw that if the Southern States had perished nothing would have remained but the territory in which, and the people through whose powers, new States would have to be constructed if a new Union was to be formed.

But the States survived, and with them the Union; and General Cass lived to witness that, under this form of restoration, upon the basis of the indestructibility of the States, and through their rights as States, the people were again brought within the enjoyment of the rights and liberties reserved to them and protected by the Constitution of the United States.

He was rejoiced to find the fruits of his labors so abundant and excellent. He belonged to the class of men whose honorable fame is recorded in the gratitude of succeeding generations, "for their works do follow them."

The public life of General Cass was devoted to the practical affairs of the country connected with the great trust committed to him by the people. He applied to these affairs the principles of government that he believed were correct, after mature consideration, and did not stagger under any responsibility, however great; neither did he diverge from his line of duty to conciliate opposing opinions. He had none of that mean spirit which sometimes makes cringing demagogues of men who are honored with high places. Being indebted, as I believe, to the principles of American government in which he was profoundly instructed, and to the Constitution of the United States and its true and just construction, in accordance with the views of men like Lewis Cass, for whatever of liberties we now enjoy, I am sure that I represent the people of Alabama in doing honor and reverence to the memory of this great American.

There is a rivalry in the thoughts of this generation as to his most distinguishing characteristic, whether it is best described by his title of general, governor, jurist, diplomatist, or legislator. It is conceded by all the people that in either of these great offices he exhibited eminent abilities.

It is not to the discredit of that capacity to direct public affairs with wisdom which has loaded a continent with evidences of the greatness of American statesmanship that it has not been acquired in the schools, or that so many of our grandest characters have been developed and established, in their younger days, through the hardships of personal toil and, frequently, of privation.

In the volunteer army, in the fields and workshops, in the teaching of primary schools, and under the necessity of labor for earning a support and education many of our greatest men have spent their boyhood and early manhood. In these vocations they learned to know the people and to love them, and under this inspiration they consecrated

their powers, with affection and self-denial, to the true purposes of our Government.

Lewis Cass was trained under such influences. They gave him faith and strength and enriched him, as he earnestly and bravely followed the course of duty, with the grateful affections of the people, who always felt the prouder the higher he ascended in station and power. His name and fame are identified with Michigan in a way that strongly resembles the historic relation between Thomas Jefferson and Virginia. We think of Michigan and Cass, when we think of the history of either, as being almost identical.

It may be said of Cass and Michigan that they grew up together. He was made Territorial governor of Michigan in 1813 by James Madison and held that office for eighteen years. He was *ex officio* superintendent of Indian affairs in the Northwest during the greater part of his service as governor. Through his wise and just administration he negotiated more than twenty treaties with the Indians and laid the foundations of several of the great States of the Northwest, whose territory we thus freed from Indian occupancy. Michigan, in 1813, was almost at the western verge of the horizon of civilization, then called "the far West." When Cass died Michigan was near the center of population in the United States, and now it is thought of as a part of the far East.

We boast, continually, and why should we not, of the miraculous growth of our country in every form of progressive development and improvement. But we should never forget to honor the men who have so provided in laws and administration for the exercise of these tremendous forces, that every human being and every interest has had the free and full opportunity to grow and increase without molestation from the powers that conduct governments. A principle is at the bottom and around the shores of this ocean of human activities that holds in restraint and tempers its ceaseless movements.

In the history of the public life of Lewis Cass, it is found that he relied upon the restraints of the Constitution, upon the legislative and executive powers, and their faithful and self-denying maintenance as the earth with its rock-ribbed coasts is relied upon to keep the turbulent seas within due bounds.

His influence was a positive power in government and his wisdom was accepted as a guide in every strait in which the country was placed. He was among the foremost men of his age in the useful employment of his great powers for great public advantage.

The earnest ardor of his patriotism was the result of circumstances differing from those that now surround us. Now, we are a rich and powerful people, who have learned from each other, in the bloodiest of all wars, that the inherent power of our population is equal to any ambitious purpose we could desire to accomplish, and the fear or dread of the power of any other nation is a thought that is not entertained. There is now an element of aggressiveness in the ardor of our patriotism without which it is open to suspicion.

Lewis Cass entered upon public life before this Capitol was burned by the British, and he heard with dismay of the flight of our President from Washington. He did not then feel safe, nor did anybody feel secure of even the final independence of our country. His ideas of patriotic duty included personal sacrifice and privation as a debt to the country that was liable to be paid in blood at any day. When he was a lad his eyes were dripping with tears as he mourned with all civilized nations over the death of George Washington.

It was in such a period of patriotic sentiment that his aspirations were guided and his ambition was chastened. This was a good time of preparation for a man who was destined to have an influential voice in the young Republic. He lived in an atmosphere that was purified and blest with the living presence of George Washington. As he grew older the great intellect of Thomas Jefferson was clearing the highway of American constitutional liberty of the impediments of Federalism, kingcraft, and "the divine right to rule," which were so difficult to remove. In this plain road he laid his course and held it until he had marched with Michigan to the grand ascendency we now hold, yet to be greatly increased.

He considered in his well-balanced and courageous mind the truth as it was stated and expounded by this wonderful statesman. He welcomed the Jeffersonian exegesis of our Constitution and adopted with earnest conviction the plan and creed of government in which liberty has its citadels, and this made him always a thorough and conscientious Democrat. He never departed from the faith, and was seldom embarrassed with serious doubts as to his line of duty. When he was called upon to exercise a doubtful power, he did not rush forward with the zeal that is born of egotism or of the lust of illicit authority and seize upon it. He thought it safest for the people that he should not too broadly construe in his own favor the limited powers delegated to him as their representative in the Constitution.

He was the cherished friend of Andrew Jackson, whose unfailing judgment of men discovered in Lewis Cass the highest elements of honor, power, and ability. He invited General Cass into his Cabinet as Secretary of War at a time when that place was conspicuous in our history for its great responsibilities and delicate trusts. In this Department he has had no superior for devotion to his country, for courage in the assertion of its rights, or for tact in dealing with its most complex and important interests.

Thus from his boyhood to the full ripeness of his manhood he lived in the presence and company of the greatest men this country or the world has ever produced as their worthy associate. Such associations gave early maturity to his thoughts and convictions and added to the strength and impressiveness of his character.

Lewis Cass was a strong and self-sustaining man; a central figure, conspicuous and pronounced in its individuality, around which national influences were grouped in powerful support of national honor, pride, and progress. Yet he was a plain, positive, and unpretentious citizen, who had and enjoyed the sincere love and confidence of the people, who knew him by intuition, trusted him without reserve, and silently accredited him as a protector of their rights and liberties. He appeared amongst his great co-workers in the councils of government in bold prominence, as Michigan appears on the map of the States, almost insular, strong in resources, and peculiarly endowed with the powers of aggression and defense.

His name is linked with that of a State which is destined to a most important influence in the future of the Republic, and in history they will never be separated. It is a great reward of enlightened, faithful, and laborious service to the country to be thus identified with the history of an American State. The States are imperishable, and their immediate care of the personal interests and happiness of the people excites in the heart of every true man the deepest sense of grateful and proud affection.

Lewis Cass freely and fondly indulged this filial regard for the State of Michigan. He foresaw its splendid future when he settled at Detroit and made Michigan his future home.

Far retired from the seaboard Michigan is, in the commercial and military sense, a maritime State. It has a coast-line longer than any State in the Union, except California. Its hill country abounds in iron and copper of the best quality. Its forests are a treasure of wealth, and its arable lands yield grain and grasses in ample supply.

This great peninsula points to the Arctic circle across the waist of Canada like an outstretched arm. Around its coasts are commodious harbors that invite the trade and commerce of many States, comprising some of the most productive areas of the United States and Canada. Its commercial and military command of the Great Lakes and their shores is absolute when it needs to be made absolute.

On its eastern face the peninsula of Michigan is on the flank of the water-shed of the St. Lawrence River; and upon its western face it confronts the inlet from the Pacific through the western coasts of the British possessions, and holds in easy command the basins of Lake Winnipeg and Hudson's Bay.

If the behests of the people of British descent on this continent shall ever require Canada and the United States to engage in war, or to seriously contemplate that cruel arbiter as the power to decide questions provoked by ambitious rivalries, we would find in Michigan the true point of strategic advantage.

General Cass lived to see the wonderful development of Michigan, and to listen to the undivided opinion of Americans as to the future greatness and natural importance of this strong Commonwealth. Cass and Michigan grew rapidly and with solid growth. Michigan would have grown without the aid of his counsels, it is true, but who can deny that the firm statesmanship of Lewis Cass gave to Michigan and all the other States a high degree of security and peace in many dangerous emergencies? In political affairs Cass took position on the border and in the center of the border line, and looked out, like a true and faithful sentinel would, over the ways by which an enemy might approach. In his attitude towards his compeers he was insulated without being separated from them. He was united in fervent attachment with his countrymen of all classes, while he maintained his individuality with severe dignity.

In his diplomatic career his resources were strong, useful, and abundant, and were employed with the highest advantage to his country. In that service he was measured without disadvantage by comparison with the greatest men of his day. Michigan now comes by invitation of Congress and presents to the United States the statue of the man upon whom she bestows her first and highest honors in this Capitol.

Let these States here assembled welcome her coming with proud congratulations.

Should she return another such as Lewis Cass to this Senate, who would not stand uncovered while he raised his hand and bowed his heart to swear that he would support the Constitution of the United States?

The whole country would feel that in the purity of that pledge the Constitution would find another powerful supporter and defender, whose fealty to it would never relax under temptation nor yield to any human power.

Mr. HOAR. Mr. President, the Senators representing Michigan and Alabama and New Hampshire and our venerable and beloved colleague who has spoken of General Cass from his personal recollection, the Senator from Vermont [Mr. MORRILL], have performed adequately all the duty which this occasion requires of Senators so far as is necessary to

mark the public gratitude to the State of Michigan for the gift of this statue of her illustrious citizen. But I think one other observation ought to be made indicating the special cause we have of gratitude to that State for its great wisdom and discrimination in the selection of the artist who has contributed this interesting portraiture to the art treasures of the Capitol.

I have seen the statue, and without claiming for myself any experience or taste which entitles me to pronounce a judgment more than all other men, I think I am not mistaken in affirming that this statue will be regarded always as one of the very finest, if not the very finest, work of its kind which has yet been contributed to our gallery under the joint resolution passed in 1864. It is a figure manifestly accurate in portraiture, and not only that, but it is a figure full of strength, spirit, and life.

The young artist who is the author of this work, although not yet mature in his powers, has already made himself famous by The Minute Man at Concord, one of the very few American statues that are alive; by the beautiful statue of John Harvard, made for the University at Cambridge; by the ideal figures upon the Boston post-office, and by that most wonderful portrait bust which represents and preserves in the memory of those who knew him the venerable features of our illustrious poet and sage, Ralph Waldo Emerson.

The State of Michigan has been both wise and fortunate in the selection of the artist, and that also ought to be mentioned as one of the reasons for the public gratitude to the people of that State.

Mr. STOCKBRIDGE. Mr. President, I second the motion for the adoption of the pending resolutions.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions offered by the Senator from Michigan [Mr. PALMER].

The resolutions were agreed to unanimously.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved and signed the following acts:

An act (S. 1198) for the relief of William H. Robertson and Edward L. Hedden, late collectors of customs for the district of the city of New York;

An act (S. 3858) in relation to dead and fallen timber on Indian lands; and

An act (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments.

CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the resolution reported by the Senator from New York [Mr. EVARTS] from the Committee on Privileges and Elections in relation to Congressional elections.

Mr. BROWN. I rise to a question of privilege.

The PRESIDENT *pro tempore*. The Senator from Georgia rises to a question of privilege. Does the Senator from Texas yield?

Mr. COKE. I yield for that.

CREDENTIALS.

Mr. BROWN. I present the certificate of the governor of Georgia, countersigned by the secretary of state, under the great seal of that State, of the election of my colleague, Hon. ALFRED H. COLQUITT, by the Legislature of Georgia to serve for the term of six years in the Senate of the United States, to commence with the 4th of March next. I ask that the certificate be read and placed on the files of the Senate.

The credentials were read, and ordered to be filed.

TERRITORY OF OKLAHOMA.

Mr. CULLOM. I ask the Senator from Texas to yield to me for the purpose of making a report from the Committee on Territories.

Mr. COKE. I yield for morning business.

Mr. CULLOM. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, to report it without amendment.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BUTLER. I offer a substitute for the bill just reported by the Senator from Illinois, as representing the views of the minority of the Committee on Territories.

The PRESIDENT *pro tempore*. What disposition does the Senator from South Carolina desire made of the substitute?

Mr. BUTLER. Let it be printed.

The PRESIDENT *pro tempore*. It will be printed and lie on the table.

Mr. PLATT. In connection with the report which has just been made, I desire to say that I do not agree to the report, and that I support the substitute which has been offered by the Senator from South Carolina.

Mr. CULLOM. I desire to say that very early after the substitute is printed I shall seek to call up the bill for consideration.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

DISTRICT JURORS.

Mr. HARRIS. I ask the Senator from Texas to yield to me a moment that I may offer a resolution requesting the President to return a bill to the Senate to allow correction of a clerical error.

Mr. COKE. Certainly; I yield.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3640) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia.

THE ELEVENTH CENSUS.

Mr. HALE. Will the Senator from Texas yield to me a moment to make a suggestion?

Mr. COKE. I will yield to the Senator from Maine.

Mr. HOAR rose.

Mr. HALE. I yield to the Senator from Massachusetts.

Mr. HOAR. I rose, not to interrupt the Senator from Maine, but to say that I think it will be convenient to all the members of the Senate if we can settle now what shall take place in the Senate at the conclusion of the remarks of the Senator from Texas. I suggest that that should be done. I desire to say that after the conclusion of the remarks of the Senator from Texas or at some other time convenient to the Senate I should like to make a few observations on the pending resolution, but I will not insist upon going on to-day. Indeed, I would prefer not to go on to-day if there be other business which the Senate desires to attend to.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to the Senator from Maine?

Mr. COKE. For a moment.

Mr. HALE. I only wish to make a suggestion as to the order of business at the end of the remarks of the Senator from Texas. I gave notice last week that to-day, after the morning business, I would ask the Senate to take up the census bill, which Senators will all realize is a matter of great importance. It has been kept along by the ground being occupied by appropriation bills, and the time has clearly come when it ought to be passed.

I hope at the end of the remarks of the Senator from Texas, as no Senator seems desirous upon that subject to go on immediately, that the census bill may be taken up. There are not many amendments, I may say, to the House bill; it was a very carefully guarded bill, and I hope it will take but little time of the body. But every one will see that it is most important that it should be brought on and passed before the next appropriation bill comes up.

Mr. HOAR. Is the Senator not ready now?

Mr. HALE. In answer to a question by the Senator from Massachusetts I can say that I am ready now and have been ready for a week, but the ground has been occupied in other ways. Therefore, I ask that at the end of the remarks of the Senator from Texas the bill I have alluded to may be taken up.

Mr. HOAR. Informally laying aside the resolution of the Committee on Privileges and Elections.

Mr. HALE. Informally laying aside that resolution.

Mr. SHERMAN. I desire to give notice that to-morrow morning after the routine business, whatever may be pending, I shall move to proceed to the consideration and disposition of the conference report on the direct-tax bill. I give the notice now, so that Senators may be prepared, that after the morning business to-morrow I shall move to proceed to the consideration of the report with a view of disposing of it.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that at the close of the remarks of the Senator from Texas upon the unfinished business, being the resolution reported from the Committee on Privileges and Elections, the Senate will proceed to the consideration of the bill for taking the eleventh census.

Mr. HOAR. I understood the Senator to add to that request, the present business being informally laid aside for that purpose.

Mr. HALE. Of course.

The PRESIDENT *pro tempore*. So the Chair understood. Is there objection? The Chair hears none.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. FRYE. What is the position of the Pacific railroad funding bill?

The PRESIDENT *pro tempore*. It is on the Calendar.

Mr. FRYE. How has it been displaced from its order before the Senate?

The PRESIDENT *pro tempore*. By a motion to take up the pending resolution, which was agreed to.

Mr. FRYE. I should not have supposed that any Senator would have made that motion without preserving the rights of the bill, I being absent for the reason that I was, and it was entirely unnecessary to displace it.

The PRESIDENT *pro tempore*. The reason of the Senator's absence was assigned before the motion was agreed to.

Mr. HOAR. The pending resolution came from the committee of which I am chairman, although reported by another member of the committee. I am quite sure that every member of that committee would agree that the Senator from Maine having been absent in consequence of a domestic affliction, the bill in his charge shall be restored to the place it would have had if he had remained present. He will lose nothing whatever by the taking up of the resolution.

Mr. FRYE. There will be a meeting of the Committee on Pacific Railroads to-morrow morning and I will then have it determined whether that committee will ask for the restoration of the bill to its place. It had been very carefully kept in its place for two or three weeks. I was called away suddenly without being able to come here or communicate with any one touching its condition, and I was very much surprised to find that it had been displaced.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, and the report of the conference committee thereon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7718) for the relief of Milo McCrillis;

A bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890;

A bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas; and

A bill (H. R. 10240) for the relief of J. Edwin Pilcher.

RETURN OF DIRECT TAXES.

Mr. HARRIS. The Senator from Ohio [Mr. SHERMAN] gave notice that he would seek to dispose finally of the conference report on the direct-tax bill to-morrow. I ask for an order to print 500 copies of the bill as reported by the conference committee.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection. The Chair hears none.

CONGRESSIONAL ELECTIONS.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections in relation to Congressional elections.

Mr. COKE. Mr. President, I shall occupy the attention of the Senate as briefly as possible this morning, having already consumed a great deal of time with the matter under discussion.

I have laid before the Senate testimony taken by the Committee on Privileges and Elections which I deemed necessary should be placed before the Senate in order to a proper understanding of the condition of things in Washington County, Texas, and because that evidence had not been submitted in the report of the Committee on Privileges and Elections and had not been allowed the weight to which it was justly entitled.

I do not pretend that this testimony is uncontradicted. I do mean to say, however, that the witnesses who deposed to it are the men of character, the men of property, the men of influence, and the controlling men in the county of Washington. I do mean to say that they are men whose testimony would be accepted as truthful upon any question on which they might be called to testify in any community in any State in this Union where their character and their standing were known; and therefore I say that the weight and mass and credit of the testimony that I have laid before the Senate outweigh infinitely that upon which the report of the Committee on Privileges and Elections is predicated.

I have always believed that an investigation ordered by the Senate, to be made by one of its committees, when entered upon was a judicial proceeding, was a judicial hearing or in the nature of one, and that all the testimony which goes before the committee upon the matter to be investigated should receive due consideration and be weighed for all that it is worth in summing up the final conclusions of the committee on the subject which the committee is called on to investigate.

If I have a correct understanding of the duties of a committee of this body, I say it respectfully to the honorable Senators composing the Committee on Privileges and Elections, but I say it with all the emphasis of which I am capable, that the committee in this instance has departed from the understanding which the Senate has and which the country has of what were its duties in making the investigation and report. I repeat what I have said on a former occasion, that the report of this committee is one-sided, is partial; it is based upon the testimony of the prosecuting witnesses, and it gives no credit, no consideration, no weight to the exculpatory testimony that was produced before the committee.

The testimony has been laid before the Senate, and in the CONGRESSIONAL RECORD has gone to the country. I am willing that the country shall determine which bears inherent evidence, in its body and upon its face, of truth, the testimony relied upon by the Committee on Privileges and Elections, or that which was ignored by that committee. The question is simply one of weight of testimony. On one side are the intelligence, the character, the standing, the influence, and the property of the country where these people live and where they are known; on the other, is the testimony for the most part—for I will not condemn all—but for the most part of people of exactly the opposite character.

Mr. President, I will not deal in generalities; I will go to the specifications of the memorial which this committee were instructed to investigate, and first I will take this specification:

We, your petitioners—

That is, the three memorialists, Stephen A. Hackworth, James L. Moore, and Carl Schutze—

Your petitioners are white citizens of the United States and dared to believe and maintain the right to be Republicans in politics.

For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assassination, and abandon their property or accept for it such prices as were proffered them.

Mr. President, I am not going to repeat the testimony, I am not going to reiterate that which has been read for the last three or four days in the Senate Chamber, sworn testimony taken by the Committee on Privileges and Elections and furnished in this volume, but unfortunately not in the committee's report. I will simply refer to it, and gentlemen who have heard the testimony will remember well that of all the testimony read here scarcely a witness failed to say that the memorialists, Hackworth, Moore, and Schutze, were as safe in Washington County as he himself was, that they left home voluntarily, and that they received for their property when they left every dollar that it was worth. The purchaser of the property of Hackworth, who gave Hackworth $1,150 for it, after holding it a year sold it for a thousand dollars, and he said it was all he could get, and Hackworth had for two years been offering it for $1,200.

I give that as a sample with reference to these three persons. They say their property was sacrificed. Moore's property was sold in the same way for its value as was Hackworth's. Schutze had no property, and the testimony all shows scarcely any controversy about it that these men had determined since 1884, when they were beaten for office, to leave Washington County, but concluded they would make another effort in 1886, and remained there for that purpose. They were beaten again, and then they sold out and left voluntarily, as every witness whose testimony I have read to the Senate swears, without compulsion, and when they were in no danger whatever from remaining there.

Mr. President, I shall have very little more to say on this subject, because it seems to me the testimony is so clear, so conclusive, so overwhelming that there is no more room for controversy about it. These men left because they had fallen so low in public estimation, they had become so much the objects of aversion, not to Democrats, not to white men alone, but to many Republicans and to many of the colored people as well, that they could no longer make their living in Washington County, and they left.

I do not think that the Senators who made this report will seriously argue that this allegation of the compulsory exile of these three persons from Washington County is a fact, but will admit that it has been proved that there is no foundation at all for the allegation.

The next charge in the memorial is as to the hanging of three negroes at Brenham and the destruction of three ballot-boxes. I desire to repeat here now what I said in the opening of this debate, that I have no word of excuse, of palliation, or of justification for the lawless men who destroyed those ballot-boxes. I believe that lawlessness of this sort ought to be punished wherever it occurs, but I do say that I do not condemn it any more strongly, I do not regret it any more sincerely, than do the people of Washington County, Texas, where it occurred; and the effort to fasten responsibility upon that people for the lawless acts of a few individuals should not have been made, because it is not sustained by the testimony.

The boxes at three polling places were destroyed, at Graball, at Lott's Store, and at Flewellen, in Washington County. I presume there are some thirty or forty polling places in Washington County. The county in which I reside, voting about the strength of Washington County, has nearly forty polling places. I presume that Washington County has not

less than thirty and possibly forty polling places. Two of those boxes, the Graball and Lott's Store boxes, were raided and captured, each one of them by a body of masked and armed men. That is a fact that nobody can successfully deny.

The boxes were captured while the votes were being counted at one of them and the other after the vote had been counted. In the testimony it is shown that every effort was made to discover the men who captured these boxes. In one of the boxes at the time it was raided the testimony shows that 225 votes had been counted, because the capture occurred during the count, and that of these 116 were for Kirk for county judge and 110 for Schutze on the other side, Schutze representing the Republican ticket and Kirk the People's ticket, for which the Democrats voted. When these raids were made they were made in the night by only a few men, some three or four. In one of them there were only three, because the box was captured when one of the officers, accompanied by a friend, was taking it from the country precinct where the votes were cast to Brenham, the county seat. The other was raided by some three or four men armed and with masks on.

I say that there has been not one particle of testimony connecting the people of Washington County with either of these transactions or showing a guilty knowledge on their part of them—not a particle.

Mr. President, that is the testimony. One of the boxes had voted the People's ticket up to the time the raid was made as far as the count had proceeded, giving 116 to 110 for the candidate of the People's ticket against the Republican ticket. The other at the election in 1884 gave a majority for the People's ticket. It is simply a question of fact as to who raided these two boxes, as to who destroyed the ballots, and as to whether or not the people of Washington County are justly chargeable with any responsibility for it.

I assert here that this record shows that the people of Washington County had nothing to do with it; that the raiding of these boxes was the act of bad men, men who ought to have been punished, and men who, if they could be ascertained, would be punished, and that the people of Washington County are not responsible for them. The people of Washington County are as much opposed to this species of lawlessness as gentlemen on the other side of this Chamber. There are bad men in Washington County as there are in every other county in every State in the United States.

Why is it that these transactions in Washington County are selected for investigation here when similar transactions affecting the ballot occur all over the United States, North, South, East, and West, equally criminal? I do not say that ballot-boxes are raided in every section, but I do say that bribery, bold and unblushing, does prevail in every section of this country except down South, for we have no money to bribe with down there. I hear of no Congressional investigation—not one—I hear of no inquiry in the bribery of the last election. Seventy indictments I am told have been found in the good State of Indiana, 90 per cent. of them against Republicans who were indicted for bribery; and yet no man has risen on this floor and asked to have an investigation there. Who will charge the good people of Indiana, who will charge the whole people of the great State of New York, where millions were paid out in bribes in the last Presidential election according to current report, who will charge the good people of the State of Rhode Island where current newspaper reports say bribery to a great extent prevailed in the recent election—who will charge the good people of any of these States with complicity in these crimes?

Why, then, should the people of Washington County be held responsible for raids on ballot-boxes when they are at their homes asleep or attending to their business? In this one county of Washington, in which the raiding was done, one single county out of one hundred and eighty in the entire State in which it is situated, it is sought to hold not only the people of the county but of the whole State responsible; and the report of the committee goes even further and says that this *émeute* in one single county in one State gives a fair idea of the condition of affairs in the entire South.

Ah, Mr. President, we are all alike in all the sections. We have the same people, we have the same human nature. Climate and circumstances and conditions slightly modify and make slight differences, but they are all in the main alike. In the South the people are more prone to violence than in the North, as the occasional and very rare raids by force on ballot-boxes show, but I have never heard of an election being influenced by bribery in the South.

It is force in the South, it is bribery in the North. The good people of neither section are responsible for these exceptional and comparatively rare offenses. When you come to see the difference between force and bribery you will perceive very clearly that of the two bribery is much more dangerous to our institutions, much more difficult to provide against, productive of very much greater insecurity. You can provide against the raiding of ballot-boxes, which depends on brute force. You can not provide against the corruption of the ballot-box with money. If the South should be inquired into on account of a few ballot-boxes being raided, why should not other sections be inquired into on account of the bribery, notorious and almost open, of voters in the recent election?

I call the attention of the Senate to one great fact, to one great transaction connected with this matter; which is, that the memorialists went to Austin, to the United States district attorney, and told the names of the witnesses as to all these transactions recited in their memorial touching the raids on and destruction of the ballots, and they had the whole power of the Government put in motion to bring to Austin, some hundred miles from where these people lived, witnesses to establish the truth of their allegations.

Witnesses were summoned and went before the grand jury. Indictments were found and those indictments were not quashed. They did not go off the docket on technicalities, but they were tried on their merits, and evey witness desired by these men was summoned, and their attendance enforced. They all appeared at Austin. The persons charged were tried before a Republican judge, who was an honest man but an intense partisan, and they were all acquitted. Every man of them was acquitted whom these memorialists have named in their testimony as men who were concerned in the conspiracy to raid the ballot-boxes and falsify the result of the election of 1886. The men were acquitted before Judge Turner, at Austin, Tex., and the place of the trial was nearly 100 miles from their homes, and the prosecution was an able one, the attorney-general having employed a lawyer of ability to assist in the prosecution. The Senator from New York [Mr. EVARTS], in his remarks the other evening, admitted the earnestness, the zeal, and the ability of the prosecution.

Mr. President, it seems to me that the case attempted to be made by the honorable Committee on Privileges and Elections breaks down right here. There was no hearsay evidence at Austin before the Federal court. It was near where the offenses are said to have been committed; it was near the people among whom the offenses were said to have occurred; and the city of Austin, I am safe in saying, has a large Republican population who at least had no unjust prejudices against the prosecutors. The jury was summoned from all over the State, not composed of Washington County people, and every man named by these parties as being privy to the destruction of these ballot-boxes was tried and acquitted.

Mr. President, the report of the Committee on Privileges and Elections, when this odorous individual, Stephen A. Hackworth, who while he was in office in Washington County was covered all over with indictments for malfeasance and misfeasance in office and the indictments were quashed because the statute did not happen to embrace just such offenses as were described in the indictments—this report says that Mr. Stephen A. Hackworth was honorably acquitted. He was never tried on the merits of the case, but the indictment was defective. This report says that he was honorably acquitted, and the committee go on to show their faith by their works in basing their report mainly upon his testimony.

If Hackworth by the quashing of these indictments was acquitted and was restored to credit, ought not these citizens of Washington County, every one of whom was indicted on the testimony of these memorialists, to stand acquitted also? They were tried on the very question, on the very issue now before us, before a Republican judge and under an able and zealous and earnest prosecution, and I say ought not they to stand acquitted also? And if they are acquitted there is no case before the Senate, because all the parties accused in the testimony of the memorialists were among those indicted and acquitted.

The Committee on Privileges and Elections, while claiming that by the acquittal or the quashing of the indictments against Hackworth he is exonerated and that he is a credible witness, continue to prosecute all the men charged with the offense of conspiracy to destroy the ballot-boxes in Washington County, although they have been tried and acquitted. It is an inconsistency to say the least of it. If one side is acquitted so ought to be the other.

I have been speaking with reference to the Graball and the Lott's Store boxes, which were raided in the night by armed and masked men—one of them by three men who were armed and masked, when the officer was carrying the returns to Brenham, and the other by two or three men while the officers were counting the votes.

So much with reference to these two boxes. With reference to the killing of Bolton at the Flewellen box, it occurred about 11 o'clock at night, and in consequence of the disturbance created by the killing (for the man Bolton was shot down in the room where the officers were counting the votes, just as he came into the door) there was a general scattering of everybody there, and in going they did not stand on the order of going, but went. They scattered the ballots, turned over the boxes, and left everything just as it happened to fall. The ballots, etc., were found the next day scattered over the room. It is charged that Bolton was disguised and armed and accompanied by other armed men who with him entered the room for the purpose of capturing the ballot-boxes.

This charge is stated as a fact in this report, as if there was no controversy about it, when I say—and I do not put my own assertion forward as evidence, but I say it upon the testimony in this volume—that Bolton was not armed, that he was not disguised, and that he went into the room where the vote was being counted as any other citizen would, and as he opened the door was shot down by a negro opposite him with a shotgun.

Bolton was a very popular young man in Washington County; he was a very fine young man, and the manner in which he was killed

produced great excitement there. Not only was he shot down, but, as the testimony shows, he was shot down by the advice of Glider and Lockett, two men who were there all day working for the Republican ticket, and by the way, two men who left immediately after the killing of Bolton—left for parts unknown and have not been heard of since, according to the testimony.

Bolton had on what is called a yellow slicker. That is part of "the disguise" spoken of—a yellow slicker, which is an oil-cloth coat worn by the farmers and laboring people all through the South to protect them from the rain and cold; and this was a cool night and Bolton had on one of these oil-cloth slickers, and I refer Senators to the testimony taken—I will not repeat it, because I have read it here—at the coroner's inquest, and I refer to the testimony of a number of other witnesses who were sworn, and who testified that Bolton had on no disguise; that all he had on was a slicker, and after he had been killed a handkerchief was laid over his face. It was put there by some good Samaritan, who found the body lying there lifeless. And yet they say he was disguised, while honest men and good men, officers of the election there, say he had no arms, that he had no pistol, that he was not disguised in any manner, shape, or form any more than anybody else that they could see, and he was shot near the door of the room where the vote was being counted, and he fell at full length across the threshold of the door and lay there so that everybody could see him.

The box where this man was killed is put down as one of the raided boxes. The testimony does not sustain the allegation that that box was raided. Whether the box was raided or not depends upon whether Bolton when killed was masked and armed and about to raid the box. The officers of election and several negroes were present who saw the man killed and saw him after he was killed, all of them swear that there was no disguise about him and no arms. The testimony that there was no disguise, that he had no arms, is absolutely overwhelming in its weight and force; but one negro who at the coroner's inquest swore that he was not disguised, after some time had elapsed and somebody had manipulated him, comes forward and swears that he was disguised and armed.

When the transaction was fresh, when he was swearing in the neighborhood and in the presence of the men who had seen the dead body as well as himself, he swore that there was no disguise on the man and that he had no arms. So I say that this Flewellen box was not raided; the Lott's Store and the Graball boxes were, but by men who have never been identified, notwithstanding the efforts to identify them and punish them, notwithstanding the whole power and force of the Government was brought to bear in the Federal court at Austin, and all the witnesses that money could bring there and all that the process of the court could bring, failed to produce testimony to sustain a conviction.

Mr. President, the raiding of these ballot-boxes, the expulsion of these individual memorialists from Washington County, and the hanging of three negroes at Brenham are the specifications made under the general charges that have been preferred against the people of Washington County. Three negroes were taken out of jail at Brenham and hanged; there is no doubt of that fact, taken by a mob in the dead hour of the night. Turn to this memorial and you will see that the men who signed it say that these negroes were delivered up to a masked mob by the civil authorities of Washington County.

Mr. President, take the testimony of the witnesses who have been sworn in this case, and it will be found that this is the truth of the matter: A negro named Polk Hill was the man who shot and killed Bolton at the Flewellen ballot-box that night. At the time that Polk Hill killed Bolton there were with him some seven or eight other negroes, armed with shotguns.

The killing of Bolton produced a very great excitement. He was a popular young man and it produced a profound excitement throughout the county. Warrants were issued for the arrest of the men who were with Polk Hill. There were eight men arrested under these warrants, taken to Brenham, the county seat, and put in jail. The civil authorities of Washington County, fearing that the lives of these negroes were in danger from popular excitement, sent all of them except Polk Hill to the city of Houston, some 70 or 80 miles off, I believe, and Polk Hill they sent to the Milam County jail for safe keeping.

This was done to protect these negroes against violence. It was done to ward off the danger of lynch law. After awhile—I do not know how long a time intervened—the feeling quieted down, the people ceased to be excited and to talk about it as they had done, and the authorities, not desiring to pay a high rate of board, I presume, charged in a city like Houston for keeping these prisoners, sent down and brought them back and put them in the Brenham jail. They did not send for Polk Hill, the man who committed the murder, the man against whom it was supposed feeling might still exist. He was left in the place of safety where he had been put. The others, not being so guilty as he, it was supposed could be safely brought back to Brenham and kept in jail there, and they were brought back.

I do not know how long they had been back, but they were there, returned there from Houston, when one dark night a body of armed and masked men appeared at the jail. The testimony universally of the witnesses is that no apprehension was being felt about them. They would not have been brought back if any apprehension of their safety had been felt. But on that night those armed and masked men made their appearance at the jail and overpowered the guard. These memorialists say that the civil authorities delivered the prisoners up to the mob. They have alleged falsely. These masked men overpowered the guard, held guns on them, and took out of the jail three of the eight men and hung them. That is the history of that transaction. Polk Hill, the murderer, the man who fired the gun, is alive in Texas now, and in jail.

Mr. GEORGE. Has he not been tried?

Mr. COKE. I do not know whether he has or not. Those three men were taken out and hanged because it was believed that they were present aiding and abetting Polk Hill in the murder of Bolton. Yet this report says that they were hanged in order to destroy testimony as to the raiding of the Flewellen box. The only witness who swore at the coroner's inquest that Bolton was disguised and was armed was one of these eight negroes who was in the Brenham jail at that time, and he was left there and was not taken out and hanged.

I refer you to the testimony of D. C. Giddings, and his testimony is worth something wherever he is known. I refer you to the testimony of the witnesses I have read in the hearing of the Senate. They say universally that when those negroes were taken out and hanged nobody in Washington County ever heard it hinted or suggested that they were hanged in order to get rid of their testimony.

Colonel Giddings says they were hanged because it was believed that they had assisted in the murder of Bolton in cold blood. He says that was what the people believed, and the witnesses whose testimony I have read here swear to the same thing. Colonel Giddings is known here in Washington, he is known here in the Senate Chamber, he is known in the other House, and what he would swear to on any subject which he pretended to be acquainted with, every man who knows him believes; and so the other witnesses who swear to the same facts will be believed.

I call attention to the testimony of Thompson, of Eldridge, of Muller, of Tristram, of all the witnesses whose testimony has been read to the Senate, to the effect that the people of Washington County have not heard a mention or a hint or a suggestion that these negroes were hanged in order to get rid of their testimony. It was the creation of the brain of Hackworth and Schutze and Moore—an afterthought, and nothing else.

Mr. President, it was a deplorable occurrence. It was an occurrence which is deplored by every good man in Washington County, and there are thousands of them. But it was done as these things are so often done in the West, the Northwest, and the Southwest, as they are so often done when blood is demanded for blood.

I will venture the assertion that there is not a county in any State in the South or in the West where there have not been at some time or other unlawful executions of that sort.

Bolton, a young man in the prime of his life and youth, when he walked into that room had his brains shot out by the negro Polk Hill. The best evidence of the conservatism of the civil authorities and people of Washington County is that that man is alive and being dealt with in accordance with law.

Mr. President, that is all there is about this hanging at Brenham. It was the work of an irresponsible mob, done against the will, without the consent, without the knowledge, without the sympathy of the good people of Washington County; and any effort to fasten it upon them, as this report does, upon the perjured testimony of the miscreants who filed this memorial, is an injustice to the Senators themselves who did it.

These are the specifications under the general charge made in the memorial: First, the expulsion of the memorialists from home; next, the raiding of the three ballot-boxes, and lastly, the hanging of the three negroes at Brenham. I have made a very brief review of the testimony on these three points. On the first point, the expulsion of these memorialists, the testimony is clear, overwhelming, convincing, of their degradation, of their vileness, that they were naturally spewed out of the body politic which they infested, not by violence, but by absolutely and perfectly natural causes. They were so mean, they wereso degraded, they were so vile that they felt themselves they had better go elsewhere in order to try to make a living, and they went voluntarily, as the testimony conclusively shows. They got all their property was worth when they went. One or two of them have been back there since and they have not been interrupted. When men come here to the United States Senate and say—

> Your petitioners are white citizens of the United States, and dared to believe and maintain the right to be Republicans in politics.
>
> For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assassination, and abandon their property or accept for it such prices as were proffered them,

it does seem that such a declaration, in the face of the fact that the county of Washington from which they say they were expelled gives from 700 to 800 and 900 majority for the Republican ticket, is an absolute absurdity. Because they dared to be Republicans, they say, they had to leave Washington County, in the face of the fact that there are from 600 to 900 majority of Republicans in the county.

Mr. GEORGE. Still remaining?

Mr. COKE. Still remaining, and Riggs Hackworth, the brother of

Stephen A. Hackworth, an active, aggressive Republican, was elected a justice of the peace in the election of 1886, and is exercising and discharging the duties of his office there now. An active, aggressive Republican, he was elected justice of the peace in the county-seat precinct of Brenham, and is discharging the duties of the office now and doing well, yet these miscreants tell the Senate of the United States that they were compelled to leave Washington County for the only crime of being Republicans.

Mr. President, I call the attention of the Senate to the fact that the great center of interest in the election of 1886, when the disturbances occurred which have been investigated, was in the contest between Kirk on the People's ticket and Schutze on the Republican ticket for the county judgeship of Washington County. That was the contest which created all the excitement. The Senate will remember that I have heretofore detailed the circumstances under which in 1884 the Republicans and Democrats combined and made a People's ticket in order to oust Hackworth, Schutze, and Moore and their following from the offices in which they had been plundering the people, although Washington County gave from 600 to 900 majority for Grant, for Hayes, and for Garfield.

It was in 1884 that this combination was made. Schutze, Hackworth, and Moore had no means. They were political agitators among the lowest population of the county and the most ignorant negroes. They eked out a precarious living in the connty from 1884, when they were expelled from office, until 1886, when they concluded that they would make another desperate effort. Hackworth had been covered all over with indictments for his official villainies. He was not a candidate again, but Schutze was put forward by Hackworth for county judge of Washington County, and Kirk was placed on the People's ticket, composed of Republicans and Democrats. Kirk on the People's ticket and Schutze on the Republican ticket made the contest which excited all the feeling in the county.

Now, who was Schutze? I told you a day or two ago who he was. The counter-memorial that was signed by the citizens of Washington County in defense of themselves against the slanderous charges of this infamous trio says of Schutze what I shall read. Here is what the people of Washington County say about Schutze and Schutze's record before he came there:

> Schutze, it is believed, came to Brenham about 1871, as alleged by him. We are informed that he was the keeper of a restaurant in the city of Austin before he came to Brenham. He was there arrested under the charge of swindling, and after several weeks of imprisonment was released after being made to disgorge.

He went down to Washington County. He there got into the office of justice of the peace, and the testimony is that he employed negroes to go out and inveigle other negroes into games of chance in order to get an opportunity to indict them.

Mr. GEORGE. You say that is in the testimony?

Mr. COKE. Of course. I repeat what I have read before. It is in the testimony; and other witnesses swear that he employed men to inveigle negroes into gambling and then issued warrants for them, and then the testimony says that they would pay him privately, so that his docket did not show it, to dismiss the charges. Every sort of immorality, every sort of rascality and villainy is charged against him and is proved against him in the testimony that I hold in my hand.

One witness when asked as to his standing says, "Oh, he is a low, vile man." Another when asked his character says, "It is as bad as it can be." He was a German and many of these witnesses were Germans living in Washington County. Some of these witnesses were Union soldiers, one of them a wounded soldier who is drawing a pension from the Government. Many of them are Republicans. The infamy of the man is established beyond question or doubt, and yet Hackworth or he and Moore contrived to get him at the head of the Republican ticket for the chief judicial office of Washington County, and the great center of interest in that election was the contest between him and Kirk.

Mr. President, I can not, I never will, justify the raiding of ballot-boxes. I will never justify lynch law. I believe the men who do these things ought to be punished for them. But if ever any people in the world could possibly be justified for any such conduct it would be when such a monster of immorality, of corruption, of depravity, and of vileness as this man Schutze is threatened to be foisted on them as their chief judicial officer. Yet if you look through this report of the honorable Committee on Privileges and Elections you will rise from its perusal eminently ignorant of any such facts as I am telling you, which have been proved conclusively and overwhelmingly by the testimony in this volume.

Mr. President, look at Washington County, see the character of her population, one-third German, considerably less than a third white Americans, and the balance negroes. It is exactly the place for the race issue, just the country for the friction that comes from the contact of different races and different nationalities. It is the oldest county in Texas. It is the county in which the Texas declaration of independence was promulgated. It was the seat of wealth and culture before the war. In the destruction of values that has followed since the war people have been reduced, many of them, to poverty who formerly were in affluent circumstances. That county has in it a German population that is not inferior in intelligence, in conservatism, in character, to the German population to be found in any other county in any other State in this Union, and it has a native American white population which is equal to any that can be found anywhere. It has also this great mass of negro population, and in this county of differing and diversified nationalities and race the demagogue and the agitator and those who are willing to make money and pelf out of social disorder find an inviting field for their nefarious operations. These bold, bad men, Hackworth, Schutze, and Moore, worked it for all it was worth. In 1884, as I have shown, they were by a combination of the honest men of the county, irrespective of party, expelled from office, and were again defeated in 1886 by the same means.

They could not hold up any longer; they had nothing to live on; they had to go somewhere to make a livelihood. They had fallen so low because of the vileness of their characters that they could not expect patronage of any sort from the people of Washington County, and they left; and desiring to get per diem as witnesses and to pose as martyrs here at the national capital, in the hope of getting some sort of recognition from the Republican party when it should come into power, they came here and presented this memorial, every word of which in the spirit and intent with which they uttered it has been proved to be false.

The Senator from Vermont [Mr. EDMUNDS] said a day or two ago that people ought to be content to be judged by their peers in the jury box. I concur with him in that opinion. These people in Washington County ask that they be judged by theirs, and as you have not here the conditions they are surrounded by and by which they ought to be judged, they ask you to surround yourselves, if you can, in imagination with the circumstances that environ them when you come to judge of their conduct.

The county judge of Washington County exercises an extensive jurisdiction, and especially he has general jurisdiction over the estates of deceased persons, over county roads, over all financial matters of the county, and over everything pertaining to the business administration of the county. When this man Schutze, vile, low, a "moral leper," as one witness called him, was threatened to be foisted on the county as county judge, it is not wonderful that a few men were found in Washington County less discreet than others who were willing to do the unlawful acts which have been the subject of this investigation.

Senators who live in States that for two or three hundred years have been educated and habituated to law and order ought to remember that in the newer States and Territories of the South and Southwest, where especially this great issue of race confronts the people, they ought not to be judged by the same rules that apply in their communities.

I call the attention of the Committee on Privileges and Elections to the fact that Washington County is but one county out of one hundred and eighty in the State of Texas, and that Washington County votes only some 5,500 out of a vote of nearly or quite 400,000 in Texas. If with the energy and zeal and unscrupulousness and malice of these memorialists only one case of this sort can be found, I ask Senators if instead of being evidence of a bad state of affairs it is not evidence that we have a very respectable condition of things in the State of Texas?

Something was said by the Senator from New York in the conclusion of his remarks the other day about the murder of Joe Hoffmann in Washington County. The murder of Joe Hoffmann is a subject that the committee was not authorized to inquire into. So far as I am concerned I wish it had been, and I wish the committee had inquired into it. My information is that the shot which killed Joe Hoffmann was not aimed at him. It killed him, though, and a man by the name of Holt. My information is that Holt was the man intended to be killed according to the general supposition. Holt was a Democrat and always had been. He was a very active and aggressive man. He had been in a number of difficulties in some of which men had been killed. Holt was a man whose personal prowess was feared, and he had enemies, and the belief exists among those who are conversant with the circumstances that the shot was fired to kill Holt and not Joe Hoffmann. The Senator from New York gave his impression and belief about it; I give mine.

Leaving this Joe Hoffmann matter, because it has no business here in this discussion, it is in proof by all the witnesses that the election in 1886 in the daytime and until the polls closed was perfectly quiet; that there was no disturbance anywhere. There was no disturbance that anybody gave any account of in any of the testimony, and I have gone over it all.

Mr. President, when the subject-matter of this investigation comes to be boiled down, and we get at the pith and marrow of it, the matter complained of here by these memorialists was the work of a few men, perhaps not a dozen in all, who violated the laws of the State and of the county and the public sentiment of the country in doing what they did, and the effort to put that upon the people of Washington County, as made in this report, and upon the State of Texas, and to characterize the entire South with it, is one that the Senators who made the report will not hereafter refer to as the part of their life-work upon which they are entitled to the greatest amount of credit.

Mr. President, I have just one thing more to say with reference to the general race question in the South, and it is this: You can no more regulate by statute the race question than you can regulate the coming and going of the seasons by law. The Great Architect of the universe made men as they are. He made the races as they are. He implanted in them their instincts, their capabilities. He made some strong and some weak, and you can not by a law weaken the strong and strengthen the weak so as to put one above the other. He made the Anglo-Saxon as he is. He made him with a brain to conceive and a nerve to execute and a will that has made him the master wherever his foot has been planted. No law can change it; no statute can modify it or regulate it. It is a fact as fixed as any other fact in creation.

The framers of our Constitution knew the race for whom they were preparing an instrument of organic law, and they made the Constitution for the men who constituted the country. They knew for whom they were legislating in an organic way when they reserved to the States and the municipalities the powers of local self-government and delegated to the General Government the powers necessary for the common defense and general welfare of all the States. They knew they were legislating for a people who were capable in the highest degree of self-government, and while they threw wide open the gates to immigrants from every nation in the world, they legislated upon the theory that the race did not inhabit the earth that could come here and dominate the Anglo-Saxon people of this country under such a Constitution.

The right of local self-government is inviolable in the Constitution of the United States. All we ask, all that any man asks in the South, is that the Constitution of the United States be observed. There are weak white men as there are weak black men. The stronger white men dominate the weak, in accordance with law, as the stronger race dominates the weaker races of other colors. All we ask is to stand by the right of local self-government as reserved and established in the Constitution of the United States.

The black man is as free as the white man. There has been something said recently about taking the right of suffrage from him. For one, while I would never have given it to him until he was prepared for it, now that he has got it I would not take it from him if it was in my power to do it. I would defend him in the possession and enjoyment of it. Giving him the ballot is one of those things that once done can not be undone. He has the ballot, which is his shield of defense. Whenever a negro feels like wielding the force of his ballot in his defense he always can do it, and always does it.

If the superior intelligence, the superior virtue, the superior property-holding of the white man give him the advantage under the laws and under the Constitution, he is entitled to it. Hereafter the negro may gain it. If in a contest between the races virtue, intelligence, and property shall be the factors which determine who shall be supreme, if the negro can get ahead of us you will find that he will do it.

Let us alone. Do not uphold such men as Schutze and Hackworth, these agitators; men who go down among the ignorant riff-raff of the country and excite and disturb them, not for the public good, not for public ends, but for their own base and infamous purposes. Do not take that sort of men up, who are unworthy of credit, outcast from society, and strengthen them for a war upon us. Do not take those people up, for when you do give them aid and comfort you are stirring strife; you are liberating and turning loose upon the people where they come from the very worst elements of society. But let the country govern itself; let the States govern themselves; let the municipalities govern themselves; and when, by mere force of public opinion, such men as the creatures who presented this memorial are spewed out do not put them back upon the people.

Let us alone, Mr. President. If I had to say how this race question should be settled I would adopt the language attributed by a newspaper in an interview the other day to the honorable Senator from Ohio [Mr. SHERMAN]. I thought it was worthy of the sagacity for which I believe he is distinguished far beyond the men ordinarily in this country. He says the way to end that question is to let the people of each State attend to that question as a local concern of their own. I do not know whether he was correctly represented or not, but that was the representation made of what he said on this question. Whether it is his opinion or not, it is mine.

Let the people of each State alone. Let the men control who know each other, the men who are peers, the men who are raised together, the men who are neighbors, the citizens of the community, and the citizens of the State. They understand all the questions better than anybody else can; let them settle it. You can not formulate a statute to settle it, but they can settle it and they will settle it, with the aid of time. Each day adds to their experience, and each year they will profit by the experience of the year before, and every year they are becoming more conservative, more and more wise.

Mr. President, I have consumed a great deal more time than I intended, and I desire to conclude what I have to say in a very few words. If you will let the people of the South alone, if you will give no aid and comfort to agitators who disturb the public peace in that country, this race question will be settled sooner than you think. The negroes will divide; they will not be solid. The white men will divide; they will not be solid. And the negroes will enlist the interest and the sympathy of those who vote with them of the white men and they will take care of themselves. They are acquiring property; they are becoming educated.

The State of Texas, slandered by these men and arraigned here in this memorial, has paid since 1865 $4,000,000 solely for the education of colored people. We have a school system now as good as the system of any State in the Union, and the negroes are equal participants with the whites in the benefits of it.

The negroes are being educated. They are getting so that demagogues and base men can not lead a great many of them.

Just let us alone, and I venture the assertion that we will make better citizens of the negro population than any legislation can possibly do. We are bound to them and they to us by ties which we can appreciate. Right here in Washington County, did I not read in testimony to you yesterday of two or three colored witnesses who said that they always had to go to the white people, and especially to the Democrats, to get them to go on their bonds, to get their assistance in their litigation, and everything of that sort? The kindliest possible feeling exists between the races all over the South.

The negroes are docile, they are confiding and conservative until a bad man goes in among them who is able to enlist and abuse their confidence and then he can convert them into devils.

Let us alone. With equality before the law, which every negro in the South has; with an equal share in the school fund, which every negro child with us has; with an equal vote with every white man in the selection of officers, with perfect freedom of individual action, these people are being educated, they are growing more civilized, they are becoming better citizens.

Just let us alone; just let the negroes take care of themselves. If they are left to take care of themselves there will not one of them get into a difficulty where twenty do now in the disturbances that are created all over the South just before every election. There will not one in twenty of them get into any sort of trouble that do now. Good feeling will exist between the whites and the blacks, and they will get along better, and those whom God has in His creation of men and of the world decreed by the structure and organization of their brain and of their muscle, whether white or black, shall rule, will rule as He has built and equipped them to rule.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. COKE. I decline to yield for a question. I do not desire to be abrupt to the Senator, but I decline to be questioned. I prefer to go on and conclude my remarks.

The day will come, Mr. President, when this question will be settled, when this race question and this sectional question will find a solution. It is not now; it will come when some man arises high enough and broad enough and virtuous enough and patriotic enough and courageous enough to take hold of it and impress upon the people of these United States the folly, the ruinous consequences of keeping up this eternal strife, one who will treat this race question as the great American question it is; high above party politics. That man will come. He will come, and I know not whence he will come. He can not come from the South; he must come from the North or the East. When he comes, he will come not with a jeweled crown upon his head, nor with a royal scepter in his hand, but for all that he will come with the homage of every man, woman, and child in this broad country poured out to him, and they will crown him with the highest civic honors of the Republic and hail him as the great pacificator and benefactor of his country.

Mr. HALE. Mr. President——

Mr. HOAR. I desire simply to ask the Senator from Maine to allow me to take the floor on the pending resolution.

The PRESIDENT *pro tempore*. By unanimous consent of the Senate, at the close of the remarks of the Senator from Texas [Mr. COKE] the Senator from Maine [Mr. HALE] was to move the census bill.

Mr. HOAR. I do not propose to proceed this afternoon.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Massachusetts as entitled to the floor when the resolution next comes up for consideration.

BILLS INTRODUCED.

Mr. SPOONER. I ask unanimous consent to introduce a joint resolution at this time.

The joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a joint resolution (S. R. 138) to print 10,000 copies of the compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLACKBURN introduced a bill (S. 3977) to pay the claims of

David W. Bouldin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3978) to pay E. H. Martin for property seized by the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, to report it with sundry amendments, and I submit a report in writing to accompany the bill.

The PRESIDENT *pro tempore*. The report will be printed.

Mr. ALLISON. I desire to give notice that at the earliest possible moment to-morrow I shall ask the Senate to proceed to the consideration of this bill if the census bill is disposed of. I suppose the Senator from Maine [Mr. HALE] will call that up in the morning at the earliest opportunity if it is not disposed of to-day.

Mr. SHERMAN. I wish to give notice again that if the Senate intends to pass the direct-tax bill it must be done to-morrow, because it is the last day. The report of the committee of conference has already been adopted by the Senate and it is pending on a motion to reconsider, and I therefore intend to call it up to-morrow morning after the routine business and insist on its consideration.

Mr. ALLISON. That is a privileged motion.

Mr. SHERMAN. That is a privileged motion.

Mr. HALE. I shall push the Senate to continue the consideration of the census bill until it is finished. I propose to go on as far as possible to-night, to complete it before adjournment, if possible.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2737) granting a pension to Anna Krumpholz;
A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;
A bill (H. R. 5390) granting a pension to John Limeric;
A bill (H. R. 5398) granting a pension to Catherine Hays;
A bill (H. R. 6763) granting a pension to John Mann;
A bill (H. R. 8100) granting a pension to Anna J. Weaver;
A bill (H. R. 8225) for the relief of William S. Kellington;
A bill (H. R. 8429) granting a pension to W. W. Wilson;
A bill (H. R. 9113) granting a pension to Frank M. Martin;
A bill (H. R. 9159) granting a pension to William A. Taylor;
A bill (H. R. 10644) granting a pension to Elizabeth Peterson;
A bill (H. R. 11184) for the relief of Jessie Isherwood;
A bill (H. R. 11707) granting an increase of pension to Gertrude Northrop;
A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;
A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford;
A bill (H. R. 12273) for the relief of Newton C. Ridenour;
A bill (H. R. 12403) granting a pension to Bennett Cooper;
A bill (H. R. 12428) for the relief of Martha Rhodes;
A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell;
A bill (H. R. 12491) granting a pension to Lucinda Mewman;
A bill (H. R. 12510) granting a pension to George Hunter;
A bill (H. R. 12540) to increase the pension of Theodore White; and
A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, communicating, in answer to a resolution of the Senate of August 29, 1888, information as to the extent to which the division of the waters of the Platte and Arkansas Rivers and their tributaries in Colorado for irrigation and other purposes affects the flow of waters of those streams in the lower valleys; which was referred to the Select Committee on Irrigation and the Reclamation of Arid Lands, and ordered to be printed.

DISTRICT POLICE-COURT JURY.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment numbered 1, and agree to the same.

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment, so that section 2 will read:

"SEC. 2. That if upon the trial of any such cause as aforesaid in the said police court an exception be taken by or in behalf of the defendant to any ruling or instruction of the court on matter of law the same shall be reduced to writing at the time, or it may be entered on the minutes of the judge and afterwards settled in such manner and within such time as now provided by rule of the supreme court of the District of Columbia in cases in that court, and then stated in writing in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be signed by the judge of the said police court. Any party aggrieved by any order or judgment made or pronounced by said court in a case in which under the law the accused is entitled to a trial by jury, may, if the same involve the merits of the proceeding, appeal therefrom to the general term of the supreme court, and the clerk of the police court shall forthwith send up copies of the information or complaint, with all the proceedings thereon, duly certified, and upon such appeal the general term shall review such order or judgment, and affirm or reverse the same, as shall be just: *Provided, however*, That no appeal shall be allowed after thirty days from and after the signing of such bill of exceptions as aforesaid: *And provided further*, That the judge of the police court may stay execution of the judgment of the said court upon the entering by the defendant into a recognizance with sufficient surety, to be approved by said judge, conditioned for his appearance at the general term of said supreme court then in session, or if no such general term be in session, then the next general term, there to prosecute the said writ of error and abide by and perform the judgment of said supreme court in the premises; but nothing contained in this section shall be construed as repealing section 1073 of the Revised Statutes so far as the same relate to cases in which under the law the defendant is not entitled to a trial by jury."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment numbered 4, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 5, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 6, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 7, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 8, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 9, and agree to the same.

CHAS. J. FAULKNER,
JNO. C. SPOONER,
C. B. FARWELL,
Conferees on the part of the Senate.

JNO. J. HEMPHILL,
BARNES COMPTON,
WM. W. GROUT,
Conferees on the part of the House.

The report was concurred in.

THE ELEVENTH CENSUS.

Mr. HALE. Now I ask that the census bill, which it was agreed should be taken up, shall be laid before the Senate.

The PRESIDENT *pro tempore*. By unanimous consent of the Senate, at the conclusion of the remarks of the Senator from Texas the pending business was to be laid aside for the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I rise for the purpose of asking the Senator from Maine if he will yield to a motion for an executive session.

Mr. HALE. I hope the Senator will not push that request. I am very desirous to go on for half an hour or perhaps an hour with the census bill, and we may be able to complete it before adjournment.

Mr. HARRIS. I simply rose to ask the Senate from Maine if it was agreeable to him to let me make that motion.

Mr. HALE. I would rather go on to-night with this bill.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. HALE. Now I ask that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments.

The PRESIDENT *pro tempore*. The bill will be read at length in Committee of the Whole, and if there be no objection the amendments of the committee will be acted upon as they are reached in the text.

The Chief Clerk proceeded to read the bill.

The bill was reported from the Committee on the Eleventh Census with amendments.

The first amendment was, in section 1, line 4, after the word "taken," to strike out "on or" and insert "as;" so as to read:

That a census of the population, wealth, and industry of the United States shall be taken as of the date of June 1, 1890.

The amendment was agreed to.

The next amendment was, in section 3, line 7, after "chief clerk," to insert "and one disbursing clerk;" in line 8, after the word "salary," to insert "each;" and in line 9, after the word "division," to strike out "and one disbursing clerk;" so as to read:

SEC. 3. The Superintendent of Census shall be appointed by the President, by and with the advice and consent of the Senate; and he shall receive an annual salary of $6,000; and for the purposes of taking the eleventh census of the United States the Secretary of the Interior may from time to time, as the necessity therefor arises, appoint a chief clerk and one disbursing clerk of the Census Office, at an annual salary each of $2,500, two stenographers, ten chiefs of division, at an annual salary each of $2,000, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 27, after the word "census," to insert "or at an earlier date, in the discretion of the Secretary of the Interior;" so as to read:

And upon such compilation and publication of said census, or at an earlier

date, in the discretion of the Secretary of the Interior, the period of service of said clerks and employés shall end.

The amendment was agreed to.

The next amendment was, in section 3, after the word "thereof," in line 40, to add:

All examinations for appointment and promotion under this act shall be in the discretion and under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 4, line 8, before the word "number," to strike out "total;" so as to read:

The number of supervisors shall not exceed one hundred and seventy-five.

The amendment was agreed to.

The next amendment was, in section 4, line 9, after the words "one hundred and seventy-five," to strike out:

Each supervisor shall, before entering upon the duties of his office, take and subscribe the following oath or affirmation: "I, ——— ———, supervisor, do solemnly swear (or affirm) that I will support the Constitution of the United States, and perform and discharge the duties of the office of supervisor of census according to law, honestly and correctly, to the best of my ability;" which oath shall be filed in the office of the Secretary of the Interior.

And in lieu thereof to insert:

The Superintendent and the supervisors shall, before entering upon the duties of their offices, respectively, take and subscribe the following oath or affirmation: I, ——— ——— (Superintendent or supervisor, as the case may be), do solemnly swear or affirm that I will support the Constitution of the United States, and perform and discharge the duties of the office of (Superintendent or supervisor, as the case may be), according to law, honestly and correctly, to the best of my ability; which oaths shall be filed in the office of the Secretary of the Interior.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Shall the quotation marks be retained in the paragraph on page 5 from line 11 to line 15?

Mr. HALE. I think not. They should be omitted.

The PRESIDENT *pro tempore*. They will be omitted.

The reading of the bill was resumed and continued to the end of section 5.

Mr. HALE. At the end of section 5 I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. At the end of section 5 it is proposed to add:

Whenever it shall appear that any portion of the enumeration and census provided for in this act has been negligently or improperly taken and is by reason thereof incomplete, the Superintendent of the Census, with the approval of the Secretary of the Interior, may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew under such methods as may in his discretion be practicable.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 6.

Mr. HALE. I offer the amendment which I send to the desk, to come in after line 12, on page 7, which was left out by accident.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 6, line 12, after the word "census," it is proposed to insert:

Provided, That in the aggregate no supervisor shall be paid less than the sum of $500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the Eleventh Census was, in section 8, line 22, after the word "judge," to insert "or clerks;" so as to read:

Which said oath or affirmation may be administered by any judge or clerk of a court of record, or any justice of the peace, or notary public empowered to administer oaths; which oath, duly authenticated, shall be forwarded to the Supervisor of Census before the date fixed herein for the commencement of the enumeration.

The amendment was agreed to.

The next amendment was, in section 10, line 1, after the words "shall be," to strike out the word "further;" so as to make the section read:

SEC. 10. And it shall be the duty of each enumerator to forward the original schedules, duly certified, to the supervisor of census of his district, as his returns under the provisions of this act.

The next amendment was, in section 11, line 7, after the word "returned," to insert "and for each surviving soldier or widow returned 5 cents;" so as to read:

The compensation of enumerators shall be ascertained and fixed as follows: In subdivisions, where the Superintendent of Census shall deem such allowance sufficient, an allowance not exceeding 2 cents for each living inhabitant, 2 cents for each death reported, 15 cents for each farm, and 20 cents for each establishment of productive industry enumerated and returned, and for each surviving soldier or widow returned 5 cents, may be given in full compensation for all services.

Mr. REAGAN. I ask the chairman of the committee what provison is made for ascertaining who are the surviving soldiers' widows? Does the bill permit a mere voluntary statement, or does it require a statement to be made under oath? I refer to the amendment in section 11, lines 7 and 8.

Mr. HALE. That is made a part of the regular schedule, and in another portion of the bill it is provided what that information shall be, that it shall contain the organization in which the soldier served and the length of his service. It is taken like every other piece of information that is incorporated in the regular schedules.

Mr. REAGAN. I understand that; but my inquiry was as to whether this information is to be given on oath.

Mr. HALE. It is like all the other information that is given.

Mr. REAGAN. Is there a provision that all the information given is to be under oath? I should think if we are to take mere volunteer statements we may find a great many soldiers' widows.

Mr. HALE. It is like every other interrogatory that is addressed in this inquiry. We must depend largely on the vigilance of the enumerators.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the Eleventh Census was, in section 11, line 12, after the word "enumeration," to strike out "For" and insert "Rates of compensation for;" and in line 13, after the word "subdivisions," to strike out "rates of compensation;" so as to read:

Provided, That the subdivisions to which the above rate of compensation shall apply must be designated by the Superintendent of Census at least one month in advance of the enumeration. Rates of compensation for all other subdivisions shall be fixed in advance of the enumeration by the Superintendent of Census, with the approval of the Secretary of the Interior, according to the difficulty of enumeration, having reference to the nature of the region to be canvassed and the density or sparseness of settlement, or other considerations pertinent thereto.

The amendment was agreed to.

The next amendment was, in section 11, line 34, before the word "time," to insert the word "the;" so as to read:

The Superintendent of Census shall prescribe uniform methods and suitable forms for keeping accounts of the number of people enumerated or of the time occupied in field-work for the purpose of ascertaining the amounts due to enumerators, severally, under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 12, after the words "may be," at the end of line 2, to insert "according to estimates based on the tenth census;" so as to read:

SEC. 12. That the subdivision assigned to any enumerator shall not exceed 4,000 inhabitants, as near as may be, according to estimates based on the tenth census. The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily-distinguished lines.

The amendment was agreed to.

The next amendment was, in section 13, line 8, after the word "fined," to strike out "in a sum;" in line 12, after the word "years," to strike out "or by fine" and insert "and be fined;" and in line 16, after the word "fined," to strike out "in a sum;" so as to make the section read:

SEC. 13. That any supervisor or enumerator who, having taken and subscribed the oath required by this act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the Superintendent, communicate to any person not authorized to receive the same, any information gained by him in the performance of his duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $500; or, if he shall willfully and knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and, on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding $800; or if he shall willfully and knowingly make false certificates or fictitious returns, he shall be deemed guilty of a misdemeanor, and, upon conviction of either of the last-named offenses, he shall be fined not exceeding $5,000 and be imprisoned not exceeding two years.

The amendment was agreed to.

The next amendment was, in section 14, line 3, before the word "employment," to insert "appointment or;" in line 4, after the word "clerk," to insert "or other employé," and in line 6, after the word "clerk," to insert "or other employé;" so as to make the section read:

SEC. 14. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as enumerator or clerk or other employé, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk or other employé, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than $3,000, or be imprisoned not more than one year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 15, line 3, after the word "district," to insert "or subdivision;" in line 4, after the words "then any," to strike out "agent" and insert "representative;" so as to read:

SEC. 15. That each and every person more than twenty years of age, belonging to any family residing in any enumeration district or subdivision, and in case of the absence of the heads and other members of any such family, then any representative of such family shall be, and each of them hereby is, required, if thereto requested by the Superintendent, supervisor, or enumerator, to render a true account to the best of his or her knowledge of every person belonging to such family, in the various particulars required by law, and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $100.

The amendment was agreed to.

The next amendment was, in section 15, line 13, before the word "agent," to strike out "general;" in line 14, before the word "director," to strike out "managing;" in the same line, before the word "officer," to strike out "general;" in line 19, before the word "willfully," to insert the word "shall;" in line 20, after the word "information," to strike out "such officer or agent;" and in line 21, after the word "fined," to strike out "in any sum;" so as to read:

And every president, treasurer, secretary, agent, director, or other officer of every corporation from which answers to any of the schedules provided for by this act are herein required, who shall, if thereto requested by the Superintendent, supervisor, or enumerator, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, or shall willfully give

false information, shall be guilty of a misdemeanor and on conviction thereof shall be fined not exceeding $10,000, to which may be added imprisonment for a period not exceeding one year.

The amendment was agreed to.

The next amendment was, in section 16, line 3, after the word "jurisdiction," to strike out "where such offenses shall have been committed;" so as to make the section read:

SEC. 16. That all fines and penalties imposed by this act may be enforced by indictment or information in any court of competent jurisdiction.

The amendment was agreed to.

The next amendment was, in section 17, line 11, before the word "schedules," to insert "form of the;" so as to read:

SEC. 17. That the schedules of inquiries at the eleventh census shall be the same as those contained in section No. 2206 of the Revised Statutes of the United States of 1878, as amended by section 17 of the act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, with such changes of the subject-matter, emendations, and modifications as may be approved by the Secretary of the Interior; it being the intent of this section to give to said Secretary full discretion over the form of the schedules of such inquiries.

The amendment was agreed to.

The next amendment was, in section 17, line 14, after the word "taken," to strike out "in the same" and insert "on a special;" and in line 15, after the word "names," to insert "organizations, and length of service;" so as to read:

Provided, however, That said Superintendent shall, under the authority of the Secretary of the Interior, cause to be taken on a special schedule of inquiry, according to such form as he may prescribe, the names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States in the war of the rebellion, and who are survivors at the time of said inquiry, and the widows of soldiers, sailors, or marines.

The amendment was agreed to.

The next amendment was, in section 17, line 19, after the word "marines," to insert:

And provided, That the population schedule shall include an inquiry as to the number of negroes, mulattoes, quadroons, and octoroons.

The amendment was agreed to.

The next amendment was, in section 17, after the word "census," in line 34, to insert:

He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of private corporations and individuals, and make report thereon to Congress; and he shall collect, from official sources, information relating to animals not on farms.

The amendment was agreed to.

The next amendment was, in section 17, line 41, to change the word "volums" to "volumes;" in line 45, after the words "public indebtedness," to insert "recorded indebtedness;" so as to read:

The only volumes that shall be prepared and published in connection with said census shall relate to population and social statistics relating thereto, the products of manufactories, mining, and agriculture, mortality and vital statistics, valuation and public indebtedness, recorded indebtedness, "and to statistics relating to railroad corporations, incorporated express, telegraph, and insurance companies."

The amendment was agreed to.

Mr. HALE. The quotation marks should be erased.

The PRESIDENT *pro tempore*. They will be omitted in the enrolling of the bill, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on the Eleventh Census was, in section 17, line 47, after the words "a list of," to insert "the names, organizations, and length of service of;" so as to read:

"A list of the names, organizations, and length of service of surviving soldiers, sailors, and marines, and the widows of soldiers, sailors, and marines."

The amendment was agreed to.

Mr. HAWLEY. There are more quotation marks there that I do not understand the use of.

Mr. HALE. I have just asked that they all be stricken out.

The PRESIDENT *pro tempore*. They will be omitted in the enrollment of the bill.

The reading of the bill was resumed. The next amendment of the Committee on the Eleventh Census was, in section 18, line 14, after the word "manufacturing," to insert "mining;" so as to read:

Whenever he shall deem it expedient the Superintendent of the Census may withhold the schedules for manufacturing, mining, and social statistics from the enumerators of the several subdivisions, and may charge the collection of these statistics upon experts and special agents, to be employed without respect to locality.

The amendment was agreed to.

The next amendment was, in section 18, line 25, after the word "his," to strike out "judgement" and insert "judgment."

The amendment was agreed to.

The next amendment was, in section 18, line 36, before the word "traveling," to insert "necessary;" so as to read:

Provided, That the same shall in no case exceed $6 per day and actual necessary traveling expenses.

The amendment was agreed to.

Mr. HOAR. I should like to ask the Senator from Maine what is meant by the committee by the phrase "their economic relations," in line 19 of this paragraph? What is the precise idea the committee would convey by that phrase? In regard to the fisheries, for instance, would it include the matter which has been in dispute in the Senate in relation to the nationality of the persons engaged in that particular employment, etc.?

Mr. HALE. It is not intended that anything of that kind shall be gone into in that sense. It is only in the narrow sense of the word that the Senator's suggestion would apply.

Mr. HOAR. Will the Senator be kind enough to state what he means by "their economic relations?"

Mr. HALE. I will send for a dictionary and tell the Senator at a later period.

Mr. HOAR. If the Senator says he does not know, I will let it pass.

Mr. HALE. I do not say that.

The PRESIDENT *pro tempore*. The reading will proceed.

Mr. HALE. If the Senator objects to the word "economic," I shall not oppose striking it out. It has no force under this plan of taking the census.

Mr. HOAR. I put the question to the Senator hardly seriously at first, but it does seem to me, speaking seriously, that that is a very vague and indefinite phrase to be the direction and guide of executive officers in the discharge of such a duty as this, and I should think the words ought to be stricken out.

Mr. HALE. If the Senator has any idea that that phrase will give rise to too broad an investigation or that it will open the course that was taken by the last census to be pursued, I have no objection to its being stricken out.

Mr. HAWLEY. May I ask the Senator what is the necessity for the whole, not only the words "their economic relations," but the whole of it:

And said Superintendent may employ experts and special agents to investigate.

Suppose you strike out what follows, and leave it, as it would be then:

May employ experts and special agents to investigate the manufacturing, railroad, fishing, mining, cattle, and other industries of the country, etc.

It seems to me it would be better to strike out the whole sentence.

Mr. HALE. That is what I suggest.

Mr. HAWLEY. Do you want to strike out the whole sentence?

Mr. HOAR. Strike out only the words "economic relations."

Mr. HAWLEY. Why not strike out the whole sentence? How is he going to investigate the railroads, etc.? Their statistics are provided for elsewhere.

Mr. HOAR. Where?

Mr. HAWLEY. I suppose they are. "Investigation" does not mean "enumeration."

Mr. HALE. If the condition of these corporations, their annual returns, the amount of capital employed, the amount of labor, the values moved by them, and all these things are to be investigated, that can not be done by the ordinary enumerators. The Senator will see that, and therefore it is necessary to provide for experts. This is the provision that authorizes to be embodied into the census what I take it no Senator would object to. If the Senator from Massachusetts believes that the words "economic relations" would make too broad a field, the word "relations" may be left standing, striking out "economic."

Mr. HOAR. If the Senator will pardon me I will make a suggestion—I will not press it against his larger experience and study of this question—whether it would not be well to strike out, after the words "special agents," the words "to investigate in their economic relations" and insert "to collect the statistics of manufacturing, railroad, fishing, mining, cattle, and other industries of the country, and telegraph, express, transportation, and insurance companies as he may designate and require."

That will put the railroad and manufacturing, fishing, and cattle, and mining, and other industries on the same level, the same condition which the bill now puts telegraph, express, transportation, and insurance companies. There would seem to be at first blush no reason for making the distinction between the statistics of a railroad company and the statistics of a transportation company.

Mr. HALE. I will say to the Senator that some fault was found with the last census because the conditions of manufacturing and other corporations were not fully gone into and were not given in a way that would show the entire facts. I think when these investigations are made as to these companies, they ought to go pretty thoroughly into them and show what their investment is, what their plant is, and all that; and if the Senator narrows it too much and leaves it simply like the condition of the telegraph and express companies, he may not get just what the country wants.

Mr. HOAR. It seems to me I am not narrowing it, but broadening it. To collect these statistics must be larger than to investigate one particular relation, to wit, the "economic relations," whatever they may be, and neither of us has any very distinct idea of what that means.

Mr. HALE. I should hardly think, from my knowledge of the way the word "statistics" is applied, that that would be considered as broader than the phrase "economic relations."

Mr. HOAR. I will leave it, then, "to investigate and ascertain the

statistics." That will include both. I would strike out the words "economic relations," which are narrower words, and which nobody comprehends the meaning of with any precision.

Mr. HALE. I have no objection to that.

Mr. HOAR. I move, after the word "investigate," to strike out the words "in their economic relations," and insert in lieu thereof the words "and ascertain the statistics of," and then I will move to strike out the words "and the statistics," in line 21.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 18, line 19, after the word "investigate," it is proposed to strike out "in their economic relations" and insert "and ascertain the statistics of;" so as to read:

And said Superintendent may employ experts and special agents to investigate and ascertain the statistics of the manufacturing, railroad, fishing, mining, cattle, and other industries of the country.

The amendment was agreed to.

Mr. HOAR. Then I move to strike out the words "the statistics."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 21 of the same section it is proposed to strike out the words "the statistics;" so as to read:

And said Superintendent may employ experts and special agents to investigate and ascertain the statistics of the manufacturing, railroad, fishing, mining, cattle, and other industries of the country, and of telegraph, express, transportation, and insurance companies as he may designate and require.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the Eleventh Census was, in section 20, line 1, after the word "six," to strike out "millions of" and insert "million four hundred thousand;" so as to read:

SEC. 20. That the sum of $6,400,000 is hereby fixed and limited as the maximum cost of the census herein provided for, exclusive of printing, engraving, and binding, and it shall not be lawful for the Secretary of the Interior or the Superintendent of Census to incur any expense or obligation whatever, in respect to said census, in excess of that sum; and the sum of $1,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, and continue available until the completion of the eleventh census.

The amendment was agreed to.

The next amendment was, at the beginning of section 22, to strike out:

That the Superintendent of Census, with the consent of the President, may at any time remove any supervisor of census, and fill any vacancy thereby caused or otherwise occurring; and the—

And insert the word "any;" so as to make the section read:

Any supervisor of census may, with the consent of the Superintendent of Census, remove any enumerator in his district, and fill the vacancy thereby caused or otherwise occurring; and in such cases but one compensation shall be allowed for the entire service, to be apportioned among the persons performing the same in the discretion of the Superintendent of Census.

The amendment was agreed to.

The reading of the bill was continued to the end of section 23.

Mr. HOAR. I should like to ask the Senator from Maine one other question. I inquire whether the "color," in line 5 of section 23, includes what is a proper scientific description of race?

Mr. HALE. Another part of the bill has provided that the statistics shall be taken segregating mulattoes and quadroons.

Mr. HOAR. Where is that?

Mr. HALE. In section 17, on page 14, line 21.

Mr. HOAR. Then should not this be "race" rather than "color?"

Mr. HALE. I should say that under those conditions "color" would be better than "race."

Mr. HOAR. How would you put an Indian or Indian half-breed under this term "color?" Would you call him white or red?

Mr. HALE. I should think that he would come under the head of that contradistinction that goes by color.

Mr. HOAR. We never have used the term "color" as applicable, for instance, to the Chinese or to Indians. We do speak of the negro race as the colored race, but in regard to all other races it is different. For instance, there are residents of Armenia and Persia, a good many of whom are coming into this country, and there are some in my own city, and I should think—I make the suggestion with great deference to the Senator—that the words "color or race" should be put in there.

Mr. HALE. I should not like to have the word "color" struck out, because we have made that description of the different classifications of the black race. The words "or race" might be inserted after the word "color," in line 5, of section 23.

Mr. HOAR. I will move that amendment.

Mr. HALE. I will consent to that.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 23, line 5, after the word "color," it is proposed to insert the words "or race;" so as to read:

The names with age, sex, birthplace, and color or race of all persons enumerated, etc.

The amendment was agreed to.

Mr. HALE. I ask now to go back to section 20, on page 18, line 8, and strike out the word "of" before the word "dollars." It now reads "one million of dollars."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the Eleventh Census was, in section 25, line 7, after the word "otherwise," to strike out "provided" and insert "provide."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I have one or two amendments to offer. In section 11, line 8, after the word "or," I move to insert the word "soldiers;" so as to read:

And for each surviving soldier or soldier's widow returned, 5 cents.

The amendment was agreed to.

Mr. HOAR. I should like to inquire of the Senator whether the word "soldier" includes "sailor" in the technical sense as used in this bill, or whether the language should not be "soldier or sailor?"

The PRESIDENT *pro tempore*. The language in section 17, on page 14, line 19, is "soldiers, sailors, or marines."

Mr. HALE. We had better use the same language here, but I do not think it would be essential, because this is only a reference to the returns, and where we provide specifically for the manner of returns we use the words "soldiers, sailors, or marines." This is only a reference to that in order to fix the amount the enumerators shall have.

Mr. HOAR. That suggestion would make it, as a matter of legal interpretation, still more clear that the word "soldiers" did not include "sailors." If we say "soldier or sailor" in one place and then "soldier" alone in another, the sailors would be excluded.

Mr. HALE. They ought to be included.

The PRESIDENT *pro tempore*. The Chair would suggest "soldiers, sailors, and marines, and their widows."

Mr. HALE. That is better—"soldiers, sailors, and marines, and their widows."

Mr. HOAR. That would not be right. It is singular—"soldier, sailor, or marine."

Mr. HALE. Say "soldier, sailor, or marine, or the widow of such soldier, sailor, or marine."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 11, line 8, it is proposed to strike out the words "soldier or soldier's widow" and insert in lieu thereof:

Soldier, sailor, or marine, or the widow of such soldier, sailor, or marine.

So as to read:

And for each surviving soldier, sailor, or marine, or the widow of such soldier, sailor, or marine returned, 5 cents.

The amendment was agreed to.

Mr. HALE. Now, at the request of the gentleman in charge of this bill in the other end of the Capitol, I offer, to come in at the end of section 3, the following amendment:

The clerkship of the Committee on the Census of the House of Representatives is hereby made annual, the clerk to be paid a salary of $2,000 per annum from and including the 4th day of March, 1889, and a sum sufficient to pay said salary at that rate is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; and the Clerk of the House of Representatives is hereby authorized to continue the rental of the room now occupied by the House Committee on the Census in the Butler building, at the rate of $50 per month, the same as is now paid, until such time as the House of Representatives may make other provision for said committee.

Mr. HOAR. Should not that be in one of the regular appropriation bills rather than in this bill? It seems to me that there is no other instance of providing for a committee clerk in a general law.

Mr. HALE. The amendment, of course, can not go in if there is any objection to it. I stated why I offered it. It is right and ought to be done, but if any Senator objects to it on the ground——

Mr. HOAR. I shall not object to it.

The PRESIDENT *pro tempore*. The Chair does not understand that it is open to a point of order.

Mr. HALE. If there be no objection, I think it ought to go in.

Mr. GORMAN. I object, Mr. President. I do raise the point of order on that amendment.

The PRESIDENT *pro tempore*. The Chair does not understand how a point of order can lie. This is not a general appropriation bill.

Mr. HALE. The amendment is not subject to a point of order, but it is an innovation made desirable because it has been left out of the legislative, etc., appropriation bill, which has already passed both the House of Representatives and the Senate.

The PRESIDENT *pro tempore*. Does the Senator insist on the motion to amend?

Mr. HALE. Unless some Senator really objects to it I should like to have it in the bill, but I do not feel like pushing it.

Mr. HOAR. I should like to inquire of the Senator from Maine what a clerk of the House Committee on Census would be doing between the 4th of March, 1889, and the 1st of December, 1889?

Mr. HALE. Well, Mr. President, I withdraw the amendment. I desire to have the bill completed.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. HAWLEY. I wish to make a suggestion in regard to section 3. After providing for the requisite number of clerks of various classes, ten of class 4, twenty of class 3, and thirty of class 2, it proceeds to say:

And upon such compilation and publication of said census, or at an earlier date, in the discretion of the Secretary of the Interior, the period of service of said clerks and employés shall end.

I make no argument now upon the amendment made at end of that section adding—

All examinations for appointment and promotion under this act shall be in the discretion and under the direction of the Secretary of the Interior,

because the work in the Census Bureau will be merely temporary and the bureau as organized will last but a year or two or three, but I call attention to this possible injury that may be inflicted.

The period of service of said clerks and employés shall end.

If the Superintendent of the Census is wise he will avail himself of the services of a considerable number of clerks who were employed in the work of the former census and after the close of their work there obtained positions in the Departments elsewhere. I would say that the ten clerks of class 4, the twenty clerks of class 3, and the thirty clerks of class 2 may in all probability be obtained, and very competent and careful persons, too, by temporary details from other branches of the service; but this would turn them out at the end of their census services. It ought to be possible to detail them for that work and then let them return and not lose their privileges under the civil-service act. I would therefore amend by inserting, after the word "end," in line 25 of section 3, the words:

Provided, That clerks transferred or detailed for service under this act from existing branches of the civil service shall not lose their positions or rights under the "act to regulate and improve the civil service of the United States."

Mr. HALE. That is right. I have no objection to that.

The PRESIDENT *pro tempore*. The proposed amendment will be stated from the desk.

The CHIEF CLERK. In section 3, line 29, after the word "end," it is proposed to insert:

Provided, That clerks transferred or detailed for service under this act from existing branches of the civil service shall not lose their positions or rights under the "act to regulate and improve the civil service of the United States."

The amendment was agreed to.

Mr. HAWLEY. I simply record my objection to the amendment made at the end of that section, putting the whole matter of examinations for appointment and promotion under the control of the Secretary of the Interior, but, inasmuch as that may be administered without a gross violation of the existing law or without a gross departure from it, I do not wish to make an argument upon the subject.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRINTING OF GOVERNMENT SECURITIES.

Mr. GORMAN. The bill (H. R. 9623) to provide for printing Government securities in the highest style of the art was reported adversely from the Committee on Finance the day before yesterday and was indefinitely postponed. I ask that the vote by which the bill was indefinitely postponed may be reconsidered, and the bill placed on the Calendar.

Mr. HAWLEY. I hope that will be done. I intended to make that request myself, because it ought to be here for discussion at the time the question shall be considered on the sundry civil bill.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was indefinitely postponed will be reconsidered and the bill placed on the Calendar with the adverse report of the Committee on Finance. The Chair hears no objection, and it is so ordered.

CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the resolution reported from the Committee on Privileges and Elections in relation to Congressional elections, on which the Senator from Massachusetts [Mr. HOAR] is entitled to the floor.

Mr. GORMAN. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 1 minute p. m.) the Senate adjourned until to-morrow, Tuesday, February 19, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 18, 1889.

The House met at 12 o'clock m. Prayer by Rev. Dr. CUTHBERT, of Washington, D. C.

The Journal of the proceedings of Saturday was read and approved.

JOHN M'GILL, JR.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, recommending an appropriation in the general deficiency appropriation bill to pay John McGill, jr., of Benton County, Tennessee, the amount heretofore appropriated for his benefit and paid to an attorney not entitled to receive the same; which was referred to the Committee on Appropriations, and ordered to be printed.

BYWATER, TANQUERAY & CO.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, with a letter from the Secretary of State, recommending an appropriation to reimburse Messrs. Bywater, Tanqueray & Co., of London, for losses sustained by payment of certain drafts on the Secretary of State; which was referred to the Committee on Appropriations, and ordered to be printed.

SLOOP CICERO.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting conclusions of fact and of law in the spoliation claim in the matter of the sloop Cicero; which was referred to the Committee on Claims, and ordered to be printed.

REPORT OF WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House the annual report of the Washington and Georgetown Railroad Company for the year 1887; which was referred to the Committee on the District of Columbia.

The SPEAKER. The Chair desires to say in regard to this report that it was received at the Speaker's room in February, 1888, but was mislaid and was not discovered until last Saturday, which accounts for the delay.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRANGER, indefinitely.

To Mr. BURNETT, indefinitely, on account of sickness.

MINORITY REPORT—INTERNAL-REVENUE LAWS.

Mr. SAYERS, by unanimous consent, from the Committee on Appropriations, was granted leave to file the views of the minority on the bill (H. R. 12131) to amend the internal-revenue laws; which were ordered to be printed with the report of the committee.

LARD AND COMPOUND LARD.

Mr. HATCH. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I find by reference to the printed Calendar that House bill No. 11027 defining "lard," also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard, was reported to the House on July 28, 1888, as a substitute for House bill No. 6138. The report was made from the Committee on Agriculture by Mr. CONGER, and was referred to the House Calendar.

Mr. RANDALL. I reserve all points of order as to this being a privileged matter.

Mr. HATCH. I find by reference to the RECORD of the proceedings of that day that the following took place:

Mr. CONGER. I ask unanimous consent to file a report.

The SPEAKER. Consent has just been given to all gentlemen having reports to file them with the Clerk.

Mr. CONGER. I know; but I wish to ask unanimous consent in this case that the views of the minority may also be presented hereafter and filed with the report of the committee.

The SPEAKER. Without objection that will be done, and the gentleman will send the report to the desk.

Then the following entry appears in the RECORD:

Mr. CONGER, from the Committee on Agriculture, reported as a substitute for the bill (H R. 6138) to regulate the manufacture and sale of counterfeit or compounded lard, a bill (H. R. 11027) defining "lard," also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The minority of the committee were authorized to file their views to accompany the report on said bill.

There is substantially the same entry in the Journal. It is evident, Mr. Speaker, that this was an improper reference of the bill. Neither Mr. CONGER'S attention nor mine was called to it until within a day or two, when on looking for the bill we found that it was on the House Calendar instead of on the Calendar of the Committee of the Whole House on the state of the Union, and I move that the bill be referred to its proper Calendar; that is to say, the Calendar of the Committee of the Whole House on the state of the Union, as of the date July 28, 1888, when the House made the improper order, and with the same number of the report, namely, No. 3082.

Mr. RANDALL. I ask that the original bill be produced and the superscription read.

Mr. ROGERS. I rise to a parliamentary inquiry. Does this require unanimous consent?

The SPEAKER. The gentleman presents it as a matter of privilege. The gentleman from Pennsylvania reserves the point of order.

Mr. ROGERS. And I desire to reserve all other points of order, if there are any.

Mr. HATCH. I am trying to get at the proper order in the matter, so that there may be something of regularity in the proceedings of the House.

The SPEAKER. The original bill as presented to the House, the Chair is informed, is at the Government Printing Office.

Mr. RANDALL. Where is the print of the original bill?

The SPEAKER. That is at the Clerk's desk, and the Clerk will read the title of it.

The Clerk read as follows:

A bill (H. R. 11027) defining "lard," also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard. July 28, 1888, read twice, referred to the House Calendar, and ordered to be printed.

Mr. RANDALL. Now I make the point of order that the House has a right to send a bill of that character or any other character to any

committee that the majority of the House may see fit; that the action of the House did send that to one of its committees, and that the motion to change the reference is not a privileged motion.

Mr. HATCH. I find by reference to the RECORD on the previous page this entry:

Mr. CHIPMAN. I ask unanimous consent that gentlemen having reports from committees to make may be permitted to hand them in at the Clerk's desk for proper reference.
The SPEAKER. Without objection that order will be made.
There was no objection, and it was so ordered.
The following reports were filed by being handed in at the Clerk's desk.

Then follows the list of reports until we come to the entry that I have already read, when Mr. CONGER said: "I ask unanimous consent to file a report," and the Speaker said, "Consent has just been given to gentlemen who have reports to file to hand them in at the desk."

Now, evidently by this record this bill was never presented in the open House. The Speaker, acting for the House of Representatives, never sent this bill to the House Calendar. It was simply the error of a subordinate officer of the House; and the gentleman knows that no man who ever occupied the chair, even for an hour, would send a revenue bill to the House Calendar unless some action had been taken by the House upon it. It is an error, and I think it is the duty, and I think it is within the power, of the Speaker to order this bill properly placed without any action of the House.

Mr. RANDALL. I do not think so now.

Mr. HATCH. I have taken the precaution to make this motion in the open House that members might be notified of the condition of the Journal.

Mr. RANDALL. This was done seven months ago, and why this error has not been pointed out earlier I do not know.

Mr. HATCH. I will state that I did not find it out until Saturday, when the gentleman from Kentucky [Mr. BRECKINRIDGE] asked me about the bill, and I hunted up the bill and could not find it upon the proper Calendar. I hunted over the index and found that the bill had been placed on the wrong Calendar. There has not been a time when the bill could have been taken up until now.

Mr. RANDALL. A motion to go into Committee of the Whole on the state of the Union has been in order almost any day for some time.

Mr. HATCH. I think if the gentleman will read the RECORD he will find that there have been but very few mornings when that order could have been made.

Mr. RANDALL. I think there have been a good many mornings. It is true I have been absent a good deal. I have no doubt they will be made.

Mr. HATCH. I think they will be, I know I have been watching very anxiously for several weeks for an opportunity to call up this bill, and I propose to do it at the earliest opportunity.

Mr. RANDALL. I would like to have a decision.

The SPEAKER. The question arose in the Forty-sixth Congress as to whether it was a matter of privilege to correct an erroneous reference to a committee, and the then occupant of the chair decided that it was, and the House sustained the decision. Since that time two or three questions of a similar character have arisen in the House, and have been decided in the same way. The Chair thinks that an erroneous reference of a bill to one of the Calendars of the House stands upon the same footing. It involves simply carrying out the rules of the House, and therefore the Chair thinks that the presentation of the question is a matter of privilege, but it is not the province of the Chair to correct the error by referring it to the Committee of the Whole House on the state of the Union. It is for the House to say whether it will or will not do so. The gentleman from Missouri moves that the bill be referred to the Committee of the Whole on the state of the Union, as of the date July 28, 1888, when the House made the improper order, and the Chair puts that question to the House.

The question was taken; and there were—ayes 86, noes 30.

Mr. WHEELER. Mr. Speaker, I make the point of no quorum. (To Mr. HATCH.) Has this reference to the cotton-seed oil?

Mr. HATCH. Oh!——.

Mr. WHEELER. Mr. Speaker, I withdraw the point of no quorum.

So the motion was agreed to.

Mr. HATCH moved to reconsider the vote by which the change of reference was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUR-SEAL AND SALMON FISHERIES OF ALASKA.

Mr. DUNN. I desire to report back to the House the bill (H. R. 12432) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur-seal and salmon fisheries of Alaska, and for other purposes, and ask present consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1963 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1963. Within one year prior to the time when the lease heretofore made by the Secretary of the Treasury to 'The Alaska Commercial Company,' of the right to engage in taking fur seals on the islands of St. Paul and St. George, pursuant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary of the Treasury shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries, the right of taking fur seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than $50,000, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and the additional sum of not less than $3.50 for each fur-seal skin taken and shipped from the islands of St. Paul and St. George during the continuance of any lease, to be paid into the Treasury of the United States, and every such lease shall be duly executed in duplicate, and shall not be transferable; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter, except as otherwise prescribed. And he shall give at least sixty days' notice of the letting of said lease, by publication in at least one daily paper published in the cities of Boston, New York, Philadelphia, Baltimore, Washington, Chicago, New Orleans, St. Louis, and San Francisco, inviting bids for the same."

SEC. 2. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of Behring Sea in Alaska embraced within the boundary lines mentioned and described in the treaty with Russia dated March 30, A. D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper published at each United States port of entry on the Pacific coast, warning all persons against entering said Territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

SEC. 3. That section 1969 of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 4. That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds, is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than $250 for each day of the continuance of such obstruction.

SEC. 5. The Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present condition and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

During the reading,

Mr. BIGGS said: I merely want to make a parliamentary inquiry as to whether the bill will be subject to amendment after being read.

The SPEAKER. Whenever a gentleman obtains the floor of his own right, if the previous question has not been ordered, the bill is subject to amendment.

The reading of the bill was resumed and concluded.

Mr. ROGERS. I desire, Mr. Speaker, to rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Is it too late to make the point of order that this bill should be considered in Committee of the Whole?

Mr. CRISP. I raise the question of consideration.

Mr. ROGERS. I make the point of order that the bill must first be considered in Committee of the Whole, because it involves an expenditure of the public money.

Mr. DUNN. I do not think the bill provides for that or involves any expenditure of public money not now provided for by law. It does not increase any salaries nor make any new expenses, and besides that I make the point that the point of order itself is made too late.

The SPEAKER. The Chair thinks the proper time to make the point is after the bill has been read and the House is informed as to its contents. The Chair will examine the bill.

Mr. ROGERS. I suggest to the Chair that it is subject to the point of order not only in the latter part of the second section, where it directs the policing of all these waters by our vessels, but also in the fifth section, requiring the Commissioner of Fish and Fisheries to institute an investigation there; and perhaps also in the first section.

Mr. BLAND. It seems to me, Mr. Speaker, that the bill involves the disposition or transfer of public property. It proposes to lease a portion of the property of the United States to this company.

The SPEAKER. The United States revenue vessels of course police all those waters now.

Mr. DUNN. Of course. The revenue laws have already been extended over all that region.

Mr. BLAND. But does not this extend the lease? I understand that it does.

Mr. DUNN. There is not a single provision in the bill imposing any additional expense on the Government. It does not require anything to be done, either by the Government officers or Government vessels, that is not now required by law. It does not create any office nor change the salary of any office, nor the compensation to be paid to any public officer.

The SPEAKER. The rule of the House in the third subdivision of Rule XXIII provides that—

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole House on the state of the Union.

Now, so far as the Chair observed the reading of this bill, and so far as he has been able to examine the bill since, it does not involve any of these features. Under the law as it is now the United States revenue vessels police these high seas, harbors, etc., and the fact that the bill proposes to dispose of a privilege which belongs to the Government for a compensation to be paid by the parties who are to enjoy that privilege does not make the bill one appropriating public property within the meaning of the rule. It is rather a bill to sell or dispose of public property. The last section of the bill, to which the gentleman from Arkansas [Mr. ROGERS] refers, simply imposes an additional official duty upon the Commissioner of Fish and Fisheries, but makes no appropriation to pay for it, and provides no compensation for the performance of that additional duty. Therefore the Chair thinks the bill is not subject to the point of order.

Mr. ROGERS. How about the last clause of the first section?

The SPEAKER. That simply provides for the publication of notice. It provides that when the Secretary of the Treasury proposes to let this contract he shall give notice in the public press. The Chair does not think that varies the case at all. The gentleman from Georgia [Mr. CRISP] raises the question of consideration against this bill.

Mr. DUNN. I hope the gentleman from Georgia will allow me to make a very brief statement.

Mr. CRISP. How much time does the gentleman think this bill will take?

Mr. DUNN. I think the bill can be passed within an hour. The proposed amendments of the law are very simple and very few, and they are really very important and urgent.

Mr. CRISP. If I could be assured that the bill would not take more than an hour I would not raise the question of consideration.

Mr. DUNN. I assure the gentleman that the time of the House will not be needlessly consumed, but that every fair opportunity will be given for a complete understanding of the bill.

The SPEAKER. The Chair understands the gentleman from Georgia [Mr. CRISP] to raise the question of consideration.

Mr. CRISP. If there can be an understanding that we can get a vote on the bill in an hour I shall not raise the question of consideration.

Mr. DUNN. I would not like to ask the House to agree to that, but I will give the gentleman my word that I will use every means to expedite the disposition of the bill within the hour. I assure the gentleman of that, but I must be fair with the House in the consideration of this bill.

Mr. BRECKINRIDGE, of Kentucky. Is there anybody who desires to discuss the bill?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed an order requesting the House of Representatives to return to the Senate the report of the committee of conference on the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all money collected under the direct tax levied by the act of Congress approved August 5, 1861.

FUR-SEAL AND SALMON FISHERIES, ALASKA.

Mr. CRISP. If the gentleman from Arkansas [Mr. DUNN] will ask unanimous consent that the vote be taken in an hour I will not raise the question of consideration.

Mr. DUNN. I assure the gentleman that I will make every effort to dispose of the bill as quickly as possible.

Mr. CRISP. I know the gentleman will do that, but I should like to have an understanding with the House.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that debate be closed upon this bill and amendments and the vote taken at twenty minutes of 2 o'clock, or sooner.

Mr. ROGERS. To that I object.

The SPEAKER. The question of consideration is raised against this bill.

DIRECT-TAX BILL.

Mr. CASWELL. Pending that I desire to submit a conference report.

The SPEAKER. The gentleman will send it up.

Mr. DUNN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN. I understand that the report which the gentleman desires to present is a conference report.

The SPEAKER. The Chair so understands.

Mr. DUNN. Does that interfere with the privilege of considering this bill under the report made?

The SPEAKER. It does. The bill which the gentleman from Arkansas [Mr. DUNN] has presented is privileged, according to the practice of the House, simply because he has leave to report at any time; but when it comes up it has no other privilege than a bill which comes up in the ordinary manner.

Mr. DUNN. Then the consideration of the conference report will have what effect?

The SPEAKER. It will suspend the consideration of this bill so long as the conference report is before the House.

Mr. DUNN. I hope the gentleman will withhold that report for the present.

The SPEAKER. The Clerk will read the conference report.

The Clerk proceeded to read the report.

Mr. CASWELL. Mr. Speaker, I am informed at this moment that a message has just been received from the Senate asking the House to return this conference report.

The SPEAKER. The Chair was about, with the consent of the House, to present the request of the Senate, which the Clerk will now read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *February* 18, 1889.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the report of the committee of conference on the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

The SPEAKER. Is there objection to this request?

Mr. CASWELL. I will withdraw this report if——

The SPEAKER. Is there objection to this request? The Chair hears none. The Clerk will be directed to return the report to the Senate.

Mr. CASWELL. Has the order been made for the return of the report?

The SPEAKER. It has been.

FUR-SEAL AND SALMON FISHERIES.

Mr. ROGERS. Having had an understanding about a matter in which I am more interested than in this Alaska bill, I withdraw my objection to the request of the gentleman from Pennsylvania [Mr. RANDALL].

The SPEAKER. The gentleman from Pennsylvania asks consent that the debate on the bill reported by the gentleman from Arkansas [Mr. DUNN] be closed and the vote taken on the bill and all amendments thereto not later than twenty minutes before 2 o'clock. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. CRISP. I withdraw the question of consideration.

Mr. DUNN. Mr. Speaker, in presenting the bill which is before the House for consideration I will not take time (for it will not be necessary) to review or recapitulate the substance of the report presented or the evidence taken by the committee in the course of the investigation ordered by the House. That investigation was for the purpose of obtaining information upon an important question of internal administration relating to the fur-seal and other fisheries in Behring Sea and Alaska, to ascertain the interests and rights of this Government in those waters and in those fisheries, and to inform Congress as to the wisdom of the policy heretofore pursued, the success or failure of that policy. The laws under which those interests have been administered followed immediately upon the acquisition of the Territory of Alaska by the Government of the United States in virtue of the treaty made with Russia in 1867.

Our Government took by that treaty all the rights, powers, interests, jurisdiction, and dominion of Russia in that Territory and over those waters. We took every right, every privilege, and every immunity which Russia had. The Territory was purchased chiefly because of the great value of the marine products of Behring Sea as well as for its importance to this Government as part of the domain that we should have on this continent. Chief amongst these interests was the fur-seal rookery on the Pribylov Islands. When we purchased Alaska it was found that under the laws of Russia those islands were held as a Government reservation and leased to the Russian-American Company. That lease involved the exclusive privilege of taking a limited number of seals upon those islands. All experience has proved that the only way to preserve the fur-seal rookeries of the world has been to make of them Government reservations and place them under absolute governmental protection. The nature of the fur seal is such that its extermination is just as easy as its preservation. The seals have fixed and settled rookeries which they visit and upon which they haul up once in every year for the purpose of delivering their young and nurturing and nursing them up to an age when they can go to sea, after being taught to swim and to take care of themselves.

This rookery is one of three now remaining in the world. All others have been completely destroyed, the seals having been exterminated because they were not under the protection of any government which prohibited their complete and indiscriminate destruction by seal hunters. We have about four million seals visiting that rookery. It is the largest seal rookery in the world. There are, as I have said, but two others. One is a little one on the Commander Islands, in the Russian part of the Behring Sea, and a smaller one still is at the mouth of the La Plata River, in South America, under the protection of the Government of the Argentine Republic. The rookery on the Commander Islands is under the protection of the Government of Russia, and is similarly administered to ours.

The committee, in the course of its investigation, found that the policy settled by the Government has been entirely satisfactory and successful—singularly successful, I am glad to be able to say.

The herd of seals have been protected and taken care of reasonably well, although the committee have ascertained that there has been

laxness in the protection of the herd in the open seas during the last three years; and that is provided for in the amendatory law now proposed. In regard to the revenues derived from this source, the minimum fixed by law was $250,000—$50,000 per annum in a lump sum and $2 for the skin. At the end of the present lease the Government will have received directly and indirectly from this industry about $9,500,000. The expense will not exceed $350,000. The Secretary of the Treasury is authorized to renew that lease, or to make another lease, after this one expires. It expires on the 1st day of May, 1890. The Secretary of the Treasury is of the opinion that it can not be renewed, nor can any offer for bids be made until after this lease expires.

The rookery is now under the protection of a $500,000 bond for the preservation and protection of seal life and the Government's interest there. That bond will expire and there will be a hiatus in the revenues and in that protection if the Secretary of the Treasury is not authorized to make another lease before this one expires. In this way one year of revenue and one year of the sealing industry will be lost. If he is not authorized to make a lease before this one expires, the new lessee can not execute his bond, arrange his plans, and enter upon his privileges there before the sealing season would be over, because that season commences the 1st of June and terminates in October. After that the seals could not be taken. The first amendment proposed by the bill is to require the Secretary of the Treasury to make a new lease within one year prior to the expiration of the old one, so that a new bond, a new lease, new obligations will have been entered into and perfected and all of the arrangements completed, so that when the old lease expires the new one will be ready to go into operation and the work continued uninterruptedly.

The next change in the law is to repeal that section of the Revised Statutes which imposes a revenue tax or duty of $2 per skin on each of the skins taken and shipped away, and instead of that we put in another section of the law a consideration of not less than $3.50 for each skin taken and shipped away from the islands as a part of the consideration for the lease. It is a question whether if the $2 on each skin were to be treated as a tax it could be held to be constitutional. It is at least a question of doubtful constitutionality, as there can be no such export duty laid or internal-revenue tax assessed upon a designated article shipped from that particular place, and in order to meet what the committee believe to be a difficulty in this regard they made the rate per skin a part of the consideration for the lease instead of leaving it in the doubtful attitude of a revenue tax.

The provision is made that it shall not be less than $50,000 per annum or not less than $3.50 per skin, which raises it from a minimum of $250,000 to a minimum of $400,000 per annum and whatever may be paid above that; and I feel authorized to say to the House I am well assured the bids will run up to from $500,000 to $700,000 per annum under the operation of the new arrangement to be secured by the passage of this bill.

The next provision is to tighten up and make certain the protection to seal life in these waters. The law prohibits any person from killing any fur-bearing animal in the Territ ry of Alaska, or any fur-seals in the waters of Behring Sea, except under authority of the United States Government and the regulations of the Secretary of the Treasury in pursuance of the same. The regulation of the Secretary of the Treasury now prohibits any one from killing fur-bearing animals on the land except the natives of Alaska, and it leases the privileges to kill the fur-seals in Behring Sea to a lessee who is permitted to kill only upon the islands, and is not permitted to kill any female seal at all, or permitted to kill any seal in the b. eeding rookeries, or any except what are known as the "bachelor seals," the males under six years of age, which are not permitted to go into the breedi g rookeries by the old bulls who hold dominion there. The breeding rookeries are not disturbed by any one, are not permitted to be disturbed, so that those killed are only the surplus young bulls under the age at which they go upon the rookeries.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. DUNN. Certainly.

Mr. CUTCHEON. What has been the maximum rate derived from these leases hitherto?

Mr. DUNN. Three hundred and seventeen thousand five hundred dollars per annum.

Mr. CUTCHEON. This bill provides a minimum of $500,000.

Mr. DUNN. Under the old law the minimum was $250,000 per annum, but it has been raised to $317,500; $5,000 on the annual rate and 62½ cents per skin, or $62,500 on the amount taken for skins.

Mr. CUTCHEON. I do not like to interrupt the gentleman, but I would like to ask this further question.

Mr. DUNN. It does not interrupt me at all. I shall be glad to give any information upon the subject.

Mr. CUTCHEON. I notice there is a provision that this lease is to continue for twenty years, and if it will not interrupt the course of the gentleman's argument I would like to know the object of that just here.

Mr. SPINOLA. It is too long a period.

Mr. DUNN. It is only necessary to say that that is the existing law. The statute of 1870 authorized the Secretary of the Treasury to lease these rookeries for periods of twenty years, and it contemplated apparently no change, because it authorized the Secretary to make another lease when the existing lease expires, and so on *ad infinitum*. The committee did not think it wise to reduce the period. A shorter lease will not bring the Government as much per annum as the longer lease.

Mr. CUTCHEON. And you regard that as a continuing law?

Mr. DUNN. It is a continuing statute. The law seems to have been permanent in all of its features, and the only change which the committee find advisable to recommend to the House is to make the tax or payment required on each skin a part of the consideration for the lease, and place it all under the protection of the bond of the lessees, which is $500,000, covering the revenue for any one year, and increase the amount to be paid for the privilege.

The lessees are also required to provide a supply of fuel, a supply of salted fish, and schools for the natives. This lessee has complied with all of the requirements, and in addition has furnished to the natives good houses and a stove in each house, free of rent, with medical attendance and supplies free of charge, and supports and maintains all the widows and orphans who are not able to participate in the work done upon the islands. That work, under regulations of the Treasury Department, is limited to natives upon the islands, and no one else is permitted to enter upon it.

Formerly the lessee of the company paid them $10 per year each man for the work, working about one hundred men at an expenditure of about $10,000 per annum for this labor. This company pays them in addition to its supplies and houses $40,000 in money for doing the work of killing and skinning the seals, salting the hides and putting them in the salt-house; and for the work of taking them from the salt-house and transporting them to the Government vessels and shipping them from the islands it pays at the rate of $1 per day; so that natives earn between $40,000 and $50,000 per annum in money, which is divided among less than three hundred people, seventy-five or eighty of them being laborers, men engaged in that labor, who divide the proceeds, which amount is distributed under a classification arranged and agreed upon by the chiefs of the natives, the Government agent, and the company's agent, according to the merits of the person engaged in the work, and the committee find it a very fair and a very just apportionment.

They purchase goods from the lessees at a rate of 25 per cent. above the wholesale prices in San Francisco, and they also have seal meat free of charge. So that they are the best provided for and the best protected laborers in the United States. The next change in the law is that which simply relates to the regulations of the Government for the protection of seal life. These four million seals haul up on these islands, commencing with the last days of May, and they are all in and upon the rookeries by the middle of June or earlier. The female seals deliver their young immediately upon hauling up upon the rookeries. They and the bachelor seals go to sea every day hunting food. The old bulls, who exercise dominion over the rookeries, do not leave them. They remain to protect the young, each overlooking his own harem. Thus from two and a half to three million seals go to sea every day. They go from 40 to 60 miles from the land. They swim on the surface of the water and are easily visible to the hunter. They are easily killed; and they are taken in the water. It is there that the pirate hunter kills the seals and not upon the rookeries. They do not go there, where the seals are simply killed by being knocked upon the head. That is the manner in which it has been customary to kill them. The pirate hunting stands out 20, 30, and 40 miles from the land. They intercept and capture the seals by hundreds of thousands as they go to sea for food and return to the island. They kill them indiscriminately, male and female, old and young. The evidence shows that out of seven seals killed in the water by hunters they recover about one. So that in killing twenty or thirty thousand a year, which the evidence shows the unlawful hunters have been doing, they destroy two or three hundred thousand seals, making a destruction of seal life largely in excess of that authorized by law, and entailing a corresponding loss to the Government in revenue, amounting to seven times the skins recovered from the unauthorized and unlawful hunters. So that it is all-important that these seas be protected and vigilantly patrolled by revenue-cutters or naval vessels (revenue-cutters are sufficient), and unlawful hunters given to understand beyond all doubt that their vessels will be seized and themselves arrested and punished according to law.

The contention made by those who have heretofore been arrested and whose vessels have been seized is that this Government had no jurisdiction over that sea. That authority was exercised by Russia strictly, and without relinquishing that power we bought the country (the country ceded to the United States, as described by the boundaries marked out upon that map) upon the sea and upon the land. The sea and the land were conveyed as the territory and dominion granted to us by Russia.

Mr. CUTCHEON. Upon what ground have the releases of vessels seized been made? I understand they were released.

Mr. DUNN. Some have been condemned and some have been released. The courts of the United States have sustained the jurisdiction of this Government over the sea and the right of the Government

to protect the fisheries. There may have been at some time, as I understand, pending some negotiations about the Eastern fishery question, when there was some leniency on the part of the executive department in releasing some of the vessels, but retaining their cargoes of contraband skins pending test cases that were made to determine the question. I do not understand that in any case the rights of the United States were waived or relinquished. There were a number of vessels seized—some twenty vessels, perhaps.

Mr. CUTCHEON. I understand that the matter had been determined. The question was whether this was an open sea or a closed sea, and the State Department had released these vessels.

Mr. DUNN. There has been no decision by the State Department that in any way has made the concession that it is an open sea. If there has been any leniency on the part of any Department of the Government it has merely been a conciliatory step, but one which did not relinquish in any way the rights of this Government or any interest of this Government. Nor do I understand that there is any such thing in contemplation. But the committee became satisfied from investigation that the policing of that sea ought to be made more rigid, definite, and certain, and that it ought to be done so that there will be no indulgences granted to any violator of the law in that sea. It must be done so as to protect the legal hunting of seals, an industry amounting from a million and a quarter to a million and a half dollars a year, out of which the Government is now receiving more than $300,000 per annum, and will hereafter receive $500,000 or more, and upon which absolutely depend the lives and existence of all the Aleuts of Alaska. They will become dependent upon the Government if the fur-seal fisheries of Alaska are destroyed, as they are now in a fair way to be. The Aleuts will perish with the lives of the salmon and the fur-seal. There are no other resources there to maintain the lives of this population. No civilized inhabitants go to those parts of the Territory except during a temporary season in each year, when they go to prosecute industries in which they are engaged at the particular points where they are located.

The committee therefore thought it was important that the President should issue his proclamation at the beginning of each year warning all persons against entering that sea for the purpose of violating the existing laws, and also requiring him to have that sea diligently patrolled by armed vessels of the United States, one or more, as the exigencies of the case may require. If Congress passes this bill and emphasizes its opinion with distinctness and in tones which none can misunderstand or mistake, there will be an end of unauthorized and unlawful hunting and depredation upon the valuable interests there. It is impossible and out of all consideration, it would be preposterous to open those seal rookeries to hunters to go there at will and prey upon them. The herds of seal would not last three years. It is impracticable for the Government to administer that interest itself or to go into the fur business. It is not to be thought of that the Government shall become a fur merchant. The only policy that has been found to be practicable at all, the policy which the experience of a hundred years in dealing with seal life shows will alone preserve that life, has been to put the seals under the protection of the Government and lease the privilege of catching them to responsible parties, holding those parties strictly responsible, not only for the payment of the money which they contract to pay, but also for the protection of the seals. So this provision requires the President to issue his proclamation and to send armed vessels of the United States to patrol the sea and protect those interests.

No government in the world has asked this Government to abandon that seal rookery to the common depredations of hunters who roam the seas. No government has asked for that; but, on the contrary, it is understood that other governments are more than willing that the seals shall be protected and preserved, and it only remains for the Government of the United States to be firm, positive, and unmistakable in its policy. No government has any interest there of sufficient magnitude to warrant any such contention as has been suggested, and in my opinion none will ever be made. It is not the part of wisdom or the part of humanity for the Government to abandon or suffer the destruction of that interest.

Mr. CUTCHEON. What section is repealed by this?

Mr. DUNN. The section which made $2 a skin a tax, and it transfers the $3.50 a skin to another section, the first section of the bill, amended to conform as I have indicated to the House.

The next provision of the bill relates to the preservation of the salmon fisheries. Now, Mr. Speaker, the salmon fisheries there are, perhaps, the best and richest that remain in the world, because their value has been only recently discovered, and it is only recently that the fishermen have gone there. The salmon visit all those streams to spawn in fabulous numbers. A correct and truthful account of the vast multitudes of salmon that visit those streams once a year for spawning purposes would sound to this House and to the country like a "fish story." [Laughter.] Yet it is true, and that entire interest is liable to destruction unless it is protected. If members will read in one of the appendices to the report of the committee the report from the Fish Commission which appears there, they will get all the data on this subject that they will require. The industry of taking and canning salmon there reaches now nearly $5,000,000 per annum, and the plant will be doubled this year. One single river on Kodiak Island, a short river, yields more than twelve hundred and fifty thousand dollars' worth of canned salmon per annum, and, as in the fur-seal rookeries, the greed of men in that fishery is in a fair way to completely destroy the fish within a very few years. The scientists of the Fish Commission tell me that the salmon spawn but once. When they reach the spawning age the male and female ascend the stream together to the spawning ground, where the spawn is delivered by the female and fertilized by the male, and then both fish die.

Mr. ADAMS. Is that information from the Fish Commission?

Mr. DUNN. Yes, that is the information given me by the Fish Commission. Both fish die. Now, their spawning grounds are the little lakes at the headwaters of the rivers, and unless they are permitted to go there they die in their exertions to reach the spawning ground, and the spawn is expelled in the tides of the sea and is carried out and lost. The facts reported by the Commissioner of Fish and Fisheries are that these greedy canning companies go there and erect a wire-net dam across the rivers (which are shallow) and impound all the fish opposite to their canneries and then their men stand with a fork like a hay-fork and fork out the fish and dump them into the canning houses. The fish are not permitted to ascend to the spawning ground at all, so that those that are not caught and canned die there.

Mr. ADAMS. I have heard that at some places what is called the salmon-wheel is used.

Mr. DUNN. That is in the Columbia River.

Mr. ADAMS. Is it not true that the salmon-wheel can be used in the waters of Alaska?

Mr. DUNN. It has not been found that the wheel is used there anywhere; possibly because the fishermen do not need it. With the fish corraled and impounded and massed so that they form a dense, compact body all the way from the surface of the water to the bottom, the fishermen do not need the wheel; all they need is a fork to fork out the fish as I have described.

Mr. ADAMS. Then it was not the intention of the committee by the language in section 4 to declare unlawful the erection of a wheel?

Mr. DUNN. The committee simply desired to prohibit the obstruction across the river which prevents the ascent of the salmon to the spawning grounds as tentative legislation; and the next section directs the Commissioner of Fish and Fisheries to make a thorough investigation and hereafter report what may be necessary in the way of legislation which will permanently preserve and protect those fish and allow them to continue in regular course of propagation.

Mr. CUTCHEON. Still, if a wheel would be an obstruction which would impede the ascent of the salmon, it would come——

Mr. DUNN. I will say to the gentleman that there is not a wheel in Alaska now, and it is not likely that one will be placed there before the Commissioner of Fish and Fisheries can make his investigation and report. At the next session Congress can undoubtedly mature an act of permanent legislation for the preservation and protection of those valuable fisheries. An industry can be fostered and developed there which will make an earning that will probably reach $10,000,000 or more per annum. The world's chief supply of salmon will in all probability be drawn from those fisheries hereafter, as the world's chief supply of seal fur is now drawn from that rookery. While our rookery yields 100,000 skins per annum to the authorized lessees and twenty to twenty-five thousand to the pirate hunters, the rookery in the Russian possessions yields from 30,000 to 40,000 skins per annum, and that at the mouth of the La Plata probably not more than 5,000 skins per annum. So that if this rookery of ours is preserved and the lives of the female seals protected, the increase must necessarily be rapid and large; and from it will doubtless be drawn the world's chief supply of seal fur, growing up and increasing in a corresponding ratio.

The value of the skins has gone up very largely under the influence of this lease. These lessees sold their first take of seal-skins for less than cost—less than $5 per skin. Their last skins were sold at about $15 per skin. So that they have sold perhaps the twenty-years take at an average of nearly $10 per skin. The skins now cost them, laid down in London, about $8—within $8 per skin. London is the market of the whole world in this business. All fur-seal skins are taken there and manufactured there—except a few thousand up here in New York—and distributed from there to the other parts of the world. So that England makes more out of the industry as the manufacturer and distributor than we do with the nursery of seal life in our hands and under our protection.

These, Mr. Speaker, are the provisions of the bill; and now I desire in the remaining time to yield to my colleague on the committee, the gentleman from Maine [Mr. DINGLEY]——

Mr. HOLMAN. I would like to ask the gentleman from Arkansas [Mr. DUNN] a question.

Mr. DUNN. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore* (Mr. MCCREARY). Eight minutes.

Mr. DUNN. I reserve that.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Arkansas [Mr. DUNN] to ask that he be notified ten minutes before the arrival of the time agreed upon for taking the vote.

Mr. DUNN. I desire to reserve the residue of my time and to yield

to my colleague [Mr. DINGLEY]. Before doing that, however, I ask unanimous consent to answer questions.

Mr. HOLMAN. I wish to ask the gentleman from Arkansas whether, in view of the importance of this contract and in view of the unfriendly criticism with reference to the last contract, which was made in 1870, it would not be better to provide that the contract now contemplated shall be subject to the approval of the President of the United States.

Mr. DUNN. This contract is to be made by the Secretary of the Treasury, who is one of the clerks of the President. I can not imagine that he would make a contract without the President's approval.

Mr. HOLMAN. Well, if the gentleman thinks the proviso I have suggested is not necessary I will not press it.

Mr. DUNN. That is the view of the committee, and the proof taken before the committee shows that the former lease was made in obedience to the direction of President Grant.

Mr. HOLMAN. Yes; but President Grant did not directly approve the lease.

A MEMBER. The proviso suggested had better be put in.

Mr. DUNN. I do not think the proposed amendment amounts to anything.

Mr. HOLMAN. I apprehend that this bill when we come to vote upon it will not be open to amendment. I therefore say now that I think the term of the contract should be reduced to ten years, and that the contract before going into effect should be approved by the President of the United States.

Mr. DUNN. Nothing more disastrous to that interest could occur than to reduce the terms of the contract to ten years. The successful prosecution of this industry requires a plant worth more than $1,000,000, nearly $2,000,000. The operators have to enter all the fur markets of the world and spend large sums of money to promote the fashions in fur in order to secure markets for the seal fur. No man or set of men can afford to do that under a contract running for the short period of ten years. In this matter the interests of the lessees must be consulted in order to make it worth while to preserve seal-life there.

Mr. HERMANN. I would like to ask the gentleman a question as to the construction of one clause in this bill, especially this language which is proposed as a part of section 1963, and which sounds very significant:

> The Secretary of the Treasury shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries.

Mr. DUNN. That is the language of the existing law, and under the Secretary's construction of it he obtained $67,500 more than the minimum which the law requires to be paid. He has construed that, of course. You understand that the lives of the natives are dependent on this business, as they have no other means of existence. Of course the people under the control of those engaged in this business are entitled to decent consideration.

Mr. HERMANN. In section 1, page 2, referring to section 1963 of the Revised Statutes, I desire to know what is the meaning of the following very significant language as to the power conferred on the Secretary of the Treasury in leasing the sealing privileges:

> The Secretary of the Treasury shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in the trade and the protection of the fisheries.

I desire to know what construction is put on the last lines, and as to whether a certain discretion is not conferred on the Secretary of the Treasury so far as to favor parties now engaged there?

Mr. DUNN. It is right and just and equitable that the interests of the parties who are now engaged there should be taken into consideration.

Mr. HERMANN. I understand the party now engaged there is the Alaska Commercial Company, and is not this in the interest of that company?

Mr. BIGGS. I would like to ask the gentleman from Arkansas a question.

Mr. DUNN. I have not time to yield.

Mr. BIGGS. Will we have an opportunity to present amendments?

Mr. DUNN. I understand I have only eight minutes remaining.

Mr. DINGLEY. I believe the agreement is that the vote shall be taken at twenty minutes to 2 o'clock.

Mr. DUNN. How much time does my colleague on the committee desire?

The SPEAKER *pro tempore*. There are only twelve minutes of time remaining altogether.

Mr. DINGLEY. If I can have the attention of the House for a few minutes——

Mr. SPINOLA. One side of this question has only been heard. I hope those who are opposed to this bill will have an opportunity to be heard.

Mr. DINGLEY. I can not be taken off the floor in this way.

The SPEAKER *pro tempore*. The gentleman from Arkansas is entitled to the floor, and has yielded to the gentleman from Maine [Mr. DINGLEY].

Mr. SPINOLA. But those who are opposed to this measure should have some opportunity to be heard. I rise to a parliamentary inquiry.

Mr. DINGLEY. I can not be taken off the floor by a parliamentary inquiry.

Mr. SPINOLA. Gentlemen should submit to what is decent and proper.

Mr. DUNN. I have yielded to my colleague on the committee [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, there are two important matters presented in this bill which should receive the attention of the House.

The first section of this bill authorizes the Secretary of the Treasury to again lease the seal rookeries on the islands of St. Paul and St. George in Behring Sea, in the Alaska Territory, to take effect on the expiration of the present lease in May, 1890. It provides that the policy of the Government in reference to these seal rookeries, which has been maintained since the purchase of Alaska, shall be continued.

In 1870 the Government adopted the policy of leasing to that party which the Secretary of the Treasury considered the most advisable for the Government the right to kill such number of fur-seals on the islands of St. Paul and St. George in Behring Sea as might be annually determined by the Secretary, under which lease $55,000 was required to be paid and $2.62½ for every skin of a seal killed. That contract expires a year from next May. This bill provides that before the expiration of the present contract the Secretary of the Treasury shall invite bids from individuals or companies for the privilege of killing fur-seals on the islands of St. Paul and St. George to whatever extent the Secretary of the Treasury may annually determine for the term of twenty years from the 1st day of May, 1890.

The first point to be considered is whether the House will authorize a continuation of this policy of leasing these fur-seal rookeries to that party which, under the circumstances, in the judgment of the Secretary of the Treasury, will give the most for the privilege. There is in the bill provision for advertisement and direction to the Secretary of the Treasury to make the lease to that party proposing terms the most advantageous to the Government. There is a further provision increasing the minimum amount provided under the act of 1870; that is, at least $50,000 must be paid to the Government for the lease; and secondly, at least $3.50 be paid for each skin. The amount to be paid to the Government for the lease will be as much more than this as competition may lead bids to be made.

The first question is whether Congress will continue the policy of leasing the right to kill seals on the seal islands to private parties, or will adopt some other policy of administering these valuable rookeries. Those who have examined this matter generally agree that leasing to private parties is the only wise policy the Government can adopt. It is suggested that the Government itself take charge of these rookeries by their agents, kill the seals and send the skins for sale into the market. Investigation has convinced your committee that the Government can not successfully carry on this business, and that it is better we should invite proposals from companies and parties who desire to enter into it.

I need not detain the House to repeat the reasons for this conclusion. In the first place, the price of seal furs in the markets of the world is largely controlled by the manipulation of the sources of fashion in the great social centers of the civilized world. In 1870 a fur-seal skin in the markets of London was worth only $5. To-day it is worth $13.50. This increase of market value has been brought about largely by the manipulation of the centers of fashion, and it is not believed that this price can be maintained except through some private business company working in the direction that the present company has been working.

At the same time the value of the privilege of killing seals on the seal islands of Alaska is now so well known that, if the term of this lease covers the long period of twenty years, new companies are certain to raise the price bid for the lease so as to give the Government a fair share of the profits reaped by the excellent business management of the lessees. If the term of the lease should be seriously reduced new companies would be less likely to enter into competition with the old company because so large an expenditure would be required for the plant of a new company.

The second section, and in some respects the most important, distinctly declares that the acts of 1869 and 1870 protecting seal life in the Territory and waters of Alaska, were intended to apply to the waters of Behring Sea, and instructs the President to issue his proclamation annually and to take all necessary measures to enforce these protective laws. While these acts have always been properly construed by the Government of the United States to apply to the waters of Behring Sea, yet the specific affirmation made in this section will serve as an important notice to all the world, and especially to the marauders who rove over the waters of Behring Sea destroying seal life, that the Government of the United States intends to protect seal life in these waters as well as on the seal rookeries of Alaska. The importance of this protection in the waters of Behring Sea will be seen when the situation of the seal islands is considered.

Probably the most valuable features of our Alaskan purchase from Russia in 1867 are these fur-seal rookeries on the islands of St. Paul and St. George, in Behring Sea. These islands are 1,500 miles northwest

of Sitka, which is almost the only point in this vast frozen territory inhabited by whites, and 600 south of Behring Straits; 300 miles from the mainland of Alaska and nearly in the center of the American portion of Behring Sea. On these desolate islands are the largest fur-seal rookeries in the world, more than twice as large as the only two other known rookeries combined—the one at the mouth of the river Plate yielding about twelve thousand skins, and the other, nearly opposite these islands, on the Russian coast of Asia, yielding about forty thousand skins per annum, while our Alaska rookeries yield one hundred thousand skins.

All the other fur-seal rookeries, notably those of the South Pacific, once very large and valuable, have been exterminated by indiscriminate killing of seals. These three have been preserved by governmental protection—the Plate rookery by the Argentine Republic, the Kamtschatka rookery by Russia, and the St. Paul and St. George rookeries by Russia from 1790 to the cession of Alaska in 1867, and since that time by the United States.

The necessity of governmental protection in order to preserve fur-seal rookeries like those on the seal islands of Alaska arises from the peculiar habits of the fur-seal. The fur-seal is not a fish, but an amphibious animal born on the land at the rookeries or breeding grounds on the shore, where they are accustomed to haul out annually in May or June to bring forth and care for their young. There they remain about five months, till October or November, the breeding males remaining all the time on the land, and the females going into the water every day to secure fish for food. If the breeding males and females were killed or disturbed on the rookeries they would soon be exterminated; or if the females who go out into Behring Sea for food are shot, for every one obtained by the marauders seven on the average sink and are lost, and for every female killed or wounded the helpless pups on shore starve. In order, therefore, to protect the rookeries it is necessary to protect seal life not only on the islands of St. George and St. Paul, but also in Behring Sea.

With this protection the seal rookeries on these islands can be easily indefinitely preserved, for the reason that the 100,000 seals which the lessees of the rookeries are allowed to kill each year are all non-breeding males—*i. e.*, weak males that have been driven from the breeding grounds by the strong bulls, which are polygamous, and generally have from ten to fifteen female seals in their family. The non-breeding males herd outside the breeding seals, and are easily separated from them by the Aleut killers employed by the lessees of the islands. By such care in killing only non-breeding seals, and protecting the breeding seals on land and water the herd of seals on these islands, estimated at 4,500,000, is carefully preserved, and even increased, for the natural increase is sufficient to not only cover the 100,000 killed by the Government lessees (for which they pay the Treasury about $317,000 per annum) but also the large numbers destroyed by the natural enemies of the seal in the seven months in which they are absent from the island in the waters of the Pacific.

It will be seen, therefore, that in order to preserve the Alaskan seal rookeries and thus save almost the last source of supply of this valuable fur to the world, and secure the annual rental to the Government—already nearly $6,000,000 in the twenty years since the acquisition of Alaska, and soon to be increased perhaps to half a million per annum—it is absolutely essential to preserve seal life in Behring Sea while the female seals are roaming through the waters within 50 miles of the seal islands in quest of food. Unless the Government shall exercise sufficient control over these waters in the five months the seals are domiciled on the islands, it will take but a few years for marauders from the Pacific coast of the United States and of Canada to destroy the breeding seals and break up these valuable rookeries.

During the Russian occupation of these seal islands Russia steadily maintained and exercised her right to patrol and control all the waters of Behring Sea, basing her claim to regard Behring as a closed sea (*mare clausum*) on the fact that she had discovered and owned both shores and that it was not a sea leading to any routes of commerce. Her claim to the exclusive control of this sea down to the parallel of 55°, in the same manner that the United States controls Chesapeake and Delaware Bays, and Great Britain Fortune Bay, was not denied by any nation from the time of Russian occupation in 1745 to the cession of Alaska and the western half of Behring Sea and the islands in the same to the United States in 1867. In 1799 the Emperor Paul, by a formal ukase, asserted the exclusive control of Russia over Behring Sea, and no nation protested. In 1821, when Russia attempted to extend her exclusive control 4° south (to the parallel of 51°) into the North Pacific, the United States remonstrated against the extension on the ground that this ocean could not be regarded as a closed sea.

The remonstrance led to the treaty of 1824 between the United States and Russia, whereby the latter gave up her claim to extend her control to 51°, and gave the United States certain privileges north of 54° 40′ for the period of ten years, these privileges having ended in 1834. In 1825 a treaty was entered into between Russia and Great Britain whereby the latter power practically recognized Russian control of Behring Sea north of 55°.

Whatever rights Russia had to control the eastern half of Behring Sea she assigned to the United States by her cession of Alaska in 1867. Russia's treaty of cession to this country specifically describes the western boundary of the territory granted to the United States as proceeding—

> In a course nearly southwest through Behring Straits and Behring Sea, * * * so as to pass midway between the island of Attou (the westerly island of the Aleutian chain) and the Copper Island of the Kormandorski group to the meridian of 193° west longitude—

and grants to the United States "the territories and dominion" within the described boundaries.

After the cession, on July 27, 1868, Congress extended the laws of the United States relating to customs, commerce, and navigation "over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia." In July, 1868, Congress prohibited the killing of fur-seals "in the Territory of Alaska or the waters thereof." March 3, 1869, Congress declared "the islands of St. Paul and St. George, in Alaska," to be a special Government reservation. July 1, 1870, Congress passed another act to protect seal life, and authorized the Secretary of the Treasury to lease for twenty years the right to take fur-seals on the islands of St. George and St. Paul on certain terms. And August 21, 1870, this right was leased to the Alaska Commercial Company for an annual rental of $55,000 and $2.62½ for each seal-skin, the lessees to furnish certain supplies and schools for the Aleuts on the seal islands.

Since the United States Government has taken charge of the seal islands as a Government reservation it has steadily maintained that the acts of 1868, 1869, and 1870 included the waters of Behring Sea, and in 1887 our revenue-cutter seized fifteen vessels which were caught killing seals in this sea. The letter of Assistant Secretary French, in 1881, distinctly asserted this, and this letter has since been repeatedly referred to as explaining the intent of these acts.

Mr. CUTCHEON. Will the gentleman allow me a question just there? What does the gentleman understand to be the present attitude of the State Department in regard to the control of Behring Sea by the United States, as to whether it is regarded as a closed sea or a part of the great ocean?

Mr. DINGLEY. I will say to the gentleman in reference to that point, although I have not time to enter fully upon the discussion of it, that I understand in so far as any correspondence is concerned which has been made public—and my colleague states it is also true as to that which has not been made public—the State Department has steadily maintained the position that Behring Sea is a closed sea, and is under the exclusive jurisdiction of the United States for the purposes referred to. It is known to the House that the Secretary has been engaged in negotiations with the leading European powers to bring about an international arrangement for a close time for seals in all waters, but I am advised that there has been no intimation of a surrender of our claim to control Behring Sea. I understand that position has not been surrendered, although in the season of 1888 it is well understood that the revenue-cutter sent to Behring Sea to protect seal life was instructed not to seize any vessels in that sea, for reasons not yet disclosed, and hence no protection was given in that season—an unfortunate step, likely to greatly increase our difficulties in protecting seal life in these waters; and our information is that there are now hundreds of vessels fitting out for the purpose of killing seals in Behring Sea. If steps are not promptly taken on the part of the Government to protect seal life on those islands as well as the seals in the waters of Behring Sea, the time is not very distant when seal life will be completely extinct, and this valuable property belonging to the United States destroyed.

Mr. SPINOLA. How did Russia protect this property, or how did we protect it prior to the making of this contract?

Mr. DINGLEY. Ever since we have held control of the seal rookeries under the purchase from Russia, or rather since the acts were passed to protect seal life, this Government has protected, or endeavored to protect, seal life in Behring Sea by seizing all vessels killing these animals there just as Russia did before us.

Mr. SPINOLA. But prior to that time?

Mr. DINGLEY. There was no protection between 1867 and the passage of the seal-protection laws of 1869 and 1870.

Mr. DUNN. And there was a great destruction of seal life.

Mr. DINGLEY. The suggestion has sometimes been made that there is an inconsistency in claiming the right of our fishermen to catch fish outside of the 3-mile limit on the northeastern coast of British America, and at the same time insisting on our right to exclude sealers from the waters of Behring Sea outside of this limit. There is no parallel between these cases. By the treaty of 1818 with Great Britain our right to fish outside of the 3-mile limit on the northeast coast of British America is expressly recognized and conceded. But Russia always maintained her right to exclusive control of Behring Sea, and ceded all her rights to us.

I ask unanimous consent, Mr. Speaker, to be permitted to extend my remarks on this question.

Mr. DUNN. I hope that right will be extended to all gentlemen who desire to avail themselves of it.

Mr. ANDERSON, of Illinois. I shall object unless some time is given on the other side to discuss this question.

Mr. SPINOLA. I have an amendment to offer. I ask unanimous consent that the time be extended a half hour.

Mr. RANDALL. I object.

Mr. BIGGS. Mr. Speaker, I desire to offer an amendment.

Mr. McADOO. I ask unanimous consent that leave be given to offer amendments, which shall be voted upon without debate.

The SPEAKER. Is there objection?

Mr. HATCH. I object.

Mr. CUTCHEON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. Is it not possible to extend the time for debate by a vote of the House or upon a motion by unanimous consent?

The SPEAKER. The Chair does not think it is. This order was made by unanimous consent, and has the effect of a rule of the House so far as the consideration of this bill is concerned.

Mr. DUNN. I desire to say that I feel under honorable obligation to the gentlemen on the floor not to do anything now which will procrastinate this bill.

Mr. ANDERSON, of Illinois. I withdraw my objection to the request of the gentleman from Maine to extend his remarks.

The SPEAKER. The Chair did not understand that the objection of the gentleman from Illinois extended to the request of the gentleman from Maine, who had received consent to extend his remarks, but the Chair understood the objection to apply to the general leave to print.

Mr. ANDERSON, of Illinois. Then that is all right.

Mr. ADAMS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS. Does the order cut off the right to offer amendments? I did not so understand.

The SPEAKER. The Chair did not so understand, but the order reads that at twenty minutes before 2 o'clock a vote shall be taken upon the bill and amendments, presupposing that amendments would be offered before that time and not after.

Mr. DUNN. Mr. Speaker, I ask for a vote.

Mr. SPINOLA. Mr. Speaker——

Mr. BIGGS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BIGGS. I rose to make a parliamentary inquiry, and asked if there would be opportunity to offer amendments while the sections were being read and after the bill was read, and the Chair decided that I could offer them at any time after the bill was read. Now I desire to offer an amendment.

The SPEAKER. The Chair responded to the gentleman that whenever a gentleman obtained the floor in his own right he could offer an amendment after the reading of the bill. After that time the House, by an order, directed that a vote be taken at twenty minutes before 2 o'clock.

Mr. BIGGS. Such legislation has never been heard of in any parliamentary body.

The question was put on ordering the bill to a third reading; and the Speaker announced the noes seemed to have it.

Mr. DUNN. Division.

The House divided; and there were—ayes 93, noes 10.

Mr. ANDERSON, of Illinois, and Mr. SPINOLA. No quorum.

Mr. DUNN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 145, nays 81, not voting 96; as follows:

YEAS—145.

Allen, Mass.	Dargan,	Kennedy,	Romeis,
Allen, Mich.	Davidson, Ala.	Kerr,	Rowell,
Allen, Miss.	Davidson, Fla.	Laffoon,	Russell, Conn.
Anderson, Miss.	Davis,	Landes,	Russell, Mass.
Arnold,	De Lano,	Lane,	Ryan,
Atkinson,	Dingley,	Lodge,	Sawyer,
Bacon,	Dockery,	Long,	Scull,
Baker, N. Y.	Dorsey,	Macdonald,	Sherman,
Bayne,	Dunn,	Mahoney,	Simmons,
Bingham,	Elliott,	Martin,	Smith,
Blanchard,	Farquhar,	Mason,	Spooner,
Blount,	Felton,	McAdoo,	Springer,
Bound,	Flood,	McCreary,	Stephenson,
Bowden,	French,	McKenna,	Stewart, Ga.
Breckinridge, Ky.	Funston,	McKinney,	Stewart, Vt.
Brewer,	Gay,	McRae,	Stone, Ky.
Brower,	Grout,	Merriman,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Hall,	Moffitt,	Taylor, J. D., Ohio
Browne, Ind.	Hatch,	Moore,	Thomas, Ill.
Brown, Ohio.	Hayden,	Morrill,	Thomas, Wis.
Brown, J. R., Va.	Hayes,	Morrow,	Thompson, Ohio
Buchanan,	Hemphill,	Norwood,	Tillman,
Buckalew,	Henderson, Iowa	Oates,	Townshend,
Butterworth,	Henderson, N. C.	Osborne,	Turner, Ga.
Campbell, Ohio	Hiestand,	Outhwaite,	Vandever,
Caswell,	Hires,	Payson,	Wade,
Catchings,	Hitt,	Peel,	Walker,
Cheadle,	Holmes,	Penington.	Wickham,
Chipman,	Hopkins, Ill.	Plumb,	Wilber,
Clardy,	Hopkins, N. Y.	Post,	Wilkinson,
Clark,	Howard,	Posey,	Williams,
Cogswell,	Hunter,	Pugsley.	Wilson, Minn.
Compton,	Hutton,	Reed,	Woodburn,
Cooper,	Jackson,	Rice,	Yoder.
Cox,	Johnston, Ind.	Robertson,	
Crisp,	Jones,	Rockwell,	
Cummings,	Kelley,	Rogers,	

NAYS—81.

Adams,	Dunham,	Kilgore,	Sayers,
Anderson, Iowa	Enloe,	La Follette,	Seney,
Anderson, Ill.	Finley,	Lagan,	Seymour,
Anderson, Kans.	Forney,	Lanham,	Shively,
Baker, Ill.	Fuller,	Latham,	Spinola.
Bankhead,	Gallinger,	Lehlbach,	Steele,
Barnes,	Gear,	Lind,	Stewart, Tex.
Belden,	Gest,	Maish,	Stockdale,
Biggs,	Glass,	Mansur,	Stone, Mo.
Bland,	Grimes,	Matson,	Taulbee.
Boothman,	Hare,	McClammy,	Turner, Kans.
Breckinridge, Ark.	Haugen,	McComas.	Warner,
Bryce,	Heard,	Mills,	Washington,
Burrows,	Herbert,	Montgomery,	Weaver,
Bynum,	Hermann,	O'Neall, Ind.	Weber,
Cannon,	Holman,	O'Neill, Mo.	Whiting. Mich.
Caruth,	Hooker,	Parker,	Wilkins,
Cobb,	Hopkins, Va.	Patton,	Wise.
Cowles,	Houk,	Peters,	
Culberson,	Hudd,	Randall,	
Dougherty,	Johnston, N. C.	Rowland,	

NOT VOTING—96.

Abbott,	Dibble,	Lynch,	Rayner,
Barry,	Ermentrout,	Maffett,	Richardson,
Bliss,	Fisher,	McCormick,	Rusk,
Boutelle,	Fitch,	McCullogh,	Scott,
Bowen,	Foran,	McKinley,	Shaw,
Brumm,	Ford,	McMillin,	Snyder,
Bunnell,	Gaines,	McShane,	Sowden,
Burnett,	Gibson,	Milliken,	Stahlnecker,
Butler,	Glover,	Morgan,	Struble,
Campbell, F., N. Y.	Goff,	Morse,	Symes,
Campbell, T. J., N. Y.	Granger,	Neal,	Tarsney,
Candler,	Greenman,	Nelson,	Thomas, Ky.
Carlton,	Grosvenor,	Newton,	Thompson, Cal.
Clements,	Guenther,	Nichols,	Tracey,
Cockran,	Harmer,	Nutting,	Vance,
Collins,	Henderson, Ill.	O'Donnell,	West,
Conger,	Hogg,	O'Ferrall,	Wheeler,
Cothran,	Kean,	O'Neill, Pa.	White, Ind.
Crain,	Ketcham,	Owen,	White, N. Y.
Crouse,	Laidlaw,	Perkins,	Whiting, Mass.
Cutcheon,	Laird,	Perry,	Whitthorne,
Dalzell,	Lawler,	Phelan,	Wilson, W. Va.
Darlington,	Lee,	Phelps,	Yardley,
Davenport,	Lyman,	Pidcock,	Yost.

So the bill was ordered to a third reading.

Pending the announcement of the vote,

Mr. WHEELER said: Before the vote is announced I would like to vote.

The SPEAKER *pro tempore*. Was the gentleman in the Hall?

Mr. WHEELER. I was not.

The SPEAKER *pro tempore*. Then the gentleman, under the rules, can not vote.

Mr. WHEELER. If I had been present, I would have voted in the affirmative.

Mr. McMILLIN. I was detained at the other end of the Capitol on the Aqueduct tunnel investigating committee, and did not get into the House in time to vote.

The following pairs were announced on all political questions until further notice:

Mr. LEE with Mr. HARMER.

Mr. CLEMENTS with Mr. GOFF.

Mr. FORD with Mr. GUENTHER.

Mr. PIDCOCK with Mr. BRUMM.

Mr. PERRY with Mr. CROUSE.

Mr. GLOVER with Mr. BUNNELL.

Mr. BARRY with Mr. YOST.

Mr. COCKRAN with Mr. NUTTING.

Mr. GREENMAN with Mr. YARDLEY.

Mr. PHELAN with Mr. BUTLER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. McSHANE with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.

Mr. COLLINS with Mr. ALLEN, of Massachusetts; also on election contest of Sullivan *vs.* Felton. Mr. COLLINS would vote for Sullivan; Mr. ALLEN would vote for Felton.

On this vote:

Mr. COTHRAN with Mr. O'NEILL, of Pennsylvania.

Mr. SOWDEN with Mr. ABBOTT.

Mr. CRAIN with Mr. STRUBLE.

For this day:

Mr. RAYNER with Mr. DALZELL.

Mr. GRANGER with Mr. DAVENPORT.

Mr. BURNETT with Mr. KETCHAM.

Mr. CANDLER with Mr. LAIDLAW.

Mr. RUSK with Mr. McCORMICK.

Mr. MORGAN with Mr. CONGER.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. SPINOLA. Before that motion is submitted I desire to move to recommit the bill with instructions to amend in the first section, line 21, by striking out the word "twenty" and inserting "ten;" so as to make it read "for ten years," instead of "twenty years." Ten

years now amounts to as much as twenty years when I was a boy. [Laughter.]

Mr. HOLMAN. I move to amend the proposed amendment by also requiring "that the contract be approved of by the President before taking effect."

Mr. DUNN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. Has the bill reached a stage when a motion to recommit is in order?

The SPEAKER *pro tempore*. It has. The question now pending is on the passage of the bill. The gentleman from New York [Mr. SPINOLA] moves to recommit the bill with instructions, which the Clerk will read.

The Clerk read as follows:

Amend section 1, line 21, by striking out "twenty" and inserting "ten."
Also amend, in same line, by inserting "the contract to be approved of by the President before taking effect."

Mr. MCADOO. I offer an amendment to the instructions offered by the gentleman from New York [Mr. SPINOLA] which I send to the Clerk's desk.

The Clerk read as follows:

Page 3, line 39, after the word "same," insert: "*Provided*, That any person or persons may bring suit in the United States courts in the nature of a *qui tam* action to recover a penalty of $10 for each and every fur-seal skin taken by any lessees provided for in this bill over the number allowed by law to be annually taken by said lessees, or by any other person or persons, in violation of law, and one-half of said penalty shall go to the person or persons bringing said suit."

Mr. DUNN. I will now ask unanimous consent that each one of these amendments be voted upon in the House.

Mr. HOLMAN. Without debate?

Mr. DUNN. Without debate.

Mr. HERMANN. I desire to offer an amendment which I send to the desk.

The SPEAKER *pro tempore*. The Clerk will report the amendment to the amendment offered by the gentleman from Oregon [Mr. HERMANN], and then the Chair will put the request of the gentleman from Arkansas.

The Clerk read as follows:

Strike out line 17, and the words "in the trade" in line 18, on page 2, of the bill.
The words proposed to be stricken out are "as well as to the interests of the parties heretofore engaged in the trade."

Mr. DINGLEY. Mr. Speaker——

The SPEAKER *pro tempore*. Debate is not in order. The gentleman from New York [Mr. SPINOLA] moves to recommit the bill with instructions, to which the gentleman from New Jersey [Mr. MCADOO] offers an amendment, and the gentleman from Oregon [Mr. HERMANN] offers the amendment to the amendment which has just been read. Pending that the gentleman from Arkansas [Mr. DUNN] asks unanimous consent that these amendments be voted upon in the House, without debate, in the order in which they have been presented. Is there objection to the request of the gentleman from Arkansas?

Mr. BIGGS. I object.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. Is it not in perfect order to amend in the second degree the motion to recommit?

The SPEAKER *pro tempore*. The Chair has already stated that these amendments to the amendment are pending in the order in which they have been read. The request of the gentleman from Arkansas [Mr. DUNN] is that the House give unanimous consent to take the vote on the amendments in the House without the motion to recommit.

Mr. BIGGS. I withdraw my objection, Mr. Speaker.

Mr. DUNHAM. I demand the regular order.

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from Arkansas?

Mr. ANDERSON, of Illinois. I object.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DINGLEY. If this bill shall be recommitted will it have any privilege for consideration on being reported back?

The SPEAKER *pro tempore*. It will not.

Mr. DINGLEY. That will be the end of it?

The SPEAKER *pro tempore*. It will lose its privilege. The question is on the amendment to the amendment submitted by the gentleman from Oregon, which the Clerk will report.

The Clerk read as follows:

Strike out line 17, and the words "in the trade," in line 18.

The question was put on Mr. HERMANN'S amendment; and the Speaker *pro tempore* declared the noes seemed to have it.

Mr. BIGGS. I ask for a division.

The House divided; and there were—ayes 65, noes 17.

So the amendment was agreed to.

The SPEAKER. The question is on the amendment proposed by the gentleman from New Jersey [Mr. MCADOO] as amended. The Clerk will report the amendment as amended.

The Clerk read as follows:

Page 3, line 39, after the word "same," add: "*Provided*, That any person or persons may bring suit in the United States courts in the nature of a *qui tam* action to recover a penalty of $10 for each and every fur-seal skin taken by any lessee provided for in this bill over the numbers allowed by law to be annually taken by said lessees, or by any person or persons in violation of law, and one-half of said penalty shall go to the person or persons bringing said suit."
Also, strike out line 17, and the words "in the trade," in line 18.

Mr. DINGLEY. I rise to a parliamentary inquiry. There is some misunderstanding in this part of the House as to whether or no these are amendments on the motion to recommit, or whether unanimous consent was given.

The SPEAKER. They are amendments to the motion to recommit. If these amendments are agreed to and the House should recommit the bill, it will be with instructions to insert these amendments.

Mr. DINGLEY. Then, as I understand it, if the bill should be recommitted, it will have lost its privilege.

Mr. RANDALL. We want to provide for that matter. We might provide that the bill be reported back immediately, or that whenever reported back it shall have the same rights as when originally reported.

The SPEAKER. That would be a change of the rule.

Mr. RANDALL. I know; but the rule can be changed by consent.

Mr. MCMILLIN. I suggest that when these amendments of the motion to recommit with instructions are perfected, we have a vote in the House directly so as to dispose of the matter.

Mr. DUNN. That is exactly what I asked awhile ago; but objection was made.

Mr. HOLMAN. I understand that the gentleman from Pennsylvania [Mr. MAISH] withdrew his objection——

Mr. MAISH. I withdrew my objection to taking a vote on the amendments.

The SPEAKER. But the gentleman from Illinois [Mr. DUNHAM], as the Chair understood, also objected.

Mr. DUNHAM. Yes, sir.

Mr. DUNN. I renew my request that by unanimous consent a vote be taken separately on each of these amendments and that then the question be taken on the passage of the bill.

The SPEAKER. But the gentleman from Illinois [Mr. DUNHAM] has just objected to that request. The question is upon agreeing to the amendment as amended.

The amendment was agreed to.

The SPEAKER. The question is now upon agreeing to the motion of the gentleman from New York [Mr. SPINOLA] as amended, which is to recommit the bill with the instructions which will now be read.

The Clerk read as follows:

In line 21, section 1, strike out "twenty" and insert "ten."
After the word "years," in the same line, insert "the contract to be approved of by the President before taking effect."
After the word "same," in line 39, page 3, add:
"*Provided*, That any person or persons may bring suit in the United States courts in the nature of a *qui tam* action to recover a penalty of $10 for each and every fur-seal skin taken by said lessees as provided for in this bill, over the number allowed by law to be annually taken by said lessees, or by any other person or persons in violation of law; and one-half of said penalty shall go to the person or persons bringing said suit."
Strike out line 17, and the words "in the trade" in line 18.

Mr. DINGLEY. I ask, by unanimous consent, if this bill be recommitted the committee have leave to report it back at any time.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] asks unanimous consent that if this bill be recommitted the committee have leave to report it back at any time.

Several MEMBERS. That is right.

The SPEAKER. Is there objection? The Chair hears none. The question is then upon the motion to recommit with the instructions which have been read.

Mr. DUNN. I hope this motion will be voted down. If the contract be limited to ten years——

Mr. SPINOLA. I object to debate.

The question being taken, there were—ayes 78, noes 28.

So the motion to recommit the bill with instructions was agreed to.

Mr. DUNN. I now report back the bill with the amendments for the consideration of the House.

The SPEAKER. The bill has been recommitted with instructions.

Mr. CRISP. I rise to a question of privilege. I call up the contested-election case of Sullivan *vs.* Felton.

Mr. DUNN. I must antagonize that proposition. I want to have this question disposed of.

Mr. ANDERSON, of Kansas. On that I reserve a point of order.

The SPEAKER. Does the gentleman make the point of order on the reporting back of the bill by the gentleman from Arkansas?

Mr. ANDERSON, of Kansas. Yes, sir.

The SPEAKER. The gentleman from Kansas makes the point that the committee has not had a meeting, and that the report of the gentleman from Arkansas [Mr. DUNN] can not now be submitted. The gentleman will have to defer the report till some other time.

Mr. RANDALL. Was not unanimous consent given——

The SPEAKER. Unanimous consent was given that the committee be allowed to report back at any time, but the gentleman from Kansas

makes the point that the committee has not yet had a meeting, and that the gentleman from Arkansas can not now make the report.

Mr. HATCH. I ask unanimous consent that the gentleman from Arkansas be permitted to report the bill back orally, with the amendments placed upon it by the vote of the House. I hope the gentleman from Georgia [Mr. CRISP] will withhold his matter for one moment.

Mr. CRISP. I have already yielded, with the understanding that this bill would be promptly disposed of——

The SPEAKER. The gentleman from Georgia rises to a privileged question, which, of course, has priority, if insisted upon. The Chair will, however, state the request of the gentleman from Missouri [Mr. HATCH]. Unanimous consent is asked that the gentleman from Arkansas may have leave now to report back this bill, under the instructions of the House, without a written report.

Mr. HATCH. And that the vote may be taken on it without debate.

The SPEAKER. And that the vote be taken on the amendments and the bill without debate. Is there objection?

Mr. ANDERSON, of Kansas. I object.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] is entitled to the floor.

ELECTION CONTEST—SULLIVAN VS. FELTON.

Mr. CRISP. I call up the report of the Committee on Elections on the case of Sullivan *vs.* Felton, from the Fifth Congressional district of California. I desire to inquire of my friends on the other side whether they have any suggestions to make in regard to the time to be allowed for debate.

Mr. MCKENNA. I raise the question of consideration.

The SPEAKER. The resolutions reported by the Committee on Elections will be read.

The Clerk read as follows:

1. *Resolved*, That Charles N. Felton, the contestee, was not elected a Representative in the Fiftieth Congress from the Fifth Congressional district of the State of California, and is not entitled to a seat on this floor.

2. *Resolved*, That Frank J. Sullivan was duly elected to represent the Fifth Congressional district of California in the Fiftieth Congress, and is entitled to a seat therein.

The SPEAKER. On these resolutions the gentleman from California [Mr. MCKENNA] raises the question of consideration.

Mr. TAULBEE. I ask unanimous consent that members desiring to introduce bills may have permission to hand them in at the Clerk's desk.

Objection was made.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 7718) for the relief of Milo McCrillis;

A bill (H. R. 10240) for the relief of J. Edwin Pilcher; and

A bill (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas.

Mr. CARLTON, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890; when the Speaker signed the same.

MUSCOGEE INDIANS.

The SPEAKER laid before the House the bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes; which was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. PEEL. I ask that unanimous consent be given the committee to report at any time.

Mr. BUCHANAN and others. Regular order.

CALIFORNIA CONTESTED-ELECTION CASE—SULLIVAN VS. FELTON.

The SPEAKER. The question is, Will the House proceed to consider the election case?

The question was put; and on a division there were—ayes 74, noes 78.

Mr. CRISP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was put; and there were—yeas 129, nays 12, not voting 181; as follows:

YEAS—129.

Abbott,	Campbell, F., N. Y	Culberson,	Glass,
Anderson, Ill.	Campbell, Ohio	Cummings,	Glover,
Baker, Ill.	Campbell, T. J., N. Y.	Dargan,	Grimes,
Bankhead,	Carlton,	Davidson, Ala.	Hall,
Biggs,	Caruth,	Davidson, Fla.	Hatch,
Blanchard,	Catchings,	Dibble,	Haugen,
Bland,	Chipman,	Dockery,	Heard,
Blount,	Clardy,	Dougherty,	Hemphill,
Breckinridge, Ark.	Cobb,	Enloe,	Henderson, N. C.
Breckinridge, Ky.	Compton,	Foran,	Herbert,
Brown, Ohio	Cowles,	Forney,	Hermann,
Buckalew,	Cox,	French,	Holman,
Bynum,	Crisp,	Gibson,	Hopkins, Va.
Howard,	Mansur,	Rice,	Taylor, J. D., Ohio
Hudd,	Martin,	Richardson,	Thomas, Wis.
Hutton,	Matson,	Robertson,	Thompson, Cal.
Johnston, Ind.	McAdoo,	Rogers,	Tillman,
Johnston, N. C.	McClammy,	Rowland,	Townshend,
Jones,	McCreary,	Russell, Mass.	Turner, Ga.
Kerr,	McKinney,	Sayers,	Vance,
Kilgore,	McMillin,	Seney,	Wade,
Laffoon,	McRae,	Shaw,	Walker,
La Follette,	Merriman,	Shively,	Washington,
Lagan,	Mills,	Simmons,	Weaver,
Landes,	Montgomery,	Sowden,	Wheeler,
Lane,	Moore,	Spinola,	Whiting, Mich.
Lanham,	Morgan,	Stewart, Tex.	Wilkins,
Latham,	Norwood,	Stewart, Ga.	Wilkinson,
Lawler,	Oates,	Stockdale,	Wilson, Minn.
Lynch,	O'Neall, Ind.	Stone, Ky.	Yoder.
Macdonald,	Outhwaite,	Stone, Mo.	
Mahoney,	Penington,	Tarsney,	
Maish,	Randall,	Taulbee,	

NAYS—12.

Allen, Mich.	Brown, J. R., Va.	Grout,	Stewart, Vt.
Anderson, Iowa	Cannon,	Hires,	Thomas, Ill.
Anderson, Kans.	Gallinger,	Morrill,	Wickham.

NOT VOTING—181.

Adams,	Darlington,	Kennedy,	Pugsley,
Allen, Mass.	Davenport,	Ketcham,	Rayner,
Allen, Miss.	Davis,	Laidlaw,	Reed,
Anderson, Miss.	De Lano,	Laird,	Rockwell,
Arnold,	Dingley,	Lee,	Romeis,
Atkinson,	Dorsey,	Lehlbach,	Rowell,
Bacon,	Dunham,	Lind,	Russell, Conn.
Baker, N. Y.	Dunn,	Lodge,	Rusk,
Barnes,	Elliott,	Long,	Ryan,
Barry,	Ermentrout,	Lyman,	Sawyer,
Bayne,	Farquhar,	Maffett,	Scott,
Belden,	Felton,	Mason,	Scull,
Bingham,	Finley,	McComas,	Seymour,
Bliss,	Fisher,	McCormick,	Sherman,
Boothman,	Fitch,	McCullogh,	Smith,
Bound,	Flood,	McKenna,	Snyder,
Boutelle,	Ford,	McKinley,	Spooner,
Bowden,	Fuller,	McShane,	Springer,
Bowen,	Funston,	Milliken,	Stahlnecker,
Brewer,	Gaines,	Moffitt,	Steele,
Brower,	Gay,	Morrow,	Stephenson,
Browne, T. H. B., Va.	Gear,	Morse,	Struble,
Browne, Ind.	Gest,	Neal,	Symes,
Brumm,	Goff,	Nelson,	Taylor, E. B., Ohio
Bryce,	Granger,	Newton,	Thomas, Ky.
Buchanan,	Greenman,	Nichols,	Thompson, Ohio
Bunnell,	Grosvenor,	Nutting,	Tracey,
Burnett,	Guenther,	O'Donnell,	Turner, Kans.
Burrows,	Hare,	O'Ferrall,	Vandever,
Butler,	Harmer,	O'Neill, Pa.	Warner,
Butterworth,	Hayden,	O'Neill, Mo.	Weber,
Candler,	Hayes,	Osborne,	West,
Caswell,	Henderson, Iowa	Owen,	White, Ind.
Cheadle,	Henderson, Ill.	Parker,	White, N. Y.
Clark,	Hiestand,	Patton,	Whiting, Mass.
Clements,	Hitt,	Payson,	Whitthorne,
Cockran,	Hogg,	Peel,	Wilber,
Cogswell,	Holmes,	Perkins,	Williams,
Collins,	Hooker,	Perry,	Wilson, W. Va.
Conger,	Hopkins, Ill.	Peters,	Wise,
Cooper,	Hopkins, N. Y.	Phelan,	Woodburn,
Cothran,	Houk,	Phelps,	Yardley,
Crain,	Hunter,	Pidcock,	Yost.
Crouse,	Jackson,	Plumb,	
Cutcheon,	Kean,	Posey,	
Dalzell,	Kelley,	Post.	

No quorum voted.

Mr. CRISP. I ask unanimous consent to dispense with the reading of the names.

Mr. MCKENNA. I object.

The Clerk then read the names of those voting.

The following additional pairs were announced for the rest of the day:

Mr. COTHRAN with Mr. BUNNELL.

Mr. WISE with Mr. DORSEY.

Mr. BARNES with Mr. KELLEY.

Mr. CRAIN with Mr. SYMES, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. CRISP. I move a call of the House.

A call of the House was ordered.

The roll was called, and the following-named members failed to answer to their names:

Adams,	Crouse,	Kelley,	Perry,
Bacon,	Cutcheon,	Ketcham,	Phelan,
Baker, N. Y.	Dalzell,	Laffoon,	Pidcock,
Barnes,	Darlington,	Laidlaw,	Rayner,
Barry,	Davenport,	Laird,	Rusk,
Bliss,	Davis,	Lee,	Scott,
Bowen,	Ermentrout,	Lyman,	Snyder,
Browne, Ind.	Felton,	Maffett,	Springer,
Brumm,	Fitch	Mansur,	Stahlnecker,
Bunnell,	Ford,	McCormick,	Symes,
Burnett,	Goff,	McShane,	Tracey,
Butterworth,	Granger,	Milliken,	Turner, Kans.
Campbell, Ohio,	Greenman,	Morse,	West,
Candler,	Harmer,	Neal,	White, N. Y.
Clements,	Hayes,	Newton,	Whitthorne,
Cockran,	Herbert,	Norwood,	Wilson, W. Va.
Collins,	Hermann,	Nutting,	Woodburn,
Cothran,	Hogg,	Oates,	Yardley,
Crain,	Hunter,	O'Ferrall,	Yost.

The following members were announced as being absent with leave:

Bunnell,	Granger,	Perry,	Yost.
Burnett,	Laird,	Phelan,	
Crouse,	Lyman,	Yardley,	

For the remaining members absent from the roll-call, no excuses were made except in the following instances:

Mr. TURNER, of Georgia. I ask that my colleague [Mr. CANDLER] be excused on account of sickness.

The motion was agreed to.

Mr. BRYCE. I move that my colleague [Mr. BACON] be excused because of sickness.

The motion was agreed to.

Mr. MCMILLIN. Mr. Speaker, I ask leave of absence for my colleague [Mr. NEAL] on account of sickness.

There was no objection.

Mr. LAGAN. I ask that my colleague [Mr. NEWTON] be excused on account of sickness.

There was no objection.

Mr. HOPKINS, of New York. I move that my colleague [Mr. NUTTING] be excused on account of sickness.

The motion was agreed to.

Mr. WISE. I move that my colleague [Mr. LEE] be granted leave of absence on account of sickness.

The motion was agreed to.

Mr. ALLEN, of Massachusetts. Mr. Speaker, I ask by unanimous consent that my colleague [Mr. BURNETT] be excused.

The SPEAKER *pro tempore* (Mr. BLOUNT). The Chair is informed that the gentleman has leave of absence.

Mr. HITT. I ask that Mr. SYMES, of Colorado, be excused, as he is sick at his home.

The motion was agreed to.

Mr. WISE. Mr. Speaker, I move that my colleague [Mr. O'FERRALL] be excused, as he is unavoidably absent from the city.

The motion was agreed to.

Mr. WASHINGTON. I ask that Mr. WHITTHORNE have leave of asbence.

The SPEAKER *pro tempore*. The gentleman is absent with leave.

Mr. SOWDEN. I ask that the gentleman from New York [Mr. STAHLNECKER] be excused on account of sickness.

The motion was agreed to.

Mr. CRISP. May I ask, Mr. Speaker, how many members have answered to their names?

The SPEAKER *pro tempore*. Two hundred and forty-six members answered to their names.

Mr. CRISP. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs on consideration of the contested-election case, on which the yeas and nays have been ordered. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 134, nays 6, not voting 182; as follows:

YEAS—134.

Abbott,	Davidson, Fla.	Lagan,	Rogers,
Adams,	Dibble,	Landes,	Rowland,
Allen, Miss.	Dockery,	Lane,	Russell, Mass.
Anderson, Miss.	Dougherty,	Lanham,	Sayers,
Anderson, Ill.	Elliott,	Latham,	Seney,
Baker, Ill.	Enloe,	Lawler,	Shaw,
Bankhead,	Fisher,	Lynch,	Shively,
Biggs,	Foran,	Macdonald,	Simmons,
Blanchard,	Forney,	Mahoney,	Smith,
Bland,	French,	Maish,	Spinola,
Bliss,	Gay,	Mansur,	Stewart, Tex.
Blount,	Gibson,	Martin,	Stewart, Ga.
Breckinridge, Ky.	Glass,	Matson,	Stockdale,
Bryce,	Glover,	McAdoo,	Stone, Ky.
Buckalew,	Grimes,	McClammy,	Stone, Mo.
Bynum,	Hall,	McCreary,	Tarsney,
Campbell, F., N. Y.	Hare,	McKinney,	Taulbee,
Campbell, T. J., N. Y.	Hatch,	McMillin,	Taylor, J. D., Ohio
Carlton,	Haugen,	McRae,	Thompson, Cal.
Caruth,	Hayes,	Merriman,	Tillman,
Catchings,	Hemphill,	Mills,	Townshend,
Cheadle,	Henderson, N. C.	Montgomery,	Turner, Ga.
Chipman,	Holman,	Moore,	Vance,
Clardy,	Hooker,	Morgan,	Walker,
Cobb,	Hopkins, Va.	Norwood,	Washington,
Compton,	Hudd,	Oates,	Weaver,
Cothran,	Hutton,	O'Neall, Ind.	Wheeler,
Cowles,	Johnston, Ind.	Outhwaite,	Whiting, Mich.
Cox,	Johnston, N. C.	Peel,	Wilkins,
Crisp,	Jones,	Penington,	Wilkinson,
Culberson,	Kerr,	Randall,	Wilson, Minn.
Cummings,	Kilgore,	Rice,	Yoder,
Dargan,	Laffoon,	Richardson,	
Davidson, Ala.	La Follette,	Robertson,	

NAYS—6.

Anderson, Iowa	Browne, Ind.	Funston,	Gest.
Bayne,	Dingley,		

NOT VOTING—182.

Allen, Mass.	Bacon,	Bingham,	Bowen,
Allen, Mich.	Baker, N. Y.	Boothman,	Breckinridge, Ark.
Anderson, Kans.	Barnes,	Bound,	Brewer,
Arnold,	Barry,	Boutelle,	Brower,
Atkinson,	Belden,	Bowden,	Browne, T. H. B., Va.
Brown, Ohio	Gear,	McCullogh,	Sawyer,
Brown, J. R., Va.	Goff,	McKenna,	Scott,
Brumm,	Granger,	McKinley,	Scull,
Buchanan,	Greenman,	McShane,	Seymour,
Bunnell,	Grosvenor,	Milliken,	Sherman,
Burnett,	Grout,	Moffitt,	Snyder,
Burrows,	Guenther,	Morrill,	Sowden,
Butler,	Harmer,	Morrow,	Spooner,
Buterworth,	Hayden,	Morse,	Springer,
Campbell, Ohio	Heard,	Neal,	Stahlnecker,
Candler,	Henderson, Iowa	Nelson,	Steele,
Cannon,	Henderson, Ill.	Newton,	Stephenson,
Caswell,	Herbert,	Nichols,	Stewart, Vt.
Clark,	Hermann,	Nutting,	Struble,
Clements,	Hiestand,	O'Donnell,	Symes,
Cockran,	Hires,	O'Ferrall,	Taylor, E. B., Ohio
Cogswell,	Hitt,	O'Neill, Pa.	Thomas, Ky.
Collins,	Hogg,	O'Neill, Mo.	Thomas, Ill.
Conger,	Holmes,	Osborne,	Thomas, Wis.
Cooper,	Hopkins, Ill.	Owen,	Thompson, Ohio
Crain,	Hopkins, N. Y.	Parker,	Tracey,
Crouse,	Houk,	Patton,	Turner, Kans.
Cutcheon,	Howard,	Payson,	Vandever,
Dalzell,	Hunter,	Perkins,	Wade,
Darlington,	Jackson,	Perry,	Warner,
Davenport,	Kean,	Peters,	Weber,
Davis,	Kelley,	Phelan,	West,
De Lano,	Kennedy,	Phelps,	White, Ind.
Dorsey,	Ketcham,	Pidcock,	White, N. Y.
Dunham,	Laidlaw,	Plumb,	Whiting, Mass.
Dunn,	Laird,	Posey,	Whitthorne,
Ermentrout,	Lee,	Post,	Wickham,
Farquhar,	Lehlbach,	Pugsley,	Wilber,
Felton,	Lind,	Rayner,	Williams,
Finley,	Lodge,	Reed,	Wilson, W. Va.
Fitch,	Long,	Rockwell,	Wise,
Flood,	Lyman,	Romeis,	Woodburn,
Ford,	Maffett,	Rowell,	Yardley,
Fuller,	Mason,	Russell, Conn.	Yost.
Gaines,	McComas,	Rusk,	
Gallinger,	McCormick,	Ryan,	

No quorum voted.

Pending the announcement of the vote,

Mr. CRISP said: I ask by unanimous consent to dispense with the reading of the names.

Mr. CHEADLE. I object.

Mr. MCMILLIN. I am paired with the gentleman from Ohio [Mr. MCKINLEY], but as there is no quorum I have voted.

The following additional pairs were announced:

Mr. GROSVENOR with Mr. CAMPBELL, of Ohio, from 3 o'clock until Saturday next.

Mr. O'FERRALL with Mr. BUNNELL, for the remainder of the day.

Mr. BACON with Mr. MCCOMAS, for the remainder of the day.

Mr. HEARD with Mr. ROWELL.

Mr. CRAIN with Mr. SYMES.

Mr. MCMILLIN with Mr. MCKINLEY.

Mr. SOWDEN with Mr. BROWER.

The SPEAKER. On this question the yeas are 134, the nays 6. No quorum has voted.

Mr. CRISP. I move a call of the House.

The question was put, and the Speaker announced that the ayes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 68, noes 41.

Mr. GROSVENOR. I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER announced 35 gentlemen had arisen in support of the demand for the yeas and nays.

Mr. CRISP. The other side.

The other side was counted.

The SPEAKER. Thirty-five gentlemen have arisen in support of the demand for the yeas and nays and 80 against it, more than a sufficient number, and the yeas and nays are ordered.

The question was taken; and it was decided in the affirmative—yeas 128, nays 47, not voting 147; as follows:

YEAS—128.

Abbott,	Cobb,	Grout,	Mansur,
Allen, Miss.	Compton,	Hall,	Martin,
Anderson, Iowa	Conger,	Hatch,	McClammy,
Anderson, Miss.	Cothran,	Haugen,	McKinney,
Anderson, Ill.	Cowles,	Henderson, N. C.	McRae,
Baker, Ill.	Cox,	Henderson, Ill.	Merriman,
Bankhead,	Crisp,	Herbert,	Mills,
Biggs,	Culberson,	Hires,	Montgomery,
Blanchard,	Dargan,	Holman,	Moore,
Bland,	Davidson, Ala.	Hooker,	Morgan,
Bliss,	Davidson, Fla.	Hopkins, Va.	Oates,
Blount,	Dibble,	Howard,	O'Neall, Ind.
Breckinridge, Ark.	Dingley,	Hudd,	Patton,
Breckinridge, Ky.	Dockery,	Johnston, N. C.	Peel,
Browne, Ind.	Dougherty,	Kilgore,	Penington,
Bryce,	Dunn,	La Follette,	Randall,
Buckalew,	Enloe,	Lagan,	Rice,
Bynum,	Fisher,	Landes,	Richardson,
Campbell, F., N. Y.	Foran,	Lane,	Robertson,
Campbell, T. J., N. Y.	Forney,	Lanham,	Rogers,
Carlton,	Fuller,	Latham,	Rowland,
Caruth,	Funston,	Lawler,	Russell, Mass.
Catchings,	Gest,	Lynch,	Rusk,
Cheadle,	Glass,	Macdonald,	Sayers,
Chipman,	Glover,	Mahoney,	Seney,
Clardy,	Grimes,	Maish,	Shaw,

Sherman,	Stone, Ky.	Townshend,	Weaver,
Simmons,	Stone, Mo.	Turner, Ga.	Wheeler,
Spinola,	Taulbee,	Vance,	Wilkins,
Springer,	Taylor, J. D., Ohio	Vandever,	Wilson, Minn.
Stewart, Tex.	Thompson, Cal.	Walker,	Wise,
Stockdale,	Tillman,	Washington,	Yoder.

NAYS—47.

Adams,	Browne, T. H. B., Va.	Lehlbach,	Plumb,
Anderson, Kans.	Cannon,	McKenna,	Posey,
Arnold,	Clark,	Moffitt,	Pugsley,
Atkinson,	Cooper,	Morrill,	Romeis,
Baker, N. Y.	Farquhar,	Nelson,	Russell, Conn.
Bayne,	Finley,	Nichols,	Ryan,
Belden,	Flood,	O'Neill, Pa.	Scull,
Bingham,	Gaines,	Osborne,	Steele,
Boothman,	Hitt,	Parker,	Stephenson,
Bound,	Johnston, Ind.	Payson,	Thomas, Ill.
Boutelle,	Kennedy,	Perkins,	Wilber.
Bowden,	Kerr,	Peters,	

NOT VOTING—147.

Allen, Mass.	Felton,	Lee,	Sawyer,
Allen, Mich.	Fitch,	Lind,	Scott,
Bacon,	Ford,	Lodge,	Seymour,
Barnes,	French,	Long,	Shively,
Barry,	Gallinger,	Lyman,	Smith,
Bowen,	Gay,	Maffett,	Snyder,
Brewer,	Gear,	Mason,	Sowden,
Brower,	Gibson,	Matson,	Spooner,
Brown, Ohio	Goff,	McAdoo,	Stahlnecker,
Brown, J. R., Va.	Granger,	McComas,	Stewart, Ga.
Brumm,	Greenman,	McCormick,	Stewart, Vt.
Buchanan,	Grosvenor,	McCreary,	Struble,
Bunnell,	Guenther,	McCullogh,	Symes,
Burnett,	Hare,	McKinley,	Tarsney,
Burrows,	Harmer,	McMillin,	Taylor, E. B., Ohio
Butler,	Hayden,	McShane,	Thomas, Ky.
Butterworth,	Hayes,	Milliken,	Thomas, Wis.
Campbell, Ohio	Heard,	Morrow,	Thompson, Ohio
Candler,	Hemphill,	Morse,	Tracey,
Caswell,	Henderson, Iowa	Neal,	Turner, Kans.
Clements,	Hermann,	Newton,	Wade,
Cockran,	Hiestand,	Norwood,	Warner,
Cogswell,	Hogg,	Nutting,	Weber,
Collins,	Holmes,	O'Donnell,	West,
Crain,	Hopkins, Ill.	O'Ferrall,	White, Ind.
Crouse,	Hopkins, N. Y.	O'Neill, Mo.	White, N. Y.
Cummings,	Houk,	Outhwaite,	Whiting, Mich.
Cutcheon,	Hunter,	Owen,	Whiting, Mass.
Dalzell,	Hutton,	Perry,	Whitthorne,
Darlington,	Jackson,	Phelan,	Wickham,
Davenport,	Jones,	Phelps,	Wilkinson,
Davis,	Kean,	Pidcock,	Williams,
De Lano,	Kelley,	Post,	Wilson, W. Va.
Dorsey,	Ketcham,	Rayner,	Woodburn,
Dunham,	Laffoon,	Reed,	Yardley,
Elliott,	Laidlaw,	Rockwell,	Yost.
Ermentrout,	Laird,	Rowell,	

So the call of the House was ordered.

Pending the announcement of the vote,

Mr. CRISP said: I ask by unanimous consent to dispense with the reading of the names.

Mr. McKENNA. I object.

The following additional pairs were announced:

Mr. HEMPHILL with Mr. EZRA B. TAYLOR, for the remainder of this day.

Mr. ROBERTSON with Mr. THOMPSON, of California, for this day.

The vote was then announced as above recorded.

Mr. CRISP. If it is in order at this time I desire to offer a resolution in relation to the absence of members.

Mr. GROSVENOR. It is my purpose to move that the House adjourn.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms be directed to telegraph to such members of the House as may be absent from the city that their presence is necessary here for the transaction of the public business, and requesting their immediate attendance.

Mr. GROSVENOR. Pending that I move that the House do now adjourn.

The question was put, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. GROSVENOR. Division.

The House divided; and there were—ayes 91, noes 110.

Mr. GROSVENOR demanded the yeas any nays.

The yeas and nays were ordered.

Mr. CRISP. I only want to have this resolution adopted, which is to telegraph absent members requesting their attendance [cries of "Regular order!"] and I hope that the resolution will be passed.

Mr. DUNHAM. You might as well throw as much money in the Potomac River. [Cries of "Regular order!"]

Mr. BIGGS. What is the question?

The SPEAKER. The question is whether the House shall now adjourn.

The question was taken on the motion to adjourn; and it was decided in the negative—yeas 71, nays 142, not voting 109; as follows:

YEAS—71.

Adams,	Bingham,	Brown, J. R., Va.	Cogswell,
Allen, Mich.	Bowden,	Burrows,	Conger,
Anderson, Kans.	Brewer,	Cannon,	Cooper,
Biggs,	Browne, Ind.	Clark,	Cutcheon,
De Lano,	Johnston, Ind.	O'Donnell,	Stephenson,
Dunham,	Kennedy,	Osborne,	Taylor, J. D., Ohio
Farquhar,	La Follette,	Payson,	Thomas, Ky.
Funston,	Lehlbach,	Perkins,	Thomas, Ill.
Gaines,	Lodge,	Peters,	Thompson, Ohio
Gallinger,	Long,	Post,	Vandever,
Gear,	Mason,	Pugsley,	Wade,
Grout,	McCullogh,	Reed,	Weber,
Haugen,	Moffitt,	Rockwell,	Whiting, Mass.
Hayden,	Morrow,	Romeis,	Wickham,
Hiestand,	Morse,	Russell, Conn.	Wilber,
Hires,	Nelson,	Ryan,	Williams,
Hopkins, Ill.	Nichols,	Scull,	Woodburn.
Hunter,	Norwood,	Spooner,	

NAYS—142.

Abbott,	Cummings,	Jones,	Russell, Mass.
Allen, Miss.	Dargan,	Kean,	Rusk,
Anderson, Iowa	Davidson, Ala.	Kerr,	Sayers,
Anderson, Miss.	Davidson, Fla.	Kilgore,	Seney,
Anderson, Ill.	Dibble,	Laffoon,	Shaw,
Atkinson,	Dingley,	Lagan,	Sherman,
Baker, N. Y.	Dockery,	Landes,	Shively,
Baker, Ill.	Dunn,	Lane,	Simmons,
Bankhead,	Elliott,	Lanham,	Smith,
Blanchard,	Enloe,	Latham,	Spinola,
Bland,	Ermentrout,	Lawler,	Steele,
Bliss,	Fisher,	Macdonald,	Stewart, Ga.
Blount,	Flood,	Mahoney,	Stockdale,
Boutelle,	Foran,	Maish,	Stone, Ky.
Breckinridge, Ark.	Forney,	Mansur,	Stone, Mo.
Breckinridge, Ky.	French,	Martin,	Struble,
Browne, T. H. B., Va.	Fuller,	McAdoo,	Tarsney,
Brown, Ohio	Gay,	McClammy,	Taulbee,
Bryce,	Gest,	McKinney,	Thomas, Wis.
Buckalew,	Gibson,	McRae,	Thompson, Cal.
Bynum,	Glass,	Merriman,	Tillman,
Campbell, F., N. Y.	Glover,	Mills,	Townshend,
Campbell, T. J., N. Y.	Grimes,	Montgomery,	Turner, Kans.
Carlton,	Hall,	Moore,	Turner, Ga.
Caruth,	Hatch,	Morgan,	Walker,
Catchings,	Hayes,	Oates,	Warner,
Cheadle,	Henderson, N. C.	O'Neall, Ind.	Washington,
Chipman,	Herbert,	O'Neill, Pa.	Weaver,
Clardy,	Hermann,	Patton,	Wheeler,
Cobb,	Holman,	Peel,	Whiting, Mich.
Compton,	Hooker,	Penington,	Wilkinson,
Cothran,	Hopkins, Va.	Randall,	Wilson, Minn.
Cowles,	Howard,	Rice,	Wilson, W. Va.
Cox,	Hudd,	Richardson,	Wise.
Crisp,	Hutton,	Rogers,	
Culberson,	Johnston, N. C.	Rowland,	

NOT VOTING—109.

Allen, Mass.	Davis,	Lee,	Posey,
Arnold,	Dorsey,	Lind,	Rayner,
Bacon,	Dougherty,	Lyman,	Robertson,
Barnes,	Felton,	Lynch,	Rowell,
Barry,	Finley,	Maffett,	Sawyer,
Bayne,	Fitch,	Matson,	Scott,
Belden,	Ford,	McComas,	Seymour,
Boothman,	Goff,	McCormick,	Snyder,
Bound,	Granger,	McCreary,	Sowden,
Bowen,	Greenman,	McKenna,	Springer,
Brower,	Grosvenor,	McKinley,	Stahlnecker,
Brumm,	Guenther,	McMillin,	Stewart, Tex.
Buchanan,	Hare,	McShane,	Stewart, Vt.
Bunnell,	Harmer,	Milliken,	Symes,
Burnett,	Heard,	Morrill,	Taylor, E. B., Ohio
Butler,	Hemphill,	Neal,	Tracey,
Butterworth,	Henderson, Iowa	Newton,	Vance,
Campbell, Ohio	Henderson, Ill.	Nutting,	West,
Candler,	Hitt,	O'Ferrall,	White, Ind.
Caswell,	Hogg,	O'Neill, Mo.	White, N. Y.
Clements,	Holmes,	Outhwaite,	Whitthorne,
Cockran,	Hopkins, N. Y.	Owen,	Wilkins,
Collins,	Houk,	Parker,	Yardley,
Crain,	Jackson,	Perry,	Yoder,
Crouse,	Kelley,	Phelan,	Yost.
Dalzell,	Ketcham,	Phelps,	
Darlington,	Laidlaw,	Pidcock,	
Davenport,	Laird,	Plumb,	

So the motion to adjourn was not agreed to.

On motion of Mr. CRISP, by unanimous consent, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. WILKINS with Mr. HOPKINS, of New York, for the remainder of the day.

Mr. McKINNEY with Mr. WILBER, for the remainder of the day.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now is on the resolution of the gentleman from Georgia [Mr. CRISP].

Mr. ADAMS. Mr. Speaker——

The SPEAKER *pro tempore*. The resolution is not debatable.

Mr. CRISP. Do I understand the Chair to say that this resolution is not debatable?

The SPEAKER *pro tempore*. It is not. It simply relates to the order of the House for procuring a quorum.

Mr. CRISP. There is nothing in the rules, I think, which forbids debate.

The SPEAKER *pro tempore*. The Chair thinks that it is simply a motion relating to the execution of the order of the House for the purpose of securing a quorum. The Clerk will report the resolution.

Mr. TAULBEE. Mr. Speaker, I ask unanimous consent to introduce a bill for reference. [Laughter.]

The SPEAKER *pro tempore*. The Chair can not interrupt the proceeding at this time for that purpose. The Chair will recognize the gentleman from Kentucky later.

The Clerk proceeded to read the resolution offered by Mr. CRISP.

Mr. DUNHAM (pending the reading). I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. Does not that resolution carry with it an appropriation of money? I make the point of order that it should go to the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. The Chair thinks the point is not well taken. The Clerk will report the resolution.

The Clerk read as follows.

Resolved, That the Sergeant-at-Arms be directed to telegraph to such members of the House as may be absent from the city that their presence is necessary here for the transaction of public business, and to request their immediate attendance.

The resolution was adopted.

Mr. CRISP moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CRISP. Mr. Speaker, I think it is quite apparent that our friends on the other side decline to vote on this question, and I suppose intend to filibuster—— [Cries of "Oh, no!" on the Republican side.]

Mr. REED. I trust the gentleman from Georgia——

Mr. CRISP (interposing). The gentleman from Maine is on record in favor of an early trial of election cases, so I assume that he would not filibuster.

Mr. REED. That is right. The gentleman's assumption is correct. Now let us adjourn.

Mr. SPINOLA. I ask unanimous consent for half an hour to make a speech. [Laughter.]

Mr. CRISP. If the gentleman from Maine desires to have attention called to the contrast between his remarks one week ago, when the Smalls-Elliott case was called up, and his vote, or his failure to vote, to-day on this case, I will read his remarks on that occasion to the House.

Mr. REED. I will not trouble the gentleman from Georgia to do that. A week ago to-day we had some confidence in the tribunal [laughter], but after its recent action nobody has confidence in it. We have not in public, and they themselves have not in private. [Renewed laughter.]

Mr. CRISP. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia [Mr. CRISP] that there is nothing before the House. The House has ordered a call—— [Cries of "Regular order!"]

Mr. CRISP. If the House will indulge me one moment, in view of the statement of the gentleman from Maine [Mr. REED]——

Mr. ANDERSON, of Kansas, and others. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded. A call of the House having been ordered, the Clerk will proceed to call the roll.

Mr. CRISP. By what rule of the House is debate not in order, when a call of the House is being had, on any resolution which relates to the call?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia that his resolution, which related simply to the order of securing a quorum, has been adopted. The House had previously ordered a call by a yea-and-nay vote, and a motion was made to adjourn, which has been voted down. Nothing is now in order but to adjourn or to proceed with the call.

Mr. CRISP. "The gentleman from Georgia" desired to debate the resolution just adopted, but the Chair would not entertain any debate.

Mr. REED. It was the understanding that after the adoption of the order just agreed to an adjournment should at once be had.

Several MEMBERS. That was the understanding.

Mr. REED. The gentleman from Georgia and I have had our little colloquy——

Mr. CRISP. Opportunity will occur during this session to present the remarks of the gentleman from Maine on a previous occasion, so that the House may understand that it is indeed—

> Strange what difference there should be
> Twixt tweedledum and tweedledee.

I move that the House now adjourn.

Mr. REED. If the gentleman would spend more time in reading my remarks it would be better for him.

The motion of Mr. CRISP that the House adjourn was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. T. J. CAMPBELL: A bill (H. R. 12613) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due to him thereon—to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 12614) for the relief of Richard Wilkinson—to the Committee on War Claims.

By Mr. BUCHANAN: A bill (H. R. 12615) for the relief of Millard Wright—to the Committee on Claims.

By Mr. DE LANO: A bill (H. R. 12616) to increase the pension of Horace B. Lewis—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 12617) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge, and all the necessary approaches thereto, over the Mississippi River, from or near the lower limits of the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River, to the opposite bank in said State—to the Committee on Commerce.

By Mr. MCRAE: A bill (H. R. 12618) granting a pension to John H. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12619) granting a pension to Littleberry W. Baker—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 12620) to amend and correct the military record of Frank M. Vowels and readjust his accounts for pay—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of Richard Wilkinson, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUCHANAN: Petition of the New York Mercantile Exchange, for larger appropriations to enforce the oleomargarine law—to the Committee on Appropriations.

Also, petition of 446 citizens of Ocean County, New Jersey, for an appropriation to improve Toms River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. T. J. CAMPBELL: Petition of Theodore Shorts, for the extension of a patent—to the Committee on Patents.

By Mr. HAYES: Petition of citizens of Dakota, for admission, but protesting against the Sioux Falls constitution—to the Committee on the Territories.

By Mr. HOOKER: Petition of A. Karp, of Madison County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. S. I. HOPKINS: Petition of William M. Langhorn and 127 others, citizens of Lynchburgh, Va., asking that Bibles be admitted free of duty—to the Committee on Ways and Means.

By Mr. MANSUR: Petition of 40 ex-Union soldiers of Linn County, Missouri, for the repassage of the arrears of pension act—to the Committee on Invalid Pensions.

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, in relation to a deep-water harbor on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. OUTHWAITE: Resolution of the Chickamauga Post, No. 583, Grand Army of the Republic, with reference to appropriations for publishing war records, etc.—to the Committee on Appropriations.

By Mr. PETERS: Resolutions of the Legislature of Kansas, favoring a deep-water harbor on the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, resolutions of the same, relating to certain Indians in that State—to the Committee on Indian Affairs.

By Mr. RICHARDSON: Petition and affidavits for pension in case of Mrs. Nancy J. Thomas—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: Petition of citizens of Live Oak, La., asking for increased compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. SHIVELY: Petition of L. F. Baker and 19 others, of South Bend, Ind., praying for the passage of House bill 3535, for the relief of William H. Brewer—to the Committee on Invalid Pensions.

Also, petition of Dr. J. Poffenberger, of Walkerton, Ind., and 11 others, for the passage of a bill granting a pension to John J. Shaw, late private Company H, One hundred and twenty-third Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: Memorial of the city council of Paducah, Ky., for an appropriation to protect the ice harbor at the mouth of the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. TOOLE: Memorial of the Legislative Assembly of Montana, relative to the sale of mineral lands to aliens—to the Committee on the Public Lands.

By Mr. VOORHEES: Petition of 1,197 citizens of Seattle, of 129 citizens of Tacoma, of 84 citizens of Puyallup, of 42 citizens of Tolt, of 55 citizens of Carbonado, of 73 citizens of Alderton, and of 231 citizens of Washington Territory, praying for the immediate admission of the Territory into the Union under the name of Washington—to the Committee on the Territories.

By Mr. WALKER: Petition of A. B. Dolle, administrator of Aaron Bollinger, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. BAYNE: Of 2,288 citizens of the Twenty-third district of Pennsylvania.

By Mr. KERR: Of the Methodist Episcopal congregation of Belle Plaine, and of citizens of Burton County, Iowa.

By Mr. C. A. RUSSELL: Of 341 citizens of Connecticut.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BUCHANAN: Of 48 citizens of Lumberton, N. J.

By Mr. DUBOIS: Of 83 citizens of Caldwell and of 16 citizens of Ketcham, Idaho.

By Mr. GROSVENOR: Of 78 citizens of Matamoras, Ohio.

By Mr. PHELPS: Of 32 citizens of Bloomingdale, N. J.

By Mr. C. A. RUSSELL: Of 31 citizens of Sprague and 56 citizens of Noank, Conn.

By Mr. SPOONER (by request): Of 25 citizens of Providence and of 1,158 citizens of Auburn, R. I.

By Mr. T. L. THOMPSON: Of 19 citizens of Ferndale, Cal.

By Mr. VOORHEES: Of 163 citizens of Walla Walla, of 124 citizens of Tacoma, of 91 citizens of Tacoma, of 89 citizens, of 55 citizens of Waverly, of 5 citizens of Centerville, of 17 citizens of Cheney, of 22 citizens of Willapa, of 36 citizens of Sumner, of 39 citizens of Garfield, of 50 citizens of Sunnydale, of 53 citizens of Medical Lake, and of 3 citizens of Paha, Wash.

By Mr. WILLIAM WHITING: Of 26 citizens of Gilbertville, Mass.

By Mr. WILKINS: Of 115 citizens of Croton, Ohio.

By Mr. THOMAS WILSON: Of 54 citizens of Rose Creek, of 19 citizens of Winona, and of 17 citizens of West Concord, Minn.

By Mr. WOODBURN: Of 30 citizens of Lovelock, of 34 citizens of Gold Hill, of 69 citizens of Ruby Hill, of 98 citizens of Carson, and of 56 citizens of Lovelock, Nev.

By Mr. YODER: Of 34 citizens of Lafayette, Ohio.

SENATE.

TUESDAY, *February* 19, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. JONES, of Arkansas, presented the credentials of JAMES H. BERRY, chosen by the Legislature of Arkansas a Senator from that State for the term beginning March 4, 1889; which were read and ordered to be filed.

Mr. BATE presented the credentials of ISHAM G. HARRIS, chosen by the Legislature of Tennessee a Senator from that State for the term beginning March 4, 1889; which were read and ordered to be filed.

PENNSYLVANIA STATE CLAIM.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of January 10, 1889, directing the Secretary of the Treasury to re-examine and audit the claim of the State of Pennsylvania for money expended in 1864, for which reimbursement was provided by the act of April 12, 1866, etc., stating that as the act referred to invested the Secretary of War with special and exclusive jurisdiction over the claim in question the Treasury Department is not advised of any law under which the Secretary of the Treasury can re-examine and audit that claim; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Kansas, praying for the submission to the States of a constitutional amendment in relation to prohibition; which was ordered to lie on the table.

Mr. FARWELL presented the petition of T. R. Satterfield and 17 others (10 voters and 8 women), citizens of Big Foot, Ill., praying for the submission to the States of a prohibitory constitutional amendment; which was ordered to lie on the table.

Mr. BLODGETT presented the petition of A. H. Tyler and 100 others (43 voters and 58 women), citizens of Camden, N. J., and six petitions of citizens of Trenton, East Creek, Greenwich, Roadstown, Bayonne, and Lumberton, in the State of New Jersey, all praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. DOLPH. I ask unanimous consent to present a memorial of citizens of Colfax, Wash., remonstrating against the proposed division of Whitman County, Washington Territory. This paper is not addressed to Congress, but it is numerously signed and evidently intended for that purpose. I ask that it may be received, and referred to the Committee on Territories.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Territories.

Mr. CULLOM presented the memorial of F. C. Cramer, of Sterling, Ill.; the memorial of the Columbia Turnverein of the town of Lake, Cook County, Illinois, and the memorial of 111 citizens of Illinois, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. BLAIR. I present the memorial of Thomas Graham, Eben C. Jayne, and from 60 to 75 others, citizens of Philadelphia, Pa., concurring in a memorial in behalf of citizens of Philadelphia, signed by a committee of citizens of that city, stating that "two grave dangers threaten at this hour the American system of common schools, the atheistic tendency in education and the strenuous demand for a division of the school funds in the interest of sectarian or denominational schools," and indorsing Senate joint resolution 86, "proposing an amendment to the Constitution of the United States which, while it recognizes the Christian character and purpose of our system of public education, forbids the appropriation of public money to any school or institution in which the peculiar doctrines or ceremonials of any religious sect or denomination are practiced or taught," and earnestly praying that Congress will speedily submit this or some similar amendment to the Legislatures of the several States for their approval.

The memorial covers some three pages of printed matter, and I ask its insertion in the RECORD.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the paper to which he has referred may be printed in the RECORD. Is there objection?

Mr. SHERMAN. What is the paper?

The PRESIDENT *pro tempore*. Does the Senator from Ohio object?

Mr. SHERMAN. What is the paper which the Senator from New Hampshire wishes to have printed in the RECORD?

Mr. BLAIR. It is the one I described.

Mr. SHERMAN. My attention was diverted. I am generally opposed to printing papers in the RECORD. What is the paper?

Mr. BLAIR. It is a memorial in behalf of citizens of Philadelphia, praying for the passage of a constitutional amendment, which is in the form of a joint resolution now pending before the Senate, and remonstrating against the appropriation of public moneys for the support of sectarian schools.

Mr. SHERMAN. I think I shall object, not because I disapprove of the memorial, but I object to printing memorials in the RECORD. It can be printed in documentary form.

Mr. BLAIR. Then I will have the memorial returned to me from the desk, and I will state more fully its contents.

The PRESIDENT *pro tempore*. That is against the rules of the Senate.

Mr. SHERMAN. I have no objection to its being printed as a document, which the Senator can distribute.

Mr. BLAIR. I ask unanimous consent to state more fully the contents of the memorial.

The PRESIDENT *pro tempore*. The rules require that each petition or memorial shall have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate.

Mr. BLAIR. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to state the contents of the memorial in full. Is there objection?

Mr. HARRIS. The statement in full will be simply reading the memorial and getting it into the RECORD in the face of the objection. I object.

The PRESIDENT *pro tempore*. The memorial, then, will be referred to the Committee on Education and Labor.

Mr. BLAIR. I will withdraw the memorial and take the first opportunity to introduce it in a speech on some appropriate bill.

The PRESIDENT *pro tempore*. The memorial is withdrawn.

Mr. BLAIR presented a memorial of the Federation of Toilers, citizens of Washington, D. C., remonstrating against the employment of working people on Sunday; which was referred to the Committee on Education and Labor.

Mr. BLAIR. I present the petition of R. W. Dayton and 121 others (49 voters and 73 women), citizens of Cheney, Wash.; also, the petition of H. K. Sinclair and 75 others (29 voters and 47 women), citizens of North Yakima, Wash.; also, the petition of Joseph C. Henderson and 35 others (17 voters and 19 women), citizens of Columbus, Wash.; also, the petition of A. Hyner and 14 others (12 voters and 3 women), citizens of Washington Territory, praying that the bill for the admission of Washington Territory as a State may be "so amended as to require that the constitution of said proposed State, as a condition-precedent to such admission, shall confer the right of suffrage upon the citizens thereof without distinction of sex."

I ask, as the bill has been reported, that the petitions may lie on the table. The bill is in the hands of a conference committee. I will ask of the Chair what disposition ought to be made of the petitions?

The PRESIDENT *pro tempore*. The Chair thinks that the petitions ought to lie on the table.

Mr. BLAIR. I hope that in some way they may come to the attention of the conference committee, who have already one other important petition, signed by a large number of citizens, to the same effect.

The PRESIDENT *pro tempore*. The petitions will lie on the table.

Mr. BLAIR. I present the petition of James L. Dumass and 171 others (73 voters and 99 women), citizens of Waitsburgh, Wash.; also, the petition of F. C. Lee and 102 others (66 men and 37 women), citizens of Davenport, Wash.; also, the petition of W. L. Blackwell and 26 others, of Elberton, Wash., praying that the bill for the admission of Washington Territory as a State may be "so amended as to require that the constitution of said proposed State, as a condition-precedent to such admission, shall confer the right of suffrage upon the citizens thereof without distinction of sex." I move that the petitions lie on the table.

The motion was agreed to.

Mr. FRYE presented the petition of S. L. Hanscom and 90 others (47 voters and 44 women), citizens of Booth Bay, Me., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. HOAR presented the petition of Amos Whitaker and 42 others (11 voters and 32 women), citizens of Hampden, Mass., and the petition of Albert Hammatt and 52 others (36 voters and 17 women), citizens of North Adams, Mass., praying for a submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. ALLISON presented the petition of Alexander Gow and 34 others (18 voters and 17 women), citizens of Sumner, Wash., and the petition of John Bilow and 22 others (18 voters and 5 women), citizens of Willapa, Wash., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of 1,114 citizens of the State of Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of 341 members of sundry churches in Connecticut, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of A. E. Reynolds and 123 others (36 voters and 88 women), citizens of Wallingford, Conn., and the petition of Ebenezer Allen and 146 others (78 voters and 69 women), citizens of Sprague, Conn., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. MITCHELL presented a memorial of citizens and residents of Whitman County, Washington Territory, remonstrating against the proposed division of that county; which was referred to the Committee on Territories.

He also presented the petition of F. W. Walden and 120 others (61 voters and 60 women), citizens of Waitsburgh, Wash., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented the petition of Henry E. Crosdaile, of Seattle, Wash., praying to be reimbursed for certain losses suffered by him in the Nez Percé Indian war of 1877; which was referred to the Committee on Indian Affairs.

Mr. CAMERON presented petitions of citizens of Pittsburgh and Allegheny, in the State of Pennsylvania, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. VOORHEES presented papers to accompany Senate bill 3267, for the relief of Willis Benefield; which were referred to the Committee on Claims, and ordered to be printed.

Mr. SABIN presented resolutions adopted by the Minneapolis (Minn.) Board of Trade, urging the opening to settlement of the Sioux reservation; which were referred to the Committee on Indian Affairs.

Mr. EVARTS presented the petition of Theodore Sharts, of New York City, praying for the passage of a bill granting him an extension of his patent for manufacturing improved vault-light illuminating tiles, etc.; which was referred to the Committee on Patents.

Mr. PADDOCK presented petitions of citizens of Red Cloud, Johnson, Glenville, and Humboldt, in the State of Nebraska; and petitions of citizens of Copp, Lebanon, Ripon, Canton, Whitewood, and Eldridge, in the Territory of Dakota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. PLUMB presented a concurrent resolution of the Legislature of Kansas, favoring legislation looking to the disposition of the Prairie band of Pottawatomie Indians; which was referred to the Committee on Indian Affairs.

He also presented a concurrent resolution of the Legislature of Kansas, favoring the appointment of a board of three engineer officers of the Army to make a careful examination of the northwest coast of the Gulf of Mexico for the selection of a suitable location for a deep-water harbor on that coast; which was referred to the Committee on Commerce.

RETURN OF DIRECT TAXES.

Mr. SHERMAN. I now move, as a privileged question, to take up the motion of the Senator from Missouri [Mr. VEST] to reconsider the vote by which the report of the committee of conference on the direct-tax bill was concurred in, stating, however, that when it is taken up I shall be willing to yield to all regular morning business.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of the motion of the Senator from Missouri to reconsider the vote by which the report of the committee of conference on the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861, was agreed to.

Mr. SHERMAN. The Senator from Missouri, I understand, wishes to speak on the question.

Mr. VEST. Is the question on taking up the report?

The PRESIDENT *pro tempore*. The question is whether the Senate will now proceed to the consideration of the motion to reconsider. The question is on agreeing to the motion of the Senator from Ohio [Mr. SHERMAN] to proceed to its consideration.

The motion was agreed to.

Mr. SHERMAN. Now I am ready to give way to morning business.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 3206) for the relief of Henry G. Healy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 709) for the relief of Eli C. Officer, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of members of the Montgomery (Ala.) Field Artillery, praying for the passage of a law to increase the artillery service of the United States, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 2203) to increase the efficiency of the Signal Corps of the Army, reported it with amendments, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3942) granting a pension to Mrs. Mary T. Barnes, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 12482) to increase the pension of Elizabeth L. Snell, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3860) granting a pension to Mary Ellen Fitzgerald, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Commerce, to whom were referred two amendments submitted by Mr. MITCHELL on the 11th instant, and an amendment submitted by Mr. MITCHELL on the 4th instant, intended to be proposed to the sundry civil appropriation bill, reported them severally without amendment, and moved their reference to the Committee on Appropriations; which was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew, reported it without amendment.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the joint resolution (S. R. 138) to print 10,000 copies of the compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House, reported it without amendment.

JURISDICTION IN ALABAMA.

Mr. PUGH. On Saturday last the Senate had under consideration the bill (H. R. 4470) to regulate the jurisdiction of the United States district judges and of the courts over which they preside in the State of Alabama. The bill was read and the amendments were agreed to, but no final vote was taken upon the passage of the bill as amended.

Mr. HOAR. Is the morning business over?

The PRESIDENT *pro tempore*. It is not.

Mr. SHERMAN. If the formal morning business is over, I ask that the conference report on the direct-tax bill be proceeded with.

The PRESIDENT *pro tempore*. The Chair had no means of knowing whether the Senator from Alabama rose to morning business.

Mr. SHERMAN. I object to anything being taken up but formal business.

The PRESIDENT *pro tempore*. Does the Senator from Alabama rise to morning business?

Mr. PUGH. No, sir.

The PRESIDENT *pro tempore*. The Senator from Ohio objects.

CONGRESSIONAL ELECTIONS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred a concurrent resolution of the Legislature of Kansas urging Congress to adopt measures to protect citizens of Arkansas in the exercise of all their political rights, two resolutions introduced by the Senator from Louisiana [Mr. GIBSON], a resolution

introduced by the Senator from New Hampshire [Mr. CHANDLER], a proposed amendment introduced by the Senator from New Hampshire [Mr. CHANDLER] to the resolution offered by the Senator from Louisiana [Mr. GIBSON], and memorials signed by a very large number of persons resident in the State of South Carolina, alleging that they are lawful voters in that State, that they presented themselves at the last election of President and Vice-President to vote for electors for those offices and also to vote for members of Congress, but they were denied unlawfully the right to vote, to report a resolution and to recommend that the various resolutions, memorials, etc., which I have recited, lie upon the table, and that the resolution reported by the committee be adopted.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, from the Committee on Privileges and Elections, reports sundry petitions, resolutions, and other papers, which will be separately stated on the Journal, and he asks that the committee be discharged from their further consideration.

Mr. HOAR. The resolution contains a portion of the resolution offered by the Senator from New Hampshire [Mr. CHANDLER], which has been printed and is familiar to most members of the Senate. It also covers an inquiry embracing other subjects. I do not think it is necessary that the Senate should be detained by its being read at the desk. I suggest that it be printed.

Mr. HARRIS. May I ask the Senator from Massachusetts if he reports a resolution in lieu of the resolutions and memorials referred to the committee?

Mr. HOAR. I report a resolution covering the whole subject, recommending that the resolutions and memorials lie on the table. My suggestion is that instead of having the Senate hear the resolution read it be printed in the RECORD as if it were read, and that it be printed as a document.

Mr. HARRIS. I have no objection to that.

Mr. SAULSBURY. I desire to say, as a member of that committee and in behalf of the Democratic members of the committee, that we dissent entirely from the report so far as the resolution is concerned. We agree that the committee shall be discharged from the further consideration of the various petitions and the resolution of the Senator from New Hampshire. To that part of the report we agree, that the committee shall be discharged from the further consideration of those subjects, but we entirely dissent from the proposed resolution reported as a substitute by the chairman of the committee.

I wish in this connection to say that in my judgment it is an attempt to assume jurisdiction upon questions which do not belong to the Senate of the United States.

Mr. HOAR. Mr. President——

Mr. SAULSBURY. I hope the Senator will not interrupt me.

Mr. HOAR. I desire to call the attention of the Senator——

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. HOAR. If the Senator will pardon me——

The PRESIDENT *pro tempore*. Does the Senator from Delaware yield?

Mr. SAULSBURY. I will yield.

Mr. HOAR. I have not even had the resolution read at this moment, and I suppose that under the rules it must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The Chair has had no opportunity to examine the resolution so as to know whether it should be referred or not.

Mr. HOAR. I was about to make that suggestion to the Chair when the Senator from Delaware rose. I have no objection, of course, to the Senator from Delaware proceeding, but the resolution will come up regularly when that committee reports.

Mr. SAULSBURY. If the Senator from Massachusetts will possess his soul in patience he will find that I do not intend to discuss the resolution. I desired simply to state the grounds upon which the Democratic members of the committee dissented from the report which the Senator from Massachusetts has made from that committee. I said that we dissented to it fundamentally because it has attempted to assume jurisdiction of questions which are not properly cognizable by the Senate. We objected further to it because it is evil in its tendencies and calculated to create agitation in the country without any good result whatever. We therefore enter our opposition and protest against the resolution as reported from the Committee on Privileges and Elections. I am sure that in the expression of these views I utter the views of every member of the minority of that committee.

Mr. GORMAN. I ask that the resolution may be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, fraud, or other crime.

Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.

Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.

And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns, so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and, if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators, and to provide methods for the appointment of electors for President and Vice-President of the United States.

Said committee shall report at the session of Congress to be held in December, 1889, and shall have power to sit anywhere in the United States during any recess of the Senate before said session, and also to sit during the sessions of the Senate, to administer oaths, and to appoint a clerk, messenger, and stenographer; and the powers herein conferred on said committee may be exercised by any subcommittee of their number.

Mr. GORMAN. I object to the consideration of the resolution today.

Mr. HARRIS. The consideration of it is not asked.

The PRESIDENT *pro tempore*. The resolution lies over under the rules, and will be printed.

Mr. HOAR. I suppose that the objection does not apply to a resolution which under the rules of the Senate goes at once to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. If that question is raised the Chair would hold that objection being made the resolution is not before the Senate for any object or purpose whatever properly under the rules.

Mr. HOAR. All I desire this morning is to have the resolution go to the Committee on Contingent Expenses.

Mr. GORMAN. I desire to say to the Senator from Massachusetts that I only heard the resolution as read at the desk, and possibly imperfectly, but it seemed to me that it did not cover a very important phase which ought to be inquired into, if the inquiry is to be made at all, and that is as to the bribery and corruption that has been charged as having occurred in recent elections. Therefore I desire the matter to go over that I may look at it and probably offer an amendment.

Mr. HOAR. I suppose that no amendment would be in order, no consideration under the rules, but that the resolution must go instantly to the Committee to Audit and Control the Contingent Expenses of the Senate. I respectfully suggest to the President of the Senate that the rule which says a report shall not be considered the day it is offered does not prevent action which by a peremptory rule must be had before it is considered at all, to wit, the reference to another committee.

The PRESIDENT *pro tempore*. The Chair would hold that the resolution having been reported this morning, if objection is made, it can not be considered for any purpose whatever, but must lie over under the rules until to-morrow.

Mr. HARRIS. Let the resolution be printed, as it lies over. I desire to say, as my remark a few moments ago has been misunderstood by some Senators at least, that the proposition of the Senator from Massachusetts in reporting the resolution was, instead of having it read at the desk, which is the usual form, that it be printed in the RECORD. That was the whole of his proposition.

Mr. HOAR. That was all.

Mr. HARRIS. I said there could be no objection to that, and that was all that I assented to. As I remember the reading of the resolution, I dissent from perhaps every material feature that it contains; but I think the policy and the suggestion of the Senator from Massachusetts was a wise one, to let it be printed and have no controversy over it now.

INAUGURATION ARRANGEMENTS.

Mr. HOAR. I ask the consent of the Senate that the committee to make arrangements for the inauguration have leave to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so ordered.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3979) for the relief of James W. Snyder; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GIBSON (by request) introduced a bill (S. 3980) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge and all the necessary approaches thereto over the Mississippi River, from or near the lower limits of the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River, to the opposite bank, in said State; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. HAMPTON. I presented an amendment to the sundry civil appropriation bill the other day, providing for a survey of Charleston Harbor, and had it referred to the Committee on Commerce. The United States Coast and Geodetic Survey office has sent me an amendment which I wish to substitute for that one. I now present it, and move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PASCO submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill, making an appropriation for a light at Coney Island, New York; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORMAN presented an amendment intended to be proposed by him to the bill to provide for the payment of 4th of July claims; which was referred to the Committee on Claims, and ordered to be printed.

THE ELEVENTH CENSUS.

On motion of Mr. HALE, it was

Ordered, That House bill No. 1659 be printed with the Senate amendments numbered.

UNDERVALUATIONS, ETC.

Mr. HOAR. I ask for the present consideration of the following resolution:

Resolved, That the Secretary of the Treasury be directed to send to the Senate copies of official reports of special Treasury agents or others relating to sugar investigations made since March 1, 1888. Also copies of reports of recent date made by special Treasury agents or other customs officers respecting improper allowances for damage to imported merchandise, and of reports recently received from such officers or from any consular officer of the United States in relation to the undervaluation of woolen or worsted goods of any kind.

Mr. HARRIS. Let the resolution lie over and be printed.

Mr. HOAR. I ask the unanimous consent of the Senate to make a suggestion, to be heard by the Senator from Tennessee. I offered a resolution the other day asking for certain reports which had been made on this general subject, which have been sent in. I received yesterday through an eminent member of the Committee on Finance, of which the Senator from Tennessee is a member, to whom those reports were referred, a suggestion that the Secretary of the Treasury had received certain reports on the same subject which had come in later than the others, and that he desired those also to go with the others.

Mr. HARRIS. If the Senator will allow me to interrupt his statement, I will simply say that the only object I had in view was to look at the resolution and see if we perhaps did not desire to extend the request. But as I can do that by an independent resolution I will withdraw the objection.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same.

The resolution was agreed to.

JOHN S. M'ELWEE.

Mr. HALE submitted the following resolution; which was read:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to inform the Senate whether the sugar division in the appraiser's office in the New York custom-house is now in charge of John S. McElwee; and to further inform the Senate whether charges have lately been made against said McElwee affecting his personal character and conduct, and whether said charges have been investigated by Special Agent George C. Tichenor, and if such be the case to send to the Senate copies of said charges and of the testimony taken upon them, and the report of Special Agent Tichenor; and also to inform the Senate whether said McElwee has been before dismissed from the Treasury Department upon charges made against him affecting his personal character.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BLACKBURN. Let that resolution go over, Mr. President.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

PAY OF STENOGRAPHER.

Mr. PLATT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Territories in considering the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, be paid out of the contingent fund of the Senate upon vouchers properly approved by the chairman of the committee, and that the hearings before the committee be printed for the use of the Senate.

RETURN OF DIRECT TAXES.

Mr. SHERMAN. I call up the motion of the Senator from Missouri [Mr. VEST] to reconsider the vote by which the report of the committee of conference on the direct-tax bill was concurred in.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Missouri [Mr. VEST] to reconsider the vote by which the Senate agreed to the report of the committee of conference on the direct-tax bill.

Mr. VEST. Mr. President, as I stated yesterday, in making this motion to reconsider I was not actuated by any purpose of delay. If the record of our proceedings of Saturday last had shown the real state of opinion in the Senate upon the question of the direct-tax bill, I should have entered no motion to reconsider; but as that record now stands it appears, without explanation, that the report of the committee of conference went through the Senate without any opposition at all, and so far as that record can it commits every member of the Senate to the principle on which the bill and the report of the committee are framed.

In 1861 the Congress of the United States enacted that direct taxation to the amount of $20,000,000 annually should be collected from the people of the United States by assessment upon real estate, and that these taxes should be apportioned according to population in accordance with the Constitution. Another provision of the act was that where any State or Territory or the District of Columbia should assume the payment of the proportionate share of such State, Territory, or District, and pay that amount into the Treasury of the United States, 15 per cent. commission should be allowed to such State, Territory, or District.

The result of this legislation was that in 1861, whilst the war was flagrant, the Northern States, with possibly one or two exceptions, the States not at war with the Government, assumed the payment of their pro rata share of this direct tax and received their 15 per cent. commission upon the amount so assumed. The State of Missouri paid $646,000, her assessment being over $700,000, the 15 per cent. to which it was entitled under the law reducing the amount to the sum I have named. In the Southern States, with the exception of such portions of South Carolina and Louisiana as came by conquest under the control of the Federal Government, no such state of things existed. The result was that Louisiana alone of all the Southern States paid the full amount assessed to her or upon the real estate of her people under that act. In a portion of South Carolina upon the coast, where the Federal Army had taken military possession, in the vicinity of Beaufort, a tax was levied in accordance with the provisions of the bill upon real estate, the land sold, and the returns paid into the Treasury of the United States. The lands sold brought a very inconsiderable sum, and those lands were afterwards sold by the Government and a much larger amount received from that sale.

Twenty-five years have elapsed since that legislation and since the payment of these large amounts of money into the Treasury of the United States. There is no pretense, there can be none, there never will be, that this law was not constitutional in every part. There is no doubt that it received the legislative sanction according to the forms and requirements of the Constitution. Twenty-five years have elapsed, and now it is proposed to take out of the Treasury $17,500,000, paid according to law without the shadow of doubt as to the legality of the assessment, and give it back, not to the people who paid the taxes, but to the States which assumed these debts. When I say this I do not allude to that portion of South Carolina in military occupation by the Federal troops, for when the tax was directly collected from individuals, as in South Carolina, the bill provides that the amount so paid shall be held by the State authorities in trust for the tax-payer.

If this power exists upon the part of the Congress of the United States, then the unlimited power of appropriation exists and Congress can, for anything considered a general object, bankrupt the Treasury of the United States at their own will and pleasure. It is not my purpose to go into an extended constitutional argument, but I wish to put upon record my negative to any such doctrine. If the Congress of the United States can pass this bill without violating the Constitution, then it can vote every dollar in the Treasury to John Smith or Charles Brown or any other object of its generosity or gratuity. The limitations of the Constitution, as I understand them, are swept away and under any specious or plausible pretext of liberality or generosity we can take every dollar of money collected by taxation and give it to any object that we deem worthy.

Mr. President, what is the principal argument in support of this extraordinary bill? It is because some of the States have not paid the money assessed, that paid should be refunded to the other States. In other words, because one tax-payer has not discharged his duty the citizen who has discharged it can come to the power that levies the taxes and demand the payment of his assessment back. What would be the result as to taxation in this country if that doctrine should be established and that principle be accepted as correct? It would be a premium upon default. It would be a largess to the citizen who refuses to perform the obligations that rest upon him to support the Government by paying his taxes. What tax could ever be collected if this doctrine be right? When was there ever, from a municipality up to the General Government, a tax levied when there were not defaults and failures to pay? The Northern States paid this amount, the Southern States did not pay it, and the argument here is that these Northern States should receive back the money which they paid according to the Constitution and under a law which is, as to constitutionality, unquestioned and unquestionable.

Mr. President, it is further said that this money can be collected from the Southern States; that therefore this bill ought to pass releasing them. Why, sir, in 1868 the last act of Congress on the subject was enacted, postponing the collection of this tax, and from that time until this bill was originated no attempt, no idea, no suspicion was ever entertained of ever collecting one dollar from the people of the Southern States under the law of 1861. I stand here to-day and challenge the lawyers in this Senate to deny the proposition that not one dollar of that tax can be collected to-day under the act of 1861 from any citizens of the Southern States. I repeat it, no lawyer here will undertake to say that under the act of 1861 one cent can be collected from any citizen of the Southern States to-day.

When that act was passed it created a personal obligation upon the people then living in those States. It was a direct tax, and whilst Congress

could adopt any instrumentality it saw fit to collect the tax, even the States themselves, yet when years have passed by, twenty-five years, and it has not been collected and no attempt has been made to collect it, and but one annual assessment of $20,000,000, for one I undertake to say that no well-informed lawyer will say that one dollar of this tax can now be collected from any citizen in any of the Southern States.

So we have this bill standing here upon the bald, naked pretense that because some of the people in the United States have not paid this tax, constitutionally and lawfully imposed, that entitles those who did pay to have the amount they paid refunded.

But, Mr. President, again it has been said that this money is to go back to the pockets of the people who paid it. I deny it. Under the provisions of this bill, about which there can be no sort of controversy, no citizen who paid this tax, unless he paid it under official authority directly operating upon him, can receive back one cent of it, except the inconsiderable sum paid in South Carolina, and the three hundred and odd thousand dollars paid in Louisiana. The tax was paid by the States, and the individual tax-payers are unknown. It can not be discovered who paid that money into the State treasuries under the State laws. Take my own State, for example. These taxes were levied according to the census of 1860; Missouri then had a population of 1,500,000 or 1,600,000 people, and to-day that State has a population of between two millions and a half and three millions. What has become of the tax-payers, even if they could be discovered, who paid this money into the State treasury, to be transmitted then to the Treasury of the United States? Thousands of them have passed away, for whom no claim will ever be made; new men have taken their place; new enterprises have come; yet we have the assumption and it has been gravely announced in Congress, that this bill is intended to pay back to the people who did actually pay this direct tax the money which came out of their pockets.

Mr. HARRIS. Will the Senator from Missouri allow me to call his attention to a fact pertaining to the point upon which he is now speaking?

Mr. VEST. Certainly.

Mr. HARRIS. In a letter from the Secretary of the Treasury of April 14, 1882, there is a very elaborate report, covering quite a large number of pages in this document [exhibiting], which shows in respect to the State that I have the honor in part to represent here every parcel of land in that State the owner of which paid taxes, and every parcel of land that was sold for taxes. It shows the owner, it shows the amount of assessment against the land, it shows the amount of penalty, of interest, and of costs collected, and foots up the general aggregate of collection. I apprehend no difficulty whatever in finding the people or the descendants and representatives of those people who paid the money.

Mr. VEST. What was the amount paid in Tennessee?

Mr. HARRIS. In another report——

Mr. VEST. What was the amount paid in Tennessee?

Mr. HARRIS. I will tell the Senator exactly the amount paid in Tennessee. That is exactly what I proposed to do. In another report it is shown that the assessment against the lands of Tennessee was $669,498; tax collected, $381,534.57; balance claimed to be due, $287,963.43. And in a report going into all the details it is shown that there was paid by the people of Tennessee and the sales of the lands of Tennessee the round sum of $815,000. That is the state of facts as shown from the record, and it will cause me no difficulty whatever to find the people who paid it or the representatives and descendants of the people who paid it.

Mr. VEST. Mr. President, in the States which did not assume the payment of this debt under the provisions of the act of 1861 and did not receive the 15 per cent. credit by way of commission the state of case mentioned by the Senator from Tennessee prevails. I had overlooked the fact that in the State of Tennessee there was a collection by the Federal Government from citizens themselves without the intervention of the State and without the State receiving the 15 per cent. for collection.

Mr. HARRIS. That is true.

Mr. VEST. But that is not the case in any of the Northern States, except in Delaware, which I believe paid the whole amount without taking the 15 per cent.; but in the other States, as in my own, for instance, the State authorities availed themselves of that provision in the law of 1861, collected the money in their own way from their own people, paid it into the Treasury of the United States, and received 15 per cent. for doing it. As a matter of course in those cases it is impossible in the nature of things that the people who paid that tax should receive it back, and I repeat that with the exception of those portions of the Southern country where the assessment was made directly by the Federal Government upon individuals, without the intervention of the State government, not one dollar of this money will go back to the people who paid it under the law of 1861. It is, so far as legitimate argument is concerned, simply a proposition to pay back to the States that availed themselves of the 15 per cent. provision of the act of 1861 the amounts which they paid, aggregating nearly $17,500,000, to be applied by those States to whatever purposes their Legislatures may deem necessary and proper.

There can be no reasonable pretense that the payment is to the people who paid the money. The State of Missouri would under this bill receive back $646,000. She can take it to-morrow and apply it to internal improvements, to educational purposes, to any purpose that comes within the purview of the State constitution.

Mr. President, if to-day the Government of the United States were pressed for money this bill would not receive enough support in either House of Congress to make it respectable. There can be no more glaring and distinct illustration of the danger of a surplus in the Treasury such as exists now than the successful issue which has been had in this legislation. There is not a Senator here who does not realize that there is not one of us who has not been approached in behalf of all sorts of legislation—I will not characterize it in other terms—to take money out of the Treasury upon the ever-ready argument, "There is a surplus there and we must get rid of it, and we might as well have it out for this as for anything else."

Sir, I do not propose, for $646,000 even, to give up the convictions of my whole life as to the power of Congress in a case like this. I do not propose, no matter what clamor may be made at home (and I arrogate to myself no more courage than other public men), to stultify myself and give up what I believe to be the essential principles of the Constitution of my country in order to put at the disposition of the Legislature of Missouri $646,000 or any other amount.

If the doctrine upon which this bill is framed be correct, all I have ever held dear in political history and all to which I have devoted my life and propose to devote the remaining hours of it goes for nothing; this is a Government with unlimited power of appropriation for any purpose that Congress may deem general, and the limitations of the Constitution which I believe to be necessary to constitutional liberty are "sound and fury, signifying nothing."

Mr. President, upon this motion I ask for the yeas and nays.

Mr. SHERMAN. Mr. President, I do not think it my duty to reply to the Senator from Missouri. The text of this bill has been passed by both Houses of Congress and is beyond our reach, and it seems to me it is unusual, perhaps almost unexampled, to debate a measure that has been submitted to a conference where the text of the bill has been agreed to by a large majority of both Houses. The only propositions considered by the committee were two, one a mere formal amendment allowing offsets to be counted as payments, a very proper one, which was agreed to by the Senate; and the other was a proposed appropriation of $850,000 to be paid to citizens of South Carolina as a refund to the persons whose lands had been sold to the United States for direct tax. There was equity at the base of this proposition, but we thought as the provision was passed in the House it was subject to many objections and changes.

The committee of conference devoted their whole attention, not to the subject-matter of the direct tax that the Senator from Missouri has been discussing—we considered that as having passed beyond our jurisdiction—but to the question presented by the House amendment of how much should be paid to the owners of the lands in South Carolina which were taken under the direct-tax sale, bought in by the United States and resold by the United States, and to what other provision should be made for the payment to the original owners of those lands. After a long conference and full examination of that question we came to the conclusion that the amendment proposed by the conference in the fourth section of the bill was a substantially equitable disposition of that controversy. I believe that is the general opinion of every one who has examined it. That is all there is about it.

As to the question discussed by the Senator from Missouri, if I should open that debate anew it would only be to discuss over again propositions that were decided at the last session of Congress. The House of Representatives debated it a long time and acted upon it by a very large majority, and in the Senate I believe the vote was almost unanimous. It is simply the refund of taxes paid into the Treasury of the United States that the Government has been unable on account of civil war and for other causes to fully collect. The entire text of the bill is based simply upon the equity of paying back to the States that paid their assessments and to individuals in other States the amounts that they severally paid. It is simply based on that equity in those cases and to relieve the States that failed to pay from the charges on the Treasury books against them, an account which is required by law to be opened, and the law requires also that every sum of money due to any State shall be applied to the credit of that account. This has created a serious embarrassment in all the transactions between the States that have not paid the direct tax and the General Government.

This is a bill of peace and quiet, rendering substantial justice not only as between the States, but as between individual citizens whose property was taken and sold for direct taxes. There is not even, in my judgment, the dignity of a constitutional question in regard to our power over the public money, over this money collected from taxes, because, after all, it is only the same money in the Treasury that was paid there by either States or individuals, and to refund that money, either because we think it right or because we were unable to enforce a tax plainly constitutional, but which on account of civil war could not be enforced; and therefore we put all the States and citizens *in statu quo* as far as possible, and do all the justice that can be done.

I propose, therefore, unless some Senator wishes to debate it, to move——

Mr. HARRIS. I wish to ask the Senator from Ohio, in connection

with the exact point he is now upon, if it has not been the rule of the Treasury Department wherever a claim has been found due to any State against which any part of this assessment remains unpaid, to set off this assessment as against whatever claim the State had against the Government of the United States?

Mr. SHERMAN. Undoubtedly, and that has been a constant cause of irritation between the State authorities and the officers of the General Government. Every Secretary of the Treasury since the time of the war has recommended this solution of the question, including the present Secretary, whose letter I have on my table here.

Mr. SAULSBURY. I desire to ask the Senator from Ohio whether the Supreme Court of the United States has not decided, upon that very question, that it was not competent to set off a tax levied upon the property of individuals against any claim of the State?

Mr. SHERMAN. I do not want to go into that. I do not think it is necessary. It has already been stated very fully by the Senator from Missouri. It is sufficient, however, to say that the law requires the executive officers to charge these amounts due to a State where they accrue under the 5 per cent. or other acts, to charge it on the Treasury books, and it has been done. The executive officers must follow the plain language of the law. There may be fine distinctions drawn by the courts in a particular case, but an executive officer must obey the law. Therefore, to relieve not only the officers of the Government, but the States themselves, from this constant source of irritation, the payment of this money now lying idle in the Treasury is the simplest and easiest solution of the question. I therefore move to lay the motion to reconsider on the table, and on that I ask for the yeas and nays.

Mr. HARRIS. I ask the Senator to withdraw that motion for a moment.

Mr. SHERMAN. Certainly.

Mr. HARRIS. I desire to say to the Senator from Missouri [MR. VEST] and to the Senate that with all his ability he can not be more emphatic in the denial of the power of Congress to donate money from the Treasury of the United States to any purpose whatever than I am inclined to be; but I have voted for the passage of this bill, and in a previous Congress for a similar bill, believing when doing so, as I believe now, that I was not voting to donate money out of the Treasury to any object whatever, to any State or to any individual. But we had a tax law that had been partially executed and only partially executed, and where the States or the people of the States were found to have not paid the full amount of the assessment the balances were charged up on the books of the Treasury against the respective States, and in a number of instances of States having just claims against the Government audited and ready for payment, instead of receiving the payment, the amount was set off as against this balance alleged to be due. Now, in order to equalize the collection and the enforcement of that tax law, we have either to go on to enforce and collect the unpaid balances or we have to refund the taxes already paid and release the balances remaining unpaid. With an overflowing Treasury, I believe the policy of this bill will prove the wisest and the best, and hence I favor it.

That is all I desire to say.

Mr. HAMPTON. I ask the indulgence of the Senate to be permitted to make a statement. I have been requested by the commissioners appointed by South Carolina to make a statement of their position, and I can do it best by reading extracts from a letter which they addressed to me.

Before doing that, however, I wish to say, as representing in part South Carolina, which is very much interested in this bill, for the tax of 1862 bore very hard upon portions of my State, that while I accept the compromise proposed by the committee of conference, I do not think it goes far enough. I believe the amendment proposed by the House of Representatives would not nearly compensate the people in Beaufort, and Charleston also—for they both paid a large portion of it—for the amount of money that they have spent.

I will quote two or three instances of the mode in which this money was collected in the Beaufort district:

In one instance plantations which were assessed for taxation at $72,250 were sold to pay a tax of $296. On St. Helena the Government took 39,703 acres of land at a price of $13,000, while the assessed value was $115,492. The assessed value of the property in the town of Beaufort was $515,700, and the United States bought every bit of it, excepting three lots, for $17,512. It is admitted that the lands which have been sold can not be recovered. The claim is that the owners of the property which was confiscated with or without the forms of law should be compensated for their losses.

It will be seen, Mr. President, that even the $840,000 would be a very poor compensation to those people who lost that property; but I do not propose to enter into a discussion of that, and I will read the letter of the commissioners, Mr. Trescot and Mr. Earle:

WASHINGTON, *December* 13, 1888.

DEAR SENATOR: When Senator BUTLER'S amendment to the direct-tax bill passed the Senate you were kind enough to say that it was without your knowledge, and that you would, if it ever came again before the Senate, express your opinion of its impropriety.

The bill went to the House, and the Judiciary Committee to whom it was referred struck out the amendment.

The Committee of the Whole, however, restored the amendment without comment or opposition from any member, and the bill as returned to the Senate will therefore contain this amendment.

But the bill from the House contains another and much more important amendment.

Upon motion of Mr. ELLIOTT, of South Carolina, there has been added to the bill a provision by which $840,000 is to be paid to proprietors in the neighborhood of Beaufort as part compensation of their great losses by the enforced tax sales.

Now, we are informed that this amendment, which goes considerably outside and beyond the principle of the direct-tax bill as passed by the Senate, may give rise to opposition in that body.

We have done all that we properly could to remove the objections to this amendment, and most earnestly hope that this just and generous action on the part of the House will be concurred in by the Senate.

But we feel it our duty further to say to you that we feel bound to release you from any obligation you may feel under to us to revive any discussion in the Senate of Senator BUTLER'S amendment.

If the renewed discussion of Senator BUTLER'S amendment would in the slightest degree risk the concurrence of the Senate in the bill which affords this relief to the citizens of Beaufort, we must beg you to refrain from any further action in reference to it.

The State is perfectly aware of the contract it made and how carefully and deliberately it was made. What our services have been under the commission is familiar to all who have any knowledge of the history of the bill. We prefer to trust entirely to the honor and good faith of the State, rather than allow any risk to be run in securing the benefits of the bill as it stands to the people of South Carolina.

With our thanks for the personal interest which you have manifested, we are, respectfully,

W. H. TRESCOT,
W. E. EARLE,
Commission.

HON. WADE HAMPTON.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] moves to reconsider the vote by which the Senate agreed to the report of the committee of conference on Senate bill 139. The Senator from Ohio [Mr. SHERMAN] moves to lay this motion on the table.

Mr. SHERMAN. I withdraw the latter motion if we can have a vote on the first. I simply want to expedite matters.

The PRESIDENT *pro tempore*. The question recurs, then, on the motion of the Senator from Missouri to reconsider the vote by which the report of the committee of conference was agreed to.

Mr. SAULSBURY. I have no desire to delay action on this subject, but I wish to say a word before the vote is taken.

When this matter was before the Senate in a previous Congress I expressed myself rather fully in opposition to the whole measure. My views have not changed. I do not believe that there is any constitutional warrant in Congress to take money paid by the people into the Treasury of the United States and donate it to States or individuals. I shall vote, therefore, for the motion of the Senator from Missouri to reconsider the vote by which the report of the committee of conference was adopted, and I would defeat the whole measure, the report of the committee and the bill itself, if I could by my vote.

The PRESIDENT *pro tempore*. The Senator from Missouri on this question asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, so many gentlemen with whom I concur usually in my views of constitutional law have expressed themselves as believing that this bill is unconstitutional that, having voted for it on its passage through the Senate, I feel impelled to state, very briefly indeed, two of the reasons upon which I acted in casting that vote.

If I agreed with the Senator from Missouri [Mr. VEST] that this was a bounty given out of the Treasury to the different States, I should concur with him upon his constitutional point. But I think, sir, that this is a debt that the Government of the United States owes to these States. If not a debt which may be defined by some strict legal forms, it is a debt based upon very decided equities, and upon a wise and sound public policy connected with the very organization and purposes of the Government of the United States. The precedents in favor of such appropriations are numerous throughout the whole history of our legislation, commencing with the funding act of 1793, the Hamilton act, and running on down to the present session of Congress.

The Government of the United States clearly has devolved upon it the duty of conducting public wars, wars with Indian tribes, wars with foreign nations, war with rebellious States, or whatever other wars may be called public wars, and that duty draws with it the obligation on the part of the Government of the United States to relieve any private citizen of excessive burdens that he may have encountered or been subjected to in assisting the Government to conduct the war, and equally it places upon the Government of the United States the obligation to relieve any State from like burdens.

The war of the Revolution was a war of the States with the Kingdom of Great Britain. It could not be designated as a war of a national government in the strict sense of the word; the States themselves engaged in that rebellion—for it was a rebellion—and they prosecuted it to success, not merely through the Continental Congress and the organization that it provided for raising money and for arming men, and so on, but the different States made large contributions out of their own funds for the support and clothing of the soldiers and providing them with hospital service in time of sickness. We did not hesitate in that case nor did we hesitate after the war of 1812 was over to relieve the different States that incurred extraordinary obligations or liabilities from the expenses that they had thus incurred. We voted millions upon millions of dollars at the close of every one of these public wars for the reimbursement to the States of the money that they expended in support of the Government of the United States, thereby acknowledging and fixing in our statute law according to the whole

current of it the fact that an obligation has been always recognized on the part of the United States Government to assume these extraordinary burdens and to equalize them through the agency of the Treasury of the United States.

The war of the rebellion was a war against certain States that separated and asserted that they were foreign to the Government of the United States and organized a separate confederacy. In that respect the Government of the United States was conducting as much a foreign war as could be conducted in respect of any part of the territory of the United States. But it makes no difference as to its legality whether the war was a foreign war or whether it was domestic. It was the duty of the Government of the United States to conduct that war for the maintenance of its own integrity, its own existence, and equally it was the duty of every State in the American Union that acknowledged allegiance to the Federal Government to contribute as far as it was possible, in accordance with acts of Congress, for the support of that Government in the prosecution of that war.

There were some of the States that did not contribute, some that could not be compelled to contribute because at that time the powers of the Government of the United States were not adequate to the extension of its jurisdiction, either civil or military, across those States.

Now that the matter has passed by the question remains, what is the obligation of these various States? The Senator from Missouri says that the obligation which rested according to law upon the seceding Southern States or those portions of them that were in control of the Confederate armies has been released, and that no lawyer would now contend that those States could be subjected to liability for the payment of that money.

Grant that that is so, yet the debt stands charged against them on the books of the Treasury, and the United States Government is collecting day by day some portion of that debt by withholding from these several States the payment of sums of money that otherwise would go to them. So there is a recognition, a continual subsisting recognition of the right of the Government of the United States to retain this money for the purpose of settling up the balance of the unpaid part of these debts. Those States that made the contributions, whether they did it by direct taxation upon individuals or whether they did it by the State coming in and receiving the benefit of the 15 per cent. allowance on assuming the debt and paying it, makes no difference. Those States are in equity, and they are according to public policy as recognized in all the statutes of the United States historically from the beginning of the Government down to the present time, entitled to be reimbursed from the Government of the United States.

I regard this as a debt, and I believe the obligation rests upon the United States Government equitably, morally, and as a part of the public policy of this Government, to pay the debt, and I vote this money for that purpose to pay this debt to the States.

I find myself unable to discriminate between those acts of Congress, which are so very numerous, in which we have refunded to the States expenditures of a like kind under different circumstances and the appropriation that is now sought to be made. Whether we can follow these dollars, all of them, into the pockets of the particular individuals or their successors that may be entitled to them it seems to me does not weaken the attitude which subsists between the States and the Federal Government upon this proposition that it is after all a debt of high moral obligation, a debt that has been recognized continually in the history of the Government of the United States as one to which Congress ought rightfully to respond.

I believe in the doctrine that all public wars of the United States are to be conducted by the Government of the United States, but when we have to call on either States or individuals for assistance in the stress of the times to which we may be subjected, I believe in the doctrine that the whole body of the people of the United States ought to contribute by taxation for the refunding of these expenditures. Therefore I have voted for this bill and will still support it.

Mr. BLAIR. Mr. President, we are not dealing with the tax that was assessed during the war, and that tax was not paid by the States. It was a tax of the United States levied upon the people of the United States, and in those instances where States paid the amount that fell upon the citizens in the jurisdiction over which they as States presided, it was still a United States tax, and the relation under the Constitution was between the United States and the tax-payer, and the payment was the payment, even though done by the authorities of the State, of a United States tax, and the money became a portion of the United States funds, and from the original assessment until the realization of that assessment by the payment of the funds into the Treasury it was a transaction of the United States under and by virtue of its Constitution and in consonance with the relation existing between the Government and the citizen, not of the State, but of the United States. So this money never in any sense whatever, then or now, was or is State money, and it can not be the foundation of any State claim, and the repayment of this money to the several States is not the payment of a State claim, but it is, if it is anything, the intrusting to these States of money which should be by them appropriated to the citizens who made the payment, if they can find them.

Mr. SPOONER. I desire, if the Senator will permit me, to call his attention to the fact that the Supreme Court of the United States has decided that when a State under this act assumed the indebtedness it became then a matter of contract between the United States and the State and a State debt to the United States, and the amount was raised by taxation as the State government raises any amount by taxation for the support of the government of the State.

Mr. BLAIR. Precisely. That may be by virtue of an assignment by the State, but the point I am making is that the original relation is between the Government of the United States and a citizen of the United States, and all the equities exist as between the Government of the United States and the identical citizen from whom the taxation was derived.

Mr. SPOONER. But the very act itself provided for the assumption of the debt by the States, and the moment any State assumed the debt it became a State debt and was paid by the taxation of the State; so there is no question of individual right in any case where the debt was assumed by the State.

Mr. BLAIR. That can not be upon any principle further than this, that the State becomes the agency through which the property of the citizen of the United States is placed in the funds of the Treasury of the United States; for this is a purpose of the National Government for which the taxation itself is levied, and it is in the prosecution of a national purpose and in the imposition and execution of a national duty on the part of a citizen of the United States that this money was taken from the property of the citizen of the United States, and all the equities are of that relation.

Now, Mr. President, however that may be, we are not dealing with those funds at all, and there is no principle upon which it can be claimed that here is any legal claim of any State, because the point which the Senator from Wisconsin is making under the decision of the Supreme Court is in no wise relevant to the facts of this case. That has only relation to the collection of the tax; and whether I be right or whether I be wrong upon the sharp legal technicality, certainly I am right upon the equities as they exist between the United States and the citizen. Whether I be right on that or not, whether it be that if the State assumes the collection of the tax it then becomes a claim of the United States against the State, it is simply a claim upon the State at the uttermost for the collection and the realization of this tax, and when the State has proceeded in accordance with a legitimate imposition of the tax by the United States to collect the money and to pay it over, it ceases then to be any portion of the State funds, and the State has no legal claim upon those funds, for they belong to the United States. The State, by paying the tax, has simply paid a debt. Therefore, it is impossible, so far as concerns the facts upon which this bill is founded, that the States can have any legal claim whatever.

The fact that the Southern States or any of the Northern States failed either by the individuals in the State or by the State corporations themselves to pay this tax does not give to those who discharged their duty under the Constitution and paid their tax any right to recall it or any claim to recover it from funds in the Treasury either then or at any subsequent period of time, whether it be within any reasonable period of limitation or at any time prior to the general dissolution of the Government itself.

Now, Mr. President, let us see how this Government necessarily, to deal with it as a matter of principle, must operate. Here are certain of the States, war existing, they in rebellion, for certain causes fail to pay taxes legitimately assessed upon them by the United States. So far as the parties in this case are concerned, the principles involved would have been the same had they failed for any other cause, whether from poverty or from technical disputes arising as to the legalities and formalities of the assessment. They failed to pay their debt. The purpose of the Government to obtain the national object which it was then necessary vigorously to prosecute, to wit, the war itself for the maintenance of the Union—that purpose had to be carried out, funds had to be derived from some source, and so it came to pass that the means for the prosecution of the war, which, as I understand, cost not far from $8,000,000,000 in the whole, were levied upon and were paid by the Northern States to the amount of about $5,000,000,000, during and so soon succeeding the events of the war itself that the Southern States paid next to nothing upon that tremendous amount—five-eighths of the entire cost of the prosecution of the war for the suppression of the rebellion thus paid by Northern States before the people of the South resumed the payment of taxes to the United States.

The Southern States had these charges against them of a tax assessed after the opening and during the prosecution of the war, as legally assessed upon them as was the taxation upon any of the Northern States for the prosecution of the war, and now we come to a period of time, a quarter of a century later, when we propose to discharge that unpaid debt of these Southern and propose to refund to the Northern States who paid their proportion of that same taxation for the prosecution of this great end. We propose to refund to them that identical taxation corresponding to that which we remit in the case of the Southern States; and we say that is an act of justice; and the whole bill is placed upon the ground that it is an act of justice and equity.

I ask you to draw any distinction in equity, or in any other way, between money and tax levied by the General Government in the case of

this bill, a per capita tax upon the people in the States of the country for the prosecution of the war—any distinction whatever between moneys thus obtained and money obtained for the purposes of the prosecution of that same war by internal-revenue taxation, or customs taxation, or income tax, as the case may be.

The principle asserted is that we will free the Southern States from the obligation to pay this particular tax legitimately assessed, and as an offset to that favor which we do to them, in thus releasing this taxation to obtain money to be expended in the prosecution of the war, we will release the Northern States who paid their portion of the same identical tax, a tax which in its objects and purposes was precisely the same as all the taxation that was imposed during and since the war. There is no distinction between a dollar after you have paid it into the Treasury, whether it be assessed and collected in the way this was assessed and part of it collected, or whether it be assessed by virtue of tariff regulations and collected under the provisions of a tariff or an internal-revenue law. It is all one common mass commingled in the Treasury, and you can not identify this money and say that it was derived and is to be used upon any different principle or object by reason of the fact that it was collected one way or the other way.

Now, sir, the point I wish to make is this—and I call the attention of our Southern and Northern friends to it—that we are here creating a precedent by virtue of which we can go back to the taxation and the expenditure of the whole war, and ought to if this bill is to pass, and reassess and reapportion the entire amount of the expenditure of the war which we have already paid, at least $5,000,000,000 if I am correct in my estimate and my recollection. The best authorities fix the entire expenses of the war at $8,000,000,000, of which we paid five billions out of taxes before its close, the public debt at the close of the war or soon after the war being about $2,800,000,000, or practically $3,000,000,000. I say the principle we are establishing here will require us to go back and to reapportion that part of the war expenditures which we have already paid out of the funds of the North, and call upon our friends at the South to pay their proper proportion of that $5,000,000,000. Why not? And in the future, from time to time as we have a surplus, and we should impose taxation expressly for that purpose if we can not get the money in any other way, we are under obligation, I say, to collect the necessary money to pay to the Northern States their part or proportion which they paid beyond that which properly should devolve upon them in the expenses of that great war. There is no sort of question, as a matter of principle, that we go that far in the enactment and passage of this bill.

But, Mr. President, my opposition to this bill—these being some of the reasons—is mainly because of the danger, the unknown that lies in it. My opposition to this bill as a practical measure was from the beginning and is now perhaps principally because I do not believe in its constitutionality. I do not believe we have any right to take this money or give it to the States in this way. I do believe in the largest freedom of the exercise of the discretion of the Government for the promotion of the general welfare, but no mortal man can say that taking this money out of the Treasury in the way in which we are taking and giving it to these States without conditions, without any designation of the purposes to which it shall be applied by the States, whether to public education or to any other public purpose—that the taking of these seventeen millions of money out of the public Treasury and sending it to the States without any specification of the purposes for which they shall apply it—nobody can say that this is a just and constitutional exercise of the powers of this Government. Everybody concedes this money now in the Treasury is not the money derived from this old tax and that it is the money of the United States, and the States have no claim upon it. We can not pay it out under the Constitution unless it be for the prescribed purposes mentioned in the Constitution or that great general purpose in which we have discretion; that is to say, for the promotion of the general welfare. If we do not in this bill make it necessary that the States shall appropriate this money for any purpose whatever we give it to them as freely as the air, just like the wind circulating over our continent, and they treat this money precisely as their own without any conditions whatever imposed upon its use by us as the fiduciary agents of the United States. I do not believe in that regard certainly this bill can possibly be justified or that it can be held to be constitutional.

But, as I was about to say, I have opposed this bill as a practical measure, because so long as obligations exist upon the records of the country against some of the States of this Union, as the Senator from Alabama has shown in his remarks just preceding what I now say, they have been an effectual offset to many a claim that this Government, as I believe, can not be properly called upon to meet at all; and when these charges are removed from the books you will find that these claims will be pressed and that they will be paid. There is the cotton tax of about $70,000,000—and the illegality of which, I think, by the general consensus of opinion, is now admitted—which will be pressed for repayment by those States from which it was exacted during or subsequent to the war. But so long as these claims for unpaid taxation were upon the statute-book of the country and upon the records of the Treasury Department those claims have slept. The passage of this bill will give them a resurrection which, in my belief, may result in the payment of many times the amount which this bill itself calls for.

I stated the other evening reasons why I was opposed to the passage of this bill—the inequalities of the restitution and the fact that every dollar of this money now taken out of the Treasury must be replaced by future taxation, and that it will fall upon the country at large without any reference to the individuals to whom or the States, even, to which this restitution is to be made or to whom it equitably should be made. In that direction are a great many of the reasons to my mind which strongly militate against the passage of this bill.

But I understand that we have now before us not the question of the passage of the bill; the question of reconsideration to be sure may raise one upon the general merits, but if that be withdrawn and the question is to be taken upon the adoption of the conference report there is no issue before the Senate but whether the South Carolina amendment is a desirable amendment. Am I correct upon that point?

Mr. SHERMAN. There is nothing else before the Senate.

Mr. BLAIR. There is nothing else before the Senate; then the discussion upon the general merits of the bill is undoubtedly instructive to the country, though it is no obstacle to the passage of the bill. The question is upon the validity or propriety and equity of the amendment of the House in the interest of South Carolina, and upon that I suppose undoubtedly the committee is right.

Mr. HARRIS. Will the Senator from New Hampshire allow me to suggest to him, though I shall vote against the reconsideration and in favor of the passage of this bill, that unless the conference report is agreed to the bill is defeated? He is drifting, as I understand from his remarks, into a parliamentary mistake.

Mr. SHERMAN. As there is one minute left before 2 o'clock and other business may intervene, with the consent of the Senate I will now renew my motion to lay upon the table the motion to reconsider, which will at once bring us to a vote.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to lay upon the table the motion of the Senator from Missouri to reconsider the vote——

Mr. SHERMAN. If the Senator from Missouri wants the yeas and nays, we can have them on this motion.

Mr. VEST. Why not take the vote directly upon the motion to reconsider?

Mr. SHERMAN. I shall be cut off at 2 o'clock. I call for the yeas and nays.

Mr. HARRIS. I suppose we can take the vote now without further debate.

Mr. SHERMAN. If that can be done, I shall withdraw the motion to lay on the table.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered on the motion to reconsider, the roll-call will proceed.

Mr. BERRY. What is the question?

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which the Senate agreed to the report of the committee of conference. The motion to lay on the table is withdrawn.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. In his absence I withhold my vote.

Mr. COKE (when Mr. COCKRELL'S name was called). I am paired with the Senator from Missouri [Mr. COCKRELL]. If he were here, he would vote "nay," and I should vote "yea."

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea," and he would vote "nay."

Mr. EVARTS (when his name was called). I am usually paired with the Senator from Alabama [Mr. MORGAN], but as I understood him to express his opinion in favor of the report, I shall vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. I understand from the other Senator from North Carolina [Mr. RANSOM] that his colleague, if present, would vote in favor of this bill. This question being on reconsideration, I feel at liberty to vote, and therefore vote "nay."

Mr. CHANDLER. I have been requested to announce the pair of the Senator from Illinois [Mr. CULLOM] with the Senator from Delaware [Mr. GRAY]. The Senator from Illinois, if present, would vote "nay."

The result was announced—yeas 8, nays 42; as follows:

YEAS—8.

Berry,	Call,	Pugh,	Saulsbury,
Blair,	Jones of Arkansas,	Reagan,	Vest.

NAYS—42.

Allison,	Butler,	Davis,	Farwell,
Bate,	Cameron,	Dawes,	Frye,
Blodgett,	Chandler,	Dolph,	George,
Bowen,	Colquitt,	Eustis,	Gibson,
Brown,	Daniel,	Evarts,	Gorman

Hale,	Ingalls,	Platt,	Stewart,
Hampton,	McPherson,	Ransom,	Stockbridge,
Harris,	Mitchell,	Sabin,	Teller,
Hawley,	Morgan,	Sawyer,	Walthall.
Hearst,	Morrill,	Sherman,	
Hiscock,	Palmer,	Spooner,	

ABSENT—26.

Aldrich,	Edmunds,	Paddock,	Turpie,
Beck,	Faulkner,	Pasco,	Vance,
Blackburn,	Gray,	Payne,	Voorhees,
Chace,	Hoar,	Plumb,	Wilson of Iowa,
Cockrell,	Jones of Nevada,	Quay,	Wilson of Md.
Coke,	Kenna,	Riddleberger,	
Cullom,	Manderson,	Stanford,	

So the motion to reconsider was not agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the resolution reported by the Committee on Privileges and Elections in relation to Congressional elections.

Mr. ALLISON. I ask that that be laid aside informally, in order that the Senate may proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the unfinished business be informally laid aside, and that the Senate may proceed to the consideration of House bill 12008. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. ALLISON. Before proceeding with the consideration of the bill I ask unanimous consent that the formal reading be dispensed with, and that the amendments reported by the Committee on Appropriations may be acted on as we proceed with the reading of the bill.

The PRESIDENT *pro tempore*. The bill will be read at length, and the amendments reported by the Committee on Appropriations will be acted on as they are reached in the reading of the text, if there be no objection. The Chair hears none.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Public buildings," on page 2, after line 20, to insert:

For court-house and post-office at Fort Scott, Kans.: For completion of building, including suitable wainscoting and marble tiling in the principal rooms and corridors, $8,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

For court-house and post-office at Key West, Fla.: For protecting the site, $3,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

For court-house and post-office at Oshkosh, Wis.: For an additional amount in order to substitute oak finish for white-pine finish in the building, $1,600, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

For court-house and post-office at Syracuse, N. Y.: For constructing an elevator in said building, $3,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 21, to insert:

For marine hospital at Vineyard Haven, Mass.: For the purchase of land adjacent to the grounds of the hospital and for the uses of the same, $1,250.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

For building for Bureau of Engraving and Printing: For erection of an outbuilding, $23,000; for repairs of main building, including painting of iron-work around grounds, $5,450; in all, $28,450.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "Department," to insert "including marine-hospital buildings;" and, in line 17, before the word "thousand," to insert "and twenty-five;" so as to make the clause read:

For repairs and preservation of public building: Repairs and preservation of custom-houses, court-houses, post-offices, and other public buildings under control of Treasury Department, including marine-hospital buildings, $225,000; and the Secretary of the Treasury shall report to Congress at its next session a statement of the expenditure of the appropriation for repairs and preservation of public buildings for the fiscal year 1889, showing on what public buildings said appropriation was expended and the number of persons employed and paid salaries therefrom.

The amendment was agreed to.

The next amendment was, on page 5, line 24, before the word "approved," to strike out "prepared or;" in the same clause, on page 6, line 2, after the words "have been," to strike out "purchased and paid for" and insert "finally selected;" and in line 8, after the word "building," to strike out "as the limit of the cost of the site and building, after the site shall have been paid for" and insert "excluding cost of site;" so as to make the clause read:

That hereafter no plan shall be approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been finally selected; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building, excluding cost of site.

The amendment was agreed to.

The next amendment was, on page 6, to strike out the clause from line 11 to line 18, inclusive, as follows:

That hereafter commissions shall not be paid for disbursements on account of construction of public buildings except for moneys actually handled and paid out by disbursing agents; and payments for buildings constructed under contract, and for sites therefor, shall be made by the Treasury Department at Washington, D. C., by drafts or checks payable to the contractors for the buildings and grantors of sites, or their legal representatives.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the word "buildings," to insert "other than for life-saving stations and pier-head lights;" in line 23, before the words "public buildings," to insert "such;" and after the words "public buildings," to strike out "other than for life-saving stations and pier-head lights;" so as to make the clause read:

That hereafter all legal services connected with the procurement of titles to sites for public buildings, other than for life-saving stations and pier-head lights, shall be rendered by United States district attorneys: *Provided further*, That hereafter, in the procurement of sites for such public buildings, it shall be the duty of the Attorney-General to require of the grantors in each case to furnish, free of all expense to the Government, all requisite abstracts, official certifications, and evidences of title that the Attorney-General may deem necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for "light-houses, beacons, and fog-signals," on page 7, after line 4, to insert:

Mount Desert Rock fog-signal, Maine: For establishing complete a fog-signal upon Mount Desert Rock, off the coast of Maine, $4,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 7, to insert:

Bear Island light-station, Maine: For building a new keeper's dwelling at Bear Island light-station, Maine, $3,750.

The amendment was agreed to.

The next amendment was, on page 7, after line 10, to insert:

Great Duck Island light-station, Maine: For establishing a light and fog-signal on Great Duck or Long Island, Maine, $30,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 13, to insert:

Steam-tender for the first light-house district: For a new steam-tender for service in the first light-house district, $85,000; said amount to be expended under the direction of the Secretary of the Treasury: *Provided*, That the construction of said tender shall be let to the lowest responsible bidder after advertisement, and said tender shall be built in an American ship-yard.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

Great Round Shoal light-ship, Massachusetts: For establishment of a light ship with a fog-signal to mark the channel through Great Round Shoal, near Nantucket, Mass., $60,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 24, to insert:

Dumpling Rock light-station, Massachusetts: For building a new dwelling for the keeper at Dumpling Rock light-station, entrance to New Bedford Harbor, Massachusetts, $3,750.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to insert:

Bird Island light-station, Massachusetts: For building a new dwelling for the keeper of Bird Island light-station, entrance to Sippecan Harbor, Massachusetts, $3,750.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Steam-tender for the second light-house district: For a new steam-tender for service in the second light-house district, $80,000; said amount to be expended under the direction of the Secretary of the Treasury: *Provided*, That the construction of said tender shall be let to the lowest responsible bidder after advertisement, and said tender shall be built in an American ship-yard.

The amendment was agreed to.

The next amendment was, on page 8, after line 14, to insert:

Beaver Tail fog-signal, Rhode Island: For the purchase of land required for the Beaver Tail (Rhode Island) fog-signal station, and the payment of the necessary expenses incident to such purchase, the sum of $3,500, or so much thereof as may be necessary.

Mr. ALLISON. In line 18 of the amendment, before the words "three thousand," I move to strike out "the sum of."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was on page 8, after line 19, to insert:

Staten Island depot, New York: For continuing the construction of the sea-wall at the general light-house depot at Tompkinsville, Staten Island, New York, $40,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 23, to insert:

Sandy Hook light-ship, New Jersey: For the construction and establishment of a light-ship with a fog-signal, for the Sandy Hook station, entrance to New York Harbor, $60,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to insert:

Shark's Fin Shoal light-station, Maryland: For establishing a light on Shark's Fin Shoal, Maryland, to take the place of Clay Island light, $25,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

Greenbury Point Shoal light-station, Maryland: For establishing a light on the shoal off Greenbury Point, Maryland, to replace the one on the point, $25,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to insert:

Chincoteague buoy-depot, Virginia: For the purchase of additional land for site, and for repairs to the buoy-depot at Chincoteague Island, Virginia, $1,250.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

Portsmouth depot, Virginia: For the purchase of additional land for the site of the Portsmouth light-house depot, Virginia, including about 96 feet of water front, $10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 20, to insert:

Bush's Bluff light-ship, Virginia: For establishing a light-ship and fog-signal at or near Bush's Bluff Shoal, Elizabeth River, near Norfolk, Va., in addition to the balance remaining of the appropriation made by the act approved March 3, 1885, for a light-house and fog-bell on Bush's Bluff, which is hereby made available for the same purpose, $40,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 3, to insert:

Diamond Shoal light-station, North Carolina: For the establishment of a light-house on Outer Diamond Shoal, off Cape Hatteras, North Carolina, $500,000: *Provided*, That the contract for the construction of the same may be let, in the discretion of the Light-House Board, with the approval of the Secretary of the Treasury.

Mr. CHANDLER. I should like to ask the chairman of the committee to make a statement about this light-station. Here is a very large sum to be appropriated, and I do not find in the report of the committee accompanying the bill any explanation of the proposed expenditure. I see the Senator from North Carolina [Mr. RANSOM] is present. It seems to me it would be well to have some explanation of so large an expenditure for this light-station. I would like to inquire of the chairman of the committee why it is that this light is so expensive.

Mr. ALLISON. This light is to be placed off the shoal, I think about 8 or 9 miles from the shore of Diamond Shoals. The light is sunk in the sand, and to be built out in the ocean, and will cost a very large sum of money. It has been repeatedly estimated for by the Light-House Board and urged by commercial people, and I have no doubt that the amount appropriated here will be required to construct this light. It was reported favorably upon by the Committee on Commerce I think twice, this year and last, and the bill authorizing this light passed the Senate, but has not yet passed the other House. It will be a very expensive structure when completed. The purpose is to sink a caisson in the sand about 8 miles from shore and fill it with concrete, making the foundation for this light. I think it a very necessary light, although it is expensive.

Mr. CHANDLER. I should like to ask the chairman of the committee whether, from investigation which the committee have made, he believes it can be erected for a half million dollars, or whether, when it comes to preparation upon one of the shoals off the coast of North Carolina for laying the foundation of a light of this sort, it is not likely to take not only $500,000 but twice $500,000?

Mr. ALLISON. The Senator from North Carolina [Mr. RANSOM] is more familiar with the details of this than I am, but the naval secretary of the Light-House Board stated to the committee in an examination which I think is among the papers here, that the board had consulted with distinguished engineers as to the cost of this light and that two or three parties were willing to undertake its construction for the sum named in this amendment. I believe myself that it can be done if the work is a successful one, but it may be that a contractor who would take the contract to put in this light for $500,000 would lose money in the end. I think myself it is something of an experiment to build this light as is proposed, but it is of so much importance that I think the Government ought to appropriate the money.

I will say that the general plan, as I understand it, is to construct substantially a circular caisson of 2-inch plate-iron and sink it in the sand as far as it can be sunk. The diameter of this caisson will be about 53 feet, as we are informed by the naval secretary, and it is expected that it can be sunk in sand 45 feet and thus make a permanent and substantial foundation for this light.

Mr. CHANDLER. Is it expected that it will stop at 45 feet, or what is there to prevent it from keeping going on down?

Mr. ALLISON. They hope to secure a solid foundation at that depth.

Mr. RANSOM. Mr. President——

Mr. CHANDLER. I should like to inquire, before the Senator from North Carolina proceeds, whether this is the same appropriation which the Senator from North Carolina got through the Senate at the last session of Congress? I have a recollection that the Senator took the floor here and in about five minutes obtained an appropriation of something like half a million dollars for a light-house off Hatteras. I am aware that that appropriation did not become a law, but I remember very well its going through the Senate. Is this the same light or an additional one?

Mr. RANSOM. If I may inform the Senator from New Hampshire, it is the same appropriation. The bill to which he alludes passed the Senate without dissent, but has not been acted on in the House of Representatives, though it has been favorably reported by the Committee on Commerce there.

Mr. CHANDLER. Is the amount the same?

Mr. RANSOM. The amount is the same.

Mr. CHANDLER. I had the impression that in the bill which the Senator succeeded in getting through without dissent, as I believe by his admirable and brief speech on the subject, there was an appropriation of only $450,000.

Mr. RANSOM. No, sir; it was for $500,000.

Mr. CHANDLER. And that has not become a law?

Mr. RANSOM. It has not become a law.

Mr. CHANDLER. This, then, is the same proposition?

Mr. RANSOM. The same proposition.

Mr. FRYE. Mr. President, just one word. If it costs $1,000,000 it should be built. Even if it should cost a million and a half of dollars it should be built. It is the most dangerous spot to-day on the whole coast. There is an inland light on the shore. These reefs run away out eight or nine miles, and the inland light on the shore instead of being any benefit to strangers lures them almost onto these rocks. Ten days ago there was a ship with a cargo worth $125,000 that went down there and a dozen or fifteen lives were lost. There are more wrecks there than anywhere else. So, whatever the cost may be, the light should be built.

Mr. CHANDLER. Undoubtedly Cape Hatteras is a point at which there are many wrecks and money should undoubtedly be expended liberally for the purpose of erecting lights at that point; but I suppose that the Senator from Maine will admit that there may possibly be a limit to the expenditure which should be made in undertaking to erect a light-house upon a sand shoal, and I suppose also that it may be admitted that there is some limit beyond which we should not go out into the ocean to endeavor to build light-houses on shifting sand.

I am just as much in favor of protecting the navigation off Hatteras as I am for protecting it off the coast of Maine or New Hampshire, but there certainly is a great deal of risk in going out into the open ocean where you can find no rock and undertaking to sink caissons down into the sands of the deep for the purpose of building a light-house thereon.

I ask sincerely whether the gentlemen who have investigated this subject are not only of opinion that for the protection of commerce there ought to be a light-house there if it can be erected, but whether they believe it can be erected and made a permanent structure for any reasonable amount of money?

Mr. RANSOM. That question has been examined. There is now a proposition before the Light-House Board, and it has been submitted to both committees of this body—the Committee on Commerce and the Committee on Appropriations—in which one of the ablest firms in the country, under the advice of, perhaps, the most distinguished engineer in the United States, proposes to take the contract and insure its successful completion for the amount of money proposed to be appropriated. That is the best answer I can make to the suggestion of the Senator from New Hampshire, which, of course, is a proper one, for the Senate ought to know of it.

Mr. GORMAN. This proposed light-house is considered by the board and by everybody engaged in commerce as probably the most important in the world, and the necessity for it everybody understands perfectly. The engineers have been investigating in order to ascertain whether it was possible to put up a structure that would stand, and I think there can be no question from the statements which have been presented that under the provisions of the bill as draughted by the Committee on Appropriations this light can be constructed so as to be a permanent affair for $500,000.

The PRESIDING OFFICER (Mr. PALMER in the chair). The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, after line 10, to insert:

North River Bar beacons, North Carolina: For the establishment of lighted beacons to guide through the dredged channel at North River Bar, North Carolina, $2,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 23, to insert:

Steamer for Light-House Service: For the construction of a small steel side-wheel steamer for light-house service in the sounds of North Carolina and adjacent waters, the sum of $35,000.

Mr. ALLISON. I move to strike out the words "the sum of."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, after line 2, to insert:

Bull's Bay beacon, South Carolina: For establishing a small beacon-light at Bull's Bay, South Carolina, $60.

The amendment was agreed to.

The next amendment was, on page 11, after line 5, to insert:

Hilton Head range-beacons, South Carolina: For the purchase of additional land and for shifting the range-beacons at Hilton Head, entrance to Port Royal Harbor, South Carolina, $5,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 9, to insert:

Fernandina Harbor range-lights, Florida: For the establishment of one or more sets of range-lights to guide into the harbor of Fernandina, Fla., $1,750.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to insert:

Pascagoula River ranges, Mississippi: For establishing range-lights to guide into the mouth of the Pascagoula River, Mississippi, $1,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to insert:

Pearl River light-station, Mississippi: For the establishment of a light on the east bank of Pearl River, opposite the draw in the railway bridge, $250.

The amendment was agreed to.

The next amendment was, on page 11, after line 19, to insert:

Point Isabel light-station, Texas: For re-establishing the light at Point Isabel, entrance to Brazos Santiago, Tex., $8,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to insert:

Point Betsey light-station, Michigan: For rebuilding the tower and dwelling at Point Betsey, east side of Lake Michigan, Michigan, $35,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to insert:

Point Peninsula light-station, Michigan: For crib-work protection for boat-house and landing at Point Peninsula light-station, Michigan, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

Depot for the ninth light-house district: For establishing a supply and buoy depot for the ninth light-house district, $50,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 3, to insert:

Steam-tender for the Great Lakes: For a steam-tender for service on the Northern lakes, $85,000; said amount to be expended under the direction of the Secretary of the Treasury: *Provided*, That the construction of said tender shall be let to the lowest responsible bidder after advertisement, and that said tender shall be built in an American ship-yard.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to go back to line 20, on page 11.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. ALLISON. The Senator from Texas [Mr. COKE] calls my attention to the fact that it is necessary to purchase a small amount of land for the light-station at Point Isabel; and although the language of the amendment is the language of the estimate, it is perhaps better to add a few words there. I therefore move to insert after the words "Point Isabel" the words:

And purchasing land therefor.

Mr. HALE. I do not object to the suggestion as a matter of extra precaution, but I call the Senator's attention to the fact that all legislation that has established lights has used precisely the language used here. "Establishing a light" is giving the power to take the site and build the structure and establish it as a complete light, and the phrase is never put in to buy land and is not needed here in any way.

Mr. CHANDLER. Does it give the authority to condemn land for establishing lights?

Mr. HALE. It is a general authority. "Establishing a light" is a large and wide phrase that covers everything, necessarily including the purchase of the land.

Mr. ALLISON. This possibly may be taken out of the general rule in view of the fact that it is the re-establishing of a light where one has been abandoned and there is some question about the purchase of property. I do not see the Senator from Texas in his seat. I think, however, there can be no objection in this special case if the Senator from Maine will allow the words I have proposed to be inserted.

Mr. HALE. The only harm it will do is to raise a doubt in other cases where those words are not inserted.

Mr. GORMAN. I think the Senator from Iowa will remember that a light was established and the question was as to the purchase of the land. The light was discontinued. Without the words proposed I doubt very much whether you could get possession of the land. It is so held by the Department, as I understand.

Mr. ALLISON. I ask that the words I have proposed may be inserted.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be stated.

The CHIEF CLERK. On page 11, line 21, after the words "Point Isabel," it is proposed to insert "and the purchase of land therefor;" so as to read:

Point Isabel light-station, Texas: For re-establishing the light at Point Isabel, and the purchase of land therefor, entrance to Brazos Santiago, Texas, $8,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 14, after line 16, to insert:

Columbia River light-ship, Oregon: For establishing a light-ship with steam fog-signal to mark the bar at the mouth of the Columbia River, Oregon, $60,000.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

San Pedro light-station, California: For establishing a light and fog-signal to mark the entrance to San Pedro Harbor, California, $5,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 3, to insert:

Point Sur light-station, California: For purchase of a right of way to the light-station, together with the right to use a spring of water, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for "Life-Saving Service," on page 17, to strike out the clause from line 21 to line 23, inclusive, as follows:

For the establishment and maintenance of a refuge-station at or near Point Barrow, Alaska, on the Arctic Ocean, $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "revenue-cutter service," on page 18, after line 17, to insert:

For the establishment and maintenance of a refuge-station at or near Point Barrow, Alaska, on the Arctic Ocean, $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "engraving and printing," before the word "thousand," in line 25, on page 18, to strike out "sixty-three" and insert "seventy;" so as to read:

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employés, other than plate-printers and plate-printers' assistants, $370,000, to be expended under the direction of the Secretary of the Treasury.

Mr. GEORGE. Is that the amendment which strikes out the provision of the House reducing the royalty on the steam plate-printing presses in the Bureau of Engraving and Printing?

Mr. ALLISON. This particular amendment simply increases the amount from $363,000 to $370,000. The amendment to which the Senator alludes is a little further on.

Mr. GEORGE. Very well. I desire to call the attention of the Senate to that amendment when we get to it.

Mr. ALLISON. We shall get to it in a few moments, I will say to the Senator from Mississippi.

Mr. HARRIS. This particular amendment, I would ask the Senator from Iowa, does not affect the question as between the steam and the hand printing presses?

Mr. ALLISON. In no sense.

Mr. GEORGE. The one pending now?

Mr. ALLISON. The one pending now.

Mr. GEORGE. But we shall reach the one that brings that question up, directly?

Mr. ALLISON. We shall reach the amendment in a little while which will cause some comment.

The PRESIDING OFFICER. The question is on agreeing to the amendment in line 25.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause, on page 19, line 3, after the words "notes of," to strike out "larger denomination than those that may be" and insert "large denomination in lieu of notes of small denomination;" so as to make the proviso read:

Provided, That no portion of this sum shall be expended for printing United States notes of large denomination in lieu of notes of small denomination canceled or retired.

The amendment was agreed to.

The next amendment was, on page 19, line 12, after the word "exceeding," to strike out "1 cent" and insert "50 cents," and in line 14, before the word "thousand," to strike out "seventy-six" and insert "ninety;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, and for wages of printers' assistants at steam-presses, at $1.50 a day each when employed, and for royalty at not exceeding 50 cents per thousand impressions for use of steam plate-printing machines, $390,000, to be expended under the direction of the Secretary of the Treasury.

Mr. ALLISON. I call the attention of the Senator from Mississippi [Mr. GEORGE] to the pending amendment.

Mr. GEORGE. Let it be passed over for the present. I want to look up some memoranda I have on the subject.

Mr. ALLISON. The Senator wishes to have it passed over?

Mr. GEORGE. Let it be passed over without action. I find that I can not lay my hand on some memoranda that I have.

Mr. ALLISON. I have no objection to that course.

The PRESIDING OFFICER. The amendment will be passed over, if there be no objection.

Mr. HAWLEY. The whole paragraph?

Mr. ALLISON. I ask that the whole paragraph be passed over.

The PRESIDING OFFICER. If there be no objection all the amendments in the paragraph will be passed over.

Mr. HARRIS. I desire to say to the Senator from Mississippi and the Senator from Iowa that I wish to be present when that paragraph is considered. Having served for five or six months on a subcommittee to investigate that whole question, I desire to be present when it is considered and acted upon by the Senate.

Mr. ALLISON. I hope the Senator from Tennessee will be present, because it is an important amendment.

Mr. HAWLEY. If it be passed over in that way, I suggest to the chairman of the committee that it be passed over until the bill is read through, that we may have some more definite time. I do not ask to fix any time, but I ask that it be passed by until after the whole bill is read.

Mr. ALLISON. Very well; I will allow it to be passed over until the bill is read and the other amendments acted upon.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, line 16, before the word "thousand," to strike out "seventy-four" and insert "eighty-nine;" so as to make the clause read:

For engravers', printers', and other materials, except distinctive paper, and for miscellaneous expenses, $189,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in the appropriations for "Light-House Establishment," on page 21, line 10, after the words "one hundred," to insert "and fifty;" so as to make the clause read:

Salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of not exceeding one thousand one hundred and fifty light-house and fog-signal keepers, $625,000.

The amendment was agreed to.

The next amendment was, on page 22, in the clause making appropriations for "lighting of rivers," in line 5, after the name "New York," to insert "the Raritan River, New Jersey;" in line 9, before the word "Florida," to strike out "River" and insert "and Indian Rivers;" after the words "Puget Sound," in line 14, to insert "Washington Sound, and adjacent waters;" and in line 20, before the word "thousand," to strike out "fifty" and insert "fifty-four;" so as to make the clause read:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson and East Rivers, New York; the Raritan River, New Jersey; the Delaware River, between Philadelphia and Bordentown, N. J.; Connecticut River, Connecticut; the Elk River, Maryland; Cape Fear River, North Carolina; Savannah River, Georgia; St. John's and Indian Rivers, Florida; at the mouth of Red River, Louisiana; at Chicott Pass, and to mark navigable channel along Grand Lake, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha Rivers; on the Columbia and Willamette Rivers, Oregon; Sacramento and San Joaquin Rivers, California; and on Puget Sound, Washington Sound, and adjacent waters, Washington Territory; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, $254,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Coast and Geodetic Survey," on page 30, line 2, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to make the clause read:

For expenses in carrying on a preliminary survey of the frontier line between Alaska and British Columbia, in accordance with plans or projects approved by the Secretary of State, including expenses of drawing and publication of map or maps, $25,000, said sum to continue available for expenditure until the same is exhausted.

The amendment was agreed to.

The next amendment was, on page 30, line 9, before the word "consent," to insert "advice and;" so as to make the clause read:

For superintendent, to be appointed by the President, by and with the advice and consent of the Senate, $6,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "pay of office force" of the Coast and Geodetic Survey, on page 31, after line 19, to insert:

For one chief accountant, $2,000.

The amendment was agreed to.

The next amendment was, on page 31, line 21, after the word "for," to strike out "two accountants at" and insert "one accountant;" and in line 22, after the word "dollars," to strike out "each $3,600;" so as to make the clause read:

For one accountant, $1,800.

The amendment was agreed to.

The next amendment was, on page 32, line 22, after the words "per annum," to strike out "two thousand seven" and insert "four thousand five;" so as to make the clause read:

For additional draughtsmen, at not exceeding $900 each per annum, $4,500.

The amendment was agreed to.

The next amendment was, on page 33, line 13, after the word "each," to strike out "one thousand eight" and insert "two thousand seven;" so as to make the clause read:

For additional computers, at not exceeding $900 per annum each, $2,700.

The amendment was agreed to.

The next amendment was, on page 34, line 5, after the word "each," to strike out "one thousand eight" and insert "two thousand seven;" so as to make the clause read:

For additional engravers, at not exceeding $900 per annum each, $2,700.

The amendment was agreed to.

The next amendment was, on page 37, line 19, after the words "one hundred and," to strike out "thirty-two thousand seven" and insert "thirty-six thousand five;" so as to make the clause read:

Total for pay of office force, $136,505.

The amendment was agreed to.

The next amendment was, in the appropriations for "office expenses of the Coast and Geodetic Survey," on page 38, line 7, before the word "thousand," to strike out "ten" and insert "sixteen;" so as to make the clause read:

For copper-plates, chart-paper, printers' ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra engraving and drawing, and for photolithographing charts and printing from stone for immediate use, $16,000.

The amendment was agreed to.

The next amendment was, on page 38, line 18, after the word "office," to strike out "twenty-eight" and insert "thirty-four;" so as to make the clause read:

Total general expenses of office, $34,500.

The amendment was agreed to.

The next amendment was, on page 39, line 16, after the words "Coast and Geodetic Survey," to insert:

Except that when officers are detailed to do work away from their vessel under circumstances involving them in extra expenditure, the Superintendent may allow to any such officer subsistence at a rate not exceeding $1 per day for the period actually covered by such duty away from such vessel.

So as to make the clause read:

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty in the office at Washington or to officers of the Navy attached to the Survey; nor shall there hereafter be made any allowance for subsistence to officers of the Navy attached to the Coast and Geodetic Survey, except that when officers are detailed to do work away from their vessel under circumstances involving them in extra expenditure, the Superintendent may allow to any such officer subsistence at a rate not exceeding $1 per day for the period actually covered by such duty away from such vessel.

The amendment was agreed to.

The next amendment was, on page 40, after line 8, to insert:

Repairs, Smithsonian building: To make fire-proof the roof of the gothic chapel at the west end of the Smithsonian building and for other portions of the roof of said building, $17,500, to be expended under the charge of the Architect of the Capitol according to the directions of the Regents of the Smithsonian Institution.

The amendment was agreed to.

The next amendment was, on page 41, line 2, before the word "thousand," to strike out "thirty-five" and insert "forty-five;" so as to make the clause read:

Preservation of collections of the National Museum: For the preservation, exhibition, and increase of the collection from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employés, $145,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 7, to insert:

Postage: For postage-stamps and foreign postal-cards for the National Museum, $1,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 9, to insert:

Purchase of Capron collection of Japanese works of art: For the purchase of the Capron collection of Japanese works of art, now on temporary deposit in the National Museum at Washington, D. C., $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 42, line 2, before the word "thousand," to strike out "thirty" and insert "forty-five;" so as to make the clause read:

Propagation of food-fishes: For the introduction by the United States Fish Commission into, and the increase in the waters of the United States of food-fishes and other useful products of the waters, including lobsters, oysters, and other shell-fish, and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries may find necessary to the prosecution of his work, including salaries or compensation of all necessary employés, $145,000.

The amendment was agreed to.

The next amendment was, on page 42, to strike out the clause from line 3 to line 21, inclusive, as follows:

For altering and fitting up the interior of the Armory building, on the Mall, city of Washington, now occupied as a hatching station, for the accommodation of the offices of the United States Fish Commission, and for general repairs to said building, including the heating apparatus, and for repairing and extending the outbuildings, $7,000, or so much thereof as may be necessary, the same to be immediately available, and to be expended under the direction of the Architect of the Capitol; and for the purpose above named the Secretary of the Smithsonian Institution is hereby required to move from the second and third stories of this building all properties except such as are connected with the workshops hereinafter named, under his control; and the workshops now in the second story of said building shall be transferred to and provided for in the third story thereof. And the Architect of the Capitol is hereby directed to examine and make report to Congress at its next regular session as to the practicability and cost of constructing a basement story under the National Museum building.

And in lieu thereof to insert:

For altering, adapting, and extending the Armory building, on the Mall, in the city of Washington, for offices of the United States Fish Commission, including heating apparatus and other equipment, $10,000, or so much thereof as may be necessary, this sum to be immediately available, and to be expended under the direction of the Architect of the Capitol. And the Secretary of the Smithsonian Institution is hereby required to move from the said building all properties under his control. And the Architect of the Capitol is hereby directed to examine and make report to Congress, at its next regular session, as to the practicability and cost of constructing a basement story under the National Museum building.

The amendment was agreed to.

The next amendment was, on page 43, line 20, after the word "employés," to strike out "forty-three thousand nine hundred" and insert "forty-five thousand;" so as to make the clause read:

Maintenance of vessels: For the maintenance of the vessels and steam-launches of the United States Fish Commission, and for boats, apparatus, machinery, and the other facilities required for use with the same, including salaries or compensation of all necessary civilian employés, $45,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to insert:

Fish-hatchery in Lake County, Colorado: For the construction of a Government trout breeding and distributing station in Lake County, Colorado, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

Fish-hatchery, Maine: For the purchase of ground, construction of buildings and ponds, and purchase of equipment for fish-hatchery and rearing stations near Craig's Brook, Reed's Pond, and Branch Pond, Maine, $11,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 5, to insert:

Fish-hatchery on Lake Erie: For the purpose of establishing and equipping a station at some convenient point on Lake Erie, to be designated by the Commissioner of Fish and Fisheries, for taking spawn and the propagation of whitefish, $20,000.

The amendment was agreed to.

The next amendment was, on page 45, line 23, after the word "October," to strike out "second" and insert "twelfth;" so as to make the clause read:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated by the joint resolutions approved September 26 and October 12, 1888, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.

The amendment was agreed to.

The next amendment was, in the appropriations for "Interstate Commerce Commission," on page 46, line 9, after the word "dollars," to insert:

Provided, That all expenses hereunder may be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission, and hereafter the commission shall submit to Congress, at the beginning of each regular session, a report in detail of all expenditures of the commission for the preceding fiscal year.

So as to make the clause read:

For all other necessary expenditures to enable the commission to give effect to, and execute the provisions of, the said act to regulate commerce, $159,000; in all, $200,000: *Provided*, That all expenses hereunder may be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the commission, and hereafter the commission shall submit to Congress, at the beginning of each regular session, a report in detail of all expenditures of the commission for the preceding fiscal year.

Mr. ALLISON. I desire to modify the amendment by striking out the word "hereunder," in line 10.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Miscellaneous objects under the Treasury Department," on page 46, line 20, before the word "thousand," to strike out "50" and insert "60;" so as to make the clause read:

Paper and stamps: For paper for internal-revenue stamps, freight, and salaries of superintendent, messengers, and watchmen, $60,000.

The amendment was agreed to.

The next amendment was, on page 46, line 25, before the word "thousand," to strike out "25" and insert "50;" so as make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, $50,000: and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

The amendment was agreed to.

The next amendment was, on page 47, after line 5, to insert:

Prevention of manufacture and sale of adulterated food or drugs in District of Columbia: For expenses incident to enforcing the provisions of the act of October 12, 1888, entitled "An act for the prevention of the manufacture or sale of adulterated foods or drugs in the District of Columbia," $5,000; one half of this sum to be paid from the revenues of the District of Columbia, and the other half from the Treasury of the United States.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 47.

Mr. ALLISON. After line 21, on page 47, I move to add:

Office of assistant treasurer, New York: For additional clerical force for the assistant treasurer, New York, $3,500, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 3, before the word "thousand," to strike out "four hundred and ninety" and insert "five hundred and forty;" so as to make the clause read:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, $540,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was stated to be, on page 51, line 6, after the word "hospitals," to strike out "included" and insert "included."

The PRESIDENT *pro tempore*. Is that correct?

Mr. ALLISON. Strike out the semicolon and insert a comma.

The PRESIDENT *pro tempore*. There is no semicolon in the print before the Chair.

Mr. ALLISON. Put the comma after "included" instead of before it.

The PRESIDENT *pro tempore*. Striking out the comma after "hospitals?"

Mr. ALLISON. Yes, and inserting it after "included."

The PRESIDENT *pro tempore*. Leaving the word "included" to stand?

Mr. ALLISON. Yes, sir.

The PRESIDENT *pro tempore*. That amendment will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 52, after the words "counterfeit money," at the end of line 10, to strike out "and other fraudulent devices for using the United States mail;" so as to make the clause read:

Suppressing counterfeiting and other crimes: For the expenses of detecting and bringing to trial and punishment dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $4,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, and for no other purpose whatever, $64,000.

The amendment was agreed to.

The next amendment was, on page 53, line 17, after the word "necessary," to insert:

To be paid out of the "immigrant fund" provided for in the act of August 2, 1882, entitled "An act to regulate immigration."

So as to make the clause read:

Enforcement of alien contract-labor laws: For the purpose of carrying into effect the provisions of the alien contract-labor law approved February 26, 1885, as amended by the acts approved February 23, 1887, and October 19, 1888, and to defray the expenses which the Secretary of the Treasury is authorized to incur by the provisions of the last-named act, $50,000, or so much thereof as may be necessary, to be paid out of the "immigrant fund" provided for in the act of August 2, 1882, entitled "An act to regulate immigration."

The amendment was agreed to.

The reading of the bill was continued to line 12, on page 54.

Mr. ALLISON. I move to add, between lines 12 and 13, on page 54, in capitals, "Under the Department of State."

The PRESIDENT *pro tempore*. As a head line?

Mr. ALLISON. As a head line.

The PRESIDENT *pro tempore*. That amendment will be made.

The next amendment of the Committee on Appropriations was, on page 54, after line 12, to insert:

Removal of remains of Joel Barlow: To bring from their resting place near Cracow, in Poland, the mortal remains of Joel Barlow, who was envoy extraordinary and minister plenipotentiary to the court of the First Napoleon, and who died in the discharge of his official duties, and to deposit said remains in the family vault at Kalorama, in the District of Columbia, $1,000, or so much thereof as may be necessary. And the Secretary of State is hereby directed to take such order as is requisite for carrying out the purpose of this appropriation.

The amendment was agreed to.

The next amendment was, on page 54, after line 22, to insert:

Binding manuscript papers: For the restoration, mounting, and binding of certain manuscript letters and papers of Washington, Hamilton, Jefferson, Madison, Monroe, and others, in the Department of State, relating to the early history of the United States, $4,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 55, after line 3, to insert:

International bureau for publication of customs tariffs: To meet the share of the United States in the annual expense of sustaining the international bureau at Brussels, for the translation and publication of customs tariffs, $2,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "public buildings under the Department of the Interior," in line 15, before the word "thousand," to strike out "35" and insert "39;" so as to make the clause read:

For the Capitol: For work at Capitol, and for general repairs thereof, including wages of mechanics, laborers, and fresco-painter, $39,000.

The amendment was agreed to.

Mr. ALLISON. From the committee, on page 55, after line 15, I move to insert:

To improve the ventilation of the room occupied by the Supreme Court, according to plans adopted by the court, the work to be done under the direction of the Architect of the Capitol, $2,500.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 55, after the amendment just agreed to, to insert:

For repairing and regilding the frames of the large historical paintings in the several panels of the Rotunda of the Capitol, eight in number, under the direction of the Architect of the Capitol, $1,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 56, to insert:

For repairs to and rebuilding the north roadway in the Capitol grounds, leading from Pennsylvania avenue to the eastern front of the Capitol, and for repairs to roadways in the Capitol grounds, $10,000, to be expended under the Architect of the Capitol.

The amendment was agreed to.

The next amendment was, on page 56, after line 15, to insert:

Ventilation, Senate wing of Capitol: For constructing tower and large air-duct leading from same to Senate wing for supplying fresh air to the Senate Chamber from western grounds, similar to that already constructed for the same purpose for the House of Representatives, $8,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 21, to insert:

Senate stable and engine-house: For constructing wagon-sheds and fence, and for filling and grading lot north of the Senate stable, and for connecting the same with the Senate stable, $600.

The amendment was agreed to.

Mr. SPOONER. I report from the Committeee on Public Buildings and Grounds an amendment to the pending bill, and I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana; and

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor.

The message also announced that the House had passed the following concurrent resolutions; in which it requested the concurrence of the Senate:

A resolution to print 10,000 extra copies of the testimony taken and the report made by the Committee on Merchant Marine and Fisheries upon the investigation of the fur-seal and the other fisheries of Alaska;

A resolution to print 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt; and

A resolution to print 1,000 additional copies of the report on production of the precious metals of the United States for the calendar year 1887.

The message further announced that the House had agreed to the amendments of the Senate to the amendment of the House to the concurrent resolution of the Senate to print the fourth annual report of the Bureau of Animal Industry for 1887.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8557) for the relief of Dr. David Bell.

The message further announced that the House had agreed to the following concurrent resolutions of the Senate:

A resolution to print 32,000 extra copies of the hearing before the Senate Committee on Education and Labor on the bill (S. 2983) known as the Sunday-rest bill; and

A resolution to print 6,000 additional copies of the second annual report of the Interstate Commerce Commission.

DISTRICT JURORS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, I return herewith the bill (S. 3640) entitled "An act to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia."

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 19, 1889.

Mr. HARRIS. I offered the resolution to have the bill returned, because of the fact that there was a clerical error in section 8 of the bill as it passed the two Houses and went to the President. I find that section 8 of the bill proposes to amend section 852 when it should have been section 862 of the District Revised Statutes. Instead of moving to reconsider the votes by which the bill was passed and ordered to a third reading, I shall prepare a concurrent resolution correcting the error.

The PRESIDENT *pro tempore*. Meanwhile the message will lie on the table.

RIGHTS OF SEMINOLE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Congress:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the Government of the United States of their right to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 19, 1889.

PROPOSED EXECUTIVE SESSION.

Mr. HARRIS. In explanation of a motion that I propose to make, I want to say that I find from the CONGRESSIONAL RECORD that 458 nominations have been sent to the Senate by the President, as follows——

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. HARRIS. I certainly have a right, pending the appropriation bill, to make any statement I may choose to make.

The PRESIDENT *pro tempore*. The Chair thinks the Senator can not submit a motion now except by unanimous consent, the sundry civil appropriation bill being before the Senate.

Mr. HARRIS. Does the Chair think that there is no motion in order? I do not think that the yielding of the Senator from Iowa is at all necessary to my purpose. I am satisfied that the Senator from Iowa will not object to yielding if it is desired, but I do not ask the Senator from Iowa to yield.

Mr. ALLISON. Then, if the Senator does not ask it, I will not do so.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Mr. HARRIS. Does the Chair decide that I have not a right to be heard in respect to any matter that I choose to submit, the appropriation bill being pending?

The PRESIDENT *pro tempore*. The Chair does so hold.

Mr. HARRIS. That the bill is not debatable?

The PRESIDENT *pro tempore*. The bill is debatable.

Mr. HARRIS. Then is there any rule of relevancy?

The PRESIDENT *pro tempore*. There is.

Mr. HARRIS. I should be glad if the Chair would call my attention to it.

The PRESIDENT *pro tempore*. Does the Senator intend to proceed?

Mr. HARRIS. I desire to proceed if——

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Tennessee.

Mr. HARRIS. Then the Senator from Tennessee will proceed. I hold in my hand a list of the nominations to which I referred, that have been reported in the CONGRESSIONAL RECORD, which I will hand to the Reporter without reading unless some Senator desires to hear it read:

Nominations up to February 13, 1889.

Office, etc.	Nominations.	Confirmations.
Commissioner of Labor	1	1
Judicial	5	2
Probate judges, Utah	12	5
United States district attorneys	1	.....
United States marshals	1	.....
Collectors of internal revenue	2	1
Assistant Commissioner of Indian Affairs	1	.....
Superintendent of Indian schools	1	.....
Indian inspectors	3	1
Indian agents	4	2
Land officers	8	2
Surveyor-general	1	.....
Commissioner, Alaska	1	.....
Commissioner of District of Columbia	1	.....
Interstate Commerce Commissioner	1	1
Foreign minister	1	1
Deputy Auditor of the Treasury	1	1
Customs officers	6	.....
Revenue-service appointments	3	2
Consuls	4	4
Naval promotions and appointments	12	10
Army promotions and appointments	69	69
Surgeons in Marine-Hospital Service	52	52
Postmasters	261	23
Pension agent	1	1
Comptroller of the Currency	1	.....
Civil Service Commissioner	1	.....
Secretary of Agriculture	1	1
Total	458	179

Of these nominations 133 are regular promotions in the Navy, the Army, and the Marine-Hospital Service.

The RECORD shows that these nominations were all confirmed but 2.

But of the 325 other nominations, the great majority of which were made to fill official vacancies, there are only 48 confirmations and no rejections reported in the RECORD, leaving 277 not acted upon.

Out of 261 Presidential postmasters nominated only 23 have been confirmed, leaving 238 not yet confirmed or rejected.

I hold it to be as much the duty of the President to make nominations to fill official vacancies as to perform any other official duty, and as much the duty of the Senate to consider and confirm or reject such nominations as to perform any other Senatorial duty.

I find that President Arthur entertained the same opinion as to the duties of the Executive. He sent to the Senate 612 nominations after the Presidential election of 1884, between the first Monday in December, 1884, and the 4th of March, 1885, and all of these were confirmed except 20. I find that President Hayes was of the same opinion as to the duties of the Executive. Between the first Monday in December, 1880, and the 4th of March, 1881, and after the election of Garfield and Arthur, he sent to the Senate 680 nominations, nearly all of which were confirmed.

In view of these facts, Mr. President, I move that the Senate do now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound the noes have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. SHERMAN (when his name was called). Is my colleague [Mr. PAYNE] here? Has he answered to his name?

The PRESIDENT *pro tempore*. He is not recorded as voting.

Mr. SHERMAN. I am paired with him.

The roll-call was concluded.

Mr. BUTLER. Is the Senator from Pennsylvania [Mr. CAMERON] recorded?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. BUTLER. Then I am paired with him.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE], and I withhold my vote.

Mr. DOLPH (after having voted in the negative). The senior Senator from Georgia [Mr. BROWN] is absent from the Chamber, and I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws his vote.

Mr. HALE. Has any pair with the Senator from Rhode Island [Mr. CHACE] been announced?

The PRESIDENT *pro tempore*. None has been announced.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK]. I will transfer that pair to the Senator from Rhode Island [Mr. CHACE], and vote "nay."

The result was announced—yeas 24, nays 26; as follows:

YEAS—24.

Bate,	Eustis,	Harris,	Saulsbury,
Berry,	George,	Jones of Arkansas,	Turpie,
Call,	Gibson,	Morgan,	Vest,
Cockrell,	Gorman,	Pugh,	Voorhees,
Coke,	Gray,	Ransom,	Walthall,
Colquitt,	Hampton,	Reagan,	Wilson of Md.

NAYS—26.

Allison,	Frye,	Mitchell,	Spooner,
Blair,	Hale,	Morrill,	Stanford,
Chandler,	Hawley,	Paddock,	Stewart,
Cullom,	Hiscock,	Platt,	Teller.
Dawes,	Hoar,	Plumb,	Wilson of Iowa.
Edmunds,	Ingalls,	Sabin,	
Evarts,	Jones of Nevada,	Sawyer,	

ABSENT—26.

Aldrich,	Cameron,	Hearst,	Quay,
Beck,	Chace,	Kenna,	Riddleberger,
Blackburn,	Daniel,	Manderson,	Sherman,
Blodgett,	Davis,	McPherson,	Stockbridge,
Bowen,	Dolph,	Palmer,	Vance.
Brown,	Farwell,	Pasco,	
Butler,	Faulkner,	Payne,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The reading of the appropriation bill will proceed.

Mr. HARRIS. Before the reading proceeds, I simply desire to say that I shall give the Senate an opportunity to vote on this motion every day until the end of the session.

LIQUOR TRAFFIC.

Mr. BLAIR. I should like to give a notice, and that is that upon the conclusion of the consideration of the appropriation bill, or as soon afterwards as possible, I shall move that the Senate proceed to the consideration of the joint resolution (S. R. 12) proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors. I do not desire to ask for any extended debate on the subject unless Senators choose to indulge in it, but I do desire to have a vote upon the joint resolution.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3981) for the relief of Philip S. Post; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 3982) to restore the pension of Ann G. Barker; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. STANFORD submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 169) granting an increase of pension to Abby Slocum;
A bill (S. 781) granting a pension to John Fagan;
A bill (S. 1822) granting a pension to Ann E. Cooney;
A bill (S. 2275) granting a pension to Mary Calvert Truxtun;
A bill (S. 2314) granting a pension to John B. Covert;
A bill (S. 2439) granting a pension to Charlotte T. Alderman;
A bill (S. 5993) granting a pension to Margaret A. Hillard;
A bill (S. 3540) granting a pension to Mary P. Myers;
A bill (S. 3634) granting a pension to Mrs. Nancy Smith;
A bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson; and
A bill (S. 2091) granting a pension to Frances H. Plummer.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in the items for "Expenses of the collection of revenue from sales of public lands," on page 57, line 7, before the word "thousand," to strike out "twenty-four" and insert "fifty;" so as to make the clause read:

Salaries and commissions of registers and receivers: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $550,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "United States Geological Survey," on page 63, to strike out lines 4 and 5, as follows:

For engraving the geological maps of the United States, $45,000.

The amendment was agreed to.

The next amendment was, on page 63, line 11, after the word "irrigation," to insert "and the cost thereof;" and in line 18, after the word "dollars," to insert:

Of which sum $50,000 shall be immediately available; and the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this and any future appropriation.

So as to make the clause read:

Irrigation survey: For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and the segregation of irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the cost thereof, and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey under the direction of the Secretary of the Interior, $250,000, of which sum $50,000 shall be immediately available; and the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this and any future appropriation.

The amendment was agreed to.

The next amendment was, on page 64, after line 2, to insert:

Repair of the ruin of Casa Grande, Arizona: To enable the Secretary of the Interior to repair the ruin of Casa Grande, situate in Pinal County, near Florence, Ariz., $2,000; and the President is authorized to reserve from settlement and sale the land on which said ruin is situated and so much of the public land adjacent thereto as in his judgment may be necessary for the protection of said ruin and of the ancient city of which it is a part.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects," in the appropriations for the Government Hospital for the Insane, on page 65, after line 5, to insert:

For lodge at lower entrance, $1,200.
For alterations at stable, including poultry-house, $1,300.

The amendment was agreed to.

The next amendment was, on page 65, in the appropriations for Columbia Institution for the Deaf and Dumb, in line 21, before the word "thousand," to strike out "fifty-two" and insert "fifty-seven;" so as to read:

Current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, and for general repairs and improvements, $57,500.

The amendment was agreed to.

The next amendment was, in the same clause, on page 65, after the word "*Provided*," to strike out:

That of the above sum no more shall be expended for salaries and wages in this institution during the fiscal year 1890, than shall with the payments from other sources make a total for such salaries and wages for said year of $25,000 in all.

And in lieu thereof to insert:

That no more than $25,000 of said sum shall be expended for salaries and wages.

The amendment was agreed to.

The next amendment was, in the same clause, on page 66, line 13, after the word "deaf-mutes," to insert "not exceeding sixty in number;" so as to make the additional proviso read:

And provided further, That deaf-mutes, not exceeding sixty in number, admitted to this institution from the several States and Territories, as provided in section 4865 of the Revised Statutes, except when absolutely indigent, shall only have the expenses of their instruction in the collegiate department, exclusive of support, paid from appropriations made for the support of the institution.

The amendment was agreed to.

The next amendment was, in the appropriations for Freedmen's Hospital and Asylum, on page 68, line 1, before the word "thousand," to strike out "ten" and insert "eleven;" so as to make the clause read:

For fuel and light, clothing, bedding, forage, transportation, medicines and medical supplies, repairs and furniture, and other absolutely necessary expenses, $11,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 3, to insert:

For the erection of fire-escapes and stand-pipes, $1,000.

The amendment was agreed to.

The next amendment was, on page 68, line 7, after the word "thousand," to strike out "three hundred and fifty" and insert "five hundred;" and in line 8, after the word "all," to strike out "fifty-one thousand eight hundred and seventy-five" and insert "fifty-four thousand and twenty-five;" so as to read:

For building one brick building to be used as a stable, store-house, and dead-house, $1,500; in all, $54,025.

The amendment was agreed to.

The next amendment was, on page 68, line 10, after the word "dollars," in the same clause, to strike out the proviso in the following words:

Provided, That one half of this sum shall be paid from the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The amendment was agreed to.

The next amendment was, under the head of "Armories and arsenals," on page 68, line 21, before the word "thousand," to strike out "thirty" and insert "forty-five;" so as to read:

For the Rock Island arsenal, Rock Island, Ill., as follows:
For completing store-house K, $45,000.

The amendment was agreed to.

The next amendment was, on page 69, line 3, in the items for the Rock Island arsenal, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

For general care, preservation, and improvements; for building new roads; for care and preservation of the water-power; for painting and care and preservation of permanent buildings, bridges, and shores of the island; for building fences and sewers, and grading grounds, $20,000.

The amendment was agreed to.

The next amendment was, on page 69, line 9, before the word "dollars," to strike out "eleven thousand five hundred and fifty" and insert "twelve thousand;" so as to read:

For the Rock Island bridge as follows:
For care, preservation, and expense of maintaining and operating the draw, $12,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 24, to insert:

For the construction of a viaduct from the south end of the wagon-bridge between Rock Island and the city of Rock Island, over the railroad tracks which adjoin the approach to said bridge, $35,000: *Provided*, That this appropriation shall not be available until the city of Rock Island shall, by proper instrument, have conveyed to the United States title, authority, and control over the premises to be used for the construction and maintenance of said viaduct, nor until all holders of property abutting on the same shall have executed release of all damages that might accrue to them by the construction and maintenance thereof, in such form as the Secretary of War may prescribe: *Provided further*, That the work shall not be commenced until the city of Rock Island shall deposit in the Treasury of the United States one-half of this amount towards reimbursing the United States for this expenditure.

The amendment was agreed to.

The next amendment was, on page 70, after line 15, to insert:

Kennebec arsenal, Augusta, Me.: For water and gas supply, $1,200.

The amendment was agreed to.

The next amendment was, on page 70, after line 21, to insert:

New York arsenal, Governor's Island, New York Harbor: For one frame building for use as officers' quarters, $7,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Watervliet arsenal, West Troy, N. Y.," to strike out the clause from line 21, on page 71, to line 3, on page 72, inclusive, as follows:

For paving Broadway with granite blocks, to the extent of the arsenal frontage, $32,769: *Provided*, That so much of said pavement as lies between the exterior rails of the track of the street railway occupying said street, and for a distance of 2 feet from and exterior to such track on each side thereof, shall be paid for by said street railway company, together with the expense of keeping the same in repair.

The amendment was agreed to.

The next amendment was, in the appropriations for "the Executive Mansion," on page 74, line 19, to increase the appropriations "for care and necessary repair of greenhouses" from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 77, after line 2, to insert:

Building for Army Medical Museum and Library: For laying asphalt pavement between the center building and wings of the Army Medical Museum and Library of the Surgeon-General's Office, corner of Seventh and B streets southwest, $1,550.

The amendment was agreed to.

The next amendment was, on page 77, in the appropriations for "building for the Library of Congress," in line 11, after the words "eighteen hundred and eighty-eight," to insert "except as herein modified;" so as to read:

For the building for the Library of Congress, as authorized by the sundry civil appropriation act approved October 2, 1888, except as herein modified, and for each and every purpose connected therewith, $500,000.

The amendment was agreed to.

The next amendment was, under the same heading, on page 77, after the word "dollars," line 13, to insert:

And said building shall be constructed in accordance with the plans marked "D," submitted by the Chief of Engineers with his annual report to Congress, being Miscellaneous Document No. 12, Fiftieth Congress, second session, and at a total cost therefor not exceeding $5,500,000, exclusive of appropriations heretofore made, and no changes or modifications shall be made that will increase the cost above the limitation herein prescribed.

The amendment was agreed to.

The next amendment was, in the same clause, on page 77, line 4, after the word "law," to insert the following additional proviso:

Provided further, That the provisions of section 4 of the deficiency appropriation act of March 3, 1875, shall apply to and limit the disbursing officer of said Library building.

The amendment was agreed to.

The next amendment was, in the appropriations for "Military posts," on page 78, line 6, before the word "thousand," to strike out "three hundred and thirty-two" and insert "five hundred;" so as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $500,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 10, to insert:

Infantry and cavalry school, Fort Leavenworth, Kans.: For text-books, books of reference, instruments, and materials for use in theoretical and practical instructions, $1,500.

The amendment was agreed to.

The next amendment was, on page 78, after line 14, to insert:

Military post at Fort Robinson, Nebr.: The appropriation of $30,000 for completing the work of constructing necessary buildings at the military post at Fort Robinson, Nebr., made by the sundry civil appropriation act approved October 2, 1888, may be expended for continuing the work of constructing the necessary buildings at said post.

The amendment was agreed to.

The next amendment was, on page 78, after line 21, to insert:

Military post at Fort Niobrara, Nebr.: The appropriation of $30,000 for completing the work of constructing necessary buildings at the military post at Fort Niobrara, Nebr., made by the sundry civil appropriation act approved October 2, 1888, may be expended for continuing the work of constructing necessary buildings at said post.

The amendment was agreed to.

The next amendment was, on page 79, after line 3, to insert:

Fort Monroe, Va.: For construction of a sewerage system, $32,945.

The amendment was agreed to.

The next amendment was, on page 79, after line 6, to insert:

Road through military reservation at Plattsburgh, N. Y.: For constructing a macadamized road leading from the village of Plattsburgh, N. Y., through and along the military reservation in said village, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 79, line 16, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Protection and improvement of the Yellowstone National Park: For the construction and improvement of suitable roads and bridges within the park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, $50,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Signal Service,"

to strike out the clause from line 23, on page 80, to line 2, on page 81, inclusive, as follows:

For expenses of equipping and maintaining meteorological stations in the West Indies or contiguous points in connection with the announcement of hurricanes on the Atlantic and Gulf coasts of the United States, $1,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 20, to insert:

Monuments or tablets at Gettysburgh: That the appropriation of $15,000, made by the act approved March 3, 1887, for the erection of monuments or memorial tablets for the proper marking of the position of each of the commands of the regular Army engaged at Gettysburgh, be, and the same is hereby, made available for the purchase of land upon which to erect the monuments and tablets, for the purchase of land for driveways to connect the monuments, and for the construction and repair of the same.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects," on page 88, after line 6, to insert:

War maps: For reprinting war maps, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Survey of northern and northwestern lakes," on page 88, at the end of line 11, to insert:

For surveys, additions to and correcting engraved plates, $10,000.

The amendment was agreed to.

The next amendment was, on page 89, line 6, after the word "dollars," to strike out:

One-half of which sum shall be paid from the revenues of the District of Columbia and one-half out of the Treasury of the United States.

So as to make the clause read:

Support and medical treatment of destitute patients: For the support and medical treatment of eighty-five medical and surgical patients who are destitute, in the District of Columbia, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $17,000.

The amendment was agreed to.

The next amendment was, on page 89, line 9, after the word "Garfield," to insert "Memorial;" in line 11, before the word "thousand," to strike out "ten" and insert "fifteen;" and in the same line, after the word "dollars," to strike out:

One-half of which sum shall be paid from the revenues of the District of Columbia and one-half out of the Treasury of the United States.

So as to make the clause read:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, $15,000.

The amendment was agreed to.

The next amendment was, on page 90, line 3, before the word "thousand," to strike out "36" and insert "100;" so as to read:

Publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies, as follows: For continuing the publication of the Official Records of the War of the Rebellion, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and Confederate, so far as the same may be ready for publication during the fiscal year, to be distributed as required by act of March 3, 1885, $100,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 90, line 4, after the word "*Provided*," to strike out:

That hereafter, before publication of any volume of said records, the manuscript copy shall be submitted to the Secretary of War and revised by him, or under his supervision by a board of officers other than those attached to the War Records office, and shall not be published until he shall certify that it only contains the contemporaneous official records of the war of the rebellion as provided for by the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes," approved July 31, 1886.

And in lieu thereof to insert:

That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, to be selected by the Secretary of War, and two civilian experts, to be appointed by the Secretary of War, the compensation for said civilian experts to be fixed by the Secretary of War, and to be paid from this appropriation; and the whole work of preparation and publication shall be completed within five years.

The amendment was agreed to.

The next amendment was, on page 91, line 19, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to make the clause read:

For the construction of an iron bridge over Mill Creek, between the military reservation of Fortress Monroe and Elizabeth City County, Virginia, $25,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 91, after line 21, to insert:

Surveys for deep-water harbor, Gulf of Mexico: The Secretary of War is hereby authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination of the northwest coast of the Gulf of Mexico, west of 93° 30′ west longitude, and report as to the most eligible point or points for a deep-water harbor, to be of ample depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, which can be secured and maintained in the shortest time and at the least cost: *Provided*, That this action shall not be construed to imply a cessation of work on other points on the Gulf coast, the improvement of which is deemed necessary for commercial and naval purposes. And the board of engineers shall report the result of its investigation to the Secretary of War as soon as practicable.

To pay the expenses of said board, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 92, after line 16, to insert:

Washington Aqueduct tunnel: For expenses incurred and to be incurred by the joint select committee of the two Houses of Congress upon the subject of the Washington Aqueduct tunnel and the water supply of Washington, $20,000, or so much thereof as may be necessary, the same to be paid on vouchers approved by the chairman of said committee, and to be immediately available.

The amendment was agreed to.

The next amendment was, on page 92, after line 23, to insert:

Rent of buildings for District of Columbia militia: For rent of buildings or rooms for use of the volunteer militia of the District of Columbia, and for fitting up the same, $10,000, to be immediately available; one-half of which sum shall be paid from the revenues of the District of Columbia and one-half out of the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 93, after line 6, to insert:

Site and pedestal for statue of General Philip H. Sheridan: For the preparation of a site and the erection of a pedestal for a statue of the late General Philip H. Sheridan in the city of Washington, $40,000; said site to be selected by and said pedestal to be erected under the supervision of the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Sheridan equestrian statue committee of the Society of the Army of the Cumberland.

The amendment was agreed to.

The next amendment was, on page 93, after line 15, to insert:

Site and pedestal for statue of General John A. Logan: For the preparation of a site and the erection of a pedestal for a statue of the late General John A. Logan in the city of Washington, $40,000; said site to be selected by and said pedestal to be erected under the supervision of the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Logan statue committee of the Society of the Army of the Tennessee.

The amendment was agreed to.

Mr. DANIEL. I beg leave to give notice of an amendment that I shall offer at this point of the bill, to insert after line 24, on page 93, as an additional paragraph, an appropriation of $40,000 for the preparation of a site and the erection of a pedestal for a monument of General Winfield Scott Hancock. I shall not ask a vote on it until the committee amendments have been completed.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "United States military prison at Fort Leavenworth," at the top of page 96, to insert:

For the transportation of prisoners, on their discharge from the prison, to their homes or elsewhere, as they may elect, provided the cost in each case shall not be greater than to the place of last enlistment, $7,500.

The amendment was agreed to.

The next amendment was, under the head of "United States military prison at Fort Leavenworth," on page 96, line 12, after the word "each," to insert "one forage and wagon master, at $60 per month;" and in line 17, after the word "all," to strike out "sixteen thousand one hundred and eighty" and insert "eighteen thousand one hundred;" so as to make the clause read:

For pay of civilian employés: One clerk, at $1,800 per annum; one clerk, at $1,400 per annum; one clerk, at $1,200 per annum; extra-duty pay for prison guard, $2,420; five foremen of mechanics and one engineer, at $1,200 per annum each; one forage and wagon master, at $60 per month; one teamster, at $40 per month; two night-watchmen and four teamsters, at $30 per month each; and one fireman, at $60 per month, to take charge at night of the heating apparatus and electric light; in all, $18,100.

The amendment was agreed to.

The next amendment was, under the same head, on page 96, after the word "all" at the end of line 22, to strike out "eighty-three thousand four hundred and twenty" and insert "ninety-two thousand eight hundred and forty;" so as to make the clause read:

For repair of officers' and non-commissioned officers' quarters, the hospital, the chapel, the offices, and all prison buildings and shops, including civilian labor thereon which can not be done by prisoners, $5,000; in all, $92,840.

The amendment was agreed to.

The next amendment was, in the appropriation for "National Home for Disabled Volunteer Soldiers," on page 104, in line 20, before the words "hundred thousand," to strike out "two" and insert "four;" so as to read:

State or Territorial Homes: For continuing the aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, in addition to the unexpended balance of the appropriation made by said act, $400,000.

The amendment was agreed to.

The next amendment was, on page 104, line 20, after the word "dollars," in the same clause, to insert the following proviso:

Provided, That hereafter no State under this appropriation shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State.

The amendment was agreed to.

The next amendment was, in the items "under the Department of Justice," on page 105 in the appropriations for "court-house, Washington, D. C.," after line 5, to insert:

For improving the sanitary condition of the building, per estimate of the Architect of the Capitol, $1,700.

The amendment was agreed to.

The next amendment was, on page 105, line 21, before the word "dollars," to strike out "twelve thousand four hundred" and insert "twenty thousand;" so as to make the clause read:

Defending suits in claims against the United States: For defraying the neces-

sary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, to be expended under the direction of the Attorney-General, $20,000.

The amendment was agreed to.

The next amendment was, on page 106, line 14, before the word "thousand," to strike out "fifteen" and insert "eighteen;" and in the same line, after the word "dollars," to strike out:

One half of which sum shall be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

So as to make the clause read:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, $18,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 3, to insert:

Opinions of the Attorneys-General: To enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of the nineteenth volume of the Opinions of the Attorneys-General, $500; and the Attorney-General is hereby authorized to expend that sum, and also the $1,000 appropriated by the act of March 3, 1885, chapter 360, to enable him to employ a competent person to edit and prepare for publication and superintend the printing of the seventeenth and eighteenth volumes of the Opinions of the Attorneys-General in such manner, notwithstanding section 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328, as will in his judgment best accomplish the work of editing and preparing for publication and superintending the printing of the three volumes of Opinions above mentioned.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," in the appropriations for "United States courts," on page 109, after the word "statutes," to strike out the following additional proviso:

Provided further, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals within sixty days next after the same are presented for allowance.

The amendment was agreed to.

The next amendment was, on page 109, line 24, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

For payment of United States district attorneys, the same being for payment of the regular fees provided by law for official services, $260,000.

The amendment was agreed to.

The next amendment was, on page 112, after line 4, to insert:

For the payment to Mrs. Amelia C. Waite, widow of the late Chief-Justice of the United States, the balance of one year's salary of the Chief-Justice, $8,745.

Mr. GORMAN. I for one can not agree to this amendment of the committee. Congress has made ample provision for the Chief-Justice and associate justices of the Supreme Court, paying them, it is true, only a fair salary, but providing for their retirement after a service of ten years at the age of seventy, with pay up to the time of their death. I think it is a vicious system which is here proposed. I think it is very improper to go beyond what the law already provides for.

Mr. BLAIR. Mr. President, I rise to a point of order. I inquire who has the floor.

The PRESIDENT *pro tempore*. The Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. I will yield to the Senator from New Hampshire if he desires.

Mr. BLAIR. I was unable to hear the Senator; that was all.

Mr. GORMAN. I was simply opposing the amendment now pending, found on page 112. We have other cases of United States judges who have died, one in this District, the late Judge William M. Merrick.

Mr. BLAIR. Mr. President, I ask for order, and I insist upon it that the Senator who has the floor and is speaking is entitled to be heard.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is quite right. There is too much confusion in the Chamber, too much audible conversation, too much moving about.

Mr. GORMAN. I have no idea of going into a general discussion upon this amendment. I simply say that I think it is unwise and impolitic to make a provision of this sort for the widows of United States judges, whether the widow of a Chief-Justice or any other.

We have, as I said a moment ago, another case of a very distinguished man, who was a resident of Maryland and a district judge here in the District of Columbia, who died leaving his widow very poor, as I understand, and her friends have presented to Congress a proposition to pay her the balance of one year's salary. In that case, as in the case of the Chief-Justice, ample provision is made for retirement at the age of seventy after a service of ten years, with full pay to the date of their death.

While we have in cases of military officers, and some others possibly, granted pensions, there is a different rule for them. I think myself it is unwise to extend a pension to anybody in the civil service. Therefore I shall ask for the yeas and nays on the adoption of the amendment.

Mr. EDMUNDS. Mr. President, the observations of the Senator from Maryland [Mr. GORMAN] are entitled to great force, for the distinction I think myself ought to be kept up between the ordinary and average operations of the Government in its military and in its civil establishments; but the case of Chief-Justice Waite and of his widow is peculiar and unique.

This gentleman, after a service of ten years, of great benefit to his country, and a service that commended itself strongly to the conservative interests and opinions of the country, was entitled to retire and to receive the full salary that he would have received had he continued as Chief-Justice. Another Chief-Justice in that case would have been appointed, who would also have received the same salary, and the United States would have continued to pay during the life of ex-Chief-Justice Waite in that case two salaries for the same office. Chief-Justice Waite, being in full possession of his powers and faculties, an earnest and devoted worker, and an industrious judge, doing every duty, did not feel called upon to retire, because he could earn in the service of his country the whole of that salary and to the satisfaction of every suitor and every member of the bar and every member of the community in the whole United States. So doing, in the two years that he continued thus to serve before he died he saved by his own labor and his own industry in the service of his country precisely the sum that would have been paid to his successor had he retired and received that same pay, as of right, as a retired judge who has served ten years.

Besides that, which is the great point, Congress passed a law, and I think a very good one to get on with the business, that each judge of the Supreme Court of the United States should be entitled to a clerk, or some person by whatever name he was called, at a salary, I think, of something like $2,000. I am not speaking now particularly in regard to the precise amount. I am told—I have not examined the accounts to be sure that it is true, but I believe it to be true—that the Chief-Justice, in that vigor and earnestness and economy which always characterized him in his modest life, thought that he could get on without a clerk and he did not have one; and that $2,000 a year, if that was the sum, was saved to the United States.

Then in the full possession of his faculties and his powers, and in the full exertion of his industry for the interests of the public in his charge, he suddenly died and left his family in a condition somewhat of distress. Now, it does appear to me that this case is a perfectly exceptional one, that has no parallel at all, and where, therefore, we may justly, as a case not making any precedent for the future, make this provision for giving to his widow the balance of the year's salary, as we have done for a great many years to all the ministers of the United State dying abroad, and, I believe, to Senators and Members of the House of Representatives. And so I appeal to my friend from Maryland to consider whether the suggestions I have made—and I am sure they are right in point of fact—are not worthy of the Senate passing unanimously this amendment.

Mr. GORMAN. Mr. President, I agree with all the Senator from Vermont has said about the late Chief-Justice. He had the respect and confidence of everybody, and if there was any proper way by which an appropriation could be made to reimburse his family, if he had a claim, because of the non-employment of a clerk, I could agree to it. But I do not believe that the mere fact that he saw proper to serve two years after the time when he could have retired constitutes any claim whatever.

From what I have seen since I have been thrown immediately into contact with all these propositions and the consideration of these matters my belief is that the whole tendency is to create permanent appointments in the civil service and to make provision for the retirement of officials. We have had pending in this very Congress a broad proposition, presented by the Senator from South Carolina, covering all branches of the civil service, to have a pension granted. I think the time has arrived when that idea must be checked, and I say that there is no justice in giving the balance of a year's salary to the widow of the late Chief-Justice.

It would be a matter of great injustice to make this appropriation and not extend it to the widows of other United States judges. If you adopt this proposition there is no escape hereafter from the appeals which will be made to the Senator from Vermont and myself. They are made to me to-day from a great many of the most reputable men connected with the bar of Maryland in behalf of the widow of Judge Merrick. I do not believe it is right in that case; I do not believe it is right in this case.

I know how ungracious a thing it is to oppose propositions of this kind, and all my instincts revolt against not doing a kindly act for anybody who is in distress. I should be very glad, if I had the opportunity, to join the Senator from Vermont or any other Senator in aiding either one of them in that respect; but I do not think it is a proper rule for us to adopt, and therefore I can not vote for the proposition.

Mr. EDMUNDS. Mr. President, I pay the homage of my respectful admiration to the Senator from Maryland for standing up and expressing what he believes to be right as a matter of public policy and justice, and therefore I have no criticism to make upon him for opposing this amendment. But I again submit to him the distinction that he has suggested in the cases he has named, between the instance of the Chief-Justice and that of Judge Merrick, and between the instance that he has suggested of life officers and those of other officers of the United States.

As to the first, the ground upon which this appropriation is proposed as to the Chief-Justice is that, being entitled to retire after a ten years'

valuable and most honorable and commendable service and being still able to perform its duties, in the two years that he continued to perform them until he died in the full strength of his powers he saved to the United States the sum of $21,000, his salary being $10,500 a year, as I recollect—I believe the Chief-Justice has $500 a year more than the other justices. He saved to the United States $21,000 and did the service that would have been paid for to somebody else, he receiving the same if he had retired fully and completely during that period of time, for he was not ill, he was not broken down, he was *primus inter pares* all the time; and as a little additional consideration to which I referred before, and I repeat it, he did not avail himself to the extent of about $4,000, I suppose, of the services that he was authorized to employ of a clerk. That part of it is a small matter.

Now, if Judge Merrick—which is the analogous or supposed analogous case that my friend refers to—had served in the supreme court of the District of Columbia for ten years with honor and capacity, as undoubtedly he would have done had he lived, and then being in the full strength of his powers and entitled to retire, had held on, to the admiration and to the benefit of everybody, with his accumulated experience for two years more, and had then died, the case would be like that of Chief-Justice Waite, and I should with great pleasure (although I am not entitled to say that about his appointment) vote, as I shall now for the widow of the Chief-Justice, to pay the balance of his year's salary for the year in which he died to his widow or to his heirs or to anybody who was entitled to receive it. I am sure my friend from Maryland, whose sincerity I entirely respect and whose principles I entirely agree with in the main, would vote for it too.

Mr. EVARTS. Mr. President, in addition to the considerations which have been presented by the Senator from Vermont, it seems to me that a general proposition might cover this case which would not in the least encroach upon the indisposition to civil pensions. I have myself no inclination to encroach in any degree in any instance upon our proposition that civil pensions are not to be assumed by this Government. Beyond such as are provided for service in the Army and the Navy, we have a provision for the pension of the justices.

Mr. President, the salary of the Chief-Justice and his associates is fixed by the year. It is not so much a month, it is not so much for the days that he lives, but it is on the plan of a year's proposition for his manner and expenditures of living. The year counts in always as the round of his expenses and the provision for them; and when, as in the cases of private persons, there comes to be by death an interruption of the annual complete earning, it is suitable for those that are competent and able to take up that broken term and provide for the family, thus left in that broken term, with all the expenses that attend even the unexpired term, that this should be met by, I will not call it a generous, but a just and considerate treatment of the situation.

I know nothing in the system of our Government that prevents us to entertain views and considerations of this kind that belong to all the employments and relations of life that are just and considerate; and I therefore submit that there is not the least inference nor the least danger of a precedent for pensions to the families of deceased civil servants when we thus look each case in the face and say whether, in this interrupted tenor of life and in this changed condition of circumstances, we can not carry out the stipend for the year, our fixed sum being shaped on the year and not on the monthly or daily enjoyment.

I would be as far as any one from making one step forward that looked to civil pensions for survivors in the civil service, but I can not overlook the fact that in this, as in every other employment of life, this sad interruption of the calculations of the year are fairly met by carrying through the year the stipend that was provided.

Mr. VOORHEES. Mr. President, I shall vote for the proposition to pay the widow of the late Chief-Justice the balance of the salary for the year in which he died. It happened that the next day, or the day but one after the death of Justice Merrick, I introduced a proposition here by way of amendment to this bill to do the same by his widow.

I listened with great interest and pleasure to the remarks of the Senator from New York [Mr. EVARTS], and I feel and think that there is no danger of an overliberality to a pure and upright judiciary. We have not such a number of Federal judges as to make them likely to be a dangerous tax upon the Treasury, and whether a man is in one branch or another of that judiciary he is set apart from all other avocations of life; the business avenues are closed to him; the channels of trade are no longer open for him; and if he does his duty in the spirit of the judiciary as the duties ought to be discharged, he will be entirely devoted to a class of business taking him away from the possibilities of taking care of himself or looking out for his family when he is dead and gone.

The Senator from New York has well and aptly suggested that a certain mode of life is devolved upon men who assume these positions. That is true as to the Chief-Justice and it is likewise true as to the other judges of the Federal courts. They enter upon their plans, and with the beginning of the year their arrangements are made that will run through the year, and I, for one, have not the slightest hesitation in saying that in the case of every judge who discharges his duties in honor and in good faith and who dies upon the bench, I am willing that his widow shall have the year's salary for that year to finish out his broken plans. His life stopped as suddenly as a clock stops, and I am willing for the widow of Chief-Justice Waite to have what was calculated upon in the beginning of the year to close out and round up the affairs of life as well as she can.

I shall support the proposition, as I said, in behalf of the widow of the Chief-Justice. I should be very glad if the proposition made by me in behalf of Mrs. Merrick should have the same support.

I repeat, there is no danger in dealing liberally with the judiciary. They are neither paid too much nor have they any opportunity to add to their income. I do not know that I am entitled to speak of it, but I am not aware of what has become of the amendment which I had the honor to offer in behalf of the widow of Justice Merrick. It is not here. I sent it to the Committee on Appropriations and I suppose it died there. If I felt in a retaliatory spirit, which, of course, I do not and could not possibly on such a subject, I might be moved to say that both these propositions are wrong. I do not think so. I think they are both right and that we shall honor ourselves by adopting them.

I have no fear of a precedent on this subject—the precedent of paying a year's salary to the widow of a dead judge who had done his duty honorably and well and worn himself out and died in the harness. I am afraid of no such precedents. They have no terror for me; and I shall be glad if I can get a chance, and I believe I shall ask the privilege, of moving at the proper time, and if I am in order to do so now, I will move the amendment in behalf of Mrs. Merrick, that she, too, shall be paid the balance of her husband's salary for the year in which he died, the current year. I do not know how much it is nor how little, but I will make that motion, if it is in order, and I appeal to the Senator from Iowa, who has charge of the bill, not to raise any point of order. I do not want to embarrass him and will not, but, if it is in order now, I should like to have the amendment considered.

The PRESIDENT *pro tempore*. It is in order to move an amendment to the amendment of the committee. The Senator from Indiana will oblige the Chair if he will forward it in writing to the desk.

Mr. VOORHEES. I will send and get the amendment.

Mr. BERRY. Mr. President, it seems to me, if the argument of the Senator from Vermont [Mr. EDMUNDS] is a correct argument that this ought to be paid because the Chief-Justice did service for two years after he was entitled to retire, the amendment ought to have proposed the payment of $21,000 and not of the balance of the year's salary. If the Government of the United States owes a debt to this widow by reason of that service, then the amount should be, as I have stated, $21,000, and not $8,745, which is named in the amendment. If it is a gift or a donation that we propose to make to her, then it can not be supported upon the ground advocated by the Senator from Vermont. If the law when it was made had said that if a judge of the Supreme Court after serving ten years did not choose to retire he or his family should be entitled to receive such additional sum as would have been paid to his successor, then it ought to be paid; but if that was not the law and the contract between the parties, I should like to know by what authority you take from the Treasury of the United States this money and donate it to Mrs. Waite or to anybody else.

The Senator from Vermont says that this can not operate as a precedent, that it is a unique case, standing upon its own ground, and will not be used as a precedent. A few years ago, when a proposition was made in this Chamber to grant to the widow of President Lincoln a pension, it was argued by the advocates of the proposition at that time that it could not operate as a precedent, and the RECORD will show it. It was said that he was killed in time of war, that he was Commander-in-Chief of the Army, and that his case stood alone and could not be used as a precedent; and yet to-day the widow of every ex-President who is alive is drawing a pension of $5,000 a year by acts passed since then.

The Senator from Vermont says this can not be used as a precedent, and yet the Senator from Indiana [Mr. VOORHEES] says it ought to be a precedent and that the widows of all judges should be placed upon the same footing. Can there be any result but one if this policy is adopted, and that is, to foist upon the Government of the United States a list of civil pensioners?

It is also said that the custom has been to pay the widow of a deceased United States Senator or of a Member of the House of Representatives a full year's salary. Mr. President, if that has been the custom, it is one that would be "more honored in the breach than the observance." We have no right to take the people's money and pay it to the widow of a Senator or any one else. If that be right, it ought to be provided for in the law of the land and made general, and it should be said, "If any Senator or Member of Congress, the Chief-Justice or any judge of a United States court shall die during his term, his widow shall be entitled to receive the full year's salary."

That to which I most strongly object is that in the absence of law, when there is no law, contrary to the understanding of the parties at the time when the office was given and received, we come in afterwards and on an appropriation bill, in a way of which the people of the United States know nothing, seek to make these gifts and donations. The open and manly way would be to make a general law to cover all such

cases. If you are going to have such a law make it in advance, and then when persons accept office they will understand it; but when a man accepts an office with a fixed salary his widow has no right to expect anything more than that.

If the money we are voting belonged to us individually we might donate it, but it belongs to the people of the United States; and the widow of a Chief-Justice has no greater right, in my estimation, to such a donation than the widow of the poorest man in this land who never held an office. When men seek and accept office having a fixed salary, that salary is part and parcel of the contract, and they have no right and the Congress of the United States, as I conceive, has no right to take other people's money and give it to those who can succeed in bringing the most influence to bear upon members of Congress.

Chief-Justice Waite had $10,500 a year, and yet it is said that his family is in such a condition that it is necessary to pay more. Mr. President, how many tens of thousands of widows are there throughout this broad land who have not an independent income of $500 a year? And yet they have the same interest as we have in this money that you propose to take and give to other parties.

It seems to me that this amendment can not be defended on any character of principle; it seems to me that it is legislation the effect of which will be the gradual building up one by one of a civil pension-list, and giving pensions to such parties as are able to bring to bear such influence, social or otherwise, as will secure to them money that belongs to the people of the United States.

I trust that neither the amendment nor the amendment to the amendment will be adopted by the Senate.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the amendment proposed by the Senator from Indiana [Mr. VOORHEES] to the amendment of the Committee on Appropriations.

Mr. VOORHEES. Let it be read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to add to the amendment of the Committee on Appropriations:

For the payment to Mrs. Mary W. Merrick, widow of the late associate justice of the supreme court of the District of Columbia, the balance of one year's salary of the associate justice of the supreme court of the District of Columbia, $3,622.

Mr. SHERMAN. I am very sorry to see these propositions connected together, so that one is to become a make-weight to the other. I hope the Senator from Indiana will be satisfied to take a separate vote on each of the amendments. As I knew Judge Merrick, if the circumstances are such as to justify it, I shall probably vote for the Senator's amendment, but I do not like to see these amendments put one upon the other.

Mr. VOORHEES. I have no objection to that. The Senate understand me very well. I have no disposition to say that unless the amendment I offer is adopted I shall not vote for the proposition in favor of Mrs. Waite. I shall vote for it; but I know of no other way to bring the matter to the attention of the Senate. What is the suggestion of the Senator from Ohio?

Mr. DAWES. The Senator from Indiana should understand that a single objection will rule the amendment out of order if it is offered as a separate amendment.

Mr. ALLISON. I think I shall have to make the point of order.

Mr. VOORHEES. Does the Senator from Iowa make the point of order?

Mr. ALLISON. I shall feel constrained to make the point of order. I regret to do it, but I see no reason why Mrs. Merrick's name should be inserted here unless we shall also include the widow of Judge Settle, in whose behalf an amendment is pending. If these two cases shall be adopted, it means that hereafter we shall pay the widows of all judges one year's salary. If the Senate desires to do that, very well.

Mr. VOORHEES. I have already very distinctly defined my position in that regard, and, in order not to embarrass the committee, I will ask the Senator from Iowa to allow me at a stage further on to renew my amendment. If he will consent to do that I shall withdraw it for the present.

Mr. ALLISON. Of course the same point of order would lie then. I will reserve that question.

Mr. VOORHEES. That is not giving me any chance.

Mr. ALLISON. I mean to say that, if offered as an independent amendment, it would be as liable to the point of order as it is now.

Mr. DAWES. I think the Senator from Iowa should withdraw that point of order. I can not see any distinction between these two cases, and I should be very reluctant to vote for one and vote against the other. While I should prefer to see them as separate propositions, yet I should dislike very much to see my name on record for one and against the other. There is no distinction between them.

Mr. VOORHEES. I know of none.

Mr. DAWES. There can not be any distinction between them.

Mr. VOORHEES. Unless I can get an opportunity at a later stage to get a vote upon my amendment, which I took the pains to offer a week ago and have referred to the Committee on Appropriations, I shall insist upon whatever parliamentary rights I may have at this stage.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Indiana that the point of order is made under that provision of the rule which requires that an amendment to be in order adding a new item to or increasing an appropriation already in the bill, shall have been reported from a standing committee of the Senate and referred to the Committee on Appropriations one day before it is considered. The Chair thinks, therefore, that, unless the Senator from Iowa withdraws the point of order, the amendment plainly can not be received.

Mr. ALLISON. I do not withdraw the point of order.

The PRESIDENT *pro tempore*. The Senator from Iowa declines to withdraw the point of order.

Mr. EVARTS. Mr. President, I perceive the difference in the situation of the two amendments, the one having been quite regular as well as having been adopted by the committee, while the other was not so adopted; but I should hope that the grounds upon which this proposition I have insisted upon is based, of treating the relation to a broken year of a member of the judiciary, should be applied to one as much as to another. I do not mean by that that I would pass a general law to that effect. All I ask is that each circumstance should be presented to Congress as to what is a fair, a right, and a just thing to do under the circumstances not contemplated in the arrangement for the payment of salaries, as each was expected to have the year run out; and therefore, when the situation is such as that we can vote upon the proposition to pay the salary for the unexpired year of Judge Merrick, I shall vote for it.

Mr. DANIEL. Mr. President, it is exceedingly distasteful to any man of good feeling to oppose a proposition such as that which is now before the Senate. It is for that very reason that such a proposition is a dangerous one, for it attacks the weakness of human nature upon its best side.

While the Senator from Vermont was disclaiming the idea that the proposition to give the remnant of a year's salary to the family of Judge Waite should be looked upon as a precedent, the words were scarcely out of his mouth ere it was looked upon as a precedent and accepted as such by the very body to whom his argument was addressed; and it requires but little prescience, Mr. President, to foresee that with the name of the Chief-Justice of the United States (who receives a salary for life twice as large, and more than twice as large, as that which is given to any representative of a State in the Senate or any representative of the people of the States in the House of Representatives) at the head of the list, it will not be long before all of the judiciary are added to it; and when you have gotten through with the judiciary, who belong to a single profession of those engaged in lucrative pursuits, the officers of the Government who are selected from the various and miscellaneous walks of life will proffer their claims for like consideration, and it will be argued by them that since the lawyers have made their profession and its eminent men a preferred class, those who have gone into public life from other pursuits should not submit to stand upon a plane less high or less favored.

The idea of the men who framed the Government of the United States was that its official class should not be a favored class, segregated from the people and lifted upon a plane above them; and while they were perfectly willing to give just compensation, and, if you please, liberal compensation, to those who serve them by superior skill or education, they were in the beginning of the foundation of this Government, and should be as long as it expects to contain that fierce love of liberty which asserts itself against a favored few, opposed to a civil pension-list. The glory of being Chief-Justice of the United States is one which should animate the highest ambition, and not the idea that the Chief-Justice's family is to stand upon a better official footing than others after he has departed this life and sleeps with his forefathers.

The proposition to begin the establishment of a civil list in this country could not possibly address itself to the Senate or the House in a more plausible or in a more dangerous form than when associated with the name of the late Chief-Justice of the United States. His name was highly honored throughout the broad limits of this land. He was not only a man of eminent capacity, but he was a man of that supreme balance of mind and of that moral element which commanded the respect and confidence of all who came in contact with him, whether pleading a cause at the bar or meeting him in social life. And, sir, this makes it peculiarly unpleasant and distasteful for any man to rise and oppose a proposition which makes provision in some shape for those whom he has left behind him.

But, Mr. President, the movements of political ideas are never refining. Politics is a charcoal artist and it draws its picture in broad profile lines. It does not fill it up with a little refinement of taste or circumstance or personal considerations, such as those which might appeal to us in this so-called unique and peculiar case. It is the thin edge of the wedge that is always presented. The ax is never plunged into the tree that is felled by the butt-end. When, however, one slice has been cut out, another speedily follows.

Judge Merrick's family must receive the same consideration, and while the Senator from Vermont or the Senator from Maryland or any other Senator can see some refining discrimination, the great body of

the people only see that one eminent judge has had his family provided for and that of another judge, not indeed so eminent, but with character perhaps just as estimable and with a family just as needy, has not been provided for; that where two men were in the field, one was taken and the other was left. That is the broad picture which is presented to popular comprehension. Then come Judge Settle's family, and then we get to the broad gauge of the Senator from Indiana and the Senator from New York, who would pension in some sort the widows of all the judges, and when you have gotten through with the judges why not pension everybody else's family who may have been located in the city of Washington and have separated themselves from the channels of trade and from the lucrative walks of life? You have gotten through with one profession and you have established a principle. You have no longer the broad landmark of the American institutions and the American idea of government to barricade yourselves behind.

Before you is an open plain with a long procession of Government employés, who by your machine civil-service institution are already entirely independent of the people and of the people's representatives, and every one of them, from the top to the bottom of the line, will follow. A peculiar case first, a little discrimination, a refinement next, and then the principle being lost and the gate being down, there is your long civil list, a pensioned official oligarchy in the United States of America.

That is the way I see it. That is the inevitable result of all such movements. They always begin with a very unique, a very peculiar, and a very distressing case, appealing to the soft side of human nature, its generosity, its kindness, its affection for those who may be for the moment poor and helpless. It lets go and the principle is gone, and when it is gone it is never retrieved.

Now, Mr. President, I should like to see those who in heart and in soul are Republicans and Democrats, who believe in "a government of the people, by the people, and for the people," who look askant at the establishment of an official oligarchy and at the erection of a favored class, take their stand by their flag in the field, by the side of the proposition to pension or provide for the family of the Chief-Justice of the United States. That proposition has everything to commend it that any such proposition could have to commend it, and the principle will stand out clear and lustrous by an example in which men voted simply because it was a naked principle, with all the inclinations of their hearts and with all the charitable emotions of their natures prompting them to do otherwise.

Mr. DAWES. Mr. President, I should feel a good deal more the force of the arguments which are presented against this measure with so much eloquence and so much political philosophy and at such length if we did not sit here in solemn silence every week of the session while bills are passed giving to the widows of our own associates who die by our side or to those of members of the other House the balance of the salary for the year in which they died; and for even the employés of the Senate about us every week almost a resolution is passed charging the balance of a year's salary after death upon the contingent fund which is intrusted to us by law for specific purposes. I say that all this eloquence, which is almost irresistible at times, would have a greater effect upon me if I could see some consistency go along with it, and the same earnestness and the same stress and power manifested on occasions when we could make a precedent and when we are called upon to make a precedent; but why it is that upon an occasion that has more of merit in it than almost any other we can conceive of, certainly more than ever can be supposed to surround the case of one of our own associates, the question of making a precedent should be raised I am at a loss to know.

I remember within the last session, unless my memory fails me, that we went back a dozen years to pay the widow of a deceased Senator, and that out of our own contingent fund, and there was not a word whispered against it in this Senate Chamber.

I am bound to give all the weight possible to these arguments, and I feel the force of them; but I must confess that the effect upon me at least is weakened when they are weighed under the considerations which I have just suggested.

I do not know any reason why we should stop with this measure. I believe that the widow of Justice Merrick should have the same treatment and for the same reason, and likewise the widow of Justice Settle.

Until I find myself compelled by a sense of duty to stop voting for such appropriations for the employés of the Senate and the members of either branch of Congress, I shall not feel it my duty to stop voting for them upon such occasions of rare merit as these three suggested.

Mr. COCKRELL. The Senator spoke about the Senate having voted pay to the family of a deceased Senator who died some twelve or more years ago. I do not remember any such case.

Mr. DAWES. I speak from memory; but there was a Senator from Virginia——

Mr. COCKRELL. Ah! that is what I thought. I beg to say that that was fought here for years, and I had the pleasure of defeating it for about eight or ten years, but finally it was passed. I fought it in season and out of season as a great outrage. That was the case of Judge Underwood.

Mr. DAWES. No remarks of mine upon this or any other occasion should have any such application as the Senator from Missouri has felt it necessary to repel on this occasion. The Senator from Missouri on all occasions is ready to vindicate his view of right and wrong, as is every other Senator here. I am making no application of these remarks to any individual Senator. I only say that I am at a loss myself to give that weight to these arguments—I am speaking for myself only—that I should if I had not seen the precedents so thick all around me.

Mr. HOAR. Will my colleague allow me to interrupt him for a moment?

Mr. DAWES. Certainly.

Mr. HOAR. I am entirely in sympathy with my colleague in his argument, and I think the precedents which he has adduced are applicable, and are entirely well founded in fact, with one exception, the case of Judge Underwood, which was reported by me by the direction of the committee of which I am chairman. That was a payment for the expense of contesting a claim to a seat in the Senate by a person chosen by a State Legislature, by a body which had been recognized as a constitutional Legislature for the purpose of giving the constitutional assent to the separation of West Virginia from Virginia, and the constitutional assent to the thirteenth amendment. The Committee on Privileges and Elections thought that Judge Underwood was entitled to be treated as every other contestant for a seat in this body is treated; that is, if he has a fair public reason on which he bases his claim, we pay him.

Mr. DAWES. I did not allude to Judge Underwood.

Mr. HOAR. The Senator from Missouri [Mr. COCKRELL] alluded to Judge Underwood, and I thought my colleague did.

Mr. DAWES. I did not allude to Judge Underwood. I alluded to a Senator down on the Peninsula who died with the small-pox here in the city some ten or twelve years ago.

Mr. HOAR. I beg my colleague's pardon. I thought he, too, alluded to Judge Underwood.

Mr. DAWES. I did not allude to Judge Underwood, but to another case, that of a Senator who died very suddenly, under very distressing circumstances, some dozen years ago, and to whose family an allowance was afterwards made.

Mr. COCKRELL. I should be very glad if the Senator would mention any two Senators, except Segar and Underwood, who claimed to be Senators from Virginia.

Mr. DAWES. I can furnish the name. It was another case, that of a Senator, I think, who died in this city, and he died of that terrible disease, the small-pox, under distressing circumstances, and many years afterwards, and very recently, I think, we paid his widow the balance of a year's salary. That is my memory. Of course I speak with some diffidence as to the accuracy of my statement, but I did not have the case of Judge Underwood in my mind, and if I have made any misstatement it was not in reference to Judge Underwood.

Mr. CALL. Mr. President, this question is very much magnified, in my judgment, by the remarks which have been made upon it. There is nothing in the Constitution of the United States nor in our system of government nor in the philosophy upon which our Government is founded to justify the propositions of the Senator from Virginia [Mr. DANIEL] and the Senator from Arkansas [Mr. BERRY]. This Government is not based upon such propositions as that an oligarchy can be created without the consent of the American people. The majesty and power of the Government lie in the power of the people over its representatives here, and not in the idea that to give a distinguished public servant a balance of a year's salary will overthrow this mighty fabric of popular power. What an idea that is that ten or twelve thousand dollars paid to the widow of the Chief-Justice of the United States as compensation for distinguished public services will destroy the power of the people to say to us, their servants, you have done right or you have done wrong.

Mr. President, what kind of a government should we have, what kind of a people should we have, if the constantly recurring appeals to the public sense of right and wrong should find a people and a public opinion so debased that it could not correct an extravagant appropriation of the public money, having the effect of building up an oligarchy, and that oligarchy composed of old ladies the widows of men whom the people had exalted from the humblest and poorest of the people because of their talents, their integrity in public administration, and their sympathies with the poor and the oppressed?

But, Mr. President, I dissent from the propositions of the Senators from Arkansas and Virginia as destructive to the people and to popular government, as an insult to the majesty of republican power. What are they? That democracy demands that the man who has won the confidence of the people shall not be approved by the public judgment and rewarded for himself and his family, and distinguished virtue and public service, but he shall be punished with poverty and with the marks of inferiority in living, in appearance, in respect to their relations, to their fellow-citizens; that democracy shall degrade its public servants and impoverish them.

Why, sir, you can build no government on such ideas. The Almighty has not created a race subject to rewards and punishment, but

for the purpose of teaching that governments must reward and governments must punish, and the philosophy of government must be based upon rewards for public virtue and public service, and not punishment and disesteem. That is the philosophy of our Government and the people appreciate distinguished public service. The Senator from Arkansas can not find a widow who has not an income of $500 who is a widow of a Chief-Justice of the United States——

Mr. BERRY. Will the Senator allow me to interrupt him?

Mr. CALL. Yes, sir.

Mr. BERRY. I assert the proposition that because she is the widow of a Chief-Justice of the United States that gives her no rights and no privileges over and above any other widow.

Mr. CALL. But it gives her the approval of the American people, because democracy has presented a servant, a man of the people, who has discharged with incorruptible fidelity to the people public duties on which that widow and every other widow with or without an income of $500 has depended not only for that income, but also for the peace and prosperity which she has enjoyed. This reward gives the widow with $500, and any other widow and child and poor person, future chief-justices who will give repose and security and protection to the poor people of the country, while under the system of the Senators from Arkansas and Virginia they would be the slaves of the rich.

There would be no public servants whose virtues stood so high and incorruptible that the poor man would find in him a protector. There never was a government based on the idea of no reward for eminent public virtue. The Almighty has not given such a principle of government in the divine economy of this world. I reprobate these ideas as destructive of the principles of republican government. They are destructive of the majesty of the people and of all hope of preserving republican institutions.

I shall vote with pleasure to reward Chief-Justice Waite, now in his grave, by appropriating to his widow the remainder of his year's salary. The incorruptible and able man of the people who in the administration of a high office resists the blandishments of great wealth and social influence and powers, and stands in his great office as the protector of every poor man and every poor home and every widow and orphan of this sixty-five millions of American people against the grasping rapacity and greed of avarice and social and moneyed power, deserves and will receive the grateful appreciation and reward of the American people. Whom the people honor and reward as their representative and servant I wish to reward and approve. They are my masters and yours, and their will I will respect and obey by rewarding the man of the people whom they wish to honor and reward.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

Mr. BERRY. The Senator from Maryland [Mr. GORMAN] asked for the yeas and nays, as I understood.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Maryland afterwards to withdraw that request.

Mr. BERRY. I renew the request for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that upon this question the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is not present.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is absent. If he were here, he would vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. STOCKBRIDGE]; but believing that he would vote as I do if he were present, I vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. SHERMAN (when his name was called). I am paired with my colleague [Mr. PAYNE], but I feel quite sure he would vote "yea" in this case if he were present, and I vote "yea."

Mr. WILSON, of Maryland (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. HISCOCK (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Arkansas [Mr. JONES] and did not notice his absence.

The PRESIDENT *pro tempore*. The vote of the Senator from New York is withdrawn.

Mr. BUTLER. I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but believing he would vote "yea" on this proposition, if he were present, I vote "yea."

The result was announced—yeas 28, nays 16; as follows:

YEAS—28.

Allison,	Edmunds,	Hawley,	Pugh,
Blair,	Eustis,	Hoar,	Sawyer,
Butler,	Evarts,	Ingalls,	Sherman,
Call,	Frye,	Jones of Nevada,	Spooner,
Chandler,	Gibson,	McPherson,	Stewart,
Cullom,	Gray,	Paddock,	Teller,
Dawes,	Hampton,	Platt,	Voorhees.

NAYS—16.

Bate,	Cockrell,	George,	Plumb,
Berry,	Coke,	Gorman,	Reagan,
Blodgett,	Colquitt,	Harris,	Vest,
Brown,	Daniel,	Morgan,	Walthall.

ABSENT—32.

Aldrich,	Farwell,	Mitchell,	Sabin,
Beck,	Faulkner,	Morrill,	Saulsbury,
Blackburn,	Hale,	Palmer,	Stanford,
Bowen,	Hearst,	Pasco,	Stockbridge,
Cameron,	Hiscock,	Payne,	Turpie,
Chace,	Jones of Arkansas,	Quay,	Vance,
Davis,	Kenna,	Ransom,	Wilson of Iowa,
Dolph,	Manderson,	Riddleberger,	Wilson of Md.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Mr. SHERMAN. Unless the Senator from Iowa objects, I will move that the Senate adjourn.

Mr. ALLISON. I had hoped that we could finish the reading of the bill to-night, but as it is now quarter to 6 o'clock I will not oppose the motion.

Mr. PLUMB. I offer an amendment, which I ask may be printed in the RECORD, to come in as a separate section at the close of the pending bill. I ask that it be read.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The Chief Clerk read as follows:

Soldiers and sailors who were honorably discharged from the military and naval service of the United States of the war of the rebellion, and the widows and children of deceased soldiers and sailors shall be eligible to appointment, transfer, and promotion, subject only to such examination as may be prescribed by the heads of Departments and without competitive examination.

Mr. EDMUNDS. I move—and Senators all know what it is—the printed amendment that I offered to the District of Columbia appropriation bill regarding the National Park. I ask that it be referred to the Committee on Appropriations, so that, if they shall report it, it will be in order to-morrow.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. ALLISON. I give notice that to-morrow, after the usual routine morning business, I shall ask the Senate to take up the pending appropriation bill, so that we may complete it as early as practicable to-morrow.

The PRESIDENT *pro tempore*. Before submitting the motion to adjourn the Chair will dispose of some business on his table.

REPORT ON PRODUCTION OF THE PRECIOUS METALS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution by the Director of the Mint, 1,000 additional copies of the report on production of precious metals of the United States for the calendar year 1887.

IRRIGATION IN EGYPT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House.

FISHERIES OF ALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 10,000 extra copies of the testimony taken and the report made by the Committee on the merchant marine and fisheries upon the investigation of the fur-seal and the other fisheries of Alaska be printed, to be distributed as follows: To the Senate, 2,000 copies; to the House of Representatives, 4,000 copies; to the Fish Commission, 1,500 copies, and to the Secretary of State and the Secretary of the Treasury, each, 1,250 copies.

HOUSE RESOLUTIONS REFERRED.

The joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana, was read twice by its title, and referred to the Committee on Printing.

The joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor was read twice by its title, and referred to the Committee on Printing.

ADJOURNMENT.

Mr. EDMUNDS. I think the Senator from Ohio [Mr. SHERMAN] moved that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 20, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 19, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTIONS.

Mr. HATCH. I rise to a question of privilege. I desire to have the RECORD of yesterday's proceedings corrected. I submitted yesterday morning as a question of privilege a motion with reference to House bill No. 11027, defining "lard," etc. I will read the motion that I made:

I move that the bill be referred to its proper Calendar, that is to say, the Calendar of the Committee of the Whole House on the state of the Union, as of the date July 28, 1888, when the House made the improper order, and with the same number of the report, namely, No. 3082.

I find in the published proceedings that the Speaker, after deciding the question of privilege, is reported as saying:

The gentleman from Missouri moves that the bill be referred to the Committee of the Whole on the state of the Union, and the Chair puts that question to the House.

This leaves out an important part of my motion, "as of the date July 28, 1888, when the House made the improper order."

The SPEAKER. The gentleman is correct. The Chair put the motion in the form in which the gentleman had stated it; and it so appears in the Journal.

Mr. HATCH. I find that the Journal is correct; but I want to have the RECORD corrected.

The SPEAKER. The RECORD will be corrected.

Mr. HATCH. The RECORD is also incorrect in another particular. I read from the proceedings:

Mr. WHEELER. Mr. Speaker, I make the point of no quorum. [To Mr. HATCH:] Has this reference to the cotton-seed oil?
Mr. HATCH. No.

I did not say "no;" I said "oh." I was starting to make an explanation to the gentleman from Alabama [Mr. WHEELER] when a gentleman in the aisle made it for me. The gentleman from Alabama then withdrew his point of order. I did not say "no," because the bill has some reference to cotton-seed oil. I was starting to say something sharper than "no."

The SPEAKER. The correction will be made.

CIVILIAN ENGINEERS IN RIVER AND HARBOR WORK.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of the names, residences, compensation, and places of employment of civilian engineers engaged in river and harbor work, from July 1, 1887, to June 30, 1888: which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

DR. DAVID BELL.

The SPEAKER also laid before the House the bill (H. R. 8557) for the relief of Dr. David Bell, said bill having been returned from the Senate with an amendment.

Mr. BUTLER. I ask that the amendment of the Senate be now considered.

The amendment was read, as follows:

In lines 5 and 6, strike out the words "his pay as assistant surgeon of the Thirteenth Tennessee Cavalry" and insert "pay of an assistant surgeon in the United States Army."

There being no objection, the amendment was considered, and concurred in.

WILLIAM ENGLISH.

The SPEAKER also laid before the House the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States, the said bill having been returned from the Senate with an amendment.

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER], who desired that this bill be withheld by the Chair, does not seem to be now in his seat. If there be no objection the Chair will withhold the bill. The Chair hears no objection.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were severally read twice, and referred as follows:

The bill (S. 2766) for the relief of Maj. James Belger—to the Committee on Military Affairs.

The bill (S. 3818) to establish a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York—to the Committee on Commerce.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 4961) providing for the organization of the militia of the District of Columbia, with Senate amendments, was erroneously referred to the Committee on the District of Columbia. It should have gone to the Committee on the Militia.

Mr. MCADOO. Mr. Speaker, I move that the House non-concur in the Senate amendments, and accede to their request for the appointment of conferees.

Mr. BLOUNT. I must insist upon the regular order.

Mr. MCADOO. This will bring it into conference immediately. The amendments are those which the gentleman from Georgia objected to.

Mr. BLOUNT. I object to proceeding with that matter now.

Mr. MCADOO. Then I ask unanimous consent that the bill be allowed to remain on the Speaker's table.

The SPEAKER. If there be no objection the Committee on the District of Columbia will be discharged from the further consideration of the bill, and it will remain on the table for the present.

There was no objection, and it was so ordered.

INVITATION TO CANADIAN PARLIAMENT, ETC.

Mr. BUTTERWORTH, by unanimous consent, introduced a joint resolution (H. Res. 265) authorizing the President to invite the several members of Parliament of the Dominion of Canada and the premiers and cabinets of the several provinces to visit the United States as the guests of the nation, and making appropriation therefor; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRYCE, for two days, on account of important business.

To Mr. PETERS, for one day, because of sickness.

ORDER OF BUSINESS.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I desire to offer a resolution for reference.

The SPEAKER. The Chair understands the gentleman from Georgia as insisting on the demand for the regular order, and the Chair will proceed——

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. On last Friday the House made an order providing that to-day, for one hour after the reading of the Journal, should be set apart for the consideration of measures reported from the Committee on Printing.

The SPEAKER. The Chair understands the special order of the House was made; but the gentleman was not insisting on calling it up.

Mr. RICHARDSON. I am insisting upon it, Mr. Speaker.

Mr. RANDALL. But that is subject to appropriation bills.

Mr. RICHARDSON. No, there is no such exception; nor was any exception made when the order was asked.

The SPEAKER. Of course it is not in order to move now to go into Committee of the Whole House on the state of the Union, and the only way the gentleman can be prevented from occupying the time assigned under the special order is by raising the question of consideration on each proposition that he presents.

Mr. RICHARDSON. I hope the gentleman from Pennsylvania will not do that. It will not take perhaps exceeding thirty or forty minutes to get through, and these are matters of great importance to members of the House.

Mr. BLOUNT. I ask the gentleman to modify his order so that we may first proceed with the appropriation bills.

Mr. RICHARDSON. I can not yield now. I was appealing to the House for more than a week to get this order, which was given with the consent of the gentleman from Georgia himself.

The SPEAKER. The order makes no exception as against appropriation bills. The special order begins at 12 o'clock and 15 minutes.

Mr. RANDALL. Very well; the gentleman from Georgia in charge of the appropriation bill does not seem to be persistent in pressing his bill, and of course it is none of my business.

Mr. RICHARDSON. I now call up joint resolution No. 258.

Mr. BLOUNT. So far as the remark of the gentleman from Pennsylvania is concerned, I wish to say that the gentleman from Tennessee has an hour this morning, after which I propose to press the consideration of the Post-Office bill.

The SPEAKER. The gentleman from Tennessee is entitled to the floor, and, as the Chair understands, now calls up a measure which the Clerk will report.

PRINTING EULOGIES ON THE LATE MR. ROBERTSON, OF LOUISIANA.

Mr. RICHARDSON. I call up for present consideration the joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana.

The joint resolution was read, as follows:

Resolved, etc, That there be printed of the eulogies delivered in Congress upon the late Edward White Robertson, a Representative in the Fiftieth Congress from the State of Louisiana, 12,500 copies, of which 3,000 shall be for the use of the Senate and 9,500 for the use of the House of Representatives, and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Edward White Robertson, to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRODUCTION OF PRECIOUS METALS.

Mr. RICHARDSON. I now call up the resolution of the House of February 6, 1889.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 6, 1889.

Resolved by the House of Representatives, That there be printed for distribution by the Director of the Mint 1,000 additional copies of the report on the production of the precious metals in the United States for the calendar year 1887.

Mr. RICHARDSON. I demand the previous question.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH ANNUAL REPORT OF THE COMMISSIONER OF LABOR.

Mr. RICHARDSON. I call up the joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor.

The joint resolution is as follows:

Resolved, etc., That there be printed 39,000 copies, in cloth binding, of the fourth annual report of the Commissioner of Labor; 26,000 copies for the use of members of the House of Representatives and 13,000 copies for the use of members of the Senate.

SEC. 2. That the sum of $——, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. RICHARDSON. I move to amend by inserting in the blank the sum of $19,202.60.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF DOCUMENTS, ETC.

Mr. RICHARDSON. I now call up the resolution I send to the desk, and ask its adoption as a substitute for the resolution referred to this committee.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress which are actually printed and delivered in full to the folding-room prior to the first Monday of December next, together with documents and books hereafter ordered to be printed to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed and delivered in full to the folding-room prior to the first Monday of next December shall be allotted as heretofore to the members of the present Congress and transmitted to their residence as fast as printed, unless otherwise ordered by the members themselves.

Mr. RICHARDSON. The only difference between this resolution and the resolution which was adopted in the Forty-ninth Congress is that this resolution provides that the books and publications shall go to the ex-members which are actually delivered to the Doorkeeper prior to December 1. I move the previous question, unless some gentleman desires to be heard.

Mr. HOLMAN rose.

Mr. OATES. I would like to know what use a member has for the publications if he has not the franking privilege?

Mr. RICHARDSON. Under the law members retiring have the franking privilege for nine months, and this resolution gives them these books for that nine months.

Mr. HOLMAN. I understood, Mr. Speaker, that this resolution went to the extent of directing the Doorkeeper to mail the publications to the members' homes.

Mr. RICHARDSON. Unless otherwise ordered. The member has the control of them.

The SPEAKER. The gentleman from Tennessee demands the previous question on the passage of the resolution.

Mr. ENLOE. I want to say just a word about this resolution.

Mr. RICHARDSON. How much time does the gentleman want?

Mr. ENLOE. About two minutes.

Mr. RICHARDSON. I yield two minutes to my colleague.

Mr. ENLOE. Mr. Speaker, I think that the resolution ought not to be adopted. I am under the impression that the object in appropriating money to publish these books is that the books shall belong to the Congressional district and be distributed among the people and not to the member, for such disposition as he may choose to make of them. My impression is that a great many gentlemen lose interest in the proper distribution of books after they have been defeated. We have abundant evidence that some of them lose interest in their duties in Congress after they have been defeated. The books ought to belong to the district and go to the member who is elected to the next Congress. When a member's time expires, or he is defeated, his duties as a Congressman should cease with his term of service, and not be extended for a period of nine months.

The resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The SPEAKER. There being no objection, the original resolution will lie on the table, as the House has adopted the resolution which was reported from the committee.

EXTRA NUMBER OF ANNUAL REPORT OF INTERSTATE COMMISSION.

Mr. RICHARDSON next called up for consideration the following resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 16, 1889.

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the second annual report of the Interstate Commission with the appendices thereto; 2,000 of said copies to be for the use of the Senate and 4,000 for the use of the House of Representatives.

Mr. RICHARDSON. That is a Senate resolution.

Mr. HOLMAN. I hope, Mr. Speaker, that the gentleman from Tennessee will explain the necessity for this. It occurs to me that this is a republication. Or is it printing an additional number?

Mr. RICHARDSON. It is a matter to which the attention of the Committee on Printing has been called by members of the House. It has been applied to by a number of gentlemen to consider it; the committee did consider it, and we also have a letter from the secretary of the Interstate Commission saying that frequent demands are made upon him for them; and this is the only way that I know of by which they can be supplied. It is a new practice in the country, and a great many members of the bar throughout the country need these reports in order to fully inform themselves of the questions adjudicated in these cases.

Mr. HOLMAN. How many copies were there printed heretofore?

Mr. RICHARDSON. None, except the usual number, as I understand. This is simply to order an extra number—more than the usual number.

Mr. ENLOE. I would like to know if it would not be just as proper to have a publication of the opinions of the Supreme Court for free distribution as to have an extra number of these copies of the opinions of the Interstate Commerce Commission printed for such distribution?

Mr. RICHARDSON. I am not prepared to answer the gentleman on that question.

Mr. ENLOE. I think one is just about on the same footing with the other. When a lawyer wants a book of this kind he ought to buy it.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. RICHARDSON. Division.

The House divided; and there were—ayes 93, noes 9.

So the resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEARINGS ON THE SUNDAY-REST BILL.

Mr. RICHARDSON next called up the following resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 30, 1889.

Resolved by the Senate (the House of Representatives concurring therein), That there be printed for the use of Congress 32,000 extra copies of Miscellaneous Document No. 43, Fiftieth Congress, second session, being hearings before the Committee on Education and Labor on the bill S. 2983, known as the Sunday-rest bill, of which 10,000 copies shall be for the use of the Senate, 20,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Committee on Education and Labor of the Senate.

The question was put on the adoption of the resolution, and the Speaker announced that the ayes seemed to have it.

Mr. OATES. Division.

The House divided; and there were—ayes 75, noes 17.

Mr. OATES. No quorum.

Mr. RICHARDSON. I would like the gentleman from Alabama to withdraw the point of no quorum until I can make a statement.

The SPEAKER. The previous question was not ordered.

Mr. RICHARDSON. If the gentleman insists upon the point of no quorum I will withdraw the resolution.

The SPEAKER. The Chair will appoint as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Tennessee [Mr. RICHARDSON].

Mr. OATES. I withdraw the point of no quorum for the present.

Mr. RICHARDSON. Mr. Speaker, this is a resolution of the Senate which provides for the printing of the hearings before the Senate Com-

mittee on Education and Labor on what is known as the Sunday-rest bill. There have been quite a number of appeals to this committee from the laboring men of this country to print this testimony. More than one Senator have been before the Committee on Printing arguing in person the necessity and the importance of printing this testimony. More than one delegation representing the labor interests of this country have been before the Committee on Printing and earnestly pressed upon the committee the importance of printing this testimony or hearings. Now, so far as I am concerned, I am not personally interested, and care not a great deal myself about the publication of this testimony or hearings. The laboring men in my district, of course, are interested in this question; but so far no application has come to me from them. I know that in the great cities of the country they are very much interested and have sent urgent appeals to have the hearings printed.

Mr. BLAND. Will the gentleman state what action, in his judgment, Congress can take by law, or by way of regulation, which will affect this matter, and if it can not take any, why should we be cumbered with the printing of this testimony?

Mr. RICHARDSON. There are the Territories, and there is the District of Columbia, in which Congress can legitimately legislate upon this matter; but the gentleman himself can answer his question quite as well and quite as satisfactorily to himself as I can, and I do not want to occupy the time of the House in debating the subject.

Mr. BUTTERWORTH. There is an impression that this is a sectarian move. I understand that in fact it is nothing of the kind, and that the publication of this testimony will set the matter right before the country. I have had a number of letters on the subject and have learned that there is a notion abroad that it is a sectarian move and involves some kind of religious observance, but, as I understand, it is nothing of the sort.

Mr. RICHARDSON. The gentleman is correct. More that one delegation has called upon the Committee on Printing, and among those delegations there has been a delegation of ministers, but this resolution has no reference whatever to religious matters, as the gentleman from Ohio [Mr. BUTTERWORTH] correctly states, or to sectarianism in any form. It relates simply to the labor interests of the country.

Mr. JOSEPH D. TAYLOR. It is on the line of the eight-hour law, giving the working people more rest.

Mr. RICHARDSON. Yes, sir.

Mr. BUCHANAN. There is so much noise that I have been unable to hear the gentleman from Tennessee [Mr. RICHARDSON]. Is not this a resolution to print extra copies of the hearings before the Senate Committee on Education and Labor in regard to what is known as the Sunday-rest bill?

Mr. RICHARDSON. It is.

Mr. BUCHANAN. In which hearings there were statements by the various religious bodies, and by the labor organizations, and a discussion of the whole question pro and con.

Mr. RICHARDSON. The gentleman is correct.

Mr. OATES. I do not think that Congress has any business printing this matter for distribution, which will but lay a predicate for Sunday legislation which is not within our jurisdiction; and I therefore insist upon my point of no quorum.

The SPEAKER. The Chair will appoint to act as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. It is perfectly obvious that a division of the House now would defeat the remaining measures which I desire to call up, and therefore I ask leave to withdraw the resolution.

Mr. DINGLEY. I object to its withdrawal.

Mr. RICHARDSON. I will say to the gentleman from Maine that I will present this resolution again immediately after the other matters are disposed of.

Mr. DINGLEY. I ask to have it considered now, and action taken upon it. It is one of the most important measures that have come before us this session.

The SPEAKER. The tellers will take their places.

Mr. TOWNSHEND. I hope the gentleman from Tennessee will withdraw the resolution.

Mr. RICHARDSON. I can not withdraw it because objection is made. I again ask unanimous consent to withdraw the resolution.

The SPEAKER. The Chair thinks that if objection is made the gentleman can not withdraw it. This is not simply a proposition introduced by an individual member; it is a report from a committee, which has already gone upon the Calendar, and if objection is made it must be considered now, or else postponed.

Mr. TOWNSHEND. The gentleman can withdraw it by unanimous consent. I appeal to the gentleman from Maine [Mr. DINGLEY] to withdraw his objection to the withdrawal of this proposition. I do not think it is right to waste the entire hour in this way.

The House divided; and the tellers reported—yeas 146, nays 19.

So the concurrent resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUR-SEAL INVESTIGATION.

Mr. RICHARDSON. I call up next the report in relation to printing the testimony in the fur-seal investigation.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 5, 1889.

Resolved by the House of Representatives (the Senate concurring), That 10,000 extra copies of the testimony taken and the report made by the Committee on the Merchant Marine and Fisheries upon the investigation of the fur-seal and other fisheries of Alaska be printed, to be distributed as follows: To the Executive Departments, Fish Commission, House of Representatives, and the Senate.

Mr. RICHARDSON. There is an amendment pending which provides for the distribution.

The SPEAKER. There does not appear to be any amendment pending.

Mr. RICHARDSON. The amendment is in the report.

The SPEAKER. That does not make it pending. Amendments must be offered on the floor before they can be pending.

Mr. RICHARDSON. The amendment is proposed by the committee.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out, after the words "to be distributed as follows," the words "to the Executive Departments, Fish Commission, House of Representatives, and the Senate," and insert in lieu thereof "to the Senate, 2,000 copies; to the House of Representatives, 4,000 copies; to the Fish Commission, 1,500 copies; to the Secretary of State and the Secretary of the Treasury, each 1,250 copies.

The amendment was agreed to.

The resolution as amended was then adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON IRRIGATION IN EGYPT.

Mr. RICHARDSON called up the following resolution:

Resolved, That there be printed for the use of the House and Senate 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt.

The substitute reported by the Committee on Printing was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House.

The substitute was agreed to; and the resolution as amended was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. RICHARDSON. I desire next to call up a concurrent resolution of the Senate, authorizing the printing of 50,000 copies of the fourth annual report of the Bureau of Animal Industry. This resolution, when heretofore considered by the House, was amended; and subsequently the Senate amended the House amendments. I desire now merely to ask that the House concur in the amendments of the Senate to the amendments of the House. As the documents connected with this matter are in manuscript and somewhat lengthy, I will state that the original resolution provided simply for printing the fourth annual report of the Bureau of Animal Industry. The amendments of the Senate added the fifth annual report. The effect of concurrence now by the House will be that both the fourth and fifth annual reports of that bureau will be printed.

The amendments of the Senate were concurred in.

Mr. RICHARDSON moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIGEST OF HOUSE RULES, ETC.

The next business called up by the Committee on Printing was the following:

Resolved, That 2,500 copies of the Digest and Manual of the Rules and Practice of the House of Representatives of the present session, prepared by John C. Robinson, Journal Clerk, under the act of March 3, 1877, be printed and bound for the use of the House; the same to be printed under the direction of the Speaker and the Clerk of the House.

The SPEAKER. The question is on agreeing to this resolution.

Mr. RANDALL. Is there any additional compensation provided for here?

Mr. RICHARDSON. Not in this resolution. Unless the Committee on Appropriations has made such provision, there is none. The gentleman from Michigan [Mr. BURROWS] told me that he desired to offer an amendment. I do not see him now in his seat.

The SPEAKER. The gentleman from Michigan is in the Hall.

Mr. BURROWS. I do not care to offer any amendment.

The resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the res-

olution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UPTON'S "MILITARY POLICY OF THE UNITED STATES."

Mr. RICHARDSON. I desire now to call up joint resolution (H. Res. 198) providing for the printing of the "Military Policy of the United States," by the late Bvt. Maj. Gen. Emory Upton, United States Army.

The SPEAKER. This joint resolution is in the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. I desire unanimous consent to discharge the Committee of the Whole from the consideration of the resolution and consider it in the House.

The SPEAKER. Before putting that request the resolution will be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That there be printed 4,800 copies of the "Military Policy of the United States," by the late Bvt. Maj. Gen. Emory Upton, United States Army; 3,000 copies for the use of the members of the House of Representatives, 1,500 copies for the use of members of the Senate, and 300 copies for the use of the widow of the late General Emory Upton. The sum of $——, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said work.

Mr. RANDALL. I ask for the reading of the report accompanying this joint resolution. I do not comprehend what the "Military Policy of the United States" may embrace.

The SPEAKER. The House has not yet reached the stage of considering the joint resolution. It is now in the Committee of the Whole on the state of the Union; and the gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that the Committee of the Whole be discharged, and that the resolution be considered in the House.

Mr. RANDALL. I would like to reserve that question until we hear the report, because it would be interesting to know what character of publication the "Military Policy of the United States" may be.

The SPEAKER. The report will be read, reserving the right to object to the request of the gentleman from Tennessee.

The report (by Mr. RICHARDSON) was read, as follows:

The committee have considered joint resolution 198, providing for the printing of the Military Policy of the United States, by the late Bvt. Maj. Gen. Emory Upton, United States Army, and report the same with the recommendation that it do pass.

The resolution provides for the printing of 4,800 copies of the work.

This book was written by the late Bvt. Maj. Gen. Emory Upton, of the regular Army, an officer of great ability and extraordinary devotion to the military arts and sciences. His career, beginning with the outbreak of the late war between the States and ending with his death in 1881, was one of unusual brilliancy and usefulness to his Government, during which he passed through all grades from cadet to major-general.

He served in the artillery, in the infantry, and in the cavalry, and was equally successful in all. After the war was over he wrote the Tactics now in use by the regular Army, national guards, and militia, and which have been made the basis for the instruction of all arms of service.

As a reward for his services in the field he was selected by General Grant and assigned to duty as commandant of cadets and instructor of artillery, infantry, and cavalry tactics at West Point, and while thus engaged he renewed and extended his theoretical studies of the art of war. Having completed his duties at West Point, he was, with the concurrence of Generals Grant and Sherman, ordered by the War Department to make a tour of the world and inspect and report upon the armies and military policies of all nations.

He was occupied in his travels and investigations nearly two years, and he gave the result to the War Department and country in a volume of ——pages, which he published in 1878 at his own risk and expense, under the title of "Armies of Asia and Europe."

This is a work of rare merit and naturally led to the consideration of the military policy of our own country, and after two and a half years of laborious study and investigation, to the production of the work proposed to be published by authority of the resolution under consideration. The work covers a complete analysis of our military records and is subdivided as follows:

1. The military policy during the Revolution.
2. From the Revolution to the war of 1812.
3. During the war of 1812.
4. From the war of 1812 to the Florida war.
5. During the Florida war.
6. During the Mexican war.
7. From the Mexican war to the war between the States.
8. During that war as far as 1862, when his manuscript ends.

The work is also furnished with preface and introduction, and is accompanied by a treatise upon "Roman military policy," and another on the military policy of the late Confederate States, the whole making a volume of about six or seven hundred pages, uniform with the Official Records of the War of the Rebellion.

The work has been carefully examined by competent military critics, and is without question of great value, not only to Congress and the Army, but to the students of history throughout the country. The work has been partially edited, as the committee is informed, by Col. Henry A. Du Pont, late United States Army.

The committee is further assured by General James H. Wilson, late United States Army, that if this resolution passes he will supervise the work as it goes through the press without expense to the Government. General Upton left no widow nor child, and under his will this work belongs to his sister, Mrs. Sara Upton Edwards. The committee is in possession of a letter from her dated February 24, 1888, in which she sets forth the terms and conditions upon which she will part with the manuscript of the work to Congress. That letter is as follows:

"BATAVIA, N. Y., *February* 24, 1888.

"SIR: I have the honor to say, in reply to your communication dated February 4, that the manuscript of 'The Military Policy of the United States,' prepared by my brother, late Bvt. Maj. Gen. Emory Upton, United States Army, is now in the hands of Col. Henry A. Du Pont, late United States Army, at Wilmington, Del., and I have requested him to forward it to you for such examination as you may think best to give it.

"In case your committee should recommend Congress to print and distribute it for the use of Congress and the Army, authority therefor is hereby granted, on condition that the Government defray all expenses of publication, and that I am to be furnished with three hundred copies free of charge. I would like, say, one hundred and fifty copies bound in half-calf and the rest in cloth.

"Should it be decided to complete the work so as to embody the history and results of the closing years of the war of the rebellion, I would recommend that Lieut. Edward J. McClernand, Second United States Cavalry, be detailed for that purpose, and in any event he would be a suitable person to assist in correcting the proofs.

"I will in a few days forward letters of administration, from which it will be perceived that I am my brother's sole heir in respect to his property rights in this work.

"Should it be deemed necessary for me to execute any further papers to carry out the authority herein granted, I shall be glad to do so without delay, if you will kindly cause them to be drawn up and forwarded to me at this place.

"Trusting that Congress will provide for the printing and distribution of the work upon which my brother spent so much of his time, and that it will prove as useful to the country and the Army as he and his military friends believed it would be,

"I am, very respectfully, yours,

"SARA UPTON EDWARDS.

"Hon. JAMES D. RICHARDSON,
"*Chairman of the Committee on Printing,*
"*House of Representatives, Washington, D. C.*"

The estimated cost of printing said work is as follows:

The usual number, $3,273.10; each additional 1,000 bound, $603.55.

To print the number, therefore, called for in this resolution (4,800) would require about the sum of $5,500.

The committee recommend that the word "widow," in the ninth line of the resolution, be stricken out and the word "sister" inserted in lieu thereof

And, further, that the blank in the tenth line of the resolution be filled by inserting the words "fifty-five hundred."

The number of volumes to be turned over to Mrs. Edwards (300) as shown in her letter will be bound as indicated therein and turned over to her or to her order by the Public Printer.

The SPEAKER. The gentleman asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this joint resolution.

Mr. RANDALL. I think this resolution proposes a new departure on the part of Congress, and hence I have felt it my duty to arrest for a moment at least the consideration of the resolution so as to have the facts stated. We are advised that this is a very interesting and important book, looking to a more thorough education of army officers. It is a historical work in connection with the public policy of the United States. It is a book which I presume some of us who may be able to purchase might very profitably read. But I am content with having called the attention of the House to this matter. If the House chooses to take this new departure, well and good.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. TOWNSHEND. I beg leave to say a word or two.

The SPEAKER. The resolution is not yet before the House.

Mr. TOWNSHEND. I hope the gentleman from Pennsylvania [Mr. RANDALL] will withdraw his objection.

Mr. RANDALL. I have not objected.

The SPEAKER. Is there objection to discharging the Committee of the Whole on the state of the Union?

Mr. HOLMAN. I think this matter ought to be considered in Committee of the Whole.

The SPEAKER. The gentleman from Indiana objects.

Mr. HOLMAN. No, sir; I think it ought to be considered in Committee of the Whole.

The SPEAKER. Then the gentleman objects to discharging the Committee of the Whole from its consideration.

Mr. RICHARDSON. I will say to the gentleman from Indiana [Mr. HOLMAN] that if he wishes to discuss this matter, I will not call the previous question.

Mr. HOLMAN. Why not go right on in Committee of the Whole and consider it?

Mr. RICHARDSON. Very well; I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this joint resolution.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. COX in the chair) and proceeded to the consideration of the joint resolution (H. Res. 198) providing for the printing of the "Military Policy of the United States," by the late Bvt. Maj. Gen. Emory Upton, United States Army.

Mr. RICHARDSON. Mr. Chairman, the gentleman from Pennsylvania [Mr. RANDALL] has made a statement in regard to this publication which may be accurate, though I hardly agree with him in every respect. The resolution provides for printing the "Military Policy of the United States," a work written by the late General Upton. This work covers eight periods in the history of our country. Hoping that members have paid close attention to the reading of the report I will not recapitulate the statements which it contains. I will yield to the gentleman from Illinois [Mr. TOWNSHEND] so much time as he may desire.

Mr. TOWNSHEND. Five minutes will be sufficient.

Mr. RICHARDSON. I yield five minutes to the gentleman.

Mr. TOWNSHEND. Mr. Chairman, this work which General Upton prepared is believed by some of the most intelligent officers and ex-officers of the Army to contain more valuable information in regard to the military history of this Government than any work that has ever been published either by private enterprise or by the Government.

It is a work invaluable in its character, and will be very valuable for students of the art of war, as well as for general information. It is a work to which General Upton devoted several years of close and hard labor. It is not necessary for me to state who General Upton was. His history is sufficiently set forth in the report and he is well known to the country. His work on Tactics is the standard work now used by the regular Army. He is the author of the important work known as "The Armies of Asia and Europe."

Mr. Chairman, I have met with no one who is familiar with the character of the work who does not declare that it contains more valuable information than any work of the kind in any country. It does not relate alone to the late war, but covers the entire military policy of the Government from its foundation down to the present date. I hope there will be no objection to this work.

My friend from Pennsylvania [Mr. RANDALL] is mistaken in saying the publication by the Government of works written without requirement of law is a new departure. I can refer to many instances where works prepared in the same way, written by eminent specialists, have been published by act of Congress. Even the gentleman himself, as chairman of the Committee on Appropriations, I believe, reported a resolution for the printing of Wharton's International Law.

Mr. RANDALL. I have no recollection of any such thing, and so far as this work is concerned, to which the gentleman from Illinois refers, it has been boxed up, I learn, at the Printing Office, and we really know little about its contents.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BACON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced agreement to the conference report on the bill (S. 3132) to provide for trial by jury in the police court in the District of Columbia.

It further announced the adoption of concurrent resolution tendering the thanks of Congress to the governor and through him to the State of Michigan for the statue of Lewis Cass, whose name is so conspicuously connected with the development of the Northwest Territory and with eminent services to his State and country both at home and abroad, and accepting the statue in the name of the nation, and assigning a place in the old Hall of Representatives therefor; in which concurrence was requested.

It also announced the passage of the bill (H. R. 1659) to provide for continuing the eleventh and subsequent censuses, with amendments in which concurrence was requested.

It further announced the passage of the bill (S. 314) for the relief of Henry M. Rector; in which concurrence was requested.

UPTON'S "MILITARY POLICY OF THE UNITED STATES."

The committee resumed its session.

Mr. TOWNSHEND. I wish to say a word further. This work, Mr. Chairman, gentlemen will find if they look into it, contains more valuable information than any other work of the kind. As I have said, this is not a new departure. Wharton's International Law was published under authority of Congress in a bill reported from the Committee on Appropriations, and for which the gentleman voted.

Mr. RANDALL. I do not think I did.

Mr. TOWNSHEND. You were then the chairman of the Committee on Appropriations. It is no new departure.

Mr. RANDALL. I ask the gentleman to yield to me for a few minutes.

Mr. RICHARDSON. I will yield to the gentleman from Pennsylvania for two minutes.

Mr. RANDALL. I want to direct the attention of the chairman of the Committee on Printing to another matter—it comes in properly at this place—and that is as to the distribution of books between now and December next, coming to members of this Congress.

Mr. RICHARDSON. That has been passed.

Mr. RANDALL. When?

Mr. RICHARDSON. During this hour.

The CHAIRMAN. There are two amendments pending, which the Clerk will read.

The Clerk read as follows:

In line 9 strike out "widow" and insert "sister."

The amendment was agreed to.

The Clerk read as follows;

In line 10, after the word "of," insert "$5,500."

The amendment was agreed to.

Mr. RICHARDSON. I now move that the committee rise.

Mr. HOLMAN. I move to strike out the last word.

Mr. RICHARDSON. The gentleman can not do so after I have moved that the committee rise. I will yield to the gentleman for a moment.

Mr. HOLMAN. No; I will take the floor in my own right; not otherwise.

Mr. RICHARDSON. I understood the gentleman to say he only wanted a moment.

Mr. HOLMAN. Still I take the floor in my own right.

Mr. DUNHAM. You want to take the floor to kill the bill.

Mr. HOLMAN. I am not accepting time from the gentleman.

Mr. RICHARDSON. Then my motion is pending, Mr. Chairman.

Mr. HOLMAN. I now rise to make a motion.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana, who desires to discuss the measure.

Mr. HOLMAN. It has been said that the House has already entered upon the publication of works of this character intended for the benefit of a particular class of our people; that in late years we have published Wharton's Digest of International Law. I am not responsible, so far as I am concerned as a member of the House, for the passage of the bill authorizing that publication. I protested against it then on the ground that Congress did not possess the power to use the public money in the publication of works for the benefit of a particular class of our people, works having no reference to the current affairs of the Government.

Mr. FARQUHAR. Why do we publish the report of the Agriculture Department?

Mr. HOLMAN. That is a very different matter.

Mr. FARQUHAR. It is of service only to a particular class.

Mr. HOLMAN. These reports made to Congress by one of the Departments of the Government are necessarily published as a part of the affairs of the Government. Such works as Wharton's International Law are valuable to lawyers only, or to students of international law. But not so with reports made by the Departments of the Government, such as the Department of Agriculture. Of course, we publish the agricultural reports; we publish the reports of the War and Navy Departments, of the Department of Justice, and the other great Departments of the Government, and that is entirely proper. That comes within the proper scope of Congress and the appropriate duties of government. But the work to which I have referred is a work only valuable to a portion of our people.

Mr. DUNHAM. It is only valuable to the lawyers.

Mr. HOLMAN. And not of special value to the people of the country.

Now, this work proposed to be published here, I take for granted from the statement of the gentleman from Tennessee and the gentleman from Illinois, has value to a certain class of people, being the history of the military operations of the United States, beneficial, undoubtedly, to some people connected with military affairs or students of military science, but of no value to the mass of the people.

The CHAIRMAN. The time fixed under the special order has expired, and the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole House on the state of the Union, having had under consideration the joint resolution H. Res. 198, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to extend the time allotted the Committee on Printing until after this joint resolution is concluded.

Mr. RANDALL. I can not agree to that at this time. I am perfectly willing some time hence to do so.

Mr. RICHARDSON. I would ask that the time be limited to thirty minutes.

Mr. RANDALL. I object.

Mr. BLOUNT. Regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BLOUNT. I move to dispense with the morning hour for the call of committees; and at the same time ask for unanimous consent that gentlemen having reports to make, either majority or minority reports of committees, may be permitted to file them for reference at the desk.

Mr. TOWNSHEND. What becomes of the resolution that has just been pending?

The SPEAKER. It remains on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. RANDALL. I would suggest that the reports filed as requested by the gentleman from Georgia should be examined by the Speaker as to the proper reference.

The SPEAKER. The gentleman from Georgia asks unanimous consent that gentlemen having reports to make, and also members desiring to submit minority views from committees, may be permitted to hand them in at the desk for proper reference under the direction of the Speaker.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. HOOKER, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 7228) to increase the efficiency of the Inspector-General's Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MEETINGS OF RAILROAD PRESIDENTS, ETC.

Mr. ANDERSON, of Iowa, from the Committee on Commerce, reported a resolution as a substitute for Mis. Doc. 97, in relation to meetings of railroad presidents, etc.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXPENDITURES IN WAR DEPARTMENT.

Mr. LAFFOON, from the Committee on Expenditures in the War Department, reported as a substitute for bill H. R. 4923, a bill (H. R. 12625) to regulate certain expenditures in the War Department, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

THEODORE TEED.

Mr. BOWDEN, from the Committee on Claims, reported back with amendment the bill (H. R. 9721) for the relief of Theodore Teed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. E. HOZIER.

Mr. BOWDEN also, from the Committee on Claims, reported back with amendment the bill (H. R. 614) for the relief of J. E. Hozier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN L. RHEA, DECEASED, AND JAMES R. ANDERSON.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with amendment the bill (H. R. 2910) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and James R. Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN SCHENK.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2575) for the relief of John Schenk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably with amendments the bill (H. R. 12489) to authorize the construction of a wagon and foot passenger bridge across the Mississippi River at or near Lyons, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL GEORGE STONEMAN.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 11761) for the relief of General George Stoneman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DENVER AND RIO GRANDE RAILROAD.

Mr. YODER, from the Committee on Military Affairs, reported back favorably the bill (S. 1302) granting the right of way to the Denver and Rio Grande Railroad Company across the United States military reservation for the cantonment on the Uncompahgre River, in the State of Colorado; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS KENTUCKY RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 12543) to authorize the Kentucky Union Railroad Company to construct a bridge across the Kentucky River; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. KINYON.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6370) for the relief of James W Kinyon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VALERIA B. ELLIOTT.

Mr. BANKHEAD, from the Committee on Pensions, reported back favorably the bill (H. R. 11330) for the relief of Valeria B. Elliott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA OPIE C. AYRES.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3944) granting a pension to Julia Opie C. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN G. BARKER.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 12604) to restore the pension of Ann G. Barker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 169) granting an increase of pension to Abby J. Slocum;
A bill (S. 781) granting a pension to John Fagan;
A bill (S. 1822) granting a pension to Ann E. Cooney;
A bill (S. 1831) granting a pension to Mrs. Maria Heap Nicholson;
A bill (S. 2091) granting a pension to Frances H. Plummer;
A bill (S. 2275) granting a pension to Mary Calvert Truxtun;
A bill (S. 2314) granting a pension to John B. Covert;
A bill (S. 2439) granting a pension to Charlotte T. Alderman;
A bill (S. 2993) granting a pension to Margaret A. Hillard;
A bill (S. 3540) granting a pension to Mary P. Myers; and
A bill (S. 3634) granting a pension to Mrs. Nancy Smith.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Georgia to dispense with the morning hour.

Mr. HOPKINS, of Illinois. Before that question is taken I ask unanimous consent to print a resolution in the RECORD.

The SPEAKER. There is a question pending and the regular order has been demanded. The gentleman from Georgia moves to dispense with the morning hour.

The motion of Mr. BLOUNT was agreed to.

Mr. BLOUNT. I now move that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

QUESTION OF PRIVILEGE.

Mr. WHEELER. I ask permission to make a brief statement.

The SPEAKER. But the regular order is demanded.

Mr. WHEELER. Then I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. This morning as I entered the Hall I was informed that the chairman of the Committee on Agriculture had just taken his seat after stating that there was a misunderstanding at the time I made the point of no quorum in regard to the reference of a bill called up by him on yesterday. The RECORD shows that upon my asking the question if the bill referred to cotton-seed oil the chairman of the committee said "no," whereupon I withdrew the point of no quorum. The explanation of the chairman of the committee develops the fact that he did not use the word "no," but commenced a sentence with the ejaculation "oh," and being interrupted was unable to finish the sentence. The two words sound so much alike that the reporters and others understood the expression to be "no." Now, I insist, Mr. Speaker, that that bill ought to go back just where it was before the error occurred, so that we can have an opportunity to vote intelligently upon the reference.

Mr. RANDALL. This matter has already been determined by the House.

The SPEAKER. According to the statement of the gentleman from Alabama, it was a mere misunderstanding on the part of gentlemen themselves.

Mr. WHEELER. It was a general misunderstanding, and I am certain the chairman will agree to let it go back, so that we can take a vote to-day as to the reference.

The SPEAKER. The Chair thinks the gentleman does not present a question of privilege. The gentleman of course has the right to make a statement to show that he was mistaken, and on a mistaken assumption withdrew the point of order; but the Chair thinks no question of privilege is presented. [Cries of "Regular order!"]

POST-OFFICE APPROPRIATION BILL.

The motion of Mr. BLOUNT was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. TURNER, of Georgia, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the Post-Office appropriation bill, and the Clerk will report the pending amendment.

The Clerk read as follows:

It is proposed to strike out, on page 2, from line 15 to line 23, inclusive.

The CHAIRMAN. On that amendment a vote was taken, and no quorum appeared. The tellers will again take their places.

Mr. BLOUNT. I ask that the amendment be again reported. There was so much confusion on the floor that members could not hear what it was.

The amendment was again reported.

The committee divided; and the tellers reported—ayes 27, noes 92.

So the amendment was rejected.

Mr. WILKINSON. I raise the point of order against this whole paragraph on page 2, from line 15 to line 23, that it changes existing law. The committee had authority from the House to make a classification of the clerks in the first and second class post-offices. The Chairman of the Committee of the Whole on Saturday last ruled that this class of officials were not clerks. Therefore under that ruling this committee has no authority to recommend a change of existing law, and I make the point of order against the whole paragraph.

Mr. BLOUNT. I submit that it is too late, and that the point of order ought to have been made sooner.

The CHAIRMAN. The gentleman has designated lines over which the committee has just passed.

Mr. WILKINSON. Yes, sir. That was an amendment to strike out those lines. I am not offering an amendment, but I am presenting a point of order.

The CHAIRMAN. The gentleman makes a point of order upon a portion of the bill upon which amendments have been offered and voted upon. The Chair thinks the point of order is too late as to that part of the bill.

Mr. ADAMS. I offer an amendment to that paragraph.

The Clerk read as follows:

Add at the end of line 23: "And at Chicago, Ill., where the salary of the assistant postmaster shall be $3,200."

Mr. ADAMS. That is the present salary. The chairman of the committee offered an amendment on Saturday as to the salary of the assistant postmaster at New York. He did not wish the salary in New York to be reduced, but wished to retain it at the present rate. Neither do I wish the salary of the assistant postmaster at Chicago to be reduced below the present rate, it having already been reduced within a few months from $3,400 to $3,200. I said the other day that the salary of the postmaster there was fixed with reference to a total annual business of $600,000; whereas the total business has arisen to $2,400,000. By the same logic which induces the gentleman from Georgia [Mr. BLOUNT] to move an amendment in regard to the assistant postmaster at New York I move this amendment in order to retain the salary of the assistant postmaster at Chicago at the same as he now receives.

Mr. BLOUNT. Just a word. The New York office stands in an exceptional situation, and has been treated so in administration and legislation. The gross receipts at New York are nearly twice what they are at Chicago.

Mr. ADAMS. Yes; but you have a second assistant postmaster there.

Mr. BLOUNT. It is a question whether we will make exceptions all along the line.

Mr. COX. New York does business for Chicago, as a great deal of the mail is foreign mail.

Mr. ADAMS. And Chicago does business for New York.

Mr. COX. Not so much; because a great deal of the mail at New York is foreign mail. I would explain this fully, but I have not the time.

Mr. ADAMS. Nor the ability.

The amendment was rejected.

Mr. KERR. I wish to offer an amendment to this section by adding: "And said assistant may be required to perform the duties of clerk."

Mr. BLOUNT. That is surplusage. That is what he does now. It is simply cumbering the bill.

Mr. KERR. I think some question may arise as to whether he could be required to perform these duties. I know that has been the theory on which this change has been proposed; but I think it ought to be made certain by a provision in the bill, so that a man can not stand back on his dignity and refuse to do it.

Mr. BLOUNT. I think the bill makes it certain. I think the assistant postmaster who would stand back on his dignity in that respect would get out of his place. [Cries of "Vote!" "Vote!"]

The amendment was rejected.

The Clerk read as follows:

Secretary and stenographer to postmaster, five classes, salary, graded in even hundreds of dollars, from $1,200 to not exceeding $1,600 per annum.

Mr. CANNON. Mr. Chairman, I make the point of order upon the whole paragraph that it does not come within the terms of the leave granted to incorporate this legislation. The resolution covers, as the Chair will recollect, classification of clerks in the first and second class post-offices. This proposes by legislation not to classify clerks in first and second class offices, but to create a stenographer to the postmaster. I think a fair statement of the language of the order and the reading of the paragraph is sufficient to sustain the point of order.

The CHAIRMAN. So far as appears to the Chair at present, the duties of a stenographer and a secretary are clerical in their nature, and would appear to the Chair to be covered by the order.

Mr. BLOUNT. Regular order.

Mr. CANNON. Ah, yes, "regular order."

Mr. BLOUNT. I will withdraw the demand for the regular order. I thought the gentleman from Illinois was satisfied and that we could proceed.

Mr. CANNON. Taking the ruling of the Chair, and not being disposed to appeal——

Mr. OUTHWAITE. Then if the gentleman does not propose to appeal there is nothing before the House.

Mr. CANNON. If the gentleman from Ohio [Mr. OUTHWAITE] will state his point I will wait.

Mr. OUTHWAITE. I make the point that there is no motion before the House, as the gentleman [Mr. CANNON] has stated that he does not propose to appeal from the ruling of the Chair upon his point of order.

The CHAIRMAN. Does the gentleman from Illinois propose an amendment?

Mr. CANNON. If the gentleman from Ohio [Mr. OUTHWAITE] is quite through, and has consumed as much time as he desires, I will now proceed to offer the amendments I was about to offer when he interrupted.

Mr. OUTHWAITE. I do not wish to waste any time.

Mr. CANNON. Well, if you had kept off the floor there would have been some time not wasted. [Laughter.] I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1 and 2, strike out the words "one thousand and two" and insert the word "eight;" so that the provision will read "from $800 to not exceeding $1,600 per annum."

Mr. CANNON. Now, Mr. Chairman, I want to call attention to the fact that this provision, with the following paragraph, proposes to classify the clerical service in post-offices of the first and second class all through the country, and I call the attention of the gentleman from Georgia [Mr. BLOUNT] to the statement, which I make after some investigation, that this classification is to increase the expenditure for clerical service in the post-offices. Now, I propose to follow the amendment I have just offered with amendments to the various paragraphs through the bill, not to decrease the maximum of the compensation but to decrease the minimum. This particular paragraph provides for stenographers to postmasters, and starts them out at the rate of $1,200 a year and makes their maximum compensation $1,600. Gentlemen understand that these offices come within the civil-service rules, and that, under the practice in the larger post-offices, the employés are retained practically during good behavior, so that if we are to have a useful, proper, economical administration of these offices the new employés should start in at a lower grade of pay than is fixed in this bill.

The employés of the English post-office system, as I recollect from an examination made some years ago, hold their places substantially during life, and they commence, on an average, at about $200 a year. They commence when they are young, and then, for good service and for length of service, they are gradually increased in pay and in rank until, probably, after the lapse of ten, fifteen, or twenty years, they rise to about the rate of pay that we propose in this bill. Now, as we are to adopt that system in part—because under the civil-service act and under this classification we render the tenure of these officials substantially permanent—I think they should start in just as similar employés start in to different classes of business throughout the country, the object here being not to make the salaries so high in the first instance as to cause the places to be sought for primarily by political favorites, but to build up and establish a service for the best interests of the Government. When you take a stenographer and appoint him, in the first instance, under this section, he can not go in at less than $1,200 a year; and however long he may serve, he can not get higher than $1,600 a year. I think it is wiser, in making this classification, to provide that, when these employés are first appointed, they shall commence at, say, $800 a year, and then, by promotion, go on until they finally reach $1,600. In other words, I propose to decrease the minimum at which they start in under this classification and let the maximum alone.

The CHAIRMAN. The point of order has been already made and overruled.

Mr. FARQUHAR. I wish to call the attention of the Chair to a certain point, because it is very evident that every paragraph is going to be debated on points of order, and I think there is one point which if decided by the Chair would cover all these paragraphs.

The CHAIRMAN. The Chair will inform the gentleman from New York [Mr. FARQUHAR] that a point of order was raised against the paragraph and overruled, and the pending motion is to amend the paragraph. The Chair thinks it is too late to raise the point of order against this paragraph.

Mr. FARQUHAR. I had not the opportunity to get the floor before to make the point of order, on account of the amendment of the gentleman from Illinois. I now ask permission to make the point of order so as to cover all the points against the paragraph.

The CHAIRMAN. It is not for the Chair to determine whether by entertaining this point of order subsequent points of order may be avoided. Under the usage the point of order now comes too late.

Mr. BLOUNT. In reference to the amendment of the gentleman from Illinois, I wish to make a remark which applies to the whole of this bill. These gradations of offices and salaries have been arranged in the Department with a full knowledge of the roster, with a full knowledge of the work to be done, and with the best of opportunities, therefore, for determining the wisest classification to be made. For myself, with the little knowledge I have in such matters, I would not undertake to originate the classification of clerks in the various post-offices throughout the country. I prefer to take the opinion of the Department as to these classifications.

Now, the proposition of my friend from Illinois is to reduce the minimum rate from $1,200 to $800. There are only fifteen "secretaries

and stenographers" in all the post-offices in the entire United States. They are only employed in the most important offices, and it is easily seen that it is important to have good service in this branch of work—to have good service from the beginning. This service is not intended as a training school for stenographers; it is the work of the people that these officers are to discharge, and the Government is entitled to good service from the start.

An examination of the rosters has resulted in the conclusion that in this particular efficiency in the service requires that you should not go below $1,200, and that $1,800 is a proper maximum. Why, sir, to talk about getting a stenographer, one worthy of the name, for $800 is to my mind not a reasonable thing. Any gentleman who has had any experience in this regard knows that he would not be likely to get good service at that rate.

The gentleman from Illinois has notified us that he proposes all along the line to move these reductions. If he does so, he asks this House to accept his extemporaneous opinion in the face of the report of the Department, which enjoys all advantages for reaching a conclusion, and which has no desire to do anything except to advance the public service. I trust this Committee of the Whole will not interfere with this classification, which has not been arrived at without considerable investigation and labor.

Mr. BINGHAM. Mr. Chairman, I regret to antagonize the position of the chairman of the committee [Mr. BLOUNT], but I feel constrained to do so for one reason. We have asked this House to vote a sufficient appropriation to carry out the maximum demands of this proposed legislation. The House has refused to give either $200,000 or $300,000 additional. Therefore as we progress in this legislation it is wise to antagonize any proposition which increases compensation; and, on the other hand, it is equally wise to favor and indorse legislation which proposes to decrease the minimum fixed in the bill, for in this matter we may possibly come within the appropriation provided.

"Secretaries and stenographers" are now paid a maximum salary of $1,800, the minimum salary being $480, the average $1,140. I state to the distinguished chairman of the committee that it will in no wise destroy the efficiency of the service if we fix the minimum at $800, instead of $1,200, as stipulated in the bill.

There is another reason to be considered in this connection. In many of the first-class offices the continuous labor of a stenographer will not be required, and if the stenographer is a man of long experience it in no wise follows that because the minimum salary here named is $800 the Postmaster-General will indicate that amount as the salary. He can allow $900, $1,000, or $1,200, in accordance with the efficiency of the clerk.

I think, therefore, that a general proposition such as the gentleman from Illinois has indicated, amending this legislation so as to make the minimum a less sum than that now named in the bill, will strengthen and make better the legislation proposed, in view of the sum total allowed for clerical work, $6,550,000.

Mr. ADAMS. I move to amend the amendment by inserting, before the word "eight," the words "less than;" so that it will read: "from less than $800 to not exceeding $1,600."

It occurs to me—I suggest the question in perfect good faith and without desiring to interfere with the success of this classification—whether in certain post-offices of the country to which the civil-service law applies the new classification is necessary. On this point I ask the attention of the gentleman from Georgia and the gentleman from New York [Mr. COX]. In these large post-offices there already exists a classification by virtue of the Pendleton law. I read from section 6 of the act of 1883:

> Within sixty days it shall be the duty of the Postmaster-General, in general conformity to said one hundred and sixty-third section, to separately arrange in classes the several clerks and persons employed in the public service at each post-office or under any postmaster of the United States, where the whole number of said clerks and persons shall amount to as many as fifty.

Now, in that class of post-offices the classification already exists by force of law. The classification begins with class 1, where the salary is less than $800 per annum, extending to class 4, where the salary is $1,800 and over; and this covers every employé in every post-office where the number of employés amounts to fifty. Now, is there a necessity for making a new classification in those post-offices; and is it not desirable, if you make a classification to cover all post-offices, that in reference to this class of post-offices it should conform to the classification already existing by law? It seems to me that is a practical suggestion.

Mr. HOLMAN. Mr. Chairman, I was in the hope that my friend from Georgia [Mr. BLOUNT] would have promptly accepted the amendment proposed by the gentleman from Illinois [Mr. CANNON]. I regret to find that some gentlemen on this side of the House are opposing any reduction upon the large salaries proposed in the pending bill, although those salaries are much greater than ever before known in this Department. We have fallen indeed upon a singular state of things when, instead of there being no increase of salaries by the proposed classification, as we were informed would be the case, there is an increase at every step all along the line.

I have never known the position of the two sides of the House to be so completely reversed. This side of the House came into power upon the assumption based upon the long history of the Democratic party justified by a former experience that a just, rigid economy in the administration of the Government would be enforced. Yet we meet the spectacle of the other side of the House protesting against increase of salaries, whilst this side of the House is called upon to vote for largely increased salaries, and to pass a bill increasing salaries all along the line.

I regret this course of procedure. There is no gentleman upon this floor for whom I entertain higher or for whom I feel warmer sentiments of respect than I do for the distinguished and able chairman of the Committee on Post-Office and Post-Roads [Mr. BLOUNT]. His record is one any member of this House could well be proud of. In the Forty-fourth Congress and ever since his voice has been for economy in government, for he well knows that economy in government means efficiency in government. Yet in this extraordinary bill there is a classification of the employés of the Post-Office Department enormously increasing salaries, with salaries for secretaries and stenographers much greater than heretofore ever known in the Post-Office service.

The minimum salary heretofore of stenographers and secretaries, when such persons have been employed, has been $480, yet this bill proposes to place the minimum at $1,200. Such services are not of special importance. Has there been any complaint as to the efficiency of the secretaries and stenographers?

For myself I have heard of no such complaint. Yet in the closing hours of Democratic control of this House we have this new classification increasing the minimum of such salaries from $480 a year to $1,200 a year, and a general increase all along the line, and the proposition of the gentleman from Illinois [Mr. CANNON] to reduce the minimum to $800 a year is firmly resisted. What has caused the change in the attitude of this side of the House? What a contrast it is with our policy in the Forty-fourth Congress when the Democratic party after years of effort obtained the control of the House, a policy of economy and efficiency which met in the most signal manner the approval of the country, and that approval was emphatically expressed by the vote of the people in 1876. And now can we afford to surrender to our political opponents the control of this House with our policy completely reversed?

The progress of increase in salary is found everywhere in this classification. We are told you can not employ a secretary or stenographer for less than $1,200, and yet for years the minimum salary as fixed by the Postmaster-General has been $480 and running up to $1,800. Let the gentleman go into the courts of my State, or his own State, or any other State, or any great mercantile establishment in the country where stenographers are employed, and he will find the basis upon which these salaries have been established is much less than that established by the Postmaster-General, ranging from $480 to $1,800 a year. Yet a proposition to commence with $800, nearly twice the beginning salary heretofore fixed by the Postmaster-General, is fiercely resisted.

I am rejoiced that the gentleman from Illinois [Mr. CANNON] and other gentlemen have entered their protest against this unnecessary increase of salaries. The people we represent will look with some anxiety to see whether any protest will come from this side of the House against the increase of salaries which pervades this bill, or whether we have cut loose from our old doctrine of economical and efficient government.

Mr. CUMMINGS. Mr. Chairman, I wish to enter my protest here and now against the United States Government being made an employer of "scab" labor. No newspaper in the country employing stenographers gets them at the rate of $800 a year per man. Why, the private stenographer of the editor of the New York Sun, with not over three hours' work a day, is paid $40 a week. Why is this Government, with its enormous surplus, eternally scrimping the wages of its laborers and mechanical employés? Lawyers' fees are rarely reduced here. The stenographers, the printers, and others are to get the benefit of the reduction. This great and glorious Government, with three hundred millions surplus in its Treasury, employs at its printing office in West Point two, three, or four printers at the rate of $13 a month and 50 cents a day. Such employment at such puny rates is sanctioned by the action of men upon this floor.

What is the matter with the United States? [Long-continued laughter and applause.]

My good friend General BINGHAM advocates the reduction because in some post-offices the stenographer will not be employed all day long. Therefore we should place it in the power of some post-office official to reduce the salaries of stenographers in every post-office in the country to $800. I would like to know how much my friend from Pennsylvania would receive if he was paid in the same proportion.

Mr. BINGHAM. About $10,000 a year. [Laughter.]

Mr. CUMMINGS. I hope so, I am sure. Why not apply the same thing all around? It seems to me that the men in the Departments who have made this gradation of salaries ought to know exactly what they want. They have employed stenographers and know their value. I appeal to the House now, if it must begin to reduce expenditures in the face of the enormous surplus, to commence at the very top of the heap, with the $50,000-a-year man, before they travel down and wind up with the salaries of the stenographers and mail-carriers. [Applause.]

Mr. BLOUNT. Mr. Chairman, I regret very much that the gentleman from Indiana with his large information in regard to public affairs, and with the great power for good which that information supplies him, should turn away from the postal service of the country and resort to a little scolding speech which seems to be patented for use on almost any occasion whenever there is a possibility for reducing an amount proposed by the sum of $2.50 or $5 or $10. The gentleman arraigns bitterly those of us who fail to see the propriety of the reduction which he so vigorously presses, and for not preserving the record of the party in that direction. The gentleman undertakes to avoid the question by saying that the gentleman from New York [Mr. COX]—and he seems to make a personal thrust at him—has taken the lead in this matter. Now, the gentleman from Indiana must have, or I will assume at least that he has, read the message of the President of the United States, and that he must know this subject of the classification of the salaries of the clerks in the post-offices has been for more than eighteen years urged upon the Congress of the United States by the various Postmasters-General; and well the gentleman met all the considerations that have been presented from those having this service in charge in the remarks which he has just delivered upon this floor. How did he meet them? By inviting this body to hear a scolding from him of a general character!

Mr. Chairman, I remember, sir, until the salaries of railway mail clerks were fixed by law, some instances of reducing their salaries which were not only discreditable but absolutely disgraceful to this Government. I recollect one particular instance where an allowance was made to the Department for a route agent at $35 a month, and in order to get a man to perform that service they had to take the baggage-master on the train, who, with the salary of $35 a month and the salary he got from the railroad company for services as baggage-master, was willing to perform the service for the Government, and they were thus enabled to distribute the mail upon that line. Was it creditable to the Government of the United States to so legislate that it was necessary to resort to the employment of an employé of a railroad company, a baggage-master on the train, to enable the Government to distribute its mails? That condition of things prevailed until Congress took proper steps to correct the wrong by fixing a proper rate of compensation.

Mr. HOLMAN. But the minimum is $600, and then——

Mr. BLOUNT. I do not yield for an interruption. I do not want the speeches of the gentleman from Indiana thrust into mine, for he will not direct himself to the facts.

Now, the Postmaster-General has stated that by virtue of insufficient appropriations he has been forced to cut down the salaries of the employés all over the country from time to time in order to have the mails distributed at all. Is that statement true? Is that the situation to which the public officials of this country have invited the attention of the Congress of the United States? Is it likewise true that we are handling sixty-odd millions of dollars not raised by taxation, but sixty-odd millions of dollars contributed by the people of the country themselves to pay for the transportation of these articles in the mails, their letters, etc., and under pretense of handling that we propose to do it in this method? Is that true? Now, sir, this money comes not out of the Treasury of the United States. It does not come from taxation upon the people, but it comes as a direct result from the service itself, and I can not believe, sir, that an intelligent Congress is going to cut this service down, to make it unsatisfactory to the people, as gentlemen would have us to do, and yet at the same time take from them this vast sum for pretending to carry it on.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired. The Chair will assume the *pro forma* amendment to be withdrawn.

Mr. BLOUNT. I renew it.

Now, sir, the gentleman from Indiana speaks of a stenographer having been hired at $400 a year.

Mr. HOLMAN. Four hundred and eighty was the statement.

Mr. BLOUNT. I have given an example of a post-route agent who happened to succeed in getting employment from the Government at the rate of $35 per month; and I have no doubt that instances such as the gentleman from Indiana has mentioned in this connection could be, if necessary, found where the Government was employing men for even less. But does that make it just? I take it for granted that no gentleman who knows anything of governmental affairs would concede that to be rightful; and certainly no gentleman who knows anything of stenographers would concede for a moment that you could get a man for $480 a year who would be worthy of employment by the Government. In regard to this matter let me say that there are only nineteen of them so employed at this time. The matter was fully discussed as to whether or not the minimum rate should be fixed, and after a very careful consideration the committee determined that it should be done.

Now, one word further. The proposition is to reduce—and my friend from Pennsylvania says there is no trouble about getting these grades too low. I wish to call the attention of the House to the fact that that is just exactly what you mean not to allow to be done by classification. It is this very low grading that has driven your competent men from the service. It is this very low grading that has been cramping it; it is this very low grading that has occasioned the various recommendations, in order that you may have your employés with their classification fixed, and fixed with a minimum high enough to insure proper men for the postal service. This is but the beginning, and we are proceeding with this classification all along the line, and I beg that this committee will see to it that that classification, as it is designed to build up the service, as you have built it up in regard to the letter-carriers, as you have in reference to the postal clerks, and as you have done in reference to all of the other branches of the service, shall obtain here, and that the good results which we have reason to expect may be obtained from it, to secure efficiency in this branch of the public service.

Mr. Chairman, so far as any allusion to partisan interests is concerned, I wish to say that I shall endeavor, wherever the public service is to be advanced, to stand away from any considerations of a campaign. I deny that there is anything in my party affiliations that restrains me from giving to the people of this country the best public service which can be had.

Mr. LIND. Will the gentleman from Georgia allow me a question?

Mr. BLOUNT. Certainly.

Mr. LIND. I will ask whether the chairman of the committee considers a stenographer in a first-class office a more valuable and more costly service than the assistant postmaster in a second-class office? Now, I think, if we can not settle the maximum and minimum of these respective salaries abstractly correct we ought to settle them relatively. By a portion of the bill, on page 8, the maximum and minimum limits of the salaries of assistant postmasters in second-class offices are $700 and $1,500 respectively, whereas this paragraph provides a maximum and minimum limit of $1,200 and $1,600 for a mere stenographer in a first-class office.

Mr. BLOUNT. I think the expression "mere stenographer" is misleading. There are very few people who are good stenographers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. For a very brief time I crave the attention of the committee. Gentlemen recollect that always and now there is a lump sum given for clerks in post-offices. Always heretofore and now the Postmaster-General has plenary power to fix the salary at a small or a large sum. In practice he has always to "cut the garment according to the cloth." That is, he understands what the interests of the office in New York and the other large cities are; what the interests in the fast growing cities are; what are the interests in the second-class offices; and what are the interests of the separating offices—that is under $2,000.

Now, here it is proposed to take that discretion from the Postmaster-General and classify these employés in the first and second class offices; and classify them so that a larger amount of money will be paid to those employés than has been paid in the aggregate heretofore. Now, that leaves less money for the officers where the salary of the postmaster is under $2,000. So that under this bill, with the larger amount of money taken from this appropriation, the first-class offices will first be served; the second-class offices will next be served, and when that money is all taken up or nearly all taken, the balance will be for the use of the separating offices; and gentlemen who represent second-class post-offices and separating post-offices when this legislation and this appropriation shall have gone upon the statute-book together will find to their sorrow that there will be nothing left for separating offices.

Now, the gentleman from Georgia says that these employés have been getting too little. Why? Not because of a wrong exercise of the discretion by the Postmaster-General, but for the reason that from 1875 up to the present time, or nearly so, on this side of the House we have stood insisting upon larger appropriations, and most of that time, under the lead of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Georgia [Mr. BLOUNT], the larger appropriations have not been given. So the Postmaster-General was confronted with this condition, that he must decrease the salaries of the employés in the post-offices or leave the business undone.

Now, the true remedy for this is to increase this appropriation, and to let the Postmaster-General make the allowance from year to year and from month to month, as the interests of the service require. The House seems to say that it does not want to do that. Then, if it does not want to do that, and if you make this classification, give it elasticity enough to enable the Postmaster-General to say he can take a sixteen-year-old boy or a seventeen-year-old girl who wants to act as stenographer and give him or her $800 to start upon, and by and by, as years roll on, to increase the salary. But "oh, no," says the gentleman from New York [Mr. CUMMINGS], who is declaiming against "scab" labor; "start with the greater salary, and pay them $1,200 a year."

Mr. CUMMINGS. Why not have the Government establish a school and educate them before you employ them, then?

Mr. CANNON. Oh, I will say to my friend right here and now that the salaries that have been paid to these employés are higher than for similar service rendered to the public; so much higher that great political contests have been fought out so that the Executive could control these and other places; and there is not a member of Congress upon this side of the House whose mails are not loaded down day by

day with hundreds—I was about to say thousands—of applications from constituents asking them for assistance to get employment in the mail service, even at the lower salaries that are proposed in this bill. So that in good faith I want to perfect this bill; I will take the judgment of the House and I am willing to conform to it. I say start in with the beginners at the lower salary, say $800, and gradually, by length of service, come up to the higher service. That proposition I trust the House will intelligently consider and intelligently pass upon.

The CHAIRMAN. The debate on the pending amendment has expired.

MESSAGE FROM THE SENATE.

The committee informally rose to receive a message from the Senate, Mr. DOCKERY in the chair.

A message from the Senate, by Mr. PLATT, one of its clerks, announced agreement to the report of the committee of conference on the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. COX. I move to strike out the last word.

The CHAIRMAN. That is an amendment in the third degree.

Mr. BLOUNT. I withdraw the *pro forma* amendment.

Mr. COX. I renew it for the purpose of calling the attention of my friend from Illinois [Mr. CANNON] to a little bit of history in connection with these matters of postal service. A good many years ago—I like to speak after the manner of the Orientals and to tell a story—a good many years ago I had trouble here to get the letter-carriers better pay, to obtain for them their vacation and limitation of their hours of labor, and other advantages. I remember that I found one of the most strenuous opponents of one of these measures to be my good friend from Illinois [Mr. CANNON]. I had quite a struggle to secure the passage of the bill raising the pay of the carriers. I went away from this country and was gone for some time. When I came back into my place here I had a kind welcome from my friend from Illinois. I remember that when he came to my seat among the first things he said was, "My dear brother COX, since you went away to the land of the Orient, Danville, in Illinois, has grown to be a city of 10,000 people! We want help now for Danville; forget my little fight against you on the letter-carriers' bill; let her come in under the letter-carrier free-delivery system, and we'll all be happy." The pending measure was the bill allowing the free delivery to cities of 10,000 inhabitants. As he said it he smiled so magnificently that I did not know whether his mouth was on the front or on the rear side of his head. [Laughter.]

Well, I said to my friend, "There is nothing mean about me, and I will help you," and I did, and so Danville is happy. Now I am attacked by the gentleman from Illinois [Mr. CANNON] and by the gentleman from Indiana [Mr. HOLMAN], who seem to be confederated on this subject—I mean confederate in the worst sense [laughter]—because I am not economic, I suppose. They will not give credit for the free-delivery system as they should. We fight this, as they did that system. That system has been growing ever since 1875, and it has grown even since last year. Before me is a table taken from the report of the First Assistant Postmaster-General for 1888. It shows a net gain in local postage on the free-delivery system over the total cost of the service above that of the preceding year of $226,771.18, or nearly 11 per cent., there being $2,299,332.80 excess of local postage over total cost this year against $2,072,561.62 of 1887.

Since 1875, sir, there has been a continuous net gain to the Government in all the various cities here enumerated, by reason of giving more liberal compensation to the letter-carriers. The cost of the whole service in the United States is demonstrated to be $5,422,356.36; the postage $7,721,689.16. By the same table I call on my friend from Illinois to notice my prediction. When he comes back here ten years from now—if he is not made Speaker before that and retired—when he comes back here ten years from now, I shall be here of course, because though men may come and men may go, sometimes I think that I seem to go on forever [laughter]—when he comes back, I say, I will remind him of this matter, as I do after a decade remind him of his opposition to the successful free-delivery system, which makes cash in excess in New York equal to a net gain of a million and a third, and is otherwise a splendid result of generous foresight and human prudence. My moral is that by giving generous salaries—by following the advice of the Postmasters-General and their assistants and all of our best postmasters—we do and will so classify these clerks and so aid and develop the system that the gentleman from Illinois himself may yet appear here to deliver an encomium upon that service which has been so well explained by my friend from Georgia [Mr. BLOUNT] and systematized with the aid of the Department.

Mr. CANNON. Mr. Chairman, I want to say a word. My friend from New York [Mr. COX] loves to dwell upon the great change that he accomplished in the past for the letter-carriers. Well, I am glad that he has accomplished great things, and by and by, when a bill comes up in the next Congress to affect the letter-carriers, I will talk with him about it. It occurs to me now, however, that possibly the gentleman's praise of his own policy may be a little out of place upon this bill, because the letter-carriers are not to be affected at all by this paragraph.

Mr. COX. I did not say that. I was pointing out to you as an example to be followed in this case the success of the letter-carriers' free-delivery system.

Mr. CANNON. Nobody's salary is to be cut down by my amendment.

Mr. COX. You argued against the salaries being raised.

Mr. CANNON. On the contrary, the present minimum salary of these stenographers is $480; and the committee's bill fixes the minimum at $1,200, and my amendment fixes the minimum at $800, but leaves the maximum undisturbed.

Mr. COX. Is the gentleman in favor of this classification system?

Mr. CANNON. I was not in favor of this particular classification system; I want to let the Postmaster-General classify according to the necessities of the service; but the House appears to be in favor of it, and so, in good faith, I am trying to amend it so as to improve the service.

Mr. COX. Did not the gentleman's opposition begin when his amendment proposing to raise the appropriation was lost?

Mr. CANNON. Certainly.

Mr. COX. And not before?

Mr. CANNON. Certainly not.

Mr. COX. Then you are not logical or consistent.

Mr. CANNON. Oh, my friend from New York is the only man that has stood for twenty years and been consistent first, last, and all the time. [Laughter.]

Mr. COX. I am very much obliged to the gentleman for that compliment. I feel as if I did not deserve it. [Laughter.]

Mr. CANNON. I do not pretend to be consistent. I say again it is well enough for us to understand just what we are doing. The gentleman may posture (and I say it respectfully) touching this matter, but I noticed that he did not posture the other day when I offered the amendment to pay this force as he is trying to establish it. He passed between the tellers and voted "no."

Mr. COX. I did not want to break down the classification system.

Mr. CANNON. That is, you wanted to vote to pay special salaries, and then not give the money. [Laughter.]

Mr. COX. That will be provided for.

Mr. CANNON. Mr. Chairman, I say again, in perfect good faith, wishing this classification system well, that if it is to stand and perform its functions for the best interests of these employés as well as the best interests of the country, it is proper that the boys when they go into this business should start upon a basis something near that on which other boys start when they go into other business. But even with this amendment the pay is substantially one-half more to the beginner in this service than it is when a similar beginner goes into a counting-house, or banking-house, or mercantile establishment to accept private employment.

Mr. BLOUNT addressed the Chair.

The CHAIRMAN. The debate on the pending amendment is exhausted.

Mr. COX. I will withdraw the formal amendment.

Mr. BLOUNT. I renew it.

The CHAIRMAN. The Chair will state that the pending amendment is a substantial amendment; but if there be no objection the gentleman from Georgia will be allowed to proceed.

Mr. BLOUNT. The gentleman from Illinois cautions members that the money proposed here to be appropriated will be used in the first and second class offices, and that the third-class offices will not get any, if we do not appropriate money enough. Now, I do not know where the gentleman gets his authority for that statement. I have never known anything like it in the practice of the Government under any administration; and it looks to me as if it were nothing more than a dogma of the gentleman, useful in debate, useful in advancing what he is attempting to accomplish in the way of argument.

The gentleman says that the gentleman from Indiana [Mr. HOLMAN] and myself have been responsible for small salaries in the past. Mr. Chairman, let it be so. The Forty-seventh Congress did not change that policy; and the gentleman himself was alike responsible. But I acquit the gentleman from Indiana, the gentleman from Illinois, and the Congress of the United States, as well as myself, from any improper purpose in that regard. I have in my hand the designations of the various persons employed in the post-offices of the country; and it is a surprise to most of the gentlemen in the House that there are employés with these designations in the postal service at all. I am guilty of no disrespect to the House when I say that from lack of experience the House did not properly measure salaries when it voted these appropriations in the past. The House did not know that stenographers were getting a maximum or a minimum salary; it did not know that it was voting in that fund a dollar for a stenographer. So it is all the way through. What does this classification mean? It means that these employés shall not have their salaries go up and down by a see-saw movement from one year to another by reason of a lack of detailed information in this House in regard to the employés in the postal service.

It means that the only way to guard against that difficulty is by classification—by fixing their salaries. Never will the House come to consider these salaries in detail so long as the money is voted in gross. Just so long as it is voted in gross there will be a want of intelligent action in reference to these allowances.

There is no gentleman in this House, I take it, who would claim to have sufficient knowledge to enable him to take a gross sum of money and go through salary by salary among all the employés in the post-offices of this country and adjust the compensation. That is impossible for us; therefore we can only classify.

Now, it does not by any means follow that when these lower grades are lifted the gross amount is greatly enlarged. It is easy to make a declaration that such is the effect, but an examination of the rosters of the post-offices of the country does not sustain it. I say it is susceptible of absolute demonstration that this bill, with these minimum salaries as they are, provides money enough for all the clerks in the post-offices of the United States. I wish to see a proper minimum retained. I appeal to the experience of gentlemen all over this House whether or not they have not found that some of the postal employés within their knowledge were so poorly paid that they were not willing to remain in the public service. I appeal to members of this House to say whether the great postal system of the United States should be subject to such a contingency. Mr. Chairman, so far as I am concerned I am willing to meet the situation as the service requires, though it may cost an increase of a few hundred thousand dollars in the matter of expenditure.

[Here the hammer fell.]

Mr. CASWELL obtained the floor.

Mr. BLOUNT. Before the gentleman from Wisconsin proceeds I would like to have some agreement as to closing debate. I ask unanimous consent that debate on this paragraph and all amendments thereto terminate in ten minutes.

Mr. CASWELL. I have no objection to that.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent that debate on the pending paragraph and amendments thereto be closed in ten minutes. Is there objection?

Mr. KERR. I desire to say a few words.

The CHAIRMAN. Does the gentleman from Iowa object?

Mr. KERR. I object unless I can have a few minutes.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. BLOUNT. Then I move that the committee rise for the purpose of closing debate on this paragraph.

Mr. KERR. I withdraw my objection.

The CHAIRMAN. Is there further objection? The Chair hears none; and debate on the pending paragraph and all amendments thereto is limited to ten minutes. The gentleman from Wisconsin [Mr. CASWELL] is entitled to the floor.

Mr. CASWELL. I wish to say—and I would be glad to have the concurrence of the chairman of the committee having this bill in charge [Mr. BLOUNT]—that I want to move that the committee rise so that I may submit a conference report upon the direct-tax bill.

Mr. BURROWS. It will take but a minute.

Mr. CASWELL. It will take only a few moments. It is important that it should be considered at once. I move that the committee rise.

Mr. BLOUNT. I wish to say, in reply to what the gentleman from Wisconsin has said, that this bill seems to be in the hands of the conferees, who can bring the matter up at any time. Appropriation bills should be acted on and sent to the Senate as soon as possible, and I hope they will not be delayed.

Mr. CASWELL. It has never been my wish to obstruct the general appropriation bills. On the contrary, I have always helped to pass them through the House. Action on the report of the conference committee will take but a few moments of time. I wish to say to the friends of the bill that it is important we should consider the report of the conference committee as soon as we can. I move that the committee rise.

The committee divided; and there were—ayes 63, noes 68.

Mr. CASWELL. I call for tellers.

Tellers were ordered; and Mr. BLOUNT and Mr. CASWELL were appointed.

The committee again divided; and the tellers reported—ayes 98, noes 83.

So the motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. TURNER, of Georgia, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

DIRECT TAX.

Mr. CASWELL. I present a privileged report.

The SPEAKER *pro tempore*. The report will be read.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. What is this matter?

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. CASWELL] stated that he desired to submit a conference report.

Mr. ROGERS. Is it privileged?

The SPEAKER *pro tempore*. It is.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same amended to read as follows:

"SEC. 4. That it shall be the duty of the Secretary of the Treasury to pay to such person as shall in each case apply therefor, and furnish satisfactory evidence that such applicant was at the time of the sales hereinafter mentioned the legal owner, or is the heir at law or devisee of the legal owner of such lands as were sold in the parishes of St. Helena and St. Luke's, in the State of South Carolina, under the said acts of Congress, the value of said lands in the manner following, to wit: To the owners of the lots in the town of Beaufort, one-half of the value assessed thereon for taxation by the United States direct-tax commissioners for South Carolina; to the owners of lands which were rated for taxation by the State of South Carolina as being usually cultivated, $5 per acre for each acre thereof returned on the proper tax-book; to the owners of all other lands, $1 per acre for each acre thereof returned on said tax-book: *Provided*, That in all cases where such owners, or persons claimingunder them, have redeemed or purchased said lands, or any part thereof, from the United States, they shall not receive compensation for such part so redeemed or purchased, and any sum or sums held or to be held by the said State of South Carolina in trust for any such owner under section 3 of this act shall be deducted from the sum due to such owner under the provisions of this section: *And provided further*, That in all cases where said owners have heretofore received from the United States the surplus proceeds arising from the sale of their lands, such sums shall be deducted from the sum which they are entitled to receive under this act. That in all cases where persons, while serving in the Army or Navy or Marine Corps of the United States, or who had been honorably discharged from said service, purchased any of said lands under section 11 of the act of Congress approved June 7, 1862, and such lands afterwards reverted to the United States, it shall be the duty of the Secretary of the Treasury to pay to such persons as shall in each case apply therefor, or to their heirs at law, devisees, or grantees, in good faith and for valuable consideration, whatever sum was so paid to the United States in such case. That before paying any money to such persons the Secretary of the Treasury shall require the person or persons entitled to receive the same to execute a release of all claims and demands of every kind and description whatever against the United States arising out of the execution of said acts, and also a release of all right, title, and interest in and to the said lands. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, or so much thereof as may be necessary, to pay for said lots and lands, which sum shall include all moneys in the Treasury derived in any manner from the enforcement of said acts in said parishes and not otherwise appropriated. That section 1063 of the Revised Statutes is hereby made applicable to claims arising under this act without limitation as to the amount involved in such claim: *And provided further*, That any sum or sums of money received into the Treasury of the United States from the sale of lands bid in for taxes in any State under the laws described in the first section of this act in excess of the tax assessed thereon shall be paid to the owners of the land so bid in and resold or to their legal heirs or representatives."

And the House agree to the same.

That the House recede from its amendments numbered 3 and 4.

L. B. CASWELL,
GEORGE E. SENEY,
Managers on the part of the House.

JOHN SHERMAN,
JUSTIN S. MORRILL,
ISHAM G. HARRIS,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

STATEMENT.

The conferees on the part of the House submit the following statement to accompany their report upon the disagreeing votes of the two Houses to the House amendments to the bill (S. 139) to credit and to pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

The effect of the report as agreed to leaves the first amendment to the bill adopted by the House, which was "by offset or otherwise," to stand as it passed the House.

The amendment known as section 2 is amended by this report so as to fix the sum to be paid for the lots in the town of Beaufort at one-half the sum named in the House amendment.

The sum to be paid for the lands known as cultivated lands is reduced by this report from ten to five dollars per acre.

The House amendment is further modified so as to require such sums as are paid to the State in trust for the owners of these lands to be deducted from the amount due to such owners under this section, and prevent double payments.

The section is also amended by the report so as to require payment to the owners of lands sold for taxes in any State and bid in by the Government such sums as have been received on a resale of the lands over and above the tax levied.

The amount appropriated to carry out the provisions of the amendment is reduced from $850,000 to $500,000.

Amendments numbered 3 and 4 are only formal amendments transposing the sections.

L. B. CASWELL,
GEO. E. SENEY,
Managers on the part of the House.

Mr. CRISP. I desire to raise the question of consideration.

Mr. MCMILLIN. That is what I rose to do. I have been unable to find the gentleman from Alabama [Mr. OATES].

Mr. BRECKINRIDGE, of Kentucky. Is this conference report signed by all the managers on the part of the House?

Mr. CASWELL. It is signed by all except the gentleman from Alabama [Mr. OATES], who is not in his seat.

Mr. MCMILLIN. I hope the gentleman from Wisconsin will not insist upon taking it up now.

Mr. CASWELL. I regret exceedingly the absence of the gentleman from Alabama, but so much delay has already intervened I feel justified in pressing it forward.

Mr. WHEELER rose.

Mr. CASWELL. There is no intention of indulging in debate on this side of the House, and I suppose the conference report can be passed without debate pro or con.

Mr. WHEELER. Is it not in order to demand the reading of the bill?

The SPEAKER *pro tempore*. The report has already been read.

Mr. CASWELL. I will ask unanimous consent at the proper time that the gentleman from Alabama [Mr. OATES] may have full opportunity to print such remarks as he wishes to print on this bill in the RECORD.

Mr. MCMILLIN. Oh! you are very magnanimous; but we would rather have him present when this report is acted upon.

Mr. CANNON. Let me ask where the gentleman is now.

Mr. MCMILLIN. He is temporarily out of the Hall.

Mr. ROGERS. He has been here all day.

Mr. CANNON. Why is he not here now?

Mr. ROGERS. For the same reason that you are not present at times. The gentleman will be here perhaps within five minutes. He is no doubt in the building.

Mr. CASWELL. Mr. Speaker, I demand the previous question on the adoption of the report.

Mr. CRISP. I trust I will be permitted to be heard in reply to the statement of the gentleman from Wisconsin [Mr. CASWELL].

The SPEAKER *pro tempore*. The question of consideration is not debatable.

Mr. CRISP. I ask unanimous consent to be heard.

Mr. HOPKINS, of Illinois. I object.

Mr. RANDALL. Regular order.

Mr. CRISP. Can I not be heard for a moment?

The SPEAKER *pro tempore*. The Chair will state that the regular order is demanded by the gentleman from Pennsylvania, which cuts off all requests for unanimous consent.

Mr. RANDALL. That is on the question of consideration.

Mr. CRISP. I will state that it is my intention to call up the election case, and I only gave way this morning for the consideration of the appropriation bill—— [Cries of "Regular order!"]

Mr. WHEELER. I wish to know, Mr. Speaker, whether before the vote is taken we may not have the bill read in order to see what it is? [Cries of "Regular order!"]

Mr. ROGERS. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question of consideration has been raised by the gentleman from Georgia [Mr. CRISP], pending which the gentleman from Arkansas moves that the House do now adjourn.

Mr. BRECKINRIDGE, of Kentucky. Pending that, as there is a meeting to-night, I move that the House now take a recess until half past 7 o'clock.

The SPEAKER *pro tempore*. The Chair will state that the motion to adjourn is of superior privilege to the motion to take a recess, and will be first submitted.

Mr. ROGERS. I withdraw the motion, and will let the vote be taken on the motion of the gentleman from Kentucky.

Mr. DIBBLE. I raise the point of order against the motion to take a recess, that it can not supersede the question on the adoption of a conference report, which report may be submitted even to the interruption of a motion to adjourn.

The SPEAKER *pro tempore*. The gentleman is correct in the view that the presentation of a conference report is a matter of the highest privilege; but the question of consideration has been raised against it, and the Speaker of the House recently held that under such circumstances motions to adjourn, or to fix a day to which the House shall adjourn, or take a recess, are in order.

Mr. DIBBLE. But does that apply to a conference report?

The SPEAKER *pro tempore*. It applies to a conference report when the question of consideration has been raised.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Michigan. Was there not a solemn agreement entered into that there should be no dilatory action—[cries of "Regular order!"]—that there should be no dilatory motions upon the consideration of this bill during this Congress?

The SPEAKER *pro tempore*. The Chair thinks that is not in the nature of a parliamentary inquiry.

Mr. ALLEN, of Michigan. It is at least a very pertinent inquiry.

Mr. CHEADLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CHEADLE. Is it not true that the Speaker recently ruled that a motion to consider a second conference report was not privileged against a motion to adjourn, but that the consideration of the first report was privileged, and we did consider one report?

The SPEAKER *pro tempore*. The Chair is quite positive as to the ruling of the Speaker, and the views of the present occupant of the chair as announced a few moments since are in harmony with that ruling. The Speaker's decision will be found on pages 726 and 727 of the RECORD.

Mr. GEAR. I understood the gentleman from Arkansas to withdraw his motion to adjourn.

The SPEAKER *pro tempore*. He did; and the gentleman from Kentucky has moved that the House take a recess until 7.30, which is the pending question.

Mr. BRUMM. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it, although the vote is about being taken.

Mr. BRUMM. My inquiry is whether, after an agreement has been entered into unanimously by this House, it is admissible to entertain any motion in violation of that agreement?

The SPEAKER *pro tempore*. The Chair knows of no agreement inconsistent with the ruling already made. It may be that there is some outside understanding that will control the action of individual members, but the Chair knows of no order of the House that prohibits the submission of the pending motion.

Mr. REED. Oh, it was only the agreement of the Democratic caucus; that is all. [Laughter.]

Mr. ROGERS. Pending the motion of the gentleman from Kentucky, I move that the House do now adjourn.

Mr. MCMILLIN. In order to give time to have the gentleman from Alabama here, I move that when the House adjourns to-day it be to meet on Thursday next.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Tennessee, that when the House adjourns to-day it be to meet on Thursday next.

Mr. ALLEN, of Michigan. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Michigan. The point of order is that the Chair can not entertain the motion of the gentleman from Arkansas [Mr. ROGERS] or the motion of the gentleman from Tennessee [Mr. MCMILLIN], because at the time the motions were made the question was being taken on a recess, and one side has been taken on the vote.

The SPEAKER *pro tempore*. The Chair overrules the point of order, which even if good comes too late. The question is on the motion of the gentleman from Tennessee, that when the House adjourns to-day it be to meet on Thursday next.

Mr. TOWNSHEND. Will it be in order to call attention to the fact that the gentleman from Alabama [Mr. OATES] has arrived? [Laughter.]

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. MCMILLIN. Division.

The House divided; and there were—ayes 3, noes 132.

Mr. MORSE. No quorum.

Mr. CASWELL. I desire to call the attention of the House and the gentleman from Tennessee [Mr. MCMILLIN] [cries of "Regular order!" on the Democratic side] to the fact that the gentleman from Alabama [Mr. OATES] is present. [Renewed cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Massachusetts [Mr. MORSE] and the gentleman from Wisconsin [Mr. CASWELL].

Mr. SOWDEN demanded the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PRUDEN, one of his secretaries.

It was also announced that the President had approved and signed bills of the following titles:

On February 12, 1889:

An act (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas;

An act (H. R. 9040) to confirm the homestead entry of Hugh Foster;

An act (H. R. 12009) to provide for keeping open the Potomac River;

An act (H. R. 11854) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889;

An act (H. R. 1860) to amend section 683 of the Revised Statutes, relating to the distribution of the reports of the Supreme Court; and

An act (H. R. 538) granting a pension to James Miller.

NOTE.—This bill was presented to the President January 31, 1889, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his signature.

On February 13, 1889:

An act (H. R. 1599) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri;

An act (H. R. 3132) for the relief of David A. Haywood; and

An act (H. R. 331) for the relief of David Meriwether.

On February 14, 1889:

A joint resolution (H. Res. 257) making an appropriation for payment to the legal representatives of James B. Eads;

An act (H. R. 496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois;

A joint resolution (H. Res. 25) to print 4,000 copies of the report of Naval Constructor Philip Hichborn on European dock-yards;

An act (H. R. 550) for the relief of William R. Blakeslee; and

An act (H. R. 9396) for the relief of General William F. Smith.

On February 15, 1889:

An act (H. R. 3312) to create the northeastern division of the southern Federal judicial district of Georgia, and to take certain counties from the northern district and add to the southern district, and to provide for holding courts in said northeastern division, and for other purposes;

An act (H. R. 11693) to amend section 555 of the Revised Statutes relating to the District of Columbia; and

An act (H. R. 300) for the relief of the trustees of the First Baptist Church at Smithland, Ky.

On February 16, 1889:

An act (H. R. 6404) for the relief of Charles F. Swain, master of the bark Philena.

DIRECT-TAX BILL.

The question was taken on the motion of Mr. MCMILLIN; and it was decided in the negative—yea 1, nays 203, not voting 118; as follows:

YEA—1.

Anderson, Ill.

NAYS—203.

Abbott,	Davidson, Fla.	Latham,	Rowell,
Adams,	Davis,	Lawler,	Rowland,
Allen, Mich.	De Lano,	Lehlbach,	Russell, Conn.
Anderson, Iowa	Dibble,	Lodge,	Rusk,
Arnold,	Dingley,	Long,	Ryan,
Atkinson,	Dockery,	Lynch,	Sawyer,
Baker, N. Y.	Dunham,	Maish,	Sayers,
Baker, Ill.	Dunn,	Martin,	Scull,
Bankhead,	Elliott,	Mason,	Seney,
Barnes,	Farquhar,	McAdoo,	Seymour,
Bayne,	Felton,	McClammy,	Sherman,
Belden,	Finley,	McCormick,	Smith,
Bingham,	Fisher,	McCullogh,	Sowden,
Blount,	Flood,	McKinley,	Spinola,
Boothman,	Forney,	McKinney,	Spooner,
Bound,	Fuller,	McRae,	Springer,
Bowden,	Funston,	Milliken,	Steele,
Breckinridge, Ark.	Gaines,	Mills,	Stephenson,
Brower,	Gallinger,	Moffitt,	Stewart, Tex.
Browne, T. H. B., Va.	Gay,	Moore,	Stewart, Ga.
Browne, Ind.	Gear,	Morgan,	Stewart, Vt.
Brown, Ohio	Gest,	Morrill,	Stockdale,
Brumm,	Glass,	Morse,	Stone, Ky.
Buchanan,	Grimes,	Nelson,	Struble,
Buckalew,	Grout,	Newton,	Taulbee,
Burrows,	Hall,	Norwood,	Taylor, E. B., Ohio
Butler,	Harmer,	O'Donnell,	Taylor, J. D., Ohio
Butterworth,	Haugen,	O'Ferrall,	Thomas, Ky.
Bynum,	Hayden,	O'Neill, Pa.	Thomas, Wis.
Campbell, F., N. Y.	Hayes,	O'Neill, Mo.	Townshend,
Cannon,	Heard,	Osborne,	Turner, Kans.
Carlton,	Hemphill,	Outhwaite,	Turner, Ga.
Caswell,	Henderson, Iowa	Owen,	Vance,
Catchings,	Henderson, Ill.	Parker,	Vandever,
Cheadle,	Hermann,	Patton,	Wade,
Chipman,	Hiestand,	Peel,	Walker,
Clark,	Hires,	Penington,	Warner,
Clements,	Hitt,	Perkins,	Washington,
Cobb,	Holman,	Phelps,	Weber,
Compton,	Holmes,	Pidcock,	Wheeler,
Conger,	Hopkins, Ill.	Plumb,	White, Ind.
Cooper,	Hopkins, Va.	Posey,	Whiting, Mass.
Cothran,	Hopkins, N. Y.	Post,	Wickham,
Cox,	Howard,	Pugsley,	Wilber,
Crain,	Johnston, N. C.	Randall,	Wilkinson,
Crisp,	Kean,	Rayner,	Wilson, Minn.
Culberson,	Kennedy,	Reed,	Wilson, W. Va.
Cummings,	Kerr,	Rice,	Wise,
Cutcheon,	La Follette,	Rockwell,	Woodburn,
Dargan,	Lagan,	Rogers,	Yardley.
Darlington,	Lanham,	Romeis,	

NOT VOTING—118.

Allen, Mass.	Davidson, Ala.	Ketcham,	Peters,
Allen, Miss.	Dorsey,	Kilgore,	Phelan,
Anderson, Miss.	Dougherty,	Laffoon,	Richardson,
Anderson, Kans.	Enloe,	Laidlaw,	Robertson,
Bacon,	Ermentrout,	Laird,	Russell, Mass.
Barry,	Fitch,	Landes,	Scott,
Biggs,	Foran,	Lane,	Shaw,
Blanchard,	Ford,	Lee,	Shively,
Bland,	French,	Lind,	Simmons,
Bliss,	Gibson,	Lyman,	Snyder,
Boutelle,	Glover,	Macdonald,	Stahlnecker,
Bowen,	Goff,	Maffett,	Stone, Mo.
Breckinridge, Ky.	Granger,	Mahoney,	Symes,
Brewer,	Greenman,	Mansur,	Tarsney,
Brown, J. R., Va.	Grosvenor,	Matson,	Thomas, Ill.
Bryce,	Guenther,	McComas,	Thompson, Ohio
Bunnell,	Hare,	McCreary,	Thompson, Cal.
Burnett,	Hatch,	McKenna,	Tillman,
Campbell, Ohio,	Henderson, N. C.	McMillin,	Tracey,
Campbell, T. J., N. Y.	Herbert,	McShane,	Weaver,
Candler,	Hogg,	Merriman,	West,
Caruth,	Hooker,	Montgomery,	White, N. Y.
Clardy,	Houk,	Morrow,	Whiting, Mich.
Cockran,	Hudd,	Neal,	Whitthorne,
Cogswell,	Hunter,	Nichols,	Wilkins,
Collins,	Hutton,	Nutting,	Williams,
Cowles,	Jackson,	Oates,	Yoder,
Crouse,	Johnston, Ind.	O'Neall, Ind.	Yost.
Dalzell,	Jones,	Payson,	
Davenport,	Kelley,	Perry,	

So the motion was rejected.

Mr. WHEELER. I move to dispense with the reading of the names of members voting.

Mr. MORSE. I object.

The Clerk recapitulated the names.

The following-named members were announced as paired until further notice:

Mr. BURNETT with Mr. GOFF.
Mr. FORD with Mr. GUENTHER.
Mr. PERRY with Mr. CROUSE.
Mr. BARRY with Mr. YOST.
Mr. PHELAN with Mr. BUTLER.
Mr. WHITTHORNE with Mr. LYMAN.
Mr. MCSHANE with Mr. LAIRD.
Mr. SNYDER with Mr. BOWEN.
Mr. NEAL with Mr. HOUK.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. GROSVENOR and Mr. CAMPBELL, of Ohio, were announced as paired from 3 o'clock, February 18, until Saturday, February 23.

The following members were announced as paired for this day:

Mr. ERMENTROUT with Mr. BUNNELL.
Mr. GREENMAN with Mr. NUTTING.
Mr. BRYCE with Mr. THOMAS, of Illinois.
Mr. LEE with Mr. KELLEY.
Mr. HENDERSON, of North Carolina, with Mr. KETCHAM.
Mr. CARUTH with Mr. MCCOMAS.
Mr. CLARDY with Mr. DORSEY.
Mr. WILKINS with Mr. PETERS.
Mr. STONE, of Missouri, with Mr. WILLIAMS.
Mr. MACDONALD with Mr. MOFFITT.
Mr. HERBERT with Mr. BOUTELLE.
Mr. ROBERTSON with Mr. THOMPSON, of Ohio.
Mr. MCMILLIN and Mr. STRUBLE were announced as paired on this vote.

The vote was then announced as above recorded.

Mr. SPINOLA. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. SPINOLA. I rise for the purpose of asking unanimous consent that I may make some remarks in regard to a great national question.

Mr. RANDALL. I object.

Several MEMBERS. Regular order!

Mr. MORSE. I now move that when the House adjourn to-day it adjourn to meet on Friday next.

The question was put on the motion of Mr. MORSE; and the Speaker *pro tempore* declared that the noes seemed to have it.

Mr. MORSE. I ask for a division.

The House divided; and there were—ayes 2, noes 86.

Mr. MORSE. No quorum.

Mr. CASWELL. I suppose that my friend from Massachusetts has forgotten the obligation that gentlemen on the other side are under not to filibuster against this bill.

[Cries of "Regular order!" on the Democratci side.]

The SPEAKER *pro tempore*. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Massachusetts [Mr. MORSE] and the gentleman from Wisconsin [Mr. CASWELL].

Mr. SPINOLA. I rise partly to a question of privilege and partly by unanimous consent. While we are waiting—[laughter]——

Mr. RANDALL. I object.

Mr. CASWELL. I move there be a call of the House.

The motion was agreed to.

The roll was called, and the following members failed to answer to their names:

Allen, Miss.	Dougherty,	Laird,	Shively,
Anderson, Miss.	Enloe,	Lee,	Snyder,
Bacon,	Ermentrout,	Lodge,	Stahlnecker,
Barry,	Felton,	Lyman,	Stone, Ky.
Blanchard,	Fitch,	Maffett,	Stone, Mo.
Blount,	Foran,	Matson,	Symes,
Bowen,	Ford,	McAdoo,	Tarsney,
Browne, Ind.	Glover,	McComas,	Thomas, Ill.
Bryce,	Goff,	McShane,	Thompson, Ohio
Bunnell,	Granger,	Morrow,	Tracey,
Burnett,	Greenman,	Neal,	Turner, Kans.
Campbell, Ohio	Grosvenor,	Norwood,	West,
Campbell, T. J., N. Y.	Guenther,	Nutting,	White, Ind.
Carlton,	Harmer,	Payson,	White, N. Y.
Caruth,	Hogg,	Perkins,	Whitthorne,
Clardy,	Hunter,	Perry,	Wilkins,
Collins,	Jackson,	Peters,	Wise,
Crouse,	Johnston, Ind.,	Phelan,	Yost.
Dalzell,	Kelley,	Phelps,	
Davenport,	Ketcham,	Robertson,	
Dorsey,	Laidlaw,	Russell, Mass.	

The following members were announced as absent on leave:

Bryce,	Crouse,	Lyman,	Phelan,
Bunnell,	Granger,	Perry,	Yardley,
Burnett,	Laird,	Peters,	Yost.

Mr. WHITING, of Massachusetts. I ask that my colleague from Massachusetts, Mr. ALLEN, be excused on account of sickness.

The motion was agreed to.

Mr. MERRIMAN. I ask that my colleague, Mr. BACON, be excused on account of sickness.

There being no objection, Mr. BACON was excused.

Mr. HOPKINS, of New York. I ask that my colleague, Mr. NUTTING, be excused on account of sickness.

There being no objection, Mr. NUTTING was excused.

Mr. MCMILLIN. I ask that my colleague, Mr. NEAL, be excused on account of sickness.

There being no objection, Mr. NEAL was excused.

Mr. WHEELER. I ask leave of absence for one hour.

Several members objected.

Mr. ANDERSON, of Kansas. The gentleman from Maryland, Mr. MCCOMAS, left the House yesterday on account of sickness. I ask that he be excused.

There being no objection, Mr. MCCOMAS was excused.

Mr. MCKENNA. I ask that my colleague, Mr. MORROW, be excused on account of important business.

There being no objection, Mr. MORROW was excused.

Mr. MOFFITT. The gentleman from Illinois, Mr. PAYSON, is absent on account of a lame ankle. I ask that he be excused.

There being no objection, Mr. PAYSON was excused.

Mr. COX. I ask that my colleague, Mr. STAHLNECKER, who is ill, be excused.

There being no objection, Mr. STAHLNECKER was excused.

Mr. HITT. I ask that the gentleman from Colorado, Mr. SYMES, be excused because he is sick.

There being no objection, Mr. SYMES was excused.

Mr. MCMILLIN. I ask leave of absence for my colleague, Mr. WHITTHORNE, on account of illness.

There being no objection, leave of absence was granted.

The SPEAKER *pro tempore*. On this call 241 members have answered to their names, being more than a quorum.

Mr. CASWELL. I move that all further proceedings under the call be dispensed with.

Mr. SPINOLA. Would it be in order to move an amendment to that motion?

The SPEAKER *pro tempore*. It would not be.

The question was taken on the motion of Mr. CASWELL; and there were—ayes 75, noes 3.

Mr. MORSE. I call for tellers.

Tellers were not ordered, only 10 voting in favor thereof.

The vote was announced as above stated.

So the motion of Mr. CASWELL that all further proceedings under the call be dispensed with was agreed to.

Mr. SPINOLA. No quorum has voted.

The SPEAKER *pro tempore*. This question does not require a quorum. The question now recurs on the motion of the gentleman from Massachusetts [Mr. MORSE] that when the House adjourns it adjourn to meet on Friday next. The tellers will resume their places.

Mr. MCMILLIN. Will the vote be taken *de novo?*

The SPEAKER *pro tempore*. It will. The gentleman from Massachusetts [Mr. MORSE] and the gentleman from Wisconsin [Mr. CASWELL] will resume their places as tellers.

The tellers took their places. After the count had proceeded for some time,

Mr. CASWELL said: I ask, by unanimous consent, that the House now take its recess, to reassemble at half past 7 o'clock this evening; and I give notice that to-morrow I will again bring up this report for consideration.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. CASWELL] asks unanimous consent that the House now take its recess until half past 7 o'clock this evening, the evening session to be for the consideration of business under the special order.

Mr. ANDERSON, of Kansas. What is that?

The SPEAKER *pro tempore*. This evening session has been assigned to business of the Committee on Military Affairs.

Mr. BLOUNT I ask that the request of the gentleman from Wisconsin [Mr. CASWELL] be so modified that we may proceed with the consideration of the Post-Office appropriation bill until 5 o'clock.

Mr. CASWELL. I have no objection.

Mr. MORSE. I do not object.

Mr. DIBBLE. I presume it is understood that the privilege and status of the conference report will not be lost by this intervening business. Unless that is understood I shall object.

The SPEAKER *pro tempore*. The report certainly can not lose its privilege.

Mr. CASWELL. I give notice that I will call it up again to-morrow.

The SPEAKER *pro tempore*. If there be no objection, the House will now again resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Post-Office appropriation bill.

There was no objection, and it was so ordered.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. TURNER, of Georgia, in the chair), and resumed the consideration of the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The CHAIRMAN. By consent the debate on this paragraph and all amendments to it has been limited to ten minutes.

Mr. KERR. Mr. Chairman, I believe the question before the House now is on the amendment striking out, in lines 1 and 2, on page 3, the words "two thousand and ten"——

Mr. FARQUHAR. The amendment is to make the minimum $800.

The CHAIRMAN. The pending amendment is that submitted by the gentleman from Illinois [Mr. CANNON], to which an amendment was submitted by the gentleman also from Illinois [Mr. ADAMS].

Mr. ADAMS. I withdraw my amendment.

The CHAIRMAN. Then the question is on the amendment submitted by the gentleman from Illinois [Mr. CANNON] to strike out, in the first and second lines, on page 3, the words "one thousand and two" and insert "eight," making it "$800 to not exceeding $1,600 per annum."

Mr. KERR. Now, Mr. Chairman, it seems to me that the adoption of the report of the committee would necessarily involve the expenditure of a large amount of money unnecessarily. It seems that we ought to allow the Post-Office Department—that is, the post-offices throughout the country—to employ their help at reasonable rates and as low as they can get it. I do not see any reason why the Government of the United States should apply another rule in the employment of its help than the rule that prevails in society usually as to the employment of men. My colleague on my left [Mr. ADAMS] informs me that in Chicago good stenographers are employed at from $40 to $50 a month who are employed during the entire day, which would be only about $500 per annum; and if that be the case, why should the United States Government say that the lowest-priced stenographers in the service of the Government employed in the Post-Office Department should be at least $800 per year?

I think we ought to be a little careful in the expenditure of the public money in this Department, for there is a general demand all over the country that we should, if possible, at the very earliest moment, adopt the policy of fixing postage on inland letters at 1 cent for transmission through the mails in place of 2 cents as at present. But if we pursue the policy of increasing the salaries of the employés of the Post-Office Department at this time, that reform now so generally demanded will become an impossibility and necessarily must be indefinitely postponed. I think we ought to do what we can to reduce the expenditures of this Department with a view of reaching this desirable condition of affairs in regard to postage as soon as possible.

In addition to that I wish to say in regard to this matter that I question very much the entire policy of the classification of the clerks in this Department. I do not believe it has worked well heretofore in the other Departments in Washington. I know, because I have heard the fact from men employed in the Departments here, that there is an eternal scramble on the part of certain persons occupying lower positions to be advanced to higher places, with the view of obtaining the larger salary, when they are not performing any more work; and if that rule of classification is extended all over the country you will find that same eternal scramble will extend to this department as it now exists in the Departments at Washington. I have heard, too, from many men in the Departments here in Washington that men are always pressing "the powers that be" for influence to promote them from one class of clerks to another, not because there is any more work to be done in the promoted class, but because it enables them to draw more pay; and I for one, as this new administration is coming into power, am not going to favor a proposition making larger and larger demands upon the time of members of Congress to answer letters of persons desiring positions in the Government service.

For these and other reasons I think the plan proposed here should not be adopted.

Mr. BLOUNT. How much time remains for the debate?

The CHAIRMAN. If no other gentleman desires to discuss the amendment, the Chair will assume that the time for debate has expired, and the question will be taken upon the adoption of the amendment.

The question was taken; and on a division there were—ayes 61, noes 46.

Mr. BLOUNT. In order to secure tellers on this vote, I make the point that no quorum has voted.

Mr. CANNON. I ask the gentleman to let us adopt the minimum here.

Mr. BLOUNT. The gentleman has been asking that all the time, and we do not agree.

The CHAIRMAN appointed as tellers Mr. BLOUNT and Mr. CANNON.

The committee again divided; and the tellers reported—ayes 70, noes 75.

The CHAIRMAN. Is the point of no quorum insisted upon?

Mr. CANNON. Well, my friend from Georgia wanted a quorum, and I guess we had better have it on this vote. [Laughter.]

The CHAIRMAN. The tellers will resume their places and continue the count.

The tellers reported—ayes 80, noes 83.

So the amendment was rejected.

Mr. CANNON. Now, Mr. Chairman——

Mr. HOLMAN. I submit, if the gentleman from Illinois will consent, an amendment to the paragraph. I move to strike out "one thousand and two," in lines 1 and 2 of this page, and insert "nine hundred."

Mr. SPINOLA. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana to offer the amendment?

Mr. CANNON. Oh, certainly.

Mr. SPINOLA. Mr. Chairman, I desire to be heard——

Mr. BLOUNT. I rise to a question of order, not with a view of interfering with my friend from New York, but to suggest that debate has been closed on this paragraph and all amendments thereto.

The CHAIRMAN. The gentleman is correct. The debate has been closed.

Mr. CANNON. I did not understand that.

Mr. DOCKERY. Debate has been closed.

Mr. CANNON. When?

Mr. DOCKERY. A few moments ago by consent.

The CHAIRMAN. The committee by unanimous consent ordered that debate upon this paragraph and all amendments to it be closed within ten minutes.

Mr. CANNON. And the time has expired?

The CHAIRMAN. Which time has expired, and the question is on the adoption of the amendment of the gentleman from Indiana.

Mr. HOLMAN. I merely suggested the amendment to the gentleman from Illinois.

The question was put; and on a division there were—ayes 16, noes 36.

Mr. HOLMAN. I call for tellers. I raise the point that no quorum has voted.

The CHAIRMAN appointed Mr. HOLMAN and Mr. BLOUNT tellers.

The tellers reported—ayes 36, noes 55.

Mr. HOLMAN. No quorum.

The CHAIRMAN. In order to enable the House to take a recess, in accordance with a prior order, the committee will now rise.

The committee accordingly rose; and Mr. DOCKERY having taken the Chair as Speaker *pro tempore*, Mr. TURNER, of Georgia, reported that the Committee of the Whole had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

And then (at 5 o'clock p. m.), under previous order, the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. DOCKERY as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *February* 19, 1889.

Hon. A. M. DOCKERY is hereby designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK, *Clerk*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the evening session is held.

The Clerk read as follows:

Resolved, That on Tuesday, February 19, 1889, the House shall take a recess at 5 o'clock p. m. until 7.30 p. m., the evening session to be devoted to the consideration of bills reported from the Committee on Military Affairs, the session to be limited to 10 o'clock p. m.

Mr. TOWNSHEND. I ask, by unanimous consent, the bills called up to-night reported from the Committee on Military Affairs be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and it is so ordered.

Mr. TOWNSHEND. I yield the floor to the gentleman from New York.

MONUMENT AT FORT GREENE, BROOKLYN.

Mr. SPINOLA. I call up for consideration the bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of prison-ships at Fort Greene, Brooklyn. The bill has been read through, the report has been read, the amendments adopted, and the bill ordered to a third reading.

The bill was read, as follows:

Be it enacted, etc., That the sum of $100,000 be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the erection and completion of a monument to the memory of the victims of British prison-ships at New York during the war of the Revolution, to be placed at Fort Greene, Brooklyn, State of New York: *Provided*, That the money appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and design for such monument shall, before any of the money so appropriated is expended, be first approved by the Secretary of War.

Mr. KILGORE. I make the point of order that this bill ought to be considered in Committee of the Whole.

The SPEAKER *pro tempore*. The House has just granted the request of the gentleman from Illinois that all these bills reported from the Committee on Military Affairs shall be considered in the House as in Committee of the Whole.

Mr. KILGORE. I want to give notice that none of these bills will pass in that way.

Mr. TOWNSHEND. The House has adopted a resolution that these bills shall be considered as in Committee of the Whole, which gives the same opportunity for opposition in the House as in the Committee of the Whole.

Mr. KILGORE. Oh, no; there is not.

Mr. TOWNSHEND. In what respect is there any difference?

Mr. KILGORE. There is considerable difference.

Mr. TOWNSHEND. I ask the gentleman for information, for I have been here twelve years and I have not learned what difference there would be.

Mr. KILGORE. I have been here for two years, and I know that there is a very great deal of difference.

Mr. TOWNSHEND. I say that when the order is made to consider bills as in Committee of the Whole we are governed by the same rules as in Committee of the Whole.

Mr. KILGORE. Only when you consider them in Committee of the Whole a man has two chances at them; otherwise you have only one. [Laughter.]

Mr. TOWNSHEND. I can only say this to the gentleman from Texas: That under the rules of the House, having but a small attendance as there is just now, it is within the power of one man to prevent the consideration of these bills. There will be no quorum, and it does not require any intellectual power to do it, power to say whether or not we shall have any legislation, and one man can prevent action being taken in the House just as well as in Committee of the Whole. A page could do it if he had the power, and could do it just as well in the House as in Committee of the Whole.

Mr. SPINOLA. Will the gentleman from Texas permit me——

Mr. KILGORE. I say this to the gentleman from Illinois, after the fair statement that he has made that every opportunity would be given in the House to oppose a measure, I will let this go on, but when it comes to an important bill that ought to be amended I think it ought to be considered in Committee of the Whole.

Mr. TOWNSHEND. A member would have the same privilege in the House as in Committee of the Whole. He can stop any bill he desires.

Mr. KILGORE. I have not been here as long as the gentleman from Illinois, but I know that it is an advantage to have a bill considered in the House instead of the Committee of the Whole.

Mr. TOWNSHEND. In all the experience that I have had here, I state to my friend that I have not been able to learn where he would get one single advantage by having a bill considered in Committee of the Whole that he would not be entitled to if it were considered in the House.

The SPEAKER *pro tempore*. The Chair is advised that these amendments have been agreed to in Committee of the Whole; that the bill has been engrossed and read a third time; and the question, therefore, is on the passage of the bill.

The question was put; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. KILGORE. Division.

The House divided; and there were—ayes 17, noes 3.

Mr. KILGORE. No quorum.

Mr. SPINOLA. Will the gentleman allow the bill to go over until to-morrow to a full House?

Mr. KILGORE. I can not, except you strike out the appropriation.

Mr. SPINOLA. Of course, then, Mr. Speaker, I withdraw the bill.

Mr. FELIX CAMPBELL. Before that bill is withdrawn I would like to say a word.

The SPEAKER *pro tempore*. If there is no objection, the gentleman from New York [Mr. FELIX CAMPBELL] will be heard.

Mr. FELIX CAMPBELL. I will object to everything that is presented here this evening.

Mr. SPINOLA. I hope my friend will let the bill go through which I am going to call up.

Mr. FELIX CAMPBELL. I will not let anything go through. The day for this sort of thing has gone by. There was an impression once that three men were not equal to one; but now it seems that fifty men are not equal to one, and that one undertakes to overrule fifty. That system has got to change in this country.

The SPEAKER *pro tempore*. The gentleman can speak only by unanimous consent.

MICHAEL KELLY.

Mr. SPINOLA. I call up the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9485) to remove the charge of desertion against Michael Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now standing on the records of his Department against Michael Kelly, late of Company C, Eighty-eighth Regiment New York Volunteers.

Mr. MATSON. I ask for the reading of the report in that case.

The report (by Mr. SPINOLA) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9485) to remove the charge of desertion against Michael Kelly, have examined the same, and submit the following report:

Michael Kelly was enrolled and mustered March 15, 1864, at New York City, to serve three years in Company C, Eighty-eighth New York Volunteers, and served therewith until May 5, 1864, when, at the battle of the Wilderness, he received a gunshot wound which resulted in the amputation of the index finger of the right hand. He was also shot in the right arm above the elbow. He was sent to the hospital at Washington, D. C., where he remained until May 17, 1864, when he was granted a furlough for thirty days. Kelly went home to New York, but at the end of the thirty days he, not being able to perform duty, returned to the hospital at Washington, but was informed that owing to the crowded condition of the hospital he could not be admitted, but as he was unfit for further military duty he was told to go back home and his discharge would be made out and sent him. He returned home and remained there, thinking that he had done all that was required of him. The evidence is plain that this soldier did not leave the service for the purpose of avoiding danger, or avoiding service; and as he is a cripple from the effects of his wounds your committee believe he is entitled to the relief he asks for, and they therefore recommend the passage of the bill.

The question was put on ordering the bill to be engrossed and read a third time, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. FELIX CAMPBELL. I ask for a division.

Mr. SPINOLA. This is a proper bill, and it is for the benefit of a poor soldier. I hope the gentleman will let it go through.

The question was taken; and there were—ayes 28, noes 2.

Mr. FELIX CAMPBELL. No quorum.

Mr. SPINOLA. I withdraw the bill.

Mr. TOWNSHEND. I yield now to the gentleman from New York [Mr. FITCH].

The SPEAKER *pro tempore*. The gentleman from New York [Mr. FITCH] appears to be absent.

Mr. TOWNSHEND. Then I yield to the gentleman from Wyoming [Mr. CAREY].

ROBERT H. MONTGOMERY.

Mr. CAREY. I call up the bill (H. R. 4246) for the relief of Robert H. Montgomery. In order to save time I ask unanimous consent to substitute the Senate bill which is on the Calendar and is in all respects like the House bill.

There was no objection.

The Clerk read as follows:

A bill (S. 939) for the relief of Robert H. Montgomery.

The bill was read, as follows:

Be it enacted, etc., That Robert H. Montgomery, captain in the Fifth Regiment of Cavalry, United States Army, shall be entitled to credit for all purposes of pay and allowances, for the period of time from the 19th day of November, 1863, to the 16th day of February, 1865, during which time he was a prisoner of war in the hands of the enemy, the same as though he had actually been in the military service of the United States as a second lieutenant of cavalry during that period.

SEC. 2. That the judgment of the United States Court of Claims in the case of Robert H. Montgomery *vs.* The United States, rendered on the 7th day of April, in the year 1884, against the said Robert H. Montgomery for the sum of $1,651.37, upon a counter-claim presented by the United States, said sum having been received by the said Robert H. Montgomery as pay for the period during which he was, as hereinbefore stated, a prisoner of war, be, and the same is hereby, remitted, and the said Robert H. Montgomery is hereby discharged from all obligations to pay said judgment.

Mr. CAREY. Mr. Speaker, the report in this case is very long and I can state in a minute all there is in it. Captain Montgomery was an officer in the Army and was captured and confined in Confederate prisons from some date in 1863 until some time in 1865. Through an erroneous report he was summarily dismissed from the United States service. Afterwards a board of inquiry was held on the case and they came to the conclusion that he had been in no wise negligent when he was captured, that he had been acting under orders, and the consequence was that he was restored to his position in the Army and was paid for the time that he had been confined in a Southern prison. Subsequently, on his application for longevity pay, the proper officer of the Treasury Department held that he was not in fact in the military service of the United States during that period. He appealed to the Court of Claims and the court also held that he was not in the service, and that the amount paid to him for that period should not have been paid. Now, this is simply to allow him for the time that he was in a rebel prison. There is no claim that he was negligent in being captured or that he was in any wise at fault.

Mr. KILGORE. I understand that this man's pay went on, and that he received it, and that then the Government sued him and recovered it back.

Mr. CAREY. No; but in making his application for longevity pay this amount was held up against him.

Mr. KILGORE. What do you mean by longevity pay?

Mr. CAREY. Increased pay for length of service. The War Department say that there is no reason why he should not be relieved.

Mr. KILGORE. And this is a bill to give him that pay?

Mr. CAREY. No; he has had the pay. The Court of Claims simply passed on the question whether, after he was summarily dismissed on an erroneous impression, he was entitled to pay, and they held that he should not have been paid for that time.

Mr. KILGORE. Was he paid for it?

Mr. CAREY. He was paid for it.

Mr. KILGORE. Well, what is the purpose of this bill?

Mr. CAREY. I have said that in making his application for longevity pay this amount was held up against him, and he appealed to the Court of Claims and they took the same ground. I may add that Lieutenant Jones, under whose orders he was acting at the time he was captured, was also captured, and is in exactly the same position.

Mr. KILGORE. Then I understand that this bill does not take any money out of the Treasury to pay this man anything.

Mr. CAREY. Not a dollar. He is still in the Army, and has served in every Indian war since the close of the civil war, and is an excellent officer. I have known him fifteen years.

The question was taken on ordering the bill to a third reading; and there were—ayes 28, no 1.

Mr. FELIX CAMPBELL. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Wyoming [Mr. CAREY] and the gentleman from New York [Mr. FELIX CAMPBELL].

Mr. CAREY. I withdraw the bill, Mr. Speaker. I dislike to do it, but under the circumstances I am compelled to withdraw it.

Mr. TOWNSHEND. I yield now to the gentleman from Michigan [Mr. FORD].

INN AT OLD POINT COMFORT, VIRGINIA.

Mr. FORD. I call up the House joint resolution (H. Res. 200) authorizing the Secretary of War to grant a permit to Harry Libby and Philip B. Woodfin to erect a hotel upon the lands of the United States at Old Point Comfort, Virginia.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to grant permission to Harry Libby and Philip T. Woodfin to build a hotel, with its appurtenances, upon the military reservation of the United States at Old Point Comfort, Virginia, upon such site or location on said reservation, and of such plans and dimensions as shall be approved by the Secretary of War: *Provided, however*, That the said hotel building or buildings shall be fully completed within one year subsequent to the date of such approval, and with the further understanding that all the buildings constructed under the authority herein granted shall be destroyed or removed at the expense of the owner or owners, whenever military exigencies require the same to be done, and the Secretary of War shall so direct; and no claim for damages by reason of such destruction or removal shall be made upon the Government of the United States: *And provided further*, That the State of Virginia, by its General Assembly and governor, shall, by proper legal enactment, give the consent of said State to the erection of said building or buildings as a condition-precedent: *And provided further*, That the building or buildings so erected may be made subject to State and national taxation the same as other property.

SEC. 2. That the persons within named, to whom the license herein specified is granted, shall not assign, transfer, or set over the same to any other person or persons. That if the Secretary of War shall become satisfied that the persons within named have made such assignment or transfer, he shall be authorized to revoke the permission for the erection of a hotel herein given: *Provided*, That nothing in this resolution contained shall be construed to prevent said Libby and Woodfin from associating themselves with others in the construction and management of said hotel.

The question was put on ordering the joint resolution to be engrossed and read a third time; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. FELIX CAMPBELL. I ask for a division.

The House divided; and there were—ayes 22, no 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. FORD. I will withdraw the joint resolution, but before doing so I ask to be permitted to make a very brief statement.

Mr. FELIX CAMPBELL. I object.

Mr. FORD. Will the gentleman allow me a minute?

Mr. FELIX CAMPBELL. Yes, sir.

Mr. FORD. Mr. Speaker, before withdrawing this joint resolution I wish to say that it was introduced with the purpose of permitting the erection of a hostelry down at Old Point Comfort, Virginia, at which a man of moderate means could afford to stay. There have been one or two similar rights given to other parties to erect hotels there, but for some reason or other they have not exercised that right, and, as I have said, the object of this measure is simply to permit the erection of a hotel or boarding-house at which people of moderate means can afford to stay and enjoy the pleasant climate of that locality; but as the gentleman from New York [Mr. FELIX CAMPBELL] makes the point of no quorum, I am compelled to withdraw the joint resolution.

Mr. GEAR. I move that the House adjourn. I make this motion for the reason that it is impossible to transact any business to-night as long as one member objects to all business.

Mr. SPINOLA. Let us try one more bill.

Mr. GEAR. It will be of no use.

The question was put on the motion to adjourn; and it was disagreed to, there being—ayes 4, noes 17.

Mr. FELIX CAMPBELL. No quorum.

Mr. TOWNSHEND. This is one case in which the gentleman has no power to require a quorum.

The SPEAKER *pro tempore*. The rules of the House do not require a quorum on a motion to adjourn.

COL. DANIEL M'CLURE.

Mr. TOWNSHEND. I now yield to the gentleman from Ohio [Mr. YODER].

Mr. YODER. I call up the bill (H. R. 9378) for the relief of Col. Daniel McClure.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to settle and close the accounts of Col. Daniel McClure, assistant paymaster-general in the United States Army, with the United States, under his official bond, dated March 22, 1859; and in such settlement the said accounting officers shall credit the said McClure with all sums not already allowed of money charged against him by said accounting officers in the "statement of differences" certified by the Second Auditor of the Treasury upon the final statement of his accounts, on the 9th day of December, 1873, except the three following charges, to wit: The item of $1,000 arising out of an overaddition on a company pay-roll, being voucher No. 65 of his accounts to May 31, 1861; also an item of $967.08 twice credited by him on account of a collection of that amount of internal-revenue tax, and an item of $4,993.06 paid him by Maj. V. C. Hanna on the 26th of September, 1862.

Mr. HENDERSON, of Illinois. I call for the reading of the report in this case.

Mr. TOWNSHEND. I trust that my colleague [Mr. HENDERSON] will not insist on having the report read. It may take an hour or more to read it, and if that should be done the session of to-night would of course be rendered a nullity.

Mr. HENDERSON, of Illinois. The bill may as well be withdrawn, for I should call a quorum upon it.

Mr. SPINOLA. Before the bill is withdrawn——

Mr. TOWNSHEND. I hope that my colleague will not make the point of no quorum. Of course, if he insists upon raising that question to-night it is impossible to have any business transacted.

Mr. HENDERSON, of Illinois. I think this bill ought not to pass; and I would be very unwilling to permit it to pass without an opportunity on my part to discuss its provisions.

Mr. TOWNSHEND. My colleague will, of course, do what he thinks right about this matter; and I will not raise any controversy with him. If it is his determination to demand a quorum upon this bill, I would advise my friend from Ohio [Mr. YODER] to withdraw the bill.

Mr. SPINOLA. Before the bill is withdrawn——

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw the bill?

Mr. SPINOLA. Not yet. He declines to do so for one moment. I want to inquire——

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. YODER] is entitled to the floor.

Mr. YODER. I yield to the gentleman from New York [Mr. SPINOLA] that he may make an inquiry.

Mr. SPINOLA. Mr. Speaker, how much time will I have on this bill in my own right, if I should desire to debate it?

The SPEAKER *pro tempore*. If the gentleman obtains the floor in his own right, he will be entitled to one hour. The gentleman from Ohio [Mr. YODER] has, however, been recognized.

Mr. YODER. I ask unanimous consent to withdraw the bill.

The SPEAKER *pro tempore*. The gentleman has the right to withdraw it without unanimous consent. The bill is withdrawn.

FRANCIS A. FIELD.

Mr. YODER. I call up the bill (H. R. 10137) for the relief of Francis A. Field.

The bill was read, as follows:

Be it enacted, etc., That the provisions regulating appointments in the Army are hereby suspended for the purpose of this act, and only so far as they affect Francis A. Field, late captain in the Eleventh Regiment United States Infantry; and the President of the United States is hereby authorized to nominate, and by and with the advice and consent of the Senate appoint, said Francis A. Field, late captain Eleventh United States Infantry, to the rank and grade held by him in the Army at the date of his last honorable discharge: *Provided*, That the said Francis A. Field shall receive no pay or other allowances for any period prior to the date of the passage of this act, when the said Francis A. Field shall be placed on the active-list of the Army.

Mr. SPINOLA addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. YODER] is entitled to the floor. Does he yield to the gentleman from New York?

Mr. SPINOLA. I do not want the gentleman to yield. I want my own time in opposition to the bill.

Mr. TOWNSHEND. Then let the vote be taken.

Mr. SPINOLA. Before the vote is taken, I wish to speak in opposition to the bill in my own right.

The SPEAKER *pro tempore*. If the gentleman from Ohio yields the floor, the Chair will recognize the gentleman from New York.

Mr. TOWNSHEND (to Mr. YODER). Withdraw the bill.

Mr. SPINOLA. Before this bill is withdrawn, to which I object——

Mr. TOWNSHEND. I understand the gentleman from New York [Mr. SPINOLA] will not speak more than five minutes.

Mr. SPINOLA. I do not know whether I shall or not.

The SPEAKER *pro tempore*. If the gentleman from Ohio [Mr. YODER] desires to take the floor and address himself to this bill the Chair will recognize him; if not, the Chair will recognize the gentleman from New York.

Mr. YODER. I withdraw the bill.

Mr. SPINOLA. I object to its being withdrawn.

The SPEAKER *pro tempore*. The gentleman has the right to withdraw the bill.

ARCHIBALD HUNLEY.

Mr. TOWNSHEND. I now call up for consideration the bill (H. R. 104) for the relief of Archibald Hunley.

The bill was read, as follows:

Whereas it appears from the evidence of certain officers, non-commissioned officers, and privates of Company H, Thirtieth Regiment of Illinois Infantry Volunteers, that Archibald Hunley, late a private of Company H, Thirtieth Regiment Illinois Infantry Volunteers, was illegally charged and unjustly tried by military court-martial on charges and specifications alleging absence without leave and resisting his superior officer, and by decision of said court-martial he was unjustly and illegally discharged from the Army, with loss of all pay, bounty, and allowances due him at the time from the United States: Therefore,

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion, and of being absent without leave, and of resisting his superior officer, and the decision of the said military court-martial upon said charges, and all other charges which appear against said Archibald Hunley, late a private in Company H, Thirtieth Regiment of Illinois Volunteers, on the records of the War Department; and the proper department of the Government is hereby directed to settle all claims for back pay, bounty, pension, or allowances as if such charges did not exist.

The amendments reported by the committee were read, as follows:

Strike out the preamble.

In lines 4 and 5 strike out the words "desertion, and of being absent without leave, and of."

Mr. TOWNSHEND. I will ask that the report of the committee be read, unless my colleague [Mr. LANDES] desires to make a statement.

Mr. LANDES rose.

Mr. TOWNSHEND. I yield a few minutes to my colleague.

Mr. MCCLAMMY. I would like to know the date of the introduction of this bill.

The SPEAKER *pro tempore*. The Clerk informs the Chair that the bill was introduced December 21, 1887.

Mr. MCCLAMMY. Very well; I make no objection. It is patriarchal. [Laughter.]

Mr. LANDES. Mr. Speaker, as the report in this case is somewhat voluminous, I desire to state briefly the facts. The Secretary of War has removed from the record of this soldier all the charges preferred against him that it was within the power of the Secretary to remove. It appears from the report of the War Department that the finding of the court-martial which adjudged this soldier guilty of resisting a superior officer still remains against him. The evidence discloses the fact that no attempt was made by this soldier to resist his superior officer by the use of physical violence. The chief proof before the court-martial was embraced in testimony which I will read for the benefit of the House.

To my certain knowledge, during all the time aforesaid (meaning from Hunley's enlistment to date of court-martial), Hunley always obeyed his officers, and never refused to do duty.

I was the officer whom Hunley should have resisted and for which he was court-martialed.

I was the material witness against him, and testified that said Hunley always obeyed his officers and was a good soldier; that the captain of said company had ordered me to put a private by the name of Graves in a tent, which I was trying to do; and Graves, being under the influence of liquor, resisted me and we got into a scramble, and I got Graves down in the mud and water and was holding him down, when Hunley came up and said to me, "Sim, let him up and don't hurt him," and I, being mad, said to Hunley, "Do you take it up?" at the same time releasing and letting Graves up, and the whole matter ended.

* * * I do not consider that A. Hunley ever resisted me from enlistment, August, 1861, to date of court-martial.

I submit, Mr. Speaker, this evidence is frivolous and that the court-martial rendered a very unjust verdict against this soldier. I think, therefore, this House should grant him the relief provided for in this bill.

Mr. TOWNSHEND. I ask my colleague on the committee to yield to me for one word.

Mr. LANDES. Certainly.

Mr. TOWNSHEND. The Committee on Military Affairs, after a very careful examination of the evidence in this case, were unanimously of the opinion that this soldier was unfairly tried and the verdict rendered against him was unjust. He was found to be a faithful and orderly soldier, and the bill provides for restoring him. I ask for a vote.

Mr. CUTCHEON. I have but a word to say to the House, and ask the gentleman from Illinois to yield to me.

Mr. LANDES. I will yield to the gentleman for two minutes.

Mr. CUTCHEON. I shall vote in favor of the passage of this bill because the Military Committee, the jury in this case, has reported in favor of it

I will use the remainder of the two minutes yielded to me in making an appeal to gentlemen in regard to the business of this evening's session. The Committee on Military Affairs has had referred to it in this Congress about twelve hundred bills.

Mr. TOWNSHEND. Fifteen hundred.

Mr. CUTCHEON. The chairman of the committee thinks I am below the mark, and the number will reach fifteen hundred. I know that it has been a laborious committee. It has been faithful in maturing business upon the Calendar. There are many bills awaiting our action, many of which should pass without any objection from any member of the House. This is the last chance we shall have, perhaps, to secure the passage of this legislation to which we have given unwearied labors of two sessions of nearly fifteen months. I make an

appeal to gentlemen here, in the interest of good legislation and in behalf of the beneficiaries of these bills, not to take away from the Committee on Military Affairs the last opportunity they may have to consider these matters. If a single member shall insist on his objection as an obstruction, and thus prevent this legislation reported from the Committee on Military Affairs, the work of that committee will be practically thrown away.

The SPEAKER *pro tempore*. The question recurs on the amendment reported by the committee.

Mr. FELIX CAMPBELL. No quorum has voted.

Mr. TOWNSHEND. I withdraw the bill.

Mr. STEELE. I would like to know whether that is done as a statesman, or because some man outside of the committee has interfered with the gentleman?

This bill was referred to our committee and we have considered it. Now because some gentleman outside of the committee objects he is going to punish the committee. If that is his statesmanship, I move that the committee rise.

Mr. SPINOLA. I hope the gentleman will give me his time.

Mr. STEELE. I move that the committee rise.

The SPEAKER *pro tempore*. We are in the House and not in the committee.

Mr. STEELE. Then I move the House adjourn.

Mr. TOWNSHEND. I trust before the question is put on the motion to adjourn that the House will hear me for a moment.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Illinois making his statement?

There was no objection.

Mr. TOWNSHEND. So far as the statement of the gentleman from Indiana [Mr. STEELE] is concerned I think he has been misunderstood by myself and by others. The gentleman from Indiana was present at the meeting of the committee in calling up a bill for consideration at this evening's session. It was distinctly understood if a protracted opposition on any bill should take up longer than ten minutes, then it was the duty of the member to withdraw the bill. I have acted in strict compliance with that resolution adopted by the committee. Therefore, when he criticises what others have done in withdrawing bills, I can only repeat that they have acted with myself in accordance with the terms of the resolution adopted by the Committee on Military Affairs.

Mr. STEELE. I would like to make a brief statement.

The SPEAKER. Without objection, the gentleman will be permitted to proceed.

Mr. TOWNSHEND. The gentleman can call up a bill if he desires.

Mr. STEELE. I have understood all the time that I could do so. But I understand that there is a fixed determination on the part of gentlemen on the floor to allow no bill to be considered to-night. If that is so, and we have evidence that it is true, I do not think the House ought to sit here and go through the farce of attempting to pass bills.

Mr. TOWNSHEND. I misunderstood my friend. I thought he was criticising my action.

Mr. STEELE. Not at all. If the gentleman will give any assurance that we are going to pass a bill I would like to remain.

Mr. FELIX CAMPBELL. I give notice that I will object.

Mr. STEELE. Then I move that the House adjourn.

The question was taken; and on a division there were—ayes 9, noes 31.

So the House refused to adjourn.

Mr. TOWNSHEND. I yield to my colleague on the committee from Indiana.

Mr. STEELE. Very well; I will call up the bill I send to the desk.

The SPEAKER *pro tempore*. What bill does the gentleman call up?

BOUNTIES TO VETERAN VOLUNTEERS.

Mr. STEELE. I ask consideration of the bill (H. R. 1921) directing the payment of bounties to veteran volunteers who were promoted after enlistment.

The bill is as follows:

"*Be it enacted, etc.*, That all veteran volunteers who re-enlisted and were mustered into the volunteer service of the United States in accordance with the provisions of General Order No. 191 of the War Department, dated June 25, 1863, and who were afterwards promoted and who were not paid the bounty promised by said order to volunteers enlisted and mustered into service as veterans on the ground that such promotion deprived them of the right to such bounty, shall be entitled to the full benefits of and shall be paid the bounty provided and promised by said order to the same amount and extent as they would have been entitled had they not been promoted, anything in any law, regulation, or ruling to the contrary notwithstanding.

SEC. 2. That the legal heirs of any such veteran volunteer, now deceased, who was so deprived of such bounty, and who would have been entitled to the same by virtue of said order if he had not been promoted after such re-enlistment, shall be entitled to receive the whole of such bounty remaining unpaid at the time of the soldier's death.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the said bounties.

Mr. STEELE. I ask for the reading of the report.

The report (by Mr. ROBERTSON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1921) directing the payment of bounties to veteran volunteers who were promoted after reinstatement, having considered the same, respectfully report the bill favorably, with the recommendation that it do pass, appending hereto and making part of this report the following letter:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., December 16, 1887.

SIR: I am in receipt of your favor of the 14th instant, containing the following interrogatories in relation to veteran bounty under General Orders No. 191, series of 1863:

1. Has the Treasury Department ruled that unaccrued installments of said bounty should be withheld from men who were promoted after enlistment?

2. Was such ruling made in pursuance of law? If not, upon what authority was it made and what is the full meaning of it?

3. Does the Department still adhere to such ruling?

By the general order to which you refer the War Department offered a bounty of $400 to every volunteer enlisted and mustered into service as a veteran within ninety days, said bounty to be paid as follows:

Installment.	Service.	Amount.
First	On muster into service	$25.00
Second	On first pay day, or two months after muster in	50.00
Third	After six months' service	50.00
Fourth	After twelve months' service	50.00
Fifth	After eighteen months' service	50.00
Sixth	After two years' service	50.00
Seventh	After thirty months' service	50.00
Eighth	At the expiration of three years' service	75.00
	Total	400.00

Paragraph IV of the order directed that "if the Government shall not require these troops for the full period of three years, and they shall be mustered honorably out of service before the expiration of their term of enlistment, they shall receive upon being mustered out the whole amount of bounty remaining unpaid the same as if the full term had been served."

In practice this paragraph has been construed as referring only to those men who were mustered out by reason of their services being no longer required in consequence of the close of the war. A soldier discharged for promotion was not considered to have been discharged in such a manner as to sever his connection with the military service, and he was allowed only such installments of bounty as he had earned under his contract of enlistment.

Replying categorically to your questions, I have the honor to say:

1. It has been repeatedly ruled by the Second Comptroller that unaccrued installments of veteran bounty shall be withheld from men who were promoted after enlistment. Section 296 Comptroller's Digest of 1869 reads as follows:

"In the case of an enlisted man entitled to the veteran bounty, but who is discharged before the expiration of the term of his enlistment by reason of promotion, he is entitled to the installments of bounty matured and become payable before the date of his discharge, less $25, by law required to be refunded."

The law referred to will be found in section 6, act March 3, 1883 (12 Stat., 743); but it is not embraced in the Revised Statutes (see section 280). On April 3, 1878, and again on December 31, 1879, the above ruling was affirmed, as will be seen by section 183, Comptroller's Digest, volume 2, which reads as follows: "A soldier who re-enlisted as a veteran under the provisions of General Orders No. 191, Adjutant-General's Office, of 1863, and was subsequently discharged for promotion, is not entitled to any installment of veteran bounty that had not become due at the date of his discharge."

2. The ruling was not in pursuance of any act or resolution of Congress, there being no law, so far as I am informed, declaring that veterans discharged for promotion shall not receive unmatured installments of bounty.

The authority to rule upon any matter over which they have jurisdiction is conferred upon the accounting officers by the statutes creating their offices and defining their duties (see sections 191, 273, and 277, Revised Statutes). The full meaning of the ruling is, I think, explained by the decisions herein quoted.

3. The ruling is still in force.

Respectfully, yours,

WM. A. DAY, *Auditor.*

Hon. O. B. THOMAS,
House of Representatives.

Mr. MCCLAMMY. I repeat my interrogatory in the former case. What is the date of the introduction of this bill?

The SPEAKER *pro tempore*. The Chair is informed that the bill was introduced on the 4th of January, 1888.

Mr. STEELE. This bill is in the interest of some enlisted men who were promoted in the very last days of the war. It was held that because they were getting pay as officers for from fifteen to thirty days they were to forfeit the two or three hundred dollars bounty to which they were entitled. In other words, it said to the soldiers, "If you do a gallant deed and are promoted, we will take $300 from you and give you your promotion and fifty or sixty dollars." That was the construction that was placed upon the law, and this bill will affect but few soldiers. We have petitions asking its passage, and it is recommended.

The question being taken on the engrossment and third reading of the bill, the House divided; and there were—ayes 38, noes 3.

Mr. FELIX CAMPBELL. No quorum.

The SPEAKER *pro tempore* appointed Mr. FELIX CAMPBELL and Mr. STEELE as tellers.

Mr. STEELE. I will withdraw the bill because I find I have to do so.

Mr. TOWNSHEND. I now yield to the gentleman from Mississippi [Mr. HOOKER].

Mr. FELIX CAMPBELL. Will the gentleman from Mississippi yield to me to make an explanation?

Mr. HOOKER. I will.

Mr. STEELE. I call for the regular order. You can not fix anything by my consent. No one man is going to dictate to me.

Mr. FELIX CAMPBELL. I have the floor, I believe, by consent of the gentleman from Mississippi.

The bill, Mr. Speaker, No. 1687, appropriating $100,000——

Mr. STEELE. I call for the regular order.

Mr. FELIX CAMPBELL. This is a personal explanation and I have the right to make it.

The SPEAKER *pro tempore*. Does the gentleman desire to make a personal explanation?

Mr. FELIX CAMPBELL. Yes, sir.

Mr. STEELE. I object.

Mr. GLOVER. Mr. Speaker, I make the point of order that the gentleman has a right to proceed. The gentleman from Mississippi yielded to the gentleman from New York the right to the floor, and unanimous consent is not required.

The SPEAKER *pro tempore*. But the gentleman from New York asked unanimous consent.

Mr. GLOVER. The gentleman had the floor, though, by consent of the gentleman from Mississippi.

The SPEAKER *pro tempore*. The gentleman from New York will proceed.

MONUMENT TO VICTIMS OF BRITISH PRISON-SHIPS.

Mr. FELIX CAMPBELL. The bill of the House, No. 1687, appropriating a hundred thousand dollars for a monument to the martyrs who died in the prison-ships of the Revolution was before the House, and I am informed that some gentleman in the House would be willing to withdraw the objection recently made if the appropriation is reduced to $50,000. To do away with objection, I will offer this bill for passage, making the appropriation fifty thousand instead of a hundred thousand dollars.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of the prison-ships at Fort Greene, Brooklyn.

Mr. SPINOLA. I reserve the right to object.

Mr. TOWNSHEND. I rise to a question of order. I desire to know who is entitled to the floor. I yielded to the gentleman from Mississippi, who was recognized.

Mr. FELIX CAMPBELL. And the gentleman from Mississippi yielded to me.

Mr. HOOKER. But I understood the gentleman to ask only to make a personal explanation.

Mr. FELIX CAMPBELL. This will take but a few moments.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the bill.

The bill was read at length.

The SPEAKER *pro tempore*. The Chair is advised that this bill has been considered, the amendments recommended by the committee concurred in, and the question is on its passage.

Mr. FELIX CAMPBELL. I move to amend the bill by making the amount fifty thousand instead of a hundred thousand.

The SPEAKER *pro tempore*. Is there objection to the amendment proposed by the gentleman from New York?

There was no objection.

The SPEAKER *pro tempore*. The question recurs upon the passage of the bill as amended.

The question was put; and upon a division there were—ayes 38, no 1.

Mr. KILGORE. I will have to make the same point of no quorum voting.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from New York [Mr. FELIX CAMPBELL].

Mr. DUNHAM. I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent pending the appointment of tellers to make a statement. Is there objection? The Chair hears none.

Mr. DUNHAM. I want to say, Mr. Speaker, that I certainly supposed there was an understanding between the gentleman from Texas and myself that this bill was to go through. With that understanding I informed the gentleman from New York [Mr. FELIX CAMPBELL], and the reason the bill has gone thus far in the House is in consequence of what I said to the gentleman from New York. I am surprised that after the conversation between the gentleman from Texas and myself the point of no quorum is made, and I desired to make this statement so as to set myself right and give a reason why the bill was brought up again.

Mr. SPINOLA. Is the bill open to debate?

The SPEAKER *pro tempore*. It is not.

Mr. KILGORE. I would like to make a personal explanation.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. KILGORE] asks unanimous consent to make an explanation. Is there objection? The Chair hears none.

Mr. KILGORE. I desire to say to the gentleman from Illinois that he certainly must have mistaken me if he understood that I consented to allow this bill to go through under any consideration. I said in advance if General SPINOLA would consent to strike out $100,000 I would agree for the bill to go through, and I do not remember to have had a conversation with the gentleman from Illinois. [Laughter.] If I made any such statement in regard to the bill I will only say this to the gentleman from Illinois: I will stand by it, however much it may be against my convictions; but I am satisfied I did not make any such arrangement. [To Mr. DUNHAM:] When was that conversation, if the gentleman will allow me to ask him?

Mr. DUNHAM. The gentleman will recollect that I came to him about five minutes ago and called his attention to the fact when this bill was before the House last summer he expressed his willingness to let the bill pass, provided the appropriation was reduced from $100,000 to $50,000.

Mr. KILGORE. That is true.

Mr. DUNHAM. Your answer to me was that if that amendment was made you would not object to it.

Mr. KILGORE. That is true.

Mr. DUNHAM. And that if it was made you would allow the bill to go through.

Mr. KILGORE. That is exactly what took place. I do not remember who I had the conversation with. That is what took place between myself and a member. I remember distinctly about being spoken to about it, but I did not remember with whom I had the conversation. That, however, was objected to on the other side. They refused to accept that compromise and kicked up a row. I then declared all promises were off.

Mr. MILLS. Mr. Speaker, what is the condition of the bill now? Is it being considered, or is it on its third reading, and has the House found itself without a quorum?

The SPEAKER *pro tempore*. The bill is now on its passage; and on the vote the ayes were 38, the noes 1. Thereupon the gentleman from Texas [Mr. KILGORE] made the point that no quorum had voted. The Chair appointed as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from New York [Mr. FELIX CAMPBELL]. The gentleman from Illinois [Mr. DUNHAM] then arose and asked unanimous consent to make a statement, which was given, and the gentleman made a statement. Thereupon a like request was made by the gentleman from Texas [Mr. KILGORE], and granted, and the gentleman made a statement. Nothing now is in order except the vote by tellers.

Mr. MILLS. I wish to inquire whether, in case the House finds itself without a quorum, this bill would come up to-morrow as unfinished business.

The SPEAKER *pro tempore*. The previous question has not been ordered on the passage of the bill.

Mr. MILLS. But you are taking a vote on the final passage of the bill.

The SPEAKER *pro tempore*. The gentleman in charge of the bill did not demand the previous question on the passage of the bill.

Mr. SPINOLA. I have charge of the bill from my committee.

Mr. GEAR. Is it competent to demand the previous question now?

The SPEAKER *pro tempore*. Not at this time, because a vote is being taken on the passage of the bill.

Mr. PERKINS. Was not the previous question ordered on the passage of this bill when it was previously before the House? My recollection is that the previous question had been ordered.

The SPEAKER *pro tempore*. The Chair is advised that the previous question has not been ordered.

Mr. MILLS. But this is the previous question. The previous question being ordered, the vote is taken on the passage of the bill. The ordering of the previous question cuts off amendment and debate, and the House had proceeded to vote without any order for the previous question. The House is now considering the previous question.

The SPEAKER *pro tempore*. If the gentleman in charge of the bill had arisen before the Chair put the question on the passage of the bill, and had demanded the previous question on the passage of the bill, and it had been ordered, the effect of that order would have been to carry the bill over and give it privilege to be called up hereafter at any time in the House——

Mr. MILLS. Precisely. Mr. Speaker——

The SPEAKER *pro tempore*. But the previous question was not demanded.

Mr. MILLS. But the previous question was being considered without any demand.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from Texas to the fact that the point of no quorum had been made; on that the Chair had appointed tellers, and the House was in the act of dividing upon the question. The House is acting under a special order, and there is no possible way under the practice of the House to carry this bill over to a future session except by ordering the previous question on the passage of the bill.

Mr. PEEL. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PEEL. Is it in order to ask unanimous consent at this stage that the previous question be considered as ordered?

The SPEAKER *pro tempore*. It is.

Mr. FELIX CAMPBELL. Then I ask unanimous consent that the previous question be considered as ordered upon the passage of this bill.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. FELIX CAMPBELL] asks unanimous consent that the previous question be considered as ordered on the passage of the bill.

Mr. KILGORE. I object to that.

Mr. SPINOLA. I ask unanimous consent to make a statement.

Mr. HOOKER. I hope that now the gentleman from New York [Mr. FELIX CAMPBELL], in response to the courtesy he has received, will withdraw his bill.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SPINOLA] asks unanimous consent to make a statement at this time.

There was no objection.

Mr. SPINOLA. Mr. Speaker, I had the honor on a former occasion, as a member of the Committee on Military Affairs of this House, to ask the consideration of the bill which is now before this body. The House kindly acceded to my request, and the bill was taken up for consideration. It occupied an entire evening, to the exclusion of all my associates on the committee, each of whom had a bill of his own which he desired to put forward. The discussion on this bill took so wide a range that it excluded them from the presentation of their bills simply because they had consented to indulge me in an attempt to secure the passage of this important measure—important to the people of the city of Brooklyn and to the whole State of New York and to the whole Union, for, Mr. Speaker, this is a national issue and not a local one. To-night I came here again and was first entitled to recognition among the members of my committee. I again took up this bill for my friends from Brooklyn, to the exclusion of a bill of my own. I made a proposition to the gentleman from Texas [Mr. KILGORE], who had objected. I asked him whether by any modification of the bill which might be made, or any form of amendment which might be adopted, he would consent to withdraw his opposition, and he replied, in a very gentlemanly manner, I admit, that the only proposition that could be made that he would accept would be to strike out the entire appropriation. I made that inquiry of the gentleman from Texas to ascertain whether, by modifying the bill, his objection would be withdrawn, because of certain rumors which had come to me this afternoon as well as this evening that he was willing to agree to an appropriation of $50,000 instead of $100,000.

Those rumors, I say, had been poured into my ears in the House all day, and I thought that if that amendment was acceptable to the gentleman from Texas I was certainly willing to agree to it and reduce the appropriation to $50,000, but it seems that the proposed modification was not satisfactory to the gentleman. I then saw that there was no possible chance to pass the bill to-night. Common sense told me that it was useless to sit here and fritter away the time of the House in attempting to pass a bill which could not be passed without a quorum, when we all knew that a quorum could not be secured at an evening session like this. I asked the gentleman from Texas, further, whether he was willing that the bill should go over until to-morrow and come up for a vote in a full House. That proposition also he declined.

Now, Mr. Speaker, some gentlemen around this circle are whispering among themselves that when New York wants assistance she carries the hat around the country. Oh, with what bad grace that statement comes from any gentleman as applicable to the city of New York, the greatest city of charities to-day upon the face of the earth, without a peer, much less a rival, as a city of charity! No suffering people in any quarter of the globe ever appealed to the generosity of New York and had a deaf ear turned to their application.

Our hearts and our pockets are ever open to the calls of suffering humanity in all parts of the earth when they appeal to us for aid. Even at this very moment our friends from the Southern country are asking us to aid them to provide a home for their disabled veteran soldiers, and, sir, that appeal will be responded to in the city of New York in a manner that will bring a blush to the cheek of every man who has thrown out these uncalled for intimations and insinuations regarding that great city. Her bounty, gentlemen, you will find, will be poured out lavishly in that cause, and, sir, I thank God that such people exist as to-day constitute the inhabitants of the city of New York. I regret, Mr. Speaker, that members of the House do not deem our proceedings here of sufficient importance to attend evening sessions like this. They are of the utmost importance to the men who saved your country. The men who encountered all the dangers, all the hardships, and all the sufferings of a four years' struggle come to these evening sessions for help and for justice, yet there is not interest enough felt by the Representatives of the American people to attend here and make a quorum, thus leaving it in the power of any one gentleman on either side of the House to prevent the passage of meritorious measures by a single objection. And, Mr. Speaker, I would like to say right here to my friend from Brooklyn [Mr. FELIX CAMPBELL] that I regret that he has taken the course which he has taken to-night. Sir, during my life I have known of but one way to whip an enemy, and that is to train my guns upon my foes and not upon my friends. I fear that my friend from Brooklyn has injured his cause here to-night, for while one gentleman may have been opposed to this bill there were forty or fifty others present who were in favor of it.

Mr. PERKINS. And they are yet.

Mr. SPINOLA. And they are yet.

Mr. FELIX CAMPBELL. And they will stay here, too.

Mr. SPINOLA. God grant that they may never wilt nor lower their colors, so far as this bill is concerned.

Mr. Speaker, it is more than a hundred years since our fathers gathered together and promulgated to the world the greatest document ever given to humanity, the Declaration of Independence. The promulgation of that great document led to the formation of armies, the fighting of great battles, the shedding of blood, the maiming of patriots, and the death of thousands of men struggling for the liberty of the colonies, among whom were the eleven thousand five hundred martyrs who perished in the British prison-ships at New York. They came from every section of the country as it existed at that time. This bill is for the perpetuation of their memory.

After the lapse of a quarter of a century, after the results of that great struggle had been achieved and the American Republic had been created, the Tammany Society gathered up the bones of these martyrs and had them suitably interred. That funeral was not a New York matter. It took in the whole country. There in the column stood the representatives of the State of Georgia, from which the parents of my friend from Texas came, as I understand his pedigree. Arm in arm stood Georgia with New Hampshire. Then came Massachusetts shoulder to shoulder with South Carolina. Then came Rhode Island with North Carolina upon her flank. And so it went on through all the thirteen States, each of which was represented. There existed among those people a feeling of brotherly friendship and love which seems to have been almost forgotten in these days. This is a measure upon which I believed all could unite. The brigadier from the South could shake hands across the aisle with the brigadier from the North. The chasm could be crossed on this matter, and friendship and brotherly love established upon a broad basis of patriotism.

Mr. MAISH. Will the gentleman from New York allow me to suggest that there ought to be a limit to this? There are a great many of us——

Mr. SPINOLA. Yes; and you will get nothing through here to-night; I am satisfied of that.

Mr. MAISH. It would seem so; but I have simply thrown out this suggestion. I thought that the gentleman did not realize that he was consuming time a large part of which belongs to some other members of this committee.

Mr. SPINOLA. I would say to my friend that I fully realize the fact that I am consuming time—wasting it in all probability——

A MEMBER. No, indeed; you are making a good speech.

Mr. SPINOLA. But I do not see the first opportunity for us to pass a bill of any character to-night; and there is not a man on this floor who regrets it more than I do. I am very sorry that the objection has come from the source it has. I have done all that I could, our committee has done all that it could, and the friends of the measure have done all that it was in their power to do to secure its passage.

Why, Mr. Speaker, if we should go into the history of this thing it is enough almost to make every man's blood curdle. When you remember the privations and sufferings and the awful death of these martyrs of liberty——

Mr. DUNHAM. I rise to a question of order. I make the point of order that a request on the part of a gentleman "to make a statement" is practically rising to a privileged matter, and that he has——

Mr. SPINOLA. No, sir; I am making a speech on this question.

Mr. DUNHAM. I make the point that a member who takes the floor under permission "to make a statement" is practically rising to a question of privilege——

Mr. SPINOLA. I hope the gentleman will not undertake to interrupt me in my time.

Mr. DUNHAM. And the gentleman has no right to go on and make a speech——

Mr. SPINOLA. I received permission to make some remarks.

The SPEAKER *pro tempore*. Unanimous consent was given to the gentleman from New York to make a statement.

Mr. SPINOLA. And I hope I shall not be interrupted.

Mr. DUNHAM. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SPINOLA] has the floor.

Mr. SPINOLA. Yes, sir; thank you.

Mr. DUNHAM. I rise to a question of order. The request of the gentleman from New York was to make a brief statement. I desire the Chair to decide what is a brief statement.

Mr. SPINOLA. I beg the gentleman's pardon; I did not say "brief." I said "to make a statement."

The SPEAKER *pro tempore*. The Chair does not think that the gentleman from New York has exceeded the unanimous consent given by the House.

Mr. GLOVER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GLOVER. I think the attention of the Chair was not called to the suggestion made by the gentleman from Pennsylvania, or some other gentleman, who rose with the intention of ascertaining, for the benefit of the House, the extent to which the gentleman's remarks would go. Thereupon within my hearing a statement was made that they would be very brief and in the nature of a personal statement.

Mr. SPINOLA. Is this to be taken out of my time? [Laughter.]

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SPINOLA] will proceed.

Mr. SPINOLA. I have already called the attention of the House to the fact that the eleven thousand five hundred martyrs who perished in those British dungeons came from all the thirteen original colonies, each colony furnishing its full quota. Sir, I can hear to-night a voice from Bunker Hill appealing to us through the blood of Warren to pass this bill. [Applause.] And, sir, from the snow-clad hills of Valley Forge a voice appeals to us, coming from that little perishing army which passed that terrible winter at that place, asking us to do justice to the memory of their comrades who died in defense of the liberties with which we are now blessed.

Mr. CAREY. May I ask the gentleman a question?

Mr. SPINOLA. Yes, sir.

Mr. CAREY. I would like to ask the gentleman whether he did not agree this morning in the committee that he would only occupy ten minutes?

Mr. SPINOLA. Yes, sir; when I saw it was utter folly to attempt to pass the bill.

Mr. TOWNSHEND. Let us try it once more and see what we can do.

Mr. SPINOLA. When I finish my few remarks I will yield the floor.

Mr. DUNHAM. Very well. Then we can go on with business.

Mr. SPINOLA. You can talk on it to-morrow in the House as far as I am concerned. If it is used up unnecessarily by putting obstructions in the way of business the responsibility is not mine.

Mr. DUNHAM. Let some one else have a chance to make a speech.

Mr. GLOVER. Let the gentleman from New York ask leave to print. [Laughter.]

Mr. SPINOLA. I do not want leave to print. Let those who can not express themselves through their mouths get leave to print. [Renewed laughter.]

Mr. PERKINS. Is it in order to ask unanimous consent to withdraw the bill?

Mr. SPINOLA. Not while I am on the floor.

The SPEAKER *pro tempore*. The Chair desires to carry out, and will carry out, the manifest intent of the House. The gentleman from New York has been allowed to proceed for a brief time.

Mr. CUTCHEON. How much time does the gentleman from New York propose to occupy?

Mr. SPINOLA. I think about five minutes will finish up what I have to say.

Mr. DUNHAM. Do you not think you have finished it up already? [Laughter.]

Mr. SPINOLA. Your soul is so dead to patriotic appeals that you want to cut me off. [Applause.] I wish to appeal to you, Mr. Speaker, and to gentlemen of the House, I wish to appeal to the patriotic heart of every man upon this floor; and right here let me say that the blood-soaked field of Monmouth appeals to us in defense of this bill. What American can refuse the appeals I have referred to? And from Camden comes a voice, trumpet-tongued, from the eleven gaping wounds of Baron de Kalb. Those wounds speak to us in a voice that no true American can refuse to listen to. [Applause.] And they are in favor of this bill.

Then come Marion and his men. They speak to us, sir, through the spirits of the departed free. [Applause.] I can hear their voices to-night imploring the Representatives of the American people to do justice to the brave men who died for American liberty. [Renewed applause.]

Mr. PERKINS. But what about KILGORE and his men? [Great laughter.]

Mr. SPINOLA. The gentleman from Kansas will answer that question himself in his own time. He can not take up my time to do it. Now, for fear the House may become weary and dissatisfied, I will bring my remarks to a close by hoping that the bill will pass, although to do justice to this great question I should be allowed at least another hour, but, thank God, the responsibility of the defeat of the bill will not be on me.

Mr. TOWNSHEND. I rise for the purpose of asking unanimous consent that the bill be withdrawn.

Mr. SPINOLA. I move the previous question upon the passage of the bill.

The SPEAKER *pro tempore*. The bill can only be withdrawn by unanimous consent. It was introduced by the gentleman from New York [Mr. FELIX CAMPBELL], and of course can only be withdrawn by his consent. Is there objection?

Mr. FELIX CAMPBELL. I will not object if the gentleman from Texas will relent a little and withdraw his objection to letting the bill pass.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois to withdraw the bill?

Mr. FELIX CAMPBELL. To retain its place on the Calendar?

Mr. TOWNSHEND. Of course.

There being no objection, the bill was withdrawn.

ORDER OF BUSINESS.

Mr. BUTTERWORTH. Mr. Speaker, I rise to call the attention of the House to the fact that we are notified unmistakably by a gentleman on the floor that he feels it his duty to make the point of no quorum against any measure that may be presented this evening. That being the case, it is utterly useless, it seems to me, for the House to sit here and indulge in mere oratorical pyrotechnics. We might as well adjourn.

Mr. HOOKER. Let me try to pass a bill to which so much merit attaches that I feel there can be no objection.

Mr. BUTTERWORTH. I have no objection to the gentleman's trying, but it seems useless.

Mr. HOOKER. Let me make one further effort.

Mr. BUTTERWORTH. Very well.

CHAPLAIN C. M. BLAKE.

Mr. HOOKER. Mr. Speaker, I call up now the bill (H. R. 640) to restore Chaplain C. M. Blake, United States Army, to rank and pay.

The bill was read, as follows:

Whereas it appears that Charles M. Blake, a post chaplain in the United States Army, while suffering in Arizona from a wound and fever received and incurred in the line of duty, and from which he became for some time insane and was wholly irresponsible, and in that condition did, on or about December 24, 1868, make a tender of his resignation to the Secretary of War, and the same was accepted by the President while the said Chaplain Blake was thus sick and entirely unconscious of the said resignation having been tendered: Therefore,

Be it enacted, etc., That Charles M. Blake, post chaplain in the Army, retired, shall be entitled to the full rank, pay, and allowances of chaplain in the Army from April 28, 1869, to May 14, 1878, the same as if his service had been continuous from August 13, 1861; and the accounting officers of the Treasury be, and are hereby, directed to settle his accounts.

Mr. McCLAMMY. When was this bill introduced?

Mr. HOOKER. In December, 1887.

Mr. MAHONEY. I ask for the reading of the report.

Mr. HOOKER. I desire to say a single word which will explain the report, as it is somewhat lengthy.

Mr. KILGORE. I think the reading of the report would be better.

Mr. HOOKER. I can give it much sooner by "word of mouth," as the gentleman from New York [Mr. SPINOLA] says, and save the time of the House.

A MEMBER. Let the report be read.

Mr. HOOKER. I hope the gentleman from New York will not insist upon that.

The SPEAKER *pro tempore*. The Chair will state that the reading of the report is in the nature of debate.

Mr. HOOKER. I am aware of that, and if it be desired I will have the report read in my own time; but I think I can satisfy gentlemen by making a statement in reference to the merits of the case.

I appeal now to the gentleman from New York, to whom I yielded time a moment ago to which I was entitled for the purpose of getting his bill before the House and passing it, to let me proceed with this matter, to which I am sure there can be no reasonable objection.

The gentleman from New York has had his opportunity; he has endeavored to pass his bill; and because he failed to pass the bill in which he is interested, a bill from his section of the country, I hope he will have the generosity of heart, which I am sure he possesses, not to object now when the bill I introduced to do an act of tardy justice to an old man who served the country faithfully and honorably during the war in the hospital and in the field, and has long been deprived of justice, is before the House for consideration.

This is an act which will be of benefit to the living. It is not a monument in commemoration of the dead, but it is for the benefit of an old man living in poverty, and under peculiar affliction and suffering. I hope the gentleman from New York, therefore, will yield now to the passage of this bill, and not raise the question of the absence of a quorum from the House, or require a lengthy report to be read.

The evidence, Mr. Speaker, in this case, which is conclusive, discloses the fact that owing to a severe injury received during the war, and long and trying and arduous service, a disorder of the brain was occasioned, which has given him trouble ever since, and while stationed in Arizona and on duty there he became insane as the result of this injury. While so afflicted, and acting under a delusion that he was being wronged by his superior officers, he wrote to the War Department and threatened to resign if his wrongs were not righted. Not realizing his condition his resignation was recommended to be accepted, and it was accepted and his pay was suspended. Attempts were made afterwards to explain the condition of affairs to the Secretary of War, but the information reached that official too late, and this afflicted man relapsed into a state of mental incapacity and was unable to protect himself. That is exactly the condition of the case.

This bill is simply to right the wrong that was done to him by accepting his resignation at a time when he was incapacitated to understand the effect of it; and I do invoke the charity of my good friend, the gentleman from Texas, to whose heart I know I can appeal even beneath the objections which he sometimes urges against measures pending in the House, that he will not insist on his objection in this case; and I know the gentleman from New York, animated by the spirit of generosity which he must possess, coming from the country he does, will not interpose objection to an act which will restore this old man to his rightful position, a position to which he was entitled by the services rendered his country in its time of peril. [Applause.]

Mr. COBB. Mr. Speaker, is it in order to offer an amendment?

The SPEAKER *pro tempore*. It is.

Mr. COBB. Then I move to strike out the provision for pay and allowances.

Mr. HOOKER. He is certainly entitled to pay and allowance if he is entitled to anything, and I hope my friend from Alabama will not insist upon the amendment.

Mr. COBB. Do I understand that he resigned when he was crazy?

Mr. HOOKER. That is the evidence in the case.

Mr. COBB. He resigned in 1869, I believe?

Mr. HOOKER. Yes.

Mr. COBB. And you propose to pay him from that time to 1878? Do you think he is entitled to that?

Mr. HOOKER. Unquestionably.

Mr. KILGORE. If the gentleman from Mississippi will accept the amendment I will make no objection, otherwise I shall feel compelled to do so.

Mr. HOOKER. Very well; I am compelled to accept the amendment that he be entitled to no allowance or pay. Now let us pass the bill.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In the fourth line, strike out the words "pay and allowance."

Mr. COBB. The purpose of my amendment is to allow no pay or allowance until he is restored by this act.

Mr. HOOKER. Well, we understand the amendment; now let us have a vote upon it.

Mr. FELIX CAMPBELL. There is no gentleman whom I respect more than the honorable gentleman from Mississippi [Mr. HOOKER], but I ask him now to appeal to his own side of the House and to his own section of the country and not to New York and the Northern section of country. It is his own section of country that has been doing all this mischief in the House. Is it right, fair, or just that one man shall bar the action of sixty or sixty-five members and prevent them from passing a bill? Now, appeal to your own section of country and let them help you pass the bill.

Mr. HOOKER. I beg leave to say to the gentleman from New York that I have bestirred myself with gentlemen from all sections of the country, and I have made this appeal to both sides. If my friend from Alabama [Mr. COBB] will take his seat we will pass the bill.

Mr. COBB. The gentleman from New York [Mr. FELIX CAMPBELL] never knew me in this House and he never will——

Mr. FELIX CAMPBELL. That is true.

Mr. COBB. To stand here and obstruct the course of business in the House because I had been irritated by reason of not getting a bill of my own through; never. I shall never be guilty of that sort of conduct. Further than that, I have never made a motion or made an objection unless it was in the utmost good faith, and because I believed at the time that my course was right. For that reason and for that alone I have offered this amendment, and I did so in the way that I regulate all my conduct upon this floor.

Mr. TOWNSHEND. I now appeal to my friend from Mississippi to withdraw the bill from further consideration as the gentleman from New York [Mr. FELIX CAMPBELL] has fairly indicated that he will call a quorum on it,

Mr. HOOKER. In obedience to the agreement entered into this morning by the Committee on Military Affairs, of which I am a member, and on the appeal of the chairman of the committee, I feel constrained to withdraw the bill.

Mr. COBB. I want to state that I am not insisting upon that.

Mr. KILGORE. I wish to state to the gentleman that I will let the bill go through with the amendment.

There was no objection, and the bill was withdrawn.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I yield to the gentleman from Michigan [Mr. CUTCHEON] to call up a bill.

Mr. FELIX CAMPBELL. I move that the House adjourn.

The question was taken; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. FELIX CAMPBELL. Division.

The House divided; and there were—ayes 5, noes 35.

So the House refused to adjourn.

Mr. FELIX CAMPBELL. I move to take a recess until 11 o'clock to-morrow.

The SPEAKER *pro tempore*. The House is proceeding under a special order, which provides for adjournment at 10 o'clock p. m., and the Chair thinks that the intent of the House would prohibit the motion offered by the gentleman from New York. The motion may be technically in order, but the Chair would suggest that good faith to the House would require that it should not be considered at this time.

BREVET RANK FOR SERVICES IN INDIAN CAMPAIGNS.

Mr. CUTCHEON. I call up the bill which I send to the Clerk's desk.

The Clerk read the title of the bill, as follows:

A bill (S. 1323) to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and empowered, at his direction, to nominate, and by and with the advice and consent of the Senate, to appoint to brevet rank all officers of the United States Army, now on the active or retired list, who by their department commander and with the concurrence of the Commanding General of the Army, have been or may be recommended for gallant service in action against hostile Indians since January 1, 1867.

SEC. 2. That such brevet commissions as may be issued under the provisions of this act shall bear date only from the passage of this act: *Provided, however*, That the date of the particular heroic act for which the officer is promoted shall appear in his commission.

SEC. 3. That brevet rank shall be considered strictly honorary, and shall confer no privilege of precedence or command not already provided for in the statutes which embody the rules and articles governing the Army of the United States.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

The amendments proposed by the committee were read, as follows:

Strike out all after the word "date," in section 2, to the end of the section, and insert "from the date of the recommendation thereof by the department commander in each case respectively."

Mr. CUTCHEON. I would like to say a word in explanation of this bill. This bill has passed one House or other of Congress in each of the last three Congresses. In the last Congress it passed this House by a unanimous vote. It went to the Senate and there was unanimously reported by the Senate committee, but was not reached for final passage. It does not call for a single cent now, hereafter, or at any time. It proposes only and simply to recognize the gallant conduct of certain officers in Indian campaigns, and to confer upon them brevet rank. These recommendations were made nigh on to twenty years ago. Many of these officers were wounded, several of them are now dead, and their friends are only interested in this little act of justice to their memory.

Others in due course have been promoted to ranks superior to that which this bill proposes to confer. At the same time they have a pride in the completion of their military record. There has been a doubt as to whether there was under the power to confer brevet rank in the time of war power to confer it for services in Indian campaigns. This simply solves that doubt. There is absolutely no rank or pay conferred; there is nothing but the name, the same as you might tie a piece of ribbon in the button-hole or place the insignia of the Legion of Honor upon the breast of a man. That is all there is in it. It does not involve the expenditure of a single dollar which is in the Treasury. It simply confers this rank for gallant services.

Mr. MCCLAMMY. Mr. Speaker, I rise to a parliamentary inquiry. I would like to know the date of the introduction of that bill.

The SPEAKER *pro tempore*. May 21, 1888.

Mr. MCCLAMMY. I hope the gentleman will withdraw that bill.

Mr. CUTCHEON. It is a substitute for the House bill which was introduced on January 4, 1888.

Mr. MCCLAMMY. I want nothing but hoary-headed measures, and I must object to any bill which is not older than January 4.

Mr. CUTCHEON. This is a substitute for House bill 1561.

Mr. MCCLAMMY. It may be meritorious.

Mr. CUTCHEON. The Senate bill was introduced May 21, 1888.

Mr. MCCLAMMY. Then I withdraw the objection. That is old enough.

The amendment was agreed to.

The question was put on ordering the bill to be read a third time, and the Speaker announced that the ayes seemed to have it.

Mr. FELIX CAMPBELL. I call for a division.

The House divided; and there were—ayes 47, noes 5.

Mr. FELIX CAMPBELL. No quorum.

Mr. TOWNSHEND. I ask the gentleman from Michigan to withdraw the bill.

Mr. CUTCHEON. I withdraw the bill.

Mr. FELIX CAMPBELL. I move that the House take a recess until fifteen minutes to 10.

Mr. TOWNSHEND. Mr. Speaker, I think I had the floor, and I yield to the gentleman from Pennsylvania [Mr. MAISH].

Mr. FELIX CAMPBELL. Mr. Speaker, I think my motion takes precedence.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CUTCHEON] desires to withdraw this bill. Is there objection?

Mr. TOWNSHEND. There is no objection.

There was no objection, and the bill was withdrawn.

Mr. TOWNSHEND. I trust the Chair will, as has heretofore been done this evening, recognize the chairman of the Committee on Military Affairs when a measure is disposed of. The motion of the gentleman is not a privileged motion of a character to take me off the floor. The order of the House is that this evening is set apart for the consideration of business that is reported from the Committee on Military Affairs. Now, it has heretofore been the practice in the transaction of the business under that order to recognize the chairman as controlling the floor and yielding it to other members of the committee to call up bills. I therefore simply ask that the same privilege be accorded now.

The SPEAKER *pro tempore*. The Chair will first recognize the gentleman from Pennsylvania [Mr. MAISH] and then the gentleman from New York [Mr. FELIX CAMPBELL].

Mr. TOWNSHEND. But the gentleman can not take me off the floor with a motion for a recess.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Pennsylvania.

Mr. FELIX CAMPBELL. What has become of my motion to take a recess?

The SPEAKER *pro tempore*. It will be in order when the gentleman is recognized. The Chair has recognized the gentleman from Pennsylvania [Mr. MAISH] to call up a bill.

ROAD TO NATIONAL CEMETERY, DOVER, TENN.

Mr. MAISH. I call up the bill (H. R. 11694) to construct a road to the national cemetery at Dover, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, under the direction of the Secretary of War, a macadamized road from the river landing or its vicinity, in the town of Dover, Tenn., to the national cemetery near old Fort Donelson: *Provided*, That the right of way, not less than 50 feet in width, shall first be secured to the United States to any part of the ground over which said road shall run, not now owned by the United States.

The Committee on Military Affairs reported an amendment as follows:

Strike out the word "ten" in the third line of the bill, and insert "seven."

Mr. FELIX CAMPBELL. Now, Mr. Speaker, I ask to be recognized for my motion.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. MAISH] has the floor.

Mr. MAISH. Now, Mr. Speaker, I yield to my friend from Tennessee [Mr. WASHINGTON].

Mr. WASHINGTON withholds his remarks for revision. [See Appendix.]

Mr. FELIX CAMPBELL. Mr. Speaker, I would be very much pleased to serve my friend from Tennessee [Mr. WASHINGTON], but when he speaks in this House of patriotism and of honoring the dead, he certainly does not remember the eleven thousand five hundred men whose bones lie without a monument over them in the city in which I reside, although it is not in my Congressional district.

It is men from the gentleman's own section of the country who object to this measure. Here were eleven thousand five hundred brave and patriotic men. Only one of those prisoners, so far as I have been able to learn, was willing to accept his liberty on condition of going into the British army; the rest perished there; were starved or cut to pieces. The gentleman from Tennessee now undertakes to appeal to my sympathy when other gentlemen coming from the Southern section of the country are not willing to agree to this bill, even with an amendment making the appropriation $50,000, when the purpose is to erect a monument over the bones of those brave patriots of whom I have spoken.

Mr. MAISH. The gentleman from New York [Mr. FELIX CAMPBELL] knows that no one has worked more for the bill to perpetuate the memory of those martyrs to whom he has referred than I have done. I made the report in this case; I devoted a good many days and nights to its preparation. I trust he will not make any objections to the pending bill. He has not objected, I believe. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore* (having put the question on the amendment reported by the committee) said: The ayes seem to have it.

Mr. FELIX CAMPBELL. I call for a division.

The question being again taken, there were—ayes 43, no 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. MAISH. I withdraw the bill.

Mr. TOWNSHEND. I now yield to the gentleman——

Mr. FELIX CAMPBELL. I move that the House now take a recess until a quarter to 10 o'clock.

Mr. TOWNSHEND. I was recognized——

The SPEAKER *pro tempore* (Mr. DOCKERY). The Chair recognized the gentleman from New York to make a motion to take a recess, which is a privileged motion.

Mr. BUTTERWORTH. Pending that I move to adjourn.

Mr. WHEELER. Pending that I ask unanimous consent to occupy one minute. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from New York [Mr. FELIX CAMPBELL] moves that the House take a recess until a quarter before 10 o'clock. Pending that the gentleman from Ohio [Mr. BUTTERWORTH] moves that the House do now adjourn. Pending these motions the gentleman from Alabama [Mr. WHEELER] asks unanimous consent to speak for one minute. Is there objection?

Mr. MACDONALD. I object.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

Mr. BUTTERWORTH. So far as I am concerned I am perfectly willing to yield to the gentleman from Alabama [Mr. WHEELER].

The SPEAKER *pro tempore*. But the gentleman from Minnesota [Mr. MACDONALD] has objected.

Mr. WHEELER. I hope the gentleman will withdraw that objection.

Mr. MACDONALD. I will if the gentleman proposes to speak on his bill; otherwise I object.

The SPEAKER *pro tempore*. Pending these motions the gentleman from Alabama asks unanimous consent to speak for one minute.

A MEMBER. On what subject?

The SPEAKER *pro tempore*. The gentleman from Alabama does not state.

Mr. DORSEY. I object.

Mr. WHEELER. Mr. Speaker, fifty-seven years ago a brave man——

The SPEAKER *pro tempore*. The gentleman from Alabama has not the permission of the House to proceed. The gentleman from Nebraska [Mr. DORSEY] objected.

Mr. BUTTERWORTH. At the suggestion of several gentlemen, I withdraw the motion to adjourn.

Mr. DORSEY. I withdraw my objection to permitting the gentleman from Alabama to speak for one minute.

The SPEAKER *pro tempore*. The motion remaining is that of the gentleman from New York, that the House take a recess until quarter before 10 o'clock, pending which the gentleman from Alabama again asks unanimous consent to be allowed to speak for one minute. Is there objection?

Mr. HOLMES. I object.

Mr. FELIX CAMPBELL. I withdraw the motion for a recess.

Mr. TOWNSHEND. I yield to the gentleman from Iowa [Mr. GEAR].

WARREN C. ALDEN.

Mr. GEAR. I call up the bill which I send to the desk—a bill (S. 1871) to perfect the military record of Warren C. Alden. I wish to make a brief statement before the bill is read. We have heard much to-night in regard to the dead, all of which I heartily indorse. Here is an opportunity for this House to do something for the living. Here is the case of a boy who at the age of fifteen enlisted in the service of the United States, and who afterward enlisted a second time. He drew no compensation for his service; and this bill provides no compensation, except that his record shall show an honorable discharge. I appeal to the good feeling and the good sense of every man on this floor to permit this bill to be acted on and passed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to enter on the rolls of Company C, Fourth Independent Ohio Volunteer Cavalry, the name of Warren C. Alden, with a statement of the fact that he entered the United States service as a private on the 10th day of July, 1863, and performed faithful and patriotic services as such private in Company C, Fourth Independent Battalion Ohio Volunteer Cavalry, until October 10 of said year, and was then compelled to leave the Army because he was under the age that entitled him to be mustered into the United States service.

The amendment reported by the committee was read, as follows:

At the end of the bill add the following:

"*Provided*, That the said Warren C. Alden shall by virtue hereof neither receive nor be entitled to any pay, bounty, pension, or other pecuniary benefit."

Mr. GEAR. I demand the previous question.

The SPEAKER *pro tempore*. The gentleman from Iowa demands the previous question on agreeing to the amendment.

The previous question was ordered.

The SPEAKER *pro tempore* (having put the question on agreeing to the amendment) said: The ayes seem to have it.

Mr. FELIX CAMPBELL. I call for a division.

The question being again taken, there were—ayes 34, noes 2.

Mr. FELIX CAMPBELL. No quorum.

Mr. TOWNSHEND. I ask my friend from Iowa [Mr. GEAR] to withdraw the bill.

Mr. GEAR. I withdraw the bill, and in the time allowed me I will call up another.

The SPEAKER *pro tempore*. In the absence of objection, the bill is withdrawn.

COUNTERPOISE BATTERY, POTOMAC RIVER.

Mr. GEAR. I call up for consideration the bill (S. 2394) to authorize the construction of a counterpoise battery on the bank of the Potomac River below Washington.

The Clerk read as follows:

Be it enacted, etc., That the sum of $35,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of one counterpoise battery to mount one 6-inch breech-loading rifled cannon of the new pattern. This battery shall be erected on the bank of the Potomac River below the city of Washington and within a distance of 12 miles.

SEC. 2. That Beverly Kennon, the inventor and patentee, shall superintend and direct the work, and shall complete the same for actual service within three months after the passage of this act. The gun to be mounted upon it, with its fittings, may be loaned by the Ordnance Department of the Navy. All expenses attending its removal to the battery and from it, if required, to be borne by money embraced in this appropriation.

Mr. GEAR. I wish to say a word in regard to that bill.

Mr. TOWNSHEND. I hope my friend will remember the rule adopted by the committee.

Mr. GEAR. Certainly; and I will occupy but a moment. I wish to say in regard to this invention of Mr. Beverly Kennon, a former naval officer, that the gun was fairly tested at the siege in the last war of the British in Egypt. It was the only gun that was not dismounted by the fire of the English fleet. The Military Committee unanimously reported $35,000 for this invention last year, which was increased by

the Senate to $100,000, but by some misconception by the authorities of the War Department the appropriation was diverted for a 12-inch gun.

The SPEAKER *pro tempore*. The question is on the third reading and passage of the bill.

Mr. KILGORE demanded a division.

The House divided; and there were—ayes 32, noes 2.

Mr. FELIX CAMPBELL. No quorum.

Mr. GEAR. I withdraw the bill.

MACADAMIZED ROAD TO NATIONAL CEMETERY, WILMINGTON, N. C.

Mr. TOWNSHEND. I will yield the floor now to the gentleman from Louisiana [Mr. ROBERTSON].

Mr. ROBERTSON. I call up for consideration the bill (H. R. 11524) to construct a road from Wilmington, N. C., to the national cemetery adjacent thereto, and for other purposes, which has been reported from the Committee on Military Affairs as a substitute for House bill 4307.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated for the construction of a macadam road, at a width of 30 feet, leading from Fourth street, on Market street, in the city of Wilmington, N. C., to the national cemetery in the vicinity of said city, the same to be expended under the direction of the Secretary of War: *Provided*, That no part of the money so appropriated shall be expended until the city of Wilmington shall, by proper ordinances, grant to the United States the right, without expense, to grade and macadamize the street along the route selected for the construction of said road, and also provide in said ordinance that when said road is constructed that said city will keep the same in repair as far as the entrance to the national cemetery: *And provided further*, That no part of said money shall be expended until the county of New Hanover shall, by proper orders duly entered of record, widen the county road, if necessary, along the route selected, so as that it shall correspond in width to the street of said city selected for said macadamized road: *Provided also*, That the city of Wilmington shall put in at its own expense a suitable stone curb and gutter along so much of said streets as are situate in said city: *And provided further*, That the contract to construct said road shall be awarded to the lowest bidder, after due advertisement, the Secretary of War to have authority to reject any and all bids.

Mr. O'NEILL, of Missouri. As other gentlemen are allowed to call up bills for consideration, I hope I will not be denied the right, before the evening closes, to call up and pass a bill (H. R. 2575) for the relief of John Schenk.

Mr. ROBERTSON. I do not yield at this time to the gentleman from Missouri, but will yield to the gentleman from North Carolina [Mr. MCCLAMMY].

Mr. TOWNSHEND. How long?

Mr. MCCLAMMY. I only ask for two minutes. I do not want to detain the House by any eloquence with which I might entertain them on this occasion. If I had time I would launch out in praise of my friend from Indiana "in thoughts that breathe and words that burn" for giving me sufficient time to appeal to the House in favor of the passage of this bill. As showing how much I appreciate his courtesy and kindness, I must be pardoned for saying my heart—and I carry one in a thin bosom—beats heavily for him. While I know I could entertain the House, I prefer, however, to take up the time in securing the passage of my bill. It is a just measure. Everybody is in favor of it; and I hope the House will pass it at once. [Laughter and applause.]

Mr. WASHINGTON. How old is that bill?

Mr. MCCLAMMY. It is of age, and I hope you will allow it to pass. [Laughter.]

Mr. FELIX CAMPBELL. I ask for a division.

The House divided; and there were—ayes 34, no 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. ROBERTSON. I withdraw the bill.

Mr. FELIX CAMPBELL. I move that the House adjourn.

Mr. ROBERTSON. I have the floor and desire to call up another bill.

JOHN C. GREEN.

Mr. ROBERTSON. I call up the bill (S. 67) to perfect the military record of John C. Green, of Tennessee, and will yield to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Speaker, this bill is to perfect the military record of John C. Green, who was a soldier in the Federal Army in Tennessee and was on special duty when his company was mustered in, and hence did not have an opportunity to be mustered into the service. He was captured at Union City and carried to Andersonville, Ga., where he subsequently died. This is simply to perfect his military record, and is, I think, a matter of justice to him. I have nothing further to say in support of the measure. I shall not make any appeal to the gentleman from New York in behalf of the claimant in this case.

Mr. FELIX CAMPBELL. I should not think the gentleman from Tennessee would make many appeals to me.

Mr. ENLOE. No, sir; I will not.

Mr. FELIX CAMPBELL. For I made one to him without much success.

Mr. ENLOE. I will not waste any "sweetness on the desert air" in that quarter.

Mr. FELIX CAMPBELL. You will certainly waste all the sweetness that "the gentleman from New York" wants.

Mr. ENLOE. I am perfectly willing that the gentleman shall interpose his objection, as I presume he will without regard to the merits of the case.

The question was put on the third reading of the bill; and on a division there were—ayes 28, no 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. ROBERTSON. I withdraw the bill.

ORDER OF BUSINESS.

Mr. CUTCHEON. Mr. Speaker, I move that the House do now adjourn.

Mr. DORSEY. I hope that the gentleman will withhold that motion for awhile.

Mr. CUTCHEON. What is the use? We can not pass any bills.

Mr. DORSEY. I want to make an attempt to pass one which I am sure can not be objected to.

Mr. CUTCHEON. Very well; I will withdraw the motion.

Mr. WHEELER. I ask unanimous consent to have one minute to make a statement.

Mr. DORSEY. I will yield to the gentleman, when I get the floor, for that purpose.

The SPEAKER *pro tempore*. The gentleman from Louisiana is still entitled to the floor.

TENEDORE TEN EYCK.

Mr. ROBERTSON. Mr. Speaker, I call up for consideration the bill (H. R. 5569) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and empowered to restore to his former rank in the Army, and to place upon the retired-list of Army officers, Tenedore Ten Eyck, late a captain in the Eighteenth United States Infantry: *Provided*, That the said Tenedore Ten Eyck shall be entitled to no pay and allowances as an Army officer for the time he may have been out of the military service, but shall, from the date of his restoration, be entitled to the pay and allowances pertaining to an officer of his rank on the retired-list: *And provided further*, That he shall receive no pension from and after the passage of this act.

The question was taken on the engrossment and third reading of the bill.

Mr. DUNHAM. I move the previous question upon the passage of the bill.

The SPEAKER *pro tempore*. The first question is on the third reading of the bill.

The House divided; and there were—ayes 23, no 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. ROBERTSON. I withdraw the bill.

ALFRED J. WORCESTER.

Mr. TOWNSHEND. I now yield to the gentleman from New York [Mr. FITCH].

Mr. FITCH. I call up the bill (H. R. 7470) for the relief of Alfred J. Worcester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the muster-roll of Alfred J. Worcester, late first lieutenant of Company G, Fourteenth Regiment of Illinois Volunteers, according to the terms and provisions of the act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 3, 1864; and the said Worcester shall have all the benefits of that act, notwithstanding his commission bears date July 3, 1863, instead of prior to June 20 of that year.

The committee recommend the adoption of the following amendment:

Strike out all after the word "act," in line 10, and insert "from October 1, 1863."

Mr. FITCH. I yield three minutes to the gentleman from Missouri [Mr. GLOVER].

Mr. GLOVER. Mr. Speaker, in that time I will ask the Clerk to read a passage from the report of General Kelton, which explains the bill.

The Clerk read as follows:

From the foregoing it will be seen that although a numerical vacancy occurred for Worcester as a first lieutenant, Company G, Fourteenth Illinois Volunteers, December 22, 1863, and he rendered service and was recognized as of that grade from December 23, 1863, to the date of his discharge, the relief to which it appears he is equitably entitled can only be afforded by special legislation.

Mr. GLOVER. This is simply an act of justice to a most deserving man, approved by a report of a committee of the House—I may say by two reports, for it is reported both from the Committee on War Claims and from the Committee on Military Affairs. The bill has passed the Senate, is recommended by the officers of the Army who have knowledge of its justice, and without further debating it I will ask unanimous consent to substitute the Senate bill, being the bill S. No. 2163, of the same title, for the House bill, and ask to put it upon its passage.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri to substitute the Senate bill for the House bill?

There was no objection.

Mr. KILGORE. I would like to inquire of the gentleman from Missouri, if this bill should become a law, whether the beneficiary would be entitled to pay from the time mentioned in the amendment, October, 1863?

Mr. GLOVER. This is not a case of restoration.

Mr. KILGORE. What is it?

Mr. GLOVER. It is a case in which by a technicality this officer did not receive the pay of the rank whose duties he was performing. He has done the work for the Government, and the only question is, shall he not be paid for the services?

Mr. KILGORE. The effect of this bill is to give him pay from that time?

Mr. GLOVER. Certainly. The effect of the bill will be to give him pay which he earned.

Mr. DORSEY (to Mr. GLOVER). You may as well withdraw the bill.

Mr. GLOVER. The gentleman from Texas does not object in the present stage of the bill.

Mr. KILGORE. I do not object.

The question was put on ordering the bill to a third reading, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. FELIX CAMPBELL. Division.

The House divided; and there were—ayes 18, no 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. FITCH. I withdraw the bill.

There was no objection, and the bill was withdrawn.

Mr. TOWNSHEND. I yield the floor to the gentleman from Wyoming [Mr. CAREY].

EDWARD H. LEIB.

Mr. CAREY. I call up for consideration the bill (S. 119) for the relief of Edward H. Leib.

The bill was read, as follows:

Be it enacted, etc., That the provisions of law regulating appointments in the Army are hereby suspended for the purposes of this act, and only so far as they affect Edward H. Leib, late captain Fifth United States Cavalry and brevet lieutenant-colonel United States Army; and the President of the United States is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint said Edward H. Leib, late captain Fifth United States Cavalry, to the grade and rank in the Army held at the time of his dismissal; and on account of his disabilities, incurred in the line of duty, the said Leib shall be placed upon the retired-list of the Army without regard to the limit fixed by law: *Provided*, That the said Leib shall receive no pay except from the date of appointment under this act, nor any pension from and after his full retirement as provided herein.

Mr. CAREY. I yield the floor to the gentleman from Nebraska [Mr. DORSEY] for two minutes.

Mr. DORSEY. I feel that in the present temper of the House it is useless for me to tell of the gallant services performed by Colonel Leib. He entered the service as a lieutenant at the commencement of the war; he was wounded upon seven different battle-fields; he is to-day sick and suffering nigh unto death, and we ask that he be restored to the Army. I do not expect this bill can pass to-night. I am satisfied that it can not, and therefore will not consume time, but will yield one minute to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, fifty-seven years ago a young man entered the Army of the United States and has been a soldier ever since. His career has been honorable and creditable to him and the country. He was deprived of the rank to which he was entitled, and the Senate has just passed a bill restoring him to his proper rank, which was that of colonel. The House Committee on Military Affairs has reported the same bill favorably and it is now on the Calendar.

He is confined in a hospital in this city; he can not live long, and he wants to be buried in the uniform of a colonel. It will cost the Government scarcely anything, and I ask this House to pass the Senate bill and gratify this laudable desire. I very much fear that Colonel Belger will not be living when the next Congress meets. The bill will give to him that which every soldier desires—that he may be buried in the uniform of the rank to which he was entitled; and I appeal to the gentleman from New York not to oppose this bill. Let the brave old soldier have this his last wish. Can any one refuse this gallant veteran so slight a request?

Mr. DORSEY. I demand the previous question upon the third reading of the Senate bill.

The previous question was ordered.

The question was taken on the third reading of the bill; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. FELIX CAMPBELL. Division.

The House divided; and there were—ayes 18, no 1.

Mr. FELIX CAMPBELL. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Nebraska [Mr. DORSEY] and the gentleman from New York [Mr. FELIX CAMPBELL] to act as tellers.

Mr. DUNHAM. Mr. Speaker, I desire to make a parliamentary inquiry. Does the ordering of the previous question on the passage of the bill carry it over until to-morrow?

The SPEAKER *pro tempore*. The previous question is ordered on the third reading of the bill.

Mr. TOWNSHEND. I ask that the bill be withdrawn.

The SPEAKER *pro tempore*. It can not be withdrawn except by unanimous consent. Is there objection to the withdrawal of the bill? The Chair hears none. The hour of 10 o'clock——

Mr. CUTCHEON. On behalf of the Committee on Military Affairs I wish to return their thanks for the courteous way in which members have treated the committee after its two years of hard work.

Mr. DORSEY. I object to the withdrawal of the bill.

The SPEAKER *pro tempore*. The gentleman from Nebraska objects to the withdrawal of the bill. The bill, therefore, is before the House; and the hour of 10 o'clock having arrived, the House, under previous order, stands adjourned until to-morrow at 12 o'clock m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. STONE, of Kentucky: A bill (H. R. 12621) authorizing the appointment of William Abert to the retired-list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 12622) for the relief of Nicholas White—to the Committee on Claims.

By Mr. O. B. THOMAS: A bill (H. R. 12623) to authorize an extension of a patent for improvement in sewerage to Walter Scott West—to the Committee on Patents.

By Mr. J. R. WHITING: A bill (H. R. 12624) granting a pension to Dennis O'Neil—to the Committee on Pensions.

By Mr. HUDD: A bill (H. R. 12626) for the relief of Everhard Welter—to the Committee on Pensions.

By Mr. J. J. O'NEILL: A bill (H. R. 12627) for the relief of Joseph Bissonette—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 12628) for the relief of Frank S. Sowers—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELDEN: Petition of the New York State Dairymen's Association, for legislation to brand skim cheese—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Homer, N. Y., in relation to the employment of convicts—to the Committee on Labor.

By Mr. BINGHAM: Petitions of citizens of the United States, earnestly asking for the speedy passage of a bill to provide for a national park along Rock Creek, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BLISS: Petition of Albert Millspaugh, of Richmond, Va., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUND: Petition of J. H. Zimmerman, of Greenbrier, Pa., for a law giving to each school district a copy of the CONGRESSIONAL RECORD—to the Committee on Printing.

By Mr. BUTLER: Petition of H. C. Austin, administrator of Clisbe Austin, of Washington County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUTTERWORTH: Petition in favor of Rock Creek park—to the Committee on the District of Columbia.

By Mr. COX: Memorial of W. H. Clagett and 371 other citizens of the United States, for a national park on Rock Creek, District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVENPORT: Petition of citizens of Hornellsville, N. Y., asking that a copy of the CONGRESSIONAL RECORD be sent to each school district—to the Committee on Printing.

By Mr. ERMENTROUT: Resolutions of the Young Men's Democratic League of San Francisco, Cal., requesting action on the report of the Committee on Elections in the Sullivan-Felton case—to the Committee on Elections.

By Mr. GAINES: Resolutions of the Tobacco Association of Richmond, and of Petersburgh, and of Clarksville, Va., in favor of the repeal of the tobacco tax—to the Committee on Appropriations.

Also, papers in the claim of Benjamin D. M. Jones, of Nottoway County, Virginia—to the Committee on War Claims.

By Mr. HARE: Request of W. R. H. Mack, of Bowie, Tex., for payment of his war claim—to the Committee on War Claims.

By Mr. HATCH: Resolutions of the National Grange, Patrons of Husbandry, relative to pure food and pure lard—to the Committee on Agriculture.

By Mr. MCKINLEY: Resolutions of Alliance Post No. 306, Grand Army of the Republic of Ohio, in favor of the complete publication of the official records of the rebellion—to the Committee on Printing.

By Mr. MANSUR: Petition of Mary Drennan, widow of Charles Drennan, of Jasper County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. O'DONNELL: Petition of 25 citizens, in favor of the establishment of a national park along Rock Creek, District of Columbia—to the Committee on the District of Columbia.

By Mr. J. J. O'NEILL: Protest of the Journal of Agriculture of St. Louis, Mo., against the copyright bill—to the Committee on Patents.

By Mr. OUTHWAITE: Resolutions of Daniel Noe Post No. 617 and of William M. Sanders Post No. 661, Grand Army of the Republic, for speedy appropriation for publishing war records, etc.—to the Committee on Appropriations.

By Mr. J. D. STEWART: Petition of John M. Thurman, of Henry County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. VOORHEES: Petition of J. L. Dumas and 165 others, citizens of Waitsburgh; of R. W. Dayton and 118 others, citizens of Cheney; of F. C. Lee and 105 others, citizens of Davenport; of H. K. Sinclair and 86 others, citizens of North Yakima; of Amos Stark and 36 others, citizens of Columbus; of A. Kaymer and 15 others, citizens of Spring Creek; and of R. H. Eves and 25 others, citizens of Elberton, Wash., praying that the bill for the admission of said Territory as a State may be so amended as to require that the constitution shall confer the right of suffrage without distinction of sex—to the Committee on the Territories.

Also, petition of 270 citizens of Washington Territory, praying for legislation permitting women to vote in the several Territories for members of the constitutional conventions—to the Committee on the Territories.

By Mr. WARNER: Petition of Aaron Botts, for payment of his war claim—to the Committee on War Claims.

Also, evidence in the case of George W. Anthony, of Kansas City, Mo., for relief—to the Committee on War Claims.

Also, affidavit of John McNess and of M. J. Freidsam in the case of Mrs. Fannie Adkins—to the Committee on War Claims.

By Mr. S. V. WHITE: Petition of John Jay Knox and 25 others, citizens of New York, for a public park in the District of Columbia—to the Committee on the District of Columbia.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. FLOOD: Of Mrs. J. F. Smith and others, of New York.

By Mr. HALL: Of United Presbyterian Congregation and others, of Butler, Pa.

By Mr. SCULL: Of 800 citizens of Altoona, Pa.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. ARNOLD: Of 1,399 citizens of Richmond, Charlestown, and North Kingston, R. I.

By Mr. GIFFORD: Of 39 citizens of Centennial Park, of 35 citizens of Eldridge, of 76 citizens of Langdon, of 38 citizens of De Voe, and of 15 citizens of Pingree, Dak.

By Mr. HIRES: Of 54 citizens of Greenwich, and of 53 citizens of East Creek, N. J.

By Mr. ROCKWELL: Of 43 citizens of Hampden, and of 51 citizens of North Adams, Mass.

By Mr. VANDEVER: Of 58 citizens of Escondido, and of 50 citizens of Salinas, Cal.

By Mr. VOORHEES: Of 118 citizens of Waitsburgh, Wash.

SENATE.

WEDNESDAY, *February* 20, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. HOAR. I should like to know whether the Journal should not state that the unanimous consent given to the Senator from Iowa [Mr. ALLISON] to call up the appropriation bill yesterday just after 2 o'clock included the laying aside informally of the unfinished business.

The PRESIDENT *pro tempore*. The Secretary will read the entry in the Journal to which the Senator from Massachusetts calls attention.

The Secretary read as follows:

The President *pro tempore* announced that the hour of 2 o'clock had arrived, and laid before the Senate the unfinished business at its adjournment yesterday, to wit, the resolution directing the Committee on Privileges and Elections to revise the laws regulating elections of members of Congress; when,

On motion by Mr. ALLISON, and by unanimous consent, the Senate proceeded, etc.

Mr. HOAR. I understood that was the laying aside of the unfinished business and not displacing it.

The PRESIDENT *pro tempore*. So the Chair understood. The unfinished business will be announced at 2 o'clock to-day.

Mr. HOAR. That is all right; but the Journal does not state that the unfinished business was laid aside, or that it was laid before the Senate.

The PRESIDENT *pro tempore*. The uniform practice of the Senate is that when pending and unfinished business is informally laid aside, at the conclusion of the business for which it was laid aside the consideration is resumed, or, if the business be not concluded that day, then at 2 o'clock on the following day the Senate again resumes the consideration of the unfinished business.

Mr. HOAR. I so understood, but I did not know whether that required an entry in the Journal.

The PRESIDENT *pro tempore*. It does not, in the opinion of the Chair.

Mr. HOAR. I did not know but that the Journal should show that it was informally laid aside.

The PRESIDENT *pro tempore*. The expression to which the Senator from Massachusetts refers does not appear in the Journal. If there be no motion to correct or amend, the Journal will stand approved as read.

SPECIAL AGENT BYRNE'S REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 14th instant, copies of the sworn testimony in regard to alleged frauds and undervaluations in the New York custom-house taken by Special Agent Byrne, and submitted with his report of November 1, 1887; which, on motion of Mr. HOAR, was, with the accompanying papers, referred to the Select Committee to Examine the Condition of the Several Branches of the Civil Service, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FRYE presented the petition of D. G. Luce and 70 others (31 voters and 40 women), citizens of Easton, Me., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented a petition of citizens of Maine, praying for the conclusion of a treaty which shall provide for the settlement by arbitration of any differences which may arise between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. PADDOCK presented a petition of 63 citizens of the State of Nebraska, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented the petition of Robert Sterrett and 17 others (10 voters and 8 women), citizens of West Lincoln; the petition of A. McWhinney and 24 others (15 voters and 10 women), citizens of Emerald; and the petition of Robert D. Anderson and 98 others (40 voters and 59 women), citizens of DeWitt, all in Nebraska, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of A. C. Hoxie and 36 others (17 voters and 20 women), citizens of East Bay, Mich., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. STEWART. I present a memorial of the Legislature of the State of Nevada, representing that a large number of suits have recently been brought against mining corporations and individual miners in Eastern Nevada for cutting fire-wood for mining and domestic purposes as authorized by law, which suits have greatly embarrassed the business of mining, which is the principal business of that section, and caused great damage and hardship to the people, and asking for the suspension of these suits until a full investigation into the facts may be had.

I ask that the memorial be printed in the RECORD, as it is a memorial of a State Legislature.

The PRESIDENT *pro tempore*. The memorial presented by the Senator from Nevada will be printed in the RECORD, if there be no objection, and referred to the Committee on Mines and Mining.

Mr. BLAIR. What is the memorial which is to be printed in the RECORD?

The PRESIDENT *pro tempore*. The title of the memorial will be stated.

The Chief Clerk read the indorsement on the memorial.

The memorial was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

Assembly concurrent memorial and resolution relative to certain suits for taking fire-wood from certain lands in this State.

We, your memorialists, the Legislature of the State of Nevada, most respectfully represent that our State is now suffering great and perhaps irreparable injury from the prosecution in the United States circuit court for this district of a number of suits for alleged trespass in cutting timber from public lands situated therein; and with due and proper respect we take this method of appealing for relief in this behalf.

For many years prior to 1878 our people had exercised and enjoyed the privilege of cutting and using the timber growing upon the mineral lands of this State for building, mining, agricultural, and other domestic purposes. By the act of Congress of June 3, 1878, this privilege was recognized and confirmed, subject to such rules as the Secretary of the Interior might prescribe for the protection of the timber and undergrowth.

In establishing such rules the Secretary has prescribed, among other things, that the brush shall be piled or otherwise disposed of so as to prevent forest fires; that no trees shall be cut that are less than 8 inches in diameter, and that no person shall cut such wood or timber for the purpose of selling it to others. In other words, that every man, no matter what business he is engaged in, must cut his own wood, either in person or by agent.

It is respectfully submitted that these rules are utterly inapplicable to the anomalous condition existing in Nevada. The requirement that the brush shall be piled or disposed of is not an especial subject of complaint, except that it is unnecessary.

The wood growing in these mineral districts is very sparce; it causes but little brush, and such a thing as a forest fire, we believe, has seldom been known in Eastern Nevada.

But the other rules mentioned are peculiarly objectionable. Except in the Sierra Nevada Mountains, on the western border of the State, we are almost destitute of what is commonly known as timber. Our wood, which is thus designated, consists mainly of a dwarfed and scrubby growth of cedar, nut-pine, and mountain mahogany. Owing to the dryness of the climate and the

paucity of the soil in the locations where this wood grows, it frequently takes an age for a tree to attain a diameter of 8 inches, and much of it never reaches that size, hence a rule fixing such a minimum in many cases amounts to an inhibition against the cutting of any wood at all, and in a large measure deprives our people of the benefit the statute was intended to confer.

In this State timber of any kind is very scarce; it is inferior in size and quality, straggling in its growth, and is found only upon the mountain ranges in tracts widely separated from each other. Some idea of the insufficiency of our wood supply may be gathered from the fact that at Tuscarora, one of our most important mining towns, almost the only accessible fuel is sage-brush, so small that it is loaded and hauled the same as loose hay in the Eastern States, and thrown into the furnaces with pitchforks, and even such fuel as this is now being brought from a distance of over 20 miles. The rule requiring each person to cut his own wood himself, or by agent, has the effect of almost completely nullifying the statute. Mining is the chief industry of our State, the one upon which every other industry depends, and in the great majority of cases it is utterly impracticable for a miner to go into the mountains and cut his own wood or establish an agency for that purpose. The mining itself is a precarious business, requiring all of his energy, thought, and capital.

The wood grows in regions difficult of access and it has generally to be transported great distances on the backs of mules. It is obvious, therefore, that it is a tedious and expensive process, and to carry on the business at all demands a considerable investment of capital in a mule train and packing apparatus. No miner or agriculturist, save a wealthy one, could comply with these rules, and it would be highly inconvenient for even him to do so. We submit, therefore, that any wood cut and used for the above specified purposes in the State of Nevada is used for domestic purposes within the meaning of the statute. That the decision of Secretary Teller, of date May 25, 1882, in the case of Frank P. Harden, enunciates the correct doctrine upon this point; that it is the only doctrine which can give our people the full benefit of the law, and that the later rule, as established by circular of May 7, 1886, from the Interior Department, should be modified accordingly. But even this rule, unjust and oppressive as it seems to us, is not at present our only grievance. There are now pending in the circuit court of the United States for the district of Nevada no less than eleven suits for alleged trespass upon these timber lands situated in the counties of Eureka and White Pine. These suits involve different corporations and many individuals, and the amount sought to be recovered reaches the enormous aggregate of over $10,000,000.

We are informed and believe that the amount claimed from the Richmond Mining Company, in the town of Eureka, for wood used in reducing ores is greater than the net value of all the ore that has been extracted from its mines. The timber for the cutting of which these actions have been brought, in our opinion, has been used exclusively by actual residents of this State, and in strict accordance with both the letter and spirit of the act of 1878. None of it has been transported from the State, and none of it is fit for such transportation. It is not timber which can be profitably wrought into lumber, and its character may be inferred from the circumstances that, notwithstanding the great demand for lumber which has heretofore existed in the town of Eureka, the second in importance in the State, there has never been, since 1870, a saw-mill located within 75 miles of that place. The timber is absolutely without value, except as an aid to the development of the mineral resources of the districts in which it is found.

We are not aware that any of this wood has been cut or removed, even in violation of the rules established by the Department of the Interior, nor is it so alleged in any of the complaints filed. It is a well-known fact that the land upon which it grows is mineral in character—clearly within the purview of the statute—and if it can not be used under its provisions, it can not be used at all, for there is no practical way by which it can be purchased or the title to the land acquired. The institution of these suits has had the effect of causing nearly every mine in the two counties named to suspend operations; business therein is paralyzed, and the people are menaced with absolute financial ruin. A continuation of the course foreshadowed by these prosecutions threatens the closing of every mine within the borders of our State, and the complete destruction of the Commonwealth. We believe that these suits are purely vexatious in character; that they have been commenced upon the basis of misapprehension, induced by misrepresentation; that the motive which underlies them is a desire to create fees for officials and attorneys. We believe this because of the enormous amounts sued for, which are beyond all reason, being the market value of the wood instead of its stumpage value, which is all that it is worth to the Government. We believe it because the same unjust and rigorous rate of valuation has been established with regard to its redemption, the party from whom it was seized being compelled to give bond according to the full measure of the market value in order to procure its release. As a result, the defendants dare not or can not redeem; the wood remains in the hands of the officer who made the seizure, and the entire business of that community is prostrate.

Our belief that these suits are vexatious is strengthened by the fact that although the business of cutting and disposing of the wood has been carried on openly and notoriously for years, and the right to do so unquestioned, these actions are brought now for the first time, and at the particular season of the year when wood is the most valuable, seeming to be designed for the express purpose of forcing the defendants into compromise and settlement; and, further, by the fact that so many suits were brought at one and the same time, instead of first establishing the right and settling the legal principle through the medium of a single suit; and, finally, by the still further fact that, according to our information and understanding, these actions are similar in character and involve the same principle as those under which large quantities of wood were seized by the United States authorities at Butte City, Mont., in the year 1878, which action was strongly denounced at the time on the floor of the United States Senate, and led to the passage of the act of 1878, above referred to.

If this wood has been unlawfully cut and removed we believe that it has been innocently done, in the exercise of what was thought to be a well-established legal right; and as a minor, although still important, consideration, we beg to suggest that the maintenance of these suits is a great hardship upon the defendants, they being compelled to entirely cease operations, abandon their business, and travel nearly or quite 500 miles to the place of trial. In view of the foregoing we therefore most respectfully, but urgently, ask that all proceedings in these actions be suspended and held in abeyance until a full investigation of the facts may be had; and upon the completion of such investigation, if it be found that any of this wood has been cut in violation of prescribed rules, we ask that these rules may be so modified as to accord with the character of our so-called timber, and the particular conditions existing in Nevada. But if it be impracticable to so modify such rules we ask for some adequate measure of legislative relief at the hands of Congress.

Resolved by the assembly (the senate concurring), That copies of the foregoing memorial and these resolutions be transmitted by the governor of this State to the President of the United States, and to each of our Senators and to our Representative in Congress.

Resolved. That we cordially indorse the action of our Senators and Representative in Congress in their efforts to procure for us relief from the vexatious suits complained of in the foregoing memorial.

Approved January 21, 1889.

STATE OF NEVADA, *Department of State, ss:*

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the annexed is a true, full, and correct copy of the original "Assembly concurrent resolution and memorial relating to certain suits for taking fire-wood from certain lands in this State" (approved January 21, 1889), now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 13th day of February, A. D. 1889.

[SEAL.] JOHN M. DORMER, *Secretary of State*,
By P. B. ELLIS, *Deputy*.

Mr. STANFORD presented a concurrent resolution of the Legislature of California, favoring legislation for the exclusion of Chinese immigrants; which was referred to the Committee on Foreign Relations.

Mr. BLAIR presented the petition of Robert Weir and 68 others (21 voters and 48 women), citizens of Forestville, Cal., praying for the proposal of a constitutional amendment prohibiting the manufacture, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. EVARTS presented the petition of William H. Winans and 54 other citizens of New York, praying for the passage of a law securing the observance of the Sabbath; which was referred to the Committee on Education and Labor.

He also presented the memorial of William H. Denney and 36 other citizens of New York, remonstrating against the passage of any bill in regard to the observance of Sunday or any other religious institution or rite; which was referred to the Committee on Education and Labor.

Mr. SPOONER presented the petition of George Wilcox and 69 others (38 voters and 32 women), citizens of Clinton, Wis., praying for the submission to the States of a constitutional amendment in relation to prohibition; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 2661) for the relief of James Caler, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9159) granting a pension to William A. Taylor;
A bill (H. R. 9113) granting a pension to Frank M. Martin;
A bill (H. R. 2737) granting a pension to Anna Krumpholz; and
A bill (H. R. 6763) granting a pension to John Mann.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C., reported it with amendments.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8225) for the relief of William S. Kellington;
A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;
A bill (H. R. 11707) granting a pension to Gertrude Northrop;
A bill (H. R. 12403) granting a pension to Bennett Cooper;
A bill (H. R. 12491) granting a pension to Lucinda Mewman; and
A bill (H. R. 12510) granting a pension to George Hunter.

Mr. SAWYER. I move that Order of Business 2726, being the bill (S. 3935) for the relief of George Hunter, late captain of Company A, Columbia County (Washington Territory) Volunteers, be indefinitely postponed, as I have just reported favorably a similar House bill.

The motion was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 11184) for the relief of Jessie Isherwood, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. I am directed by the Committee on Foreign Relations, to whom was referred the petition of Lewis C. Schilling, setting forth that he was wrongfully and illegally imprisoned by the Mexican authorities; that he was wounded and beaten and robbed of his money and goods; that he is and was an American citizen, and now prays Congress for some measures of relief, to submit a report thereon and ask to be discharged from the further consideration of the subject.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition, and it will lie on the table.

Mr. DOLPH. There are some documents accompanying the report which I do not care to have printed as a part of the report, but which may be filed with the petition.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson, reported it with an amendment.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3791) for the allowance of a claim in favor of Milton J. Durham, administrator of Leonard Taylor, deceased, of Boyle County, Kentucky, for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; and

A bill (H. R. 7618) for the relief of the Shepard and Morse Lumber Company, of Burlington, Vt.

DISPOSAL OF PUBLIC LANDS.

Mr. PLUMB. I am directed by the Committee on Public Lands to

report back the amendments of the House of Representatives to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, and ask that the conference heretofore requested by the House of Representatives upon the bill may be granted. I therefore move that the request of the House for a conference on the disagreeing votes of the two Houses be acceded to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Kansas to the fact that the House of Representatives made no request for a conference upon the bill.

Mr. PLUMB. Then I change the form of the motion, and move that the Senate disagree to the amendments of the House of Representatives and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. PADDOCK, and Mr. BERRY were appointed.

Mr. WALTHALL. Just as I came into the Senate I understood the Chair to state that there had been no conference asked by the House on Senate bill 2511.

The PRESIDENT *pro tempore*. So the Chair was informed by the clerks.

Mr. WALTHALL. That is a mistake. The conference was asked for and the conferees were appointed by the Speaker of the House. Their names will be found on page 1743 of the RECORD.

The PRESIDENT *pro tempore*. If the facts are as stated, the proper order will be made.

Mr. WALTHALL. The facts are shown to be so by the RECORD.

Mr. BERRY. The conferees on the part of the Senate have been appointed?

The PRESIDENT *pro tempore*. They have been announced.

The PRESIDENT *pro tempore* subsequently said: The papers in Senate bill 2511, to which amendments were made in the House of Representatives, have been examined, from which it appears that the Clerk of the House did not transmit any announcement that a conference was asked or conferees appointed by that body. The Chair can not take judicial notice of what was done there, and the first order of the Senate therefore will stand.

Mr. PLUMB. Let me inquire, does that mean that the Senate accedes to the request of the House?

The PRESIDENT *pro tempore*. There is no notification to the Senate that the House of Representatives asked for a conference.

Mr. PLUMB. Then I repeat the motion I heretofore made, that the Senate non-concur in the amendments of the House to Senate bill 2511, and request a conference on the part of the Senate.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection, and the conferees previously announced will stand.

PAY OF STENOGRAPHER.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by Mr. PLATT February 19, 1889, reported it without amendment, and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed by the Committee on Territories in considering the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, be paid out of the contingent fund of the Senate upon vouchers properly approved by the chairman of the committee, and that the hearings before the committee be printed for the use of the Senate.

MESSENGER TO COMMITTEE ON THE LIBRARY.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution reported from the Committee on the Library for the appointment of a messenger to that committee, to report it favorably with an amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and is hereby, directed to appoint a messenger for the Joint Committee on Library, whose services shall be devoted exclusively to the business of said committee, and that the messenger so appointed shall be selected by the said committee.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was to add to the resolution:

The compensation of such messenger shall be at the rate usually paid to messengers of the Senate, and shall be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

HETTINGER COUNTY LANDS.

Mr. PLUMB. The Committee on Public Lands instruct me to report back with amendments the bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota. I think I will venture to ask the Senate to consider the bill now. The facts in the case are these: By reason of an error in the survey certain persons settled upon lands and acquired title from the Northern Pacific Railroad Company on the supposition that they belonged to that company. A correction of the survey demonstrated the fact that they were on public lands and not on Northern Pacific lands. The bill provides merely that the Government may convey the lands which they are on, being public lands, to the Northern Pacific Railroad Company in exchange for a similar quantity of lands. It has been recommended by the Commissioner of the General Land Office.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Public Lands was, in line 10 of section 1, before the word "settlements," to strike out "real" and insert "actual;" and in the same line, after the word "settlements," to insert the words "made prior to Government survey;" so as to make the section read:

That the Secretary of the Interior is hereby authorized and empowered to give relief to such homesteaders or others as have been adversely affected by the Government survey, by an exchange of lands with the Northern Pacific Railroad, section for section, or fraction thereof, as the interests of the parties may appear, so as to admit of the company taking other lands within the indemnity limits in lieu of the tracts covered by actual settlements made prior to Government survey: *Provided*, That the said railroad company will become a party to said exchange.

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 3. That nothing contained in this act shall be taken or construed as waiving, releasing, or in any wise affecting any right of the United States to forfeit any lands granted to the Northern Pacific Railroad Company by act of Congress to aid in the construction of its line of railroad by reason of the breach of the conditions of any such grant; and any rights to any lands acquired by the Northern Pacific Railroad Company under the provisions of this act shall be taken and held subject to whatever conditions and right of forfeiture now attach to the lands which the Northern Pacific Railroad Company may give in exchange under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported to amend the preamble so as to read:

Whereas certain settlers in townships 135 and 136 north, range 97 west, and 134 north, range 96 west, fifth principal meridian, Hettinger County, Dakota, find that by reason of a mistake in the preliminary survey their homestead claims are on lands of the Northern Pacific Railroad rather than on Government sections: Therefore,

The preamble as amended was agreed to.

HOT SPRINGS RESERVATION.

Mr. BERRY. From the Committee on Public Lands I report favorably without amendment the bill (S. 3938) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association. It is a very small matter for a very worthy object, and I ask that the bill may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERSONAL EXPLANATIONS.

Mr. PASCO. Mr. President, I wish to make a brief explanation. At the time the vote was taken yesterday on agreeing to the report of the committee of conference on the bill for the return of direct taxes I was absent from the Chamber on important business. Relying upon my general pair with the Senator from Illinois [Mr. FARWELL], nothing was said about this special matter, and he inadvertently voted. I merely wish to state that had I been present I should have voted in favor of a reconsideration. The fact that I was absent was overlooked by the Senator from Illinois, and therefore I was not reported as being represented on the question at all.

Mr. HARRIS. I desire to say that upon the vote yesterday upon my motion to proceed to the consideration of executive business, failing to remember that the Senator from Vermont [Mr. MORRILL], with whom I have a standing pair, was absent, I voted, when I should have announced the pair.

BILLS INTRODUCED.

Mr. CALL introduced a joint resolution (S. R. 139) to appoint additional commissioners to the Paris exposition; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO BILLS.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the House concurrent resolution relating to Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt; which was referred to the Committee on Printing.

SELECT COMMITTEE ON PACIFIC RAILROADS.

Mr. STEWART. I submit a resolution to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission be continued until the indebted-

ness of the Union Pacific Railroad Company, the Kansas Pacific Railway Co 1 pany, the Central Branch Union Pacific Railroad Company, and the Centra Pacific Railroad Company, as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies, shall be adjusted by Congress; and that said committee be instructed to personally examine during the recess of Congress preceding the meeting thereof in December next the roads of said companies and the country through which they pass for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass and afford to the inhabitants thereof reasonable fares and freights. And the expenses of such examination shall be paid out of the contingent fund of the Senate.

Mr. GORMAN. Let that go over.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

Mr. GORMAN subsequently said: I desire to withdraw the objection I made to the resolution offered by the Senator from Nevada [Mr. STEWART] for reference to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. The objection is withdrawn, and the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

DISTRICT JURORS.

Mr. HARRIS submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District Columbia, the Committee on Enrolled Bills is hereby authorized and directed to strike out the word "fifty-two," where it occurs in the first line of section 8, and substitute therefor the word "sixty-two."

PUBLIC PRINTING-OFFICE BUILDING.

Mr. BLAIR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Printing be directed to inquire into the condition of the Public Printing-Office building and to report to the Senate what immediate repairs and improvements are in their opinion necessary and practicable to insure the safety and health of the employés and the preservation of the public property; also, to report an estimate of the expenditure required, if any, for the purpose mentioned.

CONGRESSIONAL ELECTIONS.

Mr. HOAR. I desire to have the resolution reported by me yesterday from the Committee on Privileges and Elections laid before the Senate. I suppose when it is laid before the Senate it will be referred instantly to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The Chair does not understand that the resolution reported by the Senator from Massachusetts occupies any other position than that of the report of a committee. It is on the Calendar.

Mr. HOAR. I move that the Senate proceed to the consideration of that resolution.

The PRESIDENT *pro tempore*. Will the Senator withhold his motion until the morning business is concluded?

Mr. HOAR. Certainly.

JOHN S. M'ELWEE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Maine [Mr. HALE], coming over from a previous day.

The resolution submitted yesterday by Mr. HALE was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to inform the Senate whether the sugar division in the appraisers' office in the New York custom-house is now in charge of John S. McElwee; and to further inform the Senate whether charges have lately been made against said McElwee affecting his personal character and conduct, and whether said charges have been investigated by Special Agent George C. Tichenor, and if such be the case to send to the Senate copies of said charges and of the testimony taken upon them, and the report of Special Agent Tichenor; and also to inform the Senate whether said McElwee has been before dismissed from the Treasury Department upon charges made against him affecting his personal character.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

CONGRESSIONAL ELECTIONS.

Mr. HOAR. Mr. President——

Mr. VEST. Is the morning business closed?

The PRESIDENT *pro tempore*. The Chair would inquire if there be further morning business?

Mr. HAWLEY. I ask the Senate to take up the joint resolution I reported yesterday.

The PRESIDENT *pro tempore*. The Chair feels impelled, under the notice given by the Senator from Iowa [Mr. ALLISON] yesterday, having charge of the appropriation bill, if there be no further morning business, to recognize the Senator from Maine [Mr. HALE].

Mr. HOAR. I hope the Senator from Maine will yield for me to ask the Senate to take up the resolution reported yesterday from the Committee on Privileges and Elections, to go instantly to the Committee on Contingent Expenses without debate.

Mr. HALE. If it is simply a question of reference, of course I have no objection.

Mr. GORMAN. I desire to say to the Senators from Massachusetts and Maine that it is impossible to have an understanding that the resolution shall be referred without debate.

Mr. HOAR. I desire to inquire of the Chair if when the resolution is taken up it does not go instantly, under the rules, to the committee without further action?

The PRESIDENT *pro tempore*. The Chair thinks that the resolution taken up would be open to debate.

Mr. HOAR. Without a reference? I supposed that the Chair had held otherwise a great many times in similar cases.

The PRESIDENT *pro tempore*. The Chair has always held, when no objection was made, that resolutions of that kind should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Chair does not, however, understand that that precludes debate upon the resolution.

Mr. HOAR. I hope the Senator from Maryland will allow the matter to be debated when it comes back from that committee and not now. I assure him that it shall have full opportunity for debate. I merely wish to have the committee make the formal consideration required by the rules.

The PRESIDENT *pro tempore*. Is there objection?

Mr. GORMAN. I object to the consideration of the resolution.

Mr. HOAR. Then I rise to further morning business. I will introduce the resolution, if I may be permitted to withdraw it, without the part which provides for the expenditure, and I ask that it be treated as regular morning business.

The PRESIDENT *pro tempore*. The resolution can not be withdrawn, except by unanimous consent, without being taken up for consideration.

Mr. HALE. I will move that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. HOAR. Mr. President, I rise to morning business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

Mr. HOAR. I offer the resolution which I send to the desk.

The PRESIDENT *pro tempore*. The resolution submitted by the Senator from Massachusetts will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, fraud, or other crime.

Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.

Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.

And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns so extensive and so systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said elections without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators and to provide methods for the appointment of electors for President and Vice-President of the United States.

Mr. HARRIS. Is that resolution just offered at this time?

The PRESIDENT *pro tempore*. It is just offered.

Mr. HOAR. Let it go over.

Mr. HARRIS. Let it go over and be printed.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

ORDER OF BUSINESS.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri rise to morning business?

Mr. VEST. No, sir.

Mr. ALLISON. Then I move to proceed to the consideration of the sundry civil appropriation bill.

Mr. VEST. I ask the Senator from Iowa to give way in order that I may call up a bridge bill, which is merely a formal matter and will lead to no debate, and it is absolutely necessary.

Mr. BLACKBURN. I will say to the Senator from Iowa that it is the same bill of which I spoke to him this morning, and which he promised to extend his courtesy for the consideration of, if the Senate would agree, upon the assurance that there would be no debate.

Mr. ALLISON. Then after the appropriation bill is taken up I will yield for that purpose.

Mr. BLACKBURN. Very well.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII being in order, the Senator from Iowa moves that the Senate proceed to the consideration of the bill

(H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The motion was agreed to.

Mr. VEST. Now, I ask the Senator from Iowa to allow me to call up the bridge bill. It is merely a formal one.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. ALLISON. I yield for that purpose only.

KENTUCKY RIVER BRIDGE.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The PRESIDENT *pro tempore*. If there be no objection, the amendments will be acted upon as they are reached in the text of the bill.

The first amendment was to add to section 1:

But the rate of tolls charged by said company for the passage of wagons and vehicles shall first be approved by the Secretary of War, and no tolls shall be collected unless the amount thereof is so approved.

The amendment was agreed to.

The next amendment was, in section 3, line 9, after the word "be," to add "commenced or;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location thereof; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 3, line 12, after the word "War," to insert:

And all the expense of said change shall be paid by the parties owning or controlling such bridge or bridges.

So as to read:

And should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and all the expense of said change shall be paid by the parties owning or controlling such bridge or bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

The title was amended so as to read: "A bill to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries."

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

The message also announced that the bill (S. 2460) granting arrears of pension to Theodore Rauthe, having been presented to the President of the United States on the 7th instant and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 112, after line 9, to insert:

Expenses of inaugural ceremonies: To enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1889, incurred by order of the Senate, including pay for forty extra Capitol police for three days, at $3 per day each, $3,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 113, after line 8, to insert:

Works of art: For the purchase of works of art, and the necessary cleaning and repairing thereof, under the direction of the Joint Committee on the Library, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Public printing and binding," on page 14, line 1, after the words "two million," to strike out "and thirteen thousand" and insert "three hundred and thirty-six thousand two hundred;" so as to make the clause read:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,336,200; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely, etc.

The amendment was agreed to.

The next amendment was, on page 114, line 7, after the word "debates," to strike out "eight hundred and two thousand" and insert "one million;" so as to read:

For printing and binding for Congress, including the proceedings and debates, $1,000,000.

The amendment was agreed to.

The next amendment was, on page 114, line 24, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to read:

For the State Department, $20,000.

The amendment was agreed to.

The next amendment was, on page 115, after the words "one hundred and," to strike out "fifty thousand" and insert "fifty-five thousand two hundred;" and in line 8, after the word "exceeding," to strike out "ten" and insert "twelve;" so as to make the clause read:

For the War Department, $155,200 (of which sum $12,000 shall be for the catalogue of the library of the Surgeon-General's Office), and not exceeding $12,000 for carrying into effect the appropriations for the Signal Service.

The amendment was agreed to.

The next amendment was, on page 115, line 15, before the word "thousand," to strike out "forty" and insert "forty-five;" so as to make the clause read:

For the Interior Department, including the Civil Service Commission, $345,000, including not exceeding $10,000 for rebinding tract-books for the General Land Office.

The amendment was agreed to.

The next amendment was, on page 115, line 21, before the word "thousand," to strike out "ten" and insert "twelve;" so as to make the clause read:

For the National Museum: For printing labels and blanks for the use of the National Museum and for the "bulletins" and annual volumes of the "proceedings" of the Museum, $12,000.

The amendment was agreed to.

The next amendment was, in the appropriations for printing "for the United States Geological Survey," on page 116, to insert:

For engraving the geographical maps of the United States, $45,000.

The amendment was agreed to.

The next amendment was, on page 116, line 7, before the word "thousand," to strike out "seven" and insert "ten;" so as to read:

For the Department of Justice, $10,000.

The amendment was agreed to.

The next amendment was, on page 116, line 9, after the word "hundred," to insert "and fifty;" so as to read:

For the Post-Office Department, $250,000.

The amendment was agreed to.

The next amendment was, on page 116, line 11, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

For the Agricultural Department, $40,000.

The amendment was agreed to.

The next amendment was, after line 10, on page 117, to insert as a new section:

SEC. 2. That in order to provide additional accommodations for the Post-Office Department and other Departments of the Government, including accommodations for the city post-office, the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square numbered 406 of the city of Washington, bounded by F street on the north, E street on the south, Eighth street on the east, and Ninth street on the west; and for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated; and when said property shall be acquired said board may direct that Eighth street, between E street and F street, northwest, shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may, by petition in writing, apply to the supreme court of the District of Columbia, in general term, setting forth a description of the property they have been unable to purchase, and which they desire to obtain for the public purposes aforesaid, with the names of the owners or claimants of the title thereto, and of any incumbrances thereon, so far as the same may be known to them, and praying that the court will cause the same to be condemned and appropriated to the public use.

Thereupon the court shall cause public notice to be given of such application by a publication three weeks successively in two daily newspapers published in the city of Washington, stating the substance of said application, and notifying all persons having any interest or claim in or to the property so mentioned

to appear before said court on a day named and become parties to the proceeding, which publication, so made as aforesaid, shall be deemed due notice to all persons having any interest in or claim to such property. And thereupon said court shall appoint five disinterested residents of the District of Columbia to be appraisers of the value of such property and pieces of property, respectively. The said appraisers shall be sworn to a just and impartial performance of their duty; and said appraisers having been so appointed shall give notice to all persons interested in or having claims to any of such property of a time and place of hearing, by publication in two daily newspapers published in the city of Washington for six successive days, and thereupon the said appraisers shall proceed to view the said respective parcels of property and hear the representatives of the United States and the said persons in interest and claimants, and shall thereupon estimate and appraise the true and just value of such pieces of property, respectively, and report their findings thereon to the court. Upon the filing of such report the said court may hear the representatives of the United States and any parties in interest or claimants and proceed to confirm, modify, or set aside such report and appoint new appraisers as shall appear to said court to be just, and make such further orders in the premises as shall effectuate the purposes of this appropriation. And when any such report shall have been finally confirmed by said court the United States shall, upon the payment of the sums awarded by said court as the proper and just price thereof, to the parties found by said court to be entitled thereto, be deemed seized and possessed of said property for the purposes herein mentioned. If it shall appear to said court that any person having an interest in or any claim to any such parcel of such property can not be found or is unknown, or is an insane person or an idiot, or is a married woman or an infant, or is under any disability, the said court may appoint guardians and trustees for such persons, and make all such orders in the premises as shall be just for the protection of all rights, and may order that the sum of money to be paid in respect of any such parcel of property shall be paid into the Treasury of the United States to the credit of such persons so interested in or having a claim upon such property, in trust for the person legally entitled thereto. Any such sum of money so deposited may be paid out of the Treasury at any time upon the order of said court to any person deemed by the court entitled thereto upon the proper application to said court for such purpose. And in respect of any such sums of money so deposited the said court shall have all the powers of a court of equity in the administration of trust funds.

Mr. HALE. I suggest to the Senator in charge of the bill, on page 117, line 18, where the word "embodied" occurs, that a better word would be "included."

Mr. ALLISON. I have no objection to either word.

Mr. HALE. I move simply to strike out "embodied."

The PRESIDENT *pro tempore*. The amendment to the amendment will be agreed to if there be no objection.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 120, to insert as section 3 the following:

SEC. 3. That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square No. 624 of the city of Washington, lying east of a 20-foot alley running from G street to H street, and bounded by H street on the north, G street on the south, North Capitol street on the east, and said named 20-foot alley on the west; said parcels being divided east and west by Jackson alley, and intersected in part by a 14-foot alley running from G street to Jackson alley; said real estate now in part being occupied by the Government Printing Office. And for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated. And when said real estate shall be acquired, said board may direct that the 14-foot alley, running from G street to Jackson alley, shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may take proceedings for the condemnation thereof in the manner provided for in section 2 of this act.

Mr. HALE. On page 121, line 1, I move to strike out the word "embodied."

The PRESIDENT *pro tempore*. That change will be made if there be no objection.

Mr. VEST. I want to make an inquiry before the amendment is agreed to. I should like to ask the chairman of the Committee on Appropriations if this amendment comes from any standing committee of the Senate.

Mr. ALLISON. No standing committee except the Committee on Appropriations that reported it.

Mr. VEST. I raise the point of order on it, and I want to state it now.

Mr. ALLISON. To which amendment does the Senator refer?

Mr. VEST. Is it in the general Book of Estimates?

Mr. ALLISON. To what section does the Senator refer?

Mr. VEST. The last section, in regard to the purchase of ground for the Printing Office.

Mr. ALLISON. I do not think it is in the Book of Estimates.

Mr. VEST. Is it in the report of the Public Printer or asked for by any officer?

Mr. ALLISON. I think the Public Printer asked for it in his report.

Mr. VEST. Does it come from the head of any Department?

Mr. ALLISON. It was inserted last year in this appropriation bill, and is one of the most necessary and important things in this bill.

Mr. VEST. I simply have to say that this amendment ought to have been submitted to the Committee on Public Buildings and Grounds. That is the committee of this body which should have considered this matter and passed upon it. The preceding amendment, which is a very important one, providing for a city post-office, has come from the Committee on Public Buildings and Grounds, I think, and we have passed it through the Senate twice, and yet it has been given up in each instance in conference by the conferees of the Senate.

Now, we have an amendment here which does not come from the Committee on Public Buildings and Grounds or from any other standing committee, which is not in the Book of Estimates, not recommended by the head of a Department, and I raise the point of order upon it. I have not had time to examine it thoroughly, but I am informed it involves an expenditure for ground alone of more than $180,000 with a necessary expenditure afterwards of over $500,000 for the addition to the Printing Office which is contemplated by the amendment, making altogether in the neighborhood, I am safe in saying from my experience in this District in constructing public buildings, an expenditure of from $700,000 to $1,000,000 without having passed through the committee of this body which is presumed to know its duty and discharge it.

I raise the point of order.

Mr. GORMAN. Mr. President——

The PRESIDENT *pro tempore*. The point of order is not open to debate, but by unanimous consent the Senator from Maryland may proceed.

Mr. GORMAN. Mr. President, if there be no objection to my proceeding, in response to the Senator's suggestion of the point of order I will state that my recollection is very clear that this amendment was recommended and submitted at the last session by the Committee on Printing precisely as the amendment in relation to the post-office, which is contained in this bill, was recommended by the Committee on Public Buildings and Grounds; and again this session, as I remember. Therefore, I do not think the point of order is well taken. I think it is only during this session that it was reported by the committee. I do not think I can be mistaken about it.

In addition to that, I want to say to the Senator from Missouri that in no case, at no time since the establishment of the office of Public Printer, has the question of the enlargement of that building, of the additional facilities that have been required from time to time, ever come from the Committee on Public Buildings and Grounds, but it has been by law in special charge of the Joint Committee on Printing. There can be no question as to the necessity of this appropriation. It is a case that appeals to every Senator who has examined the matter. It is a question of the lives and health of the poor people who are employed in that establishment.

We have reported upon it year after year, and the Public Printer has drawn attention to it, and in his very last report is this picture drawn of the condition of that building, which is not overdrawn:

The condition of the H street wing of the office, as to its capacity to carry the weight to which it is subjected in its present crowded condition, has been a source of daily anxiety during the past year, and I have frequently felt impelled to order the discontinuance of labor and the removal of work awaiting completion, in order to relieve the floor from the dangerous accumulation of weight upon it, which threatened the lives of the employés and the safety of the property under my charge.

That building was purchased by the Government from a private citizen, it having been erected many years ago, and to-day it is in the condition which the Public Printer describes in that paragraph of his report. Not only is there danger from the building falling and burying the poor people who are employed therein, but it is anything but fireproof. It is liable to be destroyed by fire at any time, and a fire in that section of the building would stop all the public printing of this Government the moment it took place, for there is but one engine with one motive power to run all that great machinery.

But more than that, experts who have examined it and humane people who have looked at it all declare that if it was a private establishment conducted by any citizen of the District of Columbia he ought to be presented or indicted by the grand jury for maintaining such a nuisance and keeping such a dangerous structure. I have been in it in the performance of my duty as a member of the Committee on Printing when it was impossible for the workmen to remain engaged in the work one hour at a time without being overcome with the foul gases and heat. It is a disgrace to the Government that we should compel these poor people to labor eight or ten hours a day doing the work that is absolutely necessary for the transaction of the business of the Government in such an unventilated building, one so dangerously constructed, and I submit to my friend from Missouri that it ought not to be a question of consideration of this upon a matter which is so vital and which appeals to us from every instinct of humanity.

I again repeat that it is a subject that the Committee on Public Buildings and Grounds have never had charge of. It belongs properly and has always belonged to the Joint Committee on Printing.

I trust that the Senate will retain the provision.

Mr. VEST. Mr. President, I fail to appreciate the argument made by the Senator from Maryland, after reading this amendment. What he has said goes to the present dangerous condition of the Public Printing Office, and he has drawn a very pathetic picture, and doubtless a just one, of the want of accommodations there and the absolute danger, both from fire and the falling of the building, to employés, but there is nothing in this amendment to repair that building. I agree with him that if it is in a condition such as is stated by the Public Printer in his report, it is a scandal, a shame, a disgrace to this Government, and there ought to be a new building provided; and if a bill is

introduced by the Senator from Maryland for that purpose I will undertake, though not the chairman of the Committee on Public Buildings and Grounds, but a member of that committee, to say that it shall be reported back promptly, and I have no doubt it will be promptly passed by the Senate.

What I objected to was the purchase of an additional piece of ground without remedying the very danger of which the Senator from Maryland has spoken. I will not insist on the point of order, because I do not choose to put myself in the attitude of being in the slightest degree responsible for anything that may happen there after this statement; but I do say that this matter ought to have been considered by the Committee on Public Buildings and Grounds, and I heard nothing heretofore and knew nothing of the facts which have been stated here to-day by the Senator from Maryland.

There are a great many things about the Public Printing Office which I do not approve; a great many abuses existing there; but I have long since given up any Utopian ideas of reforming the abuses that exist in this District, and I propose to avoid, except when called upon by direct duty, the cleansing of the Augean stables around the seat of Government. But it is an outrage if that state of things exists and that building is as dangerous as is stated in the Printer's report. It is an outrage to permit it to exist one session of Congress, but by this amendment it is proposed to have it continued and to purchase more ground simply to put an addition to that very dangerous and insecure structure.

Mr. GORMAN. The Senator is mistaken.

Mr. VEST. Let me read the amendment and see if I am mistaken:

That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate, etc.

Mr. GORMAN. I hope the Senator from Missouri will allow me to explain, for evidently he has not given the question any personal examination. The whole machinery of the Government Printing Office is propelled by one engine located in the dangerous part of the building which I have described and to which I have called attention. It is not possible to stop that machinery without stopping all the printing for the Government. There is, therefore, no remedy whatever except to acquire the adjacent ground and put up a new building with another engine in it, and then tear down and remove the old structure or repair it. It is the only possible way it can be done. The Committee on Printing have spent days in looking at it. I have gone over the ground carefully myself. The present building is surrounded with rumshops, dives of all sorts and descriptions, and stables, and the Senator from Missouri, if he would go to the Government Printing Office and look at it and examine it and see the condition these poor people are in and compelled to be in, not by any fault of theirs except their poverty, he would be the first to defend it and do what I tried to do at the last session, and the chairman of the Committee on Appropriations as well as of Printing ought to see that this great wrong is righted at once. It is not the fault of the Senate. It is the first time the whole statement has been made here, and I say now the Senate ought never to submit to this proposition being eliminated from this bill. There is every reason why it should be attended to. I trust it will be, and I trust it will have the hearty support of my friend from Missouri.

Mr. VEST. The fact still remains that this report ought to have been submitted to the Committee on Public Buildings and Grounds, in order that the facts which have been stated here should be met with the proper remedy. Now, the Senator states that this building can not be repaired—that is to say, this engine can not be discontinued without stopping the entire printing of the Government. That is a fact about which I have no personal knowledge, but I do say that a new building ought to be constructed at once, and that this state of things which is disgraceful to the Government and which seems to have been in existence for some months, if not years, should have been remedied long ago by a bill to erect an addition to the Printing Office which is clear and free from the dangers that have been stated here to-day.

I withdraw the point of order, but I want to say now that whenever a bill for the purpose comes to the Committee on Public Buildings and Grounds we will act upon it promptly, for if one-third of what the Senator from Maryland says is true, it is a scandal to the Government.

Mr. ALLISON. Before the Senate passes on this section, I desire to say a word in response to the suggestions made by the Senator from Missouri. I want to say to him and to the Senate that there was no disposition in the Committee on Appropriations to aggrandize power or to draw into that committee appropriations that are not properly and fairly considered by the proper committees of this body; but it so happens that last year the Committee on Printing, which I think is the committee having proper jurisdiction of everything relating to public printing, presented this amendment to the Committee on Appropriations, not only by referring it to that committee, but by appearing and explaining in detail what has been so well stated to-day by the Senator from Maryland, as to the necessities of the Public Printing Office, and we inserted in the sundry civil bill of last year this identical amendment. We were, however, compelled to give up the amendment in conference, as we were compelled to give up the amendment respecting the post-office provision of that bill, simply because the House of Representatives would not agree to it. We could not convince the conferees on the part of the House of the importance of the amendment. Now, seeing this condition of things and the matter appearing to the Committee on Appropriations to be urgent, we believed it to be our duty to call the attention of the Senate to the necessity of the acquisition of this property in order that a suitable building might be prepared to enable the Public Printer, without stopping the Government work, to repair the old building, which is in the condition stated in the report read by the Senator from Maryland.

I am very glad that the Senator from Missouri has made his suggestion, because it will cause the Appropriations Committee to be especially careful to not infringe upon the prerogatives or rights of other great committees of this body. We do not desire and have not in the past desired to take from the Committee on Public Buildings and Grounds any of the proper considerations that pertain to that committee as respects public buildings. We have never put upon these bills and do not propose to put upon them appropriations for new structures without those appropriations having first been considered by the proper committees of this body, and I think if the Senator from Missouri will look at the records of the past as respects our Committee on Appropriations he will see that we have with scrupulous care adhered to our proper relations to other committees of this body.

Mr. HAWLEY. Mr. President, I concur heartily and entirely with what has been said by my colleague upon the Printing Committee, the Senator from Maryland, and I do reproach myself somewhat that I have not been more active in this matter; but I have had such bad success in any matter connected with the Printing Office that I have subsided. Four years ago we obtained the passage by Congress of an amendment, I think in the sundry civil bill, that authorized the expenditure of seven to eight thousand dollars for putting into the Printing Office one or the other kind of automatic fire-extinguishers. These fire-extinguishers are very largely in use by the large manufacturers of the country. Water pipes run through the rooms near the ceiling at intervals. They have a sprinkler, as they call it, through which the water is allowed to flow freely, distributing a shower of water over a circle, perhaps 30 feet in diameter. This sprinkler can be set in operation by a heat of any degree that may be chosen, say 140 degrees, and a fusible alloy locks the plugs, and if a fire breaks out a heat of 140 degrees melts the fusible alloy, and the sprinkler goes to work instantly whenever the heat rises to that.

The use of these automatic spinklers in some of the great factories has proved invaluable. There never has been a large fire where the best of these sprinklers have been used. We supposed that by putting in an item of $7,500, if that was it, for these sprinklers, it would be virtually a command to the Public Printer to do the work. I have not examined the extent to which he did do it, but for a long time he did nothing, absolutely nothing, notwithstanding the danger, and then he put in something or other over a small portion of the building.

There is a million dollars' worth of combustible property there with insufficient protection against fire. Congress did what it could in the matter, but the Public Printer, like some other Government officers—and I am not bringing that in question—assumed a special discretion over the matter after Congress had expressed its opinion.

But that is not the pending question. I said I concurred with my colleague of the Committee on Printing. The present condition of the rooms occupied by compositors and binders is discreditable to the Government. The ceilings are too low; the operatives are very much crowded there, and it is high time that we put up a safer and more wholesome building, if not more than one.

Mr. BLAIR. One gets the impression from listening to this debate that that old trap down there is very much like the Hartford hotel, and that at any time we are liable to have fastened upon us the responsibility, after due notice, of an explosion demolishing that structure and destroying the lives and health of those who are employed there.

The mere interruption of the public business is the difficulty which has been suggested, but it strikes me that we may possibly find a more serious responsibility upon the Senate and the other House now that these facts are brought to our attention if we fail in this bill immediately to make provision for such repairs—immediate and necessary repairs—and the strengthening of the structure, or the improvement of the machinery, or the immediate surroundings of that machinery, the engine, etc., as can be made with a view to immediate safety during the interim wherein even to buy this land the Public Printing Office must be utilized. It has to be occupied and kept going just as a fort is defended and kept ready for a siege, because the public business and the interests of the country require that to be done. These people must stay there, although it may be a more dangerous point on the whole than Fort Sumter in Charleston Harbor was during the siege prior to the breaking out of the war.

I suggest that this difficulty, if it be a difficulty, between the suggestions of the Senator from Maryland and the amendment pending and the Senator from Missouri might be obviated by an amendment to the pending provision by which five, or ten, or twenty thousand dollars, as the case may be, shall be appropriated for immediate and necessary and possible repairs. I suggest to the chairman of the Committee on Appropriations whether his knowledge of how to do it may

not be utilized by his proposing right here and now an addition to this amendment which the committee have reported, a slight additional appropriation to keep this old trap safe to live in or to die in, at least safe to die in, in the meanwhile.

Mr. ALLISON. I will say, in response to the suggestion made by the Senator from New Hampshire, that the Committee on Appropriations have no information that would justify them in suggesting any specific sum. If the Committee on Printing or the Architect of the Capitol will show us any way whereby this building can be temporarily patched up, I shall be willing as one member of the Appropriations Committee to appropriate a sufficient sum for that purpose.

Mr. GORMAN. We did make an appropriation last year covering that, and so far as temporary repairs are concerned all has been done by the Architect of the Capitol that it is possible for him to do.

Mr. BLAIR. Am I to understand, that notwithstanding what has been said here, the Government Printing Office is a safe and proper place for human beings to be employed in?

Mr. GORMAN. Not at all.

Mr. BLAIR. Do I understand that everything has been done to make it as safe for present occupancy as can be done?

Mr. GORMAN. I think so.

Mr. BLAIR. Then there is no immediate danger to life?

Mr. GORMAN. I think there is yet.

Mr. BLAIR. Do I understand that the engine is in danger of blowing up any more than it used to be? Is it a safe, strong, and proper engine to be employed about the work and not specially liable to explosion?

Mr. GORMAN. The engine I spoke of is within the walls of the building itself. I understand from the Architect that no further improvements can be made upon the structure as it now stands.

Mr. BLAIR. Does the Architect report this building as safe to be occupied at the present time?

Mr. GORMAN. He does not.

Mr. BLAIR. I fail to be convinced that the building can not be made safer. You can take a dying, struggling, rotting railroad bridge, and make it safe by proper supports and appendages until a new one can be erected instead of it and be ready for occupancy; and I do not believe that the Architect has made a proper report or done his full duty unless he has gone to the limit of expenditure allowed. If that building is unsafe for occupancy, if it must be abandoned until we have to find more money to make it safe, it is not the right thing that these fifteen or sixteen hundred people there are to be put day and night going in there and coming out with their lives at stake in the rendition of the service which they give for the payment of the pittance we allow them; and I respectfully ask that those charged with this matter take great care to clear their consciences, as we are informed of the existing danger.

Mr. HAWLEY. I think from the language of the Senator from New Hampshire he supposes that I am chairman of the Committee on Printing. The chairman, the senior Senator from Nebraska [Mr. MANDERSON] is not now in his place.

I have not supposed that there was any more than the ordinary risk, the average risk, in that building from the steam engine. I supposed it to be a good engine and the boiler to be good, and I supposed that the engineer and fireman are temperate and faithful men. Nor do I think the building is actually liable to fall down at any day unless the Public Printer should carelessly permit too great an accumulation of weight somewhere. Fire escapes, I think, have been sufficiently provided so that the employés can get out. But the building is unwholesome, and, as I said, the ceilings are too low and the accommodations are not sufficient. It is an old building which we ought not to continue.

Mr. BLAIR. I certainly intended no reflection upon anybody.

Mr. HAWLEY. I do not think there was any reflection.

Mr. BLAIR. I am as much to blame as any other Senator. We have a cage of death right under our own personal observation, for there is no Senator here who does not occasionally visit that building, I suppose.

I understood it to be emphatically stated in response to my inquiry, by the Senator from Maryland [Mr. GORMAN], just now that the Architect, notwithstanding his expenditures, still says the building is unsafe. It is uncertain whether he says it has been made as safe as money can make it. That is the point I am dwelling upon. Now, suppose we buy the land proposed; we erect a new Public Printing Office. We know very well that is a process of three, four, or five years; and meanwhile this building must answer the purpose, or be made to answer the purpose, for the public work must go on.

After what has been said here to excite attention and arouse suspicion and apprehension on the part of those obliged to do this work as well as on the part of those who may feel some responsibility in regard to these employés, their health and their lives, it does seem to me that immediate provision should be made for the safety of the building to be sure that the machinery, the engine, and everything else is as safe as it can be made to be meanwhile.

The matter of ventilation is not so difficult a thing for a man who knows anything of the laws of atmosphere or atmospheric circulation. If the men and women are working in dens and dungeons there, holes can be cut and apertures can be opened and machinery introduced to create a circulation of air, as we do here in this building, as we do in this interior box, which would be simply a Black Hole of Calcutta but for some of the improvements which we have introduced here. Something of that kind can be done to save the lives of these young consumptives or these old consumptives down there, who have become such by reason of the kind of place we compel them to work in, during the next four or five years, when they must stay and work, or their successors after they have gone to the cemetery.

I think an investigation could be made within a day by the Architect of the Capitol, which would result in an estimate so that, not upon this bill, but upon the deficiency bill, or some proper bill, there could be provisions made to have something done forthwith, so that we might not at least look upon ourselves as accessories to the murder of these people if they go up in an explosion.

Mr. VEST. I want to suggest to the chairman of the committee, on page 121, line 19, to strike out the word "take" and insert "institute legal." I do not like that expression as a lawyer. At the same time it would be better to say "they may institute legal proceedings." I propose, in line 19, on page 121, to strike out the word "take" and insert "institute legal;" so as to say:

At a price that, in their opinion, is reasonable, they may institute legal proceedings for the condemnation thereof in the manner provided for in section 2 of this act.

Mr. ALLISON. I see the point of the Senator. I rather think the word "take" is a better word, because it refers back to the provision of section 2, which is a long provision, in respect to these proceedings, some of which are legal and some of which may not be absolutely in a technical sense legal proceedings. I will say to the Senator that this matter was submitted last year to the chairman of the Committee on the Judiciary for the legal phraseology, and my recollection now is that that particular word was substituted by the chairman for some other word.

Mr. VEST. I beg the Senator's pardon. I had something to do with that matter, because I drew part of this clause here. That is the very reason I suggest the amendment. The word "take" contemplates an action by the commissioners in the way of purchase which does not apply. It is not a legal term as to condemnation proceedings. The latter part of the amendment provides—

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same—

Repeating the language that is used in the post-office amendment. Then we come to the coercive part, where they are not able to buy at a reasonable sum, then the language ought to be in my judgment that they "may institute legal proceedings." They do not take these proceedings themselves.

Mr. ALLISON. I do not object to the phraseology. I only hope it will stand until the amendment is finally disposed of in the Senate. I hope no other lawyer on the Judiciary Committee will suggest other words.

Mr. VEST. It is not a matter of any vital importance.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The amendment to the amendment will be stated.

The SECRETARY. In line 19, page 121, after the word "may," it is proposed to strike out "take" and insert the words "institute egal;" so as to read:

1 They may institute legal proceedings for the condemnation thereof, etc.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHERMAN. I desire to offer an amendment, and I ask the unanimous consent of the Senate to offer it. It is to add an independent section to this bill—the same provision that was inserted by the unanimous vote of the Senate the other day on another bill, which may not reach final action. I should like to have it adopted here. My amendment is:

SEC. 4. That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or by under-ground cables moved by steam power, on the whole or any portion of its roadway, the same to be done under the direction and with the approval of the commissioners of the District of Columbia, with authority to purchase and use any terminal grounds and facilities necessary for the purpose.

The PRESIDING OFFICER. Is there objection to receiving this amendment? The Chair hears none. The question is on agreeing to it.

Mr. DAWES. The Senator showed me that amendment the other day and I was a little doubtful about the phraseology of it. I wish he would add to that "not with overhead wires."

Mr. SHERMAN. I have no objection to that, because the language of the amendment would not permit overhead wires in any case. It only authorizes these companies to take one of the different modes of power named, either the independent battery, which is the storage battery, or the cable-road, or the electric wire with under-ground cables.

Mr. DAWES. I am inclined to think the Senator is right, but it

may be possible to describe an independent battery as one which carries its power with an overhead wire.

The PRESIDING OFFICER. The Senator from Massachusetts will please repeat his amendment.

Mr. SHERMAN. The independent battery means where the battery is in the car.

Mr. DAWES. I know that is what the Senator means and what I mean, but I do not know what somebody else may think it means, and, therefore, after the words "independent electric batteries," I move to insert "not by overhead wires."

Mr. SHERMAN. That is all right.

Mr. ALLISON. I do not object to this amendment, as the Senator from Ohio seems to think it an important amendment. I shall simply feel constrained hereafter to object to any amendments that may be offered of this character.

Mr. GORMAN. Mr. President, of course I do not believe that this is the proper place for such an amendment, and while I believe that it will probably be very beneficial to change horse-railroad power for electricity or cable, still I think it is but fair in considering this question and giving such privilege that you shall attach to it a proviso that each of these companies shall pay to the District of Columbia 4 per cent. on the gross receipts of its road. That is a provision that we have inserted in the bill that passed through the Senate last session for a cable road. It is the same provision that is in the Eckington road charter, which is propelled by electricity, as I understand.

Mr. HARRIS. If the Senator from Maryland will allow me, I think that provision has been incorporated into every charter that has been granted by this Congress, but contemplating as the Committee on the District does a thorough revision and the adoption of what we may ultimately decide to be the best system of street transportation the committee has thought we would leave that question of overhauling the general matter of taxation in respect of all the roads until we were prepared to determine upon the system that we would require to have adopted by the roads.

Mr. GORMAN. So I understand. I have heard that statement for several years, since I have been here, but we have never reached the point where we can get a test vote on any question in which the railroads are interested where we can induce them to accept a proposition of this sort.

Mr. SHERMAN. If my friend will excuse me, this provision, which is simply permissive, will not interfere in the slightest degree with the power of Congress to levy any system of taxation that it may deem proper, either upon the street-railroads or upon the other railroads. All that this does is to give them no privilege, but to give them fair notice that they will have the opportunity to substitute modern power. If they do not do this I, for one, shall be in favor at the next Congress of requiring them to do it by a pretty severe measure.

I am assured by a gentleman at the head of one of these corporations that if they had this legal authority (for I asked the question, why do you not adopt modern means of locomotion in Washington where you ought to have the best possible road) they would proceed to act, though it would involve a very large expenditure, three times the cost of the road. I said, "That makes no difference; it ought to be done." He said that their road would do it. He said—I make this statement frankly, because I expect the gentlemen to do it—he said if they got the authority, if you gave them the power, they would make a cable road the whole length of Seventh street, and they would as soon as the best motive power by electricity could be decided upon make the best possible electric road from Georgetown to the navy-yard. If they do not do it nothing is lost. We are then in a condition to make such provision as we choose; but if they do it we accomplish by their consent a great improvement for the city of Washington and the people of the whole country.

Mr. GORMAN. Mr. President, the Senator from Ohio will not understand me as opposing any of these improvements. I think with him there is great necessity for them. But I do believe it is impossible to settle this question now upon an appropriation bill. The other question of the class of rail they ought to use upon the Avenue and the F street lines is just as necessary to be settled as the motive power; and while I am in thorough accord with him and have no desire whatever to hamper any of these roads, but on the contrary wish to give them all proper facilities and all the power needed to do what is required, still we are going on in a way that I think is very unjust to the people of the District of Columbia.

If these roads get such a privilege as you grant by this amendment, in competition with the other roads that you have already chartered, they would unquestionably subject themselves without a murmur to proper taxation. They would change the rail. There are no more profitable roads than the F street and the Avenue roads in the United States, certainly none more profitable than the Avenue road. They have defied the District commissioners; they have defied everybody in Congress. There is not a possibility of getting an improvement from them unless you couple it with the condition of giving them increased facilities.

I do not want to take the time of the Senate by going into this matter now, and therefore I raise the point of order on the amendment. I object to it because we can not consider it properly at this time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. HARRIS. I ask the Senator from Maryland to withdraw the point of order that he raises upon the amendment, for a moment at least.

Mr. GORMAN. I will do so.

The PRESIDING OFFICER. The Chair does not understand that the Senator from Maryland has raised a question of order.

Mr. HARRIS. The Senator from Maryland distinctly made a point of order on the amendment.

Mr. SHERMAN. But he made it after the amendment had been received and the question stated on its adoption.

The PRESIDING OFFICER. The Chair asked if there was objection to receiving the amendment, and none was made.

Mr. HARRIS. I understood the Senator from Maryland to raise the question of order, and he certainly did.

Mr. GORMAN. I did.

Mr. SHERMAN. I beg pardon. The Senator from Maryland raised the point of order too late. I do not wish to make a technical point, but the question was put by the Chair before the point of order was raised.

Mr. HARRIS. That is a matter for the Chair to determine, or for the Senate to determine if there shall be an appeal; but I want to say to the Senator from Maryland that this amendment of the Senator from Ohio, whether in order or out of order, simply grants to the existing street-railroad companies of the District the right to use either electricity or cable as a motive power, or electricity by underground wires or storage batteries. I think there can be no doubt that electricity is the power that will be generally, if not universally, adopted for street transportation, and I think the earlier it is adopted the better. We need not connect in giving this authority any question of taxation upon the railroads.

That is an open question with which Congress can deal at any hour of any day that it is in session as it chooses to deal with it, and if the Senator from Maryland will introduce a bill and send it to the Committee on the District of Columbia, that committee will investigate the whole question and determine whether 4 per cent. on the gross earnings or 5 per cent. or 10 per cent. is a fair and reasonable taxation to subject them to.

But I should be unwilling to act upon that question of taxation without investigation, and therefore I hope the Senator from Maryland will not seek to incorporate into this bill anything upon the question of taxation upon the railroads, but I hope he will not object to the adoption of this amendment that the greater of these railroad companies may at once adopt electricity as a power, as some of them, I know, will do if the authority is given. I think it important to the District that they have the authority.

Mr. GORMAN. Mr. President, one year ago, or about a year ago, we had under consideration the charter of a cable road running from the east of the city and parallel with the Avenue and F street lines, and so on to Georgetown, and this same question came up. The bill came from the proper committee, and in opposition to a 4 per cent. tax at that time—it was a greater amount as I offered it, I think, as by referring to the RECORD he will find—substantially the statement he has made to-day he made then.

Mr. HARRIS. The Senator will allow me. Do I understand him to say that I was opposing the 4 per cent. tax?

Mr. GORMAN. Not at all.

Mr. HARRIS. On the contrary, I reported the bill and supported it.

Mr. GORMAN. I say that on the cable line the question of a tax upon the gross receipts arose upon an amendment offered by himself; and if my recollection is right the Senator from Tennessee, who is an honored member of the Committee on the District of Columbia, made the same statement he makes now, that it was a matter that ought to be considered by itself and without any relation to the specific bill that was under consideration granting the charter. The Committee on the District of Columbia reported another bill at this session, and they incorporated the amount that the Senate at that time thought was a fair tax—4 per cent. upon the Eckington road and upon other roads since chartered.

Therefore the Committee on the District of Columbia, so far as I know, have come to the conclusion that upon an average that is a fair tax upon the street-railroads. I think myself it is very low on the Avenue road and the F street road. But I do not care to go into that discussion now. I do not think this is the time or place for it. I do not believe we have the time for it now. Therefore I raise the point of order on this amendment; and I submit, if the Chair will permit me, that I have never known of a proposition presented and read for information against which a point of order did not lie at any time. When a Senator offers a proposition as the Senator from Ohio has offered this the custom of the Senate has always been that at any time before the vote is had upon the amendment a point of order will lie. I submit that to the Chair.

The PRESIDING OFFICER. The Senator from Ohio when he offered the amendment stated that he desired to do so by unanimous consent. The amendment was read, and the Chair announced that if there were no objection to receiving it the question would be on the adop-

tion of the amendment, and he proceeded to put the question. However, the Chair is not inclined to be rigid in reference to such a matter, and if the Senator from Maryland states that he did raise the point of order at any time during the discussion of the question, the Chair is inclined to hold that he will allow the point of order to be entertained, and he thinks the amendment can not be received unless by unanimous consent if the point of order is made.

Mr. VEST. I think I am responsible for this condition of affairs. I heard the Senator from Ohio ask unanimous consent, and I asked the Senator from Maryland a question and called his attention away from the proceedings of the Senate, and while I was discussing this identical proposition, as soon as I ceased speaking, the Senator from Maryland raised the point of order.

The PRESIDING OFFICER. The Chair recognizes his right to do it.

Mr. SHERMAN. I do not wish at all to insist upon a technical point. All I want is to accomplish a purpose. I have no more interest in the matter than anybody else. I sincerely hope that the Senator from Maryland will, before the bill is disposed of, allow the option to be given to these railroads between now and next year. I trust therefore he will reconsider the matter himself.

Mr. GORMAN. I will say to the Senator from Ohio that the identical proposition that he presents now has passed the Senate, and I am sorry to say that it was during my absence with my friend from Iowa [Mr. ALLISON] on the Appropriations Committee, and it is now a part of the Eckington Railroad charter which is pending elsewhere, so that the Senate has acted upon this proposition, and the other House has the opportunity to pass the bill which gives all that is asked for.

Mr. SHERMAN. But I was told that there was some doubt about the passage of the bill, and therefore, desiring to accomplish this object in a direct way, I offered the amendment to this bill.

The PRESIDING OFFICER. There is no amendment pending. The bill is still open to amendment.

Mr. ALLISON. On behalf of the Committee on Appropriations I offer an amendment to be inserted on page 3, after line 18.

Mr. HISCOCK. I should like to inquire of the Senator from Iowa, who represents the Committee on Appropriations, what action has been taken on the amendment in reference to establishing a light and fog-signal on the western end of Coney Island.

Mr. ALLISON. I will say to the Senator that the committee has authorized me to report that amendment, and I shall do it in a few moments.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 3, after line 18, it is proposed to insert:

For post-office at Lincoln, Nebr.: For paving, curbing, grading, and setting stone steps about the post-office site and public grounds, and repairing the fountain and walks in said grounds, at Lincoln, Nebr., $10,000.

The resolution was agreed to.

Mr. ALLISON. I also offer on behalf of the Committee on Appropriations the amendment which I send to the desk, and I call the attention of the Senator from New York [Mr. HISCOCK] to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, after line 23, it is proposed to insert:

Coney Island, New York: For establishing a light or lights, and a fog-signal on the western end of Coney Island, New York, $25,000.

The amendment was agreed to.

Mr. ALLISON. I move to amend, to come in on page 8, after line 19:

Castle Hill light-station, Rhode Island: For the construction of the light-house at Castle Hill, Rhode Island, $5,000, additional to the sum already appropriated.

The amendment was agreed to.

Mr. ALLISON. On page 45 there was an amendment overlooked. In line 16 I move to strike out "fifty" and insert "eighty-six," so as to make the sum "$86,000," which is the amount estimated for by the Treasury Department.

The PRESIDING OFFICER. The amendment will be stated from the desk.

The SECRETARY. On page 45, line 16, before the word "thousand," it is proposed to strike out "fifty" and insert "eighty-six;" so as to read:

Quarantine service: For the maintenance and ordinary expenses, including pay of officers and employés of quarantine stations at Delaware breakwater, Cape Charles, South Atlantic quarantine station (Sapelo Sound), Key West, Gulf quarantine station, San Diego, San Francisco, and Port Townsend, $86,000.

The amendment was agreed to.

Mr. TELLER. I call the attention of the chairman of the committee to page 64. On page 64, line 4, after the word "repair," I move to insert the words "and protect."

Mr. ALLISON. I do not object to that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 64, line 4, after the word "repair," it is proposed to insert "and protect;" so as to read:

Repair of the ruin of Casa Grande, Arizona: To enable the Secretary of the Interior to repair and protect the ruin of Casa Grande, situate in Pinal County, near Florence, Ariz., etc.

The amendment was agreed to.

Mr. ALLISON. Now I ask to go back to the reserved amendments.

The SECRETARY. On page 19, line 12, after the word "exceeding," the Committee on Appropriations reported to strike out "1 cent" and insert "50 cents," and in line 14, before the word "thousand," to strike out "seventy-six" and insert "ninety;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, and for wages of printers' assistants at steam-presses, at $1.50 a day each when employed, and for royalty at not exceeding 50 cents per thousand impressions for use of steam plate-printing machines, $390,000, to be expended under the direction of the Secretary of the Treasury.

Mr. ALLISON. I call the attention of the Senator from Mississippi [Mr. GEORGE] to the reserved amendments.

Mr. GEORGE. Is that matter up now for consideration?

Mr. ALLISON. It is before the Senate.

Mr. GEORGE. Mr. President, I have been requested by the representatives of a very respectable organization of the laborers in this country and the laborers themselves, to insist before the Senate that the bill upon this subject of engraving and printing as contained on pages 19 and 20 of the printed bill, as it came from the House of Representatives, should be passed.

The bill as it came from the House provided for a royalty "not exceeding 1 cent per thousand impressions for the use of steam plate-printing machines." That provision, as I understand, was inserted for the purpose of securing a disuse of those machines in the Government Engraving and Printing Bureau. The laborers of the country, as represented by the Knights of Labor, insist that this legislation of the House, which will secure the disuse in the Engraving and Printing Bureau of the steam plate-printing machines, should receive the sanction of Congress.

They are largely interested, Mr. President, in the disuse of these machines, which put out of employment a large number of skilled laborers. Whilst I do not understand the organization to insist that merely because a large number of skilled laborers are deprived of employment by these printing machines, and for that reason alone, they should not be used, their opposition is about this: that these machines should not be substituted for human labor and to the dismissal of a large number of skilled workmen unless it can be shown that these machines do the work of the Government in a proper manner, do it as well and as effectually as it would be done by hand-work.

I have looked over the report of the House committee upon this subject, and I find that committee has reached this conclusion after a very laborious and careful investigation:

The great weight of the evidence submitted and of the opinions expressed to the committee overwhelmingly establish the proposition that the work done on the steam-press is not so good as that done on the hand-press, and the only ground upon which it is sought to justify the continued use of the inferior process is merely that the best printing is only obtainable at an increased cost.

That is the judgment of the House committee, and upon that the House acted in providing that the royalty on these steam-press machines should be so low that the effect would be to discontinue their use. This morning there has been laid upon my table a report of the Finance Committee of the Senate, who have had the same matter under consideration for some time. There is a large body of evidence which I have not had time to read, because it was only laid on my desk an hour or two ago, taken on the subject of these steam printing machines. The report of the committee, however, is very short, and I have been enabled to read it once, and I understand it to be directly in opposition to the report made by the House committee—that the Senate committee has reached the conclusion that the work can be done as well by these machines as by hand, and that therefore our committee is not in favor of the proposition to discontinue their use.

So we are confronted in the investigation of this question by the report of the committee of the other House declaring, as I have read, that these machines do not do perfect work, and with a report from the Senate committee asserting the direct contrary. In this conflict of opinion between the two committees I think it would be safe for the Senate and safe for the House to regard the matter as not determined positively by the evidence, as not taken by the evidence out of the region of debate and fair disputation; or, in other words, that the proposition that the printing can be done as well and as perfectly and with as much security against counterfeiting by the steam-machine presses has not been made out beyond reasonable and fair dispute; and in that state of the case, as it is not contended anywhere that the work done by these machines is superior to the hand-work and affords better guaranties against counterfeiting, it would be the safe thing for us to do to adhere to that mode of printing which both committees, the House and the Senate committee, agree is a perfect mode of doing the work.

I think the situation is about that. I would not be prepared to affirm, and I do not think the Senate, in view of the adverse report, and in view also of some of the evidence from which I shall read to the Senate very short extracts, is prepared to rest firmly upon the position that this printing can be as well and as perfectly done by the steam-presses as by hand-work.

I said I would read a little from the testimony upon that subject. I will read very little and it is abstracted here for my convenience by the attorney for the general executive board of the Knights of Labor.

Some of these extracts I have verified from the original documents and some I have not. I take it, as the extracts are made by a reputable lawyer, that I may rely and the Senate may rely with some confidence that the extracts are correct and not garbled or misquoted:

Mr. Graves, Chief of the Bureau of Engraving and Printing, in Senate Miscellaneous Document No. 131, says:

"As to the comparative merits of steam-printing and hand-printing, it may be said that, speaking in the widest sense, steam-printing is not equal to hand-printing. * * * There is no doubt that the printing by that process [by hand] would best carry out the intention of the engraver." * * *

There are several other extracts in this paper from skilled engravers, and I believe some from bank presidents, all to the same effect. It is not necessary to read them all.

My position, then, is simply this upon this matter: that there being conflict of opinion between the Senate committee and the House committee, there being this admission which I have read to the Senate made by the chief of the bureau, the person who is managing this business, in favor of the view presented by the House committee, we should be taking a risk upon ourselves to disregard the protest of these laborers and submit to the manufacture of the very important and very essential thing, the common currency of our country, by these steam-presses, because every greenback bill, every national-bank bill, every certificate of silver or of gold, which passes into general circulation in the country as currency is, every one of them, manufactured in this bureau. So we are under the very highest obligation, not only to these persons whose business, whose labor, whose vocation in life is interfered with by the substitution of machines for human skill and human muscle, but we are also under obligation to the great mass of the people of this country who are not skilled and can never be skilled in the detection of counterfeits; we are under the highest obligations to both these parties to pursue such course as will best tend to protect the great mass of our community from being imposed upon by counterfeit money.

As far as I have learned, all agree that the very highest type of workmanship, the very best guaranty against counterfeiting, can be had by the hand-presses. The contention upon the other side, as I understand, has never amounted to more than this, that a part of the printing on each bill, not all of it, but a part of the printing on each bill, may be as well and as satisfactorily done by the machine as by hand. But I have not heard it suggested that the operation of a machine or the use of a machine will furnish a better style of work or a better guaranty against counterfeiting than hand-work.

In view of this state of facts, I submit, with deference to the Senate Finance Committee, and to all who may disagree with me, that we ought not to discard hand-work on any part of these bills, ought not to incur the risk of counterfeiting, and ought not—and I confess that this last consideration weighs very greatly with me, and I think it ought to weigh very greatly with the Senate—we ought not in this case of doubt to discard human labor, human skill, human muscle, and substitute for them a mere machine.

Mr. MCPHERSON. Mr. President, I only wish to make a single statement that will take but two or three minutes.

I think an examination of both the testimony taken by the House committee and the testimony taken by the Senate committee will reveal the fact that the plates printed by labor are much plainer, much more perfect in detail, much more difficult to counterfeit than those printed upon the machines. Certainly I so understand the testimony of the present chief of the secret service, coupled with the testimony also of his predecessor, Mr. Brooks, both of whom are charged with the discovery and detection of counterfeits; and really when a counterfeit bill is placed in circulation or suspected of being in circulation the matter is turned over immediately to the chief of the detective service. The result of his investigation is, of course, an alarm sent all over the country, and the bill is declared to be a counterfeit if discovered to be so. Therefore I do not think it ought to be a question of expense at all. It is not a question of whether it costs a certain sum of money to produce a certain result in the printing-office, but what is the most perfect mode of procedure; what is the most perfect method by which these bills may be printed. If by hand labor, then certainly no machine should be used for the purpose. I think the testimony all goes to prove, as the Senator from Mississippi [Mr. GEORGE] has said, that in a comparison between the machine-printed notes and the hand-printed notes the hand-printed are declared to be the better.

I have also had a personal conversation with the gentleman who occupies the position of superintendent of the Bureau of Engraving—not Engraving and Printing, but Engraving—perhaps one of the best experts in this country, perhaps one of the most accomplished engravers in this country, and he gives me as his view that the hand-printed notes are much more difficult to counterfeit and much more perfect and complete.

Now, in a matter which concerns the circulation of the country where people are not all supposed to be experts, certainly the very best method that can be devised should be employed, irrespective of cost. Therefore, for one, I shall vote for the House proposition in this bill.

Mr. HISCOCK. Mr. President, with the Senator from Tennessee [Mr. HARRIS] I devoted a good deal of time to the investigation of this much-vexed question, and it is proper that I should state the conclusions which the committee reached in respect to it.

For ten years steam printing-presses have been used in the Bureau of Engraving and Printing. We print with them the backs of the silver certificates and also the internal-revenue stamps, or a part of them. The question of their introduction was first thoroughly examined by the Chief of the Bureau of Engraving and Printing and the experts of the Treasury Department nearly ten years ago, and the then honorable Secretary of the Treasury, the present Senator from Ohio [Mr. SHERMAN], ordered their introduction into the Department. Following him, they were approved by the late Secretary Folger after a thorough investigation of their work. Its value, its economy, every question connected with it was thoroughly investigated by him, and he approved of the introduction of the presses and ordered more of them.

The present Secretary of the Treasury, Mr. Fairchild, has thoroughly investigated the question, and has made it the subject of his report to Congress, approving of the introduction of steam printing-presses into the Bureau of Engraving and Printing and indorsing their work. The Postmaster-General of the United States, after a thorough investigation of the question, has concluded that postage-stamps should be printed by steam-presses. The Treasurer of the United States, who is the officer to whose attention it would be specially called if imperfect work was done by steam-presses, has most emphatically approved of the character of the work, after full examination, his judgment being based upon the work as it is turned out and based upon the reports of experts charged with investigating it. The Commissioner of Internal Revenue, thoroughly investigating the work of steam-presses, has added his approval to that of these other Government officials, and it stands upon the record to-day that every Government official charged with responsibility for the perfection of this work has approved it; there is no exception.

A Senator has read a quotation from the report of Mr. Graves, the chief of the Bureau of Engraving and Printing, from which it is argued that the work is not as perfect as that of hand-presses. If you consider all the work which can be printed—and that is what I understand him to say and to mean—I suppose this may be true, that with reference to the highest and most elaborate character of engraving hand-presses are better adapted for the work than steam-presses, and it is for that reason that they have only been put to work upon postage-stamps, the backs of silver certificates, and internal-revenue stamps.

It is suggested here that the work turned out by the steam-presses is more easily counterfeited. I say to Senators that that is not proved before either committee. Detectives might express their opinion, experts might express their opinion, but there is evidence more unerring than that. That evidence is the record of the counterfeits which have been put into circulation; and when you call for the counterfeits that have been put into circulation and compare those printed by the steam-press with those by the hand-press the case fails, and since they have been in use the evidence is that only two of the silver certificates have been counterfeited.

But, Mr. President, on this question of the acceptability of the work there is a class of evidence which is higher than all this I have referred to, which is above it, which should answer the objection of the Senator from New Jersey. This matter has been under discussion before committees now for nearly a year, and not a word of complaint has come from the people who take the money, or from the bankers or the officers of banks; quite the contrary. Leading bankers gladly, at least readily, furnished the committee that had this matter under discussion and investigation with their testimonials in favor of the present printing of the silver certificates. Those banks, through which the most of this currency goes, readily furnished the testimony that this printing was satisfactory to them and satisfactory to the money-taking people of the United States. The effort to abolish the use of steam printing-presses is not backed up by any officer or by any individual in the whole country responsible for the character of the money which is put into circulation or by one that places money in circulation. The work of the steam printing-presses has the approval of moneyed institutions of the country, and I do not recall now a scintilla of evidence or a suggestion of an objection from the banks or bankers of the United States opposing this manner of printing.

Mr. BLAIR. May I ask the Senator a question?

Mr. HISCOCK. You certainly may.

Mr. BLAIR. Do they claim that the steam-printing press-work is better than the hand-work?

Mr. HISCOCK. The letters with which we were furnished are printed in the report and are brief, and I have not the slightest objection to reading them, and then their language will not be misunderstood. Here is the letter of Mr. George S. Coe:

THE AMERICAN EXCHANGE NATIONAL BANK, 128 BROADWAY,
New York, October 4, 1888.

DEAR SIR: In reply to your note of yesterday asking my opinion of the design, engraving, and printing of the United States silver certificates of series 1886, especially of the backs, I take pleasure in saying that they seem to me to be of excellent quality in every respect. The backs of them all, which I have carefully examined, are in printing and in every particular in the best style of the engraver's art, and I see nothing in them to condemn, but everything to commend their workmanship.

I have also seen a counterfeit of each the $1 and $5 notes. They are such mis-

erable imitations of the genuine that a glance at them by the least experienced observer would show them to be spurious. They have never caused us annoyance. The faces of them are bad, and the backs are worse.

Yours, very respectfully,

GEORGE S. COE, *President.*

E. O. GRAVES, Esq.,
Chief of Bureau, Washington, D. C.

Mr. BLAIR. My question to the Senator was one which that letter does not seem to answer, and if the other letters are of the same import they would not reach the question. My question was whether these bankers and outside parties who are engaged in printing certificates and notes and stamps themselves, and are, of course, interested to make them as cheap as possible in order that they may make as large a profit as possible on the product which they put forth upon the country—I ask if even they claim that the steam printing-press does any better work than the hand-press? I do not ask if they say it is equally good, but whether they claim that it is any better than the work of the hand-press.

Mr. HISCOCK. I may say, in reference to that, that as to the printing of the backs of the paper, the weight of the evidence was that it was fully equal to the work of the hand-presses and that the general average of it was better.

Mr. BLAIR. May I ask the Senator another question?

Mr. HISCOCK. I will add this, which perhaps to some extent answers the question, that in the examination before the committee experts who were produced by those who were urging the hand-presses and that they should do the work, in designating the work which was submitted to them, they claiming that the work of the hand-presses was superior to that of the steam-presses, in three cases out of four I think every one of them indicated the work which was presented to them as coming from hand-presses when in fact it was the work of steam-presses.

Mr. BLAIR. May I now ask the Senator a question?

Mr. HISCOCK. Certainly.

Mr. BLAIR. I ask just this specific question, whether it was proved in his belief before the committee that the highest style of the steam printing art is superior to the highest style of the hand-press work?

Mr. HISCOCK. I will answer that.

Mr. BLAIR. I do not ask now, for I see that either I do not make my question distinct or the Senator does not understand me.

Mr. HISCOCK. I understand the Senator's question and I will answer it.

Mr. BLAIR. I do not ask for a comparison of inferior hand-press work or average work as it is done, because I do not understand that is the real issue.

Mr. HISCOCK. The judgment reached by the committee was that the average of the work by the steam-presses upon the backs of notes was superior to the average of the work done by hand-presses.

Mr. BLAIR. That does not answer my question, if the Senator will pardon me. I am of the opinion myself that there is a great deal of bad work put upon the country, and that counterfeits result, and that the currency of the country is a very inferior article to some extent, whether done by hand or steam presses. I do not ask the Senator to compare the average of the two kinds of bad work, but I ask the Senator whether it is not the force and effect of all the testimony from every source that the highest quality of hand-press work is better than the steam-press work?

Mr. HISCOCK. I say to the Senator no, so far as hand-presses and steam-presses are used upon the backs of notes. The only way we could judge in reference to that was by the results, and I think the Senator who united with me in this investigation will concur with me that the best average results are reached by the steam-presses rather than by the hand-presses. I hope that answers the Senator's question.

Mr. BLAIR. Certainly. That is all I asked for some time ago.

Mr. HISCOCK. I have tried to make it clear, and trust I have.

Mr. BLAIR. It is clear now.

Mr. HISCOCK. I will say also in reference to this subject that it was not supposed by the committee that that high art which should be employed in printing engravings for the decoration of gentlemen's houses should be resorted to in the printing of money, but that a high enough art and excellence should be invoked to guard against counterfeiting and answer the needs and requirements of the country, and if you please make the work respectable for a great nation. If high art protects against counterfeiting, that high art should be invoked; but money at most is for temporary use; it is not to be preserved for ornamentation; and when you have reached that excellence which answers the needs and requirements of the Government, that excellence which is above criticism from the money-taking people and the money-circulating people of the country, the Government has got far enough. That was the conclusion that we arrived at.

Mr. BLAIR. May I ask the Senator a question?

Mr. HISCOCK. Certainly.

Mr. BLAIR. I ask whether the Senator considers the paper money of the country in circulation as we find it as universally of good quality as it ought to be.

Mr. HISCOCK. Well, I do not know that I want to pass judgment on it, but I will say this——

Mr. BLAIR. It is a vital question.

Mr. HISCOCK. I will say if it is not, it is not the fault of the steam-press printing.

Mr. BLAIR. That is the question at issue.

Mr. HISCOCK. It is not the fault of the steam-press printing, and in my opinion the faces of the silver certificates, taking into account the combination of figures in the engraving and all that, is not comparatively a higher style of art than the backs.

The committee that have had this subject under investigation were very much disposed to believe that a question of administration of this kind could well be trusted to the Secretary of the Treasury, the experts under him, the Treasurer of the United States, officers most sensitive to public opinion on the question; and we were of the opinion that Congress was encroaching a little too far upon the executive when it proclaimed as to the manner in which postage-stamps were to be printed, internal-revenue stamps were to be printed, the backs of silver certificates were to be printed, and when it came down to the manner in which they were to execute it these high officers that I have named in constant contact with the public could not be intrusted with the administration of the Engraving and Printing Bureau of the United States.

In reference to the economy your committee were entirely satisfied that the work which is done by steam-presses is done at least 50 per cent. less than it would cost to do the corresponding work upon the hand-presses. I am not so much of an economist as to stand here and advocate that even if it would be with the result of poor work which might be counterfeited and through which the people of the country might be defrauded. But there was no evidence of that kind before the committee. Quite the contrary, the evidence was that it was no more susceptible or easily counterfeited at least than the work by hand-presses. The evidence in my judgment is uncontradicted that the use of steam-presses does save to the Government annually between three or four hundred thousand dollars. I have seen no successful criticism of the estimates of the Treasury Department in making that statement.

As I said a little while ago, if that is at the expense of work which does not come up to the expectations and the desires and the demands of the people, then expend the three or four hundred thousand dollars more; but I repeat that the people, so far as they have been heard from, through the representative bankers of the country at least, stand here to-day commending and approving this work, and saying they are satisfied with it.

It has been said in the course of this discussion that the effect of the steam-presses has been to turn people out of employment. That is quite a mistake. An effort was made to prove that lower wages had been paid by reason of the introduction of steam-presses. That part of the attack broke down and the average wages paid by the Bureau of Engraving and Printing to-day are as high as they have been, and I think it is fair to say that the employment has been more constant.

Mr. BLAIR. May I ask the Senator a question?

Mr. HISCOCK. Certainly.

Mr. BLAIR. I may say in excuse that we have just this moment, or at least 10 minutes to 1 o'clock, received the evidence from the committee, and of course the Senate is entirely in the dark as to the ground of the Senator's statements; but my question is this: The Senator states that the working people are as well off with steam-presses as without them.

Mr. HISCOCK. I do.

Mr. BLAIR. If that be so, why is it that the working-people are, and so far as I know all the working organizations of those who are employed in this specific industry, universally opposed to the steam-press, saying that it does interfere with their avocation, and also contending that the work is of an inferior quality?

Mr. HISCOCK. Do I understand, as we are now asking questions, that the Senator from New Hampshire stands here to-day as the advocate of the removal of labor-saving machinery from the country? Do I understand that that is the ground of attack?

Mr. BLAIR. Does the Senator want an answer?

Mr. HISCOCK. Yes.

Mr. BLAIR. Does he recognize that I may want one to my question too, because I asked him one first?

Mr. HISCOCK. Yes, sir.

Mr. BLAIR. If the Senator will answer my question I shall be very glad to answer his.

Mr. HISCOCK. I certainly shall answer any question the Senator wishes to ask.

Mr. BLAIR. If you take them in chronological order, my question was how it happened that those employed in this specific avocation universally, so far as I know, and the working organizations generally, are opposed to this steam printing-press if it does not intermeddle with their occupation and does not for the time at least reduce the rewards of their labor?

Mr. HISCOCK. I can only say in answer to that question that it is a subject for speculation. How this has been brought about is more than I know. How far the labor organizations of the country are understandingly or without thoroughly understanding this question against it is more than I know. On that question I say to the Sen-

ator frankly that it is a matter for guessing and speculating, and I have no doubt that he can guess and speculate on that matter as wisely as I can.

Mr. BLAIR. Then the Senator has introduced no point of difference about it.

Mr. HISCOCK. I simply said, which I repeat, that so far as work is concerned as high wages are paid for that and as constant employment is furnished as before those presses were introduced into the bureau.

Mr. BLAIR. Does the Senator mean that as high wages are paid for steam-printing work?

Mr. HISCOCK. I would say as high wages in some instances, where the mode of compensation has been fixed for the piece as for the day. I would say that on an average the employés receive as high wages.

Mr. BLAIR. Then I understand the Senator's statement is with reference to those employed in steam-printing.

Mr. HISCOCK. I am not aware that there has been any considerable abatement of the wages that have been paid to those.

Mr. BLAIR. The Senator's statement, which led me to trouble him with the question originally, was that the wages of the hand-press printers had not been interfered with by the steam-press printing, and that being so, why should they oppose it?

Mr. HISCOCK. I did not say that their work had not been interfered with. What I did say, or what I supposed I was saying, was that not in this case, as there never was a case where labor-saving machinery resulted in the reduction of wages that are paid to those who labor.

Mr. BLAIR. If the Senator desires, I will answer his question by saying no.

Mr. HISCOCK. I am very glad to hear it. I say to the Senator, in response to that suggestion of his, that, in my judgment, there is no reason for discontinuing the use of steam printing-presses unless it is the object and purpose to forbid the Government of the United States from using labor-saving machinery. I challenge all this evidence upon that question, and I say that there is no ground on which you can justify it except it be that the Government of the United States should not use labor-saving machinery.

I have reviewed the facts somewhat. The labor performed by the steam-presses is satisfactory to everybody who uses it or is responsible for its being made. Its work is not more subject or liable to being counterfeited. It is 50 per cent. cheaper. Tell me, then, why the presses should not be used?

I will add to my statement that if you pass the bill in the form in which it came to us from the other House, there are not hand-press printers enough in the United States to do the work of the Government and of private parties. That fact stands unchallenged in the record that has been submitted by the committee to the Senate. The effect of it would be practically to make a corner with reference to the men who print upon hand-presses. There is not enough of them in the country to do the work which would devolve upon them in the Engraving and Printing Bureau and in the private offices which are using those presses to-day.

It is true that steam printing-presses have not reached the point of doing that high and excellent work which is required upon fine engravings and upon the faces of bills. I grant that that may be accomplished in the future. It is difficult to fix the limit to what may be accomplished by ingenuity, and skill, and science, and in the mechanical arts.

I emphasize that there is no reason why the use of these steam printing-presses should be discontinued unless it is for the purpose of saying to the Government that you shall not use labor-saving machinery though it gives you as good results and as good work as hand-presses.

Mr. HAWLEY. Will the Senator pardon me?

Mr. HISCOCK. Certainly.

Mr. HAWLEY. I understood the Senator to say just in the preceding sentence that these steam-presses could not do fine work.

Mr. HISCOCK. I said, and I hope I shall not be misunderstood, that the work which they do execute is as excellent as the work which is done by hand-presses. I say that as high order of work can be done of that character by steam-presses as can be done by hand-presses.

Mr. HAWLEY. Will the Senator pardon me again?

Mr. HISCOCK. Certainly.

Mr. HAWLEY. He has just been saying that he will not trust steam-presses with the faces of bills, where exquisite work is required.

Mr. HISCOCK. Does not the Senator from Connecticut understand that for one class of work one method may be required, where there is more of combination, and of higher order, and all that, than of a lower class of engraving? Certainly I should not stand here to educate the Senator from Connecticut upon a question of that kind. What I say in reference to it is, and I repeat it, that as to the work which is done upon the steam-presses it equals, and in my judgment the general average of it is higher, than that done by the hand-presses.

Mr. BLAIR. I understand the Senator to say, if he will permit me, that the steam-press will do as high or a higher order of low work than the hand-press.

Mr. HISCOCK. The Senator can put it in that way if he chooses. He does not misunderstand my argument or position.

Mr. BLAIR. If the Senator will permit me, then, I will see whether I do. I understand him to say that the work on the back of the certificates is a lower order of work than that upon the face, and that this low order of work——

Mr. HISCOCK. I will qualify my statement to the Senator in just one respect. I do not know and I do not state that it is a lower order of work.

Mr. BLAIR. Than that upon the face?

Mr. HISCOCK. No; it is an entirely different kind of work from that on the face.

Mr. BLAIR. And that upon the face can not be done by the steam-presses?

Mr. HISCOCK. It has not been successfully done. What I say is that the class of engraving from which the backs are printed can be as successfully done by the steam-presses as by the other presses.

Mr. McPHERSON. Will the Senator from New York yield to me for a question?

Mr. HISCOCK. Certainly.

Mr. McPHERSON. If the printing of the face of the notes can not be successfully done by steam-presses, would it not be an additional safeguard if the backs of the notes were printed by hand-presses as well?

Mr. HISCOCK. I can only answer the Senator in one way in reference to that point. So far as the printing of the backs is concerned the work is acceptable, as I have said, to every officer charged with responsibility for their production. It is satisfactory to the money-taking and money-circulating people of the country. There is no complaint here against the character of the work from any source whatever which is interested in it as a circulating medium.

Mr. McPHERSON. Will the Senator yield again?

Mr. HISCOCK. Oh, yes.

Mr. McPHERSON. I am afraid the Senator has not read the testimony which he himself has ordered to be printed.

Mr. HISCOCK. Oh, yes; I heard it.

Mr. McPHERSON. Very well. I turn to the testimony of Mr. Bell, the present chief of the detective service. He says in answer to a question:

When a bill has been used some time—

Speaking of the printed bills—

I could not say positively that a $5 silver certificate of the 1886 issue is genuine if printed by a steam-press. I can tell them when they are new. But we have a miserable-looking lot of genuine bills; I will tell you that.

Now, I turn back to the testimony of Mr. Brooks, the predecessor of Mr. Bell, who had been a long time the chief of that service, and a man of very extraordinary ability and great success in the management of that department. He proceeds also to say, speaking of counterfeiting, that it has acquired perfection at the present time, it approaches so closely to the genuine in all the details; and that recent counterfeit bills that have come out are almost like the genuine. Mr. Bell speaks of a case in which an expert who had been employed by the Government for some ten or twelve years at Pittsburgh, Pa., sent three of the printed notes to headquarters with the declaration that they were counterfeit. The imperfect character of the notes compelled him, although an expert, to the belief that they were counterfeit notes, and he transmitted them to the chief of the department here. Upon investigation by the chief he discovered that they were genuine, but they were so imperfectly printed, there was such a dimness about them—they were not printed deep enough, I may term it—the result was that the expert was deceived.

Let me ask the Senator from New York if the experts of the Treasury Department are often deceived with respect to these notes, so that it is almost impossible to determine whether they are counterfeit or genuine, how many of these notes may be in the circulation of the country to-day, unknown by anybody, undiscovered, which in the end must necessarily be thrown out, and certainly to the injury of somebody? Hence, from the Senator's own argument, and I have listened with a great deal of interest to it, I think the Senator has not made out his case.

Mr. HISCOCK. The Senator from New Jersey does not understand that I have yielded the floor, I suppose.

Mr. McPHERSON. I will yield the floor again to the Senator if he will please answer a single question.

Mr. HISCOCK. I will yield.

Mr. McPHERSON. If the Senator will answer a single question I will take my seat.

Mr. HISCOCK. I have been listening to the Senator's remarks with great pleasure. They are extremely able.

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from New Jersey?

Mr. HISCOCK. Certainly, if he desires to make a speech now, if I can have the privilege of resuming the floor when he gets through.

Mr. McPHERSON. I will yield the floor. I admit I am taking too much of the Senator's time; but if the Senator will give me a moment to ask a question to which I desire an answer, he will please not think hard of me.

The PRESIDENT *pro tempore*. The Senator from New York yields to a question.

Mr. HISCOCK. I yield for a speech, provided I can resume the floor when the Senator from New Jersey has finished.

Mr. McPHERSON. My question is this: The Senator challenges all the statements that have been made to the contrary of his proposition. Will the Senator please tell me upon what ground he challenges them?

Mr. HISCOCK. I challenge them because they are unsupported by any facts. Gentlemen were called who gave opinions, and when the records of their office were brought before the committee they failed to establish the opinions. Gentlemen spoke about the character of this money, and yet with all the investigation that has been had with reference to it, when action by Legislatures has been invoked (I believe the Legislature of New Jersey passed some resolution upon the subject, at least I heard so, but the bankers of New Jersey are satisfied with the work), the men who circulate the money are satisfied with the work. Petitions have been presented here from organizations. Did they investigate it? Did they pass upon these questions as experts? Oh, no! Whenever the question of opinion of experts has been introduced it has all been the other way. Go to the Treasury Department where this money comes for redemption to the Treasurer of the United States, and his testimony is in favor of it; and when you go into the secret service division for testimony in respect to counterfeits you find that there is no case against this character of work.

Mr. President, I desire to add but a little more to what I have said, and I shall appeal for corroboration upon this question to the distinguished Senator who has charge of the bill. The very moment that you remove these presses it is necessary to add to your bill a quarter of a million dollars for additional room in which to do the work of the Government. I have heard a distinguished ex-Secretary of the Treasury say that the present Bureau of Engraving and Printing was built by money that had been saved by this process.

Are we ready to say that all Government printing shall be done by hand-printers? Beer-stamps, in the highest excellence of art, to be used once; postage-stamps—the bill which was introduced did not cover them, I grant, and simply, as it was announced, because there was out a contract for the printing of them—postage-stamps, that are to be used once, in the highest style of art; the stamps upon your cigar-boxes, to be used once; not counterfeited; no record of their ever having been counterfeited that I am aware of, the public satisfied with them, but in the highest style of the art! That is what is asked. That is what the House provision means. It means what I said awhile ago, that the Government of the United States shall not use labor-saving machinery.

Mr. HAWLEY. Mr. President, if this were, as the Senator from New York endeavors to make us believe, a simple question of driving out new machines, I should not take the floor for a moment. There is no nation that has so fully accepted the inevitable necessity of inventions as the American nation. We do not hear of great strikes in the United States because of the introduction of a new loom or anything of that description. Nobody thinks of going back to the old way of manufacturing steel rails after he has seen the Bessemer product and process. But I need not argue the question at all. Every day there is filed in the Patent Office some new device for saving labor, and every one is hailed, I may say unanimously, by the people of the United States as an advance in civilization. Even the men who may temporarily lose employment by it must acknowledge that their fellow-men are, in general, benefited.

I do not believe that a steam-press, a machine-press, if I may speak of it in that way, can possibly do work in the highest style of the art, nor does the Senator from New York. He has admitted it over and over again in what he has said. He has said that the work of the Government of this kind does not demand the highest kind of art, such as we wish to put upon the walls of our houses. That is an admission that it is not capable of the highest style of the art.

He says that it is good enough to protect against counterfeiting and be respectable. Well, I have never denied that; but that is an admission that it is far below a respectable style of art, or of the highest style. He says this money is not preserved for ornamentation. There, again, he is admitting that it is not in the highest style, that the steam-press is not capable of the highest style of work. He said it was good enough. That was one of his phrases.

He says it is no more easily counterfeited than hand-work. I think it is, and I will try to show it before I get through. He says steam-presses have not reached that high stage required for the faces of bills. That is another admission. If the steam-press can not do the work on the face of the bill as well as it can do it on the back, it can not do the work on the back as well as the hand-press can do it. That is an inevitable inference.

Before I forget it, I call his attention to another fact. He referred to the previous indorsements of this style of work, and one of them from Secretary Folger. Under the Folger administration it is my impression that the Lee presses were condemned—were thought to be not good enough for the work.

He tells us that there are not men enough in the country to do this work by hand if we dispense with these nineteen steam-presses. But it will take only from about sixty to seventy-five men more—sixty men more, I am told—and they can be found. I am told by men of the trade who know, that there are not less than five hundred or six hundred men who are capable of doing this work and trained to it to be found in Philadelphia and New York who would be glad to get more work to-day.

A law that required the work on Government paper currency to be done in the highest style of art would rule out every one of these presses. Now, the Senator admits that over and over again.

He says the bankers are satisfied with it. Those of them who give it no consideration any further than to count it and to put it out, I presume are satisfied with it. They have not examined the subject, many of them, particularly. I would rather have the judgment of a veteran counterfeit detective than of any bank officer who had not any taste for art or had not specially studied it.

He has a note from a very excellent gentleman, Mr. Coe, of New York, who thinks it is good enough, or something to that effect; but, on the other hand, here is a letter to me from Mr. Bell, who is at the head of the secret service division of the Treasury Department:

WASHINGTON, D. C., *February* 12, 1889.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, asking reply to the following questions, namely:

First. Are the Government securities, in your judgment, printed in the highest style of the art; and is it necessary that they should be?

Answer. No, they are not; and I deem it necessary that they should be.

Second. Do the steam-presses print as good impressions as the hand-presses?

Answer. No, they do not.

Third. Do the present issues of silver certificates compare favorably with former issues in wear and execution?

Answer. No, they do not by any means.

Fourth. Are the present issues more easily counterfeited than former issues?

Answer. Yes, in my opinion they are. The former issues were printed in more colors, and in a higher style of art, which could not be so readily photographed; whereas the present issues have less colors and can be easily photographed.

Fifth. Do you hear of any complaint from the public generally, regarding the silver certificates?

Answer. Yes, a great many complaints from the public generally, and the bankers in particular.

Sixth. Since the issue of silver certificates have many counterfeits appeared? If any, how were the counterfeits produced?

Answer. The following counterfeit silver certificates have made their appearance:

One dollar, letter D series 1886; photogravure.
Five dollars, letter D series 1886; photogravure.
Five dollars, letter A series 1886; engraved.
Ten dollars, letter D series 1880; photograph.
Ten dollars, letter, none, series 1880; lithograph-stone plate.
Ten dollars, letter, none, series 1880; roughly chiseled on marble plate.
Twenty dollars, letter B series 1880; photographed and colored by hand.
Twenty dollars, letter C series 1880; engraved.

Respectfully, yours,

JOHN S. BELL, *Chief.*

Hon. JOSEPH R. HAWLEY,
United States Senate.

Mr. HISCOCK. For what year?

Mr. HAWLEY. Eighteen hundred and eighty.

Mr. HISCOCK. I hope the Senator will state the year, for that is quite material. Of necessity they must be counterfeits of certificates issued since 1886, or else the hand-press and steam-press discussion of methods does not enter into it.

Mr. HAWLEY. This question has been since the issue of silver certificates?

Mr. HISCOCK. Since the issue of silver certificates. The printing of the backs by steam-presses has been since 1886.

Mr. HAWLEY. There was printing done on the silver certificates with the steam-press before?

Mr. HISCOCK. No, sir.

Mr. HAWLEY. That was not my information, but I will accept it.

I have a specimen or two here of this work. I will show the reason why as they do the work now at the Bureau of Engraving and Printing they are not protected against counterfeiting as they ought to be. It has been the boast of the American, it has been his boast as a matter of fact, that there was no steel-plate engraving and printing in the world better done than that of our national currency. It was justified. I have here three old legal-tenders, the kind that became famous as greenbacks. They were hand-printed of course in that day. On the back as one impression the greenback has its exquisite engraving under the geometrical lathe. The face goes three times to press: first, for the ordinary black; second, for the green shades and ornamentations; and thirdly, for the red seal, which red seal is printed from a plate cut into an intaglio. Now they are printing this red seal by surface printing; that is to say, after printing the ordinary back it makes a dab of red ink upon the bill, and the other side is pressed upon a plate with trenches cut in it so as to make a deep impression. The ink in that case would appear to be raised and a new impression would feel a little rough.

On the other hand, I have one of the one-dollar certificates. The back was printed by the steam-press. The paper was moistened in order to do it. It then had tremendous pressure upon a very hard smooth plate so that the face was calendered or finished off like your society note-paper almost by this tremendous pressure. It then goes through the hand-press to print the face, but as it is moistened this hardened paper under tremendous pressure does not take the moisture equally in all

its places and the impression is not a perfect one. It is made right upon the surface of the paper. With the older and the firmer paper that was spongier, like the paper upon your walls, in fine engraving the ink was thoroughly taken up; it was carefully prepared by hand on the plate. It was thoroughly taken up and became embodied in the body of the paper. This one-dollar silver certificate with the exquisite vignette of Martha Washington upon it is mere surface printing, I may call it. Though a hand-press, it can not do the work so well by reason of the work of the steam-press previously performed upon the back of the note.

I saw an employé of the Government take one of your ordinary rubbers that you have on your desk, the one used to rub out ink, and touch the signature of Rosecrans here a few times, and it has disappeared; it has been wiped out as you would wipe out a speck from glass. Then he touched the background around the face of Martha Washington two or three times in that way, and you can see by examination that that is nearly gone.

That is not all. The old note that I have here had three colors upon the face of it. This is printed only once for the black, and then this surface-printed red seal is put upon it. That surface-printed red seal can be taken off with rubber. The counterfeiter carefully taking off this red seal stamp has nothing to do but to photograph that bill. The old bill with its green tint could not be photographed. Even in that way to-day he rubs the red off, because the red would take black.

There is no special difficulty in counterfeiting silver certificates of any description. The gentlemen who use the steam-presses testified that they were making paper money for Brazil and other governments, and good paper money. At the time they were testifying that, there were appearing in the New York papers accounts of the arrest of various counterfeiters who had been counterfeiting the Brazil money. They printed both back and face, I take it, for the Brazilian Government on the steam-presses.

I have here an old five-dollar bill, a legal tender, that has its three tints carefully printed upon it. Here is a new one that is without any green tint whatever on the face of it, making it comparatively easy to print. Here is a five-dollar silver certificate counterfeit. There is no particular difficulty in counterfeiting it. It has got the red seal. It looks very well indeed to the eye of the casual observer. It is simply a photograph, taken in by some bank somewhere and the letters "counterfeit" cut or burned through it with a stamp.

The difficulty I will explain in a moment in doing the highest style of work with steam-presses. In the old-fashioned way, which must remain in my judgment, the plate-printer rubs his ink, which should be of a better quality than that used by the Government, upon a paper which should be of a better quality than that used by the Government, and rolls the ink upon it. He takes the rough mass of it off with a cloth, and then with the human hand (and there is no pad or cushion machine that will supply the place of the human hand) rubs off the surplus ink until he reaches just the right quantity, of which the machine can not judge after all in the fine lines that have been cut there.

When these notes run through the machine there is a hasty inking of the plate and a hasty rubbing of it off by some sort of machine pad or cloth which it is utterly impossible to adjust with the delicacy in either case that is necessary. The experienced plate-printer does this with great rapidity, and if he is a careful man he does it perfectly in every case. They try in this machine to get the human hand in for a single dab to smooth the plate and supply the deficiency of the machine, but they can not always do it, and can not do it to satisfaction when they do undertake it.

My information is a little different about these matters from that given by the Senator from New York. I understand that the beer stamps and all the internal-revenue stamps are engraved in the highest style of art and printed in the highest style of art, that is to say, by hand; and with the exception of the 8-ounce tobacco and the 2-ounce and some of the 50-cent cigar stamps, which have been engraved on steam-presses, every internal-revenue stamp has the same character of engraving on it as the notes, and in many instances the designs are more excellent. I do not agree that it will answer to put imperfect work in any of that, because to do so is to invite the counterfeiter, and we have not been in the habit of putting in second-class work there.

It is very easy to do this work much more cheaply, if you want that, but every time you cheapen the process, cheapen the excellence of the engraving or the perfection of the printing, you open the door to the counterfeiter. That is simply all there is to be said about it, and the difference in expense is not so extraordinary.

All around the world there are people engaged in publishing prints and fine engravings who do not think for a moment of using a steam press or machine of any kind to do their work. I say no engraving on your walls is of that description. No fine engraving that you see in your books is of that description. This steam-print rough work bears the same relation to real art that the chromo does to the original pictures of Meissonnier or Raphael, and you can not get away from it.

I am not here to question whether there should be sixty men more or less employed by the Government. If the machine could do that work as well as the hand can do it, the art world would be revolutionized, to the great delight of every lover of fine work all over the world; but it can not do it. Every man knows that there are some things where you can not dispense with the exquisite eye of the trained artist workman and the exquisite work of his trained hand, and this is one of them.

What have they given these gentlemen? In the first place, the Government buys the press for $1,250. The claim is that it cost them $1,400 to build it, but it professedly buys the press at a cost of $1,250. Then it gives $500 for the privilege of construction, as they call it, a bounty—a profit on the cost of the press of $500; then the Government gives a dollar on every thousand impressions, whether it be big or little—every thousand perfect impressions—which makes on an average about $900 a year for the use of a $1,250 machine which the Government itself built or paid for having built, and for which it has already given a $500 premium.

That is the way the case stands. I do not think that these accounts of the relative economy of the two presses taken into consideration can balance these extraordinary expenditures. I do not say whether they are unjust or not. That is a question for those who have made the bargain and for the patentee. The patentee can not sell it in every street, and of course if he does get any revenue he should get a considerable revenue. But it goes to the question of economy in the matter. I say we can have all our Government work done, as we always bragged it was done, in the highest style by employing sixty or seventy or eighty, I do not care if it is a hundred men more, at perhaps a cost of $100,000 or $150,000.

My friend from New York has referred to some observations made by various Treasury officers. I have quoted what the best-informed man in the Treasury Department, the head of the secret-service division, has to say. Here is a letter from my dear friend and constituent, Mr. Hyatt, Treasurer of the United States:

> I am informed that the backs of the silver certificates of series of 1886, of the denominations of $1, $2, $5, and $10, and the backs of United States notes of the denominations of $10 and $20, have for some time been printed on presses, etc.

He goes on to say:

> I am unable to discover anything in the engraving or printing of the genuine certificates which makes it easy to counterfeit them.

I have shown that whether it be by reason of steam-presses or hand-presses the new silver notes are many times over more easily counterfeited than the paper money issued a few years ago. That perhaps is independent of the question about steam-presses.

Mr. HISCOCK. I should like to have the Senator from Connecticut say when. He says he has shown that. I should like to have him state how he has shown it in results.

Mr. HAWLEY. I have not the statistics of the counterfeits that are made or of the arrests, but upon that point I did read from the man who knows more about it than any of us, the head of the secret service division.

Mr. HISCOCK. There have been three counterfeits, and it is a question of great doubt, of dispute, since these notes were printed upon steam-presses, whether one of them was printed upon a hand-press or whether it was printed upon a steam-press, and the experts differ upon that question.

Mr. HAWLEY. I have shown it so that if the Senator heard me he ought, as a candid man, to admit that it is more easy to counterfeit the work of the steam-presses.

Mr. HISCOCK. If the Senator will pardon me, I am willing to stand upon the declaration of his esteemed friend, Mr. Hyatt, which he has just read.

Mr. HAWLEY. Mr. Hyatt says he does not see, and I have shown how it can be seen.

Mr. HISCOCK. There is an expert, there is the Treasurer of the United States, the Senator's esteemed friend, and fortified by his opinion I expressed myself as I did. I regarded it as of much higher authority than my own opinion.

Mr. HAWLEY. I do not regard it as approaching the testimony of Mr. Bell, who has made the study of counterfeit bills and the study of counterfeiters his life business. Mr. Hyatt was not brought up as an engraver, or artist, or anything of the sort. He is capable of keeping the Treasury books in an honest and faithful way, without doubt, and is an excellent citizen, but he is neither a trained artist nor an expert in bank-note printing. Every man who is practicing photogravure or any of those kindred arts will tell you that as you multiply varying colors that can not be erased without destroying the substance of the paper you to a great extent continue to increase the protection against counterfeiting.

I did not think of talking so long, sir, but I have no sort of question in my own mind about what the Government had better do in the end. I do not want to do anything harsh with these people with whom it has contracted, for they are honorable citizens, but I believe we shall be led by and by to doing our work by hand, as we used to do it.

Mr. HARRIS. Mr. President, with the Senator from New York [Mr. HISCOCK] I devoted many days to hearing the testimony upon both sides of this question, and after a patient hearing of all the testimony that was offered and a patient consideration of the question, I fully concur in every statement made by the Senator from New York in his speech of this morning.

In answer to some of the criticisms of the Senator from Connecticut [Mr. HAWLEY], I want to call his attention to facts that are proved beyond all question and to be found in the record. He says, and truthfully says, that the excellence of plate-printing largely depends upon polishing the plate, but he failed to say that for hand-polish there is more time given to the polishing of the plate with the hand in the steam-press run at its ordinary rate of speed than is given in working the hand-press run at its ordinary rate of speed.

He criticises and complains of the character of the paper and the ink. I beg to tell him that the proof shows that precisely the same paper and precisely the same ink are used in the Bureau of Engraving and Printing by the hand-presses and by the steam-presses, so that the ink and paper being precisely the same the criticism would fail as well upon the work of the one press as that of the other.

Mr. BLAIR. May I ask the Senator a question?

Mr. HARRIS. Oh, certainly you may.

Mr. BLAIR. Does not the Senator lose sight of the admitted fact that nothing at all is done where the exquisite work is required, that is upon the face of the bill, by the steam printing-press, and that the hand-work just spoken of by the Senator from Connecticut is most of it expended upon the face of the bill and not upon the back?

Mr. HARRIS. I beg to assure the Senator from New Hampshire that I do not omit to remember anything that appears in the record, and the Senator from New Hampshire need not trouble himself to remind me of what does appear, for I remember it and know it quite as well as he does.

Mr. BLAIR. The Senator will pardon me for saying that if he did not fail to remember it he certainly omitted to state it.

Mr. HARRIS. I will state the case as I understand it, in my own way, and without the aid of the Senator from New Hampshire.

Mr. BLAIR. The Senator will not state it without response, however.

Mr. HARRIS. Another question raised by the Senator from Connecticut is, that owing to the pressure of the steam-press the paper is probably injured. The proof conclusively shows that the printer controls the amount of the pressure of the steam-press just as he controls the amount of pressure applied with the hand-press. It is under the control of the printer with both presses, and he gives just the amount of pressure that he deems necessary.

But I do not care to prolong this debate. I desire, however, to give one fact that I deem it quite material that the Senate should understand, which the Senator from New York failed to give.

As to the excellence of the printing by these two methods, there were the backs of a large number of bills printed both by hand and by steam presses exhibited to the experts introduced by the promoters of this House provision, by those who clamor for doing all of this work by hand, and the experts produced on the other side. A large number of bills were taken indiscriminately from the work of the two presses. They were exhibited to the experts with that part of the bill turned down which would indicate what press it was printed upon, and the experts were asked to pick out the best specimens of the art and the worst specimens of the art. In the ratio of three out of four they picked out the steam-press print as the best, and they picked out the hand-press print as the worst. The experts on both sides of this question in a large majority of instances selected the steam-press prints as the better specimen of the art and the hand-press prints as the worst specimen of the art. Does that aid the Senator from New Hampshire in reaching a conclusion as to which method we should adopt or continue?

Nobody has complained that I have ever heard of in respect of this work except about eight or ten hundred plate-printers in the United States. According to the testimony before the committee there are not more than a thousand plate-printers, perhaps not that number, in the United States. They clamor for the abolition of the steam-press; they clamor for a monopoly of all the engraving done by the Government and by private parties as well; and they have brought to their aid labor organizations that clamor also. But as was stated by the Senator from New York, the various Secretaries of the Treasury since the steam-press has been in use, the Treasurer, and every expert whose duty it is to look to and execute this work, have all from their investigation reported in favor of the use of the steam-press upon the backs of these bills and the various other securities and internal-revenue stamps and postage-stamps that the Government needs.

I undertake to say in the light of the testimony, about which I have not the shadow of doubt, that the average work turned out by the steam-press is not only equal to but its average is superior to the average work turned out by the hand-press of the same character; and it clearly appears that it is done at a cost of one-half or less than one-half of what the work done by hand would cost the Government.

In view of these facts the Senator from New York and myself and the other members of the Committee on Finance unanimously agreed that the steam-press ought to be continued in use doing the work that it has been put to, and that perhaps its work should be extended to other things than those to which it has been given heretofore.

Mr. HAWLEY. Mr. President, just a single word. The Senator from Tennessee, in his usually acceptable and emphatic way, says that some of the printers mistook in trying to distinguish the hand-press from the steam-press back of the bills. If that is so, I ask him why not print the face of the bill as well by machinery, by the steam-press? He says the committee of the Treasury Department reported in favor of the steam-press. Why not then print the face by the steam-press? He believes the average of work by the steam-press is better than the hand-press work; and yet nobody in the Treasury Department, nor he, nor the Senator from New York, proposes to print the fine work of the face from the steam-press.

Mr. HISCOCK. Now, that certainly is not ingenuous on the part of the Senator.

Mr. HAWLEY. I think it is perfectly so.

Mr. HISCOCK. It certainly is not. It has been explained to him thoroughly that when you take the combination of the plates upon the faces and all that, it is conceded that for those combinations the steam-presses have not yet been improved up to the point of printing those, but that for the combination of colors, figures, etc., which are employed upon the back, up to that point they have gone; and the Senator certainly understands the distinction.

Mr. HAWLEY. The combination of colors is common, and that may be done with either press.

Mr. HISCOCK. The combination of figures and all the different combinations the one press has not gone up to the point of doing.

Mr. HAWLEY. The hand-press does not pretend to print a combination of colors at one time by one impression. The words are hardly out of the mouth of the Senator from Tennessee where he said the average of the work by the steam-press was better than the average by hand.

Mr. HISCOCK. The testimony all concurs that as to the work which is done by the steam-presses, to which they are adapted, bear in mind, and which they do, it is of a higher average character than the other. There is not any dispute about it, practically, so far as you can judge by the testimony of experts. As I said, and as the Senator from Tennessee has stated, take the engraver who was introduced and who went into a long argument as to why they could be more easily counterfeited when printed by steam-presses, the moment the work is presented to him he picks out as the higher work, the best work, three to one the products of the steam-presses.

Mr. HAWLEY. But this work, which the Senator says they are even better adapted to, he treats at the same time as if it were an inferior kind of work. It is not the finer work.

Mr. HISCOCK. The Senator should not say that as to the character of the work. It is not inferior. The engraving is perfect; but it is a different class of work, and he certainly understands the distinction which we make.

Mr. HAWLEY. Yes, I do understand it exactly. The Senator does not if he is going to be decided about this. He does not understand it. I can be just as decided as he can. The back of that plate is done in the most exquisite style of art. There is nothing that surpasses it on the face or anywhere else, unless it be the finer touches in the face of some vignette of a beautiful woman. There the artist naturally lingers a little longer, in order that he may make the work perfect. But the exquisite work of the artist on the back of those bills is not surpassed by any printing in the world.

Mr. HISCOCK. To that I agree.

Mr. HAWLEY. That is the plate of his work. Now, that ought to be put upon the paper just as well as the fine work on the face. What the Senator's statement really amounts to is that it is done well enough on the back. I do not admit that.

Mr. BLAIR obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8557) for the relief of Dr. David Bell; and it was thereupon signed by the President *pro tempore*.

ADMISSION OF SOUTH DAKOTA, ETC.

Mr. PLATT. I desire to present a conference report upon the bill for the admission of South Dakota.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report.

Mr. PLATT. I desire to inquire whether it would be in order to move to dispense with the reading of the amendment as agreed to by the conferees?

The PRESIDENT *pro tempore*. The Chair supposes that that could be done by unanimous consent only.

Mr. HAWLEY. How long is it?

Mr. PLATT. It is quite a long amendment of twenty-four or twenty-five sections. In fact it is a perfect bill in itself. If the reading can be dispensed with I will make a statement as to the provisions of the bill as agreed upon by the conferees.

Mr. EDMUNDS. We can not dispense with the reading of the report, Mr. President.

Mr. MORGAN. I insist on the reading of the bill. Does the Senator from Vermont insist upon it?

Mr. EDMUNDS. I think it ought to be read.

Mr. MORGAN. It ought to be read.

Mr. EDMUNDS. We ought not to pass any bill without reading it.

The PRESIDENT *pro tempore*. The reading of the conference report will proceed.

The Secretary resumed and concluded the reading of the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives to said bill, and agree to the same with an amendment, namely: Strike out the said amendment and in lieu thereof insert the following:

"SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

"SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

"SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief-justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued on the 15th day of April, 1889; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions, respectively, shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

"SEC. 4. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the 4th day of July, 1889, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be Republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

"Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

"Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

"SEC. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words 'For the Sioux Falls constitution,' or the words 'Against the Sioux Falls constitution,' and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section 3 of this act; and if a majority of all votes cast on this question shall be 'For the Sioux Falls constitution,' it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be 'Against the Sioux Falls constitution,' then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the 4th day of July, 1889, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

"SEC. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

"SEC. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

"SEC. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of 1885, after having amended the same as provided in section 5 of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, 1889; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

"SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the Fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

"SEC. 10. That upon the admission of each of said States into the Union sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

"SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than

five years, in quantities not exceeding 1 section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions, as provided in section 10 of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

"SEC. 13. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States, respectively.

"SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than $10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof to be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than $10 per acre; but said lands may be leased in the same manner as provided in section 11 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

"SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in 'An act appropriating money for the erection of a penitentiary in the Territory of Dakota,' approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

"SEC. 16. That 90,000 acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said States, except to the State of South Dakota, to which 120,000 acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

"SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States the following grants of land are hereby made, to wit:

"To the State of South Dakota: For the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university, 40,000 acres; for State normal schools, 80,000 acres; for public buildings at the capital of said State, 50,000 acres; and for such other educational and charitable purposes as the Legislature of said State may determine, 170,000 acres; in all, 500,000 acres.

"To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

"To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

"To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable, educational, penal, and reformatory institutions, 200,000 acres.

"That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

"SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof, in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

"SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to such States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

"SEC. 20. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of $40,000 is so appropriated, $20,000 each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

"SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of $3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges there, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

"SEC. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts herein named shall, respectively, be the successor of the supreme court of the Territory as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

"SEC. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the States mentioned in this act shall be pending, in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties of such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"SEC. 24. That the constitutional convention may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union, the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories at the time of their admission into the Union shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

"SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of said bill, and agrees to the same so amended as to read as follows:

"An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House striking out the preamble of said bill, and agree to the same.

O. H. PLATT,
S. M. CULLOM,
M. C. BUTLER,
Managers on the part of the Senate.
WILLIAM M. SPRINGER,
CHAS. S. BAKER,
Managers on the part of the House.

Mr. PLATT. I move that the Senate concur in the report of the committee of conference.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on concurring in it.

Mr. DAWES. I desire, before the vote is taken, to make an inquiry of the Senator from Connecticut as to the scope of a single paragraph in the bill, which I will read, on the fourth page:

But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation.

The inquiry I desire to make is whether it would be possible under that paragraph to tax the lands held by Indians in severalty. I will read to the Senator the title by which an Indian holds under the severalty act his land. Section 5 of the act approved February 8, 1887, provides—

That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

I desire to add that this statute does not expressly exempt the land from taxation, but goes upon the theory that the fee to the land is in the United States, and that therefore from that fact it can not be taxed. But the language of this bill is, that any land owned or held by any Indian who has severed his tribal relation and has a patent may be taxed. These Indians had severed their tribal relation, and in one sense hold the lands. They have the use of them; they have a patent from the United States; but the patent declares that the United States will hold the land, and at the end of twenty-five years convey it in fee.

My inquiry of the Senator is whether it was the intention of the conferees, or whether in his opinion it would be possible under this language, for the States to tax this land held in severalty?

Mr. PLATT. It was not the intention of the conferees that the States should be permitted to tax the lands held in severalty by the Indians during the time the United States agrees to hold said lands in trust for their benefit, nor do I believe that any such construction of the proposed act could be had as to give it that effect.

The severalty act does use the word "patent." It says the United States shall give a patent to the Indians, but it speaks of a final patent in fee to be given at the end of twenty-five years, and it declares that the United States shall hold those lands for the Indians in trust. This language is, "that nothing herein, etc., shall preclude the States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant." The severalty act provides, as I understand it, that the United States shall hold the land and the title to the land. So unless the Indian holds the lands and has a patent which gives him title to the lands there is nothing here which would authorize their taxation.

I will say one thing more about it. This was not entirely according to the ideas of the Senate conferees, but we have had a good deal of disagreement, as is usual in such cases, and a pretty serious disagreement. This section comes from the other House, and the managers at the conference on the part of the Senate felt as if it were better to take it than to stand out against the House conferees.

Mr. DAWES. I agree with the Senator in the proper construction to be put upon this language, and I desired to have upon the record the opinion of the conferees, lest some one might say that lands owned or held by any such Indian might apply to an Indian who occupied the land and held it in that sense, although the legal holding is in the United States under the severalty act. I have no desire to add anything further after the expression of opinion by the Senator from Connecticut.

Mr. HOAR. Mr. President, it is well known to the Senate that in the Territory of Washington, by the law of that Territory, women having the same qualifications as male voters and citizens and office-holders were eligible to all the political functions of the State as voters, jurors, legislators, and as the holders of executive office. That policy had been, according to the testimony of many prominent citizens of that Territory, eminently successful. The late chief-justice of the Territory, one of the ablest men on the Pacific coast, a fine lawyer and magistrate, had in a most considerate and careful communication, made to the public about two years ago, given his emphatic testimony as to the satisfaction which all classes of persons felt in that condition of things there under this policy.

When the Democratic administration came in President Cleveland proceeded to replace the Republican judges with judges of his own political faith, in some cases, I think in all cases but one, removing the incumbent, and in one case allowing the incumbent to serve out his term, when he was replaced with a Democratic successor, in accordance with the policy which this Administration has followed and in accordance with the policy which, I think, all its predecessors had followed, of having judges of their own political faith in the Territories.

The court so constituted made a most remarkable decision, and to the amazement of the people of that Territory held that the Territorial law which established the right of women to vote and to hold office was in violation of the organic act under which the Territory was organized. I believe the ground was that while the organic law permitted the Territorial Legislature to decide what persons should vote women were not persons in the legislative sense.

Mr. MITCHELL. That they were not citizens.

Mr. HOAR. That they were not citizens.

Mr. MITCHELL. The organic act provided that the Territorial Legislature might provide what persons should exercise the right of suffrage, but provided that they should be citizens, and the court held that that term did not include women.

Mr. HOAR. That is substantially the same. It was a mere device.

Mr. PLATT. Upon that point I might say the court held that the meaning of the word "citizens" was limited by the words "white male inhabitants," which appeared in the beginning of the section.

Mr. HOAR. I do not desire at this time to utter any words of condemnation of that decision. It is a very rare case indeed when criticism in political bodies of judicial decisions is either wise or justifiable. I prefer to treat that decision as having been the honest opinion of able and competent magistrates, and I will say nothing which is inconsistent with that view. Indeed I ought to say that I have not given the subject study enough to warrant me even in coming to any conclusion in my own mind which is inconsistent with that view. But all I have to say is that the decision, whether right or wrong, was a surprise to the people of the Territory, who without any considerable remonstrance had pursued quietly and successfully this policy for several years.

It seemed fair and just that in submitting to the people of Washington Territory the question whether the constitution which shall now be framed shall be adopted, and in the election of delegates to frame that constitution persons who have previously enjoyed the right of suffrage should be entitled to vote, and that persons who had previously been eligible to office should be eligible as members and officers of that constitutional convention. I had proposed whenever a bill for the organization of Washington Territory came up this winter in the Senate to move an amendment to that effect. I felt and now feel quite confident that if that question came up a majority of this body, whether themselves favoring the policy which permits women to vote or not, would certainly favor the policy of allowing the people of a Territory to determine for themselves the qualification of voters in that matter.

But the question has never presented itself to the Senate in a way which made that motion practicable. Indeed, I do not think there ever has been a time when it would have been in order strictly, unless on the mere question of non-concurrence, which was adopted here without any debate or discussion. I did not undertake to interfere with that proceeding and precipitate a debate on this subject, which might have resulted in the defeat of this measure altogether and in keeping out these several States for an indefinite period. I, therefore, did all that could be done under the circumstances that I could think of. I obtained the signatures of twenty-two Senators to this application, addressed to the Senate conferees:

SENATE CHAMBER, *February* 5, 1889.

GENTLEMEN: It is well known to you that the people of Washington Territory had voluntarily adopted woman suffrage, and that it had been in force in that Territory to the great satisfaction of the people for a number of years, when it was abolished in consequence of an extraordinary decision of the Democratic supreme court.

We think that in justice the women of that Territory should be permitted to vote on its constitution, and in electing delegates to the convention which shall frame it.

We hope you will be able to secure in conference a provision that all persons, or classes of persons, who have enjoyed the actual exercise of the right of suffrage under any act of a Territorial Legislature shall be permitted to vote in the election of members of a constitutional convention and on the adoption of a constitution by the people, notwithstanding any decision of the courts as to the validity of such act.

GEORGE F. HOAR.
T. W. PALMER.
J. N. DOLPH.
H. W. BLAIR, *and also in regard to Dakota.*
JOHN H. MITCHELL.
H. M. TELLER.
H. L. DAWES.
WM. M. STEWART.
CHAS. F. MANDERSON.
JONATHAN CHACE.
JAMES F. WILSON.
A. S. PADDOCK.
C. B. FARWELL.
THOS. M. BOWEN.
LELAND STANFORD.
C. K. DAVIS.
JOHN P. JONES.
D. M. SABIN.
WM. P. FRYE.
W. E. CHANDLER.
P. B. PLUMB.
JOHN SHERMAN.

To Senators PLATT and CULLOM.

This paper was signed by twenty-two Senators. The two Republican members of the conference on the part of the Senate—the Senator from Connecticut and the Senator from Illinois—had themselves voted for a constitutional amendment providing for and securing woman suffrage throughout the United States. This document, of course, was not presented to them for signature, as they were members of the conference committee, but with them the signers of the document make two-thirds of the Republican members on this side of the Chamber.

I supposed that would secure the insertion of such a provision in any conference report which should be made, unless it should turn out on inquiry that the insisting upon it further would prejudice the agreement under which four States, and not one alone, are to come in, and thereby expose those Territories to waiting for assuming their proper constitutional place in the Union for an indefinite period, which I presume no person who signed this paper desired. I certainly myself did not.

I supposed that if the conferees on the part of the Senate found that it would be impossible to secure this provision, they would still think it was very important that the Territories should be admitted, and would therefore report to the Senate a plan for their admission even without it. I desire to inquire of my friend from Connecticut what has been the fate of that proposition in the conference?

Mr. PLATT. Mr. President, very many things which the conferees on the part of the Senate would have desired to secure in the agreement which the conferees should reach had to be given up in the interest of obtaining a bill which should accomplish the great work of introducing into the sisterhood of States four new members. This is not the only matter which the Senate conferees did desire to have incorporated in the bill; but it is a bill which we think will accomplish the result desired; that under it four States will be added to the Union.

With regard to the particular question involved, a uniform rule is adopted for all the Territories, prescribing who may vote for delegates to the constitutional conventions. There is considerable difference in the qualifications of voters in the several Territories, and this language is used:

SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof are hereby authorized to vote for and choose delegates to form conventions in said proposed States.

That allows in each Territory those persons to vote for delegates to the constitutional convention who now under the laws of the Territory are permitted to vote. To have inserted what the Senator from Massachusetts desired to have inserted would have made a different rule for Washington Territory than that prescribed for the other Territories; that is to say, it would have provided that certain persons—citizens, I admit—who under the decision of the supreme court of Washington Territory are not now entitled to vote for representatives to the Legislative Assembly should be permitted to vote for delegates. It is true, as the Senator has stated, that for several years women have exercised, in virtue of a Territorial law, the right of voting in the Territory of Washington.

It is also true that recently the supreme court of Washington Territory has decided that the law which was passed by the Territorial Legislature was not valid because it did not comply with the provisions of the organic act of the Territory. That decision, as I understand, has been appealed from and is now pending in the Supreme Court of the United States, and I hope will be advanced and decided at an early day by the Supreme Court of the United States, and I may express the opinion, for one, that I shall be very glad if the Supreme Court of the United States finds that that judgment can be reversed.

The majority of the Senate conferees presented this matter to the conference. They insisted upon it, I think, as far as it was wise or judicious to insist upon it. It was not acceded to by the conferees on the part of the other House or by a majority of them, so that it left a distinct difference and disagreement between the Senate conferees and the conferees of the House of Representatives, the Senate conferees desiring and insisting, by a majority, that it should be put in, and the House conferees insisting and desiring, by a majority, that it should not be put in, but that the same rule should apply to each Territory, and that is that only the persons qualified now to vote for members of the Legislative Assembly should be permitted to take part in voting for the delegates to be elected to the constitutional convention and to vote upon the constitution, and we did not think it was worth while to carry our insistance and disagreement to such a point as to endanger this great measure by doing so.

Mr. BLAIR. Mr. President, for many years the women in all of these four Territories which it is now proposed to admit as States have been anxious to secure the right of suffrage. This is true to a great extent of the women in both the Dakotas, somewhat in Montana, and in the Territory of Washington they have been in the actual exercise of this great right as long as have the men in that Territory, until their recent disfranchisement by a decision of an inferior court. Since this disfranchisement in the Territory of Washington——

Mr. MITCHELL. The Senator is mistaken in the statement that the women have voted as long as the men.

Mr. BLAIR. How long have they voted?

Mr. MITCHELL. For some years, but not as long as the men.

Mr. BUTLER. I will inform the Senator that they have voted in two elections; the elections of 1884 and 1886.

Mr. BLAIR. Very likely I am incorrect as to the length of the time they have voted; but since the enactment of the Territorial law giving them the right. It has now been held by this court that the law is invalid as being in contravention of the organic act, as I understand the ground of the decision. If that be so, if that be the ground on which the law of the Territory is held to be invalid, it certainly does not follow that in this enabling act we might not confer upon women the right of suffrage; and I do not think we excuse ourselves for depriving them of a really vested right, as I believe it to be, a natural right, a right which they have exercised, and the deprivation of which they must deeply and keenly feel. I say we do not justify ourselves at all in the admission of these States for our failure to extend to them the privilege they have hitherto exercised by quoting the decision of a court which can not prevent our giving them right to vote beyond dispute by this enabling act.

Since that decision was announced there has been a great deal of feeling exhibited on the part of the women of the Territory of Washington. Numerous letters and memorials remonstrating have been forwarded to members of Congress, and many have been received by myself, and it will be a most bitter disappointment to one-half the population of that Territory and to a great many citizens in the others that this omnibus enabling act is passed without making provision for the extension of the right of suffrage to women in this great initiatory act of their statehood; and for one, if I felt that it was the duty of an individual to obtrude himself against the phalanx of the vast majority without reference to party distinction, I would certainly oppose the adoption of this conference report and the passage of this bill.

I look upon the matter that is involved as one of the most serious which can attract the attention of American legislators. I believe the right of suffrage belongs to women as much as it does to men. I believe that the distinction of sex with reference to the exercise of any of the rights or privileges or immunities of citizenship is no distinction. The suffrage is no physical act. The suffrage is a mental act. It is the decision of the mind, guided by conscience, intelligence, and the moral sense, uniting to decide upon the issues which concern the weal and welfare of woman as well as of man. Upon the decision of such issues woman has the same right to be heard as man. She has life, she has liberty, she has property involved as much as has man, and in a republican form of government such as we pretend ours to be it is simply an insult to that half of the creation, which is as intelligent as we are ourselves, to deprive them of the exercise of rights for which any of us in our own persons would die.

Mr. DAWES. If the case appealed to the Supreme Court of the United States should be advanced, and that decision be reversed, is not the Senator aware that then the women of the Territory of Washington under the bill would be entitled to vote?

Mr. BLAIR. I will answer the Senator, and answer him now, though I think it was quite an incongruous interruption at that particular point.

Mr. DAWES. If the Senator will allow me to apologize for the intrusion, I will do so, and I will refrain from interrupting him again.

Mr. BLAIR. I shall be obliged to the Senator if he will do so. I accept the apology, together with such emendations and additions as the Senator feels proper to make, but I would not exact it to the full extent to which he has gone.

Mr. DAWES. I asked the Senator a question in good faith, and desiring to attain the same end that the Senator desires to attain I was inquiring of him whether it could not be attained in that way; but the Senator seems offended, and I regret exceedingly that I have offended him.

Mr. BLAIR. I am glad to receive the expression of the Senator's good will. He regrets having offended me, and I assure him he has not offended me. I simply embraced the opportunity to assure him that, in my judgment, as a matter of taste and propriety, his interruption was at an exceedingly inopportune moment in my remarks, but I also at the same moment assured him that I would proceed to answer his question then in good faith, and I will do so now.

The Senator inquires whether if the Supreme Court of the United States should reverse the decision of the supreme court of the Territory of Washington, then women might not be permitted to vote in the Territory of Washington under this bill. I presume such is the language of the bill. I understood the Senator from Connecticut [Mr. PLATT] to say that it was intended to produce that effect. But the Senator knows very well, I suppose—if he does not I will assure him that it is my opinion—that this case will not be advanced on the docket of the Supreme Court of the United States, and if it were advanced on the docket of the Supreme Court of the United States I do not believe it would be heard and decided in season to avail the women of that Territory; and were it so, and were the language of this enabling act sufficient to influence the officials who may control its administration so far as that Territory is concerned to give woman the right of expressing her opinion upon this great act of the beginning of statehood there, I do not believe that, as a practical

matter, within the time that question will be settled, they will ever have the opportunity of exercising their right.

But if that were so as far as Washington is concerned, I am speaking for them all, not the Territory of Washington alone, but Montana and both the Dakotas, for throughout all this great belt of country which is our rampart on the Northwest, woman is as anxious to vote all along the line as she is in Washington. She is more keenly alive to the deprivation of her rights there perhaps, because she has once exercised them, and we all know how it would be in the case of the colored man of the South. An act which could not be consummated without bloody revolution to deprive the citizens of color of the right they have already exercised, and because they have exercised it and not because it is a natural right, for they went without the exercise of it as a natural right for centuries.

But now that it is given to them no power exists which can take it from them without blood. And had woman her right, had she force at her command and organization behind her, you would find revolution in the Northwest ere she would surrender this right of suffrage after having once exercised it.

Mr. PAYNE. The women are deprived of their right of suffrage in Utah.

Mr. BLAIR. But in Utah the people are substantially under martial law. They are under the heel of the Government, and there they must remain until they have modified some of their institutions.

Mr. President, I suppose it may seem to the Senate and may seem to the country as though this was a trifling matter, but it appears to me to be the admission of but half the population of this great Territory into the Union. To woman it is no extension of right or of privilege or of power. To man it is the extension of an invaluable privilege, and it is of importance to these States as States. But some time there must be a precedent made for the extension of this great right to the half of creation which does not now exercise it, and particularly, as I believe, in governments republican in form the principle must be carried to its full extent, or with increasing intelligence and moral sense that government which fails to do it will be condemned because not republican in form, will be revolutionized and subverted.

It does not follow because women are not capable of action in the field, because they are not a fighting force, that there are not, if you please, invisible and almighty battalions on their side. Justice is with them. Life, liberty, property, and the pursuit of happiness are of as much consequence to them as to us. They have the same right of decision upon what pertains to the settlement of their great privileges and immunities as have we ourselves. We do withhold their right.

Mr. President, as I said before, here is this long yet important strip of territory which in my own mind I had consecrated for years to the exercise of this great franchise, and these Territories are to be admitted as States and woman is to be deprived of her sacred right. We talk of what she may do after the States are in the Union. I understood the Senator to express the opinion that these States once in the Union and the sentiment for suffrage strong, it would be extended to woman by the action of the men in the States; but the real secret and the true reason why woman is deprived of the right of suffrage is because it is the secret of power.

It is of little consequence to woman or to man, save only as it is the opportunity to exercise power over one's own destiny and over the destiny of the society of which one is a component part. Men refuse to women this right because and principally because it is a division of power. When these States are in the Union it will be only with the utmost reluctance that man will divide and extend to the other half of creation one-half of that which he now possesses alone, and you will find that women living in a State in the Union are at a great disadvantage with reference to the attainment of their privileges from what they would be if they should remain in a territorial condition until they could reach the opportunity to exercise their right upon the question of the admission of their States.

There is only one other Territory, and that is Wyoming, where women can vote. What may happen to deprive them of the privilege they exercise there when Wyoming comes to be admitted to the Union we do not know. But it is a significant and discouraging fact, to me at least, that Washington especially, where the exercise of the right has been so long enjoyed and is so highly prized, is to come into the Union and women are to be excluded from their membership as citizens and as voters in that northern queen of the occidental States.

Now, Mr. President, not to occupy too long the time of the Senate, I will call attention to one other feature in this report which I am very glad to commend. I find on page 5, paragraph 4, this provision:

> Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

There, sir, is a feature of redeeming, of saving grace, and of the very greatest importance, as it seems to me. It is the substance of a constitutional amendment now pending before this body designed to secure the same in substance to the people of all the States, and those already in the Union as well as to those which may hereafter be admitted. That amendment I consider the most important measure now pending in the United States in any legislative body or before the great forum of the people. We have made some advance in the hearings upon that amendment before the Committee on Education and Labor and we shall make still more, and I take this opportunity to express my gratification that this leading feature is recognized and is to be adopted in the fundamental law of these States. This makes a precedent, compliance with which will require the extension of the provisions of this amendment to all the States in the Union.

Nor, Mr. President, is this a matter upon which there is but slight public interest. All over the country our people are learning that a great question has arisen. It is this: Which shall be the survivor, the common school or the parochial, the denominational school in this country? That is the really leading issue of the immediate future so far as the politics of this country are concerned.

I have in my hand the expression of sentiment of many of the leading citizens of one of the great cities of this country, which, in this connection, I will read to the Senate. It is a memorial addressed to the Senate and House of Representatives of the United States in Congress assembled, in behalf of the citizens of Philadelphia, and it showeth:

To the Senate and House of Representatives in Congress assembled:

This memorial, on behalf of citizens of Philadelphia, showeth: Two grave dangers threaten at this hour the American system of common schools, the atheistic tendency in education and the strenuous demand for a division of the school funds in the interest of sectarian or denominational schools. Through the former tendency the reading of the Christian Scriptures and the offering of prayer have been forbidden in the schools of some of our principal cities, while one at least has gone so far as to throw out of her schools every text-book containing any reference to God. This attempt to exclude all religious ideas from the instruction given in the public shools we hold to be both unphilosophical and inimical to the public good, because it neglects the moral faculties, which are the most important faculties of man, and the right exercise of which is most important to the State; and because it does not correspond to the character of the institutions for which the common school is designed to prepare the citizens of this Republic.

Mr. PAYNE. What is the paper from which the Senator is reading?

Mr BLAIR. It is the memorial of citizens of Philadelphia.

Mr. PAYNE. Will the Senator state in what States the practices referred to are said to prevail?

Mr. BLAIR. It is alluding to many of the prominent cities in different States, quite a number, some fifteen or twenty cities in different parts of the country where this has been done, as I am informed.

On the other hand, to accept the proposal for a division of the school funds would be for the State to destroy the whole school system which we have built up with so much care and at such vast expense; to renounce all responsible or effective control of the work of education, and to become a mere tax-gatherer for the sects. The one great argument by which this proposal is sustained is that Christian parents can not accept for their children an education which, while ostensibly neutral, is virtually hostile to religion. The adoption of the secular theory of education, therefore, so far from reconciling those who advocate the division of the funds, only stimulates them to fresh efforts, and supplies them with fresh arguments against the public schools. These two adverse tendencies, therefore, assist each other, and between them there is danger that our school system may perish or be seriously crippled at the very time when it is most urgently needed; for, more than any other single institution, it may be regarded as the digestive organ of the body-politic through which we assimilate to the national character the foreign elements which every year brings in increasing volume to our shores.

Against both these dangers we shall provide most effectively by simply keeping our school system on the foundations where it was placed by our fathers. We believe that the time has come when constitutional safeguards ought to be erected in the nation's fundamental law around this most precious institution. We have, therefore, observed with pleasure the introduction of a joint resolution now pending before one of your honorable bodies (Senate Res. 86) proposing an amendment to the Constitution of the United States which, while it recognizes the Christian character and purpose of our system of public education, forbids the appropriation of public money to any school or institution in which the peculiar doctrines or ceremonials of any religious sect or denomination are practiced or taught; and we earnestly pray that you will speedily submit this or some similar amendment to the Legislatures of the several States for their approval.

In this connection we are reminded that General Grant, when President, recommended to Congress the passage of an amendment to the national Constitution "prohibiting the granting of any school funds or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination." The Republican national convention, at Cincinnati, June 15, 1876, recommended "an amendment to the Constitution of the United States forbidding the application of any public funds or property for the benefit of any schools or institutions under sectarian control."

The Democratic national platform, adopted in the same year at St. Louis, declared for the maintenance of the public schools "without prejudice or preference for any class, sect, or creed, and without largesses from the Treasury to any." A joint resolution to this effect, introduced into the House of Representatives by Hon. James G. Blaine, was adopted in that body by an almost unanimous vote. Amended in the Senate by the addition of a proviso that it should not be construed against the reading of the Bible in the schools, it was adopted there by a vote of 28 to 16, or a little less than the requisite two-thirds. The danger is now more manifest, the need is more urgent than then. The lapse of a dozen years has strengthened every argument which was then employed in support of this measure.

At a largely attended public meeting, the call for which was signed by a large number of the leading citizens of Philadelphia, the undersigned were appointed a committee to act for their fellow-citizens in this matter. In support, therefore, of the desired action we lay before you this memorial, and beg leave also to submit the resolutions adopted at the aforesaid meeting, which are as follows:

Resolved, That this nation, in its origin and history, is Christian. Our colonial compacts of government and charters, our State constitutions and statutes, our common law, our days of fasting and thanksgiving, our State and national institutions and usages generally, have given our political being a marked and distinctive Christian character.

Resolved, That the type of Christianity which has characterized our State and

national life is that which secures to our people an open Bible, the right of private judgment, freedom of speech and of the press, and the entire independence of our Government against all foreign domination, whether ecclesiastical or civil. The sovereign people and their government are not amenable to spiritual pontiffs or civil potentates, but to God and His law.

Resolved, That our common schools, as one of the most important institutions of our country, should correspond to the Christian origin, history, and character of the Republic itself. Our schools should teach the history of our country and the character of our institutions; our laws, and the reasons for them; the prerogatives and responsibilities of the sovereign people and their government, and the loyality due, under God, to the authority of our own rulers. The Bible ought not only to be read, but taught, in all the schools. The public schools must prove a failure if they do not train our rising generation to be honest, virtuous, and loyal citizens. Such training, as the ordinance for the Territory of the Northwest and Washington's Farewell Address assure us, can be found only in the principles of religion.

Resolved, That while our schools are and should be Christian, no preference or advantage should be given to any one sect or denomination in connection with the public schools. Above all, no sect can justly or fairly claim any portion of the public money for the support of its own sectarian schools.

Resolved, That against the demand made by a portion of our Roman Catholic fellow-citizens for a division of the school fund there is this additional and invincible argument: That the teaching of that church concerning the supremacy of the Roman Pontiff as the infallible vicegerent of Christ over governments and nations as well as individuals, in all matters of faith and morals, is directly subversive of the principles of liberty on which the Republic has been founded; and to endow or support from the public Treasury schools in which this doctrine is taught would be to provide means for the subversion of our free institutions.

Resolved, That in both these respects our school system should be kept on the foundations on which it was placed by our fathers. We seek no change, and we will withstand all attempts to revolutionize, in either of these features, our system of public education.

Resolved, That we approve of the general features of the constitutional amendment now pending in the Senate of the United States, "respecting establishments of religion and free public schools," in that, while it recognizes the Christian character and purpose of our system of education, it forbids the appropriation of public money to any school in which the peculiar tenets or ceremonials of any religious sect or denomination are practiced or taught.

Resolved, That a committee of nine be appointed by this meeting to co-operate with the National Reform Association in its further efforts in behalf of this or any similar measure which may be directed to the same ends, and that this committtee shall have power to add to its numbers.

Then follow the signatures of a large number of the leading citizens of the city of Philadelphia. The constitutional amendment referred to is in these words:

Joint resolution proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of the House concurring therein), That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the States as provided in the Constitution:

ARTICLE —.

SECTION 1. No State shall ever make or maintain any law respecting an establishment of religion, or prohibiting the free exercise thereof.

SEC. 2. Each State in this Union shall establish and maintain a system of free public schools adequate for the education of all the children living therein, between the ages of six and sixteen years, inclusive, in the common branches of knowledge, and in virtue, morality, and the principles of the Christian religion. But no money raised by taxation imposed by law or any money or other property or credit belonging to any municipal organization, or to any State, or to the United States, shall ever be appropriated, applied, or given to the use of purposes of any school, institution, corporation, or person, whereby instruction or training shall be given in the doctrines, tenets, belief, ceremonials, or observances peculiar to any sect, denomination, organization, or society, being, or claiming to be, religious in its character, nor shall such peculiar doctrines, tenets, belief, ceremonials, or observances, be taught or inculcated in the free public schools.

SEC. 3. To the end that each State, the United States, and all the people thereof, may have and preserve governments republican in form and in substance, the United States shall guaranty to every State, and to the people of every State and of the United States, the support and maintenance of such a system of free public schools as is herein provided.

SEC. 4. That Congress shall enforce this article by legislation when necessary.

Mr. President, the conference committee have embodied in this great enabling act, so defective with reference to one-half of the population living within the Territory concerned; so defective, I had almost said, in the light of the times in which we live; so wickedly defective in that regard, the committee have embodied in this great bill a provision substantially the same, the very essence of the provision in the constitutional amendment which I have just read, and this feature I most highly commend and I shall look to it in the struggles of the future, if I participate in them, as the great precedent for the general adoption of the substance of the constitutional amendment which has been proposed, is now pending before us, and which I have just read to the Senate.

I am not one of those who think these States should have been admitted at this time under these circumstances; I gladly defer to the judgment of those who, in so much greater numbers, are individually quite my peers upon a question of this kind. But I should have preferred that we should have taken a little more time, that we should have given to these separate Territories a little more of individual consideration, and that in this great act we should have done much more of justice and should have placed these coming States upon a foundation of enduring prosperity and of stable institutions, republican in form, working justice to everybody, regardless of sex. I should, I say, have preferred this could I have had my own judgment complied with, and I should defeat this bill for six months or a year if we could achieve these grand results. But, sir, the majority rules, and I bow to the majority, specifying the reasons why I should have been glad that while doing so much of justice that we might have done more.

I will no longer claim the attention of the Senate.

Mr. CULLOM. Mr. President, I shall not occupy the time of the Senate more than a moment, as I am very anxious that we shall have a vote upon this report before we adjourn. I shall not go into a discussion of the merits of the question that has been debated by the Senator who has just taken his seat or by the Senator from Massachusetts. It is sufficient to say that the subject of the admission of these Territories into the Union, or most of them, has been before the Congress of the United States for many years. There has been much discussion with reference to the question. Finally the Senate bill was amended by the House and the whole subject got into a conference committee of the two Houses. The conferees of the two Houses disagreed at the first meeting and afterwards they were again appointed, and we have finally come to a conclusion and made our report.

I have felt, as one of the conferees, that I could not afford by my action, on account of the differences between the two Houses, to take away from these Territories their opportunity for statehood. The people of these four Territories number about 1,000,000, and, as is suggested by the Senator from Massachusetts [Mr. HOAR], it has been, I think, notorious to the country and to both Houses of Congress that if the conferees had agreed to the proposition advocated by the Senators from Massachusetts and New Hampshire the report of the conferees would not have been concurred in by either branch of Congress. So every consideration, it seems to me, looked to the duty on my part of agreeing to the conference report as presented here before the Senate and which has been ratified by the House to-day.

Mr. President, it is a pretty serious matter to take a step that will result in the deprivation of so many people from being members of our great Union; and I desire to say furthermore that the admission of four States into this Union is a great event, such a one as has never occurred in this country before in reference to the admission of States into the Union. I believe it has occurred that perhaps two States have been taken in at one time, but it has never occurred in the history of the country that the Congress of the United States has provided for the admission of four great commonwealths into the Union at once.

These Territories, by common consent, I think, of the members of both Houses of Congress as well as the country, are possessed of all the elements that justify their admission into the Union in population, resources, civilization, and all that makes them worthy of statehood.

Mr. VEST. Will the Senator from Illinois permit me to ask him a question?

Mr. CULLOM. Yes, sir.

Mr. VEST. I see by this conference report—and I believe the Senator is one of the conferees—that the Territory of New Mexico is stricken out of the list of Territories to come into the Union. I also see from the RECORD that the Senator from Illinois, when a member of the other House in 1876, voted for the admission of that Territory with a much smaller population.

Mr. CULLOM. What year was that?

Mr. VEST. Eighteen hundred and seventy-six.

Mr. CULLOM. The Senator is mistaken, because the Senator from Illinois was not there then.

Mr. VEST. In 1874, I should have said.

Mr. CULLOM. The Senator from Illinois was not there then; so that is a mistaken report. The Senator from Illinois went out of the House of Representatives on the 4th of March, 1871, and has no recollection of ever having voted upon the question of the admission of New Mexico as a State.

Mr. VEST. So far as the Senator's individual record is concerned he can state it for himself. I had the vote before, but I spoke from memory when I stated that the Senator voted for it. I know several distinguished Senators on the other side did vote for that bill. The Senator from Massachusetts to my right [Mr. DAWES] voted for it; the Senator from Iowa [Mr. ALLISON] voted for it; and the junior Senator from Massachusetts [Mr. HOAR] voted for it, if I am not mistaken.

Mr. HOAR. To which Senator from Massachusetts does the Senator from Missouri refer?

Mr. VEST. I think both the Senators from Massachusetts, according to my recollection, voted for it. I can send for the record of the vote.

Mr. HOAR. If the Senator will pardon me, I desire to say if he is to write the chronicles of our recent political history he will have to study them much more carefully. I made a very earnest and zealous speech against the admission of New Mexico in the House of Representatives.

Mr. VEST. So far as writing chronicles is concerned, I have no ambition in that regard, nor have I ever had time to go back into the CONGRESSIONAL RECORD, except for a specific purpose. My life has been rather too busy to devote myself to hunting up ancient debates of either House of Congress. I speak from memory, for some one removed the paper containing the statement of the vote from my table.

Mr. HOAR. I should like to ask the Senator from Missouri if he does not think, before he undertakes to guess about my record for consistency, that it would be becoming in him to go back?

Mr. VEST. I am not guessing. I stated what I believed to be a fact. I am informed now by one of my colleagues that it was possibly the other Senator from Illinois who voted for that bill.

Mr. CULLOM. That is probable.

Mr. VEST. Yes, it was the other Senator from Illinois. I mistook the Senator.

Now, Mr. President, I should like to ask the conferees why it is that when fourteen years ago the admission of New Mexico was determined upon, the Republicans holding both branches of Congress, by a vote in the House of 160 to 54, and on February 24, 1874, the Senate being Republican, the vote was 32 for the admission of New Mexico to 11 against it, and on March 10, 1876, when the Senate was still Republican, a bill for the admission of New Mexico also passed the Senate by a large majority?

I call attention to the vote in the House on May 21, 1874, 160 in the affirmative for the admission of New Mexico and only 54 against it. At that time New Mexico had not one-half of the population that it has to-day, and that population was composed in about the same relative proportions of whites and Mexicans.

In the RECORD which I hold in my hand I see in the House of Representatives that the great objection to New Mexico is that the population to-day is largely Mexican.

Mr. CULLOM. Will the Senator allow me?

Mr. VEST. I ask for information why it is that, with this state of facts, the conference report strikes out New Mexico, with a population to-day, according to the report of the governor of that Territory, of 175,000, twenty-odd thousand more than the ratio for a member of the House of Representatives? I should like to know the reasons for that thing.

Mr. CULLOM. I shall not go into a discussion of the merits of that question.

Mr. VEST. That is what we want to know.

Mr. CULLOM. Suffice it to say that, so far as former votes in either House of Congress are concerned, I do not think they ought to be counted in our deliberations on the question of the admission of States to-day.

I desire to say further that the Senator from Missouri, as well as every other Senator, knows that there is a very great difference in the social conditions and in the general situation of the Territory of New Mexico and of the other Territories that are included in this bill. Whatever the population of New Mexico may be, whether it be 150,000 or 175,000, the Senator knows that a large share of the population of that Territory are what we call Mexicans, Spaniards, and that a very small portion of the people of New Mexico to-day speak the English language at all.

There are not over fifteen or twenty thousand people in that Territory, as I am informed by citizens of the Territory, who speak the English language or who are not Mexicans, as they are termed in contradistinction to Americans or to people of foreign birth.

But I will not discuss that subject further. I do not desire to open up a general discussion of the question, because I think it very important that we shall pass this bill to-night.

I simply rose to say that it seemed to me that the importance of the agreement to this conference report taking in these four Territories, which everybody admits are not in any particular in a condition to be questioned as to their right to statehood, whether it be in point of population, or in advancement in civilization, or in the development of their Territories in any way, is such that as one of the conferees I did not feel that I should be justified in standing out and refusing to consent to the propositions that were made and thereby postpone the admission of these Territories for another year or perhaps two years.

So that, so far as the question which has been suggested by the Senators from New Hampshire and from Massachusetts is concerned, it is sufficient to say that there was a difference between the conferees of the two Houses upon the question, and that I did not feel, for one, that that difference ought to prevent an agreement and prevent the admission of these Territories as States into the Union. Therefore, so far as I was concerned, I signed the report of the conference committee, and I hope it will be adopted.

Mr. BUTLER. Mr. President, as a member of the conference on the part of the Senate which has made this report now before the Senate, I think it proper to state my position in regard to it.

I was actuated very much by the motives which have just been alleged by the Senator from Connecticut [Mr. PLATT] and the Senator from Illinois [Mr. CULLOM], and I think it due to frankness to state that I signed the report with a great deal of reluctance; not that I do not believe that the four Territories embraced in this bill have all the qualifications necessary for statehood, for I believe they are all qualified in population, in intelligence, in resources, and in every other respect; but there are some provisions of this bill which do not meet the approbation of my judgment, one especially, which will be found in the eighth section, to the effect that upon the report of the vote upon the constitutions framed by these constitutional conventions authorized by this enabling act being certified to the President of the United States, accompanied by a copy of the constitutions adopted by that vote, which shall in his judgment be republican in form, he shall thereupon issue his proclamation, and the States shall then be regarded as States in the Union by this act of Congress.

I have always held, and I hold now, that the regular constitutional method for the admission of States is, in the first place, to secure an enabling act from Congress authorizing the population of the Territory proposed to be made into a State to vote on the question of a constitution, and having voted upon that question, before they shall be admitted the constitution so adopted should be submitted to Congress for its approval. That has been my position, and it is now. I think it would have been very much better if that could be done in this instance; but, like the Senator from Illinois and the Senator from Connecticut, I did not feel justified in obstructing, if I could do so, the passage of this bill, involving such vast interests to so many people of this country, and I therefore yielded that point with the distinct understanding that I do not admit, so far as I am concerned, that it shall be regarded as a precedent. I therefore should like it to be understood that all of the concessions made to secure the passage of this bill were not made by our friends on the other side of this Chamber. I think that there was a spirit of concession on both sides in the interest of the passage of a bill which would admit these four Territories as States of the Union.

I differed with my friend from Illinois about New Mexico. I opposed the elimination of that part of the bill from it. I believe that New Mexico is to-day qualified to become a State in the American Union. She has the population, she has the resources and all of the elements, in my judgment, necessary to become a State in the American Union.

Mr. MORGAN. What was the objection to it?

Mr. BUTLER. The objection has just been stated by the Senator from Illinois, that a very large portion of the population of New Mexico were not of the Caucasian race, that a large majority of them were Mexicans and Indians, that in very many of the schools of New Mexico the English language was not taught, etc.

Mr. CULLOM. There are very few of them where it is taught.

Mr. BUTLER. The Senator from Illinois says very few. We had not very definite information upon that point, but I think from the best information I could get there is a population of 175,000 in that Territory, and, as I said awhile ago, they have all the necessary elements and qualifications to become a State, but, still hoping that justice would be done that Territory within a very short time, I gave that up, and, as I say, reluctantly signed this conference report. I did so in obedience to that feeling which has been indicated, that this question ought to be settled; that these people are entitled to be admitted into the Union upon terms of equality with the other States of the Union; and therefore, as I say, I made the concessions which I have indicated.

In regard to the question of woman suffrage, it is due to my colleagues of the conference committee to say for them that that question was presented earnestly by them for the consideration of the conference and the proposition was rejected. For my part, I had no trouble in putting my veto upon it, preferring to leave that question just where it has been placed by the courts of the Territory of Washington, from whose decision I understand an appeal has been taken to the Supreme Court of the United States. I believe those people are just as competent to settle that question as the Senate or the Congress of the United States, and I prefer to leave it there. We provided that the qualifications for voters as existing in those Territories should apply to those voting on the constitution to be adopted.

I repeat that that provision of the bill which proposes practically to admit these Territories upon the proclamation of the President of the United States does not meet my approval.

Mr. VEST. Mr. President, I have received no other answer to the question I put to these conferees except that the social conditions in New Mexico are different from those in the other Territories mentioned in this report.

Mr. PLATT. Did I understand the Senator from Missouri to put the question to me?

Mr. VEST. I have not the slightest objection to the Senator answering it.

Mr. PLATT. My position about New Mexico is this: There was a very great difference of opinion on that subject among the members of the Senate and among the members of the House of Representatives; there was no difference of opinion as to whether these four Territories ought to come in as States, and to mix the question of New Mexico with it was very likely to imperil the admission of the other Territories at this Congress. That was my position on New Mexico, and the position of others.

Mr. VEST. That is hardly a fair answer to the question which I propounded, nor is it a good answer, because it goes without saying that, with almost a solid vote on this side of the Chamber in favor of the admission of New Mexico, if a sufficient number of Republicans, or even a very small number, could be found to favor the admission, the fate of the bill would not have been endangered at all.

The only answer we get which amounts to an answer at all is that the social conditions in New Mexico are such as to prevent or as should have prevented the admission of that Territory as a State. In 1874 the conditions which are now paraded here as a reason for excluding New Mexico were much more strong upon that side of the question than to-day. There was a larger Mexican population, because it is a notorious fact to every Western man at all acquainted with the Territory of New

Mexico that hundreds of peons, as they were called—the lower order of Mexicans—have gone back into old Mexico, frightened by the advance of Anglo-Saxon civilization, and because they desired a homogeneity of language, institutions, religion, and race, which they found amongst their own people.

In 1874 there were more Mexicans there than to-day and less white people. Along the line of the Atchison, Topeka and Santa Fé road, where I went over the old Mexican trail when a boy, to-day towns are springing up which rival in enterprise and wealth the towns in the Western States—such as Albuquerque, Socorro; and old Santa Fé, that used to be a collection of adobe houses, to-day is a thriving mart and a commercial center for that vast area of country, with the white population steadily increasing, and American customs, habits, and ideas have all advanced, while the effete and worn-out civilization of the Indians and the Aztecs and the Spaniards has gone backward and receded. And yet, with that old condition of things, the Republican party voted, in 1874, 160 to 54 in favor of letting in this Territory with half the population it has to-day, and the Senate voted in the same year 32 to 11, three to one in both instances, and afterwards by a large majority in 1876 voted the same way.

Let us be perfectly frank with each other. Why shall we keep out New Mexico? Why do you keep it out? Because in 1874 and in 1876 New Mexico was represented not only by a Republican Delegate, but by one of the most active Republican partisans that has ever been known in the history of this country, Hon. Stephen B. Elkins. That was the condition of things in 1874 and 1876, and to-day New Mexico is represented in the other House of Congress by a Democrat, and although the Legislative Assembly of New Mexico is Republican to-day, the Republican party here and in the other House of Congress are afraid to risk the vote of the people.

Mr. CULLOM. Will the Senator allow me to interrupt him a moment?

Mr. VEST. Of course.

Mr. CULLOM. I want to say that, so far as I am concerned, the question of the political or partisan status of the people of New Mexico is a matter of no consideration in the decision of the question whether the Territory shall be admitted as a State or not.

So far as that Territory is concerned, while the Delegate happens to be a Democrat, as I understand, although I do not know him personally, yet the truth is that the Legislature of the Territory is at least two-thirds Republican.

Mr. VEST. I stated that.

Mr. CULLOM. I want to say further that I have, so far as my action is concerned, been influenced by statements from Democrats and Republicans of that Territory that the people of the Territory as a body are not entitled, on account of the condition of affairs there, to admission as a State into this Union.

I tried to avoid saying very much about the subject awhile ago, because I wanted to have the conference report disposed of, but evidence has been furnished to me to the effect that there are very few schools in that Territory where the English language is taught, and men who practice law there have told me that while they have perhaps been attorneys in a thousand lawsuits they have never tried one without the necessity of using interpreters, because the officers of the courts, as well as the witnesses in many instances, could not speak the English language.

So I might go on and give the reasons why I have not felt that it was incumbent upon me at this time to incumber this bill with the question of the admission of New Mexico. When the time comes perhaps the people of that Territory will be able to show a different situation, and I shall be as willing and as anxious as the Senator from Missouri or anybody else to admit New Mexico when they show conditions that seem to demand it.

Mr. VEST. Mr. President, so far as the courts in New Mexico are concerned they are administered in Santa Fé and in Socorro just as regularly and in accordance with the forms of law, just as much as in any portion of the United States. They have a Mexican population there and they had when the treaty of Guadalupe Hidalgo was made between the United States and Mexico, in which the same rights were guarantied to the people occupying that soil as to the American citizens that might go there after the consummation of that transfer. About this there can be no sort of question.

Now, we are confronted with a race question here again, that these people are Mexicans, and therefore they ought not to be permitted to become citizens of the United States in a State of the Union.

Mr. President, when the negroes of the South—former slaves—who had been mere chattels under a system that prevailed in those States for years, were made citizens of the United States and given the right to vote, we heard nothing then of this sensibility on the race question which confronts us in this argument. In the Northwestern States there are thousands of Scandinavians who can hardly read or write or speak the English language, and yet they become citizens of the United States, entitled to the same privileges with those of us who were born upon the soil. In Dakota there are thousands of them, and I have no doubt they are a hardy, a thrifty, and an intelligent population.

No, Mr. President, let us understand this question. If we are to admit these four Territories as States we should admit New Mexico, and in common decency and fairness, speaking here without disguise as members of different political parties, we should stand the hazard of the die hereafter in the votes to be had in those Territories.

For one I shall vote against this report and against this bill, and I shall do it upon the ground that New Mexico has not been included in this report, and I am neither afraid nor ashamed to say that I will not consent to give what I believe an unjust and inequitable advantage to the party opposed to that of which I am a member upon any such flimsy pretext as that a Territory that fourteen years ago, with a smaller population and a larger proportion of Mexicans in it, was then fit for admission into the Union and to-day, with all those reasons decreased, it shall not be admitted at all.

Mr. BUTLER. Mr. President——

Mr. PLATT. I desire very much to have action upon this bill to-night, and I rise for the purpose of asking if we can not take the vote at this time.

Mr. BUTLER. Well, Mr. President, I am as anxious as the Senator from Connecticut is. I simply wanted to state that, in acting upon these measures for the admission of States into the Union, if I know myself, I have not been actuated by political considerations. In other words, I could not object to the admission of a Territory as a State because rumor stated that the people of that Territory or a majority of them differ with me in political opinion.

I think, sir, that the subject is too grave and serious and important to be governed by such considerations. All of us more or less are, I take it, sensible to such considerations, but, as I stated, I have not permitted that question to influence my judgment at all, if from no other reason than the very paramount one of the vicissitudes of politics in this country; and now that the great dividing question of slavery has, as I believe and hope, been put behind us, I think that those vicissitudes and changes will be more frequent in the future than in the past, so that where a State or a community may be Republican to-day or Democratic to-day it may be the reverse to-morrow or the next year.

In regard to New Mexico, I do not care now to go into the discussion of the reasons which in my judgment entitle her to admission into the Union. I stated awhile ago briefly that I believe she ought to be admitted into the Union. I believe that she ought to be in this bill, and I so insisted until I apprehended that further insistence might jeopardize the passage of the bill for the admission of these four Territories as States. Then I yielded. When the proper time comes and the proper occasion I trust I shall be found on the side of those who favor the admission of New Mexico at as early a date as possible, and I hope the Congress of the United States will at an early day extend to the people of that Territory the same right that it now extends to the people of North and South Dakota and Montana and Washington.

Mr. HARRIS. I rise for the purpose of making a motion that——

Mr. MORGAN. I wish to submit a very few remarks.

Mr. HARRIS. I will yield to the Senator from Alabama.

Mr. MORGAN. Mr. President, I shall vote for the conference report, and in doing so I desire to make a statement which will explain my reason for that vote.

I feel aggrieved that the Territory of New Mexico has not been included in this bill. My impression is, my conviction is, that it has been excluded, contrary to express treaty stipulations in the treaty of Guadalupe Hidalgo, because of the present political aspect of the people of that Territory, and I think that is demonstrated, because I can not conceive that the committee who have had this subject in charge should have been forgetful of the ninth article of the treaty of Guadalupe Hidalgo and the protocol which followed it and which gave a more emphatic explanation to it. I will read that ninth article:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

There is a provision in favor of the Mexicans occupying that Territory, not in favor of the white people or the black people, but a declaration in our treaty, made at the time we acquired the Territory, that those people were entitled to be admitted into the American Union as a State, with a Mexican population.

I have not heard it stated here, nor do I expect to hear it stated, that those Mexicans are in any worse condition for admission into the Union now than they were at the time that the treaty of Guadalupe Hidalgo was ratified. I do not hear it stated, and I do not expect to hear it stated, or to hear the attempt made to make the statement, that in two years to come or five years to come or ten years to come the condition of the Mexican population will be so far bettered by contact with our ideas and system of civilization and our language as that they will then be entitled to admission into the Union.

The Senator from Missouri [Mr. VEST] has shown a decided vote on the part of both Houses of Congress some years ago, in which they declared by majorities approximating two-thirds of each House that the

Mexicans were then entitled to admission into the American Union—that is, that their social condition, their political condition, their advancement in intelligence and in the arts of civilization, were at that time sufficient to justify and require the execution of this provision of the treaty of Guadalupe Hidalgo.

Now, the Mexican citizens of the United States, made such by remaining in this Territory after the adoption of that article, have a just cause of grievance against the Congress of the United States.

When they claim to come in and have the numbers equivalent to those in other Territories, and the facilities of commercial operations and of agricultural development equal to those, they have a just and reasonable cause of grievance against this Government; which cause of grievance is concentrated in the fact that we in excluding them violate a positive agreement made with them by treaty when they came into this country. They had the option under this treaty of Guadalupe Hidalgo in articles preceding the one I have just read—Article VIII and other articles—to remain in the United States, assuming citizenship here, or to return to Mexico. They chose to remain in the United States in that part of the territory that we acquired, and they remained under the guaranty of this article which I have just read.

The Mexican Government finding that we had made a suppression of a part of Article IX as it was originally prepared, agreed with us upon a protocol, which was an explanation of that, in which it is said:

> First. The American Government by suppressing the ninth article of the treaty of Guadalupe Hidalgo and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid Article IX in favor of the inhabitants of the territories ceded by Mexico.

There was a solemn and positive reiteration of the engagement that we had made originally with Mexico, into which engagement we had interpolated with their consent the third article of the treaty of cession of Louisiana, an article under which the State of Louisiana had the right to be admitted into the Union and was admitted into the Union.

Now, Mr. President, we hear it stated to-day in terms not exactly open and full and free, but still unmistakable, that the reason why New Mexico was not included in this bill was the condition of her population. It is said that they do not have American schools there and that the English language is not taught in their schools. These are the objections, and all that I have heard against the incorporation of the Mexicans, who are mentioned in this treaty as being entitled to statehood, in this bill admitting new States into the American Union.

That presents sharply and without any possibility of misunderstanding the proposition that the Mexicans are excluded from this bill because they are Mexicans; and yet here is the guaranty in the ninth article of the treaty of Guadalupe Hidalgo, which says they shall come into the Union because they are Mexicans. Being Mexicans, and our country having acquired this area of territory with that population, we expressly stipulated with them as Mexicans, first, that they shall have the right of citizenship; next, that they shall be admitted as Mexicans into the American Union. I do think, sir, this is pressing the race question to a very singular extent, that we shall not only exclude them because they are Mexicans, but we shall do so in the face of the fact that we agreed when the treaty was made acquiring this territory that they should come in, being Mexicans and having been treated with in that very character and capacity.

I look hopelessly forward to the time when the Territory of New Mexico can come in, unless some Senator or some other person can point out a means by which we are to drive the Mexican population out of that Territory. They are there by our consent and agreement; they are there with these fixed treaty rights; they are there under the solemn pledge of the United States Government that they shall have statehood, and yet we are to allow this Territory to remain out of the Union, with quite enough population to make a State, until some future period of time when Congress shall give its consent or shall come to the belief that these people have so far reformed in their blood and race and in their language as that they can be admitted safely into the American Union.

If there had been an equal number of negroes in the Territory of New Mexico to displace that number of Mexicans, could we resist their coming in as an American State? Would we raise the race question upon negroes if they were there? Not by any means. We raise race questions on Chinese and race questions on Mexicans, but we never raise race questions on the negroes.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. HOAR. I desire to ask that Senator if the question, shall negro majorities rule, is not a race question raised on the negro?

Mr. MORGAN. I did not hear the question.

Mr. HOAR. I asked that Senator if the question, shall negro majorities rule, be not a race question raised upon the negro?

Mr. MORGAN. Well, that may be. It happens to be, however, a question not raised by the Republicans. The Republicans raise race questions on Mexicans and race questions on Chinese, and it is not exactly logical perhaps not to raise a race question on the negroes. They differ from us quite as much as the Chinese. Why do you raise race questions here in this Senate upon this bill, and why do you violate your treaty to do it, the solemn compact of your Government made with Mexicans, and then turn around and twit me with the question whether I would exclude negroes on race grounds?

It is easy enough to be charitable to one's own infirmities; it is easy enough to warm to your own sins and your own shortcomings. Thank God, there is still a scrutiny in the eye of impartial mankind to weigh the conduct and sentiments of men, not by what they think of themselves, but by what they are thought of in the light of justice and truth. If these Mexicans had had the misfortune to be Republicans they would have been in this bill, and this treaty would have stood up then for their admission into the American Union as a solemn guaranty which would have been obeyed on the other side of this Chamber. But happening to be Democrats, as the negroes are supposed and believed to be Republicans, the distinction of race disappears in one case and is made prominent and bold and powerful in the other, and that race distinction is made so prominent and so bold and so distinct that we violate our public pledges in this treaty in order to keep them out of the Union.

I stated that I should vote for this bill. I admit that injustice has been practiced in it. The situation is one of extreme injustice and one that I dislike very seriously indeed, but I conceive it to be my duty to vote for the admission of any Territory into the Union without reference to race, politics, or any other question concerned in it, when the lawful citizenship of that Territory is adequate to representation in the other House of Congress and when the development of that Territory has established the fact that the State, when admitted into the Union, can take care of itself, that its population is not likely to dwindle as some States of this Union have dwindled that we have admitted here, but is likely to be progressive and increasing. When such a State comes for admission into the American Union I will vote for it whenever it presents a constitution in conformity with the Constitution of the United States, that represents truly the right of local self-government in the organic law.

I am not to be prohibited from voting to admit a State in the Union because other Senators can find pretexts upon which to exclude a population that is entitled to come and have a Senator sit upon this floor. What they choose to do in keeping a State out is no argument for me in respect to my vote for the admission of a State. I vote for these four other Territories to come in as States because I am satisfied that each one of them is properly prepared in population and civil development for statehood. I should vote most cheerfully to execute the compact between ourselves and Mexico and these Mexican people and admit the Territory of New Mexico, but, under the doctrines which have been stated here to-day and the pretexts which have been resorted to to keep this Territory out of the Union, I do not foresee the day when New Mexico will become a State of the American Union.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. May I appeal to the Senator to withdraw that motion?

Mr. HARRIS. If we can come to a vote without further debate I will withdraw the motion for that purpose.

Mr. PLATT. Let the vote be taken now.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on concurring in the report of the committee of conference?

Mr. BROWN. I wish to say a single word before the vote is taken. I will not take two minutes.

This is an omnibus bill to admit four Republican States into the Union. The Territory of New Mexico, which would certainly make a Democratic State if admitted, is excluded, I think, for political considerations. I shall therefore vote against the report, because I think it is unfair and unjust.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. COCKRELL. I will not call for the yeas and nays; but I desire to state that I will vote against the adoption of the conference report and the passage of this bill.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. PAYSON, and Mr. MCRAE the managers of the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861; and it was thereupon signed by the President *pro tempore*.

LORD SACKVILLE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, of this day's date, with accompanying correspondence touching the case of Lord Sackville.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 20, 1889.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War of this date submitting an estimate for an appropriation of $500 for furnishing and maintaining the lodge at the Washington monument; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell; and

A bill (H. R. 3765) for the relief of James Devine.

He also, from the same committee, to whom was referred the bill (H. R. 11007) for the relief of the Catholic Church at Macon City, Mo., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., reported it with an amendment.

ADDITIONAL BILL INTRODUCED.

Mr. VEST introduced a bill (S. 3983) to enable the inhabitants of the town of Juneau, Alaska, to obtain title to the lots improved by them in said town; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO DEFICIENCY BILL.

Mr. EVARTS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Pending that, I move that the Senate do now adjourn.

Mr. HARRIS. On which motion I demand the yeas and nays.

The PRESIDENT *pro tempore*. On the motion to adjourn the Senator from Tennessee asks that the yeas and nays may be entered on the Journal.

Mr. ALLISON. If the Senator desires for any special purpose an executive session at this hour I will not insist on my motion.

Mr. HARRIS. My purpose is purely general and not special.

Mr. ALLISON. Well, then, I must insist on my motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks upon the question of adjournment that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY], or I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON], but I transfer that pair to the Senator from Nevada [Mr. JONES], and I vote "yea."

The roll-call was concluded.

Mr. SPOONER (after having voted in the affirmative). I am paired generally with the Senator from Mississippi [Mr. WALTHALL]. He is absent from the Chamber and I inadvertently voted. I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws his vote.

Mr. BUTLER (after having voted in the negative). I am generally paired with the Senator from Pennsylvania [Mr. CAMERON], and generally vote with him on this proposition and generally in the affirmative. I think perhaps I had better withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from South Carolina withdraws his vote.

Mr. CULLOM (after having voted in the affirmative). I inquire if the junior Senator from Delaware [Mr. GRAY] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. CULLOM. Then I suppose I ought to withdraw my vote, as I am paired with him.

The PRESIDENT *pro tempore*. The Senator from Illinois withdraws his vote.

Mr. HARRIS. I am requested to announce that the Senator from Kentucky [Mr. BLACKBURN] is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. TELLER. The Senator from New Jersey [Mr. MCPHERSON] is paired with my colleague [Mr. BOWEN].

The result was announced—yeas 19, nays 11; as follows:

YEAS—19.

Aldrich,	Davis,	Hawley,	Morrill,
Allison,	Dolph,	Hearst,	Platt,
Blair,	Evarts,	Hoar,	Stewart,
Brown,	Frye,	Ingalls,	Teller.
Chandler,	Hale,	Mitchell,	

NAYS—11.

Bate,	Coke,	Harris,	Reagan,
Call,	Daniel,	Morgan,	Turpie.
Cockrell,	Gorman,	Ransom,	

ABSENT—46.

Beck,	Eustis,	Manderson,	Sherman,
Berry,	Farwell,	Paddock,	Spooner,
Blackburn,	Faulkner,	Palmer,	Stanford,
Blodgett,	George,	Pasco,	Stockbridge,
Bowen,	Gibson,	Payne,	Vance,
Butler,	Gray,	Plumb,	Vest,
Cameron,	Hampton,	Pugh,	Voorhees.
Chace,	Hiscock,	Quay,	Walthall,
Colquitt,	Jones of Arkansas,	Riddleberger,	Wilson of Iowa,
Cullom,	Jones of Nevada,	Sabin,	Wilson of Md.
Dawes,	Kenna,	Saulsbury,	
Edmunds,	McPherson,	Sawyer,	

So the motion was agreed to; and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 20, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. BARNES. Mr. Speaker, I rise to have a correction made in the RECORD and to make a brief statement in connection therewith. In the RECORD of Saturday last, containing the report of Friday's proceedings, I am recorded as having voted to instruct the committee of conference on the bill in relation to the admission of the Territories. The facts are that at that time I was absent from the city with leave, at my home in Georgia, and of course could not have voted. Had I been present I would have voted against that instruction and against all the other propositions instructing that committee. I was paired with the gentleman from Oregon [Mr. HERMANN] on all political questions, and I desire to state in his behalf that while he voted he did so inadvertently, not regarding the proposition voted upon as of a political character. Had he so regarded it he certainly would not have voted.

The SPEAKER. The correction will be made. The Chair will also cause the Journal to be examined, and, if there be no objection, any error found there will be corrected.

ORDER OF BUSINESS.

Mr. CRISP. I rise to a question of privilege.

The SPEAKER. The gentleman will please withhold that until the Chair lays before the House certain bills, in compliance with the rule.

Mr. CASWELL. Mr. Speaker, I desire to call up the unfinished conference report that was under discussion yesterday.

The SPEAKER. Does the gentleman desire to call it up at this time?

Mr. CASWELL. Yes, sir.

Mr. HOOKER. I hope the gentleman from Wisconsin will withhold his motion so as to allow the Chair to lay the Senate bills before the House.

Mr. REED. No; let us have it now.

Mr. CASWELL. I can not yield.

Mr. HOOKER. The gentleman had better allow that to be done.

Mr. TAULBEE. Mr. Speaker, I ask the gentleman from Wisconsin to withhold his motion until I can make a report, which will occupy hardly any time.

Several MEMBERS. Regular order.

Mr. CRISP. Mr. Speaker, I call up the contested-election case of Sullivan *vs.* Felton.

CONFERENCE REPORT ON DIRECT-TAX BILL.

The SPEAKER. The regular order is demanded. Under the rules of the House, the conference report, the Chair thinks, has precedence over all other business.

Mr. CRISP. Is it privileged over a contested-election case?

The SPEAKER. The Chair thinks it is under the rules. While the question of the right of a member to his seat is a question of the highest privilege under the Constitution, yet the Constitution itself provides that the House may make rules for the government of its own

proceedings, and the House has made rules under which a conference report is in order at all times except while the Journal is being read, while the yeas and nays are being taken, or while the House is dividing. This, the Chair thinks, gives it a higher privilege, and the only way to avoid it is to raise the question of consideration.

Mr. CRISP. Then I raise the question of consideration. I am willing to give way for the necessary appropriation bills, but for nothing else.

Mr. TOWNSHEND. I ask the gentleman from Wisconsin to allow reports to be presented.

The SPEAKER. That request has already been made and the gentleman has declined to do so. The question is, will the House now proceed to the consideration of the conference report on the bill known as the direct-tax bill?

Mr. CASWELL. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 93, not voting 94; as follows:

YEAS—135.

Adams,	Dingley,	Lehlbach,	Russell, Conn.
Allen, Mich.	Dorsey,	Lind,	Rusk,
Anderson, Iowa	Dunham,	Lodge,	Ryan,
Anderson, Kans.	Elliott,	Long,	Sawyer,
Atkinson,	Farquhar,	Mansur,	Scull,
Baker, Ill.	Finley,	Mason,	Seney,
Bayne,	Flood,	Matson,	Seymour,
Bingham,	Fuller,	McClammy,	Shaw,
Bland,	Gallinger,	McCormick,	Sherman,
Bliss,	Gear,	McKenna,	Simmons,
Boothman,	Gest,	McKinley,	Spooner,
Bound,	Grosvenor,	Merriman,	Stephenson,
Boutelle,	Grout,	Milliken,	Stewart, Vt.
Bowden,	Guenther,	Moffitt,	Struble,
Brewer,	Haugen,	Morrill,	Taulbee,
Brower,	Hayden,	Nelson,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Hemphill,	Nichols,	Taylor, J. D., Ohio
Browne, Ind.	Henderson, Iowa	O'Donnell,	Thomas, Ky.
Brown, J. R., Va.	Hermann,	O'Ferrall,	Thomas, Wis.
Buchanan,	Hiestand,	O'Neill, Pa.	Thompson, Ohio
Burrows,	Hires,	Osborne,	Thompson, Cal.
Butterworth,	Hitt,	Owen,	Townshend,
Caswell,	Holman,	Parker,	Turner, Kans.
Cheadle,	Hopkins, Ill.	Patton,	Vandever,
Clark,	Hopkins, N. Y.	Perkins,	Warner,
Compton,	Hudd,	Peters,	Weber,
Conger,	Hunter,	Phelps,	West,
Cooper,	Jackson,	Plumb,	White, Ind.
Crouse,	Johnston, Ind.	Posey,	White, N. Y.
Cutcheon,	Kean,	Pugsley,	Wickham,
Darlington,	Kelley,	Reed,	Wilkinson,
Davis,	Kennedy,	Rice,	Wise,
De Lano,	Laidlaw,	Romeis,	Yardley.
Dibble,	Latham,	Rowell,	

NAYS—93.

Abbott,	Dargan,	Lawler,	Rowland,
Anderson, Miss.	Davidson, Ala.	Lynch,	Russell, Mass.
Anderson, Ill.	Davidson, Fla.	Maish,	Sayers,
Bacon,	Dockery,	Martin,	Scott,
Bankhead,	Dunn,	McAdoo,	Smith,
Barnes,	Enloe,	McCreary,	Spinola,
Blanchard,	French,	McKinney,	Stewart, Tex.
Blount,	Glass,	McMillin,	Stewart, Ga.
Breckinridge, Ark.	Glover,	McRae,	Stockdale,
Breckinridge, Ky.	Grimes,	Mills,	Stone, Ky.
Campbell, F., N. Y.	Hall,	Montgomery,	Stone, Mo.
Campbell, T. J., N. Y.	Hatch,	Moore,	Tarsney,
Candler,	Hayes,	Morgan,	Tillman,
Caruth,	Hooker,	Morse,	Tracey,
Catchings,	Hopkins, Va.	Norwood,	Turner, Ga.
Chipman,	Howard,	Oates,	Vance,
Clardy,	Hutton,	O'Neall, Ind.	Walker,
Clements,	Johnston, N. C.	Outhwaite,	Weaver,
Cobb,	Jones,	Peel,	Wheeler,
Cothran,	Kilgore,	Penington,	Whiting, Mich.
Cowles,	Lagan,	Pidcock,	Wilson, Minn.
Cox,	Landes,	Rayner.	
Crisp,	Lane,	Richardson,	
Cummings,	Lanham,	Rogers,	

NOT VOTING—94.

Allen, Mass.	Dalzell,	Holmes,	Randall,
Allen, Miss.	Davenport,	Houk,	Robertson,
Arnold,	Dougherty,	Kerr,	Rockwell,
Baker, N. Y.	Ermentrout,	Ketcham,	Shively,
Barry,	Felton,	Laffoon,	Snyder,
Belden,	Fisher,	La Follette,	Sowden,
Biggs,	Fitch,	Laird,	Springer,
Bowen,	Foran,	Lee,	Stahlnecker,
Brown, Ohio	Ford,	Lyman,	Steele,
Brumm,	Forney,	Macdonald,	Symes,
Bryce,	Funston,	Maffett,	Thomas, Ill.
Buckalew,	Gaines,	Mahoney,	Wade,
Bunnell,	Gay,	McComas,	Washington,
Burnett,	Gibson,	McCullogh,	Whiting, Mass.
Butler,	Goff,	McShane,	Whitthorne,
Bynum,	Granger,	Morrow,	Wilber,
Campbell, Ohio	Greenman,	Neal,	Wilkins,
Cannon,	Hare,	Newton,	Williams,
Carlton,	Harmer,	Nutting,	Wilson, W. Va.
Cockran,	Heard,	O'Neill, Mo.	Woodburn,
Cogswell,	Henderson, N. C.	Payson,	Yoder,
Collins,	Henderson, Ill.	Perry,	Yost.
Crain,	Herbert,	Phelan,	
Culberson,	Hogg,	Post,	

So the House determined to consider the conference report.

Mr. CANNON (after the Clerk had concluded the second roll-call). Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the House when his name was called?

Mr. CANNON. I was absent on a conference committee until after my name was called on the second roll-call.

The SPEAKER. The Chair thinks that under the practice the gentleman can not vote. He can state how he would have voted.

Mr. CANNON. I will submit to the Chair, if the Chair will allow me—

The SPEAKER. The House will come to order. The Chair desires to hear what the gentleman from Illinois has to say.

Mr. CANNON. As the letter of the rule has very properly been relaxed so as to permit a member to vote after the conclusion of the roll-call if he was in the Hall when his name was called, is it not equally proper that the literal terms of the rule should be relaxed so as to permit a member to vote who was absent on a conference committee, practically by order of the House, attending to the business of the House?

Mr. HOOKER. I can not hear what the gentleman says.

The SPEAKER. The Chair has appealed to gentlemen on the floor to preserve order so that the gentleman from Illinois may be heard.

Mr. CANNON. I will state my point again by way of inquiry of the Chair. As the rule has been so far relaxed as to permit a member to vote after the conclusion of the roll-call, provided he was in the Hall when his name was called, should not the rule with equal propriety be further relaxed so as to permit a member to vote who, when his name was called, was absent attending to his duty as a member of a conference committee, practically by order of the House? In this case is there not equal reason for a relaxation of the terms of the rule?

The SPEAKER. The Chair does not really see that there is any difference between the two cases. According to the letter of the rule no member can vote, nor can the Speaker entertain a request for unanimous consent that the member be allowed to vote, after the completion of the second roll-call; but inasmuch as there is at all times more or less noise on the floor and it frequently happens that a gentleman fails to hear his name called or the Clerk fails to hear his response, it was thought to be manifestly unjust that a member should be deprived of his vote under such circumstances. Now, if the House sees proper to permit a still further relaxation of the terms of the rule and decides that a member absent on a conference committee can vote after the conclusion of the second roll-call, of course——

Mr. HOOKER. Then we shall have members voting who were absent on any account, so that we might as well do away with the rule altogether.

Mr. CANNON. Not at all; the cases do not run together.

The SPEAKER. The Chair thinks that the gentleman's vote on this roll-call is not necessary as affecting the result; and inasmuch as it might lead to a very great inconvenience if there should be a still further relaxation of the rule, the Chair thinks the gentleman had better content himself with stating how he would have voted.

Several MEMBERS (to Mr. CANNON). How would you vote?

Mr. CANNON. I do not care about that; I am ready to vote. [Laughter.]

Mr. MASON. I desire to ask that my colleague from Illinois, Mr. PAYSON, be excused on account of sickness.

There being no objection, Mr. PAYSON was excused.

The SPEAKER. The gentleman from California [Mr. MORROW] asks to be excused on account of important business, and the gentleman from Louisiana [Mr. NEWTON] on account of sickness. Is there objection? The Chair hears none, and these gentlemen are excused.

Mr. GAINES. I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. GAINES. I was not.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the gentleman from Maryland [Mr. MCCOMAS] be excused indefinitely, on account of sickness.

There being no objection, Mr. MCCOMAS was excused.

Mr. TAULBEE. I ask unanimous consent to dispense with the reading of the names.

Mr. WHEELER. I object.

The Clerk recapitulated the names.

The following members were announced as paired until further notice:

Mr. GREENMAN with Mr. NUTTING.

Mr. ERMENTROUT with Mr. BUNNELL.

Mr. BIGGS with Mr. MORROW.

Mr. BURNETT with Mr. GOFF.

Mr. FORD with Mr. GUENTHER.

Mr. BARRY with Mr. YOST.

Mr. PHELAN with Mr. BUTLER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. MCSHANE with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. GROSVENOR with Mr. CAMPBELL, of Ohio.

Mr. GROSVENOR. While I am paired generally with my colleague from Ohio [Mr. CAMPBELL], I desire to state that if he were present I understand he would vote on this question as I do; and therefore I have voted "ay."

For this day:

Mr. BRYCE with Mr. KETCHAM.

Mr. STAHLNECKER with Mr. BAKER, of New York.

Mr. LEE with Mr. DALZELL.

Mr. HERBERT with Mr. HARMER.

Mr. WILKINS with Mr. MCCOMAS.

Mr. NEWTON with Mr. BELDEN.

On this vote:

Mr. SOWDEN with Mr. WADE.

Mr. O'NEILL, of Missouri, with Mr. HENDERSON, of Illinois.

Mr. FORNEY with Mr. FITCH.

Mr. RANDALL with Mr. WILLIAMS.

Mr. BLAND (having voted in the negative) changed his vote immediately before the announcement of the result from "no" to "ay." The vote was announced as above stated.

Mr. BLAND. I move to reconsider the vote just taken.

Mr. KELLEY. I move to lay the motion to reconsider on the table.

Mr. TAULBEE. Mr. Speaker, I understand the objection will be withdrawn to the request I made a moment ago to submit this report, and I now ask unanimous consent——

Mr. DIBBLE. Regular order.

Mr. TAULBEE. This is simply a report to be submitted for printing; it will lead to no discussion.

Mr. CASWELL. I understand that this is simply to make an order to print the report, and individually I have no objection.

The SPEAKER. But the regular order has been demanded by the gentleman from South Carolina.

Mr. DIBBLE. Is it in order to move to reconsider a motion on reconsideration?

The SPEAKER. The Chair thinks so.

The question is on the motion to lay the motion to reconsider on the table.

The question was taken; and on a division there were—ayes 90, noes 20.

Mr. BLAND. No quorum.

Mr. CASWELL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 160, nays 76, not voting 86; as follows:

YEAS—160.

Adams,	Davis,	La Follette,	Romeis,
Allen, Mich.	De Lano,	Laidlaw,	Rowell,
Anderson, Iowa	Dibble,	Latham,	Rowland,
Anderson, Miss.	Dingley,	Lehlbach,	Russell, Conn.
Anderson, Kans.	Dorsey,	Lind,	Rusk,
Atkinson,	Dunham,	Lodge,	Ryan,
Baker, N. Y.	Farquhar,	Long,	Sawyer,
Baker, Ill.	Finley,	Macdonald,	Scull,
Bayne,	Fitch,	Mansur,	Seney,
Bingham,	Flood,	Mason,	Seymour,
Boothman,	Fuller,	Matson,	Sherman,
Bound,	Funston,	McClammy,	Simmons,
Boutelle,	Gaines,	McCormick,	Sowden,
Bowden,	Gallinger,	McKenna.	Spooner,
Bowen,	Gear,	McKinley,	Steele,
Brewer,	Gest,	Merriman,	Stephenson,
Brower,	Grosvenor,	Milliken,	Stewart, Vt.
Browne, T. H. B., Va.	Grout,	Moffitt,	Taylor, E. B., Ohio
Browne, Ind.	Guenther,	Morrill,	Taylor, J. D., Ohio
Brown, Ohio	Haugen,	Nelson,	Thomas, Ky.
Brown, J. R., Va.	Hayden,	Nichols,	Thomas, Ill.
Buchanan,	Henderson, Iowa	Oates,	Thomas, Wis.
Burrows,	Henderson, Ill.	O'Donnell,	Thompson, Ohio
Butterworth,	Hermann,	O'Ferrall,	Thompson, Cal.
Campbell, F., N.Y.	Hiestand,	O'Neill, Pa.	Tillman,
Campbell, T. J., N.Y.	Hires,	O'Neill, Mo.	Townshend,
Cannon,	Hitt,	Osborne,	Turner, Kans.
Caswell,	Holman,	Outhwaite,	Vandever,
Cheadle,	Holmes,	Owen,	Warner,
Chipman,	Hopkins, Ill.	Parker,	Weber,
Clark,	Hopkins, N.Y.	Patton,	West,
Cogswell,	Hudd,	Peel,	White, Ind.
Compton,	Hunter,	Perkins,	White, N. Y.
Conger,	Hutton,	Peters,	Wickham,
Cooper,	Johnston, Ind.	Pidcock,	Wilber,
Crouse,	Kean,	Plumb,	Wilkinson,
Cutcheon,	Kelley,	Posey,	Wilson, Minn.
Dalzell,	Kennedy,	Pugsley,	Wise,
Darlington,	Kerr.	Reed,	Woodburn,
Davenport,	Ketcham,	Rice,	Yardley.

NAYS—76.

Allen, Miss.	Candler,	Cummings,	Glover,
Anderson, Ill.	Caruth,	Dargan,	Grimes,
Bacon,	Catchings,	Davidson, Ala.	Hall,
Barnes,	Clardy,	Davidson, Fla.	Hare,
Blanchard,	Clements,	Dockery,	Hatch,
Bland,	Cobb,	Dunn,	Hayes,
Breckinridge, Ark.	Cothran,	Foran,	Henderson, N. C.
Breckinridge, Ky.	Cowles,	Forney,	Hooker,
Buckalew,	Cox,	French,	Hopkins, Va.
Bynum,	Crisp,	Glass,	Howard,
Johnston, N. C.	McKinney,	Rayner,	Stone, Ky.
Jones,	McMillin,	Rogers,	Stone, Mo.
Laffoon,	McRae,	Russell, Mass.	Tarsney,
Lagan,	Mills,	Sayers,	Taulbee,
Lanham,	Montgomery,	Scott,	Turner, Ga.
Lawler,	Moore,	Shively,	Vance,
Lynch,	Morgan,	Stewart, Tex.	Walker,
Maish,	Norwood,	Stewart, Ga.	Wheeler,
Martin,	Penington,	Stockdale,	Wilson, W. Va.

NOT VOTING—86.

Abbott,	Enloe,	Lyman,	Rockwell,
Allen, Mass.	Ermentrout,	Maffett,	Shaw,
Arnold,	Felton,	Mahoney,	Smith,
Bankhead,	Fisher,	McAdoo,	Snyder,
Barry,	Ford,	McComas,	Spinola,
Belden,	Gay,	McCreary,	Springer,
Biggs,	Gibson,	McCullogh,	Stahlnecker,
Bliss,	Goff,	McShane,	Struble,
Blount,	Granger,	Morrow,	Symes,
Brumm,	Greenman,	Morse,	Tracey,
Bryce,	Harmer,	Neal,	Wade,
Bunnell,	Heard,	Newton,	Washington,
Burnett,	Hemphill,	Nutting,	Weaver,
Butler,	Herbert,	O'Neall, Ind.	Whiting, Mich.
Campbell, Ohio	Hogg,	Payson,	Whiting, Mass.
Carlton,	Houk,	Perry,	Whitthorne,
Cockran,	Jackson,	Phelan,	Wilkins,
Collins,	Kilgore,	Phelps,	Williams,
Crain,	Laird,	Post,	Yoder,
Culberson,	Landes,	Randall,	Yost.
Dougherty,	Lane,	Richardson,	
Elliott,	Lee,	Robertson,	

So the motion to reconsider was laid upon the table.

On motion of Mr. CASWELL, by unanimous consent, the reading of the names was dispensed with.

Mr. ENLOE. Mr. Speaker, I would like to record my vote on this question.

The SPEAKER. The Chair can not entertain the request of the gentleman if he was not immediately in the Hall when his name was called.

Mr. ENLOE. I was temporarily absent.

The following additional pair was announced:

Mr. RANDALL with Mr. WILLIAMS, on this vote.

The vote was then announced as above recorded.

Mr. CASWELL. I now demand the previous question on the adoption of the report, as I presume there is no disposition to debate it.

Mr. OATES. I think the gentleman had better not demand the previous question at this time.

Mr. CASWELL. Very well, I am perfectly content if the gentleman desires to be heard. How much time does the gentleman want?

Mr. OATES. I will take the floor in my own right if the Chair will recognize me and the gentleman does not wish to occupy it at present.

Mr. CASWELL. I reserve my time, and as the gentleman from Alabama desires to be recognized in his own right I presume he will be permitted to occupy the floor for an hour.

The SPEAKER. The Chair recognizes the gentleman from Alabama.

Mr. OATES. I yield ten minutes to the gentleman from Georgia [Mr. STEWART].

Mr. STEWART, of Georgia. Mr. Speaker, I am not presumptuous enough to believe that the mind of any member of this House can be changed to vote against this measure by anything I may say at this time, and I would not feel inclined to trespass upon the attention of the House at all had I not discovered this morning that the gentleman from Ohio [Mr. GROSVENOR] had published in the RECORD a speech made upon this bill when it was under consideration in the House at a previous day. I had claimed the attention of the House at that time, and had submitted some remarks upon the constitutional question involved in the bill, to which the gentleman from Ohio replied. He then sought to attribute to me and charge against the section of the country that I have the honor in part to represent views which neither I nor they entertained, and do not now entertain; and I hardly can conceive of anything more unfair in honorable debate than for one member to attribute to his adversary a feigned issue and then reply to it.

Mr. ROGERS. In a written speech.

Mr. STEWART, of Georgia. Now, Mr. Speaker, this speech has been withheld from publication until yesterday. I have no comment to make upon that, as the gentleman seems to have printed three speeches on yesterday, as if not being satisfied with firing with a double-barrel he was firing in platoons. I desire only to say that when I addressed the House before on this question I did not, by word or sentiment or sentence, endeavor, in the slightest degree, to produce any irritation between the sections. I now protest most solemnly against the issue the gentleman has sought to raise and charge against me, for I here declare that I know it to be a truth that the South favors fraternity of feeling, desires more good feeling and less acrimony. But I want to say to the gentleman, that when he arraigns me with so much seeming emphasis, never again while I have the honor, as he says, to represent a part of the Southern country should I raise it, or raise the sectional issue, I reply I did not raise and do not desire to raise it; but I want to warn him, standing here to-day and desiring fraternity of feeling, that he may understand the South is here to observe all constitutional requirements, to obey the law, and, if need be, to defend the flag.

I want to say, and I say it with measured words, that under the threat made by the gentleman the South is not here, thank God, to make apologies. I hope that the gentleman may realize that his threat is impotent, and feel that we are here to observe our oaths of office, and that he can not warn us to keep silent, nor can he warn us to observe rules that he may dictate. We will be answerable alone to our God and our consciences and the oaths we have taken, although he may feel that he can raise his arm and say to members on this floor that their conduct is dishonorable, and that they seek to raise an issue that once unhappily divided this country. Now, I say as a Southern man I do not desire it; I did not raise it; and when the gentleman says, "I will warn the gentleman from Georgia never again to introduce while he has the honor to be a member of Congress upon this floor this question," I did not introduce it, nor am I to be deterred from what I believe is right through word or sentence or warning from the gentleman from Ohio. And I again protest, influenced by a proper feeling and sentiment of fraternity, that brotherly love, good-will, and united effort may measure our conduct hereafter. Still I protest, and tell the gentleman that these warnings will not frighten members upon this floor. I want him to understand that we are not here under a threat, as suppliants on our knees, thank God; nor can the gentleman become the accuser, the court, and jury to try us. All we have done in the past has gone into history, and we have the consciousness of knowing that we can leave our conduct to the unbiased judgment of mankind, notwithstanding the threat of the gentleman that we are never to raise any question of this kind. I simply desire to emphasize and in measured words to say here that I protest against it. But let the gentleman learn that neither by entreaty nor by threat can he bring that section to which he points rather with the finger of scorn as suppliants upon their knees. We have no apologies to make, but leave our conduct to the unbiased judgment of a grateful people.

Mr. OATES. I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I object to this bill, first, because I believe we have no legitimate authority under a proper construction of the Constitution to pass it. But waiving that point, Mr. Speaker, there are many other reasons why I consider it an obnoxious bill, notwithstanding the fact that the State I have the honor in part to represent will be a beneficiary to over $600,000 of this money; yet, sir, I am not unmindful of the fact that in order to refund again this tax the people of my Commonwealth will be called upon under the present onerous system of tariff taxation, not only to pay the $600,000 back to the Federal Government, but four or five times that amount into the pockets of tariff monopolists. Whatever may be said, Mr. Speaker, in regard to the mode of collecting this tax, it was at least a tax upon the wealth of the country, and paid upon property and in proportion to wealth.

Without going into a discussion of the question as to whether a direct tax would be a more just tax than a tariff tax, even, laid for revenue purposes only, yet sir, when it is conceded in our present condition that we will not be permitted to have tariff taxation for revenue purposes, or revenue purposes only, and when funds derived from private parties and private corporations and monopolists of this country have been used unstintedly for the purpose of preventing honest taxation for revenue and revenue only, when in the coming Congress, as well as in the Senate of this Congress, Mr. Speaker, we are bound down by a rule of taxation that gives $5 for private purposes and private aggrandizement where one goes into the Federal Treasury; inasmuch as this bill is intended to distribute and squander the money in the Treasury, in order to lay the foundation for the necessity for continuing this onerous, dishonest system, I want to enter my protest, not only against the principle of the bill under the Constitution, but the policy that has dictated it in both Houses of Congress.

Mr. Speaker, we have a bonded debt of over $700,000,000, and I would prefer this money to be appropriated in the extinguishment of that debt instead of reappropriating it to the States in order to make the necessity for higher tariff or higher taxation in order to bring it back into the Federal Treasury again. I do not know in the history of our country when a proposition was ever made for the distribution of the surplus in the Treasury when we had a national debt on which it could be paid with advantage.

The time is fast approaching, Mr. Speaker, when the 4½ per cent. bonds will be due, and even at the rate of purchase to-day of the 4½ and 4 per cent. bonds it would be better financial policy in the Government to pay off these bonds than to distribute this money among the States; for sooner or later, in order to pay this public debt, this tax must be re-collected. This bill distributes over $17,000,000, of which Missouri gets only about $600,000. Of this sum of $17,000,000 we get nothing compared to the burden that will be imposed upon us by a protective tariff in order to get the money back into the Treasury again, as we will be compelled to do. The bill is a fraud upon the people of my State. In the short space of five minutes I have not the time to go into all these questions, and I have simply sought this occasion to present in an imperfect manner my objections to the passage of this bill.

Mr. OATES. I reserve the balance of my time.

Mr. CASWELL. I will yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I do not desire to consume any of the valuable time of this Congress in replying to an attack, or a criticism, or a review, or whatever the language of the gentleman from Georgia [Mr. STEWART] may necessarily carry or by fair construction imply. In the remarks which I had the honor to make on a former occasion I answered as well as I could, in a friendly spirit, in parliamentary language and conciliatory language what I understood to be the drift of the gentleman's argument. I confess that I had not read that argument, and I confess that there is extreme peril in attempting to catch the drift of an argument sometimes, even though you do hear it and do read it. If I misinterpreted the argument of the gentleman from Georgia, why, it is enough to say that I stated in my remarks that if he did not mean what I understood him to mean then my criticism did not apply.

As to the alleged "offensive language" I have this to say: On that occasion I used these words:

I warn the gentleman from Georgia never again to introduce it—

meaning what I understood to be an appeal to the sectional view of the question made in the language which I understood the gentleman to have used, in which he had spoken of "desolated homes," "desolated houses," and "desolated farms" in the South. I suggested to him, in a spirit of meekness and conciliation, that it was not wise for his side of the question to introduce that as an argument here. My warning was not in the form of a threat, and the gentleman from Georgia knew it then and he knows it now. There is no threat involved in the use of language of a strictly parliamentary character appealing to the other side not to use or not to introduce an argument by which the speaker thinks his side will not be influenced.

Mr. STEWART, of Georgia. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly, sir.

Mr. STEWART, of Georgia I was in the Senate when the gentleman delivered his speech and did not know of it until my attention was called to it; but I wish to ask him whether he was not notified, while he was delivering his speech, by a friend on his left at the time, that my speech was there in print before him.

Mr. GROSVENOR. I suppose that is true, sir, and I suppose I ought to have stopped in the midst of my speech and sat down and read the speech of the gentleman from Georgia; but really I did not understand that its importance was of such magnitude that I was called upon to do that, and I humbly apologize to him for not having read his speech either then or on any subsequent occasion.

Mr. STEWART, of Georgia. I am very much obliged to you.

Mr. GROSVENOR. I did not hear what the gentleman said across the aisle, but I understand from others that it was to the effect that I had tried to threaten him. Why, there is nothing in my language to justify any such suggestion.

Mr. STEWART, of Georgia. I desire to correct the gentleman as to that. I suppose he does not wish to misrepresent me. I said that notwithstanding this seeming threat I wanted it understood that the South meant fraternity of feeling and good-will to all.

Mr. GROSVENOR. If the gentleman can use any stronger or better language in favor of harmony and good feeling than I used in the speech which he criticises, he will have to improve in the use of the English language, in my judgment. This is what I said on that occasion:

Mr. Chairman, underlying this proposition is the great fact that the passage of this bill, its enactment into law, the payment of this money under it would put the people of this country just where equity would say they ought to stand, except the account on the side of the States that had paid the money and who received no interest upon it; and secondly, the grand results that have accrued to the country, and which we share in common with the people of the whole country.

It is a step toward a complete and just reunion of the hearts of the people of the country; not a reunion forced by law nor controlled by legislative enactment, but controlled and promoted by the wish and purpose of both sides of the country to do equal and exact justice toward each other. [Applause.]

[Here the hammer fell.]

Mr. Speaker, it seems to me that I am not open to a lecture upon the subject of conciliation by the gentleman from Georgia. He can use no stronger language than I used there to convey the idea that I was contending against the introduction of a sectional issue into this discussion; and now, having thus disclaimed all purpose of using any language that could be construed as a threat towards the gentleman from Georgia or anybody else, I expect the gentleman to say that upon that point at least he is entirely satisfied with my position. I have never introduced sectionalism into any debate in this House. I have never, under any circumstances, in the discussion of a question of this character, which I set out by saying was purely a question of dollars and cents and ought not to be discussed from a sectional standpoint—I have never attempted to array sectional feeling upon this side of the House against the other side and I never will, and the gentleman from Georgia, by the use of heated language, can never drive me from a position which I have deliberately taken and which I will persistently adhere to. [Cries of "Vote!" "Vote!"]

Mr. OATES. Mr. Speaker, I declined to sign this conference report

for reasons which, if not already apparent to every member of this House, I hope to make so in the brief time that I shall occupy the floor. In the first place, it will be seen that the $850,000 which was put upon the bill by an amendment in this House for compensation to people in certain districts of South Carolina for property sold by the tax-commissioners, having been non-concurred in by the Senate, this report further amends that provision by reducing one-half the valuation placed upon the lots in the town of Beaufort by the United States assessor, and also the valuation of the improved lands, thereby reducing the amount or the compensation about $400,000; and an appropriation is recommended by the conferees of $500,000, "or so much thereof as may be necessary," for the payment of these claims, and to which the only objection is as to the sufficiency of the allowance, but if the South Carolina delegation are satisfied with this amendment, I am.

There is also another amendment proposed by the conferees which is a new feature in this bill, the provision that in all cases where lands in the States were sold in the process of the collection of this tax and bought by the United States and resold for a profit over and above the tax, penalties, interest, and costs, the United States shall refund or pay over to those whose property was thus sold all that they sold for over and above the assessment. I do not understand that the conferees had or that any one here has accurate information as to the amount that this provision will cover.

There is a case in one State where, as stated by one of the conferees, the Senator from Tennessee [Mr. HARRIS], there was a considerable quantity of land sold in one or two counties; but the amount that will be taken out of the Treasury to meet this provision is not stated, as I understand, in the conference report, and I have no information as to what it will amount to.

Now, so far as the report of the conferees is concerned, I do not know that there are any very serious objections to it, if this bill is to pass. The real ground upon which I refused to sign the report is my steady and unvarying opposition to this bill from its very inception up to the present time. Some gentlemen may think it is not quite in order to refer to or discuss the merits of the bill on this conference report, which is an attempt to reconcile the disagreeing votes of the two Houses on the various amendments. But, sir, it is pertinent to discuss the merits of the bill here, because if this report were rejected it would work the defeat of the bill. But as I have heretofore made known my views and have submitted arguments in opposition to this bill, I will now consume only so much time as I may deem necessary to meet some points made in argument in the Senate yesterday, which I do not desire to go unchallenged.

The senior Senator from my own State, as appears from the RECORD of this morning, took the position that this bill would be unconstitutional, as was asserted by the Senator from Missouri [Mr. VEST], unless this was a debt——

Mr. JOSEPH D. TAYLOR. I make the point of order that it is not in order, but is a breach of parliamentary decorum, for the gentleman to refer to and discuss what took place in the Senate yesterday.

Mr. OATES. I have a right to discuss anything that I find in the CONGRESSIONAL RECORD, in respectful terms, as I propose to do.

Mr. JOSEPH D. TAYLOR. I insist on my point of order.

Mr. OATES. This is a constitutional question, and I presume I have a right to refer to the argument which any gentleman either in this House or in the Senate has submitted upon the question, when I do so in a perfectly respectful manner, as I propose to do. The relations existing between me and the Senator referred to [Mr. MORGAN] are of the friendliest character, and I am sure he would not make the slightest objection to what I intend to say.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Clerk will read an extract from Jefferson's Manual.

The Clerk read as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] will proceed in order.

Mr. OATES. I do not think the Senator referred to will be under any special obligations to the gentleman from Ohio for his guardianship. I find it asserted by the advocates of this measure that its constitutionality is sustainable upon the ground that the money proposed by this bill to be paid is a debt against the United States. How can it be a debt? It is asserted that because it has been the practice of the Congress of the United States to assume and pay debts incurred by the States for the public defense—in the Indian wars and in the Revolutionary war, before we had any Constitution—that therefore this is to be regarded as a debt incurred by the States for the common defense, and hence Congress has the constitutional power to appropriate money for its payment.

Why, sir, it is the province and the duty of the Government of the United States to lay and collect taxes for the common defense; and wherever a State has expended money in the maintenance of its militia or otherwise for the common defense, that is an expenditure of money for the common defense, and it is an expenditure which ought to be borne by the United States under our Constitution. To-day there are pending in Congress claims unadjusted in behalf of several States of this Union for expenditures that they made in the early days of the late war. No one has taken the position, and I presume no one would hold, that Congress has not the right and that it is not the duty of Congress, if these expenditures were properly made, to assume and pay them. There is an implied promise to do so. It belongs to the United States to provide for the common defense, and such expenditures are not obligations upon any State, and when a State makes such expenditures they are in the discharge of duty which rests primarily on the United States. That is a very different proposition from this. This direct tax is not State expenditure. By a law of Congress a tax was lawfully and constitutionally laid; and when collected and paid into the Treasury, every dollar of it belonged to the United States, as much as money that was collected by any other system of taxation. The assumption and reimbursement of States for proper expenditures for the common defense bears no analogy whatever to the case in hand.

Mr. DIBBLE. Will the gentleman permit a question?

Mr. OATES. Yes, sir; a question.

Mr. DIBBLE. Suppose we should pass a law repealing internal-revenue taxation. In such repealing enactments there has always been a provision for the repayment or rebate of the tax on property on hand in unbroken packages at the time the tax is released. Is such a provision in a law for the repeal of internal-revenue taxation constitutional?

Mr. OATES. That is not at all analogous to this case. If the Government of the United States has collected taxes from the citizen and then deprives him of the right for the exercise of which the tax was paid, it can, as a matter of course, and it ought to, refund the money when the privilege is denied him to continue that business. It would be robbery not to do it. That is not at all analogous to this case.

Why, sir, how can this be held to contain any of the elements of a contract or obligation? It has been held by the Supreme Court in this very volume (121 U. S. Reports) that where a tax is improperly laid in the exercise of a constitutional power, however oppressively or unequally that tax may operate, it is not, when taken from the citizen in that manner, recoverable by him in any court. It is just as in the case of money paid voluntarily under any other circumstances or in any case where money voluntarily paid can not be recovered back. If the individual resists he can make a question and it goes to the courts for adjudication. Not so here.

Now, in this case, can any citizen, on the ground that this direct-tax law is but partially executed or that of inequality of burden imposed by it, or on the ground that a part of this tax was not collected, institute a suit for and recover the part which he paid? I presume that no one who has any regard for his reputation as a lawyer will assert that. Suppose Congress simply passed an act giving to the Court of Claims jurisdiction without declaring any right, can any one who paid any part of the tax go into the court, institute a suit, and recover back the tax because some of it which was assessed against the property and citizens of some of the States was not collected? I presume that no lawyer will assert such a proposition. Suppose the United States circuit courts were invested with the jurisdiction in the exercise of their equity power to try such a claim upon the broadest and most comprehensive principles of equity, is there a judge in the United States who would so stultify himself as to grant relief to such a suitor? If so, he should be impeached for making such a disgraceful decision.

The fact that some of the States have not paid the assessment made against their citizens is harped upon, and the argument presented that the 5 per cent. fund and other funds coming to some of the States has been retained as set-offs; and one amendment, which is concurred in—the first, I believe, to the bill—provides for the refunding of any money retained by way of set-off. That in effect has nothing whatever to operate upon. There was a retention in several cases, and the exhibit attached to the report of the Committee on the Judiciary from the Treasury Department shows, for instance, the sum of $18,500 of money going to Alabama, which is retained and credited upon her assessment. Now, I mention that, Mr. Speaker, to illustrate how that matter stands in respect to other States. A suit was instituted and decided, the case of Louisiana *vs.* The United States, and on which was also determined the case of the claims of Alabama and Mississippi, that the Government of the United States had no right and the Treasury Department could not retain any money due those States and credit it against the direct-tax assessment because those States never assumed it and as States did not owe it.

There are none of the elements of mutuality which would justify a set-off, and therefore the exhibit attached to the report of the majority of the Judiciary Committee from the Treasury Department is not a correct exhibit of the standing of the accounts against the States in that Department. Why, sir, in the first session of this Congress an appropriation was made upon the deficiency bill or the sundry civil, I forget which, and the money appropriated and paid to several States where the 2 and 3 per cent. fund had been retained; and these sums are shown in this exhibit as having been set off, which is not the true state of them.

The only other point I care to notice is this: It is insisted that this

bill is a most equitable measure, and that it ought to pass by way of an "evening up" of the burdens of the late war in the matter of taxes assessed and collected. Why, sir, should this particular matter be thus adjusted? Why take $17,000,000 out of the Treasury and return it to the States, not to the people, but to the States or the people who paid it, because two and a half millions of the twenty millions assessment never has been collected? That is an important matter, say the advocates of this bill, which justifies its enactment. Why, sir, if you go into the business of equalizing burdens, why not ascertain and refund the amount paid by the citizens of the loyal States during the period of the war for the maintenance of the Union—all the expenses of the war, in the shape of internal-revenue, income, and all other taxes, none of which were paid by the people of the States then in rebellion, so called?

There is just as much equity in that as in this, and over against this I set the tax of sixty-eight millions on raw cotton, which was collected after the war closed, and as every one knows was paid nearly *in toto* by the people of the Southern States. Yet no one, as I understand, of the advocates of this bill favored an amendment which I offered when it was under consideration here to return the cotton tax, although there is a question as to the constitutional power of the Government to lay and collect it. Every one knows that it was brought before the Supreme Court of the United States, and eight judges sitting upon the bench were equally divided in opinion as to whether it was a constitutional tax or not. Yet no part of it is to be returned to the people who paid it, and this bill is to be passed because those same people from whom that cotton tax was collected failed to pay two and a half millions of the $20,000,000 assessment, and it is insisted that equity requires that the seventeen and a half millions carried by this bill shall be taken from the Treasury, about one-third of which has been or will be collected from the people of the Southern States, and paid to the Northern States whose people paid it twenty-six years ago.

Why, sir, this is unprecedented in the whole history of our legislation. There is not a case on all fours with this. Nowhere is there a precedent to take money out of the Treasury of the United States to return a tax legally laid and collected—this, too, having been disposed of, used for a legitimate purpose, namely the maintenance of the war more than twenty-five years ago. It is a dangerous precedent. It is a declaration, sir, that there is no limit to the power of Congress in the matter of the appropriations of public money. It could not be placed anywhere else; and I am surprised that gentlemen who have spoken out and declared themselves in opposition to the Blair educational bill, because of the want of constitutional power to appropriate the seventy-nine millions proposed by that measure, should advocate this, and maintain that there is a constitutional power in Congress to pass it.

Why, sir, there is no consistency in such a course. The fact is, these two propositions are identical in respect to power. There is no warrant in the Constitution for either, and of the two the Blair bill is the least objectionable. The passage of this bill will establish a precedent for unlimited appropriations. And it is one, too, which will return to plague future Congresses for all time. I have no disposition, Mr. Speaker, to consume the time of the House unnecessarily. I have stated the grounds of my opposition to this bill on two occasions before. There is nothing before the House, there is nothing in the conference report to improve it or to commend it to the judgment of any one except, perhaps, a few gentlemen in localities where their constituencies may be benefited in the way of money. If the bill is to pass, the appropriations for that purpose, I maintain, ought to be carried in the bill and ought to be adopted as reported. I would be glad to defeat this bill *in toto*, and have done all I could to that end.

I now yield to the gentleman from Mississippi [Mr. HOOKER] such of the time remaining to me as he desires to occupy.

Mr. HOOKER. Mr. Speaker, the objection to this bill is of so grave a character that though I expressed myself fully when the bill was up before, I can not refrain from saying a word now upon the question of the power of the Congress of the United States to pass such a bill. The taxing power of the Government, Mr. Speaker, is one which ought always to be exercised clearly within the limits of constitutional power granted to the Congress of the United States to impose taxes, and any bill or measure which proposes to go outside of the grant of power to the Federal Congress to levy a tax is a dangerous precedent to set in this country.

When the first Government was formed after the war of the Revolution, denominated the Government of the Confederation, the question of giving to the Federal Government the power to levy taxes was resisted in that convention, and it was absolutely denied on the first forming of the Government adopted after the Revolutionary war. That war itself was fought because of unjust taxation attempted to be imposed by the mother country upon the colonies; and that convention, fresh from the conflict of the Revolution, in maintaining the doctrine that there should not be taxation without representation, were reluctant to grant to the Federal Government the power to levy taxes at all, and in that constitution first adopted absolutely refused to concede to the Federal Government the power of taxation at all, but reserved it to the respective States to raise the requisite quota for the maintenance of the Government. Experience demonstrated in a short time that that method of raising taxation for the Federal Government was inadequate and could not be relied upon.

That led to the adoption of legislation in the Congress of the United States to create a commission to assemble at Annapolis, in the State of Maryland, to amend the old Articles of Confederation; and when that convention met, with Alexander Hamilton as one of its members, as one of its leading members, they applied to Congress to concede the power to frame a new constitution. Under that new constitution, in the convention of 1787, power was for the first time conceded to the Congress of the United States to levy taxes at all of any character whatever, and it was adopted with great gravity in that convention. Finally it was adopted, as it was supposed, with a limit upon the power of taxation. If the Constitution contains any limit upon the power of taxation whatever, it is expressed in the emphatic language of the judge of the Supreme Court—Chief-Justice Marshall—in delivering the opinion in the case of McCulloch *vs.* The State of Maryland, the leading case on this subject of the power of taxation, and in the language of the judge, "it may be used to destroy." Now, what was the language of the Constitution adopted under which this power was conceded to the Government? It is expressed, sir, in the eighth section of the first article of the Constitution of the country, and that provides that —

> The Congress shall have power to lay and collect taxes, imposts, and excises.

For what purpose? Reading again from it:

> To pay the debts, and provide for the common defense and general welfare of the United States. But all duties, imposts, and excises shall be uniform throughout the United States.

But the power there to levy a tax, either direct or indirect, is limited, Mr. Speaker, by the very terms of the instrument itself; it is limited to what? Limited to—

> Lay taxes to pay the debts and to provide for the common defense and general welfare of the United States.

This is the limit. Is this bill to pay a debt of the United States? I deny it. Is it to provide for the general welfare of the United States? I deny it. Is it to provide for the common defense of the United States? I deny it. What is it, then? It is a bill outside of the power granted to Congress to levy taxes. It proposes now, a quarter of a century after the direct tax was laid and in great part collected, to take the money out of the Treasury and pay it back to the States or to the people who paid it.

Now, under the operation of that law of 1861 or 1862 what was done? Under a provision in the act the States were allowed to assume the payment, being allowed 15 per cent. for the collection. Under that provision of the law all the States, as I understand it, in the Union availed themselves of this privilege to assume the debt and pay to themselves the 15 per cent. for the collection, except the States of Tennessee, Delaware, and Mississippi. In my own State there was a considerable proportion of this money collected. It is to go now, under the provisions of this bill, to the parties who paid this money in the first instance, and if they can not be found it goes back to the State government and not to the individual who paid it. What power is there under the Federal Constitution to levy a tax for that purpose? It does not exist. It goes to the individuals if they can be found; but, sir, they will not be found.

In the State of Mississippi they could not be found; in the State of Tennesssee I venture to assert they could not be found, nor in the other States that I have named. It will then be to take seventeen and a half million of dollars from the public Treasury and pay the money to States who paid it twenty-five years ago under a law conceded by all to be within the power of Congress to enact and to have been a constitutional law. If you pass this bill to "equalize taxation," as it is termed, and pay back to the States who paid this tax this seventeen and a half million dollars upon the ground that you are going to "equalize" the taxes imposed to carry on the war, then why can not the gentleman having this bill in charge introduce to-morrow a bill to pay back to the States who paid it the largest and the most formidable tax that was imposed by the war, the income tax, which also was not collected except in the loyal States?

If you can pass this bill there is nothing to prevent the gentleman having this bill in charge to introduce a bill, commending itself to the wisdom and the conscience and the judgment of the members of this House as much as this bill does, to repay to the loyal States every dollar of that income tax. And if you may do that, where is the limit? Where can you stop? At what point will you say that the power to equalize taxation ceases? And must not the result be to absolutely deplete the Treasury of the United States? Sir, I say that we ought to pause before we pass a bill of this sort and look for the power in the Constitution. It is not a bill to pay the public debt; it is not a bill to provide for the common defense; it is not a bill to provide for the common welfare. It is boldly and nakedly a proposition to put your hands into the Treasury and pay out this money, holding it in trust for a certain length of time.

If the power exists to do this in one case it exists to do it in all cases. And if such a power exists, then the power of taxation becomes unlimited, the power of the Federal Congress to appropriate money out of the common Treasury is without limit, and the limit imposed by the

Constitution is done away with. That is simply the effect and the object of this law, and to do what this bill proposes is to act in violation of the restrictions which the framers of the Constitution laid upon the legislative power of the Government to impose taxation. I undertake to assert, Mr. Speaker, that if this was a proposition to impose a tax upon the people of all the States—and I address this remark especially to my friends of the Chamber who are in favor of this bill—if this was a proposition to levy a tax directly to pay back this money, there would not be a baker's dozen of men on either side of this House who would have the courage to vote for it.

But, Mr. Speaker, it is a bill which finds its origin and the cause of its being presented here simply in the fact that there is a surplus in the Treasury of the United States. If there is, that surplus consists of money which has been paid by the people in the form of taxes imposed by the Government, and the iniquity of this measure loses none of its enormity by reason of the fact that there is money in the Treasury out of which this payment may be made. As I have already said, if this were a bald, naked proposition to levy a tax to pay this money now it would shock the common sense, it would shock the common honesty of every man in Congress to be asked to vote for such a measure. [Applause.]

When the enormity of this bill is pointed out, by asking why you do not begin your "equalization" by refunding the $68,000,000 collected under the odious and unjust cotton tax, it is said by the gentleman from Wisconsin [Mr. CASWELL], making this conference report, that if it can be shown that the cotton tax differs in any way from the tax on tobacco he might support it.

Why, Mr. Speaker, the difference is so obvious that it scarcely need be stated. Cotton, from which the great bulk of the clothing of the world is made, is one of the prime necessaries of life, as much so as wheat or corn or grain of any kind, which are "the staff of life," while tobacco is no such necessity of life.

Again, Mr. Speaker, the tax on tobacco was imposed to raise money in a great emergency, and has probably been unwisely and needlessly continued when that emergency ceased to exist; while the tax on cotton had for its object when originally imposed the punishment of the agricultural section in which it is raised, and its continuance after the war under still more punitive enactments can find no excuse, much less sanction of the Constitution, or the exercise of the taxing power under the limited grant in that instrument.

Mr. OATES. Mr. Speaker, what time have I remaining?

The SPEAKER *pro tempore*. The gentleman has ten minutes remaining.

Mr. OATES. I reserve that time.

Mr. CASWELL. Mr. Speaker, I have no desire to detain the House in the discussion of this report. I wish, however, to submit a few remarks in reply to the gentleman who has just spoken, after which a short time will be consumed upon the same side of the question, and then we shall be ready to vote. I want to disabuse the minds of the members and correct the statement which has often been repeated upon this floor, that this bill will carry $17,500,000. Such is not the case. Gentlemen arrive at that amount by including the 15 per cent. commissions which were allowed the States for the assumption and payment of this tax, but this bill does not propose to pay to the States nearly $2,250,000 which were credited by way of commissions, but simply the amount collected, which will aggregate $15,725,000 and no more.

Mr. OATES. Will the gentleman let me interrupt him just there?

Mr. CASWELL. Yes, sir.

Mr. OATES. Does not the language of the first section of the bill provide that the Secretary shall credit and pay to each of the States and Territories an amount equal to all collections?

Mr. CASWELL. To all collections.

Mr. OATES. Wait a moment. Now the 15 per cent. clause was a part of the machinery which Congress saw proper to adopt to secure the collection of this tax. That was to be deducted from the amount, was it not?

Mr. CASWELL. It was a mere discount.

Mr. OATES. It was not an additional assessment?

Mr. CASWELL. It was a mere rebate or discount.

Mr. OATES. Whenever the State, through its machinery, would undertake the collection?

Mr. CASWELL. Yes, sir.

Mr. OATES. Well, was not that a collection?

Mr. CASWELL. I do not understand it so.

Mr. OATES. For instance, if $2,000,000 was the assessment against Pennsylvania, and that State collected the $2,000,000 and was allowed to retain 15 per cent. out of the amount as compensation for the work, that 15 per cent. would be a collection, would it not?

Mr. CASWELL. Not a collection within the meaning of the bill.

Mr. OATES. I maintain that it would be. You go on to say "by set-off or otherwise"——

Mr. CASWELL. But an abatement allowed to a State which would assume and pay the money is in no sense a collection within the meaning of the bill.

Mr. BLAND. How, then, is the State reimbursed for the cost of collection?

Mr. CASWELL. It is very true that the State does not receive any compensation or reimbursement for the collection——

Mr. BRECKINRIDGE, of Kentucky. May I ask the gentleman a question?

Mr. CASWELL. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. This deduction of 15 per cent. was allowed to the States that paid the tax in cash. The tax was a direct tax levied upon the citizens of the States, not upon the States; it was apportioned among the States according to population. Now, how would it have been constitutional for the Government to have allowed a rebate of 15 per cent. to a State if that was not the fee which the Government allowed to its agent for collection, for under the Constitution the tax must be uniform? Was it not, then, the fact that the Government made the State its collector if the State chose to occupy that position, and gave it as its fee 15 per cent. of the amount collected? Therefore does not that come technically within the language of this bill when it provides that the Government shall pay back to the States the amount collected?

Mr. CASWELL. In reply to the gentleman from Kentucky I will say the effect of the provision referred to in the direct-tax law was merely to say to the States of the Union, "If you will assume the payment of this tax and pay this money into the Treasury, you may do it with a reduction of 15 per cent." In other words, for every $85,000 of money that they paid into the Treasury they were to be credited with $100,000.

Mr. BRECKINRIDGE, of Kentucky. Now, if I do not interrupt the gentleman from Wisconsin——

Mr. CASWELL. Not at all.

Mr. BRECKINRIDGE, of Kentucky. He will allow me to ask, does he not confuse two ideas that are essentially different under our Constitution—the State and the citizens of a State? The direct tax is levied upon citizens. Now, the Government could not say to the State, "If you will pay this tax, which is not levied upon you as a State but upon your citizens, we will give you a rebate," unless it made the State the agent to collect the tax from the citizens.

Mr. CASWELL. I understand the law proceeded upon the theory that each State is supposed to have an interest in its citizens or subjects; and while this tax was levied upon the people of the several States, Congress said to the States, looking to the interests of their people, "If you will save us the machinery and expense of collecting this tax, and will pay the money out of your own treasury into the Treasury of the United States, you shall have an abatement upon the tax for the benefit of your people; you shall pay only $85,000 for every $100,000 levied."

Mr. HOOKER. Will the gentleman permit me a question?

Mr. CASWELL. Certainly.

Mr. HOOKER. Did not the tax-payer in each State where this tax was collected pay the tax to the State, and did not the State out of the entire tax thus paid by its citizens reserve the 15 per cent.?

Mr. O'FERRALL rose.

Mr. CASWELL. One question at a time, if you please.

Mr. O'FERRALL. I wish to say that such was not the case in the State of Virginia.

Mr. CASWELL. I do not understand that the people of the several States paid this money into the State treasury; I do understand that some of the States, through their own legislative authority, assumed this tax and paid it out of the common treasury in large sums, while other sums which were due from the General Government to these several States were offset upon that tax.

Mr. OATES. Will the gentleman from Wisconsin allow me to interrupt him a moment on this particular point?

Mr. CASWELL. Yes, sir.

Mr. OATES. The statement of accounts by the Treasury Department shows as the balance of indebtedness due the United States $2,553,991.86. Now, this is all that is due of the $20,000,000 assessment. Has not the whole of the balance of the $20,000,000 been collected?

Mr. CASWELL. All the balance of the $20,000,000 has been collected or allowed to the State by way of rebate.

Mr. OATES. Ah! but "rebate" is not in the law. Here is a statement of the account from the Treasury Department which shows a little over two and a half million dollars uncollected of the $20,000,000.

Mr. CASWELL. No matter; that same account shows how much was credited to the States by way of commissions. All these credits were mere rebates, and in no sense were they ever collected.

Mr. OATES. Now, let me finish my question. This bill directs that the Secretary of the Treasury credit each State and Territory of the United States and the District of Columbia a sum equal to all collections, by set-off or otherwise, made by the States, Territories, or the District of Columbia. Now, here is a statement of the Treasury account, showing, in round figures, that two and a half million dollars is still due, leaving seventeen and a half million dollars which have been collected. There is no such language as "rebate" employed in the act.

Mr. CASWELL. This language in regard to collections does not in any sense include commissions and rebates that were allowed and credited to the States.

Several gentlemen rose.

Mr. CASWELL. I must decline further interruptions because they are consuming too much time.

Mr. SPINOLA. I do not desire to consume the gentleman's time, but I trust he will allow me one question.

Mr. CASWELL. I regret I have not the time to yield.

Mr. SPINOLA. I wish to ask this question, because the explanation which may be given in reply may influence my vote.

Mr. CASWELL. Very well, I yield; but this must be the last time.

Mr. SPINOLA. I would like to ascertain whether there is now in this bill a provision that the money when paid to the State shall be paid into the treasury of the State directly.

Mr. CASWELL. Yes, sir; I understand it is to be paid to the treasurer of the State or to the governor.

Mr. SPINOLA. And no portion of this money is to be given to agents or assumed agents of the States who are hanging about the Capitol here?

Mr. CASWELL. Not at all; that can not occur. The money is to be paid to the governors of the several States.

Mr. O'FERRALL. Will the gentleman allow me one word?

Mr. CASWELL. Yes, sir.

Mr. O'FERRALL. I wish to say simply this, as I understand this bill, where the money was paid by a State upon assessments made by the State itself, it is to go into the treasury of the State for the benefit of the State as a whole——

Mr. CASWELL. Yes, sir.

Mr. O'FERRALL. But where the money was collected from individuals, as was the case in the State of Virginia, it is to go into the hands of the governor of the State to be paid over to those individuals, if living, or to their personal representatives.

Mr. CASWELL. Yes, sir; it is to be paid to the State to be held in trust for the rightful owners.

Mr. HOOKER. For a certain period?

Mr. CASWELL. Yes, sir; the statute of limitations will operate upon it in six years.

I desire now to make one or two remarks in reference to the constitutional argument of my friend from Alabama [Mr. OATES] and my distinguished friend from Mississippi [Mr. HOOKER]. I always respect a constitutional argument; but we must concede that over the subject of taxation Congress is vested with full power.

Mr. OATES. To do what?

Mr. CASWELL. To levy taxes in such manner as Congress may see fit.

Mr. OATES. Oh, no——

Mr. CASWELL. Now, the gentleman must excuse me for not yielding further.

Mr. OATES. But when you undertake to quote the Constitution you should be correct.

Mr. CASWELL. Well, the gentleman has had his say, and I do not think he is right. I want only a few moments, and it is very likely I shall not be right, but I only want to state my views as I entertain them. I repeat, Congress has full power to lay taxes upon the people of the country. Now my friend concedes that this tax was legally levied. If he did not concede it, the very decision of the Supreme Court which he holds in his hand settles the doctrine that it was a legal tax. That shows that Congress had jurisdiction over the subject; and if it has jurisdiction and can lay taxes has it not power to refund taxes? If a tax is partly collected and it seems impossible to collect the balance, can Co gress not return the tax paid to such parties as have paid it?

Mr. OATES. No. There is the Constitution; show me the power.

Mr. CASWELL. The gentleman says that Congress has no such power. Congress has jurisdiction over the subject-matter. If it can rebate a part of the tax, if it can suspend the collection of a part or the whole of the tax, if it can allow redemption of taxes, when it is discovered that the money is not needed, may it not return it to the sources from which it came? Has not Congress, in other words, full power over the whole subject? I can see no other legitimate conclusion that follows from the power conferred upon Congress.

But, Mr. Speaker, I want to call the attention of gentlemen of the South to this one state of things: The very decision which my friend from Alabama refers to lays down the doctrine that this is a legal tax against the people of the States. The Supreme Court says it will not suggest how the tax may be collected, intimating that it may be collected, that it is a subsisting legal tax against the people of Alabama or the people of the State of Mississippi, and that machinery may be inaugurated by which that tax can be enforced. We may even do it before this Congress adjourns.

Mr. OATES. How?

Mr. CASWELL. Why, we may provide commissioners to go down and make the levy as in former years.

Mr. OATES. I would like to see them undertake it.

Mr. CASWELL. Does the gentleman deny that we have the authority? The gentleman says he would like to see them undertake it. Does he propose to resist by force?

Mr. OATES. Not at all.

Mr. CASWELL. Of course not; I am satisfied of that. If the Supreme Court holds that it is a legal tax upon the people of the State, will the gentleman say that there can not be the necessary machinery set in motion by the same body that levied the tax to enforce its collection? Is it not in our power to originate and pass a bill that the uncollected part of this tax shall be enforced against the people of any of the States which have not paid it? Most certainly we can. And who upon this floor does not desire to relieve you from that condition of affairs?

Mr. ROGERS. But your desire now seems to be to relieve the Treasury.

Mr. CASWELL. Well, you claim that there is a great body of surplus in the Treasury. You gentlemen claim that this surplus has been accumulating and is accumulating, and you do not know what to do with it. Is this not a good way to do an act of justice—pay back the money collected and forgive the balance while we are paving the way for peace? Why not close up this whole account and spread the mantle of peace over the entire country? Why not help us when the olive branch is held out to blot out these liabilities which the Supreme Court hold to be constitutional, and which are a subsisting obligation against the people of your States?

Mr. ROGERS. But we do not want to pay $17,000,000 for one olive branch. It is paying too dear for the whistle.

Mr. BRECKINRIDGE, of Kentucky. The charity that the gentleman from Wisconsin wants us to accept is that charity which pays all the money over to the Northern people and cancels an alleged obligation against the Southern States.

Mr. CASWELL. But is it not a charity also to relieve a man of a liability which is hanging over him? It is a worse condition to be in debt when you have not the money to pay than to be obliged to pay money when you have it; and it is more of a charity often to relieve a man who can not pay such an obligation than to refund money which he has paid and perhaps does not need.

Mr. HOOKER. Why not give us the $68,000,000 of cotton tax?

Mr. CASWELL. That is another question. Perhaps when the gentleman introduces a bill, and can convince me there is a difference between the cotton tax and the tax levied on tobacco in the North, I may help him correct the inequality. I reserve the balance of my time. [Cries of "Vote!" "Vote!"]

Mr. OATES. Mr. Speaker, there are a few matters to which I wish to refer briefly. The gentleman from Wisconsin says that the clause of the Constitution which gives Congress the right to lay and collect taxes gives authority over the whole question of taxation to "remit and refund," as well as "to lay and collect." I go by the letter of the Constitution. It reads, "Congress shall have power to lay and collect." There is no such language as "remit or refund."

Now, with reference to the amount which this bill carries. There was an assessment on the States and Territories of the United States of $20,000,000. The books of the Treasury Department show that in round numbers two and a half millions of that assessment are uncollected, and that all the remainder of the assessment has been collected; that is to say, seventeen and a half million dollars have been collected, and there are yet due or uncollected about two and a half million dollars. That is a plain proposition.

The fact that the law laying this tax gave to the States 15 per cent. or the collection for making it, or employing their machinery to collect, did not diminish the gross assessment. The 15-per-cent. agreement is called in the act "assuming," and it was a part of the collection to be made. The language employed by my friend from Wisconsin [Mr. CASWELL], "rebating," is not to be found in the law nor in the account kept in the Treasury Department. It follows necessarily from the language employed in this bill, "all collections made by set-off or otherwise," that the 15 per cent. retained was a part of the collection. It does not make any difference what the United States did with the money that was collected, nor whether it ever came into the Treasury. That is not the language of the bill. It does not say "all money that was collected and paid into the Treasury," but "all collections by set-off and otherwise made from the States and Territories is appropriated by this bill." This, however, is only a question as to the amount which the bill carries. Two and a quarter millions which were supposed to have been retained, and which I suppose were retained for collecting, by the terms of this bill are to be appropriated out of the Treasury for the benefit of those States and Territories, making the whole amount which this bill appropriates about $17,500,000.

It is another objection and an unjust feature of it. It has been said that the States that assumed the payment of the assessments against their people became liable therefor and the United States got the benefit of the 15 per cent., and hence it was collected. Suppose a State assumed the debt and did not pay, could the United States enforce it against that State? No. It could enforce it against the lands owned by the citizens, just as in the first instance, if the State had not assumed it. There are no set-offs credited against any States which assumed it of which they have any right to complain.

I do not care, Mr. Speaker, to consume any more time, and if no gentleman on this side desires to say anything, I shall ask a vote. [Cries of "Vote!" "Vote!"]

Mr. CASWELL. I demand the previous question on the adoption of the conference report.

The previous question was ordered.

The question was put upon agreeing to the conference report; and the Speaker announced that the ayes seemed to have it.

Mr. OATES. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 168, nays 87, not voting 67; as follows:

YEAS—168.

Adams,	Dingley,	Johnston, Ind.	Reed,
Allen, Mich.	Dorsey,	Kean,	Rice,
Anderson, Iowa	Dunham,	Kelley,	Rockwell,
Anderson, Kans.	Elliott,	Kennedy,	Romeis,
Arnold,	Farquhar,	Ketcham,	Rowell,
Atkinson,	Felton,	La Follette,	Ryan,
Baker, N. Y.	Finley,	Laidlaw,	Sawyer,
Baker, Ill.	Fisher,	Latham,	Scull,
Bayne,	Fitch,	Lehlbach,	Seney,
Biggs,	Flood,	Lind,	Seymour,
Bingham,	Ford,	Lodge,	Sherman,
Bliss,	Fuller,	Long,	Simmons,
Boothman,	Funston,	Macdonald,	Sowden,
Bound,	Gaines,	Mahoney,	Spooner,
Boutelle,	Gallinger,	Mansur,	Steele,
Bowden,	Gay,	Mason,	Stephenson,
Bowen,	Gear,	McClammy,	Stewart, Vt.
Brewer,	Gest,	McCormick,	Struble,
Brower,	Gibson,	McKenna,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Grosvenor,	McKinley,	Taylor, J. D., Ohio
Browne, Ind.	Grout,	Merriman,	Thomas, Ky.
Brown, Ohio	Guenther,	Moffitt,	Thomas, Ill.
Brown, J. R., Va.	Harmer,	Morrill,	Thomas, Wis.
Buchanan,	Haugen,	Nichols,	Thompson, Ohio
Burrows,	Hayden,	O'Donnell,	Thompson, Cal.
Campbell, F., N. Y.	Heard,	O'Ferrall,	Tillman,
Cannon,	Hemphill,	O'Neall, Ind.	Townshend,
Caswell,	Henderson, Iowa	O'Neill, Pa.	Turner, Kans.
Cheadle,	Henderson, N. C.	O'Neill, Mo.	Vandever,
Clark,	Henderson, Ill.	Osborne,	Wade,
Cogswell,	Hermann,	Outhwaite,	Warner,
Compton,	Hiestand,	Owen,	Weber,
Conger,	Hires,	Parker,	West,
Cooper,	Hitt,	Patton,	White, N. Y.
Cothran,	Holman,	Perkins,	Whiting, Mass.
Crouse,	Holmes,	Phelps,	Wilber,
Cutcheon,	Hopkins, Ill.	Pidcock,	Wilkinson,
Dalzell,	Hopkins, Va.	Plumb,	Williams,
Darlington,	Hopkins, N. Y.	Posey,	Wise,
Davis,	Hudd,	Post,	Woodburn,
De Lano,	Hunter,	Pugsley,	Yardley,
Dibble,	Jackson,	Rayner,	Yoder.

NAYS—87.

Abbott,	Dargan,	Lanham,	Rowland,
Anderson, Miss.	Davidson, Ala.	Lawler,	Russell, Mass.
Bankhead,	Dockery,	Lynch,	Sayers,
Barnes,	Dunn,	Maish,	Scott,
Blanchard,	Forney,	Martin,	Shively,
Bland,	French,	McAdoo,	Smith,
Blount,	Glass,	McKinney,	Spinola,
Breckinridge, Ark.	Glover,	McMillin,	Springer,
Breckinridge, Ky.	Grimes,	McRae,	Stewart, Tex.
Buckalew,	Hall,	Mills,	Stewart, Ga.
Bynum,	Hare,	Montgomery,	Stone, Ky.
Candler,	Hatch,	Moore,	Tarsney,
Caruth,	Hayes,	Morgan,	Turner, Ga.
Catchings,	Hooker,	Morse,	Vance,
Chipman,	Howard,	Norwood,	Walker,
Clardy,	Hutton,	Oates,	Washington,
Clements,	Johnston, N. C.	Peel,	Weaver,
Cobb,	Jones,	Penington,	Wheeler.
Cockran,	Kilgore,	Randall,	Whiting, Mich.
Cowles,	Lagan,	Richardson,	Wilson, Minn.
Crisp,	Landes,	Robertson,	Wilson, W. Va.
Cummings,	Lane,	Rogers,	

NOT VOTING—67.

Allen, Mass.	Crain,	Lee,	Phelan,
Allen, Miss.	Culberson,	Lyman,	Russell, Conn.
Anderson, Ill.	Davenport,	Maffett,	Rusk,
Bacon,	Davidson, Fla.	Matson,	Shaw,
Barry,	Dougherty,	McComas,	Snyder,
Belden,	Enloe,	McCreary,	Stahlnecker,
Brumm,	Ermentrout,	McCullogh,	Stockdale,
Bryce,	Foran,	McShane,	Stone, Mo.
Bunnell,	Goff,	Milliken,	Symes,
Burnett,	Granger,	Morrow,	Taulbee,
Butler,	Greenman,	Neal,	Tracey,
Butterworth,	Herbert,	Nelson,	White, Ind.
Campbell, Ohio	Hogg,	Newton,	Whitthorne,
Campbell, T. J., N. Y.	Houk,	Nutting,	Wickham,
Carlton,	Kerr,	Payson,	Wilkins,
Collins,	Laffoon,	Perry,	Yost.
Cox,	Laird,	Peters,	

So the conference report was adopted.

Mr. CASWELL. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. SCOTT. I object.

The Clerk recapitulated the names.

Mr. BIGGS. Mr. Speaker, I am paired with my colleague from California [Mr. MORROW], but if he were here he would vote "yea," and consequently I have voted "yea."

The following additional pairs for the rest of the day were announced:

Mr. STONE, of Missouri, with Mr. WILLIAMS.

Mr. LEE with Mr. PAYSON.

Mr. DAVIDSON, of Florida, with Mr. PETERS.

Mr. CRAIN with Mr. DAVENPORT.

Mr. CARLTON with Mr. WICKHAM. If Mr. WICKHAM were voting he would vote for the conference report on the tax bill.

Mr. GRANGER and Mr. RUSSELL, of Connecticut, were announced as paired until further notice.

Mr. PETERS was granted leave of absence on account of sickness.

Mr. TAULBEE and Mr. ANDERSON, of Illinois, were announced as paired on the conference report on the direct-tax bill. Mr. TAULBEE would vote for the bill and Mr. ANDERSON, of Illinois, against it.

Mr. ENLOE and Mr. BUTTERWORTH were announced as paired on this vote.

The vote was then announced as above recorded.

Mr. GROSVENOR. Mr. Speaker, I am paired until Saturday with my colleague, Mr. CAMPBELL, of Ohio, but it is within my knowledge that if he were present he would probably vote for this bill, and therefore I have voted.

Mr. CASWELL. I move to reconsider the vote by which the conference report was adopted; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMISSION OF DAKOTA AND OTHER NEW STATES.

Mr. SPRINGER. Mr. Speaker, I beg to submit a conference report.

The SPEAKER. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 185) to provide for the admission of South Dakota into the Union and for the organization of the Territory of North Dakota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to said bill and agree to the same with an amendment, namely: Strike out all of said amendment and in lieu thereof insert the following:

"SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

"SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

"SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States in such districts as may he established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said appointments shall be made by the governor, the chief-justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued on the 15th day of April, 1889; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe not in conflict with this act, upon the ratification or rejection of the constitutions.

"SEC. 4. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the 4th day of July, 1889, and, after organization, shall declare on behalf of the people of said proposed States that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

"Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said

ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such an extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

"Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

"SEC. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words 'For the Sioux Falls constitution,' or the words 'Against the Sioux Falls constitution,' and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section 3 of this act; and if a majority of all votes cast on this question shall be 'For the Sioux Falls constitution' it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be 'Against the Sioux Falls constitution,' then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the 4th day of July, 1889, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

"SEC. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

"SEC. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

"SEC. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of 1885, after having amended the same as provided in section 5 of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, 1889; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

"SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the Fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

"SEC. 10. That upon the admission of each of said States into the Union sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

"SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding 1 section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"SEC. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

"SEC. 13. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State, respectively.

"SEC. 14. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than $10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as, together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than $10 per acre; but said lands may be leased in the same manner as provided in section 11 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

"SEC. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in 'An act appropriating money for the erection of a penitentiary in the Territory of Dakota,' approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

"SEC. 16. That 90,000 acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said States, except to the State of South Dakota, to which 120,000 acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

"SEC. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to wit:

"To the State of South Dakota: For the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university, 40,000 acres; for State normal schools, 80,000 acres; for public buildings at the capital of said State, 50,000 acres; and for such other educational and charitable purposes as the Legislature of said State may determine, 170,000 acres; in all, 500,000 acres.

"To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

"To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

"To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable, educational, penal and reformatory institutions, 200,000 acres.

"That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

"SEC. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated

lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

"SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

"SEC. 20. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of $40,000 is so appropriated, $20,000 each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

"SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time-being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of $3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April, and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and peform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

"SEC. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts, herein named, shall, respectively, be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

"SEC. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the States mentioned in this act shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request, such cases shall be proceeded with in the proper State courts.

"SEC. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

"SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of said bill and agrees to the same so amended as to read as follows:

"An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House striking out the preamble of said bill, and agree to the same.

WM. M. SPRINGER,
CHAS. S. BAKER,
Managers on the part of the House.

O. H. PLATT,
S. M. CULLOM,
M. C. BUTLER,
Managers on the part of the Senate.

Mr. SPRINGER (after the introductory portion of the report had been read). I ask unanimous consent that the statement of the House conferees be now read, and after that I think the House will not desire the reading of the full text of the amendment.

The SPEAKER. The report seems to embody the entire bill.

Mr. SPRINGER. It does.

Mr. BAKER, of New York. The statement of the House conferees referred to by my colleague from Illinois [Mr. SPRINGER] embraces a concise statement of the substance of the entire bill, and I think its reading will prove satisfactory to the House. After it has been read, if any gentleman desires, then the bill can be read in full.

The SPEAKER. The gentleman from Illinois and the gentleman from New York ask unanimous consent that for the present the reading of the amendment be dispensed with, and that the statement made by the managers of the conference on the part of the House be first read, with the right to have the report read in full thereafter if desired. Is there objection?

There was no objection.

The statement of the House conferees was read, as follows:

The managers on the part of the House submit the following statement of the effect the amendment proposed will have upon the measure:

The amendment which the House in the first instance adopted to the Senate bill 185 provided for submitting to the people of Dakota the question of dividing the Territory so as to form two States, and required a majority of all votes cast in each proposed State to authorize division. If divided in this manner the States of North Dakota and South Dakota would be formed. If not, the State of Dakota would be formed, and provision was made for admission in either event. The Territories of Montana, Washington, and New Mexico were also authorized to form constitutions and State governments and to be admitted into the Union as States. The constitutions so formed were to be submitted to Congress for approval before admission, except in the case of South Dakota and Montana, which were to be brought in on certain contingencies through proclamation of the President.

The committee of conference having failed in the first instance to agree, reported the disagreement to the two Houses, and on the 15th instant the House of Representatives adopted the following resolution, instructing the managers on the part of the House as set forth therein:

"*Resolved*, That the House instructs the managers of the further conference on the part of the House to recede from the amendments of the House to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota in the following respects:

"1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

"2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State and Federal officers and without a new vote on the question of division.

"3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, *i. e.*, all of them under proclamations by the President.

"Further, that such matters as relate to the election of delegates and the apportionment of the districts from which members of the convention are to be elected, the date of holding conventions and the date of resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited, be referred to the committee of conference for their discretion."

The managers on the part of the House have complied with these instructions and have also agreed to recommend that certain amendments insisted upon by the Senate conferees in reference to matters set forth in the latter part of the third paragraph of the foregoing resolution be agreed to. The bill as now agreed upon provides for the division of Dakota into two States without further vote on that question, and authorizes the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments. The Territory of New Mexico has been excluded from the bill.

The election of delegates to the constitutional conventions in each of said proposed States is to be held on the Tuesday after the second Monday in May, 1889, and the proclamation calling this election shall be issued by the governor of each Territory on the 15th day of April prior thereto.

In the proposed State of South Dakota, at the election for delegates to the constitutional convention, the electors may vote for or against "the Sioux Falls constitution," and if a majority shall vote in favor of that constitution the delegates when assembled in convention are required to amend that constitution in reference to the boundary and name, to the reapportionment of the judicial and legislative districts, and in such other manner as is required by this act, and to resubmit the same to the people, together with the articles and propositions separately submitted at the election in 1885, when the Sioux Falls constitution was adopted, including the question of locating the temporary seat of government. And if a majority should be against the Sioux Falls constitution, the delegates when assembled in convention shall proceed to form a new constitution in the same manner as if no proposition had been submitted in regard to the Sioux Falls constitution.

The constitutional conventions in all of the proposed States are required to assemble at the capitals of the Territories, except in South Dakota, in which the convention will assemble at Sioux Falls on the 4th day of July, 1889, and after constitutions have been formed as provided in the act, they are to be submitted to the people of the proposed States for ratification or rejection at elections to

be held in each on the first Tuesday of October, 1889, at which time the conventions may provide for the election of the officers for full State governments. If the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it is made the duty of the President of the United States to issue his proclamation announcing the result of the election in each State, and thereupon the proposed States which have adopted constitutions and formed State governments, as herein provided, shall be deemed admitted by Congress into the Union, under and by virtue of this act, on an equal footing with the original States, from and after the date of the proclamation.

A provision is also inserted in the bill to the effect that if any of the proposed States shall reject the constitution submitted in October, the governor of the Territory shall reassemble the convention for the purpose of forming a new constitution or amending the rejected constitution. And all the provisions of this act, as far as applicable, are to apply to such convention so assembled and to the constitution it may form, to its ratification or rejection, and to the admission of the proposed State.

The provisions in regard to the public lands are retained substantially as passed by the House, with the exception that the proviso in regard to the settlement of the sixteenth and thirty-sixth sections of unsurveyed lands is stricken out, and it is provided that such lands shall not be subject to pre-emption, homestead entry, or any other entry under the laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sections 21, 22, and 23 of the bill as now agreed upon provide for the creation of United States district and circuit courts in each of the proposed States, and for the appointment of a United States district judge, United States marshal, and United States attorney in each, and for the transfer of causes from Territorial courts to such courts as may thereafter have jurisdiction of such causes.

That part of the House amendment which authorized a vote in the Territory of Washington on the question of changing the name of that Territory is stricken out.

With these changes the bill is substantially the same as was provided in the amendment to the Senate bill which passed the House in the first instance.

All of which is respectfully submitted.

WILLIAM M. SPRINGER,
GEO. T. BARNES,
CHAS. S. BAKER,
Managers on the part of the House of Representatives.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent to dispense with the reading of the report of the committee of conference.

There was no objection.

On motion of Mr. SPRINGER the latter portion of the report, following section 25 of the amendment, was read as printed above.

Mr. SPRINGER. I demand the previous question on the adoption of the report, and I now yield to the gentleman from Georgia [Mr. BARNES].

Mr. BAKER, of New York. I suppose that after the previous question is ordered there will be fifteen minutes for debate on each side.

Mr. COX. Why debate it at all?

Mr. BAKER, of New York. I do not want to debate it, but I want to have the previous question ordered.

Mr. SPRINGER. I yield to the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. Mr. Speaker, I do not rise for the purpose of making a speech. I know how useless it would be to make a speech at this stage in the history of this legislation. I merely wish to say a word or two in explanation of the position which I occupy on this question, and I shall do scarcely more than state what that position is.

I have united with the other conferees of the House in a statement which accompanies the report as evidence of the fact of the correctness of that statement in showing the history of the different stages of legislation on this subject in the various propositions which have been before the Senate and the House. I have tried to bring myself to the conclusion to sign this report, which has been signed by the three conferees on the part of the Senate and by two conferees on the part of the House. But, sir, after full and earnest and faithful reflection on this subject, with a deep desire to come to the same conclusion which has been reached by my associates, I could not conscientiously sign the report which they have signed, and I have therefore withheld my name from the recommendation in favor of the passage of this bill. I shall not attempt at this stage of the discussion to enter into any argument upon it. I will not weary or delay the House now. I have reasons, and they are controlling with myself. I shall content myself simply with a vote in the negative.

Mr. SPRINGER. I move the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. SPRINGER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to. [Loud applause.]

ORDER OF BUSINESS.

Mr. BLOUNT, Mr. TAULBEE, and others addressed the Chair.

The SPEAKER *pro tempore* (Mr. CRISP). The Chair will lay before the House a message from the President of the United States and several other executive communications.

LANDS OF SEMINOLE INDIANS.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the Congress:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the United States of their right to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 19, 1889.

The message, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BLOUNT, Mr. TAULBEE, and others addressed the Chair.

The SPEAKER *pro tempore*. The House will please be in order. The Chair, acting under the rules, is laying before the House matters which are on the Speaker's table.

Mr. PEEL. I ask that the Committee on Indian Affairs be permitted to report back at any time on the message of the President, just referred.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] asks unanimous consent that the Committee on Indian Affairs may have the privilege of reporting at any time on the message and accompanying papers just laid before the House, and referred to that committee.

Mr. RANDALL. I object.

Mr. TAULBEE. I desire to submit a privileged matter.

The SPEAKER *pro tempore*. The Chair desires to lay before the House, under the rule, papers which are on the Speaker's table and which are the first thing in order. What is the proposition of the gentleman from Kentucky [Mr. TAULBEE]?

Mr. TAULBEE. I desire to make a report—a privileged report.

The SPEAKER *pro tempore*. The Chair will first lay before the House several communications which are on the Speaker's table.

DEFICIENCY APPROPRIATIONS FOR DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies in appropriations for the service of the District of Columbia for the fiscal years 1888 and 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF KEY WEST, FLA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a preliminary report of a board of engineers upon the further improvement of the entrance to Key West Harbor, Florida; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SUSPENDED LAND ENTRIES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a list of suspended land entries adjudicated by the Commissioner of the General Land Office and confirmed by the board of equitable adjudication for the year ending June 30, 1888; which was referred to the Committee on the Public Lands, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER *pro tempore* also laid before the House the annual report of receipts and disbursements of the Washington and Georgetown Railroad Company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8557) for the relief of Dr. David Bell; when the Speaker signed the same.

CENSUS.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses; said bill having been returned from the Senate with amendments.

Mr. COX. If there be no objection, I would like to have these amendments of the Senate concurred in.

Mr. BLOUNT. I hope the gentleman will not press that proposition now.

Mr. COX. If there be objection I will not press it, but I do not think the proposition will be objected to.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from New York [Mr. COX]. Unanimous consent is asked to consider now the amendments of the Senate to the bill the title of which has just been read. Is there objection?

Mr. RANDALL. Yes, sir.

The SPEAKER *pro tempore*. Objection is made.

Mr. COX. Allow me one moment.

Mr. TAULBEE. Certainly.

Mr. COX. I ask that the bill be referred to the Committee on the Census, with the privilege to report back at any time.

Mr. RANDALL. I object to that.

Mr. COX. It is urgent business.

Mr. RANDALL. There is other urgent business. There is objection to its coming back at any time.

WILLIAM ENGLISH.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States, returned from the Senate with amendment.

Mr. HOOKER. I move that the amendment of the Senate be agreed to.

Mr. RANDALL. I object.

Mr. HOOKER. Let it remain, then, upon the table.

The SPEAKER *pro tempore*. The Chair hears no objection, and that will be done.

STATUE OF LEWIS CASS.

The SPEAKER *pro tempore* laid before the House the following resolutions:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be tendered to the governor, and through him to the people of the State of Michigan, for the statue of Lewis Cass, whose name is so conspicuously connected with the development of the Northwest Territory and with eminent services to his State and country both at home and abroad.

Resolved, That the statue is accepted in the name of the nation and assigned a place in the old Hall of Representatives, and that a copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Michigan.

Mr. CHIPMAN. Mr. Speaker, I ask by unanimous consent that to-morrow at half past 3 o'clock in the afternoon these resolutions be considered by the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. O'NEALL, of Indiana, and Mr. LYNCH objected.

Mr. CHIPMAN. Mr. Speaker, no one rises to object.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. LYNCH] and the gentleman from Indiana [Mr. O'NEALL] have objected.

Mr. CHIPMAN. Well, then, I will put the hour at 4 o'clock in the afternoon.

Mr. RANDALL. These resolutions can be considered by the House, and after they have been disposed of the House can then proceed to other business.

Mr. CHIPMAN. I will say 4 o'clock to-morrow afternoon.

Mr. LYNCH. I object.

The SPEAKER *pro tempore*. If there be no objection, the resolutions will be referred to the Committee on the Library.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

Mr. GALLINGER, by unanimous consent, was granted leave of absence for three days, commencing Thursday morning, on account of important business.

LANDS OF SEMINOLE INDIANS.

Mr. PEEL. I ask by unanimous consent that the President's message which was laid before the House be withheld and be allowed to remain upon the Speaker's table.

The SPEAKER *pro tempore*. It has been laid before the House, and has been referred to the Committee on Indian Affairs.

Mr. PEEL. I desire that it shall remain upon the Speaker's table.

The SPEAKER *pro tempore*. If there be no objection, the Committee on Indian Affairs will be discharged from the further consideration of the President's message, and it will be allowed to remain upon the Speaker's table. Is there objection?

There was no objection, and it was ordered accordingly.

STATUE OF LEWIS CASS.

Mr. ALLEN, of Michigan. Mr. Speaker, in view of the refusal to take up and consider the resolutions which have come from the Senate accepting the statue of Lewis Cass, will the Speaker please tell us what we are to do with the statue if it is not accepted?

The SPEAKER *pro tempore*. That is hardly a parliamentary inquiry.

A MEMBER. Take an evening session to the resolutions.

PURCHASE OF PROPERTY IN THE DISTRICT.

Mr. TAULBEE. I rise to submit the report of the committee to investigate the purchase of real estate for the District of Columbia.

Mr. RANDALL. Has that committee the right to report at any time?

Mr. TAULBEE. Yes, sir.

Mr. BLOUNT. I rise to ask a question.

Mr. TAULBEE. What is it?

Mr. BLOUNT. Is the object of the gentleman from Kentucky to present his report in order to have it printed?

Mr. RANDALL. Has the committee the right to report at any time?

Mr. TAULBEE. It has the right to report at any time. You may rely on me for that. [Laughter.]

Mr. RANDALL. Examine the record.

Mr. TAULBEE. There is an order of the House authorizing the committee to report at any time by bill or otherwise. I request that the views of the minority be submitted with those of the majority, and, together with the accompanying testimony, be printed.

Mr. BAKER, of New York. With the reports?

Mr. TAULBEE. Certainly; and the whole matter be re-referred to the committee.

Mr. BAKER, of New York. I object to that. Let the committee be discharged from further action on the subject.

The SPEAKER. When was the report made?

Mr. TAULBEE. The report is now submitted.

Mr. RANDALL. Subject to the inquiry it is a privileged report, and that the committee has the right to report at any time.

Mr. TAULBEE. It is privileged. [Laughter.]

Mr. RANDALL. I have no recollection that leave was given the committee to report at any time.

Mr. TAULBEE. I do not desire to consume the time of the House by deciding questions of order. [Laughter.]

Mr. RANDALL. Well, no; I desire the Speaker to decide this question.

Mr. TAULBEE. I do not think the gentleman from New York would have any objection to the request I made.

Mr. BAKER, of New York. I have most decided objections.

The SPEAKER. The Chair will examine the resolution.

Mr. TAULBEE. A copy of the resolution is submitted in the report of the committee.

The SPEAKER. The resolution gives the committee leave to report by bill or otherwise at any time.

Mr. ROWELL. I move that the committee be discharged from the further consideration of the subject.

The SPEAKER. That motion is unnecessary. When a select committee makes its report, unless it be recommitted to the committee, it is necessarily discharged from the further consideration of the subject.

Mr. TAULBEE. I do not believe we will disagree; and I submit to the gentleman from Illinois that the object of the recommitment is for the purpose of correcting whatever mistakes may have been made in the testimony, and for the purpose of further considering whether or not the committee should take further action. I desire to state that I represent the minority of the committee.

Mr. BAKER, of New York. My friend is the minority.

Mr. REED. How many are there in the minority?

Mr. TAULBEE. I am the minority of the committee.

Mr. TOWNSHEND. What is the majority of the committee?

Mr. BLOUNT. I appeal to the gentleman from Kentucky——

The SPEAKER. This matter is not debatable except by unanimous consent.

Mr. RANDALL. I object to debate.

Mr. BLOUNT. I do not desire to debate the question, but simply to state to my friend from Kentucky that I yielded to him, as I understood, to ask consent to have the report printed. I now ask him to withdraw it, as it seems likely to lead to protracted debate.

Mr. TAULBEE. I did not bring about any protracted debate; it is not my fault.

The SPEAKER. The question is on the recommittal of the report.

The question was taken; and on a division there were—ayes 59, noes 72.

Mr. TAULBEE. I make the point that no quorum has voted; and pending that, I demand the yeas and nays.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, by Mr. PRUDEN, one of his secretaries, was received.

INVESTIGATION OF SCHOOL-SITE PURCHASES, DISTRICT OF COLUMBIA.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays on the motion to recommit.

Mr. CHEADLE. Mr. Speaker, I desire to vote understandingly on the question that is submitted, and ask for a statement of the question.

The SPEAKER. The Chair has already stated it.

Mr. CHEADLE. There has been no statement as to the report. I am asked to recommit a report which I do not know anything about.

The SPEAKER. The gentleman has the right to have it read.

Mr. CHEADLE. Then I demand the reading of the report.

Mr. BAKER, of New York. I ask by unanimous consent the report of the majority be read, and that I think will satisfy everybody.

The SPEAKER. There is no report but that of the majority.

Mr. TAULBEE. In the reading of the report, on the demand of the gentleman from Indiana, does that also include the reading of the views of the minority?

The SPEAKER. It does not.

Mr. TAULBEE. I ask by unanimous consent they be read in connection with the report.

Mr. RANDALL. I object.

Mr. BROWNE, of Indiana. Let the evidence be read in connection with this report. [Laughter.]

Mr. BAKER, of New York. That will take too much time.

Mr. CRISP. Pending that, if all that mass of papers at the desk is to be read, I call up the contested-election case.

Mr. BAKER, of New York. That is the testimony. The reading of this bill will not take long.

The SPEAKER. The report is brief, and the Clerk will read it.

The Clerk read as follows:

The undersigned members of the committee appointed under a resolution of the House, a copy of which is as follows:

"IN THE HOUSE OF REPRESENTATIVES, *January* 14, 1889.

"Mr. HEMPHILL, from the Committee on the District of Columbia, submitted the following, which was agreed to:

"Whereas it is stated in certain newspapers that the commissioners of the District of Columbia have, in recent purchases of real estate within and for the use of the District of Columbia, paid to and through certain agents appointed or employed by them prices above that asked or received by the vendors or owners of such property, contrary to law: Therefore,

"*Resolved*, That the Speaker of the House of Representatives appoint a special committee of five members to investigate the matter of the purchases of real estate by the commissioners of the District, and report to the House in writing, at any time, by bill or otherwise; and that said committee be furnished a stenographer by assignment by the Speaker from the roll of stenographers now in the employ of the House; and that they be authorized to employ a clerk at a compensation of $6 per day; and that said committee be authorized to sit during the sessions of the House and authorized to administer oaths and send for persons and papers; that the expenses of said investigation be paid out of the contingent fund of the House;" respectfully report:

That they have considered the evidence submitted upon such investigation, and which is hereto annexed, and upon the facts established find and report the following conclusion:

The commissioners of the District of Columbia in the exercise of their official duties have been charged with the duty of acquiring the title to certain real estate for school sites and other public uses in the city of Washington. In the absence of any express authority of law to employ an agent in the purchasing of such sites or to institute any proceedings for the condemnation of lands desired for public uses, they, in their discretion, requested Mr. John S. Cox, an attorney and real-estate agent, to assist in the procuring and purchasing of certain sites for such uses; that they stated to Mr. Cox that they were not authorized to accord any compensation, but that he must look to the persons from whom the purchases might be made for payment of any and all fees, commissions, or compensations; that certain purchases were made by the District, wherein said Cox acted mainly in the interest of the grantors to the District and received certain fees and commissions as a real-estate agent or attorney, aggregating about $3,000 upon purchases of real estate aggregating in cost upwards of $75,000; that as appears from the testimony of all the witnesses, and there is no evidence to the contrary, the several parcels of real estate purchased by or for the commissioners for the use of the District of Columbia were purchased at reasonable and fair prices; that in no instance was any exorbitant or unreasonable price paid by the commissioners of the District for school or other sites, and in our opinion the commissioners are, respectively, entitled to full exoneration from any charge or imputation of wrong.

The methods employed by the commissioners are, it is true, susceptible of abuse. It is indeed a question whether any method that may be prescribed by law may not be subject to abuse. The pending legislation pertaining to the purchases of sites contemplates a provision authorizing the District commissioners to employ an agent in such cases, and further conferring authority upon them to institute proceedings in the courts of the District of Columbia through which lands required for public uses may be acquired by condemnation and appraisal. There is no doubt in the minds of the undersigned that under either of the methods last mentioned the cost of the lands and sites acquired, as shown by the testimony, would have been much greater than it was under the method practiced by the commissioners.

We feel it due, in conclusion, to state that there were but two questions raised by the investigation: First, was any wrong or fraud perpetrated upon the public in the several purchases in question, or in any of them? Secondly, were the commissioners, or either of them, guilty of any disposition to co-operate in any way in the acquisition of said sites, or any of them, at prices above their real value? To each of these questions we unhesitatingly answer in the negative. All of which is respectfully submitted.

W. H. F. LEE.
J. LOGAN CHIPMAN.
J. H. ROWELL.
CHARLES S. BAKER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a concurrent resolution, that in the enrollment of the bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia, the Committee on Enrolled Bills is authorized and directed to strike out the word "fifty-two" where it occurs in the first line of section 8 and substitute the word "sixty-two," and requested concurrence therein.

It also announced that the Senate had disagreed to the amendments of the House to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, asked a conference thereon, and had appointed as managers on its part Mr. PLUMB, Mr. HISCOCK, and Mr. BERRY.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota;

A bill (S. 3938) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association; and

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries.

APPOINTMENT OF CONFEREES.

The SPEAKER laid before the House the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only; and by unanimous consent an order was made that the House insist upon its amendments and agree to the conference requested.

Mr. HOLMAN, Mr. PAYSON, and Mr. MCRAE were reappointed as conferees on the part of the House.

INVESTIGATION OF SCHOOL-SITE PURCHASES, DISTRICT OF COLUMBIA.

Mr. TAULBEE. I demand the reading of the proof, as it has been made a part of the majority report.

Mr. RANDALL. It is not a part of the report.

The SPEAKER. The rule of the House as it has been laid down is that the matter which is to be voted upon shall be read if the reading is demanded; but if it is insisted that the proof shall be read, that question will have to be decided by the House. The House does not vote upon the proof. It is simply a question now with the House whether it shall have it read or not.

Mr. TAULBEE. I desire to state that I have no purpose whatever to consume the time of the House, but I ask that this report be recommitted. If I understood the reading of the majority report the proof constitutes a part of that report in express terms.

The SPEAKER. All committees of investigation are required to report back the evidence taken, but it constitutes no part of the matter upon which the House is required to vote.

Mr. TAULBEE. I think that as they have referred to the proof in their report, it becomes a part of the report; and I dare say that gentlemen will readily understand how it would be unfair for the House to vote on the majority report after the reading of the proof, without having heard or read the views of the minority.

Mr. BAKER, of New York. Is debate in order?

The SPEAKER. It is not. The Chair thinks this is altogether unusual upon a motion to recommit.

Mr. TAULBEE. My point of order is, that the proof is a part of the report.

The SPEAKER. The Chair overrules the point of order; and will, if the gentleman insists upon the reading, let it be decided by the House whether it shall be read or not.

Mr. TAULBEE. I do not insist. I do not want to take up the time of the House.

The SPEAKER. Only fifteen gentlemen have arisen in support of the demand for the yeas and nays, and the yeas and nays are refused.

Mr. TAULBEE. Now, Mr. Speaker, I had made the point of no quorum.

The SPEAKER. The gentleman made the point of no quorum, and the Chair will appoint as tellers the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from New York [Mr. BAKER].

The tellers took their places, and after some time spent in the count,

Mr. TAULBEE said: I will withdraw the point of no quorum.

Mr. BAKER, of New York. I do not withdraw it.

Mr. TAULBEE. I do not care; I am ahead.

Mr. BAKER, of New York. Mr. Speaker, the gentleman from Illinois [Mr. HENDERSON] voted in the affirmative under a misapprehension.

Mr. TAULBEE. I have no objection to the change of the vote if I could have an opportunity to see some of our members and see if they did not vote under a misapprehension.

The tellers reported—ayes 83, noes 86.

So the motion to recommit was not agreed to.

Mr. BAKER, of New York. Now, I move to reconsider the vote by which the House refused to recommit the report; and also move to lay that motion on the table.

Mr. TAULBEE. Can the gentleman from New York make that motion to reconsider and lay on the table, as he did not make the report?

The SPEAKER. The Chair understands the gentleman from New York to make the report from the committee.

Mr. TAULBEE. But I made the report.

The SPEAKER. The gentleman from New York represents the majority, and the majority represents the committee. The gentleman from Kentucky represents the minority.

Mr. TAULBEE. I yield to the gentleman from New York. [Laughter.]

Mr. BAKER, of New York. I now move to reconsider the vote by which the House refused to recommit the report; and also move that the motion to reconsider be laid on the table.

Mr. TAULBEE. I hope that will be done without debate, but on that motion to lay on the table I will demand the yeas and nays. Before doing so I make the point of order that the gentleman has no right to make the motion to reconsider and to lay that motion on the table.

The SPEAKER. The point of order is overruled.

The question was put on laying the motion to reconsider on the table; and the Speaker announced that the ayes seemed to have it.

Mr. TAULBEE. Division.

The House divided; and there were—ayes 70, noes 21.

Mr. TAULBEE. There is no quorum.

The SPEAKER appointed as tellers the gentleman from New York [Mr. BAKER] and the gentleman from Kentucky [Mr. TAULBEE].

Mr. RANDALL. Has that testimony been ordered by the House to be printed?

The SPEAKER. Not yet.

Mr. RANDALL. That is why I object.

Mr. TAULBEE. I only ask for the usual number to be printed, and I believe it is customary for the testimony to be printed with the report without a motion.

The SPEAKER. The usual number will be printed without a motion, and the request of the gentleman from Kentucky [Mr. TAULBEE] is that the views of the minority may be printed with that usual number. Is there objection?

There was no objection, and it was so ordered.

The motion to lay the motion to reconsider on the table was agreed to—ayes 129, noes 31.

Mr. BAKER, of New York. Mr. Speaker, I move to postpone the report indefinitely, and upon that I call the previous question.

Mr. TAULBEE. Mr. Speaker, I had not intended to make any fur-

ther motion, but I think this report might be allowed to take the usual course. If the gentleman does not desire to consume further time, he had better let the report lie upon the Speaker's table.

The SPEAKER. The gentleman from New York [Mr. BAKER] demands the previous question upon his motion.

Mr. TAULBEE. I hope the previous question will be ordered.

The previous question was ordered.

Mr. TAULBEE. Now, Mr. Speaker, I desire to be recognized in opposition to the motion. [Laughter.]

The SPEAKER. The gentleman has fifteen minutes.

Mr. TAULBEE. Mr. Speaker, I ask the Clerk to read the views of the minority as a part of my remarks.

The Clerk read as follows:

VIEWS OF THE MINORITY.

The undersigned dissents from the views expressed in the foregoing report, and submits the following conclusions:

The testimony taken before the committee, as sworn to by the witnesses, is relied upon to establish the conclusions hereinafter submitted; but the testimony as submitted with the majority report has, since it was taken, been so changed and modified as to admit of a possible doubt of the conclusions of the minority.

For instance, the testimony as given by Mr. John F. Cox touching the relationship which he bore in the matter of purchases of real estate for the District of Columbia tends to establish the conclusion that he acted as the agent for the commissioners; but the testimony as submitted leaves room for possible doubt on this subject. For instance, in his testimony concerning the purchase of the property in square 796 the following question was asked him: "Q. Did you always submit it to him?" (meaning Commissioner Webb). His answer was: "A. Always to him." But as the testimony reads which the majority of the committee submit with their report his answer reads: "A. Always in the case of school sites." In this connection the further question was asked him: "Did you do it in the case of police-station sites?" His answer as sworn to was: "I think so. After that Mr. Webb was in the habit of getting Mr. Entwistle, inspector of buildings, to consult with me as to the reasonableness of the price of the property offered, and in addition to that he would also call upon the trustees in a particular district."

The answer given in the testimony as submitted with the majority report is, "Not to Mr. Wheatley. After that the commissioners were in the habit of getting Mr. Entwistle, inspector of buildings, to consult with them as to the reasonableness of the price of the property offered, and in addition to that they would also call upon the trustees in a particular district."

Touching the same matter, the following question was asked Mr. Cox: "Did you pay the money to the persons from whom the purchase was made, or did the commissioners pay it?" To which he gave the following answer: "The commissioners paid it." But the testimony as submitted makes him answer, "The commissioners did not pay it." In this same connection, touching the matter of his purchase of this property as to the time, the following question was asked of Mr. Cox: "Was that" (meaning his purchase of the property) "before or after you had been called upon by the commissioners of the District to purchase property for the District?" His answer as given on oath was, "It was after." In the proof submitted by the majority of the committee Mr. Cox is represented as giving the following answer: "It was before."

Many other changes materially affecting the issues raised by the investigation have been made in the testimony without the formal consent of the committee. The testimony as detailed before the committee establishes the fact that Mr. Cox was not a real-estate agent at the time of making these purchases; but that his services were in some way not fully explained by the testimony procured by the commissioners in the matter of purchases of real estate. The fact, however, that he acted as the agent of the commissioners in these purchases, and that they fully relied on his conduct as such agent of the negotiations without ever questioning his methods or the prices submitted to them through him, can not be doubted by any one who will read the testimony, even in its modified form, as submitted by the majority of the committee. Whether his agency was absolute, or in the nature of a quasi agency, as stated by one of the commissioners in his testimony, it is immaterial as to the views here submitted.

The further fact is established by the testimony of divers persons from whom purchases were made that Mr. Cox acted also as their agent in selling the property to the District. This dual agency enabled Mr. Cox to purchase property from the owners at a given price and to sell it to the District for a greater price, the profits thus realized being greatly in excess of the ordinary and usual commissions paid to regular dealers in real estate. For example, in the purchase of the property known as the ninth precinct station Mr. Cox's testimony, as detailed before the committee, clearly establishes the fact that after the site was agreed upon as a desirable one for this purpose, and a personal inspection of the premises had been given by Mr. Cox, Commissioner Wheatley, and the chief of police, Mr. Cox proceeded to purchase the property for himself. But, for reasons which have not been explained to the satisfaction of the minority of the committee, the purchase was had in the name of a third party, who is shown to have had no real interest in the transaction, from which third party a different and higher price was submitted to the commissioners of the District, and by them accepted, the difference in the two prices going to Mr. Cox, the commissioners paying the price accepted by them to the third party per G. Repetti, attorney, which attorney is shown to have been an interested party in the original ownership of the property and a member of the firm of Weller & Repetti, who had the property for sale as agents of real estate.

So also in many of the other purchases; parties wholly disinterested in the transaction were used as intermediaries through whom the purchases and conveyances were made, when Mr. Cox was the real party in interest and the party to whom the profits inured.

The testimony establishes the further fact that in most of the cases in which Mr. Cox acted as purchaser or vendor (or whatever relationship he may have sustained both to the commissioners and the original owners), it is shown that the names of disinterested parties were used in the conveyances, the profits in each case, however, inuring to Mr. Cox.

The fact that the commissioners knew, or that they in any event could have known, by the exercise of reasonable diligence, or even a casual observation of the affairs of their office, the full nature of Mr. Cox's connection with these transactions in the beginning of his operations and prior to his opening negotiations for subsequent purchases, can not be reasonably questioned by any one who will read the testimony.

The minority of the committee do not agree with the conclusions of the majority to the effect that but two questions were raised by the investigation, namely, "was any wrong or fraud perpetrated upon the public in the several purchases in question, or any of them; and, secondly, were the commissioners or either of them guilty of any disposition to co-operate in any way in the acquisition of said sites, or any of them, at prices above their real value," and that "to each of these questions unhesitating answers in the negative" should be given. But, in the opinion of the minority of the committee the questions to be determined are, did the commissioners exercise proper diligence and caution in the purchase of property for the District; did they purchase the property as cheaply as they could have done by negotiating directly with the owners; and did they exercise reasonable and ordinary diligence in preventing a waste of the money belonging to the District of Columbia?

On these points the minority of the committee believes that the testimony establishes beyond question the fact that in most of the cases in which Mr. Cox acted as the intermediary, the purchases could have been made from the owners of the property at the price which the District paid, less the profits resulting by the transaction to Mr. Cox.

And while the commissioners, in the opinion of the minority of the committee, have not profited or attempted to reap any profits to themselves from any of these transactions, they unquestionably had an understanding with Mr. Cox, their warm personal friend, that he should by these transactions make an unreasonable and unusual profit.

The minority of the committee is neither unmindful of, nor indifferent to, the fact that the duties devolving upon the commissioners of the District of Columbia are extraordinary and difficult to perform; but the extraordinary nature of these duties, and the difficulty liable to be encountered in an efficient performance of them, tend rather to establish the conclusion that the most efficient, diligent, and painstaking method of performing these duties should be employed rather than the conclusion that a wide latitude should be given to the commissioners in these matters, clothed as they are with extraordinary powers and prerogatives.

And while the commissioners, in the opinion of the minority of the committee, have not been guilty of anything that would be considered criminal, their methods have been unwise and injudicious, and it savors of a favoritism, the result of which has enabled those favored by them to realize extraordinary compensation for the work necessary to be performed in the matter of these purchases at the expense of the interests of the tax-payers of the District of Columbia.

The minority recommends that Congress prohibit by proper legislation the repetition of these questionable methods of administering the affairs of the District, and thus check the evident tendency to manage the public affairs of the District in the interest of individuals and private interest.

W. P. TAULBEE.

Mr. TAULBEE. Mr. Speaker, I shall content myself with a single additional observation, and that is that members doubtless have been cognizant of the difficulties which I have encountered at every step looking to this investigation, from the introduction of the first resolution on the first bill day of the present session down to this time. I wish now to say that I am willing that the House may take this matter and deal with it as they deem proper, I, however, having the consciousness that I have discharged the duty which devolved upon me to the best of my ability. If some gentleman desires to speak upon the other side I reserve the remainder of my time. If not, I am willing that we shall now have a vote.

Mr. BAKER, of New York. Vote.

The question was taken on the motion to postpone the report indefinitely; and it was agreed to—ayes 57, noes 34.

ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, I ask by unanimous consent the morning hour be dispensed with and that gentlemen having reports from committees to present be allowed to file them with the Clerk for reference under the direction of the Speaker; also that members of the minority have a right to present their views.

Mr. TAULBEE. I will object to that after the fight which the gentleman [Mr. BLOUNT] has made against the privileged report.

Mr. BLOUNT. I have not made any fight against your report.

Mr. TAULBEE. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there further objection to the request of the gentleman from Georgia?

There was no further objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

ELIZA MURPHY.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 12209) for the relief of Eliza Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATION AT MOUTH OF COQUILLE RIVER, OREGON.

Mr. TARSNEY, from the Committee on Claims, reported back favorably the bill (H. R. 11643) providing for the establishment of a life-saving station at the mouth of Coquille River, Oregon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COL. JESSE H. STRICKLAND.

Mr. GEAR, from the Committee on Military Affairs, reported back the bill (H. R. 4847) for the relief of Col. Jesse H. Strickland, Eighth Tennessee Cavalry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. FISHER.

Mr. SIMMONS, from the Committee on Claims, reported a bill (H. R. 12630) for the relief of George W. Fisher; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. BECKWITH.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12631) for the relief of George H. Beckwith;

which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TITLE TO LOTS, JUNEAU, ALASKA.

Mr. HEARD introduced a bill (H. R. 12629) to enable the inhabitants of the town of Juneau, Alaska, to obtain title to the lots improved by them in said town; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JULIA M. EDIE.

Mr. WHEELER. I rise to a privileged question. On the 30th day of January the previous question was ordered on a bill (S. 3325) granting an increase of pension to Mrs. Julia M. Edie, and I would like to have that bill considered now. It is a privileged matter.

Mr. BLOUNT. I must raise the question of consideration against that bill.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] will send up the bill.

Mr. WHEELER. Is objection made? If it be understood that I may have an opportunity to bring up this measure when the appropriation bills are out of the way, I am willing to yield——

Mr. RANDALL. No, sir; nothing of that sort is agreed to.

The SPEAKER. This is a privileged matter; the gentleman from Alabama will please send up the bill.

Mr. BLOUNT. I must raise the question of consideration.

The SPEAKER. The Chair understands the gentleman to do so; but the title of the bill must be read that the House may understand what is the question.

The Clerk read the title of the bill, as follows:

A bill (S. 3325) granting an increase of pension to Julia M. Edie.

The question being taken, Will the House now proceed to consider the bill? it was determined in the negative.

Mr. WHEELER. I will not press this matter further just now, but will call it up hereafter as soon as I can get an opportunity.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; when the Speaker signed the same.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House now resolve itself into Committee of the Whole to resume the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. TURNER, of Georgia, in the chair), and resumed the consideration of the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The pending amendment was read, as follows:

On page 3, in lines 1 and 2, strike out "$1,200" and insert "$900," so as to read:

"Secretary and stenographer to postmaster, five classes: salary, graded in even hundreds of dollars, from $900 to not exceeding $1,600 per annum."

The CHAIRMAN. When the committee rose the vote was being taken by tellers on this question, and no quorum having voted, the Chair had appointed as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Georgia [Mr. BLOUNT]. The tellers will now resume their places.

The committee divided; and the tellers reported—ayes 17, noes 142.

Mr. HOLMAN. The vote shows very nearly a quorum, and I will not insist further on the point.

So the amendment was rejected.

Mr. HOLMAN. I move to amend by striking out "$1,200" and inserting "$1,000."

The question was taken on the amendment; and there were—ayes 15, noes 74.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The Chair will appoint tellers.

Mr. HOLMAN. I wish to suggest a vote be allowed on this question in the House.

Mr. BLOUNT. I can not agree to that. The gentleman from Indiana [Mr. HOLMAN], in pursuing this policy all along the line—but I will not give any reason.

Mr. HOLMAN. I will not press the point of "no quorum," although I regret very much that the Committee of the Whole has made this decision.

The CHAIRMAN. On this question the tellers report—ayes 15, noes 74; so the amendment is rejected.

The Clerk read as follows:

Cashier, five classes, salary: graded in even hundreds of dollars, at $1,800, $2,000, $2,200, $2,400, and not exceeding $2,600 per annum.

Mr. HOLMAN. I desire to raise a point of order on this paragraph, upon the ground that it embraces legislation not authorized by the unanimous consent given by the House under the order to which attention has already been called. I desire to be heard a moment upon this point.

Mr. Chairman, there is no ambiguity in the language of the consent given by the House making certain matter in order on this bill. The request was for permission to classify the clerical force in the post-offices—the clerical force in the post-offices. It has been said in the progress of this discussion, by the gentleman of Georgia, that official records may sometimes be referred to for the purpose of ascertaining the meaning of a term. I have before me the classification of employés—all of them or certain of them—in the post-offices. Among others, I find in this classification assistant postmaster, chief clerk, superintendent of division, and then a number of clerks—mailing, general-delivery, stamp, registry, money-order, stamper, porter, janitor or general utility, night, distributing, superintendent of stationery.

In the proper place in this report cashiers are mentioned. I take it for granted that the Chair will decide that the term "clerk," as made use of in the agreement consented to by the House, meant just exactly what the word itself implies, and that the purpose was a classification of the clerks in the post-offices as in the Departments; because in the colloquy that occurred that inquiry was expressly made and was answered in the affirmative. Officers of this class—cashiers—are not "clerks" within the meaning of that agreement. I concede that if the request had been to classify the "employés" in the post-offices it would have covered not only clerks but superintendents, cashiers, and other employés; but the term "employé," a general term, was not employed; no general term was employed from the beginning to the end of that colloquy. The understanding was that clerks alone were to be classified, as in the Departments.

Mr. BLOUNT. Mr. Chairman, there is little that I can say, or, as I think, that needs to be said, on this point. The gentleman from Indiana has stated that he has before him the list of employés in the Department.

Mr. HOLMAN. No; I referred to the report made by you, your own classification.

Mr. BLOUNT. Well, it is the same thing. The report made by me contains a statement from the Postmaster-General of the number of employés. The subject is the classification of clerks, and he sends in that list.

There is no such thing known in the statutes relating to the Post-Office Department as a "cashier;" there is no such thing known to the statute as "paper distributers" or "letter distributers;" and so I might go on with nine-tenths of the designations of the clerks in the various post-offices.

The CHAIRMAN. The Chair will ask the gentleman from Georgia whether the duties assigned to cashiers have hitherto been performed by clerks.

Mr. BLOUNT. All the while, sir; never an exception.

Mr. HOLMAN. I would be glad to be heard on that point.

The CHAIRMAN. The Chair will hear the gentleman again.

Mr. HOLMAN. I desire to be heard further, because if the ruling on this point should be such as to defeat the intention of the House in the consent which was given, it will of course prevent anything of that kind ever occurring again so far as those gentlemen now present are concerned, I hope.

Now, Mr. Chairman, this proposition is subject to the additional objection, according to the statement of the gentleman from Georgia himself, that the office of cashier is not now known to the law. This is, therefore, new legislation, and legislation to which consent has not been given.

Will the Chair permit me to inquire if there is any law now creating the office of cashier, and, if not, whether this bill does not create that office? Can it be held, under this appropriation bill, this office of cashier can be created?

It seems to me to be utterly impossible there is any ground upon which this classification of clerks can stand. The gentleman brings in a bill providing for a cashier. Suppose the assistant postmaster performs his duties, or suppose the superintendent performs his duties, does that authorize their classification as clerks?

Mr. Chairman, good faith and fairness are jewels in all legislative bodies as well as in all other human transactions. When it was asked to classify these clerks, as in the other Departments, everybody here understood what that meant. It meant exactly what it said, that they should be classified as in other Departments. You do not classify cashiers; you do not classify superintendents in the other Departments; you classify clerks into first, second, third, and fourth classes. That was the permission asked, and that was the permission granted. I appeal in the interest of fair dealing that the gentleman from Georgia has no right to build on that a general consent giving permission which the words themselves do not express. The permission was to classify clerks. If cashiers are to be classed as clerks and a new office created then there is not a single employé in the Post-Office Department except perhaps the Postmaster-General himself and the Assistant Postmasters-General who may not be classified as clerks, no matter what may be their business. Superintendents are provided for, and yet will

anybody say a superintendent is a clerk in the understanding of any of the Departments? We are now acting on a rule of consent, and that rule ought not to receive a strained meaning. Common fairness requires the rule should receive the meaning intended at the time the permission was asked and granted. If the gentleman from Georgia had asked permission to make the classification provided for in this bill I would not have given my consent, but would have objected. When permission was asked to classify the clerks in the Post-Office Department we knew what such classification meant; that the clerks should be classified, as in other Departments, into first, second, third, and fourth classes.

Mr. BLOUNT. Does the gentleman understand this bill proposes to classify clerks in the Post-Office Department?

Mr. HOLMAN. I asked this question in this colloquy——

Mr. BLOUNT. The gentleman does not apprehend me. He used the expression, "Here is a proposition to classify clerks in the Department."

Mr. HOLMAN. If he understood me correctly, he understood me to say in that colloquy it was a classification in that Department; that is, into first, second, third, and fourth classes, as in every other Department.

Mr. BLOUNT. I wish to say a word right here. Now, the gentleman from Indiana [Mr. HOLMAN] has alluded to the question of frankness. I regret in his zeal to accomplish any purpose he should forget to be fair and decorous himself. I hope to be decorous to the gentleman from Indiana. It is due to myself and to the House. That colloquy disclosed there was no bill proposed at all. The committee had not acted on it. The gentleman from Tennessee [Mr. MCMILLIN] suggested we should wait until we had agreed on a bill. The proposition was simply to classify the clerks. After that had been agreed to the gentleman from Indiana attempts to create the impression—but I am quite sure that he can not do it in the mind of the Chair—that some of the clerks are designated as cashiers. I am addressing a high intelligence when I am addressing the Congress of the United States, and I do not discuss this as though I were discussing it before a petty jury.

Mr. HOLMAN. That is hard on the jury.

Mr. BLOUNT. Here it is in the bill itself:

For compensation to clerks in post-offices, $6,550,000.

That is the fault of that appropriation for more than a decade. There is no designation of a single person beyond that of clerk in the Post-Office Department. For convenience it has been found necessary to designate some of the clerks as cashiers, some as finance clerks, some as superintendents of divisions, some as separaters and assorters; entirely a matter of regulation which the Postmaster-General has authority to make.

Now, when we come to classify the clerks, we have seen proper to call the clerks assigned to a certain duty by a particular name for the purpose of convenience. I might call them by some other name than cashiers, and still assign them to that duty; but what avail would that be? They are still clerks, and it is simply a matter of convenience to so designate them, and nothing more. This designation, then, is inserted here because it is a convenient thing in an office to know when a man is called a "cashier" that he has a certain class of clerical duties to perform, and when he is called a "stamp clerk" that he has another special class of duties to perform, and so on throughout the list. These men are assigned to duty and their designation indicates the duty to which they are assigned, and that is all. It is simply a matter of convenience, and ever since I have been a member here these persons have been provided for in the appropriation bills under the designation of "clerks in post-offices," and the reports of the Postmasters-General, so far as I know, have indicated the same designation all the way through.

The CHAIRMAN. The Chair is ready to rule upon the question of order.

Mr. BINGHAM. I should like to be heard for a few moments.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. BINGHAM. Mr. Chairman, this legislation in this bill pertains only to first and second class post-offices, and in these two classes of offices there are two designations of the subordinate force, the one being "clerks" and the other being "carriers." Legislation covers the classification of the carrier force already. But for years past the Department have been trying to classify the clerical force of these first and second class post-offices. In the report of the Postmaster-General a year ago this classification was recommended, but it is more complete in this bill than in the report that he submitted, which, as I have said, was a recommendation for the classification of the clerks. In this bill there has been the creation of no offices and no indication of new offices other than that which has been always used in the first and second class post-offices.

The mere expression, as used in the bill, of "cashier" or "superintendent" is simply the designation of a clerk, used for convenience—a man paid under the appropriation for the clerical force, acting as a cashier or acting as a clerk, as the case may be, under the appropriation for clerical allowance in that office.

Every man in the first or second class offices is either a clerk or a carrier, and the indication of his specific name is simply inserted here as a matter of convenience in the office, which title describes the line of duty or service which he performs. The cashier is simply a clerk having charge of the finances of the office; and, Mr. Chairman, he has been paid in every appropriation bill under the head of appropriations for clerical hire for post-offices.

Mr. HOLMAN. One word, Mr. Chairman, on that point. I insist that the terms used here should be the same as are commonly employed; and that is all I have asked. The Chair will take into account any Department of this Government and see the application of the point I make. Take, for instance, the Treasury Department. Is the cashier there designated as a clerk? Go into the banking houses of the country, where both terms "cashier" and "clerk" are employed; is the cashier a clerk, or is the clerk a cashier? Go into any business establishment in the country and you will see that there is a clear distinction in the terms.

But the point I sought to make is that in any event here is an attempt to create an office by a new law, to create an office hitherto unknown to the law—that is to say, it is admitted that the office of cashier is unknown by that designation. Somebody had to perform the duty. That is true; but is it not legislation to designate an employé in an office as "cashier," giving him a name and character hitherto unknown in this service, when there is no law authorizing such a designation? Would that not be new law itself? So if you depart from the matter really in hand the point of order is clearly applicable against the appropriation; for the Chair can not hold that a cashier is in the ordinary sense of the term a clerk. If the Chair can so hold, my point of order should be overruled. But if on the other hand the terms "clerk" and "cashier," as usually employed, do not mean the same thing, but indicate different functions or employments, I insist my point of order should be sustained, and that bad faith should not result in this, that a consent given for one object should be, by interpretation, applied to an entirely different purpose—that is, the creation of the office of cashier—when the consent of the House was simply to the classification of clerks, and that only.

Mr. CANNON. If the Chair will allow me, just a single word on the classification of clerks. If the Chair will look on page 2 of the bill, at lines 12 and 13, he will find that it reads: "The Postmaster-General is hereby authorized to classify and fix the salaries of clerks and employés." That is legislation; and then you go ahead and detail what the employés shall do. Now, as they are reached, one by one, the gentleman from Indiana makes the point of order upon the employés and does not make the point of order upon the clerks.

Mr. BLOUNT. I simply want to state the additional fact that he does perform clerical work.

Mr. HOLMAN. And the Postmaster-General and the First Assistant Postmaster-General do clerical work; but does that make the Postmaster-General a clerk in the ordinary sense of the word?

The CHAIRMAN. The Chair thinks the order heretofore granted should receive its reasonable intendment. So far as the Chair knows the duties heretofore performed by clerks are now to be performed by some one to be designated—as cashier in this instance. The order giving the power to classify did give the power to make new legislation to that extent; and the order to classify, the Chair thinks, included the power to designate the duties of each class. The Chair, therefore, overrules the point of order.

Mr. KERR. I move to strike out the last word.

Mr. BLOUNT. I wish the gentleman would yield to me for a moment.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. BLOUNT. I wish to move that the committee rise. I have agreed to make that motion at ten minutes to 5.

Mr. KERR. I only want two minutes; but, Mr. Chairman, so many gentlemen seem to be anxious that the committee shall rise that I will not hold the floor. I rose for the purpose of moving that this section be stricken out.

Mr. BLOUNT. There are only a few minutes more, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. TURNER, of Georgia, reported that the Committee of the Whole had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PEEL. I am directed by the Committee on Indian Affairs to make the privileged report which I send to the Clerk's desk, and I ask unanimous consent to extend the time of the session before taking recess. It will take only a little time to consider it.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] asks that the session be extended until the completion of the consideration of this report. Is there objection?

Mr. CANNON. Are we not to have a session to-night, and can not this come up to-morrow?

Mr. PEEL. It is not a conference report. I ask the Clerk to read the bill.

Mr. HOLMAN. I ask unanimous consent to make a request before that. I want to ask unanimous consent that the Committee on Public Lands have to-morrow night for a session.

Mr. RANDALL. I object.

Mr. HOLMAN. Then I object.

Mr. PEEL. It is privileged.

The SPEAKER *pro tempore*. The Chair understands that the gentleman desires to consider the Senate bill. The Clerk will read the title of the bill, and then the Chair will submit the request.

The Clerk read as follows:

A bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes.

Mr. PEEL. Mr. Speaker, that subject was referred to the committee with the President's message with leave to report at any time.

Mr. RANDALL. I ask that the time be extended so as to dispose of this matter and the census matter.

Mr. COX. All right.

The SPEAKER *pro tempore*. The Chair will state the request. The gentleman from Pennsylvania asks unanimous consent to extend the time of the session until the completion of the consideration of this bill and the bill relating to the census.

Mr. MILLS. I object. Let them come up in the morning.

Mr. RANDALL. I object to the substitution.

Mr. BAYNE. I object to the substitution of the Senate bill for the House bill.

Mr. WEAVER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. The point of order I make is that the objection does not lie. It was a subject that was referred to the committee, and not a particular bill; and the President's message in this regard was referred to the committee.

Mr. PEEL. The Speaker of the House informed me that I had a right to report it at any time.

Mr. BAYNE. I withdraw my objection.

Mr. RANDALL. I renew it.

Mr. PEEL. I desire to say that the message of the President of the United States relating to this matter was referred to the Committee on Indian Affairs, with leave to report at any time; and the Speaker said that I could.

Mr. RANDALL. Yes; on a House bill at any time.

Mr. PEEL. It is exactly like the bill of the House.

The SPEAKER *pro tempore*. It is impossible for the Chair to decide the point of order in the time remaining of the session before 5 o'clock unless the time is extended. The Chair is not familiar with the terms of the order granting the Committee on Indian Affairs the right to report upon this matter at any time.

Mr. RANDALL. I ask that the time be extended.

Mr. MILLS. I object.

Mr. PEEL. I ask that the time be extended five minutes.

Mr. MILLS. I object.

The SPEAKER *pro tempore*. The hour of 5 o'clock——

Mr. PEEL. I ask leave to withdraw the report without prejudice.

The SPEAKER *pro tempore*. Without objection that order will be made.

There was no objection.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, according to previous order the House takes a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

Mr. HATCH took the chair as Speaker *pro tempore* and directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *February* 20, 1889.

I hereby designate Hon. W. H. HATCH to preside as Speaker *pro tempore* at the session of the House this evening.

JNO. G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK, *Clerk*.

The SPEAKER *pro tempore*. The Clerk will read the special order under which this evening's session is held.

The Clerk read as follows:

Resolved, That on Wednesday, February 20, 1889, at 5 o'clock p. m., the House shall take a recess until 7.30 p. m., the evening session to be devoted to the consideration of measures reported from the Committee on Commerce and conference reports that may be ready for submission, said session to terminate not later than 10 o'clock p. m.

PORT OF PORTLAND, OREGON.

Mr. CLARDY. I call up a bill (S. 24) to extend the limits of the port of Portland as a port of entry.

The bill was read, as follows:

Be it enacted, etc., That the limits of the port of Portland, in the State of Oregon, as a port of entry, be, and the same are hereby, extended so as to include all that portion of the east bank of the Willamette River lying opposite to the city of Portland, for a distance of 1 mile in width, and extending from the south boundary line of the corporate limits of the city of Portland down said east bank of said river to a point directly opposite to the lower end of Swan Island, in said river.

Mr. HERMANN. Mr. Speaker, this is of great importance as well as convenience to the commercial interests of my State. This bill will include the flourishing city of East Portland, Oregon, in the port limits, and I hope the bill will pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTS OF ENTRY AT TACOMA AND SEATTLE.

Mr. CLARDY. I call up the bill (S. 1128) to create ports of entry at Tacoma and Seattle.

The bill was read, as follows:

Be it enacted, etc., That Tacoma, Wash., and Seattle, Wash., be, and they are hereby, constituted ports of entry in the Puget Sound customs collection district, and that the privileges of the first and seventh sections of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said ports.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTION 2579 REVISED STATUTES.

Mr. CLARDY. I call up the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 2579 of the Revised Statutes of the United States is hereby amended so as to read:

"SEC. 2579. There shall be in the collection districts in the State of Texas the following officers: In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine Pass, and said deputy collector shall have power to enter and clear all vessels coming to that port and exercise such other powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor who shall reside at Velasco, and a surveyor who shall reside at Houston."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT OF TAMPA, FLA.

Mr. CLARDY. I call up the bill (S. 1721) establishing a customs district in Florida, to be known as the collection district of Tampa, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That a collection of customs district be, and the same is hereby, established on the Gulf coast of the State of Florida, to be known as the collection district of Tampa.

SEC. 2. That said district shall include the territory south of a line immediately north of Anclothe Key light-house, running easterly across the peninsula to Indian River, and thence south to a point opposite to and north of Charlotte Harbor, and thence westerly across the peninsula to the coast north of Charlotte Harbor, and midway between Manatee Bay and Peace River and Charlotte Harbor.

SEC. 3. That the collector for the port of Tampa shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of $2,000 per annum. There shall also be appointed an appraiser and such inspecting and other officers as the Secretary of the Treasury shall consider useful or necessary for the transaction of the business of the port and for the prevention of smuggling within the district.

Mr. MILLS. Mr. Speaker, this seems to me rather a strange measure. Secretary Folger, and also his successor in office, recommended the discontinuance of a large number of collection districts, and in view of that fact it seems to me quite extraordinary that we should be engaged here in creating new ones. The Committee on Ways and Means also have been in favor of discontinuing a large number of these districts, and certainly it seems strange that we should be called upon to create a new collection district at this time.

Mr. DAVIDSON, of Florida. Mr. Speaker, the remarks just made by the gentleman from Texas [Mr. MILLS] add strength to the reasons in favor of this measure. It is true, sir, that it was the policy of the administration preceding the present one, and also the policy of this Administration, to discontinue certain collection districts, but the Secretary of the Treasury recommends that this district be created. The increase of business has been so great as to render it absolutely necessary. Tampa has grown from 2,000 to 8,000 within a few years; the commerce of the place demands the establishment of this district, and the Secretary of the Treasury recommends it.

Mr. MILLS. Mr. Speaker, I know nothing about the proposed district myself, and if the Secretary of the Treasury has recommended that it be created I shall not interpose any objection. I merely call attention to the fact that Secretary Folger and also his successor have both said to this House in official communications that they could save

$500,000 a year by the abolishment of a number of collection districts, but I suppose that the abolishment which they recommended did not embrace this district. Having said this much, I shall not interfere with the bill, as it is recommended by the Secretary.

Mr. CLARDY. Mr. Speaker, I want to say in reply to the remarks of the gentleman from Texas that we have recommended the passage of no bill that has not been urgently recommended by the Secretary of the Treasury. The committee recommended an amendment, in line 2, striking out "Anclothe" and inserting "Anclote."

The amendment was agreed to.

Mr. CLARDY. I offer an additional amendment, which I send to the desk.

The Clerk read as follows:

Line 3, section 1, strike out the words "collection of customs" and insert in lieu thereof "customs collection."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTION DISTRICT OF MEMPHIS, TENN.

Mr. CLARDY. I call up the bill (H. R. 5032) to extend the limits of the collection district of Memphis. It is a bill which does not involve the expenditure of any money, and it is recommended by the Secretary of the Treasury.

The bill was read, as follows:

Be it enacted, etc., That the limits of the present port of Memphis, Tenn., be extended from Beale street southward to Jackson street, and that the east line of the present port be extended southward until it intersects said Jackson street.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS POTEAU RIVER, NEAR FORT SMITH, ARK.

Mr. CLARDY. I yield to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. I call up the bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark."

The SPEAKER *pro tempore*. The Chair is informed that this bill is upon the Private Calendar.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill, and that it be considered in the House.

There being no objection, the House proceeded to the consideration of the bill, which was read.

Mr. CRISP. This bill is amendatory of the original act, and relates merely to the jurisdiction of the courts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS COOSA RIVER, ALABAMA.

Mr. CRISP. I desire to call up the bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama. This is a bridge bill to which the Senate has added a formal amendment. I ask that the amendment be concurred in without reading.

There being no objection, the amendment of the Senate was concurred in.

Mr. CRISP moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER, ABOVE ST. CHARLES, MO.

Mr. CRISP. I desire to call up the bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri." This is a bill amending a previous bridge bill. There was a bill passed granting to another company the rights with reference to this bridge. This measure amends that act so as to give the rights to the successors of that company.

The SPEAKER *pro tempore*. This bill also is on the Private Calendar.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be considered in the House.

There being no objection, it was ordered accordingly.

The bill, having been read, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection it will be understood that where bridge bills have been referred to the Committee of the Whole on the state of the Union or the Committee of the Whole on the Private Calendar, the committee will be discharged from their further consideration and they will be considered in the House. Is there objection? The Chair hears none, and the order is made.

BRIDGE OVER MISSOURI RIVER AT OR NEAR KANSAS CITY.

Mr. CRISP. I now call up the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo. This is a bill in which our deceased friend, Mr. Burnes, of Missouri, was interested. For that reason I ask that it be taken up out of its order. The bill has been referred to the Committee on Commerce and carefully examined. It contains all the usual provisions for the protection of navigation. As the bill is somewhat lengthy I ask that the reading of it be dispensed with, and that it be considered without reading.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AT POINT ISABEL, TEXAS.

Mr. CLARDY. I call up the bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas.

The SPEAKER *pro tempore*. This bill is on the Calendar of the Committee of the Whole on the state of the Union.

Mr. CLARDY. I ask that the Committee of the Whole be discharged from its further consideration, and that it be now considered in the House.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, etc., That the light-house at Isabel, in the State of Texas, be re-established, at a cost not to exceed $8,000.

The amendment reported by the committee was read, as follows:

Before the word "Isabel," in line 3, insert the word "Point."

The amendment was agreed to.

Mr. KILGORE. As I understand, this bill proposes to erect a light-house at Point Isabel, to take the place of one which has been abandoned.

Mr. CLARDY. This is for the purchase of a site and the erection of a light-house. It is stated by the Light-House Board that unless this bill be passed the board will be put to an expense of some $35,000.

Mr. KILGORE. Has the bill passed the Senate?

Mr. CLARDY. No, sir; it has not; but a similar bill——

Mr. KILGORE. Then it will be a saving of $27,000 to let this bill go through?

Mr. CLARDY. Yes, sir; and the State of Texas gets the benefit of the expenditure.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. CLARDY. I call up the bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health. I ask that the Committee of the Whole be discharged from the further consideration of this bill. I yield to the gentleman from Massachusetts [Mr. DAVIS].

The SPEAKER *pro tempore*. The gentleman from Missouri asks that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it may now be considered in the House. Is there objection?

Mr. CRISP. I think I shall have to object.

Mr. CLARDY. Well, then, I withdraw the bill. I yield to the gentleman from Minnesota [Mr. WILSON] to call up another bill.

Mr. BUCHANAN. I will ask the chairman why he abandons that bill.

Mr. CLARDY. I am only abandoning it for the time being, pending the discussion between the gentleman from Georgia and the gentleman from Massachusetts, to see if some arrangement can not be arrived at.

Mr. BUCHANAN. Because the question whether the House will act upon that or not may influence the consideration of some other measures.

The SPEAKER *pro tempore*. The House has not entered upon the consideration of it, and the gentleman has a right to withdraw it for the present.

Mr. BUCHANAN. I know he has the right, but I have the right to know the status of the question.

The SPEAKER *pro tempore*. The bill is withdrawn for the present.

BRIDGES ACROSS RED RIVER.

Mr. WILSON, of Minnesota. Mr. Speaker, I ask consideration of the bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888.

The bill is as follows:

Be it enacted, etc., That section 3 of an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888, be, and it is hereby, amended by inserting after the words "under this act," in line 1, the words "below the mouth of the Red Lake River;" and, further, after the words "said bridge," in line 11, insert as follows: "And any bridge built under this act, above the mouth of the Red Lake River, shall be built with one draw-span of not less than 87 feet in the clear, measured at low water, and this draw-span shall be over the main channel at the most accessible and best navigable point, and the other span may be less than 80 feet and be kept clear of trestle-work;" and the spans shall not be of less elevation than 3 feet above extreme high-water mark as known at the point of location, measured to the lowest part of the superstructure of said bridge; also, by inserting in line 13, after the words "parallel to," as follows: "And except above the mouth of the Red Lake River;" and also by inserting, in line 15, after the word "stream," as follows: "And above the mouth of the Red Lake River the bridge may be placed at an angle of 83 degrees with the direction of the current of the stream."

Mr. WILSON, of Minnesota. This is recommended by the Committee on Commerce, and reported by the gentleman from Georgia [Mr. CRISP].

Mr. CLARDY. And recommended by the Chief of Engineers.

The bill was considered, ordered to a third reading; accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF DELIVERY, PORT ANGELES, WASH.

Mr. WILSON, of Minnesota. I now ask consideration of the bill (S. 28) to create a port of delivery at Port Angeles, in the district of Puget Sound, Washington Territory.

The bill is as follows:

Be it enacted, etc., That Port Angeles is hereby created a port of delivery in the district of Puget Sound, Washington Territory.

The bill was considered, ordered to a third reading; accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. BLANCHARD. I ask consideration of the bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana. I ask that the reading of the bill be dispensed with as it is in the usual form of bridge bills, is reported by the gentleman from Georgia [Mr. CRISP], and is recommended by the Secretary of War.

The SPEAKER *pro tempore*. The amendment recommended by the Committee on Commerce will be read.

The Clerk read as follows:

In section 1, line 19, add the words "and equal privileges in the use of said bridge shall be granted to all telegraph companies."

Also, in section 6, strike out, in line 12, the word "five" and insert "three;" so it will read: "And if said bridge is not commenced within three years," etc.

Also, in line 13, strike out "ten" and insert "five;" so it will read: "And completed within five years," etc.

The amendments were concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE, OYSTER-BED SHOAL, NEW YORK.

Mr. CLARDY. Mr. Speaker, I call up for consideration the bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster-Bed Shoal, in the Hudson River, New York.

I will state that this bill carries no appropriation, is recommended by the Light-House Board, and I ask that the bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That a light-boat with fog-bell be established at or near Oyster-Bed Shoal, in the Hudson River, opposite Rockland Lake Dock, New York, at a cost not to exceed $10,000.

The committee recommend the adoption of the following amendments:

In line 3 strike out the word "boat" and insert "house." In line 4, change "Oyster-Bed" to "Oyster-Beds;" and in line 6 strike out "$10,000" and insert "$35,000."

Also amend the title so as to read: "A bill for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was also concurred in.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AND FOG-SIGNAL, HUMBOLDT, CAL.

Mr. CLARDY. I ask to call up the bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

The bill was read, as follows:

Be it enacted, etc., That the light and fog-signal at Humboldt, Cal., be established upon a more secure site, at a cost not to exceed $25,000; and that there be established in the vicinity of the wreck of the steam-ship Oregon, entrance to New York Harbor, a light-ship with a steam fog-signal, the entire cost of which shall not exceed $60,000.

Mr. CLARDY. This bill as originally introduced provided simply for the establishment of a light and fog-signal at Humboldt, Cal., but the committee has reported this substitute for the original bill, No. 1226, providing also for the establishment of a light-ship in the vicinity of the wreck of the steam-ship Oregon, at the entrance to New York Harbor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Without objection the bill H. R. 1226 will be laid upon the table.

There was no objection, and it was so ordered.

STEAM-TENDER ON THE GREAT LAKES.

Mr. CLARDY. I ask consideration of the bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

The bill was read, as follows:

Be it enacted, etc., That a steam-tender for light-house duty on the northwestern lakes be constructed, at a cost not to exceed $85,000: *Provided*, That the construction of said tender shall be let to the lowest responsible bidder after advertisement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHTS ON CONEY ISLAND.

Mr. CLARDY. I call up for consideration the bill (H. R. 11527) to establish lights on the western end of Coney Island, New York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a light or lights on the western end of Coney Island, New York, at a sum not to exceed $25,000.

The committee propose, in line 4, after the word "lights," to insert "and a fog-signal."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHTS ON THE COAST OF MISSISSIPPI.

Mr. CLARDY. I call up for consideration the bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi.

The bill was read, as follows:

Be it enacted, etc., That there be established range-lights to guide into the mouth of the Pascagoula River, Mississippi, at a cost not to exceed $1,000.

SEC. 2. That there be established a light on the east bank of Pearl River, Mississippi, opposite the draw in the railway bridge, at a cost not to exceed $250.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AT SIUSLAW RIVER, OREGON.

Mr. CLARDY. I now call up for consideration the bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, at a cost not to exceed $80,000.

Mr. CLARDY. I now yield to the gentleman from Oregon, who desires to offer an amendment.

Mr. HERMANN. I move, in line 4, after the word "at," to insert the words "Heceta Head," and strike out the word "or" in the same line.

The amendment was agreed to.

Mr. HERMANN. This measure has the indorsement of the Light-House Board, which favorably recommends the construction of said light-house to be located at Heceta Head near Siuslaw River, Oregon. The reasons for said construction are fully shown by said board, chief among which is the statement that for 90 miles between Capes Arago and Foulweather, on the Pacific coast, there is now no light, and that the proposed light at Heceta will be between these points, and that "a coast light is required to divide the dark space between the two lights above mentioned." A first-order light at or near Heceta Head is sufficiently near the mouth of Siuslaw River; and it is recommended that the proper steps be taken to establish such light.

This is a light-house which our people have sought for during several years. The Siuslaw is one of the beautiful rivers of Oregon; its commerce is rapidly increasing, and it should be properly encouraged and protected. An enterprising and intelligent people have settled that fertile valley, and soon we may expect a railway to connect the coast with the trunk-line railways of the interior. I beseech the House to pass this just measure.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE OFF POINT PENINSULAR, LAKE MICHIGAN.

Mr. CLARDY. I now call up for consideration the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior.

The bill was read, as follows:

Be it enacted, etc., That a light-house be established at or near Eleven-foot Shoal, off Point Peninsular, Lake Michigan, Michigan, at a cost not exceeding $60,000, and when said light shall be completed the light now maintained at Point Peninsular shall be discontinued,

That a light-house and fog-signal be established at Squaw Island, Lake Michigan, at a cost not exceeding $25,000.

That there be established a light-house at or near Old Mackinac Point, at a cost not exceeding $25,000, and when the same shall be completed the light maintained at McGulpin's Point shall be discontinued.

That a fog-signal and range-lights be placed on the end of the west pier at Ashtabula, Ohio, Lake Erie, at a cost not exceeding $7,000.

That there be established a fog-signal at Michigan Island, Lake Superior, at a cost not exceeding $5,500.

That there be established a red and white flash-light and fog-signal on the Rock of Ages, Lake Superior, at a cost not exceeding $15,000.

That there be established a fog-signal on South Fox Island, Lake Michigan, at a cost not exceeding $5,000.

That a fog-bell be placed at the east end of Portage Ship-Canal, at a cost not exceeding $9,000.

The committee recommend the following amendment: In line 12 strike out the word "Mackinac" and insert the word "Mackinaw," and strike out all after line 17.

The amendmend was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AND FOG-SIGNAL AT CHICAGO, ILL.

Mr. CLARDY. I call up for consideration the bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor at Chicago, Ill.

The bill was read, as follows:

Be it enacted, etc., That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to establish a light-house and steam fog-signal on the easterly end of the outer breakwater at the harbor of Chicago, Lake Michigan, Illinois: *Provided*, That this light may be established at any time without regard to the completion of said breakwater.

The committee recommend an amendment, to strike out all after the enacting clause and insert the following:

That a light-house and steam fog-signal be established on the easterly end of the outer breakwater at the harbor of Chicago, Lake Michigan, Illinois, at a cost not to exceed $36,000: *Provided*, That this light may be established at any time without regard to the completion of said breakwater.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE, ST. CATHERINE ISLAND, GEORGIA.

Mr. CLARDY. I next call up the bill (H. R. 12324) for the establishment of a light-house station on St. Catherine Island, State of Georgia.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to establish a light-house station on St. Catherine Island, State of Georgia, at the point which the Light-House Board may select as the most eligible, and that the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

The committee recommend the following amendments:

In line 3 strike out the word "War" and insert "the Treasury." In lines 6 and 7 strike out the words "and that the sum of" and insert "at a cost not to exceed;" and strike out lines 8 and 9.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE OFF CAPE HATTERAS, NORTH CAROLINA.

Mr. CLARDY. I call up the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina.

The bill was read, as follows:

Be it enacted, etc., That the sum of $500,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina: *Provided*, That such contractors for doing this work may be selected by the Light-House Board as may, in the judgment of the board, be best fitted by reason of skill, experience, possession of plant and control of means to do the work, payments to be made in the discretion of the board, upon the approval of the Secretary of the Treasury.

The committee propose to strike out all after the enacting clause and insert the following:

That a light-house be established on or near Diamond Shoal, off Cape Hatteras, North Carolina, at a cost not to exceed $500,000: *Provided*, That the contractors for doing this work shall be the lowest responsible bidders and best fitted by reason of skill and experience to do the work: *And provided further*, That payments shall be made therefor, as the work progresses, in the discretion of the Light-House Board, and subject to the approval of the Secretary of the Treasury.

And to amend the title to conform to the bill.

Mr. CLARDY. It will be seen, Mr. Speaker, that this bill requires the expenditure of a very considerable amount of money—$500,000. It was introduced in the early part of last session. The committee then considered the bill, and listened, of course, to the suggestions made by the Light-House Board, but because the committee was not satisfied of the ability of the board to complete the structure for the amount of the estimate and was not thoroughly satisfied of the feasibility of the project, it refused to recommend the passage of the bill.

During the present session the committee has listened to the members of the Light-House Board, and have ascertained that a contract can be made by which the structure can be completed for the sum of $500,000, which, of course, is a very large sum of money. In addition to that it has heard from the persons engaged in shipping on the coast of the very great danger to which lives and property are subjected at this place. Indeed, I think within the last ten days there has been a loss of several lives at this place, and within the last two or three years a large number of people have been drowned there. So the committee did not feel at liberty any longer to withhold this bill from the consideration of the House. I believe the bill ought to pass. I want to say the amendment provides that unless success is achieved in the building of this light-house it shall cost the Government nothing. The contractor assumes the risk. He gives bond for the faithful completion of the work.

I yield a moment to the gentleman from North Carolina [Mr. LATHAM], and apologize for the time I have already consumed.

Mr. LATHAM. Mr. Speaker, it would be utterly impossible in the short time allowed me by the chairman of the Committee upon Commerce to properly impress upon the members of the House the vast importance of the measure now under consideration.

To gentlemen who are already acquainted with the general conformation of the Atlantic coast and have any knowledge of our marine history from its earliest period until the present day, it would be an idle waste of time to dwell upon the dangers of Cape Hatteras and the innumerable disasters which have occurred in its vicinity.

To those who know nothing of the appalling terrors and horrible fate of the brave and gallant seamen who have confronted its dangers, any words of mine would fail to adequately portray them.

The sea is a voracious and insatiate monster. Its white-capped waves are constantly beckoning to destruction, and its voice, like the horse-leech's daughter, is ever calling for more victims. Youth and old age, wealth, intellect, beauty, all have alike been swept away in its remorseless wrath, and lie wrapped in its cold embrace. Its dangers and terrors have been told in prose and in verse and in every language. Whether portrayed in the beautiful periods of the Psalmist or tabulated in their dry details by the Light-House Board, they excite the sympathy and appeal to the humanity of every reader. Its moods are as variable and uncertain—

> As the shade
> By the light quivering aspen made.

Roused by the battling winds as they sweep across its bosom to the full height of its majestic wrath, it rushes with irresistible force from the shores of one continent to those of another, sweeping as with a besom of destruction everything in its path, till, tired and spent, it falls back, like a giant exhausted, before the barriers erected by Omniscience against its further encroachments. At times it sleeps as calmly as the infant at its mother's breast; at times it tosses like a strong man in fever. In its anger, terrible; in its serenity, beautiful; in every mood and at all times grand and majestic.

But, Mr. Speaker, just at that point where our eastern sea-line, after pursuing almost a due southern course for more than 500 miles, turns abruptly to the southwest, there lies a sand reef known the world over as Diamond Shoals. Perhaps on account of this angle made in the coast-line, perhaps from other causes, there has been formed here a reef upon which more lives have been lost and more treasure destroyed than anywhere else on the Eastern seaboard.

While the sea sleeps elsewhere it here knows no rest. The pulsations of its mighty bosom are ceaseless and eternal. Its white-capped waves, though repulsed, are never conquered. Its battalions fall back only to again advance. It knows no pity, no remorse. Baffled in its onward march, it wreaks its revenge on everything that comes within its magic influence. The strongest ship that ever rode the main, though her ribs were forged by the Cyclops, is a cockle-boat in its mighty grasp. When the sound of its waves as they break in white foam on the outer Diamond falls upon the ear of the mariner, he "leaves hope behind," for his doom is sealed. No ship has ever ridden its waves in safety; the Angel of Mercy has never drawn from its swirling waters a human being that its waves have once ingulfed.

It is upon this point, around which cluster so many terrible associations and so many harrowing recollections, where so many of those who "go down to the sea in ships" have met untimely ends, where so much hard-earned treasure lies buried, that it is proposed to establish a danger-signal, that far-flashing above the crest of the highest waves of the Atlantic shall carry timely warning to the commerce of the world of the dangers that menace it.

I desire, Mr. Speaker, to impress upon the House the fact that this bill is not of local but of national importance. From every section of the country—from Maine to Texas, from the ship-builders of New England, from the merchants of New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, New Orleans, Galveston, from the shippers of every port worthy the name, from all the large companies engaged in marine insurance—petitions to the Light-House Board urging speedy action in this direction have been received. The leading journals of the country have taken up the question and are demanding that the commercial interests of the country shall be protected.

It will be bad statesmanship and worse economy to close our ears to these demands. It will be the merest folly to attempt to evade our duty or escape responsibility. For more than six years these demands have been made. The Senate has already risen to the measure of its duty. Let us be as liberal and broad in our views and erect to the memory of the present Congress a monument more enduring than brass and more lasting than marble.

Mr. Speaker, it was originally proposed to place a light-ship off Diamond Shoals instead of erecting a light-house. This was soon, however, determined to be impracticable. Buoys were placed outside the shoal and anchored with the heaviest cables. The action of the waves, rubbing one link against another, very shortly destroyed these cables, and the buoys floated from their anchorage. For the same reason no light-ship could safely weather a storm on this coast.

The only argument, Mr. Speaker, that has ever been urged against the passage of this bill, the only reason why the Committee on Commerce have not long since reported it, is that it was considered impracticable to erect a permanent structure at this point. But, sir, this is not true. We have not as yet sounded the possibilities of engineering skill; but more difficult feats than this have been successfully performed. The deepest water on this reef is only 17 feet. A light has been erected and is now in successful operation in the German Ocean, celebrated for its storms and disasters, in 35 feet of water.

But the most complete and conclusive answer to the objection is that the most skillful engineers of the country have declared that the scheme is entirely practicable. And, sir, to settle this matter beyond any sort of controversy, I am informed that a firm entirely solvent has offered to erect the structure at its own expense, to require the payment of nothing until it is complete, and even then to leave 20 per cent. of the contract price in the Treasury for a period of five years as a security to the Government.

Mr. Speaker, I have submitted these facts to the House in the assured confidence that it will recognize the necessity of passing this bill, and that, although the amount may seem large, it will sink into insignificance when the lives and property of our fellow-citizens are in hourly jeopardy.

The amendments recommended by the committee were agreed to.

The SPEAKER *pro tempore*. The question is on ordering the bill as amended to a third reading.

Mr. DUNHAM. Mr. Speaker, I understood the chairman of the Committee on Commerce [Mr. CLARDY] to say that the Government would not be at any expense whatever about this light-house unless it should prove a success. Now, I want to ask him how he is to know that it is going to be a success, when the bill provides for the payment of the money as the work progresses.

A MEMBER. The contractor gives a bond.

Mr. DUNHAM. That is true, but the bill provides that payment shall be made therefor as the work progresses. Now suppose the work progresses from day to day and each day you pay a little money, and when you get through the work is found not to be a success, what will be your remedy? I am not opposed to this bill, but I do not understand the statement of the chairman of the committee, in view of this provision in the bill.

Mr. CLARDY. Then, Mr. Speaker, I will repeat what I said before, that a bond is to be given for the faithful execution of the work and for the refund of the money unless the work proves a success.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title was amended so as to conform to the bill.

Mr. LATHAM, by unanimous consent, obtained leave to print remarks in the RECORD in connection with the bill.

BRIDGE BILLS.

Mr. CRISP. Mr. Speaker, we have quite a number of bridge bills which we desire to have considered and of which I have sent a list to the Clerk.

The SPEAKER *pro tempore*. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas.

Mr. CRISP. Mr. Speaker, I want to state about that bill, and about all of these bridge bills, that if there is any failure in any of them to contain all the provisions that have been suggested by the War Department it is due to an oversight; but I do not think there is any such failure. There is not one of them in which the report of the engineers with reference to protecting substantially the interests of navigation has been disregarded. Therefore, if there be no objection, I ask that these bills be considered and passed by their titles. Of course if any gentleman objects to any particular bill I will withdraw that for separate action.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that the reading of these bills be dispensed with except by title, in view of the statement just made. Is there objection?

Mr. DUNHAM. I object.

Mr. CLARDY. The gentlemen certainly does not want to have all these bridge bills read at length.

Mr. DUNHAM. I simply want to make a statement, and I have to object in order to get the chance to make it. I suggest that the first bill on the list had better be read, inasmuch as the Commerce Committee of this Congress has put some clauses into these bridge bills that have never been in any such bills heretofore. Let the first bill be read in order that gentlemen present may see wherein it differs from former bridge bills, and then I shall have no objection to the request of the chairman.

Mr. CLARDY. I will say to the gentleman from Illinois [Mr. DUNHAM] that we have already passed several bridge bills to-night, and the gentleman himself is on the subcommittee to consider those bills.

The SPEAKER *pro tempore*. The Clerk will read the first bill.

The Clerk read the bill H. R. 10721 in part.

Mr. DUNHAM (interrupting the reading). Mr. Speaker, the clauses that I desire to call attention to having been read, I do not insist upon the further reading of the bill.

The substitute reported by the committee was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The original bill (H. R. 10609) was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI NEAR ALMA, WIS.

Mr. CRISP. I call up the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

Mr. HAUGEN. I believe there are two amendments to this bill.

The SPEAKER *pro tempore*. The Chair is informed that the amendments to this bill have already been agreed to by the House when it was up on a former occasion. The question is now on the third reading of the bill.

Mr. WILSON, of Minnesota. What are those amendments?

Mr. HAUGEN. They are those proposed by the gentleman from Minnesota himself. The first one is in regard to the more definite location of the bridge, and the second extends the time for the commencement of the work from one to two years, and for its completion to three years.

Mr. WILSON, of Minnesota. Those are all?

Mr. HAUGEN. Those are all.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAUGEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER ST. JOHN'S RIVER, FLORIDA.

Mr. CRISP. I now call up the bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida.

The amendments reported by the committee were read, as follows:

At the end of section 3 insert the following:

"And equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have right of way over said bridge for postal telegraph purposes."

In line 13 of section 6 insert, after the words "shall not be," the word "commenced or."

After the word "Congress," in line 4 of section 7, insert the words "or the Secretary of War."

Add the following as a new section:

"SEC. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE TENSAS RIVER, LOUISIANA.

Mr. CRISP. I call up the bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Kirk's Ferry, La.

The amendment as reported by the committee was read, as follows:

In line 7, section 1, strike out "Kirk's" and insert "Daniel's."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI AT LEAVENWORTH, KANS.

Mr. CRISP. I call up the bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VICKSBURG, SHREVEPORT AND TEXAS RAILROAD COMPANY.

The next bill, called up by Mr. CRISP, was the bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions.

The amendment reported by the committee was read, as follows:

Add the following as a new section:

"SEC. 8. That on the failure of the said railroad company to obey this act and to conform to the provisions thereof any municipal corporation adjacent to said bridges, or interested in the enforcement of this act, or any other corporation, person, or persons injuriously affected by such failure, may institute suit against said railroad company, by mandamus or other appropriate proceedings, in the circuit court of the United States within the jurisdiction of which said bridges are located, in the name of the United States, upon the relation of the party complaining, to enforce the provisions of this act. Such suit shall be brought by the United States district attorney for the district within which said bridges are situat d, and said court shall have full power by its judgment and decree to compel said railroad company to comply with the provisions of this law."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS THE KENTUCKY RIVER.

The next bill, called up by Mr. CRISP, was the bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS RED RIVER.

Mr. CRISP called up for consideration the bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. CRISP called up for consideration the bill (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS BAYOU BARTHOLOMEW, LOUISIANA.

Mr. CRISP called up for consideration the bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew, at or near Ward's Ferry, Louisiana.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT LA CROSSE, WIS.

Mr. CRISP called up for consideration the bill (H. R. 12059) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.

The amendment reported by the committee was read by the Clerk, as follows:

Insert in line 14, after the word "War," the words "after an examination and report by a board of three United States engineers and appointed by him;" so it will read:

"*Provided*, That it shall not be lawful to construct said bridge or bridges until the Secretary of War, after an examination and report by a board of three United States engineers and appointed by him, shall certify that the same will not materially obstruct the navigation of said river."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES OVER GREEN AND BARREN RIVERS.

Mr. CRISP called up for consideration the bill H. R. 12524, reported as a substitute for the bill (H. R. 11996) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS OSAGE RIVER.

Mr. CRISP called up for consideration the bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

The amendment of the committee was read, as follows:

Insert as an additional section:

"SEC. 7. That this act shall be void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAGON AND FOOT-PASSENGER BRIDGE, LYONS, IOWA.

Mr. CRISP called up for consideration the bill (H. R. 12489) to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa.

The amendments of the committee were reported, as follows:

In section 2, line 9, after the word "than," strike out the word "two" and insert "three."

In same section, line 13, after the word "hundred," insert the words "and fifty."

In same section, line 21, after the word "than," strike out "two" and insert "three."

In same section, line 25, after the word "than," strike out "two" and insert "three."

In same section, line 26, strike out the words "said span," at beginning of the line, and insert as follows, in lieu thereof: "every part of the superstructure of said low bridge."

In section 5, line 25, strike out the words "Secretary of War" and insert in lieu thereof the words "Light-House Board."

Amend the title so as to read: "A bill to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa."

In section 1, line 7, insert the word "railroad" at the end of said line.

In section 1, insert the following words after the word "provided," in line 11: "and to lay on or over said bridge a track or tracks, for the more perfect connection of any railroad or railroads that are or may be constructed to said river, on either or both sides thereof, at or opposite said point."

In section 1, insert the words "railroad trains" after the words "passage of," in line 20.

In section 3, insert the words "railroad and" before the word "telegraph," in line 10.

In section 4, insert the words "railroad and" after the word "all," in line 1.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ANDERSON, of Iowa. I rise to move that the title of the bill be amended.

The SPEAKER. That was included in the amendments of the committee.

BRIDGE ACROSS CANAL ENTRANCE TO HARBOR OF DULUTH.

Mr. CRISP. I ask consideration of the bill (H. R. 5191) for the construction of a bridge across the canal entrance to the harbor of Duluth.

Mr. HAUGEN. I object to the consideration of that bill to-night.

Mr. DUNHAM. Let the bill be read.

Mr. HAUGEN. I have no objection, of course, to the reading of the bill, but I give notice that I will object to its consideration.

Mr. CRISP. Then I ask to withdraw the bill.

The SPEAKER *pro tempore*. The bill will be withdrawn.

Mr. HAUGEN. I have a letter from the Secretary of War recommending a postponement of this and the other Duluth bill, and for the present I shall object to these bills.

The SPEAKER *pro tempore*. The bill is withdrawn.

Mr. DUNHAM. After a bill is presented can it be withdrawn except by consent?

The SPEAKER *pro tempore*. The gentleman has the right to withdraw the bill.

BRIDGE ACROSS BAY OF SUPERIOR, MINNESOTA.

Mr. CRISP. I call up for consideration the bill (H. R. 5192) for the construction of a bridge across the Bay of Superior, between Rice's Point and Minnesota Point, in the State of Minnesota.

Mr. HAUGEN. That is the other bill to which I referred, and to which I object.

Mr. DUNHAM. Let the bill be read.

Mr. HAUGEN. I do not object to the reading of the bill, but I raise the question of consideration against it.

Mr. CRISP. I ask to withdraw the bill for the present, in order to save time.

There being no objection, the bill was withdrawn.

Some time subsequently,

Mr. DUNHAM said: Mr. Speaker, House bills 5191 and 5192 were reported from the Committee of Commerce of the House in accordance with the recommendation of the Chief of Engineers. Now, the gentleman from Wisconsin [Mr. HAUGEN] has letters of a later day from the Secretary of War, transmitting copies of other letters from the Chief of Engineers, which seem to be against these bridges, and I ask that the letters may be printed in the RECORD, so as to show why these bills can not pass.

Mr. HAUGEN. I will send both letters to the desk.

The SPEAKER *pro tempore*. The gentleman can take the floor in his own right and ask to have the letters printed.

Mr. HAUGEN. Very well. Mr. Speaker, I will state that these letters were sent to the Committee on Commerce of the Senate when they had under consideration bills of exactly similar character to the ones under consideration here.

Mr. DUNHAM. Inasmuch as the Committee on Commerce acted on information from the Secretary of War at the time, now that the Secretary of War has sent later information and recommends this delay in the matter, it is proper that that information should be printed.

The SPEAKER *pro tempore*. The letters referred to by the gentleman from Wisconsin will be printed in connection with the statement of the gentleman.

The letters are as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 24, 1888.

SIR: I have the honor to return herewith the letter of Hon. N. P. HAUGEN, House of Representatives, dated the 19th instant, asking the views of the War Department as to the general effect upon navigation of the proposed bills (H. R. 5191 and 5192) authorizing bridges "across the canal entrance to the harbor of Duluth, Minn.," and "across the Bay of Superior, from Rice's Point to Minnesota Point," and to report that, so far as the interests of navigation are concerned, all bridges must be considered as forming more or less obstructions; but bridges are essential to the interests and necessities of commerce, and must be permitted when required, the only question being as to limiting as far as practicable the degree of obstruction, having in view the relative importance of the conflicting interests. The reports of this office in reference to the bridges in question contain recommendations for amendments believed to be necessary for the interests of commerce and navigation, but do not advocate or recommend the passage of the bills, Congress alone being the judge of the propriety or necessity for the passage of bridge laws.

Very respectfully, your obedient servant,

J. C. DUANE,
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

WAR DEPARTMENT, *Washington City, March 27, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, stating that the people of the town of Superior, Wis., through their chamber of commerce, remonstrate against the passage of House bills 5191 and 5192, authorizing the construction of bridges across the canal entrance to the harbor of Duluth, Minn., and across the Bay of Superior from Rice's Point to Minnesota Point, and requesting the views of this Department as to the general effect of the proposed bridges upon the navigation of the waters named.

In reply, I beg to inclose a report of the 24th instant from the Chief of Engineers, in which he states that the reports transmitted to Congress upon these bills contain such recommendations as were deemed necessary by his office for the interests of commerce and navigation, but do not recommend the passage of the bills.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. N. P. HAUGEN,
House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., December 24, 1888.

SIR: In reference to S. 1553, a bill "to authorize the city of Duluth, St. Louis County, Minnesota, to construct and maintain a bridge across the Bay of Superior, between Minnesota Point and Rice's Point," received informally from the Senate Committee on Commerce, through the clerk of that committee, with request that a report upon it be submitted, I have to report that while the bridge in question might prove as unobjectionable as any other structure of the kind at the locality selected, it is believed that any bridge at that location would prove a serious obstruction to free navigation for the reason that the already crowded and insufficient space would, in the event of further obstruction by another bridge, prove a serious injury to navigation without resulting benefit to the large and constantly increasing commerce seeking ingress and egress at Superior Bay.

In the interests of navigation and commerce, therefore, it is recommended that the bill under consideration be not passed by Congress.

A copy of the bill S. 1453, Fiftieth Congress, first session, is herewith.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., December 24, 1888.

SIR: In reference to S. 1452, Fiftieth Congress, first session, a bill "to authorize the city of Duluth, Minn., to construct and maintain a bridge across the ship-canal, and upon the Government piers of the same, through Minnesota Point," received informally from the Senate Committee on Commerce, through the clerk of that committee, with a request that a report upon it be submitted, I have to report that in view of the fact that the proposed bridge is to be built at the extreme west end of Lake Superior, at the harbor of Duluth, which is exposed probably more than any other harbor on the lakes, and receives the full force of the northeasterly gales which sweep that lake with great and destructive violence, thus rendering its entrance by vessels not only extremely difficult but very dangerous, it would seem to be adverse to the interests of commerce and navigation to render these dangers even more hazardous by the erection of the

bridge at the point proposed. In the opinion of this office no bridge should be permitted at this locality that will in any degree enhance the dangers and difficulties to navigation already existing, and it is accordingly recommended that the bill under consideration be not passed by Congress. The bill S. 1452 is herewith.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

WAR DEPARTMENT, *Washington City, January* 2, 1889.

SIR: Referring to a letter from the Department dated February 21, 1888, on the subject of Senate bill 1453, Fiftieth Congress, first session, "to authorize the city of Duluth, St. Louis County, Minnesota, to construct and maintain a bridge across the Bay of Superior, between Minnesota Point and Rice's Point," I now have the honor to transmit herewith a report dated the 24th ultimo, from the Chief of Engineers, recommending, in the interests of navigation and commerce, that the measure under consideration be not passed by Congress.

The recommendation of the Chief of Engineers is concurred in by the Department.

Very respectfully,

WM. C. ENDICOTT,
Secretary of War.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

WAR DEPARTMENT, *Washington City, January* 2, 1889.

SIR: Referring to a letter from this Department dated February 20, 1888, on Senate bill No. 1452, Fiftieth Congress, first session, "to authorize the city of Duluth, Minn., to construct and maintain a bridge across the ship-canal and upon the Government piers of the same through Minnesota Points," I now have the honor to transmit for the information of your committee a report of the 24th ultimo from the Chief of Engineers, recommending, in the interests of commerce and navigation, that the bill in question be not passed.

The recommendation of the Chief of Engineers is concurred in by the Department.

Very respectfully,

WM. C. ENDICOTT,
Secretary of War.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

BRIDGE ACROSS THE KENTUCKY RIVER, ETC.

Mr. DUNHAM. Mr. Speaker, I call up for present consideration the bill S. 3921, which is precisely the same bill in its terms as the bill of the House which was reported from the Committee on Commerce.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries.

Mr. TAULBEE That bill is on the Speaker's table, and I ask that it be taken from the table and substitute it for the House bill which is on the Calendar.

The SPEAKER *pro tempore*. Without objection, that will be done.

There being no objection, the Senate bill was taken from the Speaker's table, read twice, ordered to a third reading, read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill (H. R. 12543) was ordered to be laid on the table.

CONDUIT PIPES ACROSS OHIO RIVER.

Mr. CLARDY. I call up for consideration the bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River.

The bill was read, as follows:

Be it enacted, etc., That the assent of Congress is hereby given to the Union Gas Company to lay pipes for conducting natural gas, petroleum, or salt water across the Ohio River at such points as may be deemed necessary, between the mouth of Buck Creek, in Harrison County, Indiana, and the city of Jeffersonville, Ind., and points opposite thereto in the State of Kentucky, from any point in said State to the upper boundary of the city of Louisville, Ky.: *Provided*, That said pipes be laid upon or beneath the bed of the river and in such manner as not to interfere with navigation, and under the supervision of the Secretary of War.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE BETWEEN LOUISVILLE AND JEFFERSONVILLE.

Mr. CRISP. I call up now for consideration the joint resolution (H. Res. 256) concerning the construction of a bridge between Louisville, Ky., and Jeffersonville, Ind.

Mr. HOWARD. Mr. Speaker, I shall object to the consideration of that bill to-night.

Mr. CRISP. Then I withdraw the bill for the present.

LIFE-SAVING STATION, COQUILLE RIVER, OREGON.

Mr. TARSNEY. I call up for consideration the bill (H. R. 11643) to provide for the establishment of a life-saving station and life-saving crew at the mouth of the Coquille River, Oregon.

The bill was read, as follows:

Be it enacted, etc., That the sum of $8,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of establishing a life-saving station, and providing for a life-saving crew, at mouth of Coquille River, in Coos County, in the State of Oregon.

The committee recommended the following amendment:

Strike out all of lines 3, 4, 5, and 6 and insert: "That a life-saving station be, and is hereby, established at the mouth of Coquille River, in Coos County, in the State of Oregon."

Amend title by striking out "and life-saving crew."

Mr. TARSNEY. The bill carries no appropriation. It has been amended in that respect on the recommendation of the committee, and I ask that the amendment be adopted and the bill passed.

The amendment of the committee was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

STEAMER GEORGE H. PARKER.

Mr. CLARDY moved to discharge the Committee on Commerce from the further consideration of the bill (H. R. 7028) to admit to registry the steamer George H. Parker, and to put it on its passage.

The bill was read, as follows:

Be it enacted, etc., That the steamer George H. Parker, so called, and now the property of Abram Smith, a citizen of the State of Michigan, resident at Algonac, St. Clair County, Michigan, be, and said steamer is hereby, directed to be admitted to registry, under the rules and regulations of the Department of the Treasury in that behalf made, and on like terms and conditions as though said steamer was constructed within the United States; and that prior to such registry the said steamer shall, under the direction of the Secretary of the Treasury, be inspected by the local inspectors of the port where such steamer may be when such inspection is ordered, with reference on each inspection to the condition and safety of the hull, boilers, machinery, and all other equipments of said steamer as a common carrier of passengers and merchandise, and for service on the lakes and rivers of the Northwest.

Mr. FARQUHAR. I would like to have a little explanation of this bill.

Mr. WHITING, of Michigan. Mr. Speaker, the fact is, that the steamer is an American-built tug-boat; was sold to Canadian parties, was wrecked, was bought as a wreck, and almost three-fourths of the value was expended in the repair, but not enough to permit the vessel to come in under the law. The gentleman applied to the Commissioner of Navigation, but as the amount fell short a very little the Commissioner said it could only be done by special act. It does not involve a dollar of cost or injustice to an American citizen. It simply gives another American citizen the chance of owning American property.

Mr. FARQUHAR. The explanation is satisfactory.

Mr. BUCHANAN. Does the gentleman understand that the steamer was built originally in the United States?

Mr. WHITING, of Michigan. It was originally built in the United States.

The motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITING, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WATER-WORKS CRIB AT LAKE VIEW, ILL.

Mr. DUNHAM. I call up for consideration the bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the city of Lake View, county of Cook, and State of Illinois, to extend a tunnel, or inlet pipes, into Lake Michigan so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers and crib in the navigable waters of said lake for the making, preserving, and working of said aqueducts or pipes or tunnel, the plan and location thereof to be subject to the approval of the Secretary of War: *Provided*, That said city shall furnish and maintain at its own expense such beacon lights or other signals on such piers or crib as the Light-House Board shall prescribe.

Mr. CLARDY. It involves no expenditure of public money.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUREAU OF PUBLIC HEALTH.

Mr. DAVIS. I now ask to call up the bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health. I ask unanimous consent to consider it in the House as in Committee of the Whole. The gentleman from Georgia [Mr. CRISP] withdraws his objection.

The title of the bill was read.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts to discharge the Committee of the Whole from the consideration of this bill and that it be considered in the House?

Mr. DUNHAM. I think that bill ought to go to the Committee of the Whole.

The SPEAKER *pro tempore*. The gentleman from Illinois objects.

Mr. JOSEPH D. TAYLOR. I do not think the gentleman ought to object. He has just got his bill through, and that seems to be a lack of generosity.

Mr. DAVIS. The bill can be considered in the House. I do not propose to take snap judgment upon it.

Mr. DUNHAM. Let the bill be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That there shall be established in the Department of the Interior a bureau of public health. There shall be appointed from civil life by the President, by and with the advice and consent of the Senate, a commissioner of health, who shall be intrusted with the management of the bureau herein established. He shall be paid an annual salary of $4,500. For his use the Secretary of the Interior shall provide suitable offices, and, with the approval of the same, he shall employ such assistants and clerks as may be necessary.

SEC. 2. That it shall be the duty of the Department of State to obtain from the consular officers at foreign ports and places all available information in regard to the sanitary condition of such ports and places, and to transmit the same to the bureau of health; and said bureau shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish, and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to State and municipal health officers and authorities weekly abstracts of the consular sanitary reports and other pertinent information received by said bureau; and shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to climatic and other conditions affecting the public health; and shall make an annual report of its operations to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the bureau. That the necessary printing of the bureau of public health shall be done at the Government Printing Office upon the requisition of the commissioner of health, in the same manner and subject to the same provisions as other public printing for the several departments of the Government.

SEC. 3. That the commissioner of health shall, under the direction of the Secretary of the Interior, frame rules which, when approved by the President and issued by the Department of State, shall serve for the instruction of consular officers of the United States and of the medical officers serving at any foreign port. In compliance with these rules, every master of a vessel destined for a port of the United States shall be furnished with a certificate containing a detailed statement of the inspection of the vessel, cargo, crew, and passengers, and of the sanitary measures carried out at the expense of the vessel; or if such measures are not carried out, instant warning shall be transmitted to the bureau, who shall immediately notify the quarantine authorities of the port of destination.

SEC. 4. That the bureau of public health shall, with the approval of the Secretary of the Interior, make investigations, both in the United States and, if necessary, in foreign countries, into the nature, origin, and prevention of contagious and epidemic diseases, as well as the causes and conditions of particular outbreaks of disease in the United States, and shall publish and distribute documents relating to the prevention of disease.

SEC. 5. That the President is authorized, when requested by the bureau of public health, and when the same can be done without prejudice to the public service, to detail officers from the several Departments of the Government for temporary duty, to act under the direction of said bureau, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties. When a detail of suitable officers can not be made, the commissioner of health may employ such experts, and for such time and in such manner as the funds at the disposal of the bureau may warrant, subject to the approval of the Secretary of the Interior.

SEC. 6. That to defray the expenses incurred in carrying out the provisions of this act the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Interior, on the requisition of the commissioner of health.

SEC. 7. That an act entitled "An act to prevent the introduction of contagious and infectious diseases into the United States, and to establish a national board of health," approved March 3, 1879, and all other acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 8. That this act shall take effect sixty days after its passage, within which time the commissioner of health shall be appointed, subject to the approval of the Secretary of the Interior.

The committee propose the following amendments:

In line 6 of section 5 strike out the word "of," and in line 12 of the same section, after the word "warrant," insert the words "subject to the approval of the Secretary of the Interior."

The SPEAKER *pro tempore*. The gentleman from Massachusetts asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill, and that it may be considered in the House. Is there objection?

Mr. DUNHAM. I think it had better go to the Committee of the Whole. I have no objection to its going to the Committee of the Whole House.

Mr. CLARDY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the pending bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ROGERS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1526) to prevent the introduction of infectious and contagious diseases into the United States, and to establish a bureau of public health.

Mr. DAVIS. I will state that the committee propose to amend the bill as in draught by adding, at the conclusion of section 5, the words "subject to the approval of the Secretary of the Interior." They also propose to amend section 6 by striking out "seventy-five thousand" and inserting "fifty thousand;" and they propose to strike out all after the word "appointed," in section 8.

Mr. BRECKINRIDGE, of Kentucky. If it does not interrupt the gentleman too much, I desire to state to him that I shall move to strike out the words "the Interior" and amend by inserting "Agriculture." Since we have got that Department and a Secretary of Agriculture, I do not see why we should not give him some work and relieve the Secretary of the Interior, who has already too much work.

Mr. DAVIS. This bill provides for the appointment of a commissioner of health, to be subordinate to the Secretary of the Interior, and whose duty it shall be to collect information through our State officials abroad respecting the sanitary condition of foreign countries and the presence there of contagious, infectious, or epidemic diseases which might be brought to our own country.

He will also take measures to ascertain the presence and location of such diseases in our own country and adopt the necessary means to prevent their general diffusion.

He will also be required to suggest methods looking to a more uniform and reliable system of registration in the States in order that decennial vital statistics shall be at once more valuable and more easily and promptly secured. It will be his duty to make investigations into the prevalence of diseases of any particular class or type in certain sections of our widely extended country and their absence or comparative rarity elsewhere. To note the effect of the great variety of climate, soil, and topography which obtain within a territory so vast as ours upon the health, longevity, vigor, and physical characteristics of our people. To note also the effect of occupations upon health. To correspond with the State boards of health, giving and receiving information therefrom, and co-operating with and assisting them in the investigation of sanitary subjects, and in concerting and carrying into effect measures to prevent the spread of disease and improve public sanitation.

His functions will indeed be co-ordinate in many respects with those of the State boards with whom he will be frequently called to act. His investigations will, of course, have a wider scope and will be more valuable for that reason. As a central authority known to be in entire harmony with the State sanitary authorities, he will be able to make suggestions to one or all of them which may be of the greatest service to sanitary science.

The measure proposed by this bill is a logical sequence of the very general establishment of State boards of health.

It is my impression that there are now thirty-one of these boards, and they command the entire confidence of the medical profession and the people wherever they exist. They have been established in more than three-fourths of the States, and in no instance have they been abolished. They have everywhere rendered most eminent service. They have taught the people the most important lessons relating to public health. They have been the means of securing the most salutary legislation respecting the sources of water supply for cities and towns, respecting food and drug adulterations, and the ventilation of public buildings, the abatement of nuisances, and the removal from cities and densely-populated towns of such kinds of business as may be prejudicial to the public health and comfort, and they have made most thorough investigations into the causes of disease connected with imperfect sanitation or whatever tends in sensible degree to increase the death rate, and they have also improved the system of vital registration.

I need hardly dwell upon the importance of each of these duties; and the necessity for prompt and effective measures to check the progress of contagious and infectious diseases when introduced from abroad or originating here will be at once admitted and can not be overstated. A widespread visitation of yellow fever or that more dreadful scourge, cholera, appals the imagination to contemplate, and would carry consternation and death throughout the land. No calamity, not even an invading army, could produce more distress or inflict greater havoc upon our business interests.

We know that the progress of yellow fever can be arrested by proper measures fearlessly and efficiently applied. And it is believed that much can be done to prevent the spread of that still more dreaded and fatal scourge should it reach our shores again, as it is now threatening to do.

The annual reports of the State boards contain a mass of most valuable scientific and practical information upon all subjects connected with the public health. For several years a conference of these boards has assembled annually and its proceedings are of great interest and value.

I would add that the National Public Health Association, which has accomplished so much for sanitary science, is composed largely of members of the State boards of health, or this at least is the fact with its prominent and active members. For some years the representatives of the State boards of health had felt the great importance and indeed necessity for some national authority with whom they could communicate and who could co-ordinate and supervise their labors. To accomplish this there should be entire harmony and co-operation between the national bureau and the State boards, and the former should command the entire confidence and support of the latter.

The greater part of compulsory regulation of health matters comes under the police power which belongs to the States, and it is by the voluntary co-operation of the health authorities that this bill will give powerful aid to them in securing such co-operation and also prompt, reliable, and invaluable information of the kind which they desire.

Inasmuch as the main purpose of Federal legislation upon public health matters should be to aid and co-operate with the States in their efforts to prevent disease and death, and not to override them, it seems clear that the wishes of the State health authorities should have great weight with Congress in considering this question.

After a year's consideration this bill was prepared by the conference of the State boards at its annual meeting, and was afterward approved by the National Public Health Association, and was handed to me to introduce in the last Congress. It was favorably reported by the Committee on Commerce of that Congress, but was not reached upon the Calendar. It has again received a favorable report and is now before you. I know that the enactment of this bill is desired by the medical profession and I believe it to be required by the sanitary interests of the country. I believe every member of this House appreciates the disinterested, self-sacrificing, and devoted labors of that profession in the pursuit of its high calling.

These labors are not confined to the cure or alleviation of disease in the private practice of their profession; it reaches the domain of public medicine, which has been advanced to its present eminence by their unpaid but cheerful and loving labors. True to the traditions and teachings of a noble and humane culture, true to the examples of many generations of the fathers in medicine who have each (*clarum et venerabile nomen*) sank to rest followed by grateful benedictions, they strive not for wealth and honors alone or chiefly, but for the opportunity to promote the physical, mental, and moral well-being of their fellow-men.

To this end the medical profession asks you to contribute by the passage of this bill. On many subjects before this House I can not venture to speak and must defer to those whose experience here or life training better fits them to decide such issues. But upon this subject I feel more strength, and can without immodesty claim some knowledge, having been an original member of the first board of health established in this country and remaining in that capacity until my service commenced here, and I express my earnest convictions in urging the passage of this bill.

Mr. DUNHAM. Mr. Chairman, I dislike very much to oppose this bill, because my colleague on the committee, the gentleman from Massachusetts [Mr. DAVIS], is very much in favor of it; but I am satisfied that it is too large a proposition to be considered by so small a number of gentlemen as are here to-night, and I am disposed to say that I can not let the bill pass without a quorum.

Mr. BUCHANAN. Why did you not say so awhile ago and save all this time?

Mr. WILKINSON. Mr. Chairman, I think we will all admit that some legislation on public health is very much needed. We have a Bureau of Animal Industry. We spend thousands and thousands of dollars every year to stamp out pleuro-pneumonia in cattle, but how little in protecting human life from disease! It seems to me that some legislation is demanded to co-operate with and assist the State boards of health to prevent contagious diseases from entering and spreading in the United States, and to prevent in some measure, if that be possible, the panics which sometimes originate without good cause and prevail in entire communities. But, Mr. Chairman, the bill offered by the gentleman from Massachusetts covers but small part of the ground of needed legislation.

This bill will not be efficacious for the purpose for which legislation is needed. It is true that under its operation we would get some information from abroad. It directs our consuls to obtain certain information, and causes to be published certain documents intended to inform the people of the United States about yellow fever and other diseases, bu tso far as taking any steps to prevent in any other way the coming of yellow fever from abroad, or from one State to another, it is utterly defective. It is, however, a bill which can do no harm that I know of, but which, I think, will also do very little good.

There is a bill introduced by my colleague [Mr. LAGAN], which was prepared with great care by the board of health of the State of Louisiana and the commercial bodies of the city of New Orleans, and I intended to offer that bill with a slight modification as a substitute for this one introduced by the gentleman from Massachussets [Mr. DAVIS] and reported by the committee. But I recognize fully the fact that on account of the lateness of the hour and of the fact that so few members are present there is no likelihood of either the original bill or a substitute for it being passed this evening. The few that are here seem determined not to take the responsibility of legislating on so important a subject, and therefore I shall not offer as a substitute at this time the bill to which I have referred, but will merely ask unanimous consent to have it printed in the RECORD as a part of my remarks.

As I have said, it is a bill which was introduced by my colleague [Mr. LAGAN], and which I am satisfied will meet the requirements of legislation on this subject, but which, owing to the lateness of the hour and the smallness of the attendance, could not pass to-night even if it were to receive the almost unanimous vote of those that are here.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Louisiana, that he be permitted to print the bill referred to by him as a part of his remarks?

There was no objection.

The bill, with the change referred to, is as follows:

A bill (H. R. 11723) to create a bureau of health and to prevent the introduction and extension of contagious and infectious diseases in the United States.

Be it enacted, etc., That there shall be established in the Department of the Interior a board of health. There shall be appointed by the President, by and with the advice of the Senate, a chief commissioner of health of the United States, who shall, under the direction of the Secretary of the Interior, organize and manage the bureau of health herein established, and may employ such assistants and clerks as may be necessary, with the approval of the Secretary of Agriculture. The Secretary of Agriculture shall provide suitable offices for the bureau of health. The chief commissioner of health of the United States shall be paid an annual salary of $5,000, and shall hold his office until he shall have attained the age of seventy years, unless sooner removed by the President.

SEC. 2. That there shall be appointed by the President a health commission, to be composed of twenty members, to be divided into six sections, as follows: Five commissioners for the yellow-fever section; three commissioners for each of the following sections: Cholera section, three; typhoid-fever section, three; scarlet-fever section, three; small-pox section, three; diphtheria section, three. The members of each section shall be experts in the disease to which their section is devoted. Each commissioner shall receive an annual salary of $1,200, and may reside at his usual residence, except when called into active duty under the provisions of this act. These several sections shall be charged with directing the investigation by the commissioner of health into the cause, origin, and mode of extension and measures to prevent the respective diseases to which they are named. Each section shall formulate methods and rules for the prevention of the respective diseases with which they are charged, to be submitted for the revision and approval of the whole health commission at its annual meeting hereinafter provided for.

The health commission shall designate five of their number, three of whom shall constitute a quorum, to be known as "the quarantine commission." This quarantine commission shall examine into the methods of State and local quarantines at the various seaports of the United States and report to the health commission as to the efficacy or non-efficacy of the same. The quarantine commission shall also be charged with the duty of investigation into and recommendation to the health commission the best manner of equipment and methods of procedure for the various national quarantine stations which are now or may hereafter be constructed. Upon the report of the quarantine commission to the health commissioner that the quarantine service at a port or ports of the United States is inefficacious or negligent in its management, the health commissioner is empowered and commanded to direct the United States collector of customs of that port to refuse entry to any vessel or goods or persons from any place infected with any contagious or infectious disease into such port unless said vessel, goods, or persons shall have undergone the quarantine process prescribed at some national quarantine station or at that of some other port of the United States whose quarantine service has not been condemned by the quarantine commission.

SEC. 3. That the entire health commission shall meet annually in Washington, D. C., in the month of April, on a day to be fixed by the chief commissioner of health of the United States, and at its sessions he shall preside; and at said annual session the health commission shall adopt plans for the prevention of the introduction into the United States of contagious and epidemic diseases, and the prevention of their spread, and make rules and regulations for interstate quarantine, and for the non-interference with interstate communication during a threatening epidemic and preparations for the suppression of a threatened epidemic.

SEC. 4. That whenever an epidemic of yellow fever, cholera, diphtheria, typhoid fever, scarlet fever, or small-pox is threatened and the governor of any State shall call upon the chief commissioner of health of the United States to that end, he shall immediately, with the assistance of the section of the health commission devoted to that particular disease, enforce and carry out the methods, rules, and regulations adopted by the health commission for that disease under the third section of this act, and, as far as possible, in co-operation with the local and State sanitary authorities, and to that end the section of the health commission so called into action shall have the disbursement of the Federal appropriation for the prevention and suppression of contagious diseases on the approval of the Secretary of the Interior.

SEC. 5. That the bureau of health and the chief commissioner of health and section of the health commission called into active duty under the foregoing provisions shall co-operate with, and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries and into one State from another.

SEC. 6. That it shall be the duty of the bureau of health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the chief commissioner of health shall make to him weekly reports of the sanitary condition of the ports or places at which they are respectively stationed, according to such forms as he may prescribe; and the bureau of health shall also obtain, through all sources accessible, weekly reports of the sanitary condition of ports and places within the United States, and shall make investigations into the nature, cause, origin, and means of prevention of contagious and epidemic diseases as well as the causes and conditions of particular outbreaks of such diseases in the United States, and shall publish and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of its sanitary reports; and to them and to the public, as far as possible, the results of its investigations into the causes and the means of prevention of epidemic diseases; and it shall make to the Secretary of the Interior an annual report of its operations, with such recommendations as it may deem important for transmission to Congress.

SEC. 7. That the bureau of health shall annually issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise publicly make known the rules and regulations made by the health commission for the prevention of the introduction of contagious and infectious diseases into the United States and from one State into another. The consuls shall promulgate such rules in their respective ports and places, and shall promptly inform the chief commissioner of health of the United States when any vessel destined to a port of the United States has not obeyed such rules.

SEC. 8. That the President is authorized, when requested by the section of the health commission called into active duty, or by the chief commissioner of health, to detail officers from the several Departments of the Government or employ persons from civil life for temporary duty to act under the direction of said chief commissioner of health or section of the health commission on active duty, to carry out the provisions of this act and the rules adopted by the health commission; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

SEC. 9. That the members of the health commission, when attending the annual session shall be paid their actual expenses going and returning, and the members of the section called in active duty under section 2 shall be paid their actual expenses while engaged in such active duty.

SEC. 10. That it shall be unlawful for any vessel from any port where any contagious or infectious disease exists, or having on board any infectious disease, to enter any port of the United States, except in accordance with the rules adopted by the health commission, and the certificate of the United States consul at such port shall be *prima facie* evidence of the existence of such disease in the foreign port where he is stationed. Any such vessel which shall enter or attempt to enter a port of the United States in violation of this act shall forfeit to the United States a sum to be awarded in the discretion of the court, not exceeding $1,000, which shall be a lien upon said vessel, to be recovered in any district court of the United States where said vessel may be found. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the laws and rules governing cases of seizures of vessels for violation of the revenue laws of the United States.

SEC. 11. That it shall be unlawful for any person to obstruct commerce or intercourse between the States, or between the United States and foreign countries, except in accordance with the rules of the health commission, or to obstruct the section of the health commission when called into active duty in the performance of its duties, and any violation of this section shall be a misdemeanor, and, on conviction, the person so offending shall be fined not exceeding $1,000 and imprisoned not exceeding six months, in the discretion of the court.

SEC. 12. That to pay the first year's salaries and expenses of the bureau of health and health commission and the construction of such disinfecting appliances and appurtenances as the health commission may deem advisable, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Interior, on estimates to be made by the chief commissioner of health and to be approved by the Secretary of the Interior.

In case of an epidemic of a contagious or infectious disease and a section of the health commission is called into active duty, the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, to be drawn and expended under the direction of the Secretary of the Interior, to enable such section of the health commission called into active duty to suppress the disease and prevent its spread and to enforce the rules of the health commission provided for and adopted under section 3.

SEC. 13. That the following acts are repealed: An act to prevent the introduction of contagious or infectious diseases into the United States, approved April 29, 1878 (chapter 66, page 37, volume 20); an act to prevent the introduction of infectious or contagious diseases into the United States and to establish a national board of health, approved March 3, 1879 (chapter 202, volume 20, page 484); an act to prevent the introduction of contagious and infectious diseases into the United States, approved June 2, 1879 (chapter 11, volume 21, page 5).

Mr. CLARDY. In view of the declared opposition to the pending bill, I suggest to my friend from Massachusetts [Mr. DAVIS] that he had better withdraw it.

Mr. DAVIS. I withdraw the bill.

Mr. CLARDY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having resumed the chair as Speaker *pro tempore*, Mr. ROGERS, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health, and had come to no resolution thereon.

MANAGEMENT OF RAILROAD TRANSPORTATION, ETC.

Mr. CLARDY. I yield to the gentleman from Iowa [Mr. ANDERSON].

Mr. ANDERSON, of Iowa, called up the following resolution, reported from the Committee on Commerce:

Resolved by the House of Representatives of the United States, That the Interstate Commerce Commission be, and hereby is, directed to report in writing within ten days to this House any and all information it may possess concerning the action of a meeting of railroad presidents in New York City January 10, 1889, so far as the same related to the management of the railway companies subject to the provisions of the interstate-commerce act, to what extent and in what manner, if at all, said commission or any of its members participated in discussing, criticising, or approving the "plan" of maintaining "rates and rules established by the association," and to accompany said report with a copy of the contract, agreement, or "plan" adopted at such meeting or subsequent meetings, and if no such agreement, contract, or "plan" is on file, the substance of such contract, agreement, or "plan," together with the opinion of the commission as to its legal character and its effect on the public, and as to what legislation is necessary to prohibit the form of contract, agreement, or combination for the prevention of competition which was submitted at the New York meeting, if the same be not already prohibited by existing law. Also transmit with said report a list of the companies represented at said meeting, and the names and official title of the persons representing each of said companies.

The amendment reported by the committee was read, as follows:

In the third line of the resolution strike out "ten days" and insert "five days."

The amendment was adopted.

The SPEAKER *pro tempore*. The question is now on agreeing to the resolution as amended.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, it seems to me that the amendment wholly destroys the effect of the resolution. It is simply impossible for these commissioners to answer all these questions, to furnish all this information, and to make all these reports inside of five days. Every member of the House must see that it would not be fair to require this commission to do what it must be apparent on the face of the matter is impossible. If this resolution had been adopted earlier and more time had been given for the reply of the commissioners, I, of course, would have had no objection to the resolution. I do not know that I have any objection, at any rate. I only make this suggestion, that it seems to me we are making an unreasonable requirement.

Mr. ANDERSON, of Iowa. Mr. Speaker, it is owing to no fault of mine that this resolution is being considered at so late a day, as it has been impossible, under the rules, to get it before the House sooner, and it seems to me that as we have now reached so late a period in the session, that if this amendment were not now agreed to the entire purpose of the resolution would be defeated.

I wish to say further that the resolution is based upon the alleged fact that this agreement as reported through the press, undenied among the railroad presidents, was submitted to and approved by a majority of the Interstate Commerce Commission in the city of New York. It ought not to take an hour for them to report whether or not the state of facts alleged in the resolution does exist.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution as amended.

Mr. COBB. Upon what does the gentleman from Iowa [Mr. ANDERSON] base the assertion of these facts as stated in the preamble?

Mr. ANDERSON, of Iowa. If I were allowed the time, I could produce what purported to be the substance of the agreement, which was published in the press of the country at the time and without contradiction, as it came from the president of the Union Pacific Railway Company in a statement published in all the daily newspapers the next morning after the meeting of the railroad presidents in the city of New York on the 10th of January; and President Adams said the "agreement of gentlemen" was submitted to three of the commissioners, naming them, and that they had substantially agreed that it was the best arrangement which had been proposed for the management and control of the transportation companies of the country. It was then, and is now, my opinion that the agreement was an unlawful agreement, and that the gentlemen's meeting was an unlawful conspiracy.

Mr. FARQUHAR. I would like to inquire of the gentleman from Iowa whether the three commissioners referred to took official action; whether they were there in their official capacity? This resolution, of course, is serious; and if the gentleman means to assert that the Interstate Commerce Commissioners, or a majority of them, consulted officially with the railroad presidents of the United States——

Mr. ANDERSON, of Iowa. I will say to the gentleman from New York [Mr. FARQUHAR] that the press reports stated they had been invited to the city of New York for the purpose of consultation, and there has been no denial that they were present in the city of New York, according to the press reports, according to the report of President Adams, and according to their own interviews in the public press. This is merely an inquiry as to the facts.

Mr. ROWELL. Is it not true that the agreement brought up in New York has been since that time entirely abrogated, and a very different agreement drawn up and signed by some of the officers in Chicago; and if this resolution should pass, would it not require that both the New York contract and the Chicago contract, still pending and not all signed, should be brought out here?

Mr. ANDERSON, of Iowa. I will say to the gentleman from Illinois [Mr. ROWELL] that this resolution calls for information as to what took place at any subsequent meeting. I will further state, having followed this matter as published in the press, that there are no substantial changes in the agreement which was called the "agreement of gentlemen" purported to be submitted to and approved by the commissioners as it was adopted in New York.

Mr. ROWELL. The agreement made in New York, as I understand, was substantially a pooling agreement——

Mr. ANDERSON, of Iowa. Yes, sir.

Mr. ROWELL. And the Western roads refused to sign it until it was modified and that portion taken out; is not that true?

Mr. FARQUHAR. That is correct.

Mr. ANDERSON, of Iowa. No, sir; I do not understand that the agreement to pool was taken out. It was an agreement to establish and maintain rates among these railroad companies as to the matter of transportation. This combination and agreement to fix and maintain rates was the essence of the agreement at all stages of the proceedings, and that is the very essence of a pool—an agreement to eliminate competition.

Mr. JOSEPH D. TAYLOR. Did not the interview disclose the fact that these commissioners were consulted informally; that as a matter of fact they took no official action in regard to the subject, either one way or the other? Is not that the fact?

Mr. ANDERSON, of Iowa. I can not say whether they were consulted informally or officially. The truth is, as I understand, that they were telegraphed to to meet the bankers and railroad presidents in the city of New York, and that they did meet them, and, according to the president of that meeting, Mr. Charles Francis Adams, the plan was submitted to them, and they, after suggesting some minor changes, approved it. They have authority under the statute to go where they see proper throughout the country in the discharge of their official duties.

Mr. BRECKINRIDGE, of Kentucky. Let the resolution be again read.

The Clerk again read the resolution.

Mr. WHITE, of New York. Mr. Speaker, I do not like to take up the time of the House. I was in hopes we would get along and really do what belonged to the business of the country before the Commerce Committee. This, sir, is the era of legislative anarchy, and gentlemen who are elected by communists and anarchists in this country hope to inscribe their names high on the roll of fame by presenting themselves all the time as men who stand ready to do something to destroy property upon the building of which the wealth and prosperity of their constituents depend.

I know, sir, how common it is out in the country where I formerly

lived to say, "We have got the railroads, and you Wall-street fellows have got the bonds and stocks. Now let us see which is the most profitable." I remember perfectly well when I lived in that country how anxious we were, and how the best Representatives in Congress or in the Legislature were prepared to fall upon their knees and say, "Good Lord! good Wall-street men, bring us your railroads and give us a market for our products." They were taken there; they were built by foreign capital, and now the efforts of a very large body of practical communists are put forth all the time to make them wholly unproductive. And because they are there, and because the men who own them have tried to protect them, it affords an opportunity for men who desire to pose as the friends of labor and the friends of the granger and the friends of the poor men who are having their property mortgaged to decry the improvements in this country which made their property worth something.

Mr. ROWELL. I should like to ask my friend from New York a question.

Mr. WHITE, of New York. Certainly.

Mr. ROWELL. I should like to ask the gentleman whether these men are communists and anarchists who put forth only such efforts as the Supreme Court of the United States has decided they possessed under the law?

Mr. WHITE, of New York. I do not think the gentleman's hypothetical question reaches this case. What I mean to say is that the gentlemen who have been in the front in bringing this resolution forward have had all the glory. It is unbecoming the Congress of the United States, with twenty-five to thirty men sitting around, desiring to call the attention of the country and their constituents to the fact they are doing something against the railroads; it is unbecoming the dignity of the Congress of the United States at such a time, with such a body, under such circumstances, that this Fourth of July hifalutin attempt to write their names high up in the annals and records of the legislation of this country should have this proposed consideration.

Mr. CLARDY. I like the gentleman's speech very well, but we have a great many other bills to consider and pass before the adjournment.

Mr. WHITE, of New York. I have learned something from the tactics of the gentleman who introduced this bill and who sent forward at one time the penal code of the District of Columbia to be read on the morning when a two-thirds vote for suspension of the rules was in order, and unless my strength fails me before 10 o'clock, the resolution will not pass. [Laughter and applause.] I would therefore suggest to the gentleman to withdraw it. In the mean time he has had glory enough out of it. I am willing to yield to him for any glory there be in speaking, but there will not be any glory for him by the passage of of the resolution.

Mr. ANDERSON, of Iowa. Mr. Speaker, I am not going to detain the House by any effort to answer the gentleman from New York, who has made a speech wholly and entirely without reference to the matter under discussion. In my humble opinion he has not offered a single word germane to the discussion at issue, but has availed himself of the opportunity to offer an insult to as intelligent and as loyal a district of people as live in the United States of America. And they are certainly as intelligent, certainly as loyal, and certainly as patriotic as the Wall street district of my friend, and which he represents so fittingly on this floor.

This is not a question of making an assault upon the railroad propo erty and vested interests in the United States, but it is a question as t whether or not the railroad presidents in this country, in connection with the bankers and capitalists of the country, and with the approval of the Interstate Commerce Commission did not have a meeting that constituted an unlawful assembly in the eye of the law, where they were agreeing among themselves to do that thing which was directly in violation of the law, under the specious pretense that they had assembled to take some means to enforce the law.

Mr. FARQUHAR. Right there allow me to say that that is the very point in the gentleman's speech that I desired some inquiry about, in relation to the Interstate Commerce Commission and its connection with this meeting——

Mr. ANDERSON, of Iowa. I can not yield to the gentleman.

In connection with that meeting, Mr. Speaker, we have the spectacle, as the report goes through the public press undenied, that a majority of the United States Commission on Interstate Commerce met with these gentlemen in the same city, and after having had the argument of gentlemen submitted to them, the further report comes that they agreed to that "plan," suggesting a few verbal changes, which were made by the presidents of the railroad companies.

Now, I submit, sir, if these facts are true, and this resolution seeks to elicit that information, if it is not a grave and serious matter; and being a mere resolution of inquiry, I ask in the name of common sense if there is no truth in it who it is to recoil upon but the gentleman that the gentleman from New York has so inveighed against as wanting to pose here as a "reformer to get himself before the country?" If it is not true; if the Commissioners of Interstate Commerce can exonerate themselves from the charge made in the public press; if they can send back that report and it shows that there is no foundation for the passage of the resolution of inquiry, who is to be harmed? Certainly not the railroads, or the gentleman from New York, or the Interstate Commerce Commission; and if it is true, the people are entitled to know the facts, and they are entitled to know them at once.

Mr. Speaker, I could take from my desk, and have read here, from the speech of the leading railroad man in this country, who was president of that New York meeting, Charles Francis Adams, extracts in which he says that the railroad companies are violating the interstate-commerce law from one end of the country to the other; and the Interstate Commerce Commission has stumped the country declaring that the law is being violated, and in numerous interviews have so declared, if there is any reliance to be placed upon the uncontradicted statements made through the press of the country.

These facts are submitted unchallenged and unquestioned in the public press; and I can show from evidence of witnesses, evidence which I now have in my desk taken before the Interstate Commerce Commission, testimony of managers and superintendents of railroads, testifying brazenly, unrebuked in the presence of the Interstate Commerce Commission, that the statute is a dead letter.

In view of these facts, sir, I insist upon pressing this question. This resolution ought to be adopted. The people are entitled to the information, and I move the previous question on the adoption of the resolution.

Mr. BRECKINRIDGE, of Kentucky. Before the gentleman does that I would like to ask whether he will not consent to strike out the word "direct" and use the word "request?" I doubt the power of the House to direct the commission, which is a judicial or semi-judicial body. I think perhaps we are going beyond the power of the House in adopting the resolution in that form.

Mr. ANDERSON, of Iowa. Well, it was a House resolution. I considered the matter, and inasmuch as this is a commission created by law for a specific purpose, I thought that the word "directed" was the proper term to be used in connection with the information sought.

Mr. BRECKINRIDGE, of Kentucky. It is a commission, that is true; it is called a commission; but its powers are certainly to a certain extent judicial.

Mr. ANDERSON, of Iowa. I think there is no trouble about the wording of the resolution in that respect.

Mr. DUNHAM. Let me suggest to the gentleman from Iowa, in view of the statement of the gentleman from New York, would it not be well for him to withdraw the resolution? The gentleman from New York has informed him that if his health holds out until 10 o'clock he will not permit the adoption of the resolution, and as there are other matters that ought to be considered I would suggest that it be withdrawn.

Mr. ANDERSON, of Iowa. I insist upon the previous question.

Mr. DUNHAM. Well, let us have the question. [Cries of "Vote!" "Vote!"]

The question was taken on ordering the previous question; and there were on a division—ayes 19, noes 1.

Mr. WHITE, of New York. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. CLARDY. I ask the gentleman from Iowa to withdraw the resolution, as it will be impossible to secure the attendance of a quorum to pass it to-night.

Mr. ANDERSON, of Iowa. In view of the point made of no quorum, and the request of the chairman of the Committee on Commerce, I withdraw the resolution, as it will be impossible to procure a quorum to-night; but I am glad to know that the objection is located precisely where it is, in Wall street.

The SPEAKER *pro tempore*. Without objection, the resolution will be withdrawn.

There was no objection, and it was so ordered.

LIGHT-HOUSE AND FOG-SIGNAL AT ORCHARD SHOALS, NEW YORK.

Mr. CLARDY. I ask to report back from the Committee on Commerce the bill (S. 3818) to establish a light-house and fog-signal at Orchard Shoals, Prince's Bay, New York, and ask consideration of it at this time. I ask to dispense with the reading of the bill, as it is in the usual form.

The SPEAKER *pro tempore*. The gentleman from Missouri asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered at this time.

Mr. CLARDY. I ask to report the bill back from the Committee of Commerce, and that it be considered at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri? The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the sum of $60,000 be, and is hereby, appropriated for establishing a light-house and fog-signal at or near Old Orchard Shoals, Prince's Bay, New York, and for a new tower at Waacaack light-station, New Jersey.

It is proposed to strike out "the sum of $60,000 be, and is hereby, appropriated" and insert "that there be established a light-house and fog-signal station, etc., at a cost not to exceed $60,000."

The SPEAKER *pro tempore*. The bill will be read as proposed to be amended.

The Clerk read as follows:

Be it enacted, etc., That there be established a light-house and fog-signal at or

near Old Orchard Shoals, Prince's Bay, New York, and a new tower at Waacaack light-station, New Jersey, at a cost not to exceed $60,000.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRAUDS ON AMERICAN MANUFACTURES.

Mr. DUNHAM. I call up the bill (H. R. 3307) to prevent frauds on American manufactures.

The bill was read, as follows:

Be it enacted, etc., That the importation of all articles of foreign manufacture, or of boxes or packages containing the same, when stamped, marked, branded, or labeled to represent that such articles were manufactured in the United States, is hereby prohibited, and the same shall be forfeited to the United States unless re-exported within ninety days after the same shall have been received at any custom-house.

SEC. 2. That this act shall take effect on the 1st day of July, A. D. 1888.

Mr. DUNHAM. I yield to the gentleman from Connecticut [Mr. VANCE].

Mr. VANCE. It is proposed, in line 5, after the word "labeled," to strike out the words "to represent."

Mr. BUCHANAN. That does not make sense in the way it is amended.

Mr. CLARDY. It is proposed to amend by striking out the latter part of the first section, which reads: "Unless re-exported within ninety days after the same shall have been received at any custom-house."

Mr. VANCE. I hope that amendment will not be agreed to. It opens up a very considerable subject where goods are brought into this country. When they are reimported the importer may be liable for them; therefore I hope it will not be agreed to. This bill is as I introduced it. The committee offers this amendment, and it goes further than the bill proposed. Therefore I hope that it will not be agreed to.

Mr. CLARDY. The committee agreed to this amendment after considerable discussion of this bill. I want to say that this is a matter that is in the Senate tariff bill, and it involves the discussion of some hours, if not of some days; I do not think we have time to go on with it.

Mr. O'NEILL, of Missouri. We can pass it in a short time.

Mr. ADAMS. What amendment does the Chair refer to as pending?

The SPEAKER *pro tempore*. The amendment that is pending before the House is the amendment offered by the committee, which is to strike out what will be read by the Clerk.

The Clerk read as follows:

Strike out the following words in the concluding portion of the first section: "Unless re-exported within ninety days after the same shall have been received at any custom-house."

Mr. VANCE. I will satisfy the gentleman in relation to this bill.

Mr. ADAMS. I do not care to discuss it. It is the other amendment.

Mr. VANCE. I have no objection to the other amendment.

Mr. ADAMS. But I have, because it would deprive it of all effect. It was a limit, a prohibition, to those articles where the stamp expressly declared that they are manufactured in the United States.

Mr. VANCE. Mr. Speaker, this bill is a simple one and needs no extended remarks in its defense. As I am indebted to the Committee on Commerce for a hearing at this time I do not propose to use all the evidence I have at hand. I appreciate the courtesy with which I have been treated, and, knowing as I do, that much legislation of importance is to be considered in the brief time given to this committee, I will not presume upon the good nature of the House. I have material sufficient, much of it furnished ill-advisedly by the opponents of this bill, to take hours of your time, but will forbear.

This measure is one which must commend itself to the good grace and wise discretion of the House. It is drawn to prevent forgery, and simply gives to American manufacturers the rights in competition with foreign makers, which they now have, as against competition in the United States. It provides that no goods of foreign make shall be sold here on the presumption that they are produced in this country, and it gives to manufacturers here the right to their own trade-mark against the world, as well as the right to object to the sale of goods which bear false or misleading marks. That this is being systematically done by foreign manufacturers, particularly of cutlery, I have proved to the complete satisfaction of the committee reporting this bill.

If the time were given me I could prove that other articles, ostensibly of American manufacture, are sold here by foreign makers, and that American firms engaged in manufacturing skates, guns, hosiery, cotton goods, and edged tools are not alone hurt at home by this traffic, but are injured in their trade abroad. There is one firm in my district alone—the famous Collins Company—which manufactures superior articles of axes and edge tools. Its trade-mark has been simulated in foreign countries and the reputation which its goods have achieved on their merits is being stolen by what is practically forgery. But this is one evil which Congress can not correct. It can, however, remedy the wrong within the limits of the United States, and the bill under consideration is intended to do it.

The practice has grown up of sending to this country inferior goods branded to create the assumption that they are made here, and to this practice is the objection made. Already three hundred American names are being put upon foreign cutlery, and to give the House an idea of the manner in which this is done I will quote the following as specimens intended to create the conviction that the purchaser is buying American goods:

New England Cutlery Company, Bay State Cutlery Company, Granite State Cutlery Company, Pennsylvania Cutlery Company, Western Cutlery Company, Chicago Knife Company, Maine Knife Company, Ames Cutlery Company, Fulton Cutlery Works, Irving Cutlery Company, Eagle Cutlery Company, Clinton Cutlery Company, Manhattan Cutlery Company, Knickerbocker Cutlery Company, St. Lawrence Cutlery Company, National Cutlery Company, Eagleton Cutlery Company, Derby Cutlery Company, Chatham Cutlery Company, York Cutlery Company, Essex Cutlery Company, Windsor Cutlery Company, Mount Vernon Cutlery Company, Southfield Cutlery Company, Nelson Cutlery Company, Easton Shear Company, Buck Cutlery Company, Worthington Cutlery Company, Howard Manufacturing Company.

If these goods were sold upon their merits and with the maker's name affixed, no objection would be made. But aside from depriving the American cutler of a market which is essentially his, this method puts his goods in bad repute. It reacts upon his reputation as a maker of fine goods, and thus is its influence twofold to the detriment of Americans who have made a reputation in trade which is their most valuable asset. The duty is paid on these American imprinted goods as cheap foreign goods and they are sold as the best American article. This is a fraud upon the public; it is obtaining trade under false pretenses; it is more than the theft of money; it is the pilfering of a reputation. But I forbear. I was about to quote the words of Shakespeare in defense of my position. It needs no defense.

This evil has been recognized in England, and the following is an extract from an act known as the "Merchandise marks act" (50 and 51 Vict.) passed by Parliament in 1887:

Whereas it is expedient to make further provision for prohibiting the importation of goods which, if sold, would be liable to forfeiture under this act, be it therefore enacted as follows:

1. All such goods, and also all goods of foreign manufacture bearing any name or trade-mark being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom, unless such name or trade-mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the United Kingdom, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were specified in section 42 of the customs consolidation act, 1876.

4. Where there is on any goods a name which is identical with or a colorable imitation of the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

And now, gentlemen, I have alluded to several of the points in favor of the passage of this bill. The evidence is cumulative, and the more we examine it the more convincing it becomes. It is simply an act of justice, a bit of equity crystallized into a law, and believing that I have proved these facts beyond a peradventure, I ask the House to sustain me by passing the bill.

The question was taken on the amendment; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. CLARDY. Division.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question now is on the second amendment, offered by the gentleman from Missouri, in line 5, to strike out the words "to represent."

The amendment was agreed to.

Mr. VANCE. I ask unanimous consent that the date in the second section be changed from 1888 to 1889. The bill was introduced a year ago.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. CLARDY. I suggest that the time for adjournment has arrived.

Mr. BUCHANAN. If the gentleman wants to subject us to further frauds on the part of foreign manufacturers he can do so. The bill is to prevent a bald, bare-faced fraud on the American people.

Mr. CLARDY. Now, I would like to have a vote of the House upon this bill.

The SPEAKER *pro tempore*. The Chair will state that the hour of 10 o'clock p. m. having arrived, under previous order the Chair declares the House adjourned until 12 m. to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 12632) granting a pension to James A. Davis—to the Committee on Pensions.

By Mr. DUBOIS: A bill (H. R. 12633) to ratify an act entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County," in Idaho Territory—to the Committee on the Territories.

By Mr. STOCKDALE: A bill (H. R. 12634) for the relief of Ada E. Lawrence, administratrix of C. De France—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. JEHU BAKER: Petition of C. F. Winston and others, favoring a sufficient appropriation to fully and fairly test the mode by which sugar can be manufactured from sorghum cane at the least possible cost—to the Committee on Agriculture.

By Mr. BUCHANAN: Petition of Hon. John D. Rue and others, for the passage of the army-nurse pension bill—to the Committee on Invalid Pensions.

By Mr. GIFFORD: A memorial in regard to enactment of a law permitting certain counties to issue bonds—to the Committee on the Territories.

By Mr. J. J. O'NEILL: Resolution of the military order of the Loyal Legion of the United States, requesting the publication of the war records of the Navy Department—to the Committee on Naval Affairs.

By Mr. REED: Petition of J. H. Dennison and others of the Thirteenth Regiment Maine Volunteer Infantry of the late war, asking for the balance, $240 bounty due them which they never received—to the Committee on Claims.

By Mr. TOOLE: Joint memorial of the Legislature of Montana asking the adoption of the conference report and pending admission bills—to the Committee on the Territories.

By Mr. TRACEY: Petition of Littlefield Stove Company, Albany, N. Y., to retain mica on the free-list—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of David Hunter, of Jefferson County, West Virginia, praying that his claim be referred to the Court of Claims; of S. Howell Brown, administrator of James M. Brown, deceased, for reference of his claim to Court of Claims; and of George W. Farris, of Morgan County, West Virginia, for reference of claim to Court of Claims—to the Committee on War Claims.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. E. P. ALLEN: Of 192 citizens of Hillsdale, Mich.

By Mr. DORSEY: Of 46 citizens of Inman, Ind.; of 101 citizens of Dewitt, Nebr.

By Mr. GIFFORD: Of 17 citizens of Yankton, Dak.

By Mr. T. D. JOHNSTON: Of 28 citizens of Asheville, N. C.

By Mr. KERR: Of 62 citizens of Marshall County, Iowa.

By Mr. NELSON: Of 79 citizens of Moorhead, and of 294 citizens of Verndale, Minn.

By Mr. C. A. RUSSELL: Of 160 citizens of Pomfret, Conn.

By Mr. J. W. STEWART: Of 59 citizens of Hinesburgh, Vt.

By Mr. EZRA B. TAYLOR: Petition of 28 citizens of Colebrook, Ohio.

By Mr. TRACEY: Of 134 citizens of Newport, and of 107 citizens of Monticello, Minn.

The following petition for a national Sunday-rest law was received and referred to the Committee on Labor:

By Mr. VOORHEES: Petition of 386 citizens of Washington Territory.

SENATE.

THURSDAY, *February* 21, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

STATISTICS REGARDING MARRIAGE AND DIVORCE.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Commissioner of Labor; which was read:

DEPARTMENT OF LABOR, *Washington, D. C., February* 20, 1889.

SIR: I have the honor to transmit to Congress herewith a special report on the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia.

This report is made in accordance with the provisions of an act approved March 3, 1887.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT, *Commissioner.*

Hon. JOHN J. INGALLS,
President pro tempore United States Senate.

The PRESIDENT *pro tempore.* The letter will lie on the table and be printed. What disposition shall be made of the accompanying papers which lie on the table of the Secretary?

Mr. SHERMAN. I move that they be referred to the Committee on Printing to ascertain whether it be necessary that they should be printed.

The motion was agreed to.

CHANGES IN DISTRICT OFFICES.

The PRESIDENT *pro tempore* laid before the Senate a communication from W. B. Webb, president of the board of commissioners of the District of Columbia, transmitting, pursuant to a resolution of February 8, 1889, a list of officers and employés under the control of the commissioners who have been changed since March 4, 1885; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the clerk of the Court of Claims, transmitting, pursuant to law, the conclusions of fact and of law filed by that court in certain French spoliation claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of 12 citizens of Pennsylvania, and a memorial of 25 citizens of Dana, Ill., remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Ex-Prisoners of War Association, of Winnebago County, Illinois, urging the passage of Senate bill 505, in relation to pensions; which was referred to the Committee on Education and Labor.

He also presented a petition of labor organizations, churches, and citizens of the State of Illinois, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a memorial adopted by the State Grange of Illinois, remonstrating against the national debt refunding scheme and urging that the national debt be paid off as soon as possible; which was referred to the Committee on Finance.

He also presented a resolution adopted by the State Grange of Illinois, favoring a graduated income tax and an increase in the volume of money to at least $40 per capita; which was referred to the Committee on Finance.

He also presented a resolution adopted by the State Grange of Illinois, urging Congress to foster the commercial interests of the people by large appropriations for the improvement of inland water ways for the purposes of navigation; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the State Grange of Illinois, urging Congress to investigate the cattle and dressed-beef combinations, and asking such legislation as will fully meet the case; which was referred to the Select Committee on the Transportation and Sale of Meat Products.

He also presented a petition of the State Grange of Illinois, praying for the enactment of laws that will give women the right to vote equally with men; which was ordered to lie on the table.

He also presented resolutions adopted by the State Grange of Illinois, urging the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

Mr. PASCO. I present a telegram from the governor of the State of Florida, stating that the Legislature of that State, now in session, has just adopted a unanimous joint resolution "urging our representatives in Washington to use all means to secure the payment of the Indian war claims, on account of our urgent necessities." As I shall make an effort to get the matter on one of the appropriation bills, I move that the paper be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PASCO presented a petition of 41 citizens of Pensacola, Fla., and a petition of 4 citizens of Tallahassee, Fla., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented a petition of 68 citizens of Clinton County, Iowa, and a petition of 66 citizens of Iowa, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. SHERMAN presented the petition of U. J. Shotte and 29 others (15 voters and 15 women), citizens of Colebrook, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. FAULKNER. I present a memorial of 71 citizens of Martinsburgh, W. Va., remonstrating against the passage of the bill in regard to Sunday observance or any other religious institution or rite, and also opposing any resolution for the amendment of the National Constitution that would by instruction in public schools or in any other way give preference to religious principles over the views of religion held by non-religious persons, and praying that the Government be kept strictly secular and that the separation of church and state be complete.

I move the reference of the memorial to the Committee on Education and Labor.

The motion was agreed to.

Mr. DAVIS presented the petition of W. H. Bishop and 133 others (91 voters and 43 women), citizens of Newport, Minn.; the petition of J. M. Brown and 297 others (134 voters and 164 women), citizens of Verndale, Minn., and the petition of Charles Bradford and 82 others

(46 voters and 37 women), citizens of Monticello, Minn., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented a petition of citizens of Minnesota, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PAYNE presented the petition of A. E. Thomson and 23 others (8 voters and 16 women), citizens of Tallmadge; the petition of Benjamin Hawkins and 25 others (12 voters and 14 women), citizens of New Burlington; the petition of W. W. Evans and 47 others (21 voters and 27 women), citizens of West Milton; the petition of S. W. Williams and 26 others (14 voters and 13 women), citizens of West Berlin, and the petition of I. M. Ryan and 29 others (21 voters and 9 women), citizens of Ironton, all in the State of Ohio, praying for a submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of 812 citizens of Ohio, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. PLUMB. I have a letter addressed to myself, and not therefore within the rule as a petition, but which deals in a very intelligent and elaborate way with the subject of irrigation, which has recently been committed by the action of the Senate to a special committee for investigation. At the request of a member of that committee I present the letter, and ask that it may be printed as a document and referred to that committee.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. ALLISON presented the petition of Rev. James Hill and 46 other veterans of the Union Army, citizens of Cascade, Dubuque County, Iowa, praying for the passage of all proper pension legislation first, and stating that after such legislation the reduction of revenue required can be computed; which was referred to the Committee on Pensions.

He also presented a petition of 368 citizens of Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. EDMUNDS presented the petition of J. F. Miles and 58 others (27 voters and 32 women), citizens of Hinesburgh, Vt., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. HOAR presented a petition of Mrs. Elizabeth Tobey and other officers of the Woman's Christian Temperance Union of Massachusetts, representing the unions of the State, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS presented the petition of Lide Merriweather, president, and other officers of the Woman's Christian Temperance Union of the State of Tennessee, representing 2,500 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. STOCKBRIDGE. I desire at this time to present sundry petitions which I have received remonstrating against the enactment of what is known as the Sunday-rest law. Among the names are those of judges of the courts, principals of our public schools, lawyers, doctors, ministers of various denominations, and men eminent for virtue in every sect.

These petitions purport to be signed by 230,000 persons, as follows:

States, etc.	No. of signatures.	States, etc.	No. of signatures.
Michigan	55,136	Washington	3,881
California	31,593	Pennsylvania	3,563
Minnesota	25,264	Colorado	1,924
Kansas	14,453	Nevada	1,085
Wisconsin	13,220	Arkansas	518
Nebraska	10,362	Florida	466
New York	10,285	Idaho	438
Indiana	8,497	Georgia	377
Vermont	6,921	Iowa	374
Dakota	6,261	Tennessee	315
Illinois	6,178	West Virginia	315
Oregon	5,926	Maryland	285
Missouri	5,293	Virginia	157
Maine	5,213	Kentucky	140
Texas	4,466	Louisiana	75
Ohio	4,243	Unclassified	2,401

I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SHERMAN presented a petition of 25 citizens of the Thirteenth Congressional district of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PUGH presented a petition of 200 citizens of Alabama, praying for the passage of the Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. PLATT presented the petition of Edward Morse and 64 others (38 voters and 27 women), citizens of Thomaston, Conn., and the petition of George G. Hungerford and 37 others (16 voters and 22 women), citizens of Sherman, Conn., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. SABIN presented resolutions adopted by the Board of Trade of Winona, Minn., favoring legislation for the opening to settlement of a portion of the Sioux reservation in Dakota; which were referred to the Committee on Indian Affairs.

Mr. HISCOCK presented a petition of citizens of New York State, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Cortland County, New York, remonstrating against the passage of any bill in regard to the observance of Sunday or any other religious institution or rite; which was referred to the Committee on Education and Labor.

Mr. HAMPTON presented a petition of 7 citizens of Charleston, S. C., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. MCPHERSON presented a petition of 58 members of the Woman's Christian Temperance Union of Stelton, N. J.; a petition of A. L. De Bow and 31 others (11 voters and 21 women), citizens of Bloomingdale, N. J., and a petition of J. H. Dinerty and 27 others (12 voters and 16 women), citizens of Dennisville, N. J., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. VEST presented a petition of 110 citizens of Missouri, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Mrs. Clara C. Hoffman and other officers of the Woman's Christian Temperance Union of Missouri, representing 4,500 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COKE presented a petition of 43 citizens of Texas, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

THOMAS D. FISTER—RECUSANT WITNESS.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to present to the Senate a report from that committee which I believe to be in the nature of a privileged matter. I ask that the report may be read.

The PRESIDENT *pro tempore*. The Senator from Wisconsin, from the Committee on Public Buildings and Grounds, submits a report, which will be read.

The Chief Clerk read the report, as follows:

The Committee on Public Buildings and Grounds respectfully report:

That under the following resolution adopted by the Senate December 21, 1888:

"*Resolved*, That the Committee on Public Buildings and Grounds be, and the same is hereby, authorized and instructed to make, either by the committee or a subcommittee thereof, an investigation into the conduct of the office of the Supervising Architect of the Treasury Department as far as it may deem necessary, and to inquire into the laws, regulations, and customs relating to the erection of public buildings, and for that purpose the committee, or said subcommittee, if appointed, is authorized and empowered to send for persons and papers, and to administer oaths; said committee to report by bill or otherwise"—

a subcommittee of said committee was appointed, consisting of Senators MORRILL, SPOONER, and PASCO, which subcommittee was charged with the duty of making the investigation in said resolution provided for, and reporting the result thereof to the committee.

That the said subcommittee caused to be subpœnaed before them various witnesses from time to time.

That on the 14th day of February, 1889, the subcommittee met, pursuant to adjournment, there being present Senators MORRILL, SPOONER, and PASCO, and also Senator DANIEL, of Virginia. That on said day Thomas D. Fister, whose attendance before the committee had been requested, appeared before the committee and was sworn, and testified as follows:

"Thomas D. Fister sworn and examined.

"By the CHAIRMAN:

"Q. What is your age?
"A. I am fifty years old in October.
"Q. Colonel Fister, is it?
"A. Thomas D.
"Q. You are the gentleman known as Colonel Fister?
"A. Yes, sir.
"Q. Have been in the Army?
"A. I belonged to the navy.
"Q. You were in the navy?
"A. Yes, sir.
"Q. In what capacity?
"A. As a lieutenant, in the Confederate navy.
"Q. Is that where you got your title of colonel?
"A. No, sir; I was on land also.
"Q. In what capacity?
"A. Well, my rank was lieutenant; never had any other but that.
"Q. I did not know.
"A. As you know, they call a man general, colonel, or anything else.
"Q. What is your position?
"A. I am the assistant and chief clerk of the Supervising Architect.
"Q. That is, assistant and chief clerk?
"A. That is the title.
"Q. How long have you been in that service?
"A. I think three years this month.
"Q. By whom were you appointed? Under this administration?
"A. By Secretary Manning; yes, sir. Mr. Bell was the Supervising Architect.
"Q. You were appointed under Cleveland's administration?
"A. Yes, sir.

"Q. Where did you come from here?
"A. From Pennsylvania.
"Q. How long had you lived in Pennsylvania?
"A. That is my native State; I was born there.
"Q. How did you happen to get into the Confederate navy?
"A. I happened to be South and happened to marry a Southern lady before the war.
"Q. Are you an architect?
"A. No, sir.
"Q. Draughtsman?
"A. No, sir.
"Q. Have you been interested in any of these contracts for the preparation of plans for the Government buildings, outside of the office?
"A. No, sir.
"Q. Had nothing to do with that branch of the business whatever?
"A. No, sir; don't know anything about it.
"Q. What are your principal duties?
"A. The principal duty is to look after the business portion of the office; see that the discipline is all right, to hunt up anything any United States Senator or Congressman that come there to see Colonel Fréret about. Of course he can't look into these matters; he can call on me and I look up the information for him, and also look over all the correspondence and check it.
"Q. Do you select sites?
"A. Yes, sir; I have selected most of the sites within the last three years; not all.
"Q. Did you select the site at Binghamton?
"A. I did not.
"Q. Did you go there and examine it before it was selected?
"A. No, sir; I never was there in my life.
"Q. Did you select the site at Worcester, Mass.?
"A. I did.
"Q. What other sites have you selected within the last three months?
"A. In the last three months I have selected—
"Q. I don't know that that was selected within three months at Worcester.
"A. No, sir; along there. I can tell you pretty near all. I have not got any memorandum with me.
"Q. Has that site been purchased?
"A. It has.
"Q. And conveyed to the Government?
"A. Yes, sir.
"Q. What did it cost?
"A. Seventy-five thousand dollars, I think, what the Government paid for it. The original offer was $176,810.
"Q. Do you mean to say that the Government paid $75,000 for the site of Worcester, Mass.?
"A. I think so; I think it is $75,000. Yes, sir; I think it was $75,000.
"Q. Has that been paid?
"A. Yes, sir.
"Q. To whom was it paid; do you know?
"A. No, sir; I don't recollect the parties.
"Q. Was any money raised at Worcester by the people there, which was employed in the purchase of this site?
"A. That I do not know anything about.
"Q. You don't know anything about that?
"A. No, sir.
"Q. You never heard anything about that?
"A. Well, the offer originally was $176,810. It was modified and offered to me at $75,000. How the money was got up of course I don't know anything about.
"Q. You have never heard that a large amount of money was raised there for the purpose of purchasing the site?
"A. From hearsay. I have heard it talked about among the citizens. How it was done of course I don't know.
"Q. How much did you hear that the citizens raised?
"A. I don't know as I ever heard a particular amount.
"Q. How long were you there?
"A. I was there, I think, about three or four days; I can not tell exactly.
"Q. Ever been there more than once?
"A. No, sir; never.
"Q. Where did you stop when you were there?
"A. At the main hotel there; I forget the name. I forget whether it is—it is the main hotel there.
"Q. Your expenses were paid by the Government?
"A. Yes, sir.
"Q. There was a good deal of strife about the location?
"A. Oh, yes, sir; a great deal. I attended two; I know of one meeting where there must have been three or four hundred people. Of course, I can not say exactly how many; but there were a great many people, at any rate. There was a great deal of strife. I think there was. I forget how many sites were offered now; a good many; and almost every man that had a site thought his was the best. They generally do.
"Q. Yes, best for him.
"A. Yes, sir.
"Q. Well, you did not hear how much money the citizens raised there?
"A. No, sir; I don't know anything about that. I know that the Government paid, I think it was, $75,000; I won't be certain. I think that was it. I think the records of the office will show that.
"Q. You have had no consideration at any time to influence you?
"A. No, sir.
"Q. In the selection of sites; you answered that 'No, sir?'
"A. I answered that, 'No, sir.'
"Q. Directly or indirectly?
"A. Directly or indirectly.
"Q. I ask you that question more in justice to yourself from some things that I have read and heard than I do otherwise.
"A. Yes, sir.
"Q. I don't mean to imply by putting the question to you that I think you have done so.
"A. I answer and say that I have not.
"Q. Did you collect any moneys in your office for the Democratic campaign in the last election?
"A. Did I collect any?
"Q. Yes.
"A. I have always told my people——
"Q. Answer my question.
"A. I will have to answer it my own way.
"Q. No; answer it my way, and I will give you an opportunity to explain.
"A. Then I will have to refuse to answer that question.
"Q. You decline to answer, do you?
"A. Yes, sir.
"Q. Did you receive any moneys from the employés of the office during the last campaign for campaign purposes?
"A. I decline to answer.
"Q. Did you receive any moneys from any other employés of the Treasury Department, or check, or drafts during the last campaign for campaign purposes?
"A. I decline to answer that.

"By Senator MORRILL:
"Q. You decline to answer?
"A. Yes, sir.

"By the CHAIRMAN:
"Q. Upon what ground do you decline to answer; that you will criminate yourself?
"A. No, sir.
"Q. What is your ground for declining to answer?
"A. I think that is private matter. That I decline to answer.
"Q. Did you receive any drafts, or checks from any one in the service of the Government during the last fall for campaign uses?
"A. I say I decline to answer that question for the same reason.
"Q. Did you receive any voluntary contributions from any one in the employ of the Government for campaign uses?
"A. I decline to answer that.
"Q. On the ground that it is a private matter?
"A. Yes, sir.
"Q. Did you send any moneys not your own during the last campaign to the treasurer or any other official of the Democratic national committee?
"A. I decline to answer that question.
"Q. Do you know of any moneys being paid by clerks or draughtsmen or other employés of the Supervising Architect's Office for campaign purposes during the last campaign?
"A. I decline to answer that.
"Q. Will you be kind enough to tell me what you are willing to testify to?
"A. I am telling you now——
"Q. Under whose advice do you decline to answer these questions?
"A. Under my own.
"Q. Have you had any consultation with any official of the Treasury Department?
"A. No, sir.
"Q. On the subject?
"A. No, sir.
"Q. Have you talked with Secretary Maynard about it?
"A. I have not.
"Q. Or Thompson?
"A. I have not.
"Q. Or Colonel Fréret?
"A. No, sir.
"Q. Then I understand you to decline to tell the committee—to testify at all as to the collection of campaign money by you in the Treasury Department, including the Architect's Office?
"A. Yes, sir.
"Senator PASCO. I understood him to state at the beginning that he was willing to testify to it in his own way, and I think he has the right to make the statement in his own way.
"The CHAIRMAN. Now, Senator PASCO, try your hand to get the facts in your own way. I turn the witness over to you.

"By Senator PASCO:
"Q. I request him to state all that he knows on the subject in connection with the Department; whether any money was received from either or both of the political parties, and whether any amount, or what amount, passed through you; state in your own way all you know.
"A. I have never.
"Senator PASCO. I am satisfied with that general statement of the question.
"The WITNESS. So far as I know there was no solicitation for money by anybody. I have never asked anybody for money; always told them that they could not talk to me. Never solicited money from any person in the Treasury Department or outside at no time.
"Q. Were any requests made to you; were any circulars received by you during the campaign?
"A. There were circulars received; whether I got any I forget. I know there was some circulars received from both parties, both from the Republican committee and the Democratic committee. There is a letter [producing it] that was sent to the law clerk at my office.

"By Senator MORRILL:
"Q. In relation to this matter?
"A. Asking for contribution.

"By the CHAIRMAN:
"Q. You preserved that, but none received from the Democrats?
"A. I tried to get one, but I could not. I know there was one. I acknowledge there was.
"The CHAIRMAN. I do not want to be understood as abandoning these questions, because I propose that the witness shall answer the questions if the Senate can compel him, and he must abide the consequences. If my associate, Senator PASCO, can get the information out of him, I want him to try it.

"By Senator PASCO:
"Q. Did you receive any other or do you know of any other communications of this nature being received from either party?
"A. I am satisfied, I know that there were circulars sent from both parties; I know that I saw some from the Democratic party, but I have not got one; I can't say whether there was one sent to me or not; I don't recollect; but I know there were circulars sent around from both parties, because I heard talk about it. That (the circular) was handed to me the other day. I did not have it. I tried to get one of the other circulars.
"Q. Did you make any response to that or any other circular or application?
"A. Myself? No, sir; I never answered any circular at all.
"Q. Did you receive any fund for campaign purposes from either of the political parties?
"A. I decline to answer that question.
"Q. Have you anything further to say on that subject?
"A. No, sir.
"Q. I ask you to say it in your own way.
"A. I have nothing more to say.

"By the CHAIRMAN:
"Q. Then your declination to answer is not based upon the fact that I ask you to make a categorical answer, but upon your insistence that it is a private matter that the committee have no right to examine into?
"A. I made my statement; that is what I stand to.

"By Senator MORRILL:
"Q. You do not decline to answer because you have not knowledge of the fact?
"A. What is that, sir?
"Q. Do you not decline to answer because you have not any knowledge of the fact?
"A. Well, I respectfully decline to answer that question.

"By the CHAIRMAN:
"Q. Do you know Mr. Kinkel?
"A. I do.
"Q. Charles Kinkel; he is a draughtsman in the office of the Supervising Architect?

"A. Yes, sir.
"Q. Did he collect any money or receive any money by draft, check, or otherwise, in the office, to your knowledge, for campaign purposes?
"A. I don't know anything at all about Mr. Kinkel—what he did.
"Q. I said to your knowledge?
"A. I don't know anything at all what Kinkel did.
"Q. Did Kinkel turn over to you any draft or check or money collected from the employés in the Supervising Architect's Office for Democratic purposes?
"A. I decline to answer that question.
"Q. You know whether he did or not, don't you?
"A. I respectfully decline to answer that question.
"Senator PASCO. I would like to have what the witness said in reference to this matter read by the stenographer.
"(The stenographer read the testimony as requested.)
"Senator DANIEL. Mr. Chairman, does the chairman prefer to lay the matter aside?
"The CHAIRMAN. I do not care to discuss the matter in the presence of the witness.
"Q. I ask whether C. M. Anstell is the law clerk in the Supervising Architect's Office?
"A. Yes, sir. Now, if the Senator will allow me to ask a question, I would like to correct something.
"The CHAIRMAN. Go on; you may do so.
"The WITNESS. I understand that the Senator asked me whether I refused on the ground of criminating myself?
"The CHAIRMAN. I asked you that question.
"The WITNESS. I believe it was you. I declined to answer that question, and I see that the stenographer has it stating no. I want to make that correction now. I stated that I refused to answer that question.
"The CHAIRMAN. You stated it the way the stenographer has it; but, if you desire to correct it, you can correct it.
"The WITNESS. I do not mean to say that the stenographer would not get it correctly, but that is what I want to correct.
"Senator PASCO. He has the right to correct it, of course.
"The CHAIRMAN. Yes; certainly. He has the right to make any correction he desires to. (To the witness.) You may retire and remain in waiting. (The witness retires.)
"Senator PASCO. That letter is in as evidence, is it?
"The CHAIRMAN. Yes, sir.
"The letter reads as follows:
"'James P. Foster, president. Andrew B. Humphrey, secretary. Phineas C. Lounsbury, treasurer. Gen. W. W. Dudley, chairman campaign committee.
"'(Cut:) R. L. U. S.
"'*Resolved*, That the national Republican committee approve the organization of Republican clubs under the rules and regulations adopted by the national and State leagues; and we tender them our support and full co-operation as valuable auxiliaries to both State and national committees.
"'Adopted July 11, 1888.
"'J. S. FASSETT,
"'*Secretary National Committee.*'"

"'HEADQUARTERS THE REPUBLICAN LEAGUE OF THE UNITED STATES,
"'202 FIFTH AVENUE, NEW YORK,
"'*New York, October*, 1888.

"'DEAR SIR: As a citizen favoring protection and the election of Harrison and Morton, will you kindly assist the league by means of the popular subscription to the cause by asking your friends to enable the league to thoroughly prosecute its work of organization and bringing out the vote to secure success?
"'With more than 8,000 clubs and a membership of over 1,500,000 great good can be accomplished. Blanks are inclosed, and more can be had if needed.
"'As the canvass is short please respond at once, and if you have already done so please let us know, as much trouble with mail matter has occurred.
"'Yours, truly,
"'JAMES P. FOSTER, *President.*

"'[The Republican League (R. L. U. S.) of the United States. James P. Foster, president. General W. W. Dudley, chairman campaign committee.]

"'In 1880 the Democrats of Kentucky, residing in the northern tier of counties, circulated dollar subscription lists, and every Democratic voter subscribed and paid $1 for the assistance of their Democratic brethren in Indiana. In this way they collected and sent to the proper committees in Indiana over $30,000 in less than two weeks after the canvass was begun. This year we must depend upon the individual contribution of Republicans for campaign funds. Our enemy will levy upon and collect their fund from Democratic office-holders, and we must meet it by dependence upon our voters. Let every Republican give his dollar and then devote his heartfelt service to the work of the campaign. The Republican league clubs have been organized as a means to accomplish these ends, and are fully authorized to make such collections and conduct work of the campaign, under the direction of the national and State committee organization.
"'JAMES P. FOSTER, *President.*
"'*202 Fifth Avenue, New York City.*
"'W. W. DUDLEY,
"'*Chairman Campaign Committee.*

"'We hereby subscribe to the above.
"'[Stub on margin.]

"'Received of —— the sum of $1 as a subscription to the Republican League of the United States, for which he is entitled to receive one of the souvenirs of the league.
"'——— ———.'"

That said subcommittee, after the retirement of said witness, considered the pertinency of the questions which the witness had declined to answer, and his duty in relation thereto, and decided that it was the duty of the witness to answer, and that the matter be reported to the full committee.

That afterwards, at a meeting of the full committee, held on the 18th day of February, 1889, the following proceedings were had:

"THE UNITED STATES SENATE,
"COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
"*Monday, February* 18, 1889.

"The committee met pursuant to call.
"Present: Senators STANFORD (chairman), MORRILL, SPOONER, VEST, DANIEL, and PASCO.

"TESTIMONY OF THOMAS D. FISTER—RECALLED.

"Thomas D. Fister was recalled, and was interrogated and answered as follows:

"By Senator SPOONER:

"Q. I have prepared, with the approval of the committee, some questions to be put to you, and which the committee decide are proper questions, and questions that it is your duty to answer. Before doing it, in order that you may be advised of the state of the law upon the subject, I want to call your attention to three sections of the statutes:
"SEC. 102 (Revised Statutes, page 17). Every person who, having been summoned as a witness, by the authority of either House of Congress, to give testimony or to produce papers upon any matters under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100, and imprisonment in a common jail for not less than one month nor more than twelve months.
"SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.
"'SEC. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.'
"I call your attention also to section 859 of the Revised Statutes, which says:
"'SEC. 859 (page 162 R. S.). No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege.'
"I also call your attention to those sections of the statutes under which these questions are framed:
"'SEC. 11. That no Senator or Representative or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employé of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employé of any Department, branch, or bureau of the executive, judicial, or military or naval service of the United States shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employé of the United States, or any Department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.' (Act January 16, 1883.)
"'SEC. 15. That any person who shall be guilty of violating any provision of the four foregoing sections [one of which I have just read to you] shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court.' (Act January 16, 1883.)
"Having called your attention to these provisions of the statutes, I put to you these questions:
"Q. Did you, during the year 1888, directly or indirectly, solicit any assessment, subscription, or contribution for any political purpose from any officer, clerk, or employé of the United States in the office of the Supervising Architect or any branch or bureau thereof, or from any person employed in that office receiving any salary or compensation from moneys derived from the Treasury of the United States?
"A. Well, sir, I believe that is the same question you put to me before.
"Q. I will read you the question again if you desire it.
"A. Yes, sir.
"Q. Did you, during the year 1888, directly or indirectly, solicit any assessment, subscription, or contribution for any purpose from any officer, clerk, or employé of the United States in the office of the Supervising Architect or any branch or bureau thereof, or from any person employed in that office receiving any salary or compensation from moneys derived from the Treasury of the United States?
"A. I did not.
"Q. Did you, during the year 1888, directly or indirectly, receive any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employé in the office of the Supervising Architect of the Treasury Department?
"A. I respectfully decline to answer that question.
"Q. If so, state from whom and the amounts.
"A. I respectfully decline to answer, for the same reason.
"Q. Were you, during the year 1888, in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any officer, clerk, or employé of the United States in the office of the Supervising Architect of the Treasury Department?
"A. I was not.
"Q. Do you understand the question?
"A. I understand it: whether I solicited——
"Q. No; let me read it to you again:
"'Were you, during the year 1888, in any manner concerned in soliciting or receiving any assessment, subscription, or contribution——
"The WITNESS (interrupting). I did not understand.
"Senator SPOONER. I thought you did not. (Resuming the reading of the question:)
"'For any political purpose whatever from any officer, clerk, or employé of the United States in the office of the Supervising Architect of the Treasury Department?'
"A. I respectfully decline to answer that question.
"Q. Upon what ground do you decline to answer these questions?
"A. On the same ground I gave you when I was examined before.
"Q. State the ground.
"A. That it is a private matter.
"Senator SPOONER. You may retire, unless some other member of the committee wants to put a question.

"By Senator VEST:

"Q. You do not desire any time to consult any one upon this question, counsel or otherwise?
"A. No, sir.
"Q. You have made up your mind?
"A. I have made up my mind."
The witness retired.

That the committee decided that the subjects embraced in the quesions put to the witness on the 14th day of February, 1889, were within the jurisdiction of the committee under the resolution; that it was the duty of the witness to answer the same, and that he was in contempt of the committee and of the Senate in his refusal so to do; and the committee therefore report the facts to the Senate, and recommend the adoption of the following resolution:

"*Resolved*, That the President of the Senate issue his warrant, directed to the Sergeant-at-Arms of the Senate, commanding him forthwith to arrest and to bring to the bar of the Senate the body of Thomas D. Fister, to show cause why he should not be punished for contempt, and in the mean time to keep the said Fister in his custody to await the further order of the Senate."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MORGAN. That is rather an important matter concerning the

jurisdiction of the Senate to put a citizen on trial at the bar of the Senate. It seems to involve several rather important and delicate legal questions, and I therefore ask that the resolution go over, and that the resolution and the accompanying papers be printed

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. SPOONER. I have no objection to the resolution going over, but I simply desire to say that I shall not be able to be in attendance in the Senate to-morrow or next day, and I give notice that on Monday next I shall ask the Senate to proceed to the consideration of the resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.;

A bill (H. R. 7028) to admit to registry the steamer George H. Parker;

A bill (H. R. 7066) providing for the establishment of a light-house at Heceta Head, or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000;

A bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York;

A bill (H. R. 11216) to authorize the Union Gas Company to lay conduit-pipes across the Ohio River;

A bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas;

A bill (H. R. 11527) to establish lights on the western end of Coney Island, New York;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 11643) providing for the establishment of a life-saving station at mouth of Coquille River, Oregon;

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

A bill (H. R. 12059) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.;

A bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor at Chicago, Ill.;

A bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catherine Island, State of Georgia;

A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States;

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

A bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes;

A bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;" and

A bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company.

The message also announced that the House had passed the following bills:

A bill (S. 24) to extend the limits of the port of Portland as a port of entry;

A bill (S. 28) to create a port of delivery at Port Angeles, in the district of Puget Sound, Washington Territory;

A bill (S. 1128) to create a port of entry at Tacoma and Seattle, in Washington Territory;

A bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.;

A bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew, at or near Ward's Ferry, Louisiana;

A bill (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon;

A bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888; and

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries.

The message further announced that the House had passed the following bills with amendments in which it requested the concurrence of the Senate:

A bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina;

A bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Kirk's Ferry, La.;

A bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes; and

A bill (S. 1721) establishing a customs district in Florida, to be known as the collection district of Tampa, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama.

The message further announced that the House had agreed to the concurrent resolution of the Senate to correct the enrollment of the bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia.

REPORTS OF COMMITTEES.

Mr. PUGH. I am instructed by the Committee on the Judiciary to report back the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsey without amendment, and ask for its immediate consideration.

Mr. HOAR. Let that go on the Calendar.

The PRESIDENT *pro tempore*. The report will be placed on the Calendar.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3470) to remove the political disabilities of Henry A. Ramsey, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2866) to authorize the Secretary of the Interior to fix the amount of compensation to be paid for right of way for railroads through Indian reservations in certain contingencies, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes, reported it with amendments, and moved that it be recommitted to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3984) to provide for the purchase of the claim of the Seminole Nation of Indians to certain lands in the Indian Territory; which was read the first time by its title.

Mr. MORGAN. Let that bill be read at length.

The PRESIDENT *pro tempore*. The bill will be read at length the second time, if there be no objection.

The Chief Clerk proceeded to read the bill, but was interrupted by

Mr. SHERMAN. Is that bill up for consideration?

The PRESIDENT *pro tempore*. It is being read the second time at length for information, at the request of the Senator from Alabama [Mr. MORGAN].

Mr. SHERMAN. I have no objection to the reading of it being completed, but I object to its present consideration.

The Chief Clerk resumed and concluded the reading of the bill, as follows:

Be it enacted, etc., That the sum of $1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by Article III of the treaty between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,089 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: $1,500,000 to remain in the Treasury of the United States to the credit of said nation of Indians, and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20 to be paid to the treasurer of said nation, or to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation. This appropriation to become operative upon the execution by the duly appointed delegates of said nation, empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply.

SEC. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, but they shall only be disposed of in accordance with the laws regulating homestead entries, and to the persons qualified to make such homestead entries, not exceeding 160 acres to one qualified claimant. And the provisions of section 2301 of the Revised Statutes of the United States shall not apply to any lands acquired under said agreement. Any person who may enter upon any part of said lands in said agreement mentioned prior to the time

that the same are opened to settlement by act of Congress shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 8429) granting a pension to W. W. Wilson;

A bill (H. R. 12428) for the relief of Martha Rhodes;

A bill (H. R. 12273) for the relief of Newton C. Ridenour; and

A bill (H. R. 8100) granting a pension to Anna J. Weaver.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 3888) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Wilbur with the United States, and to pay said Wilbur such sum of money as may be found due to him thereon, reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was recommitted the bill (H. R. 834) for the heirs of John H. Newman, deceased, reported it without amendment, and submitted a report thereon.

Mr. PLUMB. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, to report it with amendments. I give notice that at the earliest possible moment after the completion of the consideration of the sundry civil bill I shall call this up.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred an amendment submitted by himself on the 19th instant intended to be proposed to the general deficiency appropriation bill, reported it without amendment and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland; and

A bill (H. R. 10644) granting a pension to Elizabeth Peterson.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas, to report it favorably with one small amendment, and recommend the passage of the bill as so amended. I call the attention of the Senator from Kansas [Mr. PLUMB] to this report.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. In behalf of the Senate conferees I present the report of the conference committee on the legislative, executive, and judicial appropriation bill, and I ask that it may be considered now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report? The Chair hears none. It will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 45, 46, 51, 52, 53, 54, 59, 60, 64, 65, 67, 68, 69, 84, 85, 86, 87, 94, 95, 96, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 23, 24, 25, 26, 41, 42, 43, 44, 47, 48, 56, 57, 58, 62, 63, 70, 71, 72, 73, 74, 76, 77, 78, 81, 82, 88, 89, 91, and 92, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$364,486.10;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,500;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the year proposed insert "1881;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the year proposed insert "1881;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,320;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"And not less than two hundred of the clerks in the office of the Adjutant-General shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications and soldiers' claims."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out from said amendment the following words: "One clerk of class 3; one clerk of class 2;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,880;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eleven;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,840;" and the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. H. FORNEY,
SAM. J. RANDALL,
J. G. CANNON,
Managers on the part of the House.

The report was concurred in.

BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 3985) for the relief of George E. Payne; which was read twice by its title, and referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 3986) for the relief of Henry D. O'Brien, late postmaster at St. Anthony, Minn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3987) granting a pension to John Frank; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 3988) authorizing the Secretary of the Treasury to appoint commissioners to investigate certain claims for damages done to planted oysters in Raritan Bay in 1881; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 3989) to refer Senate bill No. 1313, for relief of the estate of Edwin E. Saunders, deceased, to the Court of Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PUGH submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COMMISSIONER OF LABOR.

Mr. HAWLEY. There are two or three matters from the Committee on Printing that I should be glad to have the Senate consider immediately. I report from that committee favorably the joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON PRODUCTION OF THE PRECIOUS METALS.

Mr. HAWLEY. I am also instructed by the Committee on Printing to report favorably a concurrent resolution from the House of Representatives, and I ask that it may be considered at this time.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for distribution for the Director of the Mint 1,000 additional copies of the report on production of precious metals of the United States for the calendar year 1887.

EULOGIES ON EDWARD W. ROBERTSON.

Mr. HAWLEY. I am also directed by the Committee on Printing to report favorably without amendment the joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana. I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INAUGURAL ADDRESSES OF PRESIDENTS, ETC.

Mr. HAWLEY. I ask to have taken up and considered at the present time Senate joint resolution 138, which was reported favorably a few days ago.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent for the consideration of a resolution the title of which will be read.

Mr. HOAR. Subject to objection.

Mr. HAWLEY. Subject to objection.

The CHIEF CLERK. A joint resolution (S. R. 138) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Is that all of the resolution?

Mr. HAWLEY. I will say that the expense is not what it would appear to be, for the plates are to be obtained from the Treasury Department. The portraits of the Presidents are all existing.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Is that all of the resolution?

The PRESIDENT *pro tempore*. Only the title has been read. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Let it be read at length for information.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The Chief Clerk read as follows:

Resolved, etc., That there be printed, under the direction of the Joint Committee on Printing, 10,000 copies of the inaugural addresses, in chronological order, from George Washington to Benjamin Harrison, covering the first century of the inaugurations of the Presidents of the United States, together with certain historical data connected with the inauguration ceremonies, and brief biographical sketches of the Presidents, with steel-plate portraits of the Presidents and steel engravings of the Capitol and White House, 3,000 of which copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the compilers and editors of the work; and the compilers of the work shall have the right to use the plates employed in printing and illustrating the first edition in getting out a second edition; and the sum of $5,130, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of printing the illustrations at the Bureau of Engraving and Printing, which is hereby directed to do the work.

Mr. BLAIR. Mr. President, is this resolution open to amendment?

The PRESIDENT *pro tempore*. The Chair has inquired if there be objection to its present consideration.

Mr. HOAR. I desire to make no objection, but I reserve the right to object if it turns out that it leads to debate.

The PRESIDENT *pro tempore*. The resolution is open to amendment as in Committee of the Whole, if there be no objection to its consideration.

Mr. BLAIR. I wish to move as an addition to the resolution at the proper place that the Farewell Address of Washington and the Farewell Address of Jackson be included.

Mr. HOAR. They have been printed a thousand times in other forms.

Mr. BLAIR. I shall be very glad to see the Farewell Address of Washington printed with these inaugural addresses also.

Mr. HAWLEY. I certainly have no objection.

Mr. BLAIR. And also that of President Jackson.

Mr. HAWLEY. I have no objection to that.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 2. That the Farewell Addresses of President George Washington and of President Andrew Jackson be also included.

The amendment was agreed to.

Mr. HOAR. I should like to amend by inserting where the joint resolution speaks of the portraits the words "with a suitable index by subjects."

The PRESIDENT *pro tempore*. The proposed amendment will be stated from the desk.

Mr. HAWLEY. I think the words "with a suitable index" will answer the purpose.

Mr. HOAR. I want the index so that the subjects shall be indicated.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be stated.

The CHIEF CLERK. In line 9, after the word "Presidents," it is proposed to insert "with a suitable index by subjects;" so as to read: "And brief biographical sketches of the Presidents, with a suitable index by subjects," etc.

The amendment was agreed to.

Mr. DANIEL. I beg leave to ask the Senator from Connecticut if the word "inclusive" should not be inserted after the name of President Benjamin Harrison, in line 6, so as to include all the inaugural addresses and the proceedings from Washington to Benjamin Harrison.

Mr. HAWLEY. I think that would be better. I will accept the amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 6, after the name "Benjamin Harrison," it is proposed to insert the word "inclusive;" so as to read:

From George Washington to Benjamin Harrison, inclusive.

The amendment was agreed to.

Mr. COCKRELL. I favor the resolution, but I think it ought to be more extended, and we ought to include in this publication all the messages of all the Presidents. This addition would not make more than two ordinary volumes and would be an exceedingly interesting publication. I made the suggestion personally to the Senator from Connecticut, but as the Committee on Printing has not reported it I shall not offer the amendment. I should like exceedingly to see such a compilation.

Mr. HAWLEY. I think that would to some extent destroy the special interest in this volume. Those messages have been printed many times in an ordinary, plain way.

Mr. SHERMAN. I should like very much to see the Declaration of Independence included. This will be a kind of convenient work to the people. The Declaration of Independence is an important document, and it should be included.

Mr. HAWLEY. Does the Senator make that motion?

Mr. SHERMAN. I do. I move to insert "including the Declaration of Independence and the Constitution of the United States."

Mr. ALLISON. And the amendments.

The CHIEF CLERK. It is proposed to amend so as to make the joint resolution read:

That the Declaration of Independence, the Farewell Addresses of President George Washington and of President Andrew Jackson be also included——

Mr. HAWLEY. Did I understand the Senator from Iowa to move to insert the Constitution?

Mr. ALLISON. The Constitution and amendments. They form an important document.

Mr. SHERMAN. Let it follow the Declaration of Independence.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend so as to make the joint resolution read:

That the Declaration of Independence, the Constitution of the United States and the amendments thereto, and the Farewell Addresses of President George Washington and of President Andrew Jackson be also included, etc.

The amendment was agreed to.

Mr. BUTLER. Had we not better include the Revised Statutes?

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from South Carolina.

Mr. HAWLEY. I think I shall draw the line there.

Mr. BUTLER. I will not offer it as an amendment, but I think in order to make the volume complete we had better put the Revised Statutes in—all the general statutes.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. I think the title might be amended by stopping at the words "inaugural addresses."

Mr. PLUMB. I move to lay the joint resolution on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

Mr. HAWLEY. I shall be perfectly willing to have it lie over. It is open to objection.

Mr. BUTLER. Let it lie over and see what we have scooped up this morning.

The PRESIDENT *pro tempore*. The joint resolution resumes its place on the Calendar, if there be no objection.

COMMITTEE ON IRRIGATION AND ARID LANDS.

Mr. STEWART submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Irrigation and Reclamation of Arid Lands, appointed under authority of a resolution of the Senate of February 14, 1889, is hereby authorized, in pursuing the investigation in said resolution ordered, to hold its sessions and take testimony at any place in the United States, and to employ a stenographer and a messenger, the expenses of such investigation to be paid from the contingent fund of the Senate. The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit, exclusively for its use. Any subcommittee appointed by said committee may exercise the same powers as the full committee.

INDIAN SEVERALTY LANDS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate a detailed account of the expenditure under the two items of appropriation of $10,000 and $30,000 in the Indian appropriation act of June 29, 1888, for the completion and for the continuance of work under the act providing for the allotment of lands in severalty to the Indians on the various reservations, and of what has been done in carrying out the provisions of said appropriations,

the number of allotments completed, and the number of trust patents delivered in conformity with the provisions of said appropriations, and also the sum necessary to be expended in like work during the coming year.

FORT LEAVENWORTH MILITARY RESERVATION.

Mr. PLUMB. The Senator from Missouri [Mr. COCKRELL] just now reported a bill from the Committee on Military Affairs of a kind which, while important, is not liable to any objection whatever and which ought to be passed now if there is to be any final passage of it at this session of Congress. I ask unanimous consent that it be now considered. It provides practically for the enlargement of the waterworks at Leavenworth to meet the conditions imposed for the supply of water to the military post at Fort Leavenworth.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas, may be now considered.

Mr. HOAR. Let it be read for information.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 22, after the word "for," to strike out all down to and including the word "cents," in line 24, in the following words:

The price and sum of $250 per acre, amounting to the sum of $2,437.30.

And to insert:

Such price and sum of money, not less than $300 per acre, as the Secretary may determine to be fair and reasonable.

So as to read:

Containing 9¾ acres, more or less, reserving to the United States or assigns the coal, or royalty for the coal, underlying said lands, at and for such price and sum of money, not less than $300 per acre, as the Secretary may determine to be fair and reasonable.

The amendment was agreed to.

The next amendment was to strike out section 4, as follows:

SEC. 4. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana;

A bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida;

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas;

A bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions; and

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa.

The message also announced that the House had passed the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis., with amendments in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 185) to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States; and

Joint resolution (S. R. 140) authorizing the printing of 50,000 copies of the fourth and fifth annual reports of the Bureau of Animal Industry, for the years 1887 and 1888.

CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Massachusetts [Mr. HOAR] coming over from yesterday.

Mr. CALL. I wish to ask the consent of the Senator from Massachusetts and the unanimous consent of the Senate to allow the consideration of Senate bill 746.

Mr. HOAR. I must object until the resolution passes. As soon as the resolution is out of the way that measure can be taken up.

Mr. CALL. Allow me to say one word. I think the resolution to which the Senator from Massachusetts refers will occupy considerable time of the Senate. Both houses of the Legislature of Florida have unanimously asked for the consideration and passage by the Senate of this bill. In view of the fact that there was yellow fever in that State last year which threatened to extend itself to all the great cities North and South, the Legislature was called together in extra session specially to provide measures for the protection of the State and of the United States against the recurrence of this disease. The resources of the State have been largely drawn upon last year and will be exhausted in carrying out of these preventive measures which the law will require, and it is desired that this bill shall be passed in order that it may go to the other House and furnish the State treasury with the money needed for this purpose. I very earnestly request that it may be allowed to pass. It will be observed that the purpose for which this money will be largely used is common to all the States, and one of the highest utility and perhaps one of absolute necessity. This bill is reported from the Committee on Claims, and I earnestly hope that it may be passed by the Senate and placed on one of the appropriation bills.

I give notice that I shall feel myself justified, in view of the necessities of the State and in obedience to the joint resolution of the Legislature, to press the passage of this bill every day until the Senate shall take favorable action upon it. I again urge the Senator from Massachusetts and the Senate to allow this bill to be considered and passed.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent for the consideration of the bill (S. 746) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes. Is there objection to the present consideration of the bill?

Mr. HOAR. I must object until the resolution for an investigation is out of the way, which relates to a worse epidemic than any yellow fever.

The PRESIDENT *pro tempore*. The resolution will be stated.

The SECRETARY. "A resolution by Mr. HOAR authorizing the Committee on Privileges and Elections to investigate the alleged election outrages in certain States."

Mr. VEST. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read at length.

The Chief Clerk read the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, fraud, or other crime.

Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.

Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.

And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns so extensive and so systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said elections without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators and to provide methods for the appointment of electors for President and Vice-President of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. SAULSBURY. I desire to offer an amendment, in the first paragraph, by inserting after the word "intimidation" the word "bribery." I am not sure but that the language of the resolution would include bribery; the term "fraud, or other crime" perhaps might be sufficient to cover it, but I desire to have it specifically incorporated in the resolution that the inquiry shall be made with reference to the question of bribery at elections in the States.

It is well known that there have been charges of bribery at the last Presidential election, that by the use of money the purchase of votes by the bribery of voters was attempted; and if this investigation is to take place I want an inquiry into that fact so that it may be exposed to the people of this country.

The terms employed in the resolution might possibly be fairly construed to include bribery, but it is evidently better to insert the term specifically so that there can be no mode of escaping an inquiry upon

that subject. I therefore move the insertion of the word "bribery" after the word "intimidation."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Delaware will be stated.

The SECRETARY. In the last line of the first clause of the resolution, after the word "intimidation," it is proposed to insert the word "bribery."

Mr. HOAR. I will accept the amendment.

The PRESIDENT *pro tempore*. The Chair hears no objection to the amendment suggested by the Senator from Delaware, and it is agreed to.

Mr. PASCO. I wish to move an amendment to that amendment. I suggest, after the word "bribery," to insert the words "or other unlawful use of money." I ask the Senator from Delaware to accept that amendment.

Mr. HOAR. I have no objection to the amendment suggested by the Senator from Florida.

The PRESIDENT *pro tempore*. The amendment moved by the Senator from Florida will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert the words "or other unlawful use of money."

Mr. HOAR. I have no objection to that.

The PRESIDENT *pro tempore*. That amendment will be made, if there be no objection. The question is on agreeing to the resolution as amended.

Mr. GORMAN. Mr. President, the day before yesterday when the Senator from Massachusetts reported the resolution from the Committee on Privileges and Elections, and again yesterday when he offered another resolution, I objected to its consideration. I did so because I believed then as I do now that there is no necessity whatever for bringing this question to the attention of the Senate in the closing hours of this session. For several weeks we have had a resolution pending in the body offered by the Senator from New Hampshire [Mr. CHANDLER] covering practically the ground of the resolution presented by the Senator from Massachusetts, and another phase of the question from the Committee on Privileges and Elections, that committee coming to the body with a resolution in these words:

Resolved, That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress with a view of providing for a more complete protection of the exercise of the elective franchise and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

That resolution seems to be broad enough to cover this entire question of what legislation may be necessary hereafter to protect the ballot and to provide for a fair election in all cases where members of Congress are to be elected, if Congress has the power to so provide by law.

When that resolution came before this body the Senator from Tennessee [Mr. HARRIS], speaking not only for himself but I think for every member on this side of the Chamber, made the offer to the other side that we would adopt that resolution at once, and without debate, unnecessary as it is; but we did it for the purpose of not delaying the legislation which is absolutely necessary to be had to permit the wheels of the Government to go on, and to prevent that which everybody in the country desires to prevent, an extra session of Congress. Having made that tender, and after the statement of the Senator, it was rejected by the majority of the Senate, and the resolution is still pending and under debate.

But more than that, sir, the resolutions offered by the Senator from New Hampshire [Mr. CHANDLER] and the Senator from Louisiana [Mr. GIBSON] on my right were referred to the Committee on Privileges and Elections, as some of us believed and understood that the whole question hereafter should come up on the resolution reported by the Senator from New York. There is no Senator on this or the other side of the Chamber who does not recognize possibly the necessity for additional legislation. Certainly none object to a fair inquiry into the provisions of law as they now exist, and to ascertain what may be necessary to correct the election machinery in the cases spoken of in the resolution so far as Congress has the power to so legislate.

In the face of that notice, which was given calmly and properly on this question of going into a sectional issue—for that is what the resolution of the Senator from Massachusetts means—if in the closing hours of this session you intend to prepare a drag-net to look up all the little shortcomings, acts of commission and omission, in one section of this country, you do it with the full knowledge, and I have no doubt you do it with the intent, having had notice served, of delaying the necessary legislation at this session and bringing about what some may desire, an extra session of Congress.

Throughout the land there is in the newspapers and in public assemblages and on all public occasions apparently an organized and systematic determination on the part of a few agitators to convince the country that there is nothing but corruption and bad government in some sections of the Union. I believe that it is but the revival of a school which began at the creation of the Government, which does not believe in popular government and popular suffrage, which wants to break down the great system that was inaugurated by the fathers. It can not be done by direct assaults upon the institution, but they hope to make it possible by discrediting the honesty and fair dealing of the American people residing in certain States of the Union. The provision for holding elections does not give a perfect system in any State. It is the one question that has given greatest concern from the beginning until now. If it fails the structure is gone; and as the country grows in population and in wealth it becomes the duty of every lover of his country to give his best service, thought, and vote for equal and just laws to maintain the purity of the ballot.

There is not a patriot, there is not a Democrat, nor is there a Republican, who believes in our institutions who is not ready to consider fairly and well what further legislation may be necessary to protect the ballot; but a proposition is submitted here by the Senator from Massachusetts, as the spokesman of his committee, reproducing practically the resolution offered by the Senator from New Hampshire, not in the spirit of fair dealing with a view to investigate this subject in all sections of the Union, but to revive the animosities of the war, to deal only with certain divisions of this country which have no ordinary task to maintain their respective State governments.

There is in my judgment no excuse for such a raid at this time. Can it be that the Republican party having been successful at the late election, soon to come into power in all branches of the Government, can not wait until they get the full possession of the Government and then assume the entire responsibility of such legislation as is to come hereafter? We are too fresh from the late contest to take up these questions as a judge would take them up or as a patriot should in Congress with a view to produce a great result without bringing up the sectional troubles and discussions again.

Mr. President, let us be entirely frank. Everybody knows that there is trouble; that there have been thousands of instances in every State in the Union where complaints have been made of the want of fairness in conducting elections. It is not confined to Louisiana; it is not confined alone to Massachusetts, or to Maryland, or to Connecticut, or to Rhode Island, but it is in every State in the Union. Then I ask the Senator from Massachusetts, who knows that fact as well as I do, why it is that he singles out the State of Louisiana and prepares a drag-net to go into that State and examine into an election held not at the Presidential election but in April last, without a single memorial or petition ever having been presented by anybody in Louisiana or by any Republican member of the Legislature of that State.

If, as it looks upon the face, that now in 1889, with the incoming administration of the party of the Senator from Massachusetts, all the old wounds are to be opened, and that, not satisfied with your victory and the possession of the Government, you will enter upon a scheme which must paralyze the business interests of this country and revive the bitter feelings that have passed or ought to have passed forever, then I admit the Senator from Massachusetts is a typical representative of those Senators who would be likely to engage in such a work.

There have been times when parties have been defeated, and they have not counseled with their judgment and have permitted their disappointments and temper to lead them astray. In this case, flushed as you are with victory, with the whole Government at your command after the 4th of March next, I ask the Senator from Massachusetts why it is that he enters upon this tirade against one section of his country. Is it for the purpose, by Federal legislation and bayonets and deputy marshals, of putting one class of people or a people of one color in the possession of twelve or thirteen States in the Union? Would he tolerate this in Massachusetts? Does he tolerate it there? I know of no State in the Union that has excluded from the suffrage more people than the State of Massachusetts does to-day by its constitution.

I do not wish to go into details as to what each of the States has done, how they have excluded their citizens or the residents of their Territory from participation in the election of the officers of the States and of Senators and Members of Congress. I had hoped, and I believe yet, that the majority of this body and the majority of the American people will take a broader view of this question, will recognize that it is one of the first moment, will consider it in the spirit suggested by the Senator from New York, without partisan bias, at a time when we are far enough removed from the excitements of the last campaign to permit us to come to some conclusion that would be wise and in the interest of the whole people. If that can be done, then I for one will agree to the consideration of the question.

But when we have agreed to place the whole matter in the hands of the Committee on Privileges and Elections, to give the Senator from New York and his party, which has a majority of that committee, full opportunity to consider in all their details the laws upon the statute-books and to bring forth in December next any amendment, any suggestion that may better the present condition of affairs, why is it desired to go beyond that?

Mr. HOAR. We want to know what the facts are.

Mr. GORMAN. The Senator from Massachusetts says he wants to know the facts. If the Senator from Massachusetts were frank, as he ought to be, he would answer by saying: "I want to rake over the Southern section of the country and see how bad a case I may make against that section." I do not believe the Senator from Massachusetts, brave as he is, would dare to go to Massachusetts and to Rhode

Island and to Connecticut and denounce his people for their omissions as he has denounced the people of Louisiana and of Texas. He would like to rake up all the harsh and hard things that are said in the excitement of a political campaign, and they occur in every State in the Union.

There are men who grow excited in Massachusetts as they do in Texas and commit acts and make speeches in the height of the excitement that they would not be guilty of at any other time. That is one of the necessary and inevitable results of popular suffrage. It can not be made absolutely pure, for nothing in this world has been since the fall of Adam. But taking the sixty or sixty-five millions of people, the machinery which is provided by the States and by the United States for conducting elections is to-day as fair and shows the result of the will of the people as nearly as it is possible to ascertain it under our system. You may better it here and there, and all good men of all parties are most anxious to have that done, but you can not do it, you will not do it if you are to revive the issues of the war and bring Massachusetts against South Carolina, and New York against the great State of Texas.

The first two clauses of the resolution submitted by the Senator from Massachusetts relate to the choice of electors for President and Vice-President of the United States in 1888. That part of the resolution embraces the elections in every State in the Union; it embraces the election of every member of Congress; but I ask the Senator from Massachusetts where does he find the power to go into a State of this Union and examine and inquire into the local election in the State of Louisiana? Does he mean that from this time henceforth, if his party is to have the power, the States are to be ignored; that no longer will we rely upon local self-government, but that the National Government shall take possession and charge of the local affairs of every State in this Union?

Mr. President, I in part represent one of the original thirteen States of this Union, whose citizens at the creation of this Government bore their full part in all the struggles which led up to the Declaration of Independence and the adoption of the Constitution. The people of Maryland have been true to this Union from that hour to this. There never has been a time when Maryland did not do her full part in this Union. A small State, she can have her rights only by insisting on a strict observance of the Constitution and being left to manage her own affairs in her own way.

When you enter upon the scheme proposed by the Senator from Massachusetts, wiping out and destroying the rights and power of the States to regulate their own elections, his State and mine, those of us upon this border, small in area and sparse in population compared with the great States of the Union, will be swallowed up and our rights will be gone from us. The Representatives of New England may enter upon it and for a time may harass and embarrass the Southern end of our country, but when you have entered upon your scheme you will soon find that the power that is gathering along the banks of the Mississippi and west of it will have us at their mercy, and the Union and the Government as we have understood it, and as it has been administered up to this hour, will be a thing of the past.

I know that during the campaign through which we have just passed, our friends on the other side——

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to call the attention of the Senate to the regular order, which is the resolution reported by the Senator from New York [Mr. EVARTS] directing the Committee on Privileges and Elections to revise the existing laws regulating elections of members of Congress, etc.

Mr. ALLISON. Pending that I ask the Senate to proceed to the consideration of the sundry civil appropriation bill, laying aside informally the pending order. I do not care to displace it.

The PRESIDING OFFICER. The Chair hears no objection, and the consideration of the appropriation bill will be resumed.

Mr. VOORHEES. I desire to submit an amendment to the resolution offered by the Senator from Massachusetts [Mr. HOAR], which I ask be read and printed.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. It is proposed to add to the resolution:

And said committee shall also inquire into and investigate fully whether money was corruptly and unlawfully used in the control of elections in November, 1888, in any of the States, and for this purpose said committee shall have power to examine into the various sums of money raised for such purpose, by whom paid, and by whom collected, and to whom disbursed, and it shall be the duty of said committee to exercise this power.

The PRESIDING OFFICER. The proposed amendment will be printed and lie on the table.

ORDER OF BUSINESS.

Mr. BOWEN. I ask the Senator from Iowa to yield to me for a few moments that I may call up the bill (S. 3894) to ratify and confirm an agreement with the Southern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect.

Mr. ALLISON. I consent to yield to the Senator from Colorado if the bill will lead to no debate.

Mr. JONES, of Arkansas. I object to the consideration of that bill in the absence of the Senator from Massachusetts [Mr. DAWES], who is chairman of the Committee on Indian Affairs.

Mr. BOWEN. He will be here before the bill is read through.

Mr. JONES, of Arkansas. I object to its consideration.

The PRESIDING OFFICER. The Senator from Arkansas persists in his objection. The appropriation bill is before the Senate.

Mr. PASCO. I ask the Senator from Iowa to yield to me for the passage of a bill which will occupy but a few moments time, and which was passed upon unanimously by the Committee on Claims. If it leads to any discussion I shall withdraw it.

Mr. ALLISON. With every disposition to gratify Senators, and having promised to yield to my friend from Colorado without knowing that he had a long bill——

Mr. BOWEN. I was going to ask leave to omit the reading by unanimous consent.

Mr. EDMUNDS. We can not do that.

Mr. ALLISON. I must decline to yield to friends at this moment.

Mr. EDMUNDS. I ask for the regular order, which is the appropriation bill.

Mr. ALLISON. I feel obliged to go on with the appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order.

Mr. BOWEN. Then I give notice that I shall move to take up Senate bill 3894 as soon as the appropriation bill is finished.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore:*

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana; and

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor.

ARMY APPROPRIATION BILL.

Mr. STEWART. I move that the Committee on Appropriations be discharged from the further consideration of an amendment offered on the 11th instant and referred to that committee, intended to be proposed to the Army appropriation bill, and that it be referred to the Committee on Military Affairs. It has been printed.

The PRESIDENT *pro tempore.* It will be so ordered if there be no objection.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, the pending question being on the reserved amendment reported by the Committee on Appropriations on page 19, line 12, after the word "exceeding," to strike out "1 cent" and insert "50 cents," and in line 14, before the word "thousand," to strike out "seventy-six" and insert "ninety;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, and for wages of printers' assistants at steam-presses, at $1.50 a day each when employed, and for royalty at not exceeding 50 cents per thousand impressions for use of steam plate-printing machines, $390,000, to be expended under the direction of the Secretary of the Treasury.

Mr. BLAIR. Mr. President, as I took the floor yesterday to make a few remarks upon the pending amendment a privileged report, that of a conference committee, was interposed, which consumed the remainder of the day. Since then I learn of the great anxiety of the Senator from Iowa who is in charge of the bill to have it disposed of as soon as possible. I shall, therefore, make my remarks, which otherwise might have been more prolonged, just as brief as I possibly can with justice to those in whose interests I feel some concern.

This controversy over the amendment in question is one which has been in existence in the country for a long time. It has appeared and reappeared at various times in the Senate and House of Representatives. It is between what are known as the plate-printers of the country and those interested in certain steam-press inventions which assume to do the same class of work. It is work performed upon the Government securities and upon the Government stamps. The amount of this work which is done by the steam-press is not so very considerable, and the saving to the country by the highest computation made by those interested in their use is not very large. It is assumed by some to be three or four hundred thousand dollars. By the best information that I have been able to obtain it is not half that amount.

The money involved, however, whether it be many or few thousands

of dollars, is a consideration of importance, provided that its expenditure be not controlled by considerations of more consequence. But I think there are such other considerations, and I believe, as a general proposition which ought to control our action with reference to this amendment (which, if adopted, is practically the adoption of the steam-press rather than the hand-press in the manufacture of our securities on certain important branches of that manufacture), that the adoption of this amendment, being such affirmative action by the country, will be a serious step in the direction of the depreciation of the high quality of those securities and stamps which is indispensable for the true interests of the Government and of the people whom the Government represents.

This is not a question as to whether labor-saving machinery should be adopted in this country, or in any country, whether the progress and the improvement of society require that existing forms of handicraft, existing utensils made use of by individuals in the various industries of life, in the various forms of production, and in earning sustenance for the human race, shall give way as improvements dawn upon society and better methods of accomplishing the great ends of industry are invented. It is not such a question as that, and those who favor the continued use of the hand-press by no means take such a position as that. It is to-day the general position, as I understand it, of what are called the labor organizations of the country. Whether it be their position or be otherwise, it is the universal concession of all intelligent men that actually labor-saving machinery, its introduction, and the gradual supplanting of other methods of production is a benefit to the human race, and not only to the human race as a whole but it is ultimately a benefit to those who are actually engaged in the production.

So the working people, as they style themselves, and as others sometimes call them, are interested more than others for the reason that they are the most numerous class of people, and those whose condition needs most promotion and encouragement. They are of all people the most interested in the introduction of labor-saving machinery, but it should never be forgotten, as it seems to be forgotten by those who own these labor-saving machines, by those who control these inventions (who are the few, and they not the inventors either, as a rule, but those capitalists who have come to the ownership of labor-saving machines), that no labor-saving machinery should be introduced until it be demonstrated that it has the quality of saving labor. The mere fact that it is able to perform just the same amount of work which is performed by previous methods and utensils does not constitute a reason for its introduction unless that work of the same quality may be performed at a great reduction of expenditure.

In such a case I admit that the labor-saving machinery should be introduced, although the quality of the work might not be superior to that of the previous utensil employed, and for this reason, that the existing occupations and means of livelihood, the knowledge which a man or a woman has acquired of his or her handicraft, is necessarily and properly an important element of supporting life and of continuing existence, and during the *interim* when the new piece of machinery is being introduced and is being applied in general use, there necessarily must be in a considerable degree deprivation and suffering and want among those whose occupations for the time being are interrupted and oftentimes destroyed.

Therefore it is that in the case now before the Senate, unless it be clear, unless it be a demonstration that the steam-press introduced into this Government and other work is an actual and a positive and an important benefit to some class or to all classes, it is not to be by the Government introduced here as a measure to supplant the means of livelihood of any of our fellow-citizens.

Now, the hand plate-printers come here and they, by universal concession as well as by a great amount of positive proof, show that they perform the highest quality of work in their occupation; that their work is superior to the work of the steam-press in those branches of that occupation where the steam-press can be used at all. It is, I say, demonstrated here by universal concession that a great part of the work of the printing of the Government securities can not be performed at all by the steam-press, and that it is only a limited portion of it, and that the inferior or less difficult parts of the work, which are performed in this process of the manufacture of currency and of stamps by the steam-press.

I may fairly assume that it is also a demonstration from the great mass of evidence which has been taken so far, even by the Senate committee and certainly as the result of the investigations of the committee of the House of Representatives, that the work of the hand-press is better upon the backs of the certificates and on the stamps than is that of the steam-press, is of a higher quality when each press is called upon to do the best that it can. I think that is conceded and is fairly to be assumed from all the evidence and the admissions in the case.

Mr. President, we are then in this situation, that we have governmental work to perform, and that the highest quality of that work is of indispensable necessity to the general interests of the people. That seems to be conceded by all. It is admitted that the business of counterfeiting the superior production, the carefully executed certificates for currency of the country, is much more difficult than that of counterfeiting the inferior order of work. So, if it be important that the currency of the country should not be counterfeited, it is important that it should be executed in the highest possible style of the art which prints currency or which makes stamps.

The Senator from Tennessee [Mr. HARRIS] yesterday, in commenting upon this point, stated that in the investigations of the committee of which he was a member the experts produced by the hand plate-printers as well as those perhaps summoned upon the other side, examined various specimens of work and that they were unable to detect from mere inspection which was the work of the hand-press and which was the work of the steam-press. I think he said that in three cases out of four they mistook the work of the one for the other. The Senator argued from that that there is conclusive evidence as embodied in the report of the committee of which he is a member that there is from this circumstance alone conclusive evidence that the work of the steam-press is as good as that of the hand-press. He reasons from the fact——

Mr. HARRIS. The Senator from New Hampshire will allow me. He does not state me quite as strongly as I stated myself.

Mr. BLAIR. I am not done stating the Senator's position.

Mr. HARRIS. What I said was this: When samples of the work indiscriminately taken from the current work of both presses were submitted to the experts and they were called upon to select the better specimens and the worse specimens, in the ratio of three out of four they selected the steam-press work as the better and the hand-press work as the inferior. That was my statement.

Mr. BLAIR. The Senator then has stated his point for himself. If he has stated it more strongly than I did, he has not stated it any more strongly than it ought to be stated, and if the increased strength of the statement makes more distinct the inaccuracy of his conclusion, it is not my fault.

Mr. President, the Senator reasons from the statement which he has made to the conclusion which is vital in order that this amendment be adopted; he reasons from that statement of the result of that experiment to the conclusion that the hand-press should be discountenanced and discarded in this particular branch of the work, and that the steam-press should be substituted. I am not misstating the Senator so far as the conclusion is concerned.

It seems to my mind that no such conclusion follows. Behind that experiment, and above and beyond and outside of that experiment is all the great mass of evidence that the highest quality of the hand-press work is superior to the highest quality of the steam-press work, and the fact which nobody disputes is that the currency of the Government requires for the safety and interests of the people the very highest quality of work that can be obtained from any source by the use of any machine or any agency that can be engaged in plate-printing.

Now, let us examine the accuracy of the conclusion which the Senator draws from his experiment. Here are experts brought before the committee, and there are submitted to them various specimens of the current work of both steam and hand presses, as he says, and in the majority of cases the steam-press work is selected by the experts as the better. Now, what is the evidence in the case? The original complaint is contained in the memorial of the Knights of Labor, which I presented more than a year ago, and which has never been investigated until very recently by this committee, so that this evidence only got to us yesterday, too late for anybody to examine it.

The complaint set forth fully at length in the original memorial, and to be found in almost every newspaper issued in the country for ten years, and especially in the more recent period of the last two or three years, is to the effect that the work which is being imposed upon the country is of a very low order, no matter what does it or where it comes from. In other words, the execution of the plate-printing of the currency has not been up to the highest style or quality of any art whatever, whether of the hand-press or of the steam-press; and yet that being the complaint with reference to the general condition of our currency, so that those specimens which came before these experts were all of them inferior and below the quality they ought to be for any evidence that is before us, on examination of this bad work which was presented to them in the particular instances or specimens which were presented to them it appears that the steam-press work was fully as good as the hand-press work.

Any one can see that by the selection, whether it might be accidental or whether it might be by design, of bad specimens or of ordinary and average specimens of both kinds of work, when all concede them to be inferior, and the general public complain that they are so, the work of the steam-press might be even superior to that of the hand-press. And yet it does not appear upon the great general and important proposition that is to be considered here, the question whether the Government work is being done in the highest style of art, and whether, in order that it may be done in the highest style of art, we ought to employ the hand-press or the steam-press, that the Committee on Finance has passed any judgment. Indeed, on that question it has made no investigation. So far as this report has been quoted to us, the committee has made no investigation that touches the real merits of this case.

Mr. President, I do not know how thorough this investigation of the

Senate Finance Committee has been. I know that repeatedly I called this matter to the attention of the Committee on Finance at the last session of Congress and urged attention to it and could not obtain it, and when they did undertake this investigation they were pressed by the tariff examination, and I know from my intercourse with members of the committee when they took it up that they found it an exceedingly heavy burden to carry; and I am only astonished that in the immense mass of work which they have performed during the past few months they found time to take the great mass of testimony which is contained in this report.

But, sir, I say I do not believe it has been a thorough investigation, and I say it from some knowledge. I say it because I do not think the report itself touches the main point which was submitted to the committee for investigation and for action. I say it further because I know the parties who make this complaint. These plate-printers themselves complain that they have not been fully heard, and after these hearings closed those who represented them came to me and said their most important witness had not been allowed to speak, and they inquired what could be done. They informed me that they could not obtain a further hearing by the committee, and I did not see how they could have had further hearing by the committee from that date if the matter was to be brought before Congress at all at the present session.

They asked what could be done, and they brought to me the chief of the detective service of the Treasury of the United States, and I talked with Mr. Bell, and he told me that he had not been heard on the point that it was important to be heard on, and I told him to write a letter which I would introduce here in debate, and to state the answers to specific questions which should be addressed to him, and to make his answer to them pointedly, and I would use such data in debate. Accidentally I was away and they went to the Senator from Connecticut [Mr. HAWLEY] and he has laid the letter of the chief before us.

Mr. HARRIS. Will the Senator allow me a word upon that point?

Mr. BLAIR. Certainly.

Mr. HARRIS. I simply desire to say that the committee heard every witness that the hand-press plate-printers proposed to introduce until they announced that they had closed their case. We sat there day by day for many days hearing every witness that they introduced until they themselves announced that their case was closed. Afterwards we heard the other side, and then we heard such witnesses as they introduced in rebuttal until we closed the case. Mr. Bell was brought to the committee-room after we had ceased to take testimony, and he was instructed to put on file a statement as to certain facts, but we declined to examine him as an expert or to hear any further expert testimony.

Mr. BLAIR. A statement of that kind, I submit to the Senate, is of itself sufficient not only to demonstrate just what I said, but to justify a motion to recommit this report to the committee with instructions to make an investigation, and not come in with a report claiming that it is based upon a thorough investigation, when they have not made it. Where I have lived and where I have been accustomed to see men tried for their lives and their interests of various kinds, the testimony is introduced upon one side, there is a reply to it, and then there is an opportunity for rebuttal. These plate-printers——

Mr. HARRIS. Will the Senator permit me?

Mr. BLAIR. One moment.

Mr. HARRIS. I do not choose to allow the Senator to put the committee in any false position.

Mr. BLAIR. The Senator will then allow me to proceed to see whether I do so.

Mr. HARRIS. The Senator has already done so.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I do not just at this moment.

Mr. HARRIS. Very well.

Mr. BLAIR. As the Senator informed me yesterday, I will state my own propositions in my own way; and the Senator has the privilege, as I then claimed, of a response if he chooses to exercise it.

Where I have been accustomed to live and everywhere under all systems of jurisprudence and of investigation, whether by legislative bodies or any other that I have ever heard of before, a different method is pursued from that pursued by this committee; and I judge of that method by giving credit to the fullest extent to the statement which the Senator has just made in reference to the method by them pursued.

I say, sir, that the party making complaint produces his evidence; the party making defense produces his defense; and then the other party has the opportunity of producing his reply; and the witnesses, when produced, are not to be put off with a cold permission to file statements as to certain facts if they see fit to do so. It is not the privilege of the witness; it is the privilege of a party, and when a party produces an expert as a witness it is not to questions of fact that an expert is produced; and Mr. Bell is the superior expert of all experts in the country upon this question, or at least I so understand. At all events, he is the chief of the detective service of the Treasury Department, and he ought to be better than anybody else as an expert upon a question of this kind.

Now, Mr. President, what does Mr. Bell say in the letter which the honorable Senator from Connecticut introduced here? He says—and I will read it as bearing upon the only proposition that ought to be considered in treating this amendment; that is to say, as to whether the Government securities are done in the highest style of any art that can be employed in the printing of these securities, and whether the Government securities are so executed as to make them easy of counterfeiting and as to whether as a matter of fact they are easy of counterfeiting—he says that they are increasingly easy of counterfeiting and are being counterfeited more to-day than ever before, because steam-presses are employed in their execution and the hand-press has been rejected. Upon these three points let me read this letter:

WASHINGTON, D. C., *February* 12, 1889.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, asking reply to the following questions, namely:

First. Are the Government securities, in your judgment, printed in the highest style of the art; and is it necessary that they should be?

Answer. No, they are not; and I deem it necessary that they should be.

Second. Do the steam-presses print as good impressions as the hand-presses?

Answer. No, they do not.

Third. Do the present issues of silver certificates compare favorably with former issues in wear and execution?

Answer. No, they do not by any means.

Fourth. Are the present issues more easily counterfeited than former issues?

Answer. Yes, in my opinion they are. The former issues were printed in more colors, and in a higher style of art, which could not be so readily photographed; whereas the present issues have less colors and can be easily photographed.

Fifth. Do you hear of any complaint from the public generally, regarding the silver certificates?

Answer. Yes, a great many complaints from the public generally, and the bankers in particular.

The committee report to us that even the bankers make no complaint, and yet here is the chief detective of the Treasury of the United States, whose immediate attention is directed to the counterfeiting of the currency, and he says that there is complaint by the bankers, an increasing complaint by the bankers, even.

Sixth. Since the issue of silver certificates have many counterfeits appeared? If any, how were the counterfeits produced?

Answer. The following counterfeit silver certificates have made their appearance:

One dollar, letter D series 1886; photogravure, etc.

He goes on to give a list of eight counterfeit issues which have come under his observation. I need not take time in analyzing this letter and applying its statements to the three points I have mentioned. I will proceed to comment a moment on some other points which arise in this discussion, and I will say that at the proper place I desire to have printed as part of my remarks the memorial of the Knights of Labor, which I originally introduced as the basis of this investigation.

The PRESIDENT *pro tempore*. The Senator will have leave to insert the memorial, if there be no objection.

The memorial is as follows:

To the Senate and House of Representatives:

The undersigned general officers of the Knights of Labor of North America, in pursuance of the following resolution adopted by the general assembly held at Minneapolis, Minn., in October, 1887, to wit:

Resolved by the general assembly of the Knights of Labor, That we demand that all Government securities, notes, bonds, checks, and stamps shall be printed in the highest style of the art of plate-printing, from hand-roller presses, so as to secure the Government and the public against loss by wear and by counterfeiting; and the general assembly, or any persons, or committee appointed to represent the order before Congress, are hereby directed to do all that is practicable to give effect to this resolution—

respectfully petition for an investigation into the management of the Bureau of Engraving and Printing, of the Treasury Department, and also for such legislation as will prevent the debasement of currency notes (greenbacks), silver certificates, national-bank notes, internal-revenue stamps, and other Government obligations issued from said bureau; also, that an investigation be made into the present method of supplying the Government with postage-stamps and postal-notes.

Your petitioners believe that the time has arrived when it has become a public duty to earnestly invoke your careful consideration of the urgent necessity for Congress to make a thorough examination into the management of the Bureau of Engraving and Printing, to ascertain the character and quality of the Government obligations issued by said bureau.

Every citizen of the United States is vitally interested in the integrity of the work of this bureau, and in the absolute security which is virtually guaranteed by the Government in its issues of United States currency, silver certificates, national-bank notes, securities, internal-revenue stamps, etc. The banker, the merchant, the farmer—all classes of the community in fact—depend upon Congress to provide every protection and possible safeguard which the law-making power, in its wisdom and experience, is enabled to enact, which can be thrown around the printing and the issue of every obligation of value, obligations which, of necessity, have to be used by the Government and the people alike in all of their daily business transactions. We are credibly advised and, therefore, earnestly aver that the facts which will be brought out on a thorough and impartial examination will fully demonstrate that an investigation was absolutely necessary for the protection of the public.

This is not the first time that the authority of Congress has been invoked by the public for further security in the issue of the obligations of the Government. Three times Congress has caused a thorough examination to be made. In the Thirty-eighth Congress an investigation was made by a special committee of the House of Representatives, and again by a joint select committee of the two Houses in the Fortieth Congress. In the Forty-third Congress the Committee on Banking and Currency of the House of Representatives made a thorough examination. In their report (H. R. No. 150, second session Forty-third Congress) the Committee on Banking and Currency adopted the following language, found in the report of the Joint Select Committee on Retrenchment (Fortieth Congress):

"All these circumstances have satisfied the committee that methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to being absolutely secure against error and fraud, even if such methods should be more expensive than others having less guaranties of protection."

On page 2 of their report the committee state that "the first requisite is, of course, security," and on page 3 they emphasize, if possible, this truism by say-

ing "but not only is actual security necessary, but the confidence of the people that their obligations are secure."

The minority of the special committee of the Thirty-eighth Congress well say "the cost is nothing when compared with safety and security." This is adopted by Hon. Horace Maynard in his report giving the views of the minority of the Committee on Banking and Currency (page 17). Speaking of the bureau in 1875, and urging that the entire work on Government securities should be done there, he says:

"From the bureau so organized, employing the highest attainable skill and using none but the best procurable materials, and exacting from every employé his best possible effort, we should naturally expect satisfactory results. And we are not surprised, therefore, at the unrivaled character of the work, nor that it received the highest award for bank-note engraving at the Vienna exposition of 1873. A lower degree of excellence would be a discreditable failure. As one security against counterfeiting our public obligations, the highest possible style of artistic and mechanical execution is very important. Against all forms of counterfeiting, which depend for success upon imitation by manual dexterity, this is obviously a complete defense. (Page 12.)

"In the bureau the plates are prepared by the best existing skill and the most approved methods, the expense being but a secondary consideration." (Page 17.)

The following emphatic language is used in regard to internal-revenue stamps (page 20):

"While the individual citizen may have comparatively little interest in the stamps, the public revenues are heavily involved. These suffer and the honest tax-payers are defrauded if counterfeit stamps are altered or there is an unauthorized and dishonest issue of genuine stamps. To prevent counterfeiting the highest attainable artistic and mechanical skill in the execution, together with the use of distinctive paper, is believed to be the most effectual means."

Congress adopted the views set forth by the minority, and the entire work on Government securities was ordered to be done at the bureau, as recommended by Secretary Bristow.

The foregoing extracts show conclusively the anxiety of Congress to enunciate clearly the fact that in the issue of Government obligations not only that "the first requisite is, of course, security," but that the standard should be kept up whatever "the cost" so high that the "confidence of the people" "that their obligations are secure," should be as nearly absolute as possible. Such experienced statesmen as Senators EDMUNDS, HAWLEY, and FARWELL, and Representatives RANDALL and PHELPS were engaged in these investigations and signed the one or the other of the reports above quoted.

Your petitioners are informed and believe that, notwithstanding the known desire of Congress that the issues of the Government should be of the best material, with distinctive paper, having three separate impressions, and the whole to be executed with the best artistic skill, the silver certificates which have been issued, as well as some of the internal-revenue stamps, are of a greatly inferior quality. Complaint in regard to the silver certificates has been universal. It is admitted that the present chief of the bureau has increased the number of steam printing-presses from seven to nineteen and that he has used these presses in order to meet the increased demand on the bureau. The use of the steam-presses is at best an experiment. They have been condemned not only by bankers and brokers who deal in securities, but they have been condemned by a committee of experts appointed by Secretary Folger to investigate their merits. After a thorough test and examination the immediate predecessor of the present chief filed a protest against their use upon Government work. The report of the experts and the protest above referred to are on file in the Treasury Department. This experimental work, known to be exceptionally inferior, is being forced upon the community. The three separate impressions, ordered for additional special security against counterfeiting, has been discontinued.

The plate-printing by hand-roller presses—the best and most artistic mode known—is not up to the standard by reason of the inferior quality of the material furnished the printers. The number of plate-printers is limited to one hundred and eighty-seven. No matter what the requirements of the Government may be, no additional force of plate-printers can be employed. This has caused embarrassment and delay, which has enabled the chief of the bureau to justify himself in the use of steam printing-presses, and the consequent issue of inferior work.

Your petitioners respectfully urge that it was never intended by Congress that the Government obligations issued by the Bureau of Engraving and Printing should be a matter of experiment.

It is needless to urge that if the genuine issue is allowed to deteriorate, become debased, and unable to stand the usual wear, that the ability to successfully counterfeit those issues is correspondingly increased. A poorly-printed bond, bank-note, or revenue stamp is an open advertisement to the counterfeiter to ply his vocation, and cause loss and disaster to a too confiding public. It is, therefore, time that Congress should intervene in the interest of the public and cause a vigorous and impartial investigation.

The plate-printers are a body of intelligent, skilled workmen. Their avocation requires a high average of ability. The exercise of care, skill, and judgment is necessary to produce good work. Neither as a body nor as individuals are they opposed to progress. Should it be demonstrated that machinery can be invented which can supplant their handicraft and artistic skill—usurp and fill their places—they will be quick to admit the fact. But that time has not arrived. They claim that the most satisfactory—because the most "secure"—work ever done has been and is done by them on the hand-roller presses. The handling, the heating, the putting on of the ink, the wiping of the plate—now heavy, now light, to bring out the effect intended by the engraver—the temperature of the hand as well as the texture of the skin, all requiring the constant exercise of forethought, judgment, and skill—human effort entirely—are attributes of and belonging solely to the printer, which a machine can not possibly supply.

Your petitioners are credibly informed and believe that the following facts can be shown, and that they afford sufficient cause for an earnest and impartial examination; and your petitioners believe that the results of an investigation will be to cause such remedial legislation as will in the future protect the Government and give greater security to the public:

First. That by printing the backs of silver certificates on steam-presses the note is inferior and discreditable to the Government.

Second. That the internal-revenue stamps printed on the steam printing-presses are greatly inferior, are not as good as many trade labels, and are a disgrace to the Government.

Third. That economy, and not security, is the primary object of the present management.

Fourth. That at the suggestion of the present chief the law has been so framed as to prevent the employment of a sufficient number of plate-printers to perform the work of the bureau in the manner contemplated when the transfer of the entire work to the bureau was made.

Fifth. That the same law which limits the number of plate-printers to be employed has enabled the chief to increase the steam printing-presses nearly threefold.

Sixth. That the steam printing-presses are not furnished by the owners of the patents, but the right to construct them is purchased by the Government. A royalty is also paid on every impression made.

Seventh. That the steam printing-presses are so easily put out of order that it requires the whole force of machinists to be employed in the effort to keep them in repair, to the neglect of other and more important work.

Eighth. That the Milligan press—the one most in use—has been condemned repeatedly.

Ninth. That an employé of the bureau, who claimed to have made certain improvements on the said presses, was required to furnish his drawings and specifications to the manufacturers—the owners of the patents reaping all of the benefits and the Government being at all of the expense.

Tenth. That no expert, with any regard for his reputation, will hesitate to pronounce the work done by said presses as inferior.

Eleventh. That unless Congress interferes the attempt to force the steam printing-presses on the Government will succeed, and every kind of Government obligation will be printed on them, rapid cheap work being substituted for good but more costly work.

Twelfth. That the Chief of the Bureau speciously recommended and Congress was led to change the employés who worked by the day to annual employés; that by this change the eight-hour law has been, and is daily, evaded; that the employés are compelled to work overtime and on Sundays, especially in the repair of the steam printing-presses, without receiving extra compensation; that the fifteen days' leave with pay granted by Congress has not been granted, the excuse being that work was behind, and that they could not be spared. The eight-hour law has been evaded, and the law granting the fifteen days' leave has been nullified whenever possible.

Thirteenth. That the printing of the one and two dollar certificates has been discontinued.

Fourteenth. That fine engraving can not be worked on steam printing-presses; consequently coarser engraving has been resorted to.

Fifteenth. That the "best procurable material" is not furnished the printers with which to do their work.

Your petitioners will furnish proof on these points whenever required, and they submit herewith specimens of the work done on the steam printing-presses, marked Exhibit A, B, C, D, to which the attention of Congress is directed.

Your petitioners further pray that they may be allowed to appear before the committee on ——— or such other committee as may be designated, and that they be permitted to produce expert witnesses and such documentary evidence as they may deem essential to substantiate their averments.

They also pray that Congress will enact the accompanying or some other bill into a law more clearly defining and limiting the powers of the Chief of the Bureau of Engraving and Printing, and that the chief and the assistant chief be an engraver or a plate-printer.

Your petitioners believe that the inferior work being issued by the bureau, together with the delay and embarrassment now existing in that office, arises from a want of practical knowledge on the part of those having charge of this important branch of the Treasury Department.

And your petitioners will ever pray, etc.

T. V. POWDERLY,
A. A. CARLTON,
WM. H. BAILEY,
THOMAS B. McGUIRE,
T. B. BARRY,
IRA B. AYLSWORTH,
J. W. HAYES, *Secretary*,
General Executive Board.

Mr. BLAIR. The Senator from New York [Mr. HISCOCK] in his very able and emphatic argument on this subject dwelt particularly upon the point that there was no complaint among the people at large, that there was nobody complaining of this matter except, as he said, eight or ten hundred plate-printers. If the eight or ten hundred plate-printers who exist in this country, who are an occupation by themselves, complain, I submit that this matter is worthy of investigation. But the complaint goes a great way further. The great labor organizations of the country to which they belong have espoused their cause, and I have letters from Mr. Powderly and from other prominent officers in which they say that they have carefully investigated this matter, and while they disclaim in the strongest terms that they are opposed to the introduction of labor-saving machinery or that this is a movement in that direction, or based upon any hostility to the introduction of labor-saving machinery, they say that in this case the steam-press is simply an invasion of their occupation in the interest of capital and for the performance of work of an inferior quality that the public may be imposed upon and large profits made which belong, as they believe, to the honest men and their associates engaged in this occupation, and therefore they espouse their cause, they indorse it after an investigation, and are careful to preclude the idea that it is based in any degree upon any hostility to the introduction of labor-saving machinery in proper cases.

So, I think myself that the matter is worthy of an investigation even if the public at large did not make much complaint. But, on the other hand, so far from the Senator's statement of the facts being correct, I take it he is very wide of the mark indeed. He has produced a few letters from Mr. Coe and gentlemen like Mr. Coe, who say there is no occasion for complaint, or substantially that. Not a letter is produced so far as I know in this testimony, not a particle of evidence from anybody that undertakes to say that the steam-press work is superior to that of the hand-press, or that in any respect it is better whether upon the face or on the back of the currency. Nobody asserts that it is better than that of the hand-press, but they seem to admit pretty generally that the steam-press work when well done is good enough—the particular part of the work which it does—but these are not the witnesses who are most likely to be free from bias, who are most likely to come here and give us exactly the correct impression as to the character and quality of this work and what is necessary to the public interests, as it seems to me.

All these bankers print national-bank notes, print certificates of stock of companies of every description, and they are interested that there shall come to be dominant in this country a style of art which will enable them to use work of an inferior rather than of a superior quality if it can be obtained at a lesser rate. When the Government of the United States says to the country that the work of the steam-press is of an inferior quality to the work of the hand-press, and that these

three or four machines down here in the Department which are destroying the handicraft of these eight hundred or ten hundred of our fellow-citizens perform inferior work, it is equivalent, of course, to a certificate of bad character to that kind of work, and the people at large and those who consume certificates, if I may so speak, those who are interested to buy them and to receive them, and who buy them and pay for them, are at once put upon the alert; they refuse to use and employ these steam-presses, and fall back upon the ancient and high quality of the hand-press work.

So it is a thing of more importance to very great interests in this country and to those who have occasion to print the bank notes that are used that the steam-press does not receive a black eye, if I may so speak, from the action of the Legislature of the country. And so they say this is good enough. Are not the national banks interested to get circulation as cheaply as possible? Would not those who have occasion to buy and use certificates and stamps of every description be interested to get their work as cheaply as possible? And if they can impose an inferior quality on the community at large, and that, too, by the sanction and indorsement of the Congress of the United States in so important a matter as the execution of its currency, it gives to them a vast pecuniary advantage, and they are in a situation to break down these eight or ten hundred men who earn their livelihood by manual occupation.

There is a great interest, a very powerful interest, and a mighty pecuniary interest on the side of the steam-press against this comparatively small number of men and they altogether of small means. But the Senator does not produce this class of testimony here with any presumption in favor of its reliability or its accuracy, and when he says there is no complaint from the people at large I simply point him to the press of this country as it has been for the last ten years. He must have observed the increasing complaints of the counterfeiting of nearly all the small classes of our bills and some of the larger. Why does the chief of the detective service of the Treasury Department come in with this letter dated during this very month in which we are considering this question? The Senator from New York may not have heard of these complaints, but those who have had occasion to inquire do understand in regard to them and do know the facts as to whether these complaints are well founded. They say, as does the chief detective of the Treasury Department, that there is very great call for a reform of this matter.

Now, sir, omitting the most that I intended to say, the issue before the Senate stands right here: This complaint was long since made. The House committee examined it at the last session long and thoroughly, its members made personal examination of the work, they went to the building where the engraving is done, examined our own public servants, and Mr. Graves himself testified before them and he said what everybody has said except this Senate committee, that the work of the hand-press was of a very superior quality to the work of the steam-press when each was performing in the highest style of its possibility, and that House committee thus investigating from the time the complaint was made, giving opportunity for all sides and not choking off the most important witness who testified on either side because they could not get through in season if he testified, reported against the steam-press and strongly and most emphatically in favor of the hand-press.

The House committee, representing the great mass of the people, making this investigation early and long and carefully, reported, as we have seen and as has been introduced in these debates, most emphatically in favor of the hand-press, and the House of Representatives indorsed that report and sent us the bill upon which the report of the Senate committee has been made and which was for the time being indefinitely postponed, but that vote has been reconsidered, I understand, so that the bill may yet be discussed in the Senate, and I hope it will pass here.

They have sent us further this appropriation bill with the clause which is now under discussion, a provision based upon the verity, upon the report of their committee, fully discussed, fully indorsed, and that is the question which we are here to decide, our own appropriation committee having rejected the action of the House and made a substitute for it which I am informed by those who are interested is of no sort of use to them.

Mr. President, under these circumstances, with all these presumptions, with all these facts, all this information against the equality of the work of the steam-press, it does seem to me that the safe and sensible thing for us to do is to let the action of the House stand, and just let this bill pass the Senate in this regard as it came to us from the House; and if we shall have done any harm, if any error shall have been committed thereby, if the public interests shall suffer to any serious extent, or to any extent, the whole great future is open before us, and the men who own these steam-presses can endure a little longer just as well as those whose livelihood depends upon the practice of their handicraft can endure to be deprived of it and of all its proceeds to them.

I ought perhaps to add that a note has been placed on my desk, which I will read here, which comes from the plate-printers:

In every instance the experts protested against giving their opinions on the specimens, and showed how easily the best steam-press work could be taken from new plates and the worst work from old hand-plates. One witness testified to seeing the work selected.

The committee would not, as we proposed, take a day's work from each press.

Mr. Swan, who testified for the machines, said a day's work from hand could not be separated if mixed together, but he separated steam from hand impressions the next moment himself.

I do not know just the relevancy of this, because I am not familiar with the testimony. This is a statement having reference to the action of the experts before the Senate committee.

Mr. HARRIS. Mr. President, in answer to the supplement of the Senator's speech I will say that the statement of the superintendent, distinct, clear, and emphatic, was that the specimens submitted to the experts were taken, indiscriminately and without selection, from the work of the two presses. I do not remember as to the protest of the experts to giving opinions, but sure I am they did give opinions, and the great majority of them selected as the best specimens the work of the steam-press and as the worst specimens the work of the hand-press, and these experts having been introduced by both the hand-printers and the steam-printers, by both sides of the question, in the ratio of three or four to one they selected the steam-press prints as the best.

But I did not rise to prolong this debate, and do not propose to prolong it, but I do propose to put on record the fact as to the fullness and fairness of this investigation, so that the Senator from New Hampshire shall not put the committee in any false position in respect to the matter.

The committee sat there patiently and heard every witness whom the plate-printers proposed to introduce until they declared that they had closed their case. Then the other side were heard until they declared that they had closed, and then we heard the plate-printers in rebuttal until they declared again that they had closed. Then the committee fixed a day upon which they would allow a representative of each side to sum up before the committee, it being distinctly announced and agreed by everybody that the hearing was closed, except the summing up. On the day fixed for the summing up, and at the hour fixed for that purpose, Mr. Bell appeared and the committee declined to examine him and reopen the expert testimony in the case, but told Mr. Bell he could prepare his statement in his own way in respect to the facts deemed material and they would go into the record. He did prepare a statement and it was admitted to the record. That is the whole case. Beyond that I do not care to consume the time of the Senate.

Mr. CALL. Mr. President——

Mr. BLAIR. Will the Senator tell where that is to be found?

Mr. HARRIS. I suppose it is in the record. He was authorized to prepare his statement and put it there, and I presume he did so.

Mr. CALL. I desire to say a few words in regard to this proposed amendment to the House bill.

Mr. BLAIR. Will it interfere with the Senator if I should make a statement in regard to what I find in the report from Mr. Bell?

Mr. CALL. Not at all.

Mr. BLAIR. In the testimony of Mr. Bell, page 280, this occurs:

John S. Bell appeared before the subcommittee, and was interrogated and answered as follows:

Senator HISCOCK. You are only to examine him, Mr. Ralston, on the line indicated.

Mr. Ralston is attorney for the plate-printers.

Mr. RALSTON. I intended to ask him if he had some of the counterfeit silver certificates that have been issued; and if he has, to ask him to produce them to the committee.

The witness produced a paper and handed it to Senator HISCOCK.

Senator HISCOCK. That will go into the record.

The paper is as follows.

Then comes the paper, which is simply a statement with reference to various counterfeited notes, silver certificates, national-bank notes, internal-revenue stamps, and the like, and some account of their amount, showing the extent of counterfeiting going on, counterfeit plates captured, counterfeit obligations, the amount of counterfeit coin, etc., signed, "Respectfully, John S. Bell," addressed "to Senator HISCOCK." That seems to be the paper that was filed. Then follows an examination by Mr. Ralston and by Mr. HISCOCK. So far as I am able to see in glancing over it hurriedly, it does not touch at all upon the testimony which I have read from him in the letter given by him as an expert. It may be that it is farther on. I see nothing of the kind as yet.

Mr. HARRIS. I stated distinctly that we declined to reopen the expert phase of the examination.

Mr. BLAIR. Very well; then everybody must see that Mr. Bell is of no particular consequence in this case except as an expert, only to establish the fact that there is an increasing tendency to the counterfeiting of the currency and stamps of the United States. That is a question of fact which the committee took his testimony upon, and the Senator from New York ought to have remembered that testimony when he said there was no real occasion for him in this regard because here is the man who knows the fact, and they admitted his testimony, but on the real question as to the relative quality of the work done by these machines and the hand-presses and all the matter contained in the letter and contained in the report by the House committee, which was the essential statement of the best expert that could be produced on either side, he was not examined.

I say it is not a matter in which the committee can claim full justification—unless it be that there may have been some great overwhelming and all-controlling consideration that does not appear here—it is not a justification of the committee which has been tendered here for refusing to receive this man's best testimony of all when aiming at the truth to say that he did not get around in season. These gentlemen had some difficulty in getting at the detective of the Treasury Department who has reported against the work of the steam-printing machine. When they got him they found testimony in the very teeth of the action of the Department and of the report of the Senate committee.

Mr. CALL. Mr. President, the Senate amendment proposes to strike out a provision in the House bill reducing the royalty upon these steam-presses, the object being to require the employment of the hand-press and the labor of a greater number of laborers that are employed through that instrumentality.

The error of the report of the Senate committee, in my opinion, is twofold. It assumes propositions which are untrue in themselves, and is based upon a policy which is shortsighted and would be ruinous to the country. It assumes that the question of economy of cost to the Government in respect to the work to be done, the engraving to be done, and the work to be done with these steam or hand presses is to be the controlling consideration, the smallest price for work of equal excellence. Now, stating the proposition in that broad form, which concedes to the report of the Senate committee more than it claims, namely, that the Government should pay only that amount which represents the smallest cost for the thing produced being of equal excellence, I deny it.

Mr. President, that ignores the great question of the civilization of this day, the question as to whether or not the labor-saving machinery which now is coming to do the work of man in almost every department can without legislation to aid the distribution of the products of labor be made use of, leaving the laborer and his family to provide for themselves, thrown out of employment ruthlessly and immediately, without any preparation or any arrangement by law or custom for the distribution of labor and its re-employment. It is the displacement of labor in the contest between machinery and labor. Here we have a striking instance of it.

The report of the Senate committee is in favor of the employment of machinery to the disregard of the lives and comfort of the laborers who have been educated under the Government for this employment, and are trained and fitted for it and for nothing else. On the one side are a few capitalists owning these presses, perhaps twenty or thirty in number, and on the other side are some eight or perhaps ten hundred, several hundred at least, laborers with probably two or three thousand human beings dependent upon their labor, who have been taught, and had a right to expect, that their skilled labor would continue to be employed by the Government, thus furnishing subsistence for their families.

I scarcely think, in this controversy, immediately, without any regard to the interests of those people, unless some great public necessity demanded it, that they should be thrown out of employment by the substitution of these steam-presses.

It may be said that the substitution of labor-saving agencies in all cases where there is a very general and widespread consumption of the thing which is the subject of this labor-saving machine is advantageous to the public in cheapening the necessaries of life; but that is not true of this Government work, limited as it is to the Government demand.

The work for the engraving to be impressed upon the notes and upon the currency is a very limited and peculiar kind of work, which affects the great body of the public only in reference to their use of the bank-notes. Why, then, shall we disregard the interests of this considerable number of laboring people and turn them loose without employment, unfitted as they are for any other business? But, Mr. President, that is always the case in the controversy between the organized forms of human effort or capital and labor and machinery and human life and human comfort, and the day has come when the legislative power must look somewhat towards the subsistence of the people in this great controversy of gigantic forces for the reduction of the cost of everything and the substitution of machinery for human muscle and human effort.

Suppose that two-thirds of the labor of the world could to-day be displaced by labor-saving machines and two-thirds of the human family thrown out of employment, who would solve the proposition as to how this two-thirds of the human race would live without any legislative action for the distribution of that production upon which human life subsists? This observation, which is true, will serve to show that you must look to providing by law for these people whose labor is destroyed and displaced by other agencies, and that you can not, simply because a labor-saving machine will save labor and reduce the cost of the article, substitute it, disregarding the necessity of preserving the lives and the employments of the people.

It is commonly assumed that this displacement of labor will regulate itself and readily find other employment and thus obtain their necessary part of the common productions, but it is evident that this process of change will take time and require favorable conditions, and that the proposition has limitations which must be considered. We could not find a humane employer of labor who would suddenly and without notice to his laborers substitute machinery for hand and leave them to provide for themselves without assistance. That is my great objection to this report of the Senate committee, that it is upon the side of money and machinery and against human life and human comfort.

But there is another point. Is it a clear question that a machine can possess the dexterity of hand and the lightness of touch of the hand and eye of man, the power which artistic work and excellence require? I confess I am loath to accept the testimony of any experts upon this proposition. I do not believe that you can make a machine that can paint a portrait like the human hand and the human eye and the human taste, or that you can make a machine that will take the impression of the most delicate tracery in a steel plate with the same fidelity that can be done with the pressure regulated and adjusted by the eye and the hand of the skilled laborer.

Machinery can do a great deal, but it has not yet created man. Nor do I think that it is reasonable to believe, whatever testimony there may be of experts, that the delicate engraving that should be done and the delicate impressions that should be made in the preparation of currency, of bank-notes, which should be the highest style of art, can be effected by a machine operated by steam as nicely and as carefully as it may be by the human hand. I am prepared to accept rather the testimony which these people have submitted in this controversy. I read from what Mr. Graves, Chief of the Bureau of Engraving and Printing, says, in Miscellaneous Document No. 131:

> As to the comparative merits of steam-printing and hand-printing, it may be said that, speaking in the widest sense, steam-printing is not equal to hand-printing.
>
> * * * * * * *
>
> There is no doubt that the printing by that process would best carry out the intention of the engraver.

Can there be a doubt upon that proposition—that the hand adjusting the press, the human intelligence directing its use, it would better carry out the nice and delicate work of the engraver than a steam-press; for, say what you may, it is quite obvious that there could not be that delicacy of touch, that instantaneousness of impression, that lightness of impression, that can be afforded by the human hand and the human eye and the human mind. So it would seem that this testimony of Mr. Graves is confirmed by the reasonable probabilities of the case.

On page 48 of House Report No. 3220 Mr. Bell testifies that he asked Mr. O'Neill if there was any difference between a bill printed by steam and one printed by hand, and he said:

> "Certainly there is." I said, "Would it not be better to have these bills printed by hand, would it not be more protection against counterfeiters? In other words, would it not be in the highest state of art?" He said, "Why, of course it would." That is the conversation I had with him.

Here are a large number of statements of opinion by persons who should be well informed upon the subject, some of whom profess to be photographic experts, inventors, photolithographers, editors of national-bank counterfeit detectors; James J. Brooks, ex-chief of the secret service, and quite a number of others, whose testimony is in accordance with what would seem to be the natural reason and the necessary conclusion upon the subject, that the hand-press was better adapted to the higher style of art.

But suppose that they are equal—which they are not and could not be—suppose that the steam-presses are more economical, and that it will cost the Government something more to do the work by hand, and the testimony before the House committee on this subject and the opinion of the committee formed upon the testimony is that there is not a difference of as much as 18 per cent. That is the conclusion of the House report and the House committee upon this evidence, and they think that is to be reduced very much from items which have not been estimated in the report. But assume it to be a difference of 18 per cent. in favor of the steam-press; assume for the argument's sake that the economy is greater with the steam-press than with the hand-press, I still maintain that it is the duty of the Government to continue the use of these hand-presses until the labor can find some other and different and better employment as a substitute for it.

If the Government is to employ labor-saving machines without reference at all to the people who have been engaged in its service, and they, whenever you can find a machine that will save cost to the Government, are without notice to be sent adrift and deprived of their employment, we shall then introduce a new principle and a new theory in our Government; that is to say, that we are entirely authorized by the cheapness of the service to the Government to disregard the lives and comfort and interests of the people who are employed by it.

I scarcely think that proposition can be maintained anywhere. The philosophy of invention does not require it. On the contrary, we shall be as the Chinese are said to be, and we shall claim if that is to be the result of labor-saving inventions, if instead of producing comfort and superior comfort to that which existed before, instead of diffusing more widely the productions of the earth than existed before, they increase the want and suffering and limit the distribution of the necessaries of life, we shall prefer to recur to the old hand-saving and hand-labor processes, for the object of all labor-saving machinery can only be to advance the general welfare and the general comfort of the people in lessening the cost of necessary and useful things and thus widening the area of their distribution, and enabling the labor formerly employed to be applied to other objects useful to man.

Therefore, Mr. President, I maintain that the propositions of the Senate report which boldly assume that the twenty or thirty persons who own these machines are to be considered because they furnish a cheaper article to the Government rather than the three or four thousand whose labor is required by the other processes are entirely erroneous. The evidence does not sustain the proposition that the work is equal in excellence to that of the hand-press.

The only evidence to that effect is that there have been fewer counterfeits of the work done by the steam-press than by the hand-press, and as to the statement of the Senator from Tennessee, which is no doubt correct, that the experts who happened to be employed could not distinguish between the work done by the two, but that the inferior work was in the proportion of three out of four instances, I believe, found to be that of the hand-press, that must be considered in connection with some other considerations to give to it force in the argument.

In order to weigh this and consider it we should have to know who were the experts, what was their degree of skill, and we should have to know why it was that the counterfeits upon the work made by the steam-press was smaller in number than that by the hand-press. We are in the dark upon this subject; but we have the testimony of every one of these skilled laborers and the detectives all concurring in the proposition that the hand-labor work is the highest style of art. Even those who prefer the steam-presses seem to admit this to be the fact, and as to the question whether the bank-notes authorized by the Government should be made in the highest style of art and with the greatest delicacy and beauty of finish there seems to me to be no ground even for argument or difference of opinion.

I can see no ground whatever for a contention in a case like this. My sympathies are with the laboring people always, and where the work is of equal excellence I should give the preference to them, even at a greater cost to the Government. But it seems to me that this is one of the propositions upon which there should be very little difference of opinion.

Here are several thousand people dependent upon a particular kind of work of which the Government has a monopoly, and which the Government has induced them to enter upon, and in which they have for years been employed. They have become skilled and trained workmen under the inducements held out by the Government, and now suddenly, owing to a combination of forces in the shape of a single machine, the property of two or three men, stated in some of these reports to have been in part invented by these laborers in the employment of the Government and improperly patented—by some means this new force has become a subject of property to half a dozen people, and they propose that a large number of laboring people, educated under the Government for this particular employment, shall be dismissed from their work in order that a royalty amounting to many thousands of dollars a year shall be paid to them. In that controversy, Mr. President, I am upon the side of the laborers.

Mr. BLAIR. Mr. President——

Mr. SHERMAN. If the Senator from New Hampshire will permit me, I wish to again offer in a different form the amendment substantially agreed to yesterday by all Senators present with the exception of the Senator from Maryland [Mr. GORMAN]. I have the amendment now in a form which meets his views, and I should like to present it as I shall probably be called out of the Chamber in a few minutes.

Mr. BLAIR. What does the Senator desire? I do not wish to be interrupted in the four or five minutes I propose to occupy the floor in a discussion of the pending question.

Mr. SHERMAN. I simply wish to reoffer the amendment I submitted yesterday about street railroads. All will agree to it.

Mr. BLAIR. If it does not lead to discussion I shall be very glad to oblige the Senator.

Mr. SHERMAN. If there is any objection to it I will withdraw it.

The PRESIDENT *pro tempore*. The Senator from Ohio proposes an amendment, which will be received, if there be no objection.

Mr. SHERMAN. Let the amendment come in as the fourth section of the bill.

Mr. ALLISON. The amendment of the Senator from Ohio requires unanimous consent. I do not object.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add the following additional section to the bill:

SEC. 4. That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or by under-ground cables moved by steam-power, on the whole or any portion of its roadway, the same to be done under the direction and with the approval of the commissioners of the District of Columbia, with authority to purchase and use any terminal grounds and facilities necessary for the purpose. And any such street railway company electing to substitute such power or any part of its tracks or road-beds on the streets of the District of Columbia, before doing so shall cause such part of its road-beds to be laid with the flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be agreed to in lieu of that adopted yesterday. The question recurs on agreeing to the amendment reported from the Committee on Appropriations, on page 19, concerning steam plate-printing presses.

Mr. BLAIR. Mr. President, the gist of this report, if it is true or reliable, depends, I judge, from the emphasis which both members of the committee give to it, upon the supposed alleged experiments when the experts could not tell the work of one machine from the other. The gist of this report depending upon that one alleged demonstration of their incapacity to tell the work of the one machine from the other induced me to examine the subject itself a little further and to ask the Senate to consider whether the inference of those who make the report is justified by the evidence before them.

These experiments were not fair. If the very men who gave the opinion said they were not fair, that they could not give a fair opinion at the time, they are witnesses which, if the committee ought to cite at all, they ought to take their testimony that the experiments were unfair, and not come in here with a report based upon an allegation that these men could not tell the difference between the two classes of work, when they themselves said that they could not do it because the tests were unfair. If they are men of veracity the main proposition which the committee submit to us, which we are to rely upon, is that the testimony is good for nothing.

The testimony of the witness who is cited as good, and whose experiment was alleged by that veracious witness to be good for nothing, the committee come here and make the basis of their report against the hand-plate machines. If an expert's testimony is good at all, it is as good when he says his testimony is good for nothing as though he had said the experiment was a fair one and that his opinion was one that he would stand by.

The report is based mainly, apparently from the way in which those who made the report insist upon it, on the alleged fact that the experts could not tell the work of one machine from the other which was submitted to them. I dwelt upon that somewhat originally. Now, if they are to come in here and ask us to believe their report against these hand-presses upon the testimony of these experts, they ask us to accept these experts as telling the truth. That must be clear.

They ask us to rely upon those witnesses. If those same witnesses say that the opinion which these gentlemen present to us as the basis of their report is good for nothing, why are they not to be accepted as true witnesses when they say their testimony is good for nothing as in the other case when it is claimed that their opinion was a sound opinion and the proper basis of a report? If they say that their experiment is an unfair one, then what justification have these gentlemen for asking us to believe their report? That is the proposition which I make in connection with the testimony which I read. Here is one of the experts, Edward Shaffer:

By Mr. GRAVES:

Question.—

Mr. Graves, a Government officer down here, seems to be conducting this examination. He seems to have been before the committee, the most interested person, the most prejudiced if not bitter partisan of these steam-presses apparently in the United States, and he is a Government employé at whose ear may have sat monopolistic toads all these years, filling him with prejudice against the machines of the hand plate-printers. This Mr. Graves comes here and he seems to be conducting the examination. I doubt not, from the way he delivered himself, that as in some other instance of caucus nominations and caucus committees, he may in his zeal have acted almost as a member of the committee. He appears certainly to have conducted the examination of witnesses, and if you open the volume of testimony anywhere you will see the name of Mr. Graves, Mr. Graves, Mr. Graves. Here is the question by Mr. Graves and the answer to him:

Q. I would like to submit to you—

This is to the witness—

I would like to submit to you some impressions which have been submitted to other experts. Please examine these impressions which I now present to you, and which have been numbered by the stenographer, and give your opinion of the character of the printing upon them, designating them, if you can, whether printed by steam or by hand, and indicating which is the better printed.

Now, that is a question by Mr. Graves. The answer is by the expert:

A. No. 3 is very poor.

Q. Please indicate in going over them in what respect you think they are poor; whether because of the condition of the plate or what.

A. The general appearance. The general appearance has not the character which that work should have. It has lost its character.

Q. By what process do you think No. 3 was printed?

A. I could not say. I would not say, because I do not know.

By Senator HISCOCK—

Who seems to have been associated with Mr. Graves in this examination—

Q. Can you give an opinion?

A. No, sir; I would not give an opinion, because I will state this: As a plate-printer, I know very well how things can be picked out for a purpose, in order to puzzle a person. If I went to the Bureau of Engraving and Printing, and they showed me a pile of work done by hand or told me nothing about it, I could sit down and pick out the hand-work from the steam-work, I think, without knowing what it was.

By Mr. GRAVES:

Who resumes the examination in behalf of the Government or the committee rather, the Senate—

Q. Assuming these impressions to have been properly selected, can you not indicate something of the processes by which they were printed?

A. No, sir.

By Mr. Graves:

Q. You assume that they have been improperly selected?
A. I assume nothing. I assume that I know such a thing could be done in order to puzzle a person. I know very well if any one submits anything in order to make a test he is not going to bring the worst.

Now, these are selected by this Mr. Graves, and the witness says:

I know very well if any one submits anything in order to make a test, he is not going to bring the worst. These have probably been selected by experts that know more about it than I do and given to you.

By Mr. Graves:

Q. You say if the impressions are fairly selected from the general run of the work of the bureau you could tell the difference between the hand-printing and the steam-printing?
A. Not selected at all.

By Mr. Graves:

Q. Taken haphazard?
A. Give me a day's work of a printer that he did the day before, and then give me a day's work from the steam-press done the day before at the same rate of printing which they would do, say 4,000 for the steam-press and 800 for the hand-printer——

Mr. Graves interrupting.

Q. You decline to express any opinion as to the process by which these notes are printed, with your present information?
A. Yes, sir.
Mr. RALSTON—

Who was attorney for the plate-printers—

He says the test is not a fair one.

By Senator HARRIS:

Q. Do you mean you have no well-defined opinion as to whether that work was done by steam-press or the hand-press?
A. I have no opinion about it, because I do not know.
Q. I simply wanted to know if you have or have not an opinion. You say you have not?
A. Yes, sir.
Mr. GRAVES. It seems to me this is a case of expert opinion. Mr. Shaffer appears here as an expert.

I think I can imagine that gentleman at the head of the Bureau of Engraving and Printing, bound to give honest and impartial testimony before this committee, acting as a supreme agency in this case to break down the plate-printers in their testimony, suddenly overjoyed as he thinks he has made his point and commenting in an insulting manner upon the witness as though witness had blundered and he, the chief of the bureau, had made his case.

Hear him:

[It seems to me this is a question of expert opinion. Mr. Shaffer appears here as an expert.

Mr. Shaffer had just said he could not tell, and his opinion, his appearance as a witness and as an expert is derided by this man whose name should not have appeared in the investigation or report in any other capacity than as a humble witness like the rest to give testimony to the truth, and that with some modesty, as I believe, from glancing over the report.

Senator HISCOCK. He says he can not tell. That ends it.
Mr. RALSTON. Suppose you give him 4,000 sheets to select from.

That is, suppose you comply with the condition which the expert said was necessary in order that his opinion or that of any other expert might be worth something.

Suppose you give him 4,000 sheets to select from.
Mr. JORDAN.—

Who is one of the hand plate-printers, one of their committee.

Mr. JORDAN. And 800 sheets of hand printing.

Just comply with the conditions by a fair experiment, and then see the result.

Mr. RALSTON. He says that will be a test.
The WITNESS. These impressions have undoubtedly been selected to look as near alike as possible. They do resemble one another. There is more color in No. 4. No. 6 is the lightest.

By Mr. GRAVES—

Who does not deny the intimation that these have been selected, when made in his presence, and on his responsibility alone, if they were selected, there was an imposition upon the committee and the Senate and the country. Mr. Graves was assuming his occupation of a counsel. I do not mean corruptly, but through prejudice, probably, for the steam-press owners, for I do not conceive in what other capacity he could have felt an interest of this kind. Certainly the Government is only interested to get at the truth, and this man does not need to appear here dominating the committee and the country and the whole performance in this way if he is simply here in a proper capacity, and if we are to rely upon anything he has done, especially upon the selection of the specimens the test of which is to be the criterion by which this legislative body is to be actuated and controlled.

Mr. BUTLER. Who is the man? What is his name?

Mr. BLAIR. He is the Superintendent of the Bureau of Engraving and Printing here, the agent and attorney of the steam-press printers to all appearances; and I place less emphasis upon the fact that he conducts this examination before the committee than I do upon the nature of his questions and the fact developed here apparently that he selects these various specimens which could not be relied upon at all, which these plate-printers say could be selected for the purpose of puzzling and imposing upon a witness, and the committee decline to make the test which the witness said would be a fair one and a very easy one to make; that is, to produce the work of a single printer the day before on a steam-press and the work of a single printer the day before upon a hand-press.

By Mr. GRAVES:

Q. Are Nos. 6 and 4 good or bad impressions?
A. A good impression is the exact state of the plate. I do not know whether or not they are the exact state of the plate.
Q. Are they well printed or poorly printed?
A. They do not show the exact state of the lathe-work, which they should show, nor do they show an exact or good impression in the head in the center. It is not as good as I have seen.

By Mr. GIBSON—

I do not know who Mr. Gibson is. He is not the Senator.

Mr. GORMAN. He was the counsel.

Mr. BLAIR. Oh, yes, of the steam machines; a very different individual, and no doubt a very respectable gentleman, which comparison is designed to be complimentary to the Senator from Louisiana [Mr. GIBSON], who is much more than an ordinarily respectable gentleman. I begin with the inferior specimens, and have an excellent one first, and ascend to the Senator from Louisiana.

By Mr. GIBSON:

Q. Then No. 4 and No. 6 you would not consider good impressions?
A. One of them is darker than the other, and I do not consider them good printing. They all appear so nearly alike in the printing that I have not the slightest hesitation in saying they have been picked for the occasion.

This is the expert whose test we are invited to rely upon, and this is what he says about the specimen submitted to him for the purpose of making his test, which is the committee's report.

I would like to say one thing: An impression pulled on a hand-roller press will sometimes stick to the blanket and give you a good impression, so far as the lines are concerned. The lines are there, but not the state of the plate. You can not say it is broken, or it is mashed, but it is thrown out as inferior printing because it is too light. All of the steam-press work I have seen has that characteristic about it. It is light, it is shallow, and consequently the heavy lines show gray or show light. You take it from a plate where the ink is in the lines and it will come out, and there is a dark appearance, no matter what color it is. It gives you different shades in green or anything else. You will find those impressions are better than the majority of work I have ever seen out in circulation, but most of it has a dead, shallow look—flat.

By Senator HISCOCK:

Q. It all has the general appearance of steam plate-printing?
A. It has the general appearance of steam plate-printing, such as I have seen in notes in circulation. I will state one thing, if I may be allowed: I took three notes in change at one time, and the man said to me, "You work over at the bureau?" I said, "Yes." Said he, "What makes the notes look so clean? These notes are very clean." Says I, "What do you mean by clean; wiped out, dead?" "Yes," said he, "they are so pale." Said I, "They have a steam process of printing over there, and that is the result." I afterwards brought those notes over to the bureau and showed them to a man by the name of Meeker, and Mr. Meeker showed them to Mr. O'Neill, and Mr. O'Neill, I believe, showed them to Mr. Graves. Those were notes in circulation that even a man across the counter noticed and asked me what was the matter with them.

There was some evidence of the imperfection of the work from this expert, it seems. Now, I find on page 323 the summing up of Mr. Ralston, who was counsel for the hand-press printers, and rather than trouble the Senate by consuming time to read what all the witnesses say, I will read a few paragraphs of his summing up with reference to the point that I am now dwelling upon. Mr. Ralston says:

To plead that steam-presses should be retained because some poor workmen do bad work is a confession of administrative weakness and incompetence in the men who make it. And this plea is absolutely all there is in the defense of the steam-press. Mr. Graves advances it and Messrs. Morgan, Swann, and Hamilton simply echo it.

Now, who are these gentlemen, Morgan, Swann, and Hamilton, I should like to inquire? The report itself only came here yesterday afternoon. Can any member of the committee inform me who are the gentlemen, Swann, Morgan, and Hamilton, who simply re-echo what Mr. Graves said? I pause for a reply. I assume that nobody knows.

In effect, they say, with one accord, keep the steam-press because we lack the decision of character necessary to fine or discharge men who do equally as bad work. Not one of these witnesses contends steam-work is equal to hand-work. Whatever other explanation they may give by reason of the real inferiority of steam-work, they are all able to detect it at a glance. Mr. Morgan, on seeing a note in Mr. Graves's hands, said without apparent hesitation that the note was, in his opinion, printed by steam. Mr. Swann, being handed thirteen one-dollar and two-dollar silver certificates, without error or difficulty distinguished the hand from the steam work. Mr. Hamilton said that steam-work had a characteristic appearance of its own, but declined to select notes. I shall refer to this matter in another connection.

Mr. Graves, in order to impress this committee with the relative excellence of steam-work as contrasted with hand, resorted to what, in view of all the evidence and the surrounding circumstances, I may call a trick unworthy of him. He showed certain sheets, eight in all, alleged to have been the production of the ordinary operations of either the steam or the hand press, to various witnesses produced by petitioners to obtain their opinions. It was not proven that the steam-press sheets were the ordinary product of that press, or that they were not produced by wiping the plate by hand, a method shown to have been resorted to from time to time coincident with the selection of various kinds of sheets for exhibition; nor were the sheets shown to Arthur Small, Misses Burke and Cruit, and Mrs. Barry, the petitioners' witnesses most skilled in noting the difference in the two methods. It is claimed that in a majority of instances petitioners' witnesses failed to properly classify the sheets shown them. But every witness protested—

"Every witness," note, Mr. President—

But every witness protested against rendering an opinion, knowing the ease with which the sheets could be manipulated for the purpose of deception.

Mr. Little said the test was not a fair one; that impressions should not be selected, but taken right along, and that he could be deceived by specimens

submitted; that he simply gave his impression. Mr. Nott would not undertake to distinguish between good steam-press and bad hand-press work, and thought certain hand-press impressions might be blanket (defective) impressions.

That is what I did. I advanced that yesterday. All in ignorance of this whole subject and of the report of the committee, I suggested to the Senator from Tennessee that his demonstration was a folly. You see it seems I was correct, or else these experts, as the committee said, are all wrong and unreliable. I cite them for the purpose of proving that the Senator from Tennessee hardly understood himself when he made his speech to us.

Mr. Conway thought a hand-press plate was worn. Mr. Huck said it was not possible to form an intelligent judgment in a hasty examination. Mr. Russell refused to express an opinion as to which was steam and which hand work, but said that all were much superior to bills he got in his pay. Mr. Shaffer said impressions had undoubtedly been selected to look as much alike as possible, and he had no hesitation in saying they were picked; that impressions submitted were better than most seen in circulation. Mr. Osborne said that "under proper circumstances, with proper and legitimate data, one could come to conclusions in such a case, but to take a pile of work in a hurry it is impossible to say accurately."

The sheets were not selected for this committee from the current work of the bureau. The hand-press impressions presented were printed a year ago, although backs of the same denomination were on the hand-press until about last August.

The testimony of the hand-printers whose work was exhibited to the committee was as to one that he worked last on the backs exhibited from a defective plate and with bad ink, as to one other from a defective plate on a broken-down press.

The testimony of Miss Burke, in rebuttal, was that from time to time during the course of the investigations before the various committees of Congress, including this committee, the bundles of steam-work were gone through and sheets selected by the chief examiners of the bureau. The only explanation of this proceeding given by Mr. Graves was that sheets were sometimes selected for the engraving division. But the observation of employés of this Bureau is that such selections are made by the chief engraver himself, and not by examiners of work.

When the witnesses for the steam-press were examined, their protests were strikingly similar to those used by petitioners' witnesses. Mr. Morgan declined to designate by which process certain notes were printed because he knew nothing of the condition of the plates, and yet he thought the test submitted by Mr. Graves was a fair one.

Here I call attention to another fact which seems to have escaped either member of the committee, and that is that the experts on the side of the steam-press found the same difficulty. They could not tell which was which. An expert testified that the only fair test would be to compare the work of a preceding day or of the same day by the hand and the steam press. I would inquire of either member of the committee if that test was made or if they called for any such test as that; in other words, if they tried to get a fair test. Such experts as they put to the test said on both sides that that was indispensable in order to make a test to be put before the country as the basis of Senatorial or any other action.

The committee inform us that they made a very thorough examination and investigation, and report these men out of court, out of their occupations, out of their means of subsistence, out of their homes, their families, out of education, and out of the necessaries and comforts and enjoyments of life. I ask them if in relying upon this test they undertook to get what the experts all said was necessary in order that you should have a fair one? I ask the Senator from Tennessee to state "in his own way," as he said yesterday, his reply to this question, and if there is no reply to the question I assert that this is an unreliable report.

When the witnesses for the steam-press were examined, their protests were strikingly similar to those used by petitioners' witnesses. Mr. Morgan declined to designate by which process certain notes were printed because he knew nothing of the condition of the plates, and yet he thought the test submitted by Mr. Graves was a fair one!

He was a witness for Mr. Graves. He could not conceive, no matter what Mr. Graves did—right, wrong, or indifferent—but that it was necessarily right. Mr. Graves probably had his official head in his pocket, and it was necessarily right. Though the test, as he has said, could not be a fair one, he thought it must be a fair one because Mr. Graves did it.

Mr. Swann said that certain notes exhibited to him were either hand-blanket (defective) impressions or else steam-press work.

Let us see what that signifies. Here is an expert of the steam pressmen, Mr. Swann, who said that certain notes exhibited to him were either hand-blanket, that is, hand defective impressions, bad machine work, or they were steam impressions; that is to say, that the bad hand-work is easily mistaken for the steam impressions and the steam impressions conform to the bad hand-press work.

That is what we have been saying all along. Here is the witness of the Government who says the same thing. I heard no allusion to this sort of testimony in the remarks of either member of the committee. I wish I had time to examine such testimony as Mr. Swann's, who, when certain notes were exhibited, like many other of the petitioners' witnesses, classed together defective hand-work and average steam-work.

"Think of that, Master Brook." All going together in the basket for old clothes and dumped into the Thames "hissing hot."

"Think of that, Master Brook."

Like many of petitioners' witnesses, he classed together defective hand-work and average steam-work. But, despite this remark by him, he correctly classified thirteen notes shown him, and did this without hesitation. The fact that he did this so readily is convincing evidence that the notes submitted him were average steam and hand impressions, at the same time that it establishes that the notes selected by Mr. Graves were presented not with a view of arriving at the truth, but simply to confuse and deceive.

I can not dwell too strongly on the fact I have indicated, that witnesses on both sides class together defective hand-work (blanket impressions) and the ordinary product of the steam-press. It tells the whole story as to which process secures the better result.

I am now reading from the remarks of counsel, it is true, but nearly every sentence is a citation apparently from what witnesses before the committee said, witnesses upon both sides, and experts. Here it appears by the silence of the gentlemen who make this report, one upon either side of this Chamber, that the conditions specified by these experts as indispensably necessary in order that experiments might be made which we could rely upon were never made. It appears that the only conditions required were that they should take a single day's work of the hand-press and compare that and a single day's work of the steam-press together; and without making a fair test they come in here and report as to which did the superior work. Here this matter has been lingering for more than a year in the Committee on Finance and that test has not been made, or if it has been made, why this silence when I have called upon members of the committee to show either that they did it or that it was not done?

Mr. President, I know how in the exceeding haste of the terrible pressure that is upon Senators all through a session of Congress, and how, as this committee has been situated during the only time they could give to the consideration of this case, it may have been an almost utter impossibility for them to make an investigation into this matter requiring this expert testimony and an examination into the very highest quality of a very intricate and accomplished art. I see how that is. These Senators are not to blame if the aspect in which my remarks seem to place them is the true one. They could not make this investigation fully and thoroughly, and they have not made the investigation fully and thoroughly, and this report is not worth a rush. It ought not to stand. It is a shame if we act upon it.

In came the bill reported and indefinitely postponed forthwith when it was known to this committee that there were great interests anxious to be heard upon it, and no one was present when that report was made, certainly no one who was interested to defend these plate-printers was notified either that it was coming or when it was received; and but for the afterthought of others who heard of this action it never would have been upon the Calendar to-day, and that upon a motion to reconsider made by the Senator from Maryland.

Mr. President, I appeal to the Senate to let that document go. It is of no consequence here; and there are rights concerned that are not to be trifled away by any hasty, any unfair, any improper action of the Senate of the United States.

Mr. MORRILL. Mr. President, Senators here presume to attack the report of the Subcommittee on Finance who were not present at the examination that was undertaken and who have not even read the report, and one Senator has denounced it as a rotten report. I wish to say in behalf of the subcommittee who had this subject under their charge that, while I was not a member of the subcommittee, I was present a great many days when the examination was going on, and if there was ever a subject honestly, fairly, and patiently investigated it is the subject we have now under consideration. The parties appeared on both sides, such as were summoned by the committee, and the plate-printers also, not only by themselves but by their attorney. I thought myself that the plate-printers seemed to me amply competent to conduct the examination of the witnesses who testified upon the other side.

Allow me to say that I heard with some pain the Chief of the Bureau of Engraving and Printing stigmatized as an unworthy officer. I believe there has been no officer of the Treasury Department who has stood higher. I say this when I do not agree with the style of politics of that gentleman, which are mugwump politics, as I understand; but I do say that there has been no officer of the Treasury Department who has stood any higher in his reputation for ability and for integrity. So much for the committee.

When the Government undertook to do its own work I was in favor of it on the ground that we could do it cheaper and do it better. We have the testimony of the Secretary of the Treasury, the Treasurer, the Comptroller of the Currency, and the Chief of the Bureau of Engraving and Printing that it is generally satisfactory. There is no complaint from any of those officers. Who are we to rely upon? Are we to rely upon those officers who are placed daily in confidential relations to this work, or are we to take the opinion of Senators who have much less acquaintance with the work of this character?

If the Government is to continue this work I think it should be done so that it could be in equal and fair competition with the similar work throughout the country. The very best engravers and plate-workers in the country have in use the steam machines. Shall not the Government of the United States have the same privilege?

The Senator from Florida [Mr. CALL] alludes to the fact that this is a labor-saving machine, and asks if two-thirds of the work of the country were to be at once assumed by labor-saving machines where would the workmen who are now employed go? There is no proposition here to dispense with the labor of a single man. One hundred and ninety-seven employés in plate-printing were employed when the work

was placed in the charge of Mr. Graves, and the same number is continued to-day, and it is not proposed to discharge a single man.

But the idea that labor-saving machines reduce the work of the world is a grave mistake. They cheapen products, but they increase the amount of labor-wages in the country. Did the cotton-gin diminish the labor of the South in relation to the production of cotton or the number of laborers employed? By no means. They have increased by more than ten or twenty fold. I know that when railroads were first started in the country some persons were of the opinion that horses would go out of fashion and that oats would be worth nothing; but we have increased railroads to a large extent and yet horses are still used and are of equal value to what they were formerly, and there are many more of them; and oats bear as high a price. So all the talk about the diminution of labor in consequence of labor-saving machines I think is utterly baseless.

I want to just point out the difference between the House provision and the proposition of the Senate. The House proposes that no part of this appropriation shall be used for the repair or reconstruction of any plate-printing press. If a single article about a plate-printing press gets out of order, a screw, nut, or bolt, that would not cost more than a dime to replace or to repair it, it is to be abandoned and thrown out of use. I think that that was entirely wrong and fully justified the Committee on Appropriations in making a change.

There is no question that if we were to abandon the steam printing-press at the present time we would require a larger building to accommodate the men. It would take not less than eighty men, I understand, to supply the place to work in in order to conduct the business that is now upon the Government of the United States in printing all of our revenue stamps, postage stamps, silver certificates, national-bank notes, and United States notes.

The question is whether we shall continue this order of business as it has been for the last year or two, or whether we shall inaugurate a new system and drive out our steam-presses in order to make room for sixty or eighty men to be employed here. I do not think that this is a question in which the United States ought to take any part. If we can not conduct the business here as it is conducted by business men throughout the country on business principles, let us abandon the printing-press and do the work by contract, as was done years ago.

I hope, therefore, that the amendment of the Committee on Appropriations will be agreed to. It seems to me that it is a very moderate one, and one that should not have provoked this long amount of discussion. The Committee on Appropriations propose that the patentees of the steam-presses shall accept the rate per thousand herein provided, which is a reduction from $1 to 50 cents. I think that the royalty of a dollar a thousand sheets was much too large. Unless the patentees shall accept this proposition—

> The said presses shall not be used by the Government after the close of the present fiscal year: *Provided*, That there shall not be an increase of the number of steam plate-printing machines of the character now employed in the Engraving and Printing Bureau.

It is only proposed not to discharge any men and not to force the Government into the employment of sixty or eighty men more, for which we would have to provide a new building and make an additional appropriation of not less than $100,000 for the additional expense.

Mr. HARRIS. Mr. President, I desire to make only one remark. There is not a fair-minded man who occupies a seat upon this floor who will carefully examine the testimony as taken by the committee and arrive at a conclusion different from that reported by the committee. I do not at this late hour propose to go into the details, and least of all I do not propose to garble special paragraphs of the testimony to make comments upon them.

As to the tirade and criticism upon the Finance Committee, I do not propose to notice that further than to say that I am glad to believe, as I do believe, that no opinion or declaration of the Senator from New Hampshire here can harm or hurt the Finance Committee or anybody else.

Mr. BLAIR. I would suggest that that is probably true. In the light of the report they have made I doubt whether they could be injured. The public can judge by that report.

Mr. ALLISON. Mr. President, this matter of plate-printing has excited unusual debate in this Chamber, not on the merits of the amendment proposed by the Committee on Appropriations, but Senators have been trying the question which was referred to the Committee on Finance and reported back by that committee so as to be pending in the form of a separate bill on the Calendar. I have listened here to extracts from day to day for two or three days from the report of the Committee on Finance.

The Senator from New Hampshire stated that he regretted that this report and testimony had been made at such a late day; that he had not had an opportunity to examine it, and he then proceeded straightway to condemn it without knowledge, as stated by himself.

Mr. BLAIR. The Senator ought not to quite say that. This report, as he knows, came here yesterday. I called attention to a particular question which both Senators who made the report dwelt upon as the essential or one of the essential facts. I found the testimony upon both sides on that question, and I asked them to say whether it was true that they themselves declined to have a fair test made.

Mr. ALLISON. It so happens, although I am a member of the Committee on Finance, that I took no part in this investigation and was not even present in the committee when the report was agreed upon which was presented to the Senate. Therefore, like the Senator from New Hampshire, I have not had time to investigate in detail this testimony.

I submit to the Senate whether it is a wise thing for us on an appropriation bill to so adjust this affair in advance as to compel the Bureau of Engraving and Printing to cease its operations or else compel the Senate to increase largely the appropriation made for the maintenance of that bureau for the next year. The amendments proposed by the Committee on Appropriations are amendments that were proposed by the committee in advance of this report. If the Senator from New Hampshire believes that injustice has been done by the Committee on Finance, why is it that he does not call up this independent legislation upon the subject and have it considered by the Senate? I will join him in voting at any proper time to take up that measure and consider it.

Mr. BLAIR. The Senator asks me why I did not call up that measure.

Mr. ALLISON. No, I do not ask that question in the sense of desiring an answer.

Mr. BLAIR. The Senator will get one at the proper time.

Mr. ALLISON. I said that was the proper measure on which to consider the question.

Mr. BLAIR. The Senator asked why I did not call it up? I will take my opportunity, however, to reply.

Mr. ALLISON. Certainly I do not wish to be discourteous to the Senator. I yield to the Senator to say why he does not do it. I did not mean to ask him why he did not. I meant to say that that in my judgment was the true method of dealing with this question. I will hear the Senator.

Mr. BLAIR. After more than a year, for the purpose of investigation, and more than one public and private admonition that this was an important matter, that an important interest desired to have it investigated, the Finance Committee only two or three days ago came in, having taken this amount of testimony, with an adverse report upon the bill which came with the sanction of the other House, and immediately moved, as I am informed, the indefinite postponement of the whole subject.

Only yesterday, which must be one week after that report was made and that indefinite postponement took place, the testimony first appears and is available to the Senate. I understand the Senator from Maryland [Mr. GORMAN] moved to reconsider the indefinite postponement, and the bill is upon the Calendar. At this late day in the session, with all the business pressing and the Senator's own appropriation bills coming up in advance and provoking and obliging this discussion, he asks me why I do not appeal to the Calendar and make my remarks upon a bill which I do not know how to reach.

Mr. ALLISON. The bill which the Senator says has been in consideration for over a year——

Mr. BLAIR. The memorial; the subject-matter.

Mr. ALLISON. That bill was referred to the Committee on Finance on the 29th day of August, as shown by the report, which is certainly not over a year. I notice by looking at the testimony, because I have not had time to examine it, that the Committee on Finance commenced the taking of testimony on the 12th day of September through its subcommittee.

Mr. BLAIR. If the Senator will allow me right here I will state that in the issue of the RECORD of January 18, 1888, it appears that I introduced a memorial of the Knights of Labor which sets out this whole matter, that I urged attention to it and presented as much as I could the nature of the question, and pressed for action immediately. The other House meanwhile took up the same subject, and acting with more alertness on this all-important matter sent a bill to the Senate which the Finance Committee was obliged to consider.

Mr. ALLISON. The bill was sent to the Senate on the 29th day of August last. There are a great many bills, of course, which are still pending that were presented to this body before that time.

Mr. President, I only desired to call attention to the fact that it is proposed in this appropriation bill by legislation to regulate matters certainly of grave import and of grave importance in this method. The Committee on Appropriations did not believe that that was the true method of dealing with this question. They believed that it was wise for the Committee on Appropriations to provide in this bill for the support of the Bureau of Engraving and Printing for the next fiscal year as now organized.

If the Secretary of the Treasury desires to remove these steam-presses he can do it to-morrow. Any Secretary of the Treasury who may come in after the 4th of March, when it is well understood we are to have a new administration, if he desires to do so, can remove these presses and substitute hand-presses for them. I mention this for the purpose of showing that this is a question of administration and not a question of legislation.

Now, what do we find? We find that in 1878 there were introduced into the Bureau of Engraving and Printing a few steam-presses; that the number has been increased from time to time until there are now in all eighteen of these presses there. The Committee on Appropria-

tions, seeing this dispute and this controversy existing between the hand-plate printers and the steam-presses, provided in this bill that no more steam-presses should be purchased. In other words, we have said that this matter shall for the present stand in abeyance until there can be a thorough and perfect investigation of the question and such legislation upon it as is right and proper. So the *status quo*, as respects these presses, must remain under the legislation proposed by the Committee on Appropriations in this bill.

What else do we provide? We find that under contracts made by the Secretary of the Treasury the owners of these steam-presses are entitled to receive a royalty at the rate of $1 for each 1,000 sheets, or one-tenth of a cent for each sheet. That is the contract between the Government and the owners of the patent. The Government itself owns all these presses. The Government itself has built and owns each of these presses to-day, but it leases or procures the right from the patentees to use the presses, and it has a contract to pay them $1 per thousand sheets for the use. That is the price that is paid by every private user in the United States.

These presses are used wherever engraving and printing is done to a greater or less degree. Of course in the nature of things their use must be limited, but wherever they are used the uniform royalty for the use of the presses is $1 per thousand sheets. But the committee believed that the Government itself, being a large user of these presses, should have the use of them at a less rate than the rate fixed by the Secretary of the Treasury in his contract with these people. Therefore we have provided that only 50 cents per thousand sheets shall be paid instead of $1 per thousand sheets, which is the present contract price.

The provision in the bill as it came to us from the other House is that only 1 cent per thousand sheets shall be paid. It is a manifest injustice that that sum only should be paid if these presses are used at all. The right to these presses is owned, I understand, by the heirs of the inventor of the press, who was himself a plate-printer. Therefore we set ourselves to regulate the price that should be paid out of this appropriation for the use of these presses, and we deem a fair price to be 50 cents per thousand sheets.

The bill as it came to us from the House provided, as the Senator from Vermont has said, that no repair should be made to any one of these presses. It is perfectly well known to those who are familiar with this work that the presses get out of repair, perhaps daily or weekly, so that if this provision should remain in the bill as sent to us from the House the probability is that within sixty days, by the prohibition of the use of any of this money for the repairs of the presses, they would from necessity be brought into disuse. We thought that that was unfair and therefore struck it out; but we have provided that unless the owners of this patent shall take the royalty which we propose to pay here, then the presses shall be taken out.

Mr. President, I only speak for myself when I say that I have not sufficiently examined this question to be able to express an opinion whether the steam-presses do execute the work assigned to them in the highest style of the art for the particular class of work they do. I am not prepared to state that.

Mr. BLAIR. Will the Senator concede that the Government currency should be printed in the highest style of the art?

Mr. ALLISON. Undoubtedly I do concede that. That is the very question that is found in this volume of 400 or 500 pages. The Senator from Tennessee and the Senator from New York, who have given great attention and examination to this subject, and who have listened to the experts, came to the conclusion that the work is well done upon these presses. Others say that it is not well done. The Senator from New Hampshire says it is not well done.

I submit that on an appropriation bill in a contested case of this character, where five or six successive Secretaries of the Treasury, as many Superintendents of the Bureau of Engraving and Printing, and Comptrollers of the Currency, all concur in one opinion, it is not a wise thing for us in this indirect way to say that we will destroy these presses and use only one particular kind of a press, and that in order to reach that result we will take $100,000 annually out of the pockets of the tax-payers, and that in addition to that we will expend from $100,000 to $200,000 more in the erection of a building and the construction of machinery for that purpose. All I mean to say is, that if we go into that expenditure and into the condemnation of the existing state of things in the Treasury Department, we should do so with our eyes open and having knowledge.

I for one am willing to spend $100,000 or $200,000, if need be, to execute our currency and securities which must be issued from time to time in the highest style of the art of engraving. I will not allow the Senator from New Hampshire to go an inch in advance of me in that respect. But when the men whose duty it is to execute these things, when the men whose business it is to administer the Government, come to us and say that this work is now well done, as one of the seventy-six Senators upon this floor I shall hesitate long before on an appropriation bill I will utterly and absolutely condemn the men who have been engaged in this business for the last ten or eleven years, covering Republican and Democratic administrations alike.

It is because the Senator from New Hampshire and other Senators insist upon trying an independent case upon the Calendar on an appropriation bill that I object to this proceeding. If it shall turn out that the Senator from New Hampshire is right (and I do not know but that it will, after this testimony is examined and when the bill comes up for consideration) I may vote with him, but in the mean time I will not so cripple and hamper the administration of the Government as to find ourselves here in June or July, without either branch of Congress being in session, unable to carry on the necessary operations of printing greenbacks, silver certificates, and the necessary currency to supply the people with money for the intervening months.

Hence it is that I say if we are to condemn these presses let us do it in a manly way, and when we do it let us come up and make the necessary appropriations in our appropriation bills whereby the work of the Government can be carried on under the methods which we prescribe by legislation condemning the administration for what it has done for the last eleven years.

That is what I object to on this appropriation bill; and so we have amended the House provisions in order that this question may go on as it now goes on until there is a definite and fixed policy as respects what shall be done with the steam-presses which are now the property of the Government, paid for by its money, and which are saving to it certainly from $75,000 to $100,000 per annum.

When the Senator from New Hampshire and other Senators who disagree with the Finance Committee's report shall come up and test this question independently and fairly, I shall be willing to act upon the judgment of the two Houses of Congress as respects what shall be done afterwards in the way of appropriation.

That is all there is in this question. I regret exceedingly that we have been compelled to delay this long appropriation bill on account of the legislation which is proposed by the House of Representatives, and which we believe ought not in this form to be put upon an appropriation bill.

Mr. BLAIR. Mr. President, it would be well not to lose sight of the essence of this case in listening to the adroit and able presentation of it by the honorable Senator who is chairman of the Committee on Appropriations. But I do not rise lacking sensibility to the great force, the elephantine tread of that committee in the Senate. I know very well that there are reasons why that committee can accomplish anything almost that it reports upon favorably in the Senate.

However, the chairman of the committee will pardon me if I call attention to some of the specious illusions, as I deem them, of his very adroit address to us. He speaks as though here was an effort to force a conclusion without an examination; as though the parties who come here complaining that their life-giving avocation is being destroyed were too hasty and were asking judgment without having given time for examination.

The Senator does not need to be reminded in a general way that this has been a subject of controversy for many years. He does not need to be reminded that Government officers have rejected these presses on former occasions, as I am assured—Secretaries of the Treasury and other high officials; and the uncontradicted testimony all along down to the present moment is that as the work done by these steam printing-presses has increased the quality of the currency has deteriorated, until it has become execrable.

A year ago and more these parties brought their case before the Senate and we got no report from the appropriate committee which is available until yesterday afternoon at ten minutes past 1 o'clock, when this testimony was first distributed, and within a very few moments the honorable Senator from New York [Mr. HISCOCK] was explaining his position and citing his report. What opportunity had anybody else to know how faithful, how thorough, how reliable was the investigation of the Finance Committee after they had a year to do it in?

The House, on the other hand, has paid attention to this subject, has investigated it thoroughly, took it up the last session, and as early as last August sent to the Senate a bill regulating this matter, I think removing the steam-presses entirely from the Government work. That bill went to the Finance Committee. Repeatedly their attention was urged to this matter last fall, repeatedly their attention has been called to it this winter, yet not a word has been heard until this testimony was filed here yesterday, or at least no grounds of action were given.

Now, what are these people to do? It being admitted that the quality of the currency is deteriorating and that the people are being robbed by counterfeits in this most delicate and important matter connected with the Government administration, the purity, the verity of the currency, the evil great and increasing year after year, and these particular people coming and complaining that their means of getting a livelihood is taken away, I exhibit, it may be, some heat in advocating immediate action; for I understand that the Senator is right when he says the adoption of this provision is practically the destruction of the steam-press.

We have five, ten, fifteen, or twenty presses, I do not know how many. We have been induced to purchase them and we pay a royalty upon our own purchase and what many say was our own invention originally. The adroit people—the intelligent people in the city of New York—are not all dead yet. They own the steam printing-press, powerful men directly connected with the printing of the

national-bank currency, they who have the currency of the country, interested in its circulation, a tremendous moral influence that will be glad to make this, as President Garfield once said of the currency, "cheap and nasty" for their gain.

Mr. President, we have waited long enough. We have waited on the Finance Committee, we have waited on these interested parties all these years, and suffered from it. We have sought action in all legitimate and regular ways. The House of Representatives has acted and sent a bill destroying the steam printing-press so far as its employment by the Government is concerned. That bill was sent to us six months ago, and the report of the committee of the House is before us, the result of a thorough investigation, as it would seem.

I appear to be placed under the ban, even under the contempt it would seem, of the honorable Senator from Tennessee, who thinks my word will not hurt the committee, to which I suggest that no man's word could hurt a committee whose reputation depends upon so bad a report as this. I am placed somewhat under and subject to criticism because I want definite action at last, and because the country needs definite action at last, because the losses in the way of increasing counterfeits are probably five hundred times the increased expense to the Government in having this currency executed with due and proper skill by the hand-press, as it ought to be done.

Senators tell us to wait and discuss this other bill. They complain that the House of Representatives sent over this provision on an appropriation bill, which is practically the destruction of the steam-press. It was provided for in a regular bill that they sent us on the 28th day of last August. We neglecting and refusing to touch the bill that they had sent to us on this vital matter, they put the same provision into an appropriation bill. The Senator from Iowa does not need to be told how often it is that the supreme legislation of the country goes out on appropriation bills, and the Committee on Appropriations marches up in solid phalanx and asks us to choke down our rising disposition to find out something of what they are doing because the Committee on Appropriations says it.

Now, the Committee on Appropriations says it does not know what it is about and can not afford, after all these years, to run the risk of turning out $50,000 or $75,000 worth of these steam printing-presses, which are our own property, while we are under no contract with anybody on the face of the earth, simply paying these men, who took our invention and sold it back to us and are now growing rich upon the royalty, of which we never ought to have paid them a cent.

The Senator says further that we must not do this because we shall have to make a new house to set the men to work in. I have had a note sent me, and I will read it, and others have come to the same effect. This came while the Senator was speaking, and I offer it as a reply because I know it comes from a man who would not tell a falsehood if he knew it, and he can not be mistaken; and there is nothing in the suggestion of the Senator from Vermont or of the chairman of the Committee on Appropriations, as it seems to me, in regard to the new building, and little as to the increased expense.

> If presses are put out, it will require only about forty-seven more men, nineteen men now being on steam-presses. Two hundred and forty-five plate-printers were formerly employed at the bureau, no more than would be needed if presses were put out; so no new room would be needed and no trouble on that score would ensue.
>
> J. H. RALSTON, *Attorney Knights of Labor.*

This is signed J. H. Ralston, attorney Knights of Labor. He is the man who conducted, in behalf of the plate-printers, this examination or investigation before the Finance Committee of the Senate.

Mr. President, this is not a thing that we are ignorant of, or, if ignorant, we ought not to be; and we ought to have definite action at this session, and the rejection of this Senate amendment will give us definite action at this session, and then if we find on further investigation—for I submit there has been enough to justify us in suspending the use of the steam printing-presses entirely—if on the further investigation which the Senator suggests, if upon that further full investigation which the friends of the steam-press would be obliged to institute in order to get back again into their coffers the cash which comes from close proximity to the Treasury of the United States. I say if, after an investigation upon which they must take the affirmative and must make out their case, it turns out that the Government ought to use the steam printing-presses, I shall have nothing to say. But it does seem to me that we have gone far enough to change the presumption and to induce us to fall back upon the system of doing this Government work, which is admitted by everybody to be the best system, under which the currency of the land is executed in the highest style of the art. We are not justified in robbing the people of this entire country longer by being *particeps criminis* in the crime of counterfeiting the currency of the United States.

Mr. HISCOCK. Mr. President, I do not rise to thrash over old straw, but after the charges which have been made, especially by the Senator from New Hampshire, against this report, it is proper I think at least that I should say that the reputation of a committee and of Senators upon this floor for honesty, fair dealing, and thorough investigation does not depend upon the overzealous remarks which he may be pleased to make; and I, sir, would as soon stand. I say to him very frankly, upon my reputation, such as it may be, with idle charges of that kind made against it as I would if they were not made at all. They do not weigh and they are not counted. They are not respectful or respectable.

I know for myself that the work which was done by the Finance Committee in investigating this matter was done conscientiously, and it was done thoroughly.

Complaint has been made here that the report came in late. We were compelled to delay it because those who were forwarding the bill that was submitted to us were begging for more time, and we gave to the consideration of this question all the time that we possibly could. And I will add that when it comes down to the investigation and the proof of facts this report is exhaustive. It exhausts the subject. As to the examination of witnesses who were merely to express an opinion unsupported by facts, like the opinion quoted here of a Treasury expert, I may say that that opinion is in the form of a letter in reply to another person who had written to him upon the subject. We limited the examination, but the banks are all over the country and easy of access, yet they have failed to furnish any evidence whatever against steam plate-printing.

As to expressions of opinion about the liability of this money to be counterfeited, when the records were brought to the committee from the secret service division it was demonstrated so far as actual counterfeiting was concerned that there had been less of it under this form of printing than under any other. That subject was investigated, and the evidence of those who take money, of those who pass it, the evidence of the men who are charged with issuing it was all against the idea. Still charges of that kind are indulged in here again.

There has been no attempt on the part of this committee to postpone action on the House bill. I am ready for one to have it taken up at any time when it suits the will and pleasure of the Senate and to discuss it then, and I had hoped that it might be discussed then.

It is proper that we should discuss this question of a crusade against labor-saving machinery in this country, for I announce again that is all there is of it. It is said it will throw people out of employment, and yet the men who say that, in the next breath say that the effect of labor-saving machinery everywhere and in all ages and at all times has been to increase wages and increase employment. It is the renewal of the old war of 1812 and 1813 and 1814 against labor-saving machinery, when looms were torn down and destroyed, and I suppose there is to be a bonfire in the streets of Washington when these presses are to be taken out of the building, the property of the Government, labor-saving machinery, because their expulsion is demanded, and demanded by whom?

Two hundred! And the evidence is uncontradicted that $300,000 is annually saved. Pension them—$1,500 a year. You could afford to do it. Two hundred only have made this demand that their rights are entitled to be respected. I do not challenge that, but I do not want to have the issue mistaken. I repeat, disguise it as you may attempt to do, resort to every artifice or every impression that you choose in reference to it, it is not a question of capital against labor. You might as well say that the looms that weave laces, the looms that are used to weave our fabrics of cotton and wool and linen should be destroyed, that there is a war between labor and capital involved in their use.

Mr. EDMUNDS. That was the old saying.

Mr. HISCOCK. Oh, certainly it was the old saying. That was the old cry. It is reiterated here in this Hall—capital against labor.

These presses are owned by the Government, and if there is any question of capital against labor involved here it is the capital of a man's brain, the fertile genius that invented these machines patented by the Government; it is the capital of the mind, which is as well entitled to protection as that of muscle.

There is no question of capital, of dollars and cents, against labor involved in this question. It is a war upon the inventive genius of man; it is a blow at the inventors of the country. Since these machines have been in use they have been improved, as the old looms were improved that were burned in 1812, and 1813, and 1814, and along there. What genius may do in reference to it yet no man can foretell. But something has been accomplished, and yet the men who propose to strike down these machines stand here and in the next breath admit that labor-saving machinery has advanced the wages of the people all over the country, as it has because it has cheapened the products for the people, those things which they use and which they consume; has increased the market and turns out a hundred times more from the machine than could be by hand, and a small profit upon that hundredfold fruit which it makes more than compensates the producer, although he is not paid as much for the fabric or as much for the product.

You might as well burn the sewing-machines and destroy them, and you might as well go into any of our manufacturing establishments where any invention has been made and draw the line there and say, Oh, no, stop where you are; no more invention.

If that is to be the policy, if this Government is to initiate it, do not let us have any mistake or misunderstanding of what is intended, but put it squarely on the ground that it is a war on labor-saving machinery; put it upon the distinct ground that it is a war against invention, and close your Patent Office.

I am sorry, Mr. President, to have taken so much time in the dis-

cussion of this question, but yet after all that has been said, and said in ill time, in my judgment, and in an ill spirit attacking this report, I have felt that to some extent at least I should be pardoned for entering anew into the discussion of the question upon the merits.

Mr. CALL. Mr. President——

Mr. BLAIR. If the Senator will permit me a moment, this matter is so much worse than I thought it was that I should like to say a word.

Mr. CALL. I yield to the Senator.

Mr. BLAIR. It seems it is a move in the direction of chaos and old night if the suggestion should be adopted for the rejection of this amendment. There is every indication that it will not be a great while before we are back to the primitive condition of the race. There is more danger than I anticipated. I did not think it was a war against improvements and civilization.

Mr. HISCOCK. There is no one better prepared than the Senator from New Hampshire to prophesy on that subject.

Mr. BLAIR. The Senator will bear in mind, while I am not meeting him with any argument to show that the primitive condition of the race is better than the present, or even that I believe it, I want to say to him that I do not think the subject is in issue here. I do not think it is a question between labor-saving machinery and previous methods at all. I think it is a question as to the quality of the work that is to be done in a case where the highest quality is indispensable to the interests of the American people. That is the way I understand it, and I do not think the Senator can get out of it by appealing to the Patent Office and the high state of civilization into which both he and myself have been developed.

While upon that subject the Senator made a personal allusion to me which I think myself was quite deserved; and while I do not complain that either he or the Senator from Tennessee was not justified in the expression of their sentiments of semi-contempt, I would only say that the feeling perhaps is not quite as virulent on my part or on theirs, but that it is at the same time fully reciprocated. So I think we are all right and on good terms as ever so far as that is concerned.

Now, I wish to close what I have to say on this matter by reading a little as a reply to the report of this committee, which I accidentally dropped upon the floor and which the page will please pick up for me, for I realize myself that I should treat the report of a committee of the Senate with an appropriate degree of decorum; and I wish to assure the honorable Senator from Vermont and the Finance Committee that if in what I suggested in the heat of debate I may have expressed occasionally sentiments that were not in the highest state of the art of ornamentation complimentary, I withdraw everything I said that should be withdrawn, but I wish to concentrate all the while, however, a great deal more than I did say upon the imbecile character of the report. [Laughter.] I attack no man's motives.

Now, Mr. President, I want to read an all-searching and comprehensive and decisive reply to this whole steam printing-press case.

WASHINGTON, D. C., *February* 12, 1889.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, asking reply to the following questions, namely:

First. Are the Government securities, in your judgment, printed in the highest style of the art; and is it necessary that they should be?

Answer. No, they are not; and I deem it necessary that they should be.

Second. Do the steam-presses print as good impressions as the hand-presses?

Answer. No, they do not.

Third. Do the present issues of silver certificates compare favorably with former issues in wear and execution?

Answer. No, they do not by any means.

Fourth. Are the present issues more easily counterfeited than former issues?

Answer. Yes, in my opinion they are. The former issues were printed in more colors, and in a higher style of art, which could not be so readily photographed; whereas the present issues have less colors and can be easily photographed.

Fifth. Do you hear of any complaint from the public generally, regarding the silver certificates?

Answer. Yes, a great many complaints from the public generally, and the bankers in particular.

Sixth. Since the issue of silver certificates have many counterfeits appeared? If any, how were the counterfeits produced?

Answer. The following counterfeit silver certificates have made their appearance:

One dollar, letter D series 1886; photogravure.
Five dollars, letter D series 1886; photogravure.
Five dollars, letter A series 1886; engraved.
Ten dollars, letter D series 1880; photograph.
Ten dollars, letter, none, series 1880; lithograph-stone plate.
Ten dollars, letter, none, series 1880; roughly chiseled on marble plate.
Twenty dollars, letter B series 1880; photographed and colored by hand.
Twenty dollars, letter C series 1880; engraved.

Respectfully, yours,

JOHN S. BELL, *Chief.*

Hon. JOSEPH R. HAWLEY,
United States Senate.

Mr. HISCOCK. I wish the Senator from New Hampshire would state which one of those issues was printed by the steam-press.

Mr. BLAIR. I do not know. I have not had time to read the Senator's report yet.

Mr. HISCOCK. That has been the trouble with the Senator all through the discussion.

Mr. BLAIR. Not at all. I understand that some of these counterfeits were issued before the steam-press was much used, and yet the steam-press was rejected and turned out along about 1877, and the earliest of these was in 1880. I think the Senator will find on investigation that the proposition which he laid down here yesterday with so much triumph that the steam printing-press was not used there until about 1886 is not correct, because the fact is that it has been in and out and in and out several times, dating as far back as 1877. That is all I have to say.

The PRESIDENT *pro tempore.* Is the Senate ready for the question?

Mr. CALL. Mr. President, I desire to say a word.

Mr. HARRIS. If the Senator from Florida will yield to me, I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I yield for that purpose.

The PRESIDENT *pro tempore.* The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business. [Putting the question.] By the sound the "noes" have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is necessarily absent. Otherwise I should vote "yea."

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. EUSTIS (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK].

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. Therefore I withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is detained at his home by illness, and is paired with the senior Senator from Kentucky [Mr. BECK].

Mr. HOAR (when his name was called). The Senator from Indiana [Mr. VOORHEES] asked me a little while ago how I stood on this question which has just been debated, and I told him, and he asked me if I would pair with him upon the question, and I promised to do so. I do not conceive that that applies to this vote; but if any gentleman on that side of the Chamber thinks the two questions are so connected that I should treat it as a pair, I will do so. Otherwise I shall vote.

Mr. HARRIS. I do not think the two questions are in any way connected, but it seems thus far to be a pretty strict party vote, if not absolutely so.

Mr. HOAR. I will withhold my vote, though I do not consider myself bound to do so, and will vote if I find that my vote is necessary to make a quorum.

Mr. HARRIS. There is no connection between the two questions.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN], whom I do not see in his seat.

Mr. PAYNE (when his name was called). I am paired for the afternoon with the Senator from Nevada [Mr. JONES]. If he were here, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB], or I should vote "yea." I wish also to announce the pair between my colleague [Mr. COCKRELL] and the Senator from Massachusetts [Mr. DAWES].

The roll-call was concluded.

Mr. BERRY. The Senator from Alabama [Mr. MORGAN] is paired with the Senator from New York [Mr. EVARTS]. If the Senator from Alabama were here, he would vote "yea."

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. HOAR. I vote "nay."

The result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Berry,	George,	Harris,	Saulsbury,
Blodgett,	Gibson,	Hearst,	Turpie,
Call,	Gorman,	Jones of Arkansas,	Walthall,
Coke,	Gray,	Pugh,	Wilson of Md.
Daniel,	Hampton,	Reagan,	

NAYS—20.

Allison,	Edmunds,	Ingalls,	Sherman,
Blair,	Frye,	Mitchell,	Spooner,
Chandler,	Hawley,	Morrill,	Stewart,
Cullom,	Hiscock,	Platt,	Teller,
Davis,	Hoar,	Sawyer,	Wilson of Iowa.

ABSENT—37.

Aldrich,	Bowen,	Chace,	Dolph,
Bate,	Brown,	Cockrell,	Eustis,
Beck,	Butler,	Colquitt,	Evarts,
Blackburn,	Cameron,	Dawes,	Farwell,

Faulkner,	Morgan,	Quay,	Vance,
Hale,	Paddock,	Ransom,	Vest,
Jones of Nevada,	Palmer,	Riddleberger,	Voorhees.
Kenna,	Pasco,	Sabin,	
McPherson,	Payne,	Stanford,	
Manderson,	Plumb,	Stockbridge,	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on Appropriations. If there be no objection the two amendments in lines 12, 13, and 14 will be treated as one question. Is the Senate ready for the question?

Mr. BROWN. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 19, line 12, after the word "exceeding," the Committee on Appropriations reported to strike out "1 cent" and insert "50 cents," and in line 14, before the word "thousand," to strike out "seventy-six" and insert "ninety;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, and for wages of printers' assistants at steam-presses, at $1.50 a day each when employed, and for royalty at not exceeding 50 cents per thousand impressions for use of steam plate-printing machines, $390,000, to be expended under the direction of the Secretary of the Treasury.

Mr. CALL. Mr. President, I propose to make only one further observation upon this subject. The excellence of every argument depends upon its applicability to the subject-matter in dispute. There is no question here, none has been made, between capital and labor. There is no conflict or ever can be properly between these two agencies. The question here is whether the Government of the United States, having assumed a monopoly of the manufacture of national currency notes and bank-notes, the demand for those notes being strictly limited to the uses of the Government and a prohibition imposed upon their manufacture elsewhere, whether the Government is justified in displacing the labor of a large number of skilled operatives and laborers by the use of machinery to the detriment of this large number of persons. That is the question.

Of course the point arises as to the excellence of that labor, the comparative excellence. If any one can believe that a machine can be invented that surpasses the ingenuity or the dexterity of the human hand in the matter of art and high art, then the Senate committee are justified in discouraging the employment of these skilled laborers; but it can not be said that the arguments which justify inventions and the uses of inventions which save labor can justify this particular action of the Government in assuming a monopoly of the manufacture and supply of bank-notes, and then substituting machinery for human labor and the support of labor.

Mr. GRAY. Will the Senator from Florida, before he takes his seat, answer a question?

Mr. CALL. I will if I can.

Mr. GRAY. I ask whether he would be quite willing, in furtherance of the general policy which he is advocating, to abolish the use of steam-presses in the Government Printing Office in order to increase the amount of labor on the hand-presses?

Mr. CALL. That is a different question, and has nothing to do with the question we are discussing. The Government of the United States has not assumed a monopoly of printing all over the United States; that is different. It is in the limitation of this business which this Government has made a monopoly and prohibited the performance of this work as well.

Mr. GRAY. There would be a greater demand for labor.

Mr. CALL. Nobody has said that whatever creates a greater demand for labor should be done. What we say is that the demand for labor which the Government has made and created shall not be ruthlessly displaced without a necessity for it in the superior excellence and skill of the work to be done. That is what we say.

Mr. GORMAN. Mr. President, I dislike very much to detain the Senate even for a moment at this late hour in the discussion of this matter, but having considered as a member of the Committee on Appropriations the appropriation bill which is now before the Senate, and acting with my friend from Iowa, the chairman of the committee, who has so well stated this entire case to the Senate so far as the consideration of the matter by the Committee on Appropriations was concerned, and there having been such a radical difference in the views which have been presented, I feel that it is proper for me to say a few words, to explain my vote upon the proposition as now presented.

The Senator from New York [Mr. HISCOCK], and the members of the Committee on Finance who have examined this question and reported upon it, make the broad statement that the advocates of this proposition are opposed to all improved machinery, and therefore it is the old controversy which has been going on from the very beginning.

I have taken a great deal of pains and a great deal of time to examine the testimony furnished by the report made to the House of Representatives, being Report No. 3220 of the first session of this Congress, and the conclusions of the Committee on Finance, and I find that the petitioners in this case and the representative man of the Knights of Labor in this country, Mr. T. V. Powderly, asked that the use of steam machine presses should be prohibited in this bureau. Mr. Powderly starts out with the proposition:

It is not opposition to the introduction of labor-saving machinery which prompts the writing of this letter. I am in favor of labor-saving machinery wherever it can do the work as well as by hand.

So I think it is not fair to vote upon this proposition with the understanding or under the statement made by the Senator from New York that it is dictated by opposition to improved machinery. I have waded through this volume of testimony presented by the Committee on Finance at nights, as well as the volume from the House committee.

I have visited the Bureau of Engraving and Printing, and although not an expert, yet with some fair knowledge of machinery, I do not hesitate to say that I believe the weight of the testimony and the examinations of the work performed show that this machinery does not print the greenbacks and that class of work in the highest style of art to be compared with hand-work. That is my belief, it is my impression, but like the Senator from Iowa, I do not think it is sufficiently conclusive to take the radical measure which is proposed in the bill as it comes from the House of Representatives.

In 1878 the Treasury Department made a contract with the inventor or others who owned this machine, the contract being that the Government should pay $500 for the privilege of manufacturing at its own cost each of these machines, and that in addition to the $500 bonus the Government was to pay $1 for every thousand sheets of impressions made by the machines. The machines have earned up to this time, as stated by Mr. Graves, about $70,000. In other words, the inventors have received a clear profit of about $70,000 for these machines.

Mr. FRYE. What is the sum paid by other contractors?

Mr. GORMAN. I will come to that in a moment. This is a royalty which the Committee on Appropriations in the light of to-day believe to be excessive. I do not criticise the action of the Department heretofore from 1878 down; but this royalty is now excessive, and therefore the Committee on Appropriations propose that the amount to be paid hereafter shall be one-half of that now received, to which I think we shall all agree if the machines are to be used at all.

This company have contracted with other parties outside, disconnected with the Government, for the use of these machines upon the precise terms on which the Government contract is based; but the fact remains that notwithstanding the enterprise of the bank-note companies, notwithstanding the desire of private parties who have to compete in bidding for postage-stamps and the stamps used by the Internal Revenue Bureau against this Department, there are but four other of these machines used by private people in the world.

The reason of that, to my mind, is that as experts, as men of affairs, those engaged in the business to which they could be applied, have not been satisfied that the machine has yet reached that point of efficiency where it can properly compete in the fine work of printing bonds and securities in a manner acceptable to those who deal in them, as is done by hand-work. That has weighed very much with me in coming to the conclusion that the hand-work is preferable for the larger denominations of the Government securities, and for bank-notes and silver certificates, aside from all the testimony which is embraced in these volumes, and which has been referred to by the Senator from New Hampshire, and others.

But when it comes to the printing of postage stamps and of stamps for the Internal Revenue Bureau there is not, I think, a single witness who claims that this work by machinery is even equal to the hand-work, but at all events it is sufficient to protect the interests of the Government.

One year ago, when the Postmaster-General was giving out his contracts and advertising for bids for the postage and other stamps used by his Department, the option was given to print them either by machine or hand work, and the Government engraving and printing establishment in Washington put in its bid; but its head was disinclined because he had no confidence in the machine to make the machine-work and hand-work on the stamps at the same rate, and he put in his bid $25,000 beyond the bid of the American Bank Note Company, which did risk the machine-work, and the bid was accepted, and it was lost to the people here and went to New York. All these matters have come into consideration.

The Committee on Appropriations—and I violate no confidence in saying that, as I am sure my friend from Iowa will admit—when considering this appropriation bill had no light whatever upon the subject except that embraced in the House report and the statements of two or three gentlemen representing the plate-printers, which were very short, and a very brief statement from Mr. Graves. Therefore we were not at the time of the consideration of this bill in a position to have sufficient knowledge to uproot the existing state of things, and we made the compromise provision which we have reported to this bill in the amendment now pending.

I have listened to the Senator from New Hampshire [Mr. BLAIR] with a great deal of pleasure, as I have to the Senator from Iowa [Mr. ALLISON], the Senator from New York [Mr. HISCOCK], as well as the Senator from Tennessee [Mr. HARRIS], who is a member of the Finance Committee. These Senators are always earnest and always present a

subject to the Senate intelligently and well; but the fact remains that, notwithstanding all the bills which have come to the two Houses during this entire Congress, at the last the men who are employed at the Bureau of Engraving and Printing and elsewhere have not had that consideration for the questions which they presented which they think they were entitled to have, and when I came to examine the record I thought that that complaint was well founded.

Mr. President, there are among the employés of that bureau men of great intelligence and of wonderful courage. The fact is that they have come to the Senate and to the House of Representatives and to the committees of the two Houses and faced the gentleman who is in charge of this bureau—a man of parts, a Republican, or a Mugwump, as my friend from Vermont calls him, certainly not a Democrat, an old official of the Department, one who, I believe, in all the other stations which he has held has performed his duties well, a man above the average in intelligence, and whose integrity I think, from all I have heard of him, is beyond question, an earnest, bold man himself, and if he has a fault it is that he will not tolerate a different opinion in another. And yet the men under him have come and given their testimony without fear or favor, and they have presented their case well and intelligently.

Mr. HARRIS. Will the Senator from Maryland allow me a word?

Mr. GORMAN. Certainly.

Mr. HARRIS. I understood the Senator from Maryland to say that he did not think the plate-printers have had the full opportunity that they were entitled to for a hearing in this case.

Mr. GORMAN. I did not say that.

Mr. HARRIS. What was the Senator's declaration?

Mr. GORMAN. If the Senator will do me the favor to listen to me——

Mr. HARRIS. I have been listening with great care.

Mr. GORMAN. I said that these gentlemen, as I understand, and others who are interested in propositions which are pending before Congress, known as the labor bills, believe that they have not had the consideration that they are entitled to.

Mr. HARRIS. The Senator does not refer to the investigation of the Finance Committee?

Mr. GORMAN. Not at all. I will state precisely what I meant.

Mr. HARRIS. Then I have nothing to say. I merely understood the Senator as referring to that investigation.

Mr. GORMAN. I hope the Senator from Tennessee and every other Senator will do me the justice to say that in discussing this question I have reflected upon nobody, and that I state the facts only as I understand them.

Mr. HARRIS. I was misled into the error of supposing that the Senator was referring to the investigation before the Finance Committee, and it was in respect to that that I propounded my question.

Mr. GORMAN. Not at all. I was stating the general proposition.

In this particular case these gentlemen went to the House of Representatives, and were there heard, and I find on the 29th day of August, 1888, there was received in this body a bill from the other House providing—

That from and after the passage of this act all Government securities, bonds, notes, and internal-revenue stamps shall be printed in the highest style of the art of plate-printing from hand-roller presses.

And still another bill providing that the head of that bureau, as I understand it, should be a practical printer, a man who understood the profession, a provision similar to that for the organization of the Government Printing Office; that he should not be simply a man of affairs, but should have this expert knowledge. That was the demand of the printers, and further that you should abolish the presses so far as time-work was concerned.

I think their demand included other things as well as stamps, and though that investigation has been going on in the Senate ever since about the 3d of September, as I understood my friend from Tennessee to say, the bill was not reported until within the last few days, and then, as stated by the Senator from New Hampshire, it was immediately postponed indefinitely, as is generally the custom with adverse reports, and it was placed back upon the Calendar on my motion.

They not only complain of this, but they complain of other measures of like character, which my friend from New Hampshire is entirely responsible for, and which I am glad to call to his attention. We passed at the last Congress, coming from the other House, a bill to prohibit the Government from buying machines, wagons, and other paraphernalia constructed by convict labor. That bill passed the Senate on the 1st day of March in the last Congress, and reached the Executive too late even to be considered, and so failed to become a law.

At this Congress it has come to the Senate again practically in the same form, and is more far-reaching than the bill we have under consideration to-day, for it strikes at thousands and thousands of laborers in this country, whereas the one under consideration embraces not over a thousand or twelve hundred. Hundreds of thousands of men are interested in that bill, and yet that bill, House bill 3406, received in the Senate on the 21st day of March, 1888, remains in the committee, and we have not even had the benefit of the testimony in the case and no opportunity to consider the measure.

Mr. ALLISON. To what committee was that referred?

Mr. GORMAN. It is indorsed "read twice, and referred to the Committee on Education and Labor."

Mr. FRYE. Of which the Senator from New Hampshire [Mr. BLAIR] is chairman.

Mr. BLAIR. Mr. President——

Mr. GORMAN. I address myself to the Senator from New Hampshire. I say that when you take the whole matter into consideration, when you consider the long delay, when you take all the remainder of these bills which have been presented and remember that we have never had an opportunity to consider them in the Senate of the United States, there is serious cause for complaint on the part of these people who think that this legislation is absolutely necessary for their comfort and their welfare. Now I will yield.

Mr. BLAIR. Did the Senator state that he addressed himself to me?

Mr. GORMAN. I called your attention to it.

Mr. BLAIR. I have had my attention called to that bill a good many times. There is many a bill which the Committee on Education and Labor reported back for action by the Senate upon the Calendar of the Senate to-day which we can not get action upon for want of time. We have sent many a bill to the House of Representatives from that committee which has not been acted upon by that House. They have got an exceedingly large dose of labor legislation from the Senate of the United States, which they can act upon if there is any possibility of securing action, and which will consume all that there is or all that there has been available to the House of Representatives in the way of what is called labor legislation.

The bill the Senator refers to now is one which did pass once and which the President of the United States placed in his pocket and vetoed in the Congress preceding this. It has been passed again by the House of Representatives and sent here after they had received a great amount of legislation from our committee in the House of Representatives which they refused to pay any attention to, and I have thought that the honorable chairman of that committee in the House, who has spent much time, perhaps, in talking with the Senator from Maryland in reference to this same matter as well as other Senators—I have thought that he might dispose of legislation which we sent to the House of Representatives early. For instance, we passed a bill here at the last session which had reference to the payment of the arrears that are due to Government employés and which they have been endeavoring to secure year after year, and that bill has been incontinently spurned and delayed by intent, as I think, and as those who are interested in the bill think.

We sent them the education bill. That is of more consequence than all other labor or industrial bills, including the tariff. It is of more consequence than all of them. That bill has been in the committee of the other House, and the Democratic leaders of the House have had for three Congresses an opportunity to act upon it, and they have every time incontinently choked it to death in committee without any consideration at all.

Now, we have upon our Calendars bills already reported from our committee that would consume three times the space between now and the close of this session; and if the Senate will consent to take them up I shall be very glad indeed to have them taken up.

The Senator from Maryland has traveled entirely outside of any occasion to make an assault upon me in this debate, and I do not know what authority the Senator has to hold me up to the criticism of the laboring interests of this country as having neglected a bill which your own President vetoed in the last Congress, and which, I suppose, he would veto again if he got a chance to do it. I do not know why the Senator should do that. But inasmuch as he has seen fit to do it, I give notice here and now that our Calendar is loaded down with at least six months' labor legislation which has been matured by the Committee on Education and Labor of the Senate, and if this body will take up some measures that have been matured and are ready for action here and in the other House, I shall be exceedingly glad to give them the opportunity.

Mr. GORMAN. Mr. President, the fact still remains that during the last Congress the bill to which I referred, which affects thousands and thousands of laborers, passed the House of Representatives and came here in the latter part of the first session and did not reach the President until the 2d or 3d day of March, when it was too late to receive his consideration and action.

Mr. BLAIR. It reached the President on the 1st day of March, and he put it in his pocket on purpose and vetoed it, as he did one other bill, but this time, it being very near the Presidential election, he did sign the arbitration bill.

Mr. GORMAN. We are all over the Presidential election now. There came to the Senate on the 21st of March, 1888, a bill that would effect the purpose I speak of. It is a proper bill, for similar bills have been passed by nearly every State in the Union, prohibiting Government officers from purchasing Indian and Army supplies and articles used in the construction of public buildings which are the products of the labor of convicts in penitentiaries, which come in direct conflict with these people, and the Senate has not had the benefit of a report on that bill.

I know how earnest the Senator from New Hampshire is and I want to get him to something practical. Here is an opportunity to pass a bill for the benefit of these people, one that the organized labor of the country wants, and I say to the Senator from New Hampshire, and to the Senator from Iowa, and the Senator from New York, and others who have expressed a desire that this question shall come up, that from this time to the end of the session, immediately after the conclusion of morning business, to the exclusion of every other subject in the morning hour, I shall ask for the consideration of the plate-printers' bill, and ask the Senator from New Hampshire to report the bill which I referred to so as to give these men at least a day in court. I say they are entitled to some consideration. They are entitled to have these measures inquired into, and my friend from Tennessee and my friend from New York surely will not deny it.

Mr. BLAIR. May I ask the Senator a question?

Mr. GORMAN. Yes, sir.

Mr. BLAIR. Will the Senator be willing to postpone the consideration of the resolution having relation to the investigation of Southern outrages in order to consider these measures?

Mr. GORMAN. I will postpone everything if I can benefit these people whose interests my friend from New Hampshire has always claimed to have so much at heart, and I shall put him to the test.

Mr. BLAIR. Even the investigation of Southern outrages?

Mr. GORMAN. Mr. President, not only have they not had this consideration, but what these men complain of, who are not lawyers, who are not in the habit of coming before committees of Congress, and who have to employ occasionally somebody to present their case—what they complain of is the treatment they have received, that they have not had any consideration whatever, and more than that, that this Republican or Mugwump at the head of this bureau should have insulted them; and, therefore, as men they feel it keenly. They have not had proper consideration at the hands of this Senate, and they have not been treated properly in the declarations of the man who is at the head of the bureau.

Now I will read to the Senate what he says upon this subject. The provision of the law as they presented it was that a man should be placed at the head of this bureau who should be skilled in the work which he was to superintend. Mr. Graves was asked what he thought of that proposition, and his answer was:

A plate-printer is a mechanic, apprenticed to the trade at an early age, without any requirement of education or special intelligence, and spending all his working hours in a narrow, mechanical routine. He has little taste or opportunity for the acquirement of general knowledge.

And therefore not fit for the head of such a department.

He has little taste or opportunity for the acquirement of general knowledge.

Mr. GEORGE. Who said that?

Mr. GORMAN. Mr. Graves.

It is impossible to conceive what qualification to manage a great and intricate bureau, in which perplexing questions of the administration, of legal construction, and of departmental practice are continually arising, and the chief officers of which must have frequent official intercourse with the high officers of the Government, would be furnished by men skilled in performing the purely mechanical operations of plate-printing. Such a craftsman might, indeed, free himself from the trammels of his trade and turn to other pursuits which would qualify him for other things, but just to the extent he should do so he would fall short of the "practical" working required.

And the printers replied by referring to Franklin and a host of others who came from the press, and there is no answer to that. But they do say that with such a declaration by their chief, and after the non-consideration which they have had here, their case is a hard one. I have said to them, as I say to the Senate, that I think their complaint has great force in it, but I am not prepared on an appropriation bill to stop the machinery of this Government. I am not prepared, and I doubt very much if the Senate can be on the evidence presented, to say that we will stop all this machinery now at this moment.

What we have done in this amendment is for the best interests of the Government. We have cut off one-half the amount to be paid, and have provided that not another machine of this kind shall be used in the Government service until the question can be determined whether it is wise to do so. In addition to that I do say now that upon the testimony before us and upon the independent proposition which has already passed the House and which only requires our action here to make it a law the Senate ought not to adjourn until it has considered these two propositions. Therefore I again repeat that I shall ask the unanimous consent of the Senate, and I shall antagonize every other proposition that is presented here during the morning hour, exclusive of the general appropriation bills, with these measures, which ought to be considered and acted upon.

Mr. HAWLEY. Mr. President, Senators may trust me not to talk long at this hour of the day after the bill has had so protracted a debate. But the Senator from New York [Mr. HISCOCK] invites me to a few observations that I can not refrain from making.

I do not accept his figures as to what the additional cost would be if the hand-presses were employed. They are exaggerated at least threefold.

I do not accept some other statements made as to the additional room that would be required. They are exaggerated.

The hand-presses cost about $125 each. I do not pretend to assume exactly what the additional cost would be if all this work were done as it ought to be done, but it certainly is not $100,000, and it is estimated by others as low as $40,000. The truth is somewhere between those figures.

The Senator from Iowa [Mr. ALLISON] in charge of the bill not only acknowledged, but stated with the utmost freedom and frankness, that this work ought all to be done in the highest style of the art. The Senator from New York declared with tremendous emphasis that this is nothing under the sun but a war between capital and labor, or rather, I should say, a war against labor-saving inventions. I deny that emphatically, as emphatically as he asserted it.

I say what every sensible American knows, that if the issue were made alone upon that it could not stand a single minute; nor would I ever rise from my seat to make an argument against a labor-saving invention simply for the sake of keeping men in employment. The world has learned better than that, and the American world better than any other world.

But here is something from what was said within six or eight months by the head of the Bureau of Engraving and Printing. It is very brief, and I will read it:

As to the comparative merits of steam-printing and hand-printing, it may be said that, speaking in the widest sense, steam-printing is not equal to hand-printing; that is to say, the steam-press has not shown its capacity to print the finest grades of work, such as the black faces of notes, bonds, and drafts. This is the conclusion of all the committees which have looked into the subject, and it is accepted by the management of this bureau.

I might stop there in answer to the Senator from Iowa and say, he having admitted that the work ought to be done in the highest style of the art, here is the record from the head of that bureau that every committee has reported that it can not be done in the highest style of the art by the steam-press; and Mr. Graves, on whom I have no criticism to make, a man discharging his duties to the best of his ability, but a man too anxious to make a cheap exhibit of the cost of this most important work—Mr. Graves says:

But there is nothing in this conclusion—

The conclusion to which these committees came—

to contravene the demonstrated fact that the machine can and does print acceptably—

That is the question—"acceptably" to whom?

the green backs of notes and certificates, which are in the easiest grade of printing, and which, when done on the hand-presses, are intrusted to apprentice boys and the least skillful workmen.

That is all my case; it does decently the work which may be ordinarily intrusted to cheap workmen and apprentices; and my other answer, that is also abundantly sufficient, is the fact that they do not dare to print the faces of the notes; they do not dare to print the best kind of work now on these steam-presses though they have had them for years.

I admit the reasonableness of the pure business considerations suggested by the Senator from Iowa and by the Senator from Maryland, but I want to understand, if I accept in full and frankly the issue between the steam-press and the hand-press as to doing artistic work in the highest style, I plant myself upon the declaration of the Senator from Iowa, that this work ought to be done in the highest style.

Mr. BLAIR. I have received the note I hold in my hand, to which I am requested to call the attention of the Senator from Maryland. He probably has gone out to formulate a written motion in behalf of the convict-labor bill.

Mr. GORMAN. No, sir; I have not. I am here.

Mr. BLAIR. Excuse me. One of the gentlemen so highly complimented by the Senator, Mr. Jordan, who has the courage of his convictions and it seems has said his say to Mr. Graves, writes me as follows:

Senator BLAIR:

Will you please inform Senator GORMAN that the designs on all internal-revenue stamps are the most excellent, and the same lathe work and portraits and scrip is used on all internal-revenue stamps as on all the notes of the Government, and it is necessary they should be.

The internal-revenue work requires two-thirds of the employés at all times to get it out. No machine can print it. If it could be printed successfully by machines so could notes.

That is signed "Jordan," one of those men whom it is difficult to walk over with impunity.

I would say with reference to those measures which ought to be pushed that I have here one in which I hope the Senator will join with us. It was reported by the Committee on Education and Labor, and which for the benefit of his party in general he should insist upon having considered the first of any other, and that is a joint resolution which has been reported in several Congresses and never acted upon favorably by the Democracy, but it is a great measure, in the interest of the working people as well as ourselves. It is Senate joint resolution No. 12, Order of Business 1768, entitled a joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

I hope the Senator will not interfere with the consideration of this

measure, for I gave notice several days ago that I should call it up on the first occasion.

Mr. GORMAN. Will the Senator permit me to ask him a question?

Mr. BLAIR. Certainly.

Mr. GORMAN. Will he not join with me to-morrow morning to take up some measure that will give these men bread first, and then consider that question afterwards?

Mr. BLAIR. These men do not ask us to give them bread. They ask us to give them their God-given right to earn their bread. That is all they ask for.

Mr. GORMAN. Very good. That is what I mean.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. BLAIR. I should like to understand that.

The PRESIDENT *pro tempore*. The amendment will be again stated.

The SECRETARY. On page 19, line 12, after the word "exceeding," the Committee on Appropriations reported to strike out "1 cent" and insert "50 cents," and in line 14, before the word "thousand," to strike out "seventy-six" and insert "ninety;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, and for wages of printers' assistants at steam-presses, at $1.50 a day each when employed, and for royalty at not exceeding 50 cents per thousand impressions for use of steam plate-printing machines, $390,000, to be expended under the direction of the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The next amendment heretofore passed over will be stated.

The SECRETARY. In line 16 of the same page, 19, after the word "Treasury," the Committee on Appropriations reported to strike out:

Provided, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or retired: *Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam-plate printing presses: *Provided further*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau: *And provided further*, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, silver certificates, stamps, fractional or postal currency of the United States shall be inscribed below such portrait: *Provided*, That unless the patentees of said steam-presses shall accept the $500 already paid as royalty on each press and the rate per thousand sheets herein provided the said presses shall not be used by the Government after the close of the present fiscal year.

And in lieu thereof to insert:

And unless the patentees of said steam-presses shall accept the rate per thousand sheets herein provided, the said presses shall not be used by the Government after the close of the present fiscal year: *Provided*, That there shall not be an increase of the number of steam plate-printing machines of the character now employed in the Engraving and Printing Bureau.

Mr. MCPHERSON. Does this include the amendments to the whole clause?

The PRESIDENT *pro tempore*. The two amendments in lines 12, 13, and 14 were treated as one question and agreed to. The question now recurs on the motion to strike out what has been read by the Secretary and insert the words in italics.

Mr. MCPHERSON. I supposed the whole clause, there being two propositions, was to be treated as one amendment. It was my intention to call for the yeas and nays on the question.

Mr. BLAIR. That is what I desired, but I thought it could be done a little later.

The PRESIDENT *pro tempore*. The entire amendments and the clause can be treated as one question.

Mr. HOAR. I suggest to the Senator that he has the power to have a separate vote when the bill is reported to the Senate.

Mr. MCPHERSON. I will reserve it for a call of the yeas and nays in the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. ALLISON. I offer in behalf of the Committee on Appropriations the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 4, after line 12, it is proposed to insert:

For post-office at Sedalia, Mo.: For purchase of site and completion of building under present limit, $50,000.

Mr. ALLISON. I will say that there is a law now for this building.

The amendment was agreed to.

Mr. ALLISON. I offer another amendment from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 55, after line 6, it is proposed to insert:

International conference of American nations: For an additional amount to pay the expenses of the conference between the United States of America and the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil, provided for by the act approved May 24, 1888, to be disbursed under the direction and in the discretion of the Secretary of State, $75,000.

The amendment was agreed to.

Mr. ALLISON. I offer another amendment on behalf of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 79, after line 11, it is proposed to insert:

Military post at the presidio of San Francisco: For continuing the construction and repair of the roads and walks leading to the United States national cemetery on the reservation of the presidio of San Francisco, planting trees and shrubs, and for the protection of and fencing of said road and reservation in which the cemetery is situated, and also for the preservation of the same and its springs of water used for irrigating the post and cemetery from drifting sand, and for the construction of a roadway connecting the Fort Mason reservation with said reservation and cemetery, the further sum of $38,000, to be expended under the direction of the general officer commanding the Division of the Pacific.

The amendment was agreed to.

Mr. ALLISON. I offer another amendment from the Committee on Appropriations, which has also been reported favorably by the Committee on Commerce.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to substitute for lines 4, 5, and 6, on page 12, the following:

For establishing complete, a light-house and fog-signal on the easterly end of the outer breakwater at Chicago, Lake Michigan, Illinois, without regard to the completion of said breakwater, $56,000.

Mr. EDMUNDS. What are those lines 4, 5, and 6?

The Secretary read as follows:

Chicago break-water fog-signal, Illinois: For establishing complete a steam fog-whistle on the breakwater at Chicago, Ill., $5,200.

Mr. ALLISON. This has been recommended by the Light-House Board and by the Committee on Commerce.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment, to be inserted after line 19, on page 14:

For the purchase of a site and the construction of a first-order coast light-house at or near Heceta Head, at or near the mouth of Siuslaw River, Oregon, $80,000.

Mr. EDMUNDS. Is that recommended by the Light-House Board?

Mr. ALLISON. It is recommended by the Light-House Board.

Mr. MITCHELL. And reported by the Committee on Commerce.

The amendment was agreed to.

Mr. MITCHELL. I offer another amendment, to come in on page 14, after line 16:

For a first-class light-house at the mouth of the Umpqua River, in the State of Oregon, in addition to the amount heretofore appropriated, $30,000.

Mr. EDMUNDS. I should like to hear that explained.

Mr. MITCHELL. I will make a word of explanation. At the last session of Congress the Senate passed a separate bill providing for this light-house, which was not taken up in the House. In the sundry civil bill there was inserted a clause making an appropriation of $80,000, in accordance with the recommendation of the Light-House Board and of the Treasury Department generally, to the effect that that amount was required for a first-order light-house on the Umpqua River. It went to the House of Representatives, and in conference the appropriation was stricken down to $50,000, and in that form it became a law. The board report that they are unable to go on with that amount of money. This is an appropriation recommended now of $30,000, making $80,000 in all.

Mr. EDMUNDS. This is reported from a committee?

Mr. MITCHELL. It is reported from the Committee on Commerce, and was sent to the Committee on Appropriations.

Mr. EDMUNDS. So that it is in order?

Mr. MITCHELL. So that it is in order.

Mr. ALLISON. The amount appropriated last year has not been touched by the Light-House Board, because they require this additional sum.

Mr. EDMUNDS. All right.

The amendment was agreed to.

Mr. HARRIS. On page 45, line 23, after "eighty-eight," I move to insert:

And $335,000 in addition thereto, or so much thereof as may be necessary.

Mr. EDMUNDS. Let us hear the connection, Mr. President.

The PRESIDENT *pro tempore*. So that the paragraph will read:

Prevention of epidemics:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated by the joint resolutions approved September 26 and October 12, 1888——

Mr. EDMUNDS. Now, let us hear what follows that.

The Secretary read as follows:

And $335,000 in addition thereto, or so much thereof as may be necessary, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.

Mr. ALLISON. I will say that there is remaining unexpended $168,000 of the appropriation made last year, and now the Senator from Tennessee moves an additional sum.

Mr. HARRIS. This is a contingent fund, to be expended under the discretion of the President in the event and only in the event of an epidemic actually existing and threatened, or so much thereof as necessary, and that is in the discretion of the President. If there shall be an epidemic it is not quite safe to rely upon a smaller fund than this whole sum. It is to be hoped by myself and everybody else there will be none.

Mr. EDMUNDS. All right. Go ahead.

The amendment was agreed to.

Mr. TELLER. I am directed by the Committee on Patents to report the following amendment.

The PRESIDENT *pro tempore*. Is it now reported from the Committee on Patents?

Mr. TELLER. It was reported from the Committee on Patents and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be read. Will the Senator state at what point it should come in?

Mr. TELLER. It is to come in on page 64, after line 10, just above "Miscellaneous objects."

The SECRETARY. After line 10, page 64, it is proposed to insert:

To enable the United States of America to be properly represented at the convention of the International Union for the Protection of Industrial Property, to be held in the year 1889, $6,000, such delegate or delegates to be appointed by the President of the United States, and to be persons acquainted with patent law.

The amendment was agreed to.

Mr. COLQUITT. I move, on page 72, line 9, the following amendment:

For building one brick hospital building, uniform in architecture with the other buildings on the post at the United States arsenal at Augusta, Ga., $10,000.

Mr. ALLISON. I make the point of order on that.

Mr. BROWN. On what ground?

The PRESIDENT *pro tempore*. The Chair understands the Senator from Iowa to interpose a point of order.

Mr. BROWN. I ask him to state his point of order.

Mr. ALLISON. It is not reported by any committee.

Mr. BROWN. It is estimated for by the head of a Department, by the Secretary of War, who says it is an absolute necessity. I have the estimate here. It reads:

Augusta arsenal, Augusta, Ga.: For one brick hospital building, uniform in architecture with the other buildings.

NOTE.—There never has been a hospital here, and consequently the sick have to be kept in the barracks. The hospital steward and matron also live separate. The two rooms now occupied as dispensary and medical store-room were an old smithy. A hospital building is an absolute necessity.

Mr. EDMUNDS. How many troops are there?

Mr. BROWN. I do not know. This is the Secretary of War's estimate.

Mr. ALLISON. I withdraw the point of order. I desire to ask the Senator from Georgia who offered this amendment or his colleague, how many troops are in Augusta, Ga., at this time?

Mr. COLQUITT. I think about thirty.

Mr. ALLISON. About thirty troops?

Mr. COLQUITT. About thirty; but I will state to the Senator that I see the purport of the inquiry. In connection with that I wish to say a word. I do not know what has transpired between the Senator from Iowa and my colleague in the colloquy which they have had; it was rather exclusive and we did not hear it in the rear; but this recommendation was made by the Ordnance Department and approved by the Secretary of War, and the estimate for it has been made by the Treasury Department.

Mr. ALLISON. I will say to the Senator that my information and understanding are that there was only a single officer at this post and only such assignments as would enable it to exist as a post, but a good many Senators around me say there ought to be a good many troops there, and I shall not further object to the amendment.

The amendment was agreed to.

Mr. HISCOCK. I am directed by the Select Committee on the Centennial of the Constitution and the Discovery of America to offer the following amendment, to come in at the end of the bill:

That for the purpose of making adequate preparation for an appropriate celebration of this great historic event, a commission of nine members, to be known as the Constitutional Centennial Commission, is hereby authorized, and the President of the United States shall, and he is hereby authorized and empowered, to appoint said commissioners, subject to the confirmation of the United States Senate, and said commission shall have charge of the preparations for and the ceremonies of said celebration.

That the President of the United States is hereby authorized and requested to invite the chief executive and chief judicial officers of Mexico, Guatemala, Nicaragua, Costa Rica, Salvador, Honduras, the United States of Colombia, Venezuela, Bolivia, Peru, Chili, Uruguay, Paraguay, Ecuador, the Argentine Republic, the Empire of Brazil, the Dominion of Canada, Hayti, San Domingo, and such other civil and military officers of said governments as the commission hereinbefore provided for shall designate, to visit Washington in the year 1889 and join with the President of the United States and the Congress of the United States, the justices of the Supreme Court, the governors of the forty-six States and Territories, and others who may be invited, in suitable ceremonies in honor of said event. And the President shall have authority to entertain, in a suitable manner and for a suitable time, in his discretion, the foreign guests attending said celebration; and the sum of $300,000, out of any money in the Treasury not otherwise appropriated, is hereby appropriated, or so much thereof as may be necessary, to defray the expenses incident to said celebration and said entertainment, the same to be paid and disbursed upon proper vouchers approved by the president of said commission.

That said commission shall, from time to time, report directly to the President of the United States.

Mr. ALLISON. I make any point of order that I am entitled to make upon that amendment. It certainly creates nine new offices of considerable magnitude.

The PRESIDENT *pro tempore*. Under what clause does the Senator from Iowa interpose the point of order?

Mr. ALLISON. On the first portion of the amendment providing for certain officers.

Mr. EDMUNDS. Has it been referred to the Committee on Appropriations?

The PRESIDENT *pro tempore*. It so appears by the print.

Mr. HOAR. Mr. President, this amendment provides for a commission which is to serve without compensation. There is no provision for any compensation or salary to these officers. The matter has passed the Senate once, I think, unanimously, and after considerable discussion. I do not remember that any Senator objected to it.

There is a law which already provides for the invitation at some time during the year of delegates from the governments of the South American republics and other South American states to meet here and discuss our trade and other relations. There has been a great pressure put upon the Senate and upon this committee to provide for a grand scheme of a centennial celebration which shall extend from 1889 to 1892. That has not been reported or recommended by the committee, but the committee, I believe, were unanimously of the opinion that it was proper to have a simple but dignified civic celebration at some time during the year in honor of the centennial of the Constitution.

The scheme which I hope will be adopted, and which passed the Senate at the last session, provided for the assembling of the two Houses of Congress and an address by the Chief-Justice of the United States. The time, I suppose, will be fixed at some period late in the year, probably after the assembling of this convention. It was thought that it was a proper and becoming act and that it would very much tend to promote close and harmonious relations with the other American states to invite their chief-justices and chief executive officers, whoever they were, representing their sovereignty, to be present, and I suppose the President will appoint nine gentlemen of character and dignity in the country, who are expected to serve without any salary or other compensation, to make the arrangements, and this sum is proposed to be put at his command for the sake of enabling him to give a suitable entertainment to these persons.

Whether the sum of $300,000 is more than is necessary I do not know, but the President will not expend it if it is not.

I think it will be a very important aid to carrying out what we all desire to see, a successful convention, the provision for which the Senator from Maine [Mr. FRYE] advocated and which has become a law.

Mr. HARRIS. I ask the Senator from Massachusetts if this amendment is not clearly general legislation in its character, creating, as it does, a number of officers to be nominated by the President and confirmed by the Senate? Is it not general legislation in its character and does it not utterly fail if the question of order is raised upon it as general legislation upon an appropriation bill?

Mr. HOAR. It does not seem so to me.

Mr. HARRIS. It does seem so to me, very clearly.

Mr. HOAR. It seemed to me that it was a proposition which I hoped would meet with no objection anywhere.

I do not understand that it comes within what is deemed general legislation any more than the provision for a zoological park. It is a special provision for the accomplishment of a special purpose and employing special instruments with reference to the celebration of the centennial. I do not know of any definition of general legislation within which it comes. It imposes no general duty upon the citizens of the country. It neither repeals any old general law nor creates any new one. It does not prescribe a rule of conduct, which is the usual definition of a law for the citizens anywhere. It is no more general legislation, indeed not nearly as much so as the amendment offered by the Senator from Tennessee [Mr. HARRIS] a little while ago. It is not more general legislation than a provision for buying a picture——

Mr. HARRIS. I will say to the Senator, if he will allow me, that my amendment was purely an appropriation for a specific object.

Mr. HOAR. I understand, and so is this. It is no more general legislation than a provision to have three commissioners to provide a statue of General Washington or General Sheridan.

The PRESIDENT *pro tempore*. The Chair would call the attention of the Senator from New York to the fact that the amendment would not be intelligible in the connection if the language employed now is to remain. It reads:

That for the purpose of making adequate preparation for an appropriate celebration of this great historic event.

There is no historic event referred to antecedently.

And the ceremonies of said celebration.

No celebration is antecedently mentioned.

The Chair does not think that the amendment is open to the point of order upon the ground of its being general legislation. It provides for the appropriation of a certain amount of money, and the other provisions merely designate the method in which it is to be expended. It is not general legislation under any definition that the Chair recognizes, inasmuch as when the work is accomplished the legislation is spent. It is not in that sense general legislation.

Mr. ALLISON. I desire to say a word or two on the question itself. This amendment was referred to the Committee on Appropriations and

was considered very carefully by that committee, and from the best knowledge that we could gather it was the belief of the committee that this provision would be a total failure if attempted to be carried out. It might have been an effective provision if put into the law a year ago when the bill alluded to by the Senator from Massachusetts was passed by the Senate; but now it is proposed to appoint nine commissioners, and to invite all the people from all the Central and South American states that they may choose to invite, to bring them here to meet at a particular day, which it seemed to the committee would be impossible during the year 1889.

Mr. HOAR. If my friend will allow me, as I understand, the expectation is that this convention will not meet here before October or November, and undoubtedly this celebration will not take place until after the assembling of Congress in December, so that the two Houses of Congress could be present. That is all that will be necessary. There is plenty of time for that.

Mr. ALLISON. We have already inserted in this bill an additional appropriation of $75,000 to meet the expenses of the people who have been invited here under the statute passed last year, making $150,000 in all for that purpose. The President or Secretary of State has extended invitations to all these governments and they are to meet here on the 4th day of October, and it may be, as the Senator from Massachusetts says, that this congregation of people will remain here from October until December.

Mr. EDMUNDS. If the money does not run out.

Mr. ALLISON. The money will probably last a month or six weeks. I do not think it is probable that a celebration in the month of December will amount to anything. I say that very frankly as my own opinion. I may be all wrong about this. I asked one of the promoters of this scheme what it was intended to do, and he seemed to have the view that the President would give a banquet, that we should have an oration, and that one day they should all go down to Mount Vernon. That seemed to be the extent of the *projet* of this celebration. I care very little about it myself. I do not think that we ought to expend this sum of money for that purpose.

Mr. HISCOCK. I move to amend the amendment.

The PRESIDENT *pro tempore*. It does not require a motion, the Chair thinks.

Mr. HISCOCK. There is not the slightest danger, if I modify the amendment, of its being ruled out of order, is there?

The PRESIDENT *pro tempore*. The Chair has ruled that the point of order taken by the Senator from Iowa would not lie against the amendment.

Mr. HISCOCK. The suggestion has been made to me that if I modify my amendment, then, not having been reported by a committee, it is a different amendment and the point of order would be against it. But the point of order against the amendment having been overruled I can move to amend it and it will not lie against it.

Mr. SPOONER. It has been overruled.

Mr. HISCOCK. I understand it has been overruled as against the one that is offered, but it becomes an entirely different one when I modify it. Therefore I move to amend by striking out the words "this great historic event," in the second line on the first page, and inserting "the centennial of the Constitution of the United States."

Mr. EDMUNDS. Let the amendment to the amendment be read. It is a very important amendment.

The PRESIDENT *pro tempore*. The entire amendment?

Mr. HARRIS. Let it be read as proposed to be amended.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 2 of the amendment it is proposed to strike out the words "this great historic event" and insert "the centennial of the Constitution of the United States;" so as to read:

That, for the purpose of making adequate preparation for an appropriate celebration of the centennial of the Constitution of the United States, a commission of nine members, etc.

Mr. EDMUNDS. Mr. President, I feel obliged to oppose that amendment, because if agreed to the whole value of the main amendment will be lost. The only use of expending $300,000 of the money of the people is in celebrating a great historic event, and if we reduce it to the mere hard, literal, legal fact of the centennial of the Constitution we are only providing for appropriating money to recognize a fact that has been in existence by Constitution and statute for a hundred years. If we can not decorate it with the description of a great historical event, it seems to me it is not worth while to pass it at all.

But to be serious about it, I do not feel justified in voting $300,000 or any other amount of the money of the tax-payers of the United States for the mere glorification, the mere pomp and ceremony of telling the people of the United States and the rest of mankind that the United States and its Constitution have endured for a hundred years. It does not appear to me that there is a sufficient reason or justification for a public body to vote money for such a purpose. We might vote every month in the year for great historic events, and for events that are centennial, for now we have reached a century, and more than a century, in the most important of historical events, the establishment of these colonies, and so on. It appears to me to be a waste of money.

While the thing itself is well enough, and if private gentlemen want to put in their money and have a celebration of that or anything else, all very well, but for the Congress of the United States to levy a tax upon the laborers of the United States (and that means everybody) to do a thing of this kind, when the Constitution is in no danger and the history of the country is in no danger, as a mere glorification, with all respect to the gentleman, who would enjoy it, as I should myself, I do not feel willing to do it.

Mr. HOAR. Mr. President, every intelligent citizen has occasional celebrations of his birthday. Every town in this country, so far as I know, celebrates the centennial of its settlement. On the occasion of the semi-centennial, when this country had completed half a century, this precise thing which is now proposed was done by the Congress of the United States; and John Quincy Adams, whose memory contained the political history of this country from the outbreak of the struggle for independence, delivered his famous address.

It has been thought by a large number of citizens of the country, whose voice has been communicated by letters from the governors of nearly all the States in the Union, that it would be a decent and fitting thing to mark the completion of a century of constitutional liberty under constitutional law, not by a pageant, not by a military display, but by a grave and serious recognition of the event; and the Senate passed last year a resolution directing that the two Houses of Congress at some convenient time in the year should assemble in the Hall of the House of Representatives, and listen to an address by the Chief-Justice of the United States, and that the other governments of this continent, who under our example have so many of them established constitutional governments, should be invited to attend as guests on the occasion.

The Senator from Vermont, who talks about taxing the laborers of this country, and who has tried to put on this very bill a provision for a million dollars for a collection of monkeys in the neighborhood of the place where he dwells, thinks that is not a fitting thing. There is not a laborer in this country who knows that he is an American, in whose breast the patriotic emotion was ever stirred, who would not receive with a feeling of regret and mortification the news that the Congress of the United States had declined to do what was fitting and decent at such a time. I think there are very few who would not read with a feeling of humiliation and shame some language that has been uttered in the Senate of the United States in regard to the subject.

It does not seem to me that this is an altogether light thing. We celebrated the political separation of this country from Great Britain and the announcement of certain general formulas as to the right and the duty of men in civil government, at a cost of several millions of dollars, in Philadelphia, in 1876.

I do not know that anybody regrets the transaction. If it be fitting to celebrate the act which simply gave this country its opportunity, and the declaration of the principles, which were mere empty words unless a constitutional government could be founded on them, why is it unbecoming to provide for this simple but august ceremonial in honor of what Mr. Gladstone declared the most marvelous single document which ever came from the human intellect, and of its successful inauguration and its successful administration for a hundred years—that great Constitution under which the thirteen States have grown to be thirty-eight States, under which the 3,000,000 have grown to be 65,000,000, and on whose example to-day is the defense and the security and the hope of constitutional liberty not only on this continent but the world over?

I think it is a wise, natural, and beautiful instinct which induces men to mark their birthdays and the recurrence of the anniversaries of the great and joyful events in their lives. I think the most beautiful occasion that ever comes to a household is the golden wedding of the father and the mother, when the children and the grandchildren gather about their knees and they look back on fifty years of domestic felicity, and comfort, and happiness, and virtue in a simple home.

Is it to be a matter of ridicule when the golden wedding of these thirteen States with their twenty-five children by their side is to be celebrated by a simple statement from the most august magistrate on the face of the earth, just beginning that career which those of us who do not belong to the party which has selected him hope and pray may be a career like that of the great predecessors who have adorned the office which he fills?

I think we should consider $300,000, and $3,000,000, cheap if we could have a statement of constitutional history, and constitutional principle, and the essence of constitutional law, coming from the lips of John Marshall at the end of the first fifty years, or of Taney, or of Chase, or of Ellsworth, or of Jay, or of Waite. I want to hear that statement from the man on whose shoulders has fallen that ermine which under the constitutional processes and the simple safeguards which the Republic has thrown about its magistracy has remained pure, purer than the driven snow, purer than the whitest wool, purer than the purity of the purest woman or the purest child in the administration of these great affairs for a hundred years.

I for one in the brief period of public service which remains to me can get instruction, and inspiration, and cheer, and hope, and comfort if that great magistrate can tell me what he and the men who think with him have to draw in the way of a lesson from the constitutional

history of my country. It may be that it is ridiculous in the eyes of the Senator from Vermont, and if it be, let him spend that day in the zoological park in the companionship of his monkeys.

Mr. EDMUNDS. Mr. President, I did not know that I was to have so near neighbors. I was under the impression that the amendment I had proposed to the bill said nothing about monkeys or anybody else, cousins or uncles or descendants of that class of beings.

The amendment I offered to the bill provided for a national park, and nothing else. But if it had provided for monkeys, I do not know that it would necessarily prove that the Senator from Massachusetts is right in supposing that it was necessary to the honor of the Chief-Justice or to the happiness of the Senator from Massachusetts that $300,000 should be spent for a single day's celebration, in which the Chief-Justice should read a dissertation upon the history of the Constitution, and the Senator from Massachusetts should furnish the fuss and feathers for the occasion. If it is, we can vote it; but I ask for the yeas and nays on the adoption of the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment. Does the Senator from Vermont desire the yeas and nays on that?

Mr. EDMUNDS. Oh, no.

The amendment to the amendment was agreed to.

Mr. ALLISON. I wish to suggest a formal amendment to the amendment. In line 6, the words "subject to the confirmation of the United States Senate" is hardly legal phraseology. The usual phraseology is "by and with the advice and consent of the Senate."

Mr. HISCOCK. There is no objection to that amendment.

The PRESIDENT *pro tempore*. The proposed amendment to the amendment will be stated.

The CHIEF CLERK. In line 6 it is proposed to strike out the words:

Subject to the confirmation of the United States Senate.

And to insert:

By and with the advice and consent of the Senate.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended, upon which the Senator from Vermont asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be read as amended.

The PRESIDENT *pro tempore*. The amendment as amended will be read.

The CHIEF CLERK. It is proposed to add, as an additional section, at the end of the bill:

SEC. —. That for the purpose of making adequate preparation for an appropriate celebration of the centennial of the Constitution of the United States, a commission of nine members, to be known as the constitutional centennial commission, is hereby authorized, and the President of the United States shall, and he is hereby, authorized and empowed to appoint said commissioners, by and with the advice and consent of the Senate, and said commission shall have charge of the preparations for and the ceremonies of said celebration.

That the President of the United States is hereby authorized and requested to invite the chief executive and chief judicial officers of Mexico, Guatemala, Nicaragua, Costa Rica, Salvador, Honduras, the United States of Colombia, Venezuela, Bolivia, Peru, Chili, Uruguay, Paraguay, Ecuador, the Argentine Republic, the Empire of Brazil, the Dominion of Canada, Hayti, San Domingo, and such other civil and military officers of said governments as the commission hereinbefore provided for shall designate, to visit Washington in the year 1889 and join with the President of the United States and the Congress of the United States, the justices of the Supreme Court, the governors of the forty-six States and Territories, and others who may be invited, in suitable ceremonies in honor of said event. And the President shall have authority to entertain, in a suitable manner and for a suitable time, in his discretion, the foreign guests attending said celebration; and the sum of $300,000, out of any money in the Treasury not otherwise appropriated, is hereby appropriated, or so much thereof as may be necessary, to defray the expenses incident to said celebration and said entertainment, the same to be paid and disbursed upon proper vouchers approved by the president of said commission.

That said commission shall, from time to time, report directly to the President of the United States.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, the Secretary will call the roll on agreeing to the amendment of the Senator from New York as amended.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. I do not know how he would vote. If he were present, I should vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were present, I should vote "nay."

Mr. MITCHELL (when his name was called). I am paired with the junior Senator from Tennessee [Mr. BATE]. If he were here, I should vote "yea."

Mr. BROWN (when Mr. RANSOM'S name was called). I was asked by the Senator from North Carolina [Mr. RANSOM] to announce his pair with the junior Senator from Michigan [Mr. STOCKBRIDGE].

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. I do not know how he would vote upon this question, and I therefore refrain from casting my vote.

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. COLQUITT. I announced my pair with the Senator from Rhode Island [Mr. CHACE], but I understand that he would probably be recorded in the affirmative upon this question, and I therefore vote. I vote "yea."

Mr. BROWN (after having voted in the negative). I voted forgetting that I am paired with the Senator from Oregon [Mr. DOLPH]. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Georgia withdraws his vote.

Mr. PAYNE (after having voted in the negative). I am paired generally to-day with the Senator from Nevada [Mr. JONES] and I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Ohio withdraws his vote.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. If this is deemed a party matter, I will not vote. If allowed to vote, I should vote "yea."

Several SENATORS. Vote!

Mr. BLAIR. If Senators think I will be justified in voting, I vote "yea."

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON] on political questions. As this does not seem to be a political question, and I am told by some that the Senator from Louisiana would vote for the amendment, I vote "yea."

Mr. ALLISON. Before the vote is announced I should like unanimous consent to have it understood that to-morrow the consideration of this bill——

The PRESIDENT *pro tempore*. The Chair can not entertain a request for the intervention of any business while the roll-call is proceeding.

Mr. ALLISON. Very well.

Mr. HISCOCK (after having voted in the affirmative). I have a general pair with the Senator from Arkansas [Mr. JONES]. Understanding that in no sense is this a political question, I will allow my vote to stand.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were here, he would vote "yea."

Mr. COCKRELL (after having voted in the negative). I was paired a few moments ago with the Senator from Connecticut [Mr. HAWLEY], and I am not sure how he would vote on this question. I would vote "nay," and fearing that he might vote "yea" if present I will withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his vote.

The result was announced—yeas 16, nays 12; as follows:

YEAS—16.

Blair,	Evarts,	Hearst,	Platt,
Butler,	Gorman,	Hiscock,	Reagan,
Chandler,	Gray,	Hoar,	Stewart,
Colquitt,	Hampton,	Paddock,	Teller.

NAYS—12.

Call,	Daniel,	Harris,	Morrill,
Coke,	Dawes,	Ingalls,	Pugh,
Cullom,	Edmunds,	Morgan,	Vest.

ABSENT—48.

Aldrich,	Davis,	Kenna,	Saulsbury,
Allison,	Dolph,	McPherson,	Sawyer,
Bate,	Eustis,	Manderson,	Sherman,
Beck,	Farwell,	Mitchell,	Spooner,
Berry,	Faulkner,	Palmer,	Stanford,
Blackburn,	Frye,	Pasco,	Stockbridge,
Blodgett,	George,	Payne,	Turpie,
Bowen,	Gibson,	Plumb,	Vance,
Brown,	Hale,	Quay,	Voorhees,
Cameron,	Hawley,	Ransom,	Walthall,
Chace,	Jones of Arkansas,	Riddleberger,	Wilson of Iowa,
Cockrell,	Jones of Nevada,	Sabin,	Wilson of Md.

The PRESIDENT *pro tempore*. The vote disclosing the absence of a quorum, the Secretary will call the roll of the Senate.

Mr. CULLOM. I think I will make a motion to adjourn.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate adjourn.

Mr. ALLISON. I hope the Senator from Illinois will withdraw that motion until we can ascertain the presence of a quorum.

The PRESIDENT *pro tempore*. No business can be transacted except the call of the roll of the Senate——

Mr. ALLISON. So I understand.

The PRESIDENT *pro tempore*. And except a motion to adjourn.

Mr. ALLISON. Very well. I hope the Senator will withdraw that motion.

Mr. CULLOM. I will withdraw the motion, as the chairman of the Committee on Appropriations desires me to do so.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Daniel,	Hoar,	Ransom,
Blair,	Dawes,	Ingalls,	Reagan,
Brown,	Edmunds,	McPherson,	Sawyer,
Butler,	Evarts,	Mitchell,	Spooner,
Call,	Gorman,	Morgan,	Stewart,
Chandler,	Gray,	Morrill,	Teller,
Cockrell,	Hampton,	Paddock,	Vest.
Coke,	Harris,	Payne,	
Colquitt,	Hearst,	Platt,	
Cullom,	Hiscock,	Pugh,	

The PRESIDENT *pro tempore*. Thirty-seven Senators have answered to their names—less than a quorum.

Mr. ALLISON. I move that the Senate adjourn.

Mr. HARRIS. I ask the Senator from Iowa to withdraw that motion for a moment.

Mr. ALLISON. I will withdraw the motion for a moment.

Mr. HARRIS. I wish to give notice that if this state of things occurs again during the expiring hours of this Congress, so far as I am personally concerned, I shall insist upon a regular call of the Senate and the sending of the Sergeant-at-Arms for absent Senators.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 22, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 21, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PURCHASE OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. TAULBEE. Mr. Speaker, I did not catch the reading of the Journal with reference to the disposition of the report from the special committee in relation to the purchase of real estate for the District of Columbia yesterday.

The SPEAKER. It shows that the report was indefinitely postponed on motion of the gentleman from New York [Mr. BAKER].

Mr. TAULBEE. I want to ask a question for information. Does that action dissolve the committee?

The SPEAKER. The committee is discharged. When a select committee makes a final report to the House the committee is dissolved.

Mr. TAULBEE. I understand that to be the effect. Now, what I want to know is how the matter of settling up the business of the committee is to be disposed of.

The SPEAKER. That is not a matter for the Chair to decide or for the House; that is a matter outside of the House.

Mr. BLOUNT. Regular order.

LIFE-SAVING STATION, OREGON.

Mr. HERMANN. The record of the proceedings transacted last evening in relation to business coming from the Committee on Commerce omits the report of that committee in reference to a life-saving station on the coast of Oregon. I do not remember whether an order was made to have the report printed in the proceedings or not, but if not I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. The regular order is insisted upon. The gentleman can not ask unanimous consent at this time, but he can make a correction of the RECORD if he desires.

LORD SACKVILLE.

The SPEAKER laid before the House the following communication from the President:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, of this day's date, with accompanying correspondence, touching the case of Lord Sackville.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 20, 1888.

The communication and accompanying papers were referred to the Committee on Foreign Affairs, and ordered to be printed.

LODGE AT WASHINGTON MONUMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for furnishing and maintaining a lodge at the Washington Monument; which was referred to the Committee on Appropriations, and ordered to be printed.

DECORATION OF PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, submitting an estimate of an appropriation for the decoration of public buildings during the inauguration ceremonies; which was referred to the Committee on Appropriations, and ordered to be printed.

THE BRIG SALLY.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting conclusions of law and of fact in the spoliation claim in the matter of the brig Sally; which was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment joint resolutions of the following titles:

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late Representative in Congress from Louisiana; and

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The message also announced that the Senate had agreed to the concurrent resolution of the House providing for printing additional copies of the report on the production of the precious metals of the United States for 1887.

DEERING DONNELL AND OTHERS VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact in the case of Deering Donnell and others against the United States; which was referred to the Committee on Claims, and ordered to be printed.

RELIEF OF SETTLERS IN HETTINGER COUNTY, DAKOTA.

The SPEAKER also laid before the House a bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota.

Mr. SPOONER. I ask unanimous consent that that bill be withheld and lie on the Speaker's table for the present.

There was no objection, and it was so ordered.

DISTRICT JURORS.

The SPEAKER also laid before the House the following Senate concurrent resolution:

IN THE SENATE OF THE UNITED STATES, *February* 20, 1889.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia the Committee on Enrolled Bills is hereby authorized and directed to strike out the word "fifty-two" where it occurs in the first line of section 8 and to insert in lieu thereof the word "sixty-two."

The resolution was concurred in.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I desire to submit for present consideration a resolution to which I think there will be no objection.

The resolution was read, as follows:

Resolved, That after to-day the House sessions shall begin at 10 a. m., and, after the reading of the Journal, up to 11 a. m., matters by unanimous consent may be considered; recognitions to be under the control of the Speaker, from the two sides alternately.

The SPEAKER. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. RANDALL. I demand the previous question.

The SPEAKER. The resolution is in order for reference.

Mr. RANDALL. The first part of it is in order at any rate.

The SPEAKER. The Clerk will read that part of the resolution again.

The Clerk read as follows:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and, after the reading of the Journal, up to 11 a. m., matters by unanimous consent may be considered.

The SPEAKER. This proposition involves a change of a standing order of the House, and under the rule it must lie over for one day.

Mr. RANDALL. I ask the Chair whether the proposition to meet at 10 or 11 a. m. is not in order without the following part of the resolution?

The SPEAKER. The Chair thinks not. It is in order to introduce the resolution for reference, but it involves the change of a standing order of the House.

Mr. BLOUNT. Regular order.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will change this proposition so that the daily sessions shall commence at 11 o'clock this week and 10 o'clock next week, I will not object.

Mr. RANDALL. I can not consent to do that. I want to accommodate every member of the House——

Many MEMBERS. That is right.

Mr. RANDALL. Quite a number of gentlemen desire to come here early in the day to transact business by unanimous consent, and I think such an opportunity ought to be afforded.

Mr. TOWNSHEND. If the gentleman will accept an amendment providing that members shall be recognized as their names are reached on a call of the roll, so that every one may get his chance——

The SPEAKER. Objection being made to the immediate consideration of the resolution, it will be referred to the Committee on Rules.

Mr. HOOKER. I hope there will be an early report.

AMENDMENT OF INTERNAL-REVENUE LAW.

Mr. RANDALL. I submit as a privileged matter another resolution for reference to the Committee on Rules.

The Clerk read as follows:

Resolved, That Rule XXIII, clause 4, be amended by adding thereto the following proviso:

"*Provided*, That on ——day, immediately after the reading of the Journal, the House shall proceed in the Committee of the Whole House on the state of the Union to the consideration of the bill (H. R. 12131) to amend the internal-revenue laws, and at 4 o'clock p. m. on said day the said bill shall be reported to the House with such amendments as may have been agreed to in said committee, and the previous question shall be considered as ordered upon said amendments, and upon the engrossment, third reading, and passage of said bill, and the votes thereon shall be forthwith taken; and in case the said bill shall not be taken up on said day, then this shall be a continuing order thereafter in all respects until one legislative day shall be occupied as herein specified: *And provided*, That a yea-and-nay vote shall be taken on an amendment proposed by Mr. FORNEY, on behalf of the minority of the committee reporting said bill: *Provided further*, That after the consideration of the said bill has been entered upon no dilatory motion shall be entertained by the Chair."

The SPEAKER. This resolution will be referred to the Committee on Rules.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota.

CENSUS.

The SPEAKER laid before the House the bill (H. R. 1659) providing for taking the eleventh and subsequent censuses; said bill having been returned from the Senate with amendments.

The SPEAKER. The bill will be referred to the Select Committee on the Eleventh Census.

Mr. COX. I ask that the committee have leave to report on that bill at any time.

The SPEAKER. The gentleman from New York [Mr. COX] asks that the Committee on the Eleventh Census be allowed to report back the amendments of the Senate at any time. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. What is the bill?

The SPEAKER. It is a bill providing for taking the eleventh census.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. COX. I ask unanimous consent to take the bill up now and agree to the Senate amendments.

Mr. BLOUNT. I hope the gentleman from New York will agree that the bill shall remain on the Speaker's table at this time. I am very anxious to have the House proceed with the Post-Office appropriation bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the Senate amendments be now concurred in.

Mr. BLOUNT. I must object at present.

The SPEAKER. The Chair will withhold the bill, if there be no objection.

LEAVE OF ABSENCE.

Mr. MCCULLOGH, by unanimous consent, obtained leave of absence for the remainder of this week, on account of important business.

ORDER OF BUSINESS.

Mr. BLOUNT. I move to dispense with the morning hour; and in connection with that motion I ask unanimous consent that gentlemen be allowed to file majority and minority reports with the Clerk.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent that gentlemen having reports to present from committees be allowed to file them at the Clerk's desk, to be referred under the direction of the Speaker.

Mr. TAULBEE. Does that include authority for minorities of committees to file their views?

The SPEAKER. That is a part of the proposition. Is there objection to this request? The Chair hears none, and it is so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

HENRY H. VAN DYCK AND OTHERS.

Mr. BYNUM, from the Committee on Ways and Means, reported back favorably the bill (H. R. 5241) for the relief of Henry H. Van Dyck, Daniel Butterfield, Charles J. Folger, and Thomas Hillhouse, late assistant treasurers of the United States at New York, N. Y., and of Charles J. Canda, assistant treasurer of the United States at New York, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LITTLEBERRY W. BAKER.

Mr. BLISS, from the Committee on Pensions, reported back with amendments the bill (H. R. 12619) granting a pension to Littleberry W. Baker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. MARTIN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12608) to pension William J. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH M. ALLEN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 10725) to increase the pension of Elizabeth M. Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRA WELLS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12607) to grant a pension to Ira Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOT SPRINGS BENEVOLENT ASSOCIATION.

Mr. MCRAE, from the Committee on the Public Lands, reported back favorably the bill (H. R. 12564) granting the use of certain lands in the Hot Springs reservation in the State of Arkansas to the Hot Springs Benevolent Association; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MRS. CHRISTIANA FREDERIKA ZEUTMEYER.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 9520) granting a pension to Mrs. Christiana Frederika Zeutmeyer, of Fairfield, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ACCEPTANCE OF STATUE OF GENERAL LEWIS CASS.

Mr. CHIPMAN. The gentleman from Georgia [Mr. BLOUNT] permits me to submit a proposition fixing an evening session for the action of the House on the concurrent resolution accepting the statue of General Cass.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Committee on the Library are discharged from the consideration of the concurrent resolution to accept the statue of General Lewis Cass, presented to the United States by the State of Michigan; and that a recess be taken at 5 o'clock this afternoon until 7½ o'clock this evening, at which time the House shall be in session to consider said resolution and no other business; and that the said session shall adjourn not later than 10 o'clock.

The SPEAKER. Is there objection to agreeing to this resolution?

Mr. CRISP. I will not object if any other night than to-night be named, because it is the intention to have a caucus to-night.

Mr. CHIPMAN. Then I suggest Saturday night.

Mr. MILLS. What is this proposition?

The SPEAKER. The gentleman from Michigan desires unanimous consent for the adoption of a resolution fixing a session for Saturday night for the acceptance of the statue of General Lewis Cass. The Chair will state that on Saturday afternoon, by order of the House, the resolutions in relation to the death of the late Representative Burnes will be taken up by the House, and that in such cases it is usual to adjourn at the conclusion of the eulogies, instead of taking a recess.

Mr. MCMILLIN. Then I suggest Monday night.

Mr. RANDALL. Will that involve an adjournment at any particular hour on Monday night?

The SPEAKER. The proposition is for a recess at 5 o'clock and adjournment at 10.

Mr. RANDALL. Well, I object to the provision for an adjournment at 10 o'clock.

The SPEAKER. Objection being made, the resolution is not before the House.

ORDER OF BUSINESS.

Mr. BLOUNT. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. TURNER, of Georgia, in the chair), and resumed the consideration of the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

Page 3: Cashier, five classes, salary, graded in even hundreds of dollars, at $1,800, $2,000, $2,200, $2,400, and not exceeding $2,600 per annum.

Mr. KERR. Mr. Chairman, I move to strike out that paragraph.

Last evening when the committee was considering this bill I obtained the floor with a view of making a few remarks concerning this

proposed classification. This classification is in harmony with certain other acts of former Congresses classifying the officials in the employment of the Government. I do not think that system of classification has been prolific of any good results to the Government. It has been rather expensive; and I believe that this classification, which provides for making the minimum salary of these officials at least 50 per cent. higher than the same class of persons employed in the avocations of private life obtain, will not be promotive of much public good, for the reason that it seems to be in the direction of increasing at a greater and greater degree the expenses of the General Government, at a time, too, when the people of this country, who are not interested in the holding of offices, but only as they promote the efficiency of the service, are demanding a reduction in the rate of postage. If this classification is adopted as provided in this bill, I have no doubt it will increase the annual expenditures of the Post-Office Department several millions of dollars. We have already had arguments upon the floor here to show that the appropriations are not sufficient by several hundred thousand dollars, even as estimated, if this classification is to be adopted.

The gentleman from Pennsylvania [Mr. BINGHAM] says they can not carry into effect the classification unless an appropriation of several hundred thousand dollars more is made. Now, the effect of this will be to burden the incoming administration with an appropriation of perhaps one and a half, possibly two, millions of dollars more than it costs now for the administration of the Government. Last spring the gentleman from Georgia [Mr. BLOUNT] introduced an amendment to the appropriation bill that was not demanded by the people, asking $600,000 for additional compensation to post-offices of the third class. The gentleman said at the time that the request had been made in open House, and that the point of order could not be made against it. It was passed through the House, thereby adding $600,000 to the bill.

Mr. BINGHAM. No; $450,000.

Mr. KERR. Six hundred thousand dollars was the amount provided in the bill.

Mr. BINGHAM. But it passed for $450,000.

Mr. KERR. Well, I did not know that it had been so modified. I know it originally provided an appropriation of $600,000, and now this will make a million and a half more, which will make it absolutely impossible for a long time to come to reduce the letter-postage of this country, which is so much in demand. Besides that there is no need for it. There are ten men to every office who are willing to take these places at the rate provided now by law and who are anxious to take them; and one of the great annoyances—no; I will not call it an annoyance, for it is very proper that it should be so—but one of the sources of the greatest labor to members of Congress is the answering of letters from men who want positions under the Government and are anxious to get them at the prices provided. In the next administration the gentlemen who have been so long preaching economy will be charging us, as they have for the last fifteen or twenty years, with extravagance in the appropriations of the Government; and I wish to call the attention of the House now to the fact that this proposition of the gentleman from Georgia is a step in the direction of extravagance in public expenditures, so that it can not be charged against this side of the House in the next Congress, because it is brought forward in this House, advocated and supported by the unanimous recommendation of the Democratic committee, and is urged upon this Congress by a gentleman who years ago was before the country as the friend of economy.

[Here the hammer fell.]

Mr. BLOUNT. I have nothing to add. Anything that could be said in response to the gentleman would be merely a repetition. I ask a vote.

The amendment was rejected.

The Clerk read as follows:

Superintendents of mails, salary not exceeding 45 per cent. of the postmaster as provided by the act of March 3, 1883, graded in even hundreds of dollars, from $1,300 to not exceeding $2,700 per annum, except at New York, N.Y., where the salary of the superintendent of mails shall be fixed at $3,200 per annum.

Mr. HOLMAN. I raise the point of order upon that paragraph, "superintendent of mails," on the ground that it is new legislation not covered by any agreement before the committee or order made in the House. There is no law creating that office.

Mr. BLOUNT. I have simply to say that these are head clerks; that their duties are of a clerical nature; that they are superintending this class of work, and that they are paid out of the appropriations for clerk-hire, and always have been.

Mr. HOLMAN. They are clerks in the same sense exactly as the Postmaster-General may perform clerical duties.

Mr. BINGHAM. Oh, no. Besides, the Postmaster-General is paid out of the legislative bill.

Mr. HOLMAN. It does not matter where or how he is paid, if my friend will excuse me.

Mr. BINGHAM. I think it does as bearing upon the point of order.

Mr. HOLMAN. This is a new office created by law and known to the law for the first time in this sense. Talk of clerical duties! Why, from the Postmaster-General down to transporters of mails—to mail carriers in cities, of course—there are more or less of clerical duties pertaining to all of them and performed by all; and every one of them would be entitled to the benefit of clergy under the old English criminal-law practice, for all have occasion to write some.

There is no law creating this office. It is new legislation on an appropriation bill, and expressly prohibited by the third clause of Rule XXI.

The CHAIRMAN. In an order made in January it appears that the Committee on the Post-Office and Post-Roads were authorized to report in the Post-Office appropriation bill such new legislation as they deemed proper for the classification of clerks in certain post-offices.

Mr. HOLMAN. Not new legislation, simply classification.

The CHAIRMAN. But the Chair would respond to the gentleman from Indiana by saying that the classification of the clerks in these post-offices is in itself new legislation; and in classifying the clerks in the post-offices, the Chair is inclined to think that in the classification new designations may be applied to the clerks in those offices. Of course the Chair is not perfectly familar with the details of the duties of those officers, but is compelled to accept the statement that these are duties now performed by clerks, and are therefore, so far as the Post-Office Department is concerned, clerical in their character. The Chair overrules the point of order.

Mr. HOLMAN. I shall not appeal from that decision. I will leave it to the House and for this committee to determine whether this is in conformity with that agreement.

The Clerk read as follows:

Superintendents of delivery, salary not exceeding 45 per cent. of the salary of the postmaster, as provided by the act of March 3, 1883, graded in even hundreds of dollars, from $1,300 to not exceeding $2,700 per annum, except at New York, N.Y., where the salary of the superintendent of delivery shall be fixed at $3,200 per annum.

Mr. HOLMAN. I raise the point of order that that is new legislation, not authorized by the rules of the House, and not suggested in the agreement made in the House a few days ago.

Mr. KERR. I would suggest, in addition to that, ought not this permission to be understood as modified by the statement made at the time by the chairman of the committee that it would not increase the expense to the General Government for salaries? It seems to me that that permission was modified, or ought to be modified, by the statement made to the House by the chairman when he was asking consent; and inasmuch as it is not in conformity with the statement made at the time, that permission ought not to be understood as having been given.

Mr. HOLMAN. I wish to say to the Chair that it is impossible—absolutely impossible—that this office was intended to be embraced in the agreement. I call attention to the fact that the report of the Committee on Post-Offices and Post-Roads shows upon its face that within the meaning of that understanding this office was not that of a clerk. The classifications are as follows: "Assistant postmaster." Now, of course, that is not a clerical office, and yet he performs the duties of a clerk. Everybody knows that.

The Chair has already held, notwithstanding the fact that he does not perform the duties of a regular clerk, yet still he is covered by the agreement. Then comes the chief clerk. It is an office classified in this report made by that committee. I concede that the chief clerks are covered by the agreement. The next is the superintendents of divisions, and then the various superintendents are given as separate and distinct officers, and then the clerks—clerks, mailing clerks, general-delivery clerks, stamp clerks, registry clerks—money-order, stamp, and other clerical offices are designated. While the assistant postmaster is designated, the chief clerk is designated, the superintendent is designated, can it be pretended under the agreement made in this House authorizing the classification of clerks that it embraced all these other officers and say that it is to go throughout the entire Post-Office Department?

The CHAIRMAN. The Chair, for the reasons already given, overrules the point of order.

The Clerk read as follows:

Assistant superintendents of delivery, three classes, salary, graded in even hundreds of dollars, at $1,200, at $1,300, and not exceeding $1,400 per annum.

Superintendents of registry, salary not exceeding 35 per cent. of the salary of the postmaster, as provided by the act of March 3, 1883, graded in even hundreds of dollars, from $1,000 to not exceeding $2,100 per annum, except at New York, N.Y., where the salary of the superintendent of registry shall be fixed at not exceeding 40 per cent. of the salary of the postmaster, as provided by the act of March 3, 1883.

Mr. HOLMAN. On those paragraphs I make the point of order.

Mr. CHEADLE. I desire to offer the following amendment.

Mr. BLOUNT rose.

Mr. CHEADLE. I will yield to the chairman of the committee.

The CHAIRMAN recognized Mr. BLOUNT.

Mr. HOLMAN. I arose to a point of order.

The CHAIRMAN. But the gentleman yielded to his colleague [Mr. CHEADLE].

Mr. HOLMAN. But he was not addressing the Chair on the point of order, and I wish to address the Chair on the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] will proceed.

Mr. HOLMAN. I wish to say that this provision, like all the others, is not within the agreement made with the House, but is in violation

of it. I present another point here, because this report which I have before me shows that this proposition was not within the classification as included in the agreement. I feel the more in duty bound to make this objection, because it is my duty as a Representative and the duty of every gentleman entertaining my views of that sort of thing, to have the interpretation of the agreement ascertained. When the agreement was made I put the following question. In the colloquy which has been referred to so often here I said:

Mr. HOLMAN. I wish to inquire whether the object of this request is to classify in the same manner as in the Department—

No ambiguity about it whatever, because we all know that we have first, second, third, and fourth class clerks in all the Departments of the Government.

In the same manner as in the Department, or to increase or diminish the salaries of employés.

Now, what was the answer? Let us see whether these propositions, every one of which increases salaries, are in conformity with the agreement. Here is the answer of the gentleman from Georgia to my question:

Mr. BLOUNT. No, sir; not to increase, but simply to classify them.

And yet, Mr. Chairman, under that agreement every successive section of this bill which has been the subject of controversy is brought in here in violation of the stipulation. Every one of them increases salaries. Can the Chair hold that members sat here supinely in their seats and in violation of their duty as Representatives blindly consented to a proposition which would increase salaries all along the line? I press my point of order upon the ground that this provision is not in harmony with but is a violation of the agreement that salaries should not be increased by the proposed classification. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Georgia desire to be heard further on the point of order?

Mr. BLOUNT. I do not.

The CHAIRMAN. The Chair would like to know from the gentleman from Indiana [Mr. HOLMAN] whether the portion of the RECORD which he has just read is the order of the House or is only the colloquy which took place on that occasion.

Mr. HOLMAN. It is the colloquy which is the order of the House.

The CHAIRMAN. Will the gentleman from Indiana read the order of the House?

Mr. HOLMAN. I ask that the whole of the agreement be read. It is very important to dispose of this matter properly, because otherwise we never can make an agreement in the House unless it is in writing.

The CHAIRMAN. The Clerk will read again the material portion of the RECORD relating to the order made by the House.

Mr. HOLMAN. From the making of the request.

The Clerk read as follows:

Mr. BLOUNT. I desire, Mr. Speaker, to make to the House a request at the instance of the Committee on the Post-Office and Post-Roads, and it is that that committee be allowed to report in the Post-Office appropriation bill legislation providing for the classification of clerks in first and second class offices. It has been recommended by the President and by Postmasters-General from time to time, and the only reason the matter has not been disposed of has been the difficulty under the rules of the House of reaching the matter. I hope there will be no objection to my request, so that the matter may be brought before the House for disposition.

Mr. BURROWS. To be considered in order.

Mr. BLOUNT. That is all. I merely ask that it may be brought before the House for consideration.

The SPEAKER. Is there objection?

Mr. TAULBEE. I shall have to raise the point of order against the proposition if it is to bring these clerks under the provisions of the civil service.

Mr. BLOUNT. It has no relation to the civil service.

Mr. TAULBEE. I would like to hear, then, exactly what is the object of the proposition.

Mr. BLOUNT. The object of it is simply this: The gentleman from Kentucky is aware that the clerks in the Post-Office Department have their salaries fixed. He is also aware that the letter-carriers have their salaries fixed by law. The postal clerks also have their salaries fixed by law, but so far as the first and second class offices are concerned the clerks therein have their salaries fixed, not by law, but regulated by the chief of the salary and allowance division of the Post-Office Department. The proposition we ask to bring before the House for consideration is in relation to that matter.

Mr. TAULBEE. That is the object of the provision, then.

Mr. BLOUNT. The object is to fix the salaries of these clerks in the first and second class offices.

Mr. TAULBEE. I am for it. I do not object to that. I thought it was a proposition to classify them within the civil service.

Mr. HOLMAN. I wish to inquire whether the object of this request is to classify in the same manner as in the Department, or to increase or diminish the salaries of the employés.

Mr. BLOUNT. No, sir; not to increase, but simply to classify them. So far as the details are concerned, whether the salaries shall be higher or lower, is a matter for the House to determine.

Mr. HOLMAN. I wish to know whether my friend proposes in any respect to increase these salaries or the grade of the employés in the branches of the Department to which he refers.

Mr. BLOUNT. I do not.

Mr. HOLMAN. That is the special point that I desire to call special attention to. An agreement is there made for a classification that shall not increase salaries.

The Clerk continued the reading, as follows:

Mr. CUTCHEON. Will the classification proposed carry any particular rate of salary?

Mr. BLOUNT. Well, that is just the very object, to fix the salary and to limit the power of the head of the bureau in the matter.

Mr. CUTCHEON. But will not this allowance of salaries have to be paid as heretofore, through the Department?

The SPEAKER. That is not debatable.

Mr. TOWNSHEND. I wish to ask the gentleman from Georgia if a bill has been reported heretofore to the same effect as he now proposes from the Committee on the Post-Office and Post-Roads?

Mr. BLOUNT. Oh, yes, I think on several occasions.

Mr. TOWNSHEND. But I mean during the present Congress.

Mr. BLOUNT. Not during the present Congress, for the reason that there were certain elements then wanting to enable us to reach a proper conclusion, which have since been supplied by the Postmaster-General, and hence are not wanting to-day.

Mr. MCMILLIN. What is the objection to letting the provision be brought in when the bill is before the House, without asking us beforehand, and without our knowing what the provision is, to make an exception to the general rules of the House which have proved so salutary in the past?

Mr. BLOUNT. I will say to my friend from Tennessee that if it is brought in outside of the Post-Office appropriation bill, the gentleman himself will readily understand that the chances are not one in a hundred of ever reaching the bill.

Mr. COX. That is so.

Mr. MCMILLIN. But what I mean is, why not go along until you reach the consideration of the bill, then submit your proposition and ask unanimous consent when the bill is being considered to let the amendment come in notwithstanding the rule which would prohibit the consideration of the subject?

Mr. BLOUNT. Why, that would be absolutely futile work. I have no objection whatever to letting the House vote upon it, and accept or reject it, but it would certainly seem superfluous to go to work and prepare a bill on this subject, notwithstanding that it has the recommendation and indorsement of the President, the recommendations of the Department, and others interested in and familiar with the subject, when one single objection on the floor of the House would prevent the House from considering it.

Mr. ADAMS. But a single objection will do that now.

Mr. BLOUNT. I am only asking that the House will give consent that the committee may formulate the proposition in the bill, and then it will be for the House to determine whether it will accept the proposition or not.

Mr. MCMILLIN. But the gentleman ought to bring in his proposition first. The difficulty about his request is that I do not see why the House should bind itself beforehand to consider a proposition which is brought in in violation of the rules when it does not even understand what the proposition is. If the gentleman will state his proposition at the time that the bill is being considered, and if it commends itself to the sense of justice of the House, it would no doubt, as many other matters of the same kind have done heretofore, be considered by the House and no doubt agreed to. On the contrary, if the proposition is an objectionable one, it is too late, after the privilege is given in this manner—after the point of order is waived—to make objections which under the present circumstances would prevent the consideration of the matter.

Mr. BLOUNT. Mr. Speaker, it is perfectly competent when the bill comes before the House to discuss it and vote it out if the House is unwilling to accept the proposition.

Mr. MCMILLIN. But the gentleman from Georgia knows that the power to vote out is often utterly useless, and that it can not be exercised here always in cases where it ought to be exercised.

Mr. BLOUNT. I wish to say to my friend that I appreciate his great desire for extreme care in legislation; and I also appreciate that rule which excludes certain legislation from appropriation bills. But there is not a member on this floor who does not feel at times the necessity for legislation for a great Department of the Government which is absolutely essential, but which can not be entered upon because of the stringent provision of the rule which makes no exception. This is a matter we believe to be essential. My friend certainly recognizes the difficulty that we have had in reference to the distribution of the mails by reason of defects in this very matter of legislation in regard to the clerical service of the Department. It has been urged for a great many years that such a change be made. It is not by any means a new question. My friend will see that hereafter, if it is fixed by law now, instead of a chief of division having to contest with every member on this floor as to the salary of each employé throughout the first and second class offices in the United States, when you shall ascertain his salary by law as you have done in relation to the postal clerks, letter-carriers, and clerks in the various Departments, that there is but little to surprise the House with in the matter which will come from the Committee on the Post-Office and Post-Roads. That is all there is of it, simply to fix the salaries ourselves and take the right of fixing them from the chief of division. Let them be ascertained and fixed by law, as the salaries of other emloyés are fixed.

Mr. HOLMAN. I wish to say to the Chair that it is very clear from that whole transaction that two things were agreed to: first, that there should be a classification of clerks; and second, that the salaries should not be increased.

Mr. MCMILLIN. Mr. Chairman, there is in that colloquy an express promise of the gentleman from Georgia [Mr. BLOUNT] that it was not contemplated to increase salaries by the change of law concerning the employés in first and second class post-offices. My attention was called to that point at the time, and I then feared, and so stated, that the proposition was to make a change which the House would not be satisfied with. The gentleman from Georgia [Mr. BLOUNT] stated that it was not the purpose to increase salaries, and upon that statement the change of rule was obtained allowing him to bring in his proposition. I do not favor the change which he proposes. I did not favor such a change then, and if it had been known by the House that such a proposition as this was to be brought in under the agreement I, for one, am ready to say that the agreement would not have been made. I do not believe it is proper or wise at this time to make the wholesale changes or increases—at any rate to make the wholesale increases—that are proposed by this bill, and I do not believe that the agreement covered any such proposition. Having resisted it originally, I have thought it proper for me to say this much at this time. I have great regard for my friend from Georgia [Mr. BLOUNT], who is usually a very careful and painstaking legislator. That much is due him. But the House certainly did not understand the nature of the proposition that was to be brought in.

Mr. HOLMAN. The House understood that there was to be a classification of clerks.

Mr. MCMILLIN. I mean that it did not understand that there was to be a proposition of the nature that has been brought in on this bill.

Mr. BLOUNT. Mr. Chairman, the discussion that is going on now

does not relate to the construction of the order of the House. The gentleman from Indiana [Mr. HOLMAN] has called your attention to only one part of this debate; and to show how unfair the gentleman from Indiana is to me and to this House——

Mr. HOLMAN. I called for the reading of all of it.

Mr. BLOUNT. The gentleman has had his own way in making his statement; and I propose to state this matter now in my way. I do not want the gentleman to interrupt me, for I have some rights here as well as the gentleman.

To test the question of candor, I ask the attention of the gentleman from Indiana to his question as I am about to read it, and to my answer:

Mr. HOLMAN. I wish to inquire whether the object of this request is to classify in the same manner as in the Department, or to increase or diminish the salaries of the employés.

Mr. BLOUNT. No, sir; not to increase, but simply to classify them. So far as the details are concerned, whether the salaries shall be higher or lower, is a matter for the House to determine.

It will thus be seen that when this request was made it was distinctly stated, in response to a question of the gentleman from Indiana, that this classification, whether it raised salaries or lowered them, depended upon the House.

Further on the gentleman from Indiana [Mr. HOLMAN] said:

I wish to ascertain from my friend from Georgia to what extent he proposes to increase the aggregate appropriations for clerical service for first and second class post-offices?

Mr. BLOUNT. Mr. Speaker, that is a matter difficult of ascertainment. So far as the allowance for clerk-hire goes now, the salaries are fixed by the chief of the division.

Mr. HOLMAN. I know; but you make appropriation for clerical hire in gross, do you not?

Mr. DUNN. To be distributed according to the favoritism of the chiefs of divisions in the Department instead of by law, as it should be.

Mr. BLOUNT. That is true.

Mr. HOLMAN. Do you propose to diminish the amount appropriated for the coming year?

Mr. BLOUNT. I can not say whether it will increase or diminish the allowance for clerk-hire, because that is dependent upon the arbitrary action of a chief of division, and I do not know sufficient about the details of the Department to know whether it increases or diminishes the appropriation.

Now, Mr. Chairman, I ask whether it is fair and courteous to me, in view of this distinct declaration, that I could not say whether this classification would increase or decrease salaries, for the gentleman to take a single sentence of mine and put it on record to convict me of having misled the House. The very responses which I made to the gentleman contradict the statement he has this moment made to the House. Mr. Chairman, I wish to be courteous to all; but I think the gentleman from Indiana ought to be fair.

The question, however, which the gentleman now raises is a point of order on the paragraph, as to whether or not the superintendent of registry is a clerk. Why, sir, he is a clerk just like any other clerk; he has a certain work to do in the distribution of the mail; he has had it from the very beginning; he has never been known in any other way than as a clerk.

I do not want to argue this part of the proposition. The order of the House is before the Chair, and I think the Chair will have no difficulty in reaching a decision. I should not have taken the floor but for the fact that the gentleman from Indiana has gone away from the question of order to place me in the attitude of having misled the House.

Mr. CUMMINGS. Will my friend from Georgia allow me a moment? I would like to ask the gentleman whether the chairman of the Committee on Public Lands is a member of Congress? [Laughter.]

Mr. BLOUNT. He seems to be a pretty lively one just now.

Mr. HOLMAN. Mr. Chairman, I will occupy but a moment. Every word that the gentleman from Georgia [Mr. BLOUNT] has read has been read twice, I believe, at the desk; yet my friend from Georgia speaks about the unfairness of having only a portion read. The last reading covered all the colloquy——

Mr. BLOUNT. The reading was not what I referred to; it was the gentleman's speech.

Mr. HOLMAN. The point I made was especially made upon this part of the colloquy—and it is only a part of the general whole, I admit:

Mr. HOLMAN. I wish to know whether my friend proposes in any respect to increase these salaries or the grade of the employés in the branches of the Department to which he refers.

Mr. BLOUNT. I do not.

There is the emphatic declaration upon which the House gave its consent. I admit that the whole should be taken together.

The CHAIRMAN. The question of order now raised by the gentleman from Indiana is more difficult for the Chair to decide than any point that has preceded it, for the reason that it is hard for the Chair to determine what was the precise order of the House and what was really a part of the reasons given for the order. The action of the House, however, which will necessarily guide the Chair in the determination of this matter, is the entry which was made on the Journal and which was approved by the House the next morning. The Chair will ask the Clerk to read it.

The Clerk read as follows:

On motion of Mr. BLOUNT, by unanimous consent, it is—

Ordered, That it shall be in order for the Committee on the Post-Office and Post-Roads, to provide for the classification of clerks in the first and second class post-offices in the Post-Office appropriation bill.

The CHAIRMAN. This entry in the Journal was approved by the House and seems to embody the action taken on that occasion. The Chair is therefore bound to hold that this entry represents the authority given, and that the reasons which may have been stated during the colloquy do not form a part of the order, and were not embraced in it. For this reason the Chair is bound to overrule the point of order. The Clerk will continue the reading of the bill.

Mr. CHEADLE. I yielded the floor in order that the chairman of the committee [Mr. BLOUNT] might offer an amendment. If he does not desire to do so, I will offer one.

Mr. BLOUNT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after the words "New York," in the second line on page 5, the words "and Washington, D. C."

Mr. CHEADLE. I will suggest to the chairman of the committee that the amendment which he has offered is not definite enough. It does not fix the salary.

Mr. BLOUNT. It does fix the salary.

Mr. CHEADLE. The reason in this case for the exception to the general rule is this——

Mr. BLOUNT. If the gentleman from Indiana will allow me, I would say in answer to his statement that it does fix the salary. It provides for 40 per cent. instead of 35.

Mr. CHEADLE. Mr. Chairman, I would then ask the gentleman from Georgia to withdraw his amendment and permit me to offer this one. I hope the chairman will give me his attention.

Mr. BLOUNT. Certainly.

Mr. CHEADLE. I would move to amend by inserting "except Washington, D. C., where the salary of the superintendent of registry shall be fixed at $2,100."

Mr. BLOUNT. I hope the gentleman from Indiana will not attempt to fix the salary.

Mr. CHEADLE. The reason for making this exception in the case of the city of Washington and fixing the salary at $2,100 is this: At Philadelphia the salary of the superintendent of registry under the law will be $2,100, while here at the city of Washington the same department, which handles 771,936 more packages than are handled at the city of Philadelphia, is to be paid at a lower salary. The reports of fifty thousand postmasters are made through the Washington registry office here in Washington, and all these fifty thousand post-offices' reports through this department bring to the office no receipts whatever. The Government transacts a tremendous business through the registry office in the city of Washington. This does not in the least affect the receipts of the office. In my judgment the salary of the superintendent of the registry here should be fixed at $2,100, which is the amount paid at the city of Philadelphia, handling 771,936 fewer packages than are handled in this city. There passed through this department in Washington City last year the enormous sum of $771,000,000.

Mr. BLOUNT. In fixing salaries at the other offices 35 per cent. is the restriction, and in the city of Washington it is fixed at 40 per cent. This is satisfactory to the Department.

Mr. BINGHAM. And gives the head of this division the same salary which he now receives.

Mr. CHEADLE. Is it fair in the classification of clerks in any Department of the Government to give the superintendent of registry in one place who handles 771,936 more packages than are handled in another $2,000, while the superintendent in the other office receives a salary of $2,100? Is not the best basis in fixing these salaries the amount of work which is performed?

Mr. BINGHAM. They do not ask for a larger sum than is now received.

Mr. ADAMS. I desire to offer an amendment to the amendment. I will ask the chairman in the first place whether his amendment fixes the percentage at Washington at 40 per cent.

Mr. BLOUNT. It does.

Mr. ADAMS. I move, then, an amendment to the amendment by inserting these words: "And Chicago, Ill.:" so it will read: "Washington, D. C., and Chicago, Ill."

Mr. BLOUNT. That is an amendment in the third degree, and is not in order.

The CHAIRMAN. There are only two amendments pending.

Mr. CHEADLE. I ask the gentleman to withdraw his amendment and let me offer one.

Mr. ADAMS. The salary of the superintendent of registry at Chicago is now $2,500. This bill proposes to reduce it to $2,100. My amendment is to raise it to $2,400. There would be a reduction of $100. I have some support in the amendment in the documents submitted to the Committee on the Post-Office and Post-Roads by the Department.

I wish to have the attention particularly of the gentleman from Georgia. He has just proposed an amendment making it 40 per cent. at Washington instead of 35 per cent. He says that is the wish of the Department. The wish of the Department is that Chicago and Washington shall be 40 per cent. instead of 35 per cent. That appears, as the gentleman from Georgia knows, on page 5 in his own report. On pages 4 and 5 there are two schemes of classification. In the second scheme the superintendents of registry at New York and Washington get 40 per cent., while the salary at the other office is 35 per cent. Unless the gentleman from Georgia can show why Washington should be classified with New York and Chicago should not, of course the amendment should not be adopted, and I do not care to detain the committee any further.

Mr. BLOUNT. Mr. Chairman, the provision——

The CHAIRMAN. Does the gentleman from Illinois yield the floor?

Mr. ADAMS. One word more, Mr. Chairman, and I will yield it. I find here in one table in this report, on page 21, a statement of the salaries as they are now and as proposed to be by the Department, and the salary of the superintendent of registry at Chicago is only $2,400. Appended to this is a note of explanation that that is 40 per cent., showing evidently the Department supposed that while 35 per cent. is the usual proportion 40 per cent. should be the proper percentage for New York, Chicago, and perhaps Washington.

I have not looked to see whether Washington comes in the list of 35 or 40 per cent.; but the gentleman from Georgia will admit that the Department, in one of these tables sent for the information of the House, stated that the salary of the superintendent of registry at Chicago should be $2,400, because it would be 40 per cent. of the salary of the postmaster, which is exactly what I have proposed.

Mr. BLOUNT. Mr. Chairman, the operations of the registry system at New York show that they handled $6,457,235, and at Chicago about half that sum.

Mr. COX. That is the last report?

Mr. BLOUNT. Yes, the last report. The Washington office does not handle so much as the Chicago office, but in relation to the Chicago office the salary is fixed at $6,000. It is based on a certain amount of gross revenue. When you come to the Washington office the salary is fixed by law at $5,000.

But, sir, I am aware that we are in the short hours of the session. The amendment involves only an addition of $100 in Chicago, and as the gentleman stated that the Department had already recommended it, I will make no issue with him upon it.

The CHAIRMAN. The Chair would suggest to the gentleman from Illinois that the amendment which he has sent to the desk is merely in the nature of a substitute for that of the gentleman from Georgia.

Mr. ADAMS. I did draw it for convenience in that form.

The CHAIRMAN. The Chair will submit it, then, as a substitute.

Mr. BLOUNT. I will withdraw my amendment and let the gentleman offer his.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

On page 5, line 2, after the words "New York, N. Y." insert "Chicago, Ill., and Washington, D. C."

The amendment was adopted.

Mr. CHEADLE. Mr. Chairman, I move to amend, in line 2, page 5, by striking out the words "and Washington, D. C.," for the purpose of offering the amendment which I now send to the desk.

Mr. BLOUNT. Why, we have it now just as the Department recommends it.

Mr. CHEADLE. But I move to strike out the words "and Washington, D. C.," and my reason is simply this, that in the classifications of these offices we certainly ought to agree upon a practical basis. I appeal to any member and to all the members of this committee——

The CHAIRMAN. The Chair will interrupt the gentleman to ask whether the amendment he has suggested proposes to strike out what has just been inserted?

Mr. CHEADLE. No, sir; but a part of what has been inserted—the words "and Washington, D. C."—leaving the words "Chicago, Ill." to remain.

The CHAIRMAN. The Chair is inclined to think that the gentleman's amendment is out of order, because these words have just been inserted by the action of the committee.

Mr. CHEADLE. Then I move to reconsider the vote by which that amendment was adopted.

The CHAIRMAN. The Chair will state that the motion to reconsider does not apply in Committee of the Whole.

The Clerk will read the next paragraph.

The Clerk read as follows:

Assistant superintendents of registry, salary not exceeding 25 per cent. of the salary of the postmaster, as provided by the act of March 3, 1883, graded in even hundreds of dollars, from $1,000 to not exceeding $1,500 per annum, except at New York, N. Y., where the salary of the first and second assistant superintendents of registry shall be fixed at $2,400 and $1,800 per annum, respectively.

Mr. CHEADLE. I now offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the word "respectively," in line 15, page 5, "and except Washington, D. C., where the salary of the assistant superintendent of registry shall be fixed at $1,500 per annum."

The amendment was rejected.

The Clerk read as follows:

Superintendent money-order division, salary not exceeding 40 per cent. of the salary of the postmaster as provided by the act of March 3, 1883, graded in even hundreds of dollars, from $1,000 to not exceeding $2,400 per annum, except at New York, N. Y., where the salary of the superintendent of the money-order division shall be fixed at $3,200 per annum.

Mr. ADAMS. I offer an amendment to come in at the end of line 24, page 5, by inserting the words which I send to the desk.

The Clerk read as follows:

And at Chicago, Ill., where the salary of the superintendent of the money-order division shall be fixed at $3,000 per annum.

Mr. ADAMS. That is the present salary at the Chicago office. This bill raises the salary at Philadelphia from two thousand to two thousand four hundred, at Boston from twenty-two hundred to twenty-four hundred, at St. Louis from twenty-two hundred to twenty-four hundred, and it raises the salary at San Francisco and Cincinnati, but at Chicago it is reduced from three thousand to twenty-four hundred. The superintendent of the money-order business at Chicago has an enormous amount of work to perform and is required to give a bond in the sum of $100,000. The money-order business is not only large there, but is rapidly increasing every year for the reason that that is the great distributing point for the entire Northwestern country.

I have a statement here showing the immense amount of business done during the last year. It is about $10,000,000. The total transactions are 1,700,000, and the mere number of transactions each day were 5,600. The great increase of the business of that division of the Department would be ample justification to make Chicago an exceptional case. And I say exceptional, not simply meaning that it should be exceptionally reduced. That is the effect of this bill. This bill would reduce the salary at Chicago from $3,000 to $2,400. I think it is not a local matter in that particular. I believe they have not any assistant.

Mr. FARQUHAR. Why?

Mr. ADAMS. I do not know.

Mr. FARQUHAR. This is the second amendment in the case of Chicago. Is it not?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. ADAMS. Yes; I yield to the gentleman from New York.

Mr. FARQUHAR. It is a well-known fact that when you take the grade of offices down to seventh or eighth they usually have a registrar and clerks. Now, you take the salary at New York, which office is certainly measurably greater than Chicago, and you find there the salary is $3,200 in the classification where they are now receiving $4,000. Now, I take it that in the first-class offices the assistant and clerks and the kind of help that belongs to that office are bonded, of course. In the cases of Chicago, Philadelphia, and New York, my impression is the Post-Office Department has provided handsomely in the way of clerks. Have you not sufficient clerks in this office, I would like to ask?

Mr. ADAMS. I can not answer that.

Mr. FARQUHAR. There is no use in having a clerk there at $3,000 and clerks under him coming within four or five hundred dollars of that amount. There is no thrift in that.

Mr. ADAMS. I want to ask the attention of the gentleman from New York to this one point, and that is that this bill is fixing these salaries as a permanent statute.

Mr. FARQUHAR. Certainly.

Mr. ADAMS. It may run five, ten, or fifteen years; therefore when you include that part of the country which is growing very rapidly the question of the compensation being inadequate may arise in three or four years as it is admitted to have arisen in New York. They make an exception of New York because in that city the total business is so enormous. The salary of the postmaster at Chicago is $6,000, which is based upon gross receipts of $600,000, whereas they are $2,400,000. They may have been $600,000 when the salary was fixed, but since then the business has increased to four times that amount, and it has arisen at a very rapid percentage every year. Now, if we fix that by permanent statute——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I wish to say that the adoption of the general rule in relation to the percentage of receipts and the postmaster's salary should determine the salary of the superintendent of the money-order division of the service. I notice that at Chicago it does reduce the salary of this particular person. But the gentleman is aware of that. The gentleman was mistaken when he undertook to say that this was the only salary that was reduced.

Mr. ADAMS. The only salary among the five or six leading post-offices of the country.

Mr. BLOUNT. Ah! I have before me the salaries of forty of the larger offices, on page 21 of the report.

Mr. ADAMS. Page 20 contains those in the money-order division.

Mr. BLOUNT. The gentleman is correct. I see at Detroit, Mich., that the superintendent's salary is reduced. It is so also at New Orleans, La.

Mr. ADAMS. How much?

Mr. BLOUNT. It is done under the operation of a general rule;

and the very fact that the operation of a general rule does this thing shows the propriety of the rule. There has been no rule heretofore.

Mr. ADAMS. If the gentleman will pardon me, it might show the propriety if you made the same allowance for the total receipts there. Eight years ago it was $600,000, and you made that the maximum——

Mr. BLOUNT. I hope the gentleman will not interrupt me with little speeches in my remarks. Now, I wish to say that the Department is perfectly satisfied that the salary at Chicago and the salaries in this bill are sufficient. I submit to the House that the Department is a far better judge of this classification than we, who have not the data before us that they have in the Department; and the best thing we can do will be to adopt this report. If, as we reach the salary of one place where some one is a little touched, one gentleman complains, and we make concession to him, and then proceed to another where another is touched, we shall not be able to adhere to any rule which is included in the original intent of the classification.

The amendment was rejected.

The Clerk read as follows:

Superintendents of stations, ten classes, salary, graded in even hundreds of dollars, from $1,000 to not exceeding $2,000 per annum, except at New York, N. Y., where the salaries of the superintendents of Stations "A" and "D" shall be fixed at $2,500 each per annum, and superintendents of Stations "E" and "F" shall be fixed at $2,200 each per annum.

Mr. HOLMAN. Mr. Chairman, I make the point of order upon that paragraph. Certainly there is no ground for saying that the superintendent of a station is to be classified as a clerk.

Mr. BINGHAM. That is exactly what he is.

The CHAIRMAN. For the reasons heretofore given by the Chair, the Chair is bound to overrule the point of order.

The Clerk read as follows:

Mailing clerks, letter distributers, dispatchers, registry, money-order, directory, and nine clerks, nine classes, salary, graded in even hundreds of dollars, from $600 to not exceeding $1,400 per annum.

Mr. BLOUNT. I offer the amendment which I send to the desk. It is intended to correct a clerical error.

The Clerk read as follows:

Page 7, line 1, amend by striking out the word "nine," in the first line, and inserting in lieu thereof the word "nixie."

The amendment was agreed to.

Mr. COX. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 6, line 25, after the words "letter distributers," insert "assorters, and separators."

Mr. BLOUNT. I hope the gentleman will not insist on that amendment.

Mr. COX. I offer the amendment partly for the purpose of having a statement printed. It appears that these assorters and separators may be reduced, under this classification, from $1,380 to $1,200 per year. These gentlemen say that in certain post-offices, especially in the New York post-office, they have a most difficult and intricate duty to perform. The distributing clerks are required to memorize five thousand or more names of box-holders, and besides that they have to keep in mind the continual change of scheme in the separation. Therefore, they say it would be unjust to reduce them as they think they would be reduced by this bill. I do not know that they will be reduced. I do not know, either, how many of them there are in the United States who would be affected by it, but I propose this amendment, and in connection with these remarks I desire to have printed the statement which I herewith submit.

The statement is as follows:

NEW YORK CITY, *January* 30, 1889.

DEAR SIR: We learn through the Boston Post of January 30 that there seems to be a discrimination made in the proposed classification of postal clerks, namely, making the salaries of "letter-distributers" range from $600 to $1,400, while those of the "assorters or separators" are named from $600 to $1,200. We claim it is a very unjust discrimination between clerks, who perform the same mechanical and intellectual work; particularly so as it relates to the New York post-office, and we justly claim that our salaries should be on a par with railway mail clerks, who perform the same species of work and whose salaries range to $1,400. Under the proposed classification "separators and assorters" would be reduced from $1,380, which is the present limit, to $1,200, and we appeal to you to either demand the sums named in your original bill—$600 to $1,400—all around or let the proposed amendment go by default.

You know that the work performed by "assorters" of the city department of the New York post-office is the most difficult and intricate of any performed in the whole service. Here a clerk has to memorize five thousand and more names of box-holders, besides the continual changes in the scheme of separation. To sum the whole thing up, a clerk in our department must be a veritable map of New York City.

The late hour at which we received the information has prevented us from taking more concerted action. Hoping you will give this matter your earnest attention,

We remain, trustfully yours,

IGNATIUS J. CAMPBELL,
OWEN McDERMOTT,
CHARLES B. MARSH,
EDWARD W. WALL,
CHARLES S. COX,
BENJAMIN FIEGEL,
MICHAEL H. REIDY,
GEO. S. GAYLORD,
JOHN J. BAKER,
W. E. WHITTIER,
JOHN F. TOBIN,
HENRY E. WILKE,
ED. WINTERBOTTOM,
JAS. A. HILL,
J. C. BRESLIN,
T. E. HAVERTY,
EDMUND SPECHT,
THOS. B. BRADY,
JOHN J. O'TOOLE,
J. H. WAGNER,

City Department New York Post-Office.

Hon. S. S. COX, *Washington, D. C.*

The amendment was rejected.

Mr. CANNON. Mr. Chairman, I desire to submit the amendment which I send to the desk.

The amendment was read, as follows:

In line 2, page 7, strike out the word "six" and insert "four;" and in line 3 page 7, strike out "four" and insert "six."

Mr. CANNON. I have no desire to discriminate against these employés. I do think, however, that when people first enter the service it would be economical and profitable to the service and to all parties, including the employés themselves, that they should enter at $400 a year. I am perfectly willing that as the years roll round and the employés increase in efficiency, they shall climb up, and for that reason, while I reduce the minimum $200 by my amendment I increase the maximum $200.

Mr. BLOUNT. Mr. Chairman, this amendment is a very important one, and I think it ought not to be adopted. The object of classification is to prevent getting a lot of very cheap men into the service. The minimum salary in this paragraph is $600 for mailing clerks, letter-distributers, dispatchers, etc. Now, it will be seen that this is a class of men who will require considerable intelligence, and if you put them at a salary of $400 you simply set the Department to work with incompetent men, because you can not get competent men for that rate of pay. One of the main ideas in reference to classification is, that if you want to get good service you must pay something like a reasonable compensation. But the proposition of my friend from Illinois [Mr. CANNON] goes farther than a reduction of the minimum. While he proposes to reduce the minimum he proposes also to increase the maximum. Now, this bill is a pretty liberal one. It may be that it can be made more so; but if you should adopt the minimum rate presented in the bill, you would be able to run the Department for less money than it cost last year.

I repeat the statement I made the other day by the authority of the Department, that when you resort to lower than the average grade you are enabled to reduce the appropriation on these two paragraphs by the amount of nearly $900,000. So that you have gone low enough already. I appeal to gentlemen on either side, as they realize the importance of securing efficient employés, as they would deprecate a reduction of salaries which might force efficient men out of the service, as has been done heretofore when they were put on nominal salaries, that the proposed change in reference to this minimum salary shall not be agreed to.

The question being taken on the amendment of Mr. CANNON, it was not agreed to.

The Clerk read as follows:

Separators and assorters, paper distributers, record clerks, general-delivery clerks, inquiry clerks, clerks for special-delivery mail, raters of third and fourth class mail matter, weighers of second-class mail matter, stock or supply clerks, and time-keepers, seven classes, salary, graded in even hundreds of dollars, from $600 to not exceeding $1,200 per annum.

Mr. COX. I move to amend by striking out the word "two," in line 11, page 7, and inserting "four." I do this in pursuance of the policy I indicated a moment ago to allow to the separators, assorters, distributers, and the employés named in the preceding paragraph the same maximum.

Mr. BLOUNT. I hope the amendment will not be agreed to.

The amendment was rejected.

The Clerk read as follows:

Auditor and draughtsman at New York, N. Y., $3,000 and $1,200 per annum, respectively.

Mr. HOLMAN. I make a point of order on this paragraph. Of course the auditor and the draughtsman are not clerks.

Mr. BLOUNT. I merely wish to say that these officers have been paid out of this fund here allowed for more than a decade.

Mr. HOLMAN. If the gentleman will find any statute creating these offices and fixing these salaries, I should be very glad to see it.

Mr. BLOUNT. No; and I can not find any statute fixing the salary of any clerk or anything of that sort.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

That the Postmaster-General be, and he is hereby, authorized to classify and fix the salaries of the clerks and employés attached to the second-class post-offices, from July 1, 1889, as hereinafter provided, namely.

Mr. HOLMAN. I wish to make a point of order on the word "employés," which occurs in the third line of this paragraph. The salaries of clerks, of course, come within the agreement, but the compensation of employés, I think, does not.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. BLOUNT. Not at all.

The CHAIRMAN. The Chair sustains the point of order in this case.

Mr. BLOUNT. It does not make any difference to the bill.

Mr. DOCKERY. I move to amend by inserting, after the word "from," in line 3, the words "and after;" so as to read:

From and after July 1, 1889.

The amendment was agreed to.

Mr. HOLMAN. I move to amend by inserting, after the word "provided," in line 5, page 8, the following:

Provided, however, That the aggregate salaries as fixed by such classification

as shall be made under this act shall not exceed the several sums appropriated by this act for the services authorized to be classified.

In behalf of this proposition, I will merely state that a similar provision has been adopted in regard to post-offices of the first class; and there is just the same necessity for such a provision here as in the other case. I presume there will be no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant postmaster, or chief clerk, nine classes, salary, graded in even hundreds of dollars, from $700 to not exceeding $1,500 per annum.

Mr. HOLMAN. I make the point of order on the words "assistant postmaster."

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLOUNT. I wish to say, Mr. Chairman, simply this, that the striking out of those words does not affect the bill in the least.

The Clerk proceeded to read the bill, as follows:

That all acts and parts of acts that conflict with the provisions hereinbefore stated are hereby repealed.

Mr. HOLMAN. I rise to a point of order on that passage, that it is new legislation, and I make it special for this reason. There are a great many provisions of law which are applicable not only to the Post-Office Department of the Government, but to the other Departments of the Government, and the unqualified repeal here might affect important provisions of law applying alike to the Post-Office and other Departments of the Government. It is new legislation, and for that reason I ask that it be stricken out.

Mr. BLOUNT. I do not care about it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of saying that when we get into the House, if nobody else does it, I will submit the motion that this bill be recommitted to the Committee on the Post-Office and Post-Roads with instructions to report the same back with the various paragraphs fixing classification omitted. As that motion is not debatable in the House, I will take advantage of the present opportunity to say a single word in reference to it.

If the legislation proposed in this bill by the Committee on the Post-Office and Post-Roads should pass, gentlemen all over the country will find it will lead to much embarrassment. For instance, take my own town of Danville, Ill. The allowance for clerk-hire now is $2,800. That employs an assistant postmaster and three other clerks and pays the expenses of cleaning the office.

The truth is that there is not money enough to pay for a janitor all the time. I understand a janitor works an hour or two each day at $8 or $10 a month, and takes similar service for adjacent buildings, whereby he makes up his pay to $500 or $600 a year. If you make an average between the maximum and minimum under this bill without any increase we have $1,100 for assistant postmaster, $1,600 for two clerks at $800 apiece, and $750 for an additional clerk. That provides for three clerks. As you must not let that building go without care, you are required to have a janitor, and you must pay a sum sufficient to enable him to devote the whole time, because being in the Government service he can not take employment from anybody else, although he may not be engaged for more than two hours a day.

This is also true in regard to one or more of these clerks. At certain hours of the day during general delivery they are busily engaged. Perhaps for a part of the time they are not needed and go about their business. But under this proposed legislation they must devote their whole time; that requires $3,900 where it now costs only $2,800. The same is true all over the country. It will increase the expense largely. The money will not be sufficient to pay it, and your service will go without sufficient employés to do it because of this unwise legislation. And as this is the only chance I may have to speak on the subject, I will again state that when we get into the House I shall make the motion to recommit with instructions to strike out all these paragraphs covering new legislation. The law remains as it is. Let the Postmaster-General take the money and give it to the different post-offices according to their respective wants, instead of forcing employés the year round at larger salaries, when they are not needed, many of them, all the year round.

Mr. BLOUNT. The Department does not see the embarrassment the gentleman from Illinois happens to see, and I confess I am not able to see it.

Mr. CANNON. Oh! "the Department." That is the old story over again. My friend ought to know when he plays cards that it is not fair to play the ace more than once. [Laughter.]

Mr. BLOUNT. Well, I did not sit up last night to learn that kind of a vocabulary for use here; and my friend from Arkansas on my left suggests that the gentleman ought not carry his night games around with him in the daytime.

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn; and the Clerk will read.

The Clerk read as follows:

For rent, light, and fuel for first and second class post-offices, $600,000.
For rent, light, and fuel to post-offices of the third class, $505,080.
For miscellaneous and incidental items for first and second class post-offices, including furniture, $110,000.
For free-delivery service, $8,000,000.

Mr. O'NEILL, of Missouri. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend line 17 by adding: "*Provided*, That the Postmaster-General may direct that no deduction shall be made in the compensation of letter-carriers for loss of time incurred through sickness or injuries received in the service in the line of their duties."

Mr. BLOUNT. I raise the question of order upon the amendment.

Mr. O'NEILL, of Missouri. I hope that the gentleman will state the point of order so that I can answer it.

Mr. BLOUNT. That it is new legislation. There is no such law now, and the gentleman proposes new legislation on an appropriation bill which would control the discretion of the Department.

Mr. O'NEILL, of Missouri. Mr. Chairman, it has been the custom in every Department of the Government heretofore, and is to-day in every one of them with the single exception of the Post-Office Department, to grant leave of absence with full pay in the case of employés who are injured in the service in the line of their duty, which leave of absence is granted in the discretion of the chief or head of the Department. I know personally that it is the practice in every other Department except this. We passed a few years ago a bill granting to the letter-carriers fifteen days' leave of absence with pay. It was granted by Congress and was intended to be a benefit to them, and as a mark of the good-will, if I may so use the term, of the country toward the letter-carriers expressed through its Representatives in Congress.

But what has been the effect? We had already granted to all of the other employés in the other Departments thirty days' leave of absence, but to the carriers we granted but fifteen. Now, all of the employés in the other Departments get thirty days' leave therefore, and are also granted leave and not deprived of their pay when injured in the service. But by a most remarkable combination of circumstances the Post-Office Department has adopted a rule which provides that they may grant leave of absence without pay to carriers (in excess of the fifteen days to which they are entitled without loss of pay) in case of illness or where they are injured in the line of their duty. In other words, the Post-Office Department adopts a rule that makes simply a farce and a burlesque of the act of Congress in the case of these carriers who are injured in the service. If you are not injured, why we give you your fifteen days' leave of absence; but if you are injured and it involves the loss of one or two months' time, then the Government deprives you of your pay for the time you are absent.

Mr. CUTCHEON. Is that not in addition to the fifteen days' leave with pay?

Mr. O'NEILL, of Missouri. No, sir, not at all. The fifteen days you get by the act to which I have referred; but if you are injured in the service and necessarily absent you don't get any additional time. You get only the fifteen days, and that fifteen days is charged up to you as a part of your leave, beyond which, if you are absent, you lose your pay.

Now, prior to the granting of the fifteen days' leave of absence if a man was injured in the service he was allowed a month or two of absence with pay if the injury justified it. I have presented this amendment, therefore, which uses the words "may direct," so that it is not subject to the point of order, for it does not change existing law, but still leaves the matter in the discretion of the Postmaster-General, unless it be claimed that you intended when you granted the fifteen days' leave of absence to carriers to abrogate the custom which prevailed prior to that time of granting leave of absence with pay when injured in the line of duty.

Mr. RANDALL. I make the point of order that the merits of this proposition are not now under consideration.

Mr. O'NEILL, of Missouri. Pardon me. I am confining myself to the point of order, and in order to do that I must explain the circumstances surrounding the question, and state the custom which has prevailed heretofore in the Department. And, Mr. Chairman, there is not a gentleman here who is more familiar with the fact than the gentleman from Alabama that this House runs a good deal more by custom than law.

Mr. ADAMS. Will the gentleman permit me to state an instance which will illustrate the point he makes?

Mr. O'NEILL, of Missouri. Certainly.

Mr. ADAMS. A constituent of mine, a post-office clerk, who might have had a certain vacation at a certain period of the year, fell sick about September, and because he was poor chose to take his vacation then. He died at the end of two or three weeks, and his widow never got his pay. Yet, as a matter of fact, if he had had his vacation at the end of the year, or at the period of the year fixed for that purpose, she would not have lost the money to which she was entitled.

Mr. O'NEILL, of Missouri. Yes, and here is a case that I desire to call the attention of the committee to.

The CHAIRMAN. The Chair hopes the gentleman from Missouri will confine himself to the point of order.

Mr. O'NEILL, of Missouri. This is exactly in the line of the point of order. I am confining myself to it, and I must explain, of course, what was the condition prior to the granting of the fifteen days' leave of absence by the House. You can not get the question in any other way. Here is the case of two carriers at St. Louis; one of them, John

O'Brien, was knocked down by a team, with his letter-satchel on his back; his arm broken; laid up for three months, and during that time deprived of his pay; the other, W. C. Flynn, fell on icy pavement, spraining his ankle, and laid up for two months. Prior to the adoption of the fifteen days' leave of absence they would have received their full pay for that lost time.

I do not think that any chief in any Department has the right to make a farce and absurdity of the intent of the act of Congress. Now, I believe this: It is our duty, plain and unmistakable, in cases of this kind to carry out our own intentions in regard to this law; and in all due deference to the Chair, if he should sustain the point of order, I will take an appeal and find out how many members among those who voted for the fifteen days' leave to carriers sustain the rule of the Department.

The CHAIRMAN. The Chair can not see that this amendment is in order, because it is evidently new legislation, whether it confers power, authority, or jurisdiction in the direction the gentleman says. The Chair, then, sustains the point of order.

Mr. O'NEILL, of Missouri. I appeal from the decision of the Chair.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the appeal?

Mr. O'NEILL, of Missouri. I have stated freely my views upon the question.

The question was put, and the Chairman announced that the ayes seemed to have it.

Mr. O'NEILL, of Missouri. Alone, but right.

The CHAIRMAN. The decision of the Chair is sustained, and the amendment is ruled out of order.

The Clerk read as follows:

For stationery in post-offices, $57,500.

Mr. SCOTT. I move to strike out the last word.

Mr. Chairman, I fully sympathize with the views expressed by the gentleman from Missouri in the remarks which he has just made in connection with the post-office letter-carriers. I desire now very briefly to submit the claims of another class of post-office employés to the merciful consideration of the incoming administration.

Sir, I have had made an official list of the number of Presidential post-offices in the State of Pennsylvania, and I desire to place the same on the records of Congress, so that they may not be overlooked or forgotten by the incoming administration or the gentlemen on the other side of the House who believe in civil-service reform and that a public office is a public trust. I find that there are in the State of Pennsylvania 191 Presidential post-offices, not one of which on the 4th of March, 1885, was held by a Democrat; that during the four years of the present administration the appointments made on commissions expired have been 103; on resignations, 22; suspensions, 17; removals, 6; deaths, 3; offices becoming Presidential, 37, and that offices in which no change has been made were 3.

I point to this record with pride, and in a Republican State of 80,000 majority. Sir, it speaks louder than anything I can possibly say that the pledges of our party in connection with civil-service reform and also to carry on this Government on business methods have been faithfully kept.

In my own district there are seventeen Presidential post-offices, and during the entire term of this administration, with the exception of two cases where charges were preferred of irregularities in office, or unless by death, resignation, or expiration of incumbent's term of office, not one change has been made.

Mr. PETERS. That was because it was a Republican district and you wanted to get the votes.

Mr. SCOTT. That may or may not have been.

This question of removals from office in my State, and I presume in others, has been carried to such an extent that where a postmaster had been appointed about one year prior to his confirmation on the 3d day of March, 1885, when we appealed to the Post-Office Department and to the President of the United States, claiming that the incumbent had not only held that office for ten years prior, but that he would hold it for five years in place of four if a change were not made, the conclusion of the Executive and the Department was that the incumbent was entitled to the term of four years from the date he was confirmed.

Sir, when you take the number of confirmations and the number of appointments which were made in the closing of the executive session of March 3, 1885, what do you find? In my own district not less than four of the Presidential postmasters were confirmed between the 25th of February and the 3d of March, 1885; and there are Republican postmasters in my district holding office to-day, appointed by President Arthur, whose terms of office have expired, and which a Democratic President knows it is useless to fill, for a Republican caucus of the Senate has given notice no more appointments are to be confirmed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I desire to give these facts to the other side of the House, because I know how anxious many of them are to carry out civil-service reform. I ask the privilege to have the memorandum in my hand printed with my remarks, so that gentlemen on the other side of the House can refer to it in the future. I withdraw the *pro forma* amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania to print the document he mentions in the RECORD? The Chair hears none.

The statement is as follows:

List of changes in Presidential post-offices in the State of Pennsylvania between March 4, 1885, and February 20, 1889, with names of appointees and dates of appointment, and also showing cause of change.

Number of Presidential post-offices in Pennsylvania February 20, 1889..... 191

RECAPITULATION.

Original appointments on—	
Commissions expired	103
Resignations	22
Suspensions	17
Removals	6
Deaths	3
Offices become Presidential	37
Offices at which no change has been made	3
Total	191

EXPLANATORY.

Original suspensions or removals for cause were made at Bloomsburgh, Corry, Easton, Irwin, Kittanning, Renovo, and Steelton. The case of Erie can not now be found; hence the cause of change can not be given.

Second appointments have been made as follows:

On resignations	6
On deaths	4
On removals	3
Total	13

Reappointments, or nominations, of incumbents, on commissions expired, have been made at Altoona, Berwick, and Middletown.

Offices at which no change has yet been made: Myersdale, Warren, and Watsontown.

Offices at which vacancies now exist: by death, Emporium and Stroudsburgh, and where no nominations have been made.

Offices for which nominations are now pending in the Senate: on commissions expired, Altoona, Berwick, Beaver Falls, Emlenton, Mauch Chunk, and Selin's Grove; on resignations, Clarion and Tamaqua; on death, Lock Haven; on removal, Ridgway; on offices become Presidential, Apollo, Dunmore, Minersville, Olyphant, Osceola Mills, Parkersburgh, Punxsutawney, Royer's Ford, and Saltsburgh.

POST-OFFICE DEPARTMENT, *February* 18 1889.

List of Presidential post-offices and postmasters in the State of Pennsylvania, with dates and cause of changes in the incumbency of the offices since March 4, 1885.

Salary.	Office.	Postmaster.	Cause.	Date of appointment.
$3,100	Allegheny	John Swan	Suspension of J. A. Myler	(P.) Dec. 5, 1885; (P. and S.) Apr. 28, 1886.
2,700	Allentown	George T. Gross	Commission expired of R. Iredell, jr	(P.) Apr. 7, 1885; (P. and S.) Jan. 20, 1886.
1,000	Apollo	Labanah Townsen, nominated Jan. 9, 1889.	Office became Presidential	
2,600	Altoona	Theodore B. Patton, renominated Feb. 5, 1889.	Commission expired	(P. and S.) Feb. 6, 1885.
1,600	Ashland	William Strohmeier	Resignation of William H. Leib	(P.) May 26, 1885; (P. and S.) Feb. 10, 1886.
1,500	Athens	Henry C. Baird	Commission expired of Henry C. Hayes	(P. and S.) Mar. 29, 1886.
1,200	Bangor	Robert S. Wagner	Office became Presidential	(P.) Oct. 8, 1885; (P. and S.) Feb. 10, 1886.
1,000	Barnhart's Mills	Peter A. Rattigan	Office became Presidential	(P. and S.) Aug. 10, 1888.
1,200	Beaver	Daniel M. Donehoo	Resignation of Mary E. Imbrie	(P.) Mar. 17, 1887; (P. and S.) Dec. 21, 1887.
2,200	Beaver Falls	Samuel S. McFerran, W. H. Grim nominated Feb. 19, 1889.	Commission expired	(P. and S.) Jan. 26, 1885.
1,600	Bedford	George A. Rush	Commission expired of M. A. McClintock	(P. and S.) Feb. 26, 1887.
2,000	Bellefonte	James H. Dobbins	Commission expired of J. T. Johnston	(P.) July 16, 1885; (P. and S.) Feb. 10 1886.
1,400	Berwick	Robert S. Bowman renominated Feb. 5, 1889.	Commission expired	(P. and S.) Feb. 6, 1885.

List of Presidential post-offices and postmasters in the State of Pennsylvania, etc.—Continued.

Salary.	Office.	Postmaster.	Cause.	Date of appointment.
$2,300	Bethlehem	George P. Herman	Resignation of O. N. Luckenbach	(P.) Nov. 17, 1885; (P. and S.) Feb. 10, 1886.
1,400	Blairsville	Isabella Campbell	Commission expired of Elizabeth Alten	(P. and S.) Aug. 2, 1886.
1,800	Bloomsburgh	George A. Clark	Suspension of D. A. Beckley, defaulter	(P.) May 5, 1885; (P. and S.) Apr. 28, 1886.
1,100	Blossburgh	Edward H. Mosher	Office became Presidential	(P. and S.) Feb. 3, 1887.
1,600	Braddock	Daniel McCarthy	Commission expired of W. W. McCleary	(P. and S.) June 16, 1886.
2,600	Bradford	Charles B. Whitehead	Commission expired of W. F. De Golier	(P. and S.) May 5, 1886.
1,800	Bristol	James Drury	Commission expired of William B. Boker	(P.) Apr. 7, 1875; (P. and S.) Feb. 10, 1886.
1,600	Brookville	Laselle R. Erdice	Suspension of F. A. Weaver	(P.) Dec. 5, 1885; (P. and S.) Apr. 28, 1886.
1,400	Brownsville	J. Holmes Patton	Commission expired of J. N. Snowden	(P. and S.) May 18, 1886.
1,500	Bryn Mawr	Hugh W. Barrett	Offer became Presidential	(P. and S.) July 26, 1886.
1,700	Butler	Frank M. Eastman	Commission expired of Sallie A. Robinson	(P. and S.) May 10, 1888.
1,200	Cannonsburgh	George Perritte	Death of Jane Martin	(P.) Mar. 7, 1837; (P. and S.) Dec. 21, 1887.
1,300	Canton	Augustus Owen	Resignation of A. M. Ayers	(P.) July 16, 1885; (P. and S.) Feb. 10, 1886.
1,800	Carbondale	Joseph Powderly	Commission expired of E. Y. Davis	(P. and S.) Mar. 29, 1886.
2,200	Carlisle	Henry K. Peffer	Commission expired of J. W. Ogilby	(P. and S.) Feb. 24, 1888.
1,500	Catasauqua	William H. Bartholomew	Commission expired of Adaline Creveling	(P. and S.) Mar. 2, 1887; (P. and S.) Jan. 5, 1887.
2,300	Chambersburgh	James Sweney	Suspension of E. W. Curriden	(P.) Oct. 18, 1886.
2,500	Chester	Henry G. Ashmead	Suspension of John A. Wallace	(P.) Aug. 3, 1885; (P. and S.) Apr. 28, 1886.
1,600	Clarion	Meyer M. Kaufman, resigned. Samuel H. Lowrey nominated Feb. 17, 1889.	Commission expired of Miller Beatty	(P. and S.) Mar. 3, 1887.
1,700	Clearfield	A. Bowman Weaver	Commission expired of Samuel J. Row	(P.) Aug. 6, 1886; (P. and S.) Jan. 5, 1887.
1,700	Coatesville	John McWilliams	Commission expired of F. Y. Parke	(P.) May 12, 1885; (P. and S.) Feb. 10, 1886.
1,700	Connellsville	John A. McBeth	Death of Henry Porter	(P. and S.) Mar. 1, 1886.
1,000	Conneautville	Maurice Fitzgerald	Commission expired of William A. Harmon	(P. and S.) Feb. 9, 1888.
1,500	Conshohocken	Henry O'Brien	Removal of C. H. Brooke	(P.) Apr. 25, 1887; (P. and S.) Dec. 21, 1887.
2,000	Columbia	Charles F. Young	Commission expired	(P. and S.) May 18, 1886.
2,200	Corry	Maxwell Caneron	Removal for cause of F. H. Button; bad management.	(P. and S.) Aug. 22, 1888.
1,200	Coudersport	Edward N. Stebbins	Commission expired	(P. and S.) Feb. 28, 1887.
1,200	Curwensville	Francis I. Thompson	Commission expired of Edmund Goodwin	(P. and S.) Feb. 28, 1887.
2,000	Danville	Thomas Chalfant	Resignation of C. W. Eckman	(P.) Dec. 5, 1885; (P. and S.) Feb. 10, 1886.
1,300	Downingtown	William McFarlan	Commission expired of R. D. Wells	(P.) Oct. 12, 1885; (P. and S.) Feb. 10, 1886.
1,700	Doylestown	John G. Randall	Commission expired of Thomas P. Miller	(P. and S.) Jan. 20, 1886.
1,700	Du Bois	Jos. P. Taylor	Resignation of Jesse E. Dale	(P.) Nov. 2, 1885; (P. and S.) Feb. 10, 1886.
1,100	Dunmore	Patrick J. Duggan	Office became Presidential	(P.) Nov. 19, 1888.
2,600	Easton	James W. Wilson	Removal of J. K. Dawes; shortage and bad management.	(P.) June 13, 1887; (P. and S.) Dec. 21, 1887.
1,200	Ebensburgh	James G. Hasson	Suspension of Edmund James	(P.) Oct. 8, 1885; (P. and S.) Apr. 28, 1886.
1,100	Edinborough	Jos. C. Wilson	Office became Presidential	(P.) Apr. 4, 1887; (P. and S.) Dec. 21, 1887.
1,100	Eldred	Charles Y. White, *vice* A. B. Rowley (P. and S.) Feb. 3, 1887, resigned.	Office became Presidential	(P. and S.) May 15, 1888.
1,200	Emlenton	Henry A. Hamilton. Nicholas Mackin, nominated Dec. 10, 1888.	Commission expired of Henry A. Hamilton	(P. and S.) Dec. 22, 1884.
1,200	Emporium	John M. Judd, deceased. No appointment yet.	Commission expired of H. L. Taggart	(P. and S.) Mar. 1, 1886.
1,100	Ephratah	Jeremiah Mohler	Office became Presidential	(P. and S.) Jan. 16, 1888.
3,000	Erie	Henry C. Shannon	Removal of Edward W. Reed	(P. and S.) Mar. 27, 1885.
1,100	Everett	Simon States	Commission expired of William H. Whissell	(P. and S.) Aug. 22, 1888.
2,200	Franklin	John E. Adams	Commission expired of D. D. Grant	(P. and S.) Mar. 31, 1888.
1,000	Freeland	William F. Boyle	Office became Presidential	(P. and S.) May 15, 1888.
1,100	Freeport	William Furlong	Commission expired of J. H. Douglass	(P. and S.) June 16, 1886.
1,700	Gettysburgh	Henry S. Benner	Commission expired of J. M. Krauth	(P.) May 6, 1885; (P. and S.) Feb. 10, 1886.
1,100	Greencastle	John Goetz	Resignation of H. P. Prather	(P.) Aug. 8, 1887; (P. and S.) Dec. 21, 1887.
2,000	Greensburgh	William C. Loor	Commission expired of J. C. Baldridge	(P. and S.) Mar. 1, 1886.
1,800	Greenville	Henry R. Reiss	Commission expired of Clara E. Achre	(P. and S.) Mar. 3, 1887.
1,100	Grove City	David M. Morrow	Office became Presidential	(P.) Sept. 29, 1887; (P. and S.) Dec. 21, 1887.
1,600	Hanover	William Heltzel	Commission expired of M. H. Naill	(P. and S.) Mar. 1, 1886.
3,100	Harrisburg	Benjamin F. Myers	Commission expired of M. W. McAlarney	(P.) Mar. 8, 1887; (P. and S.) Jan. 5, 1888.
1,000	Hawley	Patrick J. Langan	Commission expired of George Ammerman	(P. and S.) Aug. 22, 1888.
2,300	Hazleton	James B. Hutchison	Commission expired of James James	(P.) May 2, 1885; (P. and S.) Feb. 10, 1886.
1,600	Hollidaysburgh	Orlando A. Trough	Commission expired of J. H. Lingafelt	(P. and S.) Feb. 9, 1888.
1,400	Homestead	Charles Schmitt	Office became Presidential	(P.) Sept. 29, 1887; (P. and S.) Dec. 21, 1887.
1,900	Honesdale	Eben H. Clark, *vice* William H. Krautz (P.) Mar. 7, 1887, removed for cause.	Commission expired of H. J. Tarble	(P. and S.) Mar. 20, 1888.
1,600	Houtzdale	George W. Dickey	Resignation of T. Van Dusen	(P.) Mar. 7, 1887; (P. and S.) Dec. 21, 1887.
1,200	Hummelstown	H. Wells Buser	Office became Presidential	(P. and S.) Jan. 16, 1888.
2,300	Huntingdon	Samuel E. Fleming	Commission expired of Margaret A. Tyhurst	(P. and S.) Feb. 26, 1887.
1,800	Indiana	Fannie W. Nixon	Commission expired of A. T. Moorhead	(P. and S.) Dec. 21, 1887; (P.) Mar. 17, 1887.
1,400	Irwin	Charles W. Gant	Suspension of S. D. Lauffer; breach of official trust.	(P.) Nov. 27, 1886; (P. and S.) Jan. 5, 1886.
1,300	Jersey Shore	Charles H. Pott	Resignation of J. E. Potter	(P.) Mar. 10, 1887; (P. and S.) Dec. 21, 1887.
2,500	Johnstown	Herman Baumer	Commission expired of George T. Swank	(P. and S.) July 26, 1886.
1,500	Kane	Otis G. Kelts	Office became Presidential	(P. and S.) Feb. 3, 1887.
1,400	Kennett Square	John C. Walton	Commission expired of Fannie C. Maxwell	(P. and S.) Aug. 10, 1888.
1,400	Kingston	Henry Van Scoy	Commission expired of J. N. Pettibone	(P. and S.) Mar. 29, 1886.
1,700	Kittanning	Alexander Graff	Suspension of E. A. Brodhead; inspectors report bad management.	(P.) Dec. 2, 1886; (P. and S.) Jan. 5, 1887.
2,900	Lancaster	Henry E. Slaymaker	Suspension of J. H. Marshall	(P.) July 28, 1885; (P. and S.) April 28, 1886.

List of Presidential post-offices and postmasters in the State of Pennsylvania, etc.—Continued.

Salary.	Office.	Postmaster.	Cause.	Date of appointment.
$1,100	Lansdale	Horace E. Jenkins	Office became Presidential	(P.) April 2, 1887; (P. and S.) Dec. 21, 1887.
1,600	Latrobe	John A. Showalter	Commission expired of John R. Oursler	(P. and S.) April 2, 1885.
2,400	Lebanon	William M. Breslin	Suspension of C. W. Carmany	(P.) Oct. 8, 1886; (P. and S.) Feb. 3, 1887.
1,000	Leechburgh	William B. Jack	Office became Presidential	(P. and S.) Aug. 10, 1888.
1,200	Leighton	James P. Smith	do	(P. and S.) Jan. 16, 1888.
1,800	Lewisburgh	William D. Himmelreich	Commission expired of Alfred S. Shelter	(P. and S.) Dec. 21, 1887; (P.) Mar. 10, 1887.
1,700	Lewistown	Thomas M. Uttley	Commission expired of Robert W. Patton	(P. and S.) Aug. 10, 1888.
1,100	Lititz	Isaac F. Bomberger	Commission expired of Sarah N. Christ	Do.
2,200	Lock Haven	Robert I. Fleming, *vice* William W. Rankin (P. and S.) Apr. 28, 1886, deceased.	Commission expired of Jesse Merrill	(P.) Oct. 24, 1888.
2,300	McKeesport	Jacob B. Shale	Commission expired of Samuel E. Carothers	(P.) Dec. 4, 1885; (P. and S.) Feb. 10, 1886.
1,800	Mahanoy City	Maurice Litsch	Commission expired of Jacob L. Bricker	(P.) May 11, 1885; (P. and S.) Feb. 10, 1886.
1,400	Mansfield	Nathaniel A. Elliott	Commission expired of M. L. Clark	(P. and S.) April 6, 1886.
1,400	Marietta	John Crull	Suspension of George N. Ettla	(P.) Sept. 17, 1885; (P. and S.) Apr. 28, 1886.
1,800	Mauch Chunk	Nathan D. Cortright, jr.	Commission expired of N. D. Cortright, jr	(P. and S.) Dec. 22, 1884.
		John L. Stedman nominated Dec. 17, 1888.		
2,500	Meadville	Emmet W. McArthur	Commission expired of J. W. H. Reisinger	(P. and S.) Apr. 6, 1886.
1,700	Mechanicsburgh	Alexander Wentz	Commission expired of Catharine Singer	(P.) June 2, 1885; (P. and S.) Feb. 10, 1886.
1,800	Media	James C. Henderson	Resignation of Miranda Williamson	(P.) Sept. 25, 1886; (P. and S.) Jan. 5, 1887.
1,600	Mercer	James S. McKean	Commission expired of A. B. Filson	(P. and S.) Apr. 6, 1886.
1,100	Meyersdale	Martin A. Rutter	No change	(P. and S.) Feb. 27, 1885.
1,600	Middletown	Eva R. Wiestling, reappointed	Commission expired of Eva R. Wiestling	(P. and S.) Feb. 11, 1889.
1,200	Millersburgh	Daniel W. Neagley	Commission expired of R. Freck	(P.) Oct. 4, 1886; (P. and S.) Jan. 5, 1887.
1,000	Mifflintown	Charles B. Crawford	Office became Presidential	(P. and S.) May 15, 1888.
1,800	Milton	Allen S. Hottenstein	Commission expired of Joseph A. Logan	(P. and S.) July 26, 1886.
1,100	Mifflinburgh	Cyrus A. Eaton	Office became Presidential	(P.) Mar. 7, 1887; (P. and S.) Dec. 21, 1887.
1,000	Minersville	Mary B. Higley	Office became Presidential, after having been Presidential four years ago.	(P. and S.) Feb. 14. 1885.
		Charles E. Steele, nominated Feb. 19, 1889; (P. and S.) Feb. 10, 1886.		
1,400	Monongahela City	James H. Moore	Resignation of C. C. W. Hazard	(P.) June 25, 1885.
1,600	Montrose	John R. Raynsford	Commission expired of E. C. Fordham	(P. and S.) Apr. 2, 1885.
1,400	Mount Carmel	John W. Brophy	Resignation of Ann Ayres	(P. and S.) Apr. 6, 1886.
1,200	Mount Joy	Jacob W. Shrite	Commission expired of W. C. F. Reed	(P. and S.) Apr. 6, 1888.
1,600	Mount Pleasant	John McAdams	Resignation of John D. McCaleb	(P.) Apr. 25, 1887; (P. and S.) Dec. 21, 1887.
1,400	Muncy	Perry M. Trumbrower *vice* James H. Fulmer (P. and S.) Feb. 10, 1886, resigned.	Commission expired of George L. I. Painter	(P. and S.) Oct. 8, 1888.
1,500	Nanticoke	Frank P. Crotzer	Resignation of John H. James	(P.) July 24, 1885; (P. and S.) Feb. 10, 1886.
1,700	New Brighton	Walter S. Braden	Commission expired of Elizabeth B. Cuthbert	(P. and S.) Mar. 1, 1886.
2,400	New Castle	William Gordon	Commission expired of E. I. Agnew	(P. and S.) Apr. 1, 1885.
1,300	Newport	Joshua S. Leiby	Commission expired of John P. Clark	(P.) Mar. 22, 1887; (P. and S.) Jan. 5, 1888.
2,400	Norristown	George Schall	Commission expired of Robert Iredell	(P. and S.) Jan. 20, 1886.
1,100	Newtown	Fredericka H. Bryan, *vice* John S. Bryan. (P. and S.) May 15, 1888, deceased.	Commission expired of Cyrus Hillborn	(P. and S.) Feb. 11, 1889.
1,400	North East	Lucy M. Horton, *vice* Isaac Horton. (P. and S.) Feb. 10, 1886, deceased.	Resignation of Oscar W. Davis	(P.) Sept. 29, 1887; (P. and S.) Dec. 21, 1887.
1,100	Newville	John M. Woodburn	Office became Presidential	(P. and S.) Jan. 16, 1888.
1,000	Northumberland	John C. Forsyth	Office became Presidential	(P. and S.) Feb. 3, 1887.
2,400	Oil City	Andrew J. Greenfield	Commission expired of Fid Bishop	(P. and S.) Jan. 20, 1886.
1,000	Olyphant	John J. Carbine, nominated Jan. 9, 1889.	Office became Presidential	
1,100	Osceola Mills	Jacob Ritzman	Office became Presidential	(P.) Nov. 19, 1888.
1,400	Oxford	Francis G. Andrews, *vice* Samuel H. Smith. (P. and S.) Jan. 20, 1886, removed.	Commission expired of M. R. Thompson	(P. and S.) Aug. 10, 1888.
1,100	Parker's Landing	Patrick Bracken	Office became Presidential	(P. and S.) Jan. 16, 1888.
1,000	Parkesburgh	J. Herbert Gormley, nominated Jan. 9, 1889.	Office became Presidential	
6,000	Philadelphia	William F. Harrity	Suspension of H. S. Huidekoper	(P.) Nov. 17, 1885; (P. and S.) May 25, 1886.
1,800	Philipsburgh	Andrew B. Herd	Commission expired of John Gawland	(P. and S.) May 15, 1888.
1,900	Phœnixville	John Haviland	Commission expired of John R. Dobson	(P. and S.) Jan. 20, 1886.
3,900	Pittsburgh	John B. Larkin	Resignation of William H. McCleary	(P.) May 2, 1885; (P. and S.) Jan. 20, 1886.
2,300	Pittston	Stephen B. Bennett	Commission expired of J. B. Shiffer	(P.) Nov. 9, 1885; (P. and S.) Feb. 10, 1886.
1,800	Plymouth	Adolph F. Hitchler	Commission expired of C. H. Wilson	(P. and S.) Feb. 26, 1887.
1,000	Port Allegheny	Waterman J. Davis	Office became Presidential	(P. and S.) Aug. 10, 1888.
2,300	Pottstown	Montgomery S. Longaker	Commission expired of Alex. Malsberger	(P. and S.) Jan. 20, 1886.
2,500	Pottsville	James H. Mudey	Commission expired of Elizabeth H. Sillyman	(P. and S.) July 26, 1886.
1,000	Punxsutawney	Homer C. Bair	Office became Presidential; became fourth-class July 1, 1887; restored Oct. 1, 1888.	(P. and S.) Feb. 10, 1886.
		Harry B. Hastings, nominated Jan. 9, 1889.		
3,100	Reading	Calvin Goodman	Commission expired of George K. Whitner	(P. and S.) May 18, 1886.
1,500	Renovo	Frank Harvey	Suspension of Newton Wells; shortage and bad management.	(P.) Nov. 2, 1885; (P. and S.) Apr. 28, 1886.
1,200	Reynoldsville	William C. Schultze	Resignation of Tilton C. Reynolds	(P.) Oct. 19, 1885; (P. and S.) Feb. 10, 1886.
1,600	Ridgway	Grove G. Messenger	Removal of J. H. Hagerty	(P.) Oct. 24, 1888.
		Grove G. Messenger (P.) May 5, 1887, not confirmed.		
1,500	Rochester	William H. Black	Commission expired of W. Graham	(P. and S.) Feb. 28, 1887.
1,100	Royer's Ford	John S. Morey, jr	Office became Presidential	(P.) Nov. 19, 1888.
1,000	Saltsburgh	Francis Laird	Office became Presidential	(P.) Nov. 19, 1888.
1,100	St. Mary's	Ignatius Garner	Commission expired of Charles MacVeau	(P. and S.) Feb. 3, 1887.
1,100	Sandy Lake	William T. McBurney, *vice* John F. Rayem (P. and S.) Feb. 10, 1886, removed.	Office became Presidential	(P. and S.) Aug. 10, 1888.
1,200	Sayre	Sidney Hayden	Office became Presidential	(P. and S.) Jan. 16, 1888.
1,500	Scottdale	James P. Owens	Commission expired of John Robertson	(P. and S.) Aug. 3, 1886.
3,100	Scranton	Daniel W. Connolly	Commission expired of Edward C. Fuller	(P.) May 2, 1885; (P. and S.) Jan. 20, 1886.

List of Presidential post-offices and postmasters in the State of Pennsylvania, etc.—Continued.

Salary.	Office.	Postmaster.	Cause.	Date of appointment.
$1,100	Selin's Grove	George R. Hendricks. Roscoe C. North, nominated Jan. 11, 1889.	Commission expired of George R. Hendricks	(P. and S.) Jan. 26, 1885.
1,400	Sewickley	Charles T. Cooper	Suspension of A. W. Woods	(P.) Oct. 30, 1886; (P. and S.) Jan. 5, 1887.
2,000	Shamokin	William A. Sterling	Commission expired of Darius S. Gilger	(P. and S.) Apr. 6, 1888.
1,900	Sharon	John J. Stitt, *vice* Michael Carroll (P. and S.) Mar. 3, 1887, resigned.	Commission expired of C. W. Ray	(P. and S.) Mar. 20, 1888.
1,200	Sharpsburgh	Cornelius Casey	Office became Presidential	(P. and S.) July 26, 1886.
1,200	Sharpsville	Willis W. Kitch	....do	(P.) Sept. 29, 1887; (P. and S.) Dec. 21, 1887.
2,000	Shenandoah	John C. Seltzer, *vice* Samuel P. Kindt (P. and S.) Feb. 10, 1886, resigned.	Commission expired of James Wooley	(P.) July 26, 1887; (P. and S.) Dec. 21, 1887.
1,500	Shippensburgh	John A. C. McCune	Commission expired of John Gish	(P. and S.) May 18, 1886.
1,100	Slatington	David Lutz	Commission expired of Lewis C. Smith	(P. and S.) June 18, 1886.
1,100	Smethport	Clark Wilson	Resignation of Myron A. Sprague	(P. and S.) May 10, 1888.
1,400	Somerset	Jacob L. Coffroth	Resignation of A. C. Davis	(P.) Apr. 14, 1885; (P. and S.) Jan. 20, 1886.
1,800	South Bethlehem	John P. Ryan	Commission expired of L. C. Peysert	(P. and S.) Jan. 19, 1887.
1,200	South Oil City	Josephine Doty	Office became Presidential	(P. and S.) Feb. 3, 1887.
1,700	Steelton	Christian Hess	Removal of W. H. H. Sieg; shortage and bad management.	(P. and S.) Aug. 10, 1888.
1,700	Stroudsburgh	Darius Dreher, deceased. No appointment yet.	Commission expired of William D. Walton	(P. and S.) Mar. 1, 1886.
1,800	Sunbury	Jacob E. Eicholtz	Commission expired of Jacob Rohrbach	(P.) May 25, 1885; (P. and S.) Feb. 10, 1886.
1,600	Susquehanna	James McKinney	Commission expired of J. W. Jones	(P.) May 2, 1885; (P. and S.) Feb. 10, 1886.
1,500	Tamaqua	J. Andrew Schilbe, *vice* David R. Boyer (P. and S.) Feb. 10, 1886, resigned.	Commission expired of Mary B. McGuigan	(P.) Oct. 24, 1888.
1,400	Tarentum	Israel P. Loucks	Office became Presidential	(P. and S.) Feb. 3, 1887.
1,400	Tidioute	William R. Dawson	Commission expired of James C. Long	(P. and S.) Jan. 20, 1886.
2,500	Titusville	Marinus L. Allen	Commission expired of J. H. Cogswell	(P. and S.) Mar. 1, 1886.
2,100	Towanda	Elijah A. Parsons	Suspension of Jackson P. Keeney	(P.) Nov. 2, 1885; (P. and S.) Apr. 28, 1886.
1,400	Troy	Alvin K. Linderman	Commission expired of C. F. Sayles	(P. and S.) Mar. 1, 1886.
1,400	Tunkhannock	Frank H. Piatt	Resignation of Hiram W. Bardwell	(P.) July 15, 1885; (P. and S.) Feb. 10, 1886.
1,900	Tyrone	Peter A. Reed	Commission expired of F. M. Bell	(P. and S.) Jan. 20, 1886.
1,500	Union City	Horatio L. Church	Commission expired of William O. Black	P. and S.) Aug. 10, 1888.
1,900	Uniontown	Michael D. Baker	Resignation of Orin J. Sturgis	(P.) Oct. 8, 1885; (P. and S.) Feb. 10, 1886.
2,500	Warren	Isaac S. Alden	No change yet	(P. and S.) Feb. 6, 1885.
2,200	Washington	James Brady	Suspension of James S. Stocking	(P.) Sept. 29, 1886; (P. and S.) Jan. 5, 1887.
1,300	Watsontown	Mary V. Shay	No change yet	(P. and S.) Feb. 9, 1885.
1,800	Waynesborough	James P. Lowell	Commission expired of George Middour	(P. and S.) Mar. 12, 1886.
1,500	Waynesburgh	James S. Jennings	Commission expired of Joseph Cooke	(P. and S.) Aug. 3, 1886.
1,700	Wellsborough	Louis Doumaux	Commission expired of Susan R. Hart	(P. and S.) July 26, 1886.
2,400	West Chester	John A. Pyle, *vice* Ezra Evans (P. and S.), Jan. 20, 1886, deceased.	Death of William Shields	(P. and S.) Feb. 3, 1887.
2,000	West Grove	John H. Turner	Commission expired of Joseph Pyle	(P.) Oct. 29, 1886; (P. and S.) Jan. 5, 1887.
1,500	West Newton	Alexander M. Dick	Resignation of H. D. Smith	(P.) July 6, 1885; (P. and S.) Feb. 10, 1886.
1,100	White Haven	Alvin Arnold	Commission expired of Richard Humbach	(P.) Mar. 7, 1887; (P. and S.) Dec. 21, 1887.
2,800	Wilkes Barre	Mary E. P. Bogert, *vice* Joseph K. Bogert (P. and S.) Apr. 28, 1886, deceased.	Suspension of A. S. Orr	(P.) Apr. 5, 1887; (P. and S.) Dec. 21, 1887.
1,200	Wilkinsburgh	David Maxwell	Office become Presidential	(P. and S.) Jan. 16, 1888.
2,800	Williamsport	William F. Logan	Commission expired of F. J. Burrows	(P. and S.) Feb. 10, 1886.
2,700	York	James B. Small	Commission expired of James Kell	(P. and S.) Mar. 22, 1888.

Mr. CANNON. I move to strike out the last word, merely to say that these memorial services having been concluded, and as in all ages it has not been thought respectful to speak of the faults of the dead, I hope the gentleman will go on with his bill. [Laughter.] I withdraw the *pro forma* amendment.

Mr. ADAMS. I desire to offer a substantial amendment.

The Clerk read as follows:

In line 17, page 9, after the word "million," insert "one hundred thousand;" so that it will read "eight million one hundred thousand dollars."

Mr. ADAMS. In the Postmaster-General's Report, on page 44, Roman numerals, will be found the estimate submitted by Colonel Bates, superintendent of the free-delivery system, for the next fiscal year. It will be found that a large part of this $8,000,000 which is now in the bill is for increasing the pay of carriers, due to their promotion, and for substitutes under the recent statute, and there is no allowance for three hundred and fifty carriers in addition to those which we now have. I have consulted the postmaster at my own city in reference to the additional carriers that will be needed there during the next fiscal year. It will be absolutely necessary to have one hundred carriers in addition to those now employed before that city can be placed upon an equal basis with the other large cities of the country.

In the statement submitted to me I find that the carriers of Chicago carried, on an average, during the last fiscal year 704,000 pieces; that is, each carrier handled 704,000 pieces during the year. In Boston the average number was 457,000 pieces per carrier; in New York it was 663,000 pieces, and in Philadelphia 634,000. So that every carrier in Chicago carried a larger numbers of pieces than were carried in any other of the large cities. The reason of that is that in the other cities they have so districted the business portions that the business men get the benefit of a larger number of deliveries each day than we get in Chicago. The difference in that respect is enormous. In the business part of Chicago we get only five deliveries per day. In the corresponding business part of New York I understand that they get about nineteen; in Philadelphia they get, I believe, about seventeen, and in Boston in the neighborhood of twelve; while, as I have said, in Chicago we get only five.

Thirty-six carriers will be needed to extend the free-delivery system into territory which has been annexed to Chicago. The need is an absolute and urgent one, and a larger number of carriers will be necessary in order to give the business men of that city the same number of deliveries per day that business men have in the other large cities. There is a district in Chicago with a good many manufacturers in it where they do not have as many as five deliveries, and in the place where I live we get only two each day. Now, Colonel Bates finds that the total sum which will be necessary to carry on the free-delivery system service on the basis of adding three hundred and fifty carriers, is $8,095,050, but he takes $8,000,000 for no other reason, that I can see, than that it is a round sum.

I do not believe that the business communities of the Northwest ought to suffer because this committee chooses to propose a round sum instead of the sum of $8,100,000, which the estimates of the Department show to be necessary. I will also state that in the city of Philadelphia, as I understand it, they have adopted a van system, which costs some money, but which adds greatly not only to the convenience of the business men of the city, but, as I understand, adds also to the revenue of the Department. I insist—and it is an argument of economy—that if we can have an additional number of carriers, and consequently an additional number of deliveries, it will not cost the Government anything, because the net income of the free-delivery department of the post-office will then reach a much larger sum than it

reached last year. The money it earned for the benefit of the whole country last year was an enormous sum, but it was not as much as it might have been made to earn.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LAWLER. Mr. Chairman, I am only sorry that my colleague [Mr. ADAMS] did not propose to increase that item $1,000,000 instead of $100,000. He has presented a statement of facts here prepared by the post-office at Chicago which shows the urgent need for additional letter-carrier service in that city and surrounding towns. The fact is that you can send a letter by mail from Chicago to a place 200 miles away and it will reach its destination before a letter posted at the same time could be carried from one portion of the city to another. We are taking in the country towns adjacent to Chicago, and the people there are anxious to have the letter-carrier system extended. The postal authorities there, who have looked into this matter very carefully, present facts for our consideration showing the need of at least one hundred additional letter-carriers for the city of Chicago. Here is a system that is self-sustaining, and certainly a great business community like Chicago should not be kept in the back-ground for the want of it, especially when the Government is fully compensated for the service by the receipts from that service. I hope, therefore, that the Committee on the Post-Office and Post-Roads will not offer any opposition to this small sum of $100,000 being added to this item. If the members of the committee and of the House will read carefully the statement presented by my collegue [Mr. ADAMS], and printed in the RECORD, they will see that this money, instead of being left to be expended in the discretion of the Post-Office Department, is for general use all over the United States. It will of course afford but little relief to the city of Chicago, but small as it is, it will be very acceptable to our people.

If the people here in Washington who for years have been in the habit of presenting to the consideration of this committee their estimates would go beyond the Alleghanies they would ascertain that there is a growing West in that section of the country. I would be glad if the chairman of the Committee on the Post-Office and Post-Roads had within the last two years had time to go out there and look at the village of Chicago! He would not then expect to apply to a city of 900,000 people the same system in postal matters which was in operation when the population was 100,000 or 200,000. I say that those who prepare these estimates are not fit persons to judge of the needs of a city like Chicago. My colleague and myself know the demands of our people; we know the extent of the business of our fellow-citizens. They are paying their taxes cheerfully to carry on the Government. They ask at the hands of Representatives here that justice be done them and that their crying needs in respect to postal service be met. I hope therefore that this small increase proposed in the amendment of my colleague will be allowed, so that at least some little relief may be afforded to the people of Chicago in respect to their local mail service.

Mr. BLOUNT. I do not wish to consume time. I will only say——

The CHAIRMAN. Debate is exhausted.

Mr. BLOUNT. I move *pro forma* to strike out the last word. I only wish to say that the committee has given in this item of the bill every dollar that the Department recommended.

Mr. ADAMS. I rise to oppose the formal amendment. I have already referred to the statement of the superintendent of the free-delivery system that if three hundred and fifty carriers are to be added there will be required $8,095,050. Eight million dollars seems to have been adopted because it was a round and handsome sum, but the money estimated as necessary for the actual needs of the service is $8,095,050. This amount my amendment only slightly exceeds. I will be willing to accept the amount of the estimate—$8,095,050.

But before we pass from this matter I want the gentleman from Pennsylvania [Mr. BINGHAM], a member of the committee, to state whether it is not a fact that in the business part of the city of Philadelphia the daily deliveries which the business men receive exceed five? Are they not a great deal more?

Mr. BINGHAM. In answer to the gentleman I will say that in the business centers of Philadelphia the daily deliveries amount to seven or eight in number.

Mr. ADAMS. That part of Chicago outside of the small center where there are five daily deliveries embraces important manufacturing establishments having business relations with various parts of the country, and these establishments ought to have their business letters delivered more promptly than they are.

Now, as the gentleman from New York [Mr. COX] is here, I will ask him how many daily deliveries the business men in the central part of New York City receive?

Mr. COX. Down in Wall street and Broad street, where the business is extraordinary, they have, I think, sixteen or seventeen daily deliveries; but that is a very limited portion of the city. The ordinary deliveries, I think, are about five daily.

Mr. ADAMS. So there is only a limited portion of Chicago that gets as many as five deliveries daily. Besides, the gentleman from New York knows (for he has given attention to this subject for many years) that when you increase the number of deliveries you increase the net income of the Department.

Mr. COX. That is the result of it.

Mr. ADAMS. Exactly. When the deliveries are frequent, business men use the free-delivery system instead of the district telegraph or the messenger service. To add $100,000 to this part of the bill would not add $100,000 to the expenses of the Department; it would simply enable the people of Chicago to earn a larger net income out of the free-delivery service, for the benefit of the greater part of the country, in which that service is not self-sustaining. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. ADAMS, it was not agreed to, there being—ayes 27, noes 55.

Mr. LAWLER. I move to increase this item by the addition of $500,000.

The Clerk read the amendment, as follows:

After the word "million," in line 17, insert "five hundred thousand."

Mr. LAWLER. There are many portions of this bill in regard to which I would have been glad to say something, but I have not done so. I only speak on this question because of my knowledge of this particular service. I am proud to say that I served for years in the capacity of a letter-carrier. I know the duties of that position. I know the wants of the people in that particular. I know it is shameful that necessary business accommodations should be denied the people when it is clearly demonstrated by members on this floor that in many other cities there are more daily deliveries than in the city of Chicago. Great business interests are suffering there for want of additional carriers. I have already stated that a letter can be sent from Chicago a distance of 200 miles by rail more quickly than it can be delivered within the limits of the city of Chicago. This arises from the need of additional letter-carrier and collection service.

Here is a service that is more than paying its own expenses. It imposes no burden of taxation upon the people. On the contrary, in every place where the letter-carrier system has been extended the increased receipts have more than paid for the expense of the service. When the representatives of a large city like Chicago stand here and point out the needs of the great business public of that city, and urge that that service ought to be extended in order to afford the necessary accommodation, I am a little surprised that men vote as they do on an item of this kind. I say again that in the city of Chicago there are large business firms receiving daily fifty or seventy-five letters, and who have only two mail deliveries daily in the localities where their establishments are located. Our object is to give to the business men of the city of Chicago at least three or four daily deliveries instead of two—to give to localities adjacent to the central business portion of Chicago at least four or five daily deliveries. This would be only treating Chicago the same as we have treated Philadelphia, Boston, and New York. Therefore I ask this House to vote an additional $50,000 for that service. Here is presented a total increase in one year in the city of Chicago——

Mr. ADAMS. In the net income of Chicago?

Mr. LAWLER. Yes, sir. The increase is $179,366.88, which is a gain of 35 per cent. in one year in the city of Chicago. That of itself shows the additional need in the city of Chicago.

The amendment was rejected.

The Clerk read as follows:

For the purpose of enabling the Postmaster-General to make a permanent lease of a suitable place in the city of Washington, and to furnish and equip the same with the tools, implements, and machinery and other material which may be necessary to repair mail bags and sacks, and mail locks and keys, $10,000.

Mr. LAWLER. I make the point of order that this is new legislation and not in order upon this bill. In Cincinnati and Chicago are shops for repair of mail-bags, which are sent from there as distributing points. This proposes to take those bags and bring them all here and send them back to their various destinations. It is new legislation.

Mr. BLOUNT. I do not see how it is new legislation. If they can repair at Chicago and at New York I do not see why they can not also repair at Washington. It is a matter of discretion in the Department.

I wish to be candid with the House in reference to this matter, as I do not want anything in the bill except what is put there by the consent of the House. The only difference here is in reference to the word "permanent." The Department now has an office here to do repairing, but it has to be done under the general appropriation. This is the only change of law in it, and the object simply is to economize by providing that all the repairing shall be done here under one head instead of under three. The Department for this year saved in this item $60,000. There is no question as to the saving of money, and the only point is as to the use of the word "permanent." I think the first point of order is well taken. I call attention to the following paragraphs, to be found on pages 121 and 122 of the report of the Postmaster-General for this year:

Shortly after the appointment of the new chief of the mail equipment division the discovery was made by him that in the post-offices in the cities of Washington and New York a very large amount of bags and sacks had been suffered to accumulate for want of repairs, and which could be used in the service to good advantage.

After an investigation it was discovered that from two hundred and fifty thousand to three hundred thousand bags—jute, canvas, and leather—had been allowed to thus accumulate in those two offices.

These repair shops had been placed, by the regulations of the Department, under the charge of the postmasters of those respective places, who submitted monthly reports of the condition of those shops, the amount of bags received, the number repaired, and the cost of such repair.

It is plain from the results of this investigation that for some years proper attention had not been given to this surplus stock of damaged mail bags.

By an order issued by you the repair shop in the city of Washington was placed under my immediate direction, and a general order was passed instructing that all the bags to be repaired should be sent to that office for such repair.

The working force of the repair shop in the city of Washington was, from time to time, increased until it now numbers ninety-one persons.

All this accumulated stock in New York and elsewhere was sent to this repair shop in the city of Washington. The result has been a saving of at least $60,000 per annum.

No requisitions for new jute bags, sacks or leather bags have been issued from this office since last February, and none for leather sacks since last December, and the service has been amply supplied out of this surplus damaged stock, which has been put in good and serviceable repair.

In view of these results I have to recommend that a permanent repair shop be established in the city of Washington under the direction of the chief of the mail equipment division of this office, and that all the bags and sacks damaged shall be sent to the city of Washington for repair.

I further recommend that in connection with this shop for repairing sacks and bags there shall also be established a shop for repairing mail locks and keys. The economy achieved, as above stated, by the repair of all damaged mail bags and sacks in the city of Washington justifies the opinion that a great saving will be effected to the Government by repairing its own locks and keys.

To this end I recommend a special appropriation of $10,000 to enable the Postmaster-General to make a permanent lease of some place in the city of Washington, to furnish and equip it with the tools, implements, and machinery and other materials which may be necessary to repair mail bags and sacks and mail locks and keys.

It is believed that a place in every way adapted for this purpose at a rent certainly not exceeding $5,000 a year can be secured.

As the saving effected already in repairing mail bags and sacks has resulted in a decreased estimate for mail equipments for the next fiscal year of $70,000, it will be seen that the expenditure of this sum is justified.

The CHAIRMAN. Will the gentleman from Georgia state what is the present law?

Mr. BLOUNT. My opinion is the Government can not make a contract for longer than one year, and the object of inserting the word "permanent" is to provide for the location of the machinery here. To cut the matter short, if the gentleman will withdraw his point of order I will move to strike out the word "permanent."

Mr. LAWLER. I will withdraw my point of order to that extent.

Mr. BLOUNT. I move to strike out the word "permanent."

The amendment was agreed to.

Mr. LAWLER. I now offer the following amendment.

The Clerk read as follows:

Provided, This shall not authorize the removal of the repair of mail-bags from the Chicago (Ill.) post-office.

Mr. LAWLER. I would like to know, Mr. Chairman, where the economy can be found of taking from Chicago, this great distributing center of the whole Northwest, and bringing these mail-bags here to Washington to be repaired and then sent back to the Chicago post-office for use, instead of doing what economy would seem to require—that is, having them repaired on the spot where they are to be used. Now, at the Chicago post-office there are some nine or ten widows who are employed in the post-office there for these repairs, most deserving people, who have many calls upon them; and I can not understand—although I have made repeated inquiries at the Post-Office Department and do not get a sufficiently satisfactory answer—I can not understand the economy of this proposed change. Hence I would like to ask the chairman of this Committee on the Post-Office and Post-Roads a question. I hope he will tell this committee, in view of his statement a few moments ago that this bill was in the line of economy, where the economy is to be found in making an appropriation to establish a place at Washington to repair these mail bags and locks which are to be used at Chicago and paying freight from Chicago to Washington and back again after the repairs are made, instead of having them repaired there?

Mr. BLOUNT. I will have the report of the Department read if the gentleman desires it. I can not answer him in a word. [Cries of "Vote!" "Vote!"]

Mr. LAWLER. Mr. Chairman, I do not think it necessary to take up the time of the committee further in this discussion. This provision contemplates the establishment at Washington of this repair shop. The amendment I have proposed provides that the work now done at Chicago shall remain there. I believe that is in the interest of economy, and certainly these people are entitled to this employment. I hope, therefore, that the item I have moved as an amendment will be inserted in the bill without further objection.

The question was taken; and on a division there were—ayes 11, noes 45.

Mr. LAWLER. I make the point that no quorum has voted.

Mr. LAWLER and Mr. BLOUNT were appointed tellers.

The committee again divided; and the tellers reported—ayes 36, noes 130.

So the amendment was rejected.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal-cards, stamped envelopes, and stamped paper from the manufactories to the post-offices and depots of distribution, $19,105,557.90.

Mr. HOLMAN. I offer the following proviso, to come in after line 4, on page 11:

The Clerk read as follows:

Provided, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1889, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 10 per cent. per annum from the rates for the transportation of mails on the basis of the average weight fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878.

Mr. KEAN. That is subject to the point of order.

Mr. BINGHAM. I make the point of order upon it.

Mr. HOLMAN. Is the point of order made?

The CHAIRMAN. The Chair understands the gentleman from New Jersey to raise the point of order.

Mr. HOLMAN. I hope that will not be done. I hope at least that we may have a vote on this proposition. The compensation now paid to the railroads under the act in question is generally conceded to be enormously beyond what it ought to be. Certainly there ought to be a reduction.

Mr. BINGHAM. Mr. Chairman, this whole question was discussed in the committee. It is conceded that the amendment is subject to a point of order.

Mr. HOLMAN. Oh, I understand that it is, if insisted upon.

Mr. BINGHAM. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For railway post-office car service, $2,260,000.

For railway post-office clerks, $5,600,000.

Mr. DINGLEY. I move to strike out the last word for the purpose of asking the chairman of the committee to inform us whether the civil-service rules are in force as to the appointment of postal clerks.

Mr. BLOUNT. I so understand.

Mr. DINGLEY. I asked the question because within the last half hour I have been informed that information was obtained from the Postmaster-General of an extension of the time to the 15th of March when these rules should go into force.

Mr. BLOUNT. Possibly that is true; I have no information.

Mr. DINGLEY. I supposed possibly the committee might be able to inform the House.

Mr. BLOUNT. I can not say. It is not a matter that came before the committee for legislation. It is a matter of executive order.

Mr. DINGLEY. I understand. I simply desired to elicit the information.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

For necessary and special facilities on trunk-lines, $295,655.38: *Provided*, That the Postmaster-General may, in his discretion, withdraw this fund from any railroad company when, in his judgment, the public interests require it.

For miscellaneous items, $1,000.

Mr. CUTCHEON. I offer the amendment I send to the desk.

The Clerk read as follows:

Provided, That section 7 of the act entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877, be, and the same is hereby, amended so as to read as follows:

"SEC. 7. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and the Clerk of the House of Representatives may send and receive through the mail, free, all public documents printed by order of Congress; also all communications with the several Departments and bureaus of the Government in regard to any matter of the business of said Department or bureau; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House of Representatives shall be written thereon, with the proper designation of the office he holds. And the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office."

Mr. HOLMAN. I make the point of order on that amendment.

Mr. BLOUNT. I raise the question of order on that amendment. It changes existing law.

Mr. CUTCHEON. I hope the gentleman will withhold that point of order for a minute.

Mr. BLOUNT. It is my desire to get the bill out of the way of other business as promptly as possible.

Mr. CUTCHEON. I will not take more than a minute.

Mr. BLOUNT. I will yield a minute to the gentleman.

Mr. CUTCHEON. The provision simply does this: It allows members of Congress to communicate with the Executive Departments by means of the penalty envelope the same as the Departments communicate with us. Simply that and nothing more. We receive from the Pension Office, from the Second Auditor, and from other bureaus communications in regard to executive business in executive envelopes. This provision would enable members of Congress simply to return to these same official Departments the same executive business in the same manner, by means of the penalty envelopes.

Mr. BLOUNT. I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For manufacture of adhesive postage and special-delivery stamps, $155,874.

For pay of agents and assistants to distribute stamps, and expenses of agency, $9,000.

For manufacture of stamped envelopes, newspaper wrappers, and letter sheets, $852,351.

For pay of agent and assistants to distribute stamped envelopes, newspaper wrappers, and letter sheets, and expense of agency, $16,000.
For manufacture of postal-cards, $228,781.
For pay of agent and assistants to distribute postal-cards, and expense of agency, $7,800.
For registered package, tag, official, and dead-letter envelopes, $109,745.
For ship, steam-boat, and way letters, $2,500.
For engraving, printing, and binding drafts and warrants, $3,000.
For miscellaneous items, $1,000.

Mr. BINGHAM. I offer an amendment to that section.

The Clerk read as follows:

After line 24 insert: "The Postmaster-General shall furnish any person who may apply in writing copies of any of the Post-Office maps at the cost of printing and 10 per cent. thereto."

The amendment was agreed to.

The Clerk read as follows:

For transportation of foreign mails, $655,000.
For balance due foreign countries, $100,000.
For expenses of United States delegates to Vienna Postal Congress, 1890, $5,000, or so much thereof as may be necessary, to be expended under the direction of the Postmaster-General.

The reading of the bill was concluded.

Mr. BLOUNT. I move that the committee rise and report the bill and amendments favorably to the House.

Mr. HOLMAN. I move to amend that motion as follows:

The Clerk read as follows:

That the bill be reported to the House with the recommendation that the same be recommitted to the Committee on the Post-Office and Post-Roads with instructions to strike out all the provisions of the bill which classify the clerks and other employés of the first and second class post-offices and increase the salaries thereof.

Mr. BLOUNT. Is that motion in order in Committee of the Whole?

The CHAIRMAN. It is in order.

The question was put; and the Chairman announced that the noes seemed to have it.

Mr. KERR. Division.

The committee divided; and there were—ayes 9, noes 98.

So the amendment was rejected.

The question then recurred on the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TURNER, of Georgia, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had instructed him to report the same back favorably with amendments.

Mr. BLOUNT. I demand the previous question on the amendments and the engrossment and third reading of the bill.

The SPEAKER. Is a separate vote demanded on any amendment?

The amendments were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. BLOUNT. I demand the previous question on the passage of bill.

Mr. CANNON. I move to recommit the bill with instructions.

The Clerk read as follows:

It is moved to recommit the bill to the Committee on the Post-Office and Post-Roads with instructions to strike out all provisions therein authorizing the classification and fixing the salaries of the clerks and employés attached to the first-class post-offices, and all provisions authorizing the classification and fixing the salaries of the clerks attached to the second-class post-offices, and to report the bill so amended to the House.

Mr. BLOUNT. I demand the previous question upon the motion to recommit.

The previous question was ordered.

The question was put on the motion to recommit with instructions as read; and the Speaker announced that the noes seemed to have it.

Mr. CANNON. Division.

The House divided; and there were—ayes 31, noes 88.

Mr. CANNON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 172, not voting 97; as follows:

YEAS—53.

Adams,	Clark,	Hitt,	Post,
Allen, Miss.	Conger,	Holman,	Rowell,
Baker, Ill.	Cooper,	Holmes,	Stephenson,
Bayne,	Dalzell,	Hopkins, Ill.	Taylor, J. D., Ohio
Belden,	Davis,	Hopkins, N. Y.	Thomas, Ky.
Boutelle,	De Lano,	Kerr,	Turner, Ga.
Brower,	Dingley,	La Follette,	Vandever,
Browne, Ind.	Finley,	Laidlaw,	Wade,
Brown, Ohio	Flood,	McMillin,	Weber,
Burrows,	Gear,	Nichols,	West,
Butler,	Gest,	Parker,	Wickham.
Cannon,	Hayden,	Phelps,	
Caswell,	Henderson, Ill.	Plumb,	
Cheadle,	Hires,	Posey,	

NAYS—172.

Abbott,	Atkinson,	Bland,	Breckinridge, Ky.
Allen, Mich.	Baker, N. Y.	Blount,	Brewer,
Anderson, Iowa	Bankhead,	Boothman,	Browne, T. H. B., Va.
Anderson, Kans.	Bingham,	Bound,	Brown, J. R., Va.
Arnold,	Blanchard,	Bowden,	Bryce,
Buchanan,	Guenther,	McKenna,	Sherman,
Buckalew,	Hall,	McKinley,	Shively,
Bynum,	Harmer,	McKinney,	Simmons,
Campbell, T. J., N. Y.	Hatch,	McRae,	Smith,
Candler,	Haugen,	Merriman,	Spinola,
Caruth,	Hayes,	Mills,	Springer,
Catchings,	Heard,	Moffitt,	Steele,
Chipman,	Hemphill,	Montgomery,	Stewart, Tex.
Clardy,	Henderson, N. C.	Morgan,	Stewart, Ga.
Cockran,	Hermann,	Morrill,	Stewart, Vt.
Compton,	Hooker,	Nelson,	Stockdale,
Cothran,	Hopkins, Va.	Newton,	Stone, Ky.
Cowles,	Howard,	Norwood,	Stone, Mo.
Cox,	Hudd,	Oates,	Struble,
Crain,	Hunter,	O'Donnell,	Tarsney,
Crisp,	Hutton,	O'Ferrall,	Taulbee,
Culberson,	Jackson,	O'Neall, Ind.	Thomas, Wis.
Cummings,	Johnston, N. C.	O'Neill, Pa.	Thompson, Cal.
Cutcheon,	Kean,	Osborne,	Tillman,
Dargan,	Kennedy,	Outhwaite,	Tracey,
Davidson, Ala.	Kilgore,	Patton,	Vance,
Davidson, Fla.	Laffoon,	Peel,	Walker,
Dockery,	Landes,	Penington,	Washington,
Dorsey,	Lane,	Perkins,	Weaver,
Dougherty,	Lanham,	Peters,	Wheeler,
Dunn,	Lehlbach,	Pidcock,	White, Ind.
Elliott,	Lind,	Randall,	White, N. Y.
Farquhar,	Lodge,	Rayner,	Whiting, Mich.
Foran,	Long,	Rice,	Whiting, Mass.
Forney,	Macdonald,	Richardson,	Wilber,
French,	Maish,	Rogers,	Wilkinson,
Fuller,	Mansur,	Romeis,	Williams,
Gibson,	Martin,	Rowland,	Wilson, Minn.
Glass,	Mason,	Russell, Mass.	Wilson, W. Va.
Glover,	McAdoo,	Sayers,	Wise.
Greenman,	McClammy,	Scott,	Woodburn,
Grimes,	McCormick,	Scull,	Yardley,
Grout,	McCreary,	Seney,	Yoder.

NOT VOTING—97.

Allen, Mass.	Dunham,	Laird,	Robertson,
Anderson, Miss.	Enloe,	Latham,	Rockwell,
Anderson, Ill.	Ermentrout,	Lawler,	Russell, Conn.
Bacon,	Felton,	Lee,	Rusk,
Barnes,	Fisher,	Lyman,	Ryan,
Barry,	Fitch,	Lynch,	Sawyer,
Biggs,	Ford,	Maffett,	Seymour,
Bliss,	Funston,	Mahoney,	Shaw,
Bowen,	Gaines,	Matson,	Snyder,
Breckinridge, Ark.	Gallinger,	McComas,	Sowden,
Brumm,	Gay,	McCullogh,	Spooner,
Bunnell,	Goff,	McShane,	Stahlnecker,
Burnett,	Granger,	Milliken,	Symes,
Butterworth,	Grosvenor,	Moore,	Taylor, E. B., Ohio
Campbell, F., N. Y.	Hare,	Morrow,	Thomas, Ill.
Campbell, Ohio	Henderson, Iowa	Morse,	Thompson, Ohio
Carlton,	Herbert,	Neal,	Townshend,
Clements,	Hiestand,	Nutting,	Turner, Kans.
Cobb,	Hogg,	O'Neill, Mo.	Warner,
Cogswell,	Houk,	Owen,	Whitthorne,
Collins,	Johnston, Ind.	Payson,	Wilkins,
Crouse,	Jones,	Perry,	Yost.
Darlington,	Kelley,	Phelan,	
Davenport,	Ketcham,	Pugsley,	
Dibble,	Lagan,	Reed,	

On motion of Mr. BLOUNT, the reading of the names of members voting was dispensed with.

The following additional pairs until further notice were announced:

Mr. GRANGER with Mr. RUSSELL, of Connecticut.
Mr. ERMENTROUT with Mr. BUNNELL.
Mr. BIGGS with Mr. MORROW.
Mr. BURNETT with Mr. GOFF.
Mr. FORD with Mr. GUENTHER.
Mr. NEAL with Mr. HOUK.
Mr. MCSHANE with Mr. LAIRD.
Mr. BARRY with Mr. YOST.
Mr. PHELAN with Mr. BUTLER.
Mr. WHITTHORNE with Mr. LYMAN.
Mr. PERRY with Mr. NUTTING.
Mr. LEE with Mr. GALLINGER.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. CATCHINGS with Mr. COGSWELL.
Mr. GROSVENOR with Mr. CAMPBELL, of Ohio.

The following additional pairs for this day were announced:

Mr. CLEMENTS with Mr. HENDERSON, of Iowa.
Mr. WILKINS with Mr. MCCOMAS.
Mr. TOWNSHEND with Mr. KELLEY.
Mr. HERBERT with Mr. KETCHAM.
Mr. RUSK with Mr. SYMES.
Mr. COBB with Mr. WARNER.
Mr. STAHLNECKER with Mr. MCCULLOGH.
Mr. ENLOE with Mr. PAYSON.
Mr. RYAN with Mr. DIBBLE.

The result of the vote was then announced as above recorded.

Mr. BLOUNT. I call for the previous question.

The SPEAKER. The question is upon ordering the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. Mr. Speaker, I ask leave to print some tables and remarks in connection with this bill, the object being to give the Senate the fullest possible information on the subject.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 185) to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States; and

Joint resolution (S. R. 140) authorizing the printing of 50,000 copies of the fourth and fifth reports of the Bureau of Animal Industry for the years 1887 and 1888;

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana; and

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor.

LEGISLATIVE APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I desire to present a conference report on the legislative bill.

The Clerk proceeded to read the report.

Mr. HOLMAN. Mr. Speaker, the reading of those figures will not give the House any information, and I ask unanimous consent that the reading of the report be suspended, and that the statement of the conferees be read instead.

There was no objection, and it was so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 45, 46, 51, 52, 53, 54, 59, 60, 64, 65, 67, 68, 69, 84, 85, 86, 87, 94, 95, 96, and 97.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 23, 24, 25, 26, 41, 42, 43, 44, 47, 48, 56, 57, 58, 62, 63, 70, 71, 72, 73, 74, 76, 77, 78, 81, 82, 88, 89, 91, and 92, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$364,486.10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the year proposed insert "1881;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the year proposed insert "1881;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And not less than two hundred of the clerks in the office of the Adjutant-General shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications and soldiers' claims;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: Strike out from said amendment the following words: "one clerk of class 3, one clerk of class 2:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,880;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "eleven;" and the Senate agree to the same.

That the House recede from its disagreemeet to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$37,840;" and the Senate agree to the same.

WM. H. FORNEY,
SAM. J. RANDALL,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on the amendments of the Senate:

The amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, relating to the official force of the Senate, provide for clerks to the Committees on Interstate Commerce and on Epidemic Diseases at $2,220 each; for an assistant clerk to the Committee on Commerce at $1,440; for a messenger to the Committee on Foreign Relations at $1,440; and for an additional session committee clerk at $6 per day; increase the following salaries: assistant clerk to the Committee on Appropriations from $1,800 to $2,200, assistant doorkeeper (Isaac Bassett) from $2,592 to $3,092, and assistant messenger on the floor of the Senate from $1,200 to $1,440; and strike out proposed increase in the salary of the telegraph operator from $1,200 to $1,440.

On amendments 17, 18, 19, 20, and 21, relating to the contingent fund of the Senate: Appropriates $6,000 for fuel, etc., $2,000 for furniture, $2,500 for materials for furniture and repairs to same, $1,000 for service in cleaning and varnishing furniture, and $15,000 for expenses of inquiries and investigations ordered by the Senate.

On amendment 22: Appropriates $2,500 to continue the preparation of the catalogue of the Congressional Library.

On amendments 23 and 24: Increases the amount for assistants and laborers in the Botanic Garden from $11,073.75 to $12,093.75.

On amendments 25 and 26: Increases the salary of the private secretary to the President from $3,250 to $5,000.

On amendments 27 and 28: Strikes out proposed increase of one clerk of class 3 for the Civil Service Commission.

On amendments 29 and 30: Strikes out proposed increase of two assistant messengers for the Department of State.

On amendments 31, 32, 33, and 34: Strikes out proposed increase of $2,000 in the contingent expenses of the Department of State for the purchase of horses, wagons, carriage, and harness.

On amendments 35 and 36: Strikes out proposed increase in the salary of the assistant chief of the customs division from $2,000 to $2,250.

On amendments 37 and 38: Provides for continuing the adjustment of the accounts of the soldiers' homes under section 4818, originating subsequent to March 3, 1881, instead of 1887, as proposed.

On amendments 39 and 40: Strikes out proposed increase of one clerk of class 4 in the Light-House Board.

On amendments 41, 42, 43, and 44: Increases the salary of the principal clerk and accountant in the office of the Life-Saving Service from $1,800 to $2,000: reduces the number of clerks at $900 from five to four, and authorizes the detail of an additional officer of the revenue-marine service to duty in that office.

On amendments 45, 46, 47, 48, and 49: Strikes out proposed increase of one messenger in the office of the Supervising Surgeon-General of the Marine-Hospital Service and provides for one additional laborer at $480 in said service.

On amendment 50: Increases the amount for the traveling expenses, printing, clerk-hire, and office-rent of the Utah Commission from $7,000 to $8,500.

On amendments 51, 52, 53, and 54: Strikes out the provision for a clerk of class 3, or stenographer, for the commanding general of the Army.

On amendment 55: Restores the provision that not less than two hundred of the clerks in the office of the Adjutant-General shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications and soldiers' claims.

On amendments 56, 57, and 58: Provides for one additional assistant engineer at $900 in the office of the Surgeon-General of the Army.

On amendments 59 and 60: Strikes out provision of $600 for rent for the Signal Office.

On amendments 61, 62, 63, 64, 65, and 66: In lieu of the additional force proposed by the Senate for the compilation of the Naval Records of the War of the Rebellion, provides for two additional clerks of class 4, to be selected, by reason of special aptitude for the work, by the Secretary of the Navy.

On amendments 67 and 68: Strikes out proposed increase from $1,500 to $4,500 for rent of buildings for the Hydrographic Office.

On amendment 69: Strikes out proposed increase from $12,000 to $14,000 for contingent expenses for branch hydrographic offices.

On amendments 70, 71, and 72: Provides for additional computer at $1,200 in the Naval Observatory.

On amendment 73: Increases the amount for repairs to buildings and contingent expenses of the Naval Observatory from $3,900 to $4,500.

On amendments 74, 75, 76, 77, 78, 79, 80, 81, 82, and 83: In lieu of the proposed increase in the clerical force of the Bureau of Provisions and Clothing of the Navy Department, provides for the following additional, namely: One clerk of class 4, one clerk of class 3, one stenographer at $1,400, two clerks of class 1, one clerk at $1,000, and one additional laborer.

On amendment 84: Strikes out proposed increase for contingent expenses of the Navy Department from $12,000 to $12,500.

On amendments 85, 86, and 87: Strikes out proposed increase of three members of the Board of Pension Appeals in the office of the Secretary of the Interior at $2,000 each.

On amendments 88 and 89: Increases the number of law clerks at $2,000 each in the office of the Assistant Attorney-General for the Interior Department from ten to thirteen.

On amendments 91 and 92: Increases the number of laborers in the office of the disbursing clerk of the Post-Office Department from twenty to twenty-two.

On amendments 94 and 95: Strikes out proposed increase in the salary of the chief clerk for the Department of Justice from $2,200 to $2,500.

On amendments 96 and 97: Strikes out proposed increase in the salary of the disbursing clerk for the Department of Labor from $1,800 to $2,000.

The bill as agreed upon appropriates $20,840,535.81, being $44,590 less than as it passed the Senate, $38,290 greater than as it passed the House, $64,904.76 less than the appropriations for the same objects for the current fiscal year, and $246,949.44 less than the estimates submitted for the fiscal year 1890.

WM. H. FORNEY,
SAM. J. RANDALL,
J. G. CANNON,
Managers on the part of the House.

Mr. SCOTT (after the reading of the "statement"). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. Would it be in order to move an amendment to the report of the committee of conference?

The SPEAKER. The report is not subject to amendment. The only way to amend it is to reject the report; then the whole subject will be open for action by the House.

Mr. SCOTT. It would not be in order, then, to move that the clause relating to the salary of the private secretary of the next President should apply also to the salary of the private secretary of the present Executive.

The SPEAKER. It would not.

Mr. FORNEY. I call for the previous question on the adoption of the report.

Mr. RANDALL. I want to make a statement in that connection. That question came up four years ago, and I was then as now in favor of the increase. It was prevented only by the fact that the party in interest did not desire that the change should be made. I think, however, that if the conferees had believed they had the power they would have made provision for the secretary of the present Executive, and if the President has paid anything out of his own pocket by way of compensation to his private secretary I think that amount should be refunded to him.

Mr. HOLMAN. This increase, however, was not in the legislative bill two years ago, or four years ago either.

Mr. RANDALL. It was not. I only say this, that I favored the increase four years ago, and I think it is right now. It was kept out of the bill four years ago only because the President of the United States—I do not think I make any mistake about this—did not desire it in.

Mr. McMILLIN. Has my friend from Pennsylvania any information that the incoming President will want it?

Mr. RANDALL. I have not. There will be no objection, so far as I know, to any bill that proposes to refund that amount.

Mr. COX. Why not put it in the deficiency bill?

Mr. CANNON. This was a Senate amendment, and the committee of conference had jurisdiction over the matter.

Mr. FORNEY. I call for the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. FORNEY moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTIONS.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana; and

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the passage of the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas; in which concurrence was requested.

ORDER OF BUSINESS.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. I yield for a moment to the gentleman from New York [Mr. COX].

CENSUS.

Mr. COX. I would like the consent of the House that the amendments of the Senate to the bill (H. R. 1659) providing for taking the eleventh and subsequent censuses be referred to the Select Committee on the Eleventh Census, with leave to report it back at any time. This bill must pass at this session, and it is important it should be passed at once in order that it may be engrossed.

Mr. DINGLEY. I hope the request of the gentleman from New York [Mr. COX] will be agreed to.

Mr. RANDALL. Why not concur in the Senate amendments now?

Mr. COX. I would be glad to have that done, if consent can be had. I ask unanimous consent that the Senate amendment be now concurred in. I have no doubt that if reported back by the committee they would be concurred in.

A MEMBER. We all know what they are.

Mr. BURROWS. Let the amendments be read.

Mr. COX. That would take too much time. The amendments are those prepared by Senator HALE, of Maine. They do not add anything in the way of expenditure——

Mr. BURROWS. You do not propose to concur in the amendments without reading them?

Mr. COX. I will not do so if the gentleman desires to have them read.

Mr. McCREARY. Will the gentleman from New York tell us how much additional expenditure these amendments involve?

Mr. COX. I think they do not add a dollar to the appropriation available at this time——

Mr. HOLMAN. But they increase the ultimate expenditure $400,000.

Mr. COX. I was about to say that.

Mr. RANDALL. If I understand correctly, this bill provides for an ultimate expenditure of $6,000,000, but only appropriates at this time $1,000,000. Is that correct?

Mr. COX. That is right.

Mr. McMILLIN. The amendments ought to be read.

The SPEAKER. The reading of the amendments has been demanded. Gentlemen will resume their seats, and the House will preserve order, so that the amendments may be understood.

Mr. BURROWS. I will not ask for the reading of the amendments if the gentleman from New York will explain very briefly their scope.

Mr. COX. There are only three amendments of any consequence, and they concern the schedules provided for in section 14. One amendment enlarges somewhat the schedule as to soldiers and their widows, so as to give the time of service; that adds very little to the expense. Another amendment provides for the enumeration of the recorded indebtedness of corporations and individuals. This will not add largely to the expense; it simply requires an additional schedule. The other amendment provides that the social-science statistics shall embrace statistics as to mulattoes, quadroons, octoroons, etc. This was regarded by gentlemen of science in the South and elsewhere as important. Those are the three principal amendments. None of these amendments affect the main proposition, which is the enumeration of the people for purposes of representation. [Cries of "Vote!" "Vote!"]

Mr. RANDALL. I think it will be more satisfactory if the amendments are read.

Mr. HOPKINS, of Illinois. On, no; the statement of the gentleman from New York is perfectly satisfactory.

The SPEAKER. Is the reading of the amendments demanded?

Mr. McMILLIN. Yes, sir; I understand that they add a considerable amount to the proposed expenditure.

Mr. GEAR. I would like to ask the gentleman from New York a question. Does this bill provide for collecting full statistics in regard to pauperism?

Mr. COX. That is all included in the general provisions of the bill; that will be done.

The amendments of the Senate were read. [They will be found in the Senate proceedings of the 18th instant.]

The SPEAKER. The gentleman from New York asks unanimous consent that these amendments of the Senate be concurred in. Is there objection?

Mr. BACON. I object.

The SPEAKER. Objection being made, the gentleman from New York [Mr. COX] now asks, as the Chair understands, that the amendments be referred to the Select Committee on the Eleventh Census, with leave to report them back at any time.

Mr. BACON. And that they be printed?

Mr. COX. They are already printed in the proceedings of the Senate. Why does my colleague [Mr. BACON] object to taking these amendments up now and disposing of them? I think they are all well understood by the House. There is great difficulty in getting my committee together. I hope my colleague, of all the gentlemen in this House, will not be the one to obstruct the passage of this bill. These amendments, which are mostly verbal, were prepared by Senator HALE.

A MEMBER. We all understand them.

The SPEAKER. Is there objection?

Mr. BACON. I object.

Mr. COX. I ask by unanimous consent to refer it to the Committee on the Eleventh Census with leave to report at any time.

The SPEAKER. That is the request to which the gentleman objects.

Mr. BACON. What is it?

The SPEAKER. To refer it to the Committee on the Eleventh Census with leave to report at any time.

Mr. BACON. Would that require it to report to-day?

The SPEAKER. It would not.

Mr. COX. I do not propose to report it to-day.

Mr. BACON. Then I have no objection.

There was no objection, and it was so ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding to the consideration of the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole for the consideration of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

Mr. SAYERS. I move, by unanimous consent, the first reading of the bill for information be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The bill will be read by paragraphs for amendment.

The Clerk read as follows:

International bureau for publication of customs tariffs: To meet the share of the United States in the annual expense of sustaining the international bureau at Brussels for the translation and publication of customs tariffs, $1,000.

Mr. SAYERS. I move to strike that out.

The motion was agreed to.

The Clerk read as follows:

Repairs and preservation and heating apparatus for public buildings: To reimburse Daniel Magone, collector of customs at the port of New York, and to adjust his accounts without the further payment of money from the Treasury, the sum of $8,788.64, expended by him out of the appropriation for "collecting the revenue from customs, 1887," but properly chargeable to the following appropriations.

Mr. SCOTT. I offer the following amendment.

The Clerk read as follows:

To pay the private secretary of the President of the United States the difference between the salary received by him and $5,000 per annum, $6,000.

Mr. HOLMAN. I ask leave to offer an amendment to that proposition.

Mr. RANDALL. There is no objection to this. Do not encumber this proposition with another.

Mr. HOLMAN. Very well, then.

The amendment was agreed to.

The Clerk read as follows:

Furniture and repairs of furniture: For furnishing complete the new public buildings at Augusta, Me.; Baltimore, Md.; Keokuk, Iowa; Minneapolis, Minn.; Reading, Pa.; Santa Fé, N. Mex.; Fort Scott, Kans.; and Springfield, Ohio, and to complete the furnishing of the public buildings at Harrisonburgh, Va.; Des Moines, Iowa; and Macon, Ga., $78,000; which sum shall be expended under contract or contracts to be made by the Secretary of the Treasury with the lowest and best bidder or bidders therefor, after advertising once a week for four consecutive weeks for proposals; and in furnishing said buildings all furniture now owned by the United States in other buildings in said cities shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not; and in addition to the sum herein appropriated, furniture may be supplied to said buildings out of stock on hand or under contract, and paid for or to be paid for out of the current appropriation for furniture and repairs of furniture.

Mr. CONGER. I move, in line 16, page 12, to strike out "seventy-eight" and in lieu thereof to insert "one hundred and twenty-eight."

Mr. Chairman, I offer this amendment because I am interested in the public building now being completed in the city of Des Moines, Iowa. I have offered the amendment to increase this $50,000, because I take it the same treatment has been given to other buildings that has been given to this one.

In a letter sent to the Appropriations Committee by the Treasury Department, December 8, 1888, the Secretary certifies there is a deficiency which is needed immediately for the furnishing of this building, now nearing completion. The committee have provided for $78,000 to cover the amount of $190,300. I am credibly informed in making up their estimates they have had before them a statement from the Secretary of the Treasury in which he designated the amount necessary for each one of these public buildings, among others Augusta, Me., $10,000; Springfield, Ohio, $7,000, and Des Moines, Iowa, to complete furnishing, $6,000.

I am told in making their estimates they have provided $1,000 for completing the furnishing of the building at Des Moines. The Secretary of the Treasury makes his recommendation from the report of an inspector who goes out to that building and learns what is necessary. He reports there is now needed $8,617.13 to complete the furnishing of that building. I have no doubt the committee have imagined there was a lot of old furniture which could be used in that building. But this building has been increased in size more than four times; there is now four times the room there was before. It has been unoccupied for five years, and what little furniture they have has been carted around from one room to the other in order to meet the demands——

Mr. RANDALL. Oh, the question of old furniture has nothing to do with Des Moines.

Mr. CONGER. Very well; I am glad to hear the gentlemen say that. Then certainly, in that event, there is greater necessity for increasing the appropriation as proposed by me.

Mr. SAYERS. Will the gentleman yield for a question?

Mr. CONGER. Certainly.

Mr. SAYERS. On what basis do you propose in your amendment to increase the amount of this appropriation by the sum of $50,000?

Mr. CONGER. On the basis of reaching something near, if possible, the estimate the Secretary has given for this item.

Mr. RANDALL. Now, in regard to the estimates of which the gentleman speaks they give us in one place $18,500 as an estimate for furnishing a building that cost $100,000, and yet for Augusta, Me., they ask $10,000. What reliance I ask, then, is to be placed on that kind of an estimate? $18,500 for Sante Fé, N. Mex.——

Mr. CONGER. Oh! I know nothing about Sante Fé, N. Mex.——

Mr. RANDALL. Well, I do; I know all about it.

Mr. CONGER. But I do know what I am talking about. I am talking about Des Moines, Iowa. I know what the necessities of the building are from my own personal observation, but I do not know anything about the estimates that may have been sent in for Sante Fé or for any other point. I am not speaking of them.

Mr. SAYERS. But we had the officials of the Treasury Department before us, and we examined them in reference to all of the public buildings, and we found, for instance, taking a building that cost $50,000 and intended only for use as a post-office, that the estimates for that building would furnish a building that would cost $200,000, a building that had two courts, an internal-revenue office, and a post-office besides; so that, if the gentleman will permit me, I will state that we found the estimates so unreliable and so unsatisfactory that it became absolutely necessary for the committee to give the whole matter a thorough, painstaking investigation, and to make such recommendations as would lead to the appropriation of an amount which we believed would be necessary to meet all warranted expenditures in that direction.

Mr. CONGER. Will the gentleman now be kind enough to tell me, after making the thorough examination of which he speaks, what amount they appropriated for the completion of the furnishing of this building at Des Moines?

Mr. SAYERS. I will state to the gentleman that we gave $78,000 for all of the buildings named.

Mr. CONGER. I understand that. But how much of this, what proportion of the $78,000 do you give to this building at Des Moines?

Mr. RANDALL. I will tell the gentleman. There has been already provided on account of that building $4,234.22.

Mr. CONGER. Three thousand five hundred and eighty-three dollars and thirty-two cents?

Mr. RANDALL. No, $4,234.22. There has been paid out $620 of this amount, and there remains of the current appropriation the sum of $3,614.22 still available. Then we have an additional thousand dollars for Des Moines of the amount fixed in the bill, making a total of nearly $6,000 for that building.

Mr. CONGER. It does not matter if it is six thousand or any other sum, if the appropriation is not enough.

[Here the hammer fell.]

Mr. HATCH was recognized, and yielded his time to Mr. CONGER.

Mr. CONGER. I thank the gentleman from Missouri.

Here is a statement from the Secretary himself, a statement given to me this morning, in which he furnishes a detailed statement of the expenditure for furniture, and of the furniture required, as furnished by the inspector who has been out and through the offices there, and did not make his report based on the cost of the building.

Mr. RANDALL. Nor did we.

Mr. CONGER. And yet a member of the committee said that that was the case.

Mr. RANDALL. No, sir; we make it according to the superficial space required to be furnished.

Mr. CONGER. Very well; let me finish this now. The Secretary tells me that after sending an inspector out there he has gone carefully over the report; and I am familiar with the building and know what he says is absolutely correct, and they have sent out and put into the post-office, which is the only part of the building occupied, $3,583.32 of furniture, and here is a statement showing an additional amount required for furniture, of the "standard furniture," as he calls it—that is to say, that class of furniture, desks, etc., which is provided under a general contract and can be used in any office, $1,687 more. Then there is required special furniture, such as is necessary in the post-office and court-rooms, or which must be made for the rooms themselves, $2,519 more. Then the gas-fixtures, $4,413.12.

Mr. RANDALL. At Des Moines?

Mr. CONGER. Yes; at Des Moines, $4,413. The gentleman from Pennsylvania must not imagine we are occupying a simple little country court-house there. We have a building which is established for court purposes, for revenue purposes, for pension-office, for land office, for post-office, and I do not know what else. And I am satisfied, Mr. Chairman, that the gentleman will be convinced if he looks over the situation carefully that there is no more asked in the estimate than is absolutely needed at that point, nor is there anything extravagant or unnecessary called for.

I make my estimate upon what I know of this building, believing that the Secretary of the Treasury has treated other buildings just as he has this, and has not made an extravagant estimate.

Mr. SOWDEN. What is the total amount?

Mr. CONGER. The total amount is $8,619.

Mr. WEBER. How much has been provided?

Mr. CONGER. Let me say this in regard to the conduct of this committee. The Secretary of the Treasury two years ago recommended for the purpose of furnishing these buildings about to be completed in the country $412,000. The committee allowed them $200,000, and at the expiration of that time they found a deficiency here of $190,000. Now, with the appropriation bill of this year we find an estimate of $417,000 for this purpose. They have cut that down to $200,000, and they are starting in this year with a deficiency. I want this Democratic Congress to make appropriation of the money that must be spent during this Administration, and not leave it to the next administration to come in here and at once find this great deficiency.

Mr. RANDALL. As allusion has been made to prior years, I will say that when the present Administration came in we found that there was appropriated $300,000. A careful examination convinced us that there was not only great waste but some misconduct in connection with

the purchases made for furniture. It was reduced to about $120,000 or thereabout, and the very first year of this Administration brought down this expenditure from $300,000 for furniture and repairs of furniture to $90,000. To-day of the amount of $200,000 to be expended I have here, in a telegram from the Assistant Secretary of the Treasury, a statement that there has not been one-half of it expended yet.

Mr. CONGER. Will the gentleman allow me a question there?

Mr. RANDALL. Not just now. They have a mode there of involving this Government to the extent of the appropriation. That is to say, they advertise for bids and let out contracts covering the entire amount. For instance, there is now $24,000 worth of carpet contracted for at about a dollar and two and a half cents a yard, subject to the call of the Treasury Department, that is not yet needed at all. That is the way it is done. After we discovered this was the way, we had the books up here, had them in the committee room, and went over them item by item, and we made up this amount; and, so that this money should not be diverted, so that the money should not be contracted for, and these public buildings that are to be completed left unprovided for, we named these public buildings and gave the amount that we considered necessary after careful examination of the superficial feet of space in the public buildings.

There has been no niggardly policy or attempted economy. On the contrary, while they have involved the whole $200,000 for the current year, we have felt that the committee could not come in here without complaint and see these thirteen or fourteen buildings that it is alleged will be completed between now and the 1st of July go without furniture. Therefore, we have said here we will give this deficiency of $78,000; but we mean that this furniture which is to be purchased by the $78,000 shall go into the buildings where it should go, and not have left any discretion on the part of the Treasury or anybody else to pile furniture in a public building in excess of its comfortable occupancy.

Mr. CONGER. Will the gentleman answer me a question?

Mr. RANDALL. Any question at all.

Mr. CONGER. Do I understand you to say that there are $100,000 left of the amount appropriated last year?

Mr. RANDALL. I say yes.

Mr. CONGER. Now, answer me my question.

Mr. RANDALL. I am going to answer. I was saying that there has been up to a few days ago $100,000 of this unexpended; but when we come to examine the matter we find that it is all pledged among contractors to furnish furniture and carpets and the like. So that when we come to provide them for the future we have inserted the names and an amount adequate. I can say that I gave four or five days myself of close investigation to this matter. The books were brought to me and I went over them item by item. I am possessed of some knowledge of business, and I can safely say that the amount is not only enough, but a great deal too much, and a great deal more than any man having his own purchases to make out of his own pocket would for a moment think of spending.

Mr. CONGER. Do you not know that the Secretary of the Treasury reports that there are thirty-five new buildings expected to be completed by the 1st of July?

Mr. RANDALL. I know he has reported sixteen as likely to be finished.

Mr. CONGER. I hold a report in my hand in which he says there will be thirty-five.

Mr. RANDALL. Oh, yes; that is like the amount of $18,500 that was required at Santa Fé.

Mr. CONGER. Do you not know that he is compelled to make contracts for the purchase of this furniture in time to have it ready for the completion of the buildings; and do you not know that contracts have been closed by the Department?

Mr. RANDALL. Undoubtedly I do know that. I know that contracts have already been made; but I know, further, that this amount ought not to be given, and that it has been given simply because we did not dare ourselves to take the responsibility of leaving without furniture any of these public buildings that are alleged will be completed between now and the 1st of July.

Mr. CONGER. And having made that decision, you state that a certain amount shall go to each building.

Mr. RANDALL. We have made an aggregate of $78,000.

Mr. CONGER. And in that you put down $1,000 for the city of Des Moines.

Mr. RANDALL. And we have made a provision that if the amount is not sufficient for a particular building there are $8,000 that can be drawn upon to make the further provision.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. I move to strike out the last word, merely to say that the appropriation for this service this year in the regular appropriation bill was $200,000, just one-half of the estimate that was duly and regularly made to the last Congress; and I will say further, as the gentleman from Pennsylvania [Mr. RANDALL] has just said, that that $200,000—every cent of it—has been substantially expended, or paid out——

Mr. RANDALL. Not paid out.

Mr. CANNON. Let me finish my sentence—paid out, or pledged for the payment of contracts already made; so that practically there is not one cent of that money in the Treasury that is available for furniture or repairs from now until next July. Having said that much, I wish to say further that the Treasury Department submits its estimates in due form and in detail, and asks $190,000 in this deficiency bill, which it says it needs to keep up repairs of furniture and to furnish new buildings that are completed or to be completed this year and early in the next fiscal year. That $190,000 by way of deficiency is within $10,000 of the amount we gave them in the regular appropriation bill last year. The gentleman from Pennsylvania [Mr. RANDALL] says that the committee made an investigation touching this matter, and that the $78,000 in the bill is sufficient. I am not here to say that it is or that it is not. I did not participate in that investigation, although I was upon the subcommittee. But this is true, that the Treasury Department, when it comes insisting on $190,000, building by building, in detail, to furnish these public buildings, of which a great number are about being completed, is either totally unreliable, to speak in the mildest possible language, or the gentleman from Pennsylvania [Mr. RANDALL] fails wholly to meet the wants of the public service.

Mr. SAYERS. Mr. Chairman, I wish to call the attention of the committee to the Book of Estimates, page 303, and particularly the attention of my friend from Iowa [Mr. CONGER].

Mr. CONGER. I am listening.

Mr. SAYERS. You will find there estimates for furniture for new buildings amounting to $417,500; and when you examine those estimates you will find that for one building there is an estimate of over $16,000 for furniture, while for another building of the same size and with the same sort and character of service the estimate is not over $6,000. And so it is all through these estimates for furniture for public buildings.

Mr. RANDALL. Let me state just there that it does not matter where this furniture goes to—whether to Baltimore or to Santa Fé—the contractors have to pay the transportation; so that there is no additional cost to the Government involved in sending it to one city rather than to another.

Mr. CONGER. But it makes the furniture at Santa Fé cost the Government a good deal more than it would at Baltimore.

Mr. RANDALL. No; it does not. The contracts are made for the delivery of the furniture wherever it is wanted.

Mr. CONGER. Certainly; but the bid is higher on account of the distance.

Mr. SAYERS. Well, Mr. Chairman, no fair-minded man who is at all acquainted with the cost of furnishing either public or private buildings, and who will look at the superficial area of the buildings here designated and the amount of the estimates for furnishing each building, can justify the estimates. It is impossible to do it.

Mr. CONGER. Will the gentleman permit a question?

Mr. SAYERS. Yes, sir.

Mr. CONGER. Do you not know that the Secretary of the Treasury, in making up these estimates for these various buildings, estimates only for the rooms that are to be furnished and occupied, and do you not know that many of the rooms in some public buildings are not occupied, and that that makes a difference between the amount required for different buildings of the same size?

Mr. RANDALL. That would only have the effect of reducing the amount required.

Mr. SAYERS. Furthermore, the estimates must be for furnishing rooms that are not to be used as well as those that are to be used, because they can not be explained on any other hypothesis.

Mr. CANNON. I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

A MEMBER. Let the amendment be again read.

The Clerk again read the amendment, as follows:

In line 16, page 12, strike out the words "seventy-eight" and insert "one hundred and twenty-eight."

The question was taken, and the Chairman declared that the noes seemed to have it.

Mr. CONGER. I ask for a division.

The committee again divided; and the tellers reported—ayes 69, noes 82.

So the amendment was rejected.

Mr. CONGER. I desire to offer another amendment. I move to strike out, in line 11, the word "complete;" also, in line 14, to strike out the words "to complete the" and insert "for."

Mr. SAYERS. I hope the Committee of the Whole will not adopt this amendment, because it will leave the door wide open for extravagance. If the words indicated by the gentleman be stricken out the Government may be involved in heavier appropriations for this building than it has heretofore made for like buildings. We found that these estimates were totally unreliable. We think the Government ought to impose a strict limitation upon expenditures in this direction.

Mr. HATCH. Does the gentleman from Texas [Mr. SAYERS] say that the amount embraced in this bill covers the estimates submitted by the Treasury Department?

Mr. SAYERS. No, sir.

Mr. RANDALL. Not the full amount—of course not.

Mr. HATCH. Then I have this to say: I know nothing about the merits of the case as presented by the gentleman from Iowa [Mr. CONGER] so far as concerns Des Moines, but I know that the appropriations for these public buildings during the past year have been totally inadequate. To such an extent have they been inadequate that in the city of Hannibal, where I reside, and where there is a public building which has cost $140,000, the Secretary of the Treasury notified the custodian of that building, who is compelled by reason of the parsimonious appropriation to serve the Government in this respect without any salary, that he must go upon the street and pick up a common laborer at $1.25 a day to run the steam machinery of that building. [Applause.]

Mr. SAYERS. That has nothing to do with this matter.

Mr. HATCH. Wait a moment until I get through. The judge of the district court, Judge Thayer, whose court-room is in that building, telegraphed to the Secretary of the Treasury at Washington that if that order was not rescinded he would adjourn the court; that he would not permit hundreds of people to come into that building on the public business if there was not a competent engineer to run the machinery.

Mr. RANDALL. That has nothing to do with this matter.

Mr. HATCH. And I telegraphed the postmaster to go and placard on the door of that building, "Dangerous to enter this building." [Laughter and applause.] I had to go down here to the Treasury Department and spend a whole day to induce the authorities there to send out an order for the custodian of that building in Hannibal to employ a competent engineer to run the steam machinery; and they told me the difficulty was because the Committee on Appropriations had cut down the estimates for these public buildings more than one-half. [Applause.] I think it is time not only that the public buildings of this country should be taken care of but that the lives of our people who are called upon to enter them should be protected. [Applause.]

Mr. RANDALL. That has nothing to do with this matter.

Mr. HATCH. Well, it has this much to do with it: This is in the line of the same cutting down of the estimates.

Mr. RANDALL. What is the population of Hannibal?

Mr. HATCH. Well, it is bigger than any town in Pennsylvania. [Laughter.] It does not count as many people in numbers as some cities, but in a great many respects it is as large as any city in Pennsylvania. It has too much regard for the lives of its people to permit the Government of the United States to go into a well-organized city (where not a single private manufacturer can run an engine without a licensed engineer) and put in charge of the machinery of a great public building like that a man who never had hold of an engine in his life. It has this to do with it—that the appropriations for these public buildings are made with so much parsimony by the Committee on Appropriations that it is simply a disgrace to the country. [Applause.]

Mr. RANDALL. We are not afraid of taking that disgrace.

Mr. HATCH. I know you are not afraid. The trouble with the Committee on Appropriations is that it has more nerve than anything else. [Laughter and applause.]

Mr. SAYERS. Mr. Chairman, not one word that the gentleman from Missouri [Mr. HATCH] has uttered in his abuse of the Committee on Appropriations has reference to the item under consideration. He has not complained of any want of proper furniture at Hannibal, Mo.

Mr. HATCH. Oh, well, we could get along without proper furniture; we were willing to overlook that. I was talking of the meager appropriations that are made.

Mr. SAYERS. You get, I presume, just as much as you ought to have; and the very workmen in connection with that public building at Hannibal are probably receiving 50 per cent. more than the man who runs the plow in your fields.

Mr. HATCH. There is not any foundation for that remark. On the contrary, there is not a single employé in connection with that building who is not just as poorly paid as any workman in the city of Hannibal doing similar labor. This new custodian of that building—simply because he happens to be the postmaster—must give bond and take charge of the building and be responsible for the whole of it, without a single dollar of compensation as custodian.

Mr. SAYERS. Then let him resign his office.

Mr. HATCH. Oh, yes; "let him resign," of course! You have pursued that policy until nearly every Democratic official in the United States must resign after the 4th of March next. [Laughter and applause.] If you had treated Democratic officials with proper consideration and not discriminated against them we would have been in power for the next four years.

Mr. SAYERS. Then, Mr. Chairman, if the gentleman from Missouri is right—if, in order to induce men to vote for the nominees of the Democratic party they must be purchased by appropriations made by the Government, then I say I am glad the Republicans have won.

Mr. HATCH. Not a bit of it. The gentleman knows enough to recognize this fact, that there never was a body of men in the world which could not be demoralized when they saw their leaders making a discrimination against the rank and file of the very party which was fighting their political battles. [Applause.]

Mr. SAYERS. There has been no discrimination. These men who sought these offices have continued to hold them during this Administration. I say nine out of ten of them will continue to hold under a Republican administration if they are permitted to do so.

Mr. HATCH. The gentleman may speak for the Democratic officials holding office in Texas, but the Democratic officials in Missouri expect to resign after the 4th of March next. [Laughter and applause.] They are old-fashioned Democrats. [Renewed laughter.]

Mr. RANDALL. Mr. Chairman, I did suppose until to-day that the Democratic party had come into power with the promise of bringing about economy of expenditure in every branch of the public service. They have in a large degree succeeded, and when they have failed it has been because of the opportunities given in this House to increase appropriations. The Committee on Appropriations, I confess, have struck out everything which looks like an undue expenditure of the public money. [Applause.]

Now as to Hannibal. Hannibal has 20,000 superficial feet of floor space and there has been expended there $4,000 in the purchase of furniture, and the Committee on Appropriations have yet to hear of any complaint in that connection. The gentleman himself has never come to me and said there was more furniture needed at Hannibal. And, Mr. Chairman, I want to say deliberately here that as to the Committee on Appropriations it has been earnest in its endeavor from year to year to break up this contract system because we believe it is an extravagant expenditure. We find they are buying furniture fit for palaces. We brought them down from mahogany to cherry and white oak about one-half, and we brought them down from Turkish carpets to Brussels. [Laughter and applause.]

I want to know why the Committee on Appropriations should not indulge in the same care, in the same anxiety, if I may be permitted to use that expression, that any man would in regard to the purchase of furniture for his own house.

I am surprised at the heat exhibited by my friend from Missouri in this connection, because I do not think he has given any reason whatever to justify him in finding fault so far as I know with the Committee on Appropriations in reference to the furnishing of the building at Hannibal.

Mr. HATCH. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Certainly.

Mr. HATCH. Can the gentleman give any reason why a Democratic Secretary of the Treasury, a Democratic Assistant Secretary of the Treasury, and a Democratic chief clerk of the Treasury Department, why all of these officials looking over these estimates day after day and week after week are not as competent to judge as the Committee on Appropriations how much money it will take to furnish this building and run it?

Mr. RANDALL. We have examined into the contracts, we have examined into the character of the furniture, and we have brought down the expense to one-half without any inconvenience to the judges or anybody else. The chair you sit on cost $5, and we have discovered chairs were purchased costing $80. So it runs all the way through, and I think when the gentleman from Missouri comes quietly to reflect we will receive his commendation for the pains we have taken to investigate this subject. [Applause.]

Mr. HATCH. Then the gentleman, as I understand him, takes the position that the Committee on Appropriations, in the short time allotted at this session of Congress, or at any other session, so far as that is concerned, has been enabled to examine fully and is more competent to determine what is required than the Democratic officials in the Treasury Department having immediate charge of these subjects.

Mr. RANDALL. I want to say right there that I believe the committee have the sympathy in their efforts of the high officers of the Treasury Department. They have not, I fear, the sympathy of some others that come in contact with the contractors.

Mr. HATCH. Then you ought to have a little more confidence in the recommendations of the higher officers of the Treasury Department when they have manliness enough to make proper reports to the committee.

Mr. RANDALL. I wanted to investigate this very question of furniture a year ago, and I believe that if it had been investigated it would have resulted in a reform by showing its gross and wicked extravagance in the expenditure of the public money for furniture fit for a palace, rather than furniture adapted to real comfort, and suitable for a Democratic administration. [Applause on the Democratic side.]

Mr. HATCH. Will the gentleman answer me one more question?

Mr. RANDALL. Certainly.

Mr. HATCH. Does the gentleman consider it an extravagance to provide that a competent engineer shall be placed in charge of the steam apparatus of a public building which cost the people of this country from $120,000 to $140,000?

Mr. RANDALL. I will answer that, although it has nothing to do with the pending proposition, by saying that I would get for the security of life the most competent engineer I could employ.

Mr. HATCH. But you do not permit that.

Mr. RANDALL. But I would not do as the superintendent at the public building at Philadelphia, perhaps, or at New York and else-

where, has done—employ fifty men, one-third of whom are deadheads and have nothing whatever to do.

Mr. HATCH. Oh, well; that is Philadelphia. You can not expect anything else. There are plenty of deadheads over there.

Mr. RANDALL. That may be, and I want to correct the abuses at my own home.

Mr. HATCH. I hope you will.

[Here the hammer fell.]

Mr. CONGER. I hope this little family quarrel over there will not militate against the success of the amendment I have offered.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. CONGER. Then I move to strike out the last word.

The CHAIRMAN. The gentleman is entitled to the floor on his motion.

Mr. CONGER. I wanted to state merely, Mr. Chairman, that my object in moving to strike out the word "complete" from this section of the bill is because it provides that the sum of $78,000 shall be used in "furnishing complete" these new buildings. Now, if this sum is not sufficient, as I know it will not be, and we have the authority of the highest Democratic official of the Treasury to say that it is not sufficient, then, sir, these buildings will be partially furnished and the appropriation exhausted, and yet we have the law before us saying that this amount was appropriated for the purpose of furnishing them complete, and no other sum can be employed for that purpose. If, then, we adopt this rule, these buildings must go without the additional furniture necessary; and if this amount shall be used in strict compliance with the terms of the law none of this can be used to put furniture in a building which is already occupied. That is the reason I have moved to strike out the word "complete."

Now, the distinguished chairman of the Committee on Appropriations said the Democratic party came into power because they promised to restore economy in the public service; and it was very properly suggested while he was speaking by some one behind me that they were invited out of power because they did not keep their promises. We have at the beginning of the Fiftieth Congress a Democratic Secretary of the Treasury who has been in power since the beginning of this Administration, sending in to Congress a certain estimate for furnishing public buildings, the amount ascertained by a careful investigation of the necessities of each building. The Committee on Appropriations cut the estimate in two in the middle; and then we have the same Democratic Secretary making the same estimate at the beginning of this session, and again that is cut in two by the committee. We came here at the beginning of this Congress with certificates over the signature of this Treasury official that there exists at this time a deficiency of $190,000 for this very purpose.

Mr. RANDALL. Utterly unreliable.

Mr. CONGER. Then why do you not turn the official out?

Mr. RANDALL. There is no occasion for it, as you have done it for us. [Laughter.]

Mr. CONGER. Yes, we saw you would not do it, and we have taken great pleasure in doing it.

Mr. RANDALL. It is a most remarkable fact that when the Committee on Appropriations come in here with a proposition to reduce or even to keep the expenditure within the same figures of the past year and use that basis as a controlling element in making up our bills, that that side, somehow or other, uniformly go for an increase of the public expenditures.

Mr. CONGER. But this is only to pay debts that you have already contracted.

Mr. KERR. I do not think the gentleman can accuse all of this side as favoring extravagant expenditures.

Mr. RANDALL. The gentleman is an exception to the rule.

The CHAIRMAN. Debate is exhausted on the amendment, and the Chair will regard the *pro forma* amendment as withdrawn.

The amendment of Mr. CONGER was rejected.

Mr. CONGER. I now offer a further amendment, to strike out of line 16 the words "seventy-eight" and insert "one hundred."

The question was taken; and on a division there were—ayes 45, noes 68.

So the amendment was rejected.

Mr. BUCHANAN. I offer the following amendment:

The Clerk read as follows:

On page 13, between lines 3 and 4, insert a new paragraph, as follows:

"To pay the engineer in charge of the heating apparatus of the public building at Trenton, in the State of New Jersey, for an extra month's service during the year 1888, $50."

Mr. BUCHANAN. I would call the attention of the committee——

Mr. SAYERS. I make the point of order that it is not germane to this paragraph and not authorized by existing law.

Mr. BUCHANAN. I do not know any paragraph to which it would be more pertinent.

The CHAIRMAN. The Chair did not hear the statement of the gentleman from New Jersey.

Mr. BUCHANAN. I was about to say that I would have called the committee's attention to this item were it not for the fact that the bill was reported several days earlier than I understood it would be reported. The facts are these: Only for six months of the year is the engineer in charge of the public building in the city where I reside paid for his services. During the past year, although he is a poor man and has a family to support, he has been compelled to put in at least one month of extra service without one dollar of pay. I myself was in the court-room in the upper part of the building when an associate justice of the Supreme Court of the United States refused to proceed further with the hearing of a case until this engineer, who had not yet gone upon duty, was sent for and put the building into a comfortable degree of heat. Now, it does seem to me that this is a case deserving the favorable action of the Committee of the Whole, and my reason for not presenting it to the Committee on Appropriations is that their bill was reported earlier than I supposed it would be, and I had other matters to attend to.

Mr. SAYERS. I make the point of order that this is not authorized, and there is no law to authorize this appropriation which the gentleman from New Jersey seeks.

Mr. BUCHANAN. But, Mr. Chairman, I find that points of order are easily invoked against the poor laborer who gets about $600 a year and resides 200 miles from this Capitol, while they are not invoked against a man who has by resolution of this House been added to the Doorkeeper's force, and which is embraced in this bill on the fortieth page, by which he is paid for months of services he never rendered. Mr. Chairman, I had already debated my amendment, and I raise the counter point of order that the point of order is made too late.

The CHAIRMAN. The Chair thinks the point of order submitted by the gentleman from Texas [Mr. SAYERS] comes too late. If the Chair understood the gentleman from Texas his point of order was that the appropriation was not germane to this section of the bill.

Mr. SAYERS. And the further point that there was no law authorizing it.

The CHAIRMAN. Of course, if the gentleman makes that statement the Chair accepts it.

Mr. BUCHANAN. I want to know the grounds of the point of order. This man is employed by a law of the United States.

Mr. RANDALL. Has the point of order been decided?

The CHAIRMAN (to Mr. BUCHANAN). Will the gentleman refer to the law under which this employé is now paid?

Mr. BUCHANAN. Of course I have not the law here.

Mr. SAYERS. I do not think the gentleman can find any such law.

Mr. BUCHANAN. It is in the regular legislative, executive, and judicial appropriation bill.

The CHAIRMAN. The Chair simply desires a reference to the law under which this employé is paid.

Mr. BUCHANAN. In the appropriations from year to year. He is not specified in the bill itself, but a lump sum is appropriated for carrying on the judicial part of the Government, and he is just as necessary a part in the judicial part of the Government in that respect as anybody else. He is not named in the bill. He is a part of the machinery——

The CHAIRMAN. What officer fixes the salary and by what authority?

Mr. BUCHANAN. I am unable to state that. It is done in some of the Departments—undoubtedly the Treasury Department, because these buildings are under the supervision of that Department. But, of course, I am not informed as to these details. This is a poor man who has performed the service, and he ought to have this $50.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Repayment to importers of excess of deposits: For payment of interest and costs to importers in claims on judgments and discontinued suits in custom cases and excess of deposits for unascertained duties, or duties or other moneys paid under protest, $250,000.

Mr. BUCHANAN. I make the point of order against the paragraph just read. It is new legislation. I require the production of the statute authorizing it.

Mr. SAYERS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL moved that the House adjourn, but withdrew the motion at the request of Mr. PERKINS.

BLACK BOB INDIANS.

Mr. PERKINS. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

S. W. PEEL,
B. W. PERKINS,
JOHN M. ALLEN,
Managers on the part of the House.
JNO. W. DANIEL,
O. H. PLATT,
THOS. M. BOWEN,
Managers on the part of the Senate.

The conferees on the part of the House submitted the following statement:

The conferees on the part of the House submit the following statement to accompany their report upon the disagreeing votes of the two Houses to the Senate amendments to the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians:

The effect of the report as agreed to is to refer to a court of competent jurisdiction for final and equitable settlement the controversies that remain unsettled respecting the lands referred to.

The Senate amendments fully provide that all parties interested may be brought into court, and the rights of the Indians will be represented by the Attorney-General of the United States. The principles of law and equity are made applicable to the solution of the controversy, and an end of it is made practicable, and so far as known is satisfactory to all.

S. W. PEEL,
JOHN M. ALLEN,
B. W. PERKINS,
Managers on the part of the House.

The conference report was adopted.

Mr. PERKINS moved to reconsider the vote by which the conference reported was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. Mr. Speaker, I now renew the motion that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PRIVATE BILL INTRODUCED AND REFERRED.

Under the rule a private bill of the following title was introduced and referred as indicated below:

By Mr. HENRY SMITH: A bill (H. R. 12635) granting a pension to Margaret Ebbitt—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CROUSE: Petition of farmers of Hudson, Ohio, for protection to agriculture—to the Committee on Agriculture.

By Mr. DUBOIS: Memorial of the Legislature of Idaho, to grant certain lands to the Bingham County (Idaho) Agricultural Association—to the Committee on the Territories.

Also, memorial of same, to allow Boisé City to issue and negotiate coupon bonds to fund present indebtedness, and for other purposes—to the Committee on the Territories.

By Mr. FORNEY: Petition of estate of Richard C. Bain, of Cherokee County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HITT: Memorial of ex-Prisoners of War Association of Winnebago County, Illinois, for the passage of Senate bill 505—to the Committee on Invalid Pensions.

By Mr. KENNEDY: Petition of H. D. Riker and others, for an appropriation for printing records of the rebellion—to the Committee on Printing.

By Mr. LA FOLLETTE: Petition of the Madison Turnverein, of Madison, Wis.; of William Fuerste and 46 other citizens, and of Henry Jungman and 52 others, citizens of Madison, Wis., against the passage of Senate bill No. 2983—to the Committee on Labor.

By Mr. NORWOOD: Papers in the claim of A. C. N. Smets, of Effingham County, Georgia—to the Committee on War Claims.

Also, petition of heirs of A. C. N. Smets, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. O'DONNELL: Petition of 31,593 citizens of California and of 55,136 citizens of the State of Michigan, against the passage of any bill in regard to the observance of the Sabbath, or Lord's day, or any other religious or ecclesiastical institution or rite, and opposing any amendment to the Constitution looking to this end—to the Committee on the Judiciary.

Also, petition of 230,000 citizens of 31 States and Territories, protesting against the enactment of the bill known as the Sunday-observance law—to the Committee on the Judiciary.

By Mr. O'FERRALL: Petition of A. R. Blakey, A. L. Holladay, and others, fruit-growers of Virginia, for an amendment to the interstate-commerce bill, extending its provisions so as to embrace express companies—to the Committee on Commerce.

By Mr. ROMEIS: Petition of Toledo Post, No. 107, Grand Army of the Republic, asking for the speedy, complete publication of the records of the war—to the Committee on Printing.

By Mr. SPRINGER: Petition of the Illinois State Grange in favor of laws to control cattle and dressed-beef syndicates—to the Committee on Agriculture.

Also, petition of same, in regard to income tax and currency—to the Committee on Ways and Means.

Also, petition of same, in favor of improving inland navigation—to the Committee on Railways and Canals.

Also, petition of same, in favor of paying off the national debt, and opposing refunding schemes—to the Committee on Ways and Means.

Also, petition of same, in favor of the people electing United States Senators, etc.—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

Also, petition of same, in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. STONE, of Missouri: Petition of C. H. Burnett and others, citizens of Dade County, Missouri, praying for certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. J. R. WHITING: Petition of S. W. Stone and 64 others, citizens of Memphis, Mich., asking for the total abolition of the tax on sugar, both raw and refined—to the Committee on Ways and Means.

The following petition for a national Sunday-rest law was received and referred to the Committee on Labor:

By Mr. J. R. WHITING: Of Rev. S. A. Manwell and 106 others, citizens of Pittsford, Mich.

The following petition, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, was received and referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. VANDEVER: Of 37 citizens of Pomona, Cal.

SENATE.

FRIDAY, *February* 22, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles and referred to the Committee on Commerce:

A bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.;

A bill (H. R. 7028) to admit to registry the steamer George H. Parker;

A bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana;

A bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida;

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas;

A bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster Beds Shoal, in the Hudson River, New York;

A bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;

A bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas;

A bill (H. R. 11527) to establish lights on the western end of Coney Island, New York;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 11643) providing for the establishment of a life-saving station at mouth of Coquille River, Oregon;

A bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River, at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions;

A bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

A bill (H. R. 11996) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

A bill (H. R. 12059) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.;

A bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor at Chicago, Ill.;

A bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catherine Island, State of Georgia;

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

A bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes;

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

A bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accesible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;" and

A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

The bill (H. R. 7066) providing for the establishment of a light-house at Heceta Head, or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000, was read twice by its title.

Mr. MITCHELL. I suggest that that bill lie on the table, as a similar bill has been reported from the Committee on Commerce of the Senate and is now on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the bill will lie on the table.

Mr. MITCHELL. If there is no objection, I would ask unanimous consent that it be considered at this time.

Mr. EDMUNDS. It had better be referred. The safest way is to refer it.

Mr. MITCHELL. Very well.

The PRESIDENT *pro tempore*. Shall the bill lie on the table or be referred to the Committee on Commerce?

Mr. MITCHELL. At the suggestion of the Senator from Vermont, it can be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. It will be so referred.

The bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, was read twice by its title, and referred to the Committee on Appropriations.

RAILWAY BRIDGE ACROSS MISSISSIPPI RIVER.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

The first amendment of the House of Representatives was, section 1, line 8, after the word "from," to strike out "the most feasible and accessible point between the city of Alma and the mouth of Beef Slough" and insert:

A point just north of the Beef Slough cut-off, in section 21, township No. 22 north, of range 13 west, of the fourth principal meridian, above the city of Alma.

So as to make the section read:

That the Soo and Southwestern Railway Company, a corporation organized under the laws of the State of Wisconsin, and its successors and assigns, be, and they are hereby, authorized to construct and maintain railway bridge and approaches thereto across the Mississippi River between the States of Wisconsin and Minnesota, from a point just north of the Beef Slough cut-off, in section 21, township No. 22 north, of range 13 west, of the fourth principal meridian, above the city of Alma, in the county of Buffalo, Wisconsin, to and upon the west bank of said river, in the county of Wabasha, in the State of Minnesota: *Provided*, That Congress may at any time prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

The next amendment was, in section 9, line 3, after the word "within," to strike out "one year" and insert "two years;" and in the same line, before the word "years," to strike out "three" and insert "four;" so as to make the section read:

SEC. 9. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

Mr. SAWYER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

COLLECTION DISTRICT OF TAMPA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1721) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes.

The amendments of the House of Representatives were, in section 1, line 1, to strike out the words "collection of customs" and insert "customs collection;" so as to make the section read:

That a customs collection district be, and the same is hereby, established on the Gulf coast of the State of Florida, to be known as the collection district of Tampa.

The next amendment was, in section 2, line 2, before the word "Key," to strike out "Anclothe" and insert "Anclote;" so as to make the section read:

That said district shall include the territory south of a line immediately north of Anclote Key light-house, running easterly across the peninsula to Indian River, and thence south to a point opposite to and north of Charlotte Harbor, and thence westerly across the peninsula to the coast north of Charlotte Harbor, and midway between Manatee Bay and Peace River and Charlotte Harbor.

Mr. PASCO. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

DIAMOND SHOAL LIGHT-HOUSE.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina.

The first amendment of the House of Representatives was to strike out all after the enacting clause and insert:

That a light-house be established on or near Diamond Shoal, off Cape Hatteras, North Carolina, at a cost not to exceed $500,000: *Provided*, That the contractors for doing this work shall be the lowest responsible bidders and best fitted by reason of skill and experience to do the work: *And provided further*, That payments shall be made therefor as the work progresses in the discretion of the Light-House Board, and subject to the approval of the Secretary of the Treasury.

The next amendment was to amend the title so as to read:

An act for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina.

Mr. EDMUNDS. Let the original bill be read.

Mr. FRYE. I think that had better be referred to the Committee on Commerce. The item for Hatteras light is already in the sundry civil appropriation bill, and I move that the amendments be referred.

Mr. EDMUNDS. That course is better.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill, with the amendments, will be referred to the Committee on Commerce.

FOG-SIGNAL, OLD ORCHARD SHOAL, NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York; which were read.

Mr. EDMUNDS. How does the original bill read?

The PRESIDENT *pro tempore*. The bill will be read.

Mr. EDMUNDS. I withdraw the call for the reading, as I understand the Senator from Maine wishes to submit a motion.

Mr. FRYE. I move that the bill with the amendments be referred to the Committee on Commerce.

The motion was agreed to.

BRIDGE ACROSS TENSAS RIVER.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Kirk's Ferry, Louisiana, which were, in section 1, line 7, before the word "Ferry" to strike out "Kirk's" and insert "Daniel's," and to amend the title so as to read: "A bill to authorize the construction of a bridge across the Tensas River, at or near Daniel's Ferry, Louisiana."

Mr. VEST. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

VISITORS TO NAVAL ACADEMY.

The PRESIDENT *pro tempore*. To attend the annual examination of the Naval Academy, under the act of February 14, 1879, the President *pro tempore* appoints Messrs. TELLER and BUTLER.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a report by the Third Auditor of the allowance of three additional cases under the provisions of the act of July 4, 1864, since those reported to Congress January 17, 1889; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the United States surveyor-general for New Mexico on the private land claim in that Territory known as Arroyo Hondo tract, No. 159; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the United States surveyor-general for New Mexico on the private land claim in that Territory known as Christobal de la Serna, or Los Ranchos de Taos grant, No. 158; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

CONDITION OF MARINI'S BUILDING.

The PRESIDENT *pro tempore* laid before the Senate a communication from W. B. Webb, president of the board of commissioners of the

District of Columbia, transmitting, in response to a resolution of the 1st instant, the reports of the inspector of buildings and the inspector of plumbing of the District of Columbia, relative to the condition of Marini's building with respect to the life, health, and physical comfort of those occupying it; which, with the accompanying papers, was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The message also announced that the House had passed a bill (H. R. 12389) authorizing the construction of a bridge across the Osage River, at some accessible point in the county of Benton, in the State of Missouri, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the officers of the Woman's Christian Temperance Union of the District of Columbia, representing 600 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS presented the petition of C. S. Richmond and 34 others (17 voters and 18 women), citizens of Northfield, Vt., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. REAGAN. I present, by request, the petition of General Daniel Ruggles, of Fredericksburgh, Va., praying for an appropriation of $100,000 to be expended in developing his system of producing rainfall and resisting cyclones and tornadoes. I will mention that the petitioner, by a letter accompanying the petition, requests that a number of the petitions be printed. I present that request along with the petition, and ask the judgment of the President of the Senate as to the committee to which it should be referred.

The PRESIDENT *pro tempore*. The Chair thinks it should be appropriately referred to the Committee on Education and Labor.

Mr. REAGAN. Very well.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. WILSON, of Iowa, presented the memorial of F. D. Shelden and 25 other citizens of Salem, Iowa, remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of 633 citizens of the State of Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented resolutions adopted by the Board of Trade of Winona, Minn., favoring the passage of the bill to open the Sioux Indian reservation to settlement; which were referred to the Committee on Indian Affairs.

Mr. DAWES presented a petition of citizens of Massachusetts and a petition of members of the Congregational Church of North Abington, Mass., praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. GORMAN presented the petition of W. D. West and 38 other citizens of the Second Congressional district of Maryland, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DANIEL presented the petition of George W. Walford and other citizens of Virginia; the petition of N. W. Bowe and other citizens of Virginia; the petition of Mrs. D. Buchanan and other citizens of Virginia; the petition of William M. Southill and other citizens of Virginia, and the petition of T. W. Adams and other citizens of Virginia, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the officers of the Woman's Christian Temperance Union of Virginia, representing 900 members, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DANIEL. I present the petition of A. R. Blakey and other citizens of Charlottesville, Va., praying for the passage of legislation putting express companies under the limitations of the interstate-commerce law. The petition is a brief one, and I ask that it may be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent that the petition which he presents may be printed in the RECORD. Is there objection?

Mr. HARRIS. I have habitually objected to putting these things into the RECORD, and I can not discriminate between Senators. I object.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Interstate Commerce.

Mr. EVARTS presented the petition of 694 citizens of New York State, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5390) granting a pension to John Limeric;

A bill (H. R. 12062) granting an increase of pension to Frank Wolford;

A bill (H. R. 5398) granting a pension to Catherine Hays; and

A bill (H. R. 12540) to increase the pension of Theodore White.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3900) to authorize the Secretary of War to make a survey, plan, and estimate of the cost of constructing a bridge across the Eastern Branch of the Potomac River, in the District of Columbia, reported it without amendment.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 157) correcting the military history of Robert McNutt, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of David A. Parkhurst, praying a correction of his military record, submitted a report thereon, accompanied by a bill (S. 3990) correcting the military history of David A. Parkhurst; which was read twice by its title.

Mr. HARRIS. The Committee on the District of Columbia, to whom was referred the bill (S. 3695) to amend section 555 of the Revised Statutes of the United States relating to the District of Columbia, direct me to report the same back adversely and recommend that it be indefinitely postponed, the Senate having passed a House bill accomplishing the same object.

The PRESIDENT *pro tempore*. The bill will be postponed indefinately.

Mr. FARWELL, from the Committee on the District of Columbia, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (H. R. 11701) for the relief of the building and mutual loan associations of the District of Columbia; and

A bill (S. 3643) for the relief of the building and mutual loan associations of the District of Columbia.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. STANFORD on the 11th instant, intended to be proposed to the Army appropriation bill, reported it favorably, and it was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, reported it with amendments.

Mr. DANIEL. I am also instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 12137) relating to the deposit of securities by insurance companies, to report it with an amendment. I ask that the amendment be read, and that the bill may be taken up and put on its passage.

Mr. ALLISON. If it will take no time I do not object.

Mr. HOAR. I object, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects to the present consideration of the bill, and it will be placed on the Calendar.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River, reported it with amendments.

Mr. VEST. I am also directed by the Committee on Commerce, to whom was referred the bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri, to report it without amendment.

I wish to call the attention of the Senators from Kansas to the fact that that bill identically passed the Senate some three weeks since and went to the other House. It was there put upon the table, and now the House of Representatives sends us back the same measure as a House bill. I simply call attention to the fact so that it can be taken up. It has already been passed upon by the Committee on Commerce and by the Senate.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3951) to establish a railway bridge across the Illi-

nois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois, reported it with amendments.

Mr. VEST. I am also directed by the Committee on Commerce, to whom was referred the bill (H. R. 12059) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis., to report it with the recommendation that it be indefinitely postponed.

This bill has passed both Houses of Congress and has been in the hands of the President for the last nine days—identically the bill which comes back now from the House of Representatives. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. MITCHELL. I am instructed by the Committee on Claims, to whom was referred the bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased, together with the President's message returning said bill to the Senate with his objections, to report the same back to the Senate, and recommend its passage, the objections of the President to the contrary notwithstanding; and I submit an accompanying report. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, reported it with amendments.

Mr. HAMPTON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TELEGRAPHIC FACILITIES IN WASHINGTON.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia to report favorably without amendment the joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information, subject to objection.

The joint resolution was read, as follows:

Resolved, etc., That the commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural ceremonies, the said wires to be taken down within one week after the conclusion of the ceremonies on the 4th day of March, A. D. 1889.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3991) granting a pension to William H. Lyons; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

JOHN W. JOHNSTON.

Mr. DANIEL. I offer the following resolution:

Be it resolved by the Senate of the United States, That the Secretary pay to John W. Johnston the sum of $2,889.87 out of the contingent fund of the Senate, in full of his pay and mileage as Senator from Virginia in the Forty-first Congress.

The PRESIDENT *pro tempore*. The resolution will be referred under the rules to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DANIEL. I think the Senator from Massachusetts [Mr. HOAR], who is just about to rise, is familiar with the principle and practice upon which the resolution is based.

Mr. HOAR. I think it had better go over.

Mr. DANIEL. Very well.

The PRESIDENT *pro tempore*. The resolution under the rules will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AUDITED CLAIMS.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of all claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those already transmitted to Congress during the present session, and also a list of judgments of the Court of Claims requiring an appropriation at the present session not already transmitted, said list to extend to and include February 25, 1889.

CONGRESSIONAL ELECTIONS.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution which was before the Senate yesterday morning.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. DANIEL. I ask the Senate to proceed——

The PRESIDENT *pro tempore*. Does the Senator from Virginia rise to morning business?

Mr. DANIEL. No, sir.

The PRESIDENT *pro tempore*. The Senator from Massachusetts had previously risen. If there be no further morning business that order is closed and the Calendar under Rule VIII being in order the Senator from Massachusetts moves that the Senate proceed to the consideration of the resolution authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. HARRIS. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. REAGAN. Mr. President——

The PRESIDENT *pro tempore*. The motion is not subject to debate.

Mr. CALL. I ask unanimous consent to appeal to the Senator from Massachusetts to allow the bill for the payment to the State of Florida of expenses incurred in suppressing Indian hostilities to be taken up. I do not think there will be any discussion upon it.

Mr. HOAR. I am very sorry to deny a request of the always courteous Senator from Florida, but I have already intimated to another Senator equally courteous, the Senator from Rhode Island, that I can not consent to any business until this resolution shall be passed. I hope, however, that the resolution may be adopted at once, and then other matters can be taken up.

Mr. REAGAN. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to be heard on the motion. Is there objection? The Chair hears none.

Mr. REAGAN. I had intended submitting some remarks on the resolution already pending in regard to alleged outrages in Washington County, Texas, and if the Senator from Massachusetts will allow me I should like to make my observations upon that resolution before the other takes its place.

Mr. HOAR. What is the request of the Senator from Texas?

Mr. REAGAN. I suggested that I had intended to make some remarks upon the resolution in relation to alleged outrages in Washington County, Texas, and if agreeable to the Senator I should like to make them on that resolution before this one comes up.

Mr. HOAR. That resolution is the unfinished business at 2 o'clock.

The PRESIDENT *pro tempore*. That resolution will be the unfinished business at 2 o'clock.

Mr. REAGAN. Yes, sir.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. HOAR. Do I understand that the Senator from Tennessee demands the yeas and nays on the motion to take up the resolution or on the resolution itself?

Mr. HARRIS. Upon the motion to take it up was my demand for the yeas and nays.

The PRESIDENT *pro tempore*. The roll-call will proceed on agreeing to the motion of the Senator from Massachusetts to proceed to the consideration of the resolution.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired generally with the Senator from Nebraska [Mr. MANDERSON], who by business is detained from the Chamber. I withhold my vote.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. FRYE (when Mr HALE's name was called). My colleague [Mr. HALE] is detained at home by sickness, and he is paired with the senior Senator from Kentucky [Mr. BECK]. I shall consider that no further announcement of the pair will be necessary for the day.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES] is at home sick. He is usually paired with the Senator from New York [Mr. HISCOCK].

Mr. HISCOCK (after having voted in the affirmative). I withdraw my vote.

Mr. BERRY. If my colleague were present, he would vote "nay."

Mr. HISCOCK. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from New York withdraws his vote.

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN]. I do not see him present, and therefore I withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. HARRIS. I have heard no pair announced for the Senator from North Carolina [Mr. VANCE]. I was under the impression that he was paired with the Senator from Massachusetts [Mr. HOAR].

Mr. RANSOM. No, sir; he has a standing pair with the Senator from Michigan [Mr. PALMER].

Mr. HARRIS. That is all right. I was laboring under a mistake.

The result was announced—yeas 28, nays 26; as follows:

YEAS—28.

Allison,	Dawes,	Ingalls,	Quay,
Blair,	Edmunds,	Jones of Nevada,	Sawyer,
Bowen,	Evarts,	Mitchell,	Stanford,
Cameron,	Farwell,	Morrill,	Stewart,
Chandler,	Frye,	Paddock,	Stockbridge,
Cullom,	Hawley,	Platt,	Teller,
Davis,	Hoar,	Plumb,	Wilson of Iowa.

NAYS—26.

Bate,	Eustis,	Harris,	Saulsbury,
Berry,	Faulkner,	McPherson,	Turpie,
Butler,	George,	Morgan,	Vest,
Call,	Gibson,	Pasco,	Voorhees,
Cockrell,	Gorman,	Pugh,	Wilson of Md.
Coke,	Gray,	Ransom,	
Daniel,	Hampton,	Reagan,	

ABSENT—22.

Aldrich,	Colquitt,	Kenna,	Sherman,
Beck,	Dolph,	Manderson,	Spooner,
Blackburn,	Hale,	Palmer,	Vance,
Blodgett,	Hearst,	Payne,	Walthall.
Brown,	Hiscock,	Riddleberger,	
Chace,	Jones of Arkansas,	Sabin,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. HOAR February 20, 1889, as heretofore amended, as follows:

Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, bribery or other unlawful use of money, fraud, or other crime.

Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.

Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.

And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns, so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators, and to provide methods for the appointment of electors for President and Vice-President of the United States.

Mr. GORMAN. Mr. President——

Mr. ALLISON. If the Senator from Maryland——

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Maryland as entitled to the floor.

Mr. ALLISON. I ask the Senator from Maryland to yield.

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield?

Mr. GORMAN. With pleasure.

Mr. ALLISON. If this resolution can be voted upon this morning without debate, I shall yield of course for such a vote.

Mr. MORGAN. That can not be done.

Mr. ALLISON. I feel compelled to ask the Senator from Massachusetts to allow me to have the resolution laid aside informally that I may call up the sundry civil appropriation bill.

Mr. HOAR. I am disposed to defer to the Senator from Maryland in regard to that matter. I understand the Senator had not concluded his remarks when the Senate passed from this subject yesterday. If the Senator proposes to continue his remarks, I do not know whether he would prefer to finish them before the appropriation bill is taken up or to yield now. I shall do whatever the Senator from Maryland prefers.

Mr. GORMAN. I will say to the Senators from Massachusetts and Iowa that the resolution of course can not pass without quite an extended debate, and I rose for the purpose of moving to postpone its consideration until to-morrow, with the view of calling up the bill H. R. 9623, being an act to provide for printing Government securities in the highest style of art, in pursuance of the notice that I gave yesterday. But I will give way, as a matter of course, to the Senator from Iowa to proceed with the consideration of the appropriation bill.

Mr. ALLISON. Then I ask that the resolution be informally laid aside.

The PRESIDENT *pro tempore*. The resolution having been taken up by a vote of the Senate, the Senator from Iowa asks unanimous consent that it may be informally laid aside to enable him to move the consideration of the pending unfinished appropriation bill. If there be no objection, the appropriation bill is before the Senate as in Committee of the Whole.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, the pending question being on the amendment of Mr. HISCOCK to add an additional section to the bill.

Mr. HOAR. The amendment introduced by the Senator from New York was voted upon under a call of the yeas and nays last night, but the call disclosed no quorum, and I suppose the matter is now open, under the usages of the Senate, for further debate.

The PRESIDENT *pro tempore*. The Chair would hold that under the unbroken usage of the Senate when upon a call of the roll the absence of a quorum is disclosed, it is no roll-call, as if there had been no response. Therefore the question is open to debate.

Mr. HOAR. Then I desire the attention of the Senate for a moment to say that this matter having been reported from the Committee on the Centennial, and having been unanimously passed by the Senate formerly as a separate measure, it was not deemed necessary by the members of that committee to make to the Committee on Appropriations such full explanation of the purpose of the proposed amendment as otherwise would have been proper and desirable, and I think the Committee on Appropriations came to an unfavorable decision upon it without in some particulars being aware of the purpose of those who had framed the pending amendment. On the other hand, there having been no such conference, the friends of the amendment did not have the benefit of such suggestions as the great experience of the Committee on Appropriations would have enabled them to make before it was introduced in the Senate.

I understand from what has occurred in the Senate that the Committee on Appropriations have some anxiety on two points; first, that there may not be time to extend a suitable invitation to the governments of the other American nations to enable them to reach here at or about the time proposed, early in the next session of Congress; and next, that there may be some proposition lurking in this amendment, or possible, at any rate, if it is adopted, in regard to some junketing or banqueting or other matter of that kind which would be out of taste and meet the disapprobation of the people.

An amendment has been drawn which removes both those objections, and which I hope will meet the approbation of the chairman of the Committee on Appropriations and his colleagues on that committee. Indeed, it has been drawn, I may say, on their suggestion.

The main thing which is desired to be accomplished by the amendment is that at some time during this centennial year the two Houses of Congress shall take an appropriate and dignified notice of this event, the greatest event in American history, and the failure to do it, it being the habit of our people both in the nation and in the States and in towns to commemorate in some way such anniversaries, would, I think we all agree, be deemed a marked and significant omission by the American people.

The other thing which I think all the committee and the Senate desire is that the Chief-Justice of the United States, the great representative and authority of the constitutional law of this country by reason of his great office, should be invited to deliver an address on that occasion before the two Houses of Congress.

This amendment accomplishes those two things, and I believe when it has been read it will meet with no objection in the Senate. I therefore move as a substitute for the amendment of the Senator from New York what I send to the Chair.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The SECRETARY. It is proposed to strike out all after the first word "That" in the amendment, and to insert in lieu of the matter stricken out:

In order that the centennial anniversary of the inauguration of the first President of the United States, George Washington, may be duly commemorated, Tuesday, the 30th day of April, A. D. 1889, is hereby declared to be a national holiday throughout the United States. And in further commemoration of this historic event, the two Houses of Congress shall assemble in the Hall of the House of Representatives on the second Wednesday of December, A. D. 1889, when suitable ceremonies shall be had under the direction of a joint committee composed of five Senators and five Representatives, members of the Fifty-first Congress, who shall be appointed by the presiding officers of the respective Houses. And said joint committee shall have power to sit during the recess of Congress; and it shall be its duty to make arrangements for the celebration in the Hall of the House of Representatives on the second Wednesday of December next, and may invite to be present thereat such officers of the United States and of the respective States of the Union, and (through the Secretary of State) representatives of foreign governments. The committee shall invite the Chief-Justice of the United States to deliver a suitable address on the occasion. And for the purpose of defraying the expenses of said joint committee and of carrying out the arrangements which it may make, $3,000, or so much thereof as may be necessary, is hereby appropriated.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. REAGAN. Mr. President, as to the suggestion there about making the day mentioned a holiday throughout the country, does the Senator think that it is important to keep that in the proposition? We have already some holidays, and if we look at the condition of Italy and other countries that are almost worn out with a cessation of labor by a large number of holidays, it seems to me we need not provide for quitting the ordinary business of the country, because we have already some holidays and perhaps as many as ought to be imposed on the people of this country.

Mr. HOAR. The Senator will observe that this is not made a per-

manent holiday, but only for this one year, and there is to be a great celebration in New York City on that day, and I hope there will be celebrations elsewhere in the country.

Mr. REAGAN. My remarks do not apply, then. I thought it was to make it a permanent holiday.

The amendment to the amendment was agreed to.

The question was put on the amendment as amended, and it was declared to be agreed to.

Mr. HARRIS. Is the amendment upon which the Senate adjourned yesterday evening disposed of?

The PRESIDENT *pro tempore*. That is this amendment.

Mr. HARRIS. The yeas and nays were ordered upon that amendment.

The PRESIDENT *pro tempore*. So the Chair understood, but the Chair understood that the call was withdrawn.

Mr. HARRIS. I was not aware of the call having been withdrawn, and I want the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks that on this question the yeas and nays be entered on the Journal.

Mr. HOAR. On the substitute, or the final vote?

Mr. HARRIS. I refer to the amendment on which the Senate adjourned last night, appropriating $300,000 for this celebration.

Mr. HOAR. That has been modified, so that the question now comes up on that amendment as amended by the adoption of the substitute just read, which appropriates but $3,000.

Mr. HARRIS. That is a substitute for the amendment pending last night?

Mr. HOAR. That is a substitute for that amendment.

Mr. HARRIS. I do not demand the yeas and nays on that.

The PRESIDENT *pro tempore*. The demand for the yeas and nays is withdrawn. The amendment as amended is agreed to.

Mr. MITCHELL. I offer the following amendment, to come in after line 7, on page 15:

For furnishing, delivering, and laying 2½ nautical miles of new submarine telegraph cable to connect Cape Flattery with Tatoosh Island; also for the construction or repair of the necessary land connections so as to secure uninterrupted telegraphic communication between Tatoosh Island and the commercial telegraph systems of the country, the sum of $6,300, to be immediately available.

Mr. ALLISON. I make the point of order on that amendment. It is not reported by any committee.

Mr. MITCHELL. I will state to the chairman of the committee that this amendment was originally referred to the Committee on Commerce, and on the 19th of February was reported back by that committee and referred to the Committee on Appropriations; so that it is in order as far as that is concerned. If the chairman of the committee will hear me a few moments, I think I can satisfy him it ought to be adopted.

The PRESIDENT *pro tempore*. Will the Senator forward the original print to the desk?

Mr. MITCHELL. Yes, sir.

The PRESIDENT *pro tempore*. It appears by the indorsement upon the amendment that it was referred to the Committee on Commerce, reported on the 19th instant, and referred to the Committee on Appropriations. The point of order therefore is not well taken. The question is on agreeing to the amendment.

Mr. MITCHELL. Now, I will say a word with reference to the amendment. This proposes to renew a submarine cable between Tatoosh Island and Cape Flattery. In 1883 that cable was provided for and was constructed and was in operation from that time until in January, 1887, when it broke down. It was then repaired by the Signal Office at an expense of about $1,000. It was continued and was operated until December, 1887, when it again broke down. It was again repaired and continued to be operated until December of last year, 1888, when it again gave way. The matter was called to my attention by persons engaged in shipping on Puget Sound and elsewhere, and also by the Signal Office, and I have a communication from that office. On this the Committee on Commerce reported this amendment. The original papers were mislaid and I this morning have received duplicates from General Greely, Chief Signal Officer, accompanying the same with this letter, which I will read:

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, February 22, 1889.

MY DEAR SIR: In response to your personal application, I send you herewith a duplicate of the telegram previously forwarded to you, which shows that after five years' work on a rocky, stormy, and unfavorable coast, the Tatoosh Island cable has not only failed, but that the sea end is completely gone. Six or seven hundred dollars have been spent in repairs during the past year, and now the officer reports that it is not worth the further expenditure of money to repair the present cable. This opinion is concurred in by the Chief Signal Officer, from his personal knowledge of the money spent and of the great difficulties attending the repair of a cable on such a barren, rocky coast. The only recourse is the purchase of a new cable or the abandoning of the line to Tatoosh Island with the main line of this service, which connects the light-house at Tatoosh Island with Port Angeles, and thus renders impossible reports of wrecks and orders for assistance to vessels in distress at or near Cape Flattery.

I am, very respectfully, yours,
A. W. GREELY, *Chief Signal Officer.*

Hon. JOHN H. MITCHELL, *United States Senate.*

The communication heretofore sent, which was mislaid, is as follows:

[Subject: Tatoosh Island cable.]

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, February 4, 1889.

MY DEAR SENATOR: In reply to your communication of the 1st instant, received this a. m., I have the honor to submit herewith, as requested, an estimate for the proposed amendment to the sundry civil bill providing for a new telegraph cable and the necessary work on the land connections to put the Tatoosh Island line in proper working order.

In this connection I would state that the old cable was laid in 1883, and that it failed for the first time in January, 1887, due to the wearing away of the armor wires from hafing against the rocky bottom during the frequent and heavy storms on that coast. Repairs were made with great difficulty, and costing about $1,000. The second break in the cable occurred in December of the same year, and from the same causes. This also was repaired at considerable expense; but it became evident that the cable could not last much longer, and that if replaced by a new one, a heavier armor would have to be provided to suit the conditions of that locality. The last break occurred in December, 1888, and while an inexpensive attempt was made to repair the damage, it was found impossible to do anything with the worn-out pieces, and the cable has, therefore, not been in operation since.

I inclose herewith a copy of my last annual report, inviting your attention to the marked paragraph on page 23 relative to this subject.

I am, very respectfully, your obedient servant,
A. W. GREELY, *Chief Signal Officer.*

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

Since that letter was written a copy of the telegram was transmitted to me, received by the Chief Signal Officer from the officer of the Signal Service at Ashland, Oregon, which reads as follows:

[Telegram.]

ASHLAND, OREGON, *February 15, 1889.*

To SIGNAL OFFICER, *Washington:*

All efforts to repair Tatoosh cable have utterly failed. Cable is completely gone and not worth further expenditure of money.

SWIFT, *Lieutenant.*

I have other documents in support of the proposition, and ask their insertion in the RECORD.

The papers are as follows:

[Subject: Tatoosh Island cable.]

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, February 4, 1889.

SIR: In reply to your letter of the 1st instant, I have the honor to submit the following estimate:

"For furnishing, delivering, and laying 2½ nautical miles of new submarine telegraph cable, to connect Cape Flattery with Tatoosh Island, also for the construction or repair of the necessary land connections, so as to secure uninterrupted telegraph communication between Tatoosh Island and the commercial telegraph systems of the country, the sum of $6,300, to be immediately available."

And in connection therewith to say that the wording of the estimate as submitted above must be insisted on, as otherwise, especially if the portion in regard to land connections is omitted, the office will be much embarrassed and the Government placed at the mercy of private corporations, who may control the approaches to the cable.

It should be immediately available, as it will take several months to obtain this cable.

I am, very respectfully, your obedient servant,
A. W. GREELY, *Chief Signal Officer.*

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

[Subject: Tatoosh Island cable.]

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, February 16, 1889.

MY DEAR SENATOR: In connection with my letter of the 4th instant, inclosing an estimate for a new telegraph cable for the Tatoosh Island line, I have the honor to say that, in order to leave nothing undone to restore communication with the island through the old cable until an appropriation for a new one should have become available, another attempt has been made to recover and repair the broken cable from the mainland to Tatoosh Island. The result of this last attempt is shown in a telegram just received from the officer in charge of the line, and of which the following is a copy, namely:

"ASHLAND, OREGON, *February 15, 1889.*

"To the CHIEF SIGNAL OFFICER,
"*Washington, D. C.:*

"All efforts to repair Tatoosh cable have utterly failed. Cable is completely gone and not worth further expenditure of money.

"SWIFT, *Lieutenant.*"

I am, very respectfully, your obedient servant,
A. W. GREELY, *Chief Signal Officer.*

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

[Estimate.]

Two and one-half nautical miles of cable, domestic manufacture, at $2,200 per mile, makes $5,500; necessary land connections, $800.

For furnishing, delivering, and laying 2½ nautical miles of new submarine telegraph cable, to connect Cape Flattery with Tatoosh Island; also for the construction or repair of the necessary land connections so as to secure uninterrupted telegraphic communication between Tatoosh Island and the commercial telegraph systems of the country, the sum of $6,300, to be immediately available.

I will say one word further. All the shipping, both coastwise and foreign, that comes into Puget Sound, of course comes in and goes out past this island. The light-house is there and the signal officer has been stationed there for a number of years. In 1887 there were over four thousand vessels that went in and out there, and I think perhaps two or three times as many now.

I hope the amendment will be adopted. It is a very important matter.

Mr. ALLISON. The information now presented by the Senator from Oregon, like the cable itself, was lost, and therefore the committee had no opportunity of investigating the subject. I do not object to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Unless some amendment be reserved

the question will be taken on concurring in gross in all the amendments made as in Committee of the Whole.

Mr. VEST. I want to reserve one amendment for action in the Senate.

The PRESIDENT *pro tempore*. Will the Senator indicate the page?

Mr. VEST. I have not a copy of the bill before me, but it is the amendment for the purchase of additional ground for the Public Printing Office, about which we had some discussion the other day.

The PRESIDENT *pro tempore*. Section 3, the Chair understands. Are there further reservations? As the Chair recalls the understanding, there was unanimous consent that the amendments concerning the plate-printing should be reserved for a separate vote in the Senate.

Mr. ALLISON. That was suggested by the Senator from New Jersey [Mr. MCPHERSON], but he afterwards told me personally that he would not insist upon it.

The PRESIDENT *pro tempore*. Then, if there be no objection, all the amendments made as in Committee of the Whole, except the one reserved by the Senator from Missouri, will be regarded as concurred in in the Senate. The Secretary will state the reserved amendment.

The SECRETARY. The Senate, as in Committee of the Whole, agreed to add as an additional section the following:

SEC. 3. That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square No. 624 of the city of Washington, lying east of a 20-foot alley running from G street to H street, and bounded by H street on the north, G street on the south, North Capitol street on the east, and said named 20-foot alley on the west; said parcels being divided east and west by Jackson alley, and intersected in part by a 14-foot alley, running from G street to Jackson alley; said real estate now in part being occupied by the Government Printing Office. And for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated. And when said real estate shall be acquired, said board may direct that the 14-foot alley, running from G street to Jackson alley, shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may take proceedings for the condemnation thereof in the manner provided for in section 2 of this act.

Mr. VEST. Mr. President, when this matter was under discussion the other day in Committee of the Whole I raised a point of order that this amendment did not come from any regular committee, nor was it in the Book of Estimates, nor was it recommended by the head of a Department or any public officer. I understood the Senator from Maryland [Mr. GORMAN] to state that the Public Printer in his report had asked for this appropriation in order to purchase this ground. Upon examination I find that the Public Printer has not done so. It will be seen that this is an appropriation of from at least $180,000 to $200,000 to purchase a large amount of ground adjoining the present site of the Public Printing Office. In the report of the Public Printer for 1888 I find the following:

In the proper place, I shall ask for an appropriation for this purpose—

That is, to put additional storage-rooms to the Public Printing Office.

What is demanded is a storage building, of sufficient capacity, erected adjoining the present building containing the bindery, and properly connected with it.

In the proper place, I shall ask for an appropriation for this purpose, and I trust Congress will not fail to grant it, as well as make provision for appraising and condemning such private property as may be necessary to provide a site for the same.

That was simply for a building for storage, and in accordance with that statement here was his recommendation as to an appropriation:

Purchase of site and erection of additional storage building adjoining office, $50,000.

Now, it goes without saying that that is not the recommendation which is contained in this amendment. That was simply to provide a storage building to cost $50,000, and now it is proposed by this amendment to buy all the remainder of that block adjoining the Public Printing Office, the cost of which will amount at the very lowest estimate to $180,000, and in my judgment it will go to $200,000 or $250,000 the minute it is known that the Government needs that property.

We were also told by my friend from Maryland—who stated to me that I had no personal knowledge on this subject and that he had—that the data would show that this appropriation was necessary in order to remove the dangerous condition of the present building. Now, I want to read in the last report of the Public Printer what he says:

The lack of proper space in the office is also of great importance in connection with the health and comfort of the employés. In some of the divisions artificial lighting is required daily, and this, in summer, renders the heat intolerable, and the eye-sight and general health of many employés suffer in consequence. The near proximity of the office stables and those of adjoining property-owners, as well as the filthy condition of adjacent alleys and rows of tenements, add to the general unhealthiness of the office, due to the malarious neighborhood in which it is built, and calls, as a matter of humanity, for the early adoption of plans for the erection of a new and capacious building in another and more convenient locality for the purpose of the public printing.

We heard a very pathetic and eloquent appeal from my friend the other day in behalf of the employés in the Printing Office, so eloquent and so pathetic that the Senator from New Hampshire [Mr. BLAIR] offered a resolution instructing the Architect of the Capitol to inquire into the condition of that building and make immediate repairs in order to remove this dangerous condition; and now the very report to which we were referred as a recommendation of this appropriation says that the malarious condition of that neighborhood is such as to endanger the lives of the employés; and yet we are asked to buy the remainder of the block in the very same neighborhood.

I think there is no locality in the city of Washington so objectionable for a public building as that where the Government Printing Office is now located, and notwithstanding the statement of the Public Printer that the malaria there is such as to endanger the health of the employés, we are asked now to buy the remainder of the block, and notwithstanding the fact that he never asked but for $50,000 not only for the site but for the building, both included, we are asked now to buy ground amounting to $180,000 or $200,000, I believe to $250,000, and to erect, not an additional storage building, but an addition to the Printing Office, the whole cost of which will amount, as I have not the least doubt, to nearly a million dollars. I have gone now to the very authority cited by the Senator from Maryland, and it does not sustain his argument or his position.

Mr. GORMAN. Mr. President, I regret exceedingly that on this question, one of so much importance to the individuals employed in the Government Printing Office and to the Government itself, there should be any feeling whatever exhibited simply because the proposition happened to be considered for the past four years by the Committee on Public Printing and not by the Committee on Public Buildings and Grounds. I do not think the whole question is broader than that.

The Joint Committee on Public Printing, including three of the members of this body who have been acting upon that committee for years past, have believed that under the law everything relating to the conduct of the public printing, the building, the repairs necessary, the additions that might become necessary, was directly under their jurisdiction, and I do not think I am mistaken when I say that universally they have so acted, and in no case have they ever thought it necessary or proper to refer their recommendations to the Committee on Public Buildings and Grounds.

For one, as the minority member of the Printing Committee, I should have been delighted if my friend from Missouri and the other members of the Committee on Public Buildings and Grounds had taken this matter into consideration and ascertained what was necessary in relation to it and made proper provision for it. As they have failed to do so, as they have never thought it was their duty up to this hour to do it, the Committee on Printing have gone on to discharge what they believed to be a public duty.

When the sundry civil appropriation bill was under consideration a year ago the distinguished Senator from Kentucky [Mr. BECK], who was the Democratic member in charge of the bill and whose attention had been called to this matter, requested me, and I think my friend from Connecticut [Mr. HAWLEY], to go to the Printing Office and confer with the Public Printer and ascertain what was necessary to be done. We performed that duty and came back and formulated the exact provision that is now proposed to be put in this bill. It was presented to this body by the Committee on Appropriations upon the recommendation of the Committee on Public Printing, and so far as I know no member of the Committee on Public Buildings and Grounds thought that we were exceeding our duty or interfering in the slightest degree with their prerogatives. It is away beyond that to-day, sir. It is a question whether Congress shall take action and furnish ample room and ample provision for the public printing. It is a question, as I have said and as I read and presented from the report of the Public Printer, whether we shall make provision to protect the people who are employed in that building now where their lives are in jeopardy unless he interferes with the public affairs by removing from this old building the immense weight that is put upon it. I make no mistake about his statement; I read it to the Senate, and it is contained in that document. It is true he does not make a specific recommendation for the construction of a new building, as his predecessor had done, but I state upon my responsibility as a Senator and as a member of the Committee on Printing, and also of the Committee on Appropriations, that in my judgment no more urgent case has been presented to the Senate than the one now under consideration.

If there are others who, upon a mere technicality, and because of some supposed slight to a committee, will take the responsibility of defeating this appropriation and jeopardizing the business interests of the Government and the health and welfare of the people employed at the Printing Office, let them take this responsibility; I have discharged my duty.

Mr. VEST. Mr. President, the Senator from Maryland shall not introduce a false issue into this controversy. I made no point as to the jurisdiction of the Committee on Public Buildings and Grounds. I think and repeat now, as he has brought the subject up again, that this appropriation ought to have gone to the Committee on Public Buildings and Grounds. But that is not the point which I make to-day. He, the other day, as a member of the Committee on Printing, who had taken charge of this matter, stated that the Public Printer recommended the

purchase of this ground adjoining the site of the present Public Printing Office. I go back now to his recommendation, and I find that the only thing the Public Printer ever asked was an expenditure of $50,000 to put up a storage place, not an addition to the Printing Office, but a place in which to store paper and type and other material, and here we have an appropriation contemplated of nearly $1,000,000 without any recommendation on the part of the Public Printer.

Again, the Senator says that the Committee on Public Buildings and Grounds has not done its duty by failing to recommend an additional building for the public printing or because it has never taken that question up; and yet the Senator in his argument the other day, if I remember it correctly, said that the Committee on Printing had taken charge of this matter and that the Committee on Public Buildings and Grounds had nothing to do with it. To-day he shifts his ground and says that the Committee on Public Buildings and Grounds has not done its duty because it has not made a recommendation of the appropriation contemplated in this pending amendment.

Mr. President, there is no question here about danger to human life unless it be in the statements made by the Public Printer as to the malaria. He does state in his report of 1888 that he wants additional storage room because the paper and the type piled up in the Public Printing Office made some of the floors insecure, and he proceeds to ask for an appropriation of $50,000, and that is the whole of his recommendation. But he does state in his last report of 1889 that the present site of the Printing Office is so unhealthy by reason of malaria as to endanger the health of the employés; and yet my friend who is so solicitous for the health and comfort and safety of the employés in that office wants us now to expend a million dollars to put up an additional building in that same unhealthy and malarious locality, the worst in the city of Washington.

As a matter of course I do not expect to defeat this appropriation, backed as it is by the weight of the Committee on Appropriations, with the Senate numerically in its present conditions; but I want to call public attention to the statements of the Public Printer and to the facts in order that this amendment may be defeated in another place.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GORMAN. Mr. President, in view of the statement just made by my friend from Missouri I wish to state precisely what the Public Printer does say. I read it some days ago. He says:

The condition of the H street wing of the office—

That is the whole front on H street, the entire length of the building, being the original building purchased by the Government from Cornelius Wendell, constructed by private parties—

The condition of the H street wing of the office, as to its capacity to carry the weight to which it is subjected in its present crowded condition, has been a source of daily anxiety during the past year, and I have frequently felt impelled to order the discontinuance of labor and the removal of work awaiting completion, in order to relieve the floor from the dangerous accumulation of weight upon it, which threatened the lives of the employés and the safety of the property under my charge.

I do not know how the Public Printer could have penned a stronger recommendation than that.

Mr. VEST. I ask the Senator from Maryland if, in the same report and in connection with the very thing he has read, the Public Printer does not ask for an appropriation of $50,000 only to purchase a site and put up a building, and here this contemplates an appropriation involving finally about a million dollars.

Mr. GORMAN. Yes, Mr. President, and this matter has been here for consideration often before, and the opposition of gentlemen who do not want to make ample provision for this office has resulted in the construction of one or two little storerooms and a small addition to the present establishment, all of which are found inadequate now; and the Public Printer, I take it, looking at the action of Congress last year on this very bill, where the Senate made provision for an entire and complete structure, or rather the purchase of ground to begin it, to make the Printing Office what it ought to be, a fire-proof building, and it failed to become a law, became discouraged, and with a view of temporarily preserving the lives and the health of persons employed there has made a specific recommendation only for temporary relief.

Mr. VEST. May I ask the Senator a question?

Mr. GORMAN. Certainly.

Mr. VEST. I ask him now if he thinks that Congress in the teeth of the statement just made in the report of 1889 by the Public Printer that this vicinity, this site which is proposed to be purchased, is unhealthy and malarious and dangerous to the health of the employés, ought to make this purchase?

Mr. GORMAN. Mr. President, I am not going into the question of the sanitary condition of that section of the city. The location of the office where it is may have been unfortunate, but it is there, and nobody in Congress or out of Congress in my judgment would think of attempting to erect an independent building in another section of the city and to abandon that immense affair, which we have constructed at a cost of a million dollars; and, besides that, the operatives in this great establishment, men who get from a dollar and a half to four dollars a day, have their little homes in that section. They have located there. It has become a permanent affair to them, and they evidently do not think, as they reside in that section, that it is unhealthy. They live there and have their work near to their doors.

Now, the only practical thing for Congress to do is to make provision to acquire enough property to enlarge the building and put up one that is fire-proof and that will be well ventilated and will have plenty of light, and to have it so constructed that we may have two sets of engines and two sets of machinery, as every private establishment in the country conducted upon any great scale would have, so that if an accident should occur to one the whole work of the Government would not stop.

That is the best judgment of gentlemen who have served upon the Committee on Printing and who have examined the question; and I think my friend from North Carolina [Mr. RANSOM] will concur in that opinion in a general way. Nobody has dissented from it either in the House of Representatives or among those who have served upon the Committee on Public Printing in the Senate.

So far as I am concerned, I do not want to spend a dollar of the public money unless it is for some great public purpose; but I say that we have voted and my friend from Missouri and I both vote constantly for appropriations three times as much that will not produce half the results both to human happiness and for the promotion of the best interests of the Government that this will do.

Mr. VEST. I simply want to read again, in answer to the Senator from Maryland, to put myself entirely in an accurate position as to this whole matter, because no one is more anxious than myself to provide proper accommodations for these employés, what the highest authority on this subject says, and that is the Public Printer himself. This is from his report of 1889:

The near proximity of the office stables and those of adjoining property-owners, as well as the filthy condition of adjacent alleys and rows of tenements—

I suppose those are the quiet, cleanly domestic establishments of the employés—

add to the general unhealthiness of the office—

Now mark this language—

due to the malarious neighborhood in which it is built, and calls as a matter of humanity for the early adoption of plans for the erection of a new and capacious building in another and more convenient locality for the purpose of the public printing.

Not that it is proposed to buy this ground, but away from it. Now, sir, I may be pardoned, and must be, as I was told the other day that I had no personal knowledge of this matter, if I turn to the recommendations of the officer at the head of the bureau. If his statements are not to be relied upon, then I am at sea and simply must vote as the committee tells me.

Mr. VOORHEES. Mr. President, I do not take much stock in any man's opinion as to healthful or unhealthful points in this city. I think they are all about the same, and I think this subject of malaria, etc., is greatly exaggerated. I believe a person, with due precaution and observance of the laws of health and life, can enjoy as much health in the District of Columbia as he can anywhere else. Every indiscretion, every late hour, and every excess is charged up to malaria in this District, especially by physicians when they do not know what else to assign it to; and I am disposed to set down the Public Printer's estimate of the sanitary condition of the locality of the Government Printing Office at about the same rate and value.

I did not rise, however, merely for the purpose of saying this. I care not whether this question is considered by one committee of Congress or another. It is a matter of small importance whether the Committee on Public Buildings and Grounds or the Committee on Public Printing shall pay proper attention to this subject. I take it that either one of these committees would do right on the subject whenever it took jurisdiction of it. I would say that the Committee on Public Buildings and Grounds would be a very proper committee if they had taken hold of the matter and were disposed to push it forward. For the reason that the Committee on Public Printing has taken charge of the matter, I shall support them in their jurisdiction.

Mr. President, I have been in the Government Printing Office quite often, and I was never in it in my life that I did not feel a sense of discomfort, apprehension, and anxiety. A low, dark, unsafe, rambling building with twenty-five hundred people in it is what the observer contemplates on going there, which is no more fire-proof than a rick of straw under a high wind on the plains. One of the most important functions to be performed in that Government Printing Office is by the watchmen. The watchmen, with the vigilance that admits of no relaxation at all, have to tread the floors every moment of the night-time and of the daytime in view of the possibilities of fire. It is not a tall building, and perhaps there would not be much of a holocaust if a fire should take place. Young, active men would get out from there, and perhaps some old women, eking out a subsistence, might be lost in a calamity of that sort, and I understood the Senator from New Hampshire [Mr. BLAIR], in the kindness of his heart, to suggest it would not burn more than a dozen or two. Perhaps not.

But, Mr. President, it is a disgrace to our civilization that the tremendous work of the Government printing is carried on in that dark, low, uncomfortable-looking building. Laboring people ought to have

some cheerful surroundings. They ought to have some access to sunlight and to air; they ought to have an opportunity to see the world outside and see the blue sky and see the trees in bloom and blossom, instead of being immured in comparatively a dungeon.

The amount of work to be done is accumulating rapidly. Resort has been had to the report of the Public Printer, for whom I have the highest possible respect and whose efficiency in the management of this office has stood and will stand for years to come the most censorious criticism. He makes some statements here which have not been produced, which I will submit to the Senate. He says:

The public printing is also increased year by year by the creation of new bureaus, commissions, and adjuncts of the public service by acts of Congress. This growth must naturally go on, for as the country increases in wealth and population the Government printing must increase with it.

It seems as if some men were prone to remember the time when this Government had 40,000,000 people and can not think of it now as a Government of 65,000,000. They seem to attach their veneration to a period which we have outgrown, to a period when we wore swaddling clothes instead of being clothed now as a giant.

The Public Printer proceeds to say:

Larger appropriations are absolutely demanded to meet this inevitable growth of the public printing. It is a mechanical impossibility for the office to further increase its daily average of work under the present rate of appropriations and with the present facilities and space.

While the increase of printing goes on the Public Printer says it is a mechanical impossibility to increase the daily average of the work of that office with the present appropriations and the present space.

The limit of capacity—

He says—

has been reached in the folding and binding divisions, and each is entirely unequal, with the present floor space, to the task of handling the full amount of work which is daily sent up from the press-room.

What a picture is this! "The limit of capacity has been reached," and here we stand debating, with a great flood-tide of printing, increased day by day and week by week and month by month and year by year, and yet knowing that the limit of capacity has been reached in several divisions of this Government Printing Office beyond which they can not go! He continues:

The folding-room is so much embarrassed for want of working space and storage room, that it is necessary to transport daily many tons of printed matter to storage-rooms half a mile distant, and to handle the same with trucks and elevators, merely as a temporary expedient for relief, while presses have daily stood idle in the press-room, with work awaiting them, simply through the inability of other divisions of the office to handle their full product. The bindery is scarcely able to meet the current demand upon its facilities, while a large amount of delayed work of former years is still in arrears.

This condition of affairs has been called to the attention of Congress year after year, and it must now be said that the demand for additional space for certain divisions of the office has grown so imperative that the remedy can not be longer postponed without still greater embarrassment of the public service. The exigency calls for the erection of a temporary building, with the utmost speed, adjoining the main office, until plans and means can be provided for the provision of a proper and capacious building.

There is more of this that I might read and would but for the condition of my throat and lungs. I have read enough, however, and I have seen more with my own eyes to satisfy me of the necessity of early and energetic action on this subject.

As to the location of this building, I would as soon see it constructed there as any place else if the property can be purchased at proper rates. There is something in what the Senator from Missouri says that if it is known we are to purchase that ground prices will be placed upon it with a view to get all the money the owners can out of the Government. It might be well to fix an alternative, as we did when we purchased the property for the Library building and made a good purchase by having the alternative right under the law to purchase one piece of property or another. Perhaps something of that kind would be well here. But as to the general object, I know nothing connected with the service of the Government in Washington City more imperative than the construction of a new Government building for the Public Printing Office. It is suggested in my hearing by Senators about me that the condemnation proceedings contemplated by the amendment will protect against any exorbitant or improper price. That may be so, and I trust that it will be so.

In regard to the question of economy with reference to public buildings, I will simply say that if an inquirer on that subject goes over this city he will be utterly amazed to find how much of the Government work is done in improper, imperfect, unheathful, dark, and dismal places. He will be surprised at the amount of rents we are paying all over this city. With the magnificent structure known as the State, War, and Navy Department building, if it was all given to the War Office it would not more than accommodate the archives of that one Department of this Government. The consequence is that there is a locality all around that building inhabited by Army officers and employés of the War Department and the Navy Department, and in some instances I believe of the State Department, for which the Government is paying more rent annually than it would take to construct proper buildings for the service of which I am speaking. So, take the Post-office Department, and you will find the same; and yet, whenever it is proposed to erect a proper building, a reputation for economy is sought to be made by opposing the payment of money which would purchase for the Government proper accommodations, while nothing is said about the improvident, wasteful, and extravagant habit of paying large amounts for the rent of buildings that we have no claim upon after the rent is paid.

We are paying for rents year after year more money than would purchase in a few short years all the space that we need; and now when a proposition comes up to appropriate one hundred or one hundred and fifty or two hundred or two hundred and fifty thousand dollars—I care not how much—to make a proper place for the hard and overworked men in the employment of this Government in the Government Printing Office, I have no hesitation in declaring that it ought to be done and done at once, and the sooner the better.

Mr. VEST. Mr. President, I do not know whether the Senator from Indiana refers to me when he speaks of there being persons who can not recognize the fact that this Government has grown——

Mr. VOORHEES. No, I do not.

Mr. VEST. I think I know the size of the United States quite as well as I know anything else; and as to a character for economy, I have never had any ambition in that direction. I have reported more bills for public buildings in this city, I believe, than any other Senator during my ten years' service.

Mr. VOORHEES. I hope the Senator from Missouri will not undertake to make a personal application of any general remarks that I made.

Mr. VEST. I am not making any personal application, but I am simply meeting the general drift of the Senator's argument.

I have always advocated the purchase of proper sites and the erection of buildings with adequate capacity for the public service in every portion of the city of Washington and for every public purpose, and the records of the Senate show that I have reported from the Committee on Public Buildings and Grounds a bill for the erection of a hall of records, absolutely necessary, which we have passed three times and sent to the House of Representatives without any action from that House upon it at all.

Every word the Senator from Indiana has said in regard to the enormous expenditures for rent in the District of Columbia is true; and we should now—and it is a good business principle—erect every building that is necessary for the purposes of this Government without renting at all. Property is advancing here. We can put up these buildings now cheaply, and we can put them up of such size as to meet the increased growth of the Government. If we delay, the price of property, even if it is condemned hereafter, will more than counterbalance any item of expense which may come from an increased cost of construction.

But, Mr. President, whilst I say all this, I believe that the business of this Government, as far as possible, should be conducted like every individual would conduct his own business—economically, wisely, with prudence, and with foresight. The fact that this country is large is no reason why we as trustees of the people should rush into all sorts of useless expenditure, and be satisfied with the statement that there is a surplus in the Treasury and the resources of the country are so great that it can stand any extravagance whatever.

I believe that a public printing-office should be put up, constructed from top to bottom in such a way as to meet the necessities of that bureau, and in a healthy locality. I believe, notwithstanding what the Senator from Indiana has said about malaria, that the worst part of the city next to that adjacent to the Potomac Flats is where the Public Printing Office is to-day located. I would purchase no more ground there. I believe the money would be thrown away comparatively. I think the duty of the Congress of the United States now is to tear down that old building, dispose of the real estate, and put up a public printing-office convenient to all the Departments of the Government and in a healthy locality.

I agree with the Senator from Indiana and the Senator from Maryland that the present old trap in which the public printing is carried on is a disgrace to the Government, and I agree in a large measure with their statements; and yet we are asked to add to it a new building, but we retain the old one, and we retain the site because we put in this additional sum of money amounting for the site alone at the lowest calculation to nearly $200,000.

The PRESIDING OFFICER. The Senator from Missouri will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the resolution reported by the Senator from New York [Mr. EVARTS] from the Committee on Privileges and Elections, to revise the existing laws regulating the election of members of Congress.

Mr. ALLISON. I ask unanimous consent that that may be laid aside informally.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed with the consideration of the sundry civil bill. Is there objection? The Chair hears none, and it is so ordered. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CALL. Mr. President, the adoption of this amendment in some form I think is certainly necessary, but the question whether or not it should be confined to the locality where the Printing Office is now lo-

cated seems to me to be a subject of serious consideration, and I think the Senator from Maryland, who seems to be specially interested in this amendment, should modify the amendment so as to allow the possibility of a choice of some other locality. If the Printing Office is to be kept where it now is, beyond all question the adjacent lots mentioned in the amendment should be acquired by the Government without delay. If it should be removed, that question should be decided at once, because all that has been said here to-day and much more may be truly said in reference to the ability of the Government to discharge its obligation to those who are employed in this building. There can be no excuse for the Senate or for the committees of the Senate who are charged either directly or indirectly with the care of the public buildings and the construction of new ones for permitting this nuisance and this danger to the lives and health of people to remain. We are worse than any uncivilized and barbarous people in the world if these statements be true, and that they are true all persons seem to concur, in reference to the condition of this building.

Mr. President, certainly some action should be taken, and the Committee on Appropriations desired to do that which was practicable and which could be done at the earliest moment. They therefore adopted the only practicable suggestion which was before them on this subject; but in the light of the suggestions made by the Senator from Missouri, it seems to me that it would be only reasonable either upon the conference or elsewhere to provide for a consideration of some other and better locality in which this building should be constructed, but unquestionably there should be, as stated by the Senator from Missouri, a building complete and adequate for the purposes of the Government built without a moment's delay. It should be commenced at once and the present condition of things should not be permitted to continue longer.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. DANIEL. Mr. President, I ask leave now to call up the amendment, offered by myself, to prepare a pedestal and site for a statue of General Winfield Scott Hancock.

The PRESIDENT *pro tempore*. The Senator from Virginia proposes an amendment, which will be read.

The SECRETARY. At the end of line 24, page 93, it is proposed to add as an additional paragraph the following:

Site and pedestal for statue of General Winfield Scott Hancock: For the preparation of a site and the erection of a pedestal for a statue of General Winfield Scott Hancock in the city of Washington, $40,000; said site to be selected by and said pedestal to be erected under the supervision of the Secretary of War, the chairman of the Joint Committee of the Library, and such other person as the President of the United States may appoint.

Mr. HOAR. I should like to ask the Senator from Virginia by whom is this statue itself to be erected?

Mr. DANIEL. There is no statue prepared to be erected, but it is only in contemplation that in time one will be.

Mr. HOAR. I desire to say to the Senator that I introduced a measure some year or two ago for a statue of General Hancock, and I am quite confident in my recollection that the provision passed the Senate and never was taken up in the other House. I may be in error, but I think it was within a few weeks after General Hancock's death took place. I am heartily in accord with whatever the Senator thinks should now be done. I shall be willing for one to go much further than to have the pedestal merely prepared, and to now vote, if anybody shall propose it, for a provision for the statue itself. I would not, of course, interpose any motion in regard to a matter which the Senator from Virginia has considered.

Mr. DANIEL. I was not aware that the step had been taken which is referred to by the Senator from Massachusetts, and I regret that it has not been consummated by the concurrence of the other House. Had I known it I would have consulted with the Senator before offering any proposition upon the subject. However, I do not conceive that this amendment at all conflicts with the plan embodied in the Senator's bill, but is in harmony with it. There can be no doubt that the time is not far distant, whether or not it may be done at this session, when a statue of General Hancock will be erected, and this is only a step in that direction which can be readily consummated awaiting the event.

Mr. HOAR. I should like, with the leave of the Senator from Virginia, to make one other observation in which I am sure I shall have his concurrence. I also introduced a year or two ago a proposition for a statue at the seat of Government to President James Madison. It was at a time when a provision was in process of making for several important public works, the monument, I think, at Yorktown, and some public work in New York, and perhaps one at Brattleborough, Vt., and one or two important statues here, the statue of Lafayette, which is now in process of construction in France.

It was not adopted at the time, but I desire to take this occasion to say that it seems to me almost a reproach to the people of the United States that no adequate and worthy memorial of that great statesman and patriot exists at the seat of Government. For reasons undoubtedly satisfactory to her, Virginia in the erection of that perhaps the noblest work of art on this continent, the statue of Washington surrounded by his friends and supporters, the great Virginians of his day, which exists in Richmond, Va., did not provide for the representation of the figure of Mr. Madison there. Perhaps one reason, in selecting the group about the central figure, why Mr. Madison was omitted and other eminent and illustrious Virginians preferred, was the expectation that that duty of piety and patriotism would be discharged by the national Congress.

Mr. Madison was one of the very greatest of men. There is no single mind which was so impressed on our Constitution as his, not even that of Alexander Hamilton, his great opponent and rival; and if my public service should be prolonged here there are few acts which would give me more pleasure and which would give my constituents more pleasure than to have me co-operate with any movement which the State of Virginia, that Mr. Madison more immediately represented, should make to have an elegant and proper monument to his great fame erected here.

Mr. ALLISON. I do not make any point of order on this amendment, but I desire to say that the Committee on Appropriations in inserting a provision for a pedestal and the erection of a statue to General Sheridan and General Logan did so in view of the fact that the Army of the Cumberland is preparing a statue of General Sheridan, and the Army of the Tennessee of General Logan, to be erected in this city. The Committee were not aware that any such effort was being made in the case of General Hancock. But I shall not make a point of order on the amendment. I have no doubt, as the Senator from Virginia has stated, that the soldiers who served under General Hancock will make suitable preparations for a monument to him.

Mr. DANIEL. Mr. President, I have heard with exceeding gratification the remarks of the Senator from Massachusetts in reference to a monument to the memory of James Madison.

It was said in ancient Rome that he who wandered through the forum would wonder why no monument of Cato was there, and that his memory was kept even greener by the absence of a statue which all deemed so fitting than it might have been by placing it there.

The same may be said, Mr. President, in reference to James Madison, who was called the "father of the Constitution," and who in that instrument has undoubtedly left enduring marks of his handiwork.

In the early days of the Republic there were no two States which were more heartily in sympathy with each other than Massachusetts and Virginia. The soldiers of Virginia fought on Massachusetts soil, and the soldiers of Massachusetts were down South even farther than Virginia, shoulder to shoulder and hand to hand in that greatest struggle of all the ages; and it can not be other than peculiarly gratifying not only to Virginia's representatives here but to all of the Virginia people to hear the encomiums pronounced upon her eminent men by the distinguished Senator from Massachusetts.

I trust, sir, that it is an indication that, however much the sentiment of the majority of the people of these two great Commonwealths may be divided upon some incidental questions, the day will not be far distant when the minds of their foremost men will be in unison upon propositions which are recognized as for the universal good.

I hope, sir, that the State of Virginia, however, will not wait for this fitting recognition of her great statesman by the Government of the United States. The citizens of that State can never pass through the Memorial Hall in this building without feeling some sense of regret and almost of mortification that she has not yet contributed the statues of two of her sons which she has been invited to do, that they might be in that Memorial Hall; and I trust that, even before the Government of the United States shall carry out the just plan which has been so eloquently suggested by the Senator from Massachusetts, Virginia will see to it that her contribution is made to that hall of art and memory, and that the figures of James Madison and Patrick Henry may stand there.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in the Senate? If there are none, shall the amendments be engrossed?

Mr. PLUMB. I think I offered an amendment a day or two since which has not been disposed of, to come in as an additional section.

The PRESIDENT *pro tempore*. The Chair remembers that the Senator from Kansas gave notice of an intended amendment, but it is not at the desk.

Mr. PLUMB. I forwarded it to the Secretary's desk and had it read.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add as an additional section the following:

Soldiers and sailors who were honorably discharged from the military and naval service of the United States of the war of the rebellion, and the widows and children of deceased soldiers and sailors, shall be eligible to appointment, transfer, and promotion, subject only to such examination as may be prescribed by the heads of Departments, and without competitive examination.

Mr. DANIEL. Is that open to objection?

The PRESIDENT *pro tempore*. The Senator from Kansas is entitled to the floor.

Mr. PLUMB. I do not wish to speak to the amendment, Mr. President.

Mr. DANIEL. I simply inquire, is that proposition open to objection at this stage, or is it an amendment that has passed before the proper committee?

The PRESIDENT *pro tempore*. Does the Senator from Virginia mean to inquire whether it is liable to a point of order?

Mr. DANIEL. Yes, sir.

The PRESIDENT *pro tempore*. It does not appear to have been reported by any standing committee of the Senate.

Mr. PLUMB. It has not been.

The PRESIDENT *pro tempore*. Does the Senator from Virginia interpose a point of order?

Mr. DANIEL. Yes, sir.

Mr. PLUMB. I hope the Senator from Virginia, if he will permit me to appeal to him, will not make the point of order. This amendment is in line with what he himself has very eloquently expressed, and it is practically in pursuance of the Revised Statutes and of what I think is really the fair construction of the civil-service rules themselves, although the rules appear to be of one mind and the commissioners of another.

Mr. DANIEL. With the permission of the Senator, I should like to ask him a question.

Mr. PLUMB. Certainly.

Mr. DANIEL. What are we going to do with the poor grandchildren who are orphans? Why not put them in?

Mr. PLUMB. I was early taught not to leap the stile until I got to it. The grandchildren are beyond the purview of my present reach.

Mr. DANIEL. I do not believe in hereditary honors in this Government. I believe the people themselves of their own free will and accord will always recognize proper considerations of patriotism and merit, and that full merit does not need to be legislated into office. Therefore, sir, I interpose the objection.

The PRESIDENT *pro tempore*. The Chair thinks the amendment can not be received under the rules. Are there further amendments to the bill in the Senate?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 6364) to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes, and agreed to the same.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 185) for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States.

AMENDMENT TO A BILL.

Mr. HARRIS submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, which is the resolution reported by the Senator from New York [Mr. EVARTS] directing the Committee on Privileges and Elections to revise the existing laws regulating the election of members of Congress, etc.

Mr. HOAR. I move to proceed to the consideration of the resolution that was before the Senate this morning.

Mr. PLUMB. I wish to call up the agricultural appropriation bill, which I gave notice the day before yesterday, at the time of reporting it, I would move the consideration of at the close of the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Chair thinks if there be an appropriation bill ready for action, it has the right of way.

Mr. HARRIS. I would suggest to the Senator from Kansas that if he will ask unanimous consent to lay aside informally the unfinished business, I suppose there will be no objection.

Mr. PLUMB. What is the unfinished business?

Mr. HARRIS. I suggest that instead of moving, the Senator ask unanimous consent to proceed to the consideration of the appropriation bill, laying aside informally the unfinished business.

Mr. PLUMB. I did not understand the Chair as to what the unfinished business was.

The PRESIDENT *pro tempore*. The resolution reported by the Committee on Privileges and Elections, directing that committee to revise the existing laws regulating the election of members of Congress etc.

Mr. PLUMB. I will accept the suggestion of the Senator from Tennessee and ask unanimous consent that the Senate now proceed to the consideration of House bill 12485, being the agricultural appropriation bill.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the unfinished business may be informally laid aside and that the Senate proceed to the consideration of the agricultural appropriation bill. The Chair hears no objection, and the bill is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

Mr. PLUMB. I ask that the formal reading be dispensed with, and the committee amendments be acted upon as they are reached in the reading.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read at length, and the amendments proposed by the Committee on Appropriations will be acted upon as they are reached in the text of the bill.

Mr. DAWES. The Senator from Kansas consents, if the Senate is willing, that, pending this bill and before he takes up the consideration of it, I can ask the Senate to put upon its passage a House bill of very great importance that will take no longer time than the reading of the bill, but unless it is put upon its passage very speedily it will fail. It is a bill to divide the Great Sioux reservation, very familiar to all the members of the Senate, and I will say that it has been so constructed that all parties interested in it are satisfied with the present condition of the bill, and, therefore, it will take no time further than the reading of it. I have no further interest in it except that it is a matter of great interest to Dakota and all that part of the Northwest.

The PRESIDENT *pro tempore*. The unfinished business having been informally laid aside at the request of the Senator from Kansas, the Senator from Massachusetts now asks that the bill which the Senator from Kansas desires to be considered by unanimous consent shall be informally laid aside to enable him to ask unanimous consent to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

Mr. HOAR. I feel constrained to object.

Mr. DAWES. If it causes any debate I will withdraw it. I hope my colleague will see that the public interest is so great in this bill that it will not jeopardize any matter he has in charge.

Mr. PLUMB. If the colloquy were between any two Senators than those from Massachusetts I should be disposed to let them take the time of the Senate to carry it on, but as they can settle their matters privately——

Mr. DAWES. This is not a private matter. It is a matter of public concern. Of course, if my colleague objects I can not proceed.

The PRESIDENT *pro tempore*. The reading of the appropriation bill called up by the Senator from Kansas will proceed.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, on page 1, line 10, after the words "compensation of," to strike out "Commissioner" and insert "Secretary;" and on page 2, line 1, before the word "thousand," to strike out "five" and insert "eight;" so as to read:

For compensation of Secretary of Agriculture, $8,000.

The amendment was agreed to.

The next amendment was, on page 2, line 1, after the word "dollars," to insert:

Assistant Secretary of Agriculture, $4,500.

The amendment was agreed to.

The next amendment was, on page 2, line 6, to increase the appropriation for salary of "chief of division of accounts and disbursing officer" from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "dollars," to insert:

One assistant librarian, $1,600.

The amendment was agreed to.

The next amendment was, on page 3, line 4, to increase the total amount of the appropriations for "office of Secretary of Agriculture," etc., from $74,160 to $83,760.

The amendment was agreed to.

The next amendment was in the appropriations for "botanical division," on page 3, line 7, after the word "thousand," to insert "five hundred;" in line 8, before the word "hundred," to strike out "four" and insert "six;" and in line 9, after the words "botanical clerk," to strike out "eight hundred" and insert "one thousand;" so as to make the clause read:

One botanist, $2,500; one assistant botanist, $1,600; one botanical clerk, $1,000; one assistant botanist, $1,200.

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the word "division," to strike out "nine thousand eight hundred and forty" and insert "ten thousand seven hundred;" so as to make the clause read:

Section of vegetable pathology: One chief of section, $2,000; one assistant, $1,400; one clerk, $1,000; in all, for botanical division, $10,700.

The amendment was agreed to.

The next amendment was, in the appropriations for "chemical division," on page 4, line 4, before the word "thousand," to strike out "six" and insert "eight;" and in the same line, after the word "all," to strike out "eleven" and insert "thirteen;" so as to make the clause read:

One chief chemist, $2,500; one assistant chemist, $1,800; one assistant chemist, $1,600; employment of additional assistants in the chemical division, when necessary, $8,000; in all, $13,900.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 6, after the word "dollars," at the end of line 7, to insert:

And the unexpended balance of appropriations under this head for the current fiscal year is hereby reappropriated and made available for the fiscal year 1890.

So as to make the clause read:

Botanical investigations and experiments.—Botanical division: For purchasing specimens, paper, and all necessary materials for the herbarium, and for labor in preparing same; for investigations and experiments with grasses and forage plants, including the establishment and maintenance of experimental grass stations, and of other economic and medicinal plants, and for traveling and other necessary expenses connected therewith; and for employing local botanists for exploration and collection of plants in little-known districts, and for special work for the improvement of the herbarium and for artists for drawing and engraving, $20,000. And the unexpended balance of appropriations under this head for the current fiscal year is hereby reappropriated and made available for the fiscal year 1890.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the words "enable the," to strike out "Commissioner of Agriculture" and insert "Secretary of Agriculture;" in line 23, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" and in line 25, to strike out the word "Commissioner" and insert "Secretary;" so as to make the clause read:

Chemical division: To enable the Secretary of Agriculture to extend and continue the investigation of the adulteration of food, drugs, and liquors, including the purchase of samples, transportation, traveling expenses, stationery, return postage, printing and illustrating, analyzing, investigating, and examining samples purchased on the open market, the sum of $5,000, to be made immediately available; and for these purposes the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons as he may deem necessary: *Provided*, That the Secretary is hereby required to make a separate report to Congress as to when and where the samples of food, liquors, and drugs were purchased, when and where analyzed, and the result of such analysis, together with the name of the manufacturer and the brand or label on the package or article.

The amendment was agreed to.

The next amendment was, on page 8, line 14, after the word "traveling," to strike out "within the United States;" so as to make the clause read:

Investigating the history and habits of insects.—Entomological division: For the promotion of economic entomology, investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture; experiments in ascertaining the best means of destroying them, and preventives to the biting of domestic animals by poisonous insects and remedies and antidotes for such bites; for publishing reports thereon, and for illustrations, chemicals, traveling and other expenses in the practical work of the entomological division, $20,000.

The amendment was agreed to.

The next amendment was, on page 8, line 22, before the word "cocoons," to strike out "transportating" and insert "transporting;" so as to read:

For collecting and disseminating information relating to silk-culture; for purchasing and distributing silk-worm eggs, and for conducting at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, and for expenses incurred in collecting, purchasing, preparing for transportation, and transporting cocoons, and for expenses of stations in connection therewith, and for necessary traveling expenses, $20,000.

The amendment was agreed to.

The next amendment was, in the same clause, page 8, line 25, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" and on page 9, line 4, after the words "and the," to strike out "Commissioner" and insert "Secretary;" so as to read:

And the Secretary of Agriculture is hereby authorized to sell in open market any and all reeled silk and silk waste produced in these experiments, and to apply the proceeds of such sales to the payment of the legitimate expenses incurred therein; and the Secretary of Agriculture shall make full report to Congress of the experiments herein provided for, and also of all sales and purchases made under this paragraph, with the names and residences of all producers of cocoons of whom purchases are made.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "appropriation," to strike out "and also under the appropriation to said association made for the fiscal years 1887 and 1888, as provided by law, if not already made;" in line 19, after the words "to the," to strike out "Commissioner" and insert "Secretary;" in line 23, before the word "ladies," to strike out "California;" in the same line, after the word "Culture," to strike out "Association," and insert "Society;" on page 10, in line 2, after the word "dollars," to strike out "to be paid directly to said Joseph Neumann," and in line 4, after the words "through the," to strike out "Commissioner" and insert "Secretary;" so as to make the clause read:

For the encouragement and development of the culture of raising raw silk, $5,000, to be expended under the direction of the Woman's Silk Culture Association of the United States, located at Philadelphia, and to be paid directly to said association; and said association shall make a full and detailed report of the expenditures and results obtained under this appropriation to the Secretary of Agriculture, who shall transmit the same to Congress, and $2,500 for the same purposes, and under the same restrictions and conditions, to the Ladies' Silk Culture Society of California, and for the continuation of the study and experiments by Joseph Neumann of the wild native silk-worm of California, $2,500; and the said Joseph Neumann shall report the results of such work to Congress through the Secretary of Agriculture on or before the 1st day of January, 1890.

The amendment was agreed to.

Mr. PLUMB. I move to change the phraseology in lines 4 and 5, on page 10, so as to read:

And the said Joseph Neumann shall report the results of such work to the Secretary of Agriculture—

In place of "to Congress."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 10, line 4, it is proposed to strike out the words "Congress through;" so as to read:

And the said Joseph Neumann shall report the results of such work to the Secretary of Agriculture on or before the 1st day of January, 1890.

The amendment was agreed to.

Mr. MITCHELL. Has the amendment in lines 2 and 3 of page 10 been agreed to?

The PRESIDENT *pro tempore*. It has been agreed to.

Mr. MITCHELL. I ask that it may be considered as open for a moment.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. MITCHELL. I find on page 9 of the bill an appropriation of $5,000, to be expended under the direction of the "Woman's Silk Culture Association of the United States, located at Philadelphia," and it provides that that $5,000 shall be "paid directly to said association." The bill as it came from the House also provides an appropriation of $2,500 "for the continuation of the studies and experiments by Joseph Neumann of the wild native silk-worm of California," and provided that, as in the other case, the money shall be "paid directly to said Joseph Neumann."

The Senate Committee on Appropriations, I find, propose to strike out the words "to be paid directly to said Joseph Neumann." What I want to know of the Senator in charge of the bill is this: If it is proper to make an appropriation to enable the Woman's Silk Culture Association of the United States, located at Philadelphia, to develop the culture of raising raw silk, and if it is proper that that sum should be paid directly to them, why is it not also proper that this appropriation of $2,500 should be paid directly to Joseph Neumann for his study and experiments of the wild native silk-worm of California? In other words, why should the money in the one case be paid to the Woman's Silk Culture Association, and in the other case not be paid to Professor Neumann?

Mr. MORRILL. I ask the Senator from Oregon if the language does not entirely express it? To whom could the money be paid except to Mr. Neumann?

Mr. MITCHELL. Perhaps that would be so on a fair construction, but a similar appropriation was made in the last appropriation bill and there was some trouble on that very point and there was difficulty in Mr. Neumann getting the money. I presume it was to avoid that difficulty, whatever it was, that the other House provided that this $2,500 should be paid directly to him. If that is really the intention, I suggest that the provision should stand that this money shall be paid to Professor Neumann.

Mr. MORRILL. Whenever we make an appropriation for a private person we never use the phrase that it is to be "paid directly" to the person.

Mr. MITCHELL. I suggest to the Senator that that very phrase is used in reference to "the Woman's Silk Culture Association of the United States, located at Philadelphia."

Mr. MORRILL. That does not make it any stronger.

Mr. MITCHELL. That may be, but if it is proper to be used in the one case it seems to me that it is proper it should be used in the other. If it is not proper, then it should not be used in either case.

I insist that this amendment of the committee should not be agreed to, if it is really the intention to pay this $2,500 to Professor Neumann to enable him to complete his experiments.

Mr. PLUMB. While the provision for the payment directly to these two societies is not the best in the world, still those cases and the case of Mr. Neumann are not entirely parallel. Both the associations referred

to are composed of quite a considerable number of ladies, who have given their time and largely their own means to the encouragement of silk-culture in the United States, and they have, besides, solicited from other persons with whom they have come in contact subscriptions for the same purpose. So the appropriation which the United States makes is not the whole of the money which they use, and it is more convenient and more proper to pay to them a sum which shall only form a portion of their resources, and a report concerning the use of which is required to be sent to Congress, than it is to pay money to an individual who has that, and that alone, as his resource for investigation.

In addition to that I want to say that I am not impressed with Mr. Joseph Neumann as a success, and I doubt somewhat the propriety of giving anything to him, not because he is not meritorious as a person, but because I think he is not calculated to make the best possible use of the money; and I think, on the whole, that, while it is well enough perhaps for him to go ahead, or at least the House seemed to have thought so, it would be well to have the use which he may make of this money under the control of the Secretary of Agriculture.

Mr. Neumann has made a report which I have in my hand, in which he has got things delightfully mixed up, showing that he is not devoting himself alone to cocoons, but he has a cure for poison-oak, and he is trying to establish wild-coffee plants, and has various things of that sort in mind. While I should be glad to encourage a cure for poison-oak and encourage the planting of wild-coffee plants, I prefer to keep them separate, so as to know what each one is costing us, and so on.

My own belief is that this money is not very well spent. But Mr. Neumann is a very well-meaning man, a very enthusiastic man, and I am willing that he shall have the $2,500; but I do insist, as a matter of fairness to the Treasury and as a matter of precedent in the expenditure of the public money, that it ought to be expended under the direction of the Secretary of Agriculture, and of course it may, and it is bound to be spent by him; but we simply give the Secretary of Agriculture that measurable control over the expenditure which we think he ought to have.

It is not a matter of very great importance, but as Mr. Neumann is in the bill it is well enough to put a certain limitation upon him.

Mr. MITCHELL. I call the attention of the Senate to the fact that the distinction between these parties is not as my friend from Vermont seems to think. The Senator in charge of the bill has very plainly indicated that, while he is willing in the case of the Woman's Silk Culture Association that the money shall be paid directly to them, in the case of Joseph Neumann the money shall not be paid directly to him. The Senator from Kansas suggests that perhaps Professor Neumann has been giving his attention to some other matters outside of this particular business of investigating the native silk-worm of California. That perhaps may be true. It is very probable that the Woman's Silk Culture Association of the United States at Philadelphia have confined their attention exclusively to the business of developing the culture and raising of raw silk.

But with reference to Professor Neumann, I can say that he is an old resident of the Pacific coast; he has resided in the State of California I think for some 30 years, and he has been giving his attention almost exclusively for the last quarter of a century to the business of developing the production of silk in this country and especially on the Pacific coast. He is the discoverer, as the Senator from Kansas must admit, of a native silk-worm in California which produces a very excellent quality of silk. I believe that Professor Neumann has the respect and confidence of the leading men of the Pacific coast as an expert in this character of business. He is generally known over the Pacific coast, and I think the Senators from the State of California will vouch for him, and other Senators, too, from that coast know him.

The seats are rather empty just now, but I see the Senator from California [Mr. HEARST] present. I think probably he has knowledge of Mr. Neumann.

I say it is all wrong to make fish of one and flesh of the other. If you propose to appropriate money to two different parties to enable them to proceed with an investigation in regard to a particular matter, you should either say that the money should be paid directly to them in both cases or you should say it in neither case; but when you do say it in one and do not say it in the other it is a reflection on that other. That is all there is to it. I insist that the amendment of the committee should be voted down, and that no reflection of this character should be cast upon Professor Neumann, either because he happens to live on the Pacific coast or for any other reason.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. MITCHELL. I object to that part of the amendment of the committee, and hope it will be voted down, wherein the committee proposes to strike out the words "to be paid directly to said Joseph Neumann."

The PRESIDENT *pro tempore*. The specific amendment will be stated.

The CHIEF CLERK. In lines 2 and 3, on page 10, the committee report to strike out the words "to be paid directly to said Joseph Neumann."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment. [Putting the question.] By the sound the ayes have it.

Mr. MITCHELL. I call for a rising vote. I hope the amendment will not be agreed to.

Mr. PLUMB. I will venture on behalf of the committee to withdraw the amendment.

Mr. MITCHELL. All right. That is satisfactory.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, line 13, before the word "thousand," to strike out "four" and insert "ten;" and after the word "dollars," at the end of the same line, to insert "of which sum $1,000 shall be immediately available;" so as to make the clause read:

Division of economic ornithology and mammalogy: For the promotion of economic ornithology and mammalogy; an investigation of the food habits, distribution, and migrations of North American birds and mammals, in relation to agriculture, horticulture, and forestry; for publishing report thereon; and for drawings, traveling and other expenses in the practical work of the division, $10,000 dollars, of which sum $1,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 12, line 4, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" in line 5, before the word "shall," to strike out "Commissioner" and insert "Secretary;" in line 8, after the words "prevent the," to strike out "Commissioner" and insert "Secretary;" and in line 14, after the words "That the," to strike out "Commissioner" and insert "Secretary;" so as to make the clause read:

An equal proportion of two-thirds of all seeds, trees, shrubs, vines, cuttings, and plants shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents; and the person receiving such seeds shall inform the Department of results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Secretary of Agriculture: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *But provided, however*, That the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as may be, and the best adapted to the locality he represents.

The amendment was agreed to.

Mr. GEORGE. Is it in accordance with the order we are proceeding under to allow an amendment to be offered now to the bill?

The PRESIDENT *pro tempore*. It is usual to proceed with the committee amendments and then to recur to amendments offered by Senators.

Mr. GEORGE. I wish to offer an amendment right at this point.

The PRESIDENT *pro tempore*. The amendment will be received when the committee amendments have been concluded.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 14, line 4, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" so as to read:

Salaries and expenses of Bureau of Animal Industry: For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $500,000; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another.

The amendment was agreed to.

The next amendment was, after the word "plague," at the end of the same clause, on page 14, to insert:

The authority granted to the Commissioner of Agriculture by the act of May 29, 1884, establishing the Bureau of Animal Industry, and by the provision of the appropriation act for the Agricultural Department, approved July 18, 1888, relating to said bureau, is hereby vested in the Secretary of Agriculture; and the said Secretary is hereby authorized and directed to perform all the duties named in said acts to be performed by the Commissioner of Agriculture.

Mr. PLUMB. I move to amend the amendment by adding, after the word "acts," in line 1, page 15:

And all other acts of Congress in force on the 8th day of February, 1889.

That was the date on which the act creating the Department of Agriculture went into effect.

The PRESIDENT *pro tempore*. Would it not be better to insert the words after the word "Industry," in the twentieth line?

Mr. PLUMB. I think this will accomplish the purpose. I think to put it there would somewhat disturb the arrangement of the paragraph, and this is sufficiently comprehensive.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. After the word "acts," in line 1, it is proposed to insert:

And all other acts of Congress in force on the 8th day of February, 1889.

So as to read:

And the said Secretary is hereby authorized and directed to perform all the duties named in said acts and all other acts of Congress in force on the 8th day of February, 1889, to be performed by the Commissioner of Agriculture.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 15, line 8, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" so as to make the clause read:

Division of forestry: For the purpose of enabling the Secretary of Agriculture to experiment and to continue an investigation and report upon the subject of forestry, and for traveling and other necessary expenses in the investigation and the collection and distribution of valuable economic forest-tree seeds and plants, $8,000.

The amendment was agreed to.

The next amendment was, after line 25, at the bottom of page 15, to insert:

Experiments in manufacture of sugar from sorghum and beets: To enable the Secretary of Agriculture to continue experiments in the manufacture of sugar from sorghum and from beets, and especially to so continue said experiments as to result in the acquisition and extension of knowledge concerning all the processes of the production of cane and beets and the manufacture of the same into sugar, including the purchase and transportation of samples and supplies, $50,000. And the sum remaining unexpended from the appropriation for this purpose for the fiscal year 1889 is hereby reappropriated and made available for the purposes hereinbefore expressed: *Provided*, That the Secretary of Agriculture is hereby required to make a separate report to Congress, stating fully and accurately an itemized account of every expenditure made under this provision and the results of all experiments made, and also including the purchase and transportation of samples and supplies.

Mr. VEST. I should like to ask the Senator from Kansas what amount of the former appropriation remains unexpended.

Mr. PLUMB. About $50,000.

Mr. VEST. The amount appropriated was about $100,000.

Mr. PLUMB. It was about $100,000. I move to amend the amendment by inserting, in line 6, after the word "beets," the words:

And the best varieties of the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Agricultural Stations," on page 17, line 3, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" and in line 9, before the words "of Agriculture," to strike out "Commissioner" and insert "Secretary;" so as to read:

That to carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," $600,000, $15,000 of which sum shall be payable upon the order of the Secretary of Agriculture to enable him to carry out the provisions of section 3 of said act of March 2, 1887, and to compare, edit, and publish such of the results of the experiments made under section 2 of said act by said experimental stations as he may deem necessary; and for these purposes the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons as he may deem necessary.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT *pro tempore*. Are there further amendments to the bill as in Committee of the Whole?

Mr. GEORGE. I move to amend the bill by striking out on page 11, commencing at line 20 and ending at the word "purchase," in line 7, on page 12, and inserting in lieu thereof what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 11, line 20, it is proposed to strike out all from the words "an equal" down to and including the word "purchase," in line 7, on page 12, in the following words:

An equal proportion of two-thirds of all seeds, trees, shrubs, vines, cuttings, and plants shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents; and the person receiving such seeds shall inform the Department of results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Secretary of Agriculture: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase.

And in lieu thereof to insert:

The Secretary of Agriculture shall apportion among the States, on the basis of their representation in Congress, all seeds, trees, shrubs, vines, cuttings, and plants, and shall furnish for distribution the part allotted to each State to the experiment stations established in said State under the provisions of the act of March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto;" and in case any State or Territory shall have failed to establish agricultural experiment stations in accordance with the provisions of said act of March 2, 1887, the seeds, shrubs, vines, cuttings, and plants allotted to said State shall be furnished by the Secretary of Agriculture to the commissioner or secretary of agriculture of said State or Territory for distribution. The Secretary of Agriculture shall report, as provided in this act, the place where purchased and the quantity and price of seeds purchased and the date of purchase; and in making distribution, as hereinbefore directed, he shall have due regard for the adaptation of the seeds, trees, shrubs, vines, cuttings, and plants to the climate and soil of the different States. All seeds, trees, shrubs, vines, cuttings, and plants furnished by the Secretary of Agriculture to the agricultural experiment stations or to the commissioners or secretaries shall be transmitted through the United States mails free of charge for postage, in accordance with the existing law regulating the transmission of such matter through the mails from the Department of Agriculture.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. Mr. President, I desire to call the attention of the Senate, if I can get it, to this amendment. The amendment that I offered was agreed to by the Committee on Agriculture and Forestry and submitted by the Senator from Michigan [Mr. PALMER], the chairman of the committee, in obedience to the wishes of the committee, and referred to the Committee on Appropriations. I do not know whether it would be proper to state what favor the amendment received from the Agricultural Committee of the other House. If I were allowed to make a statement upon that subject, it would not be adverse to the amendment.

As the law now stands, two-thirds of all the seeds, plants, flowers, etc., which are purchased are distributed to members of Congress in both Houses for distribution among their constituents. The object of this amendment is to substitute for the Senators and Representatives in the distribution of these seeds the lawful, proper agency of the several States as recognized in the experiment stations.

I do not mean to press any argument of this sort, that it is troublesome for members of Congress to make the distribution of seeds, because I think every member of Congress should be willing to incur any trouble that might be imposed upon him by law for the benefit of his constituents. The Committee on Agriculture place their recommendation of this amendment upon the ground alone that the experiment stations are the most suitable and proper agencies for this distribution.

I think it will occur to every Senator at once upon the slightest reflection that if we design, as I hope we do, to make these experiment stations of real value to the States in which they are established, the first step we ought to take in order to accomplish that good end is to bring those stations in communication with the farmers of the States in which they are located. If the distribution is made by the experiment stations, it will necessarily bring in communication with each of them the most intelligent, the most progressive farmers within their respective States.

When the seeds are left to the distribution of Senators, especially Senators representing large and populous States, it will necessarily happen that the distribution will in many instances be made to persons who are not exactly, I will say, the most proper persons to receive them. In other words, there is not that kind of knowledge and there can not be that kind of knowledge on the part of a Senator representing a populous and large State as to the peculiar qualification of all his constituents so as to enable him to decide with propriety and correctness at all times which one out of a hundred of his constituents is entitled to this distribution, for not more that one in a hundred will ever get the seeds.

These experiment stations I look upon as being the result of one of the most beneficent acts ever passed by Congress. I believe they are destined to do an immense amount of good to the agriculture of this country. The distribution of seeds is in the nature of an experiment. It is not and never was the design of the distribution of seeds that a member of Congress should be an almoner as to the seeds, and that they should be distributed merely to save the persons who receive them from the expense of purchasing seeds from seed stores. That was no part of the design of the distribution of seeds, the design being that there shall be purchased by the Agricultural Department seeds not generally known, not generally understood, so that the persons who receive them shall, as agents of the Government, make experiments in planting them, the law being that each man receiving seeds shall make a report to the Department as to how they turn out. I have made some inquiry on the subject, and I find that very few make such a report, and that comes, I think, from its not being generally understood among those who receive the seeds that this duty has been imposed upon them.

We have an experiment station in each State for the purpose of testing seeds. This distribution is for the purpose of testing the value of the seeds, and it seems to me a little incongruous that whilst we have an experiment station in each State whose duty it is to look into this matter to try experiments with reference to seeds, at this very important point we should discard these institutions and impose a duty upon others in connection with this distribution which the others are not so competent to perform.

The Committee on Agriculture was unanimous in recommending this amendment, and I hope it will prevail.

Mr. PLUMB. Mr. President, with the general purpose of the Senator from Mississippi I am in entire accord. In the beginning I was favorable to the amendment which he has proposed, and I agree now that it is better than the provision which is found in the bill; but when it came to be discussed with reference to terms and form, it was found that there was a difference of opinion as to whether the seeds should be purchased by the Secretary of Agriculture and distributed to the States

on their requisition, or whether, as is the opinion of the present Secretary of Agriculture, the amount should be apportioned to the several States in money, leaving them to purchase seeds according to their own idea of what the needs of their locality required.

In addition to that there was a sentiment also which was not in accord with either of these ideas, but in favor of retaining the present system. If any one has said any more harsh things than any other person has ever said about the present system, that statement I indorse. I believe it is utterly and entirely vicious in every way. I believe it does not result practically in any good whatever; but it has a certain support, and there are many people who believe that it is in substance meritorious.

In view of this contrariety of opinion, and in view of the lateness of the session, which precludes as thorough a discussion of a matter of this kind as it really ought to have; in further view of the fact that we have practically now entered upon the reorganization of this Department and have given it a dignity it heretofore did not have (and we have reason to suspect that that new dignity will call for a reorganization and for a wider scope), and in view of the fact that we shall get from the incoming Secretary of Agriculture, whoever he may be, some recommendation upon this point which probably may meet the case better than anything that has been suggested, the committee thought they would let this go for this year, trusting that by next year we shall have from the hands of the new Secretary a system which will take the place of the present one more adequately than anything which has been proposed; or if not that, he shall at least give his sanction to some of the propositions which have been pending here and in the other branch of Congress upon this matter.

For that reason we did not deem it advisable at this time to report either this amendment or any modification of it which we might have been able to agree upon. I assure the Senator from Mississippi that it was not because a majority of us did not believe that something should be done, but because we were not able to put into shape that which we did agree upon in the limited time at our disposal, and for the other considerations which I have mentioned.

But, as I said before, I believe that as an ultimate thing the proposition which the Senator has made is superior to that which is contained in the bill. The only question now is, whether it is better to take that which is naturally imperfect from almost any stand-point, or whether we had better wait until we shall have the advice of the new official as to that which will be better calculated to take the place of what we have now, as to what shall remain as a permanent provision.

Mr. REAGAN. Mr. President, if I understood the reading of the amendment, while I prefer it to the provisions that are in the bill, it seemed to me that there was one defect or oversight in the amendment, and that is that there is no provision made for franking the seeds from the experiment stations.

Mr. GEORGE. There is such a provision.

Mr. REAGAN. If so I have overlooked it.

Mr. GEORGE. That is expressly attended to.

Mr. REAGAN. While I agree that the amendment would be some improvement on the existing law, I trust to see the day not far off when we shall have neither of them. I do not agree with the suggestion made by the Senator from Mississippi that members of Congress should take upon themselves any labor which the law imposes upon them. If you put it for the public good, then I agree to it, but I do not understand that this class of legislation is for the public good.

We are appropriating here under this particular provision $100,000 for seeds. We get ordinary garden and field seeds such as the seed stores sell all over the country. We make the Government a competitor to that extent with the seed stores without benefit to the people except to a few. If the Senator from Mississippi does not overrate the matter, one in a hundred gets a paper of seeds which he could buy for 5 cents from a seed store in his neighborhood.

But the $100,000 is the least part of the expense. A Department with its officers, its clerks, its stationery, its postage, and all its expenses, is provided, costing many times more than the cost of the seeds, and all this to distribute common garden and field seeds, because it is only occasionally that any rare seed or plant is distributed from the Agricultural Department.

Besides, 10,000 packages of seeds will go to a Senator. He has to spend his time in franking them off or employ a clerk to do it. It has always seemed to me the extremist folly that a member of Congress should set himself down to frank seeds worth 2 or 3 cents a paper, while he is called upon to study the great questions that arise for legislation and administration of this country. It has seemed to me a mere waste of time. It has seemed to me almost criminal that a policy should be adopted which required members of Congress to engage in that sort of business when they are called upon to legislate for a great Republic of 60,000,000 people and more, with all its varied and multiplying interests. Some provision surely ought to be made that this manual labor should be performed by somebody else. If the postage on these seeds had to be paid, the postage itself would probably cost more than the seeds are worth.

So it seems to me, while I would legislate on every subject which is necessary to promote the welfare of the country and to carry out its constitutional obligations, still I would not engage in a petty distribution of common field and garden seeds. We disappoint a great many more people by this distribution than we accommodate. We send a paper of seeds to one man in a neighborhood and ten more ask for them to whom you can not send them, and they are disappointed. One gets a 5-cent paper of seeds to discontent ten of his neighbors because they do not get a 5-cent paper of seeds.

So I most heartily concur with the suggestion of the Senator from Kansas in charge of the bill that some legislation be matured in the near future that will change this whole system. If rare and unusual seeds and cuttings are to be distributed, let that be provided for, and it may possibly be done with advantage to the country; but this thing of distributing beans, corn, and pumpkin seeds, mustard and radish seeds, cotton-seeds, and things of that kind which are in the seed stores, making the Government a competitor with the seed stores, it seems to me is all wrong, and I trust that very soon we may avoid such absurdities.

As the Senator from Kansas suggested that the committee had not had time to formulate such a provision as they desired, of course I can not now in the mere consideration of the bill on the spur of the moment undertake to formulate any provision that ought to be adopted, but I take the occasion to make this protest against the existing condition of things in the hope that something may be done in the future to prevent this sort of legislation.

Mr. GEORGE. I desire to call the attention of the Senator from Texas to the fact that the amendment does not inaugurate the distribution of seeds.

Mr. REAGAN. I understand that.

Mr. GEORGE. It only provides a different mode of distributing the seeds from the one now existing. That is all there is in it. As the law now is, seeds are distributed in a manner which the Senator from Texas says is improper and that they ought not to be distributed in that way. The question for the Senator from Texas and for other Senators here is not whether we shall keep up the distribution of seeds, because that goes on whether the amendment is adopted or not, but conceding that the seeds will be distributed, the question is what is the best mode of distributing them, whether by the agency so much condemned by the Senator from Texas, by Senators and Representatives in Congress, or by the natural and proper agency of the person selected by each State to look after its agricultural interests, who are supposed to be in more intimate connection with and to have a greater knowledge of the wants of particular counties and particular districts in their State than other persons.

I desire to call the attention of the Senator from Texas especially to that point. It is a question simply as to the mode of distribution, discarding the mode which he condemns, and it is not a question of perpetuating or inaugurating the distribution of seeds.

Mr. CALL. Mr. President, I do not think this is a very important question to exercise the wisdom of the Senate, but it seems to me that there is some advantage in the provision for purchasing seeds and distributing them. I know that in my own State, among my own people, there have been introduced seeds producing superior kinds of vegetable and agricultural and horticultural productions, and that they are very much sought for. The rule I have adopted has given very general satisfaction, and that is to write to my friends to give public notice that all persons who will write for seeds of a particular description, to the extent of the amount at my disposal, will be accommodated with them. Under that system the distribution has proved of very great service.

I do not know of anybody in the State of Florida who has a more intimate acquaintance with my own people than I have. I do not know of anybody to whom they could apply with more freedom and readiness than to myself. I am perfectly willing to undertake the labor, and I think every other Senator should be; and if he needs a clerk to do whatever may be required for his constituents he should have it.

I understand the present system to have originated not in the idea of furnishing 5-cent packages of such seed as can be found in the stores, but to furnish a superior seed, to furnish a seed which could be the means of producing a superior plant. If the Agricultural Department does not do that it does not accomplish anything. It was supposed that there would be a greater means of general acquaintance and general knowledge in reference to the most superior and excellent kinds of seeds and plants which that Department would be enabled to obtain and to distribute throughout the country. To some extent, within my knowledge, the distribution has accomplished that purpose, and chiefly through the acquaintance of Senators and Representatives with their own people.

Now you propose to divest this Department which you have recently created of that which is one of its most important functions; that is, the ascertainment throughout the country and throughout the world of that species of agricultural and horticultural production which will succeed best to produce a type of excellence not known in the different localities of this country, and introduce and acclimatize them there. You propose now to destroy that function of this Department which you have created.

Mr. GEORGE. That is not the proposition of the amendment.

Mr. CALL. The proposition of the amendment is to give the seeds to the experimental colleges.

Mr. GEORGE. Not to purchase, but to distribute. The Department would purchase just as they are purchasing now.

Mr. CALL. It is proposed to separate the two functions then. The one purchases and the other distributes.

Mr. GEORGE. As the Agricultural Department now purchases and the members of Congress distribute.

Mr. CALL. These experimental colleges are general colleges. They are charged with various duties. The duty of purchasing or gathering the choice specimens of seeds, as the Senator admits, can be better performed here at Washington City. The duty of distribution of course may be performed by the experiment stations, but with what superior advantage to the general Agricultural Department here? You destroy one link of communication between the people and the Department.

As to the objection that a Senator can not serve his constituents when they request him to do so, I make no account of that. I think the nearer the public servant is to the people the better; the more frequent the communication with him the better. I think that every person in a State or a Congressional district should have the right of appeal free of cost in the mails to his representative for whatever may be within his power to do for him here.

So far as I am concerned, I should prefer that in this matter of distributing seeds and whatever other benefits may be obtained from the Agricultural Department, either in seeds or otherwise, should be shared at least in part by the representatives of the people here; and for the reasons stated by the Senator from Kansas [Mr. PLUMB], who reports this bill, that when this matter came before the Committee on Appropriations they considered that it had better stand as reported in the bill until a more mature consideration should be given to any change, if change there was to be, I do not see why the amendment should be pressed.

I think it very doubtful whether the transference of the entire duty of distributing the seeds and separating it from the purchasing or gathering power is of any benefit whatever, but it would result in what the Senator from Texas claims to be the case now, in the purchasing of seeds of no special value whatever, the ordinary seeds of the country, which is not the intention of this provision of the bill. The purpose of the provision is to acquire knowledge as to the best and the new kinds of seeds, the most highly developed specimens, and to distribute those in the localities where they are now unknown but may be introduced, and to hold the Department here to a just responsibility to the people for the manner in which it performs this duty.

Mr. COKE. Mr. President, I desire to say with reference to this matter that I should have been perfectly willing to vote to abolish any distribution of seeds at all. I believe that it is a custom which should never have been introduced. But if seeds are to be purchased and are to be distributed, I believe that the Representatives and Senators ought to be the distributers. I think that no institution in any of the States has the intimate acquaintance with the whole of any named State that its Representatives and Senators have, and the distribution through the medium of the Senators and Representatives is the most equitable and proper mode of making the distribution, if a distribution is to be made.

I shall vote against the amendment for the reasons I have given. I would be very willing to vote for an amendment abolishing the purchase of any seeds for distribution.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the amendment of the Senator from Mississippi?

Mr. CALL. I wish to say before the vote is taken that the Department of Agriculture (the Bureau of Agriculture as it was until it was recently made a Department) has introduced into the State of Florida many very valuable plants and many very superior kinds of seed which have been domesticated, being the seeds of different oriental and tropical countries, which promise to be of commercial value to this country.

Among these are different kinds of medicinal herbs that are grown in South America; the camphor tree, and the india-rubber tree, and various trees from the bark of which the ordinary cork of commerce is made, and the bamboo and others with which I am not familiar. I wish to say that the facility which the Department here has of gathering information from all parts of the globe of that species of products which can be acclimated and made valuable in different portions of this country has rendered very great service to the State which I have the honor in part to represent. This distribution from Washington City creates a bond between the person asking and receiving the benefit and the Department giving it that is useful to the Department and beneficial to the people and to the Government. I am in favor of preserving that relationship between the people and their servants.

Mr. HARRIS. Mr. President, of whatever value this distribution of seeds, plants, and cuttings may be, the question involved in the pending amendment is as to the agency that should make the distribution. I can conceive of few if any agencies that I think less competent to make a wise distribution than the Senators and Representatives in the Congress of the United States. If we want to distribute seeds, plants, and cuttings for the purpose of improving our agriculture, we had better employ purely agricultural agencies to make the distribution. They are better informed as to the agriculturists who are capable of making experiment and developing the value of new seeds, new plants, and new cuttings than the average Senator and Congressman.

For that reason I shall vote for the amendment proposed by the Senator from Mississippi. I do not know any agency that could be employed which will be likely to contribute less to the real object, if there be an object in the distribution of these seeds, than to subject them to distribution by Senators and Representatives; but if, according to the amendment of the Senator from Mississippi, the distribution shall be made by agricultural agencies purely, we may hope for beneficial results. For that reason I shall vote for the amendment.

Mr. CALL. The answer to the proposition of the Senator from Tennessee is this: A Senator or Member of Congress is not an agricultural agent nor a farmer. He may be a very good Senator without being either, but he may be a very good farmer and yet be a good Senator or Representative, as is the case with the Senator from Mississippi here. But he is the means of communication with the Federal Government and its different Departments to all the people of his State. That naturally occurs, and it is no harm to the Senator or to the people that they should have a representative charged with high official duties here in connection with the Government who is always open to their demand for any occasion of business or intercourse with the authorities of the National Government.

The farmer, the gardener, the horticulturist in Florida, in Tennessee, or in Mississippi desires to be put in communication with the Agricultural Department here. He writes to his Senator or Representative, "I am such a person and known to such persons who are friends of yours. I am engaged in the development of this particular production or industry. I wish you to represent me as such to the Department and obtain for me such and such plants and seeds." So it does not require him to be a farmer, but only a faithful friend and representative of those who are his friends and supporters, and to take the trouble of so representing them to the Department.

It is a bond of union between the people and the Government and between the Senate and the people which ought to be retained, and in my opinion it will better serve the purpose because the Senator and the Representative are responsible directly to the people, while the experimental station may or may not be. The Senator is responsible to the whole State, and it is his interest and his duty to attend to the wants of the whole State and see that their wants are supplied. For myself I have taken pleasure always in doing it.

Mr. SAULSBURY. Mr. President, I think we had better let this matter remain where it is. If the amendment should prevail and these seeds be sent to agricultural stations, the man who has charge of one of those stations can not distribute those seeds himself; it will be done by the clerks and employés under him. I take it for granted that members of Congress or the Agricultural Department are as fully competent to make a proper distribution of seeds as the clerks of the party having charge of an agricultural station. If there is any reason for the distribution of seeds, it is for the benefit of the people. I think their interest is fully secured by the present arrangement without the adoption of the amendment. I shall therefore vote against it.

Mr. GEORGE. Mr. President, I desire to make one remark only in correction of a statement made by the Senator from Tennessee [Mr. HARRIS], whose speech I indorse all over. He was literally right but substantially wrong. This is not my amendment. It is the amendment recommended by the Committee on Agriculture and offered here by me.

Mr. HARRIS. That only strengthens my case.

Mr. PADDOCK. The Senator from Mississippi states it a little strongly, I think, when he says that it is the exact amendment agreed upon by the Committee on Agriculture and Forestry. I am a member of that committee and was present when the matter was discussed. The amendment was not formulated; but it was understood that the chairman of the committee should formulate an amendment, and that it should be again presented to the members of the committee. I have never seen it from that time until the present day.

Mr. GEORGE. It is the amendment formulated by the chairman of the committee.

Mr. PADDOCK. I say it was formulated by the chairman, and I supposed it was again to be submitted to the members of the committee for consideration before it was reported to the Senate. I do not therefore feel myself bound to support the amendment as it is presented.

Mr. GEORGE. Is the amendment different from the one the committee agreed to?

Mr. PADDOCK. Perhaps not materially. I should change it somewhat if I had to draw it myself. But aside from the fact that it was not considered subsequently by the committee, as was the understanding, I have come to the conclusion, after hearing the remark made by the Senator from Kansas in charge of the bill and the statement of the Senator from Florida as to his views, that perhaps it is just as well to let the matter go over until the next session, when we shall have a better opportunity to consider the whole question and when we shall have a new and enlarged Department to take up the whole subject and

determine upon the proper method. I shall therefore vote against the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. REAGAN. I move to strike out of the bill from line 10, on page 9, to line 6, on page 10.

The PRESIDENT *pro tempore*. The part proposed to be stricken out will be read.

The CHIEF CLERK. Beginning on page 9, line 10, it is proposed to strike out the following paragraph:

For the encouragement and development of the culture of raising raw silk, $5,000, to be expended under the direction of the Woman's Silk Culture Association of the United States, located at Philadelphia, and to be paid directly to said association; and said association shall make a full and detailed report of the expenditures and results obtained under this appropriation to the Secretary of Agriculture, who shall transmit the same to Congress, and $2,500 for the same purposes and under the same restrictions and conditions to the Ladies' Silk Culture Society of California, and for the continuation of the study and experiments by Joseph Neumann of the wild native silk-worm of California, $2,500, to be paid directly to said Joseph Neumann; and the said Joseph Neumann shall report the results of such work to Congress through the Secretary of Agriculture on or before the 1st day of January, 1890.

Mr. REAGAN. Mr. President, I do not propose to discuss this subject at any length. Here is an appropriation of small amounts, it is true—one of $5,000 and another of $2,500—to encourage the development and culture of raising raw silk. The production of raw silk and the manufacture of silk are very interesting industries. Already there is a considerable production of raw silk in New Jersey, in Pennsylvania, in California, and perhaps elsewhere. So the production of raw silk is going on, and we see frequently evidences of the manufacture of that silk into very fine fabrics in New Jersey and perhaps elsewhere.

I do not see the necessity, in an existing industry going regularly on and entering into the commerce of the country, of making these donations, and especially in the form in which they are here made. Of course I have less to say about the form than the substance. The first clause of the provision reads:

For the encouragement and development of the culture of raising raw silk, $5,000, to be expended under the direction of the Woman's Silk Culture Association of the United States, located at Philadelphia, and to be paid directly to said association.

A like appropriation of $2,500 is to be made to the Ladies' Silk Culture Society of California. It is not only, it seems to me, an unnecessary sort of legislation, but I do not like any legislation that selects out particular persons to give them money.

If there is an encouragement to be offered for making silk, it ought to be offered in such a manner as to induce others to go into it and to promote competition and develop that industry. This thing of giving a bonus to particular societies for the purpose of inducing the raising of raw silk does not seem to me to be right. I simply propose to strike this provision out, in order to evidence my own opposition to that feature of the bill.

Mr. PLUMB. This method of appropriating the public money is open fairly to criticism, but there has been a consensus of opinion on the part of the committees of both Houses and on the part of the Department of Agriculture that these two associations, that in Philadelphia and that in California, have done a great deal of good in the way of the education of the public in a direction which it is expected will shortly assume practical shape. It is true the conditions which obtain in France and in Italy in the manufacture of what is known as raw silk, of which the American manufacturers import large quantities, do not exist here now, but still there is a large body of unemployed people, sedentary people, who are obliged to remain at home and unable to get around, in addition to boys and girls, who might be well employed in the manufacture and production of raw silk.

The manufacture of silk in this country has resulted in the employment of a very large number of people who otherwise would not have been employed at all. One of the largest manufacturing companies of silk in the United States, with headquarters at Paterson, N. J., has already built factories at Allentown, at Pottsville, and I think at Reading, in Pennsylvania, being induced to locate at those points because there were there unemployed boys and girls, the result of the employment of their fathers in the iron-works at those places. These children have thus been taken out of the streets and have been put to useful employment in a light calling in which they can earn a living and under the influences of which they are kept from the haunts of vice.

The natural extension now of this idea is in the direction of the production of raw silk. Some of these days we shall, I have no doubt, in the development of our tariff system, impose a duty upon the importation of raw silk. A proposition of the kind made by myself during the present session of Congress received a very large vote in this body, and I believe if it could have been properly presented it would have received a majority.

A considerable amount of work is necessary to be done for information to familiarize our people with this line of production in order to get ready for that which I believe is not only the inevitable but the judicious thing to do; and as long as the Government is not itself in a condition to do it or does not care to undertake it, it need not hesitate, I think, to employ such agencies as the Woman's Silk Culture Association at Philadelphia and a similar institution in the State of California. The amount is not large, and I do not think the precedent will be dangerous.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

The amendment was rejected.

Mr. GEORGE. On consultation with the Senator from Kansas who has charge of the bill, and is also a member of the Committee on Agriculture and Forestry, I move, on page 12, in line 24, after the word "statistics," to insert:

One superintendent of said division, $2,000, to be immediately available.

The amendment was agreed to.

Mr. MITCHELL. I move to insert, after line 6, on page 10:

Also $10,000, to be paid direct to Professor Joseph Neumann, to feed and develop silk-worm culture of the Bombyx mori, or mulberry species, and for traveling within the United States and other necessary expenses in investigating, collecting, and disseminating sericulture; and the said Joseph Neumann shall report the results of such work to Congress, through the Department of Agriculture, on or before the end of the fiscal year 1890.

Mr. PLUMB. I make the point of order on the amendment. It has not been estimated for, and it is new legislation.

Mr. MITCHELL. I hope the Senator from Kansas will withdraw the point of order. I suppose the amendment is subject to the point of order if it is insisted upon.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri, was read twice by its title, and referred to the Committee on Commerce.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama;

A bill (S. 24) to extend the limits of the port of Portland as a port of entry;

A bill (S. 28) to create a port of delivery at Port Angeles, in the district of Puget Sound, Washington Territory;

A bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.;

A bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, Louisiana;

A bill (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon;

A bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888; and

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries.

PRIVILEGES OF THE FLOOR.

Mr. HOAR. I ask unanimous consent that during the remainder of the session members-elect of the House of Representatives be admitted to the floor of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that during the remainder of the session members-elect of the House of Representatives may be admitted to the privileges of the floor of the Senate. Is there objection?

Mr. MITCHELL. Does that include Delegates?

Mr. HOAR. It does.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3560) for the relief of William S. Rosecrans.

The message also announced that the House had passed the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, with amendments in which it requested the concurrence of the Senate.

IRENE RUCKER SHERIDAN.

Mr. FARWELL. I ask the Chair to lay before the Senate the action of the House of Representatives on Senate bill 3423.

The PRESIDING OFFICER (Mr. COCKRELL in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan.

Mr. FARWELL. I move that the Senate non-concur in the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. SAWYER, and Mr. FAULKNER were appointed.

CONGRESSIONAL ELECTIONS.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

Mr. DAWES. I ask the Senator to let me call up——

Mr. HOAR. I must object. I call for the regular order.

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. GORMAN. If it is understood that I can have unanimous consent——

Mr. HOAR. I desire to object to anything except the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts calls for the regular order. The Chair will lay before the Senate the regular order.

Mr. DAWES. I appeal to my colleague, as it is a late hour of the afternoon——

The PRESIDING OFFICER. The Senator from Massachusetts will suspend until the regular order is laid before the Senate. It will be stated.

The SECRETARY. A resolution reported by Mr. EVARTS, directing the Committee on Privileges and Elections to revise the existing laws regulating the election of members of Congress.

The PRESIDING OFFICER. Will the Senator from Massachusetts [Mr. HOAR] yield to his colleague?

Mr. HOAR. I must decline to yield to anybody.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] declines to yield.

Mr. REAGAN. Mr. President, if the resolution is up and debate upon it is now in order, I propose to submit some remarks upon it.

Mr. HOAR. What has become of the motion of the Senator from Maryland [Mr. GORMAN] to proceed to the consideration of a bill?

The PRESIDING OFFICER. The Senator from Maryland made a motion to proceed to the consideration of a certain bill. The Senator from Massachusetts addressing the Chair called for the regular order. The Chair has now laid before the Senate the regular order.

Mr. HOAR. But I understand the regular order is the motion of the Senator from Maryland to proceed to other business before the Senate, which was in order even if the regular order was demanded.

The PRESIDING OFFICER. The regular order was laid before the Senate.

Mr. HARRIS. The regular order is the unfinished business.

The PRESIDING OFFICER. The regular order is the unfinished business and it has been laid before the Senate. If the Senator from Maryland claims the floor, he will be recognized.

Mr. GORMAN. In view of the statement of my friend from Texas [Mr. REAGAN] that he desires to submit some remarks upon the resolution, I, as a matter of course, yield the floor to the Senator from Texas.

Mr. HOAR. I deny the right of the Senator from Maryland to yield the floor to anybody.

The PRESIDING OFFICER. The Senator from Maryland can decline to speak, and if he does the Chair will recognize the Senator from Texas. Does the Senator from Maryland claim the floor?

Mr. GORMAN. I do not claim it under the circumstances.

Mr. HOAR. I desire to make known to the Chair——

Mr. REAGAN. I thought I had been recognized.

Mr. HOAR. I addressed the Chair before the Senator from Texas addressed the Chair.

The PRESIDING OFFICER. The Chair does not think so.

Mr. HOAR. Very well. I will make no disturbance about it, because I am sure of the desire of the Chair to do exact justice.

The PRESIDING OFFICER. The Senator from Massachusetts may have been on his feet. The Chair could not look in all directions at the same time.

Mr. HOAR. I addressed the Chair in an audible voice two minutes before the Senator from Texas rose, for the purpose of moving to proceed to take up the resolution; but if the Chair, as very naturally, and as happens a thousand times in the administration of his office, two gentlemen rising at nearly the same time, did not hear me, I yield instantly. I am as sure of the purpose of the present occupant of the Chair to do exact justice in his office as I am of my own life.

The PRESIDING OFFICER. When the Senator from Massachusetts called for the regular order the Chair supposed that he desired to proceed with the resolution, and the Chair laid it before the Senate. The Senator from Texas immediately rose, and the Chair did not see the Senator from Massachusetts.

Mr. HOAR. It was a misunderstanding. I see how it arose. The misunderstanding arose from the fact that I supposed the regular order was the motion of the Senator from Maryland, the Chair having recognized him, and he having made the motion, and the Chair having announced it. Then the Senator from Texas rose, asking the Senator from Maryland to yield to him, and then I demanded the regular order, which was the undebatable motion of the Senator from Maryland. But I do not care about pursuing it. I will let it go.

The PRESIDING OFFICER. The Chair understood that the other business was demanded, which is the regular order, and the only regular order.

Mr. FRYE. I desire to make an inquiry.

Mr. REAGAN. If I am entitled to the floor, I should like to proceed.

Mr. FRYE. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maine?

Mr. HOAR. If the Chair will rule who is entitled to the floor, I will acquiesce with great pleasure.

The PRESIDING OFFICER. The Chair holds that under the circumstances he is compelled to recognize the Senator from Texas [Mr. REAGAN].

Mr. HOAR. That is all right.

The PRESIDING OFFICER. Will the Senator from Texas yield to the Senator from Maine?

Mr. REAGAN. I will yield for a parliamentary inquiry.

Mr. FRYE. I ask the attention of the Senator from Massachusetts. My memory may be wrong about the matter, but my recollection is that the regular order at 2 o'clock was laid before the Senate; that the regular order was the resolution reported by the Senator from New York [Mr. EVARTS], and that then the Senator from Massachusetts asked that it be laid aside and that the resolution offered by him might be considered.

Mr. HARRIS. That was in the morning hour.

Mr. FRYE. Was it not after 2 o'clock?

Mr. HARRIS. It was in the morning hour, before 2 o'clock.

Mr. FRYE. It was in the morning hour?

Mr. HARRIS. Yes.

Mr. FRYE. Then I was mistaken. I supposed it was after 2 o'clock when the request was made and that it had been acceded to.

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. REAGAN. Mr. President, the facts as to the alleged outrages in Washington County, Texas, as they appear from the statements made by the Committee on Privileges and Elections on the one side, and in the very able presentation of the case by my colleague on the other, have been so fully presented that I have no need to examine them further in detail.

From these facts it is apparent that unfortunate troubles were brought about in Washington County, Texas, partly by race prejudices, but mainly by the bad conduct and bad counsels of white men seeking to control the votes of the negroes for the unjust and wicked purpose of securing offices to enable them to plunder and oppress the tax-payers and good people of that county.

This I think no impartial person can doubt who will take the trouble to read the testimony. And that the memorialists who brought this case before Congress were prime movers in this wrong and are mainly responsible primarily for the wrongs which followed is made clear by the testimony. And that they have sought to render the people of that county and State odious because the people of Washington County refused any longer to give them offices to enable them to carry out their schemes of plunder is also placed by the evidence beyond doubt.

Their appeal to Congress was no doubt made to enable them to represent themselves as martyrs on account of their Republican principles, so as to secure the favor and support of the Republican party; and as compensation to that party they undertook to furnish it evidence of supposed facts to enable it to make another sectional crusade against the Southern States for political partisan effect. That they have been successful in securing for their appeal a strictly partisan and sectional support is demonstrated by the report of the majority of the Committee on Privileges and Elections, which presents to the Senate and the country a purely one-sided and partisan view of the subject, by adopting as their own the views of the memorialists, who are shown to be unreliable and untruthful and infamous by the testimony of many citizens, Democrats, Republicans, Germans, and negroes, numbers of whom are the peers in integrity and patriotism and truthfulness of the Senators on this floor.

I make these statements to show the origin and animus of this political crusade, but not to deny or justify wrongs done or crimes committed by people in Washington County. The evidence shows that ballot-boxes were violated in two or three instances, but it also shows that

these acts did not change the result of the election in any case. It also shows that three men who were charged with murder were taken from the jail and hung by a mob. No one deplores more than I do the commission of these crimes, or can desire more than I do that the men who commit such crimes should be punished for their commission; and in expressing this sentiment I am sure I voice the sentiments of the good people of Washington County and of the State of Texas.

That much had been done by these memorialists and those who acted with them to cause indignation and violence is fully shown by the evidence. Their maladministration of the county offices, fraudulent expenditure of public money, embezzlements, and their appeals to race prejudices of a recently enfranchised class, most of whom are very ignorant, to such an extent as to endanger the peace in that county, is fully shown by the evidence. Under the leadership and advice of some of these white men a number of negroes went, armed with shotguns and pistols, to the election at Flewellen's Store, and there cruelly murdered D. M. Bolton, an inoffensive, unarmed young white man of most excellent character, who visited the polling-place, as is supposed, to learn the state of the vote, his father being one of the candidates. To this was added alarming rumors that the negroes were banding together for hostile purposes.

It was under such circumstances as these that three of the negroes charged with the murder of Bolton were hung by the mob. This fact, following the robbing of two ballot-boxes and disturbance at a third, was well calculated to exasperate the negroes, so that we can understand how, under all these circumstances, real danger to the peace of that people did exist.

I do not complain of the fact that such occurrences excite unfriendly criticism and comment. They were repugnant to our sense of justice and a violation of law in matters of great moment to all. But I do protest that it is cruelly and wantonly unjust to charge upon the good people of Washington County and of the State of Texas responsibility for these crimes, which they abhorred and would punish if they could find the perpetrators. And I most solemnly protest against the wickedness of a partisan and sectional appeal being made on account of the condition of things which then existed there, to excite sectional prejudices for party purposes.

If we are to judge of the people of whole communities and States by the law-breakers in them, what are we to say of the proud and prosperous new State of Kansas, where recently there was an appeal to arms and bloodshed and murders by a mob over an effort to locate a school?

And what are we to say of the great State of New York and of the beautiful city of Brooklyn, where a few weeks ago a poor young man, Mr. Henry W. Adams, a descendant, as we are informed by the newspapers, of John Quincy Adams, was thrown from the window of the garret in which he was lodging and instantly killed by a mob for seeking employment as a street-car driver, when the mob was refusing to allow the cars to be moved.

And what shall we say of the great States of Indiana, Illinois, and Ohio, where disguised and secret bands of White Caps lynch, whip on their bare backs men and women and drive them from their homes?

And what shall we say of the good State of Minnesota and of the enterprising city of St. Paul, where a few weeks ago Professor D. Henzel received a printed notice, headed with a skull and cross-bones, warning him to change his ways, and charging that he had made himself obnoxious on several occasions and was an habitual drunkard, and soon after received a second warning from some secret source or association unknown to him, which read as follows:

This is the second and last warning. Beware of the Mystic League.

The professor laughed at these warnings. But about 11 o'clock at night he left his hotel and was passing up the street, when he was suddenly attacked by three men and beaten with heavy sticks; three teeth were knocked down his throat, his nose broken, his head severely bruised in several places, and he otherwise injured.

I do not mention these things as matters of special reproach to the people and States in which they occurred; such things may occur anywhere, and would not be countenanced in those States or in any other State in the Union by the better and law-abiding class of the people. Nor do I mention them for the purpose of preaching a political crusade against those States or of making them a pretext for Federal legislation.

I only mention them to show that lawlessness, mobs, and violence may occur anywhere, without damning the character of the communities or States in which they occur.

The fathers and founders of our political system understood human society and human nature, no doubt, as well as we do. And they understood, too, the necessity of providing for the repression and punishment of crime as well as we do.

They believed, too, in the capacity of our people for self-government—local self-government. And they made this one of the distinguishing characteristics of our democratic system of government as contradistinguished from the political theory of the governments of the Old World, under which it was assumed that the governments must be strong enough so that by their repressive force they can maintain order, protect society, and enforce law without reference to the wishes or will of their people.

If ever the American people shall abandon the idea that the people of the States are capable of governing themselves, and if they shall adopt the idea that the people of the States must be governed by a power outside of and superior to themselves, then our free constitutional republic will be at an end and a government of force, a despotism, will be substituted for a government of consent, such as our illustrious fathers framed for us.

Under our political system the Federal Government may punish offenses and crimes against its own laws, but none other. The States are charged with the general preservation of the peace of society and with the punishment of murder, robbery, burglary, arson, and all offenses and crimes against the laws of the State, but they can not punish crimes and offenses against the Federal laws without Federal permission.

In the light of these provisions let us look at the case before us. There was an election in Washington County for State, district, and county officers, and for a member of Congress. Before and during and after this election there were contention, strife, violence, and breaches of the laws of the State about the election of the county officers alone, no disturbance or strife about the election of the State and district officers, and no pretense of any violation of law which affected the election of a member of Congress.

What follows? The defeated candidates for county offices and their friends memorialized Congress, alleging that they were law-abiding citizens of Washington County, Texas; that they are now refugees from their homes in consequence of political persecutions; that they have in vain appealed for protection of their lives and property and for security of their families to the local and State authorities of said county and State, and that they have now no other recourse than an appeal to Congress.

In reference to what is said about an appeal to the county and State authorities for protection, my colleague has so fully answered that point that I do not deem it necessary to repeat the argument; but the fact was that these complainants were the informers and witnesses who brought the parties that they accused to trial, and the persons accused, after a trial before a Republican judge and after a most vigorous prosecution, were acquitted.

So that fully answers this statement of the memorialists.

There is no pretense that the Constitution of the United States or any treaty or any act of Congress has been violated, or that anything has been done over which Congress has any jurisdiction.

Thereupon this Senate adopted a resolution directing the Committee on Privileges and Elections to inquire into all the circumstances of and connected with the said alleged events. In the preamble to that resolution it is incidentally stated that a member of Congress was voted for at said election. But neither the memorial of the persons complaining, or the evidence, or the report of the committee, or the speeches of Senators show that the disturbances complained of had any relation to or effect upon the election of the member of Congress.

What then?

After going through a labored investigation that committee reports to the Senate the following resolution:

Resolved, That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress with a view of providing for a more complete protection of the exercise of the elective franchise, and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

They do not logically respond to the complaints of the petitioners or to the testimony of the witnesses or to the resolution of the Senate—I mean the resolution under which the Senate acted—but recommended a revision of the laws regulating the election of members of Congress.

I earnestly invite the attention of the Senate to the memorial, the answer to it by the citizens of Washington County, the testimony, and the report of the committee. And I aver that in any tribunal other than a political one, in any tribunal where justice is administered according to law, and where the purpose would be to attain the ends of justice, and not the promotion of political and partisan ends, the allegations of the memorialists would be utterly discredited.

I believe, and feel warranted in saying, that even in political trials in past ages more falsehood and perjury was never employed to blacken the character of a people or to promote the purposes of a political party.

Senators ought to understand that the people of the States where African slavery recently existed are peculiarly and painfully situated, and that they deserve the sympathy and friendly support of the people of the States not so situated rather than to be made the subjects of persecution for the stimulation of sectional prejudice as a means of promoting partisan ends.

Senators ought to understand that the white people of the Southern States are of the same race and kindred as themselves, with the same political and religious principles, and the same system of education, the same industries and aspirations and hopes as themselves, and with the same love of justice and respect for law. Remembering this, a

spirit of Christian charity as well as wise statesmanship would seem to require them to place themselves, in imagination at least, in the place of the people of the Southern States as the best means of enabling them fairly to realize what the race problem in those States means. And this would enable them to consider more fairly and justly how it is to be dealt with.

It should not be forgotten that the people of those States and of this age and generation are not responsible for the existence of a large African population among them. That population was brought to this country two or three centuries ago by the Christian nations of Western Europe. And the importation of African slaves was kept up by our colonial ancestors, North and South, until the present Government was formed, and its continuance was authorized by the Federal Constitution for twenty years after its adoption. It ought not to be forgotten that at the date of the Declaration of Independence the people of all the colonies held African slaves, and that at the date of the adoption of the Constitution twelve of the thirteen States were slaveholding States.

I state these facts not to reproach any one, not to justify the existence of slavery, but to show that if it was wrong, the whole American people were responsible for that wrong, and that no part of our people ought to wish the evils it has entailed on us made worse because of prejudice on this subject against the Southern people. Public opinion has greatly changed on this subject since our Government was formed.

The general who was in chief command of our armies during the Revolution was a slaveholder. The president of the convention which framed the Constitution of the United States was a slaveholder. President Washington was a slaveholder; so were Presidents Jefferson, Madison, Monroe, Jackson, Polk, and Taylor.

First the Constitution and laws of the United States and of most of the States encouraged and protected the institution of African slavery. Later it was tolerated, and finally it was abolished by war, destroying to the owners of slaves about $3,000,000,000 of property value, and overturning the social and industrial condition of fifteen States and of millions of people.

Following this was the enfranchisement with the rights of citizenship of the six or seven million people, and the conferring on them the right to vote, when probably seven-eighths of them had no just conception of the nature of political government, or of the functions of public offices, thus imperiling good government and the peace of society in several States, and in many local communities.

This condition was much intensified by camp-followers of the Army and men of bad reputation from the Northern States, and some infamous traitors to their kindred and race in the Southern States, willing to sell their souls for office and money, and seeking to use these newly enfranchised people to promote their personal fortunes by making them believe that the white people among whom they lived were their enemies, and thus creating race prejudices where none did exist, and where none would have probably existed of a serious character but for the teachings of these bad white men.

This condition of things was still further intensified by the fact that a class of politicians in this country, instead of trying in the interest of both races and for the welfare of the whole country to harmonize the feelings and interests of the whites and blacks, have done all they could to produce alienation and ill-will among them as a means of procuring or promoting partisan political ends.

In the mean time the white people of those States have been struggling with this problem as best they could. The blacks are under the protection of the law everywhere. They have the right to vote everywhere. Their lives and property are protected by the same laws which protect the lives and property of white people. The whites, who have owned most of the property, have taxed themselves and furnished schools to aid in the education of the blacks, in order to do what they could to qualify them for good citizenship and its duties.

In all this, friction has sometimes occurred and wrongs have been done and crimes committed by those of both races. The wonder is, under these circumstances, not that conflicts and crime have occasionally occurred, but that they have not oftener occurred with more serious results.

I do not mention these things for criticism or to discuss the rightfulness or wrongfulness of any of them, but for the purpose of showing that this condition of things is the result of causes for which the Southern people are not alone responsible and which they had no power to prevent—that this condition is the outcome of a policy introduced by the governments of Western Europe, fostered by all the American Colonies, and sanctioned by the Constitution and laws of the United States and of most of the States; and I mention them for the further purpose of appealing to Senators who represent States not involved in this condition to aid us by their wisdom and patriotism and sense of justice to solve this race problem in such a way as to save the rights of all the people of all races and sections, and in so doing to aid us in giving security, prosperity, and peace to the whole country.

If the opposite policy of sectional agitation and fault-finding, and the encouragement of race and sectional prejudices is to be continued in the future as a means of political advantage, by consolidating partisan strength, or for any other reason, it will mean, and can only mean, oppression and wrong by the majority section of the country to the minority section. But it will mean also a great deal more than this.

It will mean strife and ill-will where charity and fraternal good-will should exist. It will mean that partisan malignity shall take the place of patriotism. It will mean that sectional hatred shall take the place of patriotic devotion to the best interests of the whole Union. It will mean race divisions and strife and suffering at the South, and a greatly retarded prosperity at the North. It will mean, if carried to its logical end, a government of force substituted for our government of consent, and that the Southern States of the Union are to be made the Ireland of America, with all the multiplied evils to the whole country which must necessarily flow from such a policy.

And worse still, if the policy of the men who would overthrow the rights of local self-government in the States is to prevail, they would certainly Africanize some of the Southern States, render it impossible for the white people to remain in them, and, leaving them to African rule, they would plunge them into barbarism, make any other government than a despotism impossible in them, make them valueless to the Union, distinctive of the general welfare and best interests of the whole country, and compel the adoption of military rule in them instead of local, civil, and constitutional self-government such as they now enjoy.

It seems to me needful that the Senate should proceed with great caution and deliberation with the consideration of measures which would necessarily lead to consequences so fatal to good government and popular liberty.

It is undoubtedly true that the bad, the violent, the lawless men of the South get the inspiration for their conduct to a great extent from the wicked politicians and newspapers of the Northern States who foment sectional strife for partisan purposes, not caring how much injury is inflicted so that by this means a temporary partisan success is achieved.

If Northern politicians and newspapers would pursue a friendly course towards the people of the South bad men in the South would be deprived to a large extent of a pretext for such wrongs as occasionally occur there, and good men in the South would be aided in their efforts to prevent violations of the law.

Not the Southern States alone, but this whole country has before it a serious problem to solve in this race question. It will require time and patience for its solution. But I believe the wisdom and patriotism of this country is equal to that task, and that in due time it will be solved; but not wisely if it is to be done by the intermeddling of politicians for political purposes. The blacks through the ages of pupilage in their former condition as slaves were raised from a condition of savage barbarism and cannibalism to a knowledge of the arts of peace and industry, and the greater portion of them have learned the difference between superstition and religion.

Education is progressing favorably among them, and a spirit of inquiry has been awakened among them which will no doubt lead to good results. Even now some of them are men of learning and intelligence; some of them are efficient educators of their race; and there are divines of real ability and of much usefulness among them. A good many of them have acquired property and own their own homes. And as a rule, those who have acquired intelligence, property, and homes have become conservative, and aid by their examples and counsels in preventing strife and preserving order. I have myself sold nearly a dozen freedmen land for their homes, and they have been paid for.

The people of the Southern States understand and recognize such facts as I have just stated. They willingly pay taxes to aid in the education of the freedmen and help them to build school-houses and churches, because they believe these instrumentalities improve their chances for understanding the rights and duties of citizenship and will make them better and more useful citizens.

I make these statements to show, among other things, how different, as a general rule, the relations of the white and black people of the Southern States are from what politicians and newspapers engaged in sectional agitation often represent them to be. It suits such men and papers to seize on every wrong that is done and on every violation of law and hold them before the public as representing the real condition of things. It does not suit them to allow their partisans to know the truth as it is.

If the Senators who made the report we are considering could travel through Texas and see the actual relations as they exist there between the races and could hear from the white people there what they think and how they feel about this race problem, I feel sure they would regret having made such a report as they have submitted to the Senate.

I shall vote against the resolution reported by the Committee on Privileges and Elections because—

First. It is not warranted by the testimony in the case.

Second. Congress has no rightful jurisdiction over the case as presented.

Third. Because such a proceeding as this contemplates a denial of the right of local self-government.

Inasmuch as another resolution is presented to the Senate and will doubtless come up for action, the resolution presented by the Senator from Massachusetts [Mr. HOAR] on behalf of the Committee on Privi-

leges and Elections, for a much more extended and general investigation than the one proposed by the resolution which I am considering, and as I may not have occasion again to give expression to my views upon that subject, without attempting to elaborate the views which I entertain or to discuss them at length, I propose to submit certain reasons why I can not vote for that resolution.

The resolution of the Senator from Massachusetts as now amended is as follows:

Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, bribery or other unlawful use of money, fraud, or other crime.

Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.

Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.

And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns so extensive and so systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said elections without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators and to provide methods for the appointment of electors for President and Vice-President of the United States.

I can not vote for that resolution for these reasons:

First. The Senate has no jurisdiction over the question of the election of the members of the House of Representatives. That body is the judge of the qualification and election of its own members, by the Congress to which they are elected, not by the Senate.

Second. This Senate has no jurisdiction over the election of members of a State Legislature. The two houses of the several Legislatures are the judges of the qualification and election of the members of their respective bodies.

Third. There being no contest about the election of candidates for President and Vice-President of the United States, this Senate has no jurisdiction over the question of the election of electors for President and Vice-President. These officers being elected without contest the powers of the electors are exhausted, and their offices are *functus officio*. There is nothing to investigate.

Fourth. This Senate has no jurisdiction to inquire into the motives governing the enactment of the laws of the several States, or whether such laws reflect the will of the people. These are questions for the consideration of the people and the authorities of the several States. For the Senate to enter on such an investigation would be an act of impertinent intermeddling in matters over which they have no authority or control, and can only have for its purpose a denial of the right and capacity of the people of such States for self-government, and the overthrow of our present political system, so as to consolidate all political power in the Federal Government and establish a despotism of federal majorities—and so destroy republican government in this country.

Fifth. This Senate has no power or right to inquire into the regularity of the election of Senators whose terms of office do not commence until the beginning of the Fifty-first Congress. The Senate of each Congress is the judge of the qualifications of its members. This Congress can not determine who are to be members of the next Congress.

Sixth. This Senate has no right or constitutional authority to set on foot an investigation as to "illegalities, frauds, and false canvasses" in elections in the States, except in a case made under the Constitution and laws of contest for the right of a Senator to his seat. The Senate is not charged by the Constitution with a general supervision over the conduct of States of the Union.

Seventh. The Congress of the United States, on the application of a Territory for admission into the Union as a State, has the constitutional right to determine whether the Government provided for is republican as a condition of its admission; and being in the Union, if they should adopt a despotic or monarchical or other anti-republican form of government, and that question should be brought before Congress in any legal way, Congress might determine whether such State had a republican government.

Where a State government is republican in form, with its executive, legislative, and judicial officers selected as in the other States, mere irregularities and violations of law in such States, unless they are of a character which deprive the great body of the people of their rights and liberty, will not justify Congressional interference.

To illustrate this view, if it could be proven that the great States of New York and Indiana were carried in the recent election for President and Vice-President by bribery and corruption, this would be a great crime and anti-republican, but it would not justify a proceeding by Congress to deprive the people of those States of the rights of local self-government. It would be the act of criminals and not the manifestation of a purpose by their people in their organic capacity to overthrow or destroy republican government in those States. So there may have been instances of the violation of the law in Louisiana, but if so they have been the acts of criminals and not the acts of the people of that State in their organic capacity, manifesting a pupose to overthrow or destroy republican government.

I conclude by saying that questions of such gravity as are raised by these resolutions have rarely come before this country or any country in the world. They unquestionably raise the question of the capacity of the people for self-government, and they make it necessary, if we are to proceed, that we shall determine that the people of certain States in this Union are no longer capable of self-government and that they must be governed by a power outside of themselves and superior to themselves, whose coercive force will enable it, independently of them, to preserve the peace of society and enforce the laws.

If we do that, Mr. President, instead of this proceeding being a proceeding to maintain republican government, it will be a proceeding which beyond all doubt will overthrow republican government in this country and establish a despotism of majorities, the worst of all characters of despotism.

I maintain that in a country of the territorial extent of this, with the great population this country has and with the vast and diversified interests which it has, that only two forms of government are practicable. The one form is a federal system, a confederation of governments, such as we have, by which we intrust to the General Government all the duties which pertain to the relations between the States and with foreign powers and to the general protection and defense of the country. To the other is confided control over local and domestic institutions. This takes local questions out of the arena of Federal politics and leaves them to be settled by the people immediately concerned with them, and not by people who have no concern and no just relations with them. The other system of government which might exist in this country would be a monarchy.

A central republic could not be long maintained in this country. There would always be in it a majority and minority section. And the majority section, whichever it might be, would be sure to oppress the minority section, and by so doing would create discontent and sooner or later bring about strife and revolution.

If we are to adopt the principle that self-government is no longer practicable, if we destroy it in a portion of the States, it may be assumed that we can govern our Ireland, oppress and rob and plunder our Ireland and make the people vote as we please, or prohibit them from voting, and that we shall not disturb the rest of the United States. If Senator's delude themselves with such a belief they ought, it seems to me, to revise their studies and their thoughts upon this subject. Once we break down the federative system, once we deny the capacity of the people of a State in this Union for self-government, we will have destroyed the Union which our fathers made, and we will will have sacrificed the liberty which cost so much blood and suffering, and which is the result of such consummate wisdom in the formation of the government whose blessings we enjoy.

The field which this subject opens is so large that it is hard to see where one may suspend his remarks. The anxiety which I feel extends not merely to the States in which the black population live, but it extends to the whole American people and to all the States.

I have been reared amongst the black people and have lived amongst them all my life, and associated with them all my life. Those who belonged to my family when they were slaves had as much affection for me as my children have, and I have provided for their welfare and security where their necessities called for such provision.

Those who live around me got into scrapes such as freed people very often got into soon after their liberation by committing petty offenses not common among white people, and which, I am glad to say, are becoming less common among the blacks. When they got into trouble they came to me to defend and take care of them, and I always did it; and the only two instances of violence in relation to election laws which have occurred in the county in which I live were two cases in which black men threatened the lives of other black men for voting the Democratic ticket. I prevented bloodshed or harm being done to anybody by timely interposition. These are the only instances of intimidation or attempted wrong that I have heard of in that county, and I have been there at every election since the close of the war.

Though these things are of a personal and individual character they are not peculiar to me. The men who live in that portion of the country, who have associated with these people, understand that not only the welfare of the blacks, but the welfare of the whites depends upon the preservation of proper relations between them. So far as the protection of the law is concerned, where I am acquainted in the State of Texas their rights of person and of property are as secure as the rights of person and of property of any white man in the State.

I repeat what I said a little while ago, that if Senators could travel through that State and could mingle with the people, could know their feelings and witness their action, and see their anxiety for the promotion of harmony and prosperity between the races, and see the earnestness with which they denounce fraud and violence and wrong, I am sure

they would never countenance such a report and such resolutions as have come from the Committee on Privileges and Elections.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution which was before the Senate this morning.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now proceed to the consideration of a resolution which will be stated.

The CHIEF CLERK. Resolution by Mr. HOAR authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. On that I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now proceed to the consideration of executive business. The Senator from Massachusetts asks that on this question the yeas and nays may be entered on the Journal. Are they desired by one-fifth of the Senators present?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is confined to his home by sickness, and is paired with the Senator from New York [Mr. HISCOCK], as has been stated.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. As he is absent, I withhold my vote.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB], or I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. FAULKNER. I should like to know if the junior Senator from Pennsylvania [Mr. QUAY] is recorded as voting?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. FAULKNER. Being paired with him, I decline to vote.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "yea."

Mr. BROWN (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Oregon [Mr. DOLPH].

The PRESIDENT *pro tempore*. The Senator from Georgia withdraws his vote.

Mr. BROWN. I also announce the pair of my colleague [Mr. COLQUITT] with the Senator from Rhode Island [Mr. CHACE].

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bate,	Eustis,	Harris,	Reagan,
Berry,	George,	Hearst,	Saulsbury,
Call,	Gibson,	Morgan,	Turpie,
Coke,	Gorman,	Pugh,	Voorhees,
Daniel,	Gray,	Ransom,	Wilson of Md.

NAYS—21.

Allison,	Edmunds,	Mitchell,	Stockbridge,
Blair,	Evarts,	Morrill,	Teller,
Chandler,	Frye,	Paddock,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	
Davis,	Hoar,	Sawyer,	
Dawes,	Ingalls,	Stewart,	

ABSENT—35.

Aldrich,	Cockrell,	Jones of Nevada,	Riddleberger,
Beck,	Colquitt,	Kenna,	Sabin,
Blackburn,	Dolph,	McPherson,	Sherman,
Blodgett,	Farwell,	Manderson,	Spooner,
Bowen,	Faulkner,	Palmer,	Stanford,
Brown,	Hale,	Pasco,	Vance,
Butler,	Hampton,	Payne,	Vest,
Cameron,	Hiscock,	Plumb,	Walthall.
Chace,	Jones of Arkansas,	Quay,	

So the Senate refused to proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question recurs upon the motion of the Senator from Massachusetts.

Mr. SAULSBURY. In view of the fact that this is the 22d day of February, the birthday of George Washington, I think in reverence to his memory we ought to adjourn, and I therefore move that the Senate adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Delaware. [Putting the question.] By the sound the "ayes" have it.

Mr. HOAR. I ask for a division.

The question being put, the ayes were 23.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], and withhold my vote in his absence.

Mr. BROWN (when Mr. COLQUITT'S name was called). I announce the pair of my colleague [Mr. COLQUITT] with the Senator from Rhode Island [Mr. CHACE] and my own pair with the Senator from Oregon [Mr. DOLPH].

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. PASCO (when his name was called). I am paired with the junior Senator from Illinois [Mr. FARWELL]. He being absent, I withhold my vote.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. HEARST (after having voted in the affirmative). I am paired with my associate from California [Mr. STANFORD] on political questions, and as this seems to be drifting that way very much, I withdraw my vote.

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bate,	Daniel,	Gray,	Reagan,
Berry,	Eustis,	Harris,	Saulsbury,
Call,	George,	Morgan,	Turpie,
Cockrell,	Gibson,	Pugh,	Voorhees,
Coke,	Gorman,	Ransom,	Wilson of Md.

NAYS—21.

Allison,	Edmunds,	Mitchell,	Stockbridge,
Blair,	Evarts,	Morrill,	Teller,
Chandler,	Frye,	Paddock,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	
Davis,	Hoar,	Sawyer,	
Dawes,	Ingalls,	Stewart,	

ABSENT—35.

Aldrich,	Colquitt,	Jones of Nevada,	Riddleberger,
Beck,	Dolph,	Kenna,	Sabin,
Blackburn,	Farwell,	McPherson,	Sherman,
Blodgett,	Faulkner,	Manderson,	Spooner,
Bowen,	Hale,	Palmer,	Stanford,
Brown,	Hampton,	Pasco,	Vance,
Butler,	Hearst,	Payne,	Vest,
Cameron,	Hiscock,	Plumb,	Walthall.
Chace,	Jones of Arkansas,	Quay,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs upon the motion of the Senator from Massachusetts.

Mr. HARRIS. Upon which I demand the yeas and nays.

The PRESIDENT *pro tempore*. Upon which the Senator from Tennessee asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. My colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE]. I shall not announce these pairs again for the evening.

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. PASCO (when his name was called). I am paired with the junior Senator from Illinois [Mr. FARWELL], and therefore withhold my vote.

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. TELLER. On this and the two preceding motions my colleague [Mr. BOWEN] is paired with the Senator from New Jersey [Mr. MCPHERSON].

The result was announced—yeas 20, nays 15; as follows:

YEAS—20.

Allison,	Dawes,	Hoar,	Platt,
Blair,	Edmunds,	Ingalls,	Stewart,
Chandler,	Evarts,	Mitchell,	Stockbridge,
Cullom,	Frye,	Morrill,	Teller,
Davis,	Hawley,	Paddock,	Wilson of Iowa.

NAYS—15.

Bate,	Coke,	Harris,	Reagan,
Berry,	Daniel,	Morgan,	Turpie,
Call,	Eustis,	Pugh,	Wilson of Md.
Cockrell,	George,	Ransom,	

ABSENT—41.

Aldrich,	Blodgett,	Butler,	Colquitt,
Beck,	Bowen,	Cameron,	Dolph,
Blackburn,	Brown,	Chace,	Farwell.

Faulkner,	Jones of Arkansas,	Plumb,	Stanford,
Gibson,	Jones of Nevada,	Quay,	Vance,
Gorman,	Kenna,	Riddleberger,	Vest,
Gray,	McPherson,	Sabin,	Voorhees,
Hale,	Manderson,	Saulsbury,	Walthall.
Hampton,	Palmer,	Sawyer,	
Hearst,	Pasco,	Sherman,	
Hiscock,	Payne,	Spooner,	

The PRESIDENT *pro tempore*. The roll-call disclosing the absence of a quorum, the Secretary will call the roll of the Senate.

Mr. HARRIS. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Dawes,	Hiscock,	Sabin,
Bate,	Edmunds,	Hoar,	Sawyer,
Berry,	Eustis,	Ingalls,	Stewart,
Blair,	Evarts,	Mitchell,	Stockbridge,
Brown,	Faulkner,	Morgan,	Teller,
Call,	Frye,	Morrill,	Vest,
Chandler,	George,	Paddock,	Walthall,
Cockrell,	Gorman,	Pasco,	Wilson of Iowa,
Coke,	Gray,	Platt,	Wilson of Md.
Cullom,	Harris,	Pugh,	
Daniel,	Hawley,	Ransom,	
Davis,	Hearst,	Reagan,	

The PRESIDENT *pro tempore*. Forty-five Senators have answered to their names.

Mr. HARRIS. In that condition of affairs, Mr. President, I am somewhat in doubt as to the next step. It is evident that there is not a voting quorum here, and quite evident from the roll-call that there is an actual quorum present. I had intended to follow up the motion by a motion to direct the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. DAWES. Instead of making that motion will not the Senator make a motion to take up and consider at the present time the Sioux bill that I have been trying to get up?

Mr. HARRIS (at 5 o'clock and 25 minutes p. m.). In lieu of which I believe I will move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now adjourn.

Mr. HOAR. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. HOAR. May I ask what was the number of Senators present as disclosed by the last roll-call?

The PRESIDENT *pro tempore*. Forty-five.

The Secretary proceeded to call the roll on the motion to adjourn.

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. PASCO (when his name called). I am paired with the junior Senator from Illinois [Mr. FARWELL], and therefore withhold my vote.

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON].

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB], or I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call having been concluded, the result was announced—yeas 17, nays 19; as follows:

YEAS—17.

Bate,	Eustis,	Morgan,	Voorhees,
Berry,	George,	Pugh,	Wilson of Md.
Call,	Gorman,	Ransom,	
Coke,	Gray,	Reagan,	
Daniel,	Harris,	Turpie,	

NAYS—19.

Allison,	Dawes,	Hoar,	Platt,
Blair,	Edmunds,	Ingalls,	Stewart,
Chandler,	Evarts,	Mitchell,	Stockbridge,
Cullom,	Frye,	Morrill,	Wilson of Iowa.
Davis,	Hawley,	Paddock,	

ABSENT—40.

Aldrich,	Colquitt,	Jones of Nevada,	Sabin,
Beck,	Dolph,	Kenna,	Saulsbury,
Blackburn,	Farwell,	McPherson,	Sawyer,
Blodgett,	Faulkner,	Manderson,	Sherman,
Bowen,	Gibson,	Palmer,	Spooner,
Brown,	Hale,	Pasco,	Stanford,
Butler,	Hampton,	Payne,	Teller,
Cameron,	Hearst,	Plumb,	Vance,
Chace,	Hiscock,	Quay,	Vest,
Cockrell,	Jones of Arkansas,	Riddleberger,	Walthall.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. It being ascertained by the call of the yeas and nays that a quorum is not present, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Davis,	Hiscock,	Sabin,
Bate,	Dawes,	Hoar,	Sawyer,
Berry,	Edmunds,	Ingalls,	Stewart,
Blackburn,	Eustis,	Mitchell,	Stockbridge,
Blair,	Evarts,	Morgan,	Teller,
Brown,	Faulkner,	Morrill,	Turpie,
Call,	Frye,	Paddock,	Voorhees,
Chandler,	George,	Pasco,	Walthall,
Cockrell,	Gorman,	Platt,	Wilson of Iowa
Coke,	Harris,	Pugh,	Wilson of Md.
Cullom,	Hawley,	Ransom,	

The PRESIDENT *pro tempore*. Forty-three Senators have responded; a quorum is present.

Mr. EDMUNDS and Mr. HOAR. Let the roll be called on the motion.

The PRESIDENT *pro tempore*. If there be no objection the roll-call will be resumed upon the motion of the Senator from Massachusetts [Mr. HOAR].

Mr. GORMAN. I desire the Chair to state what the pending motion is.

The PRESIDENT *pro tempore*. The question recurs upon the motion to take up the resolution.

Mr. GORMAN. It is very evident that we shall not have a quorum present, and under the circumstances it is not possible to go on with the business of the Senate to-night.

Mr. EDMUNDS. Let us try it and see.

Mr. GORMAN. Unless we can take up by unanimous consent the bill which the Senator from Massachusetts nearest me [Mr. DAWES] desires to have considered, I shall move——

Mr. HOAR. I should like to inquire of the Senator from Maryland if we can not have unanimous consent to take the vote on this question at a fixed time.

Mr. GORMAN. I think not.

Mr. MORGAN. You can not do that.

Mr. HOAR. Let the roll-call proceed.

Mr. HARRIS. Was there a quorum present by the last roll-call?

The PRESIDENT *pro tempore*. Forty-three Senators responded.

Mr. HARRIS. Did the Senator from Massachusetts [Mr. DAWES] understand me as objecting to the consideration of the bill to which he referred awhile ago?

Mr. EDMUNDS. Let us have the regular order.

Mr. HARRIS. Let it be the regular order, then, Mr. President.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. GORMAN (at 5 o'clock and 35 minutes p. m). I move that the Senate adjourn.

Mr. EDMUNDS. The last motion was a motion to adjourn.

Mr. GORMAN. The last business was the call of the Senate.

The PRESIDENT *pro tempore*. The Chair does not think that has been regarded hitherto under the practice of the Senate as the intervention of business. It is requisite before the same motion can be repeated that some business shall have intervened.

Mr. GORMAN. Then I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. Mr. President, it is manifest——

The PRESIDENT *pro tempore*. This motion is not debatable.

Mr. HOAR. I understand that.

The PRESIDENT *pro tempore*. Is there objection to the Senator proceeding? The Chair hears none.

Mr. HOAR. I desire to say, as it is manifest that there is a purpose on the other side of the Chamber to filibuster, by alternating these several undebatable motions, which have been several times voted down, I shall not undertake (although a quorum of the Senate is present to act now, but is absent when there is a vote) to press the Senate further to-night. I therefore move that the Senate do now adjourn.

Mr. SAWYER. I wish the Senator would withdraw that motion to enable me——

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now adjourn.

Mr. HARRIS. I ask the Senator from Massachusetts to withdraw the motion for one moment in order that I may make a single remark.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts withdraw the motion for that purpose?

Mr. HOAR. Yes, sir.

Mr. HARRIS. There is nothing that has occurred here this evening which justifies the remark of the Senator from Massachusetts that this side of the Chamber is filibustering or intending to filibuster. I simply wanted to make that statement.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 23, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 22, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I call up the resolution which is on the Speaker's table touching the prerogatives of the House in relation to the revenue bill amended by the Senate.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Texas [Mr. MILLS] calls up a matter of privilege, which is in order.

Mr. RANDALL. I have some reports from the Committee on Rules to make, and I must raise the question of consideration against that resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] raises the question of consideration. The Clerk will report the resolution.

THE LATE REPRESENTATIVE BURNES.

Mr. DOCKERY. Pending the question raised by the gentleman from Pennsylvania, I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the ladies' gallery of the east side of the Hall, or so much thereof as may be necessary, be set apart for the use of immediate friends of the late Hon. James N. Burnes on the occasion of the eulogies to be pronounced to-morrow at 2 o'clock p. m.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The resolution was agreed to.

Mr. DOCKERY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PREROGATIVES OF THE HOUSE AS TO REVENUE BILLS.

The SPEAKER. The Clerk will now report the resolution against which the gentleman from Pennsylvania [Mr. RANDALL] raises the question of consideration.

The Clerk read as follows:

Resolved, That the substitution by the Senate, under the form of an amendment for the bill of the House H. R. 9051, entitled "An act to reduce taxation and simplify the laws in relation to the collection of the revenue," of another and different bill, containing a general revision of the laws imposing import duties and internal taxes, is in conflict with the true intent and purpose of section 7, Article I, of the Constitution, and that said bill and substitute be returned to the Senate with the respectful suggestion that said section vests in the House of Representatives the sole power to originate such a measure.

Mr. REED. Mr. Speaker, I believe there is a point of order pending against that resolution.

The SPEAKER. The gentleman from Maine [Mr. REED] reserved a point of order. The gentleman from Pennsylvania [Mr. RANDALL] now raises the question of consideration against the resolution. If the House determines to consider the resolution, the point of order will then come up for consideration.

Mr. RANDALL. I am charged with certain reports from the Committee on Rules, which I desire to present.

The SPEAKER. The question is, first, Will the House proceed to consider the resolution? If that be decided in the affirmative, the Chair will hear the gentleman from Maine upon his point of order.

The question was taken; and there were—ayes 49, noes 83.

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the negative—yeas 89, nays 144, not voting 89; as follows:

YEAS—89.

Abbott,	Dockery,	Mansur,	Shaw,
Allen, Miss.	Elliott,	Martin,	Shively,
Anderson, Iowa	Enloe,	Matson,	Smith,
Anderson, Miss.	Forney,	McAdoo,	Springer,
Anderson, Ill.	Hare,	McCreary,	Stewart, Tex.
Bacon,	Hatch,	McKinney,	Stockdale,
Bankhead,	Hayes,	McMillin,	Stone, Ky.
Barnes,	Heard,	McRae,	Stone, Mo.
Biggs,	Hemphill,	Mills,	Taulbee,
Blount,	Herbert,	Montgomery,	Tracey,
Breckinridge, Ark.	Holman,	Moore,	Townshend,
Breckinridge, Ky.	Hooker,	Norwood,	Turner, Ga.
Buckalew,	Howard,	O'Neall, Ind.	Walker,
Bynum,	Hudd,	Peel,	Weaver,
Carlton,	Jones,	Rayner,	Wheeler,
Caruth,	Kilgore,	Rice,	Whiting, Mich.
Clardy,	Laffoon,	Richardson,	Wilkinson,
Cobb,	Landes,	Robertson,	Wilson, Minn.
Cothran,	Lane,	Rogers,	Wilson, W. Va.
Crisp,	Latham,	Russell, Mass.	Yoder.
Dargan,	Lawler,	Rusk,	
Davidson, Ala.	Macdonald,	Sayers,	
Davidson, Fla.	Maish,	Scott,	

NAYS—144.

Allen, Mich.	Dalzell,	Johnston, N. C.	Romeis,
Arnold,	Darlington,	Kean,	Rowell,
Atkinson,	Davenport,	Kelley,	Rowland,
Baker, N. Y.	Davis,	Kennedy,	Ryan,
Baker, Ill.	De Lano,	Ketcham,	Sawyer,
Bayne,	Dibble,	Laidlaw,	Scull,
Belden,	Dingley,	Latham,	Seymour,
Bingham,	Dorsey,	Lehlbach,	Sherman,
Bland,	Farquhar,	Lodge,	Simmons,
Bliss,	Felton,	Long,	Sowden,
Boothman,	Finley,	Lynch,	Spinola,
Bound,	Fuller,	Mason,	Spooner,
Boutelle,	Funston,	McCormick,	Steele,
Bowden,	Gaines,	McKenna,	Stephenson,
Bowen,	Gear,	McKinley,	Stewart, Ga.
Brewer,	Gest,	Merriman,	Stewart, Vt.
Brower,	Greenman,	Moffitt,	Struble,
Browne, T. H. B., Va.	Grout,	Morrill,	Taylor, E. B., Ohio
Brown, J. R., Va.	Guenther,	Nelson,	Thomas, Ky.
Bryce,	Hall,	Nichols,	Thomas, Ill.
Buchanan,	Harmer,	O'Donnell,	Thomas, Wis.
Burrows,	Haugen,	O'Ferrall,	Thompson, Ohio
Butterworth,	Hayden,	O'Neill, Pa.	Turner, Kans.
Campbell, F., N. Y.	Henderson, Iowa	Osborne,	Vance,
Candler,	Henderson, N. C.	Outhwaite,	Vandever,
Cannon,	Henderson, Ill.	Owen,	Warner,
Cheadle,	Hermann,	Patton,	Washington,
Chipman,	Hiestand,	Payson,	Weber,
Clark,	Hitt,	Penington,	West,
Clements,	Holmes,	Perkins,	White, N. Y.
Conger,	Hopkins, Ill.	Peters,	Whiting, Mass.
Cowles,	Hopkins, Va.	Phelps,	Wickham,
Crain,	Hopkins, N. Y.	Plumb,	Wise,
Crouse,	Hunter,	Posey,	Woodburn,
Cummings,	Jackson,	Randall,	Yardley,
Cutcheon,	Johnston, Ind.	Reed,	Yost.

NOT VOTING—89.

Adams,	Dunham,	La Follette,	Phelan,
Allen, Mass.	Dunn,	Lagan,	Pidcock,
Anderson, Kans.	Ermentrout,	Laird,	Post,
Barry,	Fisher,	Lee,	Pusley,
Blanchard,	Fitch,	Lind,	Rockwell,
Browne, Ind.	Flood,	Lyman,	Russell, Conn.
Brown, Ohio	Foran,	Maffett,	Seney,
Brumm,	Ford,	Mahoney,	Snyder,
Bunnell,	French,	McClammy,	Stahlnecker,
Burnett,	Gallinger,	McComas,	Symes,
Butler,	Gay,	McCullogh,	Tarsney,
Campbell, Ohio	Gibson,	McShane,	Taylor, J. D., Ohio
Campbell, T. J., N. Y.	Glass,	Milliken,	Thompson, Cal.
Caswell,	Glover,	Morgan,	Tillman,
Catchings,	Goff,	Morrow,	Wade,
Cockran,	Granger,	Morse,	White, Ind.
Cogswell,	Grimes,	Neal,	Whitthorne,
Collins,	Grosvenor,	Newton,	Wilber,
Compton,	Hires,	Nutting,	Wilkins,
Cooper,	Hogg,	Oates,	Williams.
Cox,	Houk,	O'Neill, Mo.	
Culberson,	Hutton,	Parker,	
Dougherty,	Kerr,	Perry,	

So the House decided not to consider the resolution.

Mr. BROWNE, of Indiana. I was not in the Hall when my name was called, though I was here before the roll-call was completed. I am not entitled to vote under the rule, but I would have voted "no" had I been here.

Mr. O'FERRALL. My colleague, Mr. LEE, is absent sick. If present, he would vote "no."

Mr. COWLES. My colleague, Mr. MCCLAMMY, is absent. If here he would vote "no."

Mr. ALLEN, of Massachusetts, who had voted in the negative, and Mr. HUTTON, who had voted in the affirmative, being paired, withdrew their votes.

Mr. BLAND, having voted in the affirmative, changed his vote, immediately before the announcement of the result, from "ay" to "no."

The following members were announced as paired until further notice:

Mr. ERMENTROUT with Mr. BUNNELL.
Mr. HOGG with Mr. SYMES.
Mr. SNYDER with Mr. PARKER.
Mr. BARRY with Mr. GALLINGER.
Mr. GRANGER with Mr. RUSSELL, of Connecticut.
Mr. BIGGS with Mr. MORROW.
Mr. BURNETT with Mr. GOFF.
Mr. FORD with Mr. GUENTHER.
Mr. NEAL with Mr. HOUK.
Mr. MCSHANE with Mr. LAIRD.
Mr. PHELAN with Mr. BUTLER.
Mr. WHITTHORNE with Mr. LYMAN.
Mr. PERRY with Mr. NUTTING.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
Mr. CATCHINGS with Mr. COGSWELL.
Mr. GROSVENOR with Mr. CAMPBELL, of Ohio.
For this day:
Mr. WILKINS with Mr. MCCOMAS.
Mr. STAHLNECKER with Mr. MCCULLOGH.
On this vote:
Mr. GRIMES with Mr. DUNHAM.
Mr. BLANCHARD with Mr. BROWNE, of Indiana.
Mr. PIDCOCK with Mr. BRUMM.

Mr. MORGAN with Mr. ANDERSON, of Kansas.
Mr. FRENCH with Mr. TIMOTHY J. CAMPBELL.
Mr. THOMPSON, of California, with Mr. LEE.
The vote was announced as above stated.
Mr. BLAND. I move to reconsider the vote just taken.
Mr. RANDALL. I move to lay that motion on the table.
Mr. BLAND. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BLAND. Is it in order now to raise the question of consideration?
The SPEAKER. Against what?
Mr. RANDALL. That is what we have just been voting upon. [Laughter.]
The SPEAKER. The vote just taken was upon the question whether the House would proceed to the consideration of the resolution.
Mr. BLAND. I demand the yeas and nays on the motion to lay on the table.
The yeas and nays were ordered.
The question was taken; and it was decided in the affirmative—yeas 165, nays 83, not voting 74; as follows:

YEAS—165.

Adams,	Crouse,	Johnston, N. C.	Ryan,
Allen, Mich.	Cummings,	Kean,	Sawyer,
Allen, Miss.	Cutcheon,	Kelley,	Scull,
Anderson, Iowa	Dalzell,	Kennedy,	Seney,
Anderson, Kans.	Darlington,	Ketcham,	Seymour,
Arnold,	Davenport,	La Follette,	Sherman,
Atkinson,	Davis,	Laidlaw,	Simmons,
Baker, N. Y.	De Lano,	Latham,	Sowden,
Baker, Ill.	Dibble,	Lehlbach,	Spinola.
Bayne,	Dingley,	Lodge,	Spooner,
Belden,	Dorsey,	Lynch,	Steele,
Bingham,	Dunn,	Mahoney,	Stephenson,
Bliss,	Farquhar,	McAdoo,	Stewart, Ga.
Boothman,	Felton,	McClammy,	Stewart, Vt.
Bound,	Finley,	McCormick,	Struble,
Boutelle,	Flood,	McKenna,	Taulbee,
Bowden,	Fuller,	McKinley,	Taylor, E. B., Ohio
Bowen,	Funston,	Merriman,	Taylor, J. D., Ohio
Brewer,	Gaines,	Mofflit,	Thomas, Ky.
Brower,	Gay,	Morrill,	Thomas, Ill.
Browne, T. H. B., Va.	Gear,	Morrow,	Thomas, Wis.
Browne, Ind.	Gest,	Nelson,	Thompson, Ohio
Brown, Ohio	Greenman,	Nichols,	Tillman,
Brown, J. R., Va.	Grout,	O'Donnell,	Turner, Kans.
Bryce,	Guenther,	O'Ferrall,	Vance,
Buchanan,	Hall,	O'Neill, Pa.	Vandever,
Burrows,	Harmer,	Osborne,	Warner,
Butler,	Haugen,	Outhwaite,	Washington,
Butterworth,	Hayden,	Owen,	Weber,
Campbell, F., N. Y.	Henderson, Iowa	Patton,	West,
Candler,	Henderson, N. C.	Payson,	White, N. Y.
Cannon,	Henderson, Ill.	Penington,	Whiting, Mass.
Caswell,	Hermann,	Perkins,	Wilber,
Cheadle,	Hiestand,	Peters,	Wilkinson,
Chipman,	Hitt,	Plumb,	Williams,
Clark,	Holmes,	Posey,	Wise,
Clements,	Hopkins, Ill.	Pugsley,	Woodburn,
Compton,	Hopkins, Va.	Randall,	Yardley,
Conger,	Hopkins, N. Y.	Reed,	Yost.
Cooper,	Hunter,	Romeis,	
Cowles,	Jackson,	Rowell,	
Crain,	Johnston, Ind.	Rowland,	

NAYS—83.

Abbott,	Davidson, Fla.	Lanham,	Sayers,
Anderson, Miss.	Dockery,	Lawler,	Scott,
Anderson, Ill.	Elliott,	Macdonald,	Shaw,
Bacon,	Ford,	Maish,	Smith,
Bankhead,	Forney,	Mansur,	Springer,
Barnes,	Gibson,	Martin,	Stewart, Tex.
Biggs,	Grimes,	Matson,	Stockdale,
Blanchard,	Hare,	McCreary,	Stone, Ky.
Bland,	Hatch,	McKinney,	Stone, Mo.
Blount,	Hayes,	McMillin,	Tarsney,
Breckinridge, Ark.	Hemphill,	McRae,	Tracey,
Breckinridge, Ky.	Herbert,	Mills,	Townshend,
Buckalew,	Holman,	Montgomery,	Turner, Ga.
Bynum,	Hooker,	Moore,	Walker,
Caruth,	Howard,	Norwood,	Weaver,
Clardy,	Hudd,	Rayner,	Wheeler,
Cobb,	Jones,	Rice,	Whiting, Mich.
Cothran,	Kilgore,	Richardson,	Wilson, Minn.
Crisp,	Laffoon,	Robertson,	Wilson, W. Va.
Dargan,	Landes,	Rogers,	Yoder.
Davidson, Ala.	Lane,	Russell, Mass.	

NOT VOTING—74.

Allen, Mass.	Fitch,	Long,	Phelan,
Barry,	Foran,	Lyman,	Phelps,
Brumm,	French,	Maffett,	Pidcock,
Bunnell,	Gallinger,	Mason,	Post,
Burnett,	Glass,	McComas,	Rockwell,
Campbell, Ohio	Glover,	McCullogh,	Russell, Conn.
Campbell, T. J., N. Y.	Goff,	McShane,	Rusk,
Carlton,	Granger,	Milliken,	Shively,
Catchings,	Grosvenor,	Morgan,	Snyder,
Cockran,	Heard,	Morse,	Stahlnecker,
Cogswell,	Hires,	Neal,	Symes,
Collins,	Hogg,	Newton,	Thompson, Cal.
Cox,	Houk,	Nutting,	Wade,
Culberson,	Hutton,	Oates,	White, Ind.
Dougherty,	Kerr,	O'Neall, Ind.	Whitthorne,
Dunham,	Lagan,	O'Neill, Mo.	Wickham,
Enloe,	Laird,	Parker,	Wilkins.
Ermentrout,	Lee,	Peel,	
Fisher,	Lind,	Perry,	

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So the motion to lay on the table was agreed to.
Mr. LANHAM. I desire to state on behalf of my colleague, Mr. CULBERSON, that he is absent on a committee of conference.
Mr. ENLOE. I am paired with the gentleman from Pennsylvania [Mr. ATKINSON] on this vote. If he were present, I should vote "no."
Mr. RANDALL. I ask unanimous consent to dispense with the reading of the names.
Mr. BLAND. I object.
The Clerk then read the names of those voting.
The following additional pairs were announced on this vote:
Mr. ATKINSON with Mr. ENLOE.
Mr. THOMPSON, of California, with Mr. LEE.
Mr. MORGAN wiih Mr. DUNHAM.
Mr. PIDCOCK with Mr. BRUMM.
Mr. ERMENTROUT with Mr. HUTTON, on the Cowles tax bill. Mr. ERMENTROUT would vote for the bill; Mr. HUTTON against it.
The vote was then announced as above recorded.

DAILY HOUR OF MEETING, ETC.

Mr. RANDALL. I submit, from the Committee on Rules, the following privileged report.
Mr. BRECKINRIDGE, of Kentucky. I desire to reserve the privilege of raising the question of consideration.
The SPEAKER. The gentleman has the right to do that after the report is read.
The Clerk read as follows:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and after the reading of the Journal up to 11 a. m. the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time except to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when presented to the House by the Speaker.

Mr. RANDALL. I demand the previous question, unless some gentleman desires to discuss the resolution.
Mr. SPINOLA. I hope the gentleman will amend the resolution so that the names shall be called as they appear on the roll, taking a name alternately from the beginning and the end of the roll.
Mr. HATCH. How would that affect those in the middle of the roll? [Laughter.] They might object.
Mr. BLAND. I raise the question of consideration. There are important appropriation bills pending; there is a contested-election case that ought to be disposed of, and this resolution gives preference and precedence to private matters.
Mr. RANDALL. We will take care of the appropriation bills.
The SPEAKER. The question is, Will the House now proceed to consider the resolution reported from the Committee on Rules?
Mr. WASHINGTON. Pending that I wish to ask, if the House enters upon the consideration of the resolution, will it be amendable?
The SPEAKER. Not if the previous question is ordered.
Mr. WASHINGTON. Because I shall object to the adoption of the resolution unless we begin to call the roll of members for unanimous consent where we left off when that order of business was pursued last summer. It is not fair to those of us who are near the bottom of the list.
The SPEAKER. The only question is now, Will the House proceed to consider the resolution?
The question was taken; and it was decided in the affirmative.
Mr. RANDALL. I now demand the previous question on the adoption of the report.
The previous question was ordered.
The SPEAKER. Under the rules, thirty minutes are allowed for debate. [Cries of "Vote!" "Vote!"]
Mr. RANDALL. I do not desire any time, and unless some other gentleman wishes to oppose the resolution, I ask for a vote.
Mr. BLAND. I desire simply to state, Mr. Speaker, that members on the other side of the House have strenuously pressed the consideration of the Smalls-Elliott contested-election case, and, I think, with a distinct understanding all over the House, that the case of Sullivan *vs.* Felton should be immediately taken up and considered after the South Carolina case was disposed of. Yet, in the face of that understanding, and although the gentleman from Georgia was pressing the consideration of that case, we were met by filibustering from the other side in order to prevent action upon it. I think, sir, in view of the fact that this case has been pending during the whole of this session of Congress, that now in the closing hours of Congress, when the appropriation bills are pressing, and when it is sought to force upon the House the consideration of revenue bills, when we have not the time to give them a fair and just consideration, it is only just to the House and just to the gentleman who has been contending for a seat, that that election case should be disposed of. It ought not to take over two or three hours, and we could dispose of it to-day without difficulty. Besides, as I have said, we have appropriation bills and other public measures of vastly more importance than the bills aimed at by that resolution which gives precedence to private bills that may be called up by the individual members on this floor.
In the interest of public legislation, in the interest of fair dealing towards gentlemen who claim seats upon this floor, I have raised the

question of consideration upon that resolution, and propose to continue to raise it until that election case is disposed of.

Mr. RANDALL. If the gentleman will notice he will see that this gives one hour additional to what we now have for public business. It gives from 11 to 12 o'clock, and it gives another hour from 10 to 11 for unanimous consents. So that it does not in any degree interfere with the business as now conducted between the hours provided for under the rule under which we are acting.

Mr. BLAND. If the gentleman will provide the time to consider this election case, that will be another thing.

Mr. BRECKINRIDGE, of Kentucky. I do not care about the resolution, but I want to point out that the effect of its passage will probably be to prevent gentlemen who want to pass private bills from passing them. They are only given one hour to ask unanimous consent, and one single objection kills that bill for that hour, so that it puts it here in the power of any single gentleman on the floor to prevent the passage of a bill; and this resolution, while apparently holding out an opportunity to members to get their private bills through, really prevents the majority of them from doing it. Now, as to commencing at 11 o'clock and running on, I think there is no objection to that.

Mr. PERKINS. It is that much to nothing.

Mr. RANDALL. It is an hour better than one minute.

Mr. MILLS. We had this resolution some years ago, and passed a larger number of bills under it.

The resolution was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. IRENE RUCKER SHERIDAN.

Mr. REED. I make a privileged report from the Committee on Rules on the accompanying resolution.

The Clerk read as follows:

Resolved, That on Friday, February 22, immediately after the passage of this resolution, the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, shall be in order, and the previous question on the third reading and on the passage of the bill shall be considered as ordered.

Mr. REED. On that I demand the previous question.

Mr. BRECKINRIDGE, of Kentucky. And on that I raise the question of consideration.

The question was put on the consideration of the resolution; and the Speaker announced that the ayes seemed to have it.

Mr. CHEADLE. Division.

The House divided; and there were—ayes 108, noes 44.

Mr. CHEADLE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Maine [Mr. REED] and the gentleman from Indiana [Mr. CHEADLE].

Mr. SOWDEN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 175, nays 67, not voting 80; as follows:

YEAS—175.

Adams,	Davenport,	Lane,	Sawyer,
Allen, Mass.	Davis,	Lawler,	Scott,
Allen, Mich.	De Lano,	Lehlbach,	Scull,
Anderson, Iowa	Dingley,	Lind,	Seney,
Anderson, Ill.	Dockery,	Lodge,	Seymour,
Anderson, Kans.	Dorsey,	Long,	Sherman,
Arnold,	Elliott,	Macdonald,	Shively,
Bacon,	Farquhar,	Mahoney,	Sowden,
Baker, N. Y.	Felton,	Maish,	Spinola,
Baker, Ill.	Finley,	Mason,	Spooner,
Bayne,	Flood,	Matson,	Springer,
Belden,	Ford,	McAdoo,	Steele,
Bingham,	French,	McCormick,	Stephenson,
Bliss,	Fuller,	McKenna,	Stewart, Vt.
Boothman,	Funston,	McKinley,	Struble,
Bound,	Gaines,	McKinney,	Tarsney,
Boutelle,	Gear,	Merriman,	Taylor, E. B., Ohio
Bowden,	Gest,	Mills,	Taylor, J. D., Ohio
Bowen,	Greenman,	Moffitt,	Thomas, Ky.
Breckinridge, Ark.	Grout,	Morrill,	Thomas, Ill.
Brewer,	Guenther,	Morrow,	Thomas, Wis.
Browne, Ind.	Harmer,	O'Donnell,	Thompson, Ohio
Brown, Ohio.	Haugen,	O'Neill, Pa.	Tracey,
Brown, J. R., Va.	Hayden,	O'Neill, Mo.	Townshend,
Bryce,	Hayes,	Osborne,	Turner, Kans.
Buchanan,	Henderson, Iowa	Outhwaite,	Vance,
Burrows,	Henderson, Ill.	Patton,	Vandever,
Butler,	Hermann,	Payson,	Wade,
Butterworth,	Hiestand,	Penington,	Warner,
Bynum,	Hires,	Perkins,	Weaver,
Campbell, F., N. Y.	Hitt,	Peters,	Weber,
Cannon,	Holman,	Phelps,	West,
Caswell,	Holmes,	Plumb,	White, Ind.
Chipman,	Hopkins, Ill.	Posey,	White, N. Y.
Clardy,	Hopkins, N. Y.	Post,	Whiting, Mass.
Clark,	Hunter,	Pugsley,	Wickham,
Conger,	Jackson,	Randall,	Williams,
Cooper,	Johnston, Ind.	Rayner,	Wilson, W. Va.
Crain,	Kean,	Reed,	Wise,
Crouse,	Kelley,	Rice,	Woodburn,
Cummings,	Kennedy,	Robertson,	Yardley,
Cutcheon,	Ketcham,	Romeis,	Yoder,
Dalzell,	La Follette,	Rowell,	Yost.
Darlington,	Laidlaw,	Ryan,	

NAYS—67.

Abbott,	Cowles,	Hopkins, Va.	Peel,
Allen, Miss.	Crisp,	Hutton,	Richardson,
Anderson, Miss.	Dargan,	Johnston, N. C.	Rogers,
Bankhead,	Davidson, Ala.	Jones,	Rowland,
Barnes,	Davidson, Fla.	Kilgore,	Sayers,
Blanchard,	Enloe,	Laffoon,	Shaw,
Bland,	Forney,	Landes,	Stewart, Tex.
Blount,	Glass,	Lanham,	Stewart, Ga.
Breckinridge, Ky.	Grimes,	Latham,	Stone, Ky.
Buckalew,	Hall,	Martin,	Stone, Mo.
Candler,	Hare,	McCreary,	Taulbee,
Carlton,	Hatch,	McMillin,	Tillman,
Caruth,	Heard,	McRae,	Turner, Ga.
Cheadle,	Hemphill,	Montgomery,	Walker,
Clements,	Henderson, N. C.	Moore,	Wilkinson,
Cobb,	Herbert,	O'Ferrall,	Wilson, Minn.
Compton,	Hooker,	O'Neall, Ind.	

NOT VOTING—80.

Atkinson,	Dunn,	Lyman,	Perry,
Barry,	Ermentrout,	Lynch,	Phelan,
Biggs,	Fisher,	Maffett,	Pidcock,
Brower,	Fitch,	Mansur,	Rockwell,
Browne, T. H. B., Va.	Foran,	McClammy,	Russell, Conn.
Brumm,	Gallinger,	McComas,	Russell, Mass.
Bunnell,	Gay,	McCullogh,	Rusk,
Burnett,	Gibson,	McShane,	Simmons,
Campbell, Ohio	Glover,	Milliken,	Smith,
Campbell, T. J., N. Y.	Goff,	Morgan,	Snyder,
Catchings,	Granger,	Morse,	Stahlnecker,
Cockran,	Grosvenor,	Neal,	Stockdale,
Cogswell,	Hogg,	Nelson,	Symes,
Collins,	Houk,	Newton,	Thompson, Cal.
Cothran,	Howard,	Nichols,	Washington,
Cox,	Hudd,	Norwood,	Wheeler,
Culberson,	Kerr,	Nutting,	Whiting, Mich.
Dibble,	Lagan,	Oates,	Whitthorne,
Dougherty,	Laird,	Owen,	Wilber,
Dunham,	Lee,	Parker,	Wilkins.

So the House determined to consider the resolution.

The following additional pairs were announced:

Mr. STOCKDALE with Mr. NELSON, for the rest of the day.

Mr. MORGAN with Mr. DUNHAM, on this vote.

Mr. WASHINGTON with Mr. ATKINSON, on this vote.

The result of the vote was then announced as above recorded.

Mr. REED. I demand the previous question on the passage of the resolution.

Mr. KILGORE. I would like to hear the resolution read.

The resolution was again read.

Mr. KILGORE. I now move that the House adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. KILGORE. Division.

The House divided; and there were—ayes 3, noes 104.

So the House refused to adjourn.

Mr. KILGORE. I now move that the House take a recess until half past 7 o'clock this evening.

The question was put, and the Speaker announced that the noes seemed to have it.

Mr. KILGORE. Division.

The House divided; and there were—ayes 2, noes 99.

Mr. CHEADLE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Indiana [Mr. CHEADLE] and the gentleman from Maine [Mr. REED].

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

ENROLLED BILL SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1128) creating ports of entry at Tacoma and Seattle, in Washington Territory.

MRS. IRENE RUCKER SHERIDAN.

The question was taken upon the motion of Mr. KILGORE that the House take a recess; and it was decided in the negative—yeas 2, nays 216, not voting 104; as follows:

YEAS—2.

Grimes,	Lane.

NAYS—216.

Adams,	Bliss,	Bynum,	Cummings,
Allen, Mass.	Boothman,	Campbell, F., N. Y.	Cutcheon,
Allen, Mich.	Bound,	Cannon,	Dargan,
Allen, Miss.	Boutelle,	Carlton,	Darlington,
Anderson, Iowa	Bowden,	Caruth,	Davenport,
Anderson, Miss.	Bowen,	Caswell,	Davidson, Fla.
Anderson, Ill.	Breckinridge, Ark.	Cheadle,	De Lano,
Anderson, Kans.	Breckinridge, Ky.	Chipman,	Dibble,
Arnold,	Brewer,	Clardy,	Dingley,
Bacon,	Browne, T. H. B., Va.	Clark,	Dockery,
Baker, N. Y.	Browne, Ind.	Clements,	Dorsey,
Baker, Ill.	Brown, Ohio	Cobb,	Elliott,
Bankhead,	Brown, J. R., Va.	Compton,	Enloe,
Barnes,	Bryce,	Conger,	Farquhar,
Bayne,	Buchanan,	Cooper,	Felton,
Belden,	Buckalew,	Cothran,	Finley,
Bingham,	Burrows,	Cowles,	Flood,
Blanchard,	Butterworth,	Crouse,	Forney,

French,	Kennedy,	O'Neill, Pa.	Steele,
Fuller,	Laffoon,	O'Neill, Mo.	Stephenson,
Funston,	La Follette,	Osborne,	Stewart, Tex.
Gaines,	Laidlaw,	Outhwaite,	Stewart, Ga.
Gear,	Lanham,	Patton,	Stewart, Vt.
Gest,	Latham,	Payson,	Stone, Ky.
Gibson,	Lawler,	Peel,	Stone, Mo.
Greenman,	Lehlbach,	Penington,	Tarsney,
Grout,	Lind,	Perkins,	Taulbee,
Hall,	Long,	Peters,	Taylor, E. B., Ohio
Hare,	Lynch,	Plumb,	Taylor, J. D., Ohio
Harmer,	Macdonald,	Posey,	Thomas, Ky.
Hatch,	Mahoney,	Post,	Thomas, Ill.
Haugen,	Maish,	Pugsley,	Thomas, Wis.
Hayden,	Martin,	Randall,	Thompson, Ohio
Heard,	Mason,	Reed,	Tillman,
Hemphill,	Matson,	Rice,	Tracey,
Henderson, N. C.	McAdoo,	Richardson,	Townshend,
Henderson, Ill.	McClammy,	Rockwell,	Turner, Ga.
Herbert,	McCormick,	Romeis,	Vance,
Hermann,	McKenna,	Rowell,	Wade,
Hiestand,	McKinley,	Rowland,	Walker,
Hires,	McKinney,	Ryan,	Warner,
Holman,	McMillin,	Sawyer,	Weaver,
Holmes,	McRae,	Sayers,	Weber,
Hooker,	Merriman,	Scott,	West,
Hopkins, Ill.	Mills,	Scull,	Wheeler,
Hopkins, Va.	Moffitt,	Seney,	White, Ind.
Hopkins, N. Y.	Montgomery,	Shaw,	Wickham,
Hudd,	Morgan,	Sherman,	Wilber,
Hunter,	Morrill,	Shively,	Wilson, Minn.
Jackson,	Morrow,	Simmons,	Wilson, W. Va.
Johnston, Ind.	Nichols,	Sowden,	Wise,
Johnston, N. C.	O'Donnell,	Spinola.	Woodburn,
Jones,	O'Ferrall,	Spooner,	Yardley,
Kelley,	O'Neall, Ind.	Springer,	Yost.

NOT VOTING—104.

Abbott,	Dunham,	Lagan,	Pidcock,
Atkinson,	Dunn,	Laird,	Rayner,
Barry,	Ermentrout,	Landes,	Robertson,
Biggs,	Fisher,	Lee,	Rogers.
Bland,	Fitch,	Lodge,	Russell, Conn.
Blount,	Foran,	Lyman,	Russell, Mass.
Brower,	Ford,	Maffett,	Rusk,
Brumm,	Gallinger,	Mansur,	Seymour,
Bunnell,	Gay,	McComas,	Smith,
Burnett,	Glass,	McCreary,	Snyder,
Butler,	Glover,	McCullogh,	Stahlnecker,
Campbell, Ohio	Goff,	McShane,	Stockdale,
Campbell, T. J., N. Y.	Granger,	Milliken,	Struble,
Candler,	Grosvenor,	Moore,	Symes,
Catchings,	Guenther,	Morse,	Thompson, Cal.
Cockran,	Hayes,	Neal,	Turner, Kans.
Cogswell,	Henderson, Iowa	Nelson,	Vandever,
Collins,	Hitt,	Newton.	Washington,
Cox,	Hogg,	Norwood,	White, N. Y.
Crain,	Houk,	Nutting,	Whiting, Mich.
Crisp,	Howard,	Oates,	Whiting, Mass.
Culberson,	Hutton,	Owen,	Whitthorne,
Dalzell,	Kean,	Parker,	Wilkins,
Davidson, Ala.	Kerr,	Perry,	Wilkinson,
Davis,	Ketcham,	Phelan,	Williams,
Dougherty,	Kilgore,	Phelps,	Yoder.

A MEMBER. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. KILGORE. Let the reading go on, Mr. Speaker.

The Clerk recapitulated the names.

The following additional pairs were announced for the rest of the day:

Mr. FORD with Mr. GUENTHER.

Mr. BIGGS with Mr. DUNHAM.

The following additional pairs on this vote were announced:

Mr. WASHINGTON with Mr. ATKINSON.

Mr. CRAIN with Mr. STRUBLE.

The result of the vote was then announced as above recorded.

Mr. KILGORE. Mr. Speaker, I move that the House take a recess until half past 9 o'clock to-morrow.

The question was taken on the motion of Mr. KILGORE; and the Speaker declared that the noes seemed to have it.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 2, noes 93.

Mr. KILGORE. No quorum has voted.

The SPEAKER. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from Indiana [Mr. STEELE].

The tellers took their places.

Mr. BINGHAM (pending the count by tellers). Mr. Speaker, I would ask unanimous consent to submit a proposition whereby I think a conclusion can be reached as to this bill.

The SPEAKER. If there be no objection the gentleman can proceed.

Mr. BINGHAM. I would submit the proposition that, in lieu of the pension which the bill carries, $3,500 a year, an amendment shall be adopted making it $2,500. I propose to make that difference between this pension and the pensions allowed heretofore to the widows of major-generals for the reason that there are four minor children of General Sheridan, the oldest of whom is but twelve years of age, and those children have all to be educated. Furthermore, this is the only case in which the widow of the General of the Army will come before Congress for pension, the wife of General Sherman having recently deceased and the wife of General Grant being pensioned as the widow of a President. I therefore submit this proposition in order that we may reach a vote.

The SPEAKER. Is it the request of the gentleman from Pennsylvania that the amendment shall be agreed to or that it shall be voted upon?

Mr. BINGHAM. That it shall be agreed to.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent that the bill shall be taken up and a vote taken upon its passage with the amendment agreed to as suggested by him.

Mr. MILLS. And with the understanding that they will abide by that in a conference report.

Mr. TAULBEE. If there is to be no increase of this pension by a conference committee I shall have no objection to the proposition of the gentleman, but if there is to be any such increase then I think it my duty to object.

The SPEAKER. The Chair can not know what a conference committee will do.

Mr. KILGORE. I assume that the gentleman is acting in good faith in making this proposition.

Mr. BINGHAM. I assure the gentleman from Texas that I am acting in good faith.

Mr. KILGORE. And I assume that the colleagues of the gentleman from Pennsylvania who sit by and consent to the agreement are acting in good faith.

Mr. STRUBLE. I, for one, think that the amendment ought not to be made, but I shall not raise any objection to it.

Mr. KILGORE. I suppose that a conference report, though privileged, would be subject to a question of consideration just the same as the bill is now, and to obstruction in other respects under the rules.

The SPEAKER. The question of consideration can always be raised against a conference report.

Mr. CHEADLE. I shall not formally object to the proposition. I wish merely to enter my protest against it. I regard it as a monstrous proposition.

The SPEAKER. Is there objection to the request made by the gentleman from Pennsylvania [Mr. BINGHAM]?

Mr. KILGORE. In view of the agreement to adopt that amendment, which I think is in the line of action by Congress in regard to the pensions heretofore accorded to Mrs. Logan, to Mrs. Blair, and to Mrs. Hancock, I will not further use obstructive tactics against the consideration of this bill as amended and with the understanding which has been stated that the friends of the bill are acting in good faith in accepting the amendment. The Committee on Rules have given this measure the right of way, and it is impossible, therefore, to prevent its passage.

The SPEAKER. Then the motion to take a recess is withdrawn, the previous question is ordered, the resolution is adopted, and the Clerk will report the bill.

Mr. KILGORE. Gentlemen who have speeches to make on this bill ought to be permitted to do so.

The SPEAKER. There are thirty minutes for debate, fifteen minutes on each side.

The Chair desires to state that it was not discovered until after the resolution was reported that an amendment to this bill had been agreed to in the Committee of the Whole on the state of the Union, an amendment not affecting the amount of the pension, but another part of the bill. The Chair is at a loss to determine from the language of the resolution whether that amendment is to be considered pending in the House, or as having been agreed to. It will be read, that the attention of members may be called to it.

Mr. BINGHAM. The amendment is a restriction, I believe.

The amendment was read, as follows:

Strike out, in lines 7, 8, and 9, the words "during her natural life, from and after the 5th day of August, 1888."

The SPEAKER. This amendment was agreed to in the Committee of the Whole on the state of the Union; and if there be no objection, it will be considered as agreed to in the House.

Mr. MATSON. I think there was an amendment to insert in lieu of the words stricken out, the words "subject to the provisions and limitations of the pension laws."

The SPEAKER. The Chair is advised at the Clerk's desk that the amendment merely strikes out the words which have been read.

Mr. MATSON. I ask to amend so as to insert in lieu of the words proposed to be stricken out the words "subject to the provisions and limitations of the pension laws."

The SPEAKER. The gentleman from Indiana asks unanimous consent to insert the words he has stated.

Mr. EZRA B. TAYLOR. I object.

Mr. MATSON. I will say to gentlemen that when they make this objection they cut out the children of General Sheridan from the allowance which the pension law would make them.

Mr. REED. What is the remark of the gentleman?

Mr. MATSON. If the words "subject to the provisions and limita-

tions of the pension laws" be inserted, the effect will be to give the widow the allowance provided by law for each child.

Mr. HOLMES. What is the object of inserting the words proposed?

Mr. MATSON. Because it will give the widow that much more.

Mr. HOLMES. It will merely make this matter a shuttle-cock as every different administration comes into power.

A MEMBER. Without this amendment there will be no pension for the children.

Mr. MATSON. Besides that, if the widow should remarry she ought not to have her pension continued, contrary to the general policy of the pension laws.

The SPEAKER. The previous question has been ordered. If there be no objection, the amendment striking out $3,500 and inserting $2,500 will be agreed to. The Chair hears no objection. There are now thirty minutes allowed for debate.

Mr. MCMILLIN. I do not wish to occupy time, but I want to ask the gentleman from Indiana [Mr. MATSON] whether the effect of the bill as now framed and proposed to be passed, without the words "subject to the provisions and limitations of the pension laws," would not be, in case of the remarriage of the widow, the continuance of the pension after such marriage, contrary to the general policy of the pension laws?

Mr. MATSON. I think it would; indeed I am quite sure it would.

Mr. MCMILLIN. I think that is all wrong.

Mr. MATSON. It would be a violation of the whole pension system.

Mr. MCMILLIN. I do not see the justice of allowing to one class of widows a pension of only $96 a year and paying to others $2,500 a year, the husbands of both classes of pensioners having lost their lives in the same service.

Mr. BINGHAM. I think the qualification proposed to be inserted, "subject to the provisions and limitations of the pension laws," should go in for this reason——

Mr. MATSON. It has been inserted in all the other bills.

Mr. BINGHAM. It has been in every other pension bill; and the Committee on Invalid Pensions of this House, taking this Senate bill, struck out the words "during her natural life," clearly with the intent that in case of remarriage the pension should cease. The insertion of the words "subject to the provisions and limitations of the pension laws" would give to the children $2 a month under the general statute.

Mr. SPINOLA. That is right.

Mr. EZRA B. TAYLOR. I withdraw my objection to the amendment suggested by the gentleman from Indiana [Mr. MATSON].

The SPEAKER. In the absence of objection these words will be inserted. The Chair hears no objection.

Mr. CHEADLE obtained the floor and yielded to Mr. KILGORE.

Mr. KILGORE. Mr. Speaker, I desire simply to say that I am opposed to pension bills of this character. While I have antagonized this and other pension bills, I have done so upon principle. The Government has adopted the system of granting pensions in proper cases to men who served in the Federal Army, and all that can now be done is to prevent the abuse of that system and wrong to the deserving. But the cases ought to be meritorious; the bounty of the Government ought not to be bestowed upon fashionable people to enable them to become the leaders in fashionable society; it ought not to go to the rich nor the lofty, and it ought not to be used to create and build up an aristocracy in a democratic government. The tendency of the times is to bestow favors on the favored, the fortunate—to give bounty as a matter of sentiment and where the least needed.

Mr. CHEADLE. Mr. Speaker, in the time allotted to this debate I can not discuss this question at length as I had proposed to do. I will therefore ask to extend my remarks in the RECORD and yield the residue of my time to the gentleman from Iowa [Mr. KERR].

The SPEAKER. In the absence of objection the gentleman from Indiana will have leave to extend his remarks in the RECORD.

Mr. BINGHAM. I ask unanimous consent that all gentlemen have leave to publish remarks.

Mr. LAWLER. I object.

Mr. KILGORE. I ask leave to extend my remarks.

The SPEAKER. Does the gentleman from Illinois [Mr. LAWLER] object to the request made by the gentleman from Texas?

Mr. LAWLER. I object to all of them.

Mr. KERR. Mr. Speaker, I think the amount of pension provided for in the amendment should be reduced from two thousand five hundred to two thousand. The gentleman from Indiana [Mr. CHEADLE] emphasized the importance of standing by the fundamental ideas of the American system in the legislation of Congress on the subject of pensions. I agree with him in the main in what he has said on that subject. "I believe in the principles of the American system with all my soul and without an if or a but." No man can go before me in admiration of the military achievements of General Sheridan. He wielded a flaming sword with unerring judgment, and in martial history and in the poetry of the future he will be the heroic character of the war. But the inspiring thought, the fortifying principle of that character was his faith in American principles. Without his abiding faith in these principles he would have been only a hireling in that grand conflict, and the imperishable laurels of victory would never have encircled his brow. We are proud of our republican institutions; and the central principle of republican institutions is the doctrine "that all partial laws are iniquitous, and that all special privileges are wrong." We admire the prowess of General Sheridan, but it was the grand army of American citizen soldiers that made General Sheridan a possibility; they had faith in him because he had faith in them. The flag throughout all the years of our history before the war, in so far as the General Government was concerned, had represented equality before the law. The legislation had been impartial.

The Constitution, following the Declaration of Independence, had recognized the doctrines of the Declaration of Independence; no titles of nobility were allowed, and the whole spirit of our system tended to the doctrine that so far as the General Government was concerned every child of the Republic should have an equal chance. Made by that condition, out of that condition came this great historic character. The son of a poor Irish emigrant, inspired by the principles of our system, educated by the Republic, becomes, perhaps, the most interesting military character in our history. The character acquired that reputation in a war which resulted from an effort of the American people by legal means to make our system more truly republican in its theories and practices, and was won in a triumph over those who were desirous, we believed, to create a new system in which social eminence and caste would be in ascendency as controlling factors in government.

That success was only possible because in the estimation of the heroic men who fought in the ranks as well as their trusted leaders the perpetuity of government by the people and for the people was involved. I do not know that reference to American precedents in the earlier days of the nation will have great weight, but I do know that the history of the times in which these precedents were made was of importance in forming that heroic character that made our cause and our country successful.

On the 23d day of January, 1821, a bill was under consideration in Congress to allow a pension to the mother, wife, and children of Commodore Perry, the hero who had by his leadership driven the British from the Lakes in the great naval engagement on Lake Erie, a heroic picture of which adorns the walls of the Capitol. He had been sent by his country on a dangerous mission to the Orinoco, and had died in that service far away from home and friends. The provisions of the bill allowed $350 to the mother of the hero, $400 to his widow, and $150 each to his four children until they became of age. The provision for his aged mother was struck out and the allowance for his widow and children was adopted on a vote of 76 to 62.

Subsequently, in 1824, on the 9th of January, a bill was under consideration to allow the mother of the hero the sum of $300 a year. It had been recommended by the Legislature of South Carolina, and Mr. Hamilton, of that State, supported it in an able speech; but in doing so he laid down certain principles to which I desire to call attention of the House. He said:

> In a republic like ours, where we give nothing to pride and luxury, these claims are to be considered in reference to the extent and character of the services, the ability of the Government to discharge them, the existence of absolute want of the party to be relieved, and the relief itself to be controlled by the practice of a wise and judicious frugality.

Mr. Wickliffe, of Kentucky, in opposing the bill, said:

> Shall we extend the bounty of the Government to the mothers of men who hold a distinguished rank in society, and when application is made on behalf of others who need it more tell them that we can extend our benevolence only to those who died in heading armies or squadrons in battle?

This language applies with great force at this time. There are thousands of widows all over this country whose husbands have died of disease contracted in the service, who are to-day alone struggling to earn an honest living by hard work, who are denied a few dollars a month to keep them from want. And while this is the case it is proposed to increase to a higher rate than before and vote this large sum to this widow. Do you suppose such an act will be likely to inspire the patriotism of the masses of people?

Mr. Clay, the Great Commoner, in opposing the bill to pension Mrs. Sarah Perry, after contending that in our history we had never pensioned any but those who had fallen in battle, said:

> What is the basis on which in other countries aristocracies are erected and titles and honors showered on individuals, to be transmitted down to the remotest posterity, but the same principle?

Said he:

> If you wish to make your country illustrious, you must diffuse your glory. It is not to your heroes, but to the body of the people, the men who fight your battles, to whom you are indebted for your safety and eminence as a nation.

These were the views that prevailed in our early history. It was the influence of these views that made such illustrious men as Grant, Sherman, and Sheridan possibilities.

Mr. Speaker, I do not expect or desire to be able to have this committee follow the precedent set by the Congress of 1824 in refusing to grant a pension to the aged and indigent mother of the hero of Lake Erie. Neither do I hope to be able to persuade the House to adopt the view that was held even by the friends of the pension to that aged and honored lady, namely, that a pension should only be granted to one who is in need, and then on the principles of the closest frugality; but I do hope that

while there are thousands of poor widows reduced to penury by the loss of husbands who died of disease contracted and wounds received in the service of their country, while thousands of infirm parents, who have had their lives saddened and their props taken away by the untimely death of those on whom they might have leaned in their declining years, have been denied that aid which but for their patriotism they might have received from those sons who fell in the storm of battle, we shall go no further in this distinction than we have gone already.

The country granted a pension of $2,000 to Mrs. General Logan and a similar sum to Mrs. General Hancock, Mrs. Blair, and Mrs. McClellan. These worthy ladies were themselves patriots. They had borne themselves grandly, heroically, when the nation was in peril; every fiber of their hearts was in harmony with their husbands. They sustained them with their smiles of encouragement when the storm-cloud of war was darkest. They gave the sunshine of their presence to the soldiers of the Republic when groaning in anguish with wounds or bearing with heroic fortitude the agony of death. They by their own services earned the nation's gratitude.

The wife who girds her husband's sword
'Mid little ones who weep or wonder,
And bravely speaks the cheering word,
What though their hearts are rent asunder;
Doomed nightly in her dreams to hear
The bolts of death around him rattle,
Her heart hath shed a drop as dear
As e'er bedewed the field of battle.

Surely some of these eminent men are the equals and are recorded as high on the scroll of fame as any other American names. Surely their services are as much entitled to be recognized and rewarded as any in American history. Surely their honored widows are as much as any others entitled to be kindly dealt with by a loving country.

I do not suppose it will avail anything to mention the word "economy" in connection with this subject. The "vast surplus" is the excuse for appropriations of all kinds. But should we not remember that all money raised by taxation is a burden on the energy and resources of the people who must fight our future wars? Should we not remember that the lighter those burdens are, consistent with public duty, the greater will be the patriotism of the people? Should we not remember, with Alexander Hamilton, that the necessities of a nation in every period of its existence will be found to be at least equal to its resources, and that every dollar taken by the hand of extravagance from the national Treasury diminishes by that much the fund out of which we may hope in future to relieve the wants of the widows and dependent parents of the soldiers who suffered and died in the service of the country? That every dollar taken with an unequal hand from the national Treasury lessens by that much the chance that justice shall ever be done to all, and renders that neglect the more saddening in the reflection that a few in high social position are bountifully provided while the mass are left to penury and want?

The great difficulty in times of war and public danger is not to secure officers. The state has provided for that in an equal way. It is to secure soldiers for the rank and file. That difficulty will be greatly increased if Congress shall enlarge the preferences given to officers over men. I hope, therefore, that the pension in this case will be reduced to the sum allowed to Mrs. Logan, Mrs. Blair, Mrs. Hancock, and Mrs. McClellan. I had hoped that the amendment which has been indicated would be adopted. The reduction to $2,500 is in that direction. I am in favor of pensioning Mrs. Sheridan at the same rate as the widows of the four other distinguished generals of the Union service whose names are on the pension-roll. I do not think she ought to have any more. The gentleman who introduced the bill brings forward the consideration that she has her family to support, and of course that consideration is entitled to weight.

I think in the granting of pensions, which are gratuities, there should be no distinction in rank. But I do not wish to be invidious in this case. As there is only one case of the kind it will not be dangerous as a precedent. [Cries of "Vote!"]

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CHEADLE. I demand the yeas and nays.

The yeas and nays were not ordered, only 12 voting in favor thereof.

The House divided; and there were—ayes 132, noes 34.

So the bill was passed. [Great applause.]

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF GENERAL W. S. ROSECRANS.

Mr. RANDALL. I report, from the Committee on Rules, the following resolution:

The Clerk read as follows:

Resolved, That immediately after the adoption of this resolution the House will proceed to consider Senate bill 3560, entitled "A bill for the relief of William S. Rosecrans," upon which the previous question shall be considered as ordered upon its third reading and upon its passage.

Mr. SPINOLA. Will the gentleman from Pennsylvania permit me to offer an amendment?

Mr. RANDALL. I have not the permission of the committee to do that.

Mr. SPINOLA. Will the gentleman then permit me to offer an amendment?

Mr. RANDALL. The gentleman can offer his amendment and have it read.

Mr. SPINOLA. Let it be read, then, for the information of the House.

The SPEAKER. Does the gentleman yield to have it read?

Mr. RANDALL. Let it be read.

The Clerk read as follows:

Amend by including Senate bill No. 2395, authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army.

Mr. HATCH. I make the point of order on that amendment.

The SPEAKER. It is not pending.

Mr. HATCH. You can not under the rules move to amend one private bill by adding to it another.

The SPEAKER. The question is on ordering the previous question.

Mr. STRUBLE. I demand a division.

The House divided; and there were—ayes 99, noes 19.

So the previous question was ordered.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes on each side. [Cries of "Vote!"]

Mr. RANDALL. I do not wish to occupy any time.

Mr. STRUBLE Mr. Speaker, I have a few words to say in opposition to this bill.

The SPEAKER. The gentleman is entitled to fifteen minutes.

Mr. STRUBLE. Mr. Speaker, it is evident the House will pass this measure, but I wish before that action is taken to put myself on record as opposed to it. In my judgment it is not good policy to continue in the line of encouraging our officers in the regular Army, after having been educated by the Government and fitted for that service and assigned to their respective positions, to give up their places in the Army of the United States and retire from that service with a view of accepting political honors or business vocations, and after making such trial as each may see proper in such line as may be chosen, to come to Congress and request restoration to rank theretofore held by them.

I wish to say that, in my opinion, if this policy is pursued it will be in its tendency demoralizing to our regular Army service. I think it ought not to be pursued further, but rather when our cadets go from West Point and take their positions in the regular Army of the country it ought to be the understanding that they shall hold the places to which they have by the Government been assigned; or if they voluntarily abandon them for other positions, whether in political or business life, they can never expect to be restored to their former military status.

Mr. BLAND. Did not the gentleman vote in favor of retiring General Grant after he had left the Army and gone into the civil service?

Mr. STRUBLE. I admit that I did, but I hold the case of General Grant to be a worthy exception to all others in this country.

He resigned at the call of his countrymen to become their Chief Magistrate; to become Commander-in-Chief of the Army and Navy, while General Rosecrans resigned on his own motion, and I feel justified in saying, in a practical sense, in the face of the enemy, for, as all gentlemen here know, we were then engaged in a gigantic struggle to preserve the life of the nation, and needed every competent, patriotic general then in the service.

Mr. Speaker, I have stated the most serious objection I entertain to this bill, but while I have another, and one that I feel intensely—before proceeding to state it let me say that it is not my purpose to indulge in any filibustering tactics to defeat or postpone final action on the bill.

Sir, my mind runs back to-day to the Forty-eighth Congress, to the second session thereof, when the friends of General Grant on both sides of the House were intensely anxious to do a noble deed that the heart of the old commander might in the gloom of rapidly approaching night—the night of death—be somewhat cheered and sustained. The session was fast waning. The bill proposing to restore him to his former rank was finally called up, but serious opposition was found to exist to its passage.

From what source did it come, and who led the opposition? Was it one of the then so-called "brigadiers," one of those who might have felt a lingering bitterness toward the old hero because of his career while leading armies in the South? No. Some of these had objections to the bill, but the one prominent, persistent, bitter, and unyielding foe of that humane measure was the gentleman who is now so anxious to be placed on a military list from which he retired in time of war and of peril to the Union.

Can any of us on this side of the Chamber who were here forget the spirit of unrelenting hatred with which General Rosecrans then pursued General Grant? Others possibly may, but I can not and will not.

Mr. TOWNSHEND. Did he not withdraw his objection?

A MEMBER. He did.

Mr. STRUBLE. Yes, he did at almost the last moment and under suggestive circumstances, and when his doing so would accommodate

a friend in the matter of a contest then pending between Mr. Frederick and Mr. James Wilson, of Iowa; and as gentlemen then present will remember, in order to save the Grant bill Mr. Wilson had to consent to a judgment of ouster from his seat in Congress. General Rosecrans made and continued his opposition to the bill with the most venomous and vituperative abuse of the grand commander of our armies during the closing days of the war of the rebellion and who then lay sick and unable to say a word in reply.

Mr. BUCHANAN. When he "lay sick unto death."

Mr. STRUBLE. Yes, as my friend says, "when he lay sick unto death;" and he placed his opposition mainly on the same ground I have urged against this bill, namely, the unwise policy as affecting the permanent efficiency of the Army. But it is well known that the powerful motive leading him was hatred of Grant. His words and actions showed this to be true. And notwithstanding that General Grant was then rapidly sinking and soon thereafter passed away, this unrelenting foe continued to administer blow after blow upon his devoted head.

Mr. Speaker, there is a homely old maxim that I am told obtains even among the lowest classes who engage in personal combat, as well as in higher circles of pugilists, and that is, "Never kick a man when he is down." At the close of the Forty-eighth Congress and at the time to which I have referred, the dear old warrior who had, more than any other man, saved us a nation, was "down"—down on a couch of intensest suffering and near the last day of his earthly life. Did the beneficiary in this bill exhibit a sense of common humanity, of sympathy for a fellow-man down and dying? No, verily! On the contrary, he continued to kick the poor, helpless creature until forced off the floor of the House by the persuasion of those of his associates whose hearts beat in unison with those of the people in all parts of the land, and whose tears flowed copiously at the thought of the silent, uncomplaining warrior who was then so grandly battling the great foe of us all.

But, Mr. Speaker, I must hasten on. To prove that this unyielding hatred of Grant did not cease with his death I wish to read a letter I hold in my hand. As I have said, he not only followed and abused him in this House and in the public press of the country before his death, but he pursued him relentlessly after death. I hold in my hand a letter addressed to myself, which I will read as showing in what manner he characterized General Grant long after he was dead and buried.

WASHINGTON, D. C., *February* 9, 1889.

DEAR SIR: I see by the papers that a bill has been recently presented in Congress to place General Rosecrans on the retired-list of the Army. I am reminded by this of a conversation I had with him and General C. L. Young, of Toledo, Ohio, about the Chickahominy campaign, in the summer of 1887. In that conversation I asked his opinion of General Grant, and he replied with a good deal of emphasis and apparent feeling that General Grant "was a skunk."

Think of it, gentlemen; that such a term should be applied to that man! General Grant a skunk! And yet this man, who thus vilified the name of his country's loved one, comes here to-day without words of apology or a single particle of evidence to show that he has ever changed or ever will change in the feeling which animated his mind or in his conduct and utterances, and asks this relief.

Mr. SPINOLA. Who wrote that letter?

Mr. STRUBLE. The writer of this goes on to say:

I would not like to see any injustice done to General Rosecrans. I would give him full credit for his success in the Army. I would even excuse his many blunders as a commander, but I never can forgive his treatment of General Grant, whose character he never missed an opportunity to defame while living, and even following him with his vindictiveness into his honored grave. But I know that I voice the sentiment of nine-tenths of the Union soldiers in the country when I assert that his treatment of General Grant was the result of envy and was largely prompted by partisan feeling.

Very respectfully,

M. J. FOOTE.

Hon. I. S. STRUBLE.

Mr. SPINOLA. I ask who wrote that letter?

Mr. STRUBLE. I have just given you the name of the writer. He is a soldier from Ohio, a lawyer at 1208 F street, northwest; a man who has the privilege of carrying but one leg that is natural, the other being supplemented by a wooden extremity, one leg having been left on one of the fields of the late war.

Mr. MCADOO. Who is Foote? What is his pedigree?

Mr. STRUBLE. You will find out by inquiring of any of the Ohio delegation, I have no doubt. His pedigree I do not know, but I have met the gentleman, and he appeared to me to be a man of candor and truthfulness.

Now, as I said, sir, I shall not filibuster on this bill, but I propose to hold up here to the gaze of this House and the country thus briefly these facts, and ask the members on that side of the Chamber and on this; you over there who owe so much to the great heart of General Grant; you who in the hours of your dire extremity, in the face of your final and awful trial felt the charity and generosity of that grand heart; and to those on this side, you who followed him, perhaps, many of you, as I did, at Vicksburg, as he went on step by step in that grand campaign that resulted in the surrender of the city and the capture of General Pemberton's entire army; you who followed him elsewhere on the battle-fields of the Republic, at Chattanooga, Lookout Mountain, Missionary Ridge; you who followed him through the Wilderness to Petersburgh, through Richmond, and on to the crowning glory of Appomattox, as well as you who did not follow him in person, but did in sympathy and love, and who believed in him whether you were in the Army or not, appealing to you all, I say, can you, in the face of this treatment at the hands of General Rosecrans, cast your vote for the man who never ceased, and, as I said before, never will, if we may judge from his conduct, while he has the use of his tongue, to slander the name and the fame of that grand old commander?

Mr. SPINOLA. Do you know anything about the writer of that letter?

Mr. STRUBLE. That letter was written by Captain Foote, of Ohio. You can get information, as I have said, from the members of that State, if you desire, as to who he is; or you can visit him at his place of business at any time you please during business hours. I had his permission to use the letter, and I have no doubt you will find him ready to affirm its contents.

Mr. CHEADLE. Mr. Speaker——

Mr. RANDALL. I do not want this time to come out of the fifteen minutes allotted to me.

The SPEAKER. The gentleman from Iowa took the floor in his own right, and has five minutes of his time remaining.

Mr. STRUBLE. I would be glad to give that time to any member who desires to use it.

Mr. BOUTELLE. I should like to be heard.

Mr. CHEADLE. I ask the gentleman from Pennsylvania to allow me a minute.

Mr. ANDERSON, of Iowa. Will my colleague yield to me a part of the time?

Mr. STRUBLE. I will divide the time between my colleague and the gentleman from Maine, two and a half minutes each.

Mr. ANDERSON of Iowa. Mr. Speaker, hand in hand with bravery go generosity and charity. No man in this presence had greater admiration for the great captain of his time than I had while he was living, and there is no man that reveres his memory, now that he sleeps the last sleep, more than I. I was in a frame of mind at the time, in consequence of the assault that General Rosecrans made upon that great captain, that made me feel I would never forgive him. But I have changed with time, and I have come to the conclusion that the manly thing, and the brave and charitable thing to do (in view of the great infirmities of human nature that attach to the great heroes that came from the war, as well as to other men), is to overlook them, and this has changed my purpose and will cause me to give my vote for the passage of this bill. [Applause.]

With all General Grant's heroism, with all his greatness, he had his imperfections, and he from time to time, the war being over, made criticisms of men that he regretted. The same is true of that very distinguished general that followed in his wake. He likewise has said things he regretted.

I served throughout the entire war, and, knowing what I do of the perils and hardships of that struggle for national life and of the value of the services rendered, I never have and never will lift my voice or cast my vote to withhold any honor or favor from any one of the loyal heroes engaged, from the grand commander of all the armies to the humblest soldier in the ranks.

I have said it, and I am willing to say and still believe that the brave soldiers throughout the length and breadth of this country, notwithstanding the record that my colleague [Mr. STRUBLE] has placed here before the House, will justify in the long run a vote in favor of this bill. [Applause.]

Mr. CHEADLE. As the gentleman who has just addressed the House is in favor of this proposition, I submit that his time should be charged to the other side.

Mr. STRUBLE. I now yield to the gentleman from Maine five minutes.

Mr. BOUTELLE. I believe that I am on record invariably since I have been in Congress in favor of the bestowal of generous recognition for services of a distinguished character that have been rendered to the country by the men who followed its banner in the days of trial and of blood; and it would be a very serious consideration which would prevent me from giving my vote in favor of any proposition to pay any honor to any one of the leaders of our armies during that time when so much was wrought out for the welfare of the nation and for the progress of humanity.

But, Mr. Speaker, with the memory I have of the attitude assumed and the words uttered by General Rosecrans on the floor of this House at a time when Congress was asked to pay to the greatest not only of American soldiers but the greatest then of living soldiers the same tribute, in the same manner, which is asked for himself here to-day, I feel that I can not vote in favor of this proposition without in some measure seeming to indorse or condone the assault made upon General Grant at that time. And, Mr. Speaker, it was not a mere ebullition of the heat of temper in the excitement of debate, but General Rosecrans followed up his assault upon the floor of the House by a deliberate and promiscuous circulation of this vilification of General Grant in pamphlet form under his frank to all parts of our country, and with even more violent abuse in magazines and other current literature. I can not vote in any way that would even seem to give sanction to such accusations

as were made by General Rosecrans in the House of Representatives on the 16th day of February, 1885, in which he said, among other things:

It is my duty to say that in reality the bill is a plain proposition to reward General Grant for his distinguished military services, and it is my duty to say that I can not vote for this bill.

It is not my intention, sir, to recount any of the historical reasons why I think that General Grant's military reputation has been exaggerated and misrepresented under the exigencies of party interest and power, and can only suggest that when true history comes to be written it will be pared down to very different dimensions. I do not propose to go into that subject, sir, although I am one of the four living Army commanders contemporary with him, and would feel quite qualified to express opinions of my own on that subject.

But, Mr. Speaker, this House, by the passage of this bill, is called upon by solemn act to renew and reaffirm all the exaggerations and misstatements of fact which have been popularly impressed on the public mind under the circumstances to which I have alluded. It was the interest of a great political party of this country to make the services of General Grant to appear as large and important as possible, for he was their servant and tool to secure power. He himself kept an aid-de-camp in his back office and there prepared the first two volumes of Badeau's Life of Grant, upon which the students of history have put the stamp of unworthiness to be trusted.

* * * * * * *

I would not oppose the passage of this bill on account of these things to which I have alluded, namely, statements made officially by General Grant that were false, and which he knew to be false at the time he made them, and which I have shown in my official reports to be false. I say these things do not enter into my reasons at all. But if we take things as they stand now it has been said over and over again that General Grant is in a state of distress, that there is nothing between him and the poor-house except the income of $250,000, and this statement has been carefully circulated among members of both Houses and the public, and I say it upon my own responsibility, from his family, that even that amount, the $250,000, was lost or substantially lost. That is not the truth.

And he concluded this astonishing speech with this virulent assault upon the great chieftain who even at that moment was passing within the "valley of the shadow of death:"

There is another critical circumstance to which I wish to call the attention of gentlemen on this floor. Congress by a solemn act like this is asked to arrest—what? Why, the progress of public opinion in the investigation into that great confidence mill of Grant & Ward. If gentlemen on this floor can afford to put a cover over that investigation, or can afford to put a ligature around that investigation by such a solemn and significant act as the bill proposes for the purpose of deceiving the public by it, I can not afford to do it. I can not afford by my action on this floor to say to the people of this country that a business which has been so conducted as to rob poor people of many millions of dollars, and which if done on a small scale would have sent its managers to prison, shall be considered as unimportant when the principal manager has allowed a great name to be used as the instrument of the robbery.

I protest against the House of Representatives giving by its action on this bill a quasi-indorsement or condonation of that shameful assault upon the great, silent soldier, who even then, "with malice toward none and with charity for all," was preparing to meet his Maker. [Applause.]

Mr. RANDALL. I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I voted as a member of the Committee on Rules to report this resolution. General Rosecrans in his services in the late war is identified with a great block of soldiers who feel that their record on many important battle-fields is his record and his record is theirs. They desire to see him now, in his old age and straitened circumstances, placed upon the retired-list. I believe it is a proper thing to do. No man has greater veneration for the memory of General Grant than I have. I am not voting to put General Rosecrans's name on the retired-list because of what he said or did not say after the war closed, in this House or elsewhere, but because of his services to the country during the war. And I believe that if Ulysses S. Grant could be called from the grave and stand to-day in this presence he would be broad enough to sweep aside the sayings after the war, arising from passion or prejudice, and say that he would vote to put the name of General Rosecrans upon the retired-list, in obedience to the wishes of a great block of the soldiers of the late war and on account of his services in that war. [Great applause.]

Mr. RANDALL. I now yield three minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I shall vote for this bill. I shall vote for this bill, not because of what General Rosecrans said in regard to General Grant, for I deeply regret that, but I shall vote for this bill because of what General Rosecrans did in the war that maintained the Union abroad. When the tocsin of war sounded, General Rosecrans did not hesitate or palter, but he left everything behind him and laid all that he had upon the altar of his country, and when we needed victory, when this country in its heart of hearts was aching for want of victory, General Rosecrans in the very beginning, in West Virginia, gave us victory. Again, in the far Southwest, at Iuka, he gave us victory. He was promoted step by step from colonel to brigadier-general, and from that to major-general, and was placed at the head of the army at Cumberland, and again, in the closing days of December, 1862, at Stone River, he lighted the horizon of this whole country from edge to edge with the fires of victory. Then, following that, he gave us one of the most magnificent specimens of perfect strategy that the entire war afforded, in the Tullahoma campaign, when, almost without the sacrifice of a life, he flanked Bragg out of his fortified position at Tullahoma and carried his army across the mountains into the valley of Chickamauga.

I know, Mr. Speaker, that there is an impression that the battle of Chickamauga was a disaster to the Union arms; but in that it achieved that for which it was fought, in that it gave us Chattanooga as the key of the position and the center of a new advance, the battle of Chickamauga was a victory. Disastrous it was, indeed, upon the field, but it accomplished the purposes of victory in that we held the place for which we fought. Now, Mr. Speaker, we can afford to forget what General Rosecrans may have said, but we can not afford to forget what General Rosecrans did. We can not afford to ignore the fact that he led one of the great armies of the Union and led it to victory. We can not afford to forget that now, in his old age and poverty, he comes to the Government, which he did almost as much as any one man to save, and asks that out of its plenitude, out of its wealth, out of its greatness, it shall extend to him the aid which he requires in his decline. For these reasons, Mr. Speaker, I shall vote for this bill most gladly. [Applause.]

Mr. RANDALL. I yield a minute to the gentleman from Indiana [Mr. CHEADLE].

Mr. CHEADLE. Mr. Speaker, Indiana gave the first soldier to die in that great contest, at Laurel Hill, in West Virginia, and the last one at Palmetto Ranch, in the State of Texas. On behalf of all the soldiers of Indiana I rise to say, in the limited time given me, that as one of their representatives it will afford me great pleasure to vote in favor of this bill. Indiana soldiers and Indianians do not desire us to settle the personal differences between the claimant and other officers of the Army. They simply want justice done in this case, and justice demands that William S. Rosecrans's name shall be placed upon the retired-list of the Army. [Applause.]

Mr. RANDALL. I yield three minutes to the gentleman from Iowa [Mr. HOLMES].

Mr. HOLMES. Mr. Speaker, it was my honor and pleasure to serve in the campaigns of both General Grant and General Rosecrans, and I am astonished that any true friend of General Grant can rise upon this floor and attempt to cast Parthian shafts at General Rosecrans.

General Rosecrans stands out as one of the great figures of history in connection with that war; and although the days of fire, of iron, and of blood have passed, gentlemen rise here and attempt to arraign General Rosecrans for something that he has said since the days of peace came in. No man here has denied the justice of placing General Rosecrans upon the retired-list of the Army. No man has denied the grand services that he rendered to this country through that long night at Stone River, or his services at Chickamauga, at Iuka, and in the many battles in which he was engaged. He was competent everywhere, glorious at all times, and the men who followed him and fought with him will never see his name clouded and be silent. [Applause.]

General Grant was an autocrat when the war ended, and endeavored to blot out the name of General Rosecrans, as it were, from the roll of the Army. He attempted to tarnish his fair fame. While I was a friend of General Grant, and have voted for every measure that was calculated to benefit him or his family, and while the American people have piled Pelion on Ossa in doing him justice and taking care of him, it ill becomes any man to rise here in his place to-day and attempt to denounce General Rosecrans. I am sorry to hear my colleague from Iowa [Mr. STRUBLE] among the opposition. I remember how gallantly my other colleague, General WEAVER, fought under General Rosecrans, and how distinguished a record he made.

Let us here to-day, in voting upon this bill, vote not upon what General Rosecrans said. I have no defense to make of any ill-timed remarks that he may have made. But General Grant, in his final report of the war, did great injustice to General Rosecrans; and I think he also did him great injustice in his memoirs. Yet we did not refuse to pension General Grant on that account. Let us lay aside these small bickerings about what General Rosecrans or any other man has said in a time of peace, and let us do justice to men for what they did in time of war. That is the true issue; that is the true guide in dealing with a question of this kind. [Applause.]

Mr. Speaker, among all the men who have been placed on the retired-list of the Army there is no man who is on general considerations more entitled to it than General Rosecrans. He is poor to-day and needs the little assistance which this bill will give him.

[Here the hammer fell.]

Mr. RANDALL. I now yield five minutes to the gentleman from Minnesota [Mr. MACDONALD].

Mr. MACDONALD. Mr. Speaker, this bill is precisely the same as the House bill for the same purpose, which was introduced by me and which has been considered and reported favorably by our Committee on Military Affairs. The two bills were introduced simultaneously in the Senate and House, and in view of these facts it is but right that I should say a few words in favor of its passage and in defense of the grand old soldier and veteran who is the beneficiary named in the bill.

Sir, I can not take the time to refer at length to the military career and distinguished and valuable services of General Rosecrans in behalf of the Union. I will not attempt it, for it would require hours to do it justice.

I introduced the House bill, Mr. Speaker, without reference to what has transpired since the close of the war between our great generals; and the fact that this bill passed the Senate without a dissenting voice

is conclusive evidence that what has here been advanced in opposition to its passage was not deemed worthy of notice by that body.

The purpose of this bill is to recognize in a substantial manner (and truth compels me to state, at a time when it must be acceptable to him) the valuable and efficient services rendered by General Rosecrans. Selecting from his many important victories for the cause of the Union the battle of Stone River or Murfreesborough, I would ask, who is there here that will say that he did not, by that one victory, earn all that this bill proposes to bestow upon him? Here is the manner in which the lamented President Lincoln acknowledged, by telegraph, that victory:

WASHINGTON, *January* 5, 1863.

To Major-General ROSECRANS:

Your dispatch announcing the retreat of the enemy has just reached here. God bless you and all with you.

Please tender to all and accept for yourself the nation's gratitude for your and their skill, endurance, and dauntless courage.

A. LINCOLN.

General Halleck also telegraphed him, sending congratulations, and in the telegram said:

The victory was well earned, and one of the most brilliant of the war. You and your brave army have won the gratitude of your country and the admiration of the world.

Congress also, by joint resolution, thanked General Rosecrans and his army for achieving this signal victory.

In answer to the bitter and uncalled-for attack upon General Rosecrans by the gentleman from Iowa [Mr. STRUBLE], I will read for the edification of this House, and the especial benefit of the gentleman from Iowa, what one of the then Senators from Iowa said in the Senate when the resolutions already referred to were under consideration. They were introduced by Hon. Henry Wilson, of Massachusetts, and in support of them Senator James W. Grimes, of Iowa, said:

* * * I judge that the exploits of General Rosecrans at Murfreesborough are unexampled in the military annals of this country, and are unsurpassed in military history anywhere. I do not believe that the military commander now lives who has performed such gallant and glorious deeds as he has under such adverse circumstances. Defeated on the first day, with the loss of some prisoners and cannon, on the second day sustaining a repulse of one wing of his army, yet restoring order, rallying his men, and fighting four successive days, he achieved a decisive and triumphant victory. Where in military history is it recorded that a commander has assumed control of a dispirited army, as his was when General Rosecrans took command of the army in Kentucky, marched it 200 miles through a hostile country, supported it over a line of railroad that had been repeatedly destroyed in part and temporarily rebuilt, and then fought it with the bravery, the determination, and the skill that he exhibited? In my opinion General Rosecrans stands to-day the greatest captain of the age.

Senator Wilson, of Massachusetts, said in reference to the above remarks:

I concur entirely in what has been said by the Senator from Iowa concerning the action of General Rosecrans and his forces.

I can well afford to now leave the gentleman from Iowa to explain why he assails the old patriot-hero whose services were thus praised by Senator Grimes. [Applause.]

Mr. Speaker, General Rosecrans achieved that great victory at a time when, as many of us can remember, the North stood with bated breath watching the fluctuating movements of our armies, and the cause of the Union was trembling in the balance; and President Lincoln and Congress well knew they but voiced the feelings of a people who were then shouting the praises of "Old Rosey" in every loyal State.

That victory was all that Senator Grimes described it, and fully justified the language used by President Lincoln in the dispatch I have read, for General Rosecrans had defeated an army a braver than which could not be found elsewhere in the entire world. However erroneous the Confederates were in their opinions, they were as brave and desperate soldiers as Americans have proved themselves to be on every field.

In conclusion I will quote from the report of the committee upon the bill. It states:

The Legislatures of Indiana and Ohio also by appropriate resolutions expressed their appreciation of his gallantry and brilliant successes.

In 1863 he drove the enemy from their intrenchments, crossed the Cumberland Mountains and Tennessee River, fought the great battle of Chickamauga, and took and held Chattanooga, the gateway of the Confederacy.

In 1864 he commanded the Department of the Missouri, and suppressed what remained of armed opposition to the Union cause.

In 1867 he resigned his position as brigadier-general in the regular Army, and for gallant and meritorious service was brevetted major-general United States Army.

In view of the foregoing facts, the committee believe that it would be a graceful recognition of his services in behalf of his country to give the President power to place upon the retired-list of the Army this distinguished and venerable officer.

As shown above, he has reached within one year of the allotted period of three score and ten years, and we have no doubt that it would be a solace to him in his declining years to be made the recipient of this evidence of his country's gratitude.

Now, sir, I say it is immaterial what General Rosecrans said, or what General Grant said with reference to him. If we should now undertake to carry out the principles advocated by gentlemen on the other side, we would be simply imitating what they say General Rosecrans has been guilty of. I trust that as an act of simple justice to this distinguished officer this bill will pass. [Applause.]

Mr. RANDALL. Mr. Speaker, I took part in the proceedings of this House at the time that the Grant bill was passed, and to-day I recall no event of my public life that gives me greater and deeper gratification than what I did on that occasion.

I want to say, Mr. Speaker, that General Rosecrans could have prevented the consideration of the bill on that day, but he did not do so. I protest against that occurrence being brought up here to prevent the passage of this bill. [Applause.]

I want gentlemen to rise up here to the full stature of manhood and forgive as we expect to be forgiven for our errors. [Applause.] I have always said that General Rosecrans committed a mistake in this connection, but let us forgive him. I feel certain I but express what would have been General Grant's words were he alive when I say, let full justice be done to this faithful, devoted, and wounded soldier of the Union. [Great applause.]

The resolution was agreed to.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3560) for the relief of William S. Rosecrans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, to appoint William S. Rosecrans, late a major-general of United States Volunteers, and brigadier-general in the regular Army of the United States, to the position of brigadier-general in the Army of the United States, and to place him upon the retired-list of the Army as of that grade (the retired-list being thereby increased in number to that extent); and all laws and parts of laws in conflict herewith are suspended for this purpose only.

The SPEAKER. The previous question has been ordered on the bill, and under the rules of the House there are thirty minutes for debate, fifteen minutes on each side.

Mr. STRUBLE. I wish to be heard in opposition to this bill for a few minutes.

The SPEAKER. Fifteen minutes are allowed under the rules in support of the bill and fifteen minutes in opposition to it.

Mr. STRUBLE. I will take the floor and yield a few minutes to the gentleman from Kansas [Mr. PERKINS], but I will withhold my remarks until we hear from the other side in favor of the passage of the bill.

The SPEAKER. While the rules of the House provide for thirty minutes' debate, fifteen minutes on each side, they do not prescribe the way in which the debate shall take place. Therefore the Chair accords the floor to the gentleman who first rises.

Mr. STRUBLE. I yield for five minutes to the gentleman from Kansas [Mr. PERKINS].

Mr. MACDONALD. I ask whether the time is not to be divided.

The SPEAKER. The rule divides the time, but does not say who shall speak first.

Mr. PERKINS. As a member of the Army of the Cumberland it was my privilege, as it was my duty, in the days of the war to follow in the ranks and obey the orders of the gentleman who is the beneficiary of this bill. As a soldier I honored him, as our commander I obeyed him, and as a citizen I respect him, and I have no unkind word or accusation to bring against him now.

But, sir, I remember, as has been already stated, that but a few years ago he stood upon the floor of this House in opposition to another bill which proposed to confer a like distinction upon a more distinguished soldier, a more respected citizen—our beloved commander, General Ulysses S. Grant. In a speech made in opposition to that bill he indulged in some bitterness, and said:

It is my duty to say that in reality the bill is a plain proposition to reward General Grant for his distinguished military services, and it is my duty to say that I can not vote for this bill.

It is not my intention, sir, to recount any of the historical reasons why I think that General Grant's military reputation has been exaggerated and misrepresented under the exigencies of party interest and power, and can only suggest that when true history comes to be written it will be pared down to very different dimensions. I do not propose to go into that subject, sir, although I am one of the four living Army commanders contemporary with him, and would feel quite qualified to express opinions of my own on that subject.

But, Mr. Speaker, this House, by the passage of this bill, is called upon by solemn act to renew and reaffirm all the exaggerations and misstatements of fact which have been popularly impressed on the public mind under the circumstances to which I have alluded. It was the interest of a great political party of this country to make the services of General Grant to appear as large and important as possible, for he was their servant and tool to secure power. He himself kept an aid-de-camp in his back office and there prepared the first two volumes of Badeau's Life of Grant, upon which the students of history have put the stamp of unworthiness to be trusted.

* * * * * * *

I would not oppose the passage of this bill on account of these things to which I have alluded, namely, statements made officially by General Grant that were false, and which he knew to be false at the time he made them, and which I have shown in my official reports to be false. I say these things do not enter into my reasons at all. But if we take things as they stand now it has been said over and over again that General Grant is in a state of distress, that there is nothing between him and the poor-house except the income of $250,000, and this statement has been carefully circulated among members of both Houses and the public, and I say it upon my own responsibility, from his family, that even that amount, the $250,000, was lost or substantially lost. That is not the truth.

* * * * * * *

There is another critical circumstance to which I wish to call the attention of gentlemen on this floor. Congress by a solemn act like this is asked to arrest—what? Why, the progress of public opinion in the investigation into that great confidence mill of Grant & Ward. If gentlemen on this floor can afford to put a cover over that investigation, or can afford to put a ligature around that investigation by such a solemn and significant act as the bill proposes for the pur-

pose of deceiving the public by it, I can not afford to do it. I can not afford by my action on this floor to say to the people of this country that a business which has been so conducted as to rob poor people of many millions of dollars, and which if done on a small scale would have sent its managers to prison, shall be considered as unimportant when the principal manager has allowed a great name to be used as the instrument of the robbery.

But General Rosecrans said further that his opposition to the bill was not personal or actuated by ill-will or personal considerations, but that he was against the bill because it was wrong in principle, wrong in policy, bad as legislation, and unjust to the country; that the retired-list of the Army should not be swelled from the walks of private life or civil station. If his argument and opposition to the bill to place General Grant upon the retired-list was sincere and honest, how can he or his friends in consistency ask to have this bill passed for his relief? If Grant in his feebleness and with his honors and grand achievements should not be placed upon the retired-list of the Army, who can say that such a favor should be conferred upon the beneficiary of this bill, General W. S. Rosecrans? Who that heard the speech of General Rosecrans in opposition to the Grant bill, and believed him an honest man, can favor this bill for his relief, that he denounced so bitterly as wrong in principle and unjust to the country?

General Rosecrans was educated at the expense of the Government. For a time he served it in its military ranks and then retired to the pursuits of private life, and when the war of the rebellion came upon us he was commissioned as a volunteer officer and served the country creditably and well. And yet those who are here to-day and who had the honor of serving in the ranks of the Union Army at Chickamauga, know that if it had not been for that grand old soldier and hero, George H. Thomas [loud applause] who stood there and whose columns formed a solid wall against which the Confederate army broke itself in pieces, the name of General Rosecrans would have gone down in dishonor rather than in honor as it stands to-day.

Remembering this, Mr. Speaker, and remembering what his country has already given him, and remembering the position he took upon the bill to which I have already referred when it was before the House for consideration, I as one think we ought not to confer this privilege upon him. Twenty-five years ago he voluntarily left the Army to engage in business and political activities. His energies have been devoted to personal and political enterprises, and for all service rendered the Government of the United States as a soldier or otherwise he has been fully paid, and, as before suggested, I can not see how he or his friends, in consistency or with propriety, come to Congress and ask the country to pay him $5,500 per year as a retired officer the balance of his days, he to give in return no service or consideration to the people of the United States.

For these and other reasons I can not support the bill.

The SPEAKER. The gentleman has occupied four minutes. The gentleman from Iowa has eleven minutes of his time remaining.

Mr. STRUBLE. I now yield four minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Speaker, there was no man who occupied a prominent position as a leader of the Federal forces during the late war for whom I had greater respect and for whose record I had greater admiration than General Rosecrans. I have also watched and admired his course in civil life since his retirement from the Army, but, sir, I am opposed to placing him upon the retired-list, as proposed by this bill. I oppose it as a matter of principle, and upon the same principle that I have opposed pension laws which have been proposed here from time to time placing numbers of persons upon the pension-rolls, who, in my judgment, had no claim whatever upon it, and, as I believed, should not properly be placed there.

After the country has educated a man at its expense, after he has been permitted to hold high and distinguished positions, and to draw from the country's Treasury large salaries for the services rendered, I think it is his fault if, during the time he is so situated, he fails to make that provision for the future care of his family which the individual in private life is compelled to make out of his earnings if it is made at all; and when he abandons military life and enters upon the pursuits of private life again I am opposed to going back and restoring him to the military rank he formerly held for the express purpose of making him a pensioner upon the public Treasury.

I am opposed to increasing what you might call this civil-pension list, because it amounts practically to that, taking a man from the walks of civil life because he formerly held a military command and placing him upon the retired-list to draw a large compensation thereafter from the public Treasury, for which he renders no consideration and no service, but simply as an act of charity, or, as it is claimed in this case, for distinguished services previously rendered. It should be remembered, Mr. Speaker, that the distinguished services previously rendered have already had ample compensation.

Now, sir, what is the condition of affairs with regard to this favored class? It is growing from day to day. Congress is called upon almost every day to pass some bill to place somebody upon the pension-roll or the retired-list, or to increase somebody's pension. The clamor for increase of pensions comes from the higher grades as an example for the lower.

Rank, social standing, historic names, and frequently personal solicitation at the expense of all these, are brought to bear on the Representatives and Senators in Congress to secure an increase of the bonus which the masses are forced to contribute to the classes.

The pending bill is not without bad precedents. The exceptional case of General Grant, which it was declared at the time would not be considered as a precedent, opened the door through which other exceptional cases have forced their way until now it is wide enough to admit the entire rank and file of the Army.

The exceptional case of Mrs. Lincoln admitted all the widows of Presidents to the $5,000 civil-pension list.

The exceptional cases of Mrs. Logan and Mrs. Blair paved the way for all the widows of the generals of the Army to demand the royal pension of $2,000 per annum; and to-day we raised the limit in the case of Mrs. Sheridan to $2,500 per annum, which I believe is the highest point yet reached in the military list.

Before we have exhausted the possibilities in granting and increasing pensions to the military class there is a strong disposition manifest to enter upon new and practically unlimited fields by seeking for new objects of charity in the civil service.

In the other branch of this legislative body a proposition is now pending to place the widow of the late Chief-Justice of the Supreme Court upon the pension-list, and upon that another equally justifiable proposition is made that the widow of the late Judge Merrick shall also be pensioned. I want to know, sir, where this business is going to end? I suppose we will take every person who had or now has any connection whatever with the Army and give such person a pension in some shape or other before we get through. It looks as if that was going to be the inevitable result. If that is to be true as to the Army are we now going a step further? Are we going to invade the ranks of the judiciary, and later on the ranks of the legislative branch, and, logically, in the end, all the ranks and branches of the civil service, until the office-holders as a class and their widows shall be added to the list of pensioners to eat out the substance of the laboring people of this country?

I protest against it, sir, and would warn the advocates of indiscriminate pension legislation that patient and patriotic as the laboring people of this country are under excessive taxation there may be a limit beyond which violent reaction will set in. While I would be glad to do honor to the distinguished soldier and citizen whose name is now before this body for a place on the retired-list of the Army, I am not willing to honor him, nor any man, at the expense of my honest and earnest convictions of right and duty, and I will not vote for this bill, nor for any proposition of a kindred character, so long as I am a member of this body.

Mr. STRUBLE. I will reserve the remainder of my time.

Mr. RANDALL. I yield three minutes to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, there is a story which I believe is authentic, that shortly after the election to the Presidency of Andrew Jackson, at which time there was prevalent an idea that men who agreed with the administration in politics ought to have the offices, delegations from the State of New York visited the President to ask him to remove the postmaster at Albany, who differed with him in politics and had been appointed by a previous administration. It happened that the postmaster was an old soldier in the war of 1812. One delegation failed of its mission, and another came still more urgent. Finally, as an unanswerable argument, as it was supposed, a member of one of the delegations said to the President, "This postmaster not only opposed your election, Mr. President, but he has called you names and tells the worst kind of stories about you." Andrew Jackson replied, "A man that fought like this man did at Lundy's Lane and carries British lead in his body has a right to call me what he pleases. I take the responsibility. He won't be removed." [Applause.]

Mr. Speaker, I think a man who served the country as General Rosecrans did in West Virginia, on that fearful day at Corinth, at Stone River, and at Chickamauga, has a little right in his old and declining years to talk. I feel very leniently toward any old soldier who has served his country well. I do not think he gives away his right to have justice and recognition by a hasty and unguarded word. I had the honor in a very humble capacity to serve for about four years as a soldier in the Army of the Tennessee, and every soldier of that army points with pride to the fact that our first commander was Ulysses S. Grant. We had afterwards as commanders Sherman, McPherson, Howard, and Logan. Every one of them we loved and adored. We never had a commander to leave us except to take a higher command. Of course we give the first place to Grant; in fact, I might almost say that the Army of the Tennessee idolizes his memory.

I think I speak the general sentiments of soldiers of that organization when I say that our regard for his great services as a soldier and commander is such that we can not harbor ill-feeling against General Rosecrans for any unguarded expressions since the war. I have not the least doubt you could to-day have almost a unanimous vote from the Army of the Tennessee to place General Rosecrans upon the retired-list. [Applause.] Oh, says the gentleman on my right, if it had not been for General Thomas at Chickamauga he would have left the field with his reputation ruined. Yes, and he might have said more.

If it had not been for the grand heroes who carried muskets in the Army of the Cumberland that field would have been lost. Just at this point I want to say that but for the men who fought in the ranks there is not a general who would have a reputation to-day. [Applause.] It was the enlisted men and subordinate commanders on every field that made reputations for the great generals. But it takes a great man to command an army and give them their due. It was Rosecrans who commanded at Corinth when that field was won. It was an exhibition of great generalship. It was a great victory, dearly won, but it saved the Southwest in 1862.

It was Rosecrans who commanded and directed the brave men at Stone River on those fearful winter days when again the tide of battle was turned southward. It was under him Phil Sheridan first rode at the head of a division, and on this bloody field gave evidence of the high rank he was afterwards to obtain. It was Rosecrans's skill and genius that maneuvered the enemy out of Chattanooga and gave the Army of the Cumberland a position at Chickamauga that enabled him to hold at bay Bragg's army, re-enforced by one of the best corps from the rebel army on the Potomac.

Do not forget that it was under Rosecrans that Thomas stood, the Rock of Chickamauga.

Mr. Speaker, there was a day in the nation's peril when good Abraham Lincoln thought he ought to send the thanks of the nation to General Rosecrans and the officers and men of his command for their great services in the field. I regret that men can not pass upon this question without bringing up matters that ought to have no relation to it. Let us do justice to this frail old man, who served his country well in the days of his strength and vigor. His generous, liberal nature has prevented his saving money for his old age. General Grant's place in history is secure. It is not necessary to deal harshly with any soldier in order to place a laurel on his brow. Indeed, I feel quite sure, if the voices of Grant and Thomas could be heard, their noble spirits would say, "Pass this bill!" [Loud applause.]

Mr. RANDALL. I yield three minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. I do not want to know anything about politics on such a question as this, and do not want to know anything about politics when any soldier of the Union comes before me for consideration for his services. In the struggle of the Forty-eighth Congress, when we sought justice to the great commander, General Grant, in the same way practically as General Rosecrans does now, I was opposed to the position taken by General Rosecrans. I was against him then when he opposed Grant's bill. He was wrong then, and I was right. He is now brought before us for recognition. The principle is the same. I want to be right again, and so I will vote for "Rosey." [Loud applause.] As a member of the Army of the Tennessee, I followed both Grant and Rosecrans. I fought under Rosecrans at Corinth.

I was with him in that battle, and he was the only general that I ever saw closer to the enemy than we were who fought in the front, for in that great battle he dashed in front of our lines when the flower of Price's army was pouring death and destruction into our ranks. The bullets had carried off his hat, his hair was floating in the wind, and, protected by the god of battle, he passed along the lines and shouted, "Soldiers, stand by your flag and by your country!" We obeyed his orders. We crushed Price's army, and gave the country the great triumph of the battle of Corinth. General Rosecrans was the central, the leading, and the victorious spirit.

I care not that General Grant and General Rosecrans since the war exchanged courtesies that were not courteous. It is enough for me to know now that he asks recognition, and for us who have patriotic hearts for our comrades to give it. I respect the feeling of my friend and colleague [Mr. STRUBLE], but my friend, as I view it, is wrong. He felt the cut and smart of the lash of Rosecrans on Grant, but Grant was equally as explicit in expressing his opinions. It is enough for us to consider that Grant and "Rosey" were both successful and deserving soldiers. Without considering what either of them said, we ought to dispose of this matter without heat or temper. Let us not forget when Rosecrans was against the Grant bill we, on this side, opposed him. We will be logical, consistent, and patriotic now when we stand for this bill. I have no doubt as to what my duty is. I censure not my colleague; I censure no one around me, but I would be censurable in my own judgment if I did not cast my vote for my old commander. [Applause.]

Mr. RANDALL. I now yield five minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I had the honor to serve under General Grant, and I cherish his memory. I also had the honor to serve under the distinguished general whose name is under consideration here, General Rosecrans, and I am his friend. I care nothing about the controversy that existed between the two generals while they were both living. It would be unbecoming in me to do so. They were both patriotic, and I believe the cause of the Union would have fared badly had they not been in the service of the Government.

I, too, had the honor to participate in the battle at Corinth in 1862, and I know, and the country knows, that but for the magnificent strategy of Rosecrans, his soldierly bearing, his wonderful grasp of and attention to the details of that battle, the Army of the Southwest would have been overthrown, and the consequences could not have been foretold. He decoyed the army of Price on to the spot where he designed to fight the battle, and the result was that he was victorious and captured parts of sixty-nine different commands serving under Price and Van Dorn and the other Confederate commanders. In that important battle he saved the cause of the Union in the Southwest. Rosecrans was a splendid soldier, a valuable officer, and he is now a most honorable citizen. Few are more distinguished. He is one of the heroes of this age, and his name will live forever. I am for this bill. It must be passed. We can not dishonor him by voting no. I would like to see a unanimous vote. [Applause.]

Mr. RANDALL. I now yield two minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. Mr. Speaker, I rise simply to say one word in favor of the passage of the pending bill for the relief of General Rosecrans. As a private soldier who occupied a most humble position in the ranks of the Union Army during the late rebellion, I am glad to be in a position to vote for this measure. It must be said to the eternal credit of this House that it rarely refuses to do honor and justice to the brave and deserving heroes of the country, and I feel confident that it will not hesitate now to do justice to General Rosecrans in this matter.

It is surprising to see certain gentlemen on the other side who served in the grand Army of the Republic during the late unpleasantness oppose this measure for the relief of one of their brave commanders on mere personal grounds. The only ground upon which the opposition rests is that when a like measure was before the Forty-eighth Congress to place General Grant upon the retired-list General Rosecrans opposed that measure and made a bitter and inexcusable attack upon that great military chieftain. No one lamented this assault more than I did, and I firmly believe that the time has come when General Rosecrans himself would gladly recall that speech if he could.

He may have erred in saying what he did on that occasion, but this would not justify me nor any other member of this House in doing him a similar injustice now by voting against this measure placing him upon the retired-list. Justice was done to General Grant notwithstanding the course of General Rosecrans, and yet we are urged to divide upon this question and defeat this bill upon the trivial grounds stated and advanced by its opponents, the bitterest of whom dare not question the patriotism and bravery of its beneficiary.

What statesmanship, what magnanimity! Who amongst us has made no mistakes? None of us are infallible. It is an argument of the most belittling character to say that because this gallant Union soldier made a mistake and on one occasion talked too much that we shall forget all his brave and noble deeds in the past which he rendered in defense of his country's flag and for the preservation of the grandest and most beneficent Government in the world. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired. The gentleman from Pennsylvania [Mr. RANDALL] has four minutes remaining and the gentleman from Iowa [Mr. STRUBLE] has seven minutes. [Cries of "Vote!" "Vote!"]

Mr. STRUBLE. I yield three minutes to the gentleman from California [Mr. MCKENNA].

Mr. MCKENNA. I think, sir, that the opponents of this measure have drifted into irrelevant consideration. It is hard to resist the impulse of feeling, and we all love General Grant and his memory so much that the slightest criticism of him may swerve us from a fair judgment of any who makes criticism upon him or upon his memory. But, sir, I think with the gentleman from Pennsylvania [Mr. RANDALL], that opposition to this bill is made in the name of General Grant which he would not utter or sanction himself. His declaration was "Let us have peace"—not peace only between sections, but peace between men; and if he were here to-day, animated, as I have no doubt that he would be, by that spirit, he would express the same sentiment and would say to us, "Do justice to General Rosecrans as a soldier of the Army of the Union and forget and pass by his defects as an individual, whatever they may be."

If, Mr. Speaker, he was the soldier depicted by the gentleman from Pennsylvania [Mr. JACKSON], if he performed the splendid service so eloquently described by the gentleman from Iowa [Mr. HENDERSON], it was great enough and worthy enough to cover every defect that has been ascribed to him by the opponents of this measure. Therefore, Mr. Speaker, Union men as we are, feeling toward General Grant as we do, revering his memory as we do, we can not perform a better act than to give reward to a man who fought so well as General Rosecrans fought for the cause that General Grant loved and to which his services and heroism were devoted. I hope every Republican will vote for this bill.

Mr. STRUBLE. Mr. Speaker, I have listened with interest to what has been said on this and the other side of the Chamber in favor of this bill. The serious objection which I first raised to it is the bad policy of restoring officers in this way after they have left the Army to go into civil life. There has been no discussion, I think, of that proposition.

Mr. CUTCHEON. The retirement of Grant answers that.

Mr. STRUBLE. The retirement of Grant was an exception—an unusual and a justifiable one, and the country and the world will hold it as an exception to the rule which ought in general to obtain. Mr. Speaker, if General Rosecrans should be restored to the Army, why not also many of the sick and maimed colonels and generals of the volunteer service? Why not these brave men who suffer to-day more than General Rosecrans ever suffered physically—why not restore them as well as this man, who, I believe, was in the regular Army service twice?

A MEMBER (rising). We have passed similar bills.

Mr. STRUBLE. I can not consent to be interrupted now; I would gladly yield if I had more time.

Mr. Speaker, one word in reply to the considerations which have been urged favorable to the career of General Rosecrans as a soldier. I have said not one word to-day reflecting in the least upon either the personal character, integrity, and honor, or upon the military services of this gentleman. Nor have I said a word on the military services of General Grant except by way of general reference. But, Mr. Speaker, I was pained that my colleague [Mr. HOLMES] should have risen in his place and in his zeal for General Rosecrans have deemed it necessary to pass an unfavorable remark as to General Grant, as I had made no reference to the military services of either of these generals except in a general way, and not at all in the way of comparison.

One word in reply to my genial friend and colleague, Colonel HENDERSON, and I am done. We, his colleagues, always listen to him with absolute satisfaction and pride; and you, the other members of the House, pay him splendid compliments. When he pictured before this House and these galleries filled with people the grand soldiery of Rosecrans—when he pictured Rosecrans with drawn sword and hair streaming in the breeze leading his forces on to victory; recalling what I knew personally and what all members of the Forty-eighth Congress know to be his treatment of Grant, I said to myself, "Is it possible that a hero like this, with Grant, another hero, then on his death-bed, could, in this House and elsewhere, malign and defame his memory and traduce his character?" Was Rosecrans the great, brave, and generous soldier that he has been pictured by my colleague? If he was, could he have been guilty, as we know he was, of persistently, continuously, and viciously defaming the name of Grant? It seems to me there is an inconsistency here, though I do not reflect at all upon what my eloquent friend has said, nor in the least deny the correctness of his glowing recital.

[Here the hammer fell.]

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has now four minutes remaining.

Mr. RANDALL. I yield two minutes to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. Mr. Speaker, I believe that the discussion on the comparative qualities of general officers of our Army is very much like a two-edged sword, and that the better plan to deal with such discussion is to do as we have done with our old accouterments, to hang them on the wall.

I would have said nothing in this debate had it not been for the fact that I served under both Grant and Rosecrans, and while there are many defects in the character of General Rosecrans, for which no apology can be made on this floor, yet the services of "Old Rosey" were of such a character in the critical period of the life of this Republic that nothing which this House can do for him to place him on an equality with other general officers of his rank can be too much.

I want to direct one remark to the friends of General Grant. I am sorry that I am forced to do it, but I do it in vindication of the truth of history. No friend of General Grant in this Congress can afford to be otherwise than charitable toward General Rosecrans. General Grant can be criticised just as severely and keenly as General Rosecrans; and the men who fought, as I did, under Thomas from first to last, and who know of the City Point telegrams coming from the General of the Army and from the Lincoln administration, and which were intended to depose and disgrace Thomas, can not patiently sit in this Hall and hear any uncharitable word said against "Old Rosey."

The victory of Stone River was achieved by Rosecrans. The victory of Nashville, secured by Thomas, was the completion of the conquest of the South and Southwest. Let accounts be balanced. Let charity be held up for all. Above all, let no Grant idealism do injustice to just as brave men as himself. [Great applause.]

Mr. RANDALL. I now yield two minutes to the gentleman from Michigan [Mr. ALLEN].

Mr. ALLEN, of Michigan. Mr. Speaker, opposition to this bill is founded on what General Rosecrans said in this Hall long after the war had closed. The hero of Appomattox and the great captain of the Army forgot after the war had ceased many things which it is well for us to forget. Among others he forgot the personal calumnies which were showered down upon his head. He was able to say and did say in the face of those calumnies to this country which he loved so well when warring factions on all sides threatened another war, "Let us have peace." [Applause.] And in his dying hour he requested one of his opponents, one of the bravest officers of the Confederate side, Joseph E. Johnston, to assist in carrying his honored remains to a most honored tomb. [Applause.]

So far as General Rosecrans himself is concerned, General Grant, with the shadow of death upon him, used these words; and coming to-day to us it should silence all criticism as to what Rosecrans was and what he did in the Army. I read from the Memoirs of U. S. Grant, volume 2:

Rosecrans had very skillfully maneuvered Bragg south of the Tennessee River and through and beyond Chattanooga.

On the morning of the 21st we took the train for the front, reaching Stevensons, Ala., after dark. Rosecrans was there on his way north. He came into my car and we held a brief interview, in which he described very clearly the situation at Chattanooga and made some excellent suggestions as to what should be done.

Not for what General Rosecrans said in the Hall of the House of Representatives, but for what he did when the country needed every true man, is the reason why I wish to place him on the retired-list. [Applause.]

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNAL-REVENUE BILL.

Mr. RANDALL. I desire further to report, from the Committee on Rules, the following resolution; and in that connection I wish to say, after the resolution is read I wish to ask some questions of the Chair.

Resolved, That Rule XXIII, clause 4, be amended by adding thereto the following proviso:

"*Provided*, That on Monday, February 25, 1889, immediately after the reading of the Journal, the House shall proceed in the Committee of the Whole House on the state of the Union to the consideration of the bill of the House (H. R. 12131) to amend the internal-revenue laws; and at 4 o'clock p. m. on said day the said bill shall be reported to the House with such amendments as may have been agreed to in said committee, and the previous question shall be considered as ordered upon such amendments and upon the engrossment, third reading, and passage of said bill, and the votes thereon shall be forthwith taken; and in case the said bill shall not be taken up on said day, then this shall be a continuing order thereafter in all respects until one legislative day shall be occupied as herein specified: *And provided*, That a yea-and-nay vote shall be taken on an amendment proposed by Mr. FORNEY on behalf of the minority of the committee reporting said bill: *Provided further*, That after consideration of the said bill has been entered upon no dilatory motion shall be entertained by the Chair."

Mr. RANDALL. Mr. Speaker, it is well known to this House——

Mr. BLAND. I reserve the right to raise the question of consideration.

Mr. MILLS. I will attend to that.

Mr. RANDALL. It is well known to the House that there is an unfinished appropriation bill in the Committee of the Whole House on the state of the Union. I believe I promote public business in permitting that bill to be proceeded with; but I desire before giving way to make some parliamentary inquiries of the Chair in that direction. I wish to ask whether if I do so I will lose any of my rights in any particular in connection with this report which may now be exercised as a matter of privilege?

The SPEAKER. The Chair will state that the practice of the House is well settled where a privileged report is made it may be laid upon the table for the present, to be called up at some future time, and loses none of its privileged character.

Mr. RANDALL. It loses nothing, then?

The SPEAKER. It loses none of its privileges.

Mr. RANDALL. Then I do not desire to proceed with this report now, nor do I desire to ask that the previous question be pending, for the reason that I hope the gentleman from Texas will indicate between now and the time I shall again call it up what time he wishes the resolution to be considered.

Mr. MILLS. I would suggest that this resolution lie on the table for the present without any understanding whatever, but losing none of its privileges; and by the time it is again called up I will have conferred with the gentleman and let him know——

The SPEAKER. That is the request of the gentleman from Pennsylvania, as the Chair understands, so that the gentlemen can confer together.

Mr. MILLS. The gentleman and myself are both agreed that we ought to go on with the appropriation bills.

The SPEAKER. The resolution will lie on the table for the present.

Mr. MATSON. I desire to offer an amendment.

The SPEAKER. It is not before the House for consideration.

Mr. MATSON. I ask unanimous consent to have it read for the information of the House.

The SPEAKER. Is there objection?

Mr. RANDALL. I can not let it in as a pending amendment.

Mr. MATSON. I only want to have it read for information.

Mr. RANDALL. I have no objection to having it read for information.

The SPEAKER. It will be read.

The Clerk read as follows:

And the day following shall be set apart for the consideration of H. R. 9961, entitled "A bill relating to arrears of pensions," upon the same terms and condi-

tions in all respects and as to discussion, the ordering of the previous question, and the taking of a yea-and-nay vote on the final passage thereof.

Mr. RANDALL. That is not germane to the subject-matter.

Mr. MATSON. I ask permission——

Mr. RANDALL. It is understood that that was only read for information. I do not yield for it.

Mr. REED. For information or misinformation?

Mr. HENDERSON, of Iowa. I wish they would offer such a resolution in a business sense.

Mr. RANDALL. I move to dispense with the call of committees for reports.

VETO MESSAGE—DES MOINES RIVER LANDS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill No. 1368, entitled "An act to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

This bill is to all intents and purposes identical with Senate bill No. 150, passed in the first session of the Forty-ninth Congress, which failed to receive executive approval. My objections to that bill are set forth in a message transmitted to the Senate on the 11th day of March, 1886. They are all applicable to the bill herewith returned, and a careful re-examination of the matters embraced in this proposed legislation has further satisfied me of their validity and strength.

The trouble proposed to be cured by this bill grew out of the indefiniteness and consequent contradictory construction by the officers of the Government of a grant of land made in 1846 by Congress to the State of Iowa (then a Territory) for the purpose of aiding in the improvement of the Des Moines River. This grant was accepted on the 9th day of January, 1847, by the State of Iowa, as required by the act of Congress, and soon thereafter the question arose whether the lands granted were limited to those which adjoined the river in its course northwesterly from the southerly line of the State to a point called the Raccoon Fork, or whether such grant covered lands so adjoining the river through its entire course through the Territory, and both below and above the Raccoon Fork.

The Acting Commissioner of the General Land Office, on the 17th day of October, 1846, instructed the officers of the land office in Iowa that the grant extended only to the Raccoon Fork.

On the 23d day of February, 1848, the Commissioner of the General Land Office held that the grant extended along the entire course of the river.

Notwithstanding this opinion, the President, in June, 1848, proclaimed the lands upon the river above the Raccoon Fork to be open for sale and settlement under the land laws, and about 25,000 acres were sold to and pre-empted by settlers under said proclamation.

In 1849, and before the organization of the Department of the Interior, the Secretary of the Treasury decided, upon a protest against opening said lands for sale and settlement, that the grant extended along the entire course of the river.

Pursuant to this decision, and on the 1st day of June, 1849, the Commissioner of the General Land Office directed the reservation or the withholding from sale of all lands on the odd-numbered sections along the Des Moines River above the Raccoon Fork.

This reservation from entry and sale under the general land laws seems to have continued until a deed of the lands so reserved was made by the State of Iowa, and until the said deed was supplemented and confirmed by the action of the Congress in 1861 and 1862.

In April, 1850, the Secretary of the Interior—that Department having then been created—determined that the grant extended no farther than the Raccoon Fork, but in view of the fact that Congress was in session and might take steps in the matter, the Commissioner of the General Land Office expressly continued the reservation.

In October, 1851, another Secretary of the Interior, while expressing the opinion that the grant only extended to the Raccoon Fork, declared that he would approve the selections made by the State of Iowa of lands above that point, "leaving the question as to the construction of the statute entirely open to the action of the judiciary."

In this condition of affairs selections were made by Iowa of a large quantity of land lying above the Raccoon Fork, which selections were approved and the land certified to the State. In the mean time the State had entered upon the improvement of the river and it appears had disposed of some of the land in furtherance of said improvement. But in 1854 the State of Iowa made a contract with the Des Moines Navigation and Railroad Company for the continuance of said work at a cost of $1,300,000, the State agreeing in payment thereof to convey to the company all the land which had been or should thereafter be certified to the State of Iowa under the grant of 1846.

On November, 1856, further certification of lands above the Raccoon Fork, under the grant to the State of Iowa, was refused by the Interior Department. This led to a dispute and settlement between the State of Iowa and the Des Moines Navigation and Railroad Company, by which the State conveyed by deed to said company—

"All lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold and conveyed, or agreed to be sold and conveyed, by the State, by its officers and agents, prior to the 23d day of December, 1853, under said grant."

This exception was declared in the deed to cover the lands above the Raccoon Fork disposed of to settlers by the Government in 1848, under the proclamation of the President opening said lands to sale and settlement, which has been referred to; and it is conceded that neither these lands nor the rights of any settlers thereto are affected by the terms of the bill now under consideration.

The amount of land embraced in this deed located above the Raccoon Fork appears to be more than 271,000 acres.

It is alleged that the company, in winding up its affairs, distributed this land among the parties interested, and that said land, or a large part of it, has been sold to numerous parties now claiming the same under titles derived from said company

In December, 1859, the Supreme Court of the United States decided that the grant to the Territory of Iowa, under the law of 1846, conveyed no land above the Raccoon Fork, and that all selections and certifications of lands above that point were unauthorized and void, and passed no title or interest in said lands to the State of Iowa. In other words, it was determined that these lands were, in the language of the bill under consideration, "improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846."

This adjudication would seem to conclusively determine that the title to these lands was, as the law then stood, and notwithstanding all that had taken place, still in the United States. And for the purpose of granting all claim or right of the Government to said lands for the benefit of the grantees of the State of Iowa, Congress, on the 2d day of March, 1861, passed a joint resolution providing that all the title still retained by the United States in the land above the Raccoon Fork, in the State of Iowa, "which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be and the same are hereby relinquished to the State of Iowa."

Afterwards, and on the 12th day of July, 1862, an act of Congress was passed extending the grant of 1846 so as to include lands lying above the Raccoon Fork.

The joint resolution and act of Congress here mentioned have been repeatedly held by the Supreme Court of the United States to supply a title to the lands mentioned in the deed from the State of Iowa to the navigation and railroad company, which inured to the benefit of said company or its grantees.

No less that ten cases have been decided in that court more or less directly establishing this proposition, as well as the further proposition that no title to these lands could, prior to said Congressional action, be gained by settlers, for the reason that it had been withdrawn and reserved from entry and sale under the general land laws. It seems to be perfectly well settled also, if an adjudication was necessary upon that question, that all interest of the United States in these lands was entirely and completely granted by the resolution of 1861 and the act of 1862.

The act of 1862 provides for the setting apart of other lands in lieu of such as were covered by the act, but had been before its passage sold and disposed of by the United States, excepting such as had been released to the State of Iowa under the joint resolution of 1861.

It is claimed, I believe, that in a settlement of land grants thereafter had between the United States and the State of Iowa lands were allowed to the State in lieu or indemnity for some of the lands which it had conveyed to the Des Moines Navigation and Railroad Company. But if the title of the company is valid to lands along the river and above the Raccoon Forks, under the deed from Iowa and the joint resolution and act of Congress, it can not be in the least affected by the fact that the State afterwards, justly or unjustly, received other lands as indemnity.

The bill under consideration provides that all the lands "improperly certified to Iowa" under the grant of 1846, as referred to in the joint resolution of 1861, and for which indemnity lands were selected and received by the State, as provided in the act of 1862, "are, and are hereby, declared to be public lands of the United States."

The claims of persons and their heirs who, with intent in good faith to obtain title under the pre-emption and homestead laws of the United States, have entered and remained upon any tract of said land prior to 1880, are confirmed and made valid to them and their heirs not exceeding 160 acres, and upon due proof and payment of the usual price or fees it is directed that such claims shall be carried to patent.

It is further provided that the claims of settlers and claimants which do not come in conflict with the claims of the parties above mentioned, are confirmed and made valid. By the second section of the bill it is made the duty of the Attorney-General, as soon as practicable, and within three years after the passage of the act, to institute legal proceedings to assert and protect the title of the United States to said lands, and to remove all clouds from its title thereto.

One result of this legislation, if consummated and if effectual, would be to restore to the United States, as a part of the public domain, lands which more than twenty-five years ago the Government expressly granted and surrendered, and which repeated decisions of the Supreme Court have adjudged to belong by virtue of this action of the Government to other parties.

Another result would be, not only to validate claims to this land which our highest judicial tribunal have solemnly declared to be invalid, but to actually direct the issue of patents in confirmation of said claims.

Still another result would be to oblige the Government of the United States to enter the courts ostensibly to assert and protect its title to said land, while in point of fact it would be used to enforce private claims to the same and unsettle private ownership.

It is by no means certain that this proposed legislation relating to a subject peculiarly within the judicial function, and which attempts to disturb rights and interests thoroughly intrenched in the solemn adjudications of our courts, would be upheld. In any event, it seems to me that it is an improper exercise of legislative power, an interference with the determinations of a co-ordinate branch of the Government, an arbitrary annulment of a public grant made more than twenty-five years ago, an attempted destruction of vested rights, and a threatened impairment of lawful contracts.

The advocates of this measure insist that a point in favor of the settlers upon these lands and important in the consideration of this bill, is found in the following language of the constitution of the State of Iowa, which was adopted in 1857:

"The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant."

The State under its constitution was perfectly competent to take the grants of 1861 and 1862. The clause of the constitution above quoted deals expressly with "lands which have been or may be granted by Congress to the State," and thus of necessity recognizes its right to take such grants. This competency in the State as a grantee was all that was needed to create under the joint resolution of 1861 and the act of 1862 a complete divestiture of the interests of the United States in these lands. It must be borne in mind, too, that prior to this time these lands had been conveyed by the State of Iowa in furtherance of the purposes of the original Congressional grants, and that the joint resolution of 1861 and the act of 1862 were really made for the benefit of those who held under grants from the State.

After these grants by the Government it had no concern with these lands. If, in any stage of the proceedings, the General Assembly of Iowa was guilty of any neglect of duty or failed to act in accordance with the constitution of the State of Iowa, the remedy should be found in the courts of that State; and it is difficult to see how the situation in this aspect can be changed or improved by the bill under consideration.

I am not unmindful of the fact that there may be persons who have suffered, or who are threatened with loss, through a reliance upon the erroneous decisions of Government officials as to the extent of the original grant from the United States to the Territory of Iowa. I believe cases of this kind should be treated in accordance with the broadest sentiments of equity, and that where loss is apparent, arising from a real or fairly supposed invitation of the Government to settle upon the lands mentioned in the bill under consideration, such loss should be made good.

But I do not believe that the condition of these settlers will be aided by encouraging them in such further litigation as the terms of this bill invite, nor do I believe that in attempting to right the wrongs of which they complain legislation should be sanctioned mischievous in principle, and in its practical operation doing injustice to others as innocent as they and as much entitled to consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 21, 1889.

Mr. HOLMAN. I ask that that bill and message——

Mr. HOLMES. I ask that the message and the bill be allowed to lie upon the Speaker's table for the present until called up for consideration.

In that connection I wish to ask a parliamentary question: whether it will lose any of its rights or elements of privilege which pertain to it now by allowing it to lie on the table for the present?

The SPEAKER *pro tempore* (Mr. HATCH in the chair). It will not. It is a question of privilege which can be called up at any time the gentleman gets the floor for that purpose.

Mr. WHEELER. Is it in order to interpose an objection unless some time certain be fixed when it is to be called up? The friends of the President and of the veto do not want to be compelled to be on the watch here every moment.

Mr. HOLMES. I will say to the gentleman that I would fix a time but for the pendency of the appropriation bills.

Mr. HOLMAN. Let it lie on the table.

Mr. HOLMES. I will say, and give notice now, that I will call up the bill on Monday if I can get the right of way.

The SPEAKER *pro tempore*. Without objection, the message and accompanying bill will lie on the table for the present.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HAYES. I desire to make a motion of a privileged character.

The SPEAKER *pro tempore*. The gentleman will suspend until the Chair lays before the House certain executive communications.

PRIVATE LAND CLAIM ARROYO HONDO,

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of the General Land Office, the report of the surveyor-general for New Mexico on private land claim Arroyo Hondo, No. 159; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PRIVATE LAND CLAIM CHRISTOBAL DE LA SERNA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of the General Land Office, the report of the surveyor-general for New Mexico on private land claim Christobal de la Serna, or Los Ranchos de Taos grant, No. 158; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PHILIP P. ROWE.

The SPEAKER *pro tempore* also laid before the House a letter from the clerk of the Court of Claims, transmitting findings of fact by the Court of Claims in the case of Philip P. Rowe against the United States.

Mr. WEAVER. I want an order made to substitute a certified copy for the original papers, which never have reached the Committee on Patents. I want that order made, and with it the reference to the Committee on Patents.

Mr. ROGERS. I would like to know what matter it is that has been submitted to the House.

The SPEAKER *pro tempore*. The Clerk will again report the communication.

The Clerk again reported the title of the communication.

The SPEAKER *pro tempore*. If there be no objection, the order requested by the gentleman from Iowa will be made, and the papers referred to the Committee on Patents and ordered to be printed.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 28) to create a port of delivery at Port Angeles, in the district of Puget Sound, in Washington Territory;

A bill (S. 24) to extend the limits of the port of Portland as a port of entry;

A bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across Red River," approved May 21, 1888;

A bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.;

A bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, La.;

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries;

A bill (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop, and State of Oregon; and

A bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama.

RELIEF OF SETTLERS IN HETTINGER COUNTY, DAKOTA.

The SPEAKER *pro tempore* also laid before the House the bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota.

Mr. PAYSON. In place of a reference of that bill to the Committee on Public Lands I ask unanimous consent to consider it now, with permission to make a brief statement concerning it.

Mr. OUTHWAITE. Regular order.

Mr. PAYSON. Then I ask that the bill remain on the Speaker's table for the present.

The SPEAKER *pro tempore*. If there be no objection, the bill will be retained on the Speaker's table.

There was no objection.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the consideration of private business for to-day.

The motion was agreed to.

Mr. RANDALL. I now move to dispense with the morning hour for the call of committees for reports.

The motion was agreed to.

Mr. RANDALL. I now ask unanimous consent that members having reports to make or private bills and resolutions to offer for reference be allowed to hand them in to the Clerk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

POWDER-HOUSE AT PORTLAND, ME.

Mr. SPINOLA, from the Committee on Military Affairs, reported back favorably the bill (H. R. 12210) to enable the city of Portland to build a powder-house on Hog Island Ledge; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CITIZENS' BANK OF LOUISIANA.

Mr. WILKINSON, from the Committee on War Claims, reported as a substitute the bill H. R. 3717, a bill (H. R. 12636) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 3717 was reported back with a recommendation that it be laid on the table.

BRIDGE ACROSS THE ILLINOIS RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 12573) to establish a railroad bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN F. CLAYTON.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 9455) granting a pension to Benjamin F. Clayton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EZRA A. MILLER.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2138) granting an increase of pension to Ezra A. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS MILLER.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (S. 66) giving a military record to Thomas Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. ROWELL, from the Committee on the District of Columbia, reported back favorably the bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN C. FRÉMONT.

Mr. SPINOLA submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That on Friday, February 22, the House will take a recess at 5 o'clock until 7.30 o'clock, at which evening session the House will consider Senate bill

No. 2395, authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army.

THOMAS A. COAKLEY.

Mr. HAYES, from the Committee on Accounts, reported back favorably Miscellaneous Document No. 112, providing for the salary of Thomas A. Coakley, asked that the Committee on Accounts be discharged from its further consideration; that it be referred to the Committee on Appropriations, and that committee be authorized to make provision for it in the general deficiency bill.

Mr. HOLMAN. The fact was not announced as to what it was.

Mr. RANDALL. It is a report from the Committee on Accounts, asking to be discharged from the consideration of this matter and that it be referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. Does the gentleman from Indiana object?

Mr. HOLMAN. I do not object. I simply wanted to know what it was.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. SAYERS. I now ask unanimous consent that the House may continue in session until 6 o'clock this evening.

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills, and the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The CHAIRMAN. When the committee was last in session a point of order was submitted against the section under consideration. The Chair has examined the point of order and overrules it; and the Clerk will proceed with the reading.

The Clerk read as follows:

Payment to Alabama: For payment to the State of Alabama on account of 2 and 3 per cent. fund arising from the sale of public lands in said State from July 1, 1884, to June 30, 1886, $4,235.21.

Payment to State of Louisiana: To refund to State of Louisiana the amount of overpayments of interest to June 30, 1888, on the bonds of the State held as Indian trust funds by the United States, $13,602.71.

Mr. ANDERSON, of Illinois. I propose to amend that section by adding "and for payment to the State of Illinois on account of the 2 per cent. that has arisen from the sale of public land in said State from January 1, 1819, to December 31, 1860, $475,163.56."

Mr. SAYERS. I raise the point of order on that amendment. There is no law for it. There is no estimate. The account has not been certified to Congress, and it is not germane to the paragraph under consideration.

Mr. ANDERSON, of Illinois, rose.

The CHAIRMAN. The Chair requests the gentleman from Illinois to state whether there is any law authorizing the appropriation proposed.

Mr. ANDERSON, of Illinois. That is the point I was going to make. Under the act of 1818, admitting the State of Illinois, in section 6, in the third clause of that section, is this provision:

That 5 per cent. of the net proceeds of the lands lying within said State, and which shall be sold by Congress, from and after the 1st of January, 1819, after deducting all expenses incident to the same, shall be reserved for the following purposes:

Two-fifths to be disbursed in making roads; the residue for school purposes.

The three-fifths, or the 3 per cent., was paid to the State for school purposes, but not one dollar nor one cent of the 2 per cent. has ever been paid to the State of Illinois. An item that is introduced into this bill pays 2 and 3 per cent. to the State of Alabama for lands sold; and every single State in the Union, except Illinois, Indiana, and Ohio, has been paid the full amount of 5 per cent. authorized by the provisions of the acts under which the States were admitted.

The gentleman says that there is no itemized account.

Mr. SAYERS. No estimate.

Mr. ANDERSON, of Illinois. I have here a statement of the Comptroller which shows the full amount. It shows the number of acres sold, the amount at which the land was sold, and he has even figured up the 2 per cent., and yet not one cent of this has ever been paid.

Mr. RYAN. Why has it not been reported by the Department?

Mr. ANDERSON, of Illinois. The gentleman asks, why has it not been reported by the Department? This has been a matter of contention between the Departments for years, and I will explain the reason. About the time when this claim began to run, the General Government commenced what was called the Cumberland road, running out from Cumberland to Jefferson City, Mo. Without any attempt on the part of Congress to charge these States with the building of that road, because it was the purpose of Congress to make it a national improvement to be paid for by the General Government, the Commissioner of the General Land Office, without any direction from any person, sought to charge these States, by an offset against their claims, a large amount of the expense incurred in building that road.

Congress appropriated millions of dollars for the work, intending, as I have said, to make it a great national improvement. There was never any attempt by Congress to charge the expense of this road to any of the States. Besides, Congress abandoned the road before its construction reached the State of Illinois. But a small part of this road was ever built in the State of Indiana. When the ruling of the Commissioner was presented to the Comptroller of the Treasury he sent him a communication stating that it was error to charge Illinois with any of the expense of this road, and requested him to restate the account, holding that this item of the expense incurred in building the Cumberland road was not properly chargeable to the State of Illinois, to the State of Indiana, or to the State of Ohio. I have here the letter of the Comptroller calling for this restatement. The Commissioner declined to restate the account for the simple reason that his predecessor had made the statement in which he charged the expense of the Cumberland road to these States, and declined to reopen the matter, because, as he said, "One officer of the Land Office is not competent to cancel or annul the act of his predecessor."

A resolution was passed by Congress calling upon the Secretary of the Treasury to state whether or not the books showed that the State of Illinois had ever been charged one single cent of the cost of this road; and I have here his reply. I will read first, however, a part of the resolution. It called upon him to state—

Whether anything is charged in the Treasury Department against the said fund (that is, the 2 per cent. fund), or any offset exists against it there, and if so, when and how did such offset or charges occur or were the same made, and upon what basis, with the dates and amounts of said charges or offsets, and the form or manner in which the said 2 per cent. fund was expended, with the dates of such expenditure and the authority for it.

The Secretary of the Treasury in reply says:

The books of the Register of the Treasury do, as you suggest, show the amount received into the Treasury from the public lands sold in the State of Illinois since January 1, 1819. A table is herewith transmitted showing the results for each year up to the present time since 1818. The books of the Department do not, however, show anything in regard to such a fund as that referred to in the resolution, either in the way of receipts or of charges or offsets against it.

Now, Mr. Chairman, I say here that under the law this claim is a proper one. It was properly authorized. The lands were sold, yet not one single cent of that money has ever been paid to the State of Illinois to this day.

The CHAIRMAN. Does the law specify how the amount due to the State of Illinois is to be ascertained?

Mr. ANDERSON, of Illinois. It has been ascertained. The authority for it is identical with that under which other like items are brought in by the committee. The amount is 2 per cent. of all the public lands sold under the act of Congress.

The CHAIRMAN. But assuming, for the sake of the argument, that there is authority of law, is there any provision for ascertaining the amount of land sold and the percentage thereon? Does the law direct any officer to ascertain the percentage due?

Mr. ANDERSON, of Illinois. The provision is the same that is found in the enabling act of nearly every State that has been admitted into the Union. It provides that 5 per cent. of the lands sold shall go to the State for school and road purposes on condition that the State shall not tax the land for five years; and the State of Illinois, at the constitutional convention held at Kaskaskia, in the same year, passed an ordinance in compliance with this requirement. This is all there is to it. The law gives it to the State, and the State, by passing that ordinance, complied with all the requirements of the law.

The CHAIRMAN. But what officer is charged with the duty of ascertaining the amount of lands sold?

Mr. ANDERSON, of Illinois. The law does not provide for that in this act or in any of the acts. It is the same in this case as in the case of the State of Alabama.

Mr. CANNON. If the Chair will permit me, even if the appropriation is made, not one cent of it can be expended until the amount is ascertained by the accounting officers of the Treasury.

Mr. ANDERSON, of Illinois. But that has been done. I have the amount here from the Commissioner of the Land Office. It stands there upon the books to the credit of the State, but it has never been settled. The Commissioner of the Land Office says that it stands there to our credit, and the Treasury Department says that there has been no offset or charge against it, but that it has been simply "hung up" in the conflict between the Departments with reference to the question whether or not any portion of the expense of constructing the Cumberland road should be charged to our State. I may add, Mr. Chairman, that the State of Missouri stood in the same position until a few years ago, when its claim was paid, and that claim was no more meritorious than this.

Mr. SAYERS. Mr. Chairman, the covering-in act of 1870 requires that where there shall be any claim affected by that act so that the money which has been appropriated may be covered back into the Treasury, the Secretary of the Treasury shall transmit to Congress from session to session an estimate upon the particular claim or claims. Now, we have received no estimate at all from the Treasury Department in reference to this.

The CHAIRMAN. Does the Chair understand the gentleman from Texas [Mr. SAYERS] to say that the law requires that the estimate shall be submitted by the accounting officers of the Treasury?

Mr. SAYERS. I do say so.

Mr. ANDERSON, of Illinois. Is every such item in the bill supported in that way?

Mr. SAYERS. Yes, sir.

Mr. CANNON. If the Chair and my colleague will allow me, the estimate gives the committee jurisdiction to report the appropriation, but if it appears that anything is due to any State, or to any individual, under a law, if there is a claim ascertained, then I think the amendment is clearly a proper one.

The CHAIRMAN. Yes; but the Chair calls the attention of the gentleman from Illinois to this point, because the Chair is not familiar with the law. If the law provides, as the gentleman from Texas has stated, that the accounting officers of the Treasury shall submit an estimate, and if the accounting officers have not submitted that estimate, then the Chair can not entertain the amendment.

Mr. CANNON. With all due respect to my colleague on the committee I will say that the law does not provide that the accounting officers shall submit estimates before Congress shall have jurisdiction to appropriate. By no manner of means. We appropriate for almost every conceivable purpose in pursuance of law, and, so far as the point of order is concerned, the only question that can be asked is, is the appropriation in pursuance of law? Now, my colleague [Mr. ANDERSON, of Illinois] has presented the law, and he says the claims have been ascertained by the auditing officers of the Treasury; but whether they have or not, if the appropriation is made not one cent of it can be paid out until the amount is ascertained by the auditing officers, and so far as the jurisdiction of the committee is concerned, I repeat that under the rule the only question is, is the expenditure for which we appropriate authorized by law? The rest is all a clerical matter.

The CHAIRMAN. The Chair would suggest to the gentleman from Texas that inasmuch as this question has been presented suddenly and for the first time, and the bill can not be completed this evening, that this section, with the amendment and point of order pending upon it, be passed over informally to be recurred to hereafter.

Mr. SAYERS. I have no objection.

Mr. HOLMAN. I wish to state first that I think there is legislation covering this matter as affecting the States of Ohio, Indiana, and Illinois. I do not think it will be found that this appropriation is in order.

The CHAIRMAN. The matter will be passed over informally, and the Clerk will read.

The Clerk read as follows:

To pay William Forsyth in full satisfaction of all demands against the District of Columbia for the fiscal year 1888 and prior years, submitted in House Executive No. 71, second session Fiftieth Congress, $350.

Mr. SAYERS. I ask that the word "Document" be inserted after the word "Executive" in the fourth line. It was left out by inadvertence.

There was no objection.

The Clerk read as follows:

That one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia, and one-half from any money in the Treasury of the United States not otherwise appropriated.

Mr. SAYERS. At the end of line 10, page 21, I move to insert the amendment I send to the desk.

The Clerk read as follows:

Provided, That the amounts appropriated for the water department shall be paid wholly from the water fund.

Mr. ROGERS. What is the object of this provision?

Mr. SAYERS. I will state to the gentleman from Arkansas that there is here a water fund, and the law requires that all expenditures on that account shall be paid from that special fund.

Mr. ROGERS. That seems to be proper.

The amendment was adopted.

The Clerk read as follows:

War Department.

Mr. ENLOE. Under this heading, Mr. Chairman, on page 21, after line 11, I ask to insert the amendment I send to the besk.

The Clerk read as follows:

To enable the Secretary of War to pay the claim of John McGill, jr., numbered 78063, allowed and certified to be due by the accounting officers of the Government, and appropriated for by Congress in the act approved February 20, 1886, but erroneously paid to another person, $150.

Mr. ENLOE. I offer this by permission of the Committee on Appropriations, and I deem it unnecessary to make any statement in regard to the amendment, as it meets the approval of the committee, unless some gentleman shall desire it.

Mr. HOLMAN. How did it happen to be erroneously paid?

Mr. ENLOE. The circumstances of the case, as I am informed, were about as follows: In the first place, I will state that two claims each for $150, each for a horse, each for the benefit of John McGill, jr., and each from Benton County, Tennessee, were filed with the Quartermaster-General. One was examined, passed upon, and allowed. The other was rejected.

An appropriation was subsequently made by Congress to pay the claim allowed, but it so happened that there were three John McGills, jr., in the county of Benton, one of whom died, and one moved away, and the other, the true claimant, is still there. The administrator of the deceased John McGill, jr., through his attorney, under letters of administration from the county court of Benton County, collected this money. By a mistake the Department paid the money to the wrong person. It was conclusively shown that the claim of the deceased John McGill, jr., had been rejected. I believe this case is known in the Department as the case of the "two Dromios" or three Dromios, and I have been trying for about one year to get the money paid to the right person.

A MEMBER. To the right Dromio.

Mr. ENLOE. Yes, and have been unable to do it up to this time. This statement is sent here by the Assistant Secretary of the Treasury, with a letter which I hold in my hand, and without taking up the time of the House to read it, I will ask consent to have it printed in the RECORD in support of the amendment, and I will further ask, Mr. Chairman, permission to embody a brief statement in reference to the letter of the Secretary.

TREASURY DEPARTMENT, *February* 15, 1889.

SIR: I have the honor to transmit herewith copy of a communication this day sent to the Speaker of the House of Representatives in regard to the case of John McGill, jr., with the request that favorable action be taken thereon.

Respectfully, yours,

HUGH S. THOMPSON,
Acting Secretary.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 15, 1889.

SIR: I have the honor to invite the attention of Congress to the following statement of facts:

On March 20, 1886, the Second Comptroller certified a claim (No. 78063) in favor of John McGill, jr., of Benton County, Tennessee, for $150, for one sorrel mare taken from him by the United States troops on or about November 1, 1864, the payment for which was specifically provided for in the act of Congress approved February 20, 1886 (24 Stat., page 664). War warrant No. 7618 was issued in payment of said claim April 12, 1886, and Treasury draft No. 3760, issued thereon April 12, 1886, for $150, payable to the order of John McGill, jr., was delivered to John Cooper, the attorney, who then represented the claimant before the Department, and who had been substituted and appointed as the true and lawful attorney of John McGill, jr,, by Galen E. Green and Gilbert Moyers, the original attorneys in the case.

On September 13, 1886, the said Galen E. Green presented the aforenamed draft for payment at the Treasury Department, accompanied by a copy of letters of administration on the estate of John McGill, jr., issued in the county court of Benton County, Tennessee, September 8, 1886, to R. L. McElyea, administrator, certified by A. C. McRae, clerk of said court, under the seal of the court, and a power of attorney from said R. L. McElyea, administrator, dated September 10, 1886, executed as required by section 3477, Revised Statutes United States, authorizing the said Galen E. Green, as attorney in fact, to negotiate the aforenamed draft and to receive the money therefor. These papers were approved and filed in the office of the First Comptroller, and, in accordance with the prevailing usage in such cases, the draft was indorsed by the Deputy First Comptroller, as follows: "Payable to Galen E. Green, attorney, authority on file." Said Green thereupon indorsed the draft and received the amount thereof from the Treasurer of the United States.

Satisfactory evidence has been received at this Department since the payment of the draft, as above stated, showing that the true claimant, John McGill, jr., is still alive, residing in Benton County, Tennessee, and that the John McGill, jr., deceased, on whose estate letters of administration were issued to R. L. McElyea, as above shown, was not the true claimant. The Department has made repeated demands upon the said Galen E. Green to refund the amount thus erroneously paid to him, but without avail, and on the 10th of September, 1888, he was disbarred from practice before this Department. As said Green is entirely insolvent, the amount can not be recovered from him by suit.

The officers of this Department have acted in perfect good faith in the matter, and yet the demand of the rightful claimant for payment can not be complied with without another appropriation of the amount by Congress, the amount provided by the act of February 20, 1886, to pay the claim of John McGill jr. (24 Statutes, 664), having been paid to a wrong party. I have therefore respectfully to recommend that a special appropriation of $150 be included in the deficiency appropriation bill now pending before Congress, for the amount allowed and due to the true claimant, John McGill, jr., of Benton County, Tennessee, but which he has failed to receive.

Respectfully, yours,

HUGH S. THOMPSON, *Acting Secretary.*

The SPEAKER,
House of Representatives, Washington, D. C.

Upon the receipt of this letter to the Speaker, I called the attention of Mr. Green, the attorney mentioned in connection with the case, to the statements contained in the letter of the Assistant Secretary concerning him. Mr. Green stated to me that he had offered to repay the $150, and that the Assistant Secretary declined to receive it; and, in order to avoid controversy over the matter in the House, I addressed a

letter to the Assistant Secretary, reciting the allegations of Mr. Green, and asked him for a reply. He replied as follows:

TREASURY DEPARTMENT, *Washington, D. C., February* 19, 1889.

DEAR SIR: I am in receipt of your letter of even date stating that Galen F. Green, attorney in the case of John McGill, jr., has made the statement to you that he had offered to return the amount paid to him in this case, and that his offer was declined, and requesting that you be advised whether such offer was in fact made by Mr. Green and declined by the Treasury Department. In reply I beg to inform you that no such offer was made to this Department. Mr. Green offered to return part of the money provided the proceedings to disbar him were discontinued, which offer was declined unless he paid the whole. He then stated that he was unable to pay the whole amount, and the Department has no method by which payment can be compelled.

Very truly yours,

I. H. MAYNARD.

Hon. BENJAMIN A. ENLOE,
House of Representatives, Washington, D. C.

I have since seen Mr. Green and submitted Assistant Secretary Maynard's reply to him, and he stated to me, and asked me to state in this connection, that he offered to return the $75 which he received as a fee in the case and the $75 which he paid to the administrator, on condition that the Secretary would issue the draft and place it in his (Green's) hands to enable him to secure a fee in the case, he claiming to be the attorney of the true claimant. This he states was declined.

As to the controversy between Mr. Green and the departmental officers I am not concerned, my only care being to secure justice to the claimant, who should not be denied his money on account of a mistake in the application of the former appropriation.

Mr. RANDALL. I have examined this case myself and know it is right.

The amendment was adopted.

The Clerk read as follows:

Military prison at Fort Leavenworth, Kansas: For transportation of discharged military prisoners at Fort Leavenworth, Kansas, to place of prisoner's enlistment at prisoner's home, provided the cost to the latter does not exceed cost to place of enlistment, $2,500.

Mr. STEWART, of Georgia. I offer the amendment I send to the desk, to come in after line 14 on page 24 of the bill.

The Clerk read as follows:

For post-office and custom-house at Atlanta, Ga.: for paving streets around said building, being for one-third the cost thereof, $1,747.56.

Mr. SAYERS. I raise the point of order upon that amendment, and base it upon two grounds. The first is that it is not germane to the pending proposition; and second, there is no law authorizing it.

Mr. STEWART, of Georgia. I simply desire to say that I anticipated the gentleman would make that point; in fact he told me so.

I do not know, Mr. Chairman, of any express statute which warrants this appropriation, except it be held to come in as an incident in the construction of buildings or their improvement. The general clause of the Revised Statutes provides that Congress may make appropriations for purchasing sites and erecting public buildings thereon, as well as for keeping them in repair. Now if this should not be held as an incident to that the point would be well taken.

I desire to say, however, before the Chair rules upon the question, that I would have presented this matter to the committee when the letter came, but I was sick, and that was the reason I did not.

I want to say this, that around this public building, which is a custom-house, post-office, and a building used for the internal-revenue office, the streets have been paved, which will be shown by the papers if necessary.

Mr. SAYERS. That has been overruled a dozen times.

Mr. STEWART, of Georgia. I want to say on the point of order, whatever rulings there have been, I find that in the appropriation bill in the Forty-eighth Congress identically the same thing was allowed for a number of cities. I do not know whether the gentleman from Texas was in charge of the bill then or not. I suppose if he was he has changed his mind.

Mr. SAYERS. They were all Senate amendments, and when they came here they were not subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed and continued the reading to line 6, on page 25.

The CHAIRMAN. The committee will rise so as to enable the House to take a recess under former order.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had had under consideration the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and had come to no resolution thereon.

And then (at 5 o'clock), by previous order, the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. MCMILLIN as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *February* 22, 1889.

Hon. BENTON MCMILLIN is hereby designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, *Clerk.*

ORDER OF BUSINESS.

Mr. MATSON. Before making the motion to go into Committee of the Whole I will ask unanimous consent, in behalf of my colleague [Mr. HOLMAN], who is detained at home in the preparation of an address on the life and character of Mr. Burnes, that myself or some one be permitted to call up a bill for him if his name be reached, and I make a similar request for the gentleman from Illinois [Mr. HENDERSON].

Mr. LAIDLAW. I have a bill here to present for one of the New Hampshire delegation [Mr. GALLINGER], if his name is reached, and I would like to have the same privilege.

The SPEAKER *pro tempore*. The Chair will ask if there be objection to either request.

Mr. FINLEY. I would like to know what the proposition is.

The SPEAKER *pro tempore*. The gentleman from Indiana states that his colleague [Mr. HOLMAN] is detained from attendance at this evening session in order that he may prepare an address on the life and character of Mr. Burnes. He asks the privilege, if his name is reached, that he or some one else may be permitted to call up the bill that his colleague would ask consideration of if he were present; and a similar request is made for the gentleman from Illinois [Mr. HENDERSON], who can not attend during the remainder of the session.

Mr. FINLEY. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

Mr. LAIDLAW. Now I ask that the same privilege be granted to me to call up a bill for one of the members from New Hampshire.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York? The Chair hears none, and it is so ordered.

Mr. MATSON. I now move that the House resolve itself into Committee of the Whole for the consideration of business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order, and if there be no objection the order heretofore pursued in the consideration of bills will be continued. The Chair hears no objection, and it is so ordered.

JULIET OPIE H. AYRES.

Mr. COBB (by request) called up for consideration the bill (S. 3944) granting a pension to Juliet Opie H. Ayres.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Juliet Opie H. Ayres, widow of Romeyn Beck Ayres, late colonel of the Second Regiment Artillery, United States Army, a pension, subject to the provisions and limitations of the pension laws, at the rate of $50 per month.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3944) granting a pension to Juliet Opie H. Ayres, having had the same under consideration, adopt the Senate report thereon, which is as follows, and recommend the passage of the bill.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill granting increase of pension to Juliet Opie H. Ayres, have examined the same, and report:

The claimant is the widow of Romeyn B. Ayres, late brevet major-general of volunteers and colonel of the Second Regiment of United States Artillery.

She is now receiving a pension of $30 per month, which the bill proposes to increase to $50 per month.

General Ayres was born at East Creek, Montgomery County, New York, in December, 1825. In 1843, when eighteen years of age, he entered the Military Academy at West Point, graduating therefrom in 1847, and at once received his commission in the regular Army as brevet second lieutenant of the Fourth Artillery. With that regiment he served in the Mexican war at Pueblo and the city of Mexico with so much valor that he was commissioned second lieutenant in the Third Artillery on the 22d of September of the same year. From the close of the Mexican till the breaking out of the civil war he was in active service, mostly on the frontiers, having received his commission as first lieutenant March 16, 1852. On the 14th of May, 1861, Lieutenant Ayres was offered a captain's commission in the Fifth Artillery, and accepted it June 28 following. He was present at all the early engagements about Washington, and accompanied the Army of the Potomac in the Peninsula and Maryland campaigns of 1862, and took part in all of the long series of battles ending at Antietam. On the 29th of November, 1862, he was made a brigadier-general of volunteers, taking his commission on the 4th of April, 1863.

July 2, 1863, for "gallant and meritorious services in the battle of Gettysburgh," he was made brevet major in the regular Army, and on July 5, 1864, for his valor in the Wilderness, he was made brevet lieutenant-colonel. With the Army of the Potomac he served through the engagements at Warrenton, Rappahannock Station, and many other places. In July, 1863, he was placed in command of a regiment and sent to New York City to aid the draft, and during the riots that followed rendered gallant services. On the 1st of August, 1864, his conspicuous services in the battles of Spottsylvania Court-House, Jericho Mills, Petersburgh, and Globe Tavern brought him the rank of brevet major-general in the volunteers, and eighteen days later, for gallantry at the battle of the Weldon Railroad, in Virginia, he was made brevet colonel in the regular Army. His brilliant services at Five Forks, Va., made him brevet brigadier-

general in the regular Army March 13, 1865, and on the same day, for "gallant and meritorious services in the field during the war," he also received his brevet as a major-general in the regular Army. He afterward took part in the pursuit of the rebel army, culminating in Lee's surrender. On the 30th of April, 1866, he was mustered out of the volunteer service.

Since the war he has been in command at various posts and served on many important commissions. From June, 1866, to February, 1867, he was a member of the tactics board. In July, 1866, he was made lieutenant-colonel of the Twenty-eighth Infantry; in March, 1869, being transferred to the Nineteenth Infantry, and in December, 1870, to the Third Artillery. On the 18th of July, 1879, he was made colonel of the Second Artillery. Three years ago he was ordered to St. Francis Barracks, St. Augustine. The climate did not agree with him there and he was forced to ask for leave of absence. He came to Governor's Island and then removed to Fort Hamilton, New York, where he died on the 4th day of December, 1888, leaving his widow, with two daughters of tender years and her mother (who is approaching eighty years of age, and who is physically in a helpless condition and dependent upon her daughter), wholly without means of support.

Congress has repeatedly granted this increase in similar cases and in several instances where the rank of the officer was of a lower grade and when the services rendered were not so valuable.

In consideration of the life-long services of General Ayres and of his brilliant and conspicuous record in the Mexican war and in the war of the rebellion, and of the indigent circumstances in which he left his family, your committee recommend the passage of the bill.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CHEADLE. I object.

Mr. COBB. I ask unanimous consent to have the previous question upon the engrossment and third reading of the bill considered as ordered, and that the bill go over to a full House.

Mr. CHEADLE. I object. I shall object to all such requests, and I shall do so for this reason: The other day a member said upon this floor that my objection to the consideration of a bill was a "trick," when he himself had come upon the floor after the committee rose and asked that the rate of pension proposed in the bill be reduced from $50 to $30 per month. So long as that statement stands upon the record of this Congress I shall object.

Mr. COBB. I did not do it.

Mr. CHEADLE. I admit that.

Mr. COBB. I just want to say this: I called this bill up by request. I should have voted against it if it had come to a vote. [Laughter.]

I will withdraw that for the bill (H. R. 5758) granting a pension to Lavinia Wright, which I also call up by request.

LOVINA WRIGHT.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lavinia Wright, of Maquoketa, Jackson County, Iowa, widow of John J. Wright, late of Company L, Second Regiment of Iowa Cavalry.

The report by (Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5758) granting a pension to Lavinia Wright, respectfully report:

That Lovina Wright is the widow of John J. Wright, who was a private in Company L, Second Iowa Cavalry, who was pensioned for injury to spine incurred in said military service, and who died June 24, 1885, of peritonitis and stricture of the bowels.

Dr. A. B. Bowen, of Maquoketa, Iowa, who attended the soldier in his last illness, as well as at times for years previously, and had several times examined him as United States examining surgeon, and was, consequently, familiar with the soldier's disease and its progress and resulting complications, and Dr. D. N. Loose, of the same place, who assisted said Dr. Bowen in making the autopsy, testify that the disease of which the soldier died was caused, in their opinion, by the injury to the spine for which he was pensioned, and resulted therefrom.

The claim of the widow, however, was rejected in the Pension Office because the medical referee declined to accept the soldier's fatal illness as the result of said injury to his spine.

Your committee are inclined to give the widow the benefit of any existing doubt; and report the bill back with the recommendation that it be amended by striking out "Lavinia," in line 6, and inserting "Lovina" in place thereof; and that, as so amended, the bill be passed.

Also amend title of bill by striking out "Lavinia" and inserting, in place thereof, "Lovina."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass, and that the title be amended so as to conform to the bill.

M. JOSIE M'CLAIN.

Mr. MCMILLIN (when Mr. COCKRAN'S name was reached). I was requested by the gentleman from New York [Mr. COCKRAN] to call up a bill for him, if it is not objected to by the committee. I know nothing of its merits, and will not vouch for its merits. I only comply with his request to bring it before the House and in order that the House may take such action as may seem proper in the premises. I have no right to call up one myself to-night, as my name will not probably be reached, and of course this would be charged to his recognition.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Josie McClain, widow of the late Ensign Charles Sumner McClain, United States Navy, and pay her a pension of $30 per month from and after the passage of this act.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 11663, having considered the same, report as follows:

Mrs. H. Josie McClain, of the city of Brooklyn, county of Kings, in the State of New York, is the widow of Charles Sumner McClain, late ensign, United States Navy.

Charles Sumner McClain was appointed cadet midshipman November 3, 1874; served on the United States steamers Pensacola, Lackawanna, and Independence; promoted to midshipman June 4, 1880; served on United States steamer Yantic and Coast Survey steamer Bache. He was promoted to ensign February 4, 1882; served on the Coast Survey steamer Bache; at the Smithsonian Institution; on the Greely relief steamer Alert, and subsequently at the Naval Academy and the navy-yard at Pensacola, Fla. He died at Brooklyn, N. Y., January 11, 1887.

Ensign McClain was an officer of considerable merit in his profession, and was actively employed at sea and on shore during the entire period of his naval career, with the exception of less than ten months.

Upon the fitting out of the Greely relief expedition he volunteered for the service, and before being assigned to that duty was examined by a medical officer of the Navy and pronounced sound and well qualified for the special service required. While on the expedition he contracted a cold which resulted in pulmonary consumption, from which he died January 11, 1887, about two years after his return from the Arctic regions.

"UNITED STATES NAVY-YARD, PENSACOLA, FLA.,
"*Surgeon's Office, August* 20, 1888.

"This certifies that Ensign Charles Sumner McClain, United States Navy, with advanced pulmonary consumption, was under my professional charge from April 5 to July 14, 1886. After careful investigation during that time and since, I am satisfied that said disease, from which the patient has since died, originated in line of duty from exposure during the Greely relief expedition to the Arctic in 1884. Prior to that expedition the deceased had served continuously in the United States Navy in perfect health for ten years. During the expedition he had several colds, and in about the usual time thereafter unmistakable evidences of pulmonary consumption showed themselves.

"J. W. ROSS,
"*Surgeon, United States Navy.*"

The deceased left one child, Charles Brooks McClain, now over two years of age. Claimant is in receipt of a pension of $15 per month, but has no means to provide for the young child and to educate it when growing up.

Your committee believe his death was incident to the service and in the line of duty, as clearly set forth in the accompanying certificate of Surg. J. W. Ross, United States Navy, and his widow should be granted the relief proposed by the bill.

Your committee therefore report the bill favorably with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA SLATER.

Mr. COMPTON. I call up the bill (S. 1319) granting a pension to Anna Slater.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anna Slater, a volunteer nurse in the late war, giving her, during life, the sum of $25 a month from and after the passage of this act.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1319) granting a pension to Anna Slater, have had the same under consideration, and report:

Claimant was a volunteer nurse in United States General Hospital, Armory Square, Washington, D. C., in 1862. She petitions to be placed upon the pension-roll on the ground that, owing to great and severe labor in connection with her duties in general and field hospitals and from exposure incident to such service, she contracted rheumatism, which has continued to the present time, greatly disabling her for manual labor.

Her services as a faithful and competent nurse were certified to by Dr. D. W. Bliss, surgeon in charge of Armory Square Hospital; W. W. Hodgman, general ward-master of the same hospital; D. L. Dix, superintendent of women nurses; Ruth W. Hodgman, Grace A. Falk, Emily D. Spear, and Hiram Spear, employés in Armory Square Hospital.

Thomas D. Bond, of Washington, D. C., in a letter dated January 3, 1888, certifies to the good character of claimant, and states that four or five years ago she was keeping house for him, but was compelled to leave on account of rheumatism, with which she was severely afflicted.

Dr. John Cronmiller, of Laurel, Md., in a letter dated January 4, 1888, certifies that about six years ago claimant consulted him for rheumatic trouble affecting her left arm and shoulder, greatly impairing her usefulness.

Mary A. Lillibridge, Elizabeth Curley, George W. Lillibridge, John W. Whiteside, Theodore Morrison, Margaret Morrison, and Eliza J. Burgee, citizens of Laurel, Md., petition that claimant's name be placed upon the pension-roll, on the ground that she is unable to earn her living by reason of physical disability contracted as a hospital nurse in the service. They further state that claimant entered upon duty in field hospital at Laurel, Md., in the fall of 1862, and remained there until the close of the war, rendering faithful and valuable service.

In an affidavit executed January 3, 1888, A. M. Bond, E. J. Cartle, and George W. Curley, citizens of Laurel, Md., testify to claimant's faithful service as a hospital nurse during the late civil war, and pray that her name be placed upon the pension-roll, on the ground that she is now suffering from disabilities contracted in the service, disabling her to earn her living by physical labor.

The facts in the case warrant favorable action, and your committee therefore recommend the passage of the bill at $12 per month.

Mr. KILGORE. Mr. Chairman, I understand from the reading of that bill that it grants a pension to the beneficiary during her life.

The CHAIRMAN. It grants a pension from and after the passage of this act.

Mr. KILGORE. But if she should marry again she would not be entitled to a pension.

The CHAIRMAN. Does the gentleman from Texas offer an amendment?

Mr. KILGORE. I would like to know what the rule is in such cases.

Mr. MATSON. This is a bill to grant a pension to a nurse, not a widow's pension; and the matter of her marriage has nothing to do with the right to a pension of this kind.

Mr. KILGORE. But if she is a married woman her pension ought to stop. The idea is that when a woman is married her husband will be able to take care of her.

Mr. LAWLER. He may need somebody to take care of him. [Laughter.]

The CHAIRMAN. Does the gentleman from Texas offer an amendment?

Mr. KILGORE. Gentlemen tell me that this is the rule, but I do not think it is a good one. I will ask the gentleman from Maryland whether this bill has passed the Senate?

Mr. COMPTON. This bill passed the Senate at the rate of $25, and the House committee have recommended an amendment reducing the amount to $12.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN P. MURDOCK.

Mr. CONGER. I call up the bill (S. 2758) granting a pension to Susan P. Murdock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Susan P. Murdock, mother of Washington Murdock, late a member of Company G, Thirtieth Regiment of Iowa Volunteer Infantry.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2758) granting a pension to Susan P. Murdock, respectfully report that they adopt the Senate report upon said bill and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 2449, Fiftieth Congress, second session.]

Washington Murdock, who was a member of Company G, Thirteenth Regiment Iowa Volunteers, was the son of Susan P. Murdock, the beneficiary in this bill. He died while in the service, leaving an infant child, to which a pension was allowed and paid until it arrived at the age of sixteen years. In January, 1886, the mother of the soldier applied for a pension on the ground of dependence, which was disallowed. A special bill was introduced for her relief on the 23d of April, 1888, on which an adverse report was made, and the bill was indefinitely postponed. On the 8th of January the vote to indefinitely postpone was reconsidered, and the bill was recommitted to the Committee on Pensions, with additional testimony.

From this testimony it appears that the wife of the soldier and mother of his child was dead, and the care of the child fell upon its grandmother, Susan P. Murdock, the mother of the soldier. It appears further that at the time of and prior to the enlistment of the soldier, the husband of Susan P. Murdock was a cripple; that she was largely dependent upon her son, who recognized his obligation to support her, and as long as he lived contributed to her support from his pay as a soldier.

It further appears from the additional evidence that after the cessation of the pension to the child, she was obliged to support herself and him by taking washing; that she is now seventy-three years of age, disabled mentally and physically to earn anything for her support; that she depends for the ordinary comforts of life upon uncertain, small contributions from charitable sources.

In the opinion of the committee the circumstances of this case are peculiar, as shown by the additional testimony, and such as justify the passage of a special act for the relief of this aged woman, which she has earned not only as the mother of the soldier, but as the guardian of his child.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. BYRD.

Mr. COOPER. I call up the bill (S. 2334) granting a pension to Mary J. Byrd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Byrd, widow of Solomon G. Byrd, late of Company B, Forty-third Regiment Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2334) granting a pension to Mary J. Byrd, having considered the same, report as follows:

They adopt and make part hereof the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

[Senate Report No. 965, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2334) granting a pension to Mary J. Byrd, have carefully examined the same, and report:

The claimant, Mary J. Byrd, is the widow of Solomon G. Byrd, late second lieutenant of Company B, Forty-third Ohio Volunteer Infantry. Her declaration was filed December 19, 1879, and rejected May 14, 1887, the ground of the rejection being "that the records of the Department failed to show that the alleged officer was in the military service of the United States at any time."

The action of the Pension Bureau in rejecting the claim for pension in this case was technically correct. The officer had never been mustered into the service of the United States. The Adjutant-General certifies "that the name of Solomon G. Byrd is not borne on the rolls of Company B, Forty-third Ohio Volunteer Infantry, and there is no record of said Byrd as commanding officer in said regiment." The adjutant-general of the State of Ohio, in reply to a letter addressed to him by the Commissioner of Pensions, certifies "that Solomon G. Byrd was appointed second lieutenant, and that he was mustered as second lieutenant in the Forty-third Ohio Volunteer Infantry on November 4, 1861, by A. B. Doch, captain United States Infantry, mustering officer." On the return of the papers to the War Department, after this certificate, for further examination, the Adjutant-General certified "his muster-in as reported by the adjutant-general of Ohio was evidently conditional upon the recruitment of a command and muster-in therewith on its completion."

Bertrand Andrews makes affidavit "that he was at the time of enlistment of the soldier a notary public; that the enlistment roll was signed, and that he administered the oath to the soldier; that he went into camp at Mount Vernon on the next day; that it was a wet, cold day, and a few days after that he was brought home sick, and that he never recovered from this sickness, and died in April, 1863; that his enlistment was in October or November, 1862; that he went with the soldier in November, 1862, to Sparta and to Vailes Cross-Roads to procure volunteers, at both of which places he addressed audiences, and several persons enlisted; that the soldier died of consumption from cold contracted in the service."

Thomas Turner makes affidavit that he was a member of Company B, Forty-third Ohio Volunteer Infantry; "that in the month of November, 1862, he was with the said company in camp at Mount Vernon, Ohio; that before said regiment was organized fully, Solomon G. Byrd, whom he had known to be a man of good health and constitution for twenty years, came to said camp with a number of recruits; that it was a cold, stormy day when he arrived; that the soldier had been enlisting and recruiting for said regiment; that on the night of his arrival in said camp he took a severe cold and was sent home on account of the said sickness a few days before the said regiment was organized; that the affiant served in the said regiment during the war, and that the soldier had enlisted but had not been mustered in on account of his being sick at home and his inability ever to again join the regiment; that he died in April, 1863."

The facts disclosed by the records of this case clearly bring the husband of the claimant within the equities of the pension laws.

Technically, he was not entitled, nor his widow, to a pension, as he had not been mustered into service, but that he contracted the disease from which he died in the line of duty devolving upon him by the oath which he had taken and the duty to which he had been assigned in recruiting for said regiment, and was only deprived of the benefits which the law confers upon a soldier by having contracted a fatal disease just prior to his being legally mustered into the service of the United States, seems to be fully sustained by the evidence in the papers.

Under these circumstances the committee is of opinion that the widow of the soldier is entitled, upon every equitable ground, to the relief from Congress asked in the bill.

Senate bill 2334 is therefore reported favorably with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LITTLEBERRY W. BAKER.

Mr. COWLES. I call up the bill (H. R. 12619) granting a pension to Littleberry W. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Littleberry W. Baker, who served in Captain Gunn's company, from the State of Alabama, Indian war, 1836, and to pay him a pension at the rate of $20 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12619) granting a pension to Littleberry W. Baker, have considered the same, and report:

That the complainant served in Capt. Abram Miles's company, from the State of Georgia, in the Florida Indian war of 1836. He was honorably discharged. He is now about seventy-five years of age, in feeble health, and without income or property.

In common with other survivors of said Indian wars, your committee believe this man should have a service pension, and hence report the bill and recommend its passage, amended by changing the word "Gunn's" to "Miles's," in line 5, and "Alabama" to "Georgia," in line 6.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANN G. BARKER.

Mr. CRAIN. I call up the bill (H. R. 12604) to restore the pension of Ann G. Barker.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Ann G. Barker, widow of Thomas Barker, deceased, late a captain in the United States Army.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12604) to restore the pension of Mrs. Ann G. Barker, have examined the same, and report:

Mrs. Ann G. Barker, as the widow of Thomas Barker, deceased, late a captain in the United States Army, received a pension of $25 per month until the passage by Congress of a law in 1868, the provisions of which were construed by the Secretary of the Interior to require him to reduce said pension to $20 per month, which has been the amount received by Mrs. Barker since that time.

The widows of officers of the Navy were included within the provisions of the aforesaid law, but Congress restored their pensions by the act of June 9, 1880, entitled "An act to restore pensions in certain cases," and the object of this bill is to include Mrs. Barker within the provisions of said act.

Thomas Barker entered the service of the United States at the beginning of the war with Great Britain as an officer of New York volunteers, serving with the army under General Scott in campaign in Western New York and Canada with some distinction. He was at the instance of the commanding general appointed first lieutenant Forty-first United States Infantry, August 1, 1813, and promoted captain November 17 of that year. At the close of the war the additional regiments raised for its prosecution were disbanded and he was honorably discharged. He was commissioned second lieutenant in the First Regiment of Infantry February 3, 1819, promoted first lieutenant July 23, 1820, captain May 31, 1829.

Under the last-named commission he was engaged in the Indian wars in Florida, being present in nearly all the battles, from the first uprising in 1832 to that at Caloosahatchie, July 23, 1839. Captain Barker died November 11, 1839, at Tampa, Fla., being one of the victims of the double epidemic then raging—cholera and yellow fever. The widow of Captain Barker, Mrs. Ann G. Barker, is now nearly eighty-nine years old; is and has been for a number of years almost helpless from rheumatism and loss of sight, requiring assistance in dressing and moving about her room, which she has not left for about ten years. She is entirely dependent upon her daughter, who is employed in the Treasury Department at a salary of $75 per month.

After a review of the facts the committee report the bill back and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB WOLF.

Mr. CROUSE. I call up the bill (H. R. 3916) granting a pension to Jacob Wolf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Wolf, late of Company H, One hundred and sixty-second Regiment Ohio Infantry Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3916) for the relief of Jacob Wolf, make the following report:

The claimant, Jacob Wolf, was a private in Company H, One hundred and sixty-second Regiment Ohio Volunteer Infantry. He enlisted May 2, 1864, and was discharged September 4, 1864. On March 18, 1884, he applied for pension for lung disease and chronic diarrhea, which disabilities he alleges he contracted in service in line of duty about July, 1864. Application was rejected on the ground that the records of the War Department fail to show that claimant suffered from the alleged disabilities while in service. Records of War Department fail to show the facts in the case because the regimental hospital register is not on file, but the regimental prescription book shows that the soldier was treated in July, 1864, the time at which he alleges origin, for the disabilities for which he asks pension. In addition to this Lieut. Col. J. E. Dougherty, of the claimant's regiment, makes oath that he remembers claimant's sickness as claimant alleges, and that he sent claimant home on furlough on account of such sickness.

First Lieut. Henry B. Bennett makes oath that he was acting adjutant of the regiment at the time when claimant alleges origin of disability, and that acting as adjutant he sent claimant home on furlough on account of such sickness, as alleged. He makes further oath that he knows claimant to have suffered from that time to the present time, and that claimant is now disabled.

Dr. John F. Grassklaus, hospital steward, makes oath that he remembers the sickness of the soldier at the time he alleges origin, and that as hospital steward he furnished the soldier medicine and treatment at the time, and has known him to be disabled continually since that time.

Dr. A. P. Beach makes oath that he has treated claimant for aggravated lung trouble.

Dr. M. B. Dawson makes oath that he has treated claimant for lung trouble of long standing; that claimant has "pleuritic adhesion in right pleura."

Dr. H. Monroe makes oath that he has treated claimant for chronic diarrhea.

Dr. J. L. Leeper makes oath that he was called as consulting physician to attend claimant at the time he returned from service.

The examining board of surgeons for the Pension Bureau report, as a result of their examination, that they are of the opinion that the disability was incurred in service as claimed, and not aggravated by vicious habits. They say:

"We find the disability as above described to entitle him to one-fourth total rating."

We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT W. ANDREWS.

Mr. CULBERSON. I call up the bill (H. R. 12404) granting a pension to Robert W. Anders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Robert W. Anders, who served in Captain Richbught's company, from the State of Alabama, Indian war, 1836, and pay him a pension at the rate of $12 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12404) granting a pension to Robert W. Andrews, have considered the same, and report as follows:

The records on file at the Treasury Department (Second Auditor's Bureau) show that Robert W. Andrews served in Capt. John S. Richburge's company, Florida war of 1836, and was honorably discharged. He drew a land-warrant for his services therein. He resides at Jersey, Bradley County, Arkansas. He is now seventy-five years of age and needy.

There is now on the Calendar of the House a bill, favorably reported by this committee, to grant a service pension to all the survivors of the Indian wars of 1832-1842, and many special acts have been passed in such cases pending the consideration of the general act.

Your committee are of the opinion that the bill should pass, and report it back with such recommendation. Amend, however, by changing the spelling of the surname in the title, and in line 5 of the bill from "Anders" to "Andrews," and also by changing the word "Richburght's," in line 5, to "Richburge's."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIANA FREDERIKA ZEUTMEYER.

Mr. DAVIDSON, of Alabama. I call up the bill (H. R. 9250) granting a pension to Mrs. Christiana Frederika Zeutmeyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mrs. Christiana Frederika Zeutmeyer, of Fairfield, Minn., mother of Charles Louis Zeutmeyer, who was killed by the Indians in the year 1862 while guarding Government property at the Lower Sioux agency, Minnesota (and upon whom she was dependent for support), on the pension-roll, subject to the rules and limitations of the pension law.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions upon bill H. R. 9250, referred to them, beg leave to report:

It is established by evidence before the committee that Charles Louis Zeutmeyer, the son of the claimant, was employed in the farm department of the Lower Sioux agency in August, 1862, when that agency was attacked by Indians; that while defending the buildings he, among others, was shot and killed; that his mother at that time was largely dependent on him for support, and is now in her old age without property or sufficient means for support. Her husband is also aged, and for years has been an invalid and unable to provide a support for the claimant.

The witnesses are all of the highest respectability, among them being Hon. William Pfaender, ex-State senator of Minnesota, and Hon. William Schimmel, one of the State trustees for hospitals for insane.

Your committee are of opinion that in this class of cases where a man is shot down in actual warfare while defending Government property, being at the time an employé of the Government, a pension should be granted to his widow or dependent relatives, and hence the bill is reported back to the House and its passage recommended.

Mr. KILGORE. Mr. Chairman, I understand from that bill and report that the son of this beneficiary was never in the service at all, but that he was slain while making an effort to protect Government property against Indian marauders. Now, I do not think the principle of that bill is correct. This is a small matter, but my impression is that the beneficiary here is no more entitled to a pension than the family of a sheriff or a deputy sheriff or a marshal or a deputy marshal who might happen to be killed in the discharge of his duty or in the protection of property belonging to the Government, and I must insist upon a quorum if my friend from Alabama presses the passage of this bill. I know he is very much wedded to it, but I feel bound to resist its passage.

Mr. MACDONALD. I can enlighten my friend from Texas.

Mr. KILGORE. That is what I want.

Mr. MACDONALD. The son of this beneficiary was in the service of the Government of the United States at the time of the breaking out of the Indian war in Minnesota in 1862, and, while in the act of defending the Government property near the Yellow Medicine agency, was killed by Indians. The records of this Government are full of just such cases. This lady is very old and feeble, and certainly there is no good reason why she should not receive a pension from the United States Government just as much as if her son had gone through the formal proceeding of being enlisted. He was just as much engaged in the defense of Government property as those who were in the service and who were killed right beside him and whose heirs do receive pensions.

Mr. KILGORE. I would like the gentleman from Minnesota to tell us whether this man was enlisted in the service.

Mr. MACDONALD. I have stated, Mr. Chairman——

Mr. KILGORE. The gentleman from Minnesota stated that this man was in the Government employ. The gentleman was very ingenious in his statement, expecting perhaps to overcome a new member in that way.

Mr. MACDONALD. I am not any more ingenious than the gentleman from Texas himself is captious. I merely want him to understand just what the facts are, as I have stated them. This man was in the employ of the Government of the United States and was actually engaged in defending Government property. If he had not been in the employ of the Government I of course would not claim that he was entitled to a pension; but he was actually so engaged, and the records show it, and I think that if the gentleman from Texas will investigate he will find a great many cases of a similar character, and no more meritorious than this, where pensions have been granted.

Mr. KILGORE. But they ought not to have been granted. I dislike to interfere with my friend, but I feel bound to resist this bill. I am willing, however, to consent that it shall be withdrawn. [Laughter].

The CHAIRMAN. The question is on laying aside this bill to be reported to the House with the recommendation that it do pass.

Mr. KILGORE. I shall have to make the point of no quorum if it comes to that.

The question was taken, and there were—ayes 24, no 1.

Mr. KILGORE. No quorum.

Mr. DAVIDSON, of Alabama. I withdraw the bill, and call up instead the bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff.

MRS. ELIZABETH E. GROFF.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Elizabeth E. Groff, widow of Charles H. Groff, late a private in Company K, Forty-fourth Regiment Iowa Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff, respectfully report that they adopt the following Senate report upon said bill and recommend the passage of the bill:

[Senate Report No. 1897, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3309) granting a pension to Mrs. Elizabeth E. Groff, have examined the same, and report:

This is a bill to pension Elizabeth Groff, widow of Charles H. Groff, late a private in Company K, Forty-fourth Regiment Iowa Volunteers. It was rejected by the Pension Office on the ground that congestion of the brain, of which the soldier died, was not referable to his services.

The soldier applied for an invalid pension for injuries to back and hips, caused by falling into a rifle-pit at La Grange, Tenn. The testimony of his comrades is satisfactory as to his prior soundness. Josiah A. Wilbur, comrade, examined by special examiner, and whose reputation is good, remembers that the soldier was badly hurt by falling into a rifle-pit at La Grange, Tenn. Has not seen him since discharge. George W. Ware, comrade, remembers distinctly that near La Grange, Tenn.—

"A number of our boys fell into a rifle-pit. Were moving at double-quick, expecting an attack from General Mosby. I was near the front and passed over safely, but the boys behind fell in, three or four deep. Captain Wilson said it was a wonder some were not killed. It was on a dark night."

Other soldiers testify as to the rifle-pit event, but do not remember Groff; while others still have no recollection of the circumstance or of Groff. Their testimony is only remarkable for what they do not know.

There is enough testimony to corroborate the soldier's statement as to his falling into the rifle-pit, but he had no attorney to aid him with his invalid application, and therefore the connection of his disability and death with his service is imperfect. After discharge he lived in Iowa, and neighbors say they never heard him complain. It is likely that he suffered without complaining. He kept a store, and could do without a pension until he became very poor and removed to Florida. Then he applied, but it was long after the war and his claim was not well developed.

A special examiner, who was sent to Florida to investigate the case in the interest of the widow's claim, says:

"The claimant is a woman with a good reputation for truth and veracity in Obrine, Fla. I am constrained to place a good deal of stress upon the truthfulness of her statements. She impresses me with being a woman of high moral courage, and though in destitute circumstances, yet she appears to be very energetic. I found her domiciled in a very small cabin out in the pine forests of the subtropical region, where any one possessing the least degree of pride might die of absolute despair."

There is no record testimony of the alleged disease. The soldier was never examined by a board of surgeons. He died the day before the order reached him to report for examination.

The committee realize the absence of full and explicit testimony such as is ordinarily required to connect the soldier's death with his service, but we believe it to be a meritorious case and that Congress has the right to rescue this woman and her children from the despair with which the special examiner, with good reason, testifies she is threatened.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN GALLAGHER.

Mr. DAVIDSON, of Florida. I call up the bill (S. 2690) granting a pension to John Gallagher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Gallagher, who was a private in Company I, Second Regiment United States Dragoons, in the Seminole Indian war of 1836, and that he be allowed a pension from the date of the passage of this act.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2690) granting a pension to John Gallagher, have had the same under consideration, and adopt the Senate report hereto attached, and recommend the passage of the bill.

SENATE REPORT.

The proofs presented in the claim embraced in this bill were not such as to fully meet the technical requirements of the Pension Bureau, and it was rejected. There is no doubt of the fact of service as private in Company I, Second Regiment United States Dragoons, in the Seminole Indian war of 1836. The hospital records and petitioner's discharge show treatment for such injuries as he alleges, and that they were so serious as to retire him from the Army; the fact of his loyalty is established, and the half century which has elapsed between his enlistment and the application for pension furnishes a reasonable excuse for failure to comply with the usual requirements of officers' and comrades' testimony as to details of injury.

The evidence of a large number of his townsmen in Florida, whose positions entitle them to credit, vouches for his honesty, his crippled condition, and his poverty. This, with his age and army service, induces the committee to disregard the difficulties, which are technical, and to report favorably upon the bill, and recommend its passage, with an amendment making the pension to date from the passage thereof.

NOTE.—Amend by striking out all after the word "date," in the ninth line of said bill, and substituting in lieu thereof the words "of the passage of this act."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. BARRETT.

Mr. DE LANO. I call up the bill (H. R. 12575) to increase the pension of James M. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James M. Barrett, late a private in Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $42 per month in lieu of the pension he is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The claimant was a private in Company K, Twenty-sixth New York Volunteer Infantry. He enlisted May 14, 1861, and was discharged December 11, 1862. At the battle of Bull Run, Va., August 30, 1862, he was shot through the upper part of both legs. The wound of the left leg caused only an injury to the sciatic nerve, but did not injure the bone structure. That of the right leg fractured the femur at its upper portion, and, union taking place with the lower portion overriding the upper portion, a serious deformity, with a shortening of the leg of 5 inches, resulted. This condition has been permanent ever since discharge.

The claimant is pensioned under the general laws at $24 per month, the disability of the right leg being held equivalent to the loss of a foot or hand.

From the testimony in the case it is shown that the claimant is unable to perform any manual labor that requires him to stand on his feet. The examinations made by the pension examining surgeons at intervals since discharge show that the disability has remained about the same each year. Ex-Surg. W. F. Breakey, of Ann Arbor, Mich., in 1872, reports:

"The disability results from the effects of gunshot wound—bullet entering on outer side right thigh, about 4 inches above the trochanter major, fracturing femur and emerging on inner side close up to perineum; entering left thigh directly opposite, passing behind femur and emerging on outer side about 5 inches above trochanter major. The right femur is united with about 5 inches shortening (the limb being that much shorter than its fellow) and at an angle, the foot pointing in across the left foot. He suffers pain at seat of fracture and in muscles of left thigh; the limbs are weaker than on prior examinations; can not walk without a cane or crutch, and has an artificial foot or thick sole to shoe."

The examining board at Binghamton, N. Y., in October, 1883, after giving a similar description of the wounds, report the disability as of second grade, and state that claimant can perform no manual labor, being unable to stand for that purpose.

Other examinations and testimony of physicians are to the same effect.

Your committee believe that this man would be in better condition to earn a livelihood were his disability the amputation of the right leg at the hip-joint, and we are of the opinion that the general laws being inadequate for relief in this case, the bill should be passed. With such recommendation the bill is returned to the House, with an amendment striking out the words "forty-two," in the eighth line of said bill, and inserting in lieu thereof the words "thirty-six."

The amendment recommended in the report of the committee was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LUCY, WIDOW OF MUCK-A-PEC-WAH-KEN-ZAH.

Mr. DIBBLE. I call up the bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-ken-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from effects of wounds received therein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, at the rate of $12 per month, the name of Lucy Muck-a-pec-wah-ken-zah, widow of Muck-a-pec-wah-ken-zah, or "John," an Indian who aided in saving the lives of many white people and rendered valuable services in behalf of the white settlers during the Sioux outbreak and Indian war in the State of Minnesota, in the year 1862, and who then served the United States as a scout, and who was at the first session of the Fiftieth Congress granted a pension for injuries received and disability incurred while so defending the white settlers, but who has since died from the effects of those injuries, subject to the provisions and limitations of the pension laws.

The report (by Mr. BLISS) was as follows:

The present Congress at its first session granted a pension to Muck-a-pec-wah-ken-zah, the late husband of the claimant. The act became a law August 28, 1888, but the certificate of pension did not reach the beneficiary during his life, he having died on September 20, 1888. He left a widow, who is the present applicant, but no children. Lucy was married to Muck-a-pec-wah-ken-zah in 1860, under the name of "Tatigio," according to the Indian custom, and again married to him on March 14, 1875, according to the laws of Wisconsin. She is now over fifty-five years of age and in needy circumstances, having no one upon whom she can depend for a living.

Drs. J. C. Fitch and William Thorne, who treated the husband during his life and attended him in his last illness, certify that his death was due to tetanus, which was probably induced by a small wound upon the ball of the foot while the patient was in a very debilitated condition from chronic bronchitis and rheumatism, the result of exposures and injuries received during his service.

The services of the husband are shown in the report of this committee, which accompanies the bill for his relief, as follows:

"[House Report No. 2856, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (H. R. 6764) granting a pension to 'Muck-a-pec-wak-keu-zah,' or 'John,' an Indian who aided in saving the lives of many white people in the Indian outbreak in Minnesota in 1862, have considered the same, and report:

"That it conclusively appears that this Indian performed important and valuable services in behalf of the whites during the Indian outbreak, and subsequently was on the frontiers of Minnesota and Dakota, in the years 1862-'63, as a scout and under the command of General H. H. Sibley, then in command of that district, and that while defending the whites he received injuries at the hands of hostile Indians and from exposure while such scout which have permanently disabled him and injured his health.

"The following is a memorial from General Sibley to this Congress in behalf of this Indian, and shows him to be worthy of a pension from this Government:

"'*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

"'The memorial of the undersigned, late brigadier-general and brevet major-general United States Volunteers, in command of the military district of Minnesota, respectfully represents: That Muck-a-pec-wak-keu-zah, commonly known as "Indian John," was employed by me, during the outbreak and subsequent war with Dakota or Sioux Indians on the frontiers of Minnesota and Dakota in 1862-'63, as a scout, and in that capacity rendered essential service, and was instrumental in saving the lives of white women and children; that while in the service he received injuries from exposure and violence at the hands of hostile Indians which have permanently affected his health and prevented him from properly supporting his family; that he and they are utterly impoverished, and have to depend for subsistence on the charity of the whites; wherefore your memorialist respectfully recommends and urges that your honorable body pass an act for the relief of the said Muck-a-pec-wak-keu-zah, in view of his helpless condition and former meritorious services to the Government, granting him such provision per month during his natural life as will enable him and his family to live in comparative comfort.

"'And your memorialist will ever pray, etc.

"'HENRY H. SIBLEY,

"'*Late Brigadier and Brevet Major General, United States Volunteers.*

"'ST. PAUL, MINN., *March* 21, 1888.'

"The additional evidence submitted to the committee *shows that this* Indian is a full-blooded Sioux and now of the age of seventy-five years; that he was living at Redwood, on the Sioux Indian reservation, at the time of the outbreak; that he did all in his power to induce the Indians not to rise up against the whites, but failed; that in aiding a mother and four children (the husband and father having been killed) to escape he was followed by other Indians and while protecting said mother and children was struck in the breast with a musket and knocked down, and his ribs were broken; that after many difficulties he succeeded in getting the mother and children to his tent, where he kept them for about four weeks; that he rescued others in the same manner and guarded them until General Sibley came and rescued the white prisoners which the other Indians had, when he and those whom he had defended returned with General Sibley to Fort Snelling.

"Drs. Adams and Haws testify that his disability totally incapacitates him for manual labor of any kind. Other witnesses testify sustaining our conclusions.

"Your committee regard this as a truly meritorious case, and inasmuch as this Indian is uneducated, and will find it difficult to understand all the proceedings necessary to enable him to secure a pension in the regular way, we deem it but just that he should be granted a pension without being required to undergo further medical examination to establish his disability.

"We therefore recommend that the bill be amended so as to specify the amount of pension which he is to receive, and that that amount be fixed at the sum of $15 per month, and that as so amended the bill do pass."

Your committee recommend the passage of the bill, amended by changing the word "Muck-a-pec-wah-ken-zah" to "Muck-a-pec-wak-keu-zah" wherever it appears in the bill.

Mr. LONG (when the report had been partly read). I ask unanimous consent that the further reading of this report be dispensed with. The facts are fully stated in the bill, which has been read. It seems that the husband of this woman was pensioned.

Mr. MACDONALD. I will add that the report has all been read heretofore in the hearing of the committee.

There being no objection, the further reading of the report was dispensed with.

The amendments recommended in the report of the committee were read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY MURPHY.

Mr. DINGLEY. I ask for the consideration of the bill (S. 3198) granting a pension to Mary Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Murphy, widow of Jeremiah Murphy, late of Company D, One hundred and fifty-fifth New York Volunteer Infantry.

The report (by Mr. GALLINGER) is as follows:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, which your committee beg leave to adopt as their own, and likewise recommend the passage of the bill.

The report is as follows:

"The claimant, Mary Murphy, is the widow of Jeremiah Murphy, who was a private in Company D, One hundred and fifty-fifth New York Infantry. He enlisted on the 22d of September, 1862, for three years, and was discharged for disability December 24, 1863. The surgeon's certificate of discharge says:

"'Incapable of performing the duties of a soldier because of chronic orchitis and cachexia, developed before entering the service, in consequence of which he is totally disabled for military service, but not for civil occupation.'

"In his letter of transmission the Commissioner says the claim was rejected in May, 1886, 'because the claimant was unable to prove that the soldier's death was chargeable to his service.'

"In the opinion of the committee this conclusion is not justified by the testimony, record or lay. It is apparent that the certificate of discharge is not valuable as testimony, that it contains an extraordinary statement, and that there is ground for the belief that it is inaccurate.

"The record recites that he was enrolled September 22, 1862, and is reported on the rolls present to August 31, 1863. Here we have eleven months and eight days continuous service. The record does not account for the months of September and October, 1863, but it is probable that he was 'present' to October 31, when he is reported absent, sick in hospital, and from this date until he was discharged he is reported sick.

"Dr. Alonzo Garcelon, surgeon-general of Maine, testifies that he knew Jeremiah Murphy some twenty years prior to his enlistment; that he frequently employed him as a day laborer, and had good opportunity to know that he was a man of vigorous health, and able to perform manual labor of the severest character; that a short time after his enlistment and before his regiment left New York, he saw him on duty and in the enjoyment of good health; that as his family physician for many years he never knew or heard of any infirmity or sickness of any kind that would disqualify him for the performance of military duty, and believes he was a sound, able-bodied man at the time of his enlistment.

"Robert V. Fitzgerald was first sergeant of the company in which Murphy served. He was well acquainted with Murphy, and said he discharged his duties faithfully for about eleven months, or up to the time he became sick, when he was sent to the hospital. He was unable to say for what sickness he was treated, but many of the company were suffering from malaria, chills and fever, and kindred diseases, caused by heavy rain-storms, forced marches, and bad water. During the time they remained at Centreville there was a large increase in the sick-list, and quinine and whisky were served out to the men almost daily by order of the regimental surgeon. Both medical officers who were with the regiment at that time are dead, and the captain and lieutenant were subsequently killed in action.

"James Butterworth, also a sergeant in Murphy's company, swears he was well acquainted with him; that for the first nine or ten months he seemed well and strong, did his duty well as a soldier; that in August or September he fell sick at Centreville, Va., was sent to hospital, and was discharged for disability in December, 1863.

"R. B. Hayes testifies that he knew him five years previous to his enlistment; that he was well and strong, never knew him to be sick. He came home sick from the Army about January, 1864; saw him daily until he died, June 5, 1864; is unable to say of what disease he died, but the fact that he knew him to be a strong and healthy man previous and up to the time of his enlistment, and having seen him return from the Army about fifteen months later a very sick man, led him to think that his sickness not only originated in the service, but that he died in consequence.

"There are ten or twelve other witnesses who swear to having known him years before he enlisted; some of them worked with him and some of them employed him, and all knew him to be a healthy man and a good worker up to that time; that he came home sick after his discharge, and died in a short time. They are all convinced that his fatal illness was contracted in the service.

"David F. Noyes testifies as follows:

"'During the month of August, 1862, Jeremiah Murphy, of Lewiston, Me., dug and stoned a cellar for me. He was able to do a good day's work, and I think enjoyed good health. I saw him soon after he returned from the Army. He was broken down by sickness, and told me that his sickness was caused by strains and hardships while he was in the Army. I know the widow of Jeremiah Murphy. She is a neighbor of mine, and is in needy circumstances.'

"One month before he enlisted he dug a cellar and 'stoned' or walled it. It is not strange that he passed his examination and was accepted. He served as a soldier eleven months without interval; is commended for his faithfulness and endurance. He is taken ill, treated in hospital, discharged, and there is no interval of convalescence between the time of his discharge and death.

"Referring again to the extraordinary statement of the discharging surgeon, R. B. Bontecou, that the soldier was disqualified for military duty, but not for civil occupation, by orchitis and cachexia, it is obvious to the committee that it should have no weight against the claim. Orchitis and cachexia indicate a vitiated condition of the humors or fluids, a depraved condition of the body, resulting in scorbutic or cancerous diseases, and experts have included under this head consumption and dropsies. If they were disabling for military duty, they should have been disqualifying for cellar-digging and hod-carrying, which was the civil occupation of Jeremiah Murphy before the incurrence in the Army of the disease of which he died.

"The bill is reported favorably with a recommendation that it do pass."

Mr. DINGLEY (when the report had been partly read). I ask unanimous consent that the further reading of this report be dispensed with. The facts fully appear from what has already been read, and there is a great mass of evidence which is merely cumulative.

There being no objection, the further reading of the report was dispensed with.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN CORR.

Mr. DOCKERY. I call up the bill (S. 3091) granting a pension to John Corr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Corr, late a member of Company K, Fifth Regiment United States Infantry.

The report (by Mr. FRENCH) was read, as follows:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, which report is hereby adopted together with the recommendation therein contained.

Said report is as follows:

"This claimant enlisted May 1, 1860, and was discharged July 25, 1867. He claims pension on the ground of injury to his knee, caused by being run over by an ambulance at Alverde, Mexico, February 22, 1862, and of chronic dysentery, incurred through exposure and hardship about November, 1863. The claim was rejected for the reason that there is no record evidence of the incurrence of the alleged disabilities.

"Claimant states that he is unable to find any of his comrades or company officers who knew about his being injured, but the records of the company report him 'sick' February 28, 1862, which was only six days after he alleges the disability to his knee was incurred, and the records of the company for the period mentioned (November, 1863) as that when the chronic dysentery was incurred have all been lost, as the Adjutant-General states.

"Michael Martin, of Taunton, Mass., testifies that he has known claimant for twenty-five years; that he has been disabled to the extent of three-fourths by chronic dysentery and disabled knee; that prior to the late war claimant was a sound and healthy man.

"This testimony is corroborated by that of half a score of other witnesses who were neighbors of his, who worked with him, or who had other means of being acquainted with his disabilities, which they all agree were serious so that he was unable to do much work. The testimony of several physicians who treated him for his disabilities is also on file.

"While there is no evidence of any one who witnessed the incurrence of claimant's alleged injuries for the reason stated above, yet that claimant was sound at enlistment is clearly established, and the continuance of his disabilities since discharge is as fully shown. Your committee recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY POLOCK.

Mr. DORSEY. I ask for the consideration of the bill (S. 3762) granting a pension to Nancy Polock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Polock, widow of W. A. Polock, late of Company C, First Nebraska Volunteers.

The report (by Mr. MORRILL) was read, as follows:

A similar bill passed both Houses during the closing days of the first session of the Fiftieth Congress, but failed to reach the President in time for his action. Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANTONIA WIENER.

Mr. DUBOIS. I call up the bill (H. R. 8995) for the relief of Antonia Wiener.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to cause to be placed on the pension-rolls the name of Antonia Wiener, of the District of Columbia, subject to the rules, regulations, and general pension laws now in force, except that she shall not be required to furnish further proof as to the origin of her husband's fatal disease.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred a bill for the relief of Antonia Wiener, find that she was the widow of Jacob Wiener, private Company A, Forty-first New York Infantry, who died in the month of July, 1887, of chronic rheumatism. There is no doubt as to the cause of death. He was a pensioner at the rate of $40 per month at the time of his death, under a special act passed during the second session of the Forty-eighth Congress. The report made in his case by the Committee on Invalid Pensions shows that the relief granted him was based on rheumatism resulting in a total disability. The reason this relief was granted was that he could not obtain evidence satisfactory to the Pension Office of the incurrence of the disability.

Since his death his widow has applied for a pension, and been refused on the same ground. She now seeks for relief at the hands of Congress, basing her claim on the decision of the House in her husband's case and the fact that he finally died of the disease for which he was pensioned. In this she is undoubtedly right, and we recommend that the bill pass with the following amendments, viz: Insert after the word "Wiener," in fifth line, the words "widow

of Jacob Wiener, private Company A, Forty-first New York Infantry," and strike out everything after the word "force," in the seventh line.

The amendments recommended in the report of the committee were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. HARRISON.

Mr. DUNHAM. I ask for the consideration of the bill (H. R. 8580) granting a pension to Sarah A. Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Harrison, widow of John Harrison, deceased, late second lieutenant of Company G, Seventy-ninth Regiment of Ohio Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Sarah A. Harrison is the widow of John Harrison, late second lieutenant Company G, Seventy-ninth Ohio Volunteers, who was a pensioner for total disability from chronic nephritis contracted in the service.

The widow's claim has been rejected by the Pension Office on the ground that the soldier's death from injuries from a fall was not chargeable to his military service.

It appears from the evidence on file that the soldier's whole system became seriously affected from nephritis. On several occasions, while suffering from violent attacks of this disease, he would fall unconscious and remain so for several hours, and it is alleged that on the night of August 7, 1884, while seeking relief, he went to a door on the second floor of his house, and there was taken by a spell of vertigo, which caused him to fall to the ground, injuring him so severely that he died a few hours later.

A number of credible witnesses testify to the frequency of these attacks and their increasing severity, leaving the soldier unconscious for hours.

Dr. E. W. Brown testifies that he attended Mr. Harrison professionally during the last year of his life; that he treated him for chronic nephritis and uræmic poisoning, the result of said disease; that he found him suffering and prostrated from the debilitating influences of his disease to such an extent that he could not control his locomotion owing to his head being affected by said disease, and that from said causes he frequently fell to the ground; that affiant has no doubt that the fall which caused Harrison's death resulted directly from vertigo, induced by the disease.

Upon appeal to the Secretary of the Interior, in view of certain decisions in similar cases, it was held that it is necessary to clearly prove that the resulting death was caused directly by previously-incurred disability and was not produced by negligence, carelessness, or risk on the part of the deceased, nor by a neglect of such care and caution as ordinary prudence required of the deceased pensioner.

There is nothing whatever in the evidence, nor in the circumstances surrounding the soldier's death, which, in the opinion of your committee, would warrant a conclusion other than favorably to the theory that the fall and injuries resulting in death were due to an attack of vertigo, directly due to the disease for which the deceased was pensioned.

The bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THERESIA FICHTER.

Mr. FELTON. I call up the bill (S. 3269) granting a pension to Theresia Fichter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theresia Fichter, widow of Paul Fichter, late of Company E, of the Fifth Regiment of Pennsylvania Cavalry Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

For the reasons stated in the report of the Senate Committee on Pensions, which is made a part hereof, we report favorably and recommend the passage of the bill. The Senate report is as follows:

[Senate Report 1916, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3269) granting a pension to Theresia Fichter, widow of Paul Fichter, having had the same under consideration, respectfully report as follows:

The committee report that it appears said Paul Fichter was a private of Company E, Fifth Regiment of Pennsylvania Cavalry Volunteers, from 1861 to 1864, and was honorably discharged; that while in said service and line of his duty he was badly wounded and injured by being struck by a shell, and also had his health and constitution destroyed, from the effects of which he became paralyzed, and died May 29, 1870; that his widow, the said Theresia Fichter, claimed a pension, and her claim was rejected by the Pension Bureau on the ground, as alleged, that the cause of said soldier's death was not due to his military service; that it appears the physician who attended him at the time of his death, a Dr. Smith (since deceased), not only made a mistake in returning the cause of his death as apoplexy, but also in his occupation, and even in his name.

The following is a synopsis of the evidence filed in the case, showing that said soldier's death resulted from his military service:

William Rosinsky testified that he was orderly sergeant of said soldier's company, and that about June or 1st of July, 1864, on the Weldon Railroad, Virginia, said soldier was badly wounded and injured by a shell which struck him in the right side, which carried away a portion of his clothes and made him, from his thigh to his waist, as black as a black felt hat, and by reason of which wound or injury he was disabled for further duty. Saw him a year or so after his discharge, and he was complaining of his wound.

William Friebold testified that he was a private in his company, and corroborates the former witness as to said Fichter being out on the Weldon Railroad, Virginia, on a raid; and this witness saw him when he came into camp wounded in right leg, from his groin down, which was black and blue, and he had to be helped, and his clothes were shot away on that side, and he was totally disabled for any duty afterwards while in the service.

Isabella Sands testified that she saw him at about the time of his discharge from the Army in 1864, and he was then sick all over and complained of being sick and feeling bad, and of pains in his side from wound in his side and hip. She lived near neighbor and saw him from the time of his discharge to his death, and he complained of pains in his head, and in his shoulders, and in his hip; thinks he had rheumatism from his wound. Was not able to do but little work after he came from the Army, only a day or two once in awhile; that soon after his discharge he was attended by a doctor, who said his condition was caused by exposure in the Army and from his injury; that she is certain his death was caused by his army service, as he was never any good after he came from the Army; he was bed-fast for several weeks before he died, and was paralyzed on one side, and for two days before he died he could not speak, though conscious.

Robert Harrid testified that he saw the soldier about the time he came from the Army at the time of his discharge in 1864, and he looked all broke up, and he got it in the Army, and his disability appeared to be greatly from a wound or injury of his side, but he was sick and all broken in health; and a Dr. Smith attended him soon after he came home, and continued to attend him more or less till he died; and he was not able to work but very little after he came home from the Army; only able to work a day once in awhile, and was always complaining of his injured side, thigh, and hip, which made him lame; and was paralyzed on that side, as was stated by the doctor who attended him, who has since died.

Rachel Fichter testified that she saw him at discharge and return home in 1864, and he was then sick and was lame from a wound of right side or leg, and he showed her his blouse and pants, torn and blackened by the shell that struck him, and a piece of the leather of the saddle that was shot away when he was wounded; and he seemed to have a cold also when he came home, and he was greatly broken down and could not work and support his family on account of his wound and bad health he got in the Army. He was hearty and strong when he enlisted in 1861; he was always complaining and never had any good health after his discharge. She saw him every day for two weeks before he died, and from a Thursday to the following Saturday, when he died, he was helpless and had a difficulty with his throat and chest.

Anna Gow, his daughter, testified that she lived at home when her father came home from the Army at his discharge in 1864, and afterwards to near the time he died; and when he was discharged he was crippled up from a wound in his right side near the groin, which made him lame; and he complained of his throat very much afterwards, and was weak in the chest and unable to work but very little; and his wound broke out a couple of weeks or so after his discharge, and broke out in sores every little while till he died. He got weaker, and for two weeks before he died he was sick in bed, and for four days before death he was helpless.

Emma Grouse testified that she saw him at the time of his discharge, and he was suffering from wound in side and groin, and was kind of drawn up and stiff, and was sick and broken down, and he was well and hearty when he went away in 1861. Saw him two or three times a week after his discharge, and he was not able to work; don't think he worked six days during the six years he lived after his discharge, on account of his wound and bad health; that for two weeks before his death she helped to nurse him; that about two weeks after his said discharge he was attended by a Dr. Smith (since deceased) for a trouble in his throat and for his wound, and again for a week before his death, and he could not move his right side and could not talk, and his death was caused by his army service, she is certain.

The committee believe, in view of the evidence recited, that the said soldier died from the effects of a lingering disability, the result of wound or injury incurred in the military service and line of duty, resulting, finally, in paralysis, of which he died.

We therefore report the bill favorably and recommend its passage

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHANIEL CRAIN.

Mr. FINLEY. I ask for the consideration of the bill (H. R. 10167) increasing the pension of Nathaniel Crain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Nathaniel Crain, of Capt. Robert McAfey's company, of Col. Richard M. Johnson's regiment, in the war of 1813, a pension of $30 per month, in lieu of $8 per month as now allowed by law.

The report (by Mr. BLISS) was read, as follows:

The claimant is ninety-six years of age, and an increase of his pension is prayed for by about two hundred citizens of his locality. He is now in receipt of a pension at the rate of $8 per month as a survivor of the war of 1812. He served in Capt. Robert McAfey's company, Kentucky Militia, in that war, from May 20, 1813, to November 19, 1813.

The committee are of the opinion he should be granted the relief he asks, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY B. M'VEAN.

Mr. FULLER. I call up the bill (S. 3421) granting a pension to Mary B. McVean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. McVean, widow of Donald C. McVean, late major First Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, which your committee adopt as their own and likewise recommend the passage of the bill, amended, however, by striking out the word "major," in line 5, and inserting therein instead the word "captain."

The report is as follows:

"The claimant is the widow of Donald C. McVean, captain Company E, First Wisconsin Volunteers. He lost a leg in the war of the rebellion, and died of remittent fever in 1887.

"From the evidence it appears that he was subject to severe attacks of pain in his amputated limb, and the medical and lay testimony connects his excessive and continuous pain with his death.

"Surgeon Ely McClellan, United States Army, testifies that—

"'Major McVean, post-trader, Jefferson Barracks, Missouri, died at Jefferson Barracks the 16th of May, 1887, after fifty-two days' illness. The fatal termination of this case was undoubtedly due to the inability of the patient to resist disease from the intense nervous shock to which he had been subject in his early life. At the battle of Stone River he received a severe gunshot wound of the right leg—a compound, comminuted fracture—which left the leg always weak and painful. At the battle of Chickamauga, September 19, 1863, he received a gunshot wound of the left leg, which caused an amputation to be made in the upper third of the thigh. A very painful cicatrix resulted, and he very constantly suffered from neuralgia of the stump, which sometimes approached tetanic spasms. Major McVean was constantly under my observation for nearly two and a half years. He was exemplary in his habits and patient in his great suffering, and his fatal illness could in no way be attributed to his personal

habits. It is my belief that had he not been the subject of profound nerve shocks he would have recovered from the disease which caused his death.'

"Other surgeons, equally familiar with his case and condition, testify in similar and strong terms that the torture he had endured deprived him of the strength to withstand disease. The claim is rejected on the opinion of the medical referee of the Pension Office, who is unable to trace the requisite 'pathological connection.'

"Army Surgeon McClellan, who is eminent and reliable in his profession, had this soldier constantly under his observation for two and one-half years, and his opinion is entitled to weight. In a subsequent statement he strengthens his former testimony, as follows:

"'It is my belief that the reason Major McVean did not recover from the attack of remittent fever was that he never fully recovered from the shock of the original wounds, and constantly suffered so severely from the pain in the stump of his amputated leg that he had little or no recuperative power. His pulse when he was completely well was always over 100, and during his sickness could not any time be brought below 120 in the minute, and this without a corresponding increase of temperature.'

"He carried continually a fever pulse.

"The committee do not feel that it is incumbent upon then to ignore the opinion of the surgeons who were familiar with the patient, and all phases of his condition, and who, without disparagement, may be regarded as equally competent with the medical referee to decide as to a 'pathological connection,' and with much better advantages in arriving at an accurate conclusion in this case.

"The bill is reported favorably with a recommendation that it do pass."

The amendment recommended in the report of the committee was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MINNIE A. BAILEY.

Mr. FRENCH called up for consideration the bill (S. 2344) granting a pension to Minnie A. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Minnie A. Bailey, daughter of Oscar M. Bailey, who was a private in Company F, Fifteenth Regiment of Connecticut Volunteers, and pay her a pension of $12 per month.

The report (by Mr. FRENCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2344) granting a pension to Minnie A. Bailey, have had the same under consideration, and beg leave to submit the following report:

The facts in the case are briefly set forth in the report of the Senate Committee on Pensions, which is as follows:

"The applicant is a daughter of Oscar M. Bailey, who was a private in Company F, Fifteenth Connecticut Volunteers, and who died May 8, 1863.

"A pension was granted to the widow of the deceased soldier, and at her marriage the pension was paid to the applicant until she was sixteen years of age. She is now thirty years old, and has been lame from two years since birth from a disease of the hip-joint. She is unable to earn a living, but is dependent upon others for her support. She asks Congress to pass an act allowing her a pension at the rate of $12 per month.

"Since the recommittal of this bill additional evidence has been filed which materially strengthens this claim, and your committee therefore recommend the passage of the bill."

The additional evidence above referred to is the testimony of Dr. Charles H. S. Davis, and of J. A. Harvey and W. G. Gallager, respectable citizens of Meriden, Conn.

The former testifies that claimant has been afflicted with disease of hip-joint from two years after her birth, which has caused deformity of her person and compels her to use crutches.

The two latter testify likewise to her disabled condition and her dependence upon others for support.

Congress having liberally responded in bills of similar character, your committee report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYRUS TUTTLE.

Mr. FUNSTON called up for consideration the bill (S. 2008) granting a pension to Cyrus Tuttle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Tuttle, late private Company D, Fifteenth Regiment Kansas Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2008) granting a pension to Cyrus Tuttle, submit the following report:

Cyrus Tuttle first enlisted in Company G, Third Kansas Infantry; discharged August 7, 1862; re-enlisted in Company D, Fifteenth Regiment Kansas Volunteer Cavalry, on the 15th day of August, 1863, and was discharged October 15, 1865.

He made application for pension August 19, 1884, alleging in his declaration that he contracted chronic diarrhea at Fort Larned, Kansas, August, 1865. The claim was rejected by the Commissioner of Pensions, November 19, 1884, on the ground of "no pensionable degree of disability from cause alleged since date of filing claim." The claimant swears that he is unable to furnish the testimony of physician who first treated him when discharged from service in 1865, for the reason that the physician is dead.

A. P. Brown, neighbor, swears—

"That he saw claimant when he came home in 1865, and he was in bad health and said he had chronic diarrhea, and saw him often until 1876, when he left. * * * Came back in 1880; he was still very much debilitated; was not able to do manual labor when he left in 1876, nor since his return in 1880."

This affidavit was filed October 20, 1884.

Jonathan Ruble, neighbor, swears that he saw claimant on his way home from the Army; he was sick, and said his disease was chronic diarrhea; have seen him often since his return; he was unable to work. This affidavit was made in 1884.

Dr. J. V. Mott was "called to treat him in 1884, and found him suffering from a very severe attack of diarrhea, and that he has not been able to work much since."

The claimant is now over seventy-one years of age; is in very destitute circumstances, being practically supported by a daughter who takes in washing and does needle-work. His only income is $5 per month, which he receives as janitor of the public-school building at Fontana, Miami County, Kansas.

Accompanying the bill is a numerously signed petition from citizens of Linn and Miami Counties, Kansas, praying that he be pensioned, and setting forth the good habits and character of the soldier and claimant.

In view of the facts, your committee are inclined to the opinion that he should be pensioned, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN B. FARR.

Mr. LAIDLAW called up for consideration the bill (S. 3588) granting a pension to Ellen B. Farr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Ellen B. Farr, widow of Evarts W. Farr, late major of the Eleventh New Hampshire Volunteers, at the rate of $25 per month.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3588) granting a pension to Ellen B. Farr, having considered the same, report as follows:

The report of the Senate committee, which we adopt as part of our own, is as follows:

"The claimant, Ellen B. Farr, is the widow of Evarts W. Farr, late major of the Eleventh New Hampshire Volunteers. Major Farr served as first lieutenant from June 5, 1861, to January 1, 1862, as captain from latter date to September 22, 1862, and as major from latter date to muster-out, June 4, 1865. He died June 21, 1881.

"He was pensioned as captain at $20 per month for the loss of right arm while he held that rank in May, 1862, and was afterward increased to $24, special rate for such disability. His widow was pensioned at $17 per month January 22, 1881, the rate of total pension for the rank of first lieutenant. No higher rate could be allowed her under the law, because the disability (malaria) which produced his fatal disease was contracted while he held the rank of first lieutenant in 1861.

"The widow now asks for an increase to $25 per month, the amount allowed under the general law for the rank of major.

"The Commissioner of Pensions, in his annual report for the year 1887, makes the following recommendation for this class of claims:

"'I beg leave to call attention to the fact that during the last year the Secretary of the Interior presented to Congress a request for a modification of the law which declares that a pension shall be graded according to the rank of the claimant at the time that the injury was received, without regard to the fact that such claimant might subsequently have been promoted for meritorious services and in good faith. The suggestion of the Commissioner is that the rank, subsequently acquired bona fide, should be considered by the Commissioner in determining the amount to be allowed.'

"Congress has in several instances recognized this equitable and just recommendation by special acts.

"This widow is in indigent circumstances; has a daughter to support, and is in feeble health, being seriously disabled in her right arm, which is indispensable in the performance of the labor upon which she depends for support."

It is proper that we should add that Major Farr was a member of this House during the Forty-fifth and Forty-sixth Congresses, his death occurring before the close of the latter Congress. He was a brave soldier and an able legislator, and as his widow was left in comparatively necessitous circumstances and is now in feeble health, as well as because of the further facts set forth in the Senate report, your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. FROST.

Mr. GEAR called up for consideration the bill (S. 2759) granting a pension to James M. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James M. Frost, late a member of Company A, First Regiment Tennessee Cavalry Volunteers.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2759) granting a pension to James M. Frost, respectfully report:

That they adopt the Senate report upon said bill and recommend the passage of the bill, with an amendment.

"[Senate Report No. 1319, Fiftieth Congress, first session.]

"This is a bill to pension James M. Frost, late a member of Company A, First Regiment of Tennessee Cavalry. The claimant filed his application in 1880, alleging rheumatism, and was rejected on the ground that the soldier was not in line of duty at the time his disability was contracted. The claimant was absent from his command by permission from his colonel, to visit his sick brother, and on his return was captured by the enemy and sent to Andersonville prison, where he says he contracted sciatic rheumatism.

"The committee are of the opinion that he was in the line of duty when he was captured. He was not violating any order. He was allowed to visit his brother, who was near his camp. That brother was ill, and died before he reached him. It would have been inhuman to have denied him the privilege, and in availing himself of it he violated no obligation to his conscience or his country. The only question is as to the incurrence and existence of the disability. He was held a prisoner thirteen months, and experienced, he says, the most brutal treatment, so that at the time of his discharge he was a physical wreck.

"A number of his comrades and acquaintances testify to his prior soundness and subsequent disability, but strange to say the postmaster, of whom inquiry is made by the Pension Office, discredits a majority of the witnesses. He admits that Dr. Miller, of Libertyville, Iowa, and Drs. Worthington and Ward, of Fairfield, are entitled to credit. They all testify that they have treated him continuously; that they do not doubt his disability was contracted in the service; that disease was brought on by exposure and hardship in prison; that it does not yield to treatment; that it is incurable. The only ground of rejection by the Pension Office is that the soldier was not in line of duty when captured.

"There have been two medical examinations. One of the boards finds him disabled and the other fails to discover any disability. These reports are so conflicting in most instances as to be valueless.

"The committee think the case is sufficiently proved without them and report the bill favorably, with a recommendation that it do pass."

Amend by inserting, after the word "pension-roll," the words "subject to the provisions and limitations of the pension laws."

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HAWKINS.

Mr. GEST called up for consideration the bill (H. R. 11884) to grant a pension to William Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension-roll the name of William Hawkins, who was a private in Capt. Alexander M. Houston's company of Mounted Volunteers in the Black Hawk war, and pay him a pension of $30 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11884) to grant a pension to William Hawkins, have considered the same, and report as follows:

The claimant was a private in Capt. Alexander M. Houston's company of Illinois Mounted Volunteers in the Black Hawk war, and was honorably discharged therefrom August 15, 1832.

He is now, as shown by the testimony filed, in his eighty-second year, in feeble health, and unable to work a small farm of a few acres to make subsistence for himself and his aged wife. The small rent which he gets for the land is not sufficient to maintain him. He can live but a few years at most.

Your committee believe that he should have a service pension, and therefore recommend the passage of the bill with a rating of $20 per month. Amend the bill by inserting the word "Illinois" before the word "Mounted" in line 6, and by changing the word "thirty" to "twenty" in line 7.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROZALIA JUNK.

Mr. HAUGEN called up for consideration the bill (S. 2310) granting a pension to Rozalia Junk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rozalia Junk, widow of John Junk, alias John Younge, late a private of Company K, Sixth Regiment of Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2310) granting a pension to Rozalia Junk, submit the following report:

That they have carefully examined this case; that the facts, as stated in the Senate report hereto attached and made a part hereof, show a very strong case, justifying the action of Congress in giving the relief asked for. They therefore recommend that the bill do pass.

[Senate Report No. 992, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2310) granting a pension to Rozalia Junk, have examined the same, and report:

From the report of the Adjutant-General it appears that John Junk, or Young, as the name was pronounced, the husband of the claimant, was drafted September 22, 1864. He was examined and held to service, sent to draft rendezvous, forwarded to Sixth Wisconsin Regiment, and delivered at City Point. He was mustered out with his detachment June 6, 1865, making eight months' service from the date of drafting to muster out. He died May 7, 1879, and his widow filed application for pension, claiming that his death was caused by an aggravated case of hernia incurred in the service. The claim was rejected on the ground that the claimant admitted her inability to furnish the proof required by the Pension Office, that his disability originated in the service.

Wyta Stramsky, for thirty years a resident of Kewaunee, Wis., testifies that he was acquainted with the soldier five years before he went into the Army. He was often in his employ; knows that he was a strong, healthy man. He says:

"I was with him when he went into the Army, and accompanied him to Green Bay. I was at that time assistant United States marshal, and had John Junk in charge with many others; that when he was examined I stood close beside him. He was naked, and he was pronounced by the examining surgeon to be a sound man, and I know of my own knowledge if he had a rupture at that time I should have seen it. He was my personal friend, and I knew him intimately before the war and after his return. On his return I saw him as he came off the boat in July, 1865, which was the time, as I now remember, he came home. I made inquiry about his health, and he told me he was all right except a rupture he received, as I now remember it, in the engagement at Richmond in crossing a ditch into which he fell. I know that after his return he was not able to do hard work. He always complained of his injury. I knew him intimately up to the time of his death, and I have no doubt that his injury caused his death. It was a matter of general repute at the time of his death, which was sudden, that it was caused by his rupture."

Wenzel Shimmel testifies to his intimate acquaintance with the soldier; they lived in the same town of Carlton, in Kewaunee County, and he knows he was sound before his service; that when he returned he had a rupture and wore a truss. He also heard him relate how the injury was received.

Joseph Kozel testified that he was a neighbor, fellow-countryman, and comrade of Junk. They were drafted at the same time, examined by the same surgeon, and both pronounced sound. One was sent to the Sixth, the other to the Eleventh Wisconsin Regiment. Knows that he came home with rupture; believes that he died in consequence of it.

Frank Harmacheck testifies that he knew him well before service; that he was sound; that he came home with a rupture of which he believes, and all the neighbors believe, he died. He died very suddenly. He was at his house an hour after he died. He did not see his rupture before. He saw it then, and his inwards protruded to such an extent that he could not live. The protrusion was as large as his two fists. The doctor who was sent for to attend him says he had been dead more than an hour when he arrived; that he made no examination.

The claimant says her husband was the only person in his regiment or company of his nationality; that he could not speak English, and consequently made no acquaintances; did not learn the names or living places of any of the soldiers with whom he was only for a short time associated. For this reason, and knowing that she could not obtain a pension under the general laws, she has appealed to Congress.

There appears to be no doubt as to the soundness of the man prior to his service, nor as to the incurrence of the disability, which was an aggravated and dangerous case of hernia, and finally proved fatal.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL J. MURPHY.

Mr. HAYES called up for consideration the bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Samuel J. Murphy, late a private in Company D, Thirty-seventh Regiment of Iowa Volunteer Infantry, a pension at the rate of $16 per month, in lieu of that which he now receives, to take effect from and after the passage of this act.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa, submit the following report:

The claimant in this case made application for pension on account of disease of the eyes and loss of hearing. A pension was granted for the former disability, but for the latter it was denied on the ground of prior unsoundness. The record shows that the soldier was discharged after fifteen months' service for these disabilities. No mention is made of the existence of either disability at time of enlistment.

Several witnesses testify that no disability existed prior to his entering the military service. Two witnesses state that his hearing was "slightly defective" when he entered the service, but that it was much worse when he was discharged. It seems to your committee to be clearly established that his hearing was seriously affected by the service, and that claimant is clearly entitled to the increase granted by this bill, and they therefore recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEAVE TO PRINT.

Mr. CHEADLE. Mr. Chairman, to-day, during the consideration of the bill granting a pension to the widow of General Sheridan, after I was recognized to speak in opposition of that measure, I yielded the floor with the understanding that I should have permission to extend my remarks, after which objection was made which became general and I had no opportunity to express the views which I entertained. I do not desire to occupy the valuable time of the committee this evening and only ask to extend my remarks.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. KERR. I should like to have the same permission.

There was no objection.

JACOB S. SHUMAN.

Mr. HEARD called up for consideration the bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jacob S. Shuman, late captain of Company H, Eleventh Ohio Volunteer Cavalry, and to pay him a pension of $72 per month instead of the pension he is now receiving.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman, have had the same under consideration, and beg leave to submit the following report:

Jacob S. Shuman served as captain of Company H, Eleventh Regiment Ohio Cavalry, from June 10, 1863, to July 14, 1866, and is now a pensioner at the rate of $50 per month for injury to back and resulting paralysis. Since January 30, 1884, he requires the regular aid and attendance of another person. Had he become thus totally disabled prior to June 16, 1880, he would be entitled to $72 per month under the provisions of the act of that date and of the act of June 17, 1878.

Your committee have already reported favorably a bill proposing to amend the present law touching this class of disabilities, but it is doubtful whether the same will be reached during this Congress.

The condition of this pensioner is so pitiful that your committee feel inclined to grant relief independent of the probable success of the bill above referred to, and therefore submit the report of the board of examining surgeons at Sedalia, Mo., under date of December 31, 1864:

"The motorial inco-ordination is very marked. The power of locomotion is entirely lost unless aided, and then he has to be virtually carried. There is no power to stand alone. The extremities are wasted and cold. He is not able to swallow a fluid without danger from strangulation. The head and limbs are in constant agitation. The mind is very much impaired. The asking of questions causes great excitement, and instead of answering intelligently he has a spell of crying and loses all control of himself. He requires the regular aid and attendance of some one at all times."

The description of the disability by said surgeons seems to warrant favorable action on the accompanying bill, and the same is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

IRA WELLS.

Mr. HENDERSON, of Illinois (by Mr. ROWELL), called up for consideration the bill (H. R. 12607) to grant a pension to Ira Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension-roll the name of Ira Wells, who was a private in Captain Kinney's company of Illinois Mounted Volunteers in the Black Hawk war, and pay him a pension of $30 per month.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12607) granting a pension to Ira Wells, have considered the same, and report:

This is another of the claims of the survivors of the Indian wars of 1832–1842, for service pension, for whom a general bill has been favorably reported to the House. This claimant was a private in Captain Kinney's company of Illinois Mounted Volunteers in the Black Hawk war of 1832. He served honorably for six months and was honorably discharged.

He is now over seventy years of age, and, as shown by the testimony of prominent citizens of Geneseo, Ill., he has for four or five years been rapidly failing in health, and is now confined to his bed for the greater part of the time. He can not, in consequence, follow his profession, that of a physician, or perform any labor. He is poor, without income of any kind, and has no one to look to for support. The testimony also shows that he was a contract surgeon during the late war of the rebellion, and his neighbors attribute his present condition of health to diseases contracted during that time.

This is shown to be a very meritorious case, and the passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. MARTIN.

Mr. HERMANN called up for consideration the bill (H. R. 12608) to pension William J. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William J. Martin, survivor of Capt. John Sconce's company of Ray County (Missouri) Volunteers, of Lieutenant-Colonel Morgan's Spy Battalion, Brigadier-General Zachary Taylor, general commanding, Florida war, and who was severely wounded at the battle of Lake Okeechobee, December 25, 1837, and who was also the lieutenant-colonel of the Second Regiment Oregon Mounted Volunteers in the Oregon Indian war of 1855 and 1856, and that he be paid a pension of $25 a month from and after the passage of this act.

The report (by Mr. BLISS) is as follows:

The committee report as follows on the bill (H. R. 12608) granting a pension to William J. Martin:

That Col. William J. Martin is a survivor of the Florida Indian war. He was severely wounded while charging the Indians with his company under Capt. John Sconce, in Col. Alexander Morgan's Spy Battalion, Missouri Volunteers, on December 25, 1837, in a hotly contested battle at Lake Okeechobee, where the Indians were completely routed, and all their stock and equipage captured, and, as it is shown to us, the old wounds and exposure have left their painful marks, which now in his advanced years are constantly felt.

During the Oregon and Washington Territory Indian wars of 1855-'56 he served as lieutenant-colonel of the Second Regiment Oregon Mounted Volunteers, and rendered valuable services to the frontier and nation in various active engagements. He is now in old age, and in limited means, being dependent on his own scanty labors on his homestead claim. His services are frequently referred to in the history of his State.

In the opinion of your committee he presents a most meritorious case, and in view of the facts before us we recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE BUCHANAN.

Mr. HOLMAN (by Mr. MATSON) called up the bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore the name of Catharine Buchanan, widow of William Buchanan, late a private in Company L, Fourth Regiment of Indiana Volunteer Cavalry, to the pension-roll, and that she be paid a pension, subject to the provisions of the general pension laws.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan, have considered the same, and submit the following report:

The claimant herein was the widow of William Buchanan, who served as a private in Company L, Fourth Indiana Cavalry, from August 7, 1861, until July 29, 1864, when he was killed in battle at Newman, Ga. The said claimant was granted a pension at $8 per month, commencing July 29, 1864. On the 1st day of May, 1867, she remarried with Richard Buchanan, at which time her pension was stopped. Her second husband, Richard Buchanan, died October 3, 1881, leaving his widow, the claimant herein, in indigent circumstances. She now makes application to be reinstated to the pension-roll as the widow of William Buchanan, her first husband, who was killed in battle as herein stated.

It is shown by the affidavits of several of her neighbors that the said Catharine Buchanan is poor and deserving; that she has no means of support other than what she earns by her labor as a sewing-woman. Following in the line of precedents heretofore made, and believing the applicant herein to be a worthy object for Congressional action, we submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY HORNING.

Mr. HOPKINS, of New York, called up for consideration the bill (H. R. 11627) granting a pension to Mary Horning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the name of Mary Horning, widow of John F. Horning, late a private in Company B, One hundred and seventeenth Regiment New York State Volunteers, and pay her a pension at the rate of $12 a month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11627) granting a pension to Mary Horning, have had the same under consideration, and beg leave to submit the following report:

Mary Horning is the widow of John T. Horning, who served as private in Company I, One hundred and seventeenth Regiment New York Volunteers, from August 4, 1862, to June 8, 1865, and died May 9, 1888.

The widow's claim has been rejected by the Pension Bureau on the ground that the fatal disease of lungs is not shown to be chargeable to the soldier's military service. The soldier applied for pension on account of rheumatism, results of typhoid fever, and pleurisy. This claim was likewise rejected, because in the opinion of the medical referee the evidence failed to show that soldier was disabled from the effects of typhoid fever, disease of lungs, or pleurisy, found by medical examination not being accepted as a sequence of the same and rheumatism not being shown to have existed in the service.

The records of the War Department do show the soldier under treatment during the months of December, 1862, January, 1863, and February, 1864, but fail to disclose the nature of the disability for which treated.

The claims have been specially examined, and received the favorable recommendation of the special examiner.

It is shown by officers and others, and by Assistant Surgeon Carpenter, that soldier had typhoid fever, diarrhea, and fever and ague in the service. It is also shown that he had a cough before discharge.

His complaints from date of discharge up to 1868 were diarrhea, cough, and rheumatism, as shown by the testimony of associates and neighbors. Dr. Russell testifies to treatment at intervals, from 1868 to 1875, for rheumatism, diarrhea, intermittent fever, and cough. Dr. Gibson treated soldier from 1880 to 1886 for pleuritic trouble and disease of left lung. Dr. Tourtellet also treated him more or less for the same troubles from discharge to death, and states that the last stage of consumption was apparent a month before death.

Assistant Surgeon Carpenter, who, as heretofore stated, treated Horning in the service, also testifies that he saw soldier frequently after discharge; was troubled with a cough, looked emaciated, and upon examination about a year before death found the lungs badly diseased, which, in affiant's opinion and knowledge of the case, was chargeable to his military service.

The undertaker's record shows death from pneumonia.

While pneumonia may have hastened death, yet your committee are clearly of opinion from the evidence on file that the soldier's lungs were so seriously impaired by exposure in the service that he could not have survived much longer, even had he not been stricken down with this acute disease.

The bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. SMITH.

Mr. HOWARD called up for consideration the bill (H. R. 12275) to increase the pension of John W. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of John W. Smith, formerly a private of Company F, First United States Dragoons, Mexican war; also lieutenant First Indiana Calvary and private Company D, One hundred and fifty-sixth Indiana Volunteers, in the war of the rebellion, and to pay him a pension of $25 per month, in lieu of the pension he is now receiving.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12275) granting an increase of pension to John W. Smith, have considered the same, and report as follows:

The claimant was a private in Company F, First United States Dragoons, Mexican war, for nearly two years. He was discharged therefrom at the city of Mexico, May 8, 1848, for disability. He also served during the late rebellion in Company I, First Indiana Cavalry, and in Company D, One hundred and fifty-sixth Indiana Volunteer Infantry.

In December, 1872, he filed his claim for pension because of chronic diarrhea and rheumatism, which he alleged was contracted at Pen Yal Peak, Mexico. His claim for chronic diarrhea and piles was allowed in June, 1887, at the rate of $4 per month from May 29, 1886. The claim for rheumatism has never been adjudicated, the claimant being unable to furnish sufficient evidence of its existence during his service in Mexico.

His pension was increased in October last to $12 per month.

He now asks increase of pension to $25 per month.

The fact is well established by the evidence before your committee that Mr. Smith has been disabled by rheumatism most of the time since his discharge from the service in 1848; that he is now severely affected by rheumatism and disease of heart in addition to the diseases for which he draws pension. The certificate of disability upon which he was discharged stated that his constitution was completely undermined in the Mexican war, and that he then had chronic bronchitis.

The rating given him by the Clay City examining board of surgeons in October, 1887, for his continued disabilities amounts to $24 per month.

He is without any means of support aside from his pension, as shown by the following statement:

"DEPARTMENT OF THE INTERIOR,
"UNITED STATES PATENT OFFICE,
"*Washington, D. C., January* 18, 1889.

"*To all whom this may concern:*

"I hereby state that I am personally acquainted with John W. Smith, a resident of the city of Terre Haute, State of Indiana; that he was a soldier in the late war, a man of integrity, and is now in reduced circumstances, not having any means of support excepting the small pension that he is now receiving. He is broken down in health and unable to do manual labor.

"Very respectfully,

"A. J. KELLY,
"*Chief of Division, Patent Office.*
"WM. E. McLEAN,
"*First Deputy Commissioner of Pensions.*"

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES S. HAMILTON.

Mr. HUDD called up for consideration the bill (S. 3387) granting a pension to Charles S. Hamilton.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Hamilton, late a major-general in the Army of the United States, and pay him a pension at the rate of $100 per month, in lieu of the pension he is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3387) granting a pension to Charles S. Hamilton, submit the following report:

"That they have carefully examined the papers on file in this case, and the report of the Senate committee on this case, and they are of the opinion that the report is fully corroborated by the undisputed facts in the case; and, while the beneficiary can not establish a case that can be allowed at the Pension Office under its rules, they believe the case to be a meritorious one. They adopt the report of the Senate, and make it a part hereof, and recommend that the bill do pass, with an amendment striking out the words "one hundred," in the seventh line thereof, and inserting in place thereof the word "fifty."

[Senate Report No. 2166, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3387) granting a pension to Charles S. Hamilton, have examined the same, and report:

This is a bill to pension Charles S. Hamilton, late a major-general in the Army of the United States, at the rate of $100 per month. The Pension Office rejected his application on the ground of no record of disabilities and claimant's inability to furnish testimony showing origin in service and line of duty. The military record of General Hamilton, as shown by the report of the Adjutant-General, covers many years, and it is both interesting and creditable.

He is a graduate of West Point. As first lieutenant he joined the Fifth United States Infantry in July, 1846, served with it in Mexico in the war with that country; was severely wounded at the battle of Molino del Rey September 8, 1847; was sick in the city of Mexico from wounds until some time in November, 1847; on duty with his regiment in Mexico to close of war.

Capt. William Chapman, Fifth Infantry, commanding regiment, says:

"Lieut. C. S. Hamilton, commanding Company I, was severely wounded early in the action while urging his company on, but raised himself up with assistance and continued cheering and encouraging his men until they were beyond the reach of his voice."

He accepted command as brigadier-general of volunteers August 31, 1861, and served as such until December 4, 1862, when he accepted appointment as major-general of volunteers. He commanded Second Brigade, General Banks's division, Army of the Potomac, from August, 1861, to March, 1862; the Third Division, Third Army Corps, to May, 1862; the left wing of Army of Mississippi to August, 1862; Third Division of Mississippi to October, 1862; the District of Corinth, Department of Tennessee, to January 10, 1863; the Sixteenth Army Corps to January 15, 1863, and the District of Columbia, Jackson, Corinth, and Memphis, in Department of Tennessee, and also the left wing of the Sixteenth Army Corps to April, 1863, when he tendered his resignation.

In his statement as to the circumstances under which he incurred his disabilities, General Hamilton says when he was in command of First Brigade of General Banks's division he received orders to proceed to Alexandria and there take command of General Heintzelman's division, about to embark for the Peninsula. In endeavoring to reach his destination he rode 18 miles in a drenching rain, arriving at Harper's Ferry just in time to catch some cars going east. In his saturated clothing he rode all the way to Alexandria. Here he assumed command of the division and put it on transports for Fortress Monroe. On board the boat he had the first and only opportunity to exchange his wet for dry clothing. Arrived at Hampton Roads his voice was gone. Dr. Cuyler, medical director of General Wood's command, ordered him to relinquish his command, took him to his quarters inside the fort, and treated him. He resumed his command about three weeks after the landing, but suffered during the whole campaign from lumbago and stiff joints. He claims that his disabilities, the result of his service, are palpitation of the heart, blindness, and rheumatism.

"My present condition" he says "is that of an almost helpless invalid. I can not write except little more than to sign my name, can read but a few lines at a time, and I believe that all these troubles emanated from exposure and service during the war."

Dr. Wright, of Fond du Lac, Wis., was his family physician as early as 1853, and he knew him to be a healthy man when he entered the service. After his return from the war he complained of palpitation of the heart, which the doctor believes was brought on by his exposure, hard service, and intense excitement, and that his blindness is the immediate result of his cerebral congestion, which undoubtedly came from disease of the heart.

Dr. Fox, of Milwaukee, has treated General Hamilton for heart and brain disease, and he has no hesitancy in saying that the heart disease is of long standing, and he also believes that his brain trouble may have resulted from heart disease.

F. H. West, United States marshal, Milwaukee, has known General Hamilton eighteen years; that he had been in very poor health, caused, as is generally believed, by exposure and hardship in the service. He also certifies to his untarnished reputation.

Edward O. Wall, collector of internal revenue, Milwaukee, testifies to his broken health, and declares that General Hamilton would not, under any circumstances, ask for a pension if he was not conscious that his helpless condition was the result of his service in the Army.

George H. Paul, postmaster at Milwaukee, has known General Hamilton more than twenty-five years; pronounces him a man of incorruptible integrity; would place implicit confidence in any statement of his, under oath or otherwise; that his eminent public services entitle him, in his present physical condition, to the kindest and most generous consideration.

The examining surgeons of Milwaukee rate him for rheumatism, heart disease, blindness, and general debility.

General Hamilton is now about sixty-six years old. Besides a long period, during which he was engaged in frontier duty, he has served the country in two wars, and in both has rendered valuable and distinguished service, as his record proves.

He was a sound and well-qualified man when he joined the Army to resist the rebellion; he came out of it broken in health, and his disabilities have been progressive, until he has become blind, helpless, and a sufferer. If these are not referable to his army life the committee are at a loss to account for them. That he has earned $100 a month we are equally convinced, and with the precedents on record it would be unjust to concede him an inferior sum.

The bill is reported with an amendment, adding after the word "month," in the eighth line, "in lieu of the pension he is now receiving," with a recommendation that it do pass.

The amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. LAWLESS.

Mr. HUNTER called up for consideration the bill (H. R. 8327) for the relief of James H. Lawler.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place the name of James H. Lawler, late private Company I, Fifth Kentucky Cavalry Volunteers, on the pension-roll, subject to all the restrictions, limitations, and provisions of the pension laws of the United States.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8327) granting a pension to James H. Lawler, have considered the same, and report as follows:

The claimant was a private in Company I, Fifth Kentucky Cavalry, enrolled October 8, 1861, and honorably mustered out with his company and regiment May 3, 1865.

In his application before the Pension Bureau, filed in March, 1880, he alleged that in December, 1861, he contracted measles, which by the following spring (of 1862) had resulted in disease of lungs and rheumatism and piles. His claim was rejected in 1885 on the ground of no record of the alleged measles and disease of lungs, and no satisfactory evidence of their origin in service, and that rheumatism was not contracted in line of duty.

The records of the War Department show that the claimant was present with his command at the time he alleges he incurred his measles, disease of lungs, piles, and rheumatism, and it is shown by the testimony of his comrades that he was affected by said diseases in December, 1861, and the spring of 1862.

Capt. Asa C. Wells testifies that—

"Shortly after the company went into camp at or near Burksville, Ky., in the fall of 1861, the claimant contracted measles, and that subsequently during service his lungs were so affected that at times he could not speak above a whisper, and that he was also affected with rheumatism."

Six or eight soldiers of the same company testify to the same statement of facts, including Lieut. D. G. Shepherd, and it is clearly established to the satisfaction of your committee that both rheumatism and disease of lungs existed in the spring of 1862.

On May 29, 1862, the claimant left his company without authority and was not borne on the rolls thereof until in the fall of 1863. Testimony in the case shows that the causes of his absence were sickness and domestic afflictions. He was treated for rheumatism in the army hospitals at Knoxville and Nashville, Tenn., from March 26, 1864, to August 12, 1864, when he was returned to duty with his company, and remained with it in active service until the date of his honorable discharge, in May, 1865.

The testimony is ample to show that claimant has been disabled for the performance of manual labor each year since his discharge by reason of said diseases, and the examining board of surgeons at Burksville, Ky., find him disabled by rheumatism, as alleged.

Your committee therefore recommend the passage of the bill, amended, however, by changing the spelling of the surname of the claimant, wherever it appears in the bill, from "Lawler" to "Lawless."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM FORD.

Mr. JACKSON called up for consideration the bill (H. R. 2862) granting a pension to William Ford.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Ford, late a private in Company H, One hundred and thirty-ninth Regiment Pennsylvania Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2862) granting a pension to William Ford, late a private in Company H, One hundred and thirty-ninth Regiment Pennsylvania Volunteers, have considered the same, and submit the following report:

Pension in this case is claimed for rupture. The claimant applied to the Commissioner of Pensions for a pension on this account, and after filing of testimony and medical examination the claim was rejected on the ground that the proof as to its being incurred in the service was not considered sufficient.

We are unable to agree with the Pension Office in this conclusion, and conclude that the records of the War Department and the proof submitted abundantly sustain the following facts: That William Ford, prior to his entering the Army, was a sound, strong, hearty man. At the time of his enlistment, and for several years preceding it, he was a farm laborer, engaged at hard work, and the testimony of his employers and companions is very clear as to his soundness.

It is also undisputed that for a very considerable time after he entered the service he did duty as a soldier of the very severest kind and no evidence of disability was apparent. That even after being wounded in battle he returned to his command and did good service. That during the battle of Spottsylvania he was engaged in building breastworks of heavy logs, and in some way was injured so that immediately after his "belly" became sore so he could not wear a cartridge-belt and began to swell, showing eventually a small lump.

The claimant is an ignorant, uneducated man, and evidently did not know what this lump was at the time, nor at his discharge. He did not go to a hospital for treatment, the regimental surgeon saying that nothing could be done for him but excuse him from duty. The proof is clear and undoubted that claimant had this swelling of the belly, which the surgeons all pronounce rupture, very soon after he helped lift the logs at Spottsylvania, and it is evident that it there originated.

The medical examinations all show the actual disability of the soldier from this rupture, and there is abundant proof of its continued existence from his discharge from the service. It is proper to say that the proof of the facts as to incurrence of the injury in the service is wholly by enlisted men, and that the Pension Office seems to have rejected the claim finally because of want of testimony of a commissioned officer, although the examiner recommended that it be allowed. But a full explanation of this is that the only commissioned officer with the company was reported to have gone to Europe immediately after the war and has not since been heard of, as is testified to by different members of the company. Further, that the regimental surgeon says he can not remember the case at all.

The soldier is shown to be a worthy man, with a family, unable to earn a living on account of this injury, and is in destitute circumstances.

Your committee are satisfied that claimant sustained his injuries in the service, in line of duty, and is justly entitled to a pension, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration pension bills on the Private Calendar, under the special order of the House, had directed him to report sundry bills with various recommendations.

HOUSE BILLS PASSED WITHOUT AMENDMENT.

Bills of the following titles, reported favorably, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 11663) granting a pension to M. Josie McClain;

A bill (H. R. 12604) to restore the pension of Ann G. Barker;

A bill (H. R. 3916) granting a pension to Jacob Wolf;

A bill (H. R. 8580) granting a pension to Sarah A. Harrison;
A bill (H. R. 10167) increasing the pension of Nathaniel Crain;
A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman;
A bill (H. R. 12607) granting a pension to Ira Wells;
A bill (H. R. 12608) to pension William J. Martin;
A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;
A bill (H. R. 11627) granting a pension to Mary Horning;
A bill (H. R. 12275) to increase the pension of John W. Smith; and
A bill (H. R. 2862) granting a pension to William Ford.

HOUSE BILLS PASSED WITH AMENDMENTS.

Amendments reported to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:
A bill (H. R. 12619) granting a pension to Littleberry W. Baker;
A bill (H. R. 12575) to increase the pension of James M. Barrett;
A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862 and died of effects of wounds received therein;
A bill (H. R. 8995) for the relief of Antonio Wiener; and
A bill (H. R. 11884) to grant a pension to William Hawkins.

HOUSE BILLS WITH AMENDMENTS TO BILL AND TITLE PASSED.

Amendments reported to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, and the titles were amended to conform with the bills.
A bill (H. R. 5758) granting a pension to Lovina Wright;
A bill (H. R. 12404) granting a pension to Robert W. Andrews; and
A bill (H. R. 8327) for the relief of Joseph H. Lawless.

SENATE BILLS PASSED WITHOUT AMENDMENT.

Senate bills of the following titles, reported favorably, were severally ordered to a third reading; and they were accordingly read the third time, and passed:
A bill (S. 2758) granting a pension to Susan P. Murdock;
A bill (S. 2334) granting a pension to Mary J. Byrd;
A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;
A bill (S. 2690) granting a pension to John Gallager;
A bill (S. 3198) granting a pension to Mary Murphy;
A bill (S. 3091) granting a pension to John Corr;
A bill (S. 3762) granting a pension to Nancy Polock;
A bill (S. 3269) granting a pension to Theresia Fichter;
A bill (S. 2344) granting a pension to Minnie A. Bailey;
A bill (S. 2008) granting a pension to Cyrus Tuttle;
A bill (S. 3588) granting a pension to Ellen B. Farr;
A bill (S. 2310) granting a pension to Rosalia Junk; and
A bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa.

SENATE BILLS PASSED WITH AMENDMENTS.

Amendments reported to Senate bills of the following titles were severally agreed to; and the bills as amended were ordered to a third reading, and accordingly read the third time, and passed:
A bill (S. 1319) granting a pension to Anna Slater;
A bill (S. 3421) granting a pension to Mary B. McVean;
A bill (S. 2759) granting a pension to James M. Frost; and
A bill (S. 3387) granting a pension to Charles S. Hamilton.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN E. MUSSMAN.

Mr. BYNUM. I ask unanimous consent to discharge the Committee of the Whole from consideration of the bill (H. R. 2157) granting a pension to Ann E. Mussman.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent to discharge the Committee of the Whole House from the consideration of this bill. Is there objection?

Mr. JOSEPH D. TAYLOR. I shall object unless we can have one recognition on this side.

Mr. BYNUM. I am not making any objection to that.

Mr. JOSEPH D. TAYLOR. Then I withdraw the objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Mussman, widow of William Mussman, deceased, late a member of the Sixth Indiana Light Artillery.

Mr. BYNUM. That is just a question about the evidence, and I ask to dispense with the reading of the report.

There was no objection, and the reading of the report was dispensed with.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2157) granting a pension to Ann E. Mussman, having had the same under consideration, submit the following report:

Claimant is the widow of William Mussman, who enlisted September 7, 1861, as first lieutenant of the Sixth Battery Indiana Light Artillery, and served until December 10, 1862, when he was discharged from the service and returned to Indianapolis, Ind., where he died March 24, 1873, of apoplexy. Widow's claim for pension was rejected by the Pension Office "on the ground that the cause of soldier's death, apoplexy, was not a result of heart disease."

Jacob L. Bieler, who was a member of said Sixth Indiana Battery, testifies as follows:

"I was an artificer of said Sixth Indiana Battery. I know that when said Mussman entered the service in October, 1861, he was a sound, able-bodied man, being stout and healthy; that Mussman was an officer in the German army, and resigned that service only a short time before he entered the United States service. Our battery had a hard march from Calhoun, Ky., to South Carrollton, Ky., being a forced march of 30 or 40 miles. When on said march, the date not now remembered, said Mussman complained of being sick, and he looked very much fatigued, but being strictly a military man he did not associate with his men nor say much about his trouble; but it was understood that on this march, by reason of overexertion, he contracted the heart disease. I saw him treated for this trouble by Surgeon Armstrong, of the Thirty-first Indiana Volunteers, at various times. Mussman resigned the service on account of his sickness. After the war I saw him frequently up to his death, and he died of said heart disease."

Adam Frank, who was corporal of said Sixth Indiana Battery, testifies that said Mussman was a stout, robust man at the time of his enlistment, and while with the battery on a march near Moscow, Tenn., by reason of overexertion and exposure, he contracted heart disease and camp diarrhea, and was compelled to resign by reason of said disease.

William Wundran testifies that he was intimately acquainted with Mussman in Germany, and that they came to America together, and that at the time of his enlistment he (Mussman) was a stout, able-bodied man, and that when he came home from the service, about December, 1862, he was almost dead; was suffering with disease of heart and diarrhea and a severe cough. He gradually grew worse and was never able to do but little work after his return from the service. He died March 24, 1873, and the cause of death was heart disease.

This widow is now advanced in age and has no means of support.

The above facts are fully corroborated by other comrades and neighbors.

Your committee, after considering all the evidence presented, are of the opinion that this is a meritorious claim; therefore report the bill favorably with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BYNUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH M. ALLEN.

Mr. BUTLER obtained unanimous consent to call up for consideration the bill (H. R. 10725) to increase the pension of Elizabeth M. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to increase the pension of Elizabeth M. Allen, widow of John Allen, late a private of the Forty-third Regiment United States Infantry, war of 1812, from $12 per month to $20 per month, on account of her old age and extreme poverty; that the increase be allowed from the passage of this act.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10725) granting increase of pension to Elizabeth M. Allen, have considered the same, and report:

The husband of the claimant, John Allen, was a private in Lieutenant Mumford's corps of artillery, Forty-third Regiment United States Infantry, in the war of 1812.

The claimant is now pensioned as his widow at the rate of $12 per month. Her claim for increase to $20 per month is supported by testimony to the effect that she is seventy-one years of age, in poor health, with no property of any kind, and no relative except a grandchild of twelve or fourteen years of age, dependent on their united efforts for support.

Your committee are of opinion that the increase asked is warranted, and therefore recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (at 10 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of the Woman's Christian Temperance Union of Massachusetts, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. E. P. ALLEN: Petition of J. F. Welck and 35 others, citizens of Morusi, Mich., for a law restoring John S. Paul to full pension, and reimbursement of amount withheld—to the Committee on Invalid Pensions.

By Mr. CARUTH: Remonstrance against the passage of the Blair educational bill—to the Committee on Education.

By Mr. CLEMENTS: Papers in the claim of William H. Hawkins, of James T. Hawkins, of Andrew Millican, of Andrew Coney, of Sarah Kimball, of Sarah A. Dodson, of John B. Knowles, and of Delilah Hood, of Chattooga County, Georgia—to the Committee on War Claims.

By Mr. DUBOIS: Memorial of the Legislative Assembly of Idaho

Territory, praying for amendment of the alien act so as to exempt mines—to the Committee on the Public Lands.

By Mr. ERMENTROUT: Memorial of the Lancaster (Pa.) Board of Trade, for the repeal of the revenue laws relating to cigars—to the Committee on Ways and Means.

Also, memorial of the Reading (Pa.) Druggists' Association, in favor of free alcohol for druggists' use—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of Mary M. Jameson, widow of Wiley J. Jameson, of Hines County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of the Woman's Christian Temperance Union of Arkansas for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SHAW (by request): Petition of 39 citizens of Maryland for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WHITTHORNE: Petition of Philip Cooper and of William A. Blackburn, for relief—to the Committee on War Claims.

By Mr. YOST: Petition of the Woman's Christian Temperance Union of Virginia for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

SATURDAY, *February* 23, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. TELLER. I ask that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed and concluded the reading of the Journal.

The PRESIDENT *pro tempore*. If there be no motion to correct or amend, the Journal will stand approved as read.

TIMBER ON CHIPPEWA INDIAN RESERVATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 6, 1889, certain information in regard to the cutting of timber on the Chippewa Indian reservations within the La Pointe agency during the present winter season under contracts not approved by the Commissioner of Indian Affairs or otherwise; which the Secretary proceeded to read.

Mr. DAWES. Is it necessary to read the communication at length? It is a long document. May it not be printed without reading, and referred?

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the further reading be dispensed with.

Mr. DAWES. I yield to the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. I caught very little of the document as it was being read, but as it seems to relate to an investigation which has been conducted by a committee, the chairman of which is not present, I suggest that it wait until the Senator from New Hampshire [Mr. CHANDLER] comes in.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is present.

Mr. PLATT. I think there is no objection to referring it, without reading, to the Select Committee on Indian Traders.

The PRESIDENT *pro tempore*. Shall the communication and the accompanying papers be referred without reading to the Select Committee on Indian Traders?

Mr. HARRIS. There can be no objection to that.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it is so ordered.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a telegraphic communication from the fourth annual encampment of the Grand Army of the Republic, Department of Texas; which was read, and referred to the Committee on Public Lands, as follows:

FORT WORTH, TEX., *February* 22, 1889.

DEAR SIR: The fourth annual encampment of the Grand Army of the Republic, Department of Texas, assembled in this city on the birthday of the Father of our country, respectfully ask and petition the honorable body over which you preside that at least one-half of the territory now embraced in what is known as Oklahoma in the Cherokee Strip be reserved for entry and settlement by the old soldiers of the Union under such restrictions only as will enable them to secure homes at once without the settlement and cultivation required under the general homestead law.

J. C. DEGRESS,
Department Commander.

Attest:

J. M. ODELL,
Assistant Adjutant-General.

Hon. JOHN J. INGALLS,
President pro tempore United States Senate,
Washington, D. C.

The PRESIDENT *pro tempore* presented the petition of Alfred Lindsay, a citizen of New Jersey, praying for certain revenue legislation; which was referred to the Committee on Finance.

Mr. HISCOCK presented a petition of 619 citizens of the State of New York, praying for the passage of a national Sunday-rest law against needless Sunday work, etc.; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented a petition of 456 citizens of Pennsylvania, praying for passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of Ambrose Snow and 107 others, merchants and master mariners of Hyannis, Mass., and vicinity, praying for a survey of Hyannis Harbor, with a view to widening and deepening the harbor and its approaches; which was referred to the Committee on Commerce.

Mr. DAWES. I present the petition of Horace Seaver, of Boston, Mass., and 75 others, citizens of Massachusetts and Maine, praying that no law be passed in regard to the observance of Sunday or any other religious rite, and that no amendment be made to the Constitution in regard to religion, but that the secular character of the Government be maintained and the separation of church and state complete.

I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. FAULKNER presented the petition of Division 284, Brotherhood of Locomotive Engineers, C. N. Martin, C. E., George A. Deck, F. A. E., of Grafton, Taylor County, West Virginia, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented a petition of 453 citizens of Delaware County, Iowa, praying Congress to pass a law forbidding Sunday work in the mail and military service of the Government and in interstate commerce; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented a petition of 386 citizens of Wisconsin, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. PADDOCK, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 6347) for the relief of Alexander Moffitt, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, reported it without amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Patents, to whom was referred the bill (S. 3904) for the relief of John R. Harrington, reported it without amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2157) granting a pension to Ann E. Mussman;
A bill (H. R. 5758) granting a pension to Lovina Wright;
A bill (H. R. 8327) for the relief of Joseph H. Lawless;
A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;
A bill (H. R. 11884) to grant a pension William Hawkins;
A bill (H. R. 12404) granting a pension to Robert W. Andrews; and
A bill (H. R. 8995) for the relief of Antonio Wiener.

The message also announced that the House had passed the following bills, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 1319) granting a pension to Anna Slater;
A bill (S. 2759) granting a pension to James M. Frost;
A bill (S. 3387) granting a pension to Charles S. Hamilton; and
A bill (S. 3421) granting a pension to Mary B. McVean.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

The message also announced that the House had passed the following bills:

A bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;

A bill (S. 2008) granting a pension to Cyrus Tuttle;

A bill (2310) granting a pension to Rozalia Junk;

A bill (S. 2334) granting a pension to Mary J. Byrd;

A bill (S. 2344) granting a pension to Minnie A. Bailey;

A bill (S. 2690) granting a pension to John Gallagher;

A bill (S. 2758) granting a pension to Susan P. Murdock;

A bill (S. 3091) granting a pension to John Corr;

A bill (S. 3198) granting a pension to Mary Murphy;

A bill (S. 3269) granting a pension to Theresia Fichter;

A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;

A bill (S. 3588) granting a pension to Ellen B. Farr;

A bill (S. 3762) granting a pension to Nancy Polock; and

A bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians, in the Indian Territory, and for other purposes.

BILLS INTRODUCED.

Mr. PADDOCK introduced a bill (S. 3992) for the relief of Eliza Marsteller, administratrix; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO DEFICIENCY BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INAUGURAL ADDRESSES OF PRESIDENTS, ETC.

On motion of Mr. HAWLEY, it was—

Ordered, That the joint resolution (S. R. 138) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House be recommitted to the Committee on Printing.

CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution which was under consideration yesterday for an investigation into election outrages.

The PRESIDENT *pro tempore*. The Calendar, under Rule VIII, being in order, the Senator from Massachusetts moves that the Senate proceed now to the consideration of a resolution the title of which will be stated.

The CHIEF CLERK. Order of Business 2778, a resolution by Mr. HOAR, authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. HARRIS. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Pending that motion I ask that the resolution may be informally laid aside——

Mr. HOAR. The regular order, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Massachusetts demands the regular order. The question is on agreeing to the motion of the Senator from Massachusetts to proceed to the consideration of the resolution he has named, on which the yeas and nays have been ordered.

Mr. SAULSBURY. I hope the Senator from Massachusetts will withdraw the motion to take up the resolution at this time. At this late day of the session——

The PRESIDENT *pro tempore*. The motion to proceed to the consideration of the resolution is not open to debate.

Mr. SAULSBURY. I was appealing to the Senator from Massachusetts to withdraw his motion to take up the resolution. I was not discussing its merits; I was simply stating that it must be very apparent——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Delaware proceeding?

Mr. HOAR. The regular order, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Massachusetts demands the regular order. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. I take the liberty of transferring that pair to the Senator from Virginia [Mr. RIDDLEBERGER], and I vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who is necessarily absent. If he were here, I should vote "nay."

Mr. BOWEN. I am paired with the Senator from New Jersey [Mr. MCPHERSON], or I should vote "yea."

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "nay."

Mr. FARWELL (after having voted in the affirmative). I desire to know whether the junior Senator from Florida [Mr. PASCO] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. FARWELL. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Illinois withdraws his vote.

Mr. VEST. I have a general pair with the junior Senator from Kansas [Mr. PLUMB], but I transfer it to my colleague [Mr. COCKRELL]. My colleague would vote "nay," if he were here, and the junior Senator from Kansas would vote "yea." I vote "nay."

The result was announced—yeas 26, nays 22; as follows:

YEAS—26.

Allison,	Dolph,	Ingalls,	Sawyer,
Blair,	Edmunds,	Mitchell,	Stanford,
Cameron,	Evarts,	Morrill,	Stewart,
Chandler,	Frye,	Paddock,	Teller,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Davis,	Hiscock,	Quay,	
Dawes,	Hoar,	Sabin,	

NAYS—22.

Bate,	Daniel,	Gray,	Reagan,
Berry,	Eustis,	Harris,	Saulsbury,
Brown,	Faulkner,	Jones of Arkansas,	Vest,
Butler,	George,	Morgan,	Wilson of Md.
Call,	Gibson,	Pugh,	
Coke,	Gorman,	Ransom,	

ABSENT—28.

Aldrich,	Colquitt,	Manderson,	Sherman,
Beck,	Farwell,	McPherson,	Spooner,
Blackburn,	Hale,	Palmer,	Stockbridge,
Blodgett,	Hampton,	Pasco,	Turpie,
Bowen,	Hearst,	Payne,	Vance,
Chace,	Jones of Nevada,	Plumb,	Voorhees,
Cockrell,	Kenna,	Riddleberger,	Walthall.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution submitted by Mr. HOAR February 20, as heretofore amended, was read, as follows:

Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, bribery or other unlawful use of money, fraud, or other crime.

Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.

Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.

And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns, so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators, and to provide methods for the appointment of electors for President and Vice-President of the United States.

The PRESIDENT *pro tempore*. The amendment proposed will be read.

The CHIEF CLERK. Amendment by Mr. VOORHEES, to add:

And said committee shall also inquire into and investigate fully whether money was corruptly and unlawfully used in the control of elections in November, 1888, in any of the States, and for this purpose said committee shall have power to examine into the various sums of money raised for such purpose, by whom paid, and by whom collected, and to whom disbursed, and it shall be the duty of said committee to exercise this power.

Mr. HARRIS. There being an amendment pending, it would not be in order to offer an amendment now except to the amendment.

The PRESIDENT *pro tempore*. It can be presented and read for information.

Mr. HARRIS. I shall move at the proper time to strike out in the fourth line of the resolution this language:

Or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof.

I shall move, when it is in order so to do, to strike out that language from the resolution.

Mr. GORMAN. Mr. President——

Mr. EDMUNDS. If the Senator from Maryland will pardon me, I ask that the resolution (not to delay the action of the Senate on it) be printed in bill form so that we can see where the amendments come in.

Mr. HOAR. It has been so far printed.

Mr. EDMUNDS. In bill form?

Mr. HOAR. No; not in bill form.

Mr. EDMUNDS. I should like to have it printed in bill form so that those of us who pay attention to it can understand where the amendments come in.

The PRESIDENT *pro tempore*. The resolution will be printed in bill form, if there be no objection.

Mr. BUTLER. Will the Senator from Maryland yield to me for one moment?

Mr. GORMAN. I will.

Mr. BUTLER. I ask unanimous consent to proceed to the consideration of a small bill on the Calendar.

Mr. HOAR. The regular order, Mr. President.

Mr. BUTLER. I should like very much to have it considered. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the pending business may be informally laid aside to enable him to move the consideration of a bill. Is there objection?

Mr. HOAR. I object.

Mr. BUTLER. The Senator from Massachusetts objects?

Mr. HOAR. I will cheerfully give consent just as soon as the pending resolution is out of the way.

Mr. BUTLER. I do not think that will be until about next Christmas. So I do not think we shall have much time for legislation evidently.

Mr. HOAR. The threat of the Senator from South Carolina does not promote the granting of unanimous consent.

Mr. BUTLER. I did not understand the Senator's remark.

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield?

Mr. GORMAN. I prefer to proceed.

The PRESIDENT *pro tempore*. The Senator from Maryland will proceed.

Mr. GORMAN. Mr. President, when the resolution was under consideration a day or two since I was proceeding to address the Senate. But it must be manifest to everybody that it is impossible to get speedy action upon the resolution, so I gave way very cheerfully to the Senator from Iowa [Mr. ALLISON] to proceed with the public business. In the mean time in the discussion of the bill which he called up, the sundry civil appropriation bill, there was a matter brought specially to the attention of the Senate affecting a large class of the employés of the Government in relation to the Bureau of Engraving and Printing. I then stated to the Senate, and I think I had the concurrence of quite a number of Senators on the other side, that in view of the fact that the relief asked for by those people could not be provided upon an appropriation bill, and in view of the further fact that the bill which had passed the House of Representatives and come to this body affecting that question and which would determine it had been thoroughly investigated and reported to the Senate for action, it ought to be considered at this session.

With a view of taking up the bill (H. R. 9623) to provide for printing Government securities in the highest style of art, I shall move that the pending resolution, purely political in its character, one that can not accomplish any good, be postponed until Monday next, with a view of following that motion with another to proceed to the consideration of the bill which I have indicated. I therefore move that the further consideration of the resolution be postponed until Monday, on which I demand the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the further consideration of the pending resolution be postponed until Monday next, upon which question he asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is necessarily absent, and withhold my vote.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]; otherwise I should vote "yea."

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN], who is absent.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA], but I transfer the pair to the Senator from Virginia [Mr. RIDDLEBERGER], and vote "nay."

Mr. VANCE (when his name was called). I will announce for the day that I am paired with the Senator from Michigan [Mr. PALMER].

Mr. VEST (when his name was called). I desire to announce the pair of my colleague [Mr. COCKRELL] with the junior Senator from Kansas [Mr. PLUMB]. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. STOCKBRIDGE. I desire to announce that my colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. BOWEN. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay."

Mr. FRYE. My colleague [Mr. HALE] is still confined to his house by illness, and is paired with the senior Senator from Kentucky [Mr. BECK]. I shall not repeat the announcement to-day.

Mr. GEORGE. I am paired generally with the Senator from New Hampshire [Mr. BLAIR] and therefore will not vote. I inadvertently voted on the last call of the yeas and nays, not noticing his absence. [A pause.] I am informed that the Senator from South Carolina [Mr. HAMPTON] is not paired. I transfer my pair with the Senator from New Hampshire [Mr. BLAIR] to the Senator from South Carolina [Mr. HAMPTON] and vote "yea."

The result was announced—yeas 23, nays 26; as follows:

YEAS—23.

Bate,	Daniel,	Gray,	Saulsbury,
Berry,	Eustis,	Harris,	Turpie,
Brown,	Faulkner,	Jones of Arkansas,	Vest,
Butler,	George,	Morgan,	Voorhees,
Call,	Gibson,	Pasco,	Wilson of Md.
Coke,	Gorman,	Pugh,	

NAYS—26.

Allison,	Evarts,	Mitchell,	Stanford,
Cameron,	Farwell,	Morrill,	Stewart,
Chandler,	Frye,	Paddock,	Stockbridge,
Cullom,	Hawley,	Platt,	Teller,
Davis,	Hiscock,	Quay,	Wilson of Iowa.
Dolph,	Hoar,	Sabin,	
Edmunds,	Ingalls,	Sawyer,	

ABSENT—27.

Aldrich,	Cockrell,	Kenna,	Reagan,
Beck,	Colquitt,	McPherson,	Riddleberger,
Blackburn,	Dawes,	Manderson,	Sherman,
Blair,	Hale,	Palmer,	Spooner,
Blodgett,	Hampton,	Payne,	Vance,
Bowen,	Hearst,	Plumb,	Walthall.
Chace,	Jones of Nevada,	Ransom,	

So the motion to postpone was not agreed to.

Mr. DANIEL addressed the Senate. He withholds his remarks for revision. [See Appendix.]

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the resolution reported by the Senator from New York [Mr. EVARTS] from the Committee on Privileges and Elections relative to Congressional elections.

Mr. HOAR. I move to proceed to the consideration of the resolution in regard to the alleged election outrages in the Southern States.

Mr. HARRIS. I did not hear the motion.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the resolution taken up during the morning hour upon which the Senator from Virginia [Mr. DANIEL] was speaking.

Mr. HARRIS. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], or I should vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY], who has been called away on important business and may not return during the day. If he were present, I should vote "nay" and he would probably vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES], who was called away from the Chamber. If he were here I should vote "nay" and he would vote "yea."

Mr. BROWN (when Mr. COLQUITT'S name was called). I was asked by my colleague [Mr. COLQUITT] to state that he is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. VEST. I am paired with the junior Senator from Kansas [Mr. PLUMB].

Mr. BOWEN. I am paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. HOAR. I was requested by the Senator from Connecticut [Mr. HAWLEY] to say that he is obliged to be absent from the Senate to attend the funeral of a friend, and is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. GRAY. I was requested by the Senator from Kentucky [Mr. BLACKBURN] to announce to the Senate that he is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. MORGAN (after having voted in the negative). I withdraw my vote. I am paired with the Senator from New York [Mr. EVARTS].

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his vote.

Mr. HARRIS. I suggest to the Senator from Alabama that he transfer his pair to the Senator from South Carolina [Mr. HAMPTON], who is absent, I understand, without a pair.

The result was announced—yeas 25, nays 21; as follows:

YEAS—25.

Aldrich,	Dolph,	Jones of Nevada,	Stanford,
Allison,	Edmunds,	Mitchell,	Stewart,
Blair,	Farwell,	Morrill,	Stockbridge,
Cameron,	Frye,	Paddock,	Teller.
Chandler,	Hiscock,	Platt,	
Cullom,	Hoar,	Quay,	
Davis,	Ingalls,	Sawyer,	

NAYS—21.

Bate,	Eustis,	Harris,	Reagan,
Berry,	Faulkner,	Hearst,	Saulsbury,
Brown,	George,	Jones of Arkansas,	Voorhees.
Butler,	Gibson,	Pasco,	
Call,	Gorman,	Pugh,	
Daniel,	Gray,	Ransom,	

ABSENT—30.

Beck,	Dawes,	Morgan,	Turpie,
Blackburn,	Evarts,	Palmer,	Vance,
Blodgett,	Hale,	Payne,	Vest,
Bowen,	Hampton,	Plumb,	Walthall,
Chace,	Hawley,	Riddleberger,	Wilson of Iowa,
Cockrell,	Kenna,	Sabin,	Wilson of Md.
Coke,	McPherson,	Sherman,	
Colquitt,	Manderson,	Spooner,	

So the motion was agreed to.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 2157) granting a pension to Ann E. Mussman;
A bill (H. R. 5758) granting a pension to Lovina Wright;
A bill (H. R. 8327) for the relief of Joseph Lawless;
A bill (H. R. 8995) for the relief of Antonio Wiener;
A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;
A bill (H. R. 11884) to grant a pension to William Hawkins; and
A bill (H. R. 12404) granting a pension to Robert W. Andrews.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2862) granting a pension to William Ford;
A bill (H. R. 3916) granting a pension to Jacob Wolf;
A bill (H. R. 8580) granting a pension to Sarah A. Harrison;
A bill (H. R. 10167) increasing the pension of Nathaniel Crain;
A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;
A bill (H. R. 11627) granting a pension to Mary Horning;
A bill (H. R. 11663) granting a pension to M. Josie McClain;
A bill (H. R. 12275) to increase the pension of John W. Smith;
A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wak-ken-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862 and died from effects of wounds received therein;
A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman;
A bill (H. R. 12575) to increase the pension of James M. Barrett;
A bill (H. R. 12604) to restore the pension of Ann G. Barker;
A bill (H. R. 12607) to grant a pension to Ira Wells;
A bill (H. R. 12608) to pension William J. Martin; and
A bill (H. R. 12619) granting a pension to Littleberry W. Baker.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 6364) to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely thereto, and for other purposes.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Postmaster-General, transmitting, in compliance with a resolution of the Senate of the 8th instant, a statement showing the number of changes of railway postal clerks by quarterly periods occurring from January 1, 1885, to December 31, 1888, with reasons for such changes; which was ordered to lie on the table and be printed.

AMENDMENT TO A BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH H. MADDOX.

Mr. PASCO. I wish to give notice that I do not concur in the report which was made from the Committee on Claims yesterday morning on the bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased, and I reserve to myself the right to file a minority report.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2862) granting a pension to William Ford;
A bill (H. R. 3916) granting a pension to Jacob Wolf;
A bill (H. R. 8580) granting a pension to Sarah H. Harrison;
A bill (H. R. 10167) increasing the pension of Nathaniel Crain;
A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;
A bill (H. R. 11627) granting a pension to Mary Horning;
A bill (H. R. 11663) granting a pension to M. Josie McClain;
A bill (H. R. 12275) to increase the pension of John W. Smith;
A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wak-ken-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862 and died from effects of wounds received therein;
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A bill (H. R. 12575) to increase the pension of James M. Barrett;
A bill (H. R. 12604) to restore the pension of Ann G. Barker;
A bill (H. R. 12607) to grant a pension to Ira Wells;
A bill (H. R. 12608) to pension William J. Martin; and
A bill (H. R. 12619) granting a pension to Littleberry W. Baker.

CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. The resolution of the Senator from Massachusetts [Mr. HOAR] relative to an investigation of certain alleged outrages is before the Senate.

Mr. DANIEL addressed the Senate in continuation of his speech. He withholds his remarks for revision. [See Appendix.]

Mr. HARRIS (at 3 o'clock and 26 minutes p. m.). Will the Senator from Virginia yield to a motion to adjourn at this hour on Saturday evening?

Mr. DANIEL. If I do not lose my right to the floor I am willing to yield.

Mr. HARRIS. Of course it leaves the Senator on the floor.

Mr. DANIEL. Very well, sir.

Mr. HARRIS. I move that the Senate do now adjourn.

Mr. HOAR. On that question I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. HARRIS] moves that the Senate do now adjourn, on which motion the Senator from Massachusetts [Mr. HOAR] asks for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN].

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were here, I should vote "yea."

Mr. DAVIS (after having voted in the negative). Is the Senator from Indiana [Mr. TURPIE] recorded as voting?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. DAVIS. I am paired with him, and withdraw my vote.

Mr. COCKRELL. I am paired with the junior Senator from Connecticut [Mr. HAWLEY], who is necessarily called away from the Senate Chamber.

Mr. FAULKNER. I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. WALTHALL. I desire again to announce my pair with the Senator from Wisconsin [Mr. SPOONER].

Mr. PASCO. I am paired with the junior Senator from Illinois [Mr. FARWELL] and withhold my vote.

Mr. SABIN. I am paired with the Senator from West Virginia [Mr. KENNA], but I have transferred that pair to the Senator from Virginia [Mr. RIDDLEBERGER] and vote "nay."

Mr. SAWYER (after having voted in the negative). Is the Senator from Delaware [Mr. SAULSBURY] recorded as voting?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. SAWYER. Then I withdraw my vote, as I am paired with him.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BROWN. I announce for the day that my colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

The result was announced—yeas 13, nays 21; as follows:

YEAS—13.

Bate,	George,	Hearst,	Wilson of Md.
Berry,	Gibson,	Jones of Arkansas,	
Call,	Gorman,	Ransom,	
Eustis,	Hampton,	Reagan,	

NAYS—21.

Allison,	Evarts,	Morrill,	Stockbridge,
Blair,	Frye,	Paddock,	Teller,
Chandler,	Hiscock,	Platt,	Wilson of Iowa.
Cullom,	Hoar,	Sabin,	
Dolph,	Ingalls,	Stanford,	
Edmunds,	Mitchell,	Stewart,	

ABSENT—42.

Aldrich,	Colquitt,	Kenna,	Saulsbury,
Beck,	Daniel,	McPherson,	Sawyer,
Blackburn,	Davis,	Manderson,	Sherman,
Blodgett,	Dawes,	Morgan,	Spooner,
Bowen,	Farwell,	Palmer,	Turpie,
Brown,	Faulkner,	Pasco,	Vance,
Butler,	Gray,	Payne,	Vest,
Cameron,	Hale,	Plumb,	Voorhees,
Chace,	Harris,	Pugh,	Walthall.
Cockrell,	Hawley,	Quay,	
Coke,	Jones of Nevada,	Riddleberger,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. It appearing by the roll-call that a quorum is not present, the Secretary will call the roll of the Senate.

The Secretary proceeded to call the roll.

Mr. PLATT (when Mr. HAWLEY'S name was called). If it be proper at this time, I desire to say that my colleague [Mr. HAWLEY] is absent attending a funeral.

The roll-call was concluded; and the following Senators answered to their names:

Allison,	Dawes,	Harris,	Ransom,
Bate,	Dolph,	Hearst,	Reagan,
Berry,	Edmunds,	Hiscock,	Riddleberger,
Blair,	Eustis,	Hoar,	Sabin,
Brown,	Evarts,	Ingalls,	Sawyer,
Butler,	Faulkner,	Mitchell,	Stanford,
Chandler,	Frye,	Morgan,	Stewart,
Cockrell,	George,	Morrill,	Stockbridge,
Coke,	Gibson,	Paddock,	Teller,
Cullom,	Gorman,	Pasco,	Walthall,
Daniel,	Gray,	Payne,	Wilson of Iowa.
Davis,	Hampton,	Platt,	

The PRESIDENT *pro tempore*. Forty-seven Senators have answered to their names. A quorum is present. The Senate having refused to adjourn, the Senator from Virginia [Mr. DANIEL] is entitled to the floor.

Mr. HARRIS. My motion to adjourn was pending. With the permission of the Senate, the yeas and nays having been ordered upon it, I will withdraw that motion, and with the leave of the Senator from Virginia I desire to make another.

The PRESIDENT *pro tempore*. The yeas and nays were taken on the motion to adjourn.

Mr. HARRIS. Yes, that is true, and no quorum voted. That was a finality as far as that was concerned. I now move, if the Senator from Virginia will allow me to do so, that the Senate proceed to the consideration of executive business.

Mr. HOAR. I desire to inquire if the Senator from Virginia can yield for that purpose without unanimous consent.

The PRESIDENT *pro tempore*. The Chair thinks he can. Will the Senator from Tennessee withhold the motion for a few minutes that the Chair may dispose of some business on his table?

Mr. HARRIS. Certainly.

MARY B. M'VEAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3421) granting a pension to Mary B. McVean, which was, in line 5, to strike out the word "Major" and insert "Captain."

Mr. SAWYER. I move that the Senate concur in the amendment.

The amendment was concurred in.

JAMES M. FROST.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2759) granting a pension to James M. Frost, which was, in line 2, after the word "pension-roll," to insert the words "subject to the provisions and limitations of the pension laws."

Mr. WILSON, of Iowa. I move that the Senate concur in the amendment.

The amendment was concurred in.

CHARLES S. HAMILTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3387) granting a pension to Charles S. Hamilton, which was, in line 5, before the word "dollars," to strike out "one hundred" and insert "fifty."

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

ANNA SLATER.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1319) granting a pension to Anna Slater, which was, in line 4, before the word "dollars," to strike out "twenty-five" and insert "twelve."

Mr. PADDOCK. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 1459) granting a pension to Frances Courtney Cochnower;

An act (S. 2530) granting a pension to Robert Kelly;

An act (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory;

An act (S. 2924) to increase the pension of Sterne H. Fowler; and

An act (S. 3819) granting a pension to Esther Gould.

CONGRESSIONAL ELECTIONS.

Mr. HARRIS. I decline to make the motion for an executive session. The Senator from Virginia prefers to proceed, and I shall not interrupt him.

The Senate resumed the consideration of the resolution, submitted by Mr. HOAR, authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. DANIEL addressed the Senate in further continuation of his speech. He withholds his remarks for revision. [See Appendix.]

Mr. HARRIS. Will the Senator from Virginia yield to me now in order that I may move that the Senate proceed to the consideration of executive business, of which there is a large amount undisposed of?

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield?

Mr. DANIEL. Yes, sir; for that purpose.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will, before making that motion, permit me to make an announcement and also a report from a committee?

Mr. HARRIS. I will yield for both purposes.

DEATH OF REPRESENTATIVE BURNES.

Mr. COCKRELL. I desire to announce that on Monday, at 3 o'clock, my colleague and myself will call upon the Senate to consider resolutions passed by the House of Representatives in regard to the death of Hon. James N. Burnes, late a Representative from the Fourth Congressional district of Missouri.

AMENDMENTS TO BILLS.

Mr. FAULKNER and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

WOMAN SUFFRAGE.

Mr. COCKRELL. I desire to submit the views of the minority of the Committee on Woman Suffrage on the joint resolution (S. R. 11) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, and I ask that they may be received and printed in like number as the report of the majority of the committee.

The PRESIDENT *pro tempore*. They will be received and printed, if there be no objection.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I ask leave to submit at this time the conference report on the pension appropriation bill. It will take but a few minutes.

Mr. HARRIS. I yield to the Senator from Iowa.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report of the committee of conference? The Chair hears none, and the report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*And provided further*, That a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check, and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall, in the case of a husband, be paid to his widow, or if there be no widow, to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: *Provided further*, That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to

the date of death of such pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner."

And the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
A. P. GORMAN,
Managers on the part of the Senate.
M. A. FORAN,
EDWARD J. GAY,
JOHN D. LONG,
Managers on the part of the House.

The report was concurred in.

CARD INDEX RECORD OF VOLUNTEER REGIMENT.

Mr. COCKRELL. I ask for the adoption of an order. I will explain that this is a muster card index record of the One hundred and sixty-second New York Regiment, which has been submitted to the Senate in obedience to a resolution, and under the general order to print there will be 1,500 copies printed. There is no necessity for printing 1,500 copies, and I simply ask a modification of the order so as to print 600 copies of it, and place them in charge of the Secretary of the Senate in order that Senators can see them and realize what they are. I hope the order will be agreed to, which will save the printing of 900 useless documents.

The order was considered by unanimous consent, and agreed to, as follows:

Ordered, That the order heretofore made for printing the letter of the Secretary of War, dated February 15, 1889, transmitting the index of the One hundred and sixty-second New York Volunteer Infantry, be rescinded, and in lieu thereof that there be printed for the use of the Senate 600 copies of the same, to be delivered to the Secretary of the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Attorney-General, transmitting the report required by the act of March 3, 1887, of judgments and decrees which have been rendered; which was referred to the Committee on Appropriations, and ordered to be printed.

CONGRESSIONAL ELECTIONS.

Mr. HARRIS. I suppose my motion now comes up.

Mr. HOAR. I should like to inquire of the Senator from Virginia, who has occupied the floor for some four or five hours, whether the motion to adjourn or go into executive session grows out of the fact that he does not desire to proceed further to-night?

Mr. DANIEL. Mr. President, if it would be any accommodation to the Senate I could speak for an hour or so longer this evening, but I beg leave to inform my friend from Massachusetts that I expect to make a very long and prosy speech.

Mr. HOAR. That is the only statement the Senator can make that I should withhold my belief from.

Mr. VOORHEES. Allow me to observe that the Senator from Virginia has spoken four hours, almost the entire afternoon, and by the rules of courtesy that obtain in the body we ought to adjourn on his account if on no other. It is now nearly 6 o'clock, and we ought to adjourn for other reasons.

Mr. HOAR. Perhaps the Senator will allow me to get the answer to my question. I desire to be informed whether the motion to adjourn or to go into executive session rests upon the ground that the Senator from Virginia desires it?

Mr. HARRIS. The Senator from Virginia yielded to me. I asked him to yield in order that I might move that the Senate proceed to the consideration of executive business, of which, as the Senator from Massachusetts knows as well as I know, there is a very large amount not yet considered or disposed of by the Senate.

Mr. HOAR. Now, if I may be permitted a word, if the motion is put upon the ground that the Senator from Tennessee or any other Senator thinks we ought to be spending the time of the Senate in executive business instead of listening to the Senator from Virginia, I shall vote one way. If the motion is put upon the usual ground, to which the Senator from Indiana has alluded, that the Senator from Virginia has spoken so long that he feels fatigued and does not desire to go on further to-night, I shall vote another way. I should like to know which is the case.

Mr. HARRIS. The Senator will allow me. If a motion shall be made to adjourn upon the ground that the Senator from Virginia does not care to proceed further this evening, then the Senator from Massachusetts can take into consideration that question. Now, the question is, shall we proceed to the consideration of executive business?

Mr. TELLER. That is not the question.

Mr. HARRIS. It will be as soon as I can make the motion, and I now make it.

Mr. HOAR. Understanding from the Senator from Indiana [Mr. VOORHEES], who sits close to the Senator from Virginia, that he thinks the Senator from Virginia ought not to be asked to proceed longer to-night, he having spoken several hours, I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, February 25, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 23, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I ask unanimous consent to make a statement.

There was no objection.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, on the 12th day of October last, on one of the Fridays when private business was being considered, I was recognized under some arrangement under which bills were being considered by unanimous consent, and I then called up a bill in which one of my constituents is deeply interested (H. R. 506). The bill and report were both read, but the consideration of the bill was then objected to on account of the lateness of the hour, or on account of some objection which did not relate to the merits of the bill, and an adjournment was soon thereafter made. This is the only time that my name was ever reached under any arrangement on special bill day. I do not refer, of course, to special pension nights. As my name is toward the end of the alphabetical list, it is seldom reached under any of these arrangements for the passage of special acts. The bill to which I refer, which was partly considered, only seeks to refer a matter to the Court of Claims, to which there can be no possible objection, and as my name will not likely be reached under this call, and as I have not heretofore availed myself of the passage of any bills by unanimous consent, I ask unanimous consent to consider this bill at this time.

The SPEAKER. The order made yesterday prohibits the Chair from entertaining a request for unanimous consent except during the call of the names in alphabetical order; but the Chair will suggest to the gentleman from Ohio that he will probably find no difficulty in getting some other member whose name is higher on the list to call up the matter.

Mr. JOSEPH D. TAYLOR. My name is near the end, and has never yet been reached under any arrangement that has been made.

The SPEAKER. The Chair has no doubt that the gentleman will succeed in attaining his object by acting upon the suggestion just made. If not, the Chair will endeavor to secure it for him in some way; but under the order made yesterday the Chair is prohibited from entertaining his request at this time.

ARIZONA, WYOMING, AND IDAHO.

Mr. STRUBLE. Mr. Speaker, I desire to make a request. I discovered yesterday for the first time that the chairman of the Committee on Territories has reported in favor of the admission of the Territories of Arizona, Wyoming, and Idaho, and has also made a separate report in favor of the admission of New Mexico. I was not aware until yesterday that these reports had been made, and I now ask unanimous consent that the minority of the committee may have leave to file their views, to be printed with those reports.

The SPEAKER. There is nothing in the order prohibiting the Chair from entertaining that request, and the gentleman will have the leave that he desires if there be no objection.

There was no objection, and it was so ordered.

SEMINOLE LANDS, INDIAN TERRITORY.

The SPEAKER laid before the House the following message from the President:

To the Congress of the United States:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the Government of the United States of their rights to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 21, 1889.

Mr. NELSON. Mr. Speaker, I ask unanimous consent that that message be retained on the Speaker's table until the chairman of the Committee on Indian Affairs, the gentleman from Arkansas [Mr. PEEL], arrives.

The SPEAKER. In the absence of objection, that will be done.

LEAVE TO PRINT.

Mr. CUTCHEON, by unanimous consent, obtained leave to print remarks in the RECORD on the bill to pension Mrs. Irene Rucker Sheridan.

Mr. MCCLAMMY, by unanimous consent, obtained leave to print remarks in relation to the repeal of the tax on unmanufactured tobacco.

ORDER OF BUSINESS.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I desire to inquire whether or not, under the special order made yesterday, it is proper to lay before the House executive documents or anything else in this hour.

The SPEAKER. The Chair thinks so.

Mr. ROGERS. Will Senate bills be laid before the House in this hour?

The SPEAKER. The order expressly provides that requests for unanimous consent to consider Senate bills which may be laid before the House by the Chair shall be entertained.

Mr. ROGERS. I construed the order otherwise.

The SPEAKER. The Clerk will read the order.

The Clerk read as follows:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and after the reading of the Journal up to 11 a. m. the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time except to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when presented to the House by the Speaker.

Mr. ROGERS. I am perfectly willing that the rule shall be construed as suggested by the Chair, but I was under the impression that the provision to which the Chair calls attention might apply to Senate bills laid before the House at another time.

The SPEAKER. It has reference, of course, to the rule which requires the Chair to lay Senate bills before the House. Under this order the Chair will now proceed until 11 o'clock to call the names of members alphabetically for request for unanimous consent.

Mr. BLAND. Mr. Speaker, I stated yesterday that I thought it was an unseemly and unjust proceeding to set aside one hour daily for private bills when there was a contested-election case undisposed of, and I now move that the House take a recess for half an hour.

Several MEMBERS. Regular order.

The SPEAKER. The Chair will state that this order is not confined to private bills, but applies to all bills. The Chair desires also to state in this connection, before putting the question upon the motion of the gentleman from Missouri [Mr. BLAND], that, as the order omits to make any provision for the Delegates from the Territories, the Chair has taken the liberty of inserting the names of the Delegates in the list in their proper places alphabetically, and they will be retained there, if there be no objection.

Several MEMBERS. That is right.

There was no objection, and it was so ordered.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BLAND], that the House take a recess until half past 10 o'clock.

Mr. GEAR. Mr. Speaker, is that motion in order pending the execution of the special order of the House?

The SPEAKER. The Chair thinks so.

The question was taken on the motion of Mr. BLAND, and there were—ayes 6, noes 59.

Mr. BLAND. No quorum.

Mr. ANDERSON, of Kansas. I move a call of the House.

The question was taken on the motion of Mr. ANDERSON, of Kansas, and a call of the House was ordered—ayes 36, noes 17.

The SPEAKER. The Clerk will call the roll.

Mr. LONG. Mr. Speaker, I move to reconsider the vote by which a call of the House was ordered.

The question was taken on the motion to reconsider, and it was adopted—ayes 63, noes 12.

The SPEAKER. The motion to reconsider is agreed to, and the question now is on the motion to order a call of the House.

The motion was rejected.

The SPEAKER. The question now is on the motion made by the gentleman from Missouri [Mr. BLAND] that the House take a recess for thirty minutes. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Kansas [Mr. ANDERSON].

The House divided; and the tellers reported—ayes 74, noes 1.

Mr. SAYERS (at 10.30 o'clock). Mr. Speaker, I desire to ask unanimous consent that the business for this hour be dispensed with and that we proceed to the consideration of appropriation bills.

Mr. BUCHANAN. I object. If the sacrifice is to be made let us have all the ceremonies.

The tellers resumed their places and continued the count.

Mr. BUCHANAN. Mr. Speaker, I just now remember that there is another special order for to-day at 2 o'clock, the eulogies on the late Representative Burnes, which will consume the day, and I therefore withdraw my objection.

Several MEMBERS. I object.

Mr. BURROWS. Mr. Speaker, is it in order to ask unanimous consent?

The SPEAKER. It is in order to ask unanimous consent when the gentleman's name is reached.

Mr. BURROWS. But not on any other proposition?

The SPEAKER. It is not in order, as the Chair construes the order of the House, to ask unanimous consent to consider bills otherwise than as provided in the order. The Chair thinks that the order must be construed in view of its full contents, and that it does not preclude requests for unanimous consent or leave for the minority of a committee to present its views, for leave to print remarks in the RECORD, for leave of absence, or other matters of that sort, but only regulates requests for the consideration of bills.

Mr. BURROWS. I want to ask unanimous consent to modify the order made yesterday.

The SPEAKER. The Chair thinks that would be in order.

Mr. BURROWS. It is perfectly apparent that this hour will be good for nothing. Members whose names appear at the end of the list or well down will not attend at 10 o'clock, knowing that they will not be called, and the consequence will be that we shall always be without a quorum. Therefore, I ask unanimous consent that the order be so modified that it shall read as follows:

That on and after to-day the House sessions shall begin at 10 o'clock a. m.

Mr. BLAND. I object.

Mr. BURROWS. It is perfectly clear that we can not do any business under this order in this hour, and it is so framed that we can not ask unanimous consent in any other hour. [Laughter.]

The tellers continued the count for some time, without making any final report.

The SPEAKER (at 11 o'clock a. m.). The time assigned by order of the House for entertaining requests for unanimous consent has expired. Does the gentleman from Missouri [Mr. BLAND] withdraw the motion for a recess?

Mr. BLAND. I withdraw it for the present.

ORDER OF BUSINESS.

Mr. SAYERS. I ask unanimous consent that the morning hour be dispensed with, and that committees have the privilege of filing their reports at the Clerk's desk——

The SPEAKER. Including the views of minorities of committees?

Mr. SAYERS. Yes, sir.

The SPEAKER. The gentleman from Texas asks unanimous consent to dispense with the morning hour for the presentation of reports, and that all gentlemen having reports to make from committees be allowed to present them at the Clerk's desk for reference under the direction of the Speaker; and that minorities of committees have the usual leave to file their views. Is there objection? The Chair hears none.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

SALMON FISHERIES OF ALASKA.

Mr. DUNN, from the Committee on Merchant Marine and Fisheries, reported a bill (H. R. 12637) to provide for the protection of the salmon fisheries of Alaska; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. ALLEN, of Mississippi, from the Committee on Indian Affairs, reported back favorably the bill (S. 1697) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, for the purpose of constructing a railway, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONDEMNED CANNON.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 799) to donate condemned cast-iron cannon to the Soldiers' Monument Association of Waterville, Me.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6120) granting cannon to General Lander Post, of Lynn, Mass.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2107) granting condemned cannon and cannon-balls for monumental purposes to John A. Platter Post No. 82, Grand Army of the Republic, Indiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3588) granting a condemned cannon and carriage to Abernethy Post No. 48, Grand Army of the Republic, West Union, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 3515) to donate condemned cast-iron cannon and cannon-shot to the St. Boniface Union Soldiers and Sailors' Memorial Association, of Lake View, Ill.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MAISH also, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were laid upon the table:

A bill (H. R. 2212) granting a condemned cannon to the Grand Army post at Montezuma, Iowa;

A bill (H. R. 2143) donating four condemed cannon to the Sol. Meredith Grand Army Post of Richmond, Ind.;

A bill (H. R. 2252) granting condemned cannon, carriage, and cannon-balls to U. S. Grant Post, Kansas;

A bill (H. R. 9426) authorizing the Secretary of War to deliver to the town of Methuen, Mass., one condemned gun-carriage and cannon, to be used for monumental purposes;

A bill (H. R. 7908) donating condemned cannon to a committee of veteran soldiers at Boxford, Mass.;

A bill (H. R. 800) to donate condemned cast-iron cannon to the Soldiers' Monument Association, of Monroe, Me.;

A bill (H. R. 3533) donating four condemned cannon to Sol. Meredith Post, Grand Army of the Republic, at Richmond, Ind.;

A bill (H. R. 801) to donate condemned cast-iron cannon to Thomas H. Marshall Post, No. 41, of the Grand Army of the Republic, of Belfast, Me.;

A bill (H. R. 2755) directing the Secretary of War to deliver four gun-carriages to Cadot Post, Grand Army of the Republic, of Gallipolis, Ohio;

A bill (H. R. 5113) granting condemned ordnance to James H. Ewing Post, Grand Army of the Republic, of Maxwell, Iowa;

A bill (H. R. 5720) granting a condemned cannon and carriage to Opedyke Post, No. 322, Department of Iowa, Grand Army of the Republic;

A bill (H. R. 6739) making a donation to the Kansas Veteran Association of two condemned brass cannon and two hundred stand of small-arms and equipments;

A bill (H. R. 6738) authorizing the Secretary of War to deliver to the Plainville Post, No. 298, of the Grand Army of the Republic, at Plainville, Kans., six condemned cannon for monumental purposes;

A bill (H. R. 7711) to donate condemned cannon to the Grand Army Post at Ellsworth, Me.;

A bill (H. R. 3590) donating condemned ordnance for monumental purposes to Grand Army of the Republic posts of Dallas County, Iowa;

A bill (H. R. 5718) to donate condemned muskets and equipments to Nahum Mitchell Post, Grand Army of the Republic, Maine; and

A bill (H. R. 398) granting cannon to Abraham Lincoln Post, of Charlestown, Mass.

Mr. STEELE, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were laid on the table:

A bill (H. R. 316) to authorize the Secretary of War to remove the charge of desertion from the record of Edward Lee Smith;

A bill (H. R. 543) to relieve John Lyon from the charge of desertion;

A bill (H. R. 9586) to amend the military record of Samuel S. Troy;

A bill (H. R. 9702) for the relief of Maxwell McCallin;

A bill (H. R. 10142) removing the charge of desertion against Charles Sweet;

A bill (H. R. 10288) removing the charge of desertion against Rufus M. Kinser, of Company B, Twenty-first Kentucky Volunteers;

A bill (H. R. 10331) to remove the charge of desertion against Horace E. Ball;

A bill (H. R. 10354) for the relief of Daniel F. Gann;

A bill (H. R. 10385) for the relief of H. C. Jett;

A bill (H. R. 10403) for the relief of Peter Trusel;

A bill (H. R. 10478) for the relief of William M. Anderson;

A bill (H. R. 10531) for the relief John M. Congdon;

A bill (H. R. 10630) to remove the charge of desertion from the military record of Miller Denaway;

A bill (H. R. 10650) removing the charge of desertion from the military record of Mathew Totten;

A bill (H. R. 10654) to remove the charge of desertion against Royal S. White;

A bill (H. R. 10693) to remove the charge of desertion from the military record of William Sexton;

A bill (H. R. 10697) for the relief of Elizabeth G. Mitchell;

A bill (H. R. 10718) to remove the charge of desertion from the military record of George H. Rogers;

A bill (H. R. 10724) to remove the charge of desertion from Bluford Knight, deceased;

A bill (H. R. 10788) for the relief of John Pittman;

A bill (H. R. 10808) for the relief of James W. Byrd;

A bill (H. R. 10821) to correct the military record of George McKinney, jr.;

A bill (H. R. 10834) to correct the military record of Benny Atkins;

A bill (H. R. 10835) to correct the military record of Webster R. Atkins;

A bill (H. R. 10875) for the relief of John H. Stearns;

A bill (H. R. 10955) for the relief of Polly Brown;

A bill (H. R. 10996) for the relief of Luke Stinnitt;

A bill (H. R. 11002) to remove the charge of desertion from the military record of Eli Haines;

A bill (H. R. 11069) for the relief of William A. Flinn, charged with desertion from the volunteer service;

A bill (H. R. 11079) to remove charge of desertion from the record of Jacob F. Ruff;

A bill (H. R. 11163) for the relief of James H. Gould;

A bill (H. R. 11185) for the relief of Thomas E. Mullaly;

A bill (H. R. 11287) for the relief of Roger Cunningham;

A bill (H. R. 11298) for the relief of Francis Burch;

A bill (H. R. 11489) for the relief of Lyman E. Stanley;

A bill (H. R. 11583) for the relief of George Farnwalt;

A bill (H. R. 11666) for the relief of William T. Moore;

A bill (H. R. 11667) for the relief of John Boyle;

A bill (H. R. 11784) for the relief of William Tyre;

A bill (H. R. 11856) for the relief of John A. Barton;

A bill (H. R. 11863) for the relief of Isaac Scisco;

A bill (H. R. 11925) for the relief of Thomas H. B. Phillips;

A bill (H. R. 11989) for the relief of Henry W. Edwards;

A bill (H. R. 12000) for the relief of Peter Keenan;

A bill (H. R. 12021) for the relief of De Witt Eastman;

A bill (H. R. 12402) for the relief of Francis M. Leach;

A bill (H. R. 11234) for the relief of Charles Potter;

A bill (H. R. 11595) for the relief of William McClain;

A bill (H. R. 11237) to remove the charge of desertion against James W. Armor;

A bill (H. R. 11410) to remove the charge of desertion against John W. Stewart, of Jersey City, N. J.;

A bill (H. R. 11539) to remove the charge of desertion from the name of Samuel C. Vance;

A bill (H. R. 11319) to remove the charge of desertion from the military record of Michael Carroll;

A bill (H. R. 11320) to remove the charge of desertion from the military record of Harris Hanshal;

A bill (H. R. 12415) to remove record of desertion from the military record of George W. Edwards;

A bill (H. R. 10786) to remove the charge of desertion against Isaac Samuels;

A bill (H. R. 11791) to remove the charge of desertion against Henry Miller;

A bill (H. R. 11839) to remove the charge of desertion from the record of William A. Luckey;

A bill (H. R. 11948) to remove the charge of desertion against John W. Stuart;

A bill (H. R. 12191) to remove the charge of desertion against William Rafferty;

A bill (H. R. 11296) for the relief of John McLaughlin from the charge of desertion;

A bill (H. R. 11940) removing the charge of desertion against Alexander C. Arnold;

A bill (H. R. 11830) to clear the military record of George S. Coyle;

A bill (H. R. 11759) to correct the military record of Hosea Stone;

A bill (H. R. 11585) to remove the charge of desertion against Thomas Calahan; and

A bill (H. R. 11535) to correct the military record of Allen L. Ball.

Mr. STEELE also, from the Committee on Military Affairs, reported back adversely bills of the Senate of the following titles; which were laid on the table:

A bill (S. 586) for the relief of Asher W. Foster;

A bill (S. 1063) for the relief of the heirs or legal representative of Robert J. Baugness, deceased;

A bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis;

A bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn;

A bill (S. 506) to remove the charge of desertion against Thomas Conroy, deceased; and

A bill (S. 3139) to remove the charge of desertion from the record of William H. Fenton.

JOHN W. COMBS.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2363) for the relief of John W. Combs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRODUCTION OF PRECIOUS METALS.

Mr. RICHARDSON presented the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring therein), That the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1888 be printed, and that 9,000 extra copies be printed, 4,000 copies for use of the House, 2 000 copies for use of the Sena'e, and 3,000 copies for use of the Director of the Mint.

AGREEMENT WITH MUSCOGEE (OR CREEK) NATION OF INDIANS.

Mr. PEEL. I am directed by the Committee on Indian Affairs to report back with a favorable recommendation the bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation

of Indians, in the Indian Territory, and for other purposes. On this bill the committee was granted leave to report at any time. I ask unanimous consent that the consideration of the bill in the Committee of the Whole on the state of the Union be dispensed with, and that it be considered in the House as in Committee of the Whole.

The bill was read, as follows:

Whereas it is provided by section 8 of the act of March 3, 1885, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," "that the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress;" and

Whereas William F. Vilas, Secretary of the Interior, by and under the direction of the President of the United States, on the part of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation, did, on the 19th day of January, A. D. 1889, enter into and conclude articles of cession and agreement, which said cession and agreement is in words as follows:

Articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, in the year of our Lord 1889, by and between the United States of America, represented by William F. Vilas, Secretary of the Interior, by and under direction of the President of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereunto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation.

Whereas by a treaty of cession made and concluded by and between the said parties on the 14th day of June, 1866, the said Muscogee (or Creek) Nation, in compliance with the desire of the United States to locate other Indians and freedmen thereon, ceded and conveyed to the United States, to be sold to and used as homes for such other civilized Indians as the United States might choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south, which should be surveyed as provided in the eighth article of the said treaty; the eastern half of the lands of the said Muscogee (or Creek) Nation to be retained by them as a home; and

Whereas but a portion of said lands so ceded for such use has been sold to Indians or assigned to their use, and the United States now desire that all of said ceded lands may be entirely freed from any limitation in respect to the use and enjoyment thereof, and all claims of the said Muscogee (or Creek) Nation to such lands may be surrendered and extinguished, as well as all other claims of whatsoever nature to any territory except the aforesaid eastern half of their domain:

Now, therefore, these articles of cession and agreement, by and between the said contracting parties, witness:

I. The said Muscogee (or Creek) Nation, in consideration of the sum of money hereinafter mentioned, hereby absolutely cedes and grants to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation lying west of the division line surveyed and established under the said treaty of 1866, and also grants and releases to the United States all and every claim, estate, right, or interest of any and every description in or to any and all land and territory whatever, except so much of the said former domain of the said Muscogee (or Creek) Nation as lies east of the said line of division, surveyed and established as aforesaid, and is now held and occupied as the home of said nation.

II. In consideration whereof, and of the covenant herein otherwise contained, the United States agree to pay to the said Muscogee (or Creek) Nation the sum of $2,280,857.10, whereof $280,857.10 shall be paid to the national treasurer of said Muscogee (or Creek) Nation, or to such other person as shall be duly authorized to receive the same, at such times and in such sums after the due ratification of this agreement (as hereinafter provided) as shall be directed and required by the national council of said nation, and the remaining sum of $2,000,000 shall be set apart and remain in the Treasury of the United States to the credit of the said nation, and shall bear interest at the rate of 5 per cent. per annum from and after the 1st day of July, 1889, to be paid to the treasurer of said nation, and to be judiciously applied under the direction of the legislative council thereof, to the support of their government, the maintenance of schools and educational establishments, and such other objects as may be designed to promote the welfare and happiness of the people of the said Muscogee (or Creek) Nation, subject to the discretionary direction of the Congress of the United States: *Provided*, That the Congress of the United States may at any time pay over to the said Muscogee (or Creek) Nation the whole, or, from time to time, any part of said principal sum, or of any principal sum belonging to said nation held in the Treasury of the United States, and thereupon terminate the obligation of the United States in respect thereto and in respect to any further interest upon so much of said principal as shall be so paid and discharged.

III. It is stipulated and agreed that henceforth especial effort shall be made by the Creek Nation to promote the education of the youth thereof and extend their useful knowledge and skill in the arts of civilization; and the said nation agrees that it will devote not less than $50,000, annually, of its income, derived hereunder, to the establishment and maintenance of schools and other means calculated to advance the end; and of this annual sum at least $10,000 shall be applied to the education of orphan children of said nation.

IV. These articles of cession and agreement shall be of no force or obligation upon either party until they shall be ratified and confirmed, first, by act of the national council of said Muscogee (or Creek) Nation, and secondly, by the Congress of the United States, nor unless such ratification shall be on both sides made and completed before the 1st day of July, A. D. 1889.

V. No treaty or agreement heretofore made and now subsisting is hereby affected, except so far as the provisions hereof supersede and control the same.

In testimony whereof we, the said William F. Vilas, Secretary of the Interior, on the part of the United States, and the said Pleasant Porter, David M. Hodge, and Esparhecher, delegates of the Muscogee (or Creek) Nation, have hereunto set our hands and seals, at the place and on the day first above written, in duplicate.

[SEAL.] WILLIAM F. VILAS,
Secretary of the Interior.
[SEAL.] PLEASANT PORTER.
[SEAL.] DAVID M. HODGE.
[SEAL.] ESPARHECHER, his x mark.

In presence of—
JOHN P. HUME.
ROBERT V. BELT.

Whereas the Muscogee (or Creek) Nation of Indians has accepted, ratified, and confirmed said articles of cession and agreement by act of its national council, approved by the principal chief of said nation on January 31, A. D. 1889, wherein it is provided that the grant and cession of land and territory therein made shall take effect when the same shall be ratified and confirmed by the Congress of the United States of America: Therefore,

Be it enacted, etc., That said articles of cession and agreement are hereby accepted, ratified, and confirmed.

SEC. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, but they shall only be disposed of in accordance with the laws regulating homestead entries, and to the persons qualified to make such homestead entries, not exceeding 160 acres to one qualified claimant. And the provisions of section 2301 of the Revised Statutes of the United States shall not apply to any lands acquired under said agreement. Any person who may enter upon any part of said lands in said agreement mentioned prior to the time that the same are opened to settlement by act of Congress shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

SEC. 3. That for the purpose of carrying out the terms of said articles of cession and agreement the sum of $2,280,857.10 is hereby appropriated.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the appropriation hereby made, the sum of $280,857.10, to the national treasurer of said Muscogee (or Creek) Nation, or to such person as shall be duly authorized to receive the same, at such time and in such sums as shall be directed and required by the national council of said nation, and the Secretary of the Treasury is hereby further authorized and directed to place the remaining sum of $2,000,000 in the Treasury of the United States to the credit of said Muscogee (or Creek) Nation of Indians, to be held for, and as provided in said articles of cession and agreement, and to bear interest at the rate of 5 per cent. per annum, from and after the 1st day of July, A. D. 1889; said interest to be paid to the treasurer of said nation annually.

Mr. PETERS (during the reading of the bill). I desire to offer an amendment to section 3.

The SPEAKER. The reading of the bill will first be concluded.

The Clerk concluded the reading of the bill.

There being no objection, the House proceeded to the consideration of the bill.

Mr. PEEL. I ask for the previous question.

Mr. BUCHANAN. Will the gentleman from Arkansas [Mr. PEEL] yield for a question?

Mr. PEEL. Certainly.

Mr. BUCHANAN. Is this the instance in which an agreement was put on file in the office of the Secretary of the Interior by which these people agreed to pay in the event of the passage of this bill a percentage upon the amount to a former governor of the State of Kansas, that agreement having been approved by Secretary Lamar; and if so, is that agreement still on file uncanceled?

Mr. PEEL. I will state to the gentleman from New Jersey that the agreement to which he refers was surrendered long since; and I have a statement of the Secretary of the Interior to that effect. In fact I was present when the surrender was made.

Mr. BUCHANAN. I can not hear the gentleman.

Mr. PEEL. I say that the agreement has been surrendered; that I was present when it was surrendered; and I have here a statement of the Secretary of the Interior that it has been surrendered. The gentleman from Illinois [Mr. PAYSON] also has a statement to the same effect.

Mr. PETERS. I had desired to offer an amendment requiring that 40 acres of each 160 be broken and plowed, so as to make this bill conform to the amendment which was placed on the Oklahoma bill; but I understand that the offering of such an amendment at this time would perhaps jeopardize the passage of the bill, and that there will be opportunity on a subsequent bill for the presentation of an amendment which will cover all these cases. Therefore I will not insist on the amendment at this time.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. If there be no objection, the preamble will be agreed to.

There was no objection.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENSUS.

Mr. COX. I rise to a question of privilege. Leave was given to the Select Committee on the Eleventh Census to report back at any time the amendments of the Senate to House bill No. 1659, providing for taking the eleventh and subsequent censuses. The committee recommend concurrence in the Senate amendments. I ask that the report be read.

The Clerk read as follows:

The Select Committee on the Eleventh Census to which was referred the House bill No. 1659 with Senate amendments (with leave to report at any time) beg to report:

That most of the Senate amendments are verbal and technical, and are intended to perfect the text of the bill. They should be concurred in.

The principal amendments refer to the schedule of inquiries in the seventeenth section, and consist of—

First. An addition to the special schedule as to soldiers and sailors and their surviving widows, etc. This subject was intended by the House to be referred to the Senate whose Census Committee was preparing and receiving data, so as to furnish good reasons for the additional inquiry as to "organizations and length of service."

Second. Another Senate amendment provides that the population schedule shall include an inquiry as to the number of negroes, mulattoes, quadroons, and octoroons. This seems to be an inexpensive inquiry, to be accomplished by a check-mark in the schedule, and is desired by scientists.

Third. As to another and principal amendment of the Senate, to "ascertain the recorded indebtedness of private corporations and individuals," your com-

mittee ask concurrence, notwithstanding it involves considerable expense. Col. Carroll D. Wright's letter is referred to and made a part hereof. It vindicates this inquiry.

The other amendments are vindicated in the paper marked "A," being a series of communications printed by the Senate to explain the amendments proposed by that body.

Mr. COX. I ask the previous question on concurring in the amendments of the Senate.

The previous question was ordered.

Mr. COX. I ask unanimous consent that the communications, etc., accompanying this bill as returned from the Senate be printed in the RECORD.

There being no objection, it was ordered accordingly.

The documents are as follows:

COMMUNICATIONS RECEIVED BY COMMITTEE ON THE CENSUS, UNITED STATES SENATE.

SUGGESTIONS RELATIVE TO CHANGES MADE IN HOUSE BILL FROM ACT OF MARCH 3, 1879.

DEPARTMENT OF LABOR, *Washington, D. C., July* 26, 1888.

DEAR SIR: In accordance with our interview of yesterday, I have the honor to submit herewith certain points and suggestions relative to House bill 1659, being a bill to provide for taking the eleventh and subsequent censuses. These points relate mainly to the changes which have been made in this bill as from the act of March 3, 1879, and for convenience' sake I will take the pending bill by sections, remarking in a general way that, so far as principles are concerned, the bill is substantially the act of 1879, the changes embodied being those indicated by experience in taking the Tenth Census.

Sections 1 and 2 need no remark.

Section 3. The first change from the act of 1879 is in making the salary of the Superintendent $6,000 per annum, instead of $5,000. Any one conversant with the labors of census-taking will at once see the necessity of making this change. This section also provides for an organization, whereas the act of 1879 provided for only a partial organization. The pending bill provides for ten chiefs of division, a disbursing clerk, and two stenographers, at $2,000 each per year. With the exception of the disbursing clerk, all these officers were actually employed in the Tenth Census, but they had to be created out of the list of experts, etc., and as a rule at a much larger expense than that incurred by the bill. The organization provided in House bill 1659 seems to be absolutely essential for the perfect working of the Census Office. This section also provides for minor employés—watchmen, messengers, etc.—in order that there shall be no question in regard to the compensation of such, or any opportunity for a double interpretation of the provisions of the bill. I would suggest, however, that the salary of the disbursing clerk be made $2,500, instead of $2,000, as the work of disbursing $6,000,000, or whatever the census may cost, is something enormous compared with the salary provided in the bill.

Section 4 provides for supervisors, the maximum number being 175, instead of 150 as in 1880. The increase of population demands this increase of supervisors.

Section 5 relates to the duties of supervisors, and makes no material change from the old law.

Section 6 concerns the compensation of supervisors. In the law of 1879 each supervisor was paid the fixed sum of $500, without regard to the size of his enumeration district. This worked very unjustly, and caused a great deal of complaint and many attempts on the part of Congress to harmonize or readjust the compensation already paid. It was found, however, fraught with so many difficulties that nothing was ever done about it. This section provides that each supervisor shall receive a fixed sum of $125, without regard to the size of his district, and in addition thereto, in thickly settled districts, $1 for each thousand or majority fraction of a thousand of the population enumerated, and in sparsely settled districts, $1.40 for each thousand, etc. Under the act of 1879 the 150 supervisors, receiving $500 each, cost $75,000. Under this section the compensation of 175 supervisors would amount to about $100,000, as follows:

One hundred and seventy-five supervisors, at $125 each, fixed	$21,875
One hundred supervisors, to cover 40,000,000 people, at $1 per thousand	40,000
Seventy-five supervisors, to cover 20,000,000 people, at $1.40 per thousand	28,000
Odd majorities and contingencies	10,125
Total	100,000

Practically an increase in the expense of salaries of supervisors of $25,000; no more than would naturally be expected through the increase of population.

Section 7, practically the law of 1879.

Section 8, practically the law of 1879.

Section 9, practically the law of 1879.

Section 10, practically the law of 1879.

Section 11 relates to the compensation of enumerators. So far as the enumeration of the population is concerned there is no change in this bill from the act of 1879, but some of the ambiguities of that act are removed, so that there can be no misinterpretation, as occurred in 1880, as to the compensation of enumerators; but in regard to farms and manufacturing establishments there is a change. By the act of 1879 the compensation was 10 cents for enumerating each farm, and 15 cents for enumerating each establishment of productive industry. This bill adds 5 cents to each of these, making it 15 cents for each farm, and 20 cents for each establishment of productive industry. This increase seems to be an absolute necessity. In 1880 experience taught that the compensation was too small in regard to farms and manufacturing establishments. No particular complaint was made in regard to the compensation for enumerating population. In Massachusetts, the largest supervisor's district in the country, having 903 enumeration districts, after the whole number of enumerators had been appointed and accepted their appointments, there was more than one hundred resignations when they learned the compensation, and great trouble arose accordingly. The same was true in many other supervising districts. It seems to be quite impossible to make even a fair day's pay at enumerating farms at 10 cents and manufacturing establishments at 15 cents. Any one conversant with census-taking knows that the enumerator must do the principal part of the work in such cases. The increased expense to the whole census under this increased compensation for farms and manufacturing establishments is as follows:

There were, in 1880, 4,008,907 farms. The cost of enumeration, at 10 cents, was $400,890. Should there be 5,000,000 farms, which is a very large estimate, consolidation, rather than disintegration, being the rule, the expense in 1890, at 15 cents, would be $750,000, while for manufacturing the figures are as follows: In 1880 there were 253,852 manufacturing establishments. To enumerate these, at 15 cents (the compensation in 1880), cost $38,077. On the estimate of 255,000 establishments in 1890, at 20 cents each, the cost would be $51,000. I am fully convinced that these increased rates would bring greater accuracy and more thorough completeness in the farm and manufacturing statistics than it was possible to secure under the rates of 1880. The enumeration of farms individually, as in all past Federal censuses, was not satisfactory, and the dissatisfaction arises, in my opinion, almost entirely from the lack of compensation to the enumerator for making a thorough report of each farm and each manufacturing establishment.

Section 12 makes no change.

Section 13 makes no change, except to bring into actual legal relations the fines and penalties.

Section 14 does the same for the fines therein treated.

Section 15 only perfects the question of fines.

Section 16 is practically the same as the law of 1879, except that it perfects the matter of action.

Section 17 avoids the more distinct enumeration of inquiries, and leaves the Secretary of the Interior full discretion over the schedules. This is a very wise provision, it seems to me, because if the act undertook to specify, as it did in 1879, exactly what should be contained in each and every schedule, much trouble would arise and expense be incurred that might be avoided through the preparations, which should be made prior to the actual enumeration. This section also contains a special provision never introduced in a Federal census before for securing facts relative to survivors of the war of the rebellion, and that is, all soldiers that may be living at the time of the enumeration. This, as provided for in the section, adds but little to the expense of the census. All that is necessary is to insert one column in the schedule, very narrow at that, in which the letters "A," "N," or "M," signifying "Army," "Navy," or "Marine," would be inserted after the name of each person who survived the war. If it should be desirable to add the duration of services, all that would be necessary would be to add figures representing months after the initial letters "A," "N," and "M," as, for instance, if a man served two and a half years, "30" would be written after the letter "A," if he served in the Army. This might be well to add to the bill, in which case, in line 15, page 13, add the words "and length of service."

I would also earnestly urge upon your committee the propriety of reinstating an amendment made by the House committee, but which was rejected by the House, relating to the recorded indebtedness of the people. I would suggest the following amendment to cover this point: After the word "census," in line 31, page 14, of the bill as it passed the House, add the words—

"He shall also at the time of the general enumeration herein provided for or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people in such localities in the various States as shall be fairly representative of general conditions in this respect, and make report thereon to Congress."

The wording of this amendment is a little different from that reported by the House committee, the change being in order to limit the work to representative localities. This amendment is in accordance with the last section of a letter which I wrote in response to an inquiry from Mr. COX. This letter is printed on pages 6709 and 6710 of the CONGRESSIONAL RECORD, No. 168. A still further amendment should then be made in the bill; on page 14, line 36, after the word "public," add the words "and private."

Section 18 is practically the same as the law of 1879; but should the amendment just suggested, relating to the recorded indebtedness of the people, be made, there should be an amendment after the words "special agents," in line 18, page 15, as follows: Add the words "to collect the statistics of and relating to indebtedness, as provided in the foregoing section, and."

Section 19 is substantially the same as the act of 1879.

Section 20 fixes the cost of the census at $6,000,000. The cost of the Tenth Census, including printing, was $5,862,750.24, or, exclusive of printing, about $5,000,000. This was for, in round numbers, 50,000,000 people. The expense per capita was about 9½ cents. If we have, in 1890, 62,000,000 people, the expense would be $5,890,000. If we have 64,000,000, as it is estimated by some we shall have, at 9½ cents per capita the cost of the Eleventh Census would be $6,080,000. It is, therefore, unsafe to fix a sum less than $5,000,000. The experience in several censuses teaches that 9½ cents is as small a per capita expense as can be compatible with efficient service. To carry on the census on the same basis as that of 1880, the census of 1890 would cost in the vicinity of $7,000,000; but the limitation in section 17 of the volumes which shall be published in connection with the census avoids much of the expense of the Tenth Census.

Section 21 was a provision in the act of 1879.

Section 22 was a provision in the act of 1879.

Section 23 makes a change in this respect: By the act of 1879 enumerators were obliged to make a duplicate of the names, with age, sex, and color, of all persons enumerated within their territory, and deposit the same with the clerk of the county court. This was simply an additional expense, without a particle of benefit. There was no value in this duplicate whatever. In order to be valuable the duplicate should be furnished to the municipal authorities, and should include birthplace, as well as age, sex, and color. This section 23, therefore, provides for the making of a copy of the names, with age, sex, birthplace, and color, of all persons enumerated in the territory of an enumerator, to be supplied to the municipal government, for which that municipal government, should it request the copy, shall pay at the rate of 25 cents for each 100 names. In 1880 the price was 10 cents per 100 names, and would hardly, in many instances, pay the expense of the visitation to the county court-house required in the act. This section, if carried out, will result in great benefit, the copies being of infinite value in many instances.

Section 24 simply provides for the incidental expenses of the census, the language in section 24 being absolutely essential for the auditing of accounts.

Section 25 is simply the ordinary section making proper repeals.

A general change in this bill over that of 1879 is that under the latter act provision was made for States taking interdecennial censuses on the mean of the Federal census. This old provision can hardly be well carried out. The States of Colorado, Florida, and Nebraska, and the Territories of Dakota and New Mexico took advantage of the old provisions; but so far as all estimates or calculations can be made, no great benefit was derived from it, and it is utterly impossible physically to carry out the provisions of the act of 1879 to any satisfactory conclusion. The provision does not, therefore, appear in House bill 1659.

It may be well for you to have before you the dates relating to the legislation for the census of 1880. The first bill, which was practically drawn by Mr. Garfield, was introduced May 20, 1878. It did not pass, however, until March 3, 1879, a date altogether too late for ample preparation for the census. A bill making amendments to the main act, and vital ones, necessary, actually, to the taking of the census, did not pass until April 20, 1880, a month and ten days prior to the actual enumeration, while the bill making appropriations for taking the census, so far as the main expense was concerned, was not approved until June 16, 1880, more than two weeks after the actual enumeration began. I respectfully submit that this state of affairs, so far as legislation is concerned, had much to do with the delay in taking the census of 1880. If ample time be given for preparation—and two years is none too long a time—the census can move smoothly and harmoniously and the office be relieved from the snowed-under conditions which followed the work of 1880. I therefore most respectfully urge upon you and your committee the necessity of promptly passing a bill relating to the Eleventh Census.

If I can in any way be of further service to you, please command me.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT.

HON. EUGENE HALE,
Chairman of Committee on the Census, United States Senate.

SUGGESTIONS RELATING TO AMENDMENTS TO HOUSE BILL 1659.

DEPARTMENT OF LABOR, *Washington, D. C., December* 29, 1888.

MY DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 27th instant.

So far as any amendments to the pending census bill (H. R. 1659), as reported in the Senate July 14, 1888, are concerned, I believe I have nothing to suggest in addition to the matters to which I called your attention in my communication of July 26. There are some points, however, which it seems to me it might be well to thoroughly canvass; but these matters relate more particularly to the administration of the Census Office than to legislation, except in a negative way. Pardon me, therefore, if I take up three or four points to which I have brought considerable thought.

Statistics of recorded indebtedness.—First, let me urge the committee to consider most carefully, and favorably, too, the proposition to collect statistics relating to the recorded indebtedness of the people. The amendment of the House committee, which was rejected by the House, provided for the appropriation of $250,000, in addition to the general appropriation for the census, for collecting such statistics. Since the action of the House the results of practical experience in the direction named have been secured. The Michigan bureau of labor and industrial statistics has carried out a successful investigation and published the results relating to the mortgage indebtedness of farms, but I am not able to state at what expense this investigation was made. In Illinois, however, under the direction of the efficient secretary of the bureau of labor statistics, Col. John S. Lord, a very complete investigation has been made and the results now partially given to the public. From correspondence with Colonel Lord relative to the expense of collecting the statistics of indebtedness, I am satisfied that with the $250,000, should the Senate see fit to insert the amendment in the form which I suggested in my letter of July 26, the indebtedness of the whole people, as recorded in all the States, can be secured on a basis which will approximately show the actual debt condition for this class; that is, mortgages upon real property; and the amount named would also enable the Superintendent of the Census to collect a large amount of information relative to other forms of recorded indebtedness, like judgments, chattel mortgages, etc. I think I can assure the committee, therefore, that for the amount named, $250,000, Congress can secure the full results sought.

Statistics of surviving soldiers.—House bill 1659 provides that the next census shall comprehend information as to survivors of the Army and Navy and Marine Corps of the United States in the war of the rebellion, and the widows of soldiers, sailors, or marines. The suggestion is made that the service of all such survivors be included in the schedule, that is, that such inquiries be incorporated as will show the company and regiment in which the survivors served, and also the length of time. This would be exceedingly important information, but it is information that adds very greatly to the cost of enumeration. The simple statement as to the names and number of survivors and of the widows of soldiers, sailors, and marines would not materially add to the cost of enumeration, because the names of all parties are taken in the census without regard to information relating to the persons involved. To ascertain, then, whether a man is a survivor of the war simply requires a check-mark in a proper column in the schedule; so, if the person be a widow of a soldier, sailor, or marine, the information can be easily obtained and readily inserted.

It should be remembered that the enumerator, in a large number of cases, sees some of the women of the family, from whom he gets his information, and so long as the inquiries can be answered by yes or no or by a positive statement like the answers to "age," "birthplace," "occupation," the answer being practically yes or no, no great difficulty is encountered; but when a record has to be referred to, or a matter has to be considered and comparative data examined, the enumerator can not succeed in securing information in a very large majority of cases. If such inquiries, involving search of records and consultation with other parties before the information sought for can be given, are required, the enumerator should be allowed compensation equivalent to the time taken. Two cents per capita, with such information in the schedule, would result in a failure of the census. The only way in which such information could be secured with integrity would be to adjust a special rate of compensation for every person involved in the special inquiry. I call your attention to this because of the practical difficulties in census-taking as compared with the sentiment which calls for information that can only be secured by more or less research; that is to say, information which belongs in the category of enumeration means that information which can be secured by a direct answer, positive and short. All other information belongs to special investigation. When the features of a special investigation are united with those of an enumeration the compensation of the enumerator should be adjusted accordingly or failure is sure to follow.

Statistics relating to the negro race.—Comprehensive information relating to the negro race is absolutely demanded by the present condition of affairs. There is no difficulty in ascertaining the statistics relating to mulattoes, quadroons, and octoroons which are obtained for all other classes of population. The schedule used in previous censuses calls for the number of each race, but so far as negroes are concerned, it is limited to black, white, and mulattoes. To secure the information relative to quadroons and octoroons would simply require another check-mark on the schedule, and this information would not result in any appreciable increase in the expense of the census. These remarks apply equally as well to half-breeds of different races, should it be desired to secure the number of such. The very greatest care should be exercised in the Eleventh Census to secure accurate information—as full as possible with the limitations of an enumeration—regarding the negro race. So many questions are arising that can only be answered by statistical information that this becomes a necessity. Whether the mulattoes, quadroons, and octoroons are disappearing and the race becoming more purely negro, is a question which can not be settled by observation. It must be settled by statistics, and the sooner such statistics are collected the better.

The census of 1890 can be the starting-point for a series of comparisons through subsequent decades. The ordinary statistics of the census will show, of course, whether the negroes are concentrating in certain localities or not, but in all these matters there needs to be no specific legislation, as the securing of the information is simply a matter of administration, and no Superintendent who has the best interests of his country at heart would neglect to provide the proper means for securing information upon such points. The census already secures the statistics of births and deaths for the census year, and the death-rate and birth-rate among pure whites, among negroes, and all the segregations can be ascertained through the processes of tabulation.

Wages, earnings, employment, etc.—You have very kindly sent me a copy of a memorial, which you presented December 17, 1888, of distinguished persons, who pray that in taking the Eleventh Census preparations may be made for a thorough examination of the condition of the industries of the country, of the employment and idleness of the people, of the tenures and amounts of the holdings of the lands of the nation by individuals, etc. Other memorialists will urge, I presume, that the census also take cognizance of the earnings and expenses of the people.

The schedules relating to the production of manufactures and of all productions exhibit, of course, the general condition of the industries of the country; but what is sought by the suggestions under consideration is to insert in the population schedule—that is, schedule No. 1 of the census—inquiries which shall develop the facts relating to the employment and the idleness of the people, their earnings and expenses, and kindred matters. In the census of 1880 the law required that this schedule should contain an inquiry as to whether the people were employed or unemployed, and if unemployed, during what portion of the year. This inquiry was incorporated in schedule No. 1 of the Tenth Census. So far as I know the attempt to secure the information called for was a failure, and no facts have ever been tabulated. In the census of 1885 for the Commonwealth of Massachusetts a like inquiry was incorporated, and the attempt to secure the information was fully successful. The difficulty in the matter lies in the feature of census-taking already alluded to relative to surviving soldiers, that the enumerator, in a large majority of cases, does not see the parties concerned. The addition of this one question adds a good deal to the labor of the enumerator.

I am satisfied that success could be secured if the enumerator could be induced to spend time enough, but with the large number of inquiries on schedule No. 1 concerning each individual of the population, he could not secure very complete information under this special question relating to the unemployed with his compensation left at 2 cents per capita, and it would be almost impossible for him, at any reasonable compensation, to secure the earnings and expenses of the people, because to secure such information the wife or daughter or other female member of the family, would be obliged to adjourn the interview until the information could be secured from the head of the family, and even then, as experience amply shows, it is almost impossible to secure the information as to earnings and expenses. The only way, in all the investigations, which have been made in this country for the past twenty years, that expenses and earnings could be secured was by special investigation, taking a long time with each individual, and oftentimes by securing bills of expenses, from which items could be obtained. Simple as it may seem, it is one of the most difficult features of statistical inquiry. It was attempted in my own State in 1875, and with only partial success, so far as census methods were concerned. To place an inquiry relating to earnings and expenses in schedule No. 1 would be to handicap the census in the start to such an extent as almost to insure failure. If any inquiry relating to the industrial condition of the people is to be inserted in schedule No. 1, it should be limited to the question as to employment, and even in this case some concession in the way of compensation should be made, if success is to be secured.

A census involving ramified information can be taken, and with success, if money enough is provided with which to carry it out, but to provide arbitrarily for the total expense of a census, and then to double the labor involved, is a process which will surely secure a failure in any census undertaking. The people demand extensive information at the present day, and properly, it seems to me, but this information, to be accurate and of any value whatever, should be practically complete in its elements, and to secure this completeness requires immense labor on the part of the parties to whom the task is committed. The enumerator is apt to be forgotten, and when his compensation is established at a per capita rate, it seems to be overlooked that every additional inquiry is made at the expense of the enumerator and not of the Government. Two cents per capita, with the inquiries already involved in schedule No. 1, is poor enough pay, and it is very difficult—and I speak from practical experience—to secure a good class of enumerators at this compensation. If, therefore, the duty is doubled, or even an increase of 10 per cent. in the duty involved, the possibility of securing faithful enumerators is decreased just so much.

The enumerator has the hardest time in census work, and it is only just that if his duties are to be increased 10 or 50 per cent. he should not be required to contribute this increase out of his poor pay, but that his compensation should be increased *pro tanto*. I remember in the census of 1880 that after having secured and appointed over 900 enumerators in the district which I had the honor to supervise, more than 100 promptly resigned on receiving their instructions; that is, as soon as they became aware of the immense amount of detail involved in their work, they declined to serve for the compensation provided.

Referring to your letter of the 27th and to your suggestion at its close, allow me to say that if there is anything in my experience which can be made available in adjusting the practical bearing of questions which may be suggested by experts in various relations to the requirements of actual enumeration, or in any direction, I shall be most happy to serve you.

Very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner.

HON. EUGENE HALE,
Chairman Committee on the Eleventh Census,
United States Senate.

AN INDUSTRIAL CENSUS THE GREAT NECESSITY.

The general election just closed having resulted in a national verdict in favor of protection, and the restoration of the Republican party to power after four years of Democratic administration, the old party of freedom is again placed in the position that calls for the exercise of the greatest wisdom in the protection of the free labor and industries of the people, and the promotion of national prosperity.

Though the Democratic party utterly failed in all its efforts to change the policy that had been pursued by Republican administrations during an unbroken period of twenty-four years (being the longest continuous term of any industrial policy under our Government), the developments under that policy challenge the scrutiny of the thoughtful and investigation by Government.

More than a hundred years ago Adam Smith, the father of modern economic science, declared that—

"It was not by gold, nor by silver, but by labor, that all the wealth of the world was originally created."

The fundamental condition of man's existence, as fixed by the Creator, is that he shall, all the days of his life, eat bread in the sweat of his face. And upon the tables of stone, graven by the finger of the Almighty, stands the command to labor as the first commandment concerning the material life. Hence it appears to be clear that a full knowledge of the conditions of the labor of the people is of the utmost importance.

In all ages of the world, as man has advanced from the savage to the civilized condition, labor has coincidently grown into practical recognition as the great factor in the production and development of all that gives man subsistence, comfort, wealth, and power.

And in the political discussion just closed the principle was broadly and sharply declared "that the question of labor underlies the whole subject; that it was in fact the entire question" then before the American people; but there was not the least attempt made to learn the actual condition of labor—whether the labor of the country was employed or idle, whether it was in prosperity or adversity, or dead or alive.

The great effort appeared to be to show that labor in our country was apparently better paid, in dollars and cents, than in Europe or Asia—to prove which endless comparisons were made. In doing this the condition and wages of those who were employed at exceptional rates, under the protection of trades unions and labor organizations, were taken for the time of their actual employment only—taking no account of the loss of time, whether of weeks or months, in which no labor was done or wages paid—and comparing the wages thus obtained with the wages paid to slaves and paupers of other lands. Such comparisons are worse than useless. They show nothing of the real condition of our workers—whether it be prosperous or miserable—only that a portion of the

working men and women in the United States are less miserable than Asiatic and European workers in similar employments, and leaving the impression upon the general mind that nothing more can be desired.

The wages paid in foreign lands—whether high or low, or more or less than are paid in our own country—do not affect the welfare of our people except as they are brought into competition with them. A hungry man in the United States is not made less hungry by learning that in England there are workmen much nearer the point of starvation. No man's condition is made better by the discovery that multitudes in other lands are perishing for want of the barest necessaries of life.

It is the actual condition of our own people that we have to do with, irrespective of the condition of all others. It is the want of reliable official data of this matter, and its related interests, that makes any satisfactory determination of the labor problem so difficult; that divides the people on protection, and that lies at the root of all the industrial disturbances that agitate the country.

It was a keen appreciation of the necessities of the situation, ten years ago, that impelled me to prepare a memorial to Congress, praying that honorable body to make provision in the census bill, then under consideration, for an examination into the condition of the people, whether they are employed or unemployed, and of the amount of their employment or idleness. The memorial was presented to the Senate by the late honorable Senator David Davis, of Illinois, on the 28th of February, 1879. In presenting it the Senator said in part:

"These memorialists represent that multitudes of our people, popularly estimated by millions, are unemployed, and that this state of things demoralizes all our industrial interests, and calls upon Congress to ascertain the cause of the evil and its remedy. * * *

"They do not believe, nor do I, that the problem can be solved by any theory based on data not known to be reliable. What they want is authoritative information obtained by the Government to inform the people of their real condition, and on which to predicate wise legislation. Such information can be taken as a safe basis for reasoning on this important subject, and without it there can be no correct reasoning at all. * * *

"This memorial, I am informed, has three thousand one hundred and ninety-two names attached to it, representing sixteen States, from Massachusetts to Texas. * * * Then follows a long list of some of the best names in Massachusetts. Among these are the governor, lieutenant-governor, secretary of state, treasurer, auditor, chief of the labor bureau, secretary of State charities, the mayors of Boston, Cambridge, Lynn, Lawrence, and Salem; ex-Governor Gaston, Judge Abbott, and Wendell Phillips; Professor Pierce, of Harvard College, and its librarian; the editors of all the daily and religious press of Boston, eminent clergymen of the city, the collector of the port, and representatives of more than one hundred of the mercantile, manufacturing, and commercial houses of Boston.

"It also bears the names of Smith Ely, the late mayor of New York, and George William Curtis, of that city; Mr. Corcoran and other distinguished citizens of Washington; the mayors of Baltimore, Philadelphia, Wilmington, Trenton, and business firms throughout the country. It is also signed by a large number of citizens, mechanics, and laboring men. Mr. Moody, in handing it to me for presentation in the Senate, happily observed that it was the joint prayer of culture, wealth, and labor.

"Whatever differences of opinion there may be, Mr. President, as to the cause of our labor difficulties, it is quite evident that the way out of them can not be found without the statistical information asked for, and that the requests contained in the petition are reasonable and entitled to the careful consideration of Congress. And I am happy to say that the Special Committee on the Census have taken action on some of the subjects embraced in the memorial."

Senator HOAR, of Massachusetts, also commended the objects of the memorialists in strong language, saying, as he closed his short address:

"I trust the honorable Senator from Illinois will be successful in getting the favorable attention of the Senate to a proposition which has failed to receive it heretofore."

The "action taken by the Special Committee on the Census," referred to by Senator Davis, was the incorporation into the seventh section of the census bill of a provision requiring that schedule No. I shall contain inquiries as to each person enumerated, "whether employed or unemployed, and if unemployed, during what portion of the year." The bill so amended became the law under which the census was taken; but the provision requiring the industrial enumeration was wholly disregarded in the Census Office, the schedule not being prepared with the requisite inquiries, and the reports of the office, so far as can be discovered, in no place giving the reason for the failure of the enumeration or referring to the matter in any way. When inquiries were made in the Census Office in 1884 for reports upon this matter, the officers in charge stated that no reports had been or would be made, and that it never was the intention of the Census Office to do so.

Thus a special law of Congress and the General Government was treated with contempt and altogether disregarded by the officials of a minor though important office. The memorialists, who were respectfully listened to and their prayer granted without a dissenting voice in either House, and approved by the President, were contemptuously denied what the Government had unanimously conceded, and the people were practically informed that their condition should not be inquired into and made known if the Census Office could prevent it.

The result is that the multitudes of unemployed tramps found in every city, town, and hamlet of our country, and upon every road, street, and by-way of the land, have never been enumerated. No attempt has been made to reach even an approximation of their number, and the census utterly fails to give any idea of the real number of our population or condition of the people.

Yet, notwithstanding the evident determination in the Census Office to exclude from the census returns all data bearing upon this all-important matter, page 703 of Population discloses the fact that 3,837,112 persons were occupied in manufactures and mining (being the industries that pay the highest wages and give the most constant employment), whilst pages 3 and 5 of Manufactures disclose the two additional facts that the total wages paid in those industries amounted to $947,953,795, and that the average number actually occupied amounted to only 2,732,595 persons.

With these facts before us we quickly discover that there was then an actual average idleness in those industries of more than 1,104,000 persons, "embracing, as they do, artisans of every class out of employment, temporarily disabled, or for some other reason not included in the actual return of any establishment," and that the average wages paid in those industries were 80 cents a day.

These disclosures reveal conditions that one would think were abundant reason for putting all the enginery of Government upon inquiry. But in place of inquiry, in the recent popular discussions it was fallaciously claimed by leading Republican journals that the average wages in those employments were nearly three times 80 cents a day for the whole number.

But for the thirteen and one-half millions engaged in other occupations there is not a particle of evidence as to their condition, but the false assumption of constant employment for all is everywhere apparent, notwithstanding the statement of there being "hundreds of thousands of persons out of health or out of employment."

Why is it that the people are denied a full knowledge of the simple facts in these most vital matters?

The census reports give 3,323,876 persons as being employed as agricultural laborers. The Republican papers in the late Presidential canvass everywhere assumed that these laborers were in constant employment and received an average of $16 a month. But my investigations compel the belief that their time of employment falls a long way inside of six months out of the twelve and their average wages far below $16 a month, or $96 per annum. And so the assumption runs through all industries. As a useful authority in these matters—an authority that may be relied on in an investigation of these great problems—the census reports, as they stand, are worse than useless.

Idleness and distress are everywhere. Hundreds and thousands of cotton and woolen mills, of iron and steel furnaces and rolling-mills, and producing establishments of silk, leather, rubber, of furniture and wooden ware, and every other industry, both great and small, that give employment to man, are standing idle, eaten by moth and rust and decaying for want of use, whilst the hundreds of thousands who not long since there found ample employment and remunerative wages are now idle, tramping, begging, or stealing the means of life.

The number of idle in the city of New York alone can not at any time fall below 100,000, and the mortality of destitution in that city, caused by these conditions, exceeds 25,000 per annum.

Surg. John S. Billings, in his report on the mortality and vital statistics of the United States, Census Reports, 1880, Vol. II, p. 19, says that—

"The agencies to which great differences in mortality between different locations are chiefly due are: (1) Poverty; (2) age distribution of the living population; (3) density of population; (4) race; (5) meteorological conditions; (6) epidemics."

Yet notwithstanding that poverty stands at the head of the causes of "great differences in mortality between different localities," it is nowhere by him considered in any of its relations, whilst all the minor and secondary causes are fully treated. In no other place can I find it even mentioned.

Why should the census of the United States fail to give the data here wanting to enable one to determine the comparative and absolute influence of both poverty and plenty upon human life? Authentic information on this point outweighs all other considerations.

The industrial evils found in the city of New York exist, to a perilous extent, in every city and town in our country, and it is from the industrial evils of society that all other evils are recruited.

If we go to the farms of the country we find great numbers, believed to be fully one-half of those known as small farms, mortgaged beyond hope of redemption, and their reputed owners afflicted by all the miseries accompanying hopeless debt, and within fifteen years after the close of the war more than one million of tenant farms were developed where, within the past ten years, are being enacted the tragedies of evictions and misery that have so long cursed Ireland.

But the evictions in our towns and cities far exceed in number those of the country. In New York City alone, during the year 1886, more than twenty thousand families were compelled to leave their homes, mainly because of the lack of work, sickness, and death, many of whom had their little and miserable belongings set out upon the street, not counting the two thousand who saw they had to go and left without force. Who can fathom the depths of misery, wretchedness, and desolation wrapped in this terrible record?

Do not these conditions cry aloud for investigation, and with a voice filled with menace? Yet they have been wholly the growth of the last quarter of a century and under Republican administrations, beginning with 1865, when the people of the North had just come out of the war, as Secretary McCulloch truly said, out of debt, and commenced a new era of industrial activity.

If the reasons for investigation had not one-tenth the magnitude here shown, they would still challenge the closest examination of the party under which they had developed.

The Republican party has won a great victory in the Presidential campaign just closed, solely because of the hope in the minds of the people that the difficulties and distresses of our industrial situation would be removed and the labor of the country be restored to the condition of prosperity formerly enjoyed. How can that be done if we persistently neglect and refuse to learn the facts of the situation?

A thoroughly industrial census is now of the utmost importance. The employment and idleness of the people must be inquired into; the condition of the farms and farmers must be examined, especially the small holdings; the nature of the holdings, their size, tenures, and liabilities; and the employment and condition of all producing establishments of every nature during the census year, and whatever is necessary to a full understanding of our industrial situation. But essays, whether technological or speculative, do not appear to be necessary to the inquiry.

The investigation, to be of value, must be national, and can be thoroughly made only through the agencies and machinery of the census, of which it properly forms a part. The cost of the census, including the investigation required, would not be 10 per cent. greater than it would be without it, but its value would be inestimably increased.

The census, as heretofore taken, gives few or no data upon which to base a national policy, and contains much that may be well omitted. But the facts required, if impartially and honestly obtained and presented, would be of greater value than dollars and cents can express.

Shall not the desire of the people, as voiced by the memorialists of ten years ago, and now re-enforced, be granted?

WM. GODWIN MOODY.

THE CHIEF ELEMENT OF THE "CONDITION WHICH CONFRONTS US"

Is the enormous amount of labor of which our wage-earners are robbed, and which is given to workers in other lands. The total amount that is paid to foreign producers for foreign products—products which we might and should produce at home—taking into account the undervaluation so notoriously common, can not be less than $600,000,000 per annum.

Every $200 of that amount represents at least one man or woman in Europe or Asia—or the total amount represents at least three million workers in foreign lands—who are in constant employment at their highest average rates of wages, and to whom we annually pay these $600,000,000 for their products; and also represents three million operatives in the United States who, by reason of that foreign employment, have been forced into idleness—not solely from the special occupations that appear to give the competing labor abroad, but from any and all related employments—and who are constantly without work and suffering all the miseries of the extremest poverty, with pauper graves at the close.

When the related fact is taken into consideration that every adult laborer, whether employed or idle, in the order of nature has, on an average, at least two dependent upon him or her for subsistence, it is seen that a total of nearly ten millions of our own people are thus made destitute by the monstrous iniquity and conspiracy against humanity by which the ends of free trade are sought, and the horrible tragedies that wait upon its consummation begin to be only too apparent.

The wrecks of thousands of idle and half employed mills, factories, furnaces, and producing establishments of every nature with which the face of our country is strewn, and the rapid and continued development of the ills here pointed out, are also elements in the condition of the greatest moment and inseparable from the case.

To feed the millions of foreign workers who labor for us abroad we are constantly sending vast amounts of provisions, and in great variety. Ships are daily freighted with wheat and corn and flour and meat in the greatest abundance, that are snatched from the mouths of our idle millions at home and sent

to other lands that the foreigner may have plenty, whilst our own unemployed are left to fight their battles with gaunt hunger as best they can.

The literal fact is that fully four-fifths of our entire exports are for the support of the cheap labor and machinery we employ in foreign lands, and for the benefit of the slaveholders and capitalists who control both.

These are the simple elements of the present condition stripped of the garnishments that have hidden these monstrous wrongs from the scale-covered eyes of the people. Must we wait for a social earthquake to shatter these scales and open our eyes? No amount of sophistry or equivocation can change the facts or the logic of their results.

The simple and inevitable deductions from these facts are, that when we do at home the labor that is done for us abroad, millions of those who are now but half employed, or wholly idle, will find werk. The now silent wrecks of half-employed and idle producing establishments will become active and musical with the hum of life. The $600,000,000 now paid for foreign labor, together with the, $300,000,000 paid for duties, transportation, and other expenses—a total of at least $900,000,000 per annum—will be paid to our home industries and the people therein employed, and the ship-loads of goods now stolen from our idle and hungry workers to feed to the slaves and paupers of other lands will be kept at home, and our own people will be made glad with the possession of abundance.

The old conspiracy of the rebel slave power and British pirates of twenty-five years ago for the destruction of our merchant marine, in which they succeeded only too well, and which is again active in the cause of "free trade" and "labor reform," which means the wiping out of our domestic industries and home trade, for the special benefit of foreign producers and foreign trade, will be finally broken, and the annual domestic record of tens of thousands of business failures will again become a record of hundreds only, as they were during the last three years of the first Republican administration.

How can these great wrongs be remedied if we persistently neglect and refuse to take their measure and accurately ascertain their weight, that all may see the facts and understand their relations? The decennial census now close upon us affords the desired opportunity and machinery to gain all the required data, and they can be gathered in no other way.

Shall not the opportunity be embraced?

WM. GODWIN MOODY.

EDUCATIONAL STATISTICS.

COLUMBIA COLLEGE, *New York, March* 15, 1888.

MY DEAR SIR: In response to your request I take pleasure in submitting herewith a detailed schedule of the questions which, in my judgment, should be covered by the educational portion of the Eleventh Census. I have made the schedule as compact and yet as comprehensive as possible. The questions asked are those which it is absolutely necessary to answer in order that our educational condition may be compared with that of the various European countries. France and Germany have long had an elaborate system of educational statistics, and while the inquiries proposed on my schedule are not so voluminous as those made abroad, yet they will answer all practical purposes. I shall be very glad to offer any explanations of the schedule that may seem to you necessary, as well as to afford you and the committee all the assistance in my power in their task of arriving at a suitable form of educational schedule. If it should be necessary at any time to appear before the committee I should be glad to do that also.

I am, with great respect, very truly, yours,

NICHOLAS MURRAY BUTLER.

Hon. EUGENE HALE,
United States Senate, Washington, D. C.

Detailed schedule of questions.

I.—ENUMERATION OF SCHOOLS (PUBLIC).

1. Subprimary or kindergarten.
2. Primary or elementary.
3. High or secondary.
4. Academies:
   - *a.* Classical.
   - *b.* Commercial.
5. Colleges and universities.
6. Separate schools for colored pupils.
7. Separate schools for Indians.
8. Separate schools for dependent, delinquent, and defective classes.

II.—PRIVATE SCHOOLS.

1. Kindergarten.
2. Elementary or primary.
3. Secondary or high.
4. Academies.
   - *a.* Classical.
   - *b.* Commercial.
5. Colleges and universities.
   - *a.* General.
   - *b.* Law.
   - *c.* Medicine.
   - *d.* Theological.
   - *e.* Technical.
   - *f.* Agricultural.
   - *g.* Pharmaceutical.
   - *h.* All other.

III.—BUILDINGS AND SITTINGS.

a. Number of public school buildings.
b. Number of public school sittings.
c. Number of private school buildings.
d. Number of private school sittings.

IV.—VALUATION OF SCHOOL PROPERTY.

a. Public.
b. Private.

V.—RECEIPTS (PUBLIC).

a. From State and county funds.
b. From city and township funds.
c. From all other sources.

VI.—EXPENDITURES.

a. For teachers' salaries.
b. For buildings and grounds (during census year).
c. For maintenance.
d. For all other purposes.

VII.—TEACHERS.

a. Total number.
b. Male, white.
c. Female, white.
d. Colored, male.
e. Colored, female.
f. Having normal or professional training.

VIII.—SALARIES OF TEACHERS.

a. Total.
b. Average monthly for males.
c. Average monthly for females.

IX.—NORMAL SCHOOLS.

a. Total.
b. Number of teachers employed in.
c. Number of students in:
   - Male.
   - Female.

a. Total number between 6 and 14 years inclusive:
   1. Male.
   2. Female.

X.—PUPILS.

b. Total enrolled during census year:
   1. White, male.
   2. White, female.
   3. Colored, male.
   4. Colored, female.

c. Average attendance during census year.

XI.—ILLITERACY.

a. Number of persons over ten years of age.
b. Number of persons over ten years of age unable to read.
c. Number of persons over ten years of age unable to write.
d. Number of persons over ten years of age unable either to read or write.
e. Number of foreign born over ten unable to read, write, or read and write.
f. Number of colored over ten unable to read, write, or read and write.

ENUMERATION OF SURVIVING VETERANS OF THE WAR OF THE REBELLION.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., July 26, 1888.

SIR: I have the honor to ask your attention to a motion recently made by Mr. ATKINSON in the House of Representatives, looking to the enumeration of those who served in the war of the rebellion. Mr. ATKINSON has called upon me in regard thereto and desires that I shall submit the matter to you.

The point made by Mr. ATKINSON is that it would be very desirable if in the enumeration of the population of the country the company and regiment, date of muster-in and term of service of each surviving soldier and sailor who bore arms for the United States during any of our recent wars should be taken.

I have a division in this bureau whose chief work is to gather statistical information of this description for the purpose of proving or disproving claims presented in this office. The doing of this work in the Census Office would obviate the necessity for the existence of a division of the present size as that of the Army and Navy survivors' division, for that work, and would be of manifest benefit to the service of the Bureau of Pensions.

Mr. ATKINSON says that objection was made on account of the additional cost. The preparation of blanks would cost something additional, but I see no reason why any further cost need attach to the work until it shall reach the Census Bureau; and then only for the clerical labor involved in the compilation of the information to be furnished. Properly prepared blanks would enable the census enumerator to, in every case, register whether a man had been in the service, and, if so, when, and in what organization, and for how long.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. EUGENE HALE,
United States Senate.

[Senate Mis. Doc. No. 26, Fiftieth Congress, second session.]

Memorial of Henry Hall, of New York, urging legislation that shall incorporate in the next census provisions for taking a complete enumeration of the surviving veterans of the war of the rebellion, including names, age, residence, length of service, and the commands in which they served.

NEW YORK TRIBUNE, *New York, December* 24, 1888.

SIR: In compliance with your request, a few suggestions are herewith submitted concerning a census of Union veterans in 1890. The proposition is that the enumeration shall record name, age, residence, length of service, and command in which the veteran served in each case.

1. This census is desirable, in the first place, because it will supply the material for computing the cost of a service-pension. There is a widespread feeling among veterans, and among many civilians who sympathize with them and know their needs and sacrifices, that the Government should grant a service-pension to every Union veteran. A long discussion has taken place at public meetings and encampments of the Grand Army of the Republic, and in the public newspapers, and various plans for a service-pension have been proposed and debated at great length. Several of the plans aim to grade the pension according to length of service. Others look to the payment of a specified sum per month, and others to the payment of a pension to all veterans on arriving at a certain age.

There has been an utter lack of material for calculating closely the cost of any of the different plans. Various estimates have been made, but none of them are accurate enough to guide either the veterans and their friends in formulating their appeals or the law-making power in responding to them. You will see that no safe comparison of plans can be made without knowing the total number of surviving veterans and the age and length of service of each.

2. Name, residence, and regiments or command in which they served are necessary for the perfection of a complete directory of all surviving Union veterans. Every one who has had anything to do with pensions under existing laws knows how comrades have lost sight of each other since the war. In a vast number of cases neither even knows if his comrade is living. Those who are applying for a disability, parent's, or widow's pension experience the greatest difficulty in finding the addresses of comrades whose testimony is necessary to the establishment of their claims. Probably more than 250,000 claims have been rejected or are lingering unadjudicated in the Pension Office because of the lack of testimony of witnesses who are living but can not be found. To meet this difficulty the Pension Office has been striving for years, with much labor and expense, to collect the addresses of all living veterans. The office has succeeded only in part. In no other way than by an enumeration as proposed can that list be perfected. The census can complete this work, and by so doing lighten the labor of adjudicating a pension claim and shorten the long and weary waiting of applicants.

3. The facts, when collected, will have great scientific value. There are many reasons for believing that every Union soldier came out of the war with vitality seriously impaired. Some of the soldiers, on their return from the field, believed that they had been benefited and invigorated by the service. But in the majority of cases, especially among the long-service men, the veterans appear to be more liable to disease, less able to work, and obliged to retire earlier from business than men of the same age who staid a home. The census can not go into the question of greater liability to disease, but by ascertaining present age

and length of service of survivors, conclusions can be reached as to the effect of army service on length of life. Should the census prove that life is not shortened unless the man contracts wounds or specific disease, the Government will in future wars obtain volunteers easier than it can now, with incorrect ideas on this subject prevalent among the people. Should the contrary be proved, the obligations of the Government to its veterans will be placed in a clearer light.

4. So far as a census of Confederate veterans is concerned, the facts, when obtained, would be as interesting to students of biology and historians as those relating to Union veterans. They would have no other practical value.

The expense of the special enumeration here proposed is a trifling matter compared with the importance of the information sought.

The enumeration would form a basis for future comparisons. It is presumed that in 1900 a similar census would be desirable.

The proposed census in 1890 meets with the hearty approval of every veteran in the country. No reason is known why it should not be heartily commended by the public at large. Inquiries have been made by a number of officials of the Grand Army of the Republic and by myself, and there is no doubt that the enumeration will meet a public want, provided it is done thoroughly and accurately. The inquiry should be broad enough in its scope to answer all the objects in view; and imperative instructions should be given to the enumerators to obtain full and correct information on every point. Half-way work would be a waste of money.

Yours, very respectfully,

HENRY HALL,
Business Superintendent.

Hon. EUGENE HALE,
Chairman Committee on Census, United States Senate.

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NATIONAL HOTEL, *May* 2, 1888.

DEAR SIR: As a member of the executive council of the State of New Hampshire, I have had to do with a matter which I desire to call to the attention of the committee having charge of the bill to regulate the taking of the Eleventh Census.

Many of the States have undertaken the revision and correction of the record of their soldiers and sailors in the war of the rebellion, which, in the hurry and confusion of the time, became very inaccurate and incomplete in the State archives. Several of the States, acting on plans quite various in method and scope, have also undertaken to supplement these published records, with statements of the present residences of surviving soldiers and sailors.

The State of New Hampshire with its revision of the official records has attempted to ascertain and give (1) the present residence or post-office address of every veteran of New Hampshire service, and (2) the date and place of decease of every one dying since the war.

Two considerations naturally arise: (1) The fragmentary character of such a work by an individual State, even if it could be made measurably complete as to the men of that State, and (2) the impossibility of approximating a perfect work by local effort in this direction, owing to the scattering of the men all over the Union in twenty-five years' time, and the impracticability of extraterritorial work by State officials; and these difficulties have been found insuperable in an actual trial by my own State, whose contribution of men—about 33,000—was small in number as compared with most of the other States.

The value of such a work, however, when made national in extent, for historical and statistical purposes, is apparent, and does not call for argument in this communication.

The War Department, the Pension Bureau, and the adjutant-generals of States are subject to incessant calls for this information, and they are, except in isolated cases, unable to furnish it.

This class of information is of special value to all who are engaged in the compilation of war history, and particularly to those who have undertaken to prepare the histories of towns, counties, regiments, and similar organizations into which personal data largely enter; and it will be of manifest aid in dealing with questions of a social nature, which have arisen out of the changed conditions of population, caused by the war.

It may be added that there are many thousand cases now pending in the Pension Bureau which are at a stand-still because the location of witnesses, supposed to have evidentiary information, can not be ascertained by the methods now available. It is a matter of importance both to the Government and to the claimant that all reasonable means be employed and facilities provided to clear this enormous docket.

In view of the fact that the work proposed can not be done economically, uniformly, or with any satisfactroy degree of completeness or efficiency by the States, acting separately, and of its importance and value, and of the necessity for its early and comprehensive prosecution, in order to avoid the inevitable losses of material resulting from delay, I suggest that the census enumerators be required by the law to ascertain and record the name of every survivor of the military or naval service, both volunteers and regulars, and the date and place of death of those deceased since the war, by inquiry of every party from whom information is sought in the primary enumeration.

I see no reason why the same information should not be gathered as to those engaged in the Confederate service.

In the work of enumeration the expense of the proposed feature would be trifling.

The subsequent arrangement of the materials so gathered, with reference to States or to regimental and similar organizations or otherwise and its thorough indexing and publication in a separate volume, would of course give rise to items of expense to be considered in comparison with the value of the work.

I have written a similar communication to the chairman of the House committee, and I respectfully ask such consideration of the subject as you may fairly give it in connection with other features of the next census.

Very respectfully, yours,

A. S. BATCHELLOR, *Littleton, N. H.*

Hon. EUGENE HALE,
Chairman Committee on Census, United States Senate.

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THE STATE OF NEW HAMPSHIRE,
QUARTERMASTER'S-GENERAL'S OFFICE,
Concord, N. H., May 28, 1888.

DEAR SIR: At the suggestion of the Hon. A. S. Batchellor, of the governor's executive council, I have the honor to inclose copies of the several laws in relation to correcting and publishing the record of soldiers and sailors for the State of New Hampshire, and to respectfully call your attention to the requirements of the same.

You will notice the adjutant-general is required by the act of July 23, 1885, to give the present residences of the living veterans and the dates and places of death of those who have died since the war. By enforcing the provisions of the act of August 28, 1885, it is hoped that we shall get the residences of most of the soldiers who now reside in this State, but a large percentage of New Hampshire soldiers have left the State since the close of the war and are scattered over the entire Union, and it is a formidable undertaking to attempt to get the required information concerning them.

I can see no way to get the information and to locate the surviving veterans except by the aid of such legislation as I am informed is proposed as a feature of the census. I hope to get some valuable data of this character outside the State through volunteer aid, but am well aware that much is beyond the reach of State effort, however well directed it may be, and whatever success might be attained by a single State would only serve to show the value of a comprehensive effort by national authority on a national plan.

My own personal experience for the past eight years has shown me the importance of the information, which can only be obtained in the way proposed. I am constantly receiving applications from veterans, their wives or relatives; and from historians of companies, regiments, or towns, for information which is vital to the success of their claims or their histories, and which under present conditions it is simply impossible to furnish.

With the hope that the plan proposed by Counselor Bachellor may meet with your approval and may become a law, I have the honor to be, very respectfully, your obedient servant,

A. D. AYLING, *Adjutant-General.*

Hon. EUGENE HALE,
Senate Chamber, Washington, D. C.

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An act to provide for the publication of a record of New Hampshire soldiers and sailors in the war of the rebellion.

Be it enacted by the senate and house of representatives in general court convened:

SECTION 1. That the adjutant-general shall, as soon as practicable after the passage of this act, under the direction of the governor and council, prepare and publish a record of all soldiers and sailors who served in the war of the rebellion from the State of New Hampshire, such record to contain the name, residence, date of enlistment, to what city or town assigned, date of muster in, rank, promotions, wounds received, date of discharge, muster out, or death, date, and place of death since discharge, or present residence, and such other facts as shall make the same as far as practicable a complete and concise military record of each soldier or sailor so serving; and for this purpose the adjutant-general is authorized to employ such clerical assistance as may be necessary.

SEC. 2. Two thousand copies of said record shall be printed by the State printer and distributed as follows, namely: One copy to each city and town in the State, one copy to each public library in the State, one copy to each post of the Grand Army of the Republic in the State, fifty copies to the New Hampshire Historical Society, and the remainder to be placed in the custody of the trustees of the State library, who are hereby authorized to exchange the same for similar publications by other States, and to dispose of the same at cost of paper, printing, and binding.

SEC. 3. For the purpose of carrying into effect the provisions of this act a sum not exceeding $1,200 is hereby appropriated annually for two years, commencing September 1, 1885, to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant on the State treasurer for the said amount.

SEC. 4. This act shall take effect upon its passage.

Approved July 23, 1885.

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An act in aid of an act to provide for the publication of a record of New Hampshire soldiers and sailors in the war of the rebellion.

Be it enacted by the senate and house of representatives in general court convened:

SECTION 1. The selectmen or assessors of each town and city shall, at the same time they distribute the blank inventories for the assessment of taxes for the year 1886, also distribute such blanks as may be seasonably provided by the adjutant-general for the purpose of collecting the information required by the provisions of the act to provide for the publication of a record of New Hampshire soldiers and sailors in the war of the rebellion, approved July 23, 1885, and every person having such information shall make answer in writing, so far as possible, to such questions as may be in such blanks, and the same shall be returned and delivered to said selectmen or assessors before the 15th day of April, or as provided by law for the return of inventories of taxable property. The papers returned to the selectmen or assessors under the provisions of this act shall be returned to the office of the adjutant-general by them within thirty days after said 15th day of April.

SEC. 2. Any officer or person violating the provisions of this act shall be subject to a fine of $50 for each offense, to be recovered in an action of debt by the adjutant-general, and all sums of money so recovered shall be applied in carrying out the provisions of said act of July 23, 1885.

Approved August 18, 1885.

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An act in aid of chapters 12 and 75 of the session laws of 1885, to provide for a record of the New Hampshire soldiers and sailors in the war of the rebellion.

Be it enacted by the senate and house of representatives in general court convened:

SECTION 1. The record of the soldiers and sailors of this State, to be compiled under the authority of said acts by the adjutant-general, shall contain a statement of the number of men required and the number furnished for the war of the rebellion by each town in the State under each call; and said record shall also contain the names of all men recruited under the first call in 1861 for three months, whether they were organized into the first regiment of volunteers, mustered out of service without being sent out of the State, or were re-enlisted for a longer term of service. Selectmen of towns and the mayors of cities shall cause such information concerning soldiers and sailors who are or have been residents of their respective towns and cities, as may be required for the purposes of this act, and of the acts of which this is an amendment, to be collected and forwarded to the adjutant-general, subject to such penalties for default as are provided in said chapter 75 of the laws of 1885.

SEC. 2. For the purpose of the continuation of the work required by said acts a sum not exceeding $1,500 is hereby appropriated annually for two years, commencing September 1, 1887, to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant on the State treasurer for the said amount.

SEC. 3. This act shall take effect upon its passage.

Approved August 24, 1887.

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HEADQUARTERS NEW HAMPSHIRE VETERANS' ASSOCIATION,
Weirs, N. H., July 30, 1888.

Hon. EUGENE HALE, *United States Senate:*

As president of our veterans' association and deeply interested in the cause of my comrades, living or dead, I address you in behalf of a matter which, I understand, has been placed before each of the Congressional committees on the next census, and ask for it your careful consideration and, if possible, your valuable aid.

It is a proposition that in the taking of the next census the enumerators be required by the law to ascertain and record the name and post-office address of every survivor of the military or naval service, both volunteers and regulars, and the date and place of death of those deceased since the war, by inquiry of every family, and in the same manner in which the other important information is obtained in the primary enumeration. Several of the States are seeking to do this; but it is difficult work, and if it can be made general, as now proposed, it would not only be most valuable to every State, but of special value and assistance in the War Department and the Pension Office, where this information

is constantly being sought. Can there be any better way to obtain and preserve this important information, and at comparatively no extra expense?

Most respectfully, yours,

A. S. TWITCHELL, *President.*

STATISTICS OF RECORDED INDEBTEDNESS.

DEPARTMENT OF THE INTERIOR, BUREAU OF LABOR,
Washington, D. C., May 9, 1888.

DEAR SIR: Referring to your verbal request as to methods which might be adopted in the Eleventh Census for the collection of the statistics of indebtedness of record other than public indebtedness, I have the honor to submit the following statement.

The statistics of the indebtedness of individuals, whether the same be in the form of mortgages or debts otherwise secured or general indebtedness through notes and bills payable, would constitute one of the most valuable lines of information that could possibly be collected.

There are three methods which naturally suggest themselves to one's mind for the collection of such data.

First. Through the population schedules of the census, by an inquiry directed to the head of every family or individual, responsible for any business transaction. This would include all farmers, business men, and others owning houses or having the care of families, or in any way individualy responsible to the public. The addition of the proper inquiries to secure this information to the population schedule would involve great expense, probably increasing the cost of the enumeration proper from one-third to one-half; that is, adding from $800,000 to $1,000,000 to the expense of the enumeration.

On the other hand, the addition of proper inquiries to the population schedule would antagonize the census, so far as the enumeration is concerned, before it commenced, and the enumerators would be handicapped from the start. The success of any enumeration depends very largely upon the good-will of the public and the willingness of persons to comply with the reasonable request of the Government for information concerning their affairs. All inquiries, however, regarding the financial condition of the people have heretofore been met with great opposition, and undoubtedly would be again, although should such inquiries be added to the population schedule it is safe to say that from 10 to 15 per cent., judging from past experience in such matters, would comply with the request of the Government and furnish the information relative to their indebtedness. Of course this indebtedness should be in connection with the value of the property owned by the individuals furnishing information. Such a canvass, therefore, would have for its result partial success in certain directions, at great expense, and a damaging influence upon the whole census enumerations, both as to population and manufacturers, as well as agriculture.

Considering the expense and the general injury to the work of the census, this method hardly seems advisable.

Second. The collection of the facts relating to recorded indebtedness, meaning thereby all chattel and real estate mortgages, which are the subjects of record from the records themselves. Chattel mortgages are usually recorded in municipal records, while real-estate mortgages are usually extended on the records kept at county seats. If real-estate mortgages only were to be considered, the registers of deeds in all the counties of the United States would have to be visited and the records thoroughly compiled. There are, in round numbers, 2,700 counties in the United States. To collect the information regarding mortgages recorded in these counties could not cost less than $40 per county, or a total of $108,000. I think it would be quite impossible to do it for this sum, because, in order to secure any information that would be of value and which would lead to any just conclusions, the records would have to be searched for a series of years, and all mortgages minuted with reference to the assessed valuation of the towns or townships or of the whole county in each case.

The proper sum of estimate for this work, confined entirely to county records, would be $200,000. It would be quite impossible to collect the information from the municipal records, so far as chattel mortgages are concerned, without either visiting every municipal government in the United States, or corresponding with the proper officer in each municipal government, to secure the information, in which latter case compensation would have to be given. It is safe to assume that the expense in securing the indebtedness under chattel mortgages by this method would be far greater than by securing it through the population enumeration. Even if the expense of securing the information relating to indebtedness through records was not objectionable on account of expense, there are obstacles in the way which render such a method unadvisable. The records of mortgages would, in all cases, give the amount of the original mortgage debt; but, as a rule, payments on the original mortgage debt are not made matters of record. So, where a man had given a mortgage on his place of $10,000, and had paid, say, $9,000 in part liquidation thereof, the indebtedness would still stand on record at $10,000; so the facts, or rather the results of any collection of data from records, would lead to vicious conclusions.

This second method, however, would relieve the census of all antagonism through the inquiry into the financial affairs of individuals.

Third. The employment of specially qualified experts to collect the information desired from representative communities; such collection to be made subsequent to and independent of the enumeration of the people in general. This method is free from objection in every direction except that of expense. It would not antagonize the public in any way, but it would lead to the most valuable results; that is, it would give the valuation and indebtedness thereon to such extent as the appropriation made for it might warrant. It would not give the facts for every farm and every property-holder in the United States, but it would give the facts for representative towns or counties, and by selecting counties the information might be collected so as to show the property value of each holding, and the indebtedness thereon, as originally made and shown through the registry of deeds, further information being sought as to the payments in part liquidation of the recorded debt.

This method seems the most feasible and the most desirable, taking all things into consideration. With an appropriation of $200,000 or $250,000 a very general idea of the indebtedness of the country might be gained; certainly it would be approximately correct so far as it went. If Congress saw fit to carry the matter still further it would be merely a question of money; but to make any reasonable correction, on which any fair or just conclusions could be based, the sum named should be appropriated in addition to that named in your bill for the general purposes of the census. That is to say, if Congress desires to have the facts for representative districts or localities regarding recorded indebtedness collected, it should make an extra appropriation for census purposes of at least $250,000.

Trusting I have covered the points named by you,

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner.

Hon. S. S. COX, M. C.,
House of Representatives, Washington, D. C.

NATIONAL BOARD OF TRADE, *Scranton, Pa., July 23, 1888.*

DEAR SIR: I beg leave to inclose a circular to which I hope you will receive responses. I find that I do not misjudge or misrepresent a general sentiment when I express my belief that the House committee report of the rejected clause was acceptable and desired. I have had some familiarity with this sentiment for years past, and I am thoroughly convinced that the sentiment is deeper and stronger than will be credited on sight, because expression on the subject is tardy.

By all means reinsert the claim, and I believe the House may also reconsider when it goes back to them.

Very truly,

J. A. PRICE, *Chairman.*

Hon. EUGENE HALE, *Washington.*

NATIONAL BOARD OF TRADE, *Scranton, Pa., July 19, 1888.*

GENTLEMEN: The following clause in the proposed enactment for the incorporation of the Eleventh Census, now before Congress, in reference to the "recorded indebtedness of the people," was favorably reported by the Census Committee of the House of Representatives (Hon. S. S. Cox, New York, chairman) and rejected:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of $250,000, which is hereby appropriated, and shall be immediately available in addition to the $6,000,000 appropriated in section 20 of this act."

The bill as amended will now go to the Senate. The clause stricken out by the House ought to be reinserted. Hon. EUGENE HALE is the chairman of the Senate Census Committee, and if you approve the reinsertion of so important a clause as that rejected in reference to a knowledge of private indebtedness, please communicate at once with the honorable Senator, and with every member with whom you may be acquainted, either in the Senate or the House, urging the reinstatement.

Too much importance can not be placed upon this measure. It is a vital topic of the day. The people need information and have a right to expect it. No one can reasonably oppose this measure except those who are interested in swelling indebtedness and debilitating our institutions.

It is only objected that there are difficulties in the way of collecting the statistics. This is to be expected, yet the approximate information that we shall obtain is vastly better than none. It will lead to a knowledge that is becoming absolutely essential, if we are ever to escape the threatening conditions induced by overindulgence in credit.

Whatever favor you can extend is forcibly demanded by the urgent situation, and immediate action only will avail at the present time. Let your communications go forward without delay.

Hastily and respectfully,

J. A. PRICE,
Chairman National Board of Trade Committee on the Credit System.

MERCHANTS' EXCHANGE OF ST. LOUIS, *St. Louis, July 30, 1888.*

DEAR SIR: In response to the accompanying circular [referring to the circular of the National Board of Trade, signed by J. A. Price, chairman of committee on credit system], the board of directors of this exchange this day approved the reinsertion in the census bill of the clause in reference to collecting the statistics relating to the indebtedness of the people, and respectfully request you to lay this petition before your committee.

Yours, respectfully,

GEORGE H. MORGAN, *Secretary.*

Hon. EUGENE HALE,
Chairman Senate Census Committee.

MANKATO BOARD OF TRADE, *Mankato, Minn., July 23, 1888.*

DEAR SIR: The following resolution was unanimously adopted by this board: "*Resolved* (as the sense of this board of trade), That the clause providing for taking the recorded indebtedness of the people, which was stricken from the bill pending in Congress for taking the Eleventh Census, ought to be reinstated, as we deem such information of great public value."

Yours, truly,

CHARLES A. CHARMAN, *Secretary.*

Hon. EUGENE HALE,
Chairman Senate Census Committee.

CINCINNATI, *July 30, 1888.*

DEAR SIR: The House of Representatives rejected a clause in the census bill which provided "for the collection of statistics of and relating to the recorded indebtedness of the people."

The clause is regarded as a very important one. It originated with a committee of the National Board of Trade, to which was referred questions pertaining to indebtedness.

It is desired that the Senate restore the rejected clause, at least in substance, and I take the liberty of asking your kind attention to the matter, and, if you are not opposed to the clause, that you favor the committee with your aid to that end. I am sure you will find that the undertakings of the committee of the National Board of Trade in this matter are of much consequence, and the results of its labor likely to be not only useful but interesting to a student of political economy.

Very respectfully,

JOHN A. GANO.

Hon. JOHN SHERMAN,
United States Senate, Washington, D. C.

RETAIL MERCHANTS' ASSOCIATION, *Albany, N. Y., July 25, 1888.*

DEAR SIR: As secretary of the Retail Merchants' Association of the State of New York and in behalf of that organization I make as strong a plea as possible that the clause stricken out by the House in the bill for the Eleventh Census be reinserted by the Senate.

If I had the time and could spare the funds I would ask for a hearing before your committee. No one in this State has more practical knowledge as to the indebtedness of people to the retail merchants of this State than I have. Every month thousands upon thousands of dollars in the shape of debts pass before me, and the total is amazing.

Very truly, yours,

NEWTON DEXTER,
General Manager.

Hon. EUGENE HALE,
Washington, D. C.

CITIZENS' ASSOCIATION OF CHICAGO, EXECUTIVE COMMITTEE,
August 1, 1888.

DEAR SIR: The executive committee of this association have directed us to communicate to you their approval of the reinsertion in the Eleventh Census bill of the clause rejected by the House of Representatives in words as follows: "He shall also, at the time of the general enumeration herein provided for,

or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of $250,000, which is hereby appropriated, and shall be immediately available, in addition to the $6,000,000 appropriated in section 20 of this act."

J. J. GLESSNER, *Vice-President.*
J. C. AMBLER, *Secretary.*

Hon. EUGENE HALE,
Chairman Senate Census Committee, Washington.

—

NATIONAL ASSOCIATION OF STOVE MANUFACTURERS,
Chicago, Ill., July 26, 1888.

DEAR SIR: When the bill providing for the Eleventh Census was reported to the House of Representatives by its Census Committee it contained the following clause:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of $250,000, which is hereby appropriated, and shall be immediately available, in addition to the $6,000,000 appropriated in section 20 of this act."

But the House rejected this and passed the bill without it. Deeming it of great importance that the indebtedness of the country shall be ascertained and published, at all events as nearly as possible, and believing that statistics upon this point will be of much more than sufficient value to warrant the expenditure of both the time and money necessary to procure them, on behalf of the stove manufacturers of the United States, representing commerce to the extent of $50,000,000 annually, I respectfully urge that you, as chairman of the Senate Census Committee, use your powerful influence to have the clause reinstated and enacted by the Senate, and finally incorporated in the bill.

Yours, respectfully,

D. M. THOMAS,
General Secretary.

Hon. EUGENE HALE,
Chairman Census Committee, United States Senate.

—

BUREAU OF LABOR AND INDUSTRIAL STATISTICS,
Madison, Wis., August 3, 1888.

MY DEAR SIR: The following clause in the proposed enactment for the incorporation of the Eleventh Census now before Congress, in reference to the "recorded indebtedness of people," was favorably reported by the Census Committee of the House of Representatives (Hon. S. S. COX, of New York, chairman) and rejected:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect of and relating to the recorded indebtedness of the people, and make report therein to Congress; but the amount expended for the collection of statistics of such indebtedness shall not exceed the sum of $250,000, which is hereby appropriated, and shall be immediately available, in addition to the six millions in section 20 of this act."

The bill as amended will now go to Senate. The clause stricken out by the House ought to be reinserted.

Very respectfully, yours,

FRANK A. FLOWER.

Hon. EUGENE HALE, *Washington, D. C.*

—

OFFICE OF COMMISSIONER OF LABOR,
Lansing, Mich., July 25, 1888.

DEAR SIR: Permit me to trespass upon your valuable time for the purpose of calling your attention to a clause in the proposed measure for the incorporation of the Eleventh Census, which was favorably reported by the Census Committee of the House (Hon. S. S. COX, New York, chairman) and rejected, which provided for the collecting of statistics of the recorded indebtedness of the people of the several States.

As this measure now goes to the Senate and will be referred to the committee of which you are chairman, I have the honor to request that your committee re-insert the clause stricken out by the House, and make provision for obtaining the information therein provided for. The question is one in which the people are taking a deep interest. They want that information, and there is no doubt it would result in great good, inasmuch as it would tend to show to what extent the present tendency to speculation and overindulgence in credit is carried.

Such an item of information will be widely appreciated, and is becoming highly necessary to the stability of investments and commercial transactions.

Trusting that you and the Census Committee of the Senate will give this matter a favorable consideration,

I am, very respectfully,

A. H. HEATH.

Hon. EUGENE HALE, *Washington, D. C.*

—

OFFICE OF BOSTON FISH BUREAU, *Boston, July 23, 1888.*

DEAR SIR: I am instructed by our association to say that we approve the reinsertion of the clause that has been rejected in the proposed enactment for the incorporation of the Eleventh Census, now before Congress, in reference to a knowledge of private indebtedness.

Such an important clause ought to be re-inserted.

Very truly, yours,

F. F. DIMICK, *Secretary.*

Hon. EUGENE HALE, *Washington, D. C.*

—

JOHNS HOPKINS UNIVERSITY, *Baltimore, Md., July 30, 1888.*

DEAR SIR: It seems to me important that an effort should be made to ascertain the recorded indebtedness of the people of the United States, and I wish to urge the reinstatement of the clause in reference thereto which was dropped from the census bill by the House of Representatives.

Yours, truly,

RICHARD T. ELY,
Associate Professor of Political Economy,
Member of the International Statistical Institute.

Hon. EUGENE HALE.

—

BOSTON MERCHANTS' ASSOCIATION, *Boston, July 21, 1888.*

DEAR SIR: I beg leave to express the hope that you will be able in the Senate to restore that clause in the proposed bill for the Eleventh Census which provides for the collection of statistics relating to the recorded indebtedness of our people, and which the House rejected. At this stage of affairs in our country it would seem as if information of this sort would be exceedingly valuable. The "credit system" has done wonderful things to develop the growth and promote the general good of this great sisterhood of States; but the time has come when we need to know more of the real and present and relative worth of the States, and if any of them are pursuing a reckless course either as Commonwealths or as peoples. Publicity will prove a wholesome restraint and a wise safeguard.

It is, of course, a new departure for the Census Bureau to make, but that is just what Mr. Wright is equal to and would no doubt heartily approve and enjoy

With great respect, your servant,

JNO. A. LANE,
President of the Boston Merchants' Association and Member of the Committee on the Credit System of the National Board of Trade.

Hon. EUGENE HALE,
Chairman Census Committee, United States Senate.

—

DEFECTIVE CLASSES.

1336 NINETEENTH STREET, WASHINGTON, D. C., *December 28, 1888.*

DEAR SENATOR: In accordance with your recommendation, I beg to submit a few suggestions relating to the Eleventh Census of the United States, and relating specially to the enumeration of the defective classes.

Yours, very respectfully,

ALEXANDER GRAHAM BELL.

Senator EUGENE HALE,
Chairman of Census Committee of the United States Senate.

—

SUGGESTIONS RELATING TO THE ELEVENTH CENSUS OF THE UNITED STATES, 1890—INTRODUCTORY REMARKS.

1. According to the census returns, the defective classes have increased 400 per cent. in thirty years, while the general population of the country has simply doubled.

The following table shows the relative figures at each census since 1850:

Years.	Total population of the United States.	Total blind population.	Total deaf and dumb population.	Total idiotic population.	Total insane population.
1850	23,191,876	9,794	9,803	15,787	15,610
1860	31,443,321	12,658	12,821	18,930	24,042
1870	38,558,371	20,320	16,205	24,527	37,432
1880	50,155,783	48,928	33,878	76,895	91,997

2. I have examined with care the statistics of the Tenth Census relating to the deaf and dumb, and find internal evidence to show that in their case there has been a real increase greater than the increase of the general population, and not simply an apparent increase due to greater accuracy of enumeration. For when the whole population of the United States are classified according to their age in 1880, the proportion of deaf-mutes among the younger persons is seen to be greater than among the older; indeed, it is proportionally greater as the age is younger until quite young children are reached.

3. The following are the number of the deaf and dumb returned in the Tenth Census:

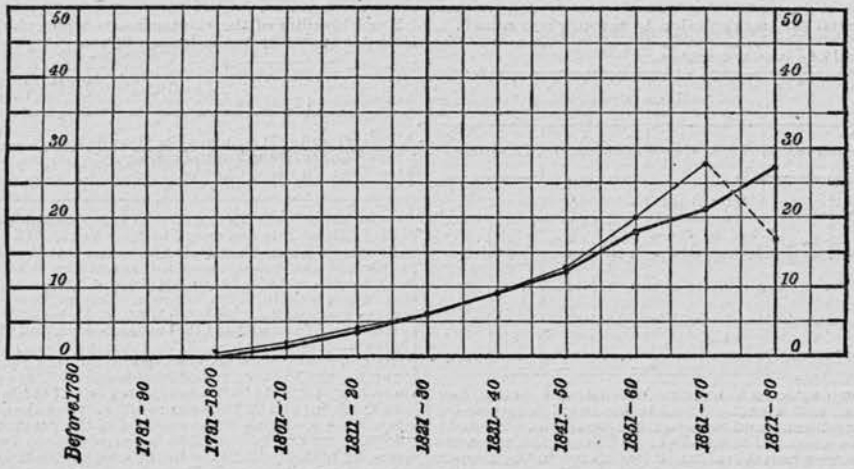
Period when deafness occurred.	Number of deaf-mutes.
At or before birth	12,155
After birth	10,318
Not stated	11,405
Total	33,878

4. Classification of these cases according to their age in 1880 shows that there has been an enormous increase of recent years in the numbers of the non-congenitally deaf, but this need hardly be considered as a permanent condition, for it appears to be due to an epidemic of cerebro-spinal meningitis, which will probably die away as former epidemics have done.

5. The following table shows the percentage of the whole population of the United States born at each decade, and also the percentage of the congenitally deaf population:

Period of birth.	Total population living in 1880.	Congenital deaf-mutes living in 1880.	Percentage of the whole population living in 1880.	Percentage of congenitally deaf population living in 1880.
Before 1780	4,016	.....	0.0080	.....
1781–'90	20,863	9	0.0416	0.074
1791–1800	196,197	63	0.3912	0.518
1801–'10	776,507	241	1.5482	1.983
1811–'20	1,830,095	472	3.6488	3.883
1821–'30	3,111,317	751	6.2033	6.179
183.–'40	4,558,256	1,078	9.0882	8.870
1841–'50	6,369,362	1,614	12.6992	13.280
1851–'60	9,168,393	2,460	18.2798	20.240
1861–'70	10,726,601	3,398	21.3866	27.958
1871–'80	13,394,176	2,068	26.7051	17.015
Total	50,155,783	12,154	100.0000	100.000

6. These are shown in graphical form in the following diagram. The continuous line indicates the percentage of the general population, and the broken line that of the congenitally deaf population born at each decade:



7. The indications are that the congenital deaf-mutes of the country are increasing at a greater rate than the general population.

8. The great and sudden decrease in the numbers of deaf children born in the last decade (1871–1880) is probably due to imperfect returns of deaf-mutes under ten years of age. For though 54 per cent. of all the deaf and dumb were deaf from birth, only 30 deaf infants were reported in the census of 1880, and only 49 between the ages of one and two, out of a total deaf-mute population of 33,878.

9. Statistics in my possession show that in the year 1819 deaf-mutes began to marry partners who were themselves deaf and dumb.

10. The percentage of intermarriages has continuously increased until now not less than 90 per cent. of all deaf-mutes who marry marry partners who are themselves deaf and dumb.

11. The latest statistics collected by me include 1,443 cases of marriage.

Of these 1,443 deaf-mutes I find that 71, or 5 per cent., had married hearing persons, and 1,372, or 95 per cent., had intermarried among themselves.

12. In 1828 a deaf-mute child was born of a deaf-mute father and mother, and now such cases can be numbered by the hundred. My statistics are based upon a list of 528 deaf-mutes, mostly young, who have one or both parents deaf.

13. Some of these children have already married deaf husbands or wives, and deaf offspring have appeared in the third generation.

14. I can cite families in which the deafness has been handed down through four generations; and can give in minute detail particulars relating to a family in Maine in which congenital deaf-mutes have appeared for five successive generations in increasing numbers and in which the younger deaf-mutes are marrying deaf-mutes.

15. My list of deaf children of deaf parents (all, excepting one, born before 1880) comprises 528 cases (mostly young), 91.6 of whom were deaf from birth.

16. Upon the assumption that 528 such cases were living when the Tenth Census was taken, we obtain the following results:

a. One person in every 1,480 of the general population was deaf and dumb; and one person in every 64 of the deaf-mute population was a child of deaf-mute parents.

b. One person in every 2,736 of the general population was deaf from birth, and one person in every 38 of the congenitally deaf population was a child of deaf-mute parents.

17. The laws of heredity indicate that if these deaf children should marry congenitally deaf husbands or wives, an increased proportion of deaf offspring will appear in the next generation; and that the continuous intermarriage of congenital deaf-mutes from generation to generation may ultimately result in the formation of a deaf variety of the human race in America, in which all or most of the children will be born deaf.

18. In these conclusions I am supported by the following American men of science, all members of the National Academy of Sciences, and most of these experts on the subject of heredity. These gentlemen are Prof. Edward D. Cope, editor of the American Naturalist; Prof. Alpheus Hyatt, of Harvard University; Prof. William H. Brewer, of Yale University; Dr. Bowditch, of Harvard University; Prof. Simon Newcomb, of Washington, D. C., and Prof. W. K. Brooks, of Johns Hopkins University.

19. I would, therefore, urge upon the United States the importance of examining in the next census the marital relations of defective persons and the extent to which their defects have been inherited by their offspring.

THE ENUMERATION OF THE DEFECTIVE CLASSES.

20. The enumeration of the defective classes is always found to be itself defective.

21. However perfect the classification may be, the returns of these classes will always be incomplete, on account of a natural objection to expose the defects of relatives, especially when these are very young.

22. Accuracy of enumeration will be promoted by eliminating from the census schedules (as far as may be possible) every question that could wound the feelings of parents or friends of afflicted persons. For example, if the enumerator approached the subject of defects by asking whether the persons enumerated were perfect in sight, hearing, mind, and body, he would be more likely to secure the information desired than if he asked a fond mother whether her child was "blind, deaf and dumb, idiotic, insane, maimed, crippled, bedridden, or otherwise disabled."

23. There are degrees in every defect, and the lesser forms are more capable of amelioration than the graver. Classification under the graver forms tends to the exclusion of the lesser from the returns; but classification under the lesser forms would include the graver and be less objectionable to friends, so that evasions would be fewer and the returns more accurate and complete.

For example: The blind, deaf and dumb, idiotic, insane, maimed, crippled, bedridden, and otherwise disabled would all be returned under the head of defects in sight, hearing, mind, or body, but the converse would not necessarily be true.

24. The returns should include all persons laboring under disabilities of sight, hearing, mind, or body of sufficient magnitude to prevent education in ordinary schools, lessen wealth-producing power, and incapacitate for military service.

25. The deaf and the blind should be grouped into a subclass by themselves and separated as much as possible from the other defective classes, because they are enumerated chiefly for educational purposes, whereas the others need eleemosynary care or restraint.

26. Public establishments for purely educational purposes should be classed as "schools," and not as asylums. They should be included in statistics relating to the general education of the people, and excluded from those relating to charitable institutions.

27. Many children who can not profitably attend ordinary public schools on account of disabilities are allowed to grow up without instruction, because parents object to sending them to "asylums" or institutions governed by State boards of charity.

28. The statistics of the Tenth Census show the following figures relating to defective children of school age:

Defective children of school age (six years and under twenty-one).

Condition.	Total in the United States.	Total in special schools.
Blind	7,768	1,534
Deaf and dumb	15,059	4,893
Idiotic	29,373	1,942
Insane	3,184	.....

29. The term "deaf and dumb" is not only objectionable in itself, but is incorrect, because it classifies those who belong to this class as laboring under a double disability instead of a single one.

30. Deaf-mutes are simply persons who are deaf from childhood; and dumbness or muteness is the result of the natural defect, and not a defect in itself. The vocal organs are not defective.

31. Many of the so-called deaf and dumb can speak. Some had acquired the art before hearing was lost and others acquired it by instruction in school.

32. In the census of 1880 all persons who lost hearing before they reached the age of sixteen years are classified as "deaf and dumb," whether they can speak or not.

33. This incorrect and very objectionable classification leads to evasion and inaccurate returns.

34. Dumbness by itself is not a defect calling for enumeration in the census (unless, indeed, for statistical purposes and the determination of causes), for defective speech alone is not a disability that prevents instruction in ordinary schools. It does not materially lessen wealth-producing power, nor does it incapacitate the person for military service.

35. Persons who have not studied the subject generally fail to realize that deaf-mutes should be classified among the deaf and not among the dumb, and enumerators, therefore, can hardly be expected to follow the classification.

36. For the sake of accuracy in the returns, therefore, it would be well to make defective speech a subject of inquiry in the primary schedule relating to population. The dumb who are deaf and the dumb who are idiotic will appear on supplementary schedules relating to the deaf or the feeble-minded; and the dumb who are neither deficient in mind nor hearing need have no special schedule of inquiry.

37. Special schedules relating to all the defective classes (except the dumb) should be prepared with the assistance of experts, of two kinds, namely: Specialists who have studied the causes of the defects and teachers who are familiar with the special methods of instruction necessary.

38. The gravity of the disabilities resulting from deafness can be ascertained from two elements: (1) The age or period of life at which the defect occurred; and (2) the amount of deafness (whether total or partial). The former element is the more important of the two, for a slight defect of hearing in an infant results in graver disabilities than total deafness occurring in adult life.

For example, in the case of the deaf infant, the defect interferes with the acquisition of language through the ear and the child remains dumb. His thoughts are carried on without words, so that a mental condition exists which is abnormal.

His ignorance is so great as to be appalling; for his mind is deprived of everything that other people have ever heard of or read about that is not derived directly from their own observation. Without special instruction such children grow to adult life with all the passions of men and women, but without the restraining influences that spring from a cultivated understanding.

39. Persons who become deaf in adult life have no greater disability than the defect itself, but where deafness occurs in childhood incidental disabilities arise which are greater than the natural defect; but because they are incidental and not natural, they are capable of amelioration and even complete removal by suitable instruction in special schools. Hence the very great importance of a correct enumeration of the young deaf children.

FORM OF INQUIRY.

40. In the primary schedule relating to population the defective classes should be grouped together under the head of "physical and mental condition," instead of under "health," as was done in 1880.

The following form is suggested for incorporation in the primary schedule relating to population:

Physical and mental condition.

Is the person (on the day of the enumerator's visit) sick or temporarily disabled so as to be unable to attend to ordinary business or duties? If so, what is the sickness or disability?	Condition of—						
	The senses.		Speech (of persons of five or more years of age).	The mind.		The body.	
	Sight.	Hearing.		Mental development.	Mental health.	Bodily condition.	Bodily health.

41. The enumerator should be instructed to ask: (*a*) Whether the person has perfectly normal sight, hearing, and speech; whether the mind is normally developed and in a healthy condition; and whether the bodily condition is normal and the general health good. If the answer is "yes," the enumerator should indicate the reply by a horizontal mark (—) placed in the proper column; if "no," by a mark sloping from right to left (/), and if the question is not answered in a satisfactory and reliable manner the column should be left blank. (*b*) If the physical or mental condition is reported as "not perfectly normal" (/), the enumerator should then inquire whether the disability is sufficiently great to prevent instruction in an ordinary school, to interfere with the acquisition of a suitable means of livelihood, and to incapacitate for military service. If the answer is "yes," he should change the negative mark (/) into a cross (X), and proceed to put the interrogatories contained in the supplementary schedule relating to the special class of defect noted.

42. As the supplementary schedules should be prepared with the assistance of specialists it may perhaps not be advisable for me at the present time to refer to the details, excepting so far as to say that inquiries should be instituted relating to the causes of defects and their inheritance by offspring. The marital relations of defective persons should be noted and the results tabulated. The total number of children born to them should be recorded and the number who died young. The record should also note the number of defective and normal offspring.

NATIVITY AND PARENTAGE.

In examining the ancestry of deaf-mutes I have had occasion to consult the original population schedule of former censuses, which are preserved in the Department of the Interior, and I have found little difficulty in tracing the families backward from census to census in the male line of ascent. If the name of the father had been given in former censuses, it might now be possible for genealogical experts to trace from these records the American ancestry of every person now living in the United States in every branch, for the name of the father would give the maiden name of females. I therefore suggest that in the census of 1890 the father's name should be noted in that part of the schedule that relates to the nativity of the parents, so that the people of the United States may leave to their descendants genealogical records from which their full ancestry may at any future time be ascertained.

Yours, respectfully,

ALEXANDER GRAHAM BELL.

Senator EUGENE HALE,
Chairman of the Census Committee of the Senate.

ENUMERATION OF ANIMALS.

AMERICAN AGRICULTURIST, *New York, March* 14, 1888.

DEAR SIR: Please find inclosed the proof of an article which will appear in the April number of the American Agriculturist. The subject treated of is of considerable importance, and I beg leave to call your attention to it as chairman of the Senate Committee on Census. A very large proportion of the number and value of horses, milch cows, and swine "not on farms" has been heretofore omitted from the census and together they form so large a portion of the aggregate animal wealth of the country that it would seem as if this omission should be hereafter repaired. Very little alteration in the census schedules will be required, and the result will be a more complete enumeration than has heretofore been made.

Trusting that this matter will attract some share of your attention, I am,

Respectfully, yours,

C. P. DEWEY.

Hon. EUGENE HALE,
Senate Chamber, Washington, D. C.

[American Agriculturist, April, 1888.]

FAULTS OF THE CENSUS.—MILLIONS OF VALUABLE ANIMALS NOT ENUMERATED.

In the American Agriculturist for November, 1885, attention was called to the deficiency of the census in regard to the record of animals not on farms and which in the aggregate amount to a large number and possess a large value. These returns have never been called for by any census law, and the default has grown into a custom "more honored in the breach than in the observance." The matter is eminently worthy of correction, and we appeal to the press generally, and the agricultural press in particular, and to all horse-owners and stock-raisers, to write or speak to their Congressman and urge his attention in this matter. The chairman of the Committee on the Census in the House of Representatives is the Hon. S. S. Cox, an able, learned, and progressive member, who you may be sure will look after the interest of the poor creatures who can not speak for themselves, and who have been contemptuously overlooked by the census-takers of former decades. Not only are the horses "not on farms" omitted from the census, but the milch cows and swine of cities, towns, villages, hamlets, and even on stock farms. The horse of the parson and the doctor is left out of the census, as well as the costly "coaches" of the millionaire and the scrawny "horse frame" of the junk collector. Taken together there is an immense value in these animals, and their owners have just cause of complaint that they are not enumerated. The returns of horses for three decades and for 1887 are:

Year.	On farms.	Not on farms.
1860	6,249,174	1,185,514
1870	7,145,370	1,547,379
1880	10,357,488	*2,071,497
1887	*12,496,744	*2,499,349

*Estimated.

The absurdity of the returns made when city and town horses are not included is shown by the following figures:

Locality.	1860.	1870.	1880.
Suffolk County, Massachusetts (Boston)	135	190	232
Kings County, New York (Brooklyn)	1,543	1,241	1,623
New York City and County	441	323	207

As to mules, only 2 are given in three decades to Boston, only 98 (an average of 33) to Brooklyn, and only 5 to New York. The large number, comparatively, of horses in Kings County is due to the fact that Brooklyn City occupies only a portion of the county, and the remainder is farm land. Why, as a matter of fact, one can see at a single glance out of the window more horses and mules than are given in these returns. Boston, Brooklyn, and New York together possess not less than 300,000 horses, and probably nearer 400,000. To these add in the count from all the other cities, towns, and villages, and the amount of deficiency may be imagined. The same deficiency appears in the record of milch cows and swine, as will be shown in another part of this article. The reasons given for the curious conditions referred to are explained in the following résumé of statements in the census reports of the last three decades:

In the compend of the census of 1860 the superintendent says that as all live-stock "not on farms" was omitted in the previous census, "we have in all our comparisons and calculations ignored it, because, being omitted in those censuses, its introduction into the figures at this time would interfere with the apparent rate of increase. These horses make a vast increase in the number returned in the agricultural schedule. This addition to all varieties of live-stock is a matter of no inconsiderable importance." In the compend of 1870 he says that the returns include the enumeration only of live-stock found on farms. Consequently the large number of horses and yoke oxen and milch cows found in cities, towns, and villages, as well as those belonging to persons following commercial, mechanical, or professional pursuits in agricultural regions, are not reported. No effort was made in the census of 1870 to return these animals. But the superintendent, by procuring data from the State censuses, local assessments, the police in cities, and by comparisons and inferences as to the condition of settlement, society, and occupation in each State, made as intelligent an estimate as possible to correct "the defect noted in the census law."

In the agricultural volume for 1880 the Superintendent, referring to this subject, says that "as regards the horses owned by persons not occupying or cultivating farms, no attempt was made to form an estimate of numbers." Yet in numbers they are one-fifth of the whole, and in value hold a much higher proportion. The number of milch cows not on farms is very great, as the known condition of cities, towns, and villages show. The horses owned by men of wealth and leisure, the racing studs, those on stock farms, those employed in trade and transportation, on street railroads, on railroad contracts, in city and town improvements, those owned by professional men or by livery-stable keepers—these are very numerous, at least 3,000,000, and are of higher value than the average horse of the farm. The number of swine not on farms is also very large, and is about one-tenth of the entire swine population of the country.

A very important consideration in regard to the horse is his use in war, for cavalry, artillery, and transportation, and this consideration enters into the calculation of the continental nations when war material and war preparations are discussed. We give the returns from a few leading countries, which measure their "horse power" as follows:

All Europe	35,057,065	Germany	3,522,500
Great Britain	1,927,527	Russia in Europe	20,016,000
France	2,911,000	Austria	3,541,810

No sooner does war break out in Europe than the United States are invaded by horse-dealers, who come to purchase our surplus stock to put them into the *mêlée*, whether on the Rhine or the Danube, the Seine or the Po. The Sultan of Turkey has a standing decree against the exportation of horses from his dominions, as Senator PALMER, of Michigan, recently discovered when he attempted to procure Arabian stallions from Syria to mate with the Percherons he obtained in France. In the war of the rebellion some curious results appear as regards the effects of war on the horse and mule population, as shown by the censuses of 1860 and 1870. These animals increased in the Union States and decreased in the Confederate, and in those that for convenience we may call the "semi-war States," as Maryland, Tennessee, and Kentucky. In these three States the horses and mules in the two decades appear as follows:

Horses:		Mules:	
1860	749,992	1860	253,808
1870	653,984	1870	212,043

In the ten States, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, the returns are as follows:

Horses:		Mules:	
1860	1,453,535	1860	704,650
1870	1,122,000	1870	516,700

In the twenty States, California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin, the following results appear:

Horses:		Mules:	
1860	3,994,639	1860	187,637
1870	4,065,903	1870	357,113

By the year 1880 the disparity was in a great measure repaired, and at the present time those ravages of war are made up and new sources of wealth and prosperity have been opened. The three States first above named, which had, in 1860, 749,992 horses, now have 810,266, by the estimates of the Agricultural Department, and the ten States that had, in 1860, 1,453,535 horses, have now 2,169,723, this great increase being mainly caused by the enormous advance in Texas from 325,698 in 1860 to 1,038,816 in 1887. Yet if Texas be excluded in both years, the increase in the nine States is from 1,127,837 in 1860 to 1,130,907 in 1880.

By the census of 1860 it appeared that while the total number of cattle on farms was 18,288,000, those not on farms numbered 3,304,000, or one-sixth. In 1870 the cattle on farms numbered 24,000,000, and those not on farms a little over 4,000,000, again one-sixth. Applying the same rule of proportion to 1880, the cattle not on farms would number nearly 6,000,000, or one-sixth of the total of 35,000,000. The swine on farms in 1860 numbered 30,351,213, and those not on farms were 3,469,000, or more than one-tenth.

In 1880 the swine are enumerated at 47,682,000, and taking one-tenth for the number "not on farms," we have nearly 5,000,000. These are the "family pigs" of the villager and cottager. Their value is proportionately greater than that of the average farm hog, and they and their product should be counted. So also should the poultry "not on farms" be enumerated and a return made of their egg product. The village, town, and city fowls would make an immense addition to the recorded wealth of the country. And why should the milk produced by cows "not on farms" and sold to the neighbors, and the butter produced and consumed or sold, not be counted? These are all important increments to the

wealth of the country. In the English and Irish census the fowls and pigs are followed up more closely, and the business done around the cottage home is ascertained and reported.

In the agricultural report of the census of 1860, Superintendent Kennedy discussed the effect of railroads upon horses. It was assumed at the time that railroads came into use that the number of horses and wagoners would decrease. The result, however, proved precisely the contrary. Horses, says the superintendent, have multiplied more rapidly since the introduction of locomotives than they did before. Three-fourths of all the railroads have been made since 1850, and during the ten years from that time up to 1860 the increase of horses has been the greatest. He adds that if inquiries are pursued further it will be found that horses have increased most in those States in which the greatest extent of railroad has been made since 1850. Taking Ohio, Indiana, Illinois, Michigan, and Wisconsin as an illustration, between 1850 and 1860 about 9,000 miles of railroad were constructed in those States, and in the same period the number of horses increased 106 per cent.; that is, from 1,155,000 to 2,384,000. Following out this line of reasoning, it appears that the railroad mileage of 1860, which was 30,635, had increased in 1880 to 93,349, and in 1887 to about 150,000 miles. The horses numbered in 1860, 7,434,688; in 1880, 12,428,985; and in February, 1888, about 13,000,000. The increase has been steady and large, but not in proportion to that of the railroad mileage.

Precisely as the census shows a gradual, steady, and determined advance in the numbers of the urban population as compared with the total number of inhabitants, so the census returns of the large cities will continue to show an increase in the number of horses employed for pleasure or traffic therein. The establishment of parks in the cities enlarges the disposition to pleasure riding and driving, and supplies a place for the meeting of the well-to-do classes and for the display of their equipages. These people want horses, and good horses. They are ready to pay any price. In this way the ostentation and the business necessities of the cities and towns tend to the advantage and enrichment of the farmers, and encourage in them the ambition to raise the best horses possible to meet the exacting demands and capricious moods of those who find and follow a "latest fashion" in horses quite as much as they do in their garments. It will be a simple thing for the census committee to modify the schedules of the census of 1890, so that the vast number of horses, milch cows, and swine, for so many years omitted in the returns, may be tabulated and their number and value expressed in figures.

To sum up the whole matter, we have shown that very large and valuable interests have been omitted from the census in former years, and the mere statement of the fact and pointing out how the wrong of former administrations may be repaired should be sufficient to set this matter right now and for the future.

[Table prepared by Pitman Pulsifer, clerk to Committee on the Census, United States Senate.]

Census of—	Population.	Volumes published.	Number of pages.	When published.	Entire cost of census.	Title of volume.
1790	3,929,214	1	52	1792	$44,377.18	1. Return of the whole number of persons within the several districts of the United States.
1800	5,308,483	1	78	1801	66,609.04	1. Do.
1810	7,239,881	2	90 in first 170 in second	Not given 1813	178,444.67	1 Aggregate amount of each description of persons within the United States, etc. 2. A series of tables of the several branches of American manufactures, exhibiting them in every county of the Union, so far as they are returned in the reports of the marshals and of the secretaries of the Territories and of their respective assistants in the autumn of the year 1810, together with returns of certain doubtful goods, productions of the soil, and agricultural stock, so far as they have been received.
1820	9,633,822	2	164 in first 100 in second	1821 1823	208,525.99	1. Census for 1820, etc. 2. Digest of Accounts of Manufacturing Establishments, etc.
1830	12,866,020	1	165	1832	378,543.13	1. Fifth Census or Enumeration of the Inhabitants of the United States (so wretchedly printed that Congress required a republication, which enhanced the cost of the census to $378,543.13).
1840	17,069,453	4	379 in first 470 in second 410 in third 196 in fourth	1841 1841 1841 Not given	833,370.95	1. Compendium of the Enumeration of the Inhabitants, and Statistics of the United States. 2. Sixth Census or Enumeration of the Inhabitants of the United States. 3. Statistics of the United States, etc. 4. Census of Pensioners for Revolutionary and Military Service, with their names, ages, and places of residence, etc.
1850	23,191,876	4	1022 in first 400 in second 304 in third 143 in fourth	1853 1854 1855 1859	1,329,027.00	1. The Seventh Census of the United States. 2. Statistical View of the United States. 3. Mortality Statistics of the Seventh Census. 4. Digest of the Statistics of Manufactures.
1860	31,443,321	4	694 in first 292 in second 746 in third 584 in fourth	1864 1864 1865 1866	1,922,272.00	1. Population. 2. Agriculture. 3. Manufactures. 4. Mortality and Miscellaneous Statistics.
1870	38,558,371	4	942 in first 804 in second 679 in third 843 in fourth	1872 1872 1872 1872	3,336,511.00	1. Compendium. 2. Population and Social Statistics. 3. Vital Statistics. 4. Wealth and Industry.
1880	50,155,783	24	961 in first 1198 in second 1149 in third 869 in fourth 924 in fifth 848 in sixth 909 in seventh 910 in eighth 612 in ninth 843 in tenth 767 in eleventh 803 in twelfth 541 in thirteenth 705 in fourteenth 1025 in fifteenth 740 in sixteenth 672 in seventeenth 915 in eighteenth 843 in nineteenth 716 in twentieth 581 in twenty-first 596 in twenty-sec'nd 1886 in twenty-third and twenty fourth	1883 1883 1883 1883 1884 1884 1884 1884 1884 1884 1885 1886 1885 1885 1886 1885 1887 1886 1887 1886 1888 1888 1883 1883	5,862,750.24	1. Statistics of Population. 2. Statistics of Manufactures. 3. Statistics of Agriculture. 4. Agencies of Transportation. 5. Cotton Production in the United States, part 1. 6. Cotton Production in the United States, part 2. 7. Valuation, Taxation, and Public Indebtedness. 8. Newspapers, Alaska, and Ship-building. 9. Forest Trees of North America, and Portfolio of Maps. 10. Petroleum, Coke, and Building Stones. 11. Mortality and Vital Statistics, part 1. 12. Mortality and Vital Statistics, part 2. 13. Statistics and Technology of the Precious Metals. 14. Mining Laws of the United States. 15. Mining Industries of the United States. 16. Water Power of the United States, part 1. 17. Water Power of the United States, part 2. 18. Social Statistics of Cities, part 1. 19. Social Statistics of Cities, part 2. 20. Wages, Prices of Necessaries of Life, Trades Societies, and Strikes and Lockouts. 21. Defective, Dependent, and Delinquent Classes. 22. Power and Machinery employed in Manufactures and the Ice Industry. 23. Compendium, part 1. 24. Compendium, part 2.

HEARINGS BY THE COMMITTEE ON THE CENSUS, UNITED STATES SENATE.

STATEMENT OF HON. CARROLL D. WRIGHT.

JANUARY 11, 1889.

The chairman of the committee, Senator HALE, requested Hon. Carroll D. Wright to make any statement he might desire in relation to the bill under consideration (H. R. 1659).

Mr. WRIGHT. I have very carefully studied, in all its bearings, the bill as it is now before the committee. This was done at the invitation of the chairman of the Census Committee of the House of Representatives about a year ago. I know that it was drawn, not only after careful study of the act of 1879, but with the experience of the census of 1880 under the same.

Many difficulties were encountered under the act of 1879 in regard to interpretation by auditing officers, and also in relation to administration under its provisions by enumerators, and in various other ways. All these difficulties have been eliminated in this bill, though it is practically the law of 1879, adapted to the actual administration of the Census Office for the taking of the Eleventh Census.

The bill before the committee includes just those things which are necessary to be carried out in a general way. My experience in the Tenth Census convinces me that there will be no difficulty in carrying out the instructions of Congress should this bill become a law. I see no difficulty in any direction.

There are two general features which I might call to your attention now. The act of 1879 provided for the taking of a census in any State, the United States to pay for one-half of the expenses, provided any State should elect so to do. Several States undertook to compile this census, but so far as accomplishing the object sought by Congress was concerned the work was a failure. That provision has been stricken out of this bill. States, however, should be induced to take a census, though it can not be done on the basis adopted in the act of 1879.

If Congress desires the States to assist in taking a census, it should be done by inducing the States to take their own census and furnish a certain class of information to Congress for which Congress will remunerate the States. In the last census very few States took interest enough in the matter to carry out instructions properly. Information came in behindhand, and the law was stretched in order to pay the bills accruing for the work.

We took our census of 1885 in Massachusetts in our own way. Congress, however, could lay down a course for all the States to pursue, and could pay for the information collected by the States and used by the United States. The Government would then obtain information as to the population and the number of voters in each State, etc. If this was done every five years the United States would have no trouble in collecting the information. This is a practical plan.

Another feature in the act of 1879 was that the enumerators should make

copies of name, age, color, and one or two other points, and deposit the copies with the clerk of the court of the county in which they lived. The making of these copies was paid for at the rate of 10 cents for 100 names. This was a hardship to enumerators, because each name carried with it a variety of information, and 10 cents a hundred words is the usual rate for copying; but to copy the census-rolls involved a large amount of work for which the enumerators received no pay.

In addition to this they were required to deposit their copies at the places above mentioned, with a view to making corrections should any one appear for that purpose. The records were obliged to remain at the county court-house for three days. No value has ever been received from this feature of the law of 1879. The present bill eliminates this old provision and establishes a rule that a municipal government desiring copies of the census, with the information designated, should make request of the superintendent, who should furnish the copies to such government, and the municipal government is to pay therefor. This will be a valuable feature in the coming census and will enable municipal governments to obtain copies, if they wish, but it would not force such copies upon them.

The other features of this bill which differ from the act of 1879 are informal and administrative, and will come up for consideration by the committee section by section.

STATEMENT OF HON. WILLIAM WARNER.

JANUARY 12, 1889.

Mr. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: As to the details of this matter, I have given it but little thought. Dr. ATKINSON, who is here, has taken considerable interest in the subject and I know is much more familiar with it than I am. My only purpose in coming here this morning is to impress upon the committee, if possible, the importance of taking some action in the taking of the next census to ascertain the number of old soldiers and sailors in the country.

My views are expressed in this small memorial which I hold in my hand, addressed to the chairman of the committee and signed by Henry Hall, business manager of the Tribune.

I do not, of course, speak officially for the Grand Army of the Republic. That body has taken, to my knowledge, no united action on this question, but I do know, from conversation with members of that organization throughout the country, and with different department commanders (and I have visited many of them in the last few months) that there is a general feeling that in the near future at least the pension question is to be solved by a service pension. How soon that may be is a question; the sooner the better.

In order that legislators may act intelligently and have some reliable estimates upon which to base their action, it will be necessary to have the information included in the census taken by the General Government. I apprehend that the only reliable information which is had now in the Pension Office is that which has been furnished through the Grand Army posts of the country to the Commissioner of Pensions.

When we estimate the survivors of the war of the rebellion outside of those who belong to the Grand Army posts of the country we are just as much at sea as when we attempt to estimate the entire number. If this census should be taken, showing the name, the command, the age of the survivor, it would certainly furnish very valuable information upon the pension question.

The collecting of this statistical information would of course cause additional work and expense, but I see no difficulty in the way of securing precise and accurate information upon the question. In regard to embodying in the census the regiment, the length of service, and the company, my idea is this: The census should contain the record of the soldier, his name occurring in alphabetical order, and should embody the regimental organization; or, if artillery, then the battery; or if a war ship, then the ship. In the case of regiments, I would not think it necessary to take the company.

The record thus made would contain the correct number of the survivors of the war. I apprehend that no man to-day has ever figured out the number of troops who were actually engaged in the Union Army. I know that is the impression of General Sherman. I have a letter from him on this subject (but have been unable to find it this morning) showing that the number engaged in the Union Army was largely exaggerated by reason of re-enlistments, the same men appearing in different organizations. These names have never been separated in such a way as to get the exact numbers.

On the question of service pensions it seems to me that it would be unnecessary to give the regimental organization, though I would have that information for other purposes. I think it is the duty of this Government to furnish to the men who are entitled to pensions every reasonable facility for obtaining the evidence to enable them to secure their pensions. All of us know that we lose sight of comrades who were with us in our regiments or companies. If this census was taken so as to furnish the requisite information as to regimental organizations, battery, war ship, etc., a claimant for a pension could turn at once to this record to ascertain the residence of a comrade. I think this information would be of incalculable service to those who are entitled to a pension. It would also be valuable data for the Commissioner of Pensions, if he is anxious to discharge his duty faithfully, not only to the Government but to claimants for pensions.

I have said in a general way about all that I care to say. I know the importance to you of minutes to the committee at this portion of the session. Action by you in this, in my judgment, would meet the approval certainly of the survivors of the war, and I believe of the people generally.

I have not consulted with any experts of the census upon the points involved in my remarks. I am not on the Census Committee, and as you gentlemen understand, a member of the House has other matters to engage his attention, so that I have not given this matter special consideration. My friend Dr. ATKINSON, who is present, has. I have simply come here to express my ideas in a general way without going into details.

STATEMENT OF HON. LOUIS E. ATKINSON.

JANUARY 12, 1889.

Mr. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I shall with pleasure accept the invitation of the chairman to express my views upon the question now under consideration by the committee. First of all I wish to say that most of the reasons for taking the census with these contemplated changes are very well stated in the memorial of Mr. Hall, addressed to the chairman of this committee, and which was printed at his instance by the Senate.

There is another reason for taking the census with the additions mentioned, and that is that I believe it will save money to the United States. An attempt was made in the House of Representatives to secure the amendments we desire, but the effort was unsuccessful there, and on that account we appear here. The House, however, provided for the taking of the names of the survivors of the Army, Navy, and Marine Corps.

My idea of the matter is that the census should contain the name, residence, age, period of service, and the company and regiment of every soldier who served during the war, and the ship or organization in which a sailor or marine served. I think this information will save money to the United States. There is in the Pension Office a division known, I believe, as the Army and Navy survivors' division, which employs forty clerks. The expense of maintaining this division is $60,000 a year.

Estimates of the number of survivors of the Army vary very much indeed. The War Department estimates that there are from 800,000 to 900,000 soldiers living. The Commissioner of Pensions, in an interview I had with him, stated that there were 1,300,000 soldiers living, which includes only Union soldiers, sailors, and marines. So that there is a difference of 400,000 or 500,000 men. That is a very wide difference. It is impossible to base any intelligent legislation upon any estimate that can be made of the survivors of the war.

This division in the Pension Office which I have mentioned undertakes now to secure just exactly what I desire to have secured by the next census; that is, the name, residence, age, company and regiment, and date of service of every survivor of the Union forces, for the purpose of procuring evidence. I would have the record embrace the several organizations in which each man served, including the company, for the purpose of enabling applicants before the Pension Office to secure the testimony of their comrades.

In regard to the question of the difficulties to be encountered in the practical work of the enumerators, I think it would be as difficult for a man to forget the day of his marriage as to forget the company and regiment in which he served. In fact, it is impossible for a man to forget that. You will observe that the bill before the committee provides that a "previous schedule" shall be made out. This, as I understand it, will be a paper containing certain inquiries to be filled in by the head of the family. The military record of soldiers in the family can be embraced in it.

The Pension Office now is endeavoring to make up skeleton lists of regiments, but they are necessarily incomplete. Most of the information in the possession of the Pension Office has been obtained from the Grand Army posts, but many veterans live distant from any army posts, and information in regard to them has not been gathered.

As to the expense of collecting the information sought by us, the maximum compensation paid to the enumerator, as provided in the bill, will be 3 cents for each person named. If there are a million soldiers living, and 3 cents additional is paid for each soldier sailor and marine, it will make just $30,000 for the enumeration of that million.

The cost of the division of the Army and Navy survivors in the Pension Office is about $60,000 a year. There are forty clerks there. Half that number of clerks could be dispensed with in a year after the information that will be obtained by the census is furnished. There will be an absolute saving to the Government of the United States by reducing the number of clerks employed in this division if the census is taken as we desire it to be taken. Besides that, it will be of inestimable value not merely for historical reasons, but for scientific reasons.

It is not now known how many persons served in the Union nor in the Confederate armies. Estimates differ very widely on the subject. One estimate (the Provost-Marshal-General's report) gives the number of men who died in the military service of the United States as 279,000. A communication from the Quartermaster-General, dated only a few days ago, states that 325,000 men are buried in the national cemeteries alone. Nine thousand of these are Confederates. These statements show what a wide discrepancy exists in the figures furnished by what ought to be reliable authorities.

The number of burials in the national cemeteries probably represents only one-half of the entire number who lost their lives in the war.

The law now provides for taking a census of idiots, lunatics, and, I believe, criminals. I do not know of any good reason why we should not have a census of the men who served in the war, and who now survive. If this information had been obtained twenty years ago, with the comparisons that could have been made since, we could furnish accurate information now to our statistical experts upon the subject. The effect of military service upon the longevity of men would be a valuable contribution to science, and we would have something by which to make the proper comparisons.

I can unite with General WARNER in saying that every soldier with whom I have spoken upon the subject is exceedingly anxious to have this information carefully procured by the United States.

I thank you for your attention.

COMMUNICATION FROM HON. ROBERT P. PORTER.

THE PRESS, 26 AND 28 NORTH WILLIAM STREET,
New York, January 11, 1889.

MY DEAR SIR: In compliance with the request contained in your letter of January 7, I have read the proposed Senate bill, and beg leave to say that in my opinion it is upon the whole a wise and satisfactory bill as it now stands. The bill in fact bears the same relation to the act of 1879 as the census of 1890 should to that of 1880. By this I mean that the bill seems to strengthen and improve the act of 1879 without branching out into unknown and untried regions, and this same principle should be strictly applied to the taking of the Eleventh Census.

The conception of the census of 1880 was a splendid one and reflects great credit upon those directly responsible for the framing of the act and upon General Walker, who had the courage to undertake it upon an absurdly low appropriation. And yet it was impossible to accurately estimate its cost. This will be equally true of the Eleventh Census, unless it is kept within the scope of the act which you have sent me. I take the liberty to inclose as part of this letter an article from the New York Press, which contains my general views on the subject of the next census.

Accuracy and promptness are so important in census work that all the attempts to enlarge the scope of the work, excepting in the particular case relating to the survivors of the war of the rebellion, should be abandoned. The mistakes of 1880 and the failures will enable the superintendent of the Eleventh Census to steer clear of many pitfalls if he is only wise enough to keep the work well in hand and not try to do too much. In glancing over sundry recommendations which the committee has received in relation to this matter, you will find several suggestions which, if carried out, have a tendency to steer the census craft of 1890 on the same rock that proved so disastrous in 1880, and a deficit and delayed publication would surely follow.

The practical thing to do is to take the census as near as possible in accordance with the excellent bill your committee has perfected, without branching out, and to do it as rapidly as possible. This will give the country a census embracing all the good features of the Tenth Census and avoid the mistakes, many of which were unavoidable, in 1880. The points made by Mr. Wright, of the Labor Bureau, in regard to overloading the schedules with questions, and in relation to the small pay of the enumerators, are all true. Schedule No. 1 is literally loaded down now, when the compensation is taken into consideration.

In the special investigations in 1880, the amount of work which was done by the people without compensation was nothing short of appalling, and it is doubtful if they will calmly stand such another violation of special agents and special investigations unless some adequate compensation is offered them. I am strongly in favor of a statistical census and a skillfully summarized census as against a historical census and a census multitudinous and cumbersome.

It is hardly likely that these thoughts will be of any service to your committee, but if any specific questions occur to you I shall be glad to answer them if I can.

I have the honor to be, sir, with great respect,

ROBERT P. PORTER,
Editor of the Press.

Hon. EUGENE HALE,
Chairman of Committee on the Census of the United States Senate.

P. S.—In the details of the bill the salaries of the chief clerk and disbursing clerk are, I think, both too low; the former should be $3,000, and the latter $2,500.

[The Press of January 7, 1889.]

HINTS FOR THE NEXT CENSUS.

Nothing pays like good book-keeping, and good book-keeping in national affairs is essential to our progress, health, and welfare as a nation. We do not refer to that vast system of accounts by which the financial transactions of the Government are kept, for time and experience have perfected these methods until they are well-nigh perfect. Hundreds of millions of dollars pass through the myraid Departments and branches of the Government annually, and the percentage of loss is phenomenally small and mistakes rare. We do refer to the method provided by the Constitution, the details of which are from time to time arranged by act of Congress, for making inventory of our national possessions, for ascertaining the growth of population, the race, sex, age, nativity, and occupation of the people, and taking account of illiteracy, of the proportion attending the public schools, and of those unfortunates who troop under the dismal alliteration "dependent, defective, and delinquent classes."

Next in importance in this decennial book-keeping come what are called the mortality and vital statistics, or the records of the life and health of the people. Until Dr. John S. Billings produced his two remarkable volumes, which form a part of the Tenth Census, we had no records of the kind worth mentioning. These statistics, really the most important after the population volume, were delayed for various causes, but finally appeared, with excellent diagrams and maps, a nucleus or foundation for this branch of inquiry for all time to come. Here we have the relations of age, sex, color, race, locality, etc., to death; the causes of death, the ages of the living population, and a variety of important information touching the most vital subject, namely, the life and health of the people. Money spent on accurate vital statistics is never wasted.

The next Superintendent of the Census should, above and beyond all else, lay his plans so as to secure the most accurate enumeration of the population and the most complete mortality and vital statistics ever obtained in this country. Feeling secure on these points, the next most important matters to cover in the order of importance, are as follows: Agricultural statistics; statistics of manufacturing and mining; statistics of wealth, taxation, and public indebtedness, other than national, and a volume on transportation, including statistics of railroads, both fiscal and physical characteristics, steam navigation, canals, telegraphs, and telephones. These are essentials of a census, and all the powers and all the means of the Census Bureau should be concentrated upon these investigations in order to make them comprehensive and thorough.

The census should be as near plain, clear, concise, simple book-keeping as possible. History may not be altogether out of place in some cases, but it is not necessary, while discussion as to results reached is entirely irrelevant and under no circumstances should be tolerated. Facts only are wanted, and they should be furnished as rapidly as possible. The value of some of the investigations made by the experts of the Tenth Census was undoubtedly great, but hardly within the scope of the census. Take for example the "Social Statistics of Cities," by Col. George E. Waring; the "Mining Industries of the United States," by Raphael Pumpelly; "Mining Laws," and "Statistics and Technology of the Precious Metals," by Clarence King; "Newspapers and Publications," by S. N. D. North; "Water Powers of the United States," by Professor W. P. Trowbridge; "Wage Tables," by Josiah D. Weeks; "Factory Laws," by Carroll D. Wright; "Technology and Uses of Petroleum," by S. F. Peckham; "Forests of North America," by Charles S. Sargent; "Cotton Production," by Eugene W. Hilgard; "Tobacco Culture," by Professor Killibrew; "Building Stone of the United States," and a score of other reports by equally able and scientific men.

All this work was important, and most of it was ably done. Still it is not strictly statistical work. The statistics in every one of the above reports, if the next superintendent is a practical man, can be taken from these weighty and scientific volumes, and with comparatively small expense brought down to 1890. The rest of the matter will stand for all time to come, or until Congress orders a special investigation of any one of the subjects. The wage-tables and factory reports, mining laws, and so forth, should now be turned over to the Labor Bureau, and can no longer be regarded as a necessary part of the census work. The Eleventh Census, therefore, should be crystallized to six or seven important volumes, and the work for those important branches of inquiry should be done well. And above all it should be simplified. But how?

The most effective way of simplifying the work is to reduce all schedules to the simplest form possible and leave off all but essential questions. Many of the important investigations failed in 1880 because the experts, in spite of the advice of more experienced and practical statisticians like General Walker, sent forth small volumes in the shape of schedules containing hundreds of irrelevant questions. The statistics as to the number of persons employed in the various industries should be included on the enumerator's schedule in the same way as the statistics of occupations. It is doubtful if the value of capital invested in given industries and the amount of wages paid can be obtained with any degree of accuracy. It has been abandoned in England because the results have been unsatisfactory and misleading. No branch of the census will require more care than the gathering of these statistics of manufacturing industries. The statistics of wealth, taxation, and public indebtedness, transportation, and some other important investigations, with the basis we now have to work upon, can be carried on successfully as separate investigations.

In conclusion, the Press feels it important to say that the next census must be confined to proper limits and be thorough in all vital points. Less historical and more statistical, less scientific and more practical, less cumbersome and more easy of access, less of an encyclopedia and more of an inventory of the nation's possessions and report of its progress. And, lastly, it should be completed before the dawn of the year of our Lord 1900.

The question being taken on concurring in the amendments of the Senate, they were concurred in.

Mr. COX moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 12571) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

Mr. HERBERT. Under the heading "Naval Establishment," Mr. Chairman, on page 26 of the bill, and after line 3, I move the insertion of the amendment I send to the desk.

The Clerk read as follows:

Bureau of Construction and Repair: To supply a deficiency in the appropriation for construction and repair of vessels, $150,000.

Mr. HERBERT. I understand there is no objection to the amendment on the part of the committee, and it is necessary that this sum should be provided.

The amendment was adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House to bills of the following titles, namely:

A bill (S. 172) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

A bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.; and

A bill (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Kirk's Ferry, Louisiana.

The message further announced that the Senate had passed with amendments the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; in which the concurrence of the House of Representatives was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore* laid before the House the amendments of the Senate to the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The SPEAKER *pro tempore*. The bill the title of which has just been stated, if there be no objection, will be referred to the Committee on Appropriations, and the amendments of the Senate ordered to be printed.

Mr. SAYERS. I do not see the gentleman from Pennsylvania, chairman of the Committee on Appropriations, in his seat.

The SPEAKER *pro tempore*. The Chair is informed that both the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Alabama [Mr. FORNEY] desire that this should be done.

Mr. SAYERS. Very well.

There being no objection, the bill was referred to the Committee on Appropriations, and the amendments of the Senate ordered to be printed.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

For steam machinery, Bureau of Steam Engineering, 1886 and prior years, $103,046.

Mr. SAYERS. On page 30, at the end of line 12, I move the insertion of the words "and thirteen cents," so that the amount will read: "$103,046.13."

The amendment was adopted.

The Clerk read as follows:

Relief of James E. Jouett: To relieve Rear-Admiral James E. Jouett, United States Navy, from accountability for the sum of $400 paid to him March 6, 1885, by Pay Inspector John H. Stevenson, United States Navy, upon a voucher for that amount approved February 28, 1885, by the Secretary of the Navy, authority is hereby granted to the proper accounting officers to credit the account of Rear-Admiral Jouett with the said amount expended by him, $400.

Mr. BINGHAM. Mr. Chairman, I offer the amendment I send to the desk, to come in after line 14 on page 33.

The Clerk read as follows:

To reimburse Mrs. Almira R. Hancock for expenses incurred by her husband, Maj. Gen. W. S. Hancock, in the entertainment of the official visitors at the Yorktown Centennial, $2,100, or so much thereof as may be necessary, to be disbursed on vouchers to be approved by the Secretary of War.

Mr. SAYERS. In reference to that amendment I will say that the clause which has just been read provides for the relief of Rear-Admiral James E. Jouett, and inasmuch as the committee have permitted that to be inserted in the bill I do not feel authorized to raise the point of order upon the amendment of the gentleman from Pennsylvania. I desire, however, that he shall make a statement to the committee as to the amendment before the vote is taken upon it.

Mr. BINGHAM. I will state, in response to the gentleman from Texas, that General Hancock was directed by the Secretary of War to take charge of the military display at the celebration of the centennial at Yorktown; that in that display a considerable amount of his personal funds were necessarily expended, and expended in connection with his duties as commander-in-chief of the military forces. For these expenditures vouchers were obtained, but have never been paid; and this amendment is simply to provide that they may be submitted to the

Secretary of War, both Mr. Lincoln, then Secretary of War, and Mr. Bayard, now Secretary of State, approving the suggestion of the amendment.

Mr. CHEADLE. I would like to ask the gentleman from Pennsylvania if any of the bills to which he refers were incurred for the purchase of wine and liquors used on that occasion?

Mr. BINGHAM. I will state to the gentleman that I know nothing of the details. They will be submitted, the same as every other voucher in connection with the centennial at Yorktown, to the Secretary of War, and I know nothing whatever of the expenditures.

Mr. CHEADLE. I would like to insert a proviso that no part of the money there shall be paid for wines or liquors. I offer that as an amendment.

Mr. KELLEY. I hope that amendment will be promptly voted down.

Mr. CHEADLE. And I hope it will be just as promptly adopted. I am opposed to taxing the people of the country who pay these enormous bills for the wines and liquors used in such entertainments.

The question being taken on the adoption of the amendment to the amendment, the committee divided; and there were—ayes 9, noes 73.

So the amendment of Mr. CHEADLE was rejected.

The amendment of Mr. BINGHAM was then adopted.

The Clerk read as follows:

To compensate the owners of the schooner E. C. Allen for injuries sustained by that vessel in a collision with United States ship Constellation in the harbor of Portsmouth, N. H., on the night of October 1, 1888, $84.

Mr. BOWDEN. I desire to offer the following amendment.

The Clerk read as follows:

To pay the Potomac Steamboat Company the sum of $5,390 for damages, in addition to the appropriation heretofore made, growing out of the sinking of the steamer Excelsior by the United States steam-tug Fortune, said sum being the amount paid by said company under a decree of the circuit court of the United States for the eastern district of Virginia, which decree was affirmed by the Supreme Court.

Mr. SAYERS. I raise the point of order that there is no law authorizing this appropriation; therefore the amendment has no place upon this bill.

The CHAIRMAN. Can the gentleman from Virginia suggest any law by which this appropriation is authorized?

Mr. BOWDEN. By the act approved March 3, 1883, making an appropriation of a similar character for this vessel.

Mr. SAYERS. There was an appropriation of $19,000 made for payment to the owners of this vessel for damages sustained at the time the gentleman suggests; but since then there has been no law authorizing the payment of these other damages.

Mr. BOWDEN. It is a fact that in the law there was a reservation that it was to be considered in full satisfaction of all claims now due; but as a part of the same casualty, and as a part of the same transaction, a suit was brought against that company for salvage, and the United States court for the eastern district of Virginia rendered judgment against this company for $5,600. That company appealed to the Supreme Court, and the Supreme Court has affirmed that decision. It is a part of the same casualty, and making up a deficiency that the Government has already admitted.

The CHAIRMAN. The Chair will state to the gentleman from Virginia that in view of the statement he has just made, and without any further investigation, it would, in the opinion of the Chair, require additional legislation to make this appropriation in order under the rules.

Mr. BOWDEN. Why, the decision of the Supreme Court is law of itself.

The CHAIRMAN. The Chair has no doubt of the point of order being well taken and must sustain it. There is no legislation at the present authorizing this amendment.

The Clerk read as follows:

Surveying the public lands: To pay amount found due by the accounting officers on account of surveying the public lands for the fiscal year 1887 to Myron Willsie for services and expenses in examination of surveys in Dakota, $335.50.

Mr. McCREARY. I desire to offer an amendment, after line 8, page 36, by adding: "Office of the surveyor-general, Washington Territory, for salaries of clerks in his office, $500."

Mr. SAYERS. I reserve the point of order on that amendment.

Mr. McCREARY. I desire to make an explanation of it. As a rule I usually follow the Committee on Appropriations, and have not this session, I believe, offered an amendment to any appropriation bill brought in by that committee. The members of the committee are prudent and wise, and usually have good judgment, but I think this amendment should be adopted. It provides for the payment of the small sum of $500 to be used by the surveyor-general in the Territory of Washington to pay an extra clerk. I have here a letter written by General Breckinridge, surveyor-general of Washington Territory, in which he at considerable length details the necessity for additional clerical force.

Mr. SAYERS. How much is it that you ask?

Mr. McCREARY. Only $500.

Mr. SAYERS. Cut it down to $200.

Mr. McCREARY. He has been at work three months.

Mr. SAYERS. Put it at $250 and I will accept the amendment.

Mr. McCREARY. Very well; put it at $250.

The amendment as modified was agreed to.

The Clerk read as follows:

Compensation to clerks in post-offices: Benjamin M. Welch, postmaster, New Martinsville, W. Va.

For clerk-hire undercredited in—

First quarter, 1887, $9.

Second quarter, 1887, $9.

Mr. RICE. I offer the following amendment:

The Clerk read as follows:

On page 38, after line 20, add a new paragraph, as follows:

"To enable the Secretary of the Treasury to pay upon the order of the Postmaster-General to the American Grocers' Association of the city of New York the sum of $486, or so much thereof as may be found equitably due, for postage erroneously paid by said association pursuant to an act 'for the relief of the American Grocers' Association of the city of New York,' approved October 12, 1888."

Mr. SAYERS. The committee have investigated that matter, and the gentleman from Minnesota is authorized to offer the amendment.

The amendment was agreed to.

The Clerk read as follows:

Foreign mail transportation: Oregon Railway and Navigation Company: For transportation of the United States mails from Port Townsend, Wash., and Victoria, British Columbia, during the quarter ended June 30, 1888, $54.23.

The foregoing sums for the postal service shall be payable from the postal revenues of the respective years to which they are properly chargeable.

Mr. ADAMS. I move to strike out the last word. I wish to know the ground of this last clause read.

The foregoing sums for the postal service shall be payable from the postal revenues of the respective years to which they are properly chargeable.

I had supposed that there were no postal revenues for any recent years that have not been used up.

Mr. SAYERS. That language is used for the simple reason that the law requires it to be used.

Mr. ADAMS. But if it is true for several years a sum has to be appropriated out of the Treasury to make good a deficiency for postal revenues, how can it be paid out of the postal revenues for that year?

Mr. SAYERS. Because it is an indefinite appropriation; and this clause in the bill merely follows the language of the statute.

Mr. BINGHAM. It is merely a system of accounts.

Mr. ADAMS. Very well; I withdraw the *pro forma* amendment.

The Clerk read as follows:

To enable the Postmaster-General to pay to the employés and late employés of the Post-Office Department additional compensation for services rendered by such employés as were embraced in orders of the Postmaster-General dated April 11 and June 18, 1885, requiring extra hours of labor, said additional compensation to be regulated by the extra time said employés were actually engaged in rendering service under said orders, $13,089.

Mr. ROGERS. Before submitting the observations which I intend to make, I want to ask the gentleman from Texas [Mr. SAYERS] in charge of this bill whether or not this item beginning on line 6 and closing with line 14 on the thirty-ninth page of the bill is found in the estimate, and if so, when first it is so found.

Mr. DOCKERY. Mr. Chairman, pending the reply of the gentleman from Texas I desire to offer an amendment to this paragraph.

Mr. ROGERS. I yield to the gentleman from Missouri [Mr. DOCKERY] for that purpose.

Mr. DOCKERY. I desire to offer an amendment to include the clerk in the office of the general superintendent of the railway mail service for the same period. I do not think there will be any objection to it.

Mr. SAYERS. We do not know how much the amount is.

Mr. DOCKERY. The amendment is offered to cover the same time and exactly similar services.

Mr. SAYERS. I will state to the gentleman that these items of appropriation are all specifically fixed by the Department, and we can not tell from this amendment, or from the information that we have, whether the total amount is sufficient or not.

Mr. DOCKERY. I will withdraw the amendment for the present, in view of the fact that I can not now specify the amount.

Mr. ROGERS. Now, Mr. Chairman, I renew my question to the gentleman from Texas [Mr. SAYERS] whether or not there are regular estimates for these sums.

Mr. SAYERS. I will say, in reply to the question of the gentleman from Arkansas, that a bill was introduced in the House on the 17th day of December, 1888, which was referred to the Committee on the Post-Office and Post-Roads, and was by that committee returned to the House with a report asking that it be referred to the Committee on Appropriations.

Mr. ROGERS. But are there any estimates at all from the Department for such items prior to that time?

Mr. SAYERS. If the gentleman will turn to pages 14 and 15 of the report accompanying this bill he will find a full account of the matter.

Mr. ROGERS. But what I want to get at is this: The information that we get in that report was sent to Congress on the 2d day of January, 1889, whereas these appropriations go back to orders made by the Postmaster-General in 1885. Now, I want to know whether or not any estimates were made by the Department and sent to Congress between 1885 and 1889 asking for these appropriations.

Mr. SAYERS. There has been no estimate at all; but I will state

to the gentleman from Arkansas that the committee in recommending this appropriation have followed the policy adopted by Congress at the last session, when an appropriation was made to pay employés of the War Department for extra service. Wherever the eight-hour law applied and employés were compelled to labor more than eight hours per day, Congress at its last session authorized payment for the extra labor, and this clause in the pending bill does nothing more than follow the policy which was settled in the last Congress in reference to those employés in the War Department.

Mr. ROGERS. Mr. Chairman, I find no fault with the action of the Appropriations Committee in inserting this provision in the deficiency bill. Indeed, I think they did right in inserting it, otherwise I should have interposed a point of order, which I think the Chair would have been compelled to sustain. But I avail myself of this opportunity to invite the attention of the House to a practice which has grown up in the Departments, but which I think is more honored in the breach than in the observance. I read from paragraph 7, of section 9, of Article I, of the Constitution, as furnishing the basis for the criticism which I propose to make. It provides that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The manifest purpose of this provision of the Constitution is to keep the purse-strings of the nation in the hands of Congress. It is to prohibit either the Departments or other persons from entering into contracts or engagements of any description which shall become a claim or charge upon the Treasury in the absence of any provision by Congress authorizing the expenditure. Now, to illustrate this, if any one chooses to examine section 3738 of the Revised Statutes of the United States, it will be found to provide that "eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States." It is true, Mr. Chairman, that the Supreme Court, in the construction of this act of Congress, have said that it is not to be construed so as to prohibit any Department or executive officer from entering into contracts with citizens for a greater term of service than eight hours, but the manifest purpose of the law is to limit the work in the Department to eight hours a day. In the report of the Committee on Appropriations accompanying this bill, I find a communication from the Postmaster-General, transmitting to Congress certain orders as the basis of this claim against the Government of the United States, and I send to the Clerk's desk to be read the orders found upon page 14 of this report.

The Clerk read as follows:

POST-OFFICE DEPARTMENT EMPLOYÉS.

POST-OFFICE DEPARTMENT, *Washington, D. C., January 2*, 1889.

DEAR SIR: I have the honor to acknowledge receipt of your communication of the 19th ultimo, inclosing H. R. 11819, entitled "A bill for the relief of employés and late employés of the Post-Office Department," and requesting me to furnish you with a statement showing the number of employés contemplated by the bill, the time required of them in excess of the regular official hours per day, the amount of wages paid to each during the period that the orders of the Postmaster-General of April 11, 1885, and June 18, 1885, were in force, and such other information as, in my opinion, would aid the committee in the proper consideration of said bill.

In reply I beg to hand you herewith copies of the orders above referred to, together with the record of said employés, containing all the information requested.

I have the honor to be your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. C. L. ANDERSON, M. C.,
Chairman Subcommittee of the Committee on Post-Office and Post-Roads, House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 11, 1885.

Order No. 102.—Until further ordered the clerks in the appointment division, in the bond division, and such as may be required in the free-delivery and correspondence and salary and allowance divisions of the office of the First Assistant Postmaster-General, are required to attend from 6.30 until 9 o'clock in the evening for the purpose of facilitating the dispatch of applications and preparation of papers for action.

Mr. Fowler, acting personally for the First Assistant Postmaster-General, will personally direct the execution of this order.

WM. F. VILAS, *Postmaster-General.*

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 18, 1885.

Order No. 130.—Until further ordered the clerks of the several divisions of the office of the First Assistant Postmaster-General, including all detailed temporarily for work therein, are required to attend from 9 a. m. to 5.30 p. m. of each day; and the First Assistant Postmaster-General will assign to the appointment division such of the clerks in other divisions and during such hours as he shall deem most convenient.

Order No. 102, of April 11, is abrogated.

WM. F. VILAS, *Postmaster-General.*

Mr. ROGERS. It will be seen, Mr. Chairman, that this service was performed under positive orders made by the Postmaster-General; and on the opposite page of this report are the names of the parties who performed this service, the number of hours that they worked, and the amounts due them under the ordinary operation of law for the extra service thus performed. It will likewise be observed that this claim upon the Government—for it is properly not a deficiency, I take it, strictly speaking—this claim upon the Government which has arisen in pursuance of these orders issued in 1885, has been kept away from Congress until the present time; that is, until January of the present year. As to why these claims were kept away no explanation is given. But it will be found by examining section 3679 of the Revised Statutes that—

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

So that here was a direct and specific provision of the statutes (not the only one, either) prohibiting any executive officer of the Government from spending a dollar in excess of appropriations previously made; and as I before remarked and now reiterate, that provision of the statutes conforms to the spirit of the Constitution, which prohibits any expenditure of money from the Treasury *until appropriations* therefor have been made. So that it was impossible without violation of the provisions of this statute for any executive officer to expend money in excess of the appropriations made for the purpose.

This practice of compelling employés to work more than eight hours presents, therefore, a method of avoiding the operation of this statute by creating a claim against the Government, and that, too, in violation of another enactment of law which provides that eight hours per day shall be the ordinary time of service for employés of the Government.

[Here the hammer fell.]

Mr. STONE, of Kentucky, obtained the floor and yielded his time to Mr. ROGERS.

Mr. ROGERS. I thank the gentleman from Kentucky for his courtesy.

Mr. Chairman, the observations I have made are sufficient to invite the attention of the House and the country to the fact that this custom growing up in the Departments, of avoiding the provisions of the statute and creating claims against the Government without authority of law, is in express violation of the spirit of the Constitution of our country, which prohibits the expenditure of public money until appropriations have been made therefor. But this, perhaps, is not, as I said before, such a violation, because in its present status it is a mere claim against the Government—a claim that the Department had no right to create, arising in pursuance of an order, without authority of law. I say "without authority of law," because I have given the statutes a pretty careful examination, and I can find no law modifying these acts of Congress which I have just cited. I repeat that this practice, growing up, perhaps, under this as well as other administrations, brought this Congress to the consideration of a bill, going back and undertaking to adjust salaries over a period of twenty years, involving the Government in enormous expenditures, probably in great suits in the courts, and other difficulties of the kind which I have mentioned.

Mr. Chairman, inasmuch as these claims were created under the present Administration I am glad they have been brought to the attention of the present Administration, so that each administration shall at least clean up and clear up whatever may have been done wrong under it, if anything has been done wrong.

I desire also to call attention to a provision found in the act of May 1, 1884, volume 23, Statutes at Large, page 17, as follows:

* * * And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

I also desire to print the following tables as illustrating what has been done in this regard:

Record of employés, with estimated additional compensation, etc.

[Record of employés embraced in orders of the Postmaster-General dated, respectively, April 11 and June 18, 1885, requiring extra hours of duty in the office of the First Assistant Postmaster-General, from said April 11, over a period extending to the 18th day of November, 1885, covering one hundred and eighty-nine working days, or three hundred and forty-three and one-half hours, with estimated additional compensation computed upon a basis of 60 cents per hour for the extra time shown, with copies of the official orders of the Postmaster-General appended.]

Clerk.	Salary.	Extra hours employed each—		Grand total.	Total extra compensation, at 60 cents per hour.
		Day.	Night.		
E. C. Fowler*	$2,000	1½	2½	343½	$206.10
P. A. Tracey	1,600	1½	2½	343½	206.10
George G. Fenton	1,600	1½	2½	343½	206.10
Hugh Nisbet	1,600	1½	2½	343½	206.10
John Goldsborough	1,600	1½	2½	343½	206.10
George E. Gambrill	1,600	1½	2½	343½	206.10
W. V. W. Weaver	1,600	1½	2½	343½	206.10
William Van Vleck	1,200	1½	2½	343½	206.10
John B. Carns	1,600	1½	2½	343½	206.10
Lee S. Mortimer	1,600	1½	2½	343½	206.10
Thomas F. Rea	1,600	1½	2½	343½	206.10
E. S. Maloney	1,600	1½	2½	343½	206.10
J. W. F. Williams	1,600	1½	2½	343½	206.10
Henry G. Forker†	1,600	1½	2½	225	135.00

*Chief of appointment division. †Resigned August 15, 1885.

Record of employés, etc—Continued.

Clerk.	Salary.	Extra hours employed each— Day.	Night.	Grand total.	Total extra compensation at 60 cents per hour.
N. P. Aldrich *	$1,600	1½	2½	343½	$206.10
William S. Daniels*	1,600	1½	2½	343½	206.10
John N. Dorris	1,600	1½	2½	343½	206.10
Smith D. Fry	1,600	1½	2½	343½	206.10
F. D. Cleary	1,600	1½	2½	343½	206.10
A. E. Helm	1,400	1½	2½	343½	206.10
Louis E. Beall	1,400	1½	2½	343½	206.10
George H. Warner	1,400	1½	2½	343½	206.10
M. A. Turner	1,200	1½	2½	343½	206.10
G. M. Brumbaugh	1,200	1½	2½	343½	206.10
John T. Morton	1,000	1½	2½	343½	206.10
James R. Ash	1,600	1½	2½	343½	206.10
C. B. Dickey	1,600	1½	2½	343½	206.10
Charles McKay	1,200	1½	2½	343½	206.10
William P. Downer	1,200	1½	2½	343½	206.10
J. B. Shiley	1,200	1½	2½	343½	206.10
Asa P. Knight	1,200	1½	2½	343½	206.10
Warner Green	1,600	1½	2½	343½	206.10
W. H. Powell	1,600	1½	2½	343½	206.10
Thomas E. Roach†	2,000	1½	2½	343½	206.10
A. H. Scott‡	2,000	1½	2½	343½	206.10
H. A. Drury	1,200	1½	2½	343½	206.10
Benjamin Douglass§	1,200	1½	2½	223	133.80
W. B. Holtzclaw	900	1½	2½	343½	206.10
R. B. Brown	1,200	1½	2½	343½	206.10
K. K. Kennedy	1,400	1½	2½	343½	206.10
C. P. Grandfield ‖	1,000	1½	.....	103	61.80
Thomas B. Marche	1,809	1½	2½	343½	206.10
William G. Russell	1,400	1½	2½	343½	206.10
John H. Hunter	1,200	1½	2½	343½	206.10
Alphonse Girouard	1,000	1½	2½	343½	206.10
Samuel D. Brown	840	1½	2½	343½	206.10
I. E. Weller	1,400	1½	2½	343½	206.10
Arthur L. Hughes	1,000	1½	2½	343½	206.10
Charles W. Appler	1,400	1½	2½	343½	206.10
Charles C. Kimball	1,200	1½	2½	343½	206.10
James S. McGee	1,000	1½	2½	343½	206.10
Mrs. S. B. Ivons	1,200	1½	.....	193½	116.10
Miss Kate H. Bell	1,000	1½	.....	193½	116.10
A. B. Hurlbut	1,400	1½	.....	193½	116.10
B. A. Miller	1,000	1½	.....	193½	116.10
Mrs. P. J. Gordon	1,000	1½	.....	193½	116.10
Mrs. Flora F. Hodge	1,200	1½	.....	193½	116.10
C. W. Smedes	1,000	1½	.....	25½	15.30
Miss Marie De Ronceray	1,200	1½	.....	193½	116.10
Miss Helen Fowler	1,200	1½	.....	193½	116.10
Mrs. M. C. Fountain	1,400	1½	.....	193½	116.10
Mrs. May Barlow	1,000	1½	.....	193½	116.10
Miss Lizzie Caperton	900	1½	.....	193½	116.10
Mrs. U. G. Cunningham	1,200	1½	.....	193½	116.10
Mrs. J. A. Converse	1,200	1½	.....	193½	116.10
Miss D. P. Woodruff	1,200	1½	.....	193½	116.10
W. C. Pennywith	1,200	1½	2½	343½	206.10
Frank A. Warner	1,200	1½	2½	343½	206.10
Thomas H. Fuller	1,000	1½	.....	193½	116.10
E. F. Harris	1,000	1½	.....	193½	116.10
T. G. Munce	1,000	1½	.....	193½	116.10
L. S. Anderson	1,000	1½	.....	193½	116.10
Henry G. Griswold	1,000	1½	.....	193½	116.10
R. H. Neal	720	1½	.....	193½	116.10
Total					12,927.90
F. A. Springer ¶	1,200	1½	.....	193½	116.10
Grand total					13,089.00

RECAPITULATION.

1885.	Dates.	Working days.	Extra hours each night.	Total extra hours.
ORDER OF APRIL 11, 1885.				
April	11 to 30	17	2½	42½
May	1 to 31	27	2½	67½
June	1 to 18	16	2½	40
Total		60		150
ORDER OF JUNE 18, 1885.				
June	19 to 30	10	1½	15
July	1 to 31	26	1½	39
August	1 to 31	26	1½	39
September	1 to 30	26	1½	39
October	1 to 31	26	1½	39
November	1 to 18	15	1½	22½
Total		129		193½
Grand total		189		343½

* Stenographer.
† Chief bond division.
‡ Chief salary and allowance division.
§ Removed October 19, 1885.
‖ Appointed August 28, 1885.

¶ F. A. Springer, clerk of class 1, performed extra service in the office of the First Assistant Postmaster-General for two and one-half hours from April 11, 1885, to June 1, 1885. No record having been kept, I can not tell exactly the number of hours Mr. Springer worked, but with few exceptions he was present during the time noted.—JAS. R. ASH.

Mr. BUCHANAN. I do not understand that the gentleman from Arkansas [Mr. ROGERS] objects to the payment of these claims.

Mr. ROGERS. I expressly said that I did not; I think the claims are just and ought to be paid.

Mr. BUCHANAN. The gentleman's criticism goes rather to the conduct of the Postmaster-General in creating these claims. Now, the gentleman as well as this committee will remember that there are at times great emergencies thrust upon administrations. I find that these claims arose almost entirely in the appointment and salary divisions. In April, May, and June, 1885, there was an emergency cast upon the "civil-service reform" administration of President Cleveland; that is to say, the hasty removal of officials throughout the country and the substitution of new and untried men. This necessitated the working of these clerks in the appointment division during extra hours; and as these tried officials were removed it became necessary to adjust their accounts; and it was a matter of mercy to them that these extra services were rendered and the accounts adjusted, for even with this additional amount of work performed during these extra hours, some of these accounts, to my personal knowledge, remained for over two years untouched, even in instances where the amounts were small.

Now, the gentleman from Texas [Mr. SAYERS], who the other day objected to an item of precisely similar character which I offered by way of amendment to this bill, will allow me to call his attention to the character of this paragraph. It is a provision for the payment to employés of money honestly earned by them when acting under the command of their superior officer, a precisely similar case to that which I presented the other day, and to which the gentleman was swift to raise a point of order. I have some objection, sir, to points of order being confined entirely to the Committee on Appropriations. I think that they who invoke the law so earnestly and so often ought at least to keep within speaking distance of the law themselves.

I also want to call the gentleman's attention to another gross infraction of the parliamentary law which he invoked against me the other day. I want to call his attention to two items in this bill on page 8, where he makes appropriations for two public buildings in Texas, not only without authority of law, but expressly against the statute law, the language of the bill being "for completion in excess of the limit," etc.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. BUCHANAN. Certainly.

Mr. SAYERS. Mr. Chairman, when those items were put upon the appropriation bill I distinctly stated to the committee that I did not insist upon them; that if they were contrary to law and any member thought it his duty to raise a point of order upon them, he could do so.

Mr. BUCHANAN. Ah! But the gentleman himself did not raise the point of order that they were in violation of statute law.

Mr. RANDALL. But the report states the fact.

Mr. BUCHANAN. I only ask that fair dealing all round be followed in this matter. That is all I ask; and that I do insist upon.

Mr. CANNON. I move to strike out the last word for the purpose of having section 4 of the act approved March 3, 1883, read by the Clerk.

The Clerk read as follows:

SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employés of whatever grade or class in their respective Departments not less than seven hours of labor each day, except Sundays and days declared public holidays by law or executive order: *Provided*, That the heads of the Departments may, by special order stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments, respectively, but in case of an extension it shall be without additional compensation; and all absence from the Departments on the part of said clerks or other employés in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay.

Mr. CANNON. I want to say under the terms of that provision the time of service may be extended from seven to ten or twelve or any other number of hours, but it is expressly provided that it shall be without additional compensation.

Mr. ROGERS. What is the date of that act?

Mr. CANNON. March 3, 1883. It has been the practice of Congress on several occasions, notwithstanding the terms of that law, where it has been found necessary to extend the hours of labor in any Department, to pay for the extra hours' work—notably in the Treasury Department during the refunding period, and in the War Department, in the Adjutant-General's Office, where the number of hours was extended. We have those precedents and that the committee submitted this on the recommendation and with the approval of the Postmaster-General, but stating, as I state now, there is no obligation incurred nor is there any legal obligation on the part of the Government. In the line of precedent it is believed to be equitable they should receive compensation for extra hours' work. It is for the House to determine whether under this supposed equity they shall have this compensation.

Mr. ROGERS. One moment. I have not found the statute cited by the gentleman from Illinois. That does not authorize this expenditure—this remaining balance from April 11 to June 13.

Mr. BRECKINRIDGE, of Kentucky. I move the following amendment.

The Clerk read as follows:

Amend by inserting, after line 18, page 39, the following, to wit: "To pay Mississippi Central Railroad Company, $4,636."

Mr. SAYERS. I desire to raise a point of order on that amendment.

Mr. BRECKINRIDGE, of Kentucky. What is the point of order?

Mr. SAYERS. There is no law authorizing the payment.

Mr. BRECKINRIDGE, of Kentucky. On the contrary, Mr. Chairman, there is a law authorizing the payment of it. It has been audited long ago and the claim has been allowed by the proper accounting officers of the Treasury.

By Executive Document No. 210, Forty-ninth Congress, first session, House of Representatives, it will be found this is one of the claims allowed by the proper accounting officer of the Treasury with the approval of Mr. Fairchild, the then Acting Secretary. In that Department will be found the letter of D. McConville, the Auditor for the Post-Office Department, under date Washington, D. C., January 19, 1886, in reference to this claim, which was transmitted to Hon. Daniel Manning, the Secretary of the Treasury. It is a debt audited and due under authority of law.

Mr. CANNON. What is the date of the claim?

Mr. BRECKINRIDGE, of Kentucky. It is an old claim, but it is not barred by any statute.

Mr. CANNON. What is the date?

Mr. BRECKINRIDGE, of Kentucky. I will send to the Clerk and have read from page 17 and page 34 of the document to which I have referred.

The Clerk read as follows:

[See Executive Document No. 26, House of Representatives, first session Forty-seventh Congress, page 77.]

Claim.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
The Mississippi Central R. R. Co.: For amount of Post-Office Department drafts in favor of W. Goodman, president of the Mississippi Central R. R. Co., dated August 17, 1861, in payment for mail transportation from April 1 to May 31, 1861, returned and canceled in April and May, 1866.	Deficiency in postal revenues, 1882 and prior years.	1861.....	$4,636.01

Mr. SAYERS. Before the amendment is submitted I ask the gentleman from Mississippi [Mr. MORGAN] to state what he knows in reference to this claim.

Mr. BRECKINRIDGE, of Kentucky. I can not be taken off the floor to have any testimony introduced. When that testimony is introduced I hope I will have an opportunity to cross-examine the witness. I ask the Clerk to read from page 34 of the same document.

The Clerk read as follows:

Claim No. 137 is of a different nature. The records of this office show that a settlement was made with the Mississippi Central Railroad Company in August, 1861, the balance found due being paid in part by a post-office warrant on the Treasurer of the United States, and in part by "Auditor's" or "collection" drafts drawn on postmasters on or near the road. Had the whole amount been paid by warrant, as the statutes contemplated, and the company had a right to demand, the mail service not being under contract and the company not therefore obligated to make collections, payment of the warrant would have closed the account. If the warrant had been returned unpaid funds would have been released to meet the issue of a new warrant without action of Congress.

The drafts issued were in the nature of "bills" for the collection of balances due by postmasters. When evidence of the collection of such drafts is received, then, and not until then, the proper appropriation is charged with the amount received by the contractor, if due him on account.

The amount reported to be due the company is the the total of such collection drafts returned by the company in 1866 as "not collected." There being no funds available to pay the balance, the claim was included in the estimates of claims under the act of July 7, 1884. I am of the opinion that justice to this creditor requires that the claim be again submitted with a full statement of the nature of the case.

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Chairman, on the point of order permit me to state that you will see from the communication just read that there was service performed under the law; that this service was paid for in the shape of drafts, which drafts were not collected, but were returned, and therefore it is still an unpaid debt, a subsisting obligation upon the Government, if it means to pay such claims.

Mr. CANNON. Will the gentleman allow me?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. CANNON. Can the gentleman state whether this man was paid by the Confederate government?

Mr. BRECKINRIDGE, of Kentucky. I know nothing about whether he was so paid or not. I was not postmaster-general of the Confederate States, nor was I in the postal service of the Confederacy, and can only answer from information. I am informed that he was not paid.

Now I will yield to the gentleman from Mississippi.

Mr. DINGLEY. Was the service performed for the Confederate government carrying their mails?

Mr. BRECKINRIDGE, of Kentucky. If I caught the question of the gentleman from Maine aright, it was whether this service was performed for the Confederate government?

Mr. DINGLEY. That was the question.

Mr. BRECKINRIDGE, of Kentucky. Of course it was not. It was performed for the United States Government; it was settled by the United States Government; the contractor did the service for the United States Government; it was paid by the United States Government in the shape of drafts, and the drafts were drawn on other persons and were not paid. The drafts were returned, and the contractor has not been paid, and that is all. There is no question of war, there is no question of belligerency, none of loyalty. It is simply a question, a plain, simple question, of whether the Government will pay a debt twenty-eight years of age; that is all.

I now yield to the gentleman from Mississippi, who, I believe, wishes to make a statement.

Mr. MORGAN. Mr. Chairman, at the first session of this Congress the attorneys in charge of this claim came to me and asked me to offer a bill providing for the payment of the claim and press it before Congress. I addressed a letter to the Secretary of the Treasury for the purpose of ascertaining the facts in the case; and the papers were presented to me for examination. My examination resulted in the ascertainment of these facts: Here was a claim for the transportation of the mails, maturing in 1861, which was audited by the Treasury Department, and the holders of the claim, or of this particular part, war having already broken out but not being declared, preferred to have the drafts for the payment of the claim upon Southern post-offices, and they were drawn upon Southern postmasters, the whole of them divided up so as to get them in as good shape as possible for collection, and in that shape were received by the party. I have never yet been able to find from any man living that the money was not collected.

Now, this road, for whose benefit this amendment is suggested, after the close of the war had a mortgage resting upon it, and under that mortgage it was sold to the creditors of the road, who are now claiming this fund as one of the assets that should have passed. But the road and its stockholders, or somebody else, are also claiming it. Upon an ascertainment of these facts I returned the claim to the gentlemen and advised them to have it put into the hands of a committee for the purpose of an investigation. They said it was too late to do that. I then suggested that they go to the Senate committee and let a committee there investigate it and pass upon it. This they did not do, and now this amendment is offered here precisely as it was put in my hands for the purpose of getting it acted upon by the House.

Mr. HOPKINS, of Illinois. Let me ask the gentleman—but I believe you are against the claim?

Mr. MORGAN. I am against the claim. I do not believe it is a just claim. I believe that these parties have got their money already.

Mr. HOPKINS, of Illinois. Should it not go to the War Claims Committee, anyhow?

Mr. MORGAN. It should be investigated by some committee, and not be put upon the bill in the shape of an amendment, as now proposed. They declined to let it be investigated, and now it comes here for action.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman has concluded——

Mr. HOPKINS, of Illinois. Would it not be better to have it embodied in a separate bill and then send it to the War Claims Committee?

Mr. MORGAN. In my judgment the right committee would be this very Committee on Claims. Let them take it under consideration and investigate it. But these parties decline to allow that.

Mr. BRECKINRIDGE, of Kentucky. The only objection to what my friend from Mississippi suggests is that this is exactly what I tried to do, but failed. I went personally to the gentleman in charge of this bill and handed him the report, and asked to have it investigated.

Mr. HOPKINS, of Illinois. But is not this the wrong committee? Is not the War Claims Committee the proper one to investigate it?

Mr. BRECKINRIDGE, of Kentucky. No, sir; I think not. This is exactly the committee, because this is a deficiency just like the millions of dollars for pensions passed this morning. It is a debt due by the Government for services rendered and unpaid, and is a deficiency.

Mr. MORGAN. Let me ask the gentleman this one question: Can you say that this has not been paid?

Mr. BRECKINRIDGE, of Kentucky. As the gentleman from Mississippi is aware, for I consulted him about it, I know nothing at all of the details of the case except the fact that the Sixth Auditor reports this matter as a valid claim, and I know nothing else except what that report and the recommendations of the Secretary show. That is the whole of it.

Mr. MORGAN. Now, I venture this assertion from the little investigation I have made, and that is: That this claim was probably paid in 1861 by the Confederate States government out of money belonging to the United States. [Laughter on the Republican side.]

The CHAIRMAN. The Chair understood the gentleman from Texas to submit a point of order.

Mr. SAYERS. I will just take a ruling upon the point of order without discussing the amendment.

The CHAIRMAN. Will the gentleman from Texas again submit his point of order.

Mr. SAYERS. I made the point of order——

The CHAIRMAN. The Chair simply desires to hear the point of order, and not the merits of the question.

Mr. SAYERS. I will withdraw the point of order and take a vote upon the amendment.

Mr. BRECKINRIDGE, of Kentucky. I think it is due for me to say that if the gentleman from Mississippi will say upon his character as a gentleman and a member of this House that he believes it to have been paid I shall withdraw the amendment.

Mr. MORGAN. I say this——

Mr. BRECKINRIDGE, of Kentucky. Wait a moment. Because if he has investigated and found that it ought not to be paid I will withdraw it; but if he says that loosely and only thinks the claim is a claim which was paid by the Confederate government, then I think it ought to be paid. Now, if the gentleman will say that he believes it has been paid——

Mr. MORGAN. I will say this: I investigated this subject with the intention of presenting it if I found out, in my opinion, it was an appropriation proper to be provided. I became satisfied that there was so much doubt about its being just and of its having been paid, that I came to the conclusion that it should be investigated. I recommended that it should be, but the gentleman who was in charge of the matter declined to permit an investigation in the manner I suggested.

Mr. BRECKINRIDGE, of Kentucky. Instead of the gentleman that brought it to me declining any investigation, at his request I went to the gentleman in charge of the deficiency bill, the late Judge Burnes, and handed him these papers and asked him to investigate this claim. He died; and when I was informed that my friend from Texas [Mr. SAYERS] had charge of the bill, I took the papers to him and asked him to investigate it, and I understood from the gentleman from Texas, if he will allow me to say what occurred, that the matter was so complicated with other claims—*ante-bellum* claims about postal service that had been before the House and the Committee on Appropriations—that he did not feel willing to introduce another one of these claims; therefore, there was nothing left except to bring the matter before this committee. This was the committee on the deficiency bill. I was left with no other remedy, having gone to the two gentlemen who had had the matter in charge.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOOKER. I move to strike out the last word.

Mr. MORGAN. I desire to make a single statement. When the attorneys representing this claim placed it in my hands, having exhausted every other source of information that I could obtain, I went to Mr. Burnes and asked him about it; and he told me that he had given it investigation and was satisfied the claim ought not to be allowed; and especially that it ought not until after a careful and searching examination had been made.

Mr. HOOKER. I desire to say a single word, not especially in regard to this claim, because I know nothing of the facts; but as a matter of history it will be borne in mind by those who were here in former Congresses, that at the time there was a bill passed appropriating $375,000 for the purpose of paying the just claims of those who were contractors for the transportation of the mails by all the methods devised—by rail, steamboat, and star route—and that it became a law. It was decided, however, by the Department that they would not pay any of the claims until all the claims were in, and then that they would pay pro rata according to the amount of the appropriation.

Another difficulty grew out of it. I am sorry to say that there were some claims presented on which payment had been made by the Confederate government, and therefore they were improper and unjust claims; but there still remain due now a large number of claims which have not been paid. I mention this as a part of the history of legislation upon the subject. I am not familiar enough with the merits of the question in the present issue to say whether this is one of those claims.

Mr. BRECKINRIDGE, of Kentucky. With the statement made by my friend from Mississippi [Mr. MORGAN] I do not desire to press this amendment to a vote, but withdraw it.

Mr. ROGERS. I renew the amendment for the purpose simply of asking unanimous consent to print another provision of the statute and a table in connection with my remarks delivered a moment ago.

There was no objection, and leave was granted.

The Clerk read as follows:

Fees and expenses of marshals: For payment of special and deputy marshals at Congressional elections, $124,000: *Provided*, That of the appropriation of $675,000 for fees and expenses of United States marshals and deputies for the fiscal year 1889, not exceeding $400,000 may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

For fees and expenses of marshals United States courts, being a deficiency for the fiscal year 1888, $50,000.

Mr. BUCHANAN. I move to strike out the last word, and do so for the purpose of asking a question of the gentleman in charge of the bill. Does this provide for the payment of special deputy marshals at the last Congressional election and include the whole deficiency for that purpose?

Mr. SAYERS. For the information of the committee and the gentleman from New Jersey, I will ask to have inserted in the RECORD a list of the items which go to make up that appropriation. We give them every dollar they ask.

The list is as follows:

Special deputies, Congressional election, 1888.

Alabama, middle and southern	$1,230	
California, southern	2,460	
California, northern	6,885	
Colorado	625	
Connecticut	1,600	
Georgia, southern	10	
Illinois, northern	19,450	(or $24,840)
Indiana	2,500	
Louisiana, eastern	1,250	
Maryland	6,400	
Massachusetts	6,530	6,390
Missouri, eastern	3,100	129,055
		135,445
New York, northern (1886)		9,730
		145,175
New York, southern	49,100	
New York, eastern	19,100	
Ohio, southern	2,305	
Pennsylvania, western	4,730	
Pennsylvania, eastern	300	
South Carolina	250	
Virginia, eastern	1,440	
Total	129,055	

Mr. BUCHANAN. I want information from the committee as to whether this makes full payment, and the reason I ask is this, because, at least in my section, the number of special deputies appointed last fall was larger by about one-third than ever known before and much larger than the increase in the number of precincts.

Mr. SAYERS. I will state to the gentleman this, that the representative of the Department of Justice who was before the subcommittee stated to us that it was impossible for him to ascertain the entire amount, but that the Department of Justice felt authorized to ask for this much.

Mr. BUCHANAN. How long ago was that?

Mr. SAYERS. I think that was last week, just before the bill was reported.

Mr. BUCHANAN. It is several months since this expense was incurred. Does the gentleman say that it is impossible for the Department of Justice to give the amount of expenditure incurred by that Department for this purpose in the early part of last November?

Mr. SAYERS. That is the statement we have received—that the amounts had not all been reported to the Department.

Mr. BUCHANAN. I ask the question because, as I have said, I do know that in some sections of the country the expense was much larger than usual, and I am extremely anxious that, in the words of the gentleman from Arkansas [Mr. ROGERS], this administration shall clean up its own debts.

Mr. SAYERS. There was no effort upon the part of the committee to withhold any dollar that was necessary to pay for those services.

Mr. BUCHANAN. I was not impugning the action of the committee at all. It acted, evidently, according to all the light that it had. I withdraw the amendment.

The Clerk read as follows:

To compensate A. L. Rhodes, special counsel in the Mare Island case, being the remaining portion of his fee of $6,000, fiscal year 1888, $1,000.

Mr. BAYNE. Mr. Chairman, I desire to offer an amendment, but I shall ask unanimous consent to go back to the part of the bill relating to the Treasury Department, where this amendment would be more appropriate.

Mr. SAYERS. Let the amendment be read.

The amendment was read, as follows:

That the sum of $2,345.44 be, and the same is hereby, reappropriated, being the unexpended balance of the amount appropriated by the act of March 3, 1885, for pay of disbursing agent of the Coast and Geodetic Survey for the fiscal year 1886, and that the same be paid to William B. Morgan, late disbursing agent of the Coast and Geodetic Survey for allowance of pay from July 24, 1885, to June 30, 1886, inclusive.

Mr. SAYERS. I shall be compelled to raise the point of order upon the amendment. That is a mere claim.

Mr. BAYNE. I ask the gentleman to reserve the point of order for a moment.

Mr. SAYERS. Very well.

Mr. BAYNE. Mr. Chairman, Mr. Morgan was disbursing clerk for the Coast and Geodetic Survey. Shortly after the present administration came into power some of the officers of the Treasury Department felt that there was mismanagement, corruption, and fraud in that bureau. Those officials were perfectly right, because subsequent events and evidence showed that there was corruption and mismanagement of a very grievous character in that bureau. One of the victims of the suspicions of the Treasury officers was Mr. Morgan, the disbursing clerk.

He was suspended, and his accounts were examined and he was put upon the defensive——

Mr. SAYERS. Will the gentleman permit a question right there?

Mr. BAYNE. Yes, sir.

Mr. SAYERS. Did this gentleman render any service to the Government during the time for which this amendment provides to pay him?

Mr. BAYNE. I was coming to that. Mr. Morgan, I say, was suspected of malfeasance in his office there. An examination was made, evidence was taken, he was put upon the defensive, and for more than a year he was occupied in defending himself against charges which were subsequently ascertained to be entirely groundless.

Through no fault of his he was suspended, and through no fault of his he was subjected to this examination, this trial as it were, and a whole year of his time was consumed in efforts to defend himself against charges in which at last there was found to be absolutely nothing. It is a clear case of injustice on the part of the Government toward this officer. There was probably some foundation for suspecting him, because at the beginning there was not that accurate knowledge as to the real offenders which was afterwards obtained, but subsequently those real offenders came to light, and Mr. Morgan was not one of them. His skirts were absolutely and perfectly clear and clean.

Mr. O'NEILL, of Missouri. And I understand that since his dismissal and subsequent trial no dereliction of duty on his part has been shown?

Mr. BAYNE. None whatever. The Department gave him a certificate that he was entirely exculpated from any and every charge, and that it was a mistake to have suspended him.

Mr. O'NEILL, of Missouri. And I understand that the position which he filled is still vacant.

Mr. BAYNE. The position is still vacant. There is another question involved here, Mr. Chairman. There was an appropriation to pay this gentleman. The appropriation was actually made; that money has not been paid out of the Treasury at all, and the amendment which I offer is a reappropriation of that money. Now, I submit to my friend from Texas [Mr. SAYERS] that this is a case where it would be well enough not to raise the point of order, but to let justice be done.

Mr. SAYERS. I shall be forced to raise the point of order, Mr. Chairman.

Mr. BAYNE. One word, Mr. Chairman, on the point of order. There was an act of Congress appropriating the money to pay for this service. That act is still in force. That appropriation still exists.

This service was rendered up to the time of the suspension of the disbursing clerk. His suspension was supposed to be for cause; but, as subsequently ascertained, it was not for cause at all, and the Department says so. Now, is it not competent to make this appropriation under existing law, the Government having ascertained that it suspended an officer without cause when it thought it was suspending him for cause? In other words, Mr. Chairman, is not this case analogous to the case of a simple employment for a year, the dismissal of the employé by reason of some alleged dereliction of duty, and a suit brought in court, the evidence disclosing all the facts and making it clear that there was no such dereliction of duty? In that event the plaintiff would beyond all doubt recover in an action in a court of justice. And is not this case analogous to that? For this reason should *not this employé* of the Government receive his compensation?

The CHAIRMAN. The Chair does not precisely understand the facts. Does the amendment propose to pay salary up to the time of the dismissal of the officer, or afterward?

Mr. BAYNE. It is to pay the officer for the time during which he was suspended—for the year for which an appropriation was made. It is for the balance.

The CHAIRMAN. The Chair thinks the point of order is well taken on this amendment if it relates to service performed after the dismissal of the officer.

Mr. BAYNE. He was suspended; not dismissed.

The CHAIRMAN. Well, if that is the status, the Chair will hear the gentleman from Texas [Mr. SAYERS] on that point.

Mr. SAYERS. My understanding is that he was dismissed.

Mr. BAYNE. I do not understand that he was.

Mr. SAYERS. I so understand. I do not speak from personal knowledge, however—merely from information.

Mr. BAYNE. I will ask that this amendment be withheld for a moment or two until I can ascertain whether there was an actual dismissal or not.

Mr. SAYERS. The amendment can remain on the table while we go on with the bill.

The CHAIRMAN. In the absence of objection this amendment will be laid aside with the privilege of returning to it hereafter. The Clerk will continue the reading of the bill.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay the widow of the late James N. Burnes the amount of salary for the unexpired term of his service as a member of the Fiftieth Congress, $545.51.

Mr. FORAN. I move to amend by inserting after the paragraph last read the following:

To pay Samuel D. Craig for extra work on, and making new indexes to, the Calendar of the House, as per resolution of July 27, 1888, $600.

Mr. SAYERS. I desire to raise a point of order on that amendment.

Mr. CRAIN. What is the point of order?

Mr. SAYERS. If the gentleman will allow me, I will proceed to state it.

Mr. FORAN. I would like to hear the gentleman on the point of order before we discuss the merits.

Mr. SAYERS. Mr. Chairman, a resolution was adopted by this House at the last session directing the Committee on Appropriations to place on a certain bill designated by number an item of $600 to compensate Mr. Craig, the tally clerk, for some extra services. The Committee on Appropriations did not put that item in the deficiency bill. When that bill had been reported to the House and was under consideration in Committee of the Whole an amendment was offered by the gentleman from Michigan [Mr. TARSNEY]—I am not quite sure it was that gentleman, but I believe it was—appropriating $600 for the payment of these extra services. The Committee of the Whole then considering the bill voted the amendment down.

I base the point which I raise on these grounds: First, that there is no law or rule of the House, independent of the resolution to which I have referred, which authorizes the payment of this money. In the second place, if it should be held that this resolution would be sufficient to justify the payment of this money, then I state that the resolution had reference to a particular bill—not the bill under consideration, not any bill reported to this House during this session, but the last deficiency bill, the deficiency bill of the first session of the present Congress.

Mr. STEELE. Let me ask the gentleman, were not these services performed?

Mr. SAYERS. Well, to be candid with the gentleman, I will say I do not think the services were worth the money. But that goes to the merits of the case.

Now, the resolution adopted by the House was exhausted when the gentleman from Michigan [Mr. TARSNEY] offered the amendment and the Committee of the Whole voted it down—refused to pass it. This proposition increases the pay of this officer to the amount of $600 beyond the statute.

Mr. FORAN. First, one word as to the merits of this amendment. During the second session of the Forty-ninth Congress the pay of four of the five clerks at the Speaker's desk was increased from $3,000 to $3,600. In that proposition Mr. Craig was left out and his pay remains at $3,000 per annum. At the beginning of this Congress he was directed by a resolution of the House to make indexes of the Calendars of the House.

MESSAGE FROM THE SENATE.

The committee informally rose (Mr. LANHAM in the chair as Speaker *pro tempore*); and a message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage by that body of a bill (H. R. 12485) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, with amendments in which concurrence was requested.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6364) to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas or adversely thereto, and for other purposes.

A bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes.

Mr. CARLTON, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session (Mr. ROGERS in the chair).

Mr. FORAN. The work entailed by this action of the House on Mr. Craig was enough for one man, although no extra compensation was provided for it. The resolution introduced early in the Fiftieth Congress——

The CHAIRMAN. Can the gentleman cite that resolution? The Chair would like to know the language of it.

Mr. FORAN. I will send it up. First, there was a resolution introduced directing the Clerk to pay $600 out of the contingent fund of the House. That resolution was referred to the Committee on Accounts, and that committee made the report which I will send to the Clerk's desk to be read.

The Clerk read as follows:

To the Appropriations Committee of the Senate of the United States:

The undersigned members of the Committee on Appropriations of the House of Representatives respectfully ask that you place the following amendment to the deficiency bill, as per the resolution hereinafter set forth, which was adopted by the House on the 27th day of July, 1888.

PREPARATION OF INDEX, CALENDARS, HOUSE OF REPRESENTATIVES.

Mr. FLOOD. I desire to submit a priviledged report from the Committee on Accounts.

The Clerk read as follows:

"*Resolved*, That the Clerk of the House be directed to pay to Samuel D. Craig, out of the contingent fund of the House, the sum of $600, in full compensation for preparing an index of the Calendars of the House for the first session of the Fiftieth Congress.

"The Committee on Accounts, to whom was referred the resolution providing for the payment out of the contingent fund of the House to Samuel D. Craig the sum of $600 for extra services in the preparation of the Calendars, having considered the same, report that, in the judgment of your committee, the amount asked is very reasonable. The extra work on the Calendars is 40 per cent. at least in excess of any previous session, and there has been added an index (prepared by Mr. Craig) which has been of great benefit to the members as well as the public at large. The compilation of this index alone is well worth the sum asked, and the committee would recommend the passage of the resolution if the same were a legal charge upon the contingent fund; but as it is not, your committee therefore report the following substitute and recommend its adoption:

"*Resolved*, That there be paid to Samuel D. Craig the sum of $600 for extra services in connection with the preparation of the Calendars and indexing the same for the first session of the Fiftieth Congress, and that the Committee on Appropriations be directed to provide for the payment of said sum in the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes."

The SPEAKER *pro tempore*. The question is on agreeing to the substitute proposed by the Committee on Accounts.

The substitute was adopted.

The resolution as amended was agreed to.

Mr. FORAN. The Chair will notice the words of this resolution:

Resolved, That there be paid to Samuel D. Craig.

The words are explicit. They admit of no doubtful meaning.

Resolved, That there be paid.

It was further resolved that this item be placed in the general deficiency bill. The Committee on Appropriations disregarded the action of the House, as it frequently does, and failed to insert the item in the deficiency bill for that session. It is said because it was not inserted in the bill of the last session it can not be inserted in this bill.

The language of the resolution reported by a committee of co-ordinate jurisdiction and adopted by the House is "resolved there be paid to Mr. Craig." I understand the point of order to be, because that was voted down in Committee of the Whole, it operates as a repeal. I do not think it does. The resolution directing this item to be placed in the deficiency bill of last session was passed by the House, and no act of a committee, even the Committee of the Whole, can repeal directly or by implication a solemn act of the House.

Mr. CRAIN. I understand that my colleague makes the point of order in the first place that there is no existing law justifying this appropriation, and in the second place that if there were any existing law that the Committee of the Whole not having acted on the appropriation, and the Committee on Appropriations having failed to do its duty by refusing to carry out the instructions of the House under the resolution which was adopted, it is practically void and of no effect. I believe he has made the further point that it is an increase of salary. It seems to me this last objection would be good if it were an original proposition submitted to this committee for the first time, but not in reference to a resolution adopted by the House and having the force of law.

Will the gentleman from Texas having charge of this bill contend because an officer instructed by law to perform a certain duty fails to perform that duty therefore the law is repealed? Will he contend because the Committee on Appropriations refuses to do what it was instructed to do by a vote of the House therefore the action of the House is repealed? There is no more force in the other proposition that because the Committee of the Whole did the same thing therefore it is repealed.

Mr. Chairman, this resolution directs that this man shall be paid, and it goes further and specifies the manner in which it shall be done. Would not the first part of the resolution be pending to-day if the second part had not been added? Suppose the resolution simply declared there should be paid the sum of $500 to Samuel D. Craig without specifying the manner in which it should be paid, is not that existing law? But when the House goes further and directs the manner in which it shall be paid who can doubt it?

No committee of this House, whether it be the Committee on Appropriations or the Committee of the Whole House on the state of the Union, has the right to repeal a resolution which has been adopted by the House. The only way in which it can be done is upon a motion to reconsider in the House and a vote in favor of the repeal of the resolution, or by a vote in the House rescinding or repealing the resolution itself. But what this committee can not actually do by a vote, namely, repeal a resolution of the House, it is contended by my colleague that it can accomplish by indirection; that is, refusing to do what the House has directed it to do. There is nothing in the point of order raised here so far as this question is involved; and, as I said before, while the point of order raised upon the proposition of the gentleman from Pennsylvania, submitted by the chairman of the committee, that it is an increase of pay, would be good if this were an independent proposition submitted to the committee for the first time, it is not tenable when it is predicated upon a resolution which is of binding force and effect and which has the force and effect of law when adopted by a vote of the House, which no committee has a right to repeal either by direction or indirection.

The CHAIRMAN (Mr. ROGERS in the chair). If this question was presented now as it was at the last session of Congress the Chair would, without reference to whether the ruling heretofore made was right or wrong, confirm that ruling; but the question presented now is a very different one. This resolution provides that provision shall be made in a special bill which is named in the resolution for a certain purpose. As the Chair understands it that provision was made, or if not made directly by the Committee on Appropriations it was brought before the House and voted upon by the House.

Mr. FORAN. Voted upon in the Committee of the Whole.

The CHAIRMAN. Well, by the Committee of the Whole, and therefore all that the Committee on Appropriations had been required to do by the House was done, and their power was exhausted in that respect when they complied with the terms of the resolution.

Mr. TARSNEY. But that was during this session of Congress.

The CHAIRMAN. The Chair understands that; but this resolution provides "that there shall be paid to Samuel D. Craig the sum of $600 for extra services in connection with the preparation of the Calendars and the indexing of the same for the first session of the Fiftieth Congress, and that the Committee on Appropriations is directed to make provision for the payment of the same in the bill H. R. 10896."

The Chair does not understand this to be such a bill, or the particular bill referred to in the resolution, but another bill at another session of Congress, and the only similarity between them is that this is also a deficiency bill; so that the resolution passed by the House of Representatives directing the Appropriation Committee what to do was exhausted when that was done.

Now another appropriation bill is before the House, and it is proposed, in accordance with the terms of that resolution, to insert this provision on this bill. But the point of order is made, and we are compelled to fall back upon the language of the rule which provides that "no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto that is not authorized by law." This resolution to which the Chair has referred is not a law in the meaning of the rule quoted, the Chair thinks, but is a mere resolution instructing the Committee on Appropriations to do a certain act at a certain time; and the Chair understands that there is no law in existence authorizing this appropriation, unless this resolution, which the Chair does not think has the force of law in the meaniug of the rule, is still in force. The Chair thinks it has not. With the utmost deference to the Chairman of the committee who ruled on this question before, the Chair thinks, in conclusion, that the proposition now is placed upon an entirely different footing from what it then occupied, and that the point of order is well taken.

Mr. CRAIN. I appeal from the decision of the Chair.

Mr. PETERS. Will the Chair permit me to call his attention to a question of fact which the Chair assumed, as I understand, in his ruling?

The CHAIRMAN. Of course the Chair will hear the gentleman from Kansas; but the gentleman from Texas appeals from the decision of the Chair, and the Chair thinks the appeal is not debatable.

Mr. PETERS. I would like to make this parliamentary inquiry: If the Chair becomes advised that it has made a mistake in regard to a question of fact, upon which it predicates the decision, would not that change the ruling?

The CHAIRMAN. Unquestionably, if opinion turns on such fact.

Mr. PETERS. I understand this ruling is based upon the fact that the Appropriations Committee did report this amount for the payment of these services. That is incorrect. The Appropriations Committee, notwithstanding the instructions of the House, did not embody that claim in the House bill which they were instructed to put in. When the bill came into the House, an effort was made to provide for the payment in the Committee of the Whole, but the committee voted down the proposition to make the payment at that time. Now, as a question of fact, the Appropriations Committee having failed to comply with the resolution, is the resolution not a continuing one until compliance is had?

The CHAIRMAN. The Chair thinks that would not alter the fact; because if the amendment were offered and voted down, it was a substantial compliance with the resolution; and, at all events, the resolution did not require anything to be done except on that specific bill, and the Chair thinks the whole resolution must be construed together.

Mr. TARSNEY. I rise to ask unanimous consent to make a statement, as the Chair holds that this is not debatable.

Mr. RANDALL. I object to the making of any statements as to what has passed.

The CHAIRMAN. Objection is made to the request of the gentleman from Michigan.

Mr. RANDALL. If the gentleman wants to put it in the RECORD I have no objection, but it delays the passage of the bill.

The CHAIRMAN. The Chair will state that it was in error; and

that the appeal is debatable. The Chair will hear the gentleman from Michigan.

Mr. TARSNEY. Some time ago, and during the first session of the present Congress, the House by resolution directed the Committee on Appropriations, if I understand it correctly, to make this appropriation. The Committee on Appropriations refused to do it. Now it comes back to us here, and all I want to understand is whether the House of Representatives is smaller than the Committee on Appropriations. They have been once instructed what to do. They have not done it, and here we are to-day confronted with the same proposition that we had on the 30th day of July last.

The CHAIRMAN. The question is, Shall the decision of the Chair be sustained?

Mr. CRAIN. I understand, but I have no personal knowledge on the subject, because I have not inquired, that this proposition was submitted to the Committee of the Whole House on the state of the Union by the gentleman from Michigan as an independent proposition, and it was not based upon the resolution as submitted. I desire to be informed upon that before I proceed further. [To Mr. TARSNEY.] Is that correct?

Mr. TARSNEY. It was offered in conformity with the instructions of the House to the Committee on Appropriations.

Mr. CRAIN. Now, I submit to the committee that the resolution is law without reference to the particular instruction given in regard to the manner in which the appropriation should be made. Because the resolution was specific in pointing to the bill is no reason why the resolution should be repealed because the appropriation is not put in that bill.

I presume that the object of the Committee on Accounts in specifying that bill was because that was the pending deficiency bill of that session. But it will hardly be contended that because it mentions that bill, because it was the pending bill, and that the Committee on Appropriations failed to make this provision, or that it was not put in by the House, that was an end of it. Of what value are the instructions of the House to the committee if that committee can ignore them by refusing to obey? Of what value is the resolution of the House of Representatives requiring a certain thing to be done when the gentlemen charged with the performance of that duty fail and even refuse to do it? And even going further, and admitting for argument's sake—and it is a fact—that the Committee of the Whole House on the state of the Union did exactly what the Committee on Appropriations did, namely, refused to incorporate this amendment in that bill, will it be contended that from that failure the law lapses and the resolution is repealed, and that it has no binding effect? Suppose that that instruction had been omitted from the resolution. Would it not be binding? Suppose the House had contented itself with saying, "We wish to be paid Mr. Craig $500 additional," specifying what fund it should be paid out of, and by what committee it should be reported. Would not it be law, and would not it be proper to introduce a resolution or a bill providing for the appropriation or to offer an amendment for the purpose in a proper bill to carry that resolution into effect? Eliminate if you will the conditions attached to the resolution, and it is pending. That condition was not intended as a limitation. It was not intended that the Committee of the Whole House on the state of the Union or the Committee on Appropriations failing to incorporate this amount in the bill described, that it should never be paid. That was simply going further than the statement of the resolution itself. It not only declared that it should be paid, but paid at once; and that was the reason that bill was specified.

Because it was not provided for in that particular bill it does not go to the effect that it should not be provided for in any other bill or at any other time and that it would never be paid. The claim was submitted to the Committee on Accounts, and that committee simply declared that it ought to be paid; that it was a just claim and that it would provide an appropriation for its payment if it were within its jurisdiction. But they recommended a substitute resolution which states that the claim is a just claim and that it should be paid. The House adopted that resolution. The House made it law. The status of the claim was fixed by that action, which was a declaration of the House that it should be paid; and the further provision that it should be put in this particular bill was not intended as a limitation upon its action. It was simply intended to direct the Committee on Appropriations, then at work on a particular bill, having jurisdiction of this matter, to perform a duty which was laid down for it by the action of the House. And I repeat the question whether the Committee of the Whole or the Committee on Appropriations has the right to defeat the will of the House, ascertained by actual vote in the House, by thus refusing to perform that duty which had been imposed.

Mr. PETERS. The order that was made by this House on the Committee on Appropriations was to bring in in a general appropriation bill in the first session an appropriation of $600. Not having been complied with by the Committee on Appropriatoins at the last session, this is a continuing order. Now, it seems to me there can be no question about that. The order of this House was for the Committee on Appropriations to do a certain thing. But the Committee on Appropriations did not do that which they were directed to do by the House. What was the object of that order of the House? It was to have this amount put in a deficiency bill. It was the object and intention of the House to have this amount paid at the earliest moment; and it named in that order the deficiency bill that would follow first.

But after the Committee on Appropriations failed to obey the orders of the House and bring in this amount upon the first deficiency bill that followed the order, it remained a continuing order, applying to any subsequent deficiency bill that could be brought in during the same Congress; and consequently that order was as binding upon the Committee on Appropriations to bring in the amount in the present deficiency bill as it was in the past deficiency bill. In other words, there stands as a provision of law a statutory enactment requiring the Committee on Appropriations to bring in an item in a deficiency bill of $600 to pay the tally-clerk for work that he had performed. The Committee on Appropriations neither in the first session nor in this session have complied with that order; and now I claim—when there is a motion on the part of a member of this House to require the Committee on Appropriations to comply with the order of the House or to place the Committee of the Whole House in a position that they can act upon it—the question or point of order that it has not been authorized by existing law will not lie against it; and hence, this being a continuing order, I think, with all due deference, that the decision of the Chair was erroneous.

Mr. RANDALL. The gentleman from Kansas has certainly very ingeniously treated this matter. He wants a decision of the House upon a point not now before the House—whether the Committee on Appropriations performed their duty or not. The question before the House is whether the decision of the Chair is absolutely correct.

I believe that it is. Now, whenever the Committee on Appropriations is properly under discussion here, we will try, some of us, to defend it, and whenever a proposition of this kind is submitted some of us will have something to say about the merits of this claim, which is properly no claim at all. The point is the one which the Chair has decided, namely, that the instruction of the House given by the first resolution was revoked by the House itself at the very same session.

Mr. CRAIN. It was avoided by the failure of the Committee on Appropriations to do its duty.

The CHAIRMAN. The Chair is of opinion that the resolution was disposed of by that action.

Mr. CRAIN. It was disposed of by the failure of the Committee on Appropriations to do its duty and by the failure of the Committee of the Whole.

Mr. RANDALL. The House itself changed its mind.

Mr. CRAIN. No, it was not the House; it was the Committee of the Whole that changed its mind.

Mr. RANDALL. Well, that is the House.

Mr. CRAIN. That is not the House, as the gentleman from Pennsylvania very well knows.

Mr. TARSNEY. Mr. Chairman, I hope there may be no misunderstanding about this matter. Last year the Committee on Accounts reported to this House a resolution which the House adopted, instructing the Committee on Appropriations to place this item in the bill. What for? For an additional service which had been imposed upon this clerk. He was drawing a salary simply as tally-clerk of the House, and he was directed to make the Calendar of the House, and I think my friend from Pennsylvania [Mr. RANDALL] and all of us have had facilities through the use of that Calendar which otherwise we could not have had. That was an additional service imposed upon this clerk, and it was for that additional service that the Committee on Accounts reported the resolution which the House adopted, instructing the Committee on Appropriations to report this item. Whether that was right or wrong I am not here to say at this time. But I do say that the House did so instruct the Committee on Appropriations, and the committee did not make the report during the first session of this Congress, and I like to see the Committee on Appropriations now pleading the statute of limitations because that resolution referred to a different bill from the one now under consideration!

Mr. DUNN. Mr. Chairman, I would like to offer one suggestion on this point. There are but two ways in which authority can be given to put an item into an appropriation bill. One is by an act of Congress signed by the President; the other is by the action of either House in relation to any item of expense which can properly be paid out of the contingent fund of that House. This item can not be paid out of the contingent fund of the House of Representatives. So the Committee on Accounts decided, and they therefore recommended the passage of a resolution instructing the Committee on Appropriations to put the item in an appropriation bill. It failed there, and, it not being an item that could be paid out of the contingent fund of the House, the action of this House could not constitute such an obligation and authority for the payment of the money as is necessary to authorize the committee to include it in the bill or make it in order as an amendment.

Mr. RANDALL. If this clerk did not have the Calendar to prepare he would have very little to do.

The CHAIRMAN. The question is, shall the decision of the Chair be sustained?

The question was taken, and the Chairman declared that the ayes seemed to have it.

Mr. CRAIN. I ask for a division.

The committee divided; and there were—ayes 75, noes 22.

Mr. FORAN. No quorum.

The CHAIRMAN. The point being made that no quorum has voted the Chair will appoint to act as tellers the gentleman from Ohio [Mr. FORAN] and the gentleman from Texas [Mr. SAYERS].

The committee again divided; and the tellers reported—ayes 106, noes 27.

The CHAIRMAN. Does the gentleman from Ohio insist further on the point of no quorum?

Mr. FORAN. I do.

The CHAIRMAN. No quorum has voted. The Chair hopes that members will come forward and vote.

The count was resumed; and the tellers reported—ayes 124, noes 28.

The CHAIRMAN. Does the gentleman still insist upon the point of no quorum?

Mr. FORAN. Entering my protest against the decision of the Chair and against the outrage committed on this clerk I withdraw the point.

The CHAIRMAN. The ayes have it, and the decision of the Chair is sustained.

Mr. RANDALL. There has been no injustice done to anybody. Injustice is sought to be done to the Treasury.

Mr. CRISP. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 47, after line 7, insert to pay John B. Clark, Clerk of the House of Representatives, for services in compiling and arranging for the printer and indexing testimony in contested-election cases, as authorized by the act entitled "An act relating to contested elections approved March 2, 1887," the sum of $1,000, and the additional sum of $1,000 to such employés in the office of the Clerk of the House of Representatives as the Clerk may designate, and in such proportion as he may deem just, for assistance rendered in this work.

Mr. CRISP. I desire to explain to the House the necessity for this amendment, which I offer by the unanimous direction of the Committee on Elections. Prior to the act of 1887, referred to in the amendment, evidence that was sent in from the various districts where there were contests was preserved here by the Clerk and turned over to the Committee on Elections, when appointed, and the committee supervised the printing and the preparation of the index.

In 1887 an act was passed to facilitate the consideration of contested-election cases. It provided that the Clerk of the House should prepare and have printed the evidence in such cases, should index it, etc. It provided also that he might hear the respective parties to any contest as to what was and what was not evidence, and determine what should be printed, the purpose being to hasten the determination of contested elections. In that law, though the Clerk was charged with this duty, there was no provision for paying him for the service. Of course it was a duty discharged in vacation. It required the assistance of several of his clerks for some two or three months; in the report from the Committee on Elections the precise time is stated. It therefore becomes proper and just to pay this officer for this service.

I will say to the House that this difficulty will not arise again, because the House has recently devolved this duty on the clerk of the Committee on Elections, who has been made an annual clerk; so that he, in the long vacation between the two Congresses, can discharge this duty, prepare this evidence for the printer, make the indexes, etc. But since the passage of the act to which I have referred and up to the time when the clerk of our committee was made an annual clerk the Clerk of the House and his subordinates have had to prepare for the printer, index, and correct proofs of the evidence in nine contested-election cases, the evidence in one case alone covering 2,000 printed pages. The Committee on Elections was unanimous in the opinion that the adoption of this amendment would do only an act of justice to the Clerk of the House, and therefore I have been instructed to offer it.

The amendment was agreed to.

Mr. HAYES. I offer the amendment which I send to the desk.

The Clerk read as follows:

To equalize the salaries of the messengers of the House of Representatives, and those detailed as messengers, so that each shall receive the sum of $100 per month during their employment in the Fiftieth Congress, $7,909.

Mr. SAYERS. I raise a point of order on this amendment. My point is that there is no resolution of the House and no provision of law to authorize it.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HAYES] desire to be heard?

Mr. HAYES. As showing the merit and justice of the claim——

Mr. SAYERS. I object to any statement of the merits. Let the gentleman confine himself to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on the point of order.

Mr. HAYES. By way of preliminary and as a foundation for my remarks, as showing the merit and justice of the claim itself, I will say that a resolution for this purpose was introduced and referred to the Committee on Accounts; and that committee agreed to report it favorably. A report was prepared, which has not been presented, as it was not desired to put it on the Calendar. That report is as follows:

The Committee on Accounts, to whom was referred the resolution, Miscellaneous Document No. 41, in relation to equalizing the salaries and compensation of the messengers of the House of Representatives, submit the following report thereon:

That they find that there are some forty-two messengers of the House, and that, while they do substantially the same work, their pay varies from $60 to $100 per month.

The committee can see no good reason why all these men should not receive the same pay where they do the same amount and kind of work, and there seems to be an unjust discrimination in this matter, which grows out of the fact that they were employed under different resolutions passed at different times.

The amount mentioned in the resolution and which is all that is necessary to equalize the compensation of these messengers for the whole term of the Fiftieth Congress, so as to pay each the sum of $100 per month, is $7,909.

There are, at present, on the messenger's roll twenty-three persons receiving $100 per month, which includes the soldiers' roll of fourteen persons, nine at $83.33⅓, two at $75, two at $70, three at $67, and three at $60 per month, and the amount mentioned in the resolution equalizes them all for the whole period of the Fiftieth Congress at $100 per month.

The duties of these men are quite laborious and exacting, as they are, in addition to their ordinary daily labor, assigned to the care of some committee-room, and are obliged to attend all committee meetings. During last session of this Congress they attended no less than seventy-eight night sessions—several lasting all night.

We believe that the resolution is just, and we therefore recommend its adoption.

Now, Mr. Chairman, on the point of order. These particular messengers are employed under authority of law. They are receiving different rates of compensation; and this is simply for the purpose of equalizing them. Such being the case, I do not believe the point of order is well taken. These officers are already employed under authority of law and are receiving some payment under such authority.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. CUMMINGS. I offer the amendment which I send to the desk.

The Clerk read as follows:

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay to the officers and employés of the Senate and House borne on the annual and session rolls on the 20th day of October, 1888, including the Capitol police, for extra services during the Fiftieth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. SAYERS. I make a point of order on that amendment. I submit that there is no rule of the House and no law authorizing the appropriation.

Mr. CUMMINGS. Mr. Chairman, this is not the first time that a point of order has been raised upon an amendment of this kind when offered upon an appropriation bill. I find that the same point was made in the Forty-seventh Congress. Hon. John A. Kasson, who was then in the chair in the Committee of the Whole, remarked in deciding this point of order:

The Chair desires to state the only doubt in his mind arises from the fact that it relates to an existing service which is constantly before the House; and in view of the numerous precedents which exist and which he has not had time to examine to see whether the point of order is settled, but concerning as it does the entire body of the House, he feels it is a case where, without shirking proper responsibility, he ought to submit it to the judgment of the committee.

He therefore submitted to the Committee of the Whole the question whether the point of order should be sustained. The vote was 128 to 24 in favor of inserting the amendment.

In the Forty-eighth Congress I find the Speaker of the House, on page 5502 of the RECORD, ruling as follows:

The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered, and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

In the Forty-eighth Congress, second session, a similar proposition was inserted in the deficiency appropriation bill. The proceedings will be found on page 2148 of the RECORD for that session. There is no necessity for the reading of those proceedings. It would only waste time uselessly.

In the Forty-ninth Congress, Mr. Hammond, of Georgia, being in the chair, a similar amendment was offered, and the point of order was made that there was no law authorizing the item. The question was again submitted to the Committee of the Whole, and that committee decided to insert it. I will say nothing as to the justice of the appropriation, but leave the matter subject to the decision of the Chair, only referring to these volumes as precedents for the amendment. Following the precedents, Mr. Chairman, I would respectfully ask, if the Chair has doubt upon the question, to submit it to the decision of the committee.

The CHAIRMAN. The Chair is advised that hitherto on more than one occasion an amendment precisely similar or having the same purpose in view has been submitted to the House, and the most recent decision was that of the Speaker himself, who held the amendment to be in order. The Chair happens to have that decision before him, and will ask the Clerk to read certain paragraphs from it.

The Clerk read as follows:

The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.

The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such a decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question the Chair thinks he ought to admit the amendment and allow the House to vote upon it.

Mr. HOLMAN. And hold that there is a law authorizing this appropriation; that it comes within the third section of the twenty-first rule?

The SPEAKER. The provision seems to have been held in order heretofore upon the ground that it had been included in an appropriation bill, and was the law at least for that year.

The CHAIRMAN. If the Chair had doubts as to the correctness of the ruling of the Speaker he would nevertheless adhere to it, since he would not feel at liberty while occupying the chair temporarily to dissent from it. The Chair admits the amendment, and the committee can vote on it.

Mr. SAYERS. As to the amendment?

The CHAIRMAN. On the amendment itself.

Mr. RANDALL. I would like to ask the gentleman from New York a question, if he can tell the committee what additional expense this would involve?

Mr. CUMMINGS. I do not know that I can answer the question. The gentleman from Pennsylvania is one of the firm which employs these men. I am simply a junior member of that firm. I suppose he ought to be able to give me that information. [Laughter.] I must say that if there is any Congress in which such a month's extra compensation should be paid to its employés it is the Fiftieth Congress. But, Mr. Chairman, let us look at the precedents. I find that it was paid away back as far as the Twenty-ninth Congress. On August 3, 1846, it was granted; on March 3, 1847, the Clerk of the House was directed to pay it. On August 7, 1848, it was again granted; also on March 9, 1849, September 20, 1850, and March 30, 1851. In July, 1854, 20 per cent. extra compensation was allowed. Further, on the 3d day of March, 1857, there was the same provision, and so on without stopping to enumerate them. Before the war House after House and Congress after Congress made such an appropriation. After the war broke out, and it was necessary to raise thousands of millions of dollars to sustain the cause of the Union, the House, in a fit of economy, refused the appropriation.

Mr. RANDALL. I do not think the House was in a "fit" but in a very healthy condition of mind.

Mr. CUMMINGS. The gentleman is right. Rigid economy was then necessary, for every dollar was needed. Under the necessities of the situation at that time, Congress felt itself unable to pay an extra month's salary; but in July, 1879, it was again paid; and also on March 3, 1880, and July 7, 1884, and on March 4, 1885.

Now, the Fiftieth Congress has been in session longer than any of its predecessors. It has been in continuous session since the first Monday of December, 1887, with the exception of forty days. The average time consumed in legislation by former Congresses has been eleven months. This Congress has broken the record, and has taken fifteen months. The tariff debate occupied much of that time. I am of the opinion that any employé of the House who listened to that debate night and day, as many were compelled to do, and came out alive, ought to be entitled to extra compensation. [Laughter.] Then the filibustering season occurred and the members were kept here all night long, and until the sun shone over the top of the Washington Monument.

Mr. HATCH. I would suggest to the gentleman that the Washington Monument is west of the Capitol. [Laughter.]

Mr. HOOKER. Well, the sun gets there sometimes.

Mr. MCADOO. The New York Sun shines all round the monument.

Mr. CUMMINGS. The sun gets there, as my friend from Mississippi suggests, some time during the day. Its beams gild the top of the monument as soon as it rises. There were eighty-eight night sessions in the first session of the Fiftieth Congress, and there have been one hundred and four altogether up to this time.

[Here the hammer fell.]

Mr. HATCH was recognized and yielded his time to Mr. CUMMINGS.

Mr. CUMMINGS. I am much obliged to the gentleman from Missouri. During these night sessions, Mr. Chairman, nine-tenths of the employés have been compelled to remain here and work, and all of them are required to be here every day. Many of them got no rest during the holidays. The hard work of the session killed one of the official reporters. The work of this Congress has been exhausting and excessive. Is proof of this needed? That desk [pointing to the seat of Mr. Burnes], draped in black, tells the story of its exhaustive nature—a great member dead from overwork. There is no man in this House who can not compute and who does not know the arduous labors of the employés during this session. I have offered this resolution, sir, because I felt it to be my duty to do so. It is an act of common justice to these men and a duty which I owe to myself and to this House. [Applause.] I will not occupy the attention of the committee any further.

The question was taken on the adoption of the amendment, and the Chairman announced that the ayes seemed to have it.

Mr. HOLMAN demanded a division.

The committee divided; and there were—ayes 117, noes 14.

Mr. HOLMAN. No quorum.

Several MEMBERS. Oh, do not do that.

Mr. HOLMAN. I have made the point of no quorum, Mr. Chairman, in order to ask unanimous consent that there shall be a yea-and-nay vote upon this in the House.

Mr. CUMMINGS. I hope unanimous consent will be given.

Mr. HATCH. Mr. Chairman, can the Committee of the Whole by any proceedings in committee bind the House?

The CHAIRMAN. It can not except by consent of the parties forming both the committee and the House.

Mr. HOLMAN. It can on the individual honor of each member of the committee.

Mr. STEELE. With the understanding that if the gentleman can get enough votes to call for the yeas and nays he can have it; otherwise I object.

The CHAIRMAN. The point of no quorum having been withdrawn, the amendment is agreed to.

Mr. HOLMAN. I did not withdraw the point of no quorum. [Laughter.]

The CHAIRMAN. I understood the gentleman had withdrawn the point of no quorum. The Chair will appoint as tellers the gentleman from New York [Mr. CUMMINGS] and the gentleman from Indiana [Mr. HOLMAN].

The committe divided; and the tellers reported—ayes 150, noes 16.

So the amendment was agreed to. [Applause.]

The CHAIRMAN. The committee will rise.

The committee accordingly rose; and the Speaker having taken the chair, Mr. DOCKERY reported that the Committee of the Whole had had under consideration the bill (H. R. 12571) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1889, and for other purposes, and had come to no resolution thereon.

CONFEREES ON PENSION APPROPRIATION BILL.

The SPEAKER. By mistake the gentleman from Iowa [Mr. HENDERSON] was appointed one of the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the pension appropriation bill (H. R. 11658). He declines to serve, and the Chair appoints Mr. LONG, who should have been appointed in the first place.

EULOGIES ON HON. JAMES N. BURNES.

The SPEAKER. This is the hour set apart for the consideration of resolutions in relation to the death of Hon. James N. Burnes, late a Representative from the State of Missouri.

Mr. HATCH. Mr. Speaker, by a previous order of the House this hour was set apart for the presentation of tributes to the memory and eminent public services of our late colleague, Hon. James N. Burnes, of Missouri. In behalf of the delegation from Missouri upon this floor I send to the Clerk's desk and ask to have read the following resolutions:

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. James N. Burnes, late a Representative from the State of Missouri.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, that the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. DOCKERY. Mr. Speaker, the melancholy duty devolves upon me of supplementing the resolutions just submitted with a brief summary of the salient features of my colleague's remarkable career. Born in the State of Indiana, August 22, 1827, at ten years of age he was taken by his parents to their future home, in Platte County, Missouri. With the usual academic advantages he had already developed such parts and promise that he was sent to the law school of Harvard University, from which he graduated in 1853.

His chosen profession he pursued with great distinction for twenty years. He was made circuit attorney three years after his graduation, and was presidential elector the same year. He was judge of the court of common pleas from 1868 to 1872. Colonel Burnes was a zealous member of the Masonic fraternity, belonging to Charity Lodge, No. 331; Mitchell Royal Arch Chapter, No. 89, and St. Joseph Commandery Knights Templar, No. 4, all of St. Joseph, Mo. He was also a member of St. Joseph Lodge, No. 22, Knights of Pythias, and Pocahontas Tribe, No. 10, Independent Order of Red Men. Mr. Speaker, from the commencement of his active career until his work was finished in these halls, a short month ago, that career was marked by cumulative and unbroken success.

But, sir, the mere record of the epochs of his advancements can but imperfectly chronicle the career of this extraordinary man. For more than thirty years James N. Burnes was a prominent and potential factor in the political, financial, social, and benevolent activities of the State he loved so well and that so loved and honored him. Not only was his financial ability signalized by the accumulation of a large private fortune, but he was identified with many most imposing public enter-

prises, among them the construction of the great bridges at Atchison and Leavenworth, the Southwestern Division of the Chicago, Rock Island and Pacific Railroad, and at one time he was president of the Missouri Valley Railroad Company. At the time of his decease he was the principal owner and president of the St. Joseph Water Works Company, and the leading stockholder in several important banks. With what scrupulous rectitude his dealings were characterized a single illustration will more than suffice. When, in 1877, the Mastin Bank of Kansas City and the National Bank of the State of Missouri failed, involving over a million dollars of the funds of the State, Colonel Burnes was the principal indorser upon the bond of the State treasurer. At this unexpected and appalling conjuncture, almost alone and unaided, except by the rugged integrity of the treasurer, he marched bravely and unhesitatingly up to the exigency, redeeming to the Commonwealth every dollar of the principal and interest.

When he entered the Forty-eighth Congress the reputation of his large and varied sagacity and experience as well as his profound financial knowledge caused him to be placed upon the Appropriations Committee among such compeers as RANDALL of Pennsylvania, CANNON of Illinois, FORNEY of Alabama, HOLMAN of Indiana, Washburn of Minnesota, LONG of Massachusetts, TOWNSHEND of Illinois, RYAN of Kansas, and others who had achieved great renown in the public service. The distinction thus accorded Colonel Burnes by Speaker CARLISLE is rarely conceded to a member during his first term of service, but the wisdom of the selection finds vindication and commentary in the records of the Forty-eighth, Forty-ninth, and Fiftieth Congresses and his re-election to the Fifty-first Congress. Indeed, sir, during his first term in Congress his management of the consular and diplomatic appropriation bill demonstrated both the amplitude and the analytical power of his intellect as well as his skill and force as a debater. Many within the sound of my voice will recall with what varied and sustained illustration he gave evidence of these characteristics. His devotion to duty, his patient and persistent labors, his zeal for the interests of his constituency, his sturdy maintenance of his convictions, and his perfect courtesy were uniform and consistent to the end.

In this connection I can not so beautifully and cogently give expression to the estimation in which he was held by his own people as in transcribing the subjoined resolution adopted by the joint memorial session of the Missouri Legislature:

Resolved, That by his death the country has sustained a severe loss. He was an able legislator, a gifted orator, a tribune of the people, whose rights he defended with unselfish devotion; a man of ripe judgment and great experience in affairs, he resolutely devoted every energy of his mind to a thorough investigation of whatever business he was engaged upon, and always with a laudable ambition to promote the best interests of all classes of our people. To the discharge of his public duties he applied the resources of a mind richly endowed by nature with rare intellectual gifts. Cautious, he seldom committed a mistake; honest, he always looked to the advancement of the general welfare; diligent, his industry knew no limit but a complete mastery of every subject under consideration; patriotic, he exhausted the strength and resources of his great nature by overwork, and with heroic courage sacrificed his life on the altar of public duty. The people of Missouri will ever reverence his name and treasure the memory of his virtues.

Mr. Speaker, I falter when I attempt to speak of my friend in his higher and better relations—of James N. Burnes as a man. His charity and hospitality were alike profuse and unostentatious, and he was such a friend that many of us here grappled him to our hearts with "hooks of steel." There is a dark shadow still clouding the pathway that he trod beyond the Father of Waters, and hundreds of hearts that cherished him are mute with simple sorrow. God help the widow and orphans in the day of desolation! That brave, strong, manly man; that genial, sunny companion had been bearing within his consciousness the premonition and foreshadowing of the final stroke for two long years. So placidly he spoke of it that his closest friends thought it must be fancy, and yet he has more than once, in the silence of his solitary chamber, staggered to his table at night and recorded his symptoms and sensations, lest peradventure the end might come before the dawn, and those who should mourn for him might not know that he had recognized the approaching footfall of the grim messenger.

Mr. Speaker, are there not mystic coincidences of human experience that transcend our ken and escape our philosophy? Listen to these words spoken five winters ago in this Hall by Colonel Burnes in eulogy of Dudley C. Haskell:

Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact and prepared himself to meet it. No command of his physician, no appeal of his anxious friends could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain. The sharp, keen conflict of mind with mind and system with system was already before his eyes. The tumult of action and cheers of victory resounded in his ears as his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented Haskell, like many another, died a martyr to his moral convictions of official obligation.

Thus died James Nelson Burnes.

How strangely in this instance does the encomium of the friend become the prophecy of the eulogist, and the painting of the artist anticipate the portrait of himself!

Mr. Speaker, in yonder hall [pointing to the old hall of the House of Representatives, now Statuary Hall], now symbolizing our nation's Pantheon, but once the scene of stormy and splendid debate, John Quincy Adams, the Old Man Eloquent, fell as the oak whose sap has failed and whose leaf has withered. More than forty years elapse and the oak whose fiber seems like steel and whose leaves seem to garner in the sunshine falls as suddenly. But they both fall as the monarch of the forest falls.

Mr. Speaker, it was Mr. Webster, as I now recall, who, in one of his speeches, alluding to the great extent of our country and the tireless zeal of its pioneers, used the significant expression, "The hunter's path lay over great mountains." So, sir, to him, who, like our friend, achieved a full measure of fame in this House, the path must be cleared over mountains, and the work, by reason of "the peculiar exactions of Congressional life," must be done single-handed. Our late colleague has blazed his pathway and along it shall long be reflected the light of his beneficent example. Let us strive to emulate his virtues.

All honor to his memory! He lived a high and manly life, unswerved by the solicitations of unworthy compromise and unaffected by the glamour of place or prestige, and fell at the post of duty.

The knight's bones are dust
And his good sword rust;
His soul is with the saints, I trust.

Mr. RANDALL. Mr. Speaker, we rarely see a character made up of qualities so positive and decided as was presented to us by our late associate, James Nelson Burnes. He came into the House of Representatives in the Forty-eighth Congress unheralded by any special notoriety. Modest, almost reserved, in manner, he proceeded without ostentation to discharge his public duties. It was not long before he had won his way to the front and was recognized as a man who could be safely depended upon to know what he undertook to do and to do it without fear or favor, holding the public good always in view.

Mr. Burnes would have risen to a high place as a leader among men, no matter where he was placed. He had a splendid physique. He was educated in the best schools and disciplined and trained by large experience in the business of life. He had a clear judgment, was prudent, industrious, and strong in will, yet he was always kind and agreeable to those with whom he came in contact. With such qualities it is not to be wondered at that he carried through successfully the public business committed to his care. His success required incessant labor and the exercise of a patience of which few men in this House have any knowledge. He was always ready, always polite, always anxious to do what was right.

Although a man of large means, allowing him to gratify every wish for travel or personal enjoyment, he preferred to be a man of action and to devote himself to his public and private duties. Death at last found him in the midst of his labors. The exhausting first session of this Congress, unprecedented for its length and ceaseless sessions night and day, weakened and enervated his herculean frame, as it did so many others, and led undoubtedly to his sudden demise. At the time he was stricken he was engaged in aiding in the passage through the House of the great appropriation bill.

His health had failed, and there were serious apprehensions on the part of himself and friends as to what would be the result, but his high courage and sense of duty never failed him for a single instant. No soldier on the field of battle gave up his life to his country more willingly or deserved greater renown. The honors paid to his memory here, in Missouri, and throughout the land showed the high esteem in which Mr. Burnes was held by people of every class and station.

He was faithful to his convictions of what was right, and his fidelity to his friends could be depended upon under all circumstances. His word was sacred. In the midst of political complications, danger, and excitements he was always calm and dignified. His public life was one of strict integrity and his private life without blemish.

Mr. Speaker, I knew Mr. Burnes well, perhaps better than any other man on this floor, and the more I knew him the stronger became my friendship. We became acquainted soon after his appearance in Congress, and when he died there were few upon whom I relied with more confidence than I did upon Mr. Burnes. His death, therefore, was a severe blow to me, but I bow to this, as I have done to like troubles in life, with humble submission to God's decree. His example, Mr. Speaker, is precious to his country.

He was happy in his domestic life, a devoted son and husband, and loved his children as a father should. He was patriotic. He looked to the public welfare. His loss to his family, his State, his country, his friends, is irreparable, but out of his early grave springs the hope that dies not, of the beauty and sweetness of a pure life.

Mr. HENDERSON, of Iowa. Mr. Speaker, it is a pleasure, weighted heavily with sorrow, that calls me as a witness for my departed friend—James N. Burnes.

To be brought suddenly from the generous warmth of his living friendship to stand in the shadow of his dying hours and speak of him seems like a hard, cruel privilege for one whose heart, full of affectionate memories, is best equipped for silence.

But as we would hold the hand of a dying friend when in the supreme struggle of mortals, as we would follow him to his final rest and gently lay him down, so responding to generous invitation and heart's true wish, we here unite through friendly resolution and words sincere

to note his going, his country's loss, with our true grief on legislative and historic page.

How weak, how insignificant, is human power and human speech for such a task! I wish I had the power to speak his life as he deserves it spoken. Whatever simple gift I had for speech my heart has taken from me, and my poor words will seem betrayal of this weighty trust.

If I could paint the picture of his home when your committee laid the casket there; if I could show to you the family bending broken by the stroke of fate; if groups of orphans filling his resting place with flowers and stifled cries for him who had been friend and almost parent too could help me here; if you could see the almost endless line of citizens, old and young, rich and poor, native and foreign, black and white, strong and maimed, passing by the coffin for one last look at their old neighbor and their friend; if you could see his "Brothers of the Mystic Tie" waiting in countless numbers to pay him the highest honors of their order and to be his escort to the waiting tomb; if the solemnity of a grief-stricken city should speak to you; if that indescribable language which comes from every form of sorrow when a great and loved man lies dead could speak to you from his home—if I could show all these then would I be content, for then only could I touch the measure of my duty.

Judge Burnes was a man of large experience. He had taken soundings in many of the turbulent waters of life. He had been lawyer, judge, railroad builder, banker, politician, and member of Congress, and in all his undertakings he made success bend to his powerful will and far-reaching mind. His was a composite character. It had in it the mountain and the valley, the sunshine and the shadow. Am I understood when I say that all the seasons were represented in his abundant nature? I will not deny that he had faults. He would have been lonely here without them, but even his faults were warmed by an ever-present virtue, and were lost in a heart full of generous friendship and inexhaustible affection. Let me be more specific.

As a lawyer he was clear, earnest, profound; he was untiring, unyielding, versatile, and in an eminent degree successful.

As a business man he dashed past the weak and grappled with the strong; he scorned small ventures, and entered the arena where the master minds met in sharp, deep conflict for the wealth of earth. He seemed to hold a magician's wand; gold answered his call, and he died a millionaire.

He was an orator of no ordinary type; he was an accurate reasoner, gifted in speech, trained by school, poet, historian, and philosopher; a lover of beauty and a worshiper of nature—all these, combined with a quick, delicate fancy, a stinging wit, and a generous, boundless humor, made him irresistible in swaying an audience and making captive both heart and judgment.

His coloring could be as soft and tender as the songs of Goethe and the creations of Raphael, or he could give the thundering numbers of Homer and the dazzling splendor of Michael Angelo. He could woo like a lover, or he could strike like a trained gladiator. His oratory was not from the school of the elocutionist, but was the rich and cultivated gift of generous nature. As a legislator he took first rank. He comprehended the true meaning of every measure. Instinctively he knew what motives, interests, or ambitions were back of it, and as clearly he measured the full meaning of the opposition. Possessing these powers in a high degree, he had the further advantage, when necessary, of concealing his own purposes and motives from those pitted against him.

He could thwart by ways most subtle, or he could assume the qualities of the lion in attack or defense. He was an untiring worker, especially in all matters coming to his special care, and would pursue his investigations until he mastered the situation. Entering Congress with him, familiar with his work, side by side with him in committee, intimate as a friend, I know that his legislative life was as clean and honorable as it was able and illustrious.

As a friend he was one of the gentlest, kindest, truest. You who only knew him in this Chamber were comparative strangers to this most remarkable man. You should have entered his great heart and feasted on his affections in order to know the wealth of his great and noble nature.

He is the only man that I have ever known whose gentle, tender treatment seemed all the man and yet more the mother. There was nothing that he would not do for a friend—nor did he wait for invitation. He seemed never happier than when sacrificing himself to give pleasure to his friends. His presence was a constant fascination, his conversation an unceasing charm. His wit was held for battle, but his humor was the constant servant of his friends. The trouble and cares of a friend filled his thoughts and brought forth his generous counsel more than did his own. He loved his fellow-men. His heart was full of quick and warm response for generous natures. His friends were not confined to those in power, or to the inmates of the gilded home. He was as respectful to his dusky body-servant as to his proudest peer. He could penetrate through color, poverty, and untutored speech to where a true heart lodged.

He was as modest and unpretending as any fellow-being who toiled for his daily food, and it was better than rich tomb or towering monument to have the simple, honest faces, wet with grief, bending over his coffin. His influence upon old and young was wonderful. The old sought him to renew their youth, the children sought him as a companion. A picture of his death-bed scene would tell his character. A boy of sixteen, after he had retired, learned that the judge was dying. He rose at once, near midnight, and hastened to the bedside of his dying friend. Never before had he witnessed a dying scene, and yet it had no terrors for him, for a loved companion was dying, and he sat close by his side, bearing the agony in his young, faithful heart until the end relieved us all.

Now, look at this last picture: A gray head is buried in the pillow. I thought the lips moved in prayer for his dying brother. A strong son sobs until it seems as though his heart would break before the father's. A stripling bends forward as though he would tear him from the arms of death. Strong manhood weeps. The trusted employé will not leave his side. His faithful colored attendant stands near him to the last, every death stroke striking his heart, too. His political adversaries, his political friends—all friends—are each sharing his agony. That little stricken group is an epitome of the vast assembly, taking in whole States, that bent the head when James N. Burnes died.

For months he knew that his last hour was near, and often spoke of it with calm, serene philosophy. His faith in God was strong, and he trusted his future to Him as the child trusts its mother when it goes to sleep upon her breast. Within a few days of his death he spoke freely to me of his wife, his brothers, and his sons. His mind seemed running over with thoughts of them. In telling me of his wife he spoke of her physical sufferings, her patience that seemed more than human, her beautiful character, and drew a picture of a noble woman such as I had not before heard from lips of man.

But I must yield to others who will speak of him, and I am glad that other friends will speak, for I have sadly failed when most my friend had need of me. How true was he to his departed friends. They never lacked for loving champion while he yet lived. While I must leave my friend with a poor, lame service when I owed so much, yet I do know that my heart is true to him—far truer than my speech.

Mr. BRECKINRIDGE, of Kentucky.

As in many groups they were busied in diverse occupations, some in games and others in work, the master opened the door and with a smile beckoned to the leader of the busiest group, who, laying down his tools, went within and the door was shut behind him. His comrades waited for him, and finding that he came not realized that that was death.

Centuries ago a pagan philosopher used this illustration of what we call death, and we have seen it occur in our midst that the master came into the busiest group and beckoned the master of the group into the open door. He followed and the door shut. "God's finger touched him and he slept." That is the death which we in our blindness regret; but it is but "the gray eve between two shining days;" the day of the past and the immortal day of the eternity of the future.

It is said that this friend of ours had stood side by side, sometimes face to face, with death for weeks before; that he seemed to know he was but a little while for earth—that the sands of life were slipping through his fingers. Some nights before a premonition had been given, and he arose from his bed and left a note of warning that if he were found dead it might be known of what he died and that he did not fear to die. And it is a demonstration of the manliness and strength of his character, which exhibited itself in his physical robustness and in his mental vigor, that this companionship with death neither blanched his cheek nor daunted his heart, nor for one moment weakened the efficacy of his daily labor and of his intellectual processes. We would have a better estimate of him than we have if we could put ourselves in his place and feel what would be the effect if we were to walk arm in arm with death when we discharge the duties that are imposed upon us here.

I did not know him as well as the distinguished gentleman who was the chairman of his committee [Mr. RANDALL], nor his friend from Iowa [Mr. HENDERSON], who was his colleague on the committee, nor his colleague from Missouri [Mr. DOCKERY], nor as many of his friends knew him. This is not a very good place for personal intimacy. We are a congeries of committees, growing more into specialists as the country grows more and more; and as our duties are to legislate for more millions, each committee is somewhat segregated to itself, and we must trust the members of the other committees for information, voting much on faith and often without knowledge. No man can make himself master of all the business to be transacted here, nor become familiar with the details of the multifarious matters submitted for our action.

Therefore a new member coming into this body, anxious to perform his duty and sincerely earnest in his desire to perform it conscientiously, begins to try to learn, on the very first day of his entrance, who are the members of the various committees upon whose labors he can rely for that information which must be obtained, upon whose intellect he can depend that the conclusions reached are sound, and upon whose integrity he can afford to base his own public action, feeling that that labor and that intellect have been honestly directed and that the result is an honest result. In this sense I soon began to rely upon the result of this dead colleague's labors.

I found that he was a man ceaseless in work, that there was no limit to the industry of which he was capable; that he had a mental vigor and efficiency, accompanied by scholastic training and the discipline of a busy and successful life, which made that industry capable of sure and accurate results, and that he did desire, as far as I could judge, to reach results that were not only honest in the lower sense of pecuniary integrity, but honest in the higher sense of patriotic duty, so that that which he did should not only be free from any stain of personal self-seeking or pecuniary interest, but also should be instinct with a desire to do what was best for the common weal.

It was not so much his public utterances on the floor, although they were always clear and strong; it was not so much the intellectual vigor which he displayed, as it was the vast capacity for labor which I saw he had when I came into personal contact with him, and the earnest disposition that he constantly manifested to reach proper results, that won my admiration and confidence. And, Mr. Speaker, may I be permitted to say that when in the labors of the last session, labors that were so incessant and so trying to many of the members of this body, the health of that distinguished gentleman, who has for so many years been chairman of the Committee on Appropriations, gave way, and it seemed that he would be temporarily, if, indeed, not permanently disabled, many of us turned with a feeling of sorrowful confidence that under his leadership and training there had been prepared, in the person of Judge Burnes, a fit and qualified successor. And may I be permitted to add, sir, in the midst of all differences, in the midst of divided opinions, the expression of my sincere gratification that while we mourn the death of that worthy colleague and friend, God has spared, and may He spare to us for many years, the efficient services of the chairman of that committee.

Mr. Speaker, of the private life of Mr. Burnes I knew very little, but "there are some things which a man does in life that he can well remember with pleasure at death," and these things were the daily doings of this man's life. Kindly words, generous deeds, thoughtful actions, friendly smiles, marked the sunshine every day of his life, and these are the really important things in life. In that wondrous book, the Book, there is hardly anything so precious to me as the revelation of the Divine alchemy which takes the two mites of the widow and turns them into a greater wealth than the gifts of all the rich. It is the little things that count. Not what, not how, but why we do what we do is the great test of a man's character, is the real power and measure of his influence as well as of the Divine reward hereafter; and unless I have been misinformed, many of these things may have gathered in that company of which my friend [Mr. HENDERSON, of Iowa] speaks, at the death-bed of Judge Burnes. There were sorrowing friends there, but on that unconscious brain and scarcely pulsating heart there may have been other impressions, visions seen with clearer eyes than these poor physical eyes of ours, when those kind deeds came trooping round that bed, to soothe his aching frame, and smooth his pathway to the grave, and give to those last moments of earth the choral song of kindly deeds and sweet and friendly words.

This man's life began with a contest for supremacy at Harvard College, when he was elected the judge of the parliament of the law-school, and it was a masterful contest from that day until he died; masterful by the power of his will and the strength and breadth of his brain, and it was fit that for him there was no period of decrepitude. I esteem it one of the fortunate events of any man's life that, in the vigor of his manhood, amid his daily labors, when there is no abatement of his natural strength, when the powers that God has given him are consciously under the mastery of his will and are its servants for carrying out good purposes, he suddenly finds this tabernacle of mortal flesh falling from the higher and nobler nature, and he steps with all the power of a divine manhood into the presence of his Maker. It is no cause of sorrow. It is no reason why we should weep. And to-day, as we recall the last scene of our colleague's life and lay the tributes of our admiration and affection upon his grave, it is not unbecoming that we should ask that when our time comes—and it may come sooner or later in the midst of these labors—it may come to us suddenly, without premonition, without the mortal dread of warning, and that we may stand at a moment's notice on the other and better shore. That there is another and better shore, that we are surrounded by unseen realities, I for no moment have ever doubted. There is a place where the incommunicable thoughts of our innermost hearts will find outlet to those we love.

Mr. LONG. Mr. Speaker, it lacks but five days of just five years since, on an afternoon like this, and upon a like occasion, I, then a new member of Congress, first heard the rich deep voice of James Nelson Burnes—a voice mellow and resonant and full as the swelling sub-bass of an organ-note. Since then how familiar has been its music to our ears, never falling on them without awaking that soothed and welcoming responsiveness which the ear instinctively gives to a melody that melts into sympathy with itself. Whether that voice breathed softly, as an Æolian harp, along the chords of courteous and kindly compliment, or, in the stress of hot debate, expanded to the mighty volume in which the aroused and masterful orator pours the thunder-peal of his passionate and resounding eloquence, it never grated on the ear, it never struck a false note, it never failed to be the obedient expression of the mind it served, or to win without harassing the attention of the House to which it spoke.

At the date to which I refer, Mr. Burnes, also then serving his first session in Congress, was speaking in it almost for the first time. He was delivering an address upon the life and character of Dudley C. Haskell, of Kansas, a member of the Forty-eighth Congress, who had recently died, and to whom the House was then paying its tribute of respect. Himself a picture of magnificent physical power and health, nothing seemed less probable than that five years from that time the House should be paying its like tribute to James Nelson Burnes. Those of us who were there recall the graceful and appreciative touch with which he portrayed the characteristics of him whom, coming from the adjoining border of a State adjoining his own, he denominated his "neighbor," or the felicity with which he wove the laurels of Missouri and Kansas around the name of Dudley Haskell till it seemed as if the noble river which is a boundary between those two great States, distinctively representative as they are of the two great political forces of the Republic, was a river of their common tears poured out to Haskell's memory. It was in this appreciative strain, it now seems also like a prophetic strain, that Mr. Burnes then uttered these words, so significant of himself but one short month ago:

> Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact, and prepared himself to meet it. No command of his physicians, no appeal of his anxious friends, could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain. He had thought much upon legislation, and saw, or thought he saw, the the work of his hands in former Congresses about to be reviewed by his political adversaries. The sharp, keen conflict of mind with mind and system with system was already before his eyes. He saw the coming all-night vigils, and the glare and heat of the fierce onset—the thrust, the parry, and the parliamentary blow. The tumult of action and cheers of victory resounded in his ears as, unconsciously, his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented Haskell, like many another, died a martyr to his moral convictions of official obligation.

So, too, died James Nelson Burnes at his post, struck down like the younger Adams on the floor of the House of the Representatives of the people. It has been my fortune to serve with him during most of my Congressional life upon the Committee on Appropriations. I was familiar, as were we all, with his conciliatoriness of manner, sometimes and strikingly in one of such vigorous brawn of physical and mental force, melting into a very softness and flattery of voice and touch and compliment and generous kindness. But underneath this we all were quickly taught that when it came to the will, which in this man was like the engine in the heart of the steam-ship, when it came to the purpose he had in view, and the result he had determined to achieve, no bar of steel was so firm and irrisistible. It was a hand of silk when it grasped that of a friend or bestowed a courtesy; it was a hand of iron when it flung from his path an obstacle or struck a foe.

He was a man of tremendous persistence and mental industry. His desk to-day would be more characteristic of the man if the flowers and cloth of mourning which are now upon it were removed, and it were ready for hard labor and diligent application to the work of legislation. For he suggested life, not death; and my religion thinks of him still grandly alive, not movelessly dead. His comprehension was broad, seizing and digesting the infinite variety of subjects before our committee alike in their general reach and in all their minute details. His great brain, set in his massive, square, capacious head, mastered with a giant's grip whatever it attacked; and while many of us differed from his conclusions, and often questioned the policy which he would have applied to expenditures in the interest of public works and obligations, we never underrated the might of his antagonism.

Yet, withal, it was a supple mind. In the intensity of his maintenance of a position he not only struck the blows of a sledgehammer, but sprung every device which his swift ingenuity suggested. If I were to sum up his characteristics as a public man, I should embrace them in the one controlling quality of a masterful force. It was typified in his physical frame. It included also deftness, quickness, aptness, art. It now went home with the most emphatic directness of speech; it now hid its attack, as the goddess veiled her son, the Trojan hero, in an enveloping mist and cloud of words. It was like the trunk of an elephant, able to strike a blow that crushes a wall, yet with so subtle and delicate a touch that it picks a pin from the floor. It was a force that never expended itself in a tumultuous and tempestuous explosion. It never lost control of itself. Like the voice in which it was uttered, it was, however surcharged, always under command. No storm of fierce debate, no whelm of vehement opposition ever disturbed its equipoise. It never left him at the end of whatever struggle with other than that bland smile upon his face and that courteous intonation in his greeting or parting salute, which we all recall as vividly now as if but a moment ago he had leisurely walked across this Hall, fanning his leonine open throat with his habitual palm-leaf fan, and had gone out through yonder door, soon to come back again while yet we speak of him.

And that masterful force stood by him to the end. On the morning of his last day of service here, the 23d day of January, 1889, he was in his place at the table of our committee, the veteran chairman of which,

recently worn in health, though never more resolute in mind than now, had come to lean a little on his broad shoulder. He was especially prepared for the debate which was to occur on that afternoon session. He took his seat in the House soon after it came to order. The sword of one more surely fated than Damocles was suspended above him, its point at his very heart. He knew it was certain to fall. He saw the very disintegrating of the single hair by which it hung. But he did not flinch. The square jaws were set a little firmer; the iron hand clinched itself a little tighter; the masterful spirit rose only to a sterner defiance; and if ever a human will put forth the force which none but Almighty power could bend or break, it was that of James Nelson Burnes when he fell that day here at his post in the discharge of his office as a Representative of the people.

As one who was with him in their service, entering Congress at the same time; as one who was his associate upon one of the committees of this House; as one who for five years was the recipient of his most cordial courtesy and a daily witness of his laborious and efficient industry; as a graduate from the same university at which he studied law; as his colleague and his friend, I pay my tribute to his memory and extend my sympathy to the circle of friends, and especially to the wife and kin, to whom he was a mighty castle, and to whom his death is the falling of a great arch of the refuge and shelter of their hearts.

Mr. HOLMAN. Mr. Speaker, James N. Burnes was a native of Indiana, and although he achieved his high reputation in a sister State, Indiana could not be silent when the Representatives of the nation express their grief at his death and this House places upon its records an enduring memorial of his high qualities as a legislator and his worth and merit as a man. I am a native of Indiana, and it may be that the high esteem in which I held Judge Burnes, or at least the affection I felt for him, was in some degree colored by the sentiment that he was a son of the great State which I love and in which my life has been passed.

I had known something of Judge Burnes by reputation before he came to this Capitol, but my personal acquaintance with him commenced with the Forty-eighth Congress, when he and I both became members of the Committee on Appropriations of the House.

For four years we served together on that committee, and every successive step of his career during that period on that committee and in this Hall up to the day before his death, when we last conversed together for a few moments where I now stand, increased my esteem and affection for him as a man and my admiration for his abilities, unfaltering integrity, and high sense of justice.

The assignment of Judge Burnes to the Committee on Appropriations, the most important committee of the House, on his first entrance into Congress, indicates the reputation he had already acquired. He was made at the outset by Mr. RANDALL, then and still chairman of the committee, a gentleman whose large experience in Congress and admirable judgment of men rendered a mistake almost impossible, chairman of the subcommittee on the consular and diplomatic bill, and later on of the general deficiency bill, one of the most important of the fourteen great appropriation bills—a bill on which countless forces, official and unofficial, seek to crowd almost countless items, certified and uncertified, running back through many years, and swelling into vast millions. It is a bill every item of which requires painstaking, protracted, and patient labor. Judge Burnes, while actively participating in the preparation of the other great bills of that committee and the current business of the House, had that particular bill especially under his charge, and it is to be placed to his honor that in the many millions of dollars involved in that bill, covering a vast multitude of items and running back through many years in successive sessions of Congress, not an error or mistake has ever been found.

The real work of Congress is performed in the committee-rooms. The preparation of one of the great appropriation bills, especially one in which the result is expressed in large aggregates like the "budget of deficiencies," is the very drudgery of legislation, its results are simply expressed in great sums of money. None of the enthusiasm which gathers around the current proceedings of Senate or House give it animation. Nothing but a high sense of public duty could secure its faithful performance. Gentlemen around me know with what patient industry and fidelity Judge Burnes performed this necessary and valuable duty of legislation. When he brought the bill into the House with its aggregated millions of dollars he was the master of every detail, and was prepared to meet every motion to enlarge its volume. Not one or that great mass of discredited claims, which year after year seek a favorable opportunity to reach the Treasury, ever escaped his observation; yet a demand that was just, no matter how long it had been delayed, met with his prompt recognition.

In legislation Judge Burnes demanded not only just methods but undisguised frankness. During the Forty-eighth Congress a question incidentally arose as to a secret-service fund to be employed in negotiations with a foreign government for the benefit of ours, but he denounced the measure in words of burning eloquence as unworthy of a great and free people. Such methods of the state-craft of monarchies were unworthy of a Republic where the public mind, fully informed, should control events.

He was the very soul of justice and honor in legislation. He examined with the same patience and impartial fairness the small claim of the humblest citizen and the great claim of a powerful corporation. Circumstances occurred in the closing period of the Forty-ninth Congress that brought into full view his great qualities. Conditions arose of extraordinary embarrassment in relation to an important appropriation bill under Judge Burnes's control. In that contention gentlemen who were carefully noting the current of events saw him display high qualities of self-denial and fortitude worthy of a Roman senator in the golden age of that republic.

One of the great corporations which have grown out of the Federal policy of our age, greatly indebted to the United States, asserted a claim against the Government involving millions of dollars and demanded its payment, without reference to the just counter-claim of the United States of a vastly greater sum, but not yet technically due. After an exhaustive examination Judge Burnes reached the conclusion that it ought not, in justice, to be paid. Repeated conferences on the bill rendered it reasonably certain that unless Judge Burnes and his associate House conferees receded and permitted the payment of the claim the bill would fail. The bill involved very large sums that ought to be appropriated and about which there was no dispute, claims the most meritorious.

The situation was one of extreme embarrassment. To recede allowed the payment of millions which Judge Burnes thought ought not under the circumstances to be paid, to refuse to recede postponed payment of claims eminently just and meritorious—claims of soldiers of the late Union Army and their widows and orphan children, and other meritorious and necessary appropriations not in dispute; but Judge Burnes, sorely pressed, did not falter. The hour of final adjournment fixed by law rapidly approached and every influence which policy, interest, and power could suggest was brought to bear to induce him to recede from his position, but he stood by his convictions with the firmness of a rock which had defied for centuries the rage of the ocean.

He understood well the severe criticism he would encounter if the bill failed in his hands, for but few such events have occurred in our history, but he did not falter. He brought hastily into the House a bill embodying the most pressing and meritorious provisions of the bill in dispute, and on his motion it was instantly passed by the House and sent to the Senate. Almost at the last moment concession was made to his views, but it was too late and the bill failed. Happily no material public inconvenience resulted from its failure; the ends of justice were secured and this noble example will remain upon the records of Congress forever of unfaltering firmness in the performance of a public duty.

Judge Burnes possessed the qualities, firmness of purpose, and intellectual power which under favorable conditions and with larger experience in statesmanship would have made him one of the foremost men of our age. His truth, moderation, and sense of justice as displayed in this Hall would have steadily advanced him in the respect, admiration, and confidence of his countrymen; his unassuming manners, his patience and forbearance, and above all his unflagging industry, great talents and attainments and high sense of fairness and honor made him of great value in the public service, and with prolonged life would have given him a commanding position in the councils of his country. He was of the order of men who under favorable circumstances become, as it were, landmarks in history.

I will seek to express the opinion I have formed of Judge Burnes by a comparison.

The historians relate that the Roman senate, wearied with the protracted war it had waged on the opulent city of Numantia, in Spain (I quote from Bancroft), which had for years resisted the Roman arms with invincible fortitude, deputed Tiberius Gracchus, celebrated for his truth and moderation, with plenary powers, to that city. While a fierce conflict between the invading army and the beleaguered city was impending it was announced that Tiberius Gracchus, a messenger of the Roman senate, was approaching the ramparts; the assault ceased, the gates of the city were thrown open, the citizens with their wives and children "thronged round his steps, hung on his arms, and clung to his hands." They led him into their city and—

bade him take from their public stores whatever treasures he desired; he took but a handful of incense and offered it to the gods. They requested him to establish the basis of peace, and he framed a treaty on principles of mutual independence.

Of course the conditions of human life which rendered this incident in history possible do not exist in our living age, and has not for ages past, and yet I think I may fairly indulge in the comparison I wish to make. As I have seen James N. Burnes in the committee-room and in this Hall, observing his high sense of truth, justice, and honor, the spirit he uniformly displayed of kindness and moderation, the simple dignity of his deportment, the generous and humane temper of his mind and heart, the benevolent expression of his face, I feel that I can say with safety that under like conditions he would have inspired the same high confidence and furnished the same absolute assurance of justice as did on that historical occasion the illustrious citizen of Rome.

In the death of James N. Burnes many of us have lost a friend we loved and admired, this House one of its most valuable members, his

State and the nation a great citizen whose high merit is fully attested by the record he has made in this Capitol. That record will remain a monument of enduring honor to his memory.

Mr. BUTTERWORTH. Mr. Speaker, it is appointed to all men once to die, but when that death will come or how or where is not revealed to flesh and blood. Each life is for our instruction and each death is to us a warning and a lesson. What death involves we do not know, beyond this, that the eyes cease to see, the ears no longer hear, the lips are dumb, the heart is pulseless, and the wheels of life stand still. I have watched with the dying, and been alone with the dead, and have felt that sense of dread which comes to us when we contemplate the fact, that even in health we are skirting the confines of "the valley of the shadow."

Whether death ends all conscious existence I do not know, but I have an unwavering faith that this life is but the germ of an immortality. However and wherever we exist this conscious intelligence still survives. As I have stood in the presence of the dead I have found myself, almost unconsciously, repeating the words of Cato's soliloquy:

> Plato, thou reasonest well;
> Else whence this pleasing hope, this fond desire,
> This longing after immortality?
> Or whence this secret dread and inward horror
> Of falling into naught? Why shrinks the soul
> Back on itself, and startles at destruction?
> 'Tis the Divinity that stirs within us.

The death of the aged and infirm is so in the natural course of things that while it saddens it may not shock us. The dissolution that follows wasting disease and painful illness we are prepared to meet; but when one in the fullness of life, the zenith of strong manhood, is, without premonition, struck down, we stand appalled in the presence of the sudden calamity. Such a death most forcibly reminds us that we are mortal. In the life, the labor, and the sudden death of James N. Burnes there is for each of us an impressive lesson. Others will speak of his life and services, his trials and triumphs. It is my part to refer only to the manner of his death and the impression left upon my mind by the sad occurrence. It seems meet that I should do so, as I was with him when he first felt the shock that foreshadowed his speedy dissolution and was among the last to converse with him.

On the morning of the 23d of January last I met our deceased friend in the Appropriations Committee room. Mr. RANDALL, being indisposed, was absent temporarily, and had requested Mr. Burnes to preside at the meeting of the committee. Whether the hand of affliction had been laid upon him then I do not know, but I never saw a picture of more perfect health than he presented. As you know, he was a man of stalwart frame, a giant in strength, and of indomitable will. I never met him when his intellectual faculties seemed clearer than on that morning.

When the committee adjourned, he preceded me to the floor of the House. A few moments after I had taken my seat, I turned and called to ask him some question concerning the pending bill. He answered, and, rising from his seat, walked to the head of the center aisle, in front of the Speaker, to meet me. I asked him a question concerning a provision in the bill, whether it was reached. He said, "Not yet." At that moment he raised his hand to his face and said to me, "Ben, there's something the matter with my tongue, I find difficulty in speaking." At the same time I noticed a nervous twitching of the muscles of his face, and deeming that he was seized with some nervous affection which the fresh air and his resolute will might throw off, I said to him, "Come with me into the open air."

He took my arm, and we walked together out to the east front of the Capitol. As we passed along he seemed to be struggling to control the muscular action of one side, and I said to him, "Burnes, bring your will power to bear, and you can drive this trouble from you." I saw he was making the effort. On reaching the open air, he felt somewhat better. For some minutes we walked up and down, conversing about the unnatural feeling that seemed to be taking possession of him. I proposed to go for a physician. He resolutely declined to have me do so, and said it was nothing and would pass off in a moment.

I urged him to let me bring him some stimulant; that he also declined. I urged him to go with me in a carriage to his physician, Dr. Sowers; he positively refused, and those who knew James N. Burnes will understand that when he said "no" he meant it, and he would be an aggressive friend who would persist in doing that which Burnes forbade.

At his suggestion we walked from the east end of the Capitol to the consultation room of the Appropriations Committee. On reaching there I again suggested that, as he did not feel better, I should at once summon a physician. He refused to permit me to do so. I insisted then that he should take some stimulant to warm him. He consented, and I left, and meeting his colleague General HATCH, asked him to assist, and in a few minutes Mr. HATCH obtained some brandy, and Mr. Burnes took a small portion. This seemed to revive him. We stood there alone, while he seemed to be struggling to throw off the influence that oppressed him. I have never seen such a struggle between the will and the physical man. Twice he dropped the cigar which he held in his hand. I said, "Burnes, let your cigar go, you do not want it." "No," he said, and stooped down as if to compel the hand that was yielding reluctant obedience to respond to the mandate of his will.

Twice he picked the cigar up, and twice it fell from his hand. At last he seemed fully to realize the nature of the struggle in which he was engaged. Putting one hand upon my shoulder, he said, realizing as I did not the danger which was present, "Ben, it is hard to quit the battle now," and after a moment's silence he said again, "I hate to leave the field now." I then understood what he meant, but did not dream that he knew, and I am sure I did not, that he was stricken, and that speedy dissolution was imminent.

He said again with earnestness, but having difficulty with his articulation, "I have much to do, and I hate to quit the battle now."

I said to him in reply, "Why, Burnes, you are good for twenty years yet." He shook his head in a manner which left no doubt that he felt that his hour had come. In a moment he reviewed the work he had done, and surveyed the ungathered harvest which spread out before him, and contemplated the labor unperformed and to which he was about to lend his willing hand. But it could not be. Then for the first time I observed that indomitable will of his for a moment seemed to yield.

I again said, as if intending to disregard his wish, "I will go for a physician, or take you to one." He still earnestly refused to let me go. He doubtless knew all human aid was vain.

I then asked him to lie down upon the lounge. He did so, and at that moment our colleague upon the committee [Mr. RYAN] entered the room, and seemed to realize in a moment Mr. Burnes's condition. He said, "We must call a physician at once," and in a moment Dr. GALLINGER, Dr. DAVIS, and Dr. ATKINSON, members of the House, entered the room.

Dr. GALLINGER made an inquiry or two, and in a moment diagnosed the case. The quick, practiced eye of the physician revealed to him that James N. Burnes was stricken in death.

He said quietly to friends, "It is only a question of a little time."

Burnes was paralyzed. A blood-vessel in the brain had burst, and he was past all human aid. He was carefully and tenderly removed to his rooms at Willard's Hotel, was kindly cared for, but in a few hours he was dead. His son, who was visiting his father, hurried to his side. It was touching to see that stalwart, strong young man, standing by the side of his stricken father, eager to do something for his relief, anxious to engage in a desperate struggle to wrest him from the grasp of the destroyer.

I knew how he felt, for not many months before I had held in my arms a boy that I loved dearer than my own life. Death seemed to be tearing him from my grasp. I remember, in my agony, feeling the desire that death should take on some physical form or shape and let me fight him for my boy.

So that faithful son stood by the side of his honored father, devoted, yet powerless to help or save. The family at home learned at the same time of his illness, and his death, which followed immediately. It is difficult for us to realize in full measure the agony of that bereaved family in the loss of a husband and father.

I know the home of Burnes was a Christian home, and I am persuaded that, in the presence of such affliction as came to the members of that household, the voice of the Master was heard speaking the words of comfort, "Let not your heart be troubled. Ye believe in God; believe also in Me. In my Father's house are many mansions. If it were not so, I would have told you. I go to prepare a place for you." I do not know what faith Burnes had. He was conscious of his approach to the "valley of the shadow," but whether he went with unfaltering step, upheld by Christian faith, I do not know. I judge of the man as I knew him. His heart was generous, and to me at least he proved by works his faith, and his works were such as to give assurance that although he made no profession before the world yet he had Christian faith.

Of his usefulness and labors in public and private life it is not my purpose to speak. That task will devolve upon others. I have spoken of his last hours. This much I may add: I stood by the coffin in which he lay; he seemed to have settled into a peaceful slumber; and in that presence the uncertain tenure by which we hold to life was deeply impressed upon me. I seemed to hear, in language not audible to mortal ears, but none the less palpable to my understanding, "Do thy work to-day; for thee there may be no to-morrow." The chaplain had finished the prayer for the repose of the dead and invoked a blessing upon the living, when we left our friend in care of those who were to bear his mortal remains to their final rest within the borders of the State which had honored him with trust and confidence, and which he had in nowise betrayed. We saw the form of our friend shrouded for the tomb, but in the presence of that change called death we felt that we could say of James N. Burnes, "It is well with him."

Mr. SAYERS. Mr. Speaker, on the 23d day of last month the House was startled by the announcement that one of its most distinguished members, James N. Burnes, had been stricken with paralysis while in the performance of his duties and in attendance at the Capitol. For this sad intelligence no one was prepared. During the morning he was with his committee—that of Appropriations—taking, as

was his custom, an active and influential part in its deliberations. He appeared to be in excellent spirits, and there was not the faintest shadow upon his countenance or speech or action of the event which was to come so soon and in such form. To the observer death seemed to be afar from him as he sat with us and assisted us for about two hours in the preparation of the measure which was then claiming our attention.

He walked from the committee-room, apparently in splendid health, seated himself at his desk, prepared an amendment to the bill which the House was considering, and arising to confer with a friend was smitten with the first symptoms of the attack which was to terminate so fatally and in so short a time.

He was borne from the Capitol in a most critical condition to his hotel, and before the morrow's sun had risen he had taken his final departure from the scenes and circumstances of this life. That he anticipated the probability of any early death and was not altogether unprepared for the suddenness of its coming may be inferred from conversations with his intimate friends.

During the former session of the present Congress, and especially toward its close, he was very busily engaged both day and night, and proceeding from here to the district which he represented, he immediately entered upon a very active canvass, which he personally conducted until the election. He returned to the Capitol last December with his strength somewhat impaired, and was soon afterward taken seriously ill. Recovering, he resumed his Congressional duties with his wonted industry and activity, and continued in their constant discharge until the very moment of his last illness. It may be literally said of him that he died with his harness on—in the very midst of his labors—in the actual performance of the high functions to which he had been called by reason of his abilities, his splendid services, and the judicious partiality of those among whom he had lived and wrought for so many years.

Mr. Burnes was a busy, an active, a practical, and a prosperous man. The successes which marked his career were not the chances of fortune, but rather the results of toil, sagacity, courage, and inflexible determination. He was self-reliant and self-confident, and full to the overflowing of resource. He thought for himself; he acted for himself. His plans were carefully considered, and when matured, he pushed them on boldly and skillfully to their accomplishment. The tendency of his mind was not in a single direction, nor was it limited in its aspirations or undertakings. Any enterprise which promised gratification to his ambition and usefulness to humanity was sure to meet with favor at his hands. Possessing an intellectuality capable of the highest and of the finest polish, he was nevertheless a man of action. A theorist, a philosopher, a lover of literature, he was also eminently practical in all his aims and efforts. He was endowed with a most excellent judgment, which under the most trying circumstances never lost its just equipoise nor failed to serve him as a sure, a safe, and a ready counselor. He never lost his presence of mind, but met and grappled with difficulties as they arose without hesitation or fear.

To the activity, strength, and diversity of his mental endowments were added graces of deportment and character which contributed in no small degree to his advancement in life. He was easy to be approached, courteous in bearing, affable in manners, true to friendship, faithful to promises, and considerate to those with whom he was connected, without regard to station in life. These lovable qualities added very materially to his strength and influence with men. He was wealthy, without being ostentatious. His liberality was not accompanied by selfish extravagance. Possessing all of these high and varied qualities of mind and heart, it is not a wonder that he became a recognized leader and won for himself complete success in all his undertakings.

He was a necessity to those with whom his life and labors were cast, and it was therefore not a strange or unaccountable circumstance that on the cold, wintry, Sabbath evening of his funeral thousands were gathered to witness the long-extended cortege which bore his remains to their resting place, and that the people at his own home and in his own State, without regard to party, class, or distinction, united in paying to him the last tribute which can be offered to humanity. A man had gone from them who had accomplished many great and useful enterprises, and whom they had delighted to honor with their confidence and esteem.

It has been said that the life of Mr. Burnes was begun amidst straitened circumstances and that the scholastic and professional education which he attained came to him through the kindly aid of his kinspeople. If this be true, his subsequent career illustrates not only the great strength of character which he possessed and without which he could not have been so successful, but also the exceeding value of our political and civil institutions, and of the social characteristics of our people. His career, amid all the varied vicissitudes of his life, can not but animate ambitious poverty to the loftiest exertion, in the confident expectation that success surely awaits the toiler in every department of honorable activity, even though the beginning be obscure and humble.

James Nelson Burnes was born in Indiana in the year 1827, and was therefore in his sixty-second year when he died. As to his early life I have no information further than that he received a common-school and high-school education, and that he was graduated at the Harvard Law School in 1853. He then resided in Missouri, and immediately began the practice of his profession in that State, which he diligently pursued until 1868 with great success, gaining much reputation as an advocate. From 1868 to 1872 he presided upon the bench, and in that high and delicate position he acquitted himself with great credit, thus adding to his reputation as a practitioner the broader and more enduring fame of an honest and an able judge. In both of these capacities his record is without blemish and is a source of great pride and satisfaction to his friends and relatives. Every obligation which was imposed upon him by virtue of these relations to society and to individuals was met and discharged with scrupulous fidelity.

Retiring from the bench, he entered upon an entirely different sphere, in which was put to the test not only the experience and information which he had previously acquired but also those other great qualities of mind and character which were still latent to the public eye, even to those who had been nearest to him and thought that they knew him best.

Looking around him, he saw that the great West presented an inviting field for the building of railways and that the demands of commerce would increase with the growth of population and with the development of the country. The opportunity was before him and he did not hesitate to follow the dictates of his judgment. Others of greater experience in such matters were consulted, but they hesitated to make the venture.

But Mr. Burnes was self-reliant and possessed the courage of his convictions, and, without previous training or technical skill, he embarked in the dangerous enterprise of railway construction, which was to call forth his best energies and the exercise of an indomitable will. Failure might prove to him an utter wreck of fortune and of character as it had often occurred to so many who had enjoyed far greater advantages and had had far better and far brighter prospects than he.

The word "failure" was not written in his vocabulary. It was a strange word to him—a word with which he was not to become personally familiar. He had considered, and having considered it was with him to act. He was the organizer and the first president of the Western and Atchison Railroad Company, which built the first railway in that section of the country, except the Hannibal and St. Joseph. Succeeding in that enterprise, he organized another company, and was the moving spirit in the construction of the Chicago and Southwestern Railway, from Leavenworth, Kans., to Ottumwa, Iowa, and now forming a part of the Chicago, Rock Island and Pacific Railway.

Principally to him and to his efforts is due the construction of the bridge across the Missouri River at Atchison, in Kansas, and that, too, during a season of great financial disaster and panic.

He was a member of the original Town Company of Leavenworth and Atchison, and was still interested in the organization at the time of his death.

Who, Mr. Speaker, can estimate the advantages that have accrued to the great States of Missouri, Kansas, Nebraska, and Iowa, and to other communities because of the completion of these enterprises in which Mr. Burnes was a leader? It must have been, indeed, a proud moment to him when that great concourse of people met at Atchison on the 25th day of September, 1875, to celebrate the completion of their bridge. He had actively assisted in bringing to them these instrumentalities of commerce, and they were there to express their appreciation of their value to themselves and to their posterity.

An address of much power and eloquence was delivered on that memorable occasion by a distinguished gentleman, now the Presiding Officer of the Senate of the United States, in the course of which he said:

> But there is one other man to whom, more than all perhaps, this is due, a man in whose great brain the idea was first conceived, in whom it originated, and who has pushed it forward to its triumphant conclusion, a man who is not only one of the first and master minds in Missouri, but also one of the master minds in the Northwest and of this continent; and I say further that full justice will not be done him until at the eastern approach of that bridge stands a statue in bronze of Col. James N. Burnes, of Missouri.

This was a merited tribute to a deserving man, who had, by his enterprise, his courage, and his industry vastly enhanced the material wealth of his people, thereby conferring, in the most substantial and enduring form, benefits of incalculable value and variety, not only to the present, but to all future generations.

But, sir, it was as a member of this House that Mr. Burnes was best known to the great majority of us. Elected to the Forty-eighth Congress, he was assigned to the Committee on Appropriations, where he remained until he died. His practice as a lawyer and his experience as a judge, combined with his large and varied capacity as a man of affairs, enabled him to readily comprehend the character of the duties to which he had been appointed.

At the very commencement of his service he began to thoroughly equip himself for the work which was before him. The administration of the Government in all its details received his continued and careful attention, and wherever a mischief appeared he sought to apply a remedy. It is entirely safe to say that he contributed largely to such legislation as has been permitted on the appropriation bills since he became a member of this House. In his recommendations of expenditures he was economical but not niggardly, believing that the Govern-

ment should have a sufficiency for proper and efficient administration, but no more than was enough.

Methodical and industrious in his mental habits, he made himself very thorough in his knowledge of every question that he undertook to consider. With him it was an inflexible rule to withhold his judgment until all means for information had been entirely exhausted. Careful and painstaking in his investigations, his conclusions were but seldom, if ever, erroneous. He soon acquired the confidence not only of the committee but of the House also, and in matters of expenditure he was, at the time of his death, a recognized authority. He spoke but seldom, and then only upon such subjects as he had completely mastered. His utterances for that reason always received attention, and he but seldom failed to carry the majority with him. His popularity was continually on the increase and his influence rapidly enlarging. It was a steady growth, not spasmodic. He was regarded by every one who knew him as a well-equipped legislator—as one whom it was entirely safe to follow upon measures which he had in charge. He acquired much reputation during the former session of the present Congress. The responsibility under which he then labored was greater and heavier than ever before. How well he met that responsibility we all know. His strength seemed to increase with the weight of the burden imposed, and his exertions quickened to the demands which were made upon his energies. At the close of the session his character as a wise, honest, and courageous legislator was firmly established.

The past was secure, and the future appeared full of promise. He had fully demonstrated to the satisfaction of all his entire fitness for the high position to which his services had carried him in the estimation of his colleagues and of the country. No one who knew him will deny to Mr. Burnes the possession, in a very large degree, of a high order of ability for public affairs. He was not content with the mastery of the principles upon which a question rested and to which it owed its vitality; he also strove to possess himself of the details of its application to correct government. He regarded matters of legislation rather from a practical than a theoretical standpoint, and for that reason his opinions were entitled to great weight. Had he lived for some years longer it is quite certain that his reputation would have grown to national proportions and that leadership in the councils of his party would have been cheerfully accorded him.

But, Mr. Speaker, the most interesting feature of Mr. Burnes's character are to be drawn from his social and domestic relations. He had many, very many friends, who were attached to him by the strongest ties. His genial and kindly nature made it pleasant, indeed, to be with him, and the enjoyment of his society was not relinquished without regret. What more beautiful and instructive lesson could be taught than that which is to be found in the close and affectionate relationship which existed between D. D. Burnes, C. F. Burnes, and James N. Burnes—three brothers? In business affairs they were partners, owning everything in common and never disagreeing in the matter of property, or in its acquirement, disposition, and management.

D. D. Burnes dying more than twenty years ago, the affections of the survivors were extended, in all their strength, to his children, and the six orphans—minors all of them—occupied the very same place as their father in the love of their uncles. They were tenderly cared for during the years of their minority, and are to-day co-sharers in the joint property of the three brothers. They dwell beneath the same roof and sit around a common board.

Probably a more touching address has never been heard than those few and simple words, which were spoken by the last surviving brother—one of the three—to the Congressional committee, who accompanied his remains to St. Joseph. He spoke of their business and of their domestic relations and of the undying attachment which bound each to the other, concluding with the statement that the strongest of the three had fallen—from whose decision touching any matter of whatever kind no appeal was ever taken.

Mr. Speaker, James N. Burnes did not live in vain. He was no idler in the great vineyard in which humanity has been called to labor. From the first to the last he was a worker. The productions of his hands are to be seen in many places, nor will they soon pass away and be forgotten, now that he is no longer with us. They will survive him to bless those for whom they were conceived and accomplished, and they will remain fitting and never-fading memorials of his great usefulness. Mr. Burnes had an abiding confidence in the sublime truths of the Christian religion, and it is indeed gratifying to know that, in the midst of the pressing engagements of a busy and an active career, he did not forget those higher and more important duties which pertain to the life which is eternal.

Mr. MORRILL. Mr. Speaker, while I can hardly hope to add to the eloquent tributes that have been paid to the memory of our distinguished friend who has so recently gone from our midst, I feel that I can not let the occasion pass without offering my testimony to the valuable services, eminent ability, and high character of our lamented associate.

For more than thirty years we have lived in adjoining districts, separated only by the river that marks the boundaries of our respective States. For the greater part of that time we have been acquaintances and friends. The interests of our respective constituents were largely identical. Our people are bound closely together by intimate business relations, and each felt that in working for his own district he was advancing the interests of the other. Himself a large property-holder in one of the principal cities of my State, he was regarded as being as closely identified with its interests, and was as well known to its people, as to those of his own city.

It is an especial gratification to me to be able to say, after six years of association with him on this floor, we having together entered the Forty-eighth Congress, that I have always found him ready and active in the support of all measures which I have introduced for the benefit of the people whom I represent. Though occupying seats on the opposite sides of this Hall, our relations were always harmonious and cordial. During his term of service in this House I have always been able to rely upon his intelligent interest in and hearty support of all measures intended to promote the welfare of the people of Kansas. That they appreciated his efforts in their behalf is shown by the unanimous adoption by the upper branch of our Legislature, composed almost entirely of those belonging to an opposite political party, of the following resolutions of sympathy and regret at his untimely death. They testify to the estimation in which he was held by the people wherever he was known:

Whereas the people of Kansas learn with profound regret of the death of Congressman James N. Burnes, of Missouri: Therefore,

Be it resolved by the senate of Kansas, That in the death of Colonel Burnes this State has lost a firm supporter, the West a loyal friend and just legislator, and the country at large an honest, wise, and prudent statesman.

Resolved, That the sympathy and condolence of this body be extended to the family of Colonel Burnes in their affliction.

Resolved, That the secretary of the senate be instructed to send a copy of these resolutions to the family of the deceased statesman.

All of Mr. Burnes's active life was spent in Western Missouri, where he was taken in early childhood. At that time that section of the State was but sparsely settled. Railroads were unknown; the early settlers were poor; and amid the privations and hardships of pioneer life his early manhood was spent. Endowed with a hardy frame, a robust constitution, and a splendid intellect, he was ambitious not only to secure for himself a competency, but to establish a name among those with whom his lot had been cast. To this end he strove to develop the resources of his great State, and his labors for what he believed to be the best interests of her people were unceasing.

While bold and self-reliant, he was never unnecessarily aggressive, nor unmindful of the feelings and rights of others. Marking out his course, he pursued it with all the energy of his nature. Fighting his battles with undaunted courage and yielding nothing to force or blandishment, he pressed forward with an indomitable will, surmounting all obstacles. He knew no such word as fail. Kind, generous, and considerate, always affable and courteous, he never wantonly gave pain to others. To the poor he was a generous, thoughtful, and true friend, and was ever helpful to those who needed and deserved aid.

As a member of this House he occupied from the first a foremost position. Able to grapple successfully with all questions which were presented, however comprehensive in their scope, he worked untiringly for the success of what he believed to be right and for the highest and best interests of his country. He was always at his post of duty. It was inborn in his very nature to do what he did with all his might.

To his political party in his State he was a tower of strength. A wise and judicious leader, and at the same time a brave and fearless champion, his loss will be severely felt in the political contests of his section of the country. While intensely devoted to his party, and ready to labor unceasingly and with all his might for its success, he was in no sense a bitter partisan. On the contrary, he was always courteous to his opponents and tolerant of the views of those who differed from him.

Mr. Burnes had many warm, true friends on this side of the House, a fact which he often spoke of with feelings of gratification, and which is well attested by the unanimous expressions of grief at his loss which have come from my political associates here.

Eminently a man of affairs, deeply interested in business and politics, our dead associate was at the same time a tender husband, an affectionate father, and a trustful, confiding brother and friend. The partner of his life and home, for years a confirmed invalid, found in him not only a sturdy champion and protector, but also a tender confidant who valued her counsels and appreciated the genuine worth which affliction only served to bring out in brighter colors. Henceforth her widowed heart will turn for consolation to gracious and loving memories of him who has gone, cheered and sustained by the sweet faith of the Christian that when a few more years have passed the ties so rudely sundered will be reunited never again to be severed, and that beyond the river, in that better land, they will enjoy each other's society forever.

Our friend fell at the post of duty and in the midst of his labors. The end befitted the nature and qualities of the man. Pursuing the methods of a life crowded with activities, a mortal blow fell upon him, and before the light of another morning had come he had "crossed the river and was at rest."

Mr. Speaker, I can conceive of no more felicitous ending of a busy and burdened life than to have the golden cord severed before age has dimmed the faculties or disease enfeebled the vital energies. Thus to

depart, in the midst of cheerful employments and in the enjoyment of the confidence and trust of our fellow-men, is indeed to enter into rest.

Mr. STONE, of Missouri. Mr. Speaker, I was introduced to Colonel Burnes in 1874, at the capitol of our State. Our homes were in different sections of the State, about 200 miles apart. After our acquaintance began we met more or less frequently, but I knew him only in a general way. Our meetings were accidental or at some important conventions of the people, where both of us happened to be on public business. Our greetings were such only as are usually incident to such occasions. I speak now of a time preceding my election to Congress. He had served here the term before I came and had been re-elected. When I came to Washington I met with all those petty annoyances which spring from a lack of experience and knowledge and which are common to some extent, I presume, to all novitiates.

Colonel Burnes had been here long enough to become familiar with the ways and methods of our national public life. He came to me voluntarily and often and made suggestions which were useful, and rendered me many little services that were valuable. This was not done in a patronizing way, but with such a modest frankness and with such a glow of natural kindness as to remove every suggestion of impertinence. Whatever he did in this respect was done in a manner so easy, so graceful, so natural, that it seemed to be wholly without design, and created a pleasing sense of gratitude without any special weight of obligation.

These little courtesies attracted me to him and afforded me a fortunate and gratifying opportunity to cultivate his friendship. I came to know him well, almost to the verge of familiarity. We were much together, and had between us many little confidences. We were close friends. I never made any special study of his history, his life, or his character; but I knew the man Burnes well. What I knew of him was not the result of psychological study. I never set him on a pedestal before me to mark out the perfect lines and the imperfect, the strong points and the weak points of his character. I could not, and I would not if I could, lay the cold steel of unfeeling criticism and analysis to the life and character of any man who was my friend, and whose memory is dear to me. I would not test the life-work of any man, warm-hearted, impulsive, aspiring, whose life has been passed in the midst of great activities, by the superfine standard of a dreamer or a moralist.

This man was human, and had many of the frailties and weaknesses of our mortality. I could not have loved him else. But his faults were either the waste of an overflowing companionableness, which in him was genial and attractive to an extraordinary degree, or they were faults which came bristling up when the fierce lion in the man was aroused. When pursuing "the even tenor of his way," when at his natural level, he was as free from fault and as safely armored against criticism as any man. But he found pleasure in his friends. He loved their laughter, their songs, their humorous sayings, their familiar banterings, and all the sweet abandon of boon companionship. These traits may sometimes have led him beyond the straight line of a punctilious and over-morbid orthodoxy, but never into any species of debauchery or excess. He was well poised and guarded himself well enough. His faults in this respect, if faults they were, were simply the overflow of a generous, kindly, companionable man—one who could recognize the obligations of morality without a tinge of asceticism, and who could observe all the just proprieties without engaging in any Pecksniffian pretense.

He had iron in his blood, too. He was a dangerous man to wrong. He knew how to remember, how to resent, how to revenge. A fallen foe or a repentant one, he was ready always to forgive. Accessible at all times to honorable reconciliation, an open foe did well to guard with caution and watch with apprehension. He was fruitful of resource, adroit in attack, masterful in defense, relentless in pursuit. His enemies, whether those who had done him a positive wrong or those who stood as obstacles in the way of his great purposes, had never any reason to doubt that sooner or later an opportunity would come to test his mettle. He fought as occasion required, but honorably. Some who stood against him, in their most promising periods of apparent safety, have suddenly felt their foundations sinking and seen the fabric of their strength falling about them, without comprehending the cause of disaster. Others he has confronted and sprung upon with the roar and crush of a lion, impatient of restraint, and swept them away at once. While his enemy stood upon his feet to strike and defy, he had in his blood the merciless instinct of battle and in his brain the inspiration of the warrior. But when the sun went down upon a battle finished there came back to his heart the gentleness of a woman and a longing to forgive and be forgiven. These things may have been faults. If so, he had them.

He was a man of brains. He was a man of force and power at all times and under all circumstances. He has been associated with many great and important enterprises, social, commercial, and political, and in all of them was a potent if not a dominant factor. His public work here is well known to us and to the country. Patient in research, persistent in industry, equipped with an enormous fund of valuable information, scrupulously desiring and bravely determined to do what his deliberate judgment dictated was right, possessing the unbounded confidence of his associates in the sincerity of his purposes and the integrity of his manhood, strong in debate, aggressive when need be, yielding when he could, firm as a rock when principle was involved, but courteous always, it is no marvel that he won high place and great influence in this Hall and at this capital, and impressed his thought and individuality upon the legislation and policies of his country.

He was strong, forceful, ambitious. To a great eminence he climbed, and ere he fell unfurled his standard high among the green waving banners of fame. But fall he did, as fall we must. In the midst of his labor, usefulness, and rising power he sank from our sight and from the world. While his power was growing, his renown spreading, his fame aripening, he fell here at his post of duty. With loving hands we bore him away and laid him to rest among the great oaks, the sugar-maple, the weeping-willows, the flowers, and the cold, white monuments in that city of the dead on a hill-top above the city where he lived. Away from the scenes of his labors and triumphs. Away from his friends and his loved ones. Away from his home—that home as I saw it and heard of it, with all its deep pathos and wealth of love. Oh, the pitiful, clinging love of the invalid wife! Oh, the marvelous love of the brothers living and of the orphaned children of the brother dead! Oh, the unfeigned devotion of his own manly sons! Oh, the sad faces and pathetic tears of their little ones! All—wife, brothers, nieces, children, and grandchildren—lived, as they have lived for many years, under one expansive roof.

The memory of it all—of all the sweet confidence, companionship, helpfulness, and love of the home-life of my departed friend—returns to me now, mellowed and sanctified by the soft radiance of something too beautiful and too sacred to tell in speech, and which, as I saw it and heard it, lifted me up, and still lifts me up, as if I had felt the electric touch of something divine and heavenly! Bore him away from this beautiful world and this wonderful life! We laid him down sleeping where the dead sleep, and left him. When the spring comes the oak and the maple will put on their green garniture again, the flowers will unfold their many-tinted beauties to the sun, and the willow will go on sighing to the end. But his heavy eyelids will never lift again that his eyes may brighten at the sight of beauty or grow moist at the sound of a sigh.

Is this the end? Is this sleeping, nerveless, crumbling statue the end of this remarkable man, who lived, loved, wrought so much? Oh, how that question has been sent wailing down all the ages! How, through all the cycles since man was born, has he stood in the light of the present, and of the past also, as it comes shadowing up—stood upon the verge of the future, peering into the darkness wistfully, questioning, ever questioning, "Is this the end?" Stand here and cry into the future as you may, no answer will ever come back to you. None ever has come back from the darkness of the future. Our only answer is in the present—in what we see about us, in what we feel, and think and are—and in the testimonies of the past. Climb to any height you will, dig to any depth you can, stretch wide your wings and soar—

> From star to star,
> From world to luminous world, as far
> As the universe stretches its flaming wall—

and pour your plaintive cry through all the spheres, and the same dumb silence will greet you. But we know and feel that if this is the end, then life is a sorry thing indeed. Is it hardly worth the living? I do not know. I am not sure. This I do know, that there is in me, as in you, a feeling, which is independent of mere desire—a strange consciousness that is not connected with any sense of fear or hope—that there is something in us that is not "of the earth earthy;" that is not of this mortality, mortal. I take hold of this. And because of this divine principle in our being we should recall with increased reverence the memories of our mothers, and thank them for the strange stories, the wonderful stories, of the past and of the hereafter which they taught us at their knees.

I do not believe that the great life of our lamented friend ended for all time when we laid that casket away at St. Joseph amid the tears and lamentations of the people. He lived nobly, achieved greatly, died bravely. The awful mystery of death has been solved to him. In a little while we shall pass over also, and may be we shall clasp hands again.

> O holy hope! and high humility—
> High as the arching heavens above!
> These are your walks, and you have shown them me,
> To kindle my cold love.

Mr. RYAN. Mr. Speaker, the duties which crowd upon us here afford me but a moment to speak of my departed friend. Of his birth, of the incidents of his youth, of the struggles, privations, and vicissitudes of his young manhood, of his achievements in private life and the larger successes of his public career, of those qualities of heart and mind which brightened his home and signalized his relations to his neighbors and to his friends, others here to-day have spoken in terms of just appreciation.

Were the time at my command, I also would gladly dwell upon these pleasing recollections, for it is a pleasure, even under the most afflicting circumstances, to recall what was good and great in the character and personal traits of those whom we loved and honored in life. It may fairly be said of him who is gone that from youth to death his

daily life was an illustration of qualities that extort admiration, and which would, if emulated, encourage the rising generation in the pursuit of the most exalted objects of ambition, modulated by prudence and supported by dauntless courage and tireless industry.

Memorial exercises would be but idle ceremonies if they were merely to afford opportunity for public expression of personal sorrow for the loss of some dear friend or the sudden quenching of some cherished spirit. They are held for another and a wiser purpose. Commemorating thus publicly eminent qualities, whether of soul or of intellect, or of both united, they become an incentive to the emulation of the living, making them better men and women. They stimulate in youth and dawning manhood a worthy ambition to thrive, to achieve, to excel. They are calculated to contribute to the fashioning of a higher order of society, and to a greater, stronger, nobler nationality. Guided by an unseen but potent influence, they become an inspiration, and the world is made the better for them.

I might speak in tearful tones of the warm friendship that existed between the distinguished dead and myself. I might properly refer to the fact that for several years we were assigned to the same committee and followed the same paths of duty, and that our pleasant relations during these years were never for a moment interrupted, though we often disagreed touching public methods and policies. Then, too, I might recall the agreeable conversation, now so indelibly impressed upon my memory, that I had with him about 10 o'clock of the morning of the day he was stricken—the vigor of his strictures upon certain abuses, the vivacity, humor, and sparkling satire that marked his utterances.

I might remind my colleagues of the committee of the characteristic force and clearness with which he discussed pending matters up to nearly if not quite noon of that fatal day. Moreover, I might give expression in words to the intensity of the emotions I experienced when, being informed by my friend from Ohio [Mr. BUTTERWORTH] that he was lying ill in the committee-room, I immediately hastened to him and found him, as I then feared and as the sad event proved, fatally stricken. To dwell upon these and kindred incidents and reflections would be grateful to my own feelings, but it would hardly subserve those higher and better purposes to which I should gladly hope these brief observations might contribute.

The character of Mr. Burnes was rich in qualities which commend themselves to the approval and admiration of the worthiest of mankind, and so become a pattern for imitation. Chief among these were ambition, industry, and courage. From early boyhood he was inspired by a restless ambition. To advance—to make secure the victory of to-day and strive for another to-morrow—to hold the eminence attained by patient endeavor or heroic struggle until there were none to dispute, and then to strike out for higher ground—this was the dominating feature of his character, as seen and known by those with whom he had been associated for the greater part of his active life. As usual with ambitious men, he felt himself equal to whatever he undertook, and thus he succeeded where other men of equal talents, but with less of the force and genius to impel and guide them, signally failed.

This ruling trait of his mental and moral organization was successfully and always ministered to by an industry that was as tireless as it was phenomenal. His was indeed a busy life. Whether struggling for the first successes which laid the foundation of wealth and honors, or holding in his strong and capable hands the reins which controlled his widely-expanded affairs, or striving for the honors and opportunities which political triumphs sometimes but not always bring, he was the soul of patient, persevering, unresting industry. He had no faith in a future to be evolved from the "chapter of accidents," or to be secured through the smiles of a blind but propitious destiny; but he had confidence in his good right arm and active brain, and through their constant and skillful employment he nobly succeeded.

Possibly, however—for who can assign to each ingredient in the grand alchemy of human achievement its precise share of credit?—the ambition and the industry of our late associate might have failed to bring him victory had not these qualities been supplemented and reenforced by a courage that was equal to any and every emergency.

In the crude and unripened civilization of what was in the early days of Mr. Burnes the frontier, there was constant occasion for the useful exercise of this martial element of his nature; and no one who knew him can doubt the fullness of the measure in which it was developed in him, nor the calm determination with which it was applied to all the exigencies of his career.

Not yet an old man, scarcely even beyond the prime of manhood, we may only conjecture as to the heights he might still have gained, the triumphs he might still have secured had his life been extended to the Psalmist's limit. Abandoning this field of speculation, we may take pride in what he accomplished, in that influence for good which a successful life impresses upon the community in which it is spent and the world with which it is brought in contact, as well as indulge in tender recollections of the generosity, kindliness, and good-fellowship that made association with him here delightful. In the long hereafter these grateful recollections will remain to comfort us in some degree for his too early departure.

Mr. MANSUR. Mr. Speaker, James Nelson Burnes is dead. The loved home and family shall know him on earth no more. The community that honored him while living laments his loss as that of her foremost citizen. The great council of the nation is in session, and with touching words and appropriate ceremonies bears honorable testimony to the wisdom, the ability, the prudence, and political purity of the life of their late associate. Thrice fortunate was he—in the accumulation of wealth, in the attainment of political honors, and in the manner of his death.

Born in Indiana, he was taken when a child to the Platte purchase in Missouri. No educational facilities being in existence there, he was selected from a band of brothers by their sire to be their leader in learning as he was in intellect. The father, a rugged man of the frontier, was one of great intellect—if tradition be true, even more so than the son—and possessed of a will as firm, as unyielding, as tenacious as that of Andrew Jackson, with a superb courage that had no superior on the Western border, yet of little learning; his fame will forever live in the memory of the old pioneers of the Platte purchase as an unfading glory. All these traits of character were inherited, and, coupled with the learning of Harvard College, belonged to James Nelson Burnes. From his start in life he was a leader.

For twenty-five years he gave himself to the accumulation of a fortune. He was a success. He died a millionaire. To win this on the border of civilization means the ability to win ten times that in Wall street or Boston. In the pursuit of wealth he suffered no obstacle to turn him aside, and in this period of life he made whatever of enemies his career knew; but in spite of enemies and obstacles he strode his pathway to fortune, a veritable giant among his fellows, building railroads, erecting iron bridges over the "Great Muddy," founding towns, creating banks, and developing his region round about, whether in Kansas or in Missouri. Possessed of a magnificent physique, great good health, and the build and strength of an athlete, he strode his pathway only to conquer and win.

When about forty-five years of age a great change came over him. His fortune was made. Financially he was a great leader in his whole region. He now became ambitious of political honors. It was at this period of his life I first became acquainted with him. In his new field of conquest he revolutionized his life from the stern, unyielding taskmaster, demanding the ounce of blood to the uttermost that the law gave to him, and from knowing no friend, except as self-interest dictated, he became the reverse of all this, and was the kind, considerate friend, the lover of humanity, the polite, affable gentleman and entertainer, and wise counselor that you, his associates here, knew him to be. I first met him at the capital of Missouri in the struggle for Senator in the winter of 1874.

Possessed at that time of a reputation as broad as the State for a haughty temper, an almost cruel tenacity of purpose, an imperial will, and an uncertain friend, yet such was the charm of his manners, his unswerving courteousness, his unvarying politeness, and his tact and hospitality in the open rooms kept by him that he had become the most lovable among men. So that on his advent practically in State politics, after the late war, in three weeks' time this (former) reputation was so overthrown and the new one so established in the minds of those at the capital, his popularity so developed and established, that on the night the Democratic caucus was held in the chamber of the representatives, which resulted in the first nomination of Senator FRANCIS MARION COCKRELL, on a mock caucus for Senator being called and held in the senate chamber at the other end of the capitol, by the third house, popularly so called, composed of the lobby, with adherents present of all rivals for the then pending Democratic Senatorial nomination, as well as officers of the State government, of all grades and honors, with distinguished men of all political parties from all sections of the State present, all anxiously awaiting the result of the real caucus at the other end, whereupon all present resolved themselves into a caucus of the third house to elect a United States Senator; and upon the second ballot, if I remember correctly, Hon. James Nelson Burnes was declared the candidate of the third house for the United States Senator. Although little regarded at the time, yet, in the light of all his past life and prior existing prejudice, in my opinion Hon. James N. Burnes never achieved a greater victory than this.

From that time forward his position in our State politics as one of our great leaders was assured. In all the State conventions of his party, as well as in his Congressional district, he became a leading factor, and since then he has undoubtedly been the true friend, tried leader, consummate statesman, and accomplished gentleman we all know him to have been. Thenceforward he was a power in the State. In 1882 he was elected to the Forty-eighth Congress, and successively thereafter to the Forty-ninth, the Fiftieth, and the Fifty-first Congresses, and each time by an enlarged majority. I shall not speak of his life and services as a member of this House, except to declare our State, our people, and our party alike were proud of him, but shall leave his services in Congress to be a topic for those who knew him longer and more intimately in these associations than I have.

A kind disposition and charitable heart may be instanced in two matters and directions: First, a brother dying with little wealth left

a large family of children; their Uncle James adopted them as his own; reared them; educated them; treated them in all respects as his own children. They know him to be the kind, considerate, thoughtful friend and father he was to them.

Again, while at St. Joseph I saw among the floral offerings on his bier and in the room one sent with a card from a grateful widow and her children, whom our friend had in a time of great necessity aided and saved from much distress. But why further dilate on these phases of his character? All his associates at Washington know him to have been possessed of these graces that so highly adorn human character.

He above the rest,
In shape and gesture proudly eminent,
Stood like a tow'r.

At times there was a quiet touch of humor in his composition, of which I think I was the last victim. On the Monday before his death there was a question pending on a roll-call of vital importance to the fate of the bill to organize Oklahoma Territory, a bill in which I have taken more interest than any other pending in this Congress. As the roll-call proceeded I watched it with great interest. When his name was called, although in his seat, he did not vote on the first call. Full of anxiety, I went to him and said, "Colonel, why did you not vote?" He looked up into my face, for he was seated and I was standing, and said, "No one has told me yet how to vote." I said, "Pshaw! Colonel, you know how to vote. You do not need to be told how to vote." Observing my anxiety, he again and laughingly said, "It is a fact; no one has told me yet how to vote." At this I thought he was chaffing me and left him. An hour or two afterward, like the courteous gentleman he was, he purposely came across the Hall to my seat and said, "Charlie, you thought I was joking you awhile ago. The truth is, I had just taken my seat, and did not know what bill was pending when you came to me, and hence at that time no one had told me how to vote." To the truth of which I laughingly assented.

I have said he was fortunate in his death. Like all vigorous-minded, stout athletes, rejoicing at all times in health and strength, the fear of a long, lingering illness, to result in death, was peculiarly distasteful, and he often expressed the desire that when his time to die came it might be quickly and without physical suffering. His wish was granted. Stricken in a moment, to become forever unconscious, in this building where his greatest fame was achieved, and to die in a few hours thereafter. His last words were: "I have much to do; I hate to quit the battle now."

Of heroic mold and imperial will, there is to be found no trace of fear of death in this lament. It is a simple expression, drawn from his consciousness of ability yet to do and achieve much, if permitted by Providence to live out the full span of life decreed to man. On the contrary, he had no fear of death. To his more intimate friends, during the last year of his life, he frequently spoke of his being sure that he was even in the "valley of the shadow of death." And this so frequently that his friends now know that premonitions, amounting in him to almost positive knowledge, of his early death were in his mind at all times during the latter months of his life; divers times he so expressed himself to me. A marked instance of it is found in the note sent to Hon. SAMUEL J. RANDALL, on the Saturday prior to his death, when in the chair on the occasion of our obsequies to one of our late associates, wherein he said to his friend RANDALL that it would not be long before he would be called on to perform a like service for him.

Yet these premonitions did not interfere with his sense of duty nor his work. Nor did this abate his cheerfulness or cloud his temper, and to the last he was the considerate statesman, the polite gentleman, and the courteous friend.

In his death he is lamented by all men. He was buried in the open presence of nearly every inhabitant of the proud city in which he lived, on the coldest, bleakest day of the passing winter—a most touching testimonial of the universal esteem in which he was held.

In memory—

Thou art not in the grave confined;
Death can not claim the immortal mind.

Mr. CLARDY. Mr. Speaker, it was Lord Bacon's aspiration that his name and memory might be left to men's charitable speeches, to foreign nations, and to the next ages.

More fortunate than he, James N. Burnes could have invoked the verdict of those who have lived where he has lived, and who know the record of his life as well as the judgment of the members of this House with whom he was most intimately associated. The action of the Legislature of his own State, when his death was announced, the beautiful tributes of affectionate regard for his memory paid by the people of all classes in the great Commonwealth he loved so well, the unbroken voice of grief that has found expression in every newspaper in the State show that there his name and memory are forever safe, while the touching eulogies pronounced to-day are an assurance that he gained for himself the place in the affections of his later associates that he so deservedly held in the hearts of the people at home.

As was said of Lord Palmerston, Colonel Burnes's great attraction in public was the blending of social ease, kindliness, and humor with the temper of a strong, hard man of the world. He was an able lawyer, a successful financier, and a masculine politician.

It is seldom that a man appears on the world's stage who possesses the elements of character which enable him to achieve success in more than one pursuit. There is a passage in one of Lucian's Dialogues where Jupiter complains to Cupid that he has never been beloved; and Cupid advises him to lay aside his ægis and his thunderbolts, and to place a garland on his head and to walk with a soft step and assume an obsequious deportment. Jupiter replies that he is unable to resign his dignity. Then Cupid tells him he must leave off desiring to be loved; he can not be Jupiter and Adonis. But Colonel Burnes was singularly endowed. He won distinction as a lawyer, afterwards became one of the most successful financiers in the country, and later on an eminent statesman.

Whether as a lawyer, a banker, or a politician he was the same affable, agreeable, courteous gentleman. And to the possession of these attributes may in large degree, I think, be ascribed his success. His courtesy and kindliness of manner manifested themselves at all times and everywhere. He was as regardful of the feelings of the newsboys on the street or the servants at the hotel as he was of those of the most distinguished member of this House. His friendships were strong and uncalculating, and he inspired their objects with a responsive feeling.

In them were embraced persons in all stations and positions in life, the rich and the poor, the old and the young. Some of us noted the beautiful friendship between him and little Sammy Randall, the son of our distinguished friend from Pennsylvania. All of us who were present at Willard's Hotel in this city, where he had lived for six years, will recall the scene of anguish among the servants when his death was made known. In his intercourse with equals and inferiors he was the most amiable gentleman I ever knew.

But, Mr. Speaker, there is near the city of St. Joseph, in Missouri, a little spot our friend used to call "home;" and to him and his dear ones there it was all that word implies. Here it was that his amiability and his love shone forth in all their splendor and sublimity.

In this happy home—it was a happy home until so recently invaded by the great destroyer—are to be found six children, the sons and daughters of a deceased brother, who, upon the death of their father, were made members of Colonel Burnes's household, and since he has gone, I am informed, it has been ascertained that these orphaned ones are to enjoy in equal parts with his own children Colonel Burnes's magnificent estate.

Colonel Burnes, like the younger Adams, as was said by the gentleman from Massachusetts [Mr. LONG], fell at his post of duty in this House.

He passed away almost in our sight.

Life! I know not what thou art,
But this I know, that thou and I must part;
And when or where or how we met,
I own to me's a secret yet.

* * * * * * *

Life! we've been long together,
Through pleasant and through cloudy weather.
'Tis hard to part when friends are dear,
Perhaps 'twill cost a sigh, a tear—
Then steal away—give little warning,
Choose thine own time, say not "Good night!"
But in some brighter clime bid me "Good morning!"

Mr. WALKER. Mr. Speaker, "the silver cord is loosed and the pitcher is broken at the fountain." The clay of James Nelson Burnes "is covered thick with other clay;" 'twas but—

The vase of earth, the trembling clod,
Constrained to hold the breath of God—

but his immortal spark has been borne back to its divine origin, there, let us hope, to be relumed by the "Living Light" and, with all the ills of earth expunged, to shine in ineffable glory through eternity.

The beautiful and commendable custom that devotes a day to the memory of a deceased member has been long established, and while it is true that it can no way add to the virtues of the dead, yet it softens the hearts of the living and fills their minds with earnest thoughts of the life after death. To-day the legislative business of this great body is suspended that we may bear faithful and willing witness to the merits of James Nelson Burnes and to his usefulness as a member, though nothing we may say can add to the high esteem in which he is held by the members of this House.

Missouri mourns his loss. In life he served her faithfully, ably, and with honor, and in death, though missed, he will not be forgotten. His virtues were positive and aggressive, seeking to establish truth and to destroy error. As a partisan he was strong, persistent, praiseworthy, and he admired the same traits in the opposition.

In every conflict in Congress between parties he fought with a courage and skill rarely equaled and seldom surpassed. His life and its achievements are an excellent example of the splendid possibilities of American citizenship. Born in Indiana, a State that has produced many distinguished sons, he possessed in a large degree the firmness and faithfulness of Hendricks, the unbending will and defiant daring of Morton, and much of the persuasive eloquence of VOORHEES.

Taken to Missouri when a little boy, he early learned to love the State of his adoption and to labor for her advancement with an ever-increasing zeal and an energy that never flagged. His character was

cast in the broad mold of the boundless West—in the great State of Missouri, a State possessed of empire. Within her limits grow the hardy grains of the North and the sun-kissed flowers of the South. Here the kings of American agriculture, corn, cotton, wheat, hold joint sway with the queens of American enterprise, commerce, manufacturing, and mining. Here, too, the constant touch and rub and commingling of cavalier with puritan has brightened the best of each and produced characteristics more nearly American perhaps than can be found elsewhere. When to such characteristics we add the ennobling influence of education we can easily see why Mr. Burnes was so superbly fitted to represent in the Congress every interest of his constituency, his State, and his country. He was sympathetic, charitable, generous, and just. To his friends he was faithful and from his foes he did not shrink.

Here in this House, where there is so much of wit and learning, so much of wisdom and of law, here where the fiercest political battles are fought, here where the intellectual giants of the Republic struggle for political supremacy, Mr. Burnes, in his short service of six years, won a position, wielded a power, and attained a distinction accorded to but few. Judged by fair standards, his life was a well-rounded success. In the great battle for worldly competence he was a master. His firm grasp of economic principles and financial problems fully attested the high order of his abilities.

In politics he strove for place, not to gratify personal pride, but as a means whereby he could better serve his people and his country. He had ambition, but it was an ambition to improve the condition of man; an ambition to more firmly establish in the hearts and minds of the people the great principles by which he thought this country should be governed, and of which he was such an able champion. His faith in Jeffersonian theories was never shaken. He believed that the prosperity of our country and the perpetuity of our institutions depended upon them, and so believing he supported earnestly, logically, and powerfully with purse, pen, and voice the great cause of Democracy.

Mr. Burnes was tolerant, even considerate, of the opinions of those who were opposed to him politically, and many of his warmest personal friends are on the Republican side of this Chamber. When his eyes closed in death they rested on that filial and affectionate son, who had come but a few days before from his distant home so that he might be with and watch beside his father, that father having had premonitions of approaching dissolution. The message he had to send was the saddest the son can send the mother, the death of the father, but her great grief must have been lessened by the thought that her husband was "sustained and soothed" in the hour of his departure by the presence of one of their children.

> On some fond breast the parting soul relies,
> Some pious drops the closing eye requires.

Mr. Speaker, I saw him lying cold in death, and upon his lips—

> The spoiler had set the seal of silence.
> But there beamed a smile,
> So fixed, so holy, from that manly brow,
> Death gazed, and left it there.
> He dared not steal
> The signet ring of heaven.

Of the many sad associations that cling about this historic Hall, none cast such sadness athwart my memory as the sudden stop, the abrupt ending of the earthly career of James Nelson Burnes. His chair is empty, his deep voice is hushed forever, his name is dropped from the roll, he is dead; but he will live in the hearts of those who knew him best, for "they are they" who loved him most.

Heaven's justice in the sudden shock that parts us from a friend is veiled from human ken, but when we remember "So 'twas willed where will and power are one," we bow with unshaken faith in the goodness and wisdom of "Him who doeth all things well." Knowing that however incomplete and imperfect our earthly career may be, that "if in the heart there is naught condemns us," we shall attain in the life to come a completeness and a perfection beyond the conception of earthly wisdom, for while "it doth not yet appear what we shall be, we know we shall be like Him."

Mr. DOUGHERTY. Mr. Speaker, all well-informed and intelligent men are admonished by a maxim older than our language that they should say nothing of the dead except that which is good. No man who knew James N. Burnes or who was accurately informed as to his worth and his walk in life could truthfully say anything that would be harsh of him, living or dead. Of huge physical mold, the qualities of his mind were in singular consonance with his physical power. Well known to every member of this body without exception, and by reputation not an unknown man in this great country, of which he was a distinguished citizen, when he is judged by the standard which humanity has set up for itself it will be admitted that in every respect he was a man and a gentleman.

Often, seeing him rise in this Chamber and being recognized by the Speaker as "the gentleman from Missouri," have I looked upon him and felt the full significance of the term as applied to him. Kind, true, modest, and brave, he stood in this Hall with perhaps few peers and certainly no superiors. Able, devoted to the interests of his constituents and to the traditions and institutions of his country, having high hopes for its future, while for months the shadow of his impending doom hung over him like a pall, he never faltered in pursuing the line of what he conceived to be his duty. He had, as we all know, an admonition that his life of usefulness was soon to terminate; but he went unfalteringly forward and met the arch enemy of the human race with that same fortitude and fearlessness with which he had met and overcome the difficulties of an eventful, useful, and charitable life.

I think that I was placed in a position where I could judge of the qualities of a man like Mr. Burnes. Coming to the Forty-ninth Congress as one of its younger members, I frequently sought his advice, which was always cheerfully given. And I can say now that so long as I kept in the line of the policy which he suggested I think I made few, if any, mistakes.

Honest, upright, not fearing to look any man in the face, he did not fear to meet the hereafter. He has crossed over the river. Though taken from us suddenly, I believe that no man has been taken from this House by the ruthless grasp of the hand of death who has been more sincerely regretted than James N. Burnes. When his great heart ceased to beat every honest man had lost a friend. When the intelligence of his death flashed along the wires of the great West, of the civilization and citizenship of which he was so fair a type, it carried sorrow to many hearts, because, by virtue of his great qualities, he was not an unknown man; and in time to come, when those who knew him and knew of him pass by the spot sacred as the resting place of the mortal remains of James N. Burnes, they will pause and "memory will drop a tear among the flowers as affection strews them over his grave."

Mr. McADOO. Mr. Speaker, in the presence of the great dead whom we have honored and loved in his lifetime words seem very weak. A profound and holy silence is more fitting to the occasion than any speech.

I became a member of this body in the Forty-eighth Congress with the deceased, James Nelson Burnes; and from that day until the moment of his death I was honored in no small degree with his friendship, and to some extent with his confidence. He was really a great man. You would single him out in a multitude by his strong, attractive face. With a tremendous physical frame—a fit temple for the magnificent enginery of his mind—he was marked in his life, so far as I could observe and from what I have heard of him, by an unusual singleness of purpose, by an indomitable will, by a perseverance seldom equaled among men. He was a very frank and sincere man, and was characterized by a bluntness of speech when opinions were drawn from him. He was a hater of cant and insincerity in all its forms. Were hypocrisy enthroned as high as the Himalayas, with the whole of mankind prostrate before it, the sturdy, honest limbs of James Nelson Burnes would not "crook the pregnant hinges of the knee."

He would stand erect in his iron manhood, unbent and unbending. He had remarkable sagacity and took clear, practical views of all questions. He had withal a subtle mind; but misty, metaphysical disquisition had little part in his stormy, rugged, manly life. His aim was to get, as it were, at the marrow of things, and measure his labor by results. He was in a proper way a very proud man. You could burn him over a slow fire at the stake before he would profess a friendship he did not feel or recant a conviction he held. Storms may rage, but only God can move mountains. Every idle wave may play with the vagabond sands, but the sea in a million years may lash itself with little impression against the granite rocks. He was like a good, strong, iron-ribbed ship, deep in whose hold pulsate the giant, relentless, untiring, undaunted, monster engines that drive her through gale and and calm to a destined port. His firm hand never wavered for hurricane or fierce lightning-bolt, but steadily kept her headed for whatever haven his deep purpose had chosen. Only God and his messenger, Death, could relax that grip in the wheel-spokes.

When he became a member of this House he showed in his labors here the characteristics which had made up his fortune and his fame in his adopted State. He was an honest workman. He undertook the business of membership of this House and of his committee as the hard, practical task of an honest servant of the people. His work here speaks for itself. He was, as has been stated, placed upon the Committee on Appropriations, a committee which deals with all the vast details of this tremendous Government.

From the first day he entered that committee until the day he died he undertook the mastery of those minute details. He labored hard and faithfully, and he gave to this House and the country, as the result of those labors, honest workmanship and a magnificent example. No superficial, sham workmanship for him. When he said he knew the facts of a case it meant that he had laboriously mastered the same. He seemed to be constantly impressed with the divine injunction to work while it was day, as "the night cometh, when no man can work."

I am not surprised at these splendid tributes to his memory. In a mad world of paste-board idols the very angels must look down with something akin to admiration at a great, true, soulful, earnest, honest man, with warm, red blood in his big heart, and a deep, unchangeable purpose in his firm, unyielding mind, doing his full duty to his God, his country, and his fellow-men. Next to a Pharisee he detested a snob, and was intensely American. His heart and sympathies were not con-

fined to any narrow circle, but went out in deep, strong currents to the masses of his countrymen. He thought first of them and their welfare, and cared little for the opinions of self-assertive little penny-whistlers who claim to make public opinion.

Mr. Burnes, although of rugged temperament and strong convictions, was a man very tender and kind of heart. I have myself been frequently the recipient of kindnesses at his hands. As has been said so aptly and eloquently by the gentleman from Massachusetts [Mr. LONG], underneath the iron exterior and the strength of his will there was a simple sweetness and a depth of profound pathos that few except those who knew him intimately could fathom or understand.

Mr. Burnes died, as it were, sword in hand on the field of battle. For months before his death he walked the path of duty accompanied knowingly by the dread messenger. He never flinched in the face of the summons which he knew awaited him. During those months we saw him here going in and out every day, his face a little more firmly set, those iron jaws clinched a little more strongly; but the same courtesy, the same kindness, the same charity for those that differed with him, the same urbanity characterized all his actions. This great giant man, with his massive frame, with his powerful, leonine head, with his sturdy intellect, with the iron in his blood, went day by day drudging at the details of the business of this House, faithful to the last.

"I hate," he said, "to leave the field." Ay, big heart, so much work yet to do! So many evils yet confronting your great sword in your strong arm. The hosts of dishonesty, cant, and darkness still pouring in the field, taking the places of those you have felled with those giant arms. Your soul sighs regret to leave such a field. Oh, for one more blow at the father of lies; once more to pull down the banner of fraud and error, and pave the way for God's truth, and make life more sweet and pure for honest, earnest men. Peace, warrior, fighting wrong and idleness, peace! Heaven's bugles call you off the field. The great Commander summons you quickly to His awful presence. You have earned release. Henceforth you shall have sweet repose. You have "fought the fight." Earth is better that you have lived, and your battle shall not cease, for God recruits His legions more rapidly than any earthly king.

Our words are weak, O comrade, to tell how much we miss you. We saw you in the calm—sweet, modest, and tender as a woman; we saw you in the struggle, when your great depths were stirred—fierce as the lion, majestic and irresistible as the awful forces of nature; and best of all, we saw you in calm and storm a brave, true man. We shall grasp our own swords with stronger grasp that you have lived so well, fought so hard, and died so bravely. Your life was a splendid lesson flaming in the very skies. The verities still live. Justice and truth are yet in heaven and do finally obtain on earth. The powers of light are stronger than those of darkness, and the path of duty is nobler and grander than the path of pleasure.

No man can stand here and tell me that this was solely the result of human ambition. I know nothing about the religious convictions of Mr. Burnes; I know not what form his faith took; but I do know that a brave, strong man like that, who can calmly pursue his duty day by day and night by night, though bearing in his hand the summons of the great Executioner, that man had evidently a strong, abiding, everlasting faith. I can believe that he was like the prophet who said that—

> Although the fig tree shall not blossom, neither shall fruit be in the vines; the labor of the olive shall fail, and the fields shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls:
> Yet I will rejoice in the Lord, I will joy in the God of my salvation.

Mr. COX. Mr. Speaker, Tennyson, in his "In Memoriam," in a touching tribute to his friend, wrote: "That he wept a loss forever new." In my service here I have had to meet so many bereavements that although not unaccustomed to their recurrence and to the sadness of such occasions, I feel that in the loss of my personal friend, Mr. Burnes, we weep a "loss forever new."

I left him to go home to New York for a needed respite, and stopped off at Philadelphia to fill an appointment. That morning, when about to pursue my journey home, I found in the morning journals the news of the sudden and irreparable loss of my friend. I retraced my route in order to lay my heart near that which so lately throbbed in the body of my beloved friend and in sympathy with his colleagues, family, and friends.

It is no time now, sir, to speak of the sterling public and private virtues of the late member from Missouri. Other members will review his life in its beginnings and surroundings. He was of robust and manly mold, in character as well as frame. He was dutiful beyond most men. He fell at his post as the people's sentinel of the Treasury. He fell where it is meet men in his public relation should fall—whether in field or forum.

I could not, without misconception, fail to make some expression of private sorrow, for he was my dear friend, affectionate and gentle and was ever solicitous of my success and comfort in all that makes up life here, and I may say my little diplomatic life abroad.

When I resolved to go away upon a different service, and a long tour, he smoothed by his legislative as well as by his kindly care my departure; and in my absence, by his cheerful and radiant humor in his correspondence, he made exile tolerable and my return delightful.

His views of public affairs were discriminating and large. His qualities were those of frankness and honesty. His decision of character was linked with a tenderness of heart which none knew better than his colleagues on the Appropriations Committee and his other friends in this Chamber. We can do no less here and now than to bestow proper eulogy, and thus warm the hearts of his bereaved friends, and by a pause in our proceedings contemplate his goodness and thus honor his memory.

Mr. GROSVENOR withholds his remarks for revision. [See Appendix.]

Mr. ALLEN, of Mississippi, withholds his remarks for revision. [See Appendix.]

Mr. WADE withholds his remarks for revision. [See Appendix.]

Mr. FORAN withholds his remarks for revision. [See Appendix.]

Mr. HEARD withholds his remarks for revision. [See Appendix.]

Mr. HATCH. Mr. Speaker, I now ask a vote on the adoption of the resolutions already submitted.

The resolutions were unanimously adopted; and in accordance therewith (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DE LANO: A bill (H. R. 12638) granting an increase of pension to Matthew C. Griswold—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 12639) for the relief of J. C. Peebles—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition against raising the duty on degras—to the Committee on Ways and Means.

By Mr. G. A. ANDERSON: Petition of G. W. Champion and 71 others, citizens of Greene County, Illinois, for the passage of the per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: Petition of heirs of John W. Prewett, of Tuscaloosa County, Alabama, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. E. BROWN: Memorial of George H. Thomas Post, Grand Army of the Republic, of Cincinnati, Ohio, for completion of records of the war of the rebellion—to the Committee on Printing.

By Mr. DUBOIS: Memorial of the Idaho Legislature, praying for the passage of the Outhwaite bill—to the Committee on the Territories.

By Mr. FORNEY: Petition of the heirs of Alemuth Byers, of St. Clair County, Alabama, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. HARE: Petition of sundry citizens of the Pan Handle of Texas, for the establishment of a Federal court at Henrietta, Tex.—to the Committee on the Judiciary.

By Mr. HERBERT: Petition of William E. McGehee, of Montgomery County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McKENNA: Resolution of the Legislature of California for the improvement of the Eel River—to the Committee on Rivers and Harbors.

By Mr. McKINLEY: Petition of William H. Raff, for the early publication of the records of the late war—to the Committee on Printing.

By Mr. MILLIKEN: Petition of Paul Wing and others, for laws providing for arbitration instead of war—to the Committee on Foreign Affairs.

By Mr. OSBORNE: Resolutions of the Tobacco Exchange of Richmond, Va., urging the removal of the tax on manufactured tobacco—to the Committee on Ways and Means.

By Mr. OUTHWAITE: Resolution of W. H. Elliott Post, No. 420, Grand Army of the Republic, for an appropriation for printing war records, etc.—to the Committee on Appropriations.

Also (by request), petition of 25 citizens of the Thirteenth district of Ohio, in favor of prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RANDALL: Petition of the Board of Trade of Lancaster, Pa., for the repeal of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. ROBERTSON: Petition of Sarah A. Klempeter, of Baton Rouge, La., for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of G. L. Fowler Post, No. 153, Grand Army of the Republic, of Ohio, for appropriation to complete the publication of the records of the war—to the Committee on Printing.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. S. L. HOPKINS: Of Rev. William E. Hatcher and other citizens of the United States.

By Mr. MONTGOMERY: Of citizens of the Fourth district of Kentucky.

SENATE.

MONDAY, *February* 25, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following bills:

An act (S. 3897) to establish a life-saving station on the Atlantic coast at or near the mouth of St. George River, Maine;

An act (S. 2992) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservation in Idaho, May 14, 1880, and for other purposes;

An act (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois, on certain conditions;

An act (S. 2315) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian reservation in Dakota;

An act (S. 3800) directing a survey of a road from the Aqueduct Bridge to Mount Vernon, and making an appropriation therefor;

An act (S. 3734) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.;

An act (S. 3795) granting to the Big Horn Southern Railroad Company a right of way across the Fort Custer military reservation, Montana;

An act (S. 3335) granting a pension to Thompson D. Hatfield; and

An act (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia.

The message also announced that the President had this day approved and signed the following bills:

An act (S. 2714) for the relief of Thomas Lannigan;

An act (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation;

An act (S. 3663) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri; and

An act (S. 3865) to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

PETITIONS AND MEMORIALS.

Mr. BUTLER presented the petition of P. A. Williams, of Orangeburgh County, South Carolina, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the memorial of John L. Springston and 6 other citizens of the Cherokee Nation, remonstrating against the passage of what is known as the Oklahoma bill; which was ordered to lie on the table.

Mr. VEST presented a memorial of citizens of Savannah, Andrew County, Missouri, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by Ransom Post, No. 131, Grand Army of the Republic, Department of Missouri, in favor of legislation providing for the publication of the naval records of the last war; which were referred to the Committee on Naval Affairs.

Mr. QUAY presented a memorial of citizens of Philadelphia, Pa., and a memorial of the North America Turnerbund, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Lancaster, Pa., praying for the repeal of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented petitions of the Slate Lick Presbyterian Congregation, of Slate Lick, Pa.; of the Presbyterian congregation of Mercersburgh, Pa.; of citizens of Mercer County, Pennsylvania; of citizens of Butler County, Pennsylvania; of citizens of Deer Creek, Allegheny County, Pennsylvania; of Division 50, Brotherhood of Locomotive Engineers, of Connersville, Pa.; of the pastor of the Presbyterian Church, of Freeport, Pa.; of the citizens of Titusville, Pa.; of Council of Zion's Lutheran Church, of York, Pa.; of citizens of Altoona, Pa.; of Millmont, Union County, Pennsylvania; of the United Presbyterian Church, of Freeport, Pa.; of St. John's Lutheran Church, of Mercersburgh, Pa.; of the Presbyterian Church, of Murrysville, Pa., and of the United Presbyterian Church, of New Alexandria, Pa., all praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented a joint resolution of the Legislature of Minnesota, favoring the passage of what is known as the prisoners-of-war pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Staples, Minn., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SABIN presented a memorial of citizens of Olmstead County, Minn., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. TURPIE presented the memorial of E. Van Buskirk and other citizens of Walton, Ind., and the memorial of George Hendee and other citizens of Royal Centre, Ind., remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. PADDOCK. I present a petition of the State Farmers' Alliance of Nebraska, which was addressed to the Legislature of the State of Nebraska, considered by the senate of the Legislature of that State, and referred by resolution of that body to Congress, representing that the present fiscal and economic systems of the Government affecting present business conditions of the State of Nebraska and the country as well are unsatisfactory, oppressive, and anomalous, inasmuch as, while the production of wealth is unprecedented, the condition of the producers of wealth is not improving, but is, on the contrary, retrograding, and praying for such legislation as may be calculated to relieve these hard conditions. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CULLOM presented a petition of 72 ex-Union soldiers, citizens of Greene County, Illinois, praying for the passage of the per diem rated service pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 210 citizens of Illinois, praying for the passage of a bill prohibiting the running of interstate trains, mail trains, etc., on Sunday; which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented a memorial of 286 adult citizens of the United States residing at Alliance, Ohio, remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. DOLPH presented a memorial of citizens of Oregon, remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SPOONER. I present two memorials of citizens of Stockholm, Wis., remonstrating against the passage of any bill in regard to the observance of Sunday; also remonstrating against the adoption of any resolution for the amendment of the Constitution that would by instruction in public schools give preference to religious principles over the views of religion held by non-religious persons. I move that the memorials be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. MITCHELL presented the petition of Joseph Alter and 4 others (2 voters and 3 women), citizens of Whitman; the petition of John A. Tennant and 90 others (63 voters and 28 women), citizens of Lyndon; the petition of D. G. Le Sourd and 30 others (8 voters and 23 women), citizens of Whatcom; the petition of A. J. Harris and 31 others (16 voters and 16 women), citizens of Buckeye Run; the petition of W. B. Dumars and 18 others (11 voters and 8 women), citizens of Centerville; and the petition of S. M. Mathes and 37 others (21 voters and 17 women), citizens of Garfield and Asotin, all in Washington Territory, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. DAWES presented the petition of John A. Hilton and 171 others (85 voters and 87 women), citizens of Milford, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of citizens of Bradford, Pa., remonstrating against the passage of any bill in regard to the observance of Sunday or any other religious institution or rite; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Lancaster, Pa., praying for the repeal of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

Mr. SAWYER presented a memorial of 7 citizens of the State of Wisconsin, remonstrating against the passage of the Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of William Bliss and 18 others (6 voters and 13 women), citizens of Randolph, Mass., and the petition of D. C. Miles and 90 others (37 voters and 54 women), citizens of Westminster, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. TELLER presented a petition of Sedgwick Post, No. 12, Grand Army of the Republic, Department of Colorado, of Durango, Colo., praying for the passage of a bill for the removal of the Southern Ute Indians from Colorado; which was ordered to lie on the table.

He also presented two memorials of citizens of Colorado remonstrating against the passage of any bill in regard to the observance of Sunday, and praying for the complete separation of church and state; which were referred to the Committee on Education and Labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, and agreed to the same.

The message also announced that the House receded from its disagreement to the amendments of the Senate to the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, and agreed to the same.

The message further announced that the Speaker had appointed Mr. LONG as one of the managers of the conference on the part of the House on the disagreeing votes on the amendment of the Senate to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes, in the place of Mr. HENDERSON, excused.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. DAVIDSON of Alabama, and Mr. CONGER the managers at the conference on the part of the House.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions; and

A bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri."

CONSIDERATION OF BRIDGE BILLS.

Mr. VEST. I desire to give notice, on behalf of the Committee on Commerce, that I shall ask to-morrow, after the morning business has been terminated, for the consideration of bridge bills upon the Calendar.

LIGHT-HOUSES, ETC.

Mr. FRYE. I have here quite a number of bills relating to light-houses, lights, life-saving stations, etc., many of which require further action on the part of the House on account of amendments to be made by the Senate, none of which will lead to any discussion whatever. I have been instructed by the Committee on Commerce to report back the bills and ask unanimous consent that they may receive immediate action.

The PRESIDENT *pro tempore*. The Senator from Maine, from the Committee on Commerce, reports favorably certain bills for which he asks immediate action.

Mr. FRYE. I report first from the Committee on Commerce, without amendment, the bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish range-lights to guide into the mouth of the Pascagoula River, Mississippi, at a cost not to exceed $1,000, and to establish a light on the east bank of Pearl River, Mississippi, opposite the draw in the railway bridge, at a cost not to exceed $250.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I also report from the Committee on Commerce, without amendment, the bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to re-establish the light-house at Point Isabel, in the State of Texas, at a cost not to exceed $8,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I also report from the Committee on Commerce, favorably, without amendment, the bill (H. R. 11527) to establish lights on the western end of Coney Island, New York.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish a light or lights and a fog-signal on the western end of Coney Island, New York, at a sum not to exceed $25,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I also report favorably from the Committee on Commerce, without amendment, the bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish a light-house and steam fog-signal on the easterly end of the outer breakwater at the harbor of Chicago, Lake Michigan, Illinois, at a cost not to exceed $36,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, without amendment, the bill (H. R. 7066) providing for the establishment of a light-house at Heceta Head, near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, without amendment, the bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not to exceed $85,000 to construct a steam-tender for light-house duty on the Northwestern Lakes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. The bills so far reported and passed have been placed on the sundry civil appropriation bill. I now report bills that have not appeared there. I report first the bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia, with amendments.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, in line 3, after the word "that," to strike out:

The Secretary of the Treasury is hereby authorized and directed to establish.

And insert:

The sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of.

And in line 6, after the word "eligible," to strike out "at a cost not to exceed $20,000;" so as to make the bill read:

That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house station on St. Catharine Island, State of Georgia, at the point which the Light-House Board may select as the most eligible.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, with an amendment, the bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was to strike out all after the enacting clause and insert:

That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment upon a more secure site of the light and fog-signal at Humboldt, Cal.; and that the sum of $60,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a light-ship, with a steam fog-signal, in the vicinity of the wreck of the steam-ship Oregon, entrance to New York Harbor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I also report from the Committee on Commerce, with an amendment, the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and insert:

That the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a light-house at or near Eleven-foot Shoal, off Point Peninsular, Lake Michigan, Michigan, and when said light shall be completed the light now maintained at Point Peninsular shall be discontinued.

That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house and fog-signal at Squaw Island, Lake Michigan, Michigan.

That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house at or near Old Mackinaw Point, and when the same shall be completed the light maintained at McGulpin's Point shall be discontinued.

That the sum of $7,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a fog-signal and range-lights on the end of the west pier at Ashtabula, Ohio, Lake Erie.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I also report favorably, with an amendment, from the Committee on Commerce the bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Bed Shoal, in the Hudson River, New York.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and insert:

That the sum of $35,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment and erection of a light-house with fog-bell at or near Oyster-Bed Shoal, in the Hudson River opposite Rockland Lake Dock, New York.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I am also directed by the Committee on Commerce, to whom were referred the amendments of the House of Representatives to the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes, to move that the Senate non-concur in the amendments of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

Mr. FRYE. I report from the Committee on Commerce favorably, with an amendment, the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in line 3, after the word "that," to insert "the first clause or subdivision of;" so as to make the bill read:

That the first clause or subdivision of section 2579 of the Revised Statutes of the United States is hereby amended so as to read:

"SEC. 2579. There shall be in the collection districts in the State of Texas the following officers: In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine Pass, and said deputy collector shall have power to enter and clear all vessels coming to that port and exercise such other powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor, who shall reside at Houston."

The amendment was agreed so.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. CULLOM, and Mr. COKE were appointed.

Mr. FRYE. I report favorably, without amendment, from the Committee on Commerce the bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the limits of the present port of Memphis, Tenn., from Beale street southward to Jackson street, and to extend the east line southward until it intersects Jackson street.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I report from the Committee on Commerce favorably, without amendment, the bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give the assent of Congress to the Union Gas Company to lay pipes for conducting natural gas, petroleum, or salt water across the Ohio River at such points as may be deemed necessary, between the mouth of Buck Creek, in Harrison County, Indiana, and the city of Jeffersonville, Ind., and points opposite thereto in the State of Kentucky, from any point in that State to the upper boundary of the city of Louisville, Ky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I report from the Committee on Commerce favorably, without amendment, the bill (H. R. 11643) providing for the establishment of a life-saving station at mouth of Coquille River, Oregon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $8,000 for the purpose of establishing a life-saving station and providing a life-saving crew at mouth of Coquille River, in Coos County, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CRIB IN LAKE MICHIGAN.

Mr. FRYE. I report favorably from the Committee on Commerce, without amendment, the bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give the consent of Congress to the city of Lake View, county of Cook and State of Illinois, to extend a tunnel, or inlet pipes, into Lake Michigan as far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers and crib in the navigable waters of the lake, for the making, preserving, and working of the aqueducts or pipes or tunnel, the plan and location thereof to be subject to the approval of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMER GEORGE H. PARKER.

Mr. FRYE. I report favorably, without amendment, from the Committee on Commerce, the bill (H. R. 7028) to admit to registry the steamer George H. Parker.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. Mr. President, the Committee on Commerce returns thanks to the Senate for its courtesy.

DIAMOND SHOAL LIGHT-HOUSE.

Mr. RANSOM. I am directed by the Committee on Commerce, to whom were referred the amendments of the House of Representatives to the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina, to recommend that the Senate concur in the amendments.

The amendments of the House of Representatives were to strike out all after the enacting clause and insert:

That a light-house be established on or near Diamond Shoal, off Cape Hatteras, North Carolina, at a cost not to exceed $500,000: *Provided*, That the contractors for doing this work shall be the lowest responsible bidders and best fitted by reason of skill and experience to do the work: *And provided further*, That payments shall be made therefor as the work progresses, in the discretion of the Light-House Board, and subject to the approval of the Secretary of the Treasury

And to amend the title so as to read: "An act for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina."

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

EDWIN W. WARNER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I herewith return without approval Senate bill No. 3561, entitled "An act granting a pension to Edwin W. Warner."

A claim for pension on behalf of the beneficiary named in this bill was filed in the Pension Bureau May 6, 1867; it has been examined and re-examined and always rejected until on the 29th day of December, 1888, as the result of a personal and thorough investigation by the Commissioner, a pension was allowed and a certificate issued under which the claimant will be paid $18 a month hereafter, and arrearages amounting to something near $2,000.

As the special act for the benefit of this claimant was passed by the Congress upon the supposition that nothing had been done for the beneficiary therein named, I deem it best, in his interest and probably consistent with the intent of the Congress, that the bill herewith returned should not become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 25, 1889.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. FARWELL, and Mr. CALL were appointed.

RAILWAYS THROUGH INDIAN TERRITORY.

Mr. DAWES. I submit two conference reports, which do not require any action on the part of the Senate.

The PRESIDENT *pro tempore*. The reports will be read.

The reports were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The reports do not require any action by the Senate.

COMMITTEE ON IRRIGATION AND ARID LANDS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART February 21, 1889, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Select Committee on Irrigation and Reclamation of Arid Lands, appointed under authority of a resolution of the Senate of February 14, 1889, is hereby authorized, in pursuing the investigation in said resolution ordered, to hold its sessions and take testimony at any place in the United States, and to employ a stenographer and a messenger, the expenses of such investigation to be paid from the contingent fund of the Senate. The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit, exclusively for its use. Any subcommittee appointed by said committee may exercise the same powers as the full committee.

COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. DAWES] January 25, 1889, relating to an investigation by the Committee on Indian Affairs, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

Resolved, That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee as may be appointed by the chairman thereof, to continue during the recess of Congress the investigation authorized by the resolution of March 1, 1887, with the authority and in the manner and to the extent provided in said resolution, and also to visit any reservations, bands, or bodies of Indians under the jurisdiction of the United States to which, in the opinion of said committee, it may be necessary to extend their investigations.

The PRESIDENT *pro tempore*. The amendment will be stated.

The amendment was to add to the resolution:

And the expenses of said investigation shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. STOCKBRIDGE introduced a bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur-seals and salmon fisheries of Alaska, and for other purposes; which was read twice by its title and referred to the Committee on Fisheries.

Mr. BLAIR introduced a bill (S. 3994) for the relief of the estate of Salmon B. Colby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. PLUMB submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CALL and Mr. COLQUITT submitted amendments intended to be proposed by them respectively to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee to Examine the several Branches of the Civil Service, and ordered to be printed.

CHEROKEE LEASES.

Mr. FARWELL. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be directed to furnish the Senate, without delay, any information in his Department touching the bribery of the Cherokee Council, by the use of whisky and money, by cattlemen and their agents, for the purposes of obtaining leases and renewal of leases of lands of the Cherokee Nation, and especially to transmit to the Senate a copy of the report of Special Agent Owens touching such alleged bribery.

Mr. HOAR. I suggest to the Senator from Illinois to strike out the words "by the use of whisky and money." That phrase seems to be rather undignified, and it is unnecessary.

Mr. FARWELL. I have no objection to that modification.

The PRESIDENT *pro tempore*. The Senator from Illinois modifies the resolution by omitting the words indicated by the Senator from Massachusetts. If there be no objection to the present consideration of the resolution, the question is on agreeing to the same as modified.

The resolution was agreed to.

LAND OFFICES.

Mr. SABIN submitted the following resolutions, which were read:

Resolved, That the Secretary of the Interior be, and is hereby, directed to report for the information of the Senate, what, if any, action has been taken by him towards the discontinuance of United States land offices, the number and the names of public land offices, the aggregate number of acres of public land in each original, the number of acres heretofore actually sold by the Government, and in what manner disposed of, whether by sale for cash or entries under the homestead, pre-emption, timber-culture, or desert-land acts, and what part of the same have been actually patented, and thus segregated from the body of the public lands.

And be it further resolved, That the President be, and hereby is, requested to withhold the order, if any is contemplated, or suspend its operation if made, for the discontinuance of such offices, until the facts and reasons upon which such action, or contemplated action, is based shall have been fully communicated to the Senate.

Mr. SABIN. I ask for the present consideration of the resolutions.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. Let the resolutions be printed and lie over.

The PRESIDENT *pro tempore*. The resolutions will be printed and lie over under the rules.

CONDITION OF MARINI'S BUILDING.

Mr. PLATT. If this be the proper time I should like to move to refer to a committee a communication which lies on the table. On the 22d of February the commissioners of the District transmitted their reply to a resolution which I offered on the 1st of February relative to the condition of Marini's building. I move that their communication be referred to the Committee on Appropriations, and I desire to call the attention of the Committee on Appropriations to this subject.

The motion was agreed to.

CHANGES IN DISTRICT EMPLOYÉS.

Mr. CHANDLER. There has been referred to the Select Committee to Examine into the Condition of the Civil Service a letter from the commissioners of the District of Columbia, dated February 20, in reference to changes in District employés, which was so referred without being printed. I move that the communication be printed.

The motion was agreed to.

IRENE RUCKER SHERIDAN.

Mr. DAVIS. I move that the Senate reconsider the vote by which it declined to concur in the amendments of the House of Representatives to the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, and also to reconsider the vote by which a committee of conference was asked, with a view to concur in the amendments of the House of Representatives.

The motion to reconsider was agreed to.

The amendments of the House of Representatives were, in line 7, before the word "thousand," to strike out "three" and insert "two;" and at the end of the bill to strike out the words "during her natural life, from and after the 5th day of August, 1888," and insert "subject to the limitations and provisions of the pension laws;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Irene Rucker Sheridan, widow of Philip H. Sheridan, late General of the Army of the United States, and pay her at the rate of $2,500 per year, subject to the limitations and provisions of the pension laws.

The amendments were concurred in.

SIOUX RESERVATION.

Mr. DAWES. I ask leave of the Senate to report, with amendments, for action at this time, from the Committee on Indian Affairs, the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the Senate now proceed to consider the bill, which can be done only by unanimous consent. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole and will be read at length.

Mr. DAWES. I ask unanimous consent that the amendments of the Committee on Indian Affairs, while the bill is being read, may be acted on.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendments reported by the Committee on Indian Affairs may be acted on as they are reached in the reading of the text of the bill. The Chair hears no objection.

The first amendment of the Committee on Indian Affairs was, in section 1, line 11, after the words "mouth of," to strike out "Battle" and insert "Rapid;" and in line 12, after the word "thence," to strike out "due east to White River; thence down White River to the mouth of Black Pipe Creek on White River" and insert "in an easterly direction along the northern edge of the bad lands to the mouth of Pass Creek on White River; thence up Pass Creek southerly to the source of its principal branch;" so as to read:

That the following tract of land, being a part of the great reservation of the Sioux Nation in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge agency, in the Territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and down said stream to the mouth of Rapid Creek; thence in an easterly direction along the northern edge of the bad lands to the mouth of Pass Creek on White River; thence up Pass Creek southerly to the source of its principal branch.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "point," to strike out "five" and insert "ten;" so as to read:

SEC. 3. That the following tract of land, being a part of the said great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Standing Rock agency, in the said Territory of Dakota, namely: Beginning at a point in the center of the main channel of the Missouri River opposite the mouth of Cannon Ball River; thence down said center of the main channel to a point 10 miles north of the mouth of the Moreau River.

The amendment was agreed to.

The next amendment was, in section 7, line 2, after the word "Nebraska," to insert "not having already taken allotments;" so as to read:

SEC. 7. That each member of the Santee Sioux tribe of Indians now occupying a reservation in the State of Nebraska not having already taken allotments shall be entitled to allotments upon said reserve in Nebraska as follows.

The amendment was agreed to.

The next amendment was, in section 12, beginning with line 1, to strike out:

That the President of the United States is hereby authorized and directed to cause a patent to issue for each of the reservations established by this act to the respective tribes to whom they are set apart. Each of said patents shall be recorded in the General Land Office and the Indian Bureau, and shall be delivered to and placed in charge of some person designated therefor, on the reservation affected thereby, for inspection and use at all times to any one interested therein, which patent shall not, however, operate as a grant to any individual Indian.

And in line 16, after the word "treaty," to strike out "of eighteen hundred and sixty-three, which requires the consent of three-fourths of the adult males of the tribe," and insert "or statute under which such reservation is held;" so as to read:

SEC. 12. That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress.

The next amendment was, in section 16, line 1, to strike out as follows:

That upon the passage and approval of this act all titles and interest on the part of the Indians receiving rations and annuities on each of the said separate reservations to the lands described in each of the other separate reservations so created shall be released and extinguished, and this act shall confirm and ratify in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

And in lieu thereof to insert:

That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States April 29, 1868, and proclaimed by the President February 24, 1869, as hereinafter provided, shall be taken and held to be a release of all title on the part of the Indians receiving rations and annuities on each of the said separate reservations to the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

The amendment was agreed to.

The next amendment was, in section 16, line 39, after the word "agreements," to strike out "with so much land as may be necessary for station and depot purposes not to exceed 10 acres" and insert "with not to exceed 20 acres of land in addition to the right of way, for stations for every 10 miles of road;" so as to read:

This release shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, which title is hereby confirmed, nor any agreement heretofore made with the Chicago, Milwaukee and St. Paul Railroad Company or the Dakota Central Railroad Company for a right of way through said reservation; and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee and St. Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in said agreements, with not to exceed 20 acres of land in addition to the right of way, for stations for every 10 miles of road.

The amendment was agreed to.

The next amendment was, in section 16, line 52, after the word "decided," to insert "to have been agreed upon and paid for by said railroad, and;" so as to read:

Also, the former company so much of the 188 acres, and the latter company so much of the 75 acres, on the east side of the Missouri River, likewise embraced in said agreement, as the Secretary of the Interior shall decide to have been agreed upon by said railroad, and to be reasonably necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river, for right of way, side-track, depot and station privileges, machine-shop, freight-house, round-house, and yard facilities, and no more.

The amendment was agreed to.

The next amendment was, in section 16, line 69, after the word "including," to insert "stock-yards, warehouses, elevators;" and in line 70, after the word "railways," to insert:

But nothing herein contained shall be construed to prevent any such railroad company from building upon such land houses for the accommodation or residence of their employés, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways.

So as to make the proviso read:

Provided, That the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes which said companies take and use under the provisions of this act, and shall satisfy the Secretary of the Interior to that effect: *Provided further*, That no part of the lands herein authorized to be taken shall be sold or conveyed except by way of sale of, or mortgage of, the railway itself. Nor shall any of said lands be used directly or indirectly for town-site purposes, it being the intention hereof that said lands shall be held for general railway uses and purposes only, including stock-yards, warehouses, elevators, terminal and other facilities of and for said railways; but nothing herein con-

tained shall be construed to prevent any such railroad company from building upon such lands houses for the accommodation or residence for their employés, or leasing grounds contiguous to its tracks for warehouse or elevator purposes connected with said railways.

The amendment was agreed to.

The next amendment was, in section 17, line 23, before the word "dollars," to strike out "twenty" and insert "fifty;" and in line 24, after the word "cash," to insert "to be expended under the direction of the Secretary of the Interior in aiding such Indian to erect a house and other buildings suitable for residence or the improvement of his allotment;" so as to read:

Provided, That each head of family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one pair of oxen, with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke, and chain, as the Secretary of the Interior may deem advisable, and they shall also receive one plow, one wagon, one harrow, one hoe, one ax, and one pitchfork, all suitable to the work they may have to do, and also $50 in cash, to be expended under the direction of the Secretary of the Interior in aiding such Indian to erect a house and other buildings suitable for residence or the improvement of his allotment.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 41, section 17, page 22.

Mr. DAWES. In section 17, line 41, before the word "millions," I move to strike out "two" and insert "three;" so as to read:

And in addition thereto there shall be set apart, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, which said sum shall be deposited in the Treasury of the United States to the credit of the Sioux Nation of Indians as a permanent fund.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in section 17, line 56, after "self-support," to insert:

And the Santee Sioux, the Flandreau Sioux, and the Ponca Indians shall be included in the benefits of said permanent fund, as provided in sections 7 and 13 of this act.

The amendment was agreed to.

The next amendment was, in section 17, line 70, after word "act," to strike out:

One-third of the permanent fund of said Indians then on hand shall be retained for the support of free public schools for said Indians, and the other two-thirds to be distributed per capita between said Indians—

And insert:

Said fund shall be expended for the purpose of promoting education, civilization, and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time thereafter determine—

So as to read:

And at the end of fifty years from the passage of this act, said fund shall be expended for the purpose of promoting education, civilization, and self-support among said Indians, or otherwise distributed among them as Congress shall from time to time thereafter determine.

The amendment was agreed to.

The next amendment was, in section 18, line 20, after the word "exceeding," to strike out "fifty" and insert "one dollar and twenty-five;" so as to read:

And for the purpose of such educational or missionary work any such society may purchase, upon any of the reservations herein created, any land not exceeding in any one tract 160 acres, not interfering with the title in severalty of any Indian, and with the approval of and upon such terms, not exceeding $1.25 an acre, as shall be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 21, line 18, after the word "sums," to strike out:

Provided, That all lands undisposed of under this act at the expiration of ten years from the taking effect of this act shall be paid for by the United States at 50 cents per acre.

The amendment was agreed to.

The next amendment was, in section 21, line 45, after the word "survey," to strike out, as follows:

The Secretary of the Interior is hereby authorized to reserve on any public land embraced in this act town sites for any existing or prospective town, city, or village, in area not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may be wholly or in part occupied as a town, city, or village site; and no application to enter any land shall be allowed until approved by the Secretary of the Interior of any tract of land, first, where any exterior line of the land is within one-half mile of the line of any railroad which is constructed or of the line of any railroad not constructed but where its map of location shall be filed with the Secretary of the Interior at the date of the application to enter; or, second, of any tract of land upon which at the date of the application to enter is a town or village settlement; and no settlement in advance of survey by proper authority shall give any right as against the power to reserve town sites hereby given; it being the object of this provision to secure to the inhabitants of all towns, cities, and villages in said Territory the benefits and profits arising from the sale of lots therein; and to that end where town sites shall be located upon any public lands opened by this act, the provisions of Chapter 8, Title XXXII, Revised Statutes, entitled "Reservation and sale of town sites on the public lands," shall apply except as otherwise provided herein. The Secretary of the Interior shall cause the lots in any sites now existing or to be located to be offered, sold, and conveyed as provided in sections 2382 and 2383 of the Revised Statutes. The money so received from the sale of lots in each town site, less such amount as shall be required to be paid to the Indians as provided in this act, shall be held by the Secretary of the Interior as a separate school-fund for the benefit of the inhabitants of such towns, and shall be expended under his direction for the erection of school buildings on any lot not sold and the support of public schools therein. This control of sites and proceeds of sales shall continue only until the legal incorporation of the respective towns, cities, or villages, when the title to the unsold portion of such sites shall vest in the municipality and the proceeds thereof, as well as any balance in the hands of the Secretary of the Interior, shall be paid over to the local authorities, all to be devoted to public purposes within the corporate limits. All needed regulations to carry out the details hereof not provided to be provided by the Secretary of the Interior: *Provided*, That all surveys of town sites on the lands embraced in this act shall contain reservations for parks of substantially equal area, if more than one park, and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction shall be allowed on this account in the amount to be paid for said town sites as provided in this section; and patents for such reservations, to be maintained for such public purposes, shall be issued to the towns respectively, when organized as municipalities.

The amendment was agreed to.

The next amendment was, in section 24, line 11, after the words "sum of," to strike out "fifty" and insert "one dollar and twenty-five;" so as to make the proviso read:

Provided, however, That the United States shall pay to said Indians, out of any moneys in the Treasury not otherwise appropriated, the sum of $1.25 per acre for all lands reserved under the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 26, line 2, after the word "act," to strike out "to" and insert "shall;" so as to make the section read:

SEC. 26. That all expenses for the surveying, platting, and disposal of the lands opened to settlement under this act shall be borne by the United States, and not deducted from the proceeds of said lands.

The amendment was agreed to.

The next amendment was, on page 34, after section 26, to insert as section 27 the following:

SEC. 27. That the sum of $28,200, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to pay to such individual Indians of the Red Cloud and Red Leaf bands of Sioux as he shall ascertain to have been deprived by the authority of the United States of ponies in the year 1876, at the rate of $40 for each pony; and he is hereby authorized to employ such agent or agents as he may deem necessary in ascertaining such facts as will enable him to carry out this provision, and to pay them therefor such sums as shall be deemed by him fair and just compensation: *Provided*, That the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian in full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid: *And provided further*, That if any Indian entitled to such compensation shall have deceased, the sum to which such Indian would be entitled shall be paid to his heirs at law, according to the laws of the Territory of Dakota.

The amendment was agreed to.

The next amendment was, after section 28, to insert the following as section 29:

SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section 27.

Mr. DAWES. I move, in line 3, after the words "twenty-five thousand dollars," to insert "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, to insert as section 30 the following:

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

Mr. PADDOCK. I should like to make an inquiry of the Senator from Massachusetts.

Mr. DAWES. One moment. I inquire if all the amendments have been agreed to.

The PRESIDING OFFICER (Mr. PLATT in the chair). All the committee amendments have been agreed to.

Mr. PADDOCK. I should like to inquire of the chairman of the committee having the bill in charge if the description on page 2, section 1, of the bill, the area or tract in Northwestern Nebraska to be embraced within the limits of the reservation under this bill, is an enlargement of the area embraced within the limits of the reservation at the present time, or is it the same? Is the area here described the same as that already in the reservation?

Mr. DAWES. Precisely the same, unless the committee made a mistake.

Mr. PADDOCK. The intention was not to enlarge the reservation at a further expense to Nebraska?

Mr. DAWES. The provision for its reversion to Nebraska is precisely the same as in former laws.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments to this bill and ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. PLATT, and Mr. JONES of Arkansas were appointed.

SOUTHERN UTE INDIANS IN COLORADO.

Mr. BOWEN. I move that the Senate proceed to the consideration of the bill (S. 3894) to ratify and confirm an agreement with the South-

ern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BOWEN. I ask unanimous consent that the reading of the names of the Indians attached to the agreement may be dispensed with.

The PRESIDING OFFICER (Mr. PLATT in the chair). Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

Mr. RIDDLEBERGER. I move that the doors be closed and that the Senate proceed to the consideration of executive business.

Mr. BOWEN. I hope the Senator will allow the reading to be concluded and the bill acted upon.

Mr. RIDDLEBERGER. I am willing to allow the bill to be disposed of if it will not take too long. Eulogies have to be pronounced; the Senate ought to understand that; and I wish to have a matter disposed of before they begin.

The PRESIDING OFFICER. Does the Chair understand the Senator from Virginia to withhold his motion for the present?

Mr. RIDDLEBERGER. Yes, sir.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, to insert as section 2 the following:

SEC. 2. That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States under said agreement shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona-fide settlers only in tracts not exceeding 160 acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void.

The amendment was agreed to.

Mr. PLUMB. I move to insert as a separate section, on page 43, what I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same——

Mr. RIDDLEBERGER. I ask the pardon of the Chief Clerk. He is reading that very carelessly. I do not understand that thing, and I wish he would read it over again.

The PRESIDENT *pro tempore*. The amendment will be read from the beginning, and the Chair appeals to the Senate to be in order, so that the reading may be heard.

The Chief Clerk read as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons——

Mr. RIDDLEBERGER. Right there I beg pardon. What does the Senator mean by "hereinbefore?"

Mr. PLUMB. "Hereinbefore" is the opposite of "hereinafter."

Mr. RIDDLEBERGER. I should like to know the difference between "hereinbefore" and "hereinafter."

Mr. PLUMB. The Senator can get a dictionary by applying to the Secretary.

Mr. RIDDLEBERGER. I find that I can not get a dictionary by application to a United States Senator.

The PRESIDING OFFICER. The Chief Clerk will proceed with the reading.

Mr. RIDDLEBERGER. No, sir; I beg pardon. I want to know what that means, and I think it becomes the Senator from Kansas to say whether he means hereinbefore the treaty of 1842. I think it proper that he should answer me respectfully.

Mr. PLUMB. Mr. President, I call for the reading of the amendment.

The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk read as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining or other land laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statute as though said agreement had not been made.

The PRESIDING OFFICER. The question is on this amendment.

Mr. DAWES. I dislike very much to throw any obstacle in the way of this agreement, but I wish to call the attention of the Senate to the purport of the amendment now offered. Here is an agreement which has been entered into by commissioners appointed by the United States with certain Indians by which, upon certain conditions, they surrendered their lands in Colorado for certain other lands in Utah. Without going into the merits of the agreement, it is before us, and now having been agreed upon by the Indians and the United States the amendment proposes to enact that it means so and so. I do not think that, whether that be correct or not, it would look very well upon the statute-book. I say let the agreement stand for itself. But because peradventure one party who made this agreement did not understand it so for us the moment we turn our backs upon the party with whom we made this agreement to enact our construction of it without consulting them, I for one do not like.

I do not wish to discuss the question whether this bill puts a different meaning upon it from what I should put upon it; but the question is whether it puts a different meaning upon this agreement from that which one of the contracting parties puts upon it, and it is not for me to say what that contracting party understood by it.

Mr. COCKRELL. To which amendment does the Senator refer, the one reported by the committee or the amendment of the Senator from Kansas?

Mr. DAWES. The tenth article attempts to provide for certain claims upon the land which is now proposed to be set apart for these Indians. There are certain claims upon this land. The commission report that claims to the amount of $87,232.28 were made upon this land before they left it. Without doubt a great many of these are swollen claims; without doubt they are not legal claims; but whether these are good claims or bad claims, extravagant or reasonable, no man here can tell.

There are certain cattle-men upon the land who have some sort of claim, whether good or bad, to the water upon it.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the resolution reported by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States, upon which the Senator from Virginia [Mr. DANIEL] is entitled to the floor.

ORDER OF BUSINESS.

Mr. ALLISON. I move to lay aside the pending order in order that I may call up the Army appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator move that, or ask unanimous consent?

Mr. ALLISON. I will ask unanimous consent, to begin with.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the unfinished business may be informally laid aside to enable him to move the consideration of the Army appropriation bill.

Mr. DANIEL. I had expected at this hour to-day to resume my remarks upon the resolution in regard to the investigation of elections in Louisiana, but I recognize the fact that the public business is of a more important character than that, and I am perfectly willing to enter my consent that it may be unanimous that the appropriation bill referred to by the Senator from Iowa may be taken up, with the understanding, which I suppose it is hardly necessary to state, that if either the Louisiana or the Texas resolution should at any time at this session be called up I may be recognized as entitled to the floor.

The PRESIDENT *pro tempore*. The Chair will recognize the right of the Senator from Virginia to resume the floor when the consideration of the resolution is again proceeded with by the Senate. The title of the bill the consideration of which is moved by the Senator from Iowa will be stated.

The CHIEF CLERK. A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. BOWEN. I ask the Senator from Iowa to give way in order that the bill which has been under consideration may be completed.

Mr. ALLISON. After the Army bill is before the Senate I will yield in order that the Ute bill may be disposed of.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Iowa to yield for the consideration of the bill referred to by the Senator from Colorado?

Mr. ALLISON. I will yield when the Army bill is taken up in order that the pending business may be disposed of, which is the Ute agreement bill, that I understand is nearly completed and will take but a few moments.

The PRESIDENT *pro tempore*. If there be no objection the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. ALLISON. Now I consent that the Army appropriation bill may be informally laid aside that the bill called up by the Senator from Colorado may be proceeded with.

SOUTHERN UTE INDIANS IN COLORADO.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (S. 3894) to ratify and confirm an agreement with the Southern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. DAWES. When interrupted at 2 o'clock I was going on to say that the article is not very clear, and the Senator from Kansas is desiring to make it clear. In so making it he, in my opinion, trenches upon the first idea of justice and right between two contracting parties. He should not, behind the back of one of these parties, undertake to make it clear as he understands it.

Now I want to call attention to two or three features of the bill which make it apparent to me that we should, if we adopt this agreement at all, take it just as it is.

I want to call the attention of the Senate to the fact that these Indians are giving up a million acres of land, 300,000 acres of which the commission report is exceedingly excellent, exceedingly good farming land, and they are moving across the line into Utah and taking 3 acres for 1 in which there is no farming land. My opinion is that they ought to be removed, that the conditions in which they are in their present location render it necessary for them to be removed; but I do not think they ought to be removed upon this land unless one or two things are perfectly certain. It can be put to no use by them except as grazing land, and the commission report that there is no water upon this land except in a certain quarter and that that water would be sufficient for their purpose provided they could command it.

Mr. TELLER. If the Senator will allow me, I will state to him that there is a large strip of country upon the San Juan River that is better farming land and where there is more water than on any portion of their present reservation.

Mr. DAWES. Of course I do not know anything about it, but I take the commission's report in relation to it, and they say they went all over it, and they say that unless these Indians can have the water they are in a helpless condition over there.

There are cattle-men over there who have some sort of occupation of this land. There are very queer laws, as they seem to us Eastern men, about the appropriation of the water of the streams in that new country. That man who first takes possession of the water can appropriate the whole of it without regard to any riparian proprietor below him. If these cattle-men have any such title as that to this land, the Indians would be put upon a desert, leaving good farming land. It was not the intention of the commission and it was not the intention of the committee to put them in any such position.

I should like in that connection for the Secretary to read the amendment which is proposed by the Senator from Kansas which declares that the agreement means so and so. If the Secretary will read it, I ask the Senate to listen to it.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert as a new section the following:

SEC. 5. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining or other land laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statute as though said agreement had not been made.

Mr. DAWES. If the Senate fully understands that, if you enact that section, so far as the United States can enact what this agreement means, when cattle-men have got possession of that water, we put these Indians upon land that is wholly useless to them, because they can not have water upon it.

Mr. PLUMB. Article X of this agreement I think was designed to accomplish exactly what my amendment accomplishes. On the first reading of it I thought myself it did exactly what the article would do as construed by my amendment. I have no doubt that both the commissioners and the Indians intended it should have exactly that construction. But when once this treaty has been ratified it will be committed to the construction of the Interior Department, and the doubt I have in regard to the construction on a more careful reading of the article has grown out of the fact that there was an apparent separation of persons who were entitled to recognition on account of settlement on these lands. I feared there might be a junction of phrases whereby all the designations that go to the indication of right would apply to all.

This tenth article provides that all persons who have no legal right to remain thereon shall be removed.

But if there are any person or persons who have obtained title or claim of title, by virtue of entries made under an act of Congress dated March 3, A. D. 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," or under any other act of Congress.

That relates to something that has been done which under the contemplation of the general land laws amounts to an entry of lands. That, according to the construction which has always been put upon the settlement laws of the United States, means not only the entering upon the land, but the filing of a paper in the Land Office describing the land and setting out the character of the entry which is contemplated. This land, not having been surveyed, has not been the subject of entry according to the technical phrase, but the commissioners and the Indians themselves saw the land which is the subject of this agreement and must have witnessed these persons upon the land and the character of the improvements, and so on, and had them in contemplation. I have no doubt that the last clause of this article was intended to cover them, because it says:

Or under any other act of Congress and now have rights or titles which are legal and binding on the United States, then and in that case such person or persons and all their rights, titles, and claims are hereby excepted, exempted, and reserved from the effects of this treaty.

I simply want to make that clear. There are persons on that land who reside in my own State who have gone there for the purpose of making mining entries on the same, who have constructed mining ditches, and who have put up mining machinery, and they did it under the general invitation contained in the Revised Statutes which invites all citizens of the United States to enter upon the mineral lands of the Government for the purposes of exploration and entry. They are therefore entitled to protection.

If that were all, I might concede that the objection the Senator from Massachusetts makes would be effectual and that they were not in contemplation; and of course it would not be fair to put them into the excepted classes in this bill; but I believe, by reason of the fact that they are there, that they must have been seen, and that they themselves must have been witnessed by both the Indians and the commissioners, that they were intended to be covered by this article; and I do not want them turned out by the possible construction which may be put upon it by some Secretary of the Interior who may have to administer it. All I want is that while the Indians are to go there by what I regard as an exceedingly good bargain for them, they may have the lands which have not already become the subject of initiative proceedings by persons desiring or expecting to acquire title under the general land laws of the United States. I can not conceive that there can be any possible objection to the amendment.

I admit, looking the treaty over, if it were not one of great importance to the people of the State of Colorado I should oppose it. It is a bungling piece of work, and the phraseology in it shows that the commissioners entirely misconceived their functions. They speak of this as a "treaty," when if they had read the Revised Statutes, as they should have done, they would have known that treaties, as such, with Indians are absolutely prohibited. It also provides in Article II:

That the improvements now on the Southern Ute reservation in La Plata County, Colorado, and now occupied by said Southern Ute Indians, be appraised and sold to the highest and best bidder, under the direction of the Secretary of the Interior. It is also agreed that when said improvements are sold the Indians owning the same shall be paid the valuation price of said improvement.

Not the selling price, and no arrangement is made for their appraisal. It leaves the question open as to whether they are to have the price at which some one may value them *ex parte*, or whether it shall be the price at which the improvements are sold.

That is the necessary penalty we pay for employing men of inferior intelligence to make agreements with Indians. The Indians no doubt were a great deal smarter than the commissioners were, because they have overreached them in every degree. Out of this general wreck I want to save the rights of the people whom the United States has invited to go upon these lands and who have made improvements upon them in contemplation of the acquisition of title to which they are in equity, if not in law, entitled.

Mr. TELLER. The amendment of the Senator from Kansas, in my judgment, means no more and no less than the agreement made with the Indians. It certainly means no more than the Indians understood as to what the agreement was, and I do not myself see any objection to it. I do not think it is any infringement upon the agreement or any violation of it in the slightest degree; and knowing something about the Indians in this matter, I think they will be very glad to accept this agreement. They have been anxious to leave this strip of land and go over into that country and were only kept from going by the opposition of the agent some two or three years ago. They are amply protected in the bill, and it is largely to their interest, as it is to the interests of everybody in that section of country, that they should go.

Mr. DAWES. The Senator from Kansas and the Senator from Colorado know that I do not desire to interfere with the removal, because I think the Indians must be removed, and if there was nothing in this amendment that reached beyond the mining interests that the Senator from Kansas speaks of, I would not care anything about it, because those mining interests there would not be of any great value.

But, if there be some inchoate claim upon the water there which has not developed into record, but may hereafter be developed into a claim, I think that ought to give way to the Indians because it is a right, if any at all, which a man makes before land is open to settlement at his own risk. It is always regarded, I know, when the land is opened to settlement, not because we are obliged in law to do so, but because we think that is fair treatment of those people. But if we go on and sell this land to the Indians with no apparent claim upon the water, a claim which can be developed into a record, I want to see that the Indians can have water there because they will be in a destitute condition upon that land if the water is appropriated by others.

If the Senator desires only to protect the mining and such kind of interests and will change the phraseology of his amendment so as to leave the water there beyond the reach of any lurking claim, I shall not say anything against it, although I do not like to make an agreement with anybody and then turn around and say, "This is the meaning of my agreement;" but if the Senator will fix the amendment so that the water may be left for the Indians I shall acquiesce.

Mr. TELLER. If the Senator will allow me, I will say that there is no trouble about the water. These people do not want the water. That is not what they are after.

Mr. DOLPH. I should like to ask the Senator from Massachusetts a question. I understand him to say that he is indifferent as to the

mining claims, and that the people intended to be protected by this amendment are people who have gone on the lands while they were part of an Indian reservation.

Mr. TELLER. Oh, no.

Mr. DAWES. They are unsurveyed public lands in the Territory of Utah.

Mr. DOLPH. What is the object, then, of any present legislation?

Mr. DAWES. To make a new reservation.

Mr. PLUMB. I will modify the amendment.

Mr. BOWEN. Let the amendment be read as the Senator from Kansas has modified it.

The PRESIDENT *pro tempore*. The amendment as modified will be read.

The Chief Clerk read the proposed new section as modified, as follows:

SEC. 3. That Article X of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statute as though said agreement had not been made.

Mr. DAWES. I make no objection to that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF OKLAHOMA.

Mr. CULLOM. I ask the Senator from Iowa if he is not willing to temporarily lay aside the appropriation bill for a minute or two that I may call up the House bill No. 10614, to organize the Territory of Oklahoma, and for other purposes. I think it will not take very long. It is an important bill and ought to be, in my judgment, passed.

Mr. ALLISON. I have been told that that bill will lead to considerable debate. It is important that the appropriation bills should be disposed of, and in the intervals between them we can be occupied with important bills, such as that suggested by the Senator from Illinois; but I do not think I can yield at this moment.

Mr. CULLOM. I will inquire of the Senator if he has any judgment how long it will take to pass the appropriation bill now before the Senate?

Mr. ALLISON. I hope we may pass it before 3 o'clock.

Mr. CULLOM. I desire to give notice now that immediately after the passage of this bill, unless interfered with by an arrangement that I understand has been made for the afternoon, I shall move to take up the Oklahoma bill and press it to a vote.

PROHIBITORY CONSTITUTIONAL AMENDMENT.

Mr. BLAIR. I ask the Senator from Iowa if he will not give way to a measure which will not take time any further than the reading of the measure and perhaps the reading of the report; and that is Order of Business 1768, being a joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

As this resolution has been pending many years, and has been reported at least in two Congresses and no action has been had upon it, I desire to move its consideration and allow the report to be read and a vote taken. I do not care to enter upon discussion unless the Senate should desire to do so; but I am anxious to have action of some kind. The Senator will see that this will occupy a very brief period of time. I ask him to give way for that purpose.

I will say further, that if discussion results from the taking up of the measure, I shall withdraw it if the Senator desires me to do so.

Mr. ALLISON. I suggest to the Senator that the Army appropriation bill is the most pressing matter now before the Senate. The matter which the Senator has in hand, and which ought to be taken up as soon as possible, can be taken up after the Army bill is disposed of. Therefore, with every disposition to accommodate the Senator from New Hampshire, I must decline to yield.

Mr. BLAIR. The Senator bases his action, as I understand him, upon a question of fact, supposing the Army bill to be more important than this measure. I beg leave to differ with the Senator and join issue with him upon the question of fact.

Mr. ALLISON. I will not discuss the question of fact. I did not say it was more important, but it is necessary that the appropriation bills shall pass in order that the Government may go on, and these other measures can have their day at any time after the appropriation bills have been disposed of.

Mr. BLAIR. Knowing that the Senator is friendly to the measure, I will not press it any further now, but give notice that I shall move it at every convenient and proper opportunity until I secure action upon it.

INDIAN DEPREDATION CLAIMS.

Mr. PADDOCK. I desire to inquire of the Senator from Massachusetts, the chairman of the Committee on Indian Affairs, when it is his intention to call up the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations? This is a most important bill.

Mr. DAWES. I have made the request of the Senate on two or three occasions for permission to consider that bill. I agree with the Senator that it is a bill of great importance to a large section of this country. It has passed the House of Representatives and has been under consideration in the Committee on Indian Affairs and has been amended and upon the Calendar for some time. I have been constantly urging its consideration. I can only assure the Senator that I shall take every possible opportunity to call the attention of the Senate to that bill for action, and I invoke the aid of the Senator and all those interested in the bill in reaching its early consideration by the Senate.

Mr. PADDOCK. I wish the Senator would now give notice to the Senate that immediately after the Army appropriation bill is disposed of, if the state of the business of the Senate will permit, he will call up the bill for consideration, in order that it may be perfected and passed yet during the present session.

Mr. DAWES. I shall most certainly ask the early action of the Senate upon it.

HOUR OF MEETING.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that when the Senate adjourns to-day it be to meet at 11 o'clock a. m. to-morrow.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1721) establishing a customs-collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

A bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Daniel's Ferry, Louisiana;

A bill (3560) for the relief of William S. Rosecrans; and

A bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The bill moved by the Senator from Iowa is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with and the amendments of the Committee on Appropriations be considered as they are reached in the reading of the text of the bill.

The PRESIDENT *pro tempore*. The amendments proposed by the Committee on Appropriations will be considered as they are reached in the reading of the text of the bill, if there be no objection. The Chair hears none.

Mr. BUTLER. Do I understand that the reading of the bill has been dispensed with?

The PRESIDENT *pro tempore*. The request was that as the bill is read the amendments proposed by the Committee on Appropriations be acted on as they are reached, to which the Chair hears no objection.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "miscellaneous," on page 6, line 3, after the word "surgeons," to insert "for pay of;" so as to make the clause read:

For pay and traveling expenses of not exceeding fifty contract surgeons, for pay of not exceeding one hundred and sixty hospital matrons, and not exceeding fourteen veterinary surgeons; in all, $85,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "witnesses," to strike out "citizen clerks and;" and in line 17, after the word "courts-martial," to strike out "military commissions;" so as to make the clause read:

For compensation of witnesses attending upon courts-martial and courts of inquiry, $7,595.73.

The amendment was agreed to.

The next amendment was, on page 8, to strike out the clause from line 14 to line 16, inclusive, as follows:

For a riding and training master for the more thorough instruction of officers and cadets, a sum not exceeding $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "That," to strike out "hereafter;" so as to make the clause read:

For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, and the expenses incident thereto, $132,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and

that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such department, all under the direction and authority of the Secretary of War.

The amendment was agreed to.

PRINTING OF AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I ask consent to make a motion which will tend to facilitate the progress of another appropriation bill. I move that the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, be printed with the Senate amendments numbered, so that it may be in convenient form for the use of the conference.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Kansas moves that the agricultural appropriation bill be printed with the Senate amendments numbered.

The motion was agreed to.

MRS. MARY T. DUNCAN.

Mr. SPOONER. Now that the reading of this Army bill has been interrupted, I ask the Senator from Iowa to yield to me for a moment to call up a bill which I am certain will take no time.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. ALLISON. I will yield to the Senator reluctantly, if his bill leads to no debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin that the bill under consideration be temporarily laid aside?

Mr. ALLISON. If it takes any time I shall call for the regular order.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Wisconsin.

Mr. SPOONER. The bill is Calendar No. 2604.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 325) for the relief of Mrs. Mary T. Duncan.

The bill was reported from the Committee on Claims with amendments, in line 6, after the words "sum of," to strike out "eleven" and insert "eight;" in line 7, before the word "dollars," to strike out "thirty" and insert "seventy-six;" in the same line, before the word "cents," to strike out "thirty-five" and insert "five;" in line 8, after the word "property," to strike out "and damage thereto;" and in line 9, after the word "covered," to strike out "in" and insert "into;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Blanton Duncan, trustee of Mrs. Mary T. Duncan, of Louisville, Ky., the sum of $8,176.05, for the use and occupation of her property during the war, and for moneys covered into the Treasury of the United States from rents of property belonging to the said Mrs. Duncan which were seized and held by the United States Government.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a *third time*.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendments, and ask a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PASCO, Mr. SPOONER, and Mr. MITCHELL were appointed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

Mr. BUTLER. Will not my amiable friend from Iowa yield to me just one moment to get a bill through?

Mr. ALLISON. I regret to say I can not. I promised the other day to yield to the Senator from Wisconsin and failed to keep my promise, and I am redeeming now my promise to him with reluctance.

Mr. BUTLER. Will not the Senator make a promise of that kind to me?

Mr. ALLISON. At some future time I shall be glad to yield to the Senator.

The Chief Clerk resumed the reading of the bill.

DEATH OF REPRESENTATIVE BURNES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the resolutions of that body commemorative of the life and services of the Hon. James N. Burnes, late a Representative from the State of Missouri.

Mr. COCKRELL. I ask that the resolution just received from the House of Representatives be laid before the Senate.

The PRESIDING OFFICER (Mr. DOLPH). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. James N. Burnes, late a Representative from the State of Missouri.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent abilities and distinguished public services, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. COCKRELL. I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. James Nelson Burnes, late a member of the House of Representatives from the State of Missouri, and tenders to the family of the deceased the assurance of sympathy in their sad bereavement.

Resolved, That the business of the Senate be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues, and that as a further mark of respect the Senate, at the conclusion of such remarks, shall adjourn.

Resolved, That the Secretary be directed to transmit to the family of the deceased a copy of these resolutions.

Mr. COCKRELL. Mr. President, it becomes our painful duty to pay the last sad tribute of respect, friendship, and honor to the memory of our late distinguished colleague in the House of Representatives, Hon. James Nelson Burnes.

His father, James Burnes, was born on February 14, 1779, near Fredericksburgh, in Spottsylvania County, Virginia, and was married on December 29, 1805, in Culpeper County, Virginia, and afterward removed to the State of Indiana, where James Nelson Burnes was born on August 22, 1827.

By the act of Congress approved June 7, 1836, it was provided—

That, when the Indian title to all lands lying between the State of Missouri and the Missouri River shall be extinguished, the jurisdiction over said lands shall be hereby ceded to the State of Missouri, and the western boundary of said State shall be then extended to the Missouri River, reserving to the United States the original right of soil in said lands, and of disposing of the same: *Provided*, That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Missouri shall have assented to the provisions of this act.

By a convention between the authorities of the United States and of the Sac and Fox tribe of Indians, held September 27, 1836, and proclaimed February 25, 1837, the Indian title was extinguished.

By an act of the General Assembly of the State of Missouri of December 16, 1836, Missouri assented to the provisions of said act, and on March 28, 1837, the President of the United States, by proclamation, duly declared the Indians' title had been extinguished. And Missouri had assented to the provisions of said act, and thereby there was added to the State of Missouri a large tract of land unsurpassed in the whole United States in agricultural resources, in the fertility of its soil, the variety of its products, the healthfulness of its climate, and its topographical beauty. It was called the "Platte purchase," and was quickly settled.

To this "Platte purchase" James Burnes removed with his family from Indiana in 1837 and located in Platte County, where James Nelson Burnes was reared, and resided until 1872, when he removed to the city of St. Joseph, in the adjoining county of Buchanan, and resided there at the time of his death. He received the education then obtainable in the common or public schools of Missouri, and graduated from the Platte City high school, and then attended the Law School of Harvard College or University, and graduated therefrom in 1853, and then returned to Platte County and began the practice of his chosen life pursuit, the law.

In 1856 he became the circuit attorney in his judicial district, and was elected Presidential elector for his district, and with his co-electors cast the vote of Missouri for Buchanan and Breckinridge for President and Vice-President. In 1878 he became judge of the court of common pleas for his county and served as such until 1882.

In 1882 he was unanimously nominated for Representative in the Forty-eighth Congress by the Democratic Congressional convention, composed of delegates from the six counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte, into which the tract or district called the "Platte purchase" has been divided, and was elected by a handsome majority. He was in like manner renominated and reelected to the Forty-ninth, Fiftieth, and Fifty-first Congresses. He was appointed a member of the Committee on Appropriations in the Forty-eighth, Forty-ninth, and Fiftieth Congresses by Mr. Speaker CARLISLE, and served with great efficiency and distinguished ability.

On the morning of January 23, 1889, in the absence of Hon. SAMUEL J. RANDALL, chairman of the Committee on Appropriations, Colonel Burnes presided at the meeting of the committee, and upon its adjournment proceeded to the floor of the House, where about 3 o'clock p. m. he was stricken with paralysis whilst in the discharge of his official duties, and was accompanied by Hon. BENJAMIN BUTTERWORTH to the east front of the Capitol to get fresh air, and thence to the consultation room of the Appropriation Committee. He refused to have a physician called, and exerted all the wonderful powers of his giant-like physique

and indomitable will to check and prevent the rapidly increasing and extending paralysis, of which he alone was sensible, and realizing all the while the hastening doom, said to General BUTTERWORTH: "Ben, it is hard to quit the battle now; I hate to leave the field now." His last sentence was: "I have much to do, and I hate to quit the battle now."

He was soon taken to his rooms at Willard's Hotel, and all that human skill and experience and friendly, loving hands could do was done, but to no avail. He soon became unconscious, and at forty-six minutes after 12 o'clock on the morning of January 24, 1889, quietly and peacefully passed to that bourne whence no traveler returns, and entered upon that sleep that knows no waking. The silver cord was loosed, the golden bowl broken, the pitcher broken at the fountain, the wheel broken at the cistern, and his dust returned to the earth as it was and his spirit "unto the God who gave it." How truly the language of Revelation is verified:

Ye know not what shall be on the morrow. For what is your life? It is even a vapor, that appeareth for a little time, and then vanisheth away.
As for man, his days are as grass; as a flower of the field. So he flourisheth. For the wind passeth over it, and it is gone, and the place thereof shall know it no more.

Truthfully did the poets write:

Why, what is pomp, rule, reign, but earth and dust,
And live we how we can, yet die we must.

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour;
The paths of glory lead but to the grave.

Colonel Burnes inherited from a worthy father and good mother the richest legacy parents can transmit to children, a body and mind sound, healthful, and vigorous. He possessed a most wonderful physique, capable of very great activity, endurance, and constant labor. His mental powers were of the very highest order, quick, active, analytical, discriminating, and broad. His memory was retentive and his will imperiously strong. His voice was strong and pleasant; his manners and general bearing very agreeable and attractive. His personal presence in any assembly would attract attention and command respect.

As a lawyer he was well equipped and gained much reputation in his part of the State as an advocate, and in every capital case secured an acquittal for his client. In business and financial matters he was remarkably apt and displayed great executive and administrative abilities and was eminently successful, having accumulated a large fortune. He was the organizer and first president of the Weston and Atchison Railroad Company, the second road built in that section of country. He was the moving spirit in the building of the Chicago and South Western Railroad from Leavenworth, Kans., to Fairfield, Iowa, now forming part of the Chicago, Rock Island, and Pacific Railway system.

Largely by him and his efforts the construction of the bridges across the Missouri River at Leavenworth and Atchison, Kans., was secured. He was a member of the original town companies of Leavenworth and Atchison, Kans., and still interested in them when he died. He was president of the St. Joseph Water Works Company, and the principal stock-owner in the same, and also a large stock-holder in several important banks. His business aptitude, financial ability, and resources were severely tested in 1877. He was then principal security upon the official bond of Col. Elijah Gates, then treasurer of the State of Missouri.

Prior to the term of Colonel Gates the State funds had been kept on deposit in the National Bank of the State of Missouri at St. Louis and the Mastin Bank at Kansas City, Mo., and were transferred to him by checks on these banks from his predecessor, the banks being considered entirely solvent.

Unexpectedly both these banks failed, having on deposit over a million of dollars of the State funds, and large sums of money were soon becoming payable by the State. Treasurer Gates, being of limited financial resources of his own, had to rely upon Colonel Burnes to provide for the State liabilities and to aid in securing as much money as possible from the banks, and to make good any deficit not so secured. Colonel Burnes was equal to the emergency. He met all liabilities of the State and maintained its credit untarnished, and paid back into the State treasury every dollar with interest, although neither bank ever paid depositors in full. While the banks did not pay depositors, and Colonel Burnes paid every dollar with interest to the State, it is believed that he so managed the affairs that he retrieved his losses to a very large extent.

Colonel Burnes was laudably ambitious. He was a graceful, fluent, and effective speaker, and in the political campaigns of 1856 and 1860 was the leading speaker in his part of the State, and gained a reputation for oratory scarcely equaled by any efforts in later years. After the commencement of the late war and up to 1870 Colonel Burnes affiliated with the Republican party, and was a member of the State Republican convention of 1870, which separated and placed two full tickets for governor and State officers before the people, one headed by Gov. Joseph W. McClurg and the other headed by Gov. B. Gratz Brown, and known as the Liberal Republican ticket.

Colonel Burnes supported the Liberal Republican movement, and in that convention, in advocating the liberal policy of enfranchising those disfranchised by reason of action or sympathy in behalf of the South, gave utterance to the expression that "Love is stronger than hate," which became the tocsin of that canvass.

From 1870 to his death he was an active supporter of and worker in the Democratic party. He was a member in good standing of all the Masonic orders, including that of the Mystic Shrine, and also of the Knights of Pythias, the Independent Order of Red Men, and of the Elks. He was a member of the Methodist Episcopal Church, South, and built for that church a house of worship in Weston, Mo., and gave to its Sunday-school a large library.

He was married to Miss Mary Patton Skinner, of Kentucky, a noble, gentle, cultivated, Christian lady, who has been a confirmed invalid for many years, and survives him, and by whom he had six children, only two of whom are now living, D. D. Burnes, one of the leading attorneys of St. Joseph, Mo., and C. C. Burnes, vice-president of the National Bank of St. Joseph. As a husband, he was tender, loving, and devoted. As a father, he was kind, considerate, affectionate, and companionable. As a citizen, neighbor, and friend, he was pleasant, kind, liberal, generous, and warm-hearted. Out of his abundance he distributed liberally, yet unostentatiously, to charitable objects and to the poor.

He and his two brothers, D. D. and Col. Calvin F. Burnes, were always associated together in their lives and business, and their fondness and devotion to each other were most conspicuous and striking. The death of his brother, D. D. Burnes, in 1867, left his six minor children orphans, who were adopted by him and his brother, C. F., and have been reared in his family as his own children, and are to-day co-sharers of his estate with his own children. As a legislator and Representative in Congress he was careful, painstaking, thorough in his investigations, constant and laborious in his work, sound in judgment, able, concise, forcible, and convincing in presentation, earnest and accurate in reasoning, and gifted in speech and debate. In the House of Representatives he soon moved forward to the front rank, won and maintained a high and enviable position among the ablest of the many distinguished leaders in that honorable body.

His constant and exhausting labors, devolving upon him in the strict performance of his necessary duties, weakened his splendid physique and doubtless hastened his sudden demise in the prime and vigor of his manhood, and honorable and distinguished career, beautifully emblemized in language of the poet—

A flower that does with opening morn arise,
And, flourishing the day, at evening dies;
A wing'd eastern blast, just skimming o'er
The ocean's brow, and sinking on the shore;
A fire, whose flames through crackling stubble fly,
A meteor shooting down the summer sky;
A bowl adown the bending mountain roll'd;
A bubble breaking, and a fable told;
A noontide shadow, and a midnight dream,
Are emblems which with semblance apt proclaim
His earthly course.

To show the high appreciation of the distinguished career and services of Colonel Burnes by the States of Missouri and Kansas and the affectionate regard, warm friendship, and love cherished for him by those in whose midst he had spent his life, and with whom he had been so closely associated in all the affairs and pursuits of an active and busy life, I present the resolutions adopted by the senate and house of the General Assembly of Missouri, by the senate of the State of Kansas, by the city council of St. Joseph, by the Independent Order of Red Men, by the St. Joseph Turnverein, by the Trades Assembly, by the bar of St. Joseph, by a largely-attended meeting of the colored citizens of St. Joseph, and by the Democratic Congressional convention in meeting to nominate a successor, and an editorial from the St. Joseph Daily Herald, the leading Republican paper of Northwest Missouri, and ask that they be printed. No higher tributes of respect, friendship, and affectionate regard could be bestowed.

All who ever visited the house of Colonel Burnes in the suburbs of St. Joseph, as I have done, will join with me in unstinted praise of his modest, generous, warm-hearted hospitality and genial courtesy. It was the home of the kindliest greeting, the warmest and tenderest affection among all its inmates.

While Colonel Burnes will be mourned and missed, and his loss keenly felt in nation and States, it is upon his family, his devoted wife, children, adopted children, and surviving brother, the heaviest blow has fallen. To them I can only commend the language of inspiration: "Now he is dead. Wherefore should I fast? Can I bring him back again? I shall go to him, but he shall not return to me." And these beautiful lines:

The dead are like the stars by day,
Withdrawn from mortal eye,
But not extinct, they hold their way
In glory through the sky.
Spirits from bondage thus set free
Vanish amidst immensity,
Where human thought, like human sight,
Fails to pursue their trackless flight.

APPENDIX.

The senate and house of the General Assembly of the State of Mis-

souri each unanimously adopted the following resolutions, prepared by a joint committee:

Resolved, That this house has heard with profound sorrow of the death of Hon. James N. Burnes, late a Congressman from the Fourth Congressional district of this State, and extend to his afflicted family sincere sympathy and condolence in this sad bereavement.

Resolved, That by his death the country has sustained a severe loss. He was an able legislator, a gifted orator, a tribune of the people, whose rights he defended with unselfish devotion. A man of ripe judgment and great experience in affairs, he resolutely devoted every energy of his mind to a thorough investigation of whatever business he was engaged upon, and always with a laudable ambition to promote the best interests of all classes of our people. To the discharge of his public duties he applied the resources of a mind richly endowed by nature with rare intellectual gifts. Cautious, he seldom committed a mistake; honest, he always looked to the advancement of the general welfare; diligent, his industry knew no limits but a complete mastery of every subject under consideration; patriotic, he exhausted the strength and resources of his great nature by overwork, and with heroic courage sacrificed his life on the altar of public duty. The people of Missouri will ever reverence his name and treasure the memory of his many virtues.

Resolved, That the clerk of the house be directed to transmit to the family of the deceased an engrossed copy of these resolutions.

TOPEKA, KANS., *January* 24.

In the senate to-day Mr. Carroll, of Leavenworth, introduced the following resolutions, which passed unanimously:

Whereas the people of Kansas learn with profound regret of the death of Congressman James N. Burnes, of Missouri: Therefore,

Be it resolved by the senate of the State of Kansas, That in the death of Colonel Burnes this State has lost a warm supporter, the West a loyal friend and leading legislator, and the country at large an honest, wise, and consistent statesman.

Resolved, That the sympathy and condolence of this body be extended to the family of Colonel Burnes in this affliction.

Resolved, That the secretary of the senate be instructed to send a copy of these resolutions to the family of the deceased statesman.

Messrs. Osborne, Kelly of McPherson, and Elliston made brief speeches eulogistic of Mr. Burnes before the resolution was voted upon.

RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF ST. JOSEPH, MO.

Whereas we have learned with profound sorrow and regret of the death of Hon. James N. Burnes, our Congressman and fellow townsman; and

Whereas we deem it well and proper to give an expression of the loss which this community has suffered by his death: Therefore,

Be it resolved, That we, the common council of the city of St. Joseph, recognize in the death of Col. James N. Burnes that the city has lost one of its most valued, progressive, and honest citizens; the district a watchful and faithful servant, and the country a wise and patriotic statesman, for whose loss a nation mourns; and,

Be it further resolved, That we, in behalf of the citizens of St. Joseph, extend to his family sincere condolence in this hour of its greatest affliction.

Resolved, That the common council and city officials attend the funeral of the deceased in a body; and that the flags upon the public buildings of the city be placed at half-mast until after the funeral.

Be it further resolved, That these resolutions be spread upon the records of the common council, and that the clerk be instructed to furnish the family of the deceased with a copy.

RESOLUTIONS OF RESPECT.

At a special council of Pocahontas Tribe, No. 10, I. O. R. M., held on the 27th sun of cold moon, G. S. D. 398, the following resolutions were adopted in memory of their deceased brother, James N. Burnes, whom the black hunter of Death took from their midst on the 24th sleep of cold moon, G. S. D. 398:

"Whereas it has pleased the Great Spirit of the universe to call our beloved and distinguished brother, James N. Burnes, to the happy hunting grounds of his fathers: Therefore,

"*Be it resolved*, That while we deeply mourn the loss of our brother, we humbly submit to the dispensation of the Great Spirit, believing that in leaving this forest of care and trouble he was received to enjoy the reward of his labors in that happy hunting ground, whence no traveler returns.

"*Resolved*, That in the death of our esteemed brother the nation has lost an honored statesman, the State a beloved son, the district an able Representative, these hunting grounds a faithful friend, and this tribe a true and brave chief.

"*Resolved*, That we submit with humble obedience to the will of the Great Spirit, who has removed from the forest of life our beloved brother.

"*Resolved*, That our charter be draped in mourning for two moons, and these resolutions be inserted in the daily papers, a copy furnished to his bereaved family, and be engrossed upon the records of the tribe.

"C. B. CLAGGETT,
"E. PADBURG,
"WM. LEITCH,
"*Committee.*"

ST. JOSEPH TURNVEREIN.

Whereas the St. Joseph Turnverein and the Germans of the city of St. Joseph have lost in the deceased a warm friend and a man of honorable and lofty principles, the family a true and affectionate father and husband, and the citizens of the Fourth Congressional district of Missouri an eminent, highly gifted, and faithful Representative of national reputation, and the cause of personal liberty an energetic defender: Therefore,

Be it resolved, That we assure to the afflicted family our profound sympathy in their bereavement.

Resolved, That these resolutions be entered on the records of this association and a copy be transmitted to the family and to the press for publication.

THE TRADES ASSEMBLY.

We, the members of the Trades and Labor Assembly, recognizing that a great calamity has befallen the community in the sudden and sad death of Col. James N. Burnes, member of Congress from the Fourth district, and regarding him as always a true friend of the laboring classes, an able Representative, and an honorable citizen, we hereby extend to the bereaved family our heartfelt sympathy in their sad bereavement; and that this meeting do now adjourn to attend the funeral ceremonies of the deceased.

The following resolutions were reported by Judge O. M. Spencer, chairman of the committee on resolutions appointed at a previous meeting of the bar, and unanimously adopted at the meeting, over which ex-Governor Silas Woodson presided, as the expression of the universal sentiment of the St. Joseph attorneys-at-law over the untimely death of the late Colonel Burnes:

James N. Burnes, a distinguished citizen, for many years a loved and honored member of the bar of Buchanan County, having been removed by death, we who are permitted still to remain desire to express our respect for his eminent character and ability, our appreciation of his distinguished public services, and our sympathy with his stricken family in their sudden and terrible bereavement.

His character was such that those in whose sight he lived gladly committed to his keeping their most vital interests. With such ability and integrity did he acquit himself in the discharge of the public duties imposed upon him that he was counted one of the nation's greatest men, and reflected honor and credit upon all who so trusted him; so that we, his brothers of the bar, are to-day proud to read his illustrious name upon our roll.

Those of us who have enjoyed his personal friendship and confidence, and who have therefore loved him, are in his death truly bereaved; but we can only faintly realize the depth of the shadow of the great affliction which has fallen upon his family. While it is grateful to us to say to them that he whom they loved is enshrined in the heart of a nation, we know that God's angels, bearing His promises, will bring their only real consolation.

In order that it may be held in perpetual remembrance:

Be it resolved, That a certified copy of the proceedings of this meeting, including the foregoing tribute, be transmitted by the secretary to the family of the deceased; that another copy thereof be delivered by the secretary to the chairman of this meeting, to be by him presented to the circuit court for Buchanan County, with a request that the same be spread upon the records of said court; and that a third copy thereof be delivered to a committee of one or more, to be appointed by the chairman, to be by said committee presented to the supreme court of Missouri, with the request that the same be spread upon its records.

MEETING OF THE COLORED CITIZENS—APPROPRIATE RESOLUTIONS ADOPTED ON THE DEATH OF COLONEL BURNES.

In response to a call a large number of prominent colored citizens assembled at the Union Hall on Second street last evening to take action on the death of Colonel Burnes. W. H. Jones was elected chairman of the meeting, and Thomas S. Morris secretary.

The following committee on resolutions was appointed: Dr. J. M. Williams, Harry Robinson, W. M. Sheldon, E. M. Ewing, and George Cunningan.

The committee drafted the following resolutions, which were unanimously adopted:

"Whereas the Great Arbiter of the affairs of man has seen fit in His infinite judgment to remove from our midst one whose career was surrounded by so much to call forth the praises of his fellow companions in that high branch of the national Government of which he was a most honored member, by so much to place, in this removal, a pall over the hearts of the people of this great State of Missouri, by so much to make it felt by his constituents of this Congressional district that his place in their profound respect can not again be so fully filled, and by so much of kindly feeling toward the Afro-Americans of this community to make his memory to them ever green, in the person of Hon. James N. Burnes; be it

"*Resolved*, That we, the Afro-American citizens of the city of St. Joseph, while we humbly bow in submission to the will of the All-wise One, do hereby express our heartfelt regrets at the sudden demise, and that in his death we lose a friend for whom the warmest feelings shall ever live; and be it further

"*Resolved*, That to the bereaved family of the deceased we extend our deepest sympathy and send them the hope that it has been said of their beloved one, 'Well done thou good and faithful servant, enter now in the joys of thy Lord;' and be it further

"*Resolved*, That a copy of these resolutions be suitably engrossed and presented to his family."

Resolutions of the Democratic Congressional convention, assembled in St. Joseph, Mo., on February 11, 1889, to nominate a successor to Colonel Burnes, presented by Hon. Elijah H. Norton, late chief-justice of the supreme court of Missouri, and unanimously adopted:

Resolved, That we are unwilling to enter upon the duties of this convention without pausing on the threshold of its proceedings to express our sorrow and profound regret for the cause which has occasioned our assembling together. More than six years ago the Democracy of this district, with a unanimity unparalleled, placed its honor and battle flag in the hands of Hon. James N. Burnes. How well he preserved the one and advanced the other through all the vicissitudes of victory and defeat in the Presidential campaigns and various local contests, has passed into the political history of the district, State, and nation to which we can all point with exultation and pride. It is a consolation to us to know that he fell at his post with his harness on, doing all that man could do for the welfare of his own immediate constituency and of the country at large. Though he added greatly to his name and fame in the public service and died as the patriot loves to die, yet we deplore his untimely loss in the fullness of his powers, as one difficult to repair, and we hereby tender the stricken family the sympathy and condolement of each and every member of this convention.

Editorial from the St. Joseph Daily Herald of January 25, 1889, the leading Republican paper of Northwest Missouri:

JAMES N. BURNES.

The death of Congressman James N. Burnes removes from the stage of action perhaps the most prominent man in the Fourth district. What Moses was to the children of Israel he was to the Fourth district Democracy, and under his leadership it had gone from victory to victory. His was the master hand that directed the party movements, and so universally successful had he been that he came to be looked upon by many as almost the party itself. It is not too great a compliment to say that his place can not be filled. Another leader will be found, it is true, but he will not combine in himself the elements that made James N. Burnes the unquestioned dictator of his party affairs.

In point of politics the Herald had never agreed with Colonel Burnes, and each time he was a candidate for Congress did what it could do to defeat him. But while this was true, we had never questioned his ability, his loyalty, his zeal, or said he wore his honors unworthily. He was in every point a man among men, earnest, aggressive, fearless, possessing great strength and force of character, and commanding esteem wherever he went by his uniform fairness and kindliness of manner, as well as by his intellectual attainments.

It is useless to say he was a legislator of whom this people has had reason to feel proud. Had he not been, even his superb generalship could not have averted party defeat.

St. Joseph was proud of him as a citizen, this district was proud of him as its Representative in Congress, and the State was proud of him as one of her most promising sons. It is not fair to presume that his life-work was accomplished. The future seemed to have in store for him much that was bright, and the measure of fame already attained seemed only a stepping-stone to something higher and grander.

In expressing sorrow that he is dead the Herald believes it is voicing the sentiment of every man of this great district. It is doing no more in paying a tribute to his memory. No community can afford to lose men of this character. The world has too few of them, and when death calls them away the loss seems a personal one to thousands.

Mr. INGALLS. Mr. President, these are the culminating hours of a closing scene in the drama of national life. When this day returns one political party will relinquish and another assume the executive functions of government. On every hand are visible the preparations to welcome the coming and speed the parting guest. At the eastern portico already stands the stage on which the great actors will play their parts, in the presence of a mighty audience, amid the mimic pomp and circumstance of war, with the splendor of banners, music's martial strains, and the hoarse salutations of accentuating guns.

Enterprises of great pith and moment wait upon the event of the brief interval. While pleasure wanders restlessly through the corridors of the Capitol, hope and fear, ambition, cupidity, and revenge sit in the galleries, or stand at the gates, eager, like dying Elizabeth, to exchange millions of money for the inch of time upon which success or failure, wealth or penury, honor or obloquy depend.

At this juncture and crisis, when each instant is priceless, disregarding every inducement, resisting every incentive and solicitation, the Senate proceeds, by unanimous consent, to consider resolutions of the highest privilege, reported from no committee, having no place upon any calendar, but which take precedence of unfinished business and special order, upon which the yeas and nays are never called, and no negative vote is ever recorded, and reverently pauses, in obedience to the holiest impulse of human nature, to contemplate the profoundest mystery of human destiny—the mystery of death!

In the democracy of the dead all men at last are equal. There is neither rank nor station nor prerogative in the republic of the grave. At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent. Dives relinquishes his millions, and Lazarus his rags. The poor man is as rich as the richest, and the rich man is as poor as the pauper. The creditor loses his usury, and the debtor is acquitted of his obligation. There the proud man surrenders his dignities, the politician his honors, the worldling his pleasures; the invalid needs no physician, and the laborer rests from unrequited toil.

Here at last is nature's final decree in equity. The wrongs of time are redressed. Injustice is expiated; the irony of fate is refuted; the unequal distribution of wealth, honor, capacity, pleasure, and opportunity, which make life such cruel and inexplicable tragedy, ceases in the realm of death. The strongest there has no supremacy, and the weakest needs no defense. The mightiest captain succumbs to that invincible adversary, who disarms alike the victor and the vanquished.

James Nelson Burnes, whose death we deplore to-day, was a man whom Plutarch might have described or Van Dyke delineated: massive, rugged, and robust; in motion slow; in speech sonorous and deliberate; grave in aspect; serious in demeanor; of antique and heroic mold; the incarnation of force, energy, and power.

Not perplexed by moral abstractions nor mental subtleties, he possessed that assemblage of qualities which makes success in practical affairs inevitable. Great enterprises were natural to him. Breadth, grasp, and comprehension characterized his projects. Early perceiving the enormous possibilities of the valley of the Missouri, longer than the Amazon and more fertile than the Nile, he immediately identified himself with the forces which have developed the empire of the Northwest; made the American desert an oasis, and abolished the frontier. At the bar, on the bench, in business and politics, he was foremost for a quarter of a century.

When we first met, St. Louis was an outpost of civilization, and Jefferson City the farthest point reached by railroad. In all that vast region, from the sparse settlements along the Missouri to the Sierra Nevada, from the Arkansas to the Yellowstone—now the abode of millions, soon to be represented in this Chamber—there was neither husbandry nor harvest, habitation nor home, save the casual encampments of the Bedouins of the plains, more savage than the beasts they slew.

We were neighbors—as that word goes in the West. Twenty miles to the northward, across the turbid stream, the level bars of tawny sand, and the vast expanse of primeval forest, were visible from my door, in the morning and evening sun, the spires and the towers of the city where he dwelt, and with whose history his name will be indissolubly associated. Here in a stately home, with ample fortune, equipage, and retinue, surrounded by a family he adored, by friends devoted to him, and by enemies whom he had overcome, he confidently anticipated larger triumphs and loftier honors yet to be.

As I looked for the last time upon that countenance from which for the first time in so many years no glance of kindly recognition nor word of welcome came, I reflected upon the impenetrable and insoluble mystery of death. But if death be the end, if the life of Burnes terminated upon this bank and shoal of time, if no morning is to dawn upon the night in which he sleeps, then sorrow has no consolation, and this impressive and solemn ceremony which we observe to-day has no more significance than the painted pageant of the stage. If the existence of Burnes was but a troubled dream, his death oblivion, what avails it that the Senate should pause to recount his virtues, and that his associates should assemble in solemn sorrow around his voiceless sepulcher? Neither veneration nor reverence is due the dead if they are but dust; no cenotaph should be reared to preserve for posterity the memory of their achievements, if those who come after them are to be only their successors in annihilation and extinction.

Unless we survive, the ties of birth, affection, and friendship are a delusive mockery; the structure of laws and customs upon which society is based, a detected imposture; the codes of morality and justice, the sentiments of gratitude and faith are empty formulas, without force or consecration. If in this world only we have hope and consciousness why should their inculcations be heeded? Duty must be a chimera. Our passions and our pleasures should be the guides of conduct, and virtue is indeed a superstition, if life ends at the grave.

This is the conclusion which the philosophy of negation must accept at last. Such is the felicity of those degrading precepts which make the epitaph the end. If these teachers are right, if the life of Burnes is like an arrow that is spent, then we are atoms in a moral chaos; obedience to law is indefensible servitude; rulers and magistrates are despots tolerated only by popular imbecility; justice is a denial of liberty; honor and truth are trivial rhapsodies; murder and perjury are derisive jests, and their harsh definitions are frivolous phrases invented by tyrants to impose on the timidity of cowards and the credulity of slaves.

If the life of Burnes is as a taper that is burned out, then we treasure his memory and his example in vain, and the latest prayer of his departing spirit has no more sanctity to us, who soon or late must follow him, than the whisper of winds that stir the leaves of the protesting forest, or the murmur of waves that break upon the complaining shore.

Mr. VOORHEES. Mr. President, on a farm composed of the rich and beautiful bottom lands of White River, in Morgan County, Indiana, the strong man and able Representative from Missouri whose death we mourn was born, on the 22d day of August, 1827. There, amidst the great primeval forests, scarcely touched as yet by the picket lines of civilization, he first opened his eyes to the light and glory of this world. His father's pioneer spirit, however, was not long content to remain even at this advanced outpost of emigration and enterprise. He belonged to that bold and determined class of men who have in all ages blazed the pathways of progress and broken down obstacles to the march of empire. Ten years after the birth of his robust, stalwart son, this Indiana farmer, with all beneath his roof, removed still farther west and sought another frontier home on the Platte purchase in the gigantic State of Missouri. There, amidst the boundless resources of material wealth and the active transactions of a vigorous and aggressive race of men, James N. Burnes grew to manhood, and there entered upon his profession as a well-educated, cultivated, and self-reliant lawyer.

I do not need at this time and place to dwell on the details of his brilliant and successful life. From the first hour he entered the lists of combat until he met "the black knight with visor down" who vanquishes all his career speaks for itself, and displays at every step a commanding intellect, a generous soul, and an iron will. He was born a leader among men. He was at once conceded a foremost place in affairs by those who came in contact with him. His massive head and powerful frame, with a face in which strength and tenderness were wonderfully combined, riveted the stranger's attention and caused people to look back at him after he had passed.

I well remember the first, and, indeed, almost the only time, I heard Mr. Burnes speak to a public audience. He was on the floor of the House, and I have rarely been more impressed with the appearance, manner, ability, and eloquence of a speaker than I was on that occasion. With a voice exceedingly rich in its varied strains of music, ranging from the deep notes of the organ to the stirring call of the bugle; with a manner self-contained and imposing, yet full of action, and with a familiar and unfaltering grasp of his subject and all its details, he appeared to me as a well-trained, giant gladiator in the arena of public discussion. Combining such eloquence with his well-known business ability necessarily rendered him a most potent factor in the conduct of affairs whether at home or in the halls of legislation, whether in managing and pushing forward great public improvements in Missouri or in standing as a recognized leader on the floor of the House of Representatives.

The social qualities of Mr. Burnes were most delightful to those who were closest to him. His heart was warm as summer sunshine, and there was the sweet charm of a loving, gracious spirit in the grasp of his hand, in the glance of his eye, and in the melody of his tone as he extended his greeting to a friend. He was especially kind to the young, and the youngest members of the House where he so recently fell are to-day his deepest mourners.

Mr. President, much more I might say, but others have spoken my thoughts, and more aptly and eloquently far than I could do. This brief tribute, however, I could not forbear paying to a son of Indiana, who rose to the foremost rank amongst men in another State. The history of Missouri is illuminated with the renown of great, historic names, and into the pantheon of her illustrious dead the name of James Nelson Burnes will now be admitted. He died like a hero; he fell at his post.

What better ending of a human life could there be With all his

harness on, in the immediate discharge of his duties, his brilliant faculties still in their full meridian, the summons came, and, without pain, he slept with his fathers.

Mr. HALE. Mr. President, I had intended to speak at some length upon the resolutions, but the condition of my voice to-day forbids, and I must content myself with a very few formal words.

I have known Mr. Burnes for several years, and his service and mine upon the Committees on Appropriations in the two Houses have brought us considerably together. In all the various matters embraced in the appropriation bills, some of the most important coming under his immediate charge and supervision and covering subjects of great public interest, Mr. Burnes always displayed ability of a very high order. He studied his facts thoroughly, and those of us who served with him found that in all the controversies which arose on the floor and in the conference committee-room, he was well able to maintain his own side. His manner was earnest; he was forcible in expression; and these, together with his long legislative experience, made him a most effective debater. He had already become a leader in the House of Representatives, and there he can not fail to be greatly missed.

So far as his life outside of public service is to be considered, I can only join in the testimonials that have been rendered by other Senators who knew him better than I. But his strength of will and native force of character always impressed me deeply. In many matters that came up where he and I were concerned upon opposite sides, and where sometimes sharp conflicts resulted, I never came away from those conflicts but with an increased respect for the power and grasp of the man to whom I had been opposed.

When death, Mr. President, invades these Chambers and takes away such a strong spirit, such a manly presence, such an enforcing will the gap that is made can never be easily filled.

Mr. GORMAN. Mr. President, these sad occasions which so often cause the Congress to lament the departure of some valued associate serve to remind us how fleeting are the honors we all prize and how much grander is the ambition that aspires beyond human concerns.

The soldier who dies in the blaze of battle, environed by the pomp and pride and circumstance of war, is canonized as a hero. In the peaceful shades of private as in the open walks of public life there are countless moral heroes whose sublime courage and noble virtues pass unnoticed. In age, in physical form, and in outward characteristics our departed friend had the promise of a long and successful career. His fine faculties were in the prime of vigor, and gave assurance of higher distinction than he had yet attained. But he knew the sword of the Destroyer hung suspended by an invisible hair over his head and might fall—as it did fall—with the suddenness of a flash of lightning.

This knowledge of an impending fate neither alarmed him nor interrupted the course of his accustomed life. He noted the signals of an unseen danger with as calm a nerve as he might have registered the weather signs of a barometer. Indeed, it may be said he counted the pulsations of ebbing life to the hour when sternly summoned from the post of duty. What battle-field has exhibited grander heroism?

It was my privilege to know Hon. James N. Burnes in two capacities.

First, as a member of the Committee on Appropriations with whom I, as a member of the same committee of the Senate, was brought in frequent contact.

Second, as a leading member of that great party to whose service the best years of his life were earnestly devoted.

He did not aspire to be a statesman in the broad sense of originating public policies. But it was his honorable pride when he came to Congress to make his mark as a sound legislator. How well he earned and deserved this distinction, by ability, uprightness, fidelity to every trust, and with general acceptance to the people is familiar knowledge to all in and out of Congress who have followed the course of legislation since he became a Representative six years ago.

Mr. Burnes was usually charged with the management of one of the great supply bills of the Government. While liberal for all the just needs of the public service, he was a scrupulous guardian of the people's interests; a decided opponent of extravagance in every shape and an advocate of retrenchment wherever reform could be properly applied. He could not be persuaded because there was a huge surplus in the Treasury to abate a jot of the principle that governed his legislative action. His success was remarkable in resisting the pressure for appropriations.

In maintaining his cherished policy of a wise economy in national expenditures he was always able, patient, forbearing, and even gentle to opponents and admirably poised in discussion. He made even friends of defeated antagonists.

In political life Mr. Burnes was a Democrat of the Jeffersonian school who believed in the enduring principles which have carried that party through many trials, only to confirm their strength and their wisdom. Above all he was an American who loved our institutions with a heartfelt devotion and who believed they were destined by precept and by practice to exercise a commanding influence on the civilization and destiny of mankind.

Coming up himself from humble beginnings and having carved his own way to various distinctions, he was grateful for the opportunities and proud of the methods by which these honors were reached. He had seen five Presidents taken from the ranks of the "plain people," as Mr. Lincoln described that great body of citizens who are the backbone of the Republic, all of whom in early life were subjected to the strain of poverty and privation without a seeming prospect of future advancement.

He had seen this powerful nation during a period of profound anxiety go on with its mighty operations as if adjusted by an automatic system. While the President lay for months prostrate and helpless sixty millions of free people ruled themselves by a moral force of which the world has furnished no other example.

Had God spared his life a few weeks longer he would have seen the last of these Presidents returning to the walks of private life and resuming his former calling without this extreme change of conditions making a ripple on the surface of public affairs.

These experiences and these grand possibilities made him, and should make us all, firm in the faith that such institutions are destined for the benefit of mankind. Let us strive to cherish them in the generous spirit and large beneficence for which they were designed by the fathers who recognized no narrow nor geographical lines in planting deep the foundation of the Republic.

In his public career, as in private station, Mr. Burnes was exemplary, manly, loyal in his friendships, and unswerving in duty. The processes of his strong mind were not alert, because he slowly and closely investigated every subject of national interest, and his judgment rarely failed to inspire confidence in his conclusion. He did not follow Lord Bacon's example in leaving his name "to the next ages and to foreign nations." His reputation was made in the sunlight of active affairs and survives as an encouraging instruction to the young and a model worthy to be preserved. When our turn comes in the solemn procession to the grave let us hope that we may be able like him to leave an untarnished fame and that Divine mercy will deal tenderly with our frailties.

Mr. HAMPTON. Mr. President, when Pericles was appointed to pronounce the eulogy over the Athenians who had fallen in battle he began his memorable oration, which has come down to us through the long centuries, stirring now as then all hearers, in the following words:

> Most of my predecessors in this place have commended him who made this speech part of the law, from the feeling that it is well that it should be delivered at the burial of those who fall in battle. For myself I should have thought that the worth which had displayed itself in deeds would be sufficiently rewarded by honors also shown by deeds, such as you now see in this funeral prepared at the people's cost. And I could have wished that the reputations of many brave men were not to be imperiled in the worth of a single individual to stand or fall according as he spoke, ill or well. For it is hard to speak properly upon a subject when it is even difficult to convince your hearers that you are speaking the truth. On the one hand, the friend who is familiar with every part of the story may think that some point has not been set forth with that fullness which he wishes and knows it to deserve. On the other, he who is a stranger to the matter may be led by envy to suspect exaggeration if he hears anything above his own nature. For men can endure to hear others praised only so long as they can severally persuade themselves of their own ability to equal the actions recounted. When this point is passed envy comes in and with it incredulity.

Among all peoples, savage as well as civilized, in all ages, it has been the custom to do honor to the memory of those who fall in battle while in the service of their country, and this universal feeling springs from the noblest and tenderest instincts of the human heart. Men feel that they honor themselves when they honor those "whose voice or sword has served mankind." We revere the memory of the brave soldier who while wielding his sword in defense of his country gives his life to that country; we bear him to his grave with every mark of honor, of respect, and of grief; and we dedicate monuments to his memory to show to all succeeding generations a people's gratitude. It is natural and proper that we should do these things; but, Mr. President, it seems to me that no less is due to the memory of those who in civil life devote their talents, their time, their energy, to the service of their country, and who, like the distinguished subject of this impressive ceremonial, when the Senate of the United States, turning from its daily routine of business, laying aside all spirit of party, and recognizing that "one touch of nature makes the whole world kin," devotes its time to pay fitting tribute to one who fell in life's hard fight at his post of duty. It is true that he did not fall on the battle-field, when the "joy of battle" inspires heroic deeds and robs death of its sting; it was not his fate to hear, as the last sound that reached his ears on earth, the exulting shouts of victory and to feel that his blood was poured out in defense of his country's rights; but he nevertheless gave his life willingly, freely, and knowingly to the service of that country.

> No marshaling troops, no bivouac song,
> No banner to gleam and wave!
> But, O, these battles! they last so long—
> From babyhood to the grave.

He knew that he was constantly standing in the shadow of death, for he had felt the approach of that fatal and insidious disease which struck him down, and he had with steady hand and brave spirit recorded every warning he had received, marking thus every mile-stone on the road which led only to death. A man of a spirit less brave and of devotion to duty less conscientious would have sought a reprieve from his impending fate by deserting his post of duty, but he stood to

it with the faith of a martyr and the courage of a soldier; and when the dread summons came it found him at the post where duty called him. In the common estimate of the world his death was not a heroic one, for he did not fall amid the glorious clash of arms; but is not a man who died as he did entitled to be called a hero?

Who in life's battle firm doth stand
Shall bear hope's tender blossoms
Into the silent land.

The lesson taught by a death like that of Mr. Burnes will prove, if taken to heart, invaluable to those who are soon to follow us and into whose hands the destiny of this great Republic will be committed. It will teach them that the duties of life are greater than life itself, and that the laurel wreath of the conqueror is not worthier than the crown of the martyr. It should teach them that devotion to duty, in whatever field of action it may be demanded, is the noblest impulse which can inspire the heart, the highest consummation of laudable ambition. And it is well for the reputation of any man of whom it can be said that his life gave an example of earnest devotion to duty and his death a lesson which should incite every man who wishes to serve his country to emulate that example.

It was not my good fortune, Mr. President, to know Mr. Burnes intimately, and it does not become me to speak of his personal character or of his private domestic virtues. I leave this grateful duty to be discharged by his close friends who knew him long and well. I speak of him only in his public, official character and with reference to his great public services. These are known of all the world, and are appreciated by all who are familiar with them. He discharged his duty honestly, fearlessly, and efficiently, and he fell a sacrifice to his high sense of duty. No higher praise can be given to a public servant than this, no nobler epitaph could be inscribed on the tomb of the dead. And, after all, sir, what is that which we call death? When this comes, as come it must to all of us, we who are left on earth grieve for the loss of those whom we have loved and lost for a brief time, but when we call to mind the blessed hopes and promises held out to us by revelation we can say:

There is no Death! what seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

Mr. COKE. Mr. President, I knew Col. James N. Burnes very slightly, except as a distinguished member of the House of Representatives. His abilities and force of character as displayed in that body made him from his first entrance into it a conipicuous member. He was a man of great labor and great capabilities. Since I have been conversant with the membership of the House of Representatives I have known no man who has achieved a greater distinction or wielded a wider or stronger influence among his fellows. His services as a legislator entitle him to the gratitude of the country, and his memory to an honored and enduring recognition.

No one who has ever met Colonel Burnes could fail to be impressed with the man. His well-knit frame, massive head, his face beaming with intelligence and marked in every lineament by courage, strength, and will-power proclaimed him a ruler among men.

Gifted with uncommon sagacity in the management of affairs, both in private and public life, his career in life was eminently successful. As a man and a citizen among the people of his Western home he was without a rival in the affection and esteem with which he was regarded. As a public man in the national councils he stood abreast with the foremost in ability and force and efficiency, and in the confidence and esteem of his associates.

In the death of Colonel Burnes the State of Missouri, grand as she is in the character of her noble people, has sustained the loss of one of her greatest sons; and the Congress of the United States one of its ablest and most trusted leaders. Who shall estimate the loss to his family, his neighbors, and his friends? It fell to my lot to be one of those who accompanied the mortal remains of Colonel Burnes to his home in St. Joe, Mo., and I shall never forget the impression received there where he had lived for many years of the man. The governor of the State with his staff, many members of the Legislature then in session at Jefferson City, persons of distinction from every portion of the State of Missouri, flocked to St. Joe to do honor to his memory, but better than all the people of that beautiful city, of all ages, sexes, colors, and conditions among whom he had lived, and to each one of whom he was known, turned out *en masse* and attested their devotion to him; facing for hours the biting rigor of a Western snow-storm which prevailed on the day of his burial.

Mr. President, genius and eloquence have laid their choicest tributes on the bier of this great Missourian "in thoughts that breathe and words that burn," but this grand ovation from the hearts of tens of thousands of noble and gallant people who knew him as friends and neighbors, though voiceless, is more eloquent in his praise than any sentiment that can be formulated in human language. To have lived and died in a way to command this great heart-offering was the rare fortune of Colonel Burnes. He has gone from among us. In the meridian of his life and powers, when he seemed to have many years of usefulness and honor before him, he has been stricken down.

He died with the harness on, and to the last moment was the faithful and devoted public servant. He has not lived in vain. His life has erected a noble standard of excellence in the performance of public and private duty for the emulation of those who remain, and his death gives to all an earnest admonition of the uncertainty of life and of the hollowness of its most glittering prizes. While we mourn his loss we feel that the influence of his noble example will still live among us, an incentive to an honorable ambition to discharge well our duties to family, friends, neighbors, and country.

Mr. VEST. Mr. President, in what is now St. Charles County, Missouri, immediately west of St. Louis, the Indians made a last desperate struggle for their homes and hunting grounds.

Pontiac, the great Ottawa chieftain, who had commanded at Braddock's defeat, and afterwards Black Hawk, the inveterate enemy of the whites, here vainly attempted to stem the resistless tide of that aggressive civilization which had driven their people from the region east of the Mississippi, and was still relentlessly pressing them westward. Here the pioneers of the dark and bloody ground, under the leadership of Daniel Boone, again met the savage in deadly conflict, and not until the last hostile Indian had been driven from the soil of Missouri did the old hunter close his simple and dauntless life upon the banks of the river across whose waters his solitary canoe had so often glided.

Of all the region between the Mississippi and Missouri, and south of Iowa, the Indians held, after 1820, only a triangular territory between the western border of Missouri and the river of that name. In 1837 this was bought by the United States and added to the State, being known as the Platte purchase, and comprising the counties of Atchison, Andrew, Buchanan, Holt, Nodaway, and Platte. A fairer or more fertile land is not kissed by the sun in all his journey, and when opened to settlement it was at once filled by an immigration coming mainly from that Scotch-Irish blood whose intellect and courage have impressed so indelibly the Middle and Western States. They are a virile race, strong in frame and prejudice, strict in their ideas of justice and summary at times in enforcing it, deeply religious, intensely patriotic, and absolutely fearless. To quick and vigorous intellect they add the instinct of resistance to tyranny in all its forms, and especially to outside and unwarranted interference with what they consider their own business.

It is not strange that men of this lineage should give direction and character to communities, and especially when great emergencies bring out the individuality and self-reliance which make leaders for a people. With other families of Scotch-Irish descent there came to the Platte purchase in 1838 that of James Burnes, the father of Col. James N. Burnes. Their home was in Platte County, upon the banks of the Missouri, and here, in a region overflowing with the opulence of nature and surrounded by the strong, adventurous pioneers of the frontier, James N. Burnes passed his boyhood. In his surroundings there was everything to develop intellect and energy. In this young and vigorous community there was no room for the idle or timid, and the fresh, pure air strung every nerve of mind and body to its best. The wide prairie, stretching to the boundless west, the silent, solemn forest, the great river rolling in resistless volume to the Gulf, all nature in vast and majestic mould, quickened and elevated ambition.

Never did young knight put on armor for the lists with higher aspiration or more dauntless courage than did James N. Burnes for the battle of life. In every fiber he was a combatant. With him existence meant battle. Strong, self-contained, cool, and watchful, he fought for the prizes of life as fought the gladiators when all Rome looked down upon the arena. After men die we hear in stereotyped phrase much of their negative virtues and passive goodness, but to me the proudest epitaph that can be written is:

Here lies one much hated and much loved, but never despised by friend or foe.

James N. Burnes had many enemies, for he fought with mailed hand and without asking quarter, but no man ever looked on him with contempt, or ever met him in conflict without remembering it to his last hour. He was a born leader, and could not have been placed where he would not have dominated those around him. In a mining camp or a salon, in a banking house or the halls of Congress, he was the same—aggressive, untiring, ambitious, and successful. I knew Colonel Burnes during thirty-five years of active personal and public life. There were two marked and perilous passages in his career when events brought us together very closely.

In 1877 the banks in which were deposited the funds belonging to the State treasury of Missouri suspended payment, and for this reason there was a deficit of $198,000 in the State treasurer's accounts, of whom Colonel Burnes was the principal bondsman. The disaster was so sudden and unexpected that it found him totally unprepared, and his ruin seemed inevitable. His enemies, personal and political, seized with avidity upon opportunity for securing his downfall, and a partisan press exhausted epithet in denunciation of him and his party. The State treasurer—than whom a more honest and incorruptible officer never held a public trust—was indicted in the courts and proceedings begun in the General Assembly for his removal. In the litigation which ensued I was of counsel for the treasurer and his bondsmen, and was authorized by

Colonel Burnes to propose to the State authorities that if the right of action against the defaulting banks should be assigned to him and his associates upon the treasurer's bond he would pay the deficit into the State treasury. The offer was accepted, and every cent paid without loss to the Commonwealth. Never did any man pass through a more terrible ordeal; but when the storm was fiercest, and others cowered before it, Colonel Burnes exhibited such courage and fertility of resource as won even from his enemies admiration and respect.

In 1882 he was elected to the National House of Representatives from the Fourth district of Missouri, which had been represented for the two preceding terms by a Republican. The canvass was bitter, and disfigured by personalities which invaded every part of his career, and recognized no limit to the license of vituperation. The district was made the clearing house for personal and political grievances that had accumulated during thirty years of active and aggressive life, in which Colonel Burnes had avoided no adversary. It was at this time, when we canvassed together for many days, that I first came to know how tender and loving as husband and father was this strong and combative man. The attacks upon him were so cruel and brutal that even old and experienced politicians recoiled from their savagery, but no word of complaint came from his lips for himself.

His only solicitude was for his family, and especially for her, the wife of his youth, for many years an invalid, from whose sick chamber he endeavored to shut out the hoarse and discordant cries of the combat.

Coming from out the heat and filth of rage and calumny, I saw him one summer night kneel at her side, as if before a shrine, whilst the shadows of that anxious fight passed away, and the look of a bridegroom rested upon her.

It is not in the world's daily strife, when armed and masked we meet as foes, that men are rightly judged. When the armor is put off, and the mask has fallen, the soft light of home brings out in many a rugged life the tints and hues of heaven.

The shadow of death rested upon Colonel Burnes for months. The stealthy and deadly disease which finally triumphed often gave notice of its progress. In the last campaign we spoke together in Platte County, where he had grown to manhood, and in his address he declared his candidacy the last, and told his old friends and neighbors, many of whom had known him from childhood, that he proposed to devote his few remaining years to arranging his private business, and in preparing for the inevitable hour which must soon close his career.

When we reached my room I attempted to rally him upon his solemn words, but he repeated them so earnestly that I could not doubt his sincerity. He alluded to many alarming symptoms which warned him of a fatal result, and then reverently spoke of that great question which no human wisdom can solve. Like all intellectual men he avoided such discussion and shrank from that empiric dogmatism which can not be mistaken as to the infinite hereafter, but he relied implicitly upon the Divine mercy.

Here ends his journey. The weary feet and brain are at rest. Another of our race, strong in mind and purpose, an intellectual athlete in the world's arena, and crowned with its wealth and honors, blessed with the love of home and friends, and beckoned onward by all the possibilities of ambition, has passed through the portal of the unknown.

Helpless we stand at the dark gateway and vainly ask the dead to tell us of the shadowy realm to which we also hasten.

The PRESIDING OFFICER. The question is, Shall the resolutions be agreed to?

The resolutions were agreed to unanimously; and in accordance therewith the Senate (at 4 o'clock and 20 minutes p. m.) adjourned until to-morrow, Tuesday, February 26, 1889, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 25, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

ORDER OF BUSINESS.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. BLAND. I understand it requires a quorum to approve the Journal.

Mr. DOCKERY. Will my colleague yield to me for a moment to ask consent——

The SPEAKER. The Journal has not been approved, and that of course is the first business in order.

The Chair will state to the gentleman from Missouri [Mr. BLAND] that the gentleman can not raise the point of no quorum until by a vote or count of the House the absence of a quorum is disclosed. There has been no count or vote yet.

Mr. DOCKERY. Pending that, can not I submit a request for unanimous consent?

The SPEAKER. The Chair thinks that under the rules of the House the first thing in order is the approval of the Journal before the House can proceed to the transaction of any business whatever. The question is on the approval of the Journal.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. No quorum.

The SPEAKER. But the Chair does not know that a quorum has not voted.

Mr. BLAND. I demand a division.

The House divided; and there were—ayes 37, noes 6.

Mr. BLAND. No quorum.

The SPEAKER appointed Mr. BLAND and Mr. BIGGS as tellers.

The House proceeded to divide.

Mr. SAYERS. Mr. Speaker, would it be in order to move to dispense with the present business?

The SPEAKER. No motion can be entertained while the gentleman from Missouri is insisting that there is no quorum present; and the first matter pending before the House, which the rules require to be disposed of, is the approval of the Journal, which has not yet been done.

Mr. BLAND. I understand that the gentleman from Texas desires to proceed with the consideration of the appropriation bills. If that is the understanding, I will withdraw the point of no quorum.

The SPEAKER. But the difficulty is that there is a special order which requires the Speaker, immediately after the reading of the Journal, to cause the names of the members, in their alphabetical order, to be called until 11 o'clock for leave by unanimous consent to consider measures in the House, and unless that order of business is also dispensed with by unanimous consent the Chair can not proceed to recognize the gentleman from Texas to make the motion to consider the appropriation bill.

Mr. SAYERS. It is my purpose to ask unanimous consent to dispense with the calling of the names of the members to ask consideration of bills, so as to proceed with the appropriation bill.

The SPEAKER. The gentleman asks unanimous consent to dispense with the calling of the names of members for the purpose of proceeding at once to the consideration of the general appropriation bill. Is there objection?

Mr. ABBOTT. I object.

Mr. BLAND. For the present I withdraw the point of no quorum.

So (no further count being demanded) the Journal was approved.

SWEARING IN OF A MEMBER.

Mr. DOCKERY. Mr. Speaker, on the 19th of the present month Hon. C. F. Booher was duly elected to fill the vacancy in the Fourth Congressional district of the State of Missouri, in the Fiftieth Congress, occasioned by the death of Hon James N. Burnes. He is now present, and in the absence of his certificate of election, which has not yet been received, I ask unanimous consent that he be allowed to take the oath of office.

I will state that his majority is unquestioned; there is no contest, and I make this request after a conference with several of our friends on the other side of the Chamber.

Mr. PERKINS. Has the vote been canvassed?

Mr. DOCKERY. It has been in the counties, as I understand, and the majority in favor of Mr. Booher is about 1,100.

Mr. WARNER. There is no contest.

There being no objection, Mr. BOOHER appeared at the bar of the House and was duly qualified, taking the oath prescribed by law.

SEMINOLE INDIANS.

The SPEAKER laid before the House the following communication from the President of the United States:

To the Congress:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the Government of the United States of their right to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 19, 1889.

Mr. PEEL. Mr. Speaker, I ask unanimous consent that the message and accompanying documents be referred to the Committee on Indian Affairs, with leave to report at any time.

Mr. LYNCH. I object.

The SPEAKER. The communication and accompanying papers will be referred to the Committee on Indian Affairs and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. Under the special order the Chair will now cause the roll to be called for the consideration of measures by unanimous consent on request of members as their names are reached.

Mr. BLAND. I move that the House take a recess for thirty minutes.

Mr. HEMPHILL. Pending that motion I would like to ask unanimous consent, inasmuch as this day is set apart for business from the Committee on the District of Columbia, that instead of wasting the

time we go on with some measures that are now ready by that committee. If there be no objection to the request, I will state that the measures I propose to call up are those which will not create any disturbance in the House.

Mr. BUCHANAN. I would suggest that the gentleman had better get the consent of the gentleman from Missouri.

Mr. DORSEY. Yes, for there is no necessity to appeal to the House.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. LYNCH. I object.

Mr. ALLEN, of Michigan. As that interferes with a deliberate order of the House, I shall object.

The SPEAKER. The Chair can do nothing until 11 o'clock under the rule except to cause the roll of members to be called and entertain such motions as are in order under the general rules of the House.

The question was put, and the Speaker announced that the noes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 7, noes 31.

Mr. BLAND. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Kansas [Mr. ANDERSON].

AGRICULTURAL APPROPRIATION BILL.

During the count,

Mr. HATCH. I ask unanimous consent to take from the Speaker's table the agricultural appropriation bill, to non-concur in the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Chair has grave doubt whether this request is in order during the hour, but will submit it to the House. Is there objection to the request of the gentleman from Missouri?

Mr. LAWLER. I object.

After a further count,

The SPEAKER *pro tempore*. The Chair is advised that the gentleman from Illinois [Mr. LAWLER] who made the objection has withdrawn it. Is there further objection?

Mr. BURROWS, Mr. O'NEALL, of Indiana, and Mr. BUCHANAN. I object.

The SPEAKER *pro tempore*. The Chair is just advised that the Speaker a few moments since held that during the hour from 10 to 11 requests for unanimous consent could only be entertained on a call of the roll, as the rule provides.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1889, and for other purposes.

It also announced that the Senate had agreed to the amendments of the House to the following bills:

A bill (S. 2759) granting a pension to James M. Frost;

A bill (S. 1390) granting a pension to Anna Slater; and

A bill (S. 3421) granting a pension to Mary B. McVean.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. I ask by unanimous consent the remainder of the hour be vacated, and it be now considered 11 o'clock.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. ANDERSON] asks unanimous consent to vacate the remainder of the hour. Is there objection?

Mr. BUCHANAN. Is it not a fact that the gentleman from Missouri [Mr. BLAND] called the attention of the House to the fact that no quorum is present?

The SPEAKER *pro tempore*. That is true.

Mr. BUCHANAN. Can any business be done without a quorum?

Mr. BLAND. We had better go on in the regular order.

Mr. BURROWS. I wish the gentleman would modify his request so as to vacate the rule.

Mr. BLAND. Regular order.

The SPEAKER *pro tempore*. Objection is made. The hour of 11 o'clock has arrived.

Mr. BLAND. I withdraw the motion to take a recess.

Mr. CRISP. I rise to a privileged matter.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I desire to call up the bill (H. R. 12485) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1890, ask unanimous consent to non-concur in the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Missouri asks to non-concur in the Senate amendments, and agree to the conference as requested. Is there objection?

Mr. SHERMAN. I object.

The SPEAKER. The report, then, will go to the Committee of the Whole on the state of the Union.

The gentleman from Georgia [Mr. CRISP] calls up a question of privilege, and the gentleman from Arkansas [Mr. PEEL] also presents a matter of privilege.

Mr. CRISP. I call up the California contested-election case of Sullivan *vs.* Felton.

Mr. HATCH. Mr. Speaker, what was done with the agricultural appropriation bill?

The SPEAKER. It goes to the Committee of the Whole House on the state of the Union unless the report is withheld.

Mr. HATCH. I ask that it be withheld.

There was no objection; and it was so ordered.

Mr. SAYERS. I desire to know whether in this hour I can raise the question of consideration upon this contested-election case?

The SPEAKER. The gentleman can raise the question of consideration on anything that is presented.

Mr. SAYERS. Then I desire to raise the question of consideration, for the purpose of going into Committee of the Whole on the state of the Union to consider the general deficiency bill.

The SPEAKER. The gentleman from Georgia calls up the contested-election case from the State of California, and the gentleman from Texas raises the question of consideration. The gentleman from Arkansas [Mr. PEEL] also calls up a conference report, which is of higher privilege than the contested-election case.

Mr. CRISP. On that I raise the question of consideration.

The SPEAKER. The Clerk will report the title of the bill.

Mr. HEMPHILL. I rise to a parliamentary inquiry. I desire to inquire whether business reported from the Committee on the District of Columbia is not in order at this time?

The SPEAKER. The Chair will state the situation. This being Monday, except for the intervention of privileged matters, the first business in order is the call of States and Territories for the presentation of bills and resolutions. The next thing in order is the consideration of business reported from the Committee on the District of Columbia; but these are privileged matters which have precedence over all other business. The gentleman from Georgia raises the question of consideration against the conference report. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes.

The SPEAKER. The gentleman from Georgia raises the question of consideration on the conference report.

Mr. PEEL. I hope the gentleman from Georgia [Mr. CRISP] will not insist on that.

Mr. CRISP. Mr. Speaker, I have thought that if this election case were urged forward it would come in contact with the pending appropriation bill, and therefore I have waited four or five days, but it is now so late in the session that I feel I must press the case to a vote.

Mr. REED. I wish the gentleman from Georgia [Mr. CRISP] would let his sense of private duty give way to his sense of public duty a little longer.

Mr. BLAND. It is a public duty to do public justice to a member-elect of this House.

Mr. CRISP. I hope I shall have the co-operation of the gentleman from Maine in this effort to do public justice.

Mr. REED. My co-operation will be as sincere as the gentleman's effort. [Laughter.]

The question was put on proceeding to the consideration of the conference report; and the Speaker declared that the noes seemed to have it.

Mr. PEEL. I ask for a division.

The House divided; and there were—ayes 81, noes 27.

Mr. CRISP. No quorum. Mr. Speaker, I will ask the gentleman from Arkansas how long it will probably take to dispose of this conference report.

Mr. PEEL. The report has already been taken up and read, and it can be disposed of in a few minutes. Then there is another conference report upon a right-of-way bill in which the late Judge Burnes was interested. It is a bill granting the right of way from St. Joseph, Mo., down to and through the Indian Territory. In almost the last conversation I ever had with Judge Burnes I promised him to endeavor to get the bill through. The conference report upon it can also be disposed of in a few minutes.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, if there could be found any practical way of facilitating matters I should be glad to withdraw the point of no quorum. I will ask the gentleman from Arkansas to withdraw his motion for the present.

Mr. PEEL. I can not do that. I have been holding this matter back for a week. The consideration of it has been already commenced, the report has been read, and it can be disposed of in a very short time. We can dispose of both the reports in twenty minutes.

Mr. CRISP. If the gentleman can get unanimous consent to proceed to the consideration of the conference report with the understanding that we are to take a vote in ten minutes, I shall withdraw the point of no quorum.

Mr. MCKENNA. I object, Mr. Speaker.

The tellers took their places and proceeded with the count.

Mr. MCKENNA (pending the count). I withdraw the objection.

The SPEAKER. The tellers will suspend. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that the consideration of the conference report called up by the gentleman from Arkansas [Mr. PEEL] be limited to ten minutes. The gentleman from California withdraws his objection. Is there further objection?

Mr. CHEADLE. I object.

Mr. DUNHAM. I object.

The SPEAKER. Objection is made, and the tellers will proceed with the count.

Mr. CHEADLE (pending the count). I withdraw my objection, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. DUNHAM] also objected.

The count was completed, and the tellers reported—ayes 127, noes 43.

Mr. O'NEALL, of Indiana. I call for the yeas and nays.

The yeas and nays were refused, only 23 members voting in favor thereof.

Mr. O'NEALL, of Indiana. I move that the House do now adjourn.

Mr. BLAND. I move that when the House adjourn it adjourn to meet on Wednesday next.

The question was taken on the motion of Mr. BLAND, and there were—ayes 6, noes 88.

Mr. BLAND. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Arkansas [Mr. PEEL].

The tellers took their places.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER (pending the count). The Chair is advised that the gentleman from New York [Mr. SHERMAN], who objected to the request of the gentleman from Missouri [Mr. HATCH] that the House non-concur in the amendments of the Senate to the agricultural appropriation bill, withdraws his objection. If there be no further objection that order will be made, and the Chair will appoint as managers of the conference on the part of the House the gentleman from Missouri [Mr. HATCH], the gentleman from Alabama [Mr. DAVIDSON], and the gentleman from Iowa [Mr. CONGER].

ORDER OF BUSINESS.

Mr. PEEL (pending the completion of the count). The gentleman from Missouri [Mr. BLAND] withdraws his point of no quorum on condition that unanimous consent is given to proceed with the consideration of these two conference reports and that they shall be disposed of within half an hour.

The SPEAKER. The gentleman from Indiana [Mr. O'NEALL] made the point.

Mr. BLAND. I hope the gentleman from Indiana [Mr. O'NEALL] will withdraw the point on that condition.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] proposes to withdraw his motion and consent to the consideration of the report called up by the gentleman from Arkansas [Mr. PEEL] without further dilatory proceedings upon condition that the consideration of the two reports indicated shall not occupy more than thirty minutes. Is there objection?

There was no objection, and it was so ordered.

LEAVENWORTH AND RIO GRANDE RAILWAY COMPANY.

Mr. PEEL. Mr. Speaker, the conference report in the first case has already been read, and I do not think it is necessary to read it again, as there is nothing material in it.

The SPEAKER. The statement of the House conferees is brief and had better be read.

The Clerk read the statement, as follows:

The managers on the part of the House, to whom was referred Senate amendments to H. R. 7186, granting right of way to the Leavenworth and Rio Grande Railway Company through the Indian Territory, after a full and free conference with the managers on the part of the Senate, beg leave to submit the following report:

We find that the Senate amendments do not materially change the purposes of the bill, consisting, as they do, in corrections of language, etc. Therefore we recommend the adoption of the report.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

Mr. PEEL. I demand the previous question on agreeing to the report.

The SPEAKER. The Chair will state that if the previous question be ordered there will be, under the rules, thirty minutes for debate on the report.

Mr. PEEL. I did not intend to demand the previous question. I ask for a vote.

The question being taken, the report was adopted.

Mr. PEEL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL. I now ask the consideration of the privileged report which I have sent to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, having met, after full and due conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.
H. L. DAWES,
JAMES K. JONES,
FRANCIS B. STOCKBRIDGE,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers upon the part of the House, having had a free and full conference with the managers upon the part of the Senate on Senate amendments to House bill 6612, granting right of way to St. Louis and San Francisco Railway Company through Indian Territory, beg leave to report that all the Senate amendments submitted to us we find entirely correct; they do not in any material way change the object of the bill, but conform its provisions more closely to the main object; that, is protecting the rights of the Indians and restricting the rights of the road to its legitimate business. Therefore we respectfully ask that the report be adopted.

S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

Mr. HOLMAN. I suppose the amendments are brief. I ask that they be read.

The amendments were read.

Mr. PEEL. I move the adoption of the report.

The report was adopted.

Mr. PEEL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is now, Will the House proceed to the consideration of the contested-election case called up by the gentleman from Georgia [Mr. CRISP]? Before that question is put the Chair desires to lay before the House several requests for unanimous consent.

MEMORIAL ADDRESSES ON HON. JAMES N. BURNES.

Mr. DOCKERY, by unanimous consent, introduced a joint resolution (H. Res. 266) authorizing the printing of eulogies pronounced in memory of James N. Burnes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

LEAVE TO PRINT.

Mr. DIBBLE, by unanimous consent, obtained leave to print in the RECORD revised remarks on the French spoliation claims, withheld for revision during the last session.

LEAVE OF ABSENCE.

Mr. HATCH, by unanimous consent, obtained leave of absence for this day.

ORDER OF BUSINESS.

The SPEAKER. The question is now, Will the House proceed to the consideration of the contested-election case called up by the gentleman from Georgia [Mr. CRISP]?

Mr. SAYERS. Mr. Speaker——

The SPEAKER. The question is not debatable.

Mr. SAYERS. I desire to raise the question of consideration.

The SPEAKER. That question has already been raised; the Chair has just stated it to the House.

Mr. CRISP. I hope my friend from Texas will not raise that question. With the object of making way, if possible, for the appropriation bills, we have waited since last Wednesday for an opportunity to proceed with the consideration of this case. [Cries of "Regular order!"] I desire now that this case shall be brought to a decision by the House.

The SPEAKER. The regular order is demanded. Debate is not in order.

Mr. SAYERS. I ask the gentleman from California [Mr. MCKENNA] to withdraw the call for the regular order for a moment, so that I may make a statement. [Cries of "Regular order!"]

The SPEAKER (having put the question on proceeding to the consideration of the contested-election case). The noes seem to have it.

Mr. CRISP. I call for a division.

Mr. ANDERSON, of Iowa. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 41, noes 62, more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the affirmative—yeas 115, nays 102, not voting 106; as follows:

YEAS—115.

Abbott,	Crisp,	Kerr,	Rice,
Allen, Miss.	Cummings,	Laffoon,	Robertson,
Anderson, Iowa	Dargan,	Landes,	Rowland,
Anderson, Miss.	Davidson, Ala.	Lane,	Scott,
Anderson, Ill.	Davidson, Fla.	Latham,	Shaw,
Bacon,	Dibble,	Lawler,	Shively,
Baker, Ill.	Elliott,	Lynch,	Simmons,
Bankhead,	Ermentrout,	Macdonald,	Snyder,
Barnes,	Finley,	Maish,	Spinola,
Biggs,	Fisher,	Mansur,	Springer,
Bland,	Foran,	Martin,	Stewart, Tex.
Blount,	Forney,	Matson,	Stewart, Ga.
Booher,	French,	McAdoo,	Stockdale,
Breckinridge, Ark.	Gay,	McClammy,	Stone, Ky.
Breckinridge, Ky.	Glass,	McCreary,	Stone, Mo.
Bryce,	Glover,	McKenna,	Tarsney,
Campbell, F., N. Y.	Greenman,	McKinney,	Tillman,
Campbell, T J., N. Y.	Grimes,	McMillin,	Tracey,
Candler,	Hall,	McRae,	Turner, Ga.
Carlton,	Hayes,	Montgomery,	Vance,
Caruth,	Hemphill,	Moore,	Walker,
Catchings,	Henderson, N. C.	Newton,	Washington,
Cheadle,	Herbert,	Oates,	Weaver,
Chipman,	Hermann,	O'Ferrall.	Wheeler,
Clardy,	Holman,	O'Neall, Ind.	Whiting, Mich.
Clements,	Hooker,	Owen,	Wilkinson,
Cobb,	Hopkins, Va.	Penington,	Wilson, Minn.
Compton,	Howard,	Perry,	Yoder.
Cothran,	Hutton,	Rayner,	

NAYS—102.

Allen, Mich.	Darlington,	Kennedy,	Romeis,
Anderson, Kans.	Davis,	Kilgore,	Rowell,
Arnold,	De Lano,	Laidlaw,	Sayers.
Baker, N. Y.	Dorsey,	Lanham,	Sherman,
Belden,	Dunham,	Lehlbach,	Sowden,
Boothman,	Farquhar,	Lind,	Spooner,
Boutelle,	Fuller,	Lodge,	Steele,
Bowden,	Gaines,	Long,	Stephenson,
Bowen,	Gear,	Mills,	Stewart, Vt.
Brewer,	Grosvenor,	Moffitt,	Taylor, E. B., Ohio
Brower,	Grout.	Morrill,	Taylor, J. D., Ohio
Browne, Ind.	Guenther,	Morrow,	Thomas, Ky.
Brown, Ohio	Hare,	Nichols,	Thomas, Ill.
Brown, J. R., Va.	Hayden.	O'Donnell,	Thomas, Wis.
Buchanan,	Henderson, Iowa	Parker,	Townshend,
Burrows,	Henderson, Ill.	Patton,	Turner, Kans.
Butler,	Hiestand,	Payson,	Wade,
Bynum,	Hires,	Peel,	Warner,
Cannon,	Hitt,	Perkins,	Weber,
Cogswell,	Holmes,	Peters,	West,
Conger,	Hopkins, Ill.	Phelps,	White, N. Y.
Cowles,	Hopkins, N. Y.	Plumb,	Wickham,
Crouse,	Johnston, Ind.	Posey,	Wise,
Culberson,	Johnston, N. C.	Randall,	Yardley.
Cutcheon,	Kean,	Reed.	
Dalzell,	Kelley,	Rockwell,	

NOT VOTING—106.

Adams,	Dunn,	Lyman,	Russell, Conn.
Allen, Mass.	Enloe,	Maffett,	Russell, Mass.
Atkinson,	Felton.	Mahoney,	Rusk.
Barry,	Fitch,	Mason,	Ryan,
Bayne,	Flood,	McComas,	Sawyer,
Bingham,	Ford,	McCormick,	Scull,
Blanchard,	Funston,	McCullogh,	Seney,
Bliss,	Gallinger,	McKinley,	Seymour,
Bound,	Gest,	McShane,	Smith,
Brown, T. H. B., Va.	Gibson.	Merriman,	Stahlnecker.
Brumm,	Goff,	Milliken,	Struble,
Buckalew,	Granger,	Morgan,	Symes,
Bunnell,	Harmer,	Morse,	Taulbee,
Burnett,	Hatch,	Neal,	Thompson, Ohio
Butterworth,	Haugen,	Nelson,	Thompson, Cal.
Campbell, Ohio	Heard,	Norwood,	Vandever,
Caswell,	Hogg,	Nutting,	White, Ind.
Clark,	Houk,	O'Neill, Pa.	Whiting, Mass.
Cockran,	Hudd,	O'Neill, Mo.	Whitthorne,
Collins,	Hunter,	Osborne,	Wilber,
Cooper,	Jackson,	Outhwaite,	Wilkins,
Cox,	Jones,	Phelan,	Williams,
Crain,	Ketcham,	Pidcock,	Wilson, W. Va.
Davenport,	La Follette,	Post,	Woodburn,
Dingley,	Lagan,	Pugsley,	Yost.
Dockery,	Laird,	Richardson,	
Dougherty,	Lee,	Rogers,	

So the House agreed to consider the contested-election case.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Under the rule not only have gentlemen who rise for the purpose of having their votes recorded after the roll-call has been gone through with to be in the Hall when their names were called, but they have also to state that they did not hear their names called.

The SPEAKER. That is the rule.

Mr. BRECKINRIDGE, of Kentucky. Do these gentlemen say they did not hear their names called?

The SPEAKER. The rule of the House is very explicit in its terms, that the Speaker shall not entertain a request for unanimous consent after the second roll-call. But that rule has been frequently relaxed to members on the floor who in the midst of confusion failed to hear their names called, but for that reason only. The Chair thinks it can not be carried beyond that.

Mr. BRECKINRIDGE, of Kentucky. I desire to make a point of order on the gentleman from Kansas [Mr. PERKINS]. When he was asked whether he was in the House when his name was called he did not say that he did not hear his name called, and he was permitted to vote on that statement.

Mr. CANNON rose.

The SPEAKER. The Chair can only recognize gentlemen one at a time. The gentleman from Kentucky raises the question of order upon the vote of the gentleman from Kansas [Mr. PERKINS]. Was the gentleman from Kansas in the House when his name was called?

Mr. PERKINS. I failed to hear my name called, although I was in the Hall at the time.

The SPEAKER. The gentleman failing to hear his name called, although he was in the Hall, has the right to vote.

Mr. HOLMES. I ask to have my name recorded in the negative. I was in the Hall, but failed to hear my name called.

The SPEAKER. The gentleman's vote will be recorded.

Mr. BOWDEN and Mr. THOMAS, of Illinois, also stated that they were in the Hall, but did not hear their names called, and their names were recorded in the negative.

Mr. BOOTHMAN. Mr. Speaker, my name was not called on the first roll-call, although I was in my seat.

The SPEAKER. The Chair thinks the gentleman has the right to vote.

Mr. STRUBLE. I was not in the Hall, and did not hear my name called. [Laughter.] If I had been here, I would have voted in the negative.

Mr. ARNOLD. I was in the Hall, but failed to hear my name called.

The SPEAKER. The gentleman is entitled to vote.

Mr. ARNOLD. I vote in the negative.

Mr. GAINES, Mr. BOWEN, and Mr. COGSWELL also stated they were in the Hall, but failed to hear their names called, and they severally voted in the negative.

Mr. STEELE. I heard my name called on the first roll-call, but failed to respond.

The SPEAKER. Was the gentleman present on the second roll-call and did he hear his name called?

Mr. STEELE. I was present on the second roll-call, but I did not hear my name called, and my vote was not recorded.

The SPEAKER. The gentleman has the right to vote.

Mr. STEELE voted in the negative.

Mr. ANDERSON, of Kansas. I heard my name called on the first roll-call, but I did not hear my name called on the second roll-call.

The SPEAKER. The gentleman is entitled to have his vote recorded.

Mr. ANDERSON, of Kansas, voted in the negative.

Mr. O'NEILL, of Pennsylvania. I heard my name called on the second roll-call.

The SPEAKER. Was the gentleman within the Hall?

Mr. O'NEILL, of Pennsylvania. I was just about to step out of the Hall on the first roll-call and did not hear my name called. I was in the Hall on the second roll-call and heard my name called but did not vote.

The SPEAKER. On the gentleman's statement he has not the right to vote. He was in the Hall on both occasions and heard his name called and did not vote.

Mr. O'NEILL, of Pennsylvania. I decline to vote. [Laughter.]

The SPEAKER. The Chair can not proceed unless members will resume their seats and preserve order on the floor. Gentlemen are stating reasons why they did not cast their votes, and it is important for the Chair to hear them.

Mr. GUENTHER. Mr. Speaker, I was in my seat and did not hear my name called.

The SPEAKER. The gentleman has the right to vote.

Mr. GUENTHER voted "no."

Mr. TURNER, of Kansas. I did not hear my name called, although I was in the Hall.

The SPEAKER. The gentleman has the right to have his vote recorded.

Mr. TURNER, of Kansas, voted "no."

Mr. McKENNA. I wish to change my vote from "no" to "ay."

Mr. SNYDER changed his vote from "no" to "ay."

Mr. JOHNSTON, of North Carolina. I change my vote from "ay" to "no."

Mr. CHEADLE. I change my vote from "no" to "ay."

The names of those who voted were read.

The following pairs were announced on all political questions until further notice:

Mr. CAMPBELL, of Ohio, with Mr. COOPER.

Mr. COCKRAN with Mr. NUTTING.

Mr. BARRY with Mr. BUNNELL.

Mr. WHEELER with Mr. O'NEILL, of Pennsylvania.

Mr. LEE with Mr. DAVENPORT.
Mr. HOGG with Mr. SYMES.
Mr. GRANGER with Mr. RUSSELL, of Connecticut.
Mr. BURNETT with Mr. GOFF.
Mr. NEAL with Mr. HOUK.
Mr. MCSHANE with Mr. LAIRD.
Mr. PHELAN with Mr. BUTLER.
Mr. WHITTHORNE with Mr. LYMAN.
Mr. COLLINS with Mr. ALLEN, of Massachusetts.
The following pairs were announced for this day:
Mr. STAHLNECKER with Mr. MCCULLOGH.
Mr. FORD with Mr. BRUMM.
Mr. THOMPSON, of California, with Mr. JACKSON.
Mr. WILKINS with Mr. MCCOMAS.
Mr. COX with Mr. WHITING, of Massachusetts.
Mr. ROGERS with Mr. DINGLEY.
Mr. HATCH with Mr. RYAN.
Mr. CRAIN with Mr. MCCORMICK.
Mr. MORGAN with Mr. MILLIKEN.
The following were announced as paired on this vote:
Mr. RUSK with Mr. BINGHAM.
Mr. SENEY with Mr. PUGSLEY.
Mr. ENLOE with Mr. GALLINGER.
Mr. DOUGHERTY with Mr. BAYNE.
Mr. PIDCOCK with Mr. ADAMS.
Mr. HEARD with Mr. HARMER.

Mr. MCRAE. I wish to announce that my colleague [Mr. ROGERS] is absent on account of sickness, and I ask that he be excused for the present.

The vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was delivered to the House by Mr. PRUDEN, one of his secretaries.

The message also announced the approval of House bills of the following titles, namely:

An act (H. R. 2261) to increase the pension of Elijah W. Penny;
An act (H. R. 8) to replace Mrs. R. S. Horton upon the pension-rolls;
An act (H. R. 10691) to increase the pension of Mary A. Bedel;
An act (H. R. 765) granting a pensionto Annie May Pifer;
An act (H. R. 2861) granting a pension to Mary Thorn;
An act (H. R. 3167) granting a pension to Elizabeth L. Nott;
An act (H. R. 4825) granting a pension to Dorothea Ruoff;
An act (H. R. 7858) granting a pension to Jennie Harris;
An act (H. R. 9110) granting a pension to Martha J. Warren;
An act (H. R. 10289) granting a pension to Miss Emily Romine;
An act (H. R. 10922) granting a pension to William Harper;
An act (H. R. 10951) granting a pension to Mary Von Olnhausen;
An act (H. R. 10976) granting a pension to William L. Wilson;
An act (H. R. 10977) granting a pension to John J. Brown;
An act (H. R. 11316) granting a pension to Charlotte Ayres;
An act (H. R. 11737) granting a pension to Rebecca D. Vedder;
An act (H. R. 12014) granting a pension to Irving W. Combs;
An act (H. R. 12381) granting a pension to Mary K. Allen;
An act (H. R. 11714) to provide an increase of pension to James Waters, formerly of Captain Weatherby's company of Pennsylvania *Militia*, war of 1812;
An act (H. R. 4792) to pension J. W. Porter;
An act (H. R. 11861) to place the name of James H. Tolly on the pension-roll;
An act (H. R. 7633) granting a pension to Capt. Michael Piggott;
An act (H. R. 3794) granting a pension to Elias J. Kenady;
An act (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd;
An act (H. R. 11571) granting a pension to Isham T. Howze;
An act (H. R. 4591) granting a pension to Maria Boiser;
An act (H. R. 11566) granting a pension to Elisha C. Paschal;
An act (H. R. 11711) granting a pension to Nora J. Tillery, minor child of Wyatte L. Tillery;
An act (H. R. 6314) to increase the pension of Lyman D. Green;
An act (H. R. 11091) to increase the pension of Mrs. Mary L. Jewell;
An act (H. R. 10426) granting a pension to Otto G. Hendrix;
An act (H. R. 10260) to place the name of Charles A. Stockman, of Dundee, Mich., on the pension-roll;
An act (H. R. 6893) granting a pension to Ellen Edwards;
An act (H. R. 7827) granting a pension to George W. Dickinson;
An act (H. R. 8462) granting a pension to Mrs. Elvira Parish;
An act (H. R. 9946) granting a pension to Enoch B. Vice;
An act (H. R. 10523) granting a pension to Mrs. Maria C. McPherson;
An act (H. R. 11617) granting a pension to Mary Thompson;
An act (H. R. 4763) granting a pension to Joseph Van Arsdel;
An act (H. R. 6532) to pension Thomas Davey;
An act (H. R. 9462) restoring Mary Reynolds, widow of Lewis Reynolds, to the pension-roll;
An act (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company;
An act (H. R. 11779) for the relief of J. Harry Adams;
An act (H. R. 855) for the relief of the heirs of Jacob Cramer;
An act (H. R. 3060) granting the right of way to the Pima Land and Water Company across the Fort Lowell military reservation, in Arizona, and for other purposes; and
An act (H. R. 1407) to authorize Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settler or Western Cherokee Indians.

ORDER OF BUSINESS.

Mr. MCKENNA. Mr. Speaker, I move to reconsider the vote by which the House determined to proceed with the consideration of the election case.

Mr. CRISP. I move to lay that motion on the table, and on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays none, not voting 189; as follows:

YEAS—134.

Abbott,	Dargan,	Lagan,	Rowland,
Allen, Miss.	Davidson, Ala.	Landes,	Sayers,
Anderson, Iowa	Davidson, Fla.	Lane,	Scott,
Anderson, Miss.	Dibble,	Lanham,	Seney,
Anderson, Ill.	Dockery,	Latham,	Shaw,
Bankhead,	Dougherty,	Lawler,	Shively,
Barnes,	Elliott,	Lynch,	Simmons,
Biggs,	Enloe,	Macdonald,	Snyder,
Bland,	Ermentrout,	Maish,	Sowden,
Bliss,	Fisher,	Mansur,	Spinola,
Blount,	Foran,	Martin,	Springer,
Booher,	Forney,	Matson,	Stewart, Tex.
Breckinridge, Ark.	French,	McAdoo,	Stewart, Ga.
Breckinridge, Ky.	Gay,	McClammy,	Stockdale,
Bryce,	Gibson,	McCreary,	Stone, Ky.
Buckalew,	Glass,	McKinney,	Stone, Mo.
Bynum,	Greenman,	McMillin,	Tarsney,
Campbell, F., N. Y.	Grimes,	McRae,	Thompson, Cal.
Campbell, T. J., N. Y.	Hall,	Mills,	Tillman,
Candler,	Hare,	Montgomery,	Tracey,
Carlton,	Hayes,	Moore,	Townshend,
Caruth,	Heard,	Newton,	Turner, Ga.
Catchings,	Hemphill,	Norwood,	Vance,
Chipman,	Henderson, N. C.	Oates,	Walker,
Clardy,	Herbert,	O'Ferrall,	Washington,
Clements,	Holman,	O'Neall, Ind.	Wheeler,
Cobb,	Hooker,	O'Neill, Mo.	Whiting, Mich.
Compton,	Hopkins, Va.	Outhwaite,	Wilkinson,
Cothran,	Howard,	Penington,	Wilson, Minn.
Cowles,	Hutton,	Perry,	Wilson, W. Va.
Crain,	Johnston, N. C.	Rayner,	Wise,
Crisp,	Kerr,	Rice,	Yoder.
Culberson,	Kilgore,	Robertson,	
Cummings,	Laffoon,	Rogers,	

NAYS—None.

NOT VOTING—189.

Adams,	Davis,	La Follette,	Richardson,
Allen, Mass.	De Lano,	Laidlaw,	Rockwell,
Allen, Mich.	Dingley,	Laird,	Romeis,
Anderson, Kans.	Dorsey,	Lee,	Rowell,
Arnold,	Dunham,	Lehlbach,	Russell, Conn.
Atkinson,	Dunn,	Lind,	Russell, Mass.
Bacon,	Farquhar,	Lodge,	Rusk,
Baker, N. Y.	Felton,	Long,	Ryan,
Baker, Ill.	Finley,	Lyman,	Sawyer,
Barry,	Fitch,	Maffett,	Scull,
Bayne,	Flood,	Mahoney,	Seymour,
Belden,	Ford,	Mason,	Sherman,
Bingham,	Fuller,	McComas,	Smith,
Blanchard,	Funston,	McCormick,	Spooner,
Boothman,	Gaines,	McCullogh,	Stahlnecker,
Bound,	Gallinger,	McKenna,	Steele,
Boutelle,	Gear,	McKinley,	Stephenson,
Bowden,	Gest,	McShane,	Stewart, Vt.
Bowen,	Glover,	Merriman,	Struble,
Brewer,	Goff,	Milliken,	Symes,
Brower,	Granger,	Moffitt,	Taulbee,
Browne, T. H. B., Va.	Grosvenor,	Morgan,	Taylor, E. B., Ohio
Browne, Ind.	Grout,	Morrill,	Taylor, J. D., Ohio
Brown, Ohio	Guenther,	Morrow,	Thomas, Ky.
Brown, J. R., Va.	Harmer,	Morse,	Thomas, Ill.
Brumm,	Hatch,	Neal,	Thomas, Wis.
Buchanan,	Haugen,	Nelson,	Thompson, Ohio
Bunnell,	Hayden,	Nichols,	Turner, Kans.
Burnett,	Henderson, Iowa	Nutting,	Vandever,
Burrows,	Henderson, Ill.	O'Donnell,	Wade,
Butler,	Hermann,	O'Neill, Pa.	Warner,
Butterworth,	Hiestand,	Osborne,	Weaver,
Campbell, Ohio	Hires,	Owen,	Weber,
Cannon,	Hitt,	Parker,	West,
Caswell,	Hogg,	Patton,	White, Ind.
Cheadle,	Holmes,	Payson,	White, N. Y.
Clark,	Hopkins, Ill.	Peel,	Whiting, Mass.
Cockran,	Hopkins, N. Y.	Perkins,	Whitthorne,
Cogswell,	Houk,	Peters,	Wickham,
Collins,	Hudd,	Phelan,	Wilber,
Conger,	Hunter,	Phelps,	Wilkins,
Cooper,	Jackson,	Pidcock,	Williams,
Cox,	Johnston, Ind.	Plumb,	Woodburn,
Crouse,	Jones,	Posey,	Yardley,
Cutcheon,	Kean,	Post,	Yost.
Dalzell,	Kelley,	Pugsley,	
Darlington,	Kennedy,	Randall,	
Davenport,	Ketcham,	Reed,	

Pending the announcement of the vote,

Mr. CRISP. I ask unanimous consent to dispense with the reading of the names.

Mr. MCKENNA. I object.

The vote was recapitulated.

Mr. O'FERRALL. Mr. Speaker, I desire to have my colleague [Mr. LEE] excused on account of sickness.

There was no objection.

Mr. ROGERS. On motion of my colleague [Mr. MCRAE] I was excused on the last roll-call at my own request on account of sickness. Later in the day, feeling better, I have attended the House. I find that I am paired with Mr. DINGLEY, but have asked that that pair be removed and reserve the right to vote to make a quorum; hence I have voted.

The following additional pairs were announced:

Mr. PIDCOCK with Mr. DINGLEY, for the rest of the day.

Mr. RUSK with Mr. JACKSON, for the rest of the day.

Mr. MORGAN with Mr. MILLIKEN, on this vote.

Mr. HERMANN with Mr. RUSSELL, of Massachusetts, on this contested-election case.

The SPEAKER *pro tempore*. The yeas are 134, the nays none. No quorum has voted.

Mr. MCKENNA. I make the point of no quorum.

Mr. CRISP. I move there be a call of the House.

The motion was agreed to.

The roll was called, and the following members failed to answer to their names:

Allen, Mass.	Felton,	Lee,	Post,
Bacon,	Fitch,	Lind,	Pugsley,
Barry,	Flood,	Lyman,	Randall,
Blount,	Ford,	Maffett,	Rusk,
Brewer,	Funston,	Mason,	Seymour,
Brumm,	Glover,	McComas,	Stahlnecker,
Bunnell,	Goff,	McCormick,	Symes,
Burnett,	Granger,	McCullogh,	Taulbee,
Butterworth,	Hatch,	McShane,	Thomas, Ill.
Campbell, Ohio	Hermann,	Merriman,	Turner, Kans.
Cannon,	Hogg,	Morse,	White, Ind.
Cockran,	Houk,	Neal,	Whiting, Mass.
Collins,	Hudd,	Nutting,	Whitthorne,
Cox,	Jackson,	O'Neill, Mo.	Wilkins,
Davenport,	Jones,	Owen,	Williams.
De Lano,	Kilgore,	Payson,	
Dingley,	Lagan,	Phelan,	
Ermentrout,	Laird,	Pidcock.	

The SPEAKER *pro tempore*. The names of the absentees will now be called for excuses.

Mr. HOPKINS, of New York. I ask that my colleague, Mr. NUTTING, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. WADE. I ask that my colleague, Mr. MASON, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. SOWDEN. I ask that Mr. STAHLNECKER be excused.

There was no objection, and it was so ordered.

Mr. ROCKWELL. I ask that my colleague, Mr. ALLEN, of Massachusetts, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. O'FERRALL. I do not know whether my colleague, Mr. LEE, has leave of absence or not. If he has not, I ask that he be indefinitely excused on account of sickness.

There was no objection, and it was so ordered.

Mr. HITT. Mr. SYMES is sick at his room, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FELIX CAMPBELL. I ask that my colleague [Mr. COX] be excused on account of illness.

There was no objection, and it was so ordered.

Mr. MCMILLIN. My colleagues, Mr. WHITTHORNE and Mr. NEAL, are detained from the House on account of sickness, and I ask that they be excused.

There was no objection, and it was so ordered.

Mr. LODGE. I ask that my colleague, Mr. BURNETT, be excused on account of illness.

There was no objection, and it was so ordered.

Mr. JOSEPH D. TAYLOR. I ask that Mr. DINGLEY be excused, on account of sickness.

There was no objection, and it was so ordered.

The following members were absent with leave of the House:

Burnett,	Hatch,	Lyman,	Payson.
Granger,	Laird,	McComas.	

Mr. CRISP. Mr. Speaker, may I ask how many gentlemen have answered to their names?

The SPEAKER *pro tempore*. Two hundred and fifty-one.

Mr. CRISP. I move that all further proceedings under the call of the House be dispensed with.

Mr. MCKENNA. Pending that, I move the House adjourn.

Mr. SAYERS. It is very evident that nothing possibly can be done in reference to this election case, and now I ask unanimous consent that it be laid aside in order to proceed with the consideration of the deficiency bill.

Mr. FORAN. I will object to that.

The question was put on the motion to adjourn; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. MCKENNA. Division.

The House divided; and there were—ayes 3, noes 106.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Georgia [Mr. CRISP] to dispense with further proceedings under the call of the House.

The question was put; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. MCKENNA. Division.

The House divided; and there were—ayes 95, noes 2.

So further proceedings under the call of the House were dispensed with.

Mr. CRISP. I now ask for another vote on the motion to lay the motion to reconsider on the table, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 122, nays none, not voting 201; as follows:

YEAS—122.

Abbott,	Dargan,	Landes,	Rowland,
Allen, Miss.	Davidson, Ala.	Lane,	Sayers,
Anderson, Iowa	Davidson, Fla.	Lanham,	Scott,
Anderson, Miss.	Dibble,	Latham,	Seney,
Anderson, Ill.	Dockery,	Lawler,	Shaw,
Bacon,	Dougherty,	Lynch,	Shively,
Barnes,	Elliott,	Macdonald,	Simmons,
Biggs,	Enloe,	Mahoney,	Snyder,
Blanchard,	Ermentrout,	Maish,	Sowden,
Bland,	Fisher,	Mansur,	Spinola,
Bliss,	Foran,	Martin,	Stewart, Tex.
Booher,	Forney,	Matson,	Stewart, Ga.
Breckinridge, Ark.	French,	McClammy,	Stockdale,
Breckinridge, Ky.	Gay,	McCreary,	Stone, Ky.
Buckalew,	Gibson,	McKinney,	Tarsney,
Bynum,	Glass,	McMillin,	Taulbee,
Campbell, F., N. Y.	Greenman,	McRae,	Thompson, Cal.
Campbell, T. J., N. Y.	Grimes,	Mills,	Tillman,
Candler,	Hall,	Moore,	Tracey,
Carlton,	Hayes,	Newton,	Turner, Ga.
Caruth,	Heard,	Oates,	Vance,
Catchings,	Henderson, N. C.	O'Ferrall,	Walker,
Chipman,	Hooker,	O'Neall, Ind.	Washington,
Clardy,	Hopkins, Va.	Outhwaite,	Wheeler,
Cobb,	Howard,	Penington,	Whiting, Mich.
Compton,	Hutton,	Perry,	Wilkinson,
Cothran,	Johnston, N. C.	Rayner,	Wilson, W. Va.
Crain,	Kerr,	Rice,	Wise,
Crisp,	Kilgore,	Richardson,	Yoder.
Culberson,	Laffoon,	Robertson,	
Cummings,	Lagan.	Rogers,	

NAYS—None.

NOT VOTING—201.

Adams,	Davis,	Ketcham,	Reed,
Allen, Mass.	De Lano,	La Follette,	Rockwell,
Allen, Mich.	Dingley,	Laidlaw,	Romeis,
Anderson, Kans.	Dorsey,	Laird,	Rowell,
Arnold,	Dunham,	Lee,	Russell, Conn.
Atkinson,	Dunn,	Lehlbach,	Russell, Mass.
Baker, N. Y.	Farquhar,	Lind,	Rusk,
Baker, Ill.	Felton,	Lodge,	Ryan,
Bankhead,	Finley,	Long,	Sawyer,
Barry,	Fitch,	Lyman,	Scull,
Bayne,	Flood,	Maffett,	Seymour,
Belden,	Ford,	Mason,	Sherman,
Bingham,	Fuller,	McAdoo,	Smith,
Blount,	Funston,	McComas,	Spooner,
Boothman,	Gaines,	McCormick,	Springer.
Bound,	Gallinger,	McCullogh,	Stahlnecker,
Boutelle,	Gear,	McKenna,	Steele,
Bowden,	Gest,	McKinley,	Stephenson,
Bowen,	Glover,	McShane,	Stewart, Vt.
Brewer,	Goff,	Merriman,	Stone, Mo.
Brower,	Granger,	Milliken,	Struble,
Browne, T. H. B., Va.	Grosvenor,	Moffitt,	Symes,
Browne, Ind.	Grout,	Montgomery,	Taylor, E. B., Ohio
Brown, Ohio	Guenther,	Morgan,	Taylor, J. D., Ohio
Brown, J. R., Va.	Hare,	Morrill,	Thomas, Ky.
Brumm,	Harmer,	Morrow,	Thomas, Ill.
Bryce,	Hatch,	Morse,	Thomas, Wis.
Buchanan,	Haugen,	Neal,	Thompson, Ohio
Bunnell,	Hayden,	Nelson,	Townshend,
Burnett,	Hemphill,	Nichols,	Turner, Kans.
Burrows,	Henderson, Iowa	Norwood,	Vandever,
Butler,	Henderson, Ill.	Nutting,	Wade,
Butterworth,	Herbert,	O'Donnell,	Warner
Campbell, Ohio	Hermann,	O'Neill, Pa.	Weaver,
Cannon,	Hiestand,	O'Neill, Mo.	Weber,
Caswell,	Hires,	Osborne,	West,
Cheadle,	Hitt,	Owen,	White, Ind.
Clark,	Hogg,	Parker,	White, N. Y.
Clements,	Holman,	Patton,	Whiting, Mass.
Cockran,	Holmes,	Payson,	Whitthorne,
Cogswell,	Hopkins, Ill.	Peel,	Wickham,
Collins,	Hopkins, N. Y.	Perkins,	Wilber,
Conger,	Houk,	Peters,	Wilkins,
Cooper,	Hudd,	Phelan,	Williams,
Cowles,	Hunter,	Phelps,	Wilson, Minn.
Cox,	Jackson,	Pidcock,	Woodburn,
Crouse,	Johnston, Ind.	Plumb,	Yardley,
Cutcheon,	Jones,	Posey,	Yost.
Dalzell,	Kean,	Post,	
Darlington,	Kelley,	Pugsley,	
Davenport,	Kennedy,	Randall,	

Mr. COWLES. Mr. Speaker, I desire to vote. I can not say that

I was in the Hall when my name was called, because, although I was in the Hall at the second call, I did not hear my name called.

The SPEAKER *pro tempore*. The Chair thinks the gentleman is not entitled to vote under the circumstances.

Mr. CRISP. I ask unanimous consent that the reading of the names of the members voting be dispensed with.

Mr. McKENNA. I object.

The names of members voting were read by the Clerk.

The following additional pair was announced:

Mr. LAWLER with Mr. STEPHENSON, on this vote.

The vote was announced as above recorded.

Mr. CRISP. Mr. Speaker, I move that there be a call of the House.

The motion was agreed to.

Mr. SAYERS (pending the call). Mr. Speaker, it is very evident the House will not consider this election case to-day, and it is exceedingly important that the deficiency bill should be passed. Therefore, I ask unanimous consent that the election case be set aside, and that the House now proceed to the consideration of the deficiency bill.

Mr. CRISP. I will say to my friend that that can not be done until there has been a vote or a call showing the presence of a quorum. The vote just taken shows that there is no quorum present.

The SPEAKER *pro tempore*. No quorum is present and nothing is in order except a call of the House or a motion to adjourn. The Clerk will proceed to call the roll.

The roll was called, and the following members failed to answer to their names:

Adams,	Davenport,	Laird,	Oates,
Allen, Mass.	Dingley,	Lee,	O'Neill, Pa.
Arnold,	Fitch,	Lodge,	Phelan,
Barry,	Flood,	Lyman,	Phelps,
Bayne,	Ford,	Macdonald,	Pidcock,
Brumm,	Gibson,	Maffett,	Rayner,
Bryce,	Glover,	Maish,	Rusk,
Bunnell,	Goff,	McAdoo,	Stahlnecker,
Burnett,	Granger,	McCormick,	Stewart, Vt.
Campbell, Ohio	Hatch,	McComas,	Symes,
Cockran,	Hermann,	McShane,	Weaver,
Collins,	Hogg,	Merriman,	Whiting, Mass.
Cooper,	Houck,	Morse,	Whitthorne,
Cox,	Jackson,	Neale,	Wilkins,
Cutcheon,	Jones,	Nutting,	Williams.

The following members were absent on leave:

Burnett,	Hatch,	Lyman,	Payson.
Granger,	Laird,	McComas,	

Mr. THOMPSON, of Ohio. Mr. Speaker, my colleague, Mr. WILLIAMS, is confined to his room, and I ask that he be excused.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* (Mr. STOCKDALE). On this call 260 members have answered to their names.

Mr. CRISP. I offer the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

Mr. SAYERS. Mr. Speaker, has the result of the call been announced?

The SPEAKER *pro tempore* (Mr. McCREARY). It has been announced. The question is on the resolution offered by the gentleman from Georgia.

Mr. SAYERS. As I said awhile ago, it is clearly evident that nothing can be done by the House to-day upon this election case. It is of extreme importance that the deficiency bill shall be disposed of, and I therefore ask unanimous consent that the election case be now laid aside and that the House proceed to the consideration of the deficiency bill.

Mr. CRISP. Mr. Speaker, I ask a vote on the resolution which has ust been read.

The SPEAKER *pro tempore*. No quorum is present, and nothing is in order except a motion to dispense with further proceedings under the call or a motion to adjourn. The question is on the resolution offered by the gentleman from Georgia [Mr. CRISP].

Mr. CANNON. Mr. Speaker, is a quorum present?

The SPEAKER *pro tempore*. The present occupant of the Chair was not in the Chair when the result was announced, and did not know whether the call showed the presence of a quorum.

Mr. SAYERS. Mr. Speaker, if there is a quorum present, I demand of the Chair that my request shall be put to the House.

The SPEAKER *pro tempore*. The first thing in order is a motion to dispense with all further proceedings under the call.

Mr. SAYERS. Then I make that motion.

Mr. CRISP. I hope that will not be done.

The question was taken on the motion of Mr. SAYERS, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. CRISP. I ask for a division.

The House divided; and there were—ayes 85, noes 84.

Mr. CRISP demanded tellers.

The SPEAKER *pro tempore* appointed as tellers Mr. CRISP and Mr. McKENNA.

The House again divided; and the tellers reported—ayes 85, noes 87.

So the House refused to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. The question recurs on the adoption of the resolution offered by the gentleman from Georgia [Mr. CRISP], which the Clerk will read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave of the House.

Mr. McKENNA. I move the House adjourn.

The SPEAKER *pro tempore* (having put the question on the motion to adjourn) said: The noes seem to have it.

Mr. McKENNA. Division.

The question was taken; and there were—*ayes 18, noes 73.*

So the House refused to adjourn.

Mr. DUNHAM. I rise to a parliamentary inquiry. Is the motion to adjourn considered as business?

The SPEAKER *pro tempore*. Not in this connection. The question is now on agreeing to the resolution offered by the gentleman from Georgia.

The question having been put,

The SPEAKER *pro tempore* said: The ayes seem to have it.

Mr. McKENNA. Division.

The question was again put; and there were—ayes 181, noes 2.

Mr. McKENNA. I demand the yeas and nays.

The yeas and nays were ordered, 36 voting in favor thereof—more than one-fifth of the last vote.

The question was taken; and it was decided in the affirmative—yeas 143, nays 39, not voting 141; as follows:

YEAS—143.

Abbott,	Dalzell,	Hutton,	Rogers,
Anderson, Iowa	Dargan,	Kean,	Romeis,
Anderson, Miss.	Darlington,	Kerr,	Rowland,
Anderson, Ill.	Davidson, Ala.	Laffoon,	Russell, Mass.
Bacon,	Davidson, Fla.	Lagan,	Ryan,
Baker, Ill.	Davis,	Landes,	Sayers,
Bankhead,	Dibble,	Lane,	Scott,
Barnes,	Dockery,	Lanham,	Seney,
Biggs,	Dougherty,	Latham,	Shaw,
Bland,	Elliott,	Lawler,	Sherman,
Bliss,	Enloe,	Lynch,	Shively,
Blount,	Ermentrout,	Macdonald,	Simmons,
Booher,	Finley,	Mahoney,	Stewart, Tex.
Bowen,	Forney,	Mansur,	Stewart, Ga.
Breckinridge, Ark.	French,	Martin,	Stone, Ky.
Breckinridge, Ky.	Gaines,	McClammy,	Stone, Mo.
Browne, T. H. B., Va.	Gallinger,	McCreary,	Tarsney,
Bryce,	Gest,	McKinney,	Taulbee,
Buckalew,	Glass,	McMillin,	Taylor, J. D., Ohio
Butterworth,	Grimes,	McRae,	Thomas, Wis.
Bynum,	Grout,	Mills,	Thompson, Cal.
Campbell, F., N. Y.	Hall,	Montgomery,	Tillman,
Campbell, T. J., N. Y.	Hare,	Moore,	Tracey,
Candler,	Haugen,	Morgan,	Turner, Ga.
Carlton,	Hayes,	Newton,	Vance,
Caruth,	Heard,	Norwood,	Walker,
Caswell,	Hemphill,	Oates,	Washington,
Cheadle,	Henderson, Iowa	O'Ferrall,	Wheeler,
Chipman,	Henderson, N. C.	O'Neall, Ind.	Whiting, Mich.
Clardy,	Henderson, Ill.	O'Neill, Mo.	Wickham,
Clements,	Holman,	Outhwaite,	Wilson, Minn.
Cobb,	Holmes,	Peel,	Wilson, W. Va.
Cothran,	Hooker,	Penington,	Wise,
Cowles,	Hopkins, Va.	Perry,	Yoder,
Crisp,	Howard,	Rice,	Yost.
Cummings,	Hunter,	Richardson,	

NAYS—39.

Anderson, Kans.	Fuller,	McKenna,	Sawyer,
Atkinson,	Funston,	Milliken,	Scull,
Bingham,	Gear,	Moffitt,	Steele,
Boothman,	Guenther,	O'Donnell,	Struble,
Bound,	Hopkins, N. Y.	Osborne,	Thomas, Ky.
Browne, Ind.	Johnston, Ind.	Parker,	Warner,
Buchanan,	Johnston, N. C.	Patton,	West,
Cannon,	Kennedy,	Peters,	White, Ind.
Crouse,	Ketcham,	Plumb,	White, N. Y.
De Lano,	Lehlbach,	Pugsley,	

NOT VOTING—141.

Adams,	Cogswell,	Granger,	Long,
Allen, Mass.	Collins,	Greenman,	Lyman,
Allen, Mich.	Compton,	Grosvenor,	Maffett,
Allen, Miss.	Conger,	Harmer,	Maish,
Arnold,	Cooper,	Hatch,	Mason,
Baker, N. Y.	Cox,	Hayden,	Matson,
Barry,	Crain,	Herbert,	McAdoo,
Bayne,	Culberson,	Hermann,	McComas,
Belden,	Cutcheon,	Hiestand,	McCormick,
Blanchard,	Davenport,	Hires,	McCullogh,
Boutelle,	Dingley,	Hitt,	McKinley,
Bowden,	Dorsey,	Hogg,	McShane,
Brewer,	Dunham,	Hopkins, Ill.	Merriman,
Brower,	Dunn,	Houk,	Morrill,
Brown, Ohio	Farquhar,	Hudd,	Morrow,
Brown, J. R., Va.	Felton,	Jackson,	Morse,
Brumm,	Fisher,	Jones,	Neal,
Bunnell,	Fitch,	Kelley,	Nelson,
Burnett,	Flood,	Kilgore,	Nichols,
Burrows,	Foran,	La Follette,	Nutting,
Butler,	Ford,	Laidlaw,	O'Neill, Pa.
Campbell, Ohio	Gay,	Laird,	Owen,
Catchings,	Gibson,	Lee,	Payson,
Clark,	Glover,	Lind,	Perkins,
Cockran,	Goff,	Lodge,	Phelan,

Phelps,	Rusk,	Stockdale,	Whiting, Mass.
Pidcock,	Seymour,	Symes,	Whitthorne,
Posey,	Smith,	Taylor, E. B., Ohio	Wilber,
Post,	Snyder,	Thomas, Ill.	Wilkins,
Randall,	Sowden,	Thompson, Ohio	Wilkinson,
Rayner,	Spinola,	Townshend,	Williams,
Reed,	Spooner,	Turner, Kans.	Woodburn,
Robertson,	Springer,	Vandever,	Yardley,
Rockwell,	Stahlnecker,	Wade,	
Rowell,	Stephenson,	Weaver,	
Russell, Conn.	Stewart, Vt.	Weber,	

So the resolution was adopted.

Mr. CRISP. I ask, by unanimous consent, that the reading of the names be dispensed with.

Mr. MCKENNA. I object.

The Clerk read the names.

The following additional pairs were announced:

Mr. HATCH with Mr. KELLEY, for the rest of the day.

Mr. CRAIN with Mr. MASON, for the rest of the day.

Mr. RAYNER with Mr. WADE, for the rest of the day.

Mr. SOWDEN with Mr. DORSEY, on this vote.

The vote was announced as above stated.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1722) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

A bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Daniel's Ferry, Louisiana;

A bill (S. 3560) for the relief of William S. Rosecrans; and

A bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses.

ORDER OF BUSINESS.

Mr. SAYERS. Mr. Speaker, I desire to ask, by unanimous consent, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the deficiency appropriation bill.

Mr. BLAND. I believe, unless further proceedings under the call are dispensed with, nothing is now in order except some matter pertaining to the call.

Mr. SAYERS. I move, then, to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. The rule is explicit that pending a call of the House nothing is in order except a motion to adjourn or to dispense with further proceedings under the call.

Mr. SAYERS. I ask, by unanimous consent, to dispense with the call and that we shall proceed with the deficiency appropriation bill.

The question was put on Mr. SAYERS's motion.

The SPEAKER *pro tempore*. The ayes seem to have it.

Mr. CRISP demanded a division.

The House divided; and there were—ayes 110, noes not counted.

Mr. CRISP. On this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 124, nays 105, not voting 94; as follows:

YEAS—124.

Allen, Mich.	Dunn,	Laidlaw,	Romeis,
Anderson, Kans.	Farquhar,	Lanham,	Rowell,
Atkinson,	Finley,	Lehlbach,	Rowland,
Baker, N. Y.	Fisher,	Lind,	Russell, Conn.
Belden,	Flood,	Lodge,	Ryan,
Bingham,	Fuller,	Long,	Sayers,
Bliss,	Funston,	Macdonald,	Scull,
Boothman,	Gaines,	McKenna,	Sherman,
Bound,	Gallinger,	McKinley,	Snyder,
Bowden,	Gear,	Milliken,	Spooner,
Bowen,	Gest,	Moffitt,	Steele,
Brewer,	Grosvenor,	Morrill,	Stephenson,
Browne, Ind.	Grout,	Morrow,	Stewart, Tex.
Brown, Ohio	Guenther,	Nelson,	Stewart, Ga.
Brown, J. R., Va.	Harmer,	Nichols,	Stewart, Vt.
Buchanan,	Haugen,	O'Donnell,	Taylor, J. D., Ohio
Buckalew,	Hayden,	Osborne,	Thomas, Ky.
Burrows,	Henderson, Iowa	Outhwaite,	Thomas, Ill.
Bynum,	Henderson, Ill.	Parker,	Thomas, Wis.
Campbell, T. J., N. Y.	Hiestand,	Patton,	Thompson, Ohio
Caswell,	Hires,	Payson,	Vandever,
Clark,	Hitt,	Peel,	Warner,
Cogswell,	Hopkins, Ill.	Perkins,	Weber,
Cowles,	Hopkins, N. Y.	Peters,	West,
Crouse,	Hunter,	Phelps,	White, Ind.
Cummings,	Johnston, Ind.	Plumb,	White, N. Y.
Dalzell,	Johnston, N. C.	Posey,	Wickham,
Darlington,	Kean,	Post,	Wilber,
Davis,	Kennedy,	Pugsley,	Wise,
De Lano,	Ketcham,	Randall,	Yardley,
Dunham,	La Follette,	Rockwell,	Yost.

NAYS—105.

Abbott,	Baker, Ill.	Blount,	Campbell, F., N. Y.
Anderson, Iowa	Bankhead,	Booher,	Carlton,
Anderson, Miss.	Barnes,	Breckinridge, Ark.	Catchings,
Anderson, Ill.	Biggs,	Breckinridge, Ky.	Cheadle,
Bacon,	Bland,	Bryce,	Chipman,
Clardy,	Hare,	McKinney,	Stockdale,
Clements,	Hayes,	McMillin,	Stone, Ky.
Cobb,	Heard,	McRae,	Stone, Mo.
Compton,	Henderson, N. C.	Montgomery,	Tarsney,
Cothran,	Herbert,	Moore,	Taulbee,
Crisp,	Holman,	Newton,	Thompson, Cal.
Culberson,	Hooker,	Norwood,	Tillman,
Dargan,	Hopkins, Va.	Oates,	Tracey,
Davidson, Ala.	Howard,	O'Ferrall,	Turner, Ga.
Davidson, Fla.	Hutton,	O'Neall, Ind.	Vance,
Dibble,	Kilgore,	O'Neill, Mo.	Walker,
Dockery,	Lagan,	Penington,	Washington,
Dougherty,	Landes,	Rice,	Weaver,
Elliott,	Lane,	Richardson,	Wheeler,
Enloe,	Latham,	Robertson,	Whiting, Mich.
Ermentrout,	Lawler,	Rogers,	Wilkinson,
Foran,	Lynch,	Scott,	Wilson, Minn.
Forney,	Mahoney,	Seney,	Wilson, W. Va.
French,	Mansur,	Seymour,	Yoder.
Glass,	Martin,	Shaw,	
Grimes,	McClammy,	Simmons,	
Hall,	McCreary,	Springer.	

NOT VOTING—94.

Adams,	Crain,	Kerr,	Pidcock,
Allen, Mass.	Cutcheon,	Laffoon,	Rayner,
Allen, Miss.	Davenport,	Laird,	Reed,
Arnold,	Dingley,	Lee,	Russell, Mass.
Barry,	Dorsey,	Lyman,	Rusk,
Bayne,	Felton,	Maffett,	Sawyer,
Blanchard,	Fitch,	Maish,	Shively,
Boutelle,	Ford,	Mason,	Smith,
Brower,	Gay,	Matson,	Sowden,
Browne, T. H. B., Va.	Gibson,	McAdoo,	Spinola,
Brumm,	Glover,	McComas,	Stahlnecker,
Bunnell,	Goff,	McCormick,	Struble,
Burnett,	Granger,	McCulloch,	Symes,
Butler,	Greenman,	McShane,	Taylor, E. B., Ohio
Butterworth,	Hatch,	Merriman,	Townshend,
Campbell, Ohio	Hemphill,	Mills,	Turner, Kans.
Candler,	Hermann,	Morgan,	Wade,
Cannon,	Hogg,	Morse,	Whiting, Mass.
Caruth,	Holmes,	Neal,	Whitthorne,
Cockran,	Houk,	Nutting,	Wilkins,
Collins,	Hudd,	O'Neill, Pa	Williams,
Conger,	Jackson,	Owen,	Woodburn,
Cooper,	Jones,	Perry,	
Cox,	Kelley,	Phelan,	

So all further proceedings under the call were dispensed with.

During the call,

Mr. CRISP moved to dispense with the reading of the names.

Mr. MCKENNA objected.

The vote was then announced as above recorded.

Mr. SAYERS. I rise for the purpose of submitting a proposition to the Chair.

Mr. CRISP. I demand the regular order of business.

Mr. SAYERS. I ask by unanimous consent—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the motion that the motion to reconsider be laid upon the table.

Mr. SAYERS. I am upon the floor asking unanimous consent.

Mr. DIBBLE. I demand the regular order.

Mr. SAYERS. It is perfectly evident to the House, Mr. Speaker, that no business can be done to-day on this election case, and therefore I ask we shall proceed to the consideration of the deficiency appropriation bill.

Mr. REED. That is right. It is a sensible proposition.

Mr. MCKENNA. I rise to a parliamentary inquiry. Does the Chair entertain the request of the gentleman from Texas [Mr. SAYERS]?

The SPEAKER *pro tempore*. If the gentleman will wait he will see the Chair does not, the regular order having been demanded.

Mr. MCKENNA. I move that the House take a recess until 4 o'clock this afternoon.

Mr. DUNHAM. Make it a motion to adjourn instead of a motion for a recess.

The question was put on the motion for a recess; and the Speaker *pro tempore* declared the noes seemed to have it.

Mr. MCKENNA. I demand a division.

The House divided; and there were—ayes 9, noes 24.

Mr. MCKENNA. No quorum.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body had passed without amendments bills of the House of the following titles, namely:

A bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.;

A bill (H. R. 7028) to admit to registry the steamer George H. Parker;

A bill (H. R. 7066) providing for the establishment of a light-house at Heceta Head, near the mouth of Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000;

A bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;

A bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel Texas;

A bill (H. R. 11527) to establish lights on the western end of Coney Island, New York;

A bill (H. R. 11643) providing for the establishment of a life-saving station at the mouth of the Coquille River, Oregon;

A bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

A bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.;

A bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi; and

A bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

It further announced that the Senate had agreed to the amendments of the House to Senate bills of the following titles, namely:

A bill (S. 1283) making an appropriation for the erection of a light-house at the end of Diamond Shoal, off Cape Hatteras, North Carolina; and

A bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General Philip H. Sheridan.

Also, that the Senate had passed with amendments in which concurrence was requested bills of the House of the following titles, asked a conference, and had appointed confeeres in each case, as follows:

On the bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York—Mr. PALMER, Mr. CULLOM, and Mr. RANSOM.

On the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior—Mr. PALMER, Mr. CULLOM, and Mr. RANSOM.

On the bill (H. R. 12334) for the establishment of a light-house station on St. Catharine Island, State of Georgia—Mr. PALMER, Mr. CULLOM, and Mr. RANSOM.

On the bill (H. R. 12430) providing for the establishment of a light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor—Mr. PALMER, Mr. CULLOM, and Mr. RANSOM.

On the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States—Mr. DOLPH, Mr. CULLOM, and Mr. COKE.

It further announced that the Senate insisted upon its amendments to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, disagreed to by the House, agreed to the conference asked thereon, and had appointed Mr. PLUMB, Mr. FARWELL, and Mr. CALL conferees on its part.

It also announced that the Senate disagreed to the amendments of the House to the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, asked a conference thereon, and had appointed Mr. PALMER, Mr. CULLOM, and Mr. RANSOM as conferees on its part.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman from California makes the point of order that no quorum has voted upon his motion, and the Chair will order tellers.

Mr. MCKENNA and Mr. CRISP were appointed tellers.

The House proceeded to divide.

Mr. CRISP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 3, nays 190, not voting 130; as follows:

YEAS—3.

Belden,	Cowles,	McKenna.

NAYS—190.

Abbott,	Catchings,	Fuller,	Kerr,
Adams,	Cheadle,	Funston,	Ketcham,
Allen, Mich.	Chipman,	Gaines,	Kilgore,
Anderson, Iowa	Clardy,	Gear,	La Follette,
Anderson, Miss.	Clark,	Gest,	Laidlaw,
Anderson, Ill.	Clements,	Gibson,	Landes,
Anderson, Kans.	Cobb,	Glass,	Lane,
Baker, Ill.	Compton,	Greenman,	Lanham,
Barnes,	Conger,	Grimes,	Latham,
Biggs,	Cothran,	Grout,	Lawler,
Bland,	Crisp,	Guenther,	Lehlbach,
Bliss,	Crouse,	Hall,	Lind,
Blount,	Culberson,	Hare,	Lodge,
Booher,	Cummings,	Harmer,	Long,
Boothman,	Cutcheon,	Haugen,	Lynch,
Bound,	Dargan,	Hayden,	Macdonald,
Boutelle,	Darlington,	Hayes,	Mahoney,
Bowen,	Davidson, Ala.	Heard,	Martin,
Breckinridge, Ark.	Davidson, Fla.	Hemphill,	McClammy,
Breckinridge, Ky.	Davis,	Henderson, N. C.	McCreary,
Brewer,	Dibble,	Henderson, Ill.	McKinley,
Browne, T. H. B., Va.	Dockery,	Hiestand,	McKinney,
Browne, Ind.	Dougherty,	Hitt,	McMillin,
Brown, J. R., Va.	Dunham,	Hogg,	McRae,
Bryce,	Elliott,	Hopkins, Va.	Milliken,
Buckalew,	Enloe,	Howard,	Moffitt,
Bynum,	Ermentrout,	Hunter,	Montgomery,
Campbell, F., N. Y.	Finley,	Hutton,	Moore,
Campbell, T. J., N. Y	Fisher,	Johnston, Ind.	Morgan,
Candler,	Flood,	Johnston, N. C.	Morrow,
Carlton,	Forney,	Kean,	Newton.
Caruth,	French,	Kennedy,	Norwood,
Oates,	Richardson,	Springer,	Townshend,
O'Donnell,	Robertson,	Steele,	Turner, Ga.
O'Ferrall,	Rogers,	Stewart, Tex.	Washington,
O'Neall, Ind.	Romeis,	Stewart, Ga.	Weaver,
O'Neill, Pa.	Rowland,	Stockdale,	Weber,
O'Neill, Mo.	Rusk,	Stone, Ky.	Wheeler,
Osborne,	Ryan,	Struble,	White, Ind.
Outhwaite,	Sayers,	Tarsney,	Wickham,
Parker,	Scott,	Taulbee,	Wilber,
Patton,	Scull,	Taylor, J. D., Ohio	Wilson, Minn.
Payson,	Seney,	Thomas, Ky.	Wilson, W. Va.
Penington,	Seymour,	Thomas, Ill.	Wise,
Perry,	Sherman,	Thomas, Wis.	Yoder,
Pugsley,	Shively,	Thompson, Cal.	Yost.
Randall,	Simmons,	Tillman,	
Rice,	Snyder,	Tracey,	

NOT VOTING—130.

Allen, Mass.	Dingley,	Lyman,	Russell, Conn.
Allen, Miss.	Dorsey,	Maffett,	Russell, Mass.
Arnold,	Dunn,	Maish,	Sawyer,
Atkinson,	Farquhar,	Mansur,	Shaw,
Bacon,	Felton,	Mason,	Smith,
Baker, N. Y.	Fitch,	Matson,	Sowden,
Bankhead,	Foran,	McAdoo,	Spinola,
Barry,	Ford,	McComas,	Spooner,
Bayne,	Gallinger,	McCormick,	Stahlnecker,
Bingham,	Gay,	McCullogh,	Stephenson,
Blanchard,	Glover,	McShane,	Stewart, Vt.
Bowden,	Goff,	Merriman,	Stone, Mo.
Brower,	Granger,	Mills,	Symes,
Brown, Ohio	Grosvenor,	Morrill,	Taylor, E. B., Ohio
Brumm,	Hatch,	Morse,	Thompson, Ohio
Buchanan,	Henderson, Iowa	Neal,	Turner, Kans.
Bunnell,	Herbert,	Nelson,	Vance,
Burnett,	Hermann,	Nichols,	Vandever,
Burrows,	Hires,	Nutting,	Wade,
Butler,	Holman,	Owen,	Walker,
Butterworth,	Holmes,	Peel,	Warner,
Campbell, Ohio	Hooker,	Perkins,	West,
Cannon,	Hopkins, Ill.	Peters,	White, N. Y.
Caswell,	Hopkins, N. Y.	Phelan,	Whiting, Mich.
Cockran,	Houk,	Phelps,	Whiting, Mass.
Cogswell,	Hudd,	Pidcock,	Whitthorne,
Collins,	Jackson,	Plumb,	Wilkins,
Cooper,	Jones,	Posey,	Wilkinson,
Cox,	Kelley,	Post,	Williams,
Crain,	Laffoon,	Rayner,	Woodburn,
Dalzell,	Lagan,	Reed,	Yardley.
Davenport,	Laird,	Rockwell,	
De Lano,	Lee,	Rowell,	

So the House refused to take a recess.

Pending the announcement of the vote,

Mr. CRISP said: I ask, by unanimous consent, to dispense with the reading of the names.

Mr. MCKENNA. I object.

The vote was recapitulated.

The following additional pairs were announced:

Mr. WALKER with Mr. SPOONER, until 4 o'clock this afternoon.

Mr. LAFFOON with Mr. BROWN, of Ohio, for the rest of the day.

Mr. HOOKER with Mr. ROCKWELL, on this vote.

Mr. MANSUR with Mr. WARNER, on this vote.

The vote was then announced as above recorded.

Mr. CRISP. I demand the regular order.

Mr. MCKENNA. I move that the House do now adjourn.

The question was put, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. MCKENNA. Division.

The House divided; and there were—ayes 9, noes 63.

So the House refused to adjourn.

Mr. MCKENNA. I move that the House take a recess until half past 4 o'clock.

The question was put, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. MCKENNA. Division.

The House divided; and there were—ayes 9, noes 59.

Mr. MCKENNA. No quorum.

Mr. CRISP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 5, nays 174, not voting 144; as follows:

YEAS—5.

Bingham,	Grosvenor,	Grout,	McKenna.
Cannon,			

NAYS—174.

Abbott,	Breckinridge, Ky.	Cobb,	Enloe,
Adams,	Brewer,	Compton,	Ermentrout,
Allen, Mich.	Browne, T. H. B., Va.	Conger,	Farquhar,
Anderson, Iowa	Browne, Ind.	Cothran,	Forney,
Anderson, Ill.	Brown, J. R., Va.	Crain,	Fuller,
Anderson, Kans.	Bryce,	Crisp,	Funston,
Atkinson,	Buckalew,	Crouse,	Gaines,
Baker, N. Y.	Burrows,	Culberson,	Gear,
Baker, Ill.	Butterworth,	Cummings,	Gest,
Bankhead,	Bynum,	Cutcheon,	Gibson,
Barnes,	Campbell, T. J., N. Y.	Dargan,	Glover,
Biggs,	Candler,	Darlington,	Greenman,
Blanchard,	Caruth,	Davidson, Ala.	Grimes,
Bland,	Caswell,	Davidson, Fla.	Guenther,
Bound,	Cheadle,	Davis,	Hall,
Bowden,	Chipman,	Dougherty,	Hare,
Bowen,	Clark,	Dunham,	Harmer,
Breckinridge, Ark.	Clements,	Elliott,	Haugen,

Hayden,	Lynch,	Outhwaite,	Stockdale,
Hayes,	Macdonald,	Parker,	Stone, Ky.
Hemphill,	Mahoney,	Patton,	Struble,
Henderson, N. C.	Martin,	Payson,	Tarsney,
Henderson, Ill.	Matson,	Peel,	Taulbee.
Herbert,	McAdoo,	Penington,	Taylor, E. B., Ohio
Hiestand,	McClammy,	Perkins,	Taylor, J. D., Ohio
Hitt,	McCreary,	Perry,	Thomas, Ky.
Holman,	McKinney,	Peters,	Thomas, Ill.
Holmes,	McMillin,	Post,	Thomas, Wis.
Hopkins, Va.	McRae,	Randall,	Thompson, Cal.
Howard,	Milliken,	Reed,	Tillman,
Johnston, Ind.	Mills,	Rice,	Tracey,
Johnston, N. C.	Moffitt,	Richardson,	Turner, Ga.
Kean,	Montgomery,	Rockwell,	Vance,
Kerr,	Moore,	Rogers,	West,
Ketcham,	Morgan,	Rowland,	Wheeler,
Kilgore,	Morrill,	Sayers,	Wickham,
La Follette,	Morrow,	Scott,	Wilkinson,
Laidlaw,	Newton,	Sherman,	Wilson, Minn.
Landes,	Nichols,	Snyder,	Wilson, W. Va.
Lanham,	O'Donnell,	Springer,	Wise,
Latham,	O'Ferrall,	Stahlnecker,	Yardley,
Lehlbach,	O'Neall, Ind.	Stephenson,	Yost.
Lind,	O'Neill, Pa.	Stewart, Tex.	
Long,	Osborne,	Stewart, Ga.	

NOT VOTING—144.

Allen, Mass.	Dockery,	Lane,	Ryan,
Allen, Miss.	Dorsey,	Lawler,	Sawyer,
Anderson, Miss.	Dunn,	Lee,	Scull,
Arnold,	Felton,	Lodge,	Seney,
Bacon,	Finley,	Lyman,	Seymour,
Barry,	Fisher,	Maffett,	Shaw,
Bayne,	Fitch,	Maish,	Shively,
Belden,	Flood,	Mansur,	Simmons,
Bliss,	Foran,	Mason,	Smith,
Blount,	Ford,	McComas,	Sowden,
Booher,	French,	McCormick,	Spinola,
Boothman,	Gallinger,	McCullogh,	Spooner,
Boutelle,	Gay,	McKinley,	Steele,
Brower,	Glass,	McShane,	Stewart, Vt.
Brown, Ohio	Goff,	Merriman,	Stone, Mo.
Brumm,	Granger,	Morse,	Symes,
Buchanan,	Hatch,	Neal,	Thompson, Ohio
Bunnell,	Heard,	Nelson,	Townshend,
Burnett	Henderson, Iowa	Norwood,	Turner, Kans.
Butler,	Hermann,	Nutting,	Vandever,
Campbell, F., N. Y.	Hires,	Oates,	Wade,
Campbell, Ohio	Hogg,	O'Neill, Mo.	Walker,
Carlton,	Hooker,	Owen,	Warner,
Catchings,	Hopkins, Ill.	Phelan,	Washington,
Clardy,	Hopkins, N. Y.	Phelps,	Weaver,
Cockran,	Houk,	Pidcock,	Weber.
Cogswell,	Hudd,	Plumb,	White, Ind.
Collins,	Hunter,	Posey,	White, N. Y.
Cooper,	Hutton,	Pugsley,	Whiting, Mich.
Cowles,	Jackson,	Rayner,	Whiting, Mass.
Cox,	Jones,	Robertson,	Whitthorne,
Dalzell,	Kelley,	Romeis,	Wilber,
Davenport,	Kennedy,	Rowell,	Wilkins,
De Lano,	Laffoon,	Russell, Conn.	Williams,
Dibble,	Lagan,	Russell, Mass.	Woodburn,
Dingley,	Laird,	Rusk,	Yoder.

So the House refused to take a recess.

Pending the announcement of the vote,

Mr. CRISP said: I ask, by unanimous consent, to dispense with the reading of the names.

Mr. MCKENNA. I object.

The vote was read over.

The following additional pairs were announced:

Mr. WASHINGTON with Mr. HENDERSON, of Iowa, for the remainder of the day.

Mr. CLARDY with Mr. LODGE.

Mr. YODER with Mr. BOOTHMAN.

Mr. MANSUR with Mr. WARNER, on this vote.

Mr. HOOKER with Mr. ROCKWELL, on this vote.

The vote was announced as above recorded.

Mr. MCKENNA. I move that when the House adjourns to-day it be to meet on Wednesday next at 10 o'clock a. m.

Mr. SPRINGER. I hope that motion will not prevail. There is but a short time remaining until the close of the session.

Mr. SAYERS. I desire to ask the gentleman from California [Mr. MCKENNA] if he will give way temporarily for me to ask the House to consider the general deficiency bill?

Mr. MCKENNA. I will; or any other appropriation bill.

Mr. CRISP. Mr. Speaker, it is my intention, if the House will stand by me, to continue this session until we can try this case, unless the fact is demonstrated that it is a physical impossibility to do it. [Applause on the Democratic side.]

Mr. FARQUHAR. You will have an opportunity to try the physical possibility.

Mr. SPRINGER. I would like to ask gentlemen on the other side what will be the chance to get a vote on a contested-election case in the Fifty-first Congress if they do not permit a vote in this case?

Mr. MCKENNA. We are not in the Fifty-first Congress at present. I will withdraw my motion temporarily to allow the gentleman from Texas [Mr. SAYERS] to make a request to call up the deficiency bill.

Mr. BLAND. Regular order.

The SPEAKER *pro tempore*. The regular order is the motion to lay the motion to reconsider on the table.

Mr. MCKENNA. I insist upon my motion to adjourn until Wednesday if the gentleman from Texas [Mr. SAYERS] does not make his request.

Mr. SAYERS. As the gentleman from California seems to have understood that I would follow the temporary withdrawal of his motion to adjourn till Wednesday by a request that the House lay aside this case I shall do so now, and I ask that this case be laid aside and the House proceed to the consideration of the general deficiency bill.

Mr. GLOVER. I object.

Mr. CRISP. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded by the gentleman from Georgia.

Mr. MCKENNA. Then I insist upon my motion that when the House adjourn to-day it be to meet on Wednesday next at 10 a. m.

The question was put, and the Speaker announced that the noes seemed to have it.

Mr. MCKENNA. Division.

The House divided; and there were—ayes 8, noes 91.

Mr. MCKENNA. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Georgia [Mr. CRISP] and the gentleman from California [Mr. MCKENNA] as tellers.

Mr. CRISP. On that question I demand the yeas and nays. [After a pause.] I will withdraw the motion, and take the vote by tellers, as it will relieve the clerks to that extent.

Mr. COWLES. I ask by unanimous consent that my colleague, Mr. JOHNSTON, of North Carolina, be granted leave of absence until to-morrow morning, on account of sickness.

There was no objection, and it was so ordered.

Mr. ATKINSON, by unanimous consent, obtained leave of absence for the rest of this day.

Mr. COMPTON. Mr. Speaker, I ask by unanimous consent that my colleague, Mr. RAYNER, be excused for the rest of the day.

There was no objection, and it was so ordered.

Mr. STOCKDALE. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana, Mr. NEWTON, be granted leave of absence.

There was no objection, and it was so ordered.

The tellers reported—ayes 10, noes 70.

Mr. MCKENNA. No quorum.

The SPEAKER *pro tempore*. No quorum has voted, and the tellers will resume their places.

Mr. CRISP. I demand the yeas and nays.

A MEMBER. What is the question, Mr. Speaker?

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from California [Mr. MCKENNA] that when the House adjourns to-day it adjourn to meet on Wednesday next at 10 o'clock a. m.

Mr. ALLEN, of Michigan. Mr. Speaker, it is now nearly 5 o'clock, and I move that the House adjourn.

The SPEAKER *pro tempore*. The motion of the gentleman from California takes precedence of that.

Mr. ALLEN, of Michigan. Well, as soon as this motion is disposed of then I ask the Chair to take up mine.

The yeas and nays were ordered.

The question was taken on the motion of Mr. MCKENNA; and it was decided in the negative—yeas 3, nays 160, not voting 160; as follows:

YEAS—3.

Hiestand,	Hires,	Hitt.

NAYS—160.

Abbott,	Cothran,	Hayden,	McKinney,
Allen, Mich.	Cowles,	Hayes,	McMillin,
Allen, Miss.	Crain,	Hemphill,	McRae,
Anderson, Iowa	Crisp,	Henderson, N. C.	Merriman,
Anderson, Kans.	Crouse,	Henderson, Ill.	Moffitt,
Arnold,	Culberson,	Herbert,	Montgomery,
Baker, Ill.	Cummings,	Hermann,	Moore,
Bankhead,	Dargan,	Holman,	Morgan,
Barnes,	Davidson, Ala.	Holmes,	Nelson,
Biggs,	Davidson, Fla.	Hopkins, Va.	Newton,
Bingham,	Davis,	Hutton,	Oates,
Bland,	Dibble,	Johnston, Ind.	O'Ferrall,
Booher,	Dockery,	Kennedy,	O'Neall, Ind.
Bound,	Dorsey,	Kerr,	O'Neill, Pa.
Boutelle,	Dougherty,	Kilgore,	Osborne,
Bowden,	Dunham,	La Follette,	Outhwaite,
Breckinridge, Ark.	Elliott,	Laidlaw,	Owen,
Breckinridge, Ky	Enloe,	Landes,	Patton,
Browne, T. H. B., Va.	Ermentrout,	Lanham,	Penington,
Browne, Ind.	Farquhar,	Latham,	Perkins,
Brown, J. R., Va.	Finley,	Lawler,	Perry,
Buchanan,	Foran,	Lehlbach,	Peters,
Buckalew,	Forney,	Lind,	Post,
Butler,	Fuller,	Long,	Pugsley,
Butterworth,	Funston,	Lynch,	Rice,
Bynum,	Gaines,	Macdonald,	Richardson,
Campbell, T. J., N. Y.	Gear,	Maish,	Rogers,
Caruth,	Gest,	Mansur,	Romeis,
Caswell,	Gibson,	Martin,	Rowland,
Cheadle,	Glass,	Matson,	Ryan,
Clark,	Glover,	McClammy,	Sayers,
Clements,	Grimes,	McCreary,	Scull,
Cobb,	Guenther,	McKenna,	Seney,
Cooper,	Hall,	McKinley,	Snyder,

Spinola.	Thomas, Ky.	Townshend,	Wheeler,
Stahlnecker,	Thomas, Ill.	Turner, Kans.	White, N. Y.
Stewart, Tex.	Thomas, Wis.	Turner, Ga.	Wickham,
Stockdale,	Thompson, Cal.	Warner,	Wilson, Minn.
Stone, Ky.	Tillman,	Weber,	Wise,
Struble.	Tracey,	West.	Yost.

NOT VOTING—160.

Adams,	Davenport,	Lane,	Sawyer,
Allen, Mass.	De Lano,	Lee,	Scott,
Anderson, Miss.	Dingley,	Lodge,	Seymour,
Anderson, Ill.	Dunn,	Lyman,	Shaw,
Atkinson,	Felton,	Maffett,	Sherman,
Bacon,	Fisher,	Mahoney,	Shively,
Baker, N. Y.	Fitch,	Mason,	Simmons,
Barry,	Flood,	McAdoo,	Smith,
Bayne,	Ford,	McComas,	Sowden,
Belden,	French,	McCormick,	Spooner,
Blanchard,	Gallinger,	McCullogh,	Springer,
Bliss,	Gay,	McShane,	Steele,
Blount,	Goff,	Milliken,	Stephenson,
Boothman,	Granger,	Mills,	Stewart, Ga.
Bowen,	Greenman,	Morrill,	Stewart, Vt.
Brewer,	Grosvenor,	Morrow,	Stone, Mo.
Brower,	Grout,	Morse,	Symes,
Brown, Ohio	Hare,	Neal,	Tarsney,
Brumm,	Harmer,	Nichols,	Taulbee,
Bryce,	Hatch,	Norwood,	Taylor, E. B., Ohio
Bunnell,	Haugen,	Nutting,	Taylor, J. D., Ohio
Burnett,	Heard,	O'Donnell,	Thompson, Ohio
Burrows,	Henderson, Iowa	O'Neill, Mo.	Vance,
Campbell, F., N. Y.	Hogg,	Parker,	Vandever,
Campbell, Ohio	Hooker,	Payson,	Wade,
Candler,	Hopkins, Ill.	Peel,	Walker,
Cannon,	Hopkins, N. Y.	Phelan,	Washington,
Carlton,	Houk,	Phelps,	Weaver,
Catchings,	Howard,	Pidcock,	White, Ind.
Chipman,	Hudd,	Plumb,	Whiting, Mich.
Clardy,	Hunter,	Posey,	Whiting, Mass.
Cockran,	Jackson,	Randall,	Whitthorne,
Cogswell,	Johnston, N. C.	Rayner,	Wilber,
Collins,	Jones,	Reed,	Wilkins,
Compton,	Kean,	Robertson,	Wilkinson,
Conger,	Kelley,	Rockwell,	Williams,
Cox,	Ketcham,	Rowell,	Wilson, W. Va.
Cutcheon,	Laffoon,	Russell, Conn.	Woodburn,
Dalzell,	Lagan,	Russell, Mass.	Yardley,
Darlington,	Laird,	Rusk,	Yoder.

So the House refused to adjourn over.

MESSAGE FROM THE SENATE.

A message from the Senate, by McCOOK, its Secretary, informed the House that it had passed with amendments a bill (H. R. 325) for the relief of Mrs. Mary C. Duncan, requested a conference, and had appointed as conferees on its part Mr. PASCO, Mr. SPOONER, and Mr. MITCHELL.

It also announced that the Senate had passed, with amendments, a bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota, as a separate reservation and to secure the relinquishment of the Indian titles to the remainder, and for other purposes; requested a conference, and had appointed as conferees on its part Mr. DAWES, Mr. PLATT, and Mr. JONES, of Arkansas.

ORDER OF BUSINESS.

During the vote,

A MEMBER said: I ask, by unanimous consent, that the reading of the names of the members voting be dispensed with.

Mr. McKENNA. I object.

Mr. SPINOLA (to Mr. McKENNA). Do not object to that. Before we adjourn I want to take up another matter in relation to the soldiers' home in your State.

Mr. McKENNA. I withdraw the objection.

The following additional pairs were announced for the rest of this day:

Mr. HOOKER with Mr. ROCKWELL.

Mr. JOHNSTON, of North Carolina, with Mr. O'NEILL, of Pennsylvania.

Mr. WILSON, of West Virginia, with Mr. KETCHAM.

Mr. COMPTON with Mr. GROUT.

Mr. GREENMAN with Mr. SHERMAN.

Mr. CANDLER with Mr. HARMER.

Mr. HOWARD with Mr. JOHNSTON, of Indiana.

Mr. WALKER with Mr. SPOONER.

Mr. HARE with Mr. ATKINSON.

The vote was then announced as above recorded.

Mr. McKENNA. No quorum.

Mr. DUNHAM. I move that the House do now adjourn.

The SPEAKER. The House can not transact any business, as the vote shows that there is not a quorum present. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

Mr. RANDALL. Mr. Speaker, before the vote is taken on the motion to adjourn I wish to ask by unanimous consent that instead of adjourning the House take a recess from now until half past 7 o'clock this evening, for the purpose of giving an opportunity to those having in charge the presentation of the statues of Lewis Cass, Fulton, and Muhlenberg this evening, no other business to be transacted.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CRISP. I object.

Mr. RANDALL. Why does the gentleman object?

Mr. CRISP. Because I want to ask the House to stand by me and press this election to an issue.

Mr. RANDALL. But the gentleman from Illinois [Mr. DUNHAM] has made a motion to adjourn.

Mr. CRISP. I was going to ask the yeas and nays on that, to see whether the House will adjourn or not.

The SPEAKER. The gentleman from Georgia objects to the request of the gentleman from Pennsylvania.

Mr. RANDALL. Oh, well, if the gentleman objects——

The question was taken on the motion to adjourn, and there were—ayes 74, noes 61.

Mr. CRISP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 95, nays 85, not voting 143; as follows:

YEAS—95.

Allen, Mich.	Crouse,	Kerr,	Randall,
Anderson, Kans.	Cummings,	Laidlaw,	Reed.
Arnold,	Davis,	Lehlbach,	Romeis,
Baker, N. Y.	Dorsey,	Lind,	Ryan,
Baker, Ill.	Dunham,	Long,	Sawyer,
Belden,	Dunn,	McKenna,	Scull,
Bliss,	Farquhar,	McKinley,	Smith,
Bound,	Finley,	Milliken,	Sowden,
Boutelle,	Flood,	Moffitt,	Spinola,
Bowden,	Fuller,	Morgan,	Steele,
Bowen,	Gaines,	Morrill,	Stephenson,
Brower,	Gear,	Morrow,	Stewart, Tex.
Browne, Ind.	Glass,	Nelson,	Thomas, Ky.
Brown, J. R., Va.	Grosvenor,	Nichols,	Thomas, Ill.
Buchanan,	Guenther,	O'Ferrall,	Thomas, Wis.
Buckalew,	Hayden,	Osborne,	Vandever,
Burrows,	Henderson, Ill.	Owen,	Warner,
Butler,	Hires,	Parker,	Weber,
Butterworth,	Hitt,	Patton,	White, N. Y.
Cannon,	Holmes,	Perkins,	Wickham,
Caswell,	Hopkins, Ill.	Peters,	Woodburn,
Cheadle,	Hopkins, Va.	Posey,	Yardley,
Conger,	Hunter,	Post,	Yost.
Cowles,	Kennedy,	Pugsley,	

NAYS—85.

Abbott,	Dockery,	Maish,	Sayers,
Allen, Miss.	Dougherty,	Martin,	Scott,
Anderson, Iowa	Elliott,	Matson,	Seney,
Bacon,	Enloe,	McAdoo,	Snyder,
Bankhead,	Forney,	McClammy,	Springer,
Barnes,	French,	McCreary,	Stahlnecker,
Biggs,	Gibson,	McKinney,	Stewart, Ga.
Bland,	Glover,	McMillin,	Stockdale,
Blount,	Grimes,	McRae,	Stone, Ky.
Booher,	Hall,	Merriman,	Taulbee,
Breckinridge, Ark.	Hayes,	Mills,	Thompson, Cal.
Breckinridge, Ky.	Hemphill,	Montgomery,	Tillman,
Bryce,	Henderson, N. C.	Moore,	Tracey,
Bynum,	Herbert,	Newton,	Turner, Ga.
Caruth,	Holman,	Oates,	Vance,
Clements,	Hutton,	O'Neall, Ind.	Wheeler,
Cobb,	Landes,	Penington,	Wilkinson,
Cothran,	Lane,	Perry,	Wilson, Minn.
Crisp,	Lanham,	Rice,	Wise.
Dargan,	Latham,	Rogers,	
Davidson, Ala.	Lawler,	Rowland,	
Dibble,	Lynch,	Rusk,	

NOT VOTING—143.

Adams,	Davenport,	Kean,	Robertson,
Allen, Mass.	Davidson, Fla.	Kelley,	Rockwell,
Anderson, Miss.	De Lano,	Ketcham,	Rowell,
Anderson, Ill.	Dingley,	Kilgore,	Russell, Conn.
Atkinson,	Ermentrout,	Laffoon,	Russell, Mass.
Barry,	Felton,	La Follette,	Seymour,
Bayne,	Fisher,	Lagan,	Shaw,
Bingham,	Fitch,	Laird,	Sherman,
Blanchard,	Foran,	Lee,	Shively,
Boothman,	Ford,	Lodge,	Simmons,
Brewer,	Funston,	Lyman,	Spooner,
Browne, T. H. B., Va.	Gallinger,	Macdonald,	Stewart, Vt.
Brown, Ohio	Gay,	Maffett,	Stone, Mo.
Brumm,	Gest,	Mahoney,	Struble,
Bunnell,	Goff,	Mansur,	Symes,
Burnett,	Granger,	Mason,	Tarsney,
Campbell, F., N. Y.	Greenman,	McComas,	Taylor, E. B., Ohio
Campbell, Ohio	Grout,	McCormick,	Taylor, J. D., Ohio
Campbell, T. J., N. Y.	Hare,	McCullogh,	Thompson, Ohio
Candler,	Harmer,	McShane,	Townshend,
Carlton,	Hatch,	Morse,	Turner, Kans.
Catchings,	Haugen,	Neal,	Wade,
Chipman,	Heard,	Norwood,	Walker,
Clardy,	Henderson, Iowa	Nutting,	Washington,
Clark,	Hermann,	O'Donnell,	Weaver,
Cockran,	Hiestand,	O'Neill, Pa.	West,
Cogswell,	Hogg,	O'Neill, Mo.	White, Ind.
Collins,	Hooker,	Outhwaite,	Whiting, Mich.
Compton,	Hopkins, N. Y.	Payson,	Whiting, Mass.
Cooper,	Houk,	Peel,	Whitthorne,
Cox,	Howard,	Phelan,	Wilber,
Crain,	Hudd,	Phelps,	Wilkins,
Culberson,	Jackson,	Pidcock,	Williams,
Cutcheon,	Johnston, Ind.	Plumb,	Wilson, W. Va.
Dalzell,	Johnston, N. C.	Rayner,	Yoder.
Darlington,	Jones,	Richardson,	

So the House decided to adjourn.

Mr. HERBERT (before the result of the vote was announced). I ask unanimous consent for the passage of the following resolution——

The SPEAKER. No request for unanimous consent can be entertained. The House has just voted (and the result has not been announced) on a motion to adjourn, which, of course, if carried, will terminate all proceedings.

Mr. DUNHAM and Mr. CRISP asked unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced, for the rest of the day:

Mr. TOWNSHEND with Mr. STRUBLE.

Mr. CRAIN with Mr. FUNSTON.

Mr. MACDONALD with Mr. TURNER, of Kansas.

Mr. DAVIDSON, of Florida with Mr. HOPKINS, of New York.

Mr. RICHARDSON with Mr. ALLEN, of Michigan.

The vote was announced as above stated, and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HAYES: A bill (H. R. 12640) granting a pension to John Nagle—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 12641) for the relief of Frederick Smith—to the Committee on War Claims.

By Mr. HERBERT: A bill (H. R. 12642) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River—to the Committee on Commerce.

By Mr. JOSEPH: A bill (H. R. 12643) for the relief of E. H. Bergmann—to the Committee on War Claims.

By Mr. STEPHENSON: A bill (H. R. 12644) granting a pension to Jorgan Peterson—to the Committee on Invalid Pensions.

Change in the reference of a bill, etc., improperly referred, was made in the following case, namely:

A bill (H. R. 9568) granting a pension to Edward F. Dewey—from the Committee on Military Affairs to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOOTHMAN: Petition and resolutions of Charles Bates Post, Grand Army of the Republic, of Nettle Lake, and of Hiram Louden Post, Grand Army of the Republic, of Montpelier, Ohio, in favor of the publication of the records of the rebellion—to the Committee on Printing.

By Mr. BUTLER: Petition of Robert E. Goodwin and Lawson H. Goodwin, of Johnson County, Tennessee, for reference of their claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the Woman's Christian Temperance Union, of Tennessee, in favor of prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DUNHAM: Petition of residents on White Lake, Michigan, urging necessary appropriations for said lake—to the Committee on Rivers and Harbors.

By Mr. MCKINLEY: Petition of J. A. Garfield Post, No. 136, of Columbiana, Ohio, for the publication of the official records of the rebellion—to the Committee on Printing.

By Mr. RICE: Joint resolution of the Legislature of Minnesota, urging the passage of pension bill for the relief of soldiers, etc., who were confined in Confederate prisons—to the Committee on Invalid Pensions.

By Mr. CHARLES STEWART: Petition of D. L. Hamilton and others, of Tarkinton's Prairie, Tex., for national aid to education—to the Committee on Education.

By Mr. A. C. THOMPSON: Petition of James Smith Post, No. 337, Grand Army of the Republic, and of Cadot Post, No. 126, Grand Army of the Republic, of Ohio, for an appropriation to complete the publication of records of the Union and Confederate armies—to the Committee on Printing.

Also, petition of R. C. Schenck and others, for the passage of bill for a park along Rock Creek, District of Columbia—to the Committee on the District of Columbia.

By Mr. WALKER: Petition of George Seabaugh and others, heirs of Christopher Seabaugh, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WARNER: Resolutions of Ransom Post, Grand Army of the Republic, of St. Louis, asking for early publication of war records—to the Committee on Printing.

By Mr. WEAVER: Petition of numerous citizens of Nebraska, praying for an increased volume of money—to the Committee on Banking and Currency.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. CONGER: Of 394 citizens of Iowa.

By Mr. DORSEY: Of citizens of Nebraska.

By Mr. HARMER: Of 1,829 citizens of Pennsylvania.

By Mr. HEARD (by request): Of citizens of Cass County, Missouri.

By Mr. T. J. HENDERSON: Of 3,769 citizens of Illinois.

By Mr. KEAN: Of 18 citizens of New Jersey.

By Mr. LONG: Of citizens of Plymouth County, Massachusetts.

By Mr. MCKINLEY: Of citizens of Madison, Ohio.

By Mr. J. R. WHITING: Of Mrs. James Farr and 149 other citizens of Michigan.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUTELLE: Of 70 citizens of Easton, Me.

By Mr. COMPTON: Of 160 citizens of Savage, Md.

By Mr. FRENCH: Of 365 citizens of Milford, Conn.

By Mr. GIBSON: Of 168 citizens of Snow Hill, Md.

By Mr. LONG: Of 25 citizens of Randolph, Mass.

SENATE.

TUESDAY, *February* 26, 1889.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The PRESIDENT *pro tempore*. The Journal of yesterday's proceedings will be read.

Mr. HOAR. I ask unanimous consent that the reading of the Journal may be omitted.

Mr. EDMUNDS. Oh, no; we had better have the Journal read. It is too early to begin to dispense with it.

Mr. HOAR. I suggest that there is no quorum present.

Mr. EDMUNDS. That is right.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and after some little delay the following Senators answered to their names:

Allison,	Dawes,	Harris,	Reagan,
Bate,	Dolph,	Hoar,	Sawyer,
Blair,	Edmunds,	Ingalls,	Sherman,
Butler,	Farwell,	Jones of Nevada,	Spooner,
Cameron,	Faulkner,	Morgan,	Stewart,
Chandler,	Frye,	Morrill,	Stockbridge,
Coke,	George,	Paddock,	Teller,
Cullom,	Gorman,	Pasco,	Turpie,
Daniel,	Gray,	Platt,	Wilson of Iowa.
Davis,	Hale,	Plumb,	

The PRESIDENT *pro tempore*. Thirty-nine Senators having responded, a quorum being present, the Secretary will read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ALLISON. I ask unanimous consent that the further reading of the Journal may be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none; and if there be no motion to correct or amend the Journal, it will stand approved.

DEPUTY MARSHALS IN NORTHERN NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 15th instant, a list of the general deputy marshals appointed during the last six months by Walter H. Bunn, marshal of the United States for the northern district of New York; which, on motion of Mr. EDMUNDS, was, with the accompanying papers, referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Michigan, praying for the submission to the States of a national prohibitory constitutional amendment; which was ordered to lie on the table.

He also presented a petition of citizens of Michigan, praying for legislation concerning certain land grants in that State; which was referred to the Committee on Public Lands.

Mr. WILSON, of Iowa. I present the petition of Rev. George F. Magoun, of Iowa; Rev. James G. Dougherty, of Kansas; Rev. D. A. Morehouse, of Maine; Rev. William L. Bray, of Michigan, and Rev. Frank G. Clark, of Iowa, constituting a committee appointed by the national council of the Congregational churches of the United States, representing 4,277 churches and 436,379 members and other persons connected therewith, praying for legislation for the suppression of the

traffic in intoxicating liquors on Indian reservations and all places subject to the legislative jurisdiction of the United States, on military reservations, etc., and subjecting imported and transported liquors to the operation of State laws, and in favor of a constitutional amendment prohibiting the manufacture and sale of such liquors.

The petition is brief, it comes from a religious body of great force and standing in the country, and I ask that it may be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the petition which he has just presented may be printed in the RECORD. Is there objection?

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. Does the Senator from Iowa desire to have the petition printed as a document?

Mr. WILSON, of Iowa. I ask that the petition may be printed as a document.

The PRESIDENT *pro tempore*. The petition will be printed as a document, and lie on the table, the appropriate committee having reported on the subject.

Mr. BLAIR presented resolutions of the Methodist Episcopal Church at Ringgold, Barton Chapel, and Frostburgh, Jefferson County, Pennsylvania, in favor of the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

DISMAL SWAMP CANAL.

Mr. EDMUNDS. I ask leave to present to the Senate, to be printed and referred to the Committee on Commerce, a letter addressed to me by the Acting Secretary of the Treasury, covering a communication to him from the Register of the Treasury and from the Solicitor of the Treasury, inclosing a document that was printed January 21, 1878, on the subject of the Dismal Swamp Canal, in reference to which I had the honor to introduce a resolution the other day. The matter is, as I think, of so great public importance that I move that these papers be printed and referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11627) granting a pension to Mary Horning;

A bill (H. R. 11884) to grant a pension to William Hawkins;

A bill (H. R. 12420) granting a pension to Lucy, widow of Muckapeck-wak-ken-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from effects of wounds received therein; and

A bill (H. R. 3916) granting a pension to Jacob Wolf.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11663) granting a pension to M. Josie McClain;

A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman;

A bill (H. R. 10167) increasing the pension of Nathaniel Crain; and

A bill (H. R. 12608) to pension William J. Martin.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12619) granting a pension to Littleberry W. Baker;

A bill (H. R. 8327) for the relief of Joseph Lawless; and

A bill (H. R. 12404) granting a pension to Robert W. Andrews.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 3939) granting a pension to Robert W. Andrews, reported adversely thereon, and the bill was postponed indefinitely.

Mr. TURPIE, from the Committee on Mines and Mining, to whom was referred the bill (S. 3871) to grant the Home Mining Company the coal underlying the bed of the Missouri River opposite Fackler's addition, city of Leavenworth, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8580) granting a pension to Sarah A. Harrison;

A bill (H. R. 2157) granting a pension to Ann E. Mussman;

A bill (H. R. 12275) to increase the pension of John W. Smith; and

A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5758) granting pension to Lovina Wright;

A bill (H. R. 12607) to grant a pension to Ira Wells;

A bill (H. R. 12575) to increase the pension of James M. Barrett; and

A bill (H. R. 8995) for the relief of Antonia Wiener.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (H. R. 9673) for the relief of the counties of the Territory of Arizona, and to legalize the indebtedness thereof, and provide for funding the same, reported it without amendment.

Mr. STEWART, from the Committee on Claims, reported an amendment intended to be proposed to the deficiency appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Potean River, in the Choctaw Nation, near Fort Smith, Ark.;"

A bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

A bill (H. R. 12389) authorizing the construction of a bridge across the Osage River, at some accessible point in the county of Benton, in the State of Missouri;

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa; and

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana, reported it without amendment.

Mr. QUAY, from the Committee on Pensions, to whom was referred the bill (H. R. 2862) granting a pension to William Ford, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12604) to restore the pension of Ann G. Barker; and

A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen.

SURETIES OF JAMES W. DEMBY.

Mr. GEORGE. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (S. 3737) for the relief of Sterling H. Tucker and others. A similar House bill was passed by both Houses at the last session of Congress and failed to become a law because it was not presented to the President in time for him to examine it. It will take but a minute to pass it. I therefore ask unanimous consent that the bill may be considered and put on its passage.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. HARRIS. For information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That Sterling H. Tucker, William P. Grace, Elhanon J. Searl, Josiah H. Demby, Samuel Bard, and William G. Pennington, or their estates, be, and they and each of them are hereby, released from any and all liability as the sureties upon the official bond of James W. Demby, formerly pension agent, the said release to take effect upon the payment of the legal costs heretofore accrued in the prosecution of said claim by the United States: *Provided*, That all the rights and remedies of the Government on said bond as against said James W. Demby shall in no manner be affected hereby, but remain in full force and effect in law.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent that the bill may be now considered. Is there objection? The Chair hears none; and the bill is before the Senate as in Committee of the Whole.

Mr. HARRIS. I should like the Senator from Arkansas [Mr. JONES] or the Senator from Mississippi [Mr. GEORGE] to state briefly the ground on which these sureties should be relieved.

Mr. JONES, of Arkansas. The reason given in asking for the discharge of these securities is that this bond was made immediately after the close of the war; the principal went out of office, and for twenty years perhaps there was no claim made by the Government. I do not recollect the exact length of time, but it was a long period. In the mean time all of the securities became insolvent except one. He has a small amount of money; and the neglect of the United States Government to compel the principal to settle in a reasonable time or to collect from the sureties is the reason why it seems to me unjust that the Government of the United States should ask that the remaining security should be rendered bankrupt by the prosecution of the claim after such a long lapse of time.

Mr. HARRIS. That time was extended to twenty years or thereabouts?

Mr. JONES, of Arkansas. To about twenty years.

Mr. HARRIS. That statement is satisfactory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. R. WHEATON AND C. H. CHAMBERLAIN—VETO MESSAGE.

Mr. DOLPH. By direction of the Committee on Public Lands I report back the bill (S. 3646) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, with the President's veto message, and recommend that the bill be passed notwithstanding the veto.

This bill has twice passed both branches of Congress at the present session. At the first session it failed because it was not signed by the President and was received by him within ten days of the adjournment. At the present session it was vetoed. It was vetoed upon the supposition or fact, whichever the case may be, that the testimony showed that certain clerks had been employed by the claimants, who were register and receiver of a land office in California during a period named, and that when the Government came to act upon the matter and clerks were authorized to be employed $100 a month was allowed by the Government, but that there was no showing that the register and receiver had, during the time for which the compensation was claimed for clerk-hire, paid out that sum.

I have since received an affidavit from one of the clerks who was employed, stating that he did receive during the period mentioned $100 a month, and that another clerk named, who is now out of the country, and whose affidavit can not be obtained, received $100 a month paid by these parties, covering the precise point of objection made by the Executive.

I may say that I report the bill back with this recommendation with the consent, at least, of all the members of the Committee on Public Lands who are in the city. I ask to have the affidavit read and that the vote be then taken upon the passage of the bill.

The PRESIDENT *pro tempore*. The Senator from Oregon asks for the present consideration of the report?

Mr. DOLPH. I do.

The PRESIDENT *pro tempore*. Is there objection? The question is, Shall the bill pass notwithstanding the objections of the President of the United States? The Secretary will call the roll.

Mr. DOLPH. I ask for the reading of the affidavit to which I referred.

Mr. HALE and others. Let it go.

Mr. DOLPH. Very well; let it go.

The PRESIDENT *pro tempore*. The roll will be called on the question, Shall the bill pass notwithstanding the objections of the President of the United States?

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

The roll-call was concluded.

Mr. WILSON, of Iowa. I am paired with the Senator from Maryland [Mr. WILSON], and therefore withhold my vote. Otherwise I should vote "yea."

Mr. GEORGE (after having voted in the negative). Is the name of the Senator from New Hampshire [Mr. BLAIR] recorded?

The PRESIDENT *pro tempore*. It is not recorded.

Mr. GEORGE. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Mississippi withdraws his vote.

Mr. SAWYER (after having voted in the affirmative). Is the name of the Senator from Delaware [Mr. SAULSBURY] recorded?

The PRESIDENT *pro tempore*. It is not recorded.

Mr. SAWYER. Then I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws his vote.

The result was announced—yeas 35, nays 8; as follows:

YEAS—35.

Allison,	Dolph,	Ingalls,	Ransom,
Butler,	Evarts,	Jones of Nevada,	Sherman,
Call.	Farwell,	Mitchell,	Spooner,
Cameron,	Gibson,	Morgan,	Stanford,
Chandler,	Gorman,	Morrill,	Stewart,
Cullom,	Hale,	Paddock,	Stockbridge,
Daniel,	Hampton,	Payne,	Teller,
Davis,	Hiscock,	Platt,	Walthall.
Dawes,	Hoar,	Plumb,	

NAYS—8.

Bate,	Harris,	Pasco,	Reagan,
Coke,	Jones of Arkansas,	Pugh,	Turpie.

ABSENT—33.

Aldrich,	Cockrell,	Hearst,	Sawyer,
Beck,	Colquitt,	Kenna,	Vance,
Berry,	Edmunds,	McPherson,	Vest,
Blackburn,	Eustis,	Manderson,	Voorhees,
Blair,	Faulkner,	Palmer,	Wilson of Iowa,
Blodgett,	Frye,	Quay,	Wilson of Md.
Bowen,	George,	Riddleberger,	
Brown,	Gray,	Sabin,	
Chace,	Hawley,	Saulsbury,	

The PRESIDENT *pro tempore*. Two-thirds of the Senators present having voted therefor, the bill is passed notwithstanding the objections of the Executive.

ESTATE OF J. J. PULLIAM.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to the same.

GEORGE F. HOAR,
WILLIAM M. STEWART,
JOHN C. SPOONER,
Managers on the part of the Senate.

W. J. STONE,
O. B. THOMAS,
THEO. S. WILKINSON,
Managers on the part of the House.

The report was concurred in.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 3996) granting a pension to Henry Sturtevant; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That J. Goldsborough Bruff have leave to withdraw his petition and papers in regard to the heraldic arms of the United States of America from the files of the Committee on Printing.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a letter of the 28th ultimo from the major-general commanding the Army, recommending the purchase of the site of Fort Elliott, Texas, together with a copy of House Executive Document No. 106, Fiftieth Congress, second session, embracing an estimate for the purchase of the site in question.

Mr. ALLISON. I move that that communication lie on the table. That matter is involved in the Army appropriation bill.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, recommending the appointment of a clerk to make a thorough investigation into the records of the Interior Department and of the late corporation of Washington City, with a view to the ascertaining of the title of the United States to certain building lots in the city of Washington; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 314) for the relief of Henry M. Rector;

A bill (S. 3778) to establish the Lincoln land district in the Territory of New Mexico; and

Joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889.

The message also announced that the House had disagreed to the amendments of the Senate to the following bills:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia; and

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

The message further announced that the House had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the foregoing bills, and had appointed Mr. CLARDY, Mr. LAGAN, and Mr. JOHN R. BROWN managers at the conference on the part of the House.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and

had agreed to the one hundred and tenth amendment of the Senate to the bill with an amendment; that it asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes, agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. NELSON managers of the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States; and

A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 11527) to establish lights on the western end of Coney Island, New York; and it was thereupon signed by the President *pro tempore*.

COMMITTEE SERVICE.

Mr. PLUMB. On the 20th day of this month there was appointed a committee of conference on the part of the Senate on the bill (S. 2511) to provide for the disposal of certain public lands of the United States uuder the provision of the homestead laws only, consisting of Messrs. PLUMB, PADDOCK, and BERRY. On account of the public business which I have charge of in connection with appropriations and otherwise I am constrained to decline to further serve upon that conference committee, and I ask for the substitution in my place of the Senator from Oregon [Mr. DOLPH].

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order is made.

Mr. PLUMB. The Senator from Nebraska [Mr. PADDOCK] also stated to me that he desired to be excused.

Mr. PADDOCK. I ask also to be excused from further service on the conference committee, and ask for the appointment of the Senator from Colorado [Mr. TELLER] in my place.

The PRESIDENT *pro tempore*. The Chair hears no objection, and appoints in the place of the Senator from Nebraska the Senator from Colorado [Mr. TELLER].

ORDER OF BUSINESS.

Mr. PLUMB. I ask unanimous consent that at the completion of the consideration of the Army appropriation bill to-day the Senate shall devote three hours succeeding to the Calendar of unobjected cases, under Rule VIII.

Mr. BUTLER. That is a good idea.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that at the conclusion of the consideration of the Army appropriation bill the Senate proceed with the cases upon the Calendar to which there is no objection, under Rule VIII. Is there objection?

Mr. BUTLER. May I suggest to the Senator from Kansas that that time be devoted to House bills?

Mr. PLUMB. I do not think it wise to limit it in that way. There are a few Senate bills and they can be disposed of by objection, if any one wishes to object.

Mr. BUTLER. I do not know that I shall object, but my object was to facilitate business by passing bills from the House that might become laws on our action.

Mr. PADDOCK. I desire to remind the Senator and the Chair that the chairman of the Committee on Indian Affairs, the Senator from Massachusetts [Mr. DAWES], yesterday gave notice as soon as the Army appropriation bill was disposed of he would ask the Senate to proceed to the consideration of the Indian depredation claims bill.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. CULLOM. I ask what length of time the Senator desires to devote to the consideration of these unobjected cases?

Mr. PLUMB. Three hours, at the conclusion of the Army appropriation bill.

Mr. CULLOM. I expected immediately after the disposition of the Army appropriation bill to call up the conference report on the interstate-commerce bill. That has been lying here for some days waiting for a favorable opportunity to take it up, and the request of the Senator from Kansas is going to interfere with the disposition of that bill to-day. I shall feel like objecting.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. CULLOM. I ask unanimous consent, then, that the bill I have named be taken up immediately afterwards.

Mr. BUTLER. That is right.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. DAWES. I do not wish to interfere with the report of the committee of conference, of course, but I desire to get the consent of the Senate immediately after the consideration of that report for the Indian depredation claims bill. I feel bound to present it at that time if I can.

The PRESIDENT *pro tempore*. The Chair can present but one request at a time.

Mr. DAWES. Whether I ought to object to the request now pending depends upon whether the Senate will give me the opportunity to bring up that bill immediately after these orders desired by the Senator from Kansas and the Senator from Illinois. What I desire is that the Senate will allow me to present for its consideration the depredation bill immediately after the Senator from Illinois disposes of his conference report.

Mr. HARRIS. The Senator from Massachusetts can not make a contract with the Senate for any such purpose.

Mr. DAWES. So I see.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas that at the conclusion of the consideration of the Army appropriation bill the Senate will proceed for three hours thereafter to the consideration of cases on the Calendar to which there is no objection, under Rule VIII?

Mr. EDMUNDS. Subject to a motion for executive business, I have no objection.

Mr. REAGAN. If that is to postpone the bringing up of the conference report by the Senator from Illinois, I shall object.

Mr. BUTLER. It does not postpone it.

The PRESIDENT *pro tempore*. Does the Senator from Texas object?

Mr. REAGAN. I do.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered by the Senator from Minnesota [Mr. SABIN], coming over from yesterday.

Mr. VEST. I gave notice yesterday, on behalf of the Committee on Commerce, that I would ask the Senate after the termination of the morning business to-day to consider bridge bills, several of which I reported this morning. There are a number of these bills which should be attended to at once for the reason that the railroads which desire to use these bridges are in process of construction, and that construction is stopped as a matter of course until this legislation shall be had. I suppose that it will be useless now to ask the Senate to take up the bills at this time, but I give notice that I shall move for a recess at the usual hour of adjournment to-day in order to have a night session to consider the bridge bills upon the Calendar and dispose of them.

Mr. CULLOM. I think that ought to be done. It is generally understood by the Senate that these bridge bills are looked over by a subcommittee of the Committee on Commerce, specially appointed, and all the requirements that have been adjudged by the Senate as important to be put in them are put there, so that there is no probability of any discussion about them. The only time required practically is the reading of the bills, and I shall be glad to see them passed as early as possible.

Mr. VEST. That is so.

Mr. SAWYER. As we meet at 11 o'clock it will be very difficult to get a quorum at an evening session. I suggest to the Senator that he ask unanimous consent to take the bridge bills up now.

Mr. ALLISON. They will take too much time now. I regret exceedingly that the Senator from Texas [Mr. REAGAN] has objected to the unanimous consent asked for after the conclusion of the Army bill. I think it would facilitate business if these bills could be taken up during the three hours that will be devoted to the Calendar after the Army bill is disposed of. I desire very much to go on with the Army bill this morning in order that the amendments may be returned to the House of Representatives and the bill disposed of.

The PRESIDENT *pro tempore*. The Chair will be greatly obliged if the Senate will relieve him from difficulty and embarrassment by agreeing upon an order of business. The importunity for recognition is incessant; the Chair desires to be strictly impartial; but when many Senators rise simultaneously or are standing at the same time, it is obviously impossible that the Chair should observe the rule requiring the Senator first rising to be first recognized. There seems to be no other way except to keep a list of those who apply for recognition, and that practically places the disposition of business under the control of the Chair, which the Chair desires to avoid. It would greatly facilitate the public business and relieve the Chair if the Senate would agree upon an order of business to be observed for the remainder of the session concerning the Calendar.

Mr. REAGAN. At the suggestion of the Senator from Illinois and some others I withdraw the objection I made to the request of the Senator from Kansas.

The PRESIDENT *pro tempore*. The question then recurs upon the

request of the Senator from Kansas [Mr. PLUMB] that at the conclusion of the Army appropriation bill the Senate proceed for three hours to the consideration of cases upon the Calendar to which there is no objection, under Rule VIII.

Mr. HARRIS. Beginning at what point?

The PRESIDENT *pro tempore*. At the point reached when the Calendar was last under consideration. The Chair hears no objection, and it is so ordered.

LAND OFFICES.

The PRESIDENT *pro tempore*. The resolutions offered by the Senator from Minnesota [Mr. SABIN] coming over from yesterday as unfinished business of the morning hour will now be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to report, for the information of the Senate, what, if any, action has been taken by him towards the discontinuance of United States land offices, the number and the names of public land offices, the aggregate number of acres of public lands in each original, the number of acres heretofore actually sold by the Government, and in what manner disposed of, whether by sale for cash, or entries under the homestead, pre-emption, timber-culture, or desert-land acts, and what part of the same have been actually patented, and thus segregated from the body of the public lands.

And be it further resolved, That the President be, and hereby is, requested to withhold the order, if any is contemplated, or suspend its operation if made, for the discontinuance of such offices, until the facts and reasons upon which such action or contemplated action is based shall have been fully communicated to the Senate.

The resolutions were agreed to.

CONSIDERATION OF BRIDGE BILLS.

Mr. VEST. I should like very much to supplement the agreement which has been made by adding to it that the bridge bills upon the Calendar shall be taken up first and disposed of; and if I could have unanimous consent to that, it might obviate the necessity for a night session. All we want is to dispose of these bills and ask for committees of conference where amendments are made. I can not state accurately the number of them, but there must be from twenty to twenty-five such bills upon the Calendar. The necessity at this late stage of the session is for the appointment of conferees; otherwise the bills will fail. Other Senators in the Chamber are as much interested in the matter or more so than I am.

Mr. JONES, of Arkansas. I rise to make a suggestion to the Senator from Missouri, who asks for a modification of the agreement which has been made by unanimous consent. I wish to suggest that the bridge bills on the Calendar will probably not be objected to in a single instance by any Senator, and it will only require the time necessary to read those bills; they can be passed as easily at a night session as they could within the three hours which have just been set apart for the consideration of the Calendar. I suggest, therefore, that at 5 or half past 5 o'clock, by unanimous consent, the Senate take a recess until 8 o'clock for the purpose of considering to-night the bridge bills.

Several SENATORS. Only.

Mr. JONES, of Arkansas. Bridge bills only.

Mr. HOAR. I think that most of the Senate, when the hour of half past 5 comes, would rather wait here another hour than to take a recess. I think the Senator had better wait until that time comes.

Mr. BUTLER. I agree with the Senator from Massachusetts. I was about to suggest that at the conclusion of the three hours which have been agreed to be devoted to unobjected cases on the Calendar we can take up the bridge bills and pass them perhaps in three-quarters of an hour.

Mr. JONES, of Arkansas. It will take a longer time than that to read them. It is only a question of reading the bridge bills. There will be no difficulty about them except the time consumed in the reading, and my opinion is that it will be very much better to have them disposed of at an evening session.

Mr. HOAR. Let us settle that at 5 o'clock, and not now.

LOUISA V. DE KILPATRICK.

Mr. DAVIS. The bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, was passed by the House of Representatives with an amendment, and a committee of conference was asked for by the Senate. I now move that the Senate concur in the House amendment.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate concur in the amendment made to this bill by the House of Representatives.

The amendment was concurred in.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none that order is closed, and the Calendar under Rule VIII is in order.

Mr. ALLISON. I move that the Senate proceed to the consideration of the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 16, to strike out lines 9 and 10, as follows:

For officers' quarters at the post at Columbus, Ohio, $20,000.

The amendment was agreed to.

The next amendment was, on page 16, to strike out lines 18 and 19, as follows:

For the purchase of the site of Fort Elliott, Texas, $17,000, or so much thereof as may be necessary.

And in lieu thereof to insert:

Purchase of site for Fort Elliott, Texas: For payment for sections 47, 53, 55, and 67, in block A 5 of surveys made for the Houston and Great Northern Railroad Company, according to the sketch of the surveys in said block No. A 5, certified by the commissioner of the general land office of the State of Texas, January 5, 1877, to be correct, $17,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 17, line 9, after the word "including," to strike out "heating apparatus and;" so as to make the clause read:

Construction and repairs of hospitals: For construction and repairs of hospitals, including the extra-duty pay of enlisted men employed on the same, and including hereafter the Army and Navy hospital at Hot Springs, Ark., $125,000.

The amendment was agreed to.

The next amendment was, on page 17, line 14, after the word "construction," to strike out "and repairs;" so as to read:

For construction of quarters for hospital stewards, including the extra-duty pay of enlisted men employed on the same, $12,500.

The amendment was agreed to.

The next amendment was, on page 18, line 14, after the word "depots," at the end of the clause making appropriations for "clothing, camp, and garrison equipage," to strike out the following proviso:

Provided, That the several sums appropriated for the Quartermaster's Department by this act, including their credits, shall be available for three months after the expiration of the fiscal year.

The amendment was agreed to.

The next amendment was, in the appropriations for "Engineer Department," on page 19, line 17, after the word "employed," to insert "for periods of not less than ten days;" in line 19, before the word "not," to strike out the word "any" and insert the word "and;" and in line 22, after the word "machinery," to strike out the word "clerk-hire;" so as to make the clause read:

Engineer depot at Willets Point, New York: Incidental expenses of the depot, including fuel, chemicals, stationery, extra-duty pay to soldiers employed for periods of not less than ten days as artificers on work in addition to and not strictly in line of their military duties, such as carpenters, blacksmiths, draughtsmen, printers, lithographers, photographers, engine-drivers, teamsters, repairs of and for materials to repair public buildings, machinery, and unforeseen expenses, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, at the end of the appropriations for "Engineer Department," to strike out line 11, as follows:

In all, $20,000.

The amendment was agreed to.

The next amendment was, on page 21, to strike out lines 11 and 12, as follows:

For the purchase of machine-guns, musket caliber, of American manufacture, $20,000.

Mr. PLATT. I should like to inquire of the chairman of the Committee on Appropriations if he will not allow this clause to stand in the bill instead of striking it out. I desire to say in regard to it that an appropriation of $20,000 for the purchase of machine guns was put on the fortification bill by an amendment in the Senate, which was the same as this item in the present bill. The House of Representatives have put the provision in the Army appropriation bill. The fortification bill has gone into conference. From former experience I am afraid we may not have any fortification bill become a law this year, and that the appropriation which both the House and the Senate desire shall be made may in some way fall. If the committee will allow this provision to stand as it passed the House, that is an end of the matter and there will be no danger of losing it, and in the committee of conference on the fortification bill they can strike it out or not insist upon the amendment, and then the whole matter will be ended. I wish the committee would allow this amendment to be disagreed to.

Mr. ALLISON. The Senator from Connecticut states truly that this provision was inserted by the Senate as an amendment to the fortification bill. The Senate believed that it more properly belonged to that bill; and as that bill is now in conference I prefer to allow this amendment proposed by the Committee on Appropriations to stand.

I will say to the Senator from Connecticut that there will be no trouble about this matter. It will be found in one or the other of the bills when the appropriation bills are finally passed.

Mr. PLATT. If that is to be the result, of course I can make no objection.

Mr. HAWLEY. I have no doubt that what I suppose I may call the pledge of the Senator from Iowa will be fulfilled in one or the other of the bills. I do not understand his suggestion that the provision is more properly in the fortification bill, because these guns are used more for the Army in general than they are for coast defense. I

do not see the propriety of the suggestion and can not comprehend the philosophy of it. To simply leave this thing where the House put it is to settle the matter. If the Senator thinks he has good reason to think it will not be lost I shall give it up, but this is the natural place for it.

Mr. ALLISON. There seems to be a deep interest in this question from many sources, indicating that the provision ought to be on this bill. I have not been able to comprehend that situation; but inasmuch as if it is here, it will not be put in the fortifications bill, I shall withdraw any scruples I have and allow the amendment to be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 13, after the word "manufacture," to insert "repair and issue;" and in line 19, before the word "ordnance stores," to insert "ordnance and;" so as to make the clause read:

For manufacture, repair, and issue of arms at the national armories, $400,000: *Provided*, That not more than $60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department: *Provided further*, That hereafter the cost of the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," and used to procure like ordnance stores, and that said appropriation shall be available until exhausted, not exceeding two years.

The amendment was agreed to.

The next amendment was, on page 22, to strike out the clause from line 11 to line 20, inclusive, as follows:

That the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to cause examinations and tests to be made in converting the existing ordnance of the War Department into steel-lined breech-loading torpedo howitzers for throwing high explosives, according to the plans of Stephen Emmons, as stated in his memorial of February 2, 1889, referred to the Committee on Military Affairs.

The amendment was agreed to.

The next amendment was, on page 22, to strike out the clause from line 21 to line 23, inclusive, as follows:

For the purchase, under the direction of the Secretary of War, of land convenient to the Watervliet arsenal suitable for proof-firing of seacoast guns, $15,000.

And in lieu thereof to insert:

The Board of Ordnance and Fortification is hereby directed to examine and report upon a site for an ordnance testing and proving ground to be used in the testing and proving of heavy ordnance, having in view in the selection of said site its accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land and the least sum for which the same can be procured. Said board shall report thereon to the Secretary of War, to be submitted to Congress at its next session; and in case the said board shall select a site and recommend its purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the tract so recommended, until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

For the necessary expenses under the foregoing provision, $1,000, so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The question is on striking out and inserting.

Mr. HISCOCK. I suppose the question can be divided. I wish a division on striking out the first clause, and I call the attention of my colleague to it.

The PRESIDENT *pro tempore*. A motion to strike out and insert is not divisible.

Mr. HISCOCK. I understand then that it is not possible to have a vote upon the question of restoring the item in lines 21, 22, and 23, on page 22, alone by itself.

The PRESIDENT *pro tempore*. That can be reached by disagreeing to the entire amendment. The motion being to strike out and insert is not divisible. If the motion of the committee is not agreed to, the lines proposed to be stricken out remain in the bill.

Mr. HISCOCK. I desire to call the attention of my colleague [Mr. EVARTS] to the provision in lines 21, 22, and 23, on page 22. I understand he has some documents which bear very strongly on the subject.

Mr. ALLISON. I find that the Senators from New York antagonize this amendment because, I suppose, they wish to retain this little provision for the purchase of some ground at the Watervliet arsenal. I do not understand them to antagonize the general provision which we have inserted here respecting the availability and propriety of purchasing a testing ground for the general use of the Board of Ordnance that we now have. I should be glad, if there was any way of doing it, to separate these two provisions and test the sense of the Senate in striking out these three lines. So I am entirely willing, by unanimous consent, that that should be done, because if those three lines are retained in the bill it will be still necessary to insert the other provision which we propose to put in. So, I hope, by unanimous consent we may consider the question on striking out the lines.

The PRESIDENT *pro tempore*. It may be treated as two amendments, and not as an amendment to strike out and insert.

Mr. ALLISON. Yes, sir.

The PRESIDENT *pro tempore*. Then the question recurs on the motion to strike out lines 21, 22, and 23, on page 22.

Mr. HAWLEY. I probably missed something that has been said, having been called out for a moment; but I do not understand that these propositions have any necessary connection. Did the Senator refer to the amendment in italics?

Mr. ALLISON. I just stated to the Senate that these two amendments are not necessarily connected; that if the provision found on lines 21, 22, and 23, of page 22, should be retained it would still be necessary to insert the words in italics.

Mr. EVARTS. Mr. President, as I understand it, the only question is now whether what we have already in previous examinations that have been made and reported upon and have been considered heretofore by the committee and have also gone so far as to produce this provision from the House, shall also be merged in the provisional arrangement for inquiries before this is passed upon.

The matter in italics, as I understand, is provisional for further inquiries on certain topics, and would perhaps cover this if it is necessary that it should be postponed; but as I understand the recommendation of General Benét, the head of the Ordnance Department, is that this provision ought to be restored, I should hope that we might have a separate vote upon it and that we might agree that lines 21, 22, and 23, on page 22, should remain in the bill. The other parts that are so marked should be omitted, and the general provision, beginning at line 24 on page 22, and continuing to line 16 of the next page, should be a part of the bill.

There has been heretofore in both Houses a hearing and examination in which this question of acquiring at a reasonable price a parcel of land convenient to the Watervliet arsenal has been considered, and I should hope, therefore, there can be found no adequate reason for striking that out of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out lines 21, 22, and 23, on page 22, of the bill.

Mr. ALLISON. Before the question is put I ask that the letter of the Chief of Ordnance which I send to the desk may be read. I think after it is read the Senate will see that it is wise to submit this question also to the Board of Ordnance.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., February 25, 1889.

SIR: I beg to call your attention to an item of appropriation in the Army bill as it passed the House of $15,000 for the purchase of land convenient to the Watervliet arsenal, and suitable for proof-firing of seacoast guns (page 22, lines 22 and 23), which was stricken out as the bill was reported to the Senate. In connection with this matter I would state as follows:

The procurement of limited proof-ground facilities convenient to the gun factory was deemed so essential as a matter of convenience and economy in connection with the manufacture of cannon at the Watervliet arsenal that a special estimate was submitted from this Department under date of December 14, 1888 (see Executive Document No. 39, House of Representatives, Fiftieth Congress, second session, page 3, herewith). The amount specified in that estimate was $20,000, but it has been ascertained since that the sum of $15,000 will probably be sufficient for the purchase of a suitable site. The object of firing facilities near the gun factory is very different from that had in view with a regularly established proving and testing ground such as that at Sandy Hook. In the manufacture of guns it may be necessary to set out a lining-tube by means of firing before completing the gun, or firings may be required in adjusting the gas-checks and fittings of guns, or for the few proof rounds prescribed prior to the issue of guns to the service. It would therefore be of manifest advantage and economy to have such limited firing facilities near at hand to the gun factory. The proof ground at Sandy Hook is none the less necessary, for the work to be done there is on a very much larger scale. Firings must be made there for range and accuracy, for prolonged tests of endurance, and for all extended tests of ordnance material and explosives. Such a proving-ground will always be required for general purposes in addition to the facilities for proof-butts proposed in this appropriation for Watervliet arsenal.

As to the extent of land that is required for this purpose, it should not be less than 100 acres, but as near 500 acres as the appropriation will permit. If the land can be obtained at a moderate price a large area will be an advantage with the proof-butts near the center of it. There is suitable land on the west side and adjacent to the arsenal, but it may be held at too high a price to admit of its purchase. About 8 miles directly west of the arsenal is a tract of land of 500 acres which can be purchased at from $25 to $30 per acre. This land can be reached by the Delaware and Hudson and New York Central Railroads. In a distance of 12 miles there are no long bridges to cross. A proof-butt in the center of a tract of land approximating a square mile in area can be a nuisance to no one. Should this latter tract be selected a branch railroad track from one-half a mile to 1 mile in extent will be required eventually in order to reach the firing point.

I respectfully request that if practicable this item of $15,000 may be restored in conference.

Respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

Mr. EVARTS. Mr. President, it will be seen, I think, that the recommendation of General Benét is clear and decisive that this item should be included in the bill. It will be observed that the language here is not for land adjacent, but—

For the purchase, under the direction of the Secretary of War, of land convenient to the Watervliet arsenal suitable for proof-firing of seacoast guns, $15,000.

So that either alternative that is considered and presented by General Benét would be covered by this discretion vested in the Secretary of War; and really it seems hardly suitable that we should postpone a matter of this kind because there are other matters that may need to be inquired into. Primarily in the course that we are now pursuing in reference to our military and naval purposes we should lose as little

time after we have arrived at a conclusion as is possible if this $15,000 is to obtain convenient to this arsenal some land that will suit our purposes.

Mr. ALLISON. Last year in the appropriation act for fortifications Watervliet arsenal was provided for as a gun factory for the purpose of assembling heavy ordnance. It is stated in various ways that the present proving-grounds at Sandy Hook are not large enough or extensive enough to enable the ordnance officers to prove the heavy guns, and a good deal of information has been given respecting the selection of some other grounds for this purpose. It would seem that these grounds ought to be, if a suitable area can be found, either in the neighborhood of Watervliet arsenal or in the neighborhood of Sandy Hook.

The Committee on Appropriations have inserted here a provision authorizing the board of officers having charge of the manufacture of these guns to examine into this question and report at the next session of Congress, and the committee do not believe it wise to forestall this question by saying that $15,000 shall be appropriated for this purpose convenient to Watervliet arsenal. If suitable proving-grounds are to be procured they will cost a much larger sum than that here proposed, and require a much larger area than 500 acres.

Therefore the committee believe that the whole question ought to go over until this examination can be had. I will say to the Senator, what he already knows, that there will be ample time at the next session of Congress to purchase proving-grounds, because these heavy guns will not be ready for firing until some time after the next session of Congress.

Mr. HAWLEY. Mr. President, it is very seldom indeed that I find the Senator from Iowa lacking in precisely accurate information. I do not know but that this may be the first instance. The ground they are speaking of here is not the ordinary trial ground for the full force of their guns. I suppose the Senator understands that.

Mr. ALLISON. I have just had a letter read at the Secretary's desk from the Chief of Ordnance stating exactly what the Senator now states. I understand perfectly well that the Chief of Ordnance thinks he needs some little proof-firing to be made somewhere in the process of assembling these guns. That was just stated. That may be true, but it may be also true that the larger area for the final test of these guns may be made in the same neighborhood or at the same place. That was the argument I intended to make, not that I did not understand the views of the Chief of Ordnance upon this subject.

Mr. HAWLEY. A big pit might answer the same purpose. It is nothing but the test of the strength of the gun and incidentally of the excellence of the tubes, the chamber, and the plug that incloses the breech. I do not myself see why he needs 500 acres so far as that is concerned.

Mr. ALLISON. I should like to ask the Senator from Connecticut, who, I know, has given great attention to this subject, if he believes it to be a wise thing in the process of manufacturing these guns to have them carried out 12 miles from Watervliet arsenal in order to test them?

Mr. HAWLEY. If it can be done nearer the ground, I would say certainly do it there, even if you had to pay more money for it; but the Sandy Hook testing is something that comes afterwards, when the gun is entirely completed; when it is shown to have stood all the necessary tests as to bursting, and is fit for service, it then goes down and takes a long-range final trial. If the Senator will amend the amendment in italics here in line 24, and following to line 14 on the next page, so as to include a local testing ground at Watervliet arsenal, it would cover the subject. The only question I should have to ask then would be whether having, as we have, ordered the manufacture of great guns these rough parts will begin to be assembled at Watervliet before we may need the final grounds?

Mr. HISCOCK. I think the examination has already been made, and that it is not the ground adapted for the long testing of guns at Watervliet arsenal; that is, they can not test them for long firing without this ground costing a great deal, and it is not adapted to that. This testing is simply for the purpose of testing the strength of the metal with a view of testing the capacity of the guns for distance, and it does not at all come within the second provision.

The chairman of the Committee on Appropriations speaks with reference to the guns being carried 12 miles for testing. That is a matter of no consequence. This arsenal is on a canal, and they are transported there with practical ease for the purpose of testing them during the process of manufacture. It is for that that this appropriation is asked.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations proposing to strike out lines 21, 22, and 23, on page 22.

Mr. GORMAN. As one member of the Committee on Appropriations I was governed very much in my vote upon this proposition to strike out by the experience we have had elsewhere. The fact is that in the manufacture of heavy ordnance for the Navy, nearly all of which is manufactured in Washington, they have selected a proving-ground for the purpose of testing those guns at Annapolis. They are conveyed from Washington to Annapolis for the ordinary firing; but the experience there has demonstrated that it would be great economy if there was a proving-ground near at hand sufficient not only for the first test but for the long-range firing, because it is very expensive to convey these guns from Washington to Annapolis. Hence we have a board from the Navy that is now looking for a proving-ground; and so with the Army.

As the chairman has stated, in the fortifications appropriation bill ample provision was made for the manufacture at Watervliet, but to test the guns properly it would become necessary, in view of economy and in every other respect, to have a ground where they not only make the first test but for the long-range firing. So I voted for, and I trust the Senate will adhere to it, to strike out this provision of the House bill and put the matter in the hands of the Board of Ordnance and Fortification, so that they may select the ground where all this can be done with least expense.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations to strike out lines 21, 22, and 23, on page 22.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Is it the desire of the Senator from Iowa that the amendment proposing to insert shall be treated separately as to the two paragraphs?

Mr. ALLISON. Yes, sir; separately. I ask for a vote now on the part proposed to be inserted.

The PRESIDENT *pro tempore*. Shall that be treated as two questions?

Mr. ALLISON. Yes, sir.

The next amendment of the Committee on Appropriations was, on page 22, after line 23, to insert:

The Board of Ordnance and Fortification is hereby directed to examine and report upon a site for an ordnance testing and proving ground to be used in the testing and proving of heavy ordnance, having in view in the selection of said site its accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land and the least sum for which the same can be procured. Said board shall report thereon to the Secretary of War, to be submitted to Congress at its next session; and in case the said board shall select a site and recommend its purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the tract so recommended, until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

Mr. ALLISON. To meet the suggestion of the chairman of the Committee on Military Affairs, I move, after the word "ground," in line 2, to insert "including partial testing-ground convenient to Watervliet arsenal;" so that the board may also have this question before them.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. After the word "ground," in line 2, on page 23, in the matter proposed to be inserted by the committee, it is proposed to insert:

Including partial testing-ground convenient to Watervliet arsenal.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 23, after line 14, to insert:

For the necessary expenses under the foregoing provision, $1,000, so much thereof as may be necessary.

The PRESIDENT *pro tempore*. In line 16, after the word "dollars," it should read "or so much thereof."

Mr. ALLISON. I move to insert "or" before "so."

The PRESIDENT *pro tempore*. The amendment will be so modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 24, to strike out the clause from line 16 to line 18, inclusive, as follows:

For necessary office expenses for completing the maps of the battle-field of Chickamauga, Georgia, $800.

The amendment was agreed to.

The next amendment was, on page 24, to strike out the clause from line 19 to line 22, inclusive, as follows:

To enable the Secretary of War to finish the surveys necessary to the completion of the maps of the battle-field of Chickamauga, Georgia, $1,200, or such part thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

For finishing surveys and completing maps of battle-fields, $2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 24, at the end of page 24, to insert:

Purchase of land adjoining military reservation at West Point: To enable the Secretary of War to purchase the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, in accordance with the valuation of the same made by a board appointed under the provisions of the Army appropriation act of September 22, 1888, and approved by the Secretary of War, as appears by his letter to Congress dated January 23, 1889, being House Executive Document No. 104, Fiftieth Congress, second session, $150,000: *Provided, however*, That such purchase shall not be completed nor any payment made for said land until the title thereof shall be duly approved by the Attorney-General, and the Attorney-General on such purchase shall cause to be filed in the department of the State of New York proper evidence of the purchase of said lands to complete ceding of jurisdiction thereof to the United States.

Mr. HISCOCK. I should like to inquire of the Senator from Iowa who has charge of the bill if under this provision $150,000 will be paid for this property?

Mr. ALLISON. I so understand it.

Mr. HISCOCK. Do I understand that under the provision of this amendment $150,000 is to be paid for this property?

Mr. ALLISON. I so understand.

Mr. HISCOCK. I desire to say in respect to the amendment that the information I have, which is from a private individual, is to the effect that this property is not worth more than about $20,000. For a long time it has been borne upon the assessment-rolls at $12,000, and now is assessed at $20,000. If it is assessed at a third of its value, then it would be only worth $50,000 or $60,000. It seems to me that it is quite improper that we should pass a law providing that this sum shall be paid for it without further examination or investigation into the case.

I understand further that the people who reside in that neighborhood are very much opposed to this proposed purchase by the Government, as it is to encroach upon the town and practically prevent the growth and extension of the town. Unless there is some very strong reason indeed why the Government should purchase the property, it is infinitely better to let the property remain in the hands of private parties. But the fact of which I have been advised is that up to within a year the property has been assessed at $12,000, and that it was increased only to $20,000, which makes it look, at least on the face of it, as if $150,000 was a very large sum of money to be paid for the property.

Mr. ALLISON. At the last session of Congress a provision was inserted in one of the appropriation bills, I think in the Army appropriation bill, providing for a board to investigate the situation as respects this property and to make an appraisal of it. I think three successive committees or boards who had visited West Point recommended that this land be purchased. The Secretary of War also recommended it. We provided that the superintendent of the Military Academy at West Point, General Parke, should be one of the members of this board. He is well known, I believe, to most Senators. The board assembled. General Parke was the chief of the board, and William F. Russell and John D. Kernan were the other two appraisers. The Senator from New York will know something more of the character of these gentlemen than I do. I understand that Mr. Kernan is a son of ex-Senator Kernan, who was formerly a member of this body. They find this property to be worth $150,000.

The people who own the property suggested to the Committee on Appropriations as respects this amendment that they were quite willing, and I thought perhaps from their letter that they were somewhat desirous, that there should be a reappraisement of the property. At least they were willing that the whole matter should be referred to the Secretary of War again with power to reappraise the property if he chose to do so, and that at that appraisal the property should be purchased. The committee after a pretty full examination of the subject believed that it was wiser to take the appraised value as fixed by these three gentlemen than to run the risk of another appraisement.

There is no doubt of the fact, I think, as clearly disclosed in all the reports, that it is a wise thing for the West Point Military Academy to have this additional property. It lies immediately adjacent to where most of the buildings of the academy are now situated, and it lies between the property of the academy and the village of Highland Falls. It is only a question whether the property should be sold for town or village or city lots which shall abut the property of the academy, or whether the Government shall have this area for its own uses and purposes. That is all there is in the case as far as I know.

Mr. SHERMAN. Upon the statement made by the Senator from New York [Mr. HISCOCK] I certainly would not like to vote an appropriation of $150,000 when we are assured that this property, which lies in his own State, is worth only one-third of that sum. I know General Parke, and I was somewhat surprised at the statement.

Mr. ALLISON. General Parke's report is here.

Mr. SHERMAN. I think under the circumstances we ought not to adopt the amendment against the statement made by the Senator from New York. I certainly would not vote for it, although I have no objection to the purchase.

Mr. ALLISON. I did not understand the Senator from New York to make a statement except from private information.

Mr. SHERMAN. He states his belief that the property has been assessed for taxation at from $12,000 to $20,000, and now the property leaps up to $150,000. I suppose I know the property. The valuation leaps up from $12,000 to $20,000, and it is proposed that it shall be sold to the Government for $150,000. I know the land there. It is a very hilly region. While it is a very important location and it may be valuable to the Government, $150,000 would seem to be out of all reason for 225 acres of land. I know nothing about it, and I should have voted for the amendment as a matter of course, but on the face of the statement of the Senator from New York I certainly will not vote for the amendment.

Mr. HAWLEY. I believe this matter originated in the Military Committee; that is to say, the proposition to purchase this land adjoining the West Point reservation was recommended by the Committee on Military Affairs. It immediately adjoins the grounds. The beginning of it is but a short distance below the important buildings of the academy, and it lies on the road running south and parallel to the Hudson River. It has been held intact as a family estate for a long time.

One of the reasons why the managers of the academy desire to purchase this tract is because if they do not it inevitably will be cut up into village lots. The village runs up to a very short distance below the barracks and offices, etc., of West Point. It is better for the young men that they should be put in the middle of the reservation, some distance from a village. All the instructors and managers feel that that should be the case. So the various boards of impartial men of sense and experience who have visited that place from year to year under the law have thought it a very wise thing to get this land.

Now, how does there come to be so wide a difference in the estimates of the value of it? In the first place, some of it has been held as pasture land, some as meadow land, but largely for ornament as the seat of a country gentleman. What its value actually there would be I do not know; that is to say, I do not know what the annual revenue of the owner was from it. Much of it is not so very valuable as farming land, but it is a noble estate as it stands.

If the owners of that estate choose to cut it up into village lots, I personally have not the slightest doubt that they would get a great deal more than $150,000 for it.

Incidentally Parke mentions in one of his papers that not a great while ago a lot was sold just below the Kinsley estate on the village site and a saloon was put up. We do not want a row of cheap saloons and taverns and all that sort of thing lining that bank from the village up through the Kinsley estate to the borders of the academy. It is a noble situation, I should guess 175 feet above the Hudson River, and with the Hudson River in view every step of the road down to the Kinsley estate. There are some noble homes all along there. You can imagine that this land will become very valuable when put into the market.

I understand that the heirs look at it in that way. If the settlement is made now in accordance with this amendment they get $150,000, and they put that upon interest; but if the settlement is not made they might get $170,000 a year hence, which would not be worth so much to them as $150,000 cash now, which they could invest and upon which they would be drawing interest.

It seems to me, on looking this matter over—and I have watched it a little for the interest of the academy—that probably it would be best to take the estimate of this board. The board was composed, as the chairman of the committee has said, of General Parke, whose high character and sound sense everybody knows, one of the noblest men in the whole Army; Judge Russell, of Saugerties, a man of high standing, and John D. Kernan, of Utica, a man also of high standing and the son of ex-Senator Kernan. I think they have made a fair estimate. At the same time I admit that as a rule I would not vote for a purchase upon a fixed sum here. I would rather have it appraised over again even if we paid $25,000 more for it, by reason of the precedent. But I say in support of the proposition of the committee that I think the committee acted upon sound reasons for the good of the Government. However, if the Senate thinks that this kind of a purchase is not wise, I suppose it can wait, and the Government will probably pay more; I do not know.

Mr. REAGAN. Mr. President, there is no question but that the acquisition of the ground referred to for the use of the Military Academy is very important. It comes up right close to the principal buildings of the academy, as stated by the Senator from Connecticut. It is suggested by the officers in control there that it comes up so close as to permit the putting so near the barracks of establishments for the sale of liquor and other demoralizing establishments as to injure the morals of the cadets. It makes the limit, as suggested by them, so close that the cadets between roll-call may go out there and be subject to whatever injurious influence may be brought to bear.

An examination of the ground showed that it was important that it should be acquired by the Government. As to the price proposed here, I, of course, am without information. It should be suggested, however, that it is not merely the ground that is valuable. There are a number of buildings on this ground, and there are stone fences upon it. I do not know what the value of the improvements may be, but there are considerable improvements on this ground. It seems to me that the price, however, is very high, but General Parke, with whom most of us are acquainted, is a man of very high character. I do not know Mr. Russell. Mr. Kernan also is a man of very high character. I see that these gentlemen took an oath of office preparatory to the valuation of this property in which they said that they would faithfully discharge the duties of the office on which they were about to enter, which involved this valuation. I take it that these gentlemen must have acted conscientiously. They recommend the purchase of this property at the price stated. The Secretary of War concurs in that recommendation, and he, too, has been on the ground and has examined it, and knows the importance of the acquisition of this particular piece of ground.

I understand that the Committee on Appropriations, in passing upon

this, recognizing the necessity for the purchase of this ground, are apprehensive that the Government may save nothing and may lose something by a subsequent valuation of the property. While it seems to me the price is very high, I am inclined to be governed by the judgment of those who have been charged under the law with fixing the valuation, and I shall therefore sustain the amendment.

Mr. ALLISON. The parties owning this property are quite willing that we should insert a provision for a re-examination of the property and for its condemnation, but the committee on the whole believed it wiser not to provide for a further examination and condemnation of the property, because they believed it would cost the Government more than it would to purchase it at the appraised price. But if Senators think there should be a further examination, especially in view of what the Senator from Ohio has stated upon this subject, I will offer an amendment to the amendment which will cover that point.

The PRESIDENT *pro tempore*. The Secretary will read the amendment proposed by the Senator from Iowa to the amendment of the Committee on Appropriations.

The SECRETARY. It is proposed to add to the amendment of the committee the following proviso:

Provided, That the Secretary of War, after a re-examination of the report of said board and a further consideration of the question of the value of said land, may, if he deems it for the best interests of the Government, proceed and acquire title to said 225 acres of land by condemnation thereof under judicial proceedings, to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of said land, appoint three commissioners who shall be competent and disinterested appraisers; and all the proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the act of Congress of August 1, 1888, entitled "An act to authorize the condemnation of land for sites of public buildings, and for other purposes."

Mr. GORMAN. Do I understand that the Senator from Iowa offers this as a substitute for or as an addition to the committee's amendment?

Mr. ALLISON. I offer it as a proviso to be added to the amendment of the committee. It will allow the Secretary of War, if upon further examination he deems this appraisal too high, to proceed to the condemnation of this property. Of course that means that it will be acquired at whatever price the condemnation proceeding shall fix.

I offer it in view of what the Senator from New York and the Senator from Ohio have said, but my own belief is that we shall pay more for it under this proceeding than the amount proposed to be appropriated in the committee's amendment.

Mr. HISCOCK. That can be disposed of on this question. I assume that the heirs or owners of this property are willing to take $150,000 for it. Suppose a limitation be put in not to exceed $150,000.

Mr. ALLISON. Very well; I shall agree to that, if the Senator will propose it.

The PRESIDENT *pro tempore*. The proposed modification will be read.

Mr. ALLISON. Insert "not exceeding the amount herein appropriated" in the amendment to the amendment.

Mr. HALE. How can you have an appraisement where the limit is fixed?

Mr. GORMAN. As I understand this case, the Committee on Military Affairs, three or four boards of visitors who have gone to West Point, the commander at West Point, and the Secretary of War all insist that this property is absolutely necessary to facilitate matters at West Point. The owners of the property came here a year ago and offered to sell the property at a fixed price, I understand, but the proposition came up to condemn it as is provided for in the amendment to the amendment. It was thought unwise by the Senate and by Congress that we should enter upon that proceeding, for the reason that it might cost a great deal more, and therefore it was suggested by the committee that a board of officers to be appointed by the Secretary of War should appraise the property and ascertain its value. They are the appointees of the United States, and after due consideration they say that $150,000 is a reasonable amount.

Mr. ALLISON. I withdraw my modification of the amendment to the amendment.

Mr. GORMAN. Then I have nothing further to say.

Mr. ALLISON. I will let it stand upon the condemnation proceedings. I think the Government ought to take its chances with the heirs, if the question is resubmitted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the Committee on Appropriations.

Mr. STEWART. On page 21, after line 10, I move to insert:

For the purchase by the Secretary of War of three pneumatic dynamite guns of 15-inch caliber, and the necessary machinery to fire and handle the same, ammunition and carriages for the same, to be placed and mounted ready for use, free of cost to the Government, at such point or points in the harbor of San Francisco as may be designated by the Secretary of War, $187,500, or so much thereof as he may deem proper.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. STEWART].

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. GORMAN. I call the attention of the Senator from Iowa to the amendment on page 16, line 9, striking out the clause: "For officers' quarters at the post at Columbus, Ohio, $20,000."

Mr. ALLISON. I will state that since that amendment was reported from the Committee on Appropriations the committee has made a further examination and find that this is quite a large military post, and that these quarters are necessary. So I hope that amendment will be non-concurred in by the Senate.

The PRESIDENT *pro tempore*. The amendment was agreed to in Committee of the Whole.

Mr. ALLISON. It was agreed to in Committee of the Whole. I ask that it may be non-concurred in in the Senate.

Mr. HALE. Let me ask the chairman of the committee how many soldiers are at Columbus?

Mr. ALLISON. The Adjutant-General of the Army was telegraphed to for information on this subject. He telegraphs me, and I have his telegram here, stating that there are 700 soldiers there at this time, and I believe 15 officers.

Mr. HALE. At Columbus, Ohio?

Mr. ALLISON. At Columbus, Ohio. It seems to be a large military post.

Mr. HALE. What are they doing there?

Mr. ALLISON. They must be quietly——

Mr. HALE. Engaged in the arts of peace?

Mr. ALLISON. Yes.

Mr. HAWLEY. Is it not a recruiting station?

Mr. ALLISON. I believe it is a recruiting station.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, on page 16, lines 9 and 10, by which the Senate struck out the words:

For officers' quarters at the post at Columbus, Ohio, $20,000.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. If there be no further amendment reserved the question is on concurring in the remainder of the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Iowa to an apparent omission at the foot of page 19. The clause reads:

In their special duties of sappers miners.

Mr. HAWLEY. The insertion of the word "and" after the word "sappers," in line 25, on page 19, covers it.

The PRESIDENT *pro tempore*. If there be no objection, the word "and" will be inserted after "sappers."

Mr. HAMPTON. I ask permission to offer a couple of amendments which were referred to the Committee on Appropriations from the Committee on Military Affairs. On page 25, after line 20, at the end of the amendment proposed by the Committee on Appropriations, I move to add:

That the sum of $35,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of one counterpoise battery to mount one 6-inch breech-loading rifled cannon of the new pattern. This battery shall be erected on the bank of the Potomac River below the city of Washington, and at such point as the Secretary of War may direct.

That Beverly Kennon, the inventor and patentee, shall superintend and direct the work, and shall complete the same for actual service within four months after the passage of this act. The gun to be mounted upon it, with its fittings, may be loaned by the Ordnance Department of the Navy. All expenses attending its removal to the battery and from it, if required, to be borne by money embraced in this appropriation.

Mr. ALLISON. I make the point of order on the amendment that it is not germane to the bill. I do not think it is estimated for, although I have not examined that question. Perhaps the Senator from South Carolinia can tell me whether it has been estimated for.

Mr. HAMPTON. I can not hear the Senator from Iowa.

Mr. ALLISON. The amendment belongs either to the naval appropriation bill or the fortification appropriation bill. It is not germane to the bill for the support of the Army. That is the first point. The second one is, that it has not been estimated for by the Secretary of War.

The PRESIDENT *pro tempore*. It need not be estimated for, if it has been reported from a standing or select committee and referred, twenty-four hours before it is offered in the Senate for consideration, to the Committee on Appropriations. If the Senator from Iowa raises the question of relevancy that will be submitted to the Senate and decided without debate.

Mr. ALLISON. I do not raise it.

Mr. HAMPTON. The history of this provision is rather an extraordinary one. The battery was recommended by the Military Committee and by some of the highest authorities in the Army, amongst them General Sherman and General Sheridan. The Military Committee brought in a bill. It passed the Senate at the last session and went over and received the unanimous approval of the proper committee in another branch of Congress. The Secretary of War said that if the appropriation was increased there and placed at his disposal the battery

should be erected. When the board to consider all these things was appointed the Secretary of War supposed that the matter had gone to that board and the board did not know that the Secretary of War had had anything to do with it.

I have therefore offered this amendment again by direction of the Committee on Military Affairs. I think it is germane to the bill, and I am satisfied that the sum of money could not be expended in any better way in the world than by trying this experiment. The system has been tried in Egypt. At Alexandria, where one of these batteries was put up, it was the only one that escaped bombardment.

I hope that the Senate will give to this gentleman who invented it the opportunity at this very small cost of testing its efficiency.

I will say further that the Secretary of the Navy has placed one of the new 6-inch rifled breech-loading guns at his disposal for the purpose of trying it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. HAMPTON].

The amendment was agreed to—ayes 20, noes not counted.

Mr. HAMPTON. On page 24, after line 15, I move to insert:

That the sum of $2,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purchase of the plates and other property embraced in the offer of Professor Gleason.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. HAMPTON].

Mr. HAMPTON. I have not the papers which accompanied the amendment to the Committee on Appropriations, but I can in a very few words explain what the offer is.

Professor Gleason proposed to sell 10,000 copies of his book on horse training and everything of that sort, and all his patents, to the Government. The Military Committee thought it was not expedient to buy the books, but was willing to appropriate $2,000 for the purchase of all his electrotype plates—there are over three hundred of those—and also the right to use his book, and the right to use all his patents for harness, bits, and everything of that sort. The Secretary of War and the General of the Army have approved his book so far as to buy for the officers 200 copies. The committee thinks it is well that his system should be tested, and by direction of the committee I offer this amendment to the appropriation bill.

Mr. HARRIS. What are the plates that are to be bought?

Mr. HAMPTON. They are in reference to the management, training, and shoeing of horses. The proposition was sent to the Committee on Appropriations. I have not the paper here, but it embraces very many valuable recipes and processes.

Mr. HALE. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to insert, after line 15, on page 24:

That the sum of $2,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purchase of the plates and other property embraced in the offer of Professor Gleason.

Mr. HALE. What does that offer contain? Has the Senator from South Carolina the offer of Professor Gleason, so that we may know what it is that we are purchasing?

Mr. HAMPTON. That paper is in the hands of the Committee on Appropriations. It was sent in with the amendment. I mentioned it as far as I could remember. It is to purchase about three hundred electrotype plates giving all his system.

Mr. HALE. Plates covering what subject?

Mr. HAMPTON. The training, managing, shoeing, and driving of horses, for the use of the cavalry and artillery service.

Mr. HALE. It is a horse book?

Mr. HAMPTON. Yes; and in addition to that the right is given to the Government to use this system, to publish the book whenever it pleases, and to use all the patents for bridles, harness, and everything of that kind.

Mr. HALE. Is this Professor Gleason the man who is traveling about the country giving exhibitions?

Mr. HAMPTON. He is the same one.

Mr. HALE. I suppose the Government can purchase one of his books at any time.

Mr. HAMPTON. The Secretary of War has purchased 200 copies of his book to give to the officers; but the idea of the committee was that, having these plates, the Government could at any time it pleased strike off any number of copies and put them into the hands of private soldiers.

Mr. HALE. I should like to hear the offer of the professor read. The chairman of the committee has it.

Mr. ALLISON. I have the offer of Professor Gleason. I send it to the desk to be read.

The PRESIDENT *pro tempore*. The Secretary will read it.

The Secretary read as follows:

WASHINGTON, D. C., *February* 14, 1889.

MY DEAR SIR: I will sell to the United States Government all the electrotype plates used in printing my book, known as Gleason's Practical Treatise on the Horse, a book containing 300 pages, consisting of 300 electrotype plates, embracing 116 plates of engravings illustrating my methods used in training and educating the horse, also embracing 21 engravings showing an unerring method of telling the age of the horse, and 14 additional engravings on the science of horse-shoeing.

The book, as printed, consists of the following different departments:

First. A short and concise history of the life struggles and trials of the author in compiling this work.

Second. The breaking and taming wild and vicious horses by questions asked and answered.

Third. How to detect an unsound horse.

Fourth. Method of telling a horse's age from one to twenty-one years.

Fifth. Horseback riding.

Sixth. The breeding and care of the foal.

Seventh. The government farm.

Eighth. Practical suggestions on horse-shoeing.

Ninth. Veterinary department for horses.

Now, I will sell to the United States Government all my right, title, and interest in the above book for the sum of $2,000, said United States Government to have and to use for the use of the Government all of my patents, including bits, bridles, and harness.

All of which is respectfully submitted.

OSCAR R. GLEASON.

Hon. WADE HAMPTON.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the adoption of the amendment proposed by the Senator from South Carolina [Mr. HAMPTON].

Mr. HALE. I think we might get along without that for one year, Mr. President.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

Mr. ALLISON. One amendment was agreed to by the House with an amendment. I move that the Senate disagree to the amendment of the House to that amendment, and insist upon the Senate amendments, and agree to the conference asked by the House of Representatives.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate insist upon the amendments of the Senate which have not been agreed to by the House, and disagree to the further amendment of the House to an amendment of the Senate, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

CONSIDERATION OF THE CALENDAR.

The PRESIDING OFFICER. According to the order of the Senate the Calendar of unobjected cases will be now taken up, commencing at the point where the consideration was left off.

Mr. HARRIS. Under Rule VIII ?

The PRESIDING OFFICER. Under Rule VIII. The first bill on the Calendar, commencing at the point where the Calendar was last under consideration by the Senate, will be stated.

WESLEY MONTGOMERY.

The bill (H. R. 3829) for the relief of Wesley Montgomery was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, in line 5, after the name "Wesley Montgomery," to insert "or his heirs at law;" in line 6, after the words "to enter," to insert "in person;" in the same line, after the word "acres," to insert "in one body;" and in line 7, before the word "unappropriated," to insert "surveyed;" so as to make the bill read:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized and required to permit Wesley Montgomery, or his heirs at law, of Adams County, State of Nebraska, to enter in person 160 acres, in one body, of any of the surveyed unappropriated public lands of the United States, not mineral nor in the actual occupation of any settler, in lieu of the northeast quarter of section 23, of township 28 north, of range 14 west, in Iroquois County, Illinois; which land was entered by said Wesley Montgomery on February 20, 1874, under the homestead laws, in accordance with instructions of the Commissioner of the General Land Office to the register and receiver of the date of August 9, 1873, the title to which land failed because of a prior disposition of the same which did not then appear upon the records of the Land Office: *Provided, however*, That the said Wesley Montgomery shall not have made any other entry of land of the United States under the homestead laws: *Provided further*, That said land shall not be located within the limits of any incorporated town or city.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PADDOCK, Mr. COCKRELL, and Mr. BERRY were appointed.

SETH WHEELER.

The bill (S. 2221) for the relief of Seth Wheeler was announced as next in order.

Mr. COCKRELL. Let that be passed over. It will save time.

The PRESIDING OFFICER. Objection is made by the Senator from Missouri. The Chair supposes that objection being made the bill takes its place upon the Calendar under Rule IX.

Mr. HARRIS. Under Rule IX.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

ROBERT ADGER AND OTHERS.

The bill (S. 508) to empower Robert Adger and others to bring suits in the Court of Claims for rent alleged to be due them was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 12, after the words "subsequent to the," to strike out "pardon of the claimants" and insert:

Twenty-ninth day of September, in the year 1865, when the President of the United States issued an order for the restoration of the aforesaid property to said claimants, and during its occupancy by the Government after that date.

So as to make the bill read:

Be it enacted, etc., That the Court of Claims shall, notwithstanding the lapse of six years, take jurisdiction of and adjudge the claim of Robert Adger, James Marsh, and the estate of Mitchell King, against the United States for rent, use, and occupation of certain buildings, wharves, warehouses, offices, ship-yard, and docks in the city of Charleston, S. C., since the war, and shall render judgment in favor of said Adger, James Marsh, and the estate of Mitchell King, or their legal representatives, for such amount as shall be found to be the real rental value of the property subsequent to the 29th day of September, in the year 1865, when the President of the United States issued an order for the restoration of the aforesaid property to said claimants, and during its occupancy by the Government after that date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACTION ON AMENDMENTS.

Mr. HARRIS. I ask that hereafter the formal reading of each bill as reached be dispensed with, and that the amendments of the committee reporting the bill be acted upon as they are reached in the reading.

The PRESIDING OFFICER. If there be no objection, that course will be taken.

Mr. ALLISON. As to what bill?

The PRESIDING OFFICER. The Chair is not certain that it understands the suggestion of the Senator from Tennessee.

Mr. HARRIS. In the two bills that have been acted upon the bills have been read and then the Clerks recur to the amendments proposed by the committee. I ask that the formal reading be dispensed with, and that the amendments shall be disposed of as they are reached in the regular reading of the bill.

The PRESIDING OFFICER. The Senator asks that the amendments shall be considered as the bill is read.

Mr. HARRIS. That is exactly what I mean.

The PRESIDING OFFICER. It will be so ordered, if there be no objection.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment to strike out the preamble and all after the resolving clause, and in lieu thereof to insert:

Whereas it appears from the correspondence transmitted to the Senate by the message of the President of the 2d day of February, 1872 (Executive Document No. 28, second session Forty-eighth Congress), and on the 12th of April, 1888 (Executive Document No. 143, first session Fiftieth Congress), that since the year 1871 indemnity has been repeatedly demanded by the executive department of the United States from the Venezuelan Government, but without avail, for the wrongful seizure, detention, and employment in war and otherwise of the American steam-ships Hero, Nutrias, and San Fernando, the property of the Venezuela Steam Transportation Company, a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States, under circumstances that render the Republic of Venezuela justly responsible therefor; and

Whereas all the diplomatic efforts of the Government of the United States repeatedly exerted for an amicable adjustment and payment of the just indemnity due to said corporation and its officers, citizens of the United States, upon whose property and persons the aforesaid wrongs were inflicted, have proved entirely unavailing: Therefore,

That the President of the United States be, and he is hereby, authorized and empowered to take such measures as in his judgment may be necessary to promptly obtain indemnity from the Venezuelan Government for the injuries, losses, and damages suffered by the Venezuela Steam Transportation Company of New York, and its officers, by reason of the wrongful seizure, detention, and employment in war or otherwise of the said company's steamers Hero, San Fernando, and Nutrias by Venezuelan belligerents in the year 1871, and to secure this end he is authorized to employ such means or exercise such power as may be necessary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

DR. JOHN B. READ.

The bill (H. R. 10633) for the relief of Dr. John B. Read was announced as next in order.

Mr. ALLISON. I was requested by the Senator from Vermont [Mr. EDMUNDS], who feels an interest in this bill, to object to its present consideration.

The PRESIDING OFFICER. The Senator from Iowa objects to the present consideration of the bill, and it will be passed over.

GULF AND CHICAGO AIR-LINE RAILWAY COMPANY.

The bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 6, before the word "over," to strike out "bridges" and insert "a bridge;" in line 8, after the word "establish," to strike out "that crossing can be most advantageously made" and insert "to be the best and most advantageous point for crossing said river;" and in line 10, after the word "river," to strike out:

The Warrior River, if crossing at or in vicinity of Tuscaloosa; the Tennessee River, at Milton's Bluff, or such point in vicinity thereof as surveys, examinations, and United States engineers may determine that crossing can best be made.

And insert:

Said corporation, its successor or legal representative, may also construct bridges over the Warrior River at or near Tuscaloosa, and the Tennessee River at or near Milton's Bluff.

So as to read:

That the Gulf and Chicago Air-Line Railway Company, a corporation duly organized and legally incorporated under the laws of the State of Alabama, its successor or legal representative, may erect a bridge over the Tombigbee River at such point in the vicinity of Coffeeville, in Clarke County, as surveys and examinations may establish to be the best and most advantageous point for crossing said river; said corporation, its successor or legal representative, may also construct bridges over the Warrior River at or near Tuscaloosa, and the Tennessee River at or near Milton's Bluff.

The amendment was agreed to.

The next amendment was, in section 2, line 24, after the word "said," to strike out "bridge" and insert "bridges;" and in line 25, after the word "prescribe," to strike out "for Grant's Pass and as the Secretary of War shall prescribe for the river bridge;" so as to make the proviso read:

Provided also, That said draws shall be opened promptly upon reasonable signal for the passage of boats, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset to sunrise such lights or other signals on said bridges as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, line 27, after the word "said," to strike out "bridge or;" and in line 28, after the word "which," to strike out "it" and insert "they;" so as to make the proviso read:

And provided also, That said bridges, at the option of the corporation or company by which they may be built, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rate of toll as may be approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, line 11, after the word "said," to strike out "bridge" and insert "bridges;" so as to read:

And equal privileges in the use of said bridges shall be granted to all telegraph companies, and the United States shall have the right of way for a postal telegraph across said bridge or bridges.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "bridges," to strike out "or constructions constructed" and insert "or other structures built;" in line 5, after the words "bridges or," to strike out "construction" and insert "structure;" and in line 6, after the word "expense" to insert:

And if any litigation shall arise in regard to said bridges, or either of them, by reason of their obstructing navigation, the same shall be had in the circuit court of the United States within whose territorial jurisdiction said bridges or any part thereof may be located.

So as to read:

That such alterations or changes as may be required by the Secretary of War or Congress in bridges or other structures built under the provisions of this act shall be made by the persons or corporations owning or controlling said bridges or structures at their own expense; and if any litigation shall arise in regard to said bridges, or either of them, by reason of their obstructing navigation, the same shall be had in the circuit court of the United States within whose territorial jurisdiction said bridges or any part thereof may be located.

The amendment was agreed to.

The next amendment was, in section 6, line 1, to strike out:

No structure of any kind shall be built upon the military reservation on Dauphin's Island until the location and nature of the same shall have been ap-

proved by the Secretary of War, and that such structure may be removed in his discretion, and may be used by the United States free of cost.

And in lieu thereof to insert:

No tramway, track, road-bed, wharf, pier, or other structure shall be built upon the United States military reservation on Dauphin's Island, without the approval and consent of the Secretary of War first had, and the said structure shall be removed by the parties owning or controlling the same, at their own expense, when the Secretary of War so requires: *Provided also*, That the United States may use such structure when built without charge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico."

Mr. HARRIS. The Senator from Missouri who reported that bill [Mr. VEST] not being present at this moment, I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. EVARTS. I present from the Committee on the Library the report of the Librarian on the progress of the Library of Congress during the calendar year 1888, with an order, which I ask may be read and passed upon at once, for the publication of the report.

The order was considered by unanimous consent, and agreed to, as follows:

Ordered, That the report of the Librarian of Congress for the calendar year 1888 be printed, and that 500 additional copies, with covers, be printed for distribution by the Librarian.

CONGRESSIONAL ELECTIONS.

The PRESIDING OFFICER (Mr. PLATT in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the resolution submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States. In the execution of the order of the Senate, this resolution will be informally laid aside, and the consideration of the Calendar will be proceeded with.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

The PRESIDING OFFICER. This bill has been heretofore read at length and all the amendments proposed by the Committee on the District of Columbia have been agreed to. The bill is still before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DAWES. I inquire of the Senator from Tennessee if this is not embodied substantially in the District appropriation bill?

Mr. HARRIS. I am informed by the Senator from Kansas [Mr. PLUMB], who has in charge the appropriation bill, that it is substantially the same.

Mr. DAWES. If that passes, will there be any need of passing this bill?

Mr. HARRIS. Probably not, but it is very desirable to put it in a double form so that the object shall be accomplished.

Mr. DAWES. I agree that the object should be attained.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives upon the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. HAWLEY. I ask the attention of the Senator from Tennessee for a moment. I should have spoken earlier while the bill was properly under discussion. I do not know the precise scope of it, but I rise just to enter briefly upon the record my protest against certain conduct of the commissioners of the District of Columbia.

The inaugural ceremonies are going to fill this city with a multitude. The people on foot are confined to the sidewalks, very properly. I make no objection to the proposed arrangement by which ropes shall be run along the curb and the people be confined strictly to the walks; but by some authority or without authority—I suppose by the authority of the commissioners of the District of Columbia—various persons are not only filling up the reservations in some cases recklessly, with danger to the trees and other public property, not only filling up the reservations with the great stands for the accommodation of the public, to which I make no objection, but they are now authorizing private citizens to cover the sidewalks also with these unsightly structures. They have perhaps the technical right to do it——

The PRESIDING OFFICER. Debate proceeds by unanimous consent.

Mr. HAWLEY. I beg pardon. It did not occur to me at the moment that this was the bill——

Mr. HARRIS. I can only say to the Senator, if he will allow me, that this bill simply provides for what everybody recognizes, I think, as a necessary thing here, an increase of the police force of the District.

As to the matter that the Senator suggests, I have no information as to the authority upon which those things were done, and they are as distasteful to my eye as they are to the eye of the Senator from Connecticut.

Mr. HAWLEY. I should have spoken earlier, because I think an amendment would have been in order on that bill to prevent the doing of such things in the future.

The PRESIDENT *pro tempore* appointed as the conferees on the part of the Senate Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARDY, Mr. LAGAN, and Mr. BROWN of Virginia managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;

A bill (S. 1319) granting a pension to Ann Slater;

A bill (S. 2008) granting a pension to Cyrus Tuttle;

A bill (S. 2310) granting a pension to Rosalia Junk;

A bill (S. 2334) granting a pension to Mary J. Byrd;

A bill (S. 2344) granting a pension to Minnie A. Bailey;

A bill (S. 2690) granting a pension to John Gallagher;

A bill (S. 2758) granting a pension to Susan P. Murdock;

A bill (S. 2759) granting a pension to James M. Frost;

A bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.;

A bill (S. 3091) granting a pension to John Corr;

A bill (S. 3198) granting a pension to Mary Murphy;

A bill (S. 3269) granting a pension to Theresia Fichter;

A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;

A bill (S. 3387) granting a pension to Charles S. Hamilton;

A bill (S. 3421) granting a pension to Mary B. McVean;

A bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan;

A bill (S. 3588) granting a pension to Ellen B. Farr;

A bill (S. 3762) granting a pension to Nancy Polock;

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States;

A bill (H. R. 5032) to extend the limits of the collection district of Memphis;

A bill (H. R. 7028) to admit to registry the steamer George H. Parker;

A bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000;

A bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;

A bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas;

A bill (H. R. 11643) providing for the establishment of a life-saving station and life-saving crew at mouth of Coquille River, Oregon;

A bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

A bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.;

A bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi;

A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States; and

A bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

WASHINGTON AQUEDUCT TUNNEL.

Mr. EDMUNDS. I ask unanimous consent, a little out of time, to present a report from a committee.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Chair will receive the report, if there be no objection.

Mr. EDMUNDS. I am instructed by the joint select committee raised by a concurrent resolution of the two Houses at the last session on the subject of the Washington Aqueduct tunnel and the water supply to submit a report in writing, together with the report of the board of expert engineers employed by the committee, the testimony of the engineers, and two amendments which we intend to propose to the deficiency appropriation bill, which I ask may be referred to the Committee on Appropriations. There is a large mass of other testimony and a large mass of drawings, papers, cross sections, etc., which I shall ask leave to file with the Secretary of the Senate as a part of this report, or an appendix to it rather, without bringing them into the Senate Chamber.

The PRESIDING OFFICER. The Senator from Vermont makes a report——

Mr. EDMUNDS. I have described what it is.

The PRESIDING OFFICER. It will be received and ordered to be printed. The amendments which accompany the report will be referred to the Committee on Appropriations and ordered to be printed, and leave will be given to file the testimony with the Secretary of the Senate.

Mr. EDMUNDS. The testimony and other papers.

The PRESIDING OFFICER. Does the Senator desire that that testimony shall be printed?

Mr. EDMUNDS. Not at present until the papers are carefully looked over. There is a good deal of it, perhaps, that need not be printed at all. I shall make a subsequent motion about that.

COURT IN INDIAN TERRITORY.

Mr. VEST. I desire to submit a conference report.

The PRESIDING OFFICER. The report will be received.

Mr. EDMUNDS. Are the papers here?

Mr. VEST. The papers are here.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That a United States court is hereby established, whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, west by the State of Texas and the Territory of New Mexico; and a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of $3,500 per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of United States district courts.

"SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal of said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas. The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of $10,000, conditioned as by law required in regard to the bonds of other United States marshals.

"SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of $10,000, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

"SEC. 4. That the judge appointed under the provisions of this act shall take the same oath required by law to be taken by the judges of the district courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

"SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

"SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen of or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money claimed shall amount to $100 or more: *Provided*, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only: *And provided further*, That all laws and parts of laws prohibiting the citizens or members of the tribes of the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, in their individual capacity, from entering into contracts with citizens of the United States, except as to contracts for the conveyance of real estate in fee, and also prohibiting either of said nations from entering into leases or contracts for mining coal, be, and the same are hereby, repealed; and said court shall have jurisdiction over all controversies arising out of said mining leases and of all questions of mining rights or invasions thereof where the amount involved exceeds the sum of $100.

"That the provisions of chapter 18, Title XIII, of the Revised Statutes of the United States, shall govern such court so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like causes in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and for like causes, as now provided by the laws of said State.

"The final judgment or decree of the court hereby established, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds $1,000 may be reviewed and reversed or affirmed in the Supreme Court of the United States upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court.

"SEC. 7. That two terms of said court shall be held each year at Muscogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other time previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

"SEC. 8. That all proceedings in said court shall be had in the English language; and bona fide male residents of the Indian Territory, over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

"SEC. 9. That the jurors shall be selected as follows: The court at its regular terms shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

"'You do swear to discharge faithfully the duties required of you as jury commissioner; that you will not knowingly select any one as juryman whom you believe unfit and not qualified; that you will not make known to any one the name of any juryman selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a juryman concerning the merits of any cause or procedure to be tried at the next term of this court; so help you God.'

"SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury-room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number of qualified persons as the court shall designate, not less than sixty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as petit jurors at the next term of court; shall write names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen. The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from said box the names of thirty-seven persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed 'List of petit jurors.'

"SEC. 11. That the said commissioners shall then proceed to draw in like manner twelve other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed 'List of alternate petit jurors.' The two lists shall be inclosed and sealed so that the contents can not be seen, and indorsed 'List of petit jurors,' designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court; and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

"'You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term, unless by leave of the court; so help you God.'

"SEC. 12. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the list of petit jurors and of alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as petit jurors and alternate petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

"That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

"That if there shall not be a sufficient number of competent petit jurors and alternates present, and not excused, to form a petit jury, the court may compel the attendance of such absentees or order other competent persons to be summoned to complete the juries.

"SEC. 13. That if for any cause the jury commissioners shall not appoint or shall fail to select a petit jury as provided, or the panels selected be set aside, or the jury-list returned in court shall be lost or destroyed, the court shall order the marshal to summon a petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of petit jurors as if they had been regularly selected; and this provision shall also apply in the formation of petit juries for the first term of the court. The want of qualification of any person selected as juror under section 10 of this act shall not necessarily operate as cause of challenge to the whole panel.

"SEC. 14. That the fees of the jurors and witnesses before said court herein created shall be the same as are provided in the district court of the United States for the western district of Arkansas.

"SEC. 15. That in all criminal trials had in said court in which a jury shall be demanded and in which the defendant or defendants shall be citizens of the United States none but citizens of the United States shall be competent jurors.

"SEC. 16. That the judge of the court herein established shall have the same authority to issue writs of habeas corpus, injunctions, mandamus, and other remedial process as exists in the circuit courts of the United States.

"SEC. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary-line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said

boundary-line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary-line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary-line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary-line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the district of Kansas by the act approved January 6, 1883, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the eastern judicial district of the State of Texas for judicial purposes.

"SEC. 18. That the counties of Lamar, Fannin, Red River, and Delta of the State of Texas, and all that part of the Indian Territory attached to the said eastern judicial district of the State of Texas by the provisions of this act, shall constitute a division of the eastern judicial district of Texas; and terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris on the third Mondays in April and the second Mondays in October; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed against the laws of the United States within the limits of that portion of the Indian Territory attached to the eastern judicial district of the State of Texas by the provisions of this act, of which jurisdiction is not given by this act to the court herein established in the Indian Territory; and all civil process issued against all persons resident or found in the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Paris, Tex., and all prosecutions for offenses committed in either of said last-mentioned counties shall be tried in the division of said eastern district of which said counties form a part: *Provided*, That no process issued or prosecution commenced or suit instituted or offenses committed before the passage of this act shall be in any way affected by the provisions hereof.

"SEC. 19. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Paris, in the county of Lamar.

"SEC. 20. That every person who shall, in the Indian Territory, willfully and maliciously place any obstruction, by stones, logs, or any other thing, on the track of any railroad, or shall tear up or remove, burn, or destroy any part of any such railroad, or the works thereof, with intent to obstruct the passage of any engine, car, or cars thereon, or to throw them off the track, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment at hard labor for any time not more than twenty years: *Provided*, That if any passenger, employé, or other person shall be killed, either directly or indirectly, because of said obstruction, tearing up, removing, burning, or destroying, the person causing the same shall be deemed guilty of murder, and, upon conviction thereof, shall be punished accordingly.

"SEC. 21. That any person aforesaid who shall, in the Indian Territory, willfully and intentionally destroy, injure, or obstruct any telegraph or telephone line, or any of the property or materials thereof, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be fined in any sum not more than $500 and imprisoned for any time not more than one year.

"SEC. 22. That every person aforesaid who shall, in the Indian Territory, maliciously or contemptuously disturb or disquiet any congregration or private family assembled in any church or other place for religious worship, or persons assembled for the transaction of church business, by profanely swearing or using indecent gestures, threatening language, or committing any violence of any kind to or upon any person so assembled, or by using any language or acting in any manner that is calculated to disgust, insult, or interrupt said congregation, shall, upon conviction thereof, be sentenced to imprisonment for any time not exceeding sixty days, or to a fine not exceeding $100, or both such fine and imprisonment.

"SEC. 23. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought assault any person with intent to rob, and his counselors, alders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years.

"SEC. 24. That every person who shall, in the Indian Territory, knowingly mark, brand, or alter the mark or brand of any animal the subject of larceny, the property of another, or who shall knowingly administer any poison to or maliciously expose any poisonous substance with the intent that the same shall be taken by any of the aforesaid animals, or shall willfully and maliciously, by any means whatsoever, kill, maim, or wound any of the aforesaid animals, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment for a period of not more than six months, or a fine of not more than $200, or both such fine and imprisonment; and in case the animal shall have been killed or injured by said malicious mischief, the jury trying the case shall assess the amount of damages which the owner of the animal shall have sustained by reason thereof, and, in addition to the sentence aforesaid, the court shall render judgment in favor of the party injured for threefold the amount of the damages so assessed by the jury, for which said amount execution may issue against the defendant and his property.

"SEC. 25. That if any person, in the Indian country, assault another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than fifty nor exceeding one thousand dollars and imprisoned not exceeding one year.

"SEC. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies in the Indian Territory, with the intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding $500, or be imprisoned not more than six months, or both, at the discretion of the court.

"SEC. 27. That sections 23, 24, and 25 of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

"SEC. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Amend the title so as to read: "A bill to establish a United States court in the Indian Territory, and for other purposes."

And the Senate agree to the same.

G. G. VEST,
JAMES F. WILSON,
GEO. F. EDMUNDS,
Managers on the part of the Senate.
D. B. CULBERSON,
JNO. H. ROGERS,
Managers on the part of the House.

The PRESIDING OFFICER. The conference report was presented during the execution of a prior order of the Senate, and was received by the Chair upon the ground that it was a privileged report. The question now is, Will the Senate proceed to its consideration?

Mr. HARRIS. If we can come to a vote without debate, I shall be glad to have the report disposed of. Otherwise I shall feel compelled to object.

Mr. VEST. I think it will not lead to debate.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the report?

The question was decided in the affirmative.

The PRESIDING OFFICER. Shall the report be adopted?

The report was concurred in.

CONSIDERATION OF HOUSE BILLS.

The PRESIDING OFFICER. The Chair would remark that twenty-three minutes have been consumed in the consideration of the conference report.

Mr. HARRIS. Knowing as I do that every moment that we spend in the consideration of Senate bills at this late hour of the Fiftieth Congress is a moment wasted, I ask unanimous consent that the remaining hours to be spent on the Calendar be devoted to the consideration of House bills favorably reported.

Several SENATORS. That is right.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the remainder of the three hours which were ordered by the Senate to be spent in the consideration of the Calendar may be devoted to the consideration of House bills only.

Mr. PASCO. If there can be an exception made in reference to the Florida Indian war claims bill, I shall not object. That bill does not come within the description of bills referred to by the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Florida object?

Mr. PASCO. If the Senator from Tennessee will make an exception in favor of that bill I shall not object.

Mr. HARRIS. I should be very glad even to make that exception and get the rule so modified as that we may devote our time to the consideration of House bills; but I hardly think the Senator from Florida ought to ask me to make such an exception.

Mr. CALL. I suggest to the Senator from Tennessee to allow us by unanimous consent to take that bill up at this moment. I think probably there will be no objection at all to it.

Mr. HARRIS. I will modify my request so as to except from it the bill referred to by the Senator from Florida, though I do not think the Senators from Florida ought to ask it.

Mr. PASCO. I appreciate very much the courtesy of the Senator from Tennessee, and I withdraw my objection.

The PRESIDING OFFICER. The Senator from Tennessee now asks unanimous consent——

Mr. HARRIS. The Senator from Florida withdraws his objection.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Tennessee asks unanimous consent that for the remainder of the time to be devoted to the consideration of the Calendar House bills shall be considered, with the exception of what is known as the Florida Indian hostilities bill.

Mr. HARRIS. I understood that the request for that exception was withdrawn.

Mr. CALL. Oh, no.

Mr. HARRIS. I so understood.

The PRESIDING OFFICER. Is there objection?

Mr. PASCO. The Senator from Tennessee made that exception, and I presume he will consent that it shall stand.

The PRESIDING OFFICER. The Chair hears no objection, and the House bills on the Calendar will be considered in their order.

COMMITTEE ON ENROLLED BILLS.

Mr. BOWEN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Enrolled Bills be, and are hereby, authorized to employ a clerk during the remainder of the present session at a compensation of $6 per diem, to be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

AMENDMENT TO DEFICIENCY BILL.

Mr. PADDOCK, from the Committee on Improvement of the Mississippi River, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF LAND IN HOUSTON, TEX.

The bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to sell, either at private or public sale, the interest held by the United States in and to block 108, situated in the city of Houston, Tex.,

on the south side of Buffalo Bayou, and to make a quitclaim deed to the purchaser thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIVATE LAND CLAIMS.

The bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territory of New Mexico and in the State of Colorado was announced as next in order.

Mr. HAWLEY. If, as I understand, this House bill is proposed to be amended by substituting the old Senate bill that we have discussed so much, I think it can not be attended to in a five-minute debate.

The PRESIDING OFFICER. The Senator from Connecticut objects to the consideration of the bill.

Mr. HAWLEY. I understand the amendment proposed to this bill is the old Senate bill that was so much discussed concerning Mexican land grants.

Mr. RANSOM. The substitute is substantially the Senate bill. There is a difference in one respect as to the character of the tribunal before whom cases are to be tried.

Mr. HAWLEY. I am obliged to object because I am sure it can not be discussed under the five-minute rule.

Mr. RANSOM. I wish the Senator would allow the bill to be considered.

The PRESIDING OFFICER. The Senator from Connecticut objects, and the next House bill will be stated.

PAYMENT FOR A CONDEMNED ALLEY.

The bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493 was considered as in Committee of the Whole. It provides that of the surplus that has been covered into the Treasury of the sum appropriated by the act approved June 30, 1880, entitled "An act making appropriations for the District of Columbia for the year ending June 30, 1881," for amount due property owners for ground condemned and used for alleys, there be reappropriated so much as will be sufficient to pay, with interest at the rate of 6 per cent. per annum from August 6, 1870, to date the persons entitled to the amount awarded by the jury of condemnation for the land taken for an alley through square numbered 493, in the city of Washington, in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. NEWGENT.

The bill (H. R. 5212) for the relief of Andrew J. Newgent was announced as next in order.

Mr. COCKRELL. That is reported adversely and does not come under the rule.

The PRESIDING OFFICER. The Chair understands the bill, being reported adversely, ought not to have been called under this order, and therefore it retains its place on the Calendar.

Mr. COCKRELL. Certainly.

HEIRS OF WILLIAM R. M'KEE.

The bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.," was considered as in Committee of the Whole. It provides that the Commissioner of the General Land Office, to carry into effect the grant of one quarter-section each to the children of Col. William R. McKee, made in the second section of the act of which this is an amendment, shall issue to his surviving children and grandchildren, or the owners or holders thereof, other certificates for those they now hold, which new certificates they may enter and locate for themselves upon any lands in satisfaction of the grant of the class described in the act to which this is an amendment.

The bill was reported to the Senate without amendment.

Mr. HAWLEY. It is fair to say that the Senator from Vermont [Mr. EDMUNDS] objected to this bill when it was under consideration before, but he has told me since that he would make no further objection to it.

The bill was ordered to a third reading, read the third time, and passed.

HEIRS OF JOHN H. NEWMAN.

The bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, was considered as in Committee of the Whole. It recites that whereas it appears of record that at its December term, 1874, the Court of Claims, in the case of John H. Newman vs. The United States, rendered a judgment in favor of Newman for the proceeds of fifty bales of cotton, valued at $177.55 per bale, when, under the proof, the court adjudged that the claimant was entitled to the proceeds of two hundred and thirty bales; and therefore the bill directs the Secretary of the Treasury to pay to the legal representatives of John H. Newman, deceased, late of the county of Warren, Mississippi, $32,679.20, balance due on account of captured cotton, as shown by the opinion of the court in rendering the judgment; and that the amount be paid out of the proceeds of captured and abandoned property now in the Treasury; but a greater amount of money shall not be paid in satisfaction of this claim than the amount received and paid into the Treasury as the net proceeds of the sale of the cotton alleged to have been taken.

The bill was reported to the Senate without amendment.

Mr. SPOONER. I move to strike out the preamble.

The PRESIDING OFFICER. That will be in order after the passage of the bill.

Mr. GEORGE. If an amendment is made striking out the preamble the bill will have to go back to the House of Representatives.

Mr. SPOONER. Very well; I withdraw the motion.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

Mr. SPOONER. I do not desire to endanger the passage of the bill by insisting on the motion to strike out the preamble, and I therefore withdraw the motion.

The preamble was agreed to.

LANDS IN LOUISIANA.

The bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana, was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment to add the following proviso to the bill:

Provided, That the provisions of this act shall be limited to the lands claimed by actual settlers for purposes of cultivation whose titles are now incomplete, within the limits of the Donaldson and Scott, Daniel Clark, and Conway grants, and that after setting apart to each of said settlers not to exceed 160 acres, the residue of the public lands within said grants shall continue to be, as they are now, a part of the public domain: *And provided further*, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the acts of Congress granting swamp lands to the several States of the Union.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL were appointed.

HAYEM & TAYLOR.

The bill (H. R. 6394) for the relief of Hayem & Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Private Land Claims with an amendment, in line 12, after the word "their," to insert "co-tenants;" so as to make the bill read:

Be it enacted, etc., That all the right, title, claim, and interest of the United States to certain tracts of land in the parish of Iberia, in the State of Louisiana, and described as a tract of land near the town of New Iberia, in said State, and further described in the official maps of the General Land Office of the United States as section 13, township 11 south, range 6 east, late southwest district of Louisiana, containing 221.83 acres, be, and the same is hereby, granted and conveyed to Hayem & Taylor, successors of Hayem, Taylor & De Blanc, their co-tenants, successors, transferees, vendees, and assignees: *Provided*, That this shall have the effect only of a quit-claim of all the right, title, and interest of the United States therein, not to effect any valid adverse right or title to said land, nor create any liability on the part of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. GIBSON. The Senator from Nevada [Mr. STEWART] reported the amendment, which is found in line 12, to insert the word "co-tenants."

The PRESIDING OFFICER. That has been agreed to.

Mr. GIBSON. The Senator from Nevada stated to me that he was willing to withdraw that amendment. I have sent for him and suppose he will be in the Chamber in a moment. I ask that the bill be informally laid aside until he comes in.

The PRESIDING OFFICER. At the request of the Senator from Louisiana the bill will be informally laid aside until the Senator from Nevada comes in.

Mr. GIBSON subsequently said: The bill (H. R. 6394) for the relief of Hayem & Taylor was before the Senate and under consideration and I asked that it might be laid aside until the Senator from Nevada [Mr. STEWART] entered the Chamber. He is now present.

Mr. HARRIS. That bill has been reported to the Senate, and it is for the Senator from Nevada to say whether he wants the amendment concurred in or not.

Mr. STEWART. That amendment I should like to withdraw. We find on investigation that the amendment is not necessary, and I therefore ask leave to withdraw it.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE B. HANSELL.

The bill (H. R. 5336) for the relief of George B. Hansell was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George B. Hansell, of Washington, D. C., $373, or so much thereof as he may find to be required to pay the necessary and actual traveling expenses incurred by him in traveling from Sitka, Alaska, to Washington, after his discharge from the United States Revenue-Marine Service in 1870.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. BOYD.

The bill (H. R. 5888) for the relief of W. H. Boyd was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. H. Boyd, late a commissioned captain of the Eleventh Regiment of United States Colored Troops, the full pay and allowances of a captain from March 4, 1864, to October 20, 1864, less any moneys that may have been paid him by the United States for services rendered during that time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVOCATION OF WITHDRAWAL OF RAILROAD LANDS.

The next House bill on the Calendar was the bill (H. R. 11006) to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes.

Mr. PLUMB. The provisions of that bill have already been embodied in another bill, and it may as well go over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

UNION GAS COMPANY.

Mr. FRYE. The next bill on the Calendar, being the bill (S. 3472) to authorize the Union Gas Company to lay conduit pipes across the Ohio River, should be indefinitely postponed, as a bill for the same purpose has passed both Houses.

The PRESIDENT *pro tempore*. It will be so ordered.

JOHN FARLEY.

The bill (H. R. 341) for the relief of John Farley was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John Farley, of Madison County, Kentucky, $118.28, in full of the amount due him for commissary supplies furnished the Army of the United States in 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTTER CREEK LIGHT.

The next House bill on the Calendar was the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

Mr. FRYE. Let that bill be passed over for the present without prejudice. I should like to look at the amendments reported. Some of them have been disposed of.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

INSTRUCTIONS TO JURIES.

The bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That in all States wherein by the laws thereof judges of courts of record are required to reduce charges and instructions to juries in writing, judges of the district and circuit courts of the United States shall conform to such practice, and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files, and be a part of the record in each case.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I move that the Senate insist upon its amendment and ask a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WILSON of Iowa, Mr. EVARTS, and Mr. VEST were appointed.

S. DILLINGER & SONS.

The bill (H. R. 6591) for the relief of S. Dillinger & Sons was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to S. Dillinger & Sons, of Westmoreland County, Pennsylvania, $396.90, for stamps paid for distilled spirits on the 17th of June, 1881, which spirits were destroyed by fire on the same day, before the stamps were received at the distillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD LAND GRANT.

The next House bill on the Calendar was the bill (H. R. 9151) to forfeit certain lands granted to the Northern Pacific Railroad Company, and for other purposes.

The PRESIDENT *pro tempore*. This bill was read at length in Committee of the Whole on the 1st of October, 1888.

Mr. SHERMAN. I think that bill had better be passed over informally. I think the subject-matter is in conference, and this bill had better be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

SCHOOL FARMS IN BEAUFORT COUNTY, SOUTH CAROLINA.

The bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina, was considered as in Committee of the Whole. It extends for one year the time prescribed for the redemption of school farms in Beaufort County, South Carolina, by the act entitled "An act to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States," approved March 3, 1887.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN JONES.

The bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "Infantry," to strike out "and that he be mustered from" and insert "as a private mustered into the service on;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, directed to place the name of John Jones on the muster-rolls of Company B, Second North Carolina Mounted Infantry, as a private mustered into the service on the 12th day of October, 1863.

Mr. WALTHALL. The amendment only affects the phraseology of the bill and does not affect the substance. It may be withdrawn.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REV. WILLIAM GREGSTON.

The bill (H. R. 10481) for the relief of Rev. William Gregston was considered as in Committee of the Whole. It proposes to pay to Rev. William Gregston, of Caldwell County, Kentucky, $150 for a horse taken from him by the Army of the United States during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. HIATT & CO.

The bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes, was considered as in Committee of the Whole.

The preamble recites that in the year 1878 the Osage Indians were in a state of destitution and suffering for the actual necessaries of life owing to the inadequacy of the appropriation for them by Congress out of their fund, and that the tribe, by nearly if not quite all its chief councilors and headmen, appealed to the then Indian traders, J. M. Hiatt & Co., at the Osage agency (Pahuskey), Indian Territory, to extend to the Osages a credit of from eight to ten dollars per capita, promising payment out of their next annuity, which it was supposed would be ample for that purpose, which appeal was supported and the credit approved by Cyrus Beede, the then United States agent for the Osage Indians, as a matter of actual necessity; and that J. M. Hiatt & Co., pursuant to this appeal and relying thereon, did extend to the Osage Indians a credit aggregating $16,759.99, keeping a careful, just, and true itemized account of all goods sold to each head of a family and individual, the goods being sold under supervision and advice of Paul Akin, United States interpreter, Governor Joe, Sam Bevenue, chief of the half-breeds, and other chiefs and headmen, who were fully and freely consulted as to who were proper persons to receive credit and the amount thereof; and every precaution was taken to have the credit fairly distributed to all the members of the tribe. But the next annuity, instead of being $15 per capita, as had been expected, was reduced to a little over $3 per capita, so that the payment of the credit so extended was rendered impossible, and before the subsequent annuities were made sufficient for its payment, the Indian agent, Cyrus Beede, was superseded by an agent who, for unknown reason, resisted and defeated the payment of the credit out of the annuities; that afterward, in the summer of 1880, the account was settled and adjusted as to items and amount, after a long and careful examination thereof by the governor and head chiefs constituting the business committee of the tribe, and there was thereby found to be due the firm of J. M. Hiatt & Co. $16,759.99, and the governor and head chief requested the Secretary of the Interior to pay the same; and that by an act of the Forty-ninth Congress, approved July 14, 1886, the Secretary of the Treasury was authorized and directed to pay to J. M. Hiatt, only surviving partner of J. M. Hiatt & Co., late traders for the Osage tribe of Indians, out of any

money in the Treasury accruing to the Osage tribe under an act of Congress approved June 16, 1880, the sum of $16,759.99, or so much thereof as may be found actually due the claimant; and after an investigation of the facts the Secretary of the Interior, without having any valid evidence affecting or impairing the justness or correctness of the accounts and the amount due thereon, declined to certify any greater sum than $8,380, leaving still justly due the sum of $8,380, and J. M. Hiatt has since died and A. J. McCreary has been appointed his administrator. The bill therefore proposes to direct the Secretary of the Treasury to pay to A. J. McCreary, administrator of the estate of J. M. Hiatt, survivor of J. M. Hiatt & Co., late traders for the Osage tribe of Indians, the sum of $8,380, in full satisfaction of this demand against the Osage tribe of Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

ELLEN P. MALLOY.

Mr. COCKRELL. I wish to inquire about Order of Business 2442, being the bill (H. R. 6348) for the relief of Ellen P. Malloy, which was reported adversely. It is next on the Calendar.

Mr. BLACKBURN. I beg the Senator's pardon. It was reconsidered the next day, and reported favorably by the Senator from Arkansas [Mr. JONES], as I understand.

Mr. COCKRELL. The Senator from Arkansas reported that bill adversely and it was postponed indefinitely, and then it appears on the Calendar "reconsidered," but it does not say what the report was upon reconsideration.

Mr. JONES, of Arkansas. My impression is that there was a motion made to reconsider it for the purpose of bringing it back upon the Calendar. I do not remember making any favorable report in the matter, and I shall have to look to see. I ask that the bill be passed over for the present.

The PRESIDENT *pro tempore*. The record shows that the vote by which the bill was postponed indefinitely was reconsidered, and the bill placed on the Calendar with the adverse report of the committee.

Mr. JONES, of Arkansas. That is my recollection.

Mr. COCKRELL. Then the bill should not pass. I ask that it may be put back upon the Calendar.

Mr. BLACKBURN. I ask that it shall not be prejudiced, that it shall be placed on the Calendar without prejudice.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

HUDSON G. LAMKIN.

The bill (H. R. 9464) for the relief of Hudson G. Lamkin was considered as in Committee of the Whole. It proposes to pay to Hudson G. Lamkin, of Dearborn County, Indiana, late a private in Company D, Third Regiment of Indiana Volunteer Cavalry, $125 for a horse belonging to him which was lost in the service of the United States in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. H. BATES.

The bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia, was considered as in Committee of the Whole. It proposes to pay to F. H. Bates $300 in full for his services as military instructor at the Washington High School, in the District of Columbia, for the school term ending in June, 1884, one-half of the sum to be paid from the funds of the District of Columbia, and the other from the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JURISDICTION IN ALABAMA.

The next House bill on the Calendar was the bill (H. R. 4470) to regulate the jurisdiction of the United States district judges and of the courts over which they preside in the State of Alabama.

Mr. SHERMAN. I object to that.

The PRESIDENT *pro tempore*. Shall the bill be passed over without prejudice?

Mr. SHERMAN. It may be passed over without prejudice.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

ALFRED BREUER.

The bill (H. R. 2688) for the relief of Alfred Breuer was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove from the records the charge of desertion against Alfred Breuer, late of the United States Marine Corps; and thereupon he shall be restored to all rights and privileges as fully as if the charge of desertion had never existed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. C. NINDEMANN.

The bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy, was considered as in Committee of the Whole. It requires the proper accounting officers of the Treasury to readjust the accounts of William F. C. Nindemann, formerly a seaman in the Navy, serving on board the Arctic exploring steamer Jeannette, and to pay to him the difference between the pay of a seaman and the pay of a carpenter in the Navy, from the 29th of June, 1879, to the 1st of June, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MATHEWS AND OTHERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4581) for the relief of Thomas Mathews and others.

The PRESIDENT *pro tempore*. The bill has been previously considered as in Committee of the Whole and read at length.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOY APPRENTICES IN THE NAVY.

The bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy was considered as in Committee of the Whole. To encourage the enlistment of boys as apprentices in the United States Navy it authorizes the Secretary of the Navy to furnish as a bounty to each apprentice after his enlistment, and when first received on board of a training-ship, an outfit of clothing not to exceed in value $45.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. I offer certain papers in explanation of the bill just passed and ask that they be printed in the RECORD.

The PRESIDENT *pro tempore*. The papers will be printed in the RECORD, if there be no objection.

The papers are as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, January 17, 1889.

SIR: Referring to House bill No. 10652 to authorize the granting of an outfit of clothing to boys or apprentices enlisted in the United States Navy to serve until they shall become twenty-one years of age, I have the honor to submit, in addition to a copy of the letter of the Secretary of the Navy to the chairman of the Committee on Naval Affairs of the House of Representatives, the following extract from the report of the operations of the Bureau of Equipment and Recruiting, namely: "The question of allowing apprentices an outfit of clothing is again urgently recommended. These lads receive only small pay ($9, $10, $11 per month) during their training and when serving on board the regular cruisers, but the same rigid rule of neatness in dress required of others is applied to them. It often results, then, during their minority, that many of them hardly earn money enough to keep themselves properly clothed. But a greater trouble occurs when they begin their service and are compelled to draw an outfit of uniform clothing, which costs on the average about $45. As the regulations prohibit the issue of money to persons in debt, or any gratification of leave of absence on shore during the period of indebtedness, it results that these lads are kept confined to the ship in which they may serve, or within the limits of a shore command, until the debt to the Government is liquidated. The dispiriting effect of this upon young growing boys may be imagined, but to be deprived of a small amount of spending money and all liberty during this interval of indebtedness is so discouraging that desertion often happens with theft of outfit, which is generally disposed of in order to secure the means to get away. I would recommend, then, an allowance of $45 worth of clothing to be given each apprentice when regularly enlisted and installed on board the training-ship New Hampshire."

"NAVY DEPARTMENT, *Washington, March* 12, 1888.

"SIR: The Department has, in accordance with the request of the committee, considered the bill (H. R. 4350) by which it is proposed that any boy or apprentice on his enlistment for service in the Navy during minority shall be provided, at the expense of the Government, with an outfit of clothing not to exceed $45 in value.

"The Department is of the opinion that the bill referred to, if it becomes a law, will have a highly beneficial effect.

"First. It will tend to lessen temptations to desertion in this branch of the service.

"The law authorizes the enlistment, with the consent of parents or guardians, of minors between fourteen and eighteen years of age to serve during their minority. An outfit of bedding and clothing for each is indispensable and can not be furnished for less than about $45. The majority of those entering the service neither have nor can obtain the means to procure such outfit. They therefore become at once indebted to the Government to the extent of about $45, equal to five months' pay at the rate of $9 per month, which is the rate allowed until they are transferred to a cruising vessel, when it is increased to the extent of one or two dollars per month additional. As no pay can be drawn by an enlisted boy or apprentice until he shall have discharged the obligation thus incurred, he is practically deprived of pay for a period of about five months after he enters the service, and if during that period any addition to his original outfit is required, as is usually the case, such deprivation may continue for a period of seven or eight months after enlistment.

"Second. Privates in the Army and in the Marine Corps are allowed a certain limited amount of clothing, appropriated yearly, during their five years' service, and in view of the small pay of apprentices in the Navy it would seem that some similar allowance for clothing might properly be granted to them.

"Third. The number of apprentice boys accepted during the last year was 385. An allowance of $45 for the outfit of each would have required a total expenditure of $17,325. The law permits the acceptance of 750 boys and apprentices in each year, which, if that number were accepted, would involve an annual expenditure of $33,750, a sum comparatively small in view of the advantageous results which would probably be secured by an adoption of this measure.

"Very respectfully,

"W. C. WHITNEY,
"*Secretary of the Navy.*

"Hon. H. A. HERBERT,
"*Chairman Committee on Naval Affairs, House of Representatives.*"

Under present circumstances should a boy desert before liquidating his indebtedness by salary earned, the Government loses the amount due for clothing. Should the desertion occur almost immediately after the enlistment of the boy the whole value of the outfit is lost to the Government, so that the effect would be the same in either case. The main object sought, however, is to remove the discouraging effect of starting a young lad in the service handicapped by debt, which causes desertion and occasions the invention of some means of procuring money, which often results in the sale of their outfits.

It is believed that the effect of the bill would be to remove to a great extent the principal cause of desertion.

The matter of expense is stated in the letter of the Secretary to the chairman of the House Naval Committee.

I have the honor to be, very respectfully,

W. S. SCHLEY, *Chief of Bureau.*

Hon. EUGENE HALE, *United States Senate.*

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

The bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 8, line 6, after the word "passenger," to strike out "or" and insert "and twenty-five cents;" so as to make the section read:

SEC. 8. That for transportation on its railroad, or any part thereof, the said corporation shall have a right to charge and collect as toll and transportation charges at rates not exceeding 6 cents per ton of freight or 3 cents per passenger for each mile of transportation; but for any distance 10 cents may be charged for a passenger and 25 cents for any quantity of freight.

The amendment was agreed to.

The next amendment was, in section 9, line 3, after the word "proper," to insert "and as may be approved by the commissioners of the District of Columbia;" so as to make the section read:

SEC. 9. That the said railroad may be constructed with double tracks or single tracks, as the said corporation shall deem proper and as may be approved by the commissioners of the District of Columbia, and said corporation may construct and maintain along its line, or at the termini of its road, all wharves and other structures and works which shall be necessary for the purpose of its incorporation; but the land which it shall have a right to acquire for the construction of such road and works shall not exceed an amount to be hereafter agreed on between said corporation and the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 10, line 12, after the word "until," to strike out "all" and insert "half;" in the same line, after the words "paid up," to strike out "in full" and insert:

In cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

So as to make the proviso read:

Provided, That no bonds shall be issued until half of the capital stock of said company is paid up in cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

Mr. SPOONER. I hope that amendment will not be adopted. The terms of this bill were agreed upon by the stockholders and representatives of the two companies, and I think this provision, which provides a double liability, a liability of stockholders after having paid in full for their stock——

Mr. BUTLER. Will the Senator allow me? This amendment, I think, was offered by me, and if I caught the portion of the amendment read by the Secretary I shall withdraw that part of it.

The PRESIDING OFFICER (Mr. PALMER in the chair). Is the amendment withdrawn?

Mr. BUTLER. That portion of the amendment.

The PRESIDING OFFICER. The amendment will be read as it is intended to stand.

The CHIEF CLERK. In section 10, line 12, after the word "until," the committee report to strike out "all" and insert "half;" in the same line, after the words "paid up," to strike out "in full" and insert:

In cash, and the stockholders shall be held individually liable for the full amount of stock subscribed by them, respectively, until the same shall have been so paid up in full: *Provided further*, That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

Mr. BUTLER. The committee do not insist on that provision of the amendment.

The PRESIDING OFFICER. The amendment will be withdrawn.

Mr. BUTLER. On examination I see that I was under a misapprehension about that matter. I thought that the Secretary was reading my amendment, but it seems he was reading the text of the bill as reported by the committee, and therefore I withdraw any observations upon the subject.

The PRESIDING OFFICER. The amendment as reported will be agreed to, if there be no objection.

Mr. SPOONER. The amendments were reported by the committee, and of course can not be withdrawn by the Senator from South Carolina.

Mr. BUTLER. I was under a misapprehension.

The PRESIDING OFFICER. The amendment of the committee, the Chair understands, is agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. FARWELL, and Mr. FAULKNER were appointed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 3949) to enable the President to protect the interests of the United States in Panama;

An act (S. 3428) granting a pension to Mary C. Thompson; and

An act (S. 3116) granting an increase of pension to Thomas Wynne.

The message also announced that the bill (S. 3435) granting a pension to J. D. Haworth, having been presented to the President February 13, 1889, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

ORDER OF BUSINESS.

Mr. HOAR. I should like to inquire what became of Order of Business 2526, Senate joint resolution 129.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Chair is informed that the Senate is acting only on House bills.

Mr. CULLOM. I hope the bridge bills as they are reached will be passed, whether they be Senate or House bills.

Mr. COCKRELL. Let us go on with the House bills.

Mr. HARRIS. By unanimous consent we are considering House blls favorably reported on the Calendar.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation, reported it with amendments.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported it with an amendment.

BILLS INTRODUCED.

Mr. SPOONER introduced a bill (S. 3997) to provide for the more efficient enforcement of the laws of the United States relating to elections at which Representatives or Delegates in Congress are to be voted for, and for other purposes; which was read twice by its title, and referred to the Committee on Privileges and Elections.

He also introduced a bill (S. 3998) to punish offenses committed at elections at which Representatives or Delegates in Congress are to be voted for, and for other purposes; which was read twice by its title, and referred to the Committee on Privileges and Elections.

AMENDMENTS TO BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (S. 3777) to authorize the board of county commissioners of the county of Whitman, Washington Territory, to issue bonds and to build a court-house and jail, and to sell and acquire real estate for such purposes; which was ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the conference report submitted by Mr. CULLOM on the 5th instant on the amendment to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations was announced to be the next House bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 7, after the words "eighteen hundred and," to strike out "ninety-one" and insert "ninety-two;" and in line 17, before the word "thousand," to strike out "four" and insert "five;" so as to make the section read:

That the President is hereby authorized to nominate, and, by and with the advice and consent of the Senate, to appoint, three commissioners, one of whom shall be designated as chairman, and who shall hold their offices until the 31st day of December, 1892, when the same shall expire and all the functions and privileges thereof shall cease. If either of said commissioners shall not be so appointed during the present session of the Senate, the President may make such appointment during the recess thereof, but the appointee shall hold no longer than until the end of the next session thereafter ensuing, during which the President shall nominate to the Senate as aforesaid. In like manner any vacancy subsequently occurring shall be filled. Each commissioner so appointed shall receive a salary at the rate of $5,000 per annum. Each of said commissioners shall, before entering upon the duties of his office, take and subscribe the oath required by law.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "Indian," to strike out "depredations" and insert "depredation claims;" so as to read:

And such commissioners shall constitute a court to be known as the "court of Indian depredation claims," and as such shall possess jurisdiction and authority to inquire into and adjudicate, in the manner provided in this act, all claims of the following classes, namely.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "Congress," to strike out "remaining" and insert "now or hereafter;" so as to read:

First. All claims for Indian depredations authorized to be made or presented by any act of Congress, now or hereafter in force, to the Secretary of the Interior or to any.

Mr. PADDOCK. I ask that the amendment of the committee in line 7, striking out "remaining" and inserting "now or hereafter," be disagreed to.

Mr. DAWES. Those words were considered by the committee as equivalent to "remaining."

Mr. PADDOCK. I do not think they are sufficient, and I propose to further amend the clause. There is no law now in force upon which the commission could act. They would have no jurisdiction whatever over many cases.

Mr. DAWES. If it is claims authorized to be presented by any act of Congress remaining in force that means any existing law.

Mr. PADDOCK. All the law that is of any value whatever has been repealed. The material provisions of the act of 1834 were repealed by the act of 1859, which would leave the proposed commission entirely without jurisdiction in the great body of the cases.

Mr. DAWES. The Senator does not reach his idea by moving that the amendment be disagreed to, because he leaves in there——

Mr. PADDOCK. I propose when the amendment shall have been disagreed to to insert the word "heretofore," so as to cover whatever law may have been in force heretofore.

Mr. DAWES. Will the Senator state what he intends to do?

Mr. PADDOCK. My proposition will be to make the paragraph read:

First. All claims for Indian depredations authorized to be made or presented by any act of Congress heretofore, now, or hereafter in force, to the Secretary of the Interior or to any other officer of the Government.

Mr. DAWES. Then I suppose the Senator's amendment should be to strike out and insert.

Mr. PADDOCK. The word is already stricken out.

Mr. DAWES. It is not stricken out.

Mr. MITCHELL. Insert "heretofore" before "now."

Mr. DAWES. There is nothing stricken out. It is only recommended to be stricken out.

Mr. PADDOCK. Then first let the amendment be disagreed to.

Mr. STEWART. I move to amend the amendment by inserting "heretofore" before the word "now," in the seventh line.

Mr. PADDOCK. I will accept that amendment.

The PRESIDING OFFICER. The Senator from Nebraska accepts the amendment of the Senator from Nevada. The amendment will be stated.

The SECRETARY. In section 2, line 7, it is proposed to strike out the word "remaining" and insert "heretofore;" so as to read:

All claims for Indian depredations authorized to be made or presented by any act of Congress heretofore, now, or hereafter in force, to the Secretary of the Interior or to any other officer of the Government.

Mr. MITCHELL. I should like to suggest a further amendment to the Senator from Nebraska to insert, after the word "Congress" and before the word "heretofore," the words "or treaty;" so as to read:

Any act of Congress or treaty heretofore, now, or hereafter in force.

Mr. PADDOCK. I have no objection that that should be inserted if it is deemed essential.

The PRESIDING OFFICER. The clause will be read as it is proposed to amend the amendment of the committee.

The Secretary read as follows:

First. All claims for Indian depredations authorized to be made or presented by any act of Congress or treaty heretofore, now, or hereafter in force, to the Secretary of the Interior or to any other officer of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. PADDOCK] to the amendment reported by the Committee on Indian Affairs.

Mr. DAWES. Before the amendment to the amendment is voted on I should like to have the Senate understand the full force of that amendment. If it prevails the proposition is to pay out of the Treasury of the United States the amount that this commission may determine has been suffered by anybody at any time anywhere since the foundation of the Government, now a hundred years, at the hands of any Indian. If any Indian since the foundation of the Government has committed any depredation upon any white man, under that amendment the white man or his heirs, or whoever can remember anything about it, can bring that into the court, and if the court shall find that the man did actually suffer some wrong at the hands of that Indian a judgment must be rendered against the United States for it.

Mr. MITCHELL. I should like to ask the chairman of the Committee on Indian Affairs if it will be satisfactory to him to limit the provision so as not to run back further than the act of 1834?

Mr. HARRIS. I do not want to object to the consideration of the bill, but I rise for the purpose of suggesting to the Senator from Massachusetts, and other Senators taking an interest in it, to let it be informally passed over in order to see if those gentlemen who are taking an interest in the bill can not agree upon the exact form of amendment to be proposed.

Mr. MITCHELL. I think we are about to agree.

Mr. DOLPH. I should like to say to the Senator from Massachusetts that he is mistaken in regard to the scope of the bill. In the first place, commencing with the earliest legislation, no claims have ever been authorized to be presented to the Department or any officer of the Government except those for depredations committed by Indians in amity with the United States; that is, having treaty relations. So this proposed amendment to the amendment would not include all that large class of depredations committed by Indians who were not in treaty relations with the United States.

Then, from the very first Congress, I think, after the Constitution was adopted until 1859 all claims covered by this section were authorized to be presented. Further than that, the law provided that the Government of the United States guarantied eventual indemnity to the parties, and has always prevented them from attempting to obtain redress themselves by going on the reservations and seeking to obtain redress from the Indians. So the amendment to the amendment would only include the claims which were allowed to be presented under the existing laws from——

Mr. HARRIS. In order to get recognition I will interpose my objection to the bill.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. DOLPH. I do not yield.

Mr. HARRIS. Under the rule under which we are acting it does not require the Senator to yield. I have a right to object at any time.

The PRESIDING OFFICER. Does the Senator from Tennessee object?

Mr. HARRIS. I will say to the Senators interested in this measure that I would be glad to have it informally passed over so that at the instance of the Senator from Massachusetts it can be called up at such time as may be convenient.

Mr. DOLPH. I submit the question of order as to whether the Senator from Tennessee has a right to take a Senator off the floor.

Mr. HARRIS. I have a right under Rule VIII to object at any stage of the proceeding, and I now object unless the Senators accept the suggestion that I have made.

Mr. DOLPH. I have nothing to do with accepting suggestions. I have not charge of the bill. I simply raise the point of order for the decision of the Chair, if an objection is in order at this time. While a Senator is addressing the Chair can another Senator get the floor for the purpose of objecting?

The PRESIDING OFFICER. Under the agreement made by unanimous consent this morning, as the Chair understands, the Senator from Tennessee has a right to object at any stage of the proceeding.

Mr. PADDOCK. Not to take a Senator off his feet.

The PRESIDING OFFICER. The Chair understands that debate was limited to five minutes on each particular bill.

Mr. DOLPH. I have not spoken five minutes.

The PRESIDING OFFICER. That being the case, if more time is being taken, any Senator has a right to object.

Mr. DOLPH. I do not understand that that can be done when a Senator is allowed to speak for five minutes and but once under that rule. I appeal from the decision of the Chair.

Mr. DAWES. I ask that the bill may be informally passed over with the understanding that I may call it up at a favorable opportunity at an early day.

Mr. HARRIS. I shall be glad to consent to that.

Mr. PADDOCK. I hope the Senator will simply request that the bill may be informally laid aside with the understanding that at the earliest moment it will be called up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts that the bill be informally laid aside? The Chair hears no objection, and it is so ordered.

Mr. DOLPH. What does the Chair do with my appeal from the decision of the Chair?

The PRESIDING OFFICER. Does the Senator from Oregon desire to appeal from the decision of the Chair?

Mr. DOLPH. I do appeal from the decision of the Chair. I had the floor in order.

The PRESIDING OFFICER. Will the Senator from Oregon state the character of the appeal?

Mr. DOLPH. We are proceeding now under Rule VIII. The bill was up for consideration. I came into the Senate and obtained the floor. I was recognized by the Chair. I was proceeding to speak. I had spoken less than a minute. I was entitled to speak five minutes under the rule. The Senator from Tennessee objected to the consideration of the bill. I have no doubt of his right to object, but the point I raise is that he can not interrupt me by addressing the Chair while I have the floor and objecting to the consideration of the bill unless I yield to him for that purpose.

The PRESIDING OFFICER. As the Chair understood the agreement this morning, only five minutes was to be allowed for debate on any particular bill. The Chair acknowledges itself to have been in error if that was not the agreement.

Mr. DOLPH. The rule is that each Senator is limited to five minutes. The Chair admitting himself to have been in error, I withdraw the appeal.

Mr. HARRIS. I desire to call the attention of the Chair to this language in Rule VIII:

And the objection may be interposed at any stage of the proceedings.

I think that is quite broad enough to authorize the objection to come in at any moment, or at any stage, or in any condition of business.

Mr. MITCHELL. The regular order.

Mr. HARRIS. The appeal is debatable.

The PRESIDING OFFICER. Does the Senator from Oregon wish to go further? The Chair would rule that under Rule VIII the Senator from Tennessee had a right to object.

Mr. DOLPH. I then appeal from the decision of the Chair. The Chair has changed his opinion on the question.

Mr. BUTLER. The Senator from Oregon withdrew the appeal. The Senate is wasting a good deal of time upon this point, it seems to me.

The PRESIDING OFFICER. Does the Senator from Oregon insist upon an appeal from the decision of the Chair?

Mr. BUTLER. I trust the Senator will withdraw the appeal and settle it some other time.

Mr. DOLPH. I will put it later, if——

Mr. DAWES. If the Senator will indulge me a moment, I will state that his appeal rests upon the distinction between taking a Senator off the floor and the meaning of "any stage of the proceedings." The phrase "stage of the proceedings" has a technical meaning, and it is quite different from the authority to take a Senator off the floor. But I think as this case is disposed of for the present, that the Senator from Oregon will not insist upon an appeal.

Mr. DOLPH. I do not agree with the ruling of the Chair, but I will withdraw the appeal now pending.

The PRESIDING OFFICER. The Senator from Oregon withdraws his appeal. The next House bill on the Calendar will be stated.

THE ELEVENTH CENSUS.

The bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses was announced as next in order.

Mr. HARRIS. The Senator from Maine [Mr. HALE] who reported the bill not being in his seat, I ask that it be informally passed over, subject to the call of that Senator.

The PRESIDING OFFICER. If there be no objection, the bill will be informally passed over.

Mr. COCKRELL. That bill has been passed already, has it not?

The PRESIDING OFFICER. The Chair thinks the Senator from Tennessee has been misinformed in regard to the bill.

Mr. HARRIS. I am informed by the Clerks that the bill has been already passed, but still remains on the Calendar. So let it go over.

The PRESIDING OFFICER. The next House bill on the Calendar will be stated.

J. M. HOGAN.

The bill (H. R. 4489) for the relief of J. M. Hogan was considered as in Committee of the Whole. It proposes to pay the claim of J. M. Hogan, of Stockton, Cal., for loss of property in consequence of depredations committed by Snake or Shoshone Indians in the year 1861 while *en route* through the Territory of Utah to the State of California, and appropriates $6,600 for the purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORIDA STATE CLAIM.

Mr. CALL. The next Order of Business is the bill (S. 746) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

Mr. BLACKBURN. But we are only dealing with House bills.

Mr. HARRIS. That bill was excepted from the unanimous-consent rule.

Mr. COCKRELL. I shall be compelled to object to that bill unless it is laid aside informally until the House bills can be considered. There was no unanimous consent given that that bill should be acted upon. The unanimous consent was that it should be called in its order. It is a long bill and we can get through with the House bills and also with that bill this evening. I have no objection to its being called up just as soon as the House bills on the Calendar are disposed of.

The PRESIDING OFFICER. Does the Senator from Florida insist?

Mr. CALL. I shall be perfectly content to accept an arrangement of unanimous consent by which this bill may be called up at the conclusion of the House bills on the Calendar. If that can be understood, I shall be very glad.

The PRESIDING OFFICER. The next House bill on the Calendar will be announced.

H. L. NEWMAN.

The bill (H. R. 766) for the relief of H. L. Newman was considered as in Committee of the Whole. It proposes to pay, out of any money that may hereafter be appropriated for the use and benefit of the Arapaho and Kiowa Indians, to H. L. Newman $3,450, in full satisfaction for claims against those Indians for property destroyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF H. CORTHS, DECEASED.

The bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased, was considered as in Committee of the Whole. It proposes to refer the claim of the legal representatives of H. Corths, deceased, and late of Ballard County, Kentucky, for quartermaster's stores and commissary supplies alleged to have been taken and used by the United States Army during the late war, from the farm of Corths, in Ballard County, Kentucky, to the Quartermaster-General, who shall investigate the justice and legality of the claim and report the value of the stores and supplies taken and used by the Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTTER CREEK AND OTHER LIGHTS.

Mr. FRYE. I desire to go back to Order of Business 2339, being the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I desire to withdraw all the amendments to the bill. Let the original bill be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That a light be established at or near the mouth of Otter Creek, Lake Champlain, in the State of Vermont, at a cost not to exceed $1,000.

Mr. FRYE. Instead of the amendments reported from the Committee on Commerce, I desire to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The better way would be to disagree to all the amendments of the committee. The amendments reported by the committee will be disagreed to if there be no objection.

Mr. FRYE. I now move to add to the bill:

Also, that a first order light-house be constructed on Gray's Harbor, Washington Territory, and a site be purchased therefor at a cost not exceeding $60,000 for both.

Also, that a site be purchased and a light-house and fog-signal be constructed on Patos Island, Washington Territory, at a cost not to exceed $12,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. FRYE, the title was amended so as to read: "A bill for establishing a light at the mouth of Otter Creek, Lake Champlain, and for other purposes."

Mr. FRYE. I move that the Senate request a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. CULLOM, and Mr. RANSOM were appointed.

WILLIAM H. TABARRAH.

The bill (H. R. 948) for the relief of William H. Tabarrah was considered as in Committee of the Whole. It proposes to correct the record of William H. Tabarrah, late a sergeant in Company F, Ninety-sixth Regiment New York Volunteers, so that the same shall show him to have been discharged for gunshot wound of right thigh received in action, instead of the record now made.

Mr. EDMUNDS. Let us hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS February 1, 1889:

The Committee on Military Affairs, to whom was referred the bill (H. R. 948) for the relief of William H. Tabbarrah, report:

The report upon this bill made by the House Committee on Military Affairs

sets forth with sufficient fullness the grounds upon which this application is based. Your committee adopt that report, and recommend the passage of the bill.

[House of Representatives. Report No. 2188. Fiftieth Congress, first session.]

The records of the War Department show that William H. Tabbarrah, late sergeant of Company F, Ninety-sixth Regiment New York Volunteers, was discharged February 27, 1863, at convalescent camp, Alexandria, Va., on surgeon's certificate of disability by reason of tuberculosis contracted after enlistment. (See record hereto annexed.)

The evidence before the committee shows that the discharge of the said Tabbarrah for the cause stated was erroneous; that he was not disabled by reason of tuberculosis at the time of his discharge, but was disabled by reason of wounds received in the service, and that the cause assigned for his discharge should have been on account of gunshot wound. (See affidavits hereto annexed.)

The committee recommend that the bill pass with the following amendment: Strike out in line 4 of the bill, where the same occurs, the word "private" and insert in lieu thereof the word "sergeant."

WAR DEPARTMENT, *Washington City, April 20, 1888.*

SIR: In reply to your request of the 15th ultimo for information upon House bill 948, Fiftieth Congress, first session, to provide for correction of the record of William H. Tabbarrah, late of Company F, Ninety-sixth New York Volunteers, so as to show him discharged for wound, I have the honor to inclose a report of the 18th instant from the Adjutant-General, which, it is believed, furnishes the information requested.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs,
House of Representatives.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 18, 1888.

SIR: I have the honor to return House bill 948, Fiftieth Congress, first session, authorizing the Secretary of War to correct the record of William H. Tabbarrah, late a private in Company F, Ninety-sixth Regiment New York Volunteers, to show him to have been discharged by reason of gunshot wound of right thigh, received in action, instead of the record now made, transmitted by the chairman of the House Committee on Military Affairs, and in compliance with instructions to report as follows:

The records of this office show that Sergeant William H. Tabbarrah, Company F, Ninety-sixth New York Volunteers, was enrolled October 25, 1861, mustered in November 15, 1861, and present for duty to April 30, 1862. On roll for June, 1862, he is reported absent, in hospital at Annapolis, Md.; wounded at the battle of Fair Oaks, May 31, 1862. On June 3, 1862, he was admitted to the general hospital at Annapolis, Md., with gunshot wound, location not stated, and was treated until December 18, 1862, when he was returned to duty and sent to his regiment. While en route to his regiment he was examined by the medical board at Convalescent Camp, near Alexandria, Va., February 14, 1863, and discharged February 27, 1863, at said camp on surgeon's certificate of disability by reason of tuberculosis contracted since enlistment.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM, *Adjutant-General.*

The SECRETARY OF WAR.

To the Adjutant-General United States Army, etc.:

CLINTON COUNTY, *New York, ss:*

William H. Tabbarrah, being duly sworn, says that he resides at Plattsburgh, N. Y., and was a sergeant in Company F, Ninety-sixth New York Volunteers, in the late war, and now draws a pension for gunshot wound of right thigh, by pension certificate No. 13583, which wound was received at the battle of Fair Oaks, May 31, 1862.

Deponent further states that he has made application for a bounty by reason of being discharged for wounds; and the same has been denied upon the ground that the record shows that deponent was discharged for difficulty of the lungs, when, in fact, deponent has never had difficulty of the lungs at all, and was discharged solely on account of said wound and for no other cause whatever, to defendant's knowledge; and deponent respectfully asks that upon the evidence on file upon his application for pension, and in other records contained, and that herewith submitted, said records be corrected and made to show that he was discharged for gunshot wound, as he in fact was.

WM. H. TABBARRAH.

Sworn to and subscribed before me this 15th day of January, 1883.

F. F. HATHAWAY, *Notary Public.*

STATE OF NEW YORK, *Clinton County, ss:*

James M. Fulton, being duly sworn, says that his residence and post-office is Beekmantown, Clinton County, New York, and has resided there and been a practicing physician and surgeon in said county for forty-three years last past; that his age is now sixty-nine years. Deponent further says that he is and has been for about twenty-seven years last past well acquainted with William H. Tabbarrah, and knew him well, both before his enlistment in the Ninety-sixth Regiment of New York Volunteers and after his discharge and return home from said service, and since said Tabbarrah's discharge deponent has been his family physician until said Tabbarrah removed from Beekmantown aforesaid to Plattsburgh, upon his appointment as keeper of the light-house upon Cumberland Head, in said town, upon the west shore of Lake Champlain, which position said Tabbarrah still holds. Deponent further says that shortly after said William H. Tabbarrah's discharge, in the spring of 1863, deponent saw him and knows that said Tabbarrah was badly wounded in his right thigh, and deponent aided in dressing said wound and in searching for the ball, and deponent knows that said wound has made said Tabbarrah a cripple ever since.

Deponent further says that in all his attendance upon said Tabbarrah deponent has not known him to have any difficulty of the lungs nor disease of the lungs of any kind, more than perhaps a cold or some little ailment of that sort, and deponent knows that when said Tabbarrah returned from the war he had no lung trouble whatever. Deponent further says that he has no interest in said Tabbarrah's matters, either pension, bounty, or otherwise; and further saith not.

J. M. FULTON, M. D.

Sworn to and subscribed before me this 16th day of January, 1883, and I certify that said witness is a physician in good standing in his profession, and entitled to full credit.

JAMES J. BROWN,
Justice of the Peace.

STATE OF NEW YORK, *Clinton County, ss:*

Romeo Hyde, of Beekmantown, in said county, being duly sworn, says that his age is thirty-nine years; that he is well acquainted with William H. Tabbarrah, who was formerly a sergeant in Company F of the Ninety-sixth Regiment New York Volunteers, of which deponent was also a member in the late war, and deponent knew him well while in said regiment. Deponent further says that he saw said Tabbarrah within a very few days after the battle of Fair Oaks in May, 1862. Deponent saw him one of the first days in June at White-house Landing upon a stretcher badly wounded, and deponent knows that at that time and all through said service, so far as deponent knew at the time and since, said Tabbarrah has had no difficulty of the lungs, but his trouble has always been since the war his said wound.

Deponent further says that he is himself now a regular practicing physician in said town of Beekmantown and has been for about fourteen years last past, and has often seen said Tabbarrah in those years, as said Tabbarrah married his wife from a family residing in the same village with deponent, and deponent has never known or heard that said Tabbarrah had any lung difficulty, but has no doubt whatever but what his discharge from the service was wholly on account of said gunshot wound, from which he ever since has been and still is badly crippled and disabled; and further deponent has no interest whatever in said matter.

ROMEO HYDE.

Sworn to and subscribed before me this 16th day of January, 1883, and I certify that said witness is a physician in good and regular standing in his profession and entitled to full credit.

JAMES J. BROWN,
Justice of the Peace.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GRAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11165) for the relief of John Gray.

The bill was reported from the Committee on Military Affairs with an amendment in line 4, after the words "pay to," to strike out "John Gray" and insert "Mary Gray, the widow of John Gray;" so as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to Mary Gray, the widow of John Gray, late major of the One hundred and seventy-fifth New York Volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a major of infantry from the 19th of November, 1862, the date he received his commission as major from the governor of the State of New York, to the 17th day of January, 1863, the date he is borne upon the record as having been mustered into the service as major of said regiment.

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report submitted by Mr. DAVIS February 1, 1889:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11165) for the relief of John Gray, report:

The Committee on War Claims of the House of Representatives submitted the following report on this case:

"This is a claim for pay for services rendered prior to muster by John Gray, formerly major of the One hundred and seventy-fifth Regiment New York Volunteers.

"The claimant applied to the War Department for relief, and was denied in 1886 for the reason that 'his muster into service as major January 17, 1863, recognized him from the earliest date by completion of his command.'

"The proof shows that John Gray was commissioned major of the One hundred and seventy-fifth Regiment New York Volunteers on the 19th of November, 1862, by the governor of New York, and served in that capacity without pay until January 17, 1863.

"Having obtained the benefit of Gray's services, the Government ought not to set up a technical plea in bar of its obligation to make compensation therefor, and your committee are of opinion that payment should be made to Maj. John Gray.

"Your committee report back the bill and recommend its passage."

Further inquiry into the facts discloses a somewhat peculiar history of this regiment. As the companies were raised, and before regimental muster, they were evidently hastily sent from New York to the following places: Company A to Newport News, Va., where it was mustered November 20, 1862; Companies B and C to the same place, where they were mustered December 27, 1862; while Companies D, E, H, I, and K were sent to Carrollton, La., where they were mustered January 17, 1863. None of the companies had the minimum number at date of the above musters. On January 12, 1863, the One hundred and seventy-fifth New York was assigned at Carrollton to a brigade to be commanded by Brig. Gen. Michael Corcoran, but in the order the regiment was mentioned as being "part at Carrollton," thereby indicating that Companies A, B, and C, which had been mustered in at Newport News, Va., had not at that date joined the five other companies. It would seem by the information conveyed to your committee by the War Department that the companies composing this regiment were finally brought together at Carrollton, January 17, 1863, when John Gray was mustered into the service as major, with field and staff, at Camp Kearney, at that place. The scattering of the companies under the exigencies of that time prevented earlier muster as a regiment. Gray served in the capacity of major from November 19, 1862, up to the time of actual muster, such service being in Virginia and afterwards in the so-called "Banks expedition," and was very arduous in its character.

Under the provisions of War Department General Order No. 61, of 1861, the major of a regiment of infantry volunteers was entitled to muster into the service of the United States only on completion of six companies of the organization for which commissioned, and each company was considered as completed either from the date it was recruited to the minimum number, or if not so recruited, from the date of its actual muster into service.

Major Gray has died during the pendency of this bill, and its passage is recommended, with the following amendments:

Amend the title so that it will read: "An act for the relief of Mary Gray, widow of John Gray."

Insert after the word "to," in line 4, the words "Mary Gray, the widow of."

Mr. EDMUNDS. When I asked for the reading of the report I was under the impression that possibly this was one of a very large class of cases where by the regulations of the Department of War authorized by law field officers could not be mustered until the regiment was up to a certain strength. I perceive, if I correctly understand the report, that it does not fall within that class, and that the failure to muster

was not owing to the circumstance that enough recruits or volunteers altogether had not been obtained to make a mustering regiment, but that it was on account of the dispersion of the companies under orders into various places. That being so, I have no criticism to make upon the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mary Gray, the widow of John Gray."

Mr. DAVIS. I move that the Senate request a conference with the House on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. STEWART, and Mr. BATE were appointed.

SALE OF LANDS IN KANSAS.

The bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 4, after the words "convey to," to strike out:

"The Methodist College Association of Southwestern Kansas," a corporation duly chartered by the laws of the State of Kansas, at the rate of $1.25 per acre, the following described real estate, being Osage Indian land, situated in Ford County, Kansas, to wit: Lots Nos. 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west. And the Secretary of the Interior is hereby directed to cause the improvements on said land to be appraised and sold under such directions as he may prescribe: *Provided*, That said Methodist College Association shall within five years after the passage of this act begin in good faith the construction of buildings upon said land for the purposes herein set forth.

And in lieu thereof to insert:

The State of Kansas the following-described lands, being the remaining portion of the Fort Dodge military reservation in said State, to wit: Lots numbered 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west, on condition that said State shall, within twelve months from the passage of this act, pay or cause to be paid therefor the sum of $1.25 per acre, and shall within three years establish and provide for the maintenance thereon a home in which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines, who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, under such rules and regulations as said State may provide.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to sell and convey to the State of Kansas the following-described lands, being the remaining portion of the Fort Dodge military reservation in said State, to wit: Lots numbered 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west, on condition that said State shall, within twelve months from the passage of this act, pay or cause to be paid therefor the sum of $1.25 per acre, and shall within three years establish and provide for the maintenance thereon a home in which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines, who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, under such rules and regulations as said State may provide.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein."

Mr. HARRIS. The Senator from Kansas [Mr. PLUMB], who reported the bill, not being present, I move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. TELLER, and Mr. COCKRELL were appointed.

CORPORATIONS AS SURETIES.

The bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 3, after the word "whenever," to strike out "by the laws of the United States" and insert "in any cause pending in any court of the United States;" in line 6, after the word "with," to strike out "or without sureties" and insert "surety;" in line 7, after "any," to strike out "trust, office, or;" in line 8, after the word "duty," to strike out "or for the doing or not doing" and insert "or the doing or refraining from doing;" and in line 9, after the word "anything," to strike out "in said bond, stipulation, or undertaking specified;" so as to read:

That whenever in any cause pending in any court of the United States any person or corporation is required or permitted to make, execute, and give bond, stipulation, or undertaking, with surety, conditioned for the faithful performance of any duty, or the doing or refraining from doing of anything.

The amendment was agreed to.

Mr. VEST. I did not choose to interrupt the reading of the bill, but I suppose this is about as appropriate a time as any for me to state that this bill comes from the Committee on the Judiciary, and it is not unanimously reported. There was a minority of that committee opposed to the bill. I am opposed to its passage, and I wish to give my reasons.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to its consideration?

Mr. VEST. I shall object to its consideration?

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri, was read twice by its title, and referred to the Committee on Printing.

CHAMBERS & BROWN.

The bill (H. R. 329) for the relief of Chambers & Brown was considered as in Committee of the Whole. It proposes to pay to Henry Chambers and George G. Brown, partners, trading and doing business under the name, firm, and style of Chambers & Brown on the 14th of August, 1874, at 299 West Main street, Louisville, Ky., $270, being the amount overpaid by them for special licenses in the year 1874.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER February 9, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 329) for the relief of Chambers & Brown, having had the same under consideration, respectfully report:

The facts upon which the claim in this case is based are set forth in the following letter of claimants and the letter of the collector of the fifth Kentucky district:

"LOUISVILLE, KY., *February* 13, 1880.

"DEAR SIR: We inclose a letter from Collector Buckner, showing that in May, 1874, the firm of Brown, Chambers & Co. paid for United States licenses as wholesale and retail liquor dealers and rectifiers the sum of $325 to cover the period from May 1, 1874, to April 30, 1875.

"On July 1, 1874, the firm of Brown, Chambers & Co. was dissolved by the withdrawal of I. T. S. Brown, the remaining members continuing in business under the firm name of Chambers & Brown.

"By the ruling of the then Commissioner of Internal Revenue we were compelled to take out new licenses covering the period from July 1, 1874, to April 30, 1875, and pay therefor the sum of $270.83, thereby paying twice for licenses for a period of ten months.

"An act of Congress was passed and approved March 1, 1879, to refund such duplicate collections, provided, as we understand the act, they had been made within a period of three years previous to the passage of this act; consequently our case does not come within the limit of time prescribed by this act, and the Commissioner has no authority to pay it.

"It is clear that we were compelled to pay to the Government $270.83 by the ruling of the Commissioner which by subsequent act of Congress seems to have been considered unjust, yet no recourse is given us simply from the fact that the payment was made in 1874 instead of 1876 or later.

"The amount claimed is manifestly due us, and our only relief is through our Representative in Congress. Can you do anything for us?

"Yours, very respectfully,

"CHAMBERS & BROWN.

"Hon. A. S. WILLIS, M. C.,
"*Washington, D. C.*"

"UNITED STATES INTERNAL REVENUE,
"COLLECTOR'S OFFICE, FIFTH DISTRICT, KENTUCKY,
"*February* 12, 1880.

"GENTLEMEN: In reply to your inquiry of to-day, I have to say that on the 27th day of May, 1874, Brown, Chambers & Co., 299 West Main street, Louisville, Ky., paid special taxes as wholesale and retail liquor dealers and rectifiers for year ending April 30, 1875, paying therefor the sum of $325.

"Also, that on the 14th day of August, 1874, Chambers & Brown, 299 West Main street, Louisville, Ky., paid special taxes as wholesale and retail liquor dealers and rectifiers, paying therefor $270.83. The change of firm from Brown, Chambers & Co. to that of Chambers & Brown was caused by the retirement of one of the firm, namely, I. T. S. Brown.

"Respectfully,

"JAMES F. BUCKNER, *Collector.*

"Messrs. CHAMBERS."

The committee addressed a letter to the Commissioner of Internal Revenue and received the following reply:

"TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
"*Washington, January* 23, 1889.

"SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing H. R. bill 329, for the relief of Chambers & Brown, and report of House Committee on Claims.

"Referring to the statement of Messrs. Chambers & Brown, printed in the report of the committee, that an act of Congress was passed and approved March 1, 1879, to refund such duplicate collections, and to your request that I inform you as to the amount of duplicate collections that were made and not refunded under the said act, I have to state that none of the provisions of the act of March 1, 1879, refer to or authorize the refunding of special taxes collected from surviving members of firms which dissolved before the expiration of the term for which special tax had been paid by said firms.

"Under date of June 12, 1873, the following ruling of this office was issued in Circular 109 and forwarded to collectors of internal revenue, namely:

"'Every change of firm whereby a former partner retires from the same or a new partner is admitted constitutes, in contemplation of law, a new firm, liable to new special tax for the unexpired portion of the year for which the same has been paid by the original firm, which should be collected from the first day of the month in which the change occurs.'

"This ruling remained in force and such taxes were collected until March 4, 1879, when, in consequence of a decision of the Supreme Court in the case of the United States *vs.* Adam Glab, decision No. 178, dated March 4, 1879, inclosed, modifying the ruling of this office to the extent stated therein, was issued to collectors, and the collection of special taxes has since been made in conformity therewith.

"In the case of Messrs. Chambers and Brown, the facts are that on July 14, 1879, they presented a claim for the refunding of $270.83, special taxes paid on August 14, 1874, as successors of the firm of Brown, Chambers & Co., for the remainder of the period for which the firm had paid special tax. The claim was rejected for the reason that it was barred by the provisions of section 17 of the act of March 1, 1879, not having been presented within three years after the purchase of the stamps.

"In view of the decision of the Supreme Court before mentioned I have no objection to urge against the granting of the relief asked for by Messrs. Chambers and Brown.

"Respectfully, yours,

"E. HENDERSON, *Acting Commissioner.*"

"Hon. CHARLES J. FAULKNER,
"*Committee on Claims, United States Senate.*"

Your committee are of opinion that the relief asked should be granted, and therefore recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. HOWSE AND LULA H. HOWSE.

The bill (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse was considered as in Committee of the Whole. It proposes to pay to Mary Alice Howse and Lula H. Howse, heirs at law of John C. Howse, deceased, late of Rutherford County, Tennessee, $10,975, being the amount allowed by the Quartermaster-General for quartermaster's stores taken and used by the Army, and provides that the payment of $10,975 shall be a full and complete settlement of all claims against the United States, of every kind and character, arising out of the appropriation and use by the Army of supplies or stores from the claimants.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER February 9, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 565) for relief of heirs of John C. Howse, submit the following report:

The committee has carefully examined the record as set forth in the Report No. 96 of the House, and finds that the conclusions reached in that report are fully sustained by the evidence, and the same is therefore adopted as the report of this committee. It is as follows:

"This case was considered by the Committee on War Claims of the Forty-ninth Congress, whose report is as follows:

"[House Report No. 2516, Forty-ninth Congress, first session.]

"The Committee on War Claims, to whom was referred the bill (H. R. 4292) for the relief of the heirs of John C. Howse, deceased, submit the following report:

"The claim presented embraces items for quartermaster's stores stated at $20,197; for commissary supplies, $3,645; total, $23,842.

"The claims were presented, under the act of July 4, 1864, to the Quartermaster-General, United States Army, and to the Commissary-General of Subsistence, United States Army. That portion of the claim embracing subsistence supplies was considered by the Commissary-General of Subsistence, July 23, 1868, and rejected because, as was decided by the Commissary-General, 'it was a case requiring special or further legislation for its settlement.'

"That part of the claim embracing quartermaster's stores was considered by the Quartermaster-General, April 16, 1867, and the following decision was rendered:

"QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 16, 1867.

"SIR: I have the honor to return, with report, a claim in favor of Martha L. Russell, Rutherford County, Tennessee, for value of 15 horses, $1,875; 10 mules, $1,300; 4,000 bushels of corn, $4,000; 38 stacks of fodder, $570; and 3,500 cords of wood, $10,500, referred to this office by the War Department, February 19, 1867 ($18,245). It is stated by the claimant in her application that these stores were taken and used by the United States forces of the Twenty-first Army Corps, under General Crittenden, which was encamped on her premises near Murfreesborough, Tenn., during the battle of Stone River, on or about December 30, 1862.

"The evidence of former officers of the corps, including the affidavit of L. Russell, assistant surgeon Second Kentucky Volunteer Infantry (now the husband of claimant); George W. Griffith, brevet major Second Kentucky Cavalry; Capt. E. A. Otis, assistant adjutant-general, and Capt. I. R. Paul, commissary of subsistence, together with the testimony of other credible witnesses, is presented in support of the claim. The officers referred to respectively state that they were present and witnessed the occupation of the plantation by the forces under General Crittenden; that the hospitals and corps headquarters were established there; that the Army was then in need of supplies, and that everything necessary found on the premises was taken and applied to the use of the command.

"It is stated in evidence, in explanation of the reason why receipts were not issued, that the proper officers were not accessible to claimant, who was then a widow, and that the sudden movement of the troops precluded the possibility of their being obtained.

"Affidavits of citizens of the vicinity, certified to be credible, are also presented in proof of the loyalty of claimant and the justice of her claim.

"The case was referred by this office, February 21, 1867, to Bvt. Brig. Gen. Thomas Swords, assistant quartermaster-general, for special investigation and report as to the merits of the charges for the quartermaster stores mentioned.

"Capt. E. B. Kirk, assistant quartermaster-general, United States Army, as is shown by indorsement of General Swords, was detailed to proceed to Murfreesborough and make a special and thorough investigation of all the facts in the case. His report has been forwarded and is as follows:

"OFFICE ASSISTANT QUARTERMASTER,
"*Nashville, Tenn., March* 31, 1867.

"Respectfully returned to Brigadier-General Swords, assistant quartermaster-general.

"Upon a full personal investigation of the inclosed claim of Mrs. Russell, I have the honor to report that the commands specified within did actually occupy her plantation as stated, and from all the evidence I have been able to obtain it is my opinion that all the property for which this claim is made was taken by the United States Army.

"I find that about 1,060 cords of wood mentioned within were fence-rails, being some 89,000 in number; twenty-six log cabins torn down and burned would average 5 cords per building; the balance of the wood was in the tree and was not worth over $1 per cord. Corn was not worth over 75 cents per bushel at that time. The prices charged for the horses, mules, and fodder are considered reasonable and just.

"I would respectfully recommend that this claim be allowed on the basis of this indorsement.

"E. B. KIRK,
"*Assistant Quartermaster, United States Army.*

"I respectfully recommend the following allowance for such of the items as are properly chargeable to this department:

For 15 horses	$1,725
For 10 mules	1,250
For 4,000 bushels of corn	3,000
For 38 stacks of fodder	570
For 2,310 cords of wood in the tree	2,310
For 1,060 cords of wood, rails (shown by the affidavits to have been used to keep the wounded from freezing)	2,120
Amounting to	10,975

"The remainder of the charges for wood contained in the cabins is recommended for disapproval, the destruction of these buildings being regarded as depredations on the part of the troops.

"I have the honor to remain, sir, your obedient servant,

"D. H. RUCKER,
"*Acting Quartermaster-General, Bvt. Maj. Gen., U. S. A.*

"Hon. EDWIN M. STANTON,
"*Secretary of War, Washington, D. C.*

"The act of July 4, 1864, required that the findings of the Quartermaster-General should be reported to the Third Auditor of the Treasury, but by some unaccountable error the decision in this case was reported to Edwin M. Stanton, then Secretary of War. The case was returned by the Secretary of War to the Quartermaster-General, and, pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

"The claimants in the case are the heirs of John C. Howse, deceased, who died in 1855. They are his widow and three children (girls), the oldest of whom was at the time this property was taken eleven years of age.

"Your committee have therefore examined carefully into the loyalty of the widow.

"If the claim had been reported to the Third Auditor of the Treasury, as the act of July 4, 1864, directed, it would undoubtedly have been paid, as allowed by the Quartermaster-General, at $10,975, in 1867; but the error of the Quartermaster-General caused the delay. Inasmuch as the claim was carefully examined by the quartermaster's agent and allowed by the Quartermaster-General in 1867, and as the evidence fully justifies the decision then made, your committee have carefully examined the question of loyalty, which was the ground upon which the Quartermaster-General rejected the case in 1880.

"Three of the claimants were minors (girls). Their loyalty will not be questioned. The widow was remarried in 1865, during the month of January, to Leonidas Russell, who was an officer in the Union Army.

"Upon the question of loyalty the papers disclose the following official orders:

"HEADQUARTERS UNITED STATES FORCES,
"*Murfreesborough, Tenn., August* 18, 1862.

"Mrs. Howse having applied to these headquarters for the protection of a safeguard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

"W. B. HAZEN,
"*Colonel, Commanding at Murfreesborough.*

"MEDICAL DIRECTOR'S OFFICE,
"DEPARTMENT OF THE CUMBERLAND,
"*Headquarters, March* 4, 1863.

"SIR: The general commanding directs that rations are to be issued to Mrs. Howse and servants. She is to pay for them if practicable; if not, the rations are nevertheless to be issued.

"By order of medical director, Department of the Cumberland.

"JAMES F. WEIDS, A. S., U. S. A.,
"*Assistant Medical Director, Department of the Cumberland.*

"It seems remarkable to your committee that, in view of the foregoing orders, issued about the time her property was taken, and in face of a large number of affidavits of Army officers, any question could be raised as to the loyalty of Mrs. Howse (now Mrs. Russell). Your committee are satisfied, after a careful examination of the evidence, that the only testimony impeaching Mrs. Howse's loyalty emanated from personal enemies of the second husband, Dr. Leonidas Russell, who occupies a prominent part in the politics of Rutherford County, Tennessee, and upon this question an agent of the Quartermaster-General, specially detailed to investigate the facts, reported, under date of July 2, 1880:

"'Against her loyalty are certain charges made against the conduct of her second husband since the war by men who had very emphatically sworn to her loyalty as a matter of personal knowledge.

* * * * * * *

"'But it is opposed by an overwhelming mass of contrary testimony, much of it from persons equally entitled to credence and having a longer acquaintance, and claimant would seem to be entitled to the benefit of the great preponderance of the testimony in her favor.

"'She is entitled to the benefit of testimony in her favor, which greatly preponderates, and I report her loyal.'

"Your committee are satisfied, after a careful examination of the evidence, that Mrs. Howse (now Mrs. Russell) was loyal to the Government of the United States, and this appears to be the only point questioned by the Quartermaster-General in his decision of 1880.

"The claims presented are for $23,842. The claimants now propose to accept $10,975, the amount allowed by the Quartermaster-General in 1867, as a full settlement of all claims and demands against the United States, because, owing to the long lapse of time since the claim originated, as well as the unsettled condition of the country at that time, it will now be extremely difficult, if not impossible, to secure competent testimony to establish the claim in the Court of Claims; and claimants contend that the report of Captain Kirk was made after a personal examination by him very shortly after the property was taken, that the action of the Quartermaster-General in 1867 was in accordance with law, and the sum allowed should be paid.

"We are clearly of opinion that payment should be made for the property taken, and think, under all the circumstances, that the amount allowed by the Quartermaster-General should be, as is proposed by claimants, accepted by all parties as final; and we therefore recommend that the bill do pass."

Your committee, after due consideration, fully concur with the conclusions reached in the foregoing report. The property charged for consists of stores and supplies taken and used by the United States Army at a time when such necessary articles could not be furnished by the Government, and compensation should be made therefor. The settlement of the claim by the Quartermaster-General in 1867 should be held as conclusive, and we therefore recommend that the bill do pass.

Mr. EDMUNDS. Mr. President, I am in great doubt about this bill. As is stated in the report of the committee, it appears that the War Department officers at one time, and not a great while after the war, rejected this claim on account of the want of loyalty of the claimant or of the person whose property originally is said to have been taken; but now, after a lapse of ten or fifteen years since that time, the present committee of the House of Representatives (and our committee adopt their report, which I think is a very bad practice, but that has nothing to do with this present point) think that after a lapse of time the doubt about the loyalty of the claimant ought to be solved in favor of the claimant. If that principle be a sound one, then, in five or ten years hence every claim for everything taken or destroyed during the four years of war can go through on the ground that loyalty must be presumed because you can not at such a distance of time prove affirmatively that loyalty or disloyalty did exist in the great mass of the cases.

I do not wish at this moment to object to this bill, because it may be that on explanation by somebody it will appear to be right. Reserving that, I ask the Senator from Tennessee, or somebody who may know about it, to give us a little more light on the subject.

Mr. HARRIS. I simply wish to call the attention of the Senator from Vermont to the fact, as the report shows and as the face of the bill shows, that the beneficiaries are not the widow of Howse, now Mrs. Russell, in respect to whose loyalty these commentaries are made, but the eldest one of the beneficiaries was a girl of eleven years of age when these events occurred. But if it be dependent upon the loyalty of the mother, who was the widow of Howse and who had no rights in respect to this particular property, the preponderance of proof as to her loyalty is so overwhelming that I do not think the Senator from Vermont or any other Senator would express a doubt upon scrutinizing the testimony.

Mr. FAULKNER. Mr. President, there was but one question involved in this case, and that was the question of loyalty. All others presented by the record were favorably passed upon by the officers of the Government to whom the claim was presented for adjudication. Having that single question for decision by the committee, and knowing that it was a jurisdictional one, I as a subcommittee examined the evidence with the utmost care, and I can state to the Senator from Vermont and to the Senate, that the statement in the report that the evidence tended in any degree to establish the fact of disloyalty, even as to the mother of the claimants, was evidence that no court or jury would have considered for one moment.

Two-thirds of those who swore to the disloyalty of the mother of the claimants were persons who had testified prior to her marriage to a Union officer of her absolute loyalty to the Federal Government; but it seems that for some reason, subsequent to the marriage of this lady in 1865 to an officer of the Union Army, some of these parties changed their opinion as to her devotion to the Union who had previously testified to that effect. Even accepting, for the sake of argument, all that proof as given by credible witnesses, the evidence in the record of the Government officials and others is overwhelming testimony in favor of her loyalty.

I will further state to the Senator from Vermont that there has been three special agents appointed by the Department to examine into this case, every one of whom reported that she was a loyal woman. The only difficulty that I had in the consideration of the question was to learn if possible how the Quartermaster-General, upon the evidence of his own officer sent as late as 1880, just prior to his decision, to ascertain and report upon this single question and who reported her loyalty as ascertained beyond peradventure—how he could have decided upon the evidence then in the case that she was not loyal or that he did not feel justified in certifying that the claimant was a loyal woman. From my examination of the testimony, the reports of the several special agents of the Department, I reached the conclusion that no hesitation upon the question of loyalty should have existed in the mind of the Quartermaster-General for one moment. It was only after ascertaining that there could be no doubt upon that fact that the committee agreed to report the bill unanimously. I hope the conclusion of the committee will be sustained by the Senate and that the bill will be passed.

Mr. EDMUNDS. Assuming for the moment that this lady was a friend of her country and not an enemy of it, I should like to know whether this case is one of a very large class that the law referred to the Quartermaster's Department of the Army for consideration, and whether this bill is to be an act of Congress overruling a decision that applies to a great class of such cases, or how it does happen in the state of the law, which has existed since the war, that this claim, if a valid one, was not brought before the Court of Claims or the Southern Claims Commission—which I rather think did exclude quartermaster's claims, but I do not remember distinctly about that—so that we can understand whether this is a special and excepted instance from the great mass of quartermaster's claims, or whether it is one of those in which we are expected to review the decision of the tribunal, whatever it may be, that Congress has previously appointed in regard to determining questions of this character. If it be an exceptional case that does not make a precedent for a mass of claims to be reviewed as time goes on and witnesses disappear, and all that, it is one thing. If it is one of the mass of that class, then I think we ought to take further time to consider it; but I do not object at this moment, because I hope it may be all that is claimed.

Mr. HARRIS. Mr. President——

Mr. STEWART. I desire to call attention to the fact that I was called to order for speaking twice some time ago, under Rule VIII, and I hope that rule will be enforced hereafter.

The PRESIDENT *pro tempore*. The Senator from Tennessee has once spoken on this bill.

Mr. HARRIS. That is true, but I ask unanimous consent of the Senate to answer in a minute and a half the inquiry of the Senator from Vermont.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. HARRIS. The report of the committee shows the case to be decidedly exceptional. It was a case that was referred to the Quartermaster-General. He sent his agent to Tennessee to investigate the matter, and after that investigation and the report of the agent, instead of the Quartermaster-General making his report to the Third Auditor, as the act of Congress required, he made it to the Secretary of War, and the claim lay there in the office of the Secretary of War, which Secretary had no power over the question, until a late day.

Mr. FAULKNER. Eighteen hundred and eighty.

Mr. HARRIS. Eighteen hundred and eighty the Senator who reported the case informs me. Since that time a bill has been introduced from Congress to Congress, and has never met with anything else than a favorable report. It has been reported favorably in one House or the other in every Congress since that time, and now it stands on the Calendar with not only the favorable report of the House committee, but the passage of the bill by the House and the favorable report of the Senate committee.

Mr. BATE. Right on that point I wish to say a word. It appears by the report that—

The case was returned by the Secretary of War to the Quartermaster-General, and, pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

Then he sent his agent, as is shown by the report, to investigate the case, and he came back and made a favorable report and said that the claim ought to be paid.

Furthermore, upon the question of loyalty made by the Senator from Vermont, there are permissions granted at the time when war was flagrant, and the persons in command at that immediate spot—for this was right near the battle-field of Murfreesborough, and this property was taken by the Twenty-first Army Corps, under the command of General Crittenden, and while he was in command there—gave to this lady, who was then a widow and whose property had been taken and destroyed, a permission that they did not give to those who did not take the oath of allegiance, as I understand.

Mr. EDMUNDS. May I ask the Senator a question if I do not violate the rule?

Mr. BATE. Certainly.

Mr. EDMUNDS. How long had this lady been a widow, and had her husband been an officer or soldier in the Confederate service?

Mr. BATE. I will tell the Senator in a minute, and I am glad he asks the question. This report shows that her first husband, Mr. Howse, died in 1855, and that she had not remarried, but was a widow at the time the property was taken, and these orphan girls—there were three of them, but one died and the two remaining orphan girls are all that are left of that family. All their property was swept away as the report of the quartermaster shows.

Not only that, but there is a peculiarity in this report which you will observe by scrutinizing it, that they refused to pay for the cabins which are referred to in the report, showing that all the material that was taken and used was done under the order of General Crittenden, or those in command there, but that that was not ordered and they took that as a mere devastation by the troops, and hence refused to pay for it. Here is the permission given by General Hazen to this lady:

HEADQUARTERS UNITED STATES FORCES,
Murfreesborough, Tenn., August 18, 1862.

Mrs. Howse having applied to these headquarters for the protection of a safeguard, having satisfied me of her loyalty to the United States, such protection is hereby given her. All persons in the employ of the United States are warned at their peril not to take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesborough.

He gave her a card of protection, showing that he was satisfied of

her loyalty, and the assistant medical director of the Department of the Cumberland gave her a certificate that, being satisfied of her loyalty, supplies should be furnished her. Why? Because all had been swept from her, and her family was left without a morsel to eat and without clothes to wear.

Such is the report and I am very glad to have the opportunity to set the mind of the Senator from Vermont at rest on that question.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS OF FLATHEAD BAND OF INDIANS.

The bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, line 8, after the word "bidder," to strike out the words "for cash;" so as to read:

That after the appraisement herein authorized shall have been completed, and after due notice, the Secretary of the Interior shall offer said lands for sale through the proper land office in tracts not exceeding 160 acres, which shall be the limit of the amount any one person shall be allowed to purchase, except in cases, if any, where a tract contains a fractional excess over 160 acres, to the highest bidder.

The amendment was agreed to.

The next amendment was to add at the end of section 2 the following proviso:

Provided further, That before the second or any subsequent payment shall be received, the purchaser shall prove to the satisfaction of the land office that he is actually residing upon the tract of land so purchased, and that he is entitled under the laws of the United States to the benefit of the homestead laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. The Senator from Arkansas [Mr. JONES] who reported the bill being absent, I venture to move that the Senate insist on its amendments, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. JONES of Arkansas, Mr. PLATT, and Mr. DAWES were appointed.

COUNTERFEIT MONEY DEALERS.

The bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, which was to strike out all after the enacting clause, and to insert:

That section 5480 of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"SEC. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, or to sell, dispose of, loan, exchange, alter, give away, or distribute, supply, or furnish, or procure for unlawful use any counterfeit or spurious coin, bank notes, paper money, or any obligation or security of the United States or of any State, Territory, or municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious articles, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called 'the sawdust swindle,' or 'counterfeit money fraud,' or by dealing or pretending to deal in what is commonly called 'green articles,' 'green coin,' 'bills,' 'paper goods,' 'spurious Treasury notes,' 'United States goods,' 'green cigars,' or any other names or terms intended to be understood as relating to such counterfeit or spurious article, to be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside the United States, by means of the post-office establishment of the United States, or by inciting such other person or any person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice or attempting so to do, place or cause to be placed any letter, packet, writing, circular, pamphlet, or advertisement in any post-office, branch post-office, or street or hotel letter-box of the United States, to be sent or delivered by the said post-office establishment, or shall take or receive any such therefrom, such person so misusing the post-office establishment shall, upon conviction, be punishable by a fine of not more than $500 and by imprisonment for not more than eighteen months, or by both such punishments, at the discretion of the court. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the post-office establishment enters as an instrument into such fraudulent scheme and device."

SEC. 2. That any person who, in and for conducting, promoting, or carrying on, in any manner by means of the post-office establishment of the United States, any scheme or device mentioned in the preceding section, or any other unlawful business whatsoever, shall use or assume or request to be addressed by any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States any letter, postal-card, or packet addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own lawful and proper name, shall, upon conviction, be punishable as provided in the first section of this act.

SEC. 3. That the Postmaster-General may, upon evidence satisfactory to him, that any person is using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on, or assisting therein, by means of the post-office establishment of the United States, any business scheme or device in violation of the provisions of this act, instruct any postmaster at any post-office at which such letters, cards, or packets, addressed to such fictitious, false, or assumed name or address arrive to notify the party claiming or receiving such letters, cards, or packets to appear at the post-office and be identified; and if the party so notified fail to appear and be identified, or if it shall satisfactorily appear that such letters, cards, or packets are addressed to a fictitious, false, or assumed name or address, such letters, postal-cards, or packages shall be forwarded to the dead-letter office as fictitious matter.

SEC. 4. That all matter the deposit of which in the mails is by this act made punishable is hereby declared non-mailable; but nothing in this act shall be so construed as to authorize any person other than an employé of the dead-letter office, duly authorized thereto, to open any letter not addressed to himself.

SEC. 5. That whenever the Postmaster-General is satisfied that letters or packets sent in the mails are addressed to places not the residence or business address of the persons for whom they are intended, to enable such persons to escape identification, he may direct postmasters to deliver such letters only from the post-office upon identification of persons addressed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendment to the bill just passed, and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MITCHELL, Mr. SAWYER, and Mr. REAGAN were appointed.

GUARDIAN OF SAMUEL HOWARD.

The bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard, was considered as in Committee of the Whole. It proposes to pay $100 to James S. Flake, guardian of Samuel Howard (a lunatic), of Henderson County, Tennessee, for quartermaster's stores, consisting of one horse, taken from him and appropriated by the military forces of the United States.

Mr. EDMUNDS. Let us hear the report in that case.

The PRESIDENT *pro tempore*. There is no written report accompanying the bill.

Mr. EDMUNDS. Let the bill go over, then.

The PRESIDENT *pro tempore*. It will be passed over without prejudice. The next House bill on the Calendar will be stated.

Mr. HARRIS. What was done with House bill 1029?

The PRESIDENT *pro tempore*. It went over on the objection of the Senator from Vermont, without prejudice.

Mr. HARRIS. It involves a very small matter, and was reported by the Senator from Arkansas [Mr. JONES]. As he is not present, I will not insist on its consideration, because I have not examined the matter.

ALLOTMENT OF LAND IN SEVERALTY.

The bill (H. R. 11634) to provide for the allotment of land in severalty to the United Peorias and Miamies in Indian Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, line 18, after the words "agricultural, or" to strike out "other" and insert mining;" so as to read:

And said United Peorias and Miamies shall have power, subject to the approval of the Secretary of the Interior, to lease for grazing, agricultural, or mining purposes from time to time and for any period not exceeding ten years at any one time, all of said residue, or any part thereof, the proceeds or rental to be divided between said tribes in proportion to their respective interests in said residue.

The amendment was agreed to.

The next amendment was, in section 2, line 23, after the word "residue," to strike out:

And after said allotments are completed each allottee may lease or rent his or her individual allotment for any period not exceeding three years, the father acting for his minor children, and in case of no father, then the mother, the chief acting for orphans of the tribe to which said orphans may belong.

And in lieu thereof to insert:

And the agent for the time being having charge of said Indians is hereby authorized, with the approval of the Secretary of the Interior, to lease or rent the allotment of any orphan child for a period not exceeding three years at any one time, nor exceeding the minority of said orphan child, and to expend the rental received therefrom for the education and advancement in civilization of said orphan child, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 4, line 2.

Mr. EDMUNDS. At some time I wish to move an amendment there to give an appeal from the Court of Claims, who have this jurisdiction, to the Supreme Court of the United States. If there be no objection, I should like to move it now lest it be forgotten. I move to insert "subject to an appeal to the Supreme Court of the United States, as in other cases," where that jurisdiction is conferred.

Mr. HOAR. Where is that appeal from?

Mr. EDMUNDS. From the judgment of the Court of Claims.

The PRESIDENT *pro tempore*. Will the Senator from Vermont indicate the line in which the amendment is to be inserted?

Mr. EDMUNDS. After the word "claims," in section 4, line 2.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In section 4, line 2, after the word "claims," it is proposed to insert "subject to an appeal to the Supreme Court of the United States, as in other cases;" so as to read:

SEC. 4. That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme Court of the United States, as in other cases, to hear and determine what are the just rights at law, or in equity, of those Wea, Peoria, Kaskaskia, and Piankeshaw Indians, and of their children, or heirs at law, or legal representatives, who became citizens of the United States under the provisions of article 28 of the treaty of February 23, 1867, made with the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws, in the invested funds and other common property of the said confederated tribes.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. RIDDLEBERGER. I desire to make a motion to proceed to the consideration of executive business, but the Senator from Massachusetts [Mr. DAWES] thinks that this bill will be concluded in a moment.

The PRESIDENT *pro tempore*. The time allotted for the consideration of the Calendar under Rule VIII having expired, the Senate resumes the consideration of the unfinished business, which will be stated.

The CHIEF CLERK. A resolution, by Mr. HOAR, authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. RIDDLEBERGER. Mr. President——

Mr. DAWES. I ask the Senator from Virginia to allow us to finish this bill by unanimous consent.

Mr. RIDDLEBERGER. Yes, sir.

The PRESIDENT *pro tempore*. Is there objection?

Mr. CALL and Mr. HARRIS. What is the request?

The PRESIDENT *pro tempore*. The time allotted for the consideration of the Calendar under Rule VIII having expired, the Chair laid before the Senate the unfinished business. The Senator from Massachusetts [Mr. DAWES] asks unanimous consent that the unfinished business may be informally laid aside to proceed with the consideration of the bill which was being read by the Chief Clerk.

Mr. GORMAN. I trust the Senate will extend the time for the consideration of the Calendar one hour longer.

Mr. HARRIS. Oh, no.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the agreement of the Senate may be extended to 10 minutes past 6 o'clock for the consideration of the Calendar.

Mr. CULLOM. I hope the Senator will allow the Senate to go forward in the calling of the Calendar for the remainder of the evening.

Mr. HOAR. Should not my colleague's request for unanimous consent first be put?

The PRESIDENT *pro tempore*. The Chair will endeavor to ascertain the will of the Senate.

Mr. DAWES. I ask that we may be allowed to finish the pending bill.

Mr. GORMAN. If there is any objection to the request I made I withdraw it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the unfinished business may be informally laid aside for the consideration of the bill now being read by the Chief Clerk. Is there objection? The Chair hears none. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes.

Mr. EDMUNDS. I move to amend the bill by striking out all of the clause concerning the payment of counsel, which has no business, I think, in an act of Congress.

The PRESIDENT *pro tempore*. The part proposed to be stricken out will be read.

The CHIEF CLERK. In section 4, beginning in line 43, it is proposed to strike out the following words:

Out of the funds so found due to said citizen Indians said Court of Claims may allow a reasonable compensation to the counsel or attorneys of such Indians, to be ratably apportioned upon and paid out of the sums due them, respectively; and the court may ascertain the reasonable value of the services of counsel employed by said confederate tribes to represent the tribes on such examination, not to exceed 10 per cent. of the aggregate sum actually in controversy, and the Secretary of the Interior shall cause to be paid to said counsel so much of the sum so ascertained as in equity and justice he may consider to be due them for such services, out of any money in the Treasury of the United States now due to such tribes arising from the sale of the lands of said tribe in Kansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. MORGAN, and Mr. STOCKBRIDGE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the further consideration of the conference report on the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. RIDDLEBERGER. Pending that motion, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-nine minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 27, 1889, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1889.

SPECIAL EXAMINER DRUGS, ETC., NEW ORLEANS.

James F. Finney, of Louisiana, to be special examiner of drugs, medicines, and chemicals in the district of New Orleans, in the State of Louisiana, to succeed William G. Austin, resigned.

MARINE-HOSPITAL SERVICE.

James C. Perry, of North Carolina, to be assistant surgeon in the Marine-Hospital Service of the United States, *vice* Passed Assistant Surgeon Francis M. Urquhart, deceased.

SURVEYOR OF CUSTOMS.

Frank E. Hayden, of Ohio, to be a surveyor of customs for the port of Columbus, in the State of Ohio.

This office was constituted by the act approved February 9, 1889.

DEPUTY FIFTH AUDITOR OF THE TREASURY.

J. Lee Tucker, of New York, to be Deputy Fifth Auditor of the Treasury, to succeed Alfred E. Lewis, removed.

POSTMASTERS.

Samuel H. Lowry, to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania, in the place of Myer M. Kaufman, resigned.

Dayton Hale, to be postmaster at Columbus, in the county of Lowndes and State of Mississippi, in the place of Dayton Hale, whose commission expires February 26, 1889.

W. H. Grim, to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania, in the place of Samuel S. McFarran, whose commission expired January 26, 1889.

Charles E. Steele, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1887.

Walter P. Horn, to be postmaster at Suspension Bridge, in the county of Niagara and State of New York, in the place of William Carr, whose commission expired February 14, 1889.

Catharine J. Piatt, to be postmaster at Watsontown, in the county of Northumberland and State of Pennsylvania, in the place of Miss Mary V. Shay, whose commission expired February 9, 1889.

Mrs. Mary White, to be postmaster at East Tawas, in the county of Iosco and State of Michigan, in the place of Robert White, deceased.

PROMOTIONS IN THE ARMY.

Alfred Hedberg, late captain Fifteenth Infantry, to be captain, to rank from the date of his assignment under the act, *vice* Whittemore, promoted to the Tenth Infantry.

First Lieut. John W. Summerhayes, regimental quartermaster, Eighth Infantry, to be assistant quartermaster with the rank of captain, February 25, 1889, *vice* Hoyt, nominated for promotion.

Maj. William B. Hughes, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, February 15, 1889, *vice* Card, retired from active service.

Capt. Charles H. Hoyt, assistant quartermaster, to be quartermaster with the rank of major, February 15, 1889, *vice* Hughes, promoted.

Tenth Regiment of Infantry.

Capt. Edward W. Whittemore, of the Fifteenth Infantry, to be major, February 15, 1889, *vice* Hawkins, promoted to the Twenty-third Infantry.

Eighteenth Regiment of Infantry.

Lieut. Col. Henry M. Lazelle, of the Twenty-third Infantry, to be colonel, February 17, 1889, *vice* Yard, deceased.

Twenty-third Regiment of Infantry.

Maj. Hamilton S. Hawkins, of the Tenth Infantry, to be lieutenant-colonel, February 17, 1889, *vice* Lazelle, promoted to Eighteenth Infantry.

PROMOTIONS IN THE NAVY.

Lieut. Frank F. Fletcher, junior grade, a resident of Iowa, to be a lieutenant in the Navy, from the 19th of February, 1889 [subject to the examinations required by law], *vice* Lieut. L. P. Jouett, discharged from the naval service, in conformity with the act of Congress approved 5th of August, 1882, not having been recommended for promotion.

Ensign Percival J. Werlich, a resident of Wisconsin, to be a lieutenant, junior grade, in the Navy, from the 19th of February, 1889, *vice* Lieut. F. F. Fletcher, junior grade, promoted.

Passed Assistant Engineer David Jones, a resident of Pennsylvania, to be a chief engineer in the Navy, from the 9th of January, 1889, *vice* Chief Engineer Edwin Wells, deceased. [Subject to the examinations required by law.]

Assistant Engineer Reynold T. Hall, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 9th of January, 1889, *vice* Passed Assistant Engineers R. Ashton and David Jones, promoted. [Subject to the examinations required by law.]

Passed Assistant Engineer James H. Chasmar, a resident of New York, to be a chief engineer in the Navy, from the 27th of January, 1889, *vice* Chief Engineer Francis C. Dade, retired.

Assistant Engineer Ira N. Hollis, a resident of Kentucky, to be a passed assistant engineer in the Navy, from the 19th of February, 1889, *vice* Passed Assistant Engineers J. H. Chasmar and John W. Gardner, retired. [Subject to the examinations required by law.]

CONFIRMATIONS.

Executive nominations confirmed by the Senate, February 26, 1889.

SURVEYOR OF CUSTOMS.

Frank E. Hayden, of Ohio, to be surveyor of customs for the port of Columbus, Ohio.

CAPTAIN OF INFANTRY.

Alfred Hedberg, to be captain Fifteenth Infantry, to rank from the date of his assignment.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 26, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN J. LOCKREY.

The SPEAKER laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 220, entitled "An act granting a pension to John J. Lockrey."

It is stated that this beneficiary enlisted April 11, 1865, but it appears from the muster-roll of his company for May and June, 1865, that he was a recruit assigned, but who had not joined. There is nothing appearing on the record which positively shows that he ever reached his regiment.

It is conceded that his real and nominal connection with the Army extended only from April 11, 1865, when he was mustered in, until August, 1865, when he was discharged for disability, consisting of a disease of the eye, called in the surgeon's certificate "iritis with conjunctivitis."

It seems that this claimant enlisted just at the close of the war, and was connected in a manner with the Army for four months. It is not probable that he ever saw any actual service, for none is stated in the papers before me; and it does appear that he spent a large part of his short term of enlistment in hospitals and under treatment for a trouble with his eye. As early as May 23, 1865, he was admitted to hospital with gonorrheal ophthalmia. His claim was rejected by the Pension Bureau on the ground that this was the cause of his disability, and the inferences from the proof presented make this extremely probable.

One of the witnesses who testified that the beneficiary caught cold in his eye in April, 1865, on the Mississippi River, is shown to have been at that time with his regiment and company at Danville, Va.

The circumstances surrounding this case and the facts proved, satisfy me that the determination of the Pension Bureau was correct, and there is certainly no sentiment in favor of the claimant which justifies the indulgence of violent presumptions for the purpose of overriding such determination.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 23, 1889.

JOHN M'COOL.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5807, entitled "An act granting a pension to John McCool."

This beneficiary served in an Iowa regiment of volunteers from May 27, 1861, to July 12, 1865.

He filed a petition for pension, alleging an accidental wound in the right thumb while extracting a cartridge from a pistol in August, 1861. There is no record of any such disability, though it appears that he was on a furlough about the date of his alleged injury. It appears that he served nearly four years after the time he fixed as the date of his injury.

No evidence was filed in support of the claim he filed, and he refused to appear for examination, though twice notified to do so.

His claim was rejected in May, 1888, no suggestion having been made of any other disability than the wound in the thumb, upon which his claim before the bureau was based.

The report of the committee in the House of Representatives recommending the passage of this bill contains no intimation that there exists any disability contracted in the military service, but distinctly declares the pension recommended a service pension, and states that the beneficiary is blind.

As long as the policy of granting pensions for disability traceable to the incidents of Army service is adhered to, the allowance of pensions by special acts based upon service only gives rise to unjust and unfair discriminations among those equally entitled, and makes precedents which will eventually result in an entire departure from the principle upon which pensions are now awarded.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 23, 1889.

WILLIAM BARNES.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill No. 11999, entitled "An act granting a pension to William Barnes."

The beneficiary named in this bill served in a Kentucky regiment from August 9, 1861, to December 6, 1864.

He made claim for pension in the Pension Bureau, in September, 1882, alleging that in October, 1862, he was accidentally injured by a pistol shot in the thigh while in the line of duty.

It is conceded that he was wounded by the discharge of a pistol which he was carrying while he was absent from his command with permission on a visit to his home, and that the discharge of the pistol was accidental.

The circumstances of the injury are neither given in the report of the committee, to whom the claim was referred by the House of Representatives, nor in the report of the case furnished to me from the Pension Bureau; but on the conceded facts, the granting of a pension in this case can be predicated upon no other theory except the liability of the Government for any injury by accident to a person in the military service, whether in the line of duty or not.

I think the adoption of the principle that the Government is an insurer against accidents under any circumstances befalling those enlisted in its military service, when visiting at home, is an unwarrantable stretch of pension legislation.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 23, 1889.

HENRY V. BASS.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 11803, entitled "An act granting a pension to Henry V. Bass."

This beneficiary enlisted September 9, 1862, and was mustered out August 15, 1865. The records show no disability during his service.

It is now alleged that the soldier was sitting on the ground near his tent while two comrades were wrestling near him, and that in the course of the scuffle one of the parties engaged in it was thrown or fell upon the beneficiary, injuring his right knee and ankle.

Upon these facts the claim was rejected by the Pension Bureau on the ground that the injury was not received in the line of duty.

I do not think that the Government should be held as an insurer against injuries of this kind, which are in no manner related to the performance of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 23, 1889.

SQUIRE WALTER.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read, and, with the

accompanying bill, referred, on motion of Mr. MATSON, to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I herewith return without approval House bill numbered 10448, entitled "An act granting a pension to Squire Walter."

The son of the beneficiary named in this bill enlisted in a West Virginia regiment on the 28th day of June, 1861.

On the 15th day of September, 1862, while bathing in the Potomac River, near the Chain Bridge, with the knowledge and consent of his commanding officer, he was drowned.

It is perfectly clear that he lost his life while in the enjoyment of a privilege, and when, at his request, military discipline was relaxed and its restraints removed for his comfort and pleasure. His death resulted from his voluntary and perfectly proper personal indulgence, and can not be in the least attributed to military service.

The father does not appear to be so needy and dependent as is often exhibited in cases of this class.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 25, 1889.

PRODUCTION OF PRECIOUS METALS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint upon the production of precious metals for the fiscal year 1888; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

EMPLOYÉS IN DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a list of the employés in the Department of Justice, with the compensation of each, and stating that they have been usefully employed, and that their services are indispensable; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

JUDGMENTS AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Attorney-General, submitting a report of final judgments against the United States, not appealed from, in suits brought under the provisions of an act approved March 3, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

DIVISION OF SIOUX INDIAN RESERVATION.

The SPEAKER laid before the House the bill (H. R. 10970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes; said bill having been returned from the Senate with amendments and a request for a conference.

Mr. PEEL. I ask that the House non-concur in the amendments of the Senate to this bill and agree to the conference asked by the Senate.

There being no objection, it was ordered accordingly.

The SPEAKER subsequently announced the appointment of Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. NELSON as conferees on the part of the House.

MRS. MARY T. DUNCAN.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 325) for the relief of Mrs. Mary T. Duncan.

Mr. CARUTH. Mr. Speaker, I ask unanimous consent that the House concur in the Senate amendments, which reduce the amount allowed this claimant some $3,000.

The SPEAKER. The Senate amendments had better be read, after which the Chair will ask for objection.

The Senate amendments were read at length.

There being no objection, the Senate amendments were concurred in.

SECTION 2579 REVISED STATUTES.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

Mr. STEWART, of Texas. Mr. Speaker, I ask that unanimous consent be given to concur in the Senate amendment to this bill.

Mr. JACKSON. What is the subject-matter?

Mr. STEWART, of Texas. The original bill proposed to amend a certain section of the Revised Statutes of the United States, giving authority to a deputy collector to enter and clear vessels——

Mr. JACKSON. That is satisfactory.

Mr. STEWART, of Texas. This amendment of the Senate relates only to a clause of the section.

Mr. JACKSON. I have no objection.

There being no objection, the Senate amendment was concurred in.

WILLIAM ENGLISH.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States.

Mr. HOOKER. I ask that the amendments be read with a view to asking concurrence.

The Senate amendments were read at length.

Mr. HOOKER. I ask unanimous consent to concur in the Senate amendments.

There being no objection, the Senate amendments were concurred in.

ESTABLISHMENT OF CERTAIN LIGHT-HOUSES, FOG-SIGNALS, ETC.

The SPEAKER also laid before the House the amendments of the Senate to bills of the following titles, in which concurrence was requested and a conference with the House asked thereon, namely:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine's Island, State of Georgia; and

A bill (H. R. 12430) providing for the establishment of a light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wrecked steam-ship Oregon, in New York Harbor.

The amendments, on motion of Mr. CLARDY, were severally non-concurred in, and the conference requested by the Senate agreed to.

LINCOLN LAND DISTRICT, NEW MEXICO.

The SPEAKER also laid before the House the bill (S. 3778) to establish the Lincoln land district in the Territory of New Mexico; which was read a first and second time.

Mr. JOSEPH. Mr. Speaker, I ask, by unanimous consent, to put that bill upon its passage.

The SPEAKER. The bill will be read, after which objection will be asked for.

The bill was read at length.

Mr. CONGER. I do not know that I want to object, but I wish to inquire first whether the boundaries of the proposed district conflict with the Folsom district?

Mr. JOSEPH. No, sir.

Mr. CONGER. I have no objection.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL TELEGRAPH FACILITIES IN WASHINGTON.

The SPEAKER also laid before the House the joint resolution (S. R. 137) providing for additional telegraph facilities in the city of Washington during the inauguration ceremonies on the 4th day of March, 1889.

The SPEAKER. This resolution is short and had better be read in full.

The joint resolution was read a first and second time, the second reading being in full.

Mr. DOCKERY. I ask, by unanimous consent, to consider the joint resolution at this time.

Mr. ABBOTT. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ABBOTT. I desire to call the attention of the Chair to the order made by the House on the 22d instant, which is in the following words:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and, after the reading of the Journal, up to 11 a. m., the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent.

I take it, sir, that under this order there is nothing in order at this time but to call the names of the members in their alphabetical order for unanimous consent.

The SPEAKER. But the last clause of the order to which the gentleman refers shows clearly that the Speaker was to continue as heretofore to lay the executive communications and Senate bills before the House, and that he might entertain requests for unanimous consent at this time to pass Senate bills, as has been the case heretofore when such bills were laid before the House.

Mr. ABBOTT. But I would respectfully call the attention of the Chair to the latter clause, which provides:

And it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time.

The SPEAKER. If the gentleman will read on he will see that the latter clause of the rule gives authority to do precisely what the Chair has been doing.

Mr. ABBOTT. It provides:

Except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker.

The SPEAKER. That is exactly what the House is now doing.

Mr. ABBOTT. Very well, if that is the construction of the order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There being no objection, the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY M. RECTOR.

The SPEAKER laid before the House Senate bill 314, for the relief of Henry M. Rector; which was read twice.

Mr. ROGERS. That is a bill for a sum of $399 balance due Governor Rector on the books of the Treasury. It has been reported to the House, and I ask to have it considered.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry M. Rector the sum of $399.91, out of any moneys in the Treasury not otherwise appropriated, the same being the amount standing to the credit of said Rector on the books of the Treasury of the United States, as shown by page 162, Executive Document No. 363, first session Forty-ninth Congress.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. CANNON. What is it for?

Mr. ROGERS. It is a balance due Governor Rector, who was marshal for the district of Arkansas and could not get a settlement of his account. He could not ascertain what was due him or what was due to the Government. Finally the Senate by resolution asked for this balance, and the books of the Treasury disclose that this balance is due Governor Rector.

Mr. CANNON. When was that; how many years ago is it?

Mr. ROGERS. It was many years ago; in 1852 or 1853. The war came up, and of course he could not get any settlement.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. GUENTHER, by unanimous consent, obtained leave to print in the RECORD some remarks on the bill (H. R. 12291) to regulate immigration.

WITHDRAWAL OF PAPERS.

Mr. BUNNELL, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies papers in the case of L. D. Forrest.

CONFEREES ON BRIDGE AND LIGHT-HOUSE BILLS.

The SPEAKER. The Chair will appoint as conferees on all the bills relating to light-houses, bridges, and other matters of the Committee on Commerce which have been disposed of this morning, the gentleman from Missouri [Mr. CLARDY], the gentleman from Louisiana [Mr. LAGAN], and the gentleman from Virginia [Mr. T. H. B. BROWNE].

ENROLLED BILL SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 11527) to establish lights on the western end of Coney Island, New York.

ORDER OF BUSINESS.

The SPEAKER. Under the order of the House the Clerk will proceed to call the names of members alphabetically for requests for unanimous consent.

Mr. O'NEALL, of Indiana. I ask unanimous consent to lay aside the order for unanimous consent for to-day, and that the House proceed to the consideration of appropriation bills.

Mr. BIGGS. I object.

Mr. ABBOTT's name was called.

Mr. ABBOTT. I ask, by unanimous consent, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

Mr. BLAND. As the House has refused to proceed with appropriation bills, I move that it take a recess for thirty minutes.

Mr. RANDALL. In view of that motion, I ask by unanimous consent to make a privileged report from the Committee on Appropriations, being the sundry civil appropriation bill.

Mr. BIGGS. Regular order. I object.

Mr. RANDALL. I give notice that I will make this request at 11 o'clock precisely.

Mr. FARQUHAR. Pending that motion I desire to call the attention of the House to a bill on the Calendar——

The SPEAKER. Does the gentleman from Missouri object to the gentleman from New York making a statement concerning a bill?

Mr. BLAND. What statement?

The SPEAKER. Of course the Chair does not know what statement the gentleman desires to make.

Mr. LYNCH. Regular order.

Mr. FARQUHAR. I hope the gentleman will withdraw the demand for the regular order for one minute. I want to call attention to the bill (H. R. 8063) to amend an act entitled "An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada," approved June 19, 1888. This is a very important bill, both to the United States and Canada. It is a matter for the saving of life as well as of property. It went to the Committee on the Judiciary; has been reported unanimously; is now on the Calendar, and as the committee will not be reached during the remainder of this session and thus have an opportunity of calling up the bill, I desire to call it up.

Now, Mr. Speaker, the Canadian Parliament—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

The question was taken on the motion of Mr. BLAND, and the Speaker announced that the noes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 4, noes 46.

Mr. BLAND. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Texas [Mr. ABBOTT] and the gentleman from Missouri [Mr. BLAND].

During the count,

Mr. TAULBEE said: Pending the vote I ask leave to introduce a bill for reference.

The SPEAKER *pro tempore* (Mr. TURNER, of Georgia). The request is not in order at this time.

Mr. TAULBEE. I ask the gentleman making the point of no quorum to withdraw it for the time being, so that I may introduce this bill. [Cries of "Regular order!"]

The SPEAKRR *pro tempore*. The regular order is demanded.

Mr. BREWER. I hope the gentleman from Kentucky will not interfere with business.

Mr. TAULBEE. I would not by any means; but I would like to introduce this bill.

The hour of 11 o'clock having arrived,

The SPEAKER *pro tempore* said: The time for asking unanimous consent has expired.

Mr. BLAND. I withdraw the motion to take a recess.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I am directed by the Committee on Appropriations to submit a report on the sundry civil appropriation bill.

The report was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1890, and for other purposes, together with the amendments of the Senate thereto, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 11, 12, 13, 15, 16, 17, 56, 57, 64, 65, 66, 67, 68, 70, 80, 83, 93, 104, 107, 110, 111, 113, 114, 153, 157, 163, 166, 167, 168, 169, 170, 171, and 172.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 103, 105, 106, 108, 109, 112, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 158, 159, 160, 161, 162, 164, 165, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199.

They recommend concurrence in the amendment of the Senate numbered 101, with an amendment as follows:

On page 31 of the bill, in line 23, after the word "dollars," insert the following: "Which sum shall be expended under contract or contracts, to be made by the Secretary of the Treasury with the lowest and best bidder or bidders therefor, after advertising once a week for four consecutive weeks for proposals."

The SPEAKER. The question is upon agreeing to the report.

Mr. RANDALL. I ask the previous question upon the adoption of the report.

The previous question was ordered.

The SPEAKER. There are thirty minutes for explanation or debate.

Mr. RANDALL. The amount added by the Senate to the bill as it passed the House was $3,453,151. There are three or four main items of controversy. One relates to the question of the use of steam-presses in the Bureau of Engraving and Printing. Another relates to the Library building, the question being whether the law of last year shall be changed so that the structure shall have a limit of $6,000,000 instead of $4,000,000. The third material point in controversy is in relation to the provision made in the Senate amendment for the purchase of a lot immediately west of the Post-Office Department building for the city post-office and other public offices, which is an indefinite appropriation and can be regulated in amount only by the judgment of a Washington jury.

Mr. MILLS. That is the block between D and E streets?

Mr. RANDALL. It is.

Mr. MILLS. And it is all built up?

Mr. RANDALL. It is all built up.

Mr. MILLS. What is the estimated cost of that lot?

Mr. RANDALL. The present rumor is that it may cost $1,250,000.

Mr. MILLS. To condemn the property?

Mr. RANDALL. To condemn the property. The Committee on Appropriations recommend non-concurrence in that Senate amendment. It may not be inappropriate for me to say here that prior to the distribution of the appropriation bills the Committee on Appropriations possessed the power to add legislation on general appropriation bills which would reduce expenditures. During that period such legislation proposed by the House was uniformly resisted by the Senate. They would not admit any such legislation to go upon an appropriation bill. After that the Committee on Appropriations and the other committees of this House having charge of appropriation bills were deprived of the right to report any legislation upon appropriation bills. Notwithstanding the attitude of the Senate which I have already stated, a change seems to have come over that body of late, and we have fallen into a practice which enables the Senate to put almost anything it pleases in the way of legislation upon a general appropriation bill, while the House is not equal to the Senate in that particular. Of course the Committee on Appropriations have resisted this practice as far as they have been able, and will continue to do so until the House itself shall direct a relinquishment of the resistance.

Mr. TAULBEE. What are we asked to do now with reference to this matter?

Mr. RANDALL. We are asked not only to expend three millions and a half in addition to what the House thought sufficient, but also to involve the Government in large and indefinite additional expenditures.

Mr. TAULBEE. But what is the pending motion?

Mr. RANDALL. The pending motion is to adopt the report of the Committee on Appropriations on this bill.

Mr. TAULBEE. And that report recommends non-concurrence in these amendments?

Mr. RANDALL. It recommends non-concurrence in the amendments which I have stated.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask the gentleman from Pennsylvania about the Library feature of the bill.

Mr. RANDALL. We recommend non-concurrence in that amendment because it comes under the class of amendments I have mentioned.

Mr. BRECKINRIDGE, of Arkansas. The different estimates that you speak of, four millions and six millions respectively, do they include the cost of the ground also?

Mr. RANDALL. The ground has been paid for already, I believe.

Mr. BRECKINRIDGE, of Arkansas. And those estimates relate only to the building?

Mr. RANDALL. There is $500,000 provided in the bill in that connection, which is adequate for present purposes whether the limit of the structure be $6,000,000 or $4,000,000.

Mr. BRECKINRIDGE, of Arkansas. So that whether the limit be fixed at either figure there will be money enough for the current year appropriated by the bill.

Mr. RANDALL. There will be sufficient to cover the expenditures of the year with the money already unexpended.

Mr. BRECKINRIDGE, of Arkansas. But my question is, whether the estimates of $4,000,000 and $6,000,000 relate, respectively, to the structure only, or whether they include also any part of the purchase of the ground.

Mr. RANDALL. They relate only to the structure. But, if I may venture an opinion, I will say that I think the House will be required to take a position on the question of fixing the limit either at $4,000,000 or $6,000,000, because I am quite satisfied that the conferees of the House, whoever they may be, will adhere to the law.

Mr. HEARD. I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that there is $500,000 appropriated by the bill in any case.

Mr. RANDALL. Yes.

Mr. HEARD. So that, whether we adopt the $4,000,000 or the $6,000,000 estimate, that $500,000, added to what is already unexpended, will be sufficient for the expenditures contemplated for this year.

Mr. RANDALL. I have so stated, and now repeat.

Mr. HEARD. Then what is the basis of this insistence that the House and the Senate shall agree upon the one plan or the other now?

Mr. RANDALL. Well, I can express only my own individual opinion on that point. I think that where the law fixes a limit of $4,000,000, that limit ought not to be changed on an appropriation bill.

Mr. HEARD. The gentleman does not quite understand me. My point was that there seems to be no necessity for an abandonment of our position on that score. According to the statement of the gentleman, as I understand, the provision which we make in our bill is ample for any contingency which may arise, whether we adopt ultimately the $4,000,000 limit or the $6,000,000 limit.

Mr. RANDALL. I would not like to give a distinct answer to that question. It might affect the contract to be made for the outer stone of the building, which it may be thought desirable to obtain from a particular quarry.

Mr. HOOKER. I wish to ask the gentleman from Pennsylvania whether there was a difference of opinion between the conferees of the two Houses upon the adoption of the amendment with reference to the international conference of American nations—the provision on page 57 of the bill.

Mr. RANDALL. As to that matter we recommend non-concurrence.

Mr. HOOKER. That was a Senate amendment?

Mr. RANDALL. Yes, sir.

Mr. HOOKER. Well, I wish to ask whether the present attitude of the bill will admit of an amendment being offered for the consideration of the committee of conference, an amendment which I design to come in after the words "seventy-five thousand dollars" in line 11, page 57. I will say to the gentleman from Pennsylvania and to the House that my object is to provide that during, or immediately before or after, this commercial conference of the Central and South American countries with our own, we shall have in the city of Washington a celebration of the one hundredth anniversary of the inauguration of the Constitution of the United States.

I am advised that in another part of the bill there is a very insignificant appropriation of $3,000 for the purpose of celebrating on the 30th of April of the present year the inauguration of the first President of the United States, General Washington. The proposition which I now suggest and which I desire to get into this bill in some form or other, is that we shall in this centennial year of the establishment of the Constitution and Government of the United States have at the capital city of Washington some suitable commemoration of that event. In such a commemoration these very nations which are expected to unite with us in this commercial convention will no doubt be glad to participate; and I may add it has been to me a subject of regret that the President of the United States has not yet (unless he has done so within the last few days) appointed the ten commissioners authorized by the law providing for that convention.

Sir, I think that we ought to have in this centennial year, 1889, a celebration of the inauguration of our Constitution and the establishment of our present form of government; and this celebration would come with especial fitness at a period when we are having this conference upon commercial subjects with these sister Republics of Central and South America who in their own organic forms of government have adopted as a model the Constitution of the United States almost *in totidem verbis*, and certainly in its essential spirit.

I therefore hope that no objection will be offered by the gentleman from Pennsylvania to the consideration of the following amendment, which it will be observed carries with it no appropriation:

On page 57, after line 11 (appropriating $75,000 for American conference), add:

"*Provided*, That before or during the conference suitable ceremonies shall be had in commemoration of the centennial anniversary of the inauguration of the Constitution of the United States, the time, place, and manner thereof to be fixed by the delegates of the United States."

I hope the gentleman from Pennsylvania will offer no objection to this proposition.

Mr. RANDALL. I certainly shall.

The SPEAKER. The previous question has been ordered upon the adoption of this report.

Mr. RANDALL. I wish to make a statement in connection with this matter.

In regard to the amendment of the Senate numbered 108, on page 57 of the printed bill, we have recommended non-concurrence, for the reason that there has been already appropriated under the act there mentioned $75,000 for the object contemplated; and we do not know that a dollar of that sum has yet been expended. The Committee on Appropriations, in the absence of any information or report as to the expenditure of this $75,000, recommended non-concurrence.

Now the proposition of the gentleman from Mississippi relates to another matter entirely. That proposition was submitted to the Senate and disagreed to. It will involve ultimately an expenditure of $300,000. It is not possible to offer it here; nor if it was possible am I authorized to admit such an amendment. The provision further on, to which the gentleman has referred, relates, I believe, to the reading of the Constitution of the United States, an address in relation thereto by the Chief-Justice of the United States, and some further proceedings, I think—a military parade or something of that kind. The $3,000 proposed to be appropriated for that purpose is, I think, largely in excess of any necessity.

Mr. HOOKER. I beg leave to say to the gentleman from Pennsylvania that I entirely agree with him in that respect, that for the object proposed in the amendment of the Senate an appropriation of $3,000 is entirely too much or entirely too little. The amendment I desire to offer does not carry with it the appropriation of one dollar.

Mr. RANDALL. I know, but it involves great expense hereafter.

Mr. HOOKER. If the gentleman will permit me a moment. The original proposition of the Committee on Foreign Affairs did propose, I believe, an appropriation of $300,000 for that purpose; and in consideration of the magnitude and importance of the celebration proposed, so far as the interests of this country are concerned, as well as

the countries we propose to have as our guests, it will be a mere bagatelle in comparison with the expenditure involved in the celebration of the centennial at Philadelphia in 1876. For myself, I regard it as the most important event in the history of the country. It should be marked not only by a celebration of the day on which the first President of the United States was inaugurated; but, Mr. Speaker, it should be marked more significantly as the centennial of the adoption of that instrument whose permeating influences have been felt throughout the civilized world, but more particularly in this country and in those countries with which we are so closely identified by geographical proximity

Mr. RANDALL. The gentleman should remember, however, that it is doubted by the best parliamentarians of the House, as well as of the other branch of Congress, whether it is within the power of either to insert new matter in bills of this character which have not been considered by either House. The gentleman will at once see the difficulty his proposition presents, even if it were in order under the rules of the House.

Mr. HOOKER. It can be done by a vote of the House, I suggest.

Mr. GUENTHER. Will the gentleman from Pennsylvania state what recommendation is made as to amendment numbered 103?

Mr. RANDALL. The controversy there is just this: Both sides propose that the money shall be expended, and the only question is whether it shall come directly out of the moneys in the Treasury, or shall be taken from the fund known as the "immigrant fund." We recommend non-concurrence in the Senate amendment.

Mr. GUENTHER. I hope you will do so and adhere, because there is not money enough in that fund to enforce the provision. There was only about $6,000 surplus last year.

Mr. RANDALL. We want to get at all the facts before determining the question. I do not think there will be any difficulty in the way.

Mr. DUNHAM. On this side of the House it was not possible to hear the explanation of the gentleman from Pennsylvania with regard to the Senate amendment in this bill providing for the purchase of a site for a post-office in this city. I wish to know from the gentleman what the committee recommended in that respect.

Mr. RANDALL. We recommended non-concurrence.

Mr. DUNHAM. That is right.

Mr. RANDALL. It is a proposition involving an indefinite appropriation which might reach $5,000,000.

Mr. DUNHAM. It might be $50,000,000 as far as the provision of the bill is concerned.

The report of the committee was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House request a conference with the Senate on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. RANDALL, Mr. FORNEY, and Mr. RYAN as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. SAYERS. Mr. Speaker, I ask, by unanimous consent, to dispense with this hour for the call of committees, for the purpose of taking up the unfinished appropriation bill.

Mr. TAULBEE. Will the gentleman, pending that, couple with his request one that the usual permission be granted to file reports?

Mr. SAYERS. I will do so, Mr. Speaker, and ask unanimous consent that members having reports from committees to make may present them at the Clerk's desk.

Mr. TAULBEE. Including minority views?

Mr. SAYERS. Including also the views of minority members of the committees.

The SPEAKER. Is there objection to the request of the gentleman from Texas as stated?

There was no objection, and it was so ordered.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

RISING SUN LODGE, DECATUR, ALA.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 43) to refer the claim against the United States of the trustees of the Rising Sun Masonic Lodge, No. 29, of Decatur, Ala., to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TARIFF STATISTICAL BUREAU.

Mr. WHEELER, from the Committee on Expenditures in the Treasury Department, reported back favorably the bill (H. R. 9827) to create and establish a tariff statistical bureau; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, MARTINSBURGH, W. VA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 3432) for the erection of a public building at Martinsburgh, W. Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PETER CRENSHAW.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5070) for the relief of Peter Crenshaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. PHELAN, from the Committee on Commerce, reported back with amendment the bill (H. R. 11960) to authorize the construction of a bridge across the White River at or near Aberdeen, Prairie County, Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORFEITURE OF WAGON-ROAD GRANTS.

Mr. HOLMAN, from the Committee on the Public Lands, submitted the views of the minority of that committee on the bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon; which were ordered to be printed, and referred to the Committee on the Public Lands.

GAMBLING IN AMERICAN FARM INDUSTRIES.

Mr. GLASS, from the Committee on the Judiciary, reported back adversely the bill (H. R. 7051) to prohibit fictitious and gambling transactions on the price of articles produced by American farm industries, and the bill (H. R. 5689) to punish dealing in futures in agricultural products; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHRISTOPHER C. ANDREWS.

Mr. MACDONALD, from the Committee on the Public Lands, reported back favorably the bill (H. R. 12079) for the relief of Christopher C. Andrews; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask, by unanimous consent, that gentlemen having bills to present may be permitted also to hand them in at the Clerk's desk for proper reference under the direction of the Speaker, in view of the fact that we had no opportunity on yesterday to present them.

Mr. SOWDEN. Let that also include resolutions.

Mr. SPRINGER. I will ask to include everything that would be in order under the rule of the House on Monday.

There was no objection, and it was so ordered.

FILING OF BILLS AND RESOLUTIONS.

The following bills and resolutions were filed by being handed in at the Clerk's desk:

OBSTRUCTION OF COMMERCE.

Mr. BRECKINRIDGE, of Arkansas (by request), submitted a resolution asking the Secretary of War as to the obstruction to commerce of certain railroad and other bridges; which was referred to the Committee on Commerce, and ordered to be printed.

BENJAMIN BRUNER.

Mr. BRECKINRIDGE, of Arkansas (by request), introduced a bill (H. R. 12645) for the relief of Benjamin Bruner; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADMISSION OF NEW MEXICO AS A STATE.

Mr. JOSEPH introduced a bill (H. R. 12646) to provide for the admission of New Mexico into the Union as a State on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADMISSION OF ARIZONA, IDAHO, AND WYOMING AS STATES.

Mr. SPRINGER introduced a bill (H. R. 12647) to provide for the admission of Arizona, Idaho, and Wyoming into the Union as States on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ELEVENTH CENSUS.

Mr. PERKINS presented a joint resolution of the Legislature of Kansas, asking that in the law providing for the next national census

provision be made for an enumeration of all the ex-Union soldiers and sailors of the late war, showing their ages, the companies and regiment in which they served, and the length of their service; which was referred to the Committee on the Eleventh Census, and ordered to be printed.

TO OPEN INDIAN TERRITORY TO SETTLEMENT.

Mr. PERKINS also presented senate concurrent resolution No. 7, of the Kansas Legislature, asking for legislation that will open the Indian Territory to settlement; which was referred to the Committee on Indian Affairs, and ordered to be printed.

BOUNTY TO SUGAR MANUFACTURERS.

Mr. PERKINS also presented a house concurrent resolution, No. 30, of the Kansas Legislature, asking that a bounty be paid to all manufacturers of sugar equal to any reduction that may be made in the existing tariff duty; which was referred to the Committee on Ways and Means, and ordered to be printed.

HOUR OF MEETING OF THE HOUSE, ETC.

Mr. SOWDEN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the special order of February 22, 1889, which reads as follows: "*Resolved*, That on and after to-day the House sessions shall begin at 10 a. m., and, after the reading of the Journal, up to 11 a. m., the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker,"
be, and the same is hereby, rescinded.

PRINTING OF EULOGIES ON THE LATE JAMES N. BURNES.

Mr. RICHARDSON. Mr. Speaker, with the consent of the gentleman from Texas, I desire to report a resolution from the Committee on Printing authorizing the printing of the eulogies on the late Mr. Burnes.

There being no objection, the joint resolution (H. Res. 266) was read, as follows:

Be it resolved, etc., That there be printed of the eulogies delivered in Congress upon the late James N. Burnes, a Representative in the Fiftieth Congress from the State of Missouri, 25,000 copies, of which 6,000 copies shall be for the use of the Senate and 19,000 copies shall be for the use of the House of Representatives; and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said James N. Burnes to accompany said eulogies, and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DOCKERY. With the consent of the gentleman from Tennessee, I desire to offer an amendment.

The Clerk read as follows:

Resolved further, That of the quota to the House of Representatives, the Public Printer shall set apart 50 copies, which he will have bound in full morocco, with gilt edges, the same to be delivered when completed to the widow of the deceased.

There being no objection, the amendment was adopted; and the joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SAYERS. I move to dispense with the call of committees for reports.

The motion was agreed to.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the unfinished business, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The Clerk read as follows:

To reimburse the estate of J. K. Edwards, late an official reporter of the House of Representatives, the amount paid to E. D. Easton for services rendered and expenses incurred as a substitute reporter from June 11 to July 17, 1888, both inclusive, such payment having been authorized by a resolution of the House adopted July 14, 1888, $733.90.

Mr. LAWLER. Before passing from this item I wish to introduce an amendment.

The Clerk read as follows:

To pay Frank B. Gorman $75 for the month of November, 1888, for extra work as mail page.

Mr. SAYERS. I desire to reserve the point of order upon that amendment.

Mr. LAWLER. I want to state that the two mounted pages besides doing the work they are called upon to do as pages also carry down books and public documents night after night. The associate of Mr. Gorman was paid his extra month, through Mr. Burnes interceding for him, and this amendment is offered in order to equalize the pay of the two.

Mr. SAYERS. In view of the statement made by the gentleman from Illinois I will withdraw the point of order.

The amendment was agreed to.

Mr. O'FERRALL. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

To pay George W. Fisher for services as laborer at the Capitol from August 1 to December 1, 1887, one hundred and twenty days at $2 a day, $240.

Mr. SAYERS. I reserve the point of order upon that amendment until I can hear the statement of the gentleman from Virginia.

Mr. O'FERRALL. Mr. Chairman, the facts in connection with these services are these: On the 1st day of August, 1887, George W. Fisher, a colored man of Virginia, was appointed by the then Doorkeeper of the House upon the laborers' roll.

Mr. SAYERS. Which Doorkeeper?

Mr. O'FERRALL. Mr. Donelson, the Doorkeeper at that time. He performed four months' services from the 1st day of August, when he was appointed, to the 1st day of December, 1887. For that service he never received a dollar.

Mr. SAYERS. Why not? Can the gentleman state that to the committee?

Mr. O'FERRALL. I do not know why he did not receive pay. He was put upon the roll at my request, and I know that he performed the services, and the evidence taken when the question was submitted to the Committee on Claims shows that he was not paid a dollar. Of course I can not tell why he was not paid.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

Mr. SHAW. I offer the following amendment.

The Clerk read as follows:

To pay Edward W. Coughlin $150 for services rendered the Committee on Accounts during the first and second sessions of the Fiftieth Congress.

Mr. SAYERS. I reserve the point of order on that amendment.

Mr. SHAW. I offer that amendment on the unanimous recommendation of the Committee on Accounts.

Mr. SAYERS. Did not you have some one else, or was not there some other person detailed to perform that duty?

Mr. SHAW. The Doorkeeper of the House detailed a messenger, who was sent there during the meeting of the committee. That committee has constant communication with the Clerk of the House, as the Clerk will testify, papers passing backward and forward.

Mr. SAYERS. I can not withdraw the point of order upon that.

The CHAIRMAN. What is the point of order?

Mr. SHAW. This is a just claim, and if I were financially able I would pay it out of my own pocket. I think the committee is entitled to that courtesy.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

The Clerk read as follows:

For horse and buggy for Department messenger, House of Representatives, for the fiscal year 1890, $250.

To pay Charles Carter for caring for subcommittee-room of Committee on Appropriations, $60.

To pay Charles Holbrook for services as laborer for thirty-seven days, at $2 per day, $74.

To enable the Clerk of the House to rent, during the fiscal year 1890, rooms for the use of the clerks employed under the direction of the Committee on Rules in preparing the general index of the Journals of Congress, $1,200.

Mr. WISE. I offer the following amendment:

To pay J. W. Chickering $126, J. W. Fisher $130, and J. M. Fisher $121.90 for extra work in indexing the House Journal and miscellaneous documents during the first session of the Fiftieth Congress; in all, $377.90.

Mr. SAYERS. I reserve the point of order on the amendment until I can hear the statement of the gentleman from Virginia.

Mr. WISE. Mr. Chairman, during the first session of the Fiftieth Congress the Clerk of the House of Representatives made the appointment of an index clerk upon my recommendation. It turned out that that clerk did not perform his duties, and the Clerk of the House was not responsible for that. It is known to the gentlemen of the Committee on Appropriations that the index clerk usually performs his duties at home. Towards the close of last session he told the Clerk of the House of Representatives and myself that his work was up to date. When we found out that he had neglected his duties he was requested to resign, which he promptly did, and the Clerk of the House made a new appointment. This new appointee came here after the very long and arduous session, and by working night and day brought up the work of last year in a few weeks.

The work of this session is up to this very day. In consequence of the neglect of the gentleman who was first appointed index clerk, it became necessary to employ some assistanee for his successor. That work cost but the small sum of $377.90, and the object of this amendment is to pay these gentlemen who were employed to assist him. It is known to the members of this House that the last session was an unusually long and laborious one, and therefore I hope that the gentleman who has charge of this bill will not object to paying this small sum of $377.90 for this purpose.

Mr. SAYERS. I will state, Mr. Chairman, the reason that I must decline to withdraw the point of order is that the Committee on Appropriations considered the very question involved in this amendment, and they rejected it.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. SAYERS. The point is that there is no rule of the House and no law authorizing this expenditure.

Mr. WISE. There is a law authorizing the indexing, and it seems to me that an additional appropriation for this purpose certainly ought to be in order.

The CHAIRMAN. The Chair will have to sustain the point of order unless the gentleman from Virginia can refer to the law.

Mr. WISE. I hope the gentleman will withdraw the point of order.

Mr. SAYERS. I can not withdraw it, Mr. Chairman. The Committee on Appropriations passed upon this very item and rejected it.

The CHAIRMAN. Unless the gentleman from Virginia can refer the Chair to the law the Chair must sustain the point of order. [After a pause.] The point of order is sustained.

The Clerk read as follows:

To pay Thomas A. Coakley, a messenger employed under the resolution of the House, adopted January 19, 1888, at the rate of $100 per month from March 3, 1889, until the assembling of the first session of the Fifty-first Congress, $900 or so much thereof as may be necessary.

Mr. ROMEIS. I make the point of order upon that paragraph.

Mr. BOOTHMAN. I make the point of order that it changes existing law and is new legislation, and I move to strike out the paragraph.

Mr. RANDALL. I hope the gentleman will not make that point.

Mr. SAYERS. I call the attention of the Chair and of the committee to page 2377 of the RECORD, February 23, 1889, from which I read:

Mr. HAYES, from the Committee on Accounts, reported back favorably Miscellaneous Document No. 112, providing for the salary of Thomas A. Coakley, asked that the Committee on Accounts be discharged from its further consideration; that it be referred to the Committee on Appropriations, and that committee be authorized to make provision for it in the general deficiency bill.

Mr. HOLMAN. The fact was not annouced as to what it was.

Mr. RANDALL. It is a report from the Committee on Accounts asking to be discharged from the consideration of this matter and that it be referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. Does the gentleman from Indiana object?

Mr. HOLMAN. I do not object. I simply wanted to know what it was.

There was no objection, and it was so ordered.

Mr. RANDALL. The committee in reporting this acted under the instruction of this House.

The CHAIRMAN. The Chair will consult the RECORD. [After examining the RECORD.] The Chair thinks that the resolution adopted by the House is sufficient authority for the appearance of this provision in the deficiency appropriation bill.

Mr. BOOTHMAN. If the Chair will read the resolution carefully through he will see that it applies only until March 3, 1889, while the paragraph proposed to be stricken out puts this man upon the roll of this House after March 3, 1889, and also upon the roll of the next Congress. Now, whether that resolution be existing law or not, certainly this is a change of the terms of the resolution, and if the resolution be not existing law, then there is no law for placing him upon the roll, and therefore this paragraph proposes new legislation.

Mr. RANDALL. The Chair will see by the RECORD that the House instructed the Committee on Appropriations in this connection.

The CHAIRMAN. The Chair is of opinion that this paragraph is in order under the resolution.

Mr. BOOTHMAN. I think the Chair has fallen into a mistake. The RECORD that has been sent up contains a resolution passed at the first session of the Fiftieth Congress, to place this man upon the roll during the existence of the Fiftieth Congress; but the paragraph under consideration proposes to place him upon the roll of the House after the expiration of the life of the Fiftieth Congress, although there will be nothing on earth for him to do after the 3d day of March next but to draw his pay. He is on the roll now as a supernumerary.

Mr. RANDALL. This resolution was sent to the Committee on Appropriations within a week.

The CHAIRMAN. The Chair will invite the attention of the gentleman from Ohio [Mr. BOOTHMAN] to the fact that the resolution provides for a period from March 4, 1889, until the beginning of the first session of the Fifty-first Congress, and that is exactly the provision of the paragraph under consideration.

Mr. BOOTHMAN. But my point of order is that this paragraph changes existing law. Now, I do not see how the resolution adopted by the Committee on Appropriations, as reported to the House, makes existing law.

Mr. RANDALL. The House has the authority.

The CHAIRMAN. The effect of the resolution is to waive the point of order, and bring the question before the House for consideration.

Mr. BOOTHMAN. But the Chair will remember that my point is, first, that this paragraph changes existing law, and second, that it proposes new legislation.

The CHAIRMAN. Both of which points of order would be fully sustained but for the action of the House directing the Committee on Appropriations to insert this provision.

Mr. HOLMAN. I hope that resolution of the House will be read.

Mr. BUCHANAN. I would like to submit another suggestion in this connection before the Chair makes a final ruling. This bill was reported February 12; that is the last report we have from the Committee on Appropriations on this subject. This action by the House was taken February 22—ten days afterwards. So that the resolution referred to the Committee on Appropriations still remains on their docket. The words complained of were reported long before that action of the House was taken, and no further action has been had by the Committee on Appropriations upon the resolution thus referred to them.

There is another thing to which I want to call the attention of the Chair. When this action was taken on the 22d of February the gentleman from Indiana [Mr. HOLMAN], after the gentleman from Iowa [Mr. HAYES] had made his statement, made an inquiry as to what the matter was; and the reply of the gentleman from Pennsylvania does not disclose that the Committee on Appropriations was directed to make provision for it on this bill; it is simply stated that it is a report from the Committee on Accounts, that the committee asked to be discharged from the further consideration of the matter, and that it be referred to the Committee on Appropriations. So that the House did not have knowledge of the subject-matter.

Mr. HOLMAN. I hope the resolution will be reported.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to provide in the general deficiency bill for the salary of Thomas A. Coakley, who was appointed a messenger of the House by resolution adopted January 19, 1888, from March 4, 1889, to the beginning of the first session of the Fifty-first Congress.

Mr. SAYERS. Now I ask that the Clerk read in this connection the proceedings on this matter as published in the RECORD.

Mr. HOLMAN. I wish to inquire of my friend from Texas [Mr. SAYERS] what duties will be performed by this man after the 4th day of the coming month.

Mr. RANDALL. The gentleman had better ask that question of the House which adopted the resolution.

The CHAIRMAN. In reply to the suggestion of the gentleman from New Jersey [Mr. BUCHANAN], the Chair will state that the resolution does seem to be in the nature of an "enabling act" intended to waive the point of order on the provision of the bill which has already been passed upon by the Committee on Appropriations. As the House has passed upon the identical question, the Chair feels constrained to overrule the point of order and will submit the matter to the committee. The gentleman from Ohio [Mr. BOOTHMAN] moves to strike out this provision of the bill.

Mr. BUCHANAN. One single observation before the amendment is voted upon. This is an attempt to put upon the regular roll of the next House, in advance of its meeting, an official who is upon the present roll—not as a regular official, but by virtue of a special resolution. He is one of the doorkeepers; and I see no reason whatever for this gentleman being from the 3d of March up to the meeting of the next Congress an extra official drawing pay, when there is nothing whatever for him to do or that he can do. This is a direct attempt, so far as it goes, to officer the next House.

The question being taken on the motion of Mr. BOOTHMAN to strike out the paragraph, there were—ayes 66, noes 68.

Mr. GROSVENOR. No quorum.

Tellers were ordered; and Mr. GROSVENOR and Mr. SAYERS were appointed.

The committee again divided; and the tellers reported—ayes 73, noes 97.

So the motion of Mr. BOOTHMAN was not agreed to.

The Clerk read as follows:

To pay the clerk to the Committee on Elections for preparing a digest of the contested-election cases of the Forty-eighth, Forty-ninth, and Fiftieth Congresses, as authorized by the resolution adopted by the House of Representatives December 20, 1888, $1,500.

Mr. ROWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

To pay Robert Smalls balance of expenses incurred by him in his election contest in the Fiftieth Congress, $3,159.64.

Mr. CRISP. I raise a question of order on that proposition.

Mr. ROWELL. I hope the question of order will not be raised.

Mr. RANDALL. How much is it proposed to pay Mr. Smalls?

Mr. ROWELL. Three thousand one hundred and fifty-nine dollars and sixty-four cents, the exact amount of the expenses incurred by him. I hope the gentleman from Georgia will not raise the point of order.

The CHAIRMAN. The gentleman from Georgia will state his point of order.

Mr. CRISP. Mr. Chairman, the law provides, page 400, volume 20, Statutes at Large, that—

Hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding $2,000 for expenses in the election contest.

This contestant and all contestants and contestees at this Congress have been already paid $2,000 by law; and the Committee on Elections, in passing on these cases, determined under the law that was all that could be given, and until this law was repealed we were bound to confine ourselves to the $2,000, which has been done.

Mr. ROWELL. Mr. Chairman, I hope the gentleman will withdraw his point of order. I know there is a statute which limits the amount which may be reported from the committee to pay the expenses of contested elections. I know, too, any other committee of this House to which a bill may be referred to pay these expenses would not for a moment hesitate to report back to Congress in favor of making the payment. The idea of a man going into an election contest legitimately and properly and paying the expenses of that contest without extravagance, and then for Congress to refuse to make repayment to him, is simply to put a fence against legitimate and proper contests in the House.

Mr. REED. The expense in a pretended contest is more than that.

Mr. TAULBEE. Will the gentleman yield to me for a question?

Mr. ROWELL. Certainly.

Mr. TAULBEE. Is it a well-established fact that the amount claimed in this amendment was actually and necessarily expended by the contestant in addition to the $2,000?

Mr. ROWELL. Unquestionably.

Mr. TAULBEE. In view of the further fact that the delay in the consideration of this case was not the fault of the contestant, I hope the gentleman will withdraw his point of order.

Mr. CRISP. I make no discussion on the amount in the case. It may be or it may not be correct. I would not pretend to say it was not correct, because I do not know. The law requires, Mr. Chairman, that the contestant and contestee shall file before the Committee on Elections a statement of the expenses incurred by them in the contest and that the Committee on Elections shall examine and determine what amount shall be allowed, but in no case shall the allowance exceed $2,000. That is the statute. And the reason of the statute doubtless was that where Congress paid the whole bill brought in, the contestants and contestees did not perhaps exercise that economy in contracting expenses they would have done if they felt they had to pay the bills themselves. That, I suggest, might have been the reason; but that is the statute, and it seems to me so long as the law is unrepealed it should be enforced.

I will say to the House, Mr. Chairman, that this is only one of some forty cases where the parties have severally received only the $2,000 allowed by law.

The CHAIRMAN. Gentlemen will please confine their remarks to the point of order.

Mr. ROWELL. That is what I propose to do. Notwithstanding this law, Mr. Chairman, Congress has allowed in some cases an extra amount; certainly in two cases on appropriation bills the payments for expenses have been over $2,000. There is now on the Calendar of the House, favorably reported from the Committee on Claims, a bill to pay an extra amount incurred in one of the contests before this House.

Mr. LANHAM. It was not a unanimous report.

Mr. ROWELL. It was not in this but in another of these contests. I have no doubt the Committee on Claims would have reported in this Congress the amount of expenses incurred in the contest. I have no doubt the Committee on Elections would have reported the amount which was found due. I have examined the items, with the vouchers and receipts.

Mr. SPRINGER. Will my colleague allow me to ask him a question?

Mr. ROWELL. Certainly.

Mr. SPRINGER. Has my colleague examined also the amount of the expenses of the contestant and contestee in the California contested-election case of Sullivan and Felton?

Mr. ROWELL. I have examined them.

Mr. SPRINGER. How much have the expenses been in that case?

Mr. HOPKINS, of Illinois. Does your vote depend on that?

Mr. SPRINGER. One at a time. [Laughter.]

Mr. ROWELL. There is not a single contest which amounts to anything where the legitimate and proper expenses have not exceeded $2,000, nor in the Forty-ninth Congress was there a single one which did not exceed that amount. That limitation of $2,000 has the effect where a man has been wrongfully deprived of his seat to force him to pay a little fortune out of his own pocket to vindicate the people who elected him and assert his right to a seat.

Mr. SPRINGER. My colleague has not answered the question I put to him as to what the expenses were in the election contest of Sullivan and Felton.

Mr. ROWELL. The expenses amounted to a very much larger sum than $5,000.

Mr. SPRINGER. My colleague does not answer me yet.

Mr. ROWELL. I am perfectly willing to pay each one of them the expenses incurred by them in their contest.

Mr. SPRINGER. Now, I will answer the question of my other colleague. I am willing, I will state to him, to do equal and exact justice to all parties, but I am opposed to selecting one case out of all the election cases, the case of a man who happens to be a colored man, and do justice to him, and at the same time do an act of injustice to every other gentleman in every other contest who happens not to be so fortunate as Mr. Smalls.

Mr. HOPKINS, of Illinois. I would suggest to my colleague that he ought not to be willing to seek to do injustice to this man because some of his colleagues have not introduced a bill to allow the same amount or some other, whatever it may be, that was paid out by Mr. Sullivan in his contest.

Mr. SPRINGER. If the gentleman will prepare an amendment to cover all of these cases and to do justice to all of them, or if the Committee on Elections will submit such a proposition, I should certainly have no objection to it.

Mr. REED. The only way you can get justice is by buying it, then, from the Democratic party.

Mr. HOPKINS, of Illinois. Does the gentleman speak for all of his party? Does he suggest that all of his side would agree to that?

Mr. SPRINGER. I understand that the contestant in the California case has probably expended more money than any other contestant or any other contestee in the House, and he should be entitled to preference, if there is to be a preference given, to reimbursement for his expenses rather than any other man occupying the same position.

Mr. ROWELL. I will say to my colleague that he has spent a great deal of money, that is true, but further than that I will tell him that nine out of every ten witnesses whose testimony was being taken represented a case of the taking of illegal and illegitimate testimony brought out by the contestant himself.

Mr. CRISP. On that point——

The CHAIRMAN. The Chair requests the gentlemen to confine the discussion to the point of order.

Mr. ADAMS. Before the Chair decides the point of order I respectfully ask the Chair to examine the frequent decisions in this House to the effect that the statute referred to by the gentleman from Georgia has no binding force or effect upon this House whatever. If this House under the Constitution is the judge of the election and qualification of its own members, a former Congress can not pass a valid statute saying how this House shall determine that question in any particular case. I have not had the time to bring together the authorities to which I refer, but I will recall to the attention of the Chair the fact that in a former Congress an elaborate argument was made by Mr. CARLISLE on this very question. I think it was in the Butterworth case, so called. It was there stated by him, and it has been assented to from that time to this, that no statute of Congress limiting the mode by which any House of Representatives shall arrive at a conclusion of fact as to the election of one of its own members has the force of law.

It is simply a recommendation which we can follow or not as we please. We do not allow the Senate to say how we shall reach a conclusion in an election case. Neither do we allow the Senate and the House of a former Congress, even by an act approved by the President, to place any limitation or restriction upon our action in cases affecting the election of members of this House. If Congress can limit the amount which can be paid a contestant in an election case to the sum of $2,000, Congress can limit the amount to one thousand, to five hundred, to one hundred dollars. It can thus deprive this House of the only practicable way of bringing the evidence of the disputed facts before the House for its decision.

If a former Congress can say to this House how much money shall be allowed to a contestant in this House it can say how much time shall be allowed him to prepare his case. It can say that the case shall be voted on on the first day of the session, although the House may not be ready to vote on it. It may say that it shall not be voted on for three months, although the House may be ready to decide it on the first day. It can say that the evidence shall be oral or shall not be oral but written, and that the depositions shall be taken and sworn to in a particular way.

Yet the House has repeatedly and deliberately refused to be bound by the provisions of existing statutes regulating the mode of procedure in election cases. The reason is that if any statute of this kind should be admitted by the House of Representatives to have the force of law the House would have lost the right to be the judge of the elections, returns, and qualifications of its own members, a right secured to each House by the express words of the Constitution.

If each House has full control of the way in which it shall vote on election cases, if it has control of the time at which the vote shall be cast, it surely has the right under the Constitution to determine in each case how the evidence of fact and the statement of the law shall be laid before the House. Such a discretionary power in each House is absolutely necessary in order that full justice may be done in each case. Any expenditure which in the judgment of the House is reasonable and necessary to that end is an expenditure previously authorized

by law, and may be inserted in a general appropriation bill under the rules of the House. This House can not take any other position with self-respect. It can not take any other position without waiving a constitutional right which has been prized as a safeguard of popular liberty for the last three hundred years.

Mr. BUTTERWORTH. With the consent of my friend from Illinois I will say that I made the same point in the Forty-ninth Congress when, I think, the honorable gentleman from Georgia [Mr. CRISP] was in the chair; that is, that it was not competent for Congress by an enactment, or the House by a rule, to restrict the means essential to enable a subsequent House to exercise the constitutional function of determining the election and qualification of its own members; but the gentleman from Georgia overruled the point of order. He was quite in error, but he did so. [Laughter.] I believe the point of order was well taken then and is now.

Mr. CRISP. The point of order I have made, you mean? [Laughter.]

Mr. BUTTERWORTH. No. As the gentleman from Illinois suggests, to say that this Congress may enact that no more than $2,000 may be appropriated for obtaining the information upon which we are to determine whether a member is entitled to a seat upon this floor is to absolutely abrogate the power of the House to exercise one of its highest and most important prerogatives under the Constitution. If we may say that the House can provide that only $2,000 shall be paid in the discharge of this constitutional duty we may by the same token determine that it shall only pay $1,000.

Mr. ADAMS, of Illinois. Or only 10 cents.

Mr. BUTTERWORTH. Or only 10 cents, as my friend suggests. What is to be the limit? For it is clear, if a limit short of what is actually necessary may be fixed, another which provides merely a nominal sum may be fixed; so that one House or Congress may deprive a subsequent House of the power to obtain information indispensable to qualify it to pass upon the question, of which it alone under the Constitution has jurisdiction to hear and determine.

Mr. CRISP. My friend entirely misapprehends the point I have made. It is perfectly immaterial whether it is a law that is binding as to the control or consideration of election causes or not. That is not the question at all. But the burden, I respectfully submit to the Chair, of showing a law which authorizes this amendment is on the gentleman who offers it.

Mr. ADAMS. Oh, no.

Mr. CRISP. That is the rule, I beg the gentleman's pardon.

Mr. ADAMS. Oh, no; the rule is a rule of restriction.

Mr. CRISP. I beg the gentleman's pardon again. The rule of law is that we shall not go beyond the limit, but the rule of the House provides that you shall not put any amendment on an appropriation bill not provided for by existing law.

Mr. ADAMS. Except in certain cases.

Mr. CRISP. And the only reason I called the attention of the Chairman to this statute was to show that not only was there no law authorizing this, but there has been an express legislative declaration that it was prohibited and improper.

Mr. BUTTERWORTH. The Constitution provides for the determination of the question and the statute provides the means for obtaining the facts necessary to its right determination, and to say we shall not pay more than 25 per cent. of the expense incident to obtaining those facts is to attempt by law to restrict the House in the exercise of one of its highest prerogatives.

Mr. CRISP. It is a question of order under the rules of the House as to an amendment on an appropriation bill, and that is the point my friend entirely overlooks or fails to call attention to. I agree fully with him that under the Constitution of the United States each House is the judge of the qualifications, election, and returns of its own members, and each House has the power by a law to pay out any amount that it may deem decessary——

Mr. ADAMS. By rule or appropriation.

Mr. CRISP. Any amount they please to a contestant for his expenses. But the point is, under the rules of the House the appropriation bill is not amendable by adding this sum to it without there is some law to authorize it.

Mr. ADAMS. Right on that point——

Mr. CRISP. And instead of there being any law authorizing it there is an express statute unrepealed, though the gentleman may say that we can disregard it as a legislative body, but the Chairman can not disregard it in passing upon a question of order upon an appropriation bill; and that law prohibits a greater amount than $2,000 being given in these cases.

Mr. BUTTERWORTH. Right there. The Constitution provides for determining these questions (*i. e.*, the election and qualifications of its members) and has devolved that duty on the House. Congress has provided rules for carrying out and into effect that provision of the Constitution. It shall be by contest. The manner of conducting the contest is prescribed by law. That is, the manner of preparing the case for decision is prescribed by law. In the exercise of the rights conferred by that law evidence essential to the hearing is taken by the contestant and contestee. The point is, that any legislation which limits the power or opportunity of the House to prosecute this inquiry, either by withholding the necessary appropriation or otherwise, is null and void in that it restricts or abrogates one of the constitutional prerogatives of this body. The rule of the House is to give expression to law. But the enactment which nullifies the prerogative of this body is no law, being in contravention of the Constitution, and hence it follows that the gentleman from Georgia in citing the statute which limits the amount which a subsequent Congress may appropriate to $2,000 in a contested-election case appeals to a void statute. The law to which he appeals has no force, and we disregard it, we do not override it, because it does that which we may not do by statute—that is, to limit the power of this House to make inquiries essential to the proper discharge of its constitutional functions.

Mr. CRISP. Will my friend allow me to ask him a question?

Mr. BUTTERWORTH. Yes, if it is an easy one.

Mr. CRISP. It is an easy one; and I just want to get your judgment. Do you think this amendment is in order on this appropriation bill?

Mr. BUTTERWORTH. I have just said it is, and I have endeavored to tell my friend from Georgia why. He has said this amendment is in contravention of law, and I have endeavored to show him that it is not.

Mr. CRISP. Then I ask the gentleman from Ohio to show the law that authorizes this amendment.

Mr. BUTTERWORTH. I did. The Constitution of our country, which authorizes this House to determine certain questions, supplemented by a statute which provides the means by which the information necessary to enable the House to determine those questions wisely and justly shall be obtained, and that law or any law which limits the power of the House in that behalf is unconstitutional, and has in fact no force.

The CHAIRMAN. The Chair desires to ask the gentleman from Ohio whether, under the views he has presented, he thinks it is the province of the Chair to pass upon the constitutionality or unconstitutionality of the law as it appears on the statute-book.

Mr. BUTTERWORTH. Undoubtedly. The Constitution is the highest law that the Chair knows or ought to know, and if he hesitates to pass upon the point he can refer it to the House.

Mr. CRISP. Mr. Chairman, let me read, not only for the benefit of the Chair, but for my friend from Ohio, because he seems to have gone away from the point of what the rule of the House is:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. BUTTERWORTH. To objects authorized.

Mr. CRISP. This may be a claim against the Government, or may be paid by the two Houses in the shape of a law whenever they determine to do so. I raise no question, and have no doubt about that; but that this statement, if put upon this bill, will be put on it without any law to authorize it, and in violation of the rules of the House, I have no doubt.

Mr. REED. The objection in regard to the rule could have been gotten over if the gentleman had not made an objection.

Mr. CRISP. That is another question; but I was so much shocked by my friend from Ohio saying that he thought it was in order that I was almost paralyzed.

Mr. REED. If he had quite done that we would have gotten through with this. I make the suggestion to the gentleman from Georgia that he withdraw the point of order, and let the House vote upon the matter.

Mr. CRISP. I will say frankly——

Mr. REED. Let the majority of the House determine whether it is just, and give this man a tribunal.

Mr. CRISP. Let me say to the gentleman from Maine that the Committee on Elections were charged with the determination of all these questions under the rules of the House and under the law.

Mr. REED. Now, give this man a tribunal.

Mr. CRISP. The Committee on Elections unanimously decided that in no case would they allow exceeding the $2,000 which the law said should be allowed, and as to all the excesses, they could be presented to the Committee on Claims or any other committee that had control of this matter; but we, as a committee of the House, were bound by the rules of the House.

Mr. REED. Now, I want to appeal to the gentleman from Georgia as an individual. I do not appeal to him to vote for this amendment, but I appeal to him to withdraw his objection and let this man have the judgment of the House upon the justice of the claim. The objection is purely a technical one and ought not to stand in the way of doing what is just and right. There is no man in this House who has had an election contest, or anything that pretended to be one, that does not know that the expenditures a man is forced to make exceed the $2,000 allowed.

Now, why not let justice be done and avoid this technicality? It is entirely within the power of the gentleman from Georgia [Mr. CRISP]

to permit the House to pass upon this question. Why should he not do it? I appeal to him individually.

Mr. CRISP. Mr. Chairman, I think I have heard my friend from Maine [Mr. REED] say more than once, and I know that I have read in books, that the best way to remove an objectionable law is to enforce it, and in that way exhibit and emphasize the objections to it——

Mr. REED (interposing). Then you are opposed to the law?

Mr. CRISP (continuing). In order that there may be a repeal of the law, which will put all men on an equality.

Mr. REED. Then you are doing this in order to secure the repeal of the law, are you?

Mr. CRISP. I am not. I am doing it from a sense of duty, but in doing it I am following a path which is commended by the gentleman from Maine and commended also by many others when they come to deal with a law which they think is objectionable or obnoxious.

Mr. REED. Then will the gentleman permit an amendment to be presented on this bill repealing that law, and let us try what we can do about it here?

Mr. CRISP. I think not at this stage of the session.

Mr. REED. Then the gentleman's object does not seem to be to repeal a bad law.

Mr. CRISP. All around me are gentlemen who are in the same position as this claimant. The gentleman from Virginia [Mr. O'FERRALL] had a contest in the Forty-eighth Congress——

Mr. REED. And he ought to be paid.

Mr. CRISP. I do not know how many thousand dollars are due him.

Mr. REED. That does not matter.

Mr. CRISP. The rule has been so for a great many years.

Mr. REED. It has, and it has been a wrong every time.

Mr. CRISP. Now, the proposition is to select out one case and deal with that, ignoring all the others. The others are not here. Their claims are not here. Their claims have not been passed upon by anybody. Only one case has been passed upon by the Committee on Claims, that of the gentleman from Illinois [Mr. POST]. I understand that the committee have reported favorably in his case; not a unanimous report, but the report of the majority of the committee. But this claim, I will state to the gentleman from Maine, has not been examined or reported upon by any committee of this House.

Mr. REED. The amendment is offered by the gentleman from Illinois [Mr. ROWELL], who has examined the matter.

Mr. MCADOO. Will the gentleman from Georgia yield for a question?

Mr. CRISP. Yes, sir.

Mr. MCADOO. I wish to ask the gentleman whether the expenses incurred in the case of Mr. Sullivan were not as great as in the case of Smalls?

Mr. CRISP. Oh, I think very much greater, though I do not recollect just what the claim in that case was. I want to say to the House also that when the Committee on Elections took up these claims for expenses there was a very considerable amount more than $2,000 claimed in some of the cases, but we did not make a critical examination of each item as we would have done if we had determined to consider the claims in detail on their merits.

We simply looked at this bill and came to the conclusion that certainly it was a reasonable claim to the amount of $2,000, and therefore we reported in favor of the payment of the $2,000. Speaking for myself and other members of the committee, except perhaps the gentleman from Illinois [Mr. ROWELL], who may have looked into the matter since that time, although he had not done it up to that time, we dealt with them upon that general idea without going into details. I can not say that this claim is right or that it is wrong. I only say that no committee of the House has ever determined that it is right.

Mr. HOPKINS, of Illinois. But after the statement of my colleague [Mr. ROWELL] that he has examined it, you have no doubt that it is right, have you?

Mr. CRISP. Personally I do not know anything about it; but of course I have the utmost confidence in the gentleman from Illinois [Mr. ROWELL]. I merely say that no committee of the House reported in favor of the claim.

Mr. ROWELL. The chairman of the committee is correct in stating that the Committee on Elections went over each one of these claims and having found an amount sufficient to make $2,000 allowed that sum. In some of the cases the claims amounted to barely $2,000, and the parties got their total expenses. So that the committee, as a committee, did not pass upon every one of these items. I have here, however, an itemized bill, and there is no question that the committee, had they not been limited by the law, would have reported in favor of this claim.

Mr ADAMS. One suggestion more as to the duty of the Chair and as to the burden of proof in deciding this question. The gentleman from Georgia [Mr. CRISP] asked me whether the burden of proof was not on us to show that this amendment could be made. I say no. The burden of proof is on any man who says that the Committee of the Whole House can not put an amendment on a bill.

Mr. CRISP. I simply say that there is no law authorizing it, and then I suppose that you will show affirmatively that there is. You certainly would not ask us to prove a negative, would you?

Mr. ADAMS. You can not transfer the burden of proof in that easy way.

Mr. CRISP. Would you ask us to prove a negative?

Mr. ADAMS. The House of Representatives in Committee of the Whole has a right to amend any appropriation bill or any other bill——

Mr. OUTHWAITE. In other words, the House has a right to override its own rules by a simple vote in Committee of the Whole. Is that the gentleman's proposition?

Mr. ADAMS. The gentleman from Ohio is in too great haste. I can not utter two sentences at once, but if the gentleman will be patient I will make my position clear.

Mr. OUTHWAITE. I am only asking whether your proposition is not simply that the House can override one of its own existing rules by a simple vote in Committee of the Whole?

Mr. ADAMS. I am about to state what my proposition is. Mr. Chairman, the burden of proof is not upon those who hold that this is permitted by the rules. The burden of proof is upon those who insist that by reason of a rule the legislative discretion of this House is limited and restricted. Up to 1874 any House of Representatives could put upon any bill, even an appropriation bill, any amendment which was permitted by the general parliamentary law. Then a rule was adopted restricting the liberty of this House in that respect; but that rule must be strictly construed. Any amendment can go on an appropriation bill which the rules of the House do not forbid to be there. Now, the rules of the House forbid an appropriation for any expenditure not previously authorized by law unless in continuation of appropriations for public works and objects already in progress. The question is whether the gentleman can show that this is an expenditure not previously authorized by law. If the law, whether constitutional or statutory, authorizes this House to decide the election contests of its members, it certainly authorizes this House to take necessary means for that end; and it is within the discretion of this House to determine what those means shall be.

Mr. HEARD. Will the gentleman allow me a question?

Mr. ADAMS. Certainly.

Mr. HEARD. Does the gentleman hold that it is competent for Congress to put any limit on the extent to which these expenditures may go?

Mr. ADAMS. I hold that it is not competent by law to limit in any manner the mode in which the House shall determine whether in a certain contest A or B was elected a member of the House, and there is no limit on the power of this House to appropriate money for that purpose; and my authority for that position is Mr. CARLISLE in the Forty-seventh Congress.

Mr. HEARD. The gentleman from Ohio quoted a higher authority even than Mr. CARLISLE—the Constitution of the United States.

Mr. ADAMS. Well, the Constitution stands behind Mr. CARLISLE in support of that position.

Mr. HEARD. Now, I understand my friend from Illinois [Mr. ADAMS] to affirm the position that because the Constitution of the United States gives to each House of Congress the right to pass upon the election and qualifications of its members, therefore it is not competent even for Congress by law to provide rules or regulations to restrict the expenditure of money or to provide other restrictions as to how such questions shall be considered; for I apprehend the gentleman could just as correctly argue that Congress can not limit the time within which testimony may be taken in such cases to forty days.

Mr. ADAMS. That was Mr. CARLISLE'S precise position.

Mr. HEARD. Then I would say to the gentlemen on the other side of the House, and especially to the gentleman from Maine [Mr. REED] that they may understand their rights, but they certainly mistake their remedy. If this law is wrong—and the gentleman from Maine says that there is scarcely any case in which there is even the pretense of a contest where this limit is not necessarily exceeded—if that is the case, then there is no excuse for this law being on the statute-book; and the remedy is by a proposition to repeal it in order that the law may operate upon this case as upon every other and shall not in any instance operate exceptionally.

My friend from Illinois [Mr. ROWELL] says that to draw the restriction so closely has the effect of putting up the bars perhaps against men who might make honest contests here. Ah, I tell the gentleman that this law has a different purpose. Its object is rather to fix a reasonable limit inside of which these contests may be conducted without oppression to the people in the matter of improper and illegitimate expense, and to prevent the inviting and nursing of contests simply for the sake of the fees which they may bring to those interested. This committee had before it a bill for $7,000 or $8,000 in one case where there was, as I think, in the judgment of the country as well as the House, the merest "pretense of a contest," to adopt the language of my friend from Maine. What did we do? That case was operated upon by this statute, as is this case and every other. We believed that as much as $2,000 had been legitimately expended, and we reported in favor of allowing the amount to which we are limited by law—that is,

$2,000. And to-day we have no right, and gentlemen can not contend that we have the right, under the law, to report in favor of allowing more than $2,000 in any case; nor can this House make such an allowance by an amendment to this bill without violation of the rules so long as that statute stands unrepealed.

Mr. BUTTERWORTH. A single word in reply to what has been said on the other side.

I want my friend from Georgia [Mr. CRISP] and my friend from Missouri [Mr. HEARD], as well as the Chair, to understand precisely the point I make. I fear I have not made myself understood. First, the Constitution, in section 5 of Article I, provides that—

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

That we all agree about. Now, that is the highest authority for taking action here to determine the right of any claimant to a seat on this floor. In pursuance of that provision of the Constitution a contest is provided for, either by one claiming the seat as against a party holding the certificate or on a petition of citizens. Then it is provided by statute that witnesses may be called; the power of the judiciary may be invoked to compel witnesses to testify, to punish them for contumacy or for refusing to testify, or to do that which is necessary to enable the House to be put in possession of the facts which will enable it wisely and justly to determine the question.

Mr. HEARD. I would like to ask the gentleman one question.

Mr. BUTTERWORTH. In one moment I will yield.

That right with reference to contested elections devolves upon each House. In other words, it is the right of the House which forms a part of the Congress in which the contestant and contestee claim a seat as contradistinguished from any other House or Congress. Now, the Fiftieth Congress may not determine for the Fifty-first Congress what shall be expended in the matter of reaching this result.

Mr. HEARD. Is not the House bound by the law as it finds it on the statute-book?

Mr. BUTTERWORTH. I am coming to that.

If this Congress may not bind the Fifty-first Congress in the matter of expenditure, why not? Because it is not constitutional to make such a restriction. Hence a law undertaking to make that restriction, undertaking to deprive the Fifty-first Congress of the power to utilize the ordinary agencies to reach a wise and just determination, is unconstitutional, and such a law, if unconstitutional, can certainly have no binding force.

Now, the rule which my honorable friend cites can hardly be considered as expressive of or responsive to a provision of law which is unconstitutional. My friend says, shall we not observe the law on the statute-book? The point I make is that the law is a nullity, because it undertakes to restrict the power of the House to exercise its highest constitutional prerogative.

Mr. HEARD. Will the gentleman allow me one question?

Mr. BUTTERWORTH. Certainly.

Mr. HEARD. Does not the gentleman's theory authorize either branch of Congress to travel entirely outside of the regulations fixed by the act of Congress for the government of these election cases?

Mr. BUTTERWORTH. Oh, no; when the regulations are reasonable.

Mr. HEARD. One further question.

Mr. BUTTERWORTH. That would reduce the amount of expenditure to a mere nominal sum. My friend may as well wipe it out altogether. He takes my life who takes away the means whereby I live.

Mr. HEARD. Does it not place the matter in this position, that it is a matter entirely in the discretion of either House of Congress, according to its construction of its rights, to determine as to these election contests? Under the same Constitution both Houses of Congress have passed a law providing a limit to the allowance to be made in these contested-election cases for expenses.

Mr. BUTTERWORTH. Unquestionably; and as it has done so, I appeal to the House to vote this appropriation.

Mr. HEARD. According to your construction any law which interferes with the discretion of the House is to be disregarded.

Mr. BUTTERWORTH. Oh, no.

Mr. HEARD. That is your argument.

Mr. BUTTERWORTH. Not at all; very far from it. A law to carry into effect a provision of the Constitution is one thing, and a law to restrict and prohibit is quite another.

Mr. BLAND. Does the gentleman from Ohio claim because the House has a right to decide therefore the House may appropriate any amount for expenses?

Mr. BUTTERWORTH. Certainly not.

Mr. BLAND. Because you have the power under the Constitution to decide a contested-election case for a seat in this House, does that also compel it to provide for the payment of expenses, and does the gentleman contend it gives us the power to pay any amount, although the law has declared in terms that an allowance shall not exceed $2,000? [Cries of "Vote!"]

Mr. SAYERS. I think, Mr. Chairman, that a sufficient time has been taken up in debate on the point of order. I now ask for the ruling of the Chair.

The CHAIRMAN. The Chair has no doubt whatever in respect to this question, and sustains the point of order.

Mr. SPRINGER. I wish to offer the following amendment.

The Clerk read as follows:

> That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant numbered 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant, without his authority or knowledge, and for which he has never received any benefit whatever, and to pay said reissued warrant out of any moneys in the Treasury not otherwise appropriated.

Mr. SAYERS. I ask the gentleman from Illinois to state whether he has in his possession the facts to prove the allegations set forth in his amendment?

Mr. SPRINGER. I have the letters of the Treasury Department, showing that his signature was forged and that the money was paid to the wrong man. I will ask that these letters be incorporated in the RECORD.

Mr. CANNON. Why did not the Treasury Department call on the indorser?

Mr. SPRINGER. It was twenty years before the fact was discovered, and the parties who drew the money are unknown to the Treasury Department. I ask the papers be printed in the RECORD.

Mr. SAYERS. Let the papers be printed in the RECORD, and I ask the amendment be laid over for the present until we come to that portion of the bill where it will more properly belong.

Mr. SPRINGER. I do not object to that.

The report made by Mr. SHAW, from the Committee on Claims, is as follows:

> This bill was favorably reported by the Committee on Claims for the Forty-ninth Congress. It provides for the issue to the said William Gray, late a private of Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43 in full for claim heretofore allowed by the Treasury Department and for which claim the Department issued to the said William Gray Treasury pay warrant No. 3960, dated September 20, 1865, which warrant your committee are of the opinion was paid on a forged indorsement of the name of said claimant, without his authority and knowledge, and for which he never received any benefit whatever. The committee refer to the inclosed correspondence and report from the Treasury Department herewith submitted and made a part of this report. In view of the facts stated in said communication, the committee respectfully recommend the passage of the bill.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., March 24, 1886.

SIR: I have the honor to transmit to you herewith a report of Oscar J. Harvey, chief of the horse claims division of this office, relative to the case of William Gray.

Very respectfully, yours,

W. H. WELSH, *Acting Auditor.*

Hon. W. M. SPRINGER,
House of Representatives.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., March 22, 1886.

SIR: I have the honor to transmit to you herewith a report relative to the horse claim No. 7392, of William Gray, lately a private in Company D, First Regiment of New York (Lincoln) Cavalry.

This claim was allowed by the accounting officers of the Treasury in September, 1865; and from the records of the Treasury Department it would appear that claimant was paid on November 8, 1866, $174.53, in full for said allowance.

A bill (No. 6411) has lately been introduced, and is now pending in the House of Representatives, directing the Secretary of the Treasury to issue to William Gray, lately a private in Company D, First Regiment New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim, heretofore allowed by the Treasury Depastment, and for which claim the said Department issued to said William Gray Treasury pay warrant numbered 3960; "which warrant was paid on forged indorsement of the name of said claimant without his authority or knowledge, and for which he has never received any benefit whatever."

Respectfully, yours,

OSCAR J. HARVEY,
Chief of the Horse Claims Division.

To Hon. W. H. WELSH,
Acting Third Auditor of the Treasury.

Horse claim 7392.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Horse Claims Division.

In re William Grey, lately a private in Company D of the First Regiment of New York (Lincoln) Cavalry.

On the 27th day of May, 1865, William Grey executed at Camp Averill, Virginia, before William H. Beach, acting adjutant of the First New York Cavalry, an affidavit in which he set forth the loss of a private horse which he had been using in the United States service; said horse having been shot and killed in action by the enemy near New Market, Va., on the 13th day of May, 1864. Said Grey also alleged that at the same time he lost one set of horse equipments.

For the loss of the horse and equipments aforesaid, claimant demanded the sum of $176.50. In his affidavit Grey declared that his post-office address was box 3368, St. Louis, Mo.

Accompanying this affidavit was a statement, under oath, made by Robert Runyon and John Williams, that they were personally present at the time and place named in Grey's affidavit, and knew that he lost, in the manner described his private horse and equipments.

The affidavits aforesaid were filed in the office of the Third Auditor of the Treasury on the 9th of June, 1864, by a person who claimed to be William

Grey, the claimant. With these affidavits was filed a request, written at the time in the office of the Third Auditor, in the following words:

"JUNE 9, 1865.

"SIR: As I am not able to give a home address which will be at all definite, please send any communication relative to my claim for the value of a horse and equipments lost in the United States service to M. R. Pierce, 486 Eleventh street, Washington, D. C., who will forward it to my address.

"WM. A. GREY."

The following indorsement appears on these papers in the handwriting of Mr. W. S. Stetson, at that time a clerk, and now a chief of division in the Third Auditor's Office:

"Made special by Auditor, as claimant states that M. R. Pierce receives no compensation, but merely acts as a friend.

"W. S. STETSON."

The above-described papers were duly filed in this office, and the case was docketed and numbered 7392. It was subsequently examined by the accounting officers of the Treasury, and on September 13, 1865, an allowance of $174.43 was made in favor of the claimant. On the 23d of September, 1865, Treasury draft No. 2692 was issued on Treasury warrant 3960 for $174.43, payable to the order of "William Grey, private Company D, First New York (Lincoln) Cavalry."

This draft, as the records of the Treasury Department show, was sent to M. R. Pierce aforementioned. The draft was subsequently paid by the Treasurer of the United States, and is now on file in this Department. It bears the following indorsements:

1. "William Grey, late private Company D, First New York (Lincoln) Cavalry."
2. "William Wells."
3. "Pay order National Park Bank. O. N. Mineum."
4. "Cash check."
5. "For collection for account of National Park Bank of New York.

"Pay to the order of Messrs. Lewis Johnson & Co., Washington, D. C.

"F. W. MINER,
"Per J. L. WORK,
"*Cashier*."

6. "Lewis Johnson & Co."

Upon the face of the draft is stamped, "Paid by Treasurer U. S., 8th November, 1866."

On the 28th of August, 1866, there was filed in this office a power of attorney which purported to have been executed by William A. Grey, of St. Louis, Mo., who constituted and appointed Weston Flint, of St. Louis, Mo., his attorney to prosecute a claim for an amount due said Grey "for the loss of a horse while serving in Company D, First New York (Lincoln) Cavalry Volunteers, said horse being killed on or about the 15th May, 1864, at New Market, Va."

This power of attorney was duly executed and acknowledged on the 30th July, 1866, before W. B. Thompson, a notary public of St. Louis, Mo.

Before transmitting said power of attorney to this office Weston Flint, the grantee, made the following indorsement upon it:

"ST. LOUIS, MO., *August* 24, 1866.

"The within-named man informs me that he has written in regard to his claim, and that an application has already been made by him.

"WESTON FLINT."

The acknowledgment of the receipt of this power of attorney was made as follows:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
"*Washington, D. C., September* 1, 1866.

"SIR: In reply to your letter of August 24, inclosing a power of attorney in your favor, relative to claim of William Gray, for value of horse lost, and numbered 7392, you are respectfully informed that on the 13th of September, 1865, an award for the amount of $174.43 was made in favor of William Gray; and that a draft for same amount was directed to be sent claimant in care of M. R. Pierce, his agent, 486 Eleventh street, Washington, D. C.

"Very respectfully,

"JOHN WILSON, *Auditor*.

"WESTON FLINT, Esq.,
"*St. Louis, Mo.*"

On the 26th of December, 1855, Hon. H. W. Slocum, of Brooklyn, N. Y., addressed a letter of inquiry to this office relative to the status of the horse claim of William Gray. He was informed by this office on the 11th of January, 1886, that said claim had been allowed and paid.

On March 9th instant William Gray made an affidavit before Amos A. Rhodes, circuit clerk of Christian County, Illinois, setting forth that he was a private in Company D of the First Regiment New York (Lincoln) Cavalry in the war of the rebellion; that on the 13th day of June, 1865, he filed with the Third Auditor of the Treasury a claim for $176.50, as compensation for the loss of a private horse and equipments at New Market, Va., on May 13, 1864; that after filing said claim he never heard whether it was allowed or not until the letter from the Third Auditor of the Treasury to Hon. H. W. Slocum was received. Said William Gray further swears that he never received anything on the draft mentioned; that he did not sign his name to it himself nor authorize any other person to sign the same, and that he never saw the draft nor heard that it had been allowed until he received the letter above mentioned.

On the 18th instant the above-mentioned affidavit was referred to this office by the Committee on Claims of the House of Representatives, with the request that the same be examined in connection with the paper on file in horse claim 7392, of William Grey, and that a report be made from this office to the Committee on Claims relative to said case.

In pursuance of such request I have carefully examined all of the papers hereinbefore referred to, and have compared the various signatures of William Grey, or Gray. The signature of Wm. A. Gray attached to the letter of request, filed in this office with the original application for compensation, bears no resemblance to the signature attached to the application, and in my opinion the two signatures were not written by the same hand.

The signature attached to the power of attorney of Weston Flint bears no resemblance whatever to the signature attached to the original affidavit and application. The handwriting of the signature of "William Grey," indorsed on the back of the draft, resembles slightly the handwr.ting of the signature attached to the letter of request filed in the office on the 9th of June, 1865. The principal point of difference is that the indorsement on the draft is simply "William Grey," while in the other signature the initial "A" appears.

A comparison of the signature attached to the affidavit of William Gray of March 9, instant, with the signature attached to the original application for compensation filed in this office on the 9th of June, 1865, convinces me that the two signatures were written by one and the same hand. There is, it is true, a difference in the spelling of the surname. In the signature to the application the name is spelled "Grey," while in the signature of March 9, instant, it is written "Gray." I am satisfied, however, that both signatures were written by the same person.

My conclusion is that M. R. Pierce, whoever he was, procured the draft issued in settlement of the claim of William Grey, and obtained the money upon the same after indorsing, or causing to be indorsed upon it, the name of "William Grey."

OSCAR J. HARVEY,
Chief of the Horse Claims Division.

The CHAIRMAN. The amendment will be passed over for the present.

Mr. CANNON. I ask, by unanimous consent, that the Clerk omit reading the judgments of the Court of Claims.

There was no objection, and it was ordered accordingly.

Mr. SAYERS. Now, Mr. Chairman, inasmuch as that order has been made, I will ask on page 52, in line 6, to correct the spelling of the word "Rodgers" by striking out the letter "d."

The amendment was adopted.

The Clerk read as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

State Department:
Foreign intercourse: For salaries, consular service, $1,271.81.
For relief and protection of American seamen, $5.
Treasury Department:
For salaries and expenses of collectors of internal revenue, $21.86.
For contingent expenses, independent treasury, $6.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I offer the amendment I send to the desk, to come in at the bottom of this page 56.

The Clerk read as follows:

Also the sum of $4,440, the balance due the Mississippi Central Railroad Company, upon the books of the Treasury Department, for which fifteen drafts were made and not paid upon presentation.

Mr. SAYERS. I reserve the point of order upon the amendment.

The CHAIRMAN. Where does the gentleman desire this to come in?

Mr. BRECKINRIDGE, of Kentucky. Inasmuch as a deficiency bill is something like a dictionary, I suppose it does not make a great deal of difference where it comes in; I suggested, however, the bottom of this page.

Mr. SAYERS. Let me ask the gentleman from Kentucky a question; are these audited claims?

Mr. BRECKINRIDGE, of Kentucky. I think so.

Mr. MORGAN. It is the same case that was before the House a day or two ago.

Mr. SAYERS. Is it the amendment you withdrew?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. SAYERS. Then I will simply ask that a vote of the committee be taken upon it. It is not germane to this part of the bill.

Mr. BURROWS. Is the point of order reserved?

Mr. SAYERS. I reserve the point of order that it is not germane to this portion of the bill, but am willing that the committee shall pass upon it.

Mr. BRECKINRIDGE, of Kentucky. I wish to put in, in view of what has been said in regard to this amendment, certain papers, and I think this is due all around after what occurred the other day. I ask the Clerk to read first a letter I addressed to the Auditor and also his response, and then I will send a statement of the account, without asking to have it read, to be printed in the RECORD.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES.
Washington, D. C., February 25, 1889.

The SIXTH AUDITOR:

Will you do me the favor to look at the CONGRESSIONAL RECORD for Saturday and read the proceedings in the House as to the claim of the Mississippi Railroad Company, and then send me a statement concerning it? And if the drafts were returned, may I ask that I be permitted to exhibit them to the House, as we will resume the consideration of this bill at 11 this morning? I would be glad to hear from you as near to 11 as you can.

Very truly,

WM. C. P. BRECKINRIDGE.

Mr. BRECKINRIDGE, of Kentucky. The committee will notice that that is a letter from me asking the Auditor to simply look at what occurred and give me the evidence in the case. I ask now that the Auditor's letter be read.

The Clerk read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., February 25, 1889.

SIR: In compliance with your request of this date, I have the honor to transmit herewith copies of the following Post-Office Department drafts issued August 17, 1861, in favor of William Goodman, president of the Mississippi Central Railroad Company, and returned to this office unpaid and canceled: Nos. 2391, 2392, 2393, 2394, 2396, 2397, 2398, 2399, 2400, 2403, 2404, 2405, 2407, 2408, 2409.

You are respectfully requested to have these copies returned to the files in this office.

Very respectfully,

H. A. HARALSON, *Acting Auditor*.

Hon. W. C. P. BRECKINRIDGE,
House of Representatives.

Mr. SAYERS. Will the gentleman allow a statement?

Mr. BRECKINRIDGE, of Kentucky. I would like to have this statement of account printed in this connection.

Mr. SAYERS. Mr. Chairman, I ask the gentleman to allow me to make a statement first.

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. SAYERS. The Chair will remember that one of the points of order I raised on this amendment before was that it was not germane to this portion of the bill. I desire to call the attention of the Chair and of the gentleman from Kentucky to the language of section 2 of the bill, and I have no doubt he will recognize the fact that this is not the proper place for the amendment to come in.

Mr. BRECKINRIDGE, of Kentucky. Let me put this statement in, and then if the point of order is decided against me all of the facts in the case will have been before the committee. I would like that it be inserted in this connection, so that the context will not be broken up.

The CHAIRMAN. It can be put in as a separate proviso in another part of the bill.

Mr. BRECKINRIDGE, of Kentucky. I am speaking now of the statement of the account, as I do not desire to break the continuity of the subject.

The statement referred to by Mr. BRECKINRIDGE, of Kentucky, is as follows:

DR. *The Mississippi Central Railroad Company, contractor, in account with the United States.* CR.

No.	Drafts.	Amount.	No.	Drafts.	Amount.
	To the following-described auditor's drafts, namely:			Route 7412, Mississippi, by transportation, from April 1 to May 31, 1861, in accordance with order of Postmaster-General, dated July 25, 1861.	$7,700.00
8680	October 6, 1860, on E. J. Bracken, late postmaster, Holly Springs, Miss.	$1,282.89		By the following Auditor's drafts returned and canceled, namely, on—	
962	May 17, 1861, on G. M. Dugan, late postmaster Grand Junction, Tenn.	107.96	2391	William Delay, postmaster, Oxford, Miss	2,955.55
963	May 17, 1861, on E. J. Bracken, late postmaster, Holly Springs, Miss.	605.73	2392	E. J. Bracken, late postmaster, Holly Springs, Miss	530.00
2391	August 17, 1861, on William Delay, postmaster, Oxford, Miss.	2,955.55	2393	J. L. Kendal, late postmaster, Oxford, Miss	280.00
2392	August 17, 1861, on E. J. Bracken, late postmaster, Holly Springs, Miss.	530.00	2394	D. L. Mosely, late postmaster, Oxford, Miss	132.02
2393	August 17, 1861, on J. L. Kendal, late postmaster, Oxford, Miss.	280.00	2396	S. C. Baines, late postmaster, Varden, Miss	120.00
2394	August 17, 1861, on D. L. Mosely, late postmaster, Oxford, Miss.	132.02	2397	A. Roy, postmaster, Middleton, Miss	30.00
2395	August 17, 1861, on L. Lawshe, postmaster, Spring Dale, Miss.	15.00	2398	B. Gerell, late postmaster, Lockhart's Store, Miss	49.86
2396	August 17, 1861, on S. C. Baines, late postmaster, Varden, Miss.	120.00	2399	J. M. Kelly, postmaster, Torrance, Miss	23.00
2397	August 17, 1861, on A. Roy, postmaster, Middleton, Miss	30.00	2400	Peter Scales, postmaster, Scales, Miss	14.00
2398	August 17, 1861, on P. Gerell, late postmaster, Lockhart's Store, Miss.	49.86	2402	William Priestly, late postmaster, Canton, Miss	200.00
2399	August 17, 1861, on J. M. Kelly, postmaster Torrance, Miss.	23.00	2403	J. A. Cason, postmaster, Durant, Miss	145.90
2400	August 17, 1861, on Peter Scales, postmaster, Scales, Miss	14.00	2404	Thomas Allen, postmaster, Duck Hill, Miss	47.50
2401	August 17, 1861, on R. R. Campbell, postmaster, Richland, Miss.	170.00	2405	T. J. Dobyns, postmaster, Goodman, Miss	50.00
2402	August 17, 1861, on William Priestly, late postmaster, Canton, Miss.	200.00	2406	W. H. Hawkins, postmaster, Grenada, Miss (short paid)	3.18
2403	August 17, 1861, on J. A. Cason, postmaster, Durant, Miss.	145.90	2407	A. D. Moore, postmaster, Hays Creek, Miss	10.00
2404	August 17, 1861, on Thomas Allen, postmaster, Duck Hill, Miss.	47.50	2408	L. Falkenberg, postmaster, Waterford, Miss	15.00
2405	August 17, 1861, on T. J. Dobyns, postmaster, Goodman, Miss.	50.00	2409	T. J. West, postmaster, Water Valley, Miss	30.00
2406	August 17, 1861, on W. H. Hawkins, postmaster, Grenada, Miss.	30.00			
2407	August 17, 1861, on A. D. Moore, postmaster, Hays Creek, Miss.	10.00			
2408	August 17, 1861, on L. Falkenberg, postmaster, Waterford, Miss.	15.00			
2409	August 17, 1861, on T. J. West, postmaster, Water Valley, Miss.	30.00			
	To warrant No. 7164, August 16, 1861, on assistant treasurer at New York.	855.63			
	To balance	4,636.01			
		12,336.01			12,336.01
				By balance	4,636.01

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., February 25, 1889.

Hon. W. C. P. BRECKINRIDGE, *House of Representatives.*

H. A. HARALSON, *Acting Auditor.*

Mr. BRECKINRIDGE, of Kentucky. I hold in my hand a copy of the drafts named, showing that the originals are on the files of the office of the Sixth Auditor canceled and unpaid, thus showing that the record bears out the statement I made the other day, and that the drafts were in payment of a balance due, which has not been liquidated; that these drafts were returned unpaid and were canceled by the Department, and that the claim is one standing on the books of the Department, which state of facts is indubitably demonstrated by the papers I have presented. It is not, therefore, a question that has anything to do with the war or *ante-bellum* disputes, or anything originating in the Confederate government.

Mr. SAYERS. I desire a decision of the Chair on the question of order.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman that he offered his amendment to come in at the bottom of page 56, but the Clerk had not yet reached that portion of the bill.

Mr. CANNON. Let it be disposed of now, and it can be placed where it properly belongs if adopted.

Mr. SAYERS. I have no objection to that.

The CHAIRMAN. The gentleman can ask unanimous consent that in the event of the adoption of the amendment it take its proper place in the bill. Does the gentleman make that request?

Mr. SAYERS. I do.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, a word in reference to the amendment. Some ten or twelve years ago an appropriation of nearly $400,000 was made to pay these *ante-bellum* mail claims. A large number of them were audited and duly certified to Congress for payment. I recollect very well that when they were being considered the gentleman from Texas [Mr. REAGAN], then a member of the House, and formerly postmaster-general of the Confederacy, spoke to the proposition. The gentleman from Michigan, then a member of this body Mr. Willitts, as I recollect, moved to strike the item out of the bill.

The gentleman from Texas was then quite confident that these claims had never been paid by the Confederacy, although their payment had been authorized. And in proof of that fact he showed that our own auditing officer, after full investigation, had audited these claims just as these are audited and certified up to Congress. But I recollect the gentleman from Michigan [Mr. CUTCHEON] brought from the Confederate records after examination proof beyond all question that the bulk of these claims had been paid, as shown from the Confederate records; and so conclusive was his proposition that the gentleman from Texas [Mr. REAGAN], then a member of this House, withdrew any further opposition to the striking out of this clause, or a similar clause to this, covering a large number of claims. And I say to the gentleman from Kentucky [Mr. BRECKINRIDGE] now that the return of these drafts drawn by our own Department and given to this railroad company for services in 1861—the summer and fall of 1861, as I recollect it—being uncanceled is no proof of its not having been paid by the Confederacy.

In my opinion Congress never should appropriate one cent to pay any of these claims until the Confederate records, under the direction of Congress, have been fully examined touching this and all other claims; because I believe, from my recollection of the former discussion, that if we pay these claims we are liable to pay claims that have been paid under assumption by the Confederacy. Therefore I shall

oppose the adoption of the amendment, with the further statement that if this amendment, which is to provide $4,000, should be made, then we ought to go on and appropriate for the four or five hundred thousand dollars of other claims which stand upon all fours with it.

Mr. BLOUNT. I do not see, sir, why this claim should be brought forward by itself. It is but a representative of a class of claims running through the various Southern States that has been passed heretofore; and I think if we are to take up the subject at all that they should all be provided for. In the Forty-fifth Congress there was placed in the sundry civil appropriation bill a sum of $350,000, as I remember, to pay for contracts for carrying mail up to the period of the breaking out of the war. Immediately after the adjournment of Congress Mr. Sherman became Secretary of the Treasury and referred that legislation back to Congress with the suggestion that the Department was unable to say when the war commenced, whether at the secession of South Carolina, Alabama, or any one of the States, and submitted the matter to Congress for additional legislation. In the succeeding Congress the Committee on Claims reported a bill. It did not appear in the appropriation bill, as suggested by the gentleman from Illinois, but it came on a bill from the Committee on Claims providing for the payment of this class of claims.

It came up on a Friday. The gentleman from Texas [Mr. REAGAN], as has already been stated, insisted that the Confederate government had never paid any of these claims. That Friday passed without anything being done. On the succeeding Friday the gentleman from Michigan [Mr. CUTCHEON], a member of the House at that time, read a report of Judge Reagan, postmaster-general of the Confederate States, recommending an appropriation and an act of Congress of the Confederate government appropriating money for the payment of these claims. It was a surprise to the gentleman from Texas and to all of us. There the matter dropped, and it has not been before any Congress from that day until this so far as I know. The claims were all audited, as my friend from Kentucky [Mr. BRECKINRIDGE] says this was. They were audited and presented to the Forty-fourth Congress, and that is the last one, I think, so far as I know, when any of them were presented.

Now, so far as the validity of this claim is concerned, I have nothing to say, but as it represents a class of claims running through the Southern States, it seems to me that the whole subject had better be disposed of at one time, rather than allowing some particular claim and leaving the great mass of them untouched.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 3646) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, with his objections thereto, the Senate had proceeded, in pursuance of the Constitution, to reconsider the same, and had resolved that the said bill be passed, two-thirds of the Senate agreeing to pass the same, and that they had referred the bill and the objections of the President thereto to the House of Representatives for action.

The message also announced that Mr. PLUMB and Mr. PADDOCK had been excused as conferees on the part of the Senate on the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, and that Mr. DOLPH and Mr. TELLER had been appointed in their places.

It also announced that the Senate had passed bills of the following titles; in which concurrence was asked:

A bill (S. 3894) to ratify and confirm an agreement with the Southern Ute Indians in California, and to make the necessary appropriation for carrying the same into effect; and

A bill (S. 3737) for the relief of Sterling H. Tucker and others.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. HOPKINS, of Illinois. As I understand the gentleman from Georgia [Mr. BLOUNT], his position is, that all these claims ought to go to a committee instead of being tacked on an appropriation bill.

Mr. BLOUNT. I think if one is tacked on that all ought to be put on; but it seems to me, in justice to every member of this House, that as there has been a question raised whether or not these claims have been once paid, we should all feel better to provide for their payment after an examination of the records and report to this House; for I submit that I do not believe there is any gentleman on this floor who, if he believed these claims had once been paid, would ask or consent to their payment again. I am very sure, sir, so far as I am concerned, that if any constituent of mine has been paid by the Confederate government for this service, I would not consent to a second payment, because it would have no merit whatever.

Mr. RANDALL. I do not understand the gentleman from Kentucky [Mr. BRECKINRIDGE] to be pressing for a vote upon the proposition at this time. I understand that his object is simply, in view of what occurred the other day, to make up a record so far as he has presented the papers.

Mr. BLOUNT. I do not know what the purpose of the gentleman from Kentucky was. I only took occasion to say what I have said because this matter is being continually pressed upon gentlemen from the Southern States, and I think it is well for everybody to understand the real situation.

Mr. RANDALL. Many Houses have passed upon this question adversely.

Mr. SAYERS. Mr. Chairman, I take the floor now for the purpose of affording the gentleman from Kentucky [Mr. BRECKINRIDGE] an opportunity to withdraw the amendment.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, all I desired to do, unless the papers which I presented should be satisfactory to the committee, was to make up the record. This is a question that is going to come up until it is settled. It is no excuse for a refusal to pay an honest claim to say that a dishonest claim has been paid. It is no excuse for refusing to pay an honest creditor that some one else has received payment who was not entitled to it. I simply desire to make up the record at this time, and I now withdraw the amendment.

Mr. MORGAN. Mr. Chairman, if the record is to be made up it ought to be made up correctly. This is a claim in favor of the Mississippi Central Railroad Company. There is no such company. The road has been sold out under a mortgage, and it is now known as the Chicago and New Orleans Railroad Company. There are two claimants for this money, and here is a request to have the amount paid over to one of the parties. The question ought to go to a committee to be adjudicated; to ascertain, first, whether the payment ought to be made at all, and second, to ascertain the right party to whom to make the payment.

The Clerk read as follows:

For fees of commissioners, United States courts, $26.10.

Mr. O'NEILL, of Missouri. Mr. Chairman, I move to strike out the last word. I find in the RECORD that Senator GORMAN, referring to the convict-labor bill which passed the House, called the attention of the Senate to the fact that the Senator from New Hampshire [Mr. BLAIR], in charge of that bill, had not reported it to the Senate, although the bill had been reported to the House nearly one year ago. The Senator from New Hampshire in his remarks said:

> Who has spent much time, perhaps, in talking with the Senator from Maryland in reference to this same matter as well as other Senators—I have thought that he might dispose of legislation which we sent to the House of Representatives early. For instance, we passed a bill here at the last session which had reference to the payment of the arrears that are due to Government employés and which they have been endeavoring to secure year after year, and that bill has been incontinently spurned and delayed by intent, as I think, and as those who are interested in the bill think.
> We sent them the education bill.

Now, Mr. Chairman, the Senator certainly knew or should have known that the educational bill was not referred to the Committee on Labor of the House of Representatives. This House has created a Committee on Labor as distinct from the Committee on Education. In the previous Congress the House educational bill was referred to the Committee on Labor, and was promptly reported back to the House. The bill providing for the adjustment of the accounts of laborers passed the Senate July 17 and was reported back from the House committee August 2, and was considered in the House October 10, December 5, and also during the month of January. We gave nearly all the time at the disposal of our committee to the consideration of that bill.

I am aware of the motive that prompts these criticisms. I am aware that the claim agents who have hounded our committee and worried and annoyed members of this House have not been content with the efforts we have made to secure recognition for that measure. Now, the Senator certainly knew in the first place that that bill had been considered fully in this House and that the failure to pass it was not due to any negligence on the part of the committee. He knew that the educational bill had not been referred to our committee. While I do not propose to criticise the Senatorial courtesy the absence of which permitted him to refer to the chairman of the House Committee on Labor, I will state that the Senator from New Hampshire can not escape the responsibility; that last year when the Government was compelled to purchase, under the law awarding contracts to the lowest bidder, from a Tennessee penitentiary twelve hundred wagons, which cut such an important figure in the last canvass, that was due singly and solely to the neglect of the Committee on Labor of the Senate and of that Senator, Mr. BLAIR, to bring that bill up for consideration. And every purchase hereafter made of articles from prisons during the present year is due to the fact that the Senator from New Hampshire has neglected his duty and has not given the Senate a chance to pass upon this bill.

I propose for one to rivet the responsibility upon him, and let him shoulder it, of the pocketing for nearly one year of the "convict-labor bill." I have personally appealed to the Senator to have it considered, and the representatives of organized labor have also appealed to him to call his committee together for the consideration of this bill. He has five days still remaining, and I earnestly hope that the Senator from New Hampshire, Mr. BLAIR, who has always been considered a friend of labor, and whom I have always been willing to believe was an honest, earnest friend of the cause, will call his committee together and take action upon this bill. If he fails to do so, then his partisanship is stronger than his friendship for the people.

Mr. CANNON. The Senator from New Hampshire having made a statement out of order, as the gentleman from Missouri claims, and the gentleman having replied in the House, I suppose that one may be set off against the other and the matter declared even.

Mr. O'NEILL, of Missouri. That is all right. I propose to withdraw the *pro forma* amendment. The Senator from New Hampshire has had his inning over there. [Laughter.]

The Clerk read as follows:

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue 1866 and prior years, except the claims of the Central Branch Union Pacific Railroad, $14,151.46.

Mr. McRAE. I offer the amendment which I send to the desk.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and empowered to compromise, adjust, and settle all or any part of the bonded debt of the State of Arkansas due to the United States or held in trust, upon such terms and conditions as to him may seem best for the United States and just to the said State after having examined and taken into consideration all the claims of the said State against the United States.

Mr. SAYERS. I raise the point of order that this is new legislation and has no place on this bill.

Mr. McRAE. I hope my friend will not insist on that point of order.

Mr. SAYERS. I do.

Mr. McRAE. This legislation has been suggested by the Treasurer of the United States, and it has been embodied in a bill reported from a committee of this House. It is desirable both on the part of the United States and the State of Arkansas that a proposition of this kind should be adopted. It involves no appropriation, but simply vests in the executive officers of the Government the right to enter into negotiations and settle this matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"To pay the heirs of M. C. Mordecai, mail contractor, as per order of the Postmaster-General, dated January 2, 1861, for allowance of one month's extra pay for discontinuance of service allowed by the Sixth Auditor of the Treasury in Executive Document No. 26 (item 138), of the Forty-seventh Congress, $3,333.33."

Mr. SAYERS. I make the point of order that this claim against the Government, if it has any validity whatever, should go to the Committee on Claims.

The CHAIRMAN. What point of order does the gentleman raise?

Mr. SAYERS. It is not a deficiency and does not belong in a deficiency appropriation bill. On the contrary, it is new legislation.

Mr. DIBBLE. Mr. Chairman, I really do not understand what is the gentleman's point of order. This is an expenditure authorized by existing law under a contract made at the time.

Mr. RANDALL. What is the date?

Mr. DIBBLE. I will ask the Clerk to read the order of the Postmaster-General discontinuing the service.

Mr. RANDALL. What is the date?

Mr. DIBBLE. Eighteen hundred and sixty-one.

The Clerk read as follows:

POST-OFFICE DEPARTMENT, *Washington, January 2, 1861.*

SIR: The Postmaster-General orders that the service on route from Charleston, S. C., via Savannah, Ga., to Key West, Fla., and back, twice a month, by steam-ship "Isabel or other steamers, if necessary," under contract with you of 3d October, 1860, at the sum of $40,000 per year, for and during the term commencing the 15th day of October, 1860, and ending the 30th day of June, 1864, be discontinued, and one month's extra pay allowed on the amount dispensed with.

This order to take effect immediately.

I am, very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster-General.

M. C. MORDECAI, Esq., *Charleston, S. C.*

Mr. DIBBLE. This is the extra month's pay there allowed. Now, Mr. Chairman, I cite section 817 of the Postal Laws and Regulations which authorizes the Postmaster-General to discontinue service, allowing, as full indemnity to the contractor, one month's extra pay on the amount of service dispensed with. That is the law of the contract. That law has been recognized and affirmed by the Supreme Court of the United States. First, in the case of Reeside against the United States, in 8 Wallace, in which it held "the Postmaster-General had the power to discontinue or curtail service on any route on allowing one month's extra pay." In that case an unfavorable decision of the Court of Claims was reversed and the case remanded with directions to allow one month's pay under the contracts.

The same doctrine, Mr. Chairman, appears in 93 United States, 3 Otto, in the case of Garfielde against The United States:

There was reserved to the Postmaster-General the power to annul the contract when his judgment advised that it should be done and the compensation to the contractor was specified. An indemnity agreed upon as the amount to be paid for canceling a contract must afford the measure of damages for illegally refusing to award it.

In that case they decided judgment should be rendered to the appellant for one month's extra pay under the proposal made by him and accepted by the Postmaster-General.

Further, Mr. Chairman, by the act of June 20, 1874, twentieth volume Statutes at Large, page 130, it was provided that the claim should be examined and allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund.

Now, there was an appropriation out of which this could have been paid; but the balance of that appropriation was carried to the surplus fund. Accordingly, in compliance with that law, which provided these amounts should be reported to Congress for its consideration, Secretary Folger, on the 14th day of January, 1882, reported the "schedule of claims allowed by the several accounting officers of the Treasury Department, under appropriations, the balance of which have been exhausted or carried to the surplus fund under a provision of section 4 of an act of June 20, 1874," which I have cited. In that report, as stated in the amendment I have offered, the amount was certified as follows by the Sixth Auditor, under section 4 of that act, which I ask the Clerk to read.

The Clerk read as follows:

Claim.	Appropriation from which payable.	Amount.
M. C. Mordecai, mail contractor: For allowance of one month's extra pay, per order of Postmaster-General, dated January 2, 1861, for discontinuance of service. Contract pay, $10,000 per annum. Service discontinued January 4, 1861. Route from Charleston, S. C., via Savannah, to Key West, Fla.	Deficiency in postal revenues, 1879 and prior years.	$3,333.33

Mr. DIBBLE. Now, Mr. Chairman, that claim has been adjusted and allowed. Under direction of an act of Congress an appropriation was made which provided for its payment, but the appropriation has been covered back into the Treasury, and therefore that amendment is not obnoxious to the objection that it is not authorized by existing law. That is what I understand to be the point made by the gentleman as far as I can appreciate it from the manner in which it has been stated.

Mr. HOPKINS, of Illinois. Will the gentleman yield to me for a question?

Mr. DIBBLE. Certainly.

Mr. HOPKINS, of Illinois. Was not this claim brought up by the gentleman at the last session of Congress and ruled out on the point of order?

Mr. DIBBLE. I am perfectly willing to answer the gentleman in full on that point. The gentleman from Georgia [Mr. CRISP] was occupying the chair as presiding officer in the Committee of the Whole. The claim was presented by my friend from Maryland [Mr. RAYNER], and the point of order was raised against it. We were called upon at the moment to produce the law authorizing it. The Chairman said that because the law was not produced he would rule it out on the point of order. Now, at this time we have produced the law authorizing it. We have traced it as a contract authorized by law at that time, and a contract which the Supreme Court of the United States has twice said the Postmaster-General had the right to make. I have shown that it was a matter adjusted and allowed in the Department, standing on the books, and only failed of payment because of the lack of an appropriation to pay it, the appropriation having been covered into the Treasury. So that we have now met the only objection urged in the point of order that was made before or which can be made now. At that time, not expecting this point, we did not have the law at hand, and for that reason, as I have said, the Chairman ruled it out of order, the law not having been produced.

Mr. SAYERS. I ask a ruling upon the point of order.

Mr. SPRINGER. One moment. I understand there was an act passed in 1874 which authorized the Secretary of the Treasury to adjust certain ante-war mail contracts, and that an appropriation was made to pay such claims when adjusted. Further, that the Secretary proceeded to adjust them and found that a larger amount was due than had been appropriated, and hence declined to make any distribution of the amount under the appropriation.

Mr. BLOUNT. If my friend from Illinois will permit me, I think he is mistaken in that. The question was not as to the amount appropriated, but the appropriation act itself provided that they should be paid up to the commencement of the war where they had not been paid by the Confederate government, and the Secretary of the Treasury was doubtful as to the exact meaning of the term "commencement of the war;" that is to say, whether it related to the passage of the ordinance of secession by South Carolina, or the ordinance of Georgia, or some other State, and he communicated these facts to Congress with a view of getting a construction of the words "commencement of the war."

Mr. SPRINGER. There was payment, then, of the amount under that act.

Mr. BLOUNT. No, sir.

Mr. SPRINGER. And the appropriation lapsed?

Mr. BLOUNT. There was no payment under the act, and it appeared the next time in the shape of a claim, for this class of claims,

as I have already stated, came up on Friday; and the second bill, that from the Committee on Claims, likewise provides where they had been paid by the Confederate government that they should not be paid.

Mr. CANNON. Just there a moment, permit me——

Mr. SPRINGER. Let us finish this matter first.

Mr. BLOUNT. Then came up the debate, as I have stated, between the gentleman from Texas, Mr. REAGAN, and the gentleman from Michigan, Mr. Willitts, which I need not repeat, because gentlemen, many of them present, heard that discussion and know what took place.

Mr. CANNON. This amendment, as I understand it, has nothing to do with the so-called war claims for mail pay. In other words, this service was discontinued in January, 1861, and that then the month's pay was due some time before the secession ordinance was adopted by South Carolina.

Mr. BLOUNT. That is true.

Mr. SPRINGER. This was discontinued, I understand, on account of the occurrence of war; that is, this contract was discontinued, and the claims have been regarded as matters unadjusted and pending, which have not been audited claims reported upon by the accounting officers of the Government, but have been always regarded as unadjusted.

Mr. DIBBLE. That is a mistake as to this case.

Mr. SPRINGER. These claims have not been adjusted and can not come before Congress in the shape of adjusted claims passed upon by the accounting officers of the Department. They have not been so regarded.

Mr. DIBBLE. Mr. Chairman, the best answer to that proposition is that they have been, under direction of Congress, adjusted and allowed by the Department, and reported by Secretary Folger; and furthermore, the decision of the Court of Claims has separated these claims from the one month's extra pay on a discontinuance of the contract from all other classes of claims of the mail service; and they have been decided by the Court of Claims as not coming under the provisions of the act to which the gentleman from Georgia has referred, and stand on a footing of their own, because by no kind of possibility could they have been assumed and paid by the Confederate States.

Mr. BLOUNT. Does my friend from South Carolina say that Congress passed legislation directing the Treasury Department to report upon this class of claims?

Mr. DIBBLE. Yes, sir. I read it just now.

Mr. BURROWS. What act was that?

Mr. DIBBLE. The act of 1878, section 4.

The CHAIRMAN. The Chair would like to hear that read again.

Mr. HOPKINS, of Illinois. The law under which they claim the right——

The CHAIRMAN. Will the gentleman from South Carolina state the date of the act?

Mr. DIBBLE. June 20, 1874. These claims were audited by the accounting officers under the act.

The Clerk read as follows:

And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.

Mr. DIBBLE. I have only to add that, in accordance with that act, the claim was allowed by the Sixth Auditor, and being so allowed in accordance with that act, was reported by Secretary Folger in Executive Document 26, in the first session of the Forty-seventh Congress, as is stated in the amendment which I have offered.

Mr. BLOUNT. Now, Mr. Chairman, if the Chair will simply refer to the language of the statute that my friend has read, it appears that it does not refer to this class of claims at all; but provides generally for the adjustment of claims where appropriations have been made. It is of a general character, and it does not relate to this. And to show that this amendment belongs not in here, but that it belongs to a distinct class of claims long before that act was passed, in the Forty-fourth Congress there was sent to this House the *ante-bellum* mail contracts, audited by the Sixth Auditor of the Treasury, and by him alone; and that class of claims are not audited under the law by the Comptroller. They stand on a different footing from postal claims; and therefore this claim does not relate to that law.

Mr. HOPKINS, of Illinois. As I observed a little while ago, this very claim was presented to the Committee of the Whole at the last session of this Congress, and the very arguments made by the gentleman from South Carolina to-day were made by him then, and were also supported by the gentleman from Maryland. They claimed then the provisions of the law precisely as they do to-day. I do not remember that the statute was presented and read from the Clerk's desk; but they insisted that under this provision of the law the claim could be put upon an appropriation bill, and after full argument it was determined by the Chair that the claim was obnoxious to the objection.

Now, it seems to me that the position taken by the gentleman from Georgia [Mr. BLOUNT] is correct, that this statute which has been read has no application to this class of claims. In legislating upon the subject set forth in the statute Congress did not have in contemplation this class of claims at all. This claim relates to something that occurred before the war. The statute referred to was to take charge of and relates to current claims since the war, and has no contemplation of claims that existed before the war or that grew out of the war. Now, it seems to me that any one who would stop to read that section of the statute would see that that is correct. Now, let us look at this claim itself. These gentlemen say it is a just claim. I contend that all of these claims should go to a committee of this House to consider them. We have had an experience here this morning in a claim presented by the gentleman from Kentucky [Mr. BRECKINRIDGE] that should warn this House from permitting any one of them ever being put upon an appropriation bill.

The gentleman from Kentucky, whose high position in this House will not be questioned, whose integrity and honor are above question, presented a claim which he said, as I remember, was a just claim; yet the gentleman from Mississippi [Mr. MORGAN], who had investigated it, stated what was new to the House, that there were two claimants to that claim, and that there were grave doubts as to whether it should be allowed to either of them.

I simply say this as an illustration to guard this Committee of the Whole and this House against permitting any of these claims to be tacked upon an appropriation bill. If it is a just claim, one that should be allowed, it should go to a committee of this House where it can be investigated and all the facts relating to it be reported to the House in a report of a proper committee. I contend, sir, when a claim of this kind is presented we should not only test the merits of the claim, but we should also look into the question of the loyalty of the claimant.

We are denied that here. I simply use this argument to show the Chair that upon all questions of this kind the doubt should be resolved against the claimant.

Mr. SAYERS. Mr. Chairman, it occurs to me that there has been sufficient debate upon this point of order, and I now ask for the ruling of the Chair.

Mr. SPRINGER. Before that ruling is made I desire to make a statement. I find that I was in error in reference to this claim. It was allowed by the Treasury Department in pursuance of the act of June 14, 1878, as stated by the gentleman from South Carolina, as is found on page 78 of the Executive Document No. 20, first session Forty-seventh Congress. But while I see that it is allowed as one of the claims coming under that section of the act, I fail to see the connection between the act itself and the report of the Secretary.

Mr. SAYERS. I ask for the ruling of the Chair.

The CHAIRMAN. The Chair is not without doubt upon this question, but in view of the hasty examination he has been permitted to make, and in the light of the discussion, he sustains the point of order.

Mr. RICHARDSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

To enable the Public Printer to pay for extra hours performed in mailing CONGRESSIONAL RECORD during the first and second sessions of the Fiftieth Congress, $530.18.

Mr. SAYERS. I reserve the point of order upon that amendment until I hear an explanation of it.

Mr. RICHARDSON. Mr. Chairman, I do not think the amendment is open to the point of order. It seems that about four of the employés of the Government Printing Office have been occupied, unavoidably, for some time in working extra hours in mailing the CONGRESSIONAL RECORD, both during the first session and during the present session of this Congress. I have here the names, with the amount due to each: One of them worked 416 hours at 50 cents an hour, making $208; another worked 412 hours, another 429 hours, another 190 hours. The last three worked at 31¼ cents an hour, as that was the rate of pay due to them as employés. Now, I submit that this amendment is not open to the point of order.

Mr. CANNON. Why have they not been paid if the money was due them?

Mr. RICHARDSON. The Government Printer had no appropriation to pay for this work. He had an appropriation for the regular eight-hour service, but not for these extra hours. The matter was not of sufficient importance for him to employ additional hands, so he engaged these regular employés to work extra hours.

Mr. CANNON. But the gentleman speaks of the money being due. Now, on his present statement, it is not due. It may be that Congress will give these parties the money, but it is not due them.

Mr. RICHARDSON. Well, they have earned it. It may not be "due" in the sense in which the gentleman uses the word, but they have earned the money and it has not been paid.

The CHAIRMAN. If there be no objection, the Chair will submit the question to the committee.

Mr. SAYERS. I will state to the Committee of the Whole that the Committee on Appropriations have no information whatever as to the propriety or legality of this claim.

Mr. BIGGS. You have the information here.

Mr. RICHARDSON. In reply to the gentleman from Texas [Mr. SAYERS] I want to say that I have here the certificate of the superintendent of the RECORD, showing that these employés have done the work, and I think it is manifestly fair and proper that this small amount of $530.18 should be appropriated to pay them. They have done the work, and they ought to be paid for it.

Mr. TRACEY. Mr. Chairman, it appears to me that the gentleman from Texas [Mr. SAYERS] can find no reason to object to the insertion of this amendment, for if the work has not been done the money certainly can not be paid. Now it happens that I have had acquaintance with one of the gentlemen to whom a portion of this money will be paid, the superintendent, and I have no doubt whatever that the representations he has made to me are entirely correct. On general principles I would not favor the adoption of an amendment giving money for work performed beyond the regular eight hours a day, because it is understood that the employés of the Government shall not be compelled to work more than eight hours; but we know that during the first session of this Congress there was a great deal of extra work, and it may be that the Public Printer was compelled to call upon these employés to do this work at night; at all events they worked extra hours, and inasmuch as the work was performed it seems only right and fair that an appropriation should be made to enable him to pay the amount that is justly due for such service.

The CHAIRMAN. If there be no objection, the Chair will submit the question to the committee.

Mr. SAYERS. Mr. Chairman, under all the circumstances, the gentlemen who favor the payment of this claim having failed to show any law authorizing the indebtedness to be incurred by the Public Printer——

Mr. BIGGS. But they have shown the justice of the claim. I therefore ask the ruling of the Chair upon the point that there is no law upon which this claim is based.

The CHAIRMAN. The Chair will state, in response to the gentleman from Texas, that while it is true that this amendment is subject to the point of order, there appear in this very bill provisions reported by the committee which are subject to the same point of order.

Mr. SAYERS. In justice to the Committee on Appropriations I will say that the provision now in the bill, to which the Chair has alluded, is a general provision. The committee have not undertaken to allow particular claims to special individuals. We have reported a general provision authorizing the Public Printer to allow certain additional percentage to parties who work during the night.

Mr. RICHARDSON. I hope the gentleman from Texas will not insist on the point of order, the sum is so small and there is such manfest justice in this allowance to these poor people.

Mr. CANNON. I will for a moment insist on the point of order, in order that I may make an inquiry. Does this amendment include persons who work over hours?

Mr. RICHARDSON. It includes those who were engaged in mailing the CONGRESSIONAL RECORD. I do not know any other persons who work over hours. I will say to the gentleman from Illinois that if there are others who have worked over hours they have been paid; but there was no appropriation to pay these persons for extra work in mailing the CONGRESSIONAL RECORD, which has frequently been very large, and has therefore been required to be mailed at a late hour. In this way the force engaged in this employment has been required to work extra hours.

Mr. CANNON. Does the gentleman mean to say that the Public Printer has violated the law by making an expenditure for which there was no appropriation?

Mr. RICHARDSON. I am not prepared to say anything of that kind, and do not say it; but I say that sometimes it has been absolutely necessary, in mailing the CONGRESSIONAL RECORD, to run this force a little over the time allowed, and in that way work for extra hours has been performed, for which we now simply desire that Congress authorize compensation.

Mr. LONG. Are not these employés paid higher wages because they work at night?

Mr. RICHARDSON. This is not for night work expressly; some of the work may have been done during the day.

Mr. LONG. Are they not, in fact, receiving a higher rate of pay than others?

Mr. RICHARDSON. No, sir.

Mr. SPRINGER. I understand that these employés have performed this duty.

Mr. RICHARDSON. They have.

Mr. SPRINGER. And there is no appropriation to pay them for this extra duty. But the Public Printer has been required to have this service performed—to have the RECORD mailed; and this force has gone on and done the work. Now, it simply rests with the discretion of Congress to determine whether we will pay for it or not. The Public Printer has not violated the law in any respect; he has complied with the law.

Mr. CANNON. Then I make the point of order——

Mr. RICHARDSON. It is too late now.

Mr. CANNON. If the Public Printer has not violated the law the money is there to pay for this work.

Mr. SPRINGER. You insist that he shall violate the law; our officers do not do that.

Mr. BIGGS. I hope the gentleman from Illinois [Mr. CANNON] does not insist that these people shall do work and then not receive pay for it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. Too late!

The CHAIRMAN. It is not too late. The point of order was reserved by the gentleman from Texas.

Mr. SAYERS. I ask unanimous consent to return to page 35 of the bill for the purpose of correcting a name. I ask that in line 21, on that page, the name "Berans" be corrected so as to read "Bevans."

There being no objection, the amendment was made.

Mr. SAYERS. I ask, by unanimous consent, that the Committee of the Whole return to page 11, in order to reconsider the vote upon the amendment allowing the present private secretary of the President $6,000. That gentleman on the 23d of this month addressed a letter to the gentleman from Pennsylvania [Mr. SCOTT] in reference to this amendment. I will read an extract from the letter:

EXECUTIVE MANSION, *Washington, February* 23, 1889.

MY DEAR MR. SCOTT: It has just come to my notice that on your motion the House, in Committee of the Whole, has adopted an amendment to the deficiency bill, making an appropriation of $6,000 to pay me the difference between my salary as private secretary to the President and the increased amount fixed as the salary of my successor. While I deeply appreciate your personal interest and kindness, and the consideration of the committee, having accepted the office with full knowledge of its pay and served four years without promise or expectation of more, I prefer not to be the beneficiary of a retroactive appropriation of this character, and have to request that the vote referred to be reconsidered and the proposed amendment stricken from the bill. * * *

Very respectfully yours,

DANIEL S. LAMONT.

Hon. WILLIAM L. SCOTT,
House of Representatives.

I ask unanimous consent that the amendment inserting $6,000 be reconsidered.

Mr. CANNON. I want to ask the gentleman from Texas [Mr. SAYERS] two questions: first, whether the President of the United States has paid out of his own private pocket enough to make up that salary.

Mr. SAYERS. I know nothing at all about that.

Mr. CANNON. Then I will next ask the question, whether or not it was arranged that the gentleman from Pennsylvania [Mr. SCOTT] should insist upon this appropriation in order to give the chance for the writing of the letter which has just been read.

Mr. SAYERS. No, sir; I do not know that.

Mr. CANNON. Then I withdraw my objection.

The CHAIRMAN. Is there objection to returning to the amendment which has been indicated, for the purpose of reconsidering it and striking it out?

Mr. BRUMM. I object.

Mr. BLOUNT. We can reach the result by having a vote on the amendment in the House, and voting it down.

The CHAIRMAN. A motion to reconsider is not in order at any time in the Committee of the Whole; but the Chair thought for the moment that by unanimous consent this amendment might be eliminated from the bill. The Chair, however, upon reflection is of opinion that the request to reconsider can not be entertained in Committee of the Whole, even by unanimous consent.

Mr. BLOUNT. I have already suggested to my friend from Texas that the object can be reached by having a separate vote on this amendment in the House, and voting it down.

The CHAIRMAN. The Chair was about to suggest that course to the gentleman from Texas.

ENROLLED BILLS SIGNED.

The committee informally rose; and

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States;

A bill (H. R. 5032) to extend the limits of the collection district of Memphis;

A bill (H. R. 7028) to admit to registry the steamer George H. Parker;

A bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000;

A bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;

A bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas;

A bill (H. R. 11643) providing for the establishment of a life-saving station and life-saving crew at mouth of Coquille River, Oregon;

A bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

A bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.;

A bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi;

A bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States; and

A bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the Senate of the following titles:

A bill (S. 1319) granting a pension to Anna Slater;

A bill (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;

A bill (S. 2008) granting a pension to Cyrus Tuttle;

A bill (S. 2310) granting a pension to Rozalia Junk;

A bill (S. 2334) granting a pension to Mary J. Byrd;

A bill (S. 2344) granting a pension to Minnie A. Bailey;

A bill (S. 2690) granting a pension to John Gallagher;

A bill (S. 2758) granting a pension to Susan P. Murdock;

A bill (S. 2759) granting a pension to James M. Frost;

A bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.;

A bill (S. 3091) granting a pension to John Corr;

A bill (S. 3198) granting a pension to Mary Murphy;

A bill (S. 3269) granting a pension to Theresia Fichter;

A bill (S. 3309) for the relief of Mrs. Elizabeth E. Groff;

A bill (S. 3387) granting a pension to Charles S. Hamilton;

A bill (S. 3421) granting a pension to Mary B. McVean;

A bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan;

A bill (S. 3588) granting a pension to Ellen B. Farr; and

A bill (S. 3762) granting a pension to Nancy Polock.

MESSAGES FROM THE PRESIDENT.

Several messages in writing were received from the President, by Mr. PRUDEN, one of his secretaries.

It was also announced that the President had approved and signed, on the dates indicated, House bills of the following titles:

On February 25, 1889:

An act (H. R. 10216) granting a pension to William Fowler;

An act (H. R. 10337) granting a pension to John Ebert;

An act (H. R. 10474) granting a pension to Dorcus Alford;

An act (H. R. 11993) granting a pension to Mary A. Long;

An act (H. R. 917) for the relief of Julianna Muller;

An act (H. R. 3766) for the relief of William Pfaender;

An act (H. R. 3112) for the relief of Phineas T. Richardson;

An act (H. R. 11871) for the relief of Hardin County, Kentucky;

An act (H. R. 4789) for the relief of the heirs of George W. Sampson and Benjamin Henricks, of Austin, Tex.;

An act (H. R. 11604) to amend an act approved March 3, 1885, to authorize the construction of bridges across the Cumberland and Caney Fork Rivers, in Tennessee;

An act (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation, in the State of Minnesota;

An act (H. R. 424) granting a pension to Elizabeth Myers;

An act (H. R. 3888) granting a pension to Mary H. Stacy;

An act (H. R. 5790) granting a pension to Mary Whitney:

An act (H. R. 6535) granting a pension to Mary Gray;

An act (H. R. 6598) granting a pension to Maria Brasted;

An act (H. R. 7566) granting a pension to George W. Lloyd;

An act (H. R. 10639) granting a pension to John Y. Hopper;

An act (H. R. 10975) granting a pension to John H. Starr;

An act (H. R. 11311) granting a pension to James Metcalf;

An act (H. R. 11736) granting a pension to Margaret M. Nugent;

An act (H. R. 11924) granting a pension to Annie Balser;

An act (H. R. 12303) granting a pension to Ester Gaven;

An act (H. R. 7123) for the relief of Catharine Mutz;

An act (H. R. 10780) for the relief of Benjamine E. Snyder;

An act (H. R. 9408) granting an increase of pension to Stephen L. Kearney;

An act (H. R. 12006) granting an increase of pension to Leonard Schaefer;

An act (H. R. 12506) granting an increase of pension to Patrick Geraghty; and

An act (H. R. 8406) to authorize the Secretary of the Interior to place the name of Cara Curtis on the pension-roll.

On February 26, 1889:

An act (H. R. 10301) for the relief of Emily Cross;

An act (H. R. 11430) to increase the pension of Harlan E. King; and

An act (H. R. 11741) granting a pension to Alexander M. Boatright.

The message also announced that bills of the following titles, having been presented to the President on the 13th instant, and not having been returned by him to the House in which they originated within the ten days prescribed by the Constitution, had become laws without his signature:

An act (H. R. 8549) granting a pension to Louisa Rogers;

An act (H. R. 11177) granting a pension to Christian Sanders; and

An act (H. R. 10025) for the relief of James T. Teeple.

DEFICIENCY BILL.

The committee resumed its session.

Mr. SAYERS. I offer the following amendment.

The Clerk read as follows:

Page 39, after line 19, insert:
"For compensation of the Secretary of Agriculture, $3,066.66.
"For compensation of Assistant Secretary of Agriculture, $1,187.50."

The amendment was agreed to.

Mr. SAYERS offered the following amendment.

The Clerk read as follows:

Line 18, page 44, insert: "To compensate Robert F. Arnold for legal services in the prosecution of parties charged with robbing the United States mails, as shown by estimate transmitted by the Secretary of the Treasury, January 12, 1888, $1,000."

The amendment was agreed to.

Mr. SAYERS offered the following amendment.

The Clerk read as follows:

Page 39, after line 14, insert: "To enable the Postmaster-General to pay the employés and late employés in the office of the General Superintendent of the Railway Mail Service additional compensation for extra hours of labor from April 11 to November 18, 1885, inclusive, $258.75."

Mr. SAYERS. In explanation I ask a statement be printed in the RECORD.

It is as follows:

Statement of extra hours of service performed by clerks in the office of the General Superintendent of the Railway Mail Service from April 11 to November 18, 1885, inclusive, and amount of compensation at 60 cents per hour.

Names.	Time employed.	Amount.
	h. m.	
Thomas P. Graham	124 50	$74.90
George W. Jackson	74 50	44.90
Edward J. Fuller	73 15	43.95
George C. F. Rogers	62 50	37.70
John W. Hollyday	22 10	13.30
W. D. McFarland	17 45	10.65
James S. Gray	16 15	9.75
George B. Clark	14 35	8.75
James L. Richardson	15 00	9.00
John D. O'Connor	4 45	2.85
S. A. Dougherty	5 00	3.00
Total	431 15	258.75

Mr. SPRINGER rose.

The CHAIRMAN. If the gentleman from Texas has gotten through with his amendments, those which have been reserved will be taken up in their order, and the first in order is that of the gentleman from Illinois [Mr. ANDERSON].

Mr. CANNON. I wish to be just to everybody. What has become of the amendment to which I raised the point of order?

A MEMBER. It is out.

Mr. CANNON. I ask my colleague to see, if I understand it, whether there is any money to pay for that service, any authority to the Public Printer to pay out any money to employés not authorized by law?

Mr. SPRINGER. The Government Printer was authorized by the rules of the House and by the law to forward to each member of Congress a copy of the CONGRESSIONAL RECORD.

Mr. CANNON. Did he do so?

Mr. SPRINGER. He did so, and in doing that the appropriation was not sufficient to complete the work which we required to be done.

Mr. CANNON. Why did he not stop?

Mr. SPRINGER. He was required to do the work, and no appropriation was made to pay it.

Mr. CANNON. I insist upon the point of order.

The CHAIRMAN. The point of order was made against the amendment of the gentleman from Illinois, which the Clerk will now report.

Mr. ANDERSON, of Illinois. I withdraw that amendment, Mr. Chairman, and offer the following, to which I understand there is no objection.

Mr. SAYERS. I stated to the gentleman that I would not raise the

point of order against this amendment, as it provides no legislation, but is simply a resolution asking for information.

The amendment proposed by Mr. ANDERSON, of Illinois, was read, as follows:

On page 15, at the end of line 24, insert: "That the Attorney-General be authorized and requested to report to the Fifty-first Congress the legal status of what is known as the '2 per cent. claim of the State of Illinois,' under the act of April 18, 1818, the act of March 2, 1855, and March 3, 1857; and also in connection therewith what legal claims or offsets, if any, the United States has against said State."

The CHAIRMAN. Is there objection to the consideration of the amendment?

There was no objection.

Mr. BYNUM. I desire to include in that an inquiry as to the claim of the State of Indiana, and move to insert as an amendment what I send to the desk.

The Clerk read as follows:

Amend the amendment by inserting the word "Indiana" after the word "Illinois," and the word "acts" instead of the word "act," and the words "April 19, 1816," immediately following the words "April 18, 1818."

The amendment to the amendment was adopted.

The amendment as amended was agreed to.

Mr. CAREY. I now desire to offer an amendment.

Mr. SPRINGER. There is a pending amendment which I call up.

The CHAIRMAN. The next amendment is that offered by the gentleman from Pennsylvania [Mr. BAYNE], which the Clerk will report.

The Clerk read as follows:

Line 14, on page 43, insert:

"That the sum of $2,345.44 be, and the same is hereby, reappropriated, being the unexpended balance of the amount appropriated by the act of March 3, 1885, for pay of the disbursing agent of the Coast and Geodetic Survey for the fiscal year 1886; and that the same be paid to William B. Morgan, late disbursing agent of the Coast and Geodetic Survey, for allowance of pay from July 24, 1885, to June 30, 1886, inclusive."

Mr. SAYERS. The point of order has been raised against that amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] was presiding when the point of order was raised, and the Chair will request him to resume the chair temporarily until this matter is disposed of.

Mr. ROGERS here took the chair.

Mr. BAYNE. It will be borne in mind, Mr. Chairman, that when this amendment was submitted by me the point of order was raised by the gentleman from Texas that there was no law authorizing this reappropriation. The allegation was made by myself that this officer had been suspended. The gentleman from Texas [Mr. SAYERS] stated that the officer had been dismissed.

Mr. SAYERS. I said that was my information.

Mr. BAYNE. I so understood, that that was the gentleman's information. It turns out upon an investigation of the facts that the gentleman from Texas was right and that I also am right. This action illustrates the peculiar "transmogrification" to which our civil system seems to be susceptible. This officer was summarily dismissed from his position, and for two years defended himself against accusations that were shown to be entirely groundless and which were allowed to be the cause of his dismissal. At the end of two years, or perhaps a little longer time, the letter of dismissal was withdrawn and he was reinstated, with one month's pay, and thereupon allowed to tender his resignation.

Now, this letter of dismissal having been delivered to him early in the year 1885, and that matter of dismissal having continued for two years or two and a half years, and then, by the same competent authority which issued the letter of dismissal, it having been withdrawn, he having been restored, one month's pay and allowance allowed, doubtless, out of this very identical appropriation which we now propose to reappropriate, I ask the Chair whether or not that restoration and the withdrawal of that letter of dismissal do not restore him to his former status, and if under the circumstances this proposition be not admissible under the rules of the House? That is the whole of it in response to the point of order.

Mr. SAYERS. I will simply ask a ruling of the Chair upon the point of order suggested by myself when the bill was last under discussion and when this amendment was presented. This proposition was presented a few days since when the bill was up for consideration, and the point of order, as the Chair will remember, was then made upon it.

The CHAIRMAN (Mr. ROGERS). The temporary occupant of the chair is not advised of any precedent upon this subject, and being in doubt as to the ruling, is inclined to submit the question as to the amendment being in order for the committee to determine.

Mr. BAYNE. Before that proposition is submitted it would be but fair to discuss the merits of the proposition.

The CHAIRMAN. The Chair thinks not, but he will submit the point of order to the committee.

Mr. BAYNE. The committee would be scarcely able to determine the question unless it understood the merits.

The question was put, and the proposition was decided to be out of order.

Mr. SPRINGER. I now call up an amendment on page 21, after line 11.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim heretofore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant, without his authority or knowledge, and for which he has never received any benefit whatever, and to pay said reissued warrant out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. CAREY. I desire to offer an amendment to come in between lines 18 and 19, on page 9.

The Clerk read as follows:

That the next Legislative Assembly of Wyoming Territory may provide by law that the subsequent Legislature shall convene on a day in the month of January of each year following the year in which is held a general election for a Delegate in Congress, members of the Legislature, and other officers.

Mr. SAYERS. I want to reserve the point of order until I shall have heard the statement of the gentleman from Wyoming.

Mr. CAREY. I can state it in one sentence. It is to avoid having annual elections in my Territory, to avoid electing the Legislature fifteen months before it is needed. And, as you are aware, in a new country the population is floating about more or less. We have to hold special elections in that Territory to fill vacancies in the Legislature before the time for it to meet. If we had organized a year before or a year afterward this trouble would not have arisen. The law of Congress provides that the Delegate shall be elected at the same time as representatives or members of the Legislature and the county officers. The Delegate can only be elected once in each two years, and if the Legislature was elected at the same time that the Delegate is elected, the Legislature can meet on the following January.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

Mr. PERKINS. I yield for a moment to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I only want a word, Mr. Chairman, on the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON] to pay the amount of $500 to employés of the Government Printing Office. So far as I am concerned, I will withdraw the point of order that I made. I do not think that these men, who were required without appropriation to work over hours, ought to be held responsible for a violation of the law upon the part of the Public Printer, or for the insistence upon the part of my colleague that he did not violate the law.

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Tennessee will be again submitted to the committee. Is there objection? The Chair hears none, and the question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. PERKINS rose.

Mr. SAYERS. I have been trying to get recognition for the past five minutes in order to move that the committee rise.

The CHAIRMAN. The gentleman from Kansas has offered an amendment, which amendment must first be disposed of.

Mr. PERKINS. I yielded two or three minutes before my amendment was read.

Mr. SAYERS. I will reserve the point of order on the amendment, and permit the gentleman from Kansas to offer his amendment.

The Clerk read as follows:

On page 49, after line 11, insert the following:

"That from and after the approval of this act each Senator, Representative, and Delegate in Congress, who is not the chairman of a committee which is allowed a clerk, shall, during the sessions of Congress only, be entitled to a clerk to be appointed and paid as follows, to wit: Such Senator may, at any time after the beginning of each session, nominate to the Secretary of the Senate such person as he desires to be his clerk, and thereupon said Secretary shall enroll the name of such nominee in a record-book, to be kept for that purpose, showing the full name of such person and the State or place from which appointed, with the date of the same. Such Representative or Delegate may, at any time after the beginning of each session of Congress, nominate to the Clerk of the House of Representatives such person as he desires to be his clerk, and thereupon the Clerk of the said House shall enroll the name of such nominee in a record-book, to be kept for that purpose, showing the full name of such person and State or place from whence appointed, with date of same.

"SEC. 2. That the aforesaid clerks shall be paid out of the contingent funds of the respective Houses as other employés of the Senate and House of Representatives, but only for the time they are actually present and in the service of the Senator or Representative by whom they are respectively nominated, each at the rate of $100 per month; and such clerks shall be removable at the pleasure of the Senator or Represenative at whose instance the appointment is made."

Mr. SAYERS. I make the point of order that this legislation has no place on this bill.

Mr. PERKINS. I hope the gentleman will not make the point of order against this amendment, but will let the committee decide whether it is proper legislation or not. I desire to say to the gentleman from Texas that the Committee on Accounts has reported in favor of this proposition, and I hope the point of order will not be insisted upon; or if the Chair has any doubts upon the point of order, that the amendment be submitted to the committee.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WASHINGTON. I offer the amendment which I send to the desk.

The amendment was read, as follows:

That the Clerk of the House be authorized to pay to the officers and employés of the House borne on the rolls on the 1st day of December, 1887, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. SAYERS. I reserve the point of order upon that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SAYERS. My point is that there is no authority for the payment of that money—no law and no rule of the House for it.

Mr. WASHINGTON. Mr. Chairman, a similar amendment to this was offered and ruled upon on last Saturday, applying to the employés of this House at the present time, and the House sustained the ruling of the Chair that the amendment was in order. An amendment like this has also been accepted by the House on previous occasions. The object of this amendment is to do justice to the employés of the Forty-ninth Congress who came here at the beginning of the Fiftieth Congress under the old Doorkeeper. When he went out they went out, and I know that many of them had to borrow money to pay their way home; and this amendment is intended to do tardy justice to those employés of the Forty-ninth Congress.

Mr. BIGGS. Mr. Chairman, I am decidedly in favor of this amendment. I think it ought to be adopted, and I trust the gentleman will withdraw his point of order.

Mr. SAYERS. I ask for the ruling of the Chair.

Mr. BIGGS. These employés came here and rendered faithful service, and many of them had not the means to get home, and it is ungenerous and illiberal to require those poor boys to come here and do the work and then allow them no compensation. I hope the gentleman from Texas, in justice, equality, humanity, and for the love of his country and the offspring of his country, will not insist on the point of order. [Laughter.]

The CHAIRMAN. The Chair will state that the question of order upon which the gentleman from Arkansas [Mr. ROGERS] passed a few days since was a proposition relating to the compensation of the present employés of the House. This is a proposition which relates to the compensation of the employés of a former Congress, and the Chair thinks that is obnoxious to the rule, and therefore sustains the point of order.

Mr. SAYERS. I now move that the committee rise and report the bill to the House.

Mr. PEEL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PEEL. If the committee should decline to rise, will it not be in order to lay this bill aside to be reported to the House with a favorable recommendation, and then to proceed with other appropriation bills?

The CHAIRMAN. It will.

Mr. PEEL. I am extremely anxious to get on with the Indian appropriation bill.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. SAYERS. Now, Mr. Speaker, I ask unanimous consent that upon all the amendments adopted in the Committee of the Whole, except the one relating to the salary of the private secretary of the President, a vote be taken in gross.

There was no objection, and it was so ordered.

The amendments, with the exception of the one indicated above, were then agreed to.

The SPEAKER. The question now is upon agreeing to the amendment which the Clerk will read.

The Clerk read as follows:

Page 11, after line 16, insert:

"To pay the private secretary to the President of the United States the difference between the salary received by him and $5,000 per annum, $6,000."

The question was taken on agreeing to the amendment, and the Speaker declared that the noes seemed to have it.

Mr. BIGGS. I ask for a division.

Mr. SAYERS. Do not do that. He does not want it.

Mr. BIGGS. I do not care what he wants. He has done the work, and he ought to have the pay. [Laughter.]

The amendment was rejected—ayes 16, noes 67.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PERKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. Is it now in order to move to recommit the bill with instructions?

The SPEAKER. It is.

Mr. PERKINS. I ask unanimous consent that the bill be recommitted to the Committee on Appropriations, with instructions to insert the amendment which I send to the desk.

The amendment was read as previously offered by Mr. PERKINS and printed above.

Mr. SAYERS. Mr. Speaker, I make the point of order that it is not competent for the House to instruct the committee to insert in the bill as an amendment a matter which is subject to a point of order in the House.

The SPEAKER. The Chair has frequently decided that the House can not do indirectly in the way of amendment what it can not do directly; and it is out of order to move to recommit a bill with instructions to report back an amendment which would not be in order in the House under the rules. The Chair sustains the point of order. The question is, Shall the bill pass?

Mr. OATES. On that question I call for the yeas and nays.

Many MEMBERS. Oh, no.

The yeas and nays were not ordered, only 5 members voting in favor thereof.

The bill was then passed.

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. FORAN. I rise to present a privileged report, the report of a committee of conference, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment, insert:

"*And provided further*, That a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof, and prior to the death of such pensioner, shall in the case of a husband be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: *Provided further*, That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of such pensioner may in the discretion of the Secretary of the Interior be paid to the legal representatives of said pensioner."

And the Senate agree to the same.

M. A. FORAN,
EDWARD J. GAY,
JOHN D. LONG,
Managers on the part of the House.

W. B. ALLISON,
H. L. DAWES,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 1 to the bill H. R. 11658, making appropriations for the payment of invalid and other pensions, submit the following written statement in explanation of the effect of the action recommended by the conference committee in the accompanying report:

In lieu of the provision contained in the said amendment, it is recommended by the conferees that the following be substituted, and that the two Houses agree to the same, namely:

"*And provided further*, That a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of the pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall, in the case of a husband, be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: *Provided further*, That hereafter, whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of such pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner."

M. A. FORAN,
EDWARD J. GAY,
JOHN D. LONG,
Managers on the part of the House.

Mr. FORAN. I call the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. FORAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

INVESTIGATION OF AQUEDUCT TUNNEL, WASHINGTON, D. C.

Mr. CLEMENTS. I ask the gentleman from Arkansas [Mr. PEEL] to yield to me for a moment that I may submit a privileged report. I do not ask its consideration at the present time.

Mr. PEEL. I yield for that purpose.

Mr. CLEMENTS presented the report of the joint select committee on the increase of water supply of the District of Columbia, and to investigate the works, contracts, and other matters relating to the Washton Aqueduct tunnel.

The SPEAKER. The Chair thinks this is a privileged report, because the resolution under which the committee was appointed directed the committee to report on or before a certain time, which time was afterward extended by order of the House; so that it was made incumbent upon the committee by the resolution itself to report. If there be no objection, the report will be laid on the table for the present and will be ordered to be printed.

There was no objection, and it was ordered accordingly.

INDIAN APPROPRIATION BILL.

Mr. PEEL. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. DOCKERY in the chair), and proceeded to the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes.

Mr. PEEL. I ask by unanimous consent to dispense with the first reading of this bill.

Mr. PERKINS. Mr. Chairman, I do not myself desire to make any remarks upon this bill, but some time ago some gentlemen on this side of the House came to me and said they would like a little time for discussion when this bill was brought up for consideration, and I promised that I would ask thirty minutes for that purpose. I am not particular whether they have that time now, before the first reading of the bill, or afterward.

Mr. PEEL. I hope my colleague on the committee, Mr. PERKINS, of Kansas, will not insist on that, but that he will allow the debate to take place under the usual five-minute rule upon amendments.

Mr. PERKINS. I only ask that the debate shall go on for thirty minutes, and I have, in reply to several requests made to me, agreed to yield to some gentlemen on this side of the House.

Several MEMBERS. Print your remarks.

Mr. PEEL. Time is so essential to us at this moment I must insist upon limiting the debate to the narrowest limits

Mr. PERKINS. Gentlemen have spoken to me on the subject and I have said time would be allowed.

Mr. PEEL. What time does the gentleman desire?

Mr. PERKINS. Not to exceed thirty minutes.

Mr. PEEL. Very well, then.

The CHAIRMAN. There being no objection, all general debate on the pending bill will be limited to thirty minutes, to be under the control of the gentleman from Kansas [Mr. PERKINS].

There was no objection, and it was so ordered.

Mr. PERKINS. I now yield fifteen minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I do not desire to speak at the present time, but will yield to the gentleman from Ohio [Mr. KENNEDY].

Mr. KENNEDY.* Mr. Chairman, on the 12th day of July last I delivered in this House a speech on Southern elections and election frauds in the South, and during the course of my remarks I had occasion to refer to the States of Mississippi, Alabama, and Georgia, and other portions of the South. I was notified almost immediately afterward that the gentleman from Georgia [Mr. TURNER] would answer those remarks, and I was also informed that Mr. CRISP would make a reply.

Mr. TURNER, of Georgia, rose.

Mr. KENNEDY. I will yield to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. I affirm the statement of the gentleman from Ohio [Mr. KENNEDY] of having served him with the notice to which he has referred, but as the brunt of his attack was aimed at my colleague [Mr. CRISP], who had just returned about that time, I left the matter with him.

Mr. KENNEDY. The gentleman from Georgia will understand I am making no reflection upon him. From that time to this, Mr. Chairman, with the exception of the remarks made by the gentleman from Georgia [Mr. CRISP] the other day, no attempt has been made to answer that speech.

The gentleman from Georgia [Mr. CRISP] the other day informed this House that during his absence a gentleman from Ohio [Mr. KENNEDY] had made a speech on elections in the South, and in answer to that speech he impeached the statement I made there in which I said the Speaker of this House had appointed the Committee of Elections, and that one of the grossest infamies ever perpetrated upon this House or the nation was in the selection of a man to the chairmanship of that committee who had been elected by 1,704 votes, the fewest number of votes that had ever presented a man to this floor. The gentleman does not deny the assertion. The records of this House show that he was chosen to the chairmanship of that committee, and the records of the election show that he was chosen by 1,704 votes as a representative on this floor.

What I objected to, Mr. Chairman, was the selection of the gentleman from Georgia as chairman of that committee, whether selected by the Speaker of the House or by the House itself.

I ask now why was it necessary to defend the Speaker of this House? If the selection of the gentleman from Georgia was what I denounced as an insult to this House and the intelligence of the great people of this country, was it not as much an outrage to have selected him by a Democratic caucus as to have him selected through the Chair of this assembly?

But I might content myself by referring to the Journal of this House, where on page 246 I find the Speaker of this House announces his committees, but I am not ready, nor am I willing or content to let it abide there. I find by the record of the Forty-eighth and Forty-ninth Congresses Mr. TURNER, of Georgia, was appointed the chairman of this committee, a gentleman elected by the same sorts of fraud and the same sorts of infamy which returned the gentleman from Georgia [Mr. CRISP] to this floor. If it were an infamy to this assembly to appoint the gentleman from Georgia [Mr. CRISP] I ask gentlemen on this floor whether it was not an infamy to appoint Mr. TURNER in the Forty-eighth and Forty-ninth Congresses?

I want to give what I believe to be a portion of the unwritten history. The gentleman from Georgia [Mr. TURNER] desired no longer to continue at the head of that committee, and, as I am informed, asked the Speaker to relieve him from the chairmanship. I do not believe that the Speaker was willing to offer an insult to the gentleman from Georgia, but at his own request transferred him to the Committee on Ways and Means; and Mr. CRISP, of Georgia, who was the second member of the Committee on the Pacific Railroads, Mr. Throckmorton having gone out, by the unwritten law of this House became chairman of that committee and should have been appointed. But instead of that, Mr. CRISP was chosen chairman of the Committee on Elections, and the Democratic caucus ratified and sanctioned it, and he became its head. And thus not only was he made chairman of it, but in the cold blood of a Democratic caucus the people of the United States were insulted and outraged by the selection of a man whose own election was challenged by every sense of decency and honor.

Now, sir, I desire to say further that this committee was appointed for a purpose. I find by the records of this House on the 13th day of December, by a resolution presented by Mr. CANNON, of Illinois, this committee was chosen, and on the 5th day of January it was formally announced by the Speaker. I find further that there was a contest in this House, and that the seat of JOHN G. CARLISLE, of Kentucky, was contested. I find, too, that this committee, headed by Mr. CRISP, and selected for a purpose, with undue haste, on the 20th day of January, reported that case back to the House.

Mr. TAULBEE. Will the gentleman allow me a moment?

Mr. KENNEDY. I have no time to yield.

Mr. TAULBEE, I simply desire to state [cries of "Regular order!" on the Republican side] that the gentleman from Kentucky [Mr. CARLISLE] is not present. [Renewed cries of "Regular order!"]

Mr. KENNEDY. I decline to yield. I say that on the 20th of January——

Mr. BLAND. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio is entitled to the floor and declines to yield.

Mr. TAULBEE. I beg pardon of the Chair; but I simply desired to state that Mr. CARLISLE was not present.

Mr. KENNEDY. On the 20th of January the committee reported back to the House the case of JOHN G. CARLISLE——

Mr. BLAND. Mr. Chairman, I rise to a question of order. When thirty minutes were allowed for debate it was understood that there should be debate on this bill, and not on a political question; and I call the gentleman to order. [Cries of "Regular order!" on the Republican side.] The regular order is a question of order. I claim that the gentleman is not in order; he is proceeding by the consent of this committee—— [Loud cries of "Regular order!"]

Mr. KENNEDY. I hope this does not come out of my time. I propose to take my own method of debating this bill.

Mr. BLAND. I claim the gentleman has no right to be personal when the gentleman from Georgia has no time to reply, and by a trick this committee—— [Cries of "Regular order!"] I am in order. This is a trick to secure time on that side without a chance to reply on this.

The CHAIRMAN. The gentleman from Missouri has stated his point of order, and the Chair will determine the question.

Mr. KENNEDY. So far as I am concerned, the gentleman from Georgia can take all the time he desires.

Mr. CRISP. I will say to the gentleman from Missouri that I am satisfied the House will allow me the courtesy of replying.

*Mr. Kennedy's remarks in a more extended form will be found in the Appendix.

A MEMBER (on the Republican side). Let him take the first morning hour in the morning.

Mr. BLAND. I ask that he be allowed thirty minutes.

Mr. PERKINS. Can the gentleman from Ohio be interrupted for such a purpose?

The CHAIRMAN. Only by unanimous consent.

Mr. PERKINS. Then I object to it now. I shall not at the proper time.

The CHAIRMAN. The Chair will state the request of the gentleman from Missouri that the gentleman from Georgia be allowed thirty minutes to reply.

Mr. REED. A member can not be interrupted in this manner?

The CHAIRMAN. He can not except by his own consent.

Mr. REED. The House will undoubtedly give consent if there is occasion for the gentleman to reply. I do not see any necessity for interrupting a gentleman in the middle of his speech to ask such consent.

Mr. BLAND. There are a great many things that gentlemen on that side can not see the necessity for.

The CHAIRMAN. The Chair will cause the rule to be read which directs the conduct of debate.

The Clerk read as follows:

Rule XIV, clause 1: When any member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

Rule XXIII, clause 8: The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

The CHAIRMAN. The Chair is inclined to the opinion, although not quite positive, that the gentleman should confine himself to the subject under consideration.

Mr. CUTCHEON. I rise to a parliamentary inquiry. Has it not been the rule, and always, that in Committee of the Whole on the state of the Union anything concerning the state of the Union is in order during debate, and certainly an election case is a matter of that character?

The CHAIRMAN. The practice of the committee has alwaye permitted a great deal of latitude in discussion.

Mr. ROGERS. I rise to a point of order that this latitude is allowed when in Committee of the Whole on the state of the Union generally, but not where the House is in Committee of the Whole for the purpose of considering a specific measure.

Mr. BLAND. It is very evident—— [Cries of "Regular order!" on Republican side.] Oh, you will not get me down by that—— [Renewed cries of "Regular order!"]—that when the House gave its consent to this committee for thirty minutes' debate it was understood that it should be upon the bill and not on a political question, with no time reserved for response on this side; and if gentlemen suppose that that sort of trick and unfairness can prevail—— [Loud cries of "Regular order!"] they will find their mistake.

The CHAIRMAN. The gentleman from Ohio will proceed in order.

Mr. KENNEDY. I trust this five minutes will not be taken out of my time.

The CHAIRMAN. It will not.

Mr. KENNEDY. Now, sir, I desire to say that on the 23d day of January that case was brought into the House of Representatives——

Mr. BLAND. I insist upon the point of order. I make the point of order that the gentleman from Ohio is proceeding now in opposition to the decision made by the Chairman.

Mr. KENNEDY. I desire now, Mr. Chairman, to say that the gentleman from Georgia who was at the head of that committee did not treat this case in the same manner and with the same kindliness that he did that of Robert Smalls. For I find that on the 7th day of December——

Mr. ROGERS. I raise the point of order that the gentleman is out of order.

The CHAIRMAN. The Chair indulges the hope that the gentleman will confine himself to a discussion of the bill under consideration.

Mr. KENNEDY. I will come to the consideration of the bill at the proper time; but I desire to take my own way of getting to it.

Mr. CANNON. A single word. The order of the Chair is that the gentleman shall proceed in order; but it never has been held in either House or committee when a man was speaking in his own time that the Chair could substitute his judgment for that of the member who was speaking as to what he should say.

The CHAIRMAN. The Chair is of the opinion that a very wide latitude has hitherto been allowed in debate in Committee of the Whole House on the state of the Union. The practice of the committee has permitted a wide range of discussion.

Mr. KENNEDY. Now, I repeat, on the 7th day of December, eleven months afterwards, the case of Robert Smalls was brought into this House——

Mr. BLAND. I repeat my point of order, Mr. Chairman.

Mr. BOUTELLE. I rise to a point of order.

The CHAIRMAN. The Chair is endeavoring to secure order.

Mr. BOUTELLE. I submit it is out of order for any member constantly to interrupt another member who has been recognized in his own right.

Mr. BLAND. I call for order if he is going on in the same manner.

Mr. BOUTELLE. If the gentleman from Missouri will keep order——

Mr. BLAND. The gentleman had better keep his own order.

Mr. BOUTELLE. I will endeavor to do so, and take a hand in keeping the gentleman from Missouri in order.

The CHAIRMAN. The Chair will again state in relation to the point of order made by the gentleman that the universal practice of the committee has hitherto allowed a very wide latitude in debate. The Chair hopes, however, that the gentleman will confine himself to the subject under discussion.

Mr. ALLEN, of Michigan. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. The parliamentary inquiry I desire to make is whether the custom of the House has not been settled all through this Congress, when a member addressed the House or committee in his own time, whether he speaks upon the subject-matter before the committee or not, he is entitled to the time uninterruptedly? I know that the gentleman from Minnesota [Mr. NELSON] took occasion when another bill was before us to make a speech upon the tariff, and no point of order was made then. The question I desire to ask is simply whether the Chair will now assume what the gentleman from Ohio in his own time shall or shall not say? A gentleman must make his speech in his own way.

The CHAIRMAN. The Chair will state——

Mr. McMILLIN. Mr. Chairman——

The CHAIRMAN. The Chair was about to reply to the parliamentary inquiry made by the gentleman from Michigan. The Chair understands that no point of order was made upon the gentleman from Minnesota [Mr. NELSON]. [Laughter.]

Mr. ALLEN, of Michigan. No man on this floor would have done such a thing. Nobody thought it was wrong.

Mr. GROSVENOR. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I want to know of the Chairman of this committee, now as the Chair has ruled upon the question of order that a member must address himself to the question, will the Chair undertake to say, judicially, whether the gentleman is addressing himself to it or not? If that is so—— [Cries of "Regular order!"] If that is to be established, then I think the Chair has got a big contract on his hands.

Mr. SOWDEN. Regular order.

Mr. BLOUNT. Mr. Chairman, I appeal to the gentleman from Missouri [Mr. BLAND] to let the gentleman from Ohio proceed. I think that my colleague would be allowed to reply——

Mr. BLAND. That is what I asked for, and I will insist upon the point of order until that shall be given.

Mr. CUTCHEON. I would suggest to the gentleman from Missouri that he is wielding a two-edged sword that will cut two ways.

Mr. BLAND. I will cut your way first. [Laughter and applause on the Democratic side.]

Mr. ALLEN, of Michigan. "He laughs best who laughs last."

Mr. KENNEDY. I repeat, that I simply call attention to the fact that on the 7th day of December this same committee reported, eleven months afterwards, the case of Robert Smalls to this House, and in thirteen months afterwards permitted this vote upon that case.

Mr. BLAND. I insist upon the point of order.

Mr. KENNEDY. I call attention to this to show that the Democratic side of this House has never done and never can do justice to the black man upon this floor. [Applause on the Republican side.]

Mr. BLAND. I insist upon the point of order.

The CHAIRMAN. The Chair does not think that the gentleman is violating the usual practice that has obtained in the Committee of the Whole.

Mr. BLAND. Is it in order to debate a contested-election case in this way?

The CHAIRMAN. The Chair will state that that has been done heretofore in Committee of the Whole.

Mr. BLAND. Then I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair. The question is, shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the affirmative vote was announced as 113.

Mr. McMILLIN. Mr. Chairman, if I can be indulged for a moment——

Mr. BLAND. Regular order. [Laughter.]

The count was completed; and there were—ayes 113, noes 10.

Mr. BLAND. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Maine [Mr. REED].

Mr. BLAND. I move that the committee do now rise.

Mr. REED. I rise to a point of order.

Mr. KENNEDY. I have the floor, Mr. Chairman. I do not yield to the gentleman from Missouri.

Mr. CRISP. Mr. Chairman, would it be in order to ask unanimous consent that the gentleman from Ohio be allowed to proceed?

The CHAIRMAN. It would.

Mr. REED. There is no occasion for unanimous consent. He has the right now.

Mr. CRISP. I ask unanimous consent that the gentleman be allowed to proceed, and that I be given as much time to reply as he occupies.

Mr. PERKINS. There will be no difficulty in giving the gentleman on the other side a like amount of time.

Mr. BLAND. Regular order, Mr. Chairman.

Mr. CRISP. I wish to ask unanimous consent that the gentleman from Ohio [Mr. KENNEDY] be allowed to proceed, and that I may have as much time as he uses.

Mr. PERKINS. There will be no difficulty about that.

Mr. REED and others. Regular order.

The committee rose informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate agreed to the conference asked by the House on the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1890, and for other purposes, and had appointed as the conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. GORMAN.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 1488) granting an increase of pension to Louisa N. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers.

ORDER OF BUSINESS.

The committee resumed its session.

Mr. BLAND. Mr. Chairman, I insist upon my motion that the committee do now rise.

Mr. KENNEDY. I have the floor.

Mr. REED. Mr. Chairman, I make the point of order that the gentleman from Ohio [Mr. KENNEDY] is on his feet and is entitled to the floor. The gentleman from Missouri [Mr. BLAND] is on his feet simply for a point of order which has been overruled by the Chair. The decision of the Chair has been sustained by the committee, and the point of no quorum has been withdrawn by the gentleman from Missouri himself. That leaves the gentleman from Ohio [Mr. KENNEDY] on the floor, and he does not yield to the gentleman from Missouri [Mr. BLAND].

The CHAIRMAN. The gentleman from Maine [Mr. REED] is in error in this: the point of no quorum has not been withdrawn by the gentleman from Missouri.

Mr. BOUTELLE. How could the gentleman from Missouri [Mr. BLAND] get the floor to make the motion that the committee rise if the point was not withdrawn?

Mr. BLAND. When the Committee of the Whole is without a quorum that motion is in order.

The CHAIRMAN. The Chair is of opinion that the motion of the gentleman from Missouri [Mr. BLAND] is in order.

Mr. KERR. Mr. Chairman, I respectfully appeal——

Several MEMBERS on the Republican side. Do not appeal.

Mr. GEAR. Mr. Chairman, I hold that when the gentleman from Missouri [Mr. BLAND] moved in his place that the committee rise, he thereby withdrew the point of no quorum.

The question was taken on the motion of Mr. BLAND that the committee rise; and there were—ayes 28, noes 101.

Mr. BLAND. I insist that there is no quorum and I demand tellers.

Mr. REED. It is too late for that.

The CHAIRMAN. No quorum is required on this motion. The point of no quorum is pending and the Chair will appoint tellers.

Mr. REED. How can the point of no quorum be pending when another motion is being acted upon by the committee? It can not be possible that we can do business in that way.

The CHAIRMAN. The Chair is of opinion that the motion that the committee rise was in order, but no quorum is required.

Mr. REED. Then the point of no quorum would drop?

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Missouri [Mr. BLAND] will take their places as tellers.

Mr. TAULBEE. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

[Cries of "Regular order!"]

Mr. TAULBEE. I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REED. There is one point of order already pending.

Mr. TAULBEE. My point is that the point of order raised by the gentleman from Missouri——

Mr. BLAND. I raise the point that two points of order can not be entertained at the same time.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] is correct.

Mr. TAULBEE. Mr. Chairman——

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Missouri.

Mr. TAULBEE. I rise to a parliamentary inquiry. I wish to know whether it is in order for the gentleman from Missouri [Mr. BLAND] to make the point of no quorum on a motion that the committee rise.

The CHAIRMAN. The gentleman from Missouri does not make the point of no quorum on the motion that the committee rise; he could not do so, because that motion does not require a quorum.

Mr. TAULBEE. Then I misunderstood the gentleman from Missouri.

The CHAIRMAN. The gentleman from Missouri makes the point of no quorum on the question of sustaining the decision of the Chair.

Mr. TAULBEE. I beg the pardon of the Chair. I misunderstood the gentleman from Missouri. [Cries of "Regular order."]

Mr. CUTCHEON. I rise to a parliamentary inquiry. I wish to ask the Chair how the gentleman from Ohio [Mr. KENNEDY] lost the floor.

The CHAIRMAN. By a point of order raised by the gentleman from Missouri.

Mr. CUTCHEON. Has that point of order been sustained?

The CHAIRMAN. It has been overruled; but the gentleman from Missouri appealed from the decision of the Chair. On that question no quorum voted; and the regular order is a vote by tellers upon the appeal of the gentleman from Missouri.

Mr. CUTCHEON. I did not so understand.

The CHAIRMAN. As many as are in favor of sustaining the decision of the Chair will first pass between the tellers.

Mr. KENNEDY. I desire to ask now that, so soon as I shall have finished, or at any time thereafter [cries of "Regular order!"], if gentlemen on the other side desire ten minutes, it be granted. [Cries of "Regular order!"]

The CHAIRMAN. Those who are in favor of sustaining the decision of the Chair will now pass between the tellers, after which the negative vote will be counted.

The committee again divided; and the tellers reported—ayes 125, noes 20.

Mr. BLAND. No quorum has voted, and I move that the committee rise.

The CHAIRMAN (Mr. ROGERS in the chair). Under the rules, no quorum appearing, the roll will be called.

The roll was called, and the following-named members failed to answer to their names:

Allen, Mass.	Collins,	Jackson,	Smith,
Allen, Miss.	Compton,	Jones,	Snyder,
Anderson, Miss.	Cooper,	Kelley,	Spinola,
Arnold,	Cox,	Laird,	Spooner,
Bacon,	Davenport,	Lee,	Stahlnecker,
Barry,	Dingley,	Lyman,	Steele,
Bayne,	Dougherty,	Maffett,	Stewart, Vt.
Blanchard,	Ermentrout,	Mason,	Stockdale,
Boothman,	Finley,	McComas,	Struble,
Bound,	Fitch,	McCreary,	Symes,
Breckinridge, Ky.	Ford,	McShane,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	French,	Morrow,	Thomas, Wis.
Brown, Ohio	Glover,	Morse,	Thompson, Cal.
Bunnell,	Goff,	Neal,	White, Ind.
Burnett,	Granger,	Newton,	White, N. Y.
Campbell, F., N. Y.	Hayes,	Nutting,	Whiting, Mass.
Campbell, Ohio	Heard,	O'Neill, Mo.	Whitthorne,
Campbell, T. J., N. Y.	Henderson, Iowa	Owen,	Wilkins,
Carlton,	Hermann,	Phelan,	Wilkinson,
Catchings,	Hogg,	Phelps,	Williams,
Clardy,	Houk,	Pidcock,	Yoder.
Clements,	Hudd,	Robertson,	
Cockran,	Hunter,	Scott,	

The committee rose, and the Speaker having resumed the chair Mr. ROGERS reported that the Committee of the Whole House on the state of the Union having under consideration the deficiency appropriation bill, finding itself without a quorum, under the rule the roll was called, and he was directed to report the names of the absentees to the House to be spread upon the Journal.

The SPEAKER. Two hundred and thirty-three members have answered to their names, which is more than a quorum, and under the rules of the House the committee will resume its session.

Mr. BLAND. I move the House adjourn.

Mr. BURROWS. That is not in order.

The SPEAKER. In the Forty-seventh Congress it was held that a motion to adjourn was in order.

The question was put, and the Chair said the noes seemed to have it.

Mr. BLAND demanded a division.

The House divided; and there were—ayes 10, noes 80.

So the House refused to adjourn.

The committee, under the rule, resumed its session, Mr. DOCKERY in the chair.

The CHAIRMAN. The Chair desires to say that he has made some investigation of the question under consideration, and finds that the universal practice of the House has hitherto allowed the largest opportunity for debate in the Committee of the Whole; but in order that the committee may determine for itself whether the gentleman from

Ohio shall be allowed to proceed with his remarks, the Chair withdraws his decision, having full faith, however, in its correctness. The Chair will submit the question to the committee.

Mr. SPRINGER. What is the question?

The CHAIRMAN. The Chair submits the question to the committee, whether or not the gentleman from Ohio shall proceed in the line of remarks hitherto submitted?

Mr. DUNHAM. I rise to a parliamentary inquiry. Has it not been submitted to the committee already?

The CHAIRMAN. The Chair withdraws his decision, as he has the right to, and submits the question to the decision of the committee.

The question was taken; and on a division there were—ayes 131, noes 20.

Mr. BLAND. No quorum.

Mr. BLOUNT. I desire to make a parliamentary inquiry. I wish to know if it is not in order for the Chair to resubmit the question to the committee whether or not the gentleman from Ohio may be allowed to proceed in the line of the remarks his speech indicated?

Mr. RANDALL. I supposed that was the question we had just voted on.

Mr. BLAND. That question has been submitted and no quorum voted. I demand the regular order.

Mr. BLOUNT. If that was the question I hope the Chair will again submit it, as I think there was a misunderstanding, and it will probably save time.

The CHAIRMAN. The Chair will again submit it, if there be no objection.

The question is, whether the gentleman from Ohio shall be permitted to proceed in the line of the remarks he was pursuing?

Mr. BLAND. I rise to a parliamentary inquiry. There was a question pending and no quorum voted.

The CHAIRMAN. But the Chair has proposed to take the question anew unless there was objection, and none was made.

Mr. BLAND. I did not hear the Chair make the request.

The CHAIRMAN. If the gentleman insists that he did not hear the Chair, of course his statement will be taken.

Mr. BLAND. I stated that I could not hear what the Chair said, but as soon as I understood the question the Chair proposed to submit I insisted upon my right.

Mr. BLOUNT. The point I wish to submit to the Chair is this, that it is competent for the Chair to withdraw the question and resubmit it.

Mr. SPRINGER. The Chair has so indicated.

Mr. RANDALL. Moreover, we did not quite understand the question submitted, and we certainly have a right to do so before being required to vote.

The CHAIRMAN. The Chair will again submit the question. Shall the gentleman from Ohio be allowed to continue his remarks in the line he has hitherto pursued?

The question was taken; and on a division there were—ayes 174, noes 5.

Mr. RANDALL. I now rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

Mr. BLAND. And I demand the regular order.

Mr. RANDALL. Will the gentleman from Ohio yield to me for a moment?

Mr. BLAND. I demand the regular order.

Mr. RANDALL. This is the regular order. I ask the gentleman from Ohio to yield to me.

Mr. KENNEDY. I yield to the gentleman for a moment.

Mr. RANDALL. I would like to ask that the committee now rise for the purpose of extending the debate thirty minutes by unanimous consent. The House restricted the general debate to thirty minutes and gave it entirely to that side.

The CHAIRMAN. The Chair will state that that action was taken in committee.

Mr. RANDALL. Well, there has always been doubt as to whether it could be done in that way.

Mr. BLAND. I demand the regular order.

Mr. RANDALL. The regular order is to move that the committee rise for the purpose of extending the debate.

Mr. KENNEDY. I do not yield for that purpose.

The CHAIRMAN. The gentleman from Ohio declines to yield for that motion and is entitled to the floor.

Mr. KENNEDY. Mr. Chairman, I say now that I myself will be very glad to ask that the time be extended to the gentleman from Georgia to reply for such length of time as he may choose.

Now, I was speaking of the contested-election case——

Mr. BLAND. I rise to a point of order, that that is not in order on this bill.

Mr. KERR. I desire to make this statement. The gentleman from Missouri—— [Loud cries of "Regular order!"]

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

Mr. KENNEDY. Now, Mr. Chairman, I was speaking of the election case.

Mr. BLAND. I rise to a point of order.

Mr. KERR. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. BLAND. The gentleman is not proceeding in the line authorized by the rules of the committee or of the House.

The CHAIRMAN. The Chair overrules the point of order, and for the reason that the House has just passed upon that question.

Mr. BLAND. I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SPRINGER. Mr. Chairman, I make the point of order that that question has just been decided, no appeal was taken, and it is too late now. The appeal should have been taken at the time.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois, and the gentleman from Ohio will proceed.

Mr. BLAND. I understand the gentleman from Ohio is proceeding with his speech. Now, I raise the question of order on what he is saying, and pending that, until it is settled, he can not proceed.

Mr. KENNEDY. I believe I have the floor.

The CHAIRMAN. The gentleman from Missouri raises the point of order, and will state it.

Mr. BLAND. That the gentleman from Ohio was not proceeding in the line authorized by the vote of the House or the rules of the committee.

The CHAIRMAN. And the Chair overruled that point of order.

Mr. BLAND. Exactly; and I appealed from the decision of the Chair, and insist upon my right.

Mr. TAULBEE. I make the point of order——

The CHAIRMAN. The Chair will state to the gentleman from Missouri that it sustained the counter point of order made by the gentleman from Illinois.

Mr. BLAND. What has been decided?

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] made the counter point of order that the House has just passed upon the point of order raised by the gentleman from Missouri, and had given the gentleman from Ohio consent to proceed in the line he was pursuing.

Mr. BLAND. But I am presenting another point of order. We are proceeding to debate this bill in Committee of the Whole under the rules of the House.

Mr. REED. We are trying to.

Mr. BLAND. We are proceeding to debate it under the rules of the Committee of the Whole, and the gentleman is not debating the subject-matter contained in the bill.

Mr. BRUMM. That point has been already ruled upon.

The CHAIRMAN. The Chair will state that the point of order raised by the gentleman from Missouri has just been passed upon by the committee, and a decision was made in response to the counter point of order raised by the gentleman from Illinois.

Mr. BLAND. Very well; I will wait and see how this thing proceeds.

Mr. KENNEDY. Now, Mr. Chairman, I desire to refer to that committee in its treatment of the case known as the Carlisle case in this House. JOHN G. CARLISLE occupied a seat upon this floor as reported from the committee——

Mr. BLAND. I raise the point of order.

Mr. KENNEDY. But that committee——

Mr. BLAND. I raise the point of order that the gentleman is not proceeding with the consideration of the bill before the House.

The CHAIRMAN. The Chair will request the gentleman from Missouri to withdraw the point temporarily, as the Chair did not hear the statement made by the gentleman from Ohio. The gentleman from Ohio will proceed.

Mr. KENNEDY. I was referring to the contested-election case of JOHN G. CARLISLE, of Kentucky, that was referred to that committee. Mr. Thoebe, of Kentucky, was the contestant.

Mr. BLAND. Now I raise the point of order. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order in view of the fact that the House has twice decided that it is in order.

Mr. BLAND. The House has not passed upon that language. [Cries of "Regular order!"]

Mr. KERR rose. [Laughter and cries of "Sit down!" on the Democratic side.]

The CHAIRMAN. The committee will be in order.

Mr. KENNEDY. Mr. Chairman, I did not yield to the gentleman from Iowa.

The CHAIRMAN. No business will be transacted until there is order.

Mr. BLAND. I state that I appeal from the decision of the Chair upon the point of order.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair.

Mr. REED. I make the point of order that he has no right to appeal, because it has already been decided by the House.

The CHAIRMAN. The Chair will submit this appeal to the House.

Mr. REED. It must be perfectly evident to the Chair that this is frivolous and not made in good faith.

Mr. BLAND. The gentleman from Maine is frivolous and is trying to prevent a decision upon the appeal. I insist upon my point of order.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was put; and the Chairman announced that the ayes seemed to have it.

Mr. BLAND. Division.

The committee divided.

The CHAIRMAN (pending the announcement). The committee will rise informally to receive a message from the Senate.

The committee accordingly rose; and Mr. SPRINGER took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

It also announced that the Senate had passed the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, with amendments, in which concurrence was requested.

It also announced that the Senate had passed House bills of the following titles:

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

A bill (H. R. 10481) for the relief of Rev. William Gregston;

A bill (H. R. 10082) to amend an act entitled "An act for for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

A bill (H. R. 9464) for the relief of Hudson G. Lamkin;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 7864) to reappropriate to pay for alley in square numbered 493;

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

A bill (H. R. 6591) for the relief of T. Dillinger & Sons;

A bill (H. R. 6394) for the relief of Hayem & Taylor;

A bill (H. R. 5888) for the relief of W. H. Boyd;

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.;

A bill (H. R. 5336) for the relief of George B. Hansell;

A bill (H. R. 4581) for the relief of Thomas Mathews and others;

A bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased;

A bill (H. R. 2688) for the relief of Alfred Breuer; and

A bill (H. R. 341) for the relief of John Farley.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. On the appeal of the gentleman from Missouri [Mr. BLAND], the ayes are 181, the noes none; so the decision of the Chair stands as the judgment of the committee.

Mr. BLAND. I demand tellers on this vote.

Tellers were refused, only 2 voting in favor thereof.

Mr. KENNEDY. I was speaking of the Carlisle case. [Laughter.] Now, I desire, Mr. Chairman, to refer to an occurrence which took place on this floor in 1879. On the 20th day of March, 1879, a memorial of 23 citizens of Cincinnati impeached the seats of BENJAMIN BUTTERWORTH and General Thomas L. Young. No contest had been made, and yet these gentlemen, instead of remaining silent, arose in their places in this Chamber and demanded an investigation at the hands of this House.

Mr. BLAND. Now I make the point of order that the gentleman is not proceeding in order.

The CHAIRMAN. The Chair has twice held that the point of order is not well taken, as the committee has by its own action permitted the gentleman from Ohio to proceed.

Mr. BLAND. I appeal from the decision.

Mr. REED. The gentleman from Missouri has nothing to appeal from.

Mr. KENNEDY. Now, when forty-five hundred Kentuckians stood at the door of this House on a contested-election case what did the Speaker of this House, who was the contestee, do? He remained as silent as the Sphinx, and the committee of this House, headed by CHARLES F. CRISP, of Georgia, reported back and denied the contestant the right to a hearing on this floor.

Mr. BLAND. I rise to a point of order.

Mr. KENNEDY. Never but once before in the history of this Government was such a proceeding witnessed——

Mr. BLAND. I rise to a point of order, and that is, that the House has not passed upon any portion of what the gentleman is now saying.

The CHAIRMAN. The Chair will remind the gentleman from Ohio [Mr. KENNEDY] that it is not in order to make such a reference to a member by name. The gentleman is familiar with the usual practice in that respect and will proceed in order.

Mr. KENNEDY. Then I will not refer to the gentleman by name. I withdraw that. I did not intend it in any offensive sense.

Mr. BLAND. Mr. Chairman——

The CHAIRMAN. The gentleman withdraws it.

Mr. BLAND. Withdraws what?

The CHAIRMAN. The Chair sustained the point of order of the gentleman from Missouri, and the gentleman from Ohio [Mr. KENNEDY] withdrew the reference to the gentleman from Georgia.

Mr. KENNEDY. Mr. Chairman, I say that only once before in the history of our Government has there been such a case as that. I will not mention any names, but I will say that the press of my State, Ohio, secular and religious, Independent, Democratic, and Republican, demanded that that case should be heard. Not only Republicans, but Democrats, State officials and others, demanded that that case should be heard——

Mr. BLAND. I rise to a point of order.

Mr. KENNEDY (continuing). But that hearing was denied.

Mr. BLAND. I rise to a point of order, Mr. Chairman.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the House has twice, by an overwhelming vote, decided to allow the gentleman from Ohio [Mr. KENNEDY] to proceed in the line of the remarks heretofore made by him. The Chair thinks, therefore, that there is nothing whatever for the Chair to pass upon.

Mr. TURNER, of Georgia. Mr. Chairman, may I say a word? As one of those whom the gentleman from Ohio [Mr. KENNEDY] has assailed, I appeal to my colleague from Missouri [Mr. BLAND] to allow the gentleman from Ohio to proceed and finish his remarks.

Mr. BOUTELLE. Oh, we do not want him to allow it. [Laughter.] I insist that the gentleman from Ohio [Mr. KENNEDY] shall be permitted to proceed under the rules of the House.

Mr. BLAND. Mr. Chairman, inasmuch as the gentleman from Georgia [Mr. TURNER], who has been assailed, appeals to me——

[Cries of "Regular order!"]

Mr. REED. "Regular order," Mr. Chairman. We do not want to hear any more of this than is necessary. Let us go on with the business.

The CHAIRMAN. The regular order is demanded, and the gentleman from Ohio will proceed.

Mr. KENNEDY. I trust the Chair will keep the time. [Laughter.]

The CHAIRMAN. The Chair will endeavor to do so.

Mr. KENNEDY. I refer again, Mr. Chairman, to the case which I have just mentioned. That gentleman will go into private life condemned by his political associates and despised by his political enemies, without society save that only which his ill-gotten wealth can purchase, too low for pity and beneath contempt. [Hisses on the Democratic side.] I refer now to a case in this House, and I ask, is it any wonder that the contestee in that case, which was reported upon this floor on the 20th of January last, should, after that report was made, be covered with humiliation and shame? Was it any wonder that it required the exhilarating and stimulating influences of Washington and the balmier breezes of Old Point Comfort to restore him to his mental and moral equilibrium?

Mr. Chairman, I leave the question to him, to the country, and to the people of Kentucky. [Hisses on the Democratic side.]

The gentleman from Georgia [Mr. CRISP] asks whether I have ever been in Georgia. I desire to say to him that in 1863 and 1864, if he had not been moving so swiftly to the South, he might have made my acquaintance in Georgia. [Hisses and jeers on the Democratic side.] I presume, sir, that my standing in Georgia will not be as high as that of the gentleman from Georgia——

Mr. MCMILLIN. Or anywhere else.

Mr. KENNEDY (continuing). Because he wore the Confederate gray and I wore the Union blue in that great contest. I have no desire to compare records with the gentleman from Georgia, but I believe that in the estimation of every loyal man in this land my record is as high above his in that great contest as the angels of light are above the angels of darkness. [Derisive laughter and jeers on the Democratic side.]

Mr. Chairman, the gentleman's distinction at home comes from this. His distinction abroad comes from the fact that in this House he is elected by a smaller number of votes than any other man was ever elected by to a seat on this floor, and I trust, sir, that the national distinction which he has thus achieved will never again be achieved by any man within the limits of this great Government of ours. The gentleman tells us that the elections are fair and honest in Georgia. I desire to call his attention to the fact that in 1884 42,286 Republicans voted, while in 1886 no Republicans voted in his district. I say that he is impeached by the record of the election in 1886 which comes to us from the State of Georgia.

The gentleman from Georgia does not attempt to answer the state-

ments of facts and figures in my speech of July 12 last, and I challenge him or any gentleman upon that side of the Chamber to controvert or deny them. I have in my hand a list of twenty-five districts which voted in 1886 to return members of this House. That list includes the first and second districts in Alabama, the first and fifth in Arkansas, the ten districts of Georgia, the fourth of Louisiana, the fourth, fifth, and sixth of Mississippi, the first, second, fourth, fifth, and sixth, of South Carolina. In those twenty-five districts, casting ninety-three thousand and odd ballots, the entire Republican vote was 720, an average of twenty-nine votes to a district. And yet gentlemen over there tell us that their elections are free and honest and fair. And in this list I find the district of the gentleman from South Carolina, and the district of the gentleman from Georgia. What shall we say to gentlemen who, with the assurance of the thimble-rigger, continue to say that these elections are free and fair?

The other day, at the New York banquet, Governor Lee, of Virginia, made this expression:

> It remained with the North to decide whether the national improvement and prosperity can best be promoted by a union of American white-governed States or white American through African sections in the great whole. The whole thing depended upon the South being recognized as a white-governed portion and that there shall exist no African sovereignty. "We do not care to take the tomahawk from the red man and give it to the negro. We have provided for the negro, built homes and schools for him, and given him all his condition requires, but when it becomes a question whether those States are to be governed by blacks or whites, I say," the governor exclaimed, "we want a white government."

I refer this matter to the gentleman from Georgia; and I say to him that the governor of Louisiana, the governor of Virginia, and the governor of South Carolina have made the record on this question; and all of them refute his statement.

Governor Lee wants "a white man's government;" I want an honest man's government. I say to-day that I would rather have an honest black man's government in this country than a dishonest white man's government. [Applause on the Republican side.] I am not here to speak for the colored man; at another time I shall be glad to do so. But I say now that while the begloved and bejeweled fingers of a Southern aristocracy were trying to tear down this Government, were attempting to pull down its flag and clutching like bloodhounds at the throat of the nation, not a single instance can be cited where the colored people of this country, when opportunity offered, were not loyal to the Constitution and devoted to the flag. Gentlemen on the other side may sneer at it as they will, but history will forever record the fact that a black man ran the boats past the batteries at Moultrie; that black hands uplifted and black arms sustained the flag of the Union on the top of Fort Pillow. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KENNEDY] has expired.

Mr. PERKINS. I yield fifteen minutes to the gentleman from Ohio.

Mr. KENNEDY. Now I desire to call another witness.

Hon. W. H. Skaggs, a Democrat, of Talladega, Ala., prints in the Montgomery Daily Advertiser the following:

> We can not go on forever stealing the negro's ballot. There must be a wiser and more honorable solution of the question. We have gone too far in our election frauds, and soon we shall learn that success founded on fraud can not be permanent. In the Black belt, where the negroes are in the greater majority, the tactics by which the negro has been deprived of his vote have also served the purpose of depriving the white men of fair representation. The negro vote has been used to count the South Alabama Democrat in and the North Alabama Democrat out.

I commend this to the gentleman from Georgia, and I commend to gentlemen of the other side the fact that in Arkansas only last week four members of the State Legislature resigned their places because they were there by fraud and intimidation and violence; and I call attention to the fact that the same election which returned them to the Legislature returned a member to this House who has not yet tendered his resignation so far as I know.

The gentleman from South Carolina the other day referred to Massachusetts. I am not here to defend Massachusetts. Her honored Representatives on this floor and her sons everywhere are abundantly competent for her defense. But I want to say here for old Massachusetts that while she stood at the cradle of liberty and rocked it until it grew into a vigorous manhood, from that hour until the present it can not be said, and history does not record the fact, that a single one of her sons, true as they are to old Massachusetts, has ever lifted his hand against the Constitution or attempted to tear down the flag. They were found on every battle-field from Lexington to Yorktown, and in that later struggle they were found on every field where blood was shed, from Baltimore to Bull Run and from Bull Run to Appomattox. The history of the past will be written, and the history of old Massachusetts will be a part of this nation's great record.

And I want to say to gentlemen on the other side that the Meccas of the future will not be in the Southern clime or under a Southern sun, but will be the sacred resting places of the illustrious and patriotic dead, where Lincoln sleeps, where the silent warrior of the century is resting, and that place on the hillside at Arlington where gallant Phil Sheridan is sleeping. I say to you that in the future there will be lifted above old Bunker Hill and Lookout Mountain and Missionary Ridge and Round Top the record of a nation's glory, and with it the history of old Massachusetts.

The other day over in the city of Baltimore General Rosser made a speech; and he said:

> That it was his purpose to show that the reason the South was able to maintain an unequal combat against the North for years and why the South was victorious in every battle in Virginia from first to last, and finally yielded only to starvation, was the fact, and is still the fact, that a Southern gentleman can whip a puritanical Yankee every time.

Mr. Chairman, at the point of the bayonet and the end of the saber on three hundred battle-fields of this Union we punched that idea out of them. [Laughter and applause on the Republican side.]

I want to tell who this General Rosser is, who was never whipped, according to his own statement. He is the man whom Torbert with his Union cavalry drove 26 miles up the Shenandoah, and in that case, with rebels ahead and Union soldiers behind, Thomas L. Rosser, like a good general, led his Confederate cavalry up the valley!

I want to call attention to another thing that General Rosser said; and I wish to say that three United States Senators and a member of this House from Mississippi were present on that occasion. This is what he said:

> I feel that I am, and I believe that every brave Confederate soldier living to-day is more loyal to the constitutional Government of the new United States than are the rank and file of the Grand Army of the Republic (so called), and I believe that we are more loyal to the flag of the new Union than they.
>
> This banner [waving a Confederate battle-flag], under which we so gloriously fought, is now the badge of our loyalty to ourselves. This is the cross which we bore with a courage, patience, and fortitude which entitles every brave, true, and tried Confederate soldier to wear a patriot's immortal crown.

Mr. Chairman, England, in her great contest with the rebels in India, blew them from her guns. Germany, after her war with France was over, compelled the French nation, as an indemnity, to pay the entire expenses of the contest. But after six thousand millions had been expended, after blood and treasure beyond measure had been poured out, this Government extended amnesty without price and without any conditions to the Southern people.

I want to say I believe in that, and if Lee, and Davis, and Beauregard, and Rosser, men educated at the public expense, had been hung to the gibbet, as they ought to have been after that contest was over, they would not now be teaching disloyalty and treason and rebellion to the young men of the South.

General Johnson said up to a short time ago in Baltimore that this Government was controlled by the Confederates.

Several MEMBERS. You mean General Bradley Johnson.

Mr. KENNEDY. Yes; General Bradley Johnson.

But thank God, Mr. Chairman, the hour is passing away when they can control this Government. They will be compelled to take back seats. There is a brighter day coming for the South, freed from the hands of Confederate despotism, rebellion, and disloyalty.

I not only congratulate the country, but I congratulate that side of the Chamber, that they will be freed from the dictation to which they have been subjected for the last two years, a dictation humiliating, not only to this House, but to the entire country. I trust, sir, it will catch the inspiration of freedom.

I desire to point further to the fact, Mr. Chairman, that it comes with bad grace from gentlemen half shot away on rebel battle-fields to come here and attempt to teach us loyalty, and to tell us what our duties are under the Constitution and under the old flag.

The South has been throwing away her opportunities. Let them quit sneering at New England. Let them cease snarling at her heels. Let them be inspired with some of New England's energy and enterprise. With a warmer sun, beneath whose rays the earth gives forth her richest fruits, with a softer clime that New England can not know, with a wealth of mines waiting for the pick and drill, with streams and rivers flowing unvexed to the sea, waiting for the spindle and loom, the South has been casting away her opportunities as a reckless spendthrift would throw priceless jewels into the sea. [Applause.]

Let her catch some of New England's pluck and courage. Let her quit whining at New England's wealth and power. Let her quit regretting the lost cause. Let her cease crying forever over her pride, poverty, and despair. Let her imitate Massachusetts enterprise and grit and there will be a Lowell on every river, a Lawrence on every stream. [Applause.] Let her open the doorway and bid wealth and labor come and share with her her richest blessings. Let her accord to all an equal chance in this race of life. Let her cease flaunting her disloyalty in the faces of the people, and learn once for all that the rebellion is ended and that but one flag is recognized as the emblem of our unity and power.

Let her come to know that slavery is dead and forever buried by the irrevocable enactments of the Constitution. Let her do equal and exact justice to all her people, black and white, rich and poor. Let her assure all within her borders that the laws shall be supreme, that all shall be protected in their rights, that person and property shall be secure, that the privilege of the citizen shall be accorded him in its fullest sense.

Then, Mr. Chairman, this new South will have solved the problem of her future. Then this new South, new not only in name, but in

spirit, in fortune, in promise, in progress, in wealth and power, will start on the highway to the greatest and grandest march of all the centuries. And thus—

Full roused, each giant limb awake,
Each sinew strung, the great heart pulsing fast,
She shall start up and stand on her own earth.
Then shall her long triumphant march begin;
Thence shall her being date—thus wholly roused,
What she achieves shall be set down to her.

[Great applause.]

Mr. PEEL. Mr. Chairman, in view of the course this debate has assumed I ask unanimous consent that thirty minutes be allowed on this side for further general debate.

Mr. OWEN. I object. [Cries of "Oh, no!" on the Republican side, and derisive laughter on the Democratic side.]

Mr. SOWDEN. Withdraw that objection.

Mr. OWEN. I wish to make a statement. [Cries of "Regular order!" on the Democratic side.] Just one moment, Mr. Chairman.

Mr. TOWNSHEND. I object to any statement.

Mr. SPRINGER. Then withdraw your objection.

The CHAIRMAN. The regular order has been demanded, and the gentleman from Arkansas is entitled to the floor.

Mr. OWEN. I desire to make a statement in withdrawing the point of order. [Loud cries of "Regular order!" and "Withdraw it!"]

Mr. RANDALL. I move that the committee rise.

Mr. OWEN. I withdraw the objection without the statement.

Mr. RANDALL. And I withdraw my motion.

The CHAIRMAN. Is there further objection to the request of the gentleman from Arkansas?

Mr. JOHNSTON, of Indiana. I simply want to say this—— [Cries of "Regular order!"]

The CHAIRMAN. The Chair understands the gentleman from Indiana as objecting, and the gentleman from Arkansas is entitled to the floor.

Mr. JOHNSTON, of Indiana. I am not going to object, but I want to say that while the gentleman objected to me the other day, I will not object to him. [Cries of "That is right!"]

Mr. PEEL. I yield the time to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Chairman, I will ask the Chair to be kind enough to notify me when I have consumed twenty minutes of the time, as my colleague [Mr. TURNER] desires to occupy ten minutes.

Mr. ALLEN, of Michigan. I rise to a question of order; I hope the Chair will direct members to take their seats so that we may hear the discussion.

The CHAIRMAN (Mr. HATCH in the chair). The point of order is well taken.

The gentleman from Georgia is entitled to the floor.

Mr. CRISP. Mr. Chairman, on the 13th day of February present I called the attention of the House to several deliberate and willful inaccuracies in a statement previously made by the gentleman from Ohio. Some day or two ago I received a message from that gentleman by a page presenting his compliments and saying that at the first opportunity he would reply to the statements made by me on that occasion. You have just heard his reply. Before I shall characterize that reply as I think it deserves, I will proceed again to expose to this House and to the country the deliberate and willful inaccuracy of the gentleman from Ohio.

The charge made against the gentleman was that he had, through ignorance or design, misrepresented the Speaker of this House, the people of Georgia, and myself. The gentleman can not evade this charge by a parade of his loyalty before the House and the country; no assault has been made upon that; no intimation has been made that he was not a good, loyal, and true soldier, and therefore it is entirely out of place for the gentleman from Ohio to personally stress his service so much when charged by me with having made inaccurate statements. It is no reply to say that during the war he was a soldier in the armies of the Union and that I was a soldier in the armies of the Confederacy, and yet that is about all the gentleman has said in denial or attempted denial of the statement I made. As I understand him, he now reiterates the statement which I have alleged to be—inaccurate.

I will read that statement. This is what the gentleman from Ohio said:

One thousand seven hundred and four votes elect Mr. CRISP, Democrat, to this floor from Georgia, while 43,890 votes elect Mr. BYNUM, Democrat, from Indiana; in other words, it would seem as if one Democrat in Georgia is as powerful at the ballot-box as twenty-five Democrats in Indiana.

And, as if to emphasize the infamy of this glaring and almost unspeakable outrage upon the ballot-boxes of the land, Mr. CRISP, of Georgia, who comes here after having suppressed almost the entire voting population of his own district, is, by the Democratic Speaker of the House, placed at the head of the Committee on Elections, to sit upon the election and qualification of every other member of this House. Could the irony of infamy and outrage go further than this.

That, Mr. Chairman, is from a speech made by the gentleman from Ohio last summer when the House was considering the tariff bill. My attention was called to it when I came back from home—I think perhaps by my colleague, Captain TURNER—and I then thought of rising in some way to reply to it; but it occurred to me that before the Congress adjourned an opportunity would present itself to do so, and I deferred reply until that moment came.

The other day when the Smalls and Elliott contest was up I called the attention of the House to the statement complained of, and the gentleman from Ohio reiterated that statement then, and, as I understand him, reiterates it now.

The accuracy or inaccuracy of much of the statement of the gentleman from Ohio is a question of fact, which can be determined by the records of this House. On the 12th day of December, 1887, shortly after the House first met, the following proceedings occurred:

Mr. CARLISLE (the Speaker). Mr. Speaker, it is well known that there is a contest pending which makes it improper for me, as presiding officer of the House, to appoint, in the usual manner, the Committee on Elections. I have left the chair, therefore, for the purpose of asking the House to excuse me from the performance of that duty, and to take such proceedings in reference to the matter as its judgment may dictate.

I have no suggestion whatever to make except to say that the formation of the other committees of the House will be facilitated by having this subject disposed of at the earliest date that will suit the convenience of the members.

Mr. HOLMAN. Mr. Speaker, I submit for immediate consideration by the House the resolution I send to the desk.

The Clerk read as follows:

"*Resolved*, That at 1 o'clock p. m. to-morrow the House will proceed to elect, by resolution or otherwise, fifteen members, who shall constitute the Committee on Elections for the present Congress."

Other proceedings took place at that time which I will not further read. My colleague from Georgia [Mr. TURNER] suggested, I think, a substitute for the resolution of the gentleman from Indiana that there be a special committee raised by election to take charge of the case of Mr. CARLISLE, and that the Speaker should appoint the standing committee as usual, but that such standing committee should have no jurisdiction over the case in which the esat of the Speaker was contested.

The result of the matter was, however, that Judge HOLMAN'S resolution was agreed to. The Republican caucus selected such gentlemen as they chose to put upon the Committee on Elections, the Democratic caucus selected such gentlemen as they chose to put upon the Committee on Elections; and the next day, in the House of Representatives, the following proceedings took place:

The SPEAKER. The gentleman from Texas [Mr. MILLS] will please take the chair.

Mr. MILLS having taken the chair,

Mr. CANNON said: I offer the resolution which I send to the desk.

The Clerk read as follows:

"*Resolved*, That the following-named members shall constitute the Committee on Elections for the present Congress, namely: Charles F. Crisp, of Georgia, chairman; Charles T. O'Ferrall, of Virginia; Joseph H. Outhwaite, of Ohio; F. G. Barry, of Mississippi; Levi Maish, of Pennsylvania; John T. Heard, of Missouri; Thomas D. Johnston, of North Carolina; John H. O'Neall, of Indiana; L. W. Moore, of Texas; Jonathan H. Rowell, of Illinois; L. C. Houk, of Tennessee; William C. Cooper, of Ohio; Joseph Lyman, of Iowa; James T. Johnston, of Indiana, and Henry C. Lodge, of Massachusetts."

Mr. CANNON. Before moving the adoption of this resolution, I will state that the first nine of the members named have been agreed upon by the majority or Democratic side of the House, and the last six were selected by the minority or Republican side. Thus the proportion, politically, is nine to six, which has been the proportion in the committee as organized heretofore. I now ask a vote on the adoption of the resolution.

The resolution was adopted.

Mr. SOWDEN. Unanimously.

Mr. CRISP. The Journal of the House sustains that statement, but the gentleman from Ohio to-day in his remarks said, or intimated, that he might have relied for the statement he made to this House upon the Journal. That gentleman knew, or ought to have known, as every other member upon this floor knows, that the proceedings I have just read took place; that these proceedings are in the Journal as they did take place, and the only thing in the Journal that is inconsistent with that statement is this: The Journal says, "The Speaker announced the following standing committees." Then follows first the Committee on Elections. But long prior to that, in the Journal, you will find the proceedings I have just read in the RECORD. So that the including the Committee on Elections with those announced by the Speaker was simply an error of the Journal Clerk. He ought not to have placed the Committee on Elections with the other committees announced by the Speaker, because that committee had already been elected. The so placing it was a mere error, as is well known to all.

Now, Mr. Chairman, the charge I made against the gentleman from Ohio the other day was the charge of gross ignorance; and I leave it to you if he honestly believed true the statement he made whether I have not submitted proof enough to convict him before any jury on God's earth.

A MEMBER. Beyond a reasonable doubt. [Loud applause on the Democratic side.]

Mr. CRISP. Now, the gentleman from Ohio, in his remarks to-day, seems to be willing to fly from the position of ignorance and assume that of malicious defamation; I say that in the full meaning of the words. "Malicious defamation;" defamation of the Speaker of this House; a gentleman who has had no controversy with him, and a gentleman who stands before this House and the country as an honorable, high-toned man. The gentleman from Ohio has been able to get his own consent to make a statement in direct contradiction of the records of the House, with no other purpose that I can see save to maliciously defame a man who occupies a high and distinguished position in the Democratic party.

Now, Mr. Chairman, I have no time to go over the long reply of the gentleman from Ohio. I have no desire to go through it. The gentleman has sought to change the character of the controversy between him and me. I made no charge, except that of his being ignorant. I said if he was thus ignorant of what took place before his eyes, it was but reasonable to believe that he was ignorant of what took place in Georgia, where, perhaps, he had never been. Mr. Chairman, the gentleman has referred to the case of Thoebe *vs.* Carlisle. In justice to the Committee on Elections, in justice to Mr. CARLISLE, and in justice to my associates on the floor, I want to say a word about that.

The Committee on Elections made a docket of the order in which they would try the cases pending before them. This docket or order was made with the approval of every Republican member of the Committee on Elections. By the terms of that order the first case was that of Thoebe against Carlisle; Thoebe, the contestant, was a Republican. The next was Lowry against White, in which the contestant was a Democrat. The next was McDuffie against Davidson, of Alabama, where the Republican was the contestant. The next was Worthington against Post, where the Democrat was the contestant; and so on through the list, alternating between Democrats and Republicans who were contestants. Under that order of business the case of the Speaker of the House was tried.

Thoebe filed a notice of contest and took testimony in the State of Kentucky. The case came up here and the Republican members of the Committee on Elections themselves determined that on that case as then made there was absolutely nothing that could be said in favor of Thoebe's election.

After that time his counsel applied for permission to submit certain affidavits from the State of Kentucky, and the Committee on Elections unanimously, I think—certainly by a majority vote—gave him time to file those affidavits before the committee. They were brought in and placed on file—a great mass of papers. The case was argued by contestant's counsel, and not a single suggestion was made that more time was wanted.

Mr. BRUMM (interposing). I beg the gentleman's pardon.

Mr. CRISP. When the case came up in the House, then for the first time the contestant, when he made his speech here, said that he had a paper signed by forty-five hundred men asking that his case be reopened. That paper was never before the Committee on Elections. I hold in my hand a fac simile of that paper, and instead of forty-five hundred names appended to it there are about fifteen hundred; but I suppose that is a small inaccuracy from the point of view of the gentleman from Ohio.

Mr. BRUMM. Not at all. I had another paper with about three thousand names.

Mr. CRISP. This paper shows, and any gentleman who will look at it can see, that a large number of the names appear to be in the same handwriting, and it is susceptible of proof I am informed—though of this I am not certain—that a large number of the signers lived in the city of Cincinnati, in the State of Ohio, and not in the district in Kentucky where the election was had. So much for that.

Mr. Chairman, as to elections in the State of Georgia, I said the other day about all that I desire to say. They are as fair, as free, and as honest as they are anywhere else in the United States. There is no particular evidence now presented here, or that can be presented here, which controverts that proposition. The gentleman says that he impeaches us upon the record because we receive but few votes. Did it ever occur to the gentleman that where there is no opposition it is not strange that there should be a small vote? I told the House the other day that in Georgia the governor and the members of the Legislature are elected in October, the members of Congress in November, and the county officers in January, so that at the time when the election of members of Congress takes place there is no other officer to be elected. Therefore when there is no opposition, as there was none in the case referred to by the gentleman from Ohio, it is not singular that the vote should be small.

My attention has been called to the vote of the distinguished gentleman from Rhode Island [Mr. SPOONER] at the same election. According to the statement in the Congressional Directory, generally presumed to be furnished by the member himself—though about that I know nothing—it appears that that gentleman was elected to the Fiftieth Congress as a Republican, and that he received "3,517 votes against 2,372 votes for Lapham, Democrat, and 746 votes for Howard, Prohibitionist." There is a case where there was a contest before the people, yet the aggregate vote polled is only about 6,000. Now, gentlemen, even in the South where you say the voters are intimidated and are not allowed to express their will at elections, in the last election when I had opposition, which was brought out only three days before the election, the vote polled in my district was more than 12,000, as against 6,000 in this district in Rhode Island. [Applause on the Democratic side.]

Why is it that it does not occur to some of you gentlemen to intimate that there is suppression of the vote in Rhode Island? I do not intimate it. I do not make any such charge. You ought not to make any such charge; and when you undertake to trump up such charges as you do against the South I think you do it to create a public sentiment in the North that will justify you in some outrageous legislation which you hope to secure in the future. That is my opinion of the object for which such statements are made.

Now, I shall not follow the gentleman from Ohio into any discussion of his war record, or into any criticism of mine. I do not feel at all hurt at any statement he may make about mine. There is nothing in mine of which I am ashamed. There is nothing in mine for which I have any regret to express. So far as his war record is concerned I have nothing to say about it, nothing. The gentleman from Ohio poses here as a strictly honest man. Honesty is what he demands in elections, non-partisanship, truth, justice, fairness! Mr. Chairman, when you hear a man make claims of that sort and arraign other people for their failure to exercise those high qualities, you are naturally disposed to inquire what there is in the character of such person, what there is in his past life, that will induce the public to accept his own estimate of himself and his statements about others.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that he has occupied twenty minutes of his time. [Cries of "Go on!" "Go on!" on the Democratic side.]

Mr. CRISP. I do not wish to use the time which belongs to my colleague from Georgia [Mr. TURNER], but I want to add just one remark.

Mr. BRUMM. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia be allowed to proceed for five minutes more, and that then the gentleman from Georgia [Mr. TURNER] have five minutes additional.

There was no objection, and it was so ordered.

Mr. CRISP. I thank the gentleman for his courtesy and I shall not trespass further upon the time of the committee. I say that when a gentleman assumes to possess an extraordinarily high degree of honesty you are naturally prompted to inquire what there is in his past record, or character, or life, that justifies the claim. Now, I will tell you what I have heard about the gentleman from Ohio in this regard. I am informed that the State senate of Ohio consists of thirty-six members. Is that right?

Mr. GROSVENOR rose.

Mr. CRISP. I have but five minutes——

Mr. GROSVENOR. I only wish to say that the numbers constituting the Ohio senate vary; sometimes there are thirty-eight members, sometimes thirty-five——

Mr. CRISP. At the time to which I refer there were, I believe, thirty-six members. The gentleman from Ohio [Mr. KENNEDY] was the lieutenant-governor of the State of Ohio and the presiding officer of that senate. In May, 1886, there was a contest before that senate as to the seats of four senators. The Democratic members of the senate withdrew in a body from the senate, and when they had so withdrawn they left seventeen senators only present in the senate.

The gentleman from Ohio, being then the presiding officer of the senate, entertained a motion made by one of the seventeen members present to adopt the report of the committee on elections, which was in favor of unseating the four Democrats who were in and seating four Republicans who were out. The gentleman from Ohio held that it was competent for that minority, those seventeen men, to turn out four Democrats who held seats in that senate and to seat four Republicans; and further, when the Democratic senators afterwards offered a protest against the injustice and the iniquity of such a ruling as that he refused to allow them to put the protest on the journals of the senate.

Now, this is a circumstance by which gentlemen will be enabled to determine as to what value shall be placed upon the opinion of the gentleman from Ohio on a question of politics or honesty.

Mr. KENNEDY. I presume the gentleman would not intentionally make a mistatement.

The CHAIRMAN. Does the gentleman from Georgia [Mr. CRISP] yield?

Mr. CRISP. Yes, sir.

Mr. KENNEDY. I wish to say that there were thirty-seven members of that senate, and that the Democrats who retired to Kentucky and Tennessee never returned to put themselves on record. [Laughter and applause on the Republican side.]

Mr. CRISP. I will ask the gentleman while he is up, whether at the time when he put the vote on that resolution there were not present less than half of the members who had been elected to that senate.

Mr. KENNEDY. I will simply say that the case to which the gentleman refers was carried——

Mr. CRISP. Yes or no.

Mr. KENNEDY. That case was carried to the supreme court of the State of Ohio, and the action which the gentleman now criticises was unanimously sustained.

Mr. CRISP. Ah! the gentleman's mathematics, when it comes to a question of politics, honest as he is, enable him to hold that 17 is a majority of 37. [Laughter and applause on the Democratic side.]

Now, that is the character of gentleman who puts himself on a high pinnacle of honesty, says that he is the friend of the South, and that he wants to see honesty and fair dealing down there. Mr. Chairman, the South has suffered many ills since the war; she has struggled heroically through poverty and hard times and oppression at home; all sorts of evils have

befallen us; but I thank God that we have not yet fallen so low as to seek, desire, or look for the aid, support, or indorsement of such "friends" as the gentleman from Ohio. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Georgia [Mr. TURNER] is now recognized for ten minutes.

Mr. TURNER, of Georgia. I yield half a minute to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Ohio [Mr. KENNEDY] alluded to four members of the Legislature of the State of Arkansas who resigned their positions because of fraud in an election. He alluded also to some member on this floor holding a seat by virtue of the same election, and who has not resigned his commission. If the gentleman did not mean myself, knowing that some contest has arisen in regard to my title, he can so state. [A pause.] His silence gives consent. Now, in order that the House may judge how thoroughly the gentleman prepares himself before he makes charges—in order that the House may judge how recklessly charges are made against Southern constituencies—I will say to the gentleman in the first place that the election by which those gentlemen were sent to the Legislature was held on the 1st day of September and the Congressional election was on the 6th day of November. [Applause on the Democratic side.] As a further evidence of his thoroughness and impartiality I will say to him that not one of them lives in the district which I have the honor to represent. [Renewed applause.]

Sir, it would be neither fit nor proper for me to discuss the question of my own election or to take up an inquiry that must be judicially determined by the proper tribunal established by law. But I can say to the gentleman that when he looks for questions of that character he will find that in the annals of my district there has never yet been even a rumor of a fraud in a legislative election. [Great applause.]

I do not wish to go farther than the gentleman went in his statement. I yield the floor back to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. Mr. Chairman, during the debate on the tariff bill during the past summer my attention was called by one of the pages of this House to a speech which was printed in the RECORD by the honorable gentleman from Ohio [Mr. KENNEDY] which contained statements in regard to Southern elections so manifestly unfair and unjust as to shock the sensibilities even of the boy who gave me the information. [Laughter and applause.] I sent a notification to the gentleman from Ohio I would endeavor, if the opportunity were afforded me, to reply to some of his strictures on Southern elections; but before I could do so my co league from Georgia [Mr. CRISP], who has just addressed the committee, returned to his seat, and as he was the victim of the chief denunciations in that speech I transferred the fight to him.

I was willing to fly and skulk from this redoubtable gentleman from Ohio [laughter and applause] and hide myself underneath the arm of my able colleague from Georgia. And I supposed I had nothing more to do with an issue which to me is only the subject of scorn and contempt, but to-day the gentleman has again dragged me into the controversy without excuse and without provocation, and it is a duty to myself and my constituents to offer a brief reply.

In the career which has been afforded me in this Congress, which is somewhat longer than usually afforded to those who have seats on this floor, I have never intentionally said one word which was calculated to stir or inflame sectional resentment. If that statement is untrue I ask any gentleman to stand up here and confute it now. And, sir, I believe the very worst enemies of the public peace, of the welfare and of the prosperity of this country, the very worst foe to all its highest interests, is a man who avails himself of every slight pretext to reopen old wounds which have long since healed, and fight over battles which honorable gentlemen have met and adjusted on the field long ago. [Applause on the Democratic side.]

Talk about Grant—peace to his ashes—and of Sheridan and others and KENNEDY in the same breath. [Laughter and applause on the Democratic side.] Mr. Chairman, I would go on any field; I would take my chance on any arena, and submit any public question involving the interests of my section to any fair tribunal consisting of old soldiers who confronted me in the late war [great applause]; but a man who invokes these bitter memories in order to shield himself from the imputation of unfairness and injustice is not a man entitled to my respect. [Applause.]

Mr. Chairman, that gentleman here to-day, has on this floor a colleague who is a living monument to the fairness of the Democratic House of Representatives, and who if he had stood in his seat while he was delivering the slanders on myself could have placed his hand on the head of that colleague—I refer to the gentleman from Ohio [Mr. ROMEIS]; I ask that gentleman, if he will, to stand up here now in the presence of his colleague, Governor KENNEDY, and say whether or not my administration of the affairs of the Committee on Elections was infamous.

Mr. ROMEIS. Will the gentleman yield to me?

Mr. TURNER, of Georgia. With pleasure.

Mr. ROMEIS. I did not know what my colleague was going to say, but I am a living witness to the fairness of the gentleman from Georgia, and am prepared to say so. [Great applause.]

Mr. TURNER, of Georgia. I am glad here and now to recognize the fact that in the old State of Ohio there still survives the spirit of fairness and justice which will rebuke detraction even in its own ranks. [Long continued applause.]

If the slander which the gentleman has brought against me and my associates on this floor should chance to circulate in districts where perhaps I am unknown or where my reputation is far more limited than his own, I wish to call attention to a few other circumstances in the statement which that gentleman has made which ought to go along with this day's proceedings.

He has not only arraigned me and arraigned my successor as chairman of the Committee on Elections, but I know and here state that he has recklessly and mercilessly traduced and assailed two of the most honorable gentlemen who sit on the other side of the House, among them one of his own colleagues, the gentleman from Ohio, [Mr. COOPER]. [Applause.] He talks about the "reckless haste" with which the Committee on Elections of the House determined the election contest between Thoebe and Carlisle, and yet that gentleman from Ohio, his colleague, and that other gentleman on the committee, [Mr. ROWELL], with whom I have had so many honorable contests in cases of this kind [applause], reported to the House that Thoebe had no case, and asked that Mr. Carlisle be awarded his seat. [Applause on the Democratic side.] They signed the majority report and agreed to the conclusions of the committee.

Will the gentleman from Ohio say that these gentlemen who sit on his own side of the House are also infamous? [Applause on the Democratic side.]

The CHAIRMAN. The time allotted to the debate by order of the House is exhausted.

Several MEMBERS. Do you want more time?

Mr. TURNER, of Georgia. I have been asked by gentlemen around me to proceed, and while I do not wish to trespass upon the patience of the House I would be glad to have a few moments longer.

Mr. MILLIKEN. I move that the gentleman have five minutes longer.

Mr. ANDERSON, of Iowa. I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

Mr. RANDALL. Move to strike out the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. TURNER, of Georgia. I will move to strike out—— [Cries of "No objection!" "Go on!"]

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Iowa.

Mr. TURNER, of Georgia. I thank the committee.

I have no desire, sir, on this sudden emergency to do injustice to any one, much less my assailant from the State of Ohio. I have endeavored on two or three occasions heretofore to show that he has a reckless disregard of the facts which ought to cause gentlemen to suspect his statements and not attach to them all the weight to which they would seem to be entitled. I wish now to call attention to another variance with recorded history which the gentleman has perpetrated, if the Congressional Directory can be called a matter of history, and it is about all of the history to which some of us may aspire. [Laughter.]

Now, the gentleman from Ohio the other day, in grouping and scheduling and cataloguing the brigadiers of a certain section who had incurred his wrath and resentment, included in the list, of which I was the humblest, the gentleman from Tennessee [Mr. BUTLER] as a rebel brigadier. [Laughter.] I understand, Mr. Chairman, that that gentleman was a lieutenant-colonel on the other side. [Laughter and applause.] Will the gentleman in order to make the case against my section do injustice to the truth, and also to his own friends who live in that region?

But, Mr. Chairman, I have proceeded with this matter farther than was necessary, and farther perhaps than was consistent with propriety. I thank the committee. [Loud applause.]

The CHAIRMAN. The Clerk will proceed to read the bill by sections for amendment and debate under the five-minute rule.

The Clerk proceeded to read the bill until line 11, page 3, was reached.

Mr. PEEL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 12578, the Indian appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 834) for the relief of the heirs of John H. Newman; and

A bill (H. R. 6612) to grant right of way through the Indian Terri-

tory to the St. Louis and San Francisco Railway Company, and for other purposes.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, in view of the great importance of closing out this appropriation bill—for it is important it should be completed as early as possible and sent to the Senate—I move that the House take a recess until 8 o'clock.

Mr. MILLS. To continue the consideration of this bill, with the understanding that no other business is to be transacted.

Mr. PEEL. I will make that motion, to continue the consideration of the bill and for no other business whatever.

Mr. McCREARY. And to terminate not later than 10.30.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. I ask unanimous consent, pending that motion, that the Senate amendments to the Army appropriation bill be non-concurred in, and that a committee of conference be appointed on the disagreeing votes of the two Houses on said bill.

There was no objection.

The SPEAKER announced the appointment of Mr. TOWNSHEND, Mr. MAISH, and Mr. STEELE as managers at the conference on the part of the House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Arkansas moves that the House take a recess until 8 o'clock for the purpose of further considering the Indian appropriation bill.

Mr. MILLS. And no other business whatever to be transacted.

Mr. PEEL. That is the motion.

Mr. BLAND. Why can we not take this up to-morrow?

The SPEAKER. The motion is not debatable.

Mr. McCREARY. I ask the gentleman to limit the session to not later than half past 10 o'clock.

Mr. HOLMAN. Oh, 10 o'clock is late enough.

The SPEAKER. Debate is not in order. The question is on the motion of the gentleman from Arkansas.

The motion was agreed to.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. McMILLIN as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *February* 26, 1889.

I hereby designate Hon. BENTON McMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK, *Clerk*.

INDIAN APPROPRIATION BILL.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

The Clerk resumed the reading of the bill at line 10 on page 3.

The Clerk read as follows:

Pay of one superintendent of Indian schools, $4,000.

Mr. CUTCHEON. I desire to offer an amendment to come in at line 23, page 6.

The Clerk read as follows:

Provided, That the said superintendent of Indian schools shall spend at least one-half of each year, to be directed by the Commissioner of Indian Affairs, in the field in the actual inspection of Indian schools; and he shall make full reports of the condition of all such schools, and especially of the schools on Indian reservations, to the Commissioner of Indian Affairs, together with suggestions for the improvement of such schools.

Mr. ROGERS. I reserve the point of order upon that amendment.

Mr. CUTCHEON. I desire to be heard briefly, and then the question of the point of order can be made.

Mr. Chairman, the history of this office of superintendent of Indian schools is very peculiar. Its duties have never been defined except as defined by a paragraph in the Indian appropriation bill in the Forty-seventh Congress. There will be found upon page 70 of volume 22 of the Statutes at Large this paragraph, which first created this office, and which is the only definition of the duties of this office that has ever been made in any law or statute. It is this:

The President is authorized to appoint a person to inspect all Indian schools, who is hereby required to report a plan for carrying into effect, in the most economical and efficient manner, all existing treaty stipulations for the education of Indians, with careful estimates of the cost thereof; also a plan and estimates for educating all Indian youths for whom no such provision now exists, and estimates of what sums can be saved from existing expenditures for Indian support by the adoption of such plan, whose compensation shall not exceed $3,000, which sum is hereby appropriated for that purpose, and also a further sum of $1,500 for his necessary traveling expenses.

That was in the first session of the Forty-seventh Csngress.

Mr. PEEL. If the gentleman from Michigan will excuse me, a point of order has been made, and I think perhaps that had better be disposed of before he proceeds.

Mr. CUTCHEON. I think if the gentleman will listen to me the point of order will not be insisted on. The point is reserved.

Mr. PEEL. I know the duties of superintendent of Indian schools are not defined as well as they might be, but there is an effort here to determine what shall be the duties.

Mr. CUTCHEON. Mr. Chairman, some of the most valuable legislation we have has been put upon appropriation bills in this way, even when subject to a point of order. In the second session of the Forty-seventh Congress, Mr. Chairman, there is no other definition of those duties. I find an appropriation for a superintendent of Indian schools, $3,000, and following that I find in each successive session since the Forty-seventh Congress a simple appropriation in a single line, $3,000 for a superintendent of Indian schools.

I do not find that the title of superintendent of Indian schools has ever been created or defined by any other statute than that which I have just read. It says:

Provided, That the President shall appoint a person to inspect all Indian schools.

Upon that slender basis the present Indian school system has been built. We have a so-called Indian superintendent of Indian schools, whose duty has never been defined, although I did again in the Forty-eighth Congress attempt to have it defined, but it was ruled out on a point of order. Instead of doing the work he should do—go into the field and inspect the schools, and see that the education of the Indians is built up—the so-called superintendent, instead of traveling through the reservations and inspecting these schools, sits in his office here at Washington and runs a bureau.

Now, the purpose of my amendment to the bill is simply this: To restore the office of superintendent of Indian schools to its original purpose, and make him what the law originally made him—an inspector of Indian schools—and to require that at least one-half of each year, under the direction of the Commissioner of Indian Affairs, he shall actually go into the field and inspect the schools and report upon their condition, and especially upon the condition of the schools upon the Indian reservations.

Now, I find by looking over this bill that there is a good deal subject to a point of order. This item may be subject to a point of order, but I think not. I do not really think it is subject to a point of order, but that it is in order. At any rate, under that law, which is the only statute defining the duties of that office, he should not be confined to his office in the city of Washington, but he should do what the law originally intended that he should do—go out into the field, go on to the Indian reservations and make reports on these schools, in order that we may have information upon which we may intelligently legislate.

I do not desire to consume time, but I think this is a sensible and reasonable amendment, against which the point of order ought not to be made.

Mr. PEEL. I would suggest to the gentleman from Michigan that it would be better to withdraw this amendment and withhold it until we get to the last section of the bill, which provides for the superintendent. This merely provides the salary. His amendment could go in better at the last section of the bill, where it is endeavored to define the duties of the superintendent.

Mr. CUTCHEON. I did not know that there was a section defining the duties of the superintendent.

Mr. PEEL. There is in the last section of the bill.

Mr. CUTCHEON. Then I will withdraw the amendment for the present. I did not observe that the duties of the superintendent had been defined.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. McMILLIN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that body had passed bills of the House of the following titles:

A bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased;

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse;

A bill (H. R. 766) for the relief of H. L. Newman;

A bill (H. R. 948) for the relief of William H. Tabbarrah; and

A bill (H. R. 4489) for the relief of J. M. Hogan.

It also announced the Senate had passed a bill and joint resolution of the following titles; in which concurrence was requested:

A bill (S. 508) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them; and

Joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

It also announced that the Senate had passed the bill of the House (H. R. 3829) for the relief of Wesley Montgomery, with amendments; requested a conference on the disagreeing votes of the two Houses thereon, and had appointed as conferees on its part Mr. PADDOCK, Mr. COCKRELL, and Mr. BERRY.

It further announced that the Senate had passed a bill of the House (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases, with amendments; requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. WILSON of Iowa, Mr. EVARTS, and Mr. VEST.

It further announced that the Senate had passed a bill of the House (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River in the State of Louisiana, with amendments; requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL.

It also announced that the Senate had passed the bill (H. R. 11165) for the relief of John Gray with amendments, requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. DAVIS, Mr. STEWART, and Mr. BATE.

It further announced that the Senate had passed the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, with amendments, requested a conference on the bill and amendments, and had appointed as conferees on its part Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

INDIAN APPROPRIATION BILL.

The committee resumed its session, Mr. DOCKERY in the chair.

The Clerk read as follows:

To pay the expenses of transportation of two hundred and seventy-four Creek Indians at $30 each, and subsistence for twelve months at $25 each for one hundred and sixty Creek Indians, said Indians being named and described in a list appended to the letter of A. B. Upshaw, Acting Commissioner of Indian Affairs, dated 19th of June, 1888, set forth in Executive Document No. 198, Fiftieth Congress, first session, and being entitled to the sums per capita due them under the treaty of ——, 1826, and the treaty of ——, 1832, with the Creek Indians, the sum of $12,220, to be paid to the person authorized to receive and pay out the same to the persons entitled thereto by the legislature of the Creek tribe of Indians; and said sum shall be distributed only to the Indians named in said list, or their legal representatives, and the payment under this act shall be a full and final discharge of the United States from all further liability to any Indian of said tribe on account of any claim for transportation or subsistence under said treaties or under any act of Congress relating to said treaties.

Mr. MILLS. Mr. Chairman, I call the attention of the gentleman having charge of this bill to the fact that there are certain blanks in this paragraph.

Mr. MCMILLIN. Before that question is discussed I want to reserve a point of order upon the paragraph.

Mr. PEEL. The paragraph does not state the month. That is the only omission.

Mr. MCMILLIN. I would like to ask the gentleman from Arkansas from what fund this appropriation comes, whether it is from a fund now due to this tribe of Indians.

Mr. PEEL. No; it grows out of treaty obligations, and it would not be subject to the point of order.

Mr. MCMILLIN. That is what I wanted to know, whether we would be under any obligation to pay it under existing treaties?

Mr. PEEL. Oh, yes.

Mr. HOLMAN. I hope there will be an explanation of this item, Mr. Chairman.

Mr. PEEL. I will explain it. Under the treaties with these Indians, and also with the Cherokees, the Government bound itself to remove them to the West. It agreed not only to remove them, but also to subsist them for twelve months after they got there.

Mr. HOLMAN. What treaty was that?

Mr. PERKINS. The treaty of 1826, and also the treaty of 1832.

Mr. PEEL. Yes. The Government further agreed that if any of these Indians should choose to remove and subsist themselves a certain amount of money should be allowed to them in lieu of the expense which the Government would have incurred in removing and subsisting them. This appropriation is to pay those who did remove themselves and subsist themselves for twelve months, as ascertained by the Commissioner.

Mr. HOLMAN. How did it happen that so long a time elapsed before this item was presented?

Mr. PEEL. I do not know that I am able to answer that. This matter has been pending quite a while. The Cherokees had a similar appropriation years ago, and under that a number of them were removed and the balance was covered back into the Treasury, and we have had to reappropriate for that. I can not say exactly why the Creeks have been so long about getting the amount due them, but any man who is familiar with the history of our legislation here will not think it very strange that a claim, no matter how meritorious, has been a good while in securing attention.

Mr. MILLS. How long are these treaties to continue by which we are bound to pay these Indians annuities?

Mr. PEEL. There is no limitation in this case at all. The gentleman will notice that generally the treaties run for twenty or thirty years; that is, there are twenty or thirty installments, and the bill making the appropriation generally specifies that this is the twentieth or the twenty-first or the twenty-second installment, or whatever the number may be, but in this treaty there is no such limitation. The Government obligated itself to remove these people and subsist them for twelve months, as I have stated, with a further proviso that if any individual Indians saw fit to remove themselves and subsist themselves for twelve months, there should be a commutation allowed them in money instead of the expense which the Government would have incurred in removing and subsisting them.

Mr. PERKINS. If the gentleman from Arkansas will permit a suggestion, in June last the Senate of the United States called upon the Interior Department for information concerning these Indians, and in response to that resolution a statement giving the full history of this case was transmitted to the Senate, and we have it here now as an executive document. The letter of the Commissioner of Indian Affairs is quite brief, and as it gives clearly the history of the transaction, if any gentleman desires I think it would be well to have it read.

Mr. HOLMAN. I hope that letter will be read.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 19, 1888.

SIR: I have the honor to be in receipt, by your reference of the 7th instant for early report, of the following Senate resolution, dated June 6, 1888:

"*Resolved*, That the Secretary of the Interior send to the Senate a copy of a report made by R. L. Owen, United States Indian agent for the Union agency, relating to the claims of Indians of the Creek tribe for reimbursement of expenses of travel and for a year's support when said Indians were emigrated to the Indian country west of the Mississippi River, and any other facts shown on the records or files of the Indian Bureau bearing upon the justice of such claims."

In compliance with the requirements of said resolution I submit herewith a copy of Agent Owen's report, together with copies of emigrating list and twenty-three affidavits taken by him in support of the claims examined by him. I also inclose a list of the self-emigrating families, showing that two hundred and seventy-four individuals claim reimbursement for transportation expenses and one hundred and sixty for subsistence for twelve months after arrival in the Indian Territory.

These claims arise under the seventh article of the treaty with the Creeks of 1826 (7 Stats., 287), which provides that—

"The emigrating party shall remove within twenty-four months and the expense of their removal shall be defrayed by the United States."

By article 12 of the treaty of 1832 (7 Stats., 367), under the provisions of which nearly all of the Creek emigrants were transported to the West, it is provided that—

"As fast as the Creeks are prepared to emigrate they shall be removed at the expense of the United States, and shall receive subsistence while on their journey and for one year after their arrival at their new homes."

The greater part of said Indians emigrated in 1836, 1837, and 1838, and parties of them continued to remove from year to year until 1852, at the expense of the Government or their own resources.

Those providing their own transportation and subsistence were subsequently paid the sum of $55 each by the United States as commutation therefor.

The last payment to self-emigrating Creeks was made in 1882, from the appropriation for "expenses of removing and subsisting Creeks, act of March 3, 1839," and a balance of $4,586.51 was carried to the surplus fund in September of that year.

The list now forwarded comprises, as before stated, 274, who claim transportation expenses at $30 per head, $8,220, and 160 subsistence for twelve months, at $25 per head, $4,000; total, $12,220.

Very respectfully,

A. B. UPSHAW, *Acting Commissioner.*

HON. SECRETARY OF THE INTERIOR.

Mr. HOLMAN. I suggest to my friend from Arkansas the propriety of inserting, after the word "list," in line 3, on page 16, the words "and shall be paid to them personally;" so as to read "and shall be paid to them personally or to their legal representatives."

Mr. PEEL. I believe it is already specifically provided that this money shall be distributed among the Indians named in the list, or their descendants; but I see no objection to the amendment which the gentleman suggests.

The CHAIRMAN. If there be no objection, the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] will be agreed to.

There was no objection.

Mr. MCMILLIN. I wish to ask whether all the items from line 9, on page 16, down to line 23, on page 17, are for the payment of obligations arising under treaty stipulations.

Mr. PEEL. All of them.

Mr. HOLMAN. Not including the last?

Mr. PEEL. All of them are under treaty stipulations.

Mr. PERKINS. They are a duplication of the appropriations made last year.

Mr. MILLS. How long are these payments to continue?

Mr. PEEL. They run for different terms, and some of them are to be perpetual.

Mr. MCMILLIN. I will state my reason for making the inquiry. We go on year after year making appropriations to support and educate Indians, to buy farming implements for them, etc. I am in favor of keeping every treaty stipulation; that I do not complain of. If the bargain we have made is a hard one for us, that is a reason we ought to stand by it the more closely. But it has seemed to me sometimes that we were overstepping what was required by the treaties, and were

going out to engage in a great charitable work which, however laudable it might be for the churches or for humanitarians in general, is not particularly the duty of the Government. It has seemed to me that the sooner we let these Indians shift for themselves and rely upon their own exertions the more readily in all probability they will become self-sustaining. I therefore called attention to these items to ascertain whether they were embraced in our treaties with these Indians. The gentleman has informed me that they are.

The Clerk read as follows, under the head of "Northern Cheyennes and Arapahoes:"

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of same treaty, $9,000; in all, $21,000.

Mr. NELSON. I offer the following amendment, to come in after the paragraph last read:

For subsistence and civilization of the Northern Cheyennes and Arapahoes, as per agreement with the Sioux Indians, approved February 28, 1877, $35,000.

Mr. Chairman, I desire to explain that this item has been omitted from the bill by oversight. It is found at the foot of page 135 of the Book of Estimates; it is conformable to treaty obligations, and it is urgently required. I offer this amendment at the instance of members of the committee.

Mr. PEEL. The gentleman's statement is correct.

The amendment was agreed to.

The Clerk read as follows:

For this amount, to be expended under the direction of the Secretary of the Interior, for agricultural assistance and subsistence of the Poncas, $3,000; in all, $18,000: *Provided*, That the foregoing sums shall be divided pro rata among all the members of said tribe in the Indian Territory and in Dakota Territory.

Mr. McMILLIN. Reserving a point of order on this paragraph, I wish to inquire of the gentleman from Arkansas, as I did a few moments ago in reference to some other items, whether there are treaty stipulations requiring this appropriation or whether it is merely a matter of charity.

Mr. PEEL. It is for the purpose of fulfilling treaty stipulations. I will say to the gentleman that the provisions having that purpose in view are all grouped together in this part of the bill. When we reach provisions of another class that will be manifest by the terms of the items.

Mr. McMILLIN. Down to what point does this group of appropriations continue?

Mr. PEEL. At this moment I can not indicate the exact point; but there will be no trouble about that; when we reach another class of items I will give the gentleman notice.

The Clerk read as follows:

Fulfilling treaty stipulations with the Pottawatomie Nation:

For this amount, to fulfill the stipulations of the second clause of article 10 of the treaty of August 7, 1868, with the Pottawatomie Nation of Indians and the award made thereunder, the sum of $178,953.43, with 5 per cent. per annum interest thereon from the date of award, approved January 28, 1869, of which sum there shall be paid the Pottawatomies of Huron, Mich., the sum of $9,400, with interest at 5 per cent. from date of award; and the balance of said sum, less whatever sums may be legally and equitably due the delegates of said Indians by virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, shall be distributed per capita, as follows: Fourteen hundred twenty-one hundred and eightieths to the Citizens' band and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band of Pottawatomies of Kansas.

Mr. BUCHANAN. I move *pro forma* to strike out the last word, for the purpose of putting a question to the gentleman from Arkansas, who has charge of this bill. I see it is provided in lines 6 to 10 of this paragraph that—

The balance of said sum, less whatever sum may be legally and equitably due the delegates of said Indians by virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, shall be distributed, etc.

I would like to ask the meaning of this provision and the reason for it.

Mr. PEEL. I think I can explain this matter to the gentleman's satisfaction. Some of these Pottawatomie Indians are in the Indian Territory and some are in Kansas. They have not an organized government of their own. They have executed a power of attorney to one of their own number to come to Washington and look after their matters; that power of attorney is placed on file and recognized in the Department; without that these Indians could not pay their delegates anything for the trouble and expense they incur. The object of this provision is to authorize the Secretary of the Interior, who will make these disbursements, to ascertain what is legally and equitably due to these delegates who are acting under powers of attorney from their own people.

Mr. PERKINS. And who are members of the tribe.

Mr. BUCHANAN. May I ask the name of the attorney and the amount that the contract gives him?

Mr. PEEL. He is not an attorney. He is one of the tribe. His name is Navarre. He is the only one of the delegates now here, though there are three.

Mr. BUCHANAN. And what is the amount which the contract gives him?

Mr. PEEL. I have never examined into that matter at all. The contract is on file in the Interior Department with the power of attorney.

Mr. BUCHANAN. There seems to be a new provision as to these Indians, which does not apply to any of the others named.

Mr. PEEL. Because nothing has become due like that yet.

Mr. PERKINS. I will say to the gentleman from New Jersey that Mr. Ellis is the attorney for the Indians, and he has a contract, but we refused to put any provision in the bill for the purpose of compensating the attorney. This is only to pay the representatives of the people, their own delegates, whatever the Department finds to be due to them.

Mr. BUCHANAN. In order to make the matter entirely safe, I will offer this amendment to come in on page 24, after the word "Interior," in line 10:

And approved by the Secretary of the Treasury and Interior, respectively.

Mr. ROGERS. I reserve the point of order upon that for the present until I know its purpose.

Mr. PEEL. I think the language says already "upon powers of attorney recognized by the Interior Department."

Mr. BUCHANAN. Yes, but it does not say "approved by the Department."

Mr. McMILLIN. The Department would simply under the language of the bill take cognizance of contracts on file in the Department made by these Indians; whereas the amendment of the gentleman from New Jersey would give the Department power to supervise contracts, and affirm or reject them, and thus prevent injustice to be done the Indians.

Mr. PEEL. But these are the delegates of the Indians themselves.

Mr. BUCHANAN. And they are the attorneys for these people.

Mr. PEEL. Better let the Department arrange that with them.

Mr. BUCHANAN. That is precisely what I want to provide for, and this amendment gives the power to do exactly that.

Mr. PERKINS. There is a bill reported from the committee covering the same item before the House. This bill was submitted to the Interior Department and approved by it, and I have the letter here from the Indian Office recommending it.

Mr. BUCHANAN. But what objection is there to the amendment?

Mr. PERKINS. Because we do not know whether the contract has been formally approved or not.

Mr. BUCHANAN. If the contract is right it can be approved; if not right, it ought not to be approved.

Mr. PERKINS. If the language is "such contract as has been or may be approved" I think there is no objection; but we submitted it to the Interior Department, and it was indorsed by the Department.

Mr. BUCHANAN. But it applies to the contracts on file whether approved at this moment or not. It only requires that before the payment is made and the money is disbursed the Secretary of the Interior must be satisfied that the contract is right.

Mr. HOLMAN. I would suggest to the gentleman from New Jersey that he should make it read "the Secretary of the Treasury or the Secretary of the Interior."

Mr. PEEL. The Secretary of the Interior controls this.

Mr. BUCHANAN. And yet your bill provides for contracts on file in the Departments of Treasury or Interior. But I have no objection to accepting the gentleman's suggestion and making it read "contracts approved or hereafter approved."

Mr. ANDERSON, of Kansas. I would like to ask my colleague how much the fee of Mr. Ellis is supposed to be?

Mr. PERKINS. We have not been advised. It is only the compensation coming to the delegates who have been sent here by the Indians. This provision of the bill does not cover attorneys' fees or anything of that kind whatever.

Mr. PEEL. Let the amendment be read as proposed to be modified.

The Clerk read as follows:

Page 24, line 10, after the word "Interior," insert "and which have been or may be approved by the Secretary in whose Department the same is filed."

Mr. BUCHANAN. That will make it read:

By virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, and which have been or may be approved by the Secretary in whose Department the same is filed, etc.

Mr. PEEL. The Interior Department approve all of these things with the Indians, not the Treasury.

Mr. BUCHANAN. Very well; I have stricken that out. I tried to follow the reading of the bill as nearly as possible, and thereby it seems was misled.

The amendment as modified was adopted.

Mr. HOLMAN. I suggest the insertion of this language: "To be approved by the Secretary of the Treasury or of the Interior in whose office the said contract is filed." For if the contract should be filed with the Secretary of the Treasury it should not be approved by the Secretary of the Interior.

The CHAIRMAN. The gentleman will submit his amendment in writing, and if there be no objection this portion of the bill will be passed over for the present, to be recurred to hereafter if the gentleman wishes to offer an amendment.

There was no objection, and it was so ordered.

Mr. HOLMAN. I will be glad to have the second article of this treaty read.

The Clerk read as follows:

And it is further agreed that the claims of the Pottawatomies heretofore examined and reported on by the Secretary of the Interior, under the act of Con-

gress of March 2, 1861, shall be submitted to two commissioners to be named by the President of the United States for examination, and said commissioners, after being sworn impartially to decide on said claims, shall make report of their judgment in the premises, together with the evidence taken, to the Secretary of the Interior, and the same shall be communicated to Congress at its next session: *Provided*, That no part of the money reported due by the said commissioners shall be paid until the same shall be appropriated by Congress.

Mr. HOLMAN. I wish to inquire of my friend from Arkansas whether when the award was made this question was considered, and this provision is in conformity with it?

Mr. PEEL. Mr. Chairman, I will state I examined the award very carefully, and I will say that it is in strict conformity with the award as I found it. I will furthermore state to my friend it is exactly in keeping with the awards of 1862, as they are shown in the act of Congress. We referred the matter for more safety to the Department of the Interior before we placed it on the appropriation bill; and we have a recommendation of the Department having charge of the matter in its favor. It was on that we have incorporated the proposition. So that it is strictly in conformity with the article of the treaty.

Mr. BUCHANAN. I now have my amendment shaped in accordance with the suggestions of the gentlemen on the Committee on Indian Affairs, and offer it in lieu of that which I had previously offered.

The Clerk read as follows:

On page 24, line 10, after the word "Interior," insert "and approved by the Secretary in whose Department the same may be filed."

Mr. PEEL. I would suggest "or may be approved by the Department where filed." I think you had better have it "is" or "may be."

Mr. PERKINS. I would suggest to the gentleman from New Jersey that it read this way: "Has been or may be approved by the Secretary in whose Department the same is filed."

Mr. BUCHANAN. I accept that.

The Clerk reported the amendment as modified:

And which has been or may be approved by the Secretary in whose Department the same may be filed.

The amendment was agreed to.

The Clerk read as follows:

To carry out and fulfill the first clause of article 10 of said treaty of August 7, 1868, and the awards made thereunder, the sum of $48,338.80, to be distributed in names and amounts to those members of the Citizens' band of Pottawatomie Indians or their legal representatives named in the communication of J. H. Morris, agent of said Indians, to the Commissioner of Indian Affairs, of date November 9, 1871, and transmitted to Congress by the Secretary of the Interior on December 20, 1871, there being ninety of said names and amounts, the said sum to be subject to such amount as may be due the delegates of said Indians by virtue of contracts or powers of attorney on file in the Departments of the Treasury or Interior; and that the clause in the act approved March 3, 1885, 23 Statutes, page 372, referring said claim to the Court of Claims, be, and the same is hereby, repealed.

Mr. BUCHANAN. I offer the following amendment to that clause, in precisely the same words as the amendment which was adopted.

The Clerk read as follows:

On page 25, line 5, after the word "Interior," insert:
"And is or may be approved by the Secretary in whose Department it may be filed."

Mr. PERKINS. That is all right.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I ask that the following paragraph may be read—the first part of article 10.

The CHAIRMAN. There is nothing before the committee.

The Clerk read as follows:

ART. 10. It is further agreed that upon presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as may be just in the premises.

Mr. HOLMAN. Now, this claim, if it has any legal existence, rests upon that paragraph, and I should be very glad to have the gentleman from Arkansas explain when the award was made and the cause of the delay in making the payment of it.

Mr. PEEL. I will state to the gentleman from Indiana that as he formerly served on the Committee on Appropriations, he may remember that upon examination of that award, which was made by the special agent, Mr. Morris, under the article of the treaty, it would seem that the evidence was not considered to be satisfactory to the Department, and therefore they detailed a special agent to make a re-examination, and he made it considerably less and with the names of fewer Indians. That was approved by the Secretary of the Interior.

I know of no reason why it has not been appropriated for. It has been estimated for by the Department of the Interior to the Committee on Appropriations, and I know of no reason why it was not paid, except one—that is, that at one time, in the Forty-sixth or Forty-seventh Congress, an effort was made to refer this and other claims to the Court of Claims, but through an error in the engrossment it was left out. It was estimated for on several occasions, but why the Committee on Appropriation, having charge of the bill, did not put it in the bill I do not know. But year after year the usual item was referred to the committee by the Interior Department, and they recommend again that it be paid. That has been long years ago, and as there is no interest accruing, we thought it had certainly waited long enough.

The Clerk read as follows:

Sioux, Medawakanton and b:
For the support of the full-blood Indians in Minnesota heretofore belonging to the Medawakanton band of Sioux Indians, who have resided in said State since the 20th day of May, A. D. 1886, or who were then engaged in removing to said State, and have since resided therein, and have severed their tribal relations, $12,000, to be expended by the Secretary of the Interior as follows: Ten thousand dollars in the purchase, as in his judgment he may think best, of such lands, agricultural implements, cattle, horses, food, or clothing as may be deemed best in the case of each of these Indians or family thereof; $1,000, or so much thereof as may be necessary, to defray the expenses of expending the money in this paragraph appropriated; and $1,000 for the completion and furnishing of the school-house for said Indians authorized by the act of June 29, 1888: *Provided*, That if the amount in this paragraph appropriated, or any portion of the sum appropriated for the benefit of these same Indians by said act of June 29, 1888, shall not be expended within the fiscal year for which either sum was appropriated, neither shall be covered into the Treasury, but shall, notwithstanding, be used and expended for the purposes for which the same amount was appropriated and for the benefit of the above-named Indians: *And provided also*, That the Secretary of the Interior may appoint a suitable person to make the above-mentioned expenditure under his direction; and all of said money which is to be expended for lands, cattle, horses, implements, food, or clothing shall be so expended that each of the Indians in this paragraph mentioned shall receive an equal amount in value of this appropriation and that made by said act of June 29, 1888: *And provided further*, That as far as possible lands for said Indians shall be purchased in such locality as each Indian desires, and none of said Indians shall be required to remove from where he now resides and to any locality or land against his will.

Mr. NELSON. I offer the following amendment to that paragraph:

The Clerk read as follows:

On page 34, line 8, insert the word "seed," after the word "implement."

Mr. BUCHANAN. I reserve the point of order on the paragraph beginning with the sixteenth line. I may not desire to make it.

The amendment was agreed to.

Mr. MILLS. This seems to be a provision that is not covered or authorized by treaty stipulation. We are making expenditures for these Indians to build houses, to pay for cattle, horses, farm implements, and everything of that sort, and also for seed, which has just been put on my amendment. Now, we have been going on with this kind of legislation for a number of years, and I would like to know what progress has been made in the way of teaching them to support themselves by agriculture or agricultural labor? Will some gentleman inform me what progress has been made in that direction?

Mr. PEEL. I desire to say to the gentleman from Texas that the Committee on Indian Affairs has pursued one uniform course since they have had charge of the Indian appropriation bill, to this effect: We have gradually decreased the appropriation for the support of the Indians; that is, where we were not tied up by treaty stipulations on the part of the Government. We have decreased the appropriations to support the Indians and increased the provision to enable them to support themselves. That has been the rule of the committee. Gentlemen may notice that in the paragraph just passed in regard to the Sioux.

Turning to the treaty with the Sioux, it is very remarkable to find that the Government obligated itself to support those Indians until they should be able to support themselves. There was no limit at all. Therefore after twenty years and an expenditure of $30,000,000 trying to teach them to support themselves we find them still drawing rations at the public crib, and we have inserted a provision here requiring the Secretary to cause a census to be taken to ascertain which of these Indians, taking into account their critical condition and all their circumstances, are able to support themselves, so that hereafter those may be left out and we may provide simply for the others.

Mr. MILLS. Can the gentleman from Arkansas give us any statement as to whether these Indians are making progress in agriculture—whether they are learning to make corn and wheat and other things that are necessary for their subsistence?

Mr. PEEL. It depends entirely upon the locality and upon the policy that is being pursued. As I have said upon this floor on other occasions, so long as the Government allows the Indians to keep their large reservations, to go together in large bands, to have their chiefs on the old Indian system, and to cultivate and exercise their old savage instincts, you may pay out a hundred million dollars and keep it up for a hundred thousand years and they never will be civilized. There is only one way to civilize the Indian, and that is to break up their tribal relations, individualize them, and teach them to support themselves.

Mr. PERKINS. Teach them to work and let them understand that they have got to work.

Mr. PEEL. Yes.

Mr. ALLEN, of Michigan. I will say to my friend from Texas [Mr. MILLS] that some of the Sioux are learning the way of civilization, as they have been lately resisting the collection of taxes. [Laughter.]

Mr. McMILLIN. I can give another instance of the progress they are making toward civilization. When our committee was out some years ago examining into the condition of the Indians one of the agents, with a great deal of just pride in the progress they had made, suggested to the committee that he wished them to go out some distance and see an Indian for whom he had built a house and whom he was teaching the ways of civilization.

The committee went out some miles to see this evidence of civilization springing up in the wilderness, and when they got in sight of the house they noticed that the roof of it was gone and that a tent was spread at some little distance from the house, and, on getting nearer, it was discovered that the Indian had moved his family into the tent, and

probably burned the boards of the roof or otherwise disposed of them, and had his horses stabled in the house! [Laughter.]

Mr. WEAVER. The Sacs and Foxes do that in Iowa now.

Mr. McMILLIN. The gentleman from Iowa says that the Sacs and Foxes do that in Iowa now. I know, Mr. Chairman, that this is a troublesome problem to deal with, especially in view of the way we have started. I think we have started wrong to a very great extent. I agree, however, with the gentleman from Texas [Mr. MILLS] that it is time to begin to cut loose from the existing system and let the Indians swim a little for themselves, and we shall never make any progress in civilizing them until we do that.

If I had my way I would stand by every treaty stipulation; I would even stand by the treaty by which we have agreed to support these Indians until they learn to support themselves. I would stand by every treaty stipulation, but I do think we ought to stop with that; I think we ought not to go beyond the treaty stipulations. There is no more reason why the Government of the United States should become a paternal institution for the Indians than why it should become one for the white man, and there is absolutely no reason why it should ever become such an institution for the white man.

Mr. PEEL. Mr. Chairman, my experience has shown that whenever a small band of Indians commence struggling for independence and desire to become self-supporting there is always somebody here to object lest they should starve and the Government should have to come to their relief later. I have known several instances of that kind, and there is never a case where everybody is satisfied that any of these Indians are ready to become self-supporting. Now, so long as that course is pursued we shall never get them ready. My doctrine has been all along, wherever you find a lot of Indians who want to become self-sustaining, in God's name give them a chance. But, as I have said, there are always men in Congress who get scared at such a proposition and come to the conclusion that if you turn the Indians loose they will all be starving directly.

There are no two bands of these Indians exactly alike. Some are very low down in civilization, and others are quite advanced. The trouble, however, is that when you speak of the Indian in Congress some gentlemen always look at him through one pair of spectacles; he has always got a blanket on, and carries a tomahawk, and has paint all over his face. Now there are a great many Indians in this country to whom that description does not apply. I can point to many who are well advanced in civilization and doing well, and who are begging the Government to give them their lands in severalty and make them citizens. But it is very hard to get anything of that kind done here.

Mr. McMILLIN. Is it not the observation of my friend from Arkansas that the less we meddle or interfere with the affairs of the Indians the better they get along?

Mr. PEEL. That is the case, provided we put them in a position to take care of themselves. They can not live independently if they are huddled together in a gang with no government over them. It would be impossible for white people to live in that way.

Mr. MILLS. I will state my reason for asking this question. During the sixteen years I have been here we have been steadily pursuing the policy of teaching the Indians to become self-sustaining, teaching them agriculture, teaching them how to plow, how to drive wagons and do everything of that sort. In all our Indian appropriation bills will be found appropriations for blacksmiths, carpenters, millers, etc., for the education of the Indians: appropriations for school-houses and school teachers; for agents, and preachers, and police, and judges.

We have been making every sort of expenditure for the advancement of the Indians; we have been trying to teach them everything that could promote their civilization and make them self-supporting. Now, after we have pursued that policy for a long period of time, I would like to know what are the fruits of this persistent teaching? I want to know how many of these Indians can now plow a straight furrow? I want to know how many bushels of corn they raise for their support? I want to know how many of them drive wagons; how many go over to the depots to get supplies and bring them back; how many of them build cabins; how many of them can put a roof or a floor on their cabins? I want to know what progress is shown as the result of the policy which we have been pursuing for the civilization of the Indians?

I remember that a few years ago there was an Indian agent, and from what I heard, I think one of the best, though I did not know him, who was killed because he was trying to teach the Indians how to plow. When he told the Indians that he had been sent to them by the Great Father—that the Government that was supporting them, building their school-houses, sending teachers to them to Christianize them, and doing everything of that kind, had sent him to them to teach them how to plow they killed him. I have not heard anything further in relation to this matter since; I would like to know what progress has been made in the way of civilizing the Indian?

Mr. PEEL. I can only say to the gentleman from Texas that in the limited time which we have to-night it is impossible to answer fully the question which he propounds. If he will examine the reports of the different Indian agents located at the various agencies—of which there are fifty-eight or sixty—he will find the details as to which he inquires. I will say to him, however, that I could mention a number of Indians who are almost self-sustaining, some absolutely so. The Navajoes up in Arizona are, as my friend from Indiana [Mr. HOLMAN] knows, almost self-supporting; they are a pastoral people. The Flatheads on the Montana reservation are almost or quite self-supporting. The same may be said of the Miamies and Peorias in the Indian Territory, the Quapaws, the Osages, and many others.

A MEMBER. And the Pottawatomies.

Mr. PEEL. Yes; and the Pottawatomies. I was on the reservation of the Miamies and Peorias some time ago; and were it not for the waste country which could be seen around I would not have known that I was not in Missouri or Kansas or Arkansas. Those Indians had large farms, good barns, plenty of cattle, wagons, and buggies. There has been a great deal of progress made, but the work of civilization is a slow process and we must be patient.

Mr. HOLMAN. In answer to the inquiry made by the gentleman from Texas [Mr. MILLS] I would say that as a general rule, so far as the Indians have been permitted to remain in the same country for any long period of time, and have been under good agencies, they have made fairly good progress, everything considered. For instance, take the Yakamas, on the eastern slope of the Cascade range of mountains, in Washington Territory. They have remained for a long period of time in one location, under the charge of a very benevolent Methodist clergyman. They have made good progress. They have built good churches; their lands are well cultivated; their children are at school. On the other side of the Cascade range, on the Puyallup River, the Puyallup Indians have made still greater progress, under the charge of different denominations. Their lands are well cultivated. *Enormous forests* have been cut down and good fields have been opened up.

I repeat, that wherever the Indians have been permitted to remain in a given locality undisturbed for any considerable period of time, with a good, benevolent agent looking after their interests, they have made fair progress. My friend from Arkansas [Mr. PEEL] speaks of the Navajoes. Those Indians are a very striking instance. Some years ago we had some trouble with them and they were removed down to Texas, I believe. But they pined for the rocks and the apparently barren wastes of Arizona and New Mexico. The Government permitted them to go back, and they have not only increased in numbers, but they are extremely prosperous. They have flocks and herds. Great flocks of sheep and goats and large droves of ponies can be seen on all sides. Their condition exhibits a state of great prosperity. They ask nothing from the United States except to be permitted to develop their capacities for civilization and self-government by the processes natural to the Indian tribes.

Mr. MILLS. Do they own those sheep and goats and other property in common or as individuals?

Mr. HOLMAN. As individuals exclusively; and perhaps they are the only Indians of their class who have a perfect idea of the ownership of property. They not only own their own herds separately but occupy their lands in severalty. They have made steady and marked progress. Their general condition is admirable, and gives promise of a prosperous future. They will no doubt in the progress of time by natural development become an intelligent people, perfectly competent and able to take care of themselves and their own interests. Indeed they do that now.

The Apaches, of which so much has been said, of the White Mountain region, are prosperous Indians, as well as those upon the San Carlos and Gila Rivers. They have constructed irrigating ditches, and irrigated every acre of the valuable farming lands upon the southern boundary of the reservation along the San Carlos River and Gila River, raising in large quantities barley, enough indeed to supply the Government forces in that country.

So, Mr. Chairman, it may be said that, upon the whole, where the Indian has been protected and permitted to remain at home, not moved around from reservation to reservation, but where he has had a fair chance to make a home for himself, he has got along better than could be expected, considering that he is still a savage and that it requires ages for man to progress from that condition to the condition of civilization. The Government has moved the Indian around from place to place. It has driven him everlastingly westward, and has rendered his progress by reason of that absolutely impossible. But we have now reached a period when all of this will change, when it must change, for there is no farther west that the Indian can go. They must remain upon their present reservations as a rule, and with kind treatment, such as they are entitled to receive at our hands, for we have despoiled them of their grand possessions, they will progress to be in time not only self-supporting, but will reach a very high order of intelligence and civilization.

The Flathead Indians, I might mention also, on a reservation not very large, but they have made it quite valuable. They have dug great drains miles and miles in length, and have raised fine fields of grain. They are generally prosperous Indians, with facilities established for education amongst themselves; they have organized courts of justice; in fact, it is a well-organized community. They have remained there for a great many years. In 1850 or 1851, perhaps, a very humane gentleman by the name of Stevens, Col. Isaac Stevens, afterwards a Delegate to Congress from one of the Territories, was sent as

governor to the Territory of Washington, and was made commissioner of Indian affairs of that Territory.

His duties extended beyond the limits of the Territory in assigning territorial possessions to the Indians. He secured for them good and valuable lands. They settled down upon them and had a promise of the lands to be assigned to them in severalty in the progress of time or as soon as they were able to cultivate them and take care of themselves. Three years ago, when the House committee went through there, they found these Indians settled upon good lands and eager to obtain titles to them in severalty. On one side the Catholics had control for many years, and on the other side the Presbyterians, but yet they had made equal progress. We found the women to be well clad, the men thrifty and industrious, driving wagons and engaged in the work of the field—a self-sustaining people.

So I think the people of the United States can feel assured that within a reasonable time the progress of the Indians will be such as to make them self-sustaining. They have made good progress up to this time. The great trouble is that too small a percentage of the millions appropriated goes to their benefit. The Indian agent should be not only a man of good character and standing, but he should be a benevolent man, having the care and interests of the Indians under his charge closely at heart. We do not place a large number of such gentlemen in our positions unfortunately. It is not always possible to get them. We do the best we can, and the progress has been encouraging.

[Here the hammer fell.]

Mr. SHIVELY. Mr. Chairman, I have thus far been quite content to defer discussion of the Indian question to those of longer public service and larger experience, but I am tempted on the present occasion to detain the House briefly with an expression of individual judgment on certain phases of the subject suggested by this bill.

Should the House of Representatives be engaged two generations hence, as to-day, in the consideration of an annual Indian appropriation bill, will it not be because our Indian policy in the mean time had been a dismal failure? Are the two centuries of checkered expedients which mark the history of the relations between the Indian and Caucasian races on this continent to suggest no termination of the struggle against forces which government may in a measure direct, but which it can never control? What is the ultimate purpose of all legislation on the Indian question? Are we to contemplate for a moment the permanency of the relations out of which proceed these annual expenditures of public money? Can these appropriations from year to year be justified on any ground other than that this is the most economical and humane process of solving a vexed problem and eliminating the Indian question from our national legislation?

This, sir, in my judgment, is the only justification consistent with the best interests of the Indian, the rights of other races in this country, and the honor of the Government. The system destroys a people that induces them to idleness or tempts them to mendicancy. There exists no fundamental principle peculiar to the history of any race which relieves it from the operation of the doctrine that—

In the sweat of thy face shalt thou eat bread.

The right of the Indian to the benefits of this sacred curse should be neither neglected nor restrained. Self-reliance and self-sustenance are the quality and habit of a strong people. While these have never been created by paternalism in government, they have often been destroyed by it. The relation of guardian and ward, as between the nation and the Indians, is anomalous and inconsistent. This relation, associated, as it has been, with a treaty-making power, has led to countless controversies, and settled none beyond dispute.

Again, sir, the tribal relation is a barbarous relation. In it is scrupulously preserved a more or less complicated scheme of laws, customs, and usages peculiar alone to barbarous life. There is no kindness, nor wisdom, nor justice in appropriating public moneys to preserve that relation. The habits, customs, and usages peculiar to such relation should be discouraged at every step. There should be an early allotment of lands in severalty, with a limited restriction on the power of alienation. The relation of guardian and ward should be dissolved. The Indian should be treated as having come of age, given his patrimony, and then left to his own resources. Property and responsibility are civilizing forces. Besides this, government is not an insurer of perpetual and unqualified success and happiness to any class of people. The acquirement of personal success and happiness is an individual, not a public function. Congress can and should choose between civilization and barbarism, and appropriate money only to advance the former, never to preserve and foster the latter.

Speaking for myself, Mr. Chairman, I believe these general principles have been observed in the preparation of this bill, so far as the discretion of the committee over the subject-matter involved extended. Liberal appropriations are made for educational purposes. Liberality is observed in the appropriation for agricultural implements and the tools and utensils employed in the trades and arts of civilized life. The allowance for subsistence, which more than any other tends to breed idleness and mendicancy, is reduced. Preference is given to the Indians who have abandoned their nomadic habits, while the roving bands receive less consideration.

Thus, Mr. Chairman, are habits of industry, thrift, and economy encouraged and rewarded, and self-reliance and self-respect inspired, so far as the discretion of the committee in maturing this bill could accomplish such result. This, I take it, is in pursuance of a policy that contemplates the earliest possible dissolution of all dependent and tribal relations, and the reception of the last Indian into the body of American citizenship, his assimilation with our institutions, and the total abolition of the annual Indian appropriation bill, the Indian Office, and all branches of the so-called Indian service.

The mistaken philanthropist may hesitate on the one hand, and the complacent sinecurist may object on the other, but that policy is the best policy which will in a just way at the earliest moment relieve us of the need of any policy at all. Many thousand Indians have ceased to be wards of the nation, and are law-abiding, self-respecting and self-sustaining citizens. It is the state-fed Indian who is most helpless. Give the Indian fair educational facilities, inculcate habits of industry, give him his land, and leave him to take his chances of success or failure in life in common with other races. Did I not believe this to be the early and final solution of the Indian problem I should not vote for the appropriation of a single dollar of public funds beyond the sums guarantied by treaty.

Mr. ALLEN, of Michigan. Mr. Chairman, I know that the chairman of the committee is very anxious to finish the consideration of this bill, and so am I as a member of the committee. I shall therefore occupy but little time, as I want simply to say that I appreciate the suggestion of the gentleman from Texas as to the want of information in Congress, and by the people generally, of the progress the Indians have been making. The fact is that we have not information enough as to their treatment and progress, expending as we do millions of dollars annually in this service. But progress has been and is being made amongst them; and while it is costing some money, yet for every dollar we have given we have taken unjustly at least one hundred. So that we are yet largely their debtors and have little cause to complain.

And it will be many years before we fully pay that debt which we honestly owe him. The only way we can do it with advantage to ourselves and to him is to make him more and more like an American citizen. The time will speedily come when the blanketed Indian must go; when Indians, negroes, white men, and all others in this country must look to themselves for support, and look to the Government only for protection while they are making an honest livelihood. That is the point towards which we must all to-day strive. In doing it we must not be niggardly in our treatment of the Indian, but honest in our treatment. I must say to my friend from Indiana, whose honesty is unquestioned and whose judgment I highly respect, that at his door may be laid somewhat of the failure of the Indian policy in many respects.

I have been familiar with his position on this and other questions for many years, and to the cheese-paring that he has always stood up for relative to pay of Indian agents and others engaged in this work is due the failure of our efforts more than any other of the thousand reasons which have been given. Why, the gentleman from Indiana knocked me out of $300 when I was Indian agent. [Laughter.] He did it honestly, but "the laborer was worthy of his hire." As soon as the Democratic Administration came into power it proceeded on the theory that one of two things was true, either that I did not get pay enough or else that I had not capacity to earn what I did get, and they let me out.

Mr. HOLMAN. If my friend from Michigan [Mr. ALLEN] will permit me to interrupt him a moment I will say that when I found how so excellent and valuable an officer could be retained in the service as my friend of the northern peninsula of Michigan, and saw the admirable manner in which he looked after the Indians under his charge, as well after as before the salary was reduced, I felt that the removal of a mercenary motive from office secured the public good, for my friend, with great efficiency, still performed the duties of the officer. So public interests did not suffer.

Mr. ALLEN, of Michigan. I am entirely satisfied with the explanation. [Laughter.] I want to say to my friend from Indiana if he knew as well as I did at the time what an Indian agent was worth, he would have been willing for him to have more. This bill contemplates making a census, and putting the Indian more in a condition to depend on himself; and it is a thing that ought to have been done years and years ago. When we do this we shall not have a car-load of Indians coming down to Washington as representatives of an independent nation telling this great country what it must do in order to placate them; but they will have to do as you and I have to do, and as our children must do, and what everybody who is a citizen of the United States in the near future must do—take care of themselves and not depend upon the Government. They must look to the Government to see that their rights are preserved, and that is as far as they can go, and the quicker that time comes the better for us and them.

Mr. MACDONALD. I do not wish to occupy the time of the committee very long, but I would suggest that it would have been better to have selected another paragraph in this bill on which to make general observations on the measure, for this is one of the most meritorious appropriations on the bill. It is not an appropriation given as a char-

ity at all, but an appropriation given for the benefit of full-blooded Indians belonging to this tribe who separated themselves from their tribal relations, have gone to reside among the whites, who are teaching them to support themselves by agricultural pursuits. There are about two hundred of them, and they are nearly all in my district.

By the Indian war of 1862 the tribe to which they belonged violated the treaty under which they were receiving annuities. Very soon afterwards Congress declared that treaty abrogated, making no discrimination in the act of forfeiture, and thereby excluded from the benefit of the treaty these Indians as well as the others. These particular Indians belong to a class that remained friendly to the whites and fought for the whites. This I know myself, as I was there and passed through all of that crisis. We are compelled to come in here and ask Congress for the beggarly appropriation which has been made in the last two or three years for the purpose of securing to them agricultural implements and seeds. If we succeed in getting the appropriation made we do not expect to get more than one fourth of what these Indians would be entitled to. The treaty gave the band for fifty years $58,000 a year. They do not get any of it to-day. It has been confiscated, and we have not complied with their treaty rights.

Mr. NELSON. I offer the following amendment.

The Clerk read as follows:

In line 2, page 35, so as to conform with the prior amendment, insert the word "seeds" after the word "implements."

The amendment was agreed to.

Mr. PEEL. Mr. Chairman, I desire to offer the amendment which I send to the desk. It comes in on page 37, between lines 11 and 12. It was inadvertently omitted from the bill.

The Clerk read the amendment, as follows:

Second of ten installments of $150,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Blackfeet agency, Montana, as per act approved May 1, 1888, $150,000.

Second of ten installments of $115,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Belknap agency, Montana, as per act approved May 1, 1888, $115,000.

Interest on $69,120, at 5 per cent. per annum, being value of 54 sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1838, $3,456.

Mr. McMILLIN. I reserve the point of order on that amendment in order to hear an explanation from the gentleman in regard to it.

Mr. PEEL. Mr. Chairman, it will be remembered that at the last session of Congress a bill was passed to ratify an agreement between the Government and these Indians at Fort Belknap and Blackfeet and the Assinaboine Indians in Montana, by which they ceded to the Government some 17,000,000 acres of land. The Government agreed to pay for that land in ten annual payments. At the time the Indian appropriation bill passed the House the usual appropriation as a gratuity was in the bill, but knowing that the other bill had passed the House to ratify the agreement by which the regularly stipulated amount would be paid to them, and not knowing whether or not it had passed the Senate and become a law, we incorporated the usual amount in the regular Indian appropriation bill, with a proviso that in case the other bill became a law that appropriation should not be used. The bill ratifying the agreement did become a law, and this amendment provides for the second installment in payment for those lands. By some means or other unknown to the committee it was omitted from the printed bill. The amendment is taken from the regular estimates and is strictly in accordance with the agreement.

Mr. MORGAN. It is a part of the purchase-money for the land.

Mr. PEEL. Certainly; it is a part of the purchase-money for the land.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McMILLIN] desire to submit a point of order?

Mr. McMILLIN. No, sir. I simply wanted to elicit the statement which the chairman of the Committee on Indian Affairs has just made.

Mr. HOLMAN. I suggest to my friend from Arkansas [Mr. PEEL] that this should come in among the treaty provisions where it properly belongs.

Mr. PEEL. I suggest it come in between lines 11 and 12.

The amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to enter into contracts with such tribes, bands, nations, or individual Indians as in his judgment have sufficiently advanced in civilization to be competent to transact their own business affairs for the purpose of making final settlement and payment of such sums as may be due them from the United States either as permanent or limited annuities, or otherwise, and that said contracts be by him reported to Congress for its consideration and action.

Mr. BUCHANAN. Mr. Chairman, I raise the point of order on the words "and directed," in the second line. The whole paragraph is subject to the point of order, but I make it only upon these words.

Mr. PEEL. I have no objection to striking out those words.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, Wichitas, and affiliated bands, who have been collected upon the reservations set apart for their use and occupation, $250,000.

Mr. MILLS. I will ask the gentleman in charge of the bill whether this is in conformity to treaty stipulations?

Mr. PEEL. No.

Mr. MILLS. These are very troublesome neighbors of ours and I would like to know what progress they are making. I would like to hear a good report from my friend from Indiana [Mr. HOLMAN] in relation to the progress of the Kiowas and Comanches.

Mr. HOLMAN. The Arapahoes are doing pretty well. [Laughter.]

Mr. MILLS. But what about the Kiowas and Comanches?

Mr. HOLMAN. My friend knows that those Indians were removed there at a comparatively late period of time.

Mr. MILLS. Twenty years ago.

Mr. HOLMAN. Well, the old ones were born and raised elsewhere. The young ones of course are natives of the Territory. The Indians, however, who have made progress are those who have been permitted to remain stationary. These Indians have been moved from one place to another, driven back before our advancing civilization, and they have made no progress. The Indians in the western portion of the Territory can not be said to have made much progress.

Mr. MILLS. I think the reservation on which the Kiowas and Comanches were located was selected by General Sheridan about 1866, and we have been making large appropriations for their subsistence from year to year ever since, and now I would like to hear some good testimony as to their progress.

Mr. HOLMAN. But at the same time those Indians have been shifting about a great deal. A portion of the Kiowas went back into Dakota. There has been an unsettled condition of things all around them and they have made no such progress as you will find among other Indians.

Mr. PERKINS. Let me remind the gentleman from Texas [Mr. MILLS] that in the last annual appropriation bill there was an appropriation of $275,000 for this purpose, while this year we have cut it down to $250,000. The policy of the committee has been, as stated by the chairman awhile ago, to cut down the appropriations for the subsistence of the Indians. We have in some instances increased the educational fund, but we have in every instance decreased the subsistence fund, upon the idea of teaching the Indians that they had got to take care of themselves, and, like any other American citizen, have to work to earn their bread.

Mr. MILLS. I am not at all criticising the course of the committee. I think they have done very well. My remarks are directed to the general policy we have been pursuing.

Mr. PERKINS. Well, we are getting away from that as fast as we can.

Mr. McMILLIN. Mr. Chairman, I raise the point of order upon this paragraph. I know of no obligation that we are under to appropriate this quarter of a million of dollars, and I think we can get away from the policy that is objected to a little faster than we are doing here without any injustice to the Indians.

Mr. PEEL. Mr. Chairman, the paragraph is not subject to the point of order, because the committee have the power to report an appropriation for the subsistence of these Indians.

Mr. HOLMAN. That has been the law for many years.

Mr. PEEL. It has been the law in regard to appropriations for years and years. Certainly this provision is not subject to a point of order. The only question is a matter of judgment as to how much we should appropriate each year. We are gradually reducing the amount.

Mr. PERKINS. We have made a cut of $25,000 this year.

Mr. McMILLIN. And how many of these Indians have made any progress in civilization? Not any, I presume.

Mr. HOLMAN. Oh, yes. The Arapahoes have made some progress. There is some land being cultivated in the western portion of the Indian Territory. The Arapahoes are doing very well; and some of the Comanches.

Mr. PERKINS. Yes; and the Kiowas and Apaches.

Mr. HOLMAN. And the Sacs and Foxes, still further east.

Mr. PERKINS. Yes; they are well advanced in civilization.

Mr. HOLMAN. They are as well advanced as any Indians you will find anywhere.

Mr. McMILLIN. Mr. Chairman, I do not know whether a point of order will lie against this provision. Therefore I move to strike it out. There is no doubt about my right to do that.

The CHAIRMAN. The gentleman can make that motion.

Mr. McMILLIN. In support of that proposition, I wish to say that here are a number of tribes of Indians who, so far as we are able to find, have not made any progress; certainly nothing definite can be stated in regard to it. We are called upon to appropriate a quarter of a million dollars of the money of the people of the United States for the support of these Indians. Now, I am willing enough to do charity in the proper way; but the Government of the United States is not intended under the Constitution to be a great eleemosynary institution, however laudable charitable effort may be on the part of individuals.

I think it will be agreed by all—in fact, the committee concede—that this policy must ultimately be abandoned. If it is a failure the sooner we abandon it the better. I believe in teaching self-reliance to every

human being who has the demand made upon him for his support. The sooner we teach this to the Indians the better it will be for them and for us.

Mr. PERKINS. In answer to my friend from Tennessee [Mr. McMILLIN] I wish to say that but a few years ago these were blanketed Indians upon the Western plains. Being whipped by our soldiery, they were taken to the Indian Territory and this reservation set apart for them by Executive order. During the time they have been there they have made considerable progress. Last year we appropriated $275,000 for them. This year the Department asked $260,000; but we have cut down the appropriation to $250,000.

The policy of the Government, the policy which the committee has endeavored to follow, has been to teach these Indians to work, to advance them just as rapidly as circumstances would permit. If we should now withhold this entire appropriation, we would not only take from them their means of support, but would expose the citizens of the States adjacent to the Indian Territory to the danger of incursions from these Indians, who, the assistance of the Government being withdrawn, would be unable to maintain themselves.

Mr. McMILLIN. And we are to keep them on their reservation by contributing to their support. Is that it?

Mr. PERKINS. They have very little ground under cultivation, and can not without the assistance of the Government maintain themselves.

Mr. McMILLIN. Are we annually to make this appropriation of a quarter of a million for their support, as we have been doing for the last twenty-two years, without any effort on their part?

Mr. PERKINS. As I have suggested, they are making some progress. They are getting a little more ground under cultivation each year. As I have stated, they were a few years ago blanketed Indians, who were taken from the "war-path" and placed on this reservation. They were the Apaches, the Comanches, the Cheyennes, the Arapahoes, who were engaged in murdering the settlers upon the frontier. Being reduced to subjection by the Army of the United States they were taken to the Indian Territory. It has been necessary for the Government to clothe and feed them at least in part; to guard them against warlike excursions, and to advance them as rapidly as possible. With this object in view we have made these appropriations from year to year.

Mr. McMILLIN. Mr. Chairman, I do not wish to be misunderstood as to my sentiments concerning the Indians. I think that there are many tribes that have been robbed, robbed outright, under the semblance of treaty stipulations, under pretense of engagements that we have entered into with them. I think that our policy in regard to a number of these tribes has not been creditable to us. Hence I stated in the beginning that where we had made treaties with the Indians I thought we ought to keep them. But I have doubted the propriety of continuing the policy which we have been pursuing; and that is the reason I have offered my amendment.

Mr. NELSON. I move to amend the amendment of the gentleman from Tennessee by striking out the last word. It has been suggested here this evening by several gentlemen that the Indians are not making suitable and proper progress. It is my pleasure to state that among my numerous constituents there are between seven thousand and eight thousand Chippewa Indians, and they have made remarkable and wonderful progress.

Mr. Chairman, as an illustration I can refer among my constituents to young Hole-in-the-day. His grandfather was one of the most savage Chippewa Indians. He got his right of chieftain among the Chippewas because he had crept upon and taken a sleeping chieftain of the Sioux and scalped him while he was yet only a boy. His son, Hole-in-the-day, the famous Chippewa chief, the son of that savage boy, became civilized and came to this city to attend to the business of his tribe. And here he had the good taste to woo and win one of our white sisters in the city of Washington and took her back to the Chippewa reservation. It is his son who is to-day the head of the Chippewa Indians and who is one of my constituents. On one side his father was the celebrated chieftain, Hole-in-the-day, and on the other his mother one of the finest young damsels in the city of Washington, who was induced to go upon the reservation and make her home there.

This, of course, Mr. Chairman, is an isolated instance, but if you go on the White Earth reservation in my district you will find two or three thousand of these Chippewa Indians engaged in agriculture. Not only have they become successful farmers, but they have also become Christians. There are no Universalists and no Unitarians among them. They are none of your milk-and-water Christians. [Laughter.] My Chippewa constituents, Mr. Chairman, if I may be allowed to say so, belong to two of the best churches; they are either Catholics or Episcopalians. If any of you were to visit that reservation in the fall you would find one body, and perhaps the largest, wending their way to the Catholic chapel, while another body, equally dignified, but a little stoical, you would find wending their way to the Episcopal chapel.

More than that, not only are they Christians, but they are making rapid progress in civilization. They have established a newspaper which is equal to any country newspaper in Minnesota, for I was honored last week with half a column of good abuse. [Laughter.] I wish to say further, Mr. Chairman, they have to fight for the right to use that paper. The Commissioner of Indian Affairs issued an order to prevent the publication of that paper. It is a creditable production. They brought suit in the United States court and recovered a verdict against the Indian agent.

Mr. HOLMAN. What did they do that for?

Mr. NELSON. Because the agent thought he would lose his power unless the paper was stopped. He thought the Indian knew already too much. He thought they would meddle with his wayward tricks. Be it known, sir, while the Indians up in that country are all saints the Indian agent is very far from being a saint. [Laughter.]

I am loath to take up the time of this committee, but I assure the gentleman from Tennessee and other gentlemen my Chippewa Indians are making rapid progress in civilization and in the ability to take care of themselves.

Mr. McMILLIN's amendment was rejected.

The Clerk read as follows:

For support and civilization of the Navajo Indians, including pay of employés, $7,500.

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, $7,500, to be taken from the funds now in the Treasury belonging to said Indians.

Mr. HOLMAN. I would like to suggest to my friend from Arkansas that inasmuch as none of this money covered by these two items is to be used for the schools of the Navajo Indians perhaps it would be better to allow it all to be used for the work of constructing ditches embodied in the second paragraph of the appropriation. What they have most need of there at the present time is water, and as the effort is being made to procure it for them I think it would be better to allow the whole appropriation to go that way.

Mr. PEEL. I have no objection to this. What amendment would the gentleman suggest?

Mr. PERKINS. Perhaps the gentleman has not observed that some portion of this appropriation is for the pay of employés. The appropriation is made not only for the civilization of the Indians, but for the pay of the employés as well.

Mr. HOLMAN. Well, not for the schools or agent, as I understand it. There is nobody there but the school teacher and the agent.

Mr. PERKINS. I think there are several employés.

Mr. WEAVER. Yes, and there are some Indian police. I think this had better remain as it is.

Mr. HOLMAN. When the gentleman from Illinois [Mr. CANNON], the gentleman from Kansas [Mr. RYAN], and myself and others were there I think we found but one Indian family living near the agency. They are very much separated. But they need water. I wish to mention, however, one very interesting fact which I had from the agent there. He said that these Indians, under the great disadvantages which they labored from an arid country, had raised corn that year, and on an average 5 bushels to each man, woman, and child of the nation, comprising some twenty-two thousand people of this tribe. It seems to be an exaggerated statement, but it was vouched for by this gentleman.

Mr. CANNON. I think my friend from Illinois will find that some employés are necessary for conducting this very work that the latter part of this appropriation is for; that is, the ditches, etc.

Mr. PEEL. I suggest to my friend to let the reading proceed, and he can examine this, and if he desires to offer an amendment I will not object to recurring to it.

Mr. HOLMAN. Very well.

The Clerk resumed the reading of the bill to line 11, on page 42.

Mr. PEEL. That ends the miscellaneous matter, and here I wish to offer, by the instruction of the committee, the following amendment, which, when read, I desire to ask to have printed in the RECORD, and then the committee can proceed with the other portions of the bill if they desire, letting this remain until morning.

Mr. BUCHANAN. Before that I would like to ask the chairman whether it is his purpose to attempt to finish the bill to-night?

Mr. PEEL. Oh, no; I wish to pass from these miscellaneous items, however, and then the committee can rise.

Mr. BUCHANAN. Then that amendment can be printed in the RECORD and go over for consideration to-morrow.

Mr. PEEL. Let it be read and then I will make a brief explanation in regard to it.

The Clerk read as follows:

That the sum of $1,912,942.02 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: $1,500,000 to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20, to be paid to the treasurer of said nation, or to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, empowered so to do, of a release and conveyance to the United States of all the right, title,

interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply.

That the lands acquired by the United States under said agreement shall be a part of the public domain, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided in the act organizing the Territory of Dakota; and whether surveyed or unsurveyed, said sections shall not be subject to settlement or entry under the provisions of this act or any of the land laws of the United States; that the lands acquired under said agreement, except the 16th and 36th sections, shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof), and under the law relating to town sites: *Provided* the rights of honorably discharged Union soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes, shall not be abridged. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant, and the entryman shall be required to make full proofs; and unless it shall appear that the claim was taken in good faith and that there has been full performance of all the terms and requirements under this act, he shall refuse a patent and declare the prior proceeding before had in such case to be null and void; and all persons settling on land under the provisions of this act shall be required to select the same in square form as near as may be, and to maintain continuous personal residence as required by law on the land and to improve and cultivate the same for that period in the manner required by the homestead laws, and to break up and plow not less than 40 acres of the land filed upon before obtaining title thereto: *Provided*, That any person who having exhausted his right under existing law, but who is not the owner of a home elsewhere, shall be qualified to make one additional homestead entry upon said lands; and all of the provisions of this section shall apply and be in full force as to the lands included in the recent cession of the Muscogee (or Creek) Nation of Indians heretofore ratified by the present Congress. Any person who may enter upon any part of said lands, in said agreements contained, prior to the time that they are opened to settlement by the proclamation of the President, shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

Mr. PEEL. I desire to say for the information of the committee that it is a well-known fact from all the discussion of the Oklahoma bill that for many years the great problem and question has been how we were going to acquire title to the Indian Territory—I mean the land ceded to the Government by the Creeks and Seminoles and Cherokees for the purpose of locating other friendly Indians and freedmen upon. The Oklahoma bill when under discussion met with serious opposition from some members upon the sole ground that we were creating a Territorial government over a country to which we had not perfect title. In the appropriation bill of 1885 there is a clause incorporated authorizing the President to appoint a commission to negotiate with the Creeks and Seminoles for a full and complete cession of their lands free from the trust, and also with the Cherokees. That has never been executed until recently in part.

During this discussion or before the five large tribes met in council and unanimously, I believe, by their international council, declared that they would not part with the title. That has been a source of great obstruction. Since this Congress has been in session, or during this session, the Creek Indians, through their proper delegates—and I want to emphasize that by saying the noble Creeks, under the leadership of General Pleasant Porter, a gentleman of unquestioned integrity and ability—came to the President and agreed upon terms under which they would relinquish all their rights to lands amounting to two million six hundred and some odd thousand acres at $1.25 per acre, less what has already been paid. That is exactly what we have been offering for years. That agreement of cession the President sent to Congress with a message. The Senate promptly acted and the House promptly acted. A bill passed the Senate and passed the House ratifying the agreement with the Creeks. It is now before the President for approval. That is disposed of.

Immediately upon that the Seminoles, by their proper authorized delegates, are here. They came for that express purpose. There has been this understanding between the delegates of the Creek Nation that if they ceded their interest to this country in the Oklahoma part at $1.25 per acre, less what has been paid, the Seminoles were to be treated in the same manner. As soon as the ratification of the Creek cession was made the Seminoles came, and their matter had been presented to Congress in a message from the President, and is now before the Committee on Indian Affairs. It is also before the Committee on Indian Affairs of the Senate. The Senate committee have acted promptly and have reported a bill which is simply in accordance with this amendment. They have a bill on the Calendar to appropriate this amount of money to be paid to these Indians upon the relinquishment of their title to the satisfaction of the President.

The Committee on Indian Affairs have not formally met since the House has been meeting at 10 o'clock, but by personal conference with members of the Committee on Indian Affairs I find they are unanimously of the opinion that this appropriation ought to be made giving to the Seminoles exactly the same amount of money that has been given to the Creeks, less what has been paid heretofore, and that is the exact amount as estimated by the Department. A bill of that kind is now on the Calendar of the Senate, and this amendment has been offered at this late hour in the House on this bill because if it is not put upon this bill it will be impossible to complete the cession during this term of Congress.

It will be observed that the appropriation there incorporated is not to be available and not to be paid until the Seminoles execute a full and complete release and convey to the United States all their right, title, and interest to this land, which release is to be satisfactory to the President. Then the provision is operative. The further amendment in regard to the disposition of the land is a matter for the judgment of the committee. If I understand the theory of this House in relation to protection of homesteads, it complies with the rules and answers to the declarations of the House upon questions of that character. This, I believe, is all I desire to say.

Mr. MACDONALD. I would ask the gentleman from Arkansas if this amendment does not provide for giving parties who have exhausted their homestead right the right to make another entry?

Mr. HOLMAN. I would suggest to my friend from Arkansas, in view of the importance of this provision, that it be printed in the RECORD; that it be passed over now, and go on with the bill and finish it.

Mr. PEEL. That is all right.

Mr. CANNON. As to these lands that we obtained under the treaty of 1866 from the Seminoles, has any part of them been assigned to any other tribe, or are they held under Executive order by the Cheyennes and Arapahoes?

Mr. PEEL. They are not in that part. They are on a part of the Creek reservation.

Mr. HOLMAN. We paid the Seminoles 15 cents an acre for something like 300,000 acres that they ceded under the cession of 1862.

Mr. PEEL. The gentleman from Indiana is mistaken about that. We got from the Creeks 1,300,000 acres.

Mr. HOLMAN. We got from the Creeks 1,300,000 acres.

Mr. PEEL. We got from the Creeks three million four hundred and odd thousand acres, and from the Seminoles over 2,000,000 acres.

Mr. CANNON. What portion of the land that we got from the Creeks under the treaty—being obtained for the purpose of settling friendly Indians and freedmen upon—were assigned or sold to certain Indians? We did not pay $1.25 for these lands, but we do pay $1.25 for all these lands that we get which form a portion of the Oklahoma country and that portion of the Creek lands which formed a portion of what is known as the Cheyenne and Arapahoe reservation that is held under Executive order.

Now, I do not recollect what the fact may be; but I ask whether any of these lands for which we propose to pay the Seminoles by this appropriation have been sold to other tribes?

Mr. WEAVER. Not at all.

Mr. CANNON. And the proposition is to pay $1.25 an acre.

Mr. PEEL. Less what we have paid.

Mr. ROGERS. In order that this matter may go into the RECORD correctly as to the amount derived from the Seminoles, I will state that artice 3 of the treaty shows that the amount was estimated at $2,169,088.

Mr. PEEL. I believe, Mr. Chairman, that I do not desire to say anything further.

Mr. HOLMAN. I have no doubt that the statement as to the number of acres is correct, and yet I do not understand how it can be, because the comparatively small body of land known as Oklahoma contains about 1,800,000 acres, part of which belongs to the Creeks and part to the Seminoles.

Mr. PERKINS. The gentleman is clearly mistaken as to the amount. Notwithstanding the lands sold the Sacs and Foxes, the Poncas and others, we got by the recent cession about 2,800,000 acres.

Mr. HOLMAN. Is it understood that these lands extend beyond the northern branch of the Canadian River?

Mr. PEEL. It is all the west half of their lands.

Mr. HOLMAN. Does it extend as far west as the northern branch of the Canadian River?

Mr. PEEL. Yes, and further.

Mr. WEAVER. It runs clear to the western line.

Mr. PEEL. Mr. Chairman, I feel not inclined to press this matter, but I want to say to my friend from Indiana [Mr. HOLMAN] that the bill ratifying the Creek agreement passed both Houses, I believe, without a dissenting voice, and if the committee are satisfied I do not see why we should not vote upon it to-night.

Mr. HOLMAN. I would not ask to have it go over if that course were going to result in any delay.

Mr. PEEL. Well, it may.

Mr. McMILLIN. It will not result in any delay to let this go over until morning.

Mr. WEAVER. It may. The filibustering spirit is very strong just now. [Laughter.]

Mr. McMILLIN. It would not interfere with this.

Mr. WEAVER. It might.

Mr. McMILLIN. If anybody wanted to filibuster could not they do it as well to-night as to-morrow?

Mr. PEEL. The filibusters are not here.

Mr. CANNON. We are the good ones here to-night.

Mr. McMILLIN. We not only appropriate the money for these lands, but we also go outside of that and determine how they shall be disposed of.

Mr. WEAVER. We make the usual provision about the homestead law.

Mr. McMILLIN. I hope the gentleman [Mr. PEEL] will permit it to go over until to-morrow.

Mr. PEEL. I hope gentlemen will let us vote upon it to-night.

Mr. SPRINGER. This is in accordance with the recommendations of the President, of the Interior Department, and of the Indian Committees of both Houses.

Mr. WEAVER. And in exact conformity with the homestead law also.

The question was taken on agreeing to the amendment; and there were—ayes 10, noes 3.

Mr. BYNUM. Mr. Chairman, I think there ought to be more members present to vote upon so important a provision, and I shall have to make the point of no quorum.

Mr. PEEL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes, and had come to no resolution thereon.

Mr. PEEL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 30 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolution of the following titles were introduced and referred as indicated below:

By Mr. HEARD: A bill (H. R. 12648) for the relief of Frederick Smith—to the Committee on War Claims.

Also, a bill (H. R. 12649) for the relief of Mary Jane Pritchett, widow of William R. Pritchett, deceased—to the Committee on War Claims.

By Mr. MAISH: A bill (H. R. 12650) for the extension and widening of Sheridan street, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHARLES O'NEILL (by request): A bill (H. R. 12651) for a system of water supply in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 12652) granting a pension to Mrs. Frederika B. Jones—to the Committee on Pensions.

By Mr. TAULBEE: Joint resolution (H. Res. 267) providing for a survey of the Ohio River, and for other purposes—to the Committee on Rivers and Harbors.

The following bills have been handed in at the Clerk's desk without indorsement:

A bill to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval.

Also, a bill to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

Also, a bill for the relief of T. F. Riley.

Also, a bill granting a pension to the widow of Michael C. West.

Also, a bill to remove the charge of desertion from the record of John Ryan.

Also, a bill granting a pension to Terrel Hamlin.

Also, a bill for the relief of Sarah Eichelberger.

Also, a bill for the relief of William Craft.

Also, a bill for the relief of Stephen Butler.

Also, a bill for the relief of Samuel F. Eugs.

Also, a bill for the relief of Frederick Ford.

Also, a bill for the relief of Willis N. Arnold.

Also, a bill for the relief of Napoleon B. Giddings.

Also, a bill for the relief of James C. Harrison.

Also, a bill for the relief of the estate of Nathaniel H. Sawyer.

Also, a bill for the relief of the heirs of Myra Clark Gaines.

Also, a bill granting a pension to Dorcus Alford.

Also, a bill granting a pension to George W. Fosdick.

Also, a bill granting a pension to John Lamb.

Also, a bill granting a pension to Mrs. Mary C. McPherson.

Also, a bill granting a pension to Nancy Hamilton.

Also, a bill granting a pension to Rose Goodwill.

Also, a bill granting a pension to Christian Kemback.

Also, a bill granting a pension to William B. Bishop.

Also, a bill granting a pension to Thomas B. Arnold.

Also, a bill granting a pension to James M. Page.

Also, a bill granting a pension to Martin Haas.

Also, a bill granting a pension to Augustus G. Wyeth.

Also, a bill granting a pension to Frederick P. Hardy.

Also, a bill granting a pension to Crolina Thompson.

Also, a bill granting an increase of pension to Charles N. Lapham.

Also, a bill granting an increase of pension to Andrew Casey.

Also, a bill granting an increase of pension to Charles Harding.

Also, a bill to place the name of Edwin L. Drake on the pension-roll.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOOTHMAN: Petition of William H. Durline and 72 others, ex-Union soldiers of Williams County, Ohio, in favor of the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Bishop Post, Grand Army of the Republic, of Defiance, Ohio, for the publication of the Records of the Rebellion—to the Committee on Printing.

By Mr. J. E. CAMPBELL: Resolutions of Milliken Post, No. 228, Grand Army of the Republic, of Oxford, and of Granville Thurston Post, No. 213, Grand Army of the Republic, of Lebanon, Ohio, for publication of the official records of the war—to the Committee on Printing.

Also, petition of the Woman's Christian Temperance Union of Washington Territory, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CLARDY: Petition of the heirs of Mary A. McGehee, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. MACDONALD: Memorial of the Legislature of Minnesota, in favor of granting pensions to all Union soldiers and sailors who were in rebel prisons—to the Committee on Invalid Pensions.

By Mr. McKENNA: Petition of farmers of Danville, and of Florin, Cal., for protection to agriculture—to the Committee on Agriculture.

By Mr. MORROW: Resolution of the Legislature of California, for an appropriation for Eel River—to the Committee on Rivers and Harbors.

By Mr. O'FERRALL: Joint resolution declaring the retirement of Capt. Charles B. Stivers, of Dayton, Ohio, to be legal—to the Committee on Military Affairs.

By Mr. OSBORNE: Petition of Anna Moore, for a pension—to the Committee on Invalid Pensions.

By Mr. ROGERS: Petition of L. D. Cain, for a bath-house privilege at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENSON: Petition of the Turn-Verein of Milwaukee, Wis., against the Blair Sunday-rest bill—to the Committee on Labor.

Also, resolutions of the Chicago Live Stock Exchange, protesting against the enactment of certain laws—to the Committee on Agriculture.

Also, resolutions of the Farmers' and Labor Unions of Wisconsin, for a just representation of the agricultural interests—to the Committee on Agriculture.

By Mr. WHEELER: Petition of Riley Sparks, of Franklin County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jesse Isbell, of Lauderdale County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Petition for the opening of the Sioux reservation—to the Committee on Indian Affairs.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. A. R. ANDERSON: Of Mrs. Lizzie A. Boyd and many other citizens of Grand River, Iowa.

By Mr. A. R. ANDERSON: Of 696 citizens of Iowa.

By Mr. ARNOLD: Of citizens of Providence, R. I.

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. KERR: Of citizens of Clinton, Iowa.

By Mr. PERKINS: Of James J. Hartwell and others, citizens of Kansas.

By Mr. WEAVER: Of 633 citizens of Iowa.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. MACDONALD: Of 16 citizens of Willmar, Minn.

By Mr. McKENNA: Of 59 citizens of Alameda, of 53 citizens of Grafton, of 87 citizens of Woodland, of 26 citizens of Yolo, and of 20 citizens of Yolo, Cal.

By Mr. C. A. RUSSELL: Of 84 citizens of Griswold, and of 25 citizens of Killingsly, Conn.

By Mr. SHAW (by request): Of citizens of North East, of Rising Sun, and of Port Deposit, Md.

SENATE.

WEDNESDAY, *February* 27, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. PLUMB. I ask that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the Journal be suspended. Is there objection? The Chair hears none. If there be no motion to correct or amend the Journal it will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 3737) for the relief of Sterling H. Tucker and others; and

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the following bills:

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased; and

A bill (S. 3864) granting a pension to Sue B. Johnson.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases; and

A bill (H. R. 11165) for the relief of John Gray.

The message also announced that the House had passed the bill (S. 1974) for the erection of a public building at Fort Worth, Tex., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSHEND, Mr. MAISH, and Mr. STEELE managers at the conference on the part of the House.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. ROGERS, and Mr. EZRA B. TAYLOR managers at the further conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 2070) for the relief of Arno Voss; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 314) for the relief of Henry M. Rector;

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased;

A bill (S. 1283) for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina;

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 3778) to establish the Lincoln land district, in the Territory of New Mexico;

A bill (H. R. 285) for the relief of the legal representatives of H. Corths;

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 341) for the relief of John Farley;

A bill (H. R. 565) for the relief of Mary A. Howse and Lulu H. Howse;

A bill (H. R. 766) for the relief of H. L. Newman;

A bill (H. R. 948) for the relief of William H. Tabarrah;

A bill (H. R. 2688) for the relief of Alfred Breuer;

A bill (H. R. 4489) for the relief of J. M. Hagan;

A bill (H. R. 4581) for the relief of Thomas Matthews and others;

A bill (H. R. 5336) for the relief of George B. Hansell;

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108, in the city of Houston, Tex.;

A bill (H. R. 5888) for the relief of William H. Boyd;

A bill (H. R. 6394) for the relief of Hayem & Taylor;

A bill (H. R. 6591) for the relief of S. Dillinger & Sons;

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia;

A bill (H. R. 9464) for the relief of Hudson G. Lamkin;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

A bill (H. R. 10481) for the relief of Rev. William Gregston;

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

A bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes; and

Joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremony on the 4th day of March, 1889.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, and asking for a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill and assent to the proposition of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I report from the Committee on Appropriations with amendments the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890. I give notice that at a later period to-day, if the bill shall be returned from the Printing Office, I shall ask the Senate to consider it.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 12, 13, 18, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, and 41, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,400;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named insert "$83,060;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 17, page 2 of the bill, strike out "$2,000" and insert in lieu thereof "$2,500."

In line 18, page 2 of the bill, strike out "$3,000" and insert in lieu thereof "$3,500."

In line 20, page 2 of the bill, strike out "$2,000" and insert in lieu thereof "$2,500."

In lines 21 and 22, page 2 of the bill, strike out "$3,200" and insert in lieu thereof "$3,700."

In lines 1 and 2, page 4 of the bill, strike out "two clerks of class four, $3,600" and insert in lieu thereof "one assistant statistician, $2,000; one clerk of class four;" and in lieu of the sum named in line 7, page 4 of the bill, insert "$34,500."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In lieu of "$50,000" named in said amendment insert "$25,000," and insert after the word "Congress," in said amendment, the following: "On or before the 1st day of February, 1890;" and the Senate agree to the same.

P. B. PLUMB,
C. B. FARWELL,
WILKINSON CALL,
Managers on the part of the Senate.

W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the report of the committee of conference? The Chair hears no objection. Will the Senate agree to the report?

The report was concurred in.

COURT IN INDIAN TERRITORY.

Mr. VEST. I notice that the House of Representatives has sent a message refusing to concur in the conference report on House bill 1874. I ask that the action of the House be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, and asking for a further conference on the amendments of the Senate thereon.

Mr. VEST. I move that the Senate still further insist on its amendments and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. WILSON of Iowa, and Mr. EDMUNDS were appointed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the provisions of section 194 of the Revised Statutes, a list embracing the names of the clerks and other persons employed in the several bureaus of his Department during the calendar year ended December 31, 1888, and showing the time each was actually employed and the sums paid to each; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 25, 1889, a report from the Commissioner of Indian Affairs furnishing information asked for touching the bribery of the Cherokee Council by cattle-men and their agents for the purpose of obtaining leases and a renewal of leases of the lands of the Cherokee Nation; which, with the accompanying papers, was, on motion of Mr. STEWART, ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting an additional estimate of deficiencies for services rendered in connection with the United States courts for the present and prior fiscal years; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, the reports of heads of bureaus of the War Department showing the condition and character of such papers, etc., as are not needed or useful in the transaction of the current business and which have no permanent value or historical interest; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the various Departments of the Government to complete the service of the fiscal year ending June 30, 1889, and for prior year; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 22d instant, schedules of claims allowed by the accounting officers of the Treasury Department since the allowance of those embraced in House Executive Document No. 59 of the present session; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIAL.

Mr. WILSON, of Iowa. I present the petition of William Syphax, William H. Bruce, and others, being a committee for lot-owners in Columbian Harmony Cemetery, in the District of Columbia, praying for the protection of their rights to the same extent as is assured to lot-owners in other cemeteries in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia and printed as a document, as it is a very clear and concise statement of the case.

The motion was agreed to.

Mr. HAWLEY presented the petition of J. W. Dolph and 158 others, citizens of Essex County, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of P. J. Maverty and 220 others, citizens of Ovid, Mich., and the petition of J. W. Sloan and 28 others, citizens of Tekonsha, Mich., praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. VEST presented a memorial of citizens of Missouri, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. VOORHEES presented a memorial of a large number of citizens of Indiana, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. BERRY presented resolutions of the Southwestern Lumber Manufacturers' Association, in session at Texarkana, Tex., in favor of the passage of a bill providing for the opening of the Indian Territory for settlement; which were referred to the Committee on Indian Affairs.

Mr. PLUMB presented a petition of the mayor and city council of Beaver, Ind. T.; a petition of citizens of Beaver, Ind. T., and a petition of citizens of Council Grove, Kans., praying for the passage of what is known as the Oklahoma bill; which were ordered to lie on the table.

Mr. DOLPH presented a petition of citizens of Whitman County, Washington Territory, praying for the passage of the bill authorizing the board of commissioners of Whitman County to issue bonds for the construction of a court-house in that county; which was ordered to lie on the table.

Mr. MORRILL presented the petition of A. A. Wyman and 26 others (10 voters and 17 women), citizens of Cambridgeport, Vt., and the petition of Joseph Bartlett and 162 others (71 voters and 91 women), citizens of Barton, Vt., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. WILSON, of Maryland, presented the petition of O. B. Grant and 848 others (391 voters and 457 women), citizens of Frederick, Montgomery, Talbot, and Washington Counties, in the State of Maryland, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. SABIN presented a joint resolution of the Legislature of Minnesota, favoring the passage of a law placing prisoners of war confined in rebel prisons on the pension-roll, etc.; which was referred to the Committee on Pensions.

Mr. DAWES presented two memorials of citizens of Massachusetts, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. EVARTS presented a petition of members of the New York bar and of practitioners in the Federal courts, praying for the passage of the bill authorizing corporations to become sureties in certain cases; which was ordered to lie on the table.

Mr. PALMER presented two petitions of citizens of Fremont and Harbor Springs, in the State of Michigan, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented petitions of citizens of Dowagiac and Ortonville, in the State of Michigan, and a petition representing over 1,500 citizens of Michigan, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3960) granting a pension to Mary B. Hunt, reported it with an amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 3708) to provide for the formation and admission into the Union of the State of Idaho, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2445) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes, reported it with an amendment.

Mr. PLATT. I desire to say that I shall endeavor during the day to submit a report detailing the facts upon which the claims for the admission of these Territories are based, and that as soon as the amendments are printed I shall ask the Senate to consider the bills.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar.

Mr. TELLER, from the Committee on Public Lands, reported two amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER. On the 20th of February the Senator from New York [Mr. EVARTS] introduced an amendment proposed to be offered by him to the deficiency appropriation bill "to pay the claims for interest of the North German Lloyd Steamship Company of Bremen, the Hamburg-American Packet Company of Hamburg, and the Norse American line of Sweden a sufficient sum to pay said lines interest at the rate of 6 per cent. per annum on such moneys as were exacted from such companies in contravention of treaty provisions and heretofore refunded under the act of June 19, 1878," which was referred to

the Committee on Claims. I am instructed by the committee to report the amendment back favorably with an amendment, and with a recommendation that it be referred to the Committee on Appropriations. I simply want in doing this to commend the consideration of the amendment to that committee. It is not fairly to be considered a private claim. It is being pressed by the German Government and the Swedish Government. The President in his last annual message recommended the payment of this claim, and the Secretary of State, in a communication to the Committee on Claims, has also stated that he regards it as important to the future diplomatic interests of this Government that the claim should be paid.

Mr. HALE. Let me ask the Senator who reports the amendment what papers there are accompanying it to go to the Committee on Appropriations?

Mr. SPOONER. The Committee on Claims will send to the Committee on Appropriations a report which has been adopted once by the Senate, a very elaborate report, giving the history of these claims, and the communication of the Secretary of State.

Mr. HALE. I think it important that all those papers should go to the committee, because it is now considering the bill.

Mr. SPOONER. All of those papers will go to the committee.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations, with the accompanying papers, and printed.

Mr. SPOONER, from the Committee on Claims, reported an amendment intended to be proposed to the deficiency appropriation bill, providing for an appropriation to pay PHILIP S. POST for reimbursement for expenses incurred in defending his title to a seat as a member of the Fiftieth Congress; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 2598) for the relief of William Whitehouse, reported it without amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on Privileges and Elections to report an amendment to the deficiency appropriation bill, and I am directed to say that it is the report of a majority only of the committee. A minority of the committee dissented from the report.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations, and printed.

Mr. PUGH. I desire to state that the Democratic members of the committee totally dissent from the amendment reported by the Senator from Massachusetts to be made a part of the deficiency appropriation bill.

Mr. SPOONER. I ask that the amendment reported from the Committee on Privileges and Elections proposed to be offered to the deficiency appropriation bill be read.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Privileges and Elections will be read.

The amendment was read, as follows:

To enable the President of the United States to offer suitable reward for the detection and conviction of the persons, or either of them, who unlawfully carried away and destroyed the poll-books and ballot-box of Plummerville, Howard Township, Conway County, in the State of Arkansas, on the day of the last election in that State for Representatives in Congress and electors for President and Vice-President, the sum of $25,000, and said reward is hereby authorized.

SALMON FISHERIES OF ALASKA.

Mr. STOCKBRIDGE. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur seals and salmon fisheries of Alaska, and for other purposes, to report it with an amendment in the nature of a substitute. It is a short bill and a very important one to the fisheries of Alaska. It is very strongly urged by the Fish Commissioner. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the bill reported by him may be now considered. It will be read at length for information.

The bill was read.

The amendment reported by the Committee on Fisheries was to strike out all after the enacting clause and insert:

That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous creatures to their spawning grounds, is hereby declared to be unlawful; and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than $250 for each day of the continuance of such obstruction.

SEC. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries, and placing them under regular and permanent conditions of production.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Fisheries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DAWES. The title should be amended. I call the attention of the Senator from Michigan to the fact that the bill does not relate to the fur seals, as amended.

Mr. STOCKBRIDGE. No, sir; it relates to the salmon fisheries of Alaska. The title should be amended.

The title was amended so as to read: "A bill to provide for the protection of the salmon fisheries of Alaska."

Mr. PLATT. Does the section of the Revised Statutes which is referred to relate to salmon fisheries?

Mr. STOCKBRIDGE. Yes, sir.

Mr. STEWART. I should like to have the bill lie over so that I may look at it. I do not know that I shall want to object to it after I examine it.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to reconsider the vote by which the Senate passed the bill.

Mr. DAWES. I wish to say to the Senator from Nevada that unless the bill goes to the other branch immediately it will be entirely useless. It is the result of an investigation of a committee in the other branch with reference to the salmon fisheries only. It has nothing to do with the fur-seal fisheries.

Mr. STEWART. I will enter a motion to reconsider and look at it.

The PRESIDENT *pro tempore*. The Senator from Nevada enters a motion to reconsider the vote by which the bill was passed.

Mr. STEWART subsequently said: I should like to withdraw my motion to reconsider the bill in regard to the salmon fisheries of Alaska.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the motion to reconsider is withdrawn. The bill stands passed.

FISHERIES OF ALASKA.

Mr. HAWLEY. From the Committee on Printing I have several reports to make, mostly concerning current printing, and I should be glad to have immediate action upon them. I submit first a House concurrent resolution relating to the investigation of the fur-seal and other fisheries of Alaska.

The PRESIDENT *pro tempore*. The concurrent resolution will be read.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That 10,000 extra copies of the testimony taken and the report made by the Committee on the Merchant Marine and Fisheries upon the investigation of the fur-seal and the other fisheries of Alaska be printed, to be distributed as follows: To the Senate, 2,000 copies; to the House of Representatives, 4,000 copies; to the Fish Commission, 1,500 copies, and to the Secretary of State and the Secretary of the Treasury, each, 1,250 copies.

Mr. HAWLEY. I ask the Senate to proceed to the immediate consideration of the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

EULOGIES ON REPRESENTATIVE BURNES.

Mr. HAWLEY. I also report favorably, from the Committee on Printing, the joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISHERIES REPORT FOR 1887.

Mr. HAWLEY. I also report, from the Committee on Printing, a concurrent resolution to print extra copies of the report of the Commissioner of Fish and Fisheries for 1887.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1887 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

INDIAN EDUCATION AND CIVILIZATION.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. MANDERSON February 13, 1889, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That 5,000 copies of the report on Indian education and civilization, by Alice C. Fletcher, be printed; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for distribution by the Commissioner of Education.

INAUGURAL ADDRESSES OF PRESIDENTS, ETC.

Mr. HAWLEY. From the Committee on Printing, to whom was recommitted the joint resolution (S. R. 132) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House, I report a substitute which may be considered as an original bill, the committee makes so many changes in it to meet the objections and include the matter that Senators desired to add. I ask for the present consideration of the joint resolution.

The joint resolution (S. R. 141) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, inclusive, for the first century of Presidential inaugurations, and for other purposes, was read the first time by title and the second time at length, as follows:

Resolved, etc., That there be printed, under the direction of the Joint Committee on Printing, 10,000 copies of the inaugural addresses, in chronological order, from George Washington to Benjamin Harrison, inclusive, covering the first century of the inaugurations of the Presidents of the United States, together with certain historical data connected with the inauguration ceremonies, brief biographical sketches of the Presidents; the Declaration of Independence; the Constitution of the United States; the farewell addresses of Presidents Washington and Jackson; a steel engraving of the Capitol; steel portraits of the Presidents; and a suitable index by subjects.

SEC. 2. Three thousand of said copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the compilers and editors of the work; and the sum of $5,130, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of printing the illustrations at the Bureau of Engraving and Printing, which is hereby directed to do that work.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Senate joint resolution 138, having been disposed of by the resolution reported from the Committee on Printing, and passed, will be indefinitely postponed, if there be no objection.

STATISTICS OF MARRIAGE AND DIVORCE.

Mr. HAWLEY. The Commissioner of Labor transmits a special report relating to marriage and divorce. I report from the Committee on Printing a joint resolution to print it, and I ask for its immediate consideration.

The joint resolution (S. R. 142) to print 20,000 copies of the special report of the Commissioner of Labor on the statistics of and relating to marriage and divorce, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed 20,000 copies in brown cloth binding of the special report of the Commissioner of Labor on the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia; 10,000 copies for the use of members of the House of Representatives, 5,000 copies for the use of members of the Senate, and 5,000 copies for the use of the Department of Labor.

SEC. 2. That the sum of $9,249, or so much thereof as may be necessary to defray the cost of the publication of said report, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALIEN MINING CORPORATIONS IN THE TERRITORIES.

Mr. STEWART. I am directed by the Committee on Mines and Mining, who were instructed by a resolution of the Senate adopted October 9, 1888—

To ascertain and report to the Senate at the beginning of the next session of Congress the number of aliens, foreign companies, and corporations owning or working mines in the Territories of the United States, together with the length of time they have been so engaged, the amount of capital invested by them in mining operations, as near as practicable, the amount of dividends paid, and the amount of money expended by them in such mining operations, and what effect the owning and operating of mines by aliens, foreign companies, and corporations has had upon the growth and prosperity of the Territories—

to submit a report.

The PRESIDENT *pro tempore*. The report will be received and printed.

BILLS INTRODUCED.

Mr. JONES, of Arkansas, introduced a joint resolution (S. R. 143) to equalize the distribution of hot water at Hot Springs, Ark.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was ordered to be printed, and, with the accompanying communication from the Postmaster-General, referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN and Mr. VOORHEES submitted amendments intended to be proposed by them, respectively, to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

CALIFORNIA, OREGON, AND NEVADA CLAIMS.

Mr. STEWART. I have here a resolution which I offer, and I desire its present consideration. It is the substance of a bill that was reported to the Committee on Military Affairs and passed here and which has been reported favorably in the other House. It requires the investigation of certain matters by the board of war commissioners now in session. I am informed at the War Department that a resolution of the Senate will answer the whole purpose. It is not probable that the bill will get through, and I should like to have the resolution passed.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of War, through the Board of War Claims Examiners, appointed under section 2 of the act of Congress entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory," approved August 4, 1886, be, and he is hereby, authorized and directed to examine all accounts, papers, and evidence which heretofore have been, or which hereafter may be, submitted to him in support of the war claims of the States of California, Oregon, and Nevada, and Nevada when a Territory, growing out of the war of the rebellion, and in suppressing Indian hostilities and disturbances during the war of the rebellion, and in guarding the overland mail and emigrant routes during and subsequent to the war of the rebellion, and to ascertain and state what amount of money each of said States and Nevada when a Territory actually expended, and what obligations they incurred for the purposes aforesaid, whether such expenditures were made or obligations incurred in actual warfare, or in recruiting, enlisting, enrolling, organizing, arming, equipping, supplying, clothing, subsisting, drilling, furnishing, transporting, and paying their volunteers, militia, and home guards, and for bounty, extra pay, and relief paid to their volunteers, militia, and home guards, and in preparing their volunteers, militia, and home guards in camp and field to perform military service for the United States.

The Secretary of War is also directed to ascertain what amount of interest has been paid by each of said States and Nevada when a Territory on obligations incurred for the purposes above enumerated. The Secretary of War shall report to Congress the amount of money which may be thus ascertained to have been actually paid by each of said States and Nevada when a Territory on account of the matters above enumerated, and also the amount of interest actually paid or assumed by each of said States and Nevada when a Territory on moneys borrowed for the purposes above enumerated. And the Secretary of War shall also report the circumstances and exigencies under which, and the authority by which, such expenditures were made, and what payments have been made on account thereof by the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I move to strike out the clause "report to Congress." The Senate has no power to ask that a report be made to Congress.

Mr. STEWART. It should be a direction to report to the Senate.

Mr. SHERMAN. Let it read "report to the Senate." It is a resolution, I understand, for information.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to strike out the words "to Congress" and insert "to the Senate;" so as to read:

The Secretary of War shall report to the Senate the amount of money, etc.

The PRESIDENT *pro tempore*. The resolution will be so modified. The question is on agreeing to the resolution.

The resolution was agreed to.

OFFICE OF SUPERVISING ARCHITECT.

Mr. SPOONER submitted the following resolution, which was read:

Resolved, That the Committee on Public Buildings and Grounds is hereby authorized in pursuing the investigation ordered by the resolution of the Senate of December 21, 1888, to employ a stenographer and a messenger, to send for persons and papers, and have leave to sit during any recess of the Senate prior to December next, and to take testimony at any place in the United States.

That all the necessary expenses of said committee or of any subcommittee thereof be paid out, upon vouchers to be approved by the chairman of said committee or subcommittee, of the contingent fund of the Senate.

The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit.

Mr. COCKRELL. Let the resolution go over.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ORDER OF BUSINESS.

Mr. GORMAN. I ask unanimous consent to call up the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay. There are special reasons why I want to get the bill through to-day.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. CULLOM. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Illinois rise to morning business?

Mr. CULLOM. No, sir; I do not. But I ask for the consideration of a conference report.

The PRESIDENT *pro tempore*. If there is no further morning busi-

ness, the Chair will recognize the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. I ask unanimous consent to call up House bill 11197, which is merely for the purpose of removing political disabilities. There is reason why it should be passed to-day.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on Senate bill 2851. If that motion is in order I should like to have the question put.

Mr. GORMAN. I ask the Senator from Illinois to yield until this bill may be disposed of.

The PRESIDENT *pro tempore*. The Chair understands that the conference report in that case has been agreed to. The Chair recognizes the Senator from Maryland, if there be no further morning business.

Mr. CULLOM. If the Senator from Maryland will allow me, I will state that there are two provisions reported as disagreed to by the conferees of the two Houses.

The PRESIDENT *pro tempore*. The conference report was agreed to. The question is upon the disagreeing votes between the two Houses, which is not a matter of privilege.

Mr. CULLOM. I move that the Senate proceed to the consideration of those provisions about which the conferees disagreed. If there is any way of getting the matter before the Senate I should like to do it.

The PRESIDENT *pro tempore*. The Chair had recognized the Senator from Maryland first to make a motion.

Mr. GORMAN. I ask the Senator from Illinois to give way.

Mr. CULLOM. I have no objection to the Senator having the bill passed if it will take no time.

Mr. HARRIS. Do I understand the Senator from Illinois and the Chair to say that the conference report heretofore made on the interstate-commerce bill has been agreed to by the Senate?

Mr. CULLOM. Those provisions of the conference report about which the conferees agreed were agreed to by the Senate.

Mr. HARRIS. Has either House asked for a further conference?

Mr. CULLOM. Yes, sir.

Mr. HARRIS. Which House?

Mr. CULLOM. The House of Representatives asked for it.

Mr. HARRIS. Then I think the only thing for us to do is to grant the conference asked for by the House of Representatives and let the Chair appoint the conferees. I do not think it is a proper subject for discussion before the Senate in the present stage.

Mr. PLATT. May I ask permission of the Senator from Maryland to state my recollection of the matter?

Mr. GORMAN. Certainly.

Mr. PLATT. The Senate conferees disagreed with the House conferees as to two propositions, agreed with them as to the other propositions, and reported accordingly. In the House the report of the House conferees was agreed to. When the message came to the Senate the conference report was presented by the chairman of the conference committee, the Senator from Illinois. Pending the discussion as to whether the report should be agreed to the Senator from Ohio moved to instruct.

Mr. SHERMAN. I moved that the Senate recede from its disagreement to one amendment.

The PRESIDENT *pro tempore*. And agree to the same with an amendment.

Mr. PLATT. And pending that, as I understood, other business intervened and the whole matter went over. I do not know what the record will show.

Mr. HARRIS. Let the Journal be read and let us see exactly what the status of the conference report is.

Mr. REAGAN. The Senate adjourned upon the motion of the Senator from Ohio that the Senate recede from its disagreement to the third amendment of the House.

Mr. CULLOM. The Senate was considering the question of receding from its opposition to the House amendment when the Senate adjourned.

Mr. HARRIS. The Journal must fix the status of the report. Let us see what the Journal shows.

Mr. CULLOM. That is very proper to be done. My impression was that the conference report was regularly before the Senate.

The PRESIDENT *pro tempore*. There is no conference report before the Senate. The conference report was made to both Houses and agreed to. The conferees reported a disagreement between the two Houses upon amendments numbered 3 and 7 to the bill. Those are open questions between the two Houses. The Senator from Ohio has moved that the Senate recede from its disagreement to amendment numbered 3, and agree to the same with an amendment. That matter was pending before the Senate, and was superseded by the resumption of the consideration of the unfinished business when the Senate adjourned.

Mr. CULLOM. Does the Chair hold that if the conference report was agreed to that motion was regularly before the Senate and could be considered?

The PRESIDENT *pro tempore*. It was regularly before the Senate, but was superseded before the adjournment by the resumption of the consideration of the unfinished business, being the resolution offered by the Senator from Massachusetts [Mr. HOAR], which comes up at 2 o'clock.

Mr. CULLOM. If I knew what motion to make to get this bill before the Senate——

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Maryland [Mr. GORMAN] to move the consideration of a bill.

Mr. REAGAN. The motion of the Senator from Ohio, that the Senate recede from its disagreement to the House amendment numbered 3, with an amendment, is the pending motion, and to that I propose to add another motion, that the Senate recede from its disagreement to the House amendment numbered 7.

Mr. CULLOM. The important thing is to get a motion before the Senate that will enable us to consider the subject at all. That is what I am for.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Maryland.

Mr. CULLOM. He yielded to the Senator from Illinois.

HENRY A. RAMSAY.

Mr. GORMAN. I ask the Senate to proceed to the consideration of Order of Business 2764, being House bill 11197.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none, the Calendar under Rule VIII being in order, the Senator from Maryland moves that the Senate proceed to the consideration of the bill named by him.

Mr. REAGAN. Before passing from the interstate-commerce bill, if the Senator from Maryland will allow me——

Mr. GORMAN. It will take but a second to pass the bill I wish considered if the Senator will allow it to go on.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill referred to by the Senator from Maryland? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

ORDER OF BUSINESS.

Mr. CULLOM. I move to take up the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, for the purpose of getting before the Senate the question of the consideration of the disagreement between the House of Representatives and the Senate on that bill.

Mr. REAGAN. If the Senator will make his motion to proceed to the consideration of the conference report, it seems to me it would be the motion in order.

Mr. CULLOM. The Chair holds that that report is not before the Senate.

Mr. SHERMAN. I think I have the floor on the pending question whenever it is taken up.

Mr. CULLOM. So the Senator has.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to proceed to the consideration of the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Ohio is entitled to the floor on the pending bill.

Mr. CALL. I object to that.

The PRESIDENT *pro tempore*. The question then recurs on the motion.

Mr. REAGAN. On what motion?

The PRESIDENT *pro tempore*. On the motion to proceed to the consideration of the bill.

Mr. SHERMAN. That is not debatable. Let the bill be taken up.

The PRESIDENT *pro tempore*. It is not a debatable question.

Mr. REAGAN. Is not a conference report a privileged question?

The PRESIDENT *pro tempore*. The motion made by the Senator from Illinois is that the Senate proceed to the consideration of the bill, the morning business having been concluded and the Calendar under Rule VIII being in order.

Mr. CULLOM. That brings up the whole subject.

Mr. REAGAN. The question I asked is whether the consideration of a conference report is not a privileged question that supersedes other questions.

The PRESIDENT *pro tempore*. The Chair understands that the committee of conference have reported and the report has been acted on.

Mr. CULLOM. The Senator will allow me to say that if the bill is taken up, that brings the whole question before the Senate as to the disagreement between the two Houses.

Mr. REAGAN. Is that question debatable?

The PRESIDENT *pro tempore*. It is debatable when taken up. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

ROBERT M'NUTT.

Mr. WILSON, of Iowa. I ask the Senator from Ohio and the Senator from Illinois to yield to me, that I may call up a bill that will take but a moment.

Mr. CULLOM. If there is any debate I shall object.

Mr. WILSON, of Iowa. There will be no debate.

Mr. CULLOM. I will yield if it takes no time in discussion.

Mr. WILSON, of Iowa. I ask unanimous consent to call up Order of Business 2784, being House bill 157.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the Senate may now proceed to the consideration of the bill (H. R. 157) correcting the military record of Robert McNutt. Is there objection to the present consideration of the bill?

Mr. REAGAN. That is merely temporarily laying aside the interstate-commerce bill.

Mr. CALL. I ask consent to say that there was unanimous consent given yesterday that at the conclusion of the three hours devoted to the Calendar the bill known as the bill to reimburse the State of Florida for expenses incurred in suppressing Indian hostilities should be taken up for consideration. I do not desire to lose the advantage of that unanimous consent, and I will ask the Senator from Ohio, who has given way to the Senator from Iowa, if he will not allow this bill to be considered now.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill proposed by the Senator from Iowa [Mr. WILSON]?

Mr. CULLOM. I do not object if it takes no time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 157) correcting the military history of Robert McNutt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the third and seventh amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. SHERMAN. Mr. President, the third amendment of the House disagreed to by the Senate seems to me so manifestly just that if I can get the attention of the Senate directed to the point in controversy I believe it will approve of the amendment and in that way secure the immediate passage of this important bill.

There are two amendments to this bill not disposed of by the conference committee, one of which I shall comment upon in a moment, and the other gives to the State courts jurisdiction in certain cases of matters arising under the interstate-commerce law. I am not prepared to give any opinion upon the second amendment except to express the general belief that in all questions of internal commerce local in character the State courts may properly be intrusted with the enforcement of national law.

There never has been any difficulty growing out of the jurisdiction given to the State courts in suits in which national banks are interested, and I do not believe there will be any serious difficulty in conferring upon the State courts jurisdiction in respect to the matters of interstate commerce, reserving, however, the right to appeal to or transfer those cases to the courts of the United States.

But the amendment I have to deal with seems to me manifestly just. This amendment put on by the House of Representatives declares:

That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

So simple a proposition as that, one would suppose, would be acceded to without question, because it only prescribes a rule of equality, a rule of equity that whether oil is carried in cars called tank-cars or is carried in barrels in box-cars on the same railroad train, the cost of carrying it whether in the one kind of vehicle or the other should be the same, and the shippers should have equal rights and facilities in the transshipment of oil.

But it has so happened—perhaps my State is more deeply interested than any other—that a powerful corporation has grown up, which I have nothing to say against, that desires and seeks to obtain a monopoly of the oil-carrying and oil-producing trade. One of the methods by which it seeks to accomplish that purpose is by building tank-cars of an expensive character in which oil is transported.

Those tank-cars are furnished by the oil company, owned by it, and organized as an equipment company to furnish different railroads, but to be used only by the oil company. In this way the oil company get such an advantage over all other producers and shippers of oil as to defeat the general purpose of the interstate-commerce law, which declares that all shippers shall be treated alike.

This company, under the name of the Standard Oil Company, has such means that it is able to provide not only cars but if necessary to buy railroads outright, to absorb and monopolize all kinds of industries connected with oil producing and oil refining. It associates itself with other corporations and other monopolists in various forms, combining in one great management or trust probably fifty or one hundred different corporations. Some of these become equipment companies to furnish cars for railroads, and as they alone can build these cars they are furnished to a common carrier upon the condition that no other shippers shall use them.

They have the complete and absolute monopoly of this business as perfectly as any monopoly that can exist. I do not complain of this company. I have no desire to arraign them simply because they seek to get by their superior management and capital an advantage in trade and in this way absolutely to crush out and break down all forms of opposition.

Mr. President, in the first place I say that no railroad company is authorized by the general principle of the law of common carriers to hire any car or mode of transportation that is not free and open to all alike. This is opposed to the very basis and foundation of our interstate-commerce law.

If that can be violated in one case it may break down the rule of equity in all cases. I am in favor of the general principle asserted in this law, that every railroad company shall be required to furnish the same facilities and the same cars and the same mode of transportation to all alike, whether it be to a poor shipper or a rich shipper, that it shall treat them alike, and that it shall not give to a corporation having unbounded and unlimited capital the right to furnish it with cars, and in this way escape from the universal law applicable to all common carriers; that they must treat all alike, and carry for the rich and for the poor upon precisely the same terms and conditions.

But by this device of organizing companies outside of the common carrier, calling themselves equipment companies or shipping companies or shippers, they are enabled by their patents or superior wealth to furnish to the railroads cars upon condition that those cars shall only be used for them. There is no rule of equity in this; there is no rule of justice in it. It breaks down the whole law of common carrier from turret to foundation-stone. If this principle can be adopted as the law, then every shipper will seek to gain an advantage by furnishing his own car, a duty which the law imposes upon the common carrier.

Now, with regard to express companies and the like, this amendment does not affect them in the least, because the express companies when they put their car upon a line of transportation are bound by the law of common carriers to carry for all alike, and neither the Adams Express Company nor the United States Express Company nor the American Express Company can violate that law any more than a railroad company can.

But, sir, if the principle I am contending for is not correct, then the Adams Express Company can put on their special cars and can discriminate in favor of shippers, although that is now denied to them. If the great and powerful corporation to which I allude is able to furnish to the railroad companies cars specially adapted for its use and upon condition that they shall be exclusively used for the work of this one shipper, then there is established a monopoly which crushes out everybody that is engaged in the same trade.

Mr. President, just that state of things is existing in the State of Ohio. It exists also in several other States. The Standard Oil Company, by its various machinery and its organized associated companies, does furnish what are called tank or cylinder cars for the transportation of its own oil and nobody else's. The railroad companies do not furnish to other shippers the same facilities, and why? They say, "We can better afford to give this business to the Standard Oil Company because that company is strong enough and powerful enough to hire its cars, and it saves us the expense of building cars," and therefore it gives a great advantage to one shipper—it practically gives a monopoly to one shipper.

It is not for the railroad to say, "We can not afford to buy these cars." It is the business of the railroad not only to furnish the track but to furnish the car. Nobody denies or doubts that. The railroad companies acknowledge that duty. They do furnish cars and they furnish cars to various persons. This amendment as it now stands declares that where any company ships oil on tank or cylinder cars owned by themselves on which nobody else can carry oil, if a railroad company transports oil in that kind of cars, it shall furnish the same facilities in other cars furnished by the same railroad to carry the oil of other shippers.

The railroad company may say, "We can not afford to buy tank-cars or cylinder-cars." Then all that this amendment says is, "If you can not do it and furnish to the small shippers the same cars the large ones furnish to themselves, you shall transport the same number of gallons in barrels over your road for the same price and upon the same terms and conditions that you charge a shipper who furnishes his own exclusive car"—the same price for the same quality of oil, the same kind of property.

Mr. HARRIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. I will, sir; certainly.

Mr. HARRIS. Suppose the carrier does carry the same number of gallons of oil for the one company and the other at precisely the same rate, but in one case it uses rolling-stock that does not belong to the carrier but does belong to the shipper; does the Senator think that it is not just and proper that a reasonable allowance should be made to the owner of the rolling-stock for the uses that the railroad company is making of it?

Mr. SHERMAN. I can answer that question. I do not deny it, and the courts, in a case to which I will refer after awhile, say that a reasonable allotment should be made to the shipper who furnishes cars for the use of those cars, but it must be a reasonable allotment, and not a discrimination.

Mr. PLATT. The amendment does not permit that.

Mr. SHERMAN. It does. Here is the fact. Do you desire fair play between all shippers alike? The principle of the interstate-commerce law and the reason why I voted for it and have thus far supported it in all its meanderings is that it does provide one uniform rule for all alike; but if it can be evaded or avoided by one favored shipper furnishing his own peculiar car, giving him the advantage of that peculiar mode of transportation, as a matter of course it makes an absolute, conclusive, and a perfect monopoly. If you allow a powerful company like the Standard Oil Company—governed by some of the ablest men in the country; I know them and respect them, and have not a word to say against them; they are doing business to advance their own interest, as all other people do——

Mr. BLAIR. May I ask the Senator a question?

Mr. SHERMAN. I should rather not be interrupted in the middle of a sentence.

Mr. BLAIR. I will wait until the Senator concludes his sentence.

Mr. SHERMAN. I have forgotten it now; go on.

Mr. BLAIR. I would ask the Senator if he believes the Standard Oil Company or the corporations it deals with have any right to permit them to place rolling-stock upon the railroads at all? Are they transportation companies? Have they any right to transport property upon the transportation lines of the United States and thus to transfer themselves and the business of the Standard Oil Company, which is to manufacture oil, into a transportation corporation of the United States, and thus become really a railroad corporation of the United States?

Mr. SHERMAN. Let me answer that.

Mr. BLAIR. If the Senator will permit me, there is the radical difficulty about all this business, and I should be very glad to see the Senator's great powers of mind directed towards it.

Mr. SHERMAN. If the Senator had been here he would have heard me in the outset of my remarks state distinctly that I did not believe that any company ought to be allowed to furnish rolling-stock for a railroad company, that it defeats the object of the law. I do not wish to be interrupted in my argument. I have already prepared, and it is lying on the table of the Senate, a proposition that cuts this thing up by the roots, and I tender it to the chairman of the Committee on Interstate Commerce. If he will take this general, broad rule contained in my amendment and put it on as a substitute for the House amendment it will correct all these evils. I will read it:

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

Now, let us take a case. In this particular case there is a company organized as one of the subordinate agents of the Standard Oil Company. It is really what is called an equipment company. It furnishes a peculiar kind of car to the railroad company, which is a common carrier bound by law to treat all shippers alike, and yet this car is leased to this common carrier upon the express condition that nobody shall use that car running over the highway of the nation except one particular person or corporation.

I say that practice ought to be pulled up by the roots, and that no company, whether it is called a construction company, an equipment company, or by any other name, ought to be allowed to furnish any vessels or cars to a railroad company unless they are dedicated to the common use of the whole people.

Mr. MITCHELL. May I ask the Senator from Ohio a question in reference to this proposed amendment?

Mr. SHERMAN. Certainly.

Mr. MITCHELL. If this were adopted and should become part of the interstate-commerce law, I ask if it would not place it in the power, by the permission of law, of any railroad company to refuse to carry cars not owned or controlled by that company.

Mr. SHERMAN. Not at all.

Mr. MITCHELL. Why not under the conditions specified in this amendment?

Mr. SHERMAN. It does not read so at all. There are equipment companies formed all over this country. There are hundreds of them now. It is a favorite way by which railroad companies seek to evade and avoid their duty of furnishing cars, sometimes, it is said, because they are not able to do it. Sometimes some of the strongest companies in the United States that command millions and hundreds of millions of dollars of capital hire their cars from equipment companies. If they hire their cars and run according to the common law of carriers to treat all people alike, nobody would object.

It does not make any difference to the shipper whether his load is carried upon a hired car or a car owned by the railroad company, but when the car is placed upon the railroad tracks it is then placed upon a government institution, either of the State or the nation, and the railroad is an agency of government, built by permission of the government, and ought to be controlled by the government; and then when a private company or any corporation puts a car on that track it is subject to the law of the road. Suppose under the old stage-coach system——

Mr. STEWART. I should like to inquire of the Senator from Ohio——

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Does the Senator from Ohio yield?

Mr. SHERMAN. I prefer not to do so. I merely read the amendment for information. I have not offered it yet, but I think it is the right thing to do.

All I want now is to secure to my own constituents, men who are engaged in an humble way in trying to develop the oil industry of the country, a chance to refine their oil; men who are comparatively small shippers and who want the use of the common roads of the country on the same terms and privileges that their rivals and competitors have. All they ask is not injustice, not inequality, but they demand that they shall have the same facilities.

If this oil must be carried in tank-cars let them have the same use of these cars put upon the common highway as the Standard Oil Company. Do not give to the Standard Oil Company because it can buy cars and buy railroads—sometimes it is said they can buy everything——

Mr. GEORGE. And buy railroad decisions, too.

Mr. SHERMAN. I say it is not fair, it is not just, it is not right to give to these men on account of their power to become construction companies or equipment companies, or anything else that you may call them, to control the ordinary law of the road and to give an advantage and a privilege to oil carried in their tank-cars or in their cylinder cars as against the common transportation furnished by men engaged in the same business in a more humble way in barrels made by the coopers of the country.

Why, Mr. President, it seems so plain and clear a proposition that when it was adopted by the House I supposed it would be at once adopted here. The principle of justice underlying this proposition has been maintained by the Interstate Commerce Commission in a very valuable decision made by them in the first volume of their reports, a decision of marked ability by the chief of that commission, Judge Cooley.

I do not intend now to quote it, except to state the syllabus of it. I find it better stated in their report recently sent to us than I could state it, and I will give the syllabus of the decision, the substance of which I should like to see carried out and applied in this amendment. The English law is much more perfect and much more broad and comprehensive than our law, but I have no doubt we are progressing in the same direction.

In the case of George Rice against the Illinois Central Railroad Company and others the commission says:

When for a special traffic, *e. g.*, the transportation of petroleum oils, a carrier provides rolling-stock for one method, but does not provide it for another for which it publishes rates, but the shippers are expected to provide the same, the terms on which such rolling stock is to be provided should be uniform and be published with the rate-sheets, and can not lawfully be left to be the subject of bargain and of different terms in the case of different shippers.

It is properly the business of a carrier by railroad to supply the rolling-stock for the freights he offers or proposes to carry; and if the diversities and peculiarities of traffic are such that this is not always practicable, and consignors are allowed to supply it for themselves, the carrier must not allow its own deficiencies in this particular to be made the means of putting at unreasonable disadvantage those who make use in the same traffic of the facilities it supplies.

There is the nut and germ of the whole thing. Here these railroad companies furnish to the Standard Oil Company certain rates and charges if they carry oil in their own cars furnished by them, upon an agreement that no other company and no other shipper shall have the use of these cars, and the rate furnished by shippers who have to ship in barrels is higher.

But it is sometimes said, "Why do not these other shippers furnish their tank-cars?" We might as well say, if complaint is made against a railroad, "Well, then, why do you not build a railroad?"

It is just as bad for a man worth $20,000, carrying on a reasonable business, to say to him, "Well, why do you not furnish tank and cylinder cars?" He will answer you that he can not do it, and the actual evidence shows that when some of these men undertook to get tank-cars of their own construction to carry oil in competition with these great rivals, they found that their rivals were protected by patents in some cases, and in some cases that manufacturing companies could not afford to get the ill-will of this great and powerful corporation by building cars for anybody but the company who furnished the demand for the greater number.

These commissioners have touched the very kernel of this proposition. It is the duty of the railroad companies to furnish cars. If they do not do it it is because they want to have cars furnished to them for nothing, and thus enable a particular shipper to have an advantage over all other shippers.

The other men, the smaller dealers, manufacturing oils, etc., have to buy barrels; they have to go to the cooper and buy them. Each barrel would probably have 50 gallons in it. They have to use them, and they roll them on the car.

It is sometimes said that when more business is done for one shipper the railroad company should be allowed to charge more favorable rates. I admit that as a general rule, unless this discrimination is caused by the neglect of a common carrier to furnish cars alike to all, they can not take advantage of their own wrong because they neglect to perform this primary duty of a common carrier. They should, therefore, impose such terms and conditions as will make the shipment in any other kind of car impossible.

Mr. President, this amendment of the House of Representatives simply says that if they carry oil in tank-cars, well and good, they may allow to the shipper a reasonable rate for the use of the car, or if the tank-cars are furnished by the railroad company they must furnish them to all persons alike, and on the other hand if in competition with the Standard Oil Company the other shippers are compelled from the necessities of the case and their inability to buy tank and cylinder cars, so that they may stand as equal rivals with this great corporation, then the common carriers must carry the oil in barrels as cheaply as they carry oil in tanks. The tank on the car or above the car or part of the car weighs more than all the barrels containing the same number of gallons of oil. That is shown by the testimony in this particular case.

Sometimes it is said that it is more costly to handle the oil in barrels than the oil in tanks, but that is avoided by the railroad company requiring all shippers who hire a car and transport by car-loads to load and unload, and if the transportation is carried in the form of barrels, the shipper must load and unload if he charters a whole car. That is the law of all the railroads, and the same law applies to the tank-cars.

Mr. President, there is that justice at the bottom of this proposition, placed here by the House of Representatives. that, if disregarded, will practically give to a single corporation in this country the absolute control not only of the exploring and obtaining and refining in all its various parts of the petroleum of our country, but give them the absolute monopoly in transporting it to every part of our country.

It is sometimes said still the price goes down. So it does. I believe that this great corporation is managed with as much ability and as much care for the public interests as any such corporation could be; but, after all, the only safety in this country is to have plenty of competition, to invite and encourage this competition by the humbler and feebler persons engaged in this traffic, and this amendment will tend to do that.

If this amendment is not adopted and the principle that is now carried out and must be carried out without the aid of some legislation shall be continued, then it must be expected that the entire traffic in this great product of nature, one of the most remarkable discoveries of modern times, will be absolutely controlled by five or six men. Then when the control is absolute, they are better than human nature has ever furnished if they do not then begin to advance the price and add to the enormous profits that have been confessedly made by this great corporation.

I have no purpose to interfere with them if they will only treat other shippers fairly and put them on a footing of perfect equality. If they want to become an equipment company and will put their tank-cars on and allow everybody else to use them on the same terms and conditions which they themselves do on the payment of a fair and reasonable charge, I have no objection; but when their overgrown and overpowering wealth is the means to drive out of this humble competition such men as those represented in these lawsuits, then I say it is unjust, and my sense of equity rebels against it.

I do think, therefore, that the adoption of this amendment would be wise in every sense of the word. If they choose to furnish cars let them furnish to all alike.

Sometimes it is said, "Why, it is unreasonable to ask these shippers to furnish these cars for somebody else to compete with them." When this shipper becomes a manufacturer of machinery for railroads, a manufacturer of cars, it then is no longer an oil refiner or an oil transporter, but it becomes then a manager of railroads, an owner of railroad cars, and stands on a different footing; and when the shipper puts his cars on a road they ought to be subject to the law of the road. There is no other rule which can be adopted.

Now, Mr. President, give to these shippers the enormous advantages of wealth, the great power that has gradually stricken down one after another of all those engaged in the competition, and what will be the result? Without these special privileges furnished by the construction of the law they have advantages enough, God knows, in the struggle for trade in this great product of nature. Let them have it. I see no way to avoid it. Capital and skill and power and organization will tell in any business, and in that way no doubt many of these great business firms are built up, but the law should see that the impartial scale should be held up in the eye of the world, and if the advantages come by capital and skill that the law at least is blind to wealth and power.

Give all an equal chance. If they want to furnish their cars and become an equipment company, let their cars obey the law of the road and be hired out by a common carrier to any man who wants them.

Besides that, here is another great advantage they have. They cross railroads and county roads and township roads; they cross farms, invade the whole community for 300 miles to build a pipe-line running from one point to a great city 300 miles away. They use the land of thousands of farms, the highway of every passenger, to build these pipe-lines, and then they use these tank-lines for their sole and only use, excluding their competitors from the use of the same privileges, although these privileges are the grant of a corporation under State law.

That ought to be corrected among the various things that are coming from time to time in this country that ought to be attended to. When any man or any set of men build a pipe-line to transport their products from one point to another they should be required to transport anybody else's products over that same line at a reasonable rate and price. That is not any part of their business. Their business is producing and refining oil, not transporting it; and when they engage in the business of transportation, although they call themselves an oil company, they must be subject to the laws of transportation, which always are just and equal and fair and will give to the cart of the poor laborer going by the roadside on Pennsylvania avenue or on any of the great streets of our cities the same right of way that is given to the most gorgeous equipages found in our streets, and so it must be given in all these great commercial transactions, especially in transportation where it is from State to State over roads that owe their life and existence and all their privileges to corporative power and to legislative will.

There must be justice, there must be equity in these transactions between the rich and the poor, between the great corporation and the humblest dealer in oil, the poor refiner who disposes of eight or ten barrels a day in his humble occupation and hauls it in home-made cooper barrels to the railroad to be transshipped to some distant place, must be treated on the same plane of equality as this giant corporation now dealing with some thirty millions of barrels a year.

Mr. STEWART. The problem of civilization depends upon organized effort. Individuals can do but little. Government is an organized effort, and all partnerships and corporations must necessarily be organized efforts. Co-operation is the foundation of all efforts for developing the resources of the country and contributing to the happiness and comfort of man.

We are very liable to confound legitimate associations, which do so much to bless mankind, with the inconveniences that grow out of them in the way of monopolies.

This amendment affords a very good illustration of the dangers of interfering with enterprise. It is proposed to require railroad companies to carry oil freights as cheaply in barrels, where they have to load and unload, as they carry them in tank-cars prepared especially for the purpose. These tank-cars are a great improvement. They greatly cheapen the product to the people. There is no doubt about that.

It is complained that in using tank-cars the price of oil is reduced so low to the consumer that competition is destroyed. It seems to me that if this is so others should combine and have organized effort and still further bring down the price; but to destroy this organization (the Standard Oil Company) and prevent it from enjoying the advantages of its enterprise without building up any others, will greatly increase the price to the consumer. This must be looked after.

The amendment proposed by the Senator from Ohio which he thinks will cure all the difficulties seems to me subject to many objections. The amendment provides:

> That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

If this were passed into a law and enforced it might and probably would be construed to require the railroad companies to convey oil or any other product as cheaply on its own cars as it would carry it on cars furnished to it, which would be a great injustice and allow nothing for the making and furnishing of the cars.

Mr. SHERMAN. The shippers can use the cars, but when they go on the road they must be subject to the law of the road.

Mr. STEWART. There is no difficulty about others going on the roads and combining to furnish their own cars. It may have made a few men rich, but in becoming rich they have undoubtedly reduced the price of oil to the consumer beyond what anybody ever anticipated.

Then there is another suggestion made by the Senator from Ohio, that the pipe-lines should be used in common. That is a practical impossibility. It would undoubtedly mix the oil passing through the same pipe-lines. It does not appear to me that they could belong to different companies and avoid confusion.

Mr. SHERMAN. My friend will allow me to suggest that they

take all the oil in their neighborhood and convey it in the pipe-line just like putting wheat into a warehouse.

Mr. STEWART. These pipe-lines certainly go very far and are very useful in reducing the price of oil to the consumer, and have been a great boon and have accomplished a great purpose. There is no difficulty in others doing the same. Whenever a combination is formed which is exclusive and prevents others from doing the same thing, then it ought to be looked into. In the case of a railroad company that occupies the entire space, and where there is no chance for another railroad company, if it discriminates it is necessarily a monopoly; but I do not see any difficulty in any number of persons having oil combining together and furnishing cars, and thus further reducing the price.

It seems to me that would be enterprise, and it is improper and unnecessary to legislate for the purpose of destroying enterprise. It ought rather to be encouraged, and I should favor legislation that would encourage it. If there is any difficulty in others combining and having these cars, and the railroads refuse to treat them all precisely alike, then that ought to be met speedily by legislation; but to break down the enterprises that exist without providing for others is a step in the wrong direction.

I know nothing about the Standard Oil Company except the general fact that they have accomplished a great good for the country in reducing the price of oil, and by their enterprise it is reported that they have gotten very rich. If they have done so, it seems to me the other oil producers would do well to do likewise.

The more restrictions you put upon enterprise the more difficult you make it, the more you enhance the price of commodities to the consumer. It seems to me this is going too far, and that if this matter is to be dealt with, if the railroad companies are not acting fairly, if they do not treat all shippers alike, give them the same privilege to put their cars upon the line and carry them—if there is any discrimination of that kind it ought to be speedily met; but to say that these privileges shall not be granted to enterprise because others are not willing to combine and be enterprising likewise it seems to me is going too far.

I do not sympathize with legislation that trammels business, makes it criminal, and punishes it with fines and imprisonment. I think there is too much of a tendency that way, and there is not sufficient tendency to pass laws under which new enterprises may be organized and the country benefited. I believe in co-operation. The productive power of co-operation is immense. The production of labor and enterprise in each year replaces all the fixed capital. The fixed capital of this country would not support the inhabitants of the United States for a single year, and those who have the art to combine for the purpose of cheapening the necessaries of life to the people, it seems to me, ought not to be prevented, and there should be further laws passed to allow others to do it, and if there is anything in the law which hampers enterprise and prevents others from competing let it be amended and let the attention of Congress be directed to that purpose.

I think the provision of the amendment under consideration, if passed into a law, will work great injustice and is a step in the wrong direction. If a proper bill can be prepared which will give all producers of oil the same chances that these have, which will open the door of enterprise to them the same as it is to the Standard Oil Company—if there is any discrimination in our laws in their favor—I would vote for such a bill very gladly; but to tear down this without providing to build up any other, and force the oil producers to carry their oil in barrels and casks, as they formerly did, at a great additional expense, and break up the pipe-lines and double or treble the price of oil, it seems to me it is not the province of Congress to do. It is not just, it is not called for, and it is not legislation for the benefit of the people.

There are many monopolies in this country which ought to be abolished, but they must be abolished by the people and not by Congress. No combination can be formed in this country the power of which can not be limited by the power of the people if they will co-operate. For example, the great beef combination which makes that necessary article of food so dear in many cities, and particularly in Chicago, is entirely within the power of the people to abolish or limit so that this combination may be useful instead of oppressive. Suppose one thousand consumers of beef in Chicago would form a co-operative association and each contribute $10, making a capital of $10,000 to start with, and one or more of their number would buy and supply them with beef, what power would the monopoly have to injure these contributors? This can be done in every business or trade, and the attention of the people ought to be directed to this mode of restraining monopolies. Co-operation and competition are the remedies. I prepared and introduced a co-operation bill at the last session of Congress which is now pending before the Committee on Education and Labor. I believe if it could be enacted into law it would do more to mitigate the evils of monopoly than all the criminal statutes against enterprise which can be invented by the genius of man.

COMMITTEE ON ENROLLED BILLS.

Mr. JONES, of Nevada. I ask leave to make a report. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably and with an amendment a resolution yesterday submitted by the Senator from Colorado [Mr. BOWEN], which I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Enrolled Bills be, and are hereby, authorized to employ a clerk during the remainder of the present session at a compensation of $6 per diem, to be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Does the Senator desire immediate action on the resolution?

Mr. JONES, of Nevada. I ask for present action.

The Senate proceeded to consider the resolution.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, before the word "clerk," to strike out the article "a" and insert "an additional;" so as to read: "An additional clerk."

The amendment was agreed to.

The resolution as amended was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased;

A bill (H. R. 834) for the relief of the heirs of John H. Newman;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes;

A bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases;

A bill (H. R. 11165) for the relief of Mary Gray, widow of John Gray; and

Joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri.

HOUSE BILL REFERRED.

The bill (H. R. 2070) for the relief of Arno Voss was read twice by its title, and referred to the Committee on Claims.

PUBLIC BUILDING AT FORT WORTH, TEX.

Mr. COKE. I ask the Chair to lay before the Senate the message from the House of Representatives in regard to the bill for a public building at Fort Worth, Tex.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1974) for the erection of a public building at Fort Worth, Tex., which were, in line 9, to strike out "one hundred and thirty" and insert "seventy-five," and in line 12, to strike out "twenty" and insert "forty."

Mr. COKE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the amendments of the House of Representatives numbered 3 and 7 to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. REAGAN. Mr. President, I desire to submit some observations in support of the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate recede from its disagreement to the House amendment numbered 3.

The PRESIDING OFFICER (Mr. HAWLEY). The Chair does not know that two motions of that character can be pending at the same time. The Senator from Ohio has moved that the Senate recede from its disagreement to the amendment of the House numbered 3. If no Senator makes objection——

Mr. CULLOM. I suppose the Senator can make the motion after this is disposed of.

Mr. HARRIS. The pending motion is to recede from the disagreement to House amendment numbered 3 and agree to the same with an amendment. Now, it is perfectly competent for the Senator from Texas to debate both amendments that he suggests, but not more than one motion can be pending at the same time.

Mr. CULLOM. The Senator is proposing to debate the question in relation to the jurisdiction of the State courts as well as the one pending.

Mr. HARRIS. It is legitimate for him so to debate, but that motion is not pending at this time.

Mr. REAGAN. I will submit the motion at the proper time.

The amendment under consideration is to add to section 6 of this bill:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition

that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

The proposition submitted by the Senator from Ohio I ask permission to read now. It is as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the regular order, being the resolution submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. CULLOM. I ask that that be informally laid aside until the pending matter is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. GORMAN. I hope the Senator will move to postpone the consideration of that resolution.

Mr. CULLOM. Let it be laid aside until this bill is disposed of.

Mr. GORMAN. I think it interrupts the business of the Senate, and it is due to the Senator from Virginia [Mr. DANIEL] that the resolution should not be taken up in this way. The Senator from Virginia has the floor upon it, and I move that it be postponed.

The PRESIDING OFFICER. The Chair does not hear the Senator, and he supposes that the Reporters can not hear him.

Mr. GORMAN. I move that the resolution be postponed.

Mr. CULLOM. I hope the Senator will not insist upon that motion now. The mover of the resolution is not in the Senate, and I think it will lead to discussion, and perhaps to delay, in the consideration of this bill.

Mr. GORMAN. I have no objection if there can be an understanding that the resolution shall not come up in the absence of the Senator from Virginia. It is due to him that it should go over to-day. Let us have that understanding and not keep him waiting here. He has the floor on the resolution. If it can be understood that it shall not come up to-day I will not object.

Mr. FRYE. I do not think there is the slightest danger of it coming up or of any further discussion on it very soon.

Mr. GORMAN. With that understanding I shall not object.

Mr. SPOONER. What is the resolution?

The PRESIDING OFFICER. The resolution, which is the regular order, is the one submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. SPOONER. In the absence of the Senator from Massachusetts that resolution ought to be informally laid aside.

The PRESIDING OFFICER. That is the suggestion of the Senator from Illinois. There is no motion pending.

Mr. GORMAN. I have no objection, with the understanding that the resolution shall not come up in the absence of the Senator from Virginia during the remainder of the day, as he is entitled to the floor.

Mr. CULLOM. I have no objection to that. I have no idea it will come up.

The PRESIDING OFFICER. There being no objection, the regular order is informally laid aside during the pendency of Senate bill 2851.

Mr. REAGAN I also read a paragraph from page 93 of the ruling of the Interstate-Commerce Commission in the case of Rice against the railroads bearing on the principle in question, as follows:

In the case against the Louisville and Nashville Railroad Company order will be entered that the defendant do forthwith cease and henceforward abstain from the unjust discrimination found to exist in its charges for the transportation of petroleum oils as between shipments in barrels and in tanks, and from making any higher charge by the hundred pounds for the transportation of the oils in barrels, including the barrels, than it makes or shall make, contemporaneously, for the transportation of the like weight of the oils in tanks.

What are the facts on which this ruling depends for its correctness?

The product of petroleum in this country is about 27,000,000 barrels, 4,000,000 tons weight, per annum—equal to 1,350,000,000 gallons.

An average barrel of oil is 50 gallons, and weighs 400 pounds, the oil 325 and the barrel 75 pounds.

The Standard Oil trust, by reason of its great wealth, makes and owns the tank-cars in which it transports its oil, and it provides at great cost its terminal facilities.

Without stating exact amounts the Standard Oil trust refines, it is supposed, more than three-fourths of all the petroleum of this country. It owns anequal proportion at least of all the tank-cars in the country. The smaller refiners are not able to build and supply themselves with tank-cars and costly terminal facilities. An equal rate per 100 pounds for oil in tanks, excluding the weight of the tank and in barrels, including the weight of the barrel, is to require the shipper in barrels to pay as much for the transportation of 325 pounds of oil as the shipper in tanks pays for 400 pounds, thus making a discrimination of about 20 per cent. in favor of the one who ships in tanks. The justice of the proposed amendment and the necessity for the modification of the rule on this subject, as given by the Interstate Commerce Commission in the case of George Rice against the railroads, will appear more fully as I proceed.

The necessity for legislation to prevent discriminations of this kind was shown by the Interstate Commission on page 15 of its first annual report, in which it is said:

It is well known also that the transportation of mineral oil is already to a very large extent in tank-cars owned by parties who are not carriers subject to regulation under the act to regulate commerce. A willingness to disregard the rules of equality and justice as between shippers when it can be made for the interest of the carriers to do so is as likely to make its appearance in the action of the managers of any one of these outside organizations as in that of the managers of the railroads, for the temptations will be the same and the same class of persons will be bidding for special privileges and advantages which before the act was passed prospered so unfairly upon railroad favors. The act has not changed the nature or the grasping disposition of individuals; it has only interposed certain restraints, which it is reasonable to assume will be evaded if the opportunity shall be presented.

These facts are noted for the purpose of placing the whole subject distinctly before the national legislature. If it is the will of Congress that all transportation of persons and property by rail should come under the same rules of general right and equity, some further designation of the agencies in transportation which shall be controlled by such rules would seem to be indispensable.

To attain the ends of justice and fairness the legislation of the country ought to require the railroad companies to adopt one of two lines of policy. First, that they should furnish the means of transporting over their roads all the merchandise presented on equal terms; or, second, that they should cease to be common carriers, and should allow all who would do so to run cars and carry freight and passengers on their roads.

I may observe here that it was the policy adopted in the very early stage of the construction of railroads, to lease to carriers the privilege of running their own cars over the lines, but that policy has been discarded.

The companies should not be permitted to carry for some and allow others to carry their own products over their roads.

That is simply a restatement in another form of the position stated by the Senator from Ohio which is fully warranted by the best opinion on this subject and by the legislation of different States and countries. The first is the plan adopted in this country. The second has been discarded, and our American railroads are, by law and in common practice, common carriers for hire, and charged with all the duties of common carriers.

The railroads provide only one method for the shipment of oil, that is, in box-cars, for the smaller refiner of oil, thus forcing him to accept barrel rates, with which he is unable to compete with the Standard Oil trust, using tanks. On this subject I read from the opinion of the Interstate Commerce Commission in the case of Rice against the railroads, page 43. It is said, and I beg the attention of the Senators to it, because it bears directly upon this question, that—

The most important question that arises upon the assumptions made as the basis for this argument is, whether there are in fact two different modes of transportation which are offered, with their corresponding rates, equally and impartially to all shippers alike, and which it is possible for the class of persons usually engaged in the traffic freely to choose between. If no such offer is in fact made we have no occasion to follow the reasoning of the argument.

Unless we wholly misapprehend the real situation, when the rate sheets of these defendants are presented to the class of persons usually engaged in the traffic, the assumption that two different modes of transportation are offered to them equally and impartially is baseless.

It is to this point that the minds of a number of Senators turn, and hence I beg their attention to the statement of the commission on that subject:

No one of these defendants offers two modes of transportation in the same sense in which it offers its facilities for transportation to shippers of other commodities. Each of them supplies rolling-stock for one method only, and that one is shown to be the method on which, by their rate-sheets, the heaviest burdens are imposed. No such choice is given to adopt the other mode as would be implied from the language used in stating the question; on the contrary, an applicant for that method of transportation would be told he must furnish his own rolling-stock; and this means very much more than might seem to be indicated by this statement; it means, if he would make his business a success, that he shall supply himself with a very considerable number of cars, costing perhaps $700 each, and that he shall also have stationary tanks at the points to which his shipments are to be made.

The cost of the necessary terminal facilities which he must supply for himself we have no means from the evidence in these cases of comparing with the cost of making provision for the storage of barrels by one who adopts that method. It was testified that the terminal facilities of the Standard Oil Company of Kentucky at Selma, Ala., cost about $2,000, and at New Orleans about twenty thousand. The vice-president of the Waters-Pierce Oil Company estimates the average cost of putting up stationary tanks to accommodate tank shipments, including side-tracks, etc., to be from $1,000 to $50,000, according to the requirements of the station, except at St. Louis, where he estimates it at $250,000.

It is obvious, we think, from the facts stated, that instead of the defendants offering two methods of transportation which are open to the acceptance of all, they offer only one which is so open. The other is offered on such terms that it can by possibility be accepted only by parties who can control a considerable capital, and who will supply for themselves an important part of the means of transportation, and also supply terminal facilities. The man of small means who adopts the method of transportation in barrels cannot be said to do so of choice when the failure of the carrier to supply for the other the customary means of transportation compels him to do so.

On this point I will read further from the opinion of the commission in the case of Rice against the railroads, pages 50, 51, and 55. The extracts are somewhat lengthy, but they state the matter with perhaps more conciseness and fullness than I should be able to do, and certainly more clearly than I could do in a running argument, and the views are so important upon the point involved as to whether this amendment,

or one having the like object in view, should be adopted that I feel it is worth while to trespass upon the patience of the Senate to call their attention to what the commission say upon the subject.

The fact that the owner supplies the rolling-stock when his oil is shipped in tanks in our opinion is entitled to little weight when rates are under consideration. It is properly the business of railroad companies to supply to their customers suitable vehicles of transportation—

They refer here to the case of Railroad Company *vs.* Pratt, in 22 Wallace, pages 123, 133, supporting this view—

and then to offer their use to everybody impartially. If the varieties of traffic are such and their requirements of rolling-stock so numerous and diversified that this becomes impracticable or burdensome, so that the aid of their customers becomes essential or convenient, the supply obtained by their assistance can not with any justice be utilized by the carrier in such manner as to establish discriminations which would otherwise be inadmissible. The carrier has no right to hire rolling-stock and then allow it to be used exclusively by one class of persons on such terms as will drive out of business those who are compelled to use its own rolling-stock in a competitive traffic. This, however, is precisely what takes place in this traffic if the rates for the transportation in barrels are considerably in excess of those which are charged for the transportation in tanks.

I have already shown that when the railroads charge for a barrel of oil of 400 pounds carried in a tank the same that is charged for a barrel of oil containing 325 pounds of oil and 75 pounds of barrel they discriminate 20 per cent. in favor of the tank transportation.

The tank cars which are furnished to the carrier by shippers, whether the use is paid for or not, ought properly to be held for the use of all; but if this is found impracticable, it is very certain and very obvious that proprietorship of the car for the use of which the carrier pays, as it generally does, can fairly entitle the owner to no special consideration in the making of rates.

And as I proceed I shall show after a little that not only this discrimination is practiced but that the owners of the tank cars are paid mileage, what the commission call trackage, at three-fourths of a cent per mile for their cars, besides getting 400 pounds of oil transported for the same price that a man transporting in barrels can transport 325 pounds of oil.

He has an advantage, arising from his ownership, in being able to control the use, but that circumstance can be no reason for extending to him exceptionable consideration which will make the advantage specially oppressive to competitors. It is, on the other hand, a very forcible reason why the carrier should see to it that its patrons who are forced to make use of such facilities as it provides for them shall not find its own want of proper rolling-stock made a ground of discrimination against them. On this point the misapprehension of the situation is very apparent in some of the arguments which have been made for the defense. The complainant, it is said, asks the railroad companies to relieve him from the consequences of his own lack of capital to carry on his business to the best advantage. He can not choose the best method, because that method requires a large outlay in capital. His competitor in business can choose it, and it is for that reason that complainant is driven out of the market. He must blame his want of capital, it is said, and not the railroad companies, for his failure.

The commission proceed:

A statement of the situation differing a little from this will more nearly present the actual facts. The railroad company not having supplied itself with the necessary rolling-stock to enable one branch of its traffic to be carried on in the way most advantageous to those who engage in it, suffers parties who have the capital which will enable them to supply the defect to put cars of their own upon the road, for the use of which it pays, and at the same time gives to such parties the exclusive use of what they supply, and also such preferential rates on the merchandise carried for them as will put successful competition quite out of the question. It is not the lack of capital to carry on the business that then proves fatal, but it is the lack of capital, in addition to what is needed in the business, to supply rolling-stock to the railroad company for his use. It would be the height of injustice for the carrier to make such a lack a ground for discrimination in rates, and then to say that the party suffering from it has no reason for complaint since the rates which are named are offered to all. The offer is exclusive in fact, whatever it may be in terms or in theory.

If a carrier of passengers were to make a uniform rate of 3 cents a mile to all who rode in the cars it provided, but, being deficient in rolling stock, were to allow owners of private cars to fill them with passengers at 2 cents a mile and be paid for the use of the cars in addition, we should not expect any one to attempt a defense of the discrimination based upon the ground that the rates were equally open to all, and that if one, by reason of lack of capital to supply himself with a private car, was unable to take the benefit of the most favorable rate, he should blame his fortune for it, not the common carrier.

The wrong in such a case would be as plain as it would be gross; but such a discrimination in the carriage of persons would be far less injurious than a similar discrimination in the transportation of property; the one would involve a small sum of money only; the other might be destructive to a business. We hold, therefore, that the fact that one consignor furnishes a car for hire to the railroad company for the transportation of his oil is no ground whatever for a discrimination in rates in his favor as against another consignor who must ship in the cars the carrier supplies. It may be a reason for limiting to himself the use of the car he furnishes, but the discrimination can not justly or lawfully go any further.

Mr. President, I call attention to the very marked manner in which these opinions of the Interstate Commerce Commission sustain the position laid down a few moments ago by the distinguished Senator from Ohio, and I call attention further to the fact that what I have just read from the opinion of the commission entirely answers and overthrows the idea that because all men are not able to build tank-cars, the smaller refiners, who are unable to build them, should be placed at a disadvantage by discrimination which results in driving them out of business and leaving a monopoly of the transportation as well as the refining to the Standard Oil trust.

If we accept the correctness of the statements I have read from the first annual report of the commission as to the necessity of legislation, and what I have just read from their opinion in the case of Rice against the railroads, describing what they term the real situation, it will be found difficult to resist the conclusion that the proposed amendment numbered 3 or some other provision should be adopted to prevent the Standard Oil trust, in combination with the railroads, from crushing out of existence all the small refiners and securing to themselves a complete monopoly of this immense business of refining, transporting, and selling mineral oils.

It may be as well here as elsewhere to discuss the question of the relative danger of transporting oil in tank-cars and in barrels. One of the arguments used against this amendment is that the danger of transporting oil in barrels is much greater than the danger of its transportation in tanks, and there is some evidence to that point, but evidence, I submit, that when the circumstances are fairly taken into consideration may subject it to the suspicion of coming from interested witnesses.

On that subject I read from a pamphlet entitled "Railway Discriminations as given to the Standard Oil Trust," pages 7 and 8 and on page 19:

John S. Wilson, general freight agent of the Pennsylvania Railroad Company (the highest authority we have), testifies before the commission on January 23, 1888, that he would rather carry powder than oil in tank-cars, and that the shipment in barrels is preferable. Hear him:

"I think, altogether, it is the most undesirable business we do, the carriage of oil in tank-cars. There is no stopping it when it once starts. We had a smash up at New Brunswick. We came in collision there with a line of tank-cars, the oil got on fire, and I think it ran two squares, got into a sewer, ran burning a square or two more, ran on the canal, which was then frozen over, followed the ice a square or two beyond, and besides our own losses we have already paid nearly $500,000 for the destruction there. I regard it as worse than powder to carry. The bridge at New Brunswick was burned down, which cost us two or three hundred thousand dollars, besides nearly half a million paid out for outside destruction.

"We might run for ten years and by good luck have no serious accident, whereas on the other hand we might strike another case like that at New Brunswick and lose more money than we would make on carrying oil for ten years. I would rather carry anything else than oil in tanks.

"The movement in barrels I have always considered preferable for two reasons. First, we load barrels in a car that will carry a return cargo. There are no back loads for a tank-car. For stock and box cars we can load back and get an increased earning for the round trip. Secondly, if there comes a collision or fire, the packages being separate, we are enabled to save some of the tonnage. There is no hope of saving the contents of a tank-car if it once gets on fire. Barrels you can sometimes scatter and roll off and break them up."

These casualties and fires, picked up from the press, have occurred since Wilson's testimony, January 23, 1888:

"FREIGHT-CARS BURNED.

"PHILADELPHIA, *May* 4.

"An east-bound freight train on the Pennsylvania Railroad, consisting of three oil-tanks and fourteen loaded freight-cars, was almost totally destroyed by fire at Wayne Station at noon to-day. The accident was caused by the derailing of one of the oil-tank cars, which immediately caught fire and spread to the others. Some of the freight was saved, but, on account of the fierceness of the flames, a large portion was destroyed, and the total loss to the railroad company is estimated at between $75,000 and $100,000. Brakeman H. M. Chromister, of Harrisburg, was terribly burned about the face, hands, and body, and will probably die."

"A CAR LOADED WITH NAPHTHA EXPLODES.

"DENVER, COLO., *May* 14.

"Train No. 7, known as the 'Thunderbolt,' arrived at Fountain at nineteen minutes to 3 a. m., and had only been standing a few minutes, when a caboose and some cars, the brakes of which had got loose in some way, ran down from a side-track and struck the train with terrific force. One car was loaded with naphtha, which exploded, throwing the oil over everything and setting the train on fire. The trainmen shoved the uninjured cars back from the wreck and were trying to save the depot, when it was discovered that two cars were standing on the main track that were not wrecked. The nearest one was burning and was tagged 'powder.' Shortly afterward the car exploded, completely demolishing the depot, several dwellings, and a number of cars. Three persons, one woman and two men, were killed by the explosion, and some twelve or fifteen persons were wounded, but none very seriously. There is a hole in the ground where the car stood about 30 feet in diameter and 15 feet deep. Two cars were burned, and sixteen more, together with the locomotive, were more or less wrecked. It is supposed that tramps let off the brakes from the cars."

"FIRED BY FRICTION—TEN OIL CARS SET IN A BLAZE BY A RUBBING TRUCK.

"PHILADELPHIA, PA., *August* 27.

"At an early hour this morning a serious accident occurred on the east-bound track of the Pennsylvania Railroad's main line, by which ten cars loaded with crude oil were totally destroyed by fire.

"Two tramps who were stealing a ride were so seriously burned that one at least will probably die, while the other will be disfigured for life.

"The accident occurred a short distance east of Wayne Station, and was caused by a truck under one of the oil-cars becoming loose and chafing against the body of the car until it created a blaze, which at once enveloped the oil-tank cars of the train. Travel with east-bound tracks was delayed several hours, but west-bound trains were not seriously interfered with."

Seventeen tank-cars of oil were totally destroyed and a bridge burned up on the Cincinnati, Washington and Baltimore road, and the road paid the Standard the loss of same, although one of its officers swore, in answer to a complaint in *quo warranto* (after the fire had occurred), that one of the reasons of giving the Standard low rates was because they stood all such losses.

When we hear arguments, as we shall in this case, in favor of the tank-cars because of their safety and security, I beg that this testimony from the highest authority be remembered as showing that there is more danger in the transportation of oil in tanks than in barrels.

Mr. President, as showing the great disadvantage at which the smaller refiners of mineral oils are placed by the combination of interests of the Standard Oil trust and the railroads, I propose to read an extract from a letter of Murray, Dougal & Co., addressed to Mr. George Rice, at Marietta, Ohio, and dated Milton, Pa., December 6, 1887, in which it is said:

Our financial friends state—

This seems to be in reply to a proposition to a company engaged in building tank-cars to build cars for Rice of a similar kind.

Our financial friends state that they have declined to do this mainly on account of some supposed controversy which they claim you have had with the Standard Oil Company and various railroads in the West. They feared you could not use these cars to advantage if the railroads should be hostile to your interests.

I present this to show that the makers of these cars understood it was the purpose of the Standard Oil trust and of the railroad companies to refuse to allow them to be made for the benefit of Rice and other small refiners, so as to give them the opportunity of transporting their oil on equal terms with the Standard Oil trust. It is very striking testimony that should not be forgotten in this connection.

I had intended—but I find I am occupying more time than I expected—to call attention to the ownership of the tank-cars as it appears in the evidence of several witnesses in their testimony before the Interstate Commerce Commission. It is sufficient perhaps for me to state generally that I understand from this testimony and from such information as I can get that the Standard Oil trust owned about four thousand tank-cars, and perhaps owns more now. The next owner of any considerable number of tank-cars is the Pennsylvania Railroad Company, which owns about twelve hundred of these cars. Then there are a few cars owned by some other associations, but in comparison to the whole the number is very limited and unimportant. So I shall pass from that, but I have the evidence before me showing the numbers.

This question can not be rightly understood without considering, to some extent at least, the history, the business combinations, the wealth, the power, and the practices of the Standard Oil trust. A mere taking up of isolated facts and speaking on them gives no adequate conception of the real question which is intended to be met by this amendment. It takes a more comprehensive view, and that view, to some extent as best I can, I propose to state.

Reasoning which applies to ordinary regular business methods is not applicable to this stupendous association whose briarean arms embrace a large part of the commerce and transportation of a continent.

On the 18th of January, 1872, John D. Rockafeller, William Rockafeller, H. M. Flagler, and others, holding a majority of the stock of "The South Improvement Company," made a secret contract with the Pennsylvania Railroad Company, the Erie Railroad Company, the Atlantic and Great Western Railway Companies, the New York and Hudson River, and the Lake Shore and Michigan Southern Railroad Companies, which contained the following extraordinary provisions. One of them is: They agree—

To pay and allow to the party hereto of the first part, on all petroleum and its products, transportation for it over the railroads of the party of the second part and its connections, the following rebates, and on all transported for other parties, drawbacks of like amounts, as the rebates from the gross rates, the same to be deducted and retained by the party hereto of the first part, for its own use, from the amounts of freights, payable to the party of the second part.

That is, it would not only make rebates on the transportation of oil to the South Improvement Company while charging others full rates, but would pay over to that company the difference between the amount of their reduced rates and the tariff rates in general.

They agree further:

To charge to all other parties (excepting such as are referred to in article 3) for the transportation of petroleum and its products rates which shall not be less than the gross rates above specified, and should at any time any less rate be charged, directly or indirectly, either by way of rebate, commission, allowances, or upon any pretext whatsoever, the same reduction per barrel shall be made to the party hereto of the first part, from the net rates provided for them, on all transportation for them during the period for which such reduction shall be made to others.

And it is hereby further covenanted and agreed by and between the parties hereto that the party hereto of the second part shall at all times co-operate, as far as it legally may, with the party hereto of the first part against loss or injury by competition, to the end that the party hereto of the first part may keep up a remunerative and so a full and regular business, and to that end shall lower or raise the gross rates of transportation over its railroads and connections, as far as it legally may, for such times and to such extent as may be necessary to overcome such competition; the rebates and drawbacks to the party of the first part to be varied *pari passu* with the gross rates.

It is further mutually agreed by and between the parties hereto that this agreement shall continue and remain in force for the period of not less than five years, and shall not then nor thereafter terminate until one of the parties shall have given twelve months' written notice to terminate it.

While this arrangement has now ceased to exist, I read it as evidence of the character of arrangements entered into by that corporation by which it absolutely controlled the transportation of petroleum by the five great trunk railroads and has given itself a monopoly of the transportation of mineral oil.

The freight rates and rebates allowed this South Improvement Company per 45 gallons crude were as follows:

Route.	Freight.	Rebate.
From Oil City, Union, Corry, or Irvineton to—		
Cleveland	$0.80	$0.40
Pittsburgh	.80	.40
New York	2.56	1.06
Philadelphia	2.41	1.06
Baltimore	2.41	1.06
Boston	2.71	1.06

And probably it was not only a rebate of $1.06 on the freight but an equivalent to that paid over and extorted from shippers to this Standard Oil Company.

Refined, per 47 gallons.

Route.	Freight.	Rebate.
From Pittsburgh to—		
New York	$2.00	$0.50
Philadelphia	1.85	.50
Baltimore	1.85	.50
From Cleveland to—		
Boston	2.15	.50
New York	2.00	.50
Philadelphia	1.85	.50
Baltimore	1.85	.50
From Oil City, Union, Corry, or Irvineton to—		
New York	2.92	1.32
Philadelphia	2.77	1.32
Baltimore	2.77	1.32
Boston	3.07	1.32

On all the western shipments from the points named and on all shipments either east or west from any points intermediate to those named the ring was to receive a rebate equal to one-third of the gross rate.

By order of the executive committee Petroleum Producers' Union.

The charter of this company was repealed at the instigation of the exasperated oil producers and refiners of the country, and in its place was substituted the Standard Oil Company of Ohio, which got increased rebates and drawbacks, but which were kept better concealed or were more adroitly covered up.

I am advised that these same gentlemen were among the original directors of the Standard Oil Company of Ohio.

The following statement was published by Mr. F. B. Thurber, a prominent merchant of New York, in Scribner's Magazine for December, 1880:

The testimony in the Pennsylvania Legislature showed that the trunk-lines of railroads paid in rebates to the "Standard Oil Company," within the period of eighteen months, $10,151,218, which was contributed by the roads in the following proportions, namely:

Total shipments, from October 17, 1877, to March 31, 1879, 18,556,277 barrels.

Total rebates during that time, at 55 cents (average) per barrel, $10,151,218.

Of which there was paid to "Standard Oil Company" by Baltimore and Ohio Railroad 11 per cent., as per contract, October 17, 1877	$1,116,633.48
Paid by New York Central and Hudson River Railroad 21 per cent., as per contract, October 17, 1877	2,131,755.76
Paid by Erie Railway 21 per cent., as per contract, October 17, 1877	2,131,755.78
Paid by Pennsylvania Railroad 47 per cent., as per contract, October 17, 1877 (17½ months)	4,771,072.46
Total rebates, October 17, 1877, to March 31, 1876	10,151,218.00

On the subject of the power and evil effects of this monster corporation I desire to read a passage from an address delivered by Judge Cooley, the president of the Interstate Commerce Commission, at a meeting of Boston merchants, published in the Buffalo Express January 14, 1889. He says:

A few things can, nevertheless, be said of trusts without danger of mistake. They are things to be feared. They antagonize a leading and most valuable principle of industrial life in their attempt not to curb competition merely, but to put an end to it. The course of the leading trust of the country has been such as to emphasize the fear of them—

He undoubtedly refers to this Standard Oil Company—

and the benefits that have come from its cheapening of an article of commerce are insignificant when contrasted with the mischiefs that have followed the exhibitions in many forms of the merciless power of concentrated capital. And when we witness the utterly heartless manner in which trusts sometimes have closed manufactories and turned men, willing to be industrious, into the streets in order that they may increase profits already reasonably large, we can not help asking ourselves the question whether the trust, as we see it, is not a public enemy; whether it is not teaching the laborer dangerous lessons; whether it is not helping to breed anarchy. One thing would seem manifest: There are some trusts whose members are estopped from complaining of organized laborers when, by strikes, or boycotts, or any kindred means, they seek to force compliance with their demands.

They are estopped because their own methods have been of a like nature, and having been employed with greater skill and power have been generally more effective and mischievous. Anything in the nature of a trust that should bring the railroads of the country or of any considerable portion of the country under a single head, with irresistible power to divide business and make rates, would be more to be dreaded than any other trust ever formed or proposed. The reason is obvious—it would control more property, have more power of controlling and coercing the action of individuals and of the public authorities. It would, besides, if formed now, in all probability fall to the control of that class of managers who in handling railroad property do not hesitate to subordinate law to corporate interests and rivalries. No prudent man would give assent to a railroad trust until he was first shown that effective legal restraints had been put into it.

I read the following from a pamphlet published by Mr. George Rice, over his own signature, entitled "Railway Discriminations as given to the Standard Oil Trust:"

In a report to the New York Chamber of Commerce, the committee on railroad transportation of that body alludes to this subject as follows:

"How oblivious of their obligations as common carriers, and how regardless of public rights are the great trunk lines is illustrated by their making an agreement with the 'Standard Oil Company' (article 4), to protect them against loss or injury by competition. What has happened in the case of the 'Standard Oil Company' may happen in other lines of business. With the favor of the managers of the trunk lines, what is to prevent commerce in the rest of the great staples from being monopolized in a similar manner? Already, indeed, it is taking this course. One or two firms in Baltimore, Philadelphia, New York, and Boston, with their branch houses in the West, are, by the favor of the railroads, fast monopolizing the export trade in wheat, cattle, and provisions, driv-

ing their competitors to the wall with absolute certainty, breaking down and crushing out the energy and enterprise of the many for the benefit of the favored few."

It further says:

"If a true history of the 'Standard Oil Company' could be written, it would read more like a romance of the middle ages than a statement of commercial facts possible in the nineteenth century.

"This is the organization to which the Hepburn committee alludes as 'this mysterious organization, whose business and transactions are of such a character that its members decline giving a history or description of it, lest their testimony be used to convict them of a crime.'"

In October, 1879, these same six gentlemen were directors in the Standard Oil Company of Ohio. On February 5, 1880, these same six gentlemen entered into a "most solemn" agreement with the Petroleum Producers' Union, as follows:

"First. That the said parties of the first part shall and will make no opposition to an entire abrogation of the system of rebates, drawbacks, and secret rates of freight in the transportation of freights on the railroads.

"Second. That the said parties of the first part further agree that the railroad companies make known to the other shippers of petroleum on their several roads all their rates of freight, and that said parties of the first part, or any of them, will not receive any rebate or drawback that the railroad companies are not at liberty to give to other shippers of petroleum."

This system of unjust discriminations in the transportation of oil to tide-water was stopped temporarily in 1880 in consequence of legal proceedings instituted by those injured, and probably in deference to the condition of society in Pennsylvania which resulted from the discovery of the outrage.

In that year, 1880, by solemn agreements signed by the members of the Standard Oil Company and the railroad company, it was agreed that for the future rates should be the same to all. And thereupon the Standard Oil Company, in order to avoid paying the same as others, laid pipes from the oil region to tide-water with the rebate-money received, took the business from the railroads by means of this capital which the railroads had themselves unjustly given to them, and were enabled to transport their oil in pipes at a cost of about 5 cents per barrel, while their competitors were compelled to pay railroad freights of ten times that amount.

After the Standard had laid their pipe-lines to tidewater, they then negotiated with the roads, and entered into a contract by which they gave them 26 per cent. of their transportation to the seaboard in order to have rates maintained against their competitors, this 26 per cent. to include the shipments of all others, and now being carried out.

In January, 1882, these same six gentlemen comprise two-thirds of the trustees which organized the Standard Oil trust.

After this noble band of six had made this "solemn compact" with the producers to discriminate no more, or to abrogate the system of rebates, drawbacks, and secret rates of freight, they turn about and inaugurate a system that discounts several times over the notorious South improvement scheme and all previous efforts, as I will show.

The highest percentage of discrimination to the South Improvement Company, as per rates above, is 127 per cent., while in one of my own cases, which occurred in 1885, in the transportation of crude oil to my refinery, there was a discrimination of 320 per cent., as the following will figure out:

"Take the case which Judge Baxter decided. The case of Handy *et al. vs.* The Cleveland and Marietta Railroad Company, 31 Federal Reporter, 689, where the receiver of a railroad company was removed because he had made this unjust discrimination. In that case your honors will see that the Standard Oil Company went to the receiver and said to him, 'If you do not do what we want you to do, we will construct a pipe-line and take the oil off your railroad; but if you give us a rate of 10 cents a barrel and charge George Rice 35 cents a barrel, and out of that 35 cents pay to us 25 cents in cash for every barrel George Rice ships, we will give you our business; but if you do not we will lay the pipe-line.'

"Such was the contract they made. What would have been the result if Mr. George Rice had shipped over that railroad as much oil as the Standard Oil Company? Why, the Standard Oil Company would have received for every barrel they shipped 15 cents in money more than they paid for the shipment. That is, they would have been refunded the 10 cents and been given 15 cents as a bonus besides."

Dan. O'Day, manager of the Standard Oil Company, compels Phineas Pease, receiver of this road, to discriminate against me 320 per cent. in their favor, per extract of a letter written by Pease, as follows:

"Mr. O'Day, manager of the Standard Oil Company, met the general freight agent of the Wheeling and Lake Erie Railroad and our Mr. Terry at Toledo about February 12, and made an agreement (verbal) to carry their oil at 10 cents per barrel. But Mr. O'Day compelled Mr. Terry to make a 35-cent rate on all other oil going to Marietta, and that we should make the rebate of 25 cents per barrel on all oil shipped by other parties, and that the rebate should be paid over to them (the Standard Oil Company), thus giving us 10 cents per barrel for all oil shipped to Marietta, and the rebate of 25 cents per barrel going to the Standard Oil Company, making that company, say, $25 per day clear money on Mr. George Rice's oil alone."

In this same year, July, 1885, the roads doubled their rates of freight on me to New Orleans and Memphis, where I had agencies, and not one iota on the Standard Oil Company.

It was also shown in August, 1887, suits in *quo warranto*, State of Ohio *vs.* The Cincinnati, Washington and Baltimore Railroad and the New Orleans and Texas Pacific (Cincinnati Southern), to forfeit their charters on account of gross discriminations, that the roads south of the Ohio, in July, 1886, raised the rates on me from 10 to 160 per cent., and not any on the Standard Oil Company. In five months the effect was to shut up fourteen of my agencies out of twenty-four, and thirty-nine other towns out of seventy-three.

As a sample of the many items brought out was, that the Standard had twenty-one tank-cars of oil carried from Cleveland to Atlanta, Ga., on which the gross freight was $3,307.50, on which the Standard received a rebate of $1,505.70; also that the Standard had a rate on barreled oil to Chicago of 33.6 cents per barrel, and I was charged 60 cents. The Cincinnati, Washington and Baltimore Railway makes tariff rates from Marietta the same as those from Parkersburgh—12 miles distant—which is the headquarters of the Camden Consolidated Oil Company (Standard Oil trust). It is also developed that R. M. Fraser, the general freight agent of the road, gave notice to said company on July 14, a full and complete list of all of my advanced rates, which were to go into effect the next day, 15th, but did not send me a duplicate list until August 23.

Of any changes or advances made on me thereafter this company was promptly advised, although they were not using or shipping at my rates, but this information was most important to them in order to shut me out of the markets. This company also asked Fraser to advance barrel rates.

The Southern Railway and Steam-ship Association as late as November 27, 1888, sent me their general tariff of rates, now in effect, in which this occurs:

"Special rates on various articles issued from this office are not affected by this publication."

In reference to these discriminations I read further from pages 77, 78, and 79 of the opinion of the commission in the case of Rice *vs.* The Railroads. I prefer reading from this opinion because it is testimony direct and strong and such as ought not to be overlooked in the consideration of this amendment.

Referring to recent correspondence and quoting rates to the points named in your letter of the 11th instant, I beg to inform you that the following rates on coal-oil are obtainable from Cincinnati to points named:

Points.	In car tanks.	Car-loads per 100 pounds in barrels.
Lexington	$26.00	$0.13
Chattanooga	50.00	.33
Atlanta	61.80	.46
Birmingham	60.00	.47
Meridian	60.00	.45
Vicksburg	60.00	.34
Knoxville	50.00	.33
Huntsville	*.37	
Shreveport	118.00	.64
Montgomery	112.00	.47

* Per 100 pounds.

As bearing upon this table a list of shipments was given, some of the figures in which require notice. The rate—barrel rate—to Lexington was soon reduced to 10 cents per 100 pounds, the tank rate remaining the same. The average shipment in tank-cars to that point seems to have been of 31,223 pounds weight, which would make the rate on tank-car shipments about 8.32 per 100 pounds, and the barrel rate about 20 per cent. higher. The only shipper to this point in either mode was the Standard Oil Company of Kentucky. In contrast to these the shipments from Cincinnati to Chattanooga were in tank-cars varying from 25,000 to 43,815 pounds. The barrel rate was 33 cents per 100 pounds. The tank rate was $50 per car. At 33 cents per 100 pounds the rate on the oil carried in the smallest car would have been $82.50; on that carried in the largest it would have been $144.50. On an average of the two it would have been $113.54. The average makes the rate on barrel shipments 125 per cent. in excess of the rate on tank shipments, instead of 20 per cent. excess, as at Lexington.

A similar vast discrepancy was shown in the rates from Cincinnati to Meridian. The tank rate was $60, which, if the tanks averaged 24,000, would make the rate per hundred pounds 25 cents; or, if they averaged 30,000, 20 cents; but while this charge remained, the rate on barrel shipments was raised to 56 cents per 100 pounds—probably not less than 175 per cent. excess over the tank-car rate.

May 30 complainant sent the following letters:

"Please name rate on oil, tank-cars and barrels, car lots, to Mobile and New Orleans."

Also:

"Yours 28th, inclosing rates, finally to hand, after several applications. These rates are prohibitory on my shipments, as you know full well, and the device or method of the tank-car shipment in bulk is purposely used against me (who ships entirely in barrels) in order that I can not compete with the Standard Oil Company in the sale of my products.

I give this for the double purpose of showing, first, the enormous discriminations against shipments, and second, the combination between the Standard Oil trust and the railroads.

"By these rates thus given me to nine prominent points in the South you discriminate against my shipments not less than 67 per cent. and as high as 213 per cent., while to one—Huntsville, Ala.—you make the rate the same per 100 pounds for both barreled oil and that in tank-cars. I will here show you how I arrive at this comparison.

"All the bulk oil carried in tank-cars from the Pennsylvania oil regions to the seaboard pays the same amount for 50 gallons in bulk as for 50 gallons (including the barrel), or the empty barrel is carried extra to compensate for the return of the empty tank-car, and can not bring back freight as against a box-car that can. I maintain and assert that the tank-cars of the Standard Oil Company hold at least 100 barrels of 50 gallons (or 5,000 gallons each), on an average, while some of them hold over 6,500 gallons (or 130 barrels); but for a fair and equitable basis I will call it 100 barrels, and herewith give you the results and the amount of discrimination you dare impose on me in the face and eyes of the interstate act:

From Cincinnati to—	Per car, tanks.	Per barrel.	Per 100 pounds in barrels of 400 pounds.	Per barrel.	Discrimination.
			Cents.		*Per ct.*
Lexington, Ky	$26.00	$0.26	13	$0.52	100
Chattanooga, Tenn	50.00	.50	33	1.32	164
Atlanta, Ga	61.80	.62	46	1.84	196
Birmingham, Ala	60.00	.60	47	1.88	213
Meridian, Miss	60.00	.60	45	1.80	120
Knoxville, Tenn	50.00	.50	33	1.32	164
Shreveport, La	118.00	1.18	64	2.56	117
Montgomery, Ala	112.00	1.12	47	1.88	67
Vicksburg, Miss	60.00	.60	34	1.36	126
Huntsville, Ala			(*)		

*37 cents per 100 pounds for both.

This table shows discriminations running, as alleged, from 67 per cent. to 213 per cent. against the smaller refiners transporting in barrels and in favor of the Standard Oil trust with its monopoly of tank-cars and railroad assistance.

One of the methods by which railroads discriminate in favor of the Standard Oil trust and against the smaller refiners and shippers is, after fixing the rates of transportation, to repay to the owners of the tank-cars (the Standard Oil trust) mileage at the rate of three-fourths of a cent a mile each way.

I read from pages 32 and 33 of the opinion of the commission in the case of Rice *vs.* The Railroads, and I beg to call the attention of Senators to this statement by the commission:

If, however, the owner of oil at Louisville should desire to send a consign-

ment of oil in tanks to Memphis, and should apply to have cars furnished him for the purpose, he would be told at once that the company did not supply tank-cars to its customers; that if they desired to avail themselves of that method of transportation they must not only pay the rate prescribed, but they must also furnish the company with the cars. This is obviously a most important qualification of the rate itself; and if the shipper must furnish the car at his own expense, the actual cost to him of the transportation will very much exceed the published rate. This, however, does not seem to be generally expected; on the contrary, there seems to be a general, though not a universal, understanding among railroad companies in the Southwest, including the defendants, that the party furnishing a tank-car shall be paid trackage for its use at the rate customary among railroad companies, namely, three-fourths of a cent a mile going and returning, with the privilege on the part of the railroad company of loading the car with return freight when any is offered or is procurable.

This carries out the statement I made some time ago about the Standard Oil trust supplying cars for the use of the railroads and receiving pay for them while the railroads gave it other advantages for discriminating against shippers by other modes.

One difficulty with this understanding is that it does not appear in the rate sheets. The sixth section of the act to regulate commerce provides that "every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established, and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges, and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges."

I am reading here from the sixth section of the act which is now a law. Then they proceed:

The purpose of this provision is very manifest and is well understood. It intends that every person desiring to avail himself of the facilities afforded by the railroads of the country should be enabled to tell for himself, without being under the necessity of calling in the aid of any railroad agent or other person, what charges he must pay for the transportation of his person or his property, and also have in the published rate-sheets an accurate test of the correctness of any exaction. The rate-sheets introduced by the defendants in these cases can hardly be said to give this information. They omit to give a rule, regulation, or understanding which has a very important bearing on the rates, and they wholly omit to notify the owner of oil that the carriers making them do not furnish him with cars for one of the methods of transportation which in terms they offer to him.

I beg that Senators will note throughout this decision everywhere the combination is presented between the Standard Oil trust and the railroads for the crushing out of the smaller refineries. The commission proceeds:

The rate-sheets, therefore, require to be supplemented by other information, and it is from this fact that some part of the controversy between these parties has arisen.

It was said on the argument that the railroad companies were under obligation to furnish tanks no more than they were to furnish barrels; that tanks and barrels were only different kinds of caskets for holding the property which was to be conveyed, and it was matter of course that the shipper should furnish them for himself.

This might be quite true if the tank, like the barrel, was received from the consignor and taken for delivery to the consignee, as packages usually are; but it is not. It is, on the other hand, a part of the car itself, as much as are the sides to an ordinary box-car; it is provided only to hold the oil for transportation, while the barrel holds it both before and after shipment, as an article of merchandise, and is bought and sold with it. The shipper in barrels, it is quite true, is expected to deliver his merchandise in that form of package, and the rate-bill informs him what he must pay upon it. The party proposing to ship in tanks does not receive from the rate-sheets equivalent information; and if outside the rate-sheets he learns that he must furnish the tank-cars, he is still unapprised upon what terms this is to be done, and must seek the information from the officers or agents of the carrier.

But when he seeks this information he learns immediately that the matter is or may be the subject of private negotiation, and perhaps of different terms in different cases. Thus the evils at which this provision of the statute was aimed make their appearance immediately. He is not informed by the rate-sheets what he will be charged for the service to be rendered him, and when he seeks the information he finds the terms are to be the subject of bargain; but a bargain implies a difference in terms in different cases.

In the testimony of Mr. Thomas L. Kimball, general traffic manager of the Union Pacific Railroad, appears the following:

Q. Have you the Standard Oil accounts ready?

A. I have here a memorandum of the car mileage paid the Standard Oil Company from 1882 to 1886 inclusive, $15,487.81.

This is paid by that railroad company to the Standard Oil Company for the use of its tank-cars in transporting its own oil.

Mr. John C. Gault, of the Cincinnati, New Orleans and Texas Pacific Railroad, in answer to Mr. Rice's inquiry as to the terms on which he could get oil carried in tank-cars, replied:

Tank-cars to be furnished by shippers and to be returned empty at 5 cents a mile.

He did not propose to pay Mr. Rice three-fourths of a cent per mile for the use of his car in going and returning, but he must furnish the tank-car and ship his oil and pay 5 cents a mile for the return of it. Such conduct is monstrous and needs the correction of law.

In some cases the tank-cars of the Standard Oil trust are returned free; in others that company is paid trackage by the road on return of cars at three-fourths of a cent a mile. But Rice was to be charged 5 cents a mile for return of tank-cars.

I will not read the whole of the testimony of Mr. Dow, engaged in the oil business at Memphis, but I will read a question and an answer:

Q. Does that same condition exist in Covington and Obion?

A. Except they reduced the freight a little more in Covington than other places. You might haul it by wagons. In fact I haul it in wagons now.

Q. Over what length of distance do you haul oil in wagons in order to compete with the railroads?

A. Forty miles south of Manito. All the oil I sell there is in the town of Manito, on the Illinois Railroad.

Here a person engaged in the business of selling oil is so discriminated against by railroads and the Standard Oil trust that he can only compete with them by hauling his oil in wagons along the line in the same direction with the railroad for 40 miles in order that he may be able to carry on his business.

One of the reasons assigned for charging more for carrying oil in barrels than in tanks is that the tanks get return freight in cotton-seed oil and in turpentine, while the box-cars, in which barrels are carried, come back empty. This may be so in a few instances of shipments from the South. But the cotton-seed oil made there is not all, perhaps not generally, shipped in tanks. A large cotton-seed-oil factory at the town near which I live sends its oil off in barrels. I am not able to state what the practice generally is, and I only state as to that within my own knowledge.

The greater part of the petroleum product of this country is sent from the oil regions (Pennsylvania, New York, West Virginia, and Ohio) to the Eastern cities, part of it for consumption and part for export. Box-cars carrying barrels of oil there will generally find return freights of merchandise, while tank-cars can carry nothing back, but must be returned empty. Box-cars carrying barrels of oil to the Southern States get return cargoes of cotton, much more of which is shipped North on cars than of cotton-seed oil, besides tobacco, rice, sugar, and other merchandise, which furnish return cargoes for box-cars, and can not be carried on tank-cars.

In reading the opinion of the commission in the case of Rice against the railroads it would seem it was to some extent influenced by this notion that tank-cars could get return freight while box-cars could not. The commission ought not to have been misled by such representations. An examination of the statistics of the railroads in the Southern States, as shown by Poor's Manual, will show that generally the freight on them going north is considerably greater in bulk than that going south.

It seems here as in other points in considering this matter, that the view was a limited, narrow view, not taking in the whole case. The value of cotton shipped in cars from the South and the bulk that it occupies is infinitely greater than that of oil. Besides, the oil shipped from the South in barrels is brought in box-cars. But why dwell on this? Any one familiar with the commerce of that country knows that this argument is unsubstantial and sophistical.

In reference to the wealth and power of the Standard Oil trust and the manner in which it exercises that power over the commerce of this country, I submit that in addition to the millions of dollars' worth of property it owns in oil, land, and wells, in oil refineries, in buildings, in tank-cars, in terminal facilities for the storage and sale of oil, etc., its eight trustees and their subordinate officers are interested as presidents, directors, etc., in about one-seventh of the railways of this country. Poor's Manual mainly, and other sources of information, disclose the fact that the trustees of the Standard Oil trust are presidents and directors in 9,498 miles of railroad, with assets amounting to $418,773,833.75, while the subordinate officers of the various corporations merged into and belonging to said trust are shown to be presidents and directors of 9,646 miles of railway, with assets amounting to $394,076,333.49, making a total of 19,144 miles of railway, with assets aggregating $812,850,167.24.

It is also shown that H. M. Flagler and Benjamin Brewster (trustees) are directors in the Minnesota Iron Company, with a capital of $20,000,000 (which own the capital stock of the Duluth and Iron Range Railroad).

H. M. Flagler, secretary of the Standard Oil trust, is a director in the Western Union Telegraph Company, capital $80,000,000.

The Standard Oil trust has issued $90,000,000 of stock, probably more, worth about $173, $155,700,000, showing $1,068,550,167.24 in which these trustees and their subordinates have part or entire control.

I present this to show the wonderful combination of capital concentrated in the Standard Oil trust and the railroads co-operating with it and using their power to crush out the smaller refiners and shippers, and to give the Standard Oil trust and the officers of these railroads the entire and exclusive control of this vast business of refining, shipping, and selling 27,000,000 barrels of refined oil a year.

The manner in which the interests of the Standard Oil trust are mixed up with the railroads of the country, and the enormous amount of that interest, if my information is correct, shows that when the people of this country deal with the Standard Oil trust they are dealing also with the railroad companies; and that unless a separation of these interests can be compelled there can be no hope of healthy competition in the refining, transportation, and sale of mineral oil. Under such circumstances, unless we can compel the railroads to furnish their own transportation and to furnish tank-cars to other refiners on the same terms on which they are furnished to the Standard Oil trust, the other refineries must go out of existence and that trust be allowed an absolute monopoly of this vast product.

We are told that trust, by its capital and improved facilities, has cheapened oil to the people. Improvements in the process of refining, in the means of transportation, and in the facilities for handling oil,

has, of course, very much reduced its price. Competition has also had its influence in reducing its price to the people.

To show how competition has caused the lowering of the price of oil I submit the following table, showing the prices at which oil was sold by the Standard Oil trust at the places named before the oils of George Rice came in competition with them, and the prices at which they sold oil after Rice commenced to compete with them:

Names of towns.	Kinds and how delivered.	Prices.	
		Before entry.	After entry
Paris, Tex	110° fire test, in barrels.....per gallon...	$0.15	$0.10
Do	175° fire test, in barrels.....do.....	.20	.13
Corpus Christi, Tex	110° fire test (two 5-gallon cans in boxes), per case.	2.30	1.40
Laredo, Tex	.....do.....per case...	2.40	1.65
San Antonio, Tex	.....do.....do.....	2.30	1.75
San Marcos, Tex	.....do.....do.....	2.60	1.50
Calvert, Tex	.....do.....do.....	2.50	1.50
Weatherford, Tex	110° fire test, in barrels.....per gallon...	.18	.10
Do	110° fire test, two 5-gallon.....per case...	2.20	1.80
Victoria, Tex	.....do.....do.....	2.30	1.50
Athens, Tex	.....do.....do.....	2.20	1.50
Flatonia, Tex	.....do.....do.....	2.20	1.50
Jacksonville, Tex	.....do.....do.....	2.40	1.70
Whitesborough, Tex	(No competition.)		
Do	110° fire test, two 5-gallon.....per case...	2.40	.....
Clarksville, Tex	110° fire test, in barrels.....per gallon...	.15	.....
Do	(No competition; same freight rate as Paris.)		
Cleburne, Tex	110° fire test, two 5-gallon.....per case...	2.20	1.70
Austin, Tex	175° fire test, two 5-gallon.....do.....	3.20	1.50
Do	175° fire test, barrels.....per gallon...	.22	.10
Galveston, Tex	110° fire test, barrels.....do.....	.13½	.10
Do	110° fire test, two 5-gallon.....per case...	1.60	1.40
Round Rock, Tex	.....do.....do.....	2.30	1.70
Do	175° fire test, two 5-gallon.....do.....	3.30	2.20
Honey Grove, Tex	110° fire test, two 5-gallons.....do.....	2.20	1.80
Jacksonville, Tex	110° fire test, barrels.....per gallon...	.20	.15
Ennis, Tex	110° fire test, two 5-gallons.....per case...	2.20	1.50
Tyler, Tex	.....do.....do.....	2.20	1.30
Navasota, Tex	.....do.....do.....	2.20	1.50
Hubbard City, Tex	.....do.....do.....	2.20	1.60
Gilmer, Tex	.....do.....do.....	2.30	1.75
Little Rock, Ark	150° fire test, in bulk.....per gallon...	.16	.05
Morrilton, Ark	150° fire test, in barrels.....do.....	.18	.08
Searcy, Ark	.....do.....do.....	.15	.11½
Selma, Ala	115° first test, in barrels.....do.....	.15	.08
Birmingham, Ala	.....do.....do.....	.13	.09
Anniston, Ala	.....do.....do.....	.14	.09½
Mobile, Ala	110° fire test, in barrels.....do.....	.12½	.09
Huntsville, Ala	.....do.....do.....	.16	.08½
Memphis, Tenn	150 fire test, in barrels.....do.....	.16	.08
Union City, Tenn	.....do.....do.....	.16	.12
Nashville, Tenn	.....do.....do.....	.16	.08½
Jackson, Tenn	.....do.....do.....	.15	.10
Knoxville, Tenn	.....do.....do.....	.16	.09½
Chattanooga, Tenn	.....do.....do.....	.13	.09
Jackson, Miss	110° fire test, in barrels.....do.....	.16½	.13
Vicksburg, Miss	.....do.....do.....	.11½	.09
Holly Springs, Miss	150° fire test, in barrels.....do.....	.17	.12½
Winona, Miss	.....do.....do.....	.16	.12
Grenada, Miss	150° fire test, in barrels.....do.....	.14	.10
Aberdeen, Miss	150° fire test, in barrels.....do.....	.13½	.11
Natchez, Miss	110° fire test, in barrels.....do.....	.11	.08½
Meridian, Miss	.....do.....do.....	.14	.09
Water Valley, Miss	.....do.....do.....	.15	.11
Paducah, Ky	150° fire test, barrels.....do.....	.10½	.07½
Atlanta, Ga	120° fire test, barrels.....do.....	.15	.09
New Orleans, La	110° fire test, barrels.....do.....	.12	.08½
Shreveport, La	.....do.....do.....	.14	.08

The table is a long one and a very interesting one, showing that as soon as competition was introduced it reduced their rates at the fifty-one places named in the table. It will be seen that at all these places the price of oil was reduced by the competition thus produced.

If we allow the Standard Oil trust to crush out all rivals in this business it will then be in the power of that association to compel the people to accept poorer oil and to pay whatever price it chooses to demand for these oils, and it will be sure to put the price so as to cause oppression.

The idea of presenting an argument to anybody, much less to the American Senate, to prove that to make a monopoly is to cheapen rates is so absurd that I should feel ashamed to argue the question here.

The ruling of the commission is a recognition of the binding force of an artful device for combining the Standard Oil trust and the railroads, which, if continued, can not fail to crush out rival refineries of oil and establish a dangerous monopoly.

And if its reasoning in the extracts I have read from its first annual report and its opinion in the case of Rice against the railroads is correct, its final ruling can only be justified by the fact that Congress has not conferred on it power to enable it to require the railroads to furnish their own tank-cars to meet the requirements for transportation. However this may be, certainly its reasoning calls for and would justify the adoption of the proposed amendment.

Many petitions have come to the Senate from the people of different parts of the country, asking for such legislation as is proposed by this amendment. They are entitled to respectful consideration. The friends of the Standard Oil trust say this is the work of George Rice. He may well have had some agency in getting them sent here. This should stand to his credit rather than to the discredit of these petitions. The courage and persevering constancy he has shown, and the great sacrifices he has made in the courts, before the Interstate Commerce Commission, and in Congress to protect the oil refineries which compete with the Standard, and to give the country the benefit of that competition, and to bring a giant monopoly under the restraints of law, and to compel it to observe the rules of right, make his course worthy of all commendation and honor, and mark him as of the best type and representatives of American manhood and independence.

If the union of this Standard Oil trust and the railroads shall be permitted to continue it will outrage public sentiment, it will discourage enterprise, it will demoralize the people and cause them to lose faith in the wisdom and justice of Congress, and it will give renewed and increased strength to a monopoly which may even now be too strong to be subordinated to law or controlled by the Government.

This much I have said, Mr. President, upon the third amendment, and while I am on the floor I desire to say a few words upon the seventh amendment made by the House of Representatives, which I will read. It is as follows:

That in all civil actions and proceedings of whatever nature arising under an act entitled "An act to regulate commerce," approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction.

In matters of litigation which now arise between shippers and railroad companies in the transaction of their ordinary business under the influence of the common law, the State courts have jurisdiction of such cases. In the "act to regulate commerce," to which this is an amendment, jurisdiction in civil as well as in criminal cases is retained in the Federal courts. So far as the criminal jurisdiction is concerned, we can not by law take that from the Federal courts, but we have many statutes, many acts of Congress to which I must call some attention, which confer jurisdiction upon the State courts. On the subject of the power of Congress to confer jurisdiction on the State courts over controversies of this kind, I prefer, as the shortest method in which I can present that subject, to read an extract from some remarks delivered on the 4th of January in the House of Representatives by Mr. ANDERSON, of Iowa, which contain a sufficient statement on that subject:

I have given this matter some attention, and I find that in the matter of remedy for the deprivation of Federal office that the State courts are granted the same jurisdiction as the Federal courts, in section 2010, page 353, of the Revised Statutes. Again, in section 2177, page 381, United States marshals may qualify before the State as well as Federal judges. Again, I find that in suits and prosecutions in State courts under the postal laws where the trial of claims and demands of as great value and of prosecutions where punishments are as great in extent as under the State laws in like cases, jurisdiction is given to the State courts, as will be found in section 3833, page 750, of the Revised Statutes. Again, in section 4522 of the Revised Statutes, penalties for omitting to begin a voyage by seamen, the jurisdiction is conferred on State courts; and again, in section 4599, for the arrest of seamen for desertion without warrant, and under section 4063 jurisdiction is conferred as to process against foreign ministers and their domestic servants upon State courts.

Then we come to the national-bank act, which, in plain language, provides:

"That suits, actions, and proceedings against any association under this act may be had in any circuit, district, or Territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases."

And, Mr. Speaker, under that provision there have been decisions by the United States Supreme Court sustaining the power of Congress to thus confer jurisdiction on State courts, one of which I shall refer to. It is the case of National Pahquioque Bank *vs.* The First National Bank of Bethel, Conn., reported at page 383, 14 Wall.

I read from that case the statement of facts:

"The First National Bank of Bethel, in Connecticut, on the 21st of February, 1868, failed to redeem some of its circulating notes. They were protested, and on the 26th of February a receiver was appointed under the above-quoted fiftieth section of the currency act, who immediately entered on the duties of his office.

"The National Pahquioque Bank of Danbury, Fairfield County, in the same State, asserted that it was a creditor of the Bethel bank and presented its claim to the receiver. The receiver, however, disallowed it.

"The Pahquioque bank thereupon, on the 30th day of May, 1868, brought assumpsit in the superior court of Fairfield County, a court of Connecticut having jurisdiction in similar cases, against the Bethel bank. The bank of Bethel defended itself against the claim on these, in substance, among other grounds:

"1. That the courts of the United States alone had jurisdiction after the appointment and acceptance of the receiver."

Mr. Justice Clifford, in delivering the opinion of the court upon this point, says:

"Support to the first proposition is supposed to be derived from the conceded fact that such associations are created by an act of Congress and that they are instruments of the National Government intrusted with the power of carrying on the business of banking and of employing and circulating Treasury notes as a national currency, subject to the supervision and direction of the Comptroller of the Currency and of the Secretary of the Treasury. Banking associations, it is said, were established as instruments by which the Government may perform the trust of furnishing and regulating the national paper currency; and the argument is that inasmuch as they are instruments of the Government to carry into effect a national purpose they can not be impleaded in a State court. Confirmation of that view is also attempted to be drawn from the fact that such associations are controlled by the Treasury Department; that all the notes which they circulate as money are received from the Comptroller of the Currency, and that they can not issue any instrument for circulation or use as money except the notes intrusted to them by the Comptroller of the Currency, as authorized by the act of Congress.

"Beyond all doubt such associations are created by an act of Congress and for the purposes assumed by the defendants, but the conclusion attempted to be drawn from those facts can not be sustained, as express provision is made by the fifty-seventh section of the act that suits, actions, and proceedings against any such association may be had 'in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in

similar cases.' Commenced, as the action was, in the proper court of the State where the association is located, and in a court having jurisdiction in similar cases, which is not denied, it is quite clear that the objection to the jurisdiction of the court founded upon the character of the association as an instrument of the National Government must be overruled.

"Jurisdiction in such suits is unquestionably vested in any circuit, district, or Territorial court of the United States held within the district in which such association may be established; but the decisive answer to the objection of the defendants is that the same section of the act of Congress gives authority to creditors to prosecute such controversies in 'any State, county, or municipal court in which said association is located' in all cases where it appears that such courts have jurisdiction under the State laws in similar controversies. Proceedings to enjoin the Comptroller of the Currency under that act must, it is true, be instituted and prosecuted in a circuit, district, or Territorial court of the United States, but the act allows creditors to sue in the proper State courts in all suits, actions, and proceedings against the association, as specifically provided in the fifty-seventh section of the act. Authorities to support the proposition are not necessary, as it rests upon an express provision in the act of Congress."

I suppose I need not have read this, as I judge that no question as to the right of Congress to confer jurisdiction on the State courts to hear and determine civil suits under this law will be raised.

Now, Mr. President, a word upon the expediency of extending this jurisdiction. In many States, and especially in the larger States, litigants must of necessity in a great many cases have to go a great way to reach a Federal courts, involving large expense in travel and hotel bills, and large expense in procuring and carrying witnesses. So in truth by limiting the remedy to the Federal courts we exclude the poorer class of litigants from the benefit of this law.

If we extend this jurisdiction to State courts of competent jurisdiction, it brings the forum for adjudication nearer to the litigants, places it more convenient to them. It will cheapen litigation. It will make it possible for men of moderate means, men injured in smaller amounts, to prosecute their rights and have them protected by the courts of the country when they could not for want of pecuniary means go to a great distance and take their witnesses and bear the expense of prosecuting their claims.

If the law is right in providing for civil suits for wrongs done by transportation companies, then it follows as a logical consequence that justice requires that the trial of those causes should be in the courts most convenient to the parties injured. It is illogical and unjust to say that parties shall have a legal remedy and then to place the remedy so far from them as to make it unavailable to them.

I have occupied the attention of the Senate so long, Mr. President, that I do not feel warranted in pursuing this argument. What I have said suggests the argument which it seems to me is conclusive in favor of the Senate receding from its disagreement to the third and seventh amendments of the House, and when we reach the proper time for that if no other Senator does it I shall make that motion.

Mr. CULLOM obtained the floor.

COURT IN INDIAN TERRITORY.

During Mr. REAGAN'S speech as given above,

Mr. VEST. Will the Senator from Texas yield to me that I may make a conference report?

Mr. REAGAN. Yes, sir.

Mr. VEST. I am instructed to make a conference report on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. REAGAN. Yes, sir.

The PRESIDENT *pro tempore*. The report will be read.

Mr. VEST. I wish to state that it is hardly necessary to read this report. It was read yesterday in full, and the House refused to concur in the report. The present conference report simply changes a single provision.

Mr. EDMUNDS. I know it, but it ought to be read.

Mr. VEST. Very good. I was merely speaking in favor of the economy of time.

Mr. EDMUNDS. I signed that report myself, but I think it ought to be read.

Mr. ALLISON. I quite agree with that.

Mr. VEST. I will not ask the Senator from Texas to give way. I will submit the report and ask that it be read when the Senator from Texas concludes his remarks.

The PRESIDENT *pro tempore*. The Senator from Missouri, from a committee of conference, submits a report and asks that it now be read.

Mr. EDMUNDS. Yes, he submits it for action.

Mr. VEST. I submit it for the action of the Senate. I will hardly ask the Senator from Texas to give way for so long a report, for it virtually destroys his speech. I would like to submit the report.

Mr. CULLOM. Is it a long report?

Mr. VEST. It is a long report.

Mr. CULLOM. I hope the Senator from Texas will not be interfered with in his speech, if he desires to go on.

The PRESIDENT *pro tempore*. If the Senator from Texas yields for the presentation of the report, the question of its consideration can be raised on its presentation, and if raised must be decided without debate.

Mr. EDMUNDS. I think if the Senator from Texas wishes to go on, the report had better be withheld.

Mr. VEST. I will withhold it.

MISSOURI RIVER BRIDGE AT SIOUX CITY.

Mr. WILSON, of Iowa. I ask leave at this time to submit a conference report.

The PRESIDENT *pro tempore*. The conference report will be received and read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House, and agree to the same.

G. G. VEST,
PHILETUS SAWYER,
JAMES F. WILSON,
Managers on the part of the Senate.

CHAS. F. CRISP,
A. R. ANDERSON,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. RANSOM. I ask the Senator from Illinois to give way to me for a minute while I ask unanimous consent to call up a bill that it will not take more than a minute to pass.

Mr. CULLOM. Is it a short bill?

Mr. RANSOM. It is a very short bill, and if it gives rise to one moment's debate I will withdraw it.

Mr. VEST. Mr. President——

Mr. RANSOM. I hope the Senator from Missouri will give way.

Mr. VEST. I would of course give up the floor with pleasure if I had any right to it, except for the fact that there is a conference report here of very great importance, and unless it be acted upon to-day the result may be the defeat of a measure in which a large number of persons are interested.

The PRESIDENT *pro tempore*. The Senator from Missouri has the right to submit the report of the committee of conference as a matter of privilege.

Mr. VEST. I now submit the conference report, and ask for action upon it.

Mr. CULLOM. I ask the Senator from Missouri if there is any danger of the report not being concurred in, or if he will not wait till morning?

Mr. VEST. There is not the slightest danger. The report has been acted upon substantially.

Mr. CULLOM. Of course I have no right to interfere, but I am very anxious that the pending matter shall be disposed of to-night.

Mr. VEST. I assure my friend from Illinois that this report will simply take up the time that is consumed in reading it. It has been once read and acted upon.

Mr. CULLOM. Very well.

COURT IN INDIAN TERRITORY.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That a United States court is hereby established, whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, west by the State of Texas and the Territory of New Mexico; and a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of $3,500 per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of United States district courts.

"SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal of said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas. The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of $10,000, conditioned as by law required in regard to the bonds of other United States marshals.

"SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of $10,000, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

"SEC. 4. That the judge appointed under the provisions of this act shall take the same oath required by law to be taken by the judges of the district courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

"SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

"SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States, or of any State or Territory therein, and any citizen of or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money claimed shall amount to $100 or more: *Provided*, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only: *And provided further*, That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, or either of them, from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years are hereby repealed; and said court shall have jurisdiction over all controversies arising out of said mining leases or contracts, and of all questions of mining rights or invasions thereof, where the amount involved exceeds the sum of $100.

"That the provisions of chapter 18, Title XIII, of the Revised Statutes of the United States, shall govern such court so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like causes in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and, for like causes, as now provided by the laws of said State.

"The final judgment or decree of the court hereby established, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds $1,600, may be reviewed and reversed or affirmed in the Supreme Court of the United States upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court.

"SEC. 7. That two terms of said court shall be held each year at Muscogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other times previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

"SEC. 8. That all proceedings in said court shall be had in the English language; and bona fide male residents of the Indian Territory, over twenty-one years of age, and understanding the English language sufficiently to comprehend the proceedings of the court, shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

"SEC. 9. That the jurors shall be selected as follows: The court at its regular terms shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and who have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

"'You do swear to discharge faithfully the duties required of you as jury commissioner; that you will not knowingly select any one as juryman whom you believe unfit and not qualified; that you will not make known to any one the name of any juryman selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a juryman concerning the merits of any cause or procedure to be tried at the next term of this court; so help you God.'

"SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury-room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number of qualified persons as the court shall designate, not less than sixty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as petit jurors at the next term of court; shall write names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen. The names so written and folded shall be then deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from the said box the names of thirty-seven persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed 'List of petit jurors.'

"SEC. 11. That the said commissioners shall then proceed to draw in like manner twelve other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed 'List of alternate petit jurors.' The two lists shall be inclosed and sealed so that the contents can not be seen, and indorsed 'List of petit jurors,' designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court; and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

"'You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term, unless by leave of the court; so help you God.'

"SEC. 12. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the list of petit jurors and of alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as petit jurors and alternate petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

"That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

"That if there shall not be a sufficient number of competent petit jurors and alternates present, and not excused, to form a petit jury, the court may compel the attendance of such absentees or order other competent persons to be summoned to complete the juries.

"SEC. 13. That if for any cause the jury commissioners shall not appoint or shall fail to select a petit jury as provided, or the panels selected be set aside, or the jury-list returned in court shall be lost or destroyed, the court shall order the marshal to summon a petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of petit jurors as if they had been regularly selected; and this provision shall also apply in the formation of petit juries for the first term of the court. The want of qualification of any person selected as juror under section 10 of this act shall not necessarily operate as cause of challenge to the whole panel.

"SEC. 14. That the fees of the jurors and witnesses before said court herein created shall be the same as are provided in the district court of the United States for the western district of Arkansas.

"SEC. 15. That in all criminal trials had in said court in which a jury shall be demanded and in which the defendant or defendants shall be citizens of the United States none but citizens of the United States shall be competent jurors.

"SEC. 16. That the judge of the court herein established shall have the same authority to issue writs of habeas corpus, injunctions, mandamus, and other remedial process as exists in the circuit courts of the United States.

"SEC. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said boundary line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the district of Kansas by the act approved January 6, 1883, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the eastern judicial district of the State of Texas for judicial purposes.

"SEC 18. That the counties of Lamar, Fannin, Red River, and Delta of the State of Texas, and all that part of the Indian Territory attached to the said eastern judicial district of the State of Texas by the provisions of this act, shall constitute a division of the eastern judicial district of Texas; and terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris on the third Monday in April and the second Monday in October; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed against the laws of the United States within the limits of that portion of the Indian Territory attached to the eastern judicial district of the State of Texas by the provisions of this act, of which jurisdiction is not given by this act to the court herein established in the Indian Territory; and all civil process, issued against persons resident in the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Paris, Tex., and all prosecutions for offenses committed in either of said last-mentioned counties shall be tried in the division of said eastern district of which said counties form a part: *Provided*, That no process issued or prosecution commenced or suit instituted or offenses committed before the passage of this act shall be in any way affected by the provisions hereof.

"SEC. 19. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Paris, in the county of Lamar.

"SEC. 20. That every person who shall, in the Indian Territory, willfully and maliciously place any obstruction, by stones, logs, or any other thing, on the track of any railroad, or shall tear up or remove, burn, or destroy any part of any such railroad, or the works thereof, with intent to obstruct the passage of any engine, car, or cars thereon, or to throw them off the track, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment at hard labor for any time not more than twenty years: *Provided*, That if any passenger, employé, or other person shall be killed, either directly or indirectly, because of said obstruction, tearing up, removing, burning, or destroying, the person causing the same shall be deemed guilty of murder, and, upon conviction thereof, shall be punished accordingly.

"SEC. 21. That any person aforesaid who shall, in the Indian Territory, willfully and intentionally destroy, injure, or obstruct any telegraph or telephone line, or any of the property or materials thereof, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be fined in any sum not more than $500 and imprisoned for any time not more than one year.

"SEC. 22. That every person aforesaid who shall, in the Indian Territory, maliciously or contemptuously disturb or disquiet any congregation or private family assembled in any church or other place for religious worship, or persons assembled for the transaction of church business, by profanely swearing or using indecent gestures, threatening language, or committing any violence of any kind to or upon any person so assembled, or by using any language or acting in any manner that is calculated to disgust, insult, or interrupt said congregation, shall, upon conviction thereof, be sentenced to imprisonment for any time not exceeding sixty days, or to a fine not exceeding $100, or both such fine and imprisonment.

"SEC. 23. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought assault any person with intent to rob, and his counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years.

"SEC. 24. That every person who shall, in the Indian Territory, knowingly mark, brand, or alter the mark or brand of any animal the subject of larceny, the property of another, or who shall knowingly administer any poison to or maliciously expose any poisonous substance, with the intent that the same shall be taken by any of the aforesaid animals, or shall willfully and maliciously, by any means whatsoever, kill, maim, or wound any of the aforesaid animals, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment for a period of not more than six months, or a fine of not more than $200, or both such fine and imprisonment; and in case the animal shall have been killed or injured by said malicious mischief, the jury trying the case shall assess the amount of damages which the owner of the animal shall have sustained by reason thereof, and, in addition to the sentence aforesaid, the court shall render judgment in favor of the party injured for threefold the amount of the damages so assessed by the jury, for which said amount execution may issue against the defendant and his property.

"SEC. 25. That if any person, in the Indian country, assault another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than fifty nor exceeding one thousand dollars and imprisoned not exceeding one year.

"SEC. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies in the Indian Territory, with the intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding $500, or be imprisoned not more than six months, or both, at the discretion of the court.

"SEC. 27. That sections 5, 23, 24, and 25 of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

"SEC. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Amend the title so as to read: "A bill to establish a United States court in the Indian Territory, and for other purposes."

And the Senate agree to the same.

G. G. VEST,
JAMES F. WILSON,
GEO. F. EDMUNDS,
Managers on the part of the Senate.
D. B. CULBERSON,
JNO. H. ROGERS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on concurring in the same.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the following acts:

An act (S. 781) granting a pension to John Fagan;
An act (S. 1822) granting a pension to Ann E. Cooney;
An act (S. 1831) granting a pension to Mrs. Mary Heap Nicholson;
An act (S. 2091) granting a pension to Frances H. Plummer;
An act (S. 2275) granting a pension to Mary Calvert Truxton;
An act (S. 2314) granting a pension to John B. Covert;
An act (S. 2439) granting a pension to Charlotte T. Alderman;
An act (S. 2993) granting a pension to Margaret A. Hillard;
An act (S. 3540) granting a pension to Mary P. Myers;
An act (S. 3634) granting a pension to Mrs. Nancy Smith; and
An act (S. 169) granting an increase of pension to Abby J. Slocum.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 3560) for the relief of William S. Rosecrans; and
An act (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan.

SUE B. JOHNSON.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3364) granting a pension to Sue B. Johnson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to said bill, and agree to the same.

C. K. DAVIS,
JAMES L. PUGH,
A. S. PADDOCK,
Managers on the part of the Senate.
J. LOGAN CHIPMAN,
W. GODFREY HUNTER,
CARLOS FRENCH,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action by the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate, information in regard to the disposition of certain moneys devoted to the allotment of Indian lands; which, with the accompanying papers, was referred to the Committee on Appropriations.

INTERSTATE COMMERCE.

The Senate resumes the consideration of the third and seventh amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, the pending question being on the motion of Mr. SHERMAN that the Senate recede from its disagreement to the amendment of the House numbered 3.

Mr. CULLOM. Mr. President, it is with some reluctance that I consent to say anything and thereby detain the Senate from the consideration of other business. I am, however, pressed into the service to occupy the attention of the Senate for a few minutes.

The bill, referring to the whole bill which has been under consideration, passed the Senate many months ago, during the last session. The bill went to the other House and passed that body with numerous amendments. It came back and the Senate disagreed to the amendments as a whole and asked for a conference, which was agreed to. Conferees were appointed on the part of both Houses, and certain of the amendments pending between the two Houses were settled by the conferees on the part of both Houses. The two amendments which are now under consideration were disagreed to and are therefore pending to-day. Those two amendments I believe, as I have always believed ever since I have had anything to do with this subject, are not amendments that it is desirable to have made to the general act.

The act which was passed two years ago regulating commerce among the States was general in its provisions. It was substantially an enactment into statute law of the common law of the country, so far as it was applicable to the subject under consideration.

There has never before, that I know of, been any effort on the part of any Senator to introduce into legislation amending the general act any provision that might be termed special legislation. It seems to me that the amendment the Senator from Ohio has so ably advocated does attempt to introduce into the general act to regulate commerce among the States special legislation, and the result of its enactment would be that whenever any individual thought he was aggrieved in any way and did not at once secure justice from the courts or the commission, he would be encouraged to come before the Senate or before Congress and ask such legislation as would exactly fit his case.

It seems to me that it is akin to such legislation as we see once in a while attempted in State Legislatures. When a lawyer has a case and he fears he is going to be beaten, he goes to the Legislature and undertakes to get an act passed to enable him to win his case. While I am not by any means intimating that any Senator is doing or attempting to do that sort of thing, yet it does seems to me that the provision the honorable Senator from Ohio is insisting upon is that kind of legislation.

Not only so, but the Senator from Ohio, in his general declamation here, has stated that he is in favor of the poor man; that he is in favor of exact justice; that he is against standard oil companies; that he is against monopolies, and that generally he wants exact and even justice to all the people; all of which I agree to. Yet, if I understand the amendment, the result of the enforcement of it would be that it would enforce unjust discrimination instead of carrying out even and exact justice to all the people of the country.

I submit to the Senator from Ohio, who is so earnest in behalf of this amendment, whether he does not believe, whether he does not know, that cases might arise where unjust discrimination would be the result of the enforcement of that provision if it was placed upon the statute-book. Therefore I am against it. While it looks very easy, and very nice, and very fair, and very just in its terms, yet, as the Interstate Commerce Commission have already decided more than once, I believe, it would be an unjust discrimination to do exactly what the amendment proposes to do. In other words, the commission have decided that every case must stand upon the facts connected with the case, and that there may be a state of facts under which in carrying oil in barrels, if you please, and in tanks, the charge should be exactly the same. There may be a state of facts, I say, under which if that was the law and enforced, the result would be an unjust discrimination. So it seems to me that no such provision of law ought to be incorporated in the bill.

Ever since I have had anything to do with this subject I have tried in legislation to go just as far as we could afford to go consistent with the interests of the commerce of the country and the protection of the people carrying it on, but in my judgment if we were to enact that provision the result of the enactment would be that either the men who are furnishing oil to-day at the price the people are buying it for would be compelled to put up their price, if the provision the Senator from Ohio insists upon as to the tanks should be enforced. If the cars furnished by any outside company are to be subject to use by everybody, the result would certainly be that such companies or shippers would not furnish cars for themselves or anybody else, and we would go back to the old-fashioned and more expensive methods of transportation that formerly prevailed, the increased cost of shipment being ultimately paid by the consumer.

So it seems to me that this is an impracticable proposition. I do not believe in the declaration the Senator announced as the law, that if one shipper comes to a railroad company and says that he wants a given number of cars, and the railroad company says, "I am not able to furnish them," and then the shipper says, "If you can not do it, I will," that when the shipper does it those cars are under the law to be taken and used by everybody else. It does not seem to me that that is the law on common law principles or that it ought to be in the statutory law.

I agree that in so far as a railroad corporation can it should furnish to all the people doing business exactly the same facilities; yet if a railroad company can not furnish tank-cars, if you please, and the man or company carrying on the business determines to furnish them, he has to allow everybody else to use his cars and break up his business, and put him where perhaps he would not have cars enough in order to carry on the business that he is undertaking to carry on and that he has provided facilities for. Such an arrangement would certainly be very unjust.

So it seems to me that the proposition of the Senator from Ohio is that if any business man or company makes an application for cars and the railroad company is unable financially to furnish them, you have either got to say to the railroad company that it shall not furnish any cars or allow anybody to build their own cars, or else you have got to require that the company which does build the cars shall put them subject to the use of the railroad for anybody else. Is that right? I submit in all candor, is that right, or is there any common-law principle involved in it?

I do not believe there is; but taking it as a matter of practice in business in this country, as the Senator knows, there are coal-cars furnished by companies mining and transporting coal, there are lumber-cars furnished by lumbermen for the purpose of getting out their lumber, there are fruit-cars furnished by individuals for the shipment of fruit when the business perhaps would not justify a railroad company in furnishing such cars or when perhaps the railroad company was not able to furnish them. Does the Senator pretend to say that because

the railroad allows the lumber company or the fruit company or the coal company to furnish its own cars, therefore the cars furnished by any of these companies shall be subject to the use of everybody else?

Mr. HARRIS. And refrigerator cars.

Mr. CULLOM. Yes, sir; refrigerator cars.

Mr. GRAY. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. GRAY. I have been much interested in the argument made by the Senator from Ohio in favor of his amendment and in the subject as it has been presented to the Senate. I know that the Senator from Illinois has given great attention to this general subject, and I have been listening to him and intend to listen to him with attention. Inasmuch as it appears from the argument made by the Senator from Ohio that there is a contest between two sets of producers of oil, one who seem to be able to own tank-cars, and another who seem to be unable to own them, I should like to know what, in the opinion of the Senator from Illinois, the interest of the great body of consumers of oil in this country is in this contest between these capitalistic corporations and the producers?

Mr. CULLOM. Of course it is the interest of the people generally that no one corporation should own the country or its business. That I agree to. But, after all, the great purpose of regulating interstate commerce, or having anything to do by legislation with the subject, is to protect the great body of the people against extortion or unjust discrimination or preference, as is expressed in the general act of Congress.

Mr. BUTLER. May I ask the Senator a question for information, for I have not had time to examine the amendment? Does not the amendment practically undertake to regulate freight traffic by Congressional action or interference? I have not had time to examine it, and I ask for information.

Mr. CULLOM. I will read the amendment so that the Senator may know exactly what it is:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

That is the provision.

Mr. GRAY. The Senator of course will tell me if I am interrupting him.

Mr. CULLOM. Not at all. I should have gone further in answer to the Senator from Delaware if the Senator from South Carolina had not asked me the purport of the amendment.

Mr. GRAY. I wanted to pursue my inquiry to this point, whether the result of the amendment of the Senator from Ohio will not be to raise the price of oil to the consumers of the country?

Mr. CULLOM. I have not the slightest question but that it will. While I am upon that branch of the subject I desire to make one allusion to another remark of the Senator from Ohio.

Mr. HARRIS. If the Senator from Illinois will allow me, I beg to suggest that it will produce the very inequality the committee has struggled to prevent.

Mr. CULLOM. Of course, exactly. Now, I want to say a few words to the Senator from Ohio in answer to the suggestion he made in regard to pipe-lines. The Senator complains that certain persons, I do not know who they are, have gone through people's farms and over the highways and byways from some oil region, I suppose, in his State, until finally they have got the pipe-line from that region into the city of Chicago, and he complains about that. Mr. President, if there is anything that the people of Chicago and the West ought to be grateful for it is that whatever company has put down that pipe-line is giving to the people of Chicago on that account cheap oil for manufacturing, for fuel, or for whatever purpose the oil may be used.

While the Senator may have an idea of some principle of law that would prevent that sort of thing, or that would require a regulation of it, I do not know of any provision of the common law or any other, if any individuals or corporations shall put down a pipe-line from Ohio to the city of Chicago for their own use, by which we are going to be able to interfere with it under any general common law principle or any other.

So far as I am concerned I have no particular affection for the Standard Oil Company, because we all know that that company has extorted from the people in years gone by to the amount of millions of dollars. Yet because of that fact and because of the possible unpopularity of that institution in the country, while I have any responsibility whatever for the control of legislation on the subject of regulating commerce, I shall not allow any amendment, if I can help it, to get into the general act which will result in producing an unjust discrimination, and in the end break down the whole effort that we are making in protecting the people against extortion and unjust discrimination.

Mr. DAWES. I wish to ask the Senator a question, because I have not been able to be here during the discussion. Somewhere in the elementary books it is said that you must understand the mischief before you undertake to apply a remedy. Therefore, I should like to know whether the complaint is that the railroads make a distinction between producers who offer the same facility? That is to say, do they make distinctions in favor of one company furnishing tank-cars, for instance, as against another company offering the same kind of cars?

Mr. CULLOM. Not at all.

Mr. DAWES. Now, another point. Do they make a distinction between those furnishing tank-cars and those offering to furnish another kind of car equally safe?

Mr. CULLOM. There have been two ways of carrying oil, one by tank-cars, which the Senator has referred to, and the other in what are called stock-cars. There have been cases brought before the Interstate Commerce Commission, in one instance against the Lake Shore road, the allegation being, in the first place, that the railroads were making too great a discrimination between the price charged for carrying part of a car-load and a whole car-load. Then again complaint is made that the railroad charges a different rate, and it is alleged that there ought to be no difference between the carrying of oil in stock-cars by the car-load and a car with a tank as a part of the car, the tank being full of oil. Those cases have been before the Interstate Commerce Commission and they have given those subjects their attention, and in two cases or more have decided as to what they thought was substantially right as between the two modes of carrying a car-load in a stock-car and a car-load in a tank-car.

Right here, before I refer to that decision, I will state what the point is. While the Interstate Commerce Commission had decided just what they thought was right as between the two modes of transportation, which was based upon matters of fact, the people representing the stock-car mode of transportation insist still that the railroads give the advantage to the tank-car mode of transportation.

Mr. DAWES. I should like to make one other inquiry.

Mr. CULLOM. Go on.

Mr. DAWES. That is, whether the tank-car is a car that nobody can use except this company?

Mr. CULLOM. Not at all. Anybody can build a tank-car, as I understand, who has got the money to build it.

Mr. PLATT. It is furnished by other companies.

Mr. CULLOM. It is furnished by a good many other companies than the Standard Oil Company.

Mr. DAWES. Is it the answer of the railroad company that the other method is not as safe?

Mr. CULLOM. Of course there is a difference of opinion on that question. The fact is, as I gather from all the information that I have been able to get, that the tank-car system is safer, and I have no doubt myself that it will be but a very brief period of time before there will be no other mode of carrying oil from one portion of the country to another than in tank-cars, because it is the cheaper mode and it is certainly the best mode of transporting it from one section of country to another.

Let me read for a moment what the decision of the commission has been. The last decision by the Interstate Commerce Commission was in the case of William C. Scofield and others against the Lake Shore and Michigan Southern Railway Company, decided July 19, 1888. In that case just what I have stated was the complaint. The parties to it, and there is a large number of them, alleged that the railroads were extorting from them or unjustly discriminating against some of them because they charged too much for a part of a load in comparison with the charge they made for a full car-load of barrels in a stock-car. The other complaint was that there was too much discrimination or difference in the charge between the transportation of a stock car-load of oil in barrels and that in a tank-car.

The commission delivered a long opinion, reciting all the facts and summing up with a statement of the facts in the case, which is entirely too long for me to read, but I will read a paragraph or two simply to show that everything the Senator from Ohio is anxious to secure is being secured by the decisions of the Interstate Commerce Commission as the cases come before them, and that the rights of the parties are being secured, not by an attempt to make special legislation here and to put into the act a statement of what the rate shall be by comparison in every instance, but they do it upon the examination of all the facts before them, and then render a decision just as any court would do, or as a jury would do if the case was submitted to a jury. They use this language. They say:

There is no just and substantial ground for this difference—

That is to say, the difference that existed in that particular case as between the charges by the car-load in barrels and the tank-cars.

There is no just and substantial ground for this difference, so far as we can see. By this arrangement the carrier hauls in one tank-car 90 barrels of oil, etc.

I am reading this to show the view of the Interstate Commerce Commission, which we must trust if we do not abolish it and let the people take their opportunities in the courts, as they have the right to do under the law to-day. If a railroad company that fails to furnish tank-cars to the honorable Senator's friend or anybody in his State or anywhere else refuses to furnish those cars he has a right under the common law, as well as under the act of Congress, in my opinion, to bring a suit. I am sure he has under the common law a right to bring a

suit and punish the railroad for its failure to do its duty as a common carrier under the common law.

Mr. PLATT. If it has failed.

Mr. CULLOM. I say if it has failed to do its duty. I am not saying that it has. So there is the remedy the Senator seeks when he undertakes to make an appeal for one class of men as against another. If a railroad has been derelict in its duty and violated the common law of the land in furnishing or allowing, if you please, tank-cars to be built and used by one company, or if the railroad has furnished tank-cars to one company and has not furnished them to another, he can test the question as to whether under the common law the company was liable because of failing to do its duty by one customer as well as another.

Now I come back to the original proposition. The only point in this, it seems to me, is whether we are going to say by legislation that we will not allow a commission or a court to settle the questions of difference that may exist between a railroad and a shipper, or whether we shall allow the question of fact to be settled by a lawsuit or by a hearing before the Interstate Commerce Commission. I say that the Interstate Commerce Commission are trying—whether they have reached the point of exact justice between the parties or not I am not prepared to say, but they appear to be trying to reach the exact point that the Senator from Ohio alleges he desires, and that is exact justice between the parties. That is all I want.

Now, let us see what the commissioners say in this same opinion:

> The preference thus given to oil shipped in tank-cars as against oil shipped in stock-cars in car-load lots is, we think, unlawful, and must be regarded as forbidden by the act to regulate commerce.

If they were committing an unlawful act, if the railroad was charging too much to the man or the company shipping in stock-cars, or unjustly discriminating in favor of the tank-car, the commission have the absolute power to ascertain the facts existing in the case and render their decision, going to any length that they see proper to go to secure exact justice to the party shipping oil in barrels.

Mr. President, I might stand here and read by the hour arguments that have been furnished to me by parties interested in this subject on both sides, but I do not think I ought to take up the time in talking about this feature of the case any longer. While I am up I desire to say a word as against the other amendment that is insisted upon on the part of the House and the House conferees, although technically it is not before the Senate at this moment.

Mr. FRYE. Will the Senator kindly read that other amendment?

Mr. CULLOM. I will. The other amendment which is pending as a difference between the two Houses is as follows:

> That in all civil actions and proceedings of whatever nature arising under an act entitled "An act to regulate commerce," approved February 4, 1887, and under all acts amendatory thereof, concurrent jurisdiction with United States courts is hereby conferred upon State courts of competent jurisdiction.

In the first place, the Congress of the United States, as I understand it, can not confer jurisdiction upon the State courts and require the State courts to take jurisdiction.

Mr. REAGAN. Will the Senator allow me to interrupt him?

Mr. CULLOM. Yes, sir.

Mr. REAGAN. I, a short time ago, called attention to a number of acts of Congress conferring jurisdiction upon State courts for various purposes.

Mr. CULLOM. So I understand. But if we could confer jurisdiction on State courts, the State courts can not take the jurisdiction unless the Legislatures or some other authority in the State gives them the right to do so. That is the point I make.

But aside from any technical question in criticism of the language used in the amendment, I say that it is not in the interest of the commerce of this country that there should be given to the State courts jurisdiction in the administration of a national law if we had the power to give it. What would be the result of it? Suppose we confer, if you please, jurisdiction upon the State courts of the country. The result of it would be that in every State there would be different decisions.

Mr. HISCOCK. I ask the Senator if he concedes that we can confer jurisdiction upon the State courts?

Mr. CULLOM. I do not, but I say, waiving the question of the technical language of the amendment or of the constitutional power to grant it, if we were to conclude that we have the power to do it, it would be unwise legislation on the part of the Congress of the United States to enact such a provision as that. We already see a disposition on the part of local commissions and judges, even of the United States, to differ one with another in different localities.

Mr. HISCOCK. Do I understand that there has been any authority whatever cited tending to prove that we can give this jurisdiction to the State courts?

Mr. REAGAN. If the Senator will allow me, I have cited a number of acts of Congress. I call the Senator's attention especially to the national-bank act, which expressly conferred jurisdiction on the courts of any county, city, or parish to try cases arising.

Mr. HISCOCK. To try what case? I did not understand the Senator.

Mr. REAGAN. Cases arising under the national-bank act.

Mr. HISCOCK. Does not the Senator know that those cases may rest upon an entirely different principle? There is there the creation of an artificial person, a corporation.

Mr. REAGAN. Mr. President——

Mr. HISCOCK. If the Senator will allow me, I desire to get this point in right here. There is the creation of an artificial person by Congressional statute, and jurisdiction is given to the State courts in reference to an action by or against that person. Here, on the other hand, and I call the Senator's attention to it, is a provision of the Constitution that "the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States," etc. Every action under the interstate-commerce law arises under a statute of the United States, whereas every action or nearly every action brought against or by a bank in a State is either an action on contract or an action at common law.

Mr. REAGAN. But arising under the act of Congress which created the corporation.

Mr. HISCOCK. Oh, no; it does not arise under the act of Congress. The act of Congress merely creates the person that brings the action. I desire to call the attention of the Senator from Illinois, who has charge of this measure, to that manifest distinction.

Mr. REAGAN. I desire to say that I can find acts of Congress conferring jurisdiction on the State courts.

Mr. DAWES. I should like to inquire of the Senator from Texas if he means to say that a contract made with a national bank can not be enforced in a State court.

Mr. REAGAN. I have said that the express authority was to enforce it.

Mr. RIDDLEBERGER. Mr. President, pending that inquiry ——

Mr. CULLOM. I have the floor, I think.

The PRESIDENT *pro tempore*. The Senator from Illinois has the floor.

Mr. HISCOCK. I beg the Senator's pardon for interrupting him.

Mr. CULLOM. That is all right.

Mr. RIDDLEBERGER. Pending that inquiry, I move that the Senate now proceed to the consideration of executive business.

Mr. CULLOM. The Senator has no right to the floor for that purpose or any other.

The PRESIDENT *pro tempore*. The Chair can not recognize the Senator from Virginia, the Senator from Illinois being on the floor in his own right.

Mr. CULLOM. I shall detain the Senate but a very few minutes longer, because I am very anxious that this subject shall be disposed of to-night.

I was about to say that upon the question in issue I entirely agree with the honorable Senator from New York [Mr. HISCOCK]. The fact is that this question of the State court authority has been before the committee from the very beginning of our attempt to get together and pass some act upon this question. I have never believed that we had such authority, and I have never believed that if we had it it would be a wise thing for the Congress of the United States to allow State jurisdiction to be taken of a national law of this kind.

As I was about to say when I was interrupted, there is no interference at this moment with the jurisdiction under the common law in the administration of justice in reference to the rights of the people under the common law by State courts, and there will not be by this act, even after these amendments are acted on; but I think it would be unwise that the Congress of the United States should undertake to give State courts jurisdiction if we had the power to do it, to administer the national law upon the question which touches the very life of the great commerce of this country.

Mr. President, it is very easy for Congress to pass acts, and let me say that it is very easy for us to break down commerce if we are not exceedingly careful in our attempt to legislate upon this great subject. The millions and millions of commerce that is being carried on every day, the internal commerce of this country, can be thwarted, can be hindered, can be injured, can be broken down by a mistake in our legislation here in dealing with this delicate subject.

So far as I am concerned, as I have said before, I am very anxious to go just as far as I can in my judgment go consistently with law and the Constitution and duty in protecting the great body of the people of this country by legislation; but I am not willing to go so far as to take a step that is even of doubtful propriety, because already the railroads of the country are staggering under difficulties that have come upon them, not from State legislation, as I understand, not by any action of Congress, but by the conditions that prevailed before the act of Congress was passed.

Mr. RIDDLEBERGER. I ask the Senator from Illinois if he will not now allow me to make a motion to go into executive session?

Mr. CULLOM. I hope the Senator will not attempt to make that motion until we dispose of this subject.

Mr. RIDDLEBERGER. I ask this because it was agreed yesterday that at 3 o'clock to-day we would go into executive session.

Mr. CULLOM. I can not yield, however much I should like to accommodate the Senator.

Mr. RIDDLEBERGER. Then I will not yield any more either.

Mr. CULLOM. All right.

Mr. President, I say that my judgment is that every Senator should be careful in determining what legislation should be had upon this delicate and important subject lest we injure the commerce of the country instead of benefiting it by any acts that we may pass here in the Senate of the United States.

Mr. HISCOCK. Mr. President——

Mr. CULLOM. I yield the floor to the Senator from New York.

Mr. HISCOCK. Mr. President, as a member of the Interstate Commerce Committee I am opposed to these House amendments, and I desire briefly to state the ground of my opposition.

First, I assume that it can not be successfully controverted that oil can be carried in tank-cars cheaper than it can in barrels. That declaration I make, and I challenge successful contradiction of it.

Mr. REAGAN. I do not think there is any human being on earth who will contradict or take issue with the Senator on that point.

Mr. HISCOCK. Very well. Then, if this provision means anything, it means that the railroad companies shall charge the oil producers more for carrying their product which ought to be carried cheaper. In other words, the amendment, instead of being in the direction of putting down freights, is positive and affirmative legislation in the direction of putting them up. The usual cry against corporations has been that they were extortionate; that they imposed burdens upon the people, and that their powers should be limited because they were robbers.

Here we have a case in which they can and do reduce the price for their service, because of the peculiar facility they have for carrying this product; and the proposition is to make the product pay more. That is the spirit of the amendment and that is what it contemplates.

Mr. President, it means that if superior energy and skill can provide a method by which to give the products of a certain industry to the country cheaper than can be done in other modes, the carriers shall not have the privilege of doing it. It means that if a combination of capital can give goods to the consumer cheaper than individual proprietors it shall not have the opportunity of doing it. In other words, this measure is aimed chiefly against cheapening the products of our mines and our factories to the consumer. I am not in favor, as between domestic producers, of carrying the doctrine of protection quite as far as that.

The Senator from Texas concedes that this product can be carried cheaper in tank-cars than it can in the other method indicated in the bill, but he claims that the same price shall be charged for each method of transportation. If we enact a law which provides for that, the result is to put up the price, to increase the price of transportation, and the one who has cheapened the facilities for transportation must increase the price of the product to the consumer.

Now let us take the amendment which has been offered by the Senator from Ohio. It provides—

> That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own, lease, or control the same, except upon the condition that said carrier shall carry upon said cars the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

It is a notorious fact that a large proportion of the cars that are used by railroads to-day are leased by them, belonging to individual proprietors; and they belong to the shippers in many cases, for the reason that they are adapted to a particular service; and it will not pay the railroad companies to own the cars; they can not afford to do it. Take refrigerator-cars which leave a State loaded with butter in a warm season of the year. It may be a very close question whether a railroad company feels that it would pay to build those cars and put them on the road; but the home shipper has his own car in his business; he can afford to have it.

This measure proposes that the very moment he has constructed a car to be used in his business he shall share it with some one else; that others shall have the same right he has to have freightage on that car to an Eastern city, or else that the railroad company shall duplicate that car and put it on the road. That is the amendment. That is precisely what is proposed by the provision of the Senator from Ohio.

I say that I believe all shippers who are engaged in the transportation of perishable goods all over this wide country of ours to an Eastern market should have the right to build their cars, and upon fair and just terms put them upon the railroads. It is in the interest of the producers West and consumers East. The effect of this provision would be to destroy that privilege which is now enjoyed by the Western producer and Eastern consumer, and of which they have the benefit.

I had not intended to discuss these provisions at any great length, but, as I stated at the outset, to give in as brief a way as possible the reason which induced me to oppose the amendments which have come from the other House. Now, a word with reference to the provision as to the jurisdiction of courts. I announce in commencing that discussion that I am not prepared to lay down the law authoritatively as to whether we can confer this jurisdiction upon State courts or not, for I have not examined the decisions; but there is a wide distinction between a provision conferring the jurisdiction which is conferred upon State courts with reference to actions by or against national banks and what is contemplated here, and the cases cited by the Senator from Texas do not bear at all upon the question which is presented by this amendment. The provision of the Federal Constitution is that—

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, etc.

Every action that can be brought under this interstate-commerce law arises under a statute of the United States. It is for the violation of a statute of the United States. It is for a cause of action given by a statute of the United States. Now, how is it in reference to national banks? A national bank is simply a creature of Federal law, an artificial person that the courts say Congress has the power to create. Congress says that artificial person may be sued or sue in the State courts, but it does not say that it may be sued or sue in the State courts for causes of action arising out of or under Federal statutes. The actions that are brought there are actions upon contracts or promissory notes or bonds for the enforcement of rights either at common law or under contract. I say to the Senator from Texas that he has not presented any case which holds that where the cause of action arises out of a Federal statute, is governed by a Federal statute, Congress can abdicate to the State courts the jurisdiction of that action.

Can a cause of action created and arising under the Constitution of the United States be tried in a State court? As I said in the outset, I am not expressing an unqualified opinion on that subject. I am simply calling the attention of the lawyers of this body to the question which I have propounded. There is no distinction between actions arising upon the terms of or given by the Constitution for a violation of the Constitution and those given by statute or arising for a violation of a statute.

Mr. MITCHELL. Suppose a State judge should decline to execute the law, how would you proceed? Could you impeach him? Could you proceed against him at all?

Mr. HISCOCK. Well, I do not know.

Mr. MITCHELL. I should think you could not myself.

Mr. HISCOCK. The whole question is up whether for violation of Federal statutes, which violations are made criminal, jurisdiction can be given to State courts to try the offenders. That is the question presented. If we can surrender to the State courts the power to try civil causes of action given for a violation of Federal statutes, we can give to the State courts also the power to try and punish crimes which are created under the Federal statutes. I see no distinction between the two cases in that respect; but I do not care to discuss the question further.

Mr. HOAR. I should like to ask the Senator a question before he sits down; I do not want to enter into the debate. It may be the Senator has answered it. I suppose the Senator has adverted to the point. If not, I should like to ask him if it is the right of Congress to give jurisdiction to a State court, even with the consent of that court, unless there is State legislation? Can Congress and a State court put together enforce any jurisdiction the State court would not otherwise have without the legislative authority of the State itself?

Mr. HISCOCK. In respect to crimes under Federal statutes there would have to be affirmative legislation on the part of the States, for the reason that the State courts do not necessarily possess jurisdiction of crimes under Federal statutes. As to civil actions, I am not so certain that action on the part of the State is required; but I will not assume to express a decided opinion now upon that point. I am inclined to think that the decisions under the national banking law cover that precise question, but I am not disposed to express an opinion here that I might not want to change on reflection and further consideration.

Mr. HOAR. If the Senator will allow me——

Mr. HISCOCK. I am rather up for the purpose of directing the inquiring mind on this question. What was the Senator from Massachusetts about to say?

Mr. HOAR. I was about to call the attention of the Senator from New York to the distinction. In the case of the national banking law the State courts had jurisdiction unless a system were created by national legislation which excluded them. That is, a corporation, whether foreign, domestic, or national, or a corporation of another State, was liable under bankruptcy process to suspend unless Congress in its control over the subject fixed an exclusive jurisdiction in the United States courts. But here is a jurisdiction the subject-matter of which is wholly within the jurisdiction of the court, and if it is to meet an obligation which the State courts put in force ordinarily Congress can not take jurisdiction. Take the case of Prigg *vs.* The State of Pennsylvania, in 16 Peters, where it was expressly declared that Congress could not give to a State court jurisdiction without affirmative action by the State Legislature.

Mr. HISCOCK. I will not express an opinion on the question that is suggested, but for the purpose of answering the view which has been urged in favor of the amendment providing that the State courts should have jurisdiction of these actions, my argument is complete that if it is true that in those causes of action which arise under a Federal statute the jurisdiction by the Constitution is reserved to the courts of the United States, it follows that it can not be conferred by Congress upon the State tribunals and that it can not be abdicated to them. I have said enough, if I am right in this position, to answer the argument which has been made in favor of the House amendment.

But I now call attention to the provision of the Constitution, subsection of section 8:

To regulate commerce with foreign nations, among the several States, and with Indian tribes.

Under this provision the regulation of interstate commerce is reserved to Congress. The bill and the law which it proposes to amend deal exclusively with interstate commerce and provisions for its regulation. Over that subject neither the legislatures nor the courts of the respective States have any jurisdiction, or can take any, and Congress can not confer jurisdiction upon them.

Every cause of action which can possibly arise under the law in question, or the amendments proposed thereto, will involve the regulation of interstate commerce traffic between the respective States. The actions and the decisions of the courts thereon will involve only questions of interstate commerce, "the regulation of commerce among other States." This jurisdiction, I suggest, can not be conferred upon the State courts.

I will not take the time of the Senate to elaborate this point, and I have made it suggestively for the consideration of the Senators. Its force will be readily appreciated by the trained legal minds, and it is hardly worth while now that I should do more than state it.

Mr. RIDDLEBERGER. I shall not renew the motion for an executive session this evening, because it has been suggested to me that to-morrow at 2 o'clock we shall endeavor to have the motion to go into executive session prevail.

Mr. CULLOM. I think in a little while we shall be able to get a vote on the question under consideration if Senators will remain.

Mr. VEST. There are a number of bridge bills on the Calendar, as I had occasion to say yesterday and the day before, which ought to be disposed of, in which conferences are absolutely necessary, where important railroads are being stopped for the want of the legislation proposed. I move that the Senate take a recess from 6 o'clock, if that is a convenient hour, until 8 this evening.

Mr. CULLOM. I ask the Senator from Missouri to withhold that motion. It may be a few minutes after 6 before this subject is disposed of.

Mr. HARRIS. I do not think the Senator from Illinois understood the suggestion of the Senator from Missouri. He moved to take a recess from 6 o'clock, and it is now three-quarters of an hour until 6 o'clock.

Mr. CULLOM. I did understand it; but if we should not have disposed of the pending business by that time it is doubtful whether there will be a quorum here to-night.

Mr. KENNA. Is it contemplated that the session this evening shall be for bridge bills only?

Mr. VEST. That is all of my interest in it.

Mr. KENNA. Then let it be so understood.

Mr. VEST. I am instructed by the Committee on Commerce to make this motion.

Mr. CULLOM. If the Senator will withhold his motion for half an hour I think we shall then know whether the pending matter will be out of the way, and he can then make it. I am very anxious to do just what the Senator wishes.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate take a recess from 6 o'clock until 8 o'clock this evening.

Mr. VEST. I am willing to fix it at such time as will be convenient to the Senator from Illinois.

Mr. EDMUNDS. That will not do any good. There will not be a voting quorum here on any division. We had better adjourn until 11 o'clock to-morrow.

Mr. HARRIS. The object the Senator from Missouri has, as expressed by him, is to consider some bridge bills, which it is important to have passed at an early hour.

Mr. EDMUNDS. But there will be no quorum here to-night.

Mr. VEST. My experience has been, if the Senator from Vermont will permit me, that in the morning we come here fresh and everybody will be anxious to pass some special bill, and I shall be just as far off from these bridge bills to-morrow morning as I have been for the last week. That has been my experience.

Mr. EDMUNDS. I do not think that that is correct. I think that now in this last stage of the session, if we vote to meet to-morrow at 11 o'clock there will be a quorum here within ten or fifteen minutes afterwards, and the matters to which the Senator refers can be attended to. But on any difference of opinion this evening, it is evident to me from my experience that it will be found that there is not a working Senate present.

Mr. VEST. I think we can get a quorum. At any rate I will do my duty; I will make the motion. My committee instructs me, and I will submit the motion.

Mr. EDMUNDS. Pending that, I will try the sense of the Senate on moving that the Senate adjourn to meet at 11 o'clock to-morrow.

Mr. CULLOM. I hope the Senator from Missouri will put the recess at 6 or half past 6, so that we may get the pending measure out of the way.

Mr. EDMUNDS. I propose to meet at 11 o'clock to-morrow.

Mr. CULLOM. But let us postpone the hour of adjournment until after 6 o'clock.

HOUR OF MEETING.

Mr. EDMUNDS. Then I move that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. STEWART. I hope that that motion will not prevail and that we shall have an evening session.

The PRESIDENT *pro tempore*. These motions are not debatable, but the Chair will hear suggestions, if there be no objection.

Mr. STEWART. I will state that we got pretty nearly through yesterday with the Calendar of House bills, leaving a few unobjected House bills on the Calendar, and we ought to finish them. We might finish them this evening.

Mr. EDMUNDS. It will be quite impossible for the Senate on any division to get on with business without a quorum, as it never ought to go on with business without a quorum. If I happen to be here, as I think I shall, I shall feel it to be a duty to insist that a quorum shall act, and if a majority of the Senate will not be here to act then we ought not to act at all. We shall get on much better if we meet early to-morrow than we shall by trying to sit to-night.

Mr. STEWART. I seldom create a break-up of a quorum; I am here myself, and I think after we have worked in committee during the whole session and there are a few undisputed bills, if we can not have a few minutes to consider them it is very wrong.

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont has precedence as a question of privilege.

Mr. EDMUNDS. We had better meet at 11 o'clock to-morrow, whatever we may do to-night. So I insist on my motion now.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate adjourn until 11 o'clock to-morrow.

Mr. EDMUNDS. I have modified that, and moved that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the third and seventh amendments of the House of Representatives to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, the pending question being on the motion of Mr. SHERMAN that the Senate recede from its disagreement to the amendment of the House numbered 3.

Mr. SHERMAN. Mr. President, I intend to detain the Senate but a few minutes to answer some points made by the Senator from Illinois [Mr. CULLOM].

Mr. HARRIS. Does the Senator from Ohio propose to debate his amendment to the pending bill?

Mr. SHERMAN. Yes, sir, briefly.

Mr. HARRIS. I thought probably it would be more convenient to the Senator after the debate had closed on the other side to proceed; but if he prefers to proceed now, of course he will do so.

Mr. SHERMAN. I have no choice as to the time except that I wish to reply very briefly to the argument of the Senator from Illinois [Mr. CULLOM].

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. SHERMAN. Does the Senator from Tennessee wish to submit a motion to adjourn?

Mr. HARRIS. I desire simply to make a suggestion in respect to the Senator's amendment and in opposition to it.

Mr. SHERMAN. If the Senator desires to do that, as I have the affirmative measure I would rather hear what the Senator has to say.

Mr. HARRIS. I supposed it would be more agreeable to the Senator from Ohio to make the concluding argument for the amendment.

Mr. SHERMAN. I yield.

The PRESIDENT *pro tempore*. The Senator from Tennessee will proceed.

Mr. HARRIS. Mr. President, I desire to say to the Senator from Ohio and the Senate that neither he nor any other Senator will go farther than I to suppress monopolies in their improper practices. I have been a member of the Interstate Commerce Committee from the day it was originally organized, and have had some little to do with the formation of the bills heretofore passed and the one now pending. I want to say with emphasis that the object and purpose and rule of that committee has been to so shape its legislation as to secure absolute equality as between shippers, and I think, so far as the provisions contained in the pending bill are concerned, they do accomplish that precise object.

Under the construction of the Interstate Commerce Commission that object has already been accomplished by the legislation had; but if the amendment of the Senator from Ohio is agreed to, or if the amendment that the House of Representatives put upon the Senate bill shall be agreed to, so far from securing absolute equality as between shippers, it produces and enforces by law absolute inequality as between shippers. Here is one producer of petroleum products who demands the use of the rolling-stock of a railroad company and another producer of the

same character of products furnishes his own tanks and his own rolling-stock.

Now, to illustrate, let the carrier charge exactly the same price for transporting a gallon of petroleum from one point to another, then if the common carrier is allowed a rebate, if it shall come in that form, or if not in that form, if the common carrier pays to the owner of the rolling-stock that he leases and uses for the purpose of the transportation of oil a fair and reasonable rate, he has put the two shippers of oil upon precisely the same platform of equality; but if the amendment of the Senator from Ohio or the House amendment is agreed to by the Senate there is the common carrier using his own rolling-stock to carry the product of one petroleum producer and using the rolling-stock of another producer of petroleum, for which he pays nothing, and the one producer has invested no capital in rolling-stock, while the other has invested from one to three or five hundred thousand dollars in the construction and production of rolling-stock necessary to his purposes.

Now, if the common carrier is compelled to charge no more gallon for gallon of petroleum that is transported in its own cars and with its own rolling-stock than is charged to that producer who furnishes his cars and his rolling-stock, there is no allowance for the interest and the wear and tear upon a half million dollars' worth of cars that the one producer has furnished, and yet you compel the common carrier to transport the same amount of oil for precisely the same price, taking no account of the disparity between these two producers. It works out an inequality and an injustice.

Mr. KENNA. Will the Senator allow me to make a suggestion?

Mr. HARRIS. Certainly.

Mr. KENNA. Would not the effect of this amendment be the entire abolition of the tank-car system?

Mr. HARRIS. There are a large number of tank-cars owned by people who have constructed them that are convenient for their methods of business, and the tank-car company must not only construct their own car, but must construct the reservoirs at the place of destination, the only method by which they can unload the tank-car, and large amounts of capital have been invested in tank-cars and in reservoirs, which cheapen the transportation and cheapen to the consumer the petroleum so transported.

Mr. KENNA. I understand that; but, in the line of the Senator's argument, if you compel the charging of prices for the transportation of oil in tank-cars at rates which are charged for its transportation in barrels, thus divesting the tank-car system of the economy there is in it to the consumer, would you not in effect deny to the people the benefit of every advantage they now derive from the cheaper transportation?

Mr. HARRIS. The inevitable effect will be that no more capital will be invested in the construction of tank-cars and the tank-car system must be abandoned, and the consumers of petroleum and of petroleum products must pay a higher rate of transportation than they have to pay under existing conditions.

Mr. REAGAN. Will the Senator allow me a moment?

Mr. HARRIS. Of course I will.

Mr. REAGAN. It seems to me the Senator from Tennessee and others have taken a wrong view of this question. Nobody questions the superior cheapness of transportation in tank-cars. Nobody wants the owners of tank-cars to be compelled to be charged more because they carry oil in tank-cars. The point which we are endeavoring to meet is the combination between the Standard Oil Company and the railroads performing the same office and with the same capital making a monopoly that is driving the smaller refiners out of existence. What we want to do is to compel the railroads to be common carriers, and not permit the refiners of oil to be common carriers and to be paid by the railroads for the use of their cars, and at the same time have their transportation otherwise as cheap or cheaper than others.

Mr. HARRIS. The suggestion of the Senator from Texas amounts to no more and no less than this: That the railroad common carrier shall not be permitted to hire or lease or rent rolling-stock.

Mr. REAGAN. Oh, no.

Mr. HARRIS. It practically amounts to that, and it amounts to no more and no less.

Mr. REAGAN. Will the Senator allow me?

Mr. HARRIS. Certainly.

Mr. REAGAN. The Senator from Tennessee knows as well as I do that in the early use of railroads the right to run cars on them was leased out, but that idea was repudiated, and the railroads themselves are common carriers, and are by the common law and by our American customs required to furnish cars and furnish the means of transportation for all alike. The point now is to compel them to furnish the means of transportation to all shippers alike. The Senator will not see it that way.

Mr. HARRIS. In answer to the suggestion of the Senator from Texas, without accurate knowledge upon the subject I venture to say that there is not a railroad company in the United States to-day that has not been in the habit of renting more or less of rolling-stock. But there is one platform upon which, I think, the Senator from Texas and I can agree. I agree with him that it shall be the duty of the common carrier to carry from any given point to any other given point petroleum products by the car-load at the same cost to the shipper. He and I will not disagree about that. But I say that if one producer has invested a half million dollars in tank-cars and rolling-stock, and another producer has not invested a dollar in any such thing, and the carrier is compelled to charge exactly the same price per gallon for transporting oil between these points, you have by law worked out a gross inequality and discrimination in favor of one and against the other.

The thing that the committee has demanded and which the law as it stands, as construed by the Interstate Commerce Commission, requires, is simply that the charge for transportation shall be the same, with a reasonable allowance for the use of the rolling-stock which the carrier has used if it belongs to another person, and, in effect, it matters not a copper whether that allowance for the use of the rolling-stock is made in the form of a rebate or the whole freight is required to be paid in money and then the railroad company simply pays back to the shipper a reasonable compensation for the use of his rolling-stock.

If the amendment of the Senator from Ohio or the amendment incorporated by the House of Representatives upon the Senate bill shall be agreed to it enforces by law an inequality and a discrimination in favor of the one class of producers as against the other, while if the Senate bill is passed as it went from the Senate it produces the effect of absolute equality between the two classes of shippers.

That is all, Mr. President, that I care to say.

Mr. SHERMAN. Mr. President——

Mr. CULLOM. If the Senator from Ohio desires the floor to address the Senate——

Mr. SHERMAN. I am perfectly willing to do whatever the Senate desires.

Mr. CULLOM. I am inclined to think that there is not a quorum present, and that we shall probably fail in disposing of the bill now, and therefore I will not press it further this evening.

Mr. SHERMAN. I shall have the floor, then, when the matter is resumed.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Ohio as entitled to the floor when the consideration of the bill is next resumed.

Mr. PLATT. I think there was, perhaps, some misunderstanding growing out of what the Senator from Tennessee [Mr. HARRIS] said, that the Senator from Ohio [Mr. SHERMAN] was going to conclude the debate. If that is so, I should wish to be heard.

Mr. SHERMAN. I will give way to the Senator from Connecticut.

Mr. EDMUNDS. There was no understanding about concluding the debate.

Mr. CULLOM. I may wish to say something after the Senator from Ohio concludes his remarks.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.;

A bill (S. 3737) for the relief of Sterling H. Tucker and others;

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota; and

A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 22d instant, an additional list of judgments rendered by the Court of Claims; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO DEFICIENCY BILL.

Mr. KENNA submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PALMER, from the Committee on Commerce, reported amendments intended to be proposed to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

The bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty

stipulations with the various Indian tribes, for the year ending June 30, 1890, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CONSIDERATION OF BRIDGE BILLS.

Mr. VEST. I now move that the Senate take a recess until 8 o'clock for the purpose of considering this evening bridge bills and bills giving the right of way to railroad companies through reservations. There are one or two of those.

Mr. EDMUNDS. That motion, Mr. President, is obviously not in order, stated as it is; but I do not mind about that. It will be impossible to get on to-night without a quorum.

Mr. VEST. I will submit the language to the Senator from Vermont, and will adopt anything which he says is better. What I mean is that the Senate shall now take a recess until 8 o'clock this evening for the purpose of considering bridge bills.

Mr. EDMUNDS. That is your motive for making the motion.

Mr. VEST. That is the understanding. I want the Senate to understand what I mean. I move to take a recess until 8 o'clock.

Mr. EDMUNDS. Pending that, I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn. [Putting the question.] By the sound the noes have it.

Mr. EDMUNDS. Let us have a division.

The question being put, there were on a division—ayes 13, noes 25; not a quorum voting.

Mr. HARRIS. Let us have the yeas and nays on the motion and see if we can not raise a quorum in that way.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the yeas and nays on the motion to adjourn.

Mr. EDMUNDS. I ask unanimous consent to say a single word.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. EDMUNDS. I am perfectly willing to help get on with the business of the Senate, but I do not propose, for one, as a matter of duty, to have the Senate do business at night or in the morning or at any other time without a quorum present for doing it. I shall insist on that. It is perfectly obvious to me, and I appeal to my friend from Missouri, that if we take a recess until 8 o'clock there will not be thirty Senators in this Chamber to-night, saying nothing at all about pairs.

We have agreed to meet at 11 o'clock to-morrow morning, and I will unite with the Senator from Missouri to take up these important small matters about which there is no controversy—such as bridge bills, and so on—if the security of repeal, and so forth, is saved, as it should be and is, undoubtedly, and get on with them; but it will only put thirty or thirty-three Senators to the trouble of sitting here and finding it impossible to do anything, for I do not intend that anything shall be done, as I am constitutionally bound it shall not, unless a quorum is present to do it.

I do not say that in opposition to what my friend wishes, because I am entirely willing to pass all these bills that are right in form and substance, as I have no doubt these are.

Therefore I appeal to Senators to consider whether it is not better to begin at 11 o'clock to-morrow morning than to undertake to go on without any avail, as it will turn out this evening.

Mr. VEST. May I be permitted to make a remark?

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. VEST. I have not the slightest personal interest in this matter, and do not know of any of these bills that I have any special interest in except as a Senator and a citizens of this country. I assume that Senators will do their duty, as I propose to do mine, and if the Senate takes a recess until 8 o'clock I suppose a quorum will be present. There is no reason why that should not be the case.

As I have said before, these bills, about which I receive telegrams and letters every day, and personal solicitations of Senators and Representatives, are in such a condition that there must be a conference to-morrow, or else they will fail of their passage. The railroads are being constructed up to these navigable streams and they can not go any farther unless these bridge bills are passed. That is the whole case. I think there are about twenty of them, possibly not so many. The principal labor in regard to them is in reading them. They have been carefully considered; they have passed through the Engineer Bureau; and a large majority of them have come from the House of Representatives. They have been scrutinized by the Committee on Commerce, and, without arrogating to that committee any especial knowledge, I think that they are safely constructed.

Mr. CULLOM. Will the Senate allow me to make a suggestion?

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. CULLOM. I think that if the Senate were to give unanimous consent that nothing else should be considered but the bridge bills referred to we might possibly come to an understanding and have a session to-night to dispose of them.

Mr. EDMUNDS. I can not consent to that. We have never done anything of that sort in the Senate.

Mr. VEST. I want to get these bills into conference. I will frankly state that I am advised by members of the House of Representatives that unless the bills go there for conference to-morrow they can not pass them.

Mr. CULLOM. Let us see if we can not have a quorum here to-night.

Mr. EDMUNDS. I will withdraw, if I may, the call for the yeas and nays and try the experiment of seeing how many Senators will be here at 8 o'clock, if the Senate wishes to try it; but I give notice that nothing shall be done to-night without a quorum, if I can help it.

Mr. VEST. I do not want to proceed without a quorum.

The PRESIDENT *pro tempore*. The Chair hears no objection to the withdrawal of the call for the yeas and nays.

Mr. VOORHEES. I would suggest, by way of a settlement of the differences of opinion, if it is possible to do so, to have an understanding that the bridge bills be taken up to-morrow morning at 11 o'clock. I do not believe in an attempt at holding a night session unless there is a great emergency, and if there is not it is always a failure. At the same time I do believe in the propriety and necessity of passing the bridge bills that the Senator from Missouri presents to the Senate. They ought to be passed in the interest of the public.

I ask unanimous consent that when we meet at 11 o'clock to-morrow the bills indicated by the Senator from Missouri shall be taken up.

The PRESIDENT *pro tempore*. After the morning business?

Mr. VOORHEES. After the morning business.

Mr. CULLOM. I shall make an effort to keep the interstate-commerce bill before the Senate until it is disposed of, and shall press its consideration at the very earliest moment after we meet to-morrow.

Mr. KENNA. The Senator from Illinois will pardon me for suggesting that the very purpose of fixing 11 o'clock for the meeting to-morrow is to afford an opportunity to have these bridge bills considered. They will not take very much time, not more than will be made up by meeting at the earlier hour.

Mr. VOORHEES. Failing to get unanimous consent, I make the motion that when we meet to-morrow we consider bridge bills.

Mr. HARRIS. Will the Senator allow me?

Mr. VOORHEES. Yes.

Mr. HARRIS. I suggest to the Senator from Illinois that he do not object—and I do not think any other Senator will—to the consideration of bridge bills immediately after the routine morning business to-morrow, with the additional understanding, if that can be obtained, that we proceed with the interstate-commerce bill immediately after disposing of the bridge bills.

Mr. BUTLER. That is right. We will all agree to that.

Mr. EDMUNDS. That is a little too broad.

Mr. VOORHEES. The bridge bills will not involve debate.

Mr. CULLOM. We can dispose of the bridge bills to-night if Senators are disposed to put themselves out a little in the way of convenience to come here and make a quorum. Let us take up those bills and pass them, and then we can go on with the regular business to-morrow morning immediately after we meet.

Mr. STEWART. Suppose we stay here an hour longer now and pass them.

Mr. RIDDLEBERGER. There was an agreement made that to-morrow at 2 o'clock we shall go into executive session. I want to know whether the Senate understands that that agreement was reached?

Mr. EDMUNDS. There was no agreement. That was only a notice of a motion.

Mr. STEWART. I ask unanimous consent——

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. RIDDLEBERGER] is entitled to the floor.

Mr. RIDDLEBERGER. I want to understand whether the Senate itself understands that an agreement was reached that we shall go into executive session to-morrow at 2 o'clock. Outside of that I care nothing about any understanding in relation to other matters, bridge bills or anything else.

The PRESIDENT *pro tempore*. The Chair does not think that any unanimous consent was given for an executive session at 2 o'clock to-morrow.

Mr. RIDDLEBERGER. Yes, sir; there was no objection to it. If that is not understood by the Senate, I ask that an understanding be had now that we go into executive session to-morrow at 2 o'clock.

Mr. EDMUNDS. I can not assent to any unanimous understanding for an executive session at 2 o'clock to-morrow, but at that time, or about that time, unless I am further informed, I shall certainly vote with the Senator from Virginia, if he makes a motion of that kind, to go into executive session; but it might happen that at that very moment something else was about to be concluded and that we ought to wait a little time longer.

Mr. RIDDLEBERGER. It may happen that the Senator from Illinois will be making a speech and will tell me that I can not take him off the floor. Will the Senator from Illinois agree that to-morrow at 2 o'clock we shall go into executive session?

Mr. VOORHEES. In order to get a definite point before the Senate, I move that to-morrow after the disposal of the routine morning business the bridge bills be taken up, to the exclusion of other business, and continued until they are disposed of—I make that motion to the

Senate—and that then the interstate-commerce bill shall come up in its regular place.

The PRESIDENT *pro tempore*. The Chair thinks that motion would not be in order, as it would require a change of the rules themselves, which prescribe the order of business. That arrangement can only be reached, the Chair thinks, by unanimous consent.

Mr. EDMUNDS. I suggest to the Senator to take an hour for them, and then it will not cut off the interstate-commerce bill. Let us try it for an hour.

Mr. VOORHEES. I ask unanimous consent that the first hour after the disposal of the morning business to-morrow, or so much of that time as may be necessary, be devoted to the consideration of bridge bills.

Mr. CULLOM. I will consent to that.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that to-morrow morning at the close of the formal morning business one hour be devoted by the Senate to the consideration of what are commonly known as bridge bills, favorably reported from the Committee on Commerce and on the Calendar. Is there objection?

Mr. EDMUNDS. Or so much of it as may be necessary until we get through with them.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SABIN. I ask the Senator from Indiana to include in his request for unanimous consent the Senate right-of-way bills. The others we have time to consider, but they are equally as important as the bridge bills, and there are but three or four of them.

Mr. VOORHEES. I am perfectly willing to embrace them if they can be disposed of within the hour. I would not feel at liberty to ask beyond the hour.

The PRESIDENT *pro tempore*. Then is it the understanding that the bridge bills are in that hour first to be considered and afterwards, if time remains, the right-of-way bills?

Mr. CULLOM. And that the interstate-commerce bill shall come up immediately afterwards.

The PRESIDENT *pro tempore*. That will be the understanding, if there be no objection. It is so ordered.

Mr. EDMUNDS. Let us understand this. I ask that the Chair state whether the agreement has been made.

The PRESIDENT *pro tempore*. The Chair has announced that it was so ordered.

Mr. EDMUNDS. Very well, then, I am satisfied. Now I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Thursday, Febrtary 28, 1889, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 27, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PAPERS IN THE WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting reports from the heads of bureaus of that Department showing the condition and character of papers needed in the transaction of the current business and of no permanent value; which was referred to tho Committee on Military Affairs, and ordered to be printed.

NORTH LANDING RIVER, CURRITUCK SOUND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, papers relating to the obstruction of navigation on the inland water route through North Landing River, Currituck Sound; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

EMOLUMENTS OF CUSTOMS OFFICERS, 1888.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a statement of the official emoluments of officers of customs for the fiscal year ending June 30, 1888, as required by section 2639 of the Revised Statutes; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

PUBLIC LANDS IN LOUISIANA.

The SPEAKER also laid before the House the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana, with Senate amendments.

Mr. GAY. Mr. Speaker, I ask unanimous consent that the amendments of the Senate be concurred in.

The SPEAKER. The amendments will be read.

The amendments were read, as follows:

Page 2, line 14, amend by inserting after the word "claimed" the following: "*Provided*, That the provisions of this act shall be limited to the lands claimed by actual settlers for purposes of cultivation whose titles are now incomplete within the limits of the Donaldson, Scott, and Conway grants, and that, after setting apart to each of said settlers not to exceed 160 acres, the residue of the public lands within said grants shall continue to be, as they are now, a part of the public domain: *And provided further*, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the acts of Congress granting swamp lands to the several States of the Union."

Mr. HOLMAN. Is the last clause which was read a Senate amendment?

The SPEAKER. It is.

Mr. HOLMAN. I ask that it be read again. My first impression was that it was a provision of the House bill.

The SPEAKER. The Clerk will again read the second proviso.

The Clerk read as follows:

And provided further, That nothing in this act shall preclude the State of Louisiana from enforcing its claim to said residue of public lands under the act of Congress granting swamp lands to the several States of the Union.

Mr. HOLMAN. I hope my friend will consent to let this bill lie on the table until to-morrow morning. I was not aware that the amendment embraced the provision just read. A contrary provision was in the House bill.

The SPEAKER. If there be no objection, the Chair will withhold this bill for the present.

There was no objection.

WESLEY MONTGOMERY.

The SPEAKER also laid before the House the bill (H. R. 3829) for the relief of Wesley Montgomery, the said bill having been returned from the Senate with amendments.

The SPEAKER. These amendments apparently are merely formal. The Clerk will read them.

The Clerk read as follows:

In line 2, after the word "Montgomery," insert "or his heirs at law."
In line 3, after the word "enter," insert "in person."
In line 4, after "acres," insert "in one body."
In line 4, after "the," where it occurs the first time, insert "survey."

Mr. DORSEY. I ask that these amendments be concurred in.

Mr. WEAVER. What is this bill?

Mr. BLAND. I think we ought to have some explanation.

Mr. DORSEY. The bill simply permits this man to enter 160 acres of land in one body, in lieu of land which was taken from him by a railroad company.

There being no objection, the amendments were concurred in.

WRITTEN INSTRUCTIONS TO JURIES.

The SPEAKER also laid before the House the bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases, said bill having been returned from the Senate with amendments.

Mr. CULBERSON. This is a very short bill. I ask unanimous consent that the amendment of the Senate be concurred in.

The amendment was read, as follows:

Strike out all of the enacting clause and insert the following:
"That in all States wherein by the laws thereof judges of courts of record are required to give charges and instructions to juries in writing, judges of the district and circuit courts of the United States shall conform to such practice; and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files and be a part of the record in each case."

There being no objection, the amendment was concurred in.

JOHN GRAY.

The SPEAKER also laid before the House the bill (H. R. 11165) for the relief of John Gray, said bill having been returned from the Senate with amendments.

The SPEAKER. These amendments simply change the name of the beneficiary in the body of the bill and in the title by striking out "John Gray" and inserting the name of Mary Gray, his widow. Is there objection to concurring in the amendments? The Chair hears none, and the amendments are concurred in.

POLICE FORCE OF THE DISTRICT OF COLUMBIA, ETC.

The SPEAKER also laid before the House the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes, said bill having been returned from the Senate with amendments.

The amendments were read, as follows:

In line 7 strike out "forty-five" and insert "fifteen."
Strike out lines 14 to 17, inclusive.
In line 18 change section 3 to section 2.

The SPEAKER. If the House will indulge the Chair, this is a bill which perhaps ought to be disposed of before the 4th of March.

Mr. BLANCHARD. I ask that the amendments of the Senate be concurred in.

Mr. TAULBEE. What are the amendments?

The SPEAKER. The Clerk will read them again.

Mr. TAULBEE. I would like to hear how the bill will read if amended.

The Clerk read as follows:

Strike out "45" and insert "15" in the seventh line of the bill; so that it will read:

"That the act entitled 'An act to increase the police force of the District of Columbia, and for other purposes,' approved January 13, 1883, is hereby amended

so as to authorize the commissioners of said District to increase said force to 11 lieutenants, 30 sergeants, 345 privates, 19 station clerks, 9 laborers, and the number of mounted men to 35, as they may deem necessary; provided that 15 of the increase in the number of privates hereby authorized shall be appointed to class 1 and 45 to class 2 of said force; and a sum sufficient," etc.

Mr. TAULBEE. Is that increase to be permanent?

The SPEAKER. Only for the purposes of the inauguration, as the Chair understands—to preserve the peace in the city during that time.

Mr. TAULBEE. I make no objection.

There being no objection, the amendments were considered and concurred in.

PUBLIC BUILDING AT KALAMAZOO, MICH.

The SPEAKER laid before the House the bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.

Mr. BURROWS. I ask unanimous consent for the consideration of this bill at the present time. A bill like it has been reported favorably by the House committee.

A MEMBER. Is the amount of the appropriation the same?

Mr. BURROWS. This is the same amount as that reported by the House committee.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] asks unanimous consent for the present consideration of this bill. It will be read.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS, of Virginia. I object.

Mr. DIBBLE. This bill has been favorably reported upon by the Committee on Public Buildings and Grounds, and I hope the objection will be withdrawn.

Mr. BURROWS. Will the gentleman from Virginia withdraw the objection on the statement of the chairman of the committee?

The SPEAKER. The gentleman from Virginia declines to withdraw the objection, and if there be no objection the Chair will withhold the bill.

There was no objection.

HETTINGER COUNTY, DAKOTA.

The SPEAKER also laid before the House the bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota; which was read a first and second time.

Mr. GIFFORD. I ask unanimous consent to put this bill upon its passage. The gentleman from Illinois [Mr. PAYSON], who has charge of it, is present.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length. It is as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to give relief to such homesteaders or others as have been adversely affected by the Government survey, by an exchange of lands with the Northern Pacific Railroad, section for section, or fraction thereof, as the interests of the parties may appear, so as to admit of the company taking other lands within the indemnity limits, in lieu of the tracts covered by real settlements: *Provided*, That the said railroad company will become a party to said exchange.

SEC. 2. That the homestead residence of five years required for holding said lands shall date from the first occupation of said claims.

Mr. PAYSON. I ask unanimous consent to consider the bill.

There being no objection the bill was considered, ordered to a third reading, and being read the third time, was passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT ADJER AND OTHERS.

The SPEAKER also laid before the House the bill (S. 508) to empower Robert Adjer and others to bring suit in the Court of Claims for rents alleged to be due them; which was read a first and second time, and referred to the Committee on Claims.

STERLING H. TUCKER AND OTHERS.

The SPEAKER also laid before the House the bill (S. 3787) for the relief of Stirling H. Tucker and others; which was read a first and second time.

Mr. BRECKINRIDGE, of Arkansas. That bill, Mr. Speaker, was passed by both Houses of Congress at the last session but failed to get within the limit for becoming a law, as it did not have the examination and approval of the President; and I ask unanimous consent that it be put upon its passage now. It is favorably reported from the House committee.

Mr. KEAN. What is the bill?

Mr. BRECKINRIDGE, of Arkansas. It is to relieve certain parties from disability as sureties upon an official bond of a former pension agent. It takes no money from the Treasury whatever.

Mr. KEAN. Let the bill be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That Sterling H. Tucker, William P. Grace, Elhanon J. Searle, Josiah H. Demby, Samuel Bard, and William G. Pennington, or their estates, be, and they and each of them are hereby, released from any and all liability as the sureties upon the official bond of James W. Demby, formerly pension agent, the said release to take effect upon the payment of the legal costs heretofore accrued in the prosecution of said claim by the United States: *Provided*, That all the rights and remedies of the Government on said bond as against said James W. Demby shall in no manner be affected hereby, but remain in full force and effect in law.

There was no objection, and the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN UTES.

The SPEAKER also laid before the House the bill (S. 3894) to ratify and affirm an agreement with the Southern Ute Indians in Colorado and to make the necessary appropriations for carrying the same into effect; which was read a first and second time, and referred to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 314) for the relief of Henry M. Rector;

A bill (S. 1283) for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina; and

Joint resolution (S. R. 137) providing additional telegraph facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889.

PUBLIC BUILDING AT FORT WORTH, TEX.

The SPEAKER. Under the order of the House the Chair will now proceed to call the names of members in alphabetical order for requests for unanimous consent. On yesterday when the roll was called the gentleman from Texas [Mr. ABBOTT] called up a bill the title of which the Clerk will now report.

The Clerk read as follows:

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Fort Worth, in the State of Texas. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $130,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 20 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. The first question is, Is there objection to the present consideration of the bill?

Mr. BURROWS. I have no objection, Mr. Speaker, of course, to the gentleman's bill, but there is a sort of comity, or should be, between the two sides on these questions; and if it could be understood that the bill which lies upon the Speaker's table and which was laid before the House this morning, objection being made to its consideration by the gentleman from Virginia [Mr. HOPKINS], could be taken up and put upon its passage, I do not think there would be any objection to the request of the gentleman from Texas. I ask, therefore, that it be understood after this bill is disposed of that is to be taken up.

The SPEAKER. The Chair has some doubt as to whether that can be done except by unanimous consent of all the gentlemen upon the floor.

Mr. BURROWS. I ask unanimous consent.

The SPEAKER. The Chair will submit the request of the gentleman to the House.

Mr. BLAND. Mr. Speaker, if we are to have all of the public-building bills up again in this House, then let us have them in their regular order and no other way. I object to the request.

Mr. LANHAM. I hope the gentleman will not object. The bill called up by my colleague is a Senate bill and ought to be passed. It has been favorably considered and reported by the House Committee on Public Buildings and Grounds, and it is desirable as well as important that it should pass. I hope there will be no objection.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is the submission of the request of the gentleman from Texas for unanimous consent to consider the bill, the title of which has been read. Is there objection?

There being no objection, the bill was considered.

The SPEAKER. The first question is on the amendment recommended by the committee, which the Clerk will report.

The Clerk read as follows:

In line 11, strike out "130" and insert "75;" so it will read, "$75,000."

The amendment was adopted.

Mr. HOLMAN. This, I believe, is a Senate bill?

Mr. ABBOTT. Yes, sir.

Mr. HOLMAN. And it is understood that the amount now fixed is to be the ultimate cost?

Mr. ABBOTT. The ultimate cost.

Mr. HOLMAN. I mean that no conference committee shall be expected to increase the amount?

Mr. ABBOTT. Not at all.

The question recurred upon the third reading of the bill.

Mr. BLAND. I call for the reading of the report. If we are going into this public-building business again we had better understand exactly what we are doing.

The report (by Mr. BANKHEAD) was read, as follows:

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, made the following report:

The Committee on Public Buildings and Grounds has had under consideration the bill (S. 1974) providing for the construction of a public building at Fort Worth, Tex., and recommends its passage with the accompanying amendment.

Mr. BLAND. Is that the only report accompanying the bill?

The SPEAKER. It is the only report made to the House.

Mr. BLAND. I think we ought to have an explanation of the merits of this bill.

Mr. ABBOTT. Mr. Speaker, if the gentleman will allow me, I will make an explanation, which I think will be sufficient to satisfy the gentleman. Fort Worth is a city of 30,000 inhabitants. It has at present eleven railroad outlets. Mails are coming in at all hours, day and night. There are at present no accommodations for caring for the mails and for taking care of the registered matter that passes through that office. I will further state that since the introduction of this bill Fort Worth has been made the headquarters of a railway mail division which embraces the territory of Texas, the Indian Territory, Arkansas, and Louisiana. There are a large number of employés at present engaged in the railway mail service. I do not know the precise amount that the Government is now paying in the way of rent, but know it is paying a large amount. I will also state that the report of the Postmaster-General shows that the gross receipts of that office for the past twelve months amount to $29,000, and the net receipts are something over $14,000 per annum. Now, I think that sufficiently explains the necessity for this public building.

Mr. WILSON, of Minnesota. You want double the amount you have, and you can not complete the building without it.

Mr. BLAND. I fear that this is a bill which ought not to pass. There are no United States courts there.

Mr. MILLS. Fort Worth is a large growing city, one of the largest growing cities in the Southwest.

The Clerk read the next amendment:

Strike out, in line 14, the word "twenty," and insert "forty;" so that it will read:

"A space not less than 40 feet, including streets and alleys."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The question recurred on the passage of the bill, and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 68, noes 2.

So the bill was passed.

Mr. ABBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARNO VOSS.

Mr. ADAMS (when his name was called). I ask to call up the bill (H. R. 2070) for the relief of Arno Voss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit the account of Col. Arno Voss for $607, and pay the same out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the request for consideration?

Mr. HOLMAN. I suppose there is a report accompanying this bill.

Mr. ADAMS. The report covers two pages, and I can explain it in a minute.

Mr. HOLMAN. I hope a statement will be made as to the purposes of this bill.

Mr. ADAMS. This a claim for the widow of a colonel of cavalry who lost property at Harper's Ferry. He has died since the bill was introduced. The widow is seventy-five years of age, and has no means of support. The Committee on War Claims report that Colonel Voss was in command of cavalry, and was ordered to take that cavalry and save it when Longstreet and Stonewall Jackson were investing that fort. He saved the cavalry, leaving behind all his property. He did so, crossed the Potomac, seized an ammunition train of about ninety wagons, and turned them over to the Quartermaster-General at Chambersburgh, thus saving a large amount to the Government, and placed himself on the right wing of McClellan's army; but he lost about $607 worth of property; and this bill is to repay his widow that amount.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BLAND. I reserve the right to have the report read, but will not insist upon its being read at this time.

Mr. LAWLER. This bill has been unanimously reported by the Committee on War Claims.

The SPEAKER. Is there objection? The Chair hears none.

Mr. BLAND. Now I ask that the report be read, and I hope we will have order so that we may hear what it is.

The report (by Mr. LAWLER) was read, as follows:

Your committee have had under consideration this bill, and the papers relating to the same, and on investigation find that Arno Voss was mustered into the service with field and staff as colonel Twelfth Illinois Cavalry, to date February 1, 1862, and was honorably discharged from the service August 11, 1863. That he was at Harper's Ferry with his regiment under order of Colonel Miles in September, 1862, when Harper's Ferry was besieged by the Confederate forces under Generals Longstreet and Stonewall Jackson, of the Confederate army. That on the 13th of September, 1862, said Voss received an order from Colonel Miles, commanding, to take command of all the cavalry then present at Harper's Ferry, and after nightfall of said day cross the Potomac River over the ponton bridge into Maryland, cut his way through the Confederate lines, and join General George B. McClellan. That said Voss followed the instructions of Colonel Miles, and did cut his way through the Confederate lines, reaching Greencastle, Pa., having captured on his way a rebel train of eighty-five wagons, each drawn by six mules, freighted with arms, ammunition, and provisions, which he turned over to the United States depot quartermaster at Chambersburgh, Pa., who receipted therefor.

That under the order of Colonel Miles referred to he was instructed to leave Harper's Ferry without baggage, wagons, or horses.

That at that date Voss was the owner of a large leather trunk, filled with a full outfit of wearing apparel purchased by him with his own funds at a cost of $607, which under said order he was compelled to leave behind, and which he never recovered, and finally lost from no fault of his own. That he afterwards bought an outfit of clothing to take the place of the lost one, which cost him the sum of $750.

The evidence of Brig. Gen. Julius White, who was present at Harper's Ferry at the date referred to, shows that the order of Colonel Miles was given as above stated, and that the leaving behind baggage, wagons, and led horses made it possible for Colonel Voss to inflict serious loss upon the enemy by capture of a transportation train, as above related. The committee is informed that since the introduction of this bill Colonel Voss has deceased, leaving a widow, Mrs. Voss. Your committee would recommend the insertion of the words "widow of" in the caption of the bill, and that the bill as amended do pass.

STATE OF ILLINOIS, *County of Cook, ss:*

Arno Voss, of Chicago, in the county of Cook and State of Illinois, being duly sworn, deposes and says that according to the best of his knowledge and belief the following is a list of this affiant's property, being his outfit for war as colonel of the Twelfth Illinois Cavalry, lost by him in the military service of the United States at Harper's Ferry in September, 1862, by reason of the order of Colonel Miles, United States Army, referred to in this affiant's petition to Congress for relief:

One large trunk, of the value of	$25.00
Two regulation uniform coats and shoulder-straps, at $75 each	150.00
Three pairs regulation pants, at $20.	60.00
Two vests, at $10	20.00
One regulation overcoat	95.00
Three pairs cavalry officer's boots, at $20	60.00
One blue cloth saddle-cloth, with gold eagles and trimmings	36.00
One dozen linen shirts, at $3	36.00
One-half dozen flannel undershirts, at $2	12.00
One-half dozen flannel drawers, at $2	12.00
One dozen pairs socks, at 50 cents	6.00
One gentleman's dressing-case	25.00
One cavalry officer's saber and sword-knot	20.00
One shotgun	50.00
	607.00

And further this deponent says not.

ARNO VOSS.

Subscribed and sworn to before me, at Chicago, Ill., this 5th day of December, A. D. 1878.

[SEAL.] PHILLIP A. HAYNE,
United States Commissioner, Northern District of Illinois.

The bill was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill, and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 65, noes 4.

Mr. BLAND. I will not make the point of no quorum, but it seems that every bill which comes up in this hour must pass, good, bad, and indifferent.

So the bill was passed.

The SPEAKER. If there be no objection the title of the bill will be amended so as to read: "A bill for the relief of the widow of Arno Voss."

There was no objection.

Mr. ADAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 834) for the relief of the heirs of John H. Newman; and

A bill (H. R. 6612) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes.

PUBLIC BUILDING AT WINONA, MINN.

Mr. ALLEN, of Michigan (when his name was called). I desire to

call up the bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices at the city of Winona, Minn., be, and the same is hereby, increased to $150,000; and that sum is hereby fixed as the limit of cost for the erection of said building.

Mr. RANDALL. I reserve the right to object until we hear the report read.

The SPEAKER. Does the gentleman from Pennsylvania desire that the report shall be read?

Mr. RANDALL. If the gentleman from Minnesota [Mr. WILSON] will state the facts briefly, I will be content.

Mr. WILSON, of Minnesota. Mr. Speaker, as the report in this case shows, Winona is a city of 22,000 people. It is the principal city of the State south of St. Paul, increasing both in business and population very rapidly. If its population increases for the next ten years as it has for the last it will, at the expiration of that time, be little if any less than 50,000. The Supervising Architect of the Treasury, at the request of the Committee on Public Buildings and Grounds of this House, made an estimate of the number of square feet required in a building fit for the accommodation of the United States court, post-office, internal-revenue, and other Government offices at Winona, and of the cost of such a building. His estimate is that while a building could be erected of sufficient size for the sum of money appropriated ($85,000) if the building is made of brick without ornamentation, "if it is desired to construct the same of stone and make it fire-proof it will require from $60,000 to $70,000 additional." This bill fixes the limit ot the increase at $50,000.

I need hardly say, Mr. Speaker, that no business man would erect such a building of the brick of the locality without window-caps or sills or other ornamentation. The Government has not been accustomed to do so. It would not be creditable for it to do so; nor would it be wise or prudent to erect it without making it wholly or partly fire-proof. Such a building is used as the depository of very valuable property, and of records on whose preservation the title to valuable property depends. It will be seen that the committee of this House cut down the estimate of the architect $10,000 to $20,000. The committees of both the Senate and the House have approved of this bill, and the Senate has passed it; and I think this House will consider this sum reasonable and necessary.

Mr. RANDALL. What is the present limit?

Mr. WILSON, of Minnesota. The present limit is the $85,000 that is left after the purchase of the ground. The committee report $10,000 less than the architect's estimate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that this bill be now considered?

Mr. BLAND. Let us have the report read.

The report (by Mr. NEWTON) was read, as follows:

Winona is much the largest city in Minnesota south of St. Paul, and is rapidly increasing in population, business, and wealth.

In 1880 the population was 10,240, in 1885 it was 15,697, and at this time it is about 22,000.

Winona is situated on the Mississippi River, and on the lines of road of the following railroad companies: The Chicago and Northwestern, the Chicago, Milwaukee and St. Paul, the Chicago, Burlington and Northern; and it is the western terminus of a line of railroad from Green Bay to the Mississippi River, and the eastern terminus of the Winona and St. Peter Railroad, a line running westerly from the Mississippi River, through Minnesota and Dakota, to the Missouri River.

From the data furnished to your committee it appears that the value of the manufacturing plants in the city is $3,268,000; the number of men employed during the last year in the business of manufacturing is 2,972; the monthly wages (on an average) to the employés of that business are $133,960, and the value of the manufactured product of the year, $6,876,265.

A term of the United States district court has been held there for many years, and by an act passed in the House at this session a term of the United States circuit court is to be held there annually.

There is no Government building in Winona. There was appropriated by Congress, at the first session of the Forty-ninth Congress, $100,000 to purchase a site and erect a building. Of that sum $15,000 has been used to purchase the site, and the Supervising Architect estimates that not less than $8,000 will be required for heating and $5,000 for constructing approaches, leaving $72,000 for the erection of the building. This sum, in the opinion of your committee, is insufficient. If Winona increases for the next decade as it has for the last the population will be about 50,000, and it seems to us neither wise nor economical to erect a building that would not be sufficient for the wants of the place a few years hence, or even at the present time.

Your committee therefore recommend that the limit of cost heretofore fixed for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, internal-revenue, and other Government offices at the city of Winona, Minn., be increased to $150,000. The committee therefore recommend that the bill (H. R. 3400) be amended by striking out the words "two hundred thousand dollars," in line 8, and inserting in lieu thereof "$150,000."

Subject to said amendment, the committee recommend the passage of the bill.

Mr. BLAND (during the reading of the report). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. If this bill fails to pass in this hour, will it not be the first thing in order in the next hour like this?

The SPEAKER. The bill is now up for consideration and when the House resumes this order of business, to-morrow morning or whatever other morning it may do so, this bill will be before the House.

Mr. DIBBLE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. My point is that the limit of 11 o'clock in the order limits only the calling of the names of members and the entertaining of requests by the Speaker, and that there is nothing in the order which limits the actual consideration of a bill to the hour before 11 o'clock.

The SPEAKER. The Chair thinks the construction of the order should be that after 11 o'clock the House resumes the other order of business, having set apart this hour for this class of business.

Mr. BLAND. I wish to have the whole report read, Mr. Speaker.

The SPEAKER. The Chair understood the gentleman to interrupt the reading of the report, not desiring to hear it read further.

Mr. BLAND. I interrupted the reading simply for a parliamentary inquiry.

The reading of the report was completed as above.

The SPEAKER (at 11 o'clock a. m.). The hour set apart under the special order has expired.

ORDER OF BUSINESS.

Mr. BLAND. I move that when the House adjourn to-day it adjourn to meet on Thursday next.

Mr. DIBBLE. I rise to a point of order.

The SPEAKER. The hour has expired. There is nothing before the House.

Mr. SCOTT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. I desire to ask whether it will not be in order for the Speaker in calling the names in the hour between 10 and 11 hereafter to begin at the lower end? Otherwise gentlemen whose names are at or near that end will never have an opportunity to presenta bill to this House for consideration.

The SPEAKER. That is a practical difficulty which arises under any plan that can be adopted.

Mr. SCOTT. No, sir. Suppose the Speaker should call one name from the A's and one from the Z's, and so on?

The SPEAKER. What would become of those in the middle? [Laughter, and cries of "Regular order!"]

Mr. BLAND. Mr. Speaker, I rise to a privileged motion.

The SPEAKER. The Chair has heard the gentleman's motion, but the Chair will put no motion to the House until gentlemen resume their seats. In these last days of the session order must be preserved or the public business can not be transacted.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN, of Michigan. What has become of my bill?

The SPEAKER. The gentleman's bill is before the House, and the consideration of it will be resumed when that order of business is again resumed by the House.

Mr. STONE, of Kentucky. I rise to a privileged matter.

The SPEAKER. The gentleman will state it.

Mr. STONE, of Kentucky. I desire to present a conference report.

The SPEAKER. That is in order.

Mr. DIBBLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. My point of order is, that under the resolution setting apart the hour between 10 and 11, there is no exclusion of anything, except that it provides that it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time. There is nothing in the order which prohibits, in any way, shape, or form, the continuance of the consideration after 11 o'clock of a bill which has been taken up before that hour. There is nothing in the first part of the order which says anything about consideration, or says that consideration shall not be entertained at any other time. The order says that requests for unanimous consent shall not be entertained at any other time, but the consent having been obtained within the hour the consideration can extend beyond 11 o'clock. The prohibitory part of the special order is as follows:

And it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except, etc.

Now, the order, I contend, has nothing in it which prohibits the consideration after 11 o'clock of a measure which under the order has been brought before the House. The matter, I submit, must proceed under general parliamentary law, which knows no such interval as 11 o'clock.

The SPEAKER. But this special rule or order of the House does fix a limit at 11 o'clock for the calling of names and the recognition of members for requests for unanimous consent. The Chair thinks it was the evident purpose of the order to devote that time, and that time only, to this class of business——

Mr. DIBBLE. The order does not say so.

The SPEAKER. For otherwise a matter coming up by unanimous

consent at that time might consume the entire day to the absolute exclusion of all other business. Besides, nothing is lost by the construction to which the gentleman objects, because the Chair holds that the measure is before the House and must come up as soon as this order of business is resumed.

Mr. DIBBLE. But it excludes other gentlemen who might present this request for unanimous consent to-morrow.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] will please state his motion again.

Mr. BLAND. It is that when the House adjourns to-day it adjourn to meet on Friday next.

ESTATE OF J. J. PULLIAM.

The SPEAKER. Pending the motion of the gentleman from Missouri, the gentleman from Kentucky [Mr. STONE] submits a conference report, which the Clerk will read:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

W. J. STONE,
O. B. THOMAS,
THEO. S. WILKINSON,
Managers on the part of the House.

GEORGE F. HOAR.
W. M. STEWART,
JOHN C. SPOONER,
Managers on the part of the Senate.

Mr. STONE, of Kentucky. Mr. Speaker, this bill as passed by the Senate provided for referring this claim to the Quartermaster-General for investigation. The House passed the bill with an amendment striking out "the Quartermaster-General" and inserting "the accounting officers of the Treasury." The conferees have agreed that the House should recede from its amendment, so that the claim will simply go to the Quartermaster-General.

Mr. BLAND. I would like to understand what is the purport of the claim—what does it propose to pay?

Mr. STONE, of Kentucky. The gentleman will understand that better if the bill be read.

Mr. BLAND. Certainly; let the bill be read.

The Clerk read as follows:

Whereas under the provisions of the act of June 16, 1864, certain claims were allowed and reported to Congress by the proper accounting officers of the Treasury Department, in 1882, for payment, including the claim of J. J. Pulliam's estate, for wood supplied to the Quartermaster's Department of the United States Army; and

Whereas there was a mistake in the amount that should have been reported in favor of said Pulliam's estate, as appears by the report of the committee to whom said bill was referred, made before the passage thereof: Therefore,

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to re-examine and settle the claim of the estate of J. J. Pulliam, deceased, late of Fayette County, State of Tennessee, for wood taken by the United States forces during the late war, from 125 acres of land located near the village of La Grange, in said State; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum that may be found due said estate, first deducting any sum heretofore paid: *Provided*, That the amount shall not exceed $4,167.

The SPEAKER. The question is upon agreeing to the report of the committee of conference.

The question having been taken,

The SPEAKER said: The ayes seem to have it.

Mr. BLAND. Let us have a division.

The question being again taken, there were—ayes 53, noes 2.

Mr. BLAND. I insist on my motion.

Mr. PEEL. I hope the gentleman from Missouri will allow the Indian appropriation bill to be proceeded with.

The SPEAKER. Does the gentleman from Missouri make the point that no quorum has voted?

Mr. BLAND. I do not.

The SPEAKER. Then the ayes have it; and the report is agreed to.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUE B. JOHNSON.

Mr. CHIPMAN. I rise to present a privileged report—the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3864) granting a pension to Sue B. Johnson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to said bill and agree to the same.

J. LOGAN CHIPMAN,
W. GODFREY HUNTER,
CARLOS FRENCH,
Managers on the part of the House.

C. K. DAVIS,
JAMES L. PUGH,
A. S. PADDOCK,
Managers on the part of the Senate.

The following statement, submitted in pursuance of the rule, was read:

The effect of the conferees' action is to fix the pension of Mrs. General Johnson at $50 per month. This was the amount originally reported to the House when it acted on the House bill, and this is the amount provided for in the bill passed by the Senate.

Mr. BLAND. Let us have the report read.

The SPEAKER. The report of the conference committee and also the accompanying statement have been read. The question is upon agreeing to the report.

The report was agreed to.

Mr. CHIPMAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLAND. I yield for the consideration of the appropriation bill.

HENRY B. KEFFER.

Mr. BOOTHMAN. Mr. Speaker, I desire to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

Whereas, Henry B. Keffer, a messenger on the roll of the House at $720 per annum, is a disabled veteran soldier, having served in Company A, One hundred and twenty-second Regiment Pennsylvania Volunteers; and

Whereas he has been stationed at the main entrance of the House during the Forty-ninth and Fiftieth Congresses, and has given eminent satisfaction by his gentlemanly bearing and efficiency; and

Whereas his widowed mother, who is pensioned by reason of the death of his father from disability contracted in the United States service, is dependent upon her son, the said Henry B. Keffer, for support:

Be it resolved, That the name of Henry B. Keffer be transferred to the soldiers' roll of the House at a salary of $1,200 per annum.

The SPEAKER. The Chair understands this to be an adverse report.

Mr. BOOTHMAN. It is.

The SPEAKER. If there be no objection, the resolution will be laid on the table without reading the accompanying report.

There was no objection, and it was so ordered.

J. W. HIATT.

Mr. BOOTHMAN. I also submit another privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Committee on Accounts be, and they are hereby, instructed to report a bill appointing J. W. Hiatt, at $2,000 per annum, to arrange and preserve the files in the Clerk's document-room, House of Representatives.

Mr. BOOTHMAN. This is also an adverse report.

The SPEAKER. Without objection the same course will be pursued with regard to this resolution, and it will be laid upon the table.

There was no objection, and it was so ordered.

COURT IN INDIAN TERRITORY.

Mr. CULBERSON. I desire to submit a conference report on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

Mr. Speaker, this conference report has been agreed to by the Senate, but upon investigation of the report as published this morning, it will be seen that by an inadvertence there is an error in the report, whereby it fails to express the object of the conferees. I ask unanimous consent, therefore, that the House disagree to the conference report, and request another conference with the Senate.

There was no objection, and it was so ordered.

Mr. CULBERSON. I also ask that the conferees be instructed as follows:

The Clerk read as follows:

Resolved, That the conferees on the part of the House on the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, be instructed to amend the second proviso of section 6 of said bill as reported by the conference committee by striking out of said proviso the words "except as to contracts for the conveyance of real estate in fee," and by inserting in lieu of said words the following: "except as to contracts relating to real estate," and when so amended to agree to said report.

Mr. BLAND. I would like to have the bill read.

The SPEAKER. The gentleman has a right to have it read.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The conference report has already been disagreed to, and another conference ordered, and this is simply a question of instructions. It seems to me that the gentleman is too late now to demand the reading of the bill.

The SPEAKER. But the gentleman has the right to have the bill read. The subject is debatable, and the gentleman has the right to ascertain whether the instructions asked ought to be given or not.

Mr. PEEL. I hope the gentleman will withdraw that, so that we may go on with the appropriation bills.

Mr. BLAND. I am perfectly willing that appropriations may be taken up, also conference reports and the contested-election case; but if that business is not before the House I shall insist upon my motion.

Mr. BREWER. What necessity is there for the instruction of the committee?

Mr. ROGERS. There is no necessity for it; simply to gratify gentlemen who find fault with this part of the bill.

Mr. BREWER. Why not withdraw the request for instructions?

Mr. CULBERSON. Very well; I will withdraw the resolution asking instructions.

The SPEAKER appointed Mr. CULBERSON, Mr. ROGERS, and Mr. EZRA B. TAYLOR as managers at the conference on the part of the House.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, I move now to dispense with the morning hour for the purpose of considering the Indian appropriation bill.

Mr. HEMPHILL. I ask unanimous consent to adopt a resolution giving Thursday night for the Cass and Muhlenberg statues, and also for business from the District of Columbia.

Mr. PEEL. I must insist upon my motion.

Mr. OATES. Before the gentleman's motion is put I ask unanimous consent that members having reports from committees may file them with the Clerk.

Mr. PEEL. I intended to make that request.

The SPEAKER. Without objection, members having reports from committees will be allowed to hand them in at the Clerk's desk, and also the minority views of committees will be in order for presentation.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

ESTATE OF A. L. BURWELL.

Mr. BOWDEN, from the Committee on Claims, reported as a substitute for bill H. R. 9774, a bill (H. R. 12653) for the relief of the estate of A. L. Burwell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATURALIZATION LAWS OF THE UNITED STATES.

Mr. OATES, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 12577) to amend the naturalization laws of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RICHARD W. MEADE, DECEASED.

Mr. TAULBEE, from the Committee on Claims, reported back favorably the bill (H. R. 11345) for the relief of the heirs of the legal representatives of Richard W. Meade, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. KERR, from the Committee on Claims, presented the views of the minority on the foregoing bill; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed with the report of the majority.

STRIKES AND LOCKOUTS.

Mr. TILLMAN, from the Select Committee on Existing Labor Troubles in Pennsylvania, reported a bill (H. R. 12654) to prevent the combination of carrying interstate commerce with other business, and to prevent strikes and lockouts on railroads, and also to prohibit the consolidation of parallel or competing lines of interstate carriers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ROMAN CATHOLIC CHURCH, JACKSON, MISS.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 11601) for the relief of the Roman Catholic Church of St. Peter, at Jackson, Miss.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALE OF LAND IN MILITARY RESERVATION, FORT LEAVENWORTH.

Mr. MAISH, from the Committee on Military Affairs, reported as a substitute for bill H. R. 11639, a bill (H. R. 12655) to authorize the lease of a tract of land in the military reservation at Fort Leavenworth, Kans.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EIGHT-HOUR LAW.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the bill (H. R. 12128) providing for the enforcement of the eight-hour law on Government premises; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted Mr. TOWNSHEND to withdraw from the files of the House, without leaving copies, papers in the case of W. H. McCabe and W. P. Fowler.

Also, to Mr. CRAIN, to withdraw papers in the case of William M. Douglass.

ORDER OF BUSINESS.

Mr. PEEL. I move to dispense with the morning hour for the call of committees.

Mr. O'NEILL, of Pennsylvania. Did the gentleman include the presentation of bills in his request a few moments since?

The SPEAKER. That request was not made.

The motion to dispense with the morning hour was agreed to.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

SPECIAL ORDER THURSDAY EVENING.

Mr. HEMPHILL. Pending that I ask unanimous consent to offer this resolution for consideration.

Mr. PEEL. I yield to have the resolution read.

The Clerk read as follows:

That on Thursday, the 28th instant, the House shall take a recess until 7.30 o'clock p. m., the evening session to be given to the consideration of the following business:

1. Not exceeding one hour to the ceremonies relating to the acceptance of the Cass and Muhlenberg statues.

2. To the business reported from the Committee on the District of Columbia, together with conference reports on bills heretofore reported by said committee, not including the national park bill or the trust bills.

The session not to continue beyond 10.30 o'clock p. m.

The SPEAKER. Is there objection?

Mr. WEAVER. I shall make no objection if one-third of the time is accorded to the Committee on Patents to consider Senate bills to which there is no objection.

Mr. RANDALL. I object to that. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. KERR. I rise to a question of privilege. I am represented on page 2550 of the RECORD of yesterday's proceedings as moving an appeal from the decision of the Chair. I wish to state that I did not do that. It must have been some one else.

Mr. WEAVER. Gentlemen have made such appeals to me that I withdraw my objection.

The SPEAKER. The gentleman from Iowa withdraws his objection to the request made by the gentleman from South Carolina [Mr. HEMPHILL]. Is there further objection? The Chair hears none, and the order will be made.

Mr. PEEL's motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

INDIAN APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union and resumes consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

Mr. PEEL. I ask the Clerk to read the amendment which was pending when the House adjourned last night.

The Clerk read as follows:

It is proposed, on page 42, after line 11, to insert:

"That the sum of $1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: $1,500,000 to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20 to be paid to the treasurer of said nation, or to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply.

"That the lands acquired by the United States under said agreement shall be a part of the public domain, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided in the act organizing the Territory of Dakota; and whether surveyed or unsurveyed, said sections shall not be subject to settlement or entry under the provisions of this act or any of the land laws of the United States; that the lands acquired under said agreement, except the sixteenth and thirty-sixth sections, shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof), and under the law relating to town sites: *Provided*, The rights of honorably discharged Union soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes, shall not be abridged. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant, and the entryman shall be required to make full proofs; and unless it shall appear that the claim was taken in good faith and that there has been full performance of all the terms and requirements under this act, he shall refuse a patent and declare the prior proceedings before had in such case to be null and void; and all persons settling on land under the provisions of this act shall be required to select the same in square form as near as may be, and to maintain continuous personal residence as required by law on the land and to improve and cultivate the same for that period in the manner required by the homestead laws, and to break up and plow not less than 40 acres of the land filed upon before obtaining title thereto: *Provided*, That any person who having ex-

hausted his right under existing law, but who is not the owner of a home elsewhere, shall be qualified to make one additional homestead entry upon said lands; and all of the provisions of this section shall apply and be in full force as to the lands included in the recent cession of the Mus-ogee (or Creek) Nation of Indians heretofore ratified by the present Congress. Any person who may enter upon any part of said lands, in said agreements contained, prior to the time that they are opened to settlement by the proclamation of the President, shall not be permitted to occupy or to make entry of such lands or lay any claim thereto."

Mr. PEEL. That amendment was read and discussed yesterday evening, and it was ordered to be printed in the RECORD. I suppose we might vote on it.

Mr. BLAND. Inasmuch as that amendment is just called up, I would like to have the gentleman from Arkansas explain it somewhat.

Mr. PEEL. Mr. Chairman, it is well known to the committee that while the Oklahoma bill was pending one of the great objections to creating a Territorial government over the territory embraced in that bill was the fact that the Government had not secured title to the lands from the Indians; that is, a general extinguishment of their equity. Under the treaty of 1866 the Creek, Seminole, and Cherokee Indians ceded to the Federal Government that large domain, amounting to ten, twelve, or fourteen million acres of land for the purpose of locating other friendly Indians or freedmen thereon. The Government after locating some there declined to continue that policy. Therefore the country has been lying waste and barren. In 1885, on an appropriation bill, there was an amendment incorporated authorizing the President to negotiate with these various tribes of Indians for a complete relinquishment of their title in order that it might become part of the public domain.

The international council of these five civilized tribes, deeming that it would invade their territory, passed a resolution declaring that they would not relinquish their title, but would hold the Government to carry out the specific object as stipulated in the treaty of 1866. But recently the Creek Nation of Indians—and I must compliment them for their intelligence and their patriotism—came to Washington, led by General Porter, one of the most intelligent gentlemen I ever met, and readily negotiated with the Government to accept the offer. The amendment to the appropriation bill of 1885 offered to allow $1.25 an acre for these lands less what the Government had paid. These Creek Indians came forward, and through the Secretary of the Interior, without any expense on the part of the Government, negotiated for this cession.

A message from the President came to the House recommending its ratification. The House reported unanimously in favor of it. The Senate recommended it, and both Houses, without any objection, passed a bill therefor; and the whole title of the Creeks to this country has been extinguished. The Seminole Indians have followed in their wake. It was understood when the Creeks made this initiative step that their brethren—the Seminoles—were to come in on the same footing. The Creek cession has been accepted. The Seminole delegation are here negotiating, and the President sent in his message a few days ago. It went to our committee and also to the Senate committee. The Senate committee has instructed its chairman to insert an amendment in the Indian appropriation bill when it goes to the Senate to provide for its ratification.

The Committee on Indian Affairs of the House have unanimously instructed me to offer this amendment for the purpose of extinguishing the title of the Seminoles. It simply appropriates the amount of money that is required to extinguish the titles to their part of the lands upon the same basis as the title of the Creeks was adjusted. The amendment appropriates the money to be paid only when they execute a conveyance rendering the title satisfactory to the President.

Mr. HOOKER. Does this affect the Seminoles as well as the Creeks?

Mr. PEEL. Exactly the same. When the object of this amendment is accomplished, the Government will then have achieved what it has been a long time attempting to reach, the extinguishment of these equities, in order that we may be able to dispose of the lands as a part of the public domain and settle this long-vexed question with the consent both of the tribes and of the United States.

Mr. BLAND. Mr. Chairman, I have always been heartily in sympathy with the policy which seeks by just measures, in pursuance of our treaty obligations, to extinguish the Indian titles to these various public lands and to open them up for homestead settlement. Hence, I was very anxious to see the bill known as the Oklahoma bill become a law, and I hope that it may become a law at this session. For the same reason, in order to carry out the treaty stipulations and for the purpose of purchasing these Indian lands, I am in favor of the pending amendment; and I am only sorry that it is not possible at this time that all of the country known as the Indian Territory should, upon some just terms, become a part of the public domain of this Government and part and parcel of our family of States and Territories. As this amendment seems, from the explanation of the gentleman from Arkansas, to be in the line of the policy I have suggested, I hope it will be adopted. I certainly see no objection to it.

Mr. HOLMAN. In the amendment as printed in the RECORD will be found the words "except section 2301 thereof," referring to the homestead law. My friend, the chairman of the committee, will see that that is not exactly accurate, because the section referred to is not section 2301 of the homestead law but of the Revised Statutes. I therefore offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out the word "thereof" and insert "of the Revised Statutes of the United States, which is hereby repealed."

Mr. PEEL. That is in pursuance of the object of the amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Indiana.

Mr. HOOKER. Mr. Chairman, I would like to hear the original amendment read.

The CHAIRMAN. The amendment has been read at length and is printed in the RECORD, but if there be no objection, the amendment will be again read.

There was no objection.

The Clerk again read the amendment as printed in the RECORD.

Mr. ALLEN, of Michigan. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. The amendment just read by the Clerk is pending, and an amendment to that amendment is offered by the gentleman from Indiana.

Mr. ALLEN, of Michigan. I desire to give notice that I intend to offer an amendment to the last proviso.

The CHAIRMAN. The gentleman can do that after the amendment offered to the amendment by the gentleman from Indiana [Mr. HOLMAN] is disposed of. The question now is on the amendment to the amendment offered by the gentleman from Indiana.

Mr. PERKINS. Mr. Chairman, I wish to call the attention of the gentleman from Indiana [Mr. HOLMAN] to the fact that the effect of his amendment is to repeal absolutely what is known as the commutation feature of the homestead law, and to the fact that there is nothing in the amendment to protect the rights of those who have already secured rights under that law. I think, therefore, the amendment should be modified in that particular. With such modification there will be no objection to it.

Mr. HOLMAN. Mr. Chairman, inasmuch as every effort has been made by the House for years past to repeal that section, I think it is desirable to retain the repeal here, but I will modify the amendment in the manner indicated by what I now send to the desk.

The Clerk read the amendment as proposed to be modified, as follows:

Strike out the word "thereof" in the second section of the amendment of the gentleman from Arkansas and insert the following: "Of the Revised Statutes of the United States, which is hereby repealed; but all rights initiated under the same shall remain unimpaired."

The amendment of Mr. HOLMAN as modified was agreed to.

Mr. ALLEN, of Michigan. Now, Mr. Chairman, I desire to offer an amendment to the last proviso, to come in after the word "having."

The amendment was read, as follows:

After the word "having," in the last proviso of the amendment, insert the words "attempted to, but, for any cause, failed to secure a title in full to a homestead elsewhere."

Mr. ALLEN, of Michigan. I reserved the right in committee to offer this amendment. The bill as it now stands gives persons who have already exhausted their right to a homestead the privilege of taking another. Under the existing laws a man when he secures a homestead exhausts his right in that respect and has no right to take a second homestead. The object of this amendment is simply to prevent one who has already secured a homestead under the homestead laws from taking another. It provides that those who have attempted to secure a homestead, but for any reason have failed to secure their title, may have the privilege of taking land again, but that under no circumstances shall a man who has had a homestead be allowed to take another, for the object of the homestead law is to give as many people as possible a chance to get homes; and if one man can take two homesteads another man must go without one.

I know that many men have made mistakes in entering homesteads, have secured poor lands; their homestead entries may not have turned out as favorably as those of others. But such things occur under the law which is common to us all; and to say that a man who has secured a homestead may, because he is not satisfied with it, or because it is not so good as another, step in ahead of a man who has never had the opportunity to get a homestead, is to do injustice and to change a feature of the homestead law which has existed from the time we have had such a law.

My proviso will simply do this: It will allow any man to take a homestead who has heretofore attempted to take one, but failed to secure it. That is the object of the amendment; and then having stricken out the words "exhausted his right," I propose that the words "one who is not the owner of a home elsewhere" be stricken out. Let me illustrate the object of this portion of the amendment. I never took up a homestead, or taking failed to complete my title. I have a home in Michigan. I have the right under the existing laws to go to Kansas or Oklahoma, if I see fit, and take up a homestead, retaining at the same time my property in Michigan. It is not right to say that no one shall be permitted to go there and take up a homestead if he has a home anywhere else. That never has been done under the homestead laws, and we should not now adopt that principle.

Mr. RYAN. I would like to have the amendment reported again. I concur in the views expressed by my friend from Michigan, but I am not quite sure that his amendment carries out his idea.

The Clerk again read the amendment.

Mr. PERKINS. I wish to suggest to the gentleman from Michigan [Mr. ALLEN] an amendment to his amendment, and I think when he listens to what I have to say in this connection he will recognize the propriety of my amendment. There are many people, particularly in the western portion of Kansas and in Eastern Colorado, as well as in many of our Western Territories, who have taken homes under what is known as the commutation feature of the homestead law. They have borrowed the money to enable them to make their entry. Now, in consequence of three or four unfavorable seasons many of these persons have been unable to pay their mortgages, and many have thus lost their homes. The amendment of the gentleman would cut out those people absolutely. If he will modify his amendment so as not to cut out these people who have taken homesteads under what is known as the commutation feature of the homestead law—because those men paid for their land just as settlers paid for land which they took under the pre-emption law—there will perhaps be no objection to his amendment. Most certainly we ought not to cut out those people who have paid for their lands under the commutation feature of the homestead law, who borrowed money to do that, but who, in consequence of unfavorable seasons, have lost everything that they had in the world and are now homeless.

Mr. RYAN. I think my friend from Michigan should accept the modification suggested by my colleague [Mr. PERKINS].

Mr. PERKINS. And with the consent of the gentleman from Michigan we can pass this matter over for the present, so that he can modify his amendment in this particular. We can return to this paragraph hereafter.

Mr. ALLEN, of Michigan. I will ask the gentleman from Kansas whether he can tell us about how many persons there are in the condition he describes.

Mr. PERKINS. Oh, thousands—nearly all those in my State who took land under the commutation feature of the homestead law.

Mr. ALLEN, of Michigan. Have those men perfected their titles?

Mr. PERKINS. They have perfected them under the commutation provision; they have paid the Government for the land, borrowing the money in almost every instance to do so.

Mr. RYAN. They have perfected their titles because they have paid for their lands—have not taken them under the ordinary provisions of the homestead law.

Mr. ALLEN, of Michigan. I do not wish to consent to anything which appears to me contrary to the fundamental principle on which the whole homestead law rests. We can not provide for the misfortunes of all persons, but we certainly ought to do justice to all. The homestead law is a peculiar enactment in this, that it offers to every man in the United States, so long as the public domain shall remain unexhausted, one opportunity to secure a home; and since that law has been upon the statute-book, thousands and hundreds of thousands have availed themselves of the opportunity thus offered. Boys and young men are now growing up who desire to avail themselves of the benefits of this law, as others have done; and to say that a man shall have two chances under the homestead law to get a homestead, thereby depriving some one else of his right to exercise his privilege once, is contrary to the fundamental idea of the homestead law.

I do not wish to be too strenuous in regard to persons who have taken up lands under the commutation feature of the homestead law. I can readily see how a man might buy a homestead, pay cash for it, and in consequence of having borrowed the money lose it.

Mr. PERKINS. These men who took up land under the commutation feature of the homestead law did substantially the same as those who acquired homes under the pre-emption law, and who are to receive the benefits of this act. For that reason those who took up homesteads under this commutation feature of the homestead law should enjoy the benefits of this legislation.

Mr. ALLEN, of Michigan. Mr. Chairman, if this can be passed over informally, the gentleman from Kansas can prepare an amendment as to commuters and submit it hereafter for the action of the committee.

The CHAIRMAN. The amendment will be passed over informally to be returned to hereafter.

Mr. PERKINS. I ask we may adopt the amendment now and return to it hereafter to make whatever modifications may be found to be necessary.

The CHAIRMAN. If the proposition is adopted it can not be amended hereafter except by unanimous consent.

Mr. PERKINS. But, Mr. Chairman, the proposition is that it shall be adopted with the consent that hereafter we shall return to it to make whatever modifications may be found to be necessary.

The CHAIRMAN. If there be no objection that will be done.

There was no objection, and it was ordered accordingly.

Mr. JACKSON. Mr. Chairman, I think it a bad policy to extend the provisions of the homestead law or the provisions of the pre-emption law in any way that will permit any one to obtain a larger number of acres than they can at present. Instead of allowing persons who have already had 160 acres as a homestead to take 160 more, I think there is now good reason why the number of acres that may be taken in the first instance should be restricted and limited to 80 acres. It is well known that the quantity of public land now remaining in possession of the Government suitable for agricultural purposes is small, compared to our population, to what it was a half or a quarter of a century since. The number of landless men in the United States has become so great and the quantity of land available is so small, I think the policy of the Government in the future should be to reduce the size of the homestead entry. We all agree, I believe, that the agricultural lands should hereafter be disposed of to actual settlers alone.

I can see how there may be a few worthy and deserving cases of men who lost their homesteads through misfortune, and if it were reasonably practicable to single out this small number, the Government might again give them the benefit of making another homestead entry; but the Government is not responsible for their losing their homes, and the trouble is there is no place to draw the line. You have to adopt a rule and live up to it. If men have obtained homesteads by commutation and then parted with them by sale the first year after they obtained the title to them I have no doubt they would all now like to have another opportunity to enter another homestead. I can see very well how such men may be appealing to their Representatives to amend the law and give them the privilege. But, Mr. Chairman, in this matter we had better go slowly. Let us save whatever arable lands we have now and parcel them out in small quantities to actual settlers who have no land at all; to men who have never been given any land. That is my proposition, and I hope no amendment will be adopted which will add to the number of men who, under the law, can obtain homesteads by including those who have already had the opportunity and entered homesteads and since then disposed of them.

I understand very well, Mr. Chairman, how men with constituents living on the border land of our settlements are anxious to have provision made which will give those constituents additional opportunities to enter public lands. But there are thousands of men in the older settled States with equal rights to the public lands belonging to the United States who never yet had any opportunity to make homestead entries. Every year the desire of these people to obtain a piece of land for a home becomes greater. Therefore I ask that the public lands be saved for those who have no lands now and who have never yet had an opportunity to make homestead entries.

Mr. WARNER. How many acres would the gentleman suggest as the limit of homestead entries hereafter?

Mr. JACKSON. Eighty acres is, perhaps, enough. That is more than we will be able to give twenty-five years hence. I am informed that in many of the old States from 80 to 100 acres to a settler was the policy at the beginning. It is said that in Indiana large portions of it were settled where the number of acres of land taken up by the settlers did not exceed 40 acres.

Mr. WARNER. Do those in the East waive any part of their heritage by giving to the settlers upon what is known as the great American desert the opportunity to make homestead entries of 160 acres?

Mr. JACKSON. That is the old story. When men want large grants of land from the Government it is represented as poor and worthless. But as soon as they obtain the patent it at once improves, no matter what may be the character of the land.

We have to take now what we can get, and therefore I am in favor of saving for actual settlement the public lands which are left. If the people West have already taken up the garden spots, the landless people who are seeking homes will have to be content with what remains. When almost the whole continent was open to settlement men settled upon and improved only moderate-sized tracts, and certainly it is not too much to ask now, when our agricultural lands are really almost gone, that we should limit the amount of lands that may be taken for homestead. In answer to the remark of my friend on the left I wish to say that the men in the East will take their chances with the men in the West in obtaining a home on the public lands if you will not cut them off by legislation. Make all men equal before the law. Do not give the Western man two chances to an Eastern man's one.

[Here the hammer fell.]

Mr. RYAN. Mr. Chairman, it is an easy matter for a gentleman who is living on the rich and productive lands in the valleys of Pennsylvania to stand up here and say a homestead in the West is sufficient if it shall consist of only 80 acres. He little knows of the hardships and of the privations pioneers have to undergo or he would not say 160 acres way out upon the border, subject to the vicissitudes of a frontier life, are more than should be given in a homestead entry. If he were familiar with this matter I do not think he would stand up here and say that 160 acres is enough. Those who do know the difficulties encountered by the actual settlers know they can scarcely make for themselves a respectable living upon 160 acres in the far West.

I wish to add another thing, and that is the object of the homestead law was to give every man who wanted it a homestead of 160 acres of land, a most wise provision. If there are those who attempted to obtain the benefit of its provisions, but for any reason have lost the privilege, I hope we will not deny him the poor privilege given by this bill which extends the right of homestead entry to that class.

I wish to say another thing. That many who entered their lands

under the homestead law commuted those homesteads and practically paid for them under the pre-emption law. Now, those men ought not to be put in any worse condition than those who took their lands under the pre-emption law and paid for them. They ought to be allowed the right of homestead entry also.

The Creek lands which we obtained a few days ago and the Seminole lands acquired in this bill aggregate nearly 5,000,000 acres, purchased under the provision of the act of 1885, which I had the honor to move as an amendment to the Indian appropriation bill. We shall doubtless soon procure the Cherokee Outlet by the same or similar methods. Let all the homeless have an equal right in obtaining homes on these lands. I think, Mr. Chairman, the criticisms that have been made by my friend from Pennsylvania are hardly just and fair to that class who go from his own State and from other Eastern States to the frontier to carve out homes for themselves.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman from Kansas this question, if it is not true that the homestead law is much abused in the West?

Mr. RYAN. How?

Mr. JOSEPH D. TAYLOR. That certain men use the homesteaders for the purpose of amassing large tracts of lands, using the same men over and over again for that purpose.

Mr. RYAN. I want to say to my friend from Ohio that if there has been any abuse of the homestead law at all it has been because of the commutation clause, which is expressly repealed by the provisions of this bill. No other abuse is possible under the homestead law; and it is only under that provision of it which this resolution repeals that there has been abuse of which complaint is properly made.

Mr. WARNER. And let me suggest that I take it for granted, and it may be properly assumed, that the men who go upon our Western prairies to make their homes have the common honesty of the East not to allow themselves to be used by any one for such purposes.

Mr. RYAN. They are not only honest, but they are the great bodyguard of the nation itself.

[Here the hammer fell.]

Mr. PEEL. I hope the gentleman from Michigan, if he has his amendment ready, will now present it and let us have a vote.

Mr. ALLEN, of Michigan. I ask the adoption of the amendment in a modified form as I now send it to the desk.

The Clerk read as follows:

Strike out of the proviso, the words "that any person who having exhausted his right under existing law, but who is not the owner of a home elsewhere," and insert: "That any person who having attempted to, but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commutation provision of the homestead law, shall be qualified," etc.

The question was taken on the adoption of the amendment to the amendment, and the Chairman announced that the ayes seemed to prevail.

Mr. JACKSON. I demand a division for the purpose of asking unanimous consent to make a brief statement of my views on this question.

Mr. PERKINS. I hope there will be no objection.

Mr. JACKSON. If the committee please, I wish to reply to the reason given in regard to those who have commuted and obtained lands in that way. I think that those who obtained their lands under the commutation features of the homestead law, if there be any difference, have certainly less claim now for relief than any other class of men. Let us see what provision was made. The leading feature of the homestead law as originally passed was to give 160 acres of public land to every man or head of a family who would permanently settle upon it and improve it. As a guaranty that he would improve it for his own use as a home, the law provided that he should live upon it at least five years, and could not obtain title until that time had elapsed. But an amendment was afterwards made to the law which permitted a homesteader after one year, by paying the minimum price of $1.25 per acre, to obtain title without remaining upon it the five years. This was a very improper change. Its tendency was to give lands to those who had money, and not to the settler without means.

I did not propose, Mr. Chairman, to enter into a discussion of the irregularities and frauds which it is alleged have been committed under the homestead law, especially under this commutation provision; I am not making charges; but I repeat if there have been abuses under that law it was under that very feature of it. But without violating law it permitted men to make entries, commute and pay out and obtain title, and sell to speculators, who could thereby acquire large bodies of land. Certainly these parties have less right to have a second homestead given them than any other class. So far as there is evidence before Congress in regard to irregularities and frauds under the homestead law, it is, I believe, wholly where men took their homesteads and commuted them, obtained patents and then sold their lands. It was contrary to the general and true principles of the homestead law that men should be allowed to commute and pay for their homes, because that was only done and could of course be only done where men had money and were able to pay for the lands. In many cases it is alleged—and I undertake, as I have stated, to make no charges whatever, but simply refer to it for the purpose of illustration—that this provision has frequently been used for the purpose of allowing men to take up public lands, and, in accordance with a previous understanding, transfer them to speculators, and by this plan, it is said, the most valuable of our timber lands on the Pacific Slope have passed in large bodies to individuals, who hold them for speculation.

Mr. RYAN. Let me correct the gentleman there to say that two-thirds of the settlers upon the public domain who have finally perfected their homes, who live upon them and cultivate them, took them under the homestead law and commuted them. It is certainly unfair to assail them.

Mr. JACKSON. I have been very careful to make no charges, but I ask, what does the gentleman's statement indicate? It means that the men who have obtained the lands were not poor men for whom the lands were intended by the homestead law. It shows that they went to men who were able to pay for them, and had money for that purpose, and could buy their lands like anybody else. I have no doubt the gentleman's statement is correct; and that a great many men who have obtained homesteads were men with money, and by this provision the public lands have passed to a great extent into hands of people with money of their own, or it may be money which others had and allowed to be used for that purpose, using this to absorb large tracts of valuable Government lands.

Now, Mr. Chairman, I do not want this garden spot to be given away in great bodies. I want small, compact homes preserved for the people of this great country—for the people who need them. There is no use calling these lands that are expected shortly to be opened poor lands, or, as the gentleman from Missouri [Mr. WARNER] suggested, desert lands. No, Oklahoma is the last great body of good land not yet opened to settlement. I have no doubt it is good and valuable. It is surrounded by populous States and settlements. I do not think there is any good reason for hurrying the titles into private hands. It would be a grand thing if we could keep some of these lands for settlers ten, twenty, or thirty years hence. The settlers now living near it have to a great extent had 160 acres given them as a homestead. I have no doubt vast numbers of them would like the law changed so they could assign their homesteads in Kansas and elsewhere, and hurry into this Territory and get 160 acres more just as soon as it is opened. This would enable those living near it to practically monopolize this land. I am opposed to this; but I do not think it should apply to any part of the public lands.

The CHAIRMAN. The gentleman from Pennsylvania demands a division upon the question just taken.

The committee divided; and there were—ayes 106, noes 4.

So the amendment to the amendment was adopted.

Mr. HOOKER. I offer a proviso to the amendment of the gentleman from Arkansas [Mr. PEEL].

The Clerk read as follows:

Provided, That all rights of any friendly Indians who may have been settled upon any part of said lands proposed to be conveyed shall not be affected by said sale and transfer to the United States: *And provided further*, That said sale and transfer of said lands shall in no way affect the rights and interests of any other of the five semi-civilized Indian tribes.

Mr. HOOKER. I desire to say a word in regard to this amendment.

Mr. Chairman, it is a subject of congratulation to me to find that the Indian Committee, so ably represented by my friend from Arkansas, and the House, too, seem to have reached the conclusion that there are some Indians at least who have some title to lands which the Government ought to respect; for if it be true that the patent of the Government of the United States to the Creeks, who hold by the same tenure that the Cherokees hold, is not good, then the title you acquire by transfer from the Creeks may be of doubtful character.

I therefore think it is a subject of congratulation that the gentlemen who are in favor of this proposition of allowing the Creeks to sell their claims have at last found out that there is some title to be respected in the Indians in consequence of the patents which the Government have given them. As to the policy, Mr. Chairman, of this sale, I do not pretend to challenge it, for I have held to the doctrine, and hold to it yet, that the five semi-civilized nations of Indians with whom we have been treating and stipulating, and with whom you propose now to make another agreement, have to-day got capacity and intelligence enough to attend to their own matters; and I suppose the United States, through its committees in its Congress, have got capacity, intelligence, and honesty enough not to accept a doubtful title from the Indians. And I congratulate them that they think the right given by the Indian title is a good one.

I want to guard the interests of the other civilized tribes who, under the provisions of the sixteenth section of the treaty of 1866, may have settled upon these lands. I believe, sir, that the Creek Nation has the right to sell the land they live upon if they choose, but I believe that the policy is bad for the Indians, because it settles in the very midst of their country a white population, before whose advancing civilization not many years will have expired before you will say you want the balance of the land; and if they are willing to convey it, that may be all right and proper, because I think they have intelligence to know what their own rights are. But on the policy of settling white population among the Indians, I want to raise this note of warning in behalf of the remaining five semi-civilized tribes as to the impolicy of having a white settlement in the midst of their own country, if they ever expect that they will be admitted to the rights of Territorial organization, or rather I should say to State organization and a representation in

this body and at the other end of the Capitol. They will thus dispose of the rights which the country has conveyed to them, and which they seem to be, so far as the Creeks are now concerned, ready to reconvey to the Government of the United States for an adequate consideration. As I understand the amendment of the gentleman from Arkansas, it proposes now to extend to another of the semi-civilized tribes—the Seminoles—the same right of conveyance and to accept their conveyance, as the Creek conveyance has already been accepted, by legislation.

The amendment was agreed to.

The question then recurred on the amendment of Mr. PEEL as amended; and the amendment as amended was agreed to.

The Clerk read as follows:

For compensation of judges of Indian courts, at such rates as may be fixed from time to time by the Secretary of the Interior, $5,000, or so much thereof as may be necessary.

Mr. BLAND. I inquire of the gentleman from Arkansas in charge of this bill where these courts are situated for which provision is made for the compensation of the judges.

Mr. HOLMAN. On the reservations.

Mr. PEEL. I am not able to give the gentleman from Missouri all the places, but they are on several reservations. One of the most prominent, as I remember, is that of the Flathead Indians on the Jocko reservation, in Montana. I think the gentleman from Indiana will agree with the statement that I am about to make, that when we made our investigation we found in the report of the agent where all of these courts are located that a great deal of good resulted. The Indians were disciplined by them and disposed to accept the decisions of these tribunals. The decisions of the courts were reported as having been satisfactory to the complainants and defendants, and the judges seemed to be very much respected. The appropriation has done a greal deal of good.

Mr. HOLMAN. It gives them some idea of government among themselves.

Mr. BLAND. What laws do they operate under?

Mr. HOLMAN. They operate under the Indian laws.

Mr. PERKINS. Under the Indian laws and orders from the Secretary of the Interior.

Mr. BLAND. Is it to adjudicate matters arising between white men and Indians?

Mr. HOLMAN. No; it is only for matters arising between the Indians.

Mr. BLAND. And not at all for matters between them and white men?

Mr. HOLMAN. Indians entirely. The object is to teach these Indians self-government.

The Clerk read as follows:

That the sum of $9,371.50, or so much thereof as may be necessary, is hereby appropriated to enable the Secretary of the Interior to pay the settlers who in good faith made settlement in the Wind River Valley, Wyoming Territory, previous to the time when the said valley was included in the Wind River Indian reservation, the value of their improvements as heretofore found by appraisement by the proper Indian agent under direction of the Secretary of the Interior: *Provided*, That no payments shall be made to any one of said settlers until he shall first have finally removed from said reservation.

Mr. BLAND. I would like to have some explanation of that paragraph from the gentleman in charge of this bill, as to what is the subject-matter of these claims.

Mr. PERKINS. This is to compensate some settlers who have settled on these lands prior to the time it was designated as an Indian reservation. Their improvements have been appraised and examined by officers representing the Interior Department, and this appropriation simply proposes to pay them the appraised value of their improvements. But it does not pay it until they have moved entirely from the reservation.

Mr. BLAND. Are they settled on the reservation?

Mr. PERKINS. I understand that they have left the reservation; but as a precaution we provided that they should not be paid until they had removed. The Delegate from Wyoming says they have gone; but as a matter of caution we put this on—that they should not be paid until they had removed themselves from the reservation.

The Clerk read as follows:

This amount, or so much thereof as may be necessary, to be expended under the direction of the Commissioner of Indian Affairs in the purchase of carpets, matting, office furniture, casing for records and files, repairs to casings and furniture, and other necessary expenses incident to the removal of the office of Indian Affairs, to be immediately available, $2,000; for one female laborer to be employed in Indian Office, at $6,060 per annum; in all, $2,660.

Mr. HOLMAN. I raise the point of order on that paragraph.

Mr. PERKINS. There is a typographical error there. We certainly do not intend to pay the female laborers $6,060. The amount should be $600.

Mr. RANDALL. That ought to be provided for in the legislative bill.

Mr. PEEL. I know it ought, but it was not done.

Mr. RANDALL. It was not estimated for. That is the reason it was not done.

Mr. HOLMAN. I think this employé ought to be provided for in the legislative bill, and I regard this as a very bad practice. Still, I make the point of order only as to the $2,000 item preceding that.

The CHAIRMAN. If the point of order is made against one item in the paragraph it affects the entire proposition.

Mr. HOLMAN. There are two distinct propositions, one applying to the $2,000 in line 10. As to that proposition I make the point of order; as to the other I do not make it.

Mr. RANDALL. I understand that the gentleman from Arkansas [Mr. PEEL] is entirely willing to have that $2,000 item stricken out.

Mr. PEEL. Yes, sir.

The CHAIRMAN. Does the Chair understand that the proposition of the gentleman from Indiana [Mr. HOLMAN] is to strike out the paragraph from line 4 down to and including the word "dollars" in line 10?

Mr. HOLMAN. That is the proposition.

The amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Kansas [Mr. PERKINS] striking out the letters "ty" in the word "sixty" in line 11.

The amendment was agreed to.

The Clerk read as follows:

To pay Beeson and Baker, of Paola, Kans., for services rendered the Indian Office in furnishing abstract titles, according to statement of August 31, 1888, $60.

Mr. BLAND. I raise the point of order upon that item. I would like to hear it explained.

Mr. PERKINS. This is to pay for some abstracting that was done by these gentlemen at the request of the Commissioner of Indian Affairs. The Commissioner thought he had authority to order the work and he had it done; the Auditor approved the bill, but the Comptroller questioned the right of the Commissioner of Indian Affairs to order the work done. There is no question that the work was done, and these gentlemen now ask that this amount be appropriated to pay for that service.

Mr. BLAND. On the statement of the gentleman from Kansas [Mr. PERKINS] this is evidently a mere claim and is subject to the point of order, and I make the point that it is not authorized by existing law.

Mr. PERKINS. I trust the gentleman will not do that. These gentlemen can not get their pay in any other way. The amount is only $60, and it is recommended by the officers of the Department. The Commissioner authorized the work.

Mr. BLAND. If we are going to put claims into these appropriation bills let us put them all in. I make the point of order.

The CHAIRMAN. On the statement of the gentleman from Kansas [Mr. PERKINS] the Chair must sustain the point of order.

Mr. PERKINS. I do not contend against the point of order, but I suggest to the gentleman from Missouri that in my judgment he ought not to interpose it. This service was rendered at the request of the Indian Office; the Government had the benefit of the service and the Auditor approved the bill, but the Comptroller of the Currency questioned the authority of the Commissioner to have the work done, and now these gentlemen ask that this appropriation shall be made to pay for it.

The CHAIRMAN. But the Chair understands the gentleman from Missouri [Mr. BLAND] to insist on the point or order.

Mr. BLAND. My great objection is to putting a few claims into appropriation bills and passing them through here when a great many others have no such favor shown them. However, in this case I withdraw the point of order.

The Clerk read as follows:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $685,000; for the construction and repair of school buildings, $55,000; and for purchase of horses, cattle, sheep, and swine for schools, $10,000; in all, $750,000: *Provided*, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed $10,000, and the entire cost of any day-school building to be so built shall not exceed $600.

Mr. MILLS. Mr. Chairman, I find that this paragraph makes provision for the support of "Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $685,000," and "for the construction and repair of school buildings, $55,000;" but the point I wish to have some information about is this: "And for purchase of horses, cattle, sheep, and swine for schools, $10,000." I would like to have some explanation of why horses and cattle, sheep and swine have to be purchased for schools to the amount of $10,000.

Mr. PERKINS. I will say that at most of the industrial schools they have farms in connection with the schools. They cultivate those farms and it is necessary to have horses to do the work, and it is necessary to have cattle and sheep in order to make the farms productive and valuable and serviceable. This is only a continuation of the appropriations heretofore made in this direction. The appropriation this year is less than it was last year, and less than has been asked for by the Department.

Mr. BLAND. While the gentleman is up, I would like to ask him a question. I notice a provision here for the cost of putting up boarding-school buildings. Can the gentleman give us any information as to where those buildings are to be located?

Mr. HOLMAN. They are to be on the reservations, of course.

Mr. PERKINS. This is the usual appropriation in that respect; the matter is left with the Interior Department and the Indian Office, as heretofore.

Mr. BLAND. Then I understand from the gentleman from Kansas

that the committee is leaving the whole thing to the discretion of the Department, without any information as to the necessity for this appropriation.

Mr. PERKINS. The necessity for it arises from the fact that the Department is extending this system of education each year, is gradually civilizing the Indians, is every year inducing more of the Indian children to attend school; and as the number of school children enlarges, the necessity for school buildings necessarily increases.

Mr. BLAND. I would suppose that any recommendation with reference to this matter would be accompanied with a statement as to the location of the school buildings, the different schools to be accommodated, etc.

Mr. PERKINS. The Department does not furnish that information. The matter has heretofore been left and is now left discretionary with the Department.

Mr. BLAND. That strikes me as a rather loose way of appropriating money.

Mr. HOLMAN. I hope the gentleman from Arkansas will consent to amend this paragraph by inserting after the word "construction," in the twenty-first line, the words "on Indian reservations," so as to provide for the "construction on Indian reservations and repair of school buildings." Of course the repairs must be made wherever the school buildings are located.

Mr. PEEL. There is no objection to that amendment. It simply carries out the intention of the committee.

Mr. PERKINS. I am not sure that the amendment suggested should be assented to. We have school buildings which are not on reservations, and it may be that some of this appropriation may be required to be used upon those buildings.

Mr. HOLMAN. This amendment does not affect that matter. The money can still be spent for repairs of school buildings wherever they may be located.

Mr. PERKINS. If the amendment is offered in that shape, all right.

The CHAIRMAN. The Clerk will report the amendment submitted by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

After the word "construction," in line 21, insert "on Indian reservations;" so as to read: "For the construction on Indian reservations and repair of school buildings, $55,000."

Mr. PERKINS. There is no objection to that amendment.

The amendment was agreed to.

Mr. JOSEPH D. TAYLOR. I move to amend by striking out in line 20 of this paragraph the words "six hundred and eighty-five thousand dollars" and inserting "$4,000,000." On this amendment I desire to say a word.

The Secretary of the Interior, on page 26 of his last annual report, recommends an appropriation of $4,000,000 for the purpose of educating Indian youth. The statistics show clearly that the large majority of the Indian youth in this country of school age are not provided with any educational facilities whatever. There are in the United States, omitting Alaska, according to the best attainable statistics, about 250,000 Indians, and about 50,000, or nearly that number, are Indian youth of school age. And yet we have educational facilities for only about 16,000 children, and there are only 15,000 enrolled, while the average attendance is only 11,000.

We are now expending in educating these 11,000 Indian youth $1,200,000, and if there are 50,000 Indian youth of school age and only 11,000 attending school, there are nearly 40,000 Indian youth of school age running wild for whom no educational provisions whatever have been made.

For more than a hundred years we have been dealing with this Indian problem; and for more than a hundred years our policy has been a complete failure. In all the years of the past as in the present we have been educating a very few and allowing the great mass of the Indians to grow up in ignorance and barbarism. We have recently passed a national statute allotting land to the Indians in severalty. This, too, has been a failure, and it will continue to be a failure until the Indian youth of the entire land are educated.

If we would take the advice of the Secretary of the Interior and appropriate four or five million dollars to provide schools for all the Indian youth of the country, they might in one generation be educated in the English language, in agriculture, and other industrial pursuits, so that they would be qualified to accept lands in severalty and would become peaceable citizens. But so long as we go on as we are now doing from year to year, educating a few at Hampton and a few at Carlisle and a few on the reservations and a few in this or that favorite Indian school, while nearly forty thousand Indian youth are running wild, the Indian question will present precisely the same difficulties in the future as in the past.

We talk of increasing these educational facilities, but we do not do it. Last year the enrollment of scholars was only nine hundred more than the year before, which is as nothing compared with the great mass for which no provision whatever is made.

My only object in offering this amendment now is to call attention to this question. Early in the last session I introduced a bill providing for the compulsory education of all the Indian children in the United States; but that bill has not been considered, as thousands of other bills have not been considered, and I am well aware that we have not now time to consider and pass such an important measure as this, but I desire to call attention to it as the only remedy for the evils of our degraded and disgraceful Indian civilization. And as much as I am in favor of an increased appropriation for this purpose I would not vote for it unless it were accompanied with a compulsory provision which would secure the attendance of all the Indian children whose education was contemplated. Without this provision the money would avail very little.

I was in the Indian Territory about two years ago, and was at one of the Indian agencies. While there I saw that the Government had made provision for the education of two or three hundred children, and yet only about thirty were in attendance. Seventeen or eighteen teachers were there employed at the expense of the Government, but only a few scholars. It was not the fault of the teachers, but the fault of the law. It is useless, or almost useless, to build school-houses for the Indians and employ teachers and furnish books unless we can in some way secure the attendance of the scholars. We must have a compulsory law, the wisdom of which would soon be appreciated by the Indians themselves.

We have been trifling with barbarism and paying tribute to ignorance, wickedness, and degradation too long, and it is now time that the civilization of this generation vindicate itself by a new departure. If all the Indian children of this generation were educated and taught trades and business and especially fitted for agricultural pursuits there would be no savages to curse the next generation. When the older Indians would pass away, the blanket and the tribal relation and the tomahawk and the wigwam would pass away. The lands allotted to them would become productive farms, and their dwelling-places would become peaceful and happy homes. At present there is no place for the educated Indian children to go when they leave school, and no employment or vocation at their command.

When they return to the tent and the wigwam and the tribe, they are so few in number as compared with the uneducated that they are hated and despised by their uneducated playmates and associates, and in order to escape the hatred and contempt and scorn of their tribe, they go back to the habit and degradation of barbarism and are often worse than they would have been had they never seen school or books. Let all be educated at once, and they will support each other in the pathway of progress, and have a common aim and a common sympathy. Let this be done and let attendance be required if the Army be necessary to secure it. Let the appropriation be large enough and we will save hundreds of million of dollars, untold sacrifice of human life, and bring forth a new civilization.

Mr. Chairman, I now withdraw my amendment. I only wanted to take time enough to call the attention of the House to this question.

The Clerk read as follows:

For support and education of Indian pupils at Albuquerque, N. Mex., at $175 per annum for each pupil, and for the erection and repair of buildings, $35,000.

Mr. BLAND. This seems to be an appropriation per capita, but I would like to inquire of the gentleman having charge of this bill the exact number of pupils that are educated in this school.

Mr. PEEL. I am not able to say now just exactly how many pupils are educated in that school.

Mr. PERKINS. One hundred and seventy-five dollars per annum is paid for each pupil, and as the appropriation is $35,000 it is not difficult to tell just exactly how many are to be provided for.

Mr. BLAND. But it also provides for the erection and repair of buildings.

Mr. PERKINS. Buildings should be made sufficient to accommodate the pupils, and the appropriation is for that purpose.

Mr. BLAND. What was the first cost of these buildings?

Mr. PERKINS. There is quite a large building there which was erected originally by a church organization. The Government secured it from that religious society.

Mr. STONE, of Missouri. If the appropriation of $35,000 is devoted to this purpose it will support two hundred pupils.

Mr. BLAND. I would like to know what is the character of this building for which an appropriation is made.

Mr. PERKINS. No part of this appropriation is for the erection of any building.

Mr. BLAND. Why, the paragraph provides for the erection and repairs of buildings. I would like to know what is the character of the building.

Mr. PERKINS. As I have already stated, the structure in the first instance was put up by the Presbyterians for a mission school and was subsequently secured by the Government of the United States to accommodate the number of Indians provided for in this appropriation. It is ample to accommodate the pupils who are educated there.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. BLAND. No, I do not.

The Clerk read as follows:

For pay of the Board of Home Missions of the Presbyterian Church for buildings and other improvements made by said board on land at Albuquerque, N.

Mex., donated to the Government for Indian school purposes, $6,803.13, being the appraised value of said improvements as agreed upon by a representative of said board and a special agent of the Indian Bureau.

Mr. RANDALL. I do not like to interfere with a church, but I should like to direct the attention of the gentleman from Arkansas to this matter. This alleged donation was the reason given why a school should be established at Albuquerque.

Mr. HOLMAN. Did the gentleman from Pennsylvania reserve the point of order?

Mr. RANDALL. I did not.

Mr. HOLMAN. I will reserve it, then.

Mr. RANDALL. As I have stated, the original inducement for the establishment of this school at Albuquerque was the donation of this property by the Board of Home Missions of the Presbyterian Church. It would seem to be what the lawyers call *damnosa hæreditas*, an injury to own it. We established a school there, and we are now asked to pay for that donation. [Laughter.] Gentlemen will see there has been a conference between the Presbyterian board and a special agent of the Indian Bureau in this connection.

I want to say further that this matter was investigated last year by the Committee on Appropriations and decided to be a claim in the opinion of that committee and not proper to be embraced in the deficiency bill. I do not make the point of order, because it relates to a church.

Mr. BLAND. I have not made the point of order, as I do not wish to defeat any necessary appropriation for the education of Indian pupils.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. BLAND. I move to strike out the last word. Now, Mr. Chairman, so far as I am individually concerned I am in favor of liberal appropriations for educational purposes. I have not made the point of order, and have merely moved the amendment for the purpose of obtaining information on the subject.

Mr. HOLMAN. Mr. Chairman, I have made the point of order because it is at least doubtful whether this appropriation ought to be made. The location of the school in question is not a good one, to begin with. The Indians gathered there are from the Mescalero Apaches and from the San Carlos reservation, and are necessarily removed several hundred miles from their homes. My observation has led me to conclude that the schools away from the reservations are not as a rule beneficial. When the Indian children go back they go back into a condition of barbarism worse than that of the children raised on the reservations and not removed from it. I think that money expended on the reservation for this purpose has a better effect in regard to the education of the Indian children than the money applied away from the reservation, for that money properly expended on the reservation educates the whole family, father and mother, as well as the pupils, and has a beneficial effect upon all. But when you remove the children from the reservation, which must be done by a kind of force and to the universal grief of the parents, you do not accomplish so much good as can be obtained by educating them on the reservation. So that from my standpoint the establishment of the school in question at Albuqueque was not on the whole a wise measure. It was established by the Presbyterians, and was a very kind and generous act on their part; but my belief is that the school should not have been established at all.

I am not inclined, however, Mr. Chairman, to press the point of order, inasmuch as the chairman of the committee has approved the appropriation and placed the amount in the bill.

The CHAIRMAN. The point of order being withdrawn, the Chair will also regard the *pro forma* amendment of the gentleman from Missouri as withdrawn; and the Clerk will read.

The Clerk read as follows:

For support of one hundred and fifty pupils at the St. Ignatius mission school, on the Jocko reservation, in Montana Territory, at $150 per annum each, $22,500.

Mr. TOOLE. I move to strike out, on page 51, lines 24 and 25, and lines 1 and 2, on page 52, and insert what I send to the desk.

The Clerk read as follows:

For the support of three hundred pupils at the St. Ignatius mission school on the Jocko reservation, in Montana, at $150 per annum each, $45,000.

Mr. PERKINS. I would like to ask the gentleman from Montana whether the school accommodations there are sufficient to accommodate the number of pupils he proposes to locate there?

Mr. TOOLE. The school is capable of accommodating quite four hundred pupils.

Mr. PEEL. I would ask the gentleman to allow the recommendation of the Department to be read.

Mr. TOOLE. Let me state that I have the recommendation of the Indian Office and the Interior Department asking for this appropriation. These recommendations were made, however, after the bill had been reported from the Committee on Indian Affairs, but the indorsement is in strong terms, and I can appeal to the gentleman from Indiana [Mr. HOLMAN], the gentleman from Illinois [Mr. CANNON], and the honorable chairman of this committee for the confirmation of the statements made in the report of the special inspector of the Indian service when he says that this school is one of the most excellent in the service.

Mr. HOLMAN. I wish to confirm that statement from my own observation, that it is one of the very best in the Indian service, much more efficient than some far more pretentious schools outside of the reservations.

Mr. PEEL. I also take great pleasure in saying the same thing. We visited the school in person. It is the best disciplined and located school that I have seen, and the amendment meets my thorough approval. From my knowledge of the surroundings I have no objection to the adoption of the amendment.

The amendment was adopted.

Mr. HOLMAN. Mr. Chairman, last evening when this bill was under consideration the committee, by unanimous consent, passed over two paragraphs on page 41 of the bill at my request with a view to recurring to them and offering an amendment. I refer to the paragraphs beginning with line 3 and ending with line 8, in the following words:

For support and civilization of the Navajo Indians, including pay of employés, $7,500.

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, $7,500, to be taken from the funds now in the Treasury belonging to said Indians.

I now submit the amendment which I wished to prepare: To strike out lines 3 and 4 and amend the next paragraph by striking out, in line 6, the words "seventy-five hundred" and inserting "including pay of employés, $15,000."

Mr. PEEL. Let it be read as it will stand if amended.

The Clerk read as follows:

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, including pay of employés, $15,000, to be taken from the funds now in the Treasury belonging to said Indians.

Mr. HOLMAN. I now move a further amendment, to strike out "to" after the sum named, and insert the words "seven thousand five hundred dollars of which shall" so that it will read, "$7,500 of which shall be taken from the funds now in the Treasury belonging to said Indians."

The committee informally rose to receive a message from the Senate, Mr. ENLOE in the chair.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. MCCOOK, its Secretary, announcing that that body insisted on its amendments disagreed to by the House, agreed to the conference asked for, and had appointed Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN conferees on its part.

It also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

It also announced concurrence in House resolution for the printing and distribution of extra copies of the testimony taken and report made by the Committee on Merchant Marine and Fisheries for the investigation of the fur-seal and other fisheries in Alaska.

It further announced the passage without amendment of H. Res. 266, to print the eulogies on James N. Burnes, of Missouri.

It further announced that the Senate insisted upon its amendments to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes; agreed to the conference asked, and had appointed Mr. VEST, Mr. WILSON of Iowa, and Mr. EDMUNDS as conferees on its part.

It also announced that the Senate had passed with an amendment the bill (H. R. 5716) for establishing a light-house at the mouth of Otter Creek, Lake Champlain; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. PALMER, Mr. CULLOM, and Mr. RANSOM as conferees on its part.

It also announced that the Senate had passed with amendments the bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. JONES of Arkansas, Mr. PLATT, and Mr. DAWES as conferees on its part.

It further announced that the Senate had passed with amendments the bill (H. R. 8740) to authorize the Secretary of the Interior to sell to the "Methodist College Association of Southwestern Kansas" certain lands in Kansas; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. PLUMB, Mr. TELLER, and Mr. COCKRELL as conferees on its part.

It also announced that the Senate had passed with amendment the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. MITCHELL, Mr. SAWYER, and Mr. REAGAN as conferees on its part.

It also announced that the Senate had passed with amendments the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. SPOONER, Mr. FARWELL, and Mr. FAULKNER as conferees on its part.

It further announced that the Senate had passed with amendments the bill (H. R. 11634) to provide for the allotment of land in severalty to United Peorias and Miamies, in Indian Territory and for other purposes; asked a conference on the disagreeing votes of the two Houses,

and had appointed Mr. DAWES, Mr. MORGAN, and Mr. STOCKBRIDGE as conferees on its part.

It also announced that the Senate had passed with amendments the bill (H. R. 5509) to grant to the Gulf and Chicago Air Line Railway Company the right to construct bridges over navigable water courses; asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. VEST, Mr. SAWYER, and Mr. FRYE as conferees on its part.

It also announced that the Senate had passed the bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment, North Carolina Mounted Infantry.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The amendment of Mr. HOLMAN was reported again.

Mr. MCMILLIN. What is the object of this being taken from the funds of the Indians?

Mr. HOLMAN. I would like to have it all taken, but the custom has been to appropriate $7,500 from the funds of the Government and $7,500 from the funds of the Indians.

Mr. MCMILLIN. So it is to be taken from the Indian funds and the general funds of the United States. I see no reason why it should not be taken entirely from the Indian fund.

Mr. PERKINS. The pay of employés ought not to be taken from their funds.

Mr. MCMILLIN. If they are for their good, why not?

Mr. HOLMAN. I think that is all right. They are better than any other Indians we have.

Mr. MCMILLIN. Mr. Chairman, what is the question before the House? I want the section read as proposed to be amended.

The Clerk read as follows:

It is proposed to strike out "to be taken from the funds" and insert "$7,500 of which shall be taken from the funds of said Indians," and the paragraph if amended as proposed will read: "For continuing the work of constructing ditches and reservoirs for the Navajo Indians, including the pay of employés, $15,000, $7,500 of which shall be taken from the funds of said tribe now in the Treasury belonging to said Indians."

Mr. MCMILLIN. My reason for opposing the amendment is that I think these appropriations ought to come from the Indian fund.

Mr. HOLMAN. I hope there will be no objection made against this.

The amendment was agreed to.

The Clerk read as follows.

For trust-fund interest due Delaware general fund, $8,930. This amount to be paid per capita to the Delaware tribe of Indians, under the direction of the Secretary of the Interior, being the sum invested by the United States in Florida and North Carolina bonds and held in trust for their benefit by the said Secretary, $140,000; and the Secretary of the Interior is also hereby authorized and directed to sell the Union Pacific Railroad bonds held in trust for the Delawares, and to pay to said Indians per capita the proceeds thereof, together with all uninvested moneys to their credit and on deposit in the United States Treasury: *Provided*, That the Florida and North Carolina bonds, amounting to $140,000, shall become the property of the United States.

Mr. RANDALL. I make the point of order against that paragraph, that it makes new legislation. This is a proposition to distribute $140,000 among the Delaware Indians, and also to sell certain Union Pacific Railroad bonds which have been invested by the Government as part of the money due to the Indians named. Now, I do not believe altogether in giving the money directly to these Indians. I believe the effect will be that they will spend the money and then they will become dependent upon the United States Treasury.

Mr. PEEL. I think I can satisfy the gentleman from Pennsylvania.

Mr. RANDALL. The point of order I make is that there is no law authorizing this disposition of the fund.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas on the point of order.

Mr. PEEL. I do not think the point of order is well taken, because this is a trust fund that belongs to these Indians. It is now deposited in the Treasury of the United States. They have petitioned for this money, and I think under the rules of the House conferring jurisdiction upon the Committee on Indian Affairs in relation to all matters between the Indians and the making of appropriations therefor, the right is given to authorize the Secretary of the Interior to distribute this money among them. That is all it does. I therefore make——

Mr. RANDALL. If the gentleman will allow me, will he tell me what is the amount of Florida and North Carolina bonds?

Mr. PEEL. I was just getting the documents for that purpose. I do not know that I shall be able, without going over them pretty carefully, to find the amount exactly, but there is $140,000——

Mr. RANDALL. I do not know of any law that compels the United States to take those bonds at $140,000.

Mr. PEEL. I think you will find on an examination of the statement made by the Department that the money was invested in these bonds for the benefit of the Indians, and if you pay them the money the bond would come back to the Government. Under Rule XI all matters affecting the relations between the United States and the Indians and the Indian tribes, including appropriations therefor, are referred to the Committee on Indian Affairs, and I insist that under that rule the committee had the right and power to report this appropriation in this bill.

Mr. RANDALL. Not under that rule. That does not give you any power to legislate. You are changing the law here.

Mr. PEEL. It is only disbursing the money. The law authorizing the investment is an old one.

Mr. RANDALL. This is merely a change of existing law. It would not be here if it was not a change of existing law. If they had the power to do this they would do it without putting this provision on the appropriation bill.

Mr. PEEL. The Secretary of the Interior would not have the power to disburse the money without a law authorizing it.

Mr. RANDALL. And you propose to make a law to let him do it, and not to let him do it as the trust provides, for the trust provides that it shall be held, not distributed.

Mr. PEEL. I ask to have clause 16 of Rule XI read.

The Clerk read as follows:

The relations of the United States with the Indians and the Indian tribes, including appropriations therefor: to the Committee on Indian Affairs.

Mr. PERKINS. Mr. Chairman, not upon the point of order—reserving that, I would like to have read for the benefit of the gentleman from Pennsylvania [Mr. RANDALL] and of the committee the communication received from the Interior Department upon this subject.

The communication was read, as follows:

DEPARTMENT OF THE INTERIOR, *Washington, December* 22, 1886.

THE PRESIDENT:

I have the honor to submit herewith copy of a communication of 14th instant from the Commissioner of Indian Affairs, inclosing copy of a petition addressed to the Congress of the United States by certain Delaware Indians resident in the Cherokee Nation, praying that the Government cause to be paid to each Delaware Indian the amount due of the principal and interest of the "trust fund" held by virtue of the several treaties with them.

The petitioners state that they are citizens of the Cherokee Nation; have a republican form of government; an elective judiciary and other officers; a school system, and all other appliances of a civilized government; that they are an agricultural and a stock-raising people, subsisting mainly as such, and are on the same equality in these respects as the Delaware Indians who elected to become citizens of the United States under the treaty of July 4, 1866, who have long since received their share of said trust fund.

The Commissioner of Indian Affairs reports that it would be a great benefit to the said people and a large saving to the United States Government if the request of the petitioners is complied with; that the whole number of these Indians, as per last pay-roll, aggregates eight hundred and sixteen individuals, and the per capita payment was $59; that their trust funds amount to $874,178.54; that the annual interest thereon amounts to $46,131.75, and that there is in addition to the above principal sum a further sum of $12,633.89 accumulated interest on their school fund now on the books, which results from the fact that the Delaware children are educated at the Cherokee schools under the agreement with the Cherokees in 1867

With a view to obtaining the necessary legislation by Congress for effecting the purpose sought by the Indians, the Commissioner of Indian Affairs has caused to be prepared a draught of an amendment (copy herewith) which he desires may be incorporated in some one of the appropriation bills, and he recommends that the same may be forwarded to Congress for favorable action.

Concurring in the views of the Commissioner, I respectfully recommend that the matter may be laid before Congress for the consideration and action of that body.

I have the honor to be, very respectfully, your obedient servant,

H. L. MULDROW,
Acting Secretary.

Mr. PERKINS. In addition to that, without asking to have the entire document read, I desire to suggest that this amendment was prepared in the Indian Office, that it has the approval of the Interior Department, and that these Indians are entirely competent to care for themselves. As suggested by the letter of the Secretary, they have a common-school system; they have a local government of their own; they are as civilized as any members of the tribes who have become citizens of the United States. This statement shows that they have $53,000 in Florida bonds, $87,000 in North Carolina bonds, $49,000 in Union Pacific bonds, and $672,000 in United States Government bonds.

Mr. RANDALL. But you do not propose to distribute the United States bonds?

Mr. PERKINS. No. I am showing now what their funds are in the aggregate. We do not propose to distribute the entire bond.

Mr. PEEL. Mr. Chairman, for the information of the gentleman from Pennsylvania and of the committee generally, I will state that these Delaware Indians, so called, are not Delawares in the proper sense of the word. They are Cherokees now. They are incorporated into the Cherokee Nation, one of the five civilized tribes, which has a regular form of government, and they are entitled to all the interests and privileges of the Cherokees. Therefore, the distribution of this fund will not affect their future in the least. Gentlemen say that they will become a charge upon the Government hereafter. They can not become a charge upon the Government unless the Cherokees become such a charge, because these Indians are a part of the Cherokee Nation. The Government is now paying $46,000 a year interest on this money; the Indians want it turned over to them, and the Government does not want it, and I do not see why it should not be disposed of in this way.

Mr. RANDALL. All that goes to the merits of the question as an independent proposition, but the provision, in my judgment, does not belong here under the rules of the House.

Mr. PEEL. If the gentleman insists upon the point of order, as a matter of course it must be disposed of, but I was in hopes that when he learned the merits of the proposition and also understood the econ-

omy that would be accomplished on the part of the Government by this provision, he would not object to it.

Mr. RANDALL. I do not think there is any economy accomplished by it.

Mr. PEEL. Certainly there is. It will save $46,000 a year which the Government is now paying out as interest on this money.

Mr. RANDALL. How will it save any money to the Government?

Mr. PEEL. It will save $46,000 interest that we are paying every year.

Mr. RANDALL. At all events, it does not belong on an appropriation bill. That is clear.

Mr. PEEL. I must say, Mr. Chairman, that I think the Committee on Indian Affairs have the power to report this provision in this bill. I hope, however, that the gentleman from Pennsylvania will withdraw his point. More than a majority of these Indian families have petitioned on this subject. I have a petition in my pocket now in addition to the one which has been set out here. If the Indians want this money and are competent to take care of it, and if the Government does not need it, let us distribute it, and save the $46,000 a year interest that we are now paying. I hope the gentleman will withdraw his point of order.

Mr. RANDALL. I decline to withdraw it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For trust-fund interest due Kaskaskias, Peorias, Weas, and Piankeshaws, $3,347.84.

Mr. WEAVER. I desire to reserve the point of order against the last paragraph until I hear further in regard to it.

Mr. SPRINGER. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 56, after line 20, insert the following:

"*Provided*, That said commission is authorized to propose to the Cherokee Nation or tribe of Indians an agreement providing for the complete cession and relinquishment to the United States of all their right, title, and interest in and to the lands known as the 'Cherokee Outlet,' and the purchase of the same by the United States on the same terms as were contained in the agreement which was entered into with the Creek Nation and ratified by act of Congress at this session; and if such agreement is made and entered into by the parties respectively and ratified by the national council of said Cherokee Nation, the lands embraced in said cession shall become a part of the public domain and be opened to settlement under the homestead laws of the United States in the same manner and under the same conditions as provided in this act with reference to the lands recently ceded to the United States by the Creek and Seminole Nations or tribes of Indians; and the President of the United States is authorized to issue a proclamation, after the ratification of said agreement, fixing the time when settlers may enter upon the lands embraced in said outlet."

Mr. BUCHANAN. Has a point of order been reserved against the paragraph?

The CHAIRMAN. A point of order was reserved against the paragraph by the gentleman from Iowa [Mr. WEAVER].

Mr. BUCHANAN. I suppose a point of order would also lie against the amendment. I make the point of order distinctly against the amendment until I know more about it.

Mr. SPRINGER. I will explain the proposition to my friend from New Jersey. This proviso simply authorizes the commission that may be appointed under and by virtue of this act to enter into and conclude an agreement with the Cherokee Nation for the complete relinquishment of all their right, title, and interest in the Cherokee Outlet to the United States upon such terms and conditions as are provided in the treaty recently ratified by and between the United States and the Creek Nation for the cession of their lands; and if such agreement is made by the parties, respectively, then this outlet is to become part of the public domain in the same manner as has been provided in regard to the Creek lands; that is, the land shall be opened upon the same conditions precisely. Of course, unless the agreement is entered into, this provision amounts to nothing at all. It simply offers to the Cherokees the same terms that we have offered to and obtained from the Creeks in regard to their lands which lie side by side with those now under consideration.

The CHAIRMAN. The Chair desires to know whether——

Mr. McADOO. I wish to offer an amendment.

The CHAIRMAN. The Chair desires to pass upon the question of order.

Mr. RYAN. I do not think anybody has made a point of order; the point was simply reserved.

Mr. WEAVER. I made no point of order; I simply reserved it. I now withdraw it.

Mr. BUCHANAN. I renew the point of order as to these words in the seventh and eighth lines, on page 55:

Not more than two of whom shall belong to the same political party.

I think that if the President of the United States can not be trusted to appoint proper commissioners the whole provision had better go out.

Mr. WARNER. I suggest to my friend from New Jersey that he reserve the right to make the point of order, and pending that, move to strike out those words.

Mr. BUCHANAN. I do not care which way it is done. In accordance with the suggestion of the gentleman I will reserve the point of order and will move to strike out those words.

The CHAIRMAN. If there be no objection, the words referred to by the gentleman from New Jersey will be stricken from the paragraph

Mr. PEEL. I do not understand what is the proposition.

Mr. BUCHANAN. I desire to strike out the words "not more than two of whom shall belong to the same political party." I think that either the outgoing President or the incoming President should be trusted in a matter of this kind.

Mr. PEEL. I can not consent to the amendment striking out that clause. That has been the rule in regard to nearly all these commissions.

Mr. BUCHANAN. Then I make a point of order against those words.

Mr. PERKINS. I trust my friend from New Jersey will permit me to suggest that in several bills in which we have provided for commissions we have inserted a clause of this kind providing that no more than a given number should be from the same political party. The object is to distribute these matters fairly between the two great political organizations.

The CHAIRMAN. The Chair understands the gentleman from New Jersey to withdraw the point of order against the paragraph and to move to strike out these words.

Mr. BUCHANAN. No, sir; I said that I would renew the point of order made by the gentleman from Iowa [Mr. WEAVER], but only as to these words. The whole paragraph is subject to a point of order, but I only raise the point in regard to these words.

Mr. PEEL. Well, if the gentleman insists on it, let those words go out.

The CHAIRMAN. If there be no objection, the words indicated will be stricken out.

Mr. OUTHWAITE. I object to those words going out by consent. I would like the Chair to rule upon the point. If the Chair holds that they must go out on a point of order, all right.

The CHAIRMAN. Very well; then the Chair will be compelled to sustain the point of order upon these words; but there is a question whether it would not affect the balance of the paragraph.

Mr. RYAN. It would, if the point were made against the rest of the paragraph; but it is not.

The CHAIRMAN. Very well; the Chair sustains the point of order made by the gentleman from New Jersey.

Mr. SPRINGER. Now, I ask for a vote on my amendment.

Mr. CUTCHEON. I suggest to the gentleman in charge of this bill that the words "to the United States," in line 13, page 55, ought to be transposed so as to come in after the word "relinquishment," in line 11. The clause will then read "full and complete cession and relinquishment to the United States." In this way we shall avoid ambiguity.

Mr. SPRINGER. That is right.

The CHAIRMAN. If there be no objection, the verbal amendment suggested by the gentleman from Michigan [Mr. CUTCHEON] will be agreed to. The Chair hears no objection, and it is ordered accordingly.

The question recurred on Mr. SPRINGER'S amendment; which was agreed to.

Mr. McADOO. I move to amend by the following proviso, to come in after the amendment just adopted:

Provided, That no part of said sum shall be expended in buying refreshments for Indians attending meetings with commissioners or in anywise attending or presenting gifts to such Indians or their representatives.

The amendment was agreed to.

Mr. KENNEDY. I move to strike out the last word, to reply briefly to the gentleman from Georgia, and the reference made to my connection with the Ohio senate as its presiding officer on yesterday.

I desire to call attention, Mr. Chairman, to that contest in Ohio, and to say that contest arose because of frauds perpetrated in the county of Hamilton. The frauds consisted in stealing the ballot-boxes in one precinct and carrying them into a saloon, where they were opened and stuffed with Democratic votes.

In another precinct three or four hundred names were added to the poll-list, and these names were of persons who had no residence or place in that district, and who could not be found by the Democratic officers from the senate of the State of Ohio.

Not only that, but in another precinct one of the Democratic judges of election, having placed the ballot-box nearly 30 feet away from the door, deliberately took the votes passed to him from the window, putting the ballot placed in his hands to be deposited in the box into his pocket and from another pocket taking out and putting a Democratic ballot into the box. So openly was this done and so clearly was this seen that a leading Democrat of Cincinnati said to him, "You infernal scoundrel, you have even stolen my ballot."

There was suspicion that there was likely to be Democratic scratching at the ballot-box, and therefore these men were not willing to trust even the Democrats themselves.

That question came up for contest in the senate of the State of Ohio as to the four seats from Cincinnati, and those claiming these four seats having been elected at the same time and by the same tickets, or ballots, and standing together, the presiding officer of that assembly (and I had the honor to be the presiding officer) declared in that contest

these gentlemen could not vote in their own case. And in that decision I was sustained by every precedent of this House, by every parliamentarian in the country, by the distinguished Judge Wilson, author of Wilson's Parliamentary Law, and by every other parliamentarian of any note. I, as the presiding officer, decided these men could not vote. Then the Democrats left the chamber of the senate in the State of Ohio and set up a rump senate of their own. After that, by agreement, the cases were heard, testimony taken, and then they came back to the senate, but rather than to submit to a final hearing twenty Democratic members left that body and fled to Kentucky and Tennessee. The seventeen remaining members, no question having been made as to a quorum being present, seated the four contestants, and proceeded with the business of the house.

The record was made by Hon. Charles L. Vallandigham, clerk of the house, a Democrat himself, a gentleman of honor and reputation, the son of Clement L. Vallandigham, formerly a member of this House, and on that record the matter was carried to the supreme court in my State and the supreme court sustained that body and the action of its presiding officer.

Not only was it sustained by the supreme court but sustained by every honest Democrat in the State of Ohio, including such gentlemen as Hon. George L. Converse, of Columbus, and the honorable gentleman who afterwards became the candidate for the Vice-Presidency on the national Democratic ticket, Hon. Allen G. Thurman.

And not only that, Mr. Chairman, but in the trial of the cases, the wing, as it were, of this great conspiracy, the tally-sheet fraud, at Columbus, Hon. Allen G. Thurman, who was chosen to represent the prosecution, in his speech to the jury on that occasion declared that the firmness of the presiding officer of the senate at that time had saved the State from disgrace, and he commended my course in that body. [Applause.]

The forgers, ballot-box stuffers, and ballot-box plunderers of Hamilton County were afterward tried for their crimes and convicted and sent to the penitentiary, where they belonged, and since that time we have had fair and honest elections in that city of Cincinnati, and I commend this course of proceedings to my Southern Democratic friends.

That is all I desire to say.

Mr. O'NEALL, of Indiana. Mr. Chairman, I rise to oppose the *pro forma* amendment.

I beg the indulgence of the committee for a few moments, and will take the privilege of presenting my views upon a pending question, in order that the House may know how very "fair and impartial" our political opponents can make themselves when it is our ox that is being gored. I desire to be brief. I send first to the Clerk's desk and ask to have read an article from the San Francisco Chronicle of date March 25, 1887, a Republican newspaper, which has reference to the methods by which one of the sitting members upon this floor and upon the other side of the House obtained his seat, and has been allowed and is now allowed to keep it.

The Clerk read as follows:

CONGRESSIONAL ELECTION.

Whatever may be the result of the contest between Sullivan and Felton, enough has already appeared to make it perfectly manifest that Felton's election was assured by the use of the most improper and vicious methods. It is proved beyond a doubt that the sugar ring worked earnestly and diligently for him and spent their money in ways which they would doubtless call practical politics, but which are more properly classified by the simple name of bribery.

It is conceded that a certain amount of money may be used at or about election time in a perfectly legitimate manner. There are certain recognized campaign expenses common to every election and every party. These are perfectly well understood and accepted by everybody. But the people have yet to learn that paying men money to vote in one way or not to vote in another, dragooning employés into voting for a particular candidate by threats of losing their places, or discharging men because they have voted the wrong ticket are, all or any of them, allowable, or that they come within the definition of clean or decent politics.

The question of a fair and honest expression of public opinion is of vastly greater importance than that any one man, no matter what his politics, should go to Congress. On the purity and fairness of elections rests the whole fabric of popular government. Take that away, and the structure of government by the people crumbles to ruins. If, on the other hand, a particular man is defeated for Congress, the world moves on just the same, the affairs of the nation do not suffer any violent shock, nor is the welfare of the country seriously impaired.

Such an election as is now being investigated is a shame and a disgrace to this city and this State. The shamelessness of Felton's political supporters would overpass belief were it not that it is so well known that they never stick at anything to gain their purposes. If they make up their minds to a certain thing it is going to be done, if it can be accomplished by human means and if the weakness of human nature can be successfully assailed by promises or threats. Bribery and corruption are their usual weapons, threats and intimidation the reserve stock of their armory. In this last case they employed all their force and used all their ammunition, and they made every shot tell. At any rate, Felton received his certificate of election, and this was all his partisans and henchmen could accomplish. Whether he will retain it is another thing.

Whenever there is an election secured by such means as were employed to elect Felton it is to be hoped that it will be contested. In no other way can this infamous system be broken up except by showing its utter uselessness to defeat the will of the people, and every man, no matter what may be his politics, who secures his election by such means as the sugar ring used to elect Felton should be unseated and new elections held until they can be honestly conducted.

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn, if there be no objection; and if the gentleman desires to proceed he can renew it.

Mr. O'NEALL, of Indiana. I renew the *pro forma* amendment.

The article, Mr. Chairman, which has just been read appeared in the leading Republican newspaper of San Francisco on the 25th day of March, 1887. The contestant had at that time been taking evidence for about thirty days in this contest. That paper, the Chronicle, is the leading Republican newspaper of the State of California, and is published in a city wherein two-thirds of the population of the Fifth Congressional district of that State reside. A few days later, and in the same paper, this article appeared, which I now send to the desk to have read. It bears date April 5, 1887.

The Clerk read as follows:

TOO SOLID FOR FELTON.

An examination of the ballots cast at the Almaden mine shows that over 150 of the tickets were scratched for Felton for Congress, and that all the changes had been made by three persons. This unanimity of sentiment must be very gratifying to the candidate who received his certificate of election on the strength of it, but it is very questionable whether the House of Representatives will smile as much over it as did Mr. Felton and his friends.

There is but one name for the method by which this election was carried, and that is corruption. No sane man believes that 150 votes would be polled at one precinct, all scratched for one man and the scratching all done by three persons, unless some improper influence had been used to bring about such a result. Voters who are entirely free and untrammeled do not, as a rule, employ three persons to scratch 150 ballots for them at one precinct. Either the voters were too ignorant to know what was done to their tickets, or they were compelled to vote them as they were prepared for them; and it is easy to imagine that either will be enough to induce a Democratic House of Representatives to throw out the whole precinct.

Felton's supporters claim to be able to prove that corruption and bribery were used for his opponent. That may be, but of his supporters. A second bribery does not make the first one right, nor can any proof do away with the evidence afforded by the inspection of the Almaden ballots. It in no way palliates or excuses the guilt. Such disclosures are simply shameful.

They go to show that nothing is allowed to stand in the way of partisan success, and that in practical politics there is only one thing to be considered, the election of the candidate. That men are bought, threatened, or driven into voting as they otherwise would not is considered a mere nothing, provided there are enough of such votes to elect. That the people are defrauded of their real choice is deemed rather a good joke than otherwise, and the swindled candidate is wished better luck next time.

If the Government of this country is to be carried on by popular suffrage such a course of conduct as has been developed in this Congressional election can not be in any way condoned or excused. The unpardonable sin against the people—that of defrauding them of their political rights—has been committed and nothing can mitigate the guilt of the offenders. Such an election as this is more dangerous to the liberties of the nation than armed rebellion would be, for it saps the very foundation of popular government and threatens the destruction of the whole fabric.

Whenever the day shall come that a state of things such as has been brought to light in this contest can go unchallenged and unpunished government by the people is at an end. We shall have substituted money for majorities, and coercion and corruption for a free and fair ballot.

During the reading of the foregoing,

Mr. ALLEN, of Michigan, said: I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. I make the point of order against this article and the preceding one. I protest against this Indian appropriation bill being made further a mud-scow, and I move that the honorable gentleman from Missouri [Mr. BLAND] be requested to come to the rescue.

The CHAIRMAN. In view of the decision of the Chair on yesterday when a similar question was presented——

Mr. ALLEN, of Michigan. I withdraw the point of order.

The CHAIRMAN. The Chair was about to overrule the point of order.

The time of the gentleman from Indiana has expired.

Mr. ROWELL. Mr. Chairman——

Mr. MCKENNA. Will the gentleman from Illinois yield to me?

Mr. ROWELL. In a moment.

I shall not depart from my usual practice and take up an election case for discussion on an appropriation bill; and I only rise now, sir, to call the attention of this committee to the fact that this election contest has been based from beginning to end upon just such testimony as has been presented by the gentleman from Indiana—hearsay, rumor, newspaper talk, and such testimony—and that the newspaper which has been brought into this contest here to-day and called a Republican newspaper is a newspaper that has from the beginning been hostile to the Republican member from that district in California; that the whole report in this case from turret to foundation-stone is based on testimony having no more weight in any court than newspaper articles of that character; and I say, sir, as far as Almaden is concerned, that every voter of the Almaden mine except eight, they dead or moved away, came into the case—the testimony is in the record—and impeached that statement, impeaching the statement of your witnesses. So that you were compelled to abandon Almaden in committee and substantially in your report. [Applause on the Republican side.]

I yield to the gentleman from California.

Mr. BLAND. Then why do you not take up the case?

Mr. ROWELL. I always seek a continuance, when I know the jury is packed against me, if I can. [Renewed applause.]

Mr. MCKENNA. Mr. Chairman, it is well known to the House that I have taken a decided and prominent interest in the contest between Mr. Sullivan and Mr. Felton, but I took that interest when the case was presented. I have never yet intruded myself on the House when my remarks would be irrelevant, and I do not now know whether I

shall be justified in following the bad example of the gentleman from Indiana [Mr. O'NEALL] who, in his eagerness and impartiality, took the floor to have read newspaper articles reflecting on the sitting member, who is in every respect the gentleman's peer.

Sir, it has been from considerations other than those of fear of the result of the contest as far as the result ought to be dependent on the evidence which caused me to take the stand I have taken. Why, sir, look at the record in the case [holding up two large volumes]—nineteen hundred pages of testimony pushed to our consideration in the last days of a weary Congress, testimony which must necessarily be referred to in order that a calm, judicious, and fair judgment should be formed. And, sir, knowing full well such reference can not be made, the gentleman from Indiana has considered it safe to have newspaper articles read from the desk. Knowing such reference could not be made, he has considered it safe and sufficient to make the report which he has made in the case.

The record, sir, deters, yes, repels not only what the gentleman in his report is pleased to term the "average member" of Congress from its perusal, but repels the most resolute and conscientious and painstaking member from even looking at it. It has so efficiently this effect that I am almost forced to believe that it was purposely intended to have this effect. And yet there is no testimony in it which in a fair tribunal would raise a suspicion against the sitting member.

There is direct testimony in it against the contestant, and for the entertainment of the gentleman from Indiana, and by way of illustration of the case, I send to the Clerk's desk to be read from the Record, page 1121, the testimony of John F. Reed, called on behalf of the contestee. His testimony applies to one of the precincts in the city of San José:

The Clerk read as follows:

Q. Do you know anything in relation to the voting of a number of men in the Fourth ward in this city?
A. In what way?
Q. Were you participating in the voting of a number of men yourself?
A. Yes, sir; I was.
Q. On whose behalf?
A. The Democratic party.
Q. That is a straight Democratic ticket?
A. Yes, sir; from top to bottom.
Q. Including the name of Mr. Sullivan?
A. Yes, sir.
Q. I will ask you how many you participated in voting?
A. I could not state.
Q. About how many? I do not ask the names. About what number of voters did you succeed in assisting in voting?
A. Seventy or eighty.
Q. At least seventy, and probably not more than eighty?
A. Yes, sir.
Q. They voted the Democratic ticket, did they?
A. Yes, sir.
Q. I will ask you if any one else assisted you in voting these various parties?
A. Yes, sir.
Q. I believe Mr. Fisher?
A. Mr. Fisher and Mr. Hommerich.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKENNA. I move to strike out the last word.

Mr. PEEL. I desire to appeal to both sides of the House. I think it is very necessary that we should pass this bill, and in order to do so I make this request: That general debate on all amendments that may be offered shall be closed in twenty minutes.

The CHAIRMAN. The time to be equally divided?

Mr. BLAND. I want to extend the time to one hour. The other side have heretofore refused to take up this case; and this is the only opportunity we may have to get it before the House. [Cries of "Regular order!"]

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. BLAND. I ask that one hour be given. [Cries of "Regular order!"]

The CHAIRMAN. If the gentleman from California will submit another *pro forma* amendment the Chair will recognize him.

Mr. BLAND. I object to proceeding——

Mr. MCKENNA. I move to strike out the last word, and ask the Clerk to proceed with the reading.

The Clerk read as follows:

Q. They are both residents of the Fourth ward?
A. Yes, sir.
Q. And these men voted in the Fourth ward at the last election, and voted the straight Democratic ticket?
A. Yes, sir.
Q. How do you know they voted the straight Democratic ticket?
A. Because I would give them the tickets and go with them to the polls.
Q. And see that they put them in?
A. Yes, sir.
Q. Do you know whether or not they received any consideration for it?
A. I believe they did.
Q. Upon what do you base your belief?
A. Mr. Hommerich and Mr. Fisher would settle with them.
Q. Would you see them settle?
A. Yes, sir.
Q. Would they pay them before voting or after?
A. After voting.
Q. How would they know that they had voted?
A. They took my word for it.
Q. That is, as I understand it, after these parties were voted you would take them to these men?
A. Yes, sir.
Q. Represent to them that they had voted?
A. Yes, sir.
Q. And they would pay them for it?
A. Yes, sir.
Q. About what was the average price that they got?
A. Different prices; $3 the utmost.
Q. What was the lowest?
A. A dollar.
Q. That, I suppose, ranged according to the time of day or according to the inclination of the parties?
A. In the forenoon they were cheaper than in the afternoon.

[Laughter.]

Mr. MCKENNA. Now, sir, that is not hearsay testimony; it is direct testimony, and direct to the effect that in behalf of the contestant in this case, 80 votes were purchased at a rate from $1 to $3. The report in this case is illustrated by this testimony. In connection with it I will read from the report made by the gentleman from Indiana. On page 1 of the report and on page 2 this language is employed:

No charges of fraud or other wrong or violation of law or of the rights of the elector being made by contestee against contestant, the committee might well have passed over the evidence without looking for anything upon which averments might have been based. But, in view of the magnitude of the cause and of the importance of dealing out equal and exact justice, the committee have industriously and in a painstaking manner examined to ascertain whether any evidence existed upon which such allegations—

That is, against the contestant for bribery—

could have been made, and none is found.

[Laughter.]

He proceeds:

In fact, nothing is found to warrant a suspicion of fraud against Sullivan or the vote by him received.

Oh, how industrious the gentleman from Indiana was; how painstaking! [Laughter.] Such is some of the record, Mr. Chairman; and in the whole of it, in the whole accumulation which has been piled up by the contestant, there is nothing which justifies accusation against Mr. Felton. But, as I have said, none will resort to the record to find out whether the report of the gentleman is true or untrue, founded or unfounded; hence my action.

Mr. Chairman, the whole thing, certainly the present proceeding, is distasteful to me. I am in no pleasant position from my standpoint, because, as I have said, it is not my practice or my disposition to intrude myself where my remarks or myself will be irrelevant. Besides, Mr. Chairman, I can not approach the consideration of any election case but with distaste amounting almost to nausea. In pretension, election cases are non-partisan; in fact, they are oftener the most partisan of questions.

With solemnest bombast we assert the coldest neutrality, and while our words are yet echoing in the air we execute the hottest partiality, and we are not ashamed. Indeed, we swell and glow with a sensation as new, as delightful of having subdued the eagerness of our legislative function to the sedateness of justice. There may be some merit, sir, in acquiescing without comment in the hypocrisy which declares justice in our words while we execute injustice in our deeds; but there are some cases so gross that they should not be allowed to hide under a miserable mockery of fairness, and the case of Sullivan against Felton is one of them; and if I can rejoice at all at this opportunity to address the House, it is because it is an opportunity to show this, because it is an opportunity to show in a few words what the record in the case is and what the case is. Thanking the House for its attention and apologizing even for having been forced to demand and use its attention, I take my seat. [Applause.]

Mr. O'NEALL, of Indiana. Mr. Chairman, we are told by the honorable gentleman from Illinois that this is hearsay testimony and that the Chronicle opposed Mr. Felton. It may be and is hearsay testimony. I want to tell him that the proprietor of that paper is Hon. Michael DeYoung, who was a delegate to the Chicago convention that nominated Benjamin Harrison for the Presidency, and I believe is or in the late campaign was a member of the Republican national committee.

Mr. SPRINGER. And he is a candidate now for a Cabinet position.

Mr. O'NEALL, of Indiana. And, as my friend, Mr. SPRINGER, says, is now urged by the Republican press of this country for a place in the Cabinet of the incoming President. The paper may have opposed Mr. Felton. I am not advised as to that, but the editor was so disgusted at the methods by which Mr. Felton obtained the certificate of election as to boil over with indignation. When the gentleman says that the only evidence in this case is hearsay, except the evidence of one James Reed, whose testimony is against Sullivan, I want to tell him that he has not read the evidence.

If he will read the evidence he will find that all the testimony of Mr. Reed, to the extent that it is entitled to any credit, is in relation to his work for one Singletary, who was running for clerk in the county of Santa Clara and who was elected by two or three hundred majority, while Mr. Sullivan and the balance of the Democratic ticket were beaten by that many. Mr. Reed expressly exculpates Mr. Sullivan from all participation in or knowledge of the matters about which he testifies.

Let me say further, if that side of the House wants to hear something about an election case where every species of fraud was perpetrated to secure the sitting member his election certificate, and which fraud is proven by an abundance of direct and uncontradicted testi-

mony, let them take up this election case and let the light of that evidence shine in upon it. Do not, gentlemen, do not talk about the want of evidence. Let the case be discussed and go to the country, and let the country have an opportunity to judge. Gentlemen upon that side work themselves up into a white heat and go into cat-nip pass-overs when a colored man's rights are at stake or imagined to be at stake.

Is not an Irishman about as good as a "nigger?" I know that a good many of our Republican brethren do and always have held, the colored "gentleman" to be entitled to much higher consideration than an Irishman, but certainly upon that side of the House there ought to be a few—a very few at least—who will not deny even to an Irishman the right to be heard and to have his case passed upon.

The gentleman from Ohio, who entertained us yesterday evening and who has again this morning given us a further exhibition, will surely come to the front and give us the benefit of his mighty influence. After his demonstration there is no mistaking the fact that in his own estimation at least he is the very embodiment of honest impulses and of fair dealing.

In the State of California the law provides that in the city of San Francisco the mayor, the auditor, the city and county attorney, the tax-collector, and the city and county surveyor shall constitute a board of election commissioners for the county and city of San Francisco; that this board shall appoint the precinct election boards. These latter boards shall be composed of persons of different politics. In 1886 the mayor and auditor were Democrats, the others, then members of that election board, were Republicans.

Mr. Strother, who was the auditor, testified that the three gentlemen referred to brought in a complete set of names to constitute the inspectors and judges of the eighty-odd precincts in that part of said county and city in the Fifth Congressional district, and without giving himself or the mayor any say about the matter whatever moved the appointment of the persons by them selected, and that when the mayor refused to put the motion the mover, John Love, city and county attorney and one of the commissioners, put the motion, and the other two Republicans voted with him. And these persons thus selected were declared the persons who should hold the elections. Mr. Strother testifies further that a number of the parties selected were of a disreputable character.

The testimony of Mr. Strother is uncontradicted; on the contrary, it is tacitly admitted by Mr. Love, who afterward became one of Mr. Felton's attorneys in the case. To be sure, this scheme did not avail anything, because the Democrats appealed to the courts for a writ of mandate, to which these men afterward submitted. I refer to this simply to show the spirit of unfairness rife among the party friends of Mr. Felton. While this scheme did not work, when foiled in that effort, the Republican managers of that election began to hunt up the Democratic committeemen for the different precincts, to whom had been confided the selection of the Democratic minority on these precinct boards, and whenever a committeeman could be influenced to select a man wanting in integrity, it was done. In the second precinct, the forty-sixth assembly district, where one James Hughes was the Democratic committeeman, he was induced to import and board at his home a couple of pretended Democrats to be placed on the election board. In counting out the ballots in this precinct when Sullivan's name was reached on a Democratic ticket the name of Charles N. Felton was read instead.

Mr. ROWELL. I challenge the statement and assert that there is not any such testimony except hearsay from the first to the last page.

Mr. O'NEALL, of Indiana. Let us take up this case.

Mr. ROWELL. I challenge the record.

Mr. O'NEALL, of Indiana. I will be more than glad to show you the evidence.

Mr. ROWELL. You can not do it.

Mr. O'NEALL, of Indiana. In this precinct the fraud is proven by overwhelming evidence, and in different ways, and by the most direct testimony. O'Shea, who was a Republican watcher, testified that when Sullivan's name was on a ticket it was deliberately read off "Charles N. Felton." His (O'Shea's) testimony is corroborated by the evidence of one Garrigan and by a recount of the tickets and by numerous circumstances that I would be glad to point out from the record had I the time to do so.

When the recount took place Sullivan had 94 instead of 2 majority. This, be it remembered, was a precinct that usually gave about two Democratic to one Republican vote. In 1884, between the same candidates, Sullivan and Felton, Sullivan had about two votes to Felton's one. In 1886 Sullivan's returned vote was 130 while Felton's was 128. The recount gave Sullivan 167 and Felton 73. To satisfy myself about this precinct I sent and procured a certified copy of the returns at the late election, which I now have at my boarding place. From this certified return at the late election the Harrison electors had 79 votes while the Cleveland electors had 201, a majority of 122.

No unbiased mind can read all the evidence in relation to this precinct, not hearsay evidence, but direct and uncontradicted testimony, and come to any other conclusion than that James Hughes was hired to get on that election board men who would and did deliberately count to Sullivan a much less number of votes than he received, and to Felton a much larger number than he received.

In the second precinct of the forty-eighth assembly district the evidence showed that at least two members of this board were bribed and that the returns were crooked. Just what effect the bribery had on the returns and the vote of the precinct is not disclosed, but that the evidence was and is such as to show such uncertainties and such a want of integrity in the precinct vote as to demand its being thrown out there is but little room to doubt. Had I the time I would be glad to point out the various items of evidence, direct evidence, showing want of integrity in this precinct. The precinct gave Felton 55 majority.

But, sir, it is hardly necessary now to enumerate. Let this case be taken up and we will give that side of this House an opportunity to contemplate the picture. In the language of the San Francisco Chronicle—

> The shamelessness of Felton's political supporters would overpass belief were it not that it is so well known that they never stick at anything to gain their purposes. If they make up their minds to a certain thing it is going to be done if it can be accomplished by human means, and if the weakness of human nature can be successfully assailed by promises or threats.

The political supporters referred to are the sugar kings, Spreckles Bros. These men had headquarters at the Baldwin Hotel, where they had a secretary, one John W. Burdett, employed. Mr. Burdett testified that he had the extreme honor of being secretary to Felton's committee. From these headquarters a circular was sent out inviting voters to these headquarters. Democrats and Republicans were alike invited. So says Burdett. Invited for what? "To confer with the executive committee at their rooms, Nos. 26 and 28, Baldwin Hotel." So says this circular.

The effect of this circular, so Burdett says, was to bring a great many individuals to these headquarters. Among the persons thus attracted were between 500 and 1,000 strikers. "Where the carcass is there will the buzzards go." It is not necessary to follow this further. Let me refer gentlemen to the evidence of such men as William McLaughlin, Frank Cunningham, and others who visited those headquarters. Sirs, the testimony shows that from these headquarters there was, on the day of election, sent $50 cash to each of the eighty-odd precincts in that part of the city—the south half in the Fifth Congressional district. Besides this, the evidence abundantly shows that other large sums of money were used in these same precincts. In short, it is not extravagant to assert that in the city of San Francisco there was a perfect carnival of corruption and corrupt methods.

Mr. BLAND. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. BLAND. I desire to offer an amendment to this bill.

The CHAIRMAN. If the gentleman will wait until the Clerk can read the pending paragraph, then if the amendment is in order the Chair will recognize it.

Mr. BLAND. I supposed that the paragraph had been read.

The CHAIRMAN. It had not; and all amendments to the previous paragraph had been exhausted and all *pro forma* amendments withdrawn.

The Clerk resumed the reading of the paragraph.

Mr. MORRILL. I desire to offer an amendment.

The CHAIRMAN. Does the gentleman wish to offer an amendment to the paragraph now being read, or to the paragraph last read?

Mr. MORRILL. To the paragraph last read.

The CHAIRMAN. The gentleman will send it up.

The Clerk read as follows:

After line 20, page 56, add:

"The President of the United States is hereby authorized and directed to appoint three commissioners for the purpose of entering into negotiations and agreements with the Prairie band of Pottawatomies and the Kickapoo Indians in Kansas for the sale of a portion of their reservation and the allotment of the remainder, such agreement, when made, to be by them submitted to the first session of the Fifty-first Congress; and to carry out the provisions of this act the sum of $5,000, or so much as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available."

Mr. MORRILL. Mr. Chairman, I desire to say in support of this amendment that these reservations are situated in the most thickly settled portion of Eastern Kansas. They lie but a few miles apart. The Pottawatomie reserve is about 10 miles square, containing some 70,000 acres, and the Kickapoo reserve is 5 miles by 6, containing nearly 20,000 acres. The Indians have improved but a small portion of these lands. The surrounding lands are nearly all improved and in a high state of cultivation, occupied and owned by as intelligent, enterprising, industrious, and moral a people as ever plowed a furrow or harvested a crop. These reservations are at present a standing annoyance and embarrassment to the people of the counties in which they are located.

Being entirely beyond the control or jurisdiction of the local authorities, there is no power vested in them to locate and maintain roads or build bridges to afford the residents of the surrounding country safe and convenient means of communicating with each other. Their property being exempt from taxation, they stand as a barrier to the improvement of the counties and make the burden of taxation much heavier on the people. Prairie fires are frequently started on the reser-

vations, sweeping over a large extent of country and destroying the fences and grain-stacks of the neighboring farmers, who are powerless to detect and punish the guilty parties. Thousands of dollars have been paid out within the past few years as costs in criminal cases arising upon these lands.

There are comparatively a small number of either tribe now residing upon these reservations, the larger part having years ago moved to the Indian Territory. The few who still remain would doubtless have gone at the same time had it not been for the influence of a few half-breeds, who, exempt from taxation and all the burdens of civil government, grow wealthy by systematically bleeding the blanket Indians of their annuities. I believe if this matter was honestly and fairly presented to the Indians that a large majority would prefer to sell their lands and join the other members of the tribe farther south. Some doubtless would choose to take allotments and remain where they are, but this could be easily arranged. The present condition of affairs is simply unendurable to those who have made homes on the surrounding lands, and it is the duty of the Government to afford ample and immediate relief. I trust there will be no opposition to this amendment.

Mr. O'NEALL, of Indiana, obtained the floor.

Mr. PERKINS. I would like to ask——

The CHAIRMAN. The Chair has already recognized the gentleman from Indiana [Mr. O'NEALL], who, the Chair presumes, rises to oppose the amendment.

Mr. PERKINS. I wish merely to ascertain where my colleague proposes that this amendment be inserted.

Mr. O'NEALL, of Indiana. I believe I have the floor.

Mr. PERKINS. My colleague, as I understand, has offered this amendment to come in at the end of line 20. An amendment has already been inserted there. For that reason he should offer his amendment to follow the amendment already incorporated in the bill.

Mr. SPRINGER. This amendment follows the two provisos already put upon the bill, one by the amendment offered by myself and the other by the amendment of the gentleman from New Jersey.

The CHAIRMAN. The Clerk understands that the amendment offered by the gentleman from Kansas [Mr. MORRILL] is to come in after the amendments already agreed to.

Mr. SPRINGER. I suggest to the gentleman from Kansas that instead of providing in the amendment for the appointment of a new commission he use the words "said commission," so as to allow the commission already provided for to take jurisdiction of this matter.

Mr. MORRILL. I think the suggestion is a good one. I modify my amendment in accordance with it.

Mr. O'NEALL, of Indiana. Mr. Chairman, I propose now to simply notify the other side that we shall insist upon calling up this case and give gentlemen who challenge the record an opportunity to do so.

ENROLLED BILLS SIGNED.

The committee informally rose, and Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 565) for the relief of Mary A. Howse and Lulu H. Howse;

A bill (H. R. 766) for the relief of H. L. Newman;

A bill (H. R. 285) for the relief of the legal representatives of H. Corths;

A bill (H. R. 4581) for the relief of Thomas Matthews and others;

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

A bill (H. R. 10481) for the relief of Rev. William Gregston;

A bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

A bill (H. R. 9464) for the relief of Hudson G. Lamkin;

A bill (H. R. 341) for the relief of John Farley;

A bill (H. R. 5888) for the relief of William H. Boyd;

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

A bill (H. R. 5336) for the relief of George B. Hansell;

A bill (H. R. 7924) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes;

A bill (H. R. 6591) for the relief of S. Dillinger & Sons;

A bill (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 948) for the relief of William H. Tabbarrah;

A bill (H. R. 4489) for the relief of J. M. Hogan;

A bill (H. R. 329) for the relief of Chambers & Brown;

A bill (H. R. 6394) for the relief of Hayem & Taylor;

A bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina;

A bill (H. R. 8272) to provide for the payment of F. H. Bates as military instructor at Washington High School, District of Columbia;

A bill (H. R. 7864) to reappropriate to pay for alley condemned in square numbered 493;

A bill (H. R. 2688) for the relief of Alfred Breuer; and

A bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.

Also the following Senate bills:

A bill (S. 751) for the relief of the estate of J. J. Pulliam, deceased;

A bill (S. 3778) to establish the Lincoln land district in the Territory of New Mexico; and

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. PEEL. I ask a vote on the pending amendment.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Kansas.

The amendment was adopted.

The Clerk read as follows:

The President of the United States is hereby authorized and empowered to appoint three commissioners for the purpose of entering into negotiations and agreements with the Sioux Indians occupying the Great Sioux Indian reservation in Dakota for a full and complete cession and relinquishment to the United States of a portion of their reservation, and to divide the remainder into separate reservations, and for such other purpose as they may find necessary touching said Indians and said reservation; and such agreements, when made, to be by them submitted to the first session Fifty-first Congress for ratification; and to carry out the provisions of this act and the duties of said commission the sum of $25,000, or so much thereof as may be found necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, this amount to be immediately available.

Mr. RYAN. I offer the amendment I send to the desk.

Mr. RANDALL. Before that I would like to have some salary fixed for these commissioners.

Mr. PERKINS. I will offer an amendment for that purpose later.

Mr. RYAN. I desire to add an amendment as an additional section, to come in at the end of section 2, on page 57.

The Clerk read as follows:

That the President may at such time as he may deem it necessary direct land offices to be located upon the lands opened to settlement by this act, not to exceed two in number, and may nominate and by and with the advice and consent of the Senate appoint the usual officers to conduct the business of said land offices.

Mr. RYAN. In support of the amendment I wish to state that under the provisions of this bill certain lands are to be opened to settlement by proclamation of the President, but there is no provision made as to how a settler can make his entry on the land. I therefore offer the amendment providing that the President may establish these land offices not exceeding two in number.

Mr. SPRINGER. That is right.

Mr. PERKINS. There ought not to be any objection to that.

Mr. HOOKER. I understand, Mr. Chairman, that the provisions of the bill—and if I am correct in my understanding the amendment proposed comes in after line 11, on page 57——

Mr. RYAN. Yes, sir.

Mr. HOOKER. It will be observed by the provisions of the bill that the President is authorized to appoint three commissioners for a specific purpose, and whatever these commissioners may do has to be submitted to Congress before it is operative. In other words, the Fifty-first Congress must ratify their action. It provides: "And to carry out the provisions of this act and the duties of said commission the sum of $25,000, or so much thereof as may be found necessary," is appropriated. I do not think, therefore, that there ought to be an amendment put on the bill establishing land offices here until there has been action on the report of that commission.

Mr. PERKINS. But that provision relates to the Seminole and Creek lands.

Mr. RYAN. The gentleman from Mississippi will perceive that under the provisions of the bill the Creek lands that we purchased the other day by act of Congress and through negotiations, and the Seminole lands which are here provided for, are to be taken for settlement under the proclamation of the President issued for that purpose. Now it would be entirely idle for the President to issue a proclamation to open the lands to settlement if there was no land office where a settler could go and make his entry, and my amendment simply provides that the President may establish not exceeding two land offices for that purpose.

Mr. HOOKER. And does not apply to the Sioux lands?

Mr. RYAN. No.

Mr. PERKINS. They are not open yet, and of course the report of the commission would have to come before Congress before they can be opened.

Mr. PETERS. That is an entirely different provision.

The amendment of Mr. RYAN was adopted.

The CHAIRMAN. The Clerk will read.

Mr. PERKINS. Before proceeding with the bill I desire to offer an amendment to section 2, fixing the compensation of the commissioners or limiting it to $10 a day, exclusive of traveling expenses, and I will prepare that amendment and ask consent to return to this section afterwards.

The CHAIRMAN. Without objection the paragraph will be passed

over for the present to allow the gentleman from Kansas to prepare the amendment.

There was no objection.

Mr. STEELE. I ask consent of the chairman of the committee to recur to page 51, line 16.

The CHAIRMAN. For what purpose?

Mr. STEELE. I desire to insert the word "not" before the word "included." I was absent on a conference committee when that section was under consideration.

Mr. PEEL. Mr. Chairman, I am inclined to object. That matter was discussed before the committee.

Mr. STEELE. I hope the gentleman will not object to it.

Mr. PEEL. I will have to object.

The Clerk resumed and concluded the reading of the bill.

Mr. CUTCHEON. I offer the following amendment to the last section:

On page 60, after line 24, after the words "from time to time," strike out to the end of the section and insert: "Visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs what in his judgment are the defects, if any, in any of them in system, in administration, and in means for the most effective advancement of the pupils therein towards civilization and self-support, and what changes are needed to remedy such defects as may exist. The superintendent shall nominate to the Commissioner of Indian Affairs for employment and recommend to him for dismissal superintendents, teachers, and such other persons as are permanently employed in carrying on Indian schools under the management of the Government; and the Commissioner shall, subject to the approval of the Secretary of the Interior, employ or reject such nominees and dismiss or reappoint such superintendents, teachers, and other school employés. The superintendent shall also have authority to make, with the approval of the Commissioner of Indian Affairs, such rules and regulations for the conduct of the schools as in his judgment their good may require. Such superintendent shall spend at least six months of each year in the field in the inspection of Indian schools. The Secretary of the Interior shall cause to be detailed from the employés of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools."

Mr. PERKINS. Before debate proceeds I reserve the point of order upon that amendment.

Mr. CUTCHEON. Just a few words in explanation. The last section of the bill changes existing law in several particulars, but particularly in this. Under the law, as it now exists, it is provided that the superintendent shall visit these schools where Indians are taught in whole or in part from appropriations from the United States Treasury. The bill before us provides that he shall visit such Indian schools as are being managed by the Government. In other words, he can not visit or inspect schools except those. My amendment restores the existing law in that respect, and for the reason that we may have more information in regard to the management and government of the schools to which we contribute from the public Treasury, as well as of those schools which we manage. Take the Hampton school; it is a Government school. The pupils are taken there by contract, and we ought to have the privilege of sending an inspector there in order to decide whether it is advisable to continue the appropriation for that school; and the same may be said in regard to the other schools of a like nature—the Lincoln and the Albuquerque schools.

The next material change in the law will be found in the last part of the section, commencing after the words "Indian schools," as follows:

One of which said assistants shall be designated by the superintendent of Indian schools as a chief clerk, and such person so designated shall be acting superintendent of Indian schools during the absence of the superintendent or when a vacancy exists in such office.

Now, whenever the superintendent goes into the field and is absent, then this mere clerk becomes the acting superintendent of the Indian schools, and as such it is provided in this section he may discharge, subject to the approval of the Secretary of the Interior, teachers and other employés. It seems to me that is too great a power to give to a mere clerk. My amendment omits the final clause of the section.

Mr. RANDALL. Will the gentleman yield for a question?

Mr. CUTCHEON. Certainly.

Mr. RANDALL. Does the amendment propose to continue the present law in giving to the Indian school superintendent the supervision and control over the schools that are in part supported by the Federal Government?

Mr. CUTCHEON. That is what it does.

Mr. RANDALL. I think the gentleman is clearly right in that direction. There is no doubt that it changes existing law. There is no difference whether we pay $1 or $50. It is a change of the present law as to the superintendent of Indian schools.

Mr. NELSON. I want to suggest to the gentleman from Pennsylvania and the gentleman from Michigan, if they will allow me, that the trouble with the old law was this: It was too comprehensive. The law as it is now on the statute-book was put on by a law of last year. It is too comprehensive. It would give to the superintendent of Indian schools as much control in the removal of the teachers in your school at Philadelphia as it does in the schools on the reservations.

Mr. RANDALL. I do not think the Lincoln Institute would object to fair supervision or control.

Mr. CUTCHEON. My amendment does not change that. That is left subject to the approval of the Secretary of the Interior.

Mr. NELSON. If the gentleman from Michigan will make his amendment provide merely for visiting these schools, then it will be all right, but if it provides for anything more than that in regard to these contract schools it interferes with the business of private parties, and that would be a mistake.

Mr. CUTCHEON. My amendment does not require that. It requires the superintendent to visit and inspect, but not to employ or discharge teachers.

Mr. PERKINS (to Mr. CUTCHEON). If you will confine your amendment to that there will be no objection to it. But you have incorporated into it many provisions which we have not examined and have not time to examine, and as to those I make the point of order.

Mr. CUTCHEON. They are very simple.

Mr. PERKINS. Well, if you will confine the amendment to the features you have stated, there will be no objection to it.

Mr. CUTCHEON. There is one other matter that I want to mention. My amendment provides that the report shall be made directly to the Commissioner of Indian Affairs instead of to the Secretary of the Interior. It seems to me that this is a part of the Indian Bureau, and that the report ought to go primarily to the Commissioner. Do you object to that?

Mr. PERKINS. Not if you confine your amendment to that.

Mr. CUTCHEON. The next difference is, that the superintendent is authorized to nominate teachers to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs is authorized to appoint them with the approval of the Secretary of the Interior. Is there any objection to that? The superintendent, instead of appointing teachers and other employés, nominates them to the Commissioner, and the Commissioner, as head of the bureau, makes the appointments with the approval of the Secretary of the Interior. If the objection of the gentleman from Kansas [Mr. PERKINS] to my amendment applies only to the matter of keeping the superintendents six months in the field, I am willing to withdraw that part.

Mr. PERKINS. Prepare your amendment with the modifications you have suggested and I think there will be no objection to it. And while that is being done, Mr. Chairman, I ask unanimous consent to return to a paragraph that has been passed over.

There was no objection.

Mr. NELSON. Mr. Chairman, I make a point of order against the amendment of the gentleman from Michigan [Mr. CUTCHEON] in so far as it gives the power to appoint teachers to the Commissioner of Indian Affairs——

The CHAIRMAN. The Chair will suggest to the gentleman that permission has been given to return to a paragraph that has been passed over. In the mean time the gentleman from Michigan [Mr. CUTCHEON] will prepare his amendment in a modified form, and the gentleman from Minnesota [Mr. NELSON] can present his objection to it when it is again offered.

Mr. PERKINS. On page 57, at the end of line 11, after the word "available," I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "available," at the end of line 11, page 57, insert: "*Provided*, That the pay of such commissioners shall not exceed $10 per day, exclusive of traveling expenses."

The amendment was agreed to.

Mr. CUTCHEON. Now, Mr. Chairman, I have modified my amendment, and I desire to call attention to the points of difference in order to see whether there is any objection to what remains. The existing law provides that the superintendent may employ and discharge superintendents, teachers, or any other persons connected with schools wholly supported by the Government, and, with like approval, make such rules and regulations for the conduct of such schools as in his judgment their good may require. I now withdraw my former amendment and submit it in the modified form which I send to the desk.

The Clerk read the amendment, as follows:

Page 60, line 24, after the words "time to time," strike out to the end of the section and insert:

"Visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist. The superintendent shall nominate to the Commissioner of Indian Affairs for employment, and recommend for dismissal, superintendents and such other persons as are permanently employed in carrying on Indian schools under the management of the Government, and the Commissioner shall, subject to the approval of the Secretary of the Interior, employ or reject such nominees and dismiss or retain such superintendents, teachers, or other school employés. The superintendent shall also have authority to make, with the approval of the Commissioner of Indian Affairs, such rules and regulations for the conduct of the schools as in his judgment their good may require. The Secretary of the Interior shall cause to be detailed from the employés of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools."

Mr. NELSON. I desire to make a point of order against so much of that amendment as authorizes the Commissioner of Indian Affairs directly or indirectly to appoint or remove the teachers of Indian schools. I can not quote the exact words of the amendment, but the Chair will understand the provision to which I allude. I make the point of order that it is a change of existing law. The main feature of the new law

adopted last year was to vest the power of appointing and removing teachers of Indian schools in the superintendent of Indian schools. This amendment proposes to set aside that provision and permit these appointments and removals to be made by the Commissioner.

Mr. CUTCHEON. I would be glad if the gentleman from Minnesota [Mr. NELSON] would withhold his point of order for a moment in order that I may make an explanation.

Mr. NELSON. I have no objection to that.

Mr. CUTCHEON. I wish to state the difference between this provision and that of the existing law. The present law passes over the Commissioner of Indian Affairs entirely with reference to the appointment and dismissal of teachers; the superintendent of Indian schools appoints and dismisses, with the approval of the Secretary of the Interior, while the Commissioner of Indian Affairs has nothing to say about the matter pro or con. My amendment simply brings the Commissioner of Indian Affairs into the operation; the superintendent will either nominate for appointment or recommend for dismissal, and then the Commissioner may appoint or dismiss, with the approval of the Secretary of the Interior. In either case the ultimate power rests with the Secretary of the Interior. In the one case—that is, under the existing law—the Commissioner is wholly passed over, while by my amendment he is brought in as the primary power to appoint or remove, acting upon the nomination or recommendation of the superintendent. It seems to me this is right. That is all the change that my amendment proposes.

Mr. NELSON. I insist on my point of order to that part of the amendment. I desire, if I may be permitted, to make a brief reference——

Mr. CUTCHEON. I hope the gentleman will withdraw the point of order.

The CHAIRMAN. The Chair desires to hear the gentleman on the point of order.

Mr. NELSON. I have nothing further to say on that point.

The CHAIRMAN. The Chair will sustain the point of order as to that part of the amendment.

Mr. STONE, of Missouri. Before the point of order is insisted upon or decided I wish to say a few words. If I understand the amendment now proposed by the gentleman from Michigan—and I wish the particular attention of my friend from Minnesota, for I propose to state some facts which may possibly have some influence with him—I understand that the amendment proposed by the gentleman from Michigan is intended to restore to the Commissioner of Indian Affairs the right to approve at least, if not to make appointments and removals of teachers. Now, I wish to say that up to the time of the passage of the Indian appropriation bill of last year the Commissioner of Indian Affairs did have the power to make these appointments and removals; but at that time this office of superintendent of Indian schools was created and the power to make these appointments and removals was conferred upon that officer. The effect of that legislation has been to create a conflict of authority. It makes two heads where there should be but one. I am in possession of some facts showing the consequences of this conflict; I do not care to state them in detail; but it is a fact that by reason of the conflict brought about in the administration of the law between the Commissioner of Indian Affairs and the superintendent of Indian schools at least two and possibly more of these schools have been totally destroyed.

The school at the Kiowa agency and that at the Nez Percé agency no longer exist. The trouble has arisen from this condition of things: The superintendent of Indian schools resents any effort on the part of the Commissioner to control the schools or any persons connected with their management. Now, the Indian agent is required to enforce the rules and regulations prescribed by the Department for the government of the Indians. Among these regulations is one strictly forbidding the bringing of any intoxicating liquors upon the agency. Now, I know as a matter of fact that two or three months ago the superintendent of the school at the Kiowa agency was found in a state of intoxication on more than one occasion. He was suspended by the agent in charge, and the action of that agent was sustained by the Commissioner of Indian Affairs; but owing to jealousy or something else the superintendent of Indian schools here at Washington reinstated that man in the control of the school at the Kiowa agency. As a result of this conflict of authority, the Kiowa and Comanche Indians have met in council and have taken their children away, so that the school is discontinued entirely. A similar condition of things exists at the Nez Percé agency. It will thus be seen that this division of authority in the administration of the law brings disastrous results to the schools. It seems to me there ought to be a controlling power somewhere.

Mr. CANNON. I agree with the view expressed by the gentleman from Missouri [Mr. STONE]. Now, if this amendment be made broad enough to take the appointing power entirely away from the superintendent, both in regard to nominations and otherwise, and to lodge that power with the Commissioner of Indian Affairs, subject to the Secretary of the Interior, then I will make a point of order.

Mr. CUTCHEON. My amendment simply leaves the superintendent the power to nominate or recommend. As he is the officer in immediate contact with the schools, this provision seems reasonable.

The CHAIRMAN. The Chair desires——

Mr. STONE, of Missouri. Will the Chair permit me one word?

The CHAIRMAN. The Chair wishes to have this question of order settled before further discussion is had upon the merits.

Mr. STONE, of Missouri. I trust that the point of order will not be insisted upon. There ought to be some remedy for such evils as I have stated.

Mr. NELSON. I wish only to say that I regard this matter as vital. If the Chair will allow me to reply to the observations which have been made (though perhaps this discussion is outside the point of order) I wish to say that one of the chief reasons last year for changing the law so as to create this office of Indian school commissioner and give him these powers, was the fact that under the old practice the Commissioner of Indian Affairs in too many instances made the appointment and removal of teachers of Indian schools a matter of mere patronage. I very well remember a discussion that I heard between the late Commissioner, Mr. Atkins, and another prominent official of the Government on this question; and the complaint was made that to adopt the law which was enacted last year was to cut off the Indian Office from a portion of the patronage or perquisites belonging to it.

My idea is this: the office of Indian school superintendent and the management of Indian schools should be divorced as much as possible from the management of the Indian Office in other respects. It should stand on its own footing, and the superintendent of the schools should have the right to discharge his subordinates for cause.

[Here the hammer fell.]

The Clerk read the words which were ruled out on the point of order] and the question was taken on the remaining portion of Mr. CUTCHEON'S amendment, and it was agreed to.

Mr. PERKINS. Does the amendment of the gentleman from Michigan, just adopted, strike out the concluding portion of the section which provides for a chief clerk?

Mr. CUTCHEON. It does strike that out and leaves the matter to existing law.

Mr. PERKINS. I did not understand that it struck that out, and do not believe it should be stricken out. As the law is to-day there is no one to act for the superintendent when he is absent in the field, and there should be some one to act in his place. That is the judgment of the committee, and therefore we have provided for the chief clerk, who should act as superintendent while he was absent from the office.

The CHAIRMAN. By unanimous consent, the section may be modified.

Mr. CUTCHEON. The objection was, during the absence of the superintendent, of allowing a mere clerk to assume the duties of the superintendent. Under the law the superintendent has the right of removal, and the point of order made by the gentleman from Minnesota was that the power of removal lodged with the superintendent was in his absence conferred upon a mere clerk.

Mr. PEEL. I hope we will have a vote.

Mr. LA FOLLETTE. I offer the amendment which I send to the Clerk's desk.

The Clerk proceeded to read the amendment.

Mr. NELSON. That is a new section, and I desire to recur to the section just passed.

Mr. LA FOLLETTE. My amendment can be acted on and then we will go back if necessary. I ask for the reading of my amendment.

The Clerk read as follows:

Amend by adding after section 8 the following:

"SEC. 9. That hereafter the costs of the trial of the cases in the courts of the several Territories tried pursuant to and for the offenses named in section 9 of the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes,' shall be audited by the accounting officers of the Treasury and paid out of money for similar expenses in the trial of criminal cases in the courts of the United States."

Mr. LA FOLLETTE. The amendment I offer is, as I perfectly well understand, subject to a point of order; but I do not believe the point of order will be made against it when the House understands the reasons for offering it.

Until the last session of the Forty-eighth Congress there was no law whatever in this country for punishing one Indian for any crime against the person or property of any other Indian upon an Indian reservation. In the closing hours of the Forty-eighth Congress, when the appropriation bill was under consideration, an amendment was offered to that bill giving jurisdiction to Territorial courts where reservations were located to try criminal cases, such as murder, rape, assault with intent to commit murder, and other designated offenses.

It gave rise to considerable discussion at the time. A point of order was made against it and the gentleman from Indiana and several others participated in the debate. After full discussion the point of order was withdrawn and the amendment was adopted. The law has, however, been inoperative, scarcely a single case having been prosecuted under it. When any of the offenses named in the law are committed by one Indian on the person or property of another upon a reservation in any of the Territories the officers there refuse to take cognizance of the offense, and we have not far to seek for the reason of their indifference.

The entire expense of prosecution would fall, of course, upon the

county where the offense is committed; and as the reservations and the Indians upon them contribute nothing towards the payment of the taxes or the expenses of the Territories, the officers refuse absolutely to enter the charges and begin prosecution.

The Secretary of the Interior and Commissioner of Indian Affairs in the two last reports from those officers have recommended the enactment of some law to give force and effect to the law passed at the last session of the Forty-eighth Congress.

I send to the desk and ask to have read certain extracts from the report of the Commissioner.

The Clerk read as follows:

[Report of Commissioner of Indian Affairs for 1886, page 103.]

In my last annual report attention was called to certain defects in the ninth section of the act of March 3, 1885 (23 Stats., 385), providing for the punishment of certain crimes committed by Indians. Subsequently a bill was prepared and submitted to Congress relieving the Territories of the expenses incident to the enforcement of the law, and extending its provisions to that portion of the Indian Territory not covered by the laws of the five civilized tribes. I deem the passage of this or a similar bill to be necessary to the proper execution of the act. In Dakota especially the county authorities refuse to prosecute Indians guilty of the most serious offenses on the ground of the expense incident to such prosecution. As the counties derive no revenue from the reservations within their limits, the injustice of compelling them to assume the burden of these prosecutions is apparent.

[Report of Commissioner of Indian Affairs for 1887, page 33.]

For the third time I am compelled to call attention to the defects in the ninth section of the act of March 3, 1885 (23 Stats., 385) providing for the punishment of certain crimes committed by Indians, Congress having failed to enact the same.

The Territories should be relieved of the expenses incident to the enforcement of the law.

Mr. LA FOLLETTE. It is of importance to the General Government that the law be enforced. It would operate as a powerful support in preserving peace and good order on the reservations. Besides it would be of the highest value to the Indians in bringing them to a due regard for the lives and persons and property of others under the laws of civilization. It would be worth much to them as a means of education and development.

Mr. HATCH. Let us have a vote. I think there will be no objection to the amendment,

Mr. LA FOLLETTE. I trust the amendment will be adopted.

The amendment was adopted.

The CHAIRMAN. The gentleman from Minnesota is recognized to offer an amendment to a preceding paragraph.

Mr. NELSON. The correction I desire to make I find has already been made.

Mr. PEEL. I desire in connection with my remarks, Mr. Chairman, in regard to the disbursement of the Delaware fund, to have printed in the RECORD a communication by the chief and representative of the Delaware Indians bearing upon the subject.

There was no objection.

The paper referred to by Mr. PEEL is as follows:

To the Senate and House of Representatives of the United States:

I write this to you because I am not able to speak to you all. I am here in the interests of my people, the Delaware Indians, who are now incorporated with the Cherokee Nation, with which they dwell in peace.

My people have a large sum of money in the Treasury of the United States, together with some bonds of the States of North Carolina and Florida, and some bonds of the Union Pacific Railroad Company. The money and the amount of the bonds belong to my people. The United States pay interest at 5 per cent. per annum upon the money and the face value of the bonds. The payment is made semi-annually. It amounts to about $180 to each family during the year or $90 every six months. Paid in this way it does the people but little good and much harm. They depend upon these payments more and work less. They go in debt to the merchants, who trust them upon the faith of the interest payment. The merchant has to wait six months for his money, and he therefore charges higher prices and greater rates of interest. The result is that the people get very little good from the interest money.

This system of interest payment is therefore pernicious in two ways:

First. The people get very little for their money and are always in debt.

Second. They are encouraged to work less and to depend more upon the small payments and the credit system, which places them always in the power of the merchant.

Eleven years ago the chiefs, headmen, and councilors became convinced that all the moneys of the people should be paid to them, and at a council they appointed me to represent them in the effort to have it accomplished. I caused petitions to be signed by my people urging the payment. I came here, though I am advanced in years and the distance is long, six times, and asked you to give my people their own. Your President and Interior Department asked also that it should be done. Yet you failed and refused to do so. I now ask you again that our moneys be given to us. The reasons for my request are these:

When my people were uncivilized they needed a guardian. They were improvident, they did not know how to work, their feet were strangers on the path of civilization. They could not be trusted with large sums of money because they were as children and needed a guardian. That time has passed. They number nearly eight hundred people. They are subdivided into some two hundred families. The family relation is preserved. The husband and father cares for his wife and children. We have farms, homes, gardens, orchards. We have horses and cattle and other stock. Our children have excellent schools. The people have their churches as have the whites. Some are Baptists, some are Methodists, others belong to other denominations. Religious freedom is established, but nearly all worship the God of the Christian and are a Christian people. Our lands are good. We grow wheat and corn, oats and rye, and potatoes. Our gardens are rich with plenty, our orchards smile with God's goodness. Our lands are good for pasturage, where our flocks and herds grow fat and increase. My people no longer look to the forest and the stream for food, but to their fields and their labor. We are a civilized people. We are as the white man, competent to manage our property and money. We are no longer children, and therefore no longer need a guardian. We need our moneys for two reasons:

First. It will remove the last lingering sense of dependence. When our people know they will receive no more money from the United States they will grow strong and self-reliant. The merchants will sell to them only for cash, or on short credit at cheaper rates with less interest. Only the industrious will be enabled to get credit. Hence lessons of industry and economy will be taught, and our people will have better goods at cheaper prices. The present pernicious credit system, whose basis is the semi-annual interest payments, will be destroyed.

Second. The payment of all our moneys at once will give to each family on an average nearly $4,000. With this sum they can improve their homes, get better furniture, improve their modes of living, erect better barns, acquire more improved utensils, better stock of horses and cattle, and free themselves from debt. Then, with a good country and a fair start, with only themselves to depend upon, they will grow strong in heart, strong in self-reliance, and under the smile and providence of God will work out their own destiny for themselves toward a better and higher life.

The President and the Secretary of the Interior have shown already that the payment to us of our moneys will relieve the United States from the payment of 5 per cent. interest each year.

Hence I ask in the name of my people that you enact the necessary law to pay over to my people, the Delaware Indians, all of the moneys now to their credit in the Treasury of the United States.

Very respectfully,

CHARLES JOHNNYCAKE,
Representative and Delegate of the Delaware Indians.

Mr. PEEL. I now move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had directed him to report the same back to the House with sundry amendments.

Mr. PEEL. I demand the previous question upon the amendments, and upon ordering the bill to be engrossad and read a third time.

The previous question was ordered, and under the operation thereof the amendments recommended by the committee were concurred in; and the bill as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PEEL. I demand the previous question upon the passage of the bill.

The previous question was ordered, and under the operation thereor the bill was passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the conference report on the amendments of the House to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa.

It also announced the passage of the following bill and joint resolutions, in which concurrence was requested:

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska;

Joint resolution (S. R. 142) to print 20,000 copies of the special report of the Commissioner of Labor on the statistics of and relating to marriage and divorce;

Joint resolution (S. R. 141) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States from George Washington to Benjamin Harrison, inclusive, for the first century of Presidential inaugurations, and for other purposes.

It also announced concurrence in the amendments of the House to the bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

It further announced the passage of resolutions for the printing of the report on Indian education and civilization, by Alice C. Fletcher, and of the report of the Commissioner of Fish and Fisheries for the year 1887, and for the distribution thereof; in which concurrence was requested.

It also announced that the Senate had passed the following House bills without amendment:

A bill (H. R. 157) correcting the military history of Robert McNutt; and

A bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsey.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased;

A bill (H. R. 3829) for the relief of Wesley Montgomery;

A bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases;

A bill (H. R. 11165) for the relief of Mary Gray, widow of John Gray; and

Joint resolution (H. Res. 266) to print the eulogies on James N. Burnes, of Missouri.

Also the following Senate bills:

A bill (S. 3864) to increase the pension of Mrs. Sue B. Johnson;

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.;

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota; and

A bill (S. 3737) for the relief of Sterling H. Tucker and others.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced agreement to the report of the conference committee on the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CLEMENTS. Mr. Speaker, I submit the following conference report, and ask that it be printed in the RECORD, and the statement of the conferees be read.

There was no objection, and it was so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 11, 12, 13, 15, 31, 45, 53, 56, 69, 75, 84, 88, 89, 97, 99, 101, 102, 106, 107, 108, 109, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 41, 50, 55, 59, 66, 67, 70, 81, 85, 86, 90, 91, 92, 93, 110, 111, 112, 114, 115, 116, 117, 119, and 123, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "One laborer, $1 per day, $313;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,577;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,450;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,150;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert "and on Fifteenth street, between Pennsylvania and New York avenues;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For resurfacing and repaving Pennsylvania avenue, from First to Seventeenth streets northwest, $125,000; in all, $215,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 49; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "contract" and insert in lieu thereof the word "contracts;" and at the end of said amendment insert the following: "To be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "fifty" and insert in lieu thereof the word "forty;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 79, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out in said amendment the words "and for circles to become public reservations;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$418,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,540;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In line 3 of said amendment, strike out the word "six" and insert in lieu thereof the word "five;" and strike out of said amendment the words "five hundred," where they occur in lines 8 and 10; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Add to the words proposed to be inserted by said amendment the following: "and succeeding;" and the Senate agree to the same.

On amendments numbered 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 39, 42, 43, 44, 47, 48, 51, 52, 54, 61, 63, 64, 65, 100, and 124 the committee of conference have been unable to agree.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1890, submit the following written statement in explanation of the action which is recommended by the conference committee on each of the amendments in the accompanying conference report, being in comparison with the bill as it passed the House, except when otherwise stated, namely:

On amendments numbered 2, 3, and 4: Provides for one additional laborer at $1 per day, and strikes out proposed increase of $500 in the salary of the inspector of plumbing in the executive office.

On amendments numbered 5, 6, and 7: Provides for an additional clerk at $1,000, and strikes out proposed increase of $300 for the contingent expenses in the assessor's office.

On amendments 8, 9, and 10: Increases the amount for contingent expenses $250 in the collector's office, and $500 for necessary expenses in the collection of overdue taxes.

On amendments 11 and 12: Strikes out proposed increase of $1,000 in the salary of the assistant attorney.

On amendments 13, 14, 15, and 16: Strikes out proposed increase in the salary of superintendent of roads from $1,400 to $1,800; increases the salary of the superintendent of lamps from $900 to $1,000; and strikes out provision for superintendent and inspector of sewers at $2,000.

On amendment 17: Increases amount for contingent expenses in the engineer's office $200.

On amendment 19: Provides for paving Fifteenth street between Pennsylvania and New York avenues.

On amendments 31 and 32: Strikes out proposed increase for repairs to pavements from $90,000 to $100,000, and appropriates specifically $125,000 for resurfacing and repairing Pennsylvania avenue from First to Seventeenth streets.

On amendment 33: Increases the amount for permit work from $100,000 to $125,000.

On amendment 36: Increases the amount for repairs to streets, avenues, and alleys from $30,000 to $40,000.

On amendment 38: Increases the amount for repairs to county roads from $45,000 to $50,000.

On amendment 41: Provides for extending Eighteenth street, middle section, to Columbia road, at a cost of $5,000.

On amendment 45: Strikes out provision that limits the improvement of Rock Creek Church road, except where it is widened.

On amendment 49: Describes Howard avenue, which is to be improved, as located in Mount Pleasant.

On amendment 50: Reduces the amount for improving Bunker Hill road from $8,000 to $4,000.

On amendment 53: Restores the provision for improving River road from Tennallytown west.

On amendment 55: Reduces the amount for condemnation of streets, roads, and alleys from $10,000 to $5,000.

On amendment 56: Strikes out the provision inserted by the Senate authorizing the commissioners to proceed to condemn land for streets, alleys, and roads and highways to the ascertainment of the costs thereof.

On amendment 59: Increases the amount for cleaning and repairing sewers and basins from $33,000 to $35,000.

On amendment 60: Increases the amount for replacing obstructed sewers from $12,000 to $15,000.

On amendment 62: Increases the amount for suburban sewers from $40,000 to $50,000.

On amendments 66, 67, and 68: Confines the work of sprinkling, sweeping, and cleaning to streets, avenues, and alleys; strikes out the limitation of 27 cents per thousand square yards for sprinkling, sweeping, and cleaning streets and avenues, and 30 cents per thousand yards for alleys, and provides for payment to the contractors for the current fiscal year for such work at contract prices.

On amendment 69: Strikes out proposed increase for the parking commission from $18,000 to $25,000.

On amendments 70, 71, 72 and 73: Provides for electric lighting on the south side of Pennsylvania avenue; increases the amount for electric lighting from $35,000 to $40,000; limits the payment for electric lighting to 60 cents per night on wires underground, and to 40 cents per night to wires operated wholly or in part overhead; and restores the provision authorizing the commissioners to invite proposals for supplying electric light at reduced rates by any system.

On amendments 79 and 80: Provides for increased pay to principals of drawing schools.

On amendment 81: Requires the commissioners to report to Congress an estimate of the number of teachers required in the public schools and the amount of salary for each.

On amendment 84: Strikes out proposed increase for repairs and improvements to school buildings from $20,000 to $25,000.

On amendment 85: Increases the amount for contingent expenses of public schools from $22,500 to $25,000.

On amendment 86: Appropriates $8,985.30 for the purchase of additional ground for the Arthur School building.

On amendment 87: Confers upon the commissioners all the powers conferred on the Secretary of the Treasury and other officers of the United States by the act of August 1, 1888, for the condemnation of land for sites for school buildings, engine houses, and police stations.

On amendment 88: Strikes out proposed increase in the salary of the major and superintendent of police from $2,700 to $3,300.

On amendments 89, 90, 91, 92, 93, and 95: Strikes out proposed increase in the number of lieutenants of police from 9 to 10, increases number of sergeants of police from 22 to 28, increases the number of police privates of class 1 from 145 to 185, increases number of police privates of class 2 from 140 to 150, and increases number of drivers of police patrol wagons from 5 to 7.

On amendments 97 and 98: Strikes out proposed increase in contingent expenses of the fire department from $7,500 to $8,000.

On amendment 99: Strikes out proposed appropriation of $5,000 for purchase of new fire-alarm boxes.

On amendments 101, 102, and 105: Strikes out proposed provision that a clerk in the health office shall in the absence or inability of the health officer perform his duties; and strikes out proposed increase of one clerk at $1,000 in the health department.

On amendments 106, 107, 108, and 109: Strikes out proposed increase in the general miscellaneous fund of the District from $7,000 to $8,000; and provides for one hostler and ambulance driver at $240, as proposed by the House for the Washington Asylum.

On amendment 110: Reduces the amount for improving the grounds of the Reform School from $600 to $300.

On amendment 111: Appropriates $6,700 for steam-heating and lighting by gas the several buildings of the Industrial Home School.

On amendment 112: Increases the amount for the relief of the poor from $15,000 to $16,000.

On amendment 113: Appropriates $5,000 for temporary support of indigent persons, to be expended in the discretion of the commissioners of the District.

On amendment 114: Increases the amount for the maintenance of the Columbia Hospital and Lying-in Asylum from $15,000 to $20,000.

On amendments 115 and 116: Appropriates $700 for drainage and sewerage and for coal vault for the buildings of the National Association for Destitute Colored Women and Children.

On amendment 117: Appropriates $10,000 for the erection of a brick building for the German Orphan Asylum Association.

On amendment 119: Appropriates $15,000 to aid the House of the Good Shepherd in erecting a building.

On amendment 120: Requires report to be made from the asylums reformatories, industrial schools, and charities named in this act and in former and succeeding appropriation acts on or before the 1st day of October of each year.

On amendment 121: Strikes out proposed appropriation of $2,000 to enable the commissioners to obtain information touching the charities of the District.

On amendment 123: Inserts the following provision as section 3 of the bill: "That hereafter all moneys received from the sales of animals or material of any sort, purchased under appropriations made for the District of Columbia since July 1, 1878, other than for the water department, shall be paid into the Treasury of the United States, to the credit of the United States and the District in equal parts; and all balances of appropriations that have been heretofore or that shall be hereafter made for the District of Columbia under section 3 of the act of June 11, 1878, entitled 'An act providing a permanent form of government for the District of Columbia,' heretofore or hereafter remaining unexpended at the end of two years from the close of the fiscal year for which such appropriations have been or shall be made, shall be covered into the Treasury, one-half to the credit of the surplus fund and one-half to the credit of the general fund of the District of Columbia."

On amendments 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 39, 42, 43, 44, 47, 48, 51, 52, 54, 61, 63, 64, 65, 100, and 124 the committee of conference have been unable to agree. These amendments relate to work on streets and avenues; proposed legislation touching the character of rails to be used by street railroads in the District; constructing county roads and surburban streets; appropriations for main and pipe sewers; authority to use appropriations for repairs of sewers and replacing of obstructed sewers by contract or otherwise; making appropriations available at once for improvement of streets and county roads, construction of sewers and erection of school buildings; appointment of three sanitary engineers to report upon a system of sewerage in the District of Columbia; the placing of telegraph, telephone, and electric-light wires under-ground; and to the appropriation of $200,000 for the establishment of a zoological park.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

Mr. CLEMENTS. Mr. Speaker, just a few words more in explanation of this report. This bill as it passed the House appropriated $4,943,193.61. It was increased by the Senate to $6,296,139.91; being an increase of $1,352,946.30, of which sum the House agreed to $32,905 by concurring in certain Senate amendments, leaving $1,320,041.30 to be disposed of by the conference committee. Of this sum the conferees have been unable to agree upon $873,137. The Senate yields $155,596, and the House yields $291,308.30. Now, I wish to call attention to the items involving the appropriations which are still in controversy between the conferees of the two Houses. Upon streets the amount in controversy is $498,137, on county roads $110,000; making a total of $608,137.

It will be seen by these figures that the Senate amendments, concerning which we are unable to agree, appropriate for streets and county roads an expenditure of about $1,100,000, being an increase over the bill of last session of about $608,000 in round numbers.

The managers on the part of the House have not thought that they were authorized to concede this large increase in expenditure in the matter of streets, in view of the present good condition of the streets, comparing favorably, as we think, with the streets of other cities. In this connection I would call attention to the fact that in 1881 the amount appropriated for streets was $300,000.

It has been gradually increasing, until last year it was $617,000. Now, it is proposed by this Senate amendment to carry this item up to $1,100,000. Furthermore, in this connection I will call attention to the increase in this bill during the same period of time for all purposes.

Mr. BLOUNT. Will my colleague allow me a question at this point?

Mr. CLEMENTS. Certainly.

Mr. BLOUNT. I wish to know whether that increase is to be appropriated to any specific streets, or is it a gross sum?

Mr. CLEMENTS. It is intended to be applied to specific streets named, and to be apportioned by schedule to the different parts of the city.

In 1881 the total amount appropriated was $3,425,257.38. The amount appropriated last year was $5,070,210.32. I read these figures in order to show the rapid and continuous growth of public expenditures for the District of Columbia for various purposes, and it must be borne in mind that the people of the United States outside of the District of Columbia under the provisions of the law organizing this Government pay 50 per cent. of these expenditures. The people of the District pay the other 50 per cent. On the main and pipe sewers the amount of difference again is $50,000. Another amendment is for $15,000 to pay for a sanitary commission—a commission of sanitary engineers—to examine the present sewerage system of this city and to make report.

The conferees on the part of the House object to this provision for the reason that under the appropriation bill of last year $5,000 was given to enable the commissioners of the District to make an examination of the present system of sewerage, and their report, we are informed, is now almost ready to be submitted. It has not been received, however. We do not know the result of their investigation, and therefore did not think it wise to enter upon another inquiry until the result of that one was known.

The next and last item involving any expenditure of money is an appropriation of $200,000 for a zoological park, proposed to be purchased through the instrumentality of a commission provided for in the Senate amendment. The conferees on the part of the House have not thought proper to yield on that question.

Mr. HATCH. And I hope they will not.

Mr. HOLMAN. I hope not.

Mr. CLEMENTS. This makes $873,137 that is in controversy in accordance with this report.

There are five other items of legislation in this bill to which I will briefly call attention, and upon which the conferees have failed to agree. One is a provision requiring the existing street railway companies to replace their present track with flat rails, and, while the conferees on the part of the House believe that something ought to be done, I think I am authorized to say that they believe some steps ought to be taken to correct the nuisance now existing at the railroad crossings, and while they believe that perhaps, by degrees, this plan of substituting flat rails for those now used may be carried out, at the same time they think that the provisions of this amendment proposed by the Senate are oppressive, and would perhaps result in bankrupting some of the weaker roads if they were required to replace their rails within a very short period, as they would be under the provision in the bill. The House conferees have therefore been unable to agree to the Senate amendment.

The next is a provision as to the repairs of streets and alleys, that they may be made under contract or otherwise. Under existing law they must be made under contract with the lowest bidder. The provision in the bill authorizes the commissioners, at their discretion, to have the work done otherwise than under contract wherever they see proper. We have not thought this a wise provision. The general policy of the Government has been to require these things to be done under contract with the lowest bidder, and if a provision of this sort were to be adopted at all, we think it ought to relate only to the smaller items of expenditure.

The third legislative provision proposed about which there is disagreement is one to make the amount of money appropriated for streets, roadways, and avenues immediately available. We do not believe that that is a necessary or wise provision. We think that the expenditures for each fiscal year should be kept within the fiscal year as far as practicable, and therefore we have not thought proper to agree to this provision.

Another provision is in regard to authorizing the commissioners to permit in some cases the laying of electric, telegraph, and other wires underground, and to prohibit them from permitting companies hereafter to place additional wires overhead. The House provision is to prohibit in the future additional wires being put overhead, and to give authority to the commissioners to permit the existing wires or others to be put underground. The Senate provision in effect simply gives a permissive power to the commissioners to allow existing wires to be placed underground.

Another matter of disagreement is the Senate amendment changing the bill in relation to contracts for asphalt pavements. The existing law, which has been approved by Congress after Congress, limits the amount to be paid to $2 per square yard. The provision of the Senate now in controversy proposes to give to the commissioners the discretion to increase that amount, wherever in their judgment the travel or the importance of a particular street or the character of the ground requires a larger expenditure in order to make a good pavement. The conferees on the part of the House thought that to grant such discretion as that would be in effect to repeal the statute and leave the matter entirely to the commissioners. If we give the commissioners

power to make exceptional contracts in their discretion, that, in effect, sweeps away its limitation entirely.

Now, Mr. Speaker, I have said all that I care to say upon these provisions, and I reserve the balance of my time.

Mr. BLOUNT. I wish to ask my colleague in relation to one point. I understood him to say that there is an item there for the purchase of a park.

Mr. CLEMENTS. Yes, a zoological park; an amendment put in by the Senate. The appropriation is $200,000.

Mr. BLOUNT. At what point?

Mr. RANDALL. At no point. Wherever they may select.

Mr. CLEMENTS. I think there is some intimation as to the locality, but it is very loose.

Mr. RANDALL. It is very loose indeed.

Mr. HENDERSON, of Iowa. Mr. Speaker, this question of a national park or a zoological garden is a matter to which I would like to have the House give its attention. It will be observed that we have practically agreed upon all matters in controversy between the two Houses except the amount to be given for street improvements and the question of this national park. Nearly all the remaining matters in issue between the two Houses have been agreed upon. In regard to this park I would be glad if the House would give some expression of its views. In the House bill there was no provision for a park. The Senate amended the bill by providing for the purchase of 200 acres of ground for a zoological park or garden. Since that time a sentiment has developed in this city, and it has been pressed upon us by a citizens' committee, that we should inaugurate here a national park embracing some 2,000 acres of land. Now, if it is the sentiment of the House that we should have a park at all, I would be glad to have some expression of that kind at this time, so that we may act intelligently in the conference. For myself I say that I incline very strongly in favor of a park in this city. We have not one now.

Mr. ANDERSON, of Kansas. How much will it cost?

Mr. HENDERSON, of Iowa. It is estimated that it will cost, all told, to get the land about a million and a half of dollars. I am satisfied that a provision can be draughted in the conference that will bring the amount much below that sum, by compelling the property-owners whose land will abut on this park to contribute largely to the expense. If some general instructions were given to us, declaring that the sentiment of the House favors a park at all, I believe we can provide for carrying out that judgment in a wise manner. But if the House is against any park, the sooner we know that the better, that we may terminate this issue in conference.

Mr. ANDERSON, of Kansas. How much is it estimated will be the cost of maintaining the park after it is established?

Mr. HENDERSON, of Iowa. No estimate has been made in that respect as to the national park. As to the zoological park, the estimate was about $25,000 a year—probably $40,000 for the first year or two, when the Government would be putting in accommodations for the animals. Our experience would probably be about the same as that of other cities in regard to their parks.

I will say for the information of those who desire to know, that according to the figures furnished to us the parks in London embrace 2,200 acres; in Paris, 58,000 acres; Vienna, 8,000 acres; Tokio, 6,000 acres; Berlin, 5,000 acres; Dublin, 1,900 acres; Versailles, 3,000 acres; Central Park, New York City, 840 acres. Chicago has just authorized a park of 2,000 acres. I do not know what number of acres may be embraced in the present parking system of that city. San Francisco has 1,200 acres of park. The city of Washington has no park. It is a question for grave thought and earnest consideration whether the time has not arrived when our national capital should have a park in keeping with the capitals of other nations. I think that we should have the judgment of our associates in this House on that subject. I believe in this park; I am for it; but I will yield my judgment to that of the House and will devote my efforts to carrying out its wish. I repeat that I would be glad to have an expression of the sentiment of the House before we again go into conference.

Mr. HATCH. Does the gentleman wish to be understood as saying that there is in the Senate amendment provision for two parks—one a general park and one a zoological garden?

Mr. HENDERSON, of Iowa. No, sir. The original amendment which was put on the bill by the Senate provides for the purchase of 200 acres for a zoological garden. The proposition now urged upon us is to have a national park embracing some 2,000 acres, running clear out to the boundary, and which shall include a zoological garden—the greater to include the less.

Mr. HATCH. How much of this proposed appropriation is to be devoted to the establishment ot the zoological garden?

Mr. HENDERSON, of Iowa. It was estimated that for the first year about $40,000 would be required to equip and run the zoological park.

Mr. HATCH. That is, aside from the purchase of the land?

Mr. HENDERSON, of Iowa. I think the amount embraced in the amendment of the Senate for the purchase of the ground for the zoological garden is about $200,000.

I desire to say in this connection, as suggested to me by the gentleman from Pennsylvania [Mr. O'NEILL], that Philadelphia has 2,900 acres of park.

Mr. HATCH. If the gentleman would include in this bill an amendment providing for inclosing the Capitol as a "zoological park," I think the country would indorse the proposition, for we have now as big a "bear garden" here as anybody could want. [Laughter.]

Mr. HENDERSON, of Iowa. No doubt there are in the Capitol some animals that ought to be taken in. But let us not turn this matter to mirth. It is a serious question, and I think it should be seriously considered by the House.

Mr. RANDALL. Does the gentleman from Iowa maintain that the conferees representing the House and the Senate upon a controversy involving $200,000 for a zoological garden can entertain a proposition for purchasing, not 200 acres, but 2,000 acres, at an expense of a million of dollars?

Mr. HENDERSON, of Iowa. I think it is within the power of the two Houses to do that.

Mr. RANDALL. Well, then, I hope this House will take that fact into consideration in the vote which it will give.

Mr. HENDERSON, of Iowa. That is why I have said in perfect candor that I do not want to do anything on this question until we have an expression of the sense of the House; I have frankly presented the question with that view. I certainly would not venture on such a proposition without some expression from the House in favor of it.

Mr. BLOUNT. Will the gentleman from Iowa permit me to ask him a question?

Mr. HENDERSON, of Iowa. With great pleasure.

Mr. BLOUNT. The proposition is for a zoological park?

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. BLOUNT. The gentleman says there is being pressed on them a plan for a national park, an entirely distinct one from this zoological park?

Mr. HENDERSON, of Iowa. It is to be an enlargement of this, and embraces animals as well as a general park.

Mr. BLOUNT. It is to be a national park.

Mr. HENDERSON, of Iowa. It is a national park, embracing a zoological collection. That is what they are pressing upon us. A number of bills have been introduced into the Senate and House embracing that idea. I am not certain but favorable reports have been made on them. The gentleman from Illinois [Mr. ROWELL], on the District Committee, says favorable report has been made on that proposition.

Mr. BLOUNT. What is the extent to which they propose to enlarge?

Mr. HENDERSON, of Iowa. They propose to take in about 2,000 acres. The park proposed by the amendment is to be located on Rock Creek. The larger park would take in the smaller.

Mr. BLOUNT. I understand that is being discussed by the conferees.

Mr. HENDERSON, of Iowa. We have only discussed the zoological feature so far.

Mr. BLOUNT. But it is being pressed.

Mr. HENDERSON, of Iowa. It is being pressed by the citizens' committee. A committee came and asked us to consider it.

Mr. BLOUNT. Do the conferees consider it is competent for them to entertain the proposition?

Mr. HENDERSON, of Iowa. We can enlarge or decrease it, but I think some expression should come from the House before we enter on any such proposition.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman yield to me?

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. As the amendment now stands it is limited to a zoological park.

Mr. HENDERSON, of Iowa. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. What the gentleman wants is instructions to go further and make an amendment for a national park.

Mr. HENDERSON, of Iowa. We want an expression from the House whether they want a park or not.

Mr. BRECKINRIDGE, of Kentucky. There is the difficulty with those of us who are in favor of a zoological park and against a national park. For one I am in favor of a zoological park. I think if we can appropriate money for the purpose of making archæological and ethnological researches and to send out the Albatross to find fossils at the bottom of the sea we can certainly spend a few thousand dollars to keep the animals now nearly extinct from becoming entirely so by the establishment of a zoological park in this city. I thiuk that is a wise thing, but I am not willing to go into a real-estate speculation to the extent of 2,000 acres for a national park.

Mr. HENDERSON, of Iowa. I wish to impress upon the House if we are going to have a park here it must be provided soon, for when houses are built and the city extends into the region where the park is proposed to be built, the only available ground for it will be taken up.

It is now within our reach, and citizens are eager to contribute from their own pockets to aid in building it. If the larger scheme can be made the property-holders will contribute largely towards it.

Mr. BRECKINRIDGE, of Kentucky. I do not wish to be understood as wishing to prevent any liberal citizens from buying 1,800 acres of land and presenting it to the Government or city for that purpose if they choose. I wish to be understood only as favoring the zoological park instead of the other; and, if possible, I should like to have some expression of sentiment on the part of the House which would enable the conferees to act on that proposition.

Mr. HENDERSON, of Iowa. But for the fact that a few men planted in the midst of the proposed park, having the power of refusing to sell their lands or fix any price upon them, are able to block the way of their fellow-citizens in this respect, there would probably be not so much necessity for this action. But the power to condemn must be given to reach that class of people. That is why the citizens of the District of Columbia insist upon some legislation to reach them. Efforts were made by subscription; a large amount has already been obtained by subscription, and, as I understand, a considerable amount has been promised; but because of the fact that here and there some person will refuse to give way or allow his property to be used for the purpose at any compensation, hoping to be able at some time or other to demand from his fellow-citizens blackmail of 200 or 300 per cent. over the value of the property, it is necessary that some such steps should be taken to allow the exercise of the right of eminent domain, if this work is ever to be prosecuted. Because, as I have said, when this land is built up, it will be very difficult and very expensive to get possession of it.

Mr. BLOUNT. Will the gentleman permit me a moment?

Mr. HENDERSON, of Iowa. Certainly.

Mr. BLOUNT. For many years we have been told when making the appropriations pertaining to the Potomac Flats that the Government would gain thereby about 700 acres of land. I wish to ask my friend if in the investigation of this matter that subject has been considered.

Mr. HENDERSON, of Iowa. We did not have that matter before us, I will state to my friend from Georgia.

Mr. BLOUNT. If my friend had heard my question I think he would not have answered me in that way. He has just stated, when he was referring to the need of securing the land which it was desirable to secure possession of for the purposes of a national park, that it would be difficult after awhile, or in a few years, to get suitable lands; and in that connection I asked the gentleman whether he or his fellow-conferees in discussing the feasibility of getting lands for this purpose had turned their attention to the large amount of land which would probably be reclaimed from the Potomac Flats.

Mr. HENDERSON, of Iowa. No, sir; it has not been urged upon us as either desirable or available for that purpose. On the contrary, the region of Rock Creek, it is represented, is a beautiful region of country for the purposes of the park, equally adapted for that purpose as the Philadelphia park, and better perhaps than Central Park in New York. I do not know as to the accuracy of that, for I have not inspected them. I simply lay the matter before the House and ask an expression of its judgment.

Now I would like to answer my friend from Ohio who is on his feet.

Mr. BUTTERWORTH. I wish to ask if it is not possible to make substantial progress in this matter by ascertaining first what lands can be obtained, surveying the outlines, and then get the next Congress to act upon it, if we are not now ready to do so? I understand that neither the price of the ground is known, nor in fact the exact limits the park is proposed to occupy.

Mr. HENDERSON, of Iowa. They have made and submitted very careful estimates of the cost.

Mr. BUTTERWORTH. But I only wish to suggest whether it is not possible to insert a provision here looking in the direction the gentleman contemplates.

Mr. HENDERSON, of Iowa. The citizens' committee have that matter well in hand. The region is well mapped out, and the only difficulty is in the want of power to condemn for the purpose of acquiring title for the Government.

I will yield to the gentleman from South Carolina [Mr. HEMPHILL] unless some other gentleman desires to be heard.

Mr. HEMPHILL. I would like to offer the following instruction to the committee of conference.

The SPEAKER. It is not now in order to instruct the conferees. It can be read for information, if the gentleman desires.

Mr. HEMPHILL. Then I ask that it be read for information.

The Clerk read as follows:

Resolved, That the House managers on the District of Columbia appropriation bill are hereby instructed by the House to endeavor to secure such action by the managers on the part of the two Houses on the Senate amendment numbered 124 as will secure to the District of Columbia a national park.

Mr. HEMPHILL. I offer that resolution with a view of getting the sense of the House on this question. As those of us who have been here for a year or two remember, an effort has been constantly made on the part of the Senate to so provide in the appropriation bill for the District of Columbia that some legislation may be had for the establishment of a zoological park. At the same time there have been bills pending before this and the other branch of Congress for a national park, and if the national park project is adopted then the provision for the zoological park as a separate institution will be entirely unnecessary. The bill for the national park has been reported favorably and unanimously by the Committee on the District of Columbia, who have taken a great deal of pains in this respect to investigate the subject and ascertain all of the details.

Inasmuch as no opportunity will be afforded us in this session of Congress to present this matter to the House, and as in the view of the committee it is important that it should at the present time be acted upon, I would like to submit the views which influenced the committee in reporting this bill favorably.

Now, Mr. Speaker, there has been a great deal said heretofore about how much has been spent upon the District of Columbia in the way of public improvements; but if gentlemen will look out upon this city they will see that there has been less done for the people of the District of Columbia, as citizens of this District of Columbia, than for the people of many other cities in the United States. Now, I do not say that the people here do not get more benefit from the public buildings and parks than we get in South Carolina or any other city; but they have no general park here that belongs to the public.

They have no public buildings where the city authorities have a permanent abiding place. They have no post-office fit for any city of this country or any country that is civilized. In fact, there has been nothing done for the people of this city that has not been done for people of other cities of this Union not as large. Therefore, I trust that gentlemen will not view this question unfavorably upon the theory that there has already been as much done for the people of this District as the Government is under obligation to do. Now, there is scarcely a city of any size in the United States that has not a public park. While there are a number of small parks in this city, there is not a single one of any size where the people can go out into the country, as it were, and get the fresh air and have all the invigorating influences that come from the country that does not belong to some private party. There are, it is true, a number of small reservations, but they do not accommodate the large portion of the city growing out towards the west, and if the same spirit governs us in the future that has in the past, the whole of the park in which the Smithsonian Institution is situated will be occupied by public buildings.

Mr. BLAND. Does not the gentleman from South Carolina think that if the obstructions were taken away that have been created by the Pennsylvania Railroad and the ground cleared that that would be a very desirable park?

MESSAGE FROM THE PRESIDENT.

A message in writing from the President, by Mr. PRUDEN, one of his secretaries, was received, and the following approvals were also announced:

On February 26:

An act (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890;

An act (H. R. 7718) for the relief of Milo McCrillis;

An act (H. R. 11777) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory to or near Baxter Springs, in the State of Kansas;

An act (H. R. 10240) for the relief of J. Edwin Pilcher;

An act (H. R. 11515) granting a pension to Charles G. Sanders;

An act (H. R. 11923) granting a pension to Charles Schuler;

An act (H. R. 10882) granting a pension to Nancy Hamilton;

An act (H. R. 10879) increasing the pension of Permelia Smith; and

An act (H. R. 2428) granting an increase of pension to William H. Koch.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. HEMPHILL. I will state, Mr. Speaker, that if there is any portion of this District in which we could well have a park it is this portion through which Rock Creek passes, and if the people of this District are to have a park for such portion as would be an honor to this city, being the capital of this nation, they can not get it unless they get it under action of this Congress. There is no power in any governmental officer here to condemn land or to put his finger for a public purpose upon a single piece of property in this District; and therefore whatever is done must be done by action of Congress.

Now, I know, Mr. Speaker, that 2,000 acres of land is a very large park for a city of the size of the city of Washington; and if we were to legislate for to-day or for the near future it would be too large; but we all know that this city is growing rapidly; that property is going up in price, and that if we are to have a national park in this city this is the most opportune time the Congress of the United States will ever see.

We can get a park here in this District now at a cost which will not be any more than one-fifth or one-sixth of what has already been expended for the purchase of land by the city of Philadelphia or New York or any of the large cities in this country. In Brooklyn, where they have a large park, they spent $3,919,000 in the purchase of the land alone. In St. Louis, where they have a new park of about 788 acres, they paid $849,000. In addition to that they have a number of other parks in the city of St. Louis; and I do not understand, Mr. Speaker, why the people of this District and the people of the United States should not be willing to expend as much money for the benefit of the people residing in this capital city as is ordinarily spent by people who control their own expenses.

Mr. HERBERT. Will the gentleman state how much is the annual expense of keeping any of these parks in order that he has mentioned? Can the gentleman give us any idea of the annual expense of keeping up one of these immense parks?

Mr. HEMPHILL. No, sir; I have no information upon that subject. I will say, however, to my friend from Alabama that I presume the people of those cities are well satisfied with the expense that is found to be necessary to keep up these parks, because there is not a single instance where such a public park has ever been dedicated and the people have taken it back and put it to any other use, as they might do if they were dissatisfied; and not only have those cities which have parks kept them up and improved them, but nearly every other city of any importance in the country is now seeking to acquire such a park.

Mr. TAULBEE. I will ask the gentleman from South Carolina whether it is not a fact, so far as he has observed with regard to this matter of public parks, that a large proportion of the expense which is necessary in order to maintain them is derived from the leasing of proper privileges to citizens within the parks?

Mr. HEMPHILL. I think that might be made available to quite a large extent in maintaining a park.

Mr. HOPKINS, of Illinois. I desire to ask the gentleman a question as to the propriety of this legislation on an appropriation bill. Is there anything in the proposed amendment that would limit or control the purchase of this property, or protect the interests of the people at large against the privileged few who would be benefited?

Mr. HEMPHILL. My resolution was presented simply to test the sense of the House upon this question, so that if the resolution is adopted and the report comes back from the conferees, the House, if it be satisfied that the amendment is a properly drawn one, can adopt it; if not, can give the conferees further instructions, or can reject the amendment. This leaves it to the conferees upon the part of the House, if this resolution is adopted, to prepare a suitable amendment by which the interests of the public will be properly guarded.

Mr. McMILLIN. Will the gentleman from South Carolina permit me to ask him a question?

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. The gentleman has referred to parks that have been purchased or made by other cities, and to the expenditures incurred therefor.

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. Does the gentleman propose that the city of Washington shall do what those other cities have done, pay for the parks that it gets, or does he propose that they in conjunction with the balance of the people of the United States shall pay for it, and that his constituents and mine shall pay for part of it?

Mr. HEMPHILL. I will say to the gentleman that so far as I am concerned I would propose that the citizens of the United States should do with reference to this public park as they do with reference to all other public improvements in this, District, that is, that they should pay their fair share of the cost of the park. We own one-half of the property in the District. It belongs to the United States, and the concurrence of opinion has been up to this time that the Government of the United States ought not to own half the property here unless it is willing to pay half the expenses.

Mr. McMILLIN. Will the gentleman permit another question?

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. The gentleman says that the people of the United States own one-half of the property here.

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. In order to arrive at that estimate is it not a fact that the parks themselves which are now established here have been charged to the people of the United States as a part of their property?

Mr. HEMPHILL. Well, sir, if they are a part of the property of the United States, and if the United States is not satisfied to hold them or to pay taxes upon them, let the Government sell them or erect public buildings on them.

Mr. McMILLIN. Furthermore, is it not the fact that the streets have been charged against the United States in order to make up that estimate?

Mr. HEMPHILL. Oh, that is neither here nor there.

Mr. McMILLIN. I will say to my friend that that is here. That is a fact, and it is going to remain here.

Mr. HEMPHILL. Well, that may be a fact; but if so, it is a fact by the action of Congress, and it is not fair to blame the people of the District for something which Congress has done of its own free will.

Mr. McMILLIN. But you are endeavoring now to get Congress to do something more in the same direction.

Mr. HEMPHILL. Well, if we have done an erroneous thing in the past, the proper remedy is not to deny to the people of this District a public park such as the people of other cities have. The proper remedy is to go to work now to regulate properly the proportion of the expenses of the District which the people here ought to pay, and the proportion which the people of the United States ought to pay. But let us not visit the punishment upon the people of the District when they have had no voice in the action that has been taken in the past, and when it has been done by Congress itself, which has had sole authority to act in the premises.

Mr. HERBERT. I wish to ask the gentleman from South Carolina whether it is not also a fact that in order to make the showing of the Government owning one-half of the property here, all the Government buildings have been charged to the people of the United States? And is it not also a fact that the Government itself, without any help from the people of the District, takes care of every public building here?

Mr. HEMPHILL. I presume that is all true, but I do not see that it has anything to do with the question at issue here.

Mr. HERBERT. It is an answer to your argument about the Government owning one-half of the property.

Mr. HEMPHILL. It is not an answer to my argument; and if the gentleman thinks it is I am quite satisfied that he has a monopoly of that opinion. We did this ourselves. Congress fixed the matter to suit itself, and not the people of the District, and if anything is wrong Congress is responsible and Congress alone has the power to change it.

Mr. HERBERT. The facts I have stated, though, go to your argument, based upon the estimate of the Government owning one-half the property here.

Mr. HEMPHILL. That does not make any difference. I simply say that that is the estimate which has been recognized heretofore, and that Congress, which has had the power, has not changed it. The gentleman from Alabama is entitled to his opinion, and I may agree with him, but at the same time it is not fair to make the people of the District responsible for the existing state of affairs.

Now, there is something else I would like to say in regard to this park. It is well known that Rock Creek flows right through the District from one end to the other until it empties into the Potomac River. Along a considerable portion of Rock Creek the banks have been built up with dwelling-houses, and as a natural consequence the creek has become in some parts the natural sewer for everything in the shape of refuse coming from those dwellings. Rock Creek has thus become a stench in the nostrils of the people in that portion of the city. There has been pressed most urgently upon the District Committee a proposition to arch over Rock Creek in part and to tunnel another part so as to get rid of these noxious odors coming from the creek. If we should undertake to do that work, although it would apply to only a very small part of Rock Creek, it would cost, according to the estimate, $600,000, and in all probability by the time we had finished it the cost would be a great deal more.

Now, as a pure matter of dollars and cents, I submit whether it is not better to keep the banks of this creek free from dwelling-houses and dedicate the land to some public purpose. I do not hesitate to say that something must be done for the protection of the people living in the neighborhood of Rock Creek, where buildings have been constructed on its border. Unless something be done that whole stream will become the deposit of the sewerage and refuse of people living upon its banks, and that portion of the city will soon have to be abandoned or given over to people who can live in the midst of those stenches.

Besides, Mr. Speaker, there will never be a time when this property can be purchased as cheaply as it can be purchased to-day. The people who own the land that is expected to be purchased along Rock Creek, if any be purchased at all, are the original owners of the property; and as a member of the District Committee I can say that not a single one of them nor the representative of one of them has come to me, or, so far as I know, to any member of the committee, urging this park project upon our consideration. Although I have heard the names of a number of these owners, I know but a single one; and although he bought a piece of property there four or five years ago, he says, "If you want this land for a public park, I will sell at a price that any gentleman in whom I have confidence will put upon it." I think that is a fair proposition. He has not asked Congress to appropriate one cent; but he says that, on the contrary, he would prefer to hold the land that he might realize the advance in price.

It is true that a part of the property along this creek has become very valuable. I know a gentleman in this city who, according to repute—I have no personal knowledge of the fact—purchased seven or eight years ago a piece of property in this city for a small sum, which he could now sell for $250,000 or $300,000. If we are ever going to get a park, now is the time; it is in my opinion the only time when the people's representatives will be willing to vote the sum necessary to secure it.

In addition to that, Mr. Speaker, if this park is purchased the District under the usage and the existing law will have to pay one-half of the expenses. It is proper that the people owning property along the line of this park should pay their just proportion in view of any increased value which may arise from the dedication of this land to public use. The District is in a better condition to pay its share of this money now than it will probably ever be for years to come. There is a considerable surplus in the treasury of the District, amounting to several hundred thousand dollars—between six hundred thousand and seven hundred thousand.

Mr. BLOUNT. How about the debt?

Mr. HEMPHILL. Of course there is a debt due by the District; but it is not payable.

Mr. RANDALL. The District is in debt to the Federal Government to the extent of a million dollars, on account of the expense of the work on the aqueduct, and I suggest, if there is any surplus in the treasury, the District should devote it to paying that indebtedness.

Mr. HEMPHILL. I want to remind the gentleman from Pennsylvania that, as I understand, this aqueduct was controlled entirely by officials of the United States.

Mr. RANDALL. The gentleman was stating that the District has $600,000 in its treasury undisposed of. I wanted to say that I thought the best appropriation of that amount would be for the District to pay something toward the million of dollars advanced by the Government on the aqueduct, which has proved an utter failure.

Mr. HEMPHILL. I think before the District pays any money on that account there ought to be instituted an investigation to see whether the Government of the United States has not swindled the people of this District out of a great deal of that money. As I understand, there is an investigation now going on at our expense——

A MEMBER. The committee has reported.

Mr. HEMPHILL. Yes, the investigation is finished, I believe; and I understand there is a very black report, so far as the Government of the United States is concerned. If we have taken the money of the people of this District, or at least run them into debt to the extent of a million of dollars, and if, according to the report made by members of this body, we have misappropriated the money designed for the construction of that tunnel——

Mr. RANDALL. That was done against the remonstrance of the Committee on Appropriations.

Mr. HEMPHILL. That may be true. Yet the District is not responsible, as the gentleman will admit. It is by the fault of officials of the United States Government that this misappropriation has happened, and it is not right to visit our sins upon the people of this District.

Now, Mr. Speaker, they talk a great deal about having a "monkey show" here, and all that sort of thing, just the same kind of language we heard when this question was before the House on a former occasion. We spend a great deal of money in keeping in order the horticultural garden down here. The gentleman from Kentucky [Mr. BRECKINRIDGE] says that we ought to provide for the preservation of the animals on this continent before they become extinct; but I think it much more important that we should furnish some outlet, some breathing place, for the poor people of this city, who can not get away in the hot weather, and to give them fresh air, sunlight, and a chance for health and life. Those who live here and can not get away, and those of us who were kept here last summer during the long discussion upon the tariff, have seen the poor people sitting out and lying out on the streets by day and night, under the baking sun of the day or the reflected heat of the streets at night, unable to get relief from the intense heat; and I do not know that we can do a better thing than to furnish to the children of the poor people some shaded places where they can go and get rid of the hot glow of the summer sun.

If, then, it is important to preserve the animals of the country, how much more important is it to do something towards preserving the health of the people, and especially those of our people who can not get away in the summer time. I trust we will not be niggardly and unjust to these people, and while we are willing to establish a park here for animals, forget them and their wants, but that we will rise to a proper consideration of the question, and I believe when we have done so we will give to the people of this city what is given to the people of other cities, who have the privilege of electing their own city officials, their own city council and mayor, a proper and suitable public park.

Mr. CLEMENTS. Mr. Speaker, I will occupy not exceeding five minutes in this discussion. The gentleman from South Carolina has spoken of the injustice to the people of this District in refusing this appropriation, and intimates illiberality on the part of the Government.

Mr. HEMPHILL. Well, I do not mean to say that the Government is illiberal; but I tried to show that the people of the District did not receive as much benefit as some of our friends seem to think they have already received, and as I myself thought they received before I got here and served upon the committee.

Mr. CLEMENTS. I wish to show, Mr. Speaker, something of the obligations of the District to the United States in connection with the District government.

The bonded debt of the District of Columbia which the Government of the United States has assumed—that is to say, one half of it, principal and interest—on the 1st day of July was $20,581,000, as shown by the following statement from the last report of the Treasurer of the United States, to wit:

The following table shows the date of maturity, rate of interest, and principal of the loans of the District of Columbia outstanding on the 30th day of June, 1888:

Date of maturity.	Title.	Rate of interest.	Amount.
		Per cent.	
July 30, 1873	Three-year (Emery)	7.3	$100
July 1, 1891	Permanent improvement	6	3,031,600
July 1, 1891	Permanent improvement	7	515,600
July 1, 1892	Twenty-year funding	6	956,150
July 26, 1892	Market	7	144,900
July 1, 1899	Twenty-year funding	5	920,400
October 1, 1901	Water	7	360,000
November 1, 1902	Thirty-year funding	6	604,100
July 1, 1903	Water	7	15,000
August 1, 1924	Fifty-year funding	3.65	14,033,600
Total			20,581,450

The annual interest on this sum at that time was $906,000, of which the Government of the United States is paying one-half. In addition to the funded debt—and by the way I will state that the principal part of this has been for improvements in the District of Columbia—in addition to the funded debt there is one-half of the amount recently expended on the aqueduct tunnel for the increase of the water supply of the city; so that the amount due on the 1st day of July by the District to the United States for money already advanced for the tunnel was $1,038,000. The debt of the District, funded and otherwise, of which the United States has assumed and is paying to the sinking fund one-half of the principal as it is discharged and annually one-half of the interest as it accrues, amounts in the aggregate to the immense sum of over $21,000,000.

Now that we have a surplus of about a million in the Treasury (which, if the Senate amendment prevails, would leave it only about a half million or a little less) the gentleman says is an opportune time to expend money for a zoological park, and at the same time adopt the larger provision for a national park, the one which he is advocating, which is to swallow up the zoological garden and make it a part of it. The provision inserted in the bill to which he refers, reported by his committee, as I understand, provides not for the immediate payment, but for the creation of a debt running along for future years, adding up and piling up against the people of the United States outside as well as those inside of the District a further accumulation of debt for the luxury of a park.

Why not in the interest of the tax-payer apply it to the water debt or to the three and a half millions of bonds that will be due July 1, 1891, within a year after the expiration of the year for which the appropriations of this bill are made? In my judgment there is no necessity in this city for a national park such as is proposed, as there is in other cities. The Government of the United States has reserved plats of ground all over the city, in addition to the larger reservations which we find everywhere, breathing places where the people can go; and we have broad streets and the Government has expended money in their improvement; and in the sundry civil bill each year is carried a large sum of money for paving the walkways through the reservations, and paid for entirely out of the revenues of the Government; no part of it is paid by the District, nor is anything paid by the District for the lighting of the reservations, for the convenience of the people of the District much more than for the people outside. And the gentleman himself has referred to the Soldiers' Home, a place near by, which, while it does not belong to the city or the National Government strictly, yet it is a great place of resort and will remain there.

Now, I believe the time has come when the Government of the United States is paying largely more than its proper share for the expenses of the District and that it ought to be reduced, and if the people of this city and District desire a park it is their business to provide it at their own expense in a larger measure than is provided in the amendment which it is proposed to incorporate on this bill.

I yield to the gentleman from Texas [Mr. MILLS] for five minutes.

Mr. MILLS. I was a member of the Forty-third Congress when this strange copartnership was entered into between the Federal Government and the government of the District of Columbia. When the local government of this District was abolished by the Forty-third Congress I then very seriously questioned the wisdom of that action; and every year since that time has satisfied me more fully that the government now held over the people of this District is wrong. It is un-American. It is not in accordance with the principles upon which we have organized local governments in this country. The people of this District ought to have a local government of their own, and the Federal Government ought to have such jurisdiction and control over the public property of the Federal Government as is necessary to take care of it.

In the arrangement of the compromise the interests of the Federal Government, which would apply in that government, were abolished, and it was then determined that the Federal Government should pay one-half of all the expenses annually incurred in the administration of the government of the people.

At that time, perhaps, it was a fair apportionment. The city was small; perhaps not exceeding 100,000 inhabitants. It has passed beyond that, and the property owned by the Federal Government then was around this Capitol and in the streets and parks belonging to the Federal Government, which were retained by the Government for its use at that time. Now the city has extended and is continuing to extend. The interest of the Federal Government is constantly decreasing in proportion as the interest of the people is constantly increasing. As my friend from Pennsylvania said a few moments ago, the apportionment is now excessive upon the Federal Government, and the people under the local government are not contributing what they ought to contribute toward the Government. I believe, sir, that we ought to stop this unnatural partnership, and the Federal Government ought to appropriate each year out of its own funds whatever is necessary and its equitable proportion for the protection of its public property and the interests of the city.

But, sir, what interest has the Government in buying a park for the people of the District of Columbia? The park belongs to the people, not to the Federal Government. It is not for the interest of the Federal Government that there should be a park on Rock Creek or in the midst of the city. It is for the comfort and convenience of the people, and not for the Government, and the people ought to pay for it. We will continue this condition of things until we dissolve this unnatural government and give the people of the District of Columbia the same rights that we give the people of Texas—representation upon their population, charging them with their own local self-government. [Applause.]

Mr. CLEMENTS. Mr. Speaker, I now yield ten minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. It is singular what a prejudice against the Treasury of the United States is manifested in connection with all the arguments made touching expenditures for this District. The distinguished gentleman who is now the chairman of the Committee on the District of Columbia alleges that the Federal Government ought to be liberal in the matter of appropriations here, because it owns one-half of the property. The gentleman from Tennessee rightly suggested that in ascertaining the one-half of the property of the United States it consisted mostly in streets, alleys, and parks.

Now, sir, I wish to know if any gentleman will gainsay the question that the streets and parks are for the people of this city, and if they are, will you undertake to close your eyes to it and charge it as a matter inuring to the benefit of other people outside of this District? Why, sir, it is strange that such argumentation should obtain in so intelligent a body as this. In reference to the water supply here, the Government originally paid for it out of the Federal Treasury, and this people got it as a gratuity. Then these same people came in a few years ago and insisted that the Government of the United States should give them an additional water supply; and because, forsooth, there may have been some mismanagement in some given place, unwilling to take their own misfortune, they turn upon the Federal Government and charge it as a crime and insist that we shall make it good. It is said, sir, that the city of Washington has not been and is not fairly treated, is not liberally treated, and has not the same opportunities that other cities have. What city, sir, in this country—is it New York, Philadelphia, or any city in this country—that has the Federal Government come to it and taken one-half of its burdens in the shape of taxation? Yet, sir, that was their singular argument.

Again, sir, only a few years ago the people of this District complained that the public health was affected by the Potomac flats, and if we would appropriate, as we have done, millions of dollars for the reclamation of it—and it is going on to-day—we would reclaim 700 acres of beautiful land lying along the Potomac. A large part of it has been reclaimed, a large part is being reclaimed; and yet none of the gentlemen who have come before the House conferees, none of the gentlemen who appeared before the Committee on the District of Columbia, offer to use any portion of the 700 acres or any other area owned by the Government of the United States. It is always private property that we are to buy. No matter what we have we can not utilize it. There is always some special reason why the necessary improvement should not be put on Government land, where it would take nothing out of the Treasury.

My friend from Iowa says he has not heard of this matter at all in his interviews with the Senate conferees. It does not appear that that committee or the Committee on the District of Columbia ever hear of anything in connection with this question of the purchase of land except Rock Creek park. My friend, the chairman of the Committee on the District of Columbia, says that no gentleman interested in that property has ever approached him. I take his statement as true. I take it as true subject to this qualification: I do not suppose that my friend ever inquired into that matter at all. But, sir, there does come to us through other sources, there does come from citizens of this District who are in communication with members of this House the statement that there are persons engaged in a large real-estate speculation about this proposed Rock Creek park. They have their attorneys who do approach other members of this House and who do press that project. It is doubtless being urged by them, and all of this word painting as to the beauty and importance and value to the city of this park is the work of those artists.

Now, sir, so far as I am concerned, I am not willing to do anything that will put into the hands of the House conferees at such a time as this, with little opportunity for deliberation, with little opportunity to ascertain whether it is true, as stated by honorable citizens of this District, that real-estate speculations are involved—I am not willing, I say, to put into the hands of the House conferees authority at such a time to take action upon this important question. If it is true that speculators are organized to urge the sale of this park, let us beware, for the best of us may be misled. Let us postpone this matter until we have time to investigate through a committee of this House the questions that are raising doubts in our own minds, and when we shall have done that and the matter shall have come up before us for deliberate action, then let us give it due consideration.

Sir, let us bear in mind the situation. Up to this hour the House of Representatives has refused to take up this question. It has been apprehensive about the parties in interest who were behind this project. It has been apprehensive lest it should be misled in this matter. It has been interested to preserve its own good name free from any possible imputation of scandal. While this is true of the House, the Senate has tacked on to this bill an appropriation of $200,000 for a zoological garden, and when the conferees get together certain interested persons will be there pressing not for the $200,000 but to sell 2,000 acres of land. They tell you of what is done in Paris, of what is done in London, of what is done in Philadelphia; they appeal to your national pride to take up this matter now and not to postpone it. In the closing hours of the session, in that hurried conference, shall we make haste to dispose of the public treasure? My colleague has just stated that the Senate amendments to this bill involve an increase of expenditures in one year of 25 per cent. What city in this country would not make a halt at such a suggestion? It is enough of itself to cause us to stop short, and now, in the closing hours of this Congress, to put an end to this question, for the present at least, by instructing the House conferees that we will not entertain this project further at this time. [Cries of "Vote!" "Vote!"]

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS was recognized, and yielded five minutes to Mr. HOPKINS, of Illinois.

Mr. HOPKINS, of Illinois. Mr. Speaker, the arguments already made in favor and against the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL] by members who have preceded me are as strong proof as any man can desire against the policy of adopting it. Gentlemen of intelligence and experience in such matters contend that there is no necessity for the creation of a public park in the city of Washington of the character contemplated in the proposed amendment, while others of equal intelligence and experience insist that such a park is not only a necessity, but that members of the House who oppose it do not appreciate the importance of this great project.

This, then, presents the issue as to whether the members of this House should favor a bill authorizing the laying out of a great national park in this the capital city of our country. Now, until this question is settled it seems to me, sir, that it is not wise legislation to attempt to appropriate a million and a half of dollars that may be used for such purpose. The gravity of the measure demands that it should be presented in a separate and distinct bill and brought before the House by a committee in the manner provided by the rules which we have adopted.

In no other way can there be a full and a fair discussion of this proposition. If this vast sum of money is to be expended, as the gentleman from South Carolina [Mr. HEMPHILL] contends, for the good of the public, let the representatives of the public have a voice in determining the manner of its expenditure. The way in which the question is presented in the amendment takes from the members of the House all opportunity to be heard upon perfecting a bill for the purchase of the land for the creation of the proposed park and providing against illegitimate speculations by syndicates or real-estate dealers. We know that unless legislation for this object is properly guarded scandals are liable to arise.

Now, before I am called to vote upon a proposition which takes from the public Treasury nearly a million and a half of money, I would like to listen to the arguments of those who believe that a public park of the character proposed in the amendment should be established in Washington.

When I have satisfied my mind as to the necessity of the park I will then be ready to assist in perfecting the legislation by which this is to be accomplished. But I protest against the summary manner in which the friends and advocates of this proposed park are forcing this question.

The gentleman from South Carolina [Mr. HEMPHILL] talks in a way that indicates that he has given much thought and study to the subject. But I take it, sir, that the great majority of the members of the House feel as I do, that they would like more light upon the subject. I am opposed to this amendment for other reasons, but my time is too limited, I fear, to permit me to present them now.

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS was recognized, and yielded four minutes to Mr. MCMILLIN.

Mr. MCMILLIN. Mr. Speaker, I rise for the purpose of entering my protest against the proposition that is involved in the amendment now under discussion. The people of the United States have given to the city of Washington a greater area of parks and more park adornment than is possessed by any other city in the country in proportion to population. This statement will not be denied by any one of the Representatives of sixty millions of people sitting around me.

We have here Judiciary Square, Lafayette Square, Franklin Square, and Lincoln Park. Then we have the immense park and grounds extending from the Capitol to the Potomac nearly two miles, to which we are adding hundreds of acres by the lands we are reclaiming from the Potomac River at a cost of millions of dollars. The Capitol grounds and White House grounds also contribute their beauty. All this has been given by the United States to this city. But not content with this, we are asked to go still further and sell the homes of the people in order to make them the habitations of monkeys. [Laughter.]

The gentleman from Iowa complains that some of the citizens living on the land which it is contemplated to purchase for this purpose are holding it back and attempting to "blackmail" the Government by fixing a high price upon it. It seems to be a crime in the eyes of some that the spot associated with school-boy days should have any pleasant memories to cause the grown-up man to linger there and be reluctant to turn it over as a residence for the bison and den for the snake.

This is not designed simply as a park for the people; that is not the object; the purpose is to establish zoological grounds to be inhabited by rabbits, snakes, and all kinds of animals that will be delightful to the eye as objects for the inspection of those who visit here. Whatever the debate may claim to the contrary, the amendment itself shows that it is designed for a zoological garden. If the people of Washington want that kind of a display, let them have it; but let them pay for it themselves.

Mr. HEARD. Will the gentleman yield for a question?

Mr. MCMILLIN. I would like to do so, but I have only four minutes; the gentleman, therefore, will pardon me for declining.

The amendment provides for the establishment of a zoological park in the District of Columbia "for the advancement of science!" A bear garden is to be established "for the advancement of science!" You are already paying, gentlemen, as the representatives of a hard-worked, tax-paying people one-half of the expenses connected with the government of this city. This itself is unjust and should not have been begun. You are required by the proposed amendment not only to pay for this land, but to buy the monkeys and then pay for their keeping.

Barnum is to have a new rival in his "animal industry," and the people of the United States who can not get to Washington are to "pay the fiddler" for others' dancing. Gibbon tells us love of the circus and fights of wild beasts characterized the degeneracy of the Romans. To gratify this morbid fondness for display of wild beasts one of Rome's distinguished statesmen urged Cicero to hurry and send to the "Eternal City" the tigers, lions, etc., necessary for his approaching show.

Are we following in their footsteps, and anxious to imitate their decline? I must enter my most solemn protest against saddling still further indebtedness upon the people of the United States for the purchase of land at $2,000 an acre, to be followed by the expense of keeping up a zoological garden here in this city. Let us perform the duties legitimately devolving upon us, and not attempt to rival circus and menagerie owners in the show business.

[Here the hammer fell.]

Mr. CLEMENTS. I would like to inquire whether the gentleman from South Carolina [Mr. HEMPHILL] proposes to——

Mr. HEMPHILL. I will state that I am quite anxious to reach a vote, for the hour is now late; but I promised five minutes to the gentleman from Missouri [Mr. HEARD] and five minutes to the gentleman from Maryland; and after that I want to say a word or two myself. I will then call the previous question.

Mr. RANDALL. Oh, no; you have not the control of this bill.

Mr. HEMPHILL. I mean the previous question on the resolution.

Mr. RANDALL. That has only been read for information.

Mr. HEMPHILL. I yield five minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Speaker, I am not unmindful of the fact that the House is impatient for a vote. I can not afford to ignore that fact any more than my audience can afford to listen to me when it is already tired. But I rise to protest mildly against the course of argumentation which has been pursued in opposition to the position of my friend from South Carolina [Mr. HEMPHILL]. It may be all right for the distinguished gentleman from Tennessee [Mr. MCMILLIN] to inveigh in general against the policy of establishing zoological gardens although many eminent and patriotic statesmen favor it. It may be that it is all wrong, as the gentleman from Texas [Mr. MILLS] argues, that the form of government which we find in this District exists.

But, in the language of the gentleman from South Carolina, I beg leave to remind these gentlemen respectfully that we are not responsible for the existing law, but that there can be no ground purchased for the purposes of a zoological park or park of any kind, and no money expended for the maintenance and care of such park unless by the consent of Congress. I would remind the gentleman from Texas that it is not the fault of the people of this District that this "un-American system of government" exists here. This, as has been said by the gentleman from South Carolina, is due to the act of the American Congress and without the agency or consent of these people. Let Congress assume the responsibility for its own misdeeds; if it did wrong, let it correct that wrong, and not lay the responsibility for it at the door of the District.

Now, a word in reply to my friend from Georgia [Mr. BLOUNT]. A few days ago, when a certain measure was under discussion in this House, that gentleman remarked in my presence that he would not give much for a man who always saw a "job" in everything, and therefore opposed it. I responded that I agreed with him cordially in that feeling. Now, I want to call the attention of the House, and especially of my friend from Georgia, to the fact that, losing sight, I think, of the spirit of that sentiment, he has made a speech against this proposition based primarily upon the assumption by him that there is a "job" in it; that there is some great real-estate organization behind it and pushing it; and he intimates that although the gentleman from South Carolina disclaims having been approached upon the subject by interested parties, perhaps others have been approached. Now, I have heard no man on the floor of the House or elsewhere, except the gentleman from Georgia, intimate that anybody had been approached. I do not believe he was ever approached——

Mr. BLOUNT. If the gentleman wants to press that matter, I have no objection to answering very fully.

Mr. HEARD. I do not fear to press it. More than that, I invite the gentleman to make any disclosures in his knowledge. I challenge him to do so; for if he knows anything behind this scheme which makes it disreputable or liable to bring scandal upon the American people, I say it is his duty to disclose it for the benefit of his associates on this floor, that they, being warned by such knowledge, may be prepared to act as intelligently as he.

Mr. BLOUNT. Will the gentleman allow me——

Mr. HEARD. Not now; I want to finish my sentence. I want to say to the gentleman, however, in the presence of this House, every member of which who hears me knows that I speak truly, that the gentleman, while claiming a desire now to have this proposition discussed on its merits and fully, has always, to the extent of his power, obstructed the consideration of the same when the effort was made to bring it before the House in a separate bill; that when the chairman of the District Committee asked for the fixing of a day for District business the gentleman from Georgia resisted the granting of any time to that committee unless the consideration of this bill should be excluded.

I say that the Committee on the District of Columbia, which reported this measure or a measure of this character, has been always anxious to have the matter discussed upon its merits and to have the House act intelligently upon it. But I am not willing to let the gentleman from Georgia intimate, without showing the reason for the intimation, that the "schemes" of which he talks may influence some gentlemen other than himself to the conclusions at which they may arrive. If the gentleman knows of any improper scheme connected with this whole matter, I repeat, let him now give the information to the House and the country in order that we may be duly warned. This House will then act as intelligently and I believe as patriotically as will the gentleman from Georgia.

I insist, Mr. Speaker, that the position taken by my friend from South Carolina is right. If the people of the United States pay more of the expenses of conducting the District government than they ought, it rests with Congress to change that rule. And let not this House forget that it is the duty of Congress to so change that rule as to secure justice alike to the whole country outside the District and to the District of Columbia. This House should not forget, and I ask that in our instructions to the committee we should consider it, that it is competent for Congress to fix and determine the proportion of such expense as the District should bear. These conferees have come like honest men asking us for an expression of our opinion as to the merits of the proposition for a national park which they have been discussing in conference, and for our instructions as to what they shall do.

Now, Mr. Speaker, let us discuss this matter like honest men dealing fairly with each other. If the sense of the House is against the measure on its merits, let us so instruct these gentlemen on the conference committee. But bear in mind, as the gentleman from South Carolina [Mr. HEMPHILL] has truly stated the proposition, if the people of this city are to have the park privileges which they desire, they have got to be obtained through authority of this Congress. Nothing can be done by them without our permission. Even if they are willing to pay the entire expense of carrying out the plan they can not do so on their own motion.

It must be done, if done at all, under the authority of the Government

of the United States. Congress can expend millions of dollars of the money belonging to the people of this District and waste it in an aqueduct tunnel or otherwise, because it has the authority to do so; but the people of this District before they can do anything of the kind proposed, and before even they can expend their own money for any public purpose, must first get the authority of Congress to do it. If you are in favor of it, then it becomes all right; but otherwise they can do nothing.

Mr. HATCH. Will my colleague permit me to ask him a question?

Mr. HEARD. Certainly.

Mr. HATCH. Does the gentleman say that a million of dollars was wasted on the aqueduct tunnel?

Mr. HEARD. I understand two million of dollars were wasted upon that tunnel; and one million comes out of the treasury of the District of Columbia, though the waste occurred through no fault of hers, but by the negligence or misconduct of those acting for the Government.

Mr. HATCH. Was not that bill reported by the Committee on the District of Columbia?

Mr. HEARD. No, sir, it was not. That committee had nothing whatever to do with it.

Mr. HATCH. Who made the appropriation?

Mr. HEARD. I am not prepared to answer who made the appropriation; but the District Committee could not do it, and I suppose of course the Committee on Appropriations.

Mr. BLOUNT. I can answer that question if I am allowed to do so.

The SPEAKER. The gentleman's time has expired.

Mr. RANDALL. I want to put the saddle on the right horse. If I remember correctly, that proposition originated in the Forty-seventh Congress.

Mr. HEARD. That is beyond my memory of things here. I mean it did not come from the present Committee on the District of Columbia.

Mr. RANDALL. The gentleman said that it did not come from the District Committee.

Mr. HEARD. Not since I have been a member of that committee during the last four years.

Mr. RANDALL. I do not want any misunderstanding in this matter. My impression is, and I make the statement subject to review hereafter when I have made examination, that this aqueduct-tunnel project came from the Senate in the Forty-seventh Congress.

Mr. HEARD. But not from the District Committee.

Mr. RANDALL. It came originally from that committee, if I recollect aright, and my friend from West Virginia [Mr. WILSON] corroborates that statement.

As the gentleman from Missouri [Mr. HEARD] has alluded to the Committee on Appropriations I will merely remark that committee has resisted all along under the leadership of the gentleman from West Virginia the whole of this procedure.

Mr. HEARD. Allow me?

Mr. RANDALL. Certainly.

Mr. HEARD. I am advised by my friend from Georgia [Mr. BLOUNT]——

Mr. BLOUNT. Do not put it too strong.

Mr. HEARD. The gentleman from Georgia said it came from the Senate in the nature of an amendment to your bill.

Mr. RANDALL. I think not.

Mr. HEARD. That is what the gentleman from Georgia says.

Mr. RANDALL. Let us get this matter right.

Mr. HEARD. I want no controversy with the gentleman from Pennsylvania on this subject, because I do not assume to be prepared to contradict him or to correct him if he is wrong. My statement was based upon that received by me from the gentleman from Georgia [Mr. BLOUNT].

Mr. HEMPHILL. There is no need of controversy about it. I now yield the floor to the gentleman from Maryland [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I know the House is impatient to vote on this proposition and I will only detain it for a moment or two. Gentlemen seem to be oblivious of the fact that this is our capital city when they assert that in proportion to its population and extent it has larger park privileges than any other city of the United States and offer that as an argument against the pending measure. Not one of the constituents of any member of this House has come to this city but that member has felt a pride in showing him its beauties, its public buildings, broad avenues, and reservations.

I understand the proposition has been made in the Senate to expend a certain amount of money for the purpose of still further beautifying and adorning this city. I feel a pride in this city, and am willing to vote to place a reasonable amount of money in the hands of trustworthy agents for the purpose of still further improving it. Improvements should here keep pace with the growth of our country. This capital should be so adorned as to be an incentive to patriotism, and thus be made to contribute towards perpetuating our republican form of government. Money expended in this way is assuredly wisely invested. As this is the capital of the greatest nation upon the earth, so it should be made the most beautiful city in the world.

Mr. HEMPHILL. I desire merely to say a word or two more.

Mr. CLEMENTS. How much time does the gentleman propose to take?

Mr. HEMPHILL. How much time have I remaining?

The SPEAKER. The Chair understood the gentleman was speaking in the time of the gentleman from Iowa [Mr. HENDERSON], and that being the case there are seventeen minutes remaining.

Mr. HEMPHILL. Does the gentleman from Georgia desire to go on this evening?

Mr. HATCH. Oh, let us finish this up.

Mr. HEMPHILL. I only want to say that there seem to be some of our friends here who always manage to work themselves up into a state of undue excitement when anything of this kind is proposed because of apprehended real-estate speculations. It is not a question of whether somebody is going to make a little money but whether the District of Columbia and the United States are to get full value received for the proposed expenditure, because if the scheme is undertaken it is the duty of Congress to see that the money is properly expended.

It should be remembered, Mr. Speaker, that the people of the District of Columbia, having no representation here on the floor, ought not be denied the right of having that which every other city is allowed to enjoy; and I will say if they object to this that there has not been a single man who came before the District Committee and made that objection known. In addition to that, all this talk about the people of the United States paying for "monkeys," and the homes of the people being taken away from them in order to establish places here to keep monkeys, has nothing whatever to do with the question. The people of the United States are not "paying the money" in any sense in which these words are used in the speeches of gentlemen who are opposed to this measure. The property of the United States Government is paying its appropriate share of the taxes here. The amount that has been fixed by Congress is the amount that was believed to represent the proper proportion of the General Government towards the payment of taxes here, and if Congress thinks it is too large it can change it if it is not satisfactory. Hence it has nothing whatever to do with the question; and it is not coming out of my pocket, nor your pocket, but is a tax levied upon the Government of the United States upon property which it holds in this city, and which pays only its share of the taxation.

Now, there is nothing whatever in the idea that this thing is being pushed upon the House at the closing hours of the session of Congress. This measure has been pending in various forms since 1866, and was reported to Congress and thoroughly and fully investigated, and Mr. B. Gratz Brown, a gentleman who afterwards ran upon the national Democratic ticket, and ought therefore to receive the respectful consideration of this side of the House at least, reported in favor of it.

Mr. HATCH. I beg the gentleman's pardon; he did not run upon the Democratic ticket; he ran on the Greeley ticket.

Mr. HEMPHILL. Oh, he ran on the ticket which the Democrats set up and voted for. It is too late now to deny it. The Democrats nominated him.

Mr. HATCH. I beg the gentleman's pardon again; they did not nominate him.

Mr. HEMPHILL. Well, whether they did or not, he ran on the Democratic ticket, and the Democrats voted for him as a representative of Democracy, and he is an honorable man so far as I know his record. He reported in favor of this measure, and spoke in behalf of it in the Senate of the United States in 1866, and the question has been before Congress ever since that time. It was before the last Congress, and has been before every Congress for a long time, and will be before all Congresses to come, I suppose, until some definite action is taken in regard to it. I hope, therefore, the members of the House will vote upon this as a pure business transaction without reference to the other irrelevant questions which have been sought to be lugged into the debate.

I yield the balance of the time back to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. Mr. Speaker, this debate has been running about in the way I wanted it to run, because I desired an expression of sentiment on the part of the House in regard to this proposition.

There are one or two things in connection with the matter which either are not understood or which seem to be obscure to the minds of some gentlemen, and to which I desire to call the attention of the House briefly. The first parties that agitated the question of a zoological park or garden in this city were gentlemen connected with the Smithsonian Institution, and the central figure amongst them was Mr. Hornaday, a very intelligent gentleman, a man of large experience, who spent much time in the jungles of Africa and in other places, and felt a patriotic interest in preserving the remaining animals of this country.

He came before the Committee on Appropriations with the proposition, but the committee rejected it, and I was influenced somewhat by the idea suggested by my friend from Georgia at the time that probably there was a real-estate scheme back of the proposition. I think this House knows pretty well the fact that I have been quite an aggressive party in making attacks on such things as that when I thought they had as an inspiring motive such underlying influences. I have fought them vigorously, and have had some experience and hard fights in conferences with my friend from West Virginia [Mr. WILSON] on that same question. But after looking into this matter my investigation satisfied me that the real-estate speculators were against the park.

Now, the Senate has put on an amendment here providing for a 200-acre proposition. The citizens finding it at that stage, took it up and wanted to enlarge the appropriation into a national park, keeping the zoological garden as a feature of it. I had no part in getting up the bill or in reporting it, not being a member at that time of the District Committee, favoring the national park. So far as I have investigated it, and so far as the question of every great city having breathing places for its population is concerned, that feature comes to me with force in favor of the proposition. If it embraces a real-estate speculation, if it is for that purpose, I am for hitting that with an iron hand; but I am not prepared to sacrifice it because it might be an incident. I know nothing of the kind. No one approached me on the subject excepting the citizens' committee, ably represented and ably spoken for, who came before the conferees on the part of the House to represent their views. I thought it my duty before entering upon so important a question to lay it before the House and invite instructions. I care not whether it be voted up or voted down upon this bill. I will endeaver to carry out the instructions of the House. I am for the park, I am for a zoological garden, but I am frank in telling you that whatever is the judgment of this House in its action on this matter will be law for me.

Mr. HOPKINS, of Illinois. Does the gentleman not think it would be better to have that project in a separate bill?

Mr. HENDERSON, of Iowa. I am not prepared to answer that for this time.

Mr. CLEMENTS. Mr. Speaker, how much time is there remaining?

The SPEAKER. There are only six minutes remaining.

Mr. CLEMENTS. I yield two minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. The combination between the United States Government and the District of Columbia is, in my opinion, an infamous outrage upon the tax-payers of the United States; and so long as it exists this capital city of the nation will be disgraced as the Mecca of speculators and professional boomers. This is the best parked city in the world. It has no districts of congested population; it has no commerce; it has no manufactures; it has uniform, broad, open, healthful, well-paved avenues; it has no towering tenements and blind alleys; its numerous well-kept parks are brought to the homes and the very door-steps of the rich and poor people alike. It does not need this park. The city might as well buy an iceberg from Alaska as this park.

The gentleman from Tennessee [Mr. MCMILLIN] spoke a moment ago about a monkey-garden. The monkey is the central figure in the theory of evolution; and this project has evoluted as from the jelly-fish to the elephant. It was originally suggested that there should be a zoological garden attached to the Smithsonian Institution for all the animals of the United States. There would be plenty of room there for that. Then came the demand for an independent zoological park, with monkeys from Africa to gambol with the native buffalo, and the great American rattlesnake to play with the foreign boa-constrictor, while the native raccoon slept peacefully with the Numidian lion.

Then, from the zoological garden, pure and simple, came the grandly organized boom for Rock Creek Park. The monkey-garden, true to its nature, has evoluted into this gigantic demand on the national tax-payer. The "greatest show on earth" can crowd under canvas, but the proposed zoo wants half a township. There is nothing mean about local enterprise when it can draw drafts on the United States Treasury. Where is this park to be located? The gentleman from South Carolina [Mr. HEMPHILL] grew eloquent and pathetic asking breathing places for the poor; but he asks us to put this park not on the redeemed lands near the river, but away off in the region of the suffering and oppressed rich people, of whom you can not find enough to redeem Sodom remaining in the city during the hot, sultry days of which he speaks.

Where are the petitions from the great mass of the citizens for this park? If Dives demands, why does not Lazarus even petition? There is and can be no blackmail in raising the price of this land, because we do not want this park now nor will we ever need it in the future. If the backers of the movement want this land let them buy it themselves. The people of the United States do not want it. I am a true friend of this beautiful city and its people. The trouble is a few here undertake to speak for the majority. It is hard here to get genuine public opinion on local questions. In my opinion what is needed is good old-fashioned American local self-government.

Let the people rule. Divorce this unnatural partnership between the District and United States Government. Let the people choose their rulers, and through them say what they want, and then put their hands in their own pockets and pay for it like the manly, independent Americans they claim to be. In the mean time down brakes, hard and strong, on speculative adventures at the expense, to a large extent, of the Federal tax-payers.

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS. Mr. Speaker, I yield two minutes to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON, of West Virginia. Mr. Speaker, I do not want to participate in this discussion, but I have a great interest in questions affecting the District of Columbia, and in questions which are of great interest to my friend from Iowa [Mr. HENDERSON]. I have still a recollection of the strong comradeship that grew up between us in the last Congress when we had very hard battles over the District appropriations in the closing hours of the session, I have been called upon to confirm the statement made by the gentleman from Pennsylvania recently as to the origin of the appropriation for the water-works of the District of Columbia. That appropriation, Mr. Speaker, was not made upon the regular appropriation bill for the District of Columbia. It will be found in the statutes of the Forty-seventh Congress in an independent act, which was approved on the 15th day of July, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

My recollection of the origin of that act is that it came to the House from the Senate; that it first passed at the other end of the Capitol and came to this House. I venture to make the statement that it was considered and reported to this House by the Committee on the District of Columbia in the Forty-seventh Congress.

Mr. HEMPHILL. Will the gentleman state who was the chairman of the Committee on the District of Columbia in that Congress?

Mr. WILSON, of West Virginia. In the Forty-seventh Congress? I was not a member of that Congress.

Mr. CLEMENTS. Mr. Neal, of Ohio.

Mr. WILSON, of West Virginia. Mr. Neal, of Ohio, was chairman of that committee. My recollection is that this bill was passed at a night session devoted to the business of the District of Columbia.

Mr. BUTTERWORTH. I understand that the fault is not in the law, but in the execution of the law.

Mr. WILSON, of West Virginia. I was going to make that statement, that the trouble is not in the law so much as it is in its execution.

Mr. BUCHANAN. The water supply has not been increased, but "the other purposes" have been faithfully carried on. [Laughter.]

Mr. WILSON, of West Virginia. The whole trouble has come from the plans adopted for a subterranean tunnel. If the plans proposed by General Meigs or those proposed by Colonel Casey had been adopted it would have been completed years ago and at an expense of not one-fourth of what has already been expended, which seems now to have been wasted, and an adequate water supply obtained for the elevated portions of the city of Washington.

The SPEAKER. The time of the gentleman has expired.

Mr. CLEMENTS. I yield two minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I only want a few minutes in which to enter my protest, inasmuch as these parks and Government reservations are under consideration, against the manner in which they are used and abused on public occasions; and I do not allude to the occasion of the present inauguration, but to four years past and since, and to every opportunity since I have been a member of this House.

We talk of the people of the United States, and of the benefit that they derive from these reservations and parks. It is said that the streets belong to the people of the United States; that the parks are the property of the people of the United States; that the public buildings belong to the people of the United States; and yet we see all these reservations partitioned off to-day with scantling for seats, where no citizen of the United States who comes to Washington can get a sight of the inauguration ceremonies without paying a high fee to the monopolists, whoever they are, who belong in this District. Now, if we are to have public parks for the benefit of the people, and public streets and public reservations for the citizens of the United States, let us tear down the seats of these monopolists and let the free citizens of the United States have an opportunity of seeing the celebrations on public occasions without having to contribute their money to these monopolists of this District, who undertake to crowd everybody out by their great structures upon our public reservations. Let us have free parks and free streets. [Laughter and applause.]

The SPEAKER. The time allowed for debate has expired. The question is on agreeing to the report.

Mr. DIBBLE. I desire to move that the House recede from its disagreement.

The SPEAKER. This is not the time to make that motion.

Mr. CLEMENTS. I ask the previous question on the adoption of the report.

Mr. HEMPHILL. That, I understand, relates only to those things that have been agreed upon.

The SPEAKER. The report states that the conferees have agreed as to certain matters and have disagreed as to certain other matters. If the report is adopted the matters upon which the conferees agree will be disposed of, and the other matters upon which they disagree will be open for the action of the House or for future conference.

The previous question was ordered.

The conference report was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HERBERT, Mr. HATCH, Mr. RANDALL, and Mr. CLEMENTS rose.

Mr. CLEMENTS. Mr. Speaker, I wish to inquire whether or not the instructions proposed to be given by the resolution of the gentleman from South Carolina [Mr. HEMPHILL] are pending.

The SPEAKER. They are not. They have been read for information.

Mr. CLEMENTS. Then I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That, in the opinion of this House, the conferees on the part of the House on the District of Columbia appropriation bill should adhere to their action in conference of a disagreement as to this amendment.

Mr. HEMPHILL. Does that relate to the park?

The SPEAKER. The resolution does not mention any particular amendment.

Mr. HENDERSON, of Iowa. That is offered as a substitute for the resolution offered by the gentleman from South Carolina [Mr. HEMPHILL], I understand.

The SPEAKER. That resolution was not formally offered. It was read for information, but it is not pending.

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, in order that the effect of the vote may be fully understood, I wish to say that, as I understand, an affirmative vote on the resolution offered by the gentleman from Georgia [Mr. CLEMENTS] will be a declaration against the zoological garden and against the park.

The SPEAKER. Undoubtedly.

Mr. CLEMENTS. I move to insert in the resolution, after the word "amendment," the words "numbered 124."

The motion was agreed to.

Mr. CLEMENTS. I demand the previous question on the adoption of the resolution.

Mr. DIBBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DIBBLE. I rise to move that the House recede from its disagreement to the amendment numbered 124.

Mr. RANDALL. That is not in order.

The SPEAKER. The motion to recede takes precedence, but in effect it is simply the converse of the other proposition, and a vote on either one settles the other.

Mr. DIBBLE. I believe I have the floor.

Mr. RANDALL. The previous question has been demanded.

The SPEAKER. The previous question was demanded on the resolution; but pending that the gentleman from South Carolina makes a motion which under the practice of parliamentary bodies has priority, a motion that the House recede from its disagreement. As this motion tends to bring the two Houses to an agreement it has precedence.

Mr. MILLS. But has the gentleman the floor to debate the question when the previous question has been demanded?

The SPEAKER. It was not demanded on this proposition, but on the resolution offered by the gentleman from Georgia. This is a motion of superior dignity.

Mr. DIBBLE. I yield five minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. HEMPHILL. I would like to submit a motion, to be read in connection with that already pending—a motion that the House recede with instructions——

The SPEAKER. The House can not recede with instructions. The House can recede from its disagreement to an amendment, and can concur in the amendment with an amendment; but the House can not recede and at the same time instruct the conferees.

Mr. SCOTT. I move that the House adjourn.

Mr. HERBERT. I hope that motion will not carry. I desire to ask that there be a session to-night for the consideration of the naval appropriation bill.

The question being taken on the motion to adjourn, there were—ayes 87, noes 46.

Mr. O'FERRALL. I call for the yeas and nays.

The yeas and nays were not ordered, there being—ayes 11, noes 85; less than one-fifth voting in the affirmative.

So the motion to adjourn was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. PETERS: A bill (H. R. 12656) granting a pensions to Elizabeth W. Davis—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 12657) to grant a lease for a bath-house at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. TOWNSHEND: A bill (H. R. 12658) for the extension and improvement of Fifth street northwest—to the Committee on the District of Columbia.

Also, a bill (H. R. 12659) for the extension of Whitney avenue, in the District of Columbia—to the Committee on the District of Columbia.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Affidavit to accompany House bill No. 4662—to the Committee on Military Affairs.

By Mr. BOOHER: Petition of John M. Holt, of Atchison County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRUMM: Petition of citizens of the Sixth district of Kentucky, asking for the reopening of the election case of Thobe *vs.* Carlisle—to the Committee on Elections.

By Mr. CARUTH: Petition of Geo. A. Rougee, administrator of John Rougee, of Eliza H. White, widow of Bartlett B. White, and of Perry Crosthwait, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Memorial of farmers of Nebraska, for an increase of the currency of the country—to the Committee on Banking and Currency.

By Mr. GROSVENOR: Petition of Hughes Post, No. 285, and of Philip H. Sheridan Post, No. 328, Grand Army of the Republic, for an appropriation for publishing war records—to the Committee on Appropriations.

By Mr. HERMANN: Resolutions of Multnomah Typographical Union, in favor of the Breckinridge international copyright bill—to the Committee on Patents.

By Mr. O'FERRALL: Petition of Henry Huyett, of Clarke County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Maritime Exchange, asking the House of Representatives to recede from its amendments to Senate bill No. 2851, amending the interstate-commerce law—to the Committee on Commerce.

By Mr. OUTHWAITE: Resolutions of W. H. Fowler Post, No. 366, Grand Army of the Republic, in favor of appropriations of money for publishing war records—to the Committee on Appropriations.

By Mr. RICE: Memorial of the Secular Society of Minneapolis, Minn., against the Sunday-rest bill, etc.—to the Committee on Labor.

By Mr. ROBERTSON: Petition of heirs of Hermina Porche, of East Baton Rouge Parish, Louisiana, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. T. L. THOMPSON: Concurrent resolutions of the Legislature of California, for the improvement of Eel River, California—to the Committee on Rivers and Harbors.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. T. J. CAMPBELL: Of 395 citizens of New York.

By Mr. HUDD: Of 336 citizens of Wisconsin.

By Mr. H. G. TURNER: Of H. H. Tucker and others, of Georgia.

By Mr. VOORHEES: Of 187 citizens of Washington Territory.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BREWER: Of 215 citizens of Ovid, Mich.

By Mr. BUCHANAN: Of 179 citizens of Mount Holly, N. J.

By Mr. KEAN: Of 214 citizens of Ocean Grove, N. J.

By Mr. McCOMAS: Of citizens of Rockville, of Lay Hill, of Potomac, of Buckeystown, of Williamsport, of Hagerstown, of Smithsburgh, of Sharpsburgh, of Keedysville, of Smithsburgh, Md., and of the Grand Lodge of Good Templars of Maryland.

SENATE.

THURSDAY, *February* 28, 1889.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

The message also announced that the House had passed the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 157) correcting the military history of

Robert McNutt; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. REAGAN presented resolutions adopted by the Southwestern Lumber Manufacturers' Association, representing the States of Missouri, Arkansas, Louisiana, and Texas, favoring the passage of the bill for the organization of Oklahoma Territory; which were ordered to lie on the table.

Mr. CALL. I present joint resolutions of the Legislature of Florida, which I ask may be read.

The joint resolutions were read, as follows:

Whereas the State of Florida has a just and valid claim against the Government of the United States for reimbursement of money actually paid out to troops used in the suppression of Indian hostilities which should be paid over to the State without further delay; and

Whereas the Legislature of Florida, recognizing the justice of the aforesaid claim and the importance of a settlement thereof without further delay to meet the urgent demands upon the State for funds to protect the health of her people and the people of the whole country: Therefore,

Be it resolved by the Legislature of the State of Florida, the senate and house concurring therein by a two-thirds vote of each, That our Senators and Representatives are hereby requested to urge the passage by the present Congress of an act appropriating a sufficient sum to repay the State of Florida for the money expended in the suppression of Indian hostilities.

Resolved, second, That these resolutions be enrolled and signed by the president of the senate and speaker of the house, and a copy be sent to our representatives in Congress.

Passed the senate February 19, 1889.

PATRICK HOUSTOUN,
President of the Senate.
CHARLES A. FINLEY,
Secretary of the Senate.

Passed the house of representatives February 20, 1889.

J. L. GASKINS,
Speaker of the House of Representatives.
WILLIAM H. REYNOLDS,
Chief Clerk House of Representatives.

The PRESIDENT *pro tempore*. What disposition does the Senator desire made of the joint resolution?

Mr. CALL. Inasmuch as the bill to which they refer has been favorably reported from the Committee on Claims and is now on the Calendar, I move that the joint resolutions lie on the table.

The motion was agreed to.

Mr. GORMAN presented the petition of W. H. Baldwin, jr., and 509 others (218 voters and 292 women), citizens of Cecil and Howard Counties, in the State of Maryland, and a petition of the Independent Order of Good Templars of Rockville, Md., praying for the submission to the States of a constitutional amendment prohibiting the manufacture, importation, transportation, sale, etc., of alcoholic liquors; which were ordered to lie on the table.

Mr. VEST presented a memorial of citizens of St. Louis, Mo., remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Southwestern Lumber Manufacturers' Association, representing the States of Missouri, Arkansas, Louisiana, and Texas, favoring the passage of the bill for the organization of Oklahoma Territory; which were ordered to lie on the table.

Mr. TELLER presented the petition of Henry Brown and the petition of William Wright, masters United States Light-House Establishment, praying that their names may be placed upon the active-list of the United States Navy with the rank of lieutenant not in the line of promotion; which were referred to the Committee on Naval Affairs.

Mr. SHERMAN presented a memorial of 130 citizens of Ohio, remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of H. B. Geringer and 96 others (48 voters and 49 women), citizens of Delta and Yost Top, Fulton County, Ohio, and the petition of John C. White and 38 others (25 voters and 14 women), citizens of Piqua, Ohio, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. HAWLEY presented the petition of O. G. McIntire and 22 others, citizens of South Windsor, Conn., and the petition of R. F. Cooper and 32 others, citizens of Westport, Conn., praying for a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. PADDOCK presented the petition of J. H. Estey and 65 other citizens of Salem, Nebr.; the petition of James Griere and 122 other citizens of Wessington Springs, Dak.; the petition of J. T. Barnett and 81 other citizens of Buffalo, Dak., and the petition of William McCready and 135 other citizens of Aberdeen, Dak., praying for a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. MORGAN. I present the petition of Patrick Doran, formerly a messenger of one of the committees of this body, which has heretofore been referred to the Committee on Claims and reported upon favorably. I present it with a view of having it referred to the Committee on Appropriations, thinking that it is a proper item to be provided for in the deficiency appropriation bill.

The petition was referred to the Committee on Appropriations.

Mr. TURPIE presented a petition of citizens of Lee, Ind., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. McPHERSON presented petitions of citizens of Elmer and Ocean Grove, in the State of New Jersey, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented three memorials of citizens of Atlantic Highlands and other places in New Jersey, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of Elmer Parker and 37 others (21 voters and 17 women), citizens of Worcester, Mass., and the petition of J. M. Ball and 23 others (12 voters and 12 women), citizens of Holden, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

Mr. EVARTS presented the petition of the American Export and Trading Company of New York, praying such legislation as will promote the more intimate commercial relations of the United States with the several countries of Mexico, Central and South America, the West Indies, and other foreign countries, to the end that American shipping may be revived and American commercial interests and intercourse with foreign countries may be stimulated and encouraged; which was referred to the Committee on Commerce.

Mr. MORRILL presented the petition of E. T. Smith and 52 others, citizens of Corinth, Vt., and the petition of A. M. Allbe and 30 others, citizens of Springfield, Vt., praying for the passage of a constitutional prohibitory amendment; which were ordered to lie on the table.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives to return the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

Mr. EDMUNDS. I move——

The PRESIDENT *pro tempore*. The bill has been enrolled, and signed by the President of the Senate.

Mr. EDMUNDS. Has it been signed by the Speaker of the House?

The PRESIDENT *pro tempore*. And by the Speaker of the House. It is a House bill.

Mr. EDMUNDS. I move that it be returned, and let the House get out of it as best they can.

The motion was agreed to.

SALMON FISHERIES OF ALASKA.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

The amendment of the House of Representatives was, to add to the bill as a new section:

SEC. 3. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of Behring Sea, in Alaska, embraced within the boundary lines mentioned and described in the treaty with Russia dated March 30, A. D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper published at each United States port of entry on the Pacific coast, warning all persons against entering said Territory and waters for the purpose of violating said provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise in said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

Mr. EDMUNDS. That amendment raises a very important and in some respects a difficult question, if it means what those who advance it intend it to mean. If it does not mean that, and only applies to fishing for seals by citizens of the United States in Behring Sea while the subjects of Her Majesty are to be permitted to fish there, then it makes a very curious discrimination. The question is so delicate and important in those respects that I think I ought to move that the amendment be referred to the Committee on Foreign Relations.

Mr. HOAR. The amendment presents the great question whether the United States propose to assert the doctrine of *mare clausum* in regard to a sea larger than the Mediterranean and the gate-way to which is 450 miles wide. I think it should be very carefully considered by the Committee on Foreign Relations. While I suppose every member on this side of the Chamber means to affirm to their fullest extent the rights of the United States in those waters, it is very important that we have the advice of an experienced committee before affirming a particular principle, and, indeed, as to the phraseology and form of the affirmation which need be made as well as the substance.

Mr. STOCKBRIDGE. I hope the bill and amendment will be referred.

Mr. MORGAN. Before the bill is referred I desire to say a word about the amendment. I do not understand that section 3 proposed to the bill does present the question of *mare clausum*. It presents simply the question whether the United States having on the Aleutian Islands

very valuable fur-seal fisheries have the right to protect those animals in seas that do not belong strictly to the *mare clausum* principle, and which are very valuable to commerce, against that kind of fishing and hunting that is utterly destructive of the whole of the generation of fur-seals.

The principle upon which I understand the amendment to be based is entirely independent of any treaty stipulation between the United States and any foreign country, although in view of our treaty relations with Russia upon the subject of the Alaskan purchase and Russia's former assertion of the right to control the waters of the Behring Sea, I could not permit myself to admit on the floor of the Senate that that pretension of Russia was entirely unjust and that in purchasing Alaska we did not succeed to her rights in that particular.

But I desired only to say that I do not consider that the question of *mare clausum* is involved in the third section proposed to the bill by the House of Representatives.

Mr. STEWART. The original bill for the protection of the salmon fisheries is quite important to be acted upon, and I merely express the hope that the Committee on Foreign Relations will find time to bring it back at an early day, because at another season they might destroy the salmon fisheries practically by the dams and other contrivances that are going on there for the purpose, and that matter becomes important.

The PRESIDENT *pro tempore*. If there be no objection, the bill with the amendment proposed by the House of Representatives will be referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims, reported it with an amendment.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. VOORHEES on the 27th instant, intended to be proposed to the deficiency appropriation bill, reported it favorably, and it was referred to the Committee on Appropriations.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3192) granting increase of pension to Daniel H. Kent, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 4624) for the relief of the estate of John W. Whitfield, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1067) to amend the war record of Alfred H. Thomas, deceased; and

A bill (H. R. 9949) for the relief of Patrick C. McQueeny.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the petition of John H. Edwards, praying for compensation for military services rendered, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 3405) for the relief of Albert Grant, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of James B. Blackstone, praying for the payment of a balance of bounty claimed by him, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 9271) for the relief of James A. Stewart, reported it with amendments, and submitted a report thereon.

Mr. PLATT, from the Committee on Territories, submitted a report to accompany the bill (S. 2445) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes; which was ordered to be printed.

WASHINGTON AQUEDUCT TUNNEL.

Mr. EDMUNDS. Referring to the report I made two or three days ago from the joint select committee relating to the Washington water supply and which the Senate at that time only ordered to be printed as to the text of the report and one or two papers that were then returned, I stated at the time that there was a great mass of testimony and also a large number of maps and profile drawings, etc., that I would file in the Secretary's office to save bringing them in here. I now move that the testimony taken by the committee, and such parts of the maps and drawings as the chairman of that committee may think it advisable to print—I do not want to print them all if I can help it—be printed for the use of the Senate.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.

The message also announced that the Speaker of the House had appointed Mr. ERMENTROUT, Mr. CRAIN, and Mr. BAKER of New York members on the part of the House to co-operate with the committee appointed by the Senate to take charge of the arrangements for the inaugural ceremonies at the Capitol on the 4th of March.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOWEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WHITE RIVER BRIDGE.

The PRESIDENT *pro tempore*. Is there further morning business? If not that order is closed, and under the agreement of the Senate the Secretary will report the first bridge bill on the Calendar reported favorably from the Committee on Commerce.

The SECRETARY. Order of Business 2659, the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, before the word "feet," in line 4, to strike out "fifty" and insert "sixty-five;" so as to read:

That if said bridge shall be made with unbroken and continuous spans, there shall be at least one span of a height of not less than 80 feet above low water, or 65 feet above high water, measured to the lowest part of the superstructure of said bridge, and said span shall have a clear opening of at least 300 feet between the piers measured at right angles to the current at every stage, and shall be over that portion of the river used by boats during ordinary stages of water, and the bridge shall be at right angles to, and the piers parallel with, the current of the river.

The amendment was agreed to.

The next amendment was, in section 4, after the word "Arkansas," at the end of line 14, to strike out "in which" and insert "within whose jurisdiction;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Arkansas within whose jurisdiction any portion of said obstruction or bridge is located.

The amendment was agreed to.

The next amendment was, in section 6, line 17, before the word "built," to insert "commenced or;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILL CREEK BRIDGE, IN VIRGINIA.

The bill (S. 2299) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 7, after the words "sum of," to strike out "twenty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to construct and maintain an iron bridge over Mill Creek, in the State of Virginia, from the military reservation at Fortress Monroe to Elizabeth City County, in the said State of Virginia; and the sum of $25,000, or so much thereof as may be needed, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER EASTERN BRANCH OF POTOMAC.

The bill (S. 3900) to authorize the Secretary of War to make a survey, plan, and estimate of the cost of constructing a bridge across the Eastern Branch of the Potomac River, in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER ST. JOHN'S RIVER, FLORIDA.

The bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I ask the Senate to proceed to the consideration of executive business, stating that it will take but a few minutes and will not delay the order heretofore made. I believe it important.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened.

KENTUCKY RIVER BRIDGES.

The bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 8, after the words "over the," to strike out "contributaries" and insert "tributaries;" so as to read:

That the Kentucky Midland Railway Company, a corporation organized under the act of the General Assembly of the Commonwealth of Kentucky, be, and it is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Kentucky River, in the State of Kentucky; and also a bridge or bridges over the tributaries or forks of said river at such point or points as said company may deem suitable for the passage of its said road over said river or its tributaries or forks.

The amendment was agreed to.

The next amendment was, in section 1, line 10, after "foot-passengers," to insert:

But the rates of toll charged for the passage over said bridge of wagons, vehicles, animals, and foot-passengers shall be submitted to the Secretary of War and approved by him before said company shall collect such tolls.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "telegraph," to insert "and telephone;" so as to read:

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 3, line 9, after the word "be," to insert "commenced or;" and in line 12, after the words "Secretary of War," to insert "and the expense of such change or of any change required by the Secretary of War in such bridge after its completion shall be paid by the corporation or persons owning or operating said bridge;" so as to make the section read:

SEC. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location thereof; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War, and the expense of such change or of any change required by the Secretary of War in such bridge after its completion shall be paid by the corporation or persons owning or operating said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. This is a House bill amended. I move that the Senate insist on its amendments and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

MISSOURI RIVER BRIDGE.

The bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River, between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ILLINOIS RIVER BRIDGE.

The bill (S. 3951) to establish a railway bridge across the Illinois River extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 4, after the word "Company," to insert "a corporation organized under the laws of the State of Illinois;" in line 7, after the words "Illinois River," to strike out "extending from" and insert "between;" in line 9, after the words "Greene County," to strike out "to" and insert "and;" in line 12, after the word "river," to strike out "beyond what is necessary in order to carry into effect the rights and privileges hereby granted," and in line 15, before the words "district courts," to strike out "cause may be tried before" and insert "same shall be instituted and determined in;" so as to make the section read:

That the Litchfield, Carrollton and Western Railroad Company, a corporation organized under the laws of the State of Illinois, its successors and assigns, are hereby authorized and empowered to erect, establish, and maintain a railway bridge across the Illinois River between a point to be by them selected within 5 miles of Columbiana, in Greene County, and a point to be selected by them, within 5 miles of Kampsville, in Calhoun County, in the State of Illinois; and that said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the same shall be instituted and determined in the district court of the United States for the southern district of the State of Illinois.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "shall," to strike out:

Not be of less elevation in any case than 50 feet above extreme high-water mark as understood at the point of location to the bottom chord of the bridge, nor shall the spans of said bridge be less than 250 feet in length.

And in lieu thereof to insert:

Have one or more channel spans, each having not less than 350 feet clear channel-way, and not less than 55 feet clear head-room above high-water mark, and the clear head-room under the other channel spans may be less than 55 feet: *Provided*, That no part of the superstructure of such spans shall give a less head-room than 10 feet above high-water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height.

So as to read:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans: *Provided*, That if the said bridge shall be built with unbroken or continuous spans it shall have one or more channel spans, each having not less than 350 feet clear channel-way and not less than 55 feet clear head-room above high-water mark, and the clear head-room under the other channel spans may be less than 55 feet: *Provided*, That no part of the superstructure of such spans shall give a less head-room than 10 feet above high-water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height.

The amendment was agreed to.

The next amendment was, in section 2, line 20, before the word "feet," to insert "and fifty;" so as to read:

And the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than 350 feet in length.

The amendment was agreed to.

The next amendment was, in section 2, line 25, before the word "feet," to strike out "fifty" and insert "sixty;" in line 28, before the word "hundred," to strike out "one" and insert "three;" and in line 28, after the word "length," to strike out:

And such additional spans as may be required shall not be less than 100 feet in length, and said spans shall not be less than 30 feet above low-water mark, and not less than 10 feet above high-water mark, measuring to the bottom chord of the bridge.

And in lieu thereof to insert:

And every part of the superstructure shall give a clear head-room of not less than 10 feet above high-water mark.

So as to make the proviso read:

And provided also, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point and with spans of not less than 160 feet in length on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall not be less than 350 feet in length; and every part of the superstructure shall give a clear head-room of not less than 10 feet above high-water mark.

The amendment was agreed to.

The next amendment was, in section 2, line 35, after the words "high water," to insert:

Provided, That the spans of both high and low bridges shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw-opening of low bridges shall, if practicable, be located next or near shore.

The amendment was agreed to.

The next amendment was, in section 5, line 16, before the word "built," to insert "commenced or;" in line 25, after the words "prescribed by," to strike out "Secretary of War" and insert "Light-House Board;" in line 27, after the word "as," to strike out "Congress" and insert "the Secretary of War;" and in line 29, after the word "river," to strike out:

And the authority to erect and continue said bridge shall be subject to modification by law whenever the public good shall, in the judgment of Congress, so require, without any expense or charge to the United States.

So as to make the section read:

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of said bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plan of said bridge during the process of construction such change shall be subject to the approval of the Secretary of War; and the said structure shall be at all times so managed and kept

as to offer reasonable and proper means for the passage of vessels through or under said structure; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Light-House Board, and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to establish a railway bridge across the Illinois River, between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois."

Mr. VEST. I see by a mistake in the bill the clause reserving the right to alter, amend, or repeal this act has been omitted. That clause should be inserted.

The PRESIDENT *pro tempore*. By unanimous consent that clause will be inserted. The Chair hears no objection.

BRIDGE ACROSS POTEAU RIVER.

The bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, which were, in section 1, line 15, before the word "amount," to insert "the;" in line 16, after the word "the," to strike out "inhabitants" and insert "individual members;" in line 19, before the word "company," to strike out the word "and" and insert "of said;" in the same line, after the word "and," to strike out the words "among each other" and to insert "the company between the stockholders;" in line 20, after the word "jurisdiction," to insert "of said courts;" in line 22, after the word "distinction," to strike out "of" and insert "as to;" in the same line, to strike out "citezenship" and insert "citizenship;" and in line 23, before the word "parties," to strike out the words "as to" and insert "of the;" so that the section will read:

That an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.," approved June 18, 1888, be amended as follows:

"That the district court of the United States for the western district of Arkansas, or such other court of the United States as may have jurisdiction over the Indian Territory in which said bridge is located, shall have jurisdiction over all controversies arising between the said Fort Smith and Choctaw Bridge Company and the Choctaw tribe of Indians; and said court shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the individual members of said nation or tribe of Indians and said bridge company, and also over all controversies which may arise between the stockholders of said company, and the company between the stockholders; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Nation without distinction as to citizenship of the parties so far as the same may be necessary to carry out the provisions of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

BRIDGE OVER RED RIVER AT SHREVEPORT.

The bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VEST. I move to strike out the word "Texas" in the title and wherever it is found in the bill and insert "Pacific" instead; so as to read, "the Vicksburg, Shreveport and Pacific Railroad."

The PRESIDENT *pro tempore*. If there be no objection, the word "Texas" will be stricken out of the bill where it occurs, and the word "Pacific" will be inserted, and the same amendment made in the title. The title as proposed to be amended will be read.

The CHIEF CLERK. A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Pacific Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River, at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions.

Mr. VEST. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

BRIDGES OVER MISSOURI RIVER.

The bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGES OVER GREEN AND BARREN RIVERS.

The bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 11, after the word "which," to strike out "it" and insert "they;" so that the section will read:

That the Henderson State Line Railroad Company, organized under an act of the General Assembly of the Commonwealth of Kentucky, be, and is hereby, authorized to construct and maintain one or more bridges, and approaches thereto, over Green River and Barren River, in the State of Kentucky, at such points as said company may deem suitable for the passage of its said road over said rivers. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "privileges," to strike out the word "of" and insert "as;" and in line 6, after the word "telegraph," to insert the words "and telephone;" so as to make the section read:

SEC. 2. That any bridges built under this act and subject to its limitations shall be lawful structures and shall be recognized and known as post-routes, and they shall enjoy the same rights and privileges as other post-roads in the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the words "security of," to insert the word "the;" in line 10, before the word "built," to insert "commenced or," and at the end of the section to insert:

And all changes in said bridges required by the Secretary of War at any time or their entire removal shall be at the expense of the corporations or persons owning or operating said bridges.

So as to make the section read:

SEC. 4. That any bridges authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridges and a map of the location thereof, and until the said plan and location of the bridges are approved by the Secretary of War the bridges shall not be commenced or built; and should any changes be made in the plan of said bridges during the progress of construction such changes shall be subject to the approval of the Secretary of War, and all changes in said bridges required by the Secretary of War at any time or their entire removal shall be at the expense of the corporations or persons owning or operating said bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist upon its amendments and ask for a conference with the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

BRIDGE ACROSS OSAGE RIVER.

The bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 3, after the word "river," to strike out "beyond what is necessary to carry into effect the rights and privileges hereby granted;" in line 15, after the word "be," to

insert "or commenced;" and in line 16, after the word "be," to strike out "made" and insert "built;" so that the section will read:

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river, and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built: *Provided*, That if the said bridge shall be built with unbroken and continuous spans, they shall conform in length and height to the requirements of the Secretary of War, etc.

The amendment was agreed to.

The next amendment was to insert at the end of section 3:

All changes in said bridge required at any time by the Secretary of War shall be made at the expense of the persons or corporations owning or controlling said bridge.

So as to read:

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving the plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works during the progress of the works thereon such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the district of the State of Missouri in whose jurisdiction any portion of said obstruction or bridge may be located. All changes in said bridge required at any time by the Secretary of War shall be made at the expense of the persons or corporation owning or controlling said bridge.

The amendment was agreed to.

The next amendment was to insert, at the end of section 5, the words:

And all telegraph and telephone companies shall have equal privileges as to said bridge.

So that the section will read:

SEC. 5. That the United States shall have the right of way for such postal and telegraph lines across said bridge as the Government may construct and control, and all telegraph and telephone companies shall have equal privileges as to said bridge.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the word "all," to strike out the words "material and substantial;" so that the section will read:

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, so as to prevent or remove all obstructions to the navigation of said river by the construction of said bridge and its accessory works; and all alterations of said bridge shall be made and all such obstructions shall be removed at the expense of the owners of or persons controlling said bridge, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendments and ask for a conference with the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

MISSISSIPPI RIVER BRIDGE AT LYONS, IOWA.

The bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 6, after the word "maintain," to strike out "if in the opinion of the Secretary of War the same be a public necessity;" in line 9, after the word "River," to strike out "at a place suitable to the interests of navigation;" in line 16, after the word "river," to strike out "beyond what is necessary in order to carry into effect the rights and privileges hereby granted;" in line 22, after the word "obstruction," to strike out "touches" and insert "is located;" and at the end of the section to strike out the proviso: "*Provided*, That this proviso shall not influence the location of said bridge in its relation to the interests of navigation;" so as to make the section read:

That the Lyons and Fulton Bridge Company, a corporation organized and existing under and by virtue of the laws of the State of Iowa, its successors and assigns, be, and they are hereby, authorized to construct and maintain a railroad, wagon, and foot-passenger bridge across the Mississippi River at a point at or near the city of Lyons, Iowa, under the limitations and conditions hereinafter provided, and to lay on or over said bridge a track or tracks for the more perfect connection of any railroad or railroads that are or may be constructed to said river, on either or both sides thereof, at or opposite said point. That said bridge shall not interfere with the free navigation of said river, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction is located. Said bridge shall be constructed to provide for the safe and convenient passage of railroad trains, wagons, and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time, subject to approval and change by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, line 9, after the word "granted," to strike out "to all, including;" and in line 10, after the word "railroad," to insert "telephone;" and in line 12, after the word "for," to strike out "said;" so as to make the section read:

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads and public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted all railroad, telephone, and telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "railroad," to strike out "and telegraph;" so as to read:

SEC. 4. That all railroad and other companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

The amendment was agreed to.

The next amendment was, in section 5, line 38, after the word "Congress," to insert "or the Secretary of War," and in line 42, after the word "Congress," to insert "or the Secretary of War;" so as to make the section read:

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-line at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any bridge or bridges, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are decided by the Secretary of War to be such as will not materially or unnecessarily affect the interests of navigation the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel, for a distance of not less than 1 mile above the bridge location, and for the guiding of rafts, steam-boats, and other water craft safely through the draw and raft spans, as the Secretary of War shall from time to time prescribe and order to be constructed and maintained at the expense of the company owning said bridge; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribe by the Light-House Board; and the said structure shall be changed or removed at the cost and expense of the owners thereof from time to time as Congress or the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, when the public good shall, in the judgment of Congress or the Secretary of War so require, without any expense or charge to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendments and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

BRIDGE ACROSS THE ARKANSAS RIVER.

The bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 11, after the word "telegraph," to insert "and telephone;" so as to read:

Equal privileges in use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 4, after the word "conditions," at the end of line 8, to strike out "which each shall perform in" and insert "for;" and in line 11, after the word "hearing," to strike out the word "of;" so as to make the section read:

SEC. 4. That all railroad companies desiring the use of said bridge shall have, and be entitled to, equal rights and privileges relative to the passage of railway trains over the same, and over the approaches to the same, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge, and the several railroad companies, or any of them, desiring such use,

shall fail to agree upon the sum or sums to be paid, and upon rules and conditions for using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing the allegations and proofs of the parties.

The amendment was agreed to.

The next amendment was, in section 5, line 3, before the word "regulations," to strike out "the" and insert "such;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of said river as the Secretary of War shall prescribe.]

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the word "Congress," to insert "or Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal at the expense of the owners thereof, whenever the Congress or Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. FRYE were appointed.

BRIDGE ACROSS RED RIVER, LOUISIANA.

The bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHT OF WAY THROUGH SIOUX RESERVATION.

The bill (S. 2029) granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, after the word "course," in section 1, line 13, to insert "between the Cheyenne and Moreau Rivers;" so as to make the section read:

That the right of way is hereby granted, as hereinafter set forth, to the Forest City and Watertown Railroad Company, a corporation duly organized under the general incorporation laws of the Territory of Dakota, its successors and assigns, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Sioux Indians and commonly known as the Sioux Indian reservation, beginning at a point on the west bank of the Missouri River in Dewey County, Dakota, opposite Forest City, Potter County, Dakota Territory, running thence by the most practicable route in a southwesterly course between the Cheyenne and Moreau Rivers to the city of Deadwood, Dak.

The amendment was agreed to.

The next amendment was, in section 3, line 9, after the word "until," to insert:

The consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States may direct, and until.

So as to make the section read:

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States shall direct, and until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 5. That Congress shall have at all times power to alter, amend, or repeal this act and revoke all rights hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS TALLAPOOSA RIVER.

Mr. VEST. I ought to have reported yesterday from the Committee on Commerce the bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River. I now report that bill with amendments, and ask that it be taken up and considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, in section 2, line 6, after the word "telegraph," to insert "and telephone;" so as to make the section read:

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way over said bridge for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 4, line 17, before the word "built," to insert "commenced or;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plan of said bridge during the progress of construction such changes shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, at the end of section 4, to add:

And the expense of such change and of any other changes at any time required by the Secretary of War in said bridge, or its entire removal after being completed if the Secretary of War deems the same necessary, shall be paid by the persons or corporation owning or controlling said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAMPTON AND OLD POINT RAILWAY.

The bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, line 16, after the word "corporation," to strike out:

Provided, That the privilege hereby granted shall at all times be subject to be rescinded by order of the Secretary of War, and that the said corporation shall at any time when so ordered by the Secretary of War remove its rails and all other fixtures and appurtenances: *Provided also*, That the location of said road shall follow the water line of Hampton Roads from the bridge across Mill Creek along the western side of the land ceded to the United States by Virginia, terminating at the pier on Hampton Roads, unless a different location be made by order of the Secretary of War: *And provided further*, That the said road shall be constructed through to the land ceded to the Government upon such route, plans, and dimensions as may be approved by the Secretary of War: *And provided further*, That the charges for transportation of any inmate of either the said Soldiers' Home or Hampton Institute over the entire line of said street railway, one way, shall not exceed 10 cents, and the charge for like transportation of any package not exceeding 20 pounds in weight and belonging to any inmate of either said home or said institute shall not exceed 10 cents: *And provided further*, That the privilege herein granted shall be determined and become void unless the said road shall be completed and put in operation between the points aforesaid within two years from the passage of this act.

And to insert in lieu thereof:

subject to the following provisions:

First. Said railroad shall cross Mill Creek upon a bridge distinct from the existing bridge owned by the United States or upon such bridge additional to and united to the existing bridge as may be approved by the Secretary of War. It shall follow the water line of Hampton Roads along the western side of the land ceded to the United States by Virginia, terminating at some point north of the quartermaster's pier, or near to and on the west of the highway nearly opposite the main entrance to Fortress Monroe.

Second. So much of said road as may be upon said lands ceded as aforesaid shall be constructed upon such plans and dimensions as may be approved by the Secretary of War.

Third. The manner and times of running cars of said road shall be subject to such special orders or general regulations as the Secretary of War may deem necessary to the good order and the military uses of the military post and ceded lands.

Fourth. Charges for the transportation of any inmate, officer, or employé of the Soldiers' Home or Hampton Institute, or any enlisted man or civilian employé of the military force at Fortress Monroe over the entire line of said road shall not exceed 10 cents.

Fifth. The privileges hereby granted may at any time be rescinded or suspended by order of the Secretary of War, and said corporation shall at any time, when so ordered by the Secretary of War, remove its rails and all other fixtures and appurtenances at its own expense and cost and without any claim of any kind whatever for any loss, damage, or compensation of any kind from the United States.

Sixth. The grants and privileges mentioned in this act shall be determined and become void unless the said road shall be completed and be put in operation within said ceded lands within two years from the passage of this act.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "act," to strike out "shall be in force from its passage, and;" so as to make the section read:

SEC. 2. That this act shall be subject to alteration, amendment, or repeal at any time at the pleasure of Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. PLUMB. I ask unanimous consent that the pending business be laid aside and that the Senate proceed to the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The order of the Senate will not expire until 12 o'clock and 38 minutes.

Mr. PLUMB. I move, then, that the Senate proceed to the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of a bill the title of which will be stated.

Mr. HOAR. Are the bridge bills disposed of?

The PRESIDENT *pro tempore*. The bridge bills have been disposed of, but the agreement was that if any time remained of the hour assigned for their consideration the remaining time should be devoted to what are known as right-of-way bills favorably reported and on the Calendar; and the hour assigned for that purpose, with the time which has been consumed in other objects, will not expire until 12 o'clock and 38 minutes. The Senator from Kansas moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. HOAR. I hope the Senator will not do that after the unanimous-consent agreement made last night.

Mr. HARRIS. The Senator from Kansas certainly will not insist upon violating the unanimous agreement.

Mr. PLUMB. I could have this bill passed in a few minutes if the Senate would allow me to get it up.

Mr. DAWES. I ask leave to make a report.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] is entitled to the floor. Does the Senator insist upon his motion?

Mr. PLUMB. I do.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was not agreed to.

Mr. PLUMB. If Senators decide not to go on with the consideration of an appropriation bill, then they may have that responsibility upon them.

Mr. HOAR. There was unanimous consent given last night for the consideration of bridge bills to the exclusion of everything else for one hour this morning, and I consider myself bound in honor to so vote.

Mr. PLUMB. Senators can take the responsibility.

Mr. HOAR. It only postpones the consideration of the appropriation bill which the Senator from Kansas has in charge for a few moments.

The PRESIDENT *pro tempore*. Does the Senator from Kansas desire to have the unanimous consent suspended?

Mr. DAWES. I ask unanimous consent to be allowed to make a report at this time.

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The next bill on the Calendar under the order of the Senate will be proceeded with.

Mr. HARRIS. If the Senator from Kansas will ask unanimous consent to vacate the former order I shall have no objection, but having agreed, as I did, to the order made yesterday, I will not by vote violate that order.

Mr. PLUMB. I did ask unanimous consent, but the Chair held that that was not in order.

The PRESIDENT *pro tempore*. The Senator from Kansas misunderstood the Chair. The Chair merely announced the order of the Senate. The reading of the next bill in order will proceed.

DULUTH AND WINNIPEG RAILWAY.

The bill (S. 3918) granting to the Duluth and Winnipeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations in the State of Minnesota was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 2, line 24, after the word "reservations," to strike out "as to the amount of said compensation" and to insert "to the provisions of this act;" so as to read:

But no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey, for the definite location of such railroad, and including the grounds for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservations to the provisions of this act shall have been first obtained in a manner satisfactory to the President of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHEROKEE CENTRAL RAILWAY.

The bill (S. 3721) to grant a right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, line 3, after the words "one hundred," to strike out "and fifty," and in line 5, after the words "two hundred," to strike out "and fifty;" so as to read:

That said corporation is authorized to take and use for all purposes of a railway and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width with a length of 3,000 feet, in addition to right of way for stations for every 10 miles of the road, with the right to use additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill.

The amendment was agreed to.

The next amendment was, in section 6, line 11, after the word "within," to strike out the words "one year" and insert "six months;" so as to read:

That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or said location shall be void; and said location shall be approved by the Secretary of the Interior, in sections of 25 miles, before construction of any such section shall be begun.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMESTOWN AND NORTHERN RAILROAD COMPANY.

The bill (S. 1228) granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY THROUGH INDIAN RESERVATIONS.

The bill (S. 2806) to authorize the Secretary of the Interior to fix the amount of compensation to be paid for right of way for railroads through Indian reservations, in certain contingencies, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING MIDLAND RAILWAY COMPANY.

The bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 3, line 21, after the word "that," to strike out "the President of the United States may, in his discretion, require that;" in line 22, after the word "to," to strike out "said right of way" and insert "this act;" and in line 24, before the words "may prescribe," to strike out "he" and insert "the President of the United States;" so as to make the proviso read:

Provided, That the consent of the Indians to this act shall be obtained by said railway company in such manner as the President of the United States may prescribe before any right under this act shall accrue to said company.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments and request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. JONES of Arkansas, Mr. SABIN, and Mr. DOLPH were appointed.

The PRESIDENT *pro tempore*. The order of the Senate for the consideration of bridge bills and bills granting rights of way has been executed. If there be no further morning business——

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

Mr. CULLOM. The understanding yesterday, as I remember it, was that immediately after the consideration of the bridge bills, which have now been disposed of, the interstate-commerce matter should come up again for consideration, and I move that the Senate proceed to the consideration of that measure.

The PRESIDENT *pro tempore*. The Chair has no power to enforce a unanimous agreement. It rests wholly upon the consent of the Senate.

Mr. CULLOM. I move then——

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Kansas, who has moved to proceed to the consideration of the Post-Office appropriation bill.

Mr. CULLOM. I hope——

The PRESIDENT *pro tempore*. The motion is not debatable. Is there objection to the Senator from Illinois proceeding?

Mr. PLUMB. We can pass the appropriation bill in fifteen minutes.

Mr. CULLOM. Very well.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The bill was reported from the Committee on Appropriations with amendments.

Mr. PLUMB. I ask that the bill be read for action on the amendments of the committee.

The PRESIDENT *pro tempore*. If there be no objection, the amendments proposed by the Committee on Appropriations will be acted upon as they are reached in reading the text of the bill.

The Chief Clerk proceeded to read the bill, and read to line 9, on page 6.

Mr. PLUMB. In line 10, on page 6, after the word "stations," I move, by instruction of the committee, to insert:

Including superintendents of weighers of second-class matter.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 6, line 10, after the word "stations," insert:

Including superintendents of weighers of second-class matter.

So as to read:

Superintendents of stations, including superintendents of weighers of second-class matter, ten classes, salary, graded in even hundreds of dollars, from $1,000 to not exceeding $2,000 per annum, except at New York, N. Y., where the salaries of the superintendents of Stations A and D shall be fixed at $2,500 each per annum, and superintendents of Stations E and F shall be fixed at $2,200 each per annum.

The amendment was agreed to.

The reading of the bill was resumed.

The first amendment reported by the Committee on Appropriations was, under the head of "Office of the First Assistant Postmaster-General," on page 9, after line 9, to insert:

That all acts and parts of acts that conflict with the provisions hereinbefore stated are hereby repealed.

The amendment was agreed to.

The next amendment was, under the same head, on page 9, line 13, after the word "offices," to insert "including rent of city post-office at Washington, D. C.," and in line 14, before the word "thousand," to insert "and ten;" so as to make the clause read:

For rent, light, and fuel for first and second class post-offices, including rent of city post-office at Washington, D. C., $610,000.

Mr. PLUMB. After the word "dollars," in line 14, I move to insert:

And of this sum not exceeding $900 may be paid for the rent of a branch post-office on Capitol Hill, in the city of Washington.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the same head, on page 9, line 16, after the word "dollars," to insert the following proviso:

Provided, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $400, nor more than $60 for fuel and lights in any one year.

The amendment was agreed to.

The reading of the bill was continued to line 24, on page 9.

Mr. PLUMB. I move to add after the word "million," in line 24, the words "and ninety-five thousand;" so as to read:

For free-delivery service, $8,095,000.

The amendment was agreed to.

Mr. PLUMB. I also move to add at the end of line 24, on that page, after the word "dollars:"

Provided, That the Postmaster-General may, if in his judgment the good of the service so requires, make contracts for necessary supplies for the free-delivery service for a period not exceeding four years, payable out of this appropriation.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Office of the Second Assistant Postmaster-General," on page 11, line 19, after the word "fund," to insert "or any portion thereof;" so as to make the clause read:

For necessary and special facilities on trunk lines, $295,655.38: *Provided*, That the Postmaster-General may, in his discretion, withdraw this fund, or any portion thereof, from any railroad company when, in his judgment, the public interests require it.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT *pro tempore*. Are there further amendments to the bill as in Committee of the Whole?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendments, and request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the House on the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11651) to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes; that the House further insisted upon its disagreement to the amendments of the Senate numbered 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 39, 42, 43, 44, 47, 48, 51, 52, 54, 61, 63, and 65, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. HENDERSON of Iowa managers at the further conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay; and it was thereupon signed by the President *pro tempore*.

MISSISSIPPI RIVER BRIDGE AT RED WING.

Mr. VEST. I am instructed by the Committee on Commerce to report favorably with amendments the bill (S. 3923) to authorize the Duluth, Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road.

Mr. SABIN. As the bill just reported is a bridge bill, I ask that it may be put on its passage at this time.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill just reported from the Committee on Commerce may be now considered.

Mr. CULLOM. Do I understand the Senator to say that it is a bridge bill?

Mr. SABIN. It is a bridge bill.

Mr. CULLOM. I will yield for that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendments of the Committee on Commerce will be stated in their order.

The first amendment of the Committee on Commerce was, in section 1, line 4, after the word "company," to insert "a corporation created and organized under the laws of the State of Minnesota;" in the same line, after the word "assigns," to strike out the words, "being first thereto authorized by the Legislatures of the States of Minnesota and Wisconsin, respectively;" and in line 12, after the word "for," to strike out the words "a railway and wagon bridge combined" and insert:

The passage over the same of railroad cars and locomotives, and at the option of the company for the passage of vehicles, animals, and foot-passengers.

So as to read:

That it shall be lawful for the Duluth, Red Wing and Southern Railroad Company, a corporation created and organized under the laws of the State of Minnesota, its successors and assigns, to build and maintain a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to lay on and over said bridge railway tracks, for the more perfect connection or use of any railroad or railroads that are or shall be constructed to the said river at or opposite said Red Wing, and said bridge may be so constructed as to be used for the passage over the same of railroad cars and locomotives, and at the option of the company for the passage of vehicles, animals, and foot-passengers.

The amendment was agreed to.

The next amendment was, in section 1, line 13, before the word "bridge," to strike out the word "railway;" after the word "bridge," to strike out "or combined railway and wagon bridge;" and in line 14, before the word "constructed," to strike out the word "so;" so as to read:

Any such bridge shall be constructed and maintained under the limitations and conditions herein provided.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "river," to strike out the words "beyond what is necessary in order to carry into effect the rights and privileges hereby granted" and insert "but the rate of tolls charged for the transit of vehicles, animals, and foot-

passengers shall be approved by the Secretary of War before the same shall be collected;" in line 8, before the word "any," to strike out "which" and insert "whose jurisdiction;" and in the same line, after the word "obstruction," to strike out the word "touches" and insert "is located;" so as to make the section read:

SEC. 2. That the said bridge shall be so constructed as not to interfere with the free navigation of said river, but the rate of tolls charged for the transit of vehicles, animals, and foot-passengers shall be approved by the Secretary of War before the same shall be collected; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of the said river the cause may be tried before the district or circuit court of the United States for any district of any State in whose jurisdiction any portion of the bridge or obstruction is located.

The amendment was agreed to.

The next amendment was, in section 3, line 6, to strike out the word "cord" and insert "chord;" and in line 8, after the word "mark," to strike out "as such mark is understood;" so as to make the proviso read:

Provided, That if the said bridge shall be made with unbroken and continuous spans, the bottom chord of said bridge shall not in any case be of less elevation than 50 feet above extreme high-water mark at the point of location of said bridge; nor shall the spans of said bridge be less than 250 feet in length; and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and not less than 300 feet in length.

The amendment was agreed to.

The next amendment was to add to section 6 the words "or persons or corporation controlling the same;" so as to make the section read:

That the plan and specifications, with the necessary drawings of said bridge, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built or commenced; and should any change be made in the plan of said bridge during the progress of the work thereon, such changes shall be subject to the approval of the Secretary of War; and all changes in the construction of said bridge that may be directed by Congress shall be made at the cost and expense of the owners thereof or persons or corporation controlling the same.

The amendment was agreed to.

The next amendment was, in section 7, line 2, after the word "said," to insert the words "town of;" so as to make the section read:

Said bridge shall be so constructed as not in manner to interfere with the waterworks of said town of Red Wing, or with any pipe, well, or other appurtenance, or machinery, fixture, or property connected therewith.

The amendment was agreed to.

The PRESIDENT *pro tempore*. In section 7, line 2, if there be no objection, before the word "manner" the word "any" will be inserted. That amendment will be made.

The next amendment of the Committee on Commerce was, in section 8, line 1, before the word "amend," to strike out "or;" after the word "amend," to insert "or repeal;" and after the word "act," in the same line, to strike out the words "so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges;" so as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was to add to section 8:

And if the construction of said bridge is not commenced in one year from the approval of this act and finished in two years from the same date, this act shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. CAMERON, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON and Mr. JONES of Arkansas submitted amendments intended to be proposed by them respectively to the deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

FLORIDA STATE CLAIM.

Mr. CULLOM. If there is no further morning business I move that the Senate proceed to the consideration of the disagreeing votes of the two Houses on Senate bill 2851, being the interstate-commerce bill.

Mr. CALL. Day before yesterday, when the Calendar was taken up, there was unanimous consent given for the consideration of Senate bill 746. I do not think that to pass the bill will take any more than the time of reading it. The Legislature of the State of Florida have by a joint resolution petitioned Congress to pass this bill, particularly in view of the condition of the treasury of that State and the necessity for large expenditures to prevent the recurrence of the epidemic which existed there last year. Under these circumstances I ask the Senator from Illinois and the Senate to respect the unanimous consent that was given day before yesterday, which was that that bill should be considered at the conclusion of the three hours which the Senate then granted for the consideration of House bills on the Calendar.

The PRESIDENT *pro tempore*. The Secretary will read the agreement of yesterday.

The Chief Clerk read as follows from to-day's RECORD:

The PRESIDENT *pro tempore*. Then is it the understanding that the bridge bills are in that hour first to be considered and afterwards, if time remains, the right-of-way bills?

Mr. CULLOM. And that the interstate-commerce bill shall come up immediately afterwards.

The PRESIDENT *pro tempore*. That will be the understanding, if there be no objection. It is so ordered.

Mr. EDMUNDS. Let us understand this. I ask that the Chair state whether the agreement has been made.

The PRESIDENT *pro tempore*. The Chair has announced that it was so ordered.

The PRESIDENT *pro tempore*. The Chair lays before the Senate, pursuant to the agreement of the Senate, the message from the House of Representatives concerning the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887. The message of the House of Representatives will be read.

Mr. STEWART. I ask the Senate to pass a little bill. If it takes more than a minute I shall let it go for the present.

Mr. CALL. I rise to a question of order.

Mr. CULLOM. The Senate has been considering this interstate-commerce matter two or three times, and we are approaching, I trust, the end of the conference report, so as to get it away that other business may be transacted. I hope there will be no interruption until it is out of the way, which will be but a little while.

The PRESIDENT *pro tempore*. The message of the House of Representatives will be read.

Mr. CALL. I rise to a question of order. The Senate gave its unanimous consent day before yesterday for the consideration of Senate bill 746 at a particular time.

The PRESIDENT *pro tempore*. That was vacated by the order of yesterday.

Mr. CALL. Then, if that was vacated without any consent of mine, I ask unanimous consent that at the conclusion of the present order of business Senate bill 746 shall be taken up under the previous agreement.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that at the conclusion of the consideration of the pending amendments to the interstate-commerce bill the Senate will proceed to the consideration of the bill (S. 746) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes. Is there objection?

Mr. BLAIR. I reserve the right to object if it leads to debate. I have been a long time pressing for an opportunity to ask the Senate simply to vote upon a constitutional amendment that has been reported favorably in at least two Congresses, and I desire that it may be laid before the Senate simply for a vote upon it, the Senate listening no further than just to the reading of the report. I do not like to be in the way of the public health, and I suppose the bill of the Senator from Florida tends in that direction; but I desire to reserve the right to object if it leads to debate.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Florida? The Chair hears none.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I give notice that after the bills for the consideration of which consent has already been given are out of the way, I shall ask the Senate to take up and pass the House pension bills. It will not take exceeding twenty minutes to dispose of them.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The message of the House of Representatives relating to Senate bill 2851 will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 4, 1889.

Resolved, That the House insists upon amendments numbered 3 and 7 to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. CRISP, Mr. ANDERSON of Iowa, and Mr. O'NEILL of Pennsylvania be the managers of the further conference on the part of the House.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate recede from its disagreement to the amendment of the House numbered 3.

Mr. PLAT . Mr. President, as one member of the Committee on Interstate Commerce, and as one of the conferees on the part of the Senate upon the disagreeing votes of the two Houses upon the amendment which is now under consideration and a motion to recede from

which has been made, I desire to say a very few words. I shall not take the time of the Senate at any considerable length.

I believe that Congress has acted wisely in passing the interstate-commerce bill. I believe that under its administration many of the complaints which were prevalent in the country before its passage have been composed, and that many of the inequalities and discriminations which had existed prior to that time have been remedied.

I believe, and believe thoroughly, that the law as it is being administered by the Interstate Commerce Commission is of great value to the country. I desire that it shall not be imperiled. It seems that all legislation of this kind can have no other effect but to imperil that law and its successful administration in the future.

That law is based upon one fundamental proposition, and that is that unjust discriminations and undue preferences shall not be permitted on the part of railroads among their patrons. That is the general proposition of the law.

While it was under consideration all kinds of propositions were made, that there should be incorporated into the law special features of legislation which should determine what should be a proper rate of freight charge in any case, and whether a certain rate per mile should be charged upon freight, whether certain things should go in one classification or in another classification, whether certain methods of transportation should be treated as other methods of transportation with regard to charges; but the committee considered, and I think considered wisely, that if the law was to have a successful result the only thing to do was to declare the general principle and leave it to the commission to carry that into effect.

The law having been passed, the commission having been in operation nearly two years, it having taken hold of all complaints made that the general provisions of the law and the common law were not being complied with and dealt with them, and I must say in a satisfactory way, now, when some amendments are proposed to the law which seem to be necessary, and especially one relating to allowing the commission to require the publications of joint tariffs by connecting roads, there comes back the old proposition to depart from the theory of the bill and to say that in one certain case freight rates shall be charged according to a certain principle. It is special legislation. The theory of the bill is general legislation, and if we are to adopt special legislation in this case, then there is no reason why we should not go the country all over and adopt special legislation when anybody comes here and appears to make out a good case.

It is better for the bill, it is better for the interests of the country, for the interests of the railroads, for the interests of the patrons of railroads, to leave the matter as it is, in my judgment; and therefore I am opposed to any such amendment to the law or to any amendment that seeks to determine by Congress how freight rates or passenger rates shall be arranged.

I confess that I have been looking with a great deal of curiosity to see the object of this amendment. I can not understand it. I do not know what is behind it. I know there are denunciations of the Standard Oil Company here, but the question of comparative charges on oil carried in tank-cars or in barrels is settled. It is settled, and settled satisfactorily, by the Interstate Commerce Commission, and acquiesced in by the railroads and by the Standard Oil Companies; and yet here it comes to be tried again in this tribunal. Now, what is the reason for it?

I repeat, the principle of this very amendment, with one exception which I shall point out, is already the decision of the Interstate Commerce Commission in a case which involved nine railroads, has been acquiesced in by those roads, and is being acquiesced in by the other common carriers of the country. Why bring it here again? That case was heard upon a book of testimony as large as one of the volumes of the Statutes at Large. It was carefully considered; it was heard at great length; very carefully considered by the commission; a very elaborate and able opinion rendered, and it was settled. Yet here it comes again.

If this is all for the purpose of denouncing the Standard Oil Company, all right; there is no necessity for this legislation unless it be to perpetrate an injustice which the Interstate Commerce Commission did not allow by its decision. I suppose the Standard Oil Company is a great monopoly. I am willing to assume for the purpose of the discussion of this case that it is a very wicked monopoly; that it does very wicked things; but I do not on account of that propose to indulge in what seems to me most vicious legislation, in legislation which can only have far-reaching and lasting deleterious results.

Let us see just what this amendment is and see if we can get at what the real animus of it is. This case, which has once been settled by the Interstate Commerce Commission, is brought here on appeal by the plaintiff, and we who have not read the testimony—I venture to say there are not three Senators in this body who have read the testimony on which that case was decided—that we who have not read the case and who are not familiar with it, and who can not understand what is right and what is wrong in it, are asked to decide the case over again. There must be a reason for it, and I think I can point it out.

But first I want to refer to the decision of the Interstate Commerce Commission in this case, to show what it was. I am not going to read at great length, but I am going to read from the syllabus of the case which I find in the second annual report of the Interstate Commerce Commission—the case of George Rice *vs.* The Louisville and Nashville and eight other railroad companies. It is this:

When for a special traffic, *e. g.*, the transportation of petroleum oils, a carrier provides rolling-stock for one method, but does not provide it for another for which it publishes rates, but the shippers are expected to provide the same, the terms on which such rolling-stock is to be provided should be uniform and be published with the rate-sheets, and can not lawfully be left to be the subject of bargain and of different terms in the case of different shippers.

It is properly the business of a carrier by railroad to supply the rolling-stock for the freights he offers or proposes to carry; and if the diversities and peculiarities of traffic are such that this is not always practicable, and consignors are allowed to supply it for themselves, the carrier must not allow its own deficiencies in this particular to be made the means of putting at unreasonable disadvantage those who make use in the same traffic of the facilities it supplies.

When two methods—

I ask attention to this. If any Senator has the amendment before him I ask him to compare the amendment with this portion of the decision of the Interstate Commerce Commission:

When two methods for the transportation of an article of merchandise are nominally offered by the carrier, for only one of which it offers rolling-stock, and for the other of which the shipper must supply his own rolling-stock at considerable expense, it can not be said that the resort to the latter by the shipper is so far a matter of choice that he has no concern with the charges for transportation in the other mode. The man of small means being compelled to make this choice by reason of the carrier's failure to supply rolling-stock for the other mode, has a right to insist that the charges by transportation in the two modes shall be relatively just and equal.

When oil is transported in tanks permanently affixed to car bodies, the tank is to be considered as part of the car; and for oil transported therein the charge for transportation should be the same by the hundred pounds that the carrier charges for transportation between the same points of barrels filled with like oil and taken in car-load lots. The carrier is guilty of unjust discrimination if the shipper in barrels is charged a higher rate.

Neither the fact that the shipper in the one case supplies the rolling-stock, nor the alleged fact, which is not found sustained, that for the tanks there is a greater probability of return loads, nor the further alleged fact that with barrel shipments there are greater risks to the carrier's property and that which it carries, can justify imposing upon the barrel shipments the greater burden.

Having read so far in the decision, I propose to read the amendment which is insisted upon here.

Mr. REAGAN. Will the Senator from Connecticut allow me to interrupt him?

Mr. PLATT. If the Senator will wait one moment, I want to put the amendment right along with this decision.

Mr. REAGAN. What I wanted to do——

Mr. PLATT. I wish to put this amendment right along in connection with what I have read.

Mr. REAGAN. What I wanted to say was that the report of the Interstate Commerce Commission——

The PRESIDENT *pro tempore*. The Senator from Connecticut declines to yield.

Mr. PLATT. I will yield in a moment, but I do not want to yield just now. This is the amendment:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

There is nothing said in the decision about the tanks or the barrels being carried free in each case, but I think it may be implied from what I have read. At any rate, with that exception the amendment is precisely the decision of the Interstate Commerce Commission so far as I have read it. I now propose to read another clause from the decision of the Interstate Commerce Commission which is not in this amendment, and which shows why the amendment is insisted upon as it is.

Mr. REAGAN. If the Senator will now allow me, what I want to do is to read the ruling of the commission following what he has read.

Mr. PLATT. Let me get through with the decision.

Mr. REAGAN. But the Senator will pass to another decision now.

Mr. PLATT. No, not at all. There was in that decision this:

Under this rule the carrier will be at liberty and will be expected to make to the owner of tank-cars a reasonable allowance for their use.

That is not in this amendment. The amendment is for the purpose and no other purpose, as I think, of adding to the decision of the Interstate Commerce Commissioners the provision that the persons who supply tank-cars shall not be allowed anything for their use. That is all there is to it. The commission decided that they should be entitled to a reasonable compensation for the use of their cars. Pass this amendment and they are not to have any compensation for the use of their cars.

That brings the whole matter down to a single point. George Rice, the plaintiff in that case, not having obtained from the commission a decision that the shippers were not entitled to a reasonable sum for the use of their cars, comes to Congress and asks Congress to so declare and to reverse that portion of the decision. He would make Congress an appellate court.

I submit that it is not well for us to try this case over again. There is no reason for trying it over again. The fact that the Standard Oil Company is a monopoly, the fact that it has done bad things, that it

is a wicked monopoly, if you please, is no excuse for taking the case out of the hands of the Interstate Commerce Commissioners and enacting a law on the subject. If it were not for the appeal which is made to prejudice against the Standard Oil Company, the amendment, in my judgment, would not have 3 votes in the Senate.

I am not a friend of monopolies. If the Standard Oil Company is a monopoly that has been doing wrong I am not its friend, I am its enemy; but I am not going by any appeal to whatever feeling I may have against the Standard Oil Company to be led into what I think is improper and unwise and even vicious legislation.

Why should not the parties who furnish tank-cars have a reasonable sum for their use? If one railroad furnishes to another railroad a tank-car the railroad so furnishing it will have a reasonable sum allowed for the use of the car while in the possession of the latter carrier. Why should not the same rule apply?

These tank-cars were the result of a necessity. They were the result of a condition of things which made their invention, their construction, and their use a necessity. The railroad companies could not furnish them, or did not furnish them. The people engaged in the business were obliged to furnish them. Now, why should not the people who furnish their own cars have what is allowed to everybody who furnishes cars to a railroad company—a just compensation for the use of them? Why should we here in Congress enact a law that, if the peculiarities of a business are such that the railroad company can not furnish a peculiar car, and the people engaged in the business do furnish the car, they should not be allowed a reasonable compensation for the use of it? If it were not that this were the Standard Oil Company no such proposition would obtain a foothold for a moment in the Senate.

Mr. President, there are other people who own tank-cars besides the Standard Oil Company. While the amendment is aimed at the Standard Oil Company it hits some other people. The total number of tank-cars in the United States is about 7,000. Fifty-eight per cent. of them are owned by the Standard Oil Company; 24 per cent. are owned by other firms and individuals engaged in producing and transporting oil, and 18 per cent. are owned by railroads.

But this principle goes further. It goes to every business for the proper development of which it becomes necessary to have cars of a different construction from the ordinary freight-car which is furnished by railroads. It goes to the dressed-beef business, which I think is as great a monopoly as the Standard Oil business, with this exception, that the Standard Oil monopoly, however wicked it may have been, has succeeded in reducing the price of oil very materially to the consumer, while the dressed-beef monopoly has succeeded in raising the price of beef to the consumer.

But I saw in a paper since this discussion has been going on that a new dressed beef company was about to be incorporated, and it was to put on a new line of refrigerator cars, and there was to be competition in the business. Pass this measure and say that the new company which proposes to enter into competition in this business shall not have any compensation for the use of the cars which it may furnish and you break down that competition. Oh, competition is all right until it reaches a point where people can compete favorably, and then it is apparently all wrong in the estimation of some Senators.

It goes still further. Take the lumber cars of the great Northwest, cars that have to be furnished especially for the business. You may say that the railroad companies ought to furnish them. They can not, or will not, and if the business is to be carried on satisfactorily the cars are to be furnished by the people engaged in the business. Why should they not have a fair compensation for the use of them? Will you so extend the amendment that wherever a business differs from the ordinary transportation of merchandise in a way that it requires special cars, and the railroad company is not ready or willing or can not furnish them, and the persons engaged in the business can furnish them and do furnish them, nothing shall be allowed by railroads for the use of such cars? I maintain that such compensation is right, and fair, and just, and honorable, and nobody ought to complain of it.

That is what this decision says. That is the only limitation upon the rule that there must be charged for oil carried in barrels in car-load lots no more than is charged for oil carried in tank-cars, by the hundred pounds. That limitation is right, and it is to break down that limitation that this amendment is brought here and insisted upon in the Senate.

Mr. SHERMAN. Mr. President, the debate thus far, and especially by the Senator from Illinois [Mr. CULLOM] and the Senator from Connecticut [Mr. PLATT], shows that either they do not understand this amendment or I do not. The Senator from Connecticut has discovered a mare's nest. He has put a construction upon this amendment that no mortal man has ever claimed for it. The author of the amendment, one of my colleagues in the House of Representatives, who spoke to me about it and understood the construction that was put upon it, looked over it with me to see if it could bear such a construction. I say to the Senator that it is absolutely insensible to such a construction. There is not a word or a line in this amendment that prevents the railroad company from allowing any shipper for the use of a car. The whole is a mere fancied trouble.

Mr. President, I need not speak even so long as my friend from Connecticut upon this subject, who said he would confine himself to a very short time. I think I can make this matter plain so as to show that the amendment is not special legislation. It is general legislation. It asserts a principle and applies it to a particular industry or business, not to a special case or to a special man. It applies the rule which lies at the foundation of the interstate-commerce act to the transportation of petroleum and all its products in this country and to everything that can be carried in barrels or in tanks. It therefore applies a broad general principle that where oil or turpentine or cotton-seed oil is carried in tanks of iron it shall not be charged a less rate of transportation than the same amount of oil carried in barrels, which is the common mode of confining liquids by the ordinary people of the country. That is all there is of it. It does not go a single inch beyond it.

Senators say it is special legislation. The Interstate Commerce Commission recommended this identical legislation in their first report as to petroleum. I have here a quotation from their report. Instead of being special legislation it was among the very first provisions demanded by the Interstate Commerce Commission after they entered upon the discharge of their duties. Here it is, taken from their first report:

> It is well known also that the transportation of mineral oil is already to a very large extent in tank-cars owned by parties who are not carriers subject to regulation under the act to regulate commerce. A willingness to disregard the rules of equality and justice as between shippers when it can be made for the interest of the carriers to do so is as likely to make its appearance in the action of the managers of any one of these outside organizations as in that of the managers of the railroads, for the temptations will be the same and the same class of persons will be bidding for special privileges and advantages which before the act was passed prospered so unfairly upon railroad favors. The act has not changed the nature or the grasping disposition of individuals; it has only interposed certain restraints, which it is reasonable to assume will be evaded if the opportunity shall be presented.

Now, mark this passage:

> These facts are noted for the purpose of placing the whole subject distinctly before the National Legislature. If it is the will of Congress that all transportation of persons and property by rail should come under the same rules of general right and equity, some further designation of the agencies in transportation which shall be controlled by such rules would seem to be indispensable.

Here the commission, after pointing out the abuses that grew out of the use of tank-cars and the discrimination in favor of that mode of carrying this product, called the attention of Congress to it with a view to have it corrected, and this amendment is only a feeble effort to carry out this recommendation of the commission. Let us go a little further.

It is sometimes said that this amendment will raise the price to the consumer. What foundation is there for that claim? None whatever. The men who are anxious to have the amendment adopted wish to promote competition. They do not wish to be trammeled and driven out of trade by superior advantages given to those who control larger means. That is all there is about it.

Senators seem to think that we have dragged the Standard Oil Company here to be arraigned. I have not arraigned the Standard Oil Company. Among its managers are some of my dearest friends. But at the same time we must know that the effect of combining great interests and great wealth and great power in the hands of a single corporation or a single set of trustees does tempt them to seize and hold and press every advantage. It is in human nature to do it. We would do it ourselves.

No man can be trusted to try his own case. All I have said and all I want is that these men who have not these facilities and advantages shall have equal competition so far as the law can give it to them, yielding, however, to the superior force and superior wealth and the natural advantage which is given against them. All I ask and all that is provided for in this amendment is that precisely the same rate shall be applied to transporting oil in barrels as to oil in tanks. That is all I have asked and all I have endeavored to ask.

Mr. GRAY. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. I promised not to be long, and I know it would lead me away from the line of my remarks.

Mr. GRAY. It is only a single question and on a matter of much interest.

Mr. SHERMAN. If the Senator will only ask a single question I will yield.

Mr. GRAY. I ask the Senator whether the carrying of oil in tanks and also the conveyance of it by the wonderful pipe-lines from the oil wells is not a great economy in the distribution of that product and a great advancement in the mode of conveyance?

Mr. SHERMAN. I will answer in the first instance yes, and in the second instance no. I intended to come to that very point, and I shall read what the commissioners say.

Mr. GRAY. If the Senator answers yes that it is, I ask him again whether the effect of the amendment is not to neutralize this great advancement in the economy of distribution.

Mr. SHERMAN. I answer no. I say the effect of this amendment will tend to reduce the price, and I say it will have the opposite result of driving out this competition, now almost ruined, because men can not stand up against the competition they have with these great com-

panies. If you drive them out of competition you raise the price of this important article everywhere, because there will be no one to dispute the price.

Mr. President, let us go a little further, confining myself to the line of argument I intended to pursue. It is said by my friend from Illinois, whose opinions I always respect, that if this amendment is adopted the Standard Oil Company will furnish no more cars of this kind. My friend need not fear that at all.

That leads me to reply to the leading remark made by my friend from Connecticut. There are two motives and two reasons why the Standard Oil Company will always furnish cars. As long as they can use them for their own purposes in this way they have practically a monopoly of transportation. There are two reasons: first, because they get paid for the use of cars, not as the producers of oil, not as the refiners of oil, but as a company organized with a view to furnish rolling-stock, or an equipment company. Nobody denies their right to do that. The Senator from Connecticut seemed to imply that we denied their right to a reasonable compensation and to pay for the use of these cars. Not only have we not denied it, but I am perfectly willing to put a clause in the amendment stating that the owners of these cars may be allowed a reasonable rate for the use of the cars. That is the law now. The railroad company may hire cars, they may fix the arrangement, but that is one kind of a contract. That is a contract with an equipment company, because the Standard Oil Company has many faces and many visages and has all kinds of companies under its control and organization, but all governed by trustees.

However, the amendment does not in the slightest degree prohibit a railroad company from paying to this equipment company for the use of the car, and the usual rate is so much a mile. It is allowed to all cars. It is absolutely necessary in the conduct of the great business of the United States that this arrangement should exist, because the Pennsylvania Railroad Company, for instance, sends its cars not only over its lines, but to the remotest part of this great country. Its railroad cars, and the cars of other long lines of railroad, may be seen in the farthest extremity of the country, and everywhere, wherever they go, they are allowed in their accounts with each other a certain rate that is agreed upon. The same rate applies for this equipment company, alias the Standard Oil Company. When it puts its cars on the road, and they go off to a particular line, however far away, they are all the time earning money, and it is the money that these cars earn, received from the railroad company, that will always induce them to put their cars on. Therefore my friend from Illinois need not fear at all but that this equipment company, or some other equipment company, will always supply all the cars that are necessary.

Mr. President, this kind of attachment to railroad companies is, in my judgment, one of the most dangerous sapping and mining operations of railroads. Nearly every company has more or less equipment companies and side-shows, as they are called, who receive from the company under a contract made between the equipment company and the railroad company certain rates, certain charges for the supply of cars. Those agreements exist now between these companies that furnish the oil-cars, and they get their money for transporting the car, and the poor dealers can not use these cars. They do not complain of that, because they see no way to avoid it. It would not be prohibited in this bill, nor is it prohibited by this amendment in the slightest degree. Therefore, for all time to come, as long as railroads cease to perform their full duty of supplying cars necessary to the transportation of all kinds of products, equipment companies, and the Standard Oil Company is one great equipment company, will supply cars. So with the express-cars sometimes, so with the refrigerator-cars, so with the lumber-cars, and so with all these various cars. They are paid for by the railroad, and that is the reason why they are furnished. If they were not paid for, if their use was not paid for by the railroad, they would be discontinued and the railroad companies would be compelled to buy or build these cars. Therefore this question does not enter into that matter at all.

But there is one advantage which these people have against the smaller dealers that ought not to exist and ought not to be favored by the law, and that is every company owning its own cars and having its advantages of wealth and power is constantly, from the nature of mankind, engaged in an effort to obtain a monopoly of the trade. I said yesterday that the English law in respect to interstate commerce, or rather in respect to commerce in Great Britain, is better than ours, because it declares in so many words that if any arrangement is made which tends towards monopoly the courts there may intervene under the common law of England to prevent that dangerous form of oppression, for there can be no more dangerous form of oppression than a monopoly, a power which is not possessed by others. The English law guards against it. All that this amendment is designed to do is to guard against the monopoly which, under the ordinary course of business, the oil-transporting companies with their tank-cars will have over the others. All that is asked by these people, most of whom are struggling now for an existence, is that their oil furnished by mother earth in bounteous flow, and only in modern times, shall be carried at the same rate per gallon in the barrels that they can furnish as the Standard Oil and other companies.

Mr. President, I will say to the gentlemen who are opposed to this amendment that it does not in the slightest degree affect the right of a railroad company to hire cars and to pay a reasonable amount for their use. If in that hiring of cars an unreasonable amount is paid for cars hired with the view to give a particular company an advantage or a monopoly it is under the prohibition of the law as it stands now, and the Interstate Commerce Commission, in the admirable decision they made in the case of George Rice against these various railroad companies, expressly recognized that fact and recognized the equity and justice of this claim. Indeed, I could not state this matter more strongly than by reading a few paragraphs from the decision made by the commissioners in that case. In considering the question of the different rates paid for oil in tanks and oil in barrels they say:

I. The fact that the owner supplies the rolling-stock when his oil is shipped in tanks in our opinion is entitled to little weight when rates are under consideration.

The commission having already stated that as a matter of course in the ordinary transaction of business a fair and reasonable allowance should be made for the use of cars when furnished. Then the commissioners proceed:

It is properly the business of railroad companies to supply to their customers suitable vehicles of transportation (Railroad *vs.* Pratt, 22 Wall., 123, 133), and then to offer their use to everybody impartially. If the varieties of traffic are such and their requirements of rolling-stock so numerous and diversified that this becomes impracticable or burdensome, so that the aid of their customers becomes essential or convenient, the supply obtained by their assistance can not with any justice be utilized by the carrier in such manner as to establish discriminations which would otherwise be inadmissible. The carrier has no right to hire rolling-stock and then allow it to be used exclusively by one class of persons on such terms as will drive out of business those who are compelled to use its own rolling-stock in a competitive traffic. This, however, is precisely what takes place in this traffic if the rates for the transportation in barrels are considerably in excess of those which are charged for the transportation in tanks. The tank-cars which are furnished to the carrier by shippers, whether the use is paid for or not, ought properly to be held for the use of all; but if this is found impracticable, it is very certain and very obvious that proprietorship of the car for the use of which the carrier pays, as it generally does—

Here the commissioners again recognize, and recognize properly that in all cases the carrier has to pay to the shipper for the use of the car when the shipper furnishes the car. The commission say further:

But if this is found impracticable, it is very certain and very obvious that proprietorship of the car, for the use of which the carrier pays, as it generally does, can fairly entitle the owner to no special consideration in the making of rates.

The commission carefully discriminates between the making of rates on carrying oil and the question of paying a reasonable charge for the use of the car, which we do not in any case deny. It goes on and says:

He—

The shipper—

has an advantage, arising from his ownership, in being able to control the use, but that circumstance can be no reason for extending to him exceptionable consideration which will make the advantage specially oppressive to competitors. It is, on the other hand, a very forcible reason why the carrier should see to it that its patrons who are forced to make use of such facilities as it provides for them shall not find its own want of proper rolling-stock made a ground of discrimination against them. On this point the misapprehension of the situation is very apparent in some of the arguments which have been made for the defense. The complainant, it is said, asks the railroad companies to relieve him from the consequences of his own lack of capital to carry on his business to the best advantage. He can not choose the best method, because that method requires a large outlay in capital. His competitor in business can choose it, and it is for that reason that complainant is driven out of the market. He must blame his want of capital, it is said, and not the railroad companies, for his failure.

A statement of the situation differing a little from this will more nearly present the actual facts. The railroad company not having supplied itself with the necessary rolling-stock to enable one branch of its traffic to be carried on in the way most advantageous to those who engage in it, suffers parties who have the capital which will enable them to supply the defect to put cars of their own upon the road, for the use of which it pays, and at the same time gives to such parties the exclusive use of what they supply, and also such preferential rates on the merchandise carried for them as will put successful competition quite out of the question. It is not the lack of capital to carry on the business that then proves fatal, but it is the lack of capital, in addition to what is needed in the business, to supply rolling-stock to the railroad company for his use. It would be the height of injustice for the carrier to make such a lack a ground for discrimination in rates, and then to say that the party suffering from it has no reason for complaint since the rates which are named are offered to all. The offer is exclusive in fact, whatever it may be in terms or in theory.

If a carrier of passengers were to make a uniform rate of 3 cents a mile to all who rode in the cars it provided, but, being deficient in rolling-stock, were to allow owners of private cars to fill them with passengers at 2 cents a mile and be paid for the use of the cars in addition, we should not expect any one to attempt a defense of the discrimination based upon the ground that the rates were equally open to all, and that if one, by reason of lack of capital to supply himself with a private car, was unable to take the benefit of the most favorable rate, he should blame his fortune for it, not the common carrier.

The wrong in such a case would be as plain as it would be gross; but such a discrimination in the carriage of persons would be far less injurious than a similar discrimination in the transportation of property; the one would involve a small sum of money only; the other might be destructive to a business. We hold, therefore, that the fact that one consignor furnishes a car for hire to the railroad company for the transportation of his oil is no ground whatever for a discrimination in rates in his favor as against another consignor who must ship in the cars the carrier supplies. It may be a reason for limiting to himself the use of the car he furnishes, but the discrimination can not justly or lawfully go any further.

I might go on and show the reasoning of the commission; and all we ask now is a legislative declaration applicable to all corporations of this kind, and I would extend it to all articles alike, but as the House amendment confines it only to articles like oil and turpentine, which

are carried in bulk, all that is asked is a rule which will make the same rate for oil carried in barrels as for oil carried in tanks. That is all.

Mr. President, there is another thing which my friend——

Mr. SPOONER. The Senator will allow me to ask him a question. Has not the Interstate Commerce Commission decided that the same rate must be charged per hundred pounds or per pound for the transportation of petroleum in casks or barrels as in tanks?

Mr. SHERMAN. I do not care to go further into that matter. If the commission did so decide, this is only what is contained in the decision, and why then object to it? What harm can it do?

Mr. SPOONER. If the commission has so decided, what is the necessity or the good of our enacting the decision into a statutory law?

Mr. SHERMAN. I say they did not do it, but the Senator seems to claim they did. But if they did, even if it should be reiterated in the law, what harm could it do? It would only show how foolish and vain is this opposition to the amendment, which the Senator seems to think only enacts what is already decided by the commission.

But my friend from Illinois talked about the pipe-line to Chicago. When I spoke of pipe-lines I had not in my mind the proposed pipeline from Ohio to Chicago. I thought at the time of the pipe-lines in Pennsylvania, going from the oil regions there to New York, but it makes no difference; it is all the same. It is right and just that pipelines should be established, and I should be very glad indeed to see the surplus oil of the oil region of Ohio transported to Chicago and St. Louis, or wherever else it may be used; but when it is transported in a pipeline, owned by a single company, and they claim the right to exclude from it all oils not belonging to them or controlled by them, then I say such a pipe-line is against public policy, and my honorable friend here within a year from this time will be clamoring for the extension of this law over it.

Mr. CULLOM. If it becomes a common carrier under the law.

Mr. SHERMAN. It must become a common carrier, because it can only get the right to go from Lima, Ohio, to Chicago, by passing through three States, and it must get the consent of three States to laying down the line, disturbing the soil and the roads. It becomes a common carrier for that very reason, because it must depend to some extent upon a grant from the governments of the States through which the line passes. When a pipe-line of this kind is established it ought to be open to all.

It is sometimes said that it will not do to mix the oils from different wells. Senators who make such an assertion are mistaken, for the oils from different wells are mixed all the time. Why should not all oils go over the same pipe-lines? Why should not that be the rule? It ought to be the law made here now. It is said, however, that it will not do to mix the oils. All oils from the same field, of the same kind, are of the same value. From the vast oil region of Pennsylvania they send all the oils in pipe-lines and mix it. The same argument might be made against the transportation of wheat, that each man's wheat from the farm should be kept separate until it is finally consumed; and yet we know that in commerce all the wheat goes into the bins in the great warehouses and is drawn out by shutes and is carried in cars and mixed all the way, so that the wheat which finally enters into a barrel of flour may come from half a dozen different States. So with these pipe-lines.

No, Mr. President, the principle must be extended, and I shall have to wait until next session, when the Senator himself will be demanding that there shall be no discrimination in transporting oil on pipe-lines, and that where a pipe-line undertakes to transport oil it becomes a common carrier and is subject to the law of common carriers and must take the oil from every oil-well without discrimination or favor; and any attempt whatever by any company to set up an exclusive use of one of these pipe-lines will be resisted by my friend as eagerly and as earnestly as I am doing now in seeking justice for my constituents.

Mr. President, I asked a moment ago, and I repeat the question, why should oil carried in barrels pay more than oil in tanks? Why should it not have the same rate? What reason is given? Sometimes it is said as to oil that is carried in tanks that the tank is attached to and forms part of the car. So it is. But the iron tank which contains the oil weighs more than the barrels necessary to carry the same quantity of oil. So, if there is any discrimination, it ought to be in favor of the barrels. They are lighter.

But it is said some times that it is easier to load oil on to a tank than oil in a barrel. So it is. But who loads the oil? Not the railroads, not the common carrier; but every shipper, where the charter is by the carload, is bound to load and unload his car. That is the universal law of the road. Every person who hires a car loads it, whatever may be the load to be put upon it.

The Senator from Delaware [Mr. GRAY] seems to be surprised at that, but if he will hire cars he will find that he gets an empty car and may fill it as he pleases, and when it arrives at its place of destination he must unload it. If there is any difference in the case of loading and unloading it falls upon the poor shipper, who ships in barrels and not upon the owner of the car.

So, Mr. President, all these discriminations now are against the small shipper. Ought not the large shipper to be satisfied with the natural discriminations in his favor without seeking to get another advantage in the rate charged?

But it is said that the commission had decided that the tank-cars must be carried backwards and forwards from place to place without cost, and even money is paid for their use all the time, and yet the commission decided that these other shippers in barrels must pay return freight on their barrels, that they must pay in addition to the freight on the oil the freight on the barrels going and returning, here again giving by virtue of their decision a discrimination in favor of the great shipper as against the poorer shipper.

That is one thing that should be corrected so that the barrel and the tank-car will be carried free back and forth on precisely the same footing; but now, under the decision of the commissioners, the tanks are carried free while the barrels are charged return freight, and that return freight in some cases amounts to a reasonable profit on the whole transaction, the business being a close one with sharp competition.

Senators, I am not in the habit of making any appeals grounded upon a mere prejudice against wealth or strength or power. They have their advantages. I say in this case I feel that I am advocating a principle which is right and just, from which this Senate can not flee, and I intend if I can to make it so plain that it will not attempt to flee. I say that all the shippers of oil should have the same rate of charge that is charged against the man who owns the car, and owns the railroad perhaps; the great producers of our country and the great oil-shippers of our country should be put upon the same footing of equality, and you can not escape it.

I am not here to demagogue. I am not here to appeal for these men, citizens of my own State, because they are not so strong and wealthy as those with whom they compete. I do not ask a single thing for them that I would not be willing to give to the greatest and strongest corporation in the world; but I do say that while I have a seat here they shall not be discriminated against unless against my most earnest and solemn protest.

Now, Mr. President, I have said all that I care to say. I believe the proposition contained in the House amendment is right. I believe the Senate will do itself justice in adopting this simple proposition. If it works wrong there can be no danger from it, for we shall be here in a short time again to correct it. It simply declares a general principle, in some measure already announced by the commission, and I believe its declaration by Congress will fortify and strengthen them in their contest to do what is right and just between the shippers.

Mr. CULLOM. Mr. President, I shall only take the time of the Senator for a few moments.

The Senator from Ohio [Mr. SHERMAN] makes a very earnest appeal to the Senate to do justice by the people, and that is very proper; I make the same appeal. I say to this American Senate that I desire in the legislating upon this question that the Congress of the United States shall do exact justice by all the people of this country, rich men and poor men, whoever they may be. That is all very nice talk, but the question before the Senate is whether the amendment proposed by the Senator from Ohio, if it were enacted into law, would not legislate discrimination as between one set of people and another. I undertake to say that the effect of that amendment if adopted would be, not to do exact justice between all the people, but to produce absolute discrimination by statutory provision.

I am not standing here in defense of the Standard Oil Company; I am not here in defense of any monopoly; but I am standing here to protect this law, the purpose of which was to prevent unjust discriminations, to prevent preferences, to prevent extortions, and to protest against having an amendment incorporated into the law the result of which would be to produce exactly that state of case. I assert without the fear of contradiction that if the amendment which was incorporated into this bill by the House of Representatives were to become a statute the result would be inevitably that the price of oil to the people of this country, the consumers, would be increased instead of reduced.

Let us see what is the language of the provision. The last clause of it says:

> As in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

Mr. SHERMAN. That is the very thing. Now they do carry the tank-cars free.

Mr. CULLOM. Suppose they do now carry free in each case. Suppose you adopt the amendment proposed, the result of it would be that they would not carry free in either case; that would be the consequence of it, and the effect would be an increase to the consumer in the price of oil just as inevitably as that the sun rises and sets every day. I am not going to detain the Senate, because I know there is an eager desire to get this subject out of the way so that other matters may be considered.

Mr. GEORGE. If it will not disturb the Senator, I should like to ask him a question.

Mr. CULLOM. Not at all.

Mr. GEORGE. I desire to ask the Senator from Illinois if the fact is not that under the law as it now exists, with all the restraints we have been able to put upon the traffic about which we are discussing, the Standard Oil Company almost entirely monopolizes this transportation; and does it not in fact have such advantages that it is crushing out all smaller dealers and all smaller refiners?

Mr. CULLOM. I will answer the Senator. There have been many smaller refiners, as they are called, before me on this subject, some of them protesting against the amendment that is now under consideration, opposing it because they say in the end it will operate against their interests. Others have been before me and have said that while the law is right now they want this thing legislated in; that is to say, they want their lawsuits settled by statute instead of going before the commission with a presentation of the facts and trying the case as anybody else does as between litigants. That is the situation of the case.

The Interstate Commerce Commission, as I said yesterday, have rendered two decisions, and in the last one, in the Lake Shore case, they have decided practically, and almost in terms, that it is the duty of the railroad company, and they ordered that that railroad should do so, to carry oil in tanks and in stock-cars per car-load at the same rate; and because every railroad is not perhaps immediately consenting to that arrangement and so giving other people trouble, other men have come to me and said that they wanted to avoid a lawsuit, to avoid the expense of going before the commission, and therefore wanted us to put this special legislation into the law so that they might get rid of the necessity of presenting their facts and trying their case before the commission.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Senator will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the resolution offered by the Senator from Massachusetts [Mr. HOAR], authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States, etc.

Mr. HARRIS. I ask the unanimous consent of the Senate that the unfinished business may be laid aside and that the pending question be disposed of.

Mr. SPOONER. I hope the Senator will modify that so that the unfinished business may be informally laid aside.

Mr. HARRIS. Informally laid aside is exactly what I meant if I did not say it. Let it be informally laid aside until the Senator from Illinois concludes his remarks and we come to a vote.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the unfinished business may be informally laid aside until the matter now pending be concluded. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. Mr. President——

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Illinois is now entitled to the floor. Does he yield to the Senator from Virginia?

Mr. CULLOM. I do not.

Mr. RIDDLEBERGER. I beg pardon. I did not know that the Senator from Illinois had the right and title to the floor after 2 o'clock.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. CULLOM. Mr. President——

Mr. GEORGE. I desire to ask the Senator from Illinois a question.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. CULLOM. Yes, sir.

Mr. GEORGE. If it be true that the Interstate Commerce Commission have substantially decided, as I understood the Senator to say they have, that the law is now as is proposed by this amendment, what is the objection to incorporating that decision into the statute?

Mr. CULLOM. The objection to incorporating this amendment into the general law is that the result of it would be a change of base by the common carriers of the country, and the consequence of that would be that the people would suffer in the increase of the price of oils to the consumer. As inevitably as the world stands that would be the result. And I want to say another thing, that the Interstate Commerce Commission has decided that every case stands and must necessarily stand upon its own facts. For instance, oil is shipped from the oil fields to the honorable Senator's State or further beyond in tanks. There comes back car-loads of turpentine and cotton-seed oil and materials of that sort. In that case the tank shipment would perhaps be cheaper to the railroad than if the oil were sent to Mississippi in box-cars filled with barrels, while in other sections of the country North a different state of facts would be found to exist.

The consequence is, as I intimated before, that every case coming before the commission must stand upon its own merits and facts just as any lawsuit litigated between individuals stands the fact pertaining to that particular case. But when you come to make the law say that so and so must be so and so everywhere, you thereby legislate into this act unjust discrimination in some cases, where it would be right and proper in others. So I say that kind of legislation ought not to be tolerated in a general act the purpose of which is to prevent extortion and unjust discrimination and preference in all parts of the country, leaving the facts to be ascertained by testimony before the commission or the courts so as to ascertain what the right of the case is in each instance.

Now, the honorable Senator from Ohio has referred to the English law on this subject, and he says that there the common law allows a party to go into court wherever there is preference, and the court sees to it that no undue preference is granted to one individual, whether he be rich or poor. That is the common law here, and it is not only common law, but it is the general act which now is the statute law of the United States in relation to the regulation of interstate commerce.

I want to say to the honorable Senator that I claim nothing so far as I am concerned in connection with this general legislation; but I tell him that the general act regulating interstate commerce in the United States to-day is completely abreast of the present legislation of the English Government. While they have passed some three or four thousand acts of Parliament to reach the point where they are to-day, we cover them by a single statute. That is the truth about the matter.

The Senator from Tennessee [Mr. HARRIS] asked me to make my remarks short so that we may have a vote, and I propose to quit right here by asking the privilege of inserting in the RECORD some very important testimony or arguments by gentlemen who have furnished them to me, representing various interests in this country, which I think will be of value to the country if the people can see them in the CONGRESSIONAL RECORD. So by the leave of the Senate without taking up the time of the Senate I will have two or three extracts relating to these particular amendments inserted in the RECORD if there is leave given.

The PRESIDING OFFICER (Mr. DAWES in the chair). Is there objection? The Chair hears none.

Mr. CULLOM. I shall not take up the time of the Senate longer. The papers referred to are as follows:

[Extracts from paper presented to Interstate Commerce Commission by General Basil W. Duke.]

If House amendment 7, giving the State courts concurrent jurisdiction "in all civil actions and proceedings" arising under the interstate-commerce act, be made a part of that law it may be confidently predicted that it will result in a condition very detrimental to the interests the act was meant to serve, and calculated to render the act itself within a brief period inoperative. I shall not stop to consider the power of Congress to confer jurisdiction of any kind or degree upon the State courts. It is a novel and indeed startling construction of the constitutional provision which vests in Congress the "power to regulate commerce between the several States," that that body shall be permitted, in its discharge of such duty, to invoke the aid of the State governments exercised through any of their departments. It is in conflict with the opinion expressed in so many cases by the highest judicial authority of this country, and seems in no wise in harmony with the idea on which the original interstate-commerce act was formulated.

In a more general sense, it certainly is at variance with all previously accepted canons of constitutional construction that Congress can grant jurisdiction to a State court or power to a State Legislature, for it is as competent to do the one thing as the other. Nevertheless, if it has happened that the House of Representatives was not sufficiently advised of the extent of Congressional authority in this direction, when it thus amended the bill as it came from the Senate, due consideration will doubtless be given that question by the committee of conference. There is little necessity, however, of discussing the power when the policy of such legislation is so manifestly unwise. We may expect, if concurrent jurisdiction on this subject be conferred on the State courts, that the decisions will become as conflicting as they will be numerous, and the multitude of doubtful cases can be measured only by the number of actions which may be instituted. In every forum there may be a distinct and different construction of every provision of the act susceptible of variant interpretation.

The confusion and incertitude so produced in the action of the railroad companies and the general conduct of all commercial business and the disaster wrought before that confusion could be remedied would be incalculable. The labor of the commission and the difficulties with which it contends would be enormously increased and its utility and influence necessarily impaired. That uniform regulation of all the instrumentalities by which commerce between the States is conducted, to accomplish which chiefly induced the constitutional grant of power to Congress to regulate such commerce, would become well-nigh impossible.

In regard to amendment 3, I would respectfully suggest that the commission has already considered, in two well-known cases, the complaints of shippers of oils in wood, and have made orders affording substantial relief. There has been, it is conceded, a general compliance on the part of the railroad carriers with the directions of the commission. The verbiage of this amendment is somewhat involved and its meaning obscure, but its intention seems to be to prohibit the carriers from allowing any reduction in charges, as rental of cars or otherwise, to shippers who furnish tank-cars for the transportation of their oils. It will not be denied that it is far preferable, as cheaper, more convenient, and safer, both for carrier and shipper, that shipments of oil should be made in tank-cars than in barrels or packages loaded in ordinary cars. When tank-cars are furnished by the shipper a proportionate amount of the carrier's rolling-stock is released from that service and may be otherwise employed, and certain other elements of expense are eliminated, such as loading, unloading, and handling. The shipper who, at his own cost, constructs or leases tank-cars and furnishes them to the carrier, and thus cheapens and facilitates transportation, should receive at least indemnity. The reduction of charges which covers these items is certainly equitable, and in no sense an "undue or unreasonable preference" or discrimination against the shipper of oils in barrels or packages. To prohibit it is virtually a legislative inhibition of the business enterprise and liberal effort at improvement in all business methods which have so stimulated commercial activity and growth. It certainly is not the way to still further enhance competition and cheapen transportation rates.

In prohibiting any charge for the barrel or package in which oil is shipped, and compelling the carrier to haul it free, the amendment creates rather than removes a discrimination. When oil is carried in tanks the shipper pays charges on the full weight of his oil. It is said that the tank is the package, and that if the weight of the wood in barrels or packages be estimated as a part of the cargo that of the tank should be so estimated likewise and included in the charge. But the tank is part of and inseparable from the car. Where the shipper furnishes the tank he at the same time furnishes the car in which his oil is to be transported, and it is this fact which should be especially considered in the determination of this matter. If special cars were or could be furnished by shippers of whisky, beer, flour, and many other articles now carried in barrels or packages, and by the use of such cars these commodities could be carried stripped of the wood, the same concession made the tank-car shipper would be made all of these. As it now is they all pay for the weight of the barrels or

packages in which their goods are shipped as part of the weight of the cargo of the freight to be hauled independently of the weight of the car and its fixed appurtenances of any kind in which the freight is placed for carriage.

It is this cargo or freight on which the charge according to weight should be imposed; and to adopt any other rule would lead to endless complications and produce innumerable discriminations. Many brewers do in fact furnish their own cars, and the carriers pay them mileage therefor. Nevertheless, as beer is always shipped in wood, the same rate is charged for the barrel or package of the beer so shipped as on that of beer hauled by the cars of the carriers. In other words, the charge according to weight is made on the entire freight, including as justly a part thereof the wooden package, and no charge is made for the weight of the car or any part thereof.

There is really, fairly considering all of the factors which enter into the tariffs, no difference in the rates charged on shipments of oils, whether in tank-cars or in wood, save the reduction in the shape of mileage equitably due the shipper in tanks for the car—the means of transporting his oil—which he himself furnishes.

In the complaint of Scofield *vs.* The Lake Shore and Michigan Southern Railway Company, the Interstate Commerce Commission held that on all shipments of oils the carriers "should carry the same weight for the one price in the one car as in the other, and that the rate should be made by the 100 pounds instead of by the barrel."

It appeared from the evidence in that case that ninety barrels of oil are hauled in the tank-car as the lowest minimum, as against sixty barrels in a stock-car as the lowest minimum, and their ruling was intended to meet and correct this inequality. But the commission, after a careful examination of all the data entering into the determination of the rates, and in its expression of opinion as to what should be considered in a fair adjustment of the rate, said: "The carrier, of course, has the right to charge for the weight of the barrel as part of the freight."

The House amendment under consideration, in providing that wooden packages and barrels should be carried free, seems intended to meet and annul this finding of the commission, although such finding is based upon a most thorough investigation of the matter, and certainly influenced by no predilection in favor of the carrier.

It would seem that the amendment was also intended to indirectly prevent the railroad companies from permitting or availing themselves of the use of cars furnished by shippers for the carriage of oils. There is no more reason or justice for such prohibition (whether couched in express terms or reached by other statutory requirements) in the matter of oil tank-cars than if made of the use of sleeping-cars, fruit and vegetable cars, refrigerator-cars, or any kind or description of cars that may be furnished by shippers.

It would be far better, of course, that every railroad company should have cars peculiarly constructed for and adapted to every necessity of commerce, and in such number as to meet every demand whenever made. But that is practically impossible. The best that each can do is to maintain a supply of rolling-stock adequate to the usual demands of commerce it serves, keeping enough of that character of equipment which its special traffic may require, and, in addition, for the use of the public, such cars as are best adapted to the general service. Upon this point I may be permitted to quote again from the commission: "Another phase of the statute" (the act to regulate commerce) "is presented by this proceeding, namely, that of the shipper furnishing in part his own cars. Long prior to and at the time the act to regulate commerce was enacted there was a prevailing general custom and usage among railroads of the United States of renting cars from each other and from mere car-furnishing companies, paying rent for the use of such cars. A like custom and usage then prevailed, and has since, of the carrier paying rent to the shipper for cars occasionally furnished by the shipper for the transportation of his goods. This amount in each instance then was, since has been, and is now, three-fourths of a cent per mile." * * * "If the carrier has been forbidden by the statute from transporting freight over its line otherwise than in its own cars, bulk would have necessarily been broken and cars unloaded by every railroad at the end of its line, and there reloaded into the cars of its connecting line, resulting in greatly increased delays and expense in the transportation of freight; and we can well understand why the statute contains no provision requiring the carrier to transport freight only in its own cars.

"The rule upon this subject, to which we have uniformily and steadily adhered, has been that the rate charged by the carrier must not be affected by either one of these customs and usages, but must be the same on all cars operated over its line, whether furnished by the carrier or others, just as though no custom or usage existed whereby the carrier obtained any of its cars from shippers or from car companies. The rate of three-fourths of one cent per mile paid for the exchange of cars has seemed to us, upon evidence repeatedly taken upon this subject, a reasonable allowance for the car's service, and has been the same very generally in all parts of the country."

It is apparent that the Interstate Commerce Commission has closely and exhaustively considered this subject in all its relations. It has decided that "the carrier at its peril must see to it, in every transaction in which the shipper furnished the car for the transportation of the freight, that such shipper shall not thereby receive a lower rate than other shippers who use and have to use the cars furnished by the carrier in the shipment of their freights;" and that the carrier should haul "the same weight in the one car as in the other," charging "by the hundred pounds instead of by the barrel;" but it has also reached the conclusion that it is just and right that the carrier should "charge for the weight of the barrel as part of the freight;" and that it is no detriment to the public for shippers to furnish cars for the transportation of their freight, nor for the carriers to pay rental therefor.

If the reasoning by which they have reached this conclusion, with all the facts before them, be entitled to regard, it will be neither just nor expedient to amend the "act to regulate commerce" in this respect. If it be desired only to prevent unjust discrimination and the making of rates which will give certain shippers "undue" or "unreasonable preference," there is no need for this amendment. The act in its existing terms sufficiently does that; and the commission, in the case cited, has ruled that the carriers "must give the same rates on oil shipped in barrels in car-load lots that it charges upon oil in tanks."

Respectfully submitted.

BASIL W. DUKE, *Attorney, etc.*

[Extracts from letter of Charles H. Tweed.]

NEW YORK, *October* 1, 1888.

DEAR SIR: I trust that the proposed amendments of the House of Representatives to the interstate-commerce act as passed by the Senate will have very careful consideration before they shall be adopted by the Senate or the Interstate Commerce Committee of that body.

The first amendment of importance, printed at the top of page 7, seems to indicate a purpose to make legislation a medium of very special and particular provisions applicable to the particular case of any party who considers himself aggrieved or who desires to secure an advantage over others. It would hardly seem to be wise or proper for Congress to attempt to enter into the consideration and determination of particular circumstances applicable to particular products. It is suggested that the purpose of this amendment at the top of page 7 is to prescribe that precisely the same rates shall be charged for the carriage of oil whether the railroad company provides the car or the shipper provides it; that is to say, that the railroad company shall have no compensation for being compelled to provide a car for the transportation of the barrels, though, as you are very well aware, the expense of providing rolling-stock is a very serious charge and burden upon all the railroads of the country, and the cars are injured and greater risk is incurred by the carriage of oil in barrels than when transported in tank-cars. The whole subject, as you are aware, has had consideration from the commission in the Rice cases, and I am quite at a loss to see why the subject should be made, or sought to be made, a matter of special legislation.

* * * * * * *

In regard to the amendment on page 22, section 11, I can hardly think that the Senate will seriously consider turning over to the State courts the jurisdiction of causes arising under the act to regulate commerce. The subject of the regulation of interstate commerce is specially reserved by the Constitution to the Federal authorities, and without discussing the question of the constitutionality of turning over this subject to State courts it would certainly seem one which ought especially to be dealt with by the Federal tribunals on account of the purely Federal nature of the questions involved therein.

Yours, very respectfully,

CHARLES H. TWEED.

Hon. SHELBY M. CULLOM,
Chairman Senate Interstate Commerce Committee, Washington, D. C.

[Extracts from letter of John C. Gault.]

AMENDMENTS TO INTERSTATE-COMMERCE LAW.

SEPTEMBER 20, 1888.

* * * * * * * *

I desire also to call your attention to the amendment offered by Mr. GROSVENOR, of Ohio, requiring railroads transporting refined oils and other petroleum products, cotton-seed oil, and turpentine in barrel packages, without making any charge for the packages themselves. This whole question of the transportation of refined oils and petroleum has been before the Interstate Commerce Commission (I. S. C. Report, page 742), and their finding was that the railroads should charge the same price per hundred pounds on oil in barrels, including the weight of barrels, as on oil in tank-cars, which is fair and just, and which all of the railroads, so far as I know, are complying with. It was found, on investigation, that an empty tank-car weighed no more than an empty box-car owned by the railroad—indeed, it does not weigh quite as much. Mr. GROSVENOR is asking the railroads of the United States to do a very singular thing, something which is unheard of or unknown in this or any other country. He requests that the railroads shall make no charge for the barrels in which oil, etc., is transported. If this amendment should be adopted, reasoning from analogy, it is evident that every shipper of whisky, molasses, or anything else carried in a barrel should be entitled to the same privilege, and if the law intended that discrimination shall not be allowed on railroads, then every shipper of goods which are shipped in boxes or other kinds of packages should be allowed to have their goods carried without any charge for the packages in which the goods are shipped. In other words, if other shippers are to be put on an equality with the oil shippers, then every railroad in the United States is asked to allow tare on every kind of a package in which freight is shipped. I do not think it will require any argument to satisfy you that both the amendments of Mr. ANDERSON, of Iowa, and of Mr. GROSVENOR, of Ohio, are impracticable and ought not to be adopted.

Yours, truly,

JNO. C. GAULT, *General Manager.*

Hon. SHELBY M. CULLOM,
United States Senate, Washington, D. C.

[Letter of John S. Blair.]

WASHINGTON, D. C., *January* 29, 1889.

DEAR SIR: On behalf of the Missouri Pacific and St. Louis, Iron Mountain and Southern Railway Companies, I beg leave to submit a few observations concerning two of the House amendments to Senate bill 2851.

By one amendment it is proposed that when oil is carried in barrels the weight of the barrels shall not be considered in fixing the rate, but the barrels shall be carried free. This amendment seems to me inharmonious with the theory underlying the interstate commerce act of February 4, 1887. The cardinal idea of that statute is found in the words "unjust discriminations," in section 2, and the intention of Congress was that after its passage it should no longer be in the power of the quasi-public institutions engaged in carrying traffic between the States to discriminate by means of its rates between two shippers. The proposed amendment on its face flies in the teeth of that statute by requiring the carriers to transport barrels containing oil free while permitting packages containing all other commodities to be charged for.

I do not mean, however, to address myself to the real merits of the question as to whether oil carried in barrels in competition with oil carried in tank-cars is entitled to this legislative discrimination, for I feel safe in saying that no member of Congress in the press of his varied and numerous duties can have considered all the elements which bear upon the question. Naturally it is one within the legitimate province of the courts and by statute it is within the jurisdiction of the Interstate Commerce Commission. It is not to be overlooked in this connection that by reason of difference of climate, opportunity for return loads, and amount of this traffic, the principle might vary for different roads. This was recognized by the commission on page 128, in its annual report to the Secretary of the Interior of December 1, 1888, "In the matter of relative tank and barrel rates on oil." On page 111 of the same report is found its ruling that on nine of the railroads of the United States barrels should be charged for, and yet on page 128 it holds this not applicable to the Pennsylvania Railroad.

The amendment proposes that the one thousand four hundred and eighteen railroads of this country, enumerated on pages 264 to 309 of said report, shall in this matter be laid upon a Procrustean bed.

The impossibility of Congress making proper investigation of the relative rates on oil in barrels and in tanks may be shown by referring to the proceedings before the Interstate Commerce Commission, in which those rates upon nine railroads of the country were involved. The evidence adduced before the Commission fills a royal octavo volume of 529 pages, the conclusions of the Commission occupying pages 503 to 593 of the first Interstate Commerce Commission reports.

I need not allude to the impolicy of the precedent sought to be established of Congress adjusting a single controversy between shippers as to relative rates, but permit me to urge the discredit to be thrown upon the Interstate Commerce Commission by the proposed legislative reversal of its conclusions. Such a reversal is manifestly unfair and unjust to the St. Louis, Iron Mountain and Southern Railway Company and the eight other companies who were summoned before the commission, presented their evidence and arguments, were directed to reduce their rates, and who have acquiesced on the decision of the commission. Neither complainant nor respondents achieved a complete victory before the commission, and if any of the questions then disposed of are to be reconsidered it would only be fair to take them all up and afford all parties an opportunity to be heard.

Another amendment proposes to give to the State courts concurrent jurisdiction with the United States courts in all civil actions and proceedings under the act of February 4, 1887. There is somewhat of an incongruity in giving to the State courts jurisdiction to enforce a statute governing intercourse between

the States, but as similar jurisdiction has from time to time been conferred in matters purely Federal, such as naturalization, bankruptcy, and national banks, no very serious objection can be urged on that score.

But a harmonious system of control over railroads can not be expected from such a course. Under section 709, Revised Statutes United States, the Supreme Court may only re-examine the decisions of the highest court of a State, and what cases may thus reach the Supreme Court will in every State be determined by the legislation of that State regarding the re-examination by its highest court of the decisions of its inferior tribunals.

And the law regulating commerce between the States may not only be differently interpreted in the several States, but by different judges in the same State.

Yours, very respectfully,

JNO. S. BLAIR.

Hon. S. M. CULLOM,
United States Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio that the Senate recede from its disagreement to the third amendment of the House of Representatives with an amendment.

Mr. CULLOM. There is no amendment pending to the House amendment. The question is simply on agreeing to the House amendment, and I hope the Senate will not agree to it.

The PRESIDING OFFICER. The Chair has been misinformed. The question is on the motion of the Senator from Ohio that the Senate recede from its disagreement to the third amendment of the House of Representatives.

Mr. CULLOM. I hope the Senate will not recede.

Mr. CALL. I propose to vote for insisting upon the disagreement to the amendment of the House of Representatives to the Senate bill, but I think that this important subject ought not to be considered at this time and in this hasty manner when there is but little opportunity for each Senator to explain his vote upon this amendment. I shall vote against it upon this ground: The amendment proposes to compel one man to furnish cars for the business of another, and it proposes to require the same rate to be paid for shipment in wooden vessels as in iron vessels. There can be no considerations which are proper in passing a law affecting public transportation except those which relate to the public safety, the public convenience, the economy of cost, and that there shall be equal facilities furnished to all persons.

This amendment proposes to disregard the public safety, which is promoted by the shipment of oil in iron vessels. It proposes to disregard the public convenience and the public economy, both of which are promoted by this means, and to substitute a rule requiring the same rate to be imposed whether the cars are furnished by the shipper or furnished by the railroad company. That would be entirely proper if its application could be fairly and justly made at this time, but it is unjust because the condition of the railroads in this country differs so broadly that the immediate application of this rule would be very unequal and unjust, and might be very oppressive to the people. In the State which I in part represent the entire transportation of lumber is done upon cars furnished by the different mills and producers of lumber; and to apply this principle to that transportation would require that practice to be discontinued as proposed by the amendment of the Senator from Ohio, by requiring one person to furnish cars for the use of another.

The amendment of the House provides:

Provided, however, That it shall be unlawful for any common carrier, subject to the provisions of this act, to carry refined oils and other petroleum products, cotton-seed oil, and turpentine for any shipper, in tank or cylinder cars, who shall own, lease, or control the same in any manner, except upon the condition that said carrier shall charge the same rate for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case.

That provision affects materially the entire business done in the State which I in part represent, which is done by cars furnished by the different mills, and in which the proceeds are returned in the shape of cotton-seed oil or turpentine to some general place of manufacture.

While the principles affirmed by the Senator from Ohio are entirely correct, their application at this time to those roads which are unprovided with means of transportation of their own, and which are relying entirely upon the means furnished by the individuals who do the business, would cause an entire suspension of business.

It is true that the contract that every railroad company makes is to do all the transportation that is offered, and to do it in the safest, most economical, and best manner, and to provide the means by which it shall be done; and this provision would add in that respect nothing to the obligation; but the means by which it proposes to effect it is not to enforce that duty, that obligation, that contract on the part of the railroad company, but it is in requiring that the same rate of charge shall be imposed in the one case as in the other where the man furnishes the car and where he does not. Unquestionably that is not the intention of the provision, but that is its effect; that is its declaration and that is the power of this legislation passed in this manner on this hasty consideration after a few speeches made upon one side and a few upon the other and the matter enacted into law. While I accept all the principles affirmed by the Senator from Ohio, yet I insist that the application of them to this case and the remedy proposed, that one man or one company shall furnish these conveniences for the use of other persons—if that be the remedy I insist it will not work properly.

The strictures on the Standard Oil Company have nothing to do with this motion. The measures which may be advisable to restrain great business operations in such manner that they shall not increase the price of the necessaries of life to the people have no place here. The Standard Oil Company has certainly reduced the price of oil to the people of this country, and in the consideration of this subject specially directed towards oil and its transportation this fact should have weight and influence. While I am desirous of making such laws as will require transportation to be given by railroad companies to all persons on equal terms and at the least cost to the people, I am opposed to discriminating against great business enterprises and men of great business capacity who conduct enterprises which diminish the cost of the comforts and necessaries of life to the people.

Mr. RIDDLEBERGER. I move that the Senate now proceed to the consideration of executive business.

Mr. CULLOM. I hope the Senator will withhold that motion for a few moments so that we may get a vote on this measure.

Mr. RIDDLEBERGER. I withheld the motion yesterday all day to enable the Senator from Illinois to get a vote.

Mr. CULLOM. I think the debate is exhausted.

Mr. HARRIS. I want to suggest to the Senator from Virginia that if he will yield to me I will move to lay the motion of the Senator from Ohio on the table, which motion cuts off further debate, and we can thus test the sense of the Senate upon the pending question.

Mr. RIDDLEBERGER. I will yield for that purpose.

Mr. HARRIS. I move then to lay the motion of the Senator from Ohio on the table.

Mr. REAGAN. On that motion I ask for the yeas and nays.

Mr. HARRIS. So do I.

The yeas and nays were ordered.

Mr. CULLOM. I understand that a vote to lay on the table disposes of the motion of the Senator from Ohio.

Mr. HARRIS. It does; it ends it.

The Chief Clerk proceeded to call the roll.

Mr. BROWN (when Mr. COLQUITT'S name was called). I desire to state that my colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB]. I do not know how he would vote.

The roll-call was concluded.

Mr. TELLER. I am paired with the senior Senator from Louisiana [Mr. GIBSON]. I do not know how he would vote if present, and I withhold my vote.

Mr. RIDDLEBERGER. I understood yesterday that the Senate had agreed to go into executive session at 2 o'clock. So understanding, I think it becomes me to withhold my vote on this question.

Mr. GRAY. I am requested by the Senator from Kentucky [Mr. BLACKBURN] to announce that he is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. SAWYER. I am paired on this question with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "yea."

Mr. VANCE. The Senator from Michigan [Mr. PALMER] is in the Chamber. I therefore desire to vote. I vote "nay."

Mr. QUAY (after having voted in the affirmative). I wish to inquire whether the vote of the junior Senator from West Virginia [Mr. FAULKNER] is recorded?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. QUAY. Then I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania withdraws his vote.

Mr. BROWN. My colleague [Mr. COLQUITT], who is paired with the Senator from Rhode Island [Mr. CHACE], is absent from the Senate Chamber on account of ill health.

Mr. FRYE. My colleague [Mr. HALE], who is detained in the Committee on Appropriations, is paired with the Senator from Kentucky [Mr. BECK]. I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. HOAR. Will the Chair be kind enough to state the pending question?

The PRESIDENT *pro tempore*. To lay the amendment of the Senator from Ohio on the table.

Mr. SHERMAN. I offered no amendment.

The PRESIDENT *pro tempore*. The Chair should have said that the question is on the motion to lay on the table the motion of the Senator from Ohio that the Senate recede from its disagreement to the third amendment of the House of Representatives.

Mr. HOAR. I vote "nay."

Mr. SHERMAN. I raise the point of order now that no motion can be made to lay upon the table a motion to recede from a disagreement to a House amendment.

The PRESIDENT *pro tempore*. The Chair thinks it is too late to raise the question of order.

Mr. SHERMAN. I simply wish to say that by parliamentary law such a motion, if it prevails, carries the whole matter to the table.

The PRESIDENT *pro tempore*. The Secretary will report the state of the vote.

The result was announced—yeas 34, nays 11; as follows:

YEAS—34.

Aldrich,	Edmunds,	Jones of Nevada,	Sabin,
Blair,	Evarts,	McPherson,	Spooner,
Brown,	Farwell,	Morgan,	Stanford,
Butler,	Gray,	Morrill,	Stewart,
Call,	Hampton,	Pasco,	Stockbridge,
Cameron,	Harris,	Payne,	Walthall,
Chandler,	Hawley,	Platt,	Wilson of Md.
Cullom,	Hiscock,	Pugh,	
Dolph,	Jones of Arkansas,	Ransom,	

NAYS—11.

Bate,	Davis,	Reagan,	Vance,
Berry,	George,	Sherman,	Wilson of Iowa.
Coke,	Hoar,	Turpie,	

ABSENT—31.

Allison,	Daniel,	Hearst,	Quay,
Beck,	Dawes,	Ingalls,	Riddleberger,
Blackburn,	Eustis,	Kenna,	Saulsbury,
Blodgett,	Faulkner,	Manderson,	Sawyer,
Bowen,	Frye,	Mitchell,	Teller,
Chace,	Gibson,	Paddock,	Vest,
Cockrell,	Gorman,	Palmer,	Voorhees.
Colquitt,	Hale,	Plumb,	

So the motion to lay on the table was agreed to.

Mr. SHERMAN. Before any other business is done I raise the point of order.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Ohio on the point of order.

Mr. SHERMAN. I simply wish to state the point. According to my construction of the rules, a motion to lay on the table a motion to recede from a vote disagreeing to a House amendment to a Senate bill is not in order; or rather I should say that the effect of it is to carry the bill and all the amendments to the table. The general principle is that a motion to lay on the table, if it prevails, carries everything connected with the bill, the whole subject-matter, to the table, unless an exception be made by an express rule, and only by an express rule. A motion to lay on the table an amendment does not have that effect by a recent special rule of the Senate; but under the parliamentary law the effect of laying any motion pending upon the table is to carry to the table the whole bill, and all the amendments connected with it.

Mr. HARRIS. The statement of the Senator from Ohio was quite right until two or three years ago the rules were modified and amended, and Rule XVII now provides that—

When an amendment proposed to any pending measure is laid on the table it shall not carry with it, or prejudice, such measure.

The intent and spirit and purpose of that rule was to allow a motion to lay on the table anything pertaining to a pending bill or measure, and it can not, in my opinion, have the effect that the Senator from Ohio asserts that it must have.

Mr. SHERMAN. I only wish to say that the rule mentioned by the Senator from Tennessee forms an exception to the parliamentary law, and that exception must be fairly construed. It applies only to amendments and not to motions to recede or to concur or to insist or to adhere. It does not extend to anything else but an amendment strictly.

Mr. RIDDLEBERGER. I ask for recognition by the Chair now.

The PRESIDENT *pro tempore*. The Chair was waiting to hear further suggestions upon the point of order.

Mr. HOAR. I desire that Rule XVII may be read.

The PRESIDENT *pro tempore*. The rule will be read.

The Chief Clerk read as follows:

RULE XVII.—AMENDMENT MAY BE LAID ON THE TABLE WITHOUT PREJUDICE TO THE BILL.

When an amendment proposed to any pending measure is laid on the table it shall not carry with it, or prejudice, such measure.

Mr. PLATT. Is it claimed that prior to the adoption of that rule a motion to lay on the table any motion which might be pending about a bill carried the bill to the table with it? I do not so understand the rule.

Mr. SHERMAN. That is the parliamentary law as clear as any proposition can be, that a motion to lay on the table a pending amendment carries the bill.

The PRESIDENT *pro tempore*. This was not a motion to lay an amendment on the table.

Mr. PLATT. Not at all. It was a subsidiary motion made in the progress of debate, and, as it seems to me, without a great familiarity with the rules, it is very doubtful whether before the amendment of the rules the laying of such a motion, which had been made with reference to a pending measure, upon the table would carry the whole matter to the table.

Mr. SHERMAN. I do not wish to insist upon it now, but I will look into the parliamentary precedents.

The PRESIDENT *pro tempore*. The Chair will hold that the point of order so far as respects this question does not lie, and the laying on the table of the motion to recede does not affect the amendment or the bill.

Mr. CULLOM. I move that the Senate further insist on its disagreement to House amendments numbered 3 and 7, and agree to the further conference asked by the House of Representatives thereon.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate insist on its disagreement and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. CULLOM, PLATT, and HARRIS were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1874) to establish a United States court in the Indian Territory, and for other purposes;

A bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

A bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida;

A bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;" and

A bill (S. 3421) for the erection of a public building at the city of Kalamazoo, Mich.

EXECUTIVE SESSION.

Mr. RIDDLEBERGER. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty minutes spent in executive session, the doors were reopened.

THE YELLOWSTONE NATIONAL PARK.

On motion by Mr. VEST, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

DISTRICT MILITIA.

On motion by Mr. HAWLEY, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in certain amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; non-concurred in certain other amendments of the Senate, and non-concurred in the amendment of the Senate numbered 9 with an amendment; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. MCADOO, and Mr. THOMAS of Illinois managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes; and it was thereupon signed by the President *pro tempore*.

HOUR OF RECESS.

Mr. GORMAN. I ask unanimous consent that the Senate take a recess from half past 6 until half past 8 o'clock to-night.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent for an order that the Senate take a recess from 6.30 until 8.30 this evening. Is there objection? ["None."]

Mr. EDMUNDS. What is the question?

The PRESIDENT *pro tempore*. That the Senate take a recess from 6.30 to 8.30 this evening.

Mr. EDMUNDS. I do not object.

The PRESIDENT *pro tempore*. It is so ordered, if there be no objection.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 11, 12, 13, 15, 31, 45, 53, 56, 69, 75, 84, 88, 89, 97, 99, 101, 102, 106, 107, 108, 109, and 121.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 41, 50, 55, 59, 66, 67, 70, 81, 85, 86, 90, 91, 92, 93, 110, 111, 112, 114, 115, 116, 117, 119, and 123, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "One laborer at $1 per day, $313;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,577;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,450;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,150;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "And on Fifteenth street, between Pennsylvania and New York avenues;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For resurfacing and repaving Pennsylvania avenue, from First to Seventeenth streets northwest, $125,000; in all, $215,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 49, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with amendments as follows: In line 3 of said amendment strike out the word "contract" and insert in lieu thereof the word "contracts;" and at the end of said amendment insert the following: "To be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "fifty" and insert in lieu thereof the word "forty;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 79, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 80, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out from said amendment the words "and for circles to become public reservations;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$418,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,540;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In line 3 of said amendment, strike out the word "six" and insert in lieu thereof the word "five;" and strike out of said amendment the words "five hundred," where they occur in lines 8 and 10; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Add to the words proposed to be inserted by said amendment the following: "and succeeding;" and the Senate agree to the same.

On amendments numbered 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 39, 42, 43, 44, 47, 48, 51, 52, 54, 61, 63, 64, 65, 100, and 124 the committee of conference have been unable to agree.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

The report was concurred in.

Mr. PLUMB. I move that the Senate further insist on its amendments disagreed to by the House which are not disposed of by the conference report, and ask for a further conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers of the further conference on the part of the Senate, and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

The action of the House of Representatives was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 28, 1889.

Resolved, That the House concur in the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, numbered as follows: 1, 7, 8, 10, 14, 20, 23, 24, 26, and 27.

And non-concur in the amendments of the Senate to said bill numbered as follows: 2, 3, 4, 5, 6, 11, 12, 13, 15, 16, 17, 18, 19, 21, 22, 25, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, and 39.

And concur in the amendment of the Senate numbered 9 with an amendment as follows: After the word "available," in line 5 of said amendment, add "said sum to be in full for all expenses of designing, erecting, and furnishing said building."

And ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HERBERT, Mr. MCADOO, and Mr. THOMAS of Illinois be the managers of the said conference on the part of the House.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House, disagree to the House amendment to the ninth amendment of the Senate, and agree to the request of the House for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. FARWELL, and Mr. GORMAN were appointed.

ARMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out, in line 19, page 13 of the bill, the words "and twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"To enable the Secretary of War to cause examinations and tests to be made in converting the existing cast-iron ordnance of the War Department into steel-lined breech-loading torpedo howitzers for throwing high explosives, according to the plans heretofore submitted to Congress and to be submitted to the Board of Ordnance and Fortifications, $15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The Board of Ordnance and Fortifications is hereby directed to examine and report upon a site or sites for ordnance testing and proving ground to be used in the testing and proving of heavy ordnance, having in view in the selection of said site or sites their accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land embraced in said site or sites and the least sum for which the same can be procured. Said board shall report thereon to the Secretary of War, to be submitted to Congress at its next session; and in case the said board shall select a site or sites and recommend their purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the land so recommended until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

"For the necessary expenses under the foregoing provision, $1,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"For the construction of a counterpoise battery to mount a seacoast rifled gun, $40,000, or so much thereof as may be necessary. Said battery to be located at such point as the Board of Ordnance and Fortifications may direct; the erection of such battery shall be by the inventor thereof under the general direction of the Board of Ordnance and Fortifications and shall be completed within twelve months from the time this act shall take effect, and the gun to be mounted thereon, with its fittings, shall be furnished by the Ordnance Department of the Navy."

And the Senate agree to the same.

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

R. W. TOWNSHEND,
LEVI MAISH,
GEO. W. STEELE,
Managers on the part of the House.

The report was concurred in.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 11, and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out from said amendment the words, "to be available until expended and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For the purchase of movable submarine torpedoes, in the discretion of the Board on Ordnance and Fortifications, $50,000;" and the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
SAM. J. RANDALL,
BENJ. BUTTERWORTH,
Managers on the part of the House.

The report was concurred in.

DISPOSAL OF THE PUBLIC LANDS.

Mr. DOLPH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, and 3 with an amendment as follows: Strike out all of section 1 of the bill after the word "act," in line 3, and insert in lieu thereof: "No public lands of the United States, except those in the State of Missouri, shall be subject to private entry;" and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows:

Add to section 2 as follows:

"*Provided*, That all pre-emption settlers upon the public lands whose claims have been initiated prior to the passage of this act may change such entries to homestead entries and proceed to perfect their titles to their respective claims under the homestead law, notwithstanding they may have heretofore had the benefit of such law, but such settlers who perfect title to such claims under the homestead law shall not thereafter be entitled to enter other lands under the pre-emption or homestead laws of the United States."

And the Senate agree to the same.

After the word "destruction," in line 5, section 3, of the bill, insert the words "or failure."

Add to section 5 as follows:

"*And provided*, That if the original entry should fail for any reason prior to patent or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having already been initiated, shall be canceled."

And the Senate agree to the same.

After the word "enter," in line 7, page 4, of the bill, insert the following: "As a personal right and not assignable."

After the word "so," in line 15, page 4, of the bill, insert the word "additionally."

And the House agree to the same.

Add to section 6:

"*Provided also*, That this section shall not be construed as affecting any rights as to the location of soldiers' certificates heretofore issued under section 2306 of the Revised Statutes."

And the Senate agreed to the same.

Add an additional section as follows:

"SEC. 7. That the 'act to provide additional regulations for homestead and pre-emption entries of public lands,' approved March 3, 1879, shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made, in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified."

And the Senate agree to the same.

Add as an additional section:

"SEC. 8. That nothing in this act shall be construed as suspending, repealing, or in any way rendering inoperative the provisions of the act entitled 'An act to provide for the disposal of abandoned and useless military reservations,' approved July 5, 1884."

Amend the title so as to read: "An act to withdraw certain public lands from private entry, and for other purposes."

And the Senate agree to the same.

J. N. DOLPH,
J. H. BERRY,
H. M. TELLER,
Managers on the part of the Senate.
THO. C. McRAE,
L. E. PAYSON,
Managers on the part of the House.

The report was concurred in.

LIEUTENANT-COLONEL EYRE.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre.

Mr. COCKRELL. There are not 12 Senators in their seats. I have three very important bills, exceeding important to my constituents. If this bill is to be passed in the condition of the Senate, my three bills must be passed.

Mr. STEWART. All right.

Mr. COCKRELL. There is no reason why this partiality should be shown.

Mr. ALLISON. I have a few bills also that must be passed if we are to arrange about passing bills.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to the present consideration of the bill?

Mr. ALLISON. I ask that the bill be read at length.

Mr. COCKRELL. It is not worth while to waste time over this matter. It is nearly half past 6 o'clock now, and if we are going to pass one bill we have got to pass half a dozen. That is all there is about it.

Mr. STEWART. Let the bill be read.

Mr. COCKRELL. I am not going to allow the bill to be passed without calling the yeas and nays, unless my bills are also to be passed.

Mr. STEWART. I am willing that they should be passed.

Mr. SAWYER. Let us pass them all.

Mr. ALLISON. I ask that the bill be read for information, if we are to go on.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That Lieut. Col. Edward E. Eyre, late lieutenant-colonel of the First California Cavalry, be released from all further liability on account of his receipts and disbursements of funds as acting quartermaster, and the proper officers of the United States Treasury are authorized and directed to cancel said liability, whether the same be pending in court or has become a judgment, and to close the accounts of said Edward E. Eyre.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. I should like to hear the report read before I decide upon that point.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report submitted by Mr. STEWART February 16, 1889, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre, submit the following report:

Your committee find the facts in the case set forth fully in the accompanying report of the House Committee on Military Affairs, which is adopted as part of this report, as follows:

"[House Report No. 1792, first session Fiftieth Congress.]

"The Committee on Military Affairs, to whom was *referred the bill* (*H. R.* 3106) for the relief of E. E. Eyre, formerly lieutenant-colonel of the First Regiment of California cavalry, have had the same under careful consideration, and submit the following report:

"From an examination of the records of the War Department and from other reliable information we find the facts to be:

"That Lieutenant-Colonel Eyre, while performing duty with his regiment at Las Cruces, N. Mex., on August 14, 1862, was ordered by his commanding officer, General James H. Carleton, to relieve Capt. T. Moore, assistant quartermaster, United States Army, from duty, and to assume and perform the duties of said office, which, though under protest, he immediately did (with the understanding that on his arrival at Santa Fé, N. Mex., he should be relieved from duty as quartermaster), and received from said Capt. T. Moore, August 14, 1862, the sum of $16,705, and on August 16, 1872, the sum of $721.37, making a total of receipts of $17,426.37.

"That on the march of General Carlton's command, consisting of the greater portions of the First and Second California cavalry, from Las Cruces, N. Mex., to and into Texas, thence returning to Santa Fé, N. Mex., consuming forty-seven days' time from August 14, 1862, to September 30, 1862, he had disbursed and expended in payment of employés and in purchase of forage and quartermasters' stores the sum of $3,668.91.

"That on September 1, 1862, he turned over to Lieut. A. H. French, of the First California Volunteers, the sum of $200; on the 5th of September, 1862, to Col. J. R. West, of the First California Volunteers, the sum of $3,000; and in Santa Fé, on the 30th of September, 1862, to Lieut. B. C. Cutler, of the First California Volunteers, assistant quartermaster, the further sum of $10,557.48, together with his accounts and vouchers for the disbursement of the sum of $3,668.91, to the said quartermaster's clerk, one J. S. Barbey, which amount, together with his return of moneys, equaled the amount he had received while acting as quartermaster, or $17,426.37, and was then and there relieved from duty as quartermaster and resumed his duty as lieutenant-colonel First California Cavalry; that from that day, the 30th of September, 1862, until December, 1875, thirteen years afterwards, when he was notified by the Department, he was unaware that his accounts and vouchers had not been forwarded to the Department, and hence his account as quartermaster stood debited with the exact sum of his expenditures, to wit, $3,668.91.

"That had he been notified within any reasonable time he could have availed of the law of June 23, 1870, made and provided for the settlement of such cases as his (whose existence was limited to two years), and have settled the said balance now standing to his debit.

"We find that the character of Colonel Eyre for truth and veracity is not nor never has been questioned; that he has been and is a man of means and high social standing, well known and universally respected; and believing that the deficiency, as represented in his accounts, was expended for the uses and benefits of the United States, we therefore recommend the passage of the bill as an act of justice."

Your committee report back the bill favorably and recommend its passage.

The PRESIDING OFFICER. The question is, Will the Senate now consider the bill?

Mr. COCKRELL. There are just twelve Senators in the Chamber. I should like to know if they can pass a bill?

Mr. STEWART. Let the bill be taken up and be the unfinished business when the Senate reassembles after the recess.

The PRESIDING OFFICER. It would not become the unfinished business in its present status unless a motion was made and carried to proceed to consider it, so as to displace the unfinished business. Will the Senate consider at this time the bill?

Mr. COCKRELL. I propounded a question to the Presiding Officer. If he will just look around the Senate Chamber he will not see twelve Senators, and business can not be conducted in such a condition of the Senate.

The PRESIDING OFFICER. The Chair can not determine the question as to whether there is or is not a quorum unless the point is raised.

Mr. COCKRELL. I raise the point that there is no quorum present, and that no business can be transacted unless there is a quorum here.

The PRESIDING OFFICER. The Senator from Missouri suggesting the fact that there is no quorum, the Chair orders the Secretary to call the roll.

Mr. PASCO. I suggest that the hour of half past 6 has arrived.

The PRESIDING OFFICER. It has not quite arrived. The Chair will take care of that. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Cullom,	McPherson,	Stewart.
Bate,	Daniel,	Pasco,	
Chandler,	Gorman,	Quay,	
Cockrell,	Harris,	Ransom,	

The PRESIDING OFFICER. The hour of 6½ o'clock having arrived, at which time the Senate agreed to take a recess from 6½ to 8½ o'clock, the Senate is in recess until the hour of 8½ o'clock to-night.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 30 minutes p. m.

BARCELONA EXPOSITION OF 1888.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I have the honor to transmit herewith a report of the Secretary of State respecting the representation of the United States at the Barcelona Exposition of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 28, 1889.

BRUSSELS EXHIBITION OF 1888.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I have the honor to transmit herewith a report of the Secretary of State concerning the expenses of the representation of the United States at the Brussels Exhibition of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 28, 1889.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, which is the resolution of the Senator from Massachusetts [Mr. HOAR] instructing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. SAWYER. I ask unanimous consent to take up the unobjected pension bills on the Calendar under Rule VIII.

Mr. STEWART. I ask the Senate to proceed——

The PRESIDENT *pro tempore*. The Chair does not think the Senate is in a condition to do business at this moment.

Mr. STEWART. I ask unanimous consent that an hour be devoted to the unobjected House bills on the Calendar.

Mr. RANSOM. Oh, no; I can not agree to that. I am very sorry to object, but I can not agree to the proposition. There is a Senate bill or two on the Calendar which I wish to have considered.

Mr. SAWYER. I have been trying for several days to have the House pension bills considered. There are not many of them. I do not think anybody will object to them, and if we are to pass them at all during this Congress it is absolutely necessary that we should pass them at once so that they can go to the President in time. I ask the Senate to take them up and pass them the first business we do this evening.

Mr. STEWART. I renew the request that we may have half an hour for the consideration of unobjected House bills on the Calendar.

Mr. COCKRELL. Commencing on the Calendar where we left off its consideration the other day.

Mr. STEWART. Yes, commencing where we left off.

Mr. RANSOM. I do not object to that.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the unfinished business may be informally laid aside for the consideration of House bills on the Calendar favorably reported, under Rule VIII.

Mr. HARRIS. What is the unfinished business that is to be laid aside?

The PRESIDENT *pro tempore*. The resolution of the Senator from Massachusetts [Mr. HOAR].

Mr. HARRIS. I have no objection to the consideration of unobjected bills.

Mr. RANSOM. I withdraw my objection to the first proposition of the Senator from Nevada.

Mr. SAWYER. Let us take up the pension bills.

Mr. STEWART. I ask that we may have half an hour for unobjected House bills, and then we can take up the pension bills.

Mr. COCKRELL. That will include pension bills.

Mr. SAWYER. It will not take twenty minutes to pass the pension bills.

Mr. BUTLER. Let me suggest to the Senator from Wisconsin——

Mr. STEWART. Let unanimous consent be given to devote half an hour to pension bills.

Mr. SAWYER. I have no objection to that arrangement.

Mr. BUTLER. I was about to suggest to the Senator from Wisconsin that the proposition of the Senator from Nevada would include the unobjected pension bills.

Mr. SAWYER. It would if we should reach them on the Calendar.

Mr. COCKRELL. Yes, they come next on the Calendar.

Mr. SAWYER. Very well; I have no objection to that.

Mr. STEWART. And then we shall have half an hour for other unobjected cases.

Mr. HARRIS. In order that the record may be kept correctly, having been in the chair when the Senate took a recess, I will state that just before it took a recess the Senator from Nevada [Mr. STEWART] moved the consideration of a bill. The question of the presence of a quorum was raised by the Senator from Missouri [Mr. COCKRELL] and the Chair ordered a roll-call. The roll-call was made, but the report of its result was not made to the Senate before the hour of half past 6 arrived, when the Chair announced that the Senate took a recess from that hour to half past 8. Perhaps it would be proper to announce the result of that roll-call and then to ascertain whether we have a quorum now for business.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee suggest the absence of a quorum?

Mr. HARRIS. I doubt very much whether there is a quorum present; but what is to become of the record of the former roll-call unless it is now reported?

The PRESIDENT *pro tempore*. Thirteen Senators were reported present by the roll-call. The roll will be called.

The Secretary called the roll.

Mr. HARRIS. Let the report be made of the Senators present.

The PRESIDENT *pro tempore*. Twenty-four Senators have responded to their names. The Secretary will read the names of the Senators present.

The Secretary read as follows:

Bate,	George,	Paddock,	Stewart,
Butler,	Gray,	Pasco,	Stockbridge,
Call,	Harris,	Plumb,	Teller,
Cockrell,	Hoar,	Quay,	Vest,
Coke,	Ingalls,	Ransom,	Walthall,
Frye,	McPherson,	Sawyer,	Wilson of Iowa.

Mr. HARRIS. I move that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will execute the order of the Senate.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is seriously ill, confined to his house. I ask therefore that he be excused from attendance in the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator's colleague is excused.

At 8 o'clock and 40 minutes p. m. Mr. CHANDLER entered the Chamber and was recorded as present.

At 8 o'clock and 45 minutes p. m. Mr. ALLISON and Mr. GORMAN entered the Chamber and were recorded as present.

At 8 o'clock and 47 minutes p. m. Mr. HALE entered the Chamber and was recorded as present.

At 8 o'clock and 49 minutes p. m. Mr. CULLOM entered the Chamber and was recorded as present.

At 8 o'clock and 50 minutes p. m. Mr. SABIN entered the Chamber and was recorded as present.

At 9 o'clock and 2 minutes p. m. Mr. DAWES and Mr. PALMER entered the Chamber and their presence was recorded.

At 9 o'clock and 7 minutes p. m. Mr. DOLPH entered the Chamber and was recorded as present.

At 9 o'clock and 10 minutes p. m. Mr. PLATT entered the Chamber and was recorded as present.

At 9 o'clock and 18 minutes p. m. Mr. BLAIR appeared and was recorded as present.

Mr. HARRIS. Mr. President, at some hour this evening the Senate, by unanimous consent, agreed to take a recess from half past 6 to half past 8 o'clock to-night. The Senate met at half past 8 o'clock. I ask the parliamentary question if the record can be made to show the hour at which Senators who answer to the roll-call appear, because if there be any rule of the Senate or any parliamentary rule that authorizes it I want the record to show. We have got but three days remaining of this session; there is a large amount of public business undisposed of, and it is the duty of every Senator to be here upon the adjournment or recess of the Senate. I want the record to show who are here and who are away from here.

At 9 o'clock and 20 minutes p. m. Mr. TURPIE appeared and his presence was recorded.

Mr. VEST (at 9 o'clock and 21 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate do now adjourn.

Mr. HARRIS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES. I am paired with the Senator from West Virginia [Mr. FAULKNER] and therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the junior Senator from Illinois [Mr. FARWELL], reserving, however, the right to vote in case it should be necessary to make a quorum. I vote "yea."

Mr. TURPIE (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BUTLER. I have a general pair with the Senator from Pennsylvania [Mr. CAMERON]. Can his colleague tell me how he would vote?

Mr. QUAY. I am not prepared to state authoritatively, but I presume my colleague would vote "nay," if present.

Mr. BUTLER. Then I vote "nay."

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN], and while I think he would have no objection to my voting on this question, I withhold my vote.

Mr. BATE. I do not know that there is anything political in this question. I am paired on political questions with the Senator from Connecticut [Mr. HAWLEY]. As I do not know how he would vote if present, I withhold my vote.

Mr. WILSON, of Iowa. As I have announced, I am paired with the Senator from Maryland [Mr. WILSON], on the other side, but I feel that I can take the responsibility of voting, and I vote "nay."

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who is now engaged in the Appropriations Committee in conference on the sundry civil bill and is likely to be detained there for some time. I presume, however, I am at liberty to vote on this question, and I vote "nay."

Mr. BERRY. I am paired with the Senator from Oregon [Mr. MITCHELL]. Not knowing how he would vote if present, I withhold my vote.

Mr. HARRIS. When the vote is announced I want to give a notice to the Senate of a motion that I intend to follow the present order of the Senate with.

The result was announced—yeas 10, nays 19; as follows:

YEAS—10.

Chandler,	Frye,	Pasco,	Vest.
Coke,	Ingalls,	Platt,	
Cullom,	McPherson,	Ransom,	

NAYS—19.

Blair,	Gray,	Plumb,	Stewart,
Butler,	Harris,	Quay,	Stockbridge,
Call,	Hoar,	Sabin,	Teller,
Cockrell,	Paddock,	Saulsbury,	Wilson of Iowa.
George,	Palmer,	Sawyer,	

ABSENT—47.

Aldrich,	Daniel,	Hampton,	Pugh,
Allison,	Davis,	Hawley,	Reagan,
Bate,	Dawes,	Hearst,	Riddleberger,
Beck,	Dolph,	Hiscock,	Sherman,
Berry,	Edmunds,	Jones of Arkansas,	Spooner,
Blackburn,	Eustis,	Jones of Nevada,	Stanford,
Blodgett,	Evarts,	Kenna,	Turpie,
Bowen,	Farwell,	Manderson,	Vance,
Brown,	Faulkner,	Mitchell,	Voorhees.
Cameron,	Gibson,	Morgan,	Walthall,
Chace,	Gorman,	Morrill,	Wilson of Md.
Colquitt,	Hale,	Payne,	

The PRESIDENT *pro tempore*. The Senate declines to adjourn.

Mr. HARRIS. As soon as the Sergeant-at-Arms makes his report as to the absent Senators whom he has requested to attend the Senate, I shall move that the Sergeant-at-Arms be directed to compel absent Senators to attend. When we have but three days remaining of the Fiftieth Congress, it is hardly excusable for Senators to be absent from the sessions of the Senate when we have a large amount of public business that demands the attention of the Senate; and if it requires me to sit here all night, if a majority of those who are here will stay with me, we will have the absent Senators here.

Mr. STEWART. I ask for the calling of the roll. I think there is a quorum now. A good many pairs have been announced.

Mr. HARRIS. I have no objection to a roll-call to see if there be a quorum here.

The PRESIDENT *pro tempore*. The Chair will remind Senators that during the pendency of these proceedings debate is not in order and that no motion is in order except to adjourn.

Mr. STEWART. It is in order to call the roll again, is it not?

The PRESIDENT *pro tempore*. It is not.

Mr. HARRIS. Can not the Chair ascertain by actual count whether there be a quorum present or not?

The PRESIDENT *pro tempore*. He can not in the present condition of things.

Mr. HARRIS. I do not so understand the rule.

The PRESIDENT *pro tempore*. That is unfortunate for the Senator from Tennessee.

Mr. HARRIS. No, it is unfortunate for the Chair.

Mr. BUTLER (at 9 o'clock and 35 minutes p. m.). Is a motion to adjourn in order?

The PRESIDENT *pro tempore*. It is.

Mr. BUTLER. I move that the Senate do now adjourn.

Mr. HARRIS. And I demand the yeas and nays upon the motion.

The yeas and nays were ordered.

Mr. HOAR. Has any business transpired since the last motion to adjourn?

The PRESIDENT *pro tempore*. The Chair thinks the motion to adjourn can be made when less than a quorum is present without the intervention of business.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but I believe if he were present he would vote "yea," and therefore I shall vote "yea."

Mr. COKE (when Mr. REAGAN'S name was called). My colleague [Mr. REAGAN] is paired with the Senator from Nevada [Mr. JONES].

Mr. WALTHALL (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. SPOONER], but, after consultation with his colleague, I feel at liberty to vote. I vote "yea."

The roll-call was concluded.

Mr. BATE (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Connecticut [Mr. HAWLEY].

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his vote.

Mr. DOLPH (after having voted in the negative). As the Senator from Georgia [Mr. BROWN], with whom I am paired, is not in the Chamber, I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws his vote.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who is detained in the room of the Committee on Appropriations. I do not know how he would vote if in the Chamber, and therefore I withhold my vote.

The result was announced—yeas 14, nays 16; as follows:

YEAS—14.

Butler,	Cullom,	Pasco,	Vest,
Call,	Frye,	Platt,	Walthall.
Chandler,	Ingalls,	Ransom,	
Coke,	McPherson,	Sawyer,	

NAYS—16.

Blair,	Hoar,	Quay,	Stockbridge,
George,	Paddock,	Sabin,	Teller,
Gray,	Palmer,	Saulsbury,	Turpie,
Harris,	Plumb,	Stewart,	Wilson of Iowa.

ABSENT—46.

Aldrich,	Colquitt,	Hale,	Payne,
Allison,	Daniel,	Hampton,	Pugh,
Bate,	Davis,	Hawley,	Reagan,
Beck,	Dawes,	Hearst,	Riddleberger,
Berry,	Dolph,	Hiscock,	Sherman,
Blackburn,	Edmunds,	Jones of Arkansas,	Spooner,
Blodgett,	Eustis,	Jones of Nevada,	Stanford,
Bowen,	Evarts,	Kenna,	Vance,
Brown,	Farwell,	Manderson,	Voorhees.
Cameron,	Faulkner,	Mitchell,	Wilson of Md.
Chace,	Gibson,	Morgan,	
Cockrell,	Gorman,	Morrill,	

So the Senate refused to adjourn.

Mr. GRAY. Mr. President, is it in order to move a call of the Senate?

The PRESIDENT *pro tempore*. It is not in order. A call of the Senate is being executed.

Mr. BLAIR (at 9 o'clock and 40 minutes p. m.). I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate do now adjourn.

Mr. HARRIS. Upon which I demand the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

Mr. HARRIS. I ask for a division.

The question being put, there were on a division—ayes 18, noes 16.

So the motion was agreed to; and (at 9 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 1, 1889, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1889.

PROMOTIONS IN THE ARMY.

Inspector-General's Department.

Lieut. Col. Edward M. Heyl, inspector-general, to be inspector-general with the rank of colonel.

Maj. Henry W. Lawton, inspector-general, to be inspector-general with the rank of lieutenant-colonel.

Capt. Joseph P. Sanger, First Artillery, to be inspector-general with the rank of major.

Ninth Regiment of Cavalry.

Second Lieut. Alfred B. Jackson, to be first lieutenant.

Fourth Regiment of Cavalry.

Richmond McAllister Schofield, of New York, to be second lieutenant.

Third Regiment of Cavalry.

First Lieut. Bainbridge Reynolds, to be captain.

Second Lieut. Tyree R. Rivers, to be first lieutenant.

First Regiment of Infantry.

First Lieut. Frank H. Edmunds, regimental adjutant, to be captain.

Sixth Regiment of Infantry.

First Lieut. John Carland, to be captain.

Second Lieut. Reuben B. Turner, to be first lieutenant.

Twenty-third Regiment of Infantry.

Second Lieut. Edwin P. Pendleton, to be first lieutenant.

Twenty-fifth Regiment of Infantry.

Second Lieut. Harry A. Leonhaeuser, to be first lieutenant.

Executive nominations confirmed by the Senate February 28, 1889.

COMMISSIONER FOR ALASKA.

T. Carlos Jewett, of Litchfield, Minn., to be a commissioner in and for the district of Alaska, to reside at Sitka.

PROMOTIONS IN THE NAVY.

Surg. Thomas N. Penrose, a resident of Pennsylvania, to be a medical inspector in the Navy.

Passed Asst. Surg. Walter A. McClurg, a resident of Pennsylvania, to be a surgeon in the Navy.

Commodore George E. Belknap, a resident of New Hampshire, to be a rear-admiral in the Navy.

Capt. John G. Walker, a resident of Iowa, to be a commodore in the Navy.

Commander Silas Casey, a resident of New York, to be a captain in the Navy.

Lieut. Commander James M. Forsyth, a resident of Pennsylvania, to be a commander in the Navy.

Lieut. Charles Belknap, a resident of New York, to be a lieutenant-commander in the Navy.

Lieut. Fidelio S. Carter, junior grade, a resident of Illinois, to be a lieutenant in the Navy.

Ensign Alfred L. Hall, a resident of Ohio, to be a lieutenant, junior grade, in the Navy.

Lieut. Walter S. Hughes, junior grade, a resident of Iowa, to be a lieutenant in the Navy.

Ensign Harry M. Dombaugh, a resident of Ohio, to be a lieutenant, junior grade, in the Navy.

Ensign William R. Rush, a resident of Louisiana, to be a lieutenant, junior grade, in the Navy.

PROMOTIONS IN THE ARMY.

First Regiment of Cavalry.

Second Lieut. Edward Anderson, of the Fifteenth Infantry, to be second lieutenant.

Fourth Regiment of Cavalry.

Second Lieut. William H. Hart, of the Twentieth Infantry, to be second lieutenant.

Fifth Regiment of Cavalry.

Second Lieut. Matthew C. Butler, jr., of the Ninth Infantry, to be second lieutenant.

Ninth Regiment of Cavalry.

Second Lieut. Alexander W. Perry, of the Tenth Infantry, to be second lieutenant.

Tenth Regiment of Cavalry.

Second Lieut. George E. Stockle, of the Twenty-fifth Infantry, to be second lieutenant.

Second Lieut. William T. Littlebrant, of the Tenth Infantry, to be second lieutenant.

First Regiment of Cavalry.

Sergt. Henry A. Barber, Troop E, Seventh Cavalry, to be second lieutenant.

Third Regiment of Cavalry.

First Sergt. Michael M. McNamee, Troop G, Seventh Cavalry, to be second lieutenant.

Second Regiment of Artillery.

Sergt. Moses Gray Zalinski, Battery H, First Artillery, to be second lieutenant.

Fifth Regiment of Infantry.

Sergt. Robert W. Rose, Company C, Sixteenth Infantry, to be second lieutenant.

Sixth Regiment of Infantry.

Sergt. William C. Bennett, Company H, Seventeenth Infantry, to be second lieutenant.

Seventh Regiment of Infantry.

Corporal Frederic H. Sargent, Company G, Seventh Infantry, to be second lieutenant.

Ninth Regiment of Infantry.

Sergt. William A. Campbell, Company K, Twelfth Infantry, to be second lieutenant.

Tenth Regiment of Infantry.

Corporal John M. Sigworth, Battery L, First Artillery, to be second lieutenant.

Fifteenth Regiment of Infantry.

Corporal Harold L. Jackson, Company F, Fifteenth Infantry, to be second lieutenant.

Eighteenth Regiment of Infantry.

Sergt. Percival G. Lowe, Company B, Eighteenth Infantry, to be second lieutenant.

Twentieth Regiment of Infantry.

First Sergt. Wilson Chase, Troop B, Seventh Cavalry, to be second lieutenant.

Quartermaster's Department.

First Lieut. John W. Summerhayes, regimental quartermaster, Eighth Infantry, to be assistant quartermaster with the rank of captain, February 25, 1889.

Maj. William B. Hughes, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, February 15, 1889.

Capt. Charles H. Hoyt, assistant quartermaster, to be quartermaster with the rank of major, February 15, 1889.

Tenth Regiment of Infantry.

Capt. Edward W. Whittemore, of the Fifteenth Infantry, to be major, February 17, 1889, *vice* Hawkins, promoted to the Twenty-third Infantry.

Eighteenth Regiment of Infantry.

Lieut. Col. Henry M. Lazelle, of the Twenty-third Infantry, to be colonel, February 17, 1889, *vice* Yard, deceased.

Twenty-third Regiment of Infantry.

Maj. Hamilton S. Hawkins, of the Tenth Infantry, to be lieutenant-colonel, February 17, 1889, *vice* Lazelle, promoted to the Eighteenth Infantry.

ON RETIRED-LIST.

William S. Rosecrans, late brigadier-general United States Army, to be brigadier-general, to date from February 27, 1889, with a view to his name being placed on the retired-list of the Army.

William F. Smith, late major in the Corps of Engineers, to be major of engineers, to date from February 27, 1889, with a view to his name being placed on the retired-list of the Army.

POSTMASTERS.

Mrs. Mary White, to be postmaster at East Tawas, Mich.

W. H. Grim, to be postmaster at Beaver, Pa.

Dayton Hale, to be postmaster at Columbus, Miss.

Theo. B. Patton, to be postmaster at Altoona, Pa.

Miss Mary S. Thompson, to be postmaster at Williamston, Mich.

Samuel B. Thompson, to be postmaster at Lake City, in the county of Columbia and State of Florida.

Leroy L. Brinkley, to be postmaster at Edenton, in the county of Chowan and State of North Carolina.

John C. Hunter, to be postmaster at Union, in the county of Union and State of South Carolina.

Adelia M. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire.

Edgar H. Davis, to be postmaster at Keyser, in the county of Mineral and State of West Virginia.

William F. Weaver, to be postmaster at Will's Point, in the county of Van Zandt and State of Texas.

John S. Yearwood, to be postmaster at Sweet Water, in the county of Monroe and State of Tennessee.

Stephen C. Weaver, to be postmaster at Daytona, in the county of Volusia and State of Florida.

Mary E. Farish, to be postmaster at Farmersville, in the county of Collin and State of Texas.

Francis M. Setzer, to be postmaster at Albany, in the county of Gentry and State of Missouri.

Margaret G. Davis, to be postmaster at Biloxi, in the county of Harrison and State of Mississippi.

Horace C. Ashton, to be postmaster at Flemingsburgh, in the county of Fleming and State of Kentucky.

John H. Davis, to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia.

C. G. Goodman, to be postmaster at Orange, in the county of Orange and State of Texas.

Andrew J. Sturgis, to be postmaster at Crystal Springs, in the county of Copiah and State of Mississippi.

Alvin J. Kitt, to be postmaster at Goodland, in the county of Newton and State of Indiana.

John B. Chesebrough, to postmaster at Kentland, in the county of Newton and State of Indiana.

George G. Moore, to be postmaster at Flatonia, in the county of Fayette and State of Texas.

Richard T. Hanson, to be postmaster at Donaldsonville, in the parish of Ascension and State of Louisiana.

John B. Roberts, to be postmaster at Sandersville, in the county of Washington and State of Georgia.

Jeremiah G. Fowler, to be postmaster at Milledgeville, in the county of Baldwin and State of Georgia.

C. J. Bartlett, to be postmaster at Marlin, in the county of Falls and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 28, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

POLICE FORCE, DISTRICT OF COLUMBIA.

Mr. TAULBEE. On yesterday morning the Chair laid before the House certain Senate bills, and also Senate amendments to House bills, and called attention to House bill No. 6677, which was a bill the substance of which is to increase the police force of the District of Columbia, in which amendments the gentleman from Louisiana [Mr. BLANCHARD] asked unanimous consent to concur. Inquiry was made of the Chair by myself as to the nature of the bill, that is to say, whether or not the increase provided in the bill of the police force of this District, which is 1 lieutenant, 17 sergeants, and 95 privates, as well as 19 station clerks and 9 laborers, was a permanent increase or only for temporary purposes. Whereupon the Chair stated it was his understanding that the increase was temporary, and merely for the purposes of the inauguration ceremonies on the 4th of March. Thereupon I withdrew my objection to the request of the gentleman from Louisiana, and his request was concurred in by the House. On reading that bill I find that the increase provided by the bill is a permanent one; and I now desire to ask unanimous consent that we may reconsider the vote by which the House concurred in the amendments of the Senate. Of course I presume I would have the right to enter the motion to reconsider, but I do not think any member upon the floor desires the passage of the bill under a misapprehension or would claim the privilege derived by reason of such misapprehension.

The SPEAKER. The Chair is glad the gentleman has called attention to this case, because the Chair on looking at the title of the bill sees that in responding to the inquiry of the gentleman from Kentucky on yesterday the Chair was in error. The Chair thought this was simply a bill to authorize an increase of the police force of the District of Columbia for temporary purposes during the inauguration ceremonies.

Mr. TAULBEE. That was my understanding.

The SPEAKER. And that the increase was merely temporary, and for that purpose alone. But the Chair sees on an examination of the bill that this is a bill to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved July 31, 1883, and is a very different bill from that which the Chair supposed it was.

Mr. BREWER. There is no question, I think, Mr. Speaker, but that it was intended to be considered as a temporary measure. It came before the House from our committee and that was the design of the bill.

The SPEAKER. The Chair has not examined the provisions of the bill.

Mr. TAULBEE. Here is the original act which this bill seeks to amend, and I send it to the desk and ask to have it read, if there is no objection.

Mr. ANDERSON, of Kansas. Do not take up the time in that way. It is not necessary.

Mr. BLANCHARD. Mr. Speaker, my recollection of the statement of the gentleman from Kentucky is substantially as he now suggests, and that it was his intention to object to the bill if this increase was a permanent one. His objection was withdrawn on the assurance that it was only a temporary measure, and I do not think under the circumstances that I ought to object to the request that the vote by which the bill was passed be reconsidered.

Mr. ROGERS. That is right.

Mr. ROMEIS. As a member of the Committee on the District of Columbia, I wish also, in addition to what my colleague said, to state that my understanding of this bill is that it was to be temporary in its character.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the vote by which the amendments were concurred in be reconsidered, and if there be no objection the Chair will withhold the bill for the present until gentlemen can have an opportunity to examine its provisions.

There was no objection, and it was so ordered.

The SPEAKER. If there be no objection, an order will be also made directing the Clerk of the House to request the Senate to return the bill.

There was no objection, and it was so ordered.

SALMON FISHERIES OF ALASKA.

The SPEAKER laid before the House the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

Mr. DUNN. Mr. Speaker, the provisions of that bill are contained in a bill reported unanimously from the Committee on Merchant Marine and Fisheries. It is an emergency bill, necessary for the preservation of the salmon fisheries of Alaska, and I ask unanimous consent that it be now considered. It contains nothing else but the necessary measures for the protection of these important fisheries.

The SPEAKER. The bill which the gentleman from Arkansas says has been reported from the Committee on Merchant Marine and Fisheries has been read already in the House, and unless there be a demand for the reading of the Senate bill, the reading will be dispensed with.

There was no objection.

Mr. ANDERSON, of Kansas. Is this the bill that makes the lease to the fisheries company?

Mr. DUNN. No; this is a different bill. I shall report that from the committee and give the House ample opportunity to consider it hereafter. This is a Senate bill which relates simply to the salmon fisheries. It is identical with sections 4 and 5 of the House bill prohibiting the erection of dams or other obstructions in the rivers of Alaska which prevent the salmon from ascending to their spawning-grounds.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DUNN. I offer an amendment which relates also to the preservation of the herd of seals, and I ask the previous question upon the bill and amendment.

Mr. BIGGS. I reserve the right to object.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

SEC. 3. That section 1956 of the Revised Statutes of the United States was intended to include and apply, and is hereby declared to include and apply, to all the waters of Behring Sea in Alaska embraced within the boundary lines mentioned and described in the treaty with Russia, dated March 30, A. D. 1867, by which the Territory of Alaska was ceded to the United States; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper published at each United States port of entry on the Pacific coast warning all persons against entering said territory and waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.

Mr. TAULBEE. I would like to ask the gentleman, in the light of his explanation, the necessity for this resolution at this time.

Mr. DUNN. The necessity is that the general bill, reported by the committee to the House, has been recommitted for the purpose of considering certain amendments relating to the reletting of the lease and the length of its term in future, and in the present condition of the House it is not at all probable that it will receive final consideration in time to pass the Senate. This amendment simply provides for the protection to the herd of seals and the salmon until there can be further legislation of a permanent character.

Mr. TAULBEE. Does it have the effect of sending up the vessels named in this amendment as patrols to protect the company which already has the control of that business?

Mr. DUNN. Not at all. It is to protect the herd of seals and enforce the laws of the United States which were enacted in 1870.

Mr. TAULBEE. Why can not the President do that by existing law?

Mr. DUNN. There has been a relaxation of the enforcement of the law heretofore so that unauthorized persons have concluded that the Government does not intend to enforce the law, and not less than one hundred and fifty vessels are to-day fitting out to go to Behring Sea. They will literally cover that sea with unlawful seal-hunters armed with guns, and the destruction of seal-life that will take place and the fusilade of fire-arms that will occur in that sea during four months of next summer will drive every seal from it that is not killed in the gen-

eral and indiscriminate slaughter. It does not change the law, but commands the President of the United States to enforce it.

Mr. BUCHANAN. And is not this method of getting seals—by shooting them in the open sea—the most wasteful method that could be devised, only about one in five being recovered?

Mr. DUNN. About one out of seven is recovered. The time has come when the Government must enforce the laws for the preservation of our herd of seals with firmness and decision, or suffer an absolute destruction of the herd. The danger is imminent, and I hope no gentleman will object to it. It does not involve a dollar of expenditure.

It useless to protect the seals on the rookeries—the islands of St. Paul and St. George—and leave them to their fate in the waters of Behring Sea. If they are left without protection in the sea there will soon be none left to go to the rookeries. [Cries of "Vote!" "Vote!"]

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT KALAMAZOO, MICH.

The SPEAKER also laid before the House the bill (S. 3431) for the erection of a public building in the city of Kalamazoo, Mich.

Mr. BURROWS. That is a bill I asked to have considered yesterday morning before the bill was passed which was called up by the gentleman from Texas [Mr. ABBOTT]. I ask unanimous consent that it be considered now. [Cries of "All right!"]

The SPEAKER. The bill was read yesterday. Is there objection to the consideration of the bill?

Mr. BLAND. Some time ago, when the House was proceeding to the consideration of a conference report, the gentleman from Iowa [Mr. WEAVER], anxious to get up consideration of the Oklahoma bill, kept the House in suspense for several days by objecting to the conference report, upon the ground that the House ought to proceed with the consideration of the Oklahoma bill. He began a line of argument based upon that position. It was objected to on the part of some gentleman on the ground that the gentleman was out of order in discussing a conference report which did not relate to the Oklahoma bill; but the Speaker ruled that, inasmuch as the gentleman stated he wanted to argue that the Oklahoma bill was such an important bill that no other bill ought to pass until that had been considered, therefore the gentleman from Iowa was in order.

Now, Mr. Speaker, for a much greater reason, sir, is it in order now for me to say, and especially to gentlemen on that side of the House, that until the Sullivan contested-election case is considered in this House it is not only an unseemly proceeding, but anomalous for this House to proceed to the consideration of private bills for the erection of public buildings throughout this country when we absolutely refuse to consider a public measure; a case, Mr Speaker, in which a majority of a committee of this House have reported that a gentleman is entitled to a seat upon this floor. When we proceed to take that case up we are met with dilatory motions and filibustering. I say it is an unseemly proceeding, and until that Sullivan contested-election case is taken up we ought not to proceed to the passage of bills which are simply a raid on the public Treasury. I do not know what objection they have to taking up the election case.

Mr. BUCHANAN. It is not in order until 11 o'clock.

Mr. BLAND. I understand Mr. Sullivan is a man of very limited means, and the amount allotted to him by law, Mr. Speaker, for a contested election will not pay his board bills. If he is entitled to a seat in this House, as your committee has stated, he is entitled to the salary and mileage; and that will not pay his expenses. It is an outrage upon justice to deny him. The gentlemen on the other side were very anxious to take up the Smalls-Elliott contest! As I understood, they were willing for this other case to follow directly afterwards; but when that was decided and this other contested-election case was called up, they refused; and I do not know but the gentleman from Michigan was one of those who failed to vote in order to prevent the taking up this case.

It is very true that Mr. Felton is supposed to be a millionaire and is able to stand this situation, but if he were in the position that Mr. Sullivan is, how would it be? Mr. Felton can wine and dine members of this House, and his position seems to have gathered around him support that my poor friend Sullivan is unable to procure. I will not say that that is the reason why our friends on the other side refuse to take up the case. My friend Sullivan is an Irish-American. I will not say that even that is the reason for the Republicans of this House refusing to give him a seat upon this floor.

He is a Democrat. I suppose that covers all and is the great crime of which he is guilty, and that must be urged here as a reason why gentlemen will refuse to do justice to this contestant. Do you suppose, Mr. Speaker, that a Democratic House will permit a single public building bill to go through here for gentlemen who sit quietly in their seats and refuse to take up that contested-election case until that case is disposed of? I send to the Clerk's desk and ask to have read a portion of the report of the committee upon the Sullivan-Felton contested-election case, and, so far as I am concerned, I propose to stand here to the close of this Congress, unless this case is disposed of, to see that no public-building bill shall pass for gentlemen who refuse to take up this contested-election case.

The Clerk read as follows:

LINCOLN'S CROOKEDNESS.

In addition to the evidence adduced before the board of election commissioners, showing irregularities and crookedness in the second precinct of the Forty-eighth, we refer to the testimony of the following witnesses, namely, James Kavanaugh, Rec., pp. 110, 111; Morrison, Rec., p. 1535; J. J. McAuliffe, Rec., pp. 245, 250; O'Connor, Rec., p. 123; John Lycett, Rec., pp. 901, 905; O'Day, Rec., pp. 272, 273.

Kavanaugh testifies that some days before the election this man Lincoln was hunting for an opportunity to make merchandise of himself. In a conversation with Kavanaugh he said that he would like to get on the precinct election board. Kavanaugh told him the way the Democratic party was doing, and that he understood the Republicans were doing the same way, namely, that the committeemen selected the members of the precinct boards. "Well, by George," says Lincoln, "I have got no one from my precinct on the county committee. I must get on, because there is going to be plenty of money this year." Kavanaugh asked him "who was going to use the money this year?" Lincoln answered, "Felton is going to throw out a big 'sack,' and, I guess, Sullivan, too." Kavanaugh then told him that the only way to get on that he knew of would be through Mr. Charles Tilton, city and county surveyor, and *ex officio* a member of the board of election commissioners. "You know him," says Kavanaugh; "he is your friend." "Yes; he is my friend," says Lincoln, "and I will see him."

Lincoln afterward told Kavanaugh that he had seen Tilton, and that he (Tilton) had promised to put him on. Lincoln was a Republican in politics, and he was put on as inspector. What part of the "sack" Lincoln was given, if any, does not appear from the evidence. That he received his reward a person not extremely incredulous would readily presume upon a close analysis of all the evidence. After the election was over, and when there was some talk about the "crookedness," and it "had come out in the papers," Kavanaugh said to him, "What the deuce were you doing with the ballots home all night?" Lincoln laughed and said, "Oh, that is all right; I have 'fixed' them all right." In another conversation with Kavanaugh, he told him (Kavanaugh) that the Republican "bosses" were after him—watching him—afraid that he would go to Frank Sullivan and give the "business away." He says, "I don't propose to starve, and wait for them to come up with the money. They promised me money, and they did not do as they agreed, and I don't care a damn for them anyhow. They promised to 'fix' me all right, and they have fooled me and kept me fooled too long. I am out of money, and am not going to starve to death waiting for them." This statement was made in reference to Spreckels and William Center, a member of the firm of Spreckels Brothers. (See Rec., p. 111.)

Strozinski testified that Lincoln said to him, "I have a notion to sue Felton." (See Rec., pp. 66, 67). Other evidence shows that for three hours after the polls opened at this precinct the clerks had no poll-books, but were keeping the names of voters on a piece of brown paper; that the ballot-box was not locked; that Lincoln, when he received a ticket of an elector, would raise the lid of the ballot-box and throw the ticket in, and that at 1 o'clock he was drunk. The evidence clearly shows these facts, and is wholly uncontradicted.

Morrison, a Democratic judge on this election board, was paid money the night before the election by Lycett and Spreckels, who knew that he (Morrison) was one of the judges. (See Rec., pp. 247-249; again, p. 381; again, p. 1535; again, pp. 272, 273, and again, 901.) In fact, the conduct of the officers and others connected with this precinct was so steeped in fraud, and surrounded with so much uncertainty as to honest and fair methods, as to make it impossible to tell anything about the vote there cast. Hence we feel called upon to throw it out.

FORTY-SIXTH ASSEMBLY DISTRICT.

In this district, composed of some eight election precincts, fraud and bribery seem to have run riot—a perfect carnival of corruption. Richard Schumacher, Mitchell Phillips, and other active agents and Republican partisan workers, in the local slang of that "coin" country, were loaded down with "sacks" full, and ready to give a "piece" to every man willing to sell. Schumacher was very active in the use of money for Felton, and, according to his own evidence, induced thirty-six Democrats to vote for Felton. That he used money, and used it corruptly and effectively, his own evidence, when carefully and critically read, abundantly shows. (See his own evidence, Rec., p. 323; evidence John Twigg, p. 32; James Lowney, p. 381; John T. Crummey, p. 354.) Dan Dougherty was a "first lieutenant" under Schumacher, and rendered most "valuable aid." The whole "gang," however, was under Mitchell Phillips, who seems to have been middle-man between Spreckels, Felton, and Center. (Spreckels Brothers and Center were furnishing a large part of the "sack.") After a thorough examination of the evidence it is not hard to believe that at least two or three hundred voters were corruptly influenced to vote for Felton in this assembly district alone. Without attempting to go further into details we may say that the evidence, as a whole, presents an amount of fraud all over the whole Congressional district, and especially in the cities of San Francisco and San José, that could not have existed without a well-organized scheme to perpetrate the same.

SPRECKELS BROTHERS.

Why the Spreckels Brothers should feel such concern about the result of the election as to contribute so largely to the campaign fund it may be some satisfaction to state. The Spreckels family are largely interested in the sugar industry on the Hawaiian Islands and in the importation of sugar to the United States, free of duty, under what is known as the Hawaiian treaty. Out of the money made therefrom their colossal fortune is being greatly augmented from year to year. After a couple of vain attempts to have a clandestine interview with Mr. Sullivan on the subject of that interest, it is easy to see that they had no further doubts as to his feelings and intentions on that matter. Hence John D. Spreckels became chairman of the Congressional committee, and, besides exercising a general supervision of the district, he assigned to himself the "special charge" of two of the assembly districts of San Francisco, containing some six or eight precincts each. And one William Center, a member of the Spreckels firm, "spread" himself around in a very active sort of way. A number of witnesses testify to the fact of having received money from these men Spreckels and Center.

INTIMIDATION.

Before concluding this report we feel that we should be derelict in duty if we failed to refer to the question of intimidation and bulldozing in a number of the precincts where these methods were most potent in results—at several precincts, but more particularly at the Almaden precinct. At this precinct Felton received some 209 votes, and Sullivan 45; majority for Felton, 164. See sections 5506, 5507, 5508, and 5520 of the United States Revised Statutes, and sections 1192, 1193, 1194, 1195, 1196, 1197, of the political code of California, which latter read as follows, to wit.

Mr. OATES (interrupting the reading). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OATES. Is it in order during this hour, under the rule recently adopted, to discuss in this desultory way a contested-election case which is not before the House for consideration.

The SPEAKER. The House is not proceeding in any time set apart by rule or resolution. The Chair is laying before the House communications from the Executive Departments and Senate bills, in accordance with the permanent rule of the House which requires that to be done immediately after the reading of the Journal. Of course, if the point of order is made that the gentleman from Missouri [Mr. BLAND] is not discussing the question before the House, that is a different point.

Mr. BLAND. Upon that, Mr. Speaker, I desire to say that the Chair has already ruled on the point of order. I stated in the beginning that I opposed this public-building bill upon the ground that we ought not to proceed to consider or pass it pending this contested-election case, which ought to have precedence in this House of all other proceedings. The Speaker ruled directly on that point in the case of the gentleman from Iowa [Mr. WEAVER] when he was discussing the Oklahoma bill.

The SPEAKER. The Chair does not remember the exact language employed by himself on that occasion, but the recollection of the Chair is that the gentleman from Iowa [Mr. WEAVER] was proceeding to make an argument to show the importance of the passage of the Oklahoma bill, or, at least, of its consideration, and did not enter into the merits of the bill.

Mr. BLAND. And I have been speaking of the importance and necessity for taking up the contested-election case.

The SPEAKER. The Chair thinks it is entirely competent for the gentleman from Missouri [Mr. BLAND] to make an argument to show that there are other important matters pending before the House, a contested-election case or any other matter, and that, for that reason, certain other measures ought not now be considered or passed; but the Chair does not think that under the rule of the House it is competent for a gentleman to take up for discussion some particular measure other than the one immediately before the House and discuss it on its merits, and the Chair thinks that no decision to the contrary has ever been made, because such a decision would be in direct opposition to the express rule of the House.

Mr. BLAND. I have not the decision of the Chair that I referred to before me, but my recollection is very distinct that the gentleman from Iowa [Mr. WEAVER] went on to state as a reason why no other measure should be taken up that in the Territory of Oklahoma murders were being committed, and that the Territory was without law, and he made an argument in favor of the passage of that bill, and did it to show the necessity of considering that before any other measure, especially before the bill then up for consideration. Now, I make the same point in regard to this contested-election case, and I have had a portion of the report read to show the importance and the merits of that case, and that it ought to be considered before any other measure in this House.

The SPEAKER. The recollection of the gentleman from Missouri [Mr. BLAND] accords with that of the Chair as to the character of the argument made by the gentleman from Iowa [Mr. WEAVER]. It was designed to show that unless the Oklahoma bill was taken up and disposed of great inconvenience and disorder would result in that part of the country, and that therefore it was important to consider it first; but the gentleman did not and could not take up the Oklahoma bill and have the report and the bill read and discuss the merits of that particular bill. He could discuss only the general subject of the importance of acting upon that measure.

Mr. WILSON, of Minnesota. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. I propose, then, to proceed——

The SPEAKER. The gentleman will proceed in order.

Mr. WILSON, of Minnesota. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] has the floor.

Mr. OATES. Mr. Speaker, I desire to know——

The SPEAKER. The gentleman from Missouri [Mr. BLAND] has the floor, and unless he yields the gentleman from Alabama can not be recognized.

Mr. OATES. I rise to a parliamentary inquiry.

The SPEAKER. But the gentleman can not take the gentleman from Missouri off the floor by a parliamentary inquiry. Only a question of order will do that.

Mr. OATES. Then I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. OATES. Is not the object of the rule recently adopted, setting apart the hour between 10 and 11 o'clock, to allow the roll of members to be called in order, that gentlemen may ask unanimous consent to have their bills considered? Does not that rule set apart that hour exclusively to allow requests for unanimous consent? Now, if the time is consumed in the consideration of other matters, will the hour provided for by the order be allowed after 11 o'clock?

The SPEAKER. Of course not. When the hour of 11 o'clock arrives, if this or any other matter laid before the House by the Chair is still under consideration, there will be no call of members to-day for requests for unanimous consent.

Mr. OATES. Then if this hour is consumed by the matter before the House it will cut off all opportunity for unanimous consent under the order?

The SPEAKER. The Chair so understands.

Mr. OATES. Then if every member of this House were to rise and request the consideration of some measure not then in order the Speaker could not entertain the request after 11 o'clock? Such a rule is ridiculous and ought to be repealed.

The SPEAKER. The gentleman from Missouri is entitled to the floor.

Mr. BLAND. Mr. Speaker, I had commenced to urge what I consider to be a matter of great importance to this contestant; and I hope I may have order.

Mr. WILSON, of Minnesota. Now, Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WILSON, of Minnesota. Under the order of the House the contested-election case can not be considered during this hour. This hour is set apart for another purpose.

Mr. BLAND. I am aware of that, Mr. Speaker; and I am urging why this election case should be considered——

Mr. WILSON, of Minnesota. I wish to state my point of order.

The SPEAKER. The gentleman will proceed.

Mr. WILSON, of Minnesota. I raise the question whether it is competent for a member to rise during this hour to discuss a question that can not be considered during this hour—which would be out of order if called up.

The SPEAKER. The time now being occupied is not set apart by any special order or resolution of the House. It is only after the Journal has been read and after the Chair has complied with the standing rule which requires him to lay before the House executive communications, bills, etc., that the special order to which the gentleman refers begins to operate. Now the House gave unanimous consent when this bill was laid before it for its consideration. Of course, it must be considered as any other bill. The gentleman from Missouri takes the floor and proceeds to make an argument to show that this bill ought not to be passed until some other matter of greater importance, as he insists, shall be acted on. In the opinion of the Chair that is a legitimate argument.

Mr. STONE, of Kentucky. I will ask the gentleman from Missouri whether he would not be satisfied with unanimous consent to print, so that we may go on with the business of the House.

Mr. BLAND. I am afraid that my good friend from Kentucky would not read what I might publish, and I desire him to understand my position.

The importance, Mr. Speaker, of taking up this contested-election case must be very apparent to every member on this floor. In the first place, the very high merit of the contestant's case demands it; but above that, it is a privileged question in this House above all other questions, whether on public buildings or private bills. Not only that, but we are now in the closing hours of this Congress. There can be but few more days devoted to the public business. We have a number of appropriation bills to be considered, and unless we proceed immediately to take up this case and dispose of it, we shall accomplish the great injustice of which I have complained—the adjournment of this Congress without having this case considered at all.

If it is to be considered at all—and it certainly ought to be considered—we must take it up immediately; we must go to work and consider and determine it; for we can not further delay this matter without defeating its consideration entirely and preventing the contestant from California from obtaining his seat. In view of the fact that the case has been called up repeatedly and gentlemen on the other side of the Chamber have sat in their seats and refused to vote, in order to do the injustice of denying to this contestant a seat on this floor—knowing as they do that the closing hours of Congress will be so pressed with other business that this case if taken up will have to be laid aside from time to time to allow appropriation bills to become laws—it is absolutely necessary that the case should be considered at once.

In the hope that this morning hour may be given to the consideration of the business contemplated by the order, I should certainly cease my opposition to proceeding to the consideration of bills in this morning hour if we can take up this contested-election case right now and dispose of it during this morning hour or the morning hour to-morrow. We ought to dispose of it within an hour. Gentlemen have heard it discussed on this floor. We heard it discussed yesterday. We all have the reports in the case, which we can read, so as to determine the question for ourselves. The views of the minority of the committee are printed with the report of the majority. The case has been fully considered by the committee and reported upon, so that every gentleman in the House, if not already informed upon it, can inform himself upon it in time to vote on the question to-morrow in the morning hour, which will begin at 10 o'clock, so that we can practically dispose of this business by 11 o'clock. It must be apparent to every gentleman on this floor that unless this case is taken up, and that very soon, the contest-

ant from California will, as I have already stated, not only be deprived of his right to a seat as a member of this House—a right which his constituents have given him by their votes—but the very means that would enable him to pay the expenses of his contest would be denied him.

Mr. Speaker, this case came up incidentally yesterday; and we had read from the Clerk's desk——

Mr. TRACEY. I rise to a question of order.

The SPEAKER. The gentleman will state it; and the House will please come to order so that the Chair may hear what is said.

Mr. TRACEY. The gentleman from Missouri has just stated that this bill came up yesterday morning——

Mr. BLAND. Oh, no—not the bill.

Mr. TRACEY. Now, it appears to me that the bill having been considered——

Mr. BLAND. The gentleman is mistaken. I made no such statement. I said that the contested-election case had incidentally been considered yesterday while we were engaged on the Indian appropriation bill; and I proceeded to discuss it from that point.

Mr. TRACEY. Mr. Speaker, I make the point of order that this bill which is before the House was before the House yesterday morning, and that under the rule it is not in order to take up the time of the House now in considering it. This special rule provides—

That it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when presented to the House by the Speaker.

Now, I claim that under this order this bill is not in order.

The SPEAKER. This bill was——

Mr. CHIPMAN. I wish to say a word upon the point of order raised by the gentleman from New York.

Mr. BLAND. I do not understand the gentleman to raise a point of order, and I claim my right to the floor.

Mr. CHIPMAN. Then I raise a point of order.

The SPEAKER. The gentleman has the right to take the gentleman from Missouri off the floor for the purpose of making a point of order against what he is saying, but he has not the right to take him off the floor for the purpose of making any other point of order in regard to the business of the House.

Mr. CHIPMAN. The point of order I raise is that the gentleman is out of order in addressing the Chair at all at this time.

The SPEAKER. But the bill is before the House by the unanimous consent of the House.

Mr. CHIPMAN. Then there has been unanimous consent?

The SPEAKER. Unanimous consent has been given for its consideration.

Mr. CHIPMAN. No gentleman objected?

The SPEAKER. Nobody.

Mr. BLAND. Mr. Speaker, I would hardly accuse my friends on the other side of the Chamber of refusing to take up this contested-election case because the contestee is a millionaire and can dine and wine gentlemen here and get into their good graces, or because the contentant is an Irish-American citizen, and they may have prejudice against him on that account. I supposed their opposition was because he was a Democrat and his politics probably did not suit them. That is the most charitable view to take of this matter. But here one of the gentlemen who, sitting in his seat, absolutely refused to vote at all when this election contest was called up, comes here now and asks the Democrats on this side to take up what is a private raid upon the public Treasury and put it in ahead of this contested-election case. It is against that I am inveighing; and I propose to do so as long as that bill is in the morning hour.

We can take up the contested-election case, consider and pass it during this morning hour, and it ought to be done, and I have stated the reason why it should be done. The reports in this case have been printed for a long time and every member has had an opportunity to get possession of the facts by reading the report of the committee as well as the views of the minority. They have had ample opportunity to become acquainted with the merits of the case so as to vote intelligently upon it, with limited discussion, and if they have not done so, then I commend to any gentleman who has neglected this duty to get a report, read it, familiarize himself with it, and be prepared to vote upon the question intelligently, because if this case is not considered to-day, in the morning hour of to-morrow I will again seek an opportunity to bring it to the attention of the House, and I shall insist that it be taken up and disposed of before any of these private measures—these raids upon the public Treasury—are permitted to be perpetrated in the morning hour, because the delay in this case is an injustice.

Now as I stated before, we are in the closing hours of the Fiftieth Congress. We have but a short time remaining. Consideration has been given to a case in which our Republican friends supposed they were able to make some political capital under the folds of the "bloody shirt." They were anxious to press that case to a consideration, and when that was about being laid before the House I asked the gentleman from Georgia [Mr. CRISP] when he called it up, if he intended to press the other case of Sullivan *vs.* Felton, and he said he did intend to press it, and he has been endeavoring to call it up for consideration ever since. But the Punic faith of gentlemen on the other side was shown when that case was called up and acted upon by refusing to allow the other case, the remaining election case, to be taken up for consideration, and one of the colleagues of the contestee cast his vote in the affirmative on the question of consideration for the purpose of moving a reconsideration, and delaying action upon the case by presenting all sorts of dilatory motions to reconsider the vote by which the House determined to consider the election case, and by moving to adjourn, and to adjourn over, and thus prevent action.

That is the situation of this contested-election case. The House has already voted that it will consider it, but in order to delay and prevent its consideration motions were made of a dilatory character, and have been constantly interposed to prevent it, and when no other means were available gentlemen on the other side refused to vote at all, leaving the House without a quorum. When that system of tactics has been inaugurated certainly gentlemen who have been engaged in it can not complain of me just at this time that I am insisting here in this morning hour, the only opportunity I may have to get the floor, upon the consideration of that case before private bills making raids upon the Treasury now called up for consideration shall be disposed of. Now, in the hope that in the morning hour of to-morrow this case may be taken up and disposed of, I move to take a recess until 11 o'clock to-morrow.

Mr. O'NEILL, of Missouri. I desire to rise to a parliamentary inquiry. Is this motion debatable?

Mr. MILLS. What is the motion of the gentleman from Missouri?

The SPEAKER. The gentleman moves that the House take a recess until 11 o'clock.

Mr. SOWDEN. Will the gentleman from Missouri withdraw that motion to yield to me?

Mr. BLAND. I will do so if the gentleman desires it.

Mr. MILLS. I wish to ask, Mr. Speaker, as a matter of parliamentary information if when the hour of 11 o'clock comes this bill will not still continue before the House for consideration?

The SPEAKER. It will. The Chair will state again that this bill comes before the House as a matter laid before the House under the rules.

Mr. MILLS. That is what I supposed.

The SPEAKER. The bill did not come before the House under the special order requiring the Chair to call the names of members, which order exhausts itself on the arrival of 11 o'clock, but has been laid before the House in the regular order under the permanent rules of the House, and may remain here indefinitely unless the House disposes of it in some shape.

Mr. BLAND. I withdraw the motion for a recess.

Mr. BURROWS. I demand the previous question upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The question recurred upon the engrossment and third reading of the bill; and on a division there were—ayes 102, noes 3.

Mr. BLAND. No quorum.

The SPEAKER appointed Mr. BLAND and Mr. BURROWS as tellers.

The House again divided; and the tellers reported—ayes 164, no 1.

So the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BURROWS. I demand the previous question on the passage of the bill.

The previous question was ordered.

The question recurred upon the passage of the bill; and on a division there were—ayes 108, noes 4.

Mr. BLAND. We had a quorum on the other vote, and we had better have a quorum on this.

The SPEAKER appointed Mr. BLAND and Mr. BURROWS as tellers.

The House again divided; and the tellers reported—ayes 158, noes 6.

So the bill was passed.

Mr. BURROWS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND DISTRICTS, NEBRASKA.

The SPEAKER also laid before the House the bill (H. R. 3810) to establish additional land districts in the State of Nebraska.

Mr. HOLMAN. I ask unanimous consent that that remain on the table for the present.

There was no objection.

FRAUDULENT USE OF THE MAILS.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

Mr. ENLOE. Mr. Speaker, I ask unanimous consent to concur in the Senate amendment to this bill. The House passed a bill providing for the punishment of dealers in counterfeit money for using the United States mails, which bill has been amended by the Senate and returned to the House, and I ask concurrence in the amendment.

Mr. HOLMAN. The amendment had better be read.

The SPEAKER. The amendment will be read, after which the Chair will ask for objection.

The Clerk proceeded to read the amendment.

During the reading,

Mr. RANDALL. I object to the further reading, and under the circumstances I object to the present consideration of any of the bills that are now on the Speaker's table. They can remain there.

The SPEAKER. They will remain on the table, if there be no objection.

Mr. ENLOE. It would not take a moment to consider and dispose of this matter.

LEAVE OF ABSENCE.

By unanimous consent, an extension of leave of absence was granted to Mr. SYMES, on account of sickness.

FILING OF REPORTS.

Mr. MANSUR. I ask leave that gentlemen having reports to make from committees, either of minority or majority, may file them with the Clerk.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? The Chair hears none, and that order will be made.

The following reports were filed by being handed in at the Clerk's desk:

SPOLIATION CLAIMS.

Mr. MANSUR, from the Committee on Claims, submitted a report recommending appropriation to pay the amounts of the several findings of the Court of Claims reported to Congress; which was referred to the House Calendar, and ordered to be printed.

UNOFFICIAL MATTER IN REBELLION RECORDS.

Mr. MAISH, from the Committee on Military Affairs, reported their views as to whether unofficial matter was introduced into volume 20, Part II, of the Official Records of the Rebellion; which were referred to the House Calendar, and ordered to be printed.

HENRY AYRES.

Mr. BYNUM, from the Committee on Ways and Means, reported back favorably the bill (H. R. 8170) for the relief of Henry Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. S. HASSLER.

Mr. YODER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 11632) to place John J. S. Hassler on the retired-list of the United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. MILLS. I call up the conference report that was under consideration last night.

The SPEAKER. The Chair will state that the gentleman from Pennsylvania [Mr. ERMENTROUT], from the Select Committee on Inaugural Proceedings, has a resolution which he desires to have read, that it may be well to dispose of.

Mr. RANDALL. Will it provoke debate? If it does I shall object. [To Mr. ERMENTROUT.] Ask unanimous consent to bring it up, and cut off debate on consideration.

Mr. HOLMES. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMES. I desire to inquire whether or not a veto message is not a matter of higher privilege than the conference report?

The SPEAKER. The Chair thinks not, under the rules. Except for the positive rules of the House it would be; but the House has adopted a rule which makes a conference report a higher privilege than any other matter before the House.

Mr. RANDALL. Regular order.

INAUGURAL CEREMONIES.

Mr. ERMENTROUT. I ask consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Speaker appoint a committee of three members of the House to co-operate with a committee appointed by the Senate to take charge of the arrangements for the inaugural ceremonies at the Capitol on the 4th of March.

The resolution was agreed to.

The SPEAKER subsequently appointed Mr. ERMENTROUT, Mr. CRAIN, and Mr. BAKER of New York as the committee on the part of the House.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The matter before the House is the motion made by the gentleman from South Carolina [Mr. DIBBLE] that the House recede from its disagreement to the Senate amendment numbered 124.

Mr. DIBBLE. I yield five minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. RANDALL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDALL. On yesterday evening, during the confusion incident to the close of the session, the Chair recognized, pending a demand made by the gentleman from Georgia [Mr. CLEMENTS] for the previous question, the gentleman from South Carolina [Mr. DIBBLE] to make a motion to recede, which is equivalent to concurring. That, no doubt, was correctly made, and was a prior motion, because it tended to bring the two Houses together on legislation. But the gentleman from South Carolina [Mr. DIBBLE] took the floor and claimed the right to one hour for debate. I want to direct the attention of the Chair to the fact that the effect of that was to take the gentleman from Georgia [Mr. CLEMENTS], in charge of the conference report, which he presented, off the floor and dispossess him of control of that report when there had been no adverse vote by the House in so far as the control of that bill was concerned.

The SPEAKER. The Chair thinks that it was undoubtedly correct to recognize the gentleman from South Carolina [Mr. DIBBLE] for the purpose of making the motion to recede from the disagreement, notwithstanding the fact that the gentleman from Georgia had at the time pending a proposition insisting on the disagreement, and had demanded the previous question. But the Chair, upon reflection, feels disposed to say that the gentleman from Georgia, under the practice heretofore prevailing in the House, was still entitled to the floor for the purpose of controlling the matter, having charge of the general subject, there having been no adverse action, and therefore the Chair thinks that the gentleman from South Carolina was not then entitled, under this usage, to recognition for the purpose of debate, but the Chair actually recognized the gentleman from South Carolina, and he yielded to the gentleman from Kentucky five minutes.

While the Chair thinks now this action was not strictly in accordance with the practice, the gentleman states that he will not occupy more time than would be allowed if the previous question was ordered, and the Chair will not undertake to reverse the action taken, but the Chair desires that the action taken yesterday shall not be a precedent.

Mr. RANDALL. I am quite content that the proceedings shall go that way; but I wanted it just as the Chair has stated, not to go as a precedent, for I want to illustrate for a moment what the effect would be. There are two hundred amendments to the sundry civil appropriation bill; and if any gentleman on this floor would have the right to make that motion of concurrence to each one of these amendments, in case they were reported back as disagreements, there would be many hours occupied, and it might take thirty days to reach a conclusion.

The SPEAKER. The Chair sees the difficulty which might result from that practice. The gentleman from South Carolina yields five minutes to the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I simply wanted to state in answer to certain statements made by certain gentlemen, and more particularly by my friend from Georgia [Mr. BLOUNT], for whom I have great respect and whose statement ought not to go unchallenged, that there has been no haste in the presentation of this matter. It was introduced by my senatorial colleague from Kentucky, Mr. BECK, at the last session, and was put on the bill by the Senate at that session and discussed in this House. It was also introduced by me on December 17, and reported by the Committee on Public Buildings and Grounds. It has been considered, therefore, at both sessions of this Congress, and favorably reported by the proper committee of the House.

There is, therefore, no ground for the statement that it has been suddenly and unexpectedly precipitated into this House at the tail-end of the session. I want to make one more statement. This being the District of Columbia and under the power of Congress, the constitutional power is absolutely clear. The question is a pure question of expediency. There can be no lack of precedents when we walk down to the museums and the other public institutions here, and it is a clear question whether such expenditure of $200,000 is a wise expenditure when we are giving millions upon millions for public buildings in Washington. I am not in favor of the national park nor of the purchase of a large tract of land under the pretense of a zoological park. I append the report of the Committee on Public Grounds that the record may show the exact object in view.

There is absolute protection from jobbery in the fact that this is to be under the supervision of the Smithsonian Institution. At this period of the session I content myself with this statement.

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11810) "for the establishment of a zoological park in the District of Columbia," having had the same under consideration, respectfully submit the following report:

Appended hereto is a letter of Prof. S. P. Langley, Secretary of the Smithsonian Institution, portraying the necessity of such a park and the advantages to be derived from its establishment; and, for the reasons therein set forth, your committee respectfully recommend the passage of the bill.

SMITHSONIAN INSTITUTION, *Washington, D. C., January* 18, 1889.

MY DEAR SIR: I write what follows in accordance with the suggestion of your yesterday's letter, intending it for your consideration and that of the committee.

From all parts of the country, for many years, presents of live animals have been made to the Government through the Smithsonian Institution or the Museum, but the absence of any appropriation for their care has led to their being sent away (though most reluctantly) to increase the collections of the zoological parks in Philadelphia, New York, London, and other cities. It should be better known than it is that everywhere through the country there is a disposition on the part of private individuals to give to the Government in this way, and without any expectation of return, remarkable specimens, which the donor (very commonly a poor man) sometimes refuses advantageous pecuniary offers for, and it seems hard to decline gifts made in such a spirit, or, accepting them, to give them away again.

But little over a year ago I gave instructions that these live specimens should

be retained temporarily, as an experiment, and although a very few have been purchased, the collection, which is a subject of so much local popular interest, has been thus formed, substantially by gift, within perhaps fifteen months, and this though many proffers have been declined for want of means to care for them, I am persuaded that if it were generally known that the Government would receive and care for such gifts, within a very few years the finest collection of American animals in the world might be made here in this way with comparatively no expenditure for purchase.

Among the many interested in the incipient collection was Senator BECK, whose bill for the formation of a zoological park was brought before the Senate on April 23, 1888. The writer directed the Senator's attention to the fact that a piece of ground singularly suitable, by the variety of its features, to the provision for the wants of all the different kinds of animals, existed in the picturesque valley of Rock Creek, in the part nearest to the city. Here not only the wild goat, the mountain sheep, and their congeners would find the rocky cliffs which are their natural home, but the beavers brooks in which to build their dams; the buffalo places of seclusion in which to breed and replenish their dying race; aquatic birds and beasts their natural home, and in general all animals would be provided for on a site almost incomparably better than any now used for this purpose in any other capital in the world.

With this is the pre-eminently important consideration that the immediate neighborhood to the city would make it accessible not only to the rich but to the poor, and therefore a place of recreation to the great mass of the residents, as well as to the hundreds of thousands of citizens from all parts of the country who now annually visit the capital.

It may be added that, so far as is known to the writer, all those interested in the desirable but larger plan for a public park along the whole Rock Creek region—that is to say, all those acquainted with the beauties and advantages of the site—regard the establishment of the proposed zoological park there with favor. It is very difficult for any one who has not visited the region to understand its singularly attractive character, due to the good fortune which has preserved its picturesque features intact until now, although the growing city is sweeping around and enveloping it.

The Smithsonian Institution has not customarily received with favor the propositions continually made it to place different local or national interests under its charge; but the very special reasons which seem in this case to enable it to at once secure a home and city of refuge for the vanishing races of the continent, and a place for the health and recreation of the inhabitants of the city and citizens of the United States, together with an opportunity for the carrying out an enterprise of national scientific value, and the formation of what, as regards its site at least, is the finest zoological garden in existence—all these considerations have moved it to see in this an opportunity to carry out its legitimate work, "the increase and diffusion of knowledge among men."

When, therefore, Senator BECK made the understanding that the Smithsonian Institution would accept the charge of such a park, the primary condition on which he would undertake to recommend it to Congress, the Secretary felt authorized to say that he believed it probable that the proposition would be favorably viewed by the Regents, and the matter once brought before Congress, he has not disguised his own interest in the success of the measure.

The bill, brought in by Mr. BRECKINRIDGE in the House (and by Senator MORRILL in the Senate), appropriates $200,000 for the purchase of not less than 100 acres of land. The land actually most desired for the zoological park covers about 120 acres, being precisely that portion of the Rock Creek valley which will be soonest destroyed, as regards its picturesque and attractive features, by the laying out of streets and lots. Nevertheless, and largely owing to the very fact that the picturesqueness of the locality implies the existence of rocks, precipices, and valleys, which it would cost much to level and fill in, this land can still be obtained at rates which, considering its neighborhood to the city, are remarkably cheap. The most thorough examination that I have been able to make, the testimony of various real-estate experts and others, have satisfied me that the purchase may and will be completed for somewhat less than the sum named in the appropriation, even leaving a small margin for the erection of a preliminary shelter for the animals.

I beg most respectfully to urge upon the attention of the committee the fact that it is at once the strength and weakness of this measure that, so far as is known, it is an entirely disinterested one, the real-estate holders in the vicinity being generally indifferent or opposed to it, for reasons which can be explained, if desired, and that it is being thus pressed upon Congress by those who have the measure at heart because anything that is done must be done soon. It is probable that within a year or two more the good fortune which has kept this singularly interesting spot intact, while the growing city is encircling it, will protect it no longer. It is not the mere space on the map which is to be secured, but natural advantages which have no relation to the number of acres, and which can not be restored if once destroyed, since it is not in the power of Congress itself by any expenditure of money to recreate a rock or a tree.

I am, very respectfully, yours,

S. P. LANGLEY, *Secretary.*

Hon. SAMUEL DIBBLE,
House of Representatives.

Mr. DIBBLE. Mr. Speaker, the bill providing for the establishment of a zoological park in the District of Columbia was referred to the Committee on Public Buildings and Grounds, and, after due consideration, that committee determined to report it favorably to the House. I will print with my remarks the report of the committee, but in the mean time will state briefly, for the purpose of saving time, the reasons which induced the committee to recommend the passage of the bill.

In the first place, Mr. Speaker, the project as set forth in the bill is for the purchase of not less than 100 acres of land. As members will see from the design and plan in front of the Reporters' desk——

Mr. HOPKINS, of Illinois. Will the gentleman permit a question?

Mr. DIBBLE. I must decline to be interrupted now, because my time is so limited. Otherwise I should be glad to hear the gentleman's question.

Mr. HOPKINS, of Illinois. I merely wanted to ask the gentleman whether his remarks were directed to the amendment of his colleague, or rather to that part of it embraced in the bill introduced in the House by the gentleman from Kentucky [Mr. BRECKINRIDGE], relating to the zoological garden?

Mr. DIBBLE. I am speaking to the zoological park bill, a bill reported by the Committee on Public Buildings and Grounds, in accordance with the design and plan now in front of the Reporters' desk.

Mr. HOPKINS, of Illinois. But does the amendment——

Mr. DIBBLE. Mr. Speaker, I have answered the gentleman's question, and I must decline to yield further, although I would gladly do so if I had the time. This piece of land embraces about 120 acres. The bill provides for the purchase of not less than 100 acres. It is estimated, as the committee are informed, that the sum of $200,000 will purchase the land and will provide for the structures that will be immediately necessary. But, Mr. Speaker, even if the entire $200,000 were expended for the land alone, gentlemen will find that that would be a very reasonable price, because it can be ascertained by calculation that the cost per foot would be only about 4½ cents, which is much less than property commands in that vicinity. Therefore I say that even if we purchase with this amount of money 100 acres of land it will cost us only 4½ cents per foot, and if we purchase 120 acres of course the cost per foot will be less; and I am informed, in fact, that a large portion of the land can be purchased at less than that price, so that the committee will be enabled by this appropriation not only to purchase 20 acres in excess of the limit of the bill, but also to erect the necessary structures.

The reason of this is that the ground is very undulating and therefore is not so suitable for the erection of dwellings, as has been suggested by gentlemen who oppose this measure. It is just because of the natural beauty of the ground that it is not suitable for buildings, and the establishment of some such park is necessary for the purpose of preserving certain species of animals which are rapidly becoming extinct. Mr. Speaker, I shall not go into platitudes about the benefit of scientific education or the advantages of fostering scientific institutions. We have the Smithsonian Institution. We are proud of the Smithsonian, and the Smithsonian has already, by gift, not by purchase, the nucleus of a collection. It has the buffalo; it has the white bear; it has other animals which are passing away in this country, and I am informed by the Secretary of the Smithsonian, Professor Langley, that this place furnishes the right kind of location and the proper temperature for the propagation and perpetuation of these rapidly disappearing species of American animals, while at the same time it will serve the purposes of a public park. This is an enterprise to be connected with a Government institution, for a Government purpose, and I do not think that the Government should stand upon expending this small amount of money, in view of the important objects to be attained, especially when the property to be acquired will never depreciate in value, so that if the Government should hereafter choose to abandon the experiment it will be able to get back its money two, three, or four fold.

Mr. HATCH. As this subject has been before the gentleman's committee, will he state, for the information of the House, whether he wishes to be understood as saying that this $200,000 is all that is necessary to establish this zoological garden, or is this merely the first installment?

Mr. DIBBLE. I am informed that the inquiries, estimates, and offers indicate that the 120 acres which are included in the design now in front of the Reporter's desk can be purchased for something less than $200,000; that is, for a sum which will leave enough to erect the structures necessary in the mean time for the accommodation of the animals. Of course there will have to be further appropriations in the future; and as to that gentlemen are informed from the estimates of others. I have not examined the subject; but the statement was made here yesterday that this will add about $25,000 a year for a couple of years or so to the annual appropriations for the Smithsonian Institution.

I publish as a portion of my remarks the report to which I have referred:

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But a little over a year ago I gave instructions that these live specimens should be retained temporarily, as an experiment, and although a very few have been purchased, the collection, which is a subject of so much local popular interest, has been thus formed, substantially by gift, within perhaps fifteen months, and this though many proffers have been declined for want of means to care for them. I am persuaded that if it were generally known that the Government would receive and care for such gifts, within a very few years the finest collection of American animals in the world might be made here in this way, with comparatively no expenditure for purchase.

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I am, very respectfuly, yours,

S. P. LANGLEY, *Secretary.*

Hon. SAMUEL DIBBLE,
House of Representatives.

Mr. HERBERT rose.

Mr. DIBBLE. I do not yield for further questions, and I do not wish to detain the House longer. I yield five minutes to my colleague [Mr. HEMPHILL]. [Cries of "Vote!" "Vote!"]

Mr. HEMPHILL. I desire simply to submit an amendment to the amendment of my colleague [Mr. DIBBLE], which I will ask to have read.

The Clerk read as follows:

Amend by adding:

"And agree to the same with an amendment as follows:

"That the sum of $1,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, from any money in the Treasury not otherwise appropriated, to procure a national park in the District of Columbia of not less than 1,000 acres: *Provided*, That one-half of said sum shall be paid from the revenues of the District of Columbia and the balance from any money in the Treasury not otherwise appropriated: *Provided further*, That the abutting property that may be benefited by the laying out of said park shall be charged with the amount of the increased value arising from the same, and the sum so assessed and recovered shall be returned to the United States Treasury and the District of Columbia in the proportion in which their funds are herein appropriated."

Mr. RANDALL. I do not think that proposition is in order as an amendment to the proposition of the gentleman from South Carolina [Mr. DIBBLE].

The SPEAKER. The gentleman from Pennsylvania makes a point of order against this amendment. The Chair thinks that while no point of order can be made in the House against any provision inserted in a conference report, except upon the ground that it changes or strikes out some provision previously agreed to by both Houses, yet when the House itself comes to adopt amendments to Senate amendments, the amendments offered here must be germane and are governed by the rules which govern the ordinary proceedings of the House in the consideration of appropriation bills.

Mr. RANDALL. The point I make, however, is that this amendment is not admissible as an amendment to the amendment of the gentleman from South Carolina, for it would not have been in order originally in the House.

The SPEAKER. This is a proposition to agree to a Senate amendment with an amendment which the Chair thinks is not germane to the Senate amendment.

Mr. HEMPHILL. If I change my proposition so as to provide for a zoological park of 1,000 acres, will not that be in order?

The SPEAKER. Anything relating to the zoological park, which is the subject of the Senate amendment, would be in order if germane to the provisions of that amendment, which the Chair has not yet read.

Mr. HEMPHILL. I modify my amendment by striking out "national park" and inserting "zoological park."

Mr. RANDALL. I submit that the gentleman can not do indirectly what he can not do directly.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] proposes now to withdraw his previous proposition and offer one for the purchase of a zoological park, which is the subject of the Senate amendment, as the Chair understands, though he has not read the amendment of the Senate.

Mr. BUCHANAN. It seems to me that the proposition even as modified by the gentleman from South Carolina is subject to another point of order. I submit that it involves new legislation because it provides that a certain proportion of this expense shall be borne by the owners of the adjacent property.

The SPEAKER. The Chair has not yet read the Senate amendment himself; he will examine it.

Mr. RANDALL. I desire to call attention to this point—that the proposition now presented would not in my judgment have been in order if it had originated in the House as an amendment to this bill before it went to the Senate.

The SPEAKER. That is the very point which the Chair is examining; for the Chair thinks, as he has already stated, that if the committee of conference should embrace in its report to the House an agreement upon some proposition which would not have been in order in the House originally, a point of order could not be made against it; but when it is proposed that the House shall concur in a Senate amendment with an amendment, the latter must be of such a character that it would have been in order if the original proposition were before the House. Upon this ground the Chair thinks that the amendment offered by the gentleman from South Carolina is not in order.

Mr. HEMPHILL. On what grounds?

The SPEAKER. On the ground that it would not have been in order in the House in the consideration of this bill originally; and it is not in order simply as an amendment to the Senate amendment, because it proposes to change existing law in regard to the payment for this property. The law now provides that the expenditures in connection with the District shall be borne one-half by the United States and one-half by the District of Columbia.

Mr. HEMPHILL. I then withdraw that part of my proposition which proposes to assess owners of adjoining property.

The SPEAKER. If the amendment in the shape now offered relates simply to the purchase of a park for zoological purposes the Chair thinks it is in order; beyond that it is not.

Mr. HEMPHILL. I withdraw all except that part of the proposition.

Mr. RANDALL. I call for the yeas and nays.

Mr. BUCHANAN. I desire to inquire of the Chair whether the amendment of the gentleman from South Carolina as now modified does anything to enlarge the Senate amendment except in the matter of price?

The SPEAKER. That is all; but that is a matter for the House; it does not present any question of order.

Mr. BUCHANAN. I did not raise a question of order; I submitted a parliamentary inquiry.

Mr. RANDALL. I am unwilling to permit this amendment to be disposed of without a statement on my part that I deny the right of a conference committee to originate, either directly or indirectly, a proposition on a subject which was never considered by either House when the bill was passed by the respective Houses.

The SPEAKER. The Chair does not say that a conference committee has the right to originate legislation on a subject not previously considered in either House.

Mr. HATCH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I ask whether the Chair has decided the point of order.

The SPEAKER. The Chair has decided it.

Mr. HATCH. The point of order is that the motion of the gentleman from South Carolina, that the House recede from its disagreement, is not amendable.

The SPEAKER. The effect of receding is to concur in the amendment, but the gentleman from South Carolina [Mr. HEMPHILL] moves to amend it by agreeing with an amendment.

Mr. RANDALL. The effect will be to involve the Government of the United States in the expenditure of many hundreds of thousands of dollars.

The SPEAKER. The question is on the amendment moved by the gentleman from South Carolina [Mr. HEMPHILL].

Mr. RANDALL. Let us have the yeas and nays on that.

Mr. HEMPHILL. I believe my time has not expired.

The SPEAKER. The gentleman has five minutes of his time remaining.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. I desire the amendment to be read for the information of the House.

The SPEAKER. It will be read if gentlemen will resume their seats and preserve order.

The Clerk read as follows:

And agree to the same with an amendment as follows: That $1,000,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, from any money in the Treasury not otherwise appropriated, to purchase a

zoological garden in the District of Columbia of not less than 1,000 acres: *Provided*, One-half of said sum shall be paid from the revenues of the District of Columbia, and the balance from any money in the Treasury not otherwise appropriated.

Mr. HEMPHILL rose.

Mr. BUCHANAN. Will the gentleman yield to me for a question?

Mr. HEMPHILL. Certainly.

Mr. BUCHANAN. Is it not a fact the proposition, as the gentleman now offers it, is an increase in the amount the Senate put on the bill from $200,000 to a million of dollars; and is it not the fact further that instead of purchasing 200 acres, as the Senate recommends, it provides for the purchase of over a thousand acres?

A MEMBER. Eighteen hundred acres.

Mr. HEMPHILL. Mr. Speaker, the object of the proposition submitted to the House, and upon which it is called to vote, is to procure a suitable park for this city. I do not say the city needs it especially now, but it will need it if it continues to grow, and this is the proper time to get it. It is not only a proper expenditure but it is economy to do it, for if this Rock Creek is allowed to flow through the city and be an open sewer to the people along its banks it will cost us not only more in the loss of health but in money than the expenditure here proposed.

Mr. RANDALL. There is no healthier city on the Atlantic coast than the city of Washington.

Mr. HEMPHILL. There is a difference of opinion about that. If it be true that it is the healthiest city on the Atlantic coast, then it is the duty of Congress to keep it so. In one part of the city this stream is so polluted that it has become a stench to everybody living along its banks.

Mr. ENLOE. Will the gentleman yield to me for a question?

Mr. HEMPHILL. Certainly.

Mr. ENLOE. Would the gentleman have any objection to agreeing to an amendment to his amendment providing for the distribution among members of Congress of the increase of animals in this zoological garden, to be franked through the mails by members of Congress to their constituents? [Great laughter.]

Mr. HEMPHILL. That has nothing at all to do with it, any more than the flowers that bloom in the spring have. The question is, whether this city shall have a park like every other city or whether it shall not.

Mr. DIBBLE. Let me call attention to the fact that if the proposition prevails in its present shape you will not only appropriate $200,000 for a zoological park, but you will appropriate in addition $1,000,000 for another zoological park. What I want to say is, so far as the zoological part is concerned, $200,000 is all that is asked and all that is needed to purchase the ground desired for that purpose. That appropriation is accomplished by voting for the motion I made to recede from disagreement to amendment 124, as published in the RECORD. That will accomplish the plan in front of the Official Reporters' desk.

Mr. CLEMENTS. I demand the previous question.

Mr. DIBBLE. I promised to yield to the gentleman from Maryland [Mr. COMPTON].

The SPEAKER. There are two minutes remaining.

Mr. RANDALL. I do not know that the gentleman has any time under the decision of the Chair.

Mr. DIBBLE. I ask how long a time I have occupied.

The SPEAKER. There have been over thirty minutes consumed; but a part of the time, it is true, was in the discussion of the point of order. The Chair understands the gentleman from Maryland to desire only two or three minutes.

Mr. CLEMENTS. As the gentleman is a member of the District Committee and wants but a short time I shall not make any objection.

Mr. COMPTON. Mr. Speaker, I regret very much that my colleague on the committee has seen proper to press this proposition at this time. For one, sir, as a member of the Committee on the District of Columbia, I have never been in favor of this scheme for a national park. I have never, I will confess, expressed my views fully in the committee or stated the opposition that I had to it, as perhaps I should have done in view of my position, because I never expected to be called upon to debate the proposition before the House. I supposed from the action taken by the committee that the proposition would never come before the House for consideration at all, and hence that it was unnecessary to interpose objection at that time. But as it is here now, I feel impelled to say what my views are on the subject.

In the first place, I maintain that no city can be found on this continent or elsewhere where the demand for a park of this nature has so little weight or is entitled to so little consideration as in this city. Why, look around your great capital and what do you see? Here are the Arlington Heights within easy reach, the Soldiers' Home in our immediate vicinity; here are four railroads running in every direction leading from the capital city of the nation; here are our street railroads running on almost every street that points to your center; here are the various city parks, the broad streets, beautified with shade trees, and broad, ample walks, perhaps to a greater extent than any city in this country.

Mr. DUNN. Or any other.

Mr. COMPTON. And while I do not charge, because I do not know, that there is a real-estate scheme behind this, and I do know, sir, that my honored colleague and those associated with him in the Committee on the District of Columbia have no knowledge of it or any apprehension of such a state of things, still, sir, there is one thing which can not be denied, and that is that this will add immensely to the real-estate boom in the immediate vicinity of where this park is to be located.

Mr. BUCHANAN. And add to the taxes in every other part.

Mr. COMPTON. In conclusion, but a single word. My friend, Mr. DIBBLE, of South Carolina, has, in my judgment, struck the keynote of this whole controversy; that is to say, that the national park is a park for the city of Washington, while the zoological park is a park for the nation at large, and as between the two I am for the zoological park as against the other.

The SPEAKER. The question is on ordering the previous question on the report of the committee and the amendment of the gentleman from South Carolina.

The previous question was ordered.

The SPEAKER. The first question is on the proposition submitted by the gentleman from South Carolina [Mr. HEMPHILL], which will be again read, if there be no objection.

Mr. RANDALL. I object to its being again read.

The SPEAKER. The Chair understands the gentleman from Pennsylvania to demand the yeas and nays.

Mr. RANDALL. I will take the vote first by sound and division.

The question was taken; and the Speaker stated that the noes seemed seemed to prevail.

Mr. HEMPHILL. Let us have a division.

The House proceeded to divide; and the Speaker announced—ayes 57——

Before the negative vote was counted,

Mr. CLEMENTS said: I demand the yeas and nays.

Mr. HEMPHILL. That is not necessary, let this vote decide.

Mr. CLEMENTS and others. Yes, it is necessary.

The yeas and nays were ordered.

Mr. NELSON. I rise to a parliamentary inquiry. Are we voting upon the amendment of the gentleman from South Carolina [Mr. HEMPHILL]?

The SPEAKER. That is the pending amendment.

Mr. BUTTERWORTH. We are to vote for the $200,000 proposition now, or the $1,000,000 proposition, which?

The SPEAKER. The $1,000,000 proposition.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that in accordance with the request of the House the Senate returned the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883.

It also announced that the Senate had passed without amendment House bills of the following titles, namely:

A bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;"

A bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River in the State of Florida; and

A bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri.

It also announced that the Senate had passed bills of the following titles, in which concurrence was requested, namely:

A bill (S. 2299) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia; and

A bill (S. 3900) to authorize the Secretary of War to make a survey, plan, and estimate of the cost of constructing a bridge across the Eastern Branch of the Potomac River in the District of Columbia.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The yeas and nays have been ordered, and the Clerk will call the roll.

The question is on the amendment of the gentleman from South Carolina [Mr. HEMPHILL].

The question was taken; and it was decided in the negative—yeas 94, nays 131, not voting 98; as follows:

YEAS—94.

Adams,	Campbell, T.J., N.Y.	Harmer,	Lodge,
Allen, Mass.	Cannon,	Hayden,	Long,
Atkinson,	Cheadle,	Hayes,	McComas,
Bayne,	Clark,	Hemphill,	McCormick,
Belden,	Cogswell,	Henderson, Iowa	McKinney,
Bingham,	Conger,	Hiestand,	Milliken,
Bliss,	Dalzell,	Hopkins, N. Y.	Moffitt,
Bowden,	Dargan,	Hunter,	Morse,
Bowen,	Davenport,	Jackson,	Newton,
Brewer,	Davidson, Fla.	Johnston, Ind.	Nichols,
Browne, T.H.B., Va.	De Lano,	Kean,	O'Neill, Pa.
Brown, Ohio	Dorsey,	Kennedy,	Osborne,
Brown, J. R., Va.	Gaines,	Ketcham,	Parker,
Burrows,	Grosvenor,	Laidlaw,	Patton,
Butler,	Grout,	Lawler,	Perkins,
Campbell, Ohio	Guenther,	Lehlbach,	Phelps,

Plumb,	Rowell,	Stewart, Vt.	Whiting, Mass.
Post,	Russell, Conn.	Taulbee,	Wilber,
Pugsley,	Sawyer,	Thomas, Ky.	Wise,
Reed,	Scott,	Thomas, Ill.	Woodburn,
Rice,	Scull,	Thomas, Wis.	Yardley,
Robertson,	Shaw,	Thompson, Cal.	Yoder.
Rockwell,	Spooner,	Walker,	
Romeis,	Stephenson,	Weber,	

NAYS—131.

Abbott,	Crisp,	Hopkins, Va.	Penington,
Allen, Miss.	Crouse,	Hudd,	Perry,
Anderson, Iowa	Culberson,	Hutton,	Pidcock,
Anderson, Miss.	Cummings,	Johnston, N. C.	Posey,
Anderson, Ill.	Darlington,	Kelley,	Randall,
Anderson, Kans.	Davidson, Ala.	Kerr,	Rogers,
Bacon,	Dibble,	Kilgore,	Rowland,
Baker, Ill.	Dockery,	Laffoon,	Sayers,
Bankhead,	Dougherty,	La Follette,	Sherman,
Barnes,	Dunham,	Landes,	Shively,
Biggs,	Dunn,	Lane,	Simmons,
Bland,	Elliott,	Lanham,	Smith,
Blount,	Enloe,	Lind,	Snyder,
Booher,	Finley,	Macdonald,	Sowden,
Bound,	Fisher,	Martin,	Stewart, Tex.
Breckinridge, Ark.	Forney,	Matson,	Stockdale,
Breckinridge, Ky.	Fuller,	McAdoo,	Stone, Ky.
Brower,	Funston,	McClammy,	Stone, Mo.
Bryce,	Gay,	McCreary,	Taylor, J. D., Ohio
Buchanan,	Gear,	McKenna,	Thompson, Ohio
Butterworth,	Gest,	McKinley,	Tillman,
Bynum,	Gibson,	McMillin,	Tracey,
Campbell, F., N. Y.	Glass,	McRae,	Turner, Ga.
Candler,	Greenman,	Mills,	Vandever,
Caruth,	Hall,	Moore,	Wade,
Catchings,	Hare,	Morgan,	Warner,
Chipman,	Hatch,	Morrill,	Washington,
Clardy,	Haugen,	Nelson,	Wheeler,
Clements,	Henderson, Ill.	O'Ferrall,	Whiting, Mich.
Cobb,	Herbert,	O'Neall, Ind.	Wickham,
Compton,	Hitt,	Outhwaite,	Wilkinson,
Cothran,	Holman,	Payson,	Wilson, W. Va.
Cowles,	Hopkins, Ill.	Peel,	

NOT VOTING—98.

Allen, Mich.	Fitch,	Lynch,	Seney,
Arnold,	Flood,	Maffett,	Seymour,
Baker, N. Y.	Foran,	Mahoney,	Spinola,
Barry,	Ford,	Maish,	Springer,
Blanchard,	French,	Mansur,	Stahlnecker,
Boothman,	Gallinger,	Mason,	Steele,
Boutelle,	Glover,	McCullogh,	Stewart, Ga.
Browne, Ind.	Goff,	McShane,	Struble,
Brumm,	Granger,	Merriman,	Symes,
Buckalew,	Grimes,	Montgomery,	Tarsney,
Bunnell,	Heard,	Morrow,	Taylor, E. B., Ohio
Burnett,	Henderson, N. C.	Neal,	Townshend,
Carlton,	Hermann,	Norwood,	Turner, Kans.
Caswell,	Hires,	Nutting,	Vance,
Cockran,	Hogg,	Oates,	Weaver,
Collins,	Holmes,	O'Donnell,	West,
Cooper,	Hooker,	O'Neill, Mo.	White, Ind.
Cox,	Houk,	Owen,	White, N. Y.
Crain,	Howard,	Peters,	Whitthorne,
Cutcheon,	Jones,	Phelan,	Wilkins,
Davis,	Lagan,	Rayner,	Williams,
Dingley,	Laird,	Richardson,	Wilson, Minn.
Ermentrout,	Latham,	Russell, Mass.	Yost.
Farquhar,	Lee,	Rusk,	
Felton,	Lyman,	Ryan,	

So the amendment was rejected.

Pending the announcement of the vote,

Mr. DIBBLE said: I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced until further notice:

Mr. PHELAN with Mr. MASON.

Mr. GRANGER with Mr. DINGLEY.

Mr. JONES with Mr. COOPER.

Mr. COCKRAN with Mr. NUTTING.

Mr. BARRY with Mr. BUNNELL.

Mr. HOGG with Mr. SYMES.

Mr. BURNETT with Mr. GOFF.

Mr. NEAL with Mr. HOUK.

Mr. MCSHANE with Mr. LAIRD.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. COLLINS with Mr. ALLEN, of Massachusetts; also on election contest of Sullivan *vs.* Felton. Mr. COLLINS would vote for Mr. Sullivan; Mr. ALLEN would vote for Mr. Felton.

For this day:

Mr. COX with Mr. BROWNE, of Indiana.

On this vote:

Mr. RICHARDSON with Mr. ALLEN, of Michigan.

Mr. HENDERSON, of North Carolina, with Mr. HOPKINS, of New York.

Mr. MONTGOMERY with Mr. FARQUHAR.

Mr. SENEY with Mr. STRUBLE.

Mr. WILKINSON with Mr. PETERS.

Mr. WILKINS with Mr. STEELE.

The vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. HATCH). The question recurs on the motion of the gentleman from South Carolina that the House recede from its disagreement to the Senate amendment numbered 124.

Mr. CLEMENTS. On that I demand the yeas and nays.

Mr. SOWDEN. I request that the amendment be reported so that we may know how to vote.

Mr. DIBBLE. A parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. The question I desire to ask is whether a vote "ay" now is an agreement to an expenditure of $200,000 for a zoological garden reported by the Committee on Public Buildings and Grounds?

The SPEAKER *pro tempore*. That is the pending question. The gentleman from South Carolina submitted a motion to the House that the House recede from its disagreement to the amendment of the Senate numbered 124, appropriating $200,000 for a zoological garden, and upon that question the gentleman from Georgia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 131, nays 98, not voting 94; as follows:

YEAS—131.

Adams,	Dibble,	Lehlbach,	Seymour,
Allen, Mass.	Dorsey,	Lodge,	Shaw,
Arnold,	Dougherty,	Long,	Shively,
Atkinson,	Dunham,	Maish,	Sowden,
Bayne,	Ermentrout,	McComas,	Spooner,
Belden,	Farquhar,	McKenna,	Steele,
Bingham,	Gaines,	McKinley,	Stephenson,
Bliss,	Gay,	McKinney,	Stewart, Vt.
Bound,	Gear,	Milliken,	Taulbee,
Bowden,	Gibson,	Moffitt,	Taylor, J. D., Ohio
Bowen,	Greenman,	Morrow,	Thomas, Ky.
Breckinridge, Ky.	Grosvenor,	Morse,	Thomas, Ill.
Brewer,	Grout,	Nelson,	Thomas, Wis.
Brower,	Guenther,	Nichols,	Thompson, Ohio
Browne, T. H. B., Va.	Harmer,	O'Donnell,	Thompson, Cal.
Brown, Ohio	Haugen,	O'Neill, Pa.	Tillman,
Brown, J. R., Va.	Hayden,	Osborne,	Tracey,
Burrows,	Hemphill,	Outhwaite,	Wade,
Butler,	Henderson, Iowa	Parker,	Walker,
Butterworth,	Hermann,	Patton,	Weber,
Caswell,	Hiestand,	Perry,	Wheeler,
Cheadle,	Hires,	Plumb,	White, Ind.
Chipman,	Hitt,	Post,	White, N. Y.
Clark,	Hopkins, N. Y.	Pugsley,	Whiting, Mich.
Compton,	Hudd,	Rice,	Whiting, Mass.
Cothran,	Hunter,	Robertson,	Wilber,
Cutcheon,	Jackson,	Rockwell,	Williams,
Dalzell,	Kean,	Romeis,	Wise,
Dargan,	Kelley,	Rowell,	Woodburn,
Darlington,	Kennedy,	Russell, Conn.	Yardley,
Davidson, Fla.	Ketcham,	Sawyer,	Yoder,
Davis,	La Follette,	Scott,	Yost.
De Lano,	Lawler,	Scull,	

NAYS—98.

Abbott,	Cobb,	Hopkins, Va.	O'Neall, Ind.
Allen, Miss.	Cowles,	Johnston, N. C.	Payson,
Anderson, Iowa	Crisp,	Kerr,	Peel,
Anderson, Miss.	Culberson,	Kilgore,	Penington,
Anderson, Ill.	Cummings,	Laffoon,	Pidcock,
Anderson, Kans.	Davidson, Ala.	Landes,	Posey,
Bacon,	Dockery,	Lane,	Randall,
Baker, Ill.	Dunn,	Lanham,	Rogers,
Bankhead,	Elliott,	Lind,	Rowland,
Barnes,	Enloe,	Lynch,	Sayers,
Biggs,	Finley,	Macdonald,	Sherman,
Bland,	Fisher,	Mahoney,	Smith,
Blount,	Flood,	Mansur,	Snyder,
Booher,	Forney,	Martin,	Stewart, Tex.
Boothman,	Fuller,	Matson,	Stockdale,
Breckinridge, Ark.	Funston,	McAdoo,	Stone, Ky.
Bryce,	Gest,	McClammy,	Stone, Mo.
Bynum,	Glass,	McCreary,	Turner, Ga.
Campbell, F., N. Y.	Hall,	McMillin,	Vandever,
Campbell, Ohio	Hare,	McRae,	Warner,
Campbell, T. J., N. Y.	Hatch,	Mills,	Washington,
Candler,	Henderson, Ill.	Montgomery,	Wilson, Minn.
Cannon,	Herbert,	Moore,	Wilson, W. Va.
Caruth,	Holman,	Morgan,	
Clements,	Holmes,	O'Ferrall,	

NOT VOTING—94.

Allen, Mich.	Felton,	Latham,	Russell, Mass.
Baker, N. Y.	Fitch,	Lee,	Rusk,
Barry,	Foran,	Lyman,	Ryan,
Blanchard,	Ford,	Maffett,	Seney,
Boutelle,	French,	Mason,	Simmons,
Browne, Ind.	Gallinger,	McCormick,	Spinola,
Brumm,	Glover,	McCullogh,	Springer,
Buchanan,	Goff,	McShane,	Stahlnecker,
Buckalew,	Granger,	Merriman,	Stewart, Ga.
Bunnell,	Grimes,	Morrill,	Struble,
Burnett,	Hayes,	Neal,	Symes,
Carlton,	Heard,	Newton,	Tarsney,
Catchings,	Henderson, N. C.	Norwood,	Taylor, E. B., Ohio
Clardy,	Hogg,	Nutting,	Townshend,
Cockran,	Hooker,	Oates,	Turner, Kans.
Cogswell,	Hopkins, Ill.	O'Neill, Mo.	Vance,
Collins,	Houk,	Owen,	Weaver,
Conger,	Howard,	Perkins,	West,
Cooper,	Hutton,	Peters,	Whitthorne,
Cox,	Johnston, Ind.	Phelan,	Wickham,
Crain,	Jones,	Phelps,	Wilkins,
Crouse,	Lagan,	Rayner,	Wilkinson.
Davenport,	Laidlaw,	Reed,	
Dingley,	Laird,	Richardson,	

So the House receded from its disagreement to the amendment of the Senate numbered 124.

Pending the announcement of the vote,

On motion of Mr. HERBERT, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

On this vote:

Mr. SENEY with Mr. STRUBLE.

Mr. OATES with Mr. MORRILL.

Mr. RICHARDSON with Mr. ALLEN, of Michigan.

Mr. RAYNER with Mr. PERKINS.

The vote was then announced as above recorded.

Mr. DIBBLE moved to reconsider the vote by which the House agreed to recede from its disagreement to the Senate amendment; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CLEMENTS. I now move that the House insist upon a further disagreement to the remaining amendments and ask a further conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint the same gentlemen as conferees.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I rise to a question of privilege, and present the following conference report on the agricultural appropriation bill.

The SPEAKER. The Clerk will read the report.

Mr. HATCH. I ask to have the statement of the House conferees read.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the reading of the formal report, and that the statement of the House conferees be read.

Mr. TAULBEE. Let us have the report read first.

The SPEAKER. Does the gentleman from Kentucky demand the reading of the report?

Mr. TAULBEE. I do not, until I can hear the statement read; but I reserve the right to do so.

The report of the conferees is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 12, 13, 18, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, and 41, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,400;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named insert "$83,060;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 17, page 2 of the bill, strike out "$2,000" and insert in lieu thereof "$2,500."

In line 18, page 2 of the bill, strike out "$3,000" and insert in lieu thereof "$3,500."

In line 20, page 2 of the bill, strike out "$2,000" and insert in lieu thereof "$2,500."

In lines 21 and 22, page 2 of the bill, strike out "$3,200" and insert in lieu thereof "$3,700."

In lines 1 and 2, page 4 of the bill, strike out "two clerks of class 4, $3,600" and insert in lieu thereof "one assistant statistician, $2,000; one clerk of class 4;" and in lieu of the sum named in line 7, page 4 of the bill, insert "$34,500."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In lieu of "$50,000" named in said amendment insert "$25,000," and insert after the word "Congress," in said amendment, the following: "On or before the 1st day of February, 1890;" and the Senate agree to the same.

W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on the part of the House.

P. B. PLUMB,
C. B. FARWELL,
WILKINSON CALL,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

Senate amendments 1, 2, 15, 16, 17, 20, 21, 23, 27, 30, 31, 33, 34, 36, 37, 38, 40, and 41 are merely verbal amendments changing the word "Commissioner" to that of "Secretary," and rendered necessary by the passage of the act making the Department of Agriculture an Executive Department and the chief officer Secretary of Agriculture.

Amendments 3 and 4 provide for the additional salary of $8,000 for the Secretary of Agriculture, and $4,500 for the Assistant Secretary.

Amendment numbered 6, providing an assistant librarian at a salary of $1,600, was agreed to with an amendment reducing the amount to $1,400.

Amendment numbered 7 is simply one of addition, made necessary by the foregoing changes.

Amendment numbered 8 provides for an increase in the salary of the botanist, who is the chief of that division, from $2,000 to $2,500. This was agreed to with an amendment increasing the salaries of the pomologist and the microscopist in like manner from $2,000 to $2,500, thus equalizing the salaries of all the chief officers of the scientific divisions in the Department.

The Senate receded from amendment numbered 9, and the managers on the part of the House agreed to amendment numbered 10.

Amendment numbered 11 is simply one of addition.

The Senate receded from its amendments numbered 12 and 13.

Amendment numbered 22 was to correct a clerical error in the bill as it passed the House, the reports called for having been made.

Amendment numbered 28, increasing the amount appropriated to the division of economic ornithology and mammalogy to the sum of $10,000, was agreed to with an amendment striking out "ten," and inserting "seven."

Amendment numbered 35 was agreed to with an amendment striking out "superintendent" and the words "to be immediately available," and inserting "assistant statistician," and also striking out "two clerks of class 4," and inserting "one;" this increases the expenditure in this division $200.

Amendment numbered 39 is the largest in amount and the most important of any placed on the bill as it passed the House. It provides for the appropriation of $50,000 to continue the experiments in the manufacture of sugar from sorghum and beets, and reappropriates the unexpended balance of the present fiscal year for this purpose, which is stated by the disbursing clerk of the Department to be $60,256.12.

In view of the decisive action of the Senate upon this amendment, and the action of the House at the last session, the managers on the part of the House, while earnestly protesting that the amount appropriated is excessive and unnecessary, felt compelled to agree to the amendment with such reduction as it was possible to secure, and therefore agreed to the same with an amendment reducing the amount appropriated to $25,000, and fixing a date, February 1, 1890, at which the Secretary shall report to Congress the results of his continued experimentation, with an itemized account of his expenditures.

The Senate amendments increased the appropriations in the bill as it passed the House $70,460. The report submitted by the managers on the part of the House reduces this sum to $41,800, of which sum $9,400 was made necessary by the change of the Department of Agriculture from a bureau to a Cabinet position.

All of which is respectfully submitted.

W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on the part of the House.

Mr. HATCH. Mr. Speaker, a single word of explanation to accompany the written statement. The most important amendment placed upon the bill by the Senate was that providing for further experiments in sugar production, and, taking the vote of the House at the last session as indicating its will in the matter, the managers on the part of the House did not feel authorized to stand out against the Senate amendment except to see that it was reduced within the limit that was necessary for that purpose. At the last session the Senate put an amendment upon the agricultural appropriation bill of $100,000 for this purpose, and according to the report of the disbursing clerk $60,215 of that sum is now unexpended. The Senate, by an amendment placed upon this bill, proposed a further appropriation of $50,000, which in conference was reduced to $25,000, and the appropriation for this purpose stands credited now with the unexpended balance of $60,215 and an additional appropriation of $25,000, or so much thereof as may be necessary. The only other amendment of the Senate increasing appropriations more than a few hundred dollars is that increasing the salary of the botanist, who is chief of one of the scientific divisions. All of the chiefs of division there will now receive salaries of $2,500 per annum. There were three chiefs in this Department, the botanist, the microscopist, and the pomologist, at the heads of their several divisions, who were receiving salaries of only $2,000 each.

Mr. TAULBEE. Will the gentleman answer a question?

Mr. HATCH. With pleasure.

Mr. TAULBEE. I want to ask the gentleman if that is not in excess of the salaries received by the chiefs of division in other Departments?

Mr. HATCH. I have no doubt that it is in excess of the salaries received by the chiefs of division in some Departments——

Mr. TAULBEE. Is it not in excess of all?

Mr. HATCH. Not by any means. There are chiefs in the Treasury and in the Interior Department and in other Departments also receiving salaries of $2,500, and some who are receiving more. But the House should remember that these divisions in the Agricultural Department are scientific divisions, and that these positions can be filled only by men of eminence in their particular lines. I state as a fact, which is well known by gentlemen familiar with the subject, that the establishment of the experimental stations in connection with the agricultural colleges in the different States has caused a large demand for botanists, entomologists, pomologists, and experts in these different sciences, and the Department has lost within the last year several of its brightest men, who have been offered largely increased salaries elsewhere. For these reasons the managers of the conference on the part of the House agreed to the amendment increasing the salaries of these three officers, so that now the salaries of the heads of divisions in the Bureau of Agriculture are uniform and are all $2,500.

Mr. OWEN. I wish to ask the gentleman whether the amendment numbered 9 as printed in the bill which I hold in my hand is not an error?

Mr. HATCH. That was an amendment which the Senate receded from. The Senate receded from the amendment numbered 9, and the House agreed to amendment numbered 10.

Mr. OWEN. That was my understanding with the gentleman, but I thought this bill was printed as the conference committee had agreed upon it.

Mr. HATCH. Oh, no.

Mr. WASHINGTON. I want to ask the gentleman from Missouri [Mr. HATCH] a question with regard to this Department which I have heard asked about several others. Has the gentleman heard of any of these employés who are going to resign if their salaries are not increased?

Mr. HATCH. I have not only heard that some of those gentlemen will resign, but it is a fact that several of them have resigned, and I think it is creditable to the Department that——

Mr. WASHINGTON. Let me ask the gentleman another question.

Mr. HATCH. Let me get through with my answer to your first question and then I will answer another with great pleasure. It is creditable to the Department, I think, that several of these gentlemen have resigned, and that they are now employed by the agricultural colleges in different sections of the country at a very considerable advance over the salaries paid by the Government, and if I am not mistaken—I do not know about this, but I think—the agricultural college in the State of Tennessee has taken out of the Department here one of its brightest young men.

Mr. WASHINGTON. Do you not think it would be very much to the advantage of the Agricultural Department if two or three others who are there should resign?

Mr. HATCH. I do not think that is a fair question. I do not think I ought to be called upon to make that criticism; but if I were going to be Secretary of Agriculture after the 4th of March, or if I had been during the past four years, I think there are a good many gentlemen there now whose places would have been vacant a long while ago.

Mr. WASHINGTON. That is what I wanted to know.

Mr. TAULBEE. Are any of these provided for in the increased appropriations in this bill?

Mr. HATCH. There is not a single increase of salary in the bill except as distinctly set forth in the statement which has been read. The increases amount to only a few hundred dollars. Three chiefs of division get, each, $500 more per annum than they have been getting. There is an increase of $200 in one other office, that of assistant librarian. There is an assistant already assigned to that duty who has been drawing a salary of $1,200 a year, and the Senate proposed an amendment putting the salary at $1,600, but the House conferees declined to assent to that, and finally, as a matter of compromise, it was fixed at $1,400.

Mr. TAULBEE. Will the gentleman please state whether there was any controversy between the House and the Senate in regard to the salaries of any of these chiefs of division except the one named in the amendment—amendment No. 10, I believe?

Mr. HATCH. There was a controversy over every one of them, and the managers on the part of the House endeavored in conference to induce the Senate conferees to recede from every single increase that had been put on the bill in regard to salaries, because the House and the Senate a year ago had gone over this question, and so far as they could had tried to equalize these salaries. But we had left this matter unprovided for; the Senate insisted on its amendment, and we were compelled to accede in order to get a report.

Mr. TAULBEE. Is it not a fact that the chiefs provided for in this conference report are all in the employ of the agricultural bureau now and will continue in its employ, performing the same services, if the increase of pay now recommended be made?

Mr. HATCH. When the gentleman speaks of the "agricultural bureau" he means the Department of Agriculture; it is not a bureau.

Mr. TAULBEE. Well, it used to be a bureau.

Mr. HATCH. That was a good while ago. The Congress of the United States, with the aid of the gentleman from Kentucky [Mr. TAULBEE], elevated it to a Department.

Mr. TAULBEE. Certainly; but I am not in favor of everything that has followed.

Mr. HATCH. Of course this bill does not take effect until the 1st of July——

Mr. TAULBEE. But do not the same officers go on?

Mr. HATCH. Unquestionably; and some of them have been there for a great many years.

Mr. TAULBEE. And now you provide this increase of their pay.

Mr. HATCH. I want to say right here, if gentlemen are particular about this matter, that there is one gentleman whose salary is increased from $2,000 to $2,500, who, in my judgment, has rendered more service to the farmers of the United States during the ten years that I have been on the Committee of Agriculture than any other one scientific man in the Department of Agriculture.

Mr. TAULBEE. What does he do?

Mr. HATCH. I refer to the microscopist, the gentleman who is at the head of the microscopical division of the Department of Agriculture, whose investigations and reports upon questions of adulteration of food and other scientific subjects have not only been published throughout the length and breadth of the land, but are being copied and republished in every foreign language, being regarded to-day as authority in every country on the globe.

Mr. TAULBEE. Does that gentleman propose to resign if his salary is not increased?

Mr. HATCH. Well, I have not said a word to him about this. If the gentleman from Kentucky wants to know whether he will resign or not I respectfully refer him to that gentleman.

Mr. TAULBEE. I do not know him.

Mr. HATCH. I have had no conversation with him on this subject.

Mr. WASHINGTON. Does this bill increase the salary of the statistician?

Mr. HATCH. It does not.

Mr. TAULBEE. But it gives him an assistant.

Mr. HATCH. If the gentleman from Tennessee [Mr. WASHINGTON] had listened to the reading of the statement——

Mr. WASHINGTON. I could not hear it, there was so much confusion.

Mr. HATCH. The statistician has two clerks of class 4, receiving each a salary of $1,800 per annum; and those two clerks, being next to the statistician, receive the largest salaries of any clerks in that division. But the Senate in their amendment wanted to provide for a superintendent or assistant to the division who could act in the absence of the statistician; and we simply change——

Mr. WASHINGTON. He ought to be absent all the time.

Mr. HATCH. Well, I have thought so myself on account of his political convictions, but that is not an issue now. Mr. Speaker, I now demand the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. HATCH moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS IN TEXAS, ETC.

Mr. CULBERSON. I rise to present a privileged report—the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

The Clerk proceeded to read the report, which is published in the Senate proceedings of yesterday.

Mr. CULBERSON (before the Clerk had concluded the reading of the report). Mr. Speaker, this report is printed in the RECORD this morning as part of the proceedings of the Senate, that body having already adopted the report. I presume members of the House are entirely familiar with this matter. The reading of the report would occupy some time; and unless some member especially desires it, I ask that the further reading of the report be dispensed with.

Mr. HOLMAN. Does the bill provide only for a change of boundaries?

Mr. CULBERSON. No, sir; it embraces the establishment of a court in the Indian Territory.

Mr. HOLMAN. I hope the report will be read.

Mr. HOOKER. Let the gentleman from Texas make an explanatory statement.

Mr. HOLMAN. I shall be satisfied with a statement of all the facts.

The SPEAKER. The gentleman from Indiana withdraws the demand for the reading of the report.

Mr. CULBERSON. Mr. Speaker, I can, in a very short time, if the House will permit, explain this report.

The House bill 1874, which is the basis of this conference, has passed the House in four consecutive Congresses. The object of that bill was to relieve the United States district court for the western judicial district for the State of Arkansas of the burden of business imposed upon it by its jurisdiction over the Indian Territory, occupied by the five civilized tribes. It is well known that the criminal business of that court has grown to such proportions during recent years that it is impossible to dispose of it. Another object sought to be obtained by the House bill was to promote the convenience of the people of the Territory, and also lessen the expenses of litigation to ligitants and Government.

In order to accomplish these purposes, the House bill provided that the Chickasaw and half the Choctaw territory should be detached from the western judicial district for Arkansas and attached to judicial districts in Texas, thus relieving the court at Fort Smith, and promoting the commerce of the people of the territory occupied by the Chickasaw and part of the Choctaw tribes.

The Senate amended the House bill by striking out all after the enacting clause and inserting in lieu thereof provisions, which provided for the establishment of a court in the Indian Territory and repealed all laws which authorized the United States courts for the western judicial district for Arkansas, the courts for the district of Kansas, and of the northern judicial district for Texas to exercise criminal jurisdiction in the Indian Territory.

Mr. HOOKER. Where is this court to be located?

Mr. CULBERSON. The report provides for its location at Muscogee.

The Senate amendment conferred upon this court unlimited criminal and civil jurisdiction over this vast Territory.

After many and prolonged conferences the conference committee agreed upon the report which is now under consideration.

The provisions agreed upon, and which are embodied in this report, provide for the establishment of a court in the Indian Territory with civil and criminal jurisdiction over the entire Indian Territory.

The civil jurisdiction, Mr. Speaker, conferred upon the court is substantially unlimited, but the criminal jurisdiction is limited to offenses above the grade of misdemeanor.

Under the provisions of this report the United States courts for the western judicial district of the State of Arkansas will retain criminal jurisdiction of offenses above the grade of misdemeanor committed in that part of the Indian Territory occupied by the Chickasaw tribe of Indians and that part of the Territory occupied by the Choctaw tribe south of the mountains, and that portion of the Territory is particularly and definitely defined in the bill.

That part of the Territory which, as I have just said, is withdrawn from the jurisdiction of the United States court at Fort Smith, in the State of Arkansas, is attached to the eastern judicial district of Texas for judicial purposes. I ought to state also that that portion of the Indian Territory occupied by the Kiowa and Comanche tribes of Indians is also attached to the eastern judicial district of the State of Texas for judicial purposes.

If the bill becomes a law, therefore, the United States courts for the eastern district of Texas will exercise jurisdiction in that part of the Territory attached to said district over offenses above the grade of misdemeanor.

Mr. HOLMAN. What, if any, new offices are created for the court?

Mr. CULBERSON. The bill provides for a judge, district attorney, marshal, etc.

Mr. HOLMAN. What amount of salary is provided for the judge?

Mr. CULBERSON. Thirty-five hundred dollars.

I ought to say, Mr. Speaker, that this court is constructed upon the most economical principles.

As the court is limited in its criminal jurisdiction to offenses below the grade of felony no grand juries will be needed and none are provided for. Crimes below the grade of felony, that is to say, all offenses not punishable by death or confinement at hard labor, may be prosecuted by information.

This, Mr. Speaker, outlines substantially the provisions of the report. Of course it would not be proper for me at this time to present my views upon the merits of this proposed legislation. I may be allowed to say, however, that I believe it is the best solution of the questions growing out of existing conditions in the Indian Territory that is practicable at this time.

I demand the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the conference report was adopted.

Mr. CULBERSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHEELER. I rise to a question of privilege.

Mr. HOLMES. I rise to call up a privileged matter.

The SPEAKER. Is it a conference report?

Mr. WHEELER. No; a privileged bill.

Mr. HOLMES. I call up the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, returned by the President with his objections thereto.

Mr. HERBERT. I desire to raise the question of consideration.

Mr. WHEELER. Is it not in order to move the reference of this message and bill to the Committee on the Public Lands?

The SPEAKER. It would be in order if the House determined to consider it; but the question of consideration is raised.

Mr. MILLS. I hope my friend from Iowa will wait until we finish the consideration of this naval appropriation bill.

Mr. HOLMES. I have been waiting for an opportunity to get this bill before the House without interfering with other matters for several days. There seems to be a disposition on the part of a great many members to occupy the time of the House, and I do not wish to delay any longer.

Mr. MILLS. We must pass this appropriation, however.

Mr. HERBERT. It is important that action should be taken upon the Senate amendments without delay.

Mr. HOLMES. How long will it take?

Mr. HERBERT. I can not say; but I will state to the gentleman that I will urge its consideration and expedite its passage as fast as possible.

Mr. HOLMES. This bill also has to go to the Senate.

Mr. MILLS. This bill has come back from the Senate with amendments which must be acted upon.

Mr. HOLMES. If unanimous consent can be obtained that this Des Moines bill shall be made a special order immediately after the naval bill is disposed of I will yield the floor for that purpose.

Mr. MILLS. You do not want any special order to be made in reference to it; it retains its privileges.

Mr. McMILLIN. The gentleman does not lose his right to call it up.

Mr. HOLMES. Very well; then I will yield the floor for the naval bill.

Mr. ANDERSON, of Iowa. I desire to submit a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Iowa. I have a conference report on a bridge bill.

Mr. HERBERT. I raise the question of consideration against that or any other report until this naval bill is disposed of.

The SPEAKER. The Clerk will report the title of the bill on which the conference report is made by the gentleman from Iowa.

The Clerk read as follows:

A bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa.

The SPEAKER. The question of consideration is raised.

Mr. ANDERSON, of Iowa. I withdraw the report for the present.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. Now, Mr. Speaker, I submit a conference report on the naval bill, and ask unanimous consent that the Senate amendments to this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HERBERT. I now ask unanimous consent to dispense with the reading of the report.

There was no objection, and it was so ordered.

The SPEAKER. The question is on agreeing to the report.

Mr. BUCHANAN. But we want to know first what the matter is on which we are called to vote.

The SPEAKER. Unanimous consent was asked to dispense with the reading of the report. No objection was made, and that order was entered.

Mr. BUCHANAN. I know, but I presumed that some statement would be given.

Mr. BOUTELLE. A statement will be given of the amendments.

Mr. HERBERT. We can take up, if desired, the items of difference between the two Houses one by one.

Mr. BUCHANAN. I only want a general statement of the differences.

Mr. BOUTELLE. A statement will be made.

Mr. HERBERT. I will make a brief explanation of the Senate amendments.

The amendments put upon this bill, Mr. Speaker, by the Senate are thirty-nine in number, the most of them being unimportant. Among those of importance are amendments adding certain sums for electric lighting of certain ships named. In some of these the House recommend concurrence. Another amendment of some importance is an appropriation of a hundred thousand dollars for the erection of a building for a war college and torpedo school, which have been combined under a recent order of the Secretary of the Navy and located upon Goat Island, and Coasters' Harbor Island, heretofore occupied for the war college, is to be given to the Bureau of Equipment and Recruiting. Then there is an amendment providing for the purchase of additional land at the Naval Academy. In this we recommend non-concurrence.

The other amendments of importance relate to the construction of new ships. The first of these is to that portion of the bill which provides for the construction of a cruiser according to plans furnished by Hon. JOHN R. THOMAS, of Illinois. The Senate amends by striking out his name, and so far as that is concerned the House conferees recommend concurrence. The Senate further amends, however, by providing that the ship shall make 19 instead of 17 knots an hour. That is an impossibility; it destroys the project, and hence we recommend non-concurrence.

Then the Senate has added a provision for four new ships, two of these to be between 800 and 1,200 tons displacement, one to be of 2,000 tons displacement, and another to be a ram after the plans—as the Senate amendment has it—recommended by a naval board in 1881. The House committee recommend non-concurrence in these amendments, and the effect of non-concurrence would be to strike out all of these four new vessels, passed in September, 1888.

The bill provides for the construction of eight new vessels. This bill as it went from the House to the Senate provided for two others, making ten ships which have not been touched and which will go over to the new administration, to be laid down within the coming fiscal year. In addition to these a ship heretofore authorized, a submarine boat, has not yet been contracted for. So that there are eleven ships without the four new ones that go over to the new administration—twice as many as the present Administration ever laid down in any one year. That is fully as many, in the opinion of the committee, as any administration ought to undertake to lay down within twelve months, or within the time which will be given under this act. We had before us the Secretary of the Navy. We examined him upon this question, and it was his opinion (and in that opinion the majority of the Committee on Naval Affairs heartily concurred) that this will be fully as many, if not more, than with present appliances the Department will be able to manage properly during twelve months.

Mr. RYAN. Is the report of your committee unanimous?

Mr. HERBERT. Not exactly unanimous, but a large majority of the committee favor it.

The effect of refusing these new ships will be to strike out $3,000,000 added by the Senate towards the construction of these ships. In brief, the result of the adoption of the report of the committee will be, if it is finally concurred in, that we agree to increase the amount carried in the bill as it first went over to the Senate by $92,402.85. There are several minor amendments striking out certain things, as, for instance, $15,000 for the repair of an old hospital at the Naval Academy. We concur in that.

I understand, Mr. Speaker, that my colleague [Mr. BOUTELLE] desires to speak upon the bill, and I yield to him, but reserve the remainder of my time.

Mr. BOUTELLE. Mr. Speaker, it would seem desirable in the consideration of this important measure at the close of the four years of Democratic administration that some misconceptions which have obtained currency of late should be corrected, and that the exact condition of the naval establishment of the United States should be more accurately placed before the people than it has been in some of the enthusiastic and extravagant expressions which have found their way through official and other sources to the public mind. I have been reading within the last two or three weeks statements in regard to the Navy which, if I depended entirely upon these sources of information, would have impressed me with the belief that during the past four years the problem of re-establishing the Navy of the United States had been successfully solved, and that to-day we have reached a position in which our naval establishment is so strong, so complete, and so effective that very little will be needed beyond completing what has already been nearly accomplished.

Now, Mr. Speaker, that is very flattering to the outgoing Administration. It may be very flattering to our national pride, if we desire to flatter ourselves at the expense of facts. But it seems to me that it will comport very much more with the interests of the Navy itself and with the interests of the country at large if we look at this matter of rebuilding the Navy of the United States with a candor unobscured by personal enthusiasm or by political prejudice. It is not true, Mr. Speaker, that the Administration just now coming to a close has succeeded in placing the United States Navy upon a footing equal with those of other naval powers, the enthusiastic statements which have been made in the newspapers and in this and the other legislative branch of the Government to the contrary notwithstanding.

DEMOCRATIC OPPOSITION TO THE NAVY.

I think I will be able to demonstrate very clearly that it is not true that the administration which is about going out of power has manifested and developed such an exceptional degree of ability and accomplishment in regard to this work as to present a contrast humiliating to the administration of the party of which I have the honor to be a member, in its dealing with that subject in the past. Facts and figures are more convincing and more eloquent than words. It is a well-known fact that for many years after the late war the Democratic party in Congress persistently refused to furnish the Republican executive administration with the financial means to commence the rebuilding of the American Navy upon a modern basis. The first beginning of this modern reconstruction of the Navy is found in the appropriation of March 3, 1883, when the Republican administration was provided with $1,300,000 to commence the construction of modern steel ships of war.

Following that appropriation there was a resumption of Democratic control of the House of Representatives, and a resumption of the refusal to grant money for the carrying on of this rehabilitation of the Navy. So that under Republican auspices up to the present hour there has been available for the purposes now under consideration only the appropriation of March 3, 1883, of $1,300,000, and that of July, 1884, of $921,500 for the Bureau of Construction, $620,000 for the Bureau of Steam Engineering, $78,600 for the Bureau of Equipment, $30,000 for the Bureau of Navigation, and $500,000 for the Bureau of Ordnance, for the completion of the vessels contracted for by John Roach, making an aggregate of $3,450,100 as the entire amount placed at the disposal of the Republican administration for the purpose of constructing modern vessels for the increase of our Navy; and nearly half of that amount was appropriated only eight months before the Republicans went out of executive power.

In the Forty-eighth Congress, in which I first served in this body, it was a well-understood purpose of the Democratic majority that not one dollar of appropriation would be made to enable the Republican executive to extend the work of building new vessels for the Navy. To such an extent was that refusal carried that even the one proposition emanating from the Naval Committee—a bill to construct a small steel gunboat at a cost of $250,000, designed by the Admiral of the Navy, with the aid of naval architects—met its fate upon the floor of the House on the 18th day of February, 1884, when the Democratic representative in regard to naval matters—the mouthpiece of the Democratic party—the chairman of the Committee on Naval Affairs, Mr. COX, who had himself introduced the bill, took the floor and made a speech which resulted in the defeat of the measure.

In the closing session of the Forty-eighth Congress Mr. Talbott, of Maryland, made an effort to get an appropriation of $1,780,000 as an amendment to the naval bill, to provide for the construction of some additional ships. It encountered violent opposition upon the Democratic side. An attempt was made to rule it out upon a point of order, but an old law being found upon which the appropriation could be based, that shoal was avoided, and, upon an appeal to the House, we finally succeeded in carrying the amendment by a *viva voce* vote of 91 to 64 and a record vote of 111 to 100; the Republicans furnishing two-thirds of the affirmative votes and the Democrats all but one of the opposing votes.

That measure went to the Republican Senate and as a result of conference and increase by the Senate the naval appropriation bill of that year carried $1,895,000 for the construction of new ships for the Navy; an appropriation made at the very close of the Republican administration to enable the Democratic Executive to take up and carry on the work for which supplies had been persistently refused to the Republican administration. That was the inception of that generous and liberal Republican policy which has been maintained throughout this administration, and under which, from that date, March 3, 1885, until to-day, not including the present appropriation bill, the Democratic Executive has been provided with $22,203,362 for the rebuilding of the Navy.

Here is the record of appropriations made available for the Democratic administration for the construction of steel war-ships:

Congress and session.	Date.	Amount.
Second session Forty-eighth Congress	Mar. 3, 1885	$1,895,000
First session Forty-ninth Congress	Aug. 3, 1886	3,500,000
Second session Forty-ninth Congress	Mar. 3, 1887	11,048,362
First session Fiftieth Congress	Sept. 3, 1888	5,760,000
Total		22,203,362

I beg, Mr. Speaker, that you will note the contrast, for the sake of the comparisons which I may institute, between the $3,450,000 made available for Republican administration in 1883 and 1884 and the twenty-two millions and a quarter provided for the Democratic administration, which, with the addition of subsidiary appropriations in the deficiency bills, for the purchase of armor and other details, brings the grand aggregate up to $28,421,408 that has been appropriated and made available for this Democratic administration to show what it could do in the rebuilding of the Navy.

I will not, at this late hour of the session and in the scarcity of time, try the patience of the House by citing in detail the instances and illustrations of the opposition manifested by our friends of the Democratic party to the providing of funds for this work of rebuilding the Navy, even after a Democratic administration came into power.

It will be pertinent, however, for me to show here that so far has the habit of opposition controlled the Democratic party in Congress that even in the Forty-ninth Congress, with a Democratic Executive in power, with a Democratic Secretary ready and anxious, as he declared, to carry on the work, with a Committee on Naval Affairs which started out with the most enthusiastic fanfaronade of trumpets ever heard in this country as to what it was going to accomplish, and which brought into this House, on the 10th of March, 1886, a bill appropriating $10,128,046 for new ships for the Navy, the same committee changed front in July of that year, before action could be obtained upon that bill, and we had the anomalous spectacle presented of the chairman and the majority of the Committee on Naval Affairs coming into the House and demanding that its own appropriation bill should be cut down more than one-half; should be emasculated and reduced to $3,500,000, while I, acting for the Republican minority, took the floor and made such battle as I could to carry the original appropriation of ten millions to supply the Democratic administration with funds to build ships for the Navy.

The leaders of the Democratic party succeeded in rallying their forces in sufficient number to reduce their own appropriation bill from over ten millions to three million five hundred thousand dollars by a vote of 118 to 103, the affirmative vote being given by 116 Democrats and 2 Republicans, while the negative vote, which favored the larger sum, was given by 89 Republicans and 14 Democrats. In that debate (I refer to page 7482 of the RECORD) the following remarks were made:

Mr. SAYERS. Is not the only difference between yourself [meaning me] and the majority of the committee, that you want more ships built, and the majority of the committee think it advisable, under the circumstances, to provide for building the number indicated in the substitute?

Mr. BOUTELLE. I have been exceedingly unfortunate, Mr. Chairman, in my endeavor to explain my views if I have failed to make it clear that that is exactly what I have been talking about.

Later in the same debate these remarks were made:

Mr. CURTIN. I say to the gentleman from Maine that the administration now in power and the man who occupies the Presidential mansion stands by the measure proposed, and we on this side of the House will stand by it.

Mr. BOUTELLE. Which bill do you understand the administration to stand by?

Mr. CURTIN. As I understand it, the substitute, the smaller bill.

The substitute was adopted in the House, as I have said, by a vote of 118 to 103.

It may be noted also in this connection that the amendment offered by myself July 24, 1886, to provide that the armor for our war-ships

should be of American manufacture was carried in Committee of the Whole, after a sharp debate, by a vote of 101 to 67, and then was defeated in the House by a vote of 111 to 108, the Democrats voting almost solidly against it and the Republicans solidly for it. The Senate afterward incorporated in the conference report substantially the measure which I had proposed in the House. It thereby became a law and furnished the means by which Secretary Whitney has been enabled to establish the plant at Bethlehem, Pa., to which he now points as the proudest achievement of his naval administration. And it ought to be a proud one for him, because it is an achievement in spite of the tendency, the spirit, the effort, and the votes of his own political party in this House.

On March 3, 1887, we had another illustration of the fact that it was the Republicans and not the Democrats who were furnishing the sinews of war to carry on this work of rebuilding the Navy. A brief extract from the debate on the report of the conference committee will bring this to the minds of those who were present. I quote from the proceedings of the House on March 3, 1887, page 2726 of the RECORD, where I said:

Mr. Speaker, I think it due to the House that some attention should be called to the fact that the conference committee—

The House conferees on the naval appropriation bill were reporting—

has succeeded, according to its own statement, in bringing down the demands of the Republican Senate by some $20,000,000.

A voice on the Democratic side here cried out "Good." I continued—

Gentlemen say "good." Very well; I am glad to hear that come from the Democratic side because it is sincere; and you shall have the benefit of such advertisement as I can give to the country of the statement that you say it is "good," when your conferees succeed in forcing the Senate to recede to the amount of $20,000,000 from its own proposition for the increase of the Navy.

I might go on indefinitely in this direction. I might cite to you the remarks made on February 26, 1887, by the gentleman from Indiana [Mr. HOLMAN], a representative Democrat, who closed his speech against the rebuilding of the Navy with these words:

But I protest even against the beginning of the revolution, silent as it may be, of placing this Republic on a military footing. If our people, in the dream of peaceful security, shall permit this vast accumulation of wealth in the national Treasury to be the pretext and the occasion for entering upon this scheme of military power to bolster up the Government, instead of the old reliance on the patriotism of the American people, sanctified by a century of prosperity and peace such as elsewhere the world has never witnessed, it will be the greatest misfortune that ever befell the human race. The day should be forever accursed that witnessed its beginning.

That was the spirit manifested by the Democratic party in regard to providing even a Democratic administration with funds for the rebuilding of the Navy.

I might also cite—and I will do so because it is so pertinent and so representative of the sentiment on that side—the remarks of the gentleman from Tennessee [Mr. MCMILLIN] (CONGRESSIONAL RECORD, volume 65, page 1601) who, in his eagerness to prevent the squandering of the public money to build up the defenses of the nation upon the high seas said, in reply to Mr. Kasson, of Iowa, a Republican advocate of liberal appropriations for the Navy:

Mr. MCMILLIN. The gentleman [Mr. Kasson] says that there is not a nation in Europe that is not well posted as to the condition of our Navy. Who cares if they are well posted? The proudest boast of every American citizen is that there is not a power upon which the sun shines strong enough or arrogant enough to attack an American citizen upon the high seas, even if he had nothing but two logs pinned together and the American flag over him.

That was the Democratic estimate and idea of the rebuilding of the Navy at a time when the Republican party as represented in this body stood in solid phalanx seeking to force upon an unwilling Democracy the means to carry on this work which their executive officers claimed they desired to promote.

Mr. DOUGHERTY. Will the gentleman yield for a question?

Mr. BOUTELLE. I would prefer that the gentleman should wait until I have completed this portion of my remarks.

The SPEAKER *pro tempore* (Mr. MCCREARY). Does the gentleman from Maine yield to the gentleman from Florida?

Mr. BOUTELLE. I prefer not to do so at this point.

The SPEAKER *pro tempore*. The gentleman declines to yield.

CONTRAST OF ADMINISTRATIVE EFFICIENCY.

Mr. BOUTELLE. Now, Mr. Speaker, I propose to call the attention of the House to a contrast between what the Republican party could do in two years through its executive officers with less than three and a half million of dollars, and what the Democratic party has done in four years with between twenty and thirty million dollars. The appropriation made for the construction of modern war-ships was first applied to the construction of the Chicago, the Atlanta, the Boston, and the Dolphin; and I call attention to the illustration which the figures and facts in the following table afford of the relative efficiency and promptitude of the Republican and the Democratic administrations.

First, I give the statement received by me from the Bureau of Construction:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 19, 1889.

SIR: As requested in your letter of the 15th instant, I have the honor to forward herewith a statement of the appropriations made for steel vessels for the Navy, embracing date of appropriation, date of contract, date of completion, date of launching, and the present status of each vessel.

Very respectfully,

T. D. WILSON,
Chief Constructor United States Navy, Chief of Bureau.

Hon. C. A. BOUTELLE,
House of Representatives, Washington.

Ships.	Date of appropriation.	Amount.	Date of contract.	To be completed.	Time extended.	Launched.	Present status.	Remarks.
Chicago	Mar. 3, 1883	$1,300,000.00	July 26, 1883	Jan. 26, 1885		Dec. 5, 1885	Battery being placed on board.	Ready to put into commission; a few jobs to complete.
Boston	July 1, 1884	921,500.00	July 23, '83	Jan. 23, 1885		Dec. 4, 1884	New York yard	Repainting; fumigated after yellow fever.
Atlanta	Mar. 3, 1885	75,357.23	...do	...do		Oct. 9, 1884	In commission	On a cruise.
Dolphin	July 26, 1886	95,861.00	...do	July 23, 1884		Apr. 12, 1884	...do	Do.
	Mar. 30, 1888	40,000.00						
Newark	Mar. 3, 1885	1,895,000.00	Oct. 27, 1887	Oct. 27, 1889			$\frac{3}{10}$ completed	
Charleston	...do		Dec. 28, 1886	June 28, 1888	Nov. 20, 1888	July 20, 1888	$\frac{7}{10}$ completed	
Yorktown	...do		Jan. 31, 1887	Jan. 31, 1888	May 20, 1888	Apr. 20, 1888		Virtually completed; had trial trip.
Petrel	...do		Dec. 22, 1886	Dec. 22, 1887		Oct. 13, 1888	$\frac{8}{10}$ completed	Ready for trial in a few weeks.
Baltimore	Aug. 3, 1886	2,500,000.00	Dec. 17, 1886	June 17, 1887	Nov. 20, 1888	Oct. 6, 1888	$\frac{9}{10}$ completed	
Vesuvius	...do		Feb. 11, 1887	Feb. 4, 1888	May 20, 1888	Apr. 28, 1888	...do	About completed; had trial trip.
Maine	...do						$\frac{1}{10}$ completed	Building, New York yard; keel laid, and a large number of frames raised.
Texas	...do							Laying off mold loft, Norfolk yard.
Torpedo-boat	...do		Mar. 1, 1888	June 1, 1889				
Puritan	...do							At navy-yard, Norfolk; machinery all in, completed; plans nearly ready to finish hull.
Monadnock	...do							Machinery being built at Mare Island yard; work of finishing hull commenced.
Amphitrite	...do							Machinery completed; vessel still at Harlan & Hollingsworth's, Wilmington, Del.
Terror	...do							Machinery completed; work on hull under way at New York yard.
Philadelphia	Mar. 3, 1887	1,500,000.00	Oct. 27, 1887	Oct. 27, 1889			$\frac{5}{10}$ completed	
San Francisco	...do		Oct. 26, 1887	Oct. 26, 1889			$\frac{5}{10}$ completed	
Concord	...do		Nov. 15, 1887	May 15, 1889			$\frac{5}{10}$ completed	
Bennington	...do		...do	...do			...do	
Miantonomoh	...do	*2,420,000.00					Hull $\frac{8}{10}$ completed	Machinery all completed; turrets being erected in place.
Coast and harbor defense vessel.	...do	1,000,000.00						Advertised; bids to be opened next month.
Four cruisers	Sept. 3, 1888	3,500,000.00						Plans being prepared.
Three gunboats	...do							
One practice-ship	...do	260,000.00						

*Increase of the Navy, monitors and vessels, authorized March 3, 1885, and August 3, 1886. Section 4. For expenditure towards the construction and completion (exclusive of armament) of the five double-turreted monitors, the four vessels authorized by the act of March 3, 1885, and the vessels authorized by the act of August 3, 1886.

EXPLANATORY NOTE.—The amount appropriated for the Roach ships under the act of March 3, 1883—$1,300,000—included all the bureaus. The amounts appropriated subsequently were for the Bureau of Construction and Repairs only.

From the foregoing I have compiled the following history of the construction of the vessels:

The Roach ships.

Vessels and data.	Years.	Months.	Days.
CHICAGO.			
Contract signed after date of appropriation		4	23
Time to be completed after date of contract	1	6	
Vessel launched after date of contract	2	4	9
Over time		10	9
Time from appropriation to launching	2	9	2
BOSTON.			
Contract signed after date of appropriation		4	20
Time to be completed after date of contract	1	6	
Vessel launched after date of contract	1	4	11
Under time		1	19
Time from appropriation to launching	1	9	
ATLANTA.			
Contract signed after date of appropriation		4	20
Time to be completed after date of contract	1	6	
Vessels launched after date of contract	1	2	11
Under time		3	19
Time from appropriation to launching	1	7	
DOLPHIN.			
Contract signed after date of appropriation		4	20
Time to be completed after date of contract	1		
Vessel launched after date of contract		8	19
Under time		3	11
Time from appropriation to launching	1	1	9
Aggregate over time, Roach ships		10	9
Aggregate under time, Roach ships		8	19
Net over time, Roach ships		1	20

Vessels contracted for by Secretary Whitney.

Data.	Charleston.	Yorktown.	Petrel.	Baltimore.	Vesuvius.
	Y.M.D.	Y.M.D.	Y.M.D.	Y.M.D.	Y.M.D.
Contract signed after date of appropriation	1 9 25	1 10 28	1 9 19	0 8 21	0 6 8
Time allowed for completion	1 6 0	1 0 0	1 0 0	1 6 0	0 11 23
Date of canceling	1 6 22	1 2 19	1 9 21	1 9 19	1 2 9
Over time	0 0 22	0 2 19	0 9 21	0 3 19	0 2 16
Time from appropriation to launching	3 4 17	3 1 17	3 7 10	2 6 10	1 8 17

Aggregate over time on five vessels, 1 year 7 months and 7 days.

Data.	Newark.	Torpedo-boat.	Philadelphia.	San Francisco.	Concord.	Bennington.
	Y. M. D.	Y. M. D.	Y. M. D.	Y. M. D.	Y. M. D.	Y. M. D.
Contract signed after date of appropriation	2 7 24	1 6 28	0 7 24	0 7 23	0 8 12	0 8 12
Time allowed for completion	2 0 0	1 3 0	2 0 0	2 0 0	1 6 0	1 6 0

Status, March, 1889: Newark, three-tenths completed; Torpedo boat, to be launched June 1, 1889; Philadelphia, five-tenths completed; San Francisco, three-tenths completed; Concord, five-tenths completed; Bennington, five-tenths completed.

Coast-defense vessel: Bids to be opened February, 1889, two years after appropriation.

ARMORED SHIPS.

Texas, appropriated for August 3, 1886, over two and a half years ago; in February, 1889, just laying off her lines in mold loft.

Maine, appropriated for August 3, 1886, over two and a half years ago; in February, 1889, keel laid and some frames raised.

Double-turreted monitors, appropriation for completing made August 3, 1886. State of progress given in chief constructor's foregoing report.

NEW VESSELS PROVIDED FOR BY APPROPRIATION OF SEPTEMBER 3, 1888.

Four cruisers, three gunboats, one practice-ship. Plans being prepared.

Average time of Chicago, Atlanta, Boston, and Dolphin, from date of appropriation to date of launching, one year nine months eighteen days.

Average time of Charleston, Yorktown, Petrel, and Baltimore, from appropriation to date of launching, three years two months.

The four Roach ships built and launched in two years nine months from date of appropriation, aggregated 12,363 tons displacement.

The five vessels built and launched by the present administration, in five years, aggregate 11,466 tons displacement.

The contract for the Chicago was signed four months and twenty-three days after the date of the appropriation; one year and six months was allowed for her completion; she was launched in two years four months and nine days, the delay being largely attributable to the action of the Democratic administration, which interposed and prevented the proper carrying on of the work. The contract for the Boston was signed four months and twenty days after the appropriation; a year and a half was allowed for her completion; she was launched in one year four months and eleven days. The contract for the Atlanta was signed four months and twenty days after the appropriation; eighteen months were allowed to complete her; she was launched in one year two months and eleven days. The Dolphin was contracted for four months and twenty days after the appropriation; one year was allowed for her completion; she was launched in eight months and nineteen days.

The Atlanta was finished three months and nineteen days inside of the contract; the Boston one month and nineteen days; the Dolphin three months and eleven days; and taking the aggregate of over time and under time, including the delay upon the Chicago, caused by the action of the Democratic administration, the net aggregate over time of those four ships was but one month and twenty days.

Now, let us compare this record with that of the ships which have been launched under Democratic administration. The contract for the Newark was signed two years seven months and twenty-four days after the appropriation. That was a second contract, however. I give the administration the benefit of that excuse. The Charleston was not contracted for until one year nine months and twenty-five days after the appropriation. A year and six months were allowed for her completion. She was launched in one year six months and twenty-two days—only twenty-two days over time.

The Yorktown was contracted for one year ten months and twenty-eight days after the appropriation, allowed a year for building, launched in one year two months and nineteen days. The Petrel was contracted for one year nine months and nineteen days after the appropriation, and launched nine months and twenty-one days over time. The Baltimore was contracted for in eight months and twenty-one days. She was allowed one year and six months to build, launched in one year nine months and nineteen days—three months and nineteen days over time. The Vesuvius was two months and sixteen days over time. So the aggregate over time of the vessels contracted for and launched under Secretary Whitney's administration has been one year seven months and seven days against one month and twenty days for the four Roach ships, including the delay caused by Mr. Whitney himself.

The contrast between the date of appropriation and the date of launching is even more conspicuous. The Chicago was launched in two years four months and nine days from the date of appropriation; the Boston one year four months and eleven days; the Atlanta one year two months and eleven days; the Dolphin one year and one month. On the other hand, the Charleston was launched three years four months and seventeen days after the appropriation; the Yorktown three years one month and seventeen days; the Petrel three years seven months and ten days; the Baltimore two years six months and ten days; the Vesuvius one year eight months and seventeen days. In other words, the average time of the four Roach ships from the date of appropriation to the date of the launch was one year nine months and eighteen days, while the average time of the four Whitney ships from appropriation to date of launching was three years and two months.

I beg, Mr. Speaker, to call atention to the fact that the building of the Roach ships was a new departure. It was the first attempt at building steel men-of-war in this country. Our facilities had to be created as we went along. It is a well-known fact that Mr. Roach was obliged to build his own steel plant to furnish metal for his ships, and yet so marvelous in comparison was the promptitude and efficiency of a Republican administration that the average time in the construction of those ships was one year nine months and eighteen days, while the average time of the ships built under the Democratic administration was over three years. All of the material for the Roach ships was of American manufacture, while I understand that the shafting for the Baltimore was made in England and that of the Charleston made by Krupp in Germany.

Carrying this comparison farther it is shown, and I now take the longest time occupied in building any one of these ships—the Chicago—bearing in mind the fact I have already mentioned that the responsibility for the delay in her case was not Republican responsibility, the record shows that in two years and nine months a Republican administration put afloat 12,363 tons of modern steel war-ships, while a Democratic administration, with nearly $30,000,000 at its command, in four years' time succeeded in getting afloat, simply launching the hulls, of 11,466 tons of similar vessels. Yet to read some of the current literature of the day we would suppose that the Navy had been reconstructed in these four years—we would suppose nothing was to be done except to name and christen the new Navy created by Mr. Whitney in the name of the Democratic party. [Laughter and applause.]

Why, Mr. Speaker, what else have we? We have the New York three-tenths completed. We have a torpedo boat yet to be launched; we have the Philadelphia said to be five-tenths completed, the San Francisco three-tenths completed, the Concord five-tenths completed, the Bennington five-tenths completed, and, as a peculiar and conspic-

uous illustration of Democratic efficiency, we find an appropriation made March 3, 1887, for the construction of a coast-defense ship—every dollar of the money made available, a million of dollars provided, with a contingent million ready—and we learn by the report of the Secretary himself, in his report last December, that we had got so far along in the construction of this coast-defense ship that the bids were expected to be opened in February, 1889, about two years after the appropriation. Every gentleman here who has followed the newspapers on this subject has been regaled with glowing accounts of our great Navy, and of the fleets of powerful war ships which have been put afloat (mentally) by the present Administration. [Laughter.]

Where are they? In what waters are they steaming to-day? What batteries are they carrying? Where are their flags to be seen floating in the breeze? Why, Mr. Speaker, read the Secretary's own report as quoted by my colleague, the chairman of the committee, in his speech of a few days ago, and see the "beggarly array" at which the people of the United States must gaze to find the picture of a restored Navy, so beautifully painted in newspaper literature and in Congressional speeches.

The Texas is one of the armored class. Where is she? This vessel whose plans were purchased at a great expense in England, and subsequently subjected to so much criticism in this country as to the possibility of her floating when launched. This armored battle-ship, for which you and I voted money in ample appropriation on the 3d of August, 1886, two and a half years ago, where is she?

The Secretary tells us that the "keel-blocks are laid." Do you know what that means? Why, it means that the timbers are laid down in the ship-yard on which the keel can be laid when there is a keel to be put there. [Laughter.] We are, however, vouchsafed the information that the lines of her hull are being laid down in the yard-loft; "the outer body has been laid off on the mold-loft floor;" and I judge that some of my Democratic brethren from the interior, as well as some enthusiastic newspaper gentlemen, labor under the impression that the hull of the ship is being laid down in the loft and will be carried out bodily some day and placed upon the stocks. As a matter of fact this battle-ship, appropriated for in August, 1886, has been practically untouched up to to-day.

The Maine, the other great battle-ship appropriated for at the same time, two and a half years ago, is where? Again let us refer to the report, which states that her keel has been laid in New York and some of her frames have been raised.

That, Mr. Speaker, is the armor-clad Navy upon the strength of which we are to bid defiance to the war powers of all the rest of the world.

So, Mr. Speaker, I might go on and cite illustration piled upon illustration, showing a record—and I speak advisedly—compared with the facilities afforded in money, with the facilities of obtaining material and our advanced ability to construct ships, a record and result in shocking and scandalous disproportion to the means furnished by the American people to this Democratic administration. Four years have elapsed, and to-day all that we have afloat to show for the time and the appropriation of more than twenty millions is four vessels that are entitled to be called war-ships—the Charleston, the Yorktown, the Petrel, the Baltimore, and one torpedo-boat, the Vesuvius. Just think of it; this magnificent navy which has been put afloat during the last four years, and which has inspired even some of our Republican writers and speakers to such a degree of enthusiasm that they have gone off into ecstatic congratulations of the country that we have made such rapid progress under President Cleveland that in a few years we shall be able to whip the navies of the world.

THE YORKTOWN.

Now, sir, what have we as the actual results of the past four years? Upon what can we put our finger to-day and say this is the achievement of Democratic naval administration? But two vessels have yet reached a stage on which reports can be made as to their achievements, one a gunboat of 1,700 tons, and one a torpedo-boat of 800 tons, and unfortunately in one aspect for my friends on the other side in their pride of administration, the Yorktown herself, so far as the means of building her are concerned, is of Republican paternity, because she was built from the funds appropriated by the amendment of the Senate in 1885.

But we have the Yorktown afloat. She has been given a trial, and how far does the contrast between that vessel and her Republican predecessors reflect glory upon her and discredit upon them? The record shows that the first war vessel of steel upon which the American craftsman tried his 'prentice hand, the little Dolphin, so much abused, depreciated, decried, and contemned, when tested, in 1885, by men who knew what the desires of the people in power were in regard to her, tested by men some of whom have since verified the adage that thrift doth follow fawning, the Dolphin in 1885, on a six hours' trial, as reported by Captain Belknap, made an average of 15½ knots an hour (although that telegram to the Secretary of the Navy by some curious circumstances failed to reach the public for more than a year), while the Yorktown, launched four years afterwards, in 1889, a vessel of 1,708 tons to the Dolphin's 1,485 tons, made for four hours only an average of 15.85 knots an hour, as I find reported in the Army and Navy Register of February 16, 1889. And in contrast with the fact that every speech made upon this floor, every utterance by the Administration, has declared the pre-requisite for a naval ship the attainment of high speed, this vessel just put afloat, the only ship that Mr. Whitney has had subjected to test of speed, is not so fast a vessel in proportion to her size as the Dolphin, and it is doubtful whether she is so fast a vessel now, ship for ship.

I give the figures and you can compare them. The Dolphin, of 1,485 tons, made 15½ knots as an average of six hours' run, and the Yorktown, of 1,708 tons, made 15.85 knots as an average of four hours' run.

Now, Mr. Speaker, that has been proclaimed as a great triumph of naval construction and naval administration. It was heralded in advance. My distinguished friend, the chairman of the committee, in his speech only a few days ago, on the 5th of this month, declared that speed is a very essential thing in a modern vessel, and then he went on to say that these vessels were expected to show high speed. He said:

> The Yorktown has also been launched, but there has been no official trial. She is estimated to make 16 knots an hour. At the unofficial trial in shallow water she made 16.81 knots. When tried in the same water the Vesuvius was 2½ knots short of the speed which she made in deep water, where the official trail of the Yorktown is shortly to take place. If the Yorktown shall exceed in deep water her speed in shallow water as much as the Vesuvius exceeded hers, she will certainly be superior to any other vessel of her class in the world. She has only 1,704 tons displacement. At any rate, she will very greatly exceed the estimate of 16 knots an hour.
>
> Gentlemen who will examine carefully these tables and see what the estimates are, and take into consideration the fact that the Vesuvius, which was guarantied to make only 20 knots, has exceeded that speed by 1.64 knots, and that the Yorktown has already, in shallow water, exceeded it by eighty-one hundredths of a knot and will probably go up to 18 knots, will, I think, justify me in coming to the conclusion that all the vessels we have recently laid down will be at least equal to if not better than any other vessels of a similar type in the world.

Note his prediction that she would "probably go up to 18 knots." Now, the trial has been made on the Yorktown and I have given the report from the Army and Navy Register. I desire to say that I tried to obtain the report of the test of this ship by applying to the Secretary some ten days ago, but I have been unable to obtain information, and therefore have to rely upon an unofficial statement which I believe to be correct, made in the Army and Navy Register of a recent date, giving the substance of a telegram from Commodore Fitzhugh, and stating that the Yorktown had made 15.85 knots an hour on an average on a four hours' run. It must be borne in mind that the Yorktown ran upon a clean bottom from the fresh water at Philadelphia, while the Dolphin's trial was made when she was covered with barnacles which had accumulated in New York Harbor.

The chairman of the committee predicted the other day that this vessel was going to make 18 knots an hour and prove to be the fastest ship of her class in the world. The Yorktown is said to be an exact copy of the Archer, a British gunboat, and the reports of the Archer's trial giving the mean of several four hours' runs is reported in the very table that my friend the chairman of the committee cited here, at 17.58 knots. And still, Mr. Speaker, the newspapers of the country are resounding with a praise of this vessel that is markedly in contrast with the detraction of the Dolphin. In the Philadelphia Press, containing an account of her trial, it is said that the builders were expecting a large bonus of money, thousands of dollars, for the development of horse-power in excess of that required by the contract. I understand from the reports received here that she has developed 3,400 horse-power. That will give her contractors something like $40,000 premium for providing the American Navy with a ship that makes 15.85 knots an hour, while the Archer made 17.58 and developed 3,755 horse-power, if the table given by the chairman in his recent speech is correct.

THE CONTRACTS FOR ENGINES.

Mr. Speaker, if after all the accusations that have been made of favoritism exhibited toward the Roach contractors it shall prove true, as alleged to me, that the designs for the engines and machinery of this gunboat Yorktown were submitted to the naval board on the construction of new ships and rejected, and that these designs as made by the contractors when submitted proposed to develop 3,500 horse-power; if it be true that when advertisements called for 3,300 horse-power engines these same designs were submitted with the figures reduced to 3,300, and that after the bids were made the Secretary reduced the requirement to 3,000 horse-power and that the contractors used the designs which they had originally presented as representing 3,500 horse-power—I say, Mr. Speaker, in brief, if it is true that under the Democratic administration the contracts have been so arranged that the builders of a ship are expected to receive a bonus of $40,000 or any other number of thousands of dollars for furnishing horse-power in advance of the contract requirement, while that horse-power falls below the estimate they themselves made upon their original designs, I do not think it will be a matter for great boasting by the Department or by the country.

Mr. HERBERT. Will the gentleman say upon what information he makes that statement?

Mr. BOUTELLE. I have made it upon what I believe to be reliable information.

Mr. HERBERT. Are you willing to give the authority?

Mr. BOUTELLE. I do not think it necessary. I think my state-

ment on the floor that I regard it as reliable is all that is necessary. I say that this is alleged by persons in whose integrity I place the utmost reliance, and if it is not true it is easily susceptible of contradiction. But I will be more specific in this matter, for I am not in the habit of dealing by indirection; and I beg the attention of the chairman of the Committee on Naval Affairs now, if this is new to him. I have been informed that the successful bidders for the Yorktown did not comply with the requirements in several particulars, but that the contractors were given an opportunity to make new plans; that the next highest bidder, Charles Reeder & Sons, of Baltimore, protested, but were overruled. I am informed that the plans of the Yorktown's engines were previously submitted to the Naval Board on Additional Vessels and rejected; that on those plans, when submitted to that board, the engines were marked for 3,500 horse-power; that when the bids were made the figures on the plan were changed to 3,300 horse-power; and then, after the bids were made, the Secretary cut the horse-power down to 3,000 and offered a bonus of $100 for every additional horse-power.

In the case of the Baltimore I am told that the original drawings as purchased in England called for 10,750 indicated horse-power, and that after the bids had been made the Secretary cut the requirement down to 9,000 horse-power and offered the premium referred to, which, if the vessel should develop the horse-power originally designed, would bring the bonus up to $175,000 for providing the power originally indicated on the plan.

I have thus referred to one cruising vessel that this administration has put afloat, from which it would seem that we are to pay $40,000 bonus for getting afloat a 16-knot ship in the year 1889.

THE VESUVIUS.

Then we have the torpedo-boat Vesuvius (for she is nothing else), with a displacement of 800 tons, originally designed to be about 700 and to carry dynamite guns for the purpose of experimenting with that weapon upon the water. I had occasion a few days ago to make some criticism of the methods of the tests applied to that vessel, and I find some contemptuous criticisms of my remarks in a place where I hardly expected to find it and given publicity from a source from which it might still less be expected. A few days ago, in another place, a speaker saw fit to make "a part of his remarks," as "an authoritative statement in regard to the Vesuvius," some comments upon my statements that have been given considerable publicity. That statement proceeds, in detail and with considerable persiflage, to traverse, contradict, and characterize the statements I had made upon this floor.

I desire to say in the first place that that statement was not authoritative. It could only be authoritative by emanating from the Navy Department. I relieve the Secretary of the Navy and his officers at the outset from all responsibility for that statement, erroneously characterized as "authoritative." It is more probable that the statement was prepared by the attorney or agent of some contractor with the Government, which would be a very curious source for an "authoritative statement" in regard to the testing of a ship to decide her acceptance by the United States Government. My statements in regard to that vessel and her trial are, however, practically unanswered and undisturbed by this voluminous review, to which I will now pay brief attention.

In the first place it states that I was incorrect in saying that the report of the failures of the Vesuvius in two original trials had not been made public, and it is alleged that the report was made to the Department and is on file there. I never stated anything contrary to that; but the report had never been given to the public, and my statement on the floor was the first advertisement of the facts. This writer ridicules the idea that a vessel like the Vesuvius should have any protection. Attempting to ridicule my suggestion that it was inconsistent to complain that the top of the Dolphin's cylinder was above the water line and then to boast about a vessel one-half of whose machinery was equally unprotected, this writer goes on to say that it "betrays a total ignorance of the most primitive problems of naval construction" to suggest that a vessel like the Vesuvius should have any protection. It is only necessary to state the fact, reported in the current publications of the Navy Department, that a vessel about one-half the size of the Vesuvius, the Spanish torpedo-vessel, Destructor, has the protection of steel bulkheads and "complete coal protection around the machinery space."

I dislike to dignify such an anonymous production by noticing it; but its appearance in an official publication seems to justify a few words of comment. In one place the writer says:

> But there never was any intention that the Vesuvius should nor any pretense that she could keep the sea in the cruising sense for any considerable length of time, or that her sea-going duty would ever be more than to run along the coast, from port to port, as her defensive functions might require.

Yet in the next paragraph he says:

> The Vesuvius should be considered as a sea-going torpedo-vessel of large size.

In another paragraph he declares:

> Still, it was deemed advisable that the vessel (Vesuvius) should have sufficient coal capacity to cross the Atlantic or reach any of the Atlantic ports of South America at a moderate speed—that is, say, 10 or 12 knots an hour.

In still another he says:

> There can be no doubt that the Vesuvius type will prove a most formidable factor in the national scheme of coast and harbor defense, as well as an important adjunct to offensive operations away from our shores, should it unfortunately become necessary to undertake them.

And again he says, in conclusion:

> The Vesuvius has a greater coal capacity and sea-going endurance than any of the European boats except the Tripoli, which has about the same.

These citations illustrate the "authoritative" character of the article. But this writer informs me that the Vesuvius—

> belongs to that class of vessels which find their protection in their speed.

And he remarks that she could show a—

> sustained rate of speed that would make a chase of her by a hostile ship or squadron an interesting performance for the enemy.

Well, Mr. Speaker, it does not seem to me that a race of that kind would be a very edifying spectacle for the people of the United States.

This writer says the dynamite guns of the Vesuvius have a range of one mile and a half and an effective fire at one mile. As even the 5-inch high-power rifles of the lightest cruisers have an effective range of more than twice that distance, it certainly would be an interesting spectacle for American citizens on the Highlands of Navesink, at the entrance of New York Bay, or for my committee colleague [Mr. MCADOO] to sit on top of one of the big grain elevators at Jersey City and witness a contest of speed in which the Vesuvius should be running for home at her highest power, with her stationary guns pointed away from her chasing enemy, who, if even such a vessel as the Dolphin, would destroy the fugitive boat if it did not keep at such distance that its own projectiles could not reach half way to the pursuer.

Mr. MCADOO. I should feel entirely safe if my distinguished colleague on the committee [Mr. BOUTELLE] was in charge of the Vesuvius. [Laughter.]

Mr. BOUTELLE. Mr. Speaker, it was not my intention in the remarks which I made the other day to decry this vessel for the purposes for which she was constructed—the purposes of a torpedo-boat—and I have no desire to do it now. It was against the foolish assumption set up the moment she was completed, that Secretary Whitney had put afloat a "cruiser" of 21.65 knots an hour—the fastest "cruiser" in the world—that was what I found fault with, and it was that against which my criticism was directed. The Vesuvius is not a "cruiser" in any such sense as would warrant a comparison of her speed with that of the "cruising ships" of other navies.

I hasten on to where an attempt is made to show that the Vesuvius is the fastest vessel of her class by stating in this article that the report as to the Destructor where it is stated to have made 22.68 knots is "unofficial." In the London Engineer of December 17, 1886, I find a statement of the conditions of the trial which I will print, with the names of the Spanish board of naval officers who were present. It is there stated that her speed was required to be maintained for three hours at 22½ knots; that the mean speed made was 22.68 knots for three hours, and that her speed at deep-load displacement for three hours was 20.2 knots. And this statement is confirmed by our own authorities. Instead of my statement being incorrect, it is based upon the authority of the reports of our Navy Department and other reliable records which I will quote here:

[From the London Engineer, December 17, 1886, page 481.]

> The conditions of trial * * * were that she was first to be run three times upon the measured mile, then to run at full speed for three consecutive hours; after this she was again to be run three times upon the measured mile. From the results of the mile runs the speed upon the three consecutive hours' run was to be determined.
>
> The same trial was successfully carried out on the 13th instant, in the presence of a commission of Spanish naval officers appointed by the minister of marine. The following were the members of the commission:
>
> Commodore Casariego, Commodore Montojo, Captain Villaamil, Remero, Elduayen, Goitia.
>
> * * * * * * *
>
> In addition to the members of the Spanish commission there were present at the trials Mr. Bakewell and Mr. Bennett, of the admiralty, etc.

The conditions are also stated by Mr. Biles, in the Transactions of the Institution of Naval Architects, 1887, page 222.

> Speed to be maintained for three hours, 22½ knots. Speed made, 22.68 (mean) for three hours. (Page 223.)

On page 225, a table shows the mean speed (deep-load displacement) for three hours 20.2 knots.

Under the head of "steam trials," in General Information, series No. 6, Office of Naval Intelligence, United States Navy Department, this Spanish vessel is described and her trials reported specifically on pages 272 and 273, as follows:

DESTRUCTOR.

> Partially described on page 208 of "No. V," the chief elements of the design of this vessel as she was finally built are as follows:
>
> Length, b. p., 192 feet 6 inches; beam, 25 feet; depth at center, 13 feet; normal mean draught, 6 feet 3 inches; mean load draught, 7 feet; normal displacement, 350 tons; deep load displacement, 458 tons. The armament consists of one 4-inch B. L. pivot, four 6-pounder R. F. G., two 47^{mm} H. R. C., and five torpedo-tubes—two in the bow, one in the stern, and two on deck on a turn-table. Six 15-foot torpedoes will be carried. The motive power consists of two sets of vertical triple-expansion engines driving twin screws, the cylinders being 42, 27, and 18½ inches diameter, and the stroke 4 feet.

Four cylindrical boilers supply the steam. The hull is divided into thirty-nine water-tight compartments, each set of engines and each boiler being in a separate compartment. There is complete coal protection around the machinery space, and the bunker bulk-heads are three-quarter inch steel. Forward of the boilers and magazines a curved steel bulk-head, 1¼ inches thick, gives protection from raking fire. The normal coal supply is 45 tons, and the total bunker capacity 110 tons. With the former amount a distance of 2,050 knots, at 10 knots per hour, can be covered, and with the latter amount, at the same speed, 5,500. The complement of officers and men is placed at forty-five.

Launched on July 29, 1886, this vessel has had a very successful series of trials. Although of such small size, she is provided with engines of 4,000 estimated I. H. P., has proven herself a good sea-boat, able to make a long passage at high speed, and is the fastest vessel now afloat, exclusive of torpedo-boats.

To facilitate maneuvering she is cut away considerably at each end, and is also fitted with an auxiliary bow-rudder. The three masts have a fore-and-aft rig and are hinged to lower on deck.

The first trials were made by the contractor the last week in November, 1886, during two days, when the maximum speed attained was 23¾ knots. On December 13, 1886, a series of trials was had with all weights on board, except that the coal was for 1,800 miles at 11¼ knots, the vessel displacing 385 tons. The trials were to consist of three runs over the measured mile; then three hours' continuous run at full speed, followed by three more runs over the measured mile. The results were all satisfactory.

The mean speed for three hours on the first trial was 22.56 knots; revolutions, 292; I. H. P., 3,784 with forced-draught pressure equivalent to 2 inches water. On the second trial the results were: Speed, 22.68 knots; 2,923 revolutions; 3,829 I. H. P. At her deep-load displacement of 458 tons the maximum speed was 20.2 knots.

By running 135 knots her coal endurance was determined to be 5,100 miles at 11¼ knots, and 700 miles at full speed. In a heavy sea 22 knots was made for four hours.

The turning trials were also highly satisfactory, a complete circle being made in one and three-fourth minutes, with a diameter of slightly less than three lengths of the vessel.

In January, 1887, she crossed the Bay of Biscay from Falmouth to Muros in twenty-four hours, at a mean speed of 21 knots, the distance being 495 knots. The wind was southeast, force 4 to 6. The cost, complete for sea, is about $245,000.

The Destructor is a vessel of about half the tonnage of the Vesuvius; and she made a maximum of 23¾ knots and a mean speed for three hours of 22.68 knots as against 21.65 knots of the Vesuvius in a spurt of a few minutes. The 22.68 of the Destructor is reported for a three hours' run; and so far as the public has any information, the only trial to which the Vesuvius has been subjected was a trial one way over the course of six minutes and thirty-nine seconds and the other way seven minutes and thirty seconds. The prime condition of these trials was that the vessels should be equipped and armed as required by the act of Congress. I am informed that this vessel was 100 tons below the requirement of weights. A condition of the contract is that "the steam is not under any circumstances to be even partially shut off while off the course for the purpose of securing a higher result while on it." I am told on such authority as I have been able to get (for the Secretary has failed to furnish me the official report), that the steam on this trial was bottled up to 175 pounds for the first run, and that on that run the steam went down some 18 pounds; that she was then slowed down, and the steam bottled up again to about 175 pounds, and the second run made.

[Here the hammer fell.]

Mr. BOUTELLE. I would like ten minutes more.

Mr. HERBERT. I ask unanimous consent that the time of the gentleman from Maine be extended ten minutes.

There was no objection.

Mr. BOUTELLE. The opinion has been expressed that a vessel which could maintain this speed with her steam thus accumulated for a short spurt would not be able to maintain it under the conditions of the contract. I do not know how that may be, but I am surprised at the statement made to me that no representative of the engineer department of the Navy was on duty during those trials to attend to the valves or see that the conditions in regard to the steam were complied with. If that information is correct it is a remarkable fact. For the purpose of reference I will cite here some of the terms of the Vesuvius contract relating to the conditions of trial:

A. The vessel, equipped and armed as required by the aforesaid act of Congress and by this contract, shall, in addition to her stores, have not less than 4 tons of ammunition or its equivalent in weight on board, and not less than 28 tons of coal in her bunkers; and the trial shall take place in smooth water in Delaware River or Bay, or in such other proper or convenient locality as shall be agreed on in advance by the parties to this contract.

B. A nautical mile shall be laid off and marked at each end by two stakes placed in a line at right angles to it. If practicable the mile shall be laid off in the direction of the tidal current.

C. There shall be four successive runs at full power over the measured mile at a speed of not less than 20 knots an hour

D. The steam is not under any circumstances to be even partially shut off while off the course for the purpose of securing a higher result while on it.

E. In lieu of the runs over a measured mile as above provided for, there may, at the option of the contractors, be two successive runs over a course of 10 measured nautical miles, or one continuous run over a course of 20 nautical miles, under the conditions above stated, applicable to runs over 1 measured mile, and in such case allowance shall be made for current.

I find in the New York Daily Graphic of February 16, 1889, the following, purporting to be a portion of the report of the naval officers who attended the test of the Vesuvius:

UNITED STATES STEAMER DESPATCH,
Off Delaware Breakwater, January 17, 1889.

SIR: * * * In obedience to the orders from the Department, the Despatch planted two can buoys at the entrance to Delaware Bay, marking a course 2.5433 knots long in 16 fathoms least water. On the morning of January 11, 1889, two runs were made over this course, at nearly the end of ebb tide, with the following results:

Runs.	Time.	Distance.	Speed.
	′ ″	*Knots.*	*Knots.*
First run, with tide	6 39	2.5433	22.947
Second run, against tide	7 30	2.5433	20.346
			43.293
Average speed in knots			21.646

REMARKS.—Wind west, force about 2, slight ground swell.
The weights on board were specified in the contract.

Very respectfully, your obedient servants,

WILLIAM S. COWLES,
Lieutenant, United States Navy, Senior Member.
SEATON SCHROEDER,
Lieutenant, United States Navy, Member.
BRADLEY A. FISKE,
Lieutenant, United States Navy, Member.

Hon. W. C. WHITNEY,
Secretary of the Navy.

There is one line that I do not understand, where it is said:

The weights on board were specified in the contract.

They do not say, or this printed statement does not say, that the weights specified in the contract were on board, but that the "weights on board were specified in the contract," which might be a very different matter.

I have here a very graphic picture, so to speak [holding up the illustrated paper], of the contrast between the trial of the Dolphin in a gale of wind off Cape Hatteras, driven at full speed into a head-beat sea, and the trial of the Vesuvius with the wind gently blowing at "2 knots an hour" on the glassy waters of Delaware Bay.

Mr. Speaker, I want to call another witness in regard to my statement of my impressions of this trial—that whereas it was complained that the Dolphin had to have some water played upon her bearings, I think I used the expression that when the Vesuvius came out of her trial trip her engine-room was like a Turkish bath. It seems that I did not paint the picture vividly enough. Here is a statement published on the 16th of January in a paper of my own State—the Portland Press—in which an expert who was on board—I suppose he was an expert, as he had been employed in the business connected with these ships for some years—says:

I went down the river on the dynamiter Vesuvius on her trial trip a couple of weeks ago and enjoyed a novel experience. She is, practically speaking, merely a machine, so full she is of engines and guns. The trip was more of an acrobatic feat than anything I have ever seen in that line. The engine-room was full of steam overhead and the water was pouring on the engines to keep her cool, and it fairly rained in torrents. All the engineers wore oil-skin clothes and southwesters, and were running from bearing to bearing like a swarm of bees, heads down and hands out ahead to clear the way. It made me think of the rush line in a foot-ball contest. The engines were running two hundred and seventy-five turns a minute, and everything looked like the spokes of a wheel. There was a sound of escaping steam, a sort of general swish like a rocket, and the whole sensation was like being on a fast locomotive crossing a bridge.

On deck the sensation was again very striking. The boat seemed to be plowing two great furrows at the bow and a great wave was following the stern, thrown up to a level above the deck a little way from the boat by the action of the propellers which took the water from under her so fast that the stern sunk down at times below the water. She was going for a short time at the rate of 21 knots, but owing to an accident to the engines did not fulfill the contract speed. She will undoubtedly do so when put in repair. I wouldn't have missed the experience for a great deal, as there is probably no one outside of the other visitors with us that has ever had the same experience in this country.

It does not seem to me advisable to indulge in national pride over alleged achievements of speed to the extent of demanding that vessels shall be accepted without being subjected to fair and proper trials of their speed and their endurance. I have no desire to detract in the slightest degree from whatever good qualities any of these ships may develop. I have given them the full benefit of the record I have been able to obtain of their performance, showing the Yorktown to be a 15.85-knot ship, and that the Vesuvius, "a box of machinery," makes 21.65 knots in a six-minute run with her steam bottled up. But I am informed that she never has complied with the requirements of the contract; and it seems to me, Mr. Speaker, that before we set the American eagle screaming too loudly, before we launch out recklessly upon the duplication or multiplication of this class of ships, we should subject them at least to the tests that were laid down by the very Department which claims the honor of their creation.

I will ask indulgence for a few moments more and I will be done. I will copy into my remarks entire some observations I read the other day as copied admiringly in a newspaper—a sort of congratulation of the people of the United States that the Navy is practically rebuilt—and I will comment on a few phrases which struck me as rather remarkable. This statement goes on to say:

But I say, as I said when I began, I am out of the woods for one on this question of a naval establishment. We are going to have, in five or six years from now, the very best navy in the world, not in number of ships equaling Great Britain and France, and possibly some of the other great powers, but we shall have no refuse in our Navy. That Navy will be like a clean-limbed, thoroughly-equipped wrestler, with no impediment, with nothing to hinder it, with no old

and useless ships; and, thanks to the policy that has been pursued, none of those vast, unwieldy, and monstrous structures which have consumed millions upon millions of the moneys of other powers, and which to-day naval officers and men dare not go upon the waters in for fear of the dangers that lie inherently in the construction of these ships.

We shall have none of these, but we shall have a few of the best armored ships in the world, with the best of modern gunnery placed upon them, manned by American sailors, who have never met their equal in the history of naval wars, and in addition to that, sailing cruisers of types ranging from eight to ten hundred tons up to forty-five hundred and five thousand tons that will dart over the waters of the earth and penetrate into remote regions at a speed that no other power can attain, and in numbers, if we go on as we have been going on in the last four years, we shall equal any navy in the world with the exception, as I have said, of France and England, and possibly one or two other European powers. Already we have, including those provided for in this bill, in process of construction or in readiness for the new Secretary to take up and contract for and build, thirty-six first-class vessels. These are all new, with the exception of the turreted monitors, which came to us as a legacy from the years immediately succeeding the war. With that exception there are thirty-one new first-class modern-built armed ships, with modern machinery.

This is supposed to be a Republican tribute to the accomplishment of the rebuilding of the Navy under a Democratic administration. We are told that "if we go on as we have been going on in the last four years, we are going to have in five or six years from now the very best Navy in the world." What is that Navy going to be?

Not in number of ships equaling Great Britain and France, and possibly some of the other great powers, but we shall have no refuse in our Navy. That Navy will be like a clean-limbed, thoroughly-equipped wrestler with no impediment, with nothing to hinder it, with no old and useless ships; and, thanks to the policy that has been pursued—

I suppose by Secretary Whitney and the Democratic administration, we shall have—

None of those vast, unwieldy, and monstrous structures which have consumed millions upon millions of the moneys of other powers, and which to-day naval officers and men dare not go upon the waters in for fear of the dangers that lie inherently in the construction of these ships.

We are going to have none of those big iron-clads—then what are we going to have?

We shall have none of these, but we shall have a few of the best armored ships in the world.

I suppose that means the Texas and the Maine, which in two years have so far advanced that one has the keel laid.

We shall have a few of the best armored ships in the world with the best of modern gunnery placed upon them,

I do not know exactly what that means, but perhaps the chairman of the committee does.

Mr. HERBERT. I was not aware I used that word.

Mr. BOUTELLE. You did not. I am not commenting upon the chairman's speech, but that of another, but I supposed he might know what this phrase referred to. It is said "we shall have a few of the best armored ships in the world with the best of modern gunnery placed upon them." Perhaps the idea is that every well-regulated gunboat should be provided with a "gunnery." [Laughter.]

Manned by American sailors, who have never met their equal in the history of naval wars, and in addition to that sailing cruisers.

I do not know what they are to be in these days of steam. I will not hold the chairman of the committee responsible for that, because he did not make that speech. [Laughter.]

And in addition to that, sailing cruisers of types ranging from eight to ten hundred tons up to forty-five hundred and five thousand tons that will dart over the waters of the earth—

I suppose that is to distinguish them from ordinary navies, which simply go upon the waters of the sea. But this new Navy of ours is not to be confined to the earth, but is to—

penetrate into remote regions at a speed that no other power can attain.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. BOUTELLE. I want but a minute or two more to complete my sentence.

Mr. HERBERT. I move that the gentleman's time be extended for five minutes.

There was no objection, and it was ordered accordingly.

Mr. BOUTELLE. I will read further:

At a speed that no other power can attain.

That is to be done, I suppose, by the Yorktown running at 16 knots while the British Archer has a speed of 17.58 knots.

And in numbers, if we go on as we have been going on in the last four years, we shall equal any navy in the world with the exception, as I have said, of France and England, and possibly one or two other European powers.

That is, we shall have "the best navy in the world" except France, England, or any other nation that pretends to have a navy. [Laughter.]

Already we have, including those provided for in this bill, in process of construction or in readiness for the new Secretary to take up and contract for and build, thirty-six first-class vessels. These are all new, with the exception of the turreted monitors, which came to us as a legacy from the years immediately succeeding the war. With that exception there are thirty-one new first-class modern-built armed ships, with modern machinery.

Note the effectiveness of employing the present tense! With the "exception" of those that are not in existence, we are told that—

There "are" thirty-one new first-class modern-built armed ships, with modern machinery.

It is a pity to bring in contrast with this exuberant flight of fancy the cold, hard facts that we have to-day only the four completed Roach ships and four hulls of gunboats and cruisers, and one torpedo-boat afloat, with the further assurance that this month there will be advertised bids for proposals for a coast-defense ship for which the appropriation was made in 1887. In contrast with the exaggerated boasting of which we hear so much, the facts remind me of the story of the boy who went into a store and asked the price of a pair of skates, to which the clerk responded that they were sold for $1 a pair. The boy said, "Thank you for the information; I wanted to know because I have got 1 cent and when I get 99 more I am going to buy a pair." [Laughter.]

In closing I repeat, what I have frequently said before, that I am ready and willing to give the Democratic administration any reasonable degree of credit for so much as it has done with the liberal means placed at its disposal. If Secretary Whitney had not been more progressive and more favorable to the Navy than his party we should have had no ships built under his administration. In several instances I have commended his readiness to take hold of Republican ideas and carry them forward as in the case of the inducements for establishing plants for heavy steel forgings in this country. He started in wrong, however, in seeking to destroy the character of the Roach ships because they were of Republican origin, and the extravagant boasting of his claquers has challenged comparisons that are not flattering.

I hope to see the vessels projected under his direction prove themselves capable of fulfilling every requirement of contract and design. For whatever contribution they shall make toward the restoration of our naval prestige his administration will receive due recognition. But half a dozen swallows do not make a summer, and the sort of extravagant laudation by over-zealous friends that bubbles up over the terrapin and champagne can not expand the comparatively meager results of the last four years into a restoration of the Navy.

Mr. HERBERT withholds his remarks for revision. [See Appendix.]

Mr. HERBERT. Some of my colleagues on the committee desire to be heard on this question; among them the gentleman from New Jersey [Mr. MCADOO] wished to say something. I do not see him in his seat.

Mr. BOUTELLE. While we are waiting for the gentleman from New Jersey, I only desire to say briefly——

The SPEAKER *pro tempore*. Does the gentleman from Alabama yield to the gentleman from Maine?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. I wish to say that as I understood my friend, the chairman of the committee [Mr. HERBERT], he made an error in saying that I had omitted to mention the San Francisco, the Baltimore, etc. I mentioned those vessels specifically, and stated the progress that is reported to have been attained in their construction.

Mr. HERBERT. I think the gentleman is mistaken.

Mr. BOUTELLE. Oh, no; I did mention those vessels.

Mr. HERBERT. I think the notes of the stenographer would bear me out in the statement that the gentleman omitted them entirely.

Mr. BOUTELLE. I referred to them, as the report will show.

In regard to the statement made by me as to my information in reference to the horse-power required in the contracts, it is only necessary to say that my friend, in his very natural zeal as champion of the committee and champion of the Administration, finds it necessary to denounce as a calumniator a gentleman whom he admits he does not know, and concerning the truth or error of whose statement he admits he is not informed. I think I can leave the matter there.

Mr. HERBERT. I was satisfied that my colleague on the committee [Mr. BOUTELLE] was in error when he stated that the Yorktown had made a speed of less than 16 knots. I immediately telegraphed to the Bureau of Construction and Repair, and have received a reply, which I ask to have read at the desk.

The Clerk read as follows:

NAVY DEPARTMENT, *February* 28, 1889.

To H. A. HERBERT:

Telegram received. Yorktown's trial was not for speed, but for horse-power. Neither the law nor contract has any requirement as to speed. If it had been a trial for speed she would have been entitled by custom to smooth water, whereas her trial was at sea. She averaged, however, a speed of 16.4 for the four hours; maximum speed, 17.2.

Horse-power developed considerably above the guaranties.

T. D. WILSON,
Chief Constructor, U. S. N.

Mr. HERBERT. It will be seen that instead of the speed of 15.8 knots an hour, as stated by the gentlemen from Maine, the average speed was 16.4 knots an hour, and the maximum speed over 17 knots. This is another illustration of how easy it is for the gentleman to believe reports that he likes to believe.

Mr. BOUTELLE. The chairman of the committee, having made that statement, will unquestionably yield to me for a brief reply. I repeat the statement I made before, that I requested the Secretary of the Navy ten days ago to afford me, as a Representative in Congress, access to the reports of the trial of the Yorktown and the Vesuvius, but I have been unable to get them. The statement I made, as I said at the time, was based upon this publication in the Army and Navy Register of February 16, 1889:

The Secretary of the Navy on Thursday received a telegram from Commodore Fitzhugh, president of the naval board to conduct the trial trip of the Yorktown. It was as follows:

"Yorktown's sea trials outside Cape Henlopen completed. Satisfactory and

successful in all respects. Maximum speed about 17 knots; average for four hours, 16 knots."

A dispatch from Philadelphia says: "Yorktown returned to Cramp's. In another four hours she made an average of 15.85 knots per hour.

That was my authority for the statement I made. I do not know that Commodore Fitzhugh sent that telegram; but I have no more doubt about it than has my friend, the chairman of the Naval Committee. It never would have been printed in the Army and Navy Register if it had not been authentic.

I made my statement on such authority as I had; and that authority has not yet been refuted.

Mr. HERBERT. Does my friend from Maine know that Secretary Whitney received the note which he sent?

Mr. BOUTELLE. I do not.

Mr. HERBERT. I am sure that if the Secretary had received it there would have been a courteous reply.

Mr. BOUTELLE. I simply gave that as my reason for not giving official figures, which I would have been very glad to give. I should like to examine those official reports. I say I am justified in making the statement I did upon that public report, which has never been contradicted.

Mr. HERBERT. I am only anxious to show that the gentleman is in error; not that he is willfully so.

Mr. BOUTELLE. But you have not shown that I am in error.

Mr. HERBERT. I think I have by the telegram which has been read.

Mr. BOUTELLE. Even that statement does not bring the Yorktown up to 18 knots, which the gentleman predicted, nor does it bring her up to the speed of other vessels of her class, for instance, the Archer, which has made an average speed of 17.85 knots.

Mr. MCADOO. Mr. Speaker, I congratulate the Democratic Administration and the present very efficient head of the Navy Department on the labored efforts which the gentleman from Maine [Mr. BOUTELLE] has made by way of criticism. The distressing frankness and manliness of the distinguished Senators of the Republican party in the adjoining Chamber who paid their tribute and gave their evidence in that body to the efficiency, honesty, and ability with which this Department has been managed is no doubt very irritating to my colleague on the Committee on Naval Affairs. But the country has given its verdict on the success of this Administration, so far as the Navy is concerned, and my friend might stand on this floor from now until the next Presidential election and make as many labored efforts as he has to-day without taking a single iota of the credit, honor, and glory which belong to the Democratic Administration in laying the foundations of a new Navy. [Applause.] You may rail at but you can not change impartial history.

The gentleman makes this criticism. He says we have been slower than the former administration in building these vessels; that while the Congress of the United States has voted the money, we have not proceeded as fast as the Republicans did. I admit that to a certain extent. We followed the policy that it was better to go slow to get an honestly built and efficient ship than to pour money into the laps of contractors without regard to what kind of vessel we were getting for our expenditures.

Mr. BOUTELLE. Does my friend say the original ships built by the United States are not cheaper?

Mr. MCADOO. Not cheaper than those built by this Administration. The present head of the Navy Department has been careful. In getting the navy-yards in condition it was necessary to put in improved machinery. He advertised for bids. A clique was made up here to raise the price against the Government, and he was unwilling to buy foreign machinery. If he had been willing for political purposes in the heat of the Presidential campaign to rush in this machinery, I am here as a witness to say he could have 100, ay, 200 per cent. more on the labor rolls of the yards in the doubtful States of New York and Virginia; but he consistently and stubbornly followed the policy of going slowly and safely so the Government might be protected in the kind of ships that were built and in the machinery which was supplied, and so that the United States Treasury might not be put under the control of the contracting and political cormorants who have fattened and battened on it during preceding years.

Mr. BOUTELLE. Do I understand the gentleman from New Jersey to give the amount expended during the last campaign?

Mr. MCADOO. During the months of last summer and up to election day there was no more expended in the yards in any one month than during the administration of the preceding Secretary of the Navy.

And there is this additional fact, that under the last Secretary of the Navy you were simply patching up old wooden hulks, while we were turning out new work and laying down new machinery and improving the plant of our navy-yards in every respect.

Mr. BOUTELLE. My friend is entirely mistaken as to the repairs made on the Atlantic squadron.

Mr. MCADOO. My friend has had two years to talk over this.

Mr. BOUTELLE. I do not desire to interrupt the gentleman from New Jersey.

Mr. MCADOO. I will publish a statement of the expenditures under the present Secretary of the Navy.

This statement has been read and now appears in the remarks of the chairman [Mr. HERBERT], and bears out my assertion.

My friend has selected the Vesuvius for his attack. He never takes the floor but he is "still harping on my daughter"—"my daughter, oh, my daughter." [Laughter and applause.] He constantly cries out, "Oh, the Dolphin!" "Oh, Mr. Roach!" The tears he has shed over that lamented patriot, Mr. Roach, would float the vessels of our Navy. [Renewed laughter.] You have only to mention the name of the Dolphin, to speak of Mr. Roach, to start him on the floor, and that magnificent ship, the Dolphin, is floated at once upon a sea of tribulation. [Great laughter and applause.]

You are all religious men and have read that magnificent allegory "The Pilgrim's Progress." Well, the pilgrim never fared half so badly among the snares and pitfalls of devils and bad men as the Dolphin among the wicked Democrats. What pitfalls, snares, obstructions, unfair trials, misrepresentations, slanders, lies, and conspiracies did not the virtuous and awful Dolphin overcome! Joseph, sold into Egypt and finally triumphant in sterling worth and inherent virtue, is the Republican idea of this little ship the Dolphin.

The Dolphin, the Dolphin, the powerful Dolphin, the omnipotent Dolphin, the destructive Dolphin, that will be our protection and support when all of the Democratic navy, built by a Democratic administration, will be driven by the fury of the onslaught before the fleet of the enemy. [Laughter.] England may bully, France threaten, and Germany become aggressive, but thank Heaven we yet possess the Dolphin. The lachrymose muse of my colleague when he strikes a fresh run in the epic history of the Dolphin is as sad, sweet, melancholy, and plaintive as Gray's "Elegy in a country church-yard."

But my friend from Maine talks of the Vesuvius. He was a gallant sailor during the war; he sailed a "double-ender," I understand, an old tin-clad, not an iron-clad, and he ran his tin-clad gallantly, as I am told, up on an iron-clad—a bold, brave man, I have no doubt, and a good sailor. But my friend's knowledge of steam-vessels and of ironclads, I am afraid, is restricted to his experience during the war with the tin-clads. [Laughter.] His experience is restricted to the engines of vessels revolving twenty-eight times a minute, while the engines of these magnificent steamers of our day make three hundred revolutions a minute; indeed, they go as fast as sewing-machines.

And I want to tell my friend something in regard to this matter, although I do not claim to be a nautical expert by any means, as the one who wrote that article in the Maine newspaper which he quoted; but I want to tell my friend that in the engine-rooms of these fast trans-Atlantic steamers, where the powerful engines, in order to make the voyage in the short time these steamers now make, revolve three hundred and more revolutions a minute, they have water pouring upon all the bearings during the whole time, and that on every steamer that leaves the dock at New York, from the time she leaves here until the time she arrives at Liverpool or her destination on the other side, wherever it may be, its engineers and oilers have to wear oil-cloth clothing as a means of protection from the water and steam thus generated by plentifully sprinkling the revolving machinery; and when the passenger, as is often the case, desires to go down into the engine-room and inspect the workings of the machinery he is compelled to wear oil-cloth clothing in order to protect himself from the dripping of this moisture and the steam and water pouring down in all directions upon him.

That is the custom on these ships. The tremendously fast action necessitates the use of water to keep cool the bearings. The friction is necessarily very great. This pouring of water would of course mislead a land-lubber or sailor-man of the old type. My friend speaks of it as a wonderful thing that water was poured upon the bearings of this vessel. I refer him to this as a matter of fact and tell him that they must bathe the bearings on all of these fast vessels when going at full speed. They did not need to do so in the Sassacus, or in the old double-end tin-clads that my friend commanded during the war, but they have to do it now with these fast-going steam-vessels. Those old-style engines made about twenty-eight revolutions as against over three hundred now. You might as well compare the stage-coach and the vestibule express train.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BOUTELLE. I hope the gentleman will be permitted to proceed.

Mr. MCADOO. I should like to have but a few minutes longer.

Mr. HAYDEN. I will take the floor in my own right and yield to the gentleman from New Jersey.

The SPEAKER *pro tempore*. How much time does the gentleman yield?

Mr. HAYDEN. Ten minutes, or as much as may be desired.

Mr. MCADOO. I thank my friend from Massachusetts, but five minutes will be all I need, I think.

I was highly amused, Mr. Speaker, to hear my friend from Maine talking about that "expert," whose testimony he paraded here before the House, an old sailor-man, or, for all I know, a clerk in the Department from somewhere up in Maine, who knows all about "snorters"

and "fo' topgallant sails" and "flying-jibs" and "royal yards," and tries to impress us with our ignorance of nautical matters by citing the language of the sea. He says that the Vesuvius, when he saw it, was "full of guns and machinery!" Why, what on earth did he expect the vessel to be full of? Did he expect to find turnip-patches in it? [Great laughter.] She was not built for that. She is not an agricultural experiment station. Machinery was put in there to make her go; and yet the "expert from Maine," who writes in a little country paper up there, and is read approvingly by my colleague and is paraded here as an expert, finds fault with the Vesuvius because she was filled with guns and machinery.

Mr. Speaker, that is what the Vesuvius was built for. We might have made her for a floating boarding-house, but we preferred to have her a war vessel.

Now, this Democratic Administration, I think, does not need to rest upon the Vesuvius. She is a good boat, but a faster will yet be built, although with an experience of twenty-five years gentlemen who had the control of the Navy on the other side have not succeeded in building one as fast. I have no doubt, though, that in time new, larger, and better boats will be afloat. All that I am claiming is that the Democratic government of the Navy Department has been cleanly and honestly administered, and for that you may take the evidence of the Republican contractors themselves.

It is a fact, Mr. Speaker, which the gentleman seems to have lost sight of, that there has not been a hammer struck in a ship-yard in the United States on any of these new naval vessels under the Democratic Administration that the yard was not owned by a Republican. Mr. Cramp, of Philadelphia, is an honest gentleman, an able ship-builder, but he is a stanch and unrelenting Republican. Mr. Scott, of San Francisco, is a Republican, and every other yard in the United States where the vessels have been contracted for belongs to a Republican. The contracts have been made with Republicans, and when the gentleman from Maine stands up here to insinuate by indirect charges or otherwise that the amount of horse-power has been altered or the contracts changed, or that there was an effort on the part of the Administration to aid somebody in the way of favoritism in regard to these contracts, then the gentleman should frankly admit that if such be true it was favoritism to Republican contractors.

My friend becomes almost wildly rhetorical about the press. He says the press, the newspapers are "resounding" with praises of the Administration, "resounding" with praises of the Navy Department, "resounding" with praises of the new ships and the Secretary of the Navy, and the Philadelphia Press he instances as one of the papers that is "resounding" with praises of the new naval management. Now, reflect a moment, and say is not this going out on the court-house steps to let off your feeling against an impartial jury which has just rendered against you an adverse but honest verdict. If only Democratic papers had sounded the praises of Mr. Whitney my colleague could slumber easily, but these Republican newspapers—"*Et tu, Brute!*" That we wicked Democrats should pay just tribute to Mr. Whitney is from his standpoint to be expected, but that from all sections of the Republican camp chief singers should join in the chorus stirs his righteous soul, and his gorge rises. He is struggling with his better nature.

Right here need I say that the Philadelphia Press is the most pronounced leading Republican newspaper in the United States? Why, my friend need not call on Democratic testimony, but I can give him the testimony of Republican newspapers, the Republican contractors, the Republican Senators, and of all honest men out of this House and out of this Capitol of the Republican party as witnesses to the honesty, patriotism, and efficiency, and to the ability with which the Navy has been managed under the Democratic administration. [Applause.] As to how the money for construction and repairs was expended during this fiscal year and as showing that we spent a great deal on the ships of the new Navy built under the former administration, I append this letter from Chief Constructor Wilson. This completely answers any charge of using up the money in ordinary repairs for election purposes. The facts are hard for would-be partisan critics:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 13, 1889.

SIR: The bureau having seen from the record of debate in the Senate on the naval appropriation bill that the bill as it passed the House has been amended so as to make the total appropriation for the fiscal year ending June 30, 1890, read $900,000 instead of $1,000,000, and striking out the House proviso that $150,000 be made immediately available, has consulted the Department in relation thereto, and, with its permission, desires to state that on the 1st instant the balance in the Treasury to the credit of this bureau was $191,322, and the indebtedness on account of contracts for annual supplies and requisitions was $140,466, leaving a balance at that time of $50,856. There has been allowed to navy-yards and stations for this month $27,100, leaving an available balance for the remainder of the fiscal year of $23,756. Unless the $150,000 provided for by the House of Representatives is allowed the work under this bureau must come to an immediate stop, as the balance would be probably wanted to pay for labor and materials on vessels on foreign stations.

The training-vessels Portsmouth, Saratoga, and Jamestown are now progressing slowly and should be completed in March in order that the apprentices now on the Constellation can be transferred to them, and the latter vessel again turned over for the use of the cadets at the Naval Academy for the summer cruise; but this can not be done under the present condition of the bureau's funds.

The Pensacola, flag-ship of the North Atlantic station, is now at Norfolk, in commission, with work suspended for want of funds to complete. The work on the Iroquois in the Mare Island navy-yard is also suspended. The Boston and the Yantic having had yellow fever on board have been fumigated and cleaned, but require repainting and other minor repairs before they can again proceed to sea, which can not be done with present funds. The Juniata has just arrived at the New York navy-yard, and the Adams at the Mare Island navy-yard, and are now being surveyed; both will require repairs before they can be again made available for service.

The bureau has constantly to meet demands for expenditures made abroad for labor and materials on vessels on foreign stations which it is impossible to foresee.

Out of its appropriation for the present fiscal year, independent of the amount that has been expended for labor and materials on wooden vessels, and for the pay of permanent organization of foremen and quartermen in charge, the bureau expended on the Atlanta at New York, in removing and replacing broken gun-port sills and general repairs and additions to the vessel, the sum of $30,582; and on the Dolphin at the Mare Island and New York navy-yards, in docking, painting, and minor repairs, the sum of $4,151.

In preparing to build the armored cruiser Maine at the New York navy-yard, and the battle-ship Texas at the Norfolk navy-yard, the tools authorized under a special appropriation had to have proper foundations put down for them, and in most cases had to be erected at the Government expense, while the tools had to be erected and secured under the protection of proper sheds, line shafting put up, and the tools belted ready to run. The angle and plate iron furnaces for heating and bending frames at the Norfolk yard had to be built, and a new mold-loft floor laid. In both yards a number of tools that were considered necessary to the economical building of the Maine and the Texas were purchased, and in doing the work mentioned, all of which was necessary as preparatory to building the new vessels mentioned, but not properly chargeable to them, there has been expended in tools, labor, and materials of all kinds $162,643.60 out of the appropriation for the present fiscal year.

Unless the $150,000 is made immediately available, as provided for in the bill when it passed the House, the Department will be seriously embarrassed for the remainder of the fiscal year for want of the services of vessels now under repair, and will not be in condition to meet the least emergency that may arise, for want of the necessary funds.

Very respectfully,

T. D. WILSON,
Chief Constructor, U. S. N., Chief of Bureau.

Hon. H. A. HERBERT,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. HERBERT. Mr. Speaker, the gentleman from Maine [Mr. BOUTELLE] asked my colleague from New Jersey a question which the gentleman did not answer fully, because he had not the figures at hand. It was as to how much was expended in the navy-yards of the United States during the months that were comprised in the election campaign of last year. I have the figures at hand, and I propose to answer that question.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of bills of the following titles, in which concurrence was asked:

A bill (S. 3957) to establish a railway bridge across the Illinois River, between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois;

A bill (S. 2029) granting a right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation;

A bill (S. 3918) granting to the Duluth and Winnipeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations in the State of Minnesota;

A bill (S. 2806) to authorize the Secretary of the Interior to fix the amount of compensation to be paid for right of way for railroads through Indian reservations in certain contingencies;

A bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.;

A bill (S. 1228) granting a right of way to the Jamestown and Northern Railroad through the Devil's Lake Indian reservation, in the Territory of Dakota; and

A bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railroad Company.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the Senate of the following title; when the Speaker signed the same:

A bill (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 157) correcting the military history of Robert McNutt;

A bill (H. R. 1874) to establish a United States court in the Indian Territory, and for other purposes;

A bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River in the State of Florida;

A bill (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay;

A bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

A bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;" and

A bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President, by Mr. PRUDEN, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage with amendment of the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890; requested a conference, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. GORMAN as conferees on its part.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I have not only those figures, Mr. Speaker, but I have the figures going back into the Republican administration. In the years 1882, 1883, and 1884, summing up a recapitulation showing the actual expenditures of the appropriations actually made in the construction and repair for the five months which include the whole canvass—July, August, September, October, and November of the years 1882, 1883, 1884, and 1888—make this showing: The average expenditure in those first three years, during which there was a Republican Secretary of the Navy, during those months was $108,893.79. The expenditure in the same months for the year 1888 were $90,933.49; making a difference during this Presidential year of the campaign lately through in favor of the expenditures under the Democratic administration over those during the Republican administration, of $9,963.30.

And that is not all, Mr. Speaker. The appropriations for this Bureau of Construction and Repair for the repairing of old vessels in 1884, the last year in which the Republican House made an appropriation, amounted to $1,334,000. After that, in the Forty-seventh Congress, the appropriations gradually went down to $1,000,000 and stood there for two years. Then in 1887 and 1888 they amounted to $900,000, and staid there for two years. For this current year the expenditures were cut down to $835,000; making a difference from 1884 to 1889 of over a half a million dollars appropriated for that single bureau for repairing ships. And that amount would have been unprecedented had it not been for the fact—and I have a letter here which I will add from the Chief of the Bureau of Construction and Repair—that it was necessary in order to provide for the plant for the new ships, to fix shelters and otherwise provide accommodations for that plant, to expend $162,000 in addition to the amount spent upon the Chicago and the Dolphin, which were new ships; so that when you take out these amounts it would bring the expenditure down to $825,000 for the Bureau of Construction and Repair, which will be the amount of the current fiscal year as against $1,334,000 five years before that. I think that is an answer to the question of the gentleman from Maine about the expenditures for campaign purposes. Now, I ask to proceed with the bill section by section.

INAUGURAL CEREMONIES.

Mr. ERMENTROUT. I offer the following resolution:

Resolved by the House of Representatives, That the Sergeant-at-Arms shall cause to be printed and signed by the Speaker, three thousand tickets, entitling the holders thereof to admission to the House end of the Capitol on the 4th day of March, 1889, the tickets to be of a different color from those issued by the Senate, and no person shall be allowed to enter the House end of the Capitol without such tickets except Members and Delegates, Members and Delegates elect, ex-Members and Delegates, officers and employés of the House; that the Sergeant-at-Arms shall, on the 2d day of March, 1889, deliver to each Member and Delegate, and the Clerk, Doorkeeper, Postmaster, and each Official Reporter of debates, six of said tickets, and shall, if called for, deliver to each Member and Delegate elected to the Fifty-first Congress a like number.

It shall be the duty of the Sergeant-at-Arms to keep the main corridor leading north from the House to the Senate clear of all persons on that day, except members, officials, and employés of the House and Senate, and he is hereby directed to employ a sufficient force to execute this order.

Mr. BUCKALEW. I desire to inquire whether it is understood that members re-elected get an additional number.

Mr. ERMENTROUT. Each member gets six tickets.

Mr. BUCKALEW. It reads so that they get more.

Mr. ERMENTROUT. It is six to each member.

Mr. MILLS. I suggest as an amendment that "no person shall receive more than six."

Mr. ERMENTROUT. I accept that.

Mr. JOHNSTON, of North Carolina. Is that for the main stands?

Mr. ERMENTROUT. No, sir; we have no authority over that.

Mr. HEARD. I desire to suggest to the gentleman from Pennsylvania [Mr. ERMENTROUT] that it would be well to insert words providing, in substance, that the tickets shall be delivered only upon personal application of the party entitled thereto or upon his written order.

Several MEMBERS. Oh, no.

Mr. HEARD. Recently I was informed by the Speaker that some parties not authorized applied, through pages, for tickets of admission to this Hall on the occasion of the counting of the electoral vote, and that the gentlemen in whose name the tickets were taken afterwards applied for them and other tickets had to be issued. Now, I believe that such a thing as that ought to be provided against by inserting language here which would limit the delivery of the tickets to the party entitled to them upon his personal application or upon his written order.

Mr. ERMENTROUT. I will accept that amendment, and now I move the previous question.

Mr. BUTTERWORTH. I understand that this Hall will hold about three thousand persons, and that the tickets have been distributed with reference to that fact?

Mr. ERMENTROUT. Yes.

Mr. BUTTERWORTH. I observe, further, that your resolution gives to one district twenty tickets while to another it gives only ten.

Mr. ERMENTROUT. How does the gentleman make that appear?

Mr. BUTTERWORTH. For this reason: A gentleman who is a sitting member here on this 2d day of March gets ten tickets——

Mr. ERMENTROUT. Six.

Mr. BUTTERWORTH. Well, six; and a member-elect also gets six.

Mr. ERMENTROUT. Yes.

Mr. BUTTERWORTH. That makes twelve for a district where there is a new member-elect, while another district which has re-elected its old member will get only six.

Mr. ERMENTROUT. How is that?

Mr. BUTTERWORTH. Because there will be only one member entitled to tickets for that district. Now, I do not want to punish a district because it has been pleased to return the same gentleman a second time. [Laughter.] Therefore I think it would be only fair that to each district there should be apportioned so many tickets. If my successor was here I would divide my tickets with him, but I do not see why we two together should have double as many tickets as my friend from Kentucky [Mr. BRECKINRIDGE] whose constituents have re-elected him. [Laughter.]

Mr. ERMENTROUT. The committee considered that matter——

Mr. BUTTERWORTH. I would like to have the resolution so modified as to obviate the difficulty I have pointed out.

Mr. ERMENTROUT. I would like to have my friend from Ohio [Mr. BUTTERWORTH] indicate how it can be done.

Mr. BOUTELLE. He has just done that.

Mr. ERMENTROUT. How is it to be done?

Mr. BOUTELLE. By assigning so many tickets to each district.

Mr. ERMENTROUT. I think the resolution is all right as it is. I call the previous question.

Mr. BRUMM (to Mr. BUTTERWORTH). Your plan would discriminate against members who were not re-elected.

Mr. BUTTERWORTH. Not at all.

Mr. BRUMM. Yes, it would. I am entitled to as many tickets as any gentleman who is re-elected to the next Congress. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. ERMENTROUT].

Mr. CUMMINGS. I ask to have my amendment read.

The SPEAKER. The previous question has been moved, and unless the gentleman from Pennsylvania [Mr. ERMENTROUT] withdraws the motion the resolution can not be read.

Mr. HENDERSON, of Iowa. Mr. Speaker, I should like to know what privileges these tickets will give.

Mr. ERMENTROUT. The privileges of admission to this end of the Capitol.

Mr. HENDERSON, of Iowa. What will be going on in this end that will draw people here?

Mr. ERMENTROUT. It has been customary to admit no one into the Capitol on inauguration day except by ticket.

Mr. HENDERSON, of Iowa. Then this is a mere sop which means nothing. The ticket does not admit the holder to the inauguration platform, I understand.

Mr. ERMENTROUT. No.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

Mr. BUTTERWORTH. Mr. Speaker, there seems to be still some misunderstanding as to what privileges will be conferred by a ticket of this kind. Does it admit to the inauguration ceremonies or only to this Hall?

Mr. ERMENTROUT. It simply gives entrance into the Capitol on the House end. The Senate has exclusive jurisdiction of the other end.

The SPEAKER. The Senate has adopted a programme for admission to the Senate end of the Capitol, where the inauguration ceremonies are to take place. The House has control only over the south end of the building.

The resolution was adopted—ayes 67, noes 7.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. WHEELER. I rise to a privileged matter.

The SPEAKER. There is a matter before the House.

Mr. HERBERT. I call for the reading of the Senate amendments.

The Clerk read as follows:

Page 3, line 1, strike out the comma after "papers" and insert a semicolon.

The amendment was concurred in.

The Clerk read as follows:

Page 3, line 19, insert "Electric-lighting plant: For installing the monitors Terror and Monadnock with electric-lighting plants, $45,000."

Mr. HERBERT. The committee recommend non-concurrence in this amendment and the transfer to another point in the bill of part of what is recommended by the Senate. I ask unanimous consent to non-concur in amendment No. 2.

The amendment was non-concurred in.

The Clerk read as follows:

Page 3, after line 19, insert "For increasing the electric-lighting plant of the Baltimore, to be immediately available, $2,600."

The amendment was non-concurred in.

The Clerk read as follows:

Page 3, after line 19, insert "For increasing the electric-lighting plant of the Charleston, to be immediately available, $2,600."

The amendment was non-concurred in.

The Clerk read as follows:

Page 3, after line 19, insert "For installing the gunboat Petrel with electric-lighting plant, to be immediately available, $5,000."

The amendment was non-concurred in.

The Clerk read as follows:

Page 3, after line 19, insert "For installing the dynamite-gun cruiser Vesuvius with electric-lighting plant, $5,000."

The amendment was non-concurred in.

Seventh amendment: Insert the following:
"For installing the receiving-ship Vermont with an electric-lighting plant, $6,000."

Mr. HERBERT. I move to concur.

The amendment was concurred it.

Eighth amendment: After "building," in line 6, page 8, of the printed bill, insert "and."

Mr. HERBERT. I move to concur.

The amendment was concurred in.

Ninth amendment: Insert the following:
"For the construction of a building for use by the naval torpedo station and war college as consolidated by order of the Secretary of the Navy January 11, 1889, $100,000, to be immediately available."

Mr. HERBERT. I move to concur in the amendment of the Senate with an amendment adding, after the word "available," the words "said sum to be in full for all expenses of designing, erecting, and furnishing said building."

Mr. BOUTELLE. Is the question now on concurring in the Senate amendment or on agreeing to the amendment of the gentleman from Alabama [Mr. HERBERT]?

The SPEAKER. The question is upon the amendment proposed by the gentleman from Alabama, who moves to concur in the Senate amendment with an amendment.

Mr. BOUTELLE. I desire to move to non-concur in the original amendment of the Senate.

Mr. HERBERT. I ask the gentleman to withhold that question for a moment, until my amendment is acted upon.

The question being taken on agreeing to the amendment of Mr. HERBERT to the amendment of the Senate, it was agreed to.

The SPEAKER. The question is now upon concurring in the amendment of the Senate as amended.

Mr. BOUTELLE. Mr. Speaker, this amendment is the result of a controversy which has been going on for some time in regard to the establishment of a war college in Newport Harbor As members of the House are aware, a post-graduate course has for a number of years been pursued at Coasters' Harbor Island under authority of previous legislation, by an institution known as the War College, which I believe to be one of the most useful adjuncts of our naval service. The State of Rhode Island, as I understand, ceded Coasters' Harbor Island to the United States; and a building on the island was granted for the purposes of this college. The proposition is now to transfer the War College to what is known as Goat Island, and on that island to erect a structure to cost $100,000. I am strongly urged by distinguished officers of the naval service, including the author of this War College experiment, to oppose the transfer of the War College from Coasters' Harbor Island (which is well situated, which has a fine site, and is, I believe, a proper location for this building) to Goat Island, where the torpedo station is now located. There is no connection necessarily between this War College and a torpedo station; and the proposition to erect this large and expensive building upon this small island—a mere bowlder, so to speak, in Newport Harbor, when we have authority to use Coasters' Harbor Island, where there is a fine site, is, as one of my correspondents expresses it, very much like a proposition to put the Puritan's turret on the deck of the Yantic.

I am told that Goat Island is a narrow strip of land forming a sort of breakwater for the inner harbor, being less than half a mile long, with an average width of about 110 or 115 yards, and that it is already overcrowded with buildings for the purposes of the torpedo station. Coasters' Harbor Island, on the contrary, is a magnificent piece of property containing about 92 acres, with two or three fine sites, including the one on which there is now a building erected. It seems to me, Mr. Speaker, that Goat Island is not at all such a place as should be selected for the erection of a building so expensive as this. I am told by a gentleman familiar with the subject that there is absolutely no question of choice between them, and I am urged to ask this House to pause before fixing irrevocably the location of so expensive an establishment upon so inadequate a site, for officers in whose ability and judgment I repose great confidence assure me that no committee of Congress, if the matter were examined into, would ever think of making such a location.

In 1885 an appropriation was made of $45,000 for a "rigging-loft" and "drill-hall" on this island, and yet at this time, as I understand, they have transferred the naval training station to Coasters' Harbor Island; and a clipping from a newspaper, which I have here and which I commend to my friend from New Jersey [Mr. MCADOO], who referred to the officers going over to Newport to take part in the German, says:

The building recently occupied by the War College is now used for training-station purposes, the singing classes having rooms on the first floor, and the classes in boxing and fencing being accommodated on the second floor.

Now, I believe implicitly, knowing that I differ with some few of the distinguished officers in the service, knowing also that I am in accord with a large number of the most distinguished officers, including Admirals Porter and Luce, than whom no more accomplished sailors exist or have ever graced our record, that this appropriation which has transferred the War College to Goat Island is a part of an enterprise which is resulting in overturning our training system as well. The occupancy of the large grounds on Coasters' Harbor Island for a training school has carried with it the taking of the old school-ship New Hampshire from her moorings and placing her alongside the dock, where she is tied up, fitted with electric lights, steam-heating apparatus, and, for all I know, a bicycle track, and the War College is occupied for the purpose of a singing school and for the boxing classes. The tendency is to take more and more the apprentices from the training-ships and from the ocean and get them as far inland as possible away from the proper school of the seamen of this country, and that is on board of the ship itself. These two things go side by side, as I understand it, and the location of the War College upon Goat Island is the complement of the plan of locating the apprentices' school upon Coasters' Harbor Island.

Mr. Speaker, I deprecate that tendency. I deprecate the tendency which leads to dismantling our old ships and sloops of war for use as training-ships, and on which our boys were taught to be seamen. I deprecate the plan which brings these ships from their moorings and ties them up to the wharves, and which takes the boys from the training-ships and puts them into these classes in schools not adapted to the requirements of the profession they are to be taught, but which have a tendency gradually to teach our young men to seek any kind of service except that upon the ocean. I believe the tendency is all wrong. I think we are getting away further and further from the proper policy in regard to the training of our officers and naval apprentices. So that we are reaching that condition which forcibly recalls the old homely song of the girl—

Oh, mother, may I go out to swim?
Yes, my darling daughter;
Hang your petticoats on the limb,
But don't go near the water.

[Laughter.]

I believe we should establish this War College on this large and sightly island where there is a fine location and ample room, and where the buildings would be creditably located, and then I want to see the training-ships taken away from their moorings by the wharf and put out where the boys can go to and from the vessel only by bending to the ashen oar and exercising some of the qualities of seamanship, and that is in harmony with the desires of the eminent officers of the Navy to whom I have already referred. And I want to see our old sloops, the craft of the olden time, restored to the waters, as they can be by a slight expenditure, and made to do duty as gymnasiums and training-schools for the sailors of the United States Navy.

Mr. HERBERT. Mr. Speaker, I wish to reply briefly to the points made by the gentleman on the other side. The committee found, on investigating this matter, that there were two of these graded schools within a half mile of each other, one a torpedo school on Goat Island and the other the War College on Coasters' Harbor Island. Coasters' Harbor Island, with a suitable building upon it, was given by the State of Rhode Island for training-school purposes to the United States Government. But it so happens that one of these establishments was nearer to Newport than the other, and afforded better facilities for reaching that place, so that it was gradually taken possession of by the officers, and the uses for which it was originally intended were practically lost sight of. Here, then, we had two schools, two sets of officers, different clerks, different employés, and the question began to be agitated of the advisability of concentrating these, and the contest has been going on from that time until, during the last Congress, a bill was passed which authorized and empowered the Secretary of the Navy to concentrate and consolidate both of these schools into one, so we would have but one school and one set of officers. The efficiency of the War College will be facilitated by the arrangement, and not impaired or hampered, and the efficiency of the torpedo school has also increased, we believe, both being made more efficient by the consolida-

tion; and the purpose of this is to confirm that act of the Secretary of the Navy. That is all this amendment seeks to do.

The SPEAKER *pro tempore*. The question is upon the amendment offered by the gentleman from Maine.

Mr. SPOONER. Mr. Speaker, I have some personal impressions concerning the proper site of the War College, and I believe that all the friends of that institution should certainly unite at this time in providing such means as will be to the interest of the War College. The amendment just now under consideration is one favored by the Navy Department. It will provide a proper building and accommodations for the use of the War College. The site proposed in that amendment is a very proper site.

My friend from Maine is mistaken to some extent concerning the size of the little island where the torpedo station is located. It covers an area of 27 acres, if I am correct, as I believe I am. It is something more than a mere bowlder in the harbor of Newport. It is not at present overcrowded with buildings. It is true that the torpedo station is located there, and, as I understand, the fact that the torpedo station is located there is considered by the Department as one reason why it is desirable to locate the War College at the same place, in order that in the course of instruction that is to be given in the War College there will be an opportunity to give objects lessons, which can be given at the torpedo station, of those matters which are elucidated there practically. I trust that those who are in favor of doing anything to provide for the interests of the War College will take the opportunity afforded here by the adoption of the proposed amendment.

Mr. HERBERT. I will state to the gentleman from Rhode Island that I understand that this little island contains 19 acres.

Mr. SPOONER. I was informed that it contained 27 acres.

Mr. BOUTELLE. In what I have said upon this subject, so far as I have been able to inform myself, I have expressed the sentiments of the men most prominently identified and most earnestly interested in the success of the War College. In regard to this auxiliary college and the abolition of our present training system, and for the establishment of a training system on Coasters' Harbor Island following the putting of our training-ships out of commission, I desire to cite the testimony of the Admiral of the Navy in a letter addressed to me last summer, which I was unable to use. He is certainly a gentleman whose record and experience are entitled to some consideration.

His letter is as follows:

OFFICE OF THE ADMIRAL, *Washington, D. C., June* 12, 1888.

DEAR SIR: Great efforts have been made to do away with the training-ships of the Navy, which for want of repairs are about being laid up.

This is all wrong. These vessels should never be allowed to go out of service as long as they can be kept together.

In this letter I will not go into an argument to demonstrate why it should be so, but I send you an article I once wrote on the subject, which you can fully appreciate from your long service in the Navy.

I think the article covers the ground. Please read it carefully, and submit it to the Naval Committee with my respects.

The deadliest blow that could be dealt to the apprentice system would be the substitution of steam-vessels for the magnificent sailing-sloops that have done so much for the system.

Seventy thousand dollars would put all the ships in thorough condition to last some years, and there ought to be a law passed that the act of August 5, 1882, should not apply to the practice-ships of the Navy.

I have the honor to remain, very respectfully, yours,

DAVID D. PORTER, *Admiral.*

Hon. CHARLES A. BOUTELLE, *M. C.*

I ask that the following document also be printed in the RECORD as a part of my remarks, following that letter:

NAVAL-APPRENTICE SYSTEM.

One of the best institutions in the Navy, although on a limited scale, is the apprentice system, or school, where boys are trained to become petty officers, seamen-gunners, and seamen. Like everything else in the Navy, this appendage to the service has had a continued struggle for existence, and one would suppose that instead of the training system being considered a necessity, the officer in charge, whose whole soul is enlisted in the matter, was receiving some private benefit from the appropriations necessary to keep this desirable institution afloat.

The training system is not only beneficial to the boys by giving them a practical education, but it is a most admirable school for officers. Nowhere else in the Navy can young officers acquire so readily those habits of thought so necessary in the service and which can only be acquired in sailing-vessels. A different state of things exists on board a sailing-vessel to what prevails on board a steamer. For the preservation of the former is required the quick eye, ready command, and prompt obedience, and habits of prompt obedience on the part of the embryo seamen can not well be obtained in any school but the sailing-ship.

The value of an apprentice system is shown by the time and money devoted to it by the British navy in order to keep up the supply of well-trained petty officers and seamen for that great organization. Our apprentice system is on a small scale compared with that of Great Britain, for where we have hundreds she has thousands of boys, and no pains are spared to attach them permanently to the service.

In some respects our apprentice system is better than that of Great Britain, particularly in our custom of using vessels propelled by sail alone, which keeps the attention of officers and men fixed upon seamanship, that most essential part of the naval profession. Without a complete knowledge of this branch neither officer nor sailor will ever be entirely efficient. The officer may be useful in ordinary times on board a steam-ship, and the sailor, having passed a considerable portion of his apprenticeship in hoisting ashes, may answer to fill up a gap on a topsail yard, but neither will be equal to the emergency if left to his own resources in time of great need.

None but a thorough seaman is fit to command a ship of war. In time of danger all his resources will be called in play; and to enable him to manage his ship with dexterity it is necessary that he should have the aid of the intelligent seaman—the product of the apprentice system—who perhaps a few years before was an idle city or country boy eating more than he earned. Views favorable to an apprentice system are gaining ground in Great Britain, and even while the five or six thousand boys who are intended for the royal navy will ultimately serve on board steam-ships, every effort is made to send none afloat who have not been brought up exclusively as seamen, for in the new class of vessels the engineer element is so abundant that it is absolutely necessary to leaven it with a modicum of old-time seamanship not learned from books, but by actual contact with the elements.

We have experienced much difficulty in filling vacancies in the Navy from the apprentices, owing to the fact that we aimed too high in the first place, requiring too much from the apprentice boy on his entering the service. He was to be of good stock, descendant, perhaps, of the Otises, Derbys, and Grays. Boys were selected who were the least fitted for the Navy, to whose parents hopes had been held out that their enlistment was the stepping-stone to high positions in the service. When the fallacy of such hopes became evident, the parents moved heaven and earth until their boys were discharged from their uncongenial employment.

How many hundreds of poor boys in the large cities would have been delighted to obtain the positions at which their more aristocratic brethren turned up their noses, and how much more aptitude they would have shown for the service. True policy would indicate that the farmer's son should be left to till the soil and follow in the footsteps of his illustrious predecessors, but the contrary policy has prevailed, and the waifs in the streets of our cities have received no encouragement to enlist in the Navy and fight for their country. Some persons seemed to think that every apprentice should be of the highest moral character before he could be permitted to go on board a ship of war lest he might contaminate the firemen and coal-heavers, but who knows what noble sailors these waifs we have mentioned would have made after having passed through the moral-reform school of the Navy?

In a great Christian country like the United States it is the duty of the Government to stretch out a hand and rescue a portion of the boys from perdition by placing them on board the receiving-ship New Hampshire at Coaster's Harbor Island, Newport, where with good example and under kind treatment they would improve morally, mentally, and physically. To vary the couplet of Pope a little, we might say:

'Tis education forms the common mind;
Just as the twig is used, the boy's inclined.

As a general rule there is too great a desire on the part of commanding officers to try and introduce a higher system of education than is called for among the apprentices. To read, write, and cipher would be a boon that the ordinary apprentice boy would highly appreciate. He could learn that well in the few months he was attached to the receiving-ship, while the study of Neo-Platonism, cosmogony, dialectics, metempsychosis, logic, and conic sections had better be left to the Naval Academy where such things are affected, and where, perhaps, seamanship—the life of the Navy—may not be considered on a par with the high sciences.

I by no means object to the introduction of the farmers' sons into the naval-apprentice ship, with their sturdy limbs and moral attributes, but that has been run into the ground, to use a homely phrase. But 17 per cent. of all that class of boys have up to this time remained in the Navy, not enough in fact to make the necessary number of petty officers required for the service. Leaving out the want of aptitude for the service which generally induces the boys to leave when their apprenticeship is at an end, there are too few boys allowed by law and not enough to supply the ships of war with a sufficient number to fill up their quota, for the more of these boys a commanding officer can get to leaven the crowd of foreign seamen now on board an American ship of war the better the commanding officer feels, for it would scarcely be believed that the crews of our ships of war are generally made up of sailors from every part of the world, but mostly from the old Scandinavian race, Norway, Sweden, Denmark, etc., good reliable men who do not care what flag they sail under.

They are the same old Huns, Germans, Goths, and other barbarians who once debauched upon the plains of Italy and France and helped themselves to what did not belong to them. They come and enlist in our Navy, softened down in character, it is true, but they are the same free-lances as of old. They ship for money—they have no sentiment for flag or nationality, and possibly if it came to an action with a ship of their own or a neighboring nation they would haul down the American flag and hoist their own.

This is a contingency we should provide against, and we have the means of doing it through the vast number of American boys who are roaming the streets at will and who would consider Government employment a boon. But a few years ago one of our sloops of war, with a cosmopolitan crew, was anchored in the harbor of Ville Franche. The crew was composed of nineteen different nationalities, and so indifferent and inefficient was the organization that some wag painted on a board and hung in the gangway, "*Ici on parle Anglais*," like the signs hung out in Paris.

When our finest ship, the Trenton, lately went to sea, as fine a body of Goths, Germans, Huns, Norsemen, Gauls, Chinese, and other outside barbarians, softened down by time and civilization, as one could wish to see, went out in her. Out of the whole crew not more than eighty could speak the English language. Is this not a commentary upon the American Navy? Is it not a defect to be corrected? The thing wanted is a larger number of native apprentice boys and an enlargement of the convenience for their introduction into the Navy. The English have five line-of-battle ships with one brig-tender to each. There is also a hulk attached to each ship of the line for newly entered boys, and for various other matters. We have but one regular receiving-ship at Coasters' Harbor Island, and if our Navy is to be enlarged we should have larger accommodations for apprentice boys.

We have three sloops of war in which apprentices are trained previous to being transferred to a regular ship. This is the best feature in our training system, for the boys receive a training in seamanship. There is no steam here to interfere with the exercising. With a steam-capstan and steam-winch half a dozen men can get a vessel under way. An officer on deck, a man at the wheel, and one at the lead, with half a dozen on deck for general purposes, and the ship can go to sea with the rest of the crew in their hammocks. The simplicity of this maneuver may perhaps be cited to show the advantage steam has over seamanship, but in the case of the sailing-vessel, the entire crew, officers, seamen, boys, and all, must be on deck at their posts of duty and be keenly alive to all that is going on, quick to comprehend and full of alacrity and life to obey orders. There is a spirit of life here which is never seen in a steam-ship of war, the difference between a well man and a paralytic, for while in the practice ship there is a soul beaming from the eyes of every one on board, the seamen and boys in a steam-ship of war look on with apathy and idleness at machine work in which they have no part and which excites no enthusiasm.

Although the service performed in these practice ships of ours which sail to the coasts of Europe and all through the West Indies is not exactly that which is performed in the new-fashioned ship of war denuded of sail-power, yet the qualities developed by this service, be it remembered, are of the utmost value to the Navy on board the modern cruiser. The officer who can properly handle one of these ships of war can safely be trusted with the deck of the largest commerce-destroyer. To apprentice boys who have been trained in these ships the work of a steam-ship is mere child's play.

There is not an officer in the Navy who has served on board these training-ships of war who does not congratulate himself on the service he has passed in them and the experience he has gained, such experience as could be gained nowhere else, and although the original intention of establishing this little squad-

ron was for the purpose of training boys, yet it has the double effect of serving as a training-school for officers, and it goes without saying that in the years to come the officers who have received this training will make the best commanders of steam-ships afloat.

The sailing-ship of war has no rival as a school of instruction. It is the school that has made the sailors of years gone by proverbial for strength, activity, readiness of resource, adaptability to circumstances, patience under severe trial, and contempt of danger. These are the qualities absolutely necessary in a true sailor, which will be essential in the future as heretofore in any class of vessel that may be used in the Navy.

What was it that gave the volunteer officers in our civil war such great value but the early training they received on sailing-vessels? That training produced as fine a body of men as ever went to sea. We could not have done without them any more than we can do without them in future wars, where they will prove to be a powerful factor. Notwithstanding the training system has stood the test of time and is without doubt the best of the kind afloat, though on a small scale, and has received the approval of some of the oldest and most distinguished officers who have spent a lifetime in the study and practice of the apprentice system, it is proposed to abolish the time-honored training-ships of war and put the whole system under steam.

It has taken years to build up the apprentice system on its present plan, and so far it has been properly cared for and the Navy is just beginning to reap the advantage of it. The greatest demand in the service is for seaman-gunners, and the high estimation in which that class of men is justly held proves conclusively not only the value of the plan hitherto pursued, but that it is necessary to consider carefully before making changes that may mar the service, if they do not destroy it.

Some persons may think that by making radical changes in a system they are making themselves the father of it, but they should reflect that we can not afford to surrender the high character for practical seamanship enjoyed by our Navy from the time of Paul Jones to the present day. If officers of the Navy do not try to maintain that character for the service, who will? A steam bark is no doubt a good thing to produce lazy boys and hybrid seamen, but give me—

A wet sheet and a flowing sea,
A wind that follows fast,
And fills the white and rustling sail,
And bends the gallant mast.

In a letter received at the same time from the admiral of the Atlantic squadron is a recognition of the same thing by one of the most competent men living to-day to speak in regard to everything connected with the *personnel* of the Navy. And in his letter he utters an equally significant protest against this movement. This amendment is part of a movement to do away with our sailing-ship training-schools and substitute training on our steam-vessels in the future, and more and more tending to educate our seamen upon the land.

So earnest was Admiral Luce in the matter that he addressed me a letter from his flag-ship in last June to enter his protest against doing away with the training squadron of sailing-ships and authorizing training-schools and says:

The training squadron is a school of practical seamanship, not a school of gunnery. The young seaman gets all the great-gun practice he needs in the general service with modern guns. I hope you will save the squadron, which is now all but gone.

He utters his protest against this tendency to do away with our training-school system, under which the apprentices of the Navy were being educated upon salt water to that familiarity with the winds and waves as the best school in which to educate them in handling a ship. It is proposed to locate this building on Goat Island, which carries with it the establishment of Coasters' Harbor Island as a rendezvous of the training system; and to that, for one, I am opposed.

Admiral Luce writes:

NEW YORK, *June* 29, 1888.

DEAR CAPTAIN BOUTELLE: If Congress does not come to our aid it is almost certain that the very important school of practical seamanship known as the training squadron will soon become extinct. It is believed that the House Naval Committee was very favorably disposed toward the training squadron, and had expressed a determination to appropriate $50,000 for the repairs of the Portsmouth, Saratoga, and Jamestown. That sum would have been ample to put those ships in a condition to run for several years longer, but the appropriation bill as passed by the House contains no item of that kind. My object in writing you now is to ask if you can not even now save the training squadron by an appropriation sufficient to put the three ships above referred to in repair.

In this connection I beg leave to call your attention to House bill 10556, page 6, line 131, which appropriates $50,000 for modern guns and ammunition for instructing the apprentices of the training squadron. It seems to me that there must be some mistake about this, for Congress could hardly intend to spend $50,000 for guns for the training squadron, when the squadron itself is about to be wiped out. If that $50,000 could be devoted to putting the training-ships in repair there will be no difficulty in getting the guns when they are wanted.

Very respectfully,

S. B. LUCE,
Rear-Admiral United States Navy,
Commanding United States Naval Force on North Atlantic Station.

Hon. CHARLES A. BOUTELLE.

P. S.—The training squadron is a school of practical seamanship, not a school of gunnery. The young seaman gets all the great-gun practice he needs in the general service with modern guns. I hope you will save the squadron, which is now all but gone.

S. B. L.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of bills of the House of the following titles with amendments; requested conference on the disagreeing votes of the two Houses, and had appointed on each of the bills Mr. VEST, Mr. SAWYER, and Mr. FRYE as conferees on its part:

A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;"

A bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (H. R. 12524) to authorize the construction of a bridge over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Ark.; and

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of a bridge over the Red River, at Shreveport, La., and a bridge over the Ouachita River, at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions.

It also announced that the Senate had passed a bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River; in which concurrence was requested.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I hope that we may have a vote now, Mr. Speaker.

The SPEAKER. The question is upon the motion of the gentleman from Maine [Mr. BOUTELLE] to non-concur.

The motion was rejected—ayes 35, noes 72.

The amendment was then concurred in.

The Clerk read as follows:

Page 13, line 14, strike out "325" and insert "754."

Mr. HERBERT. I move to concur in that amendment.

The amendment was concurred in.

The Clerk read as follows:

Amendment numbered 11, page 13, line 7, strike out "Home" and insert "Asylum."

Mr. HERBERT. Amendments 11, 12, and 13 are the same. The House bill calls the Naval Asylum the Naval Home. The Senate has struck that out. There is a petition from the occupants of the institution that it be called the Naval Home instead of the Naval Asylum, and as no expenditure of money is involved the committee think there is no good reason why the request should not be granted. I therefore move to non-concur in those three amendments.

The amendments were non-concurred in.

The Clerk read as follows:

Amendment numbered 14, page 14, line 4, strike out "twelve" and insert "seventeen."

The amendment was concurred in.

The Clerk read as follows:

Amendment numbered 15, page 15, strike out all after "clothing," in line 15, down to and including line 22, and insert: "For provisions for the seamen and marines, commuted rations for officers, naval cadets, seamen, and marines, and commuted rations stopped on account of sick in hospital and credited to the hospital fund, $965,000."

The amendment was non-concurred in.

The Clerk read as follows:

Amendment 16: Page 15, line 24, after "ships," insert "$11,000."

The amendment was non-concurred in.

The Clerk read as follows:

Amendment 17: Page 15, line 25, after "store-houses," insert "and paymasters' offices in yards."

Amendment 18: Page 15, line 25, strike out "not to exceed ninety" and insert "seventy-nine."

Mr. HERBERT. I move to non-concur in both those amendments.

The amendments were non-concurred in.

The Clerk read as follows:

Amendment 19: Page 16, strike out lines from 8 to 21 inclusive.

The amendment was non-concurred in.

The Clerk read as follows:

Amendment 20: Page 19, at the end of line 15, insert:

"And for the purpose of utilizing accumulated naval supplies, the transfer is authorized, after requisition upon the Paymaster-General of the Navy, of any supplies belonging to the bureau and available for the use of another, without reimbursement therefor by the bureau receiving the supplies so transferred: *Provided*, That supplies obtained for a specific object and still needed therefor, and supplies bought within the fiscal year in which the requisition is made, and provisions, clothing, and small stores shall not be subject to transfer without charge under the terms of this act."

The amendment was concurred in.

The Clerk read as follows:

Amendment 21: Page 19, line 27, strike out "one million" and insert "nine hundred thousand."

Amendment 22: Page 19, line —, strike out all after the word "dollars" down to and including the word "available."

The amendments were non-concurred in.

The Clerk read as follows:

Amendment 23: Page 22, line 2, strike out "the navy-yard" and insert "navy-yards."

The amendment was concurred in.

The Clerk read as follows:

Amendment 24: Page 25, strike out lines 22 and 23.

The amendment was concurred in.

The Clerk read as follows:

Amendment 25: Page 25, after line 23, insert:

"For the purchase of the land and buildings thereon, situated adjacent to the Naval Academy at Annapolis, and between the Academy grounds and the Naval

Hospital grounds, a sum not exceeding $90,000: *Provided, however*, That the Secretary of the Navy may, if he deems it for the best interests of the United States, proceed and acquire title to said land and buildings by condemnation thereof by judicial proceedings to be commenced in the appropriate circuit court of the United States, which court shall, for the purpose of ascertaining the true value of said land, appoint three commissioners, who shall be competent and disinterested appraisers, and all the proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the act of Congress of August 1, 1888, entitled 'An act to authorize condemnation of land for sites of public buildings, and for other purposes.'"

The amendment was non-concurred in.

Twenty-sixth amendment: In lines 1 and 2, page 37 of the printed bill, strike out "$94.20" and insert "$93.35."

Mr. HERBERT. I move concurrence in this amendment.

The amendment was concurred in.

Twenty-seventh amendment: In lines 13 and 14, page 37, of the printed bill, strike out "$9.20" and insert "$8.25."

Mr. HERBERT. I move to concur in this amendment.

The amendment was concurred in.

Twenty-eighth and twenty-ninth amendments: In the paragraph relative to "transportation and recruiting Marine Corps," strike out "$12,500, of which sum $2,500 shall be immediately available," and insert "$10,000."

Mr. HERBERT. I move concurrence in these amendments.

The amendments were concurred in.

Thirtieth amendment: In lines 2, 3, and 4, page 40 of the printed bill, strike out "per diem of enlisted men employed on constant labor for a period of not less than ten days."

Mr. HERBERT. I move to non-concur.

The amendment was non-concurred in.

Thirty-first amendment: In the paragraph providing for the "increase of the Navy," strike out in lines 2, 3, 4, and 5, page 42 of the printed bill, the words, "and to be constructed according to plans and specifications to be furnished to the Navy Department by Hon. JOHN R. THOMAS, of Illinois," and insert "approved and recommended by a naval board in their report to the Secretary of the Navy, and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889, and to be constructed according to plans and specifications furnished by the Navy Department."

Mr. BOUTELLE. Mr. Speaker, when this question was under consideration before in the House, I made such observations as I felt called upon to make; and at this time I desire simply to say that when this matter came up in the Senate, attention was called to the question of horse-power and speed-premium; and when the bill again reached the House it had been so amended as to require that the proposed vessel should show a maximum speed of not less than 19 knots per hour, with a provision that the contractor should receive a premium of $50,000 for every quarter knot above 19, and that there should be deducted from the contract price $50,000 for every quarter knot that she should fall short of that speed. Not being myself, or pretending to be, an expert in naval architecture I am obliged to fall back upon the statements which were made in the other branch of Congress when this matter came up.

The statement was there made that this vessel with her displacement and her horse-power ought to maintain a speed of 19 knots, and that therefore it would not be proper to offer a premium of $50,000 for every quarter knot above 17 knots. I think the computation was made that on this basis, if this vessel ought naturally to attain a speed of 19 knots, the premium of $50,000 for each quarter knot above 17 would carry with it a bounty of $400,000 for bringing the ship up to the speed which she ought to reach. When that was stated in the Senate the member of the Senate Naval Committee in charge of the bill immediately accepted the suggestion, stating that it could not have been intended to incorporate in the bill an obsolete rate of speed; that we have ceased to appropriate for ships of as low a speed as 17 knots; that there was no reason why this vessel should not make 19 knots an hour; and on his motion "17 knots" was stricken out and "19 knots" inserted.

Now, I was not present (not being a member of the subcommittee) when the evidence was taken upon which the House Naval Committee have restored this provision, offering a bonus of $50,000 for every quarter knot above 17; therefore I do not know how strong the testimony may have been upon this point. I have understood it to have been stated that this vessel should not reasonably be expected to make more than 17 knots, because she is an armored ship. But I find that the Texas, which approximates somewhat to this proposed vessel (having a length of 290 feet as against 235 on the proposed ship; 64 feet 1 inch beam as against 55; 22 feet 6 inches mean draught as against 14 feet 6 inches; 6,300 tons displacement as against 3,030 tons, and 8,600 horse-power as against 7,500), is expected to show a speed of 17 knots. Now, if the Texas with 6,300 tons displacement and 8,600 horse-power ought to make a speed of 17 knots ought not this other vessel of 3,030 tons displacement and 7,500 horse-power to make more than 17 knots? I do not know.

It is not a question which falls within the scope of my professional experience. And the fact it is proposed to fix in this bill detailed limitations and specifications concerning the construction of a vessel to cost a million and a half of dollars, yes, $1,900,000, if the bonus runs up so high, is gloriously illustrated by this attempt of the Senate and House of Representatives to fix the maximum of speed that a vessel ought to reach and then offering a premium of $50,000 for every quarter of a knot above a certain rate developed. It seems to me it emphasizes my criticism of this legislation, that Congress should confine itself to the appropriation of money, indicating in a general way the character and type and size and shape, and then leave to the Department and its professional experts the fixing of the terms of the contract.

In accordance with the action in the Senate on such information as I have, I move to concur.

Mr. HERBERT. So far as I know, the gentleman from Maine is the only member of the committee who is in favor of concurrence.

The amendment was non-concurred in.

Thirty-second and thirty-third amendments: Strike out "17" and insert "19;" so it will read:

"The contract for the construction of said cruising monitor, her boilers, engines, and machinery, shall contain provisions to the effect that, under conditions to be prescribed by the Navy Department, the contractor shall guaranty that the collective horse-power developed by the engines of said vessel shall equal 7,500 indicated horse-power, and that said vessel when completed and tested for speed, under conditions to be prescribed by the Navy Department, shall exhibit a maximum speed of not less than 19 knots per hour; and the contract for said vessel shall contain a further provision that for every quarter of knot of speed so exhibited above said guaranty of 19 knots the contractor shall receive a premium, over and above the contract price, of $50,000, and for every quarter knot that said vessel fails of reaching said guarantied speed there shall be deducted from the contract price the sum of $50,000. The material, boilers, engines, and machinery shall be of domestic manufacture and of the latest and most approved quality and type."

Mr. HERBERT. I move to non-concur.

The amendments were non-concurred in.

Thirty-fourth amendment: Insert as follows:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons displacement, to cost in the aggregate, exclusive of armament, not more than $700,000; one steel cruiser of about 2,000 tons displacement, at a cost not to exceed $700,000, exclusive of armament and any premium that may be paid for increased speed; and one ram for harbor defense of the type approved by the naval advisory board in their report to the Secretary of the Navy of November 7, 1881."

Mr. HERBERT moved to non-concur.

The amendment was non-concurred in.

Thirty-fifth amendment: Insert as follows:

"The provisions of the act of September 7, 1888, relating to premiums or deductions for increase or decrease of speed over or under that guarantied by the contractor building the said 2,000-ton cruiser shall be observed and followed."

Mr. HERBERT. I move to non-concur.

The amendment was non-concurred in.

Thirty-sixth amendment: Insert as follows:

"The act of August 3, 1886, entitled 'An act to increase the naval establishment,' so far as applicable, shall govern the construction of the two steel cruisers or gunboats, the 2,000-ton cruiser, and the ram herein authorized; and all of said vessels shall be of domestic manufacture."

Mr. HERBERT. I move to non-concur.

Mr. BOUTELLE. I would like to inquire of the chairman of the Committee on Naval Affairs what is the character of the ram provided for in the thirty-fourth amendment of the Senate?

Mr. HERBERT. The Naval Board of 1881 spoke in general terms of a ram. At that time Admiral Ammen had devised a ram which he presented to the board, but the board did not specify any particular ram. It spoke in one place of a ram making 13½ knots an hour. The reference in the report of 1881 was supplemented by the report of the board of 1882 of a ram making 13 knots an hour. We have recommended non-concurrence.

The amendment was non-concurred in.

Thirty-seventh amendment: Insert as follows:

"To enable the Secretary of the Navy to test and, if found satisfactory, to purchase three or more rapid-fire rapid-twist 1-pounder breech-loading rifled guns, and an equal number of the same type of 3-pounder guns, and an equal number of the same type of 32-pounder guns, as the Secretary of the Navy may designate, said test to be made with the cartridge known as the reinforce cartridge, and for such purpose the sum of $50,000 is hereby appropriated."

Mr. HERBERT. I move non-concurrence.

Mr. ADAMS. Mr. Speaker, I hope on further consideration the House will agree to concur in that amendment. It is important. In the Army bill an appropriation has been made for a like purpose. The purpose is to produce gradual discharge of powder in the gun, by which we can obtain high power without excessive strain. This appropriation has the same object in view for the Navy. These experiments may not succeed, but if they do it will put us at the head of all other powers without subjecting us to the enormous expense which other nations have incurred to secure this result.

Mr. HERBERT. In reply to what the gentleman from Illinois has said I want to be heard briefly. If the experiment which is proposed shall succeed, under the law as provided here by the Senate amendment we would have no possible advantage over any other nation who chose to avail itself of the same patents. The gentleman says it would place us far ahead of them. On the contrary, it would result simply in this, that we would have developed at the expense of the United States, without attaching any other conditions whatever to it, a patent belonging to a gentleman or to a company, who would have the right to sell thereafter to the United States at any price they might see proper to fix, as well as to any other government who chose to purchase, the very same guns that had been successfully tested here, without any expense to them for development on their part, but the whole expenditure borne by the people of the United States.

Mr. ADAMS. But I did not say that the gentleman should concur

without reasonable limitation. It occurred to me that we had done the same thing with regard to the Vesuvius.

But I make no motion in regard to the amendment.

The amendment was non-concurred in.

The Clerk read amendment numbered 38, as follows:

Strike out, in the paragraph relating to "construction and steam machinery," on page 45 of the printed bill, the words "three million five hundred thousand dollars" and insert the words "five million dollars."

Mr. HERBERT. I move to non-concur in the Senate amendment.

The motion was agreed to.

Mr. HERBERT. At this point, Mr. Speaker, I move to add, after the word "dollars" in this paragraph, what I send to the desk. This is a transfer, as I gave notice this morning, from a previous page of the bill.

The SPEAKER. Where does the gentleman propose to insert this?

Mr. HERBERT. Immediately after the word "dollars," in the paragraph on which we have just taken action, on page 45 of the bill.

The SPEAKER. But the House has non-concurred in the Senate amendment and there is nothing here to amend.

Mr. HERBERT. It did non-concur; but this is simply a transfer from a previous portion of the bill of a provision which should be incorporated here.

The SPEAKER. The gentleman, however, is endeavoring to amend a portion of the bill which has been agreed to by both Houses.

Mr. HERBERT. I think I can make it clear to the Chair. When we reached the Senate amendments relating to the electric plants for certain vessels I moved to non-concur, stating at the time that a portion of the amendments should be transferred to the proper bureau over on this page. Our non-concurrence at the time was with the understanding of the House that these amendments were to be inserted in some section of the bill where they properly belonged. Certainly it would seem to be within the power of the House to consider the amendments now when that understanding was had in regard to them. We desire, in other words, to concur in a part of the Senate amendments to the electric plants for certain ships and non-concur in other words.

The SPEAKER. Upon the gentleman's motion the House has just non-concurred in the Senate amendment here.

Mr. HERBERT. Yes; but it is not to the Senate amendment that I propose to add this, but simply to transfer it from a portion of the bill where it had been improperly placed by the Senate over to this point.

The SPEAKER. The Chair, of course, will not make any objection, but will suggest that it can only be done by unanimous consent, and then it will change the bill as the Senate passed it.

Mr. HERBERT. I ask unanimous consent to insert it here.

The SPEAKER. The Chair will suggest this difficulty: Suppose the Senate should take the amendment up and agree to it; the gentleman will see that it would bring about a very awkward situation. It might be done in conference.

Mr. HERBERT. Very well, I will omit it for the present, and will arrange to have it inserted in the conference committee.

The SPEAKER. The Chair thinks that would be the better plan.

Mr. HERBERT. Then I will not ask the reading of it at present, but will withhold it and insert it in conference.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read the amendment numbered 39, as follows:

Under the head of "armament," on pages 45 and 46 of the bill, strike out the sum of "$1,600,000" and insert "$3,000,000."

Mr. HERBERT. I move to non-concur.

Mr. BOUTELLE. Mr. Speaker, before we pass entirely from the consideration of this bill, it is perhaps proper that I should say a word in reference to the remarks of the chairman about the expenditures in the navy-yards of the country during political campaigns. I am not going into it at any great length, because it is not perhaps a very profitable subject of discussion now when the hours are so short; but I think it proper to call the attention of the House to some facts in connection with it, particularly the fact that there is a very marked contrast between the condition of things under which expenditures were made in the navy-yards this year for alleged repairs and alterations of vessels from that which has characterized the action of former parties to which he refers.

We are to-day engaged spending millions of money in the construction of modern steel war ships on liberal appropriations by private contract, and in two instances preparing to build some vessels in the navy-yards. To-day there has not been a particle done in connection with the rebuilding or re-establishment of the Navy in the navy-yards excepting laying the keel-blocks of the Texas and some slight work upon the ironclad Maine in New York. Therefore the amount of expenditure this year is glaringly large, because it has been almost entirely devoted to expenditures upon old wooden ships that have been discarded, which have been replaced by modern vessels, and under an entirely different policy from that which the Republican party were compelled to pursue when there was a refusal to appropriate money enough for repairs.

Mr. HERBERT. I hope my colleague will yield now. We have only two minutes before we shall have to take a recess.

The SPEAKER. The hour is not fixed at which the House is to take a recess.

Mr. BOUTELLE. I simply wish to state the figures and let them go into the RECORD with those of my colleague, the chairman of the committee. There were expended in the navy-yards of the United States almost entirely for the repair of wooden ships in July last sixty-two thousand and odd hundred dollars; in August, $65,000; in September, $103,600; in October, $141,087; in November, $58,745; in December, $45,369. And if you will follow the wave, with the rise and decline, you will follow pretty nearly the exigencies of the late campaign. The entire appropriation for these six months I find aggregated $486,796.18. We were left with a balance of $86,818 on hand, and a few days ago we were compelled to appropriate $150,000 to make up for the deficiency in that Department. This is shown in the following table furnished by the Secretary of the Navy February 8, 1889, in response to a resolution of the Senate:

Expenditures for labor in navy-yards for each of the first six months of the present fiscal year from the appropriation for the construction and repair of vessels, together with a statement of the unexpended balance of said appropriation on the 1st day of January, 1889.

Navy-yard.	July.	August.	September.	October.	November.	December.	Total.
Kittery	$6,249.75	$7,223.31	$11,841.24	$16,954.85	$8,315.08	$9,080.96	$59,665.19
Boston	1,140.62	1,288.02	1,611.61	1,728.49	938.75	1,098.92	7,806.41
New York	26,000.00	30,000.00	39,770.89	62,768.35	28,292.26	12,694.50	199,526.00
League Island	2,893.42	2,482.74	2,541.14	3,992.61	1,782.61	1,240.12	14,932.64
Washington	1,779.47	2,147.50	1,870.02	2,481.18	189.68	459.20	8,927.05
Norfolk	7,046.48	10,610.23	20,042.71	22,278.30	9,813.05	12,614.59	82,405.36
Pensacola	448.19	464.48	378.25	420.60	299.79	358.96	2,367.27
Mare Island	16,932.77	21,285.48	25,547.88	30,463.61	9,113.82	7,882.70	111,166.26
Total	62,490.70	75,501.76	103,600.74	141,087.99	58,745.04	45,369.95	486,796.18

Unexpended balance, C. and R., 1888-'89, January 1, 1889	$259,575.97
Less bureau indebtedness on account of contracts, requisitions, etc.	172,757.97
Balance	86,818.00

Mr. MCADOO. I will not tire the House with any explanation, but it is due to this side of the House and to the present Secretary of the Navy that there should be printed in the RECORD figures and facts in reference to what the gentleman has said. I make this one statement. The gentleman has spoken of the Atlanta, which was built under the former administration.

Mr. BOUTELLE. The Atlanta?

Mr. MCADOO. You spoke of that during the afternoon. Out of the regular appropriation for the Bureau of Construction and Repair there was expended $30,580 in taking out the "old and decayed sills" that had been put in her, which were unfit for use; and that money was expended upon the new ships and not upon old ones.

Mr. BOUTELLE. Decayed what?

Mr. MCADOO. To take out the "old and decayed sills of the gun-ports." I simply state to the House that out of the amount given in lump to the Bureau of Construction there was given to new ships $162,643.60.

Mr. BOUTELLE. What were these decayed sills?

Mr. MCADOO. They were decayed sills of the gun-ports.

Mr. BOUTELLE. What were they?

Mr. MCADOO. Sills.

Mr. BOUTELLE. Sills of what?

Mr. MCADOO. They were cast-iron sills that should have been steel.

Mr. BOUTELLE. And they became decayed?

The SPEAKER. If there be no objection, the amendments will be non-concurred in and a conference requested.

There was no objection.

The SPEAKER. The Chair will appoint the gentleman from Alabama [Mr. HERBERT], the gentleman from New Jersey [Mr. MCADOO], and the gentleman from Illinois [Mr. THOMAS] as conferees.

ORDER OF BUSINESS.

Mr. HOLMES. I call up as a privileged matter the bill (H. R. 1368) "to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes," with the President's veto thereon.

Mr. CRISP. Upon that I raise the question of consideration for the purpose of presenting conference reports.

The SPEAKER. The gentleman from Georgia presents a conference report, which, under the rules of the House, is of superior privilege, and suspends the motion of the gentleman from Iowa for the present.

Mr. MILLS. We have a standing order for an evening session, commencing at 7.30 p. m., and it will therefore be necessary to take a recess in a short time. I want to move that the order be modified, so that it shall not only be for the consideration of bills from the Committee on the District of Columbia not objected to——

Mr. TOWNSHEND. It also includes the acceptance of the Cass and Muhlenburg statues.

Mr. MILLS. I want to complete my statement. I want it to include conference reports.

Mr. RANDALL. I think that would be in order without present mention.

Mr. MILLS. I want it understood that there are a number of appropriation bills now before Congress yet to be acted upon, including the naval, Post-Office, Indian, deficiency, and sundry civil bills, and there should be provision made for conference reports to be taken up during the night session.

Mr. RANDALL. I maintain that conference reports can come in anyhow.

Mr. HOLMES (to Mr. MILLS). I will ask you to incorporate in your motion a provision that the bill which I desire to call up be made the special order for 11 o'clock to-morrow.

Mr. MILLS. I will accept that.

Mr. RANDALL. I object.

The SPEAKER. The Chair will state to the gentleman from Iowa that a conference report is of superior privilege and suspends all proceeding upon the matter called up by him until disposed of.

LIGHT-HOUSE STATION ON ST. CATHARINE ISLAND, GEORGIA.

Mr. CRISP. These are reports from the committees of conference and will not take but five minutes. There are four or five of them.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12324) making appropriations for the establishment of a light-house station on St. Catharine Island, State of Georgia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

MARTIN L. CLARDY,
M. D. LAGAN,
T. H. B. BROWNE,
Managers on the part of the House.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.

The SPEAKER. Is the reading of the statement required?

Several MEMBERS. No.

Mr. CRISP. The bill is exactly as it passed the House.

The statement is as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

Your conferees report that the Senate recedes from its amendment to H. R. 12324, which consisted in making an appropriation for the light-house which was proposed to be established. The agreement reported by the conferees leaves the House bill in the state in which it passed the House.

MARTIN L. CLARDY,
M. D. LAGAN,
TH. H. BAYLY BROWNE,
Managers on the part of the House.

The report was agreed to.

The SPEAKER. The Clerk will read the next report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12430) making an appropriation for a light and fog-signal at Humboldt, Cal., and light-ship near wreck of steam-ship Oregon, in New York Harbor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

MARTIN L. CLARDY,
M. D. LAGAN,
T. H. B. BROWNE,
Managers on the part of the House.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT OF THE MANAGERS OF THE HOUSE.

Your conferees report that the Senate recedes from its amendment to H. R. 12430, which provided for an appropriation to construct the proposed light-house, thus leaving the bill as passed by the House.

MARTIN L. CLARDY,
M. D. LAGAN,
TH. H. BAYLY BBOWNE,
Managers on the part of the House.

The report was agreed to.

LIGHT-HOUSE, OYSTER-BED SHOALS.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10832) for the establishment of a light-house and fog-bell on Oyster-Bed Shoals, in the Hudson River, New York, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

MARTIN L. CLARDY,
M. D. LAGAN,
T. H. B. BROWNE,
Managers on the part of the House.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.

The managers on the part of the House submitted the following statement:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

Your conferees report that the Senate recedes from its amendment to H. R. 10832, which consisted in making an appropriation for the light-house to be erected, thus leaving the House bill in its original shape.

MARTIN L. CLARDY,
M. D. LAGAN,
TH. H. BAYLY BROWNE,
Managers on the part of the House.

The conference report was agreed to.

LIGHT-HOUSES ON THE GREAT LAKES.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

MARTIN L. CLARDY,
M. D. LAGAN,
T. H. B. BROWNE,
Managers on the part of the House.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.

The managers on the part of the House submitted the following statement:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

Your conferees report that the action of the Senate in receding from their amendment to H. R. 11678, which provided for making appropriations for the various lights proposed to be erected, leaves the bill as passed by the House.

MARTIN L. CLARDY,
M. D. LAGAN,
TH. H. BAYLY BROWNE,
Managers on the part of the House.

The conference report was agreed to.

Mr. CRISP moved to reconsider the votes by which the conference reports were severally agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF CERTAIN SOLDIERS.

Mr. STEELE. I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives agree to the amendment of the Senate to the said bill with amendment as follows: At the end of section 2 of the amendment add: "Or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster-out or expiration of service.

"3. That such soldier was a minor, and was enlisted without the consent of his parent or guardian and was released or discharged from such service by the order or decree of any court of competent jurisdiction in habeas corpus or other proper judicial proceedings, and in any such case no pay, allowance, bounty, or pension shall be allowed or granted."

Strike out section 5 of the amendment.

Strike out in section 9, line 2 of the amendment, the words "section 7 of."

And the Senate agree to the same.

R. W. TOWNSHEND,
GEO. W. STEELE,
Managers on the part of theHouse.

JOSEPH R. HAWLEY,
F. M. COCKRELL,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. STEELE moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. BLOUNT, the amendments of the Senate to the Post-Office appropriation bill (H. R. 12490) were non-concurred in, the request of the Senate for a conference was agreed to, and the Speaker appointed as conferees on the part of the House Mr. BLOUNT, Mr. DOCKERY, and Mr. BINGHAM.

BRIDGE ACROSS THE MISSOURI NEAR SIOUX CITY.

Mr. ANDERSON, of Iowa. Mr. Speaker, I rise to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the amendment of the House, and agree to the same.

CHAS. F. CRISP,
ALBERT R. ANDERSON,
Managers on the part of the House.

G. G. VEST,
P. SAWYER,
JAS. F. WILSON,
Managers on the part of the Senate.

The report of the committee of conference was adopted.

Mr. ANDERSON, of Iowa, moved to reconsider the vote by which

the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIOUX RESERVATION, DAKOTA.

Mr. PEEL. Mr. Speaker, I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its amendments to all the amendments of the Senate except those numbered 1 and 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Leave in the bill the words proposed to be stricken out, and strike out of the amendment the words proposed to be inserted, and in lines 10, 11, and 12, on page 2 of the bill, strike out the words "the source of the principal branch of Pass Creek; thence due north to the said source of the said principal branch of Pass Creek; thence down Pass Creek to White River," and insert in lieu thereof the words "the mouth of Black Pipe Creek; thence due north to the mouth of Black Pipe Creek;" and the Senate agree to the same.

S. W. PEEL,
KNUTE NELSON,
JNO. M. ALLEN,
Managers on the part of the House.

H. L. DAWES,
JAS. K. JONES,
Managers on the part of the Senate.

The managers of the conference on the part of the House submitted the following

STATEMENT.

The managers upon the part of the House upon the disagreement of the two Houses on Senate amendments to H. R. 11970 submit the following:

Amendments 1 and 2 relate to the boundaries of Pine Ridge, Rosebud, and Standing Rock reservations. The effect will be to enlarge Pine Ridge reservation some 50,000 acres.

Amendment 3 changes distance to conform to amendments 1 and 2.

Amendment 4 restricts allotments to Santee Sioux in Nebraska who have not received allotments heretofore.

Amendment 5 conforms the bill to the act known as the general allotment.

Amendment No. 6 leaves title of the six smaller reservations to the Indians receiving rations at each reservation, respectively, as stipulated in the treaty of 1868.

No. 7 is merely verbal.

No. 8 changes phraseology of the submission clause, but makes no change in the effect or substance.

No. 9 conforms present bill to the bill passed on same subject last session of present Congress in regard to right of way to certain railroads through said Indian reservation.

No. 10 is to same effect.

No. 11 is the same.

No. 12 changes per capita payment to each Indian taking allotments from twenty to fifty dollars.

No. 13 is change of phraseology merely; protects rights of Santee and Flandreau, Sioux, and Ponca in the proceeds of the lands.

No. 14 requires religious denominations to pay $1.25 instead of 50 cents per acre for lands taken or held by them.

No. 15 strikes out line 6 down to word "acre" in line 9, which is in bill at another place.

No. 16 leaves the law regulating town sites in force as now.

No. 17 gives the Indians $1.25 for the sixteenth and thirty-sixth sections or school lands instead of 50 cents.

No. 18 merely verbal.

No. 19 authorizes Secretary of the Interior to pay men under Chief Red Cloud for ponies taken from them by the United States as allowed by the Department.

No. 20 merely renumbers a section.

No. 21 provides new section, provides money to carry out the act.

No. 22 repeals all acts in conflict with this act.

All of which the managers recommend to the House and ask that the report be adopted.

S. W. PEEL,
KNUTE NELSON.

The conference report was agreed to.

Mr. PEEL moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHEELER. I rise to a privileged question.

The SPEAKER. There is already a privileged question before the House. The gentleman from Iowa [Mr. HOLMES] has called up for consideration a veto message of the President of the United States.

Mr. MILLS. I want to ask unanimous consent that at the session to-night, after District business is disposed of, conference reports on appropriation bills may be received, and that the hour of adjournment be extended sufficiently for that purpose.

Mr. RANDALL. I ask the gentleman from Texas to modify his proposition so that conference reports may be received at any time this evening. I think they would be in order at any rate.

The SPEAKER. The Chair is in some doubt on that point, because the order for the evening session specifies the business to be transacted, and it might be construed as excluding all other business. Unanimous consent is asked that at any time during the session this evening conference reports on appropriation bills may be presented.

Mr. DUNHAM. Let us have the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. CRISP. I desire to raise the question of consideration against the measure called up by the gentleman from Iowa.

The SPEAKER. The Chair so understands. The title of the bill which the gentleman from Iowa calls up will be read.

The Clerk read as follows:

A bill (H. R. 1368) to quiet title of settlers on Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. CRISP. I raise the question of consideration, my object being to bring up the contested-election case.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] raises the question of consideration, which is not debatable.

Mr. HOLMES. I rise to a point of order.

Mr. MILLS. I move that the House now take a recess till half past 7 o'clock to-night.

The SPEAKER. The gentleman from Iowa will state his point of order.

Mr. HOLMES. I claimed the floor some time ago, and gave way for conference reports; and I submit that the question of consideration now raised by the gentleman from Georgia [Mr. CRISP] in antagonism to this bill comes too late.

The SPEAKER. It does not.

Mr. CRISP. The bill has not yet been read.

The SPEAKER. The time to raise the question of consideration is really after the measure has been read. The gentleman from Texas [Mr. MILLS] moves that the House now take a recess until half past 7 o'clock to-night for business under the special order.

The question being taken on the motion of Mr. MILLS, there were—ayes 61, noes 43.

Mr. GEAR. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint tellers.

Mr. HOLMES. I desire to make the proposition that this bill be fixed as a special order for to-morrow at 11 o'clock.

Mr. RANDALL. I can not agree to that.

Mr. MILLS. Let my friend from Iowa be content with the fact that his bill is privileged and can be called up in the morning.

Mr. WEAVER. But that privilege has been sacrificed here at the expense of seven or eight hundred people of our State.

Mr. MILLS. I move that the House adjourn.

Mr. HEMPHILL. I hope that will not be agreed to; there is already an order for a recess.

The question being taken, the motion to adjourn was not agreed to; there being—ayes 44, noes 60.

Mr. MILLS. I move that the House take a recess until 9 o'clock to-morrow morning.

The SPEAKER. The motion for a recess is now pending. The point of no quorum being raised, the Chair appoints as tellers the gentleman from Iowa [Mr. GEAR] and the gentleman from Texas [Mr. MILLS]. The question is, Will the House now take a recess until seven and a half o'clock?

The tellers took their places and proceeded with the count.

Mr. HOLMES (before the tellers had reported). I desire to make a parliamentary inquiry: Will this question come up to-morrow morning at 11 o'clock by virtue of the standing that it now has?

The SPEAKER. It would. When the regular order of business is resumed this matter would be before the House, subject, of course, to the question of consideration which the gentleman from Georgia has raised.

Mr. WHEELER. I hope the gentleman from Iowa will consent to allow me to get through a small pension bill.

Mr. GEAR. I withdraw the point of no quorum.

The SPEAKER (at 5 o'clock and 40 minutes p. m.). The gentleman from Iowa withdraws the point of no quorum. The ayes have it; and the House takes a recess until half past 7 o'clock.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) was called to order by Mr. DOCKERY, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
February 28, 1889.

I hereby designate Hon. A. M. DOCKERY to preside as Speaker *pro tempore* at the session of the House this evening.

JNO. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Clerk will report the order under which the House reassembles this evening.

The Clerk read as follows:

That on Thursday, the 28th instant, the House shall take a recess until 7.30 o'clock p. m., the evening session to be given to the consideration of the following business:

1. Not exceeding one hour to the ceremonies relating to the acceptance of the Cass and Muhlenberg statues.

2. To the business reported from the Committee on the District of Columbia, together with conference reports on bills heretofore reported by said committee, not including the national park bill or the trust bills.

The session not to continue beyond 10.30 o'clock p. m.

STATUES OF MUHLENBERG AND FULTON.

Mr. ERMENTROUT. Mr. Speaker, I present for adoption the resolution which I send to the desk.

The Clerk read as follows:

Whereas by an act of Congress approved the 2d day of July, 1864, the President of the United States is authorized to invite each of the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or their distinguished civil or military services, such as each State may determine to be worthy of that national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much as may be necessary, as the National Statuary Hall for the purpose therein indicated; and

Whereas the State of Pennsylvania has provided the statues of Robert Fulton and John Peter Gabriel Muhlenberg, both natives of the State, and illustrious and distinguished citizens thereof: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the governor and through him to the people of the State of Pennsylvania for said statues.

Resolved, That these works of art are accepted in the name of the nation, and assigned a place in the old Hall of Representatives already set apart by act of Congress for statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Pennsylvania.

The SPEAKER *pro tempore*. The question is on the adoption of the resolutions presented by the gentleman from Pennsylvania.

MUHLENBERG AND FULTON.

Hoch in den Lüften flattert stolz die Fahne!
Was ist's, was ihre gold'ne Inschrift nennt?
Gott gebe es, dass sie den Weg Euch bahne;
Es ist die Fahn' vom deutschen Regiment!

Then Fulton looked: beneath his wondering eyes
Gay streamers lengthen round the seas and skies;
The countless nations open all their stores,
Load every wave and crowd the lively shores;
Steamers in mingling mazes streak the air,
And commerce triumphs o'er the rage of war.

Mr. ERMENTROUT. Mr. Speaker, in rising to move the adoption of the resolutions just read within the time I have allotted myself, it is not my purpose to detain the House with all the remarks I have prepared to note this occasion. But so important a matter as the erection of statues to represent the great Commonwealth of Pennsylvania in the Statuary Hall set apart by the nation at its Capitol demands more than the mere comment of formal resolutions. The relation which I bore to this work as a member of the commission that selected the subjects and under whose direction the work was performed forbids my silence.

With nearly two centuries and a half of history, beginning with the landing of William Penn in 1640, with a State the theater of some of the most stirring events of colonial history and on whose soil was first proclaimed the Declaration of Independence, with a people who took so large a share in the glorious struggle that created us an independent nation, there was no dearth of great names worthy to represent her. Inseparably connected with her history was William Penn.

But full justice had already been done him. The name of the empire granted him in seignority and sovereignty in the soil, and as proprietary, its progress and glory are sufficient honor. Not only was he recompensed in honor, but he and his descendants have been recompensed in wealth and tribute. He was born and died a British subject. The religious doctrines he taught were not new. The liberty he proclaimed was the birthright of the Saxon and the heritage of every branch of the race. The religious toleration he promised as part of his frame of government was the strongest inducement he could offer to attract immigration in the then religious condition of Germany and other parts of Europe.

The Dutch and Swedes who preceded him on the Delaware had anticipated his policy of pacification with the Indians. Much of the luster that surrounds this policy in the eyes of after-generations is the reflected splendor of the great Conrad Weiser's labors and wisdom in the same direction. This intervening halo has tended much to gild William Penn's great and justly deserved fame. Then there was Conrad Weiser himself—the Pennsylvania statesmen and Indian diplomat of the colonial era. The story of his life combines to a remarkable degree elements of adventure, romance, and religion.

In the severest time of that period, often single-handed and alone, encountering every imaginable hardship, Providence seemed to have raised up and prepared him for the special purpose of rendering services indispensable to the preservation and continued existence of the Pennsylvania colony. His presence and mind exerted a magical power over the untutored savage. Unquestionably to him the Pennsylvania colonists were indebted for the safety of their lives and property, and the whole province to the prosperity resulting from the peace maintained with the Indians through his influence. The Father of his Country on the 13th of November, 1793, in company with other distinguished persons, paid the homage of a visit to his grave and bore testimony to the many services rendered by him to his country.

But Weiser was born abroad. So were others born abroad, who, like Morris, had distinguished themselves in Pennsylvania history. Others, like Franklin, were born in other Commonwealths. Pennsylvania, whose soil had been trodden by the foot of the white man for over two hundred years, would be a barren mother indeed if she had not given birth to and nurtured on her bosom two sons worthy of this honor.

The commission charged with this duty believed that they found in the persons, career, and achievements of General John Peter Gabriel Muhlenberg and Robert Fulton the two persons best fitted to represent the Commonwealth of Pennsylvania.

They do not represent military glory alone, nor statesmanship alone, nor science nor art alone, nor manhood alone. They represent in their combined persons all the qualities and attributes that men delight to love and Commonwealths to honor—all that makes illustrious the lives of men, all that makes glorious the pages of history. They represent the pen and the sword, the gown of the priest and the cloak of the soldier, the triumphs of war and peace, of religion and science, the successful domination of the hidden forces of nature and the harnessing of them subject to the will of man so as to make them minister to the happiness, comfort, grandeur, and material progress of nations. The two subjects also in the races from which they have respectively descended, namely, the Pennsylvania-German and Scotch-Irish, represent the two nationalities whose combined character, energy, and services have contributed—during the hardships of the colonial era, in the resolution to fight for independence, in the dangers of war, in the councils of the state and church, and in the peaceful pursuits of science, art, agriculture, and commerce—to make Pennsylvania the great empire she is to-day.

General Muhlenberg was the son of Dr. Henry Melchior Muhlenberg, a learned and distinguished theologian of the German Lutheran Church, who came into this country and settled at the Trappe, Montgomery County, in 1742, and of Anna, daughter of Conrad Weiser, before mentioned. He was born October 1, 1746, at that place. The father came here to take charge of the spiritual welfare of the large German emigration already in this State, as Conrad Weiser was called from New York to look after the temporal welfare of the same people. The home of Dr. Muhlenberg became the source of great influence for good to this colony; from thence young men were sent, prepared to disseminate religious truth, among them Dr. Muhlenberg's own three sons—Peter, Frederick, and Ernest. Peter Muhlenberg thus unites very largely in his person, by natural inheritance, the most important traditions of that early era, flowing from its temporal and spiritual life. He adorned them by his long and useful career, and showed himself worthy of this noble inheritance. In April, 1763, a boy of sixteen, he started for Germany, in company with his two brothers, to prosecute his studies at the University of Halle.

He had been there barely a year when his fighting propensities impelled him to knock down his tutor, for which he was expelled, and his military tastes led him to join a regiment of German dragoons. It is related that at the battle of Brandywine, where he commanded a brigade, he was recognized by former comrades, who exclaimed as they saw him, "Here comes Devil Pete." Released from the German army through the good offices of some friends of his father, he returned to America in 1766. He applied himself vigorously to the study of theology, and was in 1768 ordained a minister of the Evangelical Church. Up to 1772 he officiated for various German congregations in New Jersey, when he went to London, where, in company with Mr. (afterward Bishop) White, he was again ordained according to the rites of the Episcopal Church. Thus anointed with two consecrations, he was called in 1772 to the Shenandoah Valley to minister to the German Lutherans there. This was, in a great measure, a missionary enterprise, as the population of that valley consisted for the most part of Pennsylvania Germans.

He there became the right man in the right place. The young priest had come among them to minister to their spiritual welfare, but he soon found other matters, in addition, to engage his attention. He actively participated in the great questions of the day, and in public meetings expressed himself in favor of the policy of armed resistance. June 16, 1774, he was chosen moderator of a meeting held at Woodstock, Dunmore County, to organize a committee of public safety, his active coadjutors being Abraham Bowman and Peter Helfenstein. The same year he was elected member of the house of burgesses; he was present when Patrick Henry, at the memorable convention of Richmond, March 22, 1775, delivered his irresistible appeal for the arming of Virginia, and supported effectively this decisive step against the doubting thoughts of many others. All the German delegates from the valley voted with Muhlenberg for the resolutions.

They were sufficient in numbers in the divided state of opinion to turn the scale. It was a most decisive step in the struggle. The proceedings of that convention were then proclaimed treasonable. The same year, December, 1775, additional regiments to the number of six, making eight in all, were directed to be raised. Muhlenberg, still connected with his charge, received the colonelcy of the Eighth Regiment, being, with Patrick Henry, the only civilian appointed colonel. The time had now come for him to bid farewell to the peaceful calling of shepherd of souls. The news that the Reverend Colonel Muhlenberg was about to deliver his parting sermon assembled, in the month of January, 1776, an unusually large audience at Woodstock, so that even the resting-place of the dead around the church was filled with persons. In all the glorious history of that glorious era of self-sacrifice, of heroism and grand deeds, no figure stands out before us so baptized, so anointed with the divinity of holy faith and warlike heroism. That

spot, that time, that hour, are forever sanctified by the halo of religion and of patriotism.

In impressive manner Muhlenberg spoke of the duties which the common weal of the fatherland imposed on all, and closed with the significant, earnest words that there was a time to fight, and that the time had come. Then he pronounced the benediction. His career as pastor was ended. He laid aside his priestly gown and stood before them in the full panoply of the armed warrior. He stepped down from the pulpit, and caused the trumpet to sound and the drums to beat. Patriotism broke out in bright flames, and three hundred men of the neighborhood on that day flocked to Muhlenberg's banner. The scene will forever live in history as it has been immortalized in verse by a Pennsylvania poet, and is now sculptured in marble by a Pennsylvania artist:

And now before the open door—
The warrior priest had ordered so—
The enlisting-trumpet's sudden roar
Rang through the chapel, o'er and o'er,
Its long reverberating blow,
So loud and clear, it seemed the ear
Of dusty death must wake and hear,
And then the startling drum and fife
Fired the living with fiercer life;
While overhead, with wild increase,
Forgetting its ancient toll of peace,
The great bell rung as ne'er before;
It seemed as it would never cease,
And every word its ardor flung,
From off its jubilant iron tongue
Was "War! war! war!"

"Who dares"—this was the Patriot's cry,
As striding from the desk he came—
"Come out with me, in Freedom's name,
For her to live, for her to die!"

Henceforth his career was inseparably interwoven with the history of the war of independence. Early in the progress of thought preceding the struggle it had been made a matter of special inquiry, by a committee appointed for that purpose, to ascertain the mind of the Germans in Pennsylvania on the subject of independence. In August, 1775, the united German Lutheran and Reformed Churches of Philadelphia, in connection with the German Society, had addressed a message to the Germans of North Carolina and New York in favor of independence. No doubt the elder Muhlenberg was connected with the movement as the leading man of the Lutheran Church. It needed no message to the Pennsylvania Germans of Shenandoah Valley. Their leader in the sacred cause of liberty was with them already in the person of Peter Muhlenberg. There is no telling how the movement in favor of the cause would have fared without the support of this large and influential body of the population.

Muhlenberg, at the head of his German regiment, which was more numerous than the others, first participated in Lee's campaign against Lord Dunmore, in Virginia. Ordered to South Carolina, he arrived in the nick of time to render effective service with his brave troops at the battle of Sullivan's Island, or Fort Moultrie. May 27, 1776, his regiment was taken into service by the Continental Congress. In July, his regiment was at Savannah; September, he was ordered to Virginia; in December, to Philadelphia. February 21, 1777, he was made a brigadier-general. After equipping thoroughly his regiment he was ordered to join the main army of the North at Middlebrook, N. J. Here his brigade and the German regiment, composed of Marylanders and Pennsylvanians, were combined, and his brigade, with Weedon's, formed General Greene's division, which, in the unfortunate battles of Brandywine and Germantown, gained honor by its bravery and good discipline.

After the battle of Brandywine, August 11, 1777, Muhlenberg's brigade showed the most stubborn resistance to the pursuing troops of Cornwallis, and successfully covered the retreat of the American army at the battle of Germantown. Muhlenberg's brigade was the last to leave the field, after having brought the right wing of the enemy to a stand by a splendid bayonet charge. In fact, Greene's division and Muhlenberg's brigade bore the brunt of the day, and alone performed the part assigned by Washington in the plan of the battle of Germantown. Muhlenberg had voted to defer the attack. He also sat on the court-martial of Wayne, for surprise at Paoli; of Stephen, for intoxication at Germantown; of Maxwell, for the same cause, at Brandywine. He shared, with the rest of Washington's army at Valley Forge, the sufferings, cold, want, and discouragement that hung like a cloud over the gallant host.

April 10, 1778, owing to some dispute about rank, he sent his resignation to Washington, but that great man, unwilling to dispense with his services, requested him to remain, a request with which he complied. In the same year, the day after the evacuation of Philadelphia, Washington left Valley Forge, and Muhlenberg took part in the battle of Monmouth on that hot 28th day of June. In 1779 Washington selected him to cover Mad Anthony's rear in the attack upon Stony Point. In 1780 he was busied with the reorganization of the State troops of Virginia. Not only men, but arms, clothing, and supplies were wanting. After the capitulation of Charleston, March 12, 1780, his small command was the only organized force in the South, and the responsible duty of creating a new army devolved on him. The following year, when General Greene, supplied with greater forces, assumed command of the Southern department and Baron Steuben commanded in Virginia, Muhlenberg operated against Benedict Arnold, the traitor.

His vigilance shut him up in Portsmouth. At an engagement at City Point, near Petersburgh, April 25, 1781, he threw himself against Arnold's superior forces with such gallantry that Steuben made his warmest acknowledgments and gave particular prominence to his services in the official report. July 6, 1781, in the action between Cornwallis and Lafayette, when both the latter and Wayne had been deceived as to the enemy's movements in crossing the James River at James City, Muhlenberg, upon hearing the enemy's fire, without orders marched to the scene of action and arrived in time to extricate Wayne from his difficulties and save the advance from capture or rout. September 29, 1781, Muhlenberg was placed in command of the advance posts around Yorktown, and it was permitted him to play a prominent part at the important battle that crippled the English power in America and brought peace in its train.

At the assault of the heights of Yorktown, October 15, 1781, he commanded the light infantry brigade which stormed the left redoubt of the enemy's fortifications with the bayonet—an heroic act, ranking with the most glorious achievements of the war. He was, however, slightly wounded at this attack. Alexander Hamilton was the second in command. He continued in the Army till the treaty of peace was signed, along with Wayne and others, in 1783. On the 30th of September of that year he received the well-earned honor of promotion to the rank of major-general. In 1783 he returned permanently to Pennsylvania, was elected vice-president of Pennsylvania in 1785, 1786, 1787. In 1788, together with his brother Frederick, he warmly pressed the acceptance of the proposed Constitution of the United States. In the same year, December, he was elected one of the eight members to the First Congress of the United States from Montgomery County, to serve from March 4, 1789, to 1791. Of this body his brother, Frederick Augustus, was elected Speaker.

In 1790 his influence was greatly efficient in securing the adoption of the new constitution of Pennsylvania. He also rendered important services in the First Congress in matters pertaining to the Army and national defense. He was a member of the Second and Sixth Congresses. He was always a decided adherent of the Republican party. When the election of a President, in consequence of the tie vote between Burr and Jefferson, devolved on the House, he voted for Jefferson on every ballot, till the thirty-sixth ballot resulted in the election of Jefferson. When it was in contemplation to designate the President with the same title as the Stadthalter of Holland, "His High Mightiness," Washington asked Muhlenberg's opinion. He treated the matter with frank ridicule, much to the distaste of Washington. This circumstance may have contributed to prevent the appointment of Muhlenberg to be commander-in-chief of the Army, as had been expected. Previous to St. Clair's appointment he was warmly pressed for the position.

In 1801 he was elected United States Senator. After a few months' service, however, he resigned and was appointed inspector of internal revenue for Pennsylvania, and in 1802 collector of Philadelphia. He was, like his brother Frederick, president of the German Society of Pennsylvania, an association which rendered such useful services to the country from the date of its foundation, in 1764, through the colonial, pre-Revolutionary period, during the Revolution, and afterwards. Peter Muhlenberg was president in 1788 and from 1802 to 1807. His last appearance at their meetings was April 9, 1807, on the occasion of the dedication of the new hall of the society, built under his auspices. He died October 1, 1807, on the anniversary of his sixty-first birthday, at Philadelphia.

He was of tall stature, robust, and animated. In some measure nature molded him for a soldier, and he glided into his vocation as soon as the opportunity arose. In him courage and decision were allied with a cool deliberation which comprehended thoroughly the situation, and thus Washington found in him not only a consummate officer but a trustworthy adviser. In his character he was open, amiable, and without arrogance. But if there was one trait which controlled his life, his political principles, and his conduct, and which stamped his inner being, it was a love of liberty.

His earthly remains found their last resting place in the peaceful village of Trappe, where he was born, where he spent the wild days of boyhood, and where his reverend father also sleeps. This is the unvarnished record of the long career of the scholar, the priest, the soldier, the statesman, and the citizen, illustrious by the distinguished services of his ancestors, illustrious by the traditions he centers in his person, and illustrious and pre-eminent not for one thing alone but for the achievements of a varied career and of a many-sided mind, crowned with a well-ordered life. As such he has been selected to be clothed in sculptured marble and set up in the national rotunda as one of Pennsylvania's representative men, a bright and shining example for future generations to honor and to emulate.

It has been hinted that the field of his renown was Virginia. We deny it. The field of his usefulness and renown was in the South and North—in the Carolinas, Virginia, Pennsylvania. His sword was

unsheathed in all these States. His voice in the Virginia house of burgesses and committee of safety was but that of the Pennsylvania German missionary speaking for and leading the Pennsylvania Germans of the Shenandoah. He went there in 1772, was there but two years as a pastor, and then from that time on he was wherever duty called, rendering his services to the whole country. The struggle over, liberty achieved, covered with the honors of war, he returns to his native State, and again his counsel and his voice are given to mold her government and the nation's laws. The boundaries of Virginia, great a State as she was, were too narrow to hem in his deeds, his usefulness, or his glory. His cradle was rocked in Pennsylvania, his mind was formed there. In the darkest days of the war he with his right arm and his wisdom guarded his home and defended her soil. After the war he led in her councils, and in death her bosom became his grave.

Robert Fulton, the son of an Irish emigrant, was born on his father's farm in the township of Little Britain (now called Fulton), in Lancaster County, Pennsylvania, in 1765. A short time after his birth his father, also named Robert, sold his farm and removed to the town of Lancaster, where he died in 1768. His training thereby devolved on his honored mother, and under her direction he acquired some knowledge of reading and writing at home. In his eighth year she sent him to school to acquire the rudiments of an English education. He did not make much reputation as a scholar. He was born with a genius that ill comported with droning over school books. He preferred to frequent the shops of mechanics where he could indulge his taste for mechanism and drawing.

Neither punishment nor entreaty availed to make a scholar of him. When his teacher wished to punish him by the ancient method of the ruler on his knuckles, Robert refused, and said, "Sir, I have come to have something beat into my brains and not into my knuckles." To his entreaty he replied "that his head was so full of original notions that there was no vacant chamber to store away the contents of any dusty books." But while not a student he was busy with his "notions," and when a youth of fourteen he attempted the manufacture of an air-gun and planned and completed a small working model of a fishing-boat with paddle-wheels. This device was actually used by him in 1779 on the Conestoga River in Lancaster County, to propel a fishing-boat. At the age of seventeen years he went to Philadelphia to paint portraits, landscapes, and follow mechanical draughting.

On his twenty-first birthday he returned to Lancaster and devoted his first savings to the purchase of a farm in Washington County, Pennsylvania, for the benefit of his mother and sisters. In the deed he is described as a miniature-painter. After providing for the comfort of his father's family he proceeded to England and became for several years an inmate of the family of Benjamin West, the great American artist, also a Pennsylvanian, and born in Chester County, near Fulton's birthplace, then living in London. He still followed the profession of a painter, but still his mind was taken up with invention.

In 1797 he went to Paris and lodged in the same house with Joel Barlow, American minister, and afterward became a member of his family. The friendship then begun continued through life. It was to Fulton that Barlow dedicated his patriotic and historical poem of the Columbiad, or Vision of Columbus. It was Fulton who, at his own expense, designed the elegant plates which adorn that work. It should be here noted that Fulton was an artist of no mean merit.

In person Fulton was about six feet high. His person was slender, but well proportioned and well formed. Nature had made him a gentleman and bestowed upon him ease and gracefulness. His features were strong and of a manly beauty; he had large dark eyes and a projecting brow, expressive of intelligence and thought. There is an excellent portrait of him by Benjamin West still in existence. His temper was mild and his disposition lively. He expressed himself with energy, fluency, and correctness.

In his domestic and social relations he was zealous, kind, generous, liberal, and affectionate. He knew of no use for money but as it was subservient to charity, hospitality, and the sciences.

During his residence in Paris, in addition to modern languages, he studied higher mathematics, physics, chemistry, and perspective. He thus added to his natural genius the aid of science. At no time of his life was he idle. The talent given him was never hidden away in a napkin. Responsive to the spirit of the motto of his youth, "There is nothing impossible," he added the power and light of science to his natural genius. He thus made possible the accomplishment of so much in the short period of life allotted him, for he died at the age of fifty years. Above all, it made possible the realization of the prophecy made by him while pointing out to a visitor the sketch of a plan of a steamboat on the wall of his room at Paris, "There is the image of what will yet traverse the river and the ocean"—a prophecy first realized in the world's history when he, on the 7th day of August, 1807, started the steam-boat Clermont, constructed, engine and hull, under his directions, on her first successful trip to Albany on the Hudson.

This was some eighty years ago, some thirty years after the Declaration of Independence, twenty-four years after the close of the Revolutionary war, and eighteen years after the adoption of the Constitution of 1789. A succession of events unparalleled in the political history of the world, ancient or modern, from whatever standpoint considered, whether in the causes that led to them, the means and instruments used in their creation, development, and perfection, or their effect on the condition of mankind for all time. Stupendous as these events were on the political world, the successful trip of the Clermont was equally so in the domain of trade and commerce. The achievements of our fathers in war and the creation of a free constitutional Government were well complemented by the success of Fulton in realizing the great dream of his life.

God created the new world with great capacities. He lavished with unsparing hand untold wealth upon her mountains, plains, and valleys. He poured out upon her seamed surface mighty rivers, whose currents traverse the entire continent to be swallowed up in the greater waters that roll their resistless waves around her rock-bound shores. These mighty rivers were first rippled only by the canoe of the Indian, then by the flat-boat, the raft, and the ark of the early explorer, settler, and trader. The more dangerous ocean was traversed by the slow sailing ship.

Fulton, by his successful application of steam to purposes of water navigation, as by the wand of a magician, revolutionized the commerce and trade of his day and of the world. By experiments in naval torpedo warfare he pioneered the way for the wholesale destruction of navies, to remedy and ward off which great governments are spending countless sums. The immense streams of the country were made tributary to the nation's greatness. Old ocean rolled his waves submissive to the paddle of the steamer, and found a master despite adverse winds. To-day rivers, bays, gulfs, and oceans, the world over, are dotted with innumerable rich argosies propelled by steam, moving monuments bearing unmistakable testimony to the triumph of mind over matter, to its domination over the forces of nature, to the unflagging zeal, to the skill, and to the genius of Robert Fulton.

The State of New York, after first selecting, rejected him because he was born and reared on Pennsylvania soil. Pennsylvania now crowns him in the national rotunda as one of her greatest sons—as a man who is second to no other in the country's history in contributing to the comfort and happiness, glory and power, the wealth and progress, not of his State or his country, but of the entire world. For though the Hudson was the scene of the first signal success of his greatest work, yet the State of New York, great as she is, does not limit either the field of his labors or his distinction. His fame does not belong to States, for his genius embraced empires. Coextensive with the known world, it is bounded only by the barriers which nature has set to trackless and unknown oceans.

APPENDIX.

I.—BRIEF OF THE LIFE AND SERVICES OF JOHN PETER GABRIEL MUHLENBERG.

Born at Trappe, Montgomery County, Pennsylvania, October 1, 1746, son of Henry Melchior Muhlenberg and Anna, daughter of Conrad Weiser.
Henry Melchior Muhlenberg emigrated from Germany, 1742.
Peter, eldest son of H. M. and Anna Muhlenberg.
April 27, 1763. Peter and his brothers, Frederick Augustus and Henry Ernestus, sent to Europe to be educated.
June 15, 1763. The three brothers arrive in London.
1763. They arrive at Halle in the autumn.
1764. Knocks his tutor down; is expelled from the University of Halle, and enlists in a regiment of dragoons.
1765. About this time he obtained his discharge from the dragoon regiment through the kind offices of a colonel in the English army, known to his father.
1766. Returns to America.
1768. Ordained a minister of the Evangelical Lutheran Church.
May 12, 1768. Appointed assistant rector of Zion's and St. Paul's Churches, situated at New Germantown and Bedminister, Hunterdon and Somerset Counties, New Jersey.
February 5, 1769. Begins to officiate in his new charge.
November 6, 1770. Married to Anna Barbara Meyer.
March 2, 1772. Sails for London.
April 10, 1772. Arrives at London.
April 23, 1772. Ordained a priest with Mr. (afterwards Bishop) White, by the Bishop of London.
Autumn, 1772. Removes to Virginia—Woodstock.
June 16, 1774. Chosen moderator of meeting held at Woodstock, Dunmore County, Virginia, to organize a committee of public safety.
1774. Chairman committee public safety.
1774. Elected a member of the house of burgesses.
March, 1775. Supports resolution of Patrick Henry to put colony of Virginia in a state of defense.
1775. The proceedings of the convention proclaimed by Lord Dunmore to be treasonable.
1775. Two regiments raised under Colonels Henry and Woodford.
December, 1775. Resolution passed to raise six additional regiments.
December, 1775. Chosen colonel Eighth Virginia Regiment. Patrick Henry and he only civilians appointed colonels.
January, 1776. Preaches farewell sermon at Woodstock. After sermon, 300 men enlist.
1776. Served under General Lee at the attack on Charleston, S. C.
May 27, 1776. Eighth Virginia Regiment taken into service Continental Congress.
July, 1776. Muhlenberg's regiment sent to Savannah.
September, 1776. Regiment ordered to Virginia.
December, 1776. Regiment ordered to Philadelphia.
February 21, 1777. Promoted to rank of brigadier-general.
April, 1777. The First, Fifth, Seventh, and Thirteenth Regiments, Virginia line, assigned to his brigade.
May, 1777. Sets out for headquarters army, Morristown, N. J.
May 28, 1777. Muhlenberg's and Weedon's brigades formed into division of General Greene.
September 11, 1777. Battle of Brandywine. Wayne's, Muhlenberg's, and Weedon's brigades stationed at Chadd's Ford.
The preservation of the whole army at Brandywine due to the conduct of Greene's division, Muhlenberg and Weedon's brigades. Muhlenberg's brigade the last to leave the field.

October 4, 1777. Battle of Germantown.
October and November, 1777. Detailed for duty upon court-martial to try Wayne, for surprise, at Paoli; Stephen, for intoxication, at Germantown; and Maxwell, for intoxication, at Brandywine.
October 29, 1777. Council of war to decide upon the expediency of an attack upon Philadelphia.
November, 1777. Second council of war to decide same point. Muhlenberg one of four who voted in favor.
April 10, 1778. Tenders his resignation to General Washington, on account of dispute as to rank; asked by Washington to remain.
1777–1778. Remains at Valley Forge during whole winter.
May 28, 1778. General Lee appointed to command Muhlenberg's and Scott's brigades.
June 18, 1778. English evacuate Philadelphia.
June, 1778. Battle of Monmouth.
July–October, 1778. With main army at White Plains.
November 2, 1778. Appointed by Washington to command a division, to succeed General Putnam.
November 28, 1778–June 2, 1779. Muhlenberg's division in winter quarters at Middlebrook.
1779. General Muhlenberg selected to cover Wayne's rear at the attack on Stony Point.
December, 1779. Goes into winter quarters at Morristown, N. J.
December 14, 1779. Whole Virginia line ordered South. Muhlenberg to command those regiments.
January, 1780. Named commander of all forces in Virginia.
February 25, 1780. Sets out for Virginia.
April, 1780. Arrives in Richmond.
May 12, 1780. Charleston capitulates.
April–December 3, 1780. Commander of all forces in Virginia.
December 3, 1780. Major-General Steuben takes command in Virginia.
January and February, 1781. Opposed to Arnold in Virginia. Shuts Arnold up in Portsmouth, Va.
April 29, 1781. Lafayette takes command in Virginia.
April 24, 1781. Fight at Petersburgh between Arnold and Philips with three thousand English and General Muhlenberg.
May, 1781. General Muhlenberg takes command of the regular troops brought south by Lafayette.
July 6, 1781. Action between Lafayette and Cornwallis; Muhlenberg saves Wayne's forces.
July. Cornwallis retreats to Yorktown.
August 28, 1781. French fleet arrives in the bay.
September, 1781. Muhlenberg sent south of James River to prevent projected retreat of Cornwallis to the south.
September 14. General Washington and Count Rochambeau arrive at Williamsburgh.
September 29. Muhlenberg placed in command of the advanced forts around Yorktown.
September 29. Investiture of Yorktown completed.
October 15, 1781. The "twin batteries," called the two flank redoubts, stormed and taken at the point of the bayonet by troops led by Alexander Hamilton and Peter Muhlenberg. General Muhlenberg slightly wounded in attack.
October 19, 1781. Yorktown capitulates.
1781–March, 1783. Continues in army till signing of treaty of peace.
September 30, 1783. Promoted to be major-general, Anthony Wayne being his immediate senior and General Clinton his immediate junior on the list.
November, 1783. General Muhlenberg removes permanently to Pennsylvania.
February to July, 1784. Makes a trip to locate county lands in Kentucky.
1785. Elected vice-president of Pennsylvania. Franklin president during the same time.
1786. Re-elected vice-president of Pennsylvania.
1787. Re-elected vice-president of Pennsylvania.
Conflict between Pennsylvania and Connecticut.
Civil war in Wyoming. Vice-President Muhlenberg asks Congress, in 1788, to send regular troops there.
September, 1787. Convention to frame Constitution assembles at Philadelphia. General Muhlenberg an ardent advocate of its adoption.
December, 1788. General Muhlenberg chosen one of eight members of First Congress, to serve from March 4, 1789 to March 4, 1791.
April, 1789. General Muhlenberg, member of committee of national defense, militia, and bounty lands of Virginia.
1790. New constitution of Pennsylvania adopted; great influence in its favor exercised by General Muhlenberg.
1793. Elected to Congress from Montgomery County district for term 1793–1795.
1797. Elector from Pennsylvania.
1799–1801. Member of Congress.
1801. In Burr and Jefferson contest for Presidency voted for Jefferson on every ballot until, on the thirty-sixth ballot, the latter was declared elected.
February 18, 1801. Elected United States Senator.
June 30, 1801. Resigns, and is appointed supervisor of internal revenue of Pennsylvania.
July, 1802. Appointed collector of Philadelphia.
October 1, 1807. Dies at Philadelphia.

II.—MUHLENBERG'S FAREWELL SERMON.

The pastor rose, the prayer was strong;
The Psalm was warrior David's song;
The text, a few short words of might,
"The Lord of hosts shall arm the right."
He spoke of wrongs, too long endured,
Of sacred rights to be secured.
When from his patriot tongue of flame
The startling words for freedom came,
The stirring sentences he spake
Compelled the heart to glow or quake,
And rising on his theme's broad wing,
And grasping in his nervous hand
The imaginary battle brand,
In face of death he dared to fling
Defiance to a tyrant king.

Even as he spoke his frame, renewed
In eloquence of attitude,
Rose, as it seemed, a shoulder higher,
Then swept his kindling glance of fire,
From startled pew to breathless choir,
When suddenly his mantle wide
His hands impatient flung aside,
And lo! he met their wondering eyes
Complete in all a warrior's guise.

A moment there was awful pause,
When Berkley cried "Cease, traitor! cease!
God's temple is the house of peace!"
The other shouted "Nay, not so,
When God is with our righteous cause
His holiest places then are ours,
His temples are our forts and towers,
That frown upon the tyrant foe.
In this the dawn of freedom's day,
There is a time to fight and pray!"

And now before the open door—
The warrior priest had ordered so—
The enlisting-trumpet's sudden soar
Rang through the chapel, o'er and o'er,
Its long reverberating blow,
So loud and clear, it seemed the ear
Of dusty death must wake and hear,
And then the startling drum and fife
Fired the living with fiercer life;
While overhead, with wild increase,
Forgetting its ancient toll of peace,
The great bell rung as ne'er before;
It seemed as it would never cease,
And every word its ardor flung
From off its jubilant iron tongue
Was "War! War! War!"

"Who dares"—this was the patriot's cry,
As striding from the desk he came—
"Come out with me, in freedom's name,
For her to live, for her to die?"
One hundred hands flung out reply,
One hundred voices answered, "I!"
—*Buchanan Read's Wagoner of the Alleghanies.*

III.—PASTOR MÜHLENBERG'S ABSCHIEDSREDE, JANUAR, 1776.

Der Orgel Töne waren schon verklungen,
Und Gottes Schutz auf sie herabgefleht;
Die letzte Dankeshymne war gesungen,
Doch scheidend Vater Mühlenberg noch steht.
Da sprach er von vergang'nen frohen Tagen,
Die sie in Fried' und Gottesfurcht verlebt,
Von eich'nem Fleiss, von männlich kühnem Wagen,
Das wilde Land zum Paradies erhebt.

Von Gottes Schutz und Seinem reichen Segen,
Den Er verlieh den Heerden und dem Feld;
Dass sie auch ferner Ihm vertrauen mögen,
Dann sei ihr Haus auf Felsen fest gestellt.
Doch auch von schlimmen Zeiten war die Rede,
Von Zeiten, die die nächste Zukunft bringt;
Von Druck und Schmach, von blut'ger Kriegesfehde,
Zu der sie England's blinde Feindschaft zwingt.

Sie sind dahin, des Friedens heit're Stunden!
Der Tag erschien für männlich kühne That!
Für ruhiges Gebet ist jetzt die Zeit verschwunden,
Die Zeit des Kampfes ist herangenaht!
Der Orgelton, der friedevolle, weichet
Der Kriegestrommel, die der Feind gesandt;
Die Hand, die segnend euch den Kelch gereichet,
Greift jest zum Schwert, für's theu're Vaterland!

Da gleitet plötzlich zu des Altar's Stufen,
Der geistliche Ornat, der ihm umschloss,
Und unter Freud' und lautem Jubelrufen
Stand er enthüllt, ein Krieger, hehr und gross!
Und vor die Kirche führt er die Gemeinde,
Zum stillen Platz, wo Trauerweiden steh'n;
Wo früher nur der stille Kummer weinte,
Da hört man jest die Werbetrommel geh'n!

IV.—BRIEF OF LIFE AND SERVICE OF ROBERT FULTON.

1765. Born in township of Little Britain, now Fulton, Lancaster County, Pennsylvania.
1766. Moved to the town of Lancaster, where his father died in 1768.
1773. Sent to school to acquire rudiments of English language.
1779. Constructs model of fishing boat with paddle wheels.
1782. Removes to Philadelphia and follows portrait and landscape painting and mechanical draughting. He here makes the acquaintance of Benjamin Franklin.
1786. Returns to Lancaster, purchases a home in Washington County for his mother and sisters, after which he sails for England and becomes a member of the family of Benjamin West, the great American painter, then residing at London. He also lived two years in Devonshire, following painting, where he becomes intimate with Bridgewater and Stanhope. Removing to Birmingham, he forms a friendship with Watt, the inventor of the steam-engine.
1787. He goes to Paris and becomes a member of the family of Joel Barlow, the American minister, and author of the Columbiad. He there pursues scientific studies.
1793. Conceives the idea of propelling vessels by steam.
1794. Obtains patent for a mill to saw marble from the British Government, and receives an honorary medal from Society for Promotion of Arts and Commerce.
1795 and 1796. Prepares and publishes treatise on the improvement of canal navigation.
1797. He invents and patents:
1. Double inclined planes for canals.
2. A machine for spinning flax.
3. A machine for making ropes.
4. A machine to scoop out the earth to form channels for canals and aqueducts.
5. Cast-iron bridges and aqueducts.
6. A market or passage boat.
7. Another called dispatch boat.
8. Another called the Trader.
9. A perpendicular lift.
10. Air-guns.
11. A cable-cutter.
12. Torpedoes, so named by him.

1801. He proposes to Bonaparte to relieve France and the whole world from British oppression by submarine boats and torpedoes. Under the direction of a government commission he experiments with the boat in the waters of Brest and blows a vessel to pieces.
1804. The British minister appoints a commission to examine his projects.
1805. He blows up a Danish brig with torpedoes in Walmer Roads, England.
1806. He embarks for New York and marries Miss Harriet Livingston.
1807. Under Government authority he blows up with torpedoes a large hulk

brig in New York Harbor; and soon after publishes a work on submarine explosives.

13. In 1807 was built the first steam packet that ever sailed against wind and tide, called the Clermont. This was followed by the invention of—

14. The first submarine plunging boat, as a terrible engine of war, constructed for carrying torpedoes and submarine guns, adapted for a mode of maritime warfare which he called the "torpedo war."

15. Submarine guns.

16. A beautiful steam-ship called the Car of Neptune, of 295 tons.

17. In 1811, the Paragon, of 331 tons. In this year he was one of the commissioners to explore route for inland navigation from the Hudson to the Lakes.

18. In 1812, the Firefly, of 118 tons.

19. In 1812, the Jersey ferry-boat, Camden.

20. In 1813, the Richmond, steamer, of 370 tons.

21. In 1813, the steamer Washington, of 275 tons.

22. In 1813, the York, ferry-boat.

23. In 1813, the Nassau, ferry-boat.

24. December, 1813, the steam-boat Vesuvius, 140 feet keel, 400 tons burden, was launched at Pittsburgh, designed as a regular trader between the Falls of the Ohio and New Orleans.

A contract was made by the United States Government with Mr. Fulton December 27, 1814, for the purpose of employing his steam-boats Vesuvius, Ætna, New Orleans, and Natchez on the Mississippi, in transporting troops and munitions of war, and the Buffalo, steam-boat, on the Ohio.

The celebrated battle of the 8th of January took place about a week afterwards, and it was upon the possession of the Vesuvius, this auxiliary instrument of war, that the commanding general relied, in his anticipations of safety to the city and the accomplishment of a brilliant victory. Both John Quincy Adams and Andrew Jackson certified to Congress the invaluable services rendered to the country by Mr. Fulton at the battle of New Orleans.

25. In 1813 the steam-ship Fulton, of 327 tons. In 1813 letters patent were granted him for improvements in the art of submarine warfare, to destroy ships and vessels of war by submarine cannons.

26. In 1814, the Fulton the First, the first steam-vessel of war in the world. January 5 a number of influential and patriotic gentlemen of the city of New York assembled at the house of Robert Fulton, esq., to investigate the principles and utility of a steam-vessel of war invented by that gentleman. After examining the plan and hearing the reasons submitted, they immediately adopted measures to raise $120,000 for the purpose of giving a trial to the experiment, proposing to build one to carry 24-long-pounders to aid in the defense of that city.

January 3, 1814, the committee, Stephen Decatur, Evans, Perry, Warrington, Lewis Jones, etc., reported having examined the model and plans, and that it was among the best interests of the United States to carry the plan into immediate execution.

October 31, 1814, the steam-frigate; Fulton the First, authorized by Congress, was launched at New York, of 2,475 tons burden. She was cannon-proof. She carried thirty 32-pounder carronades, and two 100-pounder columbiads, to fire hot shot. The gallant Porter commanded her. This frigate was 145 feet deck, 55 feet in breadth, and drew 8 feet of water.

November 22 she was moved from the wharf of Messrs. Brown, in the East River, to the works of Mr. Fulton, on the North River, to receive her machinery—cost $320,000. On the 4th of July she made a passage to the ocean and back, 53 miles, in eight hours and twenty minutes. She was used by the United States as a receiving-ship until June 4, 1829, when by some accident her magazine blew up, causing the complete destruction of the vessel.

27. The Olive Branch.

28. The Emperor of Russia. The vessel was built as substantial and strong as a sloop-of-war, and no doubt was entertained by naval men of the practicability of the attempt. The Savannah was, however, afterwards built, and sailed to Russia.

29. The Chancellor Livingston, of 526 tons.

30. Mr. Fulton's last boat, which he called the Mute.

1815. February 24, he died at New York in the fiftieth year of his age, and was buried in Trinity churchyard, New York. He left surviving him a widow, who soon followed him. His son, Robert Barlow Fulton, died in 1841. A daughter, Julia, in 1848. Two other daughters, Mary L. and Cornelia L., both married, were yet living in New York in 1856.

1846. Congress does him the tardy justice by passage of bill appropriating $76,300 to his heirs for services.

V.—AUTHORITIES.

"Life of Maj. Gen. Peter Muhlenberg, citing in notes the original sources of information and original letters," Carey & Hart, Philadelphia, 1849; "Geschichte der deutschen Gesellschaft." Seidensticker, Schafer & Korado, Philadelphia, 1876; "New Sweden," Acrelius, translated by Reynolds, published by Historical Society of Pennsylvania, 1877; "Life of Conrad Weiser," Daniel Miller, Reading, 1876; Mann's "Life of Henry Melchior Muhlenberg," 1886; Colden's "Fulton," 1817; Reigart's "Fulton;" Sparks's "American Biography;" "American Encyclopædia;" "Journals of Congress" and "Reports of Departments;" "Tenth Census United States," volume 4, Steam Navigation.

VI.—AN ACT PROVIDING FOR A COMMISSION TO HAVE STATUES EXECUTED AND PLACED IN THE OLD HALL OF THE HOUSE OF REPRESENTATIVES, IN THE CAPITOL OF THE UNITED STATES, AND MAKING AN APPROPRIATION THEREFOR.

Whereas by the second section of an act of Congress, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1865, and for other purposes," approved the 2d day of July, 1864, the President of the United States is authorized to invite each and all of the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons, who have been citizens thereof, and illustrious for their historic renown, or from distinguished civil or military services, such as each State shall determine to be worthy of that national commemoration, and when so furnished, the same shall be placed in Old Hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national Statuary Hall for the purposes therein indicated; and

Whereas many of the States of the Union have complied with the invitation, causing to be erected in the Capitol at Washington such statues of their most illustrious citizens, and as it is desirable that Pennsylvania should also be so represented: Therefore,

SECTION 1. *Be it enacted, etc.*, That the governor shall appoint six citizens of the Commonwealth, who shall constitute a commission to have executed in marble or bronze the statues of two deceased persons who have been citizens of the Commonwealth, illustrious for their historic renown, or for distinguished civil or other services, previous to or during the Revolution, to be placed in that part of the national gallery reserved for this State, with power to select an artist, and to contract for the execution of said statues at a price not to exceed the sum of $15,000.

SEC. 2. It shall be the duty of the persons composing said commission to meet in the office of the secretary of the Commonwealth, in Harrisburg, at the call of the governor, within six months after the passage of this act, and effect an organization by electing one of their number president of the commission, and one secretary of said commission; shall have the power to adjourn from time to time and place to place, and make such rules and regulations not inconsistent with their appointment as may be necessary to accomplish the purpose of this act.

SEC. 3. That the sum of $2,000 be, and is hereby, appropriated out of moneys in the State treasury not otherwise appropriated, for the purpose herein named, and for defraying the actual traveling expenses of the commissioners; the said sum to be expended under the direction and in the discretion of the commission hereby created, and to be paid by warrants drawn on the State treasurer, signed by the president and secretary of said commission.

SEC. 4. That the said commission shall make an annual report to the Legislature of the progress made in the work contemplated by this act.

Approved the 18th day of April, A. D. 1877.

J. F. HARTRANFT.

October 16, 1877. Governor John F. Hartranft appointed as the commission Hon. Simon Cameron, of Dauphin; George DeB. Keim, esq., and Hon. Francis A. Osbourn, of Philadelphia; Dr. Thomas C. Kennan, of Washington; John C. Hagar, esq., of Lancaster; and Hon. Daniel Ermentrout, of Berks.

October 18, 1877. Commission organized at Harrisburg by electing Hon. Simon Cameron president, and George DeB. Keim secretary.

December 18, 1878. Contracts made by the commission with Mr. Howard Roberts, of Philadelphia, for statue of Fulton, and with Miss Blanche Nevin, of Lancaster, for statue of Muhlenberg.

January 9, 1879. Report of commission made to Legislature.

The resolutions were agreed to.

Mr. ERMENTROUT moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

Mr. ERMENTROUT. I now ask unanimous consent that any gentleman who desires to do so may have leave to print remarks in the RECORD upon the resolutions which have just been adopted by the House.

There was no objection.

STATUE OF LEWIS CASS.

Mr. CHIPMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of the Senate concurrent resolutions providing for the acceptance of the statue of Lewis Cass, presented by the State of Michigan to the United States, and put the same upon their passage.

There was no objection.

The concurrent resolutions were considered; they are as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be tendered to the governor and through him to the people of the State of Michigan for the statue of Lewis Cass, whose name is so conspicuously connected with the development of the Northwest Territory and with eminent services to his State and country both at home and abroad.

Resolved, That the statue is accepted in the name of the nation, and assigned a place in the old Hall of the House of Representatives, and that a copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Michigan.

Mr. CHIPMAN. Mr. Speaker, the State of Michigan presents and asks the United States to accept a statue of General Lewis Cass. A man ought to have exemplified the civic virtues nobly while he was living to deserve this tribute when he is dead.

It is a solemn act to place a name on the nation's roll of honor. That roll is a message to posterity. It ought never to exploit the accident of divine right—fates' most cruel jest on men—or be sullied by meretricious greatness. Fortunate, indeed, is the country who has children worthy of this glory, and fortunate, thrice fortunate, is America in a goodly company of sages, patriots, statesmen, whose fame illuminates her history and deserves the reverence of her people. High in the ranks of this company stood General Cass.

He was conspicuous even among them for his robust Americanism. He was fortunate in opportunities as a man of action and as a man of counsel. His career was varied and remarkable. As a soldier in the war of 1812, as governor of the Territory of Michigan and pacificator of the Indian tribes, as Secretary of War and minister to France, as Senator in Congress and Secretary of State, in speech and in action, his patriotism shown pure and strong in the light of his great abilities. He loved his country. He believed in her institutions—in the capacity and the right of her people to govern themselves. He was not shamefaced in this faith. He was not a servile imitator of foreign manners but of simple American life, delighting in literature and art and content with the ways of the folk among whom his lot was cast.

The patriotism we honor here to-night was at one time the subject of ridicule and attributed to unworthy motives. This was when he made his declaration of "fifty-four forty or fight" on the northwestern boundary question. Perhaps, sir, we of this generation will see how mean the passions of the hour made us to our political opponents and be ashamed that we vilify men who are worthy of statues erected by a grateful country. But, sir, General Cass's patriotism was far-reaching. It was the love of country which inspires a statesman with grand thoughts for her prosperity and independence. He knew our place among the nations. His opposition to the quintuple treaty, unless it was accompanied with a renunciation of the right of search as a principle of international law, and his broad interpretation of the Monroe doctrine, prove that he pierced the future with his prescience.

Room, freedom for our commerce are the great necessities if we would keep abreast or ahead of the nations. We see now with a clearer vision. The horizon of civilization has expanded. There are no longer dark continents, waste places, but the earth rounds before us like an open

book, each page of which is radiant with the destiny of our commerce. This is the world in which General Cass desired his country to be pre-eminent.

Sir, we know that he is worthy of this honor we do to his memory. Patriotism is the virtue of statesmen. It casts a glamour over their lives and throws their shadows boldly on the future.

There is, sir, an aspect of General Cass's career which brings him very near to the hearts of the men of the West. The great States of Ohio, Michigan, Illinois, Wisconsin, Iowa, Minnesota, are all indebted to his facility in the management of the Indian tribes. To us of Michigan he was as a father—a benefactor. He reared the roof-trees of our homes and kindled the fires on our hearth-stones.

So we, the children and grandchildren of the men who fought side by side with him against savage man and untamed nature, do him this reverence.

We ask the nation to rear his image in the nation's Pantheon, that our children's children may gaze on the "counterfeit presentment" of a virtue which adorned her history and blessed mankind. My fervent prayer is that that sacred shrine shall never be desecrated by honors showered on kings or oppressors of God's people; but that forever it shall chronicle the freedom, the greatness, the prosperity, and the happiness of our country. [Applause.]

Mr. RANDALL. I unite with the Representatives of the State of Michigan with all my heart in doing honor to the memory of Lewis Cass. He was, as much as any one man could be, the founder and builder-up of that prosperous Commonwealth which sits so proudly amid our northern inland seas.

He foresaw with the instinct of a statesman the coming glory of his country, and at the beginning as at the close of his career he advocated the principles and supported the public policy upon which our liberties and independence as a nation depend for preservation.

If I were to select one characteristic in his public life which dominated all his thoughts, words, and actions, it would be his intense love of country. No matter how dark and threatening was the outlook, our enemies might be many and their hatred bitter, yet his heart never quailed; but with pen, voice, and sword he battled for the rights and honor of his country, for the general welfare, and for the melioration of the human race.

When Burr's mysterious conspiracy was hatching in the then wilderness of Ohio, Thomas Jefferson detected and exposed the treason before it got beyond control, and Lewis Cass, then a young lawyer and member of the Ohio Legislature, drafted legislation which had the effect to destroy the projected expedition and restore public tranquility.

When appointed superintendent of Indian affairs his unsurpassed mental and physical energy was tested and strained to the utmost. Throughout Michigan Territory, of which he was second Territorial governor, wandering bands of Indians were a constant menace to the peace and growth of the white settlements. "They had in two wars been employed by the British against the Americans, and they were regular pensioners on British bounty." He made seventeen treaties with the Wyandotte, Seneca, Delaware, Shawnee, Pottawatomie, Ottawa, and Chippewa tribes of Indians, won their respect and confidence by honest dealing and firm and resolute administration, and from a position of hostility made them our good and fast friends.

He explored the whole country, and in his birch canoe traversed thousands of miles unvisited before, save by the Jesuit fathers or the hunters who pursued the valuable fur-bearing animals of that region. He communicated to the North American Review at the time some of the ablest articles which have ever been written on the Indian languages, character, and history. He was amongst the first to appreciate them and improve their condition.

He was a man of sword, pen, and voice, and in all his varied career won renown in each and every position. At the breaking out of the war with Great Britain he served with distinction, as might have been expected of the son of Major Cass, who had fought in the Revolutionary army for seven bloody years to help win our independence. He afterward took part in the campaigns of Harrison, which ended in the destruction of the British army in Western Canada, the killing of Tecumseh, and the flight and disgrace of Proctor.

Cooley, in his "Michigan: A History of Governments," sums up this part of Cass's public life as follows:

> There was some feeling of Territorial pride that Jackson had looked to this distant region for a member of his Cabinet, but the people of the Territory parted with the governor with great reluctance. He had not only managed the public affairs with ability and unquestioned integrity, but his example had been excellent and his influence of the best. Governing frontier settlements, where rough characters abounded and roystering habits prevailed, he was always in his own deportment courteous and complacent, always abstemious, always self-respecting; and as unexceptionable in his private character and in all his domestic and social relations as he was in his public capacity and deportment. Permanent American settlement may be said to have begun with him; and it was a great and lasting boon to Michigan when it was given a governor at once so able, so patriotic, so attentive to his duties, and so worthy in his public and private life of respect and esteem.

As Secretary of War in Andrew Jackson's Cabinet, he was pronounced, vigorous, and emphatic in his hostility to the doctrine of nullification of the laws, and long afterward, in his old age, when Secretary of State in Buchanan's administration, in 1860–'61, he spoke with no uncertain voice in favor of the maintenance of the Union at all hazards and at every cost. He lived to see the civil war brought to a successful close in behalf of the Union, and to see the country out of her evil days start upon a career of prosperity and greatness which is the marvel of the age and without parallel in ancient times.

When Great Britain delayed, upon one pretext and another, to turn over to the United States the fortifications within our lines, and harassed our border with threatened Indian forays, contrary to the stipulations of the treaty of peace, and when upon the high seas Great Britain assumed the right to visit and search our ships, as minister to France he drew up an impassioned appeal to that country, which had much to do in exposing the arrogance and injustice of the claim.

Whenever the way was to be cleared for the future which he saw so clearly opening up for his country he was among the first to set to work and was among the most able and successful leaders. He denied the doctrine of perpetual allegiance, assisted in making our flag respected on every sea, stoutly defended the Monroe doctrine in respect to the American continent, and so far as one man could, promoted the peace, happiness, and glory of his country.

In 1850, when the slavery agitation pervaded the whole land, and the wisest and most fearless stood aghast at the threatened danger to the Government, in that hour of great peril Lewis Cass's name was put second by a solemn resolve of the Senate—second only to that of Henry Clay, the great pacificator, in behalf of honorable adjustment. Nothing could better display the confidence then reposed in his ability and sense of justice.

While he was resolute and exacting for his country, he was in his private life retiring, unostentatious, frugal, sympathetic, and considerate in his relations with those he came in contact with.

Let me close by repeating two sentences from General Cass's writings, which give a good insight into his character. He said:

> For myself, I have no belief in that greatness which is too great to mingle with the details of life.

In another place he said:

> He who occupies the loneliest cabin upon the very verge of civilization has just as important a part to play in the fate of our country as the denizen of the proudest city in the land.

These utterances I commend heartily, both in spirit and letter, as a guide to all in public life. [Applause.]

Mr. O'DONNELL. Mr. Speaker, in the year 1864 an invitation was extended to the different States of this Union by the national Congress to present the statues of two of their deceased citizens, to be placed in Statuary Hall, in the nation's Capitol. The works in sculpture were to represent those "illustrious for their heroic renown or distinguished by civil or military services." Nearly a quarter of a century has elapsed since this action of the Congress. The State of Michigan to-day makes its contribution in the statue of her illustrious pioneer, soldier, and statesman, General Lewis Cass, who served the State and nation for more than half a century, always to the advantage of the people and promotion of the glory of the Republic. His fame was not built upon the fluctuating wave of popular party favor, but on service for his country and achievements for the welfare of the nation. Now the people of the Peninsular State, who cherish his memory and the deeds of his life, unite in presenting this memorial to the worth of the foremost man in their history, the man who aided so much in building up their Commonwealth and making secure the great experiment of self-government on this continent.

Lewis Cass was the second governor of Michigan Territory. As its executive he governed wisely for seventeen years, taking office in 1813 and continuing until 1830. His sword had helped to win freedom to the great Northwest. He was the fifth citizen chosen to represent the young State in the Senate of the nation, and in that high body he served for twelve years. He was called to the Cabinet of President Jackson, and held the portfolio of War for four years, to be transferred to the French court as envoy extraordinary and minister plenipotentiary, which place he graced for six years. His wisdom and discretion averted trouble between the two countries and restored friendly relations.

While at this post he prevented the ratification of the quintuple treaty and thereby prohibited the establishment of the right of search on the high seas, so strenuously asserted by England. As Secretary of State he served for nearly four years, resigning a few weeks prior to the close of the administration of President Buchanan. I have given a hasty review of the official life of Lewis Cass. It embraces a period of fifty-seven years of service as legislator, soldier, executive, cabinet officer, and diplomat. I believe but one citizen exceeded that length of service—John Quincy Adams.

Michigan owes much to Lewis Cass for its proud eminence in the States of the Union. As its governor his great abilities were devoted to the development of its wonderful resources. His management of affairs connected with the Indians was tempered with wisdom and justice, and his treatment of the original occupants of the soil was followed by friendly feeling between the races. His administration solved the Indian problem by its firmness and equity. His life began at the close of the last century. His years from early manhood were devoted to

the advancement of civilization, the glory of his country, and the progress of the people. His service was so conspicuous that in 1848 he was rewarded by the great Democratic party by the nomination for the Presidency.

In the election of that year Lewis Cass received 127 electoral votes to 163 for Zachary Taylor. The popular vote aggregated 2,871,908, divided as follows. Cass, 1,220,544; Taylor, 1,360,101; Van Buren (Free Soil), 291,263, giving a plurality of 139,557 for Taylor, leaving him a minority President. In the light of the situation of parties political to-day, a study of that election is of interest. There were thirty States, and each of the leading candidates succeeded in fifteen, an equal division. General Cass was successful in eight Northern States and seven Southern, while General Taylor received a preponderance of votes in eight Southern States and seven Northern. In the North Cass had 810,460 and Taylor 925,472 votes, while in the South the vote stood 410,084 for Cass and 434,629 for Taylor. In this eight to seven contest the result was determined by a small majority in three States of the South. A change of 1,021 votes in each of the three States of Delaware, Georgia, and Louisiana would have given the victory to General Cass, and might have changed the history of the country.

The pivotal States of the North were taken from General Cass by the letter to Nicholson, dated December 30, 1847. In that letter General Cass took strong grounds against the Wilmot proviso. He believed, to use his own words, its adoption—

Would weaken, if not impair, the union of States, and would sow the seeds of future discord, which would grow up and ripen into an abundant harvest of calamity.

It would seem as if he was forecasting by his fears the horoscope of the future; to his prophetic eye the mists of coming years were lifted. In the same letter, while endeavoring to protect what he thought the constitutional rights of the South by opposition to this measure of the anti-slavery sentiment, he failed to solidify that section by his utterance against the institution of slavery. He said:

We may well regret the existence of slavery in Southern States and wish they had been saved from its introduction.

In the great States of the North the waves of an adverse popular sentiment beat against him, provoked by his espousal of what he thought the rights of the South, while that portion failed him at the last.

Having hastily sketched the political life and public services of the statesman of the Northwest, I desire to speak of him as a patriot. He loved his country and her institutions; his life was panoplied in honest and simple patriotism. A reference to his services in the Army in the early days of the Republic attest his devotion to the Union. His words and votes in the Senate during the war with Mexico were always for the nation's glory and in aid of its soldiers, and to promote their triumph.

In the war for the Union he occupied grounds of exalted patriotism. He deplored the conflict, and fervently hoped the Union would be undisturbed, that the storm would pass. He quitted the Cabinet of President Buchanan, being unwilling to share longer the councils of an administration where the Government was not strongly maintained. He was unable to discover the intentions of a Government that scarcely knew its own intentions, and withdrew from its deliberations. With the change of administration Cass still hoped for reconciliation between his countrymen. He abhorred war, but believed in protecting the Government. In 1847 he wrote:

All wars are to be deprecated as well by the statesman as by the philanthropist. They are great evils; but there are greater evils than these, and submission to injustice is among them. The nation which should refuse to defend its rights and its honor when assailed would soon have neither to defend.

He held that in times of peril—

There is one ark of safety for us, and that is an honest appeal to the fundamental principles of our Union and a stern determination to abide their dictates.

No one thought General Cass would hesitate when the hour of trial came. As he saw the country he realized that the quarrel was in its nature irreconcilable and eternal as the warfare between right and wrong. He found the people of the North divided, their views being aptly defined as some holding to the wisdom that desired war that we might have perpetual peace, against the folly that clamored for peace that we might have perpetual war. At last the people of the North learned the maxim of William of Orange that "war was preferable to a doubtful peace."

Lewis Cass spoke for the Government of his country in the hour when every breaker and billow of the political ocean was beating upon its shore. The flag of the nation was fired upon by those in revolt; the forts of the Government were seized by armed foes; then there came the great uprising in the North. The avenging genius of the Northmen resented the attack on the nation and its flag. The State of Michigan became a giant in the fray. At the war meeting in Detroit, April 17, 1861, the venerable statesman was present. He was aided to the platform, and there the old man spoke for his country. He said:

I come to-day to do honor to the old flag that you have raised to the breeze, and which has maintained itself at home and abroad. I was born under it, and have lived under it, and I hope that the last hour that comes to all may come to me before its stars are diminished in number. Though I recognize the duty of every American citizen to stand by the Government, I hope that that Almighty Being who has so often and so wonderfully kept us may preserve us from civil war, and that he will keep us still.

The utterances of the old man eloquent kindled the patriotic fires. His words shone through the darkness of the political atmosphere like characters of light.

It is a pleasing coincidence that the next speaker was Cass's old political antagonist and successor in the Senate, Zachariah Chandler, he of rugged words and patriotic heart, loving the Union and liberty.

Then Michigan was the home of patriotism. As in ancient Rome, the cry "the Republic is in danger!" stilled all division, effaced all partisanship, and men became only patriots. Party lines were obliterated, and the Commonwealth became the abode of patriotic fervor. In a few days the First Regiment of Michigan Volunteers was organized, and it was the first military organization from the West to defend the capital. This regiment was partly equipped by Lewis Cass. May I be pardoned, sir, if I mention the fact that a private soldier in that command in these Halls to-day, with loving reverence, speaks of the great statesman. In a fortnight the people of the metropolis again assembled to take counsel and prepare for the conflict.

The sage and patriot, Lewis Cass, the warrior who broke his sword on that spot nearly fifty years before rather than surrender it to a foreign foe, presided over the concourse of patriots. His words kindled anew the patriotic fires, which burned fiercely through the long contest, and before the end Michigan sent 91,000 of her sons to defend the Union. At this gathering he spoke for his country and her institutions. He declared there was but one path—there was no neutral position; all must sustain the Government. He solemnly averred that he who is not for his country is against her.

His words were like beacons in the upward path of mankind. They were uttered in those moments in our history when they served to influence the course of events during a long future. They were potent in the period of the great war that made ambition virtue. He who nearly a third of a century ago had issued the order which put down nullification now called the people to aid in perpetuating the Government. Although he was approaching that age in life when shadows foretell the nearness of evening, his days were prolonged that he might see the flag for which he had given his early manhood triumphant, the Union he had loved so well re-established and again form one of the main bulwarks of our civilization.

During all those terrible years of conflict the aged warrior watched with anxious solicitude the issue of the greatest war of modern times—a conflict which illustrated in crimson colors the grandeur, even sublimity, of American valor. He saw the Government restored—the epoch of transition from the old to the new—where servitude should not have dominion in a country of liberty. Ere the great heart ceased to throb he saw the last furrow of war closed, the transforming and renewing hand of time laid upon the fortunes of his country, and its people and the nation enter upon a new and greater career of progress. Peace came to the troubled land, and then the old man slept in the peace of the grave.

The life of Lewis Cass was one illustrative of the genius of our institutions. His youth was one of poverty, devoid of advantages. His education was imperfect. When he attained the age of seventeen years he left his native New Hampshire to join the pioneers of the West. Being without means he made the journey through the mountain wilds from New England to Ohio on foot. In his new home the people recognized the resources and courage of the young man, starting him on the road that led to highest places. Though of limited education, his writings exhibit native ability and high literary taste. In all positions he was conscientious, industrious, and faithful. All his life he was simple-minded, pure, and admirable, attaching friends and retaining them. He came from the people and never forgot them. He was devoid of the arts of the demagogue and ignorant of political charlatanry. To such a fame and such a life those to come can well look for encouragement and inspiration.

Michigan presents this statue to the nation. It represents one who blazed the way in her struggles to greatness whose life was a gracious emphasis to the loftiest patriotism, usefulness, pureness of life, and devotion to duty and country. More than two decades have passed since he entered into rest. His memory was destined to wait long for the reward and vintage of his toil. When our times have melted into haze others will recover from distance the unstained record of his illustrious career.

We place him to-day in the American Pantheon, among the memorials of those of heroic renown who have long since passed to the solemn shades, with that other company of distinguished service who people the silent continent of eternity. In that assemblage he will stand—a step to his left the murdered Executive, whose career began as his reached its zenith; to the right another warrior in the rugged leader of the Green Mountain boys, while to the front the eyes of stone forever gaze on the marble lineaments of the noblest of the noble, the Father of his Country.

Just beyond the author of the Magna Charta of our rights—the

declaration of a people's freedom—silently watches the constellation. The mournful and careworn features of the liberator, the martyr President, surrounded by warriors and statesmen, hold eternal vigil over the nation he lifted up into God's rays of freedom. Orators, commanders whose souls went up to heaven amid the clouds of battle, and those who suffered and died, or who toiled and wrought for the elevation of mankind, are there. It is a noble array of the Republic's best and good, a glorious company of Liberty's apostles. And now the circle of glory widens to admit Lewis Cass to a well-earned place. He is welcome to the "silent senate of the dead"—a congress of fame in perpetual session, "whose members have received their high credentials at the hands of history and whose terms of office will outlast the ages."

The State of Michigan presents the statue of Lewis Cass in lasting marble. It may perhaps in coming years crumble to dust, but his memory is indestructible to all ravaging time. He will live in the sunlight of national gratitude and enduring fame. [Applause.]

Mr. SEYMOUR. The marble statue which Michigan has placed in Statuary Hall is that of a representative American. Born at Exeter, amidst the rugged hills of New Hampshire, where he received an academic education—sprung from a sire of Revolutionary fame, Lewis Cass removed with his parents in 1799 to Wilmington, Del., where he became employed as teacher. Subsequently the family emigrated to Ohio and settled on a tract of land on the Muskingum River, near Zanesville, while Lewis remained at Marietta and commenced the study of law in the office of Governor Meigs. He married Elizabeth Spencer, of Virginia, was elected a member of the Legislature of Ohio, and attracted the attention of Jefferson by a communication to the President setting forth the views of the Legislature in relation to the alleged treasonable intentions of Aaron Burr. He was appointed marshal of Ohio in 1807, which office he held until 1813.

At the beginning of the second war with England he joined the forces of General Hull, was made colonel and afterwards promoted to brigadier-general. He was stationed in command at Detroit and appointed governor of the Territory of Michigan. and as a part of his labor negotiated twenty-two distinct Indian treaties, and conducted the expedition for the exploration of the Northwestern Territory, in which he traveled upwards of 4,000 miles. He was appointed Secretary of War by General Jackson in 1831, which position he resigned to accept that of minister to France. Elected as United States Senator in 1845, he resigned when nominated for President in 1848, and after his defeat was re-elected to the Senate, and subsequently, in 1857, he was appointed Secretary of State by President Buchanan, but resigned the position when the President refused to re-enforce Major Anderson and reprovision Fort Sumter. His resignation terminated a public career of fifty-six years. His varied experience as teacher, lawyer, soldier, and statesman gave him that cosmopolitan character so pre-eminently American. Drifting from Eastern to frontier life, engaging in different avocations, he acquired those elements of self-reliance and self-confidence which qualified him for the positions of trust and responsibility offered him during his eventful life. His industrious habits fitted him for every sphere he was called upon to fill. Practice made him a speaker and eloquence waited on his toil. He was a thorough partisan and as consistent a practical Democrat as the constitutional mixture of personal and State rights would allow. He loved his race and his country. His inner feelings, and ofttimes his outward expressions, reached out to humanity and caused him to deplore, like Jefferson, his great teacher and idol, a condition which confronted his country, but which both were unable to mend.

To keep in check two opposing forces continually seeking opposite directions, and by the friction engendered continually requiring concessions, was the problem he always attempted to solve on the line of constitutional right and unity. He was formed in that stern mold in which New England climate and New England teachings impressed and reared their hardy sons. The town meeting, that school and basis of New England politics, educated him in strict construction of delegated or Federal powers, with a liberal belief in the large reservation of popular or State rights. The study of the law confirmed his mental leanings, and frontier life broadened out his views of popular and squatter rights in local and territorial control. As a soldier, he was aggressive and confident.

Indignation possessed his soul when he found himself and his army included, as he believed, in the unnecessary capitulation of Hull. His military ability found insufficient scope in the extent or range of his military experiences. The times were not ripe for its development. What success might have been his in a wider field with larger service the prophets or panegyrists of his time have not intimated. As a diplomate, he was tenacious and defiant. He roused the ire of the British public by his vigorous protest against the quintuple treaty, and strengthened the efforts of party friends by his persistent advocacy of the line of "fifty-four forty" in the Oregon controversy. As a legislator, he distinguished the commencement of his official career in the Ohio Legislature by the framing and passage of a law authorizing the arrest of men and boats in a supposed treasonable expedition down the river.

Loyalty and love of country marked the beginnings of his public life. In fealty to party he had few superiors. He critically analyzed the measures presented on the line of constitutional power, and attempted to smooth obedience by concession to popular rights. On the passage of the fugitive-slave law he refrained from voting, though occupying his seat in the Senate, because the amendment he offered was defeated allowing trial by jury if demanded in the State where the fugitive resided. He gave his adhesion and support to the law after its passage. He regarded with disfavor the practical repeal of the compromise measures of 1820, but voted for the Kansas and Nebraska bill on the ground of squatter and constitutional right. He favored the election of James Buchanan, but repudiated his inaction towards Anderson and Sumter. As the Declaration of Independence was the basis and groundwork of the Constitution, so was the nullification proclamation of Andrew Jackson the guide and basis of national action in the subsequent maintenance of the Union.

To this creed of principles Lewis Cass adhered and left the Cabinet of Buchanan in support of a necessary construction of Federal power preservative of the nationality of his country. He brooked no action or theory in early or later life which aimed at the impairment of Federal unity. He was a unionist with all the conditions of compromise and interpretation which seemed necessary to the maintenance and enforcement of the Constitution. That instrument was, in his view, the *ultima thule* of national life and the only substantial protection to popular rights on this continent. He represented in his life a connecting link between the early development and later growth of our country, and left the impress of his character and statesmanship not only upon Michigan but the growing West. Industrious, temperate, and economical in his habits, he lived neither in parsimony nor ostentation. Simplicity and frugality ever distinguished him.

The purity of his life was unquestioned. Cultured, self-reliant, and determined, he was the embodiment of firmness and courage. Some one wrote, "He is now ill with the ague, the only thing that can shake him." Conservatism restrained his impulses. The key-note of his political career was the maintenance of the Union under the Constitution. For this his sacrifices were made. When that Constitution was assailed and the integrity of the Union threatened he left an administration he could no longer indorse, returned to his people and gave the influence of his character and the wisdom of his counsel in declining years to his practical and only political creed. Covering himself with glory as with a garment by this crowning act of his official life, his name went down to history honored with the plaudits of his countrymen. As we review his character so much the more shall we revere his memory. It was permitted him to see the Union preserved through the arbitrament of arms and catch a glimpse of its increasing strength when purged of the disturbing cause.

The empty sleeve, the heavy thud of crutch and artificial limb upon the floor of this Capitol, are constant reminders of the cost and terrific character of the struggle, where patriotism was equaled only by sectional devotion, and which left us a people of freemen and marked us a nation of braves. That something of the extent of the conflict, should it ever occur, was early realized by him is evidenced by the language he uttered and the concessions he made; yet when the day of trial came he voiced his position in no uncertain sound. His body rests in the city and State of his adoption, and Michigan sends his statue to this Capitol as a memorial of his worth and a tribute to his official services and public virtues. The cold marble will look down with stern and relentless gaze upon the passing crowd, and men in turn will revere his character and honor his patriotism and greatness as they appreciate his motives, and throw the mantle of charity on the times in which he acted. [Applause.]

Mr. BURROWS. Mr. Speaker, when Michigan determined to avail herself of the invitation of the National Government to place in the old historic Hall of the House of Representatives statues of two of her most illustrious citizens, she had no difficulty in designating the first worthy of this national commemoration, and so chiseled in marble the form and features of Lewis Cass. Cass and Michigan! Names linked in indissoluble union. His life is interwoven with her own, and his ashes repose in her eternal embrace. No other of her citizens was so long or more honorably connected with her history; none other reflected greater or more enduring glory upon her name. Identifying himself with her interests and going to her defense while yet a Territory, he followed her fortunes in war and peace through a lifetime of more than half a century with unwavering fidelity and unflagging zeal.

For a period of more than fifty years he was in her service and the nation's; and at the close of his official career he continued until the hour of his death her counselor and friend. Soldier, governor, Cabinet officer, diplomate, Senator, nominee of his party for the Presidency, premier; there was no place within the gift of his party he could not command; there was no position to which he was called that he did not adorn. In the judgment of the State, therefore, he fills the full measure of the nation's invitation, for he was "distinguished" both in "civil and military life."

I shall not attempt a detailed statement of his eventful career. As a soldier, in the wilds of Michigan resisting the aggressions of a foreign foe, he gave enduring proof of his patriotism and courage. Assigned to the civil administration of that Territory in 1813, for eighteen years

he devoted his energies to the advancement of her material interests, and laid the foundationsbroad and deep for her rapid development and future prosperity. While yet in the discharge of the civil administration of the Territory he was summoned by President Jackson to a seat in his Cabinet as Secretary of War, the duties of which position, augmented by difficulties with Indian tribes and the graver conditions growing out of the spirit of nullification, he discharged with signal ability.

The steady yet firm hand with which he held the United States military forces at Charleston, on the dividing lines between national supremacy and State sovereignty, maintaining the supreme authority of the one without infringing upon the integrity of the other; his patriotic appeal to the State of Virginia to use her influence to dissuade South Carolina from a course fraught with such disastrous consequences to the "integrity of the Union and the cause of free government," evinced the highest statesmanship and contributed in no small degree to the restoration of harmonious relations and the recognition of the supremacy of the lawful authority of the National Government.

Forced to resign the War portfolio in 1836, by reason of impaired health, he was appointed minister to France, in which position he rendered his Government most illustrious service. It was during his mission to this court that England sought by a masterly stroke of diplomacy to secure the right of search on the high seas, a right the American Government had persistently denied, under the pretext of suppressing the African slave trade. It well-nigh succeeded in uniting the five great powers of Europe—England, Austria, Russia, Prussia, and France—in a declaration of this right and ingrafting it into the code of international law. It was a moment of supreme peril to the Republic. England, Austria, and Prussia had already executed the treaty, and its consummation only required the approval of France. There was no time to communicate with and receive instructions from the home Government; he must take the responsibility of prompt, decisive action or the alliance would be concluded. He therefore at once addressed a communication to the French minister of foreign affairs protesting in the most vigorous terms against the consummation of this conspiracy. In the course of that communication he said:

But the subject assumes another aspect when the American people are told by one of the parties that their vessels are to be forcibly entered and examined in order to carry into effect these stipulations. Certainly the American Government does not believe that the high powers, contracting parties to the treaty, have any wish to compel the United States by force to adapt their measures to its provisions or to adopt its stipulations. They have too much confidence in their sense of justice to force any such result, and they will see with pleasure the prompt disavowal made by yourself, sir, in the name of your country, at the tribune of the Chamber of Deputies, of any intention of this nature. But were it otherwise, and were it possible they might be deceived in their confident expectations, that would not alter in one tittle their course of action. Their duty would be the same and the same would be their determination to fulfill it. They would prepare themselves, with apprehension indeed, but without dismay; with regret, but with firmness, for one of those desperate struggles which have sometimes occurred in the history of the world, where a just cause and the favor of Providence have given strength to comparative weakness and enabled it to break down the pride of power.

In closing his protest he said:

It is proper for me to add that this communication has been made without any instruction from the United States. I have considered this case as one in which an American representative to a foreign power should act without awaiting the orders of his Government. I have presumed, in the views I have submitted to you, that I express the feelings of the American Government and people. If in this I have deceived myself, the responsibility will be mine. As soon as I can receive dispatches from the United States, in answer to my communication, I shall be enabled to declare to you either that my conduct has been approved by the President or that my mission has terminated.

He supplemented this protest by a pamphlet addressed to the French people, in which he laid bare the pretenses of the English Government, and exposed her real purpose in conceiving and consummating the alliance. It was a document so forceful, so statesmanlike, so comprehensive, and so illustrative of the character and ability of the man that I can not refrain from quoting a few paragraphs therefrom:

The right of maritime search now in discussion between the British and American Governments is a grave question interesting to all nations to whom freedom of the seas is dear. Its connection with the African slave trade is but incidental, and can not affect the nature of the question. Great Britain proposes to push this point, in order to destroy the yet existing relics of that trade. Naval supremacy she had acquired and naval supremacy she seeks.

It is impossible that the intelligent Government and people of Great Britain should shut their eyes to the effect of this claim of a right of search upon their interests, whatever motives of philanthropy may have led to its first suggestion. To their flag it will give the virtual supremacy of the seas. During twenty-five years the British Government has urged the Government of the United States to consent to this measure. The application has been steadily repelled, and now this principle of the right of search, in a time of profound peace, heretofore never claimed as a question of right, for the first time since the last general war in Europe is claimed by Great Britain to be a part of the law of nations which she has both the right and the will to carry into effect.

Who made England the great prefect of police of the ocean, searching and seizing at pleasure? Once establish this right of search, and the scenes of violence which have checkered the ocean for twenty years will again be renewed. The nation which should tamely submit to such pretensions, would merit, as surely it would receive, the contumely of the world.

The American Government and people will never submit. With them it is a question of life and death. They went to war thirty years ago to oppose it, when comparatively young and weak, and now, after having advanced in the elements of power with a rapidity unknown in human history, they will not be found wanting to their duties and honor in the day of trial.

An American at home or in Europe may safely predict that the first man impressed from a ship of his country and detained with an avowal of the right by order of the British Government will be the signal of war. A war, too, which will be long, bitter, and accompanied, it may be, with many vicissitudes; for no citizen of the United States can shut his eyes to the power of Great Britain nor to the gallantry of her fleet and armies. But twice the Republic has come out honorably from a similar contest, and with a just cause she would again hope for success. At any rate, she would try. Even if England were clearly right, as in our opinion she is clearly wrong, she might forbear much without any imputation upon her honor.

She has won her way to distinction by a thousand feats in arms, and what is her better title to renown by countless feats in peace, triumph of genius, of skill, of industry, and of enterprise which have gained her a name that the proudest may envy, and that few can hope to equal. She has given birth to an empire in the West, an empire whose extent and duration it passes human sagacity even to conjecture. There are planted her laws, her language, her manners, her institutions. A thousand ties of interest unite these kindred people. Let England cherish this as her most glorious work; but let her recollect, too, that her spirit equal to her own animates the Republic, and though she may be crushed she will not be dishonored.

The result of this protest and appeal arrested the course of negotiation, secured the rejection of the treaty by France, thwarted the designs of the English Government, averted the catastrophe of war, and maintained the rights and honor of the American Republic.

Returning home from his foreign mission, he was everywhere received with public honors and demonstrations of regard, and was prominently mentioned as the candidate of his party for the Presidency. Another, however, was chosen. In 1845 the State of Michigan elected him to the United States Senate, where he won fresh laurels in the arena of debate with such intellectual athletes as Webster, Calhoun, and their compeers. In the great debate on the Oregon question he gave utterance to sentiments which should be perpetuated in the hearts of the American people:

It pains me, sir, to hear allusions to the destruction of this Government and the dissolution of this Confederacy. It pains me, not because they inspire me with any fear, but because we ought to have one unpronounceable word, as the Jews had of old, and that word is "dissolution." We should reject the feeling from our hearts and its name from our tongues.

He continued to represent the State of Michigan in the United States Senate until 1848, when he resigned to accept the nomination of his party for the Presidency; but failing of election he was returned for the remainder of his unexpired term, and at its close, in 1855, re-elected for the full term of six years. While a firm believer in the tenets of his party, his entire Senatorial career was marked with a broad statesmanship and a conscientious discharge of duty as he saw it, from the performance of which no flattery could seduce and no power swerve.

Retiring from the Senate on the 4th of March, 1857, he assumed the duties of Secretary of State in the Cabinet of President Buchanan, bringing to the discharge of its delicate functions the same comprehensive statesmanship which had marked the long course of his official life.

The events of 1860 and 1861 brought on a crisis in public affairs which forced General Cass to resign from the Cabinet of President Buchanan, which he did on the 12th of December, 1860. His letter of resignation and the President's reply will best serve to disclose the reason why he felt called upon to sever his connection with the administration:

DEPARTMENT OF STATE, *December* 12, 1860.

SIR: The present alarming crisis in our national affairs has engaged you serious consideration, and in your recent message you have expressed to Congress and through Congress to the country the views you have formed respecting the questions, fraught with the most momentous consequences, which are now presented to the American people for solution. With the general principles laid down in that message I fully concur, and I appreciate with warm sympathy its patriotic appeals and suggestions. What measures it is competent and proper for the Executive to adopt under existing circumstances is a subject which has received your most careful attention, and with the anxious hope, as I well know from having participated in the deliberations, that tranquillity and good feeling may be speedily restored to this agitated and divided Confederacy.

In some points which I deem of vital importance it has been my misfortune to differ from you.

It has been my decided opinion, which for some time past I have urged at various meetings of the Cabinet, that additional troops should be sent to re-enforce the forts in the harbor of Charleston, with a view to their better defense, should they be attacked, and that an armed vessel should likewise be ordered there to aid if necessary in the defense, and also, should it be required, in the collection of the revenue, and it is yet my opinion that these measures should be adopted without the least delay. I have likewise urged the expediency of immediately removing the custom-house at Charleston to one of the forts in the port and of making arrangements for the collection of the duties there by having a collector and other officers ready to act when necessary, so that when the office may become vacant the proper authority may be there to collect the duties on the part of the United States.

I continue to think that these arrangements should be immediately made. While the right and the responsibility of deciding belong to you, it is very desirable that at this perilous juncture there should be as far as possible unanimity in your councils with a view to safe and efficient action. I have, therefore, felt it my duty to tender you my resignation of the office of Secretary of State and to ask your permission to retire from that official association with yourself and the members of your Cabinet which I have enjoyed during almost four years without the occurrence of a single incident to interrupt the personal intercourse which has so happily existed.

I can not close this letter without bearing my testimony to the zealous and earnest devotion to the best interests of the country with which during a term of unexampled trials and troubles you have sought to discharge the duties of your high station.

Thanking you for the kindness and confidence you have not ceased to manifest toward me, and with the expression of my warmest regard both for yourself and the gentlemen of your Cabinet,

I am, sir, with great respect, your obedient servant,

LEW. CASS.

To the PRESIDENT OF THE UNITED STATES.

WASHINGTON, *December* 15, 1860.

SIR: I have received your resignation of the office of Secretary of State with surprise and regret. After we had passed through nearly the whole term of the administration with mutual and cordial friendship and regard, I cherished

the earnest hope that nothing might occur to disturb our official relations until its end. You have decided differently; and I have no right to complain.

I must express my gratification at your concurrence with the general principles laid down in my last message, and your appreciation "with warm sympathy of its patriotic appeals and suggestions." This I value very highly; and I rejoice that we concur in the opinion that Congress does not possess the power under the Constitution to coerce a State by force of arms to remain in the Confederacy.

The question on which we unfortunately differ is that of ordering a detachment of the Army and Navy to Charleston, and is correctly stated in your letter of resignation. I do not intend to argue this question. Suffice it to say that your remarks upon the subject were heard by myself and the Cabinet with all the respect due to your high position, your long experience, and your unblemished character; but they failed to convince us of the necessity and propriety, under existing circumstances, of adopting such a measure. The Secretaries of War and of the Navy, through whom the orders must have issued to re-enforce the forts, did not concur in your views; and whilst the whole responsibility for the refusal rested upon myself, they were the members of the Cabinet more directly interested.

You may have judged correctly on this important question, and your opinion is entitled to grave consideration; but under my convictions of duty, and believing as I do that no present necessity exists for a resort to force for the protection of the public property, it was impossible for me to have risked a collision of arms in the harbor of Charleston, and thereby have defeated the reasonable hopes which I cherish of the final triumph of the Constitution and the Union. I have only to add that you will take with you into retirement my heartfelt wishes that the evening of your days may be prosperous and happy.

Very respectfully, yours,

JAMES BUCHANAN.

Hon. LEWIS CASS.

Believing as President Buchanan did, that—

Congress does not possess the power under the Constitution to coerce a State by force of arms to remain in the Confederacy—

it was perfectly natural that he should refuse to re-enforce the United States garrison at Charleston, fearing that such a step might provoke hostilities on the part of South Carolina.

Under his view of the Constitution, the only way to preserve the Union was to dissuade a State from secession. Once seceded the Union was hopelessly destroyed. Whatever may have been the views of General Cass upon this question, it is certain that he believed it to be the duty of the Executive of the National Government to execute its laws, hold its forts, and collect its revenues, and to employ whatever military or naval forces might be necessary to accomplish such end. Hence General Cass insisted that—

Without the least delay additional troops should be sent to re-enforce the forts in the harbor of Charleston, and that armed vessels should be ordered there to aid in their defense, and in the collection of the revenues.

A disagreement with the Executive upon this point caused him to sever his connection with the administration. Returning to his home in Michigan, he passed the remainder of his days in the seclusion of private life, but giving the full weight of his counsel and influence to the national cause. In a speech delivered in Detroit on the 24th of April, 1861, he said, among other things:

I feel it my duty, while I can do but little, to do all I can to manifest the deep interest I feel in the restoration to peace and good order and submission to the law of every portion of this glorious Republic. Our war to-day is a domestic one, commenced by and bringing in its train acts which no right-feeling man can contemplate without most painful regret. In the midst of prosperity, without a single foe to assail us, without a single injury at home caused by the operations of the Government to affect us, this glorious Union, acquired by the blood and sacrifices of our fathers, has been dishonored and rejected by a portion of the States composing it—a union which has given us more blessings than any previous government ever conferred upon man. Here, thank God, its ensign floats proudly and safely, and no American can see its folds spread out to the breeze without feeling a thrill of pride in his heart and without recalling the splendid deeds it has witnessed in many a bloody contest from the day of Bunker Hill to our time.

The loyal American people can defend it, and the deafening cheers which meet us to-day are a sure pledge that they will defend it. You need no one to tell you what are the dangers of your country, nor what are your duties, but meet and avert them. There is but one path for every true man to follow, and that is broad and plain. It will conduct us, not indeed without trials and sufferings, to peace and to the restoration of the Union. He who is not for his country is against her. There is no neutral position to be occupied. It is the duty of all zealously to support the Government in its efforts to bring this unhappy civil war to a speedy and satisfactory conclusion by the restoration in its integrity of that great charter of freedom bequeathed to us by Washington and his compatriots.

In 1866, at the ripe age of eighty-four, after fifty-six years of public service, his connection with earthly affairs was finally severed. But the memory of his public and private virtues remains forever to be cherished by the State and emulated by the people. With a just pride we place his statue in the nation's Capitol; his fame we intrust to his countrymen. [Applause.]

Mr. WHITING, of Michigan. Mr. Speaker, Michigan, in placing in Statuary Hall, at the national capital, the statue of Lewis Cass, becomingly does honor to the memory of the greatest man Michigan has yet given to history. He was distinguished as a soldier, explorer, statesman, savant, and diplomat. He loved his State and his country and he gave them fifty-five years of uninterrupted and devoted service.

He loved the old flag, and he served it well in his young manhood, in his prime, and in old age. He was one of the greatest and he was the last of our second generation of statesmen, sons of Revolutionary sires, who carried on the great Government their fathers founded.

To Lewis Cass, as to the other great statesmen of his time, the Constitution was sacred. He believed in the rights of the States as protected by the Constitution, but he believed also in the majesty of the Union.

He was a strong arm of the Government in the great Northwest at the dawn of the century against the machinations of Aaron Burr and the soldiery of Great Britain.

He was Andrew Jackson's right hand in suppressing nullification in South Carolina. As American minister to France he defeated the ratification of the quintuple treaty, involving Great Britain's right of search on the high seas, and in the last days of his long life he threw his great influence against secession.

He was the last survivor of the great men who framed the Missouri compromise and averted war; but when war came he was for the restoration of the Union.

He resigned from James Buchanan's Cabinet because the President did not take that course with South Carolina that Andrew Jackson took a quarter century before.

He gave expression to his ideas of the suppression of the rebellion when he sent word to Secretary Cameron:

Do not defend Washington; do not put batteries on Georgetown Heights; but shove your troops directly into Virginia and quarter them there.

Lewis Cass participated actively in the thrilling events of half a century of national history. But Michigan cherishes his name most closely for the fostering care that he bestowed upon her during her years of infancy. He was governor of Michigan for twenty years. That venerable and noble Democrat, Alpheus Felch, who was contemporaneous with Cass in public life, says of his administration:

These years constitute an epoch in the history of Michigan. The executive powers of the Government have never been more assiduously or more successfully exercised in building up a new country, or in promoting the growth of agricultural, mechanical, or educational interests.

* * * In the administration of Indian affairs General Cass was most fortunate. He early succeeded in securing the confidence and respect of the Indians. The justice and kindness of his dealings did much to pacify and quiet them and dispel the fears of the settlers of hostile attacks. * * * His administration as governor was one of decided success, and while it secured great results to the Territory, it bound him to the people by the strongest ties of respect and love. He well deserved the rewards due to a faithful, honest, and able public servant. The statue to be placed in the Capitol is a just tribute to his memory. Michigan honors herself in honoring her most illustrious statesman.

I may well conclude by adding to this review of Lewis Cass's services to his State, the distinguished Judge Ross Wilkins's epitome o his services to his country. Judge Wilkins said:

Identified with the State since the war of 1812, Michigan claims him for her own, but the national record can not be accurate without the frequent recurrence of his name in the annals of the United States for more than sixty-five years—from the treason of Burr to the insurrection of 1860. He, by timely action, exploded the one, and in his eightieth year aided in giving the death-blow to the other. [Applause.]

Mr. CUTCHEON. Mr. Speaker, it is not my purpose at this late hour to indulge in any extended remarks upon the life and character of Lewis Cass. Michigan's first contribution to the National Statuary Hall is made this day, and whoever may be the subject of the second there can be no doubt but that Lewis Cass should be the first contribution from that State.

It is a remarkable fact, sir, that the two men who have dominated the politics of the State of Michigan for a period of nearly seventy years, from 1813 to 1880, were born in the same State of New Hampshire, and within a few miles from each other in adjoining counties. I refer to Lewis Cass and Zachariah Chandler. Mr. Chandler was the junior of Mr. Cass by about thirty years, and followed him in his removal at about the same age from New Hampshire to the State of Michigan.

I shall not attempt, Mr. Speaker, to draw any comparison between the characters of these two men. They were opposites in many respects. General Cass was a conservative among conservatives, while Chandler was a radical among radicals. Cass was a Democrat in politics, while Chandler was a Whig and a Republican. Cass entered public life almost as soon as he reached manhood. Chandler remained a merchant until past middle life. But these two men, so different in their characters and in their lives, successively were the master spirits of the political parties of the Peninsular State.

I desire to speak, sir, for a moment, in regard to the statue itself which Michigan to-night tenders to the nation.

And, first, in regard to it as a portrait. It was my fortune as a young man, in the last years of his life, frequently to see General Cass, as a young man sees and looks up to a man of a past generation. I can say, Mr. Speaker, that the likeness is a most excellent one. The countenance, the head, and pose of the body, everything in regard to the statue, presents before you a likeness of General Lewis Cass as I saw him in his lifetime. Of course there is in it more of strength and vigor than he exhibited in those declining days, for he was already well past seventy years, the usual allotted span of life, before I saw him. Secondly, as a work of art. I do not profess to be a connoisseur of the art of the sculptor. I do not know what others may think of this portraiture of General Cass; but as for myself, when I enter Statuary Hall, there is no figure there that strikes me more impressively and as more worthy of a place in this Pantheon of the Republic than the statue of Lewis Cass. It is the likeness of a man of force. It has a vigor which speaks of positive opinions and of strong convictions. It is the very embodiment of his famous alliteration "fifty-four forty or fight." It reminds one of the words of Tennyson:

That tower of strength
Which stood four-square to all the winds that blew.

In the few further moments allotted to me I shall not speak of him in political capacities as legislator, marshal, governor, foreign minister, Senator, Secretary of State, or Presidential candidate. Others have amplified upon these. I shall speak of him in the less conspicuous aspect of his many-sided character—that of a soldier, or, I should say, a military man. And here let me say that in the State which he served so well, so long, and so honorably, he was always known as General Cass. He was Senator; he was governor; he was Commissioner of Indian Affairs; he was foreign minister, but we always spoke of him as General. General Cass was a volunteer soldier, and he was the son of a volunteer soldier. His father, Capt. Jonathan Cass, of Exeter, N. H., enlisted as a private soldier in the army of the Revolution immediately after the first clash of arms; and it perhaps may be that I have an added interest in him and in this ceremony from the fact that my grandfather marched in the same battalion with Jonathan Cass under the command of Col. Andrew McCleary to the battle of Bunker Hill. He was reared as the son of a soldier. While yet a boy he engaged in the profession of teaching—as so many of our great men have done—in the State of Delaware.

Following this he marched in the advance of empire towards the great West, and found himself in that modern mother of Presidents, the State of Ohio, at Marietta. Here he engaged briefly in the practice of the law, was elected to the Legislature of the State, and was appointed United States marshal, in which office he continued from 1806 until 1813.

In 1812, anticipating war with Great Britain, the then administration commenced the work of putting our Canadian frontier in a condition of defense. Several regiments of volunteers were raised in the State of Ohio for the protection of the line of the Detroit River. Among these marched young Cass, then thirty years of age, as colonel of the Third Ohio Volunteers. He joined the force of General Hull at Dayton, Ohio, and marched through a nearly unbroken wilderness to Detroit, which was reached on July 9, 1812, and which, unknown to him, was to be his future home and the place of his burial.

General Hull being ordered to cross into Canada, Colonel Cass was the first of the American force to put foot upon Canadian soil. He was ordered by General Hull to make an advance with his regiment in the direction of Fort Malden and feel the force of the enemy. He encountered them at the crossing of the Canards, or, as it is called, "Aux Canards," about 5 miles from Fort Malden, and there the first blood of the war of 1812 was spilled under the command and in the presence of General Cass. I will not attempt at this hour to go into details. Instead of advancing and capturing Fort Malden, as Cass urged General Hull, the Detroit River was recrossed, apparently without reason, and the British commander, General Brock, with a small force of about a thousand British soldiers and Indians, was permitted to cross that broad and rapid stream in the face of the superior force of General Hull without opposition. Then followed the surrender of Detroit, which has always been considered, in Michigan at least, a pusillanimous affair and a blot upon her history. It is said, I know not how truly, that so indignant was young Cass at this disgrace that, rather than surrender his sword into the hands of the enemy, he broke it in two. He then hastened to Washington to lay before the administration the history of this first military disaster of the war of 1812. General Hull was tried and convicted of cowardice and sentenced to death, but the sentence was never executed, and he died in peace long years afterward in his New England home. The controversy will never be settled whether he was a coward or a scapegoat. In the spring of 1813 Colonel Cass was exchanged and appointed colonel of the Twenty-seventh United States Infantry, and soon after was made a brigadier-general.

He rejoined the American forces under General W. H. Harrison at Senecaville, Ohio, and marched with him to Lake Erie. The way to Canada had but just been opened by Perry's victory, announced to the country in the laconic words, "We have met the enemy and they are ours." General Harrison debarked his forces at Sisters' Island, near the mouth of the Detroit River, and moved upon Fort Malden, only to find it abandoned and dismantled. General Cass participated in the battle of the Thames, where General Proctor was overcome, his army routed, and a large proportion of them taken prisoners. In this action General Cass acted as volunteer aid to General Harrison, and distinguished himself for his intrepidity. General Harrison in his report of the battle of the Thames spoke of General Cass as "an officer of the highest promise." Upon the close of the war, or rather before the close of the war, in October, 1813, General Cass was appointed governor of Michigan, which had been, partly at least, through his efforts, redeemed from the domination of a hostile power. After serving as governor of the Territory of Michigan, then an empire in extent, from 1813 to 1831, during which time he acted as Commissioner of Indian Affairs, negotiating many treaties and visiting all parts of his domain, he was called into the Cabinet of General Jackson as Minister of War. It had been my purpose to speak somewhat at length in regard to his policy in that capacity as regards the defenses of the country.

In the year 1836 he submitted to Congress an elaborate and able report on the subject of national defenses, accompanied by a more exhaustive scheme of fortification by Colonel Totten, then Chief of Engineers.

From the report of General Cass I make the following extracts. He says:

> And I would suggest that the works which are determined on be pushed with all reasonable vigor, that our whole coast may be placed beyond the reach of injury and insult, as soon as a just regard to circumstances will permit. No objections can arise to this procedure on the ground of expense, because whatever system may be approved by the Legislature, nothing will be gained by delaying its completion beyond the time necessary to the proper execution of the work. In fact, the cost will be greater the longer we are employed in it, not only for obvious reasons, arising out of general superintendence and other contingencies, but because accidents are liable to happen to unfinished work, and the business upon them is deranged by the winter, when they must be properly secured; and the season for resuming labor always finds some preparations necessary which would not have been required had no interruption happened.
>
> But the political considerations which urge forward this great object are entitled to much more weight. When once completed we should feel secure. There is probably not a man in the country who did not look with some solicitude during the past season at our comparatively defenseless condition when the issue of our discussions with France was uncertain, and who did not regret that our preparations, during the long interval of peace we have enjoyed, had not kept pace with our growth and importance. We have now this lesson to add to our other experience. Adequate security is not only due from the Government to the country, and the conviction of it is not only satisfactory, but the knowledge of its existence can not fail to produce an influence upon other nations as well, in the advent of war itself, as in the mode of conducting it. *If we are prepared to attack and resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparation.* An unprotected commerce, a defenseless coast, and a military marine, wholly inadequate to the wants of our service, would indeed hold out strong inducements to other nations to convert trifling pretexts into serious causes of quarrel.

Out of the past of more than half a century comes this voice of one of our greatest statesmen admonishing us of our dereliction, and I commend now these words to the American Congress and to the American people:

> If we are prepared (says General Cass) to attack and to resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparation.

I also heartily commend to those who have charge of appropriation and expenditure of money for the construction of public works the following from the same report. He says:

> Secondly. I think that when the plan of a work has been approved by Congress and its construction authorized the whole appropriation should be made at once, to be drawn from the Treasury in annual installments to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business, and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works would probably exhibit an amount far greater than is generally anticipated.

But, Mr. Speaker, I must close. The last public act of General Cass was to resign from the Cabinet of James Buchanan because his administration refused to defend the flag upon Fort Sumter against incipient rebellion. That act won anew for General Cass the heart of Michigan, which had been in part alienated by the compromise measures of 1850–'54. Though almost eighty years of age, he still had fire enough in his heart to cause him to resent that action on the part of his executive chief. I thank God, Mr. Speaker, that he lived long enough to see that flag restored upon Sumter and over every foot of American soil. The storm was past; the sun again shone out unclouded; the Union that he loved and for which he had fought was restored, and he saw her about to enter upon her second century redeemed, glorified, resplendent, secure. [Applause.]

The SPEAKER *pro tempore*. The time assigned for these exercises expired some ten minutes ago, but the Chair suggests that perhaps some arrangement can be made by which the gentleman from Michigan [Mr. ALLEN], who is next on the list, can be heard.

Mr. POSEY. I ask unanimous consent that the time for this evening's session be extended for ten minutes, and that the gentleman from Michigan [Mr. ALLEN] be allowed to proceed now for that time.

There was no objection, and it was so ordered.

Mr. ALLEN, of Michigan. Mr. Speaker, it is a striking commentary on the rapidity of the age in which we live that scarcely an hour can be given to the consideration of the character of the man whose impress for good upon this great country equals that of any other statesman of his day. But time moves rapidly, great interests press heavily, and Cass, who did so much to make this nation mighty, and whose life will always be an example for the young men and the patriotic men of this country, can have only a brief hour for his virtues to be spoken of in this Hall of the people.

Lewis Cass was governor of the Northwest Territory from 1813 to 1831—nearly twenty years. He never was elected to an office by the people. He held his office of governor by appointment from the President of the United States. In 1831 he was called to the Cabinet of Andrew Jackson as Secretary of War. His first appearance in public in the city of Washington, fifty-six years ago this month, was to address a temperance meeting in the Hall of the House of Representatives, where his statue now stands. Lewis Cass, who never drank a drop of intoxicating liquor in his life, at that early day, surrounded as he was

by the great men of the nation, very few of whom were not addicted to their cups, used this striking language:

No man can indulge in this habit with impunity, and there is only one way by which all danger may be avoided, that is, by entire interdiction.

Those were brave words to be uttered at that time in this city, and they indicate the moral character and stamina of Lewis Cass, which stood him in hand at all times and under all circumstances. He showed the same sterling loyalty to his convictions by always refusing to meet with the Senate on the Lord's day, believing it contrary to the divine command to "remember the Sabbath day to keep it holy."

His residence abroad for several years made him more intensely American. He believed that the people of this country were immeasurably superior in happiness to any nation upon the face of the globe, and he was not afraid to enunciate his belief. He had an American policy; he believed in an American policy; and he uttered it in words like these:

This country could lose nothing at home or abroad by establishing and maintaining an American policy—a policy decided in its spirit, moderate in its tone, and just in its objects—proclaimed and supported firmly.

These are good words to speak now; they are as true now as they were then, and they will always be true so long as this nation is worthy of its own respect or the respect of the nations of the world.

General Cass was not only an American but he believed in the American Union. He never would harbor the thought of a dissolution of the Union; and his voice was always raised upon the side of the Union in the Senate, upon the side of the Constitution; and among other strong words in the debates in those days he used these:

It pains me, sir, to hear allusions to the destruction of this Government and the dissolution of this Confederacy. We ought to have one unpronounceable word, as the Jews of old had, and that word is "dissolution." We should reject the feeling from our hearts and its name from our tongues. Plots and insurrections have no place in this country. We have nothing to fear but ourselves.

Mr. Cass was no friend to slavery, but he knew that slavery was a constitutional institution, and he did not propose to disturb it except in a constitutional way. His twofold object was to preserve the nation and to see to it that no institution which the Constitution sanctioned should be torn away by unconstitutional measures. And this constituted one of the strongest marks of his statesmanship and of his power.

General Cass never believed that the Union could be lawfully dissolved, and when the fiery ordeal came he was found upon the side of the Union. His quick military intuition discovered the road to success, and in the first months of the war he did not hesitate to give his advice to the Government, although he was then a private citizen. Among other things he said to Secretary Cameron these words:

Don't defend Washington; don't put batteries on Georgetown Heights; but shove your troops directly into Virginia and quarter them there.

What Cass urged should be done in the first months of the war had to be done before the rebellion could be subdued.

Michigan is the home of two millions of people. There you will find upon every hill-top the school-house; you will find on almost every square mile a church. That great and mighty and intelligent Commonwealth has grown upon the sure foundation stones that Lewis Cass, among the other early and few pioneers of the great Northwest, laid.

He was a Democrat in the broad sense of that word. He believed, however, that Democracy could only flourish where it was founded upon intelligence. Consequently throughout all his long public life, under all circumstances, he advocated the education of the people as the only safety for a republican form of government.

Among the mighty men who have lived in this country Lewis Cass is the peer of any one of them. He stands with Seward; he stands with the best men and the best thinkers of this nation; and it is with no small degree of pride that I to-night am permitted to recall to the present generation a few of the attributes of that noble man who belonged to the strong generation now passed away. He was so wise that, unlike scores and hundreds of statesmen in this country, he avoided the abyss that finally swamped their reputation and destroyed their influence, because he stood firmly for the Union of the States.

We in the sweet name of charity forgive all south of Mason and Dixon's line who went with their section, but the time has never come, and never will, when a man who lived in the Northern States and proved himself disloyal to the flag can have forgiveness. Lewis Cass stood for the Union; and I thank God that he in his last days was permitted to see the flag again floating over a peaceful and powerful country; that his dying eyes beheld the banner of the Union that he loved floating over the reunited States, never again to be broken. [Applause.]

Mr. CHIPMAN. I now ask a vote on the adoption of the resolutions.

The resolutions were unanimously adopted.

STATUES OF CASS, MUHLENBERG, AND FULTON.

Mr. ERMENTROUT. Mr. Speaker, I ask the adoption of the joint resolution which I send to the desk.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan; and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg, and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania.

Be it resolved, etc., That there be printed of the proceedings in Congress upon the acceptance of the statue of the late Lewis Cass, presented by the State of Michigan, 12,500 copies, of which 3,000 shall be for the use of the Senate, and 9,500 copies for the use of the House of Representatives; and in a separate volume, that there shall be printed of the proceedings in Congress upon the acceptance of the statues of the late John Peter Gabriel Muhlenberg and Robert Fulton, presented by the State of Pennsylvania, 12,500, of which 3,000 copies shall be for the use of the Senate, and 9,500 copies for the use of the House of Representatives; and the Secretary of the Treasury is hereby directed to have printed engravings of said statues to accompany said proceedings, and for engraving and printing said pictures the sum of $1,500, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was read a first and second time and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passsd.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEMPHILL. Mr. Speaker, I now call up the business from the Committee on the District of Columbia under the special order for to-night.

The SPEAKER *pro tempore*. The gentleman will indicate what bill he desires considered.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

Mr. HEMPHILL. I ask to take from the Speaker's table, with a view to moving non-concurrence in the Senate amendments thereto, the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

The bill was taken from the Speaker's table, the Senate amendments non-concurred in, and the conference asked by the Senate thereon agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. HEARD, Mr. COMPTON, and Mr. ROWELL as managers at the conference on the part of the House.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

Mr. HEMPHILL. I ask unanimous consent to discharge the Private Calendar from the further consideration of the bill (H. R. 11811) to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval, and consider the bill in the House.

There being no objection, the bill was taken up and considered.

It is as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia" be, and the same hereby is, amended by substituting, after the words "and along High street, in Georgetown, to the Tennallytown road," the words "and thence along and in said road," for the words "but wholly outside of the limits of said road and along the side of the said road."

The committee recommend the adoption of the following amendment:

After the word "road," in line 8, insert "but outside the improved limits thereof."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOLDERS OF SPECIAL-ASSESSMENT LIEN CERTIFICATES.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 3737) for the relief of the holders of District of Columbia special-assessment lien certificates, and for other purposes. This bill is on the House Calendar, and I ask its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia and their successors are hereby authorized to receive and audit all claims that may be presented to them by holders of special-assessment lien certificates, scrip, or stock issued by the government of the District of Columbia or former municipal corporations in said District, whether on account of paving or other special or local improvements or general taxes, in cases where the security for the payment of such certificates, scrip, or stock has been impaired or destroyed by action of Congress, the courts, the government of the District, or former municipal corporations in said District, or where such certificates, scrip, or stock have been issued upon property exempt from tax by law or are or hereafter may become from such or any cause not enforceable against the property in respect of which they were issued; also all claims for the amount of reduction in special assessments which have been paid subsequent to June 18, 1878, and revised according to the rules for revision of special assessments under acts of June 19, 1878, and

June 27, 1879; and said commissioners and their successors are hereby authorized to hear and determine all such claims and to issue to the person or persons found entitled to relief thereon drawback certificates for the amounts respectively found due on account of such certificates, scrip, or stock and interest thereon, as therein specified, to the date of this act, and for the amount of said reduction.

SEC. 2. That the drawback certificates herein provided for shall be receivable for all arrears of general taxes due and unpaid on and prior to the 13th day of June next preceding the issue thereof.

The committee recommend the adoption of the following amendment:

Strike out all of the bill after the twenty-second line and insert in lieu thereof the following:

"And said commissioners and their successors are hereby authorized to hear and determine all the facts connected with such claims, not only as to the amount of the same, but also the name and residence of each present holder of any of said lien certificates, scrip, or stock, and a specific statement of the time when he became such owner; also the time when such claim or claims came into his possession and the name and address of the person or persons from whom he purchased said lien certificate, scrip, or stock, and the amount paid for the same by the present owner, and whether the payment therefor was in cash or in other property; and if in other property, its market value at the time of the purchase of the same, and report these facts to Congress as soon as may be; said commissioners shall also ascertain and report by what act or acts of Congress the security for the payment of such lien certificates, scrip, or stock have been invalidated; also in what way by municipal action, in what way by the courts, and in what way by any other cause, and the amount invalidated by each of the above causes, and the names and residences of the holders of each of the above classes so invalidated; said commissioners shall also ascertain and report the amount of reduction in special assessments under the acts above referred to, and give the rules under which said reduction was made; also the names and residences of present owners of these claims, and the time of their purchase and amount paid, and from whom purchased, if not now in the hands of the original owners of said claims; said commissioners shall also report by what authority, whether by act of Congress or otherwise, the lien certificates scrip, and stock were issued, and the date when the same were issued.

"SEC. 2. The said commissioners shall give notice to all holders of any of the claims mentioned in this act that they will hear and determine the facts concerning the same, by advertising in two daily papers of general circulation in the city of Washington, and shall also give personal notice, or notice by letter, to such persons as are known by them to be the owners of any of the claims described in this act, and shall, if practicable, make their report to the next Congress."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPILATION OF DISTRICT OF COLUMBIA LAWS.

Mr. HEMPHILL. I now call up for present consideration the bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District.

The bill was read, as follows:

Be it enacted, etc., That the supreme court of the District of Columbia be, and is hereby, authorized and directed to appoint three persons learned in the law as commissioners to compile, arrange, and classify, with a proper index, all statutes and parts of statutes in force in the said District, including the acts of the first session of the Fiftieth Congress, and relating to all such matters as would properly come within the scope of a civil and criminal code; and the said court shall have power to fill any vacancies occurring in said commission.

SEC. 2. That each of the said commissioners shall receive for his services such sum, not exceeding $1,500, as said court has deemed reasonable; said sum to be paid upon the completion of the work and the approval thereof in writing by the court; which sums, together with the reasonable costs incurred by the commission for clerical assistance and incidental expenses, not exceeding the sum of $1,000, shall be paid by the Secretary of the Treasury out of any moneys not otherwise appropriated, one-half to be paid out of the revenues of the District of Columbia.

SEC. 3. That the said commissioners shall report such compilation to the next session of Congress, if practicable.

The committee recommend the adoption of the following amendments:

In line 4 strike out "three" and insert "two."

In line 7 strike out "first" and insert "second."

Strike out all after the word "that," in section 3, and insert:

"Of said compilation when completed, upon order of the supreme court of the District of Columbia, there shall be printed 5,000 copies at the Government Printing Office, said copies to be sold at 10 per cent. above cost."

The amendment was concurred it.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title of the bill was amended to conform.

WASHINGTON AND SANDY SPRING RAILROAD.

Mr. HEMPHILL. I call up next the bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company.

The bill was read, as follows:

Be it enacted, etc., That Henry M. Baker and A. G. M. Prevost, of the city of Washington, in the District of Columbia, and J. L. Husband, G. G. Kimball, H. Maurice Talbott, O. P. H. Clark, and G. O. B. Cissell, of the State of Maryland, and E. J. Evans, of the State of Virginia, and all such persons as shall or may be associated with them and their successors, are hereby created a body politic and corporate in fact and in law, by the name of the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may make and have a common seal, and the same alter at their pleasure; and said corporation is hereby authorized to lay out, locate, construct, furnish, maintain, operate, and enjoy a continuous railroad and telegraph line with all the necessary appurtenances, namely: Beginning at a point in the city of Washington, D. C., at the intersection of Boundary street and New York avenue and extending parallel with the line of the Metropolitan Branch of the Baltimore and Ohio Railroad to a point at about 1 mile from said Boundary street; thence leaving the line of the said Baltimore and Ohio Railroad and going in a northeasterly course to the northeastern boundary line of the District of Columbia at or near the intersection of the said northeastern boundary line and the Riggs road, as may hereafter be surveyed and agreed on by and between the parties named, or their successors, and the commissioners of the District of Columbia; and it shall be lawful for said company, in the operation of said street railway, to run its cars at a speed not to exceed 9 miles an hour. That the capital stock of said corporation shall consist of three thousand shares at a par of $50 per share each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide.

The persons (or their assigns) hereinbefore named, or a majority thereof, shall constitute a quorum for the transaction of business. The first meeting of said incorporators shall be held within twenty days from the passage of this act, in the city of Washington. A notice of said meeting, to be signed by seven of the incorporators named herein, shall be published for not less than fifteen days, in one or more newspapers published in the city of Washington, and no other notice of said meeting shall be required. At the first meeting of said incorporators they shall select seven of their number as a board of commissioners of the Washington and Sandy Spring Narrow Gauge Railroad Company. Said board of commissioners, as soon as practicable after being selected, shall organize by the choice from its members of a president, vice-president, secretary, and treasurer. The said board of commissioners shall cause to be opened books in the city of Washington, and to receive subscriptions to the capital stock of said corporation: *Provided*, That the said board of commissioners shall first give ten days' notice of the opening of books for the subscription to the capital stock of said company; and a cash payment of 5 per cent. of all subscriptions shall be made at the time of subscribing, and it shall be receipted for by the treasurer of said board of commissioners, who shall be a bonded officer in an amount to be fixed by said board of commissioners; and as soon as an amount equal to two-thirds of the capital stock of said company shall have been subscribed, and 5 per cent. paid in on the same to the treasurer of said board of commissioners, then the said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in one newspaper published in the city of Washington, at least five days previous to the day of said meeting; and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot seven directors for said corporation; and at such election each share of said capital stock shall entitle the owner thereof to one vote. The president and the secretary of the board of commissioners, and in the case of their absence or inability any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary shall then deliver over to said directors all the properties, subscription-books, and other books in their possession, and thereupon the duties of said commissioners shall cease, and thereafter the stockholders shall constitute said body politic and corporate, and said corporation shall be deemed to be completely organized and constituted with all the faculties, rights, and privileges hereby granted.

SEC. 2. That the said corporation shall have all the powers, qualities, faculties, rights, and privileges which lawfully belong to corporations generally, so far as the same shall be necessary for the purposes of its incorporation.

SEC. 3. That there shall be seven directors of said corporation, who shall be a board to transact and manage all the affairs of the corporation and exercise all its powers, subject to the control of the stockholders in general meeting. A majority of the board shall be a quorum. They shall be elected annually by the stockholders in general meeting, and shall hold their offices for one year and until successors shall be elected. They shall be stockholders of the corporation. They shall be elected under regulations and supervision as the board of directors or stockholders shall prescribe after the first election.

SEC. 4. That the board of directors shall elect one of their own number as president of the corporation, and his term of office shall be the same as their own, and he shall exercise such powers as the board or stockholders shall prescribe.

SEC. 5. That the general meeting of the stockholders shall be held annually, at such time and place as the by-laws shall prescribe; and a general meeting may also be called at any time and place by the board of directors, at least ten days' notice thereof being given by advertisment in one or more newspapers published in the city of Washington. In all elections, and in the decision of all questions each stockholder shall be entitled to one vote for every share of stock held by him or her. A number of stockholders holding a majority of the shares subscribed, and being presnt in person or represented by proxy, shall be a quorum of a meeting of the stockholders. Stockholders may vote in person or by proxy, and the form of proxies may be prescribed by the by-laws. Less than a quorum of the stockholders may adjourn a meeting from time to time.

SEC. 6. That the board of directors shall have the power to make assessments from time to time on the capital stock until the same shall be paid up; and upon default in the payment of any sum assessed and due upon said stock, the stock may be forfeited and sold for the payment thereof, with interest and expenses, under such regulations as the by-laws shall prescribe, or the corporation may by suit recover the same from the holder of the stock at the time of the assessment thereof.

SEC. 7. That said corporation shall have authority to construct, maintain, and work the railroad mentioned in the first section of this act, and such branches or lateral railroads from its main line as Congress may hereafter grant authority.

SEC. 8. That the said railroad may be constructed with double tracks or single tracks, as the said corporation shall deem proper; and said corporation may construct and maintain all bridges and other structures and works which it shall deem necessary for the purpose of its incorporation; but the land which it shall have the right to acquire for the construction of such road and works shall not exceed an amount to be hereafter agreed on between said corporation and the commissioners of the District of Columbia.

SEC. 9. That said Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company be, and they are hereby, authorized to issue their bonds to aid in the construction and equipment of its railroad and street railway to the extent of $16,000 per mile for each and every mile or fraction thereof, and to secure the same mortgage on its property, rights of way, and all property whatsoever, real, personal, and mixed, including its franchise as a corporation; and as proof and notice of its legal execution and effectual delivery said mortgage shall be filed and recorded in the office of the register of deeds for the District of Columbia.

SEC. 10. That when the road shall be completed to Boundary street and put

in operation the said corporation shall have the right to run its own street cars over the tracks of the Eckington and Soldiers' Home road, on New York avenue, for the purpose only of transferring its passengers between Seventh street northwest and Boundary street, on such terms and conditions as may be agreed upon by the two companies; and if they can not agree the supreme court of the District of Columbia, upon the petition of either company and reasonable notice to the other, shall fix the terms and conditions upon which the tracks shall be so used; and if the Eckington and Soldiers' Home Railroad Company shall have failed to construct its line of road on New York avenue from Seventh street northwest to Boundary street by the time that the Washington and Sandy Spring Narrow Gauge road is completed from Sandy Spring to Boundary street, the said Washington and Sandy Spring Narrow Gauge Railway Company shall have the right to construct a street railway on New York avenue from Boundary street to Seventh street northwest, on the same terms and conditions that are granted to the Eckington and Soldiers' Home Railroad Company; and the said Eckington and Soldiers' Home Railroad Company shall have the right to run its cars over the tracks of said road between Seventh street northwest and Boundary street, upon terms and conditions to be agreed upon by the two companies, and in the event of their failure to agree, the supreme court of the District of Columbia shall fix the terms and conditions upon which the said tracks shall be so used.

SEC. 11. That if the corporation can not agree with the owner for the purchase, use, or occupation, of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, *non compos mentis*, or out of the District, the said corporation may apply to the marshal of the District of Columbia, and he shall issue his warrant or summons for a jury to meet on the land at a day therein specified, and being not more than ten nor less than five days thereafter.

SEC. 12. That the said United States marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend, he may then summon or call others immediately to make up the number of eighteen. Each party have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report, and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property absolutely, or for such estate, interest, or use as shall have been valued and described in the inquisition and report, as fully as the same could be vested in the corporation by a valid conveyance from the owner, and the corporation shall have the right to take away any material so valued.

SEC. 15. That Congress reserves to itself the right to alter, amend, or repeal this act.

The committee propose to amend the bill by striking out the words "and Street Railway" in the title and wherever they occur in the bill; strike out section 10 of the bill and insert in lieu thereof the following, to be known as section 10:

The railroad herein authorized to be built shall be completed and in operation within three years from March 1, 1889, and in default of such completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately determine.

The SPEAKER *pro tempore*. The question is on the amendments reported by the committee.

Mr. SOWDEN. I hope the gentleman in charge of this bill will allow the matter to go over, because it is of too much importance to be passed upon when so few members are present. I observe that a good many amendments to this measure have been stricken out by the Senate.

Mr. HEMPHILL. I will say to the gentleman from Pennsylvania that this is——

The SPEAKER *pro tempore*. The Chair will inform the gentleman from South Carolina that this bill is in Committee of the Whole.

Mr. HEMPHILL. I move to discharge the Committee of the Whole from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and it is so ordered.

Mr. HEMPHILL. This is simply a bill to permit the running of a narrow-gauge road out into a certain section of Maryland, so far as giving them a charter to come through the District and allow the people to get into the city. That portion which allowed them to come into the city has been stricken out. They come up to New York avenue, up to the new depot that the Baltimore and Ohio Railroad Company is building. It is only a road running out into the country 22 miles. It has passed the Senate without objection, and I have never heard a single objection to it, and there has been no protest entered against it.

Mr. SOWDEN. I see, Mr. Speaker, in line 75, on page 4, section 1, a provision for the payment of 5 per cent. of the subscription. It strikes me that this is a less amount than has ever been fixed in any charter for the organization of any railroad company; and I find that in another section they are authorized to issue their bonds to aid in the construction and equipment of the road to the extent of $16,000 per mile mortgage security to a construction company.

Mr. HEMPHILL. I will state to the gentleman from Pennsylvania that this is a railroad where there is no money to be paid out. It simply gives the people living out in that neighborhood who are anxious to get to the city an opportunity to bring their farm products here by a narrow-gauge road.

Mr. SOWDEN. How have they been getting to the city for the last hundred years?

Mr. HEMPHILL. By hauling their produce in wagons twenty miles over country roads.

Mr. ROWELL. This road penetrates twenty-odd miles into the State of Maryland, in which country a large portion of the hay and other products and truck for this city is produced. The people have to haul their hay for as great a distance as 22 miles; and it is to enable them to get the benefit of railroad communication that this bill is proposed. It allows them to come three or four miles into the District, to where the Baltimore and Ohio road is building its new depot.

Mr. SOWDEN. Are they to run their hay-wagons on the narrow-gauge road, or is it for passengers also?

Mr. ROWELL. It is to carry passengers also.

Mr. HEMPHILL. It is to allow the country people to get into the city.

Mr. SOWDEN. I would like to know whether the cars are to be propelled by steam power, by horse power, or by what kind of power—electricity?

Mr. HEMPHILL. Of course in the country the cars are to run by steam. It is an ordinary narrow-gauge road. They have got a Maryland charter, and all they ask is to get a charter to come through a portion of the city.

Mr. SOWDEN. Where does the railroad begin?

Mr. HEMPHILL. It begins at the boundary, on New York avenue, at the new depot of the Baltimore and Ohio road, and runs out to this town of Sandy Springs, about 22 miles.

The SPEAKER *pro tempore*. The question is on the amendments.

Mr. BUCKALEW. I believe there is a uniform provision in all organizations of companies of this sort that the stock shall be transferable only on the books of the company. Besides, ordinarily the books of a company are to be kept at a known office of the company, where stockholders, creditors, and all who are interested therein shall have access to information they contain at all times. Instead of that this bill provides that the stock shall be transferred as the corporation may please to direct. I suggest to the gentleman from South Carolina that he should make provision that the stock should be transferred only on the books of the company and at their office. We know how these charters are drawn. You get a form drawn up for one company and that charter governs future charters. That form is copied, and so it passes for a precedent.

Mr. HEMPHILL. I will state to the gentleman from Pennsylvania that this is a poor little road which the people out there are trying to build for their own benefit. There is no speculation in it for anybody. Not a soul will ever make a dollar out of it by speculation, certainly not in the gentleman's time or mine, and it is hardly worth our while to be as stringent as if we were chartering some great big company.

The SPEAKER *pro tempore*. The question is upon the amendments reported by the committee.

Mr. SOWDEN. I call for the reading of the amendments separately.

The SPEAKER *pro tempore*. The Clerk will report the amendments.

The Clerk read as follows:

Line 11, strike out the words "and Street Railway."

Mr. HEARD. I will explain for the benefit of the gentleman from Pennsylvania and other gentlemen who feel an interest in this matter that it was originally contemplated that this road should come into the city, but it has been thought best to have it stop at the boundary, and the idea now is to have the terminus at the head of New York avenue, just where the Baltimore and Ohio Railroad Company has built a new depot on the Metropolitan branch.

The amendment was agreed to.

The Clerk read as follows:

Strike out, in lines 30, 31 and 32, the following: "And it shall be lawful for said company, in the operation of said street railway, to run its cars at a speed not to exceed 9 miles an hour."

The amendment was agreed to.

The Clerk read as follows:

Strike out, in lines 48 and 49, the words "and Street Railway."

The amendment was agreed to.

The Clerk read as follows:

Section 9, line 2, strike out the words "and Street Railway."

The amendment was agreed to.

The Clerk read as follows:

Strike out all the tenth section of the bill and insert the following:

"SEC. 10. That the railroad herein authorized to be built shall be completed and in operation within three years from March 1, 1889, and in default of such completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately determine."

The amendment was agreed to.

Mr. BUCKALEW. Mr. Speaker, as this bill is amended so that it will have to go back to the Senate, no delay or inconvenience will be caused by making the proper amendment in relation to the transfer of the stocks indicated by me awhile ago. I therefore move to strike out that part of the bill which provides, in substance, that the stock shall be transferable at the pleasure of the company, and to insert a provision that it shall be transferable only on the books of the company, to be kept at its main office.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The amendment was read, as follows:

Page 2, line 35, after the word "transferable," strike out the words "in such manner as the by-laws of said corporation shall provide;" on line 37, page 3, insert the following: "only on the books of the company, to be kept at their principal office;" so that the provision as amended will read: "That the capital stock of said corporation shall consist of three thousand shares at a par of $50 per share each, which shall in all respects be deemed personal property, and shall be transferable only on the books of the company, to be kept at their principal office."

The amendment was agreed to.

Mr. SOWDEN. I now move to amend by striking out "five," in line 57, page 3, and inserting in lieu thereof the word "ten;" so as to read: "a cash payment of 10 per cent. of all subscriptions," etc.

Mr. HEMPHILL. I have no objection to that.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HEMPHILL. I move to amend the title by striking out the words "and Street Railway."

The amendment was agreed to.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body had agreed to reports of committees of conference on the disagreeing votes of the two Houses on Senate amendments to bills of the following titles:

A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

It also announced that the Senate had agreed to the reports of committees of conference on the amendments of the House to bills of the following titles:

A bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only; and

A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

It further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; disagreed to the amendment of the House to a Senate amendment; agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. HALE, Mr. FARWELL, and Mr. GORMAN.

It also announced that the Senate had passed with amendments bills of the following titles, asked a conference with the House on said bills and amendments, and had appointed conferees on its part as indicated below:

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa—conferees, Mr. VEST, Mr. SAWYER, and Mr. FRYE.

A bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation—conferees, Mr. JONES of Arkansas, Mr. SABIN, and Mr. DOLPH.

It also announced the passage without amendment of the bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana.

It also announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 3721) to grant a right of way to the Cherokee Central Railway Company though the Indian Territory, and for other purposes; and

A bill (S. 3923) to authorize the Duluth, Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road.

JURY TRIALS IN DISTRICT POLICE COURT.

Mr. HEMPHILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment numbered 1, and agree to the same.

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment, so that section 2 will read:

"That if upon the trial of any such cause as aforesaid in the said police court an exception be taken by or in behalf of the defendant to any ruling or instruction of the court on matter of law the same shall be reduced to writing at the time, or it may be entered on the minutes of the judge and afterwards settled in such manner and within such time as now provided by rule by the supreme court of the District of Columbia in cases in that court, and then stated in writing in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be signed by the judge of the said police court. Any party aggrieved by any order or judgment made or pronounced by said court in a case which, under the law, the accused is entitled to a trial by jury may, if the same involve the merits of the proceeding, appeal therefrom to the general term of the supreme court, and the clerk of the police court shall forthwith send up copies of the information or complaint, with all the proceedings thereon duly certified, and upon such appeal the general term shall review such order or judgment, and affirm or reverse the same as shall be just: *Provided, however*, That no appeal shall be allowed after thirty days from and after the signing of such bill of exceptions as aforesaid: *And provided further*, That the judge of the police court may stay execution of the judgment of the said court upon the entering by the defendant into a recognizance with sufficient surety, to be approved by said judge, conditioned for his appearance at the general term of said supreme court then in session, or if no such general term be in session then the next general term, there to prosecute the said writ of error and abide by and perform the judgment of said supreme court in the premises; but nothing contained in this section shall be construed as repealing section 1073 of the Revised Statutes so far as the same relate to cases in which, under the law, the defendant is not entitled to a trial by jury."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment numbered 4, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 5, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 6, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 7, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 8, and agree to the same.

That the Senate recede from its disagreement to the amendment numbered 9, and agree to the same.

JNO. J. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Conferees on the part of the House.
CHAS. J. FAULKNER,
JOHN C. SPOONER,
C. B. FARWELL,
Conferees on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3132) providing for trial by jury in the police court of the District of Columbia, and for other purposes, respectfully submit the following statement:

1. The effect of the report as agreed to leaves the first House amendment as it passed the House.

2. The House recedes from its second amendment, which extended the right of trial by jury in the police court to all classes of cases; and the effect of this report is to leave the law on that point as it now stands, only providing for an appeal for that class of cases in which, under the law, a person accused of an offense is now entitled to jury trial.

3. The third amendment adopted by the House, which provided for the issuing of a writ of error to the supreme court of the District, is so amended by the conference report as to grant an absolute right of appeal on questions of law, upon proper exceptions taken, the same being much less cumbersome.

4. House amendment No. 4, which provides that the jury in the police court shall be drawn in the same manner as is now provided for juries in the supreme court of the District stands as it passed the House.

5. House amendment No. 6, providing for an increase of two bailiffs, and House amendment No. 7, providing that one or more of said bailiffs may be placed in charge of the police court juries, were agreed to by the conferees, and stand as they passed the House.

6. House amendments 5, 8, and 9 are only formal, transposing the sections of the bill to conform it to the amendment agreed to.

JNO. J. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Conferees on the part of the House.

The report of the committee of conference was agreed to.

Mr. HEMPHILL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HEMPHILL. I now call up the bill (S. 3877) to amend the charter of the Eckington and Soldiers' Home Railway Company, and ask for the reading of the bill.

Mr. O'NEILL, of Missouri. I understand the gentleman from Texas has a conference report to submit on the fortification bill, and as I wish to make some remarks on the bill called up by the gentleman from South Carolina, I will yield the floor to allow the conference report to come in.

Mr. HEMPHILL. It will take but a moment to pass the bill which I have called up.

Mr. SOWDEN. I give notice to the gentleman having this bill in charge that it can not go through unless a quorum is present.

Mr. HEMPHILL. I yield to the gentleman from Pennsylvania to make his statement.

The SPEAKER *pro tempore*. The bill has not yet been read.

Mr. SOWDEN. As a quorum is not present it is likely the question of a quorum will be raised on this bill.

Mr. HEMPHILL. It is a bill which should go through, but if the gentleman says positively he will insist on a quorum it is not worth while to take up the time of the House in having the bill read. I want the bill to go through.

Mr. O'NEILL, of Missouri. I do not think it is likely to go through to-night.

Mr. HEMPHILL. Does the gentleman state positively he will make the point of no quorum?

Mr. O'NEILL, of Missouri. In view of the importance of having a sufficient number of cars I think it is proper this bill should lie over for the present.

Mr. HEMPHILL. The question is whether the gentleman is going to insist on a quorum? I object to the bill being considered now. Does the gentleman call for a quorum now?

Mr. O'NEILL, of Missouri. I do.

Mr. HEMPHILL. I withdraw the bill.

FORTIFICATIONS BILL.

Mr. SAYERS. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments, numbered 8, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 11, and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out from the said amendment the words "to be available until expended, and;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "For the purchase of movable submarine torpedoes in the discretion of the Board on Ordnance and Fortifications, $50,000;" and the Senate agree to the same.

JOSEPH D. SAYERS,
SAMUEL J. RANDALL,
BENJAMIN BUTTERWORTH,
Managers on the part of the House.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

The following is the statement accompanying the report on the part of the House managers:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11917) making appropriations for fortifications and other works of defense, submit the following written statement in explanation of the action recommended on each of said amendments by the conference committee:

On amendment numbered 1: Strikes out the provision making the appropriations contained in the act available until expended.

On amendments 4, 5, 6, and 7: Relating to torpedoes for harbor defense, appropriates as follows: For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal ports, $250,000; for needful casemates and cable galleries to render it possible to operate submarine mines, $250,000; for continuing torpedo experiments and for practical instruction of engineer troops in the details of the service, $30,000; and for the purchase of movable submarine torpedoes in the discretion of the Board on Ordnance and Fortifications, $50,000.

On amendments 8, 9, and 10: Restores the provision for testing experimental guns procured under the act of September 22, 1888, at a cost of $39,500, and strikes out the appropriation of $20,000 for purchase of machine-guns.

On amendment 11: Appropriates $43,274 for the manufacture of forty caissons and ten combined wagons and forges for field guns.

On amendment 12: Appropriates $20,000 for procuring the necessary instruments and other materials, and for the proper installation of instruments for conducting the annual artillery practice of the Army.

The bill as agreed upon appropriates $1,205,594, being $290,274 more than as it passed the House, and $130,500 less than as it passed the Senate.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
BENJ. BUTTERWORTH,
Managers on the part of the House.

Mr. O'NEILL, of Missouri. I wish to ask the gentleman from Texas a question. I understand from the reading it appropriates $1,200,000 more than was agreed upon by the House.

Mr. SAYERS. No, sir; your hearing was defective.

Mr. O'NEILL, of Missouri. I want to know what the increase is for.

Mr. TOWNSHEND. What is the appropriation for controllable torpedoes?

Mr. SAYERS. Fifty thousand dollars.

Mr. TOWNSHEND. How much for submarine mines?

Mr. SAYERS. Submarine mines and necessary appliances to operate them, $250,000, and for casemates and cable galleries, $250,000.

Mr. TOWNSHEND. In all?

Mr. SAYERS. Five hundred thousand dollars.

Mr. O'NEILL, of Missouri. How many ports does that protect?

Mr. TOWNSHEND. I have the floor.

Mr. SAYERS. I yield to the gentleman from Illinois.

Mr. TOWNSHEND. I have been convinced by my study of the nature of the controllable torpedo it is one of the indispensable means necessary to protect submarine mines. The best authorities have insisted that without protection from other sources, such as high-power guns or use of torpedoes or guns throwing high explosives, they are useless. I therefore insist that it is necessary to furnish other means, such as high-power long-range guns, controllable torpedoes, or dynamite guns, to protect these mines.

The Committee on Military Affairs inserted in the Army appropriation bill $500,000 for that purpose, but, as the House is aware, the appropriation was ruled out on a point of order. I deeply regret that this action was taken.

That bill, as well as the fortifications bill, went to the Senate, and the Senate inserted in the fortifications bill an item of $200,000. That appropriation ought to have gone in the Army appropriation bill. I find now by the statement of the gentleman from Texas that the Senate has increased the appropriation for submarine mines, and reduced the appropriation for movable torpedoes from $200,000 to $50,000, which is entirely too small. I am fully convinced of the fact that it is useless to make a large appropriation for submarine mines unless it is intended to supplement that with a suitable appropriation for means to protect them.

But it is not my purpose to raise any controversy now with the gentleman from Texas, it being too near the end of the session to return this bill to another conference committee. The Senate having yielded to the House conferees and reduced the appropriation to the small sum of $50,000, and the gentleman from Texas having told us that the conference had completed its labors, it is useless for me now to contend for a larger appropriation for this purpose. I again express my deep regret that the gentleman from Texas and the House conferees did not yield to the appropriation originally inserted in the bill by the Senate.

Mr. Speaker, no matter how severely political adversaries of the present Administration may criticise some of its acts, yet, sir, I do not believe any one who has proper regard for his own reputation will permit his partisan feeling to carry him so far as to deny the high praise due to it because of its efforts to rebuild our once powerful Navy, which before the advent of the present Administration had fallen into such decay as to become a humiliation to the citizens of the Republic, and to excite the derision of foreign governments.

History will vindicate the wisdom of the naval policy of Mr. Cleveland's Administration, and posterity will manifest its gratitude to the present Secretary of the Navy, who has successfully laid the foundation for a new Navy, which is destined to become strong enough to cope without fear on any sea with any naval power on the globe. But the genius and work of Whitney would have gone for naught if Congress had not liberally responded to his recommendations for appropriations. I regret, sir, that when we shall surrender the control of the Government next month we shall be unable to boast with equal pride of our achievements in providing for the defense of our long line of exposed seacoast and the protection of the vast wealth, population, and commerce of our seaboard cities.

I shall not begrudge the incoming administration the glory it may achieve, if it shall quickly avail itself of the means at hand to put our harbors in a state of defense, but shall congratulate it upon the golden opportunity we have left them. I shall, however, painfully regret that my party, which has been in power here during the past four years under a Democratic President, has been deaf to the appeals of its own Administration; has neglected its duty to the country; has been unmindful of the interest of the party by refusing to provide out of our enormous surplus the comparatively small sums needed to protect our defenseless coast. The failure to provide for coast defenses and the armament of the country can not be charged against the administration of the War Department. Congress, in which each party controlled a branch, is responsible for this dereliction.

If the recommendations of the War Department had been as quickly and liberally responded to as in the case of the Navy Department, we might to-day rejoice, as we did years ago under Democratic administrations, when the skill of General Totten with liberal appropriations gave to the country, as General H. L. Abbot says, "what at their date were perhaps the most perfect seacoast fortifications the world has ever seen." From the first to the last year of Mr. Cleveland's Administration the War Department and the President have recommended and urgently asked for adequate appropriations for this purpose, and have repeatedly urged the importance of this subject, but until the last six months those recommendations have been ignored by Congress.

Not only has Congress been deaf to the appeals of the Administration, but, sir, the warning of one of the wisest, most far-seeing, and patriotic statesmen of this century—given to us through our Speaker at the beginning of the Administration—failed to arouse Congress to its duty to the country. I refer to the letter of the lamented Samuel J. Tilden, the sage of Gramercy Park. That letter aroused the country like a bugle blast, and excited anew the admiration of the people for that great statesman.

But, sir, notwithstanding our overflowing Treasury constantly tempted Congress to make extravagant appropriations for unnecessary purposes, yet the statesmen who controlled here ignored the appeals

from such high sources, and concluded it best to leave the country defenseless. Can it be true, as said by one of our most eminent officers of the Engineer Corps (Abbot):

I fear we shall never have the coast properly defended until another war like that of 1812 teaches our people that coast defense is a live issue?

I have had no fear of war with Germany growing out of the Samoan complications, because that country can have no motive in seeking a quarrel with us. France stands upon her border, constantly menacing the Fatherland. Germany, therefore, can not afford to go 3,000 miles away for a quarrel with the great Republic. Although she might sweep our Navy from the seas and return with spoils levied upon every American seaboard city, yet not only would she fear the French, who would assail her at home during the war, but she would have still greater fear of us when we shall have learned the necessity for our seacoast defense.

No, sir; I do not fear that we shall have war with Germany, but unless we are prepared for offensive as well as defensive war on shore and on the sea, the first great power that may attempt it may annihilate our Monroe doctrine, and leave us an object of scorn to the southern republics who have trusted our oft-repeated boasts to stay the advancement of European monarchy on the American continent.

England will not fear the loss of Canada as long as she commands every harbor we have on the two oceans, in the Gulf, or on the Lakes. I know that many here who are accredited with wise statesmanship sneer at every apprehension because of our defenseless coast. As I have said, when speaking heretofore, Napoleon III and his advisers had no fears that the capital of the empire could be in danger until Prussia taught France how quickly a nation fully prepared for war can devastate and dictate terms to one, however great, when it is unprepared for war.

I am, sir, in no sense an alarmist, but we should not forget, as said by Burke, "Early and provident fear is the mother of safety;" and also the advice of Washington, that "to be prepared for war is one of the most effectual means of preserving peace." But when I remember that our seacoast cities are absolutely without adequate defense against the navy of any of the great powers, I feel that we should no longer disregard the wise suggestions given us on this subject by Mr. Tilden. What means of defense have we to protect the ten billions of wealth in our seacoast cities?

We have no heavy guns for shore defense, and can not have them inside of three years. We have no armored vessels entirely completed. We only have a few under way. The only means that can be quickly provided for our seacoast defense are torpedoes and guns throwing high explosives. American inventive genius has enabled us to surpass the world in these destructive weapons. I will mention three of this character, which if employed together will comprise the best system of torpedoes on earth. They are the fixed or submarine mines which may be planted on the bottoms of the channels leading into our harbors, or so placed as to obstruct the advance towards our cities of hostile warships to a point within the range of its guns, but they are useless without protection.

The pneumatic dynamite gun can protect these mines. It can throw shells containing 500 pounds or more of high explosive gelatine and dynamite with remarkable accuracy a distance of 2 miles. It is a sort of an aerial torpedo which will attack the enemy's vessels at their most vulnerable parts—on their decks or their hulls below the line of their armor. We also can have the movable fish torpedo, controllable by power transmitted from the shore, which has a range of 2 miles; moves at a speed of from 15 to 18 miles per hour and carries as high as 400 pounds of dynamite or other high explosive. It can meet approaching hostile vessels, intercept them when passing, or follow them and attack them with its powerful projectiles.

The cost of any one of these weapons, when compared with that of the enemy's ships which they can destroy, is very small—but a trifle. A projectile of 500 pounds of high explosive, costing less than $1,000, thrown from a pneumatic dynamite gun, or a torpedo costing less than $10,000, fired by the movable torpedo contrivance, will destroy the most powerful ironclad in the world, such as the Trafalgar or the Nile of the British navy, each of which cost $5,000,000. No one can deny the effectiveness of high explosives in warfare.

General Abbot has said that high explosives will doubtless be used with armies in the field, in regular sieges, in naval battles upon the ocean, and in contests between ships and forts. In this statement every student of the art of war will concur. It is mainly due to the efforts and recommendations of General Abbot that our system of submarine mines has been adopted and brought to its present state of efficiency. He was the chief instructor or commander of the School of Engineers at Willets Point, and has, I believe, had supervision ever since its establishment of the instruction of the Army officers in the construction and manipulation of these mines. It is upon his authority—the highest in the world—that I made the statements which I did in debate on the Army appropriation bill that the fixed or submarine mines are useless unless they are protected by high-powered, long-range guns or some such weapons using high explosives, as the dynamite guns and movable torpedoes.

The submarine mines have never yet been brought to a perfect state of efficiency. They are being improved, but much is yet to be done to secure such effectiveness as is required. We have been expending money upon them since 1869; the aggregate appropriations, including those of this session, for these mines will reach nearly $1,600,000. Only $128,000 have so far been applied for the purchase of movable torpedoes and only $400,000 for the purchase of the dynamite guns.

Six miles of English electric cable, purchased at a cost of $300,000 in 1872 to operate them, has so deteriorated by exposure to the atmosphere that notwithstanding it has never been used it is now worthless. Thus over one-half as much has been thrown away on the purchase of cables for these mines as has been expended for all high-explosive weapons. But it will take two years to build the casemates necessary for the protection of the operators of these mines. The dynamite guns and the movable torpedoes can be supplied within a few months. They are effective for harbor defense in the absence of fortifications, as well as a protection to them when existing.

As we have no other means for harbor defenses, and can not have long-range high-power guns or effective submarine mines for several years, we ought to supply all our great seacoast harbors with them. But, sir, this will not be done during this Congress. I will not assail those who refuse these appropriations with such terms as false economy, cheese-paring parsimony, and epithets of that character, for they are doubtless governed by views which they think are wise and patriotic; but, sir, if trouble with any of the great powers should soon befall us, they will realize the fearful responsibility they have assumed by failing to prepare for war in time of peace.

Mr. WHEELER. I would like to be heard for a few moments.

Mr. SAYERS. As we have but a little while this evening to consider these matters, I will yield to my friend from Alabama for two minutes.

Mr. WHEELER. Mr. Speaker, I do not desire to delay the House at this late period of the session, but I can not refrain from expressing my full and hearty approbation of the action of the Senate in increasing this appropriation, and I regret that the House conferees have insisted upon a reduction.

A nation so great as ours, with its immense and rapidly increasing wealth, with its six or seven thousand miles of exposed seacoast, with the honor of a proud and self-reliant people to sustain, with a large number of seacoast cities to defend—many of which in commercial importance rank among the first cities of the world—such a nation, with so many and so vast interests to maintain and defend, certainly ought to have a system of seacoast defenses adequate to its necessities.

Certainly its law-makers should give so vital a matter the consideration which it deserves, and I wish now to give notice that I shall not allow another Congress to expire without doing all in my power to induce this House to grant such appropriations as will enable the distinguished officers who have the matter in charge an opportunity to exercise their genius and ingenuity, and to display their skill in perfecting measures for the defense of our seaboard.

No nation on earth is so neglectful as ours of this and other kindred subjects.

It is true our efficient Secretary of the Navy has done much during the last four years to improve our Navy, but we are still very far behind many other powers. England, France, Germany, and Italy are very far in advance of us, and even Russia, China, Chili, Denmark, Spain, and Brazil have ships and guns much superior to any of which we can boast. And each one of those powers has advanced in the art of coast defense quite as far as she has in the perfection of her naval establishment.

I join heartily with my sanguine friends in the hope that our actual need for a powerful navy may never arise, and that we may never have use for heavy guns or other material for coast defense; but the history of the world shows that the best way to prevent the necessity for the use of armed vessels and reliable coast defenses is to let rival powers see that we stand ready, at a moment's warning, to bring into effective use these evidences of national power.

When the products of American industry compete, as they should, with the products of other peoples, the danger of conflict will begin to be apparent, and I insist that the great work of preparation should not be delayed. It should commence at once.

We are a powerful and a brave people. In the peaceful arts our progress has excited the admiration and the wonder of all other nations.

The courage and soldierly qualities of Americans in war have commanded the plaudits of the world.

Congress must not neglect to give such a people appliances for defense commensurate with their skill and prowess. [Applause.]

[Here the hammer fell.]

Mr. SAYERS. I now ask a vote on the adoption of the report.

The report of the conference committee was adopted.

Mr. SAYERS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I wish to submit a conference report on the Army appropriation bill.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, and 26; and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out in line 19, page 13 of the bill, the words "and twenty-five;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following:

"To enable the Secretary of War to cause examinations and tests to be made in converting the existing cast-iron ordnance of the War Department into the steel-lined, breech-loading torpedo howitzers for throwing high explosives according to the plans heretofore submitted to Congress and to be submitted to the Board of Ordnance and Fortifications, $15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The Board of Ordnance and Fortification is hereby directed to examine and report upon a site or sites for ordnance testing and proving ground to be used in the testing and proving of heavy ordnance, having in view in the selection of said site or sites their accessibility by land and water, means of transportation, and suitability for the purpose intended, and also the actual and reasonable cost and value of the land embraced in said site or sites and the least sum for which the same can be procured. Said board shall report thereon to the Secretary of War, to be submitted to Congress at its next session; and in case the said board shall select a site or sites and recommend their purchase, the Secretary of War is hereby authorized to secure written proposals for the sale of the land so recommended, until such time as Congress may act upon the recommendation of said board and of the Secretary of War.

"For the necessary expenses under the foregoing provision, $1,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For the construction of a counterpoise battery to mount a seacoast rifled gun, $40,000, or so much thereof as may be necessary, said battery to be located at such point as the Board of Ordnance and Fortification may direct; the erection of such battery shall be by the inventor thereof under the general direction of the Board of Ordnance and Fortification, and shall be completed within twelve months from the time this act shall take effect, and the gun to be mounted thereon with its fittings shall be furnished by the Ordnance Department of the Navy."

And the Senate agree to the same.

R. W. TOWNSHEND,
LEVI MAISH,
GEO. W. STEELE,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

The SPEAKER *pro tempore*. There appears to be no statement accompanying the report.

Mr. TOWNSHEND. I ask unanimous consent to submit a verbal statement.

Mr. TRACEY. I wish to ask before giving my consent what limit is prescribed for the session to-night?

Mr. TOWNSHEND. Half past 10 o'clock.

Mr. TRACEY. I would like to hear the statement of the gentleman from Illinois, but at the same time on a bill of this importance there ought to be some formal statement presented. Hence I would not like to bind myself or be restricted in case the statement of the gentleman is not satisfactory.

The SPEAKER *pro tempore*. Without objection, the gentleman from Illinois will make a verbal statement.

There was no objection.

Mr. BRECKINRIDGE, of Arkansas. I wish to submit a point of order, Mr. Speaker, or rather a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask if this report is permissible under the order for the meeting of the House to-night?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Arkansas that the report is entertained by the express direction of the Speaker, who was consulted upon the subject.

Mr. BRECKINRIDGE, of Arkansas. Because, if the Chair will permit me, I desired that the order should specifically embrace such reports, but was informed by the chairman of the District Committee that it did not. Of course we ought not to trespass upon the authority given to us by the House.

The SPEAKER *pro tempore*. The Chair has no doubt whatever as to the propriety of entertaining the conference report at this time.

Mr. TRACEY. There is a matter contained in this report in which I feel a considerable interest, and I do not like to accept the report without knowing what action was taken upon it.

The SPEAKER *pro tempore*. But the gentleman from Illinois has asked permission to make a verbal statement in lieu of the written statement, to which request consent has been given, and it will no doubt cover the point to which the gentleman from New York refers.

Mr. TRACEY. Very well.

Mr. TOWNSHEND. Mr. Speaker, the reason why a written statement has not been presented with this report was because the bill has only been acted upon in the Senate to-night and came in a short time ago, hence I have not had time to prepare a written statement. I think it is entirely unnecessary, however, so far as the differences existing, and which have been adjusted by the conference, are concerned. I believe the report will cover fully all that the written statement could be expected to embody; and I will now only refer specifically to the point which I understand the gentleman from New York to have in mind.

An examination of the report itself will give a minute statement of the various amendments adopted in conference and the action taken by the committee upon them.

As the Army appropriation bill left the House there was an appropriation of $15,000 to enable the Secretary of War to acquire sufficient amount of land adjacent to the Watervliet arsenal to enable the gun factory at that arsenal to make preliminary tests of the guns, not for their range, but for their strength, such as might be needed at the arsenal where the guns are manufactured before testing them for range, accuracy of fire, etc.

The Senate struck that provision out of the bill, and inserted in lieu of it a provision which authorizes the Board of Ordnance, of which General Schofield is chairman, to make an investigation and report. I will say to my friend from New York [Mr. TRACEY] that General Schofield was present with the conferees when this provision was passed upon. He was of the opinion that the Government should acquire, comparatively speaking, a small amount of land—one or two hundred acres—near Watervliet arsenal, to make a sort of preparatory test of the strength of the metal and a certain means of ascertaining the perfection of the guns at the arsenal.

He was of the opinion, further, that it was necessary for the Government to acquire a tract of land which would enable the Department to test the range, etc., of the guns. He insisted that we should have a tract of land that would have a range of at least 10 miles. It was regarded as impracticable at any reasonable price to obtain such an area of ground near Watervliet arsenal, and therefore the suggestion is made for two tracts—one of a small area near Watervliet arsenal, and the second of a large area somewhere on the seacoast. Therefore we have inserted a provision authorizing the Board of Ordnance to investigate the subject and report to the next session of Congress their views with reference to the selection of a site or sites for the testing of these long-range, high-power guns, which have already been authorized to be built.

Mr. SAYERS. Is there anything in the bill as it now stands which binds the Government to purchase any testing ground such as it now has at Sandy Hook?

Mr. TOWNSHEND. Nothing. The bill contains a provision simply authorizing the Board of Ordnance to make an investigation, and if they find suitable sites to secure options on the sites so that they may report to the next session of Congress, and that then money may be appropriated if in the discretion of Congress it seems well to do so.

Mr. SAYERS. It contains nothing to authorize them to make any contract which is binding upon the Government?

Mr. TOWNSHEND. Nothing whatever.

Mr. SAYERS. I would like to ask the gentleman from Illinois another question. I am informed that the committee have agreed to the Senate amendment which provides for the purchase of some heavy pieces of artillery to be used on the coast of California. Is that the case?

Mr. TOWNSHEND. I will state to my friend from Texas that they have authorized nothing of the kind that I apprehend he imagines. What they have authorized is this: The Senate has inserted in the bill an appropriation of $187,000 for the purchase of pneumatic dynamite guns to be used on the Pacific coast. The appropriation originally asked for in the Senate was $250,000, and has been reduced to $187,000.

Mr. SAYERS. Mr. Speaker, I believe this Senate amendment is substantially the same provision which was ruled out of order when the Army bill was under consideration in the House; is it not?

Mr. TOWNSHEND. It is the same thing.

Mr. SAYERS. Very well. In view of the present condition of the House, and the circumstances which surround us, I shall not make any objection to the adoption of this report; only saying further that I believe that the House has held that such a provision, if placed upon the bill by the House, would be considered an infringement upon the rules of the House.

Mr. TOWNSHEND. I will only say, in reply to my friend from Texas, that at the last session, in the Army bill, these guns which have been placed on the Atlantic coast were authorized, and it was then held by the House in order on this bill. This appropriation is made by the

Senate in pursuance of that precedent, which I think is consistent with the jurisdiction of the Military Committee. I ask now that the Clerk read the report.

Mr. TRACEY. Mr. Speaker, I do not want to detain the House, as the hour is growing late; but I do not feel that I should allow this report to be accepted without protesting against the manner in which the conferees on the part of the House have yielded in respect to this amendment appropriating $15,000 for the purchase of land convenient to Watervliet arsenal. There was no occasion for their yielding in this respect. I made an appeal to the chairman of the Committee on Military Affairs and to another member of the committee, urging them to insist on this appropriation of $15,000. It has been made subject to the judgment of the Board of Ordnance; and I insist that it should have been retained in the bill.

I know, Mr. Speaker, that it is no easy matter to obtain the consent of the House to an appropriation proposing practically new legislation, and when the House had permitted me to place upon this bill this amendment of $15,000 it appears to me that it would have been only right on the part of the conferees appointed by the House to have insisted upon the amendment.

It is a very unusual course for the Senate to pursue to strike out these appropriations that are made in the House, and in this case it is a great disappointment to me, knowing as I do the immediate necessity there is for this expenditure. The statement has been made that the General of the Army was before the conferees and that he said there was no occasion for using this money within the year. I am surprised to learn that an officer so distinguished in rank and in the position which he occupies should be so ignorant of the affairs of his own department as not to know that the guns are now nearly completed, and are awaiting just such a test as could be made if this land could be purchased within the next two or three months.

Therefore, Mr. Speaker, I think it is but right that I should call the attention of the House to this matter, and I trust that in the future the representatives of the Senate will not be allowed to persuade our conferees to yield so readily to their views, for, without wishing to reflect at all upon the members of the other body of Congress, I will say that I have been very much disappointed at finding that in all these measures that have come come up relating to the establishment of a gun factory at the Watervliet arsenal, the persons who antagonized that project have succeeded in some way in having stricken out the provisions that were so necessary to carry on this very important work which has been undertaken by the Government.

Mr. TOWNSHEND. One word, Mr. Speaker, in justice to General Schofield, It was the opinion of the Senate conferees that the guns which have been authorized to be manufactured at the Watervliet arsenal would not be prepared for testing for at least a sufficient length of time to allow the next Congress to make appropriation for the purchase of the ground required for that purpose. General Schofield was present at the meeting of the conferees to-day, and, from what he said in reference to this matter, I am thoroughly convinced that he is as earnest as my friend from New York [Mr. TRACEY] can be in his desire to procure sufficient ground near the Watervliet arsenal to make a preliminary test of these guns.

The committee did not act solely upon General Schofield's view that the money could not be made available between now and the next session of Congress, but he did express the opinion that it was necessary to have a testing-ground there and also a long-range proving-ground somewhere else to test the range, etc., of the guns.

I make this statement to relieve the gentleman from New York of the impression which he seems to entertain in regard to General Schofield in connection with this subject.

The report of the committee of conference was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Then, on motion of Mr. MILLS (at 10 o'clock and 10 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOOTHMAN: Petition and resolution of Stout Post, No. 108, Grand Army of the Republic, of Fayette, Ohio, in favor of publication of the official records of the war of the rebellion—to the Committee on Printing.

By Mr. BYNUM: Petition of Pamelia Lynn, to be granted a pension—to the Committee on Invalid Pensions.

By Mr. CARUTH: Petition of John A. Dixon, executor of George O. Dixon, deceased, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. DUNHAM: Petition of Walter C. Newbury, favoring passage of H. R. 11668—to the Committee on Claims.

By Mr. ERMENTROUT: Memorial of Grand Army of the Republic, T. J. Stewart, department commander, favoring H. R. 7765, out-pension furlough bill—to the Committee on Pensions.

By Mr. HITT: Petition of Pomona Grange, of Winnebago County, Illinois, praying an amendment to the Constitution to make United States Senators elective by a direct vote of the electors—to the Committee on the Judiciary.

By Mr. RANDALL: Petition for protection to agriculture from farmers of Montrose Grange, No. 28, Dinwiddie County, Virginia—to the Committee on Agriculture.

By Mr. STAHLNECKER: Resolutions from the senate and assembly of New York, relative to the removal of obstructions in the Hudson River, etc.—to the Committee on Rivers and Harbors.

By Mr. WALKER: Petition of Frederick Bollenger, praying that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILBER: Petition to remove obstruction in the Hudson River, etc.—to the Committee on Rivers and Harbors.

By Mr. WILKINSON: Petition of Thomas P. Harrison, a citizen of the parish of Morehouse, State of Louisiana, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS WILSON: Joint resolution of Legislature of Minnesota, in favor of pensions—to the Committee on Pensions.

By Mr. WARNER: Petition of Mary Drenen, of Jasper County, Missouri, for reference of her claim to the Court of Claims—to the Committee on War Claims.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of 101 citizens of Delta and Yort Tap, Ohio.

By Mr. CUTCHEON: Of 111 citizens of Tremont, Mich.

By Mr. DINGLEY: Memorial of National Council of Congregational Churches of the United States; also, of 99 citizens of Farmington, Me.

By Mr. FRENCH (by request): Of 49 citizens of Naugatuck, Conn., and of 93 citizens of Portland, Conn.

By Mr. GIBSON: Of 43 citizens of Kennedyville, Md.

By Mr. GIFFORD: Of 21 citizens of Buffalo; of 38 citizens of Hitchcock; of 121 citizens of Wessington Springs, Dak.

By Mr. GROUT: Of 169 citizens of Barton, Vt.

By Mr. HIRES: Of 66 citizens of Elmer, N. J.

By Mr. JOSEPH: Of the Territory of New Mexico.

By Mr. MILLIKEN: Of 24 citizens of Winthrop, Me.

By Mr. McRAE: Of 28 citizens of Milo, Ark.

By Mr. NELSON: Of 19 citizens of Duluth, Minn.

By Mr. O'DONNELL: Of 28 citizens of Tekonsha, Mich.

By Mr. J. E. RUSSELL: Of 24 citizens of Holden, Mass.

By Mr. STONE, of Missouri: Of R. M. Carpenter and others, of St. Clair County, Missouri.

By Mr. WILLIAM WHITING: Of 89 citizens of Westminster, Mass.

By Mr. WILLIAMS: Of 19 citizens of Piqua, Ohio.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. GEAR: Of 91 citizens of Iowa.

By Mr. PENINGTON: Of sundry citizens of Delaware.

By Mr. J. D. TAYLOR: Of 40 citizens of Bridgeport, Ohio.

SENATE.

FRIDAY, *March* 1, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. FAULKNER presented the credentials of JOHN E. KENNA, chosen by the Legislature of West Virginia a Senator from that State for the term beginning March 4, 1889; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the following bills:

A bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa; and

A bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes.

The message also announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

A bill (H. R. 10832) for the establishment of a light-house and fog-bell on Oyster-Beds Shoal, in the Hudson River, New York;

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia;

A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

A bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River in the State of Louisiana;

A bill (H. R. 5509) to grant to the Gulf and Chicago Air Line Railway Company the right to construct bridges over navigable water courses;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana;

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions;

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas;

A bill (H. R. 12389) authorizing the construction of a bridge across the Osage River, at some accessible point in the county of Benton, in the State of Missouri;

A bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas;

A bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes; and

A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark."

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District.

The message further announced that the House had passed the following bills:

A bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School in Virginia; and

A bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEARD, Mr. COMPTON, and Mr. ROWELL managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. DOCKERY, and Mr. BINGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes; agreed to the conference asked by the Senate thereon, and had appointed Mr. PEEL, Mr. SHIVELY, and Mr. PERKINS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROGERS, Mr. ENLOE, and Mr. CASWELL managers at the conference on the part of the House.

The message also announced that the House had passed the following bills with amendments in which it requested the concurrence of the Senate:

A bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company; and

A bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3737) for the relief of the holders of District of Columbia special-assessment lien certificates, and for other purposes;

A bill (H. R. 11811) to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval; and

Joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan; and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania.

The message further announced that the House had passed the following resolutions; in which the concurrence of the Senate was requested:

Whereas by an act of Congress approved the 2d day of July, 1864, the President of the United States is authorized to invite each and all the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their heroic renown or from distinguished civil or military service, such as each State shall determine to be worthy of that national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much as may be necessary, as the National Statuary Hall for the purpose therein indicated; and

Whereas the State of Pennsylvania has provided the statues of Robert Fulton and John Peter Gabriel Muhlenberg, both natives of the State, and illustrious and distinguished citizens thereof:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the governor and through him to the people of the State of Pennsylvania for said statues.

Resolved, That these works of art are accepted in the name of the nation and assigned a place in the old Hall of the House of Representatives already set aside by act of Congress for statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Pennsylvania.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, official reports of special agents relating to sugar investigations made since March 1, 1888; also reports made by special agents or other customs officers respecting improper allowance for damages to imported merchandise, and reports recently received from such officers and others in relation to the undervaluation of woolen or worsted goods, etc.; which the Chief Clerk proceeded to read.

Mr. HOAR. I suggest that the letter from the Secretary of the Treasury, although the usual custom of the Senate is to have letters from heads of Departments at length, be printed in the RECORD as if read, and, with the accompanying papers, be printed, and referred to the Select Committee to Examine into the Condition of the Civil Service, of which the Senator from Maine [Mr. HALE] is chairman.

The PRESIDENT *pro tempore*. If there be no objection, the further reading of the communication will be suspended, and, with the accompanying papers, it will be referred to the Select Committee to Examine into the Condition of the Civil Service, and printed.

Mr. HOAR. And the letter of transmittal will be printed in the RECORD, as if read.

The PRESIDENT *pro tempore*. The letter of transmittal will be printed in the RECORD, if there be no objection. The Chair hears none, and it is so ordered.

The communication is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 28, 1889.

SIR: I have the honor to acknowledge the receipt of Senate resolution dated the 19th instant, wherein I am directed to transmit to the Senate copies of official reports of special agents or others relating to sugar investigations made since March 1, 1888; also copies of reports of recent date made by special agents or other customs officers respecting improper allowances for damage to imported merchandise, and of reports recently received from such officers or from any consular officer of the United States in relation to the undervaluation of woolen or worsted goods of any kind.

In reply to this resolution I respectfully transmit herewith copies of reports and other communications relating to investigations of alleged irregularities in the importation and classification of sugars at the ports of New York, Philadelphia, Boston, and San Francisco; also reports respecting improper allowances for damage to imported merchandise at the port of New York, and certain cor-

respondence pertaining to the undervaluation of woolen and worsted goods, which papers are described in accompanying schedule, marked A.

With respect to the general subject of the classification of sugar, from the duties upon which so large a portion of the revenues is collected, it is proper to add that it has been the especial aim of this Department to endeavor to secure in all cases a correct polariscopic test of sugars imported at the different ports, and especially at the port of New York, where the bulk of the importations is made; that all the changes which have been made in the sugar division at that port have had this end in view so far as the action of the Department was concerned; that since the 1st day of April, 1888, about which time the principal changes were made in that division, down to the 23d instant, the collector at New York reports that seventeen hundred and twenty-one entries of sugar have been made, and that in this large number of entries protests and appeals have been filed in only one hundred and thirty-nine cases, being about 8 per cent. of the entire number of entries made, which fact alone would seem to indicate that in the judgment of the importers themselves the classification made by the revenue officers was not regarded as erroneous.

In some of the cases in which protests and appeals have been filed the Department has endeavored to secure from the importers such information as they might have, if any, tending to show that the classification in these cases was erroneous, for the purpose of enabling the Department upon appeal to arrive at a just conclusion in regard to the merits of such case and correct any error which might be found to exist in the action of the customs officers, but with a single exception the importers have declined to produce any evidence tending to show the alleged incorrectness or injustice of the classification made by the collector upon the report of the appraiser. In this connection I invite particular attention to copy of a protest and appeal herewith filed by Messrs. Havemyer & Elder in one of these cases, and I am informed that the protests and appeals in all the other cases are identical in form and substance with this; also to copy of a letter of the Department addressed to Havemyer & Elder, under date of February 13, 1889, requesting them to submit any proofs which they might have tending to sustain their appeal, and to copy of a letter addressed by the appellants to the Department declining to submit any proofs. In the single case in which the appellant complied with the request of the Department all the papers have been retransmitted to the collector with instructions from the Department that he cause a full and exhaustive investigation to be made for the purpose of ascertaining whether the tests made at the appraiser's store were correct or whether those made by the chemists employed by the importers were correct, and to report the result of the investigation to the Department.

I also invite particular attention to the papers herewith relating to the importation of a cargo of sugar by the American Sugar Refinery at the port of San Francisco on December 4, 1888, from which it appears that the revenue officers at that port claim that the cargo was artificially colored in order to reduce the grade of the sugar in color below No. 13 Dutch standard and thus secure its admission at the lower rate of duty; that upon examination and investigation of the cargo it was found that the sugars had been artificially colored for the above purpose and that when the artificial coloring was removed the grade of the sugar was above No. 13 Dutch standard in color; that the sugar was invoiced at a polariscopic test of 88 degrees, but that its actual strength upon examination at the custom-house was from 96 degrees to 98 degrees; that the difference in duties upon the cargo classifying it as below No. 13 would have been over $61,000 less than if classified as above No. 13, which latter classification was adopted by the collector. These papers are of interest as showing the facility with which frauds upon the revenue may be committed in the classification of sugars under existing law and the necessity for great care and vigilance and fidelity to the public interests on the part of those intrusted with the examination and classification of merchandise of this character in order to secure the collection of the revenues to which the Government is entitled from this source.

I take the liberty to transmit to you also the copies of certain official reports and correspondence relating to irregularities in the importation of Sumatra tobacco at the port of New York, specified in Schedule B, herewith, including also printed copy of a communication upon that subject which I addressed to the United States district attorney for the southern district of New York on the 25th instant.

Although these last-mentioned documents are not called for by the resolution, and are not perhaps pertinent thereto, I have nevertheless deemed it advisable to transmit the same, believing that they embody information which should be in the possession of the Senate.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. JOHN J. INGALLS,
President pro tempore United States Senate.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, transmitting a letter from Professor S. P. Langley, Secretary of the Smithsonian Institution, in reference to the legislative measures necessary to carry into effect the convention between the United States and Belgium, Brazil, Italy, Portugal, Servia, and Spain for the immediate exchange of public documents, concluded at Brussels March 15, 1886; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting for the consideration of Congress a copy of a communication from the Secretary of War submitting an estimate of deficiency in the appropriation for pay, etc., of the Army for the fiscal year ending June 30, 1889, amounting to $355,888; which was read.

Mr. HALE. I move that that communication, with the accompanying papers, be laid on the table. The deficiency appropriation bill has already been reported.

The PRESIDENT *pro tempore.* The question is on the motion to lay on the table.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 13, 1889, a report from the Commissioner of Indian Affairs and a report from the Commissioner of the General Land Office relative to the survey and sale of the Klamath Indian reservation in the State of California; which, on motion of Mr. MITCHELL, was, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 5, 1888, a report of the governor of Alaska in reference to alleged outrages and restraint of liberty committed in Alaska upon Indian females and other persons; which, with the accompanying papers, was ordered to lie on the table and be printed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Court of Claims, transmitting the conclusions of fact and of law filed by that court in certain French spoliation claims; which, with the accompanying papers, was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a concurrent resolution of the Legislature of Kansas favoring the donation of Fort Hays and Fort Dodge military reservations to the State of Kansas; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 49, relating to the Fort Hays and Fort Dodge military reservations.

Whereas the Fort Dodge military reservation has long since been abandoned by the United States Government as a military post; and

Whereas the Fort Hays military reservation is no longer needed by the United States Government as a military post, and is to be abandoned on the 1st of June, 1889; and

Whereas the State of Kansas is anxious to provide for its indigent old soldiers and sailors proper and suitable homes for their declining years: Now, therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring), That our Senators and Representatives in Congress are hereby requested to use their best endeavors to secure the passage of a proper law donating said Fort Hays and Fort Dodge military reservations to the State of Kansas for the purposes aforesaid.

Resolved further, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to the President of the Senate and the Speaker of the House of Representatives and to each Senator and Representative in Congress from the State of Kansas.

STATE OF KANSAS, *Secretary of State:*

I, William Higgins, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 23d day of February, A. D. 1889.

[SEAL.] WM. HIGGINS, *Secretary of State.*

The PRESIDENT *pro tempore* presented a memorial of citizens of Independence, Kans., remonstrating against the passage of the Sunday-rest bill or any similar legislation; which was referred to the Committee on Education and Labor.

Mr. PASCO presented resolutions of Garfield Post, Grand Army of the Republic, of Pensacola, Fla., urging upon Congress the importance of building a road from Pensacola to the national cemetery at Fort Barrancas; which were referred to the Committee on Military Affairs.

Mr. FRYE presented two memorials of citizens of Maine, remonstrating against the passage of the Sunday-rest bill or any similar legislation; which were referred to the Committee on Education and Labor.

Mr. HOAR presented a petition of 142 citizens of Acton, Mass., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented a memorial of citizens of Wisconsin, remonstrating against the passage of the Sunday-rest bill and religious instructions in schools; which was referred to the Committee on Education and Labor.

Mr. JONES, of Arkansas, presented a petition of citizens of Greenbrier, Ark., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented a petition of 42 citizens of Carlisle, Ark., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. MCPHERSON presented a memorial of 50 citizens of Vineland, N. J., remonstrating against the passage of the Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. VEST presented a memorial of A. J. Holmes and 120 other citizens of Roscoe, Mo., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented a petition of 217 citizens of Ohio, and a petition of 51 citizens of Columbiana County, Ohio, praying for the passage of the Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. DAVIS presented petitions of citizens of St. Paul, Northfield, Wasica, and Welch, in the State of Minnesota, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented petitions of citizens of St. Paul, Duluth, Winnebago, and Wasioja, in the State of Minnesota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. EVARTS presented a petition of 213 citizens of New York, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SPOONER presented a petition of 103 citizens of Wisconsin, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SABIN presented two petitions of citizens of Macalister City and St. Anthony City, Minn., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 719 citizens of the Eighth Congressional district of Iowa, and a petition of 132 members of the congregation of the Reformed Presbyterian Church of Avery, Iowa, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. CHANDLER presented a petition of 1,750 citizens of New Hampshire, and a petition of 200 members of the Episcopal Church of Laconia, N. H., praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a memorial of 94 citizens of New Hampshire, remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. ALLISON presented a petition of 874 citizens of Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the memorial of C. J. Lundt and 24 other citizens of Malcom, Iowa, and the memorial of D. A. Morrison and 38 other citizens of Iowa, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. TURPIE presented a petition of 50 citizens of Indiana, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented a petition of 828 citizens of Illinois, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. STOCKBRIDGE presented a petition of citizens of Blaine and Joyfield, Mich., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. WILSON, of Maryland, presented a petition of citizens of Kennedysville, Md., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. MITCHELL presented the petition of 75 citizens of Farmington, Whitman County, Washington Territory, praying for the passage of House bill now pending in the Senate in aid of the construction of a court-house and jail at Colfax, in that county; which was ordered to lie on the table.

Mr. PLUMB presented resolutions adopted by Cedarville Post, No. 99, department of Kansas, Grand Army of the Republic, favoring the erection of suitable granite monuments, with appropriate inscriptions thereon, on such battle-fields of the late war as the Secretary of War may designate; which were referred to the Committee on Pensions.

Mr. BLAIR presented a petition of citizens of New Mexico, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented resolutions adopted by the Southwestern Lumber Manufacturers' Association, representing the States of Missouri, Arkansas, Louisiana, and Texas, favoring the passage of the bill providing for the opening of the Indian Territory to settlement; which were ordered to lie on the table.

Mr. CULLOM presented the petition of 78 citizens of Roscoe, Ill., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the memorial of the Peoria Turnverein, of Peoria, Ill., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

SIOUX INDIAN RESERVATION.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to all the amendments of the Senate excepting those numbered 1 and 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Leave in the bill the words proposed to be stricken out, and strike out of the amendment the words proposed to be inserted; and in lines 10, 11, and 12, on page 2 of the bill, strike out the words "the source of the principal branch of Pass Creek; thence due north to the said source of the said principal branch of Pass Creek; thence down Pass Creek to White River," and insert in lieu thereof the words "the mouth of Black Pipe Creek; thence due north to the mouth of Black Pipe Creek;" and the Senate agree to the same.

H. L. DAWES,
JAS. K. JONES,
Managers on the part of the Senate.

S. W. PEEL,
KNUTE NELSON,
JNO. M. ALLEN,
Managers on the part of the House.

Mr. EDMUNDS. I should like to have the Senator from Massachusetts explain the amendments on which the agreement has been reached.

Mr. DAWES. All the amendments except two that were recommended by the Senate have been conceded by the House of Representatives. Amendments numbered 1 and numbered 2 were in reference to the boundaries of two reservations which lay side by side. The boundaries were amended by the Senate, and the Senate and House conferees agreed upon an amendment to the boundaries between those. That is all.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report?

Mr. RIDDLEBERGER. I object if it can not be passed at once.

Mr. DAWES. It will only take a minute.

Mr. RIDDLEBERGER. All right; then I will not object.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

REMOVAL OF CHARGE OF DESERTION.

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives agree to the amendment of the Senate to the said bill with amendment as follows: At the end of section 2 of the amendment add: "Or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster-out or expiration of service.

"3. That such soldier was a minor, and was enlisted without the consent of his parent or guardian and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings, and in any such case no pay, allowance, bounty, or pension shall be allowed or granted."

Strike out section 5 of the amendment.

Strike out in section 9, line 2 of the amendment, the words "section 7 of."

And the Senate agree to the same.

JOSEPH R. HAWLEY,
F. M. COCKRELL,
Managers on the part of the Senate.

R. W. TOWNSHEND,
GEO. W. STEELE,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report?

Mr. EDMUNDS. I should like to have the Senator from Missouri explain to the Senate the substance and the effect of this report, particularly what is the section of our proposition that is entirely stricken out. I do not remember it by the number.

Mr. COCKRELL. The section that is entirely stricken out is really a duplicate of a section that is retained. We had one section that applied to soldiers of the regular and volunteer service in the late war and another section that by its restriction applied only to the soldiers of the Mexican war. The House struck out one of those sections and amended the other section so as to apply to the whole bill. So it does not really change it a particle.

Then, the only difference between the bill as agreed to in conference and the bill as passed by the Senate is that we had one clause providing that minors who were enlisted without the consent of their parents or guardians, upon a writ of habeas corpus or other proper judicial proceeding before a court of competent jurisdiction, were to be discharged from the service.

Mr. EDMUNDS. What, then, is the final effect of the bill as regards minors and the other persons?

Mr. COCKRELL. The final effect is to give the minor an honorable discharge at the time he was discharged by the decree of a court, but no pay, compensation, or anything else.

Mr. EDMUNDS. And as to him and all the others it gives them the right to apply for a pension if they were entitled to it, I suppose?

Mr. COCKRELL. Yes.

Mr. CULLOM. May I inquire if the Secretary of War will not have the power to discharge a minor on proof, as is now the case I believe?

Mr. COCKRELL. He has in the regular service. In 1853 Congress passed a law prohibiting the enlistment of minors without the written consent of the parent or guardian, and the Secretary of War could discharge under that act; but in February, 1862, Congress amended that law so as to provide that no minor under eighteen should be enlisted. That was an absolute prohibition. However, a proviso was placed in the act that the affidavit of the soldier at the time of enlistment should be conclusive evidence of his age. As a matter of course every minor took the oath and the Secretary of War could not discharge him.

Mr. CULLOM. So there was no power to discharge left?

Mr. COCKRELL. There was none left.

Mr. HAWLEY. The probability is that in many cases the officers of regiments did not enter up a charge of desertion against the minor thus discharged, but we have found some cases where there have been applications for individual relief, where the minor was discharged at a distance and the officers did not hear of it, or did not hear in time, and they entered up a charge of desertion, properly enough. I think this bill will relieve every case so far as a general bill can reach every man who honorably ought to ask relief from a charge of desertion.

Mr. CULLOM. So there is no way to discharge a minor now except by a proceeding in court?

Mr. HAWLEY. No; this applies to war times, not to any regulation of the regular Army at present.

Mr. COCKRELL. Under the present law any minor, upon the application of the parent or guardian and proof of age, can be discharged from the Army now.

Mr. CULLOM. That is what I thought. I wanted to know whether that provision has been changed.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the conference committee.

The report was concurred in.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. From the Committee on Appropriations I report, with amendments, the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

I wish to give notice that I shall endeavor to call up the bill as soon as the print comes back from the Printing Office.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

FORFEITURE OF UNEARNED RAILROAD LANDS.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from all after section 1 in the part proposed to be inserted in its amendment.

That the House recede from its disagreement to all after section 1 in the part proposed to be stricken out by its amendment and agree to the same amendment as follows:

"SEC. 2. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed in good faith prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of $2.50 per acre, at any time within two years from the passage of this act, and on making requisite proofs and payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of, and have made improvements upon, any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *And provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa, on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement.

"SEC. 3. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the 'Harrison line,' being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east, of the Willamette meridian; all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act at the rate of $2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the Attorney-General of the United States is hereby directed to cause proper legal proceedings to be instituted and prosecuted to final determination, to determine whether the aforesaid lands are or are not adjacent to constructed road within the meaning of this act, and are or are not hereby restored to the public domain, and such proceedings shall, upon motion of either party, be advanced for hearing in any court in which the same may be pending: *Provided further*, That the rights of way and riparian rights described in the deed executed by the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following described tracts of land: Section 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east, of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby as to such right of way and riparian rights granted and confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns, forever, with the right to enter on the hereinbefore described strip of land, over and across the above-described sections for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

"SEC. 4. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of a railroad under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brule River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns, under the laws of the United States.

"SEC. 5. That in all cases where lands included in a grant of land to the State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed. And on condition that the Gulf and Ship Island Railroad Company within sixty days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands as have been sold or entered as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in any wise affect so much and such parts of said grant of lands to the State of Mississippi as lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroad may cross the New Orleans and Northeastern Railroad in said State, until two years after the passage of this act.

"SEC. 6. The price of the even sections of the public lands not reserved within the limits of the portions of the several grants hereby forfeited, and within the limits of all grants or portion of grants heretofore forfeited, and of all lands hereby and heretofore forfeited, is hereby fixed at $1.25 per acre.

"SEC. 7. That section 5 of an act entitled 'An act for a grant of lands to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State,' approved May 12, 1864, and section 7 of an act entitled 'An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes,' approved March 3, 1865, and also section 5 of an act entitled 'An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State,' approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled 'An act to amend an act entitled "An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,"' approved May 15, 1856,' be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the road mentioned in said act of June 2, 1864, or to the act to which the same is amendatory.

"SEC. 8. That all actual settlers on any of the public lands in the State of Florida affected by the grants, who made actual settlement on any of said lands, after the time limited in the granting act for the construction of the said road, and before May 1, 1888, shall have the right to perfect their entries, respectively, under the homestead and pre-emption laws: *Provided*, That the title to the land described in the act entitled 'An act granting lands to the States of Alabama and Florida to aid in the construction of certain lines of railway in said States,' approved the 17th of May, 1856, which lies adjacent to the part of the lines of railroad built under and in pursuance of the act of the State of Florida entitled 'An act to encourage a liberal system of internal improvements in the State of Florida,' approved January 5, 1855, within the time limited by Congress in the granting act, and which were granted to any of the said companies by the Legislature of the State of Florida in accordance with said act of Congress, and are held by purchase in good faith from said companies, made before the year 1866, are hereby confirmed to such purchasers: *Provided*, That a mortgage or pledge of said lands by any of said companies shall not be considered as a sale for the purpose of this act.

"SEC. 9. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 10. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 11. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

On so much of the amendment of the House as relates to the first section of the bill the committee are unable to agree.

P. B. PLUMB,
J. N. DOLPH,
E. C. WALTHALL,
Managers on the part of the Senate.

WM. S. HOLMAN,
L. E. PAYSON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the conference report? The Chair hears none, and the question is, Will the Senate concur in the same?

Mr. EDMUNDS. That is a very important report on a very important subject. The report of the conferees appears to be, as far as I could catch it from the reading, a complete new draught of a bill in substance. I do not mean to say that it is a new arrangement of the whole subject, but only that, read in that form, it makes one consecutive single amendment agreed to, which is all very well, but it requires, for us

to understand it in voting upon it, that the members of the conference should explain to us fully exactly what it amounts to.

Mr. PLUMB. The bill so far as it has been agreed upon by the conference committee is in almost the precise shape in which it passed the Senate, and is so in substance, with the qualification that we made a provision in the bill for the entry of lands under the homestead law only in favor of persons who are now settled on the lands which we forfeit. Practically the bill, so far as agreed to, is as it passed the Senate. For the purpose of arrangement, as the Senator from Vermont has already said, the order of the sections was changed, and for the purpose of settling a matter which is required to be settled, the precise method of settlement not having been provided in the Senate bill, a provision is inserted requiring the Attorney-General to bring a suit, which suit is to determine the question as to whether certain lands which were first held by the Land Department to be the property of the Northern Pacific Railroad Company under their grant, and afterwards held to be public land, and which had been sold by the Northern Pacific Railroad Company during the time when the Department held that they belonged to the company, the question as to whether the lands belonged to the Northern Pacific Railroad or were Government lands is to be sent to the courts to be tried. With this exception the bill is in the precise shape for all essential purposes that it was when it passed the Senate.

Mr. EDMUNDS. Will the Senator from Kansas kindly inform us, because it was a long time ago that the bill passed, what is the substance of the provision as regards the point of time when a forfeiture or lapse is provided to have taken place? I remember there was a difference of opinion in the Senate upon that subject before.

Mr. PLUMB. We did not decide that question, and that question is still at issue between the two Houses. The Senate conferees insisted upon the position of the Senate heretofore taken, often in debate and by vote, that the forfeiture should only take effect on lands lying opposite uncompleted portions of the road. All the others are mere matters of detail, but as to the condition of things which was the subject of debate here in the Senate for perhaps two weeks, the Senate conferees stood on the proposition as made in the Senate. Some merely verbal alterations were made, but nothing which in any way changes the relations of the United States as established by the Senate bill.

The PRESIDENT *pro tempore*. The Chair finds upon inquiry that the papers and the bill to which the conference report relates are not in the custody of the clerks of the Senate or on the table.

Mr. PLUMB. The papers will be brought here in a few moments.

The PRESIDENT *pro tempore*. Then the question is on concurring in the report of the conference committee.

Mr. MORGAN. I desire to make an inquiry of the Senator from Kansas about the bill. As I understand the Senator from Kansas, he has stated that homestead entries are to be allowed by preference in favor of those persons who may be now occupying the lands that are forfeited under this proposed act. I wish to know whether that provision of the bill includes persons who may have settled elsewhere, who would not be entitled to homesteads if they were to apply for homesteads upon any other part of the public domain.

Mr. PLUMB. The only qualification required for these entries is the fact that the persons are at the time of the passage of this bill occupying the land.

Mr. MORGAN. Without respect to whether they own land elsewhere?

Mr. PLUMB. Entirely so. They are not under the burden of the limitation. I may say that we have already passed, and there is now, I have no doubt, in the hands of the President a bill which affirmatively gives the right to every person who is not now the owner of land which he has acquired by public entry heretofore, to go upon the public lands and make a new entry.

Mr. MORGAN. Without respect to the amount of land he may have in any part of the country?

Mr. PLUMB. No, subject to the general limitation upon a person taking more than 320 acres of land, but without reference to the fact that he has been disqualified by reason of having made a former homestead entry.

Mr. MORGAN. There seems to be some difference between the Senator from Oregon [Mr. DOLPH] and the Senator from Kansas [Mr. PLUMB] in their understanding of the provisions of this bill as amended by the committee of conference. I should be very glad to have a distinct understanding as to what has been done. I therefore ask the Senator from Oregon, as he has the report in his hand, to point out the particular provision of the conference report on the subject of the homestead right of entry.

Mr. SHERMAN. I think the bill is so important that the report ought to be printed so that we may see it.

Mr. MORGAN. I think so too.

Mr. SHERMAN. It can be printed in an hour or two. I do not wish to delay action upon it.

Mr. MORGAN. I was about to suggest that that course be taken, because I understand that there is a marked difference in the understanding of the conference report.

Mr. DOLPH. I think if the Senate will give me two minutes that request will not be insisted on.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report of the committee of conference? The Chair hears none.

Mr. SHERMAN. I have no objection to the Senator from Oregon making his statement, but I think the report ought to be printed before it is acted on.

Mr. DOLPH. The Senate bill was thoroughly considered in the Senate. The House amendment was to strike out all after the enacting clause and insert an entire new bill. For convenience, after the conferees had come to a partial agreement, the House conferees receded from all but the first section of the House amendment and receded from is disagreement to all after the first section of the Senate bill, and agreed that the same be amended "to read as follows." That is the reason why all of the bill after the first section of the Senate bill is set out with amendments. It was done as a convenient way of expressing the agreement.

The question as to the extent of the forfeiture is still open, the Senate conferees insisting on the provision of the first section of the bill which passed the Senate, and the House conferees not receding from their disagreement to that section. The only question open is the question as to the extent of the forfeiture, whether it shall extend to all lands adjacent to a road completed since the time limited in the granting act or only, as the Senate contends, to all lands adjacent to uncompleted road.

The amendments to the Senate bill made by this report are very trivial. The one referred to by the Senator from Alabama is one which was insisted on by the House conferees. There is nothing in the bill that gives an additional homestead or pre-emption right.

Mr. EDMUNDS. Does it not say so in one section?

Mr. DOLPH. No; I will read the section. The section in controversy is section 11 of the bill, a new section, which reads as follows:

That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed—

Not a new entry, but simply—

shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same.

That is to say, their previous residence upon the lands shall be included and credited as part of the time.

Mr. EDMUNDS. Is that all the bill as proposed says about homesteads?

Mr. DOLPH. That is all the bill as proposed says about homesteads. It leaves everybody to take a homestead or pre-emption claim, if he is upon these lands under an agreement with the railroad company, if he is entitled to take them. It does not enlarge the rights of such persons, but provides that they shall have a right to purchase their lands if they are not entitled to them. That is all there is of that provision.

The bill is substantially as it passed the Senate. The most radical provision is the provision in regard to the State of Mississippi, which was agreed upon by the delegation in Congress from that State.

Mr. EDMUNDS. The eleventh section as it stands in the report does not seem to me to be so clearly of the description that my friend from Oregon states as I wish it was:

That all persons who have settled upon and are now in possession of any of the lands hereby forfeited—

So far it does not make any difference whether they settled under a homestead right or were mere squatters, or whatever may have been the nature of their occupation—

and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon—

The land. That would be capable of the construction, I very much fear, that any person on the land who desired, as the phrase of the law is, to take it and call it a homestead, is by the force of this section authorized to do so, and will be allowed (which is perfectly proper if it is right that he shall have it at all) in making his final proof for the time he has already been on the land.

That part of it is clearly right, but the affirmative proposition of the proposed statute, leaving it to the desire of everybody who is on, under whatever color of right or without right, and without any other limitation to decide whether he will take a homestead there, and then going on to provide how he shall take it up by being allowed for the time he has made, would leave it, I am afraid, open to very great questions in the Land Office whether that should not be construed to mean that every person thereon should be entitled to have the land as a homestead if he wanted it that way, and give him the further advantage, which is right in itself, of the time he has already occupied it.

Mr. PLUMB. What is the objection, if the Senator from Vermont will permit me, to that provision if it is as he construes it to be?

Mr. EDMUNDS. Then it comes to the question whether you are to give double homesteads.

Mr. PLUMB. Both Houses of Congress have already passed a pro-

vision which authorizes any person who has heretofore had a homestead entry to make another entry.

Mr. EDMUNDS. But if this section would bear the construction I have suggested, it would not only include that class of persons, which is all very well, if we pass the law, but it would include everybody else who has not parted with his old homestead.

Mr. MORGAN. That bill is not a law yet, I understand?

Mr. PLUMB. No, it remains to be signed by the President.

Mr. EDMUNDS. But suppose it is signed before this bill, it would cover that part of the case, and I have no particular objection to it; but the other part, as to those who, by the new proposed law now in the hands of the President, are not entitled to be homestead settlers because they have still got their old homesteads or somebody for them, if the effect of this section is to give them a right to a double homestead as against all other settlers who want to get homesteads and have never had any, I do not think it is right; and I am afraid that the language will be construed in the Land Office that way.

Mr. PLUMB. I want to say that even if that is true, I do not think it is subject to any considerable objection. We had to deal necessarily with a condition of things which seems to be changed by means of the passage of this bill, if it is to pass. It has been common for persons to go upon lands within the limits of railroad grants by an arrangement with the railroad companies who expected in time to acquire the land by reason of building the road. Many of the persons who have gone there and made homes upon those lands are persons who are not qualified as homesteaders, and they have gone upon the lands because they are not qualified as homesteaders; but they have performed that one essential condition which more and more it is a part of the policy of the Government of the United States to attach to the conveying of title to its lands. They have settled upon and improved the land.

While the original policy of the land laws was, and very properly, to limit the acquisition of lands to a single quarter section, or a single quarter section under one form of entry, where the main purpose of the law, to wit, settlement, occupation, the making of a home, has actually taken place and a condition of things has been brought about by law or by other circumstances to which the settler himself has not been a party, whereby he is prevented from making the entry or acquiring the title which he originally designed to acquire, there is no reason, it seems to me, why the Government should not now step in and permit him to have a title.

All along these railroad grants, in anticipation of building the roads, adventurous men who had exercised homestead rights went out and took lands under some sort of license from the railroad company, or under some sort of assurance on their part that whoever might be found there at the time when their rights became fixed should have a title to the land on payment of a price named. That was notably the case in the limits of the Northern Pacific Railroad grant, where the company issued a circular and went on to appraise lands within certain limits, setting a certain price, etc., that when they came to acquire these lands whoever was located upon them might take them. That was to invite people to go there; it was to give assurance that if they did go there, when it came to be settled they should not be caught up to their loss and detriment.

Now we go to work and forfeit these lands. We take away the claim of the railroad company. We are bound to deal with these people upon some basis, either of turning them out or letting them have now the right to go on and prove up under some of the settlement laws of the United States and make title to the land upon which they have already made homes, which, as I said, is the essence of all the conditions which have ever been imposed during the last thirty years for an acquisition of title by individuals from the United States Government.

In addition to that I say that, however objectionable it may be to the Senator from Vermont, those of us who have had that matter in charge have endeavored on all occasions to give a preference right to every bona-fide settler on the public domain wherever we could do so without interfering with the right of some other person, deeming the interest of the Government of the United States to be substantially protected and cared for whenever it had secured the actual presence on a quarter section of land of a home, and in that home the man and the woman who had made it.

The PRESIDENT *pro tempore*. The Chair again states that the papers to which the report of the committee of conference refers are not in the custody of the Senate.

Mr. PLUMB. The papers are in the room of the Committee on Public Lands. The clerk is temporarily absent. In sending up the reports, which went through some changes this morning, the papers were not sent because of the inconvenience of transfer. They are in the possession of the Senate, I take it, for all practical purposes.

Mr. EDMUNDS. They ought to be here; but never mind that for the moment. It is not objectionable to me that any person who has settled upon and improved public lands should have them according to the provisions of the public-land laws which provide equally for all classes of persons according to their respective rights and modes of entry. I am just as much in favor of it as the Senator from Kansas can possibly be.

Mr. DOLPH. Will the Senator allow me to ask him a question? Does the Senator from Vermont believe this would grant an additional homestead right?

Mr. EDMUNDS. I am very much afraid that it will, and I was about to ask the committee what they intended by that eleventh section, what it was understood to mean as it regards granting homestead rights to persons who are not otherwise entitled to them.

Mr. DOLPH. As far as I am concerned the only intention was to give the homestead settlers a credit for residence and cultivation already had.

Mr. EDMUNDS. Is that the understanding of the conferees?

Mr. DOLPH. That is the way I understood it, and that is what it was proposed for as I understood.

The PRESIDENT *pro tempore*. Will the Senate agree to the report of the committee of conference?

Mr. MORGAN and Mr. SHERMAN addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Alabama has the floor.

Mr. SHERMAN. I suggest to the Senator from Alabama, if he is willing, that this matter lie over a little while until we transact the morning business, some of which is important to be transacted in order to get bills on their way between the two Houses. In the mean time the report can be printed.

Mr. MORGAN. I should prefer that.

Mr. SHERMAN. I do not wish to delay it, and I ask that the morning business may proceed.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that this report be informally laid aside to enable the Chair to call for the remaining orders of morning business.

Mr. MORGAN. And that the report be printed.

The PRESIDENT *pro tempore*. And that the report be printed. Is there objection?

Mr. EDMUNDS. And in the mean time the papers will be found, I hope.

The PRESIDENT *pro tempore*. The Chair hears no objection to the suggestion of the Senator from Ohio.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT *pro tempore*. Under the act of February 16, 1889, to authorize and provide for the disposition of useless papers in the Executive Departments, the Chair appoints as members of the joint committee of the two Houses the Senator from Illinois [Mr. CULLOM] and the Senator from Missouri [Mr. COCKRELL], to whom will be referred the papers from the head of the War Department communicated on the 22d instant, which now lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate the following bills in compliance with its request:

A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia; and

A bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding, and agreed to the same.

The message further announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. 2029) granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation; and

A bill (H. R. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8309) to secure to the District of Columbia a compilation of the laws of said District, and for other purposes; and

A bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

THE DISTRICT MILITIA.

Mr. HAWLEY. The House of Representatives has just returned a bill at the request of the Senate. The request of the Senate was made at the suggestion of the Military Committee. The hope is that the Senate will recede from its amendment and concur with the House bill. I should be glad to have it taken up now. I ask unanimous consent to do so in order that we may end the matter now.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the message from the House of Representatives returning the bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 1, 1889.

Ordered, That the Clerk of the House be directed to return to the Senate House bill 4961, in compliance with the request of the Senate.

Mr. HAWLEY. If the Senate will permit, I move to reconsider the amendment made by the Senate and concur with the House in the passage of the bill. That is the motion of the Military Committee. The Senator from Missouri [Mr. COCKRELL] moved the amendment and authorizes me in writing to speak for him.

Mr. SHERMAN. That involves the reading of the whole bill.

Mr. HAWLEY. I think not. The House bill has been read.

The PRESIDENT *pro tempore*. Any Senator has a right to call for reading of the bill and amendment.

Mr. HAWLEY. I do not think anybody will call for it.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Ohio to say that it involved the reading of the bill and amendment.

Mr. HAWLEY. I do not see how that can be, because they have both been read in the Senate. There has been no change made in them whatever since they were read in the Senate—not the slightest, not a word.

I will state the case in a second. The other House carefully considered and passed substantially the same bill, and the Senate committee carefully considered it. The House of Representatives passed their bill and sent it over here. Our committee took that and instructed the Senator from Missouri [Mr. COCKRELL] to move our bill as a substitute for the House bill. The House bill has some advantages, and ours has some. The Senate did substitute our bill. Then the bill went back to the House for its consideration, but it is impossible to reach it there, and the Committee on Military Affairs decides that it is just as well to take the House bill, which has some features decidedly better than ours, and it reduces the expense below ours. The Committee on Military Affairs asks us now to take back our amendments and agree to the House bill.

Mr. SHERMAN. Has the House bill been read in the Senate?

Mr. HAWLEY. I suppose the House bill was read when the matter was up before, because that bill was amended by the substitution of the Senate bill.

The PRESIDENT *pro tempore*. The first motion must be to reconsider the vote by which the Senate passed the bill.

Mr. SHERMAN. I do not object to it in this particular case, because the organization of the militia in this District is not so very important; but certainly it is not the right method to pass a bill which has never been read in this body. The House bill was not read, but the Senate substitute was read. That is ordinarily the case. In the case of this particular bill I do not object, because we are in the hurry of the closing hours of a Congress, and I shall let it go.

Mr. HAWLEY. I think the Senator is entirely safe in that, for these bills have been very carefully considered back and forth. The Senator from Missouri [Mr. COCKRELL] has given very careful consideration to the whole matter, and he authorizes me to make this motion.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate reconsider the votes by which the bill was passed and ordered to a third reading. Is there objection? The Chair hears none. Those votes being reconsidered, the Senator from Connecticut now moves to reconsider the vote by which the amendment was agreed to. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the amendment proposed in the Senate.

The question being put, there were on a division—ayes 0, noes 19, not a quorum voting.

Mr. HAWLEY. I hope Senators will vote upon this question. It is in accordance with the recommendation of the Military Committee. Attention was not attracted to this at all. Nobody voted for the amendment.

Mr. GIBSON. Will the Senator from Connecticut be kind enough to state the question? We do not understand it on this side.

Mr. HAWLEY. The case is just this: Substantially the same bill was carefully considered by the Military Committee in each House. When the House bill came over the Senate substituted its bill for theirs, but there is delay in passing the bill in the other House, and the Senate Military Committee now desire to take back the Senate amendment and concur in the House bill. It is quite as good as ours in many respects, and the Military Committee desire the Senate to vote "nay" on this proposition.

Mr. PLATT. Let the title of the bill be reported.

The PRESIDENT *pro tempore*. The title will be read.

The SECRETARY. A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

Mr. HAWLEY. We wish to vote "no" upon our own Senate amendment in order to concur with the House and secure the passage of the House bill.

The PRESIDENT *pro tempore*. This bill passed the Senate with an amendment, and was sent to the House of Representatives. In compliance with a request of the Senate, the bill with the amendment has been returned from the House of Representatives, no action having been taken there on the amendment of the Senate. The Senator from Connecticut has moved that the Senate reconsider the vote by which the bill passed, and also the vote by which it was ordered to a third reading, and he now asks that the question may be taken on the amendment, and that the amendment may be disagreed to. Is the Senate ready for the question on agreeing to the amendment?

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

SALMON FISHERIES OF ALASKA.

The PRESIDENT *pro tempore*. Reports of committees are now in order.

Mr. SHERMAN. I am instructed by the Committee on Foreign Relations to report back the bill (S. 3993) to amend section 1963 of the Revised Statutes, and to provide for the better protection of the fur-seals and salmon fisheries of Alaska, and for other purposes, with the House amendment, with a recommendation that the House amendment be disagreed to. I ask for its present consideration.

The PRESIDING OFFICER (Mr. CHACE in the chair). Is there objection to the present consideration of the House amendment to this bill? The Chair hears none.

The title of the bill was read.

The PRESIDING OFFICER. Does the Senator wish a conference?

Mr. SHERMAN. I ask that the amendment of the House be disagreed to, and then I shall ask for a committee of conference.

The PRESIDING OFFICER. It is moved by the Senator from Ohio that the Senate disagree to the amendment of the House of Representatives.

Mr. MORGAN. Has this bill passed the Senate?

Mr. SHERMAN. It is a Senate bill which has passed the House with an amendment. We now report disagreement to the House amendment.

Mr. MORGAN. And the question is on disagreeing to the amendment of the House.

Mr. SHERMAN. Yes, sir.

Mr. MORGAN. I wish to say just this: That in the report made by the committee the rights of the Government of the United States were not considered and not intended to be considered. We only arrive at the conclusion that the question presented in the amendment of the House is of such a serious and important a character that the Committee on Foreign Relations would not undertake at this time to pronounce that kind of judgment upon it which is due to the magnitude of such a question.

I desire that the bill as it passed the Senate originally should pass, because it protects the salmon and other fisheries in Alaska, about which there is no dispute; but this particular question is one of very great gravity and seriousness, and the Committee on Foreign Relations, or at least a majority of the entire committee, did not feel warranted in undertaking to consider it at this time.

Mr. SHERMAN. I intended, when the amendment was properly before us, to say to the Senate that the Committee on Foreign Relations were of the opinion that while there was no objection at all to the Senate bill as it passed, it being for a clear and plain purpose, the question proposed by the House in the form of an amendment was a grave one and had no relation to the subject-matter of the bill, and ought not to be connected with it, had no connection really with it, and involved serious matters of international law, perhaps, and of public policy, and therefore it ought to be considered by itself.

I was directed by the committee to state that the subject-matter, the merits of the proposition proposed by the House, were not before us and not considered by us, and we are not at all committed for or against the proposition made by the House. We make this report simply because it has no connection with the bill itself, and it ought to be disagreed to and abandoned and considered more carefully hereafter. I therefore ask for a committee of conference on the disagreeing votes of the two Houses.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the House of Representatives.

The amendment was not concurred in.

The PRESIDING OFFICER. The Senator from Ohio now moves that the Senate ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. SHERMAN, Mr. EDMUNDS, and Mr. MORGAN were appointed.

SELECT COMMITTEE ON PACIFIC RAILROADS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported with an amendment the following resolution, submitted by Mr. STEWART February 20:

Resolved, That the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission be continued until the indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Com-

pany, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company, as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies, shall be adjusted by Congress; and that said committee be instructed to personally examine during the recess of Congress preceding the meeting thereof in December next the roads of said companies and the country through which they pass for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass and afford to the inhabitants thereof reasonable fares and freights. And the expenses of such examination shall be paid out of the contingent fund of the Senate.

The amendment reported was to strike out all after the word "*Resolved*" and insert:

That the select committee appointed under the resolution of the Senate of January 24, 1888, to which was referred the President's Message transmitting the report of the Pacific Railway Commission, be, and it is hereby, continued, with all the power and authority on it conferred by Senate resolution of February 23, 1888, until the indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies, shall be adjusted by Congress. And said committee is hereby instructed to personally examine, during any recess of Congress preceding the meeting thereof in December next, the roads of said companies and the country through which they pass or which is immediately contributory to their income, for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass, and afford to the inhabitants thereof reasonable rates of transportation for passengers and freight. Said committee may hold its sessions at any place in the United States, and the expenses attending its investigation shall be paid out of the contingent fund of the Senate.

Any subcommittee appointed by said committee shall have all the powers of the full committee.

Mr. EDMUNDS. I think that had better go over. The whole subject has been once exhausted, and I understand there are eight or ten other similar provisions for the enjoyment of committees during the recess. I think we had better take them all together.

The PRESIDING OFFICER. The Senator from Vermont objects to the consideration of the resolution, and it will go over.

Mr. MITCHELL. I ask that the resolution be printed.

Mr. EDMUNDS. Yes, let it be printed.

The PRESIDING OFFICER. The resolution will be printed.

J. J. FINLEY.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Florida [Mr. CALL] February 13, 1887, to report it favorably with an amendment in the nature of a substitute. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the resolution.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, to strike out all of the original resolution and insert:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay, out of the contingent fund of the Senate, to J. J. Finley, who was appointed a Senator of the United States by the governor of the State of Florida, the sum of $1,054.80, being an amount equivalent to the salary of a Senator from March 4, 1887, the day of his appointment, to May 19, 1887, the day of the election of a Senator to fill the vacancy to which he was appointed.

Mr. EDMUNDS. I have heard this case stated, and I think this gentleman is entitled to his pay, although it is a very curious thing that another gentleman has been paid for precisely the same length of time already by the Senate; but it is clear that this gentleman was lawfully and constitutionally appointed by the governor of the State of Florida a Senator, and was a Senator for that length of time, although he did not qualify, but that was not his fault. We ought, however, to take some order at some time so that we shall not be paying three Senators from the same State during the same period of time; but I think this gentleman is entitled to his money.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

OFFICE OF SUPERVISING ARCHITECT.

Mr. JONES, of Nevada. I am also directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably with an amendment the resolution submitted by the Senator from Wisconsin [Mr. SPOONER] February 27. I ask for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Public Buildings and Grounds is hereby authorized in pursuing the investigation ordered by the resolution of the Senate of December 21, 1888, to employ a stenographer and a messenger, to send for persons and papers, and have leave to sit during any recess of the Senate prior to December next, and to take testimony at any place in the United States.

That all the necessary expenses of said committee or of any subcommittee thereof be paid out, upon vouchers to be approved by the chairman of said committee or subcommittee, of the contingent fund of the Senate.

The committee is also authorized to cause its proceedings and the testimony taken before it to be printed from time to time as it may see fit.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was after the date "1888," to insert "in addition to powers conferred by said resolution;" so as to read:

That the Committee on Public Buildings and Grounds is hereby authorized in pursuance of the investigation ordered by the resolution of the Senate of December 21, 1888, in addition to the powers conferred by said resolution, to employ a stenographer, etc.

Mr. GORMAN. Let the resolution go over.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment proposed by the committee?

Mr. EDMUNDS. The question first is whether the resolution shall now be considered? I should like to have the Senator reporting the resolution make some statement of what the inquiry is.

Mr. SPOONER. If the Senator from Nevada will allow me, I will state.

The Senate heretofore passed a resolution instructing the Committee on Public Buildings and Grounds to investigate, either by itself or by a subcommittee, the conduct of the Supervising Architect's Office with a view of ascertaining and reporting such modifications of existing laws or reorganization of that office as the public interests might require. That committee appointed a subcommittee which, as far as it could give attention to it consistently with the other duties of the subcommittee, called before the committee witnesses from the Supervising Architect's Office and examined them.

It is not proper for me, in view of the fact that the testimony taken by that committee has not yet been laid before the Senate, to refer except in a very cursory way to it. I think every member of the subcommittee, probably every member of the committee, will agree with me that the testimony taken thus far shows conclusively violations of law and irregularities in the conduct of that office which in a small way are not far from scandalous. In saying that, I do not wish to be understood as reflecting at all, either for myself or for any member of the committee, upon the personal or official integrity of the Supervising Architect. Thus far I have discovered nothing in the evidence which would necessarily warrant that imputation.

It is important to the public interests that that investigation should be extended. I have in my possession, received within the last forty-eight hours, charges which I will not say show, if true, corruption, but charges in connection with the selection and purchase of sites for public buildings throughout the country which, in my opinion, ought to be investigated.

It is very evident, I think, to every member of the committee that a different system for the selection and purchase of sites should be adopted, and there are many respects in which that office ought to be reorganized and the laws controlling it amended.

I hope that this resolution will be permitted to pass. It simply provides for continuing the investigation during the vacation. It has no partisan purpose whatever.

Mr. EDMUNDS. Is the investigation in progress?

Mr. SPOONER. That investigation is in progress and unfinished. Of course if the resolution is not adopted to-day, probably the result will be its defeat.

Mr. RIDDLEBERGER. I beg pardon, but I did not hear distinctly what the Senator said about this investigation. I suppose he might as well state it in open session as in executive session.

Mr. SPOONER. I hope the Senator from Virginia does not mean to suggest that I say anything in one capacity that I am not willing to say openly. I do not belong to that class.

The PRESIDING OFFICER. If the Senator from Wisconsin will pardon the Chair one moment, the Chair is advised that the Senator from Maryland [Mr. GORMAN] objected to the present consideration of the resolution. The Chair did not hear the objection.

Mr. VEST. Let the resolution be read.

The PRESIDING OFFICER. The resolution will be again read. Is the Chair correctly informed that the Senator from Maryland objected?

Mr. GORMAN. I withhold the objection until the resolution is read.

The Secretary read the resolution as proposed to be amended.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. SPOONER] has the floor.

Mr. VEST. I beg pardon.

Mr. SPOONER. I yield to the Senator from Missouri.

Mr. VEST. I simply wanted to say this, Mr. President, as a member of the Committee on Public Buildings and Grounds: If that resolution is confined to an examination simply and purely into the manner of conducting the business in the Supervising Architect's Office it has my hearty support and approval. When the resolution was originally adopted it grew out of certain publications in the newspapers charging that there had been improper, if not corrupt, methods adopted

Supervising Architect's Bureau, especially as to plans, specifications, and contracts for public buildings.

I was not a member of the subcommittee of the Committee on Public Buildings and Grounds which had the charge of the examination; but it has been [illegible] I may say without violating any rule of the Senate, because it has been [illegible] the course of this investigation questions were asked which involved the consideration of a partisan examination, not as to the manner of conducting business in the Supervising Architect's Office as to the matters of which I have spoken, but as to the collection of campaign funds during the recent canvass.

It was never my understanding, and I am very sure it was not the understanding of any member of the committee, and I may say even of the Senate, that the scope of that investigation was intended to go that far. There was at that very time, at the time of the creation of this committee as one of investigation, another committee of the Senate engaged in the examination of these partisan questions.

Now, I want to say to the Senator from Wisconsin and to the Senate that if the scope of the resolution is confined simply to what I believe to have been its original intention, an examination of the manner of conducting business in the Supervising Architect's Office, it has my approval and I hope the examination will be extended, because I believe the whole system upon which the Supervising Architect's Office is to-day conducted is wrong in principle and in practice.

During the ten years I have been a member of the Senate and of the Committee on Public Buildings and Grounds, I have again and again called attention and introduced bills here to correct as far as I could the manner of conducting business in that bureau. It is vicious in the very inception, and from year to year it has become worse.

Some Senator asks me in what respect. I have stated that over and over again. But one principal objection to it is the manner of giving out the contracts for the erection of public buildings. I will not go into details, but am prepared to do so at any appropriate time.

Now, Mr. President, if the resolution is confined to the object which I have stated, and does not include any political purpose, I hope that it will be adopted. I think the examination ought to be made.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin [Mr SPOONER] is entitled to the floor.

Mr. SPOONER. I yield to the Senator from Virginia.

Mr. RIDDLEBERGER. I did not think the Senator from Wisconsin had the right to the floor. I thought I had the floor.

Mr. SPOONER. That is a question for the Chair to decide.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. The Chair now understands that he yields to the Senator from Virginia.

Mr. RIDDLEBERGER. Then I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. I do not yield for that purpose.

The PRESIDING OFFICER. That motion is not in order at the present time. The Senator from Wisconsin is entitled to the floor.

Mr. SPOONER. Mr. President——

Mr. BUTLER. I simply want to give notice that I shall object to the consideration of the pending resolution to-day.

The PRESIDING OFFICER. Does the Senator object now?

Mr. BUTLER. I do not desire to take the Senator from Wisconsin off the floor or to prevent his making any remarks he chooses, but I shall object to the consideration of the resolution.

Mr. SPOONER. I desire to say one word in reply to the Senator from Missouri [Mr. VEST].

The pending resolution does not change in any manner the scope of the original resolution. The Committee on Public Buildings and Grounds, I think unanimously, decided that the subject to which the Senator from Missouri referred was under the resolution within the jurisdiction of the committee.

I have no hesitation in saying to that Senator that at the time the resolution was adopted I had no thought of an investigation in that direction. It was, as I have explained to the Senator from Missouri before, accidental, and I have no desire to pursue it. As one member of that committee I simply desire that the conduct of the office with reference to the transaction of public business, with a view to correcting defects in the existing law and changing the organization of the office, shall be further investigated in order that Congress may have the necessary information upon which intelligently to act. I have no partisan purpose in the world in proposing a continuance of the investigation and I state frankly that I have discovered nothing so far which involves the integrity of the present incumbent of this office.

I hope the Senator from South Carolina will not object to the present consideration of the resolution.

Mr. BUTLER. With that explanation by the Senator from Wisconsin, which is entirely satisfactory to me, I withdraw my objection to the present consideration of the resolution.

The PRESIDING OFFICER. If there be no objection to the present consideration of the resolution, the question is on agreeing to the amendment proposed by the Committee on Contingent Expenses.

The amendment was agreed to.

The resolution as amended was agreed to.

FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker had announced the appointment of Mr. THOMAS, of Illinois, who declines of Mr. [illegible]s on the part of the House at the conference on the disagreeing [illegible]s of the two Houses on the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana; and

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Pacific Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions.

FISHING GROUNDS OF ALASKA.

Mr. GORMAN. I am instructed by the Committee on Printing to report a joint resolution for which I ask present consideration.

By unanimous consent, the joint resolution (S. R. 144) authorizing the printing of 11,000 copies of the special report of the Commissioner of Fish and Fisheries on the explorations of the fishing grounds of Alaska, Washington Territory, and Oregon, by the United States Fish Commission steamer Albatross during the summer of 1888, was read three times and passed.

COMMITTEE ON MINES AND MINING.

The PRESIDING OFFICER (Mr. CHACE in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the resolution submitted by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

Mr. STEWART. The morning business is not through. I ask unanimous consent to lay that resolution aside in order to continue morning business.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the regular order be temporarily laid aside in order to proceed with the consideration of morning business. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEWART submitted the following resolution; which was read:

Resolved, That the authority given to the Committee on Mines and Mining by resolution of the Senate of February 7, 1889, to examine into the facts and circumstances connected with certain suits brought by the United States against persons for cutting timber for mining and domestic purposes in the State of Nevada, be, and it is hereby, continued to include the period of the extra session of the Senate called for the approaching 4th of March by proclamation of the President of the United States; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

Mr. STEWART. There are two witnesses more to be examined. One is here and the other is on his way, and it can not be done now. I ask unanimous consent that the resolution may pass, so that we may finish up the report.

Mr. HARRIS. The resolution has to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. STEWART. Very well, let it go there.

The PRESIDING OFFICER. Does the Senator from Nevada ask unanimous consent for the consideration of the resolution at the present time?

Mr. HARRIS. The rule requires its reference to the Committee on Contingent Expenses.

Mr. STEWART. Very well, let it be referred to that committee.

The PRESIDING OFFICER. It will be so referred.

ESTATE OF JOHN W. WHITFIELD.

Mr. REAGAN. I ask unanimous consent that the regular order be temporarily laid aside in order to consider the bill (H. R. 4624) for the relief of the estate of John W. Whitfield, which has been favorably reported from the Committee on Claims.

The PRESIDING OFFICER. The Chair will inform the Senator that the regular order has been laid aside in order to proceed with the business of the morning hour, which now stands at reports from committees. Are there further reports from committees?

Mr. REAGAN. I move then to postpone the morning-hour business until this bill can be considered. While it is not an important public matter, it is important to the interests of the persons concerned. It will lead to no debate; it has been favorably reported from the Committee on Claims, and is a House bill.

Mr. BUTLER. I have no desire whatever to antagonize the bill of the Senator from Texas, and I was going to suggest to him by way of facilitating the public business that we proceed with the Calendar under Rule VIII and consider unobjected House bills.

Mr. COCKRELL. That will include the pension bills.

Mr. BUTLER. That will include the pension bills, about which my friend from Wisconsin [Mr. SAWYER] is so anxious, and all Senators will have an opportunity to secure the passage of bills in which they feel an interest.

The PRESIDING OFFICER. As the Chair understands, the regular order was suspended in order to proceed with morning business.

Mr. BUTLER. I understand that.

The PRESIDING OFFICER. Reports of committees are in order. When those are completed, or when the Senate orders otherwise, it will be in order to hear the Senator from Texas.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. 4554) for the relief of the heirs of Preston Beck, jr., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 2070) for the relief of the widow of Arno Voss, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. By direction of the Committee on Foreign Relations I report back favorably with amendments the bill (S. 2632) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868, together with the testimony taken by the subcommittee of the Committee on Foreign Relations under the provisions of a Senate resolution of August 30, 1886, the testimony to be printed as an appendix to the report of the committee. The Senator from Georgia [Mr. BROWN] desires leave to submit the views of the minority, to be printed with the report.

The PRESIDING OFFICER. If there be no objection, the order desired by the Senator from Oregon will be made. The Chair hears none and it is so ordered.

Mr. CHANDLER, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 1156) for the relief of Miles F. West, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (H. R. 1156) entitled "An act for the relief of Miles F. Nash," now pending in the Senate, and the claim included therein, be referred to the Court of Claims, and that the same, with all the papers and documents before the Senate relating and pertaining thereto, be transmitted to the said court, to be proceeded with according to its rules, in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and the act approved March 3, 1887, entitled "An act to provide for bringing suits against the Government of the United States," so that its findings may be reported to the Senate as provided in said acts.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. QUAY submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations.

COMMITTEE ON MINES AND MINING.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution this day submitted by Mr. STEWART, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the authority given to the Committee on Mines and Mining by resolution of the Senate of February 7, 1889, to examine into the facts and circumstances connected with certain suits brought by the United States against persons for cutting timber for mining and domestic purposes in the State of Nevada, be, and it is hereby, continued to include the period of the extra session of the Senate called for the approaching 4th of March, by proclamation of the President of the United States; and that the expenses of the investigation be paid out of the contingent fund of the Senate.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from New Hampshire [Mr. CHANDLER] January 7, 1889, to report it favorably with an amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, in line 7, after the word "next," to insert "and that during such recess it may;" so as to read:

That it be, and is hereby, authorized to sit during any recess of the Senate until the first Monday in December next, and that during such recess it may employ a clerk, etc.

The amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. DAVIS. I ask unanimous consent that the Senate proceed to the consideration of the private pension bills unobjected to on the Calendar.

Mr. STEWART. Let the morning business be first concluded.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar.

Mr. STEWART. I object at present.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. COCKRELL. I desire to ask unanimous consent of the Senate to devote one hour to the disposition of House bills favorably reported, upon the Calendar, which are unobjected to, including pension bills both of the House and the Senate. We last reached upon the Calendar No. 2723 in the order of business. There is no pension case ahead of that. The pension cases are all behind that; and I include in my request the consideration of all the pension bills whether of the House or Senate subsequent to that order of business.

Mr. SAWYER. Let me suggest that we begin the consideration of the Calendar where we left off. The pension bills are scattered all through the Calendar, and if we do not get them to the other House to-day there will be no use in sending them there.

Mr. COCKRELL. Then I will modify my request.

Mr. SPOONER. Will the Senator modify it so as to provide that we shall commence with the House pension bills?

The PRESIDING OFFICER. There is business on the table which is to be laid before the Senate.

Mr. COCKRELL. Very well.

WASHINGTON AND SANDY SPRING RAILROAD.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company.

The amendments of the House of Representatives were read, as follows:

Page 1, line 8, after the word "Railroad," strike out "and Street Railway."
Page 1, line 25, strike out all after the word "Columbia" down to and including the word "hour" in line 27.
Page 2, line 2, strike out all after the word "transferable" down to and including the word "provide" in line 3, and insert "only on the books of the company to be kept at their principal office."
Page 2, line 14, after the word "Railroad," strike out "and Street Railway."
Page 2, line 23, after the word "of" where it first occurs, strike out the word "five" and insert "ten."
Page 5, line 5, after word "railroad," strike out "and street railway."
Page 5, line 20, after the word "Railroad," strike out "and Street Railway."
Page 5, line 23, strike out the words "and street railway."
Page 6, line 1, strike out all after "section 10" down to and including the word "used" in line 28 and insert:
"That the railroad herein authorized to be built shall be completed and in operation within three years from March 1, 1889, and in default of such completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately determine."
Amend the title so as to read: "An act to incorporate the Washington and Sandy Spring Narrow Gauge Railroad Company."

Mr. DANIEL. I move that the Senate concur in the amendments of the House of Representatives to this bill. I have examined them very carefully and there is nothing in them to which there can be objection.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. I move that the Senate proceed to the consideration of private pension bills unobjected to.

The PRESIDING OFFICER. That requires unanimous consent.

Mr. DAVIS. Then I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. We can not hear the proposition. What is the request?

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DAVIS] asks unanimous consent that the Senate proceed now to the consideration of private pension bills on the Calendar. Is there objection?

Mr. STEWART. And after that let the agreement be that we shall proceed to the consideration of House bills on the Calendar which are not objected to, and continue their consideration one hour, if that much time shall be necessary.

Mr. CULLOM. I object to that last clause.

Mr. PADDOCK. I hope the Senator from Nevada will withhold his request a little while until we can conclude the consideration of the pension bills, which I think will not take thirty minutes, and then perhaps we may assist him in accomplishing what he wishes.

Mr. STEWART. I want that understanding now.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Minnesota?

Mr. RIDDLEBERGER. Pending that proposition, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The motion of the Senator from Virginia is in order. The question is on that motion.

Mr. BLAIR. I appeal to the Senator from Virginia to withhold that motion until we can obtain the unanimous consent asked for by the Senator from Minnesota. It will not take more than half an hour to dispose of the pension bills, and it is a question as to whether these poor men and women are to have their pensions.

Mr. SAWYER. I guaranty that it will not take over twenty minutes to pass the pension bills. I merely ask for that length of time.

Mr. RIDDLEBERGER. I have moved twice to take up the Calendar, and yet I could not get the consent of the Senator from New Hampshire or the Senator from Wisconsin. I am willing now to go on.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. RIDDLEBERGER. I will if the pension cases are not to take more than twenty minutes.

Mr. SAWYER. I guaranty that the pension bills will not take over twenty minutes.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none.

Mr. CALL. I wish to say——

The PRESIDING OFFICER. Does the Senator from Florida object?

Mr. CALL. I wish to say to the Senator from Minnesota that I shall not object to his proposition, provided he includes the unanimous consent which has been repeatedly given and continued for the consideration of the bill (S. 746) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

Mr. DAVIS. I regret very much that I can not for my part entertain the request of the Senator from Florida. I have asked the Senate to proceed to the consideration of private pension bills on the Calendar which are not objected to, and it will not take twenty-five minutes to dispose of those bills.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the unfinished business be informally laid aside to enable him to move the consideration of private pension bills on the Calendar favorably reported.

Mr. CALL. I desire to call the attention of the Senator from Minnesota to the fact that unanimous consent has been given that when the Calendar is taken up after its expiration yesterday this bill should come up for consideration. I am willing to give place to him for his pension bills, provided that consent is continued to take effect when the Calendar shall be again taken up.

Mr. DAVIS. I have no objection to that as far as I am concerned, but I want the pension bills disposed of at once. The first order is 2736.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Minnesota? The Chair hears none. If there be no objection, the first private pension bill favorably reported on the Calendar will be stated.

MRS. MARY T. BARNES.

The bill (S. 3942) granting a pension to Mrs. Mary T. Barnes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary T. Barnes, widow of the late Brig. and Bvt. Maj. Gen. Joseph K. Barnes, Surgeon-General of the Army, at $100 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ELLEN FITZGERALD.

The bill (S. 3860) granting a pension to Mary Ellen Fitzgerald was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "rate of," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ellen Fitzgerald, invalid daughter of Michael Fitzgerald, late a soldier in Company G, Sixth United States Infantry, at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH L. SNELL.

The bill (H. R. 12482) to increase the pension of Elizabeth L. Snell was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Elizabeth L. Snell, dependent mother of the late Alfred T. Snell, a commander in the Navy, to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FARAN & M'LEAN.

Mr. PAYNE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 308) for the relief of Faran & McLean.

WILLIAM A. TAYLOR.

The bill (H. R. 9159) granting a pension to William A. Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William A. Taylor, late of Company M, Sixth Regiment Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK M. MARTIN.

The bill (H. R. 9113) granting a pension to Frank M. Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank M. Martin, late of Company H, Sixth Regiment Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. RIDDLEBERGER. I now move that the doors of the Senate be closed and the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate do now proceed to the consideration of executive business.

Mr. SAWYER. Is that in order when we are proceeding under unanimous consent for pension bills?

The PRESIDENT *pro tempore*. It is in order. The Chair has no power to enforce a unanimous consent. It is an obligation resting only on the honor of Senators. The Senator from Virginia moves that the Senate do now proceed to the consideration of executive business.

Mr. RIDDLEBERGER. I wish the Senate would get through with these pension bills at some time.

Mr. MITCHELL. We are getting along very rapidly.

Mr. RIDDLEBERGER. If I can be recognized afterwards, I will withdraw the motion.

The PRESIDENT *pro tempore*. The Chair can make no contract to recognize Senators upon the floor.

Mr. RIDDLEBERGER. Then I insist upon the motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia that the Senate proceed to the consideration of executive business.

The question being again put, there were on a division—ayes 8, noes 15—not a quorum voting.

Mr. PLATT. Does the disclosing of the want of a quorum upon a division make it proper to order a roll-call of the Senate?

The PRESIDENT *pro tempore*. It renders it the duty of the Chair to order the roll-call to proceed.

Mr. PLATT. Let us have a call of the Senate.

The Secretary proceeded to call the roll.

Mr. RIDDLEBERGER. I wish to say that I am willing to withdraw the motion for an executive session.

The PRESIDENT *pro tempore*. The Chair can entertain no motion or business until the presence of a quorum is ascertained.

Mr. RIDDLEBERGER. I will not withdraw it, then.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Dolph,	Hoar,	Ransom,
Blair,	Edmunds,	Ingalls,	Riddleberger,
Bowen,	Evarts,	Jones of Arkansas,	Sawyer,
Brown,	Farwell,	McPherson,	Sherman,
Butler,	Faulkner,	Mitchell,	Spooner,
Call,	Frye,	Morgan,	Stewart,
Cameron,	Gibson,	Morrill,	Stockbridge,
Cockrell,	Gorman,	Palmer,	Turpie,
Coke,	Hale,	Pasco,	Vance,
Colquitt,	Hampton,	Payne,	Vest,
Cullom,	Harris,	Platt,	Walthall,
Daniel,	Hawley,	Pugh,	Wilson of Iowa.
Davis,	Hiscock,	Quay,	

The PRESIDENT *pro tempore*. Fifty-one Senators have answered to their names; a quorum is present. The question recurs on the motion of the Senator from Virginia.

Mr. RIDDLEBERGER. I withdraw the motion for an executive session.

The PRESIDENT *pro tempore*. The Senator from Virginia withdraws his motion. The next Order of Business on the Calendar will be reported.

ANNA KRUMPHOLZ.

The bill (H. R. 2737) granting a pension to Anna Krumpholz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna Krumpholz, widow of Herman Krump-

holz, late a private of Company F, Fifteenth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MANN.

The bill (H. R. 6763) granting a pension to John Mann was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Mann, late private in Company D, First Regiment United States Infantry, at $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. KELLINGTON.

The bill (H. R. 8225) for the relief of William S. Kellington was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William S. Kellington, late of the Fifth Independent Battery, New York Light Artillery, at $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF ADAM SHRAKE.

The bill (H. R. 4203) granting a pension to the widow of Adam Shrake was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Shrake, widow of Adam Shrake, late a private in Company C, Forty-eighth Regiment of Wisconsin Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERTRUDE NORTHROP.

The bill (H. R. 11707) granting a pension to Gertrude Northrop was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Gertrude Northrop, minor child of Marshall A. Northrop, late a captain of Company G, Sixth Regiment of Wisconsin Volunteers, at $18 per month hereafter.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA MEWMAN.

The bill (H. R. 12491) granting a pension to Lucinda Mewman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucinda Mewman, of Payson, Ill., sister of John W. Mewman, late private in Company K, Seventy-eighth Regiment Illinois Volunteers, at $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENNETT COOPER.

The bill (H. R. 12403) granting a pension to Bennett Cooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bennett Cooper, who served in Captain Cammel's company, from the State of Alabama, Indian war, 1836, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE HUNTER.

The bill (H. R. 12510) granting a pension to George Hunter, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Hunter, late captain Company A, Dayton Volunteers, of Washington Territory, who was severely wounded in the shoulder and neck in a battle with the Indians in the war with the Nez Percés.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSIE ISHERWOOD.

The bill (H. R. 11184) for the relief of Jessie Isherwood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jessie Isherwood, daughter of James R. Isherwood, deceased, late private Company G, Seventh New York Heavy Artillery, at $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF NOAH W. YODER.

The bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder was considered as in Committee of the Whole. It proposes to direct the adjudication of the pension claim of Catharine Z. Yoder, late widow of Noah W. Yoder, second lieutenant of Company G, Fifty-first Regiment Ohio Volunteers, as though the death of the officer had been directly chargeable to his military service, and to pay to the surviving children of Yoder a pension at the rate provided by the general pension laws from the date of his death until they severally arrive at the age of sixteen years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HELEN SUTHERLAND.

The bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Helen Sutherland, dependent mother of Andrew Sutherland, late private Company H, First Regiment Michigan Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH PETERSON.

The bill (H. R. 10644) granting a pension to Elizabeth Peterson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Peterson, widow of Andrew Peterson, alias Peters, deceased, late of Company F, Sixty-fourth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON C. RIDENOUR.

The bill (H. R. 12273) for the relief of Newton C. Ridenour was considered as in Committee of the Whole. The preamble recites that by an error committed by the adjudicating officers of the Pension Bureau Newton C. Ridenour, late second lieutenant Company F, Twenty-third Regiment Iowa Infantry, was not placed on the pension-roll as a second lieutenant upon the allowance of a pension to him; and that by act of Congress a bill was passed for his relief in this regard and to rate him in accordance with his rank and with the intention only of correcting this error, but which contained the words that it should "be in lieu of all other pensions;" and that he now claims to be entitled to an increase of pension on account of disabilities for which he was originally pensioned and to pension for additional disabilities, but the Pension Bureau and the Department of the Interior construe the language of the act of Congress as barring his rights thereto, regardless of the merits. The bill therefore provides that the act of Congress for the relief of Newton C. Ridenour shall be construed as only correcting the error of the adjudicating officers of the Pension Bureau as to the rank of Ridenour and his proper rating by reason thereof, and that his right to increase of pension and to additional pension for other disabilities shall not be affected thereby.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

W. W. WILSON.

The bill (H. R. 8429) granting a pension to W. W. Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of W. W. Wilson, late in Company H, Eighteenth Regiment Missouri Volunteers, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA RHODES.

The bill (H. R. 12428) for the relief of Martha Rhodes was considered as in Committee of the Whole. It proposes to place upon the pension-roll at $12 per month the name of Martha Rhodes, mother of Joseph Rhodes, late a member of Company G, Second Iowa Infantry Volunteers, and who was killed in the line of duty at the battle of Fort Donelson, in the late war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA J. WEAVER.

The bill (H. R. 8100) granting a pension to Anna J. Weaver was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna J. Weaver, imbecile daughter of Julius G. Weaver, late private of Company K, One hundred and fifty-first Regiment New York Volunteers, and to pay to her legally constituted guardian, for her use and benefit, a pension at the rate of $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LIMERIC.

A bill (H. R. 5390) granting a pension to John Limeric was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Limeric, late of the Sixth Ohio Battery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE WHITE.

The bill (H. R. 12540) to increase the pension of Theodore White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theodore White, formerly a corporal in Company M, Seventh New York Heavy Artillery Volunteers, for disease of the lungs, in addition to the pension he now receives for gunshot wound.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE HAYS.

The bill (H. R. 5398) granting a pension to Catherine Hays was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine Hays, widow of Stephen Hays, late first lieutenant in Company G, Sixty-first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK WOLFORD.

The bill (H. R. 12062) granting an increase of pension to Frank Wolford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank Wolford, late colonel of the First Kentucky Volunteer Calvary, at $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HORNING.

The bill (H. R. 11627) granting a pension to Mary Horning was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Horning, widow of John F. Horning, late a private in Company B, One hundred and seventeenth Regiment New York State Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HAWKINS.

The bill (H. R. 11884) to grant a pension to William Hawkins was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of William Hawkins, who was a private in Capt. Alexander M. Houston's company of Illinois Mounted Volunteers in the Black Hawk war, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB WOLF.

The bill (H. R. 3916) granting a pension to Jacob Wolf was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Jacob Wolf, late of Company H, One hundred and sixty-second Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY, WIDOW OF MUCK-A-PEC-WAH-KEN-ZAH.

The bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-ken-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from the effects of wounds received therein, was considered as in Committee of the Whole. It proposes to place upon the pension-roll, at the rate of $12 per month, the name of Lucy Muck-a-pec-wah-ken-zah, widow of Muck-a-pec-wah-ken-zah, or "John," an Indian who aided in saving the lives of many white people, and rendered valuable services in behalf of the white settlers during the Sioux outbreak and Indian war in the State of Minnesota, in the year 1862, and who then served the United States as a scout.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. JOSIE M'CLAIN.

The bill (H. R. 11663) granting a pension to M. Josie McClain was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of M. Josie McClain, widow of the late Ensign Charles Sumner McClain, United States Navy, at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB S. SHUMAN.

The bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob S. Shuman, late captain of Company H, Eleventh Ohio Volunteer Cavalry, at $72 per month instead of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL CRAIN.

The bill (H. R. 10167) increasing the pension of Nathaniel Crain was considered as in Committee of the Whole. It proposes to pay Nathaniel Crain, of Capt. Robert McAfey's company, of Col. Richard M. Johnson's regiment, in the war of 1813, a pension of $30 per month, in lieu of $8 per month as now allowed by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. MARTIN.

The bill (H. R. 12608) to pension William J. Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Martin, survivor of Captain John Sconce's company, of Ray County, Missouri Volunteers, of Lieutenant-Colonel Morgan's Spy Battalion, Brigadier-General Zachary Taylor, general commanding, Florida war, and who was severely wounded at the battle of Lake Okachuba December 25, 1837, and who was also the lieutenant-colonel of the Second Regiment Oregon Mounted Volunteers in the Oregon Indian war of 1855 and 1856, at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH LAWLESS.

The bill (H. R. 8327) for the relief of Joseph Lawless, was considered as in Committee of the Whole. It proposes to place the name of Joseph Lawless, late private Company I, Fifth Kentucky Cavalry Volunteers, on the pension-rolls.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLEBERRY W. BAKER.

The bill (H. R. 12619) granting a pension to Littleberry W. Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Littleberry W. Baker, who served in Capt. Abram Miles's company, from the State of Georgia, Indian war, 1836, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT W. ANDREWS.

The bill (H. R. 12404) granting a pension to Robert W. Andrews was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert W. Andrews, who served in Captaid Richburge's company, from the State of Alabama, Indian war, 1836, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. HARRISON.

The bill (H. R. 8580) granting a pension to Sarah A. Harrison was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Harrison, widow of John Harrison, deceased, late second lieutenant of Company G, Seventy-ninth Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN E. MUSSMAN.

The bill (H. R. 2157) granting a pension to Ann E. Mussman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann E. Mussman, widow of William Mussman, deceased, late a member of the Sixth Indiana Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. SMITH.

The bill (H. R. 12275) to increase the pension of John W. Smith was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of John W. Smith, formerly a private of Company F, First United States Dragoons, Mexican war; also lieutenant First Indiana Cavalry and private Company D, One hundred and fifty-sixth Indiana Volunteers, in the war of the rebellion, at $25 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE BUCHANAN.

The bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan was considered as in Committee of the Whole. It proposes to restore the name of Catharine Buchanan, widow of William Buchanan, late a private in Company L, Fourth Regiment of Indiana Volunteer Cavalry, to the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOVINA WRIGHT.

The bill (H. R. 5758) granting a pension to Lovina Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lovina Wright, of Maquoketa, Jackson County, Iowa, widow of John J. Wright, late of Company L, Second Regiment of Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA WELLS.

The bill (H. R. 12607) to grant a pension to Ira Wells was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Ira Wells, who was a private in Captain Kinney's company of Illinois Mounted Volunteers in the Black Hawk war, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. BARRETT.

The bill (H. R. 12575) to increase the pension of James M. Barrett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James M. Barrett, late a private in Company K, Twenty-sixth Regiment New York Volunteer Infantry, at $36 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTONIA WIENER.

The bill (H. R. 8995) for the relief of Antonia Wiener was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Antonia Wiener, of the District of Columbia, widow of Jacob Wiener, private of Company A, Forty-first New York Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FORD.

The bill (H. R. 2862) granting a pension to William Ford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Ford, late a private in Company H, One hundred and thirty-ninth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH M. ALLEN.

The bill (H. R. 10725) to increase the pension of Elizabeth M. Allen was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth M. Allen, widow of John Allen, late a private of the Forty-third Regiment United States Infantry, war of 1812, from $12 to $20 per month, on account of her old age and extreme poverty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN G. BARKER.

The bill (H. R. 12604) to restore the pension of Ann G. Barker was considered as in Committee of the Whole. It proposes to construe the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, so as to include within its provisions Ann G. Barker, widow of Thomas Barker, deceased, late a captain in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY B. HUNT.

The bill (S. 3960) granting a pension to Mary B. Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary B. Hunt, widow of Bvt. Maj. Gen. Henry J. Hunt, deceased, and pay her a pension at the rate of $50 per month from and after the passage of this act.

Mr. HAWLEY. I am profoundly sorry that the Committee on Pensions did not deem it consistent with their duty to report the bill as it was referred to them. However, I shall not contend with the committee now, and will not detain the Senate by going into the merits of the case, but will accept whatever may be got for the widow, who is in immediate need.

Mr. SAWYER. I will say to the Senator from Connecticut that $50 is the highest pension we pay to the widows of officers of that grade, and if we should go over it we should have trouble and there would be no end to the number of applications for increase of pension. So we felt compelled to amend the bill so as to conform to the rule.

Mr. VOORHEES. I did not hear the Senator from Wisconsin, but if the Senator from Wisconsin wants to stand in the way, of course I shall not raise any point with regard to the payment of $100. Otherwise I shall.

Mr. SAWYER. It is utterly impossible to make the rate for the widows of that grade of officers any higher than $50. The other House has universally stricken the amount down to $50.

Mr. HARRIS. Let the amendment be stated again.

The SECRETARY. In line 7 it is proposed to strike out "$100" and insert "$50."

Mr. SAWYER. Fifty dollars is the highest rate we pay to the widows of that grade of officers. That is the highest rate the other House has consented to pay, and if we raise it in this case we shall only get into trouble and not get the bill through at all.

Mr. VOORHEES. What was General Hunt's rank? He is spoken of in the bill as a major-general.

Mr. SAWYER. The bill states the rank he held.

Mr. COCKRELL. He was a brevet major-general.

Mr. SAWYER. He was only a colonel, I think.

Mr. COCKRELL. He was a colonel and brevet major-general.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL H. KENT.

Mr. BROWN. I wish to call attention to a reconsidered pension case.

Mr. SAWYER. There is but one more pension bill to be passed, if the Senator will just wait.

Mr. BROWN. Very well.

The bill (S. 3192) granting increase of pension to Daniel H. Kent was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $50 per month, in lieu of his present pension of $24 per month, the name of Daniel H. Kent, late captain Company F and brevet major and lieutenant-colonel of the Fourth Regiment Delaware Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only.

The message also announced that the House insisted upon its amendment to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DUNN, Mr. MCMILLIN, and Mr. FELTON managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. Res. 129) to promote commercial union with Canada; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8740) to authorize the Secretary of the Interior to sell to "The Methodist College Association of Southwestern Kansas" certain lands in Kansas; and it was thereupon signed by the President *pro tempore*.

AMENDMENTS TO BILLS.

Mr. KENNA submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was ordered to lie on the table and be printed.

MARY NEWTON.

Mr. BROWN and others addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Georgia rise to a pension bill?

Mr. BROWN. Yes; a pension case that has been reconsidered and is standing on the Calendar.

The PRESIDENT *pro tempore*. Will the Senator give the order of business?

Mr. BROWN. It is Order of Business 2089, on page 5, under Rule IX. It is the bill (H. R. 9227) for the relief of Mary Newton, which was passed by the Senate on the 21st of August last and reconsidered. I move that the Senate proceed to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill having once passed the Senate, the vote by which it was passed was reconsidered and the bill placed on the Calendar. The question is, Shall the bill pass?

Mr. COCKRELL. I desire simply to record my opposition to the bill and to the principle involved in it. The bill proposes to pension an aged and infirm child of a said-to-be Revolutionary soldier; and I think that is carrying pensions beyond anything that has ever been done heretofore.

Mr. BROWN. I do not desire to make any speech, but I ask to have the report, which is a very short one, read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER August 13, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 9227) granting a pension to Mary Newton, have examined the same, and report:

Upon an examination of the evidence in this case the committee find that the facts are fairly presented in the report of the Committee on Pensions of the House of Representatives made the first session of the Fiftieth Congress, which facts, in the opinion of the committee, are sufficient to entitle the claimant to the relief granted by the bill.

The committee, therefore, adopt said report, and recommend the passage of the bill.

The report is as follows:

"That the claimant, Mrs. Mary Newton, is the only surviving child of John

Jordan, who was a soldier for three years in the war of the Revolution. She is now in her eighty-fifth year, having been born, as shown by the family record before your committee, on the 2d day of July, 1804, and in her old age applies to Congress for relief.

"It is shown by the records of the soldiers who served in the Virginia Continental Line that John Jordan served as bombardier in Colonel Harrison's regiment of artillery (Virginia quota) for three years from and after the 20th of December, 1776. A land-warrant was issued to him by the State of Virginia in November, 1783. It appears that during his term of service he was captured by the British and confined on board a prison-ship for over three months.

"The identity of the soldier who rendered the above-mentioned service with the father of the applicant is fully established by the testimony of very estimable people, whose affidavits were filed in the pension claim of the widow of the soldier more than forty years ago. One of these witnesses, Jincey Riddle, testified that when she was a small child she well remembers John Jordan came to her father's house in Greenville County, Virginia, having just been released from a British prison-ship, and that there was a great stir among the women of the settlement to have some clothes made for the soldier before he went back again to join the Army.

"The death of the mother of the applicant occurred on the 6th day of July, 1847.

"Your committee return the bill to the House, with the recommendation that it do pass."

Mr. EDMUNDS. I should like to hear the bill itself read.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Mary Newton, the daughter and only surviving heir of John Jordan, of the Continental Line, in the war of the Revolution, and to pay her at the rate of $12 per month from and after the passage of this act.

Mr. EDMUNDS. I do not yet understand the just ground upon which this particular bill should receive the assent of the Senate. Our forefathers after the Revolutionary war provided for the payment of pensions to all the soldiers of the Continental Line under the circumstances and subject to the limitations that the men who were engaged in the then rebellion and final revolution thought was fit for the time and the occasion. In the absence of an exhaustive and careful investigation, I feel safe in saying that the chances are a million to one that the ancestor of this claimant received what, according to the laws or Congress and what everybody agreed upon then, was just and right, and all that he was entitled to. Now, after a hundred years, we take one case, because there is some descendant who presents it, and provide for a pension for her, worthy personally, as undoubtedly she is.

I have had within the last five years probably twenty applications from the descendants of Revolutionary soldiers in the State in which I have the great honor to live of precisely this character—special circumstances, no recompense that ever they heard of, and all that sort of thing. I have uniformly replied that provision had been made for their ancestors, for everybody whom Congress thought to be entitled at the time, and that it would be impossible after this lapse of time for the Senate of the United States to undertake to review those subjects; and there the matter has ended.

But if it be proper to do this thing, then it is proper to do it in respect of all the descendants of those people, or who are said to be descendants, in the same way. So I must vote against the bill, with the greatest possible respect for the very worthy person, I dare say, who makes this application.

Mr. BROWN. This lady, as the report recites, is eighty-five years of age, and very feeble.

Mr. EDMUNDS. What does that prove?

Mr. BROWN. It recites that her father received no pension. There was pending at the time——

Mr. COCKRELL. I must say that if the bill is going to lead to discussion I shall be compelled to object to it. If we can have a vote upon it I am willing that a vote shall be taken. The report has been read and the statement of the case made.

Mr. BROWN. I only want to make a short statement of the facts.

Mr. EDMUNDS. I do not object to the Senator making a statement.

Mr. BROWN. So I understand. The report recites that the mother of this lady had an application pending for a pension at the time of her death. She died forty-odd years ago, and nothing has been done with it since. The soldier, Mr. Jordan, never received a pension, nor has any member of his family ever received a pension. Now, in her old age and her very feeble condition she asks for a little help for the remainder of her days, which, probably, will be very few.

Mr. BLAIR. Let the report be read again.

Mr. BROWN. It has been read, but it can be read again. There is certainly as much merit in it as any case could possess of that class of cases.

I am informed by a member of the other House from the district in which she lives, who introduced the bill, that he has a number of precedents where the Congress of the United States has passed acts within the last session or two granting pensions in just such cases.

Mr. EDMUNDS. I should like to see those precedents. But in the last three days of any session of Congress there are a good many bad precedents. I am only speaking in the interest of equal fair play to everybody in the United States. If I have been mistaken in telling so many of my constituents whose ancestors were known to be reputable and meritorious soldiers in the war of the Revolution, and for whom, so far as Congress thought it fit to provide, provision had been made, that it was too late now, after a century, to undertake to revive and recall such questions, in the loss of papers and everything to be able to be sure that their particular ancestor did not get the pension he might have been entitled to, through his neglect to apply, or whatever—if I have been wrong in that and the Senate sets this precedent, then we must have a general provision for a board, or for the Pension Office, or somebody, to inquire into the case of all the descendants (I mean merely by representation) as to the right to the pension to which their ancestor would have been entitled by the laws of our fathers at the end of the Revolution.

But I do not think we can proceed upon such principles. The danger of misunderstanding, the danger of a double payment in the loss of papers, and all that, is of course very great. When we know that the Congress made a definite rule, just as we do now, and applied a definite definition as to who were entitled to these pensions, and forty years go by, it is rather too late for public safety, and in the interest of those people who we do know are entitled to our consideration out of the public Treasury, to revive such questions.

I remember very well one case here which illustrates what I am now saying. It was reported from the Committee on Revolutionary Claims. I think the name of the claimant was Wheaton; it was certainly the name of the original claimant; and it came up on a House report, as this does, not investigated *de novo*, as I am afraid this has not been investigated *de novo*.

Mr. COCKRELL. There is no report from the War Department as to the military record in this case.

Mr. EDMUNDS. Exactly. With no report from a Senate committee on an investigation of its own, but invading the real independence of the two Houses as we are in the habit of doing, by taking for granted what one House does in its investigations, a report was made in favor of the descendants of this Mr. Wheaton from the Committee on Revolutionary Claims; and it seemed to be a case quite as clear as or clearer than this. I happened to have here at my desk the printed list of private claims that had been published by Congress. I turned to it (giving for a moment attention to the business of the Senate, as I do not do as much as I ought, I admit), and turned in the alphabetical index to that letter and to that case, and then on referring to the Journals I found that twice that very claim had already been paid by Congress; and it was extremely doubtful whether originally it was a just one or not.

Our Committee on Revolutionary Claims had taken for granted, in the innocence of their hearts, that the investigation at the other end of the Capitol had been a thorough and an exhaustive one, and that everything was known about it that could be known about it; and yet in the printed records of both Houses was the clear proof, on referring to the papers, that the claim had been paid twice.

I do not mean to say that I think there was any fraud about that claim. It was paid originally, as this may have been to this original soldier. He died, and his descendants, not knowing that he had got his money, made a claim. They found among his papers the fact that he did this and that for the United States in the Revolutionary war, and in perfect innocence they presented their claim. The papers seemed to show that it was all right; the committees of Congress at that time did not send to the Departments to hunt up and find out about it, and Congress passed an act to pay it. Then those claimants who had received their pay died, and they left descendants, who after a period of years had never heard of the fact that their fathers and mothers had been paid, and they found the old family papers, which showed that here was an ancient service in the war of the Revolution, and they presented another claim, in perfect good faith, I have no doubt, and Congress, without investigating the thing at the bottom, passed another law and paid it again; and the third time it would have been paid in perfect innocence again when presented by the great-grandchildren of this Revolutionary claimant if it had not been for the simple accident that just at hand was the printed book, which enabled some Senator to see that the thing had been twice paid already; and that ended that case.

I do not say that that is the case; I do not know how it is; and because I do not know, and because the Senate committee has not exhausted all its sources of information, I do not think it safe in public justice or in the public interest to pass bills of this kind; and I say it with the greatest respect to this lady. It is not an imputation against the claimant at all, as my friend from Georgia will understand—not in the least.

Mr. BROWN. I ask that the report be read again, and I respectfully ask the attention of Senators to the reading of the report.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Chief Clerk read the report submitted by Mr. FAULKNER August 13, 1888, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9227) granting a pension to Mary Newton, have examined the same, and report:

Upon an examination of the evidence in this case the committee find that the facts are fairly presented in the report of the Committee on Pensions of the House of Representatives made the first session of the Fiftieth Congress, which facts, in the opinion of the committee, are sufficient to entitle the claimant to the relief granted by the bill.

The committee, therefore, adopt said report, and recommend the passage of the bill.

The report is as follows:

"That the claimant, Mrs. Mary Newton, is the only surviving child of John Jordan, who was a soldier for three years in the war of the Revolution. She is now in her eighty-fifth year, having been born, as shown by the family record before your committee, on the 2d day of July, 1804, and in her old age applies to Congress for relief.

"It is shown by the records of the soldiers who served in the Virginia Continental Line that John Jordan served as bombardier in Colonel Harrison's regiment of artillery (Virginia quota) for three years from and after the 20th of December, 1776. A land-warrant was issued to him by the State of Virginia in November, 1783. It appears that during his term of service he was captured by the British and confined on board a prison-ship for over three months.

"The identity of the soldier who rendered the above-mentioned service with the father of the applicant is fully established by the testimony of very estimable people, whose affidavits were filed in the pension claim of the widow of the soldier more than forty years ago. One of these witnesses, Jincey Riddle, testified that when she was a small child she well remembers John Jordan came to her father's house in Greenville County, Virginia, having just been released from a British prison-ship, and that there was a great stir among the women of the settlement to have some clothes made for the soldier before he went back again to join the Army.

"The death of the mother of the applicant occurred on the 6th day of July, 1847.

"Your committee return the bill to the House with the recommendation that it do pass."

The PRESIDENT *pro tempore*. The bill having once passed, the vote by which it was passed having been reconsidered, and the bill placed on the Calendar, the question now is, Shall the bill pass?

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator with Georgia [Mr. COLQUITT].

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

The roll-call was concluded.

Mr. PASCO. I am paired with the junior Senator from Illinois [Mr. FARWELL], and in his absence I withhold my vote.

Mr. SAULSBURY. Has the Senator from Wisconsin [Mr. SAWYER] voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. SAULSBURY. I withhold my vote.

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS], who is absent from the Chamber to-day, confined to his room by sickness.

The result was announced—yeas 26, nays 15; as follows:

YEAS—26.

Blair,	Cullom,	Mitchell,	Stockbridge,
Brown,	Davis,	Morgan,	Teller,
Butler,	Dolph,	Palmer,	Voorhees,
Call,	Faulkner,	Pugh,	Walthall,
Cameron,	Hampton,	Ransom,	Wilson of Iowa.
Chandler,	Ingalls,	Spooner,	
Colquitt,	Jones of Nevada,	Stewart,	

NAYS—15.

Bate,	Daniel,	Gray,	Morrill,
Berry,	Edmunds,	Harris,	Reagan,
Cockrell,	Frye,	Hoar,	Vance.
Coke,	George,	Jones of Arkansas,	

ABSENT—35.

Aldrich,	Evarts,	McPherson,	Sabin,
Allison,	Farwell,	Manderson,	Saulsbury,
Beck,	Gibson,	Paddock,	Sawyer,
Blackburn,	Gorman,	Pasco,	Sherman,
Blodgett,	Hale,	Payne,	Stanford,
Bowen,	Hawley,	Platt,	Turpie,
Chace,	Hearst,	Plumb,	Vest,
Dawes,	Hiscock,	Quay,	Wilson of Md.
Eustis,	Kenna,	Riddleberger,	

So the bill was passed.

HOUR OF RECESS.

Mr. ALLISON. I ask unanimous consent that the Senate at half past 5 take a recess until 8 o'clock this evening.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the Senate take a recess from 5.30 until 8 o'clock this evening. Is there objection? [A pause.] The Chair hears none, and it is so ordered.

PUBLIC BUILDING AT WINONA, MINN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

The amendment of the House of Representatives was to strike out the word "for" where it first occurs.

Mr. CHANDLER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 129) to promote commercial union with Canada was read twice by its title, and referred to the Committee on Foreign Relations.

PUBLIC BUILDING AT DETROIT, MICH.

On motion of Mr. PALMER, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

LIQUOR TRAFFIC.

Mr. BLAIR. I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (S. R. 12) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors. I ask that it be taken up and the report read, which is very brief, and then I desire a vote of the Senate upon it. I do not ask the Senate to debate the question at all.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the pending unfinished business may be informally laid aside for the purpose of enabling him to move the consideration of the joint resolution (S. R. 12) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

Mr. HARRIS. I object.

Mr. BLAIR. I move that the Senate proceed to the consideration of the joint resolution.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the joint resolution.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BUTLER. I do not propose to debate it, but I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Chair hears no objection.

ORDER OF BUSINESS.

Mr. BUTLER. There was an implied understanding when the pension bills were taken up that on disposing of them we should proceed for a reasonable time to consider the unobjected House bills on the Calendar. I trust the Senator from New Hampshire will not interfere with that understanding. My recollection is that there was unanimous consent for that purpose.

Mr. RIDDLEBERGER. I can not hear the Senator from South Carolina. What is his proposition?

Mr. BUTLER. My proposition is to proceed to the consideration of unobjected House bills on the Calendar.

Mr. PLATT. For how long?

Mr. BUTLER. For one hour.

Mr. RIDDLEBERGER. Pending that I move——

The PRESIDENT *pro tempore*. The Chair can not recognize the Senator from Virginia while the Senator from South Carolina is on the floor. The Senator from South Carolina asks unanimous consent that the Senate proceed for one hour to the consideration of House bills favorably reported on the Calendar, to which there is no objection, under Rule VIII. Is there objection to the proposition?

Mr. HOAR. I hope the Senator from South Carolina will modify his request so as to have the consideration extend until half past 5 o'clock. We are then to take a recess which has just been ordered, and at the expiration of an hour we would have the scrap of half an hour before the recess when nobody knows what would come up.

Mr. BUTLER. I will modify the request accordingly.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent——

Mr. RIDDLEBERGER. Mr. President——

The PRESIDENT *pro tempore*. One moment.

Mr. RIDDLEBERGER. Pending that I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Will the Senator from Virginia withhold his observation until the Chair states the request of the Senator from South Carolina?

Mr. RIDDLEBERGER. I say pending that request——

The PRESIDENT *pro tempore*. The Senator from Virginia will pause. The Senator from South Carolina asks unanimous consent that the Senate proceed until 5.30 o'clock with the consideration of House bills favorably reported upon the Calendar under Rule VIII. Is there objection?

Mr. DOLPH. I object if——

Mr. RIDDLEBERGER. I move, pending that motion, that the Senate proceed to the consideration of executive business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARDY, Mr. DAVIS, and Mr. ANDERSON of Kansas managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 717) granting an increase of pension to Daniel M. Maulding;

A bill (H. R. 4961) to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed March 3, 1883;

A bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians, in Montana Territory, and for other purposes;

A bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana;

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas;

A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;"

A bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

A bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia;

A bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes;

A bill (H. R. 2029) granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation;

A bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River; and

A bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore.* The Senator from Virginia moves that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound the noes have it.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS], who is detained from the Chamber by sickness.

Mr. SAULSBURY (when his name was called). I have a pair with the Senator from Wisconsin [Mr. SAWYER], and I withhold my vote.

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], and withhold my vote.

Mr. PASCO. I am paired with the junior Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. CHANDLER. I am paired with the junior Senator from New Jersey [Mr. BLODGETT].

Mr. HISCOCK. Has the Senator from Arkansas [Mr. JONES] voted?

The PRESIDENT *pro tempore.* He is not recorded.

Mr. HISCOCK. I withhold my vote.

Mr. PADDOCK. My colleague [Mr. MANDERSON] is detained from the Chamber by illness, and is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. COCKRELL (after having voted in the affirmative). I am paired with the senior Senator from Iowa [Mr. ALLISON], who is detained in conference on one of the leading appropriation bills, and I therefore withdraw my vote. He would vote "nay" if present.

The PRESIDENT *pro tempore.* The Senator from Missouri withdraws his vote.

Mr. SAWYER. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. PASCO. I understand that the Senator from Ohio [Mr. PAYNE] is absent without a pair. I transfer the pair I have with the Senator from Illinois [Mr. FARWELL] to the Senator from Ohio [Mr. PAYNE] and vote "yea."

Mr. DOLPH (after having voted in the negative). I inquire if the senior Senator from Georgia [Mr. BROWN] has voted?

The PRESIDENT *pro tempore.* He is not recorded.

Mr. DOLPH. Then I withdraw my vote.

The PRESIDENT *pro tempore.* The Senator from Oregon withdraws his vote.

Mr. FAULKNER. As the junior Senator from Pennsylvania [Mr. QUAY] with whom I have been paired has just entered the Chamber, I vote yea.

Mr. QUAY. I vote nay; but after the disposition of the unobjected bills on the Calendar I will vote with the Senator from West Virginia on this question.

The result was announced—yeas 24, nays 20; as follows:

YEAS—24.

Bate,	Faulkner,	Hoar,	Riddleberger,
Berry,	George,	Kenna,	Turpie,
Butler,	Gorman,	Pasco,	Vance,
Call,	Gray,	Pugh,	Voorhees,
Coke,	Hampton,	Ransom,	Walthall,
Colquitt,	Harris,	Reagan,	Wilson of Md.

NAYS—20.

Blair,	Edmunds,	Morrill,	Sherman,
Cameron,	Frye,	Palmer,	Spooner,
Chace,	Hawley,	Platt,	Stewart,
Cullom,	Ingalls,	Quay,	Stockbridge,
Davis,	Mitchell,	Sabin,	Wilson of Iowa.

ABSENT—32.

Aldrich,	Cockrell,	Hale,	Paddock,
Allison,	Daniel,	Hearst,	Payne,
Beck,	Dawes,	Hiscock,	Plumb.
Blackburn,	Dolph,	Jones of Arkansas,	Saulsbury,
Blodgett,	Eustis,	Jones of Nevada,	Sawyer,
Bowen,	Evarts,	Manderson,	Stanford,
Brown,	Farwell,	McPherson,	Teller,
Chandler,	Gibson,	Morgan,	Vest.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened.

FORFEITURE OF UNEARNED RAILROAD LANDS.

Mr. PLUMB. I move the adoption of the conference report on the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

The PRESIDENT *pro tempore.* The Senator from Kansas moves that the report of the committee of conference, which has been read, on Senate bill 1430 be concurred in.

The report was concurred in.

Mr. PLUMB. I move that as to the points of difference still remaining the Senate insist on its disagreement to the further amendment of the House to the bill and request a further conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers at the further conference on the part of the Senate, and Mr. PLUMB, Mr. DOLPH, and Mr. WALTHALL were appointed.

WASHINGTON AND WESTERN MARYLAND RAILROAD.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

Mr. FAULKNER. I ask the Senator from Kansas to withhold that motion for a moment, that I may submit a conference report of only a few lines.

Mr. PLUMB. I will yield, with the consent of that side of the Chamber.

Mr. FAULKNER. It will only take a moment.

The PRESIDENT *pro tempore.* The request can only be entertained by unanimous consent. Is there objection? The Chair hears none.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendment: Page 6, line 24, strike out, after the word "full," where it occurs in line 3 of the Senate amendment to section 10, all the remaining words of section 10 and insert instead: "*Provided further*, That the construction of said road shall be commenced in one year and completed within three years from the passage of this act."

JOHN C. SPOONER,
C. B. FARWELL,
CHAS. J. FAULKNER,
Conferees on the part of the Senate.

JOHN T. HEARD,
BARNES COMPTON,
J. H. ROWELL,
Conferees on the part of the House.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the report?

Mr. EDMUNDS. I do not object; I merely wish it to be explained.

The PRESIDENT *pro tempore.* If there be no objection, the question is, Will the Senate concur in the report of the committee of conference?

Mr. EDMUNDS. I ask my honorable friend from Wisconsin [Mr. SPOONER], the first signer of the report, to explain how it changes the bill as it was agreed to in the Senate.

Mr. FAULKNER. I will state to the Senator from Vermont that the only change the conferees of the two Houses made in reference to

the amendments of the Senate was to adopt a proviso in lieu of the provision suggested by the Senate committee and adopted by the Senate. The provision which is amended by the conference report is as follows:

That the whole amount of capital stock and bonds issued by said company shall not exceed the actual cost of construction and equipment of said road more than 5 per cent.

That provision is stricken out and the section amended by providing that the road shall be commenced within one year and completed within three years. The reason why the proviso was sticken out is simply this: If, for example, the road should cost $100,000, $50,000 being required to be paid in cash, and bonds to be issued for the remainder, and if the amount had to be raised through the sale of bonds it would have been necessary, if there had been any depreciation in those bonds, that the stockholders should pay the amount of the deficiency out of their pockets to complete the road and to discharge the indebtedness; and yet under this provision the stockholders would not even have been permitted to receive stock for this payment. It was entirely a mistake.

RECESS.

The PRESIDENT *pro tempore*. The hour of 5 o'clock and 30 minutes having arrived, the Senate takes a recess until 8 o'clock this evening.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

WASHINGTON AND WESTERN MARYLAND RAILROAD.

Mr. FAULKNER. Mr. President, I ask that the consideration of the conference report on House bill 9418 be proceeded with.

Mr. EDMUNDS. It is obvious that there is no quorum present, and I object to doing any business without a quorum.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Allison,	Colquitt,	Hampton,	Ransom,
Bate,	Cullom,	Harris,	Spooner,
Berry,	Davis,	Ingalls,	Teller,
Blodgett,	Edmunds,	Jones of Arkansas,	Turpie,
Brown,	Farwell,	McPherson,	Walthall,
Chandler,	Faulkner,	Paddock,	Wilson of Iowa.
Cockrell,	Gorman,	Pasco,	
Coke,	Hale,	Quay,	

Mr. PADDOCK. I desire to say that my colleague [Mr. MANDERSON] is detained at home by serious illness.

After a little delay, the following Senators entered the Chamber and responded to their names: Messrs. BUTLER, FRYE, BLAIR, GEORGE, STEWART, GRAY, WILSON of Maryland, VOORHEES, HOAR, STOCKBRIDGE, CAMERON, and PAYNE.

The PRESIDENT *pro tempore*. Forty-two Senators have answered to their names. A quorum being present the Senator from West Virginia will proceed.

Mr. EDMUNDS. Will the Chair be kind enough to state the pending question?

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference on the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

Mr. EDMUNDS. I think the Senator from West Virginia [Mr. FAULKNER] is entitled to the floor in explanation of the report.

The PRESIDENT *pro tempore*. The Senator from West Virginia was interrupted by the recess, and is entitled to the floor.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The Chair can not recognize the Senator from Maine except by consent of the Senator from West Virginia.

Mr. FAULKNER. I will yield to the Senator from Maine for an inquiry.

The PRESIDENT *pro tempore*. The Senator from West Virginia yields for an inquiry.

Mr. HALE. I rose to ask the Senator from West Virginia to yield that I might call up the deficiency appropriation bill.

Mr. FAULKNER. I will yield with the understanding that the conference report is informally laid aside and will take its place as the business of the Senate when the deficiency bill is through with.

Mr. EDMUNDS. I think we had better go on with the regular order.

The PRESIDENT *pro tempore*. Does the Senator from Vermont desire to have the report of the committee of conference read?

Mr. EDMUNDS. No, sir; only to hear the explanation.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference, on which the Senator from West Virginia is entitled to the floor.

Mr. FAULKNER. If my suggestion is not satisfactory, of course we shall then go on with the matter now before the Senate.

Mr. HALE. If the Senator will yield I will make a motion that the Senate proceed to the consideration of the deficiency appropriation bill. I have no feeling myself about it. I fancy that I am representing the wishes of the Senate in the desire to pass the appropriation bills. This is the first opportunity the Senate has had for taking up the deficiency appropriation bill, which is a most important and a long bill. The Senator from West Virginia, I know, is very courteous about it, and is willing to yield.

Mr. FAULKNER. I feel that it is incumbent upon me that I should yield to the Senator from Maine to make the motion he suggests. The deficiency appropriation bill is a very important bill and one of general interest, and particularly now, the close of the session being so near, I feel that I ought to yield, although I should like to have the conference report informally laid aside for that purpose.

Mr. HALE. Of course the Senator will see that he can call up his conference report at any time.

Mr. FAULKNER. I yield to the Senator from Maine.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. EDMUNDS. Has the deficiency appropriation bill been reported to-day.

The PRESIDENT *pro tempore*. It was reported to-day.

Mr. EDMUNDS. I object for the present.

Mr. HALE. The deficiency appropriation bill came from the other House three days ago. Since that time the Committee on Appropriations has been working day and night to report it to the Senate. It reported it this morning early, and that was the first opportunity for making the report. It was printed at once and came back to the Senate, and I gave notice before the recess that I would try to call it up, by the leave of the Senate, when the body came together in the evening. A single Senator can by his objection carry the bill over until to-morrow morning, when the Senate is now here and ready to proceed with its consideration.

Mr. BUTLER. Was it not agreed this morning by unanimous consent that the deficiency appropriation bill should be taken up at the first convenient moment? I so understood it.

Mr. HALE. I gave notice that I would make the motion to take it up, having no doubt that the Senate would adopt that motion.

Mr. EDMUNDS. I said that for the time being I object.

The PRESIDENT *pro tempore*. No such agreement was made.

Mr. BUTLER. There was no such agreement made? I certainly understood it so.

Mr. HALE. I appeal to the Senator from Vermont in the interest of public business, as the bill has been printed and is before the Senate, and as the hours are rapidly waning, that he withdraw his objection and allow the Senate to proceed to the consideration of the bill, or at any rate that the motion may be put and the will of the Senate be manifested, if it so desires to proceed with this business, and that he will not interpose his single objection against this course.

Mr. EDMUNDS. The will of the Senate is found in its rules for the safety of legislation. The report of the deficiency appropriation bill has been just made and laid on our desks. No Senator has had any opportunity to study it at all. We have a conference report which is of the highest privilege before the Senate now. I do not mean to say by any means that when this matter is finished I shall interpose an objection, but until we can have time for a few minutes to see what this report is, and then consider it subject to objection, I think we had better finish the conference report, which is a matter of the highest privilege.

I have no more disposition than anybody else to delay the public business, but if the two Houses of Congress, after having been in session for two months and more, now find it necessary through their committees to ask us in the last moment of time to consider a bill that we have not had an opportunity to read, I think it fair and right to stand by the law of the Senate for half an hour at least, until we can look at it.

Mr. HALE. Of course the Senator can have his way. I can only say that the bill has been before the Senate ever since about 3 o'clock this afternoon.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the report of the committee of conference.

Mr. HOAR. I do not ask to have the report read again, but I desire to know what the subject is.

The PRESIDENT *pro tempore*. The title of the bill on which the report is made will be stated.

The CHIEF CLERK. A bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

Mr. FAULKNER. The Senator from Vermont [Mr. EDMUNDS] prior to the taking of the recess called for an explanation of the conference report.

The House conferees agreed to all of the amendments made to the bill by the Senate Committee on the District of Columbia and adopted subsequently by the Senate. There was only one change in an amendment that was made by the Senate, which the Senate conferees receded from upon objection made by the House conferees.

That amendment provided that the whole amount of stock and bonds issued should not exceed the actual cost of the construction and equipment of the road more than 5 per cent. of that cost. When the conferees met they became satisfied that that was not a practical provision.

That provision was stricken out and there was substituted for it a provision that the road should be commenced within one year and completed within three years.

Any Senator on a moment's reflection will see the impracticability of the provision that was inserted by the Senate, and it is clearly upon its face a manifest error. If the road would cost in its construction say $500,000, and $250,000 in stock had been subscribed and paid up, and bonds to the amount of $250,000 had been issued and those bonds upon the market were depreciated in value 20 per cent., it would then leave the company $50,000 in debt on the actual construction of the road according to the assets fixed by the bill, and the stockholders of that company under the provisions of the bill would not even be permitted to take the money out of their pockets and pay it into the treasury of the corporation and receive certificates of stock for the amount paid in in order to discharge the bona fide legitimate obligations of the corporation.

Consequently that portion of the amendment of the Senate was receded from and the other provision was substituted. That is the only change made in the bill by the conference report.

Mr. EDMUNDS. I shall be glad to ask my honorable friend from West Virginia, if he will give me his attention, to explain to the Senate what is to be the effect of the bill as it regards the line of the Potomac River between Georgetown and the boundary of the District as it respects the amount of land that this railway company is to take between the present canal and its right of way, and its property interest in the canal lands and the stream, and what effect, if this grant be made, it is to have upon the power of Congress or the District authorities or anybody to control the water-front from Georgetown to the boundary of the District. That is a very large and important subject, which I should be glad to have my friend explain in regard to the effect of the bill upon that question.

Mr. FAULKNER. Mr. President, I have assumed that when a bill had been reported from a standing committee of the House of Representatives, passed that body, had been referred to a standing committee of this body, and had been reported favorably after due and full consideration, the only question involved in reference to the subject now before the Senate would be any amendment or difference between the conference report and the bill as it passed this body.

I desire frankly to say to the Senator from Vermont that I was not on the subcommittee in charge of the bill when it was referred to a subcommittee of the Committee on the District of Columbia, and therefore have not given that attention to the details and particulars of the bill that the subcommittee necessarily gave in ascertaining whether it was a proper bill to report favorably. So I can not answer the question of the Senator from Vermont.

Mr. HARRIS. If the Senator from West Virginia will allow me I will state that I raised precisely the question the Senator from Vermont asked when the bill was pending in the District Committee, and suspended action upon it for a week; but the explanation was made that the purpose of the company was to construct a retaining-wall and fill in so as to give an ample area between the canal and the river for the railroad and the tow-path of the canal.

Mr. EDMUNDS. That is satisfactory as far as it goes; but I should be glad to be informed by somebody what is the width of land between the present canal property and the river that is to be taken by this railroad, and how near it will come to the banks of the river going up to the District line.

Mr. HARRIS. That I do not suppose any Senator here can answer accurately. It varies.

Mr. BUTLER. The Senator from Maryland [Mr. GORMAN] can answer it.

Mr. HARRIS. The Senator from Maryland can answer it.

Mr. GORMAN. This charter permits the road to be constructed from the free bridge that crosses the Potomac at Georgetown to the end of the District line, about 3 miles above, commencing at the bridge. There are probably 75 or 80 feet that could be utilized for the tracks of the road, running up to the old powder mill at Powder Mill Branch, and above there the flat widens out to possibly a quarter of a mile in width, which is private property. So to get the right of way it would be necessary to condemn part of the canal bank by putting up a retaining wall, and then it would run through private property beyond.

Mr. EDMUNDS. May I ask the Senator from Maryland a question?

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield?

Mr. GORMAN. Certainly.

Mr. EDMUNDS. Is there anything in this charter which provides the width of land that may be taken by the company as a limit, or is it all that they may choose to take between the canal and the river?

Mr. GORMAN. My impression is that it is simply for two tracks. That is my impression, although I am not positive about it. I did not draw the charter. But there is no difficulty, let me say to the Senator from Vermont, upon that score. There is a very limited space at the lower end. There is not a great deal that can be acquired. I think the charter is in the usual form, so far as I can see. The bill came here from the other House.

Mr. EDMUNDS. I do not see, if my friend will allow me to interrupt him, that there is any limit to the width of this line that may be taken, and the railway company may therefore take all the ground between the present canal property and the river itself. Ordinarily, in the States, I am sure there is a limit of 4 rods, or 6 rods, or 100 feet, or 200 feet, or whatever it may be.

Mr. GORMAN. In the District when a road passes through streets I think the universal rule is, and this charter so provides, that it shall be subject to the approval of the District commissioners. It practically means only two tracks. I think there is no trouble on that score, and there is no interest to be affected adversely. The truth is, I suppose, that what these gentlemen are looking at is that the canal which runs from here to Cumberland is getting to that point where it is not profitable in pushing the canal south, and the old property will be abandoned except for the water right there, and they are looking for another connection with Washington and the West. I have no doubt that is what it means.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1384) granting a pension to Margaret J. Cash;

A bill (S. 1719) granting a pension to Levi B. Smith;

A bill (S. 2549) for the relief of Mary Isabella R. Clements;

A bill (S. 2977) granting a pension to Henrietta Brown;

A bill (H. R. 3453) granting an increase of pension to Alfred T. McKinsey; and

A bill (H. R. 3713) granting an increase of pension to Maria A. Rousseau.

The message also announced that the House had passed the bill (S. 2886) granting increase of pension to Joseph B. Sellers with an amendment in which it requested the concurrence of the Senate.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I renew my request.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the unfinished business may be informally laid aside to enable him to move the consideration of the deficiency appropriation bill.

Mr. EDMUNDS. What is the unfinished business?

The PRESIDENT *pro tempore*. The resolution by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. HALE. I move that the formal reading be dispensed with and that the bill be read for action on the amendments reported by the Committee on Appropriations.

The PRESIDENT *pro tempore*. The bill will be read at length as in Committee of the Whole, and if there be no objection the amendments of the Committee on Appropriations will be acted upon as they are reached in the text of the bill. The Chair hears no objection.

Mr. EDMUNDS. Subject to any reservation on any particular amendment, as the usual course is.

The PRESIDENT *pro tempore*. Subject to the reservation indicated by the Senator from Vermont.

The Secretary proceeded to read the bill.

The first amendment of the Commitee on Appropriations was, under the head of "State Department," on page 2, after line 20, to insert:

Reimbursement of Bywater, Tanqueray & Co., of London: To enable the Secretary of State to reimburse Messrs. Bywater, Tanqueray & Co., of London, for losses sustained through the payment of certain drafts drawn on the Secretary of State and the Secretary of the Treasury by Julius L. Hudson, of Saint Paul de Loando, while improperly placed in charge of the United States consulate at that place, $446.76.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

Payment to the widow of Moses A. Hopkins, late minister to Liberia: For payment to the widow of Moses A. Hopkins, late minister and consul-general to Liberia, the amount of six months' salary of said officer, $2,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 5, to insert:

Contingent expenses, foreign missions: To enable the proper accounting officers without the payment of any money from the Treasury to settle the accounts of United States ministers and others on account of the appropriation for "contingent expenses of foreign missions" for the fiscal year ending June 30, 1886, by means of utilizing the entire appropriation under that head generally, and, without regard to the division of the amount between specified and unspecified objects, authority is hereby granted for that purpose.

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert:

Procuring evidence relating to French spoliation claims: To supply a deficiency of $699.20 in the appropriation for procuring evidence relative to French

spoliation claims, being the amount necessary to complete payments recommended by the Secretary of State in House Executive Document No. 310, Fiftieth Congress, first session, $699.20.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the appropriations for "Coast and Geodetic Survey," on page 7, after line 8, to insert:

For copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra drawing and engraving and photolithographing charts and printing from stone for immediate use, $6,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 8, line 1, to increase the appropriation "for transfer of Coast and Geodetic Survey steamer Gedney from New York to San Francisco, Cal.," from $5,000 to $6,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 21, to insert:

INTERNAL REVENUE.

For salaries and expenses of agents and subordinate officers of internal revenue, $75,000.

The amendment was agreed to.

The next amendment was, on page 9, under the head of "Repairs of light-houses," to increase the appropriation "for repairing, rebuilding, and improving light-houses and buildings," etc., from $30,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

For post-office and custom-house at Atlanta, Ga.: For paving streets around said building, being for one-third the cost thereof, $1,747.56.

The amendment was agreed to.

The next amendment was, on page 10, after line 9, to insert:

Public building at Portland, Oregon: For the payment of assessments for the improvements of streets abutting on block 172, in the city of Portland, Oregon, being the custom-house block, assessed to the United States and unpaid, $1,271.82.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to insert:

Contingent expenses, Utah Commission:
For expenses of the Utah Commission, namely, for traveling expenses, printing, stationery, clerk-hire, office rent, gas, fuel, janitor, postage stamps, and other necessary expenses, being for the service of the fiscal year 1889, $1,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

National Museum:
Heating and lighting National Museum: For expenses of heating the United States National Museum for the fiscal year ending June 30, 1889, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, in the appropriations for "Expenses of collecting revenue from customs," after line 6, to strike out:

Relief of William Caldwell: To reimburse William Caldwell as custodian of the custom-house at Cincinnati, Ohio, the amount of a certified check, drawn by Sol P. Kineon, in his favor, on the Fidelity National Bank of Cincinnati, which failed before the presentation of said check, for payment, as a guaranty for the faithful performance by Kineon of his contract for furnishing coal to the Government: *Provided*, That any dividends that have been or may be declared on this account shall be covered in the Treasury, $1,811.

The amendment was agreed to.

The next amendment was, on page 15, line 2, to increase the appropriation "to supply a deficiency in the appropriation for fuel, lights, and water for public buildings under the control of the Treasury Department" from $20,000 to $30,000.

The amendment was agreed to.

Mr. TURPIE. I offer the following amendment on page 17——

The PRESIDING OFFICER (Mr. PALMER in the chair). The Chair suggests to the Senator from Indiana that it might be as well to have the committee amendments disposed of first, as was suggested when the reading of the bill was commenced, and then other amendments can be offered.

Mr. HALE. That was the order of the Senate.

The PRESIDING OFFICER. The Chair understands that was the order.

Mr. HARRIS. That is the uniform practice.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 17, after line 16, to strike out:

Fifth Auditor's Office: That for clerk-hire and other expenses of auditing the accounts under the appropriations to enable the several Executive Departments of the Government to participate in the Centennial Exposition of the Ohio Valley and Central States, there may be paid out of the unexpended balance of said appropriation to employés in the office of the Fifth Auditor for work done out of office hours, not exceeding $750, and to Henry W. Coffin, for service in and about the preparation of the Government exhibits, not exceeding $150.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to strike out:

Payment to Alabama: For payment to the State of Alabama on account of 2 and 3 per cent. fund arising from the sale of public land in said State from July 1, 1884, to June 30, 1886, $4,235.21.

The amendment was agreed to.

The next amendment was, on page 18, after line 18, to strike out:

That the Attorney-General be authorized and requested to report to the Fifty-first Congress the legal status of what is known as the 2-per cent. claim of the States of Illinois and Indiana, under the acts of April 18, 1818, and April 19, 1816, March 2, 1855, and March 3, 1857; and also in connection therewith what legal claims or off-sets, if any, the United States has against said States.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to strike out:

Payment to State of Louisiana: To refund the State of Louisiana the amount of overpayments of interest to June 13, 1888, on the bonds of the State held as Indian trust funds by the United States, $13,602.71.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to insert:

Credit in certain accounts of the Treasurer of the United States: That the Secretary of the Treasury and the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of $24,016.43, now carried in the accounts of the office of assistant treasurer of the United States at New York and in the general account of the Treasurer of the United States as "unavailable funds," and representing losses incurred in said office without default or negligence on the part of the assistant treasurer at New York, said sum being the total of the amounts carried in the statement of the Treasurer of the United States in his annual report for the year 1888 as unavailable funds, office of assistant treasurer at New York. And for this purpose the said sum of $24,016.43 is hereby appropriated.

The amendment was agreed to.

The next amendment was, at the beginning of page 20, to insert:

National Board of Health: To pay for transportation and storage of books, records, and furniture of the National Board of Health from September 1, 1886, to March 4, 1889, and the transportation of the same to the office of the Surgeon-General of the Army, where they shall be hereafter stored, $1,004.

The amendment was agreed to.

The next amendment was, on page 20, after line 7, to insert:

To pay the members of the Treasury and War Department Commissions selected by the Secretaries, respectively, in pursuance of the recommendation of the Senate Select Committee to Inquire into the Methods of Business in the Executive Departments, etc., each the sum of $400, and to pay to E. J. Redmond and H. P. Chenoweth, stenographers to the Treasury Commission, each the sum of $200; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to insert:

That the Secretary of the Treasury is authorized to transfer and deliver to the Secretary of War, from time to time, as may be necessary, the pay-rolls of the volunteer forces during the late war, now on file in the office of the Second Auditor, in order to enable the Secretary of War to have the card-index records of the volunteer forces in the late war made complete from all rolls, pay, muster, and detached, morning and all other reports containing any information as to such soldiers, as to service, pay, bounty, and allowances of all kinds, said rolls to be returned to the Treasury Department in the like condition in which received, unavoidable wear excepted.

The amendment was agreed to.

The next amendment was, on page 21, after line 3, to insert:

To enable the Secretary of the Treasury to pay James H. Gilbert balance due him as salary as deputy collector and clerk in charge of inspectors at the Chicago custom-house, from February 1 to April 24, 1883, $408.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to insert:

For properly decorating the public buildings in the city of New York on the occasion of celebrating the centennial anniversary of the inauguration of the first President of the United States, on the 30th of April, 1889, $2,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 13, to insert:

To enable the Secretary of the Treasury to pay to James O. Clephane $229.38; to E. D. Easton, $36.25; and to R. S. Boswell, $164.37; in all, $430, for services rendered in reporting stenographically the several trials of the case of Hallett Kilbourn *vs.* John G. Thompson, late Sergeant-at-Arms of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 22, under the head of "Police court," after line 8, to insert:

For the payment of jurors in the police court of the District of Columbia for the fiscal years 1889 and 1890, as per act of Congress approved, $7,000.

The amendment was agreed to.

The next amendment was, under the same head, on page 22, after line 12, to insert:

For pay of bailiffs in charge of said jurors for said periods, $2,400.

The amendment was agreed to.

The next amendment was, on page 24, under the head of "Water department," to increase the appropriation "for pumping expenses and pipe distribution; to pay-roll of employés for extra services," from $150 to $238.99.

The amendment was agreed to.

The next amendment was, on page 27, under the head of "War Department," after line 6, to strike out:

To enable the Secretary of War to pay the claim of John McGill, jr., numbered 78063, allowed and certified to be due by the accounting officers of the Government and appropriated for by Congress in the act approved February 20, 1886, but erroneously paid to another person, $150.

The amendment was agreed to.

The next amendment was, on page 27, under the same head, after line 13, to strike out:

That the Secretary of the Treasury is hereby authorized and directed to issue to William Gray, late a private in Company D, First Regiment of New York (Lincoln) Cavalry, a warrant for the sum of $174.43, in full for his claim hereto-

fore allowed by the Treasury Department, and for which claim the said Department issued to said William Gray Treasury pay warrant No. 3960, dated September 20, 1865, which warrant was paid on a forged indorsement of the name of said claimant, without his authority or knowledge, and for which he has never received any benefit whatever, and to pay said reissued warrant out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to insert:

Water supply, District of Columbia: To enable the Secretary of War to cause to be constructed and put in operation a 48-inch cast-iron main from the present distributing reservoir above Georgetown, easterly to Rock Creek at M street, and thence along M street to New Hampshire avenue; thence northeasterly along New Hampshire avenue to R street north; thence along R street, to connect with the present 48-inch main from the new reservoir at R and Fourth streets, and to make the necessary connections and to provide the necessary apparatus for thereby specially supplying the present deficiencies of water at the higher levels of the city, and in general to increase the water supply, $575,000. The said work shall be done under the direction of the Chief of Engineers, in the shortest practicable time. If it shall appear to the Secretary of War, on the report of the Chief of Engineers, that for any cause the work can not be carried on, or material therefor can not be obtained as rapidly as is necessary for the best and most vigorous prosecution of it, he is authorized to provide material by purchase in open market or by special contract for the fabrication thereof, and to carry on the work by days' work or otherwise, as it may seem to him expedient. This appropriation shall be charged against the revenues applicable to the expenses of carrying on the government of the District of Columbia, so that one-half will be paid from the Treasury of the United States and the other half from moneys derived from taxation in the District.

For the survey of a line for a substantially surface gravity conduit from the present distributing reservoir above Georgetown to the new reservoir in the city of Washington, to be made by the Chief of Engineers under the direction of the Secretary of War, $10,000, or so much thereof as may be necessary. This survey when made shall be reported to Congress, together with detailed plans and drawings, showing its location, character, and statement of the length of time required for its construction, with a detailed estimate of its cost, including land damages, and all other things pertaining thereto, for the information and consideration of Congress.

This appropriation shall be charged against the revenues applicable to the expenses of carrying on the government of the District of Columbia, so that one-half will be paid from the Treasury of the United States and the other half from moneys derived from taxation in the District.

The amendment was agreed to.

The next amendment was, on page 31, after line 23, to insert:

Signal Service, contingent expenses: For contingent expenses of the Signal Bureau; repairs to furniture, matting, oil-cloth, shelving, file-cases, and heating apparatus for and repairs to building No. 2416 M street, northwest, occupied by the Signal Office; for fencing, grading, paving, concreting, and for other absolutely necessary expenses, being for the service of the fiscal year ending June 30, 1889, $4,900.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to insert:

For drainage and alterations in the shops and storage-rooms of the office of the Chief Signal Officer, corner of Twenty-fourth and M streets, northwest, Washington, D. C., $1,000.

The amendment was agreed to.

The next amendment was, on page 33, under the head of "War, miscellaneous," after line 2, to insert:

To reimburse and pay the sum of $12,412 to each of the following named companies, to wit: The Chicago and Atchison Bridge Company, the Kansas City, St. Joseph and Council Bluffs Railroad Company, the Hannibal and St. Joseph Railroad Company, the Chicago, Rock Island and Pacific Railroad Company, and the Atchison, Topeka and Santa Fé Railroad Company for moneys expended by said companies in the construction of works at Winthrop, Mo., for the protection of the shores of the Missouri River and necessary to preserve navigation at said point; in all, $62,060.

The amendment was agreed to.

The next amendment was, on page 34, line 8, after the word "authority," to strike out "$10,000," and insert "$15,138.84;" so as to read:

Telegraph to connect the Capitol with the Departments and Government Printing Office: To pay the Standard Under-ground Cable Company, of Pittsburgh, Pa., in full, for under-ground electric cables laid in the city of Washington, D. C., in October, 1883, connecting the Capitol, Executive Mansion, State, War, and Navy Departments, and other Government offices, and the Smithsonian Institution, under terms of permit of War Department, dated October 3, 1883, approved October 9, 1883, by H. G. Wright, Chief of Engineers, or other authority, $15,138.84, which said sum shall be in full payment for the purchase of said cables and for all demands or equities of said Standard Under-ground Cable Company against the Government for under-ground electric cables laid as aforesaid in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 34, after line 15, to insert:

Contingent expenses, Navy Department: To pay bill of Wyckoff, Seamans & Benedict for indelible ribbons, $45; to pay bill of E. Morrison for stationery, $120.23; in all, $165.23, being for the fiscal year 1888.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to insert:

Transportation and recruiting, Marine Corps: For expenses of transportation and recruiting, $5,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 2, to insert:

To defray the expenses of observing a total eclipse of the sun, and which, by reason of the delay in the passage of said act, was not expended, is hereby reappropriated, and the Secretary of the Navy is authorized to use the said $5,000 to defray the expense of sending a scientific expedition to the west coast of Africa to observe the total eclipse of the sun which will occur on the 22d day of December, 1889; said sum to be expended under the direction of a joint committee of the National Academy of Sciences and the United States Naval Observatory.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 45, after line 11, to insert:

For the payment to the legal representative of the late Richard Joseph for services as disbursing clerk of the Census Office, $2,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 20, to insert:

Expenses of commission to negotiate with Ute Indians in Southern Colorado: For an additional amount to pay the necessary expenses incurred by the Southern Ute Commission under the act of May 1, 1888, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 50, to strike out the clause from line 16 to line 24, inclusive, as follows:

To enable the Postmaster-General to pay to the employés and late employés of the Post-Office Department additional compensation for services rendered by such employés as were embraced in orders of the Postmaster-General, dated April 11 and June 18, 1885, requiring extra hours of labor, said additional compensation to be regulated by the extra time said employés were actually engaged in rendering service under said orders, $13,089.

The amendment was agreed to.

The next amendment was, on page 51, to strike out the clause from line 1 to line 6, inclusive, as follows:

To enable the Postmaster-General to pay the employés and late employés in the office of the general superintendent of the railway mail service additional compensation for extra hours of labor from April 11 to November 18, 1885, inclusive, $258.75.

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to insert:

To enable the Postmaster-General to pay to Heman D. Walbridge and Reginald Fendall, trustees, rent of the post-office at Mount Pleasant, Iowa, at the rate of $750 per annum from the 1st day of July, 1885, to the 30th day of June, 1888, being the rent agreed upon between the Postmaster-General and the said trustees by the lease entered into between them and him on the 1st day of July, 1884, for the term of four years, $2,250.

The amendment was agreed to.

The next amendment was, on page 51, after line 20, to insert:

To pay the rent of the city post-office in Washington, District of Columbia, from July 1, 1888, to June 30, 1889, $10,000, said sum to be in full payment for the rent for the time specified.

The amendment was agreed to.

Mr. EDMUNDS. Now that we have finished the paragraphs in regard to the Post-Office affairs, I shall be glad to have the Senator in charge of this bill explain to the Senate how it happens that some millions of dollars appear to be a deficiency for the current fiscal year in the Post-Office Department, why the money needed was not appropriated in the regular way? I dare say there is a good explanation, but the public ought to know it, and the records of the Senate ought to show it. I notice on page 49 there are certainly, I think, at least $2,000,000 provided for as deficiency.

Mr. HALE. The most direct reason that can be given for the deficiencies in the Post-Office Department is the constantly increasing work of that Department. It has been very large during the last year; new routes have been put on railroads, and the service of the railway mail transportation has been largely increased, and it is undoubtedly the fact that in making estimates for the current year the Postmaster-General did not make his estimates high enough. I will say here to the Senator from Vermont and to the Senate generally that the experience of the Committee on Appropriations is that every year there will be found deficiencies in that Department.

Mr. EDMUNDS. And it amounts to about $3,000,000.

Mr. HALE. It amounts to between $3,000,000 and $4,000,000 of deficiencies, and I do not expect to see the day when there will not be deficiencies there to a considerable amount. I shall be glad if hereafter the Postmaster-General will take the future squarely in hand and make his estimates what he believes will be large enough to cover the the year, so that we shall have no deficiencies. But even then the chances are that the growth of the country and of the railway mail service will be so large that the estimates made even under such conditions will not equal what will need to be expended.

Mr. EDMUNDS. How did these estimates fall nearly $4,000,000 short?

Mr. HALE. The entire appropriations for the Post-Office Department are something colossal. I remember very well that twelve or thirteen years ago I had my attention called to the entire expenditures of that Department, then about $16,000,000 annually, and they have now run up to beyond $60,000,000. This year the chairman of the Committee on Post-Offices and Post-Roads tells me they will amount to $66,000,000, more than the entire Government spent thirty-five years ago, and at the rate it is going on men who are here may be in the Senate at the time when a hundred million dollars will be expended in a year by the Post-Office Department.

The growth is marvelous, and is of a kind that perhaps no Postmaster-General can keep up with in his estimates. The expenditure is a large sum, but the committee found that it was needed and would be spent, and I am by no means certain that, even with this, another winter there will not be a further deficiency of a few hundred thousand dollars.

Mr. HAWLEY. Will the Senator please tell us how much the expenditures exceed the postal revenues?

Mr. HALE. About $4,000,000.

Mr. HAWLEY. I think that is doing very well indeed.

Mr. HALE. The Department is paying up to within about $4,000,000. This can be said for it that while the expenditures are quadruple what they were twelve years ago, the deficiency that has to be supplied by Congress from other revenues of the Government is smaller than it was at that time. It used to be six, seven, or eight million dollars a year when the expenditures were not more than a quarter of what they are now. The growth is immense, and the revenues are immense.

Mr. MITCHELL. Will the Senator tell us the deficiency for the last fiscal year?

Mr. HALE. Four million dollars.

Mr. EDMUNDS. Mr. President, I have noticed that although there is probably, of course, no possible connection between the two circumstances, that preceding a Presidential election the appropriations and the estimates run down, and succeeding a Presidential election the deficiency bills run up. Whether there is any connection between the two circumstances I am altogether too modest to suggest.

Mr. HALE. This is a very large deficiency, undoubtedly.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "United States courts," on page 53, line 2, before the word "thousand," to strike out "one hundred and twenty-four" and insert "two hundred and forty;" so as to read:

Fees and expenses of marshals: For payment of special deputy marshals at Congressional elections, $240,000.

The amendment was agreed to.

The next amendment was, on page 54, line 11, after the word "follows," to insert "1877, $993.70;" and in line 15, after the word "all," to strike out "one thousand and forty-five dollars and sixty" and insert "two thousand and thirty-nine dollars and thirty;" so as to make the clause read:

Fees of jurors: For fees of jurors United States courts, being for deficiencies on account of fiscal years, as follows: 1887, $993.70; 1886, $730.60; 1885, $315; in all, $2,039.30.

The amendment was agreed to.

The next amendment was, on page 54, line 19, after the word "follows," to insert "1887, $4,306.46;" and on page 55, line 6, after the word "all," to strike out "two thousand six hundred and twenty-two dollars and twenty" and insert "six thousand nine hundred and twenty-eight dollars and sixty-six;" so as to make the clause read:

Fees of witnesses: For fees of witnesses United States courts, being for deficiencies on account of fiscal years as follows: 1887, $4,306.46; 1886, $1,373.60; 1885, $175; 1884, $232; 1883, $800; 1880, $2.05; 1879, $29.25; 1877, $10.30; in all, $6,928.66.

The amendment was agreed to.

The next amendment was, on page 55, line 12, after the word "cents," to insert "for the fiscal year 1886, $1,090; in all, $1,151.78;" so as to make the clause read:

Miscellaneous expenses: For payment of miscellaneous expenses of the United States courts, being on account of fiscal year 1887, $61.78; for the fiscal year 1886, $1,090; in all, $1,151.78.

The amendment was agreed to.

The next amendment was, on page 55, after line 15, to insert:

For payment of miscellaneous expenses of United States courts, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "fees of district attorneys," to strike out the clauses beginning on line 13, page 56, and ending on line 22, page 57, as follows:

To compensate A. L. Rhodes, special counsel in the Mare Island case, being the remaining portion of his fee of $6,000, fiscal year 1888, $1,000.

To compensate A. J. Fountain for services while special assistant to United States attorney for Territory of New Mexico, eleven cases for perjury and conspiracy, fiscal year 1887, $500.

To compensate J. C. Baird for services as assistant to United States attorney for the Territory of Wyoming during June term, 1888, at Buffalo, Wyo., fiscal year 1888, $134.

To compensate Solomon Claypool for services as assistant to the United States attorney for the district of Indiana, in tally-sheet cases *vs.* Simon Coy and others, fiscal year 1888, $2,250.

For compensation of S. G. Hilborn for services in the Mare Island case, in association with A. L. Rhodes, and expenses, $3,750.

For compensation of D. H. Murphy for services under order of court as assistant to district attorney for Alaska, from October 9, 1886, to October 13, 1887: Fiscal year 1887, $750; fiscal year 1888, $250; in all, $1,000.

For compensation of J. E. Bruce, assistant to district attorney for southern district of Ohio, to reimburse him for the unpaid portion of the 20 per cent. reduction of his salary during the fiscal year 1888, $94.66.

And in lieu thereof to insert:

For payment of United States district attorneys for unofficial fees, as set forth in House Executive Document No. 56, Fiftieth Congress, second session, as follows: Fiscal year 1882, $344.97; fiscal year 1885, $31.50; fiscal year 1886, $500; fiscal year 1887, $1,545.15; fiscal year 1888, $3,720.10; in all, $6,141.72.

For payment of special counsel on behalf of the United States, as set forth in House Executive Document No. 56, Fiftieth Congress, second session, as follows: Fiscal year 1883, $1,000; fiscal year 1884, $1,000; fiscal year 1885, $1,000; fiscal year 1886, $2,000; fiscal year 1887, $1,250; fiscal year 1888, $4,308.65; fiscal year 1889, $240; in all, $10,798.66.

Mr. VOORHEES. I ask the attention of the Senator from Maine and request him to state the reason for the amendment, on page 57, striking out the clause from line 3 to line 7, inclusive. The services in that case were rendered to my personal knowledge.

Mr. HALE. If the Senator will look a little further on he will find that instead of appropriating piecemeal for these special items we have taken the document the Department sent to us and included the whole amount in one item, including the specification to which the Senator refers, which is a much better way of appropriating.

Mr. MITCHELL. That explanation refers I suppose to all the items on that page?

Mr. HALE. Yes; to all the items there.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 59, after line 7, to insert:

For payment to William G. Ewing, United States district attorney for the northern district of Illinois, for services rendered in the matter of the final report of the assignee of the estate of John McArthur, bankrupt, $300.

The amendment was agreed to.

The next amendment was, on page 59, after line 11, to insert:

For the payment to Graham H. Harris, of Chicago, Ill., for services rendered in the prosecution at Auburn, N. Y., in November, 1888, of E. A. Gardner and others for smuggling, $325.

The amendment was agreed to.

The next amendment was, on page 59, after line 16, to insert:

For salary of the judge of the United States court in the Indian Territory for the balance of the current fiscal year and for the fiscal year 1890, $4,700.

The amendment was agreed to.

The next amendment was, on page 60, after line 12, to insert:

For payment of the final judgment and decrees which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States" as per letter of the Attorney-General of February 21, 1889, being Senate Executive Document No. 129, Fiftieth Congress, second session, $16,304.88, and such additional sum as may be necessary to pay such costs of suit as have been adjudged in each case, and also interest on the respective judgments at the rate of 4 per cent. per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert:

To pay Jacob W. Jacobs, late sheriff of Keokuk County, Iowa, special deputy marshal, in full for expenses in the apprehension of certain persons concerned in the burglary of the post-office at Webster, Iowa, as shown by House Executive Document No. 59, Forty-ninth Congress, second session, $341.35.

The amendment was agreed to.

The next amendment was, under the head of "Public printing," on page 62, after line 2, to insert:

For printing and binding for the Department of the Interior, to be executed under the direction of the Public Printer, $10,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 5, to insert:

For publishing such volumes of nautical instructions as are of the most value to the Navy and merchant marine, $8,000.

The amendment was agreed to.

The next amendment was, on page 62, line 23, before the word "press-feeders," to insert "messengers;" and on page 63, line 3, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

To pay 15 per cent. in addition to the amount paid for day labor to the employés of the Government Printing Office, such as compositors, pressmen, stereotypers, laborers, messengers, press-feeders, RECORD folders, counters, engineers, machinists, firemen; and proof-readers, revisers, copy-holders, make-up, and imposer of the bill force, who were and are exclusively employed on the night forces of the Government Printing Office during the second session of the Fiftieth Congress, $15,000, or so much thereof as may be necessary: *Provided*, That in estimating the said 15 per cent. credit shall be given to the Government for whatever has been paid or is now being paid the said employés above the rates for day work.

The amendment was agreed to.

The next amendment was, on page 63, after line 7, to insert:

To enable the Public Printer to pay for extra hours performed in mailing the CONGRESSIONAL RECORD during the first and second sessions of the Fiftieth Congress, $530.18.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to insert:

SENATE.

For salaries of officers, clerks, and employés, Senate, for the fiscal year 1889, $11,656.

For maintaining horses and wagons, $1,500.

For cleaning and varnishing furniture, $84.66.

For purchase of furniture, $1,000.

For materials for repairs of furniture, $500.

For pay of upholsterer for upholstering sofas in committee-room on Naval Affairs, $44.

For miscellaneous items, exclusive of labor, $5,000.

For expenses of inquiries and investigations ordered by the Senate, $20,000.

For maintaining horses and wagons for the fiscal year 1888, $10.50.

For fuel, oil, and cotton-waste for heating apparatus, $92.12.

For miscellaneous items, exclusive of labor, $118.75.

To pay Benjamin Durfee (in addition to his annual salary as clerk to the Committee on Finance) for additional services to the subcommittee on the tariff and for preparing tariff testimony and indexes thereto, $2,000.

To pay for clerical work performed and incidental expenses incurred in the investigation ordered by the Senate under resolution of October 10, 1888, and authorized by the Committee on the Improvement of the Mississippi River and its Tributaries, such investigation having been made during the last recess of the Senate by direction of said committee, $283.85.

The amendment was agreed to.

The next amendment was, on page 64, after line 20, to insert:

To enable the Secretary of the Senate to pay J. J. Finley, who was appointed a Senator of the United States by the governor of the State of Florida, a sum equivalent to the salary of a Senator from March 4, 1887, the day of his appointment, to May 20, 1887, the day of the election of a Senator to fill the vacancy to which he was appointed, $1,054.80.

Mr. HALE. The necessity for that appropriation has passed away because a resolution has been passed covering the subject, and I ask that it be disagreed to.

The amendment was rejected.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 65, after line 3, to insert:

Bust of the late Chief-Justice Waite: To procure and place in the room of the Supreme Court of the United States a bust of the late Chief-Justice Morrison Remick Waite, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 65, line 8, to strike out the name "Burns," and insert "Burnes;" so as to make the clause read:

To pay the widow of the late James N. Burnes the amount of salary for the unexpired term of his service as a member of the Fiftieth Congress, $545.51.

The amendment was agreed to.

The next amendment was, on page 66, to strike out the clause from line 10 to line 17, inclusive, as follows:

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay to the officers and employés of the Senate and House borne on the annual and session rolls on the 20th day of October, 1888, including the Capitol police, for extra services during the Fiftieth Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be immediately available.

Mr. HARRIS. I hope the Senate will not agree to that amendment.

Mr. HALE. Will the Senator yield to me?

Mr. HARRIS. Certainly; I yield to the Senator from Maine.

Mr. HALE. This is one of the items on which there will be a contest, and I ask, as the reading is progressing rapidly, that it be passed over.

Mr. HARRIS. I acquiesce in that suggestion.

The PRESIDING OFFICER. If there is no objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 66, line 18, to strike out the name "Gormon" and insert "Gorman;" so as to read:

To pay Frank B. Gorman $75 for the month of November, 1888, extra work as mail page.

The amendment was agreed to.

The next amendment was, under the head of "Judgments Court of Claims," on page 74, after line 10, to insert:

Joseph McDonald, $74, with interest at 5 per cent. per annum from February 16, 1888, until paid, under section 1090, Revised Statutes;
Simon Cook, $1,000, with interest at 5 per cent. per annum from June 20, 1888, until paid, under section 1090, Revised Statutes;
Seth N. Kimball, $3,736;
Patrick J. Kennedy, $26,379;
Charles W. A. Cartlidge, $200.74;
John T. Green, $255;
Madison J. Julian, $1,074;
James H. Dennis, $17;
Hans Hanson, $757;
Marius Duvall, $6,731.87;
W. H. Grider, $106.68;
J. C. Irwin & Co., $9,735;
Charles A. Perry & Co., $5,325;
Alden L. Roadarmour, $24;
Sampson Williams $801;
William G. Crockett, $120;
Harry J. Milligan, $146;
William N. Heyward, $48;
Frederick Parsons, $26;
Alfred T. Dillard, $33;
G. G. Eaves, $157;
J. W. Lingenfelter, $79;
Thomas B. Ford, $26;
Ebenezer N. O. Clough, $394;
Lenoir M. Erwin, $42;
Joseph M. Stafford, $127.10;
John W. Calder, $35;
G. L. Ogden, $1,396.00;
To pay interest at 5 per cent. per annum from September 8, 1888, to February 27, 1889, under section 1090, Revised Statutes, on a judgment for $2,256.75, rendered by the Court of Claims in case No. 12487, of George H. Palmer, already provided for in the principal sum, $391.98.

The amendment was agreed to.

The next amendment was, on page 76, line 17, after the word "all," to strike out "two hundred and forty-eight thousand eight hundred and seventy-one dollars and six," and insert "three hundred and eight thousand one hundred and sixty-three dollars and forty-three;" so as to make the clause read:

In all, $308,163.43: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, in section 3, on page 83, under the head of "Navy Department claims allowed by the Fourth Auditor and Second Comptroller," in line 16, after the words "for pay of the Navy," to strike out "$256,948.65."

Mr. HALE. The words proposed to be stricken out should be restored, with the proviso I send to the desk added.

The PRESIDING OFFICER. The Senator from Maine asks the Senate to disagree to the amendment of the committee striking out, and to insert a proviso which will be read.

The Secretary read as follows:

Provided, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which being affirmed by the Supreme Court has been adopted by the accounting officers as the basis for the allowance of said claim.

Mr. VOORHEES. I only partially heard the amendment, and as it is an important one I take the liberty to ask that it be read again.

The Secretary again read the proviso.

Mr. VOORHEES. I do not want to embarrass the progress of the bill, but I desire either now or at some other time to take the sense of the Senate upon the proposition to make a statute of limitations retroactive upon claims of the same character that elsewhere in this bill reach back for twenty and thirty years. I know no reason why this class of claims should be discriminated against by a proviso of that kind; but if the Senator will allow, when the bill is read through, the right to discuss the amendment he proposes to be reserved, I will let the matter pass now and go back to it when we reach the end of the bill.

Mr. HALE. That may be done, Mr. President.

Mr. HARRIS. Let it be left open until the rest of the amendments are acted upon.

Mr. VOORHEES. Yes.

The PRESIDING OFFICER. The amendment will be passed over, and the reading of the bill will proceed.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in section 2, page 84, to strike out the clause from line 17 to line 20, inclusive, as follows:

To enable the Public Printer to pay for extra hours performed in mailing the CONGRESSIONAL RECORD during the first and second sessions of the Fiftieth Congress, $530.18.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1886 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 132, Fiftieth Congress, second session, except such as may be in favor of the several bonded Pacific railroads, and such others as are specially excepted, there is appropriated as follows:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

State Department:
Foreign intercourse: For loss on bills of exchange, diplomatic service, $8.38.
Treasury Department:
Internal revenue: For drawback on stills exported (act March 1, 1879), $40.
For refunding taxes illegally collected, $3,661.82: "*Provided*, That if it appear by legal proof, to the satisfaction of the Secretary of the Treasury, that any of the corporations named in said executive document as paying said tax never deducted or withheld the same from the alien holders of such stock or bonds and that the same is not due to said aliens, payment may be made to the corporation."
Miscellaneous:
For post-office and subtreasury building at Boston, Mass., $4,879.81.
For custom-house building at Cleveland, Ohio, $2,711.84.
For post-office and court-house building at Philadelphia, Pa., $4,234.15.
For court-house and post-office building at Jefferson City, Mo., $49.45.
Interior Department:
For investigation of pension cases, special examiners, Pension Office, $36.50.
For contingent expenses of land offices, $4.33.
For protecting the public lands, $5.25.
For surveying the public lands, $56.22.
For reimbursement to receivers of public moneys for excess of deposits, $246.41.
Department of Justice:
Judicial expenses: For fees and expenses of marshals, United States courts, $784.99.
For fees of commissioners, United States courts, $35.40.
For fees of witnesses, United States courts, $720.90.
For support of prisoners, United States courts, $387.30.
For expenses of United States courts, 1879 and prior years, $15.
For salaries, district marshals, $394.73.

CLAIMS ALLOWED BY THE FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For expenses of collecting the revenue from customs, $8,324.60.
For repayment to importers excess of deposits for unascertained duties, act of August 5, 1882, $423.67.
For Light-House Establishment, 1861 and 1862, $261.96.

WAR DEPARTMENT CLAIMS ALLOWED BY SECOND AUDITOR AND SECOND COMPTROLLER.

For pay for two and three years volunteers, $71,387.46.
For bounty to volunteers and their widows and legal heirs, $72,875.61.
For bounty, act of July 28, 1866, $10,663.28.
For pay, etc., of the Army, 1886 and prior years, $2,094.52.
For pay, etc., of the Army, 1887, $7,377.30.
For pay, etc., of the Army, 1888, $2,531.55.
For expenses of recruiting, $30.78.
For contingencies of the Army, $105.
For artificial limbs, $75.
For reimbursing Massachusetts for expenses incurred and paid in protecting the harbors and strengthening the fortifications on the coast (act of July 7, 1884), $94,934.16.

INTERIOR DEPARTMENT (INDIAN) CLAIMS ALLOWED BY THE SECOND AUDITOR AND COMPTROLLER.

For pay of Indian agents, $331.37.
For incidental expenses of Indian service in Dakota, $22.88.

CLAIMS ALLOWED BY THIRD AUDITOR AND SECOND COMPTROLLER.

War Department:

For subsistence of the Army, $62.

For regular supplies, Quartermaster's Department, except the claims of the Central Pacific Railroad Company, $201.20.

For incidental expenses, Quartermaster's Department, except the claim of the Southern Pacific Company of Kentucky and the claim of the Union Pacific Railway Company, $175.31.

For transportation of the Army and its supplies, 1887, $62.25.

For transportation of the Army and its supplies, 1886 and prior years, except the claims of the Central Pacific and the Sioux City and Pacific Railroad Companies, $4,159.44.

For barracks and quarters, $1,015.52.

For horses for cavalry and artillery, $918.84.

For Signal Service, transportation, except the claims of the Union Pacific Railway Company, $4.45.

For contingencies of fortifications, $4,203.60.

For reimbursement to certain States and Territories (State of Oregon) expenses incurred in repelling invasions and suppressing Indian hostilities, act of June 27, 1882, $38,132.98.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $906.22.

For Rogue River Indian war of 1854, $47.18.

For keeping, supplying, and transporting prisoners of war, $143.

For 20 per cent. additional compensation, $175.23.

For bridge trains and equipage, $30.

For commutation of rations to prisoners of war in rebel States and to soldiers on furlough, $9,394.12.

For horses and other property lost in the military service, $24,708.66.

NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, —— dollars.

For pay, miscellaneous, $10.25.

For contingent, Marine Corps, except the claim of the Central Pacific Railroad Company, $3.43.

For contingent, Bureau of Equipment and Recruiting, $25.74.

For provisions, Navy, Bureau of Provisions and Clothing, $18,843.68.

For construction and repair, Bureau of Construction and Repair, $388.

For payments on account of clothing or bedding destroyed by order, for sanitary purposes, in preventing the spread of contagious diseases, $364.75.

For indemnity for lost clothing, $60.

For enlistment bounties to seamen, $208.67.

For bounty for the destruction of enemies' vessels, $28.10.

For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* The United States, $1,568.12.

CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue, 1866 and prior years, except the claims of the Central Branch, Union Pacific Railroad, and the Southern Pacific Railroad Company of California, $13,912.05.

The amendment was agreed to.

The next amendment was to insert, after line 6, on page 93, the following additional section:

FRENCH SPOLIATION CLAIMS.

SEC. 4. To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

On the schooner Industry, Benjamin Hawkes, master, namely:

Thomas Cushing, administrator of Marston Watson, $6,555;

Charles F. Adams, administrator of Peter C. Brooks, $3,000;

William Sohier, administrator of Nathaniel Fellowes, $1,000;

H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000;

On schooner Delight, Stephen Curtis, master, namely:

George Holbrook, administrator of Edward Holbrook, $6,302;

Charles F. Adams, administrator of Peter C. Brooks, $4,000;

Ebenezer Gay, administrator of executor of the assignee in bankruptcy of Thomas English, $500;

Charles F. Hunt, administrator of Joseph Russell, $1,000;

H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000;

On schooner Little Peg, William Auld, master, namely: Francis King Carey, administrator of Samuel Hollingsworth, $5,960.50;

On ship Theresa, James Brown, master, namely: R. Stewart Strobel and Henry L. Bruns, administrators of Thomas Stewart, $6,350;

On the ship Eliza, John Borrowdale, master, namely: The president and directors of the Insurance Company of North America, $4,900;

On the schooner Industry, Joseph J. Knapp, master, namely: William Gray, administrator *de bonis non* of William Gray, jr., $5,882.67.

On the schooner John, John C. Blackler, master, namely:

William Gray, administrator of William Gray, deceased, $9,152.90;

William R. Hooper, administrator of William Blackler, deceased, $3,741.70;

On the brig Eliza, Daniel Francis, master, namely:

John K. Myers, administrator *de bonis non* of Nathaniel Eaton, deceased, $7,008.15;

Thomas J. Boardman, administrator *de bonis non* of Daniel Francis, deceased, $325.75;

On the schooner Industry, Benjamin Hawkes, master, namely: The New York Insurance Company, by T. B. Bleecker, jr., and Charles C. Leary, receivers, appointed February 19, 1887, in place of former receivers, deceased, $7,000;

On the brig Anna, Peter Bingham, master, namely: The Insurance Company of the State of Pennsylvania, $14,700;

On the brig Dolley, Arnold Higgins, master, namely: The Insurance Company of the State of Pennsylvania, $6,031.51;

On the ship John, Levi Putnam, master, namely: William Gray, administrator *de bonis non* of William Gray, jr., deceased, $45,318.66;

Fisher Ames, administrator *de bonis non* of Fisher Ames, deceased, $3,500;

Fisher Ames, administrator *de bonis non* of John Worthington, deceased, $1,993;

On the brig Volante, Thomas Barker, master, namely: William Gray, administrator with the will annexed of the estate of William Gray, jr., of Massachusetts, $11,356.65;

On the schooner The Helen Plumsted, Thomas Corry, master, namely: The Insurance Company of the State of Pennsylvania, $9,506;

On the schooner Sallie, Benjamin Russell, master, namely:

William Gray, administrator, etc., $8,597.08;

Benjamin Russell, administrator, etc., $869.95;

On the ship Accepted Mason, Eph. Delano, master, namely:

John P. Delano, administrator of Eph. Delano, $8,017;

Richard H. T. Taylor, administrator of Joshua Hilton, $8,017;

Thomas H. Perkins, administrator of John C. Jones, $640;

William Sohier, administrator of Nathaniel Fellowes, $700;

On the schooner Nancy, Augustus Black, master, namely:

Francis King Carey, administrator *de bonis non* of the estate of Samuel Hollingsworth, $1,961.12;

Sands Smith, administrator of William Respass, $2,210;

On the schooner Two Brothers, H. Fry, master, namely: Francis King Carey, administrator *de bonis non* of the estate of Samuel Hollingsworth, $2,384.57;

On the brig Fortune, William Tuck, master, namely:

Thomas H. Perkins, administrator of John C. Jones, $1,500;

Charles Francis Adams, administrator of Peter C. Brooks, assignee of Boardman, Gorham, and Homer, $2,000;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000;

William Sohier, administrator of Nathaniel Fellowes, $1,000;

Francis M. Boutwell, administrator of Benjamin Cobb, $1,000;

William Vernon, administrator of Samuel Brown, $1,000;

On the schooner Expedite, Samuel Clapp, master, namely: The Insurance Company of the State of Pennsylvania, $7,519.66;

On the brig Mary, John Choate, master, namely:

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of William Smith, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Stephen Gorham, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Daniel Sargent, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Isaac Rands, administrator of Caleb Hopkins, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Books, assignee of John Brazer, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Tuthill Hubbart, $500;

Thomas H. Perkins, administrator of John C. Jones, $500;

Robert C. Mackay, executor of William Mackay, $500;

Ebenezer Gay, the younger, executor of Ebenezer Gay, the older, assignee of Thomas English, $500;

William Sohier, administrator of Nathaniel Fellowes, $500;

The president and directors of the Insurance Company of North America, $9,310;

Napoleon Harvey, as administrator of the estate of Samuel Welch, $1,368.05;

Napoleon Harvey, as administrator of the estate of Ezra Welsh, $1,368.05;

On the schooner James, Hugh Gemmill, master, namely:

William E. Woodyear, administrator *de bonis non* of Jeremiah Yellott, deceased, $7,176.34;

The Insurance Company of the State of Pennsylvania, $11,760;

On the ship Hope, John Rogers, master, namely:

Susan Buchanan Shaeffer, administratrix with the will, etc., of James Buchanan, $22,262;

George M. Gill, administrator of Gabriel Wood, $19,766;

David Stewart, administrator of Henry Lee, $2,432;

On the schooner Bethia, John Lanier, master, namely:

John O. G. Allmand, administrator, $3,113.33;

R. Manson Smith, administrator of Francis Smith, $6,233.33;

Gilbert R. Fox, jr., administrator *de bonis non* of Thomas Willock, $6,233.33;

The president and directors of the Insurance Company of North America, $3,920;

On the schooner Neutrality, Thomas Grey, master, namely:

Charles Francis Adams, administrator *de bonis non* of Peter C. Brooks, deceased, assignee of Tuthill Hubbart, $600;

Charles Francis Adams, as assignee of Isaac Rands, administrator of Caleb Hopkins, $600;

William Sohier, administrator *de bonis non* of Nathaniel Fellowes, deceased, $600;

Pelham Holmes, administrator *de bonis non* of Ebenezer Lobdell, deceased, $5,058.34;

On the brig Marcus, Isaac Miles, master, namely:

Charles F. Adams, administrator of Peter C. Brooks, assignee of Tuthill Hubbard, William Smith, David Green, and Caleb Hopkins, $1,201;

William Sohier, administrator of Nathaniel Fellowes, $210;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $300;

On the schooner Phœnix, Solomon Babson, master, namely:

Thomas Cushing, administrator of Marston Watson, $10,846.57;

William Sohier, administrator of Nathaniel Fellowes, $2,000;

Charles Francis Adams, administrator of Peter C. Brooks, assignee of Stephen Gorham, David Greene, and William Smith, $2,500;

Thomas H. Perkins, administrator of J. C. Jones, $1,000;

Charles F. Hunt, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, $1,000;

Francis M. Boutwell, administrator of Benjamin Cobb, $1,000;

Frederick O. Prince, administrator of James Prince, $500;

James C. Davis, administrator of Cornelius Durant, $300;

On the brig Mary, Alexander Ross, master, namely:

Charles Francis Adams, administrator of Peter C. Brooks, assignee of William Smith, Daniel D. Rogers, David Greene, Benjamin Bussey, Benjamin Homer, and Tuthill Hubbard, $5,460;

Francis M. Boutwell, administrator of Samuel Cobb, $840;

William Vernon, administrator of Samuel Brown, $2,100;

H. Burr Crandall, administrator of Thomas Dickason, $1,050;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,050;

William S. Bowden, administrator of James Scobie, $5,271.76;

On the ship Hannah, Richard Fryer, master, namely:

George H. Gorman, administrator of John Cox, deceased, $14,465;

John A. Brimmer, administrator of John Gilliat, deceased, $35,840.44;

On the ship John of Richmond, Edward Watson, master, namely: Robert M. Banks, administrator *de bonis non* of John Banks, deceased, $28,349.83;

On the ship Triumph, Thomas McConnell, master, namely:

Safe Deposit and Trust Company, of Baltimore, administrator of Alexander Mactier, $2,300;

Henry L. Dashiel and David Steuart, administrators of James Corrie, the older, $2,300;

On the ship Catharine, John Farraday, master, namely:

Charles Biddle, administrator of John Craig, $5,565;

The Insurance Company of the State of Pennsylvania, $14,373.34;

On the schooner Betsey, William Dennis, master, namely: William B. Ropes, administrator *de bonis non* of Hardy Ropes, $6,334;

On the ship Louisa, Holden Tallman, master, namely: Samuel Wells, administrator of John Clarke, $15,650;

On the ship Joanna, Philip Fosdick, at first, afterward Zebdiel Coffin, master, namely:

Gardner S. Lamson, administrator *de bonis non* of Paul Gardner, George Gardner, Lubni Gardner, and Zenas Gardner, $19,746.62;

Philip Macy, administrator *de bonis non* of Obed Macy, $4,936.65;
David P. Eldridge, administrator *de bonis non* of Sylvanus Macy, $4,936.65;
Robert F. Gardner, administrator *de bonis non* of Prince Gardner, $9,873.31;
T. B. Bleeker, jr., Charles C. Leary, receivers of the New York Insurance Company, $2,940;
On the brig Sally, James Crowdhill, master, namely: Cassius E. Lee, jr., administrator of William Hodgson, $8,926;
On the brig Betsey, John Cushing, master, namely: James F. Breuil, administrator of Francis Breuil, deceased, $11,941.76;
The president and directors of the Insurance Company of North America, $28,420;
The Insurance Company of the State of Pennsylvania, $19,600;
On the brig Amelia, Benjamin Houston, master, namely:
Richard C. McMurtrie, administrator of John Bohlen, deceased, surviving assignee in bankruptcy of Ross & Simson, $5,475.08;
The president and directors of the Insurance Company of North America, $12,740;
The Insurance Company of the State of Pennsylvania, $2,450;
On the ship Raven, Thomas Reilly, master, namely:
D. Fitzhugh Savage, administrator of John Savage, deceased, $9,494;
Henry Lisle Waln, surviving executor of Jacob S. Waln, deceased, surviving assignee in bankruptcy of Thomas Murgatroyd, $9,298;
Henry Pettit, administrator of Andrew Pettit, deceased, surviving assignee of Ambrose Vasse, $784;
J. Bayard Henry, administrator of Andrew Bayard, deceased, surviving assignee of Pragers & Co., $784;
James Crawford Dawes, administrator of Abijah Dawes, deceased, $784;
M. H. Messchert, administrator of Jacob Garard Koch, deceased, $980;
James Crawford Dawes, administrator of James Crawford, deceased, surviving partner of James Crawford & Co., $784;
Richard C. McMurtrie, administrator of John Bohlen, deceased, surviving assignee of Ross & Simson, $784;
George Blight, administrator of Peter Blight, deceased, $539;
William A. M. Fuller, administrator of John Leamy, deceased, $539;
D. Fitzhugh Savage, administrator of John Savage, deceased, surviving assignee of Rundle & Leech, $784;
George W. Guthrie, administrator of Alexander Murray, deceased, surviving partner of Miller & Murray, $784;
Francis A. Lewis, administrator of John Miller, jr., deceased, $784;
Henry Pratt McKean, surviving executor of Henry Pratt, deceased, surviving partner of Pratt and Knitzing, $784;
James S. Cox, administrator of James S. Cox, deceased, $688;
The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, surviving partner of Willing Francis, $784;
William Rumford Howell, administrator of Samuel Howell, deceased, $490;
Samuel Bell, administrator of John G. Wacksmuth, deceased, $980;
Francis R. Pemberton, administrator of John Clifford, deceased, surviving partner of Thomas and John Clifford, $490;
On the brig Pratt, Joseph Hawkins, master, namely:
Joseph T. Brobson, administrator of James Brobson, deceased, $3,777.50;
Joseph T. Brobson, administrator of Isaac Starr, junior, deceased, surviving partner of the firm of Starr & Pritchett, $3,777.50;
Craig D. Ritchie, administrator of Joseph Summerl, deceased, surviving partner of the firm of Summerl & Brown, $3,777.50;
Sidney J. Rumford, administrator of Isaac Hendrickson, deceased, $3,777.50;
On the brig Susan, Major Lines, master, namely:
Jeremiah A. Bishop, administrator of Richard Cutler, deceased, $1,827.48;
Jeremiah A. Bishop, administrator of Jeremiah Atwater, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Jeremiah Townsend, second, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Major Lines, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Andrew Hull, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Seth De Wolf, deceased, $314.10;
The New Haven Insurance Company, $3,822;
On the brig Hope, Richard Toppan, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Company, $3,465;
Catharine C. Woodside, administratrix of William Stanwood, deceased, $2,785.11;
Francis A. McKeen, special administratrix of Richard Toppan, deceased, $4,654.11;
David D. Gilman, administrator *de bonis non*, will annexed, of estate of John Dunlap, deceased, $1,856.74;
On the brig George Washington, John Devereaux, master, namely:
S. Kingston McCay, administrator *de bonis non cum testamento annexo* of Stephen Kingston, deceased, $5,462.48;
The Insurance Company of the State of Pennsylvania, $7,840;
On the schooner Mary, John Douglass, master, namely:
George G. Sill, administrator of Daniel Douglass, $2,202.98;
George G. Sill, administrator of Josiah Douglass, $2,202.98;
The Rhode Island Hospital Trust Company, $3,300;
On the brig Sally, John Craft, master, namely:
Charles F. Adams, administrator of Peter C. Brooks, deceased, $9,900;
Henry W. Blagge and S. B. Samuels, administrators of C. Hatch, $2,000;
Francis M. Boutwell, administrator of Mungo Mackay, deceased, $600;
David Greene Haskins, jr., administrator of D. Greene, deceased, $500;
John C. Ropes, administrator of Thomas Amory, deceased, $300;
John H. Moriarity, administrator of James Scott, deceased, $200;
Thomas H. Perkins, administrator of John C. Jones, deceased, $500;
William Sohier, administrator of Nathaniel Fellowes, deceased, $3,000;
On the sloop Farmer, Samuel Freeman, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, $1,850;
David Greene Haskins, jr., administrator of David Greene, $3,638;
Blagge and Samuels, administrators of Crowell Hatch, $1,100;
On the ship Speculator, John S. Billings, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, deceased, $867.50;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $433.75;
William Sohier, administrator of Nathaniel Fellowes, deceased, $1,433.75;
John W. Apthorp, administrator of Caleb Hopkins, deceased, $1,000;
William S. Carter, administrator of William Smith, deceased, $1,000;
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500;
Robert Grant, administrator of William H. Boardman, deceased, $400;
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $600;
On the schooner Elizabeth, Thomas Trott, master, namely:
Frederick J. Huntington, as administrator *de bonis non* of the estate of Jabez Huntington, deceased, $3,583.09;
Charles Francis Adams, jr., as administrator as aforesaid, $1,600;
Henry W. Blagge and Susan B. Samuels, as administrators as aforesaid, $800;
On the brig Anthony, John Garrett, master, namely:
The president and directors of the Insurance Company of North America, $15,461;
James Crawford Dawes, administrator of James Crawford, surviving partner of James Crawford & Co., $3,796.32;
On the ship Arethusa, Robert McKown, master, namely:
William Keith and Ormus B. Keith, surviving executors of Samuel Keith, $4,212;
The president and directors of the Insurance Company of North America, $10,780;
The Insurance Company of the State of Pennsylvania, $1,764;
On the brig Clarissa, Alexander Thomas, master, namely:
The Insurance Company of Pennsylvania, $11,363.13;
On the ship Confederacy, Scott Jenckes, master, namely:
Henry E. Pierrepont, executor of the will of Hezekiah B. Pierrepont, the late surviving partner (deceased) of the firm of Leffingwell & Pierrepont, $160,478.29;
T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Company, $12,000;
On the schooner Isabella, Robert Mercer, master, namely:
M. H. Messchert, administrator of Jacob Gerard Koch, deceased, $4,034.54;
The president and directors of the Insurance Company of North America, $9,900;
On the brig Maria, Samuel Taylor, master, namely:
The president and directors of the Insurance Company of North America, $5,880;
Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $14,916.93;
On the scow Polly, Anthony Sankey, master, namely:
James F. Brueil, administrator of Francis Brueil, deceased, $2,968.19;
The president and directors of the Insurance Company of North America, $62,228.94;
On the ship William, Richard Barker, master, namely:
William F. Gardner, administrator with the will annexed of Caleb Gardner, deceased, $41,578;
The president and directors of the Insurance Company of North America, $2,940;
William Vernon, administrator of Samuel Brown, deceased, $10,394.50;
Philip Harwood Vernon, administrator *de bonis non* estate of William Vernon, deceased, $31,183.50;
On the schooner Alert, Jacob Oliver, master, namely:
William Gray, administrator of William Gray, jr., $2,852.66;
On the ship Betsy, Josiah Obear, master, namely:
William Gray, administrator of William Gray, jr., $14,141.13;
Francis A. Gray, administrator of Samuel Gray, $7,214.08;
On the brig Alert, Robert Gray, master, namely:
William Gray, administrator with the will annexed of the estate not administered of William Gray, deceased, $1,500;
On the schooner Elizabeth, Thomas Trott, master, namely:
John Wetherbee, administrator of the estate of James Tisdale, deceased, $600;
On the schooner Frederick, John Gilbert Clark, master, namely:
Marion Adeline Caverly, administratrix *cum testamento annexo* estate of John Gilbert Clark, deceased, $43,660;
The Union Trust Company of New York, administrator of Jacob Doty, deceased, $21,830;
William Milligan, administrator of George Wattles, deceased, $21,830;
On the brig Ruby, William Bartlett, master, namely:
Jeremiah Nelson, administrator of Jeremiah Nelson, deceased, $2,692.22;
Charles Savory, administrator of Moses Savory, $2,674.22;
Charles G. Wood, administrator of Abner Wood, $2,150.79;
Charles Francis Adams, administrator of Peter C. Brooks, assignee of William Smith and David Green, $2,000;
Charles H. Ladd, surviving executor of Nathaniel A. Haven, $400;
Amos Noyes, administrator of Zebudee Cook, $100;
William Sohier, administrator of Nathaniel Fellows, $1,000;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000;
On the ship Light Horse, John Hoff, master, namely:
Julia M. Sands, administratrix of Comfort Sands, $7,318.66;
On the ship Eliza, James Odell, master, namely:
Wilmon W. Blackmar, administrator *de bonis non cum testamento annexo* estate of Francis Amory, deceased, $12,341.40;
Charles Francis Adams, administrator of Peter Charden Brooks, assignee, $2,739;
William Sohier, administrator of Nathaniel Fellowes, $664;
William Vernon, administrator of Samuel Brown, $498;
Francis M. Boutwell, administrator of Benjamin Cobb, $166;
Abel H. Bellows, administrator of Fred. W. Geyer, $166;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $166;
Francis M. Boutwell, administrator of Joseph Blake, $166;
William Gray, administrator of William Gray, $332;
William G. Perry, administrator of Nicholas Gilman, $332;
Charles K. Cobb, administrator of John Codman, $166;
John H. Moriarty, administrator of James Scott, $83;
Edward I. Browne, administrator of Israel Thorndike, $83;
John C. Ropes, administrator of Thomas Amory, $664;
Thomas Cushing, administrator of Marston Watson, $332;
Robert Grant, administrator of William H. Boardman, $166;
David G. Haskins, administrator of David Greene, $166;
Horatio H. Hunnewell, executor of John Welles, $166;
William Powell Perkins, administrator of Thomas Perkins, $166;
Horace B. Sargent, jr., administrator of Daniel Sargent, $83;
Horatio H. Hunnewell, administrator of Arnold Welles, jr., $116.20;
Horatio H. Hunnewell, administrator of Arnold Welles, $332;
Edward I. Browne, administrator of Moses Brown, $66.40;
Frank Dabney, administrator of Samuel Wyllys Pomeroy, $166;
Lawrence Bond, administrator of Nathan Bond, $83;
Edward Hooper, administrator of Benjamin Bussey, $332;
On the ship Rosanna, John Pollard, master, namely: James S. Humbird, trustee, etc., $66,560;
On the ship Rebecca, Daniel Brazier, master, namely:
Stephen L. Stephenson, administrator of Samuel Stephenson, deceased, $2,176.21;
William Gray, administrator of the estate of William Gray, deceased, $2,000;
On the brig Mary, Thomas Boyle, master, namely:
John Mervin Carrere and David Stewart, administrators *de bonis non* of John Carrere, deceased, $2,207;
John Stewart, receiver of the Baltimore Insurance Company, $11,000;
On the brig Two Sisters, Joseph Hubbert, master, namely:
Sarah S. Owings and Francis R. Griffith, administrators *de bonis non* of Nicholas Owings, surviving partner of Rogers & Owings, $5,638.25;
William E. Woodyear, administrator *de bonis non* of Jeremiah Yellott, deceased, $5,638.25;
John Stewart, receiver of the Baltimore Insurance Company, $10,000;
On the ship Friendship, John Rodgers, master, namely:
Mary Ann B. Smith, administratrix *de bonis non* of John Smith, jr., $13,519;
John Stewart, receiver of the Maryland Insurance Company, $24,566;
On ship Port Mary, Thomas Hewitt, master, namely:
Alexander Maitland, administrator *de bonis non* of Robert Lenox, $6,833;
James K. Gracie, administrator *de bonis non* of Archibald Gracie, $6,833;
John N. A. Griswold, trustee of the United Insurance Company of New York, $35,280;

On the brig Virginia, Mark Butts, master, namely:
Samuel R. Adams, administrator of Richard Veitch, surviving partner of Thompson & Veitch, $19,762;
E. Francis Riggs, administrator of James Laurason, surviving partner of Shreve & Laurason, $3,934.33;
Anthony Hyde and Charles M. Mathews, executors of W. W. Corcoran, $79.09;
James M. Johnston, administrator *de bonis non* of George W. Riggs, $79.09;
Robert I. Chew, administrator of Richard Smith, $79.09;
On the schooner Hero, Thomas Hammett, master, namely:
Ann Elizabeth Marshall, administratrix *de bonis non* of William Robb, $3,475;
On the sloop Endeavor, James Miller, master, namely:
Henry J. Gardner, administrator of Matthew Cobb, $5,452.39;
On the schooner Eliza, William Cheever, master, namely:
William Gray, administrator of William Gray, jr., $6,000;
William P. Andrews, administrator of Samuel Page, $5,651.50;
On the schooner Trial, Daniel Ropes, jr., master, namely:
George M. Whipple, administrator *de bonis non* of John Norris, $11,867;
On the schooner Richard and Edward, Ebenezer Giles Evans, master, namely:
William Gray, administrator of William Gray, jr., $3,430;
Richardson Knowland, administrator of E. G. Evans, $3,139;
On the schooner Eutaw, William Smith, master, namely:
John Merven Carrere and David Stuart, administrators of John Carrere, $1,344.50;
The president and directors of the Insurance Company of North America, $11,760;
John Stewart, receiver of the Baltimore Insurance Company, $10,000;
On the schooner Sisters, John Bradish, master, namely:
Robert S. O. Griffith, administrator of Nicholas Owings, surviving partner of the firm of Rogers & Owings, $682.50;
Henry W. Rogers, administrator of John Bradish, $3,414.50;
John Stewart, receiver of the Baltimore Insurance Company, $4,410;
On the ship Lydia, John Moore, master, namely:
Augusta H. Chapman, administratrix of Reuben Shapley, $8,270;
James W. Emery, administrator of Thomas Manning, $100;
J. Hamilton Shapley, administrator of Edward Cutts, $100;
George W. Haven, administrator of Moses Woodward, $100;
Stephen Decatur, administrator of Samuel Stover, $100;
Francis E. Langdon, administrator of Clement Stover, $100;
Fred. P. Jones, administrator of Martin Parry, $100;
On the brig Minerva, Samuel Endicott, master, namely:
William Gray, administrator of William Gray, $10,419.28;
On the schooner Emily, William Emerson, master, namely:
John Stewart, receiver of the Baltimore Insurance Company, $12,860;
Robert T. Owings Griffith, administrator of Beale Owings, $3,822.12;
On the schooner Lucretia, John Grant, master, namely:
William B. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators *de bonis non* estate of William Duncan, $10,407.27;
John Stewart, receiver of the Maryland Insurance Company, $8,000;
On the brig General Wayne, William Allen, master, namely:
Charles Francis Adams, administrator estate of Peter Chardon Brooks, $3,465.40;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,018.80;
Thomas H. Perkins, administrator of John C. Jones, $509.40;
William Sohier, administrator of Nathaniel Fellowes, $1,018.80;
Francis M. Boutwell, administrator of Benjamin Cobb, $509.40;
On the sloop Cicero, Thomas Faggart, master, namely:
Mary T. Latrobe, administratrix of Thomas Tenant, $8,953.80;
John Stewart, receiver of the Maryland Insurance Company, $20,000;
On the schooner Sally, Gideon Rea, master, namely:
William Gray, administrator with the will annexed of the estate not already administered of William Gray, deceased, testate, $2,000;
William P. Andrews, administrator with the will annexed of the estate not already administered of Samuel Page, deceased, testate, $6,593; in all, $1,651,439.05.

The amendment was agreed to.

Mr. SPOONER. I offer an amendment which I send to the desk, to come in at the end of the bill.

Mr. HALE. There are some committee amendments that I wish to offer first.

The PRESIDENT *pro tempore*. There are also two that were passed over.

Mr. HALE. Yes, sir; there were two that were passed over. On page 44, line 3, after the amendment of the committee, I send to the desk a line and a half to precede the amendment already adopted.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert, before the amendment agreed to, on page 44, the following:

That the sum of $5,000, appropriated by the act of Congress approved December 22, 1888.

So as to read:

That the sum of $5,000, appropriated by the act of Congress approved December 22, 1888, to defray the expenses of observing a total eclipse of the sun, and which, by reason of the delay in the passage of said act, was not expended, is hereby reappropriated.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 483) granting an increase of pension to General S. W. Price;
A bill (S. 1144) granting a pension to Francis H. L. Prescott;
A bill (S. 2363) for the relief of John W. Combs;
A bill (S. 2677) granting a pension to Jane Reilly;
A bill (S. 2683) granting a pension to Andrew J. Foust;
A bill (S. 3047) granting increase of pension to William Bittinger;
A bill (S. 3137) granting a pension to Ruth Ames;
A bill (S. 3183) granting a pension to James Parker; and
A bill (S. 3429) granting a pension to Maria N. Abbey.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 382) granting a pension to Catharine G. Bodfish;
A bill (H. R. 1168) for the relief of William Crudgenton;
A bill (H. R. 5793) granting a pension to Eliza Campbell;
A bill (H. R. 9394) for the relief of Catharine Quigley; and
A bill (H. R. 9455) granting a pension to Benjamin F. Clayton.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I am instructed by the Committee on Appropriations to report back, with sundry amendments, the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes. I ask that the bill be printed and placed upon the Calendar, and I desire to say that I shall call it up at the earliest possible moment to-morrow.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and printed.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

Mr. HALE. On page 52, line 10, and also in line 14, there is a mistake in the spelling. The name "Coleman" should be "Colman."

The PRESIDENT *pro tempore*. That change will be made, if there be no objection.

Mr. HALE. On page 19, at the end of the amendment, in line 25, there was omitted by mistake the following:

That the Secretary of the Treasury be, and he is hereby, directed to pay to George W. Bishop, assistant treasurer of the United States at Baltimore, Md., out of any moneys in the Treasury not otherwise appropriated, the sum of $1,243, the said sum of money representing a loss in the office of said assistant treasurer without default or negligence on his part, and made good to the Government by him out of his own private funds.

The amendment was agreed to.

Mr. VOORHEES. What official was that?

Mr. HALE. The assistant treasurer at Baltimore.

Mr. VOORHEES. It is simply a credit that you give him?

Mr. HARRIS. It is refunding moneys that he has paid out of his own private means.

Mr. VOORHEES. That means a credit in his settlement. I do not object to it, but I want to know what it is for certain reasons.

Mr. HALE. I did not understand the Senator. It is of the same nature as the amendment already agreed to by the Senate, but it was neglected to be put in the print. This was a loss that occurred in the subtreasury without the fault of the subtreasurer, and allows him the amount lost.

Mr. VOORHEES. All right; I have no objection to it.

The PRESIDENT *pro tempore*. The amendment has been agreed to.

Mr. HALE. On page 83 an amendment was reserved.

The PRESIDENT *pro tempore*. The reserved amendment will be stated.

The CHIEF CLERK. Add the following proviso:

Provided, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

Mr. HARRIS. What is to be inserted in lieu of the language to be stricken out?

The PRESIDENT *pro tempore*. What the Chief Clerk has just read.

Mr. HARRIS. What amount of money is appropriated by it? I should like the Senator from Maine to explain.

Mr. HALE. Two hundred and fifty-six thousand nine hundred and forty-eight dollars and sixty-five cents.

The PRESIDENT *pro tempore*. The amendment to strike out the amount has been disagreed to.

Mr. HALE. I stated when it was up before—and I supposed the Secretary had made that change—that that amount is to be restored with the proviso.

Mr. HARRIS. I now apprehend.

Mr. MCPHERSON. I should like to ask the member of the committee in charge of the bill if it be the intent of the proviso or if it will have the effect of cutting off these naval officers who were practically turned out of the Navy and deprived of their rank in 1882 and restored by the judgment of the court. I wish to know if there is included in this appropriation a sufficient sum of money to pay them, and whether the amendment now offered would have the effect of making an appropriation to pay them.

Mr. HALE. It does not touch this case. This is the whole case, Mr. President. Senators will remember that this subject was debated at considerable length on a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER], and an amendment was sent by him to the Committee on Appropriations proposing that a statute of limitations should be enforced as to these claims.

The Committee on Appropriations hesitated about doing that because it believed that the subject might more fittingly be taken up by one of the other committees of the Senate dealing with the general question of a statute of limitations; but I will explain what the committee has done.

Take these claims, for instance. The Senator from New Jersey refers to the claims of old receiving-ship officers arising twenty-five or thirty years ago and running down to the present time for duty upon receiving-ships lying at a wharf on which they served under the orders of the Navy Department. That is not considered sea-duty.

It is not considered that the man who does that service on a receiving-ship at the wharf of a great city should receive the same pay as the officer who goes abroad and faces the sea and all the perils of storm and wreck. It is not thought advisable and has not been for thirty years, under the rules of the Department, that he should have the same pay as the one who is exposed.

Therefore the Committee on Appropriations, in considering this subject, took the decision of the Court of Claims as affirmed by the Supreme Court in a case that was taken up, and that decision comprehends this result, that for six years previous to the action being brought in which the case was determined the officer is entitled to his extra pay, just as if he had been at sea. So he can not go back under the law beyond six years, because the law declares that in considering cases which go before the Court of Claims which are started for the purpose of trying just such cases, no claimant shall recover for beyond six years.

These claims can not be opened without the action of the Court of Claims. The Department has decided against them. No claimant could get a dollar without a decision of the Court of Claims. The committee determined that it would not put a general statute of limitations upon it; and the committee determined further that it would not oblige every claimant to bring his suit in the Court of Claims, but would give every claimant the benefit of a suit brought by another in a test case, which authorizes the payment to him of all his claim within six years.

It recommended, in order that all might be put upon the same footing, that the auditing officers in making up these claims should not go back beyond six years; otherwise there would be this discrimination, that a man who brings a suit can only recover for six years and the man who does not bring a suit can recover for thirty years.

Therefore the committee has recommended, in the interest of fairness and justice, that all be treated alike, and that the proposition of law which was embodied in the structure of the statute that created the Court of Claims shall be observed in all these claims, and that the auditing officers hereafter shall not certify or that the amount of money which is appropriated here shall not be paid to any of these claims that are more than six years old. That is all there is of it.

Mr. VOORHEES. I do not think that is quite all there is of it. I may be dull of comprehension, but it is quite difficult for me to conceive of any fairness in enacting a statute of limitations on claims that have been adjusted on suits that have been brought—a statute of limitations acting backwards instead of forwards.

Here are claimants who have had their rights determined. There is not one of these claims that has not been covered by a decision of the Supreme Court of the United States. I do not mean that every one of the claims has been in court, but claims of exactly similar character have been there on which decisions have been rendered which make the authority for these allowances, and I repeat, there is not a single claim contemplated here but what comes within the scope and the exact words of the decisions of the Supreme Court of the United States.

Now, Mr. President, I have no objection, as I said some days ago in a discussion of this question, to a statute of limitations looking forward, but I challenge the attention of lawyers to the fact that this is a statute of limitations looking backward upon matters that are already settled and determined, a statute of limitations rooting up vested rights, declaring that what has been allowed shall extend only to six years and cutting off the balance.

There are claims which have been determined by the Supreme Court of the United States to have been just and payable since 1835, and by that decision the Departments in their adjustment and ruling were held to have been wrong and to have been robbing these men, who deserve well of their country, and at least deserve their legal rights for that period of time; and yet we are asked to stand here and vote arbitrarily, without any reference to equity, and I think with very little reference to law, that we shall apply chop-logic and cut off just so much. Why not cut off all except one year as well as six?

There is no reason about this. It is the exercise of arbitrary power, and now the Senator from Maine, whose intelligence on this subject as well as on all others I have the highest respect for, says that under the order of the Secretary of the Navy service on a receiving-ship was not sea-service.

Well, I know there were such orders of the Secretary of the Navy, but I know at the same time that the Supreme Court of the United States, in the case of Strong *vs.* The United States, decided that service on a receiving-ship was sea-service and not shore-duty, and all those claims are covered by that decision absolutely.

Mr. HALE. How far back did that decision allow the claimant in that suit to collect the debt from the Department?

Mr. VOORHEES. I have not looked at the date, but I have plenty of cases here. I will come to that point presently.

Mr. HALE. I think it was only six years.

Mr. VOORHEES. I have plenty of cases here in this bill where allowances are made for more than twenty years. I have here Army claims amounting to over $250,000 that are in this bill allowed by the Second Auditor and Second Comptroller and appropriated for, every one of which runs far back of six years. Here is over half a million——

Mr. HALE. I do not wish to interrupt the Senator, but if he will allow me he can find no claim in any Department that depends upon the decision of a suit brought before a court where the statute of six years' limitation is enforced where the committee has put on anything beyond six years.

Mr. VOORHEES. I can. The ruling of the Supreme Court of the United States which uprooted the rulings and decisions of the Departments and the Auditors for more than forty years and decided that the claimants were entitled to their rights running back that far.

I repeat there are over a half million of claims in this bill that are Army claims allowed by the Third Auditor and the Second Comptroller, nearly all of which are more than six years old. Will any Senator rise in his place and move to strike out those allowances for Army officers because they went back beyond six years? I apprehend not, and there is no reason in equity or in law why they should stand if naval officers' claims are not to be allowed the same rights.

Many of these Navy claims, like the Army claims, are those of volunteer officers. They stand upon the same footing, and I can see no reason at all except an arbitrary one why this class of Government officers should be discriminated against. I have taxed my perception as far as I have been able to do for some weeks past to get at a just comprehension of these questions, and for the life of me I can see no reason why this raid is made against naval officers claiming their rights under the decisions of the Supreme Court of the United States made over and over again, and under which decisions the Auditors and Comptrollers made allowances in their favor just as they have made allowances in favor of Army officers.

I say to Senators here if you strike out every allowance made here reaching back beyond six years you will strip your bill of nearly everything that is in it. You will leave it a mere shell of allowances for present and passing necessities.

Why, Mr. President, this question might be put upon a still higher plane. I repeat that these claims are entrenched in the laws of your country and in the decisions of the courts, and I might say with propriety that they constitute a part of the debt that is made sacred by the Constitution incurred in the suppression of the rebellion; for what is the national debt except that which is described by the Constitution itself as recognized by law? If I remember the phraseology of the constitutional amendment which provides against a repudiation of the national debt, it recognizes as the debt that which is recognized by law. I therefore say, Mr. President, that this is in no small degree a measure of repudiation.

In the fourteenth article of the amendments to the Constitution, section 4, we find this clause, which seems to me cogent on this question:

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

What is a debt of the United States recognized by law, if a debt determined by a decision of the Supreme Court is not? I repeat that the attempt to cut off all except six years of legitimate pay, determined to be legitimate, lawful, and equitable by the Supreme Court of the United States, is a repudiation of this clause of the Constitution.

Mr. President, as the Senate knows, I do not often participate in a discussion of a question on an appropriation bill. I have looked into this matter, however, and I am impressed with the spirit of inequity that prevails against these naval officers. He who rules the storm knows that they are not too well paid and never have been. I know it, and so do gentlemen who are familiar with the naval history of this country that they have written. I will not make comparisons, but no other branch of the public service has written brighter or better pages, or pages more glorious in history than theirs.

I can see no reason at all for this narrow and, as it were, intolerant, proscriptive, and unjust spirit that is apparent here against those officers. They are under the law. I believe it is a maxim of the English Government that sailors are peculiarly the wards of the court, as it were.

They are understood not to be legally wise, not to be world wise. It seems that for nearly a half century naval officers went along in a slipshod way without their rights being well determined, but they have been now determined, and for one I insist that these rights shall be protected and cared for in appropriations.

I will be in favor of a statute of limitations for the future, but I appeal to better lawyers than myself here upon this floor whether it is not true that it has been held in the courts that a statute of limitations can not be enacted so as to deprive a class of claimants of any chance to proceed in regard to that statute of limitations.

In other words, what chance have these claimants had to know anything about whether they were to have a limitation upon their right of action until now, when their claims are to be preferred to an arbitrary statute of limitations that heretofore they could know nothing of, that they could not plead with reference to, that they could not

act with reference to. Standing blind so far as any statute of limitation is concerned, now to have such a measure thrust upon them is to my mind the very acme of injustice.

I trust in all kindness and respect to the Senator from Maine that he will see his way to recede from this proviso; and if we want a statute of limitations hereafter, so that people will know what they are to do, I will help to make it; I will help to put the law up so that people can read it; but I never will enact a law on people, and on their rights, who have no chance to see or know of such a law in the assertion of their rights.

Mr. HALE. Mr. President, this question need not be invested with any imagination or romance. The power that rides on the whirlwind and directs the storm has very little interest in the naval officer who has a snug and comfortable berth in a receiving-ship, upon which no storm ever beats.

He is a favored officer in the Navy. He does not go to sea; he does not face the tempest; and the officer who does, and who makes his record upon shipboard, is not affected by this amendment in the least; nor is the common sailor, whom the Senator from Indiana has praised, interested in this amendment.

The man who sleeps on the high and giddy mast and has his eyes high up in the topmost height of the tempest will not get a dollar out of this appropriation. Neither does the officer of the Navy generally have any interest in this appropriation. The claim on which it is based never was urged by the naval officers.

For thirty years the officer, who by dint of persuasion and influence succeeded in getting an order to go to a receiving-ship was glad to take that service and get his pay on a reduced basis as compared with the man who went out upon all the waters of the globe and faced the storm and carried the flag into foreign ports.

He never thought of a claim that he should have the same pay that the officer did who went abroad and who did what the Navy did in battle or in facing the tempest.

But after years of acquiescing in this just and strictly fair order of the Navy Department certain claim agents in Washington dug out this claim and beset the Department year after year to decide in favor, not of the naval officer generally, not of the sailor who ships and does the manning and sailing of the ship and the fighting of our battles, but in favor of a few men who had got this duty desired by naval officers who will not go to sea.

They dug out this claim, and said to the Navy Department: "The man who goes to a receiving-ship and has a snug berth in the harbors, by the wharves, and every day and every hour can step on shore, should have the same pay that the naval officer does who goes to sea." The Department put down its foot and said: "No; that is not right."

The order of the Department has been right; but the claim agents did not rest there. After dogging the steps of the officials of the Department and being continually met and defeated, they went into the Court of Claims and there they managed to get a decision from the Court of Claims that these few officers should have the same pay with the officer who goes to sea.

Upon appeal that decision went to the Supreme Court, and upon the technicalities of the case the Supreme Court decided that they were entitled to the same pay. But accompanying that decision is the certification of the Court of Claims, approved by the Supreme Court, that these claims shall not go back more than six years. That is enough in all conscience for these men to have.

These claim agents were not content with that. We had their papers in here the other day. We saw how the accounting officers of the Treasury indorsed these claim agents, allowing them to refer to them, giving them the facilities of looking up cases in the Departments, until claims for hundreds of thousands of dollars were presented to Congress, not for the six years that the decisions covered, not for the six years that the law declares the decisions shall not go beyond, but running back thirty years.

The Committee on Appropriations has decided that that is unfair to the rest of the Navy, to the officers of the Navy who do not get these allowances, and that these few men who are favored by this technical decision shall not be allowed to go back beyond the six years.

Mr. President, that is everything that there is provided in the amendment, for bear in mind, Senators, that not one dollar of these claims could have been paid unless they had gone to the Court of Claims. Over and over again the accounting officers had decided against these claims and against these claim agents, and had declared that not a dollar should be taken from the Treasury, because the orders of the Department were right as to the discrimination in favor of a man who goes to sea against the man who lies upon the shore.

Not a dollar could have been gotten unless they had gone to the Court of Claims. They go to the Court of Claims; they get a decision. A part of that decision is that they shall only recover under the law for the six years preceding the time when they brought their suit.

What was the intention of Congress when they made the law to create the Court of Claims and said that they should not go back beyond six years if it was not that all claims beyond six years should be barred, and that that court should not consider them, and that, so far as that goes, there should be a statute of limitations? That is all that the Committee on Appropriations is seeking to do here. Not a dollar could have been gotten except by invoking the Court of Claims.

Now, the Court of Claims has settled it, and the Supreme Court has followed that, and not an inch further, that these claims, unjust in themselves, irksome, not meritorious, an invidious discrimination in favor of these officers, shall only be six years old; and the Committee on Appropriations, instead of striking it all out, has declared that all the claimants shall follow the rule of the claimant who goes to the Court of Claims, and that they shall have their claims certified for six years and no more.

The Senator from Indiana can make the argument of the claim agents in this case, and he has done it eloquently and well. I have heard it from their own lips. They are interested in this proceeding. They have worked up these claims; they have dug them out from the recesses of the Navy Department and the Fourth Auditor's office, and brought them into the light.

There are a hundred and more of them in Washington whose only business is to rake up and scratch out and dig out these claims against the United States Government. They are interested in these cases.

Over and over again I have heard the arguments of the claim agent upon these cases, and that is all that will be heard.

The Senator with all his eloquence, which is very great in this case, undertook to say that the Committee on Appropriations here is acting against the Navy, and is discriminating against the sailor, and is discriminating against naval officers. He knows better. He knows that the discrimination is in favor of these men who have had the best and most desirable service for the last thirty years in the Navy Department.

I have had some experience, sir, in dealing with naval questions, and I say here and now that the man who does the most to reform the Navy, next to giving it ships in which to fight its battles and to sail over the seas of the globe, is to infuse into the Navy the spirit to go to sea and not to stay at home.

I say that every Secretary of the Navy in the last thirty years has had the doors of his Department beaten against by the clamorous supplications of men who demand that they shall not be sent to sea, and that they shall be given easy berths at home; and that whenever there has been a receiving-ship in New York, or Boston, or Norfolk, or wherever it may be, for every place upon that ship a dozen officers have demanded that they be sent there, and political influence has been arrayed for them time and again.

I have been beset in this way, so has the Senator from Indiana, so have you, sir, so has every Senator, by friends to get these orders to stay in these easy and comfortable places at the reduced pay.

Now, when we are asked to discriminate in favor of these claimants against all the rest of the naval officers, it is said to be a discrimination, it is said to be wrong, and in no degree right.

Sir, the Navy is not interested in this matter; the Navy is interested the other way. Thanks to the way things have been managed, and thanks to the good conduct of the brave officers in the Navy, the majority of them, when these men at home have been drawing their pay on receiving-ships, have been facing the storm on the sea thousands of miles away.

Now, it is asked that we encourage everything that will give the men at home as great a pay as these abroad. There is to be no premium on service at sea if you reject the amendment. There is to be a premium in favor of the man who importunes in season and out to stay at home and get comfortable duty whenever you increase his allowances.

If the Senate believes in the provision that was made a part of the construction of the Court of Claims that these suits shall not be allowed more than six years' time, then put it on here, and do not be deluded by any of the seductive talk of the Senator from Indiana that we are discriminating against naval officers.

We are discriminating, sir, against nobody, but are protecting the Treasury, and are saying that the man who renders meritorious and dangerous service shall be preferred against him who renders the ignoble service of staying at home.

Mr. VOORHEES. Mr. President, it has been a great many years since I first put my foot in one of the branches of Congress, and I have been here pretty much ever since. The cheapest and to me the least effective part of an argument is that which a man falls back on when he says that some Senator or Member is advocating the cause of claim agents. Sir, I never had anything to explain when I went back to my constituents. No charge ever followed me of an impropriety in the interest of anybody. But if a claim agent should present a sound argument and advocate a righteous cause, I have no cowardly spirit in me to shrink from it on that account. That is all the weight there is in the sneer of the Senator from Maine that I am advocating the cause of claim agents.

I advocate a cause in which I see the name of Admiral Temple as a pioneer in the courts in settling the rights of naval officers. Temple *vs.* The United States in the Supreme Court of the United States, I believe, is one of the first, if not the very first of the actions brought of this kind. If the Senator from Maine thinks that Admiral Temple was induced by claim agents and seduced into an ignoble pursuit of what was not right, let him say so plainly. There is an officer now looking after American rights in the waters of Samoa who was another party in

another suit involving these questions. I am perfectly willing to meet naval officers and leave it to them as between the Senator from Maine and myself who is interested in the cause of justice and right on this subject.

Sir, a single word more. The Senator from Maine insists that the rule of law now is, and has been so determined by the courts, that you can not go back of six years in making a demand. I do not understand the Supreme Court to have decided anything of the kind, but I make this proposition: If it has, and the Senator from Maine says it has, his proviso is no more needed than his breath is to make a cyclone. If the Supreme Court of the United States, as he says, has decided, and if the Court of Claims has decided, that you can not go back of six years, and there is already a six years' statute of limitations, what are we talking about here to-night?

Mr. HALE. Does not the Senator understand that the decision of the Court of Claims, which is affirmed by the Supreme Court, is only in a given case that was made? It only applies to that case. That decision is good for nothing if we allow the Treasury officers to certify up other claims for thirty years and we pay them, and this is only to place them all on a par with the man who brings his suit where both the Court of Claims and the Supreme Court have declared that he shall not go back. That is all.

Mr. VOORHEES. I had thought that Government officers were governed by general rules laid down in the decisions of the courts. The Senator's statement reminds me of the case before a justice of the peace where a decision exactly in point, so far as the principle was concerned, was read, but the justice said that that case did not suit; that it was a cow case he was trying. The Senator says that the Supreme Court has not rendered a decision in each one of these cases, but I say he will not deny that the Supreme Court has rendered a decision which governs all of these cases as absolutely as if all the cases had been before the Supreme Court.

Mr. HALE. All I ask is that in certifying these accounts the Treasury officers shall be governed by the same rules that the courts laid down in their decision, and that is for six years. That is all I ask; and the Senator, however he may put it, is seeking to have all these accounts certified up and paid when the cases that have gone to law are limited to six years. He is lawyer enough to see that dilemma, and I should like to know his answer in regard to it.

Mr. VOORHEES. If the Senator had waited a moment he would not have needed to ask any such question. I submit to him that if he is correct, his proviso is not needed. I am perfectly willing to leave this question where it has been all the time, where the House of Representatives left it, where the courts left it, and without any necessity whatever for his proviso.

Mr. HALE. That is the very trouble. The accounting officers have been certifying up other claims where suits have not been brought, not for six years, but for twenty and thirty years.

Mr. VOORHEES. They have done it, however, under the rulings of the Supreme Court and in the direct line of its decision.

Mr. HALE. No, begging the Senator's pardon, they have done it precisely in contravention of the principles the Supreme Court and the Court of Claims have laid down in these very cases where actions have been brought. That is what we want to stop, and that is all we want to stop. Make them all alike, give them their six years just as the man who brought the suit, and as the Supreme Court declares he should be given.

Mr. VOORHEES. The Supreme Court made no such ruling so far as the statute of limitations is concerned.

Mr. HALE. Does the Senator deny that in the suit which was brought to test these cases a part of the judgment of the Court of Claims which was affirmed by the Supreme Court was that only six years should be allowed under the statute? Does he affirm that that is not a part of the decision?

Mr. VOORHEES. I have not the decision before me.

Mr. HALE. I have read it very carefully, and the committee examined it very carefully.

Mr. VOORHEES. If that be true, then still further there is no necessity for this proviso.

Mr. HALE. There would not be if the accounting officers were not under the impulsion from the claim agents, continually certifying claims twenty-five and thirty years back.

Mr. MITCHELL. Did the court hold in that case that it applied some existing statute of limitations?

Mr. HALE. The court held that under the act which created the Court of Claims it could not go back beyond six years, and that the judgment of the court should be rendered for six years.

Mr. MITCHELL. The court held that they could not go back of a certain existing statute?

Mr. HALE. Yes; by reason of the statute, which is very express and specific. That is all that Kimberly and Temple got, who brought the suit the Senator talked about. Every man who brought his suit got his six years and no more.

Mr. GRAY. I should like to understand this matter before the Senator from Maine leaves the question. I have been interested in his account of the way in which this question arose. I quite agree with him that it would be very well for Congress by general legislation to remedy what seems to be an incongruity that has been produced by the ruling of the Supreme Court, and that service upon a receiving-ship should be taken out of the category of sea-service. It differs from sea-service in many very important particulars. It differs from shore-service in very many important particulars. The officer who is ordered to a receiving-ship must pack his kit and go on board ship; he must pay a mess bill separate from his family, and two mess bills if he is a man of family, and be put to all the expense that an officer doing real sea-duty is put to, although he is not exposed to the hardship or the peril which an officer who is actually sailing upon the main is put to.

Mr. HALE. Now, let me ask the Senator right there——

Mr. GRAY. I am not quite through.

Mr. HALE. Very well; I will not interrupt the Senator.

Mr. GRAY. I agree with the Senator from Maine so far, and I should be quite willing to vote for a bill that should meet this decision of the Supreme Court and place service upon receiving-ships in some category different from regular sea-service. But that does not seem to me to be quite the question in this case. As far as I could understand the statement of the Senator from Maine, and what was said by the Senator from Indiana, the question seems to be that the Department had ruled for many successive years that service on board a receiving-ship should not be counted sea-service so far as regulating the rate of pay was concerned, and that officers of the Navy, as in duty bound, acquiesced in those decisions of the Department, but a claim being brought in the Court of Claims and afterwards taken to the Supreme Court of the United States disclosed that this ruling of the Department all these years was erroneous, and that while these officers were only to be paid under the law for shore-duty, whether you consider the decision a technical one or not, they were under the terms of that law entitled to sea-pay; and therefore, after that decision and not before, it seems to me in equity the cause of action accrued to these officers.

They were not in one sense or in any equitable sense entitled to bring a suit until they had discovered by the decision of the Supreme Court that they were entitled to sea-pay; but that question having been determined by the Supreme Court it seems to me that it would be a discrimination of the grossest kind to say that a certain number of these officers should receive the difference between shore-pay and sea-pay, and that a large number of them should be excluded from the benefits of that decision simply by the arbitrary effect of a statute of limitations. It would be a discrimination, it seems to me, of the grossest kind between a class of officers all of whom stood upon the same footing.

Mr. HALE. Right there let me ask what is the discrimination that the Senator has in his mind?

Mr. GRAY. The discrimination I am alluding to, which seems to me to be made by the contention of the Senator from Maine, is that those officers who were fortunate enough to have brought their suits in the Court of Claims should receive this difference, and those whose terms of service on receiving-ships occurred within six years of the present time, say, should receive this difference, while all others who had been forbidden by the Department from receiving this difference, who had been forbidden to receive their just rights, should be excluded from the benefit of that decision.

Mr. HALE. The Senator has got it just wrong.

Mr. GRAY. Not at all, I think. I should be glad then to hear the Senator state it.

Mr. HALE. All that this amendment does, and all that is sought to be done in this bill, is to give the naval officer who did not bring his suit, who did not know that he had a right until another man brought his suit, the same pay exactly as the man gets who brought his suit, and no more.

Mr. GRAY. All of them?

Mr. HALE. All of them; every one.

Mr. GRAY. No matter whether he brought suit?

Mr. HALE. No matter whether he brought suit, no matter what he is or where he is. The Treasury Department is engaged night and day——

Mr. GRAY. I beg the Senator's pardon, no matter whether the service on a receiving-ship took place more than six years from the present time?

Mr. HALE. No; but he shall have the same right to go back for six years that the man has who brought his action.

Mr. GRAY. Oh, I understand that; I have not misunderstood the Senator from Maine. Then the man whose service on board the receiving-ship occurred, say, at five years and eleven months ago, may receive this difference in pay, but the one whose service on the receiving-ship took place seven years ago is excluded. Is that the difference?

Mr. HALE. The man who brings his suit can only go back and get his claim paid for six years.

Mr. GRAY. I understand that.

Mr. HALE. He can not get pay for anything beyond six years. Why should the man who does not bring his suit get more than six years for what he did?

Mr. GRAY. I will tell the Senator from Maine. Perhaps I have been unfortunate so far in making my point clear.

Mr. HOAR. I think the Senators do not state the amendment clearly to the Senate. The Senators will pardon me. I do not wish to interpose any amendment, but I am informed that the amendment, as proposed, does not limit the present claimant to six years in bringing the suit now or six years hereafter, but to six years back of the time when the old suit on which the judgment was rendered was brought. I should like to have the amendment read again.

Mr. GRAY. So, too, I should like to have the amendment read again.

Mr. HALE. That is the provision undoubtedly.

Mr. HOAR. Let the amendment be read again.

Mr. HALE. He shall have the benefit of the time at which the test case was brought.

Mr. GRAY. The Senator from Massachusetts asks that the amendment be read again, and I unite with him in that request.

The PRESIDENT *pro tempore*. The proposed amendment will be read by the Secretary.

The SECRETARY. After the word "Navy," on page 83, line 16, it is proposed to strike out "$256,948.65" and to add the following proviso:

Provided, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

Mr. GRAY. Now, Mr. President, I think I understand the purport of the amendment; and if these claims were precisely upon the ground of ordinary claims against the Government I think the argument of the Senator from Maine would be irrefragable, but we must recollect that these officers of the Navy, subject to military discipline, controlled by the Department and the Secretary of the Navy, who is at its head, have been compelled to receive shore-pay for receiving-ship duty, and they were bound to accept that finding of the Department as the law governing their rate of pay until it was discovered by some more enterprising officer than the majority of them, who brought the case to the Supreme Court of the United States, that this ruling of the Department was erroneous, and that under the terms of the law which regulated their pay they were really entitled to sea-pay instead of shore-pay.

It seems to me that the amendment proposed by the Senator from Maine is inequitable in this, that those officers who abided by the rulings of the Department and accepted the orders of the Secretary of the Navy as the proper construction of the law are to be excluded from the effect of this decision of the Supreme Court which says those rulings were erroneous, and that an arbitrary line is to be drawn, and that those on one side shall be paid while others equally meritorious on the other side of that line shall be excluded. That does not seem to me to be just or fair or equitable. It is not a proper measure of administration of a law that is meant to compensate these gallant and meritorious men who are in the service of their country. If a part of these receiving-ship officers are to be paid for sea-service and a part only for shore duty, I say such an arbitrary line must be inequitable and unjust.

That is the real question, it seems to me, and not any technical argument upon the effect of the statute of limitations. As to its propriety, I will say that I should gladly vote for a statute of limitations that should apply in the future and not be retroactive in that respect; but we are dealing here upon broader lines than are laid down in the adjudication of a claim by the Court of Claims. This is the Government itself that is dealing with these officers when we are making laws. We are not litigants in a court. We are the paymaster and the employer of these officers, and they appeal to us for justice, and we are to say upon higher principles and upon broader lines what is just than any mere arbitrary exclusion by a statute of limitations can bring about.

It is manifestly unjust that the man whose claim accrued December 31 of one year should be put into one class, and the one whose claim accrued on January 1, the next day, should be included in another and more favored class. I think we should deal justly with these men, many of them at sea, many of them away from the places where they could conveniently attend to their rights, and all of them, I believe, were only dutiful in accepting the orders of the Department under which they served.

Mr. HOAR. I desire to ask the Senator why his argument would not be equally applicable upon the statute of limitations operating in the future?

Mr. GRAY. That would be notice to all officers. If a law in regard to claims of naval officers were passed, if it was thought necessary to enact one prescribing that claims for adjustment of accounts should be brought within six years, they would be bound to take notice of it. I presume they make themselves acquainted with the rules, laws, and regulations governing the Navy.

Mr. HOAR. Then why were they not bound to take notice of the statute of limitations in the constitution of the Court of Claims?

Mr. GRAY. I grant you they were bound to know the law in the sense that no one is excused by ignorance of the law, and if we were arguing this case in the Court of Claims, I grant you that the statute as it exists in the Revised Statutes would absolutely determine this case; but we are dealing with these cases from a very different point of view, on a very different basis. We are trying to do, or ought to be trying to do, what is just and equitable to this class of meritorious officers who are included in this measure, and it seems to me, as I said at the outset, that it would be discrimination of the grossest kind between a certain portion of those who served on receiving-ships and others who had also performed the same service.

Mr. DOLPH. Mr. President, some of the discussion has indicated that Senators thought the statute of limitations in some manner entered into and formed a part of this claim against the Government. The statute of limitations goes only to the remedy. The rights of these claimants arose under the law which provided what their compensation should be. If their claims were not allowed for what they were entitled to under the statute they had the right from the time of the disallowance to proceed against the Government in the Court of Claims, and if the Government had not provided a court in which they might bring suit they could not have sued the United States even up to this time. That is, it is for the Government to say when it will be sued by its own citizens. In creating the Court of Claims the act provided, as I understand, that no recovery should be had upon a claim against the United States unless it had accrued within six years from the time the suit was brought. When a party comes to Congress there is no statute of limitations that governs Congress in determining whether his claim shall be paid or not.

As was said by the Senator from Delaware, Congress is now appealed to to do what is right and just in the case, and it is simply a question whether, if we are going to pay these claims at all, we shall apply a statute of limitations to them, whether we are to say that we will not pay what is a legal claim (whether it is an equitable claim or not) against the Government because we did not deal with it within six years after it accrued. That is all there is of the case.

The fact that the parties can not recover in the Court of Claims for any portion of their claim except that which accrued within six years has nothing to do with the equity of the case. They were limited to that because the law which created the court was made to apply to all classes of claims, and simply provided that no recovery should be had where six years had expired after the claim had accrued before suit was brought.

Mr. BLAIR. I should like to ask the Senator a question. I understand the Senator's point to be this, that this matter of limitation applies only to the jurisdiction of the Court of Claims.

Mr. DOLPH. That is all.

Mr. BLAIR. Nothing further.

Mr. DOLPH. It does not apply to Congress nor to the merits of the case.

Mr. BLAIR. And it is for that reason and that reason alone that the Supreme Court in reaffirming the decision of the Court of Claims held that in a judgment by the Court of Claims they could go back only six years.

Mr. DOLPH. They did not pay the portion of the claim which accrued prior to that time.

Mr. BLAIR. And that limitation applies to the decision of the Court of Claims; but when you get outside of the jurisdiction of the Court of Claims and come inside the jurisdiction of Congress, it is just the same as though there had been no Court of Claims created at all, and therefore the very fact that these are ancient claims, and we have had the use of this money all these years, and the parties have had no interest on it, is an additional reason why we should pay the principal.

It seems to me it is the very height of meanness now to come forward, when we will not permit any statute of limitations to be pleaded against us, and undertake to enforce a statute of limitations against these men, to make the very prolongation of the evil or the wrong which we have been doing to them the justification of our robbing them of the whole debt. If I owed a man $100 one hundred years ago and I have the use of that money for the whole hundred years, the argument of the Senator from Maine is that from the very fact that I have had it for one hundred years and the use of it all that length of time and wronged the man out of it for that length of time, I am justified in keeping him from it altogether. That is the argument, as it seems to me.

This idea of limitation comes only from the fact that in creating this special tribunal, the Court of Claims, it was thought proper to limit their jurisdiction in matter of time, but it left these claims directly against the Government still open and to be paid by the sense of equity of the Government upon petition and application as it has always been heretofore and as it would have been to-day had there been no Court of Claims created. Is not that the true view of it?

Mr. DOLPH. That is the correct view of it, I think. I should be very glad to have some statute of limitations upon claims paid by Congress, but we have none, and we are constantly paying claims that are very old, without reference to any such statute, and I do not know why these naval officers should be discriminated against.

Mr. CALL. There is not only no statute of limitations against these claims, but the statute of the United States expressly provides that there shall be no such bar against them. The law of March 3, 1883, is in the following words:

And all officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the regular or volunteer Army or

Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if said service had been continuous and in the regular Navy in the lowest grade having graduated pay held by such officer since last entering the service.

Here is a statute of the United States requiring that all the benefits of the lowest grade in which an officer or enlisted man has served at any time, in all kinds of service and for all lengths of time, and covering the period of the war between the States shall be given him. It provides in express terms that not for six years but for sixty years, if necessary, the right shall exist. He shall have all the benefits of all his actual service, whether sea-service or on a receiving-ship or on land or anywhere else, and he shall be paid according to actual length of service.

Now, the Senator from Maine undertakes to say that a statute limiting the jurisdiction of the Court of Claims annuls this positive provision of law extending over all time that the service of these men who were engaged in the war shall be held to be continuous, including the lowest grade which they held at any time, whether in the regular or volunteer Navy or the regular or volunteer Army, whether one kind of service or another, although the term is used that all the benefits of that actual service shall be allowed and paid to them.

The Supreme Court has decided that service on board a receiving-ship was the same as sea-service, and it was one of the benefits of that grade of service, whether of enlisted men or officers. What has the provision in the organization of the Court of Claims as to the jurisdiction of that particular tribunal, as stated clearly by the Senator from Oregon, to do with this positive mandatory provision of the statute that a man shall be paid for all his service of all kinds that he has rendered for sixty years? The Supreme Court decided that that was the positive meaning of that law and its language; and can not anybody see that it is?

How can a man receive continuously from the period of his first service all the pay and all the benefits of the lowest grade in which he has served, whether in one branch of the service or another, for any length of time, if he had served for sixty years, and yet be restricted to six years, as this amendment provides? Why, Mr. President, that is to say that this provision limiting the jurisdiction of the Court of Claims for all kinds of claims annuls and destroys that specific provision giving longevity pay and giving all the benefits of the service of every kind, whether on receiving-ships, or on land, or on sea.

There is nothing in the idea. There is no logic, no force, no reason in it. It is entirely unreasonable and without foundation.

The law is clear. The Supreme Court said it gives pay from the first period of entering the service and for all the time engaged in actual service in the lowest grade continuously; and it was meant, said the court, to cover not six years, but the whole period of time and expressly contemplates more than six years in this act of 1883, of necessity.

Suppose this case, which is only one of a great majority of like cases covered by this amendment: An enlisted soldier in 1861 serves through the war and he is promoted for gallantry in battle to a captaincy or other commissioned officer. He now applies after the act of 1883 for his pay as captain from that time to this. He claims this to be a debt of the United States, and a part of it a payment or bounty given him for service in the civil war between the States. The Senator from Maine says you can only be paid for six years before the filing of a petition, because Congress in creating a Court of Claims having no reference to your case, limited the jurisdiction of the court to six years.

What relation has this answer of the Senator from Maine to the soldier's demand that the law of 1883 in express terms gives him this pay from the date of enlistment, and that the Supreme Court has so declared. And the amendment to the Constitution declared that this should be a debt of the United States, and Congress should never invalidate it. The war between the States was more than six years before the act of 1883 was passed, and the enlisted men and the officers of the Army, of course, in large numbers existed, and these claims existed with them, and this act was passed in reference to service more than six years previous to 1883, as everybody knows. How then can the mere restriction of the jurisdiction of the Court of Claims affect the provisions of this act of 1883, as the Supreme Court has expressly decided in giving longevity pay? Of course that act might not be held to have increased the jurisdiction of that court and enlarged it, although I think when Congress sent cases to that court of this description it did enlarge the jurisdiction *pro hoc vice;* but the Supreme Court might have said that this act did not enlarge the jurisdiction of that court so that it might render a judgment, but unquestionably nobody will say that the restriction of the jurisdiction of that court annulled and destroyed the mandatory force of a law which said that an enlisted man or an officer should have all the pay continuously of the lowest grade of the service in which he had entered for all the time of his actual service, when this actual service was during the war from 1861 to the present time. In addition to this, to show more conclusively the manifest unreason of this proposition to impose a statute of limitations in this soldiers' claim, six years have not passed since 1883, when this act was passed, and the amendment proposes to bar the right under the act of 1883 by a limitation in the jurisdiction of the Court of Claims before the six years have expired. If the amendment should be adopted I am satisfied that any intelligent court would decide it to be unconstitutional as to this class of cases.

Mr. MITCHELL. I should like to ask the Senator a question for my own information, because I do not know how I shall vote on this measure, though I am inclined to vote with the committee from what I have heard. I want to know what the date of the act of Congress is, or if there is more than one act to be construed in determining the matter under which the accounting officers of the Treasury prior to these decisions of the court held that those officers serving on receiving-ships were not entitled to the same amount that other naval officers were entitled to receive?

Mr. CALL. I do not suppose there was any act of Congress on that point.

Mr. BLAIR. On that I understand the debate goes on the assumption that this was an old original law thirty years old or more.

Mr. MITCHELL. It must have a date ten years ago, or twenty years ago, or five or six years ago.

Mr. VOORHEES. It was simply an order of the Secretary of the Navy. I do not understand that the practice arose by any statute or by the words of any statute, but, as stated by the Senator from Maine, it was by executive order, the order of the Navy Department, that the ruling prevailed denying that service on a receiving-ship was sea-service—an arbitrary rule—and the Supreme Court reversed that.

Mr. BLAIR. And held that service on a receiving-ship was to be paid as sea-service, and that that always had been the law in all the years previous.

Mr. VOORHEES. Yes; and that that had always been the legal right of the parties.

Mr. MITCHELL. The Supreme Court in doing that had to take up some statute or some order of the Navy Department or some basis of legislation upon which to give a construction.

Mr. VOORHEES. On the contrary, they took the common-sense view——

Mr. BLAIR. And the common law.

Mr. VOORHEES. That service on a ship of war was sea-service. If a man was serving on it he had to pay two mess bills. The Senator from Maine smiles, but that is the effect; and if I could turn to the speech I made here two or three weeks ago, which I can not now, I could find in the decision that I cited the very language of the Supreme Court to that effect, giving the reasons why it was to be regarded as sea-service and giving amongst other reasons the fact that it cost a man more to live, that he had to pay a mess bill on ship-board and pay for the support of his family on shore.

Mr. MITCHELL. I know, but the Senator must agree that this question arose out of some law. Now, the Senator has stated in one breath that it was an order of the Navy Department and in the next breath that it was under the common law, and in another breath under some statute.

Mr. VOORHEES. No; I said the common-sense view of it. There are a great many things that arise out of no express statute. The Secretaries of the Navy without any statute construed this service to suit themselves and issued orders accordingly, which afterwards came before the Supreme Court and the court said they had no right to issue them.

Mr. MITCHELL. Is there no statute regulating it?

Mr. VOORHEES. I do not understand that there is.

Mr. HALE. There is a general statute.

Mr. BUTLER. The statute out of which the controversy arose must have been the statute allowing the naval officer so much pay for sea-service and so much pay for land-service.

Mr. BLAIR. So much for land-service and more for sea-service than for land-service. It has been held, as I understand the Department's decision, that service on a receiving-ship shall be paid the same as land-service, and they paid those who served on receiving-ships a smaller amount during these thirty years. Then a case arose in the Court of Claims, and the Court of Claims decided that service on a receiving-ship was sea-service and had attached to it a higher pay. They took that case to the Supreme Court, and the Supreme Court said that service on a receiving-ship was sea-service and entitled to higher pay, but the Court of Claims could give its judgment for only six years prior to the date of the action by virtue of the statute creating the Court of Claims. The Supreme Court has decided the main question, that service on a receiving-ship is sea-service and that attached to it is a higher rate of pay.

Mr. MITCHELL. Is there not some law which provides how much a man shall receive for sea-service?

Mr. BLAIR. Certainly. That is a law which has been in existence for years and years and right along there always has been a distinction between land and sea service. Sea service is paid higher. Then the question arose whether these lubbers on receiving-ships were doing service on land or water. The question was whether the men who served on receiving-ships were land-lubbers or not. The Department held "Yes, these old admirals who have served their country on the sea and are now serving their country on receiving-ships are land-lubbers and are to be paid for land-service." They carried it to the Supreme Court and the Supreme Court decided the other way. The court said

receiving-ship service is sea-service and entitled to a higher rate of pay from the beginning and all the way back.

Mr. MITCHELL. There is an act of Congress, as I suppose, passed some time or other, perhaps a good while ago——

Mr. BLAIR. When they made the Navy probably.

Mr. MITCHELL. There is an act passed at some time which entitles naval officers or persons engaged in certain service to a certain rate of sea-pay.

Mr. BLAIR. And higher than land-pay.

Mr. MITCHELL. So the only question remaining is whether or not these persons on the receiving-ships should be entitled to sea-pay?

Mr. BLAIR. That is all. The Department has held for years that the receiving-ship service was land-service and has paid those on receiving-ships a lower rate accordingly.

Mr. MITCHELL. I understand it now.

Mr. BLAIR. Take the case of a man who has served thirty years in succession down to the present date. Under the law, if he goes to the Court of Claims to recover his rights, the thirty years' difference of pay between land-service and sea-service being due him, and if in the Court of Claims he establishes his right they give him judgment for six years back; in other words, leaving due him twenty-four years' service that he is not paid for. The Court of Claims can give no judgment for those twenty-four years, because in farming out our jurisdiction to the Court of Claims we authorized the Court of Claims to take cognizance of certain cases and to reach back in judgment six years. But we reserved to ourselves the right and the duty also to do justice in all cases of claims that arise reaching back beyond the six years. So now for the twenty-four years' service in the case I am supposing the parties come now to Congress and ask for their pay; and upon the very principle on which the six years have been paid we ought to pay the other twenty-four. The courts have decided that receiving-ship service is held to be sea-service. The law we made gave them the right to the pay for sea-service during all those thirty years, the legal right, not the equitable right, but the legal right against the country; and we failed to give them any remedy except to come to Congress and petition for this difference in their pay.

Then we created the Court of Claims. Now, the Court of Claims has jurisdiction to pay them for six years prior to the date of filing their petition in the court; but we did not authorize them to go back and pay the other twenty-four years; and yet the equity, and not the equity alone, but the strict moral right, remains the same under the law as the Supreme Court has decided that it would have been if the Court of Claims had been authorized to go back the whole thirty years and render judgment back to the beginning of the thirty years' service. It is just exactly the same. The court has said in express law we have given them the right to sea-pay when they were rendering service on receiving-ships, not a matter of equity, but a matter of law, and the failure has been in not giving them the right to go to court and to have sued us under the law for what we owed them.

We might just as well have refused to pay anything for the service on a receiving-ship at all as to have refused to pay the portion that is still due, the difference between land-service pay and sea-service pay, because it is under the same general law, the whole of it, and we have withheld so much, two or three or five hundred dollars of every man's earnings every year, when all that time the law provided for it just exactly as though my pay of $5,000 a year had not been paid me in full for ten or fifteen or twenty years. My pay as a Senator being $5,000 a year by statute, I have no right to sue the United States for it covering all that time. Suppose that under some construction of the Comptroller of the Treasury only $4,000 a year is paid me. My legal right all the time is for the other $1,000. Congress creates a court of claims and authorizes a member of Congress to sue for his claim in the Court of Claims, and the court goes back six years. I sue in the Court of Claims and I recover the other $1,000 for six years; but the United States owes me for ten, fifteen, or twenty years, and it has withheld all those years $1,000 annually. That, under the law, is exactly as much mine by the decision of the Supreme Court of the United States as the $4,000 which have been paid me. It is as right and just for us to have never paid these men a cent for any of the services they rendered on land or sea up to the present time. It is as just to withhold the whole of it as to withhold any portion of it. It is only a question as to the extent of the robbery. That is the way it appears to me.

Mr. CALL. If the Senator is through, I will conclude what I have to say.

Mr. BLAIR. I beg the Senator's pardon. I did not know I was taking the floor from him.

Mr. CALL. That is all right. I only wish to call the attention of the Senate to the fact that the act of March 3, 1883, was mandatory in its provisions and that it required that the officer or enlisted man should be paid continuously for the whole period of his actual service, whether in one branch or another, using the words "all the benefits" of that grade of service, being the lowest grade in which he had served for his whole lifetime. That is the act of Congress. That is what the Supreme Court decided when it gave longevity pay, gave pay according to the length of time and made the service continuous.

How can there be a statute of limitation against a matter of that kind? The law says there shall not be a statute of limitations, and the argument is that because somewhere at some time a court was created, being a court of claims, to which every person might have access, and that court was limited to six years, that act having no connection with the acts of 1882 and 1883, and because some persons entitled to the benefits of this act of 1883 went into that court and the jurisdiction of that court was not adequate to cover the whole period of the claim and the whole amount due, therefore this act of Congress is limited, and the statute of limitations may be imposed against its express provisions. That is the argument, and that is all I want to say. The proposition is so manifestly unreasonable, and even without plausible ground to stand upon, that I will not further consider it.

Mr. HALE. I am very desirous of getting this bill to a vote. I do not want to take up any more time of the Senate. Let us have a vote on this question and settle it.

The PRESIDENT *pro tempore*. If it be agreeable to the Senate to have both the amendments treated as one question, on disagreeing to the amendment proposed by the committee and inserting what has been read by the Secretary——

Mr. VOORHEES. I do not rise to discuss that, but I want to put the proposition correctly before the Senate. There is a part of the amendment proposed by the Senator from Maine that is desirable; that is, to strike out the proposition made by the committee. Then the rest of his amendment, the proviso, is the point of antagonism.

The PRESIDENT *pro tempore*. The question, then, will first be taken on agreeing to the amendment proposed by the committee, to strike out, in lines 16 and 17, after the word "Navy," on page 83——

Mr. HALE. Practically we can get at it by taking a vote on the committee's amendment, because if that carries that ends it, and if it does not carry the other will be restored as a matter of course.

Mr. VOORHEES. That is all right.

The PRESIDENT *pro tempore*. The part proposed to be stricken out by the committee will be read by the Secretary.

Mr. VOORHEES. I will say to the Senator from Maine that the amendment, so far as striking out the proposition reported by the committee is concerned, may be made by unanimous consent, if the Senator desires it that way, and then we can take a vote on the rest of the proposition.

Mr. HALE. That is just as well. Let unanimous consent be given that the part stricken out be restored and then the vote can be taken on the proviso.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the part proposed to be stricken out be read. It will be read by the Secretary.

The SECRETARY. It is proposed to strike out, on page 83, line 16, after the word "Navy," the words "two hundred and fifty-six thousand nine hundred and forty-eight dollars and sixty-five cents."

The PRESIDENT *pro tempore*. That is the amendment proposed by the committee.

Mr. EDMUNDS. I should like to have the Senator explain what that means. Is the committee in error about it? How does it happen? Why are these words to be restored?

Mr. HALE. They were stricken out because we did not have the correct amount at the time to put in. Now we find the amount here is correct, and the words should be restored at any rate, because that is the amount certified, and if the proviso is put on, then the clause is subject to the proviso.

Mr. EDMUNDS. I have no objection if the committee wishes to have the Senate disagree to the amendment just read. I should like to understand how that is.

Mr. HALE. The amendment that has just been read, the technical amendment, is the amendment to strike out the whole appropriation. Nobody desires to do that. It was left in that way in order that the proper amount might be inserted. If that is disagreed to, the amount is inserted as originally contained in the bill. Then the question will come on the proviso offered by the committee.

Mr. EDMUNDS. I understand, then, that the committee are willing and desirous that this particular technical amendment, as it is called, shall be disagreed to.

Mr. HALE. Undoubtedly.

Mr. EDMUNDS. Then the question will be upon the proviso.

Mr. HALE. Yes; on the proviso.

The PRESIDENT *pro tempore*. If there be no objection, then, the amendment proposed by the committee to strike out in lines 16 and 17 the words read by the Secretary after the word "Navy" will be disagreed to, and the words will stand in the bill as reported from the House. The question now recurs upon agreeing to the amendment proposed by the Senator from Maine that has been read.

Mr. EDMUNDS. Let that be again read.

Mr. HARRIS. That is the committee amendment, is it not?

Mr. HALE. That is the committee amendment.

The Secretary read as follows:

Provided, That no part of any one of the claims to which this appropriation is applicable shall be paid therefrom which accrued more than six years prior to the date of the filing of the petition in the Court of Claims upon which the judgment was rendered, which being affirmed by the Supreme Court has been adopted by the accounting officers as the basis for the allowance of said claim.

Mr. BLAIR. I would inquire the date of the decision.

Mr. HALE. It is not the date of the decision, but the date of the filing of the petition.

Mr. BLAIR. The date of the filing of that petition, since 1883?

Mr. HALE. Oh, yes.

Mr. BLAIR. And most of these claims accrued during the war for service on the receiving-ships.

Mr. HALE. A large part have already been paid.

Mr. BLAIR. This would cut off the difference between sea-service and land-service when rendered on receiving-ships during the war and down to about 1883.

Mr. HALE. There are none of the cases that go back to the war. They run along for the last fifteen or twenty years. Most of the old cases have been paid, I am sorry to say.

Mr. BLAIR. I do not see that the Senator has any right to be.

Mr. VOORHEES. I ask for the yeas and nays.

Mr. HALE. Let us have a standing vote.

Mr. VOORHEES. Very well.

Mr. EDMUNDS. I think this is a very important matter. There is a great deal of money in it. I think we ought to have the yeas and nays.

Mr. HALE. I am afraid a roll-call may develop the lack of a quorum.

Mr. EDMUNDS. Very well, then we ought not to go on at all.

The PRESIDENT *pro tempore*. The Senator from Vermont on this question asks for the yeas and nays.

Mr. HALE. Then I hope—and I will make the suggestion, as this is not a party question in any degree—that Senators will vote without regard to political pairs. It is not a party question.

Mr. PASCO. Did I understand the Senator from Maine to say that most of these claims had already been allowed and paid?

Mr. HALE. I did not mean to say that the most of them had been.

Mr. PASCO. That fact would have very great weight with me in casting my vote.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASCO. I would be pleased if the Senator from Maine would state what the facts are as to the payments already made, because that has great weight with me and with others.

Mr. HALE. Some portion of these claims have been paid. The amount that is involved here is much larger than I supposed until I looked at it. It is about $400,000. I should say that of the claims which have been paid there are probably $200,000 or $300,000 paid and perhaps $700,000 or $800,000 still unpaid.

Mr. PASCO. Then why is this amount limited to $256,948.65?

Mr. HALE. That is only the proportion that is certified. It is not intended to close the matter up with this sum.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is absent, but as I am informed that I am at liberty to vote notwithstanding the pair, I shall vote "yea."

Mr. HARRIS. I have a standing pair with the Senator from Vermont [Mr. MORRILL], but I reserved the right to vote on amendments to this bill. I vote "yea."

The roll-call having been concluded, the result was announced—yeas 29, nays 16, as follows:

YEAS—29.

Allison,	Edmunds,	Ingalls,	Sabin,
Berry,	Farwell,	Jones of Arkansas,	Teller,
Blackburn,	Frye,	Jones of Nevada,	Vest,
Chandler,	Hale,	McPherson,	Walthall,
Cockrell,	Harris,	Mitchell,	Wilson of Iowa.
Coke,	Hawley,	Platt,	
Colquitt,	Hearst,	Ransom,	
Cullom,	Hoar,	Reagan,	

NAYS—16.

Bate,	Call,	Faulkner,	Pasco,
Blair,	Daniel,	Gorman,	Pugh,
Brown,	Davis,	Gray,	Stockbridge,
Butler,	Dolph,	Hampton,	Voorhees.

ABSENT—31.

Aldrich,	Evarts,	Paddock,	Sherman,
Beck,	George,	Palmer,	Spooner,
Blodgett,	Gibson,	Payne,	Stanford,
Bowen,	Hiscock,	Plumb,	Stewart,
Cameron,	Kenna,	Quay,	Turpie,
Chace,	Manderson,	Riddleberger,	Vance,
Dawes,	Morgan,	Saulsbury,	Wilson of Md.
Eustis,	Morrill,	Sawyer,	

So the amendment was agreed to.

Mr. RANSOM. I should have stated that my colleague [Mr. VANCE] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. HALE. On page 91, at the bottom of the page, I ask unanimous consent to fill the blank by inserting, in line 24, after the word "Navy," "$201,443.71," with the same amendment just agreed to.

The amendment was agreed to.

Mr. HALE. Now, I understand the next matter reserved is on page 66.

The PRESIDENT *pro tempore*. The amendment will be stated.

Mr. HALE. It is the month's extra pay.

The CHIEF CLERK. The next reserved amendment is the amendment of the Committee on Appropriations, on page 66, to strike out the clause from line 10 to line 17, inclusive.

The PRESIDENT *pro tempore*. The Senate understands the amendment. It need not be read again.

Mr. HALE. Perhaps some Senators were not here when it was reserved.

The PRESIDENT *pro tempore*. It will be read.

The SECRETARY. It is proposed to strike out the following words:

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay to the officers and employés of the Senate and House borne on the annual and session rolls on the 20th day of October, 1888, including the Capitol police, for extra services during the Fiftieth Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be immediately available.

The PRESIDENT *pro tempore*. The amendment is to strike out what has just been read by the Secretary.

Mr. CULLOM. A vote "nay" will keep in the clause.

Mr. HARRIS. Allowances such as this have been very often made. There has never been a Congress where so much has been exacted and so many duties performed by the employés as the Fiftieth Congress, in view of which fact I do not think a word more need be said. This amendment ought not to be agreed to, and I hope the Senate will disagree to the amendment as reported by the committee.

Mr. VOORHEES. Mr. President, I shall certainly vote to disagree with the amendment, but at the same time I desire to give notice that if it is disagreed to I shall move to amend the section by inserting "the employés of the Library of Congress." They have been harder worked than any employés of the Government in this Capitol.

Mr. HALE. And besides that, if the amendment is disagreed to, the Reporters of the Senate should be added.

Mr. VOORHEES. I am perfectly willing to add them.

Mr. HARRIS. Necessarily, if disagreed to, the paragraph will be open to amendment. Let us dispose of one thing at a time.

Mr. VOORHEES. I want to impress the Senate with this fact: Mr. Spofford has less force than he needs by a great many, and the consequence is he overworks necessarily the force he has. I repeat what I have said, that there are no employés under this roof who are harder worked than the employés of the Library.

Mr. HALE. I have very decided convictions upon this matter. I believe that the best paid employés in the Government are those who are about the Senate and the House of Representatives. It was a hard session, but it was no harder for the employés than for Senators and Members. The Senate, a few years ago, took this matter in hand and directed that the extra month's pay should be cut off, and that has been observed as the rule since. But I am so desirous of getting the bill through—this, I hope, is the last matter that will give rise to any controversy—that I am entirely willing that the Senate now should vote upon the question and settle it at once without further discussion.

Mr. REAGAN. Mr. President, as I shall vote to sustain the amendment I desire to say a word upon the subject. I recognize, of course, as others do, the efficiency and faithfulness of the employés of the Senate and the House of Representatives, and I recognize the further fact that they have places which others can not get; that they receive pay better than most people in like employments elsewhere get; that they get pay for the full time when they are not required to serve much over half their time so far as annual clerks are concerned; that many of the employés here get pay larger than the governors of States or the judges of the supreme courts of the States; that they have made a contract with the Government. They have agreed to accept the salary, which the law provides for, which is ample and just, and a full remuneration for their services. Now, it is said that the Reporters of the House are to be embraced. One of them gets $6,000. The others get $5,000, I believe. They get as much as Senators and Representatives get. The Secretaries of the two Houses, the Doorkeepers, the other officers get large pay.

I know, Mr. President, how easy it is to be liberal with other people's money. I know, I believe at least, that no man making a contract for himself would do any such thing. Has any Senator here ever heard of an employer of persons having stipulated a price for their services, when they had completed their services, proposing to give them a month's additional pay? Men do not do that because it would come out of their own pockets, but this comes out of other people's pockets, and it is very easy to be liberal and generous with other people's money.

Mr. President, there is another feature about this. We ought not to teach the employés of the two Houses of Congress to plunder the Treasury without consideration. We ought not to teach them to be beggars upon public bounty. Who is it that has not been mortified for the last several days to here the appeals for this allowance? Why is it done? In the first place the House of Representatives proposed some years ago a month's extra pay to its employés because the employes of the House were paid less than the employés of the Senate, but the Senate was not willing to be left behind and it added a month's pay to the employés of the Senate. So the habit will run, starting first for the purpose of equalizing the pay of the employés of the two Houses. That made a

precedent a year ago. Do we remember that we represent millions of people who struggle from one end of the year to the other for the means of living for the support of their families and are scarce able to do it? Do we remember that we are taxing them to give away money in very considerable amounts? This amendment does not state the amount here involved. I do not know how much it is. I do not suppose that there is a Senator here or a Representative in the other end of the Capitol who can tell you how much money this amendment will appropriate.

Men engaged in the private pursuits of life do not get such pay as the employés of this body. Our pages get between $2 and $3 a day. They do in the other House; I suppose they do here. Men work hard at home for 75 cents and a dollar a day who are glad to get it—grown men working in sunshine and in storm.

Mr. BLAIR. May I ask the Senator a question? If that is true, does it not seem almost too much for the Government to give us $5,000 a year?

Mr. REAGAN. The Senator from New Hampshire is prolific in questions. I do not know that I am so prolific in answers. The man who has capacity enough to represent a great State, the man who has devoted a life of labor and study and perhaps a fortune to qualify himself for a position to serve a great State and a great nation, I would suppose the Senator from New Hampshire would not be disposed to put upon the level of a man who works for a dollar a day in the field or in the forest. I am surprised that the Senator should ask such a question. I am dealing with practical facts. We come here not as representing ourselves, but as representing the people who send us here, as representing their States. Who, I ask, believes that if you go to them they will say you shall give several thousand dollars away to persons receiving higher pay than any of them can get at home?

Mr. President, at this time I do not wish to occupy the Senate further by the discussion of this or any other question, but I do wish to enter my earnest protest against this business of plundering the Treasury to gratify our friends who have been amply paid according to contract.

Mr. HARRIS. Mr. President, the Senator from Texas having had the pleasure of entering his earnest protest, I ask that the Senate come to a vote upon this question.

Mr. HALE. I hope that will be done.

Mr. HARRIS. I am content with the judgment of the Senate in view of the facts.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the amendment?

Mr. REAGAN. I ask for the yeas and nays upon that question.

The yeas and nays were ordered.

Mr. HALE. Let it be understood that a yea vote strikes out the provision and a nay vote keeps it in.

Mr. HARRIS. Those who favor giving the extra pay to the employés will vote "nay."

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). Upon this question I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. BLAIR (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If his colleague [Mr. WALTHALL] assents that I may vote, I shall vote.

Mr. HALE and others. Let us all vote.

Mr. BLAIR. I shall not vote without the consent of the colleague of the Senator from Mississippi [Mr. GEORGE]. If his colleague says I can vote, I shall vote; otherwise not.

Mr. WALTHALL. I have no means of knowing how my colleague would vote on this particular amendment.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE], and unless it is generally understood that pairs shall not be observed I shall withhold my vote.

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I think, in fact I know, that he would vote "nay." I will therefore vote. I vote "nay."

The roll-call was concluded.

Mr. JONES, of Arkansas (after having voted in the negative). I am paired with the Senator from New York [Mr. HISCOCK], but as this is in no sense a party question I have taken the liberty to vote. I have no doubt he would approve of my action if he were present. I shall let my vote stand.

Mr. HEARST. This not being a political contest, I think I am at liberty to vote, though my colleague [Mr. STANFORD] is not present. I vote "nay."

Mr. CHANDLER. I am paired with the Senator from New Jersey [Mr. BLODGETT], but I feel at liberty to vote on this question. I vote "yea."

Mr. BLAIR. I ought perhaps to say that my pair with the Senator from Mississippi [Mr. GEORGE] is such that I do not feel at liberty to vote on any question, whether political or otherwise, where I have reason to think that he might desire a pair, and I think he would in this case. I should vote "nay" if I were not paired.

The result was announced—yeas 15, nays 35; as follows:

YEAS—15.

Allison,	Coke,	Hale,	Reagan,
Brown,	Edmunds,	Hawley,	Vest,
Chandler,	Farwell,	Ingalls,	Walthall.
Cockrell,	Frye,	Platt,	

NAYS—35.

Bate,	Faulkner,	Kenna,	Sabin,
Blackburn,	Gorman,	McPherson,	Spooner,
Bowen,	Gray,	Mitchell,	Stewart,
Butler,	Hampton,	Paddock,	Stockbridge,
Call,	Harris,	Palmer,	Teller,
Cullom,	Hearst,	Pasco,	Turpie,
Daniel,	Hoar,	Pugh,	Voorhees,
Davis,	Jones of Arkansas,	Quay,	Wilson of Iowa,
Dolph,	Jones of Nevada,	Ransom,	

ABSENT—26.

Aldrich,	Colquitt,	Manderson,	Sawyer,
Beck,	Dawes,	Morgan,	Sherman,
Berry,	Eustis,	Morrill,	Stanford,
Blair,	Evarts,	Payne,	Vance,
Blodgett,	George,	Plumb,	Wilson of Md.
Cameron,	Gibson,	Riddleberger,	
Chace,	Hiscock,	Saulsbury,	

So the amendment was rejected.

Mr. HALE. I have one or two further committee amendments to offer. This clause having been retained, I move to add, after the word "police," in line 14, on page 66, the words:

The employés of the Congressional Library and the Senate reporters.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 14 on page 66, after the word "police," it is proposed to insert the words:

The employés of the Congressional Library and the Senate reporters.

So as to read:

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay to the officers and employés of the Senate and House borne on the annual and session rolls on the 20th day of October, 1888, including the Capitol police, the employés of the Congressional Library, and the Senate Reporters, for extra services during the Fiftieth Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be immediately available.

Mr. HOAR. I should like to understand the effect of the phrase "the Senate Reporters." Are they paid by the month; if not, what does the phrase "one month's pay" mean?

Mr. HALE. It would be one-twelfth of the amount the Reporter now receives annually by contract.

Mr. HOAR. It does not seem to me that that would be the effect of the language, unless it has been somewhere settled.

Mr. HALE. We have given it several times.

Mr. HOAR. We have a contract with the person to do a particular service, it may last six months and it may last three months. It is proposed to give one month's extra pay. I do not understand that the service is measured by the day, but I understand is measured by the amount of work, the number of pages.

Mr. HALE. I understand that it has been put in this way heretofore.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. HALE. I have one more amendment, and after that I shall have nothing more to offer. On page 29, after line 20, I move to insert:

Pay of the Army: For pay of enlisted men, $220,000; service-pay, enlisted men, $34,000; pay of hospital corps, $15,000; for allowances for travel, retained pay, clothing not drawn, and interest on deposits, $86,888; in all, $355,888.

The amendment was agreed to.

Mr. HOAR. I desire merely to have a little amendment of mere form made, if the Senator from Maine will allow me. On page 35, I see two persons spoken of therein have the title of "honorable" prefixed, "Honorable W. E. Chandler" and "Honorable W. C. Whitney." I think as a matter of taste that word should be stricken out.

Mr. HALE. And in the preceding paragraph, instead of "ex-Secretary Chandler" it should read "William E. Chandler."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 7, on page 35, it is proposed to strike out the word "honorable," and in line 14, to strike out the word "honorable."

Mr. HALE. And in lines 6 and 7, strike out "ex-Secretary" and insert "William E." before the name "Chandler."

Mr. HOAR. Yes, let that also be included in the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. SPOONER. I move to insert at the end of the bill—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to PHILIP S. POST, out of any money not otherwise appropriated, the sum of $5,668.40, in reimbursement of expenses necessarily incurred in defense of his title to his seat as a member of the Fiftieth Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin. [Putting the question.] By the sound the noes have it.

Mr. CULLOM. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. Is the demand for the yeas and nays seconded?

Mr. CULLOM. A standing vote will do just as well.

Mr. SPOONER. I hope the amendment may be adopted.

Mr. STEWART. Let the amendment be read again. It is not understood.

Mr. COCKRELL. I desire to make a statement in justice to the Committee on Appropriations, as I see the distinguished Senators who are in charge of the bill do not make it as I hoped they would. It has been a universal rule of the Committee on Appropriations not to interfere in House matters. The House has had an opportunity to provide compensation to Mr. POST for this contest and has refused it. Now his friends come to the Senate to get the Senate to assume the responsibility of giving him more than the law allows and more than his own confrères in the House would give him. I say it is an imposition upon the Senate, and that it is not right.

Mr. SPOONER. I have only this to say about the amendment: The appropriate committee in the House of Representatives reported in favor of this proposition; but it did not find its way, for certain reasons, into the appropriation bill.

I see no reason upon the merits of the proposition why it should not be adopted. If it is important that the will of the people in any election should triumph, and that an election should be contested where the certificate awarded to a member turns out to be only *prima facie* evidence of his right to the seat, Congress ought to cover the necessary expense of making that contest.

This gentleman contested his seat in Congress. It required a lengthy examination, the examination of a great many witnesses and the employment of counsel, and every dollar provided for by the amendment was necessarily expended by him in making that contest.

Mr. CULLOM. And he has all the vouchers to show that the money was expended.

Mr. SPOONER. He exhibited the vouchers, and the House committee reported in favor of the proposition. If the House does not agree to this amendment it can be stricken out in conference.

Mr. GORMAN. I should like to ask the Senator from Wisconsin a question if he will yield.

Mr. SPOONER. Certainly.

Mr. GORMAN. Has not the matter of payment to contestants been under discussion for a great many years, and has not Congress by a law fixed the amount in each of these cases to which a contestant is entitled?

Mr. COCKRELL. Certainly; $3,000.

Mr. SPOONER. Congress did fix an amount.

Mr. GORMAN. Congress has fixed the amount, and there is now in every contest in Congress a sum allowed, although it is true it may not be sufficient to pay the expenses of contest in more than half the cases.

Mr. SPOONER. The appropriation ought to be sufficient, if there is any principle in making an appropriation at all, to cover the necessary expenses in making the contest.

Mr. GORMAN. That is very true.

Mr. CULLOM. The Senator from Wisconsin will allow me to say that when the contest in this case was over the testimony was so complete that the whole House unanimously voted to give this gentleman his seat. The fact is that he is a poor man. As has been stated, he did not spend a single dollar contrary to law, and he has the vouchers and receipts for every cent that was paid out according to law.

It would seem, as has already been said, that if there is anything in making the contest to get at the truth and the right, it ought not to result in breaking the man up who does pay. It seems to me that the claim ought to be allowed. As the Senator from Wisconsin said, if the House of Representatives, where this gentleman is a member, decline to entertain the amendment, it will go out of the bill in conference.

Mr. COCKRELL. I make a point of order that the amendment is not in order.

Mr. CULLOM. It is too late to make the point of order after we have been discussing it.

Mr. COCKRELL. It is not too late to raise a point of order at any time.

The PRESIDENT *pro tempore*. Upon what rule does the Senator from Missouri raise the point of order?

Mr. COCKRELL. This is a pure claim. It is moved upon an appropriation bill. It is not recommended by any committee of the Senate.

The PRESIDENT *pro tempore*. The Chair has no information on that subject.

Mr. SPOONER. The Senator from Missouri is mistaken in his last statement. This amendment was reported from a standing committee of the Senate and was referred in due season, under the rules, to the Committee on Appropriations.

Mr. COCKRELL. That still does not make it in order, it being purely a claim.

Mr. SPOONER. It answers the proposition that it has not been reported by a committee, I think.

The PRESIDENT *pro tempore*. The question as to the amendment being reported from——

Mr. COCKRELL. And there is no deficiency. It is not a deficiency, and it is not pertinent to this bill.

The PRESIDENT *pro tempore*. The Senator will excuse the Chair. That does not go to the question of order, but as to whether the amendment is germane or relevant. The point of order is not sustained if the statement of the Senator from Wisconsin, which the Chair supposes to be true, is correct. The Senator from Missouri does not dispute that statement.

Mr. CULLOM. I will state that I introduced the amendment and it was referred to the Committee on Claims, acted upon favorably by that committee, and then referred to the Committee on Appropriations.

Mr. COCKRELL. It was acted upon by what committee?

Mr. CULLOM. By the Committee on Claims.

Mr. COCKRELL. If it was acted upon by the Committee on Claims, then I want to appeal to the Chair to know whether every claim recommended by the Committee on Claims goes upon an appropriation bill notwithstanding the rules of the Senate. I make the point of order that the amendment is not in order, being a claim, and that it is not germane to this bill.

The PRESIDENT *pro tempore*. If the Senator will pardon the Chair, the question of relevancy must be decided by the Senate and not by the Chair; it is not a question of order. The rule provides that when the question of relevancy is raised as to whether an amendment is germane or not, it shall be decided by the Senate without debate, and not by the Chair.

Mr. COCKRELL. Do I understand that the Chair has decided that every claim which has been reported by the Committee on Claims and referred to the Committee on Appropriations is in order to be offered in the Senate to an appropriation bill?

The PRESIDENT *pro tempore*. It is in order so far as that part of the rule is concerned. It may or may not be germane or relevant.

Mr. COCKRELL. It is then in order, notwithstanding it is a private claim, which the rules expressly say shall not go on an appropriation bill?

Mr. HOAR. I desire leave to observe that, as far as my memory goes, such provisions for the compensation of members or contestants have been put on appropriation bills ever since I have been in either House of Congress, for more than twenty years.

Mr. COCKRELL. But it must be put on in the House, not in the Senate.

Mr. HOAR. They have always been considered as appropriate; they are treated as a matter of public expenditure. Wherever there is a fair question as to who is entitled to a seat, it is not the private interest of the contestant in this body or the other; it is a matter of public interest, and the investigation is made in the interest of the people, in order that their will may be carried out.

The PRESIDENT *pro tempore*. The Chair would hold that this is not a private claim, and that the question of relevancy under the third paragraph of Rule XVI, if the Senator from Missouri desires to raise that point, must be decided by the Senate:

> All questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

Mr. COCKRELL. The Chair decides that it is not a private claim when clause 4 of Rule XVI provides that—

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill.

Will the Chair please inform the Senate why, if this is not a private claim, it was referred to the Committee on Claims?

The PRESIDENT *pro tempore*. The Chair declines to enter upon any discussion of that question. The Chair holds that this is not a private claim, subject to the right of appeal by the Senator from Missouri. If the Senator desires to appeal, it will be entertained.

Mr. HARRIS. Upon the question of relevancy?

The PRESIDENT *pro tempore*. If the Senator raises the question of relevancy, it will be submitted to the Senate.

Mr. COCKRELL. I shall not raise the question of relevancy at this time.

The PRESIDENT *pro tempore*. The question then recurs on agreeing to the amendment moved by the Senator from Wisconsin [Mr. SPOONER].

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. HALE. I hope Senators will vote on this question so as to make a quorum.

The PRESIDENT *pro tempore*. A quorum is recorded.

Mr. BLAIR. On this question I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

The result was announced—yeas 23, nays 20; as follows:

YEAS—23.

Bowen,	Hawley,	Paddock,	Spooner,
Cullom,	Hearst,	Palmer,	Stewart,
Davis,	Hoar,	Platt,	Stockbridge,
Dolph,	Ingalls,	Plumb,	Teller,
Farwell,	Jones of Nevada,	Quay,	Wilson of Iowa.
Frye,	Mitchell,	Sabin,	

NAYS—20.

Allison,	Coke,	Hampton,	Ransom,
Bate,	Daniel,	Harris,	Reagan,
Berry,	Gorman,	McPherson,	Vest,
Brown,	Gray,	Pasco,	Voorhees,
Cockrell,	Hale,	Pugh,	Walthall.

ABSENT—33.

Aldrich,	Chandler,	Hiscock,	Sawyer,
Beck,	Colquitt,	Jones of Arkansas,	Sherman,
Blackburn,	Dawes,	Kenna,	Stanford,
Blair,	Edmunds,	Manderson,	Turpie,
Blodgett,	Eustis,	Morgan,	Vance,
Butler,	Evarts,	Morrill,	Wilson of Md.
Call,	Faulkner,	Payne,	
Cameron,	George,	Riddleberger,	
Chace,	Gibson,	Saulsbury,	

So the amendment was agreed to.

Mr. PASCO. I move the amendment I send to the desk.

The PRESIDENT *pro tempore*. The amendment moved by the Senator from Florida will be stated.

The CHIEF CLERK. It is proposed to add to the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and adjust the claim of the State of Florida as found and reported in the letter of the Secretary of War, dated March 22, 1882, and under previous acts of Congress, and to pay to the said State such sum of money as he may find to be due the said State; and in making such settlement he shall retain the whole, or so much thereof as may be necessary, of said allowance or settlement and apply the same to the payment of the principal and interest, or either, of said bonds of the State of Florida held by the Treasurer of the United States in trust for the Indian trust fund or to the reimbursement of the United States of moneys advanced by the United States on account of interest due on such bonds, and shall demand of said State, and allow to it, upon said claim or claims for the purpose of such settlement, the rate of interest stipulated in said bonds, apply the same to the payment of the balance due of the principal and interest, or either, of said bonds of the State of Florida, held as aforesaid, after a proper credit is given for such sums as may have been retained by the Secretary of the Treasury under section 3481 of the Revised Statutes, or to the reimbursement of the United States of moneys advanced by the United States on account of interest due on such bonds, and shall demand of such State, and allow to it, upon said claim or claims for the purpose of such settlement, the rate of interest stipulated in said bonds: *Provided*, That in computing the interest on said advances, the Secretary of the Treasury shall apply the rule applied by act of Congress approved March 3, 1857, to the claim of the State of Maryland. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, so much money as may be necessary to carry out the above provision.

Mr. EDMUNDS. Does that come from any committee?

Mr. PASCO. It comes from the Committee on Claims.

Mr. EDMUNDS. The amendment was referred to the Committee on Claims and ordered to be printed February 19. It was reported from that committee February 21, and referred to the Committee on Appropriations.

Mr. HALE. It is clearly a claim, nothing but a claim, a very old one at that.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Maine to raise a point of order?

Mr. HALE. Undoubtedly.

The PRESIDENT *pro tempore*. Upon the ground that this is a private claim?

Mr. HALE. Undoubtedly.

Mr. DOLPH. I raise the further point of order that it contains legislation which is not in order on an appropriation bill.

The PRESIDENT *pro tempore*. The Chair thinks that the only legislation is that which provides a distribution of the money that is appropriated.

Mr. HALE. Would it be possible, does the Chair think, to get a yea-and-nay vote upon it?

Mr. DOLPH. It authorizes the adjustment of a claim.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Florida [Mr. PASCO], who had not yielded the floor.

Mr. PASCO. I understand that the point of order is overruled and that the amendment is properly before the Senate.

The PRESIDENT *pro tempore*. So the Chair holds.

Mr. PASCO. Mr. President, this claim referred to in this amendment originated during the Seminole war of 1856 or 1857, and it has been before Congress from time to time nearly ever since that date. On the 3d of March, 1881, by a joint resolution of the two Houses of Congress the claim was referred to the Secretary of War for investigation. The amount of the principal was ascertained and the contest came up simply as to the interest.

The claim has been before the Senate from time to time since then, and during the present session of Congress it has had a very exhaustive examination by the Committee on Claims. It has been passed upon by that committee, but my colleague and myself have failed in our efforts to get the bill for its payment before the Senate so that action might be taken upon it.

I do not propose now to go into the merits of the claim. The report in which they are set forth has been in the hands of members of the Senate ever since the 25th of January.

But the special reason for urging the matter with the earnestness that my colleague and myself have done during the present session has been on the ground of the necessities of our State. The people of the country have been generous to the people of Florida during the past year, and now we ask the Senate to be just towards our State and to settle this claim which has been so long outstanding. The exigencies of the State require it. The State treasury has been exhausted by the numerous drains upon it in connection with the epidemic which was raging in the State during the past summer. During the past month a special session of the Legislature has been necessary in consequence of this epidemic, a board of health has been provided for, and all this will require a very large outlay of money.

It is for this reason that the people of our State, acting through their Legislature, have urged upon Congress and urged upon their Senators and Representatives here that this claim should be brought forward and an effort made to settle it now. The resolutions of our State Legislature were read to the Senate only yesterday. If this claim is to be settled there is no better time and no time more opportune for our people than the present, so that the extraordinary expenditures of the State may be provided for out of this fund, which justly belongs to her, the payment of which has been so long delayed.

Unless the merits of the case are brought up in the discussion I shall not go further into them myself at the present time. The hour is late, and I desire to bring this matter as speedily as possible to a vote. I ask that the amendment be adopted.

Mr. CALL. Mr. President, this claim on the part of the State of Florida has been adjudicated at various times and a bill for its payment passed the House of Representatives in the former Congress two years ago.

There is no doubt that the money was honestly expended by the State for the suppression of Indian hostilities. The facts are undisputed. The necessities of the State at this time are very great and this money will be expended not only in the interests of the State of Florida, but of the whole country in preventing the reappearance of the epidemic which prevailed in that State and its communication to other States.

In consequence of the great loss imposed upon the State by the epidemic last year the State finances have become very much reduced and the State is in very great need of this money at this time for the purpose I have mentioned. Inasmuch as there is no dispute whatever in regard to the fact of the money having been honestly expended by the State and the debt has been recognized by a committee of this body and by a bill passing the other House, I think that the amendment ought to be allowed to go upon the bill.

Mr. HALE. Let us have a vote, Mr. President.

Mr. PASCO. I have been asked by several Senators what the amount of the principal of this claim is. It is found upon page 8 of the report of the Committee on Claims:

Amount due Florida, as per report of Secretary of War, $224,648.09.

That was when it was examined by the Secretary of War, Mr. Lincoln.

Bonds due the Indian trust fund, $132,000. Leaving a balance of $92,648.09.

That is the principal of the debt.

Mr. HAMPTON. I ask the Senator from Florida if the amendment is not predicated on the report that was made by the Committee on Military Affairs a year or two ago.

Mr. PASCO. It is the substance of the report of the Committee on Military Affairs then made, and recommending the payment of the principal of this debt is embraced in the report now before the Senate.

Mr. DOLPH. I hold in my hand a report made by the senior Senator from Arkansas [Mr. JONES], from the Committee on Claims, on the 26th of February, 1887, which seems to have been the report of the committee with only one dissenting member, Senator WHITTHORNE, in which this claim, being, as I understand it, the same claim, is found to be without merit.

Mr. HALE. The committee reported against it.

Mr. DOLPH. The committee reported against it. I ask to have the report read.

Mr. HALE and others. Oh, no.

Mr. PASCO. It would take up the rest of the night to read the report. There are at least fifty pages in the report which the Senator proposes to read.

Mr. DOLPH. Very well; I will withdraw the request.

Mr. PASCO. I will state that this matter was acted upon by the Committee on Claims during the latter part of the last Congress and an unfavorable report was then made; but it had been previously passed upon favorably, so far as the principal is concerned, on several former occasions. There was a report from the Military Committee in the Forty-sixth Congress made by the Senator from Kansas [Mr. PLUMB] in favor of it. There are reports from the same committee in the Forty-seventh and again in the Forty-ninth Congress, made by the Senator from South Carolina [Mr. HAMPTON], in favor of it. There was a report from the other House in the last Congress in favor of the claim as it now stands, and the bill for its payment was there passed. It has again been there favorably reported at the present Congress, but no final action has been taken.

When the matter was examined before the committee at the close of the last Congress, perhaps hurriedly, the report to which the Senator from Oregon refers was made. The report was unfavorable, and it caused the claim to be arrested at that time, but it has been thoroughly examined at the present session of Congress before the same committee which made the former report, and the present chairman of the

committee, the Senator from Wisconsin [Mr. SPOONER], the Senator from Massachusetts [Mr. HOAR], and others who joined in that adverse report, are now joining in the report which is before the Senate.

I trust the Senate will view the case as presented in the report made at the present session rather than as presented in the report which was made at the last Congress.

Mr. HAMPTON. I did not know that this matter was to be brought up, and I have not before me the report which I made at the time, but the recommendation made by the Military Committee was based upon a calculation furnished to us by the Department. We went through it and examined it with great care, and the result of the deliberations of the committee was that the State of Florida was entitled, as I now remember, to about $92,000.

Mr. PASCO. That is the amount.

Mr. HAMPTON. After deducting what was due by Florida, though the claim was much larger than that. I think the claim is an eminently just one, and I hope the amendment will be sustained.

Mr. HALE. Let us have a vote, Mr. President.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. PASCO].

The amendment was agreed to.

Mr. HALE. I did not call for the yeas and nays on the amendment, because I am desirous of getting through with the bill.

Mr. DANIEL. I offer an amendment to come in on page 89 of the bill, after line 12.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. On page 89, after line 12, it is proposed to insert:

That the accounting officers of the Treasury be, and they are hereby, authorized and directed to examine the accounts between the United States and each of the States of New York, Pennsylvania, Delaware, Virginia, South Carolina, and the city of Baltimore, adjusted under previous acts of Congress; and on such examinations to assume the sums expended by each State aforesaid and the said city of Baltimore, for the use and benefit of the United States in the war of 1812 to 1815 with Great Britain, and the sums refunded and repaid by the United States to each of the aforesaid States and to the said city of Baltimore, and the times of such payments, as being correctly stated in the accounts, as the same have been passed at the Treasury Department, but in the calculation of interests due to the said States aforesaid, and to the said city of Baltimore, under previous acts of Congress, the following rules shall be observed, namely: Interest shall be calculated up to the time of any payment made. To this interest the payment shall first be applied, and if it exceed the interest due, the balance shall be applied to diminish the principal. If the payment falls short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed to each of the said States and city of Baltimore on such sums only on which the said States and city either paid interest or lost interest by transfer of an interest-bearing fund. That if upon such re-examination of the accounts and applications of the above rules any money shall be found due to either of said States or to the said city of Baltimore, the same shall be applied first to the payment of principal and interest of any bonds of the said States, matured or unmatured, held by the United States in trust or otherwise, and after the payment of said principal and interest on the bonds of either of said States or city, the balance, if any, shall be paid to the constituted authorities of said States, respectively, and to those of said city, and for any sums found due and remaining after payment of said bonds there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, so much money as may be necessary, and the same shall be immediately available.

Mr. HALE. This is unlike the other claims which have been presented. I raise the point of order upon it.

Mr. EDMUNDS. What point does the Senator raise? This is just as much in order as the others.

Mr. HALE. I raise the point of order that it has not been reported from any standing or select committee of the Senate.

The PRESIDENT *pro tempore*. The point of order raised by the Senator from Maine to the effect that this proposed amendment has not been reported from any standing or select committee of the Senate, and is therefore not to be received, is sustained.

Mr. DANIEL. Mr. President, I only wish that the matter may be thoroughly understood. This same proposition has been reported favorably by the Committee on Claims and has been referred to the Committee on Appropriations, and that, as I was informed awhile ago was the view of the Chair, made the amendment in order.

The PRESIDENT *pro tempore*. It does not appear from the print the Chair has examined that the amendment was reported from any standing or select committee of the Senate.

Mr. HALE. No, it was not. The amendment has not been reported from any committee, and by the Senate referred to the Committee on Appropriations as an amendment to the appropriation bill.

The PRESIDENT *pro tempore*. Therefore it is not in order under the rule.

Mr. DANIEL. I thought it would be in order if the same proposition had been reported favorably by a committee in the form of a bill. This is the identical text of the proposition reported by the Committee on Claims.

Mr. FRYE. That does not answer.

Mr. HARRIS. Is the matter determined as to the amendment of the Senator from Virginia?

The PRESIDENT *pro tempore*. It is, unless an appeal is taken from the decision of the Chair.

Mr. DANIEL. I do not appeal from the decision of the Chair, but may I be permitted one moment? This was the exact proposition the Chair passed on a little while ago in the case of the amendment proposed by the Senator from Florida [Mr. PASCO].

Mr. JONES, of Arkansas. I am a member of the Committee on Claims, and will state that the difference between the two propositions is that the other was an amendment proposed by the Committee on Claims and sent here to be referred to the Committee on Appropriations. In the amendment the Senator from Virginia presents that was not the case; it was simply a bill favorably reported from the committee.

Mr. EDMUNDS. That is a technical difference. We ought not to stand on that.

Mr. HARRIS. On page 45, at the end of line 18, I move to insert:

To pay S. M. Stockslager the difference between the salary of Commissioner and Assistant Commissioner of the General Land Office from November 17, 1887, to March 26, 1888, both inclusive, being the period of service of said S. M. Stockslager as Acting Commissioner of the General Land Office from the date of the resignation of William A. J. Sparks, Commissioner, to the qualification of his successor, $358.48.

Mr. HALE. I raise the point of order upon that amendment.

Mr. HARRIS. I have nothing to say if the Senator raises a point of order until the Chair disposes of it.

Mr. HALE. I raise the point of order. I do not know whether this has been referred by a committee to the Committee on Appropriations, but even if it has been, it seems to me a clear case of a claim.

Mr. HARRIS. Upon the contrary, it is a matter estimated for. It has not been reported by any committee so far as I know, but it has been offered in the Senate and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Was it estimated for by the head of a Department?

Mr. HARRIS. It was.

The PRESIDENT *pro tempore*. Will the Senator refer the Chair to the Book of Estimates?

Mr. HARRIS. I have not the estimates before me.

Mr. HALE. If estimated at all, it is only estimated in the sense of submitted items that are sent in not as estimates proper but only as submitted. It is a clear case of an addition to the salary of an official who has for a time served in a higher grade in the same office.

Mr. HARRIS. Will the Senator from Maine allow me to correct his facts? It is a clear case of a very different character.

Mr. HALE. Then I am mistaken in the case.

Mr. HARRIS. I suppose the Senator is.

Mr. HALE. Will the Senator not state what the case is?

Mr. HARRIS. The facts are exactly these: When the Commissioner of the General Land Office resigned his position Mr. Stockslager, as the Deputy Commissioner, performed the duty of Commissioner and Deputy Commissioner for some three months.

Mr. HALE. Yes; that is as I understand it.

Mr. HARRIS. He was then appointed Commissioner and became Commissioner, but for the three months or more that he performed the duties of both positions he received only the lower salary of the lower position.

Mr. HALE. But that was before he was appointed Commissioner.

Mr. HARRIS. It was; but it is not the ordinary case where the superior officer is absent and the subordinate acts instead of the superior. There was no salary being paid to a Commissioner during that period; the office was vacant; and in that respect it is exceptional.

Mr. HALE. But it is just like a lieutenant performing the duty of captain if the captain is dead. Nobody would claim that the lieutenant could get the pay of a captain.

The PRESIDENT *pro tempore*. Will the Senator from Tennessee refer the Chair to the estimate?

Mr. HARRIS. I chance not to have it before me.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. In the absence of evidence that this item was estimated for by the head of a Department, the Chair will be compelled to sustain the point of order.

Mr. HARRIS. I hope the Chair will hear the Senator from Iowa. I do not know what statement he is going to make.

Mr. ALLISON. I do not care to make any statement now.

Mr. PALMER. On page 9, after line 22, I move to insert:

Duluth Harbor, Minnesota:
For establishing range lights at Duluth Harbor, $3,284.12.

I will state that the bill creating this light-house was passed last year. I am informed by the clerk of the Committee on Commerce that it was omitted inadvertently from the sundry civil appropriation bill by the House. Therefore I think it should go in here.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. PALMER].

The amendment was agreed to.

Mr. TELLER. I have a couple of amendments here from the Committee on Public Lands which I desire to offer. After line 5, on page 47, I move to add:

For payment to the State of Kansas, on account of 5 per cent. fund arising from the sale of public lands in said State from July 1, 1884, to June 30, 1885, as per decision of the First Comptroller of the Treasury, of date May 6, 1880, and as stated by the Commissioner of the General Land Office, $43,790.32.

Mr. EDMUNDS. I should like to hear that explained.

Mr. TELLER. That is for the 5 per cent. due the State of Kansas

for land that was within Indian reservations which all the States have had except the States of Colorado and Kansas and Nebraska.

Mr. EDMUNDS. Land not sold?

Mr. TELLER. Land sold; the Indian land when that was sold.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Colorado.

Mr. EDMUNDS. Let us divide.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for a division.

Mr. EDMUNDS. I should like to say a word about that. I do not suppose there is any use at this time of night in trying to stop anything that is to be ridden onto this bill; but the law of the United States has only pledged, as I understand it, to the States that come in 5 per cent. on the proceeds of sales of the public lands, and not lands that belong to somebody else. The States of Ohio and Iowa and Michigan, and I do not know how many others, have tried over and over again for the last forty years to get something more out of the lands that were appropriated to other uses and that belonged to the Indians, and so on, and so on. If we go into it in fair detail, it would take an hour or two to explain the whole thing. Now, to put on an appropriation bill without investigation and without the report of a committee telling us exactly what the facts are, a provision that we are to pay to these States the money that has been got from the sales of lands that belonged to the Indians and were only sold on account of a contract and agreement with the Indians, appears to me to be entirely wrong. I do not suppose it is possible to stop it, but I should like to have the yeas and nays on it all the same.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. I want to say to the Senator from Vermont that the States of Mississippi, Louisiana, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Arkansas, and Florida have all had this money, and I say to the Senator that this case has never been presented to the Senate before, and the cases that he refers to as to land warrants have nothing to do with this question. The Comptroller has decided that we are entitled to this money, but it can not be paid except by an appropriation.

Mr. EDMUNDS. I should like to hear the decision of the Comptroller read, and if he has decided as wisely about this as he did about the paper used in the circuit court of the United States in New York, perhaps we should all agree to it.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, the roll will be called.

The Secretary proceeded to call the roll.

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. If he were present I should vote "yea." I withhold my vote unless it be necessary to make a quorum.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence I withhold my vote.

The roll-call was concluded.

Mr. JONES, of Arkansas. Is there a quorum recorded?

The PRESIDENT *pro tempore*. There is not.

Mr. JONES, of Arkansas. Then I vote "yea."

Mr. BLAIR. I vote "yea."

Mr. PADDOCK. I am paired, but am at liberty to vote to make a quorum. I vote "yea."

The result was announced—yeas 28, nays 14; as follows:

YEAS—28.

Berry,	Colquitt,	Jones of Arkansas,	Stewart,
Blair,	Daniel,	Jones of Nevada,	Stockbridge,
Bowen,	Davis,	Mitchell,	Teller,
Brown,	Dolph,	Paddock,	Turpie,
Butler,	Frye,	Palmer,	Voorhees,
Call,	Hoar,	Pugh,	Walthall,
Coke,	Ingalls,	Quay,	Wilson of Iowa.

NAYS—14.

Allison,	Gorman,	Harris,	Reagan,
Bate,	Gray,	Hawley,	Vest.
Cockrell,	Hale,	Hearst,	
Edmunds,	Hampton,	Ransom,	

ABSENT—34.

Aldrich,	Eustis,	Manderson,	Saulsbury,
Beck,	Evarts,	Morgan,	Sawyer,
Blackburn,	Farwell,	Morrill,	Sherman,
Blodgett,	Faulkner,	Pasco,	Spooner,
Cameron,	George,	Payne,	Stanford,
Chace,	Gibson,	Platt,	Vance,
Chandler,	Hiscock,	Plumb,	Wilson of Md.
Cullom,	Kenna,	Riddleberger,	
Dawes,	McPherson,	Sabin,	

So the amendment was agreed to.

Mr. TELLER. I have another amendment for the State of Colorado, exactly like that for the State of Kansas, only for a smaller sum.

The PRESIDENT *pro tempore*. The amendment will be stated.

The Secretary read as follows:

For payment to the State of Colorado, on account of 5 per cent. fund arising from the sale of public lands in said State prior to June 30, 1888, as provided by the act of admission, $16,000, or so much thereof as may be necessary.

Mr. EDMUNDS. I ask for the yeas and nays on that.

Mr. DANIEL. Is the amendment reported by a committee?

Mr. TELLER. It is reported by the Committee on Public Lands in the same way and audited by the Department.

Mr. BERRY. I do not remember that this amendment was submitted to the members of the Committee on Public Lands. The amendment which has just been agreed to was submitted to me as a member of the Committee on Public Lands by the Senator from Colorado [Mr. TELLER]. As I understood the proposition at that time, it did not refer to or make any claim except the same claim which has been allowed all the other land States; that is, 5 per cent. upon the lands sold.

Mr. TELLER. That is it exactly.

Mr. BERRY. The other States have received 5 per cent., but for some reason in the act of admission of these States they did not receive the 5 per cent. which had continuously been received by all the other land States, and therefore I agreed to support the other amendment, and I voted for it. The pending amendment I know nothing about. I do not know how it comes here or why it was not put in with the other amendment.

Mr. TELLER. I will say to the Senator that it was presented to him at the same time the other amendment was. The two were together.

Mr. BERRY. The other case was to pay the 5 per cent., which all the land States were entitled to and which all the others were receiving; and that being the fact, as a matter of course I thought it was a just claim. The pending one I do not understand, and I should like the Senator to explain why it is in a separate amendment and not included in the other.

Mr. TELLER. I will say to the Senator that the reason is that one is for the State of Kansas and the other for Colorado. This is for Colorado. One was for $43,000 and this is for $16,000.

Mr. BERRY. Is the claim of Colorado the same as that of Kansas?

Mr. TELLER. The same precisely, and audited and allowed upon the books of the General Land Office.

The PRESIDENT *pro tempore*. On the question of agreeing to the amendment the Senator from Vermont asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL], and withhold my vote.

The roll-call was concluded.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 29, nays 11; as follows:

YEAS—29.

Berry,	Dolph,	Mitchell,	Teller,
Bowen,	Frye,	Palmer,	Turpie,
Brown,	Gray,	Platt,	Voorhees,
Butler,	Hampton,	Pugh,	Walthall,
Call,	Hearst,	Quay,	Wilson of Iowa.
Coke,	Hoar,	Spooner,	
Daniel,	Ingalls,	Stewart,	
Davis,	Jones of Nevada,	Stockbridge,	

NAYS—11.

Allison,	Cockrell,	Hale,	Ransom,
Bate,	Edmunds,	Harris,	Reagan.
Chandler,	Gorman,	Hawley,	

ABSENT—36.

Aldrich,	Dawes,	Kenna,	Riddleberger,
Beck,	Eustis,	McPherson,	Sabin,
Blackburn,	Evarts,	Manderson,	Saulsbury,
Blair,	Farwell,	Morgan,	Sawyer,
Blodgett,	Faulkner,	Morrill,	Sherman,
Cameron,	George,	Paddock,	Stanford,
Chace,	Gibson,	Pasco,	Vance,
Colquitt,	Hiscock,	Payne,	Vest,
Cullom,	Jones of Arkansas,	Plumb,	Wilson of Md.

So the amendment was agreed to.

Mr. JONES, of Arkansas. I offer an amendment to come in immediately after the amendment which was offered by the Senator from Wisconsin [Mr. SPOONER] and adopted by the Senate some time since.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert as a new section the following:

To pay W. Jasper Blackburn the sum of $5,417, the remainder of salary due him and unpaid as a member of the House of Representatives of the United States for the Fortieth Congress.

Mr. HALE. I raise the point of order on that.

Mr. JONES, of Arkansas. If the Senator from Maine will allow me a moment I will explain the matter.

I offered this amendment and sent it to the Committee on Appropriations some time since, but I understand they did not have time to consider it and it was not inserted on that account.

The PRESIDENT *pro tempore*. Was the amendment reported by any standing or select committee of the body?

Mr. JONES, of Arkansas. It was not, but I ask indulgence to make a word of explanation.

Mr. Blackburn was a member of the delegation from Louisiana which was admitted in the midst of the Fortieth Congress. At first the members of that delegation were paid for only the time they actually served. Subsequently the other members of that delegation were paid for the balance of their term, as he states in his petition, which has been presented frequently, but he, never having been a member of Congress subsequently, was never paid for the remainder of his term.

I think there is no question that Mr. Blackburn is entitled to this amount under the precedents which have been established. I have two or three times introduced bills for his relief, but they have failed to be finally enacted into law. I think this gentleman should be allowed the balance of pay due him. He is an old and a poor man and entitled, in my judgment, to the amount named in the amendment.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. JONES, of Arkansas. I did not understand the Senator from Maine to insist on the point of order.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Maine to raise the point of order.

Mr. HALE. I made the point of order, and I do not withdraw it. I wish I could do so consistently.

Mr. EDMUNDS. But this is such an old claim.

Mr. HALE. Yes, this is an old matter.

Mr. COCKRELL. Not as old as the Seminole war.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. HARRIS. I offered an amendment to pay Mr. Stockslager the difference between the salary of Assistant or Deputy Commissioner of the General Land Office and Commissioner, but I was ruled out of order because I was not able to show the estimate. I have exhibited the estimate to the Chair since that time, and I now renew the amendment.

Mr. HOAR. Let the estimate be read.

The PRESIDENT *pro tempore*. The amendment will first be read.

The CHIEF CLERK. It is proposed to add as a new section—

To pay S. M. Stockslager the difference between the salary of Commissioner and Assistant Commissioner of the General Land Office from November 17, 1887, to March 26, 1888, both inclusive, being the period of service of said S. M. Stockslager as Acting Commissioner of the General Land Office from the date of the resignation of William A. J. Sparks, Commissioner, to the qualification of his successor, $358.48.

The PRESIDENT *pro tempore*. The estimate will now be read.

The CHIEF CLERK. On page 15 of House Executive Document No. 376, Fiftieth Congress, first session:

Salaries, General Land Office: To pay S. M. Stockslager the difference between the salary of Commissioner and Assistant Commissioner of the General Land Office from November 17, 1887, to March 26, 1888, both inclusive, being the period of service of said S. M. Stockslager as Acting Commissioner of the General Land Office from the date of the resignation of William A. J. Sparks, Commissioner, to the qualification of his successor, $358.48.

Mr. HALE. Is not that a submitted item?

Mr. EDMUNDS. Does it not say "submitted" there?

Mr. HALE. There are two classes of estimates, one made according to existing law, to carry out existing laws, and there are others that are called suggestive items that are simply "submitted" by the Department.

The PRESIDENT *pro tempore*. It is "submitted," but the Chair holds that the question of the propriety of adopting the amendment is with the Senate, and the amendment plainly is admissible, having been estimated for by the head of a Department in accordance with the rules.

Mr. EDMUNDS. Let us have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. This is a very small matter of itself, but the standing laws of the United States in force for a great many years have provided that no inferior officer shall be paid anything extra for performing the services of some other superior officer whose place he takes for the time being; and if some other officer than this had been nominated for the principal office it would have been contrary to all that Congress has done and all that the law has provided to give him extra compensation while he had the honor and while he did the duty of an officer whose duties he was carrying on. The only distinction is that he happened to be nominated himself instead of somebody else for the higher place, and it involved therefore a principle that will cover, if you do not stand on the statute of limitations, as we are not inclined to do to-night, more than $5,000,000 in my belief—certainly three millions—to pay away back the people like the old case we have had in the Senate for years and years, until at last it has gone—but it will come up again, I suppose—to pay Asbury Dickins, so long Secretary of the Senate, and before that an Assistant Secretary of State, I believe, for performing the duties of Secretary of State when there was not any or while that Secretary was sick or away. It involves a great deal in point of principle, and if we are going to do it for one man, if we are fair and just, we must do it for all. Therefore it is an important matter, and so I ask for the yeas and nays.

Mr. HARRIS. I want to say to the Senator from Vermont and to the Senate that he does not conceive the facts exactly as they are in this case, and his argument is not applicable to the case presented. I have myself seen since I have been a member of this body more reports than one on the claims of subordinate officers for increased pay when they were acting for the chief in the temporary absence of the chief. In those cases the salary of the chief was being paid day by day and month by month, and the salary of the subordinate officer also paid, and his acting as chief was one of the incidents of the position that he held. To that extent I quite agree with the Senator from Vermont, and have in every instance reported against paying the larger salary to the subordinate officer in such cases. But in this case the office of Commissioner was vacant, there was no Commissioner being paid; there were duties devolving upon both the Commissioner and deputy commissioner, and Mr. Stockslager performed both.

Whether he had been nominated and confirmed as Commissioner or some other person had been nominated and confirmed as Commissioner I should have favored paying him the difference between the salary of deputy and the salary of Commissioner from the time the office of Commissioner was vacated up to the time that a Commissioner was appointed.

That is the whole case, and I am quite content to allow the Senate to determine the question.

Mr. EDMUNDS. So am I, after we understand it. Every deputy of every officer when he is doing the duties of his chief and there is not a subdeputy to take the place of the deputy, performs the duties of both officers; but the deputy is merely an assistant to his chief, and if his chief is gone away or is dead or anything else, he becomes the head for the time being and the master of the situation, so to speak, but the law has said by a standing statute that in such a case extra pay shall not be allowed. That is all there is of this case. This gentleman did do the duties of chief and deputy in the same sense that every other deputy does the duties of chief and deputy when the chief is not doing his duty and the deputy comes to be the head of the office.

Therefore this is in the face of the standing statutes of the United States, and involves the principle and the duty, if it be right to pay this gentleman, of paying thousands and tens of thousands if we do not stand on the statute of limitations as we have said to-night we will not—of gentlemen who for fifty years have done the same thing. It may be right, but if it is you had better change your standing statutes.

Mr. HARRIS. The only thing I desire to say is that I do not quite agree with the Senator from Vermont that this amendment is in the face of any statute, and to follow his view he goes directly in the face of every principle of justice and right. That is all I care to say about it.

Mr. BERRY. I desire to ask the Senator a question because it will determine my vote. Does the present statute prohibit the payment of extra pay where there is a vacancy in the chief office or only where the chief is temporarily incapacitated and still draws the salary? If the law says in neither case shall it be paid, then I will not vote to pay it.

Mr. EDMUNDS. I will try to find the statute, as we have plenty of time to-night or this morning, whatever it may be.

Mr. STEWART. While that law is being looked up we might offer further amendments. I suggest to the Senator from Vermont and the Senator from Tennessee that we might dispose of some other matters while they are looking up the law.

Mr. HARRIS. I have no objection to that course being pursued.

Mr. EDMUNDS. Let this question be laid aside temporarily.

Mr. STEWART. I offer the following amendment, to come in on page 50, after line 6:

To reimburse the estate of D. O. Adkison, late postmaster at Virginia City, Nev., for moneys paid by him on money-orders on October 25, 1875, and not credited in the settlement of his accounts by reason of the destruction of the vouchers for said payments by fire, the sum of $174.95, to be paid to Lucy A. Adkison, the only surviving heir of D. O. Adkison.

The amendment was agreed to.

Mr. EDMUNDS. I think I have found the statute now that relates to the amendment of my friend from Tennessee. The law in the first place, that I need not refer to now, because this gentleman was not a clerk, says that no clerk shall receive any extra compensation for doing any other duty than that which belongs to a clerk; but this gentleman is not a clerk, and he is not within that literally. Now I come to section 1763:

SEC. 1763. No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall receive compensation for discharging the duties of any other office unless expressly authorized by law.

I do not know what the compensation of this gentleman was as Deputy Commissioner of the Land Office. If it was above $2,500, then that hits it. Now comes the next section:

SEC. 1764. No allowance or compensation shall be made to any officer or clerk by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever which any officer or clerk may be required to perform unless expressly authorized by law.

That is all I have to say.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment of the Senator from Tennessee [Mr. HARRIS]?

The amendment was rejected.

Mr. McPHERSON. I offer an amendment.

Mr. COCKRELL. I would ask what amendment it was that was disagreed to?

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Tennessee [Mr. HARRIS].

Mr. COCKRELL. I hope action will not be had upon that. The Senator from Tennessee just stepped out. He will be back in a moment.

Mr. EDMUNDS. I hope so, too. Let it be reconsidered and laid aside until the Senator from Tennessee comes in.

Mr. McPHERSON. On page 86, after line 6, I move to insert:

That the Secretary of the Treasury is hereby authorized to allow and pay, out of any money in the Treasury not otherwise appropriated, to pay the claims for interest of the North German Lloyd Steam-ship Company of Bremen, the Hamburg-American Packet Company of Hamburg, and the Norse American Line of Sweden a sufficient sum to pay said lines interest at the rate of 4 per cent. per annum on such moneys as were exacted from such companies in contravention of treaty provisions and heretofore refunded under the act of June 19, 1878, said payments to be made to the duly accredited ministers of the German and Swedish Governments at Washington.

Mr. HALE. Does this come from a committee?

Mr. McPHERSON. I understand that there has been a recommendation by the Committee on Claims in favor of this measure, and it has been referred to the Committee on Appropriations.

Mr. SPOONER. I ask leave to say about this amendment that a bill was reported at the last Congress favorably by the Committee on Claims. The payment of these sums was recommended by the President in his message, and there came to the Committee on Claims from the Secretary of State a communication in which he advised the payment of these claims, suggesting that we had exacted from other governments interest under similar circumstances, and that it would embarrass us——

Mr. McPHERSON. It has been recommended by the President, by the State Department, and by the Committee on Claims.

Mr. SPOONER. I had not finished my sentence. And at this session the Committee on Claims instructed me to report the item as an amendment intended to be offered to this bill, and it was referred in time, under the rule, to the Committee on Appropriations.

Mr. EDMUNDS. I ask for the yeas and nays.

Mr. HOAR. I would like to be informed, to govern my vote, what earthly reason there is why this claim should not be paid. We promised a foreign government we would not exact these sums, and by a mistake our officers exacted them from a foreign steamer. We never have made a claim against a foreign government under the circumstances on the face of the earth, in my opinion, where we did not demand, and if we were able, compel the payment of interest in like circumstances. Now the German Government make this demand upon us. I do not mean a formal demand, but makes the representation to our State Department. The President of the United States thinks we are bound in honor to pay it, and sends in a message recommending its payment. The Secretary of State says that he will be exceedingly embarrassed in our foreign relations if it is not paid, and he writes a letter on the subject to Congress.

The only doubt I have is whether we ought not to pay what was the current rate of interest which such companies had to pay at the time, which would be 6 or 7 per cent., and I consented in the committee to reduce it to the sum of 4 per cent., understanding that the agents of these steam-ship companies had said that they would be content with that rather that have any further delay.

Mr. McPHERSON. In regard to the Alabama claims the Government of the United States demanded and received interest. This was a matter which was governed and controlled by treaty stipulations. The Government of the United States did pay back the amount of the tonnage dues, but without interest. It is claimed by the German Government that there has been no whole indemnification of the German Government without the payment of interest, and I quite agree with the Senator from Massachusetts that the full measure of interest ought to have been paid instead of the reduced rate before the Senate. Certainly there is no ground in the world, I think, on which opposition to this payment can be based.

Mr. HOAR. I may add that, as that Senator is not present, the former Secretary of State, Mr. EVARTS, also very urgently pressed this claim upon the attention of the committee.

Mr. HALE. I hope we may settle this without the yeas and nays.

Mr. EDMUNDS. We can not settle it without the yeas and nays, if we can get them, for I wish to have the recorded judgment of the Senate upon this question. The United States has never engaged to pay interest upon claims to foreigners any more than it has to its own citizens in respect of their claims. I suspect that it will be found as in respect to some other very large cases that have been sent to the Committee on Foreign Relations, of which I happen to be a member, and so know about them, of similar exactions as is alleged of tonnage dues imposed, as it is claimed, contrary to treaty stipulations, that the United States is under no obligation whatever, moral or legal, to do to the foreigner who does business in our ports any other kind or sort of justice than it does to its own citizens doing business in our ports and owning ships that come in in the same way; and therefore it is that such matters, which ought to be considered as separate and independent ones upon bills that could be fairly considered in time enough to do it, and to endeavor to do right, but, when they are ridden in upon appropriation bills in the last days of the session, I simply wish to get the recorded vote of Senators to stand as a precedent, right or wrong—right, of course, if the majority think so—for governing everybody else in like cases.

I myself am not able to see any distinction between exactions that are made illegally or contrary to law and treaty from a man who owns a ship that sails under the American flag trading in our ports, and a man who owns a ship sailing under the British or German or any other flag that sails to our ports. It is all the same, and I can not see any distinction. Therefore it is that I wish to have the yeas and nays upon this amendment, because there is no time to explore it now and get the messages and papers so that we may know whether the exaction in the first instance was legal or illegal. We only take the statements of gentlemen that are intended to be correct; possibly they are; I make no question about that, but it is quite impossible to understand the case fully in all its bearings on amendments sprung at a time when no one of us wishes to take up time to explore these things; and so it is that I simply wish to say "nay," even without prejudice to the matter being considered by itself. So it is that I ask the yeas and nays.

Mr. BUTLER. Let us have a vote.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the junior Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 30, nays 11; as follows:

YEAS—30.

Brown,	Davis,	Ingalls,	Spooner,
Bowen,	Dolph,	Jones of Arkansas,	Stewart,
Butler,	Gorman,	Jones of Nevada,	Stockbridge,
Call,	Gray,	McPherson,	Teller,
Chandler,	Hampton,	Mitchell,	Vest,
Cockrell,	Hawley,	Palmer,	Wilson of Iowa.
Coke,	Hearst,	Pugh,	
Daniel,	Hoar,	Quay,	

NAYS—11.

Allison,	Edmunds,	Platt,	Voorhees,
Bate,	Hale,	Reagan,	Walthall.
Berry,	Harris,	Turpie,	

ABSENT—35.

Aldrich,	Dawes,	Kenna,	Riddleberger,
Beck,	Eustis,	Manderson,	Sabin,
Blackburn,	Evarts,	Morgan,	Saulsbury,
Blair,	Farwell,	Morrill,	Sawyer,
Blodgett,	Faulkner,	Paddock,	Sherman,
Cameron,	Frye,	Pasco,	Stanford,
Chace,	George,	Payne,	Vance,
Colquitt,	Gibson,	Plumb,	Wilson of Md.
Cullom,	Hiscock,	Ransom,	

So the amendment was agreed to.

Mr. PADDOCK. I offer an amendment to come in after the last amendment.

Mr. HARRIS. Will the Senator from Nebraska yield to me to say that after looking at the statute referred to by the Senator from Vermont, I shall not press my amendment that remains pending to pay Mr. Stockslager.

The PRESIDENT *pro tempore*. The amendment will be disagreed to, if there be no objection.

Mr. PADDOCK. I offer an amendment to come in after the last amendment of the Senator from Colorado [Mr. TELLER]. It is on all fours with the two amendments he offered, one as to Colorado and one as to Kansas, and stands in the same relation, and is the last of the States which are entitled to the 5 per cent.

The PRESIDENT *pro tempore*. The amendment will be stated.

The Secretary read as follows:

For payment to the State of Nebraska, on account of 5 per cent. fund arising from the sale of public lands in said State prior to June 30, 1888, as per decision of the First Comptroller of the Treasury, and as stated by the Commissioner of the General Land Office, $35,500.

Mr. EDMUNDS. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. REAGAN. I want to say that I voted "nay" upon several of these claims simply because they are not deficiencies, but they are brought in here as claims on a deficiency bill. I wish to be understood as voting without prejudice against the merits, but because I do not believe it is right to load down a deficiency appropriation bill with all sorts of claims.

The yeas and nays were taken.

The roll-call having been concluded, the result was announced—yeas 27, nays 13; as follows:

YEAS—27.

Berry,	Davis,	Mitchell,	Stockbridge,
Bowen,	Hampton,	Paddock,	Teller,
Brown,	Hawley,	Pugh,	Turpie,
Butler,	Hearst,	Quay,	Voorhees,
Call,	Hoar,	Sabin,	Walthall,
Coke,	Ingalls,	Spooner,	Wilson of Iowa.
Daniel,	Jones of Nevada,	Stewart,	

NAYS—13.

Allison,	Edmunds,	Harris,	Vest.
Bate,	Gorman,	Platt,	
Chandler,	Gray,	Ransom,	
Cockrell,	Hale,	Reagan,	

ABSENT—36.

Aldrich,	Dawes,	Hiscock,	Payne,
Beck,	Dolph,	Jones of Arkansas,	Plumb,
Blackburn,	Eustis,	Kenna,	Riddleberger,
Blair,	Evarts,	McPherson,	Saulsbury,
Blodgett,	Farwell,	Manderson,	Sawyer,
Cameron,	Faulkner,	Morgan,	Sherman,
Chace,	Frye,	Morrill,	Stanford,
Colquitt,	George,	Palmer,	Vance,
Cullom,	Gibson,	Pasco,	Wilson of Md.

The amendment was agreed to.

Mr. CHANDLER. By direction of the Committee on Naval Affairs I offer the following amendment to come in, on page 40, after line 18:

To pay the difference between the pay of cadet-engineers and assistant engineers of the United States Navy in second five years from July 1, 1883, and July 1, 1884, to August 9, 1888, $58,403.32.

Mr. EDMUNDS. I should like to have the Senator explain that if he will. Of course it is a very small sum, but it might be explained.

Mr. CHANDLER. It is a very large sum, but it is easy of explanation. These cadet-engineers were refused admission into the naval service as assistant engineers and afterwards went to the Supreme Court of the United States, and the Supreme Court decided that they should have been appointed as assistant engineers. Thereupon the Secretary of the Navy appointed them as assistant engineers, but did not then give them the rank to which they were entitled; that is, did not give them the rank as of the date when they should have been appointed. Then they came to the Congress of the United States, and on the 9th of August, 1888, an act was passed directing the Secretary of the Navy to put them upon the register in their appropriate order of rank and to give them their commissions as of the date when they should have received them under the decision of the Supreme Court; and under the decision of the court and the act of Congress they are as much entitled to this compensation as any creditors of the United States.

I offer the amendment by direction of the Committee on Naval Affairs because I was instrumental in keeping these young men out of the service; but the Supreme Court having decided that they were entitled to their commission and Congress having further ratified that decision by giving the specific directions to the Secretary of the Navy, there is no propriety and no fairness in withholding from them the money to which they are entitled.

The Senator from New Jersey [Mr. MCPHERSON] introduced the bill to which I have referred and gave attention to its passage through Congress, and he can make a further statement on this subject if it is necessary.

The Senator from Vermont has asked me where the decision of the Supreme Court is to be found. I do not have it now before me, but there is no mistake about the decision, first, of the Court of Claims, and secondly, of the Supreme Court of the United States.

Mr. EDMUNDS. I should like to ask my friend from New Hampshire how anybody could make a claim in the Court of Claims or in the Supreme Court of the United States or anywhere else in a judicial court for payment or any other thing because he had not been appointed to an office. I can not understand what the decision could have meant, and I should like very much to see it.

Mr. CHANDLER. I did not understand it myself, but like the Senator from Indiana [Mr. VOORHEES] in reference to the receiving-ship claims I was overruled by the Supreme Court of the United States. I resisted it, but Congress at a later period and within the last year decided that the present Secretary of the Navy was not only bound to give these young men their commissions but that he was bound to give them their commissions according to the dates when they would have been promoted if they had not been wrongfully dismissed the service.

A suit was brought in the Court of Claims for the difference in pay, to answer the Senator specifically, between that of a cadet-engineer and assistant engineer; or rather, a suit was brought for the pay of assistant engineers, and the Court of Claims and the Supreme Court decided that they were in the service and entitled to their money and were wrongfully dismissed or attempted to be dismissed by the Secretary of the Navy.

The Supreme Court decided that they were never out of the Navy. If we do not give this money, a large sum as it is, in accordance with the decision of the Supreme Court and in accordance with our own decision in a recent act, we shall simply send these young men into the hands of claim agents who will charge them 20 per cent. or 40 per cent. of the amount of the claim, and in the course of two or three years later the money will be appropriated and the claim agents will get a large part of it and the young men will get the balance.

Mr. EDMUNDS. Mr. President, there is no doubt that if there is a color or a pretext for getting money from the Treasury the claim agents will be on hand and will get their 30, or 40, or 50 per cent., and Congress at last will very likely be badgered and seduced into giving everybody everything that he wants. That is what we are for, but I should like to have somebody show me that decision, and I should like to have my friend, as he does not know where the decision is, tell me where the act of Congress is that has recognized the propriety of this claim, so that we can see that.

Mr. CHANDLER. I told the Senator that that was the act of August 9, 1888.

Mr. EDMUNDS. Have you a copy of it there?

Mr. CHANDLER. The Senator has the laws at his desk.

Mr. MCPHERSON. Will the Senator from Vermont yield to me for a moment?

Mr. EDMUNDS. I think we had better finish this just now.

Mr. MCPHERSON. I wish to make an explanation to him on this subject.

Mr. EDMUNDS. While my friend from New Hampshire is looking for the law we can go on with the debate just the same. Of course the most appropriate time to settle these private claims is on a deficiency bill. That we have agreed upon, and the Chair has ruled that the only really proper time to dispose of a private claim is in the next to the last day of the sitting of Congress and on a deficiency bill, because there is ample time then to consider each claim by itself carefully and act upon each claim independently and on its own merits.

Mr. BLAIR. I understood the ruling of the Chair would include the last day of the session as well as next to the last day. Was I not correct? The Senator intimated that the ruling of the Chair was for next to the last day of the session.

Mr. EDMUNDS. I only referred to the ruling of the Chair (which I suppose has been entirely correct) in a jocose way, and I beg pardon of the Chair if he understood it in any other sense. This is supposed to be the act of Congress:

That for the purpose of placing certain cadet-engineers (graduates) in their proper grade and rank in the Navy, the President of the United States be, and is hereby, authorized to appoint and, by and with the advice and consent of the Senate, commission as assistant engineers in the Navy the cadet-engineers of the classes of 1881 and 1882 now in the Navy: *Provided*, That the commissions of the class of 1881 be dated from July 1, 1883—

Two years afterwards instead of two years backwards to rectify an injustice, as it is suggested!

and their names be placed on the Navy Register immediately after the name of William D. Weaver, and that they take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation; and that the commissions of the class of 1882 be dated from July 1, 1884—

Two years afterwards—

and their names be placed on the Navy Register immediately after the name of Charles E. Rommell, and that they take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation: *Provided*, That any of such cadet-engineers who failed to pass the physical examination at the Naval Academy made at the time of their graduation shall be subjected, etc.

Very likely I am wrong, as this is an appropriation bill—everybody is wrong who is against any amendment to it—but I do not see how this act of Congress has any tendency to prove that the United States owes these young gentlemen anything at all, and we have not here this supposed decision of the Supreme Court that we do owe them anything. Therefore it is, as my friend from Texas [Mr. REAGAN] very well said a few moments ago, that holding in reserve the question of what may be the ultimate merit of this thing it is not right to ride it on an appropriation bill at the end of a session when it can not be carefully considered and examined so that we may know all the facts about it and the considerations that led the Supreme Court to decide whatever question they did decide. We do not know precisely for what that decision was; we have not got it before us now. And so holding in reserve what may be the ultimate merit of this thing it does not appear to me that it is right to put it on this bill.

Mr. BROWN. I desire to make an inquiry of the Senator who has charge of this bill. Some of us have remained here about as long as we have the physical endurance to remain, and it is now about half after 2 o'clock, and I doubt if there is a quorum present. If it is not disagreeable to the Senator in charge of the bill, I will move to adjourn.

Mr. HALE. I appreciate the force of the appeal of the Senator from Georgia, and I appreciate the fact that the Senate has staid here very indulgently, because I think that everybody has felt that it is of great importance to close this bill to-night. The Indian appropriation bill has been reported and will come up in the morning, and if this bill goes over until morning no one can tell how long it will take then.

I will say to the Senator from Georgia that I am going to try to finish this bill to-night, and I hope this will be the last amendment that will be offered. If I find that others in any number come in that can not be kept off on points of order, I shall not ask Senators to stay, but I hope we shall finish the bill in the next fifteen minutes.

Mr. BROWN. You have not much of a margin now on a quorum.

Mr. HALE. No, but I hope we shall finish the bill in a few minutes.

Mr. BUTLER. Let us have a vote on the pending amendment.

Mr. ALLISON. I am not very familiar with the rules, and I desire to ask if it is not necessary that this amendment should have been reported from the Naval Committee and referred to the Committee on Appropriations?

The PRESIDENT *pro tempore*. It should have been referred one day before it is offered for consideration.

Mr. ALLISON. Then I make that point of order.

Mr. CHANDLER. I ask the Senator not to make the point of order. The amendment was reported from the Naval Committee and was sent to the Committee on Appropriations. It is now half past 2 o'clock. It was sent there yesterday about the middle of the day and the twenty-four hours will soon be up.

The PRESIDENT *pro tempore*. It must have been sent prior to the last adjournment, which marks the legislative day.

Mr. HOAR. I desire, with great respect, to call attention especially to the fact that the language of the rule, as I understand, is not "one day" beforehand, but twenty-four hours, making a distinction between the two.

The PRESIDENT *pro tempore*. The rule provides that—

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

Mr. HALE. Now, I appeal to Senators to allow us to have a vote on the bill. The Senate has remained here very patiently.

Mr. MITCHELL. I have remained here patiently to get an amendment in.

Mr. HALE. I will make the point of order on it beforehand.

Mr. HOAR. I desire to say to the Chair that that which he read must have been a change by a later edition of the rules, for I looked at the rule within three days in relation to that very question.

The PRESIDENT *pro tempore*. The last edition of the rules is the one by which the Chair is governed.

Mr. HOAR. Undoubtedly.

Mr. McPHERSON. Is the amendment of the Senator from New Hampshire ruled out of order?

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. MITCHELL. On page 5, after line 5, I move to insert:

For the purpose of reimbursing B. F. Bonham, United States consul-general at Calcutta, India, for transit pay for twenty days' unavoidable detention at San Francisco, by sickness, on his way from his home at Salem, Oregon, to his post of duty at Calcutta in December, 1885, $271.74.

Mr. HALE. That is a clear case of a private claim.

Mr. MITCHELL. He is entitled to this amount, and it is reported from a committee.

Mr. HALE. It is a private claim, whether reported from a committee or not, if anything is a private claim.

Mr. MITCHELL. I think it is rather late in the night to make that point now.

The PRESIDENT *pro tempore*. Has the proposed amendment been reported from any standing or select committee?

Mr. MITCHELL. This amendment was referred to the Committee on Commerce on the 10th day of January last, and was reported back from that committee favorably and referred to the Committee on Appropriations.

Mr. HALE. Notwithstanding that, is it not a clear case of a private claim, not offered, under the language of the rule, to carry out any "existing law or treaty stipulation?"

Mr. MITCHELL. I should like to know the distinction between this claim and at least a baker's dozen of others that have been placed on the bill to-night?

Mr. EDMUNDS. This is small, and the others were big.

Mr. MITCHELL. That is a fact.

Mr. HALE. Clause 4 of Rule XVI provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. MITCHELL. I will state in addition that this amendment was put in the last appropriation bill by the same committee and adopted by the Senate, and given away or lost for some reason or other in conference.

Mr. HALE. It was not as late then as it is now, and I desire to get the bill through. If the Senator from Vermont would not call for the yeas and nays on it, I would not make the point of order, but I am constrained to do so after the appeal of the Senator from Georgia [Mr. BROWN].

Mr. MITCHELL. I submit to the President of the Senate whether the point of order is good as against this claim in view of the decisions to-night.

Mr. SPOONER. There has been a good deal said to-night about private claims and the impropriety of putting anything in this bill which is not strictly in its nature a deficiency. In this bill I find, as reported from the Committee on Appropriations, items which are neither deficiencies nor anything else, it seems to me, than private claims. Here is the case of Mrs. Hancock or the estate of General Hancock, and there are various other items of the same sort that are in no sense deficiencies.

Mr. HALE. I am doing the best I can to bring the bill to a close.

The PRESIDENT *pro tempore*. The Chair sustains the point of order against the amendment.

Mr. TURPIE. I offer an amendment, to come in after line 10 on page 51.

Mr. HALE. I do not know what it is, but I shall raise the point of order.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 51, after line 10, it is proposed to insert:

That the Postmaster-General be, and he is hereby, authorized and directed to credit Aquilla Jones, postmaster at Indianapolis, Ind., in the settlement of his accounts as such postmaster, with the sum of $2,438, being the amount of funds stolen from the money-order department of said office on the 31st of December, 1888.

Mr. TURPIE. That amendment was referred to the Committee on Appropriations and also referred to the Committee on Post-Offices and Post-Roads. There is no printed report from the Committee on Post-Offices and Post-Roads in reference to it; but the chairman of that committee, the Senator from Wisconsin [Mr. SAWYER], informed me this evening that it was reported back and recommended to be passed by that committee the day before yesterday, and the payment of this sum is recommended by the Postmaster-General. It represents the amount of a loss by theft last December in the post-office at Indianapolis. There is no dispute about the facts, but merely about the allowance. It is not a private claim at all.

Mr. HALE. It is purely a claim.

The PRESIDENT *pro tempore*. The amendment does not appear to have been reported from any standing or select committee.

Mr. TURPIE. I asked the chairman of the Committee on Post-Offices and Post-Roads, and he said he did not have it reported to save the expense of reprinting it. The Senator from Wisconsin [Mr. SAWYER] made this statement to me.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. HALE. Now let us have a vote on the bill.

The PRESIDENT *pro tempore*. Are there further amendments to this bill?

Mr. MITCHELL. Yes, sir.

Mr. TURPIE. I move to add to the bill the following paragraph:

Soldiers and sailors who were honorably discharged from the military and naval service of the United States of the war of the rebellion and the widows and children of deceased soldiers and sailors shall be eligible to appointment, transfer, and promotion, subject only to such examination as may be prescribed by the heads of Departments, and without competitive examination.

Mr. HALE. That is general legislation.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. EDMUNDS. I think it is special legislation instead of general.

Mr. TURPIE. What is the point of order?

The PRESIDENT *pro tempore*. That it is general legislation, which can not be received upon an appropriation bill.

Mr. TURPIE. I move to add to the bill a new section, as follows:

SEC. —. For refunding the taxes erroneously collected, as set forth in Senate Executive Document No. 46, Fiftieth Congress, second session, transmitted to Congress by the Secretary of the Treasury January 2, 1889, the sum of $14,515.01, or so much thereof as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by the firms therein named as tax on distilled spirits in excess of the quantity withdrawn from warehouse.

Mr. HALE. That is a claim, Mr. President.

Mr. TURPIE. It is a claim that is recommended for repayment by the officers of the Treasury.

The PRESIDENT *pro tempore*. Is it estimated for by the head of a Department?

Mr. TURPIE. I do not think that it is.

Mr. HALE. No, sir; it is not.

The PRESIDENT *pro tempore*. Is it reported from any standing or select committee of the Senate?

Mr. HALE. No.

Mr. TURPIE. No, sir; it is not.

The PRESIDENT *pro tempore*. The Chair thinks the point of order should be sustained.

Mr. MITCHELL. After line 25, on page 48, I move to insert the following paragraph:

To Bartholomew Coffey, for services of farmer in charge of the Umatilla agency in Oregon, from August 6 to 26, 1886, both days inclusive, at the rate of $1,200 per annum, $68.47, and covered by the order of the Secretary of the Interior of July 7, 1887.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

The amendment was rejected.

Mr. MITCHELL. I was requested this evening by a member of the House of Representatives from the State of Ohio, who called in expecting to find one of the Senators from that State in the Chamber, to offer an amendment. I move to insert, after line 17, on page 68:

EXHIBIT A.

To pay Mathew S. Priest $600 for services as engineer on the steamers Silver Wave and Moderator, in running the batteries at Vicksburg and Grand Gulf, Miss., in 1863, under the direction of General Grant.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The Chair thinks the point of order must be sustained.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. If there be no amendment reserved for a separate vote, the question will be taken on agreeing in the amendment made as in Committee of the Whole in gross.

Mr. EDMUNDS. I wish to reserve the Florida claim amendment.

Mr. WALTHALL. I wish to reserve for a separate vote the amendment for the benefit of Mr. POST, which was moved by the Senator from Wisconsin [Mr. SPOONER].

The PRESIDENT *pro tempore*. If there be no further amendment reserved, the question is on concurring in the remaining amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The first reserved amendment will be stated.

The CHIEF CLERK. The Senate, as in Committee of the Whole, agreed to add a new section, as follows:

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to PHILIP S. POST, out of any money not otherwise appropriated, the sum of $5,668.40, in reimbursement of expenses necessarily incurred in defense of his title to his seat as a member of the Fiftieth Congress.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. DANIEL. Has this gentleman received the $2,000 that is allowed by the act of Congress in such cases?

Mr. SPOONER. I think so.

Mr. DANIEL. He got his seat and the $2,000 allowed by law. It is now proposed by the Senate to give him five thousand and some odd dollars for expenses in the contest for his seat.

Mr. President, I have just a word to say on this proposition. I have a great deal of sympathy with it. That is to say, if that gentleman spent this money in contesting his seat and if I were a member of the House I should feel disposed to vote for it, because I think the policy of the law is to give every one who contests a seat a full and fair allowance; but I think the House, which is the judge of the election and qualification of its members, ought to have control over the matter, and that it is not proper for the Senate in an altogether exceptional case, ignoring the great body of cases of the same nature (and I have personal knowledge of cases in which the same circumstances exist), to override a statute and a fixed policy of law, and to put a special case of this sort on the deficiency appropriation bill. Therefore I can not vote for it.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read, or, if there be no objection, the question will be taken without reading it.

Mr. EDMUNDS. We all understand the Florida case. I should like to have the yeas and nays, but I think under the circumstances I shall not ask for them, but only state, as it will go in the record, my belief that this claim ought not to go on this bill even if it be a good one, which I very much doubt. But I shall not call for the yeas and nays.

The PRESIDENT *pro tempore*. If the reading of the amendment be not called for, the question is, Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was concurred in, there being on a division—ayes 20, noes 19.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I present the conference report on the sundry civil appropriation bill. I shall not ask the Senate to consider it to-night, but I give notice that I shall call it up the first thing in the morning.

The PRESIDENT *pro tempore*. Shall it be printed?

Mr. ALLISON. I should be glad to have it printed between now and morning.

Mr. EDMUNDS. Yes, it must be printed. I move that the Senate adjourn.

Mr. ALLISON. I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. PALMER. Will the Senator from Iowa withhold his motion for a moment?

Mr. EDMUNDS. We can not do that now.

Mr. PALMER. It is a small matter and will not take a moment.

Mr. EDMUNDS. It must wait until morning.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 2 o'clock and 52 minutes a. m., Saturday, March 2) the Senate adjourned until Saturday, March 2, 1889, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 1, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GLASS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GLASS. To ask the consideration of a House bill.

The SPEAKER. That can not be done at this time. The rule of the House provides that after the reading of the Journal the Speaker shall call the names of members alphabetically until 11 o'clock. There is in the hands of the Chair a large number of House bills with Senate amendments, Senate bills, executive communications, and other papers which ought to be laid before the House at this time, or on this day, and, if there be no objection, the Chair will now proceed to lay them before the House.

Mr. RANDALL. Well, there is objection if it is outside of the rule of reference.

The SPEAKER. It is until after 11 o'clock. The Chair thinks that under the permanent rule of the House the Chair is bound to lay them before the House at some time to-day, and what the Chair was desirous of doing was to lay them before the House before 11 o'clock, if there was no objection.

Mr. RANDALL. I am willing to have them laid before the House for reference under the rule; or, if concurrent action be involved, I do not object; but I do not want the hour until 11 o'clock interfered with in this way.

The SPEAKER. From an examination of the special rule made recently by the House, requiring the Chair, immediately after the reading of the Journal, to call the names of members alphabetically until 11 o'clock, the Chair is under the impression that he can not lay these matters before the House until after that hour, except by consent; because the rule says that the Chair shall, after the reading of the Journal, proceed to call the names of members alphabetically; and it then goes on to provide that unanimous consent may be obtained at other times to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when laid before the House by the Chair; which seems to proceed upon the idea that the Chair must lay them before the House at some other time.

Mr. RANDALL. I have no objection at all to the references.

The SPEAKER. The Chair will reserve them until that time, and will then lay them before the House for reference.

PUBLIC BUILDING AT WINONA, MINN.

The SPEAKER. The call rests with the gentleman from Michigan [Mr. ALLEN]. The bill called up by him—the bill (S. 2455) to increase the appropriation for the erection of a public building at Winona, Minn.—was under consideration, and the question was on ordering it to a third reading.

Mr. BLAND. This, I believe, is the bill on which the call rested yesterday and on which I had the report read.

The SPEAKER. It is.

Mr. BLAND. While I do not know that there is any more merit in this bill than in others which have been passed by the House, especially one that passed yesterday by the vote of a quorum, and while I want to enter my protest against the passage of bills of this character, I presume this will go through as others have done; I am in hopes, however, that this may be the last one called up [laughter], and in order that business of a less objectionable character may be reached, and trusting that this is the last raid on the public Treasury in the way of public-building bills, I propose to give the House an opportunity to consider and pass this bill if it so desires.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ALLEN, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. ALLEN, of Mississippi (when his name was called). I ask unanimous consent to call up and put on its passage the bill (S. 1697) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company for the purpose of constructing a railway, and for other purposes.

The Clerk proceeded to read the bill.

Mr. PERKINS (before the reading of the bill was concluded). Mr. Speaker, this bill contains all the provisions which have been incorporated in bills of like character which have received the consideration of the House. This bill has passed the Senate and been examined by the Committee on Indian Affairs. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. CHEADLE. I object.

The Clerk concluded the reading of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BYNUM. I object.

COMMERCIAL UNION WITH CANADA.

Mr. ANDERSON, of Iowa (when his name was called). I ask unanimous consent for the present consideration of the joint resolution (H. Res. 129) to promote commercial union with Canada.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States, etc., That whenever it shall be duly certified to the President of the United States that the Government of the Dominion of Canada has declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties upon trade between the United States and Canada, he shall appoint three commissioners to meet those who may be likewise designated to represent the Government of Canada, to prepare a plan for the assimilation of the import duties and internal-revenue taxes of the two countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

There being no objection, the House proceeded to the consideration of the joint resolution.

The SPEAKER *pro tempore* (Mr. SPRINGER). The question is on ordering this joint resolution to be engrossed and read a third time.

Mr. BLAND. This resolution is up for consideration, I believe.

The SPEAKER *pro tempore*. It is.

Mr. BLAND. I think we had better have the report read or some explanation made. This is a very important matter.

The SPEAKER *pro tempore*. The Clerk will read the report of the Committee on Foreign Affairs.

The Clerk proceeded to read the report (by Mr. HITT), which is as follows:

Our commercial relations with Canada have recently awakened a deeper interest and received a more thorough discussion than ever before, on both sides of the border. The tendency of public opinion is plainly towards the enlargement of trade between the two countries. In Canada the movement has advanced from what was a few years ago an effort for partial reciprocity, to a wide expression in favor of unrestricted intercourse and commercial union. The evidence of this fact is abundant.

The Right Honorable Joseph Chamberlain, high commissioner from Her Majesty's Government, is reported to have recently stated in a speech:

"The arrangement between the colonies and Great Britain is essentially a temporary one. It can not remain as it is. * * * Already you have in Canada, the greatest of all the colonies, an agitation for what is called commercial union with the United States. Commercial union with the United States means unrestricted trade between the United States and the Dominion of Canada and a protective tariff against the mother country. If Canada desires that Canada can have it."

And speaking of the relation of Canada to the United States and Great Britain on a subsequent occasion the right honorable gentleman further said that—

"Commercial union with the United States meant that Canada was to give preference to every article of manufacture from the United States over manufactures from Great Britain. If the people of Canada desired an arrangement of that kind he did not doubt that they would be able to secure it."

Within a few weeks a conference was held at Quebec of the prime ministers of all the provinces constituting the Dominion of Canada, and after a very full exchange of views these representatives of the executive powers of all portions of the Dominion unanimously adopted the following declaration:

"This conference, comprising all political parties, is of the opinion that a fair measure, provided under proper conditions, for unrestricted trade relations between the United States and the Dominion of Canada, would be of advantage to all the provinces of the Dominion, and would, in connection with an adjustment of the fishery dispute, tend to happily settle the grave difficulties which have from time to time arisen between Great Britain and the United States."

The chambers of commerce and boards of trade of the leading cities of Canada and more than fifty farmers' institutes and conventions have adopted resolutions declaring in favor of commercial union or unrestricted trade between the two countries.

The answer made by their opponents and those most closely attached to English trade and English rule has been that the United States has given no indication that it would receive or even consider any proposal, however friendly in spirit or however favorable to us in its terms it might be.

The joint resolution now submitted does not contemplate any action on our part at present; but whenever the Dominion of Canada shall have declared a desire for commercial union, with a common tariff, like internal-revenue taxes, like duties on articles imported into either country from abroad, and no duties on trade between the United States and Canada, then the President is authorized to appoint three commissioners to meet those who may be designated to represent Canada, in order to prepare a plan for commercial union, by assimilating the tariffs and internal-revenue taxes of the two countries, now not very widely different, and an equitable method of dividing the receipts, which they shall report to the President, who shall lay it before Congress. The whole subject of our relations with Canada is kept under the control of Congress.

It is not deemed necessary to here discuss the great merits of commercial union or the details of arrangement that will be necessary. Your committee believe that the power herein conferred upon the President can do no harm, that it will be wisely used, and will lead to beneficent results, promoting the independence, prosperity, and peace of two great peoples.

The committee therefore recommend the adoption of the joint resolution.

Mr. BLAND (before the reading of the report was concluded). Mr. Speaker, unless some other gentleman desires the further reading of the report, I do not ask that the reading be continued, as I now understand the nature of the proposition.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Iowa, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HITT. I ask consent of the House that members have leave to print remarks on the resolution just passed, which is one I introduced last March, and which I thank the gentleman for calling up.

The SPEAKER *pro tempore*. If there be no objection that leave will be granted.

Mr. BYNUM. I hope there will be general leave.

Mr. JACKSON. Yes, I trust such leave will be given. It is in the interest of public business that we should not consume time in discussion now.

The SPEAKER *pro tempore*. If there be no objection, general leave to print on the joint resolution just passed will be granted. The Chair hears no objection.

JULIA A. THOMAS, ADMINISTRATRIX.

Mr. ANDERSON, of Mississippi (when his name was called). I ask unanimous consent for the consideration of the resolution reported from the Committee on War Claims in reference to the claim of Julia A. Thomas, administratrix.

The resolution was read, as follows:

Resolved, That the claim of Julia A. Thomas, administratrix of the estate of I. S. O. G. Greer, deceased, be, and the same is hereby, referred to the Court of Claims under section 14 of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to be there proceeded in and reported on as required by said act.

Mr. BLAND. Reserving the right to object, I call for the reading of the report on this matter. I desire to know what this claim is.

The SPEAKER *pro tempore*. The Chair is of opinion that this claim may be referred to the Court of Claims by the committee without any action of the House.

Mr. ANDERSON, of Mississippi. No, sir; section 14 of the act of March 3, 1887, requires action by the House in a case of this kind.

Mr. NELSON. This is not a reference under the Bowman act, as it is called; the object is to authorize a regular suit and judgment.

The SPEAKER *pro tempore*. Then this is under the Tucker act—a subsequent act.

Mr. NELSON. It is under the general law allowing a suit to be commenced and judgment entered in regular form—an entirely different matter from a proceeding under the Bowman act.

The SPEAKER *pro tempore*. Then the Chair is of opinion that this should be a joint resolution.

Mr. ANDERSON, of Mississippi. No, sir; section 14 of the act of March 3, 1887, provides that either the House or the Senate may by resolution refer a matter of this kind to the court. It is a case where the party failed to present the claim to the Southern Claims Commission in time. Affidavit is made that the claim was sent to an attorney for presentation, but through his neglect it was not presented. The proof is embraced in the report. The present request is that this claim be referred to the Court of Claims. It is owing to no fault of the claimant that the matter did not go through before, and it is only by the action of the House that the claim can be referred.

Mr. RANDALL. What is the amount involved?

Mr. BLAND. We had better have the report read, or have some explanation.

Mr. ANDERSON, of Mississippi. I can tell the gentleman in a moment——

Mr. RANDALL. Is this a House resolution?

Mr. ANDERSON, of Mississippi. Yes, sir.

The SPEAKER *pro tempore*. The fourteenth section of the act approved March 3, 1887, covers this case, which may be referred through the House; and the question is on agreeing to the resolution.

Mr. BLAND. I demand the reading of the resolution, or some explanation of it.

Mr. ANDERSON, of Mississippi. This claim is for supplies taken by the Federal Army, and comes strictly within the provisions of the Bowman act. It should have been referred to the Southern Claims Commission, because otherwise the Court of Claims would have no jurisdiction; but the beneficiary makes affidavit that she sought through an attorney to bring it before the Court of Claims, but by neglect it was not done until too late. She asks now only to be allowed to go to the Court of Claims. It has been done several times by the House in similar cases.

Mr. BUCHANAN. I understood that the reading of the report was demanded. Now, we have not been able to hear a word that was said here as to the character of this claim.

Mr. ANDERSON, of Mississippi. I hope the report will be read.

The report (by Mr. STOCKDALE) was read, as follows:

This claim was transmitted by this committee to the Court of Claims on the 10th of February, 1888, and was by that court dismissed for want of jurisdiction, on the ground that the claim did not appear ever to have been submitted to the Southern Claims Commission.

The following affidavits, submitted to your committee since the receipt of the report of the Court of Claims, show that the claimant forwarded her petition and proofs in time for the presentation of the claim to the commission, and its failure to appear on the dockets of the commission can be ascribed only to the misfeasance or negligence of the attorney to whom the petition and proofs were so transmitted:

"THE STATE OF MISSISSIPPI, *County of Scott:*

"On this the 4th day of January, 1888, personally appeared before me, the undersigned, clerk of the chancery court in and for said county, Mrs. Julia A.

Thomas, well known to me as a lady of high character and standing in this community, who, after being duly sworn by me as the law directs, upon her oath declares that she is the identical Julia A. Thomas who forwarded to one T. W. Jordan, an attorney and claim agent in Washington, D. C., a certain petition containing an itemized list of a large amount of stores, stock, and army supplies which her husband furnished the United States Army within the month of February, 1864; that said petition and account was made, executed, and attested in accordance with the law, and the testimony of a large number of eye-witnesses taken before a special commissioner of the Southern Claims Commission, then in Washington, D. C., on the 18th day of May, A. D. 1872. She further declares that with said petition, account, and proofs as to the loyalty of her husband, I. S. O. G. Greer, and herself, also abundant evidence of the furnishing of said property, stock, and army supplies to Quartermasters Warner and Williams, of the Sixteenth and Seventeenth Army Corps, she sent by the United States mail all of said papers, with the postage prepaid, to the said T. W. Jordan, in Washington, D. C. She further declares that at the same time, but in a different package, with the postage prepaid, she sent to said T. W. Jordan the receipts of the said Quartermasters Warner and Williams, of the Sixteenth and Seventeenth Army Corps; also, a letter of General S. A. Hurlbut, who was then a guest at the house of her husband, the said I. S. O. G. Greer; also, sundry papers and permits from General B. F. Butler while commanding in New Orleans. That long before and up to the beginning of the war, and for a few days after the secession of Alabama, her husband, the said Greer, was engaged in the business of cotton factor and commission merchant in the city of Mobile, but, being outspoken as a friend to the Union, he abandoned that avocation and came to his home in the town of Meridian, Miss., near which place he also had extensive farming interests, together with a large amount of live-stock and a large supply of groceries, which he had provided in anticipation of the rebellion.

"She further declares that she never knew that her claim had not been presented to the Commissioners of Southern Claims until after said commission had expired by limitation of the law of March 3, 1871, as passed by the United States Congress for the benefit of loyal citizens in States lately in insurrection.

"JULIA A. THOMAS.

"NOTE.—This claim referred to in the affidavit was presented to Congress in 1881, and a large amount of additional evidence filed with it, both as to the loyalty of I. S. O. G. Greer and Julia A. Thomas, and also to the merits of the case.

"Sworn to and subscribed before me on this the 4th day of January, 1888, and I certify that Mrs. Thomas (Julia A.) came before me in person and read over and commented upon the above and foregoing affidavit before she swore to and subscribed the same.

"Given under my hand and seal this the date above written.

"[SEAL.] N. T. LILES,

"*Clerk of the Chancery Court, Scott County, Mississippi.*

"THE STATE OF MISSISSIPPI, *County of Scott:*

"On this the 6th day of January, 1888, personally appeared before me, the undersigned, clerk of the chancery court in and for said county, Josiah Thomas, also well known to me as being a gentleman of unimpeachable veracity, and who, after being duly sworn as the law requires, upon his oath says: That he has read over the affidavit of Mrs. Julia A. Thomas referring to the execution and forwarding certain papers in the claim of said Mrs. Julia A. Thomas against the United States Government for property, stock, and army supplies furnished the United States Army in 1864, in the month of February, at Meridian, Miss., and that he knows the statements contained in said affidavit to be true; that he was an eye-witness to the taking of the testimony and the execution and forwarding said petition, account, proofs of loyalty and merits, together with vouchers given by Quartermasters Warner and Williams, of Sixteenth and Seventeenth Army Corps, also a letter of General Hurlbut and several permits, passes, etc., given said I. S. O. G. Greer by General B. F. Butler, through the United States mail, and addressed to T. W. Jordan, attorney and claim agent, Washington, D. C., on the 20th day of May, A. D. 1872. He further says that he has no interest whatever in any way in the prosecution or proceeds of the claim of Mrs. Julia A. Thomas.

"JOSIAH THOMAS.

"Sworn to and subscribed before me this the 6th day of January, 1888, and I certify that the foregoing affidavit was read over and commented upon by affiant before swearing and signing. I further certify that I have no interest, neither direct nor indirect, in the prosecution or proceeds of the claim of Mrs, Julia A. Thomas.

"Given under my hand and seal this the date above written.

"[SEAL.] N. T. LILES,

"*Clerk of the Chancery Court, Scott County, Mississippi.*"

In view of the fact that the proper presentation of the claim in the Southern Claims Commission is thus shown by good *prima facie* evidence to have been due to no fault or negligence on the part of the claimant herself, your committee think that she ought to have the opportunity to establish her claim, and for that purpose your committee report herewith a resolution referring the claim to the Court of Claims, under section 14 of the act of Congress approved March 3, 1887, 24 Statutes at Large, page 505, and recommend the passage of said resolution.

Mr. KERR. What evidence has the gentleman to show that this was ever transmitted to the Southern Claims Commission?

Mr. ANDERSON, of Mississippi. The affidavit of the party herself, and the evidence is satisfactory to the committee that an effort was made to bring it before the commission, but through neglect of an attorney it was not presented in time.

Mr. BLAND. I called for an explanation of the origin of the claim; for what purpose it was presented.

Mr. ANDERSON, of Mississippi. It was for supplies.

Mr. BLAND. I understood the gentleman to say it was for supplies, but what supplies, when taken, and under what circumstances?

Mr. ANDERSON, of Mississippi. It was for provisions, corn, stock, and things of that character, taken by the Federal Army. It is one of the usual war claims, and the reference to the Court of Claims is for the purpose of acertaining exactly whether the supplies were actually taken and whether the parties are entitled to compensation.

Mr. BLAND. I have no objection.

The resolution was adopted.

Mr. ANDERSON, of Mississippi, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS OF ILLINOIS.

The name of Mr. ANDERSON, of Illinois, was called.

Mr. ANDERSON, of Illinois. I ask consideration of the bill (H. R. 8028) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States.

The bill was read at length.

The SPEAKER. The hour of 11 o'clock having arrived, the time for the consideration of bills by unanimous consent has expired; but the request of the gentleman from Illinois will be pending in the next hour when this character of business is reached.

Mr. KERR. I move to amend this bill——

The SPEAKER. It is not before the House now.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to lay before the House Senate bills, and also House bills with Senate amendments.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The SPEAKER laid before the House the joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

Mr. WHITE, of New York. I ask by unanimous consent that this resolution be reported. It will provoke no discussion I am sure, and it is of great importance to the dignity of the United States that action should be taken upon it.

Mr. BLAND. I think this had better be read and let us know what it is.

Mr. HOLMES. I object if there is to be any discussion.

Mr. WHITE, of New York. Then I ask that the bill be withheld for the present.

FRAUDULENT USE OF THE MAILS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

Mr. ENLOE. Mr. Speaker, that was the bill pending on yesterday morning, to which I had called the attention of the House and asked unanimous consent for action upon it, but objection was made by the gentleman from Pennsylvania.

Mr. RANDALL. If this does not occasion any debate I will not object.

Mr. ENLOE. I do not care to discuss it at all. The bill has already been read.

Several MEMBERS. Let us have it read.

Mr. ENLOE. The demand for the reading of the bill will defeat it at this time, and I will request unanimous consent that the Senate amendments be non-concurred in and the request of the Senate for a conference agreed to.

There was no objection, and it was so ordered.

The SPEAKER appointed Mr. SENEY, Mr. ENLOE, and Mr. CASWELL managers at the conference on the part of the House.

PUBLIC LANDS, LOUISIANA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana.

Mr. GAY. Mr. Speaker, the amendments to this bill have already been read, and I ask unanimous consent now that the action which I have sought heretofore to have taken on the bill may be agreed to. Is it necessary that these amendments should be again reported?

The SPEAKER. Not unless their reading shall be demanded by some member.

Mr. GAY. I move concurrence in the Senate amendments.

Mr. HOLMAN. The only point of disagreement between the two Houses on this subject was as to the right of the State of Louisiana to claim lands under the swamp-land act in lieu of the lands provided for in the bill. That has not been before the Committee on the Public Lands—that amendment of the Senate—but the reservation made by the House is not of special importance, and I do not insist upon it.

Mr. WEAVER. How much land does it cover?

Mr. JACKSON. Let the amendments be read.

Mr. McRAE. It grants no land at all.

Mr. RANDALL. I have no objection to the reading of the bill, but I object to discussion upon it.

The SPEAKER. The amendments will be read.

The Clerk proceeded to read the amendments.

Mr. JACKSON. I withdraw further request for the reading of the amendments.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana to concur in the Senate amendments?

There was no objection, and it was so ordered.

GULF AND CHICAGO AIR-LINE RAILROAD BRIDGES.

The SPEAKER also laid before the House the following House bill with Senate amendments.

The Clerk read as follows:

A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses.

Mr. CRISP. I ask, by unanimous consent, to concur in the Senate

amendments. They are of a character usually made in these bridge bills, and are formal matters.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

BRIDGE ACROSS MISSISSIPPI RIVER AT LYONS, IOWA.

The SPEAKER also laid before the House the following House bill with Senate amendments.

The Clerk read as follows:

A bill (H. R. 12489) to authorize the construction of a wagon and foot passenger bridge across the Mississippi River at or near Lyons, Iowa.

Mr. CRISP. I ask that the House concur in the amendments to that bill. They are of the same character as in the last bill.

The SPEAKER. Is there objection? The Chair hears none, and the Senate amendments are agreed to.

BRIDGE BILLS WITH SENATE AMENDMENTS.

The SPEAKER. The Chair has on his table a number of House bills with Senate amendments authorizing the construction of bridges. The gentleman from Georgia [Mr. CRISP] states that he has examined them, and if there be no objection the Chair will lay them all before the House and gentlemen can make such requests as they think proper.

The Clerk read as follows:

A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;"

A bill (H. R. 12389) authorizing the construction across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas;

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River, at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions;

A bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana; and

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River.

The SPEAKER. All these bills have Senate amendments.

Mr. CRISP. I ask, by unanimous consent, to concur in the Senate amendments. They are formal in their character. In one or two of them there was some usual provision left out in the House bill. They all look to the protection of the navigation of rivers.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to concur in the Senate amendments? The Chair hears none, and it is so ordered.

RIGHT OF WAY THROUGH SHOSHONE INDIAN RESERVATION.

The SPEAKER also laid before the House the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation, with Senate amendments.

Mr. CAREY. I ask unanimous consent to concur in the Senate amendments.

Mr. PERKINS. I think that bill had better go to the committee.

The SPEAKER. The bill will be referred to the Committee on Indian Affairs.

LIGHT-HOUSE AT OTTER CREEK, LAKE CHAMPLAIN.

The SPEAKER also laid before the House the bill (H. R. 5716) for establishing a light-house at the mouth of Otter Creek, Lake Champlain, with Senate amendments.

Mr. CRISP. Is a conference asked?

The SPEAKER. It is.

Mr. CRISP. Then I ask by unanimous consent to non-concur in the Senate amendments, and agree to the conference requested.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

UNITED PEORIAS AND MIAMIES IN INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 11634) to provide for the allotment of land in severalty to the United Peorias and Miamies, in Indian Territory, and for other purposes, with Senate amendments.

Mr. PEEL. I ask by unanimous consent to non-concur in the Senate amendments and agree to the conference requested.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was so ordered.

The SPEAKER subsequently appointed as conferees Mr. PEEL, Mr. SHIVELY, and Mr. PERKINS.

SALE OF INDIAN LANDS IN MONTANA.

The SPEAKER also laid before the House the bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes, with Senate amendments.

Mr. TOOLE. I ask unanimous consent to agree to the Senate amendments.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

FORT DODGE MILITARY RESERVATION, KANSAS.

The SPEAKER also laid before the House the bill (H. R. 8740) to authorize the Secretary of the Interior to sell to the Methodist College Association of Southwestern Kansas certain lands in Kansas, with Senate amendments.

Mr. PETERS. I ask unanimous consent to concur in the Senate amendments.

Mr. HOLMAN. Let the amendments be read.

The Clerk read as follows:

Strike out after the word "to," where it occurs the second time in line 4, down to and including the words "herein set forth," in line 17, and insert the following:

"The State of Kansas the following-described lands, being the remaining portion of the Fort Dodge military reservation in said State, to wit: Lots numbered 3, 5, 6, and 7 of section 3, township 27 south, of range 24 west, on condition that said State shall, within twelve months from the passage of this act, pay or cause to be paid therefor the sum of $1.25 per acre, and shall within three years establish and provide for the maintenance thereon a home in which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, under such rules and regulations as said State may provide."

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. PETERS].

Mr. HOLMAN. The bill as it passed the House provided for the sale of this land to the Methodist University. The Senate has amended it so as to sell it to the State of Kansas for the founding of a soldiers' home, as I understand. The amendment of the Senate has not been considered by the House Committee on Public Lands; but I will not oppose the passage of the bill.

Mr. TRACEY. I object.

Mr. PETERS. Then I ask that reference of the bill be withheld by the Speaker.

The SPEAKER. If there be no objection it will be withheld.

Mr. PETERS. The gentleman from New York [Mr. TRACEY] now withdraws his objection, and I ask unanimous consent to concur in the Senate amendments.

The SPEAKER. The gentleman from Kansas asks to concur in the Senate amendments. If there be no objection that order will be made.

There was no objection.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883.

The SPEAKER. The House concurred in the Senate amendments to this bill, but afterwards, upon motion of the gentleman from Kentucky [Mr. TAULBEE], reconsidered its action and recalled the bill from the Senate.

Mr. RANDALL. I ask that it be referred.

The SPEAKER. The bill will be referred to the Committee on the District of Columbia.

Mr. TAULBEE. Mr. Speaker, I wish to inquire whether that bill will have privilege if it is reported back from the Committee on the District of Columbia?

The SPEAKER. It will not.

NICHOLAS J. BIGLEY.

The SPEAKER also laid before the House the bill (H. R. 3074) for the relief of Nicholas J. Bigley.

Mr. HOLMAN. I object to the consideration of that bill.

The SPEAKER. It will be referred to the Committee on War Claims.

PROTESTANT EPISCOPAL THEOLOGICAL SEMINARY, VIRGINIA.

The SPEAKER also laid before the House the bill (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia.

Mr. WISE. I ask unanimous consent that that bill be now considered and put on its passage.

The SPEAKER. The Clerk will read the bill, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, to be paid to the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia, that amount having been found due them by the Court of Claims.

Mr. HOLMAN. I hope the report of the Court of Claims will be read.

Mr. WISE. I will say to the gentleman from Indiana that this bill has been already discussed and considered and passed by the House.

Mr. HOLMAN. When?

Mr. WISE. More than two months ago.

Mr. HOLMAN. How does it happen, then, that the Senate has passed this bill?

Mr. WISE. I suppose the bill was pending in both Houses.

Mr. HOLMAN. Mr. Speaker, if a bill has passed the House in the same terms as this one of course I ought not to object.

Mr. WISE. It has passed the House.

Mr. DORSEY. Of course it has passed the House.

Mr. HOLMAN. In the same terms?

Mr. WISE. Yes, sir.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY RESERVATION, FORT LEAVENWORTH, KANS.

The SPEAKER also laid before the House the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas.

Mr. MORRILL. I ask unanimous consent that that bill be now considered.

Mr. TOWNSHEND. I reserve the right to object.

The SPEAKER. The bill will be read.

Mr. MORRILL. I ask unanimous consent to amend by striking out all after the enacting clause of the Senate bill and inserting the language of the bill on the same subject which has been reported by the House Committee on Military Affairs.

The SPEAKER. The bill must be read before the Chair can ascertain whether there is consent to consider it.

The Clerk read the bill.

Mr. MORRILL. I ask to have the House bill read.

The House bill (H. R. 12655) was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease to the Leavenworth City and Fort Leavenworth Water Company the following-described tract of land in the military reservation at Fort Leavenworth, in the State of Kansas: Beginning at the northwest corner of the 20-acre tract of land formerly in said military reservation granted to the Leavenworth Coal Company by the act of Congress approved July 20, 1868; thence north in extension of the west line of said 20-acre tract 500 feet; thence east parallel to the north line of said 20-acre tract 820 feet, more or less, to the railroad right of way; thence southerly on the west line of said right of way 503 feet, more or less, to the north line of the said 20-acre tract; thence west on the said north line to the place of beginning, containing 9¼ acres, more or less, reserving to the United States or assigns the coal, or royalty for the coal, underlying said lands, for the purpose of constructing and maintaining thereon a reservoir and such other works as may be necessary to enable said company to supply the troops at Fort Leavenworth and its other patrons with pure water: *Provided*, That the company shall have the free and uninterrupted use of said tract of land for the purposes above named, under the direction and control of the Secretary of War, so long as it is so used, and that when they cease to occupy and use it for such purposes the lease shall be null and void.

SEC. 2. That the act of Congress entitled "An act to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas," approved the 6th day of June, A. D. 1888, be, and the same is hereby, repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. HOLMAN. Retaining the right to object, I shall be glad to hear a statement as to the merits of this bill.

Mr. CUTCHEON. This bill simply authorizes the leasing of the property instead of its sale. In June last we passed the act referred to in the second section, authorizing the purchase of this tract by the water company.

Mr. RANDALL. Mr. Speaker, if this leads to debate I shall object.

Mr. CUTCHEON. As I have said, the House bill simply provides for the leasing, instead of the sale, of the land.

The SPEAKER. Is there objection to the request of the gentleman from Kansas for the present consideration of this bill?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] asks unanimous consent to amend the Senate bill by striking out all after the enacting clause and inserting the language of the bill of the House just read. If there be no objection, that will be done, and the Senate bill will be ordered to a third reading.

There was no objection, and it was so ordered.

The Senate bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The title will be amended so as to authorize a lease instead of a sale of this tract of land.

LAND DISTRICTS IN NEBRASKA.

The SPEAKER also laid before the House the bill (S. 3870) to establish two additional land districts in the State of Nebraska.

Mr. DORSEY. I ask by unanimous consent for the present consideration of this bill.

Mr. BLAND. Let us have the report read.

Mr. RANDALL. Oh, no; let that bill go to the committee.

Mr. DORSEY. I ask that the bill be retained on the Speaker's table.

The SPEAKER. If there be no objection, the Chair will withhold the bill for the present.

PUBLIC BUILDING AT ALLENTOWN, PA.

The SPEAKER also laid before the House the bill (S. 3381) for the erection of a public building at Allentown, Pa.

Mr. BLAND. I call for the reading of the report in this case.

The SPEAKER. No request has thus far been made in regard to the consideration of the bill.

Mr. SOWDEN. Mr. Speaker, I ask the immediate consideration of this bill. A House bill similar in its terms has been favorably reported.

Mr. BLAND. Reserving the right to object, I call for the reading of the report.

Mr. COX. Is this the bill that was vetoed?

Mr. BLAND. I understand that this is a bill which has been vetoed.

Mr. SOWDEN. This bill is in different form from the one which was vetoed.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks that the report be read.

The report was read.

Mr. BLAND. I view of the fact that this bill seems to have been framed so as to obviate the objections presented in the veto, I do not object to it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANCHARD. What is the bill?

Mr. RANDALL. It is for a public building at Allentown, Pa.

Mr. BLANCHARD. I think it had better be referred to the Committee on Public Buildings and Grounds.

Several MEMBERS. Oh, no.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] objects to the present consideration of the bill.

Mr. SOWDEN. I ask that it be retained on the Speaker's table.

The SPEAKER. If there is no objection, the Chair will retain the bill for the present.

RIGHT OF WAY TO DULUTH AND WINNEPEG RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2918) granting to the Duluth and Winnepeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations, in the State of Minnesota.

Mr. NELSON. This bill meets the approval of the Committee on Indian Affairs. It merely grants right of way through a reservation which is in my district. I ask, by unanimous consent, for the immediate consideration of the bill.

Mr. CHEADLE. Let the bill be read.

Mr. HENDERSON, of Iowa. I hope the gentleman from Indiana [Mr. CHEADLE] will not insist on that, but let the bill go through at once.

Mr. NELSON. It is in the usual form, and there is no necessity that it should be read.

By unanimous consent, the reading of the bill was dispensed with; and the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE TALLAPOOSA RIVER.

The SPEAKER also laid before the House the bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River.

Mr. CRISP. This is a Senate bill authorizing the construction of a bridge over a navigable stream. It contains all the provisions necessary for the protection of navigation; and I ask unanimous consent that the bill be considered now without reading and passed.

There being no objection, the reading of the bill was dispensed with, and the House proceeded to its consideration.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTATE OF WILLIAM B. THAYER.

The SPEAKER also laid before the House the bill (S. 2001) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others.

Mr. HOLMAN. I ask that this bill remain on the Speaker's table for the present.

The SPEAKER. If there be no objection, the Chair will withhold the bill.

FOREST CITY AND WATERTOWN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 2029) granting the right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation.

Mr. GIFFORD. I ask, by unanimous consent, for the present consid-

eration of this bill. It meets the approval of the Indian Committee of the House as well as the Senate.

Mr. MILLS. It grants nothing but right of way; there wil be no discussion in regard to it.

Mr. HOLMAN. I ask that the bill be read.

The SPEAKER. If there be no objection, the Clerk will omit the reading of the merely descriptive part of the bill, and will read only the substantial part.

The Clerk proceeded to read the bill.

Mr. SPRINGER (before the reading was concluded). This bill appears to be in the usual form.

Mr. HOLMAN. I only ask the reading of the third section.

The third section was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPENSATION FOR RIGHT OF WAY TO RAILROADS.

The SPEAKER also laid before the House the bill (S. 2805) to authorize the Secretary of the Interior to fix the amount of compensation to be paid for the right for railroads through Indian reservations in certain contingencies; which was read a first and second time, and referred to the Committee on Indian Affairs.

JAMESTOWN AND NORTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 1228) granting right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota; which was read a first and second time, and referred to the Committee on Indian Affairs.

HAMPTON AND OLD POINT RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company.

Mr. BOWDEN. I ask, by unanimous consent, that this bill be now considered. A bill in similar terms has twice been unanimously reported by the Committee on Military Affairs. This will lead to no discussion.

The bill was read.

Mr. TOWNSHEND. I did not understand from the reading of the bill whether it contains any provision with reference to the prior grant to the Chesapeake and Ohio Railroad Company. It was stated in the committee that the other bill conflicted with a previous grant.

Mr. BOWDEN. There is no reference to that in this bill. This is in the exact terms of the bill reported by the committee.

The SPEAKER. There is nothing in the bill in regard to the Chesapeake and Ohio Railroad.

Mr. BOWDEN. This bill is for the construction of a street railroad, and it is in the same terms as the bill reported from the gentleman's committee.

Mr. SPRINGER. I think the bill ought to be amended by striking out "ten cents" and inserting "five cents" as the limit of fare to be charged over this road. It seems to me that 10 cents is a very high rate.

Mr. BOWDEN. It was not considered too high by the committee which unanimously reported the bill containing this rate.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BOWDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARRIAGE AND DIVORCE.

The SPEAKER also laid before the House joint resolution (S. R. 142) to print 20,000 copies of the special report of the Commissioner of Labor on the statistics of and relative to marriage and divorce; which was read a first and second time, and referred to the Committee on Printing.

INAUGURAL ADDRESSES OF PRESIDENTS.

The SPEAKER also laid before the House joint resolution (S. R. 141) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, inclusive, for the first century of Presidential inaugurations, and for other purposes; which was read a first and second time, and referred to the Committee on Printing.

ADDITIONAL ASSOCIATE JUSTICE, SUPREME COURT, IDAHO.

The SPEAKER also laid before the House the bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on the Territories and ordered to be printed.

Mr. DUBOIS. Mr. Speaker, a similar bill has been reported unanimously in this House, and I ask that this bill be put upon its passage.

Mr. SPRINGER. This bill should pass, and unless it is passed now it will fail.

Mr. DUBOIS. The Attorney-General has written a letter in favor of the passage of this bill.

Mr. SCOTT. I object to that bill on the ground that confirmations are now hung up in the Senate.

Mr. SPRINGER. I hope the bill will be allowed to remain on the Speaker's table.

The SPEAKER. The bill will be retained on the Speaker's table.

WARREN HALL.

The SPEAKER also laid before the House the bill (S. 902) for the relief of Warren Hall; which was read a first and second time.

Mr. HOLMAN. I trust there will be no objection to the passage of that bill. It is in favor of a colored man whose case has been before this House for many years.

Mr TOWNSHEND. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Court of Claims is hereby given original jurisdiction to hear and adjudicate according to justice and right the case of Warren Hall, as originally tried and reported in the ninth Court of Claims Reports, page 170, and known as "Hall and Roche's case," notwithstanding the former trial; and the bar of limitation is hereby removed. And for this purpose the court shall hear and consider the new testimony and any other proper testimony which may be offered at the trial by the claimant or on the part of the defendant Government; and the testimony considered by the court in the original trial, so far as the same may be applicable to the new trial, shall also be available.

Mr. HOLMAN. I ask to submit a single word.

Mr. RANDALL. I object to debate.

Mr. BAYNE. Let it go to the committee.

Mr. HOLMAN. A single word on the bill. I think a colored man is entitled to a fair hearing. [Great laughter.]

Mr. WEAVER. The gentleman from Pennsylvania thought he was a white man. [Renewed laughter.]

The SPEAKER. If there be no objection, the question will be put on the passage of the bill.

Mr. CHIPMAN. Regular order.

Mr. TOWNSHEND. I thought the gentleman merely objected to debate.

Mr. RANDALL. I objected to debate.

Mr. HOLMAN. Only one word.

Mr. CHIPMAN. I object, and shall object to every other bill. [Cries of "Order!"]

Mr. HOLMAN. Let it remain on the Speaker's table.

The SPEAKER. It will be so retained.

ABSENTEE SHAWNEE INDIAN LANDS, KANSAS.

The SPEAKER also laid before the House the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas; which was read a first and second time. [Cries of "Regular order!"]

Mr. PERKINS. I ask that that bill be allowed to remain on the Speaker's table.

The SPEAKER. It will be so retained.

BRIDGE ACROSS ILLINOIS RIVER.

The SPEAKER also laid before the House the bill (S. 3951) to establish a railway bridge across the Illinois River extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois; which was read a first and second time.

Mr. ANDERSON, of Illinois. I ask, by unanimous consent, that that bill be considered.

Mr. CHIPMAN. I object.

Mr. ANDERSON, of Illinois. Let it remain on the Speaker's table.

The SPEAKER. It will be so retained, there being no objection.

BRIDGE ACROSS THE EASTERN BRANCH.

The SPEAKER also laid before the House the bill (S. 3900) to authorize the Secretary of War to make a survey, plan, and estimate of the cost of constructing a bridge across the Eastern Branch of the Potomac River, in the District of Columbia; which was read a first and second time.

Mr. RANDALL. Let it go to the District Committee.

The bill was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER AT RED WING, MINN.

The SPEAKER also laid before the House the bill (S. 3923) to authorize the Duluth, Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road; which was read a first and second time.

Mr. MACDONALD. I ask, by unanimous consent, that that bill be considered at the present time. The chairman of the Committee on Commerce approves of it.

The SPEAKER. Is the reading of the bill dispensed with?

Mr. MACDONALD. I move that the reading of the bill be dispensed with.

Mr. LYNCH. I object.

The SPEAKER. The bill will be referred to the Committee on Commerce.

Mr. MACDONALD. I thought objection was made only to the reading of the bill.

The SPEAKER. Does the gentleman object to the reading of the bill, or to its consideration?

Mr. LYNCH. To its consideration.

Mr. MACDONALD. I ask that the bill be retained on the Speaker's table.

The SPEAKER. It will be so retained.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (S. 3721) granting the right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes; which was read a first and second time.

Mr. PERKINS. I ask unanimous consent that that bill be also retained upon the Speaker's table.

There was no objection, and it was so ordered.

MIDLAND RAILROAD COMPANY, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River, at Aberdeen, Ark.; which was read a first and second time.

Mr. CRISP. Does the demand for the regular order cut off requests for unanimous consent?

The SPEAKER. The Chair understands the gentleman from Arkansas as objecting to the particular bill.

Mr. CRISP. Then I ask unanimous consent that this Senate bill be considered. I have the bill before me, and it is in the usual form.

Mr. LYNCH and Mr. CHIPMAN demanded the regular order.

Mr. CRISP. Then I ask unanimous consent that it retain its place upon the table.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

APPOINTMENT OF SENATE CONFEREES.

The SPEAKER also laid before the House an order of the Senate excusing Mr. PLUMB and Mr. PADDOCK as conferees on the part of the Senate on the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead law only, and appointing Mr. DOLPH and Mr. BERRY as conferees in their place.

RETURN OF BILLS TO THE SENATE.

The SPEAKER also laid before the House an order of the Senate of February 28, requesting the return of the bill (S. 283) to amend sections 2724 and 2725 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

The SPEAKER. If there be no objection the Clerk will be directed to return the bill to the Senate.

There was no objection, and it was so ordered.

The SPEAKER also laid before the House an order of the Senate of February 28, requesting the House to return to the Senate the bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

The SPEAKER. Without objection this request will also be complied with.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I am advised that the gentleman from Pennsylvania withdraws his objection to the request of the gentleman from Georgia in regard to the Arkansas bridge bill.

The SPEAKER. But several gentlemen demanded the regular order, as the Chair understands; and the Chair is proceeding, for the present, to lay before the House some concurrent resolutions of the Senate.

REPORT ON INDIAN EDUCATION.

The SPEAKER also laid before the House a concurrent resolution of the Senate providing for the printing of 5,000 copies of the report on Indian education and civilization, by Allen C. Fletcher; which was referred to the Committee on Printing.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

The SPEAKER also laid before the House a concurrent resolution of the Senate providing for the printing of the report of the Commissioner of Fish and Fisheries for the year 1887.

Mr. RANDALL. Let that also go to the Committee on Printing. They have the privilege of reporting at any time.

Mr. DUNN. I hope the gentleman will allow that to be taken up and considered. It is quite an important matter.

Mr. RICHARDSON. Besides, the committee would not have the privilege of reporting upon that matter.

Mr. RANDALL. I do not know that it ought to pass anyhow. Let it go to the committee.

The resolution was referred to the Committee on Printing.

TITLE TO CERTAIN PROPERTY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the officer in charge of public buildings and grounds in regard to a certain plat of land in the city of Washington, D. C., shown by old records to be the property of the United States; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSION EXAMINERS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House, a report from the Commissioner of Pensions showing the special examiners originally appointed under the act of March 3, 1884, and also showing what changes have been made; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to withdraw papers without leaving copies in the following cases:

To Mr. HOPKINS, of New York, in the case of Romantus Lake;

To Mr. RUSK, papers relating to the bill (H. R. 2441) for the relief of James Hooper; and

To Mr. HALL, papers filed in support of the bill (H. R. 11843) granting a pension to William H. Malorie.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GRIMES, on account of sickness.

RIGHT OF WAY ACROSS FORT HAYS MILITARY RESERVATION.

On motion of Mr. CANNON, by unanimous consent, the Committee of the Whole House was discharged from the consideration of the bill (S. 3696) granting a right of way across the Fort Hays military reservation; and the same was ordered to remain on the Speaker's table.

WYOMING MIDLAND RAILWAY COMPANY.

Mr. PERKINS. Mr. Speaker, while it will not enable me to secure the passage of my own bill, yet I wish to withdraw my objection to the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation, and ask that it may remain on the Speaker's table for the present.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I understand the gentleman from Pennsylvania will withdraw his demand for the regular order, and the gentleman from Michigan [Mr. CHIPMAN] withdraws his objection to the bridge bill called up by the gentleman from Georgia.

The SPEAKER. But the gentleman from Pennsylvania has just demanded the regular order.

Mr. RANDALL. I have no objection, Mr. Speaker, to the consideration of the Arkansas bridge bill, provided it does not lead to debate.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.

The SPEAKER. Is there objection?

Mr. LYNCH. I object.

VETO MESSAGE—GEORGE COLWELL.

The SPEAKER laid before the House the following message from the President.

The Clerk read as follows:

To the House of Representatives:

I return without approval House bill No. 12047 entitled "An act granting an increase of pension to George Colwell."

The record shows that this beneficiary was enrolled in the military service August 10, 1862, and was mustered out June 1, 1865. There is no record of any disability during the service. He was pensioned at the rate of $2 a month for a dog bite just above the ankle in September, 1865. Three months after his discharge he strained the knee of the leg which had been bitten. In 1887 he applied for an increase of pension, alleging increased disability. This increased disability appears plainly to be the result of the strain or injury to the knee and in no way connected with the bite for which he was pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 26, 1888.

During the reading,

Mr. MILLS said: I ask by unanimous consent, that these messages of the President be permitted to lie on the table, and we proceed with the matter pending last night.

Mr. HOLMAN. I ask the message be read.

The SPEAKER. If the reading is insisted upon, the gentleman has the right to have it read.

The reading of the message was concluded.

Mr. MATSON. I ask, by unanimous consent, that the message lie on the table until the special order is disposed of.

The SPEAKER. There is no special order. There was a matter pending when the House took a recess yesterday evening. Is there

objection to the request of the gentleman from Indiana that the message lie on the table? The Chair hears none, and it is so ordered.

Mr. MATSON. If there are any other messages of a similar nature I ask unanimous consent that they remain on the Speaker's table until this order has been disposed of.

The SPEAKER. There are other Executive communications which the Chair will lay before House.

MADAGASCAR AFFAIRS AND BARCELONA AND BRUSSELS EXPOSITIONS.

The SPEAKER also laid before the House the following messages from the President; which were severally referred to the Committee on Foreign Affairs, and, with the accompanying papers, ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of the 21st of December last, a report of the Secretary of State and accompanying documents touching affairs in Madagascar.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 27, 1889.

To the House of Representatives:

I have the honor to transmit herewith a report of the Secretary of State, respecting the representation of the United States at the Barcelona Exposition of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 28, 1889.

To the House of Representatives:

I have the honor to transmit herewith a report of the Secretary of State, concerning the expenses of the representation of the United States at the Brussels Exposition in 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 28, 1889.

DANIEL M. MAULDING.

Mr. LANE. Mr. Speaker, I submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment to the said bill, and agree to the same.

EDWARD LANE,
S. S. YODER,
H. J. SPOONER,
Managers on the part of the House.

PHILETUS SAWYER,
DAVID TURPIE,
C. K. DAVIS,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

This soldier is now drawing a pension of $20 per month, and the House bill provides for an increased rate per month, leaving it to the Pension Department to determine the amount, but the Senate amendment fixes the amount to be paid at $30 per month.

EDWARD LANE,
S. S. YODER,
H. J. SPOONER,
Managers on the part of the House.

The report was agreed to.

Mr. LANE moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMES. There is a question pending as to the veto of the bill (H. R. 1368) to quiet title of settlers on Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. WHEELER. It was agreed the bill which I hold in my hand should be called up. It is a matter of privilege.

Mr. CRISP. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. I ask to call up the contested-election case of Sullivan *vs.* Felton, which is a matter of higher privilege.

The SPEAKER. The Chair thinks that under the rule and practice of the House these matters are of equal dignity, and the one first called up must first be put to the House. The Constitution provides where a bill is returned with the objections of the President that the House shall proceed to reconsider it. It is mandatory in its form.

Mr. CRISP. Then I raise the question of consideration.

Mr. HOLMES. Mr. Speaker, I rise to a parliamentary inquiry.

Mr. RANDALL. I ask the regular order.

Mr. HOLMES. Is it not true that a veto message is of higher privilege than the case called up by the gentleman from Georgia?

The SPEAKER. The Chair has decided that question. The gentleman from Georgia raises the question of consideration.

Mr. TOWNSHEND. I hope the Chair will——

The SPEAKER. The question is, Shall the House now consider the bill with the message of the President?

The question was put, and the Speaker announced that the ayes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 92, noes 49.

Mr. CRISP. I demand the yeas and nays.

Mr. BLAND. I hope we can make some arrangement about this bill, and I ask just a moment to make a short statement. I ask unanimous consent that we may proceed——

Mr. RANDALL. Regular order.

Mr. BLAND. As soon as the contested-election case of Sullivan against Felton is disposed of we will take up your Des Moines River case.

Mr. RYAN. It is up now.

Mr. BLAND. I am in sympathy with those settlers and this side of the House is anxious to dispose of that bill, but the contested-election case must be first disposed of.

Mr. RANDALL. I object to debate.

The SPEAKER. Upon this question the yeas are 92, and the noes are 49.

Mr. BLAND. No quorum.

Mr. CRISP. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. TAULBEE. Mr. Speaker, I should be glad to have the Chair state again what this bill is.

The SPEAKER. That has been stated two or three times. It is the bill known as the Des Moines River lands bill, which has been vetoed by the President.

Mr. TAULBEE. And the question is whether or not we shall now proceed to its consideration.

The SPEAKER. That is the question. The Clerk will call the roll.

The question was taken; and it was decided in the affirmative—yeas 136, nays 114, not voting 73; as follows:

YEAS—136.

Adams,	Cutcheon,	Johnston, Ind.	Reed,
Allen, Mich.	Dalzell,	Johnston, N. C.	Rockwell,
Anderson, Iowa	Darlington,	Kean,	Romeis,
Anderson, Kans.	Davis,	Kelley,	Rowell,
Arnold,	Dorsey,	Kennedy,	Russell, Conn.
Atkinson,	Dunham,	Kerr,	Ryan,
Baker, N. Y.	Farquhar,	Laffoon,	Scull,
Baker, Ill.	Felton,	Laidlaw,	Seymour,
Bayne,	Finley,	Lehlbach,	Smith,
Bingham,	Fitch,	Lind,	Sowden,
Boothman,	Flood,	Long,	Spooner,
Bound,	Fuller,	Mason,	Steele,
Boutelle,	Gaines,	McComas,	Stephenson,
Bowden,	Gallinger,	McCormick,	Stewart, Vt.
Bowen,	Gay,	McKenna,	Stockdale,
Brewer,	Gear,	McKinley,	Stone, Mo.
Browne, T. H. B., Va.	Gest,	Moffitt,	Taulbee,
Browne, Ind.	Greenman,	Morrill,	Taylor, J. D., Ohio
Brown, Ohio	Grosvenor,	Morrow,	Thomas, Ky.
Brumm,	Grout,	Nichols,	Thomas, Wis.
Bryce,	Guenther,	O'Donnell,	Tillman,
Buchanan,	Harmer,	O'Neill, Pa.	Vance,
Bunnell,	Haugen,	Osborne,	Vandever,
Burrows,	Hayden,	Owen,	Wade,
Butler,	Henderson, Iowa	Patton,	Warner,
Butterworth,	Henderson, Ill.	Payson,	Weaver,
Cannon,	Hermann,	Perkins,	West,
Caswell,	Hitt,	Peters,	White, Ind.
Cheadle,	Holmes,	Phelps,	White, N. Y.
Clark,	Hopkins, Ill.	Plumb,	Whiting, Mass.
Conger,	Hopkins, N. Y.	Posey,	Wickham,
Cowles,	Howard,	Post,	Williams,
Crouse,	Hunter,	Pugsley,	Woodburn,
Cummings,	Jackson,	Randall,	Yost.

NAYS—114.

Abbott,	Culberson,	Kilgore,	Perry,
Allen, Miss.	Davenport,	Lagan,	Rayner,
Anderson, Miss.	Davidson, Ala.	Landes,	Rice,
Anderson, Ill.	Davidson, Fla.	Lane,	Richardson,
Bacon,	De Lano,	Lanham,	Rogers,
Bankhead,	Dibble,	Latham,	Rowland,
Barnes,	Dougherty,	Lawler,	Sawyer,
Biggs,	Dunn,	Lynch,	Sayers,
Blanchard,	Elliott,	Mansur,	Scott,
Bland,	Enloe,	Martin,	Seney,
Blount,	Ermentrout,	Matson,	Shaw,
Booher,	Fisher,	McAdoo,	Snyder,
Breckinridge, Ark.	Forney,	McClammy,	Springer,
Breckinridge, Ky.	French,	McCreary,	Stewart, Tex.
Buckalew,	Gibson,	McKinney,	Stone, Ky.
Bynum,	Glass,	McMillin,	Thompson, Cal.
Campbell, Ohio	Grimes,	McRae,	Tracey,
Campbell, T. J., N. Y.	Hall,	Mills,	Townshend,
Candler,	Hare,	Montgomery,	Turner, Ga.
Carlton,	Hatch,	Moore,	Walker,
Catchings,	Hayes,	Morgan,	Washington,
Chipman,	Henderson, N. C.	Norwood,	Wheeler,
Clardy,	Herbert,	Oates,	Whiting, Mich.
Clements,	Holman,	O'Ferrall,	Wilkinson,
Cobb,	Hooker,	O'Neall, Ind.	Wilson, Minn.
Compton,	Hopkins, Va.	O'Neill, Mo.	Wilson, W. Va.
Cothran,	Hudd,	Outhwaite,	Wise.
Cox,	Hutton,	Parker,	
Crisp,	Ketcham,	Penington,	

NOT VOTING—73.

Allen, Mass.	Caruth,	Dockery,	Henuphill,
Barry,	Cockran,	Foran,	Hiestand,
Belden,	Cogswell,	Ford,	Hires,
Bliss,	Collins,	Funston,	Hogg,
Brower,	Cooper,	Glover,	Houk,
Brown, J. R., Va.	Crain,	Goff,	Jones,
Burnett,	Dargan,	Granger,	La Follette,
Campbell, F., N. Y.	Dingley,	Heard,	Laird,

Lee,	Morse,	Sherman,	Thompson, Ohio
Lodge,	Neal,	Shively,	Turner, Kans.
Lyman,	Nelson,	Simmons,	Weber,
Macdonald,	Newton,	Spinola,	Whitthorne,
Maffett,	Nutting,	Stahlnecker,	Wilber,
Mahoney,	Peel,	Stewart, Ga.	Wilkins,
Maish,	Phelan,	Struble,	Yardley,
McCullogh,	Pidcock,	Symes,	Yoder.
McShane,	Robertson,	Tarsney,	
Merriman,	Russell, Mass.	Taylor, E. B., Ohio	
Milliken,	Rusk,	Thomas, Ill.	

So it was agreed to consider the veto message.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names of members voting was dispensed with.

The following members were announced as paired until further notice:

Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.

Mr. DARGAN with Mr. THOMPSON, of Ohio.

Mr. GRANGER with Mr. DINGLEY.

Mr. JONES with Mr. COOPER.

Mr. COCKRAN with Mr. NUTTING.

Mr. HOGG with Mr. SYMES.

Mr. BURNETT with Mr. GOFF.

Mr. NEAL with Mr. HOUK.

Mr. MCSHANE with Mr. LAIRD.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

Mr. WILKINS and Mr. STRUBLE were announced as paired for this day.

The following members were announced as paired on this vote:

Mr. SPINOLA with Mr. BELDEN.

Mr. CARUTH with Mr. COGSWELL.

Mr. CARUTH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARUTH. I desire to withdraw my vote. I voted by mistake. I notice that I am paired, and therefore I withdraw my vote.

Mr. FINLEY. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. FINLEY. I was, at the second call.

The SPEAKER. The Clerk will call the gentleman from Kentucky.

Mr. FINLEY's name was called and his vote recorded.

The vote was then announced as above recorded.

PUBLIC LANDS.

Mr. HOLMAN. Mr. Speaker, I rise to present a conference report.

Mr. HOLMES. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] states that he rises to present a privileged report, which, under the rule of the House, of course suspends this business, but this matter is up for consideration.

Mr. HOLMAN. This report will take but a few minutes.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 3, with an amendment as follows: Strike out all of section 1 of the bill after the word "act," in line 3, and insert in lieu thereof: "No public lands of the United States except those in the State of Missouri shall be subject to private entry."

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with amendments as follows: Add to section 2 as follows: "*Provided*, That all pre-emption settlers upon the public lands whose claims have been initiated prior to the passage of this act may change such entries to homestead entries and proceed to perfect their titles to their respective claims under the homestead law, notwithstanding they may have heretofore had the benefit of such laws; but such settlers who perfect title to such claims under the homestead law shall not thereafter be entitled to enter other lands under the pre-emption or the homestead laws of the United States;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: After the word "destruction," in line 5, section 3 of the bill, insert the words "or failure."

Add to section 6: "*Provided also*, That this section shall not be construed as affecting any right as to the location of soldiers' certificates heretofore issued under section 2306 of the Revised Statutes;" and the Senate agree to the same.

Add to section 5 as follows: "*And provided*, That if the original entry should fail for any reason prior to the patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or if having been initiated, shall be canceled;" and the Senate agree to the same.

After the word "enter," in line 7, page 4, of the bill insert the following: "As a personal right and not assignable."

After the word "so," in line 15, page 4 of the bill, insert the word "additionally;" and the House agree to the same.

Add an additional section, as follows:

"SEC. 7. That the act to provide additional regulations for homestead and pre-emption entries of public lands approved March 3, 1879, shall not be construed to forbid the taking of testimony for the final proof within ten days following the time advertised as upon which such final proof shall be made, in cases where accidents or unavoidable delays have prevented the applicant or witnesses from making such proof on the day specified."

And the Senate agree to the same.

Add as an additional section:

"SEC. 8. That nothing in this act shall be construed as suspending, repealing, or in any way rendering inoperative the provisions of the act entitled 'An act to provide for the disposal of abandoned and useless military reservations, approved July 5, 1884.'"

Amend the title so as to read: "An act to withdraw certain public lands from private entry, and for other purposes;" and the Senate agree to the same.

THOMAS C. MCRAE,
L. E. PAYSON,
Managers on the part of the House.

J. N. DOLPH,
J. H. BERRY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only submit the following written explanation of the action which is recommended by the majority of the conference committee on each of the amendments in the accompanying conference report:

1, 2, 3. The House amendments 1, 2, and 3, if agreed to, would repeal all the public-land laws by which land could be acquired, except the homestead law, and would also repeal the commutation section of that. This first section, to which the said House amendments were proposed as agreed upon in conference, will only prevent the further sale of any public lands of the United States, except in the State of Missouri, without repealing any of the other laws sought to be repealed by the House.

4. The amendment to section 2 will allow pre-emption settlers, whose claims have been heretofore initiated and still subsisting, to change such filing and entry to a homestead to be completed under that law by the additional residence and cultivation required.

5. This amendment will make certain the meaning of this section.

6. This amendment is intended to leave the question of the validity and of the right of location of soldiers' certificates heretofore issued as under present law to be in no way affected by this act.

7. This amendment will make the additional entry allowed dependent upon the good faith and honesty of the original entry, and forfeits the former for fraud in, or cancellation of, the latter.

8. This amendment prohibits any assignment of the right to make the additional entry allowed by this section by declaring that it is a personal right, and prohibiting assignment.

9. The new section, numbered 7, is in the interest of settlers making final proof. It allows them ten days from the day fixed for taking proof in cases where accident or unavoidable delays have prevented the applicant or witnesses from attending on the day fixed in the notice.

10. The other new section, numbered 8, is inserted out of caution so as to prevent a repeal by implication of the act of July 5, 1884, respecting abandoned and useless military reservations. The conferees on the part of the House who have agreed to this report do so under protest, not being at all satisfied with the limited concessions made. They strenuously insisted upon the repeal of the pre-emption and timber-culture law and the commutation clause of the homestead law, and earnestly insisted that all the public lands of the United States adapted to or valuable for agriculture should be disposed of only under the provisions of the homestead law, and that in view of the policy adopted by the present Congress looking to the reclamation of the desert lands, they are firmly of the opinion that the desert-land law should be repealed or greatly modified to prevent fraud and speculation; but as none of these objects could be accomplished they have agreed to the recommendation that the proposed changes of the law should be accepted, still indulging the hope that the important reforms in the public lands system which have been so earnestly urged by the House for many years past, securing the remaining public lands adapted to agriculture to actual settlers, will be enacted into law while there is still remaining a portion of the once great public domain.

WM. S. HOLMAN,
THO. C. MCRAE,
L. E. PAYSON.

Mr. HOLMAN. Mr. Speaker, I will detain the House but a few minutes, as our time is so limited. The bill as it passed the Senate provided for disposing of the public lands under the provisions of the homestead law. The Senate bill, as amended by the House, had the effect of repealing the pre-emption and timber-culture laws; placed all lands adapted to, or chiefly valuable for, agriculture, under the homestead law, but the result of this conference defeated this general provision and for that reason I was not willing to sign the conference report, although I did sign the statement of the facts now submitted to the House.

This conference in its results is in harmony with the other conferences between the two Houses on the land question, the House insisting on the repeal of the pre-emption and timber-culture laws, under which the public domain has become merely a source of speculation, and demanding that the public lands should be disposed of to actual settlers only under the homestead law, the Senate conferees persistently resisting that policy.

The result of this conference on the main point is simply that "no public lands of the United States (except those in the State of Missouri) shall be subject to private entry." The subsequent provisions are provisions favorable to the homestead settler and others settling on the public lands, but the important fact in this agreement is that it simply provides that "no public lands of the United States (except those in the State of Missouri) shall be subject to private entry." Gentlemen, understand that that only applies to what are called "offered lands," lands that have once been offered at public sale.

Mr. RYAN. Where they can be taken in any quantity.

Mr. HOLMAN. Yes; when lands are subject to private entry they can be taken in any quantity at $1.25 per acre; there is no limit. The "offered lands" which are subject to cash entry are mostly confined to the five public-land States of the South, but there are some lands in that condition in the State of Minnesota, some in Colorado, and perhaps some in Michigan. There is nothing encouraging in this bill, no movement favorable to the homestead policy, nothing of real value except to the extent that "offered lands" shall not be hereafter sold; no cash sales shall be made except under the pre-emption and desert-land laws. These laws still remain in full force; the most fatal to the homestead policy that could be devised.

Mr. WEAVER. The pre-emption law and the timber-culture law?

Mr. HOLMAN. Yes, they remain in force.

Mr. WEAVER. And the commutation clause?

Mr. HOLMAN. Yes; so far as this bill is concerned that remains in force. The House has adopted an amendment repealing that upon another bill—the bill confirming the purchase of the Seminole Indian lands. But will the Senate agree to it? I think not.

Mr. BRECKINRIDGE, of Kentucky. That bill has not passed?

Mr. HOLMAN. No, sir; it is still in the Senate. The most unfortunate fact in the present state of things is this: We have passed a very important measure looking to the irrigation of the desert lands in the West. Major Powell, the accomplished Director of our Geological Survey, informs me that an unexampled state of things is springing up in that section of the Union.

Residence in any State or Territory where these lands are situated is not required, not even personal presence is required, in order to make entry; and the result is that in all sections of the country where the desert lands are situated extensive entries are being made under the desert-land law for speculation in anticipation of the great profit to result from this action of the Government. Yet, Mr. Speaker, we can not secure the repeal or even modification of that desert-land law.

Mr. WEAVER. Why?

Mr. HOLMAN. Simply because the Senate will not agree to it.

Mr. DUNN. Did not the act authorizing the survey of lands for irrigation purposes provide for a reservation of irrigable lands for reservoir sites?

Mr. HOLMAN. It will be seen that the language of that provision is very ambiguous—so ambiguous that up to the present time no man can say positively, as a matter of legal construction, that a single acre of those desert lands has been withdrawn from entry under the desert-land law.

Mr. PETERS. I understand that you make no change in the desert-land law?

Mr. HOLMAN. None whatever; the pre-emption law, the timber-culture law, and the desert-land law still remain in force; all these, in the interest of the honest settler, the House is anxious to repeal, but no concession will be made by the Senate as to either of those laws—laws under which the public lands are given over to capitalists and speculators.

Mr. BRECKINRIDGE, of Kentucky. What advantage is this conference?

Mr. HOLMAN. I will try to explain. Apart from some conditions favorable to homesteaders as to a second right of homestead entry under certain conditions and the like, the only benefit of this bill, if it becomes law, is simply this: That no lands of the United States except in the State of Missouri shall be subject to private entry; that is, persons can not go into the South after the 4th of March, as otherwise they could, and enter at $1.25 an acre any amount of land they might think proper. The same is true as to some States of the North, but the lands are inconsiderable. That provision of law that allows private entries for cash, and that only, is repealed.

Mr. HERBERT. In the bill as now agreed upon, what are the words descriptive of the lands set aside for homestead entry? How are they described? How broad is the language?

Mr. HOLMAN. I have just referred to the provision. It is that—

No public lands of the United States (except those in the State of Missouri) shall be subject to private entry.

Of course all these lands are subject to the homestead law.

The bill as it went to the Senate put all agricultural lands under the homestead policy; that was the effect of the bill as it passed the House. It was intended to be a real homestead bill, but the Senate conferees would not agree to that, and of course the House, as usual, will yield. All real reform in our land system has been abandoned for the purpose of reaching a conclusion. None could be reached without such abandonment. That is the only reason I did not sign this report.

Mr. HERBERT. But the effect of the bill, if passed, will be to leave those lands still subject to homestead entry, and homestead entry alone?

Mr. HOLMAN. And pre-emption also.

Mr. WEAVER. And the desert-land law and the timber-culture law.

Mr. HOLMAN. Yes.

Mr. BLANCHARD. I wish to ask the gentleman from Indiana [Mr. HOLMAN] whether this bill contains any provision excepting from the operation of the measure lands in abandoned military reservations.

Mr. HOLMAN. Oh, yes; that provision is in the bill. I will vote for this report only under protest. I now yield a few minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I only desire to occupy a short time in discussing this bill. It is evident from the statement made by my colleague on the committee [Mr. HOLMAN] that the bill ought to pass. I am strongly in favor of it and have labored hard in the last and present Congress for it.

The bill as it came from the Senate did not propose to repeal any of the laws referred to. The House sought by an amendment to repeal those laws, as it has endeavored to do upon several other occasions. It failed in this effort because the Senate would not agree to the amendment of the House. But, having thus failed, we should not fail to pass so important a measure. The bill saves for settlers—either pre-emption settlers or homestead settlers—the greater part of the public lands in the Southern States. These lands have been protected by a joint resolution since last May. Without legislation all of the offered lands will be subject to sale after next Monday. They may be, and I think will be, taken within thirty days after this Congress adjourns.

With leave to print the bill in the RECORD I will move the previous question.

An act to withdraw certain public lands from private entry, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act no public lands of the United States, except those in the State of Missouri, shall be subject to private entry.

SEC. 2. That any person who has not heretofore perfected title to a tract of land of which he has made entry under the homestead law, may make a homestead entry of not exceeding one quarter-section of public land subject to such entry, such previous filing or entry to the contrary notwithstanding; but this right shall not apply to persons who perfect title to lands under the pre-emption or homestead laws already initiated: *Provided*, That all pre-emption settlers upon the public lands whose claims have been initiated prior to the passage of this act may change such entries to homestead entries and proceed to perfect their titles to their respective claims under the homestead law, notwithstanding they may have heretofore had the benefit of such law, but such settlers who perfect title to such claims under the homestead law shall not thereafter be entitled to enter other lands under the pre-emption or homestead laws of the United States.

SEC. 3. That whenever it shall be made to appear to the register and receiver of any public land office, under such regulations as the Secretary of the Interior may prescribe, that any settler upon the public domain under existing law is unable by reason of a total or partial destruction or failure of crops, sickness, or other unavoidable casualty, to secure a support for himself, herself, or those dependent upon him or her upon the lands settled upon, then such register and receiver may grant to such settler a leave of absence from the claim upon which he or she has filed for a period not exceeding one year at any one time, and such settler so granted leave of absence shall forfeit no rights by reason of such absence: *Provided*, That the time of such actual absence shall not be deducted from the actual residence required by law.

SEC. 4. That the price of all sections and parts of sections of the public lands within the limits of the portions of the several grants of lands to aid in the construction of railroads which have been heretofore and which may hereafter be forfeited, which were by the act making such grants or have since been increased to the double minimum price, and also of all lands within the limits of any such railroad grant, but not embraced in such grant lying adjacent to and coterminous with the portions of the line of any such railroad which shall not be completed at the date of this act, is hereby fixed at $1.25 per acre.

SEC. 5. That any homestead settler who has heretofore entered less than one quarter-section of land may enter other and additional land lying contiguous to the original entry, which shall not, with the land first entered and occupied, exceed in the aggregate 160 acres without proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry, when the additional entry is made, then the patent shall issue without further proof: *Provided*, That this section shall not apply to or for the benefit of any person who at the date of making application for entry hereunder does not own and occupy the lands covered by his original entry: *And provided*, That if the original entry should fail for any reason prior to patent or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having already been initiated, shall be canceled.

SEC. 6. That every person entitled, under the provisions of the homestead laws, to enter a homestead, who has heretofore complied with or who shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than 160 acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter as a personal right and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed 160 acres: *Provided*, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the land so additionally entered and otherwise fully complied with such laws: *Provided also*, That this section shall not be construed as affecting any rights as to the location of soldiers' certificates heretofore issued under section 2306 of the Revised Statutes.

SEC. 7. That the "act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879, shall not be construed to forbid the taking of testimony for final proof within ten days following the day advertised as upon which such final proof shall be made, in cases where accident or unavoidable delays have prevented the applicant or witnesses from making such proof on the date specified.

SEC. 8. That nothing in this act shall be construed as suspending, repealing, or in any way rendering inoperative the provisions of the act entitled "An act to provide for the disposal of abandoned and useless military reservations," approved July 5, 1884.

Mr. ADAMS. I desire to ask one question. This bill prohibits the assignment of a certain class of soldiers' certificates, does it not?

Mr. MCRAE. No, sir; it prohibits the assignment of the right of an additional entry allowed.

Mr. HOLMAN. It does not affect that.

Mr. MCRAE. It leaves the soldiers' certificates just as they now stand.

The previous question was ordered.

The SPEAKER (having put the question on agreeing to the report) said: The ayes seem to have it.

Mr. BRECKINRIDGE, of Kentucky. I call for a division.

The question being again put, there were—ayes 82, noes 9.

Mr. BLAND. We had better have a quorum.

Mr. MCRAE. I demand the yeas and nays.

Mr. HOLMAN. I hope that will not be done.

Mr. MCRAE. Yes, I insist on the demand.

The yeas and nays were ordered; 54 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 245, nays 7, not voting 71; as follows:

YEAS—245.

Abbott,	Culberson,	Johnston, Ind.	Rayner,
Adams,	Cummings,	Johnston, N. C.	Rice,
Allen, Mich.	Dalzell,	Kean,	Richardson,
Allen, Miss.	Darlington,	Kelley,	Robertson,
Anderson, Iowa	Davenport,	Kerr,	Rogers,
Anderson, Miss.	Davidson, Ala.	Kilgore,	Romeis,
Anderson, Ill.	Davidson, Fla.	Laffoon,	Rowell,
Anderson, Kans.	Davis.	La Follette,	Rowland,
Arnold,	De Lano,	Lagan,	Rusk,
Atkinson,	Dibble,	Laidlaw,	Ryan,
Bacon,	Dockery,	Lane,	Sawyer,
Baker, N. Y.	Dorsey,	Lanham,	Sayers,
Baker, Ill.	Dunham,	Latham,	Scott,
Bankhead,	Dunn,	Lawler,	Scull,
Barnes,	Elliott,	Lehlbach,	Seney,
Bayne,	Enloe,	Lind,	Seymour,
Belden,	Ermentrout,	Lodge,	Shaw,
Biggs,	Farquhar,	Macdonald,	Simmons,
Bingham,	Felton,	Mahoney,	Smith,
Blanchard,	Finley,	Maish,	Snyder,
Bland,	Fitch,	Mansur,	Sowden,
Blount,	Flood,	Martin,	Spooner,
Booher,	Foran,	Matson,	Springer,
Boothman,	Forney,	McAdoo,	Steele,
Bound,	French,	McClammy,	Stephenson,
Boutelle,	Gaines,	McComas,	Stewart, Tex.
Bowden,	Gallinger,	McCormick,	Stewart, Vt.
Bowen,	Gay,	McCreary,	Stockdale,
Breckinridge, Ark.	Gear,	McKenna,	Stone, Ky.
Brewer,	Gest,	McKinley,	Stone, Mo.
Browne, T. H. B., Va.	Glass,	McKinney,	Tarsney,
Browne, Ind.	Greenman,	McMillin,	Taylor, J. D., Ohio
Brown, Ohio	Grimes,	McRae,	Thomas, Ky.
Brown, J. R., Va.	Grosvenor,	Milliken,	Thomas, Ill.
Brumm,	Grout,	Mills,	Thomas, Wis.
Buchanan,	Guenther,	Moffitt,	Thompson, Cal.
Buckalew,	Hare,	Montgomery,	Tillman,
Bunnell,	Harmer,	Moore,	Tracey,
Butler,	Hatch,	Morgan,	Townshend,
Butterworth,	Haugen,	Norwood,	Turner, Kans.
Bynum,	Hayden,	Oates,	Turner, Ga.
Campbell, F., N. Y.	Hayes,	O'Donnell,	Vance,
Campbell, Ohio	Heard,	O'Ferrall,	Vandever,
Campbell, T. J., N. Y.	Henderson, Iowa	O'Neall, Ind.	Wade,
Candler,	Henderson, N. C.	O'Neill, Pa.	Walker,
Carlton,	Henderson, Ill.	O'Neill, Mo.	Warner,
Caruth,	Herbert,	Osborne,	Washington,
Caswell,	Hermann,	Outhwaite,	Weber,
Catchings,	Hiestand,	Owen,	West,
Cheadle,	Hires,	Parker,	Wheeler,
Chipman,	Hitt,	Patton,	White, Ind.
Clardy,	Holman,	Payson,	White, N. Y.
Clark,	Holmes,	Peel,	Whiting, Mass.
Clements,	Hooker,	Penington,	Wilkinson,
Cobb,	Hopkins, Ill.	Perkins,	Williams,
Compton,	Hopkins, Va.	Perry,	Wilson, Minn.
Conger,	Hopkins, N. Y.	Peters,	Wise,
Cothran,	Howard,	Pidcock,	Yardley,
Cowles,	Hudd,	Plumb,	Yost.
Cox,	Hunter,	Posey,	
Crisp,	Hutton,	Post,	
Crouse,	Jackson,	Pugsley,	

NAYS—7.

Breckinridge, Ky.	Fuller,	Lynch,	Wickham.
Bryce,	Landes,	Weaver,	

NOT VOTING—71.

Allen, Mass.	Funston,	McCullogh,	Sherman,
Barry,	Gibson,	McShane,	Shively,
Bliss,	Glover,	Merriman,	Spinola,
Brower,	Goff,	Morrill,	Stahlnecker,
Burnett,	Granger,	Morrow,	Stewart, Ga.
Burrows,	Hall,	Morse,	Struble,
Cannon,	Hemphill,	Neal,	Symes,
Cockran,	Hogg,	Nelson,	Taulbee,
Cogswell,	Houk,	Newton,	Taylor, E. B., Ohio
Collins,	Jones,	Nichols,	Thompson, Ohio
Cooper,	Kennedy,	Nutting,	Whiting, Mich.
Crain,	Ketcham,	Phelan,	Whithorne,
Cutcheon,	Laird,	Phelps,	Wilber,
Dargan,	Lee,	Randall,	Wilkins,
Dingley,	Long,	Reed,	Wilson, W. Va.
Dougherty,	Lyman,	Rockwell,	Woodburn,
Fisher,	Maffett,	Russell, Conn.	Yoder.
Ford,	Mason,	Russell, Mass.	

So the conference report was adopted.

During the roll-call,

Mr. WHITE, of New York, moved to dispense with the reading of the names.

Mr. BLAND objected.

Mr. LEE was announced as paired with Mr. COGSWELL on all political questions for the remainder of the day.

The vote was then announced as above recorded.

Mr. MCRAE moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMES rose.

Mr. HOOKER. I hope the gentleman from Iowa will now make the motion that those having reports from committees will be allowed to file them at the Clerk's desk.

Mr. HOLMES. I make that motion.

Mr. MILLS. I object.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 8039) to secure to the District of Columbia a compilation of the laws of said District, and for other purposes;

A bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana;

A bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Pacific Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions; and

A bill (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

FORFEITURE OF WAGON-ROAD GRANTS.

Mr. STOCKDALE. I rise to make a privileged report.

The SPEAKER. Is it a conference report?

Mr. STOCKDALE. No, but a report from the Committee on Public Lands. I report back the bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

Mr. HERMANN. Mr. Speaker, the gentleman from Iowa [Mr. HOLMES] has kindly consented to give way and permit consideration of the bill relating to forfeiture of certain wagon-road grants in my State.

Mr. HOLMES. I have no objection to that being taken up, provided it does not give rise to debate.

Mr. HERMANN. I am assured that there will be no debate.

The bill was read, as follows:

Whereas the United States have heretofore made various grants of public lands to aid in the construction of different wagon-roads in the State of Oregon, and upon the condition that such roads should be completed within prescribed times; and

Whereas said grants were transferred by said State to sundry corporations, who were authorized by the State to construct such wagon-roads and to receive therefor the grants of land thus made; and

Whereas the Department of the Interior certified portions of said lands to the State of Oregon upon the theory that said roads had been completed as required by the granting acts of Congress, and upon the certificate of the governor of the State of Oregon as to such completion; and

Whereas the Legislature of the State of Oregon has memorialized Congress and therein alleged that certain of said wagon-roads, in whole or in part, were not so completed, and that to the extent of the lands coterminous with unconstructed portions the certifications thereof by the Department of the Interior were unauthorized and illegal: Therefore,

Be it enacted, etc., That it is hereby made the duty of the Attorney-General, within six months after the passage of this act, to cause suit or suits to be brought, in the name of the United States, in the United States circuit court for the district of Oregon, against all persons, firms, and corporations claiming to own or to have an interest in the lands granted to the State of Oregon by the following-enumerated acts of Congress, to wit:

"An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," approved July 2, 1864;

"An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," approved July 5, 1866; and

"An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boisé, on the Snake River," approved February 25, 1867;

To determine the questions of the seasonable and proper completion of said roads in accordance with the terms of the granting acts, either in whole or in part, the legal effect of the several certificates of the governors of the State of Oregon of the completion of said roads, and the right of resumption of such granted lands by the United States, and to obtain judgments, which the court is hereby authorized to render, declaring forfeited to the United States all of such lands as are coterminous with the part or parts of either of said wagon-roads which were not constructed in accordance with requirements of the granting acts, and setting aside patents which have issued for any such lands, saving and preserving the rights of all bona fide purchasers of either of said grants or of any portion of said grants for a valuable consideration, if any such there be. Said suit or suits shall be tried and adjudicated in like manner and by the same principles and rules of jurisprudence as other suits in equity are therein tried, with right to writ of error or appeal by either or any party as in other cases; and if any person, firm, or corporation having or claiming an interest in any of said lands shall be made defendant in such suit or suits, and in the judgment of the said court be a necessary or proper party defendant, and shall not be an inhabitant of or found within the said district, and shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing said absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served upon such absent defendant or defendants in the manner provided by section 8 of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875: *Provided*, That in the said circuit court said suit or suits shall be advanced to hearing in preference to all other civil cases on the dockets: *And provided further*, That no right of appeal shall exist after six months from the entering of a final decree in said circuit court.

SEC. 2. That the State of Oregon, and any person or corporation claiming any interest under or through the grants aforesaid in the lands to be affected by said suit or suits, and whether made a party thereto or not, may intervene therein by sworn petition to defend his interest therein, as against the United States, or against each other, and affecting the said question of forfeiture, and may, upon such petition for intervention, also put in issue and have adjudicated and determined any other question, whether of law or of fact, which may be in dispute between said intervener and the United States, and affecting the right or title to any part of the lands claimed to have been embraced within the grants of lands by the United States to or for either of said wagon-roads. Should the lands embraced within said grants or either of them or any portion thereof, be declared forfeited by the final determination of said suit or suits, the same shall be immediately restored to the public domain and become subject to dis-

posal under the general land laws; and should the final determination of said suit or suits maintain the right of the aforesaid wagon-road grantees or their assigns to the lands embraced in said grants, the Secretary of the Interior shall forthwith adjust said grants in accordance with such determination, and shall cause patents to be issued for the lands inuring to said grantees under said wagon-road grants and which have been heretofore unpatented: *Provided further*, That the lands actually settled upon or occupied and used as a homestead or for agricultural or grazing purposes, in cases in which such settler or occupant has acquired the title of the State of Oregon under the grants recited in the first section of this act to the same, not exceeding one section to any one settler or occupant, shall not be included in such suit, and such settler or occupant shall not be made a party thereto, anything in this act to the contrary notwithstanding.

Mr. STOCKDALE. I do not desire to detain the House [cries of "Vote!" "Vote!"], and if no gentleman desires to submit any remarks on the subject I will demand the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The Chair understands that House bill 9854, the committee report be laid upon the table.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The bill before the House is Senate bill 1939, which has just been read.

Mr. WEAVER. I would suggest to the gentleman from Mississippi that he had better allow this to remain on the Speaker's table for the present.

Mr. HERMANN. Oh! I appeal to the gentleman not to object to this now.

Mr. WEAVER. If it is going to lead to an extended debate it had better go over.

Mr. HERMANN. I have an assurance that it will not.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Mississippi as demanding the previous question?

Mr. HOLMAN. Before that I wish to submit a substitute for the Senate bill.

The SPEAKER *pro tempore*. But the gentleman from Mississippi is entitled to the floor.

Mr. HOLMAN. I think the gentleman will yield to me to offer a substitute for the bill.

Mr. WHEELER. I want it understood if this is called up that I wish to be heard upon it.

The SPEAKER *pro tempore*. Will the gentleman from Mississippi give his attention? The Chair asks the gentleman if he has yielded to allow the gentleman from Indiana to offer an amendment.

Mr. STOCKDALE. I yield to him to offer an amendment in the nature of a substitute.

The SPEAKER *pro tempore*. The Chair has been endeavoring to ascertain——

Mr. STOCKDALE. I yield for the purpose of having it read.

Mr. WEAVER. I rise to a parliamentary inquiry. I understood that this bill was being read subject to objections. Now——

Mr. HERMANN. I did not understand that it was subject to objection. It was understood that no protracted debate would be had upon it; but it will only take a short time to dispose of it.

The SPEAKER *pro tempore*. The bill was presented to the House as a privileged matter, and the gentleman from Iowa [Mr. HOLMES] yielded to the gentleman from Mississippi to submit the report.

Mr. HOLMES. I yielded under the express statement and understanding that it was to provoke no discussion.

Mr. WHEELER. It will not provoke any unless an attempt is made to bring in this substitute bill.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

Mr. HOLMAN. I rise to a question of order. The gentleman has yielded to me to allow a substitute to be reported, and I ask now to have it read.

Mr. HERMANN. The gentleman yielded merely to have it read, as I understand it. I think it proper that it should be read that the House may have before it both propositions.

Mr. HOLMAN. The gentleman yielded to me to offer the substitute.

Mr. HERMANN. But modified his statement by saying that he yielded to have it read.

Mr. HOLMAN. The gentleman from Mississippi is on the floor now, and I ask him if I am to have the right to offer this as a substitute for the report he makes?

Mr. HERMANN. I understand all that the gentleman desires is simply that it be read for information.

Mr. HOLMAN. No; I want it voted on also.

Mr. HERMANN. But that will lead to such delay and possible filibustering as to defeat any measure. Time is precious.

The SPEAKER *pro tempore*. The gentleman from Mississippi will state whether he yields for that purpose.

Mr. STOCKDALE. I withdraw my consent and demand the previous question.

Mr. MILLS. I rise to a parliamentary inquiry. If the previous question is ordered will there not be thirty minutes for debate under the rules?

The SPEAKER *pro tempore*. Under the rules of the House thirty minutes will be allowed for debate after the previous question is ordered.

Mr. MILLS. Because I want some explanation of this matter.

Mr. HERMANN. I can assure the gentleman that the bill refers the whole matter to the courts and authorizes a judicial declaration of forfeiture if the evidence shall warrant it.

The question was taken on ordering the previous question; and there were on a division—ayes 129, noes 17.

Mr. BRECKINRIDGE, of Kentucky. No quorum has voted. I want to secure an explanation of this bill.

Mr. HERMANN. I hope the gentleman from Kentucky will not insist upon the point of order. It leads to delay, and we may as well abandon all hope of any settlement. I know the gentleman would not do that. I appeal to him again.

Mr. BRECKINRIDGE, of Kentucky. The previous question cuts off, of course, all amendments to the bill, and we are required to vote upon it without knowing what it is.

Mr. HERMANN. This is the last opportunity we will have to get this through. It is a matter of great importance to my State. The gentleman understands the question. The bill has been read.

The SPEAKER *pro tempore*. Debate is not in order. The Chair will appoint tellers, the point of order being made that no quorum has voted.

Mr. BRECKINRIDGE, of Kentucky, and Mr. HERMANN were appointed tellers.

The House again divided; and the tellers reported—ayes 158, noes 7.

So the previous question was ordered.

Mr. HOLMAN. I understand, Mr. Speaker, that under the rules we are entitled to a half hour debate.

I desire to occupy fifteen minutes——

Mr. STOCKDALE. Before that I move to reconsider the vote ordering the previous question and lay it on the table.

Mr. HOLMAN. I wish to control the time——

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Mississippi, in charge of the bill, to control the time in favor of the bill, which, under the rule, will be fifteen minutes, and there will also be fifteen minutes in opposition to the bill.

Mr. BRECKINRIDGE, of Kentucky. Which I suppose I will control.

The SPEAKER *pro tempore*. Which will be under the control of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Then I yield seven minutes of that time to the gentleman from Indiana [Mr. HOLMAN], five minutes to the gentleman from Arkansas [Mr. MCRAE], and the remaining two minutes to the gentleman from Oregon [Mr. HERMANN], as I wish to hear an explanation of this bill.

Mr. HOLMAN. Mr. Speaker, the condition of this matter is this: Many years ago there were granted lands to aid in the construction of certain wagon-roads in the State of Oregon, and under certificates obtained from officials in the State patents were subsequently issued for portions of the land in question. Within a year or two past the Secretary of the Interior has caused an exhaustive inquiry to be made into all of the facts with regard to the construction of the roads and the patenting of these lands, and that report has been published, showing beyond any question that the certification of these lands was fraudulent; that the roads were not constructed in conformity to law or in conformity to any material requirement of the law, and that the lands should be forfeited entirely. The President sent a message to Congress embracing the bill I hold in my hand and recommending a direct forfeiture of all of these lands by an act of Congress, except where patent had issued; and also directing that the Attorney-General should bring suit to declare forfeiture of any such lands held under the patent. That I understand to be the true facts of the case and its present condition.

In the Senate a bill was introduced differing from this, referring the whole subject to the courts. The bill passed the Senate and came to the House, and the House Committee on Public Lands decided in favor of the Senate bill. It is in more complete form, and has been carefully prepared by an impartial officer of the Government. I think it is entitled to a fair consideration, and I have sought to offer it as a substitute for the pending bill. I admit that if this carefully-prepared bill can not be passed it is better to pass the bill now before the House.

Mr. COX. In what regard do these bills differ?

Mr. HOLMAN. In one the whole subject is referred to the courts; in the other the President and the Secretary of the Interior seek to declare forfeited directly by the Government all these lands not covered by patent. I think that is a correct statement of the bill.

Mr. COX. Both are good bills, and you prefer the Senate bill?

Mr. HOLMAN. I think the bill that comes to us from the Secretary of the Interior is the better bill, but if that bill can not be passed I will submit to the other one. I ought not to occupy any further time. I am aware that the gentleman from Oregon [Mr. HERMANN] is for this bill, but at the same time he is exceedingly anxious that some measure should pass, and pass this Congress, and while he favors the bill of the Interior Department, if he sees that that bill can not be passed he will accept the bill now before the House. I think there should have been a respectful consideration of the bill which I hold in my hand. If the House will not take that bill up for consideration, then the best that could be done is to pass the bill as it came from the Senate. If I have time I will have this bill read.

The Clerk read as follows:

Be it enacted, etc., That the several acts of Congress entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," approved July 2, 1864; "An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," approved July 5, 1866; "An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boisé, on the Snake River," approved February 25, 1867; "An act to amend an act entitled 'An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Albany, Oregon, to the eastern boundary of said State,'" approved July 15, 1870; "An act to amend an act entitled 'An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State,'" approved December 26, 1873; "An act to authorize the issuance of patents for lands granted to the State of Oregon in certain cases," approved June 18, 1874, be, and the same are hereby, repealed, and that all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under said several acts and provisions of law be, and they are hereby, declared forfeited and determined, and all lands within the terms and scope of said several acts of Congress be, and they hereby are, restored to the public domain: *Provided, however*, That all such sales of any of said lands as in the next section are declared to have been made to an innocent purchaser by any grantee of the United States or subsequent grantee are hereby excepted, and as to such lands the patents heretofore given by the United States are herewith confirmed.

SEC. 2. That within six months from the passage of this act the Attorney-General of the United States is directed to cause to be brought, in the circuit court of the United States for the district of Oregon, such suit or suits as may be necessary to cancel all patents, certifications, or other evidences of title heretofore issued for any of the lands mentioned in any of the granting acts hereinbefore set forth, and to restore the title thereto to the United States, saving and excepting only such specific lands as shall have been conveyed to settlers or persons occupying the land for the purpose of using or improving it, upon payment of compensation in good faith therefor by either of the several corporations upon which said grants were respectively conferred by the State of Oregon, or by some subsequent grantee of the said land grants from said companies, not exceeding in any case one section in quantity.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from Arkansas will be recognized for five minutes.

Mr. MCRAE. Mr. Speaker, since the previous question has been ordered it is hardly necessary to discuss the bill. I would like to have an opportunity to present and discuss the substitute that I have prepared, but it is not now in order to vote upon it, and I do not care to detain the House any considerable time when there is no chance to accomplish anything by it. The substitute is printed with the views of the minority. It is substantially like all the bills passed by the House forfeiting railroad grants during this Congress.

It recognizes all bona fide purchasers for value and submits the question of good faith first to the Department. And, Mr. Speaker, that is the important question in these cases, for all of the lands in question have been sold to persons who assert that they are innocent purchasers for value without any knowledge of fraud in procuring the certificates or failure to construct the roads. If this be true, then, should Congress pass any act to disturb their titles? Patents have been issued from the Government and the grantees have sold to others. The gentleman from Indiana [Mr. HOLMAN] is hardly justified by the testimony in stating that there is no proof of construction. The testimony of witnesses upon this point is conflicting, but the governor, whose duty it was to ascertain the fact at the time, so certified. Should purchasers be required to go behind this?

After a careful examination of the testimony taken by the agents of the Government, I am not prepared to say that the roads were not constructed as contemplated in the grants. The testimony was taken without notice to either the companies or those now holding the lands, and still there is much of it that shows the opening of the roads. It has been a long time, and of course many of the witnesses know but little about what was done at that time. The grant ought never to have been made, and the roads have been of but little value to the United States. I presume it was intended at the time to be a gift, to a very considerable extent, but that is no reason why we should do injustice to the present owners.

There is not the slightest evidence tending to show that the present owners had any part in the fraud, if there was any. Before we instruct a suit brought at the expense of the United States to cancel patents issued, we should, I think, understand the claim of those to be sued. Let the Executive Department examine to see if there is any complicity between the owners of the lands and the companies first. If there is, then will be time enough to sue them. The bill of the majority provides for an action at once. In that it will settle this matter, it is better than nothing at all.

The proposition of the gentleman from Indiana [Mr. HOLMAN] recognizes the titles of settlers who have purchased not exceeding 640 acres, or if more, then to that extent. I see no reason why we should stop on 640 acres. If the principle is good for that much it ought to extend to the whole purchase. It is not a question of how much was bought, but whether the purchase was in good faith and the purchaser without knowledge of fraud. The Government can not afford to defraud purchasers because it has been defrauded by the companies' grantees. This feature of the substitute can not be justified on the ground that so much is due to settlers, because it is not the policy of this Government to give so much land for settlement. It only gives one-fourth this quantity.

Mr. HOLMAN. I know, but the President put it upon the ground that where the land was purchased and actually occupied, then that exception should be made.

Mr. MCRAE. Then you ought not to go beyond 160 acres, the maximum quantity given to settlers. The moment you go beyond that you exceed the quantity recognized in the homestead laws to the extent of 480 acres. To that extent it is wrong. Taking the position you assume to be correct, admitting for argument' sake that it is a grant that ought to be forfeited, then, if we can confirm title to these purchasers to 640 acres of land, I can see no reason why we should not do so to the whole purchase if for more. That is the difference, and I had hoped that my friend would allow this to be voted upon.

I have read the report carefully, and have candidly told the House what my views and conclusions are, after giving a thorough examination of the testimony and the report, and after listening to able arguments both pro and con. If I have any time left, I give it to the gentleman from Oregon.

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. HERMANN. Mr. Speaker, I have agreed with the gentleman from Iowa [Mr. HOLMES] who has very courteously (and I thank him a thousand times for it) extended to me this opportunity for the purpose of calling up these wagon-road forfeitures, and I desire to say that no one can be more radical than myself as to the remedy to be adopted. I agreed with the gentleman from Indiana [Mr. HOLMAN] in committee, and I agreed in and out of committee, to unite upon the most radical measure that we should deem practicable at this time. I also united, permit me to say, in a minority report, in which I agreed that, so far as this Congress was concerned, it ought to forfeit all of the lands of these various grants which have not yet been patented, amounting to something like 1,457,000 acres. I believed that that was fair and just to the Government, fair and just to the settlers, and that no less remedy than that should be had at the hands of this Congress. The Legislature of Oregon has memorialized Congress for action upon this matter many times.

I hold in my hand a petition signed by nearly one thousand settlers upon the frontier, scattered over an area of 500 miles, begging, pleading, and entreating this Congress to do something towards adjusting these matters. These grants as now existing constitute a black spot upon that territory; settlers are kept out, the development of the country is impeded, and the whole of that region, as large as the State of Pennsylvania, is urgently demanding some action upon the part of Congress. I am in favor, however, now of the Senate bill, because I believe it is the very best measure that we can get at this late day. We can not pass a substitute, we can not even amend the Senate bill, and in the interest of expediency and success I advocate it as a last alternative. I have done the best I can in the interest of my constituents. I accept now the best terms which I think it possible to obtain. It would be wrong to reject what is now offered.

The SPEAKER *pro tempore*. The time of the gentleman from Oregon has expired.

Mr. BRECKINRIDGE, of Kentucky, was recognized.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I give notice that I will move to recommit the bill to the committee, with instructions to report the bill that was prepared by the gentleman from Arkansas [Mr. MCRAE], which sets out the views which he has elaborated in his argument here.

Mr. STOCKDALE was recognized.

Mr. STOCKDALE withholds his remarks for revision. [See Appendix.]

Mr. WHEELER. Mr. Speaker, when the subject-matter now before the House was considered in the Committee on Public Lands that committee gave it a most patient and exhaustive examination.

The third and fourth sections of the act of July 2, 1864, granting the lands, are in these words:

SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, graduation, and bridges as to permit of its regular use as a wagon-road, and in such other special manner as the State of Oregon may prescribe.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of only in the following manner, that is to say, that a quantity of land not exceeding 30 sections for said road may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any 10 continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed 30 sections, may be sold, and so from time to time until said road is completed; and if said road is not completed within five years no further sales shall be made, and the lands remaining unsold shall revert to the United States.

The State of Oregon accepted the grant, and the Oregon Central Military Road Company was duly incorporated for the purpose of constructing the road contemplated in the act.

Work was commenced, and it appears that by July 27, 1866, the governor of Oregon ascertained that 50 miles of the road had been completed, and pursuant to the requirements of the act he executed a certificate to that effect, which I will read:

STATE OF OREGON, EXECUTIVE DEPARTMENT,
Salem, July 27, 1866.

SIR: I hereby certify that in accordance with an act of Congress approved July 2, 1864, entitled "An act granting lands in the State of Oregon to aid in the construction of a military road from Eugene City to the southern or eastern boundary of said State," and in accordance with the act of the Legislative Assembly of the State of Oregon approved October 24, 1864, entitled "An act donating certain lands to the Oregon Central Military Road Company," I have passed over and carefully examined the first 50 miles of the Oregon central military road, beginning at Eugene City and extending eastward and toward the southern or eastern boundary of the State of Oregon.

And I further certify that the first continuous 50 miles of said road, beginning at Eugene City, are completed in accordance with the requirements of said act of Congress and the laws of Oregon.

In witness whereof I have hereunto set my hand and caused the great seal of the State of Oregon to be affixed.

ADDISON C. GIBBS,
Governor of Oregon.

By the governor:
[SEAL.]

SAMUEL E. MAY,
Secretary of State.

THE SECRETARY OF THE INTERIOR.

By November 26, 1867, it appears that 42½ miles of additional road had been completed, and that fact was certified to by Governor George L. Woods in these words:

STATE OF OREGON, EXECUTIVE OFFICE,
Salem, November 26, 1867.

To all to whom these presents shall come, greeting:

This certifies that the section of the central military road extending from the point to which it has already been approved to Crescent Lake, in the valley of the Deschutes, being 42½ miles, more or less, having been carefully inspected and found to be well and faithfully built and fully up to the requirements of the law, therefore the same is approved and received.

In witness whereof I have hereunto signed my name and caused the seal of the State of Oregon to be affixed the day and the year first above written.

GEO. L. WOODS.

Attest:
[SEAL.]

SAMUEL E. MAY,
Secretary of State.

Thereafter other sections were completed, and as the work progressed certificates were issued by the governor in due form. Finally a certificate was issued to the effect that 448.7 miles were completed, which carried the road to its terminus. Whereupon the then governor, Hon. L. F. Grover, afterwards United States Senator, issued a final certificate. Maps were duly filed in the General Land Office, and in 1871 Willis Drummond, the Commissioner of the General Land Office, issued a certificate in conformity with law, and all other requirements having been complied with, Congress, on June 18, 1874, passed the act, which is in these words:

Whereas certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in said State, and there exists no law providing for the issuing of formal patent for said lands: Therefore,

Be it enacted, etc., That in all cases when the roads in aid of the construction of which said lands were granted are shown by the certificate of the governor of the State of Oregon, as in said acts provided, to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon the payment of their necessary expenses thereof: *Provided*, That this shall not be construed to revive any land grant already expired nor to create any new rights of any kind, except to provide for issuing patents for lands to which the State is already entitled.

During the twenty-five years which have elapsed since the passage of the original grant a large portion of the granted lands has passed into the hands of innocent purchasers.

The bill which the chairman of the committee [Mr. HOLMAN] seeks to substitute for the bill under consideration proposes to repeal all the laws by which these lands were granted, and with some exceptions to forfeit all rights accruing or claimed under them.

The Committee on Public Lands deemed such a measure unwise and unjust. They felt that the enactment of such a law would only lead to litigation and harass the people, and the courts would ultimately hold that Congress had exceeded its powers, while the bill the committee recommend proposes to subject the title to said lands to judicial decision.

The bill, however, affirms the title of bona fide settlers or occupants to the land they now hold.

The gentleman from Oregon [Mr. HERMANN] has a numerously signed petition favoring the direct forfeiture of these lands, as proposed by the gentleman from Indiana [Mr. HOLMAN], and I believe he is in accord with the views of his constituents and advocates the adoption of such a measure.

Mr. HERMANN. More particularly the forfeiture of the unpatented lands.

Mr. WHEELER. Yes, I believe that is the position assumed by my friend from Oregon; but I believe that upon more careful consideration he will conclude that the passage of the bill sought to be substituted would ultimately fail to aid the people whom he is anxious to benefit.

As for myself, I am quite convinced that the Senate bill is the best for all parties, in which view I am supported by a large majority of the committee who have reported that bill.

The records show that the grantees have complied with all the conditions of their purchase. The roads were built and have carried provisions, etc., to the forts, as intended by the grant; all the conditions were complied with and the roads have been operated for ten years and more, or until railroads were constructed and the wagon-roads were superseded.

I hope the bill will pass, and thus insure the submittal of the question, which is of a judicial character, to the courts, where it properly belongs.

[Here the hammer fell.]

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. BRECKINRIDGE, of Kentucky. I move to recommit the bill with instructions to strike out all after the enacting clause and insert the substitute which I send to the Clerk's desk.

Mr. HERMANN. I appeal again especially in behalf of the thousands of settlers of Eastern Oregon to the gentleman from Kentucky not to insist upon his motion.

Mr. BRECKINRIDGE, of Kentucky. After consultation with the gentleman from Arkansas [Mr. MCREA] who knows more about this matter than I do I will withdraw the motion to recommit.

The bill was passed.

Mr. STOCKDALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON DES MOINES RIVER LANDS.

Mr. HOLMES. I now call up the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, returned by the President with his objections thereto.

Mr. WHEELER. What understanding has been reached about the time to be consumed in debate?

The SPEAKER *pro tempore*. There has been no understanding in reference to the matter.

Mr. HOLMES. I ask by unanimous consent that the debate shall be limited to one hour, after which the previous question shall be considered as ordered.

Mr. HERBERT. Before the gentleman proceeds with this Des Moines bill, I ask him to yield to me to ask to have a conference report submitted.

Mr. HOLMES. I can not yield further. I have yielded now as often as I think I ought to yield. I make a proposition now for unanimous consent to close the debate in one hour.

Mr. WHEELER. I object.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman to the House.

Mr. MILLS, Mr. O'NEALL of Indiana, and Mr. WHEELER objected.

Mr. PARKER. If the gentleman from Iowa wishes the House to agree upon a proper time for the debate we are ready to do so, but we do not wish to be crowded in the matter of argument on this important subject.

Mr. HOLMES. I will say that for myself I do not desire that the debate shall be limited; but the gentleman knows that there is very little time of this session remaining, and that many important matters are crowding upon the House. I am appealed to on all sides to cut the debate short.

Mr. PARKER. I suggest that the opponents of the bill will want two hours and a half.

Mr. WEAVER. Oh, no.

Mr. HOLMES. We can not agree to that.

Mr. PARKER. The gentleman will probably see that it will promote a vote upon his bill if he is reasonable in according time.

Mr. BRECKINRIDGE, of Kentucky. There is no doubt about that.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of Mr. CLARDY, Mr. DAVIS, and Mr. ANDERSON of Kansas as managers at the conference on the disagreeing votes of the two Houses on the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

SETTLERS ON DES MOINES RIVER LANDS.

Mr. HOLMES. Mr. Speaker, at the end of one hour I will move the previous question and test the sense of the House upon ordering it.

Mr. PARKER. And we give notice that we will antagonize that motion by all the privileges which the rules of the House confer upon us.

Mr. RANDALL. That is of course your privilege.

Mr. HOLMES. Mr. Speaker, this bill does not take one dollar out of the Treasury of the United States, nor does it give to these parties who are to be benefited by its passage one acre of land of the United States. It simply provides that they shall have their day in court like any other citizens.

I shall only be able, sir, in a brief way to state the merits of the case, and I am more satisfied to do this because it does not occur to me that it needs any extended discussion. It is a measure which has been before the House and before the people of the United States for more than twenty years, and still after all of that delay, after all these years that justice has been withheld, it is proposed to still further delay action upon it. There have been thousands of names appended to petitions sent here in support of it, nearly every Legislature of the State of Iowa has petitioned Congress to take action upon it, and the Representatives of the State on this floor have sought for years to secure such action. This legislation has been requested in every form, and after all of this time this is the nearest approach we have ever made to recognition of the rights of the parties which are presented in the pending bill.

In 1846 a grant of public lands was made by the United States Government for the improvement of the navigation of the Des Moines River. That grant was like any ordinary railroad grant. Certain con-

ditions were appended to it. It provided that the company or the State acting as trustee should have the lands, the odd-numbered sections, from 5 miles on each side of the river up to a certain point for the purpose of improving the river. It was provided further that they should do $30,000 worth of work and then $30,000 worth of land should be certified for it; and as fast as each certificate of $30,000 of land was issued it was to be certified by the Government and the land issued. A further provision was to the effect that the mails of the United States and its property should be transported over the river as a matter of commerce under certain rules named. That was the condition of the grant, but what is the result? This company, the Des Moines Navigation and Railway Company, received the assignment from the State of Iowa of the right to earn the lands.

They claim that they have a deed to the lands, but as a matter of fact they never had anything but the right which the State held to earn the lands. The State conveyed nothing but a quitclaim of the State, and the company assumed the right to earn. Not an acre of the land was conveyed by it which the Government granted, but the right to earn the lands and that right only. This company has never earned the lands. I challenge the gentlemen who may get up to argue the question on the other side to discuss that point, and to show to this House and to the country that these men who have three or four million dollars represented in these lands have rendered a dollar's worth of benefit to the people of the United States or to the State of Iowa for the valuable lands which they hold, and you will see that they shirk the question. They will point you to the decision of the United States court, and in the language of Shylock they will say, "Here is the bond." But they do not answer the question. The Congress of the United States makes the law; it is above the law, and sits here as a court empowered to do justice, nothing more and nothing less.

These lands have got into a peculiar situation. In the first place, after the grant was made, the agents of the river improvement company procured the extension of the grant to the north line of the State—that is to say, above the Raccoon Fork of the river—and took into it the lands now in dispute. That is by the act of June 12, 1862. But that grant likewise provided that the grant of 1846 should be complied with, and that the lands should be earned just as they were provided for in the original granting act. In 1856 the company refused to go on with the work any longer, and declined *in toto* to earn the land by improving the navigation of the river, and never completed one lock or dam of all they were to complete on the line of the river in compliance with the grant—not a single one. After the act of 1862 was passed the Secretary of the Interior withdrew the land from market, and here is where the question of the gentleman's law and the decision of the United States court will come in. Now, it is well known to the members of the House that when land is withdrawn from market it can not be entered again by homestead or pre-emption entry or otherwise until proclamation has been issued putting it again upon the market.

Now, this land was withdrawn, but unfortunately it was never again put upon the market, and it stands so until this day. Therefore it was that when these settlers came into court they were treated by the United States courts as trespassers. It was said they could not enter these lands because no proclamation had been made opening them to settlement or putting them on the market again, and it was on this very question that every decision that has been rendered in the United States court has been rendered upon this question. The men went before the General Land officers, and their paper was accepted; their money was taken. They were given patents to the land, and the Government took their money. It was a fraud upon the rights of these men to say that the Government officers should be allowed to recognize them in this manner and then the Government deny its own acts. These registers of the land office and the Government officers did not know whether these lands had been withdrawn from market; and if they did not, how could these settlers? I hold in my hand a sample of the patents. Here is one of George Nest, of Hamilton County, Iowa, certificate No. 5215, issued on the 15th day of June, 1866.

A MEMBER. Who was it signed by?

Mr. HOLMAN. It was signed by Andrew Johnson, and it states that it is executed in the General Land Office of the United States, is signed by the register of the land office at Fort Dodge, whereby it appears that full payment has been made by the said George Nest, and yet that man's widow and his family have been evicted from that land. There is the evidence of the patent by the great seal of the Land Office or by the Government of the United States. Yet he has been evicted from this land; and as in his case so it is in the cases of hundreds and hundreds of others.

Again, as to the compliance of this company a little further. They have never complied with this act. This question is not a political question. It is nothing but a question of simple justice. I ask this House to consider this question merely as they consider any question on a land grant upon conditions, and whether or not the conditions of that grant have been complied with. The Government of the United States is not engaged in the business of giving great corporations large bodies of public land without getting a *quid pro quo* and value received. They have long since ceased that. This land was to be given for improvements to the river, and the river was never improved in any degree. They tore down the mills on the river and created ten times as much harm as any good that would have resulted if they had carried out their plans.

Mr. WEAVER. But this land was not included in what was given them.

Mr. HOLMES. No; they were given indemnity lands. Indemnity lands were received for these lands, so that this company, or its assignees, have received twice over the amount of land they were entitled to have received. For instance, four railroads were surveyed to cross the State, and they claimed these lands for 6 miles on each side of their road. These were taken out of the lands where the river would cross the road.

Mr. WHITE, of New York. If the gentleman will permit me there, I would say that he has unconsciously misstated the facts. The decisions were against these four roads.

Mr. HOLMES. Oh, no. I am right. I will get to that presently. These roads appealed to the courts, and the courts decided they were not entitled to the lands.

This railroad and navigation company had got their lands as indemnity lands, and now they hold both. That is the fact. Now, then, they have secured a certificate from the governor of Iowa saying that they expended three hundred and thirty-two thousand and odd dollars, when they can not show that they have expended $10,000, aside from lobbying measures through Congress and in various attempts to control legislation for the last twenty years. The whole thing had its inception in corruption, and one member of this House was expelled from this House for his participation with the Des Moines Navigation Company in trying to bribe its way through Congress. If gentlemen challenge discussion on that point, I will fully prove it by the documents of this House; and that has been the condition of this matter from that time to this. It has been a stench in the nostrils of the people of Iowa. They have controlled the affairs pertaining to that country and that valley.

These coal lands are worth $100 an acre. The lands that these settlers occupy and have been living on for twenty-nine or thirty-three years, and upon which they have raised their children and their grandchildren, are the very best lands in this country, and yet this railroad and navigation company proposes to take them and absolutely sequester them, without any value received to the State or to the nation in any manner whatever. Why? Because the courts of the United States have said that the settlers were trespassers upon the mere technical ground that the lands had never been put again upon the market after having been once withdrawn. That is the ground upon which these cases all rest.

Now, what does this bill seek to do? It seeks to let the settlers come into court and inquire—an issue, by the by, that has never yet been raised in any court in this country—it seeks to let the settlers come into court and inquire whether or not this railroad and navigation company did as a matter of fact comply with the terms of the grant. It proposes that these settlers be allowed to do that which the Government of the United States, through its Attorney-General, should have done long ago—that is, ask this question and make it an issue in the courts. That never has been done. We ask that it be done now. That is all that this bill seeks to do. It is the smallest and scantiest measure of justice that could possibly be asked.

I yield now thirty minutes to the opponents of the bill.

Mr. WHEELER. Mr. Speaker, one gentleman on this side, Mr. WHITE, of New York, wants thirty minutes, and I want thirty minutes myself.

Mr. WEAVER. But gentlemen can not get that much time, because there is not that much time to spare.

Mr. HOLMES. There are numberless gentlemen who would like two hours, but the gentlemen from Alabama [Mr. WHEELER] knows very well that the present condition of the business of the House does not warrant any such consumption of time.

Mr. WHEELER. Well, give us an hour and a half on this side.

Several MEMBERS. Oh, no.

Mr. WHEELER. Then we shall have to filibuster.

Mr. RANDALL. Let them filibuster. Let them show their hand.

Mr. HOLMES. As I have said, I am willing to yield half an hour to the opponents of the bill, and they can divide the time as they please.

Mr. PAYSON. What is the proposition?

Mr. HOLMES. I say that I am willing to yield thirty minutes to the opponents of this bill, to be divided among themselves as they choose.

Mr. WHEELER. I have certainly a right, Mr. Speaker, to take the floor in my own right.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HOLMES] has not yielded the floor. If the gentleman from Iowa yields the floor, the Chair will then recognize the gentleman from Alabama.

Mr. HOLMES. If the gentlemen opposing this bill do not accept my proposition I will go on. Is that proposition acceptable? If it is not, I will call the previous question now.

Mr. WHEELER. Well, if you do that you will not get your bill through until Congress adjourns.

Mr. RANDALL. Well, go on. We do not care about threats.

Mr. WEAVER. We will take the responsibility of that.

Mr. WHEELER. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair can not recognize any other gentleman until the gentleman from Iowa [Mr. HOLMES] states whether he yields the floor or not.

Mr. HOLMES. I ask the gentlemen who are opposing this bill if my proposition is acceptable to them?

Mr. WHEELER. If the gentleman yields the floor, I will take it in my own right.

Mr. HOLMES. Mr. Speaker, I ask the previous question upon the bill. I do not see any other way of disposing of the matter.

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

Mr. RANDALL. That is right. Go ahead, gentlemen.

Mr. COX. Mr. Speaker, I think this matter might be reconciled. The gentleman from Iowa [Mr. HOLMES] has already spoken at some length——

The SPEAKER *pro tempore*. The gentleman has consumed fifteen minutes.

Mr. COX. Why should not the gentleman let this matter be discussed?

Mr. WHEELER. Mr. Speaker, I desire—— [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HOLMES] demands the previous question, and pending that, the gentleman from New York [Mr. PARKER] moves that the House do now adjourn.

Mr. MILLS. The gentleman from Iowa [Mr. HOLMES] had better let this debate run awhile.

Several MEMBERS. Oh, no.

Mr. COX. There never was a bill that needed to be debated more than this bill.

Mr. WHEELER. It was passed before by cutting off debate in this same way.

Mr. HOLMES. It has been debated for twenty years. Every man in the House understands this bill. Whenever you have had an opportunity you have never made any defense on the merits. I am willing myself to allow unlimited time, but other gentlemen will not consent.

Mr. WHEELER. I want an hour myself, but I am willing to put up with twenty minutes. [Laughter.]

Mr. COX. There are other gentlemen on the other side who desire to be heard.

Mr. HOLMES (to Mr. WHEELER). Let the gentleman make whatever proposition he wishes to make.

Mr. WHEELER (after consulting with several other members). We will take an hour on our side.

Mr. HOLMES. And make no dilatory motions?

Mr. WHEELER. Not one.

Mr. HOLMES. Will you agree to come to a vote then?

Mr. WHEELER. Yes. We have been fair to you all along.

The SPEAKER *pro tempore*. As the Chair understands, the motion that the House adjourn is withdrawn.

Mr. WHEELER. I want to know what the understanding is.

The SPEAKER *pro tempore*. Does the gentleman from Iowa [Mr. HOLMES] withdraw the demand for the previous question?

Mr. HOLMES. With this understanding, that the gentlemen in opposition to this bill shall have an hour, and that we shall have thirty-five minutes additional on our side, and that no dilatory motion whatever shall be made; that the vote shall then be taken on the bill.

Mr. WHITE, of New York. That is our proposition.

Mr. HOLMES. And that the previous question be considered as ordered.

The SPEAKER *pro tempore*. Is there objection?

Mr. WEAVER. With the understanding that the previous question be considered as ordered——

The SPEAKER *pro tempore*. The Chair will state the proposition. The gentleman from Iowa [Mr. HOLMES] asks unanimous consent that the debate on this question may be closed in one hour and thirty-five minutes, one hour to be given to the opponents of the bill and thirty-five minutes additional to the friends of the bill, at which time the previous question shall be considered as ordered upon the proposition pending, which is, whether this bill shall be passed notwithstanding the veto of the President of the United States.

Mr. HOLMES. And that there shall be no dilatory motions.

The SPEAKER *pro tempore*. No dilatory motions to be made. Is there objection to the proposition? The Chair hears none, and the order is made. The gentleman from Alabama [Mr. WHEELER] is recognized to control the time of the opposition.

Mr. WHEELER. I yield twenty minutes to the gentleman from New York [Mr. WHITE].

Mr. WHITE, of New York. Mr. Speaker, the plea which is put forth in favor of the passage of this bill seems specious and fair. It is that there should be an opportunity for the consideration and settlement of the titles to these lands by the courts. I propose to show to the House that the bill is a legislative decree, defying the decisions of the Supreme Court of the United States for twenty years—decisions which have been made over and over in cases coming before that court, which have been protean in their form, and which have presented the question in every possible phase in which it could be brought before that tribunal.

Now let us look at the first provision in this bill. Gentlemen say that the measure is not intended for the purpose of interfering with vested rights, but only to give the courts an opportunity to settle this question. What does the bill say?

> That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States.

That is the first legislative decree in this bill. What has the Supreme Court of the United States said upon that question? In the case of Wolsey *vs.* Chapman, 101 United States Reports, page 766, the court says:

> At the December term, 1872, of this court, after full consideration, the cases of Wolcott *vs.* Des Moines Company and Riley *vs.* Wells were distinctly affirmed in William *vs.* Baker (17 Wallace, 144); and in Homestead Company *vs.* Valley Railroad (*Ib.* 153) it was said to be "no longer an open question that neither the State of Iowa nor the railroad companies for whose benefit the grant of 1856 was made took any title by that act to the lands claimed to belong to the Des Moines River grant of 1846, and that the joint resolution of the 2d of March, 1861, and act of July 12, 1862—

Did what?—

> transferred the title from the United States and vested it—

Where?—

> in the State of Iowa for the use of its grantees under the river grant."

After the Supreme Court of the United States has said that the title has entirely passed out of the United States the first clause in this bill declares that these lands are to be regarded as public lands. You might as well undertake to provide that the real estate upon which the heart of the city of New York is built shall be declared to be public lands. This is a legislative decree against a right.

Mr. OATES. Is the gentleman aware that the Supreme Court of the United States decided the same point in 122 United States Reports?

Mr. WHITE, of New York. I am aware of it; I have the book before me, and shall cite from it before I sit down.

Mr. OATES. There is an unbroken line of decisions to that effect.

Mr. WHITE, of New York. Yes, an unbroken line of decisions from 1867 to 1887, embracing more than a half dozen cases.

Let us look at the second branch of this decree.

The clause read and commented upon is followed by these three provisos:

> *Provided*, That the title of all bona fide settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants are hereby ratified and confirmed and made valid: *Provided further*, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered and remained upon any tract of said land prior to January, 1880, not exceeding 160 acres, are hereby confirmed and made valid in them or their heirs, and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent: *Provided further*, That the title of all bona fide claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

The effect of these decrees, if they were constitutional and were to be carried out, would be this: The Congress of the United States, without having the parties litigant before them, would by legislative enactment confirm the titles of all persons holding color of title, although the Supreme Court of the United States has held, in a contest between one holding color of title through a patent, as against one claiming title under the grant made by the act of Congress approved July 12, 1862, that the latter held the paramount title. I cite the unreported case of Riley *vs.* Willes, of the December term, 1869, which was an action against a pre-emptor who had obtained a patent and was in possession, brought by a grantee under the Navigation Company, in which the paramount title was declared to be in the purchaser under the act of July 12, 1862, of the Navigation Company's title.

The decision is short and conclusive and not regularly reported, and I insert the opinion in full.

> Hannah Riley, appellant, *vs.* William B. Welles. No. 397. Appeal from the circuit court of the United States for the district of Iowa.
>
> Mr. Justice Nelson delivered the opinion of the court.
>
> This is an appeal from the circuit court of the United States for the district of Iowa.
>
> This case is not distinguishable from that of Wolcott *vs.* The Des Moines Company (5 Wall., 681). Welles, the plaintiff below, derives his title by deed from this company, the same as Wolcott in the former case. The suit in that case was brought to recover back the consideration money from the Des Moines Company, the grantors, on the ground of failure of title. The court held that Wolcott received a good title to the lot in question under his deed.
>
> In that case it was insisted that the title was not in the Des Moines Company, but in the Dubuque and Pacific Railroad Company.
>
> In the present case the defendant claims title under and in pursuance of the pre-emption act of September 4, 1841.
>
> Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.
>
> It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land of which the lot in question was a part had been withdrawn from

sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements and to make the entry under the pre-emption laws were acts in violation of law and void, as was also the issuing of the patent.

The reasons for this withdrawal of the lands from public sale or private entry are stated at large in the opinion of the case of Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.

The decree below affirmed.

The Supreme Court held that because the pre-emption claimant entered upon the land without right, because it was reserved from sale or pre-emption, he took nothing by his wrongful entry. This bill declares that the title which the Supreme Court held to be wrongful "shall be confirmed and made valid." Which shall decide upon title, the Supreme Court, after a judicial trial, or this Congress, on an *ex parte* hearing?

I want to come now to another proposition which has been advocated, and that is that the Supreme Court of the United States when it was making these decisions was misled. It is urged that in all the cases in which this matter has been decided the court has followed the case of Wolcott *vs.* The Navigation Company (5 Wallace, 684), and that Wolcott *vs.* The Navigation Company was a made-up case—a "trumped-up" case. Mr. Speaker, it has been settled from almost the earliest adjudications in this country—in 9 Peters it was decided, and it has been decided ever since—that you can not mislead the Supreme Court of the United States in regard to the laws of any State of this Union; that the court is bound to take judicial knowledge of every State law without its being pleaded or offered in evidence, and that where the decisions of the State courts are uniform and have settled the law that court takes judicial knowledge of the law as settled.

Mr. HOLMES. I do not wish to go on record, as stated by the gentleman from New York, as stating that the Supreme Court of the United States was misled. I have not made any such statement.

Mr. WHITE, of New York. I am referring to a speech made by my friend from Illinois [Mr. PAYSON], who claimed that it was a trumped-up case and should not be binding.

Mr. PAYSON. Does the gentleman refer to the Wolcott case?

Mr. WHITE, of New York. I do, and that I may not do my friend from Illinois an injustice in my statement I read his remarks, found on pages 50 and 51 of the RECORD of the present session of Congress, being No. 3, December 6, 1888:

The difficulty in the situation is this: I have insisted, time and time again, and I have asserted it upon this floor for many years, that the Wolcott case was a collusive case, gotten up between holders of the navigation company's title and dummy defendants, so that the case could be adjudicated in some of the courts of this country, and upon such decision they could base their claims as holders of adverse title, and that statement is based upon the record of that case.

Here is the statement of the agreed case between the attorneys for Wolcott and attorneys for the defendant:

"The lot in question is one section of land, which is selected and approved by the Secretary of the Treasury, and duly certified by the governor of the State to the President, according to the second section of the act, and was duly sold and conveyed, among other parcels of lands, by the State to the defendants."

There is the agreement in the record upon which the Supreme Court decided that the navigation company had good title; and there is not the first sentence in that admission that is true in fact.

In addition, it was never before contended that there was an acre of land above the forks duly certified under the act of 1846 by the governor of the State to the President, or that there ever was an acre of this land in dispute that had been duly sold and conveyed to the navigation company or anybody claiming by, through, or under it.

And need I say to lawyers who are giving me the honor of their attention that where an agreed case is made, and the case made by the plaintiff against himself, the court can do nothing else than give judgment for the defendant? And that has been the condition of that Wolcott case down to this time.

Mr. HERBERT. Will the gentleman permit me a question?

Mr. PAYSON. Certainly.

Mr. HERBERT. If the facts are not as stated in that agreement, how is it that the Wolcott case has been treated as a precedent for every other case?

Mr. PAYSON. I will come to that presently. It has been decided and the decision remains. To show that it was a collusive case I will state that the cost of the litigation was paid by the successful party, as appears by the records here almost within the sound of my voice. The costs were paid by the party that won the suit. "A trumped-up case," as suggested by my friend, Governor GEAR, who has had very much to do with this matter. There are other cases of the same character that have got into the courts, and in every case but one it has the ear-mark upon it of being collusive litigation that the parties manufactured to bolster up the claim of title.

Mr. WILSON, of Minnesota. Was not the question that this was a collusive case made in the subsequent cases before the Supreme Court of the United States, and did not the court decide that there was no basis for the charge?

Mr. PAYSON. Not in my knowledge or observation.

Mr. WILSON, of Minnesota. As you assert it so distinctly, I take your word for it.

Mr. PAYSON. I speak with some caution as to that point. I have been examining this question for four different sessions of Congress, and I have never heard from any one at any time until the question was made by the gentleman from Minnesota that such a decision had been made, if the question implies that it had been made.

I have asserted this frequently, and have asserted it in the presence of the lawyers of the navigation company time after time, and never had them dispute it. I have asserted it in the room of the Committee on Public Lands. The question may have been so presented, but I do not recall it, and feel sure it was never decided that the Wolcott case was not collusive.

I now quote from Williams *vs.* Baker, 17 Wallace, 152, from the opinion by Judge Miller, and place the two quotations side by side:

It is now said that Wolcott and the navigation company were in collusion to procure this decision, there being no real contest between them, and that the object was to procure from this court a decision adverse to the title of the railroad companies, none of whom were parties to the suit. Much evidence is found in the record of the cases now before us, as heard in the circuit court, to establish and to refute this allegation. We do not here intend to pass upon it, and we must be permitted to question both the taste and legal competency of testimony offered in an inferior court to show that a decision in this court was obtained by fraudulent devices, when that decision is not relied on as evidence of any fact, or pleaded as an estoppel, but merely because it may be referred to as settling a principle of law applicable to the case at bar.

There is in the record of that case, as it remains in this court, sufficient answer to this objection to the opinion as an authority on the law of this case.

The writer of this opinion, though then a member of the court, declined to take any part in its decision, because he had been of counsel for the navigation company in a general way, and did not know how far he might have been engaged in that case. But when it was submitted on printed arguments on both sides he saw at once that the legal propositions involved did affect materially the title of several railroad companies in Iowa to the lands in question, and he felt it to be his duty to call the attention of those of his brethren who must decide the case to that fact. On this suggestion an order was made that those companies be notified of the pendency of that suit, with liberty to intervene, and be heard on the question in which they were interested.

They did intervene. The case was postponed for over a year, and several arguments were submitted in favor of the railroad companies by able counsel on the very question now under consideration, and an order was made inviting all parties interested to do so. It was after a full consideration of all these arguments that the decision was made. But there was an additional security that the court would carefully consider the question on the fact that there was submitted at the same time the case of Burr *vs.* The Des Moines Navigation and Railroad Company on a similar warranty of title. Now, though both suits were decided in the circuit court for the southern district of New York, they were decided by different judges, and the decisions were in conflict. This of itself would demand of the court a careful consideration of the point of difference, which was the very point now under consideration.

The same question precisely came up shortly afterwards in the case of Harriet Reily *vs.* W. B. Wells, and was again fully argued, and from the opinion of the court, which remains on file, though unreported, the following language is taken: "The reasons for this withdrawal of the lands from public sale or private entry are stated at large in the opinion of the court in Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of the reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the arguments, to distinguish it." Whatever, therefore, may have been the design of the original parties to the suit of Wolcott *vs.* The Des Moines Company, it is clear that the question here involved was argued fully by parties deeply interested on both sides, and received the attentive consideration of the court, and as an authoritative exposition of its views is entitled to the same weight as other well-considered cases.

Now, by what rule shall we test the dignity and validity of that proceeding? By the report and the speech made by the gentleman from Illinois in this case, or by the deliberate utterances of the court made in a case where they say evidence was taken under a direct issue of collusion?

For my part I would rather trust the court as to what they did than to take the opinion of my friend as to what he thinks they did.

That was decided in 1873, six years after the case of Wolcott had been decided, and is a case which received careful and painstaking care from this court.

Mr. PAYSON. Will the gentleman permit me to make an inquiry?

Mr. WHITE, of New York. Certainly.

Mr. PAYSON. What is the opinion of the gentleman as to the effect of the point of reservation? What does the gentleman think of that?

Mr. WHITE, of New York. The point of reservation is an act of the United States.

Mr. PAYSON. What is its application in this case?

Mr. WHITE, of New York. I will answer the gentleman. The United States, acting within its just powers, through an administrative officer empowered to regulate the sale of its lands, and whose orders had the force of law in their effect, did, in 1850, through Mr. Ewing, the Secretary of the Interior, reserve those lands from sale or settlement.

This act has been commented upon uniformly by the Supreme Court of the United States as a link in the chain of title which made the title of the navigation company complete and perfect; and when Mr. Secretary Ewing in 1850 reserved these lands from pre-emption and sale by acts which have been continued from that time down to this, it followed, standing upon the fundamental basis of the decision of the Supreme Court of the United States, that no man could be there under color of law, but that whoever was there was a trespasser *ab initio* when he went there in violation of the law and the decisions of the Department.

Now, Mr. Speaker, allusion has been made to the constitutionality of this question under the constitution of the State of Iowa, adopted in 1857. The constitutional provision which is relied upon and which came into force in that year is in these words:

The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled without the consent of the occupants. The extent of the claim of the occupant so exempted shall not exceed 330 acres.

Now, the provision is that the Legislature shall not locate lands to which they are entitled, but at the time of the adoption of that constitution these lands, by the extension of the grant of August 8, 1846, made in 1862, and which was in 1857 construed and claimed by Iowa to be in force, were 5 miles broad on each side of the Des Moines River, which runs from the Minnesota line north to the extreme southwest, to its union with the Mississippi River on the Missouri border.

Mr. PAYSON. That these lands had passed to the State of Iowa?

Mr. WHITE, of New York. The lands it was claimed by Iowa at that time——

Mr. HOLMES. No; the State of Iowa had no claim in 1862 to these lands.

Mr. PAYSON. Let me understand the gentleman from New York. Does he claim that when the constitutional provision to which he refers was adopted in Iowa that State had any title to these lands lying north of the forks of the Coon under the act of Congress?

Mr. WHITE, of New York. I stated that it had not. I stated——

Mr. PAYSON. The constitution was operative, was it not?

Mr. WHITE, of New York. Of course the constitution was operative, but the people of the State understood and claimed through their proper representatives that these lands belonged to the Des Moines grant.

Mr. PAYSON. But the Supreme Court, in the Litchfield case, decided that they took no title.

Mr. WHITE, of New York. Yes; that decision was made in 1860, against what Iowa had here and elsewhere claimed to be her right. It was decided——

Mr. PAYSON. And in 1862——

Mr. WHITE, of New York. Now, I hope the gentleman will allow me to get in one word to his two. The Congress of the United States decided in 1862 that the grant of land of August, 1846, should be extended above the forks of the Raccoon River.

This act of Congress was passed upon the urgent entreaty of the members from Iowa, who were truly representing the popular sentiment of Iowa and the wishes of the State government of Iowa.

It was passed after a settlement had been made between the navigation company in the interest of the Des Moines Valley Railroad and the State.

The settlement was a harmonious one, and was then admitted to have been for value received in the expenditure of nearly $350,000; and at that time, when the effects of the panic of 1857 were upon that people, you could have bought more than 350,000 acres of these lands for that money.

I speak advisedly upon these questions, knowing from my residence there both the scarcity of money and the abundance of wild lands there.

Now I want to indulge a word in the general statement that there is nothing, and that there can be nothing, in the way of equity shown by that Des Moines company or its grantees. Gentlemen now urge here inadequacy of price, but they forget the advance in the value of lands since they were sold. There is also this difference between now and thirty-one years ago—that is to say 1858—when the State of Iowa made the settlement with the Des Moines company in behalf of the Des Moines Valley Railroad Company (which substitution of the railroad company as beneficiary was recognized also in the act of July 12, 1862), and that is that the State of Iowa was then pleading with people who might have the money and means to go into the State and finish the works of internal improvement which had been begun, but which the State was not able to carry on.

The difference is that now they have got these improvements in the shape of railroads, and what difference now is it that the Des Moines Navigation Company have not built these dams successfully? They built three dams which did operate successfully, but not enough to open navigation to any considerable extent. In the mean time railroads took the place of slack-water navigation, and all works of that character became useless. But aided by that grant the Des Moines Valley Railroad Company built their railroad the entire length that it was intended that the river should be improved by aid of the grant, from the mouth of the river, at Keokuk, to the Raccoon Fork, at Des Moines.

Mr. HOLMES. Does the gentleman claim that the Des Moines Navigation Company did that?

Mr. WHITE, of New York. They made an arrangement with the Des Moines Valley Railroad as their successors, and the Des Moines Valley Railroad did it, and the State of Iowa acknowledged it. The State of Iowa was a party to it, and the Congress of the United States, by its act of July 12, 1862, agreed to the substitution of the railroad.

Mr. HOLMES. Does not the gentleman know that they were a distinct corporation?

Mr. WHITE, of New York. I do; and the second one got the benefit of what would have accrued to the other under an arrangement with the State ratified by Congress.

Mr. HOLMES. Will the gentleman permit me——

Mr. WHITE, of New York. The gentleman can answer in his own time.

The attitude of the State of Iowa to capitalists at that time had all the blandishments of a seductive lover. Polonius told Ophelia—

> I do know,
> When the blood burns, how prodigal the soul
> Lends the tongue vows.

Then they were ready to protest much and concede much to capitalists if thereby they could get capital enough for their operations. But now the State is a mesh of railroads, and a millionaire has lost the bloom from his cheek and the languishing loveliness from his eye and is scoffed at and spurned as a drab.

One word, Mr. Speaker, upon the question of whether the members on both sides of this House will unite and pass this bill over the dignified, carefully-prepared, and logical veto of the President of the United States. Now, it would have been on the part of Mr. Cleveland much easier to have fallen in with the common, popular current and signed this bill, but the man showed that he had a conscience in this business. And I say, all honor to the man who dares to do an unpopular act against the popular voice because he knows it is wrong. If I am speaking to any member here from Iowa or Illinois who is a lawyer, although he may be in favor of this bill, I say to him I would not want any better tribunal if he sat as judge and I were making a presentation of this case, feeling sure that he would hold that the Supreme Court has settled this question, and not only settled it in one decision, but shingled it over in every direction and in every form in which it could be presented, in favor of the President's position. To my Democratic friends who did not pass this bill over his veto last Congress I ask them to stand by the President, the man who dares to stand by the right. I believe some one has said:

> Are we so soon forgotten when we are gone?

I remind my friends that Cleveland has not gone yet. [Loud applause on the Democratic side.] And this principle remains, as long as he dares to do an unpopular thing from conviction his memory will remain in this country. [Applause.] I have no doubt that in stump speeches made during the late campaign I had not much to say in his behalf or in behalf of his policy, but I have spoken of his honesty, and I honor him over and over again on account of it. [Applause.]

Mr. FUNSTON. "When the devil was sick the devil a monk would be." The devil is a monk now.

Mr. WHITE, of New York. I will sit down with a little homely analogy drawn from the school-books with which my friends at least were once familiar. When I studied rhetoric there was an inverted style or figure of speech, an inverted way of stating principles, that was called a *hysteron proteron*, which was a kind of Greek phrase, and signified harnessing the cart before the horse.

But never before was there a *hysteron proteron* to equal a legislative proceeding under our Constitution where Congress sets aside the decrees of the Supreme Court of the United States.

We had supposed that the court might hold a law invalid, but in this political inversion the court is itself invalidated. Gentlemen say the country needs a decision. On the contrary, it needs to stand by the seven uniform decisions already given. In that course only is our safety.

Let us adhere to the wisdom of the maxim, "*Stare decisis et non movere quieta.*"

Now, I call the attention of this House and the country to the fact that the most magnificent *hysteron proteron* in the world is where the Legislature of this country is guarantied a judicial power, the right to give by decree titles and rights to property, where the legislative power of this country turns about and says after twenty years have gone by, "You did not know what you were taking when you said those rights were vested; that this title had passed from the United States, and that now the decree, judgment, and verdict of the Supreme Court of the United States, notwithstanding that the title that these shall be public lands and the title shall be decreed in the settlers."

Mr. WHEELER withholds his remarks for revision. [See Appendix.]

The SPEAKER *pro tempore*. The gentleman has consumed sixteen minutes of his time.

Mr. WHEELER. I will yield now four minutes of my time to my colleague [Mr. OATES].

Mr. OATES. Mr. Speaker, I shall not attempt in that brief time to deal with the facts. I am somewhat familiar with them and my sympathy has gone out to those who have suffered and are suffering in Iowa in consequence of the errors for which they were not responsible.

But, sir, there must be an end to litigation in a given case. This question has been decided in every phase pretty well in which it could be presented by the Supreme Court, and whether it operates harshly or mildly is not, in my judgment, a question to be considered.

The veto message of the bill is before the House. Now can we pass this bill and declare that the law is otherwise than is therein set forth? We can not, because it is founded upon the decisions of the Supreme Court; and in passing upon this we should not be governed by sympathy of one or the other.

Nor do I consider the question of the President, whether defeated or re-elected, or his status in the country, to be a circumstance to influence any man's vote. The question is, will we pass this bill after this adjudication so fully made, which to every legal mind is an opinion so overwhelming and conclusive that if this bill should become the law it would not be held valid, and in the end would involve these people in further litigation and expense and disappointment? I do not wish to detain the House further.

The SPEAKER *pro tempore*. There are two minutes remaining.

Mr. WHEELER. I will occupy those two minutes in adding a word or two to what I have already said.

Now, why is it, Mr. Speaker, you do not find the grantees of the navigation company around here? It is, sir, because they relied on the decision of the Supreme Court. They have sent no one here to lobby in their interest. The pressure here comes from a lobby organized in behalf of those who are opposed to these grantees.

Mr. HOLMES. That is a mistake.

Mr. WHEELER. Here are the papers.

Mr. WEAVER. They have had attorneys here every session to my knowledge.

Mr. WHEELER. I have not seen them.

Mr. WEAVER. I have.

Mr. WHEELER. These grantees of the navigation company have no lobbyists here, but the lobbyists are on the other side. These grantees have relied upon the decisions of the Supreme Court. They have no lobbyists here. These lobbyists who are making the pressure for the passage of this bill, just so soon as it is passed will avail themselves of its provisions to go upon these lands held by these grantees and compel them to pay a dollar an acre for every acre which they hold.

I will yield now the remainder of my time to the gentleman from New York on the other side [Mr. PARKER].

Mr. PARKER withholds his remarks for revision. [See Appendix.]

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HOLMES] is entitled to thirty-five minutes.

Mr. HOLMES. I now yield five minutes to my colleague from Iowa [Mr. GEAR.]

Mr. GEAR. Mr. Speaker, I am somewhat familiar with this case. From 1846 to 1862 one-eighth of the whole State of Iowa was given to corporations. It is too late now to criticise the reasons which governed Congress in making those grants. Suffice it to say that the value of those grants to those corporations has been, in round numbers, fifty millions of money. And yet, with all the change of views that has come over political parties with reference to reclaiming land grants, there has never before been an opportunity offered to the people of Iowa to reclaim one single acre of the lands granted except under this bill.

Now, I lived in Iowa long before those lands were granted. I know the men who went upon the lands. I know many of them personally, and I know the condition in which they have been and in which they are now. They went on those lands by and with the consent of the Government and in good faith. They went on those lands in their young manhood, and to-day, in their old age, they are liable to be evicted; evicted by a decree of a court which was made, in my judgment and in my honest opinion, upon a clear case of collusion. If it is true that these men went on there in good faith, why not give them an opportunity to establish their rights in court? That is all that this bill proposes. These men have spent years of honest toil and have paid the value of these lands to the Government, and have the patents of the Government as evidence of their title. Now, Mr. Speaker, I hold that when a man has paid for his land he is entitled to it unless it can be shown that the title was procured by fraud. There is no element of fraud in the claims of these settlers.

These men are not beggars. They do not come here and ask you to grant them a penny. They simply come to Congress, which in this matter is the supreme court, the only court to which they have a right to appeal, and ask you to give them a day in court so that they may establish their rights. Shall we deny to those people these rights? I hope not.

Gentlemen say that there has been a large lobby here in the interest of this bill. Why, Mr. Speaker, the lobby has been on the other side. There was not a day last winter when I was not besought by men from my own State to vote against this measure. These settlers went on in good faith and established their homes; and why do gentlemen come in here now and deny the right of Congress to enact a law which shall give them their day in court?

The gentleman from Alabama [Mr. WHEELER] said that if these people had been wronged we could make an appropriation for their benefit. Can you make an appropriation which will pay them for a lifetime of toil? These are people who went upon that wilderness of prairie of centuries in their youth, and by lifelong toil have made it blossom like the rose. Are you going to make these men come here and hang around year after year as claimants for a beggarly pittance at the hands of Congress to satisfy them for a quarter of a century of work?

Why, Mr. Speaker, year in and year out the General Assembly of Iowa, for nearly thirty years, has memorialized Congress to do this act of justice. Time and again when I was a member of the Iowa Legislature I voted for such memorials; time and again I joined as a Representative of my State in asking this justice at the hands of Congress. It does seem to me that the time has now come when Congress should rise to the demand of this situation and do these poor people justice.

I do not criticise the President for having vetoed this bill; but from my investigation not only of the bill itself, but of the right under which he makes his veto, he appears to me to take ground which does not warrant him in interposing his will as a part of the legislative body of this country. Has it come to this, that we are to have some other authority than the Senate and House of Representatives to enact laws? It seems to me that to Congress alone is given, under the Constitution and according to the views of those who framed the organic law under which we live, the supreme power to enact laws. Are we to sit idly by and waive our rights as members of this body while we permit justice to be denied to these poor settlers?

I do not impugn the motive of the President in vetoing this bill, Mr. Speaker, but I desire to call the attention of Congress and the country to what, in my opinion, is the unwarranted use by the President of the power conferred on him for a limited purpose by the organic law, and to the frequent, and what appears to me the alarming, use of this extraordinary power by the present Chief Executive.

The Constitution provides clearly the line of duty for the President to follow in regard to the enactments of Congress. He may approve; he may prevent a law going into operation by limitation by withholding his signature thereto; or he may exercise the veto power. If he does disapprove by veto, it is incumbent on him to return the bill to the House in which it originated, giving his reasons in writing for his disapproval.

Let me call your attention for a moment to the origin of this power by which the will of the people through the members of this body as expressed in proposed statutes has been thwarted.

Like many features of our policy, the veto power comes down to us from the old Roman Republic. History tells us that "the plebeians, after a long contest, secured the appointment of a body of officers called 'tribunes,' whose duty it was to protect the rights of the people." Their powers were absolute. They could not only prevent the passage of a law, but they could also "stop the discussion of any measure by simply pronouncing the word 'veto,' and no one dared to question their motives on penalty of death."

At first this absolute veto, as vested in the tribunes, was exercised for the best interests of the people, but it soon became, by an unscrupulous abuse of the power in the hands of ambitious men, an injury to the people, so that it was abolished.

In the early history of the British Government the monarch practically enacted the laws, Parliament giving consent thereto. In the course of time the enacting power was vested in Parliament, the king retaining the veto power. From the frequent attempts of the British crown to encroach on the rights of the people, as expressed by Parliament, this extraordinary power became exceedingly distasteful to the English people, and in that country, since the revolution of 1689, it has become practically obsolete, not having been used in nearly or quite two hundred years.

The power was placed in the hands of the President by the Constitution under which we live to-day. While the debates of the constitutional convention are meager on this as on many other questions, yet, fortunately, in the writings and public utterances of many of those who were members of that great body of patriotic statesman may be found what was their opinion of this tremendous power; and in addition, able commentators have placed on record their opinions on this extraordinary power.

Let me call your attention to the views of one who was the foremost statesman in the convention, Alexander Hamilton, who "held the veto to be chiefly designed to resist an immediate attack upon the constitutional rights of the Executive;" or, "when the public good was evidently and palpably sacrificed." Kent and Story both agree that this power was given for special purposes. The one says:

> It was principally to give the President a constitutional weapon to defend the executive department, as well as the just balance of the Constitution, against the usurpations of legislative power.

The other says it was to prevent the enactment of—

> rash, immature, and imperfect laws.

Kent also says that—

> to enact laws is a transcendent power—

Meaning that to Congress alone is given the enacting power.

Now, Mr. Speaker, I hold with Kent that the power to enact laws is a "transcendent power," that it is a power conferred by the people when they adopted our Constitution on Congress alone.

Mr. Webster, the great exponent of the Constitution, said in regard to the powers of Congress that—

> Each branch of the legislature has an undoubted right, in the exercise of its functions, to consider the constitutionality of a law proposed to be passed.

Who composes Congress? Why, sir, it is composed of a certain number of men who are chosen partly by a direct and partly by an indirect vote of the people. Hence it is that the power of Congress to enact laws becomes a "transcendent power," derived as it is directly from the people themselves, who, under our form of government, are the source of all power.

Does it not therefore follow that the veto power, except when it is used within the limits and in accordance with the spirit of the Constitution, becomes a usurpation of the rights of the people?

Hamilton, in combating the idea that this power might be abused, said that it would only be resorted to within the limit I quoted first, or on extraordinary occasions and circumstances. On this phase of the question he says:

> If a magistrate, so powerful and so well fortified as a British monarch, would have scruples about the exercise of the power under consideration, how much

greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of a government wholly and purely republican.

It should be remembered that Hamilton was an advocate of a strong constitutional government; in short, he was an extreme Federalist; and when he advocated placing this weapon in the hands of the Executive he did it with the expectation that it would be used. I say used, but what was its use to be according to Hamilton's idea of it, may I ask? Why, sir, Mr. Hamilton answers this question. It was—

to resist an immediate attack upon the constitutional rights of the Executive or when the public good was evidently sacrificed.

And it is recorded of Hamilton, who was the trusted friend and counselor of Washington, that he never advocated the use of the veto power except in a solitary instance, and that was when a violation of the public faith was threatened.

Mr. Clay said it should only be used "on extraordinary occasions;" and again:

The veto power is an extraordinary power, which, though tolerated by the Constitution, was not expected to be used in ordinary cases.

Again Mr. Clay says:

Ought the opinion of one man to override that of a legislative body twice deliberately expressed?

Mr. Webster said of the use of this power by the Executive:

He denies to the judiciary the interpretation of the law, and demands to divide with Congress the origin of statutes. It extends the grasp of Executive pretension over every power of the Government.

James Buchanan, in a speech in the Senate February 2, 1842, in opposition to a proposed constitutional amendment offered by John Quincy Adams that contemplated allowing a majority of all the members of the Houses to overrule a veto, said:

Perilous, indeed, is the exercise of the veto power, and no President shall ever venture to use it—

Quoting Jefferson—

unless from the strongest sense of duty and the strongest conviction that it will receive the public approbation.

George Ticknor Curtis, the learned historian of the Constitution, says:

That a negative of some kind upon the acts of the legislative was essential to the independence of the Executive was a truth in political science not likely to escape the attention of many of the members of the Constitution. * * * It was supposed that, although the boundaries of the legislative authority might be marked out in the Constitution, the Executive would meet some check against unconstitutional interference with its own prerogatives, and that, as the judicial department might be exposed to the same dangers, the power of resisting these also could be best exercised by the Executive.

When President Polk vetoed the French spoliation bill, Senator John M. Clayton said that it was the first instance, he believed, in which the President of the United States had interposed his veto to the passage of a bill which involved no constitutional principle, no question of constitutional rights, but which was founded entirely upon the ground of expediency. It was the first instance in which an Executive veto had been applied to what might properly be considered a private bill upon any grounds whatever. * * * This opened a new chapter; it was the beginning of a new volume in the history of Executive proceedings, which, he would undertake to maintain, transcended anything that was ever heard of before, or that was ever contemplated by the Constitution.

Mr. Webster characterized the same veto as being a new and alarming extension of executive authority, not justified, not contemplated, finding no precedent, no apology in any previous exercise of power under this Constitution.

How many of Mr. Cleveland's messages have not been obnoxious to these criticisms? Very few of them have been addressed to anything but the expediency of the measures proposed.

Yet, Mr. Speaker, notwithstanding the opinions of many of the foremost statesmen and most eminent jurists, who have both spoken and written on this subject, the American people are to-day confronted with the fact that the present Chief Executive has thwarted their will as expressed by their representatives in Congress a greater number of times than has been done by all our other Chief Executives since the foundation of our Government. Is it not time to call a halt on these repeated usurpations?

To me the frequent use of this weapon, when addressed only to the expediency of the measures, is a menace to the liberties of the people and should be promptly rebuked by us, their servants. It is, Mr. Speaker, well worthy of note that this power, which was seldom applied by the early Presidents of the Republic (some of whom were members of the constitutional convention) has with their successors come into frequent use, or, more properly speaking, abuse. Especially with the present Chief Executive a veto has become of common and at times of almost daily occurrence.

Why the power was so seldom used in our early history may be found in the fact that the early Presidents understood the reason for clothing the President with this extraordinary power. They also knew and realized how jealous the people of the then infant Republic were of any encroachment of power that might by any possible means be construed to trench on the rights of the popular government or to savor of monarchy.

Sir, the two Adamses "did not exercise the power at all; and when one remembers that the younger Adams's administration had to contend with an opposition majority in both Houses, and when we reflect that of all the statesmen of his time that President stood among the foremost, we may infer how solemn a thing he thought it to undertake to thwart the will of the people as expressed by their servants in Congress."

President Jefferson, who is claimed to be the founder of the Democratic party, never used this tremendous power at all. He knew, and none perhaps appreciated the fact more highly, that unless used as contemplated by the founders of our organic law it was a usurpation of the rights of the people. Let me call your attention to an incident in the history of Jefferson.

The people of the colonies were keenly sensitive on this question, and were justly made jealous of the veto power, from the fact that when the house of burgesses of Virginia, in obedience to public sentiment, prohibited in 1769 the "importations of negroes to be sold into slavery," the act was vetoed by the governor of Virginia in obedience to the command of George III, then King of England. This order of the king to put in force a power which neither he nor his predecessors had used in England for over a century aroused great indignation among the people of the colonies, and it is a matter of history that Jefferson, in his draught of the Declaration of Independence, was so indignant at the action of King George that he fiercely arraigned the whole system of slavery, but—

In deference to the prejudices of South Carolina and Georgia this clause was struck out by Congress.

The immortal Lincoln, who was President at a critical time in our history, and when if ever legislation might be as the result of the peculiar circumstances of the times stretched to the utmost limit, never vetoed a measure. He was at first in doubt as to the constitutionality of the act "to suppress insurrection," etc., and had prepared a message to Congress giving his views on the question. He, however, approved the measure, and when he sent in the notice of his approval it was accompanied by a message. Sir, if you will read that message with care you will find it to be a model of deference to the legislative body, and that he fully agreed with the framers of our organic law and the writers thereon that a veto could only be applied as contemplated by the Constitution itself, and never on grounds of expediency, thereby recognizing in the fullest measure the "transcendent power" of Congress to enact laws.

What excuse, may I ask, can be made for the common use of this by the present President? I have failed to see in his many veto messages to this Congress that he or his party followers claim that the many bills vetoed were "unconstitutional" or "rash," and, save only in two or three instances, can it be claimed that they were "immature and imperfect" measures. To my mind, the many measures of Congress vetoed by the present President do not by any mode of reasoning come within the limit of the power granted by the Constitution as interpreted by the framers of that instrument. If they do not come within the province of this power, is not the use of it an abuse? If it be an abuse, how can it be justified?

Have we, who claim to be a free people and in advance of all other nations, gone back to the days of the ancient French monarchy, when the rule was "What the king wills the law is?" Have we come to the time that what the President wills not to be the law, by the exercise of the veto power, be not law? Has the time come when we must accept the rule that what Congress, in the legitimate use of its functions frames into law the President shall by his veto deny to the people?

Sir, in England this power, as we know, has been used by the crown but once in nearly two hundred years. So jealous are the English people of its use that it is certain that an application of it to a parliamentary act would cause a political revolution. Yet we find the American Congress tamely submitting to encroachment on popular rights by the exercise of this power, which, if applied in England as it is here, would shake the throne to its very foundations and possibly might deprive the English monarch of her crown!

Let me quote once more from the illustrious Story, who says of its use:

If from the oppression of this power—

The veto—

a royal, hereditary executive thus indulges serious scruples in its active exercise, surely a republican President chosen for four years may be presumed to be still more unwilling to use it.

It would seem that our Chief Executive, from his frequent use of the veto, does not indulge the "serious scruples" alluded to by Judge Story. On the contrary, it seems as if he considered it a power lodged in him for the special purpose of disapproving laws without regard to their merit or the fact that they are enacted in accord with the solemn judgment of Congress.

Perhaps the present Executive is possessed of a clearer intellect and greater breadth of culture, and has had better opportunities to familiarize himself with proper needs, and hence can better measure the effect upon the people of any proposed measure of legislation than any of his illustrious predecessors; but I fancy it will be difficult to make the people believe it. And if he is not more highly endowed than those statesmen of the past, how can the freedom with which he uses the exceptional power of the veto be justified?

It is a notable fact that many of the people of the original States

were especially jealous in regard to conferring this power on their chief magistrates; so much so, that it is not found in the constitutions of Rhode Island, Delaware, or North Carolina; neither is it to be found in the original law of the great State of Ohio, which was the first State created out of the Northwest Territory, which was by solemn act of Congress dedicated to freedom, and it will be found that the legislation of those States has not been "immature or imperfect."

Sir, at the door of the Roman senate the chosen tribunes of the people stood with the power of forbidding any encroachment on the rights of the people. History repeats itself, and I warn you that at the door of the nation's Congress stand sixty millions of free Americans, each a tribune of the people, each jealous of any encroachment on popular government.

Sir, this great body of tribunes gave on the 6th day of last November a free expression of their views on this question, in the fact that they chose for their Chief Magistrate a man in full harmony with popular rights.

In accordance with that popular vote, I appeal to you, not as Democrats, not as Republicans, but as men clothed by the people with authority to guard their rights, to declare by your votes that this measure shall be law notwithstanding the attempts of the Executive to thwart it. Let it not be said that the American Congress has denied justice to the claimants who only ask the rights they are justly entitled to in equity.

Mr. HOLMES. I am requested by several gentlemen on the floor to ask consent that all members who have spoken on this bill have leave to extend their remarks, and that there be a general leave to print to those who have not spoken.

The SPEAKER *pro tempore*. If there be no objection, that leave will be granted.

There was no objection.

Mr. HOLMES. I now yield to the gentleman from Illinois [Mr. PAYSON] as much time as he may desire. My colleague [Mr. WEAVER], and I believe one or two others, wish to speak briefly.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Illinois [Mr. PAYSON] to control the remainder of the time.

Mr. PAYSON. Mr. Speaker, I ask the Clerk to read the newspaper extract which I send to the desk.

The Clerk read as follows:

WORSE THAN IN IRELAND—OVER SEVEN HUNDRED EVICTIONS THREATENED IN THREE IOWA COUNTIES.

FORT DODGE, IOWA, *February* 27.

Mr. Weaver, junior member of Gatch, Connor & Weaver, the Des Moines attorneys for the Litchfield river land estate, was in the city completing arrangements for the eviction of settlers on his clients' land. Mr. Weaver said that Litchfield had seven hundred judgments for possession of lands in Webster, Hamilton, and Boone Counties against four hundred persons, and that during the first week of March every one of them will be served and evictions made. The announcement is received with the wildest excitement among the river holders, who, although they expected evictions, are greatly surprised at the number, which exceeds the highest calculations by four hundred writs. Mr. Weaver says that the threatened passage of the river land bill over the President's veto hurries up matters, and it has made him determined to regain entire possession of the lands before that can take place.

Mr. PAYSON. Mr. Speaker, that is from the Evening Star of this city, of date 27th instant.

This is from the Chicago Tribune of the 26th:

The Clerk read as follows:

WHOLESALE RIVER LAND EVICTIONS—IOWA SETTLERS TO BE TURNED OUT BY HUNDREDS EARLY IN MARCH.

[Special.]

FORT DODGE, IOWA, *February* 26.

James B. Weaver, a member of the firm of Gateh, Connor & Weaver, of Des Moines, attorneys, controlling the Litchfield river land estate, was in the city to-day making arrangements preparatory to the evictions of all settlers on the Litchfield lands. Weaver stated that seven hundred judgments for possession of lands in Webster, Hamilton, and Boone Counties have been issued against four hundred farmers.

In the first week of March every one of them will be served and evictions made. The selection of this early date is to prevent settlers putting in crops and thus having a lien on the property. The Litchfield possessions form the largest portion of the river lands, and comprise thousands of acres of the finest farming lands in the counties named. Announcement of the commencement of this wholesale batch of evictions creates great excitement among the river settlers, who, although expecting the evictions, did not anticipate this sweeping service of writs. Weaver says that the threatened passage of the river land bill over the President's veto hastens the evictions, and has made the land-owners determined to regain entire possession of the land before such an occurrence. Lively times are expected.

Mr. PAYSON. I cause them to be read to show that the reports are general.

Similar messages to that were found in the telegraphic columns of all the papers of this country during the months of December and January last in regard to suits pending in Iowa, where one Snell was plaintiff.

My friend from New York [Mr. PARKER] has suggested to the House that these dispatches, and such as they, are "back-fires" as against this legislation. Mr. Speaker, if the gentleman from New York should ever be a defeated defendant in an ejectment suit and a writ of possession should be issued against him and be placed in the hands of a United States marshal backed up by a posse comitatus, and he and his home, the earnings of years of toil, all that in life he holds dear, about to be torn from him, and he and his family be sent out in a January snow and the pitiless storm, as these men have been, he will understand that these things are not "back-fires," but consuming flames as against him and others in like situation. He, as a lawyer, as well as I, knows what these things mean; and exactly this is being done to these poor people in Iowa at this very hour by heartless claimants under the navigation company title.

Mr. WEAVER. Those statements represent the exact facts, and they can not be too strongly put.

Mr. PAYSON. I repeat the words of the gentleman from Iowa [Mr. WEAVER] when I say that I am uttering the exact facts as to the people on these Des Moines lands being evicted by the holders under the navigation company titles. I know from statements made to me by men who claim under this title that this process of eviction has been going on month after month; and these men who are made homeless by this course of judicial legislation—these men whose property is being taken from them under the form of law by legalized robbery, are the men in whose behalf I speak here to-day. None of them are constituents of mine; all are strangers to me; but the knowledge I have of their situation and the harsh, cruel, pitiless treatment they are receiving is the inspiration of my appeal for them here and now.

Mr. WHEELER. Who speaks for the grantees of the navigation company?

Mr. PAYSON. I will tell the gentleman, gladly; yes, I will answer him, and promptly. Who speaks for the millionaires and the navigation company's title to these lands, not an acre of which was legally earned? The gentleman wants to know. I will tell the gentleman and the House. The paid attorneys and the lobbyists for the navigation company's title, who have been about the Halls of Congress ever since this legislation has been pending. [Applause.] They speak for the navigation company. And when the gentleman from Alabama says, as he said in his earnest speech, that he never saw them, I will undertake to correct his recollection, for he knows the fact, and I know the fact, that ex-members of Congress, with the money of the navigation company in their pockets, as their paid attorneys, in defiance of their privileges as ex-members of this House, have come upon this floor in violation of its rules, to stifle and defeat this legislation, and these men have conferred with you during this session of Congress. [Applause.] I will answer the gentleman when he asks me who speaks for the navigation company. I will tell the gentleman who speaks for them, and I will give the gentleman the names if he wants them. [Applause.]

Mr. WHEELER. And for the seven hundred farmers, the grantees on this land, who are being evicted?

Mr. PAYSON. I will come to the seven hundred farmers. Not one of the grantees of the navigation company has ever been evicted; the gentleman does not know what he is talking about when he says they are being evicted. I am not talking of them now. I say if the gentleman wants the names of the men who have been upon this floor in violation of their privileges as ex-members of this body, it will afford me great pleasure to give them to him. He knows as well as I to whom I refer.

[Cries of "Name them!" "Name them!"]

Mr. MARTIN. Let us have their names.

Mr. PARKER. Will the gentleman permit an inquiry?

Mr. PAYSON. No, sir; not a word out of my time.

Mr. PARKER. I desire to ask the gentleman this question——

Mr. PAYSON. I do not yield to the gentleman from New York.

Mr. PARKER. The gentleman has made a personal assault, and I have a right to ask him a question whether remotely or otherwise he includes me in anything he is now saying.

Mr. PAYSON. The gentleman is utterly mistaken. I do not refer to him. I said ex-members of Congress. I use my language advisedly when I speak.

Mr. PARKER. I wish to ask whether directly or indirectly——

Mr. PAYSON. Neither directly or indirectly did I refer to the gentleman from New York on my left.

Mr. PARKER. That is satisfactory.

Mr. PAYSON. I refer to ex-members of Congress coming here as paid attorneys; and the bill which the gentleman from Alabama says ought to have been passed, and which he had the honor of offering, was draughted by an ex-member of Congress and presented by that ex-member, and was taken charge of by him, as I know, and as he knows I know. [Applause.]

Ay, Mr. Speaker, upon weaker telegrams than I have read here——

Mr. MARTIN. Mention the names.

Mr. WHEELER rose.

Mr. PAYSON. Any man who is opposed to what I am saying can obtain the names from me, and I will mention them with pleasure.

Mr. Speaker, the gentleman from Alabama [Mr. OATES] said in his speech that sympathy had nothing to do with legislation. He plants himself, in the argument he makes in opposition to the bill and in favor of standing by the President's veto, upon the cold, harsh, and hard rule of law that tramples all who come before it. Sympathy, sir, ought always to find lodgment in the hearts of members of Congress when such legislation as this is under consideration; and telegrams less significant and much weaker than that which I have caused to be read at the Clerk's desk, detailing the evictions in Ireland at the hands

of inexorable English landlords, have never failed to awaken upon this floor the sentiment that ought to be awakened on the part of the conscience of the American people here represented, sympathy with the poor, down-trodden people of the Emerald Isle. [Applause.]

It is a creditable exhibition always. But yet, shall it be said, Mr. Speaker, that the time has come in the history of the American Congress that it shall be imputed as a discredit to American Representatives that they feel and exercise a sympathy with men who are placed in the position of the seven hundred men who are the defendants in the ejectment suits on these lands referred to in the telegram I have had read—upon land, too, which they believed they owned and were protected in by a title from the United States—men who had paid their money for these lands into the Treasury of the United States twenty years ago, and which money we have there to-day, and because of that harsh rule of law of this land, which is, that when the public land is in a state of technical reservation, no valid settlement can be made upon it that the laws of the country will recognize? It is conceded that these lands have been in a state of technical reservation since 1849, and because of this, if no other reason existed, no valid settlement could be made which the courts will recognize, and that is the precise difficulty this bill seeks to remedy; to validate the claims of settlers under the general land laws when made in good faith, and quiet all other titles to these disputed lands. That is all there is in it.

I do not stand here, Mr. Speaker, at this late hour of this session to undertake to debate the technicalities of the law as to whether or not the men who are the beneficiaries of this bill have such a title that it can be successfully defended in a court of law if the condition of reservation shall be removed in this case. It is enough for me to know that this state of reservation as to this public land has been a stumbling-block upon the threshold of all this litigation that has been had affecting the settler. As the Supreme Court said in the case cited by the gentleman from New York [Mr. WHITE], "The point of 'reservation' is very material."

What does this bill propose to do? Simply to revoke that reservation. Simply to give these men a standing that they have never had before. And that I have asserted upon the floor of this House time and time and time again—for I am not a stranger to this proceeding. This bill has passed under my direction three different times in the House of Representatives, and I hope will now pass again. I am no stranger to the subject. I have insisted and I continue to insist and challenge denial now on the part of any distinguished gentlemen who represent the opposition to this bill, that there has never been a case where a settler upon the public land has had his case presented in court free from the disqualification of the reservation of which I have spoken. Not one. I say that—with a full sense of the broadness and latitude of the expression—there has never been a case presented in the Supreme Court of the United States or in the State courts of Iowa, a case where the constitutional question has been presented to which I referred when the gentleman from New York [Mr. WHITE] had the floor. Never. And this bill simply proposes in behalf of men who in good faith go upon the land which they believe to be public land and have remained thereon, that they shall have a standing in the courts to assert their title——

Mr. PARKER. Will the gentleman permit me——

Mr. PAYSON. Not now.

Mr. PARKER. I understood the gentleman to call for an answer.

Mr. PAYSON. It has been denied them by the opponents of this bill and by the President of the United States.

Mr. PARKER. Did the gentleman ask for an answer as to their being collusive?

Mr. PAYSON. I have not. I have been unfortunate in the use of plain language if I have failed to make myself understood by the distinguished lawyer from New York [Mr. PARKER]. I have said nothing about collusive litigation yet. I will come to the Wolcott case later, if I have time. I will demonstrate, I think, that the Wolcott case was a collusive case, but I have not reached that phase of the case yet.

Mr. PARKER. I understood the gentleman to speak of collusion.

Mr. PAYSON. Then the gentleman misunderstood me. I am surprised at another thing stated by the gentleman from New York [Mr. PARKER], who departs from the fairness which ordinarily characterizes his statements here in public debate, when he asserts that it is expressed in terms in this bill that we validate the title of every speculative squatter that goes upon this land, no matter when he went there, no matter what his purpose, as a speculator or otherwise, under the express terms of this bill.

Mr. Speaker, I say it with the utmost respect to my friend, there is not a shadow of foundation for the statement made by the gentleman from New York. Let me read from the bill itself:

> Of all who with intent and in good faith to obtain title to the said lands under the pre-emption or homestead laws of the United States entered and remained on said lands prior to the 1st day of January, 1880.

These are the people we protect, bona fide settlers only. We propose to revoke this impediment in the "reservation" of which I have spoken, and why does the gentleman from New York say that this bill is in the interest of speculative squatters or in the interest of some one who wants to undertake to gobble the land up for nothing? The language in the bill in express terms is, and is only, to validate the title of the men who have entered upon the land in good faith and with intent to procure title under the public-land laws of the United States to a quantity not exceeding 160 acres. That is what the bill proposes to do and all it proposes to do. Now, why should not this be done?

Mr. Speaker, gentlemen have asked—the distinguished gentleman from Alabama [Mr. WHEELER] has asked—what avail is this; what possible good could come out of it? The answer was made that it could do nobody any good.

Let me say, Mr. Speaker, that this bill in substance has been before Congress for fourteen years. It has been favorably reported in every Congress of the United States, commencing with the Forty-third down to this, and it has passed repeatedly, first in one House and then the other, never succeeding in obtaining the concurrent action of both Houses until in the Forty-ninth Congress, when the President of the United States, after twenty-four hours' consideration, interposed his objection by a veto.

The President had it from Saturday until the following Monday. I have no controversy with the President of the United States on the question of his sincerity here. I have no doubt but that he lived up to the best light he had; but everybody knows, all connected with legislation know, as well as we know of our own existence, that the President feels that if he had been a member of Congress and would have voted against a certain proposition, he feels that it is within his prerogative to exercise the veto power in this as in private pension cases.

He has the power to do that if he chooses. It is simply his judgment against mine, his judgment against the judgment of every Congress that has met here from the Forty-third to the present, inclusive of both. His judgment as to the right as well as the policy of this bill is met and opposed by the judgment of Legislature after Legislature in the State of Iowa, by the judgment of her executive officers, and the judgment of the leading lawyers in the United States who have for years been attorneys for these settlers and for the Settlers' Union, which has been declaimed against so much here by the gentleman from Alabama [Mr. WHEELER]. Men whose reputations as lawyers will survive as long as the system of law under which we live shall endure have time after time expressed the confident opinion that if this "state of reservation" as to this public land should be removed by Congress and the settlers be allowed a standing erect and free in a court of justice, they would maintain their holdings as against the holders of this speculative title on the part of the navigation company.

I do not go into the merits of the controversy between that corporation and the State of Iowa. I will not go into any consideration of the corruption which is alleged as between them and the State authorities from whom they secured this land. That is nothing to me here. It is enough for me to know that here are hundreds of land-holders, hundreds of citizens of the United States, the peers of you and me, who are entitled under the law to the same protection of their rights and the same measure of remedial justice that the conscience of the nation represented here should extend to all; and they simply ask the poor boon of being allowed to go into a court of justice free from the trammels and the obstacles placed upon them by the illegal action of the officers of the Interior Department in 1849.

There is all there is in this bill. Whom does this proceeding harm? All the inconvenience that can arise is the inconvenience of a lawsuit by the holder of the navigation company's title. And I assert, sir, that there is not an acre of that land held to-day by the men who claim it that cost them over $3. Two hundred and eighty thousand acres of land involved in this controversy cost the holders of it less than $3 an acre, and all the inconvenience that is imposed upon those men is the inconvenience of a lawsuit, and that at the hands of men who now are at their mercy and at whose throat at this very hour stands the Federal Government, represented by a United States marshal, with a posse comitatus behind him, to force evictions in this wintry weather.

Mr. WHEELER. I want to correct the gentleman.

Mr. PAYSON. Very well.

Mr. WHEELER. The gentleman states that this bill was sent to me by an ex-member——

Mr. PAYSON. I do.

Mr. WHEELER. The gentleman is mistaken.

Mr. PAYSON. Egbert L. Viele or Benton J. Hall, both ex-members, wrote that bill; and Mr. Viele has all the time been here representing the company title before the committee, and on the floor of the House; and you told me so. [Applause.]

Mr. WHEELER. The bill was handed to me by Mr. OATES; I revised it with the gentleman from Illinois [Mr. PAYSON], and then I introduced it.

Mr. PAYSON. Well, what difference does it make? Mr. Viele counseled with you time and again about this. You have shown me telegram after telegram received from Mr. Viele, a former member of this House, and now attorney for the navigation company's title, asking postponement of the hearing by the committee of the bill. You showed me the telegram, and afterwards Mr. Viele came here.

Mr. WHEELER. I never knew he was the attorney for the company.

Mr. PAYSON. Oh, I have seen him around here often; and he has more frankness than the gentleman from Alabama has; for he openly

avows that he is their attorney and here in their interest. There has never been any concealment about his relation to this bill since he went out of Congress; none whatever.

Now, Mr. Speaker, I am about through. I submit what I believe to be a fair epitome of the case. Every settler upon them had the right to the benefits of the provision of the constitution of the State of Iowa, adopted in 1851 and carried into the present constitution:

The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of the occupant so exempted shall not exceed 320 acres. (Sec. 7, art. 11, constitution of 1851, page 1004, revision of 1860.)

This is an express prohibition upon the State to accept and select any lands granted to it as trustee for any improvement or corporation as against actual settlers without their consent, and this, Mr. Speaker, was in force before the act of 1862, which purported to convey the land to the State north of the forks.

This seems too clear to need argument.

All claim of title by the navigation company of course comes through the State and subsequent to this provision of the constitution, and is therefore void by this provision as against settlers.

It should be kept in mind that proper title from the Government is shown in two ways—by a patent or by "certification" under the act of August 3, 1854, which provides—

That in all cases where lands have been, or shall hereafter be, granted, by any law of Congress, to any one of the several States and Territories, and where said law does not convey the fee-simple title of such lands, or require patents to be issued therefor, the lists of such lands which have been, or may hereafter be, certified by the Commissioner of the General Land Office, under the seal of said office, either as originals or copies of the originals or records, shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, said lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

Now, in this case there were 271,413 acres of land "conditionally" and confessedly improperly certified to the State above the forks; this certification by the statute and the decision in the Litchfield case was void; 55,991 acres of this had been sold by the State to settlers, and this was confirmed by the joint resolution of 1861, and the certification by the Department, July 8, 1867. None of these lands were patented, and the certification of July 8, 1867, of the 55,991 acres was the only act of that kind by the Department.

The balance of the land (less some other adjusted claims of 1,929 acres), 213,493 acres, was the unpatented, uncertified lands upon which settlers went, and, so far as their claims go, the lands embraced in them are the lands in dispute now.

There are, as we are advised, about two hundred and fifty settlers claiming rights to their homes here, and their claims involve about 33,000 acres of this land.

For all these lands, 213,493 acres, the State received indemnity in the Harvey settlement, as shown. It was all held "in reservation," from the Stuart certification, and this reservation has never been removed. Because of the "reservation" no filings can be made by a settler which the courts will recognize, and therefore the bill declares that these lands, for which the State received indemnity, and which have never been patented or certified, shall be declared public lands. This will remove the reservation, and, for the first time, and will enable the settlers to make filings and proofs which the courts must recognize, if the lands are public lands. They can then have the benefit of the act of 1853.

Under this act, and the uniform practice of the Government, settlers were entitled to go upon lands reserved as belonging to any grant, and to pre-empt the same "after the lands have been released from reservation in the same manner as if no reservation existed." After the 3d of March, 1853, it was not illegal to settle upon the lands in question. They had been conditionally certified without prejudice. (See Newhall *vs.* Sanger, 2 Otto, 763; Huff *vs.* Doyle, 3 Otto, 564.)

The balance of the land, about 172,000 acres, the bill proposes to confirm to the navigation company or its grantees, and end this controversy of conflicting claim of title; it will set at rest the title to all the lands not held by settlers, and place their claims where their validity can be tested, freed from the technicalities of the "reservation." Should the courts then hold against the settlers the whole matter will be ended.

But it is claimed by the opponents of the bill that all the questions that can arise between the settlers and the Des Moines Navigation Company have been passed upon, and with some little asperity it is publicly stated, and in the public prints, that the bill proposes to reverse decisions of the Supreme Court.

An examination of the cases will show that they all, where the question of the navigation company's title was directly involved and questioned, are treated as settled and decided in the Wolcott case (5 Wall., 684) set out *supra*.

This Wolcott case ought not to be regarded as an authority, because it was made on an agreed assumption of material facts, which did not exist, and because it was evidently a collusive case to secure an adjudication of the company's title favorable to it.

The suit was by Wolcott against the company for a breach of warranty of title. He had bought the land of the navigation company, and he claimed the railroad act of 1856 passed the land, and so the title of the navigation company had failed, and he claimed the consideration.

Now, Wolcott was a member of the navigation company, and nobody had questioned his title or sought to evict him, nor had he paid a dollar on an outstanding title to buy it in; but he sues the company, of which he was one, for a breach of the warranty of title which, as to his land, nobody was questioning.

Besides, we are advised that the records show that, except a small amount of advance costs, paid always by an appellant, all the balance of the costs of the litigation were paid by the navigation company, although it won the suit.

But stronger, and stranger, in stating the case upon which the decision is based (page 684), the court expressly stated:

The land in question is one of the sections thus selected and approved by the Secretary of the Treasury, and duly certified by the governor of the State to the President according to the second section of the act, and was sold and conveyed among other parcels of land by the State to the defendants.

The Secretary of the Treasury never certified an acre of these lands; nor were they "certified by the governor to the President according to the second section of the act," and the conditional certificates of Secretary Stuart to Iowa, "improperly" made, had been canceled by the court, declared "null and void."

It should be emphasized that not an acre of these lands was ever certified to the President under the second section of the act; and the only certification ever made of these lands, or any portion of them, involved in the Stuart certification (which was held void in the Litchfield case) was that approved in 1867, of the 55,000 acres sold to settlers.

Of course, on that assumed state of fact, the court was bound to hold the title in the navigation company good.

But suppose Wolcott had set up that the land had never been certified; that no action was ever taken under the second section of the act of 1846; that when the act of 1862 was passed the company had abandoned the work, and did nothing after 1856; that the deed of 1858 only purported to convey the lands granted by the act of 1846, and this was before the Litchfield decision was made; that the constitution of Iowa prohibited the State from taking as a grantee as against a settler, we think the decision would have been different.

But the only prominent point in the case outside of the concession of the navigation company title in the first instance was the point that the land had been granted under the act of 1856 for railroad purposes; and the court held that the lands in question were reserved, and were not conveyed by the act of May 15, 1856, to any railroad company. This decision was made in the spring of 1867; but the question of the settlement between the State and the United States of all claims under the joint resolution of 1861 or the act of July 12, 1862, was not before the court.

Williams *vs.* Baker (17 Wall., 152) was a case of contest between a grantee of the navigation company and a grantee of the railroad company. It was sufficient for the decision in that case to hold, as was held in the Wolcott case, that the railroad company took no title under the act of 1856. In this case the settlers were not notified to intervene, but only the railroad companies claiming title under the act of 1856 (page 151).

The case of Riley *vs.* Wells was decided upon the ground that the land at the time pre-emption was sought to be made was not liable to pre-emption; and the court followed the Wolcott case in deciding this. A copy of the opinion is appended, as follows:

December term, 1869. Hannah Riley, appellant, *vs.* William B. Wells. No. 397. Appeal from the circuit court of the United States for the district of Iowa.

Mr. Justice Nelson delivered the opinion of the court.

This is an appeal from the circuit court of the United States for the district of Iowa.

This case is not distinguishable from that of Wolcott *vs.* The Des Moines Company (5 Wall., 681). Welles, the plaintiff below, derives his title by deed from this company, the same as Wolcott in the former case. The suit in that case was brought to recover back the consideration money from the Des Moines Company, the grantors, on the ground of failure of title. The court held that Wolcott received a good title to the lot in question under his deed.

In that case it was insisted that the title was not in the Des Moines Company, but in the Dubuque and Pacific Railroad Company.

In the present case the defendant claims title under and in pursuance of the pre-emption act of September 4, 1841.

Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry on account of a difference of opinion among the officers of the land department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of the patent.

The reasons for this withdrawal of the lands from public sale or private entry are stated at large in the opinion in the case of Wolcott *vs.* The Des Moines Com-

pany, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.

The decree below affirmed.

The Homestead Company *vs.* The Valley Railroad Company (17 Wall., 162, 163) was a contest between the grantee of the railway companies and the Valley Railroad, the Homestead Company claiming under the land grant of 1856, the Valley Railroad Company claiming under the act of July 12, 1862, the adjustment by the State May 21, 1866, and confirmed by the State on the 31st of March, 1868, and by Congress on the 3d of March, 1871.

Again, it was held that the railroad companies took no title under the act of 1856. The court say:

It is admitted in the record that the State has conveyed to the Des Moines Valley Railroad Company, one of the defendants to this suit, for good and valuable considerations performed by the company, all the land received by the State under the act in question July 12, 1862, except those only which had been conveyed by the State under the act of August 8, 1846, and the legislation pursuant thereto.

These admissions are not facts; the State did not, by its deed, convey any but the lands granted to it, namely, the lands below the fork.

Woolsey *vs.* Chapman, 101 U. S., relied on confidently, was a case to test the extent of a school-land grant, and the court expressly said in that case that it was not asked to disturb the finding in the Wolcott case.

The recent case of Ballard, 122 U. S., is in the same line.

In all of them the point of reservation was regarded as essential where a settler's claim was considered, and patents were defeated because of it.

No suit has yet been decided in which either the State of Iowa or the United States was a party, or in which the question of the rights of either the State or the nation was directly presented. On the contrary, the suits have in the main been collusive, and in all but a single one the court proceeds upon the basis of admission made in the record by the parties, the facts of which, if put in issue bona fide, might have made necessary an entirely different decision from that rendered. The title of the navigation company has never been attacked by any one entitled to plead its defects.

The veto of the President was placed on the ground that if there was any point yet unsettled, he "believed there is no difficulty in presenting it to the proper tribunal."

The answer is that the "state of reservation" as to these lands has not been removed. This is conceded by all, and until it is removed, as by this bill, or equivalent action, a settler has no standing in court, and can have none. All lawyers agree as to this.

No attempt is made to divest titles by the bill; only to remove disabilities where existing, that settlers' rights may be litigated without technical impediment.

The President suggests:

If parties labor under disabilities as prevent them from appealing to the courts, etc., a plain statute directed simply to a remedy for such disabilities would not be objectionable.

When understood, that is just what the bill seeks—that is its object; and added to it a quieting of the title of all the rest.

The substance of the case, then, may perhaps be concisely stated as follows:

The grant was only of land below the fork; this the Litchfield case (23 Howard, 66, April, 1860) settles; and all certificates and patents as to lands above the fork under the grant were void.

Prior to this decision Secretary Stuart had construed the grant to embrace lands on either side of the river above the fork to the northern boundary of the State, and had "conditionally certified" to the State, in these boundaries, 271,572 acres of land.

Of these the State had sold 55,990 acres, the title of which is not in contest. These lands were "duly certified," after the passage of the joint resolution of 1861 and the act of 1862; after the Harvey settlement, which was approved by Congress in 1871, from which settlement the navigation company's claim was excluded, and which lands were all that were ever certified to the State of the lands embraced in the Stuart illegal certification. The balance are the disputed lands, 213,493 acres, and for which the State received indemnity in the Harvey settlement.

There are three classes of people claiming these lands:

1. Settlers claiming under the general land laws, but as against whose claims, at the threshold, the "reservation" is fatal, while it stands.

Looking to the relief of this class of persons, a bill was passed in the Forty-second Congress as follows:

An act to authorize the President to ascertain the value of certain lands in the State of Iowa, north of the Raccoon Fork of the Des Moines River, held by settlers under the pre-emption and homestead laws of the United States.

Be it enacted, etc., That the President of the United States shall be, and he is hereby, authorized to appoint three commissioners, who shall ascertain the number of acres, and by appraisement or otherwise the value thereof, exclusive of improvements, of all such lands lying north of Raccoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it, adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States; and that they report the facts at the commencement of the next session of Congress; but nothing herein contained shall be held to affect in any manner the question of title to any of said lands.

SEC. 2. That the compensation of said commissioners shall be $8 per diem during the time they shall be engaged in said service.

Approved March 3, 1873.

In pursuance of this act a commission was appointed by the President, who made their report, and the same was presented to Congress at the commencement of the present session, and is Executive Document No. 25, Forty-third Congress.

This action was not, however, satisfactory to those who had settled upon the lands in question under Government invitation and assurance of title. Much of the settlement dates back to 1855, and some portion even to a prior period, and numbers of people went upon the land, following the decision of Secretary Browning in the Battin case, in 1868. All those who are upon the lands claiming to enter them under the general land laws of the United States are there in the most perfect good faith and reliance upon the acts of the Government through its duly authorized agents. They have an abiding faith still that the lands in question are the property of the United States, and will be so held by the Supreme Court in a case where the Government is a party asserting its claim of title.

2. Settlers holding claim and color of title from the navigation company.

3. The holders of the navigation company title, as color of title or title from the State of Iowa, not in possession.

The bill proposes to remove the reservation by declaring all lands for which the State received indemnity public lands; to validate all bona fide entries made before January 1, 1880, this date being fixed to prevent "speculative squatting" on the lands since this legislation has been pending, and as to the other two classes to validate them, except as against settlers in the first class where there shall be a conflict.

The navigation company bases its claim to these lands, as against the claims of settlers, upon the deed from the governor of Iowa of May 18, 1858, and the subsequent enactments of Congress, as well as judicial construction noticed in this report.

This deed, we think, only conveys "all lands granted by an act of Congress," etc., and this has been decided to be lands below the fork.

Because of the Stuart "conditional certification" the State assumed to have the power to sell, and many people bought, to the extent of 55,990 acres, and when Litchfield's case was decided they were without title. This necessitated the passage of the joint resolution of March 1, 1861, and, as the public and Secretary Browning believed, opened the lands to settlement above the fork.

But the navigation company, after a lapse of several years, comes in and asserts that it is a "bona fide purchase," under this resolution, and that by the deed of May, 1858, and the subsequent legislation it is entitled to all these lands, and hence the contest.

The difficulty with the settler is that his claim rests only on a "filing" or a purchase while the land was "reserved," and possession; and on refusal by the Land Office officials to recognize him he can not have a standing in court so long as the "reservation" is unrevoked. The litigated cases which have been decided have all turned on other questions; many of them are clearly collusive, and decided upon erroneously "agreed states of fact," not one of them presenting squarely the precise question at issue, and we recommend what is asked, an assumption by the United States of any lands in place in the grant above the fork, and a recognition of the rights of pre-emptors and settlers, with a saving to all bona fide purchasers whose purchases do not conflict with such settlers, and a validation of their titles.

If the bill is passed it will become the duty of the Attorney-General of the United States to bring suits in the name of the United States to test the title of persons claiming under the State.

And it will permit the settler also to bring a suit to test the strength of his entry as against the navigation company title, and if in any such litigation, on all the facts, the courts should hold that as against the settler, the navigation company has no title under the joint resolution of 1861, or the act of 1862, the Government can confer title on the settlers even where the former patents have been canceled. Where they have not been canceled, or where the parties hold pre-emption or homestead certificates, the settlers can intervene, and have the asserted title of the navigation company set aside as a cloud upon their title.

This controversy has continued for now over thirty years. During all that time a considerable portion of the lands in question have been in the actual occupancy of persons claiming to enter them under the general land laws of the United States. There are persons still residing on them who have been there continuously for over a quarter of a century. Others, again, are those who went upon the lands following, and on the faith of, the decision of Secretary Browning in the Battin case in 1868.

All these men join in one request, and have now, as always, but one theory about the controversy in which their all is at stake. They believe the Government has title to the lands they occupy, and ask that this one question, so vital to them, shall be decided by the United States courts in a suit brought for that purpose, and in which the Government, in their behalf and its own, shall attack the title of the navigation company. This they can not do for themselves, for the reason that, having no patent, they can not, in the present state of the

law, get into court; and even if they had patents they would be confronted at the threshold with a decision against them, upon the technical ground that even if the lands were still the property of the Government, they are in such a state of reservation by the act of the Secretary of the Interior, under the law of 1846, that they are not subject to settlement and entry under the general land laws of the United States.

The committee, while believing that the claim of the settlers is well founded, do not claim that the case is free from doubt. It is possible the Government has no title and that that of the navigation company is good in law. But even putting the case in its strongest possible aspect against the settlers, there is, in the opinion of the committee, ample warrant for the passage of the bill proposed. Such a suit as is authorized therein will settle promptly and forever all the questions at issue and give peace to a community now torn and distracted, as can only be the case where there is a controversy, long continued, about titles to the homes of its members.

While the number of persons who are in possession of these lands, holding adverse to the navigation company's title, is not large, the doubt growing out of the controversy affects injuriously the entire body of lands conveyed to the company by the State. The question of the validity of this title has been the principal subject of discussion in the locality for now nearly a generation, and has lost nothing of intensity by the lapse of time. At local elections it is the one supreme issue, overshadowing all others. It has retarded improvement, both moral and material, has been the cause of numerous tragedies, and operated as a general blight, growing more and more serious with the lapse of time. The agitation has had a still wider effect. It has engaged the attention of the people of the entire State of Iowa, and the Legislature of that State has repeatedly memorialized Congress for the passage of a bill similar to that now proposed.

It is to be observed that this question does not affect merely the lands to be made the subject of the proposed litigation. While they are more directly at stake, still the entire list of lands certified above the Raccoon Fork are all injuriously affected. The existing doubt as to the validity of the title prevents sale or other disposition of the same. Parties who have purchased from the navigation company, and who are satisfied with their titles, but who find themselves cut off from the opportunity of sale and mortgage by reason of the doubt referred to, have urgently appealed to the committee in behalf of the passage of some measure whereby authentic and final settlement of all doubts concerning title may be disposed of. The navigation company can not dispose of the titles remaining unsold, nor can they enforce the payment of money due on account of sales already made.

Every interest, near or remote, connected with this unfortunate controversy, will be promoted by the passage of the proposed bill; but the committee feel that the duty of Congress is especially to the poor and unfortunate people who went upon the lands in response to the invitation of the Government and in faith of its title. What they ask is moderate compared with their deserving, and it is difficult to see how objection can be made to a proposition that so serious and injurious a controversy shall be settled by the judgment of the highest court in the land. True, it is alleged in opposition that it has already been settled by the decision of the Supreme Court, but it was a settlement made in suits to which neither the General Government, the State of Iowa, nor the persons claiming title under the general land laws were parties, and consequently they are not bound by the result; and these decisions have not "settled" the difficulty, and it is manifest that it will not be settled except in some such way as proposed by the bill under consideration.

It will be observed that the bill limits the actual controversy to a small portion of the lands in question, and quiets the title to the remainder. The only lands the title to which can be directly affected by the result of the suit to be instituted are those which are occupied by actual settlers claiming the right to obtain title thereto under the pre-emption and homestead laws prior to January, 1880. The benefit to the navigation company and its grantees if the bill under consideration shall pass is very great, relieving their title to much the larger proportion of their lands from doubt and taking from the title the shadow now resting upon it.

The only inconvenience which can be worked by this bill is a suit at law as to a small part of the grant, and which will put at rest all vexed questions, now regarded by many of the ablest lawyers in the Union as unsettled after the most careful study of the whole subject.

Mr. Speaker, my duty has ended. I trust it has been not illy performed; and my earnest hope is, and probably the last I shall have to express as to these matters, that these poor people may have at the hands of this House the substantial exhibition of sympathy that we are always ready to express toward the oppressed. I have no feeling in the matter beyond that inspired by a desire to relieve those in distress—the ordinary promptings of humanity, warranted by the law.

I thank the House for its courteous attention, and yield any time I may have to the gentleman from Iowa [Mr. WEAVER]. [Applause.]

Mr. WEAVER. I do not want to take up time on this question. I yield the time back to my colleague [Mr. HOLMES], and I hope he will call for a vote. [Cries of "Vote!" "Vote!"]

Mr. HOLMES. If my colleague does not wish to speak, I ask now for a vote. We waive the use of our remaining time. Let the vote be taken.

The SPEAKER *pro tempore*. The question now is, Will the House upon reconsideration pass this bill, the objections of the President to the contrary notwithstanding? On this question the Constitution requires that the vote be taken by yeas and nays. The Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 104, not voting 72; as follows:

YEAS—147.

A ams,	Conger,	Johnston, Ind.	Russell, Conn.
Allen, Mass.	Crain,	Kennedy,	Ryan,
Allen, Mich.	Crouse,	Kerr,	Sayers,
Allen, Miss.	Cummings,	Laffoon,	Scull,
Anderson, Iowa	Cutcheon,	La Follette,	Seney,
Anderson, Kans.	Dalzell,	Lanham,	Seymour,
Arnold,	Dockery,	Lehlbach,	Shively,
Atkinson,	Dorsey,	Lind,	Smith,
Baker, N. Y.	Dunham,	Lodge,	Snyder,
Baker, Ill.	Finley,	Macdonald,	Spooner,
Bayne,	Fuller,	Matson,	Steele,
Belden,	Funston,	McComas,	Stephenson,
Bland,	Gaines,	McCormick,	Stone, Mo.
Booher,	Gallinger,	McCullogh,	Struble,
Boothman,	Gay,	McKenna,	Tarsney,
Bound,	Gear,	McKinley,	Taulbee,
Boutelle,	Gest,	McKinney,	Taylor, J. D., Ohio
Bowden,	Greenman,	Merriman,	Thomas, Ky.
Bowen,	Grosvenor,	Morgan,	Thomas, Ill.
Brewer,	Grout,	Morrill,	Thomas, Wis.
Brower,	Guenther,	Morrow,	Tillman,
Browne, T. H. B., Va.	Harmer,	Nelson,	Townshend,
Brown, J. R., Va.	Haugen,	O'Ferrall,	Turner, Kans.
Brumm,	Hayden,	O'Neill, Mo.	Vance,
Buchanan,	Heard,	Osborne,	Vandever,
Bunnell,	Henderson, Iowa	Owen,	Warner,
Burrows,	Henderson, Ill.	Patton,	Washington,
Butler,	Hermann,	Payson,	Weaver,
Bynum,	Hiestand,	Perkins,	Weber,
Campbell, Ohio	Hires,	Peters,	Whiting, Mich.
Campbell, T. J., N. Y.	Hitt,	Pidcock,	Whiting, Mass.
Cannon,	Holman,	Plumb,	Wickham,
Caswell,	Holmes,	Posey,	Williams,
Cheadle,	Hopkins, Ill.	Post,	Yardley,
Chipman,	Hopkins, N. Y.	Pugsley,	Yoder,
Clark,	Hunter,	Rockwell,	Yost.
Cogswell,	Jackson,	Romeis,	

NAYS—104.

Abbott,	De Lano,	Lane,	Rice,
Anderson, Miss.	Dibble,	Latham,	Richardson,
Anderson, Ill.	Elliott,	Lawler,	Robertson,
Bacon,	Enloe,	Lynch,	Rogers,
Bankhead,	Fisher,	Maish,	Rowland,
Barnes,	Flood,	Mansur,	Russell, Mass.
Blount,	Forney,	Martin,	Sawyer,
Breckinridge, Ark.	French,	McClammy,	Scott,
Breckinridge, Ky.	Gibson,	McCreary,	Shaw,
Bryce,	Glass,	McRae,	Sherman,
Campbell, F., N. Y.	Grimes,	Mills,	Simmons,
Candler,	Hall,	Montgomery,	Sowden,
Carlton,	Hare,	Moore,	Springer,
Caruth,	Hatch,	Morse,	Stewart, Tex.
Catchings,	Hemphill,	Newton,	Stockdale,
Clements,	Henderson, N. C.	Norwood,	Stone, Ky.
Cobb,	Herbert,	Oates,	Tracey,
Compton,	Hooker,	O'Neall, Ind.	Turner, Ga.
Cothran,	Hudd,	O'Neill, Pa.	Walker,
Cowles,	Hutton,	Outhwaite,	West,
Cox,	Johnston, N. C.	Parker,	Wheeler,
Crisp,	Ketcham,	Peel,	White, N. Y.
Culberson,	Kilgore,	Penington,	Wilkinson,
Davenport,	Lagan,	Perry,	Wilson, Minn.
Davidson, Ala.	Laidlaw,	Phelps,	Wilson, W. Va.
Davidson, Fla.	Landes,	Randall,	Wise.

NOT VOTING—72.

Barry,	Dougherty,	Kelley,	Rayner,
Biggs,	Dunn,	Laird,	Reed,
Bingham,	Ermentrout,	Lee,	Rowell,
Blanchard,	Farquhar,	Long,	Rusk,
Bliss,	Felton,	Lyman,	Spinola,
Browne, Ind.	Fitch,	Maffett,	Stahlnecker,
Brown, Ohio.	Foran,	Mahoney,	Stewart, Ga.
Buckalew,	Ford,	Mason,	Stewart, Vt.
Burnett,	Glover,	McAdoo,	Symes,
Butterworth,	Goff,	McMillin,	Taylor, E. B., Ohio
Clardy,	Granger,	McShane,	Thompson, Ohio
Cockran,	Hayes,	Milliken,	Thompson, Cal.
Collins,	Hogg,	Moffitt,	Wade,
Cooper,	Hopkins, Va.	Neal,	White, Ind.
Dargan,	Houk,	Nichols,	Whitthorne,
Darlington,	Howard,	Nutting,	Wilber,
Davis,	Jones,	O'Donnell,	Wilkins,
Dingley,	Kean,	Phelan,	Woodburn.

So (two-thirds not having voted in the affirmative) the bill was not passed over the veto.

During the roll-call,

The following additional pairs were announced for the rest of the day:

Mr. COLLINS with Mr. KELLEY.
Mr. BIGGS with Mr. BROWNE, of Indiana.
Mr. DOUGHERTY with Mr. FELTON.
Mr. FORD with Mr. O'DONNELL.
Mr. CLARDY with Mr. WADE.

Mr. SPINOLA with Mr. REED, on this vote.
Mr. MCMILLIN with Mr. FARQUHAR, on this vote.
The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the amendment of the House to the bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn., and also agreement to the amendment of the House to the bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company.

It further requested the return to the Senate of bills of the following titles:

A bill (S. 308) for the relief of Faran & McLain; and

A bill (S. 2442) to increase the appropriation for a public building at Detroit, Mich.

It further announced that the Senate had passed House bills of the following titles:

A bill (H. R. 2157) granting a pension to Ann E. Mussman;
A bill (H. R. 2737) granting a pension to Anna Krumpholz;
A bill (H. R. 2862) granting a pension to William Ford;
A bill (H. R. 3916) granting a pension to Jacob Wolf;
A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;
A bill (H. R. 5390) granting a pension to John Limeric;
A bill (H. R. 5398) granting a pension to Catherine Hays;
A bill (H. R. 5758) granting a pension to Lovina Wright;
A bill (H. R. 6763) granting a pension to John Mann;
A bill (H. R. 8100) granting a pension to Anna J. Weaver;
A bill (H. R. 8225) for the relief of William S. Kellington;
A bill (H. R. 8327) for the relief of Joseph Lawless;
A bill (H. R. 8429) granting a pension to W. W. Wilson;
A bill (H. R. 8580) granting a pension to Sarah A. Harrison;
A bill (H. R. 8995) for the relief of Antonia Wiener;
A bill (H. R. 9113) granting a pension to Frank M. Martin;
A bill (H. R. 9159) granting a pension to William A. Taylor;
A bill (H. R. 9227) for the relief of Mary Newton;
A bill (H. R. 10167) increasing the pension of Nathaniel Crain;
A bill (H. R. 10644) granting a pension to Elizabeth Peterson;
A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;
A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;
A bill (H. R. 11184) for the relief of Jesse Isherwood;
A bill (H. R. 11627) granting a pension to Mary Horning;
A bill (H. R. 11663) granting a pension to M. Josie McClain;
A bill (H. R. 11707) granting a pension to Gertrude Northrop;
A bill (H. R. 11884) to grant a pension to William Hawkins;
A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;
A bill (H. R. 12062) granting an increase of pension to Frank Wolford;
A bill (H. R. 12273) for the relief of Newton C. Ridenour;
A bill (H. R. 12275) to increase the pension of John W. Smith;
A bill (H. R. 12403) granting a pension to Bennett Cooper;
A bill (H. R. 12404) granting a pension to Robert W. Andrews;
A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from the effect of wounds received therein;
A bill (H. R. 12428) for the relief of Martha Rhodes;
A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman;
A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell;
A bill (H. R. 12491) granting a pension to Lucinda Mewman;
A bill (H. R. 12510) granting a pension to George Hunter;
A bill (H. R. 12540) to increase the pension of Theodore White;
A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder;
A bill (H. R. 12575) to increase the pension of James M. Barrett;
A bill (H. R. 12604) to restore the pension of Ann G. Barker;
A bill (H. R. 12607) to grant a pension to Ira Wells;
A bill (H. R. 12608) to pension William J. Martin; and
A bill (H. R. 12619) granting a pension to Littleberry W. Baker.

It further announced the passage of bills and a joint resolution of the following titles, in which concurrence was requested:

A bill (S. 3192) granting increase of pension to Daniel H. Kent;
A bill (S. 3960) granting a pension to Mary B. Hunt; and
Joint resolution (S. R. 144) authorizing the printing of 11,000 copies of the special report of the Commissioner of Fish and Fisheries on the exploration of the fishing grounds of Alaska, Washington Territory, and Oregon by the United States Fish Commission steamer Albatross during the summer of 1888.

It further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico.

It also announced that the Senate had passed without amendment the bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

NATURALIZATION LAWS OF THE UNITED STATES.

Mr. SENEY, from the Committee on the Judiciary, submitted the views of the minority of that committee on the bills (H. R. 12577) to amend the naturalization laws of the United States, and (H. R. 11393) to amend the naturalization laws of the United States; which were ordered to be printed with the majority report and recommitted.

DEBT DUE UNITED STATES BY ARKANSAS.

Mr. JACKSON, from the Committee on the Public Lands, reported the views of the minority on the bill (H. R. 3288) for the settlement of the debt due the United States by the State of Arkansas; which were referred to the House Calendar, and ordered to be printed with the report of the majority.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 717) granting an increase of pension to Daniel M. Maulding;
A bill (H. R. 4961) to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed March 3, 1803;
A bill (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes;
A bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana;
A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas;
A bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;"
A bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri; and
A bill (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 575) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School in Virginia;
A bill (S. 2029) granting the right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation;
A bill (S. 3132) to provide for trial by jury in the police court of the District of Columbia, and for other purposes;
A bill (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River;
A bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.; and
A bill (H. R. 8740) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that body had disagreed to the amendments of the House to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. EDMUNDS, and Mr. MORGAN as conferees on its part.

It also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indians to the remainder, and for other purposes.

It further announced that the Senate had passed bills of the following titles, in which concurrence was requested, namely:

A bill (S. 3860) granting a pension to Mary Ellen Fitzgerald; and
A bill (S. 3942) granting a pension to Mrs. Mary T. Burnes.

SALMON FISHERIES OF ALASKA.

Mr. DUNN. Mr. Speaker, I ask that the House agree to the conference requested by the Senate on the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska. I will state that this bill has reached the stage where it is privileged.

Mr. HOLMES. Let me inquire, Mr. Speaker, whether a conference report can take the gentleman from New York off the floor?

The SPEAKER *pro tempore*. The Chair will state that it can suspend any business for the time being.

The Senate non-concurs in the House amendments and requests a conference. The gentelman from Arkansas asks that the conference asked by the Senate be agreed to; and without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* announced the appointment of Mr. DUNN, Mr. MCMILLIN, and Mr. FELTON as conferees on the part of the House.

Mr. THOMAS, of Illinois, at his own request, was excused from service as conferee on the bill (H. R. 12339) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and Mr. HARMER was appointed in his place.

ORDER OF BUSINESS.

Mr. MILLS. I call up the bill for the relief of George Caldwell, a bill vetoed by the President, for present consideration.

Mr. RANDALL. And I raise the question of consideration.

The SPEAKER. This bill has been already laid before the House.

Mr. HOLMAN. I wish to say a single word in regard to this matter.

The SPEAKER. The gentleman from Texas calls up a bill the title of which the Clerk will report, and the gentleman from Pennsylvania raises the question of consideration.

Mr. CRISP. I raise the question of consideration with a view of proceeding with the election case.

Mr. RANDALL. I wish to move to dispense with private business for to-day. [Cries of "Regular order!"]

FRAUDULENT USE OF THE MAILS.

Mr. ENLOE. I rise to submit a conference report.

Mr. MILLS. That has priority.

Mr. TOWNSHEND. I ask unanimous consent, before the report is submitted, that members having reports to make from committees may be permitted to hand them in at the Clerk's desk.

Mr. MILLS. I object.

The SPEAKER. The report submitted by the gentleman from Tennessee will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

GEORGE E. SENEY,
B. A. ENLOE,
L. B. CASWELL,
Managers on the part of the House.

JOHN H. MITCHELL,
PHILETUS SAWYER,
JOHN H. REAGAN,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The effect of the report as agreed to by the conferees of the House and Senate will be to enlarge the scope of the original bill, and to make it more effective by making it a felony to use a false, fictitious, or assumed name or address in the conduct of the sawdust swindle, and kindred devices, or other unlawful business. The Postmaster-General is authorized, upon satisfactory evidence that any person is using a false, fictitious, or assumed name or address in the conduct of such business, to direct the local postmaster to hold matter addressed to such false, fictitious, or assumed name or address, and to notify such person to appear for identification; and if the person so notified shall fail to appear and be identified, or if it shall satisfactorily appear that such matter is addressed to a false, fictitious, or assumed name or address, it shall be forwarded to the Dead Letter Office as fictitious matter.

Its effect will also be to authorize the Postmaster-General to have forwarded to the Dead Letter Office matter which he is satisfied has been directed to places not the residence or business address of the addressee to enable such person to escape identification.

GEORGE E. SENEY,
B. A. ENLOE,
L. B. CASWELL,
Managers on the part of the House.

Mr. ENLOE. I demand the previous question on the adoption of the report.

The previous question was ordered.

Mr. MILLS. I believe that under the rules of the House we have fifteen minutes for debate.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen in support of and fifteen in opposition to the report.

Mr. MILLS. I want my friend from Tennessee to explain the provisions of this bill. It has been brought in here in the midst of such great confusion that an explanation is necessary to understand the effect of the amendment.

Mr. ENLOE. I have no desire to occupy any of the time allotted by the rules for debate in explanation of the provisions of this bill. [Cries of "Vote!" "Vote!"] As far as I am concerned I am perfectly willing that the vote shall be taken now.

Mr. HOLMAN. It has been utterly impossible to hear a word of what was read.

The SPEAKER. The Chair has been endeavoring to secure order upon the floor, but of course can not succeed unless gentlemen will lend their efforts.

Mr. MILLS. I was serious in trying to get an explanation of the bill, because it was not possible to hear the reading.

Mr. HOLMAN. I wish the language of the amendment which is adopted by the report may be read, or else that the gentleman will explain what it means.

Mr. ENLOE. Let the statement of the conferees be again read.

The SPEAKER. It has just been read, and also the report of the conference committee.

Mr. ENLOE. I can appreciate the fact that gentlemen may desire to know something about the merits of this proposition, and therefore I desire to call attention to a single statement embodied in the letter by Mr. Anthony Comstock, who is one of the post-office inspectors and now employed by the Government, in regard to the methods pursued by some of those persons engaged in the business of conducting what is known as the "sawdust" swindle, and I ask that the Clerk read that portion of the report of the committee which I send to the desk.

Mr. BLAND. I hope the Clerk will read the whole of the report.

Mr. ENLOE. I only want the portion of the letter read which I have marked, which will only take three or four minutes.

The Clerk read as follows:

That there are numerous organizations, headed by some of the sharpest, shrewdest, and most unscrupulous tricksters, conducting the business of pretending to sell counterfeit money through the mails.

Since January, 1887, I have received in this office more than fifteen hundred complaints. One gang, whom I exposed and partially broke up, were using more than seven hundred and sixty different names; and I am ready to produce these names before your committee, if desirable. Another gang, out of whom I caused five arrests under State laws in New Jersey, who went over from New York City last February and began operations through the Jersey City post-office, I have discovered since then using over two hundred and thirty different names and aliases. These I am also prepared to present to your committee, if the committee desire. There are other gangs now operating in Hoboken, N. J., and in New York City.

Recent investigations disclose the fact that they will send out thousands of circulars a day from the city of New York, with a fictitious address at the bottom of the circular, to which their replies are to be sent, sometimes to some post-office far away from New York City. For instance, the last two parties whom I arrested in New York City, under State law (as the present United States statute is entirely inadequate), used the first address on their circular of "C. Rowley, care J. Godwin, Oriskany, N. Y." A letter from a correspondent writing to this address would go to Oriskany, and then, by the accommodating postmaster there, would be forwarded to an address in Orchard street, New York City. The fraud would there receive it, and would reply, the second reply to be sent to another fictitious name, to wit, "Charles J. Haight, 1479 Third avenue, New York City." It took this office nearly two months to secure the legal evidence necessary to prosecute the two scoundrels operating this scheme.

A recent gang in Jersey City operated as follows: The first circulars were sent out by a mailing agency in New York City, mailed at New York, 1,000 being sent to each alias. These first circulars, although mailed in New York, contained an address in some post-office box or to a street and number in Jersey City. Some of these post-office boxes had as many as twenty different names; and this gang used about twenty different post-office boxes in that one office. A correspondent writing to one of these Jersey City addresses in the majority of cases would have a new address sent him to respond to, the address being located in New York City or Hoboken, it being either a liquor saloon, cigar store, or "private post-office." One member of the gang will go and receive the mail at certain boxes to-day; another man to-morrow. Then, again, there are other men who go to those other places, and by changing off their employés it is almost impossible, by the most faithful efforts on my part, or the part of any post-office inspector, to bring the crime home to the principal offender, or even fix it upon any member of the gang. It requires weeks, and months sometimes, of patient perseverance and application, even under our State statutes, to bring one of these offenders to justice.

Mr. ENLOE. I yield now to the gentleman on the other side if he desires to occupy the time allotted to him in opposing the report; but before that I desire to yield two minutes of the time accorded to me to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Speaker, this bill appears to be one that was brought in here by the Committee on the Post-Office and Post-Roads, the object of which is to suppress and prevent frauds from being perpetrated through that great Department of our Government. I do not know whether I can have ingrafted on this bill or not an amendment I want to propose, but I wish just one minute to call the attention of the Committee on the Post-Office and Post-Roads to one great outrage and fraud perpetrated daily through the mails.

It is a custom, that people here in Washington are availing themselves of, to take their advertising cards or circulars, put them in little square, neat-looking envelopes, and have them addressed in a nice, lady's hand, and mark them "personal" and send them to members of Congress. [Laughter.] Sir, I have seen so many disappointed members here, when they get their mail in the morning [laughter], when they slip off the little, square envelopes, put them in their pockets, and get off to one side to open them and find nothing but an advertisement [great laughter], that I think the Post-Office Committee ought to do something to suppress this fraud.

That is the matter to which I wished to call the attention of the committee for the purpose of securing some relief. [Laughter and applause.]

Mr. ENLOE. Mr. Speaker, this question, I think, is sufficiently understood, and I have no idea that I will be able to influence any votes by further occupying the time. I therefore ask a vote.

Mr. BLAND. What has become of the time on this side?

The SPEAKER. The gentleman from Tennessee has not exhausted his time.

Mr. ENLOE. I hope the gentleman will now allow this bill to come to a vote, because it is a very important matter.

Mr. BLAND. I called for the reading of the report, and it has not yet been read. [Cries of "Vote!"]

The SPEAKER. The gentleman can only have the report read by taking the floor and having it read as part of his remarks.

Mr. ENLOE. Now, Mr. Speaker, I suppose that I am entitled to the floor.

The SPEAKER. The Chair supposed that the gentleman had yielded the floor, but if the gentleman from Tennessee did not yield the floor he is entitled to it. The Chair will state the situation. The previous question has been ordered, and under the rules of the House thirty minutes are allowed for debate, and if the gentleman from Tennessee does not occupy the floor, then any other gentleman who takes the floor can occupy it.

Mr. RANDALL. This is the counterfeit bill, is it not?

Mr. ENLOE. I only wish that the bill should pass, and have no other purpose in taking the floor. The time is very short in which to pass the bill. The gentleman from Missouri has demanded the reading of the report, and I will be compelled to claim the floor.

Mr. BLAND. As the gentleman from Tennessee is so anxious for a vote, I will not further insist on having the report read.

The SPEAKER. The question, then, is on the adoption of the report.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas, and Mr. BLAND. Division.

The House divided; and there were—ayes 112, noes 8.

Mr. BLAND. No quorum.

Mr. HERBERT. I present a privileged matter——

The SPEAKER. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Tennessee [Mr. ENLOE].

Mr. HERBERT. I desire to present a privileged report.

Mr. RANDALL. It is not privileged at this time.

The SPEAKER. It can not be taken up unless the gentleman from Tennessee yields for it to be done. Several gentlemen have objected. [After a pause.] The hour of 5 o'clock having arrived, under previous order the House stands in recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 o'clock p. m., and was called to order by Mr. MCMILLIN as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *March* 1, 1889.

I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK, *Clerk*.

ORDER OF BUSINESS.

Mr. MATSON. I now move that the House resolve itself into Committee of the Whole for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order, and if there be no objection the order heretofore pursued will be adopted. The Chair hears none, and it is so ordered.

HENRIETTA BROWN.

Mr. KILGORE called up (for Mr. FRENCH) the bill (S. 2977) granting a pension to Henrietta Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henrietta Brown, widow of Charles F. Brown, late of Company F, First Connecticut Cavalry.

The report (by Mr. FRENCH) was read, as follows:

The facts in the case are fully set forth in the report of the Senate Committee on Pensions, which is as follows:

"This is a bill to pension Henrietta Brown, widow of Charles F. Brown, late a private in Company F, First Connecticut Cavalry.

"The soldier enlisted January 14, 1864, and was discharged March 1, 1865, at Campbell Hospital, Washington, D. C., because of amputation of left leg, incident to his service. He died January 5, 1885. The cause of death is the only consideration involved in the case, and upon this point the opinions of the medical men are conflicting. The immediate cause of death is stated to have been disease of the heart; and Dr. Hood, formerly medical referee of the Pension Office, and who attended the soldier in his illness, says:

"'There is, in my opinion, scarcely a doubt that the disease of heart was caused in Brown's case, as it was caused in thousands of others, by the changed conditions of the blood and its slowed current by the amputation of his leg during the war.'

"Dr. Bliss was the surgeon who amputated the leg, and his statement, which is as follows, is referred to in refutation of the opinion of Dr. Hood. Says Dr. Bliss:

"'At the time I carefully examined his lungs and heart as to the propriety of administering anæsthetics, and found valvular deficiency and cardiac dilatation, which was, in my opinion, incident to the service, aggravated by the gunshot injury and the amputation in 1868.'

"So the Pension Office and the Secretary of the Interior, to whom the appeal was made, assume that heart disease antedates amputation and furnishes ground for rejection. It is proper to add that Dr. Campbell, the present medical referee and successor to Dr. Hood, also fails to identify the 'pathological connection.'

"Medical science, without regard to its graded value, concedes that the amputation of a limb 'changes the condition of the blood' and impedes circulation, and in many instances produces disease of the heart. In this case the opinion of Dr. Hood, who has hitherto been regarded as very high authority in the Pension Office, is positive. He declares without reservation that the heart disease was due to the amputation: that death was due to heart disease.

"The one resort left for the Department is the statement of Dr. Bliss that he discovered 'valvular deficiency' when about to proceed to amputate; but Dr. Bliss's statements, taken in their candid connection, do not justify the conclusion that heart disease antedated amputation. The 'valvular deficiency' was, in his opinion, incident to the service, aggravated by the gunshot injury and second amputation.

"The soldier was sound when he enlisted. He was badly wounded. Dr. Bliss found him suffering in consequence of his torn limb, and in expectation of being maimed and deformed for life, and at the precarious moment it is no marvel that he discovered 'valvular deficiency.' In 1868 he had to have another amputation: and it is apparent that from the close of his service to the end of his life he was a sufferer in consequence of heart disease and his physical deformity.

"The bill is reported favorably, with a recommendation that it do pass."

Your committee concur in the conclusion reached by the Senate, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI B. SMITH.

Mr. LANE called up for consideration the bill (S. 1719) granting a pension to Levi B. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Levi B. Smith, late sergeant of Company B, of the One hundred and twenty-second Regiment Illinois Volunteer Infantry.

The report (by Mr. LANE) was read, as follows:

The committee to whom this bill was referred, beg leave to report that they have considered the same, and they adopt the report of the Senate made in this case as their own, and recommend that this bill do pass.

[Senate Report No. 1397, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1719) granting a pension to Levi B. Smith, have examined the same, and report:

The claimant under the bill, who was a sergeant of Company B, One hundred and twenty-second Illinois Volunteers, states that while on the march with Sherman's army from North Carolina to Alexandria, Va., and on detached service with pioneer corps in repairing bridges, etc., he suffered a fall which caused "varicocele or enlargement of the right spermatic cord, or, in other words, the veins communicating with the right testicle," which has since been painful and aggravating whenever he has undertaken severe labor or been subject to intense strain, impairing his capacity for work and rendering life a burden.

The fact that the injury was incurred while on detached service has made it impossible for him to procure such evidence as meets the requirements of the Pension Bureau, although he furnishes the testimony of his family physician for twenty-five years, who knew him as a sound man in that particular before enlistment, and who treated him for the testicular misadventure within three weeks after his discharge. The continuance and depressing nature of the disability is certified to by an official board of medical examiners.

Your committee are disposed to take into account the negative and contingent as well as positive and direct disabilities and disadvantages resulting from the alleged injuries; and finding that these injuries were incurred in service, and that they exist to the extent aforesaid, they report favorably upon the bill, and recommend it for passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET J. CASH.

Mr. LANDES called up for consideration the bill (S. 1384) granting a pension to Margaret J. Cash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret J. Cash, widow of Henry Cash, late of Company A, Ninety-eighth Regiment Illinois Volunteers.

The report (by Mr. LANDES) was read, as follows:

Your committee, to whom was referred Senate bill 1384, beg leave to report that they have considered the same and adopted the report of the Senate made on said bill as the report of this committee, which is as follows:

"[Senate Report No. 444, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 1384) granting a pension to Margaret J. Cash, have examined the same, and report:

"The claimant is the widow of Henry Cash, late a private in Company A, Ninety-eighth Regiment Illinois Infantry. The husband was a pensioner at the time of his death, which occurred November 7, 1881. The pension had been granted to him on account of disability arising from disease of the back and kidneys. He died, however, of 'typho-malarial fever.' The claim of the widow was rejected because the disease of which he died was not pathologically the result of that for which he had been pensioned.

"The attending physician, during his last illness and for some time prior thereto, was Dr. William B. Wilson, of Clay County, Illinois. He testified, under date of October 26, 1885, that he is a practicing physician of thirty-five years' standing; that he had been Cash's physician for eight or ten years previously; that Cash, the soldier, had lumbago and kidney disease; that he suffered from it in such degree that for the last two years he was in an almost helpless condition; that he had to be assisted to turn over in bed, and when walking only moved with great difficulty, in a stooping posture, on account of the pain in his kidneys; that about the 1st of October, 1881, he was attacked with typho-malarial fever, and died about a month afterwards. He declares that his disease was aggravated and made worse, and finally proved fatal, although it was of a mild type, because the system or constitution of the patient had been so much weakened already by his disease of the kidneys, and that it was this debility so caused which occasioned his death. Although it may be true that typho-malarial fever is not a pathological result of lumbago and kidney disease; that is, that a patient having the latter may not necessarily catch the former, yet we think it certain that death resulted from the debility occasioned by the disease contracted in the service.

"The claimant is a widow without any means, with three dependent children, earning her living at the washtub.

"Passage of the bill is recommended."

And in view of the facts recommend that said bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LIFE-SAVING SERVICE PENSIONS.

Mr. LAWLER. I have a bill here that I ask unanimous consent to

take up for consideration It has been reported from the Committee on Pensions, and is a bill to pension the widows of those who lost their lives in the Life-Saving Service. There can be no more meritorious act by Congress than to pension those unfortunate women, and I ask unanimous consent that the bill be considered now.

The CHAIRMAN. The Chair would state to the gentleman from Illinois that this bill is not in order, and could not even be considered by unanimous consent. It is a general bill that is on the Calendar for consideration in the Committee of the Whole on the state of the Union. It can not be called up under the special order.

CATHARINE G. BODFISH.

Mr. MACDONALD called up for consideration the bill (H. R. 382) granting a pension to Catharine G. Bodfish.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine G. Bodfish, widow of the late Oliver Bodfish, a soldier of the war of 1812.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 382) granting a pension to Catharine G. Bodfish, have considered the same, and report as follows:

Oliver Bodfish, upon whose service pension is now claimed, was a soldier in the war of 1812, married the claimant July 27, 1879, and died April 8, 1883. The claimant had been previously married to one Alvan Bodfish, a brother of Oliver, who had also served in the war of 1812, in the same company. As the widow of Alvan she drew pension at the rate of $8 per month from March 9, 1878, until her remarriage in July, 1879.

Her claim as the widow of Oliver has been rejected by the Pension Bureau on the ground of insufficient service.

The service of Oliver is shown by the following statement of the Deputy Third Auditor of the Treasury Department:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
"*October* 26, 1883.

"Respectfully returned to the Commissioner of Pensions with the information that the rolls of Capt. Calvin Crocker's company of Massachusetts Militia show that Oliver Bodfish served from September 18, 1814, to October 5, 1814. He was paid for only one day's service. The rolls do not show travel. No remark.

"A. M. GANGEWER,
"*Deputy Auditor.*"

From this statement it appears that Oliver served eighteen days in that war. It does not appear why he was paid but for one.

This claimant is seventy-eight years old and in needy circumstances. She is the widow of two soldiers of the war of 1812.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH B. SELLERS.

Mr. MATSON called up for consideration the bill (S. 2886) granting increase of pension to Joseph B. Sellers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Sellers, late of Company I, Twenty-seventh Indiana Volunteers, and pay him at the rate of $45 per month in lieu of that which he is now receiving.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2886) granting increase of pension to Joseph B. Sellers, after a careful consideration of the case, submit the following report:

The petitioner is now receiving the rating allowed by special act, $36; but your committee are of the opinion that in view of the constant suffering of claimant, and his total incapacity for any kind of manual labor, he is clearly entitled to an increase. The evidence does not show that he requires the regular aid and attendance of another, so would hardly be entitled to the highest amount allowed by the law to those who are totally disabled. We therefore adopt the Senate report, and recommend the passage of the bill with the following amendment: Strike out "fifty," in line 7, and insert "forty-five."

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. CLAYTON.

Mr. MCCORMICK called up for consideration the bill (H. R. 9455) granting a pension to Benjamin F. Clayton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Benjamin F. Clayton, late a captain in Company F, One hundred and second Regiment New York Volunteers, on the pension-roll, and pay him a pension at the rate of $112.50 per month from and after the passage of this act.

The report (by Mr. CHIPMAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9455) granting an increase of pension to Benjamin F. Clayton, have considered the same, and report as follows:

The claimant, soon after the breaking out of the rebellion, opened a recruiting office in the city of New York under Col. A. J. H. Duganne, who had authority under Governor Morgan to raise troops under the call for 75,000 troops. He served as a recruiting officer, doing valuable service until, on January 20, 1862, he was mustered into the United States service as captain of Company F, One hundred and second Regiment New York Volunteers. At Cedar Mountain, Virginia, August 9, 1862, while leading his men forward to check the advancing columns of the enemy, he was severely wounded and taken prisoner. The records show that he was confined by the enemy in prison and under treatment in hospital until he was paroled at Aiken's Landing, October 6, 1862, and admitted to Chesapeake Hospital at Fortress Monroe, Va., October 10, 1862, with gunshot wound of the left shoulder. In January, 1863, he returned to his company, although severely disabled, and remained in command until the last of June, 1863, when he was sent to General Hospital at Washington, D. C., having in May, 1863, participated in the battle of Chancellorsville, and been under fire at Fredericksburgh, Va.

He was under treatment for his wounds in June and July, 1863, and on July 25, 1863, was transferred to the Veteran Reserve Corps, being commissioned as captain therein on that date. His resignation from the Veteran Reserve Corps was accepted for disability December 10, 1864.

The record describing the wound states that the "bullet passed into the cavity of the chest, wounding the upper lobe of the left lung, and lodging beneath the scapula, where it remains at present."

Captain Clayton was brevetted major for gallantry at the battle of Cedar Mountain; brevetted lieutenant-colonel for gallantry at the battle of Chancellorsville, and was brevetted colonel for long and meritorious services at the close of the war.

The following certificates of his brother officers indicate the nature of his services; they are annexed and marked: "A," Col. J. C. Lane, commanding the One hundred and second Regiment; "B," Lieut. Col. Robert Avery, of the same regiment, now of United States Army, retired; "C," Maj. Lewis R. Stegman, of the same regiment; and "D," First Lieutenant and Adjutant Francis M. Crafts, of the same regiment.

In 1865 the claimant applied for pension, and the medical examination by the pension examining surgeon showing him totally disabled, he was pensioned at the rate of $20 per month for the gunshot wound of the chest, the highest rating then allowed for his rank. His pension has remained at that rating ever since. The extraordinary and desperate character of his wounds has left this officer in a condition of disability both severe and unusual. From the certificates before the committee of eminent physicians of undoubted personal and professional standing the case appears as follows:

There is a double gunshot wound of shoulder and chest (two bullets entering at the same spot, or one split in two at the moment of entering through the collar-bone), one piece or bullet glancing down in the thorax and lodging in the pleura, between the third and fourth ribs, over the heart, the other passing inward, cutting off the main nerve of the left arm, injuring the windpipe, and lodging against the shoulder-blade at the upper and outer angle, thus making a double wound. Both bullets or pieces remain lodged at the points indicated. The nerves and muscles of the left side of throat and left arm are partially paralyzed, so that any attempt at lifting or violent exercise produces internal hemorrhage, and any extended use of the vocal powers is impossible. The left lung is partially hepatized, and he is totally incapacitated for performing manual labor.

Captain Clayton was educated for the practice of law, but was compelled by his physical condition to abandon it and adopt the profession of editor, but he has found his wounds to greatly interfere with his occupation. Dr. J. H. Girdner, of New York, who has had the officer under his care as patient since 1881, makes oath to the following statement as to the location of the bullets and effects of their presence:

"October 7, 1881, he was examined medically, and by the aid of the induction balance there was found a bullet located over the precordial space, causing the chest wall to bulge forward and outward. The bullet is evidently encysted in the costal pleura over the heart. In January, 1887, at which time I examined him again with the induction balance, I again located the bullet as before. In February or March, 1887, I made another examination of patient, and found with the induction balance and telephonic probe a second bullet (or some metallic mass) underneath the scapula on the left side and in a direct line from point of entrance of the bullet which wounded patient at the battle of Cedar Mountain. A few days after this last examination an attempt was made to remove this last bullet by an operation, but it failed, as the bullet is under the scapula, and that bone required trephining in order to remove bullet, and for several reasons it was thought best not to continue operation at that time. This bullet, by its destruction of the nerves supplying the arm in its passage, and doubtless by its presence, causes partial paralysis of the left arm, and in this way, in my opinion, unfits patient for manual labor at all times."

Attention is called here to the statement of Professor Alexander Graham Bell, the electrician, whose invention was used in locating the bullet and who conducted the first experiment referred to by Dr. Girdner, which will be found in a pamphlet published by Professor Bell, describing the use of the instrument (pages 38, 39, and 40). A board of five pension surgeons, on December 11, 1872, at New York City, examined the officer, and state as follows:

"Fracture of sternal end of left clavicle, with wound of apex of left lung; top of lung bound down by adhesions, giving dullness on percussion and absence of respiratory murmur. A deep adherent cicatrix just above clavicle at point of wound."

Dr. Clarence C. Rice, of New York, specialist and lecturer at the Post-Graduate Medical School on diseases of the throat and lungs, in an affidavit made December 6, 1887, says:

"I have examined applicant twice, and find the following conditions present: Paralysis of the left side of the tongue, soft palate, and the muscles of the back of the mouth; this is caused by the injury of the pneumogastric nerve at the point of entrance of the bullet, at the upper part of the chest on left side; paralysis of muscles in back part of mouth causes the difficulty in swallowing which the applicant suffers from. The injury done by the bullet to the upper part of the left lung and to bronchial tubes on left side shows itself in the following condition: (1) Consolidation of the area about the gunshot wound, which renders that part of the lung of little value; (2) pressure on the large bronchial tubes on the left side of this inflammatory consolidation, and consequent diminution of the size of the bronchial tubes, so that a smaller quantity of air is admitted to the left lung. All these conditions produce a chronic bronchitis and inflammation of the throat. The presence of the bullet still produces irritation, shown in impaired respiration, palpitation of the heart, cough, and expectoration of bloody mucus."

The certificate of Dr. B. G. Clark, of New York, the family physician of the applicant, confirms the presence of "paralysis in the muscles of the throat, and also of hemorrhage and inflammation, as result of the wound, and that any manual labor attempted would bring on fresh hemorrhage, and that he is entirely disabled for performing manual labor."

Dr. Clarence E. Beebe, specialist in throat and lung diseases at the New York Ophthalmic Hospital, in an affidavit made April 19, 1887, also confirms the "paralysis of the throat, palatal arches, and epiglottis;" also states there "was injury to the trachea by the bullet, with probable implication of recurrent laryngeal nerve, causing the paralysis and chronic irritation."

The wound for which pension has been granted was the chest wound only, without its severe sequences which followed, the double character not being known then. The general laws are inadequate to furnish relief by increase for this case. The disabilities are much more severe than an amputation of the arm at the shoulder joint, and as the wound under the clavicle has never been in the rating, your committee think that relief should be granted. Had this officer been retired at the close of the war he would have been entitled to $112.50 per month as a retired officer had he availed himself of the statute applying to such officers.

Lieut. Col. Robert Avery, of his regiment and next above him in rank, under this law (passed during the war) was appointed into the regular service and immediately retired as of the same rank he held when wounded; that is, lieutenant-colonel of volunteers.

Your committee believe this to be so extraordinary and exceptional a case that the passage of the bill is recommended by adding to the bill, as it now reads, the words "in lieu of the pension he is now receiving," and by amending it by inserting "forty-five" before the word "dollars" in the seventh line, and by striking out "and fifty cents" in the eighth line.

A.

CERTIFICATE OF COL. JAMES C. LANE.

NEW YORK, *April* 3, 1888.

I hereby certify that Capt. Benjamin F. Clayton, in command of Company F, of the One hundred and second Regiment New York Volunteers, led his command at the battle of Cedar Mountain on the 9th day of August, 1862. In this engagement he was severely wounded (supposed at the time to be mortally wounded), having received a minie ball in the breast. He was taken from the field on the retiring of the regiment, by the enlisted men of his regiment, and assisted by the major commanding and other officers during our retreat toward Culpeper.

On August 10 he was removed to the hospital at Culpeper, Va. After a careful examination of the wound by the surgeon in charge, he reported that Captain Clayton had received a mortal wound, and that he might possibly live a week.

A few days afterwards the Union forces were ordered back toward Washington, and in the emergency of a necessarily rapid movement were compelled to leave the severely wounded at the Culpeper hospital at the mercy of the Confederates, who, in course of time, removed the convalescent to Libby Prison, at Richmond, Va. Capt. B. F. Clayton was removed with the other prisoners to Libby, where he remained until exchanged. Captain Clayton rejoined his regiment in the following January (1863), and participated in the subsequent campaigns of his command, including that of Chancellorsville, in which he took an active and very creditable part during the three days' fight, taking prisoner a Confederate officer on the field.

Captain Clayton joined in the march to Gettysburgh, but his wounds (still unhealed) so disabled him and reduced his strength that he was unable to march, and was ordered to Washington by General Slocum, commanding, for treatment. After that he was transferred to the Veteran Reserve Corps, and I saw no more of him until the closing of the war.

JAS. C. LANE,
Late Major Commanding, Lieutenant-Colonel Commanding, Colonel Commanding, One hundred and second Regiment, New York Veteran Volunteers.

B.

CERTIFICATE OF LIEUT. COL. ROBERT AVERY.

98 SECOND PLACE, *Brooklyn, N. Y., April* 9, 1888.

To the Congress of the United States:

Bvt. Col. Benjamin F. Clayton, formerly captain Company I, One hundred and second Regiment New York Volunteers (war of the rebellion), an officer whose intelligence, energy, zeal, patriotism, and courage were second to none, is an applicant for increase of pension on account of wounds which have for more than twenty-five years disabled him from active business pursuits and caused him almost intolerable pain. The United States can not do too much for Colonel Clayton.

I am, with high respect,

ROBT. AVERY,
Lieut. Col. U. S. Army (retired), Late Bvt. Maj. Gen. U. S. Volunteers.

C.

CERTIFICATE OF MAJ. LEWIS R. STEGMAN.

Together with Capt. Benjamin F. Clayton, I joined the One hnndred and second New York State Volunteers in 1861, Captain Clayton having command of Company F, and the undersigned of Company C; that, as officers of the same regiment, they were thrown into constant association together, and served through the same campaigns and battles up to the summer of 1863.

That in March, 1862, their regiment was ordered to the front, their service extending to Langley, Dranesville, Acquia Creek, Virginia, and in defense of Harper's Ferry, May, 1862; that with Banks's *corps d'armée*, of which they were part, they pursued and skirmished with the forces of Stonewall Jackson; that they actively campaigned until August 9, 1862, when, at the battle of Cedar Mountain, Virginia, Captain Clayton received a gunshot wound in the left breast, above the heart, which disabled him for some months.

When he felt able to return, after having been a prisoner in the hands of the enemy at Culpeper, Va., having been abandoned by our troops on account of his precarious condition and inability to move, he at once entered upon active duty again, participating in the movements of his corps to Fairfax Station, Occoquan Shoals, Dumfries, Stafford Court-House, and Acquia Creek. In the terrible campaign of Chancellorsville, from April into May, including the battle of three days, Captain Clayton's constitution gave way. The haggard wounds on his person, from which the balls had never been extracted, broke up a splendid physique. With the suffering from his wounds, the hardships of the march, and the want of proper nourishment and care, the captain was finally compelled to ask for a transfer to the Veteran Reserve Corps, in which corps he afterwards served.

The undersigned lay beside Captain Clayton at Culpeper after his wounding, and knows of his own personal knowledge of the awful agony endured then. He has met him frequently in the years since the war, and the lines of constant suffering are always apparent.

In active service no more competent, reliable, daring, and courageous officer ever drew a sword than Captain Clayton, and his countrymen can not confer too much honor upon such a man.

Respectfully,

LEWIS R. STEGMAN,
Late Major One hundred and second New York Volunteers, Brevet Colonel United States Volunteers.

D.

CERTIFICATE OF ADJUTANT FRANCIS M. CRAFTS.

BROOKLYN, *March* 22, 1888.

This is to certify that Capt. Benjamin F. Clayton entered the battle of Cedar Mountain on the 9th day of August, 1862, in command of Company F, One hundred and second Regiment New York Volunteers. In this engagement he fell severely (then supposed mortally) wounded, having received a minie ball in the breast. On the following day, August 10, he was removed to hospital at Culpeper, Va. Here the surgeon, after making a careful examination, reported that Captain Clayton had received a mortal wound, and that he might live three days, but not more than a week. A few days subsequent to this battle the Union forces found it necessary to fall back in order to protect the Capitol at Washington. In making this move they were compelled to leave all the severely wounded at the mercy of the Confederates, who, in course of time, removed them to Libby Prison at Richmond, Va. Captain Clayton was removed with other prisoners to Libby, where he remained for many weeks; but finally being exchanged he joined his regiment the following January, though the wound in his breast was still unhealed and often bleeding.

The following May he took part in the battle of Chancellorsville, where he distinguished himself for bravery, disarming a rebel officer, taking his sword and revolver, and making the officer a prisoner. During this engagement, as well as through the entire Chancellorsville campaign, he suffered great pain from the still open wound in his breast, and it was against the earnest request of the colonel commanding that he continued to the end.

Again he started on the campaign that ended in the battle of Gettysburgh, but his wound still remaining open and discharging, he became too weak to remain with his regiment, and the colonel commanding, seeing that he was broken down in health and suffering constantly with pain, ordered him sent to hospital. From this he did not return to the regiment.

Since the close of the war I have frequently seen him, and have always found him suffering from the effects of this wound. He has always complained that the bullet was giving him much trouble and often a good deal of pain and anguish. By the governor of the State of New York he was brevetted major for gallantry at the battle of Cedar Mountain, and lieutenant-colonel for gallantry and bravery at the battle of Chancellorsville.

FRANCIS M. CRAFT,
Late Adjutant and Brevet Colonel, One hundred and second Regiment New York Volunteers.

During the reading of the report,

Mr. ANDERSON, of Mississippi, said: I ask unanimous consent to dispense with the further reading of the report.

There was no objection, and the further reading was dispensed with.

The amendments were agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM CRUDGENTON.

Mr. MORGAN called up for consideration the bill (H. R. 1168) for the relief of William Crudgenton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Crudgenton, late a private in Company B, Col. William Gilpin's Missouri Volunteers, Mexican war.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1168) granting a pension to William Crudgenton, have considered the same, and report:

That the claimant, William Crudgenton, is shown by the records on file in the Department to have served as second lieutenant in Company B, Lieutenant-Colonel Gilpin's battalion, Missouri Volunteers (Mexican war), from September 11, 1847, until July 10, 1848, when he was discharged on surgeon's certificate of disability. He was present with his company, and performed duty during the greater part of his period of service.

He filed his claim for pension in May, 1849, asserting that while in service he contracted scurvy, which, with great pains, rendered him disqualified to perform manual labor. In December, 1849, his name was placed on the pension-rolls at the rate of $15 per month, the disability for which pensioned being "scurvy." He was dropped from the rolls under the act of February 4, 1862. He subsequently filed his claim for restoration to the pension-rolls, and the claim was rejected in September, 1876, on the ground that the evidence submitted failed to show the existence of the disability, scurvy, for which he was originally pensioned; such evidence showing that the disabilities which affected claimant were paralysis and rheumatism.

There is before your committee the evidence of good and reliable witnesses which shows the history and nature of the disabilities of the claimant, both while he was in the Mexican war and each year since. This includes the testimony on file in his claim before the Pension Office. The old gentleman is now in his seventy-fourth year, and for a period of more than twenty-five years he has been confined to his bed, lying utterly helpless from the effects of rheumatism and paralysis.

Hon. R. M. Fyan, a Representative from Missouri in the Forty-eighth Congress, in a letter to the Commissioner of Pensions, dated May 19, 1884, said of this claimant:

"I know of my own personal knowledge that Mr. Crudgenton has been confined to his bed for over twenty years."

Dr. Zenas L. Slovens, a physician of high standing, in an affidavit made in 1877, testified that he had known the claimant ever since the Mexican war, and that he had been disabled by rheumatism and disease of heart continuously; that he examined him in 1869 with great care, and found that he had rheumatic heart trouble, and his left arm and leg, in fact, his left side, were materially disabled, so much so that he could perform but little manual labor; that at another examination, in 1877, he found the physical condition of claimant as follows:

"There is immobility of the elbow and knee joints, leaving both upper and lower extremities abnormally flexed. The joints of the hands are distorted; the fingers bent to one side; the muscles wasted and almost powerless. He is totally helpless, can not move or walk, but is lifted and carried; can not even feed himself, but lies constantly on his bed and on his back."

Other physicians testify to the helpless and paralytic condition of the soldier since early in the sixties, and it is well and clearly shown that from the time of his discharge from service, in 1848, he was affected by the same diseases. As early as 1849 Drs. B. A. Barrett and James H. Slavens testified, in an affidavit executed on the 3d of May of that year, that he was disabled by scurvy, and that his extremities were useless in a great degree, rendering him totally disabled from obtaining his subsistence by manual labor.

His captain in the service, Thomas Jones, in an affidavit also executed in 1849, testifies to the incurrence of his diseases in service, and that the extremities were so disabled as to be useless in a great degree.

William R. Barnes and William Gammon, comrades of the claimant, also testify that rheumatism affected his legs and arms while he was still in the military service.

The only possible adverse statement of any kind in the claim is one by claimant in 1879 to the effect that the rheumatism first made its appearance in 1863, and this statement is satisfactorily explained away in an affidavit subsequently furnished by claimant, in which he states he meant to have declared that his rheumatism was contracted on or about the 1st of January, 1848, and that he became helpless by reason thereof in 1863. The testimony in the case shows, as a matter of fact, that the disease had its existence long prior to 1863, and in fact during service, and your committee are satisfied that the statement of the contraction by the claimant of the disease in that year was a clerical error, easily explained by the helpless condition of the applicant at the time of making it.

The claimant's loyalty during the war is shown not only by his own affidavit, but by reliable testimony filed. He was not only loyal to the Federal Government, but he also exerted himself in raising Union troops early in the war.

In view of all the facts before them, your committee are of the opinion that the claimant's helpless condition is clearly attributable to his military service, and that he should be pensioned at a rate commensurate with his disability.

The committee recommend that the bill do pass.

During the reading of the report,

Mr. MORGAN said: The remainder of the evidence is simply cumulative, and therefore I ask that the further reading be dispensed with.

Mr. KILGORE. I think we had better hear the report read. [After further reading of the report.] I did not hear the reading of that bill, but I do not insist on the further reading of the report.

Mr. MORGAN. This soldier was formerly on the roll at $15 a month. He was dropped under the act of 1862. He is now in his seventy-fourth year, and this is to place him on the pension-roll again.

Mr. KILGORE. I am willing that the reading of the report may be dispensed with.

Mr. TAULBEE. Does the bill restore him to the pension-roll, or simply place him upon the roll?

Mr. MORGAN. It restores him to the roll.

Mr. TAULBEE. That gives him a pension from the date when he was dropped, at the same rate at which he was formerly on the roll?

Mr. MORGAN. No, sir; it simply places him on the roll.

Mr. TAULBEE. But it gives him a pension from the time he was dropped.

Mr. MORRILL. The present Commissioner of Pensions has ruled that to restore a man to the rolls does not give him the back pension.

Mr. TAULBEE. I was not aware of that fact; but even so, that is simply an opinion of the present Commissioner of Pensions, and is subject to revision by his successor or by his superior, the Secretary of the Interior.

I do not wish to object to this bill. I simply desire to call attention to the fact that the effect of it would be to give this man a pension from the time he was dropped.

Mr. MORGAN. Not at all; the bill has no such purpose.

Mr. TAULBEE. If it reads "to place him on the pension-rolls" it will not be retroactive; otherwise I think it will be.

Mr. HEARD. Let the bill be read.

The Clerk read a portion of the bill, as follows:

That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, etc.

Mr. TAULBEE. That is all right. I understood that the bill proposed to restore him to the pension-roll.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALFRED T. M'KINSEY.

Mr. MORRILL. Mr. Chairman, I call up the bill (S. 3453) granting an increase of pension to Alfred T. McKinsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alfred T. McKinsey, late of Company G, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3453) granting an increase of pension to Alfred T. McKinsey, submit the following report:

The report of the Senate Committee on Pensions sets forth the facts clearly in this case. There seems to be no relief for this man under the existing pension laws, and yet it would seem that in his deplorable condition he should receive a higher rating. The report of the Senate committee is hereto attached and the passage of the bill recommended.

[Senate Report No. 2252, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3453) granting an increase of pension to Alfred T. McKinsey, have examined the same, and beg leave to submit the following report:

This bill proposes to increase the pension of Alfred T. McKinsey to $50 per month, "in lieu of the amount he is now receiving." The claimant enlisted August 20, 1861, as a private in Company G, Twenty-seventh Regiment Illinois Volunteer Infantry, and served until September 20, 1864, when he was honorably discharged. He made application for pension May 10, 1879, alleging "scrotal tumor," which claim was fully established, and the claimant is now in receipt of a pension at the rate of $24 per month. He made application for increase, which was rejected by the Commissioner of Pensions. In support of his claim for increase Mr. McKinsey has filed the testimony of disinterested neighbors, who swear "to an acquaintance of twenty years, and very intimate; have examined him and know his condition; he has a very large tumor in the scrotum; that he suffers a great deal, and that he is entirely unable to perform any manual labor. He is a carpenter by trade and a poor man with a family dependent upon him for support."

The claimant swears that he "has tumor hernia and paralysis of left side; * * * that he is a carpenter and farmer; that he can neither ride on horseback or in a wagon, nor walk, sit down, or lie down." This affidavit is accompanied by a picture showing the claimant to be in a terrible condition.

Your committee are of the opinion that the present condition of the claimant is clearly a sequence of the disability for which he is pensioned, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA A. ROUSSEAU.

Mr. McCREARY. I call up the bill (S. 3713) granting an increase of pension to Maria A. Rousseau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria A. Rousseau, widow of Lovell H. Rousseau, late a brigadier-general in the United States Army, and pay her at the rate of $100 per month, in lieu of that which she is now receiving.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3713) granting an increase of pension to Maria A. Rousseau, having had the same under consideration, adopt the Senate report thereon, which is as follows, and recommend the passage of the bill:

"The Committee on Pensions, to whom was referred the bill granting increase of pension to Maria A. Rousseau, have examined the same, and report:

"The record of General Lovell H. Rousseau was correctly set forth in the appended extracts from a report by the Committee on Invalid Pensions of the House of Representatives in the Forty-fourth Congress.

"'Mrs. Maria A. Rousseau is the widow of the late Brig. Gen. Lovell H. Rousseau, who died at New Orleans, La., on the 7th day of January, 1869, of mucous engorgement and congestion of the bowels, with probable congestion of the lungs, said sickness contracted by his arduous duties in the Department of Louisiana. The fatal malady was superinduced by the great change in the climate from his recent residence in California and Alaska to the most southern boundary of the conntry.

"'General Rousseau served his country through two wars. He was a gallant and meritorious officer. In the war with Mexico he was a captain in the Second Indiana Volunteers, a company enrolled by his personal efforts, and with his company performed gallant service on the well-remembered field of Buena Vista.

"'In the late civil war he early offered his services to his country, and through his personal exertion enrolled the Fifth Kentucky Infantry, of which regiment he was made colonel September 9, 1861. October 1, 1861, he was appointed brigadier-general of volunteers, and was assigned a brigade in the Army of the Ohio, in which distinguished organization he took a conspicious part under General G. H. Thomas in all its marches and engagements till the fall of 1863, having been appointed major-general of volunteers in October, 1862. He commanded the district of Nashville, Tenn., and Middle Tennessee from November, 1863, till the close of the rebellion, when he returned to his home in Louisville, Ky.

"'After the war he served one term in Congress. March 28, 1867, he was appointed brigadier-general in the regular Army, and brevetted major-general for gallant and meritorious service during the war. He served as brigadier-general in the regular Army till his death, as above stated.'

"Mrs. Rousseau is now receiving $50 per month pension, and asks Congress to increase that amount to $100 per month.

"She has the sole care and support of an invalid grandson, who is the son of General L. D. Watkins, who died while in the service at New Orleans in 1868.

"In view of her advanced age, of her limited means of subsistence, of the care and support of her invalid grandson, of her infirm health, and above all, in consideration of the eminent services rendered by General Rousseau to the country at a most critical time and throughout the civil war, your committee recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WISE. Mr. Chairman, my colleague [Mr. LEE] is absent from the city, and I ask unanimous consent to call up a bill in his name.

The CHAIRMAN. Mr. LEE'S name was passed without any request that it should retain its privilege, and to do now what the gentleman from Virginia [Mr. WISE] asks would be out of order.

Mr. WISE. I understand that the names of several other gentlemen have been passed in that way.

The CHAIRMAN. But Mr. LEE'S name was passed without any request being made that his rights should be reserved, and it would not be in order to return to his name now.

CATHARINE QUIGLEY.

Mr. LAWLER. I call up the bill (H. R. 9394) for the relief of Catharine Quigley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Quigley, widow of John Quigley, formerly of Company D, Fifth Regiment New York Artillery.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9394) for the relief of Catharine Quigley, submit the following report:

The soldier in his lifetime received a pension for injuries received in the Army, which resulted in liver complaint, and the widow applied for a pension and it was rejected on the ground that the death of the soldier was not the result of his Army service. The soldier was received by the Government as a sound and healthy man, and the testimony of Dr. J. W. Meek, now on file with the committee, states that in January, 1883, the soldier began to suffer from an acute liver trouble which proved to be cancerous, and which caused his death February, 1883; and he further says that he unhesitatingly affirms that the development of the cancerous condition was solely due to the debilitated condition of the soldier and which condition was a result of the injuries received in the Army. We think that from a full consideration of the testimony the death of the soldier is properly due to his Army service, and therefore recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA CAMPBELL.

Mr. O'DONNELL. I call up the bill (H. R. 5793) granting a pension to Eliza Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Campbell, widow of George W. Campbell, deceased, late a private in Company H, Sixty-sixth Regiment Ohio Infantry.

SEC. 2. That this act will take effect from and after its passage.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5793) granting a pension to Eliza Campbell, have examined the same, and submit the following report:

The husband of the applicant enlisted December 14, 1863, and was discharged August 31, 1866. While in the service he received a gunshot wound in the neck and right shoulder and was shortly after discharged for that cause, being unfit for duty. He was pensioned for these wounds April 29, 1867, and received same

until the date of his death, October 16, 1883. The widow applied for pension, but was rejected, the Department not being convinced death was caused by service in the Army. The evidence of the attending physician was to the effect that the wounds received in the Army were a predisposing cause of the death of the soldier.

Your committee are of the opinion that the bill should pass, and so recommend.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri (when his name was reached). Mr. Chairman, the bill that I propose to call up is on the House Calendar, and I now move that the committee rise for the purpose of enabling me to have that bill considered in the House.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. BYNUM reported that the Committee of the Whole House on the Private Calendar had had under consideration the special order and had directed him to report to the House sundry bills with various recommendations.

Mr. O'NEILL, of Missouri. Mr. Speaker, I now call up the bill (S. 2549) for the relief of Mary Isabella Clements.

Mr. CRAIN. I move——

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. O'NEILL] is recognized.

Mr. O'NEILL, of Missouri. I yield to the gentleman from Texas.

Mr. CRAIN. I move that while the gentleman from Missouri is getting his bill from the document-room, we take up the bills just reported from the Committee of the Whole and dispose of them.

The SPEAKER *pro tempore*. The Chair will state that the clerks are searching for the bill called up by the gentleman from Missouri [Mr. O'NEILL], and if they are taken from that work it will be delayed by just so much. Does the gentleman from Texas insist upon the regular order as to these bills reported from the Committee of the Whole?

Mr. CRAIN. I do.

The SPEAKER *pro tempore*. The Clerk will report the bills.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole with a favorable recommendation, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 382) granting a pension to Catharine G. Bodfish;

A bill (H. R. 1168) for the relief of William Crudgenton;

A bill (H. R. 9394) for the relief of Catharine Quigley; and

A bill (H. R. 5793) granting a pension to Eliza Campbell.

Senate bills of the following titles, reported from the Committee of the Whole with a favorable recommendation, were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 2977) granting a pension to Henrietta Brown;

A bill (S. 1719) granting a pension to Levi B. Smith;

A bill (S. 1384) granting a pension to Margaret J. Cash;

A bill (S. 3453) granting an increase of pension to Alfred D. McKinsey; and

A bill (S. 3713) granting an increase of pension to Mary A. Rousseau.

BENJAMIN F. CLAYTON.

The bill (H. R. 9455) granting a pension to Benjamin F. Clayton, reported from the Committee of the Whole with an amendment, was taken up, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. SELLERS.

The bill (S. 2886) granting an increase of pension to Joseph B. Sellers, reported from the Committee of the Whole with an amendment, was taken up, the amendment agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MCCREARY moved to reconsider the votes by which the bills were severally passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY ISABELLA R. CLEMENTS.

Mr. O'NEILL, of Missouri. I now call up the bill (S. 2549) for the relief of Mary Isabella R. Clements.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary Isabella R. Clements, widow of the late Bennett A. Clements, surgeon United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act, in lieu of the pension she is now receiving.

Mr. CRAIN. I hope the gentleman from Missouri will give some explanation of this bill.

The SPEAKER *pro tempore*. Does the gentleman from Texas demand the reading of the report?

Mr. CRAIN. No, sir; but I would like to hear some explanation.

Mr. MATSON and Mr. WISE called for the reading of the report.

The report (by Mr. HUTTON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2549) granting an increase of pension to Mary Isabella R. Clements, have considered the same, and report the bill back to the House with the recommendation that it do pass.

The report of the Senate committee fully sets forth the facts in the case. They are as follows:

[Senate Report 1424, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2549) for the relief of Belle R. Clements, have re-examined the same, and report:

This claim was reported adversely May 8, 1888, on the ground that "there is no testimony on file showing that the pension she is now receiving is not adequate for the present support of claimant, and her own statement that she is entitled to $50 per month on account of her late husband's long and faithful service is not deemed sufficient to warrant favorable action."

The bill was recommitted May 25, 1888, additional testimony having been filed, as follows: In affidavit executed May 22, 1888, claimant states that she was married under the name of Mary Isabella Clements, but that, her maiden name being Rutherford, the initial R. has since been habitually inserted in her correspondence, and so used as a part of her name, and that the name Belle is simply a contraction of Isabella; that at the time of her late husband's death he was the senior major in the Medical Corps of the Army, and had been for three months eligible and entitled to promotion to the grade of lieutenant-colonel, which vacancy was caused by the retirement of Surg. Gen. Robert Murray, and that he failed to receive his promotion for the reason that the vacancy in the grade of Surgeon-General remained unfilled for several months; that the late surgeon's service was exceptional, owing to his long marches on the frontier, in the Seminole war, and the war of the rebellion; that he was principal operator in the field hospitals of the Army of the Potomac, and was constantly engaged in most difficult and trying surgical operations; that the constant strain to which he was subjected undermined his health and made him less able to resist the attacks of disease than he otherwise would have been; that his death was due primarily to pneumonia, which resulted in the rupture of a blood vessel; that she has no other source of income than that now allowed by the Government; and that she has two minor children receiving each a pension of $2 per month; that her necessities are pressing and hard to endure.

In a letter dated May 23, 1888, John Moore, Surgeon-General United States Army, states that he knew the late officer from the first year of his service in the swamps of Florida to the time of his death; that there was not another medical officer in the Army who was so continuously on duty, or so frequently on kinds of duty where great hardships were undergone or great responsibility incurred; that during his thirty years of service, with the exception of three or four months at the close of the war, when broken down by sickness, he never had but three months' leave of absence; in this respect a record unequaled in the service; that as there is no similar example of devotion to duty in the medical service in the Army there can be no good reason to fear that this increase of pension would become a precedent for other claimants; that the widow is greatly in need of the increase asked for, and that the writer sincerely hopes the claim may receive favorable consideration.

Claimant's explanation of her change of signature, referred to in the former report, a copy of which is hereto appended, seems to be satisfactory, as all of the papers signed by her are in the same handwriting; and her statement that her necessities are pressing and hard to endure is corroborated by Surgeon-General Moore, General George Crook, and Surg. Gen. John B. Hamilton, of the Marine-Hospital Service.

The facts in the claim seem to warrant favorable action, and your committee therefore recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole for the further consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair, and proceeded to the consideration of pension bills on the Private Calendar.

ANDREW J. FOUST.

Mr. PETERS. I ask the consideration of the bill (S. 2683) granting a pension to Andrew J. Foust.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the general pension laws, the name of Andrew J. Foust, Company B, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions sets forth this case fully, and is herewith adopted with the recommendation that the bill pass.

[Senate Report No. 1317, Fiftieth Congress, first session.]

The claimant under this bill enlisted November 23, 1863, in Company B, One hundred and twenty-eighth Regiment Indiana Infantry. He was discharged June 22, 1865. On February 18, 1884, he made application for a pension, alleging that—

"At or near a place called Buzzard's Roost, near New Hope Church, Georgia, May 25, 1864, he got in an altercation with Benjamin Brown and brother; was struck on the head with a stone, which has resulted in a loss of memory and a running sore."

In addition to the above declaration he more fully sets forth the cause of the alleged altercation as follows: The difficulty arose from the fact of claimant having reported the said Browns to Colonel De Hart for having showed a white flag to the enemy, and he was ordered to shoot them if they repeated it by Colonel De Hart. The said Browns both deserted the company and regiment some time afterwards, and are so borne on the rolls. The records of the War Department show him present and sick; nature of sickness not stated. The Surgeon-General reports claimant admitted May 12, 1864, from Ringgold, Ga., "with gunshot fracture right temporal bone, transferred to Brown General Hospital, Louisville, Ky., May 22, 1864, with incised wound of head."

Comrade Andrew J. Young corroborates fully the affidavit of claimant and in addition testifies to prior soundness; and, in addition, says:

"The Browns were rebels at heart, especially David, and were always com-

plaining of our rations and cause; and affiant often heard David Brown say he would desert the first chance he got, and afterward did so; saw claimant after he rejoined his command, and he was still suffering from the effects of said blow, and his mind and memory were affected, and he did not seem as bright as he formerly was, and that he knows these facts from personal knowledge."

Sergt. Beecher B. Powell, of the claimant's company, was well acquainted with the claimant and corroborates former affidavits fully, and swears:

"The difficulty arose from the claimant having reported to Colonel De Hart that the said Browns had displayed a white flag to the rebels, and that Colonel De Hart ordered claimant to shoot the Browns if they displayed said white flag again. Claimant was badly hurt; fracture of the skull * * * and was thought fatally. * * * Said Browns were undoubtedly rebels. * * * The claimant was a stout, active man, a brave soldier, always ready to do his duty without complaint."

The War Department reports "David Brown missing in action," and that "Benjamin F. Brown deserted January 1, 1865, while on furlough."

The board of examiners at Logansport, Ind., under date of May 14, 1884, report no disability, and make no rating.

The board at Iola, Kans., under date of March 23, 1887, report a nine-eighteenths rating for disability caused by injury to the head.

The Department not being satisfied with the testimony offered, concluded to have the claim specially examined, and accordingly the papers were sent to Special Examiner J. M. Gilson, who gives the opinion that it is meritorious and recommends further examination. He mentions the present destitution of the claimant. Special Examiner D. M. Greene says:

"From the evidence adduced, I am of the opinion that the alleged injury of the head was not incurred in the line of duty, and therefore recommend that the claim be rejected. As the claim can not be admitted, I did not deem it necessary to take testimony. * * * The personal altercation in which the claimant was engaged when he received the alleged injury of the head took place in the presence of nearly the entire company, and had no difficulty in finding 'eye-witnesses.'"

The Commissioner of Pensions rejected, April 16, 1887, after special examination, on the ground that alleged injury to head was not incurred while in line of duty.

Your committee incline to the belief that this injury was incurred in the line of duty. The testimony is clear and positive that the Browns were not friendly to the cause of the Union and displayed a white flag and threatened desertion a number of times; and it was clearly the duty of the soldier to report such an act of treason as displaying a white flag.

While the evidence of the continuance is not clear, his present impoverished condition and dependence upon friends and comrades for support, and the disability to head shown by latest examination by the board at Iola, Kans., which rates him at nine-eighteenths total, your committee feel justified in recommending the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES H. L. PRESCOTT.

Mr. NICHOLS. I ask the consideration of the bill (S. 1144) granting a pension to Frances H. L. Prescott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frances H. L. Prescott, daughter of the late Capt. George W. Prescott, United States Army, and pay her a pension at the rate of $20 per month.

The report (by Mr. RUSSELL, of Massachusetts) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1144) granting a pension to Frances H. L. Prescott, have considered the same, and report it back recommending its passage.

The facts in the case are shown correctly in the accompanying report of the Committee on Pensions of the Senate, as follows:

[Senate Report No. 553, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1144) granting a pension to Miss Frances Henry Lear Prescott, have carefully examined the same, and report that in their opinion it ought to pass, and submit the following statement of facts:

The claimant, now in her seventy-fourth year, is the only surviving child of Capt. George W. Prescott, a soldier in the United States Army in the war of 1812, where he rendered distinguished service under General William Henry Harrison.

This claimant is dependent on friends for her support, at present having a temporary home with a nephew, who is a clergyman of limited means. Her father, Captain Prescott, was a graduate of Dartmouth College, bred to the bar, and reputed one of the ablest and most brilliant lawyers of his time prior to his entering the military service of his country. In that service, by reason of exposures and hardships, he lost his health and died in 1817, leaving a dependent family. This application for relief to Congress by the sole survivor of Captain Prescott's family is approved by a large number of influential persons, who know her destitute condition and of the honorable service of her patriotic father. There are many precedents for granting such a gratuity pension, notably that to the daughter of General McNeil, an increase of whose pension has been voted by the Senate at its present session; also the similar pension granted a daughter of General James Miller by the Forty-ninth Congress; and also the pension granted in the Forty-seventh Congress to a sister of Midshipman J. Wilkes Henry, reports in the last two cases being hereunto appended.

The Committee on Pensions, to whom was referred the bill (S. 813) granting a pension to Miss Rebecca Miller, have examined the same, and report:

Miss Miller is the only surviving daughter of General James Miller, whose response, when called upon to charge the battery, "I'll try, sir," has become the watchword of the forlorn hope, and in great emergencies encouraged the American soldier to some of the most illustrious deeds of arms known in our history. Many years ago Congress pensioned the daughters of General Miller, but all are now dead but Rebecca, who is now in want and extreme old age. We append her petition, which is sustained by many affidavits of leading citizens, including medical evidence of her enfeebled condition, and recommend the passage of the bill.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, respectfully represent to your honorable bodies that some years since a pension of $15 each per month was voted by Congress to Rebecca Miller and Augusta Miller, of Temple, N. H., daughters of General James Miller, a distinguished soldier of the United States in the war of 1812; and that in aid and furtherance of the granting by Congress of these pensions a memorial was presented to them, signed by several prominent citizens of New Hampshire, Maine, and Massachusetts, a copy of which memorial and of the signatures to the same is hereto attached.

While in receipt, both together, of the sum of $30 per month from the Government, these ladies, occupying the old farm inherited by them from their distinguished father, and practicing the most rigid economy, sharing the expenses of the household between them, and the younger and stronger sister also bearing a part of the burden of its daily duties and of the care of her invalid sister, who is feeble and decrepit, were thereby enabled to live just beyond the limit of actual want. Miss Augusta Miller, the younger sister, died in September, 1885, and Miss Rebecca Miller, the elder and feebler, survives at the advanced age of seventy-two years, an invalid, badly deformed by chronic rheumatism, almost helpless, and requiring constant attendance and service, and deprived in her feeble old age of the faithful care and watchful ministrations of her devoted sister and life-long companion. She is compelled to employ a man to care for the farm and perform necessary out-door service, which largely consumes the income from the old farm, and it is well-nigh impossible for her, in her state of health, to subsist, not to say live comfortably on her income of $15 a month. Besides, she is likely to become more helpless and dependent as she grows older.

Miss Miller has no near relatives with means to render her assistance, and we are deeply impressed with the duty and obligation that is laid upon the nation to see to it that this invalid daughter of one of the noblest and bravest of our country's defenders in time of peril be not left to suffer or become an object of charity in her helpless old age.

All that was so forcibly urged in the memorial above referred to in favor of granting these ladies their original pensions applies now with greatly added force to the surviving one, aged, lonely, helpless, deformed; stricken with bereavement and burdened with disease and infirmity, and suddenly deprived of one-half the small sum hitherto received from the Government for the sustenance of her household.

We believe the American people would gladly, out of regard to the memory of her honored father, place this lady during her few remaining days beyond the reach or chance of actual want and above the harassing anxiety and fear of possible coming penury and suffering; and we earnestly urge upon Congress, for the reasons above stated and by all the considerations contained in and suggested by the above-mentioned memorial, that the pension now paid to Miss Miller be increased to such a sum as will suitably and amply provide for the necessities and comfort of General Miller's surviving daughter during the short time she has to live.

Moody Cunier, James A. Weston, Lewis W. Clark, Daniel Clento, S. N. Bell, David Cross, John H. George, John M. Hill, A. B. Thompson, J. E. Sargent, P. C. Cheney, J. S. H. Fink, A. A. Hanscom, Charles H. Bell, John J. Bell, Gilmore Marston, B. F. Prescott, Joseph Cilley, J. F. Briggs, A. F. Stevens, Nashua; George D. Robinson, B. Wadleigh, B. F. Cheney, John H. Morrison, Leveret Saltonstall, Daniel Hall, J. B. Mott, Marshall P. Wilder, William Gaston, Charles Levi Woodbury, Leopold Morse, Thomas Mack, William Claflin, N. P. Banks.

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, do most cheerfully recommend that a pension be granted by the Congress of the United States to Rebecca Miller and Augusta Miller, daughters of General James Miller, of such a sum to each of them as in your wisdom you may see fit. The country owes a debt of gratitude to General James Miller for his long, arduous, and heroic services rendered on our frontier in the war of 1812, and as yet no remuneration has ever been made pecuniarily; for, although he lost his health in the service of his country, he never received anything but the ordinary pay of officers of his rank. He died leaving but little property. It was a saying of his that "no man saved much money from his salary in his times."

These daughters have occupied the farm left by him in Temple, N. H., which in their earlier days, when they had youth and strength, afforded them a comfortable support, but now that age is fast creeping on, and one of them already is almost disabled by rheumatism, and the farm has been stripped of its valuable timber for immediate support, and deteriorated, too, by inadequate culture, the buildings all in a decaying and dilapidated condition, and the farm to be carried on by hired labor—these all together take away almost their entire support.

These ladies are worthy descendants of their noble father, of whom every man and woman in New Hampshire is justly proud. They have delayed to the last moment to make any request for a pension, but necessity has no law. They feel that their claims upon the liberality of the country are well founded. Their father's services in the war of 1812 were faithful, arduous, and unremitting. He was always at his post, and he was never sufficiently remunerated for the great danger and hardship he incurred.

We do most sincerely recommend to Congress the careful consideration of the request of these ladies. It is, in fact, but paying off a debt long since contracted, but nevertheless binding on a nation always ready to reward all valuable services rendered, and proud of her sons when they enact in her service such deeds of gallantry and heroism as were exhibited by General Miller.

B. F. Prescott; E. A. Straw; Dan'l Clark; James A. Weston; Ira Cross; P. C. Cheney; S. N. Bell; Frederick Smythe; Levi W. Barton; Walter Harriman; J. E. Sargent; A. B. Thompson; Joseph Wiggin; Ichabod Goodwin; W. H. Y. Hackett; Alexander H. Rice; Henry K. Oliver, mayor of Salem; Levi Stockbridge; Joshua L. Chamberlaine, Maine; Aaron F. Stevens.

MEM.—Governor Lucius Robinson, of New York, also signed the same memorial.

The Committee on Pensions, to whom was referred the bill (H. R. 1147) granting a pension to Elizabeth Vernor Henry, have carefully examined the same, and report favorably, recommending its passage.

The committee adopt the statement of facts contained in the House report, as follows:

"The claimant is aged about fifty-five years. Her brother, J. Wilkes Henry, was a midshipman, and was killed while serving in the line of his duty by the Fiji Islanders in 1840. Her brother, Edmund Wilkes Henry, was a commander in the Navy, and died of Bright's disease of the kidneys in March, 1873, contracted, it is believed, while in the line of his duty in the naval service.

"She has another brother civilly dead. Neither of said deceased brothers left any widow or descendant. Neither parent of claimant is living, and she is very poor, and was dependent upon said Edmund Wilkes Henry at the time of his death for her support.

"This application was before the House in the Forty-sixth Congress, and the bill was favorably reported upon by the Committee on Invalid Pensions, but was not reached for want of time.

"Hon. Horatio Seymour, Hon. Ward Hunt, Hon. John Jay, and others indorse the application as meritorious and commend the applicant as deserving of aid.

"The petitioner now comes to Congress for assistance. In view of the valuable services rendered by the brothers of this petitioner, and the fact that they left no immediate relatives save her, your committee deem this a proper case for a gratuity pension, and recommend the passage of the bill (H. R. 1147) granting a pension to Elizabeth Vernor Henry, amending the same by striking out the last eighteen words of the bill."

Mr. CRAIN. Mr. Chairman, under ordinary circumstances I would have nothing to say against the passage of this bill; but it does seem to me, when we take into consideration the illustrious performances of the individual whose widow and heirs are the beneficiaries of the bill, there ought to be a fuller House to consider the question whether there should be an increase of pension or not. It has been charged here repeatedly—notably within the last week by the gentleman from Ohio [Mr. KENNEDY]—that the Democratic party is opposed to pensions. That accusation is met to-night by the statement which I make, that, while we have at least twenty-five or thirty Democrats present, there are but fifteen on the Republican side of the House to consider the question whether this individual should have a pension or not.

Mr. ALLEN, of Michigan. My friend will observe that some of the Republicans are sitting over on his side.

Mr. CRAIN. I do not consider "Mugwumps" in this connection. [Laughter.] I speak simply of stalwart Democrats and stalwart Republicans. In referring to the gentleman from Ohio, who, unfortunately, is absent to-night, I have this to say without reference to the pending bill: A day will come in the distant future when he will have paid the debt which we all owe to nature, and perhaps the only debt that he pays. A day will come in the distant future when he will be wrapped in his burial sheet, and his friends will follow him in mournful funereal procession to the grave. A day will come in the distant future when they will march around his last resting place, and each as he casts a clod upon his coffin will say, "*Memento, homo, quia pulvis es, et in pulverem reverteris.*" [Laughter and applause.]

It is perfectly evident to me, Mr. Chairman, from the plaudits of these gentlemen that they do not understand the Latin language. [Renewed laughter.] A day will come in the distant future when his friends will erect a headstone at his grave, upon which will be inscribed this epitaph: "Here lies ROBERT P. KENNEDY—all he ever did."

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

There was no objection, and it was so ordered.

ELIJAH POTTS.

Mr. PIDCOCK. I call up the bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the name of Elijah Potts, late of Company B, Thirty-eighth Regiment New York Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

Elijah Potts served in Company D, Thirtieth Regiment New Jersey Volunteers, from August, 1862, to June 27, 1863, and in Company B, Thirty-eighth New Jersey Volunteers, from September 5, 1864, to June 30, 1865. He was granted a pension for rheumatism, shown to have been contracted while on duty at Fort Powhatan, Virginia, in February, 1865.

Upon the report of a special examiner that he saw the pensioner engaged in carrying and lifting heavy articles with comparative ease the case was specially examined. During this examination it was admitted by the claimant that he had an attack of sciatic rheumatism in right leg and hip, which disabled him for about two weeks in 1857 or 1858. He recovered therefrom and was a well man at time of his enlistment in the Army. The pensioner is corroborated in this statement as to time of the attack and location of the disability by the testimony of the attending physician and others. The rheumatism for which he was pensioned is located in the left side, no rheumatic troubles being found in right side by the medical officers of the Pension Bureau.

A close examination of the voluminous evidence does not seem to warrant denial of claimant's request for relief. The rheumatism of right side before enlistment evidently had disappeared, leaving no structural changes. The attack of rheumatism of left side in the service and the present disability therefrom must be held as independent of the former. The claimant, as well as the witnesses who have testified in his behalf, are shown to be credible persons. The disability is represented to have increased since the dropping of the name from the pension-rolls in June, 1887, so as to prevent him from obtaining subsistence by manual labor. These facts are personally known to the writer of this report.

Believing the claimant justly entitled to the relief asked for, your committee report favorably on the accompanying bill, and ask that it do pass.

Mr. KILGORE. So far as I could understand the reading of the report (there was a great deal of confusion in the Hall), the purpose of this bill is to restore to the pension-roll some man who has heretofore been dropped. Now, I want to know whether the bill will have the effect of paying him a pension from the date when he was dropped until the present time.

Mr. TAULBEE. I did not catch from the reading of the report the date when this pensioner was dropped.

Mr. MCMILLIN. Let the report be read again.

Mr. KILGORE. And if we should not have order this time during the reading it would be a good idea to read it a third time. [Laughter.]

Mr. MATSON. There seems to be a discrepancy between the bill and the report. The bill describes the soldier as having belonged to the Thirty-eighth Regiment New York Volunteers, while the report speaks of him as a member of the Thirty-eighth New Jersey.

Mr. SPRINGER. Let the report be read again.

The report was again read.

Mr. TAULBEE. This is a bill, as has been remarked, to restore an individual to the pension-roll. Now, notwithstanding the statement of the gentlemen from Kansas to-night that according to the present ruling of the Pension Office the pension under a special act restoring an individual to the pension-roll begins from the approval of the act, yet under former rulings, when a special act of that kind has been passed, it has been the practice to allow pension from the date when the individual was dropped from the roll.

On further examination of the report I find that this bill will give the claimant pension from June, 1887, provided there should be such a ruling of the Pension Office, as I think is most likely to occur. I merely wish to call attention to this fact.

Mr. LEHLBACH. I move to amend the bill by striking out "New York" and inserting "New Jersey."

The amendment was agreed to.

Mr. KILGORE. I think the report ought to show the reason why he was dropped.

Mr. LEHLBACH. It does. My colleague [Mr. PIDCOCK] personally knows the man.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KILGORE having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

It also announced that the Senate had agreed to the report of the committee of conference on the bill (S. 1430) for the relief of certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; insisted upon its disagreement to the amendments of the House to the first section of the bill, asked a further conference with the House thereon, and had appointed Mr. PLUMB, Mr. DOLPH, and Mr. WALTHALL conferees on its part.

ORDER OF BUSINESS.

The Committee of the Whole resumed its session.

Mr. SAYERS. Mr. Chairman, I am unavoidably compelled to leave the Hall, and ask unanimous consent that the gentleman from Virginia [Mr. WISE], when my name is reached on the roll, may have leave to call up a bill.

There was no objection.

Mr. SPRINGER. I ask unanimous consent that when my name is reached my colleague [Mr. LANE] may be permitted to call up a bill.

There was no objection.

JAMES PARKER.

Mr. ROCKWELL. I ask consideration of the bill (S. 3183) granting a pension to James Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Parker, late a private in Company E, Thirty-sixth Regiment Iowa Volunteers.

The report (by Mr. MORRILL) is as follows:

The committee adopt the report of the Senate Committee on Pensions and recommend the passage of the bill.

[Senate Report No. 1612, Fiftieth Congress, first session.]

The petitioner for pension enlisted as private in Company E, Thirty-sixth Iowa Volunteers, in August, 1862, and was discharged for disability in March, 1863. He made application for pension in May, 1880, on the ground of disability from varicose veins in his leg from improper treatment. His application was rejected on the ground that the disease of varicose veins existed prior to enlistment; and this decision was based on the certificate of disability on which claimant was discharged, issued by the assistant surgeon of the regiment, and which states:

"Veins extensively varicosed, involving leg below knee and knee-joint. Disease of veins has existed for many years prior to enlistment, though much increased since that time. Within the last three months several large varicose ulcers have appeared, now partially healed, leaving extensive cicatrices. Motion of lower joint much impaired. Has been unfit for duty now three months; and, in my opinion, camp or hospital treatment can not render him efficient as a soldier."

On notice of the rejection, claimant appealed to the Secretary of the Interior, where the decision was affirmed, February 15, 1888, in an opinion which, after stating the facts herein detailed, concludes as follows:

"The claim was rejected October 28, 1882, upon the ground that the varicose veins existed prior to enlistment, as shown by the record. Since the rejection appellant has filed testimony tending to show negatively that he was sound at enlistment, but it is not considered sufficient to controvert the adverse record in the certificate made by the assistant surgeon of the regiment at the time, which is held to establish the facts otherwise until it is overthrown by unquestionable evidence of a positive character or mistake or fraud is shown in the record. The claimant in his appeal contends that 'the weight of evidence filed establishes his claim.'

"This case is not without its difficulties and doubts, and it may be that Congress may give claimant relief in view of the fact that the record shows that the disability was much increased in the service after enlistment; but under the law and the evidence and former decisions the Department can not do otherwise than to affirm your decision."

The case would have been entirely free from "difficulties and doubts," and the claimant would long ago have been in receipt of his pension, had there not existed in the Department a misapprehension as to the character of negative testimony. The evidence which in this decision is classed as negative is in part as follows:

"STATE OF IOWA, *County of Marion, ss:*

"Personally appeared Samuel Schoonover, post-office Pella, Marion County, Iowa, and John Sheffer, of Peoria, Mahaska County, Iowa, who, being duly sworn, upon their oath declare as follows:

"That they are well acquainted with James Parker, late of Company E, Thirty-sixth Iowa Volunteers; knew him ever since at least eight years prior to the date of his enlistment into the service, in the year 1862; that we were well

and fully acquainted with him at the time of his said enlistment; that we were in his company and with him a great deal prior and up to the time of the said enlistment; that at that time he was a healthy, stout, and able-bodied man, free from any physical ailments as far as could be discovered; that he was never troubled with any ailment in his left leg; that we have seen his left leg uncovered as well as other parts of his body, and we are confident that he was entirely free from varicose veins in his said leg, or any other trouble or ailment; and we further say that our knowledge of the above facts is obtained from the following sources, namely: Personal acquaintance and immediate personal observation, and that we have no interest or concern in this matter. (Subscribed and sworn to in usual form by Samuel Schoonover and John Sheffer on January 25, 1887, before N. J. Gorman, notary public, and filed in Pension Office February 8, 1887.)"

December 7, 1887, the following affidavit of John Wilson, Elias Sheffer, and John Sheffer was filed in the Pension Office:

"The said John Sheffer, Elias Sheffer, and John Wilson, each on oath declare that they were well acquainted with James Parker, of Company E, Thirty-sixth Iowa Infantry, just previous to his enlistment; that each of us for himself says that he personally knew said James Parker to be a strong, able-bodied man at that time; that frequently just previous to such enlistment we were swimming with him, and frequently saw him stripped, and frequently saw him wash his feet and legs, and are certain that at that time he did not have any lumps or enlarged veins on either of his legs. We have this day examined his left leg and find large knots or enlarged veins on it, and we are positively certain that there were no such enlarged veins on either of his legs at that time.

He was a strong, hearty young man, and considered one of the best runners and wrestlers in the neighborhood; that the said John Wilson lived for six months, just previous to the said James Parker's enlistment, within about one-half mile from him, and saw him frequently and knew him well; that the said John Sheffer and Elias Sheffer lived in the same house with the said James Parker, and farmed with him during the summer of 1862 up to the time of his enlistment; that all of affiants enlisted at the same time in the same company with the said James Parker; and we further say that knowledge of the above facts is obtained from the following sources; By personal association with him and frequent observation: and that they have no interest in said matter, and are no relation to said James Parker."

This evidence, which was filed in the Pension Office from two to twelve months before the decision of the Assistant Secretary of the Interior was rendered, is in no sense negative, but fulfills every requisite of direct, positive, affirmative testimony of the highest grade—that based on intelligent personal observation and knowledge; is free from selfish interest and the bias of relationship; and must, while unimpeached, be accepted as true. So accepted, it establishes the fact that the clause in the assistant surgeon's certificate "disease of veins has existed for some years prior to enlistment," on which the Pension Office bases its rejection of the claim, is a surmise or a mistake, and in either case false. It furnishes the precise thing lacking to sustain the claim, according to the judgment of the Secretary of the Interior, as it is the "unquestionable evidence of a positive character, sufficient to controvert the adverse record in the certificate made by the assistant surgeon of the regiment."

Since the rejection was affirmed the petitioner has forwarded other testimony equally positive with that herein given, but which goes only to superfluously prove what was already established. The claimant himself, on the 16th day of April, 1888, swears before a notary—

"That when he enlisted he was free from any disease of the legs whatever; that up to the time he was taken sick at Helena, Ark., he had no disease of the legs nor signs of ruptured veins of his legs. He has furnished evidence of four persons of good standing, showing that he was a sound man when he enlisted, and if the surgeon, C. F. Strong, stated that his leg was diseased prior to enlistment, he was in error or jumped at a conclusion, or must have got my case mixed up with that of some other soldier. I further state that Strong never examined me until some nine months after I was in the service, and after I had contracted said disease. I was examined when I went into the service by Dr. Taylor. The examination given me by Strong was at Helena, Ark. I claim to be a man of ordinary intelligence and know my statement of the incurrence of the disability is true."

February 24, 1888, the petitioner forwarded the affidavits of four members of his family and near relatives—his wife, son, daughter, and son-in-law—who all swear, from the personal knowledge that close relationship gives, that his legs before enlistment were free from any sign of varicose veins, and that he had never been afflicted with such disease before that time; but the committee do not think it necessary to burden the report with their recital. The only adverse point is fully met and disposed of by the disinterested testimony already presented, and the committee express not merely the Department's suggestion, but their own sincere hope, that Congress may give claimant relief, which he has long deserved and for which he has patiently waited.

They therefore recommend the passage of the bill which is herewith presented.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA N. ABBEY.

Mr. ROMEIS. I ask consideration of the bill (S. 3429) granting a pension to Maria N. Abbey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria N. Abbey, a volunteer nurse during the late war, and to pay her a pension at the rate of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3429) granting a pension to Maria N. Abbey, submit the following report:

The facts in this case are fully set forth in the report of the Pension Committee of the Senate, which is herewith annexed, and the passage of the bill is recommended.

[Senate Report No. 2156, Fiftieth Congress, first session.]

It appears from the testimony in the case that the claimant was a volunteer nurse at Union Hospital at Georgetown, D. C., in 1861, and that she subsequently kept a home for destitute and disabled soldiers in Washington during the war of the rebellion.

The claimant's statement alleges that she left New York on the 1st of May, 1861, and early next morning began looking up and caring for sick and needy soldiers. Three weeks later, by permission of Surgeon-General Finley, she was assigned to the Union Hospital, where she acted as nurse, defraying her own expenses, until soon after the first battle of Bull Run. Her health failing on the 3d of September, she was obliged to relinquish for a time her labors, but shortly after opened a house in Washington as a sick soldiers' home, where, for a number of years, she, at her own expense, nursed and cared for large numbers of soldiers in the city, and where she remained until May, 1867. The claimant states that she is now more than seventy years of age, in poor health, and dependent for her future in securing a pension.

George R. Bugby, of Hartford, Conn., in an affidavit executed March 14, 1888, testifies—

"That he was a member of Company A, First Connecticut Volunteer Infantry, and was wounded June 16, 1861, and taken to Union Hospital, Georgetown, D. C., and placed under the care of claimant, who was a nurse at said hospital; that he remained there from June 20 to September 1, 1861, receiving the kindest attention and best of care; that the hospital was afterwards filled with wounded men who were kindly attended to by claimant; that claimant was always ready and willing to do anything in her power for the comfort and happiness of the sufferers; that he was afterwards at the hospital or home of claimant, in Washington, D. C., for destitute soldiers, and that she also visited hospitals and distributed such things as were needed and wrote letters for the men without compensation; that he believes that claimant is entitled to a pension, and that every soldier who received her kindness would support the proposition to place her name upon the pension-roll."

In an affidavit executed March 27, 1888, David Lewis, of Washington, D. C., testifies—

"That he was wounded while on duty in the service during the late war, and taken to Union Hospital, Georgetown, D. C., where he was cared for by Maria N. Abbey, who was a nurse in the hospital; that her services were given voluntarily for the good of the sick and the wounded, and that her presence was looked for with anxiety in the rooms of the sick, for she seemed to bring cheer and sunshine whenever she came."

In an affidavit executed March 30, 1888, Isaac Alexander, of Washington, D. C., testifies—

"That claimant is a woman of good character and noble qualities; that in 1862 she attended to many wounded soldiers at her home on Twelfth street, Washington, D. C."

In an affidavit executed March 29, 1888, Dr. J. T. Conkling, of Brooklyn, N. Y., testifies—

"That he has known claimant for many years as a large-hearted, unselfish woman, ready, with marked ability, at all times to assist others; that her work in Washington during the war was in accord with the promptings of her heroic nature, and her name should be placed among those remembered by a grateful country."

A petition signed by John T. Howard, David S. Skinner, Henry A. Phillips, James Matthews, J. C. Monroe, Dr. J. T. Conkling, Susan T. Howard, Rachel G. Skinner, Maria Newman, Rachel W. Ginbert, and Addie C. Monroe, citizens of Brooklyn, N. Y., prays that a pension be granted claimant on the ground of her faithful service during the late war.

A petition signed by J. T. Fenn, W. M. Taylor, J. H. Streeter, R. F. Taylor, Capt. W. Tucker, Stephen A. Douglas, W. F. Oncutt, W. P. Anderson, E. M. Cheadle, Robert Ellis, Thomas Livingstone, Alexander Johnson, and John Bates, citizens of Illinois, prays that claimant's name be placed upon the pension-roll on account of her services as a nurse during the late war.

In view of the long and philanthropic service of the claimant in the cause of her country, during which she expended large sums of money and for which she has received no remuneration, and in view of her age and poverty, your committee would recommend the passage of the bill with the following amendment: In line 7 strike out the word "fifteen" and insert the word "twelve."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BITTINGER.

Mr. MAISH. Mr. Chairman, consent was given to allow my name to be passed over temporarily in the call. I now ask consideration of the bill (S. 3047) granting increase of pension to William Bittinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Bittinger, late of Company G, Twelfth Regiment Pennsylvania Reserves, and pay him at the rate of $36 per month, in lieu of that which he is now receiving.

The report (by Mr. LYNCH) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3047) granting increase of pension to William Bittinger, having had the same under consideration, adopt the Senate report thereon, which is as follows, and recommend the passage of the bill:

Through inadvertence the bill introduced for the benefit of the soldier named failed to express the object desired, and upon its former reference to the committee it was reported adversely. The bill proposes now, as before, to pay the soldier a pension of $24 per month. This sum he is now receiving. What he is entitled to is an increase to $36. He is a poor man with a large family dependent on him for support. The character and extent of his disability are shown in his affidavit herewith:

"STATE OF PENNSYLVANIA, *County of York, ss:*

"Personally appeared before me, the subscriber, a justice of the peace in and for said county and State, duly authorized to administer oaths, this 30th day of July, A.D. 1888, William Bittinger, aged forty-five years, who, being duly sworn, says as follows:

"I am a pensioner of the United States Government under pension certificate No. 43271. I believe that from the peculiar nature of my case I am entitled to an increase. My disability is as follows: Left eye shot out, half of upper eyelid shot off, and a deep scar or gutter cut through the bone from the eye to the top of the ear, cheek bone broken, causing the cheek to hang down, leaving a bad running and unsightly wound, over which I am compelled to wear a covering all the time.

"The sight of the right eye is affected, being very weak; can not see to read only on clear, bright days. The broken edges of the bones that protrude are very sensitive and painful to the touch. I am also troubled with rheumatism in my left leg and hip, and stiffness of both knees. I attribute my rheumatic troubles to exposure of about two months in Chickahominy swamps. I was wounded in the Seven Days' battle. I lay three days on the field without shelter, drink, food, or medical attendance. From there I was taken a prisoner to Libby Prison.

"WILLIAM BITTINGER.

"Sworn and subscribed before me this July 30, 1888.

"D. W. BEITZEL, *J. P.*"

Appended to this affidavit of claimant is one from four of his neighbors, as follows:

"We, the undersigned citizens of Dillsburgh, Pa., being duly qualified according to law, say that as neighbors we have known William Bittinger, the claimant above named, for twenty years. From almost daily intercourse we know that the wound is as he describes it, which disfigures him very much, and believe him to be perfectly honest and truthful, and believe that the state-

ments he makes are true. His disability unables him to perform manual labor. He is a poor man, with a large family, and worthy of consideration.

"A. BILLIFELT.
"JOHN UNDERWOOD.
"O. L. BENDER.
"MICHAEL BENDER.

"Subscribed and sworn before me this 30th of July, 1888.

"D. W. BEITZEL, *J. P.*"

The claimant's family physician testifies as follows:

"DILLSBURGH, PA., *July* 30, 1888.

"I hereby certify that I have examined the claimant, William Bittinger, and find the following injury and disability: The left eye is shot away, also half of upper lid; groove through bone from eye to top of ear; fracture of malar bone, with consequent deformity; there is a discharge from eyes which requires daily attention. Applicant complains of tenderness over bones at seat of fracture; is much deformed and compelled to wear a protective covering at all times. Complains of rheumatic pains in left leg and hip.

"There has evidently been some inflammatory or other trouble in the knees, as on motion I find a peculiar crackling sound, such as is found following arthritis. Applicant is unfitted to make his living by manual labor alone, being unable for a number of years to work continuously. Have known applicant for many years, and believe his representations in the matter to be true, and that he is a credible person. I have no interest in this application further than to make the examination.

"M. L. WOOLFORD, M. D.

"YORK COUNTY, *ss:*

"Personally appeared before me, a justice of the peace in and for said county, M. L. Woolford, M. D., and being duly affirmed, says that the facts above stated are true.

"D. W. BEITZEL, *J. P.*"

The facts appear to justify the increase asked for, and the bill is therefore amended by striking out the words "twenty-four" in the seventh and eighth lines thereof, and inserting the words "thirty-six;" and so amended it is reported favorably and recommended for passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE REILLY.

Mr. ROWLAND. I ask consideration of the bill (S. 2677) granting a pension to Jane Reilly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jane Reilly, widow of Alexander M. Reilly, late sergeant of Company M, First New York (Lincoln) Volunteer Cavalry, subject to the limitations and provisions of the pension laws.

The report (by Mr. CHIPMAN) was read, as follows:

The claimant is the widow of Alexander M. Reilley, sergeant Company M, First New York Cavalry, commanded by Col. Andrew T. McReynolds, whose account of his death is contained in the following letter, namely:

"HEADQUARTERS FIRST NEW YORK CAVALRY,
"*Camp Kearny, Virginia, December* 24, 1861.

"MADAM: It becomes my painful duty to announce to you the melancholy tidings of your husband's death. He was shot by a soldier of his company in our camp to-day about 3 o'clock, while attempting to separate his murderer and another soldier, who were engaged in a scuffle. His death was instantaneous. The guilty man is now in irons to await the penalty of his fatal act. I have telegraphed to the sergeant's brother, at New York, the sad news, and now await his reply.

"It will doubtless be a consolation to you (sad though it be) to know that he was universally esteemed by the officers and men of the regiment, and his death is deeply deplored by all. His remains will be preserved until the wishes of his friends as to their disposition can be communicated, and will, in any event, be treated with the most tender regard. May He who has promised to be a father to the fatherless and a husband to the widow be your stay and support in this your sad bereavement is the prayer of

"Your friend,

"A. T. MCREYNOLDS, *Colonel.*

"MRS. ALEXANDER REILLY."

Reilly was undoubtedly doing his duty as a sergeant when he attempted to quell the disturbance between the soldiers, but the Pension Bureau thought differently, and rejected his widow's claim.

We recommend that the act do pass.

Mr. CRAIN. Mr. Chairman, I would like to know, in view of the fact that the Democratic party is charged with opposing the passage of pension bills, how many Republican members are here to-night.

Mr. SOWDEN. Regular order.

Mr. CHIPMAN. I hope the gentleman will not object to the passage of this bill.

Mr. CRAIN. Mr. Chairman, if they call the regular order on the Democratic side of the House, I think I have the right to raise the question of no quorum. I serve notice on these gentlemen to that effect.

The CHAIRMAN (Mr. PETERS in the chair). The question is upon laying the bill aside with a favorable recommendation.

Mr. CRAIN. Upon the passage of this bill I shall make the point of no quorum if the fact be developed that no quorum is present.

Mr. CHIPMAN. I hope my friend from Texas will not do that. I am sure I did not raise the point on the gentleman's bill.

The CHAIRMAN. The question is on laying the bill aside and reporting it favorably to the House.

The question was taken; and the Chairman decided that the ayes seemed to prevail.

Mr. CRAIN. I demand a division.

Mr. CHIPMAN. Do not make the point of no quorum.

Mr. CRAIN. I ask a division.

Mr. ALLEN, of Michigan. My friend from Texas, I hope, will not call a quorum on this bill, which grants a pension to some poor widow, but if he desires to do it, will call it on some live man. Let this case go through.

Mr. CRAIN. There is no human being on earth for whom I have more consideration and commiseration than a poor widow.

Mr. ALLEN, of Michigan. Then withdraw your objection.

Mr. CRAIN. I have no objection to withdraw, because I have not presented any.

The CHAIRMAN. Is the objection withdrawn?

Mr. CRAIN. There has been no objection made.

The CHAIRMAN. If there be no objection the bill will be laid aside——

Mr. CRAIN. But I do object now. I have demanded a division.

The question was taken; and on a division there were—ayes 40, noes none.

The CHAIRMAN. Does the gentleman from Texas insist upon the point of no quorum?

Mr. CRAIN. Mr. Chairman, by actual count there are eleven Republicans present and voting for pension bills to-night. I withdraw my demand for a division and withdraw my objection.

So (no further count being demanded) the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES THATCHER.

Mr. RUSSELL, of Connecticut, called up for consideration the bill (H. R. 12421) granting a pension to Miss Frances Thatcher.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miss Frances Thatcher, the daughter of Abijah Thatcher, who served as a soldier in First Company, Twentieth Connecticut State Militia, in the war of 1812, and the granddaughter of Union John Thatcher, who served as a soldier in the war of the Revolution.

The committee recommend the adoption of the following amendment:

Add to the bill the words: "and to pay her a pension at the rate of $18 per month."

Mr. MATSON. I ask unanimous consent to omit the reading of the report in that case, as the bill itself describes the merits of the claim.

There was no objection.

The amendment recommended by the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

J. H. ROCHELLE.

Mr. WISE called up for consideration the bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle.

The bill was read, as follows:

Be it enacted, etc., That all disabilities imposed upon and incurred by J. H. Rochelle, of Southampton County, in the State of Virginia, by virtue of the fourteenth amendment of the Constitution of the United States, be, and the same are hereby, repealed.

The report (by Mr. CULBERSON) was read, as follows:

The Committee on the Judiciary, having considered the bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle, report the same to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. FREELAND.

Mr. SHIVELY called up for consideration the bill (H. R. 12513) to restore John J. Freeland to the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the pension of John J. Freeland, late corporal Company I, Seventy-fourth Indiana Volunteer Infantry, for disability resulting from amputation of right foot, to be restored, subject to the limitations and provisions of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12513) to restore John J. Freeland to the pension-roll, have had the same under consideration, and now submit the following report:

The claimant enlisted in Company I, Seventy-fourth Regiment Indiana Volunteer Infantry, August 9, 1862, and was honorably discharged January 28, 1865. He filed his original declaration for pension February 17, 1865, alleging that at the battle of Kenesaw Mountain, Georgia, on June 20, 1864, he was wounded by a musket ball from the enemy in the left instep, making a very painful wound; and that while on wounded furlough, October 18, 1864, a railroad train ran over the right foot, making amputation at the lower third necessary.

In his declaration, filed February 9, 1876, he gives the following account of the injury which resulted in the loss of his right foot:

Having been wounded, as alleged above, in the left instep, he was sent to the hospital on the field, and afterwards to Chattanooga, Nashville, Louisville, Jeffersonville, and from there to Madison, Ind., where he was furloughed and ordered to his home at Millersburgh, Ind., where he arrived the latter part of September or early part of October, 1864.

In obedience to the order contained in his furlough he started to report to the authorities at Madison, Ind., before the time specified in his furlough should expire. When claimant arrived at Indianapolis on his return, some time in October, 1864, the wound in his left instep was in such a condition that it was with great difficulty that he could walk, and the commanding officer at Indianapolis caused him to be stopped at that place, and indorsed an order upon claimant's furlough, directing him to return to his home and report to him in twenty days from that date.

He also furnished claimant with transportation to his home.

On the 18th of October, 1864, claimant arrived at Millersburgh, Ind., in pursuance of said order, and in undertaking to step off the cars, the train being very slightly in motion, he stepped on the wounded foot, which was weak and

stiff, causing him to fall. By his fall his right foot was caught by the wheel of the car, and was so mangled as to render amputation necessary.

On September 6, 1865, a pension was granted him at the rate of $2 per month, commencing January 28, 1865, for wound of left ankle.

On March 9, 1867, a pension for amputation of right leg was granted him at $8 per month from January 28, 1865, and increased to $15 per month from June 5, 1866.

On information received from the surgeon who assisted in the amputation of claimant's right leg—which was deemed sufficient by the Bureau of Pensions—that the injury to said leg was the result of carelessness on the part of claimant, the pension was suspended September 17, 1867.

The claimant made application for restoration, showing that he was proceeding in accordance with instructions from his superior officers at the time the injury was incurred. The same was rejected on account of loss of right foot not being incident to the service, but the result of his own carelessness and imprudence, as stated by the Commissioner in his order of rejection.

After a careful examination of all the evidence in this case, there seems to be but one question for the committee to consider, and that is whether the claimant was in the service of the United States and in the line of duty at the time the injury to his right foot was incurred.

We think it is fully shown that he was regularly in the service at that time, and that he was discharging his duty under his furlough when the accident occurred.

In consideration of all these facts, it is the opinion of the committee that the claimant was in line of duty when he received the injury for which he was pensioned and which was afterward suspended, and that the relief asked for by the claimant in the bill ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

Mr. WILSON, of West Virginia (during the reading). I move to dispense with the further reading of the report.

There was no objection; and it was so ordered.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS BLAZER.

Mr. SOWDEN called up for consideration the bill (H. R. 6880) granting a pension to Thomas Blazer.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Blazer, late a private in Company E, One hundred and twenty-second Ohio Volunteers.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Thomas Blazer enlisted in Company E, One hundred and twenty-second Regiment Ohio Volunteers, on August 22, 1862, and was discharged June 28, 1865. He alleges that at Catlett's Station, on or about May 15, 1864, he contracted dyspepsia, brought on by unsuitable diet and exposure. He was treated for this disability, he alleges, in the hospital at Baltimore, Md., and constantly since his discharge.

His comrades testify that he suffered a great deal from indigestion during the latter part of the service and that he would belch up his food.

Dr. J. T. McPherson testifies that he treated him for dyspepsia for the two years following the close of the war, when he moved away, and that he was unable to work half the time.

Dr. Andrew Patterson, of Washington, Ohio, testifies that he has been treating claimant for dyspepsia for the last twelve years and perhaps longer. He says that he has dyspepsia very badly and suffers greatly, and would often have to leave his work and come to him for relief, and that very much of the time he was not able to work at all, and that his disease disabled him fully one-half. His prior soundness has been established, and his neighbors for whom he has worked testify that he could not do a full day's work, although he was naturally very active and willing. The claim is rejected because there is no record of the alleged disease, and no medical evidence of treatment in the service.

The only adverse evidence is from a personal enemy of claimant, who was turned out of church for provoking a breach of the peace with said claimant, and who was bound over to court to keep the peace.

In a report of a special examiner made July 14, 1887, he says: "From the evidence before me and the circumstances surrounding the claim, I have little doubt it is a meritorious one."

Your committee think this a deserving case and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EUGENIA A. HELSTON.

Mr. LANE (for Mr. SPRINGER) called up for consideration the bill (H. R. 10806) granting a pension to Eugenia A. Helston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eugenia A. Helston, the widow of Joseph Helston, late a private of Companies H, I, and K, Second Regiment of Illinois Cavalry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred this bill, beg leave to report that they have considered the same, and find from the testimony filed with the committee that Joseph Helston, the husband of the claimant, entered the United States service in July, 1861, in the Second Illinois Cavalry and served four years, three months, and sixteen days. He was not mustered into the service for the reason that he was too young when he joined the regiment, and at Holly Springs, Miss., in 1862, he was wounded from a gunshot in the right leg, the ball ranging down and remaining in the leg. He was taken prisoner and paroled as a prisoner of war, and was afterwards placed in the army hospital.

After he joined his company he made application to be mustered into the service, as the evidence shows, but was refused for the reason of the wound aforesaid, and, as was claimed, was not fit for service, but notwithstanding this fact he still remained and served with his command until the close of the war. Quincy McNeil Line, colonel of said regiment, swears that this soldier—

"Was not mustered into the service; that said Helston was particularly bright and active in his duties as a soldier, always on the alert to see what was wanted, and seemed to take great pride in being a soldier. He bore arms and went with the company as a soldier, doing all the duties of a soldier."

Eli J. Heller, a comrade of the soldier, testifies to the same facts, and that said Helston was with the company until the close of the war. These facts are further proven by several other affidavits of comrades, so that there can be no question about these facts.

Dr. Sharp Field, a physician in good standing, testifies that he was in attendance on the soldier during his last illness, and that the soldier died February 18, 1884, of blood poisoning from a carbuncle located on the sacrum, complicated with a severe gunshot wound on the right leg below the knee, received in the United States service during the war. He further says that during the soldier's sickness his leg became violently inflamed and much swollen, and that, in the opinion of the physician, the said wound was the immediate cause of the death of the soldier.

John L. Card, a hospital nurse in the late war, testifies that he attended this soldier in his last illness as a nurse, and that he died from blood poison from a wound received in the Army while serving in the Army in the late war.

The committee find that the soldier served over four years in the Army; that he was wounded, and that his death is due to his military service, and the committee therefore report the bill back with a recommendation that the same do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD D. M'KINNEY.

Mr. TAULBEE called up for consideration the bill (H. R. 752) granting a pension to Richard D. McKinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard D. McKinney, late of Company I, Forty-eighth Regiment Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

Your committee, to whom was referred said bill, have carefully examined the same, and beg leave to submit the following report:

That the claimant bases his claim for pension on the ground that while in the service and in line of duty he contracted epileptic fits.

His claim was refused by the Department on the ground that disability existed prior to enlistment. James M. Stout, being first duly sworn, says that his age is forty-two years; that his post-office is Auburn, Ill. He further says that he knew the claimant intimately for several years before the war; that he lived on his father's farm for two years, and that claimant and himself worked together for three years; that claimant was a very strong man, and that he never knew him to be sick. Deponent further says that up to the time of his enlistment he had no epilepsy or sickness of any kind.

Alexander Orr, of Auburn, Ill., being duly sworn, says that his age is sixty-five years; that he knew the claimant five or six years before the war; that claimant worked for him on his farm; that he was a sound man physically; that he was never sick; that he was one of the strongest men he ever knew, and that he never heard of him having epileptic fits until after the war.

Tobias Rudesill, being duly sworn, also testifies that he knew the claimant well before enlistment; that he lived on his brother's farm, and that they were neighbors; that he knew the claimant to be a sound, healthy man, and free from epileptic fits prior to his enlistment in the Army.

Thomas Wilson and T. N. Bryan, both physicians, after being duly sworn, testify that while the claimant was doing duty in the hospital at Pittsburgh Landing he was attacked and disabled by epileptic fits.

Dr. T. N. Bryan, examining surgeon, further states that in his opinion the disability was incurred in line of duty.

A number of other affidavits on file in this case also show that the claimant was free from epilepsy at the time of enlistment.

Your committee think that the testimony in this case fully warrants the conclusion that the claimant contracted his disability while in the service and in line of duty and is entitled to a pension, and we therefore respectfully recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH JACKSON.

Mr. JOSEPH D. TAYLOR called up for consideration the bill (H. R. 6411) granting a pension to Sarah Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Jackson, an imbecile daughter of James Jackson, late of Company G, Thirtieth Regiment of Ohio Volunteers, at the rate of $30 per month.

Mr. CHIPMAN. I ask unanimous consent that the reading of the report be dispensed with.

Mr. KILGORE. Oh, no; let the report be read.

Mr. JOSEPH D. TAYLOR. It is very short.

Mr. CHIPMAN. I did not suppose that the gentleman from Texas would object when he knew what the case was; and it was shown in the bill.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensons, to whom was referred the bill (H. R. 6411) granting a penson to Sarah Jackson, submit the following report:

This claimant is the daughter of James Jackson, who was a private in Company G, Thirtieth Ohio Volunteer Infantry, who was killed in battle at South Mountain on the 16th of September, 1862, whose widow, Eliza Jackson, drew a pension till she died in September, 1878; that the said James and Eliza Jackson left three children who are still living, one son and two daughters; that one of the daughters is this claimant, Sarah Jackson, who is an imbecile and wholly helpless; that her sister, Mary Jackson, who is now struggling to support her insane sister, is seriously afflicted with spinal disease and not able to do more than support herself.

Her brother, Lewis Jackson, who is the main support of these three children, who are all older than sixteen years, is a very delicate young man, and earns his support by carrying the mail from the railroad station to the post-office, a distance of about a half mile, and by carrying people to and fro across the Ohio River; that these three children, whose father was killed in battle and whose mother has since died, have no means of support or income except what they earn by their daily labor, and that the support of this imbecile and helpless sister is too great a burden for the other two to bear, and in view of the circumstances your committee recommend the passage of this bill, and they recommend that it be so amended that the rate of pension be fixed at $18 per month.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, those who have heard

this report read will agree with me that the amendment ought not to be made. This is a very extraordinary case. These three orphans have no means of support and they are all substantially invalids. Besides that, the claimant, Sarah Jackson, as the report shows, is an imbecile and wholly helpless. Now, it seems to me that $30 a month is as little as ought to be granted in such a case. Her father was killed in battle at South Mountain, in 1862, and the widow drew pension until her death. I ask that the bill remain at $30 per month. I move, also, after the words "per month" to insert, "payable to the legally-appointed guardian."

Mr. MATSON. The amount as provided by the bill as recommended to be amended by the committee is precisely the amount that is given in all such cases. We have reported and passed a number of such bills.

Mr. JOSEPH D. TAYLOR. I think this is a very peculiar case and a very deserving one.

Mr. MATSON. They have all been given $18 a month—$6 a month more than a widow gets. Of course, as there is some expense attending guardianship the committee have recommended $18 a month.

Mr. JOSEPH D. TAYLOR. This woman requires assistance and attendance.

Mr. MATSON. She is no more helpless than any other imbecile, and those are all given the amount I have mentioned. It would be wrong to a large number of others to make that difference.

The amendment recommended by the committee striking out "$30 per month" and inserting "$18 per month" was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Ohio, which the Clerk will read.

The Clerk read as follows:

After the words "per month" insert "payable to the legally-appointed guardian."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BETSY COLE.

Mr. TOOLE. I call up the bill (H. R. 10943) granting a pension to Betsy Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate prescribed by existing provisions of law, the name of Betsy Cole, widow of James A. Cole, late private in Company E, First Michigan Volunteer Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10943) granting a pension to Betsy E. Cole, submit the following report:

Betsy E. Cole is the widow of James A. Cole, late a private in Company E, First Michigan Volunteer Infantry. She is now seventy-three years old, has no property or means of support, and is dependent on others. Her husband served from 1862 until near the end of the war. He was a healthy man when he enlisted, but had chronic diarrhea from the time of the battle of Shiloh until his death, in 1882.

Shortly before he was mustered out with his regiment he returned home on sick furlough, suffering from the disease of which he died. He was pensioned for a disability arising from that disease, and had a pension until death. The fact is therefore decisively settled that he incurred the disease in the Army, and suffered from it as long as he lived. The proof is abundant that he was more or less incapacitated from work by reason of it.

The physician who attended him in death certified that he died of heart disease. There is no doubt that he was greatly enfeebled during his latter years. The testimony is overwhelming that he had no symptoms of heart disease during all his life up to a short time before his decease. One medical examiner reports that Mrs. Cole's case is meritorious; another that it is not. This indicates a doubt, which this great Government ought to solve in favor of an aged woman who is the widow of a soldier. The Pension Bureau rejected her claim. The committee believe it ought to be granted, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET DURAND.

Mr. VANCE. I call up the bill (H. R. 11295) granting a pension to Margaret Durand, hospital nurse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Durand, as attendant nurse at Mound City Hospital, near Cairo, Ill., during the war of the rebellion, at the rate of $12 per month.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11295) granting a pension to Margaret Durand, have considered the same, and now report:

The claimant herein was a nurse and matron of the General Hospital, Mound City, Ill., in 1861-'62, as appears by a certificate of the Surgeon-General and by the affidavits of Sister Athanasius and Sister M. Celesta, now residing at St. Mary's Academy, Notre Dame, South Bend, Ind. They testify, in a joint affidavit, in substance as follows:

"We were attendant nurses at Mound City Hospital, near Cairo, in the State of Illinois, in the years 1861 and 1862; that Mrs. Margaret Durand, of South Bend, Ind., came as a nurse to said hospital in December, 1861, and attended as regular nurse of the soldiers sick and disabled in said hospital until the spring of 1862; that her health failed her at that time and she was sent home with the hope that she might recover and return, but that her health was not re-established and she was unable to return to the hospital.

"We further certify that the said Margaret Durand is now in advanced age and deserving of a pension from the Government, and that we have no interest in her claim."

As stated, the claimant is in advanced age, and by her services among the sick and wounded in the hospital where the served she impaired her health to such an extent that she has never fully recovered. She is without adequate means of support and unable by reason of her age and impaired health to earn sufficient means of support, and it seems to the committee that the small amount asked for in the bill ought to be granted.

We therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WHEELER moved that the committee rise, but, at the request of several members, withdrew the motion.

MARY DOCKHAM.

Mr. WHITING, of Michigan. I call up the bill (H. R. 9264) for the relief of Mary Dockham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Dockham, mother of Charles W. Johnson, late corporal Company C, Tenth Regiment Michigan Volunteer Infantry, and also late widow of Marrett Johnson, late private Company A, Eighth Regiment Michigan Volunteer Infantry, and afterward private Company G, Twenty-seventh Regiment Michigan Volunteer Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9264) for the relief of Mary Dockham, submit the following report:

The claimant, Mary Dockham, is, as stated in the accompanying bill (H. R. 9264), the mother of Charles W. Johnson, late corporal in Company C, Tenth Regiment Michigan Volunteer Infantry, and that the said Charles W. Johnson died at Nashville, Tenn., January 1, 1863, of typhoid fever, contracted while in the service and line of duty; and further, that he left no wife or children.

Mary Dockham was the widow of Marrett Johnson, Charles W. Johnson's father, from 1863 until June 8, 1884, when she was married to one John H. Dockham, upon his representations that he was a man of property and able to support her. His representations proved false, and in February, 1886, he entirely deserted her, since which time she has no knowledge of his whereabouts.

She is in needy circumstances, having nothing but a small amount of household goods, valued at perhaps $200. She is sixty-seven years old and is left without support, and in our opinion she should be made a charge of the Government, in the absence of her son, who died in our country's service.

Your committee recommend that the bill do pass, with the following amendment: Strike out all after the word "Infantry," in line 8.

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. COMBS.

Mr. WILSON, of West Virginia. I call up the bill (S. 2363) for the relief of John W. Combs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John W. Combs, late a private Company D, Third Regiment West Virginia Volunteers, at the rate of $22.50 per month.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2363) granting an increase of pension to John W. Combs, having had the same under consideration, adopt the Senate report thereon, which is as follows, and recommend the passage of the bill.

"The claimant served as a private in Company D, Third Regiment West Virginia Volunteers. He was pensioned at the rate of $2 per month from August 16, 1864, for rheumatism and piles. This pension was increased to $6 per month from June 18, 1864, and to $12 per month from March 23, 1887, which amount he is now receiving.

"His application for further increase was rejected by the Pension Bureau on November 4, 1887, on the ground that there there is 'no increase of disability due to pensioned causes.'

"The claimant does not ask an increase of pension by reason of increased disability, but claims that he is entitled to a higher rating upon the evidence filed by him and the reports of the medical examining boards.

"The evidence in support of his claim for an increase of pension is as follows:

"Under date of July 21, 1887, Dr. M. T. Powell testified:

"'Have known claimant only three or four years. * * * His diagnosis chronic muscular rheumatism and piles (external and internal), also *prolapsus ani*. * * * Heart's action weak. * * * No passage of bowels unless he uses a syringe, producing an injection, on account of piles, which are continuous; worse at intervals. My first treatment was in May, 1885; his condition was bad; not able to perform manual labor. * * * I believed him totally disabled from performing manual labor, and had done nothing since September, 1884. * * * By examination to-day, July 21, 1887, I fully believe his physical condition is no better than in June, 1885.'

"On August 30, 1887, Dr. John F. Michael testified:

"'Examined the case in March, 1886, and found him affected with internal and external piles, and *prolapsus ani;* have treated him since that date. * * * After the examination believed him wholly incapacitated from performing manual labor.'

"Dr. Sidney Mosher testified, September 7, 1887, that he—

"'Made a personal examination of this case July 4, 1887, and diagnosed his case as a complication of rheumatism and piles, affecting the whole system—head, heart, spine, and kidneys—causing great relaxation of the muscles of the bowels, and wholly incapacitating him for manual labor.'

"On July 26, 1887, two of his neighbors—W. M. Grimes and Barnabas Ball—testified that—

"'The claimant is wholly disabled from performing manual labor.'

"Under date of March 23, 1887, the medical examining board rate the claimant ten-eighteenths, third-grade rating for piles, and two-eighteenths for rheumatism, or two-thirds disabled.

"The medical examining board which examined him on September 28, 1887, rate him as three-fourths disabled. The committee is of opinion that the testimony in this case clearly shows the claimant to be entitled to a higher rating. The bill is reported favorably, with the recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RUTH AMES.

Mr. YOST. I call up the bill (S. 3137) granting a pension to Ruth Ames.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Ames, widow of George Ames, late of Company D, Sixth Regiment Minnesota Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3137) granting a pension to Ruth Ames, having had the same under consideration, submit the following report:

The report of the Senate Committee on Pensions is herewith adopted, and the passage of the bill recommended.

[Senate Report No. 1749, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3137) granting a pension to Ruth Ames, have examined the same, and report:

The husband of the widow claimant served from August, 1862, to August, 1865, as private in Company D, Sixth Minnesota Volunteers, and was pensioned to his death, in 1877, for rupture incurred at Helena, Ark., in July, 1864. His death, in 1877, was reported by the attending physician to be caused by phrenitis, after an illness of but a few days.

It appears from the testimony that the old soldier, from being a man unusually robust before enlistment, became a permanent invalid from the effects of the rupture, able to work only a portion of the time, and then to do work only of the lighter sort. Complicated with the hernia was chronic diarrhea, which, though contracted in the service, was not included in the allowance of his claim for pension. Its effect, however, was to aid in breaking down his constitution, so that when he was attacked by an acute disorder, he lacked the strength to resist, and died. Dr. C. S. Stoddard, the family physician, testified that—

"At the time of his death, June 26, 1877, he was receiving a pension for disability resulting from hernia, which disability continued up to the time of his death, and, in my opinion, contributed to and hastened his death by disease of the brain and nervous system."

In another affidavit, Dr. Stoddard, reaffirming his belief that the hernia "had doubtless contributed to the general disability and weakened constitution which rendered his system less capable of withstanding more acute disease," refers to the fact that the soldier "had doubtless been a very strong man, but when he first saw him (since the war) he gave evidence of a broken constitution, being considerably emaciated," etc.

The Pension Bureau rejected the widow's claim on the ground that the fatal disease was not contracted in the service; but, on the whole, the committee consider the presumption reasonable that the disease for which the soldier was pensioned not only seriously impaired and undermined his health after the war, and threw upon his widow the burdensome responsibility of family support, but that it was at least secondarily the cause of his sudden and premature death; and, so believing, they report the bill favorably and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported the Committee of the Whole House on the Private Calendar had had under consideration the special order and had directed him to report back sundry bills with various recommendations.

Mr. CARUTH. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CARUTH. I desire to call up a bill which is unfinished business in the House. It will take but a moment to dispose of it.

The SPEAKER *pro tempore*. Is it one of the bills that have come over?

Mr. CARUTH. It is.

The SPEAKER *pro tempore*. The Chair thinks that those bills stand on the Calendar ahead of the work of the committee this evening, and that the gentleman's motion is in order. The Clerk will report the title of the bill.

GENERAL S. W. PRICE.

The Clerk read as follows:

A bill (S. 433) granting an increase of pension to General S. W. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of General S. W. Price, late of the Twenty-first Regiment Kentucky Volunteer Infantry, from $72 per month to $100 per month, the said S. W. Price having become totally blind, the loss of his eyesight being the direct result of a gunshot wound received by him while in the service of the Government in the United States Army, at the battle of Kenesaw, during the late war of the rebellion, to take effect from and after the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIA M. EDIE.

Mr. WHEELER. Mr. Speaker, I have a Senate bill which I desire to call up, on which the previous question has been ordered, and I move that it be now put upon its passage.

The SPEAKER *pro tempore*. Is it one of the bills heretofore reported from the Committee of the Whole?

Mr. WHEELER. It is.

The SPEAKER *pro tempore*. The Chair thinks the gentleman's motion is in order. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3325) granting an increase of pension to Julia M. Edie.

Mr. MATSON. Mr. Speaker, has the previous question been ordered on that bill?

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the previous question has not been ordered upon the passage of the bill.

Mr. WHEELER. It has been ordered upon the third reading of the bill, as will be seen by reference to page 1001 of the RECORD.

The SPEAKER *pro tempore*. The question is on the third reading of the bill.

Mr. CHEADLE. I will say to the gentleman from Alabama that if he wants the other bills reported from the Committee of the Whole to go through here to-night he had better withdraw that one.

The question was taken on the third reading of the bill, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. CHEADLE. I ask for a division.

Mr. WHEELER. Mr. Speaker, I am surprised at the action of the gentleman from Indiana [Mr. CHEADLE]. His course is inconsistent in the extreme. He has sat here and made no objection to the passage of bills granting pensions of $50, $75, and $100 per month, and now he threatens to prevent the passage of all bills which have been reported unless I consent to withdraw this little bill, which grants but $40 per month.

The gentleman knows that I have no knowledge of the beneficiary of this bill. He knows that the bill was introduced in the Senate and passed through that body by a very distinguished Senator from the Northwest, and that it is that Senator's request that I ask the passage of the bill. He knows the personal efforts I have made to comply with that Senator's request, and I am determined that I shall not be singled out and that he shall not conduct himself in this manner without the facts being known to the House.

I will, however, withdraw the bill, as I am not willing to see an injury done to my colleagues and their constituents, which the gentleman says he shall inflict upon them unless I comply with his demand and withdraw the bill.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. CHEADLE. I desire to say a word in reply to the gentleman.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. DOCKERY. Regular order.

Mr. CHEADLE. I rise to a question of privilege. The gentleman said he was not going to stand this.

Mr. WHEELER. I said I was not going to be singled out——

The SPEAKER *pro tempore*. The Chair thinks that is not a question of privilege.

The question being taken, there were—ayes 21, noes 3.

Mr. MACDONALD. No quorum.

Mr. WHEELER. I am not willing to make other members suffer because the point is made on this bill, and I withdraw the bill for the present.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up and ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 12513) restoring John J. Freeland to the pension-roll (title amended on motion of Mr. SHIVELY so as to read: "A bill for the relief of John J. Freeland");

A bill (H. R. 6880) granting a pension to Thomas Blazer;

A bill (H. R. 10806) granting a pension to Eugenia A. Helston;

A bill (H. R. 752) granting a pension to Richard D. McKinney;

A bill (H. R. 10943) granting a pension to Betsy Cole; and

A bill (H. R. 11295) granting a pension to Margaret Durand, hospital nurse.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments concurred in, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls;

A bill (H. R. 12421) granting a pension to Mrs. Frances Thatcher;

A bill (H. R. 6411) granting a pension to Sarah Jackson; and

A bill (H. R. 9264) for the relief of Mary Dockham.

J. H. ROCHELLE.

The bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle, reported from the Committee of the Whole House without amendment, was taken up and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 2683) granting a pension to Andrew J. Foust;

A bill (S. 1144) granting a pension to Frances H. L. Prescott;

A bill (S. 3183) granting a pension to James Parker;

A bill (S. 3429) granting a pension to Maria N. Abbey;

A bill (S. 3047) granting an increase of pension to William Bittinger;

A bill (S. 2677) granting a pension to Jane Reilly;
A bill (S. 2363) for the relief of John W. Combs; and
A bill (S. 3137) granting a pension to Ruth Ames.

Mr. MATSON moved to reconsider the several votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIA M. EDIE.

Mr. WHEELER. I now call up the bill (S. 3325) for the relief of Julia M. Edie.

The SPEAKER *pro tempore*. A vote was being taken on this bill when the gentleman from Indiana [Mr. CHEADLE] made the point that no quorum had voted.

Mr. CHEADLE. I desire to correct the Chair. It was the gentleman from Minnesota [Mr. MACDONALD] who raised that point.

Mr. MACDONALD. I made the point, and continue to make it.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Minnesota [Mr. MACDONALD] and the gentleman from Alabama [Mr. WHEELER]. The hour of 10 o'clock having arrived, the House, under the standing order, adjourns until 10 o'clock to-morrow morning.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. GLASS: Petition of Mary A. Sullivan, of Madison County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LODGE: Memorial of John M. Raymond and 36 others, citizens of Massachusetts, in favor of international arbitration—to the Committee on Labor.

By Mr. TRACEY: Resolution of New York State Legislature requesting Senators and Representatives in Congress to advocate adequate appropriations for completing and repairing dikes and other necessary work on the Hudson River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS: Petition of Alexander Post, Piqua, Ohio, asking the printing of the records of the war of rebellion—to the Committee on Printing.

By Mr. W. L. WILSON: Petition of Simms Powell and others, of Parkersburgh, W. Va., in favor of amendment of interstate-commerce law in relief of commercial traveling—to the Committee on Commerce.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. CUTCHEON: Of citizens of Holland, Mich.
By Mr. KEAN: Of 230 citizens of Plainfield, N. J.
By Mr. PHELPS: Of 13 citizens of Hackensack, and of 80 citizens of Hackensack, N. J.
By Mr. RICE: Of 55 citizens of St. Paul, Minn.
By Mr. C. A. RUSSELL: of 12 citizens of Canterbury, Conn.
By Mr. SPOONER (by request): Of 25 citizens of Johnson, R. I.
By Mr. THOMAS WILSON: Of 58 citizens of Wasioja, Minn.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. DARLINGTON: Of 269 citizens of Pennsylvania.
By Mr. JOSEPH: Of 4 citizens of New Mexico.
By Mr. KELLEY: Of 30 members of the Princeton Presbyterian Church of West Chester, Philadelphia, Pa.
By Mr. RYAN: Of 82 citizens of Kansas.
By Mr. SAWYER: Of 103 citizens of Perry, N. Y.
By Mr. WARNER: Of 40 citizens of Missouri, and of 102 citizens of Magnet, Mo.

SENATE.

SATURDAY, *March* 2, 1889.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D.D.

THE JOURNAL.

Mr. EDMUNDS. I ask unanimous consent that the reading of the Journal of yesterday's proceedings be dispensed with this morning.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the reading of the Journal be dispensed with. It is so ordered if there be no objection, and the Journal will stand approved.

STATUES OF FULTON AND MUHLENBERG.

The PRESIDENT *pro tempore* laid before the Senate the following resolutions from the House of Representatives; which were read, and ordered to lie on the table:

Whereas by an act of Congress approved the 2d day of July, 1864, the President of the United States is authorized to invite each and all the States to provide and furnish statues in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or from distinguished civil or military service, such as each State shall determine to be worthy of that national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much as may be necessary, as the National Statuary Hall for the purpose therein indicated; and

Whereas the State of Pennsylvania has provided the statues of Robert Fulton and John Peter Gabriel Muhlenberg, both natives of the State, and illustrious and distinguished citizens thereof:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the governor and through him to the people of the State of Pennsylvania for said statues.

Resolved, That these works of art are accepted in the name of the nation, and assigned a place in the old Hall of the House of Representatives already set aside by act of Congress for statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Pennsylvania.

FORT LEAVENWORTH MILITARY RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas.

The amendment of the House of Representatives was to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to lease to the Leavenworth City and Fort Leavenworth Water Company the following-described tract of land in the military reservation at Fort Leavenworth, in the State of Kansas: Beginning at the northwest corner of the 20-acre tract of land formerly in said military reservation granted to the Leavenworth Coal Company by the act of Congress approved July 20, 1868; thence north in extension of the west line of said 20-acre tract 500 feet; thence east parallel to the north line of said 20-acre tract 820 feet, more or less, to the railroad right of way; thence southerly on the west line of said right of way 503 feet, more or less, to the north line of the said 20-acre tract; thence west on the said north line to the place of beginning, containing 9¼ acres, more or *less*, reserving to the United States or assigns the coal, or royalty for the coal, underlying said lands, for the purpose of constructing and maintaining thereon a reservoir and such other works as may be necessary to enable said company to supply the troops at Fort Leavenworth and its other patrons with pure water: *Provided*, That the company shall have the free and uninterrupted use of said tract of land for the purposes above named, under the direction and control of the Secretary of War, so long as it is so used, and that when they cease to occupy and use it for such purposes the lease shall be null and void.

SEC. 2. That the act of Congress entitled "An act to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas," approved the 6th day of June, A. D. 1888, be, and the same is hereby, repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. PLUMB. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

CATHARINE G. BODFISH.

The bill (H. R. 382) granting a pension to Catharine G. Bodfish, received yesterday from the House of Representatives, was read twice by its title.

Mr. HOAR. I ask unanimous consent that that bill be now put upon its passage. I am authorized by the chairman of the Committe on Pensions to make the request. He would make it if he were present.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Catharine G. Bodfish, widow of the late Oliver Bodfish, a soldier of the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 752) granting a pension to Richard D. McKinney;
A bill (H. R. 6411) granting a pension to Sarah Jackson;
A bill (H. R. 6880) granting a pension to Thomas Blazer;
A bill (H. R. 8028) to authorize the States of Illinois, Indiana, and Ohio to prosecute suits against the United States in the Supreme Court of the United States;
A bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls;
A bill (H. R. 9264) for the relief Mary Dockham;
A bill (H. R. 10806) granting a pension to Eugenia A. Halston;
A bill (H. R. 10943) granting a pension to Betsy Cole;
A bill (H. R. 11295) granting a pension to Margaret Durand, hospital nurse;
A bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle; and
A bill (H. R. 12421) granting a pension to Miss Frances Thatcher.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 12807) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes; asked

a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. RANDALL, and Mr. MCCOMAS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H.R. 2737) granting a pension to Ann Krumpholz;

A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes;

A bill (H. R. 12403) granting a pension to Bennett Cooper;

A bill (H. R. 12404) granting a pension to George W. Andrews;

A bill (H. R. 12619) granting a pension to Littleberry W. Baker;

A bill (H. R. 12607) granting a pension to Ira Wells;

A bill (H. R. 12608) to pension William J. Martin; and

A bill (H. R. 12604) to restore the pension of Ann G. Barker.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

UNDERVALUATIONS, ETC.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in further response to the resolution of the 19th ultimo, a report from Appraiser A. B. Stearns in relation to irregular damage allowances on imported merchandise at the port of New York; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the report of the managers of the conference on the part of the Senate on the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; which was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 21, 23, 24, 28, 33, 34, 37, 38, 40, 46, 48, 50, 53, 54, 55, 58, 59, 63, 69, 71, 72, 73, 74, 75, 76, 77, 81, 84, 85, 86, 87, 88, 92, 96, 97, 105, 116, 120, 121, 131, 133, 136, 143, 162, 165, 175, 178, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 18, 19, 20, 22, 25, 26, 27, 29, 30, 31, 32, 35, 39, 41, 42, 43, 44, 45, 47, 49, 51, 52, 89, 90, 91, 98, 99, 102, 103, 109, 112, 115, 118, 119, 122, 126, 127, 128, 129, 130, 134, 137, 139, 140, 145, 146, 147, 149, 150, 152, 156, 159, 160, 161, 174, 177, 179, 180, 183, and 198, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$5,000," and strike out from said amendment the word "grading" and insert in lieu thereof the following: "And grading within the limits of the site;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That hereafter commissions shall not be paid for disbursements on account of sites for public buildings; nor on account of construction of public buildings, except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, D. C., by drafts or checks payable to the grantors of such sites or their legal representatives."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$200,000;" and after the word "let," in line 5 of said amendment, insert the following: "For the entire structure, at a total cost of not exceeding $500,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That hereafter all expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 101; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: After the word "and" in said amendment insert the words "for ascertaining;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"That of the above sum no more shall be expended for salaries and wages in this institution during the fiscal year 1890 than shall with the payments from other sources make a total for such salaries and wages for said year of $28,000 in all."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 16, page 42 of the bill, strike out the words "except when absolutely indigent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: Strike out from said amendment the word "gas" and insert in lieu thereof the word "light;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"*Provided*, That no part of this appropriation shall be expended until a contract is made for finishing said building complete, including heating apparatus and approaches, within the limit of this appropriation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Fort Monroe, Virginia: For construction complete of a sewerage system, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with amendments as follows: In lieu of the sum proposed insert "25,000," and add at the end of the amended paragraph the following:

"And in addition to said amount $25,000, to be expended in constructing a road upon such route as may be surveyed and selected by the engineer officer detailed for duty in the park, from the Upper Geyser Basin to the Shoshone Geyser Basin, thence around the southern shore of Shoshone Lake and across the continental divide to the west arm of the Yellowstone Lake, thence along the western shore of Yellowstone Lake to Lake Outlet, and along the Yellowstone River to the Falls and Grand Cañon, thence from the Falls down the Yellowstone River to a junction with the present road to Cook City; in all, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with amendments as follows: After the word "committee," in line 6 of said amendment, insert the following:

"Who shall have power to settle and approve vouchers notwithstanding the dissolution of the committee."

And add at the end of said amendment the following:

"*Provided*, That one-half of said sum shall be paid out of the revenues of the District of Columbia and one-half out of the Treasury of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$255,000;" and the Senate agree to the same.

On amendments numbered 60, 61, 62, 141, 142, 182, and 197, the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. EDMUNDS. I wish the Senator from Iowa would kindly tell us what are the points of disagreement that are still left open.

Mr. ALLISON. The three amendments relating to the Bureau of Engraving and Printing are still open. It is really one amendment, but it involves three. Amendments 141 and 142, relating to the Library building. The House conferees would not agree to our provision respecting the Library building. Amendment 182 is the compensation to Mrs. Waite, and amendment 197 is the provision respecting an addition to the Government Printing Office. All the other amendments have been agreed on by the conferees.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report of the committee of conference? If there be none, the question is, Will the Senate concur in the report?

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon the amendments not agreed on by the committee of conference and ask for a further conference with the House of Representatives on those amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers at the further conference on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

PRIVILEGE OF THE FLOOR.

Mr. BLAIR. General Marston, who has been designated by the governor of New Hampshire for appointment as a Senator to fill a vacancy occurring on the 4th of March, is in the city, and I would esteem it a great courtesy if I might be allowed unanimous consent by the Senate to invite him upon the floor.

The PRESIDENT *pro tempore*. The Chair hears no objection, and leave is granted.

GEORGETOWN AND TENNALLYTOWN RAILWAY.

Mr. DAWES. There is a very little bill which will take but two minutes that I should like to have passed.

The PRESIDENT *pro tempore*. The Chair can not entertain the request except by unanimous consent.

Mr. PLATT. Is the morning business over?

The PRESIDENT *pro tempore*. It has not been called. The Chair has been disposing of business on his table which takes precedence of morning business. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 11811) to amend an "Act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia;" which was received by the President August 10, A. D. 1888, and became a law without his approval, was read twice by its title.

Mr. FAULKNER. The bill which has come over from the other House is the same as the bill reported unanimously by the Committee on the District of Columbia of the Senate, and I ask unanimous consent to put the bill upon its passage.

Mr. EDMUNDS. It will have to lie aside to be examined.

Mr. FAULKNER. I desire to say that there is but one difference between the two bills. This bill provides for the track to be laid along the side of a road that is not improved, whereas the Senate bill reported by the committee did not have that precautionary provision in it. There is a strip in the center of this road, and the House bill provides that that shall not be utilized for the purpose of these tracks.

Mr. EDMUNDS. I object for the time-being. I will probably withdraw the objection if I have time to examine the bill.

INDIAN APPROPRIATION BILL.

Mr. DAWES. Is there anything to prevent calling up, by unanimous consent, the Indian appropriation bill at this time?

The PRESIDENT *pro tempore*. There is not.

Mr. DAWES. Then I move to take up that bill.

Mr. PLATT. I desire to present a report when that order is reached.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes. Is there objection?

Mr. DAWES. If the bill is taken up, I shall yield informally to the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. The Senator from Massachusetts says if the bill comes up he will yield to me informally to make a report. I shall not be able to be in the Senate all the morning, as I shall have to be engaged in business of the Senate, and I desire to make the report at this time.

The PRESIDENT *pro tempore*. The Chair asks if there be objection to the present consideration of the bill moved by the Senator from Massachusetts. The Chair hears none. The bill is before the Senate as in Committee of the Whole, and will be read at length.

The bill was reported from the Committee on Appropriations with amendments.

Mr. DAWES. I ask that when the bill is read the amendments proposed by the Committee on Appropriations may be acted on as they are reached.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the text of the bill, if there be no objection.

Mr. DAWES. Now I yield to the Senator from Connecticut.

INDIAN TRADERS.

Mr. PLATT. The Select Committee on Indian Traders was constituted originally by the resolution of the Senate of June 3, 1886, to make an investigation and an inquiry. In behalf of the committee I desire to submit the report of the committee relating to the investigation which was ordered by the resolution of June 3, 1886, and also to submit the testimony which has been taken. The Senator from West Virginia [Mr. FAULKNER] has a minority report.

Mr. FAULKNER. I ask the leave of the Senate to present the minority report upon the same subject embraced in the majority report. It was prepared by the Senator from Kentucky [Mr. BLACKBURN].

The PRESIDENT *pro tempore*. The Senator from West Virginia asks leave to submit the views of the minority of the same committee.

Mr. PLATT. Let them both be printed.

The PRESIDENT *pro tempore*. The Chair hears no objection. The minority views will be received and printed with the report.

SELECT COMMITTEE ON PACIFIC RAILROADS INDEBTEDNESS.

Mr. STEWART. I ask the Senator from Massachusetts to give way for a moment to allow the resolution in regard to the special committee on Pacific railroads, which was laid over yesterday, to be passed.

Mr. DAWES. I do not object if it does not cause debate.

The PRESIDENT *pro tempore*. The resolution will be read, if there be no objection.

The SECRETARY. The resolution was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, to strike out all after the word "*Resolved*," and insert:

That the select committee appointed under the resolution of the Senate of January 24, 1888, to which was referred the President's message transmitting the report of the Pacific Railway Commission, be, and it is hereby, continued, with all the power and authority on it conferred by Senate resolution of February 23, 1888, until the indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies, shall be adjusted by Congress. And said committee is hereby instructed to personally examine, during any recess of Congress preceding the meeting thereof in December next, the roads of said companies and the country through which they pass or which is immediately contributory to their income, for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass, and afford to the inhabitants thereof reasonable rates of transportation for passengers and freight. Said committee may hold its sessions at any place in the United States, and the expenses attending its investigation shall be paid out of the contingent fund of the Senate.

Any subcommittee appointed by said committee shall have all the powers of the full committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the resolution.

Mr. SHERMAN. I ask if the resolution is reported from the select committee?

Mr. STEWART. It was reported yesterday and laid over.

The PRESIDENT *pro tempore*. The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and reported from that committee.

Mr. SHERMAN. What I wish to inquire is whether the resolution was reported originally from the special committee authorized to examine into the Pacific railroads?

The PRESIDENT *pro tempore*. The chairman of the select committee is present and can reply.

Mr. FRYE. It was not reported from the select committee.

Mr. SHERMAN. Then I object to its consideration.

Mr. DAWES. If the resolution is to cause debate I shall be obliged to ask the Senate to proceed with the appropriation bill.

Mr. SHERMAN. Unless that committee asks for this power I shall object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. SPOONER. I ask the Senator from Massachusetts to yield to me.

Mr. DAWES. If it does not cause debate.

Mr. SPOONER. It will not cause debate.

Mr. STEWART. I should like to inquire of the chairman of the committee——

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Wisconsin.

Mr. STEWART. I ask the Senator from Wisconsin to give way for a moment so as to let this matter be disposed of.

Mr. SPOONER. I am occupying the floor by the courtesy of the Senator from Massachusetts, and do not feel at liberty to parcel out the time that is accorded to me.

The PRESIDENT *pro tempore*. The Senator from Wisconsin will proceed.

THOMAS D. FISTER—RECUSANT WITNESS.

Mr. SPOONER. Some days ago I reported from the Committee on

Public Buildings and Grounds the facts showing the contempt of a witness who had appeared before the committee, with a resolution directing the Sergeant-at-Arms to take the witness into custody, the resolution being in the usual form. Notice was given by the Senator from Alabama [Mr. MORGAN] and other Senators of a desire to debate the question as to whether the Senate had power to punish for contempt. The lateness of the session and the pressure of business render it absolutely impossible to enter upon that discussion.

After a careful investigation of the subject I have no doubt myself of the power of the Senate to punish a recusant witness in an investigation into the conduct of a public office, the witness being a public official; but in view of the situation the Committee on Public Buildings and Grounds have instructed me to withdraw the resolution and to leave the report standing as the report of the facts, under which, by section 104 of the Revised Statutes, it becomes the duty of the President of the Senate to report the facts to the district attorney of this District for investigation by the grand jury.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution reported by Mr. SPOONER from the Committee on Public Buildings and Grounds February 21, 1889, as follows:

Resolved, That the President of the Senate issue his warrant, directed to the Sergeant-at-Arms of the Senate, commanding him forthwith to arrest and to bring to the bar of the Senate the body of Thomas D. Fister, to show cause why he should not be punished for contempt, and in the mean time to keep the said Fister in his custody to await the further order of the Senate.

The PRESIDENT *pro tempore*. The resolution the Chair understands the Senator from Wisconsin to withdraw, if there be no objection.

Mr. SPOONER. Yes, sir; it being the desire of the committee that the report should stand as a report of the facts under the statute to the Senate, and that authorizes certain action by the President of the Senate.

The PRESIDENT *pro tempore*. If there be no objection, leave is granted to withdraw the resolution. Will the Senator from Wisconsin submit his further motion in writing?

Mr. SPOONER. I think it requires no motion. The statute clearly defines the duty of the Presiding Officer upon the facts being reported.

PETITIONS AND MEMORIALS.

Mr. VEST. Will the Senator from Massachusetts permit me to present some petitions?

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that morning business shall be received?

Mr. DAWES. I will yield for formal morning business.

Mr. VEST presented two petitions of citizens of Gill and Magnet, in the State of Missouri, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented two memorials of citizens of Joplin, Mo., remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. VOORHEES presented a memorial of citizens of Cates, Ind., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. DAWES presented the petition of P. F. Barnard and 21 others, citizens of Wendell, Mass., and the petition of Arthur P. Smith and 49 others, citizens of Sunderland, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of alcoholic liquors as a beverage; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 8002) for the relief of Elizabeth Mulvehill, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 2067) for the relief of James H. Gilbert, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CHANDLER. I desire to make a report from the Select Committee on Indian Traders and also to submit the evidence taken by the committee.

The PRESIDENT *pro tempore*. The report will be received if there be no objection, and printed.

Mr. CHANDLER. The minority desire to submit a minority report. The Senator from West Virginia [Mr. FAULKNER] will submit it.

The PRESIDENT *pro tempore*. The Chair understood that the Senator from Connecticut [Mr. PLATT] submitted a report from that committee.

Mr. CHANDLER. This is a report on another branch of the case.

Mr. FAULKNER. I ask leave to present the views of the minority in reference to that branch of the investigation on which the report has just been made by the Senator from New Hampshire [Mr. CHANDLER].

The PRESIDENT *pro tempore*. The views of the minority will be received if there be no objection, and printed.

Mr. FAULKNER. I ask that the views of the minority be printed with the report of the majority.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. BLACKBURN. I submit a report in writing which I gave notice some time ago would be filed with the bill (S. 3299) authorizing the Secretary of the Navy to contract for certain guns and ammunition therefor. I ask that the report be filed with the bill.

The PRESIDENT *pro tempore*. The report will be received, filed, and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 11660) for the relief of Martha E. Flesschert; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation; and

A bill (S. 3951) to establish a railway bridge across the Illinois River, extending from a point within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois.

The message also announced that the House receded from its disagreement to the amendment of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails, and agreed to the same.

The message further announced that the House insisted upon its amendments to the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARDY, Mr. LAGAN, and Mr. JOHN R. BROWN the managers at the conference on the part of the House.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. 9674) to regulate the course at the Naval Academy, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HERBERT, Mr. ELLIOTT, and Mr. HARMER the managers at the conference on the part of the House.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

The message also returned, in compliance with the request of the Senate, the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

The message further returned to the Senate, in compliance with its request, the bill (S. 308) for the relief of Faran and McLean.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 9227) for the relief of Mary Newton;

A bill (H. R. 8225) for the relief of William S. Kellington; and

A bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

BILL INTRODUCED.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 3999) for the relief of John Burns; which was read twice by its title, and referred to the Committee on Patents.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I ask that the Indian appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 1, line 9, before the word "agents," to strike out "fifty-eight" and insert "fifty-seven;" so as to read:

For pay of fifty-seven agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

The amendment was agreed to.

The next amendment was, in the appropriation for pay of agents of Indian affairs, on page 5, line 14, before the word "dollars," to strike out "two thousand" and insert "one thousand eight hundred;" so as to read:

At the Union agency, at $1,800.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, to strike out line 22, as follows:

At the Mackinac agency, at $1,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 6, line 5, after the word "all," to strike out "eighty-eight thousand four" and insert "eighty-seven thousand two;" so as to read:

In all, $87,200.

The amendment was agreed to.

The next amendment was, in the same clause, page 6, to strike out from line 9 to line 12, inclusive, as follows:

To pay Charles A. Ruffee balance of salary as agent at the White Earth Indian agency, in Minnesota, for the fiscal year ending June 30, 1880, $600.

The amendment was agreed to.

The next amendment was, on page 7, to increase the appropriation for the expenses of the commission of citizens serving without compensation appointed by the President under the provisions of the fourth section of the act of April 10, 1869, from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Chickasaws," on page 9, to strike out from line 5 to line 10 on page 10, inclusive, as follows:

Amount necessary to reimburse the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $140,884.17.

Amount necessary to reimburse the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41; total, $240,164.58.

The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sum of $140,884.17 shall be paid from time to time upon requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts, in pursuance of authority to be conferred upon said officers by the Legislature of the Chickasaw Nation; and said sum of $99,280.41 shall be paid to such persons as the said Legislature shall, by joint resolution, declare entitled to receive the same: *Provided*, That no interest shall be paid on this amount after the approval of this act.

And in lieu thereof to insert:

For reimbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852 (less payment of $56,021.49 to assignee of W. H. Gwinn), $84,862.68.

For reimbursement of the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41.

The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sums shall be paid, from time to time, under requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts: *Provided*, That said payment to the assignes of W. H. Gwinn be referred to the Secretary of the Interior for consideration.

The amendment was agreed to.

Mr. DAWES. In the ninth line on page 11, and the eighteenth line on page 10, the name should be "William M. Gwin." I move that amendment.

The amendment was agreed to.

The next amendment was, under the head of "Cherokees," on page 11, line 24, to strike out "and also in paying and refunding said sum of $53.33 per head to any of said Indians who may now or may hereafter desire to remove from North Carolina to said Indian Territory," to strike out the following proviso:

Provided, That the money so appropriated shall be paid from the fund created by the act of Congress of July 29, 1848, for the removal and subsistence of North Carolina Cherokee Indians.

So as to make the clause read:

Cherokees:

To carry out the provisions of article 8 of the treaty of May 6, 1826, and the treaty of December 29, 1835, and the further treaty agreement of May 18, 1838, made with the Cherokee Indian Nation, there is hereby appropriated the sum of $20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in paying and refunding the sum of $53.33 per head to such of said Indians as have removed themselves at their own cost to the Indian Territory, and who have subsisted themselves for one year after such removal. The said money when paid as aforesaid to be accepted by said Indians as and in full compensation and satisfaction for their expenses in removing as aforesaid and in subsisting themselves for the first year after their arrival in said Territory.

The amendment was agreed to.

Mr. DAWES. I move to strike out the whole paragraph on page 11, beginning with line 11, as follows:

Cherokees:

To carry out the provisions of article 8 of the treaty of May 6, 1826, and the treaty of December 29, 1835, and the further treaty agreement of May 18, 1838, made with the Cherokee Indian Nation, there is hereby appropriated the sum of 20,000 dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in paying and refunding the sum of $53.33 per head to such of said Indians as have removed themselves at their own cost to the Indian Territory, and who have subsisted themselves for one year after such removal, and also is paying and refunding said sum of $53.33 per head to any of said Indians who may now or may hereafter desire to remove from North Carolina to said Indian Territory. The said money when paid as aforesaid to be accepted by said Indians as and in full compensation and satisfaction for their expenses in removing as aforesaid and in subsisting themselves for the first year after their arrival in said Territory: *Provided*, That the money so appropriated shall be paid from the fund created by the act of Congress of July 29, 1848, for the removal and subsistence of North Carolina Cherokee Indians.

The PRESIDENT *pro tempore*. If there be no objection, the two amendments proposed by the committee to this paragraph will be disagreed to and the entire paragraph stricken out as just read by the Secretary. The Chair hears no objection; and it is so ordered.

The reading of the bill was resumed and continued to line 11 on page 16.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Massachusetts to line 6 on page 16, where the word "expend" should be "expended."

Mr. DAWES. Let it be so amended.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 16, line 6, before the word "under," strike out "expend" and insert "expended;" so as to read:

For interest on $675,168, at the rate of 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Creeks," on page 16, to strike out from line 12 to line 9, inclusive, on page 17, as follows:

To pay the expenses of transportation of two hundred and seventy-four Creek Indians at $30 each, and subsistence for twelve months at $25 each for one hundred and sixty Creek Indians, said Indians being named and described in a list appended to the letter of A. B. Upshaw, Acting Commissioner of Indian Affairs, dated 19th of June, 1888, set forth in Executive Document No. 198, Fiftieth Congress, first session, and being entitled to the sums per capita due them under the treaty of ——, 1826, and the treaty of ——, 1832, with the Creek Indians, the sum of $12,220, to be paid to the person authorized to receive and pay out the same to the persons entitled thereto by the Legislature of the Creek tribe of Indians; and said sum shall be distributed only to the Indians named in said list, and shall be paid to them personally or their legal representatives, and the payment under this act shall be a full and final discharge of the United States from all further liability to any Indian of said tribe on account of any claim for transportation or subsistence under said treaties or under any act of Congress relating to said treaties.

The amendment was agreed to.

The next amendment was, after line 23 on page 18, to insert:

Indians at Blackfeet agency:

For second of ten installments of $150,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Blackfeet agency, Montana, as per act approved May 1, 1888, $150,000.

Indians at Fort Belknap agency:

For second of ten installments of $115,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Belknap agency, Montana, as per act approved May 1, 1888, $115,000.

Indians at Fort Peck agency:

For second of ten installments of $165,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Peck agency, Montana, as per act approved May 1, 1888, $165,000.

The amendment was agreed to.

The next amendment was, on page 19, under the head of "Iowas," in line 24, after the words "eighteen hundred and" to strike out "eighty-eight" and insert "eighty-nine;" so as to read:

Iowas:

For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1889, at 5 per cent. per annum, for education or other beneficial purposes.

The amendment was agreed to.

The next amendment was, under the head of "Pottawatomies" on page 25, to strike out from line 19 to line 12 on page 27, as follows:

Fulfilling treaty stipulations with the Pottawatomie Nation.

For this amount, to fulfill the stipulations of the second clause of article 10 of the treaty of August 7, 1868, with the Pottawatomie Nation of Indians and the award made thereunder, the sum of $178,953.43, with 5 per cent. per annum interest thereon from the date of award, approved January 28, 1869, of which sum there shall be paid the Pottawatomies of Huron, Mich., the sum of $9,400, with interest at 5 per cent. from date of award; and the balance of said sum, less whatever sums may be legally and equitably due the delegates of said Indians by virtue of recognized powers of attorney and contracts on file in the Departments of the Treasury or Interior, and which have been, or may be, approved by the Secretary in whose Department the same is filed, shall be distributed per capita, as follows: Fourteen hundred and twenty-one hundred and eightieths to the Citizens band, and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band of Pottawatomies of Kansas.

To carry out and fulfill the first clause of article 10 of said treaty of August 7, 1868, and the awards made thereunder the sum of $48,338.80, to be distributed in names and amounts to those members of the Citizens band of Pottawatomie Indians or their legal representatives named in the communication of J. H. Morris, agent of said Indians, to the Commissioner of Indian Affairs, of date November 9, 1871, and transmitted to Congress by the Secretary of the Interior on December 20, 1871, there being ninety of said names and amounts, the said sum to be subject to such amount as may be due the delegates of said Indians by virtue of contracts or powers of attorney on file in the Departments of the Treasury or Interior, and is or may be approved by the Secretary in whose Department it may be filed, and that the clause in the act approved March 3, 1885, twenty-third Statutes, page 372, referring said claim to the Court of Claims, be, and the same is hereby, repealed.

Mr. DANIEL. Before passing from the clause on page 25, line 19, "Fulfilling treaty stipulations with the Pottawatomie Nation," I wish to be heard.

I see that in the bill as it comes before the Senate the Committee on Appropriations has stricken out the provision from line 19 on page 25 to line 12 on page 27, inclusive, for carrying out treaty stipulations with the Pottawatomie Nation. These two clauses comprise two items of claim of the Pottawatomie Nation against the Government, and it seems to me they ought to be considered separately.

The claims presented in these two clauses of the appropriation bill

have been time and again before Congress for many years. They have been also time and again the subject of very careful and close examination by committees and have been reported upon by the Secretary of the Interior and by the Commissioner of Indian Affairs, and all the reports which have been received from the Department have stated that these were just claims. I hold in my hand a letter from the Secretary of the Interior of January 3, 1889, inclosing one addressed to him by the Commissioner of Indian Affairs, and I beg leave to read from a paragraph of the letter of the Commissioner of Indian Affairs:

In reply to the call for information on the bill in question the Department is advised that the bill sets forth correctly in the preamble the base for the claim of the Pottawatomie tribe, and that the amount specified in section 1 to be paid, namely, $227,851.38, is correct. The award made by the two commissioners appointed by the President fixed the sum due as principal $178,953.43, and by a supplemental report, dated January 22, 1869, the said commissioners awarded the sum of $48,897.95 as interest at 5 per cent. on the sum of $160,540.48, being the sum awarded to be due the Pottawatomies by the Committee on Claims of the House of Representatives December 19, 1862. This interest allowed is for six years one month and three days, dating from December 19, 1862, the date of the award made by the committee, to January 22, 1869, the date of the supplemental report of the commissioners. The two sums named as awarded by said commissioners, namely, $178,953.43 and $48,897.95, make up the aggregate of $227,851.38 named in the bill, and the interest at 5 per cent. on this amount to be allowed should date from January 22, 1869, in lieu of December 29, 1869, as named in the bill.

The above awards of the commissioners are found in House Executive Document No. 61, Fortieth Congress, third session, pages 12 and 31.

The commissioners state on page 3 of their report that they have awarded to the Pottawatomies of Huron $5,000 under treaty of August 21, 1805; also, to the same band, the sum of $4,400 under treaty of November 17, 1807, making a total of $9,400 due to the Huron band. Provision should be made for the payment of this sum with interest to said band, the members of which reside in Michigan.

The second section of the bill—

That is now the second paragraph or clause, which the committee have recommended to be stricken out.

The second section of the bill—

Says Mr. Oberly, the Commissioner—

provides for an appropriation of the sum of $48,332.80, to be paid to certain individual members of the Pottawatomie tribe, in compensation for depredations committed upon the stock, timber, or other property, as required by the first clause of the tenth article of treaty of August 7, 1868. The above claims were examined by the Department and the amount named fixed as equitably due, a report of which was submitted for the consideration of Congress December 20, 1871.

In connection with this item, attention is invited to a clause in the act approved March 3, 1885 (23 Stats., 372), which provides that the above claims shall be referred to the Court of Claims for adjudication.

The above claims have been reported favorably by this office and the Department a number of times since 1869, and the letter of the committee and inclosures are returned herewith, with recommendation for favorable action and final disposition of the claims in question.

Mr. President, as a subcommittee of the Committee on Indian Affairs I had occasion to examine as critically and as exhaustively as the records of the Department permitted the basis of these claims. I made them the subject of a voluminous report in which the whole history of the matter was set forth.

Since 1871 they have been ripe for action by Congress. I can find nothing in any record which throws the slighest doubt or suspicion upon the integrity or justice of these claims, and to postpone them merely to necessitate their periodical presentation to Congress is a waste of time and of labor of the committees and of the Department in reporting again and again and over again their equity and justice. It seems to me, sir, that when there is a just claim against the Government recognized by its Cabinet ministers and by its Senators and Legislators to be a just one, the only proper disposition to make of it is to pay it. It will be a saving to the Government to pay this claim now, and I therefore hope it will be embodied in this appropriation bill.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Chair understand the Senator from Virginia to request a division of the question?

Mr. DANIEL. Yes, sir.

The PRESIDING OFFICER. The question is, then, Will the Senate agree to so much of this amendment as is included between line 19 on page 25 and line 16 on page 26?

Mr. DAWES. It is true, as the Senator from Virginia has stated, that this claim has been before Congress for a great many years. It has been examined in the Interior Department and has been examined by several committees of both branches of Congress and has been frequently recommended for payment, but upon discussion at different times in this branch and in the other there has been so much doubt thrown upon the justice of it as to induce Congress to hesitate and to decline to make the appropriation, and that is why it is still before Congress. It was referred to the Indian Committee during the last session of this Congress and in that committee to the Senator from Virginia, and the Senator from Virginia made a report to that committee which, although not adversely acted upon by the committee, has never, according to my recollection, been acted upon affirmatively. The Senator may correct me if I am wrong.

Mr. DANIEL. As to the first item it was acted upon affirmatively; as to the second, not.

Mr. DAWES. The Committee on Appropriations of the Senate finding it in this bill from the House discussed it at some length, and the same objection which has always appeared throwing some sort of doubt upon the merits of the claim induced the Committee on Appropriations to come to the conclusion that it ought not to be put into an appropriation bill on the last day of the session, when its merits could not be discussed, but that it should come from one of the standing committees of the House or the Senate, as was proposed in the report which the Senator from Virginia has prepared to submit to the Senate from the Committee on Indian Affairs. They were in doubt about the merit of this claim. It is a large claim. It ought to be disposed of either affirmatively or adversely, but this appropriation bill is not the place to consider these large claims, and much that ought to be brought to bear in coming to a correct conclusion upon such a claim as this it is impossible to discuss in these last hours of the session. I am instructed by that committee, therefore, to insist upon its being kept out of this bill.

I am not prepared to say that it is not a just measure, certainly the first part of it which received the approval of the Senator from Virginia as a member of the Indian Committee, nor am I quite prepared to say that I have no doubt about it. I wish to state the case just as it stands before the Committee on Appropriations. It is a claim——

Mr. TELLER. I want to ask the Senator if this has not been approved by the Department on several occasions.

Mr. DAWES. I have stated already that it had been approved several times. If I was asked to put my finger upon the bad places in this provision, I should not be able to do it without a good deal of time, and yet those members of the Committee on Appropriations who insist upon it that it should not be crowded into the appropriation bill will be able, I am sure, to justify this conclusion.

I represent the Committee on Appropriations in stating fairly the conclusions which led that committee to insist upon its being stricken out. I do not know but that the Senator from Colorado, who interrupted me a moment ago, was one of the officials who approved of this measure. I am not certain about that.

The Senator from Virginia has read a letter from the present Commissioner of Indian Affairs, but not a very strong one. Some points are touched gently and with such proper precaution as would pervade the mind of a man who felt that there was some merit in this claim and that something ought to be paid but not quite all this amount asked. I think I have stated the position of the committee fairly.

Mr. McPHERSON. Mr. President, if the Senator from Massachusetts, who has charge of this bill, will give me his attention for a moment, I would like to be informed on this point. It is very evident that the Indians are not increasing in numbers but decreasing from year to year, and inasmuch as the Government has expended large sums of money in the attempt to apportion to them their lands in severalty, I ask how it is that every year there is an increase of appropriations for the Indian Department until to-day it has become one of the most oppressive of the appropriation bills we have. Really I think if we were to take the amount of appropriations made here annually for the Indians we might hire for each one of them a flat in the city of Washington and support him here on less money than is appropriated by this Government for the support of the Indians. I should like to know, if the Senator will inform me, how, now, as they are decreasing in numbers, the appropriations are increasing in amount.

Mr. DAWES. One way to keep this bill down will be for the Senator to help me to keep out this Pottawatomie claim of about $200,000. I will state to him, however, that when we get through with the Pottawatomie claim I will answer more directly his inquiry, and as well as I can. This Pottawatomie claim and a good many more that are found in this bill with black lines drawn through them make it swell up to the large amount which has properly and justly alarmed the Senator from New Jersey.

Mr. McPHERSON. It is the large amount already found in the bill of which I complain; and yet the Senator from Massachusetts, if I understand him aright, concedes the justice of the Pottawatomie claim.

Mr. DAWES. I do not want to leave the impression upon the Senate that I conceded the justice of it. I did not condemn it with the language that I would many claims. I have some doubts about it.

Mr. DANIEL. It is an old saying, Mr. President, that a house which is divided against itself can not stand. My friend, the Senator from Massachusetts, it seems to me, on this occasion represents a house divided against itself, and the best that it can do for itself is to intimate that it has a doubt without being able to tell the Senate where it derives that doubt from. Lord Thurlow's doubts were considered almost as weighty as some other people's opinions, and when the Senator who is chairman of the Committee on Indian Affairs says he has a doubt about some proposition to pay the Indians something, I well know that a doubt so expressed is apt to have more weight than the opinion of some one occupying a less eminent position.

The Senator can speak of his own doubts, but he has no justification for attributing doubt to me. If any reliance whatsoever is to be placed upon the Cabinet ministers of this Government of the present Administration or upon the Commissioner of Indian Affairs, and if any reliance is to be placed upon the records of the Department, upon the reports of its Indian agents, and upon the estimates and statements made to Congress from 1862 to 1889 without a flaw in the testimony and without the expression of a doubt from any official who has dealt with this matter, then I can well understand that the Senator is at a loss for a place to put his finger upon in intimating where doubt arises.

I care nothing in the world for this case except to see this Government do justice, and I will reply to the question which was asked by the Senator from New Jersey [Mr. MCPHERSON], why it is that each successive year the Indian grows more expensive as he grows fewer in numbers? It is because this Government permits his claims from year to year to accumulate and treats him with an utter disregard of his rights and itself with contempt for its own treaty stipulations.

I do not care to detain the Senate at this late hour of its session with any lengthy dissertation upon this subject, but it seems to me that when a claim has been carefully examined into, when Cabinet ministers, and commissioners, and agents have through a period of a quarter of a century with one unbroken voice indicated that it was all right, and when that claim, by reason of the impossibility of the Indian getting justice through the ordinary channels of Congress, has been put upon an Indian appropriation bill, those who contend that the proposition is a just one, and who parade such strong items of proof to show it, are entitled to something better in the nature of an argument from its opponents than that a Senator has a doubt, though he can not put his finger upon the place where the doubt comes in.

I think I know, sir, where the doubt comes in. The honorable Senator from Massachusetts is a member of two committees. As a member of the Committee on Indian Affairs, to which this proposition in the nature of a bill has been committed, he can find no objection to the bill, but as a member of the Committee on Appropriations, which wants to keep up a sort of quasi reputation for economy, and does not want to have its bills loaded down with large amounts, the Senator discovers a doubt. The doubt comes in through the appropriation side of the Senator's meditations. It is a spontaneous doubt, generated not by anything in the record, not by anything that he has heard outside of the record.

Mr. SHERMAN. I ask the Senator from Virginia to yield to me that I may make a report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 12513) for the relief of John J. Freeland; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 8429) granting a pension to W. W. Wilson;

A bill (H. R. 6763) granting a pension to John Mann;

A bill (H. R. 5758) granting a pension to Lovina Wright;

A bill (H. R. 12575) to increase the pension of James M. Barrett;

A bill (H. R. 8100) granting a pension to Anna J. Weaver;

A bill (H. R. 8580) granting a pension to Sarah A. Harrison;

A bill (H. R. 11707) granting an increase of pension to Gertrude Northrop;

A bill (H. R. 12273) for the relief of Newton C. Ridenour;

A bill (H. R. 12510) granting a pension to George Hunter;

A bill (H. R. 12540) to increase the pension of Theodore White;

A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder;

A bill (H. R. 5398) granting a pension to Catharine Hays;

A bill (H. R. 2862) granting a pension to William Ford;

A bill (H. R. 12275) to increase the pension to John W. Smith;

A bill (H. R. 12428) for the relief of Martha Rhodes;

A bill (H. R. 12446) granting an increase of pension to Jacob S. Sherman;

A bill (H. R. 12482) to increase the pension of Elizabeth L. Snell;

A bill (H. R. 12491) granting a pension to Lucinda Newman;

A bill (H. R. 11884) to grant a pension to William Hawkins;

A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;

A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford;

A bill (H. R. 3916) granting a pension to Jacob Wolf;

A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;

A bill (H. R. 2157) granting a pension to Ann E. Mussman;

A bill (H. R. 5390) granting a pension to John Limeric;

A bill (H. R. 12420) granting a pension to Lucy, widow of Muckapec-wak-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from effects of wounds received therein;

A bill (H. R. 8327) for the relief of Joseph Lawless;

A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico;

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

A bill (H. R. 8995) for the relief of Antonia Wiener;

A bill (H. R. 9113) granting a pension to Frank M. Martin;

A bill (H. R. 9159) granting a pension to William A. Taylor;

A bill (H. R. 10167) increasing the pension of Nathaniel Crain;

A bill (H. R. 10644) granting a pension to Elizabeth Peterson;

A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;

A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;

A bill (H. R. 11184) for the relief of Jessie Isherwood;

A bill (H. R. 11627) granting a pension to Mary Horning;

A bill (H. R. 11663) granting a pension to M. Josie McClain;

A bill (S. 1384) granting a pension to Margaret J. Cash;

A bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow-Gauge Railroad Company;

A bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

A bill (S. 1719) granting a pension to Levi B. Smith;

A bill (S. 2511) to withdraw certain public lands from private entry, and for other purposes;

A bill (S. 2549) for the relief of Mary Isabella R. Clements;

A bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company;

A bill (S. 2977) granting a pension to Henrietta Brown;

A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;

A bill (S. 3713) granting an increase of pension to Maria A. Rousseau; and

A bill (S. 3918) granting to the Duluth and Winnepeg Railway Company the right of way through the Leech Lake and White Earth Indian reservations, in the State of Minnesota.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, and 9, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out from said amendment the following words: "Payable out of this appropriation;" and the Senate agree to the same.

P. B. PLUMB,
W. B. ALLISON,
Managers on the part of the Senate.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Managers on the part of the House.

The report was concurred in.

COMMERCIAL UNION WITH CANADA.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 129) to promote commercial union with Canada, to report it favorably. I ask that it now be read for information.

The PRESIDING OFFICER (Mr. PLATT in the chair). The joint resolution will be read.

The Secretary read as follows:

Resolved, etc., That whenever it shall be duly certified to the President of the United States that the Government of the Dominion of Canada has declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties upon trade between the United States and Canada, he shall appoint three commissioners to meet those who may be likewise designated to represent the Government of Canada, to prepare a plan for the assimilation of the import duties and internal-revenue taxes of the two countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

Mr. SHERMAN. The Senator from Vermont [Mr. EDMUNDS] requests me to say that he does not concur in this report. I am directed by the Committee on Foreign Relations to ask for the immediate consideration of the joint resolution, if there be no objection.

Mr. BLAIR. I object.

Mr. SHERMAN. I suppose then it goes over.

The PRESIDING OFFICER. Objection being made, the joint resolution goes over.

RELIGION AND SCHOOLS.

Mr. BLAIR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Education and Labor to report the hearings before it upon the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools be paid out of the contingent fund of the Senate, and that said committee may have the notes of said hearings printed for its use.

SILK CULTURE IN THE UNITED STATES.

Mr. BLAIR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed by the Committee on Agriculture and Forestry to report the hearing before it upon the bill (S. 3128) for the development and encouragement of silk culture in the United States under the supervision of the Commissioner of Agriculture be paid out of the contingent fund of the Senate, and that the notes of said hearing be printed for the use of the committee.

LIGHT-HOUSES, ETC.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10832) for the establishment of a light-house and fog-bell on Oyster-Bed Shoals, in the Hudson River, New York, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steamship Oregon, in New York Harbor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12324) making appropriations for the establishment of a light-house station on St. Catharine Island, State of Georgia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

T. W. PALMER,
S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
M. D. LAGAN,
T. H. BAYLY BROWNE,
Managers on the part of the House.

The report was concurred in.

DETROIT PUBLIC BUILDING.

Mr. PALMER. I move that the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich., which was recalled from the House of Representatives the day before yesterday on my motion, be now returned to the House of Representatives and that the House be notified of its return.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

Mr. DANIEL. Mr. President, as long ago as 1861 the Secretary of the Interior was requested by Congress to examine and to make a report upon the nature and validity of this claim. He obeyed his instructions, and his detailed report was made on the 19th of December, 1862, and is found in House Executive Document 19 of the third session of the Thirty-seventh Congress. In that report he stated that the sum of $160,540.48 was due to the Pottawatomie Indians, and notwithstanding that report no payment was made. After seven years had passed Congress again took cognizance of the matter and a treaty was made with the Pottawatomies, and by the latter clause of article 10 of that treaty it was provided—

That the claim of the Pottawatomies heretofore examined and reported on by the Secretary of the Interior under the act of Congress of March 2, 1861, shall be submitted to two commissioners to be named by the President of the United States for examination, etc.

In pursuance of that treaty commissioners were named by the President, were sworn, examined the claim, and reported their judgment, together with the evidence upon which it was based, and they found that the United States owed the Pottawatomie Indians the sum of $178,953.43 with 5 per cent. interest from December 19, 1862, and this is the item thus solemnly ascertained to be due to these Indians by a commission appointed by the President of the United States under a treaty, and which is now embodied, which constitutes the first clause or paragraph of the amendment now pending.

All of the testimony and the itemized matters upon which their conclusion is based are found in House Executive Document No. 61, of the Fortieth Congress, third session. Since that time Secretary after Secretary and Commissioner after Commissioner have affirmed that this was a just conclusion and have submitted to Congress recommendations for the payment of the amount found to be due.

A year ago, as a member of a subcommittee of the Committee on Indian Affairs, I went in person to the Interior Department, and, in consultation with the Commissioner of Indian Affairs, went over the details of this transaction, and in order to be precise and particular submitted to the Department a copy of the detailed report which I had drawn. In regard to the first item—at least, the one which I characterize as such in order to discriminate between the two propositions—the Commissioner of Indian Affairs says, in a letter addressed to the Secretary of the Interior, under the suggestions of inquiry from the Committee on Indian Affairs in a letter dated March 15, 1888:

In regard to the first sum named in the bill it will be found by reference to House Executive Document No. 61, Fortieth Congress, third session, that the commissioners, Charles Rowland and Stephen D. Mills, under date of the 18th of January, 1869, submitted their report and award to the Secretary of the Interior, and that the said Secretary on the 28th of January, 1869, transmitted the said report to Congress, as provided by the tenth article of the treaty of the 7th of August, 1868. In said report the commissioners' award amounts to $178,953.43, and the bill should be amended by the substitution of this sum for the amount named in the bill, with interest from December 19, 1862.

This sum has been awarded these Indians by this Government under a commission appointed by the President, which has lain before the Congress of the United States for twenty years without a challenge from any source and without any dispute as to its integrity, as to its accuracy, as to its justice, or as to its wisdom. As to that item I will say that I was authorized by the Committee on Indian Affairs when the report was submitted to them to report it favorably.

Now as to the second item. This morning, from conversation with the Senator from Massachusetts, I have heard the first doubt intimated about that item which has ever reached my mind. If there is any doubt about it and any ground of fair doubt can be stated, I certainly would not press it; for I do not desire to be instrumental, however innocently, in urging any appropriation before this body which is not sustained by every element of just and complete proof.

I will submit this matter to the Senate without further detaining it, simply stating that these claims have every show of justice and propriety upon their face and are sustained by all the proofs which are customary in such matters.

PERSONAL EXPLANATION.

Mr. HOAR. Mr. President, I ask unanimous consent to make a personal statement which will take but a moment. It relates not to myself, but to another Senator.

Mr. RIDDLEBERGER. I do not want to object, but I have understood to-day that the Senator from Vermont [Mr. EDMUNDS] last night served notice on the Senate as to what should and should not be done. If that be the case, I intend to serve notice that I am quite as big a Senator as the Senator from Vermont.

Mr. DAWES. I hope now Senators having served their notices the appropriation bill may be proceeded with.

Mr. RIDDLEBERGER. I object unless the Senator from Vermont gives us to understand that he did not mean what he said.

Mr. HOAR. I submit to my friend from Virginia that it is a little hard to punish me and the Senator who is concerned in the statement I am about to make for the defaults of the Senator from Vermont. The Senator does not understand that I have ever served any such notice on anybody or been guilty of any discourtesy.

Mr. RIDDLEBERGER. No, sir, I do not; but I think the Senator from Vermont should have notice served on him by the rest of the Senate that he does not control it.

Mr. DAWES. I hope the reading of the appropriation bill will proceed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] desires to make a personal explanation.

Mr. DAWES. I beg pardon.

Mr. HOAR. Mr. President, two days ago when a resolution was reported to pay Mr. J. J. Finley, who had been duly appointed by the

governor of Florida to a seat in this body, his salary for the time which elapsed between the beginning of the term and the election by the Legislature of the present Senator from Florida [Mr. PASCO] the Senator from Vermont [Mr. EDMUNDS] observed that he thought Mr. Finley—

Is entitled to his pay, although it is a very curious thing that another gentleman has been paid for precisely the same length of time already by the Senate.

And then, after making an observation in support of that resolution, the Senator added:

We ought, however, to take some order at some time so that we shall not be paying three Senators from the same State during the same period of time.

I have been requested by the Senator from Florida [Mr. PASCO] on reading this observation of the Senator from Vermont, lest he may be supposed, where the matter is not fully understood, to have been guilty of some indelicacy in regard to the matter, to make a statement in relation to it. There is no such implication, at least, conveyed in the remarks of the Senator from Vermont, but as the Senator from Florida desires me to state the facts, I will state them.

After the Senator from Florida had taken the oath of office he stated to the official in the Secretary's office, who has charge of these accounts, that he was in doubt whether he could properly receive the salary from the beginning of the constitutional term or not. That official informed him that the precedents would entitle him to it. The Senator from Florida, however, preferred, before taking the money, to consult the President *pro tempore* of the Senate, the present occupant of the chair [Mr. INGALLS]; and the present occupant of the chair brought the matter informally to the notice of the Committee on Privileges and Elections, who had dealt with that class of subjects. That committee, not of course as a committee, but the members of that committee examined the precedents very carefully; and they were satisfied that under the precedents of the Senate that Senator was entitled to receive this salary.

When Senators are not sworn in until December, or when members of the other House are not sworn in until December, they receive their salary from the beginning of the constitutional term. All the duties of the term, all the preparation for legislation, all the care for the interests of the constituent at the seat of government for the entire six years, devolved upon the Senator from Florida, and that has equally been true whether the election of a Senator took place before the beginning of his term or afterwards. So it seemed to the members of the committee that the Senator from Florida was clearly entitled to his compensation from the beginning of the term under a uniform, ancient practice, both of the Senate and House of Representatives; and they expressed that opinion.

So the Senator from Florida was not only not indelicate, but he was scrupulously careful and delicate not to receive this compensation if there remained in the mind of the persons who had given the most attention to that class of subjects any reasonable or considerable doubt.

Now, it is equally true that Mr. Finley was entitled to the seat to which he was appointed, but he never qualified, he never performed the duty, but he was the duly appointed official for a few weeks, and he was of course bound to arrange his business so as to be ready to attend the Senate if a special session had been called, and it was therefore a case where the usages of the Senate somewhat conflict or overlap, and provide where the peculiar facts happen here for the compensation of two persons for the same office. The compensation in the case of Mr. Finley was paid out of the contingent fund, and it seems to me that the decision and action was proper in both cases. But whether I am right or wrong in that matter, I make this statement only to have it go on the record that the Senator from Florida is not liable to any imputation or blame in the matter.

Mr. EDMUNDS. Mr. President, I entirely agree with what the Senator from Massachusetts has said regarding the personal demeanor of the Senator from Florida. His conduct about it, as I knew when I made the remark I did, had been entirely and scrupulously delicate, and I did not intend and I do not think my language would lead anybody to infer or to make the slightest criticism upon the simple fact that the Senator had received the salary, for he took it according to the ancient law and practice of the Senate in all cases. My remarks were intended to be directed entirely to the seeming incongruity in the course of the action of the Senate during these years of doing what had been done in respect of which both these gentlemen were clearly within the regular usages of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had announced the appointment of Mr. WISE in the place of Mr. HERBERT, excused, as one of the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 9674) to regulate the course at the Naval Academy.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senate, as in Committee of the Whole, resumes the consideration of House bill 12578, being the Indian appropriation bill.

Mr. PLUMB. I am somewhat familiar with the last provision found on page 26, about which the Senator from Virginia [Mr. DANIEL] has spoken. Some years ago as a member of the Committee on Appropriations I had occasion to look over the testimony which was presented in support of this claim. In my judgment that testimony *prima facie* was far from conclusive as to the merits of the claim, and I can say also that on account of facts within my own knowledge I was entirely convinced that it was a claim without merit, at all events, except as to a very small portion of it.

It is a claim for depredations. The testimony was taken by the Indian agent under circumstances which clearly pointed to collusion. No adverse testimony was submitted; practically no identification of the persons or the time and places at which the depredations were committed was furnished. It is a claim which I think, is substantially a fraudulent claim, and ought not to be allowed. I do not know about the first claim and therefore do not express any opinion about it; I am referring to the second item.

All I want to say in connection with this subject further is that it is not always safe to take the report of a Department officer in regard to the merits of a claim. That is not a reflection especially upon the head of a Department. He acts through subordinates. We all of us know that claims do slip through the Departments which are entirely devoid of merit.

The Senator from Massachusetts [Mr. DAWES] and myself had occasion some years ago in the Committee on Appropriations to look up some claims that were put on an Indian Appropriation bill in the House of Representatives and it became entirely manifest that in regard to every single one of them the grossest carelessness had been exhibited by the officers in charge of the investigations and that carelessness affected a very large portion of each claim, and while I do not say that the Department's recommendation is not entitled to weight, I do say that it is not conclusive except in a very limited class of cases.

I beg to say to the Senator from Virginia that when he says any member of the Committee on Appropriations feels constrained to prevent the padding of the appropriation bills that come from that committee, whatever his design may be, he utters a compliment to the committee. That is my judgment. In the first place, the committee is not for the purpose of investigating claims. By the rules of the Senate claims are especially excluded from its jurisdiction. Such amendments are subject, if offered in the Senate to an appropriation bill, to a point of order. There is a Claims Committee, there is an Indian Affairs Committee, and there are forty other committees of the Senate to which the various subjects of this and similar kinds are committed, and to whom the Senate yields as to persons with authority, and who, if they discharge in an apt and timely way their duty—I do not say that they do not—this and such claims as this would never have occasion to be put upon an appropriation bill, but would go through the ordinary processes of legislation in the Senate.

It is to some extent a familiar and frequent recourse to put upon an appropriation bill a measure which for some reason or other, through the tardiness of a committee, through accident, misfortune, or something of that kind, was not able to go through the scrutiny of the ordinary legislative processes, and thereby to prevent that consideration by both bodies acting independently which is usually applied to other matters of legislation.

The Committee on Appropriations have endeavored to carry out the rules of the Senate. They are only human. They may have erred. They may have erred some times in the line of too strict an economy. It is a very good direction in which to err. They have endeavored to keep out, so far as they possibly could, matters that came within the jurisdiction of other committees and such things as they were forbidden by the rules, not alone because of the legislative propriety involved, but for the further reason that they did not desire to do what would in any way incur the animosity of other committees, as would be the case if they should seem to invade the jurisdiction of those committees.

When this measure was presented to the Senate some time since and went to the Committee on Indian Affairs, being strongly pressed by those who had charge of it and knew something about it, the committee said, "We will commit this to the Court of Claims." For some reason or other it has not gone to the Court of Claims. The parties who are interested in this measure do not seem to care to engage the scrutiny of that court, and they now come in and seek to do with reference to this claim, which is of the character of which I have spoken, if I am not entirely mistaken, not only to put it on the appropriation bill but to repeal the act of Congress submitting the matter to the jurisdiction of that court.

It seems to me that once having had this privilege they now ought to be required to exercise it, and that especially we ought not to put upon this bill in the closing hours of the session, under circumstances which preclude its investigation, any measure in regard to which there is not the most absolute and conclusive proof of its genuineness as to every single authority involved and also as to the liability of the Government for its payment. I admit that under the treaty the United States was to respond to the Pottawatomie Indians in whatever sum might legitimately be determined to have been their loss by reason of depredations committed upon them by white persons; but that did not bind us to accept of everything that might be suggested in that direction. We are not required to take anything that is not conclusively

proven. Here we are obliged to submit to *ex parte* statements, and it is not proper that we should.

I have observed with great regret that on this bill there have been brought forward claims forty and fifty years old which, if they were correct, ought either to be embraced upon appropriation bills current to the time when they accrued, or to have been made the subject of separate and individual bills which were to be submitted to the ordinary legislative processes and pressed upon their merits. There have been brought in here claims arising under the provisions of the Cherokee treaty of 1825, and claims arising under the treaty with the Creeks, going back as far as 1839. While it is true that the Government does often fail to respond to its obligations as it ought, yet that is no reason why we should take up and dispose of in this hasty way claims in regard to which there is not only substantial doubt, but in regard to which there is a belief on the part of some, at least of those who have heretofore examined them, as to a state of facts which entirely discredits them.

As to the first claim I do not speak, because I do not recall definitely enough facts which were developed before the committee, but as to the last claim I can say with entire sincerity and full belief that it is not a claim which ought to be put upon this bill.

Mr. DANIEL. The remarks of the Senator to-day contain the first intimation to my mind, after an investigation of this matter which has been going on for over a year, that there was any doubt whatsoever as to the validity or propriety of the second item embraced in the clause which the committee has recommended to be stricken out. In view of the fact that the Senator from Kansas has expressed a doubt upon that subject, I am perfectly willing to withdraw any objection to that item being stricken out in order that it may come up upon its merits in a separate bill. But as to this other item about which no doubt has been suggested at any time and which rests upon recommendations continuing through so many years and upon testimony which nobody has disputed, it seems to me that here and now is the time to make an end of that continuous claim.

The Senator referred to the fact that by an act of Congress of some years ago the latter one of these claims was authorized to be referred to the Court of Claims. Perceiving that fact I addressed a note to the Commissioner of Indian Affairs to know whether that claim had ever been referred to the Court of Claims, and if so, what was the result of the reference. I have before me now his letter in reply of date April 5, 1888, in which he states:

That the claim of said nation for back annuities has never been before the Court of Claims, for the reason that no law has ever been passed giving jurisdiction to said court, and although not officially informed, I am of the opinion that the claim for depredations has not been presented to the said court owing to the ambiguity of the law of March 3, 1885, giving said court jurisdiction of said claim.

I acknowledge the force of what the Senator from Kansas has said as to the scrutiny which the Committee on Appropriations must of necessity give to every claim of this character. If it has to be rigid, it is a fault that leans to virtue's side, and is one which I would not severely criticise. But in view of the fact that it is the practice of the Senate, whatever may be its rule, to put upon appropriation bills claims of this kind which are thoroughly established, in view of the fact that within twelve hours claims less meritorious for the Senator's own State have been put upon an appropriation bill——

Mr. PLUMB. No.

Mr. DANIEL. Yes, sir, last night.

Mr. PLUMB. Will the Senator state upon whose motion it was?

Mr. DANIEL. It was the claim of Nebraska, Kansas, and Colorado.

Mr. PLUMB. On whose motion?

Mr. DANIEL. I do not remember on whose motion. I was paying more attention to the matter than to the mover.

Mr. PLUMB. As the Senator is mentioning it as a matter of reproach to me——

Mr. DANIEL. Not of reproach.

Mr. PLUMB. As involving the exercise of some preference on the part of——

Mr. DANIEL. Indeed, I do not, sir. Indeed, I do not. I make no reproach. I am referring to the practice of the Senate.

Mr. PLUMB. But there must be some significance in the fact that it was an amendment relating to my State, or the Senator would not have mentioned it.

Mr. DANIEL. Not at all.

Mr. PLUMB. Is the Senator prepared to say that that was a claim in the sense that this is a claim, burdened with the doubt which obtains in regard to this matter, originating entirely *ex parte* some forty years ago?

Mr. DANIEL. It was an old claim of the State of Kansas.

Mr. PLUMB. I beg the Senator's pardon, it was not an old claim of the State of Kansas.

Mr. DANIEL. How old was it?

Mr. PLUMB. Probably six or eight months.

Mr. DANIEL. Then it was a new claim of the State of Kansas; and the State of Kansas can get its claims put upon appropriation bills that are but six months old, while the poor Indian in Kansas can not get his put on if it is twenty years old. So if the Senator thinks that he has bettered his argument by insisting on the recency of the Kansas claim I confess that I can not see it that way.

I did not mention the matter as any reproach to the Senator from Kansas. It is no reproach to him, and there is no element of suggestion in it that could be fairly interpreted into a reproach. I am only referring to the fact that the proposition now before the Senate is consistent with the habitual practice of the Senate and the practice which has been freshly and within a few hours carried on before this body.

Now, sir, did this provision originate here as did the Kansas, Colorado, and Nebraska claim? It is in an appropriation bill which comes from the House of Representatives. I ask the Senator from Kansas, without reflecting upon anybody, if it is consistent with the fair transaction of business by the Senate to put claims of its own motion upon appropriation bills of the like character, and at the same time to be occupied in striking out equally meritorious claims that have come to us from the other branch of Congress?

Mr. PLUMB. The Senator is talking of something that he does not know anything about. He is talking about the relative merits of these claims. He does not know anything about the Kansas claim at all, and consequently there is no foundation for any comparison or any reflection. When the Senator spoke of it as being an old claim I only corrected him as to the matter of fact. He can attach any importance to it as being an old or a new claim as he pleases. That is not of my making; it is of his making.

In the next place, the Committee on Appropriations did not put the Kansas claim on the bill; it was done by the Senate. This claim the Committee on Appropriations do propose to the Senate to strike out. For that they are responsible. They have done, in my judgment, exactly what as honest public servants they ought to do, and what if they had not done with the knowledge they have upon that subject they would be properly characterized as unfaithful servants.

Now, if the Senate proposes to put that on and thereby to do that which the committee thinks is wrong, the committee will be discharged of responsibility; but as the Senator has made his fight on the committee in this case, apparently designing to be offensive to me, I think it is proper to say that the committee propose to strike this out and the committee did not put the Kansas claim on; the Senate put it on. If the Senator wants to institute a comparison between the claims and the Senator is willing to listen I will endeavor to instruct him upon that question.

Mr. DAWES. I hope we may now have a vote on striking out the first paragraph.

Mr. DANIEL. The offensiveness of the Senator from Virginia to the Senator from Kansas and to the Appropriations Committee is a matter that dwells entirely in the imagination of the Senator from Kansas. I have not attacked the committee; I have not attacked him. When he assumed that he was attacked without justification I have disclaimed it. So far as I am concerned, sir, there the matter can rest. The gentleman is better prepared to confess his own ignorance than he is to confess mine. It is true I was not thoroughly advised as to the age of the Kansas claim, because I do not keep any register of births or deaths of things of that sort, and the substance of the matter is much more important to be remembered than any little incidental thing about it as to when it originated.

But I think I may justly refer to the practice of the Senate. Not caring sufficiently either to criticise the committee or to praise it, as to the parliamentary practice I think I may properly observe, when I am criticised for urging the Senate to accept the bill as it came from the House, that it would not seem to my mind the proper thing for the Senate to be putting any claims of that sort upon appropriation bills and at the same time to be striking them out when of equal merit when they have already been approved by the other House.

Mr. DAWES. I hope we may have a vote on striking out the first paragraph.

The PRESIDING OFFICER. The question has been divided. The question is on striking out the first paragraph of the proposed amendment; that is to say, from line 19 on page 25 to line 16 on page 26, inclusive.

Mr. STOCKBRIDGE. I hope that if either of these paragraphs is to be stricken out, the first one will be retained. It covers a very much smaller amount than the other and pertains to Indians in Michigan and Indiana. I have given some attention to an examination of the matter, and I think it is proper and right that the first paragraph should be restored to the bill. As to the second paragraph I have not anything to say. I hope the first paragraph will be retained in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee to strike out the paragraph.

The amendment was rejected.

Mr. DAWES. There should be a few words changed in the paragraph that is retained. In the tenth line, I move to strike out the words—

And which have been, or may be approved, by the Secretary in whose Department the same is filed.

And to insert in place thereof:

And approved in conformity with law.

So as to read:

And the balance of said sum, less whatever sums may be legally and equitable due the delegate of said Indians by virtue of recognized powers of attorney and contracts on file in the Department of the Treasury or Interior, and approved in conformity with law, shall be distributed per capita, as follows: Fourteen hundred twenty-one hundred and eightieths to the Citizens' band, and seven hundred and eighty twenty-one hundred and eightieths to the Prairie band of Pottawatomies of Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee striking out the second paragraph from line 17 on page 26 to line 12 on page 27, inclusive.

Mr. DAWES. I understand the Senator from Virginia does not object to striking out the second paragraph.

The amendment was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; and

A bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails.

INDIAN WAR CLAIMS.

Mr. HEARST. I submit a resolution for consideration.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The resolution will be read for information.

The Secretary proceeded to read the resolution, and was interrupted by—

Mr. DAWES. I must object to the consuming of the time of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts objects to the present consideration of the resolution.

Mr. HARRIS. As the resolution has been partly read, let it be printed in the RECORD, so that it may appear in its entirety.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made. What action, then, will be taken?

Mr. HARRIS. Let it lie on the table.

The PRESIDING OFFICER. If there be no objection, the resolution will be printed in the RECORD, and lie over.

The resolution is as follows:

Resolved, That the Secretary of War, through the Board of War Claims Examiners, appointed under section 2 of the act entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territory of Washington, and Nevada when a Territory," approved August 4, 1886, be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been or which hereafter may be submitted to him in support of the Indian war claims and Indian war obligations of the State of California, and to ascertain the amount of money actually expended and obligations incurred by said State, growing out of Indian hostilities therein and upon the borders thereof, and which have not heretofore been reimbursed by the United States.

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes hereinbefore enumerated, and which has not heretofore been reimbursed by the United States.

The Secretary of War shall report to the Senate the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matters above enumerated, including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

And the Secretary of War shall report the circumstances and exigencies under which, and the authority by which, such expenditures were made, and what payments have been made on account thereof by the United States.

Mr. BLAIR. To lay the resolution over is to defeat any action, for to-day is the last legislative day, and the Senator from California desires to move the resolution as an amendment to the Indian appropriation bill, I understand.

Mr. DAWES. I hope the reading of the bill will proceed. I must object to everything else.

The PRESIDING OFFICER. The Chair reminds the Senator from California that the regular order is the reading of the bill for the purpose of considering the amendments of the Committee on Appropriations. Then further amendments will be in order.

Mr. BLAIR. If the Chair will permit me——

Mr. DAWES. I object.

Mr. BLAIR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his question of order.

Mr. BLAIR. The resolution which has just been read will be tabled and destroyed. The Senator from California desires to be in a position to move it as an amendment to the bill, and the disposition just made of it inadvertently is wrong, and it should be rectified now.

The PRESIDING OFFICER. The Chair will then change the words he used, and have the resolution temporarily laid aside. The Senator from California will be quite at liberty to offer it after the amendments of the Committee on Appropriations have been acted on.

Mr. BLAIR. That will save his rights.

YELLOWSTONE NATIONAL PARK.

Mr. VEST. I ask the Senator from Massachusetts to allow me to call up from the table Senate bill 283, which was returned by the House of Representatives for immaterial amendments that will create no debate, in order that it may go back to the other House at once.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives; which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 1, 1889.

Ordered, That the Clerk be directed to return to the Senate, in compliance with its request, the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headquarters of the Yellowstone River as a public park.

Mr. VEST. I move that the Senate reconsider its action in passing the bill in order that I may offer certain amendments.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the votes by which the bill was passed and ordered to a third reading may be reconsidered. It will be so ordered if there be no objection. The bill is open to amendment in the Senate.

Mr. VEST. In section 1, line 3, after the word "Park," I move to strike out the words "as now fixed by section 2474 of the Revised Statutes;" so as to read:

That the boundaries of the Yellowstone National Park shall hereafter be as follows.

The amendment was agreed to.

Mr. VEST. In section 7, line 33, I move to strike out the words "the police" and insert "any policemen."

So as to read:

Or to any policemen therein.

The amendment was agreed to.

Mr. VEST. In line 4 of section 8, after the word "and," I move to strike out the comma.

The amendment was agreed to.

Mr. VEST. In the same section, in line 7, after the word "the," I move to insert the word "willful;" so as to read:

The willful violation.

The amendment was agreed to.

Mr. VEST. In the same section, in line 10, after the word "the," I move to insert the words "preservation of the," and after the word "property," to insert the words "and objects of interest;" so as to read:

And the preservation of the property and objects of interest therein is hereby declared to be, etc.

The amendment was agreed to.

Mr. VEST. In line 12, in the same section, after the word "each," I move to insert the word "such."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTTER CREEK LIGHT.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3.

S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON,
Managers on the part of the House.

The report was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

The reading of the bill was continued to line 17 on page 30.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Will the Senator from Massachusetts inform the Chair whether in line 17 on page 30 the word "dollars" should not be inserted, so as to read "$6,000?"

Mr. DAWES. The word "dollars" should be inserted there.

The PRESIDING OFFICER. It will be done if there be no objection. The reading will proceed.

The Secretary continued the reading of the bill to line 1 on page 32.

The PRESIDING OFFICER. In line 1 on page 32 the word "dollars" apparently should be inserted, so as to read "$530."

Mr. DAWES. The word "dollars" has again been left out there.

The PRESIDING OFFICER. The correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, in the appropriations for

"Sioux of different tribes, including Santee Sioux of Nebraska," in line 22, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

For twentieth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at $20 per head, for persons engaged in agriculture, as per tenth article of same treaty, $100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 35, line 1, after the word "self-support," to strike out:

And after such census has been taken only those Indians that are found to be unable to support themselves by reasonable exercise shall receive rations from the Government of the United States.

So as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $900,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steam-boat transportation; and in this service Indians shall be employed wherever practicable: *And provided further*, That the Secretary of the Interior shall cause a census of the Sioux tribe of Indians to be carefully taken by a special agent, to be appointed for such purpose, with a view of ascertaining how many of them are able to support themselves, and, in ascertaining this fact, their physical capacity to work the land owned or occupied by them, either individually or collectively, the value of the land, its nearness to market, and general productiveness shall be considered, and such other facts and circumstances as will aid Congress in determining how many of such Indians are capable of self-support: *And provided*, That the expenses incident to the taking of such census shall be paid from the money hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 35, line 12, before the word "thousand," to strike out "ninety-three" and insert "sixty-eight;" so as to make the clause read:

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, $1,600; in all, $1,168,500.

The amendment was agreed to.

The reading of the bill was continued to line 2 on page 36.

Mr. DAWES. In the second line on page 36 I move to strike out the words "anno Domini" before "1886."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for "Sioux, Medawakanton band," on page 37, line 4, after the word "receive," to insert "as nearly as practicable;" and in line 8, before the word "lands," to strike out "possible" and insert practicable;" so as to read:

And provided also, That the Secretary of the Interior may appoint a suitable person to make the above-mentioned expenditure under his direction; and all of said money which is to be expended for lands, cattle, horses, implements, seeds, food, or clothing shall be so expended that each of the Indians in this paragraph mentioned shall receive, as nearly as practicable, an equal amount in value of this appropriation and that made by said act of June 28, 1888: *And provided further*, That as far as practicable lands for said Indians shall be purchased in such locality as each Indian desires, and none of said Indians shall be required to remove from where he now resides and to any locality or land against his will.

The amendment was agreed to.

The next amendment was, in the appropriations for "Utes," to strike out the clauses from line 11 on page 39 to line 12 on page 40, inclusive, as follows:

Second of ten installments of $150,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Blackfeet agency, Montana, as per act approved May 1, 1888, $150,000.

Second of ten installments of $115,000 each, to be expended under the direction of the Secretary of the Interior, for the support and civilization of the Indians attached to the Fort Belknap agency, Montana, as per act approved May 1, 1888, $115,000.

Interest on $69,120, at 5 per cent. per annum, being value of 54 sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1838, $3,456.

The Secretary of the Interior is hereby authorized to enter into contracts with such tribes, bands, nations, or individual Indians as in his judgment have sufficiently advanced in civilization to be competent to transact their own business affairs for the purpose of making final settlement and payment of such sums as may be due them from the United States either as permanent or limited annuities, or otherwise, and that said contracts be by him reported to Congress for its consideration and action.

The amendment was agreed to.

The next amendment was, on page 40, after line 13, to insert:

Peoria, Wea, Piankeshaw, and Kaskaskia and Western Miami Indians of the Indian Territory:

That the sums of money heretofore appropriated for the use and benefit of the Peoria, Wea, Piankeshaw, and Kaskaskia and the Western Miami Indians of the Indian Territory by the act of October 2, 1888, volume 25, United States Statutes at Large, page 528, is hereby made payable per capita to said Indians in manner as follows: To adults in person; to parents for their minor children, when such parent or parents are competent, competency to be determined by the chief of the respective tribes and the Indian agent; to guardians for their orphan wards, if any; and in case no guardians have been legally appointed, the money due such orphan children shall be deposited in the Treasury of the United States to their credit, and shall be payable thereafter to properly appointed guardians, or the individual Indian upon his or her becoming of lawful age, and in case of death, then to his or her legal heirs; guardians to be appointed by the probate court in and for Cherokee County, Kansas, in manner and form as provided by the act of March 3, 1881, volume 21, United States Statutes at Large, page 433, providing for the appointment of guardians for minor children of the Western Miami Indians of Indiana, then residing in the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to insert:

Cherokee freedmen:

To enable the Secretary of the Interior to ascertain who are entitled to share in the per capita distribution of the sum of $75,000 appropriated by the act approved October 19, 1888, entitled "An act to secure to the Cherokee freedmen and others their proportion of certain proceeds of land under the act of March 3, 1883," and to make payment thereof, and to compensate in such sum as he may deem reasonable any duly authorized agent or agents acting for said freedmen in the matter of the distribution of said $75,000, who, in his judgment, are entitled thereto, the sum of $12,000, or so much thereof as may be necessary; and the amount so expended shall be charged against the Cherokee Nation on account of its lands west of the Arkansas River, and shall be a lien on said lands, and shall be deducted from any payment hereafter made on account of said lands. And said Secretary is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 44, line 21, before the word "thousand," to strike out the word "fifty" and insert "seventy;" so as to make the clause read:

For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, $170,000.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 22 on page 45 to line 2 on page 46, inclusive, as follows:

For continuing the work of constructing ditches and reservoirs for the Navajo Indians, including pay of employés, $15,000, $7,500 of which shall be taken from the funds of said Indians, now in the Treasury belonging to said Indians.

And insert in lieu thereof:

For support and civilization of the Navajo Indians, including pay of employés, $7,500.

The amendment was agreed to.

The reading of the bill was continued to line 6 on page 47.

Mr. DAWES. The next amendment of the committee, to strike out from line 7 on page 47 to line 25 on page 50, should be considered in connection with an amendment at the end of the bill, which is designed to be a substitute for it, and therefore I ask that it be informally passed over.

The PRESIDENT *pro tempore*. It will be so ordered.

The Chief Clerk resumed the reading of the bill.

The next amendment was, under the head of "general incidental expenses of the Indian service," on page 51, line 21, before the word "thousand," to strike out "on" and insert "one;" so as to make the clause read:

Incidental expenses of Indian service in Colorado: For general incidental expenses of the Indian service, including traveling expenses of agents, $1,500.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," on page 54, line 12, before the word "thousand," to insert "and fourteen;" so as to make the clause read:

Pay of Indian police: For the service of not exceeding seven hundred privates, at $10 per month each, and not exceeding seventy officers, at $12 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen of non-ration agencies, $114,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to insert:

Surveying and allotting Indian reservations (reimbursable):

To enable the President to complete the work already undertaken and commenced under the third section of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," including the necessary clerical work incident thereto in the field and in the office of Indian Affairs and the delivery to the Indians entitled thereunder of the trust patents authorized under said act, $10,000, to be immediately available.

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $30,000; and no allotments shall be ordered or commenced upon any reservation unless the allotments upon such reservation so selected and the delivery of trust patents therein can be completed under this appropriation.

For this amount, to be expended under the direction of the Secretary of the Interior in aiding Indians who have taken land in severalty, under the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," to establish themselves in homes thereon, to procure seeds, farming implements, and other things necessary, in addition to means already provided by law or treaty, for the commencement of farming, $30,000. The amounts provided for in the three preceding paragraphs shall be repaid to the Treasury proportionately out of the proceeds of the sales of such lands, if any, as may be acquired from the Indians under the provisions of the aforesaid act. And a report in detail of the expenditures made to December 1 next, under the appropriations provided by said paragraphs, shall be made to Congress at the commencement of the next session.

The amendment was agreed to.

The amendment was, on page 58, line 20, before the word "six," to strike out "at;" and in the same line, after the words "per annum," to strike out "in all, $660;" so as to make the clause read:

For one female laborer, to be employed in Indian Office, $660 per annum.

The amendment was agreed to.

The next amendment was, under the head of "for support of

schools," on page 59, line 10, after the word "building," to insert "exclusive of outbuildings;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes, not hereinafter provided for, $685,000; for the construction on Indian reservations of school buildings and repair of school buildings, $55,000; and for purchase of horses, cattle, sheep, and swine for schools, $10,000; in all, $750,000: *Provided*, That the entire cost of any boarding-school building, exclusive of outbuildings to be built from the moneys appropriated hereby, including furniture, shall not exceed $10,000, and the entire cost of any day-school building to be so built shall not exceed $600.

The amendment was agreed to.

The next amendment was, on page 60, line 21, after the word "pupils," to strike out "at $175 per annum each;" so as to read:

For support of Indian pupils, and for necessary repairs to buildings and fencing, and for pay of superintendent, at $1,500, at the Indian school at Grand Junction, Colo., $10,000; and Indian pupils, other than children of Ute Indians, may be allowed in said school, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, at the end of the same clause on page 16, after the word "Interior," to insert:

But nothing herein shall be construed to prevent the President from appropriating funds belonging to the Ute Indians for educational purposes, as provided in section 1 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians of Colorado, for the sale of their reservation in said State, and for other purposes, and to make necessary appropriation for carrying out the same."

The amendment was agreed to.

The next amendment was, on page 63, line 5, before the word "Indian," to strike out "Chippewa," and after "Indian" to strike out "boys and girls" and insert "pupils;" so as to make the clause read:

For the education and support of one hundred Chippewa Indian boys and girls at St. John's University and at St. Benedict's Academy, in Stearns County, State of Minnesota, at $150 each per annum, $15,000; and for the education and support of one hundred Indian pupils at St. Paul's Industrial School, at Clontarf, in the State of Minnesota, at $150 each per annum, $15,000.

The amendment was agreed to.

The next amendment was, on page 63, line 13, after the word "pupil," to strike out "fifty thousand six" and insert "sixty-three thousand one;" so as to make the clause read:

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $167 for each pupil, $63,180.

The amendment was agreed to.

The next amendment was, on page 64, after line 8, to insert:

That in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits thereof.

The amendment was agreed to.

The next amendment was, on page 64, after line 13, to insert:

To enable the Secretary of the Interior, in his discretion, to purchase for Indian industrial school purposes the buildings and other improvements in what is known as Keam's Cañon within the reservation in the Territory of Arizona, established for the use and occupancy of the Moquis and other Indians by Executive order dated December 16, 1882, and to pay therefor such sum as he shall deem just and reasonable, not exceeding $10,000: *Provided*, That upon payment therefor the owner of said buildings and other improvements shall execute and deliver to the Secretary of the Interior a full relinquishment of all his right, title, and interest in and to any and all buildings and other improvements of whatsoever character owned by him within the limits of said reservation.

The amendment was agreed to.

Mr. DAWES. I desire to offer an amendment from the committee, which was left out by mistake, to come in immediately after the amendment just agreed to. On page 65, after line 3, I move to insert:

For the purpose of erecting and furnishing shops, outhouses, and fencing the school-grounds, and for furnishing the building and organizing the Indian school in Ormsby County, Nevada, authorized by the Indian appropriation act approved June 28, 1888, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Interest on trust-fund stocks," in section 3, to strike out the clause from line 4 on page 66 to line 25 on page 68, inclusive.

Mr. DAWES. I ask that that amendment be passed over until we reach the end of the bill.

The PRESIDENT *pro tempore*. The amendment, by unanimous consent, will be passed over informally, if there be no objection.

The amendment was, on page 69, to insert as follows:

Prairie Band of Pottawatomies and Kickapoo Indians of Kansas:

The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated to enable the President to negotiate with the Prairie Band of Pottawatomies and Kickapoo Indians in Kansas for the sale of all or a portion of their lands in Kansas, and the allotment of the remainder in severalty; such agreements as may be made to be submitted by the President to Congress at the next session, said sum to be immediately available.

Mr. BUTLER. I reserve the right on that amendment to ask the Senate to disagree to it at the proper time. I ask the Senator from Massachusetts to allow it to be passed over for the present.

Mr. DAWES. I do not object.

The PRESIDENT *pro tempore*. The amendment will be passed over informally.

The next amendment was, on page 69, line 11, to insert the subhead "Sioux Reservation."

The amendment was agreed to.

The next amendment was, on page 69, line 22, after the words "to carry out," to strike out "the provisions of this act and the duties of said commission" and insert "this provision;" so as to read:

The President of the United States is hereby authorized and empowered to appoint three commissioners for the purpose of entering into negotiations and agreements with the Sioux Indians occupying the Great Sioux Indian reservation in Dakota for a full and complete cession and relinquishment to the United States of a portion of their reservation, and to divide the remainder into separate reservations, and for such other purpose as they may find necessary touching said Indians and said reservation; and such agreements, when made, to be by them submitted to the first session Fifty-first Congress for ratification; and to carry out this provision the sum of $25,000, or so much thereof as may be found necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, this amount to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Sioux reservation," on page 70, to strike out section 4, in the following words:

SEC. 4. That the President may, at such times as he may deem it necessary, direct land offices to be located upon the lands opened to settlement by this act, not to exceed two in number, and may nominate and, by and with the advice and consent of the Senate, appoint the usual officers to conduct the business of said land offices.

Mr. VEST. I ask that that amendment of the committee be passed over.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection.

The next amendment was, on page 70, to insert as section 4 the following:

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Cœur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural and valuable chiefly for minerals and timber as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and for the purpose of such negotiation the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

The PRESIDENT *pro tempore*. The spelling of the word "agricultural" in line 14 will be corrected.

Mr. BUTLER. I ask that that amendment be passed over informally.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection.

Mr. DAWES. That does not have any connection with the other matter. It is a different proposition.

Mr. BUTLER. It seems to me to be of the same character with the other legislation. I ask that it be passed over.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection.

The reading of the bill was continued. The next amendment was, under the head of "Sioux reservation," on page 72, line 14, after the word "farmers," to insert "and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments;" so as to make the proviso read:

And provided further, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvement of such allotments, and shall report to Congress, at its next session thereafter, an account of his action under this provision.

The amendment was agreed to.

Mr. RIDDLEBERGER. I should like to ask the Chair whether it would be in order, pending the reading of the bill, to move to proceed to the consideration of executive business?

The PRESIDENT *pro tempore*. The Senator from Virginia has a right to make the motion.

Mr. RIDDLEBERGER. I make the motion.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business. The question is on agreeing to the motion of the Senator from Virginia.

The motion was not agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "Sioux reservation," on page 74, in line 15 of section 10, after the word "schools," to strike out "who shall from time to time" and insert "whose duty it shall be to;" and in line 23, after the word "exist," to insert "and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior;" so as to read:

SEC. 10. That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be superintendent of Indian schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior.

The amendment was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 382) granting a pension to Catharine G. Bodfish;

A bill (S. 3653) to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Fort Leavenworth Water Company;

A bill (S. 3696) to authorize the Omaha, Dodge City, and Southern Railway Company to build its road across the Fort Hays military reservation;

A bill (S. 3137) granting a pension to Ruth Ames;

A bill (S. 3047) granting increase of pension to William Bittinger;

A bill (S. 2677) granting a pension to Jane Reilly;

A bill (S. 2683) granting a pension to Andrew J. Foust;

A bill (S. 3183) granting a pension to James Parker;

A bill (S. 3429) granting a pension to Maria N. Abbey;

A bill (S. 1144) granting a pension to Frances H. L. Prescott; and

A bill (S. 433) granting an increase of pension to General S. W. Price.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I desire to present at this time a report of the committee of conference on the District of Columbia appropriation bill.

The PRESIDENT *pro tempore.* The report will be received, if there be no objection.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 26, 28, 29, 39, 43, 47, 48, 51, 52, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 42, and 65, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Including Fifteenth street between Pennsylvania and New York avenues, $762,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Including Fifteenth street, between Pennsylvania and New York avenues, $185,165;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,350;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$224,210;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,475;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That these conditions as to price and depth of base shall not apply to the pavement authorized by this act on Fifteenth street, between Pennsylvania and New York avenues."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or under-ground cable moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat groved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds, and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations, or either of them, shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of this District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

"*Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street-railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street-railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

Provided further, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street-railroads outside the city of Georgetown and the boundary limits of the city of Washington; and

Provided, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "To widen, grade, and regulate Brightwood avenue, $10,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$135,525;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 64: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 64, and agree to the same.

Amendment numbered 100: That the House recede from its amendment to the amendment of the Senate numbered 100, and agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the report? If there be none, the question is, Will the Senate concur in the same?

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore.* Does the Senator from Missouri rise to debate this question?

Mr. VEST. I rise to make an inquiry of the Senator in charge of the conference report. There was so much confusion in the Chamber that I could not understand that portion of the conference report in regard to the tracks of the street-railroads in the District of Columbia. As far as I could understand it, it seems to provide that the railroad companies shall have two years before they are required to do anything, and then that ninety days' notice shall be served upon them, and if at the end of that time they do not comply with the law, then the District commissioners shall issue certificates and make sale of the property, etc. Is that substantially it?

Mr. PLUMB. That is substantially it. Under the constraint which occurs often, of course, in the adjustment of these matters, the Senate conferees agreed to incorporate into the bill the substance of the provision which was incorporated by the Senate on the motion of the Senator from Ohio [Mr. SHERMAN] in the sundry civil appropriation bill, which gave to the street-railroad companies the right, added to what they now have, of using new motive power in lieu of horse-power, and requiring them if they did use these new appliances to put down a flat rail. Then it was provided that if they did not exercise this privilege within two years the District commissioners should require them to proceed to put down the flat rail, giving them ninety days' notice, and requiring them to complete the putting down of the rail within one year after the expiration of the ninety days.

But it is further to be observed in regard to this provision that we prescribe that there shall be no putting down of rails upon any track of any street-railroad in this District within the limits of Washington and Georgetown unless it is the flat rail. They can not put down any repairs, they can not do anything, they can not replace one rail with another, and so on, except by substituting the improved rail for the present form of rail.

While I want to say that this is not what I should like to have had, while it was not what the Senate designed, the compromise which has been agreed upon was inevitable—that is to say, it was necessary to do that or to do nothing in order that the bill might go through. If we had not conceded so much as we have conceded to the House conferees, I am warranted in saying that we should have been obliged either to have lost the bill or to have given up the entire provision.

Mr. SHERMAN. I should like to have the clause to which the Senator has just alluded read.

The PRESIDENT *pro tempore.* It will be read.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 37 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric

power by storage or independent electrical batteries or under-ground wire, or under-ground cables moved by steam-power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose, and any such street-railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

"*Provided*, That in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat-grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds, and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads; and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations, or either of them, shall not, within ninety days thereafter, begin the work required, and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of this District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

"*Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

"*Provided further*, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board."

And the Senate agree to the same.

Mr. EDMUNDS. I think that is probably in the main as good a provision as could be made on an appropriation bill. There is one thing lacking, which I hope may not turn out in point of law to be essential, and that is a reservation of the power of Congress to change the nature of this grant or to withdraw it altogether.

But I take it that this is a mere police regulation such as it would be competent for a State granting a similar right to change at its pleasure, and believing that to be probably the true legal interpretation I shall not urge anybody to disagree to this report on that ground. If it were a grant of a right that could not be recalled or regulated in the future then we ought not to do it, but as it strikes me at the moment, it is really and in fact a police regulation that without any reservation of power Congress or a State Legislature might exercise.

Mr. PLUMB. So far as it is a grant the Senator will bear in mind that it is only a grant for the next two years, and we do not affect, as I think, in any way our right to amend the charters further by saying that we amend them now in accordance with this provision.

Mr. EDMUNDS. I do not think we do, but as to its being a grant to be exercised within two years, if they do what is suggested there, and Congress ten years hence should think it right to require that they should do something else and have a different and improved rail from the one we are now speaking of, they might raise the question that they had got a positive grant to do that thing which we could not recall. But I think myself at this moment, speaking hastily, that it is merely a police regulation which would not stand in the nature of a contract.

Mr. VEST. I should like to ask the Senator from Kansas his construction (for I did not catch clearly his statement about it) in regard to the provision as to rails hereafter laid by the companies that now operate roads in the District. For instance, if the Pennsylvania avenue road should conclude to repair their track by taking up a mile of their present track of the old T-rails which they use now, could they under this provision be compelled to use new rails or could they put down the same sort of rails by way of repair which they have down now?

Mr. PLUMB. I believe under this provision they could put down the same rails, but not a new rail of another kind, because the provision is specific that no rail except the kind named in the bill shall hereafter be laid by any of these companies. While I doubt if we would exclude them from relaying the old rails which they may take up, I regard it as absolutely certain that they can not bring in and lay down a new rail of another kind on any portion of their track. Whenever the present rails are exhausted they have got to replace them with new rails of the kind named in the provision.

Mr. SHERMAN. And within two years?

Mr. PLUMB. And within two years.

Mr. EDMUNDS. Or if they do not do the thing, as my friend from Missouri suggested, within two years, at the end of two years the change must be made.

Mr. PLUMB. But in the mean time we have contemplated that under the operation of repairs the railroad companies themselves, accepting the inevitable, as we said we must, would put down from time to time this new construction provided for in such a way as not to have it all done at once, but allow it to be done by a gradual process which would be in accordance with their own financial resources and the general proprieties.

Mr. EDMUNDS. Would the same kind of car-wheels, for instance, operate upon the two different kinds of rails?

Mr. PLUMB. Yes, it would. It is true there is a grooved rail which requires the use of what is called a central flange, but a rail can be so laid, a flat rail like the Eckington rail, for instance, in such a way as to accommodate itself to the outside flange which is now used by the cars. So it is practicable for these companies to put down a flat grooved rail which shall be susceptible of use in connection with the existing service. They would have to change it when they finally come to adapt their entire line to the new condition of things; they would probably have to set the rails in some inches, and so on, but they could now put them down in such a way that the groove would accommodate itself to the flange which now works inside the existing rail.

Mr. EDMUNDS. So the two kinds of rails may be used on the same line?

Mr. PLUMB. Undoubtedly, continuously, and interchangeably on the same line of road.

Mr. EDMUNDS. And the new kind of flat rail that can be adapted to that circumstance is one that will be convenient for the passage of vehicles? That is clear?

Mr. PLUMB. It will be flush with the streets; but in the mean time it must be observed that the obligation which is provided in this amendment is to be exercised under the specific authority of the commissioners of the District of Columbia, and the authority which they exercise about it is to be exercised by resolution of the board as such, and will be carried upon their record in such a way that whatever is done is to be done probably, after due consideration by the board, in such a way that I have no doubt there will be an adjustment between the railroad companies and the public so as to bring about the object which the Senator from Vermont has in mind.

I want to say that while the provision was not as stringent as was the one adopted by the Senate, at the same time the conferees on the par- of the Senate believed that it would accomplish, within a somewhat longer period of time, but a period not very much protracted, substantially what the Senate designed by the adoption of the amendment proposed by the Senator from Missouri.

Mr. RIDDLEBERGER. The suggestion occurs to me whether that is the way to compel the commissioners of the District of Columbia. We know who run the Washington and Georgetown Railway, but we do not know to-day who are the commissioners. I know perfectly well that the Senator from Kansas has never run a street-railroad, or he would have known better than to have said that the Washington and Georgetown Railway would make its track level with the surface of the avenue. I have served upon the Committee on the District of Columbia until I hardly know the difference between the Eckington Railroad and the Washington and Georgetown road. I think we had just as well settle first the question as to who are to be the commissioners and then let the other question be settled afterwards.

The PRESIDENT *pro tempore*. Will the Senate concur in the report of the committee of conference?

The report was concurred in.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 752) granting a pension to Richard D. McKinney;
A bill (H. R. 6411) granting a pension to Sarah Jackson;
A bill (H. R. 6880) granting a pension to Thomas Blazer;
A bill (H. R. 12421) granting a pension to Miss Frances Thatcher;
A bill (H. R. 12513) for the relief of John J. Freeland;
A bill (H. R. 8522) restoring the name of Elijah Potts to the pension-rolls;
A bill (H. R. 9264) for the relief of Mary Dockham;
A bill (H. R. 10806) granting a pension to Eugenia A. Halston;
A bill (H. R. 10943) granting a pension to Betsy Cole;
A bill (H. R. 11295) granting a pension to Margaret Durand, hospital nurse;
A bill (H. R. 1168) for the relief of William Crudgenton;
A bill (H. R. 5793) granting a pension to Eliza Campbell;
A bill (H. R. 9394) for the relief of Catharine Quigley; and
A bill (H. R. 9455) granting a pension to Benjamin F. Clayton.

OLD ORCHARD SHOAL LIGHT, ETC.

Mr. CULLOM. I ask the Senator from Massachusetts [Mr. DAWES] to allow me to report from the committee of conference the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, Princess Bay, New York, and for other purposes, with a view to ask that the amendments made to the bill by the House of Representatives be concurred in.

Mr. EDMUNDS. Let the amendments be stated.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. In line 1 strike out all after the word "that" down to and including "establishing" in line 2, and insert "there be established;" in line 3, strike out the word "for;" at the end of line 4 add "at a cost not to exceed $60,000;" so as to make the bill read:

That there be established a light-house and fog-signal at or near Old Orchard Shore, Princess Bay, New York, and a new tower at Waacaach light-station, New Jersey, at a cost not to exceed $60,000.

Mr. MCPHERSON. May I inquire of the Senator from Illinois——

Mr. DAWES. I am obliged to object to the further consideration of this matter.

The PRESIDENT *pro tempore*. The report of a committee of conference is privileged, and if objection is made to its consideration the question of proceeding must be determined by the Senate without debate.

Mr. MCPHERSON. I wish to make a simple inquiry.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects.

Mr. DAWES. I withdraw the objection.

Mr. CULLOM. I simply desire to say that it is impossible to get the bill through without agreeing to it as the other House has amended it. It establishes the light-house, but does not make a specific appropriation. Unless we take it that way we shall not get it at all.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

JOSEPH B. SELLERS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2886) granting an increase of pension to Joseph B. Sellers.

The amendment of the House of Representatives was, in line 5, before the word "dollars," to strike out "fifty" and insert "forty-five."

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

The next amendment of the Committee on Appropriations was, in section 10, on page 74, in line 25, after the word "Interior," to strike out:

The superintendent shall also have authority to make, with the approval of the Commissioner of Indian Affairs, such rules and regulations for the conduct of the schools as in his judgment their good may require; and shall, subject to the approval of the Secretary of the Interior, employ and discharge superintendents, teachers, and such other persons as are permanently employed in carrying on Indian schools under the management of the Government, and, with his approval, make such rules and regulations for the conduct of such schools as in his judgment their good may require. The Secretary of the Interior shall cause to be detailed from the employés of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the foregoing provisions respecting said Indian schools, one of which said assistants shall be designated by the superintendent of Indian schools as a chief clerk.

The amendment was agreed to.

The next amendment was, to add to the bill:

Seminole lands:

SEC. 12. That the sum of $1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 of the treaty between the United States and said nation of Indians, which was concluded June 14, 1866, and proclaimed August 16, 1866, and which lands was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: One million five hundred thousand dollars to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20 to be paid to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, specially empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release, conveyance, and extinguishment shall not inure to the benefit of or cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands, and all laws and parts of laws so far as they conflict with the foregoing, are hereby repealed and all grants or pretended grants to said lands or any interest or right therein now existing in or on behalf of any railroad company, except rights of way and depot grounds, are hereby declared to be forever forfeited for breach of condition.

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established in the Indian Territory under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply), each entry to be in square form and no person to be permitted to enter more than one quarter section thereof, but until said lands are opened for settlement by proclamation of the President in conformity to law no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may permit entry of said lands for town-sites in his discretion, under sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, A. D. 1889.

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session for ratification; and for this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available.

Mr. DAWES. On page 77, line 5, after the word "nation," I move to insert "to be immediately available."

The amendment to the amendment was agreed to.

Mr. DAWES. On page 77, line 20, after the word "grants" where it occurs the second time, I move to strike out "to" and insert "of;" so as to read:

And all grants or pretended grants of said lands, etc.

The amendment to the amendment was agreed to.

Mr. DAWES. On page 78, line 1, after the word "domain," I move to insert "to be disposed of only as herein provided."

The amendment to the amendment was agreed to.

Mr. DAWES. On page 78, line 19, after the word "may," I move to insert "after said proclamation, and not before;" so as to read:

The Secretary of the Interior may after said proclamation, and not before, permit entry of said lands for town sites, in his discretion, etc.

The amendment to the amendment was agreed to.

Mr. BUTLER. On page 79, line 15, after the word "session," I move to insert the following words:

And to the council or councils of the nation or nations, tribe or tribes, agreeing to the same.

So as to read:

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same for ratification.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

Mr. PLUMB. During my absence the amendment on page 69 was passed over, and I should be glad to have the Senator from Massachusetts in charge of this bill state the reasons for the delay in the adoption of that amendment.

Mr. DAWES. When we reached the first of these amendments, on page 66, at my request that was passed over until we should consider the amendment which has just been read. When we came to the amendment now inquired of by the Senator the same request was made by the Senator from South Carolina [Mr. BUTLER]. I suggested that it did not have any connection with this matter, but the Senator thought he desired to have it considered in the same connection.

Mr. PLUMB. By a mistake made in the House at the time these amendments were under consideration there was a merging of two amendments in a very heterogeneous and a very unsatisfactory way, whereby, if anything at all could be made out of it, it appeared to be designed that the commissioners should negotiate with the Cherokee Indians and also negotiate with the Pottawatomie Indians. That would be a physical impossibility.

The Pottawatomie Indians are located in Kansas and the commissioners to negotiate with the Indians in the Indian Territory will have all they can possibly do; and in view of the fact that there is a strong desire on the part of the people living in Kansas in the neighborhood of the Pottawatomie Indians that they should go to the Indian Territory, if they are willing to do so, it was deemed desirable to provide for a commission to go to them; and I hope the Senator from South Carolina will not make the adoption of a proposition of that kind hinge upon something else about which there is more or less controversy perhaps.

Mr. BUTLER. I have no objection to the amendment, but it occurred to me that it was in the line of some other amendments which were perhaps liable to criticism, and I therefore asked that it be passed over without prejudice. I have no objection to the amendment.

Mr. DAWES. I hope that may be considered as agreed to.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. On page 69 it is proposed to insert:

Prairie band of Pottawatomies and Kickapoo Indians of Kansas:

The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated to enable the President to negotiate with the Prairie band of Pottawat-

omies and Kickapoo Indians in Kansas for the sale of all or a portion of their lands in Kansas, and the allotment of the remainder in severalty; such agreements as may be made to be submitted by the President to Congress at the next session, said sum to be immediately available.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina withdraw his request that this be passed over?

Mr. BUTLER. Yes, sir.

The PRESIDENT *pro tempore*. It will be agreed to, if there be no objection.

Mr. DAWES. Before taking this up for consideration I desire the unanimous consent to insert a single word on page 62, line 9. Before the word "including" I move to insert "not;" so as to read:

For support of sixty Indian pupils at White's Manual Labor Institute of Wabash, Ind., not including transportation, $10,020.

The amendment was agreed to.

Mr. DAWES. I desire to say that this amendment is designed by the committee to take the place of the two amendments which have been passed over on the sixty-sixth page and on the forty-seventh page, and they should be considered together.

Mr. PLUMB. Before that comes up—as it will probably attract some debate—let me call the Senator's attention to the proviso of the amendment adopted by the Senate on page 11 of the bill. It was a mere formal matter. The amendment of the committee is a little careless, and instead of providing there for incurring the payment to the assignee of William M. Gwin, it should be the allowance of the claim of Gwin, so that the merits of the entire controversy might be inquired into by the Secretary of the Interior. As it is now it is only the question of the payment to the attorney or to the assignee of the attorney of these Indians that is to be considered.

Mr. DAWES. I have no objection to that amendment.

Mr. PLUMB. It should read: "*Provided*, That the allowance of the claim of the assignee of William M. Gwin."

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. On page 11, line 8, after the word "that," it is proposed to strike out "said payment to" and insert "allowance of the claim of;" so as to read:

Provided, That the allowance of the claim of the assignee of William M. Gwin be referred to the Secretary of the Interior for reconsideration.

The amendment was agreed to.

Mr. VEST. On page 79, I move to strike out the clause from line 6 to line 18, inclusive, and insert what I send to the desk as a substitute.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. In the amendment of the Committee on Appropriations, on page 79, it is proposed to strike out from line 6 to line 18, inclusive, as follows:

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session for ratification, and for this purpose the sum of $25,000, or as much thereof as may be necessary, is hereby appropriated, to be immediately available.

And in lieu thereof to insert:

The President of the United States is hereby authorized and directed to appoint three commissioners, not more than two of whom shall be of the same political party, whose duty it shall be to enter into negotiations and agreement with the Cherokee Nation or tribe of Indians in the Indian Territory for their full and complete cession and relinquishment to the United States of all their title, claim, or interest in and to the land or country known as the Cherokee Outlet, such agreement, when made, to be submitted to Congress and the national council of said Cherokee Nation for ratification. Said commission is also authorized and empowered to negotiate with any or all of the nations or tribes of Indians in said Indian Territory for a full and complete cession and relinquishment of any title they may have in and to any lands west of the ninety-sixth meridian of longitude in the Indian Territory embraced in the bill now pending in Congress known as the Oklahoma bill; such agreements as may be made to be submitted to Congress and to the council of the nation, tribe, or band of Indians so making the same for ratification. And for the purpose of carrying out the object of this act the sum of $25,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available.

Provided, That said commission is authorized to propose to the Cherokee Nation or tribe of Indians an agreement providing for the complete cession and relinquishment to the United States of all their right, title, and interest in and to the lands known as the Cherokee Outlet, and the purchase of the same by the United States upon the same terms as were contained in the agreement recently entered into with the Creek Nation and ratified by act of Congress at this session, and if such agreement is made and entered into by the parties respectively and ratified by the national council of said Cherokee Nation, the lands embraced in such cession shall become a part of the public domain and be opened to settlement under the homestead and town-site laws of the United States and for no other purpose, in the same manner and under the same condition as is provided in this act with reference to the lands recently ceded to the United States by the Creek and Seminole nations or tribes of Indians, and the President of the United States is authorized to issue a proclamation, after the ratification of said agreement, fixing the time when settlers may enter upon the lands embraced in said Outlet: *Provided*, That no part of said sum shall be expended in buying refreshments for Indians attending meetings with commissioners or in any wise entertaining or presenting gifts to said Indians or their representatives.

Mr. BUTLER. Where is it proposed that that provision shall come in?

The SECRETARY. On page 79, to strike out lines 6 to 18, inclusive.

The PRESIDENT *pro tempore*. And insert what has been read by the Secretary.

Mr. BUTLER. That is a substitute, as I understand, for the provision reported by the Committee on Appropriations. Upon that I make the point of order that it is general legislation and has not been reported by a standing or select committee and referred, one day before it is brought up for consideration, to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Will the Senator from Missouri inform the Chair if the amendment has been reported from any standing or select committee of the Senate?

Mr. VEST. It has not.

The PRESIDENT *pro tempore*. The Chair will be compelled to sustain the point of order.

Mr. VEST. Mr. President, I was aware that the amendment was subject to the point of order, but I supposed that under the circumstances surrounding this Oklahoma question it was desirable that some just solution of it should be arrived at if possible, and I assumed that the matter would be met by the opponents of the Oklahoma bill without availing themselves of any technicality with regard to the amendment having been reported by a committee or coming from the head of a Department.

It is known to every one that some solution in the interest of peace and justice and civilization must be arrived at in regard to this vexed question. It may be delayed, Mr. President, but it will come just so certainly as the decree of fate has been entered that every human being upon this continent shall assist in working out the problem of free government which is now pending in this Western world.

To-day we have the remarkable spectacle of 6,200,000 acres of the public domain held by a few cattle barons for their own purposes under a pretended contract with the Cherokee Indians.

Whilst I offered that amendment, which is fair and just in every line, which proposes to send commissioners to treat with these Indians and to pay them whatever may be just and proper as the price of their lands, I do not concede—and I wish now to enter the statement upon record—that the Cherokee Indians in letter or in spirit own anything in this Cherokee Outlet at all.

I have here before me the patent which was issued to them by the Government of the United States and which has been stated to give them a fee-simple title from the center of the earth to the heavens above, and that patent gives them no such title, and no lawyer worthy of the name would pretend that any such title was conveyed to them by that patent.

Here is the granting portion of it, and I make the statement as briefly as possibly, because I recognize the value of time at this portion of the session. It is not my fault that this question comes up on an appropriation bill. I have been anxious to bring it up in what is known as the Oklahoma bill in order that a fair, free, open, unlimited discussion might be had of this whole question in the interest of the Indians as well as of the people of the United States.

Mr. CULLOM. Will the Senator yield to me for a word?

Mr. VEST. Certainly.

Mr. CULLOM. I desire to say that some time ago—I believe on the 18th of February—I reported the Oklahoma bill from the Committee on Territories as it passed the House of Representatives and had it placed upon the Calendar for consideration, and it has been my desire almost every day since, when there were not other measures actually before the Senate for consideration, to call up that bill.

There have been efforts, I know, to reconcile differences of opinion as to the provisions of it, going to the extent of eliminating many of the provisions of the bill, and I hoped by that means that eventually we should be able before this session ended to pass a bill creating a Territorial government over that country and especially over the outlet that the Senator refers to. It seems that it has been almost impossible to get the bill before the Senate, and I desire now to state that I agree with the Senator from Missouri, after a pretty thorough investigation of the subject, that the Indians have no sort of claim to that 6,000,000 acres of outlet as it is called, so as to prevent the Government substantially doing as it pleases with it in throwing a Territorial government around it.

I still hope if the honorable Senator's amendment is not agreed to, or whether it is agreed to or not, that we may yet have an opportunity of presenting that bill before the Senate in the hope that we may pass it, because I believe that if some such bill is not passed we shall have trouble in that section of the country, and we shall have very great difficulty in protecting the rights of the Indians as well as of the common people who go there in their going into that Territory. In my opinion there is nothing but such a measure that will save us from trouble.

Mr. HARRIS. I rise to a question of order.

Mr. CULLOM. Let me finish the sentence and you may.

Mr. HARRIS. I will.

Mr. CULLOM. There is nothing that will save us from trouble but some local civil government there which will be on the ground to protect the rights of all classes of people, whether they be Indians or white men, who desire to go there for settlement.

Mr. HARRIS. My point of order is this: The Senator from South Carolina [Mr. BUTLER] raised the question of order upon the amendment and the Chair sustained it. The amendment being out of order is not a debatable question, and while I always hear the Senators from Missouri and Illinois with pleasure and profit, in these brief expiring hours of the session I think we had better——

Mr. HOAR. Is it in order for the Senator to state his own purposes in that regard?

The PRESIDENT *pro tempore*. The Chair will hear the Senator.

Mr. VEST. I do not care whether the Senator from Tennessee supposes I am speaking on the amendment that I offered or that of the committee. I have the floor on this bill, and I do not think any point of order will take me from it until I state what I think about it.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Missouri to be debating the point of order.

Mr. VEST. No, sir; I am debating the amendment of the Committee on Appropriations. The point of order was decided, and I took no appeal. Although I am not much of a parliamentarian, I suppose that disposes of the point of order.

Mr. HARRIS. May I inquire of the Senator if he is debating the amendment on which the point of order was made?

Mr. VEST. I am debating the amendment proposed by the Committee on Appropriations.

Mr. HARRIS. And that is the amendment the point of order was made upon?

Mr. VEST. It is not.

Mr. HARRIS. If it is not, then I beg pardon of the Senator.

Mr. CULLOM. That is the amendment of the Committee on Appropriations. I understand that the Senator from Missouri, his amendment having been ruled out of order, desired to give his opinion on that subject, and I wanted to make a suggestion or two on my own part, having reported the Oklahoma bill from the Committee on Territories, which I think we ought to pass.

Mr. VEST. That is right.

Mr. BUTLER. If the Senator will permit me to interpose one word in reply to what has fallen from the Senator from Illinois, I wish to say that while it is true that the bill known as the Oklahoma bill was reported from the Committee on Territories, it is due to the minority of that committee to say that it was not a unanimous report.

Mr. CULLOM. It is true that there was not a unanimous report, but a very considerable majority of the committee were in favor of the bill as it passed the House of Representatives.

Mr. VEST. Mr. President, I appreciate the necessity for economizing time, and I would, as I said before, have said nothing upon this subject but I realize that the Oklahoma bill can not be considered or passed at this session of Congress. It is within the power of any one Senator to prevent the passage of any bill in the present condition of business.

But this matter is so important and so dangerous even, and the crisis is so imminent, that I should consider myself false to every consideration of duty to my constituency and to the country at large if I did not say something in regard to it, brought as it is here now before us.

I did not intend to allude to the fact that there is imminent danger of collision and trouble upon the border unless some legislation is adopted by Congress, but since the Senator from Illinois alludes to it it is an open secret well known that 30,000 people are now awaiting the action of Congress, many of them with mistaken and false views as to the condition of this question, men who can not understand why it is that a few speculators and cattle barons can hold 6,200,000 acres of land without an Indian upon it except those that were placed there by the Government of the United States, other than the Cherokees, whilst the white people of the United States, the men who sustain this Government, and upon whose energy and brain our civilization at last depends, are excluded by the action of the Federal Government from entering into that domain.

Sir, there have been wiser men puzzled by such questions, and if the plain, simple people of the frontier, if the immigrants to that country can not understand it, it is not their fault, but ours.

Now, Mr. President, returning to this matter—and I will dispose of it as rapidly as possible—I have no disposition to do these Indians any harm, and I think I can appeal to my record, I can appeal to my friend, the chairman of the Committee on Indian Affairs [Mr. DAWES], the peculiar friend of the red man in this body, and to all my brother Senators to attest the fact that I have never failed to stand between what I thought an injustice and wrong to the Indians, no matter who might be the aggressor; but I recognize the fact that the large body of these Indians to-day are not correctly represented in regard to this question.

They are but children—children in the ways of civilization—and a few men are putting them forward and in their names claiming what the laws of the United States and the demands of the age absolutely forbid, and amongst other things they claim what to a lawyer and a law-abiding man, if true, would be absolutely conclusive of the whole question. They claim that these Indians have a fee-simple title without reserve or limitation which gives them these 6,200,000 acres of this Cherokee Outlet, and that the United States has no right to control the disposition of these lands at all.

Now, what is that patent? Here is the granting part of it:

To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever, subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the Western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject, also, to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress the 28th of May, 1830, referred to in the above recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

In the treaty of 1828 and every subsequent treaty and in this patent these lands are spoken of as the outlet, not so many acres of land marked out and governed by metes and bounds, but an outlet, a right of way. An outlet to what? Why, sir, all the contemporary facts and circumstances show what was meant by this grant. It was to give these Indians what they considered the chief end of man, the right of way to the vast hunting-grounds of the West, then covered with innumerable herds of buffalo; and they stipulated with the Government that they would not give up one inch of their domain east of the Mississippi River unless the right to go to these immense hunting-grounds, which in their imagination seemed equal to the hunting-grounds of the blessed, was open to them; and they wanted that more than anything else.

To show the nature of this grant, as early as October 8, 1821, John C. Calhoun, then Secretary of War, wrote the following letter to the chiefs of the Arkansas Cherokees:

SECRETARY CALHOUN'S LETTER.

DEPARTMENT OF WAR, *October* 8, 1821.

BROTHERS: I have received your communication of the 24th of July last, complaining that the promises of the Government in relation to intruders upon your lands and to an outlet to the west have not been performed. It has always been its intention to carry into effect fully every promise made to you, and which I was under the impression had been done, particularly upon the points complained of, as orders were issued some time since for the removal of the whites from your lands and from the tract of country to the west of your reservation commonly called "Lovely's Purchase," by which you would obtain the outlet promised. Copies of these orders are herewith inclosed for your information.

Governor Miles, who is now here, on his return to the Arkansas Territory, informs me that he knows of but one person who has settled upon your lands, and he believes that person resides there with the permission of the nation.

He is, however, authorized to call the attention of Major Bradford to the orders above referred to, and if they should not have been previously carried into effect, to request him to do so, without further delay. It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the west you acquire thereby no right to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country. * * *

J. C. CALHOUN.

TEKE-E-TOKE, JOHN JOLLY, BLACK FOX, W. WEBBER, THOS. GRAVES,
Chiefs of the Arkansas Cherokees.

Now, to show that the Indians understood that this was an outlet and that at that time they could not possibly have thought they had this fee-simple title or anything like it, I read from the treaty of 1828, which is the substratum of all their right, upon which all subsequent treaties have been based and upon which they must stand to-day in regard to their claims, in that patent.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, and that the House receded from its disagreement to the one hundred and forty-first and one hundred and forty-second amendments of the Senate to the bill and agreed to the same; and that it further insisted upon its disagreement to the amendments of the Senate numbered 60, 61, 62, 182, and 197, and agreed to the further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN the managers of the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2363) for the relief of John W. Combs; and

A bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York.

FARAN & M'LEAN.

Mr. PAYNE. I move that the bill (H. R. 308) for the relief of Faran & McLean, which was passed and afterward recalled from the House of Representatives, be returned to that body.

The motion was agreed to.

REPRINTING OF BILLS.

Mr. BLAIR. I ask the Senator from Missouri to yield to me while I request an order for the reprinting of certain bills.

Mr. VEST. Certainly.

Mr. BLAIR. I submit an order for the reprinting of certain bills and joint resolutions, the files being exhausted or very nearly so.

The PRESIDENT *pro tempore*. The order will be read.

The Chief Clerk read as follows:

Ordered, That the following be reprinted: Bill S. 371, as it passed the Senate, the education bill; S. R. 86, free school joint resolution; S. 2983, Sunday-rest bill; S. R. 101, union with Canada; S. 3356, naturalization bill.

Mr. HOAR. May I inquire if all those bills have passed the Senate?

Mr. BLAIR. No; but the country has absorbed all the printed copies and want some more, and I submit an order for reprinting them.

The order was agreed to.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor on the Indian appropriation bill.

LINE-CARRYING PROJECTILES.

Mr. CHANDLER. I ask leave to call up Senate bill 2182 with the House amendment.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers; which was to add to the bill:

SEC. 2. This act shall take effect February 1, 1890.

Mr. CHANDLER. I move that the Senate concur in the amendment.

The amendment was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes.

Mr. VEST. Mr. President, I have read the preliminary letter of John C. Calhoun to these Indians preceding the execution of the treaty of 1828. Neither time or my strength permit me to read all the other treaties, but they were based upon that treaty of 1828 and repeated almost in the same language the same statement and amounted to substantially the same thing.

Mr. DAWES. If it will not interrupt the Senator I wish to make an inquiry. The Senator proposed an amendment a few moments since contemplating a commission, which was ruled out of order. If that amendment contains the views of the Senator as to what should be done in the exigency, I should like to have him point out what the amendment in the bill fails to accomplish which his amendment does. I do it in the interest of saving time.

Mr. VEST. I want nothing else but a fair statement of the question and an honest debate about it, without excitement and without any misstatement, and I am not trying to make any.

Mr. DAWES. If the Senator will allow me, I want to say in this connection that the committee in preparing that amendment have considered and appreciated all the difficulties which the Senator has alluded to, and they are of the conviction that the best possible way to meet them is by the measure suggested there, and I wish the Senator, if he could, would point out why that does not meet the exigency of the case in the best possible way.

Mr. VEST. The amendment proposed by the committee is simply the act of 1885, now upon the statute-book, and the same law which I had the honor to propose myself which was adopted by Congress and under which we have lately purchased the Creek and Seminole lands.

Mr. DAWES. I do not wish to interrupt the Senator, but he will observe that is substantially true, except that it is not under that that we have obtained the Creek lands. But no matter as to that. The question with the committee was between the statute of 1885 and this proposed statute. The difficulty of the present situation, if the Senator will allow me, appears to the committee to be the omission up to this time on the part of the Executive to avail himself of the statute of 1885.

I am not censuring anybody, but the omission to proceed in 1885 to do just what is contemplated there has brought upon us this complication. I am not censuring anybody by that remark, and if we had all addressed ourselves with an appropriation under the statute of 1885 to the question which confronts us now and which was foreshadowed in the debate of 1885, we should have been relieved of all this trouble, in my opinion.

Now, the condition is as the Senator represents it. Whether the Senator's construction of the title be true or not, what better, I ask him in the interest of brevity, can possibly be proposed than that suggested by the committee?

Mr. VEST. If the committee had put in that amendment a portion of the provision that came from the House of Representatives, that portion which provided that if the Cherokee Indians agreed with these commissioners to take the same price paid to the Creeks and that then the President by proclamation would open these lands to settlement, I would accept it with pleasure. But as it is the friends of Oklahoma get nothing under this amendment.

It is simply a naked repetition of the provisions of law already upon the statute-book, and we run the same risk of the same result that has come upon us in the present administration, and that is the same interminable disturbance upon the borders of our States with this Indian Territory not open to settlement, and like a Upas tree casting its baleful shadow upon the contiguous territory in the States of Texas, Arkansas, Kansas, and Missouri, a refuge for criminals, a Botany Bay, with no law, a blank, unoccupied piece of territory, so far as civilization is concerned, upon the map of the United States, and no redress to be given from one session of Congress to another.

If, I repeat, that committee had conceded to us that if these Indians accepted the same terms that the Creeks did, and upon which they have lately sold their lands to the United States, and that then the President could act, I for one would have been gratified and would have accepted it with pleasure. But I am simply now outlining why I do not approve of this amendment of the committee.

In the treaty of 1828, as I was proceeding to say, they accepted the construction of Mr. Calhoun upon this grant of the Cherokee Outlet.

And whereas the present location of the Cherokees in Arkansas being unfavorable to their present repose, and tending, as the past demonstrates, to their future degradation and misery; and the Cherokees being anxious to avoid such consequences, and yet not questioning their right to their lands in Arkansas, as secured to them by treaty, and resting also upon the pledges given them by the President of the United States and the Secretary of War, of March, 1818, and 8th October, 1821, in regard to the outlet to the west.

That is the letter incorporated in their treaty, which I have read, from Mr. Calhoun to the Cherokee chiefs and in which he tells them that they do not own the soil and tells them that it is only an outlet to the hunting grounds in the west, and yet they succeeded afterwards in the turmoil and confusion and uncertainty that followed the war in obtaining this treaty of 1866, in which there was a quasi recognition of what is called now a fee-simple title to the Cherokee Outlet.

Mr. President, if time permitted I should like to read the opinion of the Attorney-General of the United States, Mr. Garland. Here is his opinion, delivered to the Secretary of the Interior on July 21, 1885. It is a résumé of all these treaties, and I will ask that it be incorporated in my remarks, and I will not detain the Senate by reading it. In that he explicitly declares, as explicitly as is possible, that a fee-simple title does not exist in these Indians and they have no right to lease these lands, and that the statute of the United States forbids any such lease, and yet to-day they have leased, for $200,000, 6,200,000 acres, with not one of their tribe upon it, and they stand before the Congress and people of the United States and say to our civilization and our institutions thus far shall you go and no farther, and here you are stayed.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE, *Washington, July* 21, 1885.

SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:

"Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapaho reservation in the Indian Territory.
3. The Kiowa and Comanche reservation in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *vs.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus, in 1783 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement."

By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States."

A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the provision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such a title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States.

A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease, or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *vs.* Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers.

The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned. No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government, to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases."

The act just cited is, moreover, significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

The SECRETARY OF THE INTERIOR.

Mr. VEST. Not only that, Mr. President, but afterwards Mr. Vilas, the Secretary of the Interior, when he heard that this lease was about to be made, on September 21, 1888, served formal and official notice upon these Cherokees that they could not make this lease and have it recognized by the Government of the United States; that it was illegal; that they had no right to make it; and yet with that notice they defied the authority of the Government and went on and made it—made it under such circumstances as, to say the least, were not creditable to the parties engaged in it.

We have before us here a letter from the Secretary of the Interior, transmitted in response to a resolution of my friend from Illinois [Mr. FARWELL], and I will ask the Secretary to read it. I will take that much time without giving it to my argument. I want to show how that lease was made that is now paraded before the Congress of the United States as a sacred obligation that is to preserve that Cherokee Outlet there, as far as we know, for all time to come against the civilization of this country.

The PRESIDENT *pro tempore.* The paper will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, February* 26, 1889.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, adopted February 25, 1889, in the following words:

"*Resolved*, That the Secretary of the Interior be directed to furnish the Senate, without delay, any information in his Department touching the bribery of the Cherokee council by cattle-men and their agents for the purpose of obtaining leases and renewal of leases of lands of the Cherokee Nation; and especially to transmit to the Senate a copy of the report of Special Agent Owen touching such alleged bribery."

In response thereto I transmit a copy of a communication of this date from the Commissioner of Indian Affairs and accompanying papers.

These papers, the Commissioner reports, contain all the information on file in his office upon the subject of the resolution.

Very respectfully,

WM. F. VILAS, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 26, 1889.

SIR: I have the honor to acknowledge the receipt, by the Department reference of this date, for immediate report, of a Senate resolution calling upon the Secretary of the Interior to furnish that body "without delay, any information in his Department touching the bribery of the Cherokee Council, by cattlemen or their agents, for the purpose of obtaining leases and renewal of leases of lands of the Cherokee Nation; and especially to transmit to the Senate a copy of the report of Special Agent Owens touching such alleged bribery."

In reply, I have the honor to transmit herewith copies of the following documents:

"1. The official report of Agent R. L Owen upon the matter, dated April 29, 1887, with the inclosures belonging thereto.

"2. The letter of this office to the Department inclosing the report of Agent Owen above referred to, with suggestions as to the proper action to be taken thereon.

"3. The communication of the Secretary of the Interior submitting the matter to the Attorney-General.

"4. The letter of the Department to this office authorizing the removal of certain persons from the Indian Territory."

The foregoing documents embrace all the information on file in this office upon the subject of the resolution above mentioned.

Very respectfully, your obedient servant,

JNO. H. OBERLY, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 11, 1887.

SIR: I have the honor to inclose herewith a letter from Agent Owen, Union Agency, Ind. T., dated the 29th day of April last, in relation to the manner in which the representatives of the Cherokee Strip Live-Stock Association acted in attempting to negotiate for a renewal of the lease of the Cherokee Outlet lands last fall.

It appears that on November 1, 1886, the Cherokee council met and organized for their annual session, and on the same day the representatives of the Cherokee Strip Live-Stock Association established their headquarters in the National Hotel at Tahlequah, Ind. T.

The association was represented by Thomas Hutton, Charles Eldred, and John F. Lyons, esqs., all United States citizens, the last named being also an adopted citizen of the Cherokee Nation by intermarriage; his wife, however, being now dead.

They came to the council for the avowed purpose of re-leasing the Cherokee Strip (or Outlet lands), although their existing lease does not expire until the spring of 1888.

Their methods are illustrated by the affidavits of John Holland, Stephen Techee, and John Miller (therewith inclosed), showing that they were introducing large quantities of whisky into their room for the purpose of corrupting the Indians and effecting the lease at a fraction of its real value.

November 26, 1886, they were defeated by a decisive vote.

According to Agent Owen's statement there appears to be no doubt of the fact that a lavish use was made both of liquor and money, for the purpose of securing the franchise.

It is suggested that upon the case presented the persons named have made themselves liable to exclusion from the Indian Territory, and to a criminal prosecution in the United States courts for violation of section 2139, Revised Statutes, relating to the liquor traffic with Indians.

Instructions in the matter are respectfully requested.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. VEST. I ask now that that whole document be printed in the RECORD as a portion of my remarks.

The PRESIDENT *pro tempore.* The Chair hears no objection.

The remainder of the document is as follows:

[Strictly confidential.]

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., April 29, 1887.

SIR: In accordance with your direction I have the honor to reduce to writing the manner in which the representatives of the Cherokee Strip Live-Stock Association acted in attempting to negotiate a release of the Cherokee strip during the last council.

On November 1, 1886, the Cherokee Council met and organized for their annual session, and on this day the representatives of the Cherokee Strip Live-Stock Association established their headquarters in the best room of the National Hotel. The association was represented by Thomas Hutton, esq., Charles Eldred, esq., and John F. Lyons, esq., all United States citizens, the latter also an adopted citizen of the Cherokee Nation by intermarriage, his wife, however, being now dead.

They came to the council for the avowed purpose of re-leasing the Cherokee Strip, although their lease does not expire until the spring of 1888. Their methods are illustrated by the affidavits of John Holland, Stephen Techee, and John Miller, which show very plainly that they were introducing large quantities of whisky into their room for the purpose of corrupting the Indians and effecting the lease at a fraction of its real value. On November 26, 1886, they were defeated by a decisive vote, and hearing at Muscogee how they had been using whisky I went over and got there late that night and made the inquiries whose results are submitted.

Mrs. Eliza Alberty, hostess of the National Hotel, told me that these men were trying in every way to induce the council to re-lease them the Cherokee Strip, and that they were evidently introducing large quantities of whisky for the purpose of affecting and influencing the members. She told me that she had seen a 2-gallon demijohn, three 2-gallon jugs, and one 1-gallon jug, and forty quart bottles in their room or brought out of it; that she knew of George Saunders, Soghee, Richard Wolf, Albion Spears, and John Gritts being drunk in their room; that the Indians had been working like bees in their room; that it had been notorious; that John F. Lyons told Blue Alberty, esq., that Charles Starr, esq., high sheriff, had obligated himself not to search this room.

Mrs. Alberty further told me that on account of the disgraceful tramping into this room all night long, and the bad odor it was bringing upon the house, that she told them it would have to stop or they would have to leave her house. Mrs. Alberty I know well. She is a truthful and a good woman, and is a sister of Dennis Bushyhead, principal chief of the Cherokee Nation. She is corroborated by numbers of other people.

The affidavit of John Harland shows that he personally knew of 13 gallons of whisky going into his room, and he mentioned seventeen Indians to whom he saw these men give whisky, besides others not named. Charley Fry, a young Cherokee of some prominence, told me, and I made at the time, November 17, 1886, a memorandum, that he saw them give whisky to Jake Lipe, Bullett Foreman, Dick Dennenberg, Dick Wolf, John Schrimscher, Soghee, Bill Young, Mage Lipe, Billy Howell, George Downing, George Lewis, Robert Hanks, Dick Glenn, and Jim Keys; that Dick Wolf had three 2-gallon kegs of whisky in his room when he was there; that he heard Dick say that he had spent $125 for whisky.

I do not think there is any doubt about the fact that these men and their workers made a lavish use of money and whisky for the purpose of securing this franchise. Gus Ivey told me that they paid him $500 for an old claim he had against some individual out there for a private lease. This was not an obligation of the association, and they were under no obligation to pay it. They paid it to Ivey really to silence his opposition; and Ivey told me that when they had made this payment apparently on an old claim they at once solicited his good offices in securing them the renewal of the lease. This he declined to do. Ivey informed me that they paid various other men of influence, and one of them, a senator, a similar claim.

These claims, if paid at all by this association, should have been paid three and one-half years ago, when this association had a surplus in their treasury; and I believe the real purpose in paying this money at this time and in this manner was to buy the friendship and influence of these men, who would thus

with more or less unconsciousness be receiving a bribe. It might be proper to say, in explanation of these claims, they arise in the following manner:

Certain citizens of the Cherokee Nation went out on the strip and made contract with certain stockmen by which the United States citizen was to put up a wire fence, covering such pasturage as he saw fit, and call it the pasture of the Cherokee citizen, and pay him a certain royalty for this use of his name and rights.

When this lease was made these private agreements were set aside and ignored by the Cherokee counsel, the individual stockmen, and the Cherokee Strip Live-Stock Association.

These so-called claims are the ones now referred to as being paid by the association in a sudden spirit of generous virtue. In view of the conduct of these men, I would recommend that neither they nor their representatives be allowed to lobby the council in their behalf, but that they be required, if they wish to make any proposition, to make the same in writing, subject to the supervision of your office, or some similar method pursued, by which the Cherokees can consider it without being subject to any undue and improper pressure.

The land is very valuable for grazing purposes, being probably worth $300,000 a year. The Cherokees need this money, or such revenues as they may derive from it, for the advancement of their schools and the perfection of their government, and growth of internal improvements. You know of the destruction of their splendid female seminary by fire.

I am of the opinion that it would be best that these lands should be re-leased in whole or in part to the men who now occupy it, provided they are willing to give its fair market value, and I would be pleased to assist the Cherokee Nation in securing the market value by negotiating with Texas cattle-men for the occupation of such portion of this range as the present occupants are unwilling to pay the market value for.

I beg you to give this your immediate consideration and advise me in the premises, because on the 9th of May the Cherokee national council meets in relation to the burning of their seminary, and these men in all human likelihood will be on hand to utilize the occasion.

Please regard this communication, in so far as it is proper to do so, as strictly confidential, and do not for the present place the evidence submitted to you in the files of the Indian Office, but return it to my office for preservation and possible use before the Federal court.

I have the honor to be, your obedient servant,

ROBT. L. OWEN,
United States Indian Agent.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington D. C.

TAHLEQUAH, IND. T., *November* 27, 1889.

John Harland, duly sworn, deposes and says:

I am an adopted citizen of the Cherokee Nation, and am nineteen years old November 18, 1886. I work at National House. On the first Monday of council John F. Lyons, Thomas Hutton, and William Eldred came to the National House and occupied the lower front room on the west together. On Sunday morning I got a 2-gallon jug of whisky for Mr. John F. Lyons, under his direction; he gave me a dram of it. The next Sunday, November 14, he got a hack, with Mr. Hutton and Mr. Eldred and another man, and went off; they came back that night, and Mr. Lyons sent me over in the square to get three 2-gallon jugs of whisky.

Mr. Lyon said: "John Henry, go and get them things by the fence inside the square. There are three; go get them." They contained whisky, for I got a drink of it. The next Saturday I heard Mr. Lyons tell Bill Ross (colored), out by the National House gate, that I would get it. They called me, and told me to go and tell a fellow by Catcher Teehee's that he should bring "that stuff." I went off and saw him. He had a 5-gallon keg; and I told him. He said he was afraid, and I then went back and told Bill Ross, and me and Bill went back together, and Bill and the fellow, whose name I don't know, came up this way with the keg, and we parted, and about an hour and a half Bill came in my room behind the hotel and told me he had made it. I asked him, "Bill, did you make it?" and he said "Yes."

To-day a week a 5-gallon keg left here and a demijohn (2-gallon) in Mr. Alberty's wagon, bound for Mr. Quarles's house. I saw two other jugs and one other demijohn. I guess I got about 7-quart and 2-pint bottles out of the room named, and when Loghi George Landers was drunk I got five bottles out of the parlor where he and Mr. Lyons had been together with other men. I saw these men, Mr. Lyons, Hutton, and Eldred, give numbers of the Indians whisky; for instance, Jake Lipe, Major Lipe, George Landers, Joel Bryant, Mr. George Lewis, Mr. Robert Hanks, Mr. Dick Wolf, Mr. Houston Benge, Pomo Brown [n], Bill Ross [n], Dick Glenn, Frank Adair, Caleb Starr; and lots of others, *i. e.*, Dick Halfbreed, Hooly Bell, Jim Keys, John Schrimsher.

JOHN HOWLAND.

Duly sworn and subscribed to before me November 29, 1886.

ROBT. L. OWEN,
United States Commissioner.

TAHLEQUAH, IND. T., *November* 27, 1886.

This day personally appeared before me Stephen Teehee, who being duly sworn, says:

I have held many offices in the Cherokee Nation; since the war, except two years, I have been an officer; lastly, circuit judge over Going Shake, Flint, Illinois, and Sequoyah districts. I am now a senator in the Cherokee National Council. On Tuesday or Wednesday morning before Thanksgiving day, Richard Wolf came to me at Lacy Hawkin's house, and John Teehee was with me. Richard Wolf called me off to one side and told me he was attorney for the cattlemen.

He said the Cherokee Nation could not get more than $500,000 for the land, but at the same time individuals ought to make something off of it; that I ought to make something off of it. He said he was authorized to get that bill through council and was authorized to use money in getting it passed; that he had a big pile of money in his charge; that he would give me $500 in case it became a law; that if that was insufficient and I called for even more he might do so.

I told him that was against my will; that he knew me what kind of a man I was. (I did not name it, but I alluded to his having offered me $100 last year for my vote to him as Delegate, and my having declined to accept it.) He then gave me a long explanation in regard to that land west of 96°; that the value of it had gone down by the grass and timber having been used off of it; that if we did not release it the new council to be elected next council might not agree to lease it, but might sell it, and he was opposed to selling the land; I told him I was no land seller either, but I did not come here to make money for myself.

I got tired of it, talking to him, and I said, "I'll see about it;" he said to name the time I'd answer. I said, "Next Monday." He said that was too long; he wanted to know by 12 o'clock that day. I said that was too short a time. He asked me if I'd be ready by sundown. I said, "I will."

Then I went and told my best friends of this offer; I told Gus Ivey, and not to tell; I've got plan to find out what all they were doing. And I told William Holt and John Teehee and others. Since then Richard Wolf don't see me, and don't say a word to me. Somebody must have told him. When having the conversation above-named Richard Wolf told me he had Hooly Bee and John Gritts all right, but I did not believe that.

I thought he was trying to mislead me into accepting the offer. He said he just wanted one or two more votes in the senate. He said he had the lower house all right, that he had a majority there. He talked a heap, but these are the main points.

STEPHEN TEHEE.

Sworn and subscribed to by and before me on this the 27th November, 1886.

ROBT. L. OWEN,
United States Commissioner.

TAHLEQUAH, IND. T., *November* 27, 1886.

John M. Miller, duly sworn, says:

I am a member of the council branch of Cherokee National Council, and from Delaware district. On Friday morning Mr. Wolf Coon introduced a bill to release to the Cherokee Strip Live Stock Association the Cherokee Strip for same rate as before, to wit, $100,000.

It was immediately referred to the committee of which Dick Drunenberg, chairman, Dickin Waters, George Downing (Tah), Bill Howell, and myself were members. The chairman proposed we should vote upon it at once, but by insisting it was too important to act on hastily I got the vote put off till 2 p. m. Then it was voted on.

George Downing proposed to amend it to $120,000 a year. I proposed $300,000 a year, but they overruled me and put it at $120,000 a year. I then proposed to make a minority report. Dick Drunenberg said I had no right to do so, as it was not customary to do so. I insisted on it; and my report was accepted by a vote of 23 to 13, I believe, when presented to the house. It was then Wolf Coon tried to withdraw it. That was not permitted, and then he proposed to suspend the rules and put the bill on its passage without the amendment adopted. It was tabled till this morning, and this morning it was tabled till next fall by simple motion without vote.

JOHN MILLER.

Sworn and subscribed to by and before me on this the 27th day of November, 1886.

ROBT. L. OWEN,
United States Commissioner.

DEPARTMENT OF THE INTERIOR, *Washington, June* 13, 1887.

SIR: Inclosed herewith is a copy of Department letter of 13th instant addressed to the honorable Attorney-General upon the subject of reported violation of section 2139 of the Revised Statutes of the United States by Thomas Hutton, Charles Eldred, and John F. Lyons, at Tahlequah, Indian Territory, last fall, as representatives of the Cherokee Strip Live-Stock Association, in furnishing liquor to Indians who visited their rooms at the National Hotel in Tahlequah, to influence their action in the national council in favor of the re-leasing of the Cherokee Outlet lands to said association, which was the subject of your report of the 11th instant, the inclosures of which are herewith returned.

Agent Owen should be instructed that if he is satisfied the statements as to violations of the law referred to by the parties named are true and well founded to remove them from that portion of the Indian Territory within the jurisdiction of his agency whenever they may be found there without permit from proper authority.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, June 13, 1887.

SIR: It has been brought to the attention of this Department that Thomas Hutton, Charles Eldred, and John F. Lyons, citizens of the United States—the last named being also an adopted citizen of the Cherokee Nation by intermarriage, his wife however being dead—representing the Cherokee Strip Live-Stock Association, in attempting to negotiate for a renewal of the lease of the Cherokee Outlet lands last fall, were guilty of a violation of section 2139 of the Revised Statutes of the United States, by introducing large quantities of liquors into their rooms at the National Hotel at Tahlequah, Ind. T., and giving it to the Indians for the purpose of influencing their action in the Cherokee National Council in favor of the said association.

The Commissioner of Indian Affairs recommends that the proper United States attorney be instructed to investigate this subject with the view to such action as may be found to be right and proper in the matter.

I concur in the Commissioner's recommendation.

I have the honor to be, very respectfully,

L. Q. C. LAMAR, *Secretary.*

The ATTORNEY-GENERAL.

NOTE.—The Attorney-General, by letter of June 17, 1887, informed this Department that he has referred the matter of the introduction of liquor into the Indian Territory by the Cherokee Live-Stock Association to the United States attorney, western district of Arkansas.

Mr. VEST. These affidavits, made by reputable citizens, show that this lease was obtained by bribery and corruption, and the men that secured that lease in that way are to-day held for trial in the United States court. The lady who kept that hotel, who was the principal witness, is the sister of Chief Bushyhead, the principal chief of the Cherokees, and she says the bribery and corruption was so gross and notorious that she informed these cattle kings that they must find other quarters in order to preserve the honest character of her hotel, and her affidavit is there to that effect.

I wish I had time to discuss this question more at length, but I want to say this: It has been charged in the public prints that railroad corporations and town-site companies and speculators want to open Oklahoma. I do not know one single human being that within my knowledge is interested in any railroad, in any town-site company, or any speculation in connection with that Territory; but I do know that the people of my State bordering on this Territory for years have been holding up their hands to the Congress of the United States and asking that upon just and equitable terms this portion of the national capital, of the resources of the country for advancement and civilization shall be utilized, and against us to-day, asking as we do only what is right and just and proper, and in the interest of religion, in the interest of government, in the interest of civilization, stand these cattle kings and their dupes with 6,200,000 acres of the public domain closed against the advance of the spirit of progress that to-day is throbbing in every portion of our common country and proclaiming that they rep-

resent the Indians, when the only interest they represent is their own greed and avarice.

Sir, we have proposed everything to these Indians in the way of legislation and they have refused it; and now I make no threat, but I say deliberately that it is just as impossible to close up that Territory to honest immigration and to the institutions of the United States as it would be for an infant to hold motionless in its hand the wheels of the car of Juggernaut itself. They can profit by the statement.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The message also announced that the House had concurred in the resolution of the Senate tendering the thanks of Congress to the governor and through him to the people of the State of Michigan for the statue of Lewis Cass.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th ultimo approved and signed the joint resolution (S. R. 137) providing for additional telegraphic facilities in the city of Washington during the inaugural ceremonies on the 4th day of March, 1889.

The message also announced that the President had on the 1st instant approved and signed the following acts and joint resolution:

An act (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia;

An act (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory;

An act (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes;

An act (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon;

An act (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.;

An act (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across Red River," approved May 21, 1888;

An act (S. 24) to extend the limits of the port of Portland as a port of entry;

An act (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew at or near Ward's Ferry, Louisiana;

An act (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries;

An act (S. 3285) to authorize the construction of a bridge across the Tensas River at or near Daniel's Ferry, Louisiana;

An act (S. 1721) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

An act (S. 1319) granting a pension to Anna Slater;

An act (S. 2334) granting a pension to Mary J. Byrd;

An act (S. 2758) granting a pension to Susan P. Murdock;

An act (S. 2759) granting a pension to James M. Frost;

An act (S. 3091) granting a pension to John Corr;

An act (S. 3269) granting a pension to Theresia Fichter;

An act (S. 3387) granting a pension to Charles S. Hamilton;

An act (S. 3421) granting a pension to Mary B. McVean;

An act (S. 3588) granting a pension to Ellen B. Farr;

An act (S. 1311) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa;

An act (S. 3864) to increase the pension of Mrs. Sue B. Johnson;

An act (S. 1283) for the erection of a light-house on or near Diamond Shoal off Cape Hatteras, North Carolina;

An act (S. 3751) for the relief of certain settlers in Hettinger County, Dakota;

An act (S. 3431) for the erection of a public building at the city of Kalamazoo, Mich.;

An act (S. 3737) for the relief of Sterling H. Tucker and others;

An act (S. 3778) to establish the Lincoln land district, in the Territory of New Mexico; and

Joint resolution (S. R. 140) authorizing the printing of 50,000 copies of the fourth and fifth annual reports of the Bureau of Animal Industry for the years 1887 and 1888.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

Mr. BUTLER. Mr. President, I wish very much that the time of the Senate permitted a full and complete discussion of the question which the Senator from Missouri has touched upon, but I am admonished that the hours are passing rapidly, and that it would be improper for me to occupy the attention of the Senate for any length of time.

The Senator from Missouri declares that no lawyer will say that the Cherokee Indians have a title to what is known as the Cherokee Outlet. Of course I do not propose to set myself up as a lawyer in comparison with the distinguished Senator from Missouri; but fortunately for those of us who differ with him and unfortunately for him, I announce that there has never been an officer of the United States Government, of any department of it, legislative, executive, or judicial, with the single exception of the opinion of the present Attorney-General, which the Senator has had printed in the RECORD, who has not recognized the absolute title of these Indians to this land. I have at my desk four decisions, two in the United States district courts and two in the Supreme Court of the United States, in which the title to this identical land is passed upon, and without qualification or exception they have sustained it as good and perfect and valid in every particular.

The Senator says that Mr. Calhoun as Secretary of War in 1821 settled the character of the title by which these people held this property. Mr. Calhoun never referred to the Cherokee Outlet. He could have had no reference to it, for the treaty by which the Cherokees received that land was not made until 1828. It was supplemented in 1833, in 1835, in 1846, and in 1866 by the Executive of the United States, and the Congress of the United States has recognized it on at least a half dozen occasions by making appropriations to carry into effect the treaties made by the Executive.

More than that, the United States Government has stood by and has seen the Cherokee Indians make five different fee-simple titles out of this very identical land to friendly Indians whom the Government settled on it in pursuance of the treaty stipulations of 1866. The very bill which the Senator himself says he is so anxious to get through this body, the Oklahoma bill, recognizes that title in terms, because it proposes to pay the Indians $1.25 an acre for the land. And are we to be told that we are to be guilty of such stultification as paying to the Indians a dollar and twenty-five cents an acre for something to which they have no title?

The Senator, I will not say intentionally, but with a curious convenience at least, omitted to read from the granting clause of that patent a very important part. I will supply what he has omitted.

That patent was issued by Mr. Van Buren in 1838 in pursuance of the treaties of 1828, 1835, and 1836, and in pursuance of the third section of the act of Congress of 1830. Gentlemen say that the act of President Van Buren was *ultra vires*, that he had no authority under the law or under the treaties to do it, and therefore it is of no effect, of no avail. The patent recites the articles of the treaties of 1828, 1835, and 1836 in substance, and then says:

Therefore—

And this is the part of the granting clause which the Senator from Missouri omitted:

Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant—

What? To whom?

unto the said Cherokee Nation, the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,135 acres and fourteen one-hundredths of an acre.

There are but 6,000,000 acres in the Cherokee Outlet. Where does the Senator get the rest of the land conveyed in that granting clause, if it does not include the 7,000,000 acres which is spoken of as the home of the Cherokees. I will insert the entire patent in my remarks;

The United States of America to all to whom these presents shall come, greeting:

Whereas by certain treaties made by the United States of America with the Cherokee Nation of Indians of the 6th of May, 1828, the 14th of February, 1833, and the 29th of December, 1835, it was stipulated and agreed on the part of the United States that in consideration of the premises mentioned in the said treaties, respectively, the United States should guaranty, secure, and convey, by patent, to the said Cherokee Nation, certain tracts of land; the description of which tracts and the terms and conditions on which they were to be conveyed are set forth in the second and third articles of the treaty of the 29th of December, 1835, in the words following, that is to say:

"ART. 2. Whereas by the treaty of May 6, 1828, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured, to be conveyed by patent to the Cherokee Nation of Indians, the following tract of country: Beginning at a point on the old western territorial line of Arkansas Territory, being 25 miles north from the point where the territorial line crosses Arkansas River; thence running from said nurth point, south on the said territorial line, where the said territorial lines crosses Verdigris River; thence down said Verdigris River to the Arkansas; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand River, at its junction with the Arkansas; thence running south 44 degrees west 1 mile; thence in a straight line to a point 4 miles northerly from the mouth of the north fork of the Canadian; thence along the said 4-mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the Eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the Western Missouri line to the line assigned t e Senecas; thence on the south line of the Senecas to Grand River; thence up said Grand River as far as the South line of the Osage reservation extended, if necessary; thence up and between said South Osage line extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line

running north and south from said Osage line to said due west line will make 7,000,000 acres within the whole described boundaries.

"In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres, as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees. And letters patent shall be issued by the United States, as soon as practicable, for the land hereby guaranteed. And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States in consideration of the sum of $500,000, therefore, hereby covenant and agree to convey to the said Indians and their descendants by patent, in fee-simple, the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same, and runs north along the east line of the Osage lands 50 miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south 50 miles; thence west to the place of beginning; estimated to contain 800,000 acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

"ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such post and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds, for the construction and support of the same, as may be necessary: *Provided*, That if the private rights of individuals are interfered with, a just compensation therefor shall be made."

And whereas the United States have caused the said tract of 7,000,000 acres, together with the said perpetual outlet, to be surveyed in one tract, the boundaries whereof are as follows:

Beginning at a mound of rocks 4 feet square at base and 4½ feet high, from which another mound of rocks bears south 1 chain, and another mound of rocks bears west 1 chain, on what has been denominated the old western territorial line of Arkansas Territory, 25 miles north of Arkansas River; thence south 21 miles and 28 chains to a post on the northeast bank of the Verdigris River, from which a hackberry, 15 inches diameter, bears south 61 degrees 31 minutes east 43 links, marked C. H. L., and a cottonwood, 42 inches diameter, bears south 21 degrees 15 minutes east 50 links, marked C. R. K. L.; thence down the Verdigris River on the northeast bank, with its meanders, to the junction of Verdigris and Arkansas Rivers; thence from the lower bank of Verdigris River, on the north bank of Arkansas River, south 44 degrees 13 minutes east 57 chains to a post on the south bank of Arkansas opposite the eastern bank of Neosho River at its junction with Arkansas, from which a red oak, 36 inches diameter, bears south 76 degrees 45 minutes west 24 links, and a hickory, 24 inches diameter, bears south 89 degrees east 4 links; thence south 53 degrees west 1 mile to a post, from which a rock bears north 53 degrees east 50 links, and a rock bears south 18 degrees 18 minutes west 50 links; thence south 18 degrees 18 minutes west 33 miles 28 chains and 80 links to a rock, from which another rock bears north 18 degrees 18 minutes east 50 links, and another rock bears south 50 links; thence south 4 miles to a post on the lower bank of the north fork of the Canadian River at its junction with Canadian River, from which a cottonwood, 24 inches diameter, bears north 18 degrees east 40 links, and a cottonwood, 15 inches diameter, bears south 9 degrees east 14 links; thence down the Canadian River on its north bank to its junction with Arkansas River; thence down the main channel of Arkansas River to the western boundary of the State of Arkansas, at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south branch of the Arkansas River, 4 chains and 54 links east of Fort Smith; thence north 7 degrees 25 minutes west, with the western boundary of the State of Arkansas, 76 miles 64 chains and 50 links to the southwest corner of the State of Missouri; thence north on the western boundary of the State of Missouri, 8 miles 49 chains and 50 links to the north bank of Cowskin or Seneca River, at a mound 6 feet square at base and 5 feet high, in which is a post marked on the south side, cor. n. ch. L. d; thence west on the southern boundary of the lands of the Senecas, 11 miles and 48 chains, to a post on the east bank of the Neosho River, from which a maple, 18 inches in diameter, bears south 31 degrees east 72 links; thence up Neosho River, with its meanders, on the east bank, to the southern boundary of Osage lands, 36 chains and 50 links west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho River; thence west on the southern boundary of the Osage lands to the line dividing the territory of the United States from that of Mexico, 288 miles 13 chains and 66 links to a mound of earth 6 feet square at base, and 5½ feet high, in which is deposited a cylinder of charcoal 12 inches long and 4 inches diameter; thence south along the line of the territory of the United States and of Mexico, 60 miles and 12 chains to a mound of earth 6 feet square at base and 5½ feet high, in which is deposited cylinder of charcoal 18 inches long and 3 inches diameter; thence east along the northern boundary of Creek lands 273 miles 55 chains and 66 links to the beginning; containing within the survey 13,574,135 acres and .14 of an acre.

And whereas the United States have also caused the said tract of 800,000 acres to be surveyed, and have ascertained the boundaries thereof to be as follows: Beginning at southeast corner of Osage lands described by a rock from which a red oak 20 inches diameter bears south 27 degrees east 76 links, and a burr oak 30 inches diameter bears south 59 degrees west 1 chain and another burr oak 30 inches diameter bears north 8 degrees west 1 chain and 37 links; and another burr oak 40 inches diamater bears north 30 degrees west 1 chain and 81 links, and running east 25 miles to a rock on the western line of the State of Missouri, from which a post oak 10 inches diameter bears north 48 degrees 30 minutes east 4 chains; and a post oak 12 inches diamater bears south 62 degrees east 5 chains; thence north with the western boundary of the State of Missouri 50 miles to a mound of earth 5 feet square at base and 4½ feet high; thence west 25 miles to the northeast corner of the lands of the Osages described by a mound of earth 6 feet square at the base and 5 feet high; thence south along the eastern boundary of Osage lands 59 miles to the beginning, containing 800,000 acres.

Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,135.14 acres: To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the Western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject also to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

In testimony whereof, I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of December, in the year of our Lord 1838, and of the Independence of the United States the sixty-third.

[L. S.] M. VAN BUREN.

By the President:
H. M. GARLAND,
Recorder of the General Land Office.

Mr. President, as I said awhile ago, that deed from the Government of the United States to the Cherokee Indians has been passed upon by the United States courts, repeatedly passed upon, and in every single instance has been sustained as a good, bona fide, valid title; and yet now we are confronted with the proposition that because there are 30,000 would-be settlers hovering upon the borders of this land who want to get it from the Indians, the Congress of the United States and the President of the United States must violate and trample under foot the solemn obligations and pledges and guaranties of the Government, and we in this body, controlled, as I hope, by that decorum and composure upon questions of this kind which should govern a court of justice, are asked to yield to that clamor, and in defiance of right and justice say to these people "yes, go into the Indian Territory, destroy the property of the Indians, run them out, because they are weak and feeble and not able to protect themselves." That is the argument.

Mr. President, I shall not occupy the attention of the Senate by reading from authorities which I have before me to sustain the proposition I have stated.

I will not reply to the observations of the Senator from Missouri in regard to the demand and the power of cattle barons. I will say in that connection that the executive department of this Government has recognized the right of the Cherokee Indians to lease that land for grazing purposes, and the honorable and distinguished Senator from Colorado [Mr. TELLER], whilst a Cabinet minister in the Cabinet of President Arthur, wrote a letter, which I wish I had time to read, but which I will ask to have included in my remarks and printed in the RECORD, in which he took the ground that the Government of the United States had nothing to do with the question of the Cherokee Indians leasing or licensing, or whatever you choose to call it, this land to anybody for grazing purposes; that it was theirs and they had a right to do as they pleased with it, except that they could not sell it to a foreign government, and that when they did sell it it must be to the United States Government. That is the only qualification upon that patent.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, January* 3, 1885.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate on the 3d ultimo, of which the following is a copy:

"*Resolved*, That the Committee on Indian Affairs be instructed to inquire what leases of lands in the Indian Territory or Indian reservations for grazing or other purposes have been made by the tribes therein, the number of acres embraced by each of said leases, the terms thereof, and the persons, corporations, or associations named therein as lessees. Also, that the committee inquire as to the circumstances under which said leases were made, and the means used for obtaining the same, and whether said leases are authorized by existing legislation or are conducive to the welfare of the Indians in said Territory or Indian reservations.

"That the committee have power to send for persons and papers and employ a stenographer, and report by bill or otherwise; and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of said committee, out of the contingent fund of the Senate."

This resolution does not call for any report from me, but as the chairman of the Committee on Indian Affairs has sent a copy to me and requested me to make suggestions, I transmit herewith copy of the report of the Commissioner of Indian Affairs of the 3d instant, inclosing copies of correspondence on the subject, and beg leave to submit the following:

For many years the people living in the vicinity of an Indian reservation have been accustomed to look upon the reservation as public property, and to pasture their cattle thereon, cut hay and timber therefrom, with little or no compensation to the Indians. This has been true of the Indian lands within the Indian Territory as well as the reservation outside of that Territory.

The Indian Territory produces valuable black-walnut and other timber. This timber has been cut off in large quantities and carried out of the Territory without payment to the Indians, who are the legitimate owners thereof. Thousands of cattle have been pastured on the Indian lands of that Territory by cattle-men who have paid in some few instances a small sum per head for the cattle so grazed, or more frequently nothing at all. Even where the cattle-men have pretended to pay, they have rarely paid on the true number of cattle pastured, but on a small proportion, giving to some Indian chiefs a few dollars to keep them quiet. Just how the old system worked can be seen from the following extract from Agent Dyer's letter of March 16, 1883, concerning the Quapaw agency. He says:

"In 1879 Maj. J. M. Haworth was sent here to take charge of this agency. He found large herds of Texas cattle on the range, and the stock-men dealing directly with the Indians. At that time the stock-men pretended to pay 10 cents per head per year, but as the Indians collected the tax themselves they were paid in beef cattle or a few groceries (hardly ever getting cost) at the stock-man's own price; so they virtually did not get over 5 cents per head per year. After Major Haworth made report of the case your Department established a rate of 10 cents per head per month, which rate has been carefully collected from that time from all parties who have herded stock on any of the reserves of the agency, but large droves of cattle, sheep, horses, and hogs belonging to farmers or stock-dealers who live on the Kansas and Missouri lines run in here, free from any tax; as they are not herded we can not get at their owners, and I know of no law to compel a payment of the tax. This special matter was presented to you last season. Under the old system, where the Indians collected the tax, as a rule what little

stuff they received the larger part went to the chiefs, who have in a manner been opposed to the Government collecting the tax, as I have stated to you in former letters on this subject."

The right to pasture cattle on the Indian lands with the consent of the Indians has never been doubted until very recently. It can not be seriously contended by any one that section 2103 of the Revised Statutes is an interdiction of the granting of such grazing privileges. That provision of the statute has no relation to the use or occupation of the lands of the Indians, but refers to contracts made for services to be rendered to the Indians by whites. That the section refers to service and service alone can be readily seen by an examination of section 2104, which must be taken in consideration with section 2103.

Section 2116 of the United States Revised Statutes reads as follows:

"No purchase, grant, or lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution." * * *

This section applies to purchase, grant, lease, or other conveyance of lands, but it makes no reference to the products thereof. No prohibition is imposed upon the Indians as to the disposition of the products of the soil. They are not prohibited from disposing of the grass growing upon their lands any more than they are prohibited from disposing of the wheat, corn, or vegetables raised thereon as the fruits of their labor.

United States circuit court, St. Louis, Boudinot *vs.* Hunter, Evans *et al.* Suit brought under section 2116, Revised Statutes. Judge Brewer held that section 2116 did not prohibit Indians from granting grazing privileges.

Section 2117 of the Revised Statutes provides as follows:

"Every person who drives or otherwise conveys any stock of horses, mules, or cattle to range and feed on any land belonging to any Indian or any Indian tribe, without the consent of such tribe, is liable to a penalty of $1 for each animal of such stock."

This section recognizes the rights of the Indians to dispose of the grass growing upon their lands; for if their consent be given to graze stock thereon, the statute is not violated, and the owner of the stock is not liable to the penalty imposed. If this conclusion be correct, by parity of reasoning it would seem that they would have the power to enter into agreement, fixing the price to be paid, and for the protection of their interests.

Now, if any doubt exists as to the right of the Indians generally to dispose of the grass growing on their lands for grazing or other purposes, I think the doubt will be removed by applying the principles enunciated by the Supreme Court in the case of the United States *vs.* George Cook (19 Wall., 591).

In this case the court held—

"The fee was in the United States subject only to the right of occupancy. This is the title by which other Indians hold their lands. * * * The right of use and occupancy by the Indians is unlimited. They may exercise all their discretion. * * * These are familiar principles in this country, and well settled, as applicable to tenants for life and remainderman. But a tenant for life has all the rights of occupancy in the lands of a remainderman. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainderman, the Indians may do upon their reservations, but no more.

It is a well-settled principle of law that a tenant for life may rent or lease the freehold. There is no restriction as to his disposition of the products of the soil, except in certain cases denominated waste, such as the cutting of timber, etc., and he is not liable to the remainderman except for waste. If we are to be governed by the principles laid down by the Supreme Court, we must conclude that an Indian has the same rights; and it must be remembered, too, that this decision was rendered with the knowledge that the ninth section of the act of 1834 was upon the statute-book. The ninth section of the act of 1834 is section 2117 of the Revised Statutes. In this case the Government had not conveyed the land to the Indians. Right of occupancy alone was recognized, and while this applies to the most of the Indian tribes and properly described the tenure by which they hold, it does not apply to the tribes holding a patent from the Government. The privilege to graze cattle is but a license and not a lease. It conveys no interest in the lands occupied. It is true that the Indians did attempt to make leases with a fixed period during which the parties would, if the power existed, have all the rights of lessees, but doubting the power to make, as well as the policy of such leasing, I declined to approve the same as a lease, but did treat them as amounting to a license to be revoked by the Indians at will.

All application to the Department to lease lands have been uniformly denied for want of authority in the Department, but such refusal did in no wise interfere with the rights of the Indians to make such use of the lands as was consistent with the character of their title. The permits now complained of as having been given by the Cherokees were given without even notice to the Department, and neither the Cherokee Nation nor the parties holding such permits have ever asked the Department to approve the same. The Cherokees have a fee-simple title to their lands and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto. Patent was issued to this nation of Indians December 31, 1838, for their lands in the Indian Territory, under the provisions of articles 2 and 3 of the treaty of 1835 (7 Stat., 428), and in accordance with the terms of the act of May 28, 1830 (*id.*, 412).

The United States Supreme Court, December term, 1872, in the case of Holden *vs.* Joy (17 Pet., 250), in referring to the clause in the patent issued to the Cherokees which provides that the lands covered thereby shall revert to the United States if the Indians become extinct or abandon the same, said:

"Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title, and it may well be held that if that condition reduces the estate to less than a fee it is void."

In the case of the United States *vs.* Ben Reese, at the May term, 1879, of the United States district court for the western district of Arkansas, after reviewing the various treaties and laws and decisions of the courts with reference to the Cherokee lands in the Indian Territory, the court held that there is no limitation on the title conveyed by the United States to the Cherokees by the treaty of 1833, and that if said treaty was inconsistent with the act of 1830 it repealed so much of it as was inconsistent; that the language of the second article of the treaty of 1835 was a recognition of the cession of these lands, and that if they had already been ceded to the Cherokees by the treaty of 1833, the agreement by the United States, by the third article of the treaty of 1835, to give them a patent for these lands according to the provisions of the act of Congress of May 28, 1830, was a mere *nudum pactum*. It was an attempt to place a restriction upon the title which had already passed, and which, according to the first article of the treaty of 1833, was to be evidenced by a patent. The court, after discussing the question upon the supposition that the condition in the patent is valid, says:

"This Indian title being a base, qualified, or determinable fee, with only the possibility of reversion, and not the right of reversion in the United States, all the estate is in the Cherokee Nation of Indians."

Attorney-General Devens, in his opinion of January 21, 1880, in the Kansas school land-grant indemnity case (16 Opinions, 430), speaking of the 800,000 acres purchased by the Cherokees under the last clause of the second article of the treaty of 1835, and which are included in the patent issued to the Cherokees as provided by article 3 of that treaty, says:

"The effect of the conveyance by the United States to the Cherokee Nation of this tract of land upon the purchase made by them under the treaty of 1835 was to vest in the tribe a fee-simple to said tract (Holden *vs.* Joy, 17 Wall., 211). This tribe did not hold this tract of land by the ordinary Indian title, which is one of occupancy only, which may be continued indefinitely. In such case the fee-simple to the land is in the United States. The effect of this sale (to the Cherokees) was to separate distinctly the tract from the public lands of the United States and vest it in private ownership."

The sixteenth article of the treaty of 1866 (14 Stat., 804) provides that—

"The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees, to be taken in a compact form, in quantity not exceeding 160 acres for each member of said tribes thus to be selected, the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide, * * * the Cherokee Nation to retain the right of possession and jurisdiction over all of said country west of 96 degrees of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied."

The article does not change or modify the title of the Cherokees or vest any title in the United States to the lands west of 96 degrees. It simply gives the United States the right, with certain conditions to follow, to settle friendly Indians in that country. This is the country which is supposed to have been leased. Judge Parker, of the United States district court for the western district of Arkansas, in a letter of July 17, 1883, in answer to one addressed to him by one C. W. Rogers, says that "if persons take cattle into their (the Indians') country to graze them, they (the Indians) have the right to collect a grazer's tax."

The Senate Committee on Indian Affairs, in a report made June 22, 1874, having had under consideration the petition of sundry citizens of Kansas remonstrating against the imposition by the Cherokee Nation of a tax upon cattle driven through their territory from Texas to northern markets, say, after quoting the ninth section of the act of June 30, 1834, regulating trade and intercourse with the Indians, now section 2117 of the Revised Statutes:

"Now, this is conclusive in regard to that portion of the tax exacted for the privilege of grazing stock within the limits of the Cherokee reserve. The tax is within the amount of the penalty fixed by law for grazing stock without the consent of the nations, even though the stock should be kept upon their grazing land full three months. It only remains, then, to inquire into the legality of the tax imposed for the right of way through the country." * * * (Senate Executive Document 74, Forty-fifth Congress, second session, page 2.)

Under the decisions of the courts as to the title to which they hold their lands, and the guaranty pledged them by the United States in the sixteenth article of the treaty of 1866, can any one question or doubt their right to make such a disposition of the grass growing on their lands as they have made, whether it is called a lease, license, or permit? The land is theirs and they have an undoubted right to use it in any way that a white man would use it with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Interior Department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of article 16 of the treaty of 1866, which at most is only a contract to sell certain portions of the land; but until the Government settles friendly Indians thereon and pays for the land the right of possession and occupancy is especially reserved.

It has been said that the permits or leases from the Cherokee Indians were obtained by fraud and corruption. On this subject the Interior Department has no information not possessed by the public at large. The fifth article of the treaty of 1835 with the Cherokees provides as follows:

"The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and Army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the government of the same."

Under provisions of the treaty of 1835 the Cherokees adopted a constitution and organized a government, not on the plan of the former Indian government, but on a plan very nearly resembling that of the several State governments. This constitution provides for an elective chief and the election of members of the council and house of representatives. By the provisions of the treaty of 1846 the Cherokees were recognized as a nation, and the Government stipulated with them that—

"Laws shall be passed for equal protection, and for the security of life, liberty, and property; and full authority shall be given by law to all or any portion of the Cherokee people peaceably to assemble and petition their own government, or the Government of the United States, for the redress of grievances, and to discuss their rights. All armed police, light horse, and other military organizations shall be abolished, and the laws enforced by the civil authority alone.

"No one shall be panished for any crime or misdemeanor except on conviction by a jury of his country and the sentence of a court duly authorized by law to take cognizance of the offense. And it is further agreed all fugitives from justice, except those included in the general amnesty herein stipulated, seeking refuge in the territory of the United States, shall be delivered up by the authorities of the United States to the Cherokee Nation for trial and punishment."

This was in consequence of some disorders that had arisen among the different bands of this tribe. The right of the Cherokee Nation to control its property is especially guarantied by the provisions of article 5 of the treaty of 1835 and the subsequent treaties. This is especially the case in the treaty of 1866, as may be seen by reference to article 16 of that treaty, wherein it is stipulated that the lands to be taken by the United States to settle friendly Indians on should be paid for at such price as the Cherokees and such friendly Indians might agree on, subject to the approval of the President of the United States. The rights reserved to the United States are clearly expressed in the several treaties, and the right of the United States to control the Cherokee property and prevent the nation from having the full and absolute control of the products of these lands is not even suggested. On the contrary, the Government guaranties, in article 26, as follows:

"The United States guaranty to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory. In case of hostilities among the Indian tribes, the United States agree that the party or parties commencing the same shall, so far as practicable, make reparation for the damages done."

The Department has not considered it the duty of the Commissioner of Indian Affairs or the Secretary of the Interior to interfere with the affairs of the Cherokee Nation, except in the case especially provided for by treaty with that nation.

It has been asserted that the military power of the Government has been used to keep the parties claiming leases in possession of the premises claimed by them, and to keep those not having such permits from the Indians from interfering with them. This is an error. The Department has not been called on to take any measures to protect the parties in possession, nor to keep off parties who are intruding on such possession, nor in any manner to interfere, except in one instance, when it was claimed that the Kiowas and Comanches had interfered with the stock on the Cheyenne and Arapaho reservation; but in that instance the Department did not consider it a matter for interference and nothing was done. There has been no conflict, so far as I am aware, between the parties holding permits and those not holding permits, and the Indians have not asked to have removals made either of parties holding permits or occupying the country with stock without such permits.

The title to the lands occupied by the Osages, Kaws, Pawnees, Poncas, Nez Perces, Otoes, and Missourias, in the Indian Territory, is held by the United States in trust for such Indians, by deed from the Cherokee Nation. The Government is the trustee without interest, and the Indians are the *cestuis que trust*, being the real owners of such land. But these Indians are not the tenants of the trustees and can not be dispossessed, because their right of occupation and use of the lands was fixed in the statute creating the trust; the United States is the naked trustee and whatever the Indians might do with the fee in them they may do with the fee in the United States in trust for them, except to sell the lands.

Some of the Indians named have bought and paid for their lands, and are entitled under the treaty with the Cherokees to a fee-simple title in themselves. Their right to occupy and control the possession of such lands and to receive the products thereof can not be questioned; and Congress can not interfere to prevent the *cestuis que trust* from having the usual and natural use of the lands so occupied by them. Any attempt to do so would be a confiscation of the lands. The laws excluding white men from Indian reservations were enacted for the benefit of the Indians. In all cases where the Department has felt that the presence of white men on the reservation was injurious to the Indians, they have been removed. In all cases where the Indians have asked their removal the Department has acceded to the wishes of the Indians and caused their removal without reference to the question whether their presence was injurious or not. On the other hand, if the Indians favored their remaining, they have rarely been disturbed, and never, unless as before stated, their presence was clearly injurious to the Indians. This applies to the uncivilized tribes.

But it is manifestly unfair to the Indians to exclude white men from their midst whose presence they desire and declare to be beneficial to them, and it should not be done unless their presence is clearly injurious to the Indians. It can not be demonstrated that the permission given by the Indians to the owner of cattle to graze them on the Indian lands is injurious to the Indians. Isolation of the Indian from the white man was once thought necessary to protect him from the vices of civilization, but such isolation, even if desirable, has now become impossible. But such isolation is not desirable, and the Indian will become civilized much more readily when he comes in daily contact with white men, and certainly so, if such contact is of his own choice and seeking. If the lands so occupied by cattle-men are not required for the grazing of the herds of the Indians or for agricultural purposes, the Indians are not only benefited by contact with the whites, but by the compensation received for such grazing privileges. Prior to 1883 the Indians received but a small amount for the privileges of grazing on the lands to what they have received during the years 1883 and 1884. I have no data by which I can arrive at the amount received by the Cherokees or other civilized tribes prior to 1884, but the Cheyennes and Arapahoes, Osages, Kiowas, Sac and Fox, Pottawatomies, Absentee Shawnees, and Quapaws, for the year 1881–1882, only received the sum of $1,922.38, while the whole number of persons who had cut grass and grazed cattle on said Indian reservation was one hundred and twenty individuals and firms.

During the year 1881–1882 the Cheyennes and Arapahoes received nothing except a few dollars paid to their chiefs, notwithstanding a large number of cattle were grazed on the reservation during the greater part of both years. It is this class of persons who grazed the cattle on Indian lands without pay to the Indians who are now complaining of favoritism in allowing the Indians to exact a suitable compensation for the privileges granted, and notwithstanding the fact that the Indians are now receiving $50 for every dollar received under the old system, they insist that there must be a return to the old system, because the statute is being violated. Free pasturage was not complained of. Lawless persons might, and did for years, invade the Indian lands, stealing their timber and feeding their cattle on the grass, without any warning cry being raised, but when the Indians are compensated partially at least for these privileges, the cry goes up from their former despoilers that the statute is being violated.

During the year 1884 there has been paid to the Cheyennes and Arapahoes, $77,351.60; to the Poncas, $1,700; to the Otoes, $2,100; Pawnees, $4,500; Sac and Fox, $4,000; Osages, $13,160; Quapaws, $3,000; Kiowas $2,080; making a total of $107,891.60. In addition to this, the Cherokees have received $100,000 for grazing on the lands known as the Cherokee Strip, or Outlet.

It will be seen by the foregoing that the Interior Department has for years recognized the right of the Indians to receive compensation for the pasturage of stock on the reservation; that such right has been recognized by the courts and by a Senate Committee. In my report of November 1, 1883, I called attention to these proposed leases, and recommended that Congress should legislate on the subject both in the interest of the Government and the Indians. Again, in my report of November 1, 1884, I called attention to this subject, and said:

"In my last report I called attention to the occupation of certain Indian reservations by stock-men with their herds, under an arrangement made with the Indians. I declined to treat these arrangements as leases made on the part of the Indians, but did treat them as licenses on the part of the Indians recognized by section 2117 of the Revised Statutes. I do not understand that the parties so occupying these lands with the consent of the Indians are there in violation of law, but their condition is not a satisfactory one either to themselves or the Department. The Department, in allowing them to remain, reserved the right to put them off of such reservation, notwithstanding such permit or license, if the Department considered it necessary to do so in the interest of the Indians. How far the Government may disregard the license so given by the Indians is a question that need not be discussed until it is presented, but should the Department attempt such exclusion against the wishes of the Indians, it would certainly lead to trouble. The amount paid for such privileges is understood to be about 2 cents per acre for the lands so occupied. This amount is not a fair compensation at this time for the use of such lands, or for at least a considerable portion thereof.

"Much of the land so occupied could be leased at from 4 to 6 cents per acre. The Cheyenne and Arapaho Indians attempted to lease 3,867,880 acres of their reservation, leaving unoccupied by stock-men about 430,000 acres. From the land so occupied by stock-men the Arapahoes and Cheyennes received last year 2 cents per acre, amounting to $77,357.60, or an average of $12.33 per capita. As it is believed that this reservation might be leased at from 4 to 6 cents per acre, the amount may be increased to $24.66, or $36.99 per capita. It is believed that the cattle-men will very readily consent to double or treble the price now paid if they can have some assurance that they will not be disturbed at the whim or caprice of the Indians.

"The amount now received, $12.33 per capita, is a sum quite sufficient, if the Department could control its payment to the Indians, to aid very materially in their support and civilization. A family of five persons would receive $61.65 per annum at 2 cents per acre. At 6 cents per acre the amount realized would go far toward their support without further aid from the Government. Other tribes also have good grazing lands that might be leased at profitable rates, leaving the Indians a sufficient quantity of land for their own use, either for agriculture or grazing. Some legislation should be had on the subject to enable the Government to demand and receive for the Indians the full value for the occupation of their lands, and to prevent conflicts between rival claimants holding such licenses or privileges. Such occupants are not on the reservation in violation of law if they have the consent of the Indians; yet, should their conduct be such as to convince the Department that their presence is injurious to the Indians, it is quite difficult to say what would be the result of an attempt on the part of the Department to remove them if the Indians continue to consent to their remaining.

"While there can be no objection to allowing the Indians of the Indian Territory to lease their lands for grazing purposes, there is a serious objection to allowing the Indians on reservations outside of the Indian Territory to lease lands valuable for agricultural purposes for the purpose of grazing only. If the reservation is larger than is required for the use of the Indians occupying it, there should be a reduction thereof, and all that is not needed for the use of the Indians should be opened to settlement. The time has passed when large and valuable tracts of land fit for agriculture can be held by Indians for either hunting or grazing lands to the exclusion of actual settlers."

I desire to emphasize what I then said about allowing Indians to control large and valuable tracts suitable for agricultural purposes, of which they make but little or no use, and thus prevent the settlement and development of the country. I do not propose that the Government shall confiscate these lands, or open them to settlement without proper compensation to the Indians, and while the title is held either by the Indians, or the Government for them, they should be prohibited from intrusion by unauthorized persons, and allowed to receive all the advantages that can be had from the ownership or occupation of such lands. But the interest of the Indians and people of the United States demands that they should not be allowed to own large and valuable tracts to the exclusion of the settlers, when such lands are not needed by the Indians. It is a misfortune to any country to have its lands held in large tracts by few owners, and it is the more so if held by owners who neither make use of it themselves nor allow others to do so.

Very respectfully,

H. M. TELLER, *Secretary.*

The PRESIDENT *pro tempore of the Senate.*

Mr. BLAIR. May I ask the Senator a question?

Mr. BUTLER. Certainly.

Mr. BLAIR. I should like to inquire of the Senator what relevancy the validity of the lease he has spoken of has to the real issue here. It does not occur to me that if the Indians have made even an invalid lease it has any bearing upon the question as to whether the United States Government can seize their land.

Mr. BUTLER. I think not myself, but that has been the chief argument of those who have been in favor of what is called the Oklahoma bill, that the Indians had no title, that they had no right to say we should not extend territorial limits over that Territory in the face of the treaty stipulations that the United States Government would not extend the jurisdiction of a State or Territory over that land, except with the consent of the Indians. But I will not consume time by replying to observations of the Senator from Missouri on that point.

Mr. RIDDLEBERGER. May I ask the Senator whether he will yield to me for a motion that the Senate proceed to the consideration of executive business?

Mr. BUTLER. I shall be through in a few minutes, and if the Senator will just pardon me, I prefer not to yield because I am not going to speak long.

I was going to say that if I felt inclined to indulge in recrimination with anybody, I should say to the Senate and to the country that during my term of service in the United States Senate I have never known so disgraceful, so flagrant, so shameless a lobby around this Capitol as has been here in the interest of the passage of this Oklahoma bill. So unblushing and so bold and so reckless has been that lobby that, I am creditably informed, they have been peddling in the city of Washington town-site certificates in the very land which they want to take from the Indians, and have placed those town-site certificates on this very identical land in the city of New York at 40 cents on the dollar. If I had the time and the occasion required it, I could convince the Senate that the so-called cattle barons, not one of whom have I ever known or heard from, are put up as a pretended foil for the reckless and disgraceful attempts that have been made to thrust this legislation down the throat of Congress in defiance of right and justice and of the obligations of this Government.

But, sir, I am making no charges. I simply state what I have heard and what I believe.

The substitute which I had the honor to offer, representing the views of the minority of the Committee on Territories, is substantially the last clause coming from the Committee on Appropriations in this Indian appropriation bill. It is, in substance, that the President of the United States be authorized to do what I believe he has a right to do now, appoint a commission of fair-minded, honorable men who shall go to these Indians, who are standing upon their treaty rights, and say to them what they realize and what I realize, that the time has come when the demands and progress of civilization, so eloquently referred to by my friend from Missouri, require that this land shall be sold to the Government of the United States, and we ask you as people having rights to meet us upon terms of fairness and justice and equity and amity and treat with us. Sir, my word for it, if that line of policy is pursued by this Congress, twelve months will not have passed before all the questions in controversy, cattle leases, railroad rights, Indian rights, the rights of the Government, of the settlers, of the cattle barons, will be adjusted; and then we shall have in that way the solution of the difficulty which, in my judgment, will be only aggravated by the passage of a bill like that known as the Oklahoma bill.

I want to say one word more, Mr. President. It may be egotistic,

it may be presumptuous, but I want to take upon my shoulders, if I can, the entire responsibility for the defeat, if it shall be defeated, of what is known as the Oklahoma bill. In the first place, it was unjust to the Indians, it was unjust to the settlers, it was unjust to the Government, and was crude, imperfect, improper, and unwise, and upon that ground, and that alone, I planted myself in opposition to it. I announced to its friends from the beginning that I would defeat it if I could. If I have done so I am glad, sir; and there is no act of my official life that I shall look back to with more satisfaction than the defeat of that legislation as it came before this body.

Mr. CULLOM. Mr. President, I do not suppose that it is entirely proper on this occasion that we should enter into a general discussion of the merits of the Oklahoma bill or the treaties that are referred to in it, and I rise now to say that, so far as the influences are concerned which have surrounded this Capitol, the remarks of the Senator from South Carolina, so far as I know, are entirely inapplicable to the Committee on Territories, of which the honorable Senator is a member.

Mr. BUTLER. Why, Mr. President, anybody who knows the Senator from Illinois knows that he is absolutely free from any such influences.

Mr. CULLOM. I take it for granted that the Senator was not reflecting upon me or any member of the committee.

Mr. BUTLER. No; nor on the committee either—far from it.

Mr. CULLOM. But I desire to say that so far as the Committee on Territories have been concerned, I believe that outside of two or three members of the other House, we have heard nobody, except the friends of the view that the Senator from South Carolina takes upon this question. In other words, we have heard the Indians, we have heard their attorneys, we have heard every man whom they desired that we should hear before the committee, against the Oklahoma bill, while we have heard nobody on the other side except one or two honorable members of the other branch of Congress, I believe.

Mr. BUTLER. There were four.

Mr. CULLOM. Perhaps there were four. I do not remember the exact number.

Mr. BUTLER. There were four who made arguments.

Mr. CULLOM. And those four men occupied but a very few moments of the committee's attention, while the friends of the honorable Senator occupied more than two or three days, and we heard him and heard that side of the question as fully as anybody desired to be heard so far as I know.

Mr. VEST. My friend speaks of attorneys.

Mr. CULLOM. Yes, sir.

Mr. VEST. Were they attorneys for the Cherokee Indians?

Mr. CULLOM. I do not know for whom they were attorneys. Some said they were attorneys for the Cherokee Indians, and some said they were for the cattle-men on that outlet. I do not know whom they particularly represented.

Mr. BUTLER. I can inform the Senator who the attorneys were. They were Hon. Joseph E. McDonald and his partner, Mr. Fay, who represented the Cherokee Indians.

Mr. PLATT. And said they did.

Mr. BUTLER. And said they did.

Mr. VEST. I want simply to remark that I do not know anything about it; I do not know anybody connected personally with this matter. All the eloquence and vituperation of the Senator from South Carolina do not affect me or my interest in this matter, because I know nobody in it except my constituents and the people at large.

But the statutes of the United States prohibit those Indians from making contracts with white men unless by the approval of the Interior Department, and there is no record in that Department showing their authority to hire lawyers for this or any other purpose.

Mr. CULLOM. Technically there was no record for that purpose, nor was there any authority to make the leases between the Indians upon that outlet of the Cherokee country and the cattle-men who have the control of that whole outlet there, with their wire fences around the land.

Mr. DAWES. Mr. President, I do not question the right of Senators—I do not speak in reference to any particular Senator—to debate the subject of Oklahoma or the title to the Cherokee Outlet or to debate any other subject as long as they please. I do not question that right, but I want to appeal to Senators to try if they can cut short this debate, for I say to them that its continuance imperils the bill and may force upon us an extra session of Congress.

Mr. CULLOM. I would not have talked as long as the Senator has been admonishing me to be short.

I simply rose because the honorable Senator from South Carolina [Mr. BUTLER] seemed to attempt to create the impression that whatever has been sought to be done by this Congress with relation to the organization of Oklahoma Territory has been done under the stress and influence of persons who had some sinister personal interest in property down there in the way of town sites or something else. I know nothing about the persons who have been attempting to put such town sites on the market. I have only investigated this subject so far as I have been able to do in the light of the treaties and in the light of the history that pertains to the subject, and I have come to the conclusion under Judge Brewer's decision and that of other judges that we had the right to extend a Territorial government around that outlet, taking that in connection with No Man's Land and the land we have recently bought from the other Indians in that region.

I say again, Mr. President, that so far as the Committee on Territories or the majority of the committee has been concerned, we have been governed in our judgment by what we understand to be our rights in the premises as legislators, and by what we understand to be the best interests of the people of the country, taking into consideration the peace and quiet of the lives of the people down there, both Indians and whites, who are crowding upon that Territory.

I say to the Senator from South Carolina that unless something is done by this Congress the administration of this Government will find itself, I fear, having great trouble to protect the rights of the people there, whether they be red men or white men. I believe it is in the interests of everybody, Indians as well as whites, that a Territorial government should be placed over that outlet and over the other undisputed territory, including No Man's Land.

As the honorable Senator from Missouri [Mr. VEST] has said, there we have that No Man's Land filled up with twenty thousand or thirty thousand people, a perfect Botany Bay, with murder and every other crime continually perpetrated there and no single item of law that affords protection to the people within that territory, and yet we are unable to get anything done to spread over those people any sort of lawful authority so that the honest people can be protected.

Mr. President, I shall not take up the time of the Senate longer, but I do say that in my honest judgment a bill creating a Territorial government there ought to be passed to surround those people, so that there may be civil government, armed, if you please, with the power of the bayonet if necessary to protect the rights of the Indians as well as those of white men.

Mr. FARWELL. I desire to offer an amendment to this bill which will give a government over the land which the United States now owns and as to which there is no dispute. It does not touch the Cherokee Outlet at all. If this amendment can pass a government will be thrown over at least twenty thousand American citizens who now have no government at all.

I offer the amendment as an additional section to be added to the bill.

Mr. PLATT. Let it be read for information.

The PRESIDENT *pro tempore*. The proposed amendment will be read for information.

The CHIEF CLERK. It is proposed to add to the bill:

SEC. —. That all that part of the Indian Territory which is embraced in the lands recently ceded to the United States by the Creek Nation of Indians, by the agreement ratified at this session of Congress, and the lands embraced in the proposed cession of the Seminole Indians to the United States, which is authorized by this act, and also that part of the area of the United States, bounded on the south by the State of Texas, on the west by the Territory of New Mexico, on the north by the States of Colorado and Kansas, and on the east by the Indian Territory, and known as the Public Land Strip, are hereby created into a temporary government by the name of the Territory of Oklahoma, and the Constitution and laws of the United States, which are not locally inapplicable, shall have the same force and effect in said Territory as elsewhere in the United States. The provisions of Title XXIII, chapter 1, of the Revised Statutes of the United States, relating to the government of all the Territories, shall apply to said Territory, and be in full force and effect therein, and the President is hereby authorized to appoint all officers for said Territory as required in said title and chapter. That the lands in the Public Land Strip and all other lands in said Territory are hereby declared to be a part of the public domain of the United States, except as otherwise provided in this act, and shall be opened to settlement under the homestead and town-site laws as herein provided, but the sixteenth and thirty-sixth sections shall be reserved for school purposes. All lands in the Indian Territory west of the lands owned and occupied by the five civilized tribes, which may be relinquished as an Indian reservation, shall, by proclamation of the President, become a part of said Territory of Oklahoma, and shall be opened to settlement under the provisions of this act: *Provided*, That the provisions of this act shall not be applicable to lands lying within the limits of what is known as Greer County, nor shall the government of said Territory exercise any jurisdiction over said county until the question of title thereto between the United States and the State of Texas shall have been finally determined in favor of the United States.

Mr. EDMUNDS. I reserve all points of order on that.

Mr. TELLER. Mr. President, I do not intend at this late hour of the session to be led into a general discussion of the Indian title to the land, or what should be our course of dealing with the Indian tribes either in the Indian Territory or anywhere else.

The Senator from Illinois who has just addressed the Senate [Mr. CULLOM] appealed in the interest of the honest people of the country for legislation on this subject. If there is any man inside of that Territory without the consent of the Indians, he is there in violation of the laws of the United States. I am speaking now not of No Man's Land, but of the Indian Territory. We guarantied to the civilized tribes, as they are known, in the early days of their advent west of the Mississippi River, the absolute control of their property, the absolute political control of the Territory which we had given to them by the most solemn engagements that it was possible for a government to make, and for fifty years no man has risen anywhere who was worthy of attention, who was worthy of respect, until within the last few months, to deny their right to the soil which we had given them by patent, which we had guarantied to them the exclusive enjoyment and unobstructed possession of.

Mr. President, if the Senator from Illinois thinks it is necessary that

there should be a government put over this region of country to protect men who want to go there in violation of law, he does not appeal with any force to my judgment or to my conscience, and I say that is the class of men who ought to be excluded and forever kept out.

I admit the right of this Government to put a political government over the territory known as the Indian Territory, and I admit the right to put it there in opposition to the contract made in 1817 and reiterated with these Indians on various occasions since. Why? Because after all a treaty is but a law subject to be revoked by the legislative power of the Government. Whenever we think it is necessary in the interest of the Indians to put over this country a civil government of our own, we have the unquestioned power so to do. I have never hesitated upon that proposition. I am supported by not only the law of nations but by our own law, by the decisions of our courts. It is for us to say whether the emergency has come, it is for us to say whether the time has now come for us to disregard our solemn obligations, and whether we should put a government over this country, and when we do it, I trust it will be not at the demand of men who profess and declare their intention to become violators of the law, not in the interest of men who say that they will not be restrained either by law or by property rights.

Mr. President, I had anticipated if the Oklahoma bill came before the Senate, presenting this case upon its legal aspects, and I do not think I shall be charged with egotism if I say that for any man within the sound of my voice who has spent a quarter of an hour on this subject I have spent an hour. Other men may be better able to grasp the difficulties and the intricacies of this question, but no man here has given it the attention that I have given it, because it has been my duty to do so when it was not the duty of Senators here on this floor. If I had the time I should like to take treaty for treaty, go over its provisions, and show that in the very inception we began with the distinct declaration that this was to be their property, not to be held as common Indian property, but it was to be theirs in fee, it was to be theirs by the highest title by which man can hold mother earth.

I was astonished to hear the Senator from Missouri rise here and say that no lawyer would say that they had a title. The Supreme Court of the United States have declared that they have a title in fee; more than one judge who is entitled to as much respect as any judge in this country has declared that they have a title in fee. I know it is said there is a qualification; I know it is said it is a base or qualified fee. A base fee gives to the holder of that fee absolute control over his property as much as an absolute fee-simple title. I need not attempt to amplify or argue a proposition that the merest novice in our profession understands. I say here that no man who is fit to be a justice of the peace in this country can take up this question and deliberately study it as a lawyer ought to do who will not come to the conclusion that the Supreme Court was right when it said these Indians had a fee—the same conclusion that Judge Parker did when he declared they had a fee; and Judge Brewer has declared that they had a fee. The opinion the Senator cites does not settle that question at all.

Mr. VEST. In what case did the Supreme Court so decide?

Mr. STEWART. I should like to know what that case was.

Mr. TELLER. I will answer the question when I get to it; I do not care about being interrupted by gentlemen who have not, in my judgment, even read the patent upon which the title is based. If certain Senators had read it they would never have made the statements which have been made here when they say there is no title. The words "give and grant" are words of conveyance, and conveyance of a fee, as every lawyer knows. And yet gentlemen say there is no fee and no title. The Supreme Court must be set aside, Judge Parker must be set aside, Judge Brewer must be set aside, and the whole thing must turn upon the question whether cattle barons and cattle kings have or have not bribed the legislative council of the Cherokees in the matter of the Cherokee Strip.

Mr. VEST. Will the Senator from Colorado point me to any decision of the Supreme Court of the United States which said that these Indians had a title?

Mr. TELLER. Yes, I can.

Mr. VEST. Of course you can, but you leave off the words "a qualified fee." You say "a fee," and every lawyer supposes that means a fee-simple unless it is qualified. The Senator leaves out the very words that determine what was the title.

Mr. TELLER. Must I, in a Senate of American lawyers, stop to discuss the question of the difference between a qualified or base fee and an absolute fee?

Mr. VEST. The Senator ought not to use the word "fee."

Mr. TELLER. I have spent a lifetime in legal litigation——

Mr. VEST. So have I.

Mr. TELLER. And I supposed every lawyer knew the distinction between a base fee, a qualified fee, and an absolute fee, and that any one of them gives a title to property.

Mr. HARRIS. Will the Senator from Colorado allow me to ask the unanimous consent of the Senate that at 6 o'clock the Senate take a recess until half past 8?

The PRESIDENT *pro tempore*. Does the Senator from Colorado yield?

Mr. TELLER. Certainly, for that purpose.

Mr. HARRIS. I make that request.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock and 30 minutes p. m.

Mr. DAWES. Unless the Senate continue in session until this bill goes into conference they might as well face now as at any time the fact that the bill will fail.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts object?

Mr. DAWES. I must object.

Mr. TELLER. Mr. President, I will not, after what has been said by the Senator from Massachusetts, continue my remarks at length. I will simply say that I shall be most happy to meet this question in this arena or in any other. If the Senator from Missouri does not know the difference between a qualified fee and no fee at all, I shall, I hope, have an opportunity to present to him some of the elementary principles of our profession from which he may learn it.

Mr. President, I have before me the decision of Judge Parker on this very question, where he decided that there was a fee, a qualified fee, and he said it gave to the Indians the same rights exactly that it would have given them if they had an absolute fee, and the difference was simply in the possibility of reversion.

Mr. BUTLER. That is all.

Mr. TELLER. That is all there is in it. It is possible there may be a reversion some time, but it is not probable that there ever will be.

Mr. RIDDLEBERGER. I will ask the Senator if he will yield to me to make a suggestion that when we come back here I shall have the floor to move to go into executive session.

Mr. TELLER. I will not yield for anything now. I shall be through in a few minutes.

Mr. President, I want to state in a few words more some of the reasons why I have said these Indians hold this land by a title in fee. I want to repeat what the Senator from South Carolina said, that every department of the Government—legislative, judicial, and executive—has declared the same thing.

In 1826 a law was passed giving to the President the power to exchange with Indians lands east of the Mississippi River for lands west, and giving him the power then to issue a patent. Need I say that everybody here understands that a patent conveys a fee—not always a fee absolute, but a fee of some kind, qualified, base, or absolute? In 1828 we made a treaty with the Indians by which we agreed to guaranty to them the possession and the unmolested use of this region. In 1833 we made a treaty with them which Judge Parker declares to have been a grant, a conveyance of the land, a vested title in these Indians without any need of a patent at all. In 1835 we repeated it with the declaration that it should be a fee title. We gave them a patent under it, and we described this outlet accurately in every patent. In all these treaties we guarantied the natural and unobstructed use of all this land, including the Outlet. In 1835 the land was surveyed, and in 1838 it was patented to these Indians in accordance with that survey.

Not only did the act of 1828 and the act of 1833 and the act of 1835 recognize the fee to be in these Indians by the declaration that they should have a patent in one case and by the declaration that they should hold it in fee in another, but at the same time practically while we were making those conveyances in fee we made a conveyance to the Creek Indians in which we declared that they should also hold their title in fee. So it was no mistake; it was no accident; it was no inadvertence.

In 1846 we concluded another treaty with these Indians, in which we again recognized their title to this property. In 1866 we again recognized their title to this property by legislative action of the most solemn kind, and four times since that period. I shall not take the time to go over all these acts in detail, but four times since that has there been a legislative declaration by the Congress of the United States that these Indians were the owners of this property, and that if we had any title at all it was a title which we had bought of them for the use of certain other Indians.

Mr. GRAY. Will the Senator yield to me for a question?

Mr. TELLER. Certainly.

Mr. GRAY. Is there any proposition anywhere in the so-called Oklahoma bill or in the present provision to take any Indian lands without the consent of the Indians, buying them and treating with the Indians for them?

Mr. TELLER. I was just coming to that. It is said that they do not have an absolute fee. The Senator from Missouri admits that they have a fee, but he says it is a qualified or a base fee.

Mr. VEST. I beg pardon; I did not admit any such thing. I said that practically they had no title at all, in my judgment.

Mr. TELLER. Very well; the Senator then comes in conflict with the Supreme Court of the United States, with Judge Parker and Judge Brewer, and with at least two Attorneys-General of the United States who passed upon this subject.

Mr. VEST. It was denied by the Supreme Court.

Mr. TELLER. No Attorney-General has ever denied that they had a title, and we are again to recognize their title. Why does not the Senator from Missouri have the courage of his convictions and pro-

pose to take this land by the strong hand of the General Government? Because he knows as a lawyer that it can not be done; because as a lawyer he is seeking an end; he is seeking to put settlers on this land, and he knows that unless he can treat with the Indians there are courts in this country which will protect such an Indian in his title. Therefore he proposes to buy from these Indians what he says they have not got. He proposes to buy it as a matter of gratuity and charity, I suppose!

It has been said that the only restriction upon Parliament was that it could not legislate property out of the possession of one man into the possession of another. With a patent from the United States it would be folly to suppose that we could legislate this title out of the Indians. Therefore it is proposed to buy, and to buy under compulsion, to compel them to sell whether they want to sell or not. We have the strength, and it is proposed so to do because it is supposed we can terrorize these people—not to repeal a law, not to set aside a treaty, not to abrogate a contract made with them, but to destroy a deed. That is the purpose; and if you can not destroy it by legislation it is proposed to destroy it by saying that the property shall not be used according to the legitimate use that a party would have who holds a fee, whether he holds any other title.

These Indians have a right to use this property as they use any other. When this matter was before the Committee on Territories I noticed that a letter a former Secretary of the Treasury had sent here was read, and when it was said that they had the same right to use it that a white man with the same title a Senator said that could not be correct because they could not sell it. He who can not distinguish between use and alienation can not have given much attention to this question, and is not, in my judgment, qualified to speak for those who have.

Mr. President, I propose to leave this question. I know this is not a good time to discuss it, but I promise that when this question comes up hereafter it will be found to be a live question, not only as to the right to maintain the Indians on this land for all time, but their right to lease it. I shall show by decisions of the Supreme Court that they have a right to lease it, and I shall show by their history that for thirty years, unquestioned and untrammeled, they have leased this land. I shall show that it has been the policy of the Department charged with their protection, for more than ten years, not to interfere. It so declared more than once, and more than ten years ago. These Indians can not be frightened into disposing of their land for less than it is worth, because the Senator from Missouri and the Senator from Illinois throw their great weight of position and national prominence and eminence against their title.

With the courtesy of the Senate I should like to put into the report of my remarks, which I do not desire to take the time to read, some extracts from Judge Parker's opinion, as well as an extract from the decision of the Supreme Court, and one or two provisions of the statutes which I will designate to the Reporter.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The matter referred to is as follows:

In the case of the United States *vs.* Reese (Dillon's Circuit Court Reports, pages 406–414) Judge Parker delivered the following opinion:

The first ground of the demurrer is the only one I propose to notice; because, if this act charged against the defendant is one which is declared an offense by the section referred to in the statement of the case, I have no doubt the court has jurisdiction. Of course, if it is no offense, then it has no jurisdiction to try and punish, because there is nothing to which jurisdiction can attach. It is conceded in this case that the timber charged to have been cut by defendant was cut on lands formerly ceded by the United States to the Cherokee tribe of Indians.

There are certain things which make up this offense. These are the elements which enter into it and go to constitute it. They consist of the positive acts of the party charged as well as the existence of other facts, all of which must exist before it can be held that the defendant is subject to the penalty prescribed by the law.

In this case there must be a cutting of the timber by the defendant. It must be unlawfully done—that is, done wrongfully, without authority of the United States or her agents. These are the positive acts of the defendant. In addition thereto the cutting must be done on lands of the United States which, in pursuance of law, may be reserved or purchased for military or other purposes.

The pertinent question in this case is, was this done "upon lands of the United States?" It is conceded that it was done upon lands which have been heretofore granted by the United States to the Cherokee Indians. Does the United States still have such a title to these lands as that they can be called lands of the United States in the sense of the law upon which this prosecution is based? If she has such a title thereto this act of the defendant is a penal offense and he is amenable to the punishment prescribed by the section above referred to. If she does not have such a title this prosecution must fail as being an act, although a gross outrage and a grievous wrong, not prohibited by law.

To determine the question whether these are lands of the United States requires a consideration of the title by which they are held by the Cherokee Nation. To any one who has given any attention to this subject it presents a question not free from doubt or intrinsic difficulty. The Cherokee Nation of Indians derived their title to their lands from the United States by grant. This grant is by virtue of different treaties made between them and the United States. By the second article of the treaty of May 6, 1828 (Rev. Ind. Treat., 54), "the United States agrees to possess and guaranty to the Cherokees, forever, 7,000,000 of acres of land, and this guaranty is hereby solemnly pledged." This land is a part of the country now occupied by them. On the 28th of May, 1830, Congress passed a law the first section of which provided that "it shall and may be lawful for the President of the United States to cause so much of any Territory belonging to the United States west of the river Mississippi, not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside and remove, and to cause each of said districts to be so described by natural or artificial marks as to be easily distinguished from every other." Section 3 of said act provides "that in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them and their heirs or successors the country so exchanged with them, and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same." (Vol. 8, Laws of the United States, 342.)

By section 1 of the treaty of the 14th of February, 1833, concluded between the Cherokees and the United States (Rev. Ind. Treat., 63), the United States agrees to possess the Cherokees, and to guaranty to them forever, and that guaranty is hereby pledged, of 7,000,000 acres of land, to be bounded as set out in said article. By the third article of the treaty of the 29th of July, 1835, it is provided "that the lands ceded by the treaty of the 14th of February, 1833, including the Outlet and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830." In pursuance of the terms of this treaty, the President of the United States, on the 31st day of December, 1838, executed to the Cherokee Nation a patent for the 7,000,000 of acres of land for the outlet west, as well as the 800,000 acres of land granted to them by the treaty of the 29th of July, 1835.

The granting clause of this patent is as follows: "Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation the two tracts of lands so surveyed and hereinbefore described, containing in the whole 13,374,135.14 acres; to have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging to the said Cherokee Nation forever, * * * subject also to all the rights reserved to the United States in and by the articles heretofore recited, to the extent and in the manner in which the said rights are so reserved, and subject also to the condition provided by the act of Congress of the 28th of May, 1830, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same."

Now, the question arises, what kind of a title do these several treaties and this law of 1830 give the Cherokees to their lands? If it were not for the treaty of 1835 the treaty of 1833 is broad enough in its terms to convey a fee-simple title. This treaty is subsequent in date to the act of 1830, which contained the clause that the lands should revert to the United States if the Indians "become extinct or abandon the same." There is no limitation to the title conveyed by the United States under the treaty of 1833. If such treaty is inconsistent with the law of 1830, it repealed so much of it as was inconsistent. Besides, the act did not make any grant; it only provided that it might be done.

The treaty-making power was not limited by its terms, as the authority to make a treaty with the Indian tribes was one which the treaty-making power derived from a source higher than an act of Congress, to wit, the Constitution; and by this power the President and Senate of the United States could make a treaty with any Indian tribe, extending to all objects which, in the intercourse of nations, had usually been regarded as the proper subject of negotiation and treaty, if not inconsistent with the nature of our Government and the relation between the States and the United States. This treaty-making power could make a sale or grant of land without an act of Congress. It could lawfully provide that a patent should issue to convey lands which belong to the United States without the consent of Congress, and in such case the grantee would have a good title. (Holden *vs.* Joy, 17 Wall., 247; *United States vs. Brooks, 10 How.*, 442; Meigs *vs.* McClung, 9 Cranch, 11.)

Congress has no constitutional right to interfere with rights under treaties, except in cases purely political. (Holden *vs.* Joy, 17 Wall., 247; Wilson *vs.* Wall, 6 Wall., 89; Insurance Company *vs.* Carter, 1 Pet., 542; Doe *vs.* Wilson, 23 How., 461; Mitchell *vs.* United States, 9 Pet., 749; The Kansas Indians, 5 Wall., 737; 2 Story on Constitution, sec. 1508; Foster *vs.* Neilson, 2 Pet., 254; Crews *vs.* Burcham, 1 Black, 356; Worcester *vs.* Georgia, 6 Pet., 562; Blair *vs.* Pathkiller, 2 Yerg., 407; Harris *vs.* Burnett, 4 Blackf., 369.) If title passed by the treaty of 1833 there were no restrictions upon it.

But it may be asked how could this title be held to be a title in fee when the word heirs was not used in the grant. At the common law, by a rule which in this country is purely technical, the word heirs is necessary. But this rule did not apply to grants to a corporation aggregate. The fee passed without the words heirs or successors, because in judgment of law a corporation never dies and is immortal by means of perpetual succession. (4 Kent's Commentaries, 7.) This tribe of Indians may be regarded under the law as a corporation aggregate. It has been claimed by some that this title, obtained under the treaty of 1833, could not be a fee-simple title because it was taken under the general law prohibiting the alienation of Indian lands, and that this was such a restriction upon the title as to take away its fee-simple character. But this act was not in existence until the 30th day of June, 1834. But it is said the treaty of 1833 did not operate to convey the lands described therein. This point is not entirely free from doubt. But it does seem to me that the words used in the first section of the treaty are sufficient to operate as a cession of the land mentioned in the treaty. "The United States agrees to possess the Cherokees and to guaranty to them forever, and that guaranty is hereby pledged of 7,000,000 acres of land." The United States agrees to possess what? Why, the land described. And to guaranty what, and for how long? Why, not the possession, but the land, and forever. It does seem to me that this was a cession of the land described. This opinion is confirmed by the language of the second article of the treaty of 1835. (Rev. Ind. Treat., 68.) It is: "The United States also agrees that the lands above, ceded by the treaty of February 14, 1833." This language is a recognition of the cession of the lands. If they had already been ceded to the Cherokees forever by the treaty of 1833, then the agreement by the United States, by the third article of the treaty of 1835, to give them a patent for these lands, according to the provisions of the act of Congress of May 28, 1830, was a mere *nudum pactum*. It was an attempt to place a restriction upon a title which had already passed, and which, according to the first section of the treaty of 1833, was to be evidenced by patent.

I am unable to see what consideration passed to the Indians to induce them to take a title of less grade, under the third article of the treaty of 1835, when they by the terms of the first article of the treaty of 1833 had one of higher grade. Now unless the treaty was afterwards modified by some other treaty or law, and my construction of it is the correct one, it can not be held that these lands of the Cherokees are "lands of the United States," in the sense of the language of section 5388 of the general statutes. Although the construction may be at fault, still it throws some light on what must have been intended by the treaty of 1835.

But suppose the condition contained in the patent is valid—let us see what effect that has upon the title. The condition is that the lands revert to the United States if the said Cherokees become extinct or abandon the same. Now, the first of these conditions is one which would be silently engrafted on the grant independent of any express words. When there is a grant, and the grantee and his heirs become extinct, the land escheats to the State, whether the grantee be an individual or a body of individuals. In an ordinary patent, absolute from government, the implied right of escheat to the sovereign lies behind the patent. In this case it is expressed.

Therefore that expressed condition does not take away the character of a fee-simple title; but the other one, against abandonment, does. This leaves the title less than a fee. But what character does it have? Blackstone (book

2, chapter 7, page 109) says: "A base or qualified fee is such a one as hath a qualification subjoined thereto, and which must be determined whenever the qualification annexed to it is at an end, as in the case of a grant to A and his heirs, tenants of the manor of Dale. In this instance whenever the heirs of A cease to be tenants of the manor the grant is entirely defeated. * * * This estate is a fee, because by possibility it may endure forever in a man and his heirs. Yet, as that duration depends upon the concurrence of collateral circumstances which qualify and debase the purity of the donation, it is, therefore, a qualified or base fee." Chancellor Kent (volume 4, page 10, of his Commentaries) says: "A qualified, base, or determinable fee is an interest which may continue forever; but the estate is liable to be determined without the aid of a conveyance, by some act or event, circumscribing its continuance or extent. It is the uncertainty of the event and the possibility that the fee may last forever that renders the estate a fee and not merely a freehold." If the condition attached to the fee is one which is certain to happen, then there is a reversion. If such condition is one which may never happen there is not a reversion, but only a possibility of reversion. (4 Kent's Commentaries, 9; 1 Washburn on Real Property, p. 90; pl. 86, 87, 88.) Mr. Washburn (in pl. 88, vol. 1, p. 90) says: "If the estate be to A and his heirs till B comes back from Rome the right to have it when he comes back is not a reversion, but a mere possibility. He may not come back, and if he were to die before he came back the estate would become absolute in the grantee."

Here is a grant made to the Cherokees, having conditions which may never happen, and, in view of the facts that the Cherokee Indians are not likely to become extinct, and that they are now occupying the lands, with no intention of abandoning the same, there is only a remote possibility of either event happening. In such case there is not an absolute right of reversion in the United States, but only a possibility of reversion. There is a broad distinction between the rights of the grantee in case of a reversion and a mere possibility of reversion. When there is only a possibility of reversion, all the estate is in the feoffee, notwithstanding the qualification. (4 Kent's Commentaries, 11; 2 Bouvier's Institutes, sec. 1699, p. 220; 1 Washburn on Real Property, pl. 89, p. 90.)

This Indian title being a base, qualified, or determinable fee, with only the possibility of a reversion, and not the right of reversion in the United States, all the estate is in the Cherokee Nation of Indians. I can not, therefore, see how these lands, which have been depredated upon, can be held to be "lands of the United States" in the sense of the language used in section 5388.

It must be remembered that this is a penal statute, and it must, therefore, be construed strictly. In the office of the interpretation of statutes, courts, particularly in statutes that create crimes, must closely regard and ever cling to the language which the Legislature has selected to express its purpose. And when the words are not technical or words of art, the presumption is a reasonable and strong one that they were used by the Legislature in their ordinary, popular, and general signification. Statutes enjoin obedience to their requirements, and, unless the contrary appears, it is to be taken that the Legislature did not use the words in which its commands are expressed in any unusual sense. Therefore, the law is settled that in construing statutes the language used is never to be lost sight of, and the presumption is that the language used is used in no extraordinary sense, but in its common, every-day meaning. The legitimate function of courts is to interpret the legislative will, not to supplement it or to supply it. The judiciary must limit themselves to explaining the law; they can not make it. It belongs only to the legislative department to create crimes and enjoin punishments. Accordingly, courts, in the construction of statutable offenses, have always regarded it as their plain duty cautiously to keep clearly within the expressed will of the Legislature, as otherwise they may hold an act or an omission to be a crime, and punish it, when in fact the Legislature had never so intended. (United States *vs.* Clayton, 2 Dillon, 219).

Statutes creating crimes will not be extended by judicial interpretation to cases not plainly and unmistakably within their terms. If there is a fair doubt whether the act charged in the indictment is embraced in the criminal prohibition, that doubt is to be resolved in favor of the accused. (United States *vs.* Whittier, 7 Cent. Law Jour., 51, S. C. ante. p., 35; United States *vs.* Morris, 14 Pet., 694; United States *vs.* Wiltberger, 5 Wheat., 76; United States *vs.* Sheldon, 2 Wheat., 119; United States *vs.* Clayton, *supra*). Therefore, in the face of these principles of the law so well sustained by authorities, if it does not clearly appear to the judicial mind that these lands granted to the Cherokee Indians are "lands of the United States," in the sense intended by its makers to be attached to the statute, then the act of the defendent is not one covered by the terms of the law, and he is not subject to its penalty. It is to be regretted that it can not be held to be an offense, as the complaints of depredations upon the timber of the Indian lands are constantly being made to officers of this court. There is a class of men on the borders of the Indian country who revel in the idea that they have an inherent, natural right to steal from the Indians. This right is not to be questioned. They think it a tyrannical use of authority if they are interfered with.

There should be a law enacted, the penalty of which would teach persons that Indians have rights which should be respected as well as the rights of citizens. This is with the lawmaking power, and not with this court. That it is the right of Congress to pass a law protecting the timber on the lands of these people is clear; the duty of Congress to do so, in the face of the pledges of the Government of the United States made by her treaties and her laws to protect these Indians from unlawful intrusions from without, and from violations of their rights by any and all persons, is manifest.

If the lawmaking power will give us a law, we will lay its mailed hand upon its violators in such a way that the timber in that Indian Territory will be protected from the rapacity of those who are not stealing it. It remains with us to execute the law, not to make it. And it is with regret that we must hold in this case that the offense, for the reasons already given, is not within the terms of section 5388.

The demurrer is therefore sustained.

Judgment accordingly.

And in the case of Holden *vs.* Joy, 17 Wallace, Mr. Justice Clifford, in delivering the opinion of the court, used this language, on page 245:

Possessed as the United States were of the fee-simple title to the neutral lands, discharged of the right of occupancy by the Osage Indians, it was clearly competent for the proper authorities of the United States to convey the same to the Cherokee Nation. Subsequent acts of the United States show that the stipulations, covenants, and agreements of the treaty in question were regarded by all the Departments of the Government as creating binding obligations, as fully appears from the fact that they all concurred in carrying the provisions into full effect. Appropriations were made for surveys, and surveys were ordered, and plats were made, and on the 1st of December, 1838, a patent for the land promised was issued by the President in full execution of the second and third articles of the treaty. Among other things it is recited in the patent that it is issued in execution of the agreements and stipulations contained in the said several treaties, and that the United States do give and grant unto the Cherokee Nation the two described tracts of land as surveyed, containing the whole quantity therein mentioned, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation forever, subject to certain conditions therein specified, of which the last one is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the premises.

Objection is made by the appellant that the treaty was inoperative to convey the neutral lands to the Cherokee Nation, which may well be admitted, as none of its provisions purport *proprio vigore* to make any such conveyance. Nothing of the kind is pretended, but the stipulation of the second article of the treaty is that the United States covenant and agree to convey to the said Indians and their descendants, by patent in fee-simple, the described additional tract, meaning the tract known as the neutral lands; and the third article of the treaty stipulates that the lands ceded by the treaty, as well as those ceded by a prior treaty, shall all be included in one treaty, to be executed to the Cherokee Nation of Indians by the President, according to the provisions of the before-mentioned act of Congress.

Suppose that it is so, still it is insisted that the President and Senate, in concluding such a treaty, could not lawfully covenant that a patent should issue to convey lands which belonged to the United States without the consent of Congress, which can not be admitted. On the contrary, there are many authorities where it is held that a treaty may convey to a grantee a good title to such lands without an act of Congress conferring it, and that Congress has no constitutional power to settle or interfere with rights under treaties, except in cases purely political. Much reason exists in view of those authorities and others which might be referred to for holding that the objection of the appellant is not well founded, but it is not necessary to decide the question in this case, as the treaty in question has been fully carried into effect, and its provisions have been repeatedly recognized by Congress as valid. Congress, on the 2d of July, 1836, appropriated $4,500,000 for the amount stipulated to be paid for the lands ceded by the Cherokees in the first article of the treaty, deducting the cost of the land to be conveyed to them west of the Mississippi under the second article of the same treaty, which is the precise amount stipulated to be paid for the concession, deducting the consideration which the Indians agreed to allow for the neutral lands. Appropriations were also made by that act to fulfill and execute the stipulations, covenants, and agreements contained in the fourth, eleventh, seventeenth, and eighteenth articles of the treaty, and for the removal of the Cherokees, and for surveying the lands set apart by treaty stipulations for the Cherokee Indians west of the Mississippi River.

And on page 250 the court say further:

Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title, and it may well be held that if that condition reduces the estate conveyed to less than a fee it is void; but it is not necessary to decide that point, as it is clear that if it is valid it is a condition subsequent which no one but the grantor in this case can set up under any circumstances.

Even if the rule was otherwise, still the point could not avail the appellant, as the parties manifestly waived it in this case; nor is it true that the sale in trust by the Cherokee Nation to their former grantor constitutes such an abandonment of the premises as that contemplated by the condition inserted in the patent.

Unsupported in that proposition, the appellant in the next place contends that the provisions of the seventeenth article of the treaty are a mere agreement, that the article did not operate to convey the lands to the United States; but the court is entirely of a different opinion, as the proposition is contradicted by the practice of the Government from its origin to the present time.

EXTRACTS FROM TREATIES.

The treaty of 1828 provides:

ART. 2. The United States agrees to possess the Cherokees and to guaranty it to them forever, and that guaranty is hereby solemnly pledged, of 7,000,000 of acres of land, to be bounded as follows, namely: * * * In addition to the 7,000,000 of acres thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States and their right of soil extend.

By the treaty of 1833, article 1, it is provided:

The United States agree to possess the Cherokees, and to guaranty it to them forever, and that guaranty is hereby pledged of 7,000,000 acres of land, to be bounded as follows, namely.

* * * * * * *

In addition to the 7,000,000 of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of said 7,000,000 of acres as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the great western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; and letters patent shall be issued by the United States as soon as practicable for the land hereby guarantied.

The treaty of 1835 provides:

ART. 2. Whereas by the treaty of May 6, 1828, and the supplementary treaty of February 14, 1833, with the Cherokees west of the Mississippi the United States guarantied and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country. * * *

In addition to the 7,000,000 acres of land thus provided for and bounded the United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country west of the western boundary of said 7,000,000 of acres, as far west as the sovereignty of the United States and their right of soil extend.

And then by—

ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830.

Mr. RIDDLEBERGER. Mr. President, at the conclusion of what I shall have to say I shall make a motion to go into executive session. I suppose that motion is not debatable and therefore I shall have to speak to the Oklahoma bill in order to make any suggestions at all.

Mr. DAWES. The Senator from Virginia allows me to ask that the amendment on the seventieth page may be acted upon. It does not have any connection with this discussion.

The PRESIDENT *pro tempore*. The amendment proposing to strike out section 4 was passed over informally. The amendment proposing to insert a new section as section 4 was also passed over informally.

Mr. DAWES. The Senator from South Carolina [Mr. BUTLER] asked that the amendment inserting a new section as section 4 be passed over informally. He now withdraws his request. The section

4 which is proposed to be stricken out will go out if the other matter is striken out, but the new item as section 4 I want to get in the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee inserting section 4.

Mr. STEWART. I want to make some remarks before this matter is disposed of. I have been trying to get the floor.

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. RIDDLEBERGER] is entitled to the floor.

Mr. DAWES. The Senator from Nevada has discovered that he does not want to debate that section, so that I should like to have the Senate pass upon that provision which the committee proposed to insert in the bill as section 4, it having no reference to the other provision.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee proposing to insert a new section as section 4.

The amendment was agreed to.

Mr. DAWES. Now, there is nothing left in the bill undisposed of but the question of the land title in the Indian Territory. It is all one subject.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. RIDDLEBERGER. The Senator from Nevada has asked me to give way to him for a few minutes. Shall I be recognized on the reassembling of the Senate at 8 o'clock if I give way?

The PRESIDENT *pro tempore*. The Chair can not make any contract with Senators as to the floor. The first Senator addressing the Chair will be recognized.

Mr. HOAR. Has the Senate made any order for a recess?

Mr. RIDDLEBERGER. I so understand.

The PRESIDENT *pro tempore*. There has been no order yet made for a recess.

Mr. RIDDLEBERGER. Then the Senator from Nevada will have plenty of time. He will have ample opportunity to speak to the amendment. It is only because I can not move to go into executive business and debate the motion that I do not make the motion now, but I think the Indian question pending is broad enough to accommodate me so that I can discuss the matter on that. I must say that I think the Republican party is falling very far short of its duty when it stands——

The PRESIDENT *pro tempore*. Will the Senator pause until the Senate is in order?

Mr. RIDDLEBERGER. I have never seen it in order.

Mr. FRYE. Will the Senator from Virginia yield to me for a moment for a suggestion?

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from Maine?

Mr. RIDDLEBERGER. If I do not lose my right to the floor tonight.

Mr. FRYE. It is impossible for the Senator to lose his right to the floor. Every Senator has that right.

Mr. RIDDLEBERGER. I have lost nearly every right I ever had. Very well; I will yield the floor for the present.

Mr. FRYE. It is now nearly half past 5. I move that the Senate take a recess until 8 o'clock.

Mr. GORMAN. From now?

Mr. FRYE. From now.

Mr. DAWES. I wish to appeal to the Senate to let this bill go into conference and then take the recess. Otherwise there is no need of it; you may take your recess until next December. I appeal to the Senate to let the bill go without further debate into conference.

Mr. FRYE. I understood that the Senator from Massachusetts assented to the proposition for a recess.

Mr. DAWES. I am appealing to the Senate to let the bill go into conference without further debate.

Mr. FRYE. I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. STEWART. I think the Senator from Virginia is willing to yield to me for a few minutes.

Mr. DAWES. I wish to appeal to the Senators——

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor. Does he yield?

Mr. RIDDLEBERGER. I yield on the condition that I shall be entitled to the floor when the Senate reassembles at 8 o'clock.

Mr. DAWES. I want to appeal to the Senator from Nevada [Mr. STEWART]. Nobody listens with more interest than I do to anything he says, but I want to ask him if he prefers to lose this bill for the sake of expressing the views he has upon the general question of Oklahoma, which is not involved in the bill and can not be put into the bill.

Mr. STEWART. I think I have some rights. I have been trying for a couple of hours to get the floor for five minutes.

Mr. DAWES. I am not trenching on the Senator's rights. I am presenting the case to him.

Mr. STEWART. I will promise not to occupy more than five or ten minutes.

Mr. GORMAN. I ask the Senator from Nevada to yield to me for a moment.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. GORMAN. I ask the Senator from Virginia to yield to me.

Mr. RIDDLEBERGER. I see that there is trouble ahead, and we had just as well keep this warfare up now.

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from Maryland, who appeals to him?

Mr. RIDDLEBERGER. That depends upon what the Senator from Maryland wants to bring up.

Mr. GORMAN. I only want to make a suggestion, that by unanimous agreement we shall take the vote on the bill at 6 o'clock and then take a recess. The Senator from Massachusetts has said that unless the bill can be acted upon before the recess and got into conference there is not a possibility of its being passed at this session.

Mr. RIDDLEBERGER. I should like to say to the Senator from Massachusetts that I do not want to defeat his bill. I do not want to go into the merits of it, as far as that is concerned, but I have another object in view. I can not see why we should not proceed to the consideration of executive business, but I am not going to make the motion now. I have learned better than that.

Mr. STEWART. Will not the Senator from Virginia yield to me for ten minutes?

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890; and it was thereupon signed by the President *pro tempore*.

FINAL VOTE, AND HOUR OF RECESS.

Mr. GORMAN. I ask unanimous consent that the final vote on the Indian appropriation bill may be taken at 6 o'clock and that immediately thereafter the Senate take a recess until 8 o'clock; and that then the Senator from Virginia shall be entitled to the floor.

Mr. RIDDLEBERGER. That just knocks me out of the time I intended to devote to the discussion of this matter. It is only thirty-five minutes until 6 o'clock, and I wanted to get in some work ahead of 6 o'clock.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the final vote on the pending bill be taken at 6 o'clock, and that the Senate then take a recess until 8 o'clock. Is there objection?

Mr. RIDDLEBERGER. I shall not object unless it cuts me off from the floor, and in that case I shall object.

Mr. GORMAN. My request included the proposition that the Senator from Virginia should be recognized as entitled to the floor on the Senate's reassembling after the recess.

The PRESIDENT *pro tempore*. With the further understanding that the Senator from Virginia shall be recognized at the expiration of the recess. Is there objection?

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to object?

Mr. CALL. I only wish it to be understood, as there are some amendments yet to be offered to the bill, that that right will be preserved, but that there shall be no further debate after 6 o'clock.

The PRESIDENT *pro tempore*. Does the Senator from Florida object?

Mr. CALL. I do not object.

The PRESIDENT *pro tempore*. It is so ordered, then. The final vote on the pending bill will be taken at 6 o'clock, at which hour the Senate will take a recess until 8 o'clock, the Senator from Virginia to be recognized as entitled to the floor.

Mr. HOAR. I understood that the order was that the final vote should be taken at 6 o'clock, and immediately thereafter the recess to take place.

Mr. HARRIS. That was the agreement.

The PRESIDENT *pro tempore*. That was the statement of the Chair.

Mr. BUTLER. That was the agreement precisely.

Mr. HOAR. On the contrary, the Chair stated that at that hour the recess would take place, which would postpone the final vote on the bill until 8 o'clock.

The PRESIDENT *pro tempore*. That hour being 6 o'clock.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 11, 12, 13, 18, 19, 21, 22, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 28, and 29, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an

amendment as follows: In lieu of the sum named in the matter proposed to be inserted by said amendment insert "$954,000;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Insert after the word "thereon," in line 1 of said amendment the following: "And inclosing and grading the same;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment, insert the following:

"And according to the plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons displacement, to cost in the aggregate, exclusive of armament, not more than $700,000; and one ram for harbor defense of the general type approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7, 1881, of the highest practicable speed."

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out in line 4 of said amendment the following words: "The 2,000-ton cruiser;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Add to the end of said amendment the following: "*Provided*, That no part of this money shall be expended until the owners of the patents for such guns and cartridges shall contract at such a price as shall be satisfactory to the Secretary of the Navy for the exclusive right on the part of the Government to manufacture by contract or otherwise such guns and cartridges without the payment of any royalty upon the same; the option of the Government to make such contract to be exercised within a period to be fixed by said contract;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$3,055,000;" and add at the end of the amended paragraph the following: "Of which sum $55,000 is hereby authorized to be expended by the Secretary of the Navy upon the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius, in addition to the amounts heretofore authorized to be expended on the said vessels;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

EUGENE HALE,
C. B. FARWELL,
Managers on the part of the Senate.
H. A. HERBERT,
WM. McADOO (by HERBERT),
A. C. HARMER,
Managers on the part of the House.

The report was concurred in.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes.

Mr. STEWART. Mr. President, I do not intend to discuss the origin or history of the Indian title. It is not very material. One thing is certain about the Indian title, that it is only a title of possession which terminates with the extinction of the tribes or their abandonment of the lands. These Indians have been treated with exceeding liberality. They are enormously rich. They were granted by various treaties as a home-place 7,000,000 acres of land, probably the best land in the United States. They thought that would not be sufficient, and they were subsequently granted 800,000 acres more in Kansas. They were also granted a right of way to go to their hunting-grounds in the far West, and were given an easement for that purpose.

But the condition of the whole grant and of all Indian titles rests upon possession. They have no power to sell the land to anybody or to dispose of it except to the Government of the United States. It never was intended that they should be dealers in lands or that they should colonize settlements in their territory. That was in plain violation of the treaties.

There has been paid to these Indians in cash, according to the letter of the Secretary of the Treasury, as I will read, dated February 21, 1889:

The payments from the Treasury to the Cherokee Indians show an aggregate, as near as can be hastily stated, of about $15,750,000.

HUGH S. THOMPSON,
Assistant Secretary.

This is a large amount of money. Nobody proposes to take from them any of their lands or any of the land they claim. It is simply proposed by the provision of the House to negotiate with them for this outlet, which was never granted to them as a home but simply as an outlet, which they have ceased to use for any such purpose, which they have made it impossible to use for any such purpose by leasing it to cattle-men.

I have a map [exhibiting] which shows the different ranches upon the Cherokee Strip in different colors here with the name of the ranchmen who occupy it. It would be impossible for the Indians to use it for the purpose for which it was granted. They have colonized upon it cattle-men; they have subverted it to another purpose, and if the United States was disposed to deal with them according to strict law, I do not care what has occurred previously, as they have abandoned the land it belongs to the United States. But in order that there may be a speedy settlement I am willing that they shall be bought out. However, I give due notice that if this is to go on and the people are to be deprived of this land, and if it is to be a rendezvous for thieves, and blacklegs, and murderers, and cut-throats outside of civilization, if it is to remain in that condition I shall insist, to be plain, that the United States shall resume title, exercise its power, and treat it as abandoned land, land that is not used as an outlet, and that never will be used again as an outlet to any other country. The only thing for which it was granted was for that purpose. When it is abandoned for that purpose, by the terms of the treaty and of the law it becomes the property of the United States.

The proposition which comes from the other House is to pay to these rich Indians over seven and a half million dollars. They are talking about four, five, and six dollars an acre for this land that the Indians have abandoned, after having received fifteen and three-fourths million dollars from the United States and after the land has been made valuable by the labor of the white people and not of the Indians. This value has been added to it after the Indians have abandoned the use of this outlet and abandoned all right to it by colonizing it with cattle-men. I am not speaking of cattle-men more than any other men, but the land has been colonized with white men contrary to the provisions of the treaties and contrary to the spirit of the whole transaction.

If it can be settled, and settled speedily, I am willing to pay to these rich Indians, the richest people in the United States, according to their number, seven and a half millions more, making about $23,000,000 or $24,000,000, for how many Indians? The greatest number that is claimed of all the Cherokees is 23,000, and it is admitted that about half of those are white men who have gone in there and married squaws and become a part of the population. They are very able men, and I would protect them in all their rights. They are as able to defend themselves as anybody. They give their attention to the business of negotiating treaties; they understand all about it. They have got the best of every trade they have ever made with the United States. They are ably represented, and they were ably represented before our committee.

After having received this land as an outlet, having received a right of way and having abandoned that right of way, the Indians are opposed to the United States exercising any jurisdiction over it. We can not tolerate such a state of things as exists there. We can not have a country in the heart of the United States, surrounded by States, surrounded by settlers, surrounded by white people, industrious people—we can not have, I say, in the heart of the nation a country dedicated to barbarism, a country dedicated to crime, a country dedicated to monopoly. I say it is intolerable, and to get rid of this intolerable condition of things, although they have abandoned their title on every principle of justice, equity, and law, by introducing into it a population which they had no right to do, if the House provision can pass at this session I shall not object, but I do object to the Senate amendment. I do not want any commission that shall commit us to $30,000,000, or $40,000,000 as some of the Indians claim they would be entitled to receive.

Let the House provision be passed, and if these Indians are entitled to this land, abandoned by them as it is, let the proposition be made to pay them $1.25 an acre, and if they accept it, let the Government carry it out; but am opposed to making an unlimited proposition. I am opposed to leaving the commission unlimited, as I understand the amendment of the Senate Committee on Appropriations does, because we do not owe any such money. There are not really over ten or twelve thousand Indians there. They have already received $16,000,000, and if they get $7,500,000 more it will be quite enough; but to leave this matter open and negotiate with them to pay a sum beyond that I am opposed to. The substantial difference between the two provisions is that one proposes to appoint a commission with a limitation that they shall not pay over $1.25 an acre, and the other, as I understand it, has no limitation.

Mr. PLATT. The House provision has no such limitation on it.

Mr. STEWART. It limits the price to be paid.

Mr. PLATT. Not at all. There is no limitation of that sort in either of the provisions.

Mr. STEWART. It refers to the terms of a treaty which had a limitation.

Mr. PLATT. Not at all.

Mr. STEWART. We shall see.

Mr. PLATT. I think I can explain it to the Senator. The House proposition provides that if they agree with the commission on the terms which have been made with the Creeks and the Seminoles, then the land shall be open to settlement, but if they do not agree it does

not limit the power of negotiation for another price; they can go right on and endeavor to make another bargain. The bill provides that if they do agree to that then the lands shall be open to settlement.

Mr. BLAIR. Can the commission make a final agreement at any price they please?

Mr. PLATT. If they make an agreement at $1.25 an acre, the same agreement which has been made with the Creeks and Seminoles, that ends it, provided it is ratified by the Cherokee council; but if they make an agreement to pay a higher price, it has to come back to Congress for ratification. I think that statement is correct. I appeal to the Senator in charge of the bill to know if it is not.

Mr. STEWART. But there is some limitation fixing the price that will probably guide the commission and make them very reluctant to agree to a higher price. That is better than the Senate amendment, which is without any restriction upon the commission.

I hope that there will be action, and action now, because this is a contest between barbarism and civilization, and a contest between cattle barons and the people. As to what is said of railroads and town-lot men, I know none of them have approached me, but I have got my information from the documents, from the speeches in the other House, from what was represented to us before our Committee on Territories, from what the counsel for the Cherokees stated there, and from the Cherokees themselves.

It is perfectly manifest that this is a contest between the cattle-men on the one side, who occupy this country and have it now to the exclusion of settlers, and the settlers on the other hand. There is no proposition to give this land to town-site men. It is to be disposed of under the pre-emption laws, and there has been no proposition to do otherwise. I hope Congress will never do otherwise than to give land to actual bona fide settlers. Here is a place for a home for 700,000 people. It can be made speedily. It is the best opening there is now in the United States where people can go at once.

The time is short and I shall not occupy the floor any longer.

Mr. PLUMB withholds his remarks for revision. [See Appendix.]

Mr. GORMAN. Mr. President, as a member of the Committee on Appropriations which reported this bill, I desire simply to enter my protest against each and every clause in it providing for general legislation. I think the debate has demonstrated that it is utterly impossible in this appropriation bill to properly guard the interests of the United States or of the Indians. I do not think either has been accomplished by the bill as it comes here.

The PRESIDENT *pro tempore* (at 6 o'clock p. m.). It was agreed that at this hour the Senate should vote upon the bill. The question recurs upon the amendment proposed by the Senator from Illinois [Mr. CULLOM].

Mr. DAWES. Was there not a question of order made on that amendment?

Mr. BUTLER. I raise a point of order on the amendment of the Senator from Illinois.

Mr. EDMUNDS. It is pure legislation. I reserved all points of order on it.

The PRESIDENT *pro tempore*. The Chair sustains the point of order upon the ground that the amendment proposes general legislation. The question recurs upon the amendment proposed by the Committee on Appropriations.

Mr. STEWART. Will the Chair state what that amendment is?

The PRESIDENT *pro tempore*. The statement of the Senator from Massachusetts was that all the reserved amendments related to a single subject, both those proposing to strike out and to insert. If it suits the convenience of the Senate, the Chair will submit the various amendments as one question.

Mr. PADDOCK and others. That is right.

Mr. STEWART. I understand the portion to be inserted comprises sections 12 and 13.

Mr. EDMUNDS. Section 4 has been already agreed to?

The PRESIDENT *pro tempore*. Section 4 has been agreed to.

Mr. BUTLER. May I inquire of the Chair what will be the vote in order to sustain the committee? The vote will be "ay," as I understand.

Mr. DAWES. If the Chair will allow me I will state what the committee think will be the effect of the vote.

The PRESIDENT *pro tempore*. The Chair thinks debate is not in order except by unanimous consent.

Mr. GORMAN. Let the Chair state it.

The PRESIDENT *pro tempore*. It was agreed that debate should cease at 6 o'clock.

Mr. BUTLER. I ask the Chair to state the question.

Mr. DAWES. I was going to give the reasons. Let the Chair state it.

The PRESIDENT *pro tempore*. The first amendment reserved was the amendment of the Committee on Appropriations, striking out the clauses beginning on page 47, line 7, and extending to the bottom of page 50.

Mr. EDMUNDS. Let us take the question on that.

Mr. DAWES. The next is on page 66.

The PRESIDENT *pro tempore*. The next reserved amendment is on page 66, beginning with line 4 and closing with line 25 on page 68.

Mr. DAWES. Then on page 70.

The PRESIDENT *pro tempore*. The amendment on page 70, proposing to strike out section 4, has not been agreed to.

Mr. DAWES. That is what will go out if the amendment is agreed to.

The PRESIDENT *pro tempore*. The remainder will be found beginning on page 76, line 3, section 12, and continuing to the close of the bill.

Mr. PLUMB. Let me suggest that there is not any necessary connection between those amendments, as the Chair seems to think.

Mr. EDMUNDS. I wish to ask the Chair whether the amendment to strike out on pages 74 and 75 has been agreed to?

The PRESIDENT *pro tempore*. In section 10?

Mr. EDMUNDS. The amendment to strike out the part at the end of section 10.

The PRESIDENT *pro tempore*. That has all been agreed to.

Mr. ALLISON. I ask unanimous consent that the recess agreed upon to terminate at 8 o'clock may continue until half past 8.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that at the close of the voting on this bill the Senate take a recess until 8.30 o'clock p. m. Is there objection? The Chair hears none, and it is so ordered. The question recurs on agreeing to the amendment proposed by the Committee on Appropriations.

Mr. STEWART. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. That is on agreeing to the amendment proposed by the committee.

The PRESIDENT *pro tempore*. To which the Chair has called the attention of the Senate.

Mr. PLUMB. Will the Chair please state the question?

The PRESIDENT *pro tempore*. The first amendment passed over begins on page 47, at line 7, proposing to strike out from that point, inclusive, to the bottom of page 50. The next is on page 66, proposing to strike out from line 4 to the bottom of page 68, line 25, inclusive.

Mr. PLUMB. Will the Chair permit me to state that there is no necessary connection between these two amendments? The subjects-matter are entirely different, and that with which it is proposed to replace them is entirely different, and in fact, as I understand it, there is no controversy about striking out on page 47 and inserting what the Senate committee has proposed on pages 76, 77, and 78, down to line 5 on page 29. The amendment which the Senator from Missouri proposed was to that part of the bill.

Mr. VEST. The Senator from Kansas made an unfair and violent speech here, and he is now debating——

Mr. PLUMB. I am only explaining.

Mr. VEST. I object.

The PRESIDENT *pro tempore*. The Chair has no power to enforce a unanimous agreement of the Senate. It rests solely upon the consent of Senators.

The Senator from Kansas asks for further information. The next amendment is on page 70, section 4, which the Committee on Appropriations propose to strike out, the section 4 proposed to be inserted having been agreed to.

Mr. EDMUNDS. We may as well take them one by one. We shall get through quicker in that way if there is any question.

The PRESIDENT *pro tempore*. The first question then will be on the amendment on page 47, proposing to strike out, beginning at line 7, down to and including line 25 on page 50.

Mr. DAWES. And inserting anything in place of it?

Mr. EDMUNDS. No; we can insert afterwards.

The PRESIDENT *pro tempore*. It is to strike out the clauses. Does the Senator from Nevada ask for the yeas and nays on this amendment?

Mr. STEWART. No, sir.

Mr. VEST. That is the very amendment we want the yeas and nays on. That strikes out the House provision, and is the direct issue between the friends of the Oklahoma bill and those who are opposed to it. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll on the question of striking out the following clauses of the bill:

That the sum of $1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 of the treaty between the United States and said nation of Indians which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: One million five hundred thousand dollars to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20, to be paid to the treasurer of said nation, or to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, empowered so to do, of a re-lease and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States; and said re-lease and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Na-

tion of Indians in and to the tract of country to which said re-lease and conveyance shall apply.

SEC. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, as provided by the act organizing the Territory of Dakota; and whether surveyed or unsurveyed, said sections shall not be subject to settlement or entry under the provisions of this act or any of the land laws of the United States; that the lands acquired under said agreement, except the sixteenth and thirty-sixth sections, shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law (except section 2301) of the Revised Statutes of the United States, which is hereby repealed, but all rights initiated under the same shall remain unimpaired and under the law relating to town sites: *Provided*, The rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged.

It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant; the entry man shall be required to make full proofs, and unless it shall appear that the claim was taken in good faith, and that there has been full performance of all the terms and requirements under this act, he shall refuse a patent and declare all prior proceedings before had in such case to be null and void; and all persons settling on lands under the provisions of this act shall be required to select the same in square form, as near as may be, and to maintain a continuous personal residence, as required by law, on the land, and to improve and cultivate the same for that period in the manner required by the homestead laws, and to break up and plow not less than 40 acres of the land filed upon before obtaining title thereto: *Provided*, That any person who having attempted to, but for any cause, failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make one additional homestead entry upon said lands. And all of the provisions of this section shall apply and be in full force as to the lands included in the recent cession of the Muscogee or Creek Nation of Indians heretofore ratified by the present Congress, and any person who may enter upon any part of said lands in said agreements contained prior to the time that they are opened to settlement by the proclamation of the President shall not be permitted to occupy or to make entry of such lands or lay any claim thereto: *Provided*, That all rights of any friendly Indians who may have been settled on any part of said lands, proposed to be conveyed, shall not be affected by said sale and transfer to the United States: *And provided further*, That said sale and transfer of said lands shall in no way affect the rights and interests of any other of the five semi-civilized Indian tribes.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FRYE (when his name was called). On this bill I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. STEWART (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. I should vote "nay" if I were not paired.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who is detained by sickness from the Chamber. If he were here, I should vote "yea."

Mr. HARRIS (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. MORRILL], who is absent. I recorded my vote "yea." If the colleague of the Senator from Vermont states that he thinks it is proper for me to observe the pair, I will do so.

Mr. HOAR. I engaged to pair with the Senator from Tennessee [Mr. BATE], the colleague of the Senator. If the Senator has no objection, I will transfer that pair to the Senator from Vermont [Mr. MORRILL], and he and I can both vote.

Mr. HARRIS. I cheerfully agree to that suggestion.

Mr. HOAR. Then I vote "yea."

Mr. EDMUNDS. Which way would the Senator's colleague vote?

Mr. HARRIS. I have already voted, and I was going to withdraw my vote.

Mr. EDMUNDS. I am sure my colleague [Mr. MORRILL], if present, would vote "yea" on this proposition.

Mr. HARRIS. I voted "yea" myself.

Mr. HOAR. I withdraw my vote, and announce my pair with the Senator from Tennessee [Mr. BATE].

Mr. HEARST. I am paired with my colleague [Mr. STANFORD].

Mr. HARRIS. Did I understand the Senator from Massachusetts to withdraw his vote?

Mr. HOAR. I was requested to pair with the Senator's colleague [Mr. BATE] by the Senator from West Virginia [Mr. FAULKNER] who sits next to him. I voted inadvertently, forgetting that pair. I now withdraw my vote.

Mr. HARRIS. I thought the Senator from Massachusetts and I had agreed that we would transfer our pairs.

Mr. HOAR. But after that was stated the Senator from Vermont [Mr. EDMUNDS] rose and said that his colleague, he was sure, would vote the same way with the Senator from Tennessee and myself. Therefore it would destroy two votes. I thought the Senator from Tennessee understood what had been said.

Mr. HARRIS. I did not quite understand.

Mr. SAWYER. I am paired with the Senator from Delaware [Mr. SAULSBURY] upon this question.

Mr. MCPHERSON. I m paired with the Senator from Colorado [Mr. BOWEN].

The result was announced—yeas 27, nays 13; as follows:

YEAS—27.

Allison,	Dawes,	Harris,	Ransom,
Blair,	Dolph,	Hawley,	Sabin,
Brown,	Edmunds,	Mitchell,	Spooner,
Butler,	Evarts,	Palmer,	Stockbridge,
Chace,	Gorman,	Platt,	Teller,
Chandler,	Gray,	Plumb,	Voorhees.
Colquitt,	Hale,	Quay,	

NAYS—13.

Cockrell,	George,	Pasco,	Walthall.
Coke,	Jones of Nevada,	Pugh,	
Cullom,	Kenna,	Reagan,	
Faulkner,	Morgan,	Vest,	

ABSENT—36.

Aldrich,	Daniel,	Hoar,	Saulsbury,
Bate,	Davis,	Ingalls,	Sawyer,
Beck,	Eustis,	Jones of Arkansas,	Sherman,
Berry,	Farwell,	McPherson,	Stanford,
Blackburn,	Frye,	Manderson,	Stewart,
Blodgett,	Gibson,	Morrill,	Turpie,
Bowen,	Hampton,	Paddock,	Vance,
Call,	Hearst,	Payne,	Wilson of Iowa,
Cameron,	Hiscock,	Riddleberger,	Wilson of Md.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next reserved amendment is on page 66, beginning with line 4 and ending on line 25 on page 68.

Mr. EDMUNDS. I think there is no objection, now that the main question is settled, to taking the vote on the remainder all together.

The PRESIDENT *pro tempore*. Is there objection to the remainder of these amendments being treated as one question?

Mr. PLUMB. I object. I want them acted upon separately.

The PRESIDENT *pro tempore*. Then the pending question is on the amendment of the Committee on Appropriations to strike out the clause beginning with line 4, page 66, and ending with line 25, page 68.

The amendment was agreed to, striking out the following clauses:

The President of the United States is hereby authorized and directed to appoint five commissioners, whose duty it shall be to enter into negotiations and agreements with the Cherokee Nation or tribe of Indians in Indian Territory for their full and complete cession and relinquishment to the United States of all their title, claim, or interest in and to the land or country known as the Cherokee Outlet, such agreements, when made, to be submitted to Congress and the national council of said Cherokee Nation for ratification. Said commission is also authorized and empowered to negotiate with any or all of the nations or tribes of Indians in said Indian Territory for a full and complete cession and relinquishment of any title they may have in and to any lands embraced in the bill now pending in Congress known as the Oklahoma bill; such agreements as may be made to be submitted to Congress and to the council of the nation, tribe, or band of Indians so making the same for ratification. Said commission is further empowered to enter into negotiations and stipulations with the five civilized tribes known as the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws, or with either of them, either with their separate national councils, or their international council, or with any committee, delegation, or commission that they or either of them may appoint for that purpose, or with any other tribe or band of Indians located in said Indian Territory not embraced in the provisions of the bill now pending known as the Oklahoma bill, looking to the admission of their Territory or country, or any part thereof, into the United States as a State or Territory thereof, on equal footing with the other States or Territories of the United States, and to the admission of their people to full and complete citizenship of the United States; such agreements as may be made under this act to be submitted to Congress and to the council or councils of the nation, or nations, tribe or tribes agreeing to the same for ratification. And for the purpose of carrying out the object of this act the sum of $25,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available: *Provided*, That said commission is authorized to propose to the Cherokee Nation or tribe of Indians an agreement providing for the complete cession and relinquishment to the United States of all their right, title, and interest in and to the lands known as the Cherokee Outlet, and the purchase of the same by the United States upon the same terms as were contained in the agreement recently entered into with the Creek Nation and ratified by act of Congress at this session, and if such agreement is made and entered into by the parties respectively and ratified by the national council of said Cherokee Nation, the lands embraced in such cession shall become a part of the public domain and be opened to settlement under the homestead laws of the United States in the same manner and under the same condition as is provided in this act with reference to the lands recently ceded to the United States by the Creek and Seminole Nations or tribes of Indians, and the President of the United States is authorized to issue a proclamation, after the ratification of said agreement, fixing the time when settlers may enter upon the lands embraced in said Outlet: *Provided*, That no part of said sum shall be expended in buying refreshments for Indians attending meetings with commissioners or in any wise entertaining or presenting gifts to said Indians or their representatives and said commissioners for the purpose of entering into negotiations and agreements with the Prairie band of Pottawatomies and the Kickapoo Indians in Kansas for the sale of a portion of their reservations and the allotment of the remainder, and such agreement when made to be by them submitted to the first session of the Fifty-first Congress. And to carry out the provisions of this act the sum of $5,000, or so much as may be necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, to be immediately available.

The PRESIDENT *pro tempore*. The next reserved amendment is on page 70, to strike out section 4.

The amendment was agreed to, striking out the following clause:

SEC. 4. That the President may, at such times as he may deem it necessary, direct land offices to be located upon the lands opened to settlement by this act, not to exceed two in number, and may nominate and, by and with the advice and consent of the Senate, appoint the usual officers to conduct the business of said land offices.

Mr. PLATT. The new section 4, as reported by the committee, has been inserted?

The PRESIDENT *pro tempore*. The section 4 which is printed in

italics has been agreed to. The next reserved amendment is on page 76, inserting from line 3 on page 76 to line 5 on page 79.

The amendment was agreed to, inserting the following words:

Seminole lands:

SEC. 12. That the sum of $1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 of the treaty between the United States and said nation of Indians which was concluded June 14, 1866, and proclaimed August 16, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after surveys, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: One million five hundred thousand dollars to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20 to be paid to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation, to be immediately available; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, specially empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release, conveyance, and extinguishment shall not inure to the benefit of or cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands; and all laws and parts of laws, so far as they conflict with the foregoing, are hereby repealed, and all grants or pretended grants of said lands or any interest or right therein now existing in or on behalf of any railroad company, except rights of way and depot grounds, are hereby declared to be forever forfeited for breach of condition.

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established in the Indian Territory under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply) each entry to be in square form and no person to be permitted to enter more than one-quarter section thereof, but until said lands are opened for settlement by proclamation of the President in conformity to law no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town-sites in his discretion, under sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, in the year of our Lord 1889.

The PRESIDENT *pro tempore*. The next reserved amendment is to insert the words beginning with line 4 on page 75 and ending with line 5 on page 79, as already amended.

The amendment was agreed to, adding the following words:

The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes agreeing to the same, for ratification, and for this purpose the sum of $25,000, or as much thereof as may be necessary, is hereby appropriated, to be immediately available,

Mr. DAWES. There is an amendment at the desk that I propose now for the Senator from Florida [Mr. CALL].

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. On page 47, after line 6, it is proposed to insert:

For the support and education of the Seminole and Creek Indians in Florida, for the erection and furnishing of a school-house, for the employment of teachers, and for the purchase of seeds and agricultural implements and other necessary articles, $6,000. This money or any part thereof may be used in the discretion of the Secretary of the Interior for the purchase of land for homes of said Seminole Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. PLUMB, and Mr. CALL were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent that a message be sent to the House of Representatives recalling the conference report on the naval appropriation bill.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection. The Senate now, in pursuance of the order heretofore made, takes a recess until 8 o'clock and 30 minutes p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 30 minutes p. m.

RETURN OF DIRECT TAXES—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I herewith return without approval Senate bill No. 139, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The object of this bill is quite clearly indicated in its title. Its provisions have been much discussed in both branches of Congress and have received emphatic legislative sanction. I fully appreciate the interest which it has excited, and have by no means failed to recognize the persuasive presentation made in its favor. I know, too, that the interposition of Executive disapproval in this case is likely to arouse irritation and cause complaint and earnest criticism. Since, however, my judgment will not permit me to assent to the legislation proposed, I can find no way of turning aside from what appears to be the plain course of official duty.

On the 5th day of August, 1861, a Federal statute was passed entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes."

This law was passed at a time when immense sums of money were needed by the Government for the prosecution of a war for the Union, and the purpose of the law was to increase in almost every possible way the Federal revenues. The first seven sections of the statute were devoted to advancing very largely the rates of duties on imports; and to supplement this the eighth section provided that a direct tax of $20,000,000 should be annually laid, and that certain amounts therein specified should be apportioned to the respective States. The remainder of the law, consisting of fifty sections, contained the most particular and detailed provisions for the collection of the tax through Federal machinery.

It was declared, among other things, that the tax should be assessed and laid on all lands and lots of ground with their improvements and dwelling houses; that the annual amount of said taxes should be a lien upon all lands and real estate of the individuals assessed for the same, and that in default of payment the said taxes might be collected by distraint and sale of the goods, chattels, and effects of the delinquent persons.

This tax was laid in execution of the power conferred upon the General Government for that purpose by the Constitution. It was an exercise of the right of the Government to tax its citizens. It dealt with individuals, and the strong arm of Federal power was stretched out to exact from those who owed it support and allegiance their just share of the sum it had decreed should be raised by direct taxation for the general good. The lien created by this tax was upon the land and real estate of the "individuals" assessed for the same, and for its collection the distraint and sale of personal property of the "persons delinquent" were permitted.

But while the direct relationship and responsibility between the individuals taxed and the Federal Government were thus created by the exercise of the highest attribute of sovereignty, it was provided in the statute that any State or Territory and the District of Columbia might lawfully "assume, assess, collect, and pay into the Treasury of the United States" its quota of said tax in its own way and manner, and by and through its own officers, assessors, and collectors; and it was further provided that such States or Territories as should give notice of their intention to thus assume and pay, or to assess, collect, and pay into the Treasury of the United States such direct tax, should be entitled in lieu of the compensation, pay per diem, and percentage in said act prescribed and allowed to assessors, assistant assessors, and collectors of the United States, to a deduction of 15 per cent. of the quota of direct tax apportioned to such States or Territories and levied and collected through their officers.

It was also provided by this law and another passed the next year that certain claims of the States and Territories against the United States might be applied in payment of such quotas. Whatever may be said as to the effect of these provisions of the law, it can hardly be claimed that by virtue thereof or under any proceedings under them the apportioned quotas of this tax became debts against the several States and Territories, or that they were liable to the General Government therefor in every event and as principal debtors bound by an enforceable obligation.

In the forty-sixth section of the law it is provided that in case any State, Territory, or the District of Columbia, after notice given of its intention to assume and pay, or to levy, collect, and pay said direct tax apportioned to it, should fail to pay the amount of said direct tax, or any part thereof, it should be lawful for the Secretary of the Treasury to appoint United States officers as in the act provided, whose duty it should be to proceed forthwith to collect all or any part of said direct tax, "the same as though said State, Territory, or District had not given notice nor assumed to levy, collect, and pay said taxes or any part thereof."

A majority of the States undertook the collection of their quotas, and accounted for the amount thereof to the General Government by the payment of money or by setting off claims in their favor against the tax. Fifteen per cent. of the amount of their respective quotas was retained as the allowance for collection and payment. In the Northern, or such as were then called the loyal, States nearly the entire quotas were collected and paid through State agencies. The money necessary for this purpose was generally collected from the citizens of the States with their other taxes, and in whatever manner their quotas may have been canceled, whether by the payment of money or setting off claims against the Government, it is safe to say, as a general proposition, that the people of these States have individually been obliged to pay the assessments made upon them on account of this direct tax, and have intrusted it to their several States to be transmitted to the Federal Treasury.

In the Southern States, then in insurrection, whatever was actually realized in money upon this tax was collected directly by Federal officers without the interposition of State machinery; and a part of its quota has been credited to each of these States.

The entire amount applied upon this tax, including the 15 per cent. for collection, was credited to the several States and Territories upon the books of the Treasury, whether collected through their instrumentalities or by Federal officers.

The sum credited to all the States was $17,359,685.51, which includes more than $2,000,000 on account of the 15 per cent. allowed for collecting. Of the amount credited only about $2,300,000 is credited to the insurrectionary States. The amount uncollected of the twenty millions directed to be raised by this tax was $2,646,314.49, and nearly this entire sum remained due upon the quotas apportioned to these States.

In this condition of affairs the bill under consideration directs the Secretary of the Treasury "to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections, by set-off or otherwise, made from said States and Territories and the District of Columbia or from any of the citizens or inhabitants thereof or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto." An appropriation is also made of such a sum as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to it under the provisions of the bill, and it is provided that all money still due to the United States on said direct tax shall be remitted and relinquished.

The conceded effect of this bill is to take from the money now in the Treasury the sum of more than $17,000,000, or if the percentage allowed is not included, more than $15,000,000, and pay back to the respective States and Territories the sums they or their citizens paid more than twenty-five years ago upon a direct tax levied by the Government of the United States for its defense and safety.

It is my belief that this appropriation of the public funds is not within the constitutional power of the Congress. Under the limited and delegated authority conferred by the Constitution upon the General Government the statement of the purpose for which money may be lawfully raised by taxation in any form declares also the limit of objects for which it may be expended.

All must agree that the direct tax was lawfully and constitutionally laid, and that it was rightfully and correctly collected. It can not be claimed, therefore, nor is it pretended, that any debt arose against the Government and in favor of any State or individual by the exaction of this tax. Surely, then, the appropriation directed by this bill can not be justified as a payment of a debt of the United States.

The disbursement of this money clearly has no relation to the common defense. On the contrary, it is the repayment of money raised and long ago expended by the Government to provide for the common defense.

The expenditure can not properly be advocated on the ground that the general welfare of the United States is thereby provided for or promoted. This "general welfare of the United States," as used in the Constitution, can only justify appropriations for national objects and for purposes which have to do with the prosperity, the growth, the honor, or the peace and dignity of the nation.

A sheer, bald gratuity bestowed either upon States or individuals, based upon no better reason than supports the gift proposed in this bill, has never been claimed to be a provision for the general welfare. More than fifty years ago a surplus of public money in the Treasury was distributed among the States; but the unconstitutionality of such distribution, considered as a gift of money, appears to have been conceded, for it was put into the State treasuries under the guise of a deposit or loan, subject to the demand of the Government.

If it was proposed to raise by assessment upon the people the sum necessary to refund the money collected upon this direct tax I am sure many who are now silent would insist upon the limitations of the Constitution in opposition to such a scheme. A large surplus in the Treasury is the parent of many ills, and among them is found a tendency to an extremely liberal if not loose construction of the Constitution. It also attracts the gaze of States and individuals with a kind of fascination, and gives rise to plans and pretensions that an uncongested Treasury never could excite.

But if the constitutional question involved in the consideration of this bill should be determined in its favor, there are other objections remaining which prevent my assent to its provisions.

There should be a certainty and stability about the enforcement of taxation which should teach the citizen that the Government will only use the power to tax in cases where its necessity and justice are not doubtful, and which should also discourage the disturbing idea that the exercise of this power may be revoked by reimbursement of taxes once collected. Any other theory cheapens and in a measure discredits a process which more than any other is a manifestation of sovereign authority.

A government is not only kind but performs its highest duty when it restores to the citizen taxes unlawfully collected, or which have been erroneously or oppressively extorted by its agents or officers; but, aside from these incidents, the people should not be familiarized with the spectacle of their Government repenting the collection of taxes and restoring them.

The direct tax levied in 1861 is not even suspected of invalidity; there never was a tax levied which was more needed, and its justice can not be questioned. Why, then, should it be returned?

The fact that the entire tax was not paid furnishes no reason that would not apply to every case where taxes are laid. There are always delinquents, and while the more thorough and complete collection of taxes is a troublesome problem of government, the failure to solve the problem has never been held to call for the return of taxes actually collected.

The deficiency in the collection of this tax is found almost entirely in the insurrectionary States, while the quotas apportioned to the other States were, as a general rule, fully paid, and three-fourths or four-fifths of the money which it is proposed in this bill to return would be paid into the treasuries of the loyal States. But no valid reason for such payment is found in the fact that the Government at first could not, and afterward, for reasons probably perfectly valid, did not enforce collection in the other States.

There were many Federal taxes which were not paid by the people in the rebellious States; and if the non-payment by them of this direct tax entitles the other States to a donation of the share of said taxes paid by their citizens, why should not the income tax and many other internal taxes paid entirely by the citizens of loyal States be also paid into the treasuries of these States? Considerations which recognize sectional divisions or the loyalty of the different States at the time this tax was laid should not enter into the discussion of the merits of this measure.

The loyal States should not be paid the large sums of money promised them by this bill, because they were loyal and other States were not, nor should the States which rebelled against the Government be paid the smaller sum promised them, because they were in rebellion and thus prevented the collection of their entire quotas, nor because this concession to them is necessary to justify the proposed larger gifts to the other States.

The people of the loyal States paid this direct tax as they bore other burdens in support of the Government, and I believe the tax-payers themselves are content. In the light of these considerations, I am opposed to the payment of money from the Federal Treasury to enrich the treasuries of the States. Their funds should be furnished by their own citizens, and thus should be fostered the tax-payers' watchfulness of State expenditures and the tax-payers' jealous insistence upon the strict accountability of State officials. These elements of purity and strength in a State are not safely exchanged for the threatened demoralization and carelessness attending the custody and management of large gifts from the Federal Treasury.

The baneful effect of a surplus in the Treasury of the General Government is daily seen and felt. I do not think, however, that this surplus should be reduced or its contagion spread throughout the States by methods such as are provided in this bill.

There is still another objection to the bill, arising from what seems to me its unfairness and unjust discrimination.

In the case of proposed legislation of at least doubtful constitutionality, and based upon no legal right, the equities which recommend it should always be definite and clear.

The money appropriated by this bill is to be paid to the governors of the respective States and Territories in which it was collected, whether the same was derived through said States and Territories or directly "from any of the citizens or inhabitants thereof or other persons;" and it is further provided that such sums as were collected in payment of this Federal tax through the instrumentality of the State or Territorial officials, and accounted for to the General Government by such States and Territories, are to be paid unconditionally to their governors, while the same collected in payment of said tax by the United States, or, in other words, by the Federal machinery created for that purpose, are to be held in trust by said States or Territories for the benefit of those paying the same.

I am unable to understand how this discrimination in favor of those who have made payment of this tax directly to the officers of the Federal Government, and against those who made such payments through State or Territorial agencies, can be defended upon fair and equitable principles. It was the General Government in every case which exacted this tax from its citizens and people in the different States and Territories, and to provide for reimbursement to a part of its citizens by the creation of a trust for their benefit, while the money exacted in payment of this tax from a far greater number is paid unconditionally into the State and Territorial treasuries, is an unjust and unfair proceeding in which the Government should not be implicated.

It will hardly do to say that the States and Territories who are the recipients of these large gifts may be trusted to do justice to its citizens who originally paid the money. This can not be relied upon, nor should the Government lose sight of the equality of which it boasts, and having entered upon the plan of reimbursement, abandon to other agencies the duty of just distribution, and thus incur the risk of becoming accessory to actual inequality and injustice.

If in defense of the plan proposed it is claimed that exact equality can not be reached in the premises this may be readily conceded. The money raised by this direct tax was collected and expended twenty-seven years ago. Nearly a generation has passed away since that time. Even if distribution should be attempted by the States and Territories, as well as by the Government, the tax-payers in many cases are neither alive nor represented, and in many other cases, if alive, they can not be found. Fraudulent claims would often outrun honest applications, and innumerable and bitter contests would arise between claimants.

Another difficulty in the way of doing perfect justice in the operation of this plan of reimbursement is found in the fact that the money to be appropriated therefor was contributed to the Federal Treasury for entirely different purposes by a generation many of whom were not born when the direct tax was levied and paid, who have no relation to said tax, and can not share in its distribution. While they stand by and see the money they have been obliged to pay into the public Treasury, professedly to meet present necessities, expended to reimburse taxation long ago fairly, legally, and justly collected from others, they can not fail to see the unfairness of the transaction.

The existence of a surplus in the Treasury is no answer to these objections. It is still the people's money, and better use can be found for it than the distribution of it upon the plea of the reimbursement of ancient taxation. A more desirable plan to reduce and prevent the recurrence of a large surplus can easily be adopted—one that, instead of creating injustice and inequality, promotes justice and equality by leaving in the hands of the people and for their use the money not needed by the Government "to pay the debts and provide for the common defense and general welfare of the United States."

The difficulties in the way of making a just reimbursement of this direct tax, instead of excusing the imperfections of the bill under consideration, furnish reasons why the scheme it proposes should not be entered upon.

I am constrained, upon the considerations herein presented, to withhold my assent from the bill herewith returned, because I believe it to be without constitutional warrant; because I am of the opinion that there exists no adequate reasons, either in right or equity, for the return of the tax in said bill mentioned, and because I believe its execution would cause actual injustice and unfairness.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

MESSAGE FROM THE HOUSE.

During the reading of the President's veto message a message was received from the House of Representatives, by Mr. CLARK, its Clerk, announcing that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes.

Also, that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

The PRESIDENT *pro tempore*. The reading of the veto message will proceed.

Mr. SHERMAN. In order to expedite business I ask that the report of the committee of conference on the Alaska bill be submitted to the Senate.

Mr. EDMUNDS. I think the message of the President ought to be read as a matter of decorum. It will only take a short time.

RETURN OF DIRECT TAXES—VETO MESSAGE.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed and concluded the reading of the veto message.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SHERMAN. Mr. President——

INTERSTATE COMMERCE.

Mr. CULLOM. I ask leave to present a conference report which requires no action by the Senate.

The PRESIDENT *pro tempore*. The report will be received.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 24, 1887, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3 and 7.

S. M. CULLOM,
O. H. PLATT,
ISHAM G. HARRIS,
Managers on the part of the Senate.

CHARLES F. CRISP,
CHARLES O'NEILL,
Managers on the part of the House.

Mr. CULLOM. The bill is on the table and the House has receded from its amendments; so I suppose the report requires no action by the Senate.

The PRESIDENT *pro tempore*. No action by the Senate is required.

Mr. EDMUNDS. I should like to make an inquiry. This conference report states that the House recedes from amendments of certain numbers, which plainly implies that there are others. I should be glad to know what has become of those and what is the state of the bill.

Mr. CULLOM. There were no amendments in dispute between the two Houses at this conference except amendments numbered 3 and 7.

Mr. EDMUNDS. The others have been agreed to?

Mr. CULLOM. The others have been agreed upon before, and no action is necessary on the part of the Senate upon this report.

Mr. EDMUNDS. Very well.

NAVAL APPROPRIATION BILL.

Mr. SHERMAN. I have no objection, if Senators so desire, to allowing the veto message to lie on the table for a time, but I wish to make some remarks upon it.

Mr. HALE. Will the Senator yield to me that I may make a request about a conference report.

Mr. SHERMAN. Certainly.

Mr. HALE. I move to reconsider the vote by which the conference report on the naval apppropriation bill was adopted. There is a mistake in the report which, I am bound to say, is not the fault of the clerks but of the conferees, and it can be easily corrected when the conference meets again.

The PRESIDENT *pro tempore*. If there be no objection the reconsideration will be ordered.

Mr. HALE. Will it be necessary to ask unanimous consent that the report be committed to the same conferees? If so, I make that request.

The PRESIDENT *pro tempore*. The Chair thinks it will be necessary.

Mr. HALE. I make that request.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. HALE. I move that the Senate further insist on its amendments and ask a further conference thereon.

The motion was agreed to.

RETURN OF DIRECT TAXES—VETO MESSAGE.

The Senate resumed the consideration of the message of the President of the United States returning with his objections the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

Mr. SHERMAN. Mr. President, I do not think it is necessary or proper for me to discuss this message of the President of the United States at any length, or perhaps at all. The President in his message has the right to state his objections if he feels that it is his duty to do so, but there is not a single point made in that message which has not been fully debated and considered in both Houses of Congress. The proposition contained in the bill has been recommended by every Secretary of the Treasury under four or five different administrations. It grows out of the absolute impossibility of doing justice among the several States in executing the direct-tax law, a constitutional law for the apportionment among the States of a tax according to their population. The attempt failed utterly on account of the condition of civil war; and the inequalities which existed in the assessment and in the levying of the tax still continued and will continue an annoyance and trouble.

I consider, with due respect to the President of the United States, that his objection to this measure as unconstitutional is scarcely worthy of much reply. He says that Congress has no constitutional power to refund this money. If it had the power to levy the tax it has the power to refund the tax. If it had power to levy a tax which could not be enforced fairly and evenly among the States so as to do justice between them, for reasons beyond the control of the Government at the time, it ought to be refunded to those States that paid their share of the tax, and the States that did not pay their share ought to be relieved from the charge of the amount on the Treasury books. It is simply a measure to dispose of the public money so as to create equality among the States and justice among the people of the States.

The point that the States in the South can not be trusted, as I understand he says they ought not to be trusted, with the return of the tax to the persons who paid it, I do not think is worthy of consideration. We all agreed that in certain States where the citizens of the States paid the tax, the better way was to refund it to the States, leaving it to the States to do justice to their citizens, and I have no doubt every State will do so.

Probably there has never been a bill upon our Calendar which was more thoroughly considered. It was fully considered by the Committee on Finance, and I think I do not mistake when I say—the Senator from Tennessee [Mr. HARRIS] will remember how the fact was—that it was agreed to unanimously. When so reported to this body it was passed by an overwhelming vote. It was considered by the proper committee of the House of Representatives, reported favorably with general unanimity, and carried by a very large vote, after full discussion.

It is a question upon which the opinion of every Senator is just as good as that of the President; and it can not be said that his judgment exceeds that of all the rest of us. It is a question upon which every Senator can pass judgment as well as anybody else.

It seems to me, with due respect to the President of the United States, that this is not the occasion for a veto. It scarcely raises a constitutional question. It is simply the disposition of the public money; to restore money to some of the States that paid the tax, and relieve the other States that did not bear their share of the burden. Therefore I do not think it necessary to go over the message and to reply to the various arguments made in it. I simply ask for the vote required by the Constitution of the United States.

Mr. VEST. Mr. President, if the position taken by the Senator from Ohio be correct, it absolutely obliterates from the Constitution the power and the duty of the President of the United States as to legislation which comes to him from either branch of Congress. If it be an argument against the exercise of the veto power that the bill sent to the Chief Executive comes with unanimity from either or both branches of Congress, then as a matter of course it is simply a question of the enumeration of votes as to the action of the President of the United States, and not the exercise of that power and discretion which is vested in him for wise purposes by the Constitution.

The President of the United States is called upon to approve every bill sent to him or to return it to the House in which it originated with his objections, and unless he discharges that duty without regard to the number of votes for or against a measure he is false to his oath of office, and he does not discharge the functions which the Constitution has imposed upon him.

It may be that this bill has received the consideration of both branches of Congress, but if the President, honestly believing that it is unconstitutional, should sign it in deference to the opinions of Congress he would commit an act of perjury as absolutely as if he put upon record a false oath knowing it to be false.

Sir, the Senator from Ohio said, as I understood him, that the further collection of this tax in the Southern States would be attended with hardship and with difficulty. Why, sir, I thought it was established with lawyers, and I think it can be demonstrated beyond any sort of question, that this direct tax can not now be collected from individuals in the Southern States. It was a personal tax. It died with the people from whom it was due at that time. It was abandoned and there never was but one single assessment for one year ever collected or attempted to be collected.

If it be a hardship that some of the States paid it and some did not, and therefore it ought to be refunded, why is it that to-day there are $28,000,000 due from the States to the Federal Government under the deposit of 1836 and no attempt and no suggestion is made to pay back that amount to the Federal Government which belongs to the entire people of the United States? There are to-day States in this Union that received not one dollar of that money. It was distributed amongst States that owe it to-day and who have not paid it back, and I take it for granted that no demand will ever be made upon them.

As to the constitutionality of this measure, I do not propose to go into that thrice-fought field as to the power of Congress in regard to general appropriations, or unlimited appropriations, or into the question of the specific grants to and the implied powers of the Federal Constitution. It has come to this point in our country, that the man who attempts to question anything under a constitutional grant of power is looked upon as an effete and worn-out fossil who lives in ancient history and is unfit for the active life of to-day.

But I want simply to remark that in 1836 when this same question of the distribution of a surplus came up before the Congress of the United States, which had in it the men we are accustomed now to regard as giants in statesmanship and finance, not one of them risked his reputation upon the assertion that Congress had the power under the very same Constitution we have to-day to take money lawfully assessed and properly collected and give it back to the States as a gratuity—not one. They made that distribution under the guise of a loan—a loan which exists to-day, and the money of which loan is now due from the States that received it to the Treasury of the United States.

I honor the President for this veto, and if there be no other Senators to record his vote in favor of it, I take pleasure in saying that I am one.

Mr. STEWART. Mr. President, this is the only veto that has come in during the present Congress for which the President of the United States has assigned any constitutional reason. It is as clear as anything from the debates when the Constitution was formed that the veto power was only to be exercised to veto unconstitutional legislation. The power was for that reason incorporated in the Constitution, and Mr. Hamilton, as we all know, said it would only be used on such occasions, and from the fact that it had not been used from the time of the revolution of 1688 in England, it would be very rarely used in this country.

We have had several hundred vetoes for which there has been no pretense of assigning any constitutional reason, but in this case the President has assigned one. As to what he says of the unconstitutionality of the measure, I very much differ with him and shall take pleasure in voting to pass the bill over his veto.

I rose, however, to call attention to the fact that this is the first time that the President has assigned for any veto of his a reason that was contemplated when the Constitution was formed. Whether that reason be sound or not—I think it is not, and I think he errs in his views of the Constitution—he has placed it upon that ground, which is the only legitimate ground for a veto.

I wish to say further that this country will some day be very sorry that the Executive has become a part of the ordinary legislative department of the country in the sense that he votes on all bills without regard to whether they are constitutional or not. Every person who discussed the veto power in the constitutional convention said vetoes for other than constitutional reasons would not apply. Franklin thought they might and the veto might be traded on as it had been in Pennsylvania, but the others said it would be impossible that an American President should exercise this function except for constitutional reasons.

Now, the President has assigned a constitutional reason; that is, he believes the bill to be unconstitutional. That is a legitimate exercise of the function. As I have said, I differ with him as to the ground of the veto, but if he believed the bill to be unconstitutional there is no doubt, according to the theory of our Government, he should have vetoed it.

Mr. MORGAN. Mr. President, my view of the Constitution of the United States is that the President of the United States finds no limitation in the exercise of his discretion upon the veto power. He has the same discretion in exercising that power that Senators have in voting for or against a bill. That view of the case is necessary in order to prevent hasty and unwise legislation, and I think the President of the United States has a perfect right whenever he considers that a bill has been unwisely passed through the Congress of the United States to return it with his objections in order that it may be reconsidered. He does not defeat or destroy a bill by stating his objections to it. He merely produces the constitutional requirement for a reconsideration, and thereupon each Senator in reconsidering the bill after having heard the President's objections to it does precisely what the President did in vetoing it, acts according to his own conscience and his own enlightened judgment. It is not necessary, in my opinion, that the President of the United States, in order to justify himself in vetoing a bill, should state reasons that affect its constitutionality at all. He has just as broad a discretion in voting against a bill as any Senator upon the floor of the Senate.

I shall vote for this bill, the veto of the President to the contrary notwithstanding, because I differ with him in respect of the constitutional question. The situation in the United States upon this bill is peculiar. God grant that it will never occur again, and I think that in the estimation of all the men who now live it can never possibly occur again. This situation grew out of a civil war where it was impracticable for the Government of the United States to execute its laws within ten or eleven of these States. In some of the States it could partially execute its laws, and in those parts where the Army of the United States had military control the laws of the United States were executed to the extent of the collection of this tax as far as possible.

After that event passed away and we come to consider what was right to be done as between the States, some of whom had paid the tax and others had not, the suggestion was made—and I dare say it is a correct suggestion—that even leaving this law unrepealed upon the statute-book, its subsequent enforcement was absolutely impossible. It was not possible in the enforcement of that law, in the spirit in which it was enacted, or according to the methods provided in the enactment for its own execution and completion, to collect the tax equally out of the different States of the American Union, and in some of the States it was not possible to collect out of the remaining part of the people that portion of the tax which they had not paid.

We have recognized from the foundation of this Government the duty of the Government of the United States to assume the expenses which the States have been compelled to pay towards the maintenance of great public wars. I do not remember an instance in which a debt of this kind or an obligation of this kind has been left unattended to or unextinguished. Old Revolutionary claims have been passed since I have had a seat upon this floor refunding to the States of the South and other States of the American Union expenditures which they made in the Revolutionary war. Why did we assume the debts of the Revolutionary war if it was not competent for the Government of the United States to recognize the high moral obligation couched in such a debt as that as a debt against the Government of the United States to be paid by it?

Precedent after precedent has been spread upon the statute-books for a century or nearly so, under which and in pursuance of which we have left not one single moral obligation resting upon the Government of the United States undischarged in respect to different States who were compelled by force of circumstances or who were enabled by their resources in time of general need to contribute largely to the support of the armies of the United States. We remunerate individuals and we remunerate States and communities for expenditures in Indian wars. The fact is that there is nothing attending a general public war of the United States that the Government of the United States has ever refused to assume as an obligation resting upon it.

It may not be a debt in strictness of law. It may not be such an obligation as if it rested between individuals it could be enforced and collected through the powers of a court; but who can deny that in a Government constituted like ours, and where the power to declare war and to conduct war of a public character is expressly confided to the Federal Government and where that power is equally denied to the States except in self-defense, who can deny when expenditures have been made necessary by the different States in the maintenance of the war that there is a high moral duty resting upon the Government of the United States which we have a perfect right to resolve into the character of an admitted debt and pay it?

We admit debts continually and pay them in behalf of individuals where there is no actual legal obligation. Scarcely a week passes over us here that we are not found recognizing obligations of this kind and putting them into the statute-books with appropriations for their discharge.

Sir, I regard this as a duty resting upon the Government of the United States in the nature of a high moral obligation, accompanied also with the support and sustenance of a high public policy, supported also by another view which strikes me with great force—the necessity of our cleaning off from our records all of the débris of the war in order that we may hereafter progress breast to breast, no man or no State in front of any other State, in the maintenance and support of whatever concerns this great commonwealth of ours.

I, therefore, sir, in my vote recognize this moral obligation, this high political obligation, an obligation resting in public policy and firmly resting there if it had no other foundation. I give my vote, sir, to recognize that as an obligation of debt and duty, and I resolve it into the form of a debt and agree to pay it.

This is no loan like the loan of 1836 out of the surplus money in the Treasury of the United States. There was a surplus fund which we had no need for, it appears, at that time, and we resolved, in order to get rid of it, to loan it out. I believe that that was an unwise act, I believe that it was a dangerous act, because when the Government of the United States creates a debt by its own act between it and a State, it gets too much power over the State if it gets any at all. In that instance it appears not to have gotten any power over the State, because we now by taxing our ingenuity to the uttermost would find ourselves still unable to devise any means by which to secure that loan of 1836 from these different States.

The cases are not parallel. They are not in the slightest degree akin to each other. Here there was a duty resting upon the States of this Union to preserve it and restore it to its integrity if it were possible to do so, and here were States standing out that declared their independence and formed a Confederacy and made public war against the United States, and that war was recognized as being public. It results from the very nature of things that if the States thus in rebellion, as it is said, were so powerful at the time as that this tax could not be collected in those States, it becomes the duty of the Government of the United States in some way or other to balance up the account after peace has been restored to the country so that hereafter there shall be neither heart-burnings nor any other cause of complaint against any of these States.

Under these circumstances, Mr. President, I can not close my eyes to the high moral obligation, to the great equity of the case, and I resolve it, so far as I am concerned by my vote, that this was a debt which we had the right to assume and that it is our duty to pay it.

Mr. RIDDLEBERGER. Mr. President, I believe it was agreed that I should have the precedence in the contest for the floor at 8 o'clock.

Mr. SHERMAN. Let us take the vote on the pending matter.

Mr. RIDDLEBERGER. I have yielded now for hours to requests of that kind. If Senators are ready to vote, then I am ready to vote, but with a distinct understanding that I shall have the floor for the purpose of moving that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I shall not occupy the time of the Senate further than to say that as I voted against the bill on its passage in the form in which it stood (but not at all upon the broad grounds on which the President puts his objection), I am compelled to vote against its passage now. I only make this explanation that my position on the main subject may not be misunderstood.

The PRESIDENT *pro tempore*. The Constitution requiring the vote to be determined by yeas and nays, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who, by illness, is detained from the Chamber, and I withhold my vote.

Mr. DAVIS (when his name was called). The Senator from Arkansas [Mr. BERRY] is unable to be in the Senate owing to illness. The pair which I had with the Senator from Indiana [Mr. TURPIE] has been

transferred to him. I therefore refrain from voting. Otherwise I should vote "yea."

Mr. FRYE (when his name was called). I desire to ask the Senator from Maryland [Mr. GORMAN] whether he understands how his colleague [Mr. WILSON] votes upon this question. I am paired with the Senator from Maryland [Mr. WILSON].

Mr. KENNA. The Senator from Maryland [Mr. WILSON] would vote for the passage of the bill.

Mr. HOAR. He voted for it before. I have the Journal in my hand.

Mr. WILSON, of Maryland, entered the Chamber.

Mr. KENNA. The Senator from Maryland is here now and can answer for himself.

Mr. FRYE. I vote "yea." The Senator from Maryland is present.

Mr. MCPHERSON (when his name was called). I am paired with the junior Senator from Colorado [Mr. BOWEN]. I do not know how he would vote upon this question. If he were present, I should vote "nay."

Mr. HOAR. The Senator from Colorado [Mr. BOWEN] voted "yea" before. I have the Journal before me.

Mr. MCPHERSON. Then I shall let my pair with the Senator from Colorado stand.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. I do not know how he would vote on this question.

Mr. COCKRELL. He would vote "yea."

Mr. MORGAN. Does his colleague, the Senator from New York [Mr. HISCOCK], think I am at liberty to vote?

Mr. HISCOCK. My colleague would vote "yea." I think he voted "yea" on the passage of the bill originally.

Mr. MORGAN. I vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote, and I withhold my vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH], who, if present, would vote "yea." I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. I have the authority of the Senator from Nebraska [Mr. PADDOCK] to release me from my pair with his colleague [Mr. MANDERSON], and I ask that my name be recorded. I vote "yea."

Mr. HARRIS. I desire to say that my colleague [Mr. BATE] is detained from the Senate to-night by reason of indisposition. If he were present, he would vote "yea."

The result was announced—yeas 45, nays 9; as follows:

YEAS—45.

Allison,	Faulkner,	Ingalls,	Sabin,
Blackburn,	Frye,	Jones of Nevada,	Sawyer,
Blodgett,	George,	Kenna,	Sherman,
Butler,	Gorman,	Morgan,	Spooner,
Cameron,	Gray,	Morrill,	Stewart,
Chace,	Hale,	Palmer,	Stockbridge,
Chandler,	Hampton,	Payne,	Teller,
Cockrell,	Harris,	Platt,	Walthall,
Cullom,	Hawley,	Plumb,	Wilson of Iowa,
Daniel,	Hearst,	Quay,	
Dawes,	Hiscock,	Ransom,	
Farwell,	Hoar,	Riddleberger,	

NAYS—9.

Blair,	Edmunds,	Pasco,	Saulsbury,
Call,	Jones of Arkansas,	Reagan,	Vest.
Coke,			

ABSENT—22.

Aldrich,	Colquitt,	McPherson,	Turpie,
Bate,	Davis,	Manderson,	Vance,
Beck,	Dolph,	Mitchell,	Voorhees,
Berry,	Eustis,	Paddock,	Wilson of Md.
Bowen,	Evarts,	Pugh,	
Brown,	Gibson,	Stanford,	

The PRESIDENT *pro tempore*. Two-thirds of the Senators present having voted in the affirmative, the bill is passed notwithstanding the objections of the Executive.

SALMON FISHERIES OF ALASKA.

Mr. SHERMAN. I ask that the action of the House of Representatives on Senate bill 3993 be laid before the Senate.

The resolution of the House of Representatives was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment to read as follows:

"SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea, and it shall be the duty of the President, at a timely season in each year, to issue his proclamation, and cause the same to be published for one month in at least one newspaper (if any such there be) published in each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section, and he shall cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

And the House agree to the same.

JOHN SHERMAN,
JOHN T. MORGAN,
GEORGE F. EDMUNDS,
Managers on the part of the Senate.

POINDEXTER DUNN,
BENTON MCMILLIN,
C. N. FELTON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is upon concurring in the same.

The report was concurred in.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 11, 12, 13, 18, 19, 21, 22, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 28, and 29, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in the matter proposed to be inserted by said amendment insert "$954,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Insert, after the word "thereon," in line 1 of said amendment, the following: "and inclosing and grading the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

"And according to the plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives dated January 9, 1889."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons displacement, to cost in the aggregate exclusive of armament not more than $700,000; and one ram for harbor defense, of the general type, approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7, 1881, of the highest practicable speed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the following words: "The 2,000-ton cruiser;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Add, at the end of said amendment, the following:

"*Provided*, That no part of this money shall be expended until the owners of the patents for such guns and cartridges shall contract, at such a price as shall be satisfactory to the Secretary of the Navy, for the exclusive right on the part of the Government to manufacture, by contract or otherwise, such guns and cartridges without the payment of any royalty upon the same, the option of the Government to make such contract to be exercised within a period to be fixed by said contract."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$4,055,000;" and add at the end of the amended paragraph the following: "Of which sum $55,000 is hereby authorized to be expended by the Secretary of the Navy upon the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius, in addition to the amounts heretofore authorized to be expended on the said vessels;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

EUGENE HALE,
C. B. FARWELL,
A. P. GORMAN,
Managers on the part of the Senate.

H. A. HERBERT,
WM. MCADOO (by HERBERT),
A. C. HARMER,
Managers on the part of the House.

The report was concurred in.

STEAMER I. N. BUNTON.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

Mr. BUTLER. I of course am not going to object to the consideration of that bill, but I give notice that after it is disposed of I shall ask unanimous consent to proceed to the consideration of the unobjected House bills on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania

asks unanimous consent that the unfinished business may be informally laid aside for the consideration of the bill named by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and is hereby, directed to pay to Joseph Walton and Isaac N. Bunton, partners doing business under the firm name and style of Joseph Walton & Co., of Pittsburgh, in the State of Pennsylvania, the sum of $32,185, for the loss sustained by them by the collision of the steamer I. N. Bunton, belonging to them, with the pier of Davis Island Dam, in the early morning of the 2d day of January, 1884, by reason of the negligence of the officers, employés, and agents of the United States in failing to place proper lights on said pier, as fully found and set forth by the Court of Claims in their findings of fact dated February 8, 1885.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. HOAR February 28, 1889, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims, have considered the same and respectfully report:

It appears that in the year 1883-'84 the United States was constructing a dam and locks at Davis Island, on the Ohio River, about 5 miles below Pittsburgh. The works included a lock 700 feet in length, near the north bank of the river, and a dam beginning 559 feet south of the lock-wall and extending about 828 feet south to Davis Island. At the north end of the dam was a pier, which was a part of said works, rising some 3 feet above the water.

The channel passed between the pier and the lock-wall. There are three other piers between the land and Davis Island. Orders were given by the officer in charge of the work to place a light on the north pier, as well as lights on the east end of the lock-wall. This arrangement was necessary for the safety of navigation. The workman whose duty it had been to place a light on the said pier was discharged on the 31st of December, 1883. No light was placed on said pier during the two succeeding nights. This light was necessary for the safety of navigation, and the failure to place it properly was gross negligence.

On the evening of January 1, 1884, the steamer I. N. Bunton, having on board a full and sufficient complement of officers, a sufficient crew and a duly licensed and competent pilot, started down the river from Pittsburgh. The night was dark. She had in tow three coal barges. The steamer and the barges were the property of the claimants. Solely by reason of the failure to place said light at the north pier of the dam and without any fault or negligence on the part of the claimants, their officers, or employés, the boat struck the piling just above the pier, swung to the left, collided with the pier next south, crushing a hole and causing a total wreck of the steamer, which caught fire and burned to the water's edge and sunk, causing the loss of two of the coal barges with their cargoes and sinking the third, which was subsequently raised and the cargo saved. Four lives were lost. There was no insurance of the property.

We annex the findings of the Court of Claims from which these facts appear.

The committee think that the Government of the United States is not liable for loss or damage occasioned to private citizens by reason of any imperfection in the performance of the ordinary functions of Government, or by reason of the acts, omissions, or negligence of its officers or agents in the discharge of such functions. This principle we suppose to be applicable not only to the General Government but to the governments of the States and to municipal and other similar corporations to whom certain public functions are assigned, even though such corporations may be made parties, defendant or plaintiff, to suits in law or equity. In some cases such corporations are stimulated to due care in the exercise of public duties imposed upon them by rendering them liable for damage occasioned by their negligence. But this liability is created only by express statute. Such has been the well-settled rule in regard to actions against towns and cities for defects in highways or injuries suffered by individuals for want of repair of public buildings erected or maintained by the municipality for municipal purposes only.

We are not in favor of extending the liability of the United States to such cases. But we are of opinion that there are two classes of cases where sound public policy requires the United States and all other sovereign governments to hold themselves responsible for injuries occasioned by the negligence of their agents. One is where the Government, through its agents, manages or controls property from which it receives a benefit or profit, in the same way as private owners receive such benefit or profit, as by receiving rents or other advantage for what might be termed its private emolument, although the profits so received are ultimately thereafter disposed of for public purposes. This obligation is recognized by the courts in many of the States, and by the House of Lords in England. Many of the leading cases on this subject are collected in Oliver *vs.* Worcester, decided by the supreme court of Massachusetts in 1869 and reported in 102 Mass., 489.

Another class of cases where this responsibility is recognized is where the Government is using or managing property through its agents under circumstances where these agents mingle on terms of equality with the general mass of citizens and where the security of the citizens requires that the same obligation shall rest upon them and that it shall be enforced by similar responsibility as in the case of private persons. Congress has always recognized the obligation of the Government for injuries occasioned by the fault of the officers of its naval and other vessels in maritime collisions. We have no doubt that an injury occasioned to a private person by the carelessness of the driver of a mail-wagon or other vehicle passing through the streets and engaged in business of the Government ought in like manner to be the subject of responsibility. We think that a similar rule ought to be applied to the case of the private citizen who is injured by the negligence of the agents of the Government in the erection or construction of works built under Government authority upon or adjacent to public highways, whether these highways be navigable streams or the ordinary ways on land.

If, in the construction of a post-office or a custom-house, a deep cellar be excavated up to the line of the highway, without being protected by sufficient railing or other guard, and a person traveling on the highway in the night time, and himself using due care, fall in and be injured, solely by reason of the negligence of the agents of the Government, or if, as in the present case, in the progress of a public work a dangerous obstruction is placed in a navigable river and the agent of the Government entirely omits to give warning against said danger by proper lights or otherwise, we can see no reason why the Government should not hold itself responsible to the citizen, as it would in the case of a collision with one of its vessels moving at sea, or a collision with one of its wagons passing through a highway on land.

We therefore report the bill favorably. But we are of opinion that as the facts have all been found by the Court of Claims on a hearing at which the Government was a party and present, it is unnecessary to send the case there again. We therefore report an amendment providing directly for the payment of the loss, and recommend that so amended the bill pass.

[Court of Claims. Congressional Case No. 68. Joseph Walton and Isaac N. Bunton *vs.* The United States.]

FINDINGS OF FACT.

This case, referred to the court by the Committee on Claims of the House of Representatives March 14, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court, upon the evidence, finds the facts to be as follows:

I.

In the year 1884 and previously the United States were constructing a dam and locks at Davis Island, on the Ohio River, about 5 miles below Pittsburgh, Pa. The lock was 700 feet in length, near the north bank of the river. The dam commenced 559 feet south of the lock-wall, and extended about 828 feet south to Davis Island. There was a pier at the north end of the dam, rising some 3 feet above the water. Between that pier and the lock-wall was the channel. There were three other piers in the dam between the first pier and Davis Island.

II.

The orders of the Government officers in charge of the work were that a light should be placed every night on the north pier, as well as lights at the east end of the lock-wall. This was done uniformly up to January 1, 1884, when, on the night of that day, the light on the pier was omitted by oversight or neglect of some officer or employé of the defendants.

The workman whose duty it had been to place the light there had been discharged on the 31st of December, 1883, and that duty was neglected for the next two nights without any sufficient cause.

Such lights were necessary for the safety of navigation on the river at that point.

III.

On the evening of January 1, 1884, the steamer I. N. Bunton, belonging to the claimants, having on board a full complement of officers, a double crew, and a duly-licensed experienced pilot, about 10 o'clock started down the river from near Pittsburgh. The night was dark and somewhat foggy. The water was high and there was considerable flow of ice. She had in tow three coal barges loaded with coal, all of which belonged to the claimants.

IV.

Soon after midnight, approaching the works at Davis Island, a sharp lookout was kept for lights which were supposed to be there as they had been before. When within about 200 feet of the east end of the lock-wall, as was supposed, the lights on that wall were first seen. But owing to the darkness and fogginess of the night it was not possible for the officers of the boat to determine the real distance of the wall.

They kept the boat to the south to avoid the lock-wall, and not seeing nor knowing where the north pier was situated, by reason of there being no light upon it, the boat struck the piling just above that pier, swung to the left, and collided with the pier next south, crushing a hole in her hull and causing a total wreck of the steamer, which caught fire and burned to the water and sunk. Two of the coal-boats, with their cargoes, were lost, and the third coal-boat drifted down the river and sunk, but was subsequently raised and saved.

Four lives were lost—the chief engineer, cook, and two deck-hands. The property was insured.

V.

The loss was not caused by any fault, negligence, or want of skill on the part of the claimants, their officers, or employés, but was attributable to the gross negligence of the officers or employés of the defendants in omitting to place a light on the north pier of the dam at Davis Island.

VI.

The following are the losses to the claimant:

Value of the steamer I. N. Bunton	$26,000
Value of 50,000 bushels of coal, at 9 cents, and two coal-boats lost	4,500
Expenses of raising the third coal-boat	1,110
Detension of steamer Coal City, belonging to the claimants	300
Lighting and clothes for men who lost their clothes by the accident	200
Funeral expenses of the men lost	75

Ordered by the court that a copy of the foregoing findings of fact, duly certified, be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

FEBRUARY 8, 1885.

COURT OF CLAIMS, WASHINGTON, D. C.

I certify that the foregoing is a true copy of the findings of fact filed by the court in said cause.

Test, this 11th day of December, A. D. 1885.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. EDMUNDS. I have read those findings of fact before. I am not quite so clear as the committee is that this is a claim which falls within the principle the committee lays down, but there is no time to go into any extended consideration of it, and I shall not take up any time in doing so. I only let it go now under a *caveat* that I do not wish myself to be considered as agreeing entirely to the application of the principle the committee has stated, although the statement I think is extremely plausible and very likely may turn out to be correct.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph Walton & Co."

Mr. QUAY. I move that the Senate insist on its amendments and request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. QUAY, and Mr. FAULKNER were appointed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 11762) to remove the political disabilities of J. H. Rochelle—to the Committee on the Judiciary.

The bill (H. R. 11660) for the relief of Martha E. Flesschert—to the Committee on Military Affairs.

The bill (H. R. 3737) for the relief of the holders of District of Columbia special-assessment lien certificates, and for other purposes—to the Committee on the District of Columbia.

The bill (H. R. 8028) to authorize the States of Illinois, Indiana, and Ohio to prosecute suits against the United States in the Supreme Court of the United States—to the Committee on the Judiciary.

LIQUOR TRAFFIC.

Mr. BLAIR. I ask the unanimous consent of the Senate that the joint resolution (S. R. 12) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors be now considered.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HARRIS. I object.

Mr. BLAIR. Before the question is put as to their being objection, I ask unanimous consent to say that this proposition has been pending in Congress for fourteen years. It has been twice favorably reported by committees of the Senate in different Congresses. I do not now ask the Senate to proceed to consider the joint resolution by debating it, but I should like the report to be read, which is brief, and that there be a vote. I desire a record upon the subject, and I think it is none too much to ask that this great subject may have at least ten minutes' consideration out of fourteen years' time. I hope no Senator will object.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. The Senate resumes consideration of the unfinished business.

Mr. BUTLER. Pending that——

Mr. BLAIR. I ask leave—I have the right perhaps—to move to proceed to the consideration of the joint resolution.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of joint resolution (S. R. 12) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

The question being put, there were, on a division—ayes 8, noes 28.

The PRESIDENT *pro tempore*. No quorum has voted. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Blackburn,	Dawes,	Ingalls,	Reagan,
Blair,	Dolph,	Jones of Arkansas,	Riddleberger,
Blodgett,	Edmunds,	Jones of Nevada,	Sabin,
Bowen,	Farwell,	McPherson,	Saulsbury,
Brown,	Faulkner,	Mitchell,	Sherman,
Butler,	Frye,	Morgan,	Stewart,
Call,	George,	Morrill,	Teller,
Cameron,	Gorman,	Paddock,	Turpie,
Chace,	Gray,	Palmer,	Vance,
Chandler,	Hampton,	Pasco,	Vest,
Coke,	Harris,	Payne,	Walthall,
Cullom,	Hawley,	Platt,	Wilson of Iowa,
Daniel,	Hearst,	Quay,	Wilson of Md.
Davis,	Hiscock,	Ransom,	

The PRESIDENT *pro tempore*. Fifty-five Senators have answered to their names.

Mr. BLAIR. I ask for the yeas and nays on the pending proposition.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the yeas and nays may be entered on the Journal upon the motion to proceed to the consideration of the joint resolution.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay."

Mr. DAVIS (when his name was called). I am paired for this evening with the Senator from Arkansas [Mr. BERRY].

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent on the business of the Senate and is paired with the Senator from Kentucky [Mr. BECK].

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is paired with the junior Senator from Tennessee [Mr. BATE].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote, and I withhold my vote.

Mr. SPOONER (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES], who is absent from the Chamber because of illness.

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

Mr. TURPIE (when the name of Mr. VOORHEES was called). My colleague [Mr. VOORHEES] is paired with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were here, he would vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. EDMUNDS (after having voted in the affirmative). I am reminded, correctly, that I am paired with the Senator from Alabama [Mr. PUGH], who is absent. I must therefore withdraw my vote. If he were present, I should vote "yea."

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his vote.

Mr. CHACE (after having voted in the affirmative). I wish to withdraw my vote. I am paired with the Senator from Georgia [Mr. COLQUITT].

The PRESIDENT *pro tempore*. The Senator from Rhode Island withdraws his vote.

Mr. HARRIS. I wish to announce that my colleague [Mr. BATE] is detained at home by sickness. If he were present, he would vote "nay." He is paired with the Senator from Massachusetts [Mr. HOAR]. I make the announcement for the day. I shall not make it again.

The result was announced—yeas 13, nays 33; as follows:

YEAS—13.

Blair,	Frye,	Palmer,	Stockbridge.
Bowen,	Hawley,	Platt,	
Dawes,	Jones of Nevada,	Quay,	
Dolph,	Mitchell,	Sawyer,	

NAYS—33.

Blodgett,	Faulkner,	Kenna,	Sabin,
Brown,	George,	McPherson,	Saulsbury,
Butler,	Gorman,	Morgan,	Stewart,
Call,	Gray,	Morrill,	Turpie,
Cameron,	Hampton,	Pasco,	Vest,
Coke,	Harris,	Payne,	Walthall.
Cullom,	Hiscock,	Ransom,	
Daniel,	Ingalls,	Reagan,	
Evarts,	Jones of Arkansas,	Riddleberger,	

ABSENT—30.

Aldrich,	Cockrell,	Hearst,	Stanford,
Allison,	Colquitt,	Hoar,	Teller,
Bate,	Davis,	Manderson,	Vance,
Beck,	Edmunds,	Paddock,	Voorhees,
Berry,	Eustis,	Plumb,	Wilson of Iowa,
Blackburn,	Farwell,	Pugh,	Wilson of Md.
Chace,	Gibson,	Sherman,	
Chandler,	Hale,	Spooner,	

So the motion was not agreed to.

Mr. BLAIR. I ask unanimous consent in connection with the vote just taken that there may be printed in the RECORD the report of the Committee on Education and Labor on the subject, which consists of three sheets, as a part of my remarks.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The report referred to is as follows:

Mr. BLAIR, from the Committee on Education and Labor, submitted the following report, to accompany S. R. 12:

By direction of the Committee on Education and Labor Mr. BLAIR submits the following report on Senate resolution No. 12, entitled "Joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors," recommending its submission to the States to become valid as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States as provided in the Constitution.

The joint resolution is in the following words:

"[Fiftieth Congress, first session. S. R. 12.]

"Joint resolution proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States as provided in the Constitution.

"ARTICLE —.

"SECTION 1. The manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage shall be, and hereby is, forever prohibited in the United States and in every place subject to their jurisdiction.

"SEC. 2. Congress shall enforce this article by all needful legislation."

In submitting this favorable report upon the aforesaid joint resolution it is proper to say that there are members of the committee who concur in the report recommending the submission of the proposed amendment to the States who do not, by such action, indicate their approval of the adoption of the amendment as a part of the Constitution, nor that they would themselves advocate its ratification by the Legislatures of the States; but in deference to the immense mass of petitions for this amendment of the organic law, coming from the people in all parts of the country, and believing that an opportunity should be given to them to be heard upon the merits of their cause in the forum of the States, where alone it can be heard and decided, the majority of the committee would deem a refusal to submit the proposed amendment to the States for consideration analogous to the denial of the right of a party to be heard in court upon a question of private right.

The method provided in the Constitution for its own peaceful amendment

would be destroyed by failure to submit the proposition for amendment in cases of grave moment involving the approval and prayers of multitudes of the people, for where the remedy sought is admitted to be without the jurisdiction of the fundamental law, the petition is really addressed to the only tribunal which can enlarge that jurisdiction, that is to say, to the States themselves. Should, then, Congress in such case refuse to submit the proposal to the States, such refusal would constitute a substantial denial of the right of petition itself.

The changes in the national Constitution made indispensable by the development of the nation can only be peacefully accomplished by a judicious and liberal exercise of the power of Congress to propose amendments to the States upon the petition of those who desire to be heard in the great court of the people exercising their sovereignty through the States as in the formation of the Constitution.

It is well known that, but for the belief in the conventions of the States that the opportunity to amend the Constitution would be most liberally afforded by Congress in accordance with the forms provided in that instrument, the original ratification never would have been obtained. Some of the States ratified only because it was firmly believed that, whatever might be the opinions of Congress upon the modifications desired by those who considered the instrument proposed for ratification as fatally defective without them, the suggested amendments would be submitted to the subsequent action of the States almost as a matter of course.

While the committee would by no means justify the submission of trifling or uncalled-for propositions for the consideration of the States, yet they firmly believe that the perpetuity and peace of the country under the forms of constitutional government demand that there be no captious or arbitrary denial of the right of petition for the amendment of the fundamental law through the forms of Congressional submission to the tribunal of the people in the States.

The agitation for national legislation for the extirpation of the traffic in alcoholic poison made and sold to be used as a beverage will never cease to disturb and finally destroy great political parties until they submit the question of the enlargement of national constitutional jurisdiction so as to include control of the subject.

When this proposed amendment is submitted to the action of the States the subject will pass in its important features from the national arena to that of the several States, until the fate of the proposed amendment is decided. When decided, if adversely to the ratification, the subject will be eliminated from national politics, at least for many years.

If, on the other hand, the proposed amendment should be ratified and become a part of the national law, the chief curse of the world would be summoned to the block of national justice and die by the hand of the only power which can wield an ax big and sharp enough to cut off its hydra head.

Then we should have peace.

But the agitation for the destruction of the liquor traffic can not cease until the evils which it inflicts upon mankind are removed or the human race is destroyed.

It is useless to cry peace, peace, when there is no peace. It is time to face the subject. Evasion has become almost impossible, and the effort requires an activity which is too exhaustive for its long continuance.

Judging from the petitions which have been presented to Congress during the last few years, many of which are representative of great bodies and of communities whose individual signatures have not been obtained, it can hardly be doubted that at least ten millions of the American people are desirous of national legislation for the destruction of poisonous, that is to say, of alcoholic, drinks.

These people represent a power of thought and a moral force far greater than their mere numbers. Whoever expects to withstand the shock of their charge will yet regret that its irresistible power was not seasonably realized.

These petitions for the opportunity to amend the national Constitution must be heard and will be heard. Those who will oppose them in the States will yet demand that they shall be heard in the States upon the proposition of a prohibitory amendment of the national Constitution.

To deny this is to subvert the republican form of government, and the honorable opponents of the measure will not always refuse to its friends that hearing in court which is the sacred right of every American, and especially in a matter of so great national concern.

It is claimed by the advocates of this amendment that the liquor traffic is a unit of evil which submerges the whole nation, and that there can be no complete and certainly no permanent elevation of any part above this "sea of trouble," which is not the result of a lifting force exerted continuously by the nation in its organic capacity everywhere throughout the whole country, co-operating with and supplementing, and, when necessary to accomplish the end, overruling and subordinating the action of the States.

At the present time the police power in the States is fettered and thwarted in its efforts to suppress this evil within the limits of the States, respectively, by the national guaranties of protection to transportation and the rights of manufacture and sale existing in all the States and localities which decline to impose the necessary restriction.

This evil runs with the blood throughout the whole system of national life, and nothing but national constitutional treatment will cure it.

It is not a local disease. To be sure there are local ulcerations, but they extend all over the body. It has become a confluent eruption which must be medicined from within as well as from without. It can not be cured by the external application of patches of plaster upon the States, whose combined surfaces, with that of the Territories, cover that of the entire national body.

The police power in government, the power of the people to preserve order, health, and good morals, is said to be vested in the States. The liquor traffic is believed by the advocates of this resolution for the amendment of the Constitution to be directly destructive of society and consequently of all the ends for which the police power exists. From the very nature of the liquor evil, and the fact that we are a nation and but one nation, this omnipresent national evil can not be controlled by the feeble efforts of States. From their juxtaposition they could hardly protect themselves against each other, even if they were absolutely independent nations. But now the nation controls both interstate and foreign commerce, protects the manufacture, wherever local law permits it, and the distribution and sale to such extent everywhere that without national action the evil must be perpetual so far as its removal depends upon law.

National constitutional legislation, therefore, becomes necessary to preserve the police power itself, which, under existing national laws and the relations between the States themselves, as well as between the General Government and the States, is nullified, and the health, morals, and good order of society destroyed.

Such are a few of the arguments by which the advocates of this measure press its consideration upon us.

The proposal to amend the Constitution in this regard has been pending in Congress since the first session of the Forty-fourth Congress.

The form of the proposition as now submitted has been modified so as to harmonize the conflicting views of its own friends and to secure, so far as the committee is aware, the universal support of all who desire the national prohibition of the traffic in alcoholic poisons made to be used as beverages.

The report of the committee of the last Congress in favor of a like amendment is herewith submitted as a part of this, together with the able and exhaustive address before the committee by A. M. Powell, esq., who represented the National Temperance Society, and the lucid and comprehensive argument of Mrs. Ada M. Bittenbender, the accomplished attorney of the Woman's National Christian Temperance Union, both of which are incorporated as a part of this report and will render further discussion by the committee unnecessary.

This form of amendment was proposed and advocated by the chairman of the committee in the House of Representatives of the Forty-fourth Congress, and in every Congress since until the present, the Fiftieth, Congress. The form in which the amendment was introduced at this session by the chairman of the committee, and in which it is now reported without alteration, has been agreed upon by the leading temperance organizations of the country, by all of whom it is indorsed and supported.

[Senate Report No. 1563. Forty-ninth Congress, first session.]

Submitted by Senator BLAIR:

The Committee on Education and Labor, to whom was referred joint resolution of the Senate No. 6, "proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages," have considered the same, and by a majority of their number report the joint resolution back favorably, and recommend its passage, and that the proposed amendment be submitted to the Legislatures of the States for their action, with a view to the ratification thereof, as provided in the Constitution.

The committee does not deem it necessary to discuss the evils wrought by the use of alcohol, in its various forms and degrees of purity and of adulteration, as a beverage, upon the life, health, industry, property, morals, character, and destiny of the American people and of the world.

Whatever remedy, whether by the enactment and enforcement of laws, by the forces of education, and motives addressed to the moral nature and will of the individual, or by a combination of all restrictive agencies, the whole people, with very few exceptions, admit the existence of the curse itself, and cry out, "Who and what shall deliver us from this body of death?" Your committee believe the public sentiment is ripe for the consideration and adoption of the best means, and of all the means, and the exertion of all the forces, both in the nation and the States, to effect the extirpation of the alcoholic evil.

Thus far the people have struggled to accomplish this end with no help from national law. On the contrary, the recognition and protection given to alcoholic drink as property, as a legitimate article of manufacture everywhere and for all uses, and of commerce, both interstate and international, by the Constitution and laws of the United States, have always constituted one of the chief obstacles to the success of that great movement known as the temperance reform, and until there be a change in the fundamental law of the nation giving complete jurisdiction over the subject to assist, and, if necessary, to reverse the action of the States by the power of the whole body politic throughout the whole national domain, the efforts of the people through State and local agencies will always be greatly hindered and generally in the end will fail.

But, however that may be, the question considered by the committee is not one primarily touching the merits of the proposed amendment itself, but whether there is a sufficient public sentiment in favor of the submission of the amendment to the action of the people to require the passage of the joint resolution.

The majority of the committee believe that the minds of the most careful and conservative students of the liquor problem are rapidly coming to the conclusion that this evil must and only can be removed by national legislation enforced by the national will in co-operation with the efforts of the State.

In nearly every voting precinct of this country there are American citizens who desire the proposed amendment to the national Constitution. They are determined upon political action. They will have it through existing political organizations, or they will destroy one or both the great parties of to-day and form one which will consent to take the sense of the people upon the question of amending the Constitution so as to give national jurisdiction over the traffic in strong drink. Why should they be denied the opportunity to be heard in the only forum which can pass upon the question? When any considerable and respectable portion of the American people desire to plead their cause in the great tribunal of sovereigns who, in a free country, decide every fundamental issue in the last resort, it is the duty of Congress to enact such preliminary legislation as is here proposed, so that under the forms of the Constitution they can be heard on the question of its own amendment. To deny this is of the very essence of despotism, and for Congress unreasonably to refuse the hearing is just cause of revolution. The people will demand a hearing for every large and respectable minority, and to grant this opportunity is the purpose of this resolution. Whatever may be the result all must abide by it. But there can be no justification of a denial of the right to be heard.

Until that right is granted there will be, there can be, no peace to political parties in this country. If there could be, it would prove that the nature of our Government was already changed, and that under the forms of a progressive free republic we are become a hide-bound despotism, having a name to live, but really already dead.

Your committee are unable at this late period of the session properly to present the great cause the promotion of which is the purpose of this resolution. Fortunately it is not necessary. We appeal to the universal sentiment which is the very basis of our political institutions, the right of every voting citizen to be heard at the polls upon every great question which concerns the public weal. Than this there can be none more important, and we earnestly hope the resolution may be adopted in the furtherance of the exercise of the primal rights of American sovereignty, which is that of each citizen to be heard by all, and of any considerable portion of the people to demand a verdict of the whole upon great issues which concern the general weal.

The following is the joint resolution as reported by the committee of the Forty-ninth Congress:

[Forty-ninth Congress, first session. S. R. 6.]

Joint resolution proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States, as provided in the Constitution:

"ARTICLE —. SECTION 1. From and after the year of our Lord 1900 the manufacture and sale of distilled alcoholic intoxicating liquors, or alcoholic liquors any part of which is obtained by distillation or process equivalent thereto, or any intoxicating liquors mixed or adulterated with ardent spirits or with any poison whatever, except for medicinal, mechanical, chemical, and scientific purposes, and for use in the arts, anywhere within the United States and the Territories thereof, shall cease; and the importation of such liquors from foreign states and countries to the United States and Territories, and the exportation of such liquors from and the transportation thereof within and through any part of this country, except for the use and purposes aforesaid, shall be, and hereby are, forever thereafter prohibited.

"SEC. 2. Nothing in this article shall be construed to waive or abridge any existing power of Congress, nor the right, which is hereby recognized, of the people of any State or Territory to enact laws to prevent the increase and for the suppression or regulation of the manufacture, sale, and use of liquors, and the ingredients thereof, any part of which is alcoholic, intoxicating, or poisonous, within its own limits, and for the exclusion of such liquors and ingredients therefrom at any time, as well before as after the close of the year of our Lord 1900; but until then, and until ten years after the ratification hereof as provided in the next section, no State or Territory shall interfere with the transportation

of said liquor or ingredients, in packages safely secured, over the usual lines of traffic, to other States and Territories wherein the manufacture, sale, and use thereof for other purposes and use than those excepted in the first section shall be lawful: *Provided*, That the true destination of such packages be plainly marked thereon.

"SEC. 3. Should this article not be ratified by three-fourths of the States on or before the last day of December, 1890, then the first section hereof shall take effect and be in force at the expiration of ten years from such ratification; and the assent of any State to this article shall not be rescinded nor reversed.

"SEC. 4. Congress shall enforce this article by all needful legislation."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia;

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, California, upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

A bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;

A bill (S. 2886) granting increase of pension to Joseph B. Sellers;

A bill (S. 3818) for the establishment of a light-house and fog signal at Old Orchard Shoal in Princess Bay, New York, and for other purposes; and

A bill (S. 3951) to establish a railway bridge across the Illinois River, between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, was read twice by its title, and referred to the Committee on Military Affairs.

FOURTH OF JULY CLAIMS.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. RIDDLEBERGER. I should like to ask the Senator from Wisconsin whether he is one of the general objectors at this late day of the session who will not allow nominations to come up.

Mr. SPOONER. Mr. President, I am not a general objector.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. RIDDLEBERGER. I object, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 4, after the word "pay," to strike out the words, "upon the requisition of the Secretary of War," and insert "in such manner as he shall direct, and without the requisition of the Secretary of War;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, in such manner as he shall direct, and without the requisition of the Secretary of War, etc.

Mr. SPOONER. I ask that the amendment reported by the committee be not agreed to.

The amendment was rejected.

Mr. RIDDLEBERGER. Pending the consideration of this bill I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. I appeal to the Senator from Virginia to withhold that motion for a few moments. This is the last of the 4th of July bills. The items are small appropriations for Union men in the South, and the accounting officers of the Treasury and the Quartermaster-General report that they are entitled to these claims. It will only take a few moments to pass the bill.

Mr. RIDDLEBERGER. I am willing to respect that motive, but I care very little about the Union men in the South just now.

The PRESIDENT *pro tempore*. Does the Senator from Virginia withdraw his motion?

Mr. RIDDLEBERGER. I withdraw it only to await the action of the Senate on this matter in order to take care of the poor Union men of the South.

The PRESIDENT *pro tempore*. The next amendment reported from the Committee on Claims will be stated.

The next amendment was, after line 297, to insert:

To T. M. Lambert, administrator of Caroline Pool, deceased, Union County, Kentucky, $150.

To A. R. Scott, Shelby County, Kentucky, $460.

To Jacob Tener and Dynes Tener, executors of Jonathan Tener, deceased, Adams County, Ohio, $30.

Mr. SPOONER. I ask that these three items reported by the committee be disagreed to.

The amendment was rejected.

Mr. SPOONER. I ought to say that my request was not based upon any objection to the amendments, but simply for the purpose of not endangering the passage of the bill by requiring its return to the other House for action upon the amendments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUES OF CASS, MUHLENBERG, AND FULTON.

Mr. HAWLEY. I ask the Senate to consider a joint resolution for printing the proceedings relating to the reception of the statue of the late General Cass, a House resolution that needs only our concurrence, and it ought to be given.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan, and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. MCPHERSON. I desire to ask the Senator from Connecticut if this is a House joint resolution?

Mr. HAWLEY. It is a House joint resolution, and only needs our concurrence.

Mr. MCPHERSON. No amendments have been made in the Senate to it?

Mr. HAWLEY. No amendments have been made in the Senate.

The PRESIDENT *pro tempore*. Shall the joint resolution pass?

The joint resolution was passed.

LIEUTENANT-COLONEL EYRE.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release Lieut. Col. Edward E. Eyre, late lieutenant-colonel of the First California Cavalry, from all further liability on account of his receipts and disbursements of funds as acting quartermaster.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted by Mr. STEWART February 16, 1889:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre, submit the following report:

Your committee find the facts in the case set forth fully in the accompanying report of the House Committee on Military Affairs, which is adopted as part of this report, as follows:

"[House Report No. 1792, first session Fiftieth Congress.]

"The Committee on Military Affairs, to whom was referred the bill (H. R. 3106) for the relief of E. E. Eyre, formerly lieutenant-colonel of the First Regiment of California Cavalry, have had the same under careful consideration, and submit the following report:

"From an examination of the records of the War Department and from other reliable information we find the facts to be:

"That Lieutenant-Colonel Eyre, while performing duty with his regiment at Las Cruces, N. Mex., on August 14, 1862, was ordered by his commanding officer, General James H. Carleton, to relieve Capt. T. Moore, assistant quartermaster, United States Army, from duty, and to assume and perform the duties of said office, which, though under protest, he immediately did (with the understanding that on his arrival at Santa Fé, N. Mex., he should be relieved from duty as quartermaster), and received from said Capt. T. Moore, August 14, 1862, the sum of $16,705, and on August 16, 1862, the sum of $721.37, making a total of receipts of $17,426.37.

"That on the march of General Carleton's command, consisting of the greater portions of the First and Second California Cavalry, from Las Cruces, N. Mex., to and into Texas, thence returning to Santa Fé, N. Mex., consuming forty-seven days' time, from August 14, 1862, to September 30, 1862, he had disbursed and expended in payment of employés and in purchase of forage and quartermasters' stores the sum of $3,668.91.

"That on September 1, 1862, he turned over to Lieut. A. H. French, of the First California Volunteers, the sum of $200; on the 5th of September, 1862, to Col. J. R. West, of the First California Volunteers, the sum of $3,000; and in Santa Fé, on the 30th of September, 1862, to Lieut. B. C. Cutler, of the First California Volunteers, assistant quartermaster, the further sum of $10,557.48, together with his accounts and vouchers for the disbursement of the sum of $3,668.91, to the said quartermaster's clerk, one J. S. Barbey, which amount, together with his return of moneys, equaled the amount he had received while acting as quartermaster, or $17,426.37, and was then and there relieved from duty as quartermaster and resumed his duty as lieutenant-colonel First California Cavalry; that from that day, the 30th of September, 1862, until December, 1875, thirteen years afterwards, when he was notified by the Department, he was unaware that his accounts and vouchers had not been forwarded to the Department, and hence his account as

quartermaster stood debited with the exact sum of his expenditures, to wit, $3,668.91.

"That had he been notified within any reasonable time he could have availed of the law of June 23, 1870, made and provided for the settlement of such cases as his (whose existence was limited to two years), and have settled the said balance now standing to his debit.

"We find that the character of Colonel Eyre for truth and veracity is not nor never has been questioned; that he has been and is a man of means and high social standing, well known and universally respected; and believing that the deficiency, as represented in his accounts, was expended for the uses and benefits of the United States, we therefore recommend the passage of the bill as an act of justice."

Your committee report back the bill favorably and recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. BLAIR. I ask unanimous consent to present certain petitions of citizens of Michigan, in favor of the joint resolution proposing an amendment to the Constitution prohibiting the liquor traffic in all forms, which has been reported favorably. I move that the petitions lie on the table.

The motion was agreed to.

Mr. DAWES presented two memorials of citizens of Massachusetts, remonstrating against the passage of any law as to Sunday observance or for religious instruction in public schools; which were referred to the Committee on Education and Labor.

Mr. BLAIR presented a petition of 25 citizens of New Hampshire, and two petitions of citizens of the United States, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. RANSOM. I move that the Senate proceed to the consideration of the bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.

Mr. BUTLER. I am not going to object to the consideration of that bill, but I give notice that after it is disposed of I shall object to taking up any other bill unless we go to the Calendar of unobjected House bills.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from North Carolina to proceed to the consideration of the bill he has indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with an amendment in line 13, before the word "thousand," to strike out "one hundred" and insert "seventy-five," and in line 23, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $75,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SAWYER. From the Committee on Pensions I report favorably the bill (H. R. 6411) granting a pension to Sarah Jackson. I ask unanimous consent that the bill be put on its passage. It will take but a moment.

Mr. BUTLER. I gave notice awhile ago that after the bill moved by the Senator from Wisconsin [Mr. SPOONER] had been disposed of I should ask unanimous consent to proceed to the consideration of the unobjected House bills on the Calendar, and I now make that request.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the Senate now proceed, under Rule VIII, to the consideration of House bills on the Calendar favorably reported to which there is no objection. Is there objection to the request?

Mr. RIDDLEBERGER. I object, sir.

The PRESIDENT *pro tempore*. The unfinished business will be stated.

The CHIEF CLERK. A resolution, by Mr. HOAR, authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. SAWYER. I ask that the unfinished business be laid aside in order to pass the pension bill which I have just reported. It is a House bill, and the person is in great distress for it.

Mr. BUTLER. I have made a request for the consideration of House bills.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the Senate proceed to the consideration of House bills, favorably reported, on the Calendar, under Rule VIII, to which there is no objection. Is there objection to the request?

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. The Senator from Vermont objects. Is the Senate ready for the question on agreeing to the resolution of the Senator from Massachusetts [Mr. HOAR]?

Mr. GORMAN. I move to postpone the consideration of the resolution until to-morrow for the purpose of moving that the Senate proceed to the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the consideration of the resolution be postponed until to-morrow.

Mr. SPOONER. The Senator who introduced the resolution is not here. I dislike to see it displaced.

Mr. FRYE. It is a motion to indefinitely postpone it.

Mr. SPOONER. I ask that the resolution be informally laid aside. I hope the Senator will agree to that.

Mr. HARRIS. To postpone it until to-morrow does not displace it.

Mr. SPOONER. That is an indefinite postponement.

Mr. HARRIS. It may work out that result, but it does not displace it.

Mr. SPOONER. I ask that the resolution be informally laid aside.

The PRESIDENT *pro tempore*. The Chair recognizes the Senator from South Carolina [Mr. BUTLER] to make a request that the Senate proceed to the consideration of House bills on the Calendar favorably reported.

Mr. EDMUNDS. That has been objected to already.

Mr. RIDDLEBERGER. I ask the Senator from South Carolina whether this proposition of his contemplates more than the consideration of one bill?

Mr. BUTLER. I could not hear the Senator. I beg him to repeat his question.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont to object to the request of the Senator from South Carolina.

Mr. EDMUNDS. I do not think we ought to do that at this stage to-night.

Mr. SAWYER. I move that the pending Order of Business be laid aside so as to call up the pension bill which I reported.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion.

Mr. BUTLER. I will make a motion, if I have the right to do so, notwithstanding the objection of the Senator from Vermont, that the Senate proceed to the consideration of unobjected House bills on the Calendar.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion.

Mr. GORMAN. I rise to a parliamentary inquiry. The resolution which is the unfinished business was laid before the Senate. The Chair recognized me and I made a motion to postpone the resolution until to-morrow. I submit to the Chair that until that motion is disposed of no other business can intervene.

The PRESIDENT *pro tempore*. So the Chair thinks.

Mr. GORMAN. I ask permission to make a statement.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Maryland will proceed.

Mr. GORMAN. I made the motion to take up the House bill which determines the question whether we shall continue the use of steam-presses in the Bureau of Engraving and Printing. That question must come before the Senate within the next hour on the sundry civil bill and the discussion can be had upon this bill. The Senate will remember that in the sundry civil appropriation bill there is practically the same proposition to abolish the steam-presses. The question must come before the Senate and it would save time if the whole matter could be discussed upon this bill. Hence I made the motion to postpone the unfinished business with the view of proceeding to consider this measure, which is a matter of public concern, and which the Senate must decide, or at all events ought to decide, for if not it may lead to the failure of one of the great appropriation bills when the session terminates.

Mr. SPOONER. I ask the Senator from Maryland not to move to displace the resolution in the absence of the Senator who has it in charge. He will accomplish his purpose just as well by asking that it be informally laid aside, to which there is no objection.

Mr. GORMAN. I move to postpone the resolution for five hours.

Mr. SPOONER. Let it be informally laid aside.

Mr. GORMAN. Very well: I have no objection to that course.

The PRESIDENT *pro tempore*. Is there objection to the unfinished business being informally laid aside? The Chair hears none.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 9623) to provide for printing Government securities in the highest style of art.

Mr. HARRIS. Pending that motion I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I hope the Senator will withdraw that for a moment to allow me to make a request.

Mr. HARRIS. Certainly I will do so.

MANAGERS OF SOLDIERS' HOMES.

Mr. HAWLEY. There is a vacancy in the Board of Managers of the Soldiers' Homes through the death of the member on the Pacific coast. The House of Representatives has sent here a resolution appointing a man, and I wish the Senate to concur, because I do not wish it to go over until next winter without a member from that coast. I ask the Senate to take it up. It will take but a second to pass it.

Mr. EDMUNDS. Does the Senator report it?

Mr. HAWLEY. I report the joint resolution from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Connecticut, from the Committee on Military Affairs, reports favorably the joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, and asks the Senate to consider the same.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. I perhaps ought to explain that the Senate Military Committee has already reported a joint resolution in favor of the appointment of Mr. Waymire, but as both these gentlemen are excellent men and capable, the Committee on Military Affairs instructs me to move, after this shall have been passed, the indefinite postponement of the other joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HAWLEY. I move that the joint resolution (S. R. 128) appointing James A. Waymire, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding, be indefinitely postponed. This action is made necessary by the joint resolution which has just been passed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; that the House still further insisted upon its disagreement to the amendments of the Senate numbered 60, 61, 62, and 182, asked for a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. FORNEY, and Mr. RYAN the managers at the further conference on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. EDMUNDS. I move that the Senate take a recess for one hour. We are just killing our clerks.

Mr. RIDDLEBERGER. I believe the last motion was that made by the Senator from Tennessee [Mr. HARRIS] to proceed to the consideration of executive business.

Mr. EDMUNDS. I withdraw the motion for the moment.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved, That the House still further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, numbered 60, 61, 62, and 182, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. FORNEY, and Mr. RYAN be the managers at the further conference on the part of the House.

Mr. GORMAN. I ask that that matter be temporarily laid aside. The Senator from Iowa [Mr. ALLISON] will be here in a few moments.

The PRESIDENT *pro tempore*. It will be withheld for the present.

PIPESTONE INDIAN RESERVATION.

Mr. SABIN. I ask the Senator from Tennessee to yield to me for a moment.

Mr. HARRIS. Certainly; if I have the right to yield I yield to the Senator from Minnesota.

Mr. SABIN. I move that the Senate proceed to the consideration of the bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, line 8, after the word "same," to strike out "was" and insert "shall be;" so as to read:

That any person who has heretofore resided on and made improvements on any of said lands, but who was compelled by the military authorities of the United States to abandon the same, shall be entitled to the prior right for the period of six months after the filing of the said report, to enter and purchase the land (not exceeding 160 acres) so occupied and improved by such person at the price at which the same shall be appraised by said commissioners, exclusive of improvements.

Mr. SABIN. I ask the Senate to disagree to the amendments which were reported from the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee which has been read.

The amendment was rejected.

The next amendment of the Committee on Indian Affairs was, in section 2, line 13, after the word "bidder," to insert "under sealed bids or at public auction, as he shall determine," and in line 17, after the word "located," to insert "and after such notice thereof as he may prescribe;" so as to read:

But if the person entitled to make such purchase shall fail to avail himself of his prior right within the time stated, then the Secretary of the Interior shall cause said lands, or such thereof as remain unentered, to be sold to the highest bidder, under sealed bids or at public auction, as he shall determine, and at a price not less than the appraised valuation of such lands and improvements; such sale to be held at the local land office for the district in which they are located, and after such notice thereof as he may prescribe.

The amendment was rejected.

The next amendment was, in section 3, line 5, after the words "consent to," to strike out the words "the entry and sale of such right of way, or of said appraised lands, or of any part of the same," and to insert "the provisions of this act, which consent shall be obtained in a manner prescribed by the President of the United States;" so as to read:

This act shall take effect and be in force and authorize the entry and sale of the said right of way, or of any tract or parcel of land so appraised, as soon as, and not until, a majority of the adult male Indians of the Yankton tribe of Sioux Indians consent to the provisions of this act, which consent shall be obtained in a manner prescribed by the President of the United States.

The amendment was rejected.

The next amendment was, in section 3, line 23, after the word "act," to insert "and in addition thereto such actual and necessary expenses as shall be approved by the Secretary of the Interior;" so as to read:

That the commissioners hereunder shall be paid the sum of $5 per day for the time actually occupied in performing the duties conferred upon them by this act; and in addition thereto such actual and necessary expenses as shall be approved by the Secretary of the Interior.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. JOSEPH COMMERCIAL COLLEGE.

Mr. COCKRELL. I ask unanimous consent for the consideration of House bill 5426, Order of Business No. 2761. I have been trying to get it considered, and it will only take a moment. It is for the relief of a college.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged occupation by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of St. Joseph Commercial College, of St. Joseph, Mo., and the actual value of the use and occupation of the same, and to find and award, and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said college from the United States as the reasonable value of such use and occupation; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said trustees, or their successors, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for said occupation, or in any manner arising or growing out of the same.

Mr. EDMUNDS. Let us hear the report, Mr. President.

Mr. COCKRELL. The report will only take a minute. It is only half a page.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report submitted by Mr. SPOONER February 20, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., having had the same under consideration, respectfully report:

The evidence submitted shows that the college buildings and grounds were taken possession of during the year 1861, and used and occupied until the close of the war, at various times, by different commands of the United States troops. In accordance with precedent it seems to be the policy of Congress to pay rent for the use and occupation of institutions of this character so situated, but the committee is not willing that the value of such use and occupation shall be fixed by *ex parte* affidavits, and without investigation by the proper department of the Government. The committee therefore recommend the adoption of the following amendment, and that the bill, when so amended, do pass:

Strike out after the enacting clause, and insert the following:

"That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged occupation by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of St. Joseph Commercial College, of St. Joseph, Mo., and the actual value of the use and occupation of the same, and to find and award, and to certify to the Secretary of the Treasury what amount, if any, is equitably due to the trustees of said college from the United States as the reasonable value of such use and occupation; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said trustees, or their successors, out of any money in the Treasury not otherwise appropri-

ated, the amount, if any, so found to be due from the United States; and the acceptance by said trustees of any sum paid under the provisions hereof shall be in full satisfaction of all claim, of every name and nature, for said occupation, or in any manner arising or growing out of the same."

Mr. EDMUNDS. Mr. President, I think this is a very unfortunate time in the session to consider these war claims and to leave an unbounded and unlimited discretion in the Secretary of War to determine whether the United States is liable or is not liable; but I have discovered that it is rather useless at this stage of the session to have the Senate consider very carefully what ought to be done, and expressing my opposition to passing this bill to-night my duty will be done, as far as I am concerned, and I so express it. If the Senate want to pass it they can do so.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. FAULKNER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 9674) to regulate the course at the Naval Academy.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I present the conference report on the sundry civil bill.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 197.

On amendments numbered 60, 61, 62, and 182 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. ALLISON. At the last conference the disagreements were all disposed of except as to the Congressional Library, the three amendments respecting the Bureau of Engraving and Printing, the amendment for the enlargement of the Public Printing Office, and the special appropriation for Mrs. Waite. The House has receded from its disagreement to the Library amendments and agreed to the Senate amendments in that regard.

In the second conference the conferees on the part of the Senate agreed to recede from the provision for an additional building for the Public Printing Office; so that but two questions only are left open in this bill, the one being that relating to Bureau of Engraving and Printing, and the other the special appropriation for the widow of the late Chief-Justice. The conferees were unable to agree on these matters.

I merely state the situation of the bill to the Senate, and without any debate upon the question will allow it to take such action as it chooses upon these two amendments. The Senate can either recede from these amendments or further insist and make another effort to secure an agreement.

Mr. PLUMB. I move that the Senate recede.

The PRESIDENT *pro tempore*. If there be no objection to the conference report, it will be regarded as agreed to. The first amendment left undisposed of will be stated by the Secretary.

Mr. GORMAN. I want to say a word in connection with this report.

Mr. PLUMB. I withdraw the motion which I made.

The PRESIDENT *pro tempore*. There is no question then before the Senate concerning the conference report.

Mr. GORMAN. Mr. President, I only desire to say that, as the Senator from Iowa, the chairman of the committee, has stated, under the circumstances the conferees on the part of the Senate recommend that the Senate recede from the amendments for the public buildings, that is to say, the city post-office and the improvement of the Government Printing Office. I consented to that very reluctantly, but the House insisted that we should not originate propositions of that sort on an appropriation bill.

When this matter was heretofore under discussion in the Senate I made certain statements in regard to it, and afterwards the Senator from New Hampshire [Mr. BLAIR] offered a resolution directing the Committee on Public Printing to inquire into the condition of that building. The clerk of the Committee on Public Printing by direction of the committee addressed a communication to the Public Printer and I hold his answer in my hand, and his present statement as to the needs of that building is stronger than that which I made upon the floor of the Senate. But the other branch of Congress, as it had a perfect right to do, declined to accede after many conferences to permit this amendment to be made. So there is nothing left for me to do except to ask permission of the Senate to have this letter of the Public Printer printed in the RECORD as part of my remarks.

The letter is as follows:

GOVERNMENT PRINTING OFFICE,
Washington, D. C., February 25, 1888.

SIR: I beg to acknowledge the receipt of your communication referring to the resolution introduced in the Senate on the 20th instant by Senator BLAIR, directing the Committee on Printing of the Senate to ascertain what alterations, repairs, and additions are required at this time to render the Government Printing Office more convenient and adequate to meet the demands upon it for the execution of the public printing, and make it safer and more comfortable and healthful to the employés.

In the absence of any copy of the resolution referred to by you and of knowledge of any specific inquiry that may be contained therein I can only follow the general matters of inquiry indicated in your letter and suggested in the debate in the Senate in connection with the consideration of the sundry civil bill, as published in the RECORD of the 21st instant.

In this connection I desire to express the personal satisfaction I feel that the urgent recommendations I have repeatedly made to Congress as to the lack of working space and bad sanitary condition of this office, and the danger of life and property on account of the weakness of the H-street wing of the building and the location of the steam-boilers within the walls inclosing the various working divisions, have at last received the attention that the dictates of humanity and the best interests of the public service demand.

Every statement made in the Senate on the 20th instant as to the lack of working space, the pressing need of additional room, the insufficient ventilation and light, either natural or artificial, and the dangerous condition of the H-street wing was strictly true and can not be made the basis of legislative action with a view of securing proper remedy too quickly.

The statements made by Senator GORMAN are in direct accord with facts that were presented to Congress by me in communications dating back as early as three months following the date upon which I assumed the duties of Public Printer, and which I made the basis of a request that certain extraordinary expenditures should be at once undertaken in the interests of safety. I expressly stated to Congress that the steam-boilers were not of sufficient capacity, and that it was in the highest degree unwise and dangerous to continue their use, as they had reached the extreme limit of age that was compatible with safety and a proper regard for the lives of the employés of the office. I endeavored to impress on Congress the imperative necessity of making provision for new boilers and having them placed in a separate building adjoining the main office, and I asked that funds be appropriated for such purpose.

Congress failing to provide such funds by special appropriation, as requested, I felt so impressed with the dangerous condition of the boilers that I had an examination made by the United States inspector of steam-boilers, who officially reported them to be unsafe, and upon the basis of this inspection I ordered a new steel boiler of 133 horse-power and discarded one of the old boilers of 60 horse-power which had been in use for upwards of twenty years. The new boiler was completed and put in use during November, 1887, being paid for out of the general printing appropriation.

Last year, at my request, Congress made an appropriation for an additional engine and boiler, and, in accordance therewith, I have had another new steel boiler, a duplicate of the first mentioned, put in place beside it, and these two new steel boilers are now in use, and are sufficient to furnish ample heating and motive power, and all danger and inconvenience from the use of old and insufficient boilers is at an end. I regret that Congress did not provide for erecting these boilers in a separate building, outside the limits of the main office. Any danger that might exist from this cause I had no power to obviate, as, under the appropriation act, no provision was made for the purchase of land or the erection of a building especially to contain the steam-plant, as requested by me on December 4, 1886. The present steam-plant, however, is a great advance in utility and safety over the old, inadequate, and dangerous plant I found in use.

The new engine is now in process of erection, and in a few days the office will not have to depend as heretofore on the single shaft of an engine that has been in continual service day and night for nearly seventeen years.

The use of the new steam-plant has demonstrated the necessity for the immediate renewal of the present system of steam-pipes for heating the office. This system has been of gradual growth from a crude beginning, and has been extended during a series of years to meet immediate exigencies without regard to independent connections and cut-offs such as should have been provided. The pipes generally are now old, and the additional pressure furnished by the new boilers has caused additional leakages, requiring daily attention. The whole system should be renewed during the coming summer, and independent connections with the boilers established for each division of the office, so that the proper degree of heat can be carried to each without discomfort to other divisions, and I recommend the appropriation of a sufficient sum to meet this want.

There is also urgent demand for the extension of the electric-light plant to all parts of the working divisions of the office. This improvement, which I have heretofore urged, I trust will be carried out under the appropriations in the House deficiency bill, now under consideration, which provides for a new 650-lamp power dynamo and for its connection with the present electric-light system. Its adoption will obviate much of the inconvenience and detriment to the employés arising from the use of gas in crowded and illy-ventilated working divisions, and will also prove of economic advantage in the reduction of the large annual gas bills.

The plans are completed and material mostly under contract for the erection of the additional story for the new electrotype and stereotype foundry in connection with the south center wing of the office, and the work will be completed during the coming spring. This improvement will not only free the working divisions contiguous to the present foundry from deleterious fumes and heated atmosphere, but will afford the employés of the foundry every possible advantage of health and convenience consistent with the carrying on of their work. The vacant quarters of the present foundry will afford means of relief to other divisions now overcrowded with employés and material, and a reform that I have persistently sought to carry out will be accomplished.

The expenditure of the special fire appropriation, as made jointly by the Archi-

tect of the Capitol and myself, during the summer of 1887, not only provided needed and ample means of protection from fire, but added greatly to the facilities for the escape of employés in case of the outbreak of a fire. I consider the present facilities and system for the prevention and extinguishment of fire in the office to be all that are needed, if properly kept in order and employed in case of need.

Much has been accomplished in the two years past in improving the sanitary condition of the office, and it is, as far as possible, cleaned daily with the utmost care. The water-closets which were located in the press-room have been placed on the outside, and all the water-closets have been thoroughly ventilated and shut off from the office as far as possible, and they are carefully cleaned and looked after at all hours of the day by persons so assigned. Alterations and additions have been made in nearly every working division of the office, providing hundreds of square feet of working space, and increased light and conveniences. These improvements, and those now in progress and near completion, will provide for all changes that can be economically made within the present buildings; more radical changes would call for larger expenditures and for an interruption of the work of the office.

The improvements generally for the better comfort, convenience, and health of the employés, already in progress, are all that I would recommend for immediate adoption, with the exception of means to correct the unsafe H-street wing of the building, and the provision of a new heating plant, as suggested. The condition of the H-street wing is a source of constant anxiety to me. While the building does not show external signs of weakness, it is the oldest part of the office structure, and was never designed to carry the heavy weight of employés, machinery, and material which it is forced to bear daily. The demands upon the office for work daily override any general limitations I may suggest to my foremen in the matter of overloading the floors, and I frequently find, in my daily inspections, that I am compelled to order the clearing of the floors without regard to the urgency of the work in hand. I see no immediate remedy aside from exercise of the greatest vigilance in the matter of overloading the floors.

A thorough expert examination of the walls of the wing and of the condition of the floor timbers should be made, so as to determine the fullest extent to which the building can continue to be used with safety and with the least possible interruption of the public printing, and this should be pending the application of the true remedy, which is the erection of a new building as has been again and again urged by me. I trust, now that the first steps are taken to meet this serious emergency, they will not fail as they did last year. If they do fail, and any accident happens in this office by reason of the location of the steam-plant within its walls or the collapse of the H-street wing through weakness of structure, I can only say the responsibility will have to lie where it belongs, for I have urged upon Congress the absolute necessity of the improvements here suggested and which require special legislation for their accomplishment.

I am content to leave larger improvements to the future, but the suggestions herein made relate to the immediate safety and comfort of the employés of the office and the urgent necessities of the public service. Their early accomplishment is dictated by convenience, economy, and good business policy, not less than by considerations of humanity affecting the health and lives of so many hundreds of worthy employés of the Government.

Respectfully yours,

TH. E. BENEDICT, *Public Printer.*

Mr. W. H. MICHAEL,
Clerk of Printing Records, United States Senate.

Mr. ALLISON. It is well that the Senate should understand what is involved in the first amendment relating to the Bureau of Engraving and Printing. The effect of the House provision respecting the Engraving and Printing Bureau is to force out by indirection the nineteen steam-presses which are now at work there. This is done by providing 1 cent per thousand sheets for the use of these steam-presses, which is a notoriously inadequate sum. The Senate Committee on Appropriations provided for 50 cents per thousand sheets, being one-half of the amount now paid and one-third of that which has hitherto been paid for the use of these steam-presses.

It does not seem to the Committee on Appropriations or to the conferees on the part of the Senate that this is a proper way to adjust this question, especially when there is a bill pending upon the subject which may be acted upon at any time; and as it is a new proposition of legislation upon this bill on the part of the House of Representatives, the Senate conferees thought the House should surrender this provision; and the same rule may apply to the Senate as respects the item regarding the appropriation to the widow of the late Chief-Justice.

That is all there is in this question. Every Senator understands it.

Mr. HISCOCK. I should like to inquire of the Senator from Iowa by what sum it will be necessary to increase the appropriations that will be required to do the work in the Bureau of Engraving and Printing if we turn out the steam-presses?

Mr. ALLISON. The estimate of the superintendent of the Bureau of Engraving and Printing is that it will cost $102,000 annually in addition to the cost under the existing condition of things. Others, experts who claim to know, state that the cost will probably be about $47,000 additional.

Mr. MCPHERSON. May I inquire of the Senator from Iowa, the chairman of the committee, what the real dispute between the conferees of the respective Houses is? Does it relate entirely to the compensation to be paid to the owners of these machines?

Mr. ALLISON. Nominally that is the question, but really the question is whether, by force of legislation, we shall compel the disuse of these steam-presses and add from fifty to one hundred thousand dollars a year to the appropriations for the work of this bureau.

Mr. MCPHERSON. The question is whether 50 cents royalty per thousand sheets shall be charged or 1 cent, as I understand it.

Mr. ALLISON. No, sir; that is not the question. The real question involved is whether or not these steam-presses shall be used, and if they are not used, whether we shall add from $50,000 to $100,000 to our annual appropriations for the Bureau of Engraving and Printing.

Mr. MCPHERSON. If the amount fixed in the House bill as the royalty for the use of these machines is accepted by the owners of the patent, there will be no removal of the machines. If they do not, then probably the machines may be removed. So the real question at issue at this time is whether we shall agree to the House provision or to the Senate amendment.

Mr. BLAIR. The Senator will permit me to remind him that these machines belong to the Government now, and it is only a question whether the Government shall cease to pay a royalty when ceasing the use of its own machines, upon the theory that the hand-press does better work and gives us better currency.

Mr. MCPHERSON. They are used upon the condition of the payment of a certain amount of royalty each year by the Government.

Mr. BLAIR. The Government has the privilege to make a machine which it owns by paying annually a certain royalty to whoever has the patent. The Government buys the privilege of making the machine, and makes the machine, is at the expense of its construction, and owns it. It can stop using it whenever it sees fit. It is under no obligation to pay any royalty if it does not use the machine. There is nobody especially interested in perpetuating the machines excepting the inventors or those who claim to own the patents, and it is alleged that they got their patents through the inventive genius of men who were at the time in the employ of the Government. However that may be, the machine is a Government machine. The hand-press makes better currency, avoids the counterfeiting of the currency, protects the people, it may be, to the extent of $500,000 or $5,000,000 annually by reason of giving them a currency which can not be so easily counterfeited, and at the worst the only question is whether the Government shall be at the expense of $47,000 to $110,000 annually in order to get better currency, and disuse these machines of its own and cease to pay the royalty, which it is under no obligation to pay at all.

In the argument the other day proof was introduced on the floor of the Senate that the existing building had been used to accommodate a larger number of workmen than it will be necessary to employ in case the hand-press is substituted entirely for these steam-presses. There is no truth in the allegation that there will be any necessity for constructing a single particle of addition to any building of the Government on this account. There is sufficient accommodation in that regard.

There is no expense excepting the additional expense, which many say does not extend even to the use of the hand-press over the steam-press, the steam-press still belonging to the Government, and nobody having any right to enforce its further use, because nobody has any right to the royalty, and the Government is entirely at liberty to cease using these machines, which it owns itself, whenever it pleases; and I take it that it is well demonstrated by the admissions of those in favor of the continued use of these steam-machines by the Government because they make money out of them; it is demonstrated by their admissions and by the sworn statements of all the experts upon all sides, even by the statement of the superintendent of the Bureau of Engraving and Printing himself, that the quality of the work done is better when done by the hand-press, the danger of counterfeiting is less, the security to the people much greater, and if there be a saving to the Treasury of from $47,000 to $110,000 a year by continuing to use these steam-presses, which corrupt and debase the currency, in effect making us *participes criminis*, as I stated the other day, in the crime of counterfeiting the currency of our country to the cheating of our own people—if, I say, there is this saving nominally, nevertheless the people who pay these taxes are obliged to endure the loss resulting from the increased counterfeiting, to say nothing about the questionable effect upon the morals of the people of the Government setting the example of conniving at the use of a machine which debases the currency of the realm.

Mr. HALE. The whole question lies in a nut-shell. The House of Representatives has sought to force out of use the steam-press, and it has taken a well-devised method to do it. It has provided that the royalty to be paid by the Government for the use of the steam-presses shall be but 1 cent per thousand sheets. That is so small that it in effect says that if the measure passes, being assented to by the Senate, the steam-presses go out.

The Committee on Appropriations, following largely the investigation that has been set afoot in this body in the Committee on Finance, which has determined upon the report made by the Senator from New York [Mr. HISCOCK] and the Senator from Tennessee [Mr. HARRIS], that the work performed by the steam-press is as good, if not better, than that by the hand-press, has determined that this effort on the part of the House of Representatives to drive out the steam-press shall not succeed, and has reported in favor of what is believed to be a fair royalty to the owners of the steam-press, to wit, 50 cents per thousand sheets. That is the whole question.

If the recommendation of the committee is sustained by the Senate now upon the disagreeing votes, then the two Houses will again go into conference upon this subject. If, on the other hand, the Senate recedes from the position that it took when the question was last considered by the body, then the House of Representatives will have its way, and that will end the matter.

The committee recommend that the Senate insist upon its amendments, and that the report made by its Committee on Finance on this

subject be sustained; that the work is as well or better done by the steam-presses and cheaper to the Government by from fifty to one hundred thousand dollars. That is all there is of it.

Mr. EDMUNDS. Mr. President, there is one thing more that ought to be added in respect of preserving the respective rights of the two Houses, and the safety of legislation by having two Houses.

Apart from the intrinsic merit or want of merit of this proposition, the House of Representatives is proposing to say to the Senate that it will not appropriate money to carry on the Government unless the Senate will agree to a change of the law as it now stands in regard to carrying on the business of the Government, and make a new law regulating the transaction of the business of the Government about a mechanical piece of work. The Senate, by a very large majority and on a full discussion, declared that it was not willing to assent to that legislation.

Now, if the House of Representatives chooses to occupy the attitude of saying that it will not appropriate any money to carry on this branch of the business of the Government, and all the branches embraced in this bill, unless the Senate will assent to affirmative legislation on it that the Senate does not like, I should be glad to have it tested by a called session on the 5th day of March.

Mr. GORMAN. I desire to make a short statement.

When the sundry civil bill was under discussion I stated fully my view of the merits of this case, that I had rather come to the conclusion that better work could be done by the hand than by the steam-presses. I was opposed to the proposed legislation on an appropriation bill, and at that time I insisted that the bill from the House of Representatives, No. 9623, providing for printing the Government securities in the highest style of the art, in which the whole question was to be determined, should be considered by the Senate, and I supposed from the general concurrence at that time that the bill would have been taken up ere this. I have made quite a number of efforts to have the bill considered, but at every stage it has been defeated. Therefore I signed this conference report representing the views of the Senate. Personally I do not concur with the view that these presses are equal to the hand-presses.

Mr. BLAIR. In reply to the suggestion of the Senator from Vermont, it ought to be stated that it hardly seems to be precisely a fair one. He says the question is whether the House of Representatives shall coerce the Senate by refusing appropriations to sustain the Government unless the Senate will submit to legislation on this appropriation bill. That is not the question, for the Senate proposes affirmative legislation in regard to these same steam-presses, and while it does not go to the length that the House thinks it right to go by reducing the royalty to 1 cent per thousand sheets, the Senate does propose to reduce that royalty down to 50 cents, which is one-half, and that is affirmative legislation just exactly as much as the legislation proposed by the House of Representatives. So that the Senator's point is not a point at all. It is only a division of nothing.

Mr. EDMUNDS. Mr. President, I think the Senator to-morrow—meaning Monday of course—if he will look at this bill in print will see that he is mistaken. The House of Representatives sent this bill here with the affirmative legislation upon it. The Committee on Appropriations, instead of doing what I think they ought to have done, and proposing to strike the whole thing out and stop there, having nothing said on the subject excepting the appropriation of money necessary to carry on the work, said undoubtedly and agreed to report to the Senate that perhaps the House would be better contented to have their amendment modified and limited to make it somewhere near reasonable in respect of the amount of royalty to be paid than to have it struck out altogether and leave it to the discretion of the Department as to the price it should agree to pay, which would be the true legislation as respects the purchase of any material for the use of the Government. It is very rare indeed that you will find in any of the appropriation bills or legislation of Congress provisions fixing the prices of things that the executive officers must purchase for the use of the Government. That is what the committee did, and the Senate said, "Very well." Now the House will not either allow the whole thing to be stricken out nor agree to the Senate amendment, but they say it must stand as the House had it; and if that is not insisting on affirmative legislation at the expense of not carrying appropriations, I can not understand what is.

Mr. BLAIR. This is the first revelation of obtuseness I have ever witnessed on the part of the Senator from Vermont, but I think the obtuseness must be very manifest. Like the tail of a comet, the Senator's addendum to his explanation does not reach the pith of the proposition. He started out with the question whether the Senate or the House is right as to the exact amount of royalty that should be paid. The Senator's proposition was that the House of Representatives was insisting upon affirmative legislation upon this appropriation bill or it would stop the wheels of Government, but on examination of the bill he will find that the Senate proposes not what he says the Senate ought to propose, but affirmative legislation in the same direction, but not quite so far as that of the House; that is to say, the royalty having been originally, if I remember, $1.25 or $1.50 a thousand——

Mr. ALLISON. One dollar.

Mr. BLAIR. Very well; one dollar then. The Senate makes affirmative legislation and puts into this bill a provision that the royalty shall be 50 cents. That is the position of the Senate and it is affirmative legislation just exactly as much as the provision of the House that it shall be 1 cent per thousand, and that is just as much a change of the existing law and affirmative legislation. There is no escape from that point.

Now, the Senator from Vermont in order to make good his original proposition, being obliged to admit this, says that the Senate is nearer right than the House. That is a question for the House to decide upon or for the Senate to decide upon. If the Senator from Vermont will say that the Senate should recede from its proposed amendment and should adopt another amendment, that is to say, strike out the House proposition *in toto*, his position then would have logic in it, but not till then.

Mr. HARRIS. Mr. President, from a somewhat careful investigation of this question of plate-printing, I became thoroughly satisfied that the work which is being done upon the steam-presses is done quite as well and I think upon the average better than the same class of work being done by the hand-presses, and is being done certainly at one-half or less than one-half of the cost to turn out the same work by hand.

The Government owns nineteen of these presses now in use, and if they are abandoned the testimony of the superintendent shows that it would be a year or more before the bureau could procure and put in operation the hand-presses and secure the hand-pressmen necessary to do the current work, and the bureau would fall far behind the necessities of the present time.

Believing as I do that this is simply the effort of a class to put down a labor-saving machine for the benefit of a very small class of artisans, and believing that every consideration of economy and sound policy on the part of the Government demands that these machines shall be continued in use, so far as my vote or my utterances can control it, I would lose the sundry civil bill before I would recede from the Senate amendment on that question, and just so far as my vote can go it will go in the direction of losing the bill, if the bill must be lost, sooner than I would consent to the demand of the House of Representatives in respect of that matter.

Mr. BLAIR. Mr. President, the stalwart devotion which the Senator from Tennessee exhibits to the cause he espouses I can not but admire, and having expressed himself to that extent and in that direction, I will call attention to one or two errors in the conclusions, based upon the evidence, into which he has fallen.

All the evidence that we have heard anything of, or that I have heard of at least, in the report and from other directions, was to the effect that it would only be necessary to employ some forty-seven men more, as some intimated, and the highest estimate was some ninety or ninety-four more employés with the hand-presses already existing, and these persons are at hand anxious for the work, in order to transact the business in as large volume and of far better quality than is now furnished the Government by the employment of the steam-presses. Every time the Senator speaks upon it the evidence coming from his own lips seems to grow stronger and stronger and stronger as his conviction increases, and his heat grows warmer and more intense, his deductions from the facts, and his allegations of the effect of the testimony seem to become more and more forcible and intense, and thus his convictions grow and his facts grow with equal step every time he repeats himself upon this proposition.

The simple, naked truth, as claimed by those in favor of the steam-presses, up to the close of the investigation, up to the printing of the report, and up to the original speeches that were made on this subject by the members of the committee themselves, was only to the effect that on the whole the work of the steam-press in certain departments of this printing was perhaps good enough; not as good on the whole as the best quality of the hand-press work, but they claimed that we were justified in using the steam-press for this particular portion of the work, because it was on the whole good enough; though it was not the best, it would do, and was a little cheaper.

That is all there is in the report, all there is in the testimony of those who favor the steam-press machines, as it stands before the Senate; but this reiteration of argument and of statement coming from those who favor the steam-press machines is every time I listen to it a stronger statement of fact, but it is not in the evidence whether it comes from the committee or from the letter of Mr. Bell or from the statement of other parties who appear to be experts and who know.

Mr. President, on the question of sitting here until the day of judgment and losing everything and calling an extra session rather than to yield this point, we ought to recollect that here is the House of Representatives, the co-ordinate branch of the legislative power, and that it has investigated far longer and more thoroughly than has the Senate this very question, and that it has come to the conclusion that the quality of the work done by the steam-press is very inferior.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty

stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. PERKINS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes; and it was thereupon signed by the President *pro tempore*.

SARAH JACKSON.

Mr. SAWYER. I ask the Senator from New Hampshire, who I believe holds the floor, to yield to me to call up House bill 6411. It is the last pension bill on the Calendar.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Wisconsin asks unanimous consent for the consideration of a bill named by him.

There being no objection, the bill (H. R. 6411) granting a pension to Sarah Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Jackson, imbecile daughter of James Jackson, late of the Thirtieth Regiment Ohio Volunteers, at the rate of $18 a month, payable to her legally appointed guardian.

Mr. HOAR. I should like to hear from the Senator from Wisconsin the facts in regard to that case.

Mr. SAWYER. I do not wish to take up the time of the Senate. I can state them if the Senator desires.

Mr. HOAR. I should like to hear the Senator.

Mr. SAWYER. I do not want to take up the time of the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 314) for the relief of Henry M. Rector;

An act (S. 751) for the relief of the estate of J. J. Pulliam, deceased;

An act (S. 1974) for the erection of a public building at Fort Worth, Tex.; and

An act (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I object to any further yielding until the matter under consideration is disposed of.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The amendments not disposed of in the conference report on the sundry civil appropriation bill are now before the Senate.

Mr. BUTLER. I ask my friend from Iowa to yield to me.

Mr. ALLISON. As soon as this matter is disposed of there will be ample time for all the work that Senators have to do. This is the sundry civil bill, and surely the Senator from South Carolina does not want to delay this great bill.

Mr. BUTLER. I will not insist upon my report.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. BLAIR] has the floor. The Senator from Iowa [Mr. ALLISON] gives notice of his objection to any further unanimous consent during the consideration of the pending bill.

Mr. BLAIR. I am under the necessity of proceeding. I feel obliged to decline to yield on account of the statement of the chairman of the committee and the great public necessity for prompt action on the bill.

It has not been claimed by anybody on the part of the Senate, until this last address of the Senator from Tennessee, that anything was involved but the question of an additional expenditure of from $47,000 to $110,000 in deterioration of the quality of the currency. Now the question is, whether, in deference to the wishes and judgment of the House of Representatives (who have investigated it much more thoroughly than we, and we have their report), we shall yield just for one year to their judgment on this subject? That is all there is in it. That, of course, will cost us somewhere from $47,000 to $110,000; but we shall have the machines. They will be here next year and you can set them to work again if it be found necessary. That is all that there is involved.

Mr. HISCOCK. I do not care to have the statements made by the Senator from New Hampshire in reference to this matter go unchallenged. When this subject was under discussion before the Senate heretofore the evidence and the report upon it both asserted unqualifiedly that the printing which is done by the steam-presses on an average is superior, if there is any difference, to that done on the hand-presses; that is, that the printing which is done by the steam-presses is equal if not superior to the other. The facts were stated then and were not controverted then, and were supported by testimony. It was also shown that the additional expense to the Government would be from $250,000 to $350,000. The evidence which was furnished then, and which has not been controverted, was that there has been no increase in counterfeiting by reason of the use of steam-presses; that on the contrary it has decreased rather than otherwise with the use of the steam-presses. There have been but two counterfeits of currency or of silver certificates since steam-presses came into use.

I simply desire to state these facts that there may be no misapprehension when the Senate votes on this question.

Mr. ALLISON. I move that the Senate still further insist on its amendments numbered 60 and 61.

Mr. BLAIR. I simply desire to say that I do not understand the statement of the Senator from New York to be correct——

Mr. ALLISON. And on the motion I have made I ask for the yeas and nays.

Mr. BLAIR. Well, Mr. President, under the circumstances here presented, when in order to carry a point the Senator from Tennessee thinks it worth while to be burned up bodily, to have an extra session, and all that, I do not know any way by which I can be prevented from answering the allegations of the Senator from New York or any other Senator on this floor on this question, even by the chairman of the Committee on Appropriations.

Mr. ALLISON. I did not propose to interfere with the Senator from New Hampshire.

Mr. BLAIR. The Senator from Iowa did not propose to do it, but he actually did it.

Mr. ALLISON. The Chair recognized me to make a motion. There was no motion pending before the Senate. I made that motion and sat down. Certainly the Senator from New Hampshire does not suppose that I intended in any way to interfere with his opportunity to discuss this question. He can discuss it all night if he chooses to do so, and I shall not dispute his right to do it.

Mr. BLAIR. I shall not be likely to discuss it all night.

Mr. President, I do not understand that the Senator from New York states fully the effect of the evidence before the Committee on Finance as it appears in print, so far as I have known of the report of the committee, and therefore he does not state it correctly. I do not understand the force of that evidence or that report to be that the work of the steam-press is as good as that of the hand-press. It only shows—and no one claimed the other day that it showed more than this, as I recollect—that the bad work that was being done by both, comparing the bad work with the ordinary work that was being done by the hand-press and the steam-press, the work of the steam-press averaged as good as the bad work of the hand-press; and the testimony all showed that the quality of the currency was deteriorating, that the work by the hand-press was not up to its proper quality, that the work by the steam-press up to its best quality was not any better than it ought to have been nor so good as it ought to have been for the real substantial and necessary and proper excellence of the currency itself.

It was conceded all around in the former debate that the currency can not be too well executed, and that it was not being well enough executed at the present time, and it was shown by the testimony of the Treasury detective, Mr. Bell, that counterfeits were increasing, that the debasement of the currency was increasing, and he testified in the letter which he sent here that that deterioration was in his judgment owing to the increased use of the steam-press, and that the quality of the currency could be improved and ought to be improved by giving to it the highest and best work of the hand-press, because only with the use of the hand-press could the highest degree of excellence be attained, and the currency required that highest degree of excellence for the safety of the people. That I understand to be the conceded effect and force of the testimony from every source whatever.

In regard to the expense, on the other hand, the Senator from New York did claim that this would involve over $300,000 additional expenditure, but the Committee on Appropriations have told us to-night that it was only a question of whether we should expend from $47,000 to $110,000 more; and some experts, those favoring the use of the steam-press, say it will cost $110,000 more if we discard the use of the steam-press. The friends of the hand-press say it will cost only $47,000 more.

Those are the facts before us coming from the chairman of the Committee on Appropriations here to-night, and those statements I suppose we should act upon so far as the question of expense is concerned.

Now, sir, getting back to the main proposition, whether we are to die here on the floor of the Senate rather than yield to the convictions of the other House, at the uttermost we simply discard for one year the use of machines which we own, and I think it was stated that there are only four other of these machines in existence on the face of the earth.

So it seems that the men who do the private work which does not require to be of the high excellence of the currency of the country, that immense amount of private plate-printing that is done throughout this country, throughout Great Britain and everywhere where this patent can be used, only these four additional presses are used, showing that all this immense mass of work private men will not permit to be done by the steam-press at all; and yet here we are using nineteen of these steam-presses in doing the little printing of the Government of the

United States, and the men who own this patent which we invented and which they never got hold of properly depend on us to the extent of nineteen twenty-thirds of their income from this patent which we invented for them; and they come here and insist that our currency shall be perpetually debased and that we shall continue to pay them for this very year for nineteen out of the twenty-three of all the machines that are in existence in order to give them some income from this Government which they expect to get out of us in some way.

If we hesitate, if we yield to the convictions and the more thorough investigation and report of the House of Representatives, we lose from $47,000 to $110,000, as the committee themselves tell us.

Mr. President, I submit that it is absurd to talk about the friends of the hand-press coming here and insisting upon turning back the wheels of progress and returning to chaos and old night, back to the time when our ancestors lived in the trees, and so on; that it is a question between labor-saving machinery and old forms and old styles of utensils, when we have shown that they do, and it is conceded that the steam-presses do not do equally good work, and generally it is claimed by disinterested parties, and it may be by some interested parties, but it is conceded by those interested against the hand-presses, that we do better work when we do the best work that can be done by the hand-press.

If there is any fault to be found with the work of the hand-press, it is simply because those who have supervision of the workmen fail to exact from them the highest quality of work. That is all.

I think it absurd to say that rather than lose this fifty or one hundred thousand dollars we should lose this great bill in a controversy with the other House, as the Senator from Tennessee proposes to do. Why not yield for just one year and get along the best way we can? It will be just exactly the same as the way that we have pursued the last few years in the employment of the steam-press.

Mr. McPHERSON. Did I understand the Senator to say that outside of the nineteen machines used by the Government of the United States there were only four other machines used in all the rest of the world?

Mr. BLAIR. Of this kind, as I understand. I will ask the Senator from Maryland [Mr. GORMAN] if that is not true?

Mr. GORMAN. I believe it is true.

Mr. McPHERSON. Only four other machines for all the bank-note printing done outside of our Government establishment?

Mr. BLAIR. The printing of bank notes, mining and stock certificates, railroad certificates, and the immense amount of plate-printing of that description outside of the Government work is all done by the hand-press, with the exception of that done by those four machines.

Mr. McPHERSON. Would not the fact that only four of these machines are used outside be evidence that they were not as good as the hand-presses?

Mr. BLAIR. It would be evidence that business men had discarded and condemned them, and that these men had palmed upon the Treasury Department of the United States Government a worthless patent, and that we had made it profitable to them; and the Committee on Appropriations and the Committee on Finance having investigated this great subject come in here and insist that this patent shall be kept good as far as income is concerned to these men over in New York, while business men in New York right under their own noses will not touch this machine or the work of this machine, and, as I understand, they do not use it. Why is it not used in Europe? The patents are available to them there if they are good for anything. Apart from the steam-presses used by the Government in Washington there are but four others in the United States, and the nineteen used by the Government are used to the corruption of our currency and the robbery of our people, and to the stimulation of counterfeiting, to which crime, as I have stated several times, we have made ourselves *particeps criminis* under the dictation of the men in New York who own these worthless patents.

Mr. HISCOCK. I am not sure about it, but my recollection is that the robbers who own these patents are the widow and children of the patentee, who left to them as their fortune this patented machine which he invented. With respect to one of these presses—and I think it is the one which is principally used—I am sure that is true.

Mr. BLAIR. Will the Senator state which one that is?

Mr. HISCOCK. The Milliken press.

Mr. BLAIR. Did those widows and children appear before the committee?

Mr. HISCOCK. They did not; but that statement has been made and they are the robbers referred to.

Mr. McPHERSON. Will the Senator answer a single question?

Mr. HISCOCK. I will if I can.

Mr. McPHERSON. I wish to know if there is a contract existing between the Government and the patentees or the owners of the patents, as I understood the chairman of the committee to say, at $1 per thousand sheets, by what authority the Committee on Appropriations reduce that 50 per cent.? I understand the royalty now proposed to be paid by the committee is 50 cents a thousand sheets instead of $1 by the existing contract.

Mr. HISCOCK. I do not know anything about it; but I imagine that the contract is made from year to year, and practically depends upon the appropriation bill as passed from year to year.

Mr. McPHERSON. Then I suppose this is simply a contract existing for a year.

Mr. HISCOCK. I do not know; but I do not imagine that there is any contract existing for a term of years. I believe there is a general statute which prohibits contracts from being made in excess of the sum which is appropriated for the purpose of carrying out the contract, and the contract is doubtless made from year to year.

Mr. McPHERSON. If it is simply a question of how much Congress shall appropriate, it would seem to me that 1 cent per thousand sheets would be just as legitimate and proper as 50 cents.

Mr. HISCOCK. It would be as legitimate and proper but for the fact that 1 cent a thousand is merely nominal and would amount to nothing, would be no compensation whatever, and I suppose the committee came to the conclusion that perhaps 50 cents a thousand was a fair compensation.

So far as the number of presses that are used in the country is concerned, I do not remember now how many there are. This is true in respect to these steam-presses, that in their case, as in the case of other steam printing-presses, they are very expensive indeed, and the volume of business done by those who are using them must be large to justify them in the expenditure of the money necessary for the purchase. That is the reason, I suppose, why there are but few of them in the hands of private printing houses. One of them does an immense amount of work, and one of these presses is practically sufficient in any one establishment to print the bonds or stock certificates or certificates of indebtedness and other papers of that kind, and one is enough to do the work which a company has to do. There is no doubt that a few of them are sufficient for all the uses to which they are applied in this country.

I simply say, then, what I said before, that I can not consent that this reiterated challenge of the facts in this case, as made by the Senator from New Hampshire, shall pass unheeded. He reiterates what he said about counterfeiting, when the truth is that since these steam printing-presses have been in use there have been but three counterfeits, and the evidence was conflicting as to whether one of them was not of a bill or of a certificate which was printed before the steam-presses went into use, and all the counterfeits that stand unchallenged and undisputed as having been counterfeits of certificates printed by steam-presses are two.

It is unnecessary for me to call attention again to the evidence of bankers and business men who were heard upon this subject, all of them bearing testimony to the satisfactory character of this work and speaking of it in the highest terms, and expressly stating that the currency printed by the steam-press was not more easily counterfeited than the currency printed by the hand-press.

The PRESIDING OFFICER (Mr. DOLPH). The Senator from Iowa moves that the Senate still further insist upon its amendments numbered 60, 61, 62, and 182, disagreed to by the House of Representatives, and agree to the further conference asked by the House.

Mr. ALLISON. I will state to the Chair that the House does not ask for a further conference, and I merely moved that the Senate insist. I wanted to test the sense of the Senate on these amendments.

The PRESIDING OFFICER. The Senator will please state his motion again.

Mr. ALLISON. I move that the Senate still further insist upon the amendments named by the Chair; and that is the only motion I make at this moment.

The motion was agreed to.

Mr. ALLISON. Now I will move that the Senate ask for a further conference on these four amendments.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the House of Representatives has asked for a further conference. The motion, then, will be that the Senate agree to the further conference asked for by the House. If there be no objection, that order will be made. The Chair hears none, and it is so ordered.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

LOUISA H. HASELL.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I ask the Senator from Virginia to yield to me for one moment.

Mr. RIDDLEBERGER. I have yielded until I hardly know whether I am living or dead now. I have been yielding ever since 3 o'clock.

Mr. BUTLER. I ask the Senator to yield to me for just one moment.

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from South Carolina?

Mr. BUTLER. Why, of course he will.

Mr. RIDDLEBERGER. Yes, sir; I will yield to the Senator.

Mr. BUTLER. I ask the Senate to proceed to the consideration of the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell.

Mr. EDMUNDS. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated from the Treasury of the United States the sum of $350, in full compensation for the use by the United States Army of the house and other buildings in Summerville, S. C., belonging to Mrs. Louisa H. Hasell, during the years 1865 and 1866, and in full satisfaction for any damage to said property arising from or incident to the occupation of the same by the said Army; and the Secretary of the Treasury is hereby directed to pay that sum to Mrs. Louisa H. Hasell or her legal representatives.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SPOONER February 20, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell, have considered the same, and adopt the report made by the House Committee on Claims at the last session of Congress.

The report is as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell, have had the same under consideration, and report that a similar bill and for the same amount was introduced into the Forty-ninth Congress, and on April 6 a favorable report was made thereon, and your committee, being satisfied with the same, adopt it as their own, which report is as follows:

"The bill proposes to pay Mrs. Hasell $350 in full compensation for the use, by the United States Army, of her house and other buildings in Summerville, S. C., in the years 1865–'66, and for all damages to said property incident to said occupancy.

"From the papers accompanying it appears that the property consisted of a dwelling of six rooms, a wooden building for servants, and stable. These buildings were in good order and habitable when they were taken possession of by Colonel Beecher, United States Volunteers, and used as a small-pox hospital, from the 6th day of July, 1865, to May 6, 1866. Petitioner was paid $50, or at the rate of $5 per month, for this use, there being no contract at the time possession was taken. The kitchen and stable were almost, if not quite, destroyed, and the property otherwise very much injured. Those dying of small-pox were buried in and upon the lot, and since the surrender petitioner has been unable to rent or use the premises. The testimony is abundant that, for the use of the premises and the damages sustained, petitioner would be entitled to as much and probably more than she claims.

"These facts are shown by several affidavits of parties cognizant of the circumstances, and all of the correspondence of the Army officers to whom the claim was referred, and they are fully corroborated in the report of a board of Army officers especially detailed to examine this claim, said report concluding as follows:

"'First. That the property was occupied by the Government as a small-pox hospital from July 6, 1865, to May 6, 1866, a period of ten months, and that $50 in currency was paid, at the rate of $5 per month, as rent for the same.

"'Second. That the amount of damages sustained is all and probably more than set forth in the accompanying affidavits (which was $350, as now claimed).

"'Therefore the board do recommend that the sum claimed ($350) be awarded and paid to the said Louisa H. Hasell.'

"This report was returned by the acting assistant adjutant-general (Louis V. Caziarc) to the chief quartermaster, approved, and payment was suspended until Congress should remove restrictions on the payment of claims which arose in States lately in rebellion.

"It also appears that the rent of this property was the only income of the petitioner, who has herself and two daughters to support.

"And it may be added that the matter was at one time referred to Surgeon W. H. Eldridge, United States Army, who reported that the house, after its use as a hospital, was not habitable, and ought to be burned to prevent small-pox contagion; and also that the chief-quartermaster of the department found the recommendation of the board to be reasonable and approved the same.

"We have in these facts a strong case of actual and uncompensated injury. A stronger one could hardly be made. When we consider the unquestioned and undeniable hardship of the case, that it was occupied for awhile and injured somewhat after the proclamation declaring the insurrection at an end in South Carolina, as also the strong indorsement of the justice of the claim by the Army officers, and, after looking at the facts, we conclude to report the bill back, and recommend its passage."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURSE AT NAVAL ACADEMY.

Mr. CHANDLER. I call up the conference report upon the bill in relation to the cadets at the Naval Academy.

Mr. RIDDLEBERGER. I have held this floor now for four hours, and I think I am entitled to recognition by the Chair.

Mr. CHANDLER. It will take but a moment to have this disposed of, and it is a privileged matter.

Mr. RIDDLEBERGER. There have been many moments taken before.

The PRESIDING OFFICER. The Chair is informed that the report has not been sent up.

Mr. CHANDLER. The chairman of the committee has the report. I supposed it was at the desk.

BENJAMIN F. CLAYTON.

Mr. SAWYER. I ask the Senator from Virginia to yield a moment until I report a pension bill. I report——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. RIDDLEBERGER. If anybody is in a good humor to-night, I think I am that man. If gentlemen will just make their reports without making any speeches, because I am going to stay here until my time is out, I shall be satisfied.

Mr. SAWYER. I report, from the Committee on Pensions, the bill (H. R. 9455) granting a pension to Benjamin F. Clayton without amendment. I ask unanimous consent to put the bill on its passage now.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to place on the pension-roll at $45 a month Benjamin F. Clayton, late of Company F, One hundred and second Regiment New York Volunteers, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF JOHN W. WHITFIELD.

Mr. REAGAN. I ask the Senate to take up House bill 4624, Calendar No. 2839.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4624) for the relief of the estate of John W. Whitfield.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That it is hereby made the duty of the Attorney-General of the United States to dismiss the suit now pending in the circuit court of the United States for the western district of Texas, brought by the United States against Sarah B. Whitfield and John A. Whitfield, heirs at law of John W. Whitfield, deceased, as a surety on the official bond of William W. Dennison, dated March 10, 1857, as Indian agent; and the said John W. Whitfield, deceased, and his heirs at law, be, and they are hereby, released from any and all obligations under said bond; and that Sarah B. Whitfield, administratrix of the estate of the said John W. Whitfield, deceased, late register of the land office of the Delaware land district of Kansas, and special register or agent for the sale of the Delaware and Iowa Indian trust lands under the treaties of 1854, be, and she is hereby, authorized to bring suit in the Court of Claims. That on the trial of said suit the said Sarah B. Whitfield, as administratrix of the estate of John W. Whitfield, deceased, may present for the determination of the court the following matters:

First. What amount of money is due the estate of said John W. Whitfield, deceased, on account of the moneys expended by said Whitfield for rent, fuel, and lights while he was register of the land office of the Delaware land district of Kansas.

Second. What amount of money, if any, the said John W. Whitfield, deceased, paid to the United States on account of fees collected by him for locating military bounty land-warrants as register of said land office, which fees he by law was entitled to retain for his own use, and the court shall determine under what law, if any, the said fees were made accountable to and payable into the Treasury.

Third. What amount of money, if any, is due the estate of said John W. Whitfield, deceased, on account of salary, per diem, and commissions while he was register of said land office and special register or agent for the sale of the Delaware and Iowa Indian trust lands.

And said court shall hear and determine all of said claims according to law, and said claims shall not be barred by any statute of limitations; and said court shall file a written opinion in said cause and render judgment therein; and any amount that said court may find to be due to the said John W. Whitfield, deceased, late register and special agent as aforesaid, shall be certified to the Secretary of the Treasury, who shall report the same to Congress.

It is hereby made the duty of any head of any Department or any bureau to furnish said administratrix, free of charge, with certified copies of any official letters, papers, documents, or accounts appertaining to a proper trial of said cause, which she or her duly appointed agent or attorney may apply for in writing.

Mr. REAGAN. This is a House bill which has been favorably reported by the Senate Committee on Claims. I will not ask for a reading of the report, but I ask for a vote on the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee to strike out the preamble.

The amendment was agreed to.

Mr. SPOONER. I move that the Senate insist on the amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. PASCO were appointed.

COURSE AT NAVAL ACADEMY.

Mr. CAMERON. I rise to present the report of a conference committee.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9674) to regulate the course at the Naval Academy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 13, and 14, and agree to the same.

That the Senate recede from its amendments numbered 6, 7, 8, 9, 10, 11, and 12, with an amendment as follows:

Strike out in line 9, page 2, from and including the word "but" down to and including the word "years," in line 19, page 2, and in lieu insert the following:

"But nothing contained herein or in the naval appropriation act of August 5, 1882, shall reduce the number of appointments of final graduates at the end of their six years' course below twelve in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available. And it is provided that in addition to the appointments to the Engineer Corps of the Navy hereby authorized, there may also be appointed five assistant engineers from the graduates in the order of merit of the Naval Academy of the class which finished its six years' course in June, 1886, to take rank and receive

pay only from the date of their appointment; and said Engineer Corps is hereby enlarged for the purpose of the additional appointments hereby authorized.

"SEC. 2. That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be fifteen years and the maximum age twenty years."

And the House agree to the same.

J. D. CAMERON,
W. E. CHANDLER,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

GEORGE D. WISE,
WILLIAM ELLIOTT,
A. C. HARMER,
Managers on the part of the House.

The report was concurred in.

J. W. PARISH & CO.

Mr. MITCHELL. There is on the table a bill (H. R. 9718) for the relief of J. W. Parish & Co., which I ask may be now taken up.

Mr. HARRIS. Pending that I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from Oregon?

Mr. RIDDLEBERGER. I desire to state to the Senator that the pending motion now is to proceed to the consideration of executive business, and I just yield for a moment.

Mr. MITCHELL. This will only take a moment.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Joseph W. Parish, George C. Hadley, and William L. Huse, composing the firm of J. W. Parish & Co., $18,500 for losses sustained by the firm by reason of the refusal of the officers of the United States to receive and pay for 5,000 tons of ice which Parish & Co. had been directed to furnish under a contract dated December 30, 1863, and signed by the medical purveyor of the United States Army stationed at Louisville, Ky., and by Parish & Co., and approved by the Acting Surgeon-General of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SELECT COMMITTEE ON PACIFIC RAILROADS.

Mr. JONES, of Nevada. I ask the indulgence of the Senate to take up a resolution introduced by my colleague [Mr. STEWART], which lies on the table.

The Senate proceeded to consider the resolution, which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, to strike out all after the word "*Resolved*" and insert:

That the select committee appointed under the resolution of the Senate of January 24, 1888, to which was referred the President's message transmitting the report of the Pacific Railway Commission, be, and it is hereby, continued, with all the power and authority on it conferred by Senate resolution of February 23, 1888, until the indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies shall be adjusted by Congress. And said committee is hereby instructed to personally examine, during any recess of Congress preceding the meeting thereof in December next, the roads of said companies and the country through which they pass or which is immediately contributory to their income, for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass, and afford to the inhabitants thereof reasonable rates of transportation for passengers and freight. Said committee may hold its sessions at any place in the United States, and the expenses attending its investigation shall be paid out of the contingent fund of the Senate.

Any subcommittee appointed by said committee shall have all the powers of the full committee.

The amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. DANIEL. I ask the Senate to consider the bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. RIDDLEBERGER. I object.

Mr. DANIEL. I ask my colleague not to object to this bill.

Mr. RIDDLEBERGER. I do not know what the Senator's bill is. I have wanted to move an executive session, and let my colleague vote for or against it.

The PRESIDING OFFICER. The bill will be read for information.

Mr. RIDDLEBERGER. I insist on my motion to go into executive session, and do not intend to yield another minute to any Senator.

The PRESIDING OFFICER. The Senator from Virginia objects to the consideration of the bill, and moves that the Senate proceed to the consideration of executive business. The question is on that motion. [Putting the question.] The noes have it.

Mr. RIDDLEBERGER and Mr. HARRIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is detained by illness from the Chamber. If he were here, I should vote "yea."

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. HEARST (when his name was called). I am paired with my colleague from California [Mr. STANFORD]. If he were present, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence I withhold my vote.

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH], whom I do not see in the Chamber this evening, and I therefore withhold my vote.

Mr. CULLOM (after having voted in the negative). I desire to inquire if the junior Senator from Delaware [Mr. GRAY] has voted?

The PRESIDING OFFICER. He has not.

Mr. CULLOM. I therefore withdraw my vote. I am paired with him.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. HARRIS (after having voted in the affirmative). I have voted, but I have a pair with the Senator from Vermont [Mr. MORRILL], who is absent, and I therefore think it best for me to withdraw my vote.

The result was announced—yeas 15, nays 15; as follows:

YEAS—15.

Butler,	Daniel,	McPherson,	Stewart,
Chandler,	George,	Quay,	Turpie,
Cockrell,	Hampton,	Ransom,	Vest,
Coke,	Kenna,	Riddleberger,	

NAYS—15.

Allison,	Gorman,	Palmer,	Walthall,
Blair,	Hale,	Platt,	Wilson of Iowa,
Evarts,	Mitchell,	Spooner,	Wilson of Md.
Frye,	Morgan,	Stockbridge,	

ABSENT—46.

Aldrich,	Cullom,	Hearst,	Pugh,
Bate,	Davis,	Hiscock,	Reagan,
Beck,	Dawes,	Hoar,	Sabin,
Berry,	Dolph,	Ingalls,	Saulsbury,
Blackburn,	Edmunds,	Jones of Arkansas,	Sawyer,
Blodgett,	Eustis,	Jones of Nevada,	Sherman,
Bowen,	Farwell,	Manderson,	Stanford,
Brown,	Faulkner,	Morrill,	Teller,
Call,	Gibson,	Paddock,	Vance,
Cameron,	Gray,	Pasco,	Voorhees.
Chace,	Harris,	Payne,	
Colquitt,	Hawley,	Plumb.	

The PRESIDING OFFICER. There is not a quorum voting. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Blackburn,	Frye,	Mitchell,	Stewart,
Butler,	George,	Morgan,	Stockbridge,
Chace,	Gorman,	Paddock,	Teller,
Chandler,	Gray,	Palmer,	Turpie,
Cockrell,	Hale,	Pasco,	Vest,
Cullom,	Hampton,	Platt,	Walthall,
Daniel,	Harris,	Quay,	Wilson of Iowa,
Davis,	Hearst,	Ransom,	Wilson of Md.
Dolph,	Hiscock,	Riddleberger,	
Evarts,	Kenna,	Sabin,	
Faulkner,	McPherson,	Spooner,	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is present.

Mr. RIDDLEBERGER. Mr. President——

Mr. HALE. I rise to present a conference report.

The PRESIDING OFFICER. The report will be read if the Senator from Virginia yields for that purpose.

Mr. RIDDLEBERGER. I do not. My motion is pending now because there was no quorum voting, but now that a quorum has been ascertained to be present that motion is the pending question.

The PRESIDING OFFICER. The Chair is of opinion that the conference report can only be considered by unanimous consent until this motion is disposed of.

Mr. HALE. If the Senator from Virginia will yield we can take up his motion as soon as this report is disposed of.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. RIDDLEBERGER. No, sir; I will not yield. I have yielded enough.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Virginia.

Mr. RIDDLEBERGER. I want to have a roll-call and let us know whether the Senate is going into executive session or not.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Virginia that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. I withhold my vote. I should vote "yea" if he were here.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. DAVIS (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. EDMUNDS (when his name was called). I again announce my pair with the Senator from Alabama [Mr PUGH]. If he were present, I should vote "nay" and he would vote "yea."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MCPHERSON (when his name was called). I am paired with the junior Senator from Colorado [Mr. BOWEN].

The roll-call was concluded.

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL], reserving to myself the right to vote if necessary to make a quorum. I vote "nay."

Mr. HARRIS (after having voted in the affirmative). Being paired with the Senator from Vermont [Mr. MORRILL], I voted thoughtlessly, and I withdraw my vote.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his vote.

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON], but I transfer that pair to the Senator from Vermont [Mr. MORRILL], and both the Senator from Tennessee [Mr. HARRIS] and myself can vote. I vote "nay."

Mr. HARRIS. I vote "yea."

Mr. HEARST. I am paired with my colleague [Mr. STANFORD], but I believe if he were here he would vote "nay," and therefore I vote "nay."

The result was announced—yeas 11, nays 21; as follows:

YEAS—11.

Chandler,	Daniel,	Harris,	Stewart,
Cockrell,	Gray,	Quay,	Turpie.
Coke,	Hampton,	Ransom,	

NAYS—21.

Allison,	Frye,	Mitchell,	Walthall,
Blair,	George,	Morgan,	Wilson of Iowa,
Cameron,	Gorman,	Pasco,	Wilson of Md.
Cullom,	Hale,	Sabin,	
Evarts,	Hearst,	Spooner,	
Faulkner,	Kenna,	Teller,	

ABSENT—44.

Aldrich,	Colquitt,	Ingalls,	Pugh,
Bate,	Davis,	Jones of Arkansas,	Reagan,
Beck,	Dawes,	Jones of Nevada,	Riddleberger,
Berry,	Dolph,	McPherson,	Saulsbury,
Blackburn,	Edmunds,	Manderson,	Sawyer,
Blodgett,	Eustis,	Morrill,	Sherman,
Bowen,	Farwell,	Paddock,	Stanford,
Brown,	Gibson,	Palmer,	Stockbridge,
Butler,	Hawley,	Payne,	Vance,
Call,	Hiscock,	Platt,	Vest,
Chace,	Hoar,	Plumb,	Voorhees.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Evarts,	Ingalls,	Sabin,
Blackburn,	Faulkner,	Kenna,	Spooner,
Blair,	Frye,	McPherson,	Stewart,
Cameron,	George,	Mitchell,	Stockbridge,
Chandler,	Gorman,	Morgan,	Teller,
Cockrell,	Gray,	Morrill,	Turpie,
Coke,	Hale,	Paddock,	Vest,
Cullom,	Hampton,	Palmer,	Walthall,
Daniel,	Harris,	Pasco,	Wilson of Iowa,
Davis,	Hawley,	Ransom,	Wilson of Md.
Dolph,	Hearst,	Reagan,	
Edmunds,	Hiscock,	Riddleberger,	

Mr. PADDOCK. My colleague [Mr. MANDERSON] is detained at his home by illness.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is present.

Mr. RIDDLEBERGER. I believe the motion before the Senate is to proceed to the consideration of executive business, a quorum having been ascertained to be present.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Virginia that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY].

Mr. EDMUNDS (when his name was called). I am paired, as I have stated before, with the Senator from Alabama [Mr. PUGH], and can not vote.

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], and the pair having been transferred to the Senator from Louisiana [Mr. GIBSON], I vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "yea."

The result was announced—yeas 15, nays 15; as follows:

YEAS—15.

Butler,	Daniel,	Kenna,	Stewart,
Chandler,	Gray,	Quay,	Turpie,
Cockrell,	Hampton,	Reagan,	Vest.
Coke,	Harris,	Riddleberger,	

NAYS—15.

Allison,	Frye,	Mitchell,	Walthall,
Cameron,	George,	Morgan,	Wilson of Iowa,
Cullom,	Gorman,	Pasco,	Wilson of Md.
Faulkner,	Hearst,	Spooner,	

ABSENT—46.

Aldrich,	Davis,	Ingalls,	Ransom,
Bate,	Dawes,	Jones of Arkansas,	Sabin,
Beck,	Dolph,	Jones of Nevada,	Saulsbury,
Berry,	Edmunds,	Manderson,	Sawyer,
Blackburn,	Eustis,	McPherson,	Sherman,
Blair,	Evarts,	Morrill,	Stanford,
Blodgett,	Farwell,	Paddock,	Stockbridge,
Bowen,	Gibson,	Palmer,	Teller,
Brown,	Hale,	Payne,	Vance,
Call,	Hawley,	Platt,	Voorhees.
Chace,	Hiscock,	Plumb,	
Colquitt,	Hoar,	Pugh,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Evarts,	Hiscock,	Sabin,
Blackburn,	Farwell,	Ingalls,	Spooner,
Blair,	Faulkner,	Jones of Nevada,	Stewart,
Cameron,	Frye,	McPherson,	Teller,
Chandler,	George,	Mitchell,	Turpie,
Cockrell,	Gorman,	Morgan,	Vest,
Coke,	Gray,	Paddock,	Walthall,
Cullom,	Hale,	Pasco,	Wilson of Iowa,
Daniel,	Hampton,	Platt,	Wilson of Md.
Davis,	Harris,	Quay,	
Dolph,	Hawley,	Reagan,	
Edmunds,	Hearst,	Riddleberger,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names.

Mr. HALE. I present the conference report on the deficiency appropriation bill and ask the Senate to proceed to its consideration. As soon as that is completed and sent to the other House, for one I am willing to go into executive session, but it is very important that this appropriation bill should be sent to the other House with the action of the Senate on the conference report.

Mr. COCKRELL. I hope the Senator from Virginia will yield. It will only take a few moments to dispose of the conference report.

Mr. HALE. It will take only a few moments, and then for one I shall be willing to have an executive session.

Mr. RIDDLEBERGER. I have been censured for yielding too much. There was no reason why the Senator from Maine should not have voted to go into executive session and then have presented his conference report by asking that the doors be considered open for that purpose, and he would have saved a half hour. If he can not vote for an executive session, then I shall ask the Chair whether one objection will not obtain against action on the amendments to the appropriation bill.

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maine for the consideration of the conference report?

Mr. RIDDLEBERGER. I ask if one objection will carry that report over?

The PRESIDING OFFICER. The Chair has already announced that the motion of the Senator from Virginia, in the opinion of the Chair, is in order, and the conference report, while that motion is undisposed of, can only be received and considered by unanimous consent.

Mr. RIDDLEBERGER. Then I object.

Mr. HALE. All I ask is that the Senator from Virginia will yield until we can get the conference report through, so as to send it to the other House. It will not take three minutes, and then we can, I fancy, by unanimous consent, go into executive session.

Mr. HARRIS. I appeal to the Senator from Virginia, in view of what the Senator from Maine has just said, that he and all the rest of us consent to allow the conference report to be considered. It will not take exceeding three or five minutes, and the Senator from Maine has suggested that an executive session can be had afterwards. I am satisfied that it can.

Mr. HALE. After that is disposed of an executive session will come as a matter of course.

Mr. RIDDLEBERGER. That is a very seductive suggestion, but I

am not in the habit of making that kind of contracts. It was promised yesterday, last night, and to-day that we should have an executive session; and the conference report of the Senator from Maine does not amount to anything if we have no quorum here.

Mr. HALE. There is a general consent that there shall be an executive session after the conference report is disposed of.

Mr. RIDDLEBERGER. Will you give your bond and security for that? I should like to have it now.

Mr. HALE. There is a general feeling, evidently, that after the conference report is disposed of we shall go into executive session, and the Senator from Virginia must see that he will accomplish that much sooner by allowing the conference report to be considered and sent over to the other House. It will not take three minutes to do that, and after that we shall go into executive session.

Mr. EDMUNDS. I hope the Senator from Virginia will agree to that.

Mr. RIDDLEBERGER. If a Senator makes a fool of me the first time, it is his fault; the next time it is mine. I do not see where the votes are to come from to secure an executive session.

Mr. HALE. Everybody will vote for it after the conference report is disposed of.

Mr. GORMAN. Yes, everybody will vote for it.

Mr. RIDDLEBERGER. Will the Senator from Vermont vote to go into executive session?

Mr. EDMUNDS. He will.

Mr. RIDDLEBERGER. This is the first time I have ever been on first-class relations with the Senator from Vermont. I believe I will let it go now, if he will keep up that relation. I withdraw the motion for the present, and consent to the report being received.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., agreed to the conference asked by the Senate on the bill and amendment, and had appointed Mr. DOCKERY, Mr. BOOHER, and Mr. KERR the managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan, and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania; and it was thereupon signed by the President *pro tempore*.

DAMS OR WING-FACINGS IN THE RIO GRANDE.

The PRESIDING OFFICER (Mr. DOLPH) laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I herewith transmit for the information of Congress a report from the Secretary of State, with its accompanying correspondence, in regard to the construction of certain dams or wing-facings in the Rio Grande at Paso del Norte (Ciudad Juarez), opposite the city of El Paso, Tex.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 2, 1889.

DEFICIENCY APPROPRIATION BILL.

The PRESIDING OFFICER. There being no objection to the consideration of the conference report submitted by the Senator from Maine [Mr. HALE] it will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 12, 17, 18, 20, 22, 30, 34, 39, 40, 43, 49, 53, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 82, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 10, 13, 14, 15, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 35, 38, 41, 44, 45, 50, 51, 52, 54, 55, 56, 57, 59, 60, 67, 77, 78, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 104, 105, 106, 107, and 108, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "ex-Secretaries of the Navy Borie and Woodbury" and insert in lieu thereof the following: "Adolph E. Borie and Levy Woodbury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out all after the word "eighty-nine" in line 11 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And for preparing suitable rooms and other necessary accommodations for the United States court at Muscogee, in the Indian Territory, and the expenses (including fees of jurors) of said court for the current year, $5,300; in all, $10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay Henry Talbott, clerk of the Committee on Ways and Means, House of Representatives, for extra services rendered during the Fiftieth Congress, $1,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of the State of Florida reported in the letter of the Secretary of War, dated May 22, 1882, and under previous acts of Congress, and to make a report upon the same to the next regular session of Congress, and in connection therewith to report the amount of all claims in favor of the General Government against the State of Florida, and in said report to state the account between the General Government and the State of Florida."

And the Senate agree to the same.

On amendments numbered 36, 37, 103, 109, and 110 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

JOSEPH D. SAYERS,
SAMUEL J. RANDALL,
LOUIS E. MCCOMAS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. FAULKNER. I ask the Senator from Maine whether the report strikes out the item giving one month's extra pay to the employés of the two bodies.

Mr. HALE. No, it does not. The Senate made an amendment to that proposition involving the pay of the Library employés and the Reporters. The House conferees refused to agree to that, and so the whole matter was left open in the conference.

Mr. EDMUNDS. This is not a complete report?

Mr. HALE. It leaves three items unsettled.

Mr. FAULKNER. What I wanted to know was, whether there was any action of the conference between the two Houses which involved the effect of the action of the House of Representatives in this respect, regardless of the amendment put upon the provision by the Senate.

Mr. HALE. The House conferees refused to agree to the amendment of the Senate to put in the Reporters and the employés of the Library, and that question is to be left to a vote of the House and the Senate.

Mr. FAULKNER. Then it does not affect the other employés of the House and the Senate?

Mr. HALE. Not in the least.

Mr. PASCO. I should like the Senator from Maine to state whether the understanding is that the account of the State of Florida is to be made up upon the principle involved in the present amendment to the bill.

Mr. HALE. Yes; the Secretary of the Treasury is directed by the amendment agreed to by the conference committee to report the sums due to the State of Florida and any offset that the United States has against the claim to the next Congress.

Mr. PASCO. Recognizing the right to charge and receive interest on each side?

Mr. HALE. Yes, sir.

Mr. EDMUNDS. But still subject to the future consideration of Congress?

Mr. HALE. Subject to the action of the next Congress.

Mr. PASCO. Undoubtedly; but I wished to understand whether it was made up on the principle established in the amendment to the present bill.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. HALE. Is it necessary for me to ask for a further conference?

Mr. EDMUNDS. Does the other House request one?

Mr. HALE. I move that the Senate insist on its amendments not disposed of by the report just acted on.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate further insist on its amendments remaining disagreed to, and ask for a further conference thereon.

Mr. HALE. No; I do not ask for a further conference until the House acts.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate insist upon the amendments which have not been disposed of by the conference report.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. EDMUNDS. The question now recurs on the motion of the Senator from Virginia, which was laid aside by unanimous consent.

Mr. HALE. I hope that an executive session will be agreed to by unanimous consent.

Mr. GORMAN. I ask the Senator from Tennessee to withdraw the demand for the yeas and nays on the motion of the Senator from Virginia.

Mr. HARRIS. I withdraw the demand for the yeas and nays if the Senate will allow me to do so.

The PRESIDING OFFICER. Is there unanimous consent to the request of the Senator from Tennessee? If there be no objection, the demand for the yeas and nays is withdrawn. The question now recurs on the motion of the Senator from Virginia [Mr. RIDDLEBERGER] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

CLASSIFIED SERVICE OF NATIONAL MUSEUM.

The PRESIDENT *pro tempore* laid before the Senate a communication from S. P. Langley, secretary of the Smithsonian Institution, transmitting, in response to a resolution of the Senate, a schedule of the classified service of the officers and employés of the National Museum; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

REPORT OF CIVIL SERVICE COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was ordered to lie on the table and be printed:

To the Congress:

I herewith transmit the fifth report of the Civil Service Commission, covering the year which ended June 30, 1888.

The cause of civil-service reform, which in a great degree is intrusted to the commission, I regard as so firmly established and its value so fully demonstrated that I should deem it more gratifying than useful if at this late day in the session of Congress I was permitted to enlarge upon its importance and present condition.

A perusal of the report herewith submitted will furnish information of the progress which has been made during the year to which it relates, in the extension of the operations of this reform and in the improvement of its methods and rules.

It is cause for congratulation that watchfulness and care and fidelity to its purposes are all that are necessary to insure to the Government and our people all the benefits which its inauguration promised.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

BRUSSELS EXHIBITION OF 1888.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I have the honor to transmit herewith a communication from the Secretary of State covering the report of the commissioner of the United States to the Brussels exhibition of 1888.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

ALASKAN BOUNDARY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report of the Secretary of State and accompanying documents relative to the undetermined boundary line between Alaska and British Columbia.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

A bill (H. R. 6411) granting a pension to Sarah Jackson; and

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

ST. JOSEPH COMMERCIAL COLLEGE.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JOHN C. SPOONER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

ALEX. M. DOCKERY,
CHAS. F. BOOHER,
DANIEL KERR,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action by the Senate.

JOHN R. WOOD AND SURETIES.

Mr. DANIEL. I move that the Senate proceed to the consideration of the bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve John R. Wood, as principal, and John T. Ballard and John T. Belew, as sureties, of the payment of the tax on 154 gallons of brandy, amounting to $138.60, the brandy having been destroyed by fire on the 3d of August, 1887, near the village of White Hall (Moorman's River post-office), in the county of Albemarle, State of Virginia, and relieves them of all penalties incident to the non-payment of the tax.

Mr. EDMUNDS. I ask the Senator from Virginia, as there is no written report, to explain the bill if he will be kind enough to do so.

Mr. DANIEL. John R. Wood was a distiller of fruit brandy in the county of Albemarle, State of Virginia, for seven or eight years. After this brandy had been assessed for the tax, but before he paid the tax, it was burned. It is reported that he was a very correct man and a very poor man. The building and the brandy were destroyed by fire.

Mr. EDMUNDS. It was in a building, and the building was destroyed?

Mr. DANIEL. Yes, sir; the buildings were destroyed by fire. There was a total loss and no insurance, and it is recommended that he be relieved from the payment of the tax, the property having been destroyed.

Mr. EDMUNDS. All right; I am satisfied.

Mr. DANIEL. I know the parties, and the bill is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF ARNO VOSS.

Mr. FARWELL. I move that the Senate proceed to the consideration of the bill (H. R. 2070) for the relief of the widow of Arno Voss.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to audit the account of Col. Arno Voss for $607 and pay the same.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. SPOONER March 1, 1889, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2070) for the relief of the widow of Arno Voss, have had the same under consideration, and report as follows:

This bill has passed the House of Representatives at the present session of Congress. The report of the House committee is as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 2070) for the relief of the widow of Arno Voss, report as follows:

"Your committee have had under consideration this bill and the papers relating to the same, and on investigation find that Arno Voss was mustered into the service with field and staff as colonel Twelfth Illinois Cavalry, to date February 1, 1862, and was honorably discharged from the service August 11, 1863. That he was at Harper's Ferry with his regiment under order of Colonel Miles in September, 1862, when Harper's Ferry was besieged by the Confederate forces under Generals Longstreet and Stonewall Jackson, of the Confederate army.

"That on the 13th of September, 1862, said Voss received an order from Colonel Miles, commanding, to take command of all the cavalry then present at Harper's Ferry, and after night all of said day crossed the Potomac River over the pontoon bridge into Maryland, cut his way through the Confederate lines, and joined General George B. McClellan. That said Voss followed the instructions of Colonel Miles, and did cut his way through the Confederate lines, reaching Greencastle, Pa., having captured on his way a rebel train of eighty-five wagons, each drawn by six mules, freighted with arms, ammunition, and provisions, which he turned over to the United States depot quartermaster at Chambersburgh, Pa., who did receipt therefor.

"That under the order of Colonel Miles referred to he was instructed to leave Harper's Ferry without baggage, wagons, or horses.

"That at that date said Voss was the owner of a large leather trunk, filled with a full outfit of wearing apparel purchased by him with his own funds at a cost of $607, which, under said order, he was compelled to leave behind, and which he never recovered, and finally lost from no fault of his own. That he afterwards bought an outfit of clothing to take the place of the lost one, which cost him the sum of $750.

"The evidence of Brig. Gen. Julius White, who was present at Harper's Ferry at the date referred to, shows that the order of Colonel Miles was given as above stated, and that the leaving behind baggage, wagons, and led horses made it

possible for Colonel Voss to inflict serious loss upon the enemy by capture of a transportation train, as above related. The committee is informed that since the introduction of this bill Colonel Voss has deceased, leaving a widow, Mrs. Voss. Your committee would recommend the insertion of the words 'widow of,' in the caption of the bill, and that the bill as amended do pass."

STATE OF ILLINOIS, *County of Cook, ss:*

Arno Voss, of Chicago, in the county of Cook and State of Illinois, being duly sworn, deposes and says that according to the best of his knowledge and belief the following is a list of this affiant's property, being his outfit for war as colonel of the Twelfth Illinois Cavalry, lost by him in the military service of the United States at Harper's Ferry, in September, 1862, by reason of the order of Colonel Miles, United States Army, referred to in this affiant's petition to Congress for relief:

One large trunk, of the value of	$25.00
Two regulation uniform coats and shoulder-straps, at $75 each	150.00
Three pair regulation pants, $20	60.00
Two vests, at $10	20.00
One regulation overcoat	95.00
Three pair cavalry officer's boots, at $20	60.00
One blue cloth saddle-cloth, with gold eagles and trimmings	36.00
One dozen linen shirts, at $3	36.00
One-half dozen flannel undershirts, at $2	12.00
One-half dozen flannel drawers, at $2	12.00
One dozen pairs of socks, at 50 cents	6.00
One gentleman's dressing-case	25.00
One cavalry officer's saber and sword knot	20.00
One shotgun	50.00
	607.00

And further this deponent says not.

ARNO VOSS.

Subscribed and sworn to before me at Chicago, Ill., this 5th day of December, A. D. 1878.

[SEAL.]

PHILIP A. HAYNE,
United States Commissioner, Northern District Illinois.

Mr. EDMUNDS. When the matter began to be read, as the bill was vague, I thought it opened the question about the date of muster to regiments that were not full according to the law. I see it is to pay a claim for lost property under the circumstances stated, and I have not the least objection to the bill.

Mr. DANIEL. I beg leave to make an inquiry as to who the man was. We understand that he was a Federal officer.

Mr. FARWELL. The bill and report show that he was a Federal officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WHITEHOUSE.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 2598) for the relief of William Whitehouse. It is a bill reported from the Committee on Claims to pay the beneficiary about $250 for some property lost during the war.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay William Whitehouse, of Jackson County, Missouri, $247.50, in full payment for two sets of blacksmith's tools taken in 1863 by the United States Army from the shop of Whitehouse, in the county of Jackson, Missouri.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report submitted by Mr. WILSON, of Maryland, February 27, 1889, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2598) for the relief of William Whitehouse, have considered the same and beg leave to report as follows:

The claimant, who is a blacksmith by trade, has lived in Jackson County, Missouri, from and during the year 1863 down to the present time. During the year 1863 a regiment of United States troops, under the command of Col. Walter King, was camped near the residence of claimant, and being in need of blacksmith's tools and iron and coal for the uses of the command, the troops, under the orders of their officers, visited the claimant's blacksmith-shop and took from him his tools and the lot of iron and coal he had on hand, worth $247.50.

The coal and iron they used, and the tools they carried away with them upon their departure from that locality for their future use, so that he never recovered them, nor has he received any compensation therefor. In 1886 he placed his claim in the hands of an attorney, who filed the same in the War Department, but nothing was ever done with it.

The claimant is a poor and ignorant man, and had supposed his claim was being duly prosecuted. He finally enlisted the attention of his member of Congress in the claim, and it has been passed by the House of Representatives.

The proof clearly shows him to be a loyal man, and your committee think the bill for his relief should become a law, and therefore recommend its passage.

Mr. EDMUNDS. I have no objection to the bill. It is stated that he was a loyal man, and it is a small sum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY M. SWINNEA AND MARY E. HANSERD.

Mr. WALTHALL. I move that the Senate proceed to the consideration of the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Lucy M. Swinnea and Mary E. Hanserd each $640, being their respective shares of the value, as found by the Southern Claims Commission, of certain property taken for the use of the Army of the United States known as the Army of East Tennessee.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. JONES, of Arkansas, February 26, 1889, as follows:

The House of Representatives during the first session, present Congress, made the following report in this case:

"[House Report No. 2427, Fiftieth Congress, first session.]

"The Committee on War Claims, to whom was referred the bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd, respectfully report:

"John B. Bridgforth, of De Soto County, Mississippi, died in 1852 the owner of about 2,000 acres of land situate in said county. He left surviving him four minor children, two sons, William D. and Thomas H. Bridgforth, and two daughters, Lucy M. and Mary E. Bridgforth.

"About May, 1863, the Federal forces encamped in the neighborhood and took property belonging to these minors of the value as hereinafter more particularly stated of $2,560.

"The two sons resided with their guardian, Thomas P. Bridgforth; the daughters with their guardian.

"A claim was made on behalf of the sons before the Southern Claims Commission for their one-half of the property taken, but the guardian of the daughters made no claim for their interest.

"The commission found that the property taken, consisting of 15 mules, 8 oxen, 14 cows, 2,000 pounds of bacon, 100 bushels of corn, 4 stacks of fodder, was of the value of $2,560, and the one-half of this was allowed and paid to the two sons; but no action having been taken on behalf of the two daughters, nothing was allowed and paid to them, all of which fully appears by reference to the records and files of the commission in the case now on file in the Treasury Department. These two daughters have since intermarried, Lucy M. with Mr. Swinnea and Mary M. with Mr. Hanserd.

"It is doubtless due to the fact that no attention was given to the matter that the interests of these parties were not presented to the commission and they were not paid their shares respectively.

"Your committee see no reason why they should not be paid the same sum that was paid to their brothers, namely, $1,280, or $640 to each. The claim is obviously a just one, and we therefore recommend the passage of the said bill."

This committee believe that this report fairly sets forth the facts in this case, and respectfully recommend the passage of the bill.

Mr. EDMUNDS. I think from the report that this is a fair claim upon the equity of Congress. These two children did not have their judgment in the court that we provided for such claims and which decided in favor of the claim, and it is stated that their brothers received only one-half of it.

But I wish to say to my friend from Mississippi and to all other Senators who do me the honor to listen, that passing bills of this kind, no matter how meritorious, as late in the night as this is on the last day of the session, is throwing upon the President of the United States probably from fifty to one hundred bills, taking the last twenty-four hours of the two Houses, that it will be impossible for him to examine, and it is a mere waste of time. I shall not object to the passage of the bill on that account, but when this one is disposed of I shall move to take a recess to some suitable time. If my friend from Mississippi thinks there is any hope of getting the bill signed, I am perfectly willing to let it go.

Mr. WALTHALL. I want to get the bill passed if I can. I think probably it can reach the President in time to be approved.

Mr. RIDDLEBERGER. A motion to take a recess is equivalent to a motion to adjourn, and it is not debatable, and a Senator can not make the motion after he has made a speech. I therefore ask the Chair to understand that to-morrow evening at 8 o'clock I shall have the floor on a motion to pursue the Calendar without reference to the motion to lay over a resolution to discharge the Committee on the Judiciary. I beg pardon of the Chair for asking if I am to be recognized to-morrow as to my right to the floor without regard to the resolution to discharge the Committee on the Judiciary?

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Virginia if he desires.

Mr. RIDDLEBERGER. To-morrow evening at 8 o'clock?

The PRESIDENT *pro tempore*. Now.

Mr. HAWLEY. If the floor is open, I should be glad to be heard.

The PRESIDENT *pro tempore*. There is a bill before the Senate. The Senator from Virginia rose to address the Chair.

Mr. RIDDLEBERGER. Yes, sir; and I yielded yesterday evening, or I believe it was this morning, for a motion to take a recess until 8 o'clock to-night.

Mr. WALTHALL. Will the Senator yield to me for one instant?

Mr. RIDDLEBERGER. No, sir.

Mr. WALTHALL. I ask that this bill be disposed of, unless the Senator proposes to speak to the bill. I have the floor, sir. I had the floor when the Senator rose.

Mr. RIDDLEBERGER. The Senator has not got the floor yet.

Mr. WALTHALL. I had the floor when the Senator from Virginia rose, and I ask that the pending bill be disposed of.

The PRESIDENT *pro tempore*. The pending question is upon the bill now before the Senate as in Committee of the Whole. Does the Senator from Virginia desire to speak to the bill?

Mr. RIDDLEBERGER. I do, sir; and I do not intend to allow the Senator from Mississippi to interrupt me either.

Mr. WALTHALL. The Senator seems to have forgotten what has transpired. He interrupted me, and I was about to say that he did so in a rather impertinent manner in speaking of a matter that did not bear upon the question before the Senate. I did not interrupt him, and I trust that he will allow the vote to be taken on the bill.

Mr. RIDDLEBERGER. I wish the Senator would withdraw the word "impertinent." He should make himself much more careful in the use of language.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Mississippi did not intend to express what his words would seem to imply.

Mr. WALTHALL. I meant to say that the remarks of the Senator from Virginia were not pertinent to the question before the Senate.

The PRESIDENT *pro tempore*. So the Chair understood. If there is no amendment to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGETOWN AND TENNALLYTOWN RAILWAY.

Mr. FAULKNER. I ask the consent of the Senate to call up House bill 11811, which was passed by the House as a substitute for the bill (S. 3674) to amend "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," which was received by the President August 10, A. D. 1888, and became a law without his approval. It is the bill which the Senator from Vermont [Mr. EDMUNDS] desired time to examine when it was laid before the Senate this morning.

Mr. EDMUNDS. I wish to say to my friend from West Virginia that I do not think the bill ought to be passed, and I think he will be satisfied that it ought to be certainly further considered when I explain it to him.

The effect of it is to authorize this railway from Georgetown to Tennallytown (instead of being required as it was by the law that authorized it to keep out of the street between Georgetown and Tennallytown) to go on one side of the street. If it is allowed to go on one side of the street, no property-holder on that side of the street will be able to even have a sidewalk, as the House has passed the bill, and it will injure the value of property to the extent of a great many thousands of dollars. That part of the District is building up, and if you authorize this railroad company to lay its track right along the side of the street line, by the very side of the private property, it will almost destroy it. A bill of that kind ought not to pass without consideration.

Mr. FAULKNER. The Senator is entirely mistaken as to the substance of the bill. It simply provides that the company shall not take the improved part of the street. That is a suggestion of the other House which the Senate District Committee thought was a proper one. This being a road out in the country and this line of road being for the purpose of developing that suburban part of the District, the House bill authorizes the railroad company to lay its track on a part of the proper road of the District outside of the improved part.

The object of that provision is simply this: The center of the road being macadamized, the purpose was to throw the track on the side so that it would not affect the driving on that macadamized road.

The Senator will see that the provision requiring the railroad to go through the land outside of the road was unfair and unjust. It is the same width of road as F street, and there is no difficulty in running two tracks along there and having plenty of room to drive.

It is an exceedingly important bill for the interests of those persons who are living along the Tennallytown road, and unless there is some serious objection to it, I sincerely hope that the Senator will not make any objection to its being brought before the Senate this evening.

Mr. ALLISON. Mr. President——

Mr. EDMUNDS. I hope my friend from Iowa will allow me one minute to reply to my friend from West Virginia.

I did not make the objection on the ground that the driving-track is going to be interrupted, but I made it on the very ground that he states the facts to be, that the railroad company is required not to lay its track in the driving part of the road, but is authorized to lay it just as close to one side as it pleases, and it may therefore run its cars so that they will not be six inches away from the front of any poor man up there who builds his house or has it already built.

I do not propose, without further consideration, to be a party to doing a wrong of that kind to every man who owns land on the side of the street where the company chooses to lay its track. That is the way it looks to me, and therefore I must object, as the bill is subject to objection.

Mr. FAULKNER. Do I understand that one objection carries my motion over?

Mr. EDMUNDS. Yes, the bill came over to-day.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from West Virginia.

HOUR OF RECESS.

Mr. ALLISON (at 2 o'clock a. m. Sunday, March 3). I ask unanimous consent that when we take a recess it shall be until 3 o'clock this afternoon, for the purpose only of signing enrolled bills, and that at 8 o'clock this evening legislative business shall be resumed.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that when the Senate take a recess it be until 3 o'clock in the afternoon, for the purpose of signing enrolled bills only, and that business be resumed at 8 o'clock in the evening. Is there objection?

Mr. RIDDLEBERGER. That is, legislative business at 8 o'clock?

Mr. ALLISON. I propose that we shall resume business at 8 o'clock, whatever business may be on hand at that time.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request, and it is so ordered.

DISTRICT PAWNBROKERS.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 5, after the word "persons," to insert "citizens of the United States;" so as to read:

That the commissioners of the District of Columbia may from time to time grant licenses, under their hands and seal, to such persons citizens of the United States as shall produce to them satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker, which license shall designate the building in which said person shall carry on said business; and no person shall exercise or carry on the business of a pawnbroker without being duly licensed by the commissioners of the District of Columbia, nor in any other building than the one designated in said license, except by the consent in writing of the said commissioners, under the penalty of $50 for each day he or she shall exercise or carry on said business without such license, or in any other building than the one so designated, except by the consent of the commissioners as aforesaid.

The amendment was agreed to.

The next amendment was, in section 5, line 6, after the word "section," to insert "excepting as to the description of the person;" so as to make the section read:

SEC. 5. That every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article, or thing a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section, excepting as to the description of the person.

The amendment was agreed to.

The next amendment was, in section 7, line 2, after the word "than," to strike out "24 per cent. per annum" and insert "3 per cent. per month;" in line 5, before the word "per cent.," to strike out "12" and insert "2," and in the same line, after "per," to strike out "annum" and insert "month;" so as to make the section read:

SEC. 7. That no pawnbroker shall ask, demand, or receive any greater rate of interest than 3 per cent. per month upon any loan not exceeding the sum of $25, or more than 2 per cent. per month upon any loan exceeding the sum of $25, under the penalty of $100 for every such offense.

The amendment was agreed to.

The next amendment was to add to section 10 the following proviso:

Provided, That said person shall call for said surplus within one year from date of said sale.

The amendment was agreed to.

The PRESIDENT *pro tempore*. In section 13, line 4, the word "convention" should be "conviction," so as to read "upon conviction before a court of competent jurisdiction."

Mr. SPOONER. Let that amendment be made.

The PRESIDENT *pro tempore*. The amendment will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS were appointed.

ORDER OF BUSINESS.

Mr. ALLISON. I move that the Senate take a recess until 3 o'clock.

Mr. BLACKBURN addressed the Chair.

Mr. HAWLEY. Will the Senator from Iowa allow me to request concurrence with the House in a printing resolution, which I think is very reasonable and useful?

Mr. EDMUNDS. That can be done this evening.

Mr. HAWLEY. But it will not get signed.

Mr. EDMUNDS. If the Senator from Iowa yields to one he will have to yield to others.

Mr. HAWLEY. This is different from a bill. It is a matter of public business. It is not a bill of private interest to anybody. I ask permission to have it read for information.

Mr. ALLISON. What is it about?

Mr. HAWLEY. It is concerning the question of Western irrigation. It is a report of the chief of engineers and the principal secretary of public works in Egypt. The House asks for a small edition of 3,000 copies in view of the hundred thousand dollars we have appropriated for considering that subject.

Mr. ALLISON. I will yield.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Kentucky [Mr. BLACKBURN] if the Senator from Iowa yields the floor.

Mr. BLACKBURN. I ask the Senate to take up and consider the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, if there be no objection.

Mr. EDMUNDS. I wish to make a parliamentary inquiry. Under the present order of the Senate, would it be competent for the Senate to take the recess that has been agreed upon without a voting quorum?

The PRESIDENT *pro tempore*. If the want of a quorum should be disclosed, the Chair would feel at liberty to announce the recess until 3 o'clock.

Mr. EDMUNDS. I thought that was the law.

Mr. CAMERON. Suppose the want of a quorum is not disclosed?

The PRESIDENT *pro tempore*. The Chair will not take any notice of the want of a quorum unless it is disclosed.

Mr. EDMUNDS. There are only about twelve Senators present, and we have passed more bills now than the President can possibly sign unless he signs them without examination. I therefore feel bound to insist that the Senate shall now take a recess.

Mr. HAWLEY. There is nothing that anybody controverts in the matter I wish to call up. There is absolute unanimity in regard to it.

RECESS.

Mr. ALLISON. I move that the Senate take a recess until 3 o'clock this afternoon.

The motion was agreed to; and (at 2 o'clock and 15 minutes a. m. Sunday, March 3, 1889) the Senate took a recess until 3 o'clock p. m.

SUNDAY'S SESSION.

At 3 o'clock p. m. (Sunday, March 3) the President *pro tempore* resumed the chair.

MESSAGE FROM THE HOUSE.

At 3 o'clock and 10 minutes p. m., Mr. JOHN B. CLARK, the Clerk of the House of Representatives, appeared at the bar.

The PRESIDENT *pro tempore*. The Senate will receive a message from the House of Representatives.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 2875) for the relief of Louisa H. Hasell;

A bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre;

A bill (H. R. 9455) granting a pension to Benjamin F. Clayton;

A bill (H. R. 9674) to regulate the course at the Naval Academy;

A bill (H. R. 9718) for the relief of J. W. Parish & Co.;

A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota;

A bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska; and

Joint resolution (H. Res. 252) appointing A. A. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

MESSAGE FROM THE HOUSE.

At 3 o'clock and 40 minutes p. m. a message from the House, by Mr. TOWLES, its Chief Clerk, announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 2070) for the relief of Arno Voss;

A bill (H. R. 2598) for the relief of William Whitehouse;

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd;

A bill (H. R. 5226) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.;

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield; and

A bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew.

MESSAGE FROM THE HOUSE.

At 6 o'clock p. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes.

MESSAGE FROM THE HOUSE.

At 6 o'clock and 10 minutes p. m. a message from the House of Representative, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.;

A bill (S. 308) for the relief of Faran & McLean;

A bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.; and

A bill (S. 3960) granting a pension to Mary B. Hunt.

ALLOTMENT OF LANDS IN SEVERALTY.

Mr. DAWES (at 8 o'clock and 2 minutes p. m.). Is a conference report in order at this time?

The PRESIDENT *pro tempore*. It is.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11634) to provide for the allotment of lands in severalty to the United Peorias and Miamis in Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

H. L. DAWES,
J. K. JONES,
Managers on the part of the Senate.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on concurring in the same.

The report was concurred in.

INDIAN APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, and 81, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out the word "two" in said amendment and insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out in the proviso of said amendment the words "the allowance of the claim of" and insert "the question of the obligation of the Government on account of the payment to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out the words proposed to be inserted, and insert in lieu thereof "and which have been duly approved;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 23 of said amendment, strike out "Western;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 8 of said amendment, after the word "thereof," insert "the sum of $5,000, or so much thereof as may be necessary."

Also, in lines 10 and 11, strike out the words "in the matter of the distribution" and insert in lieu thereof the words "and rendering them aid in obtaining the allowance."

Also, in lines 11 and 12, after the word "dollars," strike out "who, in his judgment, are entitled thereto."

Also, in line 12, strike out "twelve" and insert "fifteen."

Also, in line 14, after the word "expended," insert "in ascertaining to whom said money shall be paid."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: That the words "not including transportation" be stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Add to the words proposed to be inserted by said amendment: "and section 8 of the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes,' approved June 29, 1888, is hereby repealed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 7 of said amendment strike out "in the Indian Territory" and insert in lieu thereof "within the limits of said lands."

Also, in line 15, after "apply," insert as follows:

"*And provided further*, That any person who having attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged: *And provided further*, That."

Also, in line 15, strike out "to" and insert in lieu thereof "shall."

Also, in line 15, insert after "form" the words "as nearly as practicable."

Also, in line 16, after the word "person," strike out the word "to."

Also, in lines 18 and 19, strike out "in conformity to law."

Also, in line 25, strike out "in his discretion."

Also, in line 31, after "Indians," insert "including the provisions pertaining to forfeiture."

Also, at the beginning of line 37, insert "section 14."

Also, add at the end of the amendment the following:

"*Provided*, That said commission is further authorized to submit to the Cherokee Nation the proposition that said nation shall cede to the United States in the manner and with the effect aforesaid all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January 19, 1889, and ratified by the present Congress; and if said Cherokee Nation shall accept, and by act of its legislative authority duly passed ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided; and the President is authorized as soon thereafter as he may deem advisable by proclamation to open said lands to settlement in the same manner and to the same effect as in this act provided concerning the lands acquired from said Creek Indians; but until said lands are opened for settlement by proclamation of the President no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto.

"SEC. 15. That the President may, whenever he deems it necessary, create not to exceed two land districts, embracing the lands which he may open to settlement by proclamation as hereinbefore provided, and he is empowered to locate land offices for the same, appointing thereto in conformity to existing law registers and receivers; and for the purpose of carrying out this provision $5,000, or so much thereof as may be necessary, is hereby appropriated."

And the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
Managers on the part of the Senate.

S. W. PEEL,
JOHN M. ALLEN,
B. W. PERKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate concur in the report of the committee of conference?

Mr. RIDDLEBERGER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Virginia——

Mr. RIDDLEBERGER. I expect that the conference report will have precedence, but I beg that I may have now an opportunity, pending the report, to move an executive session.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from Virginia.

Mr. RIDDLEBERGER. I say that pending the report I move to go into executive session. I have heard so many of those reports that I think it is about time to consider some other business.

Mr. DAWES. The report is before the Senate, and the Senate is ready to vote on concurring in it.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

REPORT OF A COMMITTEE.

Mr. SPOONER. Will the Senator from Virginia yield to me to enable me to present a report from the Committee on Claims?

I am instructed by the Committee on Claims to report favorably without amendment the bill (S. 409) for the relief of the First National Bank of Newton, Mass., and to submit a report thereon.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report printed.

JAMES A. STEWART.

Mr. SHERMAN. There are two small bills, and very worthy ones, on the Calendar reported from the Committee on Claims. On account of my absence from the Senate at different times recently, I have not had an opportunity to move their consideration. I ask the consent of the Senate to move to proceed to the consideration of those bills. The first one is House bill 9271.

Mr. RIDDLEBERGER. Do I understand the President of the Senate to say that I shall have the floor to move an executive session immediately after those claims are passed or rejected?

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 9271) for the relief of James A. Stewart.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments, in line 6, before the word "hundred," to strike out "four thousand seven" and insert "twenty-five;" and in line 7, after the word "payment," to strike out "and discharge of the amount due the said James A. Stewart;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James A. Stewart, of Cincinnati, Ohio, out of any money in the Treasury not otherwise appropriated, $2,500, said sum to be in full payment for services rendered as pilot of Government transports and gunboats from October 6, 1863, to April 30, A. D. 1865.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist on its amendments, and request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. PASCO were appointed.

D. M. SPRAGUE AND WILLIAM TILTON.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay the claim of D. M. Sprague and William Tilton for $943 for damages accruing to them in 1865 by reason of the failure of the Quartermaster's Department to comply with its contract.

Mr. RIDDLEBERGER. I ask whether I have not the right to the floor, not having yielded it.

Mr. SHERMAN. The Senator yielded the floor to me for the consideration of these two bills. I think it will take but a moment to pass the pending bill. If there is any objection to it, it will go over.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business. The question is on agreeing to the motion of the Senator from Virginia. [Putting the question.] By the sound the noes have it. The noes have it, and the motion is not agreed to.

Mr. JONES, of Arkansas. Mr. President——

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Arkansas is recognized.

ESTATE OF BENJAMIN F. RICHARDSON.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 9, after the word "rebellion," to strike out the words:

And he may consider the evidence heretofore taken on said claim, so far as applicable, and such other legal evidence as may be adduced before him in behalf of the claimant or in behalf of the United States.

So as to read:

That the Quartermaster-General of the United States is hereby authorized and directed to examine the claim of the estate of Benjamin F. Richardson, deceased, late of Jefferson County, Arkansas, for stores and supplies belonging to said Richardson alleged to have been taken by the United States or the armies thereof, in Jefferson County, in the State of Arkansas, during the war of the rebellion, and shall report the facts to Congress, etc.

Mr. JONES, of Arkansas. I hope the Senate will not agree to the committee amendment. It is not material, as I think, in any particular respect. This is a House bill, and if it is amended of course it is bound to fail. It is a bill which should pass, and the amendment as made by the committee I do not think is of any material consequence. I wish to call the attention of other members of the Committee on Claims to the fact that I ask the Senate not to concur in the amendment proposed by the committee.

Mr. SPOONER. I ask that the committee amendments may be again read.

The amendment of the Committee on Claims was read.

Mr. JONES, of Arkansas. The amendment which the committee reported I hope the Senate will not agree to, and that the bill will be passed without amendment. Both the Senator from Wisconsin [Mr. SPOONER] and the Senator from Massachusetts [Mr. HOAR], who are on the committee from which the bill came, have had their attention called to the amendment, and if either of them objects I shall withdraw my proposition.

Mr. RIDDLEBERGER. I object.

Mr. JONES, of Arkansas. There is no chance for the bill to become a law if it be amended.

Mr. SPOONER. If the matter were to go to the Court of Claims I should insist upon the amendment, but as it is an instruction to the

Quartermaster-General I regard the amendment as not material. If its adoption will endanger the passage of the bill, I am quite willing that it shall be disagreed to.

Mr. HOAR. I am inclined to think on looking at the bill that its legal effect is absolutely the same with the amendment as without.

Mr. JONES, of Arkansas. That is the way it occurred to me.

Mr. HOAR. The Quartermaster-General is not bound to be governed by the ordinary rules of evidence, and if there be a document necessary for the protection of either party he would have the right to consider it whether expressly authorized to do so or not.

Mr. JONES, of Arkansas. I hope the Senate will not agree to the amendment, and that the bill will be passed as it came from the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

Mr. RIDDLEBERGER. I ask the Senator from Massachusetts whether he knows anything about this bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. RIDDLEBERGER. I do not ask him for his confidence.

The amendment was rejected.

The next amendment was, in line 3, after the word "Congress," to strike out the words "to be considered with other claims reported by the Quartermaster-General."

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TARIFF STATISTICS AND TESTIMONY.

Mr. MORRILL. I ask for the adoption of the following order:

Ordered, That the Committee on Finance have authority to complete the compilation and index of tariff statistics and testimony in connection with House bill 9951, the expense therefor to be paid from the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The order will be agreed to, if there be no objection. The Chair hears none, and it is agreed to.

Mr. RIDDLEBERGER. Will an objection carry it over for a day?

The PRESIDENT *pro tempore*. It will not now. The order has been agreed to.

PATRICK C. M'QUEENY.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 9949) for the relief of Patrick C. McQueeny.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Patrick C. McQueeny, late sergeant Company B, Seventeenth Regiment United States Infantry, $50, for additional bounty due him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. HIGGINS.

Mr. PASCO. I ask the consent of the Senate for the consideration at the present time of the bill (H. R. 8307) for the relief of John T. Higgins.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of the bill (H. R. 8307) for the relief of John T. Higgins.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay John T. Higgins, of Lincoln County, Kentucky, $130, necessary expenses as general store-keeper and gauger for two months and six days in the revenue service of the eighth district of Kentucky.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, in line 7, after the word "dollars," to strike out "or so much thereof as may be necessary."

Mr. PASCO. The amendments are not essential, and by the consent and with the authority of the Committee on Claims I ask that they be disagreed to.

The amendment was rejected.

The next amendment was, in line 7, after the word "for," to insert the words "actual and."

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment?

Mr. RIDDLEBERGER. I object.

The amendment was rejected.

The next amendment was, in line 8, before the word "expenses," to insert "traveling."

The amendment was rejected.

The next amendment was, in line 8, after the word "expenses," to insert "while acting temporarily."

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DEVINE.

Mr. DAVIS. I move that the Senate proceed to the consideration of the bill (H. R. 3765) for the relief of James Devine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to James Devine, of the county of Brown, Minnesota, $700, for damages done to his land by the United States troops in cutting timber for the building of Fort Hanska, and for fuel and other purposes, while in possession of troops during the outbreak of the Sioux Indians in Minnesota.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HOWARD.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $100 to James S. Flake, guardian of Samuel Howard (a lunatic), of Henderson County, Tennessee, for quartermaster's stores, consisting of one horse, taken from Howard and appropriated by the military forces of the United States.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The bill was read the third time, and passed.

FLORA A. DARLING.

Mr. STEWART. Owing to a mistake in the statement of facts found by the Court of Claims, upon which the report is based, I move that the bill (S. 3833) for the relief of Flora A. Darling be recommitted to the Committee on Military Affairs.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. STEWART it was

Ordered, That leave be granted to General Joseph Dickinson to withdraw the papers in his case from the files of the Senate, there having been no adverse report.

INDIAN WAR CLAIMS.

Mr. HEARST. I offer a resolution which I ask may be read, and I hope the Senate will take action upon it.

The PRESIDENT *pro tempore*. The resolution will be read if there be no objection.

The resolution was read, as follows:

Resolved, That the Secretary of War, through the Board of War Claim Examiners, appointed under section 2 of the act entitled "An act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territory of Washington, and Nevada when a Territory," approved August 4, 1886, be, and he is hereby, authorized and directed to examine all vouchers, accounts, papers, and evidence which heretofore have been or which hereafter may be submitted to him in support of the Indian war claims and Indian war obligations of the State of California, and to ascertain the amount of money actually expended and obligations incurred by said State, growing out of Indian hostilities therein and upon the borders thereof, and which have not heretofore been reimbursed by the United States.

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes hereinbefore enumerated, and which has not heretofore been reimbursed by the United States.

The Secretary of War shall report to the Senate the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matter above enumerated, including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

And the Secretary of War shall report the circumstances and exigencies under which, and the authority by which, such expenditures were made, and what payments have been made on account thereof by the United States.

Mr. EDMUNDS. That resolution goes beyond what I think such resolutions ought to cover, and I must therefore object to it. The matter of undertaking to pay interest or inquiring into the payment of interest on money that States——

Mr. STEWART. I can not hear the Senator from Vermont.

The PRESIDENT *pro tempore*. Will the Senator from Vermont pause until order is restored in the Chamber? The Chair admonishes the occupants of the galleries that it is impossible to transact the public business while so much disorder and confusion prevail. The Chair is confident that this suggestion will be sufficient to prevent audible conversation.

Mr. EDMUNDS. I of course am not entitled to debate the resolution on an objection, but I think it right to my friends from California and Nevada to say that it implies an inquiry into the matter of interest paid by States in raising money to do the things in aid of the peace of the Union that a great many of the States, one that I know of, had to do to a very large amount, and the interest was never repaid, and I never thought it ought to be. At this late stage in the session I do not think that we ought to adopt a resolution of this kind in warm haste, and I object to it.

Mr. STEWART. I think the resolution might be amended by striking out what relates to interest. I suggest that amendment, and I have no doubt the Senator from California will accept it.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to amend the resolution——

Mr. EDMUNDS. I understand this to be a resolution which is now presented.

The PRESIDENT *pro tempore*. It is now presented.

Mr. EDMUNDS. I make the point of order that it must lie over one day.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to the further consideration of the resolution, and it lies over under the rule.

INDEBTEDNESS OF PACIFIC RAILROADS.

On motion of Mr. FRYE, it was

Ordered, That the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned be recommitted to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

MARGARET T. HIGGINS.

Mr. VOORHEES. I desire to call up the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to John De Bree, executor of Margaret T. Higgins, $3,236.66 in full for and final discharge of the claim examined, investigated, and reported favorably by the Court of Claims, under the provisions of the act of Congress approved March 3, 1883, commonly called the Bowman act.

Mr. VOORHEES. I will say that the bill has been reported from the Committee on Claims unanimously by the Senator from Arkansas [Mr. JONES] without amendment.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. JONES, of Arkansas, February 23, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins, beg leave to report as follows:

The bill provides for the payment of the sum of $3,236.66 for the use of a certain warehouse and wharf belonging to Mrs. Higgins, in the city of Norfolk, Va. The claim was transmitted to the Court of Claims by the House Committee on War Claims of the Forty-eighth Congress under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The said claim was returned by the Court of Claims to the House Committee on War Claims of the Forty-ninth Congress with findings of fact by the court as follows:

"[Court of Claims. Congressional Case No. 70. John De Bree, executor of Margaret Higgins, *vs.* The United States.]

"FINDINGS OF FACT.

"At a Court of Claims held in the city of Washington on the 14th day of December, A. D. 1885, the court filed the following findings of fact, to wit:

"This case, referred by the Committee on War Claims of the House of Representatives, under the provisions of the act of March 3, 1883, chapter 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General by his assistants appearing for the defense and protection of the interests of the United States, the court upon the evidence finds the facts to be as follows:

"I.

"From October 15, 1862, to the date of his death, February 2, 1864, John A. Higgins was the owner of a warehouse and wharf attached thereto upon Wide Water street, in the city of Norfolk, Va.

"After February 2, 1864, said warehouse and wharf were owned by Margaret T. Higgins, who was the widow of said John A. Higgins and executrix of and sole devisee and legatee under his last will and testament.

"The said Margaret T. Higgins died, and by her last will and testament the petitioner was constituted her sole executor.

"II.

"October 15, 1862, said warehouse and wharf were seized by Capt. Edwin Ludlow, assistant quartermaster, United States Army, as a military necessity, and were used by the Quartermaster's Department from said date to June 26, 1885, when they were restored to the said Margaret T. Higgins.

"At the time of said seizure it was represented by said Ludlow that compensation would be made to the owner on proof of loyalty.

"Such promise was not approved by the Quartermaster-General, and no rent was ever paid for said property.

"No evidence was ever adduced of the disloyalty of said John A. or Margaret T. Higgins, and both of them, so far as appears, were loyal to the Government of the United States.

"III.

"The said warehouse and wharf were in good condition when they were seized by the said Ludlow, but by reason of its occupation by the United States as aforesaid said property was so damaged that it became necessary to repair the same, and the sum of $1,640 was paid for such repairs by the said Margaret T. Higgins on the 12th of August, 1865, which sum has never been paid to her or her representative by the United States.

"March 20, 1866, Col. William L. James, chief quartermaster in the Department of Virginia, reported that the rental value of the premises was $1,200 a year. This report was approved by the Quartermaster-General.

"The court finds that $1,200 a year was a fair compensation for the use of the premises.

"The premises were occupied by the United States, as appears in Finding II, for two years eight months and eleven days. At $1,200 a year the rent amounts to $3,236.66. Add to this the cost of repairs, $1,640, gives the sum total $4,876.66.

"February 14, 1885, a motion by the counsel for the defendant was made to dismiss the case for want of jurisdiction under the third section of the Bowman act, which provides that 'the jurisdiction of said court shall not extend to or include any claim against the United States * * * for the use and occupation of real estate by any part of the military or naval forces during the said war, at the seat of war.'

"May 11, 1885, motion overruled by the court.

"By the court.

"Filed December 14, 1885."

The committee, concurring with the Court of Claims that the city of Norfolk, in Virginia, was not the "seat of war" during the time of the occupation of the said warehouse and wharf by the military authorities, deem it not inappropriate to call attention to the following well-known historical facts:

1. The President, by his proclamation issued August 16, 1861, declared that the inhabitants of the State of Virginia, except the inhabitants of that part of the State lying west of the Alleghany Mountains, and of such other parts of that State as may maintain a loyal adhesion to the Union and the Constitution, or may be from time to time occupied and controlled by forces of the United States, are in a state of insurrection, etc.

2. The President, by his proclamation issued September 22, 1862, declared that he would, on the 1st day of January, 1863, designate the States and parts of States in which the people thereof should be in rebellion against the United States.

3. The President, in his proclamation of Janury 1, 1863, designated as the States and parts of States wherein the people thereof were on that day in rebellion against the United States the following, to wit: Arkansas, Texas, Louisana (except certain parishes named, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth.

4. At the first election occurring after the Federal occupation in May, 1862, the county and city of Norfolk were reorganized as a part of the loyal State of Virginia, and have ever since been represented in her restored government.

5 The said county and city sent representatives to the Virginia convention which assembled at Alexandria, and which abolished slavery in Virginia. They also sent representatives to the Legislature at Alexandria, which ratified the anti-slavery amendment to the Federal Constitution and gave the assent of Virginia to the creation of West Virginia as a State.

6. From the time of the Federal occupation in May, 1862, until the close of the war, the said county and city were in constant and uninterrupted commercial intercourse with New York, Philadelphia, Baltimore, Washington, and other places within the Federal lines.

It appears from the findings of the court that the claimant was loyal, that her warehouse and wharf, after the occupation of the city of Norfolk by the Federal forces in 1862, were seized by Capt. Edwin Ludlow, assistant quartermaster, United States Army, were occupied for two years eight months and eleven days, and that $1,200 a year would be a fair compensation for the premises, amounting in the aggregate to $3,236.66.

Your committee therefore report back the bill which has been referred to them, and recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMER I. N. BUNTON.

Mr. QUAY. I ask unanimous consent of the Senate to offer a resolution to recall a bill from the House of Representatives.

The PRESIDENT *pro tempore*. The resolution will be read.

The SECRETARY:

Resolved, That the House of Representatives be requested to return to the Senate House bill 6050.

Mr. EDMUNDS and Mr. SPOONER. What is the title of the bill?

The PRESIDENT *pro tempore*. It will be reported.

The SECRETARY. A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the House of Representatives be requested to return this bill to the Senate.

The resolution was agreed to.

IRRIGATION IN EGYPT.

Mr. HAWLEY. I ask for the consideration of a House concurrent resolution to print 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt, to which I referred at the last sitting. It is reported from the Committee on Printing favorably.

The PRESIDENT *pro tempore*. It will be read.

The SECRETARY:

IN THE HOUSE OF REPRESENTATIVES, *February* 19, 1889.

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,000 copies of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House.

The resolution was considered by unanimous consent, and concurred in.

AGRICULTURAL REPORT FOR 1889.

Mr. HAWLEY. Owing to the illness of the chairman of the Committee on Printing, I report and ask for its present consideration a joint resolution to print the agricultural report of 1889.

The joint resolution (S. R. 145) to print the agricultural report for 1889 was read the first time, and the second time at length, as follows:

Resolved, etc., That there be printed 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1889, 70,000 copies for the use of the members of the Senate, 300,000 copies for the use of the members of the House, and 30,000 copies for the use of the Department of Agriculture, illustrations for the same to be executed under the supervision of the Public Printer in accordance with directions of the Joint Committee on Public Printing, said illustrations to be subject to the approval of the Commissioner of Agriculture, and the copy for the illustrations of said report shall be placed in the hands of the Public Printer not later than the 20th day of December, 1889, and the copy of the text not later than the 1st day of February, 1890.

SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the cost of the printing of the said report.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PADDOCK. I should like to inquire of the Senator having the resolution in charge if this number provided for the next year is the same as the number heretofore printed?

Mr. HAWLEY. I understand it to be the same.

Mr. PADDOCK. No reduction?

Mr. HAWLEY. No reduction. The Committee on Printing tried that several years, but gave it up.

Mr. RIDDLEBERGER. Mr. President——

Mr. HAWLEY. I hope the Senator will allow the Agricultural Report resolution to pass.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart, agreed to the conference asked by the Senate on the disagreeing vote of the two Houses thereon, and had appointed Mr. STONE, Mr. LANHAM, and Mr. BUTTERWORTH managers at the conference on the part of the House.

WITHDRAWAL OF PAPERS.

Mr. SHERMAN. I submit the following order that I ask to have adopted:

Ordered, That Mrs. Rachel Dyer have leave to withdraw from the files of the Senate the papers in her case.

Mr. EDMUNDS. Under the rules?

The PRESIDENT *pro tempore*. Subject to the rules. It is so ordered.

HEIRS OF JOHN R. TREUTLEN.

Mr. BUTLER. I ask that the Senate proceed to the consideration of the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen.

The PRESIDENT *pro tempore*. If there be no objection, the bill is before the Senate as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill moved by the Senator from South Carolina will be read.

The bill was read; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the heirs of John R. Treutlen, late an employé in the House of Representatives, $333.33, being the difference in the salary paid to laborers and that paid to messengers, which latter office he filled from the 7th of April, 1881, to the 17th of December, 1881, performing all the duties of messenger and receiving only the pay of laborer.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, February 16, 1889:

The Committee on Claims, to whom was referred the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen, respectfully report:

The object of this bill is to pay to the heirs of John R. Treutlen $333.33, being the difference between his pay as a laborer in the employment of the House of Representatives and the salary of a messenger of said House, the duties of which latter office the said John R. Treutlen whilst being a laborer satisfactorily performed from the 7th day of April to the 17th day of December, in the year 1881, during which period he only received the pay of a laborer.

Whilst not intending to indorse the proposition that as a rule a man who fills a subordinate position in the Government service and in the line of service is made to temporarily discharge the duties of a higher position should receive the salary attached to such higher place during such temporary service, we recognize the fact (to quote the language of a report from this committee in a former case similar to this) that—

"It has been the custom of the Senate to recognize it as fairly within the province of the House to decide for itself as to the number of its employés, as to their duties, and as to the compensation which they shall receive."

In conformity with various precedents, your committee report back this bill with a recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES PROPERTY IN PITTSBURGH.

Mr. CAMERON. I move to proceed to the consideration of the bill (S. 3905) authorizing and directing the sale of certain property belonging to the United States, situate in Pittsburgh, Pa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. Is there a report in that case, Mr. President?

Mr. CAMERON. I will say to the Senator from Vermont that there is no report on the part of the Senate. There was a report made in the House of Representatives which our committee adopts. The report accompanies the bill which I send to the desk.

The Secretary read the following report submitted by Mr. CAMERON February 15, 1889:

The Committee on Military Affairs have considered Senate bill No. 3905 "authorizing and directing the sale of certain property belonging to the United States situate in Pittsburgh, Pa."

The property in question constitutes a portion of what was originally Fort Fayette, situate on the banks of the Allegheny River. By an act of Congress approved August 2, 1813, all of the property originally owned at this place by the United States was authorized to be disposed of by public sale, and subsequently all was so disposed of excepting the portion now embraced in this bill. This has been for some years under the control of the Quartermaster's Department. It has on it a two-story brick house and some other buildings of no importance.

Owing to the growth of the business portion of the city of Pittsburgh the property has now become very valuable, and would command a high price in the market if exposed to sale. As long ago as 1874 this property was the subject of special examination and report by the Quartermaster's Department. In a communication dated June 2, 1874, addressed to the Adjutant-General, C. G. Sawtelle, quartermaster and brevet brigadier-general of the United States Army, who had made a special examination of this property, reported as follows:

"The whole property is centrally located, is admirably adapted for business purposes, and is very valuable. There seems to be no probability of it ever being needed for military purposes. I am therefore of opinion, and I recommend, that the whole property be sold at public auction, after due public notice, as soon as requisite authority therefor can be obtained."

Following this report Quartermaster-General M. C. Meigs, in June, 1874, in his report to the Secretary of War, made the following statement:

"As this real estate of the United States is said to be worth $100,000, and is not now needed for use of the Quartermaster's Department, it is believed to be advisable that the question of its sale at public auction should be submitted to Congress. Six per cent. of the estimated value of $100,000 is $6,000 per annum, which is probably greatly in excess of what the rent of any quarters and storehouses needed in the future at Pittsburgh will cost."

This report to the Secretary of War was sent to Congress with the favorable indorsement of the then Secretary of War, Hon. William W. Belknap. For some reason or other no action was taken by Congress in the premises.

Since the proceedings recited were had the value of this property has very greatly increased, and its retention by the Government is now, in the judgment of the committee, very unwise. It does not seem to be needed for Government purposes, and the amount that it would bring at a fair sale would yield in interest a rent which the Government is not justified in paying for property that is practically useless to it. A communication to the committee signed "S. V. Benét, brigadier-general, Chief of Ordnance, and Acting Secretary of War," under date of March 7, 1888, says:

"This land is not needed for the use of this Department, but the United States should sell what it owns—all its right, title, and interest—for cash, at public auction, the proceeds of the sale to be covered in the Treasury."

For these reasons your committee have no hesitation in recommending the passage of the bill.

Mr. EDMUNDS. Will the Secretary read that part of the bill again which provides for the notice of the sale?

Mr. CAMERON. The last section.

The Secretary read as follows:

SEC. 2. That said sale shall be by public auction, after due advertisement daily for three weeks in three newspapers of the city of Pittsburgh, and after publication of notice by printed hand-bills posted for that length of time on said property and in ten of the most conspicuous places in the said city, and shall be of the property as a whole or in parts, for cash, as in the judgment of the Secretary of War may best subserve the interest of the United States and secure the best price for said entire property.

Mr. EDMUNDS. That is enough.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILK CULTURE IN THE UNITED STATES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported favorably thereon, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed by the Committee on Agriculture and Foresty to report the hearing before it upon the bill (S. 3128) for the development and encouragement of silk culture in the United States under the supervision of the Commissioner of Agriculture be paid out of the contingent fund of the Senate, and that the notes of said hearing be printed for the use of the committee.

RELIGION AND SCHOOLS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported favorably thereon, and it was considered by unanimous consent, and agreed to:

Resolved, That the stenographer employed by the Committee on Education and Labor to report the hearings before it upon the joint resolution (S. R. 86) proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools be paid out of the contingent fund of the Senate and that said committee may have the notes of said hearings printed for its use.

PUBLIC BUILDING AT KANSAS CITY.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report an original bill, and I ask that it may be considered at this time.

The bill (S. 4000) for the erection of a public building at Kansas City, Mo., was read the first time by title.

The PRESIDENT *pro tempore*. The bill will be read the second time at length for information.

Mr. SPOONER. I ask that the reading of the bill may be dispensed with. It has already passed the Senate upon a favorable report of the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. It is an original bill, as the Chair understands.

Mr. SPOONER. A bill precisely like it I meant to say had passed.

The PRESIDENT *pro tempore*. The bill has been read the first time by title. The Senator desires that the bill may be now considered as read the second time and considered as in Committee of the Whole. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon,

and had appointed Mr. HEMPHILL, Mr. COMPTON, and Mr. GROUT managers at the conference on the part of the House.

The message also announced that the House had passed the following resolutions; in which it requested the concurrence of the Senate:

A resolution to print the report of the Director of the Mint on production of the precious metals in the United States for the calendar year 1888;

A resolution for the printing (in addition to the usual number) of 15,000 copies of the eleventh number of the Statistical Abstract of the United States for the year 1888; and

A resolution directing the Clerk of the House as to the enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The message further announced that the House had concurred in the resolution of the Senate for the printing of the report of the Commissioner of Fish and Fisheries for the year 1887.

The message also announced that the House returned to the Senate in compliance with its request the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson; and

A bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton.

COMMITTEE ON PRINTING.

Mr. HAWLEY. I offer the resolution which it is usual to pass at the close of a Congress to continue the work of the Printing Committee, which I ask may be now considered.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Printing as at present constituted be, and is hereby, authorized to sit during the coming recess.

LIGHTS AT OTTER CREEK, ETC.

Mr. CULLOM. I present a conference report for consideration by the Senate.

The PRESIDENT *pro tempore*. The report will be received and read if their be no objection.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1; that the House recede from its disagreement to the amendments of the Senate numbered 2 and 3.

S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.
MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON,
Managers on the part of the House.

The report was concurred in.

WASHINGTON AND GREAT FALLS RAILROAD.

Mr. VANCE. I ask unanimous consent to take up Senate bill 3321, Order of Business 2542.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3321) to incorporate the Washington and Great Falls Narrow-Gauge Railroad Company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Having been read three times, shall the bill pass?

Mr. EDMUNDS. If there were the slighest possibility of this bill passing and being sent to the President, I should think it not only worth while but a duty to call the attention of the Senate to the very extraordinary powers that appear in one section, to say nothing of some others conferred upon this company, not merely to condemn land for right of way, but to go anywhere and take anything of any sort required for the purposes of the company, and apparently not only in the District of Columbia, but in the State of Maryland. But, as of course it is perfectly obvious that this bill is not to become a law, I only wish to express my opposition to it as it now stands.

The bill was passed.

STEAMER I. N. BUNTON.

Mr. QUAY. I move that the Senate proceed to the consideration of House bill 6050, which has just been returned from the House of Representatives in pursuance of a resolution passed by the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims, returned to the Senate in accordance with its request.

Mr. QUAY. I move to reconsider the vote on the final passage of the bill.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves to reconsider the vote by which this bill was passed by the Senate.

The motion was agreed to.

Mr. QUAY. I now move to reconsider the vote by which the title was amended.

The motion was agreed to.

Mr. QUAY. I move to strike out the amendment inserted by the Senate on the report of the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator should first move to reconsider the vote by which the bill was ordered to a third reading in the Senate.

Mr. QUAY. I make that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator now moves to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

Mr. QUAY. I understand the bill is now before the Senate in its original form.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment heretofore made to this bill in the Senate.

Mr. QUAY. I hope the amendment will be voted down.

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MITCHELL. I offer the following resolution, and ask for its present consideration.

COMMITTEE ON MINES AND MINING.

Mr. MITCHELL submitted the following resolution:

Resolved, That the Committee on Mines and Mining be authorized to continue the investigation into the cause of delay in the consideration of uncontested cases in the mineral division of the General Land Office, with leave to report at the next session of the Senate.

Mr. SHERMAN. Is this reported from the committee?

Mr. MITCHELL. I will say to the Senator from Ohio that the Senate adopted a resolution directing the Committee on Mines and Mining to inquire into the causes of delay in considering uncontested cases in the mineral division of the General Land Office. A subcommittee of that committee was designated in pursuance of that instruction and certain questions were propounded to the Secretary of the Interior, quite a number of them. It was very late in the session when this was done, and of course it necessarily took considerable time to answer the questions, and the answer only came in a couple of days since, a very full answer to the question.

Mr. SHERMAN. I inquire whether the Committee on Mines and Mining authorized the Senator to offer the resolution?

Mr. MITCHELL. It is done with the consent of the chairman of the committee, and I do not think there can be any possible objection to it.

Mr. SHERMAN. If the Senator says it is done with the concurrence of the Committee on Mines and Mining, I make no objection.

Mr. MITCHELL. There was no formal meeting to consider it, but the committee would like to finish the investigation.

Mr. SHERMAN. My impression is that the rules require such resolutions to be sent to the Committee on Contingent Expenses.

Mr. MITCHELL. There is no expense whatever connected with it.

Mr. GORMAN. I wish to hear the resolution.

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk read the resolution.

Mr. MITCHELL. I will state for the information of the Senator from Maryland that my impression is, so far as I have looked into the matter, that the cause of delay is occasioned by lack of force, and we wish to get the facts and present them to the Senate so that proper steps may be taken in order to increase the force if it is found necessary.

Mr. GORMAN. I shall be compelled to object to the consideration of that resolution.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over under the rule.

ENROLLMENT OF DEFICIENCY BILL.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House is hereby directed in the enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, to omit the following provision in lines 18, 19, and 20, page 23, of the engrossed copy of said bill:

"Bureau of Construction and Repair: To supply deficiency in the appropriation for construction and repair of vessels, $150,000."

And to omit the following provision in lines 3, 4, and 5, page 5, of the Senate amendment numbered 108, and agreed to by both Houses:

"For pay of the Navy, $201,443.71."

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Maine to the message just read from the House of Representatives.

Mr. HALE. Will the Chair have the communication again read?

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk read the House resolution.

Mr. HALE. That is right. I hope the resolution will be passed.

Mr. MCPHERSON. Is not that an unprecedented way of legislating with a bill not in the possession of the Senate?

Mr. HALE. I will say to the Senator that it has been done once before this session to correct a mistake in the making up of a bill in conference after it had passed through the two bodies, as this bill has. It is only to correct a mistake.

Mr. MCPHERSON. This is not an additional appropriation, then, as I understand, but it is to omit something from a bill.

Mr. HALE. It is to omit where there are duplicate appropriations.

Mr. SHERMAN. Do I understand there is an error in the enrollment of the bill?

Mr. HALE. This is to correct an error in the making up of the bill by the conferees and before enrollment, and where there will be duplicate appropriations for the same subject unless the resolution passes. I ask that it may be put on its passage.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate concur in the resolution.

The resolution was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a copy of Senate Executive Document No. 131, and inviting attention to the fact that certain paragraphs on page 2 of that document do not occur in the copy of the letter of the 19th ultimo from Col. John M. Wilson, which was transmitted to the Senate with a letter of the 25th ultimo, and recommending the correction of the error; which was read.

The PRESIDENT *pro tempore*. What disposition shall be made of this communication?

Mr. COCKRELL. I suggest that it be printed and lie on the table.

Mr. GORMAN. I suggest that the document referred to be printed and corrected as suggested by the Secretary of War, and printed with the letter of the Secretary.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. The Chair hears none.

DISTRICT CHARITABLE INSTITUTIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of the 5th ultimo, reports received from charitable and reformatory institutions, concerning the exclusion from such institutions of persons on account of race, color, or previous condition of servitude; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of citizens of Plainville, Kans., remonstrating against the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. SABIN presented petitions of citizens of St. Paul, Moorhead, and Madelia, in the State of Minnesota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. PADDOCK presented memorials of citizens of Omaha, Chester, and Mission Creek, in the State of Nebraska, remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented petitions of citizens of Inman, Nebr., and petitions of citizens of Yankton, Fargo, Centennial Park, and De Voe, in the Territory of Dakota, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. CAMERON presented the petition of Stuart Mitchell and other citizens of Mount Carmel, Northumberland County, Pennsylvania, earnestly praying Congress to pass the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of citizens of Bingham, Centre County, Pennsylvania, earnestly praying Congress not to pass the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. BLAIR. I present the petition of Thomas Graham, Eben C. Jayne, William T. Cunningham, and about 75 other leading citizens of the city of Philadelphia, praying for an amendment of the national Constitution prohibiting the grant of any school-fund or school-tax, or any part thereof, either by legislative, municipal, or other authority, for the benefit or aid, directly or indirectly, of any religious sect or denomination, which I move be referred to the Committee on Education and Labor.

The motion was agreed to.

JOHN R. HARRINGTON.

Mr. GRAY. I ask that the Senate take up for consideration Senate bill 3904, Calendar No. 2796.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (S. 3904) for the relief of John R. Harrington.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I do not think that bill ought to be passed tonight. When a man has had an exclusive right and monopoly of anything for seventeen years he can not get a bill for an extension through at this time of the session of Congress.

Mr. GRAY. Does the Senator object to the present consideration of the bill?

Mr. COCKRELL. I do. I hope it will not be passed. I am compelled to object to any bill extending a patent-right which has existed for seventeen years as a monopoly.

Mr. GRAY. Does the bill go over under objection?

The PRESIDENT *pro tempore*. It does not. The Senator has a right to move its consideration.

Mr. GRAY. I move the consideration of the bill, notwithstanding the objection.

Mr. HOAR. The Senator from Delaware will see that, under the rule which requires the successive reading a bill on separate days, even if he were able to take up his bill by a majority vote, he could not get it passed through the Senate without the delay of one day.

The PRESIDENT *pro tempore*. The bill is on the Calendar.

Mr. GRAY. If the Senator from Missouri insists upon his objection——

Mr. COCKRELL. I am compelled to insist on my objection. I say frankly to the Senator that we have not time to investigate such questions now. We have not passed any bill extending patent-rights during this session. Every patentee has had an exclusive monopoly for seventeen years, and I do not think we are justified, without a very full investigation, in passing any bill extending such a monopoly.

Mr. GRAY. The bill was reported favorably from the Committee on Patents after a very thorough investigation and was before the committee a long while. A printed report accompanies the bill, which I think explains the exceptional character of the claim. The report is not very long.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate do now proceed to the consideration of a bill the title of which has been stated by the Secretary.

Mr. COCKRELL. I say very frankly that I hope the Senator——

The PRESIDENT *pro tempore*. The question of consideration is not open to debate.

Mr. COCKRELL. I ask unanimous consent to be allowed to say to the Senator that I hope he will not press this bill at present. It is now within a short time of the final adjournment, and this is a bill to extend a patent-right which was granted in 1856, over thirty years ago, and I shall be compelled to resort to every means known to parliamentary usage to prevent the passage of this bill.

Mr. GRAY. That is sufficient, Mr. President. I merely wish to say that the bill proposed for consideration is one that rests upon exceptional circumstances, but, inasmuch as the Senator from Missouri will resort to the means that are plainly within his power to prevent its consideration, at this late hour in the session of the Senate I shall not press the matter.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3765) for the relief of James Devine;

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

A bill (H. R. 8307) for the relief of John T. Higgins;

A bill (H. R. 9949) for the relief of Patrick C. McQueeny; and

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard.

JAMES ALBERT BONSACK.

Mr. DANIEL. I ask the Senate to consider Calendar No. 1998, being the bill (H. R. 593) for the relief of James Albert Bonsack.

Mr. TELLER. That bill can not pass without a good deal of discussion, and I hope the Senator will not try to call it up.

Mr. DANIEL. I shall not press it if the Senator thinks it will lead to any lengthy debate.

Mr. TELLER. I know it will. I know there are several Senators here who do not think that that bill ought to pass, and I do not think it should pass.

Mr. DANIEL. If the bill is taken up the Senator can give his vote after stating his objections. I should be very glad to have a vote of the Senate on the bill.

Mr. TELLER. I shall object to it if one objection will prevent its passage.

The PRESIDENT *pro tempore*. One objection will not suffice. The Senator from Virginia has the right to make the motion.

Mr. COCKRELL. I join the Senator from Colorado.

Mr. DANIEL. I shall not press it.

Mr. COCKRELL. I join the Senator from Colorado in his objection to the bill, and I will state that the bill can not pass under six or eight hours of discussion. I have records here that will take two hours to read on that important question, which I have kept in my table for a year in order to meet the bill.

The PRESIDENT *pro tempore*. The Senator from Virginia withdraws the motion.

G. M. WOODRUFF.

Mr. VANCE. I ask unanimous consent to call up Senate bill 1712, a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1712) for the relief of G. M. Woodruff. It proposes to pay to G. M. Woodruff, of North Carolina, $150, for a horse taken from him by the United States in 1865.

Mr. EDMUNDS. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, October 10, 1888:

The Committee on Claims, to whom was referred the bill (S. 1712) for the relief of G. M. Woodruff, have considered the same, and respectfully report:

This is a claim for a horse alleged to have been taken by the United States, put into the military service in the year 1865, and before the end of the war of the rebellion, and thereby lost to the claimant. The claimant has presented a certificate given by a competent United States officer of the taking of such horse for the public service and of the value thereof, to wit, $150. The loyalty of the claimant is clearly proven and a satisfactory reason given why the claim for payment was not presented to the Quartermaster-General for allowance under the act of March 3, 1879. The claimant is a man of very little education, has always lived in a wild and unsettled part of Western North Carolina, far away from railroads, and reads and writes but little. He never heard of the provisions of the said act of 1879 and would have gladly availed himself of its provisions if he had known of them. Your committee therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDAY REST.

Mr. DOLPH. As there is nothing before the Senate at this time I move that the Committee on Education and Labor be discharged from the further consideration of Senate bill 2983, and that the Senate proceed to the consideration of the same, it being the bill commonly known as the Sunday-rest bill.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Committee on Education and Labor be discharged from the further consideration of a bill, the title of which will be stated.

Mr. BLAIR. I should like to hear what there is to be said in support of the motion.

Mr. HARRIS. Let the bill be stated.

The PRESIDENT *pro tempore*. The bill will be read by title.

The CHIEF CLERK. A bill (S. 2983) to secure to the people the enjoyment of the first day of the week, commonly known as the Lord's day, as a day of rest, and to promote its observance as a day of religious worship.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to discharge the Committee on Education and Labor from the further consideration of the bill.

Mr. HOAR. I rise to a parliamentary inquiry. I desire to inquire of the Chair whether that is not a motion which under the rules must go over one day?

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. HOAR. Then I make that objection, as clearly it is not proper to work upon that subject on Sunday.

The PRESIDENT *pro tempore*. All motions to discharge a committee and all subjects from which a committee are discharged must lie over for consideration one day, unless by unanimous consent otherwise ordered. So the motion goes over.

JAMES A. STEWART.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JOHN C. SPOONER,
GEO. F. HOAR,
S. PASCO,
Managers on the part of the Senate.

W. J. STONE,
S. W. T. LANHAM,
BENJ. BUTTERWORTH,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The report requires no action on the part of the Senate.

WAR CLAIMS—JEFFERSON COUNTY, KENTUCKY.

Mr. PASCO. I move that the Senate proceed to the consideration of the bill (H. R. 328) for the allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Kentucky. It is a matter in which the Senator from Kentucky [Mr. BLACKBURN] is interested.

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate as in Committee of the Whole, and will be read at length.

Mr. SHERMAN. Subject to objection.

The PRESIDENT *pro tempore*. Subject to objection.

The Chief Clerk read the bill.

Mr. PASCO. There is an amendment reported from the Committee on Claims.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 1 the following proviso:

Provided, That before any of the said amounts are paid the claims of the parties herein named shall be referred to the Secretary of War to find and determine whether or not the United States received the benefit of the articles and supplies for which compensation was allowed by said board, whether the prices fixed were fair and just, and whether the several claimants were loyal to the United States during the late civil war, and he is authorized to ascertain and determine what sum, if any, is justly due to each of said parties on account of the claims examined and allowed by the said board, and herein included.

Mr. SHERMAN. I do not think that the Senate should consider that bill at this time. I therefore object to its consideration. It would require the reading of the report, and if the amendment were adopted it would certainly prevent the passage of the bill even if the merits were ever so strong. It would be impossible to have the bill become a law, and it ought not to pass at this stage.

Mr. PASCO. I hope the Senator from Ohio will examine the amendment to the bill before making that objection. The bill was very thoroughly considered for some months by the Committee on Claims, and this is a unanimous report.

Mr. SHERMAN. It ought to have been brought up at an earlier stage. I must object to it unless the report is read and we go into a full consideration of it.

Mr. PASCO. The bill was reported to the Senate in the last few days. I should be glad if the Senator from Ohio would examine the report and see if he can not withdraw his objections. It fell to my duty as a subcommittee to examine into this claim, and for that reason I feel desirous that it should be disposed of at the present session, if possible. I will furnish the Senator from Ohio with a copy of the report, and perhaps he may then withdraw his objection.

Mr. SHERMAN. I do not think we ought to consider such a bill at this period.

The PRESIDENT *pro tempore*. Does the Senator from Florida insist on his motion to proceed to the consideration of the bill notwithstanding the objection?

Mr. PASCO. Yes, sir; I move that the bill be considered notwithstanding the objection.

Mr. SHERMAN. I must call for the reading of the report.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Florida to proceed to the consideration of the bill.

The motion was not agreed to—ayes 8, noes not counted.

REPORT OF DIRECTOR OF MINT.

Mr. HAWLEY. I am instructed by the Committee on Printing to move to take from the table a House concurrent resolution, which is a matter of printing, and to ask for its immediate consideration.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution from the House of Representatives.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on "Production of the precious metals in the United States" for the calendar year 1888 be printed, and that 9,000 extra copies be printed, 4,000 copies for use of the House of Representatives, 2,000 copies for use of the Senate, and 3,000 copies for use of the Director of the Mint.

The resolution was considered by unanimous consent, and agreed to.

ELEVENTH STATISTICAL ABSTRACT.

Mr. HAWLEY. I am likewise instructed by the Committee on Printing to ask the Senate to take from the table and pass a concurrent resolution of the House of Representatives which is similar to one the House has already passed, but it is easier for the Senate to concur with the House at this stage of the session than for the House to concur with the Senate; and I ask concurrence in the House resolution.

The PRESIDENT *pro tempore* laid before the Senate the concurrent resolution of the House of Representatives; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed in addition to the usual number 15,000 copies of the eleventh number of Statistical Abstract of the United States for the year 1888, of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

JAMES CALER.

Mr. DANIEL. I ask the Senate to consider the bill (H. R. 2661) for the relief of James Caler.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officer of the Treasury of the United States be, and he hereby is, authorized and directed to pay to James

Caler, of Stamford, Conn., the sum of $8,445, for work done by him under a contract with the United States in the dredging and excavation of the bar at Rutherford Park, in the Passaic River, New Jersey.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report, submitted by Mr. FAULKNER February 20, 1889, as follows:

The Committee on Claims, to whom was referred House bill 2661, have had the same under consideration, and respectfully report:

That the facts set forth in House Report 481 are fully sustained by the record and is adopted as the report of this committee, with amendments, as follows: In line 6, after the word "of," strike out "eight" and insert "seven;" in same line strike out "four" and insert "two;" so that it will read: "seven thousand two hundred and forty-five."

The House report is as follows:

"That on the 25th day of June, 1873, the petitioner entered into a contract with the United States of America for dredging and excavating the bar at Rutherford Park, in the Passaic River, New Jersey. For this work he was to receive, when it was completed, the sum of $14,500. The work has been completed according to the requirements of the contract. In the specifications, which were made part of the contract, the material was represented as consisting "of loose stone, bowlders, sand, and gravel." After quite a large part of the work had been done it was discovered that the remaining portion of the material to be removed consisted in part of a hard blue clay and hardpan, the removal of which was attended with an expense much greater than would have attended the removal of such material as the contract specified. For this extra expense Mr. Caler claims compensation.

"Lieut. Col. John Newton, who was engineer in charge of the work, and who represented the United States in making said contract, and executed it for them, admits that there was a mistake made in the description in the contract of the character of the material to be removed, and that the claimant is entitled to some relief; and your committee are of that opinion. The question as to the amount that should be allowed him in full compensation is one of some difficulty. In a communication addressed to your committee, dated May 1, 1878, he says: 'In arriving at a conclusion as to the extent of Mr. Caler's claim against the Government there must be some uncertainty in spite of all the care that can be taken. As to the fact that he has some claim there can be no dispute, because the materials—sand, gravel, broken stone, and bowlders—which he contracted to remove were underlaid in some parts by a hard clay very difficult to dredge, and which was not specified in the contract.'

"Colonel Newton has made, at the request of your committee, two computations of the amount to be paid to the claimant in full satisfaction. The first is upon a basis of a payment for the use of his dredge and scows used, and of the wages of the men required to handle them, with the other expenses incident to their use. Upon this basis he finds the amount to be paid to the claimant to be $11,769. Subsequently, Colonel Newton submitted another estimate, based upon payment to the claimant, for the ordinary wear and repair of machinery, wages of the men employed, with interest upon the value of the dredge, scows, and other material used in the prosecution of the work, to which he adds $1,000 for the services of the claimant. Upon this basis he makes the amount to be paid $7,245."

House bill 2661, as amended, is reported favorably with a recommendation that the bill do pass.

Mr. BUTLER. I object to the passage of that bill.

Mr. EDMUNDS. I hope my friend from Virginia will withdraw this bill. It ought to be considered when we have all the papers here, for I can not understand why the claimant could not go to the Court of Claims, and, in the next place, why we should pay for dredges for dredging harder soil than soft soil. The dredges are needed in both cases.

Mr. DANIEL. It is not proposed to pay for the dredges, but for the wear and tear and the harder work.

Mr. BUTLER. I object to it.

Mr. DANIEL. I did not hear the remark of the Senator from South Carolina.

Mr. BUTLER. I said I should object to the consideration of the bill, or rather to its passage, if I have the right to do so.

Mr. DANIEL. I shall not at this hour urge any matter which would elicit any lengthy debate. It would be useless to do so, although I think that the merit of the claim is very fairly established.

The PRESIDENT *pro tempore*. Does the Senator from Virginia withdraw the motion?

Mr. DANIEL. I withdraw the motion, sir.

RECESS.

Mr. ALLISON (at 10 o'clock and 45 minutes p. m.). I move that the Senate take a recess until 12 o'clock p. m.

The motion was agreed to; and the Senate took a recess accordingly.

The Senate reassembled at 12 o'clock midnight.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the foregoing bill numbered 36; further insisted upon its disagreement to the amendments of the Senate numbered 37 and 103; asked a further conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, and 110, and had appointed Mr. SAYERS, Mr. RANDALL, and Mr. MCCOMAS managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, and for other purposes;

A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims;

A bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory;

A bill (H. R. 2896) for the relief of the heirs of John R. Treutlen; and

A bill (H. R. 9271) for the relief of James A. Stewart.

ELIZABETH MULVEHILL.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL], being detained from the Chamber by business of the Senate, has asked the Chair to present a request for the reconsideration of the vote by which the bill (H. R. 8002) for the relief of Elizabeth Mulvehill was indefinitely postponed, and that the same may be placed on the Calendar with the adverse report of the Committee on Claims. It will be so ordered, if there be no objection.

BUSINESS IN EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] also asks the adoption of an order, which will be read.

The order was read, and agreed to, as follows:

Ordered, That the Senate Select Committee to Inquire into and Investigate the Methods of Business in the Executive Departments and the causes of delay in its transaction be continued during the coming called session of the Senate, with leave to report at any time during such session.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

Mr. PLUMB. I move that the Senate further insist on its remaining amendments and accede to the request of the House of Representatives for a further conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

DISTRICT PAWNBROKERS.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the Senate recede from its amendments numbered 3, 4, 5, and 6.

JOHN C. SPOONER,
C. B. FARWELL,
Conferees on the part of the Senate.

JNO. J. HEMPHILL,
BARNES COMPTON,
WM. W. GROUT,
Conferees on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. CHACE. I should like to have the Senator from Wisconsin explain what are the amendments the Senate conferees recede from.

Mr. SPOONER. The Senate conferees receded from the amendment relating to the rate of interest. We agreed to the provision of the House fixing the rate of interest on sums over $25 at 12 per cent. We also agreed to recede from the amendment requiring that where there was a surplus in the hands of the pawnbroker the owner of the surplus could apply within a year for it.

Mr. CHACE. What is the rate of interest fixed by the bill for sums under $25?

Mr. SPOONER. Twenty-four per cent.

The report was concurred in.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, and 110 to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 109, and 110.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following: "And the Senate and House Reporters, and all persons paid out of

the contingent fund of the Senate for folding speeches and pamphlets who were continuously employed and paid out of said fund from the 15th day of August to the 20th day of October, 1888."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
SAM. J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on concurring in the same.

Mr. HALE. In explanation of this report, which, if accepted, settles the controversies between the two Houses on this bill, I may say that of the items in dispute between the two Houses were the two amendments touching the water supply for Washington, which were reported from the select committee which has for the last three months or more been investigating that subject. Upon those two amendments the House receded from its disagreement to the one numbered 36, which was the large item of a half million dollars for supplying temporarily Washington with additional water by means of a large pipe 4 feet in diameter, which will bring the water to every altitude in the city. The second amendment of the Senate upon that subject, numbered 37, was the amendment providing for a resurvey, having in view a more permanent disposition of this question for the long future. On that the Senate conferees have receded and it goes out of the bill, mainly upon the consideration that the larger amendment, upon which the House gave way, will provide water for from ten to fifteen years and perhaps more, and in the mean time other proceedings can be taken looking to the far future.

The next matter in disagreement was the provision which the Senate had added to the House clause giving a month's extra pay for the last session of Congress, the long session, to the employés of the House and Senate. That has been left, with the addition to the House clause of the official reporting force of the two Houses and certain employés of the Senate who were not included in the original provision, but were permanently engaged in the work of folding in October last; and that settles that matter.

The other two amendments in dispute, covering one subject, were numbered 109 and 110, embracing what are known as the French spoliation claims. The conferees on the part of the Senate felt that the body which they represented had committed itself distinctively in favor of these propositions, of the justice of the claims, and of the appropriation of money which the Senate had made to cover them; but it was evident to the friends of these spoliation claims that the condition in the other House was such (and the friends of the measure there recognized it as well as those here) that it was impossible for the deficiency appropriation bill to pass the House of Representatives this session with those provisions contained upon it.

A long contest took place in that body, running through the day and the night. At last it was felt by those in that body who were in charge of the measure that if it was continued longer the bill itself would be in peril. It also from its position in the business of the House lay across other important matters which could not be considered while the dead lock into which the House had been forced continued.

Therefore, that the bill might not fail, and that other legislation, including the sundry civil appropriation bill, which lay behind it, should not be stayed and destroyed, the Senate conferees yielded, most reluctantly, in no way admitting or agreeing to any suggestion that these claims do not stand before the Senate as a just debt which the Government is in duty bound to pay, with the hope and expectation that early in the next Congress, at a period when no obstructive tactics can turn the current away, these most just and righteous claims will be embodied either upon the first appropriation bill that comes to the Senate or in some distinctive measure covering them and nothing else, and passed and sent to the President, as it is the belief that both Houses are in favor of them. I hope and expect to see that done at an early day in the next Congress.

In view of these difficulties, which I have imperfectly stated, the Senate conferees felt constrained by the situation to yield and to recede, and thus the report has been brought in. It settles everything in this way, and so far as can be seen the bill itself in the course of the next hour will be ready to be sent to the President of the United States.

That is all I have to say, Mr. President.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE SESSION.

Mr. EDMUNDS (at 1 o'clock a. m. Monday, March 4). I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After thirty-five minutes spent in executive session, the Senate proceeded to the consideration of legislative business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 182.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$456,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or retired: *Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam plate-printing presses: *Provided further*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau: *And provided further*, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, and silver certificates of the United States shall be inscribed below such portrait: *Provided*, That unless the patentees of said steam-presses shall accept the $500 already paid as royalty on each press and the rate per thousand sheets herein provided the said presses shall not be used by the Government after the close of the present fiscal year."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the report?

Mr. HARRIS. I do not object to its present consideration, but I want to ask the Senator from Iowa what the effect of the agreement is in respect to the steam-presses now used in the Bureau of Engraving and Printing.

Mr. ALLISON. It is impossible to say what the effect will be until we know whether those owning the patent for the use of the steam-presses are willing for the coming fiscal year to take the amount fixed in the bill as compensation for the use of the presses.

Mr. HARRIS. What is the amount fixed according to the agreement of the conferees?

Mr. ALLISON. One cent per thousand sheets.

Mr. EDMUNDS. The phrase "the present fiscal year" means beginning next July?

Mr. ALLISON. It means for the fiscal year beginning next July and ending the 30th of June following. If the owners of the patent shall refuse to take the amount fixed the effect of course will be that the presses will not be used during that fiscal year.

Mr. EDMUNDS. There are nineteen of those presses now in use, are there not, in the Bureau of Engraving and Printing?

Mr. ALLISON. There are nineteen of them in use. The conferees have provided, or propose to provide, in the bill $80,000 to meet the contingency of a refusal on the part of the owners of the patent to allow the use of the presses for the substitution of hand-presses.

I will say to the Senate that every provision in the bill relates to the appropriations made in the bill itself, and there is no legislation contained in the bill. Of course the whole question will depend upon what those who own the right to the patent on these presses shall see proper to do.

Mr. HARRIS. I desire to ask the Senator from Iowa if the effect of the agreement of the conferees is not to abandon the use of the steam-presses and yield to the demands of the hand-plate pressmen?

Mr. ALLISON. That will be the effect if those who own these presses or the right to use them shall refuse to accept the conditions imposed in the provision.

Mr. HARRIS. Mr. President, having spent some months in a careful consideration and investigation of this question, having arrived at the conclusion that the use of the steam-presses is eminently proper in the Bureau of Engraving and Printing, and that they do the work they are doing quite as well as or better than any other presses, and do it at one-half or less than one-half of the cost, I am compelled to ask that a majority of the Senate shall agree to this report by a yea-and-nay vote before it becomes a law.

Mr. EDMUNDS. I must express my extreme regret that the conferees on the part of the Senate have yielded in this matter, because it was not a proposition of ours, but one of the House of Representatives, upon which the House conferees made to depend all the appropriations in the bill that both Houses were entirely agreed about to

carry on the Government. I do not think it ought to have been done, at whatever hazard a refusal to do it might have incurred; but it has been done, and I am not disposed myself to ask for a division upon the question. If the Senate were full and it were day before yesterday, I certainly should.

However, I wish to ask the Senator in charge whether the words "after the close of the present fiscal year," taken in connection with the bill and its title, and the period of which it speaks, namely, the fiscal year beginning on the 1st of July next, mean from now until the 30th of June, or whether they mean from the 30th of June on in the fiscal year in which the bill operates?

Mr. ALLISON. That language is the language of the House of Representatives. It, I think, must have been the intention of the House of Representatives to make it begin on the 1st of July. It seems to me that is the natural construction of the provision; and the same view was taken by, I think, a very large majority of the Senate. But that is a matter which need not be decided now. If it so happens that the provision means that the steam-presses shall not be used until after the end of the next fiscal year, there would be ample time to correct any error or injury that we may have done to the persons interested on the other side of this question.

Mr. EDMUNDS. Is there a contract for the payment of this royalty?

Mr. ALLISON. There is a contract with the owners of the patent.

Mr. EDMUNDS. How long does the contract run?

Mr. ALLISON. I think it is an indefinite contract. It runs for the length of time that the presses are in use, or words to that effect.

Mr. HALE. It is a contract which it is understood may be terminated at any time by either party.

Mr. ALLISON. We had a copy of the contract before the committee. The language of the contract, as I remember it, was that $1 per thousand sheets should be paid during the time the Government used the presses. I do not think there will be any difficulty about it. If we had had more time to consider this question the conferees on the part of the Senate would not have yielded; but it certainly is important that this bill, which is one of the great appropriation bills necessary to be passed at this session, shall be on its way to a final conclusion at the earliest possible moment, and unless within an hour or two we shall have the bill signed by the Presiding Officer of this body it is probable that it will fail to become a law.

Mr. HARRIS. The testimony taken before a subcommittee of the Committee on Finance, of which I unfortunately chanced to be a member, and I regret that I was, has satisfied me beyond all controversy or doubt that the work done by the steam-presses has been even better done than the same character of work done on the hand-presses, and done at one-half or less than one-half of the cost of the hand-press work; and that there was a demand upon the part of six, eight, or ten hundred hand-press plate-printers that the steam-presses should be abolished. That is really the question and the only question involved in this amendment.

I am not, for one, ready to yield to that demand. I think it is the duty of the Government to adopt that method, which is equally safe and equally secure, does the work as well and does it at one-half of the expense, rather than to abolish the nineteen steam-presses that do it. So believing, I intend that a majority of the Senate, upon the yeas and nays, shall determine whether the steam-presses shall be abolished.

That is all I have to say, sir. I do not want to consume time.

Mr. HAWLEY. Mr. President, just a word. Of course I controvert what the Senator from Tennessee says as to the steam-presses doing the work better or even as well. They never have ventured to put them upon nice work at all. They do not print the face of any bill with them, for they know the steam-presses can not do the work as well. They never have been used on the better kind of printing; they are never used in printing the face of the bill.

But that is not the question here now. We have argued that before. I would not myself for the good of the currency have those steam-presses. I do not say it is fatal that they should be used in printing the back, which is rather uniform in color and lights, but simply that I would not use them in general on the fine part of the work. But that is not the question now.

If I were going to quit the use of the steam-presses I would not do it in the way the House provision does it. I confess it is vexatious to see this great Government, instead of stopping this work, if that is the intention, saying, "We will give you a cent a thousand hereafter and make you keep your own presses in order," because that means simply to drive them out. It is a back-handed, left-handed, disagreeable way of doing the thing sought to be done. I do not like it at all. I am sorry that the conferees feel compelled, for the sake of saving all the bill, to yield.

Mr. COCKRELL. I should like to ask the Senator from Iowa if the amendment agreed upon by the conferees prohibits the use of the steam-presses?

Mr. ALLISON. It does not. On the contrary, it provides for their use.

Mr. COCKRELL. Then I understand the amendment provides for the continued use of the steam-presses, and only regulates the price the owners shall receive.

Mr. ALLISON. That is all.

Mr. COCKRELL. It is manifest that under that condition the steam-presses will be used. This amendment does not prohibit the use of them. It only reduces the price to 1 cent per thousand instead of $1 as now.

I do think that the Senator from Tennessee is not justified at this late day, and in this condition of the business, in insisting upon a vote by yeas and nays. I voted with him upon the proposition when it came before the Senate. This is not settled against the Government. This is not settled against the report made by the Senator from Tennessee. The conferees simply agreed to cut down the price, and the Government will go on and use those steam-presses. They have a perfect right to do it, and they will do it.

I believe that when the matter comes up in the next Congress, the Congress itself will do justice, and if the work of the steam-presses is worth 50 cents a thousand, it will make the appropriation to pay that amount, and no harm can be done.

We can not each one of us have our individual way in all these matters. Legislation is compromise, and it must be so. However earnest and zealous we may be in our views on a particular question, we ought not to prevent legislation; we ought not to insist on our own notions to the inconvenience of everybody else.

While I am willing to stand by the Senator from Tennessee whenever it will not interfere with this bill and its final passage at this time, and in the present condition of the Senate, and will hereafter stand by him in securing justice to the owners of these presses and a reasonable compensation, I hope that he will not insist upon what seems to me to be unreasonable and unjust.

Mr. HARRIS. Mr. President, I do not want to use words that are grating upon the sensibilities of the Senate, but this is a pandering to a small faction and a class who make unjust demands in the light of the facts that I have learned from a six months' investigation. I am not, for one, inclined to yield to it. Of course I yield when a majority of the Senate shall say that this yielding on the part of the Senate conferees is proper; but believing as I do that it is improper and wrong, I do not intend to yield. I follow my own convictions with regard to it. If I am in error, a majority will correct me, and then I shall yield as gracefully as any other man can.

Mr. COCKRELL. I would submit to my friend from Tennessee that if upon a division here there is held to be clearly a decided majority of the Senate in favor of receding from the amendment he ought not to insist further.

Mr. HARRIS. I will say to my friend from Missouri that I do not know a human being who is interested in this question except as affects the interests of the Government. I have no earthly concern about it except that upon a five or six months' investigation I arrived at conclusions. I do not pander to classes; I do not pander to a special interest; and it is only special interests which are demanding that we should yield to the House proposition in respect to this matter.

Of course I do not desire to put any one of my brother Senators to any inconvenience, but so profound are my convictions that I do not intend to yield in respect to this question until a majority of the Senate has said that we ought to yield.

Mr. BUTLER Will the Senator from Tennessee be content with the vote of a majority of those present?

Mr. HARRIS. I had rather lose the sundry civil appropriation bill than to allow this yielding on the part of the Senate upon this question.

Mr. BUTLER. The Senator has not quite answered my question?

Mr. HARRIS. I answer no, I will not.

Mr. ALLISON. I wish to say to the Senator from Tennessee that the question is not decided in this bill. The provisions of the bill relate wholly and only to the appropriations made in it, and this whole question can and will be argued undoubtedly again in this Chamber and in the other. It will necessarily be argued when the next appropriation bill appears here embracing items for the support of the Bureau of Engraving and Printing.

Mr. HARRIS. Will the Senator allow me to ask him if the main point in this question has not been yielded in this bill by the Senate conferees?

Mr. COCKRELL. Not a bit.

Mr. HARRIS. I do not quite understand it as the Senator from Missouri does.

Mr. ALLISON. In a sense the Senate conferees have yielded a very important point in this contest between the patentees of the steam-presses and the people who use hand-presses, or the plate-printers, so called; but it is not a yielding which puts anything in the form of law. Therefore, when another appropriation shall come to be made for the conduct of this bureau next year this whole question will be absolutely open for reargument and consideration upon that bill, and I hope then we shall not be, as we are now, compelled to count time by minutes and moments or else lose a bill the failure of which would inevitably require an immediate extra session of Congress.

Mr. HARRIS. It is the duty of Senators to be here when the Senate is in session so that the Senate may be able to decide whatever questions are submitted to it. It was by no seeking of mine, and I regretted it

at the moment, that the duty of investigating this matter was assigned to me in the Finance Committee of the Senate. It was, however, so assigned, and the Senator from New York [Mr. HISCOCK] and myself sat for five or six months hearing all that was to be said upon this question. I arrived at convictions that were absolutely clear in respect to the question, and I am not willing to yield them upon the demand of a class of people in the United States who aggregate from eight to ten hundred in the maximum.

I regret beyond measure that the Senate conferees have yielded the question. So far as I am concerned, I shall not yield it. If we have not a quorum now, bring a quorum here and let them decide it. Then I will, of course, yield, because I have no alternative; but I have very profound convictions with regard to it, and I shall stand on them.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is, Will the Senate concur in the report of the committee of conference?

Mr. HARRIS. Upon that question I demand the yeas and nays.

The yeas and nays were not ordered, one-fifth of the Senators not sustaining the call.

Mr. HARRIS. It is the first instance, Mr. President, that I have known in twelve years' service here when a Senator could not get the yeas and nays upon any question he desired.

Mr. HAWLEY. It has many times occurred.

The PRESIDING OFFICER. The question is on concurring in the report. [Putting the question.] The ayes appear to have it. [A pause.] The ayes have it, and the report is concurred in.

Mr. HARRIS. I move to reconsider the vote by which the report was adopted.

The PRESIDING OFFICER. The Senator from Tennessee moves to reconsider the vote by which the report was concurred in. The question is on agreeing to the motion of the Senator from Tennessee to reconsider.

The motion to reconsider was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

ORDER OF BUSINESS.

Mr. EDMUNDS (at 2 o'clock a. m.). I ask unanimous consent that during the remainder of this session, which goes until 12 o'clock, no other business be done than that pending between the two Houses.

Mr. HARRIS. Mr. President, we shall have nothing done by unanimous consent from this time on.

Mr. EDMUNDS. Then I can not get it agreed to. I ask everybody not to bring anything forward or agree upon anything to be brought forward. I will put it that way.

Mr. HARRIS. I have never known before any instance where the yeas and nays were not granted to a Senator who asked that they be called.

Mr. BUTLER. I am not advised as to the state of public business, but if it will permit, it would seem to me to be a sensible thing to take a recess until some hour to-morrow morning.

Mr. ALLISON. I will say to the Senator from South Carolina that there are two appropriation bills not yet signed by the presiding officers of the Senate and House, and unless they are signed before a recess be taken, they can not reach the President in time. We might take an informal recess until half past 2, or something of that kind.

Mr. SPOONER. I desire to state that the Senator from Kansas [Mr. PLUMB] on leaving the Chamber a few moments ago requested me to say, if the proposition were made to take a recess, that in a short time he expected to present to the Senate a conference report on a land-grant forfeiture bill.

Mr. BUTLER. Then I withhold my motion.

The PRESIDING OFFICER. The Chair is informed that the two appropriation bills will be ready for the signature of the Presiding Officer in a few minutes, so that that obstacle in the way of a recess will be removed.

MESSAGE FROM THE HOUSE.

At 2 o'clock and 30 minutes a. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the following bills:

A bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

RECESS.

Mr. PLUMB (at 2 o'clock and 43 minutes a. m., Monday, March 4). I move that the Senate take a recess until half after 9 o'clock.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate take a recess until 9.30 o'clock.

The motion was agreed to; and the Senate took a recess accordingly.

MONDAY'S SESSION.

The Senate reassembled at 9 o'clock and 30 minutes a. m. (Monday, March 4, 1889), when the President *pro tempore* took the chair and called the Senate to order.

FORFEITURE OF MICHIGAN RAILROAD GRANT.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 6, and agree to the same with an amendment as follows: Strike out all after the enacting clause and insert in lieu thereof as follows:

"That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to the State of Michigan by virtue of an act entitled 'An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes,' which took effect June 3, 1856, which are opposite to and coterminous with the uncompleted portion of any railroad to aid in the construction of which said lands were granted or applied, and all such lands are hereby declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

"SEC. 2. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of any railroad hereinbefore mentioned under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns, under the laws of the United States.

"SEC. 3. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 4. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 5. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

And the House agree to the same.

P. B. PLUMB,
H. W. BLAIR,
Managers on the part of the Senate.

WM. S. HOLMAN,
J. L. MACDONALD,
L. E. PAYSON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this report?

Mr. EDMUNDS. Not at all—no objection, but I would like my friend to explain it.

Mr. PLUMB. This is the bill as it passed the Senate which has heretofore been under consideration, except that it refers only to lands in the State of Michigan, as to which it forfeits what are known technically and actually as the unearned lands only. It then proceeds to settle also the controversy which existed in the State with reference to the conflicting claims of persons claiming under the State in the shape of holders of the rights of the Portage Lake Canal Company grant, and the persons who have made what are known as cash entries, and those who claim under the homestead or pre-emption laws, and it adopts as to all these classes of claims the compromise or adjustment which has heretofore been adopted by the Senate. It disposes of all the land grants in the State of Michigan.

Mr. EDMUNDS. I ask the Senator, with his permission, what arrangement has been made as to the rights of the railroad companies as between themselves and the United States in regard to not completing their roads within the time specified in the granting acts?

Mr. PLUMB. It gives them all the lands to which they would have been entitled if they had completed the roads within the time named in the granting acts.

Mr. EDMUNDS. As to construction already made?

Mr. PLUMB. Yes, as to the construction they have already made.

Mr. EDMUNDS. Does it protect the rights of the settlers?

Mr. PLUMB. It protects the rights of the settlers and all other claimants under the United States or under the State of Michigan or under the railroad companies.

I move the adoption of the report.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on agreeing to the same.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 6753) for the relief of P. Gough Edelin.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6753) for the relief of P. Gough Edelin; and

A bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES MCMILLAN, chosen by the Legislature of Michigan a Senator from that State for the term beginning March 4, 1889; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. HARRIS. I offer the resolution which I send to the Chair, and ask for its present consideration.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to Hon. JOHN J. INGALLS, President *pro tempore* of the Senate, for the uniformly able, courteous, and impartial manner in which he has presided over its deliberations.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Tennessee.

The resolution was unanimously agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following resolutions:

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to members and officers of the House free access to the corridors of the Capitol.

Resolved, That this resolution be communicated to the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State; and it was thereupon signed by the President *pro tempore*.

ACCESS TO CORRIDORS OF CAPITOL.

Mr. EDMUNDS. I ask the Chair to lay before the Senate the resolutions of the House of Representatives that just now came over.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message of the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE, *March* 2, 1889.

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to members and officers of the House free access to the corridors of the Capitol.

Resolved, That this resolution be communicated to the Senate.

Mr. EDMUNDS. Mr. President, I move that the Senate accede to the request of the House of Representatives under such regulations as to identity, etc., as the Chair may prescribe.

The PRESIDENT *pro tempore*. The Senate has heard the motion of the Senator from Vermont. The question is on the motion.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 2511) to withdraw certain public lands from private entry, and for other purposes;

An act (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon;

An act (S. 3995) to authorize the Montgomery and Sylacauga Railroad Company to construct a bridge across the Tallapoosa River;

An act (S. 3762) granting a pension to Nancy Polock;

An act (S. 3429) granting a pension to Maria N. Abbey;

An act (S. 433) granting an increase of pension to General S. W. Price;

An act (S. 3047) granting an increase of pension to William Bittinger;

An act (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

An act (S. 3951) to establish a railway bridge across the Illinois River between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kempsville, in Calhoun County, in the State of Illinois;

An act (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.;

An act (S. 2027) granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian reservation;

An act (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887;

An act (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes;

An act (S. 515) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School, in Virginia;

An act (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad Company;

An act (S. 3960) granting a pension to Mary B. Hunt;

An act (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.;

An act (S. 2442) to increase the appropriation for the public building at Detroit, Mich.;

An act (S. 308) for the relief of Faran & McLean;

An act (S. 3653) to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Fort Leavenworth Water Company;

An act (S. 3696) to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays military reservation;

An act (S. 2677) granting a pension to Jane Reilly;

An act (S. 1144) granting a pension to Frances H. L. Prescott;

An act (S. 2977) granting a pension to Henrietta Brown;

An act (S. 1384) granting a pension to Margaret J. Cash;

An act (S. 2363) for the relief of John W. Combs;

An act (S. 2549) for the relief of Mary Isabella R. Clements;

An act (S. 3713) granting an increase of pension to Maria A. Rousseau;

An act (S. 3453) granting an increase of pension to Alfred T. McKinsey;

An act (S. 2886) granting an increase of pension to Joseph B. Sellers;

An act (S. 3183) granting a pension to James Parker;

An act (S. 2182) to amend section 4489 of the Revised Statutes, requiring life-saving appliances on steamers;

An act (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company;

An act (S. 3918) granting to the Duluth and Winnipeg Railway Com-

pany the right of way through the Leech Lake and White Earth Indian reservations in the State of Minnesota;

An act (S. 3993) to provide for the protection of the salmon fisheries of Alaska; and

An act (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution for the appointment of a committee of three members on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that Congress having finished its business, unless he may have some further communication to make, the two Houses are now ready to close the session by an adjournment *sine die*.

NOTIFICATION TO THE PRESIDENT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 2, 1889.

Resolved, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait on the President of the United States and inform him that Congress, having finished its business, unless he may have some further communication to make the two Houses of Congress are now ready to close its session by an adjournment *sine die*.

Mr. SHERMAN. I offer for adoption the resolution which I send to the desk.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some further communication to make to them.

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. SAULSBURY] as the committee on the part of the Senate.

A message from the House of Representatives, by Mr. TOWLES, Chief Clerk, announced that the Speaker of that body had appointed Mr. MCMILLIN, Mr. KELLEY, and Mr. BRECKINRIDGE of Arkansas to be the committee on the part of the House to wait upon the President of the United States and inform him that Congress is ready to adjourn *sine die*.

Mr. SHERMAN and Mr. SAULSBURY, of the joint committee who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate at 11 o'clock and 50 minutes a. m.; and

Mr. SHERMAN said: Mr. President, the committee appointed on behalf of the two Houses to wait upon the President of the United States and inform him that the two Houses had completed their business and to inquire of him whether he had any further communication to make have performed that duty, and the President replied that he had no further communication to make.

At 11 o'clock and 58 minutes a. m. the Vice-President-elect of the United States, escorted by Mr. CULLOM, of the committee of arrangements, entered the Senate Chamber.

The PRESIDENT *pro tempore*. The Vice-President-elect of the United States will come forward and receive the oath of office.

Hon. LEVI P. MORTON, of the State of New York, the Vice-President-elect, advanced to the desk of the President *pro tempore*, and the oath of office was administered to him.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*. Senators, conscious of a serious desire to deserve your approval and aware that it could be secured only by constant devotion to your service, the Chair assumed with diffidence the great trust conferred by your suffrages, which to-day he relinquishes with the profoundest gratitude for the honor of your resolution of commendation, and declares that the Senate now stands adjourned without day.

NOMINATION.

Executive nomination received by the Senate the 2d day of March, 1889.

PROMOTION IN THE ARMY.

Medical Department.

Capt. Julius H. Patzki, assistant surgeon, to be surgeon with the rank of major, February 28, 1889, *vice* Webster, retired.

CONFIRMATION.

Executive nomination confirmed by the Senate March 2, 1889.

RECEIVER OF PUBLIC MONEYS.

Thomas M. Vance, of North Carolina, to be receiver of public moneys at North Yakima, Wash.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 2, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of Indian title to the remainder, and for other purposes; when the Speaker signed the same.

Mr. ENLOE, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 12403) granting a pension to Bennett Cooper;

A bill (H. R. 12404) granting a pension to George W. Andrews; and

A bill (H. R. 12619) granting a pension to Littleberry W. Baker.

SUITS BY ILLINOIS AGAINST THE UNITED STATES.

The SPEAKER. The first business in order is the request of the gentleman from Illinois [Mr. ANDERSON], left pending at 11 o'clock yesterday morning, for the consideration by unanimous consent of the bill (H. R. 8028) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States.

The bill was read, as follows:

Be it enacted, etc., That the authority of the United States is hereby given to the State of Illinois to commence and prosecute, subject to the rules of law existing in respect to claims against the United States, excepting statutes of limitations or in the nature thereof, in the Supreme Court of the United States, an action for the recovery of any moneys which may be lawfully due and owing, if any there be, by the United States to said States under the laws of the United States, on account of the sales for money of public lands in said State.

SEC. 2. That in prosecuting said cause or causes in said court, under said State shall be authorized and required, under rules to be prescribed by said court, to set forth by petition the facts and grounds upon which such State relies for the recovery of said money; and the United States, by the Attorney-General, shall plead, answer, or demur to the merits of such petition. And the respective parties to such case or cases shall be entitled to have produced in court, and to introduce, under such rules as the Supreme Court shall prescribe, all competent testimony. And said court shall in the exercise of its original jurisdiction proceed to hear and determine and render judgment in said case or cases.

SEC. 3. That nothing in this act shall be deemed or construed to in any manner recognize the existence of any debt or duty of the United States in respect to the matters in this act mentioned or referred to.

The amendments reported by the Committee on the Judiciary were as follows:

In line 4, section 1, strike out the word "State" and insert "States."

In the same line insert, after the word "Illinois," the words "Indiana and Ohio, respectively."

In line 10 and line 12 strike out "State" and insert "States."

In line 8 strike out "an action" and insert "actions."

In line 2 of section 2 strike out "under said State" and insert "said States."

In line 4 of the same section, after the word "petition," insert "or petitions."

In line 5 of the same section strike out "State relies" and insert "States respectively rely."

After the word "petition," in line 7, insert "or petitions."

Amend the title so as to read: "A bill to authorize the States of Illinois, Indiana, and Ohio to prosecute suits against the United States in the Supreme Court of the United States."

Mr. BLAND. I would like to have the report in this case read.

Mr. ANDERSON, of Illinois. The report is long. I can explain the matter, I think, to the gentleman's satisfaction.

Mr. BLAND. I think we had better have the report read.

The Clerk proceeded to read the report.

Before concluding the reading,

Mr. BLAND said: I withdraw the demand for the reading of the report, unless some other gentleman desires to have it read.

Mr. KILGORE. I would like either to have the report read or hear some statement in reference to this bill.

Mr. ANDERSON, of Illinois. I can state in a few moments what are the purposes of the bill. The enabling act of each of the States mentioned in the bill, when admitted into the Union, contained the same clause as was contained in that of every other State admitted into the Union, that is to say, a clause allowing 5 per cent. of the sales of the public lands under the act of Congress for public-school purposes and 3 per cent. for the building of roads.

Shortly after the admission of the States the Government commenced the building of what is known as the "Cumberland road," which was to extend out through these States to Jefferson, Mo. Long before this road reached the borders of the State of Illinois, and when but little work was done in the State of Indiana on account of the building of railroads through that region, work upon this Cumberland road was abandoned; but the Commissioner of the Land Office, instead of paying over the 3 per cent. of the proceeds of the public lands to the States named, charged against them the expense of building this Cumberland road——

Mr. KILGORE. Which was never built.

Mr. ANDERSON, of Illinois. It was only partially built.

Mr. KILGORE. But, as I understand it, not in the States affected by this bill.

Mr. ANDERSON, of Illinois. No, sir; and the Comptroller of the Treasury called for a settlement, holding that it was erroneous to charge against the States this expense, but on account of the conflicting views of the Treasury and the Interior Department the matter has never been adjusted.

Mr. KILGORE. And this bill, as I understand it, is simply to allow that adjustment to be made?

Mr. ANDERSON, of Illinois. That is all, sir.

Mr. BREWER. I would suggest that the gentlemen try to have a private conference in the cloak-room, and settle the matter, because we can not hear a word of what they are saying here.

Mr. KILGORE. I have no objection to the bill.

The SPEAKER *pro tempore*. The first question is on agreeing to the amendments recommended by the committee.

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Without objection the title of the bill will be amended to conform to the amendments adopted in the bill.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the passage with amendments, in which the concurrence of the House of Representatives was requested, of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I ask, by unanimous consent, that the House non-concur in the Senate amendments.

Mr. ANDERSON, of Kansas. I make the point of order——

Mr. BLAND. I reserve the point of order, unless consent is given to non-concur, that this must go to the Committee of the Whole House on the state of the Union.

Mr. ANDERSON, of Kansas. I was going to make the point——

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Texas. The gentleman asks, by unanimous consent, that the deficiency appropriation bill be now considered, and that the Senate amendments may be non-concurred in, and, as the Chair understands it, that a committee of conference be requested on the disagreeing votes thereon.

Mr. SAYERS. That is my request.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. RANDALL. I move to reconsider——

Mr. CANNON. Before that consent is given, I suppose it is understood that there are some items in the bill which will be submitted to the House later. But I think it is important that there should be a formal non-concurrence, and let it go to conference.

Mr. SAYERS. I move to reconsider the vote by which the House agreed to non-concur——

Mr. PAYSON. One moment before this consent is given. I object for the present.

Mr. JACKSON. It is too late.

Mr. PAYSON. No, it is not too late; but after the statement of the gentleman from Pennsylvania, which he has just made, I withdraw the objection.

So (no further objection being made) the request of Mr. SAYERS was agreed to.

Mr. SAYERS moved to reconsider the vote by which the House non-concurred in the Senate amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER announced the appointment of Mr. SAYRES, Mr. RANDALL, and Mr. McCOMAS as conferees on the part of the House.

CHICAGO, KANSAS AND WESTERN RAILWAY COMPANY.

Mr. ANDERSON, of Kansas (when his name was called). I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1903) granting the right of way through the Fort Riley military reservation, Kansas, to the Chicago, Kansas and Western Railway Company and put it on its passage.

The bill was read at length.

Mr. BLAND. Let us have either the report read in this case or some explanation of what it proposes to do.

Mr. ANDERSON, of Kansas. The report is very brief, and I ask that it be read..

The report was read at length.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. LYNCH. I object to its consideration.

PUBLIC BUILDING PAWTUCKET, R. I.

Mr. ARNOLD (when his name was called). I ask, by unanimous consent, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 164) for the erection of a public building in the city of Pawtucket, R. I.

The bill was read at length.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. LYNCH and Mr. KILGORE rose.

The SPEAKER *pro tempore*. The gentleman from Texas and the gentleman from Pennsylvania object.

Mr. KILGORE. I did not rise to object, but I rose for the purpose of asking a question in regard to the bill, which I believe contains a provision making an appropriation which has not been the practice in such bills heretofore.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Texas to rise to object.

Mr. LYNCH. I rose to object.

The SPEAKER *pro tempore*. Objection is made.

JOHN R. HARRINGTON.

Mr. ATKINSON called up for consideration the bill (H. R. 2660) for the relief of John R. Harrington.

The bill was read, as follows:

Be it enacted, etc., That John R. Harrington have leave to apply to the Commissioner of Patents for an extension for the term of seven years of the reissued letters-patent Nos. 2415 and 2416, each dated December 11, 1866, for improvements in carpet lining, and means for producing the same, from and after his decision thereon; such application to the Commissioner of Patents to be made within three months from and after the date of the passage of this act; and the Commissioner of Patents is hereby authorized and empowered to renew and extend to said John R. Harrington each of said patents for the term of seven years from and after his decision thereon, with the same force and effect as if each of said patents had been originally granted for the term of seven years from the date of his decision thereon, if, in his judgment, the same should be renewed and extended.

SEC. 2. That no right of action to recover damage shall accrue to the patentee, or his assignee, from the time of the expiration of said patents until the extension as contemplated by the first section of this act.

Mr. ATKINSON. I ask that the report be read.

Mr. BLAND. Let the report be read, subject to objection.

Mr. MACDONALD. I see the gentleman from Pennsylvania [Mr. LYNCH] has left his seat; and as he is not present to object, therefore I object.

Mr. WEAVER (to Mr. MACDONALD). This is a poor blind man.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. ATKINSON] asks that the report be read.

Mr. MACDONALD. I do not object to that; but I will object to the consideration of the bill.

Mr. ATKINSON. I appeal to the gentleman not to object to the bill until the report shall have been read. I think it is not fair to object.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent that the report in this case be read before objection is asked for on the consideration of the bill. Is there objection to the reading of the report?

Mr. MACDONALD. I do not object to the reading of the report, but I shall to the bill.

Mr. ATKINSON. I ask that the report be read. I hope the gentleman is open to conviction; and if the report is read he may recognize that it is a meritorious bill.

Mr. MACDONALD. The gentleman must appeal to his colleague [Mr. LYNCH]. I objected to be in harmony with him.

Mr. DUNN. I shall object to the reading of the report. I do not object to the consideration of the bill, but other gentlemen do, and we may as well dispose of it at once.

PUBLIC BUILDING AT NEWBURGH, N. Y.

Mr. BACON called up for consideration the bill (H. R. 7312) for the erection of a public building at Newburgh, N. Y.

Mr. ATKINSON. I shall object to that bill.

Mr. WEAVER. I now ask, before consideration of this bill is entered upon, that the bill called up by the gentleman from Pennsylvania [Mr. ATKINSON] shall be considered. I want to say that it is a bill for the relief of a poor blind man who is lying on his back.

Mr. ATKINSON. I object to the bill or to the reading of the bill.

Mr. MACDONALD. I appreciate the position, and I say that there are just as many meritorious measures as that of this man that the gentleman from Pennsylvania [Mr. LYNCH] has objected to.

Mr. LYNCH. I object.

The SPEAKER *pro tempore*. The Chair will state that a gentleman who calls up a bill is entitled to have the bill read before objections are asked for.

The Clerk proceeded to read the bill.

Mr. DOCKERY. I do not understand that the gentleman presenting the bill desires to have the bill read.

Mr. BACON. I do not know of any objection having been made to this bill.

Mr. BLAND. Let us have the bill and report read, subject to objection.

The SPEAKER *pro tempore*. The Chair is of the opinion that the gentleman submitting the bill is entitled to have the bill read before objection is asked for by the Chair.

Mr. BLAND. I will have the report read or I will object.

The SPEAKER *pro tempore*. The report is in the nature of debate, and can not be read except in the gentleman's own time.

Mr. LYNCH. I object.

Mr. BACON. I think there is a misapprehension here. I understood there was objection to the reading of the report, but not to the bill.

Mr. LYNCH. No; I did not say so. I object to the whole thing.

CENTENNIAL DEMONSTRATION AT NEW YORK.

Mr. BAKER, of New York. I desire to call up a resolution which I understand has been reported from the Committee on the Judiciary, providing for a committee of thirteen members-elect of the Fifty-first Congress, to be appointed as a committee to attend the centennial demonstration at New York on the 30th of April. My colleague [Mr. COX] has got the resolution and report, but is not here at this time.

The SPEAKER *pro tempore*. The Chair will state that the resolution is not at the desk, and it must be before the House can take action on it. The Chair has sent to the file-room to see if a copy of it is there.

Mr. KILGORE. Does it provide any appropriation for the payment of expenses?

Mr. BAKER, of New York. It does not. Mr. Speaker, I desire to have the resolution read as soon as my colleague comes in. I hope that it may now be passed without prejudice, and that I may be able to call it up when my colleague arrives.

Mr. SCOTT. If this resolution were called up would it be in order to move to amend it and make an appropriation to enable this committee to discharge these duties? I see by the proceedings of the Senate that there are about half a dozen roving committees appointed there with funds for the purpose of summer excursions—to visit the Pacific coast in palace cars, for the purpose of examining railroads, or pretending to examine railroads; and I can not understand, sir, why a committee that might be appointed by this House should not be entitled to the same privileges and prerogatives; or why junketing expeditions to be fitted out for the summer vacation for the members of this House should not be provided with champagne, cigars, and all the accessories calculated to make such trips pleasant and agreeable——

Mr. BIGGS. I rise to a point of order.

Mr. SCOTT. And so beneficial to the public interest.

The SPEAKER *pro tempore*. The Chair is informed that the resolution has not been introduced nor printed, and that the original copy is in the possession of the gentleman's colleague.

Mr. BAKER, of New York. I ask that it may be temporarily laid aside.

The SPEAKER *pro tempore*. If there be no objection, this matter will be passed for the present, and the gentleman from New York may call it up in this hour.

MARTHA E. FLESSCHERT.

Mr. BAKER, of Illinois (when his name was called). I call up the bill (H. R. 11660) for the relief of Martha E. Flesschert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Martha Elizabeth Flesschert, *née* Stevenson, of St. Louis, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $212.50, for services rendered by her as hospital matron in and for the One hundred and thirtieth and One hundred and seventeenth Regiments of Illinois Volunteers for seventeen months, from October, 1862, to March, 1864.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 11660) for the relief of Martha E. Flesschert, report as follows:

The claim is for services rendered by Martha E. Flesschert as hospital matron for the One hundred and seventeenth Regiment of Illinois Volunteers from October 18, 1862, to March, 1864. Claim stated at $212.50.

The proof filed in support of the bill shows that the claimant served continuously as hospital matron to the above-mentioned regiment for seventeen months, and that she has not been paid for said services.

Your committee are of opinion that the claimant should be paid for her services and report back the bill and recommend its passage.

Mr. O'NEALL, of Indiana. Mr. Speaker, I trust that I shall be pardoned for intruding at this time upon the House. I feel, however, that this is perhaps the last opportunity I shall have to talk about this California election case. [Laughter.] Gentlemen upon the other side of the House charge that the evidence contained in the record in that case is hearsay testimony, and that the committee who made the report based their report upon hearsay testimony. I wish to call the attention of the House to the character of that "hearsay" testimony. If it be hearsay testimony, then I have read the law-books in vain. What is the character of some of that "hearsay" testimony? Let me call the attention of honorable gentlemen who talk about hearsay testimony to that testimony, or some little portion of it, but for a moment or two. I wish first to take up the second precinct of the forty-eighth assembly district in the city of San Francisco and inquire into the character of the testimony tending to show the perpetration of frauds in that precinct. The first evidence we have is the statement of the man who was appointed and who acted as inspector in that precinct. I presume that gentlemen on the other side of the House will say that his statement is hearsay testimony——

Mr. BAKER, of Illinois. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER, of Illinois. I wish to inquire whether this is in order under the rule under which we are now proceeding?

The SPEAKER *pro tempore*. The Chair is of the opinion that this debate is not strictly in order under the rule.

Mr. O'NEALL, of Indiana. Mr. Speaker, this is a good way to defeat this bill, and I have a right to defeat it in any way that is within my power.

Mr. MCKENNA. Mr. Speaker, I claim that the gentleman is not in order, nor has he the right to defeat a bill in any way in his power by talking out of order.

Mr. O'NEALL, of Indiana. This is a parliamentary way.

Mr. CUTCHEON. The gentleman is not speaking to the question.

Mr. O'NEALL, of Indiana. Oh, yes; I understand. There is a good deal of difference——

Mr. BLAND. I submit that the gentleman from Indiana [Mr. O'NEALL] has a right to proceed.

The SPEAKER *pro tempore*. The Chair desires to remind the gentleman from Indiana [Mr. O'NEALL] that the House is now in session and that we are not in Committee of the Whole on the state of the Union, where a larger latitude of debate is given. We are now in the House, and this bill is called up for consideration under the special rule permitting a member to call up a bill when his name is reached in regular alphabetical order. This bill being now the sole subject under consideration, the Chair is of opinion that the gentleman from Indiana can not discuss an election case or any other matter than that which is directly before the House.

Mr. BLAND. The Speaker ruled yesterday that where a gentleman rises and states that he does not think the bill under consideration, or any other measure, ought to be taken up or passed until the House first considers the contested-election case, he has the right to state reasons why the pending bill, or any other bill, should not pass until that election case is considered, and, under that ruling of the Speaker, the gentleman from Indiana would have the right to tell the House why he opposes proceeding with the pending bill or any other measure until the contested-election case is decided.

The SPEAKER *pro tempore*. The Chair is of the opinion that the gentleman can not enter properly into the merits of any other bill than the one under consideration.

Mr. O'NEALL, of Indiana. It does occur to me, Mr. Speaker, that it is always in order to insist on taking up questions which are of higher privilege than the one before the House.

Mr. BUCHANAN. Mr. Speaker, I make the additional point that the special order runs until 11 o'clock, and that no election case would be in order until that time.

Mr. O'NEALL, of Indiana. This being a question of higher privilege——

Mr. MCKENNA. Regular order.

The SPEAKER *pro tempore*. The House will be in order. The Chair having decided that the contested-election case is not before the House, the gentleman from Indiana [Mr. O'NEALL] can not now discuss it in order, and the Chair requests that he will either conform to the ruling of the Chair or appeal from it and let the question be decided by the House.

Mr. O'NEALL, of Indiana. Mr. Speaker, am I not in order when I am endeavoring to show the reasons why neither this bill nor any other should pass this House until these questions which are questions of higher privilege are disposed of? I am urging that under the circumstances this House ought to feel a demand made upon it to try these questions of higher privilege.

Mr. CUTCHEON. If the gentleman is dissatisfied with the decision of the Chair, why does he not take an appeal?

Mr. O'NEALL, of Indiana. Well, if necessary, I appeal from the decision of the Chair.

Several MEMBERS. Oh, no; do not do that.

Mr. HERMANN. I rise to a parliamentary inquiry.

Mr. O'NEALL, of Indiana. I withdraw the appeal, and make this parliamentary inquiry——

Mr. HERMANN. I rise to a parliamentary inquiry—whether these interruptions are to come out of the hour set apart for the consideration of matters called up by members in the alphabetical order of their names.

The SPEAKER *pro tempore*. This hour will expire at 11 o'clock. This is not a question of considering the pending bill for one hour; this order of business expires by limitation at 11 o'clock each day.

Mr. O'NEALL, of Indiana. Mr. Speaker, can the gentleman from Oregon [Mr. HERMANN] take me from the floor by a parliamentary inquiry?

The SPEAKER *pro tempore*. The gentleman from Oregon has not

taken the gentleman from Indiana from the floor. The gentleman from Oregon rose to a parliamentary inquiry, which the Chair has answered. The Chair will state the question before the House. The gentleman from Illinois [Mr. BAKER] having raised the question that the gentleman from Indiana was discussing the election case and not the bill under consideration by the House, the Chair sustained that point of order——

Mr. DOCKERY. The appeal has been withdrawn.

Mr. BLAND. The gentleman from Indiana has already stated that under the rulings made yesterday by the Speaker he proposes to proceed by showing that this bill ought not to pass; that no other measure ought to be passed or taken up until the election case shall be disposed of. He is giving his reasons for that position, which was ruled to be in order yesterday by Mr. Speaker CARLISLE, as it has been ruled on several occasions.

The SPEAKER *pro tempore*. On the point of order raised by the gentleman from Illinois [Mr. BAKER] the Chair held and now holds that it is not in order to discuss the merits of an election case upon this bill. From that decision, as the Chair understands, the gentleman from Indiana appeals.

Several MEMBERS. He withdrew the appeal.

Mr. O'NEALL, of Indiana. I have withdrawn the appeal.

Mr. BAKER, of New York. I ask the gentleman to yield a moment.

Mr. O'NEALL, of Indiana. I have withdrawn the appeal; and I want to ask by way of parliamentary inquiry——

Mr. MCKENNA. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair thinks that the gentleman from California [Mr. MCKENNA] does not understand the situation.

Mr. BAKER, of New York. I asked unanimous consent to present a resolution——

Mr. BLAND. The gentleman from New York [Mr. BAKER] can not take the gentleman from Indiana from the floor without his consent.

Mr. COX. I rise to make an inquiry, if the Speaker please. I will not take anybody off the floor. The resolution which my colleague [Mr. BAKER] desires to present has reference to the appointment of a committee of the Fifty-first Congress to attend the celebration in New York on the 30th of April next.

Mr. BAKER, of New York. It was laid aside informally.

Mr. COX. It was laid aside informally when the name of my colleague was called in alphabetical order.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman from New York, being now ready to call up his resolution, is entitled to the floor.

Mr. BLAND. Can that be done pending the consideration of another matter?

The SPEAKER *pro tempore*. The Chair will be much obliged to gentlemen if they will permit the Chair to state questions as they come up. The gentleman from New York [Mr. BAKER] now rises and asks to resume the floor with the request to pass a resolution which could not be found at the time when he was recognized.

Mr. BAKER, of New York. It will take but a moment.

The SPEAKER *pro tempore*. The Chair stated at the time that unanimous consent was asked to withdraw the resolution with leave to call it up within the hour.

Mr. BAKER, of New York, and others. That is so.

The SPEAKER *pro tempore*. That leave was given, and unless the gentleman should now be recognized he could not be recognized within the hour, as it now lacks only ten minutes of being 11 o'clock. The Chair holds that the gentleman from New York is now entitled to present his proposition under the leave given.

Mr. BLAND. I raise the point of order against——

Mr. BAKER, of Illinois. I demand the regular order.

Mr. BLAND. I make the point of order that pending the consideration of a measure which the House has already proceeded to consider by consent the gentleman from New York has no right to interpose another matter which he claims is introduced by a previous consent of the House, and which does away with the business on which the House is now engaged by consent. The House gave leave to the gentleman from Illinois to have considered a bill which is now before the House, and until that is disposed of the previous consent is abrogated.

The SPEAKER *pro tempore*. Unanimous consent was given to the gentleman from New York to call up and resume consideration of a resolution at some time during this hour; and unless that order is now executed it will have been vacated by the House itself, although the consent was given.

Mr. BAKER, of Illinois. I do not yield the floor, and demand the regular order.

Mr. COX. If the gentleman will hear the resolution he will not object, I am sure.

The SPEAKER *pro tempore*. The resolution called up by the gentleman from New York [Mr. BAKER] is entitled to consideration by the consent heretofore given, and the Clerk will now read it.

The Clerk read as follows:

"*Resolved*, That the Speaker of the House of Representatives designate nine members-elect to the Fifty-first Congress to attend the centennial celebration of the inauguration of the first President of the United States, to be held in the city of New York on the 30th day of April, 1889, and to represent the House of Representatives of the United States at such celebration."

The Committee on the Judiciary, to whom was referred the memorial of the committee on the centennial celebration of Washington's inauguration as first President of the United States, at New York, on April 30, 1889, having had the same under consideration, most heartily indorse and applaud the patriotic purpose of the promoters of this celebration on the spot where one hundred years ago occurred the most notable event in the history of our country, the inauguration of the first President of the United States, and therefore recommend the adoption of the resolution.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BAKER, of Illinois. I object.

Mr. SCOTT. Mr. Speaker, I want to move an amendment. I do not rise to object.

The SPEAKER *pro tempore*. The resolution is not before the House! The gentleman from Illinois objects.

Mr. BUCHANAN. Well, the celebration will be held whether he objects or not.

The SPEAKER *pro tempore*. The House resumes consideration of the bill called up by the gentleman from Illinois.

Mr. BAKER, of New York. I think I ought to object to his bill now. [Laughter.]

Mr. SOWDEN. I rise to a point of order. It is absolutely impossible to hear anything whatever that is going on in the House amidst this confusion.

The SPEAKER *pro tempore*. The point of order is well taken, and public business will be suspended until order is restored on the floor of the House.

Mr. O'NEALL, of Indiana. If I may be permitted to extend my remarks in the RECORD, I will subside.

Mr. MCKENNA. I object.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Indiana. Is there objection to permitting the gentleman to extend his remarks in the RECORD?

Mr. MCKENNA. I object.

Mr. BLAND. Gentlemen on that side of the House are afraid to have the facts made known. Why do they exhibit so much apprehension?

Mr. MCKENNA. When the facts come from the right source we will not have any objection.

Mr. BLAND. Oh! you are a beautiful set; afraid to let the facts in regard to your own political action be made known; a set of political cowards. [Cries of "Regular order!"]

Mr. MCKINNEY. Afraid of a fair trial before a just jury.

Mr. MCKENNA. We know something about the jury.

[The Speaker here resumed the chair.]

Mr. O'NEALL, of Indiana. I believe I have the floor.

The SPEAKER. The gentleman is entitled to the floor if he was occupying it during the consideration of the bill called up by the gentleman from Illinois; but the present occupant of the chair was not presiding at the time, and does not know the rights of the gentleman in that respect.

Mr. BAKER, of New York. I understand my friend from Illinois has withdrawn his objection to the resolution I called up.

Mr. BAKER, of Illinois. The bill that I called up was under consideration, and an effort was made to displace it by another proposition, to which I objected. The consideration was interrupted by a resolution in charge of the gentleman from New York. Assuredly I have the floor on my own bill.

Mr. BAKER, of New York. But I understood my friend to withdraw his objection to the resolution. Nobody has any objection to it I am sure.

Mr. BAKER, of Illinois. And nobody has any objection to the little bill that I called up, and if that can be disposed of, which can be done in half a minute, then the gentleman may have a clear road and right of way for any measure he chooses to bring up.

The SPEAKER. As the Chair understands the gentleman from Illinois, he does not object to the resolution of the gentleman from New York, but to its consideration until his own matter is disposed of.

Mr. BAKER, of New York. That is the exact point.

The SPEAKER. Is there objection to the consideration of the bill called up by the gentleman from Iliinois?

There was no objection.

Mr. O'NEALL, of Indiana. I believe I have the floor.

The SPEAKER. The gentleman from Indiana will proceed to discuss the bill before the House.

Mr. BAKER, of New York. Will the gentleman from Illinois yield for one moment? I think it important to get this resolution through.

Mr. COX. It wants but two minutes of 11 o'clock, and this matter ought to be disposed of. It is a matter of grace, and will take but an instant.

The SPEAKER. It is not before the House. The only matter before the House now is the bill called up by the gentleman from Illinois [Mr. BAKER]. [Cries of "Regular order!"] The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CENTENNIAL CELEBRATION OF FIRST INAUGURATION.

Mr. BAKER, of New York. I now call up the resolution reported from the Judiciary Committee which was read a few moments ago.

The SPEAKER. Is the reading of the resolution again demanded?

Mr. PAYSON. Let it be read.

The resolution was again reported. [Cries of "Vote!" "Vote!"]

Mr. BAKER, of New York. I believe there is no possible objection to this.

Mr. COX. I ask the previous question——

Mr. SCOTT. Mr. Speaker, will this go over, when the hour of 11 o'clock comes, as unfinished business?

The SPEAKER. The hour of 11 o'clock has now arrived.

Mr. SPRINGER. Then it will go over until after the 4th of March.

Mr. COX (to Mr. SCOTT). You have killed it. Now make your mortuary address.

INTERNATIONAL EXCHANGE OF PUBLIC DOCUMENTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying papers, a draught of and recommending the passage of a bill or resolution to provide for an international exchange of public documents; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

WILLIAM A. SMITHERS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting findings of fact in the case of William A. Smithers against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

FINDINGS OF FACT IN CERTAIN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting the findings of that court in certain claims referred to that court by the Committee on War Claims under the provisions of the act approved March 3, 1883; which was referred to the Committee on War Claims, and ordered to be printed.

EXPENDITURES FOR REPAIRS, ETC., OF PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury to the chairman of the Committee on Appropriations, with accompanying statement of expenditures from appropriations for the repairs and preservation of public buildings, together with the employés engaged in them for 1880; which was ordered to be printed.

LIGHT-HOUSE AND FOG-SIGNAL AT OLD ORCHARD SHOAL, NEW YORK.

The SPEAKER also laid before the House the bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, with House amendments disagreed to by the Senate, and a conference asked.

The SPEAKER. This bill has now reached a privileged stage. If there be no objection, the House will insist upon its amendments and agree to the conference. The Chair hears none, and it is so ordered. The Chair will appoint the gentleman from Missouri [Mr. CLARDY], the gentleman from Louisiana [Mr. LAGAN], and the gentleman from Virginia [Mr. T. H. B. BROWNE] conferees on the part of the House.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The SPEAKER also laid before the House the joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

Mr. WHITE, of New York. I ask, by unanimous consent, that the resolution be reported, which will take but a moment, and that I may be permitted to state the object of it, which will take still less time.

Mr. KILGORE. I object.

The SPEAKER. The resolution will be referred to the Committee on Foreign Affairs.

ADDITIONAL LAND DISTRICTS IN NEBRASKA.

The SPEAKER also laid before the House the bill (S. 3810) to establish two additional land districts in the State of Nebraska.

Mr. DORSEY. I ask, by unanimous consent, that this bill be considered.

Mr. LYNCH. I object.

The SPEAKER. The bill will be referred to the Committee on Public Lands.

Mr. BLAND. I move that the bill be referred to the committee to which it belongs.

Mr. WHEELER. The House committee have reported the same bill.

Mr. DORSEY. I ask, then, that the bill be permitted to remain on the Speaker's table.

Mr. BLAND. I did not understand that there was unanimous consent asked for it to remain on the Speaker's table, or I would have objected.

The SPEAKER. Does the gentleman insist that it shall go to the committee?

Mr. BLAND. That is what I am insisting on.

The question was put as to whether it should be referred to the committee; and the Speaker announced that the noes seemed to have it.

Mr. BLAND. I wish to state simply this: I supposed that it required unanimous consent for it to remain on the Speaker's table.

The SPEAKER. The Chair states that it does require unanimous consent. The Chair will state to gentlemen on the floor that this perhaps is the last time that any of these communications will be laid before the House, because in all probability there will be no further adjournment; and the Chair is simply doing what the rules require, to lay these matters before the House after the reading of the Journal and the hour for unanimous consent.

BRIDGE OVER WHITE RIVER AT ABERDEEN, ARK.

The SPEAKER also laid before the House the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.

Mr. BRECKINRIDGE, of Arkansas. I ask that this bill be put upon its passage at this time.

Mr. LYNCH. I object.

The SPEAKER. The bill will be referred to the Committee on Commerce.

ADDITIONAL JUSTICE FOR SUPREME COURT OF IDAHO.

The SPEAKER also laid before the House the bill (S. 3419) providing for an additional associate justice of the supreme court of Idaho, and for other purposes.

Mr. DUBOIS. I desire to state that a similar bill to this has been reported unanimously from the House committee, and the Attorney-General of the United States has written a letter recommending its passage.

Mr. BLAND. This is a bill to which I have objected.

The SPEAKER. The bill to which the gentleman objected was a bill to create two additional land districts in the State of Nebraska.

Mr. BLAND. But this bill was up about two weeks ago.

The SPEAKER. This bill has been up several times. [Laughter.]

Mr. SPRINGER. I hope the gentleman from Missouri will not object. The Committee on the Territories have reported in favor of this bill.

Mr. BLAND. I demand the regular order.

The SPEAKER. The gentleman insists upon his objection, and the bill will be referred to the Committee on the Territories.

ABSENTEE SHAWNEE INDIAN LANDS IN KANSAS.

The SPEAKER also laid before the House the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas.

Mr. RYAN. I ask for the present consideration of that bill. It is for the relief of only four settlers. Patents were issued fraudulently in regard to this land, to four Indians, and the Secretary of the Interior desires authority to cancel these patents and authorize these settlers to get these lands under existing law.

Mr. LYNCH. I object.

WYOMING MIDLAND RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation, with an amendment of the Senate thereto.

Mr. CAREY. Mr. Speaker, I ask unanimous consent that the Senate amendment to that bill be concurred in.

Mr. LYNCH. I object.

The bill was referred to the Committee on Indian Affairs.

DULUTH, RED WING AND SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3923) to authorize the Duluth, Red Wing and Southern Railroad Company to construct a bridge across the Mississippi River at or near the city of Red Wing, in the State of Minnesota, and to establish it as a post-road; which was referred to the Committee on Commerce.

BRIDGE ACROSS THE ILLINOIS.

The SPEAKER also laid before the House the bill (S. 3951) to establish a railroad bridge across the Illinois River between a point within 5 miles of Columbiana in Greene County to a point within 5 miles of Kampsville in Calhoun County, in the State of Illinois.

Mr. SPRINGER. I ask unanimous consent for the present consideration of that bill. It is a bridge bill, and the railroad is built to the river and can not cross without this bridge. The Committee on Commerce have examined the bill and it is in the usual form.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER] that this bill be now considered?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OMAHA, DODGE CITY AND SOUTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railroad Company to build its road across the Fort Hays military reservation.

Mr. CANNON. I ask unanimous consent to consider that bill at this time.

The bill was read, as follows:

Be it enacted, etc., That the Omaha, Dodge City and Southern Railway Company, a corporation in the State of Kansas, be, and is hereby, granted a right of way, not to exceed 100 feet in width, across the Fort Hays military reservation, upon such line as may be approved by the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. CANNON] that this bill be now considered?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CANNON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENDITURES OF CALIFORNIA ON ACCOUNT OF INDIAN HOSTILITIES.

The SPEAKER also laid before the House the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States.

Mr. BIGGS. I ask unanimous consent for the present consideration of that bill.

Mr. KILGORE. I object.

Mr. BIGGS. It does not take a dollar out of the Treasury.

Mr. KILGORE. I do not care.

GEORGE F. ROBERTS.

The SPEAKER also laid before the House the bill (S. 2001) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others; which was referred to the Committee on Claims.

WARREN HALL.

The SPEAKER also laid before the House the bill (S. 90) for the relief of Warren Hall; which was referred to the Committee on Claims.

PUBLIC BUILDING, ALLENTOWN, PA.

The SPEAKER also laid before the House the bill (S. 3381) for the erection of a public building at Allentown, Pa.

Mr. BLANCHARD. I move that that bill be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. That will be the proper reference unless some other action is——

Mr. RANDALL. I do not see my colleague from Pennsylvania [Mr. SOWDEN], who is interested in this bill, in his seat, and I ask that the bill be retained for the present on the Speaker's table.

MARY ELLEN FITZGERALD.

The SPEAKER also laid before the House the bill (S. 3860) granting a pension to Mary Ellen Fitzgerald; which was referred to the Committee on Invalid Pensions.

CHEROKEE CENTRAL RAILWAY.

The SPEAKER also laid before the House the bill (S. 3721) to grant the right of way to the Cherokee Central Railway through the Indian Territory, and for other purposes.

Mr. PERKINS. I ask that that bill be retained on the Speaker's table for the present.

The SPEAKER. The bill will be retained.

MRS. MARY C. BARNES.

The SPEAKER also laid before the House the bill (S. 3942) granting a pension to Mrs. Mary C. Barnes; which was referred to the Committee on Invalid Pensions.

DANIEL H. KENT.

The SPEAKER also laid before the House the bill (S. 3192) granting an increase of pension to Daniel H. Kent; which was referred to the Committee on Invalid Pensions.

MARY B. HUNT.

The SPEAKER also laid before the House the bill (S. 3960) granting a pension to Mary B. Hunt; which was referred to the Committee on Invalid Pensions.

REPORT ON ALASKA FISHING GROUNDS, ETC.

The SPEAKER also laid before the House joint resolution (S. R. 144) authorizing the printing of 11,000 copies of the special report of the Commissioner of Fish and Fisheries on the exploration of the fishing grounds of Alaska, Washington Territory, and Oregon by the United States Fish Commission steamer Albatross during the summer of 1888.

Mr. DUNN. I ask unanimous consent that that joint resolution be now considered.

Mr. LYNCH. I object.

The joint resolution was referred to the Committee on Printing.

INVITATIONS TO CANADIAN OFFICIALS.

Mr. RANDALL, from the Committee on Appropriations, reported back the joint resolution (H. Res. 265) authorizing the President to invite the several members of Parliament of the Dominion of Canada and the premiers and cabinets of the several Provinces to visit the United States as guests of the nation, and making appropriation therefor; which, with the accompanying report, was ordered to be printed and recommitted.

Mr. MCMILLIN. I reserve points of order on that.

The SPEAKER. The resolution has been printed and recommitted.

LIFE-SAVING APPLIANCES ON STEAMERS.

The SPEAKER also laid before the House the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers.

Mr. DAVIS. I would like to have that bill considered at the present time.

Mr. RANDALL. I ask to have the bill and report read.

Mr. BLAND. Let them be read subject to objection.

The SPEAKER. Of course that is understood.

The bill was read, as follows:

Be it enacted, etc., That sections 4488 and 4489 of the Revised Statutes shall be amended by inserting, after the words "life-preservers" wherever they occur, the words "line-carrying projectiles."

Mr. BUCHANAN. I desire to say that the only effect of this bill is to provide that vessels shall carry upon them something which will enable them in case of wreck to project a line to the shore. That is all there is in it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. Let it be considered. Its purpose is the saving of human life.

Mr. MCMILLIN. I ask that the bill be reported.

The SPEAKER. It has been reported. It is a very brief bill, simply requiring vessels to carry some additional apparatus for the protection of human life.

Mr. DAVIS. It simply provides that they shall carry apparatus for projecting a life-line to the shore.

Mr. MCMILLIN. Reserving the right to object, I would like to hear a statement from the gentleman from Massachusetts.

Mr. DAVIS. I desire to offer the following amendment:

Add as section 2: "This act to take effect February 1, 1890."

The object is to give the Supervising Inspector——

Mr. MCMILLIN. We can not hear a word that the gentleman is saying.

Mr. DAVIS. There is a very short report that perhaps had better be read.

Mr. COX. I think I can obviate the reading of the report by one word of explanation. The present law in reference to the Life-Saving Service provides only for saving persons and property by appliances projected from the land. This bill proposes to require appliances of that description on shipboard so as to assist persons in getting to shore in case of wreck.

There being no objection, the House proceeded to the consideration of the bill.

Mr. FARQUHAR. While personally I would have no objection to this bill, I wish to say that it has been protested against by the Lake marine; and the reason for this protest is that this board has never named the projectile to be required, which may cost from fifty to three hundred dollars; and under this bill vessels may be obliged to adopt any kind of projectile that may be named by this board. I think it premature to pass a bill of this kind until the whole marine of the nation understand what this projectile is to be.

Mr. BUCHANAN. The purpose is to leave this whole matter of the kind of projectile open to competition and to exempt the board from the necessity of adopting any particular patent. The bill has been put in this form at the request, as I know, of the Supervising Inspector-General.

The question being taken on the amendment submitted by Mr. DAVIS, it was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAVIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IRON BRIDGE NEAR FORTRESS MONROE.

The SPEAKER also laid before the House the bill (S. 2299) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia.

The SPEAKER. The Chair is advised that this matter has already been provided for in the sundry civil bill.

Mr. RANDALL. That is the fact.

The SPEAKER. If there be no objection, the bill will be indefinitely postponed.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING AT DETROIT, MICH.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *March* 1, 1889.

Resolved, That the Secretary be directed to request the House to return to the Senate the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

The SPEAKER. If there be no objection, the request of the Senate for the return of this bill will be complied with.

There was no objection, and it was ordered accordingly.

FARAN & M'LEAN.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *March* 1, 1889.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 308) for the relief of Faran & McLean.

The SPEAKER. If there be no objection, this bill will be returned to the Senate, as requested.

There was no objection, and it was ordered accordingly.

COPYRIGHT BILL.

Mr. BLOUNT, by unanimous consent, was granted leave to print remarks in the RECORD on the copyright bill.

LEAVE OF ABSENCE.

Mr. TOWNSHEND, by unanimous consent, was granted leave of absence for to-day, on account of sickness.

LIFE-SAVING APPLIANCES ON STEAMERS.

On motion of Mr. DAVIS, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers, and the same was laid on the table for the present.

MARY SHANK.

On motion of Mr. SMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House, without leaving copies, of the petition of Mary Shank.

WILLIAM H. DOUGLAS.

On motion of Mr. CRAIN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers submitted by Mr. Douglas, relative to deep-water channel over the bar at Galveston, Tex., in order to return them to the said Douglas.

REBELLION RECORDS.

At the request of the Committee on Military Affairs, by unanimous consent, the testimony taken and reported to the House March 1, 1889, in pursuance of resolution directing said committee to ascertain whether unofficial matter was ordered to be printed in volume 20, part 2, Official Records of the Rebellion, was ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNN. I rise to a question of privilege.

The SPEAKER. There is a question of privilege before the House already.

Mr. DUNN. I ask, by unanimous consent, that my privileged matter, as it will take but a little while, be considered at once, and the pending privileged matter can be resumed afterward.

Mr. HERBERT. I rise to a question of privilege.

The SPEAKER. There are two privileged matters pending already.

Mr. HERBERT. I ask unanimous consent——

The SPEAKER. The Chair will recognize the gentleman as soon as the pending matters are disposed of.

FUR-SEAL AND SALMON FISHERIES.

Mr. DUNN, from the Committee on the Merchant Marine and Fisheries, reported back with the amendments ordered by the House the bill (H. R. 12432) to amend section 1963 of the Revised Statutes and to provide for the better protection of the fur-seal and salmon fisheries of Alaska, and for other purposes; which was laid on the table for the present, and the bill and amendments and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, insisted on its amendments, agreed to the conference asked, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as conferees on its part.

REGULATION OF COURSE AT NAVAL ACADEMY.

Mr. HERBERT. I ask, by unanimous consent, to take up House bill 9674, to regulate the course at the Naval Academy, and non-concur in the Senate amendments.

The Senate amendments were non-concurred in.

Mr. HERBERT. I move to ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as conferees Mr. WISE, Mr. ELLIOTT, and Mr. HARMER.

FRAUDULENT USE OF THE MAILS.

Mr. WHEELER. There was a privileged matter pending when the House took a recess yesterday afternoon, and tellers were on the floor.

The SPEAKER. The House resumes the consideration of the conference report on the amendments of the Senate to the bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails. The conference report and the accompanying statement have been already read and printed in the RECORD.

The conference report was adopted.

Mr. ENLOE moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON AND WESTERN MARYLAND RAILWAY COMPANY.

Mr. HEARD submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 9418, to incorporate the Washington and Western Railroad Company, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendment:

"Page 6, line 24, strike out all after the word 'full' where it occurs in line 3 in amendment of section 10, and insert instead: '*Provided further*, The construction of said road shall be commenced in one year and completed within three years from the passage of this act.'"

JOHN T. HEARD,
J. H. ROWELL,
B. COMPTON,
Managers on the part of the House.

JOHN C. SPOONER,
C. B. FARWELL,
C. J. FAULKNER,
Managers on the part of the Senate.

Mr. RANDALL. I ask for the reading of the statement which should accompany the report under the rule.

The Clerk read as follows:

STATEMENT.

For explanation of the effect of the Senate amendments which have been agreed to in conference, the conferees on the part of the House respectfully submit the following:

The first amendment is designed to raise from 10 cents to 25 cents the sum which the company may charge for any package of freight received and transported by it.

This change we think is reasonable and right, since it is as much trouble to receive, bill, and deliver a small package, as one of greater weight and value, excepting only the difference in handling; and the sum of 10 cents will not pay for the usual trouble of receiving, handling, and delivering any single package by a railroad company.

The second amendment is designed to require the company to secure the approval of the commissioners of the District of Columbia to the laying of double tracks at any point in the said District, in case it should be desired to lay such tracks; and we think the restriction is a wise one.

The third and fourth amendments are directed to the authority of the company to issue bonds to aid in the construction of said road, and provide that while the company may still issue bonds to the extent of $20,000 per mile to aid in such construction, etc., as is provided in the original bill, they change the section so as to authorize such issue after one-half the capital stock be paid in, instead of the whole, but provide further that the stockholders shall be held individually liable for the full amount of their stock until it be paid for in full, and also provide that said company shall begin the construction of its road within one year from the date of the passage of this act and complete the same within three years from the same date.

These amendments do not, in the judgment of your conferees, impair the rights or security of the public, and may be of some assistance to the company in the construction of the road; and at the same time they fix a reasonable and proper time in which the road shall be constructed, an important thing omitted in the original bill.

JOHN T. HEARD,
J. H. ROWELL,
B. COMPTON,
Managers on the part of the House.

The conference report was adopted.

Mr. HEARD moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

HOUSE GALLERIES.

Mr. BURROWS. Mr. Speaker, I ask that an order be made opening the Executive and Diplomatic galleries to the public for the remainder of this calendar day, as they will probably be not otherwise occupied.

Mr. MCMILLIN. I would suggest to the gentleman the propriety of reserving one seat in each in case it should be desired to use them for the persons for whom they were set apart.

Mr. BURROWS. I think that is proper.

Mr. RANDALL. Let all the galleries be opened.

The SPEAKER. If there be no objection, all the galleries, with the

exception of the Press gallery and the Members' gallery, which of course is under the control of the members themselves, will be opened to the public for the remainder of the calendar day, with the exception, as suggested by the gentleman from Tennessee, of one front seat in each, which the Chair will direct the Doorkeeper to reserve.

There was no objection, and it was so ordered.

INTERSTATE COMMERCE.

Mr. CRISP. Mr. Speaker, I submit a privileged report.

Mr. ANDERSON, of Iowa. It is on this report, Mr. Speaker, that I raise the question of consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce between the States," approved February 24, 1887, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3 and 7.

CHARLES F. CRISP,
CHARLES O'NEILL,
Managers on the part of the House.

S. M. CULLOM,
O. H. PLATT,
ISHAM G. HARRIS,
Managers on the part of the Senate.

STATEMENT OF CONFEREES.

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2851) to amend an act entitled "An act to regulate commerce," submit the following in explanation of the report herewith submitted:

The effect of the present report is to leave out of the bill House amendment No. 3, which relates to the transportation of oil in barrels and tank-cars, and also to leave out of the bill amendment No. 7, which confers upon State courts concurrent jurisdiction with United States courts to hear and determine all cases arising under the interstate-commerce act.

CHARLES F. CRISP,
CHAS. O'NEILL,
Managers on the part of the House.

Mr. ANDERSON, of Iowa. Against that I raise the question of consideration.

The SPEAKER. The question is, Will the House now proceed to consider the conference report?

Mr. ANDERSON, of Iowa. I only wish to say——

The SPEAKER. This is not debatable.

Mr. ANDERSON, of Iowa. Only for the information of the House, with reference to the reason for raising the question of consideration, that I desire to call up the privileged question, the California contested-election case, that my colleague, Mr. CRISP, has been so anxious to have brought before the House for consideration. [Cries of "Regular order!"]

Mr. CRISP. I might be permitted to state in response that gentlemen on that side of the House do not control that case except by refraining from voting.

The question was taken on considering the conference report; and on a division there were—ayes 76, noes 12.

Mr. ANDERSON, of Iowa. No quorum.

Mr. CRISP. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 215, nays 4, not voting 104; as follows:

YEAS—215.

Abbott,	Carlton,	Gaines,	Ketcham,
Adams,	Caruth,	Gallinger,	Kilgore,
Allen, Mich.	Caswell,	Gear,	La Follette,
Anderson, Miss.	Catchings,	Gest,	Lagan,
Anderson, Ill.	Cheadle,	Glass,	Landes,
Arnold,	Clark,	Greenman,	Lanham,
Atkinson,	Cobb,	Grimes,	Latham,
Baker, N. Y.	Conger,	Grout,	Lawler,
Baker, Ill.	Cooper,	Guenther,	Lehlbach,
Bankhead,	Cothran,	Hare,	Lind,
Barnes,	Cowles,	Harmer,	Long,
Bayne,	Crain,	Hatch,	Macdonald,
Biggs,	Crisp,	Haugen,	Maish,
Bingham,	Crouse,	Hayden,	Mansur,
Blanchard,	Culberson,	Hayes,	Martin,
Bland,	Cummings,	Heard,	Matson,
Bliss,	Cutcheon,	Hemphill,	McClammy,
Blount,	Dalzell,	Henderson, N. C.	McComas,
Booher,	Darlington,	Henderson, Ill.	McCormick,
Boothman,	Davidson, Ala.	Herbert,	McCreary,
Bound,	Davidson, Fla.	Hiestand,	McKenna,
Boutelle,	De Lano,	Hitt,	McKinley,
Bowen,	Dibble,	Holman,	McKinney,
Breckinridge, Ark.	Dockery,	Holmes,	McMillin,
Breckinridge, Ky.	Dorsey,	Hooker,	McRae,
Brewer,	Dunn,	Hopkins, Ill.	Mills,
Browne, T. H. B., Va.	Elliott,	Hopkins, N. Y.	Moffitt,
Browne, Ind.	Enloe,	Howard,	Montgomery,
Brown, Ohio	Farquhar,	Hudd,	Moore,
Bryce,	Felton,	Hunter,	Morgan,
Bunnell,	Finley,	Hutton,	Morrill,
Burrows,	Fisher,	Jackson,	Morrow,
Butler,	Fitch,	Johnston, Ind.	Newton,
Butterworth,	Foran,	Johnston, N. C.	Oates,
Bynum,	Forney,	Kean,	O'Donnell,
Campbell, F., N. Y.	French,	Kelley,	O'Ferrall,
Candler,	Fuller,	Kennedy,	O'Neill, Pa.
Cannon,	Funston,	Kerr,	O'Neill, Mo.
Osborne,	Romeis,	Stephenson,	Walker,
Outhwaite,	Rowell,	Stockdale,	Warner,
Owen,	Rowland,	Stone, Ky.	Washington,
Patton,	Russell, Conn.	Stone, Mo.	Weber,
Payson,	Ryan,	Struble,	Wheeler,
Penington,	Sayers,	Tarsney,	White, N. Y.
Perry,	Scott,	Taulbee,	Whiting, Mass.
Peters,	Scull,	Thomas, Ky.	Wickham,
Pidcock,	Seymour,	Thomas, Ill.	Wilkinson,
Plumb,	Sherman,	Thomas, Wis.	Wilson, W. Va.
Posey,	Shively,	Thompson, Cal.	Wise,
Post,	Simmons,	Tillman,	Woodburn,
Rice,	Smith,	Tracey,	Yardley,
Richardson,	Snyder,	Turner, Ga.	Yoder,
Robertson,	Sowden,	Vandever,	Yost.
Rogers,	Spooner,	Wade,	

NAYS—4.

Anderson, Iowa	Hall,	Lynch,	O'Neall, Ind.

NOT VOTING—104.

Allen, Mass.	Dingley,	Maffett,	Sawyer,
Allen, Miss.	Dougherty,	Mahoney,	Seney,
Anderson, Kans.	Dunham,	Mason,	Shaw,
Bacon,	Ermentrout,	McAdoo,	Spinola,
Barry,	Flood,	McCullogh,	Springer,
Belden,	Ford,	McShane,	Stahlnecker,
Bowden,	Gay,	Merriman,	Steele,
Brower,	Gibson,	Milliken,	Stewart, Tex.
Brown, J. R., Va.	Glover,	Morse,	Stewart, Ga.
Brumm,	Goff,	Neal,	Stewart, Vt.
Buchanan,	Granger,	Nelson,	Symes,
Buckalew,	Grosvenor,	Nichols,	Taylor, E. B., Ohio
Burnett,	Henderson, Iowa	Norwood,	Taylor, J. D., Ohio
Campbell, Ohio	Hermann,	Nutting,	Thompson, Ohio
Campbell, T. J., N. Y.	Hires,	Parker,	Townshend,
Chipman,	Hogg,	Peel,	Turner, Kans.
Clardy,	Hopkins, Va.	Perkins,	Vance,
Clements,	Houk,	Phelan,	Weaver,
Cockran,	Jones,	Phelps,	West,
Cogswell,	Laffoon,	Pugsley,	White, Ind.
Collins,	Laidlaw,	Randall,	Whiting, Mich.
Compton,	Laird,	Rayner,	Whitthorne,
Cox,	Lane,	Reed,	Wilber,
Dargan,	Lee,	Rockwell,	Wilkins,
Davenport,	Lodge,	Russell, Mass.	Williams,
Davis,	Lyman,	Rusk,	Wilson, Minn.

So the House determined to consider the conference report.

Mr. CRISP. I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON, of Iowa. I object.

The Clerk then read the names of those voting.

The following pairs were announced on all political questions until further notice:

Mr. STEWART, of Georgia, with Mr. EZRA B. TAYLOR.

Mr. DARGAN with Mr. THOMPSON, of Ohio.

Mr. GRANGER with Mr. DINGLEY.

Mr. COCKRAN with Mr. NUTTING.

Mr. HOGG with Mr. SYMES.

Mr. BURNETT with Mr. GOFF.

Mr. NEAL with Mr. HOUK.

Mr. MCSHANE with Mr. LAIRD.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. COLLINS with Mr. ALLEN, of Massachusetts.

For this day:

Mr. CLEMENTS with Mr. HENDERSON, of Iowa.

Mr. RAYNER with Mr. COGSWELL.

On this vote:

Mr. CAMPBELL, of Ohio, with Mr. WILLIAMS.

Mr. WILKINS with Mr. JOSEPH D. TAYLOR.

Mr. SENEY with Mr. STEELE.

Mr. MAISH. Mr. TOWNSHEND, of Illinois, is detained from the House by sickness.

Mr. ANDERSON, of Kansas. I was absent on a conference committee when my name was called. If present, I should have voted for consideration.

The vote was then announced as above recorded.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Will the gentleman from Georgia yield to me for a moment, to ask the House to consider the conference report on the sundry civil appropriation bill at this time?

Mr. CRISP. I yield for that purpose.

Mr. RANDALL. I submit a report from the conference committee on the sundry civil appropriation bill.

Mr. CRISP. I am perfectly willing to yield for that.

Mr. TRACEY. Is that subject to an objection from any other member?

The SPEAKER. The Chair thinks the gentleman from Georgia has control of it.

Mr. TRACEY. Because if it is subject to objection, I object.

Mr. RANDALL. I must push on.

The SPEAKER. The Chair would state to the gentleman from New York that it does not displace this matter except temporarily.

Mr. RANDALL. It only displaces it temporarily.

Mr. TRACEY. I object, if I have the privilege.

The SPEAKER. The Chair thinks the gentleman from Georgia controls the matter.

The Clerk proceeded to read the report of the committee of conference.

Mr. RANDALL. I must ask the favor of order, both on the floor and elsewhere. My voice is weak and the report is very elaborate. To save my voice the clerk has made it so; and if gentlemen will but listen to the report as it is read they will know in every case whether matters they are interested in have been favorably or unfavorably acted upon by the conferees.

The SPEAKER. The Chair appeals to gentlemen on the floor and to the occupants of the galleries to preserve order during the proceedings upon this report. The clerks have been required to read so much that it is very laborious for them to make themselves heard, and especially so if order is not preserved on the floor and in the galleries.

Mr. RANDALL. I ask that the Clerk read the statement accompanying the report.

The SPEAKER. Does the gentleman ask that the formal reading of the report be dispensed with?

Mr. RANDALL. I ask that the statement be read, which gives both the numbers and effect of the amendments.

The SPEAKER. The Clerk will read the statement, and omit the reading of the report unless it is demanded hereafter.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 21, 23, 24, 28, 33, 34, 37, 38, 40, 46, 48, 50, 53, 54, 55, 58, 59, 63, 69, 71, 72, 73, 74, 75, 76, 77, 81, 84, 85, 86, 87, 88, 92, 96, 97, 105, 116, 120, 121, 131, 133, 136, 143, 162, 165, 175, 178, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 18, 19, 20, 22, 25, 26, 27, 29, 30, 31, 32, 35, 39, 41, 42, 43, 44, 45, 47, 49, 51, 52, 89, 90, 91, 98, 99, 102, 103, 109, 112, 115, 118, 119, 122, 126, 127, 128, 129, 130, 134, 137, 139, 140, 145, 146, 147, 149, 150, 152, 156, 159, 160, 161, 174, 177, 179, 180, 183, and 198, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$5,000," and strike out from said amendment the word "grading" and insert in lieu thereof the following: "And grading within the limits of the site;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That hereafter commissions shall not be paid for disbursements on account of sites for public buildings, nor on account of construction of public buildings, except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be paid by the Treasury Department at Washington, D. C., by draft or check, payable to the grantors of such sites or their legal representatives."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with amendments as follows: In lieu of the sum proposed in said amendment insert "$200,000;" and after the word "let" in line 5 of said amendment, insert the following: "For the entire structure at a total cost of not exceeding $500,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagseement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That hereafter all expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 101, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: After the word "and" in said amendment insert the words "for ascertaining;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That of the above sum no more shall be expended for salaries and wages in this institution during the fiscal year 1890 than shall with the payments from other sources make a total for such salaries and wages for said year of $28,000 in all;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 16, page 42 of the bill, strike out the words "except when absolutely indigent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: Strike out from said amendment the word "gas" and insert in lieu thereof the word "light;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "*Provided*, That no part of this appropriation shall be expended until a contract is made for finishing said building complete, including heating apparatus and approaches, within the limit of this appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Fort Monroe, Virginia: For construction complete of a sewerage system, $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$25,000," and add at the end of the amended paragraph the following:

"And in addition to said amount $25,000 to be expended in constructing a road upon such route as may be surveyed and selected by the engineer officer detailed for duty in the park from the Upper Geyser Basin to the Shoshone Geyser Basin, thence around the southern shore of Shoshone Lake and across the continental divide to the west arm of the Yellowstone Lake, thence along the western shore of Yellowstone Lake to lake outlet and along the Yellowstone River to the Falls and Grand Cañon, thence from the Falls down the Yellowstone River to a junction with the present road to Cook City; in all $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with amendments as follows: After the word "committee," in line 6 of said amendment, insert the following: "Who shall have power to settle and approve vouchers notwithstanding the dissolution of the committee," and add at the end of said amendment the following: "*Provided*, That one-half of said sum shall be paid out of the revenues of the District of Columbia and one-half out of the Treasury of the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$255,000;" and the Senate agree to the same.

On amendments numbered 60, 61, 62, 141, 142, 182, and 197 the committee of conference have been unable to agree.

SAM. J. RANDALL,
WM. H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill H. R. 12008, making appropriations for the sundry civil expenses of the Government, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report, being in comparison with the bill as it passed the House unless otherwise indicated, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, relating to public buildings: Appropriates $8,000 for the court-house and post-office at Fort Scott, Kans.; $3,000 for protecting the site of the public building at Key West, Fla.; $5,000 for paving and curbing and grading within the limits of the site of the public building at Lincoln, Nebr.; $1,600 to substitute oak finish for white-pine finish in Oshkosh, Wis.; $50,000 for purchase of site and completion of public building at Sedalia, Mo.; $3,000 for an elevator in a public building at Syracuse, N. Y.; $1,250 for purchase of additional land for marine hospital at Vineyard Haven, Mass.; strikes out proposed appropriation for an out-building, repairs, etc., for Bureau of Engraving and Printing; and strikes out proposed increase of $25,000 in the general fund for the repairs of public buildings, and a provision authorizing use of this fund for marine-hospital buildings.

On amendment 14: Inserts the following provision:

"That hereafter commissions shall not be paid for disbursements on account of sites for public buildings, nor on account of construction of public buildings, except for moneys actually handled and paid out by disbursing agents; and payments for sites of public buildings under the control of the Treasury Department shall be made by the Treasury Department at Washington, D. C., by drafts or checks payable to the grantors of such sites or their legal representatives."

On amendments 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55, relating to light-houses, beacons, and fog-signals: Leaves in the bill all the provisions proposed by the Senate except the following: Steam-tender for the first light-house district; Dumpling Rock light-house station, Massachusetts; Bird Island light-station, Massachusetts; Staten Island depot, New York; Chincoteague buoy depot, Virginia; Portsmouth depot, Virginia; North River bar beacons, North Carolina; steamer for Light-House Service in the sounds of North Carolina; Hilton Head range beacons, South Carolina; Point Betsey light-station, Michigan; depot for the ninth light-house district; light-house near the mouth of Umpqua River, Oregon; San Pedro light-station, California; Point Sur light-station California; and for submarine cable to connect Cape Flattery with Tatoosh Island; and modifies the provision for Diamond Shoal light-station, North Carolina, so as to appropriate $200,000 for the work, and authorizing a contract to be made for the entire structure at a total cost not exceeding $500,000.

On amendments 58, 59, and 63: Strikes out proposed increase from $363,000 to

$370,000 for salaries of clerks and employés other than plate-printers in the Bureau of Engraving and Printing, and the proposed increase from $174,000 to $189,000 for miscellaneous expenses of the bureau.

On amendments 71, 72, 73, 74, 75, 76, 77, 78, and 79, relating to the Coast and Geodetic Survey: Strikes out proposed increase in the salary of an accountant from $1,800 to $2,000, and otherwise leaves the provision for the Survey exactly as proposed by the House, except that an increase from $10,000 to $12,000 is made in the appropriation for copper plates, printers' material, etc.

On amendment 81: Strikes out proposed appropriation of $17,500 for repairs to Smithsonian building.

On amendment 82: Increases appropriation for preservation of collections of the National Museum from $135,000 to $140,000.

On amendment 84: Strikes out proposed appropriation of $10,000 for purchase of Capron collection of Japanese works of art.

On amendments 85, 86, 87, and 88: Leaves the appropriation and provisions touching the Fish Commission exactly as proposed by the House.

On amendments 89, 90, and 91: Provides for the establishment of three additional fish-hatching stations.

On amendment 92: Strikes out proposed increase in the appropriation for quarantine service from $50,000 to $86,000.

On amendment 94: Appropriates $100,000, in addition to unexpended balance, for the prevention of epidemics.

On amendment 95: Inserts a provision that hereafter all expenses of the Interstate Commerce Commission shall be audited by the proper accounting officers of the Treasury.

On amendment 96: Strikes out proposed increase from $50,000 to $60,000 for paper and stamps for the internal-revenue service.

On amendment 97: Strikes out proposed increase from $25,000 to $50,000 for punishment for violations of the internal-revenue laws.

On amendment 98: Appropriates $5,000 for the prevention of manufacture and sale of adulterated food and drugs in the District of Columbia.

On amendment 99: Appropriates $3,500 for additional clerical force in the office of the assistant treasurer in New York.

On amendment 100: Increases appropriation for assistant custodians and janitors from $490,000 to $500,000.

On amendment 101: Inserts provision requiring that the appropriation for furniture and repairs of furniture shall be expended by the Secretary of the Treasury on contract, to be let to the lowest bidder after advertising four consecutive weeks for proposals.

On amendment 102: Strikes out authority to use appropriation for suppressing counterfeiting and other crimes, for detecting and punishing pretended dealers in fraudulent devices for using the United States mails other than those named in the paragraph.

On amendment 103: Privides for the payment of the expenses for the enforcement of alien contract labor laws from the immigrant fund.

On amendment 105: Strikes out provision proposed by the Senate appropriating $1,000 for the removal of the remains of Joel Barlow.

On amendment 106: Appropriates $3,000 for binding certain manuscript papers in the State Department.

On amendment 108: Appropriates $50,000 for the expenses of the international conference of American nations in addition to the sum of $75,000 appropriated by the act of May 24, 1888.

On amendment 109: Increases the appropriation from $35,000 to $39,000 for general repairs of the Capitol.

On amendment 112: Appropriates $10,000 for repair and rebuilding of the north roadway in the Capitol grounds.

On amendment 115: Increases the amount for salaries and commissions of registers and receivers from $524,000 to $550,000.

On amendment 116: Places the appropriation for engraving the geological maps of the United States under the control of the office of the Geological Survey.

On amendment 117: Provides for ascertaining the cost of sites and reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation.

On amendment 118: Makes $50,000 of the appropriation for irrigation surveys immediately available and requires the Director of the Geological Survey to report to Congress on the first Monday in December of each year the expenditures on account of irrigation surveys.

On amendment 119: Appropriates $2,000 for the repair of the ruins of Casa Grande, in Arizona.

On amendment 120: Strikes out proposed appropriation of $6,000 to enable the United States to be represented at the convention of the international union for the protection of industrial property.

On amendments 121 and 122, relating to the Government Hospital for the Insane: Strikes out the proposed appropriation of $1,200 for a lodge at entrance to grounds and appropriates $1,300 for alterations at stable and poultry house.

On amendments 123, 124, and 125, relating to the Columbia Institution for the Deaf and Dumb: Increases the appropriation for maintenance from $52,500 to $55,000; limits the expenditures for salaries and wages in the institution to not exceeding $28,000 per annum; increases the number of students that may be admitted from the States and Territories from forty to sixty, and strikes out the authority to pay for the support of those who are absolutely indigent.

On amendments 126, 127, 128, 129, and 130, relating to Freedmen's Hospital and Asylum: Increases the aggregate appropriation for the institution from $51,875 to $54,025 in manner as proposed by the Senate, and strikes out the provision requiring one-half of this sum to be paid from the revenues of the District of Columbia.

On amendments 131, 132, 133, and 134, relating to the Rock Island arsenal: Strikes out proposed increase from $30,000 to $45,000 for completing store-house K; increases the amount for general care, etc., from $10,000 to $15,000; strikes out proposed increase for care and preservation and expenses of operating the drawbridge from $11,550 to $12,000; appropriates $35,000 for the construction of a viaduct between Rock Island and the city of Rock Island, over the railroad tracks, and requires that one-half of said expenditure shall be paid by the city of Rock Island.

On amendment 135: Appropriates $1,200 for water and light supply for the Kennebec arsenal, Maine.

On amendment 136: Strikes out proposed appropriation of $7,000 for officers' quarters at Governor's Island, New York.

On amendment 137: Strikes from the bill appropriation of $32,769 for paving Broadway in front of Watervliet arsenal.

On amendment 138: Appropriates $10,000 for the hospital building at the Augusta arsenal, Georgia.

On amendment 139: Increases the amount for the repair of greenhouses at the Executive Mansion from $4,000 to $5,000.

On amendment 140: Appropriates $1,550 for an asphalt pavement between the center building and wings of the Army Medical Museum building.

On amendment 143: Strikes out proposed provision giving to the disbursing officer for the building for the Library of Congress commissions on his disbursements.

On amendments 144, 145, 146, 147, 148, 149, and 150, relating to military posts: Increases the appropriation from $332,000 to $400,000 for the construction of buildings at and the enlargement of military posts in the discretion of the Secretary of War; appropriates $1,500 for infantry and cavalry school at Fort Leavenworth, Kans.; provides that the existing appropriations of $30,000 each to the military posts at Fort Robinson and Fort Niobrara, Nebr., may be expended for continuing the work of constructing necessary buildings at said posts; appropriates $25,000 for the complete construction of a sewerage system at Fort Monroe, Va.; appropriates $10,000 for a road through the military reservation at Plattsburgh, N. Y.; and $38,000 for the construction and repair of roads and walks leading to the national cemetery and reservation of the Presidio, at San Francisco, Cal.

On amendment 151: Appropriates $25,000 for general improvements of roads, etc., in the Yellowstone Park, and $25,000 for the special improvement of roads therein.

On amendment 152: Strikes from the bill $1,000 for expenses of equipping and maintaining Signal Service stations in the West Indies.

On amendments 154 and 155: Appropriates $5,000 for reprinting war maps, and $5,000 for surveys, additions to and correcting engraved plates of the survey of northern and northwestern lakes.

On amendments 156, 158, and 159: Increases the amount for Garfield Hospital from $10,000 to $12,500, and strikes out the provision that one-half of that sum, together with one-half of the amount for Providence Hospital, shall be paid from the revenues of the District of Columbia.

On amendments 160 and 161: Increases the appropriation from $36,000 to $100,000 for the publication of the Official Records of the War of the Rebellion, and provides that the preparation of the records shall be completed within five years, and that the publication shall be conducted by a board consisting of one Army officer and two civilian experts.

On amendment 162: Strikes out proposed increase from $20,000 to $25,000 for an iron bridge over Mill Creek, near Fortress Monroe, Va.

On amendment 164: Appropriates $20,000 for the expenses of the joint select committee investigating the subject of the Washington Aqueduct tunnel, one-half of said sum to be paid from the revenues of the District of Columbia.

On amendment 165: Strikes out proposed appropriation of $10,000 for rent of buildings for the District of Columbia militia.

On amendments 173 and 174: Increases the amount from $200,000 to $300,000 for continuing aid to State and Territorial homes for the support of disabled volunteer soldiers, and provides that hereafter no State under this appropriation shall be paid a sum exceeding one-half the cost of maintenance of each soldier or sailor by such State.

On amendment 175: Strikes out proposed appropriation of $1,700 for improving the sanitary condition of the Washington court-house building.

On amendment 176: Increases the amount from $12,400 to $15,000 for defending suits in claims against the United States.

On amendments 177 and 178: Increases the amount for support of convicts of the District of Columbia from $15,000 to $18,000, and requires that one-half of said amount shall be paid from the revenues of the District of Columbia.

On amendment 179: Appropriates $500 to edit and prepare for publication the nineteenth volume of the Opinions of the Attorneys-General.

On amendment 180: Strikes from the bill the provision requiring the accounting officers of the Treasury to audit and settle the account of marshals within sixty days next after the same are presented for allowance.

On amendment 181: Increases the amount for payment of United States district attorneys from $250,000 to $255,000.

On amendment 183: Appropriates $3,000 for expenses incurred by order of the Senate for inaugural ceremonies.

On amendment 184: Strikes out proposed appropriation of $10,000 for purchase of works of art by the Joint Committee on the Library.

On amendments 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, and 195, relating to public printing and binding: Leaves the appropriations therefor just as proposed by the House.

On amendment 196: Strikes out proposed indefinite appropriation to provide additional accommodations for the Post-Office Department and other Departments of the Government in Washington City.

On amendment 198: Appropriates $3,000 for the commemoration of the centennial anniversary of the inauguration of the first President of the United States.

On amendment 199: Strikes out proposed provision authorizing street-cars in the District of Columbia to substitute for horses electric power.

The committee of conference have been unable to agree on the following amendments, namely:

On amendments numbered 60, 61, and 62: Relating to the use of steam plate-printing machines in the Bureau of Engraving and Printing and the payment of royalty therefor.

On amendments 141 and 142: Increasing the limit on the cost of the Library of Congress building to $5,500,000, exclusive of appropriations heretofore made.

On amendment 182: Appropriating to the widow of the late Chief-Justice Waite the balance of one year's salary of the Chief-Justice.

On amendment 197: Making an indefinite appropriation to provide additional accommodations for the Government Printing Office.

The bill, so far as it has been agreed upon, appropriates $25,220,086.65, being $1,703,895 less than as it passed the Senate, $1,749,256 more than as it passed the House, $1,100,718.19 less than the appropriations for the current year for similar objects, and $3,354,361.81 less than the estimates submitted for the fiscal year 1890.

The amendments upon which the committee of conference have been unable to agree involve only the sum of $32,745.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. RANDALL. I move the adoption of the report; and on that I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate.

Mr. OATES. Mr. Speaker, I did not understand from the reading of the statement what the provision is with reference to the adjustment of marshals' accounts within sixty days.

Mr. RANDALL. That goes out. The Senate refused to agree to that limitation, and we understood that they did so at the instance of the auditing department of the Treasury; but the gentleman from Alabama will remember that we have increased the amount of the appropriation from three hundred to four hundred thousand dollars; so no embarrassment is likely to come to the Attorney-General's office in that matter.

Mr. OATES. I am sorry the provision was stricken out.

Mr. RANDALL. So am I. I think it ought to have been retained.

Mr. TRACEY. Mr. Speaker, I wish to inquire of the gentleman from Pennsylvania, the chairman of the committee [Mr. RANDALL], whether he can give some explanation of the reasons why the amendment which the House had adopted appropriating a sum of money for the completion of the work at the Watervliet arsenal was not insisted

upon. In hearing the statement read I observed that the Senate had placed upon the bill amendments which were almost identical in character with the amendment offered by myself and adopted by the House some time ago, and it appears to me very extraordinary that the House conferees should be willing to strike out the very important provision for the completion of the large gun factory at the Watervliet arsenal in the district which I have the honor to represent. If I may be permitted to say so, I understood that I had assurances upon this subject from the gentlemen having charge of the bill at the other end of the Capitol, and I had every reason to expect that a concession would be made which would provide for retaining at least a portion of the appropriation in the bill. Therefore, if the gentleman from Pennsylvania [Mr. RANDALL] will kindly give some explanation of the action of the conference committee, it will be a satisfaction to those who are interested in the completion of the work at the Watervliet arsenal, which was ordered at the first session of this Congress.

Mr. RANDALL. In the first place, Mr. Speaker, there is nothing in this bill which is identical with the proposition to which the gentleman alludes. In the second place, the conferees on the part of the House did adhere to the action of the House. The conferees on the part of the Senate were unwilling to accede even to that—I state what I know—and the House conferees were not willing to prolong beyond midnight a controversy with the Senate as to whether a horse-railroad company should pay half the cost of the improvement of a street or not.

Mr. TRACEY. In regard to that I will say that that part had been eliminated in the amendment which I was led to suppose would be agreed to. The question of the horse-railway did not enter into that at all.

Mr. RANDALL. There was a long time devoted to that item in the conference, perhaps as much time as to any other one subject.

The report of the committee of conference was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. Mr. Speaker, as appears by the report, there are four differences yet unsettled between the two Houses, upon which the conferees were unable to reach harmony. The first is on amendments 60, 61, and 62. The conferees of the House with unanimity insisted upon the House provisions as to those amendments which relate to the Engraving and Printing Bureau and the further use of the steam-presses there.

As to the appropriation necessary for that bureau, however, they have agreed except as to the royalty to be paid and the use of steam printing-presses. I now have to say that the Senate conferees were as firm in support of the Senate proposition as the House conferees were in favor of the position of the House. It will be remembered that the House proposed the payment of a royalty of 1 cent per thousand impressions, while the Senate provided for a payment of 50 cents per thousand impressions, a reduction from the present price of $1, which would make an aggregate reduction of about $9,000 a year.

I now move that the House insist on its disagreement to the amendments of the Senate numbered 60, 61, and 62, and on that motion I ask the previous question, which, if ordered, will permit fifteen minutes' debate on each side.

The previous question was ordered.

The SPEAKER. Thirty minutes are now allowed for debate on this question—fifteen minutes in support of the motion and fifteen minutes against it.

Mr. LONG. I desire to ask a parliamentary question—whether a motion to recede is now in order?

The SPEAKER. It is.

Mr. LONG. Then I move that the House recede; and on that motion I demand the previous question.

The SPEAKER. The gentleman from Massachusetts [Mr. LONG] asks that the House recede from its disagreement to these amendments of the Senate, and on that motion demands the previous question.

The previous question was ordered.

The SPEAKER. Thirty minutes are now allowed for debate.

Mr. RANDALL. I presume the gentleman from Massachusetts, who makes the motion to recede, should have the control of fifteen minutes.

The SPEAKER. Fifteen minutes in support of his motion.

Mr. RANDALL. I ask the favor that he now proceed.

Mr. LONG. Mr. Speaker, I have but a word to say. This matter has already been very fully debated in the House, but it has been much more thoroughly examined and discussed in the Senate. Hitherto we have been paying for the use of these steam-presses at the rate of $1 for every 1,000 impressions. When this bill was reported to the House it embraced a provision that this compensation should be reduced from $1 a thousand to 1 cent a thousand, which would practically pay the owners of these steam-presses absolutely nothing for the use of their presses. Believing that we ought to pay for the use of these press, believing that they do good work and save the Government something like two or three thousand dollars a year, directly or indirectly, yet at the same time believing that there might be some reduction in the price paid for the use of them, I moved to amend the bill so as to pay 50 cents per thousand impressions instead of 1 cent, as recommended by the committee. That proposition was argued in this House, a vote was taken, and the result was 85 in favor of the committee's report against 82 in favor of the proposition which I had made.

The bill went to the Senate, where it was referred to a committee of that body. That committee have examined this matter with the utmost thoroughness; their report has been printed, distributed, and largely read. After a very thorough examination on both sides of the question it appeared clear to the Senate committee that the work done by the steam-presses is just as good as that done by the hand-presses, and that the result of the use of the steam-presses is a saving of hundreds of thousands of dollars a year. Thereupon the Senate committee recommended to the Senate an amendment to the House bill raising the price to be paid for the use of these steam-presses from 1 cent per thousand impressions (which is practically nothing) to 50 cents per thousand—the same proposition that I made. The committee regarded this as a fair and reasonable proposition——

Mr. HEARD. Paying just one-half of the price paid at present?

Mr. LONG. Yes, sir.

Now that proposition, having been adopted by the Senate, comes to us; and the question is whether we will agree with the Senate or not. I believe that the good sense of this House will agree with the Senate.

Looking at the merits of the case I believe it is proved beyond question that as a matter of economy, as a matter of good work, as a matter of sound business, we should concur: first, because the work is well done; second, because it is economically done so as to save us hundreds of thousands of dollars a year; third, because to abandon these steam-presses is to go from civilization to barbarism; it is to discard the use of a labor-saving machine which not only saves labor but saves money.

Another practical reason for concurring is, I believe, that the Senate, having given this matter the most thorough consideration—more full consideration than we or our committee have been able to give—have arrived at a conclusion from which there is no reason to expect they will depart or ought to depart.

Mr. ROGERS. The gentleman will permit me to ask whether the vote in the Senate was not practically unanimous, there being only one or two votes in the negative?

Mr. LONG. The vote was practically unanimous.

Mr. GALLINGER. What knowledge has the gentleman that the Senate committee gave this matter more consideration than the House committee? I am a member of the House committee, and I know that we gave the subject very careful consideration, and we made a unanimous report.

Mr. LONG. The gentleman misapprehends me. I refer to the action of the Appropriations Committee of the Senate, by whom this bill was considered, in comparison with the Appropriations Committee of the House, by whom it was also considered.

Mr. GALLINGER. But the Committee on Expenditures in the Treasury Department had jurisdiction over a bill touching this matter exclusively. We gave it very careful consideration and made a unanimous report.

Mr. LONG. Your committee considered the question of the use of the steam-presses; our committee considered the question of the price to be paid. That is the only thing pending here. It is not a question now in regard to dispensing with these machines.

Mr. PETERS. Is there any other compensation to the inventors or proprietors of these machines than this payment per thousand impressions?

Mr. LONG. I think there is a royalty.

Mr. FARQUHAR. Yes; $500 on every press.

Mr. HEARD. I wish to ask the gentleman from Massachusetts whether an adherence to the position of the House would not amount practically to the exclusion of these machines and an abolition of their use in the Department?

Mr. LONG. It would, unless the owners of the machines were willing to let them at the rate of 1 cent per thousand impressions, which would be about $180 a year.

Mr. HEARD. I simply wanted to elicit from the gentleman from Massachusetts a statement whether or not in his view an adherence to our position would be practically ruling these machines out.

Mr. LONG. I think it would practically amount to that.

Mr. Speaker, I will reserve the remainder of my time. How much time have I?

The SPEAKER. Eight minutes.

Mr. RANDALL. I yield three minutes to the gentleman from Ohio [Mr. FORAN], a member of the Committee on Appropriations.

Mr. FORAN. Mr. Speaker, I did not, owing to the confusion, have the opportunity to hear all the distinguished gentleman from Massachusetts [Mr. LONG] said. I want to most emphatically reiterate, however, that some of the gentleman's statements are entirely misleading. He endeavors to impress upon the House, if I understand him correctly, that the only question here involved is opposition to the use of labor-saving appliances. That is not in any sense the question. That matter has been debated here often before. This is a question as to the relative merits of the two kinds of work.

Now, Mr. Speaker, I submit that the testimony taken by the committee of the House, the Committee on Banking and Currency, and

taken by the committee of the Senate, clearly demonstrates that the currency made by the use of these steam-presses is not equal in character to the currency made on the hand-presses, and that is the only question involved in this controversy.

I want to say further, and I say it to the House now with a full knowledge of all that my words imply, that there is a syndicate or a ring of persons connected with this Milliken steam-press, and that Mrs. Milliken, the widow of the inventor of this machine, is not the recipient of any of this royalty, or at least of very little of it.

It has passed into other hands, and Mrs. Milliken does not receive it; but the attorneys and lobbyists and other persons who do receive this royalty have been besieging this Congress and have been around its doors for the last thirty or sixty days, annoying members and making false statements as to the real facts in this controversy.

I want to say further that the testimony of Mr. Bell, the present chief of detectives, and the testimony of Mr. Brooks, the ex-chief, and the testimony of all the experts has been to the effect that the use of machinery was not, so far as the making of currency is concerned, as desirable as hand-presses.

That is all which can be said about this subject, and the sooner these presses are thrown out of the bureau the better it will be for the people of the country as well as the Government.

There is no money saved by the use of these steam-presses when you take into consideration the $500 paid for the right to build each press, $400 for the use of the patterns, and the one-dollar royalty paid for each one thousand impressions, as well as the amount which is annually paid for repairs. The life of a steam-press is but eight years, while a hand-press lasts for a hundred years. Besides it must be remembered that the currency made by these steam-presses is so inferior that it has to be replaced at least every six months.

One other word, Mr. Speaker. The conduct of Mr. Graves all through this controversy has been anything but fair or honorable. It does seem that he is very deeply interested in the retention of these presses—in fact, personally so.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the adoption by that body of the conference report on the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

It further announced concurrence in the amendments of the House to the bill (S. 3653) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I yield now to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. Mr. Speaker, the House has now in its hands the opportunity of settling at least for twelve months to come this vexed question as to whether the notes and securities of this Government shall be put in process whereby they may be properly printed. I was a member of the House committee which made a searching and careful investigation into this whole question. Their report was submitted to the House, and after a long debate the sense of the House was almost unanimously that these steam-presses ought to go.

So far as the right of the Government is concerned in reference to the use of these steam-presses, it seems to be in the clutches of a patent octopus. Five hundred dollars for a press, $400 for the use of the patterns and the machinery to assemble each press, and $1 for every thousand fair impressions are the terms nominated in the octopus bond.

Now, sir, whatever the differences of opinion might be in this case, it is due to the people of this country that the note or bill, the currency bill that is placed in the hands of the poor man, shall be the very best kind and quality that can be produced. We have in the Bureau of Engraving and Printing the most expert engravers in this country, and any practical printer, whether he be a plate or letter-press printer, will say this, that unless good press-work is done your fine engraving goes for nothing. To make the judgment of the House fair and intelligent on this question, I want to say that the test of the inferiority of the steam-press is found in the fact that in no case has the face of one bill been ever printed on the steam-press. They can print the backs of the bills on them. They have not run the steam-presses on the finer work, but they keep them going on the inferior work; and I repeat the assertion that no steam-press, since they went into that office, has printed the face of one of your bills; because they can not do it. The simple question, then, is to get rid of this patented machinery, which can not do your work properly, and which is a premium on counterfeiting.

Mr. RANDALL. I now yield three minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, I want, in the limited time accorded to me, to call the attention of the House first to the fact that this is no question of the sanctity of a contract. The contract made with these parties calls for a royalty of $1 on each one thousand impressions. The House bill calls for a royalty of but 1 cent, while the Senate amendment fixes the royalty at 50 cents. If the House, then, is is to be adjudged guilty of murder for its action in regard to the contract, the Senate should be adjudged guilty of assault with intent to kill, because their amendment is in the same line. Neither proposition is in accordance with the terms of the contract, but both of them are in direct violation of its terms if it is to be held a continuing contract. If it is not a continuing contract, then we are at liberty to consider whether from the testimony which has been taken in this case it would be better for the people of this country to have it discontinued or not.

Mr. Speaker, when this matter was up before I stated that I had read very carefully every line of testimony taken upon the subject by the committee which investigated it, and that I would be compelled from that testimony, as a juror sitting to try the question of fact under the solemn obligations of my oath, to say that that testimony proves that the steam-press printing is not as good as that done by the hand-presses. It is true that a different verdict has been found by certain editors sitting in their sanctums, who possibly never saw a specimen of the work as a specimen, and who probably never saw or read a line of the testimony of the witnesses who were examined in connection with the matter by the House committee; but a careful study of that testimony must convince any unprejudiced mind that its weight is with the hand-presses.

I have also read, so far as in the limited time allowed by other duties I was able to read, the testimony taken before the Senate committee; and so far as that reading has gone, especially in regard to the testimony of Chief Bell and Mr. Brooks, of the detective service, I am satisfied that the action of the House was correct. I am satisfied, if we rest the case upon the testimony of these experts, and they seem to be unprejudiced and very well-informed men, we must conclude that this steam-printing is not equal to the hand-printing and that steam-printed bills are more easily counterfeited than are hand-printed ones. Of course I have not time to refer except very briefly to the testimony, but can not refrain from reading a line of the testimony of Mr. Brooks, it bears so strongly upon the question. He says in regard to the quality of these bills:

* * * I could be deceived in them from the fact that there is no depth. I could not be deceived by them if they were put into my hands while new and crisp; but after being subjected to wear for a month and its handling, why, then I might be deceived.

And Mr. Bell gives equally strong testimony when he says in speaking of these bills:

When a bill has been used some time I could not positively say that a five-dollar silver certificate of the 1886 issue is genuine if printed by steam. I can tell them when they are new; but we have a miserable-looking lot of genuine bills, I will tell you that.

Irrespective of the question of cost it seems to me it is the duty of Congress in the interest of the people of this country to see to it that their currency shall be printed in such a way that it can not be counterfeited, if such a result can be attained, and if impossible of perfect attainment, that still every possible precaution be preserved.

Mr. RANDALL. I now yield two minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Speaker, the gentleman from Massachusetts [Mr. LONG] is in error when he contends that this is a question against the introduction of labor-saving machinery. They have been going upon the theory for some time that the reason we wish to have these bills printed by hand is because it would give more work, and that it is going back into the age of barbarism to oppose the introduction of machinery. That is an error in every respect. There is no question that was more thoroughly demonstrated than the fact that you can not print a fine vignette by machinery. This is proven by the statement of my friend from New York [Mr. FARQUHAR] when he told you a few moments ago that the face of every one of your bills is printed by hand, although the back may be printed by machinery. And why? Because the face has on it the vignette, the fine hand engraving which the machine's printing can not reproduce properly, and therefore they are compelled to use the hand-presses for that purpose.

But, sir, there is another reason. You allow a royalty for this work, and it is a premium on fraud and stinting the work. If the men are not paid sufficient, increase the royalty on the amount, but do not pay according to the number of impressions made, for that is, as I have said, a premium on stinting the work.

[Here the hammer fell.]

Mr. RANDALL. I reserve the remainder of my time.

Mr. LONG. I yield a portion of the time remaining to me to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I deem myself happy in not being annoyed by either lobbyists or the attorneys of parties here, and I have very little respect for a cause that can not stand upon its own merits. If this cause can stand upon its own merits, then why are "lobbyists" and Mrs. Milliken and her attorneys dragged into the debate? I know none of them, pro or con, and I care nothing for either of them, pro or con, when we are asked to consider a business proposition. This is a war upon science, upon progress, upon labor-saving machinery. This is established by the fact that, coupled with the House provision, there was, either in the House or in the Senate, I forget which, a proposition to deny any money for the repair of these machines as they should get out of order. That develops the animus with which the attack is made

upon this labor-saving machine. I deny the proposition as stated by the gentleman from Ohio [Mr. FORAN] that the whole evidence is in favor of hand-printing. I assert, on the contrary, that after a most careful and the most deliberate investigation by two distinguished Senators at the other end of the Capitol, the United States Senate, both sides of it, as a body, with one or two votes excepted, decided in favor of retaining these machines; and will it be said that they are to be retained in the face of all the evidence showing, as stated by the gentleman from Ohio, that their work is inferior to hand-work? If the assertion made by the gentleman from Ohio is true, why do not these complaints originate with the bankers of our country who are responsible for the handling of the enormous sums of currency that are in circulation all over this continent?

Mr. FORAN. The bankers have complained, and that appears in their testimony.

Mr. WHEELER. Yes, the bankers have protested.

Mr. ROGERS. I have heard statements to the contrary, Mr. Speaker. I have not examined the evidence, but I read the other day a long article in the Evening Post, of New York, in which it was stated that these complaints have never originated with the bankers, but have originated in another quarter, which I need not now name. So, Mr. Speaker, I conclude as I began, by saying that this is simply an attack upon science, upon progress, and upon labor-saving machinery at a cost of hundreds of thousands of dollars to the tax-payers of the United States.

Mr. RANDALL (to Mr. LONG). Do you want any more time?

Mr. LONG. I do, if you are going to take any more.

Mr. RANDALL. I yield now two minutes to the gentleman from New Hampshire [Mr. GALLINGER].

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has four minutes of his time remaining.

Mr. RANDALL. I desire to divide that between the gentleman from New Hampshire [Mr. GALLINGER] and the gentleman from Alabama [Mr. WHEELER].

Mr. GALLINGER. Mr. Speaker, I had the honor to be a member of the committee to whose care was intrusted the duty of investigating this matter of the relative merits of engraving done by hand and by these steam-presses. The committee gave the matter very careful and conscientious consideration and made a unanimous report to this House in favor of the hand-work, and the House indorsed the report of the committee.

It is perhaps proper that I should say that I have some personal practical knowledge of the art of printing, and I give as my deliberate judgment, after a careful investigation of this question and a careful examination of the notes that were printed by hand and those that were printed by steam, that the hand-work is very much superior to the work done by the steam-presses. The gentleman from Massachusetts [Mr. LONG] says that we ought to stand by the Senate in this matter. I say that we ought to stand by the unanimous report of the House committee and by the previous action of this House in adopting the ideas that that report contained. I trust that we shall stand by the House committee and by the action of the House as previously recorded.

Mr. RANDALL. I now yield two minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, the Committee on Expenditures in the Treasury Department spent about two months in examining this matter. They went in a body to the bureau. They examined the machines and the work performed by them, and found that the work turned out by the steam-presses was very inferior in quality as compared with that turned out by the hand-roller presses.

One fact should be emphasized. No one contends that the face of a note or certificate could by any possibility be satisfactorily printed on a steam-press; and when the most earnest advocates of machine printing are asked why it is not attempted they reply that the work is too fine to be executed by machinery, which, they say, is entirely adequate for the coarser work on the backs of notes and certificates.

And yet these same ardent advocates, in the heat of argument do not hesitate to assert that machine printing is superior to the printing done by the hand-roller presses. If that be true, why not use the steam-presses to print the faces of notes and certificates, and all other engraved plates of the Government?

After a thorough and most exhaustive examination the committee determined that the duty of the Government to the people demanded that this work should be executed in the highest style of the printer's art.

I am informed that the committee of the Senate have never prosecuted their investigation of the question in this manner; that they have not taken the trouble to go to the bureau and see for themselves the practical results of the two methods of printing, and have gained no information, except what those who certainly appear to be interested in the steam-presses have chosen to lay before them.

The gentleman from Arkansas [Mr. ROGERS] says that this is a war upon science. I say that his side of the question is a war upon art and skill, and a war upon the people. The Constitution of the United States provides, section 8, "The Congress shall have power * * * to provide for the punishment of counterfeiting the securities * * * of the United States," and I say they have no right, with that clause of the Constitution in force, to make bills that are an invitation to counterfeiters, and are as easily counterfeited as the print you see on a piece of calico or a bolt of domestics.

Mr. OUTHWAITE. Was there a single member of the committee who could distinguish the notes printed by hand from those printed by machine-presses?

Mr. WHEELER. Every one of the committee could do so.

Mr. RANDALL. The Senators could not.

Mr. WHEELER. We went there and made an examination; and the difference was marked, so that we could not be deceived as to the work by either process. But the champions of machine-printing brought special bills before the Senate committee which, I believe, did deceive experts. I am informed these bills were prepared to attain that very end.

I presume it is entirely possible, by running the steam-presses at the very lowest rate of speed and with the utmost care, to print on them much better specimens of work than can be turned off of the hand-roller presses when run at the highest speed and with the least pains by the plate-printer.

But it is only by rapid work of the steam-presses that the boasted economy is secured, and it is not unlikely that it was by the reversal of the two processes I have just indicated that the notes and certificates were produced which were laid before the Senate committee and deceived some experts.

A controlling influence with the committee in the conclusions they reached was the fact that the Government had deliberately and voluntarily assumed the functions of a bank of issue—of the only lawful bank of issue in all this broad country.

Section 3412 of the Revised Statutes reads:

Every national banking association, State bank, or State banking association shall pay a tax of 10 per cent. on the amount of notes of any person, or of any State bank, or State banking association, used for circulation and paid out by them.

Section 3413 reads:

Every national banking association, State bank, or banker, or association, shall pay a tax of 10 per cent. on the amount of any town, city, or municipal corporation currency paid out by them.

Sections 3414, 3415, and 3416 provide regulations and penalties for the violation of the national-bank law, and 3417 exempts national-bank currency from this tax of 10 per cent., but as the national-bank currency is issued by the Government, the excessive tax imposed practically makes the Government the sole lawful bank of issue in the country.

Having, under severe pains and penalties, assumed the exclusive power to issue the paper money with which 65,000,000 of the most enterprising commercial people on earth must conduct their exchanges it is certainly incumbent upon the Government to adopt all possible precautions to guard the currency thus forced upon the people against the nefarious ingenuity and skill of the counterfeiter.

Every citizen of the United States is a stockholder in this governmental bank of issue, and therefore every successful counterfeit must entail loss on a stockholder in the bank whose issues have been counterfeited. The most obvious duty of every bank of issue is to protect the integrity of its issues, and to this end private banks have always sought to so engrave and print their issues and securities as to present the greatest difficulties possible to the counterfeiter.

That this can not be done by using the steam-presses for any part of our notes or certificates is abundantly shown by the evidence secured by the committee that made the practical investigation to which I have referred, and which will be found in full in House Report No. 3220, which I wish gentlemen would read.

It is urged by the gentleman from Arkansas [Mr. ROGERS] that the bankers of the country all unite in the opinion that the work of the bureau, as now conducted, is entirely satisfactory to the bankers and to the people. It is easy to show that this is a mistaken assumption.

The chief of the secret-service division of the Treasury Department, Mr. John I. Bell, and his predecessor, Mr. James J. Brooks, both testified before our committee that the steam-press work was greatly inferior to the work done by hand-presses, and that that inferiority invited counterfeiting. This testimony being criticised in a New York paper, a prominent banker of New York addressed a letter to Mr. Bell, from which I will read some extracts:

* * * I have been for twenty-five or thirty years in banking life, and much of that time engaged in handling bills as a teller, and it struck me that your testimony and that of Mr. Brooks was pertinent and correct and in accord with the general opinion among banks as to the inferior value of the present issue of silver certificates in the matter of engraving and paper. These notes are issued to circulate among the general public, who are not experts, and should be so designed as to make an imitation of them obvious to even the uninitiated, and their true value as a medium, is in proportion to the difficulty of successfully passing their counterfeits upon the public. * * * Both the paper and engraving of this issue were condemned by many banking experts when they were first issued as not suited to the purpose, and I think your opinions and those of Mr. Brooks, as expressed to the committee, will be generally indorsed by banks and those who understand what is necessary to protect the public and whose years of experience have shown them the best means of doing so.

This shows that all bankers do not think well of the work now turned out by steam-presses from the Bureau of Engraving and Printing.

In maintaining and defending the report of my committees upon this subject I made some remarks August 28, last year, in which I quoted an article from the American Banker and Financial Examiner of the 25th of that month. The article was quite a lengthy appeal to the Government to take effectual measures to secure the superior skill manifested by the engraver who had successfully counterfeited a $5 silver certificate, and closed with these words:

The currency is endangered because the administration imagines it saves 11 per cent. on the cost of the work as now produced. If this is economy, pray let us have a period of extravagance, by all means.

Again, I ask gentlemen if they think the Government should be less careful than the New York Stock Exchange in requiring the very highest style of the printing art. To reduce to the minimum the losses of its members by the forgery or counterfeiting of any securities dealt in on the exchange, that organization insists that before any security or obligation can be placed upon its list the security or obligation shall meet the requirements which I will read:

It is required that a sample of each issue of stock or bonds shall be shown to the committee (to be left with the committee, if possible), so that it may be ascertained whether proper precautions have been taken against forgery; and no form of stock certificate or bond will be accepted unless it has been carefully engraved by some responsible bank-note engraving company whose work is admitted by the exchange.

The face of every bond, coupon, or certificate of stock must be printed from steel plates which have been engraved in the best manner, with such varieties of work as will afford the greatest security against counterfeiting by hand.

For each document or instrument there must be at least two steel plates, namely, a tint plate, from which will be printed an anti-photographic color, so arranged as to underlie important portions of the face printing, and a face plate containing the vignettes and lettering of the descriptive or promissory portion of the document, to be printed in black, or in black mixed with a color.

These two printings must be so made upon the paper that the combined effect of the whole, if photographed, would be a confused mass of lines and forms, to effectually secure against counterfeiting by scientific processes. All signatures upon securities must be written. Stamped signatures will not be accepted by the committee.

Note the requirement, that the printing must be done by hand from steel plates which have been engraved in the best manner. We have the best possible engraving and the most inferior method of printing; that is, by steam-presses.

New York is the great commercial and financial center of the Union, and when the attention of the Legislature of that State was called to this subject they adopted the resolution which I will read:

Whereas to prevent counterfeiting, error, and fraud, it is necessary that all issue of bonds, notes, stamps, and securities of the Government should be executed in the highest mode of excellence:

Resolved, That all Government securities, such as bonds, notes, stamps, checks, etc., should be executed in the highest attainable grade and perfection of the arts of engraving and printing, for the security of the Government and the people against error, fraud, and counterfeiting, and that the Senators and Representatives of this State in Congress be, and they hereby are, requested to use their utmost endeavors to secure legislation to that end.

The extract and citations I have read I think go far to show that our friends who insist upon the continued use of steam-presses in printing the Government notes and securities have not given to this matter the thorough and careful investigation which its importance demands.

I hope the House will sustain its own conferees in their efforts to give the people a pure currency.

[Here the hammer fell.]

Mr. LONG. I yield three minutes to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH withholds his remarks for revision. [See Appendix.]

Mr. LONG. I yield one minute to the gentleman from Wisconsin [Mr. SMITH].

Mr. SMITH, of Wisconsin. I have not belonged for thirty years to any organization, but I have the experience of over a third of a century in labor-saving machinery; and I am proud to say to-day that I can in the legislative hall of the United States cast my vote in favor of labor-saving machinery. [Applause.] I can not go back on one-third of a century of practical experience of the progress of my country, and I hope that there is manhood enough here to-day to stand up and retain those machines, the work of which I have seen, and which I know do that work as well as it can be done by any hand-labor in this country. I am going to cast my vote that way to-day. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Massachusetts [Mr. LONG] has one minute remaining.

Mr. LONG. Mr. Speaker, it is late in the session for us to do anything else than to concur with the Senate amendment rather than to enter into an argument over a matter which would involve great investigation and much time if we should go into it thoroughly. Practically we had better concur. In the second place, let us concur, because if we do not concur, if we throw out these machines, we add to the expenses of the Government one or two hundred thousand dollars annually. In the third place, it has been well established that this work is done as well by the steam printing-presses as by hand. When the test was applied the experts appointed by the hand-pressmen themselves selected three times out of four the notes printed on the steam plate-printing press as the best. Therefore, as a matter of economy, as a matter of good work, and as a matter of practical common sense, at this stage of the session let us concur. I hope the House will adopt my motion to recede.

Mr. RANDALL. If the House stands firm upon its own proposition it is likely to carry it. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. I hope the Chair will state the effect of adopting the motion to recede.

The SPEAKER *pro tempore*. It will be to concur in the Senate amendment.

Mr. RANDALL. A vote in the affirmative is to continue the steam-presses, and a vote in the negative is to continue hand-presses.

The question was taken; and it was decided in the negative—yeas 102, nays 119, not voting 102; as follows:

YEAS—102.

Abbott,	Conger,	Hopkins, Va.	Rogers,
Adams,	Cothran,	Hunter,	Romeis,
Allen, Miss.	Crisp,	Hutton,	Rowell,
Anderson, Miss.	Crouse,	Kean,	Rusk,
Anderson, Ill.	Dalzell,	Kennedy,	Scott,
Arnold,	Darlington,	Kerr,	Sherman,
Atkinson,	Davenport,	Kilgore,	Smith,
Bacon,	Davidson, Ala.	Landes,	Snyder,
Bayne,	Davidson, Fla.	Lodge,	Spooner,
Biggs,	Davis,	Long,	Stephenson,
Bland,	Dibble,	Martin,	Stewart, Vt.
Boutelle,	Dorsey,	Milliken,	Stone, Ky.
Breckinridge, Ark.	Enloe,	Mills,	Struble,
Breckinridge, Ky.	Finley,	Moore,	Taylor, J. D., Ohio
Brewer,	Flood,	Morgan,	Thomas, Ky.
Browne, Ind.	Fuller,	Morrill,	Tillman,
Brown, Ohio	Gaines,	Morse,	Turner, Ga.
Buckalew,	Gibson,	Oates,	Walker,
Bunnell,	Glass,	O'Ferrall,	Washington,
Butterworth,	Grimes,	O'Neall, Ind.	West,
Cannon,	Grout,	Outhwaite,	White, N. Y.
Caswell,	Hayden,	Parker,	Wickham,
Catchings,	Heard,	Payson,	Wilson, Minn.
Clark,	Herbert,	Peel,	Wilson, W. Va.
Cobb,	Hitt,	Perry,	
Cogswell,	Hopkins, Ill.	Reed,	

NAYS—119.

Allen, Mich.	Dockery,	Lind,	Robertson,
Anderson, Iowa	Dunham,	Lynch,	Rowland,
Anderson, Kans.	Elliott,	Macdonald,	Ryan,
Baker, Ill.	Farquhar,	Mahoney,	Sayers,
Bankhead,	Fitch,	Matson,	Scull,
Barnes,	Foran,	McClammy,	Seney,
Bliss,	Ford,	McComas,	Seymour,
Blount,	Forney,	McCormick,	Shaw,
Booher,	French,	McCreary,	Shively,
Boothman,	Gallinger,	McCullogh,	Sowden,
Bound,	Gear,	McKinley,	Steele,
Bowden,	Gest,	McKinney,	Stewart, Tex.
Browne, T. H. B., Va.	Greenman,	Moffitt,	Stone, Mo.
Brown, J. R., Va.	Hall,	Montgomery,	Taulbee,
Brumm,	Hare,	Morrow,	Thomas, Ill.
Buchanan,	Hatch,	Newton,	Thomas, Wis.
Burrows,	Henderson, N. C.	Nichols,	Tracey,
Campbell, F., N. Y.	Henderson, Ill.	O'Donnell,	Vance,
Campbell, Ohio	Hiestand,	O'Neill, Pa.	Vandever,
Candler,	Holman,	O'Neill, Mo.	Wade,
Caruth,	Holmes,	Osborne,	Warner,
Cheadle,	Hopkins, N. Y.	Patton,	Weaver,
Chipman,	Jackson,	Penington,	Wheeler,
Clements,	Johnston, N. C.	Perkins,	White, Ind.
Compton,	Ketcham,	Peters,	Williams,
Cooper,	Laffoon,	Posey,	Wise,
Cowles,	Lagan,	Post,	Woodburn,
Culberson,	Lanham,	Randall,	Yardley,
Cummings,	Lawler,	Rice,	Yost.
De Lano,	Lehlbach,	Richardson,	

NOT VOTING—102.

Allen, Mass.	Fisher,	Lane,	Russell, Conn.
Baker, N. Y.	Funston,	Latham,	Russell, Mass.
Barry,	Gay,	Lee,	Sawyer,
Belden,	Glover,	Lyman,	Simmons,
Bingham,	Goff,	Maffett,	Spinola,
Blanchard,	Granger,	Maish,	Springer,
Bowen,	Grosvenor,	Mansur,	Stahlnecker,
Brower,	Guenther,	Mason,	Stewart, Ga.
Bryce,	Harmer,	McAdoo,	Stockdale,
Burnett,	Haugen,	McKenna,	Symes,
Butler,	Hayes,	McMillin,	Tarsney,
Bynum,	Hemphill,	McRae,	Taylor, E. B., Ohio
Campbell, T. J., N. Y.	Henderson, Iowa	McShane,	Thompson, Ohio
Carlton,	Hermann,	Merriman,	Thompson, Cal.
Clardy,	Hires,	Neal,	Townshend,
Cockran,	Hogg,	Nelson,	Turner, Kans.
Collins,	Hooker,	Norwood,	Weber,
Cox,	Houk,	Nutting,	Whiting, Mich.
Crain,	Howard,	Owen,	Whiting, Mass.
Cutcheon,	Hudd,	Phelan,	Whitthorne,
Dargan,	Johnston, Ind.	Phelps,	Wilber,
Dingley,	Jones,	Pidcock,	Wilkins,
Dougherty,	Kelley,	Plumb,	Wilkinson,
Dunn,	La Follette,	Pugsley,	Yoder.
Ermentrout,	Laidlaw,	Rayner,	
Felton,	Laird,	Rockwell,	

So the House refused to recede.

During the roll-call,

On motion of Mr. BUTTERWORTH, by unanimous consent, the reading of the names was dispensed with.

Mr. BYNUM. I was not in when my name was called; if I had been I would have voted in the negative.

The following additional pairs were announced:
On this vote:
Mr. SPINOLA with Mr. BAKER, of New York.
Mr. STOCKDALE with Mr. ROCKWELL.
Mr. MCMILLIN with Mr. BUTLER.
Mr. THOMPSON, of California, with Mr. MCKENNA.
Mr. TOWNSHEND with Mr. KELLEY, for the rest of the day.
Mr. WILKINS with Mr. RUSSELL, of Connecticut, for the rest of the day.
Mr. LEE with Mr. PUGSLEY, for this day.
The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the House refused to recede from its disagreement to the Senate amendment; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now move that the House insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now wish to direct the attention of the House to the disagreement of the House to amendments 141 and 142. I ask for the reading of the paragraph of the report of the committee of conference in reference to these two amendments.

The Clerk read as follows:

The committee of conference have been unable to agree to the amendments 141 and 142, increasing the limit of the cost for the Library of Congress building to $5,500,000 exclusive of appropriations heretofore made.

Mr. RANDALL. I move that the House insist on its disagreement to those amendments.

Mr. REED. I move that the House recede and concur in the amendments of the Senate.

Mr. RANDALL. Does the gentleman demand the previous question?

Mr. REED. I do.

Mr. RANDALL. I ask for the reading of Senate amendments 141 and 142.

The Clerk read as follows:

Amendment 141: Insert, in line 6, after the words "eighty-eight," "except as herein modified:" so it will read:

"For the building for the Library of Congress, as authorized by the sundry civil appropriation act approved October 2, 1888, except as herein modified, and for each and every purpose connected therewith, $500,000."

Amendment 142: Insert, in line 8, after the words "five hundred thousand dollars," the following:

"And said building shall be constructed in accordance with the plans marked 'D,' submitted by the Chief of Engineers with his annual report to Congress, being Miscellaneous Document No. 42, Fiftieth Congress, second session, and at a total cost therefor not exceeding $5,500,000 exclusive of appropriations heretofore made, and no changes or modifications shall be made that will increase the cost above the limitations herein prescribed."

Mr. SCOTT. Is the object of the Senate amendment to increase the limit of appropriation to $5,500,000?

The SPEAKER *pro tempore*. This is not a parliamentary question.

Mr. SCOTT. I desire some explanation on that point.

The SPEAKER *pro tempore*. The question is on ordering the previous question. The House has not yet reached the stage when thirty minutes' debate is allowed under the rules.

The previous question was ordered.

Mr. RANDALL. Mr. Speaker, I ask that the gentleman from Maine control the fifteen minutes in support of his proposition.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Maine for fifteen minutes in support of his motion, and the gentleman from Pennsylvania in opposition.

Mr. REED. Mr. Speaker, the importance of this question to my mind is not bounded by the expenditure which is demanded by the adoption of the Senate amendment, although that amounts to the large sum of $2,000,000——

Mr. RYAN. One and a half millions of dollars.

Mr. REED. I am informed that the real addition to the expense already provided by the House is only one and a half millions of dollars instead of two millions, as was the original statement of the Chief of Engineers in his report. It is a question whether the United States Government purposes enabling the construction of a Library building for the nation which shall be commensurate with its present and its future wants, or whether it will, by the expenditure of a smaller sum, erect one which in the course of a few years at most will be entirely unsuitable. It is not merely a question of an additional expenditure of one and a half millions of dollars, but this other question underlies it, whether the Congress of the United States will vote an appropriation for a building commensurate with the wants and the growth of this great nation.

Last year the Congress proposed an appropriation for a building which would cost $4,000,000, and directed the Chief of Engineers to prepare a plan carrying out that design. He has prepared that plan; but, controlled as I believe by an overmastering sense of public duty, he has also prepared another plan, more elaborate, but at the same time more nearly adequate to the present wants and the future growth of the nation. The new plan demands an increase of one and a half millions of dollars expenditure, but its advantages are so marked and so manifest over the old plan that I have no doubt of the adhesion to my views of every member of this House before whom I can fully present the facts. The four-million-dollar building, as the Chief of Engineers himself declares, will last but fifty-four years at the present rate of increase of the Library, and is in its very nature incapable of being economically increased in size to meet future wants; while, on the contrary, the new building, which he proposes at this additional cost of one and a half millions of dollars, will last with some small modifications for a period of one hundred and thirty-four years.

The increase of the expenditure is but 40 per cent.; the increase in utility is 150 per cent. Which will you choose? Surely no man who is economically inclined can for an instant hesitate in voting for the second appropriation rather than the first; and I beg to say in this connection to gentlemen upon the other side, that there is no injury done to them from a party point of view, because the actual appropriation that is asked is no greater under the Senate amendment than it is in the original House bill, and whatever responsibility there is in the increased expenditure for the next two years will have to be taken by our party; and I may be permitted to say in passing that I hope we may have to incur that responsibility for a great many years to follow.

Mr. TAULBEE. Will it disturb the gentleman to ask him a question?

Mr. REED. The gentleman from Kentucky would not disturb me if the session was a great deal longer than it is.

The real fact about this matter is that with five and a half millions of dollars we shall be able to obtain not only what is needed for the Library at present, but an abundance of room which can be used for other governmental purposes. If you construct the five-million-dollar building we shall then have 43,000 square feet of surface which can be utilized for the purpose of housing the Supreme Court, or for other governmental purposes; and every man who has been here in Washington long enough to notice the condition of our public business can not be ignorant of the fact that we are to-day without suitable or even satisfactory accommodations. We can, therefore, not only build a Library, a building which will be suitable for all reasonable future time, but we can also in the same way and at the same time procure a great amount of extra space, which, for the present, we can utilize for Government work.

Upon the ground then, Mr. Speaker, of what is due to our people in the way of a great Library, upon the economical ground of furnishing housing for Government work at a reasonable basis, and for a slightly increased expenditure now to procure a building suitable in style and size so as to avoid a heavy expenditure hereafter, this amendment of the Senate must commend itself to the opinion of the members of the House who have taken the trouble to examine it. It is impossible for me to say more, in addition to that which I desire to be said by other gentlemen who have also given the subject somewhat of consideration, and I desire to yield a few minutes of my time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

The SPEAKER *pro tempore*. The gentleman from Maine has used six minutes of his time.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the utmost extravagance in our public buildings has turned out to be parsimonious economy. There is no public building in the city of Washington that is not now known to be too small for the uses to which it will have to be put in the near future. This Capitol itself is a demonstration of how rapidly our public business grows, and how much more space we need than was anticipated either at the time the building was commenced or when the splendid wings were added. We have, therefore, had experience to guide us for our future action. Now, the only question between the Senate and House of Representatives is, shall we erect a Library building that will answer the purposes for two generations, or shall we build one, on a mutilated plan, which will not last for the purpose contemplated beyond thirty years? For while it is estimated that it may be possible this mutilated plan will do for the mere accommodation of books for fifty years, that estimate is based upon the hypothesis that we are not to have any larger population or print on the average a single book more each year than we do now.

It will take six years to build the building; its available, proper space will be occupied in thirteen years, and all possible space occupied in fifty-four years, and that plan is incapable of enlargement; so that in comparatively few years our successors will be confronted with a more troublesome problem than we are. We will have a large, expensive Library building, incapable of enlargement or of being made available for the uses for which it will be required. The building under the new and larger plan has been approved, substantially, by the Chief of Engineers, who, I say respectfully, is an inflexible as well as an able and honest man—the three qualities which will make the construction of the work under him absolutely honest. We want this done not only for the dignity of the nation, but on the real economy that is involved in it.

That the committee may be informed as to the relative merits of the two plans, I beg leave to have read extracts from the report of General Casey.

As to the cheaper plan, which is a mutilated plan, and, like all attempts to alter plans to reduce expenditure, is unsatisfactory, he says:

Book alcoves, stacks, and shelving are provided for 1,168,000 volumes of books, estimating eight volumes per running foot of shelf, occupying the reading-room, three magazines adjoining, and the second story of the east front. At the present rate of growth of the Library, say 30,000 volumes per year, this shelving would be filled in about nineteen years from this time, or about thirteen years after the completion of the building, the construction of which will occupy some six years. The remaining space not absolutely required for administration and for the display of engravings, maps, current periodicals, etc., will accommodate 1,047,000 volumes more, making an ultimate total capacity in the building of 2,215,000 volumes. This space would be filled at the rate of growth assumed in about fifty-four years from the present time. Meantime the surplus space, amounting to probably 26,000 square feet of floor, might be occupied for other offices of the Government.

As required by the law these plans have been made for a building complete and entire in design and arrangement, and therefore incapable of economical enlargement.

I now ask the committee to hear his description of the unmutilated plan:

The extent of the modifications in the body of the plan will be made apparent by comparing the first-story plan, marked D IV, with the original first-story plan, also herewith, marked E. These changes do away with the extremely crowded arrangement of book magazines in the courts—darkening each other and converting the courts into wells—and give, instead of ten small courts or wells, four large court-yards, open, light, and airy, and which may at any future time, if necessary, be occupied by low pyramidal book magazines, connected with the reading-room, and constructed so as not to obstruct to any serious extent the light and air to the main walls. Such magazines may be located as indicated in dotted lines in the plan of the basement story, marked D.

As represented in this set of plans, the books would at first occupy only the alcoves in the reading-room and the stacks in the magazines adjoining it north, south, and east. The full capacity of these spaces alone is 1,608,000 volumes, and they would accommodate the growing library for a period of thirty-four years from this time. Occupying in future the first and second stories of the north, east, and south curtains with alcoves and stacks, the capacity would be increased to 3,537,000 volumes, lasting ninety-eight years. Adding the court-yard magazines above described, the capacity would be again increased to 4,632,000 volumes, which would not be reached until the lapse of one hundred and thirty-four years.

Until required by the Library proper the available floor-space for use of the Government other than the Library would be about 43,000 square feet.

The building, constructed by this plan, would occupy and utilize the excavation, concrete foundation, and drainage system already provided, and would be completed in about eight years.

Between these plans, who can hesitate on the simple ground of economy?

There is scarcely any extravagance so inexcusable as the expensive construction of public buildings, unfitted for the uses for which they are designed, nor any economy more profitable than the proper appropriation at the outset of the sum necessary to construct such a building as the public necessities require.

We are growing with unexampled rapidity; and our Library will increase proportionally with greater speed. The additions will become both more valuable and bulky. As they increase those who will use it will also increase. There must be not only space for books, "objects of graphic art and arts of design," but room for the scholars whose researches must be made in that building and the readers who will gather there.

There can be no hesitation in the choice between these plans.

Mr. RANDALL. The real point at issue is, first, whether we shall adhere to the law as passed at the last session of Congress or whether we shall change the law for a structure which will ultimately cost, I think, about $6,000,000 of money. This question has been fully discussed by the members of this House. I do not believe that there is any member here who needs the least enlightenment on the subject. They have, I believe, mostly made up their minds whether to continue the structure of a $4,000,000 building, as provided for by law, or whether they shall go into the expenditure of two additional millions dollars.

The conferees on the part of the House do not believe that they should accede to the suggestion of the Senate, for the reason that it changes existing law; and in addition to that the manner of doing it upon an appropriation bill, to their minds, is objectionable. It was, in other words, even if it should be a right measure, an improper way of legislating. It ought to come into this House and be considered as a separate and distinct matter. I reserve the rest of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, requested the return of the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

It further announced agreement to conference reports on the following bills:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12430) providing for the establishment of a light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

A bill (H. R. 10832) for the establishment of a light-house for a fog-bell on Oyster-Beds Shoals, in Hudson River, New York, and

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, in the State of Georgia.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. REED. I yield two minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. In the brief space accorded to me by the gentleman, who is in favor of the proposition to adhere to the Senate amendment, I can say but a word, and I will proceed directly to the subject-matter to which that motion refers. As I understand it, Mr. Speaker, General Casey, the present architect, under whose charge, under the bill of the last session, Congress then agreed the building was to be constructed, was to observe, as far as practicable, consistent with the demands of economy, the present foundation of the original plan for the Library building. That foundation cost half a million dollars, and if we are not to construct the building in accordance with the original plans we will necessarily lose much of the expenditure which has been made for the foundation, which, of course, is laid with a view to the superstructure to be reared upon it.

As I understand, General Casey in his report proposes an increase of a million and a half dollars over the appropriation made by the bill of last session, which was $4,000,000, and which will make the building cost in the aggregate $6,000,000. If this additional expenditure is made it will enable the architect to preserve the original plan as drawn by Smithmeyer & Pelz marked "D." In the report of General Casey, if members of the House will look at this plan as thus drawn and upon which General Casey says he can now construct with an additional million and a half dollars this building, and then turn to plat "A" and look on that plat, they will see what the difference is. It is indescribable as far as the architecture of the outside is concerned, and equally indescribable so far as accommodation is concerned.

The truth is that the true genius of the architect ought not to be prevented from being exercised in the construction of this building, and a few thousands or a few million dollars is insignificant in comparison, when we have such a structure which is to be useful for hundreds of years, and for the ornamentation of the country generally as well as the capital of the country. [Applause.]

Mr. McCOMAS. From the very start, years ago, of this improvement the endeavor was made to be governed by economy. We have continued it until it ended in absurdity. If the members of this House will take the report of Colonel Casey and look at the four-million-dollar building as it is given there, they will see it is like an intensified brewery or pension building. When you finish it it will be a monstrosity, unfitted for a library. You will have wasted $4,000,000. If you finish it in six years it will be completed about the time when the books will fill all the space. The result will be that you will have a Library building unfitted for a library, and all done in the name of "economy."

Now, the other building, the six-million-dollar building, if the members of this House will look at it, is a broad, stately building, like the original building here. It will have room for all the books for a number of years, and there is more economy in spending the $6,000,000 than the $4,000,000. If you adopt the four-million-dollar plan you will have wasted money in the name of economy. If you build the six-million-dollar building you have at least provided for one generation. By building the four-million-dollar building you will have pursued a very short-sighted policy, very far from being wise, and you build an unsightly edifice, that will not supply the public need, instead of a more sightly building, which will supply us for a whole generation.

The SPEAKER *pro tempore*. The gentleman from Maine has two minutes left.

Mr. REED. I reserve them.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] desire to occupy any further time?

Mr. RANDALL. I do not. I want to economize all the time I can.

Mr. REED. I yield the two minutes to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. Mr. Speaker, there seems to be a desire all around me to vote, and therefore I shall not occupy even the two minutes assigned to me by the kindness of the gentleman from Maine, but shall simply ask unanimous consent that all members desiring to make remarks upon the propositions embraced in the disagreement between the two Houses upon the amendments to this bill may have leave to print them in the RECORD.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maine [Mr. REED] that the House recede from its disagreement to the amendment of the Senate and concur in the same.

The question was taken; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. RANDALL. I ask for a division.

Mr. HOLMAN. I call for the yeas and nays.

Several MEMBERS (to Mr. HOLMAN). Withdraw that demand.

Mr. HOLMAN. I withdraw the demand for the present.

The House divided; and there were—ayes 132, noes 21.

Mr. HOLMAN. No quorum. I call for the yeas and nays.

The yeas and nays were ordered, 45 members voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 178, nays 56, not voting 89; as follows:

YEAS—178.

Adams,	Crouse,	Hudd,	Rockwell,
Anderson, Iowa	Culberson,	Hunter,	Romeis,
Anderson, Miss.	Cummings,	Jackson,	Rowell,
Anderson, Kans.	Cutcheon,	Johnston, Ind.	Russell, Mass.
Arnold,	Dalzell,	Kean,	Ryan,
Atkinson,	Darlington,	Kennedy,	Sawyer,
Baker, N. Y.	Davenport,	Ketcham,	Scott,
Bayne,	Davidson, Fla.	Lanham,	Scull,
Belden,	De Lano,	Lawler,	Seymour,
Bingham,	Dibble,	Lehlbach,	Shaw,
Blanchard,	Dockery,	Lind,	Sherman,
Bliss,	Dorsey,	Lodge,	Sowden,
Boothman,	Dougherty,	Long,	Spooner,
Bound,	Dunham,	Maish,	Steele,
Boutelle,	Enloe,	Mansur,	Stephenson,
Bowden,	Farquhar,	Mason,	Stewart, Tex.
Bowen,	Fisher,	Matson,	Stewart, Vt.
Breckinridge, Ark.	Flood,	McComas,	Stone, Mo.
Breckinridge, Ky.	Foran,	McCormick,	Struble,
Brewer,	Ford,	McKenna,	Tarsney,
Browne, T. H. B., Va.	Fuller,	McKinley,	Taulbee,
Browne, Ind.	Funston,	McKinney,	Thomas, Ky.
Brown, J. R., Va.	Gaines,	Milliken,	Thomas, Ill.
Brumm,	Gallinger,	Moffitt,	Thomas, Wis.
Buchanan,	Gear,	Morrill,	Thompson, Cal.
Buckalew,	Gest,	Morrow,	Tillman,
Bunnell,	Gibson,	Morse,	Tracey,
Burrows,	Greenman,	Norwood,	Turner, Kans.
Butler,	Grosvenor,	Oates,	Vandever,
Butterworth,	Grout,	O'Donnell,	Wade,
Campbell, Ohio	Guenther,	O'Neall, Ind.	Walker,
Candler,	Haugen,	O'Neill, Pa.	Warner,
Cannon,	Hayden,	O'Neill, Mo.	West,
Caruth,	Heard,	Osborne,	Wheeler.
Catchings,	Hemphill,	Outhwaite,	White, Ind.
Cheadle,	Henderson, Iowa	Patton,	White, N. Y.
Chipman,	Herbert,	Payson,	Wickham,
Clardy,	Hermann,	Perkins,	Wilkinson,
Clark,	Hiestand,	Peters,	Williams,
Cobb,	Hires,	Plumb,	Wise,
Cogswell,	Holmes,	Posey,	Woodburn,
Conger,	Hooker,	Post,	Yardley,
Cooper,	Hopkins, Ill.	Pugsley,	Yost.
Cothran,	Hopkins, N. Y.	Reed,	
Cox,	Howard,	Rice,	

NAYS—56.

Allen, Mich.	Crisp,	Macdonald,	Pidcock,
Anderson, Ill.	Davidson, Ala.	Martin,	Randall,
Baker, Ill.	Glass,	McClammy,	Rogers,
Bankhead,	Grimes,	McCreary,	Rowland,
Barnes,	Hall,	McMillin,	Sayers,
Bland,	Hatch,	McRae,	Seney,
Blount,	Henderson, N. C.	Mills,	Simmons,
Booher,	Holman,	Montgomery,	Snyder,
Bynum,	Johnston, N. C.	Morgan,	Springer,
Campbell, F., N. Y.	Kerr,	Newton,	Stone, Ky.
Carlton,	Kilgore,	O'Ferrall,	Turner, Ga.
Clements,	Lagan,	Peel,	Weaver,
Compton,	Landes,	Penington,	Whiting, Mich.
Cowles,	Lynch,	Perry,	Wilson, Minn.

NOT VOTING—89.

Abbott,	Fitch,	Latham,	Shively,
Allen, Mass.	Forney,	Lee,	Smith,
Allen, Miss.	French,	Lyman,	Spinola,
Bacon,	Gay,	Maffett,	Stahlnecker,
Barry,	Glover,	Mahoney,	Stewart, Ga.
Biggs,	Goff,	McAdoo,	Stockdale,
Brower,	Granger,	McCullogh,	Symes,
Brown, Ohio	Hare,	McShane,	Taylor, E. B., Ohio
Bryce,	Harmer,	Merriman,	Taylor, J. D., Ohio
Burnett,	Hayes,	Moore,	Thompson, Ohio
Campbell, T. J., N. Y.	Henderson, Ill.	Neal,	Townshend,
Caswell,	Hitt,	Nelson,	Vance,
Cockran,	Hogg,	Nichols,	Washington,
Collins,	Hopkins, Va.	Nutting,	Weber,
Crain,	Houk,	Owen,	Whiting, Mass.
Dargan,	Hutton,	Parker,	Whitthorne,
Davis,	Jones,	Phelan,	Wilber,
Dingley,	Kelley,	Phelps,	Wilkins,
Dunn,	Laffoon,	Rayner,	Wilson, W. Va.
Elliott,	La Follette,	Richardson,	Yoder.
Ermentrout,	Laidlaw,	Robertson,	
Felton,	Laird,	Russell, Conn.	
Finley,	Lane,	Rusk,	

So the motion to recede was agreed to.

During the roll-call,

Mr. MCADOO said: Mr. Speaker, I rise to a question of privilege. I merely want to say that I was detained from the Hall by committee business when the vote was taken awhile ago upon the amendment in relation to the employment of steam-presses in the Bureau of Engraving and Printing, and that if I had been present I would have voted with the gentleman from Pennsylvania [Mr. RANDALL] against concurring in the Senate amendment.

On motion of Mr. RYAN, the reading of the names of members voting was dispensed with.

The following additional pairs were announced.

Mr. MOORE with Mr. DARLINGTON, for the remainder of this day.

Mr. FORNEY with Mr. HARMER, for the balance of the day.

Mr. CRISP with Mr. HENDERSON, of Illinois, for the remainder of the day.

Mr. RICHARDSON with Mr. LA FOLLETTE, on this vote.

The result of the vote was then announced as above recorded.

Mr. REED moved to reconsider the vote by which the motion to recede was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER ON THE FLOOR.

Mr. RANDALL. Mr. Speaker, I trust the Chair will request gentlemen to desist from smoking. The atmosphere here is very oppressive.

The SPEAKER *pro tempore*. The Chair will have the rule read.

The Clerk read as follows:

Rule XIV, clause 7: While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall; nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and the Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER *pro tempore*. Under this rule it is made the duty of the Sergeant-at-Arms and the Doorkeeper to see that the rule is enforced, and the present occupant of the chair now instructs the Sergeant-at-Arms and the Doorkeeper to see that no further smoking upon the floor is indulged in during the day. The Chair also calls attention to that part of the rule which requires that members shall not remain around the Clerk's desk.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. The next amendment is 182. I ask that it be now read.

The Clerk read as follows:

Page 73, after line 2, insert "for the payment to Mrs. Amelia C. Waite, the widow of the late Chief-Justice of the United States, the balance of one year's salary of the Chief-Justice, $8,745."

Mr. RANDALL. Mr. Speaker, the House conferees were unwilling to agree to this amendment, because they regarded it as entering upon a new line of legislation for the payment of money in the nature of pensions to the widows of Federal judges; and if that policy is to be entered upon, the committee considered that there were other widows, one or two who have recently lost their husbands, whose cases would be equally as meritorious as that of the proposed one. The committee, however, desire the action of the House, and will cheerfully abide by its instruction.

The SPEAKER *pro tempore*. What motion does the gentleman from Pennsylvania submit?

Mr. RANDALL. I move that the House insist on its disagreement; and on that motion I ask the previous question.

The previous question was ordered.

Mr. GROSVENOR. What time is now allowed for debate?

The SPEAKER *pro tempore*. Fifteen minutes on each side.

Mr. CRISP. I submit that as the gentleman from Pennsylvania debated this matter before calling the previous question there is now no further time for debate.

The SPEAKER *pro tempore*. The Chair thinks that was merely a preliminary statement of the gentleman from Pennsylvania——

Mr. CRISP. But the gentleman from Pennsylvania debated the proposition.

The SPEAKER *pro tempore*. The Chair thinks that was not intended to cut off debate.

Mr. CRISP. No matter what may have been the intention, the gentleman from Pennsylvania debated the proposition; and under the rule, the proposition having been debated before the previous question was ordered, there can be no debate afterward.

Mr. GROSVENOR. I move that the House recede from its disagreement to the amendment of the Senate and agree to the same; and on that motion I demand the previous question.

The SPEAKER *pro tempore*. That motion is in order. Pending the motion of the gentleman from Pennsylvania, the gentleman from Ohio moves that the House recede from its disagreement to the amendment of the Senate and agree to the same. Upon this motion the gentleman from Ohio demands the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is now on the motion submitted by the gentleman from Ohio. Does the gentleman desire to take the floor?

Mr. GROSVENOR. I wish to say a few words in support of my motion.

The SPEAKER *pro tempore*. The gentleman is entitled to the floor for fifteen minutes.

Mr. RANDALL. I did not understand that time was claimed.

The SPEAKER *pro tempore*. The gentleman has submitted a motion to recede, and on that the Chair recognizes him for fifteen minutes.

Mr. GROSVENOR. Mr. Speaker, Morrison R. Waite served the country for a period of almost twelve years as Chief-Justice of the United States. When he came to that position he left a practice at the bar that was yielding him an annual income far beyond double the amount of the salary of Chief-Justice. When he died he left an estate concentrated simply in the value of a small house in the city of Washington, and he left his wife and daughter without any income whatever beyond the rent of that property.

Chief-Justice Waite might have retired two years before his death. Had he done so the Treasury of the United States would have paid to him during those two years $20,000, and at the same time $21,000 would have been paid to the gentleman who would have succeeded him on the bench.

I have no time and no disposition to argue such a question as this. The House of Representatives always pays to the family or legal representatives of its deceased members the annual salary for the year during which they have died. It seems to me almost incredible that a committee of this House should have reported deliberately against paying to the family of this distinguished jurist the small sum of money carried in this appropriation.

It may be said that there is no precedent for such a measure as this, because there has been perhaps no case where this same question has been made upon the salary of a judge; but the analogy runs through all the legislation of Congress. During the present Congress we have over and over again paid the whole annual salary of a deceased member to his family or legal representatives. At the death of Chief-Justice Waite the American people stood in mourning. It is due to the honor of the American people, it is due to their national pride, that his wife and his family shall not be thrown upon the charities of the world.

Mr. Speaker, I reserve the residue of my time.

The SPEAKER *pro tempore*. The Chair now recognizes the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. I want to be recognized to ask a vote. The time is more valuable now for voting than for speaking.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GROSVENOR] has reserved the remainder of his time; the gentleman from Illinois [Mr. CANNON] desires now to speak in opposition to the motion of the gentleman from Ohio.

Mr. CANNON. Mr. Speaker, this amendment gives to the widow of Morrison R. Waite, who was Chief-Justice of the United States, over $8,000. It is not pleasant for me to stand here to oppose a proposition to give to any persons money of which they may stand in need; much less is it pleasant for me to stand here and oppose voting money to the widow of so good a man and eminent a jurist as was Morrison R. Waite. But, although it is unpleasant, I deem it my duty to vote against and to oppose the motion of the gentleman from Ohio that the House recede from its disagreement to the Senate amendment and agree to the same.

There is no law upon the statute-book authorizing this appropriation. As I understand, there are no precedents that authorize this appropriation, and we come now to consider, not the question as to the loss or saving of $8,000, but whether we shall establish a precedent that will give either a year's salary or a pension to the widows of United States judges. It may be, Mr. Speaker, that the time will come in this country when the majority will believe that it is politic to grant pensions to the survivors of men who held civil positions. I believe that time has not yet come, and if it does come, I believe it should only be done after public sentiment has demanded it, and after it has been deliberately considered and a general law written upon your statute-books authorizing it and fixing the amount in each case.

The gentleman from Pennsylvania [Mr. RANDALL] well said that it was not a question of an appropriation of the balance of a year's salary to the widow of Mr. Waite, but it involves a new departure, and I know from conversations with him in the committee-room and elsewhere, that there are other widows of Federal judges who have died that he has in his mind to place on all fours with the beneficiary of this amendment if the House shall adopt it, and who ought to be placed there under the same circumstances.

Mr. RANDALL. Certainly, if we enter upon that line at all, all the widows of the Federal judges should be placed in the same condition.

Mr. CANNON. Certainly.

Mr. McMILLIN. And the widows of all the officers of the Government.

Mr. CANNON. Precisely.

Mr. GROSVENOR. That is exactly what your committee has been doing—paying to the widows of the members and clerks and officials of the House, and in one case to the father of one of the clerks of the House. You have done exactly in principle what you are condemning now in practice, over and over again.

Mr. CANNON. Not at all.

Mr. GROSVENOR. Oh, yes; you paid Doorkeeper Wintersmith, who happened to be one of our political friends, and your committee reported in his favor, and you paid the old man after the death of his son.

Mr. CANNON. Well, the gentleman from Ohio reserved his time and he can discuss that matter in his own way. I will merely say that it is true that the House of Representatives, which lasts for two years, and then goes back and is sent again, or somebody else by the people, has adopted a practice, and it has long been a practice in the House, so long that the precedent is well established, that where a member dies his representatives shall have his salary for the remainder of his term. It is a custom. It may be right or wrong. But it is firmly fixed. Much can be said in favor of it, and the precedent is established. But we do not mean that you should go to work and establish a new precedent, fixing a civil-list for all the officers of the Government. United States judges are not upon all fours with members of Congress. The tenure of the member is but two years, while the position of a judge is one of great honor and of profit both, far beyond the average throughout the country earned as a rule by the members of the profession, let it be stated. It is an exalted position whose duties are not altogether unpleasant, held by men who retire at the age of seventy, with certain compensation. I again state that if the civil-list for the United States judges and the other civil officers of the Government is established, let it be done by a general law after a full discussion and in pursuance of the demands of the people; and having said this much I will reserve the remainder of my time.

Mr. GROSVENOR. I yield five minutes of the time remaining to me to the gentleman from New York [Mr. WHITE].

Mr. WHITE, of New York. Mr. Speaker, we are the richest and yet the most niggardly people on the face of the globe in reference to the treatment of our public servants. If Chief-Justice Waite, who stood in his lifetime the peer of any presiding justice of any government on this globe, had been the chief-justice of England he would have received £10,000 per annum instead of the $10,500 which we paid him. They talk about "Jeffersonian simplicity" in regard to these matters. I say, sir, the principle should be established beyond any question that when a man is called from his avocations to perform duties of great responsibility, and which require him to meet the talents and the leading men of the country at the capital of the nation or elsewhere, placing upon him obligations in regard to the expenditure of money which far exceed the small pittance provided for such officials as the Chief-Justice of the United States, there ought to be at least such liberality in behalf of his family after his death as we extend to our own fellow-members when they are gone.

The gentleman from Illinois says that this is a "new departure;" but we have an old departure where we take great care of those who die out of a body of three hundred and thirty-three members here, including the Members and Delegates, to say nothing of the doorkeepers and clerks and their assistants, for whom such provision is made.

I say, first, Mr. Speaker, that the judiciary of this country should have its salary increased until the amount would enable them to live, at least, respectably. It is a niggardly allowance at present. Mr. Chief-Justice Waite has passed beyond the reach of this relief; but before he went he gave two years of hard toil to this country, which saved the Government $21,000, for he could have been retired with full pay; and now when we find a man who saved the country this sum by continuous service beyond what the law required to be rendered, I for one am willing to make the new departure of which gentlemen speak, if this is the first case from the Federal judiciary, and I favor the adoption of an act which is not only an act of justice to his memory but of kindness to his widow. If he had been a general of the Army men would have rushed with great acclaim in this Hall, as I have seen done over and over again, to give a pension to his widow. No pension is sought here; but to the widow of a man who saved the country $21,000 by doing the most efficient service when there was no demand for him to do it, we stand and higgle in regard to a paltry $7,000 or $8,000 for her relief.

I say to gentlemen if they think the country wants and approves of that sort of niggardliness towards men filling exalted public positions with meager salaries, that they mistake the good sense and liberal heart of the people of the United States. They do not want that kind of economy; and I repeat if we are to make a new departure which is to embrace the nine Federal judges, we have the old departure which embraces three hundred and thirty-three members of this body as a precedent for it; and I say make the new departure.

The SPEAKER *pro tempore*. The gentleman from Ohio has four minutes remaining.

Mr. GROSVENOR. I yield two minutes to my colleague [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Speaker, no man ever sat upon the Supreme Bench of the United States who had a place nearer the hearts of his countrymen than Chief-Justice Waite. He was so clear in his great office that he challenged the confidence and respect of all the people of his country. He was a laborious, painstaking judge. He died with the harness on. His salary was utterly inadequate. The position he occupied devolved upon him social and other duties outside of his judicial office which entailed expense far beyond his ability to meet them with the salary he received. When he died, by reason of overwork, he died with the harness on; and, as my friend from New York [Mr. WHITE] said, he had saved to the Treasury of the United States by performing labor himself which he might have devolved upon others the sum of $21,000. And this devotion to duty cost Chief-Justice Waite his life.

My friends, the judiciary is the rock upon which the waves of factional strife and discord will break eventually. It will be found to be the rock of our salvation if the time of civil strife ever comes; and if there is a branch of the Government that we should cherish it is the judiciary.

Chief-Justice Waite left his family comparatively nothing. It is no mere charity to grant the small sum proposed in the pending amend-

ment to his widow. It is scant justice. It is not a simple tribute to his memory, but is paid as a measure of just compensation for the eminent and distinguished services of her husband.

It is not a dangerous precedent, I will say to my friend from Illinois [Mr. CANNON]. If a case like this arises again we can meet it. Let us hope that a proper sense of justice to eminent public servants for conspicuous usefulness in the office of Chief-Justice of the Supreme Court of the United States will secure such increase of salary as will remove all probability of such a case as we are considering occurring again in a century.

This House can pay no greater tribute to itself than to vote the sum proposed to the widow of Chief-Justice Waite.

Mr. GROSVENOR. The gentleman from Illinois has stated that there is no precedent in this country for this. Let me call his attention to the fact, and of the gentleman from Pennsylvania, that Edwin M. Stanton, who was appointed a justice of the Supreme Court, and who never qualified except upon his death-bed, was paid a year's salary as a judge.

Again, Chief-Justice Waite was authorized by law to have employed a stenographer during the last years of his service. He paid to this Government $20,000 by employing his own private secretary, and never made a charge against the Government for it. And we have this spectacle now of the great American nation turning out of her house, in the first year after his death, the widow of the great Chief-Justice of the United States, so that she can buy bread with the rental of the homestead of the Chief-Justice. Oh, what a pitiful spectacle. There have been five Chief-Justices during the current century. In a hundred years we have had but five Chief-Justices of the United States, and the gentleman from Illinois says that is virtually establishing a civil pension-list in this country. It is not a pension-list.

This is to do what we would do for the wife and children of the gentleman from Illinois if he should die to-day. This does what we do in the case of the death of one of our members. I appeal to the Congress of the United States, are you willing that the wife and child of your Chief-Justice shall live upon public charity or to go to the home of friends for a living?

Mr. CANNON. I yield five minutes to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. I do not think we have any evidence that justifies the statement that has been made that the widow of the late Chief-Justice is in the impoverished condition which has been represented by the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I have just recently been informed by the gentleman from New York [Mr. COX] that the widow has left her house in order to get the rental for her support.

Mr. RYAN. Oh, but in my judgment we must legislate here upon a broader and more substantial basis than mere sympathy. We are engaged here in a new departure. There is no precedent for this. Appeals have been made to the fact that a custom has grown up in Congress of paying the families of deceased members a year's salary. That is not a precedent. I do not even say that that is justified. It is a very different thing to make an allowance for the payment of a year's salary extra to the family of a member of Congress who comes here and dies, from what it is to pay a year's salary extra to one who holds a lifetime position. A member of Congress comes here to attend to his public duties, leaving his business behind. He comes here only for a day as it were, and when he comes here and dies away from home, necessarily sustaining considerable expense, there is some reason why his family should have the year's salary extra. But in this case, I wish to ask gentlemen upon what principle, if we adopt this amendment, shall we deny it to the whole of the Federal judiciary?

I revere the memory of the late Chief-Justice, who was a great jurist and a pure man; but so are all the other members of the Supreme Court. I know of no greater jurist in this country or in any other country, I know of no purer man, than Justice Miller. Shall we vote for this and deny it to his widow, should Mrs. Miller survive him? Shall we vote it and deny it to the families of other members of the Supreme Court? Shall we vote this and deny it to the widow of Judge Merrick? Shall we vote this and deny it to the widows of other Federal judges? If you can appeal to the fact that the family of a deceased member of Congress is paid one year's extra salary to justify this, can you not, if you vote this amount, appeal to it as a precedent to vote a year's salary to every official in the land?

Mr. WILSON, of Minnesota. That is what it means.

Mr. RYAN. That is what it means. We have gone far enough in this questionable legislation. There is no more desirable position than a lifetime position and it is our duty, if those who occupy that kind of position, are too poorly paid to properly sustain themselves and leave their widows and children provided for, at once to raise their salaries, and not adopt this questionable means of providing for their widows and children after they are gone. By this means we are tending toward a policy of class legislation which, in my judgment, is alarming, and it is time it was checked.

Mr. CANNON. I yield two minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. GROSVENOR. Will not the gentleman from Illinois let me just make a statement?

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GROSVENOR] is not in order.

Mr. GROSVENOR. I am simply asking the gentleman to let me call the attention of the gentleman from Kansas [Mr. RYAN] to certain facts.

Mr. CANNON. If the House will grant the additional time, I will not object.

The SPEAKER *pro tempore*. The time of the gentleman from Kansas [Mr. RYAN] has expired.

Mr. GROSVENOR. I was on my feet and simply sought to be treated gentlemanly by the gentleman from Illinois.

Mr. CANNON. Not out of the time; I wish to say that the gentleman has been treated gentlemanly, and it does not come with a good grace from him to say to the contrary.

Mr. MCMILLIN. Mr. Speaker, in the one hundred years of our constitutional history that is closing there has been no instance of a payment like this, although Justice Waite was the fifth Chief-Justice of the United States, and the salaries in the beginning were less than they are now. The gentleman from Ohio [Mr. GROSVENOR] has said that Chief-Justice Waite retained office after the time when he might have been retired. That is true; but the same is true of other judges who are now upon the bench, and I wish to know whether it is proposed that when those judges die their widows shall have a year's pay given to them upon the same ground upon which it is proposed to make this appropriation? No man admires Judge Waite's ability more than I do; no one more his integrity; no one would more gladly do anything that would ameliorate the condition of his family; but the rule of this Government has been, and the rule should be to the end, to pay whatever salary is necessary to support the official and then not to enter upon class legislation by way of giving largesses out of the Treasury when they come to Congress and, by family influences or other influences, clamor for more money.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CANNON. I believe I have three minutes remaining.

The SPEAKER *pro tempore*. The gentleman has two minutes.

Mr. CANNON. I intended to yield one minute to the gentleman from New Jersey [Mr. MCADOO], but not seeing that gentleman in his seat, I yield the time to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, I think there is a broad distinction that fairly may be drawn between pensions given for military service and pensions in civil life, and I am not willing that this debate shall take the course it has taken without calling attention to that distinction. The generation around me well remember the time, from 1861 to 1865, when men who hesitated to risk the privations and severe service of the field, and shrunk from facing leaden rain and iron hail, were glad to take civil positions. The distinction as to kind of service was well drawn then, and the distinction, sir, is one that I think should always be drawn when you consider the question of pensions. Our Government is founded upon the principle of equality, so far as rights and privileges are concerned, and it is not proper that we should at this day or at any other undertake to build up a line of civil pensions.

In the ordinary and usual course civil positions, whether legislative, judicial, or executive, are solicited, applied for, and sought for by reason of the distinction and advantages that accompany them. Men desire them on their own account and for the gratification of receiving and holding them. This is the light in which they are held when the affairs of government are taking their common and wonted course. Men are never compelled to accept civil office; it is always a matter of choice. Military service is the very reverse. If not offered voluntarily the Government compels it.

Instead of bringing ease, personal comfort, and advantage as civil positions do, it brings danger, toil, suffering, exposure, disability, and death as its common and usual rewards. Only the bravest and strongest can accept it. In time of war men seek civil positions frequently for the very purpose of avoiding military duty. Examples of this kind in our late war were not uncommon.

I believe the South, where enthusiasm for the war had by long years of nourishment been raised to the highest point, had plenty of people of this kind; that with them civil positions were highly prized by certain classes of their people who wanted to appear true to the Confederacy, and who also had a wholesome dread of bullets.

My recollection is, our Southern friends coined a word for civil positions in those days, and they called them "bomb-proofs."

Far be it from me to throw discredit on distinguished civil services. Men in such positions have served their day and generation with signal ability and been the benefactors of their race. That is true of all positions in life from the highest to the lowest. If the heart is right a man can serve his fellow-men and do good no matter where he is placed. In fact for opportunity to do good there is but little difference in the positions in which our lots are cast. It more depends upon the character of the man himself.

Mr. Speaker, I enter here and now my protest and objection to the

Government of the United States creating a civil pension-list. This appropriation tends in that direction and I am opposed to it. If there are precedents, which I hardly think has been shown, better not follow them. I have, during my time as a member of this House, favored liberal appropriations for public works, public buildings, and the Post-Office and other services of the Government. Many of the men in subordinate and most laborious positions in the Government service are poorly and inadequately paid; but I must say that in my judgment the higher positions in our civil service are well enough paid. The pay and emoluments of civil office ought to be large enough to comfortably support the incumbent and family, but they ought not to be so large that they would be sought after for the money. A man who proposes to devote himself to public life should not expect it to be the means of his becoming rich. I believe that men on as good salaries as we pay our higher officers ought not only to live comfortably, but should save some.

Pensions for military service are only justified on the ground of the extraordinary character of the service. Life is offered and frequently given. The service very usually means a loss of comfort and health. It means the acceptance of wounds, disease, and death. Some unusual reward should be reserved for men who will render such service. To induce men to render it they should hope for some distinction, some recompense that the occupants of places of comfort and ease do not have.

I yield to no man in my admiration for the distinguished Chief-Justice in whose memory and in behalf of whose family this relief is asked. Not only that, but I go further and say that the judiciary of the whole country is entitled to honor for the purity with which it has maintained its position in all the history of our Government. To maintain it in this position is the anchor of our political safety. Pensions and donations to the judges and their families is not necessary to do this. I want the distinction to be broadly drawn and clearly borne in mind that a military pension is given to a man for having risked his life while a civil pension is not.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CANNON. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, we ought to recollect that the judges of the Supreme Court of the United States, after ten years' service, if seventy years old, have the right to retire upon full pay, and when the gentleman from New York [Mr. WHITE] suggests that there has been any niggardliness in that connection, I want to say, in reply, that there are no persons in this country holding official positions who have been so liberally dealt with as the judges of the Supreme Court of the United States. If this proposed policy in connection with the judges is to be entered upon, there are other cases that should be provided for as promptly and as liberally as the widow of Chief-Justice Waite.

Mr. WHITE. Let us do it, then.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The time allowed for debate has expired. The question is on the motion made by the gentleman from Ohio [Mr. GROSVENOR] that the House recede from its disagreement to the Senate amendment and concur in the same; upon which the previous question has been ordered.

The House divided on the motion to recede; and there were—ayes 67, noes 103.

Mr. GROSVENOR. I call for the yeas and nays.

Several MEMBERS. Oh, no.

Mr. GROSVENOR withdrew the call.

So the motion of Mr. GROSVENOR that the House recede from its disagreement to the amendment of the Senate and agree to the same was rejected.

The motion of Mr. RANDALL that the House insist on its disagreement was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now ask that we take up Senate amendment No. 197.

The amendment was read, as follows:

On page 76, after line 16, insert the following:

"SEC. 3. That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate in square No. 624 of the city of Washington, lying east of a 20-foot alley running from G street to H street, and bounded by H street on the north, G street on the south, North Capitol street on the east, and said named 20-foot alley on the west; said parcels being divided east and west by Jackson alley, and intersected in part by a 14-foot alley running from G street to Jackson alley; said real estate now in part being occupied by the Government Printing Office. And for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated. And when said real estate shall be acquired, said board may direct that the 14-foot alley running from G street to Jackson alley, shall be closed and used for the aforesaid purposes.

"That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may institute legal proceedings for the condemnation thereof in the manner provided for in section 2 of this act."

Mr. RANDALL. The committee recommend that the House insist on its disagreement to this amendment. We do not think that this is the proper manner of purchase. I hope that the House will take a vot without further debate.

The question being taken, the House insisted on its non-concurrence in the amendment of the Senate.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House request a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House at the further conference the same gentlemen heretofore appointed.

ORDER OF BUSINESS.

Mr. BLOUNT. I now desire to make a report from a conference committee on the Post-Office appropriation bill.

The SPEAKER. There is already a conference report pending—the report submitted by the gentleman from Georgia [Mr. CRISP] on the interstate-commerce bill.

Mr. BLOUNT. I ask my colleague to yield to me for a moment in order that this matter may be disposed of.

Mr. CRISP. As this is an appropriation bill, I yield.

POST-OFFICE APPROPRIATION BILL.

The following conference report (submitted by Mr. BLOUNT) was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out from said amendment the following words: "Payable out of this appropriation;" and the Senate agree to the same.

JAMES H. BLOUNT,
ALEXANDER M. DOCKERY,
HENRY H. BINGHAM,
Managers on the part of the House,
P. B. PLUMB,
W. B. ALLISON,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The conferees on the part of the House respectfully report that they have agreed to the accompanying conference report, and herewith submit their action to the House:

The effect of the action of the conferees on Senate amendment numbered 1 is to strike out of the classification of clerks in first and second class post-offices "superintendents of weighers of second-class matter."

The effect of Senate amendment numbered 2 is to repeal all acts and parts of acts in conflict with the classification provisions of the bill.

The effect of Senate amendments numbered 3, 4, and 5 is to increase the appropriation for rent, light, and fuel, for first and second class post-offices, $10,000. The object of this is to pay for the rent of city post-office at Washington, D. C., and branch post-office on Capitol Hill, in the city of Washington, the latter not to exceed the sum of $900 per annum.

The sixth amendment of the Senate limits the amount for the use of any third-class post-office for rent to a sum not to exceed $400, and for fuel and lights not to exceed $60 in any one year.

The effect of the agreement on Senate amendment numbered 7 is to leave the appropriation for the free-delivery service for the next fiscal year ending June 30, 1890, at the amount fixed by the House, to wit, the sum of $8,000,000.

The effect of the agreement to Senate amendment numbered 8 is to allow the Postmaster-General to make contracts for the necessary supplies for the free-delivery service for a term not exceeding four years, but limiting payments under the same to the amount appropriated for each fiscal year for such supplies.

The ninth amendment of the Senate provides that the Postmaster-General may, in his discretion, withdraw the fund for necessary and special facilities on trunk lines—not only the whole, but any portion thereof—from any railroad company when in his judgment the public interests require it.

All of which is respectfully submitted.

JAMES H. BLOUNT,
ALEX. M. DOCKERY,
HENRY H. BINGHAM,
Conferees on the part of the House.

Mr. BLOUNT. I ask the previous question on the adoption of this report.

The previous question was ordered.

The SPEAKER. There are now thirty minutes for debate. The Chair recognizes the gentleman from Georgia.

Mr. BLOUNT. I ask for a vote.

Mr. PETERS. I did not understand the report exactly in regard to the limitation of the allowance for fuel and light in third-class offices. Is that limited?

Mr. BLOUNT. It is limited. The House conferees have agreed to the Senate amendment.

Mr. PETERS. Is there a limit as to the amount that may be expended for clerk-hire in third-class offices?

Mr. BLOUNT. None except the amount of the appropriation; that is always a limit.

Mr. PETERS. Then there is no limitation agreed upon as to the amount that may be expended in any one office so far as clerk-hire is concerned?

Mr. BLOUNT. Not at all.

Mr. HOLMAN. If I understood this report correctly, the only change made in regard to the classification of salaries is a provision for the repeal of any law that may conflict with that classification.

Mr. BLOUNT. That is all.

Mr. COX. I did not understand distinctly from the reading whether there had been any additional appropriation made for letter-carriers in connection with the free-delivery system.

Mr. BLOUNT. The Senate receded from their amendment; and the report leaves the bill in that respect as it left the House.

Mr. COX. Then the report embodies substantially the House bill in that regard?

Mr. BLOUNT. That is so.

The question being taken, the report of the committee of conference was agreed to.

Mr. BLOUNT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes.

It also announced agreement to amendments of the House to bills of the following titles:

A bill (S. 2886) granting increase of pension to Joseph B. Sellers; and

A bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes.

It also announced that the Senate had passed a bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park; in which concurrence was requested.

It also announced the return to the House of the bill (S. 308) for the relief of Faran & McLean.

INTERSTATE COMMERCE COMMISSION.

Mr. CRISP. Mr. Speaker, I want to say a word or two to the House about this report and seek to make the discussion as short as possible. My friend from Iowa [Mr. ANDERSON] may want time. How much time does he want?

Mr. ANDERSON, of Iowa. I should like an hour. I know it is late in the day and late in the session. I want an hour in which to be heard.

Mr. DUNN. I hope gentlemen will allow me to put through a little conference report.

Several MEMBERS. Let the gentleman from Iowa print.

Mr. ANDERSON, of Iowa. I may not take an hour. I am not sure. I have not measured myself in an oratorical way like my friend from Georgia, and do not know exactly how much time I may need. Perhaps I shall not take up more than twenty minutes, if I may have permission to print in the RECORD.

Several MEMBERS. You can have that now.

The SPEAKER. Is there objection to the gentlemen having leave to extend their remarks or to print remarks on this conference report in the RECORD?

There was no objection, and it was ordered accordingly.

Mr. CRISP. I will divide the time with the gentleman from Iowa, and that is fair enough. I will give him the largest half.

Mr. ANDERSON, of Iowa. I move that the House take a recess until 5 o'clock.

Mr. GROSVENOR. What time has been given for debate on this question?

The SPEAKER. There has been no agreement as to debate, and the debate will proceed until the previous question is ordered or some arrangement is made.

Mr. CRISP. I will agree to yield forty minutes to the gentleman.

Mr. ANDERSON, of Iowa. I have no disposition to detain the House. I may not want more than twenty minutes.

Mr. CRISP. How much time does the gentleman from Ohio want?

Mr. GROSVENOR. Fifteen or twenty minutes, if opportunity be allowed to extend my remarks in print.

Mr. CRISP. That has been agreed to already. We can accommodate this matter; and I will occupy as little time as possible in the pending case.

The SPEAKER. The gentleman will proceed.

Mr. CRISP. I should like to have the attention of the House for a few moments so that members may understand the effect of this conference report and why it is made. The House will remember that the Senate passed originally a bill to amend the interstate-commerce act. The House of Representatives amended that bill in several respects. It went to conference. The conferees on the part of the two Houses made a partial agreement, which was reported to the House. The House ratified the agreement and approved the action of the House conferees in refusing to recede from two House amendments. Those two House amendments are, one in relation to the transportation of oil in barrels and tank-cars, and the other in relation to conferring on State courts concurrent jurisdiction with the United States courts to hear and determine all causes arising under the interstate-commerce act.

I was myself earnestly in favor of both of these amendments, and am still in favor of them. The Senate a second time has rejected these two amendments, and we are placed in this position: Shall we accept the Senate bill without these amendments, or shall we insist on the two amendments and thus defeat for this session any amendment to the interstate-commerce law?

Mr. Speaker, while I was in doubt as to what recommendation I should make to the House in that regard the conferees received from the Interstate Commerce Commission a communication which I ask the Clerk to read. I ask the attention of the House to this communication, as it largely influenced our action.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 23, 1889.

To the Interstate Commerce Committee of the Senate and the Committee on Commerce of the House of Representatives, or the joint conference committee upon Senate bill No. 2851:

GENTLEMEN: The Interstate Commerce Commission feels constrained by a sense of public duty to respectfully present for your consideration a brief statement of reasons why the present session of Congress should not be permitted to close without the enactment of the pending amendments to the act to regulate commerce extending the provisions of the sixth section to joint tariffs, providing for notice of proposed reductions of rates, imposing a penalty upon frauds by shippers, etc.

Section 6 of the act is the one which lies at the foundation of the administrative enforcement of the law. It requires the establishment of schedules of rates, fares, and charges, which are to be filed with the commission, and also to be printed and posted for public inspection; and it forbids the charge of a higher or lower rate for the transportation of passengers or property than the rate specified in such published schedules.

This section, however, clearly distinguishes between two kinds of tariffs; one the tariff of individual carriers, the other the joint tariff. The tariff of single roads is first treated in the section. The provisions in respect thereto are clear and apparently adequate, with the exception of failing to provide for public notice of any reduction of rates. Ten days' notice of an advance is required. The pending amendments demand three days' notice before every reduction. The necessity for this very moderate requirement, in order to give any satisfactory stability to the tariffs, is too obvious to call for explanation.

Interstate traffic by rail, however, is principally carried upon joint tariffs agreed upon by one or more lines operating continuous routes. Many single roads and systems are interstate of themselves; but in the case, for example, of the so-called trunk-lines traffic between the Atlantic coast and the Western States is carried upon what are properly termed joint tariffs; and the same is true of most of the long-distance commerce which the act was especially intended to regulate.

The joint tariff, as the law now stands, is treated very briefly; the only direct provision for its regulation is found in the latter clauses of section 6, and they simply require that joint tariffs shall be filed with the commission, which may direct them to be made public in its discretion.

A tariff which is only required to be lodged in the office of the commission affords little information to the public or to competing carriers; and in practice this requirement has tended to afford opportunity for the manipulation of rates and frequent changes in rates rather than to check those evils.

Nor would the requirement of publicity subserve any useful end so long as joint tariffs are subject to be increased or decreased without notice. There is little practical value in publicity when absolute uncertainty is an added factor; it would be trivial to advertise a rate that may be varied from at pleasure.

Such a construction of the law is claimed by many carriers; the argument in its favor is so strong that the regulation of joint rates can not be efficiently enforced until the amendments proposed are enacted.

One or two recent examples may assist in making this matter clear. The westbound transportation of sugar from the Atlantic coast refineries, under the tariffs and classifications of the carriers, requires the payment of freight upon the weight of the barrels as well as upon their contents. One line from one city, two lines from another city, and all the lines from a third city were suddenly found to be carrying sugar at the net or invoice weight, without charging for weight of packages. The result was confusion and loss of confidence among the carriers, coupled with uncertainty and discrimination among shippers by different lines and from different points. Although the margin was a narrow one it was enough to control the traffic, and the jobbing houses of the interior became justly excited and alarmed.

The case was one that would be easily regulated by the provision against charging a greater or less sum than the tariff rate, and the proofs might properly have been placed at once in the hands of the proper United States attorneys but for the fact that the business in question was handled on through routes and by joint rates, and joint tariffs are not now clearly within the protection of the law.

Again, grain rates have been recently the subject of manipulations in many quarters. Arrangements are made by which a through rate from an initial point to an intermediate junction point is combined with a through rate from a point west of such junction point to the ultimate terminal. The result is a reduction of the total rate, to the advantage of some locality and to the detriment of others. This is all joint-tariff business, and is so managed that it may be claimed not to be illegal.

And again, a sudden reduction of long-distance rates, made to meet secret or crafty combinations like those last described, is ordered without public notice in advance and without advice to many shippers most interested. The forms of the law are complied with, while the entire available traffic is absorbed by a few buyers of grain who are on the spot at the lucky moment.

These illustrations suggest to the close observer many other methods in which the law now fails to effect its beneficial purpose of requiring just, equal, and steady transportation charges, beneficial alike to the carrier and the shipper everywhere. In failing distinctly and positively to regulate the construction, notification, and operation of joint tariffs the statute is deprived of a great part of its usefulness.

The amendments particularly designed to reach this difficulty are in the following words:

"Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given. * * * No advance shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made

in the schedule then in force and the time when the increased rates, fares, or charges will go into effect.

"No reduction shall be made in joint rates, fares, and charges except after three days' notice, to be given to the commission as is above provided in the case of an advance in joint rates. The commission may make public such proposed advances or such reductions in such manner as may in its judgment be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any service in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon, than is specified in the schedule filed with the commission in force at the time.

"The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection, shall be prepared and arranged, and may change the form from time to time as shall be found expedient."

The necessity of the immediate passage of these amendments can not be too strongly stated.

Another amendment is designed to provide for the punishment of shippers who fraudulently procure preference in transportation. The commission has frequently urged the importance of this provision, and its suggestions have been re-enforced by petitions from leading commercial organizations and business men in all parts of the country.

Two cases of underbilling have been investigated during the present month. In one of them a shipper at a small country station procured the station agent to bill 44,100 pounds of grain as 30,000 pounds, a fraud which, if not detected, would have saved him $27.67 in freight. In the other a car-load shipper obtained a series of short weights from a weigh-master in charge of the company's scales; the loss to the line upon two car-loads only would have been $45.99. One shipper writes:

"If you can figure any way to get around the 'American Street Yard Scales' I would be glad to work something your way; or have you any country points on the Philadelphia and Reading road that can be worked?"

Another:

"We think it would be a wise precaution on your part to pay the freight yourselves on these cars we are shipping underbilled so that the trade will not get on to it and make a stink as they did on a former occasion; if we can keep the thing mum, and the railroads do not find it out, we can do you some good and ourselves also."

The representative of a leading commercial organization writes as follows:

"There is no doubt in my mind that if Congress adjourns without passing Senate bill No. 2851, underbilling and all frauds will be more rife than ever before. I do hope that you will be able to secure the adoption of this law. If it fails to pass every decent or self-respecting man might as well go out of the business."

Other important modifications are contained in the amendments which have been already concurred in by both Houses of Congress. They are believed to be self-explanatory, and therefore no further comment upon them need be made than to say that they affect constitutional and practical questions relating to the work of the commission in the enforcement of the law.

The efficiency of the administration of the act to regulate commerce is most deeply involved in the pending measure.

THOMAS M. COOLEY.
W. R. MORRISON.
AUGUSTUS SCHOONMAKER.
W. L. BRAGG.
ALDACE F. WALKER.

Mr. CRISP. I want to add to the reasons stated by the commission one other. One House amendment to the Senate bill has been agreed upon in conference which in the judgment of many of the friends of the law to regulate interstate commerce is of great importance to the perfection of the law and its practical working. That amendment requires the Interstate Commerce Commission, wherever it is developed before them that there has been a violation of the law on the part of a common carrier, to notify the district attorney of the proper court having jurisdiction to hear and determine cases against said carrier of such violation of law, and it further requires said district attorney to prosecute the carrier for such violation. Under the law as it now stands no such duty is devolved upon the commission nor upon the United States district attorney.

Mr. ROGERS. Will the gentleman permit me to interrupt him to ask in whose name is the prosecution conducted and for whose benefit?

Mr. CRISP. There is no express provision in this amendment as to that. The original law, as I recollect, permits any person to sue for a violation of the law; that is, to bring a civil action whether they have an interest in it or not. But my friend understands that the purpose of this amendment is to secure an indictment for a violation of the law.

Mr. ROGERS. It is a criminal prosecution, then?

Mr. CRISP. Yes.

Mr. ROGERS. That is proper. Let me ask the gentleman further, does the amendment to the bill consider the question of regulating the express companies, or has the conference considered that question?

Mr. CRISP. The conference report does not take up that question at all.

Now, to sum up the advantage of passing the bill as amended, it may be said that there is at present no law requiring the publication of joint tariff rates. Most of the Southern, Western, and Eastern freights pass over a great many different railroads from the time they leave their point of lading until they are discharged at the termination of their journey. In the original act there is no provision requiring a publication of these joint tariffs. There is no limitation upon the carriers' right to change such rates whenever they see fit to do so.

Under the present bill ten days' notice must be given of an increase and three days' notice of a decrease in such rates.

Another important point is the punishment of the shipper as well as the railroad for underbilling; and in the communication which was read by the Clerk the commission cite two cases which have appeared before them in evidence within the last month, where by collusion between the shipper and the railroad agent the shipper has decidedly the advantage of every other shipper from that point by reason of underbilling of goods.

Now, Mr. Speaker, I have felt as a friend of the law, as a man having confidence in the commission, that it was not right, whatever my own convictions might be as to the propriety and importance of the two House amendments, to stand in the way of amendments which the Interstate Commerce Commission say in their letter are essential to the satisfactory execution of the law.

Mr. ROGERS. Will my friend state on that point to which he has just referred whether the conference report has taken consideration of any measure to reach employés of the railroad companies who enter into such transactions in violation of the law as well as the companies themselves?

Mr. CRISP. We think there is power to reach them. I reserve the remainder of my time.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The gentleman has consumed twelve minutes.

Mr. CRISP. I yield forty minutes to my friend from Iowa [Mr. ANDERSON] and request him if he does not occupy it all to give it back to me.

Mr. ANDERSON, of Iowa. Mr. Speaker, I regret very much as a member of this conference committee that I could not agree to the report the committee has made. My difference in this report with my colleagues is radical, and I desire to state to this House, and as briefly as possible, the reason for my action, and it is simply based upon an entire want of confidence in the commissioner system as it is applied to the management and control of the railroad system of this country.

It is true that there are many, at least that there are several, good things in these amendments as the report now stands; but the very trouble, the very difficulty with the whole question has been and is that there has been no administration of the law as it has existed from the beginning. The railroad management of this country is diseased and has been from its earliest stages, and the great difficulty in the management of the railroad system of the country is to be found in the total absence of common honesty.

I do not make a grave and serious charge like that without understanding fully the import of the language and the necessity there is or supporting it with abundant and sufficient proof. It is not only a matter of common notoriety throughout the country that these railroads have so managed their business as not only to demoralize it, but that they have managed it in such a way as to corrupt and sap the foundations of all honor in commercial enterprises throughout the length and breadth of this country.

I disagreed with my colleagues for the reason chiefly, to state it briefly, that they have receded, as they have done time and again, from a proposition that has passed this House at least five times, to confer on local and home courts under this law jurisdiction to determine the litigated cases that arise. I think that there has been quite enough of the asking for bread and giving a stone policy in this House in reference to this matter, and there has been quite enough dictation with reference to the action of this House concerning all corporate questions from the other end of this Capitol. I think it is time that this House, sir, arises in its dignity and defends its own rights, and especially in reference to these great questions in regard to which it has so long submissively yielded to the dictates of another body.

Now, I want, sir, to submit some authorities in reference to the dishonest and corrupt manner in which the railway system of this country is managed, for two reasons: first, to show you that it is inherent and is from the beginning of the system; and secondly, that it has not only been present from the earliest days of the system, but that it has increased during the last two years to an alarming extent notwithstanding this interstate-commerce law and the great and august tribunal that is supposed to be administering it.

And in this connection, and parenthetically, as it were, I want to call this House's attention and that of the country to the fact that grave charges have been lodged against the Interstate Commerce Commission here in this House in reference to its action in connection with a railroad meeting; that is, the meeting of railroad presidents of the country, which many of the best lawyers of this country think was an unlawful assembly, for the reason that it came together to agree to do an unlawful thing. When grave and serious charges, reflecting on the official integrity of these men, were lodged in this House it went out on a question of no quorum raised by the gentleman from New York in the interest of Wall street and the law-breaking highwaymen of this country, and yet we find this commission swift, without invitation, sending to this House a written letter of instruction to members as to how they should vote.

Yet in this connection this same gentleman undertook to arraign the district that I represent as being a district of communists and anarchists, while the exact truth is that he was speaking for that class of law-breakers in this country which is above all other classes of law-breakers. I want to read you an authority, and it is a great authority. It is no less an authority than Charles Francis Adams, one of the original members of the Massachusetts board of railroad commissioners, afterwards Government director of the Union Pacific Railroad, and now

its president. I want to read you an authority from him delivered twenty years ago with reference to the conduct of these railroad companies. I read from the North American Review, volume 112, 1871, at page 40:

The power of these corporations in the hands of corrupt men as a disturbing and degrading influence in our politics and the crying abuses so notorious in the internal administration of corporate affairs have of late occasioned no inconsiderable degree of public solicitude.

And they are to-day creating no little degree of public solicitude.

Examples of both descriptions of evil referred to are always at hand, and the year just past has been peculiarly prolific of them. Certain instances, however—

Now, I want to invite the attention of the House and the country to what follows, as to how all this country, and especially the ordinary modern statesman, think in reference to the trespasses and sins of these high-handed, law-breaking highwaymen—

pall by force of repetition; certain men succeed in acquiring a pre-eminence in infamy which actually destroys their value for purposes of illustration. The world grows weary of hearing them.

Just as many and many a fellow-member around me has grown weary of hearing these things, and when a man arises and addresses himself to the House on the control of the American public highways, the greatest question that there is in this country, he finds the members here on this floor all around him ready to turn away and sneer that he is treading on forbidden ground, and to use a pugilistic phrase, striking a "blow below the belt."

The frauds and outrages in the Erie management, for instance, have perhaps been dwelt upon *ad nauseam*. Not that justice has been, or, outside of a prison door, well can be done to their perpetrators, but nothing implicating them can longer excite surprise.

That is the point I wish to call the attention of the country to especially. They have gone on from crime to crime until they can no longer excite surprise.

From the leading criminals themselves to the counsel who revel in their dirty work, these men have now wrought all the discredit they can on everything with which they lived in contact from American credit down to the New York bar. It is therefore hardly worth while to go on with the contribution of another year of their long bead-roll of offenses.

That is as it stood, Mr. Speaker and members of this House, in 1871, according to the very highest authority. Now, I want to turn from this authority at that time to the same authority again after many years and abundant experience, and after we have had two years of this Interstate Commerce Commission and the law that is said to be so efficient. But I want to say here that the trouble is not now with the law to such an extent as it is with the administration of the law. Let us refer now again to this distinguished authority upon railway management, when, on the 15th day of December last, at the Commercial Club of Boston, he again spoke with reference to this matter, and, after a few preliminaries, said:

That the general railroad situation of this country is at present unsatisfactory is apparent. Stockholders are complaining, directors are bewildered, bankers are frightened; yet that the interstate-commerce act is in the main responsible for all these acts remains to be proved. In my opinion the difficulty is far more deep-seated and radical.

Now listen to what he says the difficulty is:

In plain words, it does not lie in any act of legislation, State or national, but it does lie in the covetousness, in the want of good faith, and the low moral tone of those in whose hands the management of the railroad system now is; in a word, in the absence—

It will be seen that I have used the identical expression that he uses here—

in the absence among them of any high standard of commercial honor. These are strong words, and yet as the result of a personal experience stretching over nearly twenty years, I make bold to say that they are not so strong as the occasion would justify.

This is no crank who is speaking, gentlemen; this is no member of this House who has broken in here by virtue of the votes of anarchists or communists. This testimony comes from Charles Francis Adams, of illustrious ancestry, from Boston and the Common—one who has heard the old town-clock strike.

He proceeds:

The railroad system of this country, especially of the region west of Chicago, is to-day managed on principles which, unless a change of heart occurs, and that soon, must inevitably lead to financial disaster of a most serious kind. There is among the lines composing that system an utter disregard of the fundamental ideas of truth, fair play, and fair dealing which lie at the foundation not only of Christian faith but of civilization itself. With them there is but one rule, that many years ago put by Wadsworth into the mouth of Rob Roy:

> The simple rule, the good old plan,
> That he shall take who has the power,
> And he shall keep who can.

Mr. Speaker, literally, highwaymen are to-day managing the highways of this country, and they are absolutely, recklessly, wantonly, in defiance of law, even of the organic laws of their existence as well as those enacted for their control, dominating in every industry in this country.

On a railroad plant of about 140,000 miles, that could be replaced to-day for about three billions of money, they have a stock and debt account, which is the basis for their charges for carrying the commerce of the country, of about nine billions of money, thus, upon a false and fraudulent basis, extorting from the commerce of this country more than seven hundred millions of money every year in excess of a just compensation for the service rendered. Last year they took as gross receipts nine hundred millions of money from the commerce of this country for carrying it, and they did that on a cost of plant not to exceed three billions; and, notwithstanding the law against rebates and notwithstanding this august tribunal, the five Interstate Commerce Commissioners, they gave back to their favorites, according to an eminent authority, more than one hundred millions of money in the way of rebate, thus making their gross receipts—for this was in addition to what I have already stated—one thousand millions of money, at least seven hundred million or seven-tenths of which was absolute, unqualified extortion and robbery.

And yet, Mr. Speaker, to allude to this great wrong is very offensive to a class of statesmen who think they have a monopoly of handling all legitimate and proper political questions. But this class of statesmen will learn sooner or later that this agitation will not down at their bidding, but will proceed till the water is distilled from fraudulent stocks and bonds and an honest basis for transportation charges reached.

Now, Mr. Speaker, this brings me to a consideration of what is needed to meet the "difficulty" that Mr. Charles Francis Adams tersely puts before the country. I want to read from this same great railroad authority what the railroads themselves think ought to be done. The whole theory of these railroad people, these highwaymen, is that they are not subject to the law, neither indeed can they be; that they are a law unto themselves; that they are *sui generis;* and that they must, without reference to State or national legislation, work out their own destiny in the fullness of time. Here is the authority for that statement. Mr. Charles Francis Adams in this same address says:

The railroad system must heal itself. No act of Congress or repeal of any act of Congress will greatly help it.

And then turning from that assertion he points a way out of this difficulty that he speaks of that is attributable to the entire absence of common honesty among the roads.

If the anti-pooling provisions of the act may not be wholly repealed let them at least be so modified that contracts made among individuals, subject to the approval of the Interstate Commerce Commission for the division of competitive traffic at reasonable rates may be made binding in law.

Now, in pursuance of the proposition that they are not subject to the law and can not be made subject to it—in pursuance of this other statement as to the remedy to be applied—there met in New York on the 7th of January last at Pierrepont Morgan's, the railroad presidents of the trunk lines in the West. At that meeting, which was attended by bankers and leading capitalists of this country and Europe, they sought some way out of the difficulty that Charles Francis Adams talked about. And what was that way out?

It was the way that he suggested in the matter of the amendment of the interstate-commerce law, except that, in harmony with the lawless audacity which has ever characterized the system, they did not see fit to undertake to come to Congress to get their amendment to the interstate-commerce law, but they resolved themselves into an interstate-commerce association and enacted a statute themselves, taking the precaution before they did so to send for the majority of this eminent Interstate Commerce Commission to examine it; and they did, according to the statement of Mr. Charles Francis Adams, examine it and approve it.

In my humble judgment, and in the judgment of many good lawyers of this country, that combination or agreement is *ultra vires*—beyond the scope of the power of these corporations—and is a direct and flagrant violation of the spirit if not the letter of the interstate-commerce act; and in my judgment that meeting at Pierrepont Morgan's, as also the one that followed it in Chicago, is an indictable conspiracy; and the agreement which they call the "gentlemen's agreement" is an agreement to violate not only the interstate-commerce law but the common law of the country. And when, having made charges to this effect, I asked the action of the House on a resolution to make inquiry as to those charges, that resolution went out of this Congress on the call of "no quorum" by an eminent gentleman of Wall street.

Yet we find this same commission rushing into this House to-day uninvited to give their counsel and advice as to what we ought to do, although at their instance and in their interest, it is fair to presume, a call upon them with reference to whether they had approved this agreement entered into at Pierrepont Morgan's, or at any subsequent time, and as to the purport and meaning of it from a legal standpoint, was refused any answer.

I will send to the desk and have read a press report found in the New York Daily Tribune of January 11 of that meeting in New York.

The Clerk read as follows:

FEATURES OF THE PLAN OF ORGANIZATION.

The report included a plan of organization which had been approved by the Interstate Commissioners. It provides for an association of presidents of railroad companies for the double purpose of enforcing the interstate-commerce act and of securing complete reports of all the competitive traffic subject to that law. The association is to have a board of managers consisting of one accredited representative from each company. This board will meet monthly and whenever required by a written call signed by the chairman or three members. It will appoint rate committees for the freight and passenger departments, whose duty will be to consider proposed changes in rates on traffic.

Whenever there is any difference in either committee the question will be left to arbitration. Division of through rates on traffic is to be arranged through

the association, and bidding for business by means of private concessions stopped. The board of managers will establish rules to limit needless and reckless outlay in striving to obtain business either through separate agencies or the payment of commissions.

To insure the carrying out of established rates an auditor will have authority to examine and check station accounts, receiving and forwarding books and all books, accounts, and vouchers kept in the auditor's office of each company. No vouchers which might tend to reduce established rates or influence the direction of traffic will be allowed.

The auditors of the several companies can not pass way bills, expense bills, or other vouchers which might permit diversions from the authorized tariff, and the agents at all stations must report to the auditor of the association. The correctness of reports must be certified and in case of charges of inaccuracy the officer believed to be familiar with the transactions may be examined under oath.

One officer of each company will be held responsible for the strict maintenance of rates and rules established by the association. The penalty for any violation of the interstate-commerce act or of the rates and rules of the association will be a fine of not less than $250 for each offense and the report of the findings to the interstate commissioners. Employés found to be guilty will be discharged.

The executive board, which will determine all questions that can not be settled by the managers, will consist of three experienced men. They must be elected unanimously, but either may be removed by a two-thirds vote. One will be chairman and the two others will be vice-chairmen, one of the freight and the other of the passenger department. The president will hold stated meetings on the second Tuesdays of January, April, July, and October of each year, and special meetings may be called at the request of two presidents or of the executive board.

APPROVAL OF THE COMMISSIONERS.

The official report of the conference, published by Drexel, Morgan & Co., states that in presenting these papers Mr. Adams, on behalf of the committee, made the following verbal report of what took place at their interview with Messrs. Cooley, Walker, and Morrison, of the Interstate Commerce Commission:

"The report and plan of organization as now to be submitted was read and discussed with the commissioners in detail. The commissioners were invited to criticise it. They expressed a decided opinion that the plan was a vast improvement on anything yet proposed which had come to their knowledge, and they further suggested a few alterations in it relating to matters of form and expression, and in no case affecting substance. All of these changes your committee at once adopted.

"The commissioners were further invited by us to take part in the meeting of to-day, but asked to be excused from so doing on the ground that they had appointments to-day in Washington, and the agreement as corrected expressed all they had said to your committee."

The report of the committee was unanimously accepted, and the committee discharged by the representatives of the Western railroads.

Mr. ANDERSON, of Iowa. Following that, Mr. Speaker, I wish to insert as a portion of my remarks, a press report of the subsequent meeting of the railroad presidents held at Chicago on January 30, this report being found in the New York Daily Tribune of Thursday, January 31:

In the amended document, which is now given to the public, the original agreement of the presidents, known as the agreement of January 1, is taken from the body of the contract and placed at the head, as a prelude or introduction. This is followed by the articles of agreement, the first of which defines the objects of the association and the second the construction of the board of managers.

Article 3 is amended to read as follows: "A rate committee appointed by the board of managers for the freight and passenger departments shall be constituted, whose province it shall be to establish rates, rules, and regulations on the traffic subject to this association, and to consider changes therein, and make rules for meeting competition with outside lines. Their conclusion, when unanimous, shall be made effective when they so order; but if they differ, the question at issue shall be referred to the board of managers; and if they disagree, it shall be arbitrated by the executive board as hereinafter provided. Notwithstanding the decision of the arbitrators, the company claiming the right to make any particular rate may, after such decision, make such rate on ten days' notice."

Article 4, relating to diversions of through rates, is also amended. It provides that the divisions of through rates shall be arranged through the association, the intention being that the bidding for business by means of private concessions shall cease, and that the divisions on corresponding traffic shall be open to and alike by all lines; "provided, however, that when one road has a proprietary interest in another, the divisions between such roads shall be what they may elect, and shall not be the property of the association; provided, further, that as regards traffic contracts at this date actually existing between lines not having common proprietary interests, the same shall be reported, so far as the divisions are concerned, to the association, to the end that the divisions with competing lines may, if thought advisable by them, be made on equally favorable terms."

The penalty clause is so changed as to provide that $100 instead of $250 shall be the minimum fine for each violation of the agreement, but in addition it provides that the company so convicted shall forfeit the revenue secured by such violation. In cases of violations in which proceedings have been taken under the rules of auxiliary associations, and penalties collected, proceedings may be had under this article in order finally to determine responsibility, but penalties previously collected shall not be assessed a second time.

Article 12 is amended by striking out the clause providing that an employé after once being discharged for intentional violation of the rules of the agreement shall not be re-employed by any road in the association.

Article 13 defines territory to be covered by the association as follows: "The business to be covered by this agreement shall be all the State and interstate traffic, both freight and passenger, which is competitive between the parties hereto, or any two or more of them, which business has origin or destination in the States of Illinois, Iowa, Missouri, Kansas, Nebraska, Colorado, Wisconsin, and Minnesota, and the Territories of Utah, Wyoming, Dakota, New Mexico, Montana, and the Indian Territory; except Pacific coast business now covered under the present agreement of the Trans-continental Association lines; Texas business, now covered under the present agreement of the International Association lines, and business between points north of the Ohio River and points south of the Ohio River, both of which are east of the Mississippi River. By unanimous action of the managers of the interested lines, any traffic may be included in this agreement or exempted from it."

The amendment to the arbitration article provides that questions on which the board of managers fail to agree shall be referred to the executive board, composed of the chairman and two others chosen from the chairmen of auxiliary associations. The duration of the agreement is to be absolutely ninety days from January 1, 1889, subject to thirty days' notice thereafter of the desire of any party to withdraw from or amend the same, and in case any such notice shall be given the chairman of the executive board shall forthwith call the presidents together to consider the matter. A special article provides that the Wabash becomes a party to this agreement only for that portion of its road from Chicago to East St. Louis and Hannibal, via Tolona, Ill.

My judgment is that these gentlemen in dabbling in that matter were as quick to put themselves on untenable ground as they have been prompt to come and instruct this House as to what its duty ought to be, and to amend this interstate-commerce law so as to make it a dead letter on the statute-book. I, for one, am not anxious to add anything further therefore to this law until some means is perfected somewhere by which it can be enforced. There are no legal tribunals which can enforce it as it now stands, and it really matters not whether we have a law or not so far as any good is accomplished.

I undertake to say these railroad corporations are an empire too strong for any one tribunal in this country to cope with. What do we see? After these railroad presidents have made an agreement and a combine and met together, and created a general agency to take charge of all the roads of the country, they created an office and attached a salary to it of $25,000, and they invade this honest tribunal as they have invaded others with this glittering bauble, and it will perhaps prove irresistible.

That has been the rule of these railroad corporations throughout the country, and they have lured eminent jurists from the bench because they were able to offer them larger salaries than the Government could afford to pay. God knows these railroad men with more than thirteen hundred thousand employés, and with stocks and bonds running up to nearly ten billions, these railroad corporations with their influences ramifying in every direction throughout the country, are in the matter of patronage and power more than a match for the Government or for the people.

For these reasons, Mr. Speaker, that there is no tribunal to enforce the law as it now stands upon the statute-book or to regulate the law as it is now written, I am opposed to adding another single line to it. I believe it would be a farce to attempt to do so. I do not believe in putting any more chimneys to that structure until you support it with a better foundation. That is the reason, so far as I am concerned, that I take my stand upon this position, that to strengthen this structure would be to strengthen a house of refuge for the most eminent scoundrels in the country. The railroad commission was created as a dumping-ground of Congressional responsibility, and it has more than met in its short career the expectation of the men who created it.

There are some other things I wish to say, briefly, in conclusion. If there is anything good about it it is not found in the amendment, which makes the shipper *particeps criminis* with the common carrier. A common carrier should in the first instance and solely be held responsible. In order to avoid that is one of the chief reasons, in my judgment, the Interstate Commerce Commission was pushing this amendment, unasked and uninvited, on this floor. They want to involve the shipper. They tell us of some wicked shippers who ship 5,000 pounds and bill it at 3,000. This is in keeping with the charge of the railroad presidents that their clerks and subordinates are the law-breakers, and that they are honest men and not responsible. The absurdity of such a position need not be commented on.

There may be some virtue in requiring them to post their schedule. There may be some virtue in the amendment of my friend from Kansas [Mr. ANDERSON] permitting suits to be prosecuted in the State courts. Understand me, Mr. Speaker, I do not inveigh against this commission personally. I am not acquainted with its members. I believe it is as good as any commission could be in times of such extraordinary temptation. In my judgment it is in violation of the prayer of our Saviour, "Lead us not into temptation, but deliver us from evil."

They have put into the hands of every minister in the country with intent to bribe a special-rate or free ticket, which places them under obligations in a sense to these great corporations and makes them unwittingly deaf to their sins and trespasses. Why, if the interstate-commerce law which provides that nothing therein contained shall be construed to prevent the railroad companies from giving special rights to ministers of the gospel, if it has said that nothing herein contained shall be construed to prevent railroad managers from bribing ministers of the gospel in this country, it would not have changed its meaning in any particular. In fact, such wording would be an improvement in the interest of good morals, as then the beneficiary would see the object of the favor.

Mr. Speaker, until this tremendous power of discrimination which enables railroad companies to absolutely predominate every industry in this country can be taken out of the hands of the highwaymen who control it the country is absolutely in their power. And on the question of the power of Congress to confer jurisdiction under this act on State courts, I wish to submit and have printed as part of my remarks what I said in this House on another occasion:

Mr. Speaker, it is only a few years ago that there was a contention on the part of the railroad interests of the country that they were not subject to legislative control, and those cases, known as the "Granger cases," which came from Iowa and Illinois, proceeded upon the theory that there was no power in the State to regulate them. That question was settled definitely, and settled definitely against the railroad companies' contention. These companies went on in the exercise of the tremendous power they have of discriminating, which enables them to make of the commerce of the country a football, until it was manifest that the power which the Supreme Court said existed must be exercised in the control of these corporations and in the interest of the people at large. In view

of that public demand the act to regulate interstate commerce was enacted and approved on the 4th day of February, 1887.

Yet, notwithstanding the enactment of that law, we find that there is a great deal of difficulty yet throughout the entire country arising out of the matter of the unjust discrimination that these railway companies make in the transportation of persons and property. We are told by the very highest authority in railway circles that the "difficulty" is not so much in the law as it is in the refusal on the part of the railway companies to obey and observe the law.

The Interstate Commerce Commission concede gross violation of the interstate-commerce act, and the railway managers themselves confess that the law is practically a dead letter and assume that the authorities are powerless to enforce it unless they, the law-breakers, will condescend to take the matter of its enforcement into their own hands.

This is insolence without parallel in a country of law and order, and is born of the fact that there is no tribunal provided for the enforcement of this act that is within the reach of the common people whose rights are invaded, and who would seek redress of their grievances and the enforcement of the law in good earnest had they opportunity to do so.

So this brings me to the conclusion that the difficulty which to-day confronts this country with reference to the control and management of these railway companies is an executive one rather than a legislative one. And for that reason, that the fault is not so much one of the law as of the executive in fulfillment of the law, I am emphatically in favor of the adoption of this amendment that sends these corporations, like all other commercial corporations and all other industries and all other citizens of this country, to the common courts of the country. The same parties who said some years ago that railroad companies were not subject to legislative control are here seeking virtually the same end by a contention that it is unconstitutional to give the State courts jurisdiction.

It has been stoutly affirmed on this floor and elsewhere that there was no power under the Constitution to confer jurisdiction on the State courts. But when routed by overwhelming authority from the constitutional position they take refuge behind one of policy. This position will be found as untenable as the others which they have been compelled to abandon; and the suggestion by my learned friend from Massachusetts that State court jurisdiction will lead to difficulties because of the great difference and diversity of the railroad interests is but another means of compassing the original purpose of defeating all real efforts in the direction of practical railway control.

Now, I want to say in this connection, Mr. Speaker, that the diversity here alluded to is, in my judgment, just that kind of diversity which is indispensable in the administration of public justice throughout the country, and is as applicable and as necessary to legislation growing out of the business of railway companies as to any other line of business out of which litigation arises.

When we were contending for the adoption of this proviso for a uniform classification throughout the country we were confronted with an objection that seemed somewhat plausible, that there was such diversity in climate and in product, such varying conditions in the different sections of the country, that the railroad companies could not afford at the present time to make a uniform classification that would be uniform coextensive with the system.

Now, their argument, whatever it is worth, against the uniform classification of property intended to prevent discrimination is a strong argument in favor of this diversity of jurisdiction of the courts that will be adapted to the different and varying conditions through the country. Something has been said with reference to the fact that it has not been the practice of the Congress heretofore to pursue the line of policy indicated in the amendment under consideration.

Mr. Speaker, it has been the uniform policy from the formation of the Government for the Congress of the United States to confer jurisdiction upon State courts and State tribunals in similar cases to the one we are considering, and that it has never been broken nor interrupted nor objection raised until that objection was raised in the interest of the railroad corporations of this country. I desire briefly to allude to some of the cases in which the Congress of the United States has conferred jurisdiction upon State tribunals.

I have given this matter some attention, and I find that in the matter of remedy for the deprivation of Federal office that the State courts are granted the same jurisdiction as the Federal courts, in section 2010, page 353, of the Revised Statutes. Again, in section 2177, page 381, United States marshals may qualify before the State as well as Federal judges.

Again, I find that in suits and prosecution in State courts under the postal laws where the trial of claims and demands of as great value and of prosecutions where punishments are as great in extent as under the State laws in like cases, jurisdiction is given to the State courts, as will be found in section 3833, page 750, of the Revised Statutes.

Again, in section 4522 of the Revised Statutes, penalties for omitting to begin a voyage by seamen, the jurisdiction is conferred on State courts; and again, in section 4599, for the arrest of seamen for desertion without warrant, and under section 4063 jurisdiction is conferred as to process against foreign ministers and their domestic servants upon State courts.

Then we come to the national-bank act, which, in plain language, provides:

"That suits, actions, and proceedings against any association under this act may be had in any circuit, district, or Territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases."

And, Mr. Speaker, under that provision there have been decisions by the United States Supreme Court sustaining the power of Congress to thus confer jurisdiction on State courts, one of which I shall refer to. It is the case of National Pahquioque Bank *vs.* The First National Bank of Bethel, Conn., reported at page 383, 14 Wall.

I read from the case the statement of facts:

"The First National Bank of Bethel, in Connecticut, on the 21st of February, 1868, failed to redeem some of its circulating notes. They were protested, and on the 26th of February a receiver was appointed under the above-quoted fiftieth section of the currency act, who immediately entered on the duties of his office.

"The National Pahquioque Bank, of Danbury, Fairfield County, in the same State, asserted that it was a creditor of the Bethel bank, and presented its claim to the receiver. The receiver, however, disallowed it.

"The Pahquioque Bank thereupon, on the 30th day of May, 1868, brought assumpsit in the superior court of Fairfield County, a court of Connecticut having jurisdiction in similar cases, against the Bethel bank. The Bank of Bethel defended itself against the claim on these, in substance, among other grounds:

"1. That the courts of the United States alone had jurisdiction after the appointment and acceptance of the receiver."

Mr. Justice Clifford, in delivering the opinion of the court upon this point, says:

"Support to the first proposition is supposed to be derived from the conceded fact that such associations are created by an act of Congress and that they are instruments of the National Government intrusted with the power of carrying on the business of banking and of employing and circulating Treasury notes as a national currency, subject to the supervision and direction of the Comptroller of the Currency and of the Secretary of the Treasury. Banking associations, it is said, were established as instruments by which the Government may perform the trust of furnishing and regulating the national paper currency; and the argument is that inasmuch as they are instruments of the Government to carry into effect a national purpose they can not be impleaded in a State court. Confirmation of that view is also attempted to be drawn from the fact that such associations are controlled by the Treasury Department; that all the notes which they circulate as money are received from the Comptroller of the Currency, and that they can not issue any instrument for circulation or use as money except the notes intrusted to them by the Comptroller of the Currency, as authorized by the act of Congress.

"Beyond all doubt such associations are created by an act of Congress and for the purposes assumed by the defendants, but the conclusion attempted to be drawn from those facts can not be sustained, as express provision is made by the fifty-seventh section of the act that suits, actions, and proceedings against any such association may be had 'in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases.' Commenced, as the action was, in the proper court of the State where the association is located, and in a court having jurisdiction in similar cases, which is not denied, it is quite clear that the objection to the jurisdiction of the court founded upon the character of the association as an instrument of the National Government must be overruled.

"Jurisdiction in such suits is unquestionably vested in any circuit, district, or Territorial court of the United States held within the district in which such association may be established; but the decisive answer to the objection of the defendants is that the same section of the act of Congress gives authority to creditors to prosecute such controversies in 'any State, county, or municipal court in which said association is located' in all cases where it appears that such courts have jurisdiction under the State laws in similar controversies. Proceedings to enjoin the Comptroller of the Currency under that act must, it is true, be instituted and prosecuted in a circuit, district, or Territorial court of the United States, but the act allows creditors to sue in the proper State courts in all suits, actions, and proceedings against the association, as specifically provided in the fifty-seventh section of the act. Authorities to support the proposition are not necessary, as it rests upon an express provision in the act of Congress."

Mr. Speaker, I might go further and cite still other authorities sustaining Congress in conferring jurisdiction upon the local courts of the States that are within the reach of the people, but it is idle to do so, as no honest lawyer questions seriously this power. As I said before, in my humble judgment the difficulty is not so much in what the law is, or that it requires amendment, as that there should be some tribunal provided, somewhere within the reach of the common, plain people, where they can enforce and defend their rights.

A good deal has been said about providing them with means to prosecute their suits in United States courts that are *beyond their reach*. It seems to me that that is altogether too kind. With reference to these questions give the people the same right to go into their home domestic courts that they now exercise under the interstate-commerce act, under the postal laws, and the national-bank act, and, in my opinion, we will find that we have entered upon a solution of this whole difficulty, and that it will be soon settled, as other questions like it have been settled in the same way heretofore.

This idea that the railroad system of this country is an institution that is not subject to the law, that it is *sui generis*, that it is a law unto itself, seems to me to be a most erroneous idea and one that is dangerous to the rights of the people. It is within the knowledge of almost every member of this House that, as a rule, the United States courts are beyond the reach of the ordinary litigant, and that to compel him under this act to go to those courts or to the United States commission is well nigh to deprive him of his constitutional right to have his day in court. Then, Mr. Speaker, as there is no constitutional objection to this amendment, and as there is no sound reason in policy why this amendment should not prevail, I hope the House will sustain the committee in its action and will not recede.

Why, a gang of defaulters to the extent of $200,000,000 of liabilities to the Government, eminently respectable (?), can in defiance of the true intent and spirit of our laws dictate the nominees of a convention, and then with their ill-gotten gains furnish the money to carry the candidate triumphantly through the election. And in support of this allegation I want to submit proof from high authority, as such allegations ought not to be made if they can not be supported with competent and reliable evidence. Hear what the Chicago Tribune said on the 26th of June, 1888, when the Chicago convention was in session:

The Tribune ceased to feel confidence in Gresham's nomination as soon, as it discovered the power of a few great or crooked corporations in the convention. From the moment that railroad attorneys and lobbyists from California Nebraska, Iowa, Wisconsin, and New York took their places in the convention and made their first display of strength in electing Thurston, the Union Pacific lobbyist, to the temporary chairmanship, Gresham's chances became clouded.

When availability was thrown overboard and the agents of Gouldism infused into the delegates the foolish notion that the ultra high-tariff plank would elect anybody, no matter how unpopular, and pointed to Oregon in support of the stupid assertion, the Tribune saw who was pulling the wires. Yet while the crooked railroad attorneys talked about the tariff plank electing any one, even a wooden Indian, their acts belied their words. Some days ago the Tribune said that the real problem with the representatives of Gouldism in the convention was "how to defeat Gresham and yet secure a candidate who could be elected." So it proved. They sought to perform the work of their employer in accomplishing the political assassination of Gresham and yet wanted to secure themselves against the charge of betraying the Republican party to a crushing defeat.

Some of the most powerful forces in the convention might be enumerated thus:

First. Jay Gould and the Wabash wrecking crew, thirsting for revenge against Gresham for removing from control of the "system" Gould's right-hand man, formerly of Iowa, who was on the ground early and was deep in the secrets of every anti-Gresham caucus. Little seen by the public, no man exercised a more potent influence on the result than Gould's most efficient and capable lieutenant. Gouldism as arrayed against Gresham represented $200,000,000 of capital.

Second. The Central Pacific Stanford-Crocker-Huntington ring, with its able, plausible attorney, Creed Haymond, at the end of the California delegation. This firm has in its possession $150,000,000 of railroad plunder which a President of the Gresham stamp might compel it to disgorge. Naturally it fought hard to prevent the nomination of any such man.

Third. The Union Pacific Crédit Mobilier crowd, represented by Lawyer Thurston, who is shrewd, brainy, and nervy, and a packed delegation grossly misrepresenting the granger State of Nebraska. This ring has $150,000,000 worth of railroad Crédit Mobilier and other boodle to protect. It is deeply in debt to the Government, draws dividends on debts which it never intends to pay during the lifetime of any human being now in existence. It wants Mr. David Littler's free-and-easy eighty-year bill passed, which it knows Cleveland favors, and it feared that Gresham never would, as he is not that sort of a man. Hence it fought him to the death, using the power of the granger State of Nebraska, nine-tenths of whose population indorse him, to defeat Gresham. It now laughs like Mephistopheles over the success of its schemes.

Fourth. Chauncey M. Depew, the railroad attorney and official head of the great Vanderbilt railroad syndicate, with its $300,000,000 of capital and its doctrine of "the public be d——d." With Depew as helpers were Tom Platt and Wood-Pulp Miller.

Fifth. The great Wisconsin railroads were represented by Senator JOHN C. SPOONER, the well-trained railroad attorney, who manipulated the Wisconsin delegation and put the votes where they would "do the most good." And the popular sentiment of the State for Gresham was ignored and disregarded with the utmost *sang froid*.

These were the leading representatives of corporate railroad monopoly, but with two or three exceptions there was hardly a delegation without a sprinkling of railroad attorneys and lobbyists. The land-grant rings were also represented. They argued that a President like Gresham would have discharged Lamar and retained Sparks, and thus cause them to lose millions of acres of public land which they had grabbed in violation of law. Like all the Gouldites who swarmed in from the East and West, they wanted no "d——d nasty particular honest" candidate, as they called Gresham—no man born in a log cabin and afflicted with homespun, granger notions about honesty and integrity. What great schemes of pelf and plunder might not such a man upset if intrusted with the mighty powers of the Presidency! The Wabash decision showed Gresham's spirit, and it was time an example was made of him for the effect it would have on other judges and public men.

And so dead is the spirit of the country on this great question, notwithstanding the conduct and the influence of these railroad magnates, that it is not only willing to let this state of things go on, but we are told, through the press and otherwise, that men implicated in these defalcations are discussed seriously as Cabinet possibilities. Why, Mr. Speaker, if there was the proper feeling in respect to the outrages and wrongs perpetrated upon the people of this country at the hands of these highwaymen, the man who has been implicated in such crimes, and stands as a Government defaulter, or the representative of lawbreakers and extortioners, would no more be considered as competent to hold an exalted position in this country than any other man of any other criminal class.

For these reasons briefly stated, sir, I am opposed to the acceptance of this report and invite the House to vote against it, but I presume it has become so usual to yield to the dictates of that august body at the other end of the Capitol that it will be an appeal made in vain.

The commission, sir, as constituted are utterly helpless in the presence of the condition of affairs that confronts them. I care not how honest they may be. I care not how efficient they may be in the discharge of their duties, it is a burden imposed upon them which they can not discharge, and they are as helpless in its presence, no matter what their integrity, as a Chinese joss.

Mr. CRISP. I would ask how much time the gentleman has consumed?

The SPEAKER *pro tempore*. The gentleman from Iowa has consumed thirty-eight minutes.

Mr. CRISP. I understand the gentleman from Ohio [Mr. GROSVENOR] desires to be heard for fifteen or twenty minutes. I ask unanimous consent that he be recognized for twenty minutes, and that I then have the remainder of my hour, which I shall not probably use.

There was no objection.

ORDER OF BUSINESS.

Mr. MCMILLIN. I ask unanimous consent, Mr. Speaker, that gentlemen having reports to make from committees, as well as members desiring to submit minority views, may be permitted to file them during this calendar day.

There was no objection, and it was so ordered.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

REARRANGEMENT OF GRADES, ARMY SUBSISTENCE DEPARTMENT.

Mr. STEELE, from the Committee on Military Affairs, reported back adversely the bill (S. 1248) to effect a rearrangement of the grades of office in the Subsistence Department of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PURCHASE OF WILLIAM VANS MURRAY'S MANUSCRIPTS.

Mr. DAVIDSON, of Florida, from the Committee on the Library, reported back favorably the bill (S. 1929) to authorize the purchase of five manuscript volumes, being letter-books of William Vans Murray, formerly minister at The Hague and at Paris; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ABSENTEE SHAWNEE INDIAN LANDS IN KANSAS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SURVEY OF THE OHIO RIVER.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported back favorably joint resolution (H. Res. 267) providing for a survey of the Ohio River, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADMISSION OF UTAH.

Mr. SPRINGER, from the Committee on the Territories, submitted a report to accompany the bill (H. R. 4428) for the admission of the State of Utah into the Union on an equal footing with the original States; which was referred to the House Calendar, and ordered to be printed.

Mr. STRUBLE, from the same committee, submitted the views of the minority on the same bill; which were ordered to be printed with the report of the committee.

JOHN R. BROWN.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2724) for the relief of John R. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF MERCHANT MARINE OF UNITED STATES.

Mr. MCMILLIN, from the Committee on the Merchant Marine and Fisheries, reported back adversely the bill (H. R. 4996) for the relief of the merchant marine of the United States engaged in the foreign trade; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGES FROM THE PRESIDENT.

Several messages from the President, by Mr. PRUDEN, one of his secretaries, were received.

He also announced approval of House bills of the following titles, namely:

An act (H. R. 6886) granting a pension to Hannah McKee;

An act (H. R. 8801) granting a pension to William Logan;

An act (H. R. 9179) granting a pension to W. B. Green; and

An act (H. R. 11300) granting a pension to George H. Burgess.

NOTE.—These bills were presented to the President on February 16, 1889, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his signature.

The following House bills and joint resolutions were approved by the President March 1, 1889:

An act (H. R. 11338) to authorize the construction of a bridge across the Coosa River, at Gadsden, in the State of Alabama;

An act (H. R. 6346) to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely thereto, and for other purposes;

An act (H. R. 8557) for the relief of Dr. David Bell;

An act (H. R. 325) for the relief of Mrs. Mary T. Duncan;

An act (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States;

An act (H. R. 11643) providing for the establishment of a life-saving station at the mouth of the Coquille River, Oregon;

An act (H. R. 4961) to provide for the organization of the militia of the District of Columbia;

An act (H. R. 5336) for the relief of George B. Hansell;

An act (H. R. 1874) to establish a United States court in the Indian Territory, and for other purposes;

An act (H. R. 341) for the relief of John Farley;

An act (H. R. 2688) for the relief of Alfred Breuer;

An act (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy;

An act (H. R. 11658) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108, in the city of Houston, Tex.;

An act (H. R. 8272) to provide for the payment of F. H. Bates, as military instructor at Washington High School, District of Columbia;

An act (H. R. 7864) to reappropriate to pay for alley condemned in square 493;

An act (H. R. 1082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;"

An act (H. R. 766) for the relief of H. L. Neuman;

An act (H. R. 4489) for the relief J. M. Hogan;

Joint resolution (H. Res. 258) providing for the printing of the eulogies on the life and character of Edward W. Robertson, deceased, late a Representative in Congress from Louisiana;

Joint resolution (H. Res. 262) to print 39,000 copies of the fourth annual report of the Commissioner of Labor; and

Joint resolution (H. Res. 266) to print the eulogies of James N. Burnes, of Missouri.

INTERSTATE COMMERCE.

Mr. GROSVENOR withholds his remarks for revision. [See Appendix.]

Mr. CRISP. Mr. Speaker, I will detain the House only a moment or two—not so much in reply to what has been said by the gentleman

from Ohio [Mr. GROSVENOR] as to put on record certain facts that ought to go along with the statements made by that gentleman as to the purpose of those persons who originally secured the passage of the interstate-commerce law.

Mr. Speaker, in the House of Representatives for many years there was agitation of the question of the regulation of interstate commerce. There were perhaps as many as three or four bills passed by the House on this subject. There was no commission feature in any bill that passed the House of Representatives, so far as I now recollect. In the Forty-ninth Congress the House passed a bill without the commission feature. The bill went to the Senate; it was there amended by inserting that feature.

This bill went into conference; it was in conference for weeks and weeks. The public fear was that nothing would come of it, because the two Houses seemed to be so far apart. But the conferees on the part of the House—I can speak for them because I was one of them—concluded that, in order to make some response to the popular demand for a law regulating interstate commerce, they would make every concession that they could make so that there might be a start, at least, in this direction. We surrendered our objections to the commission feature, and it went into the bill. It was put there, however, I want to say, at the instance of a Republican Senate, not a Democratic House; so that if there is any responsibility on anybody for the evil suggested by the gentleman from Ohio, it is on this side of the House where I now stand [the Republican side], and not on the side where I belong.

Now, Mr. Speaker, I make no issue with the gentleman from Ohio as to the merits of the amendment that he advocates. I believe in my heart that it is a good amendment and ought to be put on the bill. I have insisted that it was a good amendment. I came into this House, after disagreeing with the Senate conferees, and asked the House to insist that it was a good amendment; and the House again committed itself thoroughly in favor of that amendment. What I have said as to that I say also as to the amendment of my friend from Iowa [Mr. ANDERSON]—the amendment proposing to allow persons injured to go into the courts of their own State; courts in their own vicinity—to have a hearing of the cause presented by them.

We have insisted on these two amendments; but the question now presents itself in this way: If we insist further upon those amendments there will be no legislation on this subject at this session of Congress. The House must determine for itself whether it will stand by those amendments to the exclusion of any other, or whether it will accept such others as may afford some substantial relief, and remit to the future the question of the contest between the two Houses over these amendments.

The Interstate Commerce Commissioners, for whom I have the highest respect, say to this House that unless we do pass these Senate amendments they will be unable to enforce the law as to joint tariff rates. The House understands that the original law provides for the publication of single tariffs to the extent of the line of the railroad. It forbids the raising such rates without ten days' notice, and requires publication of such rates, and other things of that sort. But there was an omission to provide for the publication of joint tariffs and an omission to forbid the raising of joint tariff rates without giving ten days' notice.

The commissioners say that to allow the law to stand as it now is practically takes many questions on joint rates out of their jurisdiction; and these are the rates that are most complained of. By these rates the great wheat, corn, cotton, and meat crops of the country are transported. The commissioners ask that this bill be passed so that they may be permitted to enforce reasonable rates as to joint tariffs, so that they may be able to enforce publicity of joint tariffs, so that the carrier shall not raise the joint rates without giving ten days' notice and shall not lower the joint rates without giving three days' notice. The commissioners say substantially that unless you do this they can not enforce equity and justice.

Gentlemen say that because the amendments which they desire are not adopted we ought not to accept the others. So far as I am concerned, Mr. Speaker, in view of the statements of the commissioners, for whom, as I have said, I have the highest respect, I was unwilling to take the responsibility of standing out and again reporting a disagreement to the House on these amendments. I want to divide with you my responsibility. I want you to understand the situation exactly as it is. Without any regard to the merits or demerits of the amendments upon which the House has insisted, the question now is, will you take that which the commission says is so necessary to enable them to enforce equity and justice under the law, or will you take nothing? I demand the previous question.

Mr. ANDERSON, of Iowa. Before the gentleman takes his seat I would like to ask him whether another disagreement on the part of this House, even though we have reached so late a stage in the session, might not work out the purpose for which this House has contended since the Forty-fifth Congress?

Mr. CRISP. I am afraid it is too late.

Mr. ANDERSON, of Iowa. I trust not.

Mr. CRISP. We will renew this struggle at some future period.

Mr. BUTTERWORTH. I understand my friend to say that the agreement now reached by the conference does not accomplish all that he desires.

Mr. CRISP. No, sir; but "half a loaf is better than no bread." I call for the previous question.

The previous question was ordered, which was upon agreeing to the report of the committee of conference.

Mr. ANDERSON, of Iowa. I demand the yeas and nays.

The yeas and nays were not ordered; only 9 voting in favor thereof.

The conference report was adopted.

Mr. CRISP moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORFEITURE OF LAND GRANT.

Mr. HOLMAN. I rise to call up a conference report on Senate bill 1430 to declare forfeited certain lands; but if it is deemed desirable that appropriation bills shall be disposed of I will yield for that purpose.

The SPEAKER. The conference report will be considered as offered, and the gentleman from Indiana will indicate to whom he yields.

Mr. HOLMAN. I yield to the gentleman from Arkansas [Mr. DUNN], who has a conference report to submit, as I understand it.

ALASKA SALMON FISHERIES.

Mr. DUNN. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill to provide for the protection of the salmon fisheries of Alaska, having met, after full and free conference have agreed to recommend to their respective Houses and do recommend:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment to read as follows:

"SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominions of the United States in the waters of Behring Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month at least in one newspaper (if any such there be) published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters, and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

And the House agree to the same.

POINDEXTER DUNN,
BENTON McMILLIN,
CHARLES N. FELTON,
Managers on the part of the House.

JOHN SHERMAN.
J. T. MORGAN,
GEORGE F. EDMUNDS,
Managers on the part of the Senate.

The following is the statement accompanying the report under the rule:

STATEMENT.

The effect of the amendment is to leave out of the House amendment the words that are descriptive of the boundaries of the waters of Alaska.

POINDEXTER DUNN,
BENTON McMILLIN,
C. N. FELTON,
Managers on the part of the House.

The conference report was adopted.

Mr. DUNN moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 2737) granting a pension to Anna Krumpholz;

A bill (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

A bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

A bill (H. R. 12607) granting a pension to Ira Wells; and

A bill (H. R. 12608) to pension William J. Martin.

Mr. FISHER, from the same committee, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 12383) making appropriations for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 8429) granting a pension to W. W. Wilson;

A bill (H. R. 6763) granting a pension to John Mann;

A bill (H. R. 5758) granting a pension to Lovina Wright;

A bill (H. R. 8580) granting a pension to Sarah A. Harrison;

A bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890;

A bill (H. R. 3916) granting a pension to Jacob Wolf;

A bill (H. R. 2862) granting a pension to William Ford;

A bill (H. R. 5398) granting a pension to Catharine Hays; and

A bill (H. R. 4203) granting a pension to the widow of Adam Shrake.

Also, the following Senate bills:

A bill (S. 2549) for the relief of Mary Isabella R. Clements;

A bill (S. 3453) granting an increase of pension to Alfred T. McKinsey;

A bill (S. 3918) granting to the Duluth and Winnipeg Railroad Company the right of way through the Leech Lake and White Earth Indian reservations in the State of Minnesota;

A bill (S. 2828) granting right of way and other privileges to the Hampton and Old Point Railway Company;

A bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

A bill (S. 3713) granting an increase of pension to Maria A. Rousseau;

A bill (S. 1384) granting a pension to Margaret J. Cash;

A bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon;

A bill (S. 2977) granting a pension to Henrietta Brown;

A bill (S. 1719) granting a pension to Levi B. Smith; and

A bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow-Gauge Railroad Company.

Mr. CARLTON, from the same committee, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 11707) granting an increase of pension to Gertrude Northrop;

A bill (H. R. 8327) for the relief of Joseph Lawless;

A bill (H. R. 8995) for the relief of Antonia Wiener;

A bill (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

A bill (H. R. 9227) for the relief of Mary Newton;

A bill (H. R. 12575) to increase the pension of James M. Barrett;

A bill (H. R. 8100) granting a pension to Anna J. Weaver;

A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico;

A bill (H. R. 12542) for the relief of the heirs of Noah W. Yoder;

A bill (H. R. 11663) granting a pension to M. Josie McClain;

A bill (H. R. 11627) granting a pension to Mary Horning;

A bill (H. R. 11184) for the relief of Jessie Isherwood;

A bill (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;

A bill (H. R. 10725) to increase the pension of Elizabeth M. Allen;

A bill (H. R. 10644) granting a pension to Elizabeth Peterson;

A bill (H. R. 10167) increasing the pension of Nathaniel Crain;

A bill (H. R. 9159) granting a pension to William A. Taylor;

A bill (H. R. 11884) to grant a pension to William Hawkins;

A bill (H. R. 11984) granting a pension to Mrs. Helen Sutherland;

A bill (H. R. 12062) granting an increase of pension to Frank L. Wolford;

A bill (H. R. 9113) granting a pension to Frank M. Martin;

A bill (H. R. 12275) to increase the pension of John W. Smith;

A bill (H. R. 12428) for the relief of Martha Rhodes;

A bill (H. R. 12446) granting an increase of pension to Jacob S. Shuman;

A bill (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from effects of wounds received therein;

A bill (H. R. 12491) granting a pension to Lucinda Newman;

A bill (H. R. 12482) to increase the pension of Elizabeth Snell;

A bill (H. R. 5390) granting a pension to John Limeric;

A bill (H. R. 2157) granting a pension to Ann E. Mussman;

A bill (H. R. 12540) to increase the pension of Theodore White;

A bill (H. R. 12273) for the relief of Newton C. Ridenour;

A bill (H. R. 12510) granting a pension to George Hunter;

A bill (H. R. 12604) to restore the pension of Ann G. Barker; and

A bill (H. R. 8225) for the relief of William S. Kellington.

Also, the following Senate bill:

A bill (S. 2511) to withdraw certain public lands from private entry, and for other purposes.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York; and

A bill (H. R. 382) granting a pension to Catharine G. Bodfish.

Also, the following Senate bills:

A bill (S. 2363) for the relief of John W. Combs;

A bill (S. 3047) granting increase of pension to William Bittinger;

A bill (S. 2677) granting a pension to Jane Reilly;

A bill (S. 2683) granting a pension to Andrew J. Foust;

A bill (S. 3137) granting a pension to Ruth Ames;

A bill (S. 3183) granting a pension to James Parker;

A bill (S. 3429) granting a pension to Maria N. Abbey;

A bill (S. 1144) granting a pension to Frances H. L. Prescott;

A bill (S. 433) granting an increase of pension to General S. W. Price;

A bill (S. 3696) to authorize the Omaha, Dodge City and Southern Railroad Company to build its road across the Fort Hays military reservation; and

A bill (S. 3653) to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Forth Leavenworth Water Company.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails; and

A bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company.

DISTRICT APPROPRIATION BILL.

Mr. HOLMAN. I now yield to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows;

That the Senate recede from its amendments numbered 26, 28, 29, 39, 43, 47, 48, 51, 52, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 27, 42, and 65, and agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Including Fifteenth street between Pennsylvania and New York avenues, $762,000;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Including Fifteenth street between Pennsylvania and New York avenues, $185,165;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,350;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$224,210;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,900;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,475;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That these conditions as to price and depth of base shall not apply to the pavement authorized by this act on Fifteenth street between Pennsylvania and New York avenues."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or under-ground cables moved by steam-power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat-grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

"*Provided*, That in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat-grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or road-beds; and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations, or either of them, shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder.

"*Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within

which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed.

"*Provided further*, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To widen, grade, and regulate Brightwood avenue, $10,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$135,525;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 64: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 64, and agree to the same.

Amendment numbered 100: That the House recede from its amendment to the amendment of the Senate numbered 100, and agree to the same.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The following is a statement accompanying the report under the rule:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia submit the following statement in explanation of the effect of the action recommended on said amendments in the accompanying conference report, namely:

On amendments numbered 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, relating to work on sundry streets and avenues in the District: Appropriates for said work $762,000 in all, distributed among the various sections of the city on the basis of the allotments provided in the bill by the House, the whole sum being an increase of $270,000 over the amount proposed by the House. In addition to the foregoing sum, $10,000 is specifically appropriated for paving Twentieth street from R street to S street, and for paving S street from Twentieth street to Connecticut avenue, northwest; and the provisions to grade and regulate Boundary street, C street, northeast, and T street, northwest, are stricken out.

On amendment 30: Provides that the conditions as to price and depth of base prescribed by the bill shall not apply to the pavement of Fifteenth street between Pennsylvania and New York avenues.

On amendment 37: Inserts in the bill a lengthy provision which is set forth fully in the accompanying conference report, empowering street railroads propelled by horses in the city of Washington to adopt electric power or underground cables operated by steam, and also requiring them to lay flat rails level with the surface of the roadways.

On amendments 39, 42, 43, 44, 47, 48, 51, 52, and 54: Increases the amount for constructing county roads from $99,400 to $135,525, specific provision being made for each road intended to be constructed or improved.

On amendment 61: Increases the amount for main and pipe sewers from $75,000 to $90,000.

On amendment 63: Strikes out proposed provision authorizing the commissioners to apply the money appropriated for repair of sewers and replacing of obstructed sewers by contract or otherwise.

On amendment 64: Makes the appropriations contained in the bill for the erection of school buildings and for enlargement of school buildings available at once.

On amendment 65: Appropriates $15,000 and authorizes the President to appoint three sanitary engineers to examine and report upon the system of sewerage existing in the District of Columbia.

On amendment 100: Leaves in the provision, as inserted by the Senate, concerning the placing of electric wires under-ground.

The bill as finally agreed upon appropriates $5,687,406.91, being $744,213.30 more than as it passed the House; $608,733 less than as it passed the Senate, $640,996.59 more than the current law, and $262,128.70 less than the estimates submitted for the fiscal year 1890.

J. C. CLEMENTS,
FELIX CAMPBELL,
D. B. HENDERSON,
Managers on the part of the House.

Mr. CLEMENTS. I ask the previous question on the adoption of the report.

The previous question was ordered, under the operation of which the report was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

A bill (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia; and

A bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

MANAGER NATIONAL HOMES FOR DISABLED SOLDIERS.

Mr. STEELE. Mr. Speaker, my colleague, Mr. HOLMAN, yields to me to submit a report on the joint resolution (H. Res. 252) appointing a manager for the National Homes for Disabled Soldiers. I am instructed by the Committee on Military Affairs unanimously to report back the joint resolution which I send to the desk, and ask its adoption with the amendment therein specified.

The Clerk read as follows:

Joint resolution (H. Res. 252) appointing James A. Waymire, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, etc., That James A. Waymire, of California, be, and he is hereby, appointed a manager of the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

The committee recommend the following amendment:

Strike out the name of "James A. Waymire" where it occurs in the joint resolution and insert the name of "H. H. Markham."

The amendment was adopted.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

Mr. STEELE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I now move that the House take a recess until 8 o'clock this evening, as we have got to be here most of the night.

The question was taken; and on a division there were—ayes 89, noes 10.

Mr. WHEELER. No quorum.

Mr. MILLS. I appeal to my friend from Alabama not to make that point. We will have to be here very late to-night to get through with the business.

Mr. WHEELER. I have been for weeks trying to get a privileged matter before the House, the case of Mrs. Edie, and have always been prevented by something or other.

The SPEAKER. The Chair will state to the gentleman from Alabama that if the House refuses to take the recess there is a conference report submitted by the gentleman from Indiana pending.

Mr. BURROWS. I hope the gentleman from Alabama will withdraw his objection.

Mr. WHEELER. I always like to yield to the wishes of my friends, and will withdraw the point of no quorum.

So, no further count being demanded, the motion of Mr. MILLS was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session.

FORFEITURE OF UNEARNED RAILROAD LAND.

Mr. PAYSON. I demand the regular order.

The SPEAKER. The regular order is the consideration of the report submitted by the gentleman from Indiana.

Mr. STONE, of Missouri. I suppose it is entirely proper to have the report and the accompanying statement read, but I wish to say now that I shall raise the question of consideration against it.

The SPEAKER. The Clerk will read the report.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from all after section 1 in the part proposed to be inserted in its amendment.

That the House recede from its disagreement to all after section 1 in the part proposed to be stricken out by its amendment and agree to the same amended as follows:

"SEC. 2. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed in good faith prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of $2.50 per acre, at any time within two years from the passage of this act, and on making requisite proofs and payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of, and have made improvements upon, any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *And provided further*, That the provisions of this section shall not apply to any lands

situate in the State of Iowa on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement.

"SEC. 3. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act at the rate of $2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the Attorney-General of the United States is hereby directed to cause proper legal proceedings to be instituted and prosecuted to final determination, to determine whether the aforesaid lands are or are not adjacent to constructed road within the meaning of this act, and are or are not hereby restored to the public domain, and such proceedings shall, upon motion of either party, be advanced for hearing in any court in which the same may be pending: *Provided further*, That the rights of way and riparian rights described in the deed executed by the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following-described tracts of land: Section 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east, of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby as to such right of way and riparian rights granted and confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore described strip of land, over and across the above-described sections for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

"SEC. 4. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of a railroad under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns, under the laws of the United States.

"SEC. 5. That in all cases where lands included in a grant of land to the State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to tha Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed. And on condition that the Gulf and Ship Island Railroad Company within sixty days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands as have been sold or entered as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in any wise affect so much and such parts of said grant of lands to the State of Mississippi as lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroad may cross the New Orleans and Northeastern Railroad in said State, until two years after the passage of this act.

"SEC. 6. The price of the even sections of the public lands not reserved within the limits of the portions of the several grants hereby forfeited, and within the limits of all grants or portion of grants heretofore forfeited, and of all lands hereby and heretofore forfeited, is hereby fixed at $1.25 per acre.

"SEC. 7. That section 5 of an act entitled 'An act for a grant of lands to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State,' approved May 12, 1864, and section 7 of an act entitled 'An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes,' approved March 3, 1865, and also section 5 of an act entitled 'An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State,' approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled 'An act to amend an act entitled "An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856,' be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the road mentioned in said act of June 2, 1864, or to the act to which the same is amendatory.

"SEC. 8. That all actual settlers on any of the public lands in the State of Florida affected by the grants, who made actual settlement on any of said lands, after the time limited in the granting act for the construction of the said road, and before May 1, 1888, shall have the right to perfect their entries, respectively, under the homestead and pre-emption laws: *Provided*, That the title to the land described in the act entitled 'An act granting lands to the States of Alabama and Florida to aid in the construction of certain lines of railway in said States,' approved the 17th of May, 1856, which lies adjacent to the part of the lines of railroad built under and in pursuance of the act of the State of Florida entitled 'An act to encourage a liberal system of internal improvements in the State of Florida,' approved January 5, 1855, within the time limited by Congress in the granting act, and which were granted to any of the said companies by the Legislature of the State of Florida in accordance with said act of Congress, and are held by purchase in good faith from said companies, made before the year 1866, are hereby confirmed to such purchasers: *Provided*, That a mortgage or pledge of said lands by any of said companies shall not be considered as a sale for the purpose of this act.

"SEC. 9. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 10. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant; nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 11. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

On so much of the amendment of the House as relates to the first section of the bill the committee are unable to agree.

WM. S. HOLMAN,
L. E. PAYSON,
Managers on the part of the House.

P. B. PLUMB,
J. N. DOLPH,
E. C. WALTHALL,
Managers on the part of the Senate.

Mr. STONE, of Missouri. I raise the question of consideration.

Mr. HOLMAN. There is a statement presented, signed by two of the conferees, the gentleman from Missouri [Mr. STONE] and myself. Accompanying this is another statement, being a statement of the case as submitted by the other member of the conference, the gentleman from Illinois [Mr. PAYSON]; and inasmuch as the two statements very fully present the result of the questions at issue between the two Houses, I call for the reading of the statements, and ask the careful consideration of the members of the House while they are being read.

The statements were read, as follows:

The conferees on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the Senate bill 1430, to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, submit the following statement:

The real point in issue between the two Houses is as to the extent to which the railroad land grants shall be forfeited.

The first section of the Senate bill declares the forfeiture only of lands coterminous with portions of railroads not now completed. The House proposition embraced in the first section of its amendment to the Senate bill declares the forfeiture of all lands granted lying coterminous with the portions of railroads not completed within the time prescribed by law.

Both the House and Senate measures provide certain details for the adjustment of the rights of settlers.

The Senate bill also contained certain provisions concerning the lands granted in the States of Michigan, Mississippi, Alabama, and Florida. While from the beginning the prospect of an agreement on the main question in view of past experience was remote, it was still deemed advisable to consider the details, especially in view of the complicated condition of the grants in the States above named.

These matters of detail were fair matters for adjustment. In all of those States at different times the General Land Office, considering these grants as long since forfeited by operation of law, sold lands and issued patents for them within the limits of the grants. This state of things produced serious complications, and was sought to be provided for both by the Senate and House propositions, so that in these details it will be found that special provisions are made touching the forfeitures in the States of Michigan, Mississippi, and Florida.

The state of conflict between the railroad grants and the Portage Canal grant and settlers on granted land in the State of Michigan rendered a complicated adjustment inevitable. The other details relate to securing the rights of actual settlers on these granted lands, the main object in view being to confirm as far as it could be accomplished the rights of actual settlers, as a large portion of the land involved was settled years ago by persons claiming under the homestead and pre-emption laws, and in a large number of instances under patents issued by the Government many years ago.

The matters agreed upon by the conferees are specially referred to in regard to these matters of detail.

The most important of these provisions agreed upon is the following section:

"SEC. 10. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of lands originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them as recited in the first section forfeited for any failure, past or future, to comply with the conditions of the grant; nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure by virtue of the forfeiture hereby declared, to the benefit of the completed line."

But these matters of detail are of but little importance in comparison with the real question between the two Houses as to the extent that these granted lands shall be forfeited.

The House substitute for the Senate bill was adopted by the House and went to the Senate on the 6th day of July, 1888, and has been in conference between the two Houses some six months.

The difference in result between the two measures is seen by the following statement: The Senate proposition would forfeit 5,627,436 acres. The House proposition would forfeit 54,323,996 acres, as will be seen by the following statement in detail prepared by the Commissioner of the General Land Office.

Name of railroad.	Estimated number of acres which will be forfeited—		
	By Senate bill.	By House bill.	In event of forfeiture of entire grant.
Gulf and Ship Island	652,800	652,800	652,800
Coosa and Tennessee	140,160	140,160	140,160
Coosa and Chattooga	144,000	144,000	144,000
Mobile and Girard	536,064	651,264	858,624
Selma, Rome and Dalton*	89,932	258,624	642,624
Atlantic, Gulf and West India Transit	76,800	676,000	1,171,200
Pensacola and Georgia	None	679,680	1,178,880
Vicksburg, Shreveport and Texas	None	364,800	725,760
Jackson, Lansing and Saginaw	None	176,256	898,560
Marquette, Houghton and Ontonagon	294,400	294,400	627,200
Ontonagon and Brulé River	211,200	288,000	288,000
La Crosse and Milwaukee	None	195,724	235,773
Chicago, St. Paul, Minneapolis and Omaha	None	1,446,400	1,446,400
Wisconsin Central	406,880	464,480	1,800,000
St. Vincent extension St. Paul and Pacific (now St. Paul, Minneapolis and Manitoba)	None	1,113,600	2,009,600
Western Railroad	None	243,712	243,712
Southern Minnesota Railway Extension	None	832,115	1,787,955
Hastings and Dakota	None	819,840	1,293,440
Northern Pacific	2,000,000	36,907,741	46,947,200
California and Oregon	None	1,740,800	3,686,400
Oregon and California	None	2,086,400	4,608,000
Southern Pacific	1,075,200	4,147,200	7,116,800
Total	5,627,436	54,323,996	78,503,088

*Lands certified to State for this road prior to May 23, 1872, amounting to 440,700.16 acres, were confirmed to State by act of that date (17 Stat. L., 159) for sole use and benefit of the Selma, Rome and Dalton Railroad Company. The lands so confirmed may not be subject to forfeiture.

It will thus be seen that there is a difference of 48,696,560 acres—a territory in the aggregate exceeding twice the area of the State of Ohio.

In the report submitted by the Committee on Public Lands to the House on the 17th day of June, 1888, and also by former reports from that committee, it is clearly shown in the judgment of the House conferees that in justice and equity the forfeiture should be declared to the extent of the 54,323,996 acres; that justice to the whole people demands this, as well as the highest public policy.

Many of these grants were made more than thirty years ago, and many years lapsed after the time for the completion of the road had expired before even an effort was made to commence the construction of the railroad, and in no instance would a grant be declared forfeited by the House proposition to the extent that the construction of the road was entered upon and prosecuted in good faith within the time prescribed by law by the railroad corporation, and in no instance would the rights of these parties be impaired.

The equity of declaring these forfeitures, as proposed by the House and to the extent proposed by the House, can not be denied in the opinion of the House conferees. It seems impossible to suggest an equity against the forfeiture in behalf of these delinquent corporations, for although most of these grants were made more than twenty years ago, perhaps all of them, and yet within the past few years and after the lands have been increased in value by the enterprise and labor of the whole people and long after the period had elapsed for their completion, the most of the work has been done.

The doctrine of equitable estoppel can not apply, for the laws creating the grants declare the purpose of Congress, and the neglect of public officers to declare these forfeitures surely can not be set up against the positive provisions of law. If the proposition of the Senate should become law there will be given up without consideration to monopoly a vast portion of the most valuable part of the public domain.

The 5,627,436 acres proposed to be forfeited by the Senate bill are, in the main, of comparatively little value, while the greater portion of the land embraced in the House proposition is in the most favored sections of the country.

The conferees have called attention to the tenth section as agreed upon in the details in which the rights of forfeiture as they now exist of other portions of these grants are declared.

But it is obvious that the adjustment of these land grants will go on, on the basis of whatever legislation Congress shall now enact; and with patents issued and the rights of third parties intervening, little hope could be indulged that further legislation could be secured providing for further forfeitures.

The conferees on the part of the House have submitted to the Senate conferees several propositions. Among others they proposed that the question of the right and power and the extent of the power of Congress to declare the forfeiture of these lands should be referred to the Supreme Court of the United States with original jurisdiction, the cause to be advanced on the Calendar on account of its special importance; also the proposition that the bill should be confined to the minor grants where complications have arisen growing out of the patenting of a portion of the lands within the grants at the time when the grants were treated as forfeited, leaving the great grants, involving the larger portion of the lands, open to a further future consideration.

These propositions were declined by the Senate conferees, who were not willing to modify in any degree the basis on which they proposed to declare the forfeiture; that is to say, as to cases where the railroad corporation were making no claim whatever. So that the issue between the two Houses remains without any modification whatever. The railroad corporations do not resist, as far as the House conferees are informed, the proposition of the Senate—it does not come in conflict with their interest—but they do persistently oppose the proposition of the House. The majority of the conferees of the House earnestly recommend and insist that the House do not recede from the position it has heretofore occupied.

They insist that high public policy and justice to the people demand that these grants of public lands long since forfeited in fact shall be declared forfeited by law, and we indulge the belief that at an early day the force of public opinion will secure that result.

WM. S. HOLMAN.
W. J. STONE.

I do not concur in the reasoning in the foregoing statement. The first section of the Senate bill, if adopted, will declare forfeited all lands that are clearly and confessedly liable to forfeiture and at the same time preserves absolutely to the United States every right that it now has to declare other and further forfeitures if Congress shall desire. Not a single right of the Government is waived; not one. All rights are carefully preserved by section 10. We save from all future claim by the railroads every acre of land as to which there is a clear right of forfeiture, leaving disputed lands to further legislation. Should the bill fail further construction of the railroads would confessedly embarrass if not entirely lose us the title of lands which can now be saved without yielding any principle by the House.

L. E. PAYSON.

The SPEAKER. The question is, Will the House now proceed to consider the report?

Mr. STONE, of Missouri. Mr. Speaker——

The SPEAKER. This question is not debatable.

Mr. STONE, of Missouri. I desire simply a moment.

The SPEAKER. Without objection the gentleman will proceed.

Mr. STONE, of Missouri. This is a very important measure, one of the most important pending before this House or which has been before it. It is manifest that at this late hour, in the midst of the confusion incident to the closing scenes of a Congress, nothing like an intelligent or deliberate consideration of it can be had, and, sir, it is with a view, as far as I can accomplish that result, to prevent the adoption of this report under the circumstances that I now move to take a recess until 11 o'clock and 45 minutes this evening.

The question was taken; and there were, on a division—ayes none, noes 84.

Mr. STONE, of Missouri. No quorum.

The SPEAKER announced the appointment of Mr. STONE, of Missouri, and Mr. PAYSON as tellers.

The House again divided; and the tellers reported—ayes 2, noes 161.

So the motion was not agreed to.

Mr. STONE, of Missouri. I move that the House take a recess until 11.30 this evening.

Mr. WISE. I ask the gentleman to withdraw that motion and allow me to submit a conference report.

Mr. PAYSON. I object.

Mr. ANDERSON, of Illinois. I move to amend the motion by making it 11 o'clock and 35 minutes.

Mr. SMITH, of Wisconsin. And I move an amendment to the amendment, by making it forty minutes after 11.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The first question is on the amendment to the amendment.

The question was taken; and on a division there were—ayes 4, noes 106.

Mr. STONE, of Missouri. No quorum.

The SPEAKER *pro tempore* announced the appointment of Mr. STONE, of Missouri, and Mr. PAYSON as tellers.

CHANGE OF REFERENCE.

The House again divided; and after some time spent in the count,

Mr. PERKINS said: Pending this count, will it be in order to get a reference, which was erroneously made, changed? By mistake this morning the Speaker referred to the Committee on Public Lands a bill that I had theretofore reported and that should have been upon the House Calendar. I ask to have that order changed and let it appear that it was reported and placed on the Calendar.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas.

The SPEAKER *pro tempore*. This appears to have been an error, and if there be no objection the bill will be referred to the House Calendar.

Mr. PERKINS. I reported the bill some days ago, and by mistake it got on the Speaker's table, where it had remained until this morning.

There was no objection, and the bill was referred to the House Calendar.

DISTRICT OF COLUMBIA POLICE.

Mr. HEMPHILL. I have a bill in rather a peculiar condition, somewhat similar to that mentioned by the gentleman from Kansas.

The SPEAKER *pro tempore*. The Chair will call the attention of the gentleman from South Carolina to the fact that that was purely a clerical error.

Mr. HEMPHILL. I would like to ask unanimous consent to call up this matter. It is simply a bill that passed the two Houses, by mistake was sent to the Senate, and has come back under a resolution. It is a matter of the policing of the District.

It was passed under the idea that it related to the temporary policing, when it related to the permanent force. Through an accidental mistake it is here. It ought to have been in the hands of the President, and I ask to discharge the Committee on the District of Columbia from the further consideration of the bill, and put it upon its passage. It is the bill that was objected to by the gentleman from Kentucky, but he withdrew his objection.

Mr. CLEMENTS. Is that for the permanent force?

Mr. HEMPHILL. Yes, sir.

Mr. CLEMENTS. I would state that the number of policemen has

been provided for in the District appropriation bill which has now passed both Houses. It provides for substantially the same number as contained in that bill, and therefore that bill ought not to pass.

Mr. HEMPHILL. Do you remember what the increase was?

Mr. CLEMENTS. The total increase is about fifty-five in our bill, as well as I remember.

Mr. HEMPHILL. If that is a fact I withdraw the request.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I desire to make a conference report. I believe that is privileged.

The SPEAKER *pro tempore*. A conference report has already been made against which the question of consideration has been raised. Pending that, a motion has been submitted to take a recess, motions have been made to amend that in the second degree, and the House is now voting.

Mr. RANDALL. I do not want to be embroiled in that controversy. I ask the gentleman from Illinois [Mr. PAYSON] to yield to me to make a report in relation to the sundry civil appropriation bill.

Mr. MILLS. I hope that will be done that we may get through with the appropriation bills.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STONE, of Missouri. I do not want to obstruct in any way business of that character, if it does not interfere with the status of this bill.

The SPEAKER *pro tempore*. It will not in any way jeopardize the action of the gentleman.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will read the report of the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 197. On amendments numbered 60, 61, 62, and 182 the committee of conference have been unable to agree.

S. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. RANDALL. I demand the previous question on the report; but I desire to make a statement. The amendment 197, which the Senate recedes from, relates to the purchase of land for the building of an additional structure at the Government Printing Office. The section as adopted by the Senate is very imperfect as the House conferees think, and in this the Senate conferees agree, and they have receded from that disagreement. The other two upon which they have insisted relate to the steam-presses with the royalty attached on their use in the Bureau of Engraving and Printing. The amendment numbered 182, the other subject, is the appropriation to pay to the widow of the late Chief-Justice Waite the balance of one year's salary, $8,745. I ask the previous question, and if there be no debate shall ask the House to reaffirm the conferees in their decision on each of these two points.

The previous question was ordered.

Mr. GROSVENOR. Mr. Speaker, is not the question upon these propositions divisible?

The SPEAKER. It is, but the matter has not reached that point yet.

Mr. GROSVENOR. I want to demand a separate vote on the amendment in relation to the proposed payment to the widow of Chief-Justice Waite.

The SPEAKER. The question will be first on the adoption of the report, and then will follow any motions that may be made in reference to the amendments about which there is disagreement.

The report of the committee of conference was adopted.

Mr. RANDALL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now move that the House further insist on its disagreement to the amendments of the Senate numbered 60, 61, 62, and 182, and ask a further conference.

Mr. GROSVENOR. I ask a separate vote upon the amendment in regard to the payment to the widow of the late Chief-Justice.

The SPEAKER. The Clerk will report that amendment.

The Clerk read as follows:

Amendment 182, page 73, after line 2, insert: "For the payment to Mrs. Amelia C. Waite, widow of the late Chief-Justice of the United States, the balance of one year's salary of the Chief-Justice, $8,745."

Mr. GROSVENOR. I move that the House recede from its disagreement to that amendment.

Mr. RANDALL. Upon that I demand the previous question.

The previous question was ordered.

The SPEAKER. Under the rule, thirty minutes are allowed for debate.

Mr. GROSVENOR. I do not desire to debate the question further, but I demand the yeas and nays.

Mr. RANDALL. Why not take a rising vote first?

Several MEMBERS. Let us take a rising vote.

Mr. GROSVENOR. Well, Mr. Speaker, for the time being I withdraw the demand for the yeas and nays and ask for a division.

The House divided; and there were—ayes 63, noes 69.

Mr. GROSVENOR. No quorum.

Mr. RANDALL. If the gentleman makes that point, we had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 77, nays 121, not voting 125; as follows:

YEAS—77.

Adams,	Dalzell,	Ketcham,	Sawyer,
Allen, Mass.	Darlington,	La Follette,	Scull,
Baker, N. Y.	Davis,	Lehlbach,	Seymour,
Bayne,	Dibble,	McKinley,	Steele,
Belden,	Dorsey,	Moffitt,	Taylor, J. D., Ohio
Boothman,	Dunham,	Morrow,	Thomas, Ill.
Bound,	Farquhar,	Morse,	Thomas, Wis.
Boutelle,	Fitch,	O'Donnell,	Turner, Kans.
Bowden,	Gaines,	O'Neill, Pa.	Vandever,
Browne, T. H. B., Va.	Gallinger,	Osborne,	White, N. Y.
Buchanan,	Gear,	Outhwaite,	Whiting, Mich.
Burrows,	Grosvenor,	Owen,	Whiting, Mass.
Butler,	Grout,	Parker,	Wickham.
Butterworth,	Harmer,	Plumb,	Williams,
Caswell,	Henderson, Ill.	Posey,	Yardley,
Clark,	Hermann,	Pugsley,	Yoder,
Cogswell,	Hitt,	Rockwell,	Yost.
Cox,	Holmes,	Romeis,	
Crouse,	Kean,	Rowell.	
Cutcheon,	Kennedy,	Russell, Conn.	

NAYS—121.

Abbott,	Davidson, Ala.	Laffoon,	Randall,
Allen, Mich.	Davidson, Fla.	Landes,	Robertson,
Allen, Miss.	Dockery,	Lane,	Rogers,
Anderson, Iowa	Dougherty,	Lanham,	Rowland,
Anderson, Ill.	Elliott,	Lawler,	Ryan,
Anderson, Kans.	Enloe,	Lind,	Scott,
Bacon,	Fisher,	Lynch,	Shaw,
Baker, Ill.	Flood,	Macdonald,	Shively,
Barnes,	Forney,	Maish,	Simmons,
Blanchard,	French,	Mansur,	Smith,
Bland,	Fuller,	Martin,	Sowden,
Booher,	Funston,	Matson,	Stewart, Tex.
Breckinridge, Ark.	Gest,	McCreary,	Stockdale,
Brewer,	Gibson,	McKenna,	Stone, Ky.
Buckalew,	Greenman,	McKinney,	Stone, Mo.
Bunnell,	Grimes,	McMillin,	Struble,
Bynum,	Guenther,	McRae,	Tarsney,
Campbell, Ohio	Hall,	Merriman,	Thompson, Cal.
Cannon,	Hatch,	Mills,	Turner, Ga.
Caruth,	Haugen,	Montgomery,	Vance,
Cheadle,	Heard,	Morgan,	Wade,
Chipman,	Hemphill,	Morrill,	Walker,
Clardy,	Henderson, N. C.	Newton,	Warner.
Clements,	Herbert,	Norwood,	Washington,
Cobb,	Holman,	Oates,	Wilkinson,
Compton,	Hopkins, Va.	O'Ferrall,	Wilson, Minn.
Conger,	Howard,	O'Neall, Ind.	Wilson, W. Va.
Cowles,	Jackson,	Peel,	Wise.
Crisp,	Johnston, Ind.	Penington,	
Culberson,	Kerr,	Peters,	
Cummings,	Kilgore,	Pidcock,	

NOT VOTING—125.

Anderson, Miss.	Dunn,	Lee,	Rusk,
Arnold,	Ermentrout,	Lodge,	Sayers,
Atkinson,	Felton,	Long,	Seney,
Bankhead,	Finley,	Lyman,	Sherman,
Barry,	Foran,	Maffett,	Snyder,
Biggs,	Ford,	Mahoney,	Spinola,
Bingham,	Gay,	Mason,	Spooner,
Bliss,	Glass,	McAdoo,	Springer,
Blount,	Glover,	McClammy,	Stahlnecker,
Bowen,	Goff,	McComas,	Stephenson,
Breckinridge, Ky.	Granger,	McCormick,	Stewart, Ga.
Brower,	Hare,	McCullogh,	Stewart, Vt.
Browne, Ind.	Hayden,	McShane,	Symes,
Brown, Ohio	Hayes,	Milliken,	Taulbee,
Brown, J. R., Va.	Henderson, Iowa	Moore,	Taylor, E. B., Ohio
Brumm,	Hiestand,	Neal,	Thomas, Ky.
Bryce,	Hires,	Nelson,	Thompson, Ohio
Burnett,	Hogg,	Nichols,	Tillman,
Campbell, F., N. Y.	Hooker,	Nutting,	Tracey,
Campbell, T. J., N. Y.	Hopkins, Ill.	O'Neill, Mo.	Townshend,
Candler,	Hopkins, N. Y.	Patton,	Weaver,
Carlton,	Houk,	Payson,	Weber,
Catchings,	Hudd,	Perkins,	West,
Cockran,	Hunter,	Perry,	Wheeler,
Collins,	Hutton,	Phelan,	White, Ind.
Cooper,	Johnston, N. C.	Phelps,	Whitthorne,
Cothran,	Jones,	Post,	Wilber,
Crain,	Kelley,	Rayner,	Wilkins,
Dargan,	Lagan,	Reed,	Woodburn.
Davenport,	Laidlaw,	Rice,	
De Lano,	Laird,	Richardson,	
Dingley,	Latham,	Russell, Mass.	

So the motion to recede was not agreed to.

During the vote,

On motion of Mr. SOWDEN, by unanimous consent, the reading of the names of members voting was dispensed with.

Mr. LANHAM. Mr. Speaker, I wish to say for my colleague [Mr. SAYERS], who is absent from the House on a committee of conference, that if he were present, he would vote "no" upon the motion to recede.

The following additional pairs were announced:

Mr. TILLMAN with Mr. MCCOMAS, on this vote.

Mr. SENEY with Mr. SHERMAN, on this vote.

Mr. ANDERSON, of Mississippi, with Mr. HENDERSON, of Iowa, on this vote.

Mr. JOHNSTON, of North Carolina, with Mr. HOPKINS, of New York, on this vote.

Mr. BLOUNT with Mr. BINGHAM.

Mr. BANKHEAD with Mr. CUTCHEON.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the motion to reconsider was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now move the House further insist and ask a further conference with the Senate.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the House further insisted on its disagreement; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will appoint the same conferees, the gentleman from Pennsylvania, Mr. RANDALL, the gentleman from Alabama, Mr. FORNEY, and the gentleman from Kansas, Mr. RYAN.

Mr. HERBERT. Mr. Speaker, I rise to present a conference report.

Mr. PAYSON. I call for the regular order.

Mr. HERBERT. I ask the gentleman to withdraw that demand temporarily to permit this report to be presented.

The SPEAKER. The report will be received without prejudice to the pending motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the amendments of the House to the bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes requiring life-saving appliances on steamers.

It also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HERBERT submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 11, 12, 13, 18, 19, 21, 22, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 16, 17, 28, and 29, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in the matter proposed to be inserted by said amendment insert "$954,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Insert, after the word "thereon," in line 1 of said amendment, the following: "and inclosing and grading the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

"And according to the plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairman of the Committee on Naval Affairs of the House of Representatives dated January 9, 1889."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The President is hereby further authorized to have constructed by contract two steel cruisers or gunboats of the most approved type, of 800 to 1,200 tons' displacement, to cost in the aggregate exclusive of armament not more than $700,000; and one ram for harbor defense, of the general type approved by the Naval Advisory Board in their report to the Secretary of the Navy of November 7, 1881, of the highest practicable speed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the following words: "The 2,000-ton cruisers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Add, at the end of said amendment, the following:

"*Provided*, That no part of this money shall be expended until the owners of the patents for such guns and cartridges shall contract, at such a price as shall be satisfactory to the Secretary of the Navy, for the exclusive right on the part of the Government to manufacture, by contract or otherwise, such guns and cartridges without the payment of any royalty upon the same, the option of the Government to make such contract to be exercised within a period to be fixed by said contract,"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$4,055,000;" and add at the end of the amended paragraph the following: "Of which sum $55,000 is hereby authorized to be expended by the Secretary of the Navy upon the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius, in addition to the amounts heretofore authorized to be expended on the said vessels;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,500,000;" and the Senate agree to the same.

H. A. HERBERT,
WILLIAM MCADOO,
A. C. HARMER,
Managers on the part of the House.
EUGENE HALE,
C. B. FARWELL,
A. P. GORMAN,
Managers on the part of the Senate.

The SPEAKER. Does the gentleman desire to have this report read?

Mr. HERBERT. I ask unanimous consent to dispense with reading of the report, and that there be read instead the statement of the managers.

The SPEAKER. If there be no objection, that course will be taken.

The statement, submitted in accordance with the rule, was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on the amendments of the Senate:

Amendments 2, 5, and 6: Appropriate $55,000 for the electric lighting of the Miantonomoh, Terror, Monadnock, Petrel, and Vesuvius. The House agreed to these amendments, and they are consolidated and transferred to the appropriation for "construction and steam machinery," and become part of amendment 38.

3. Appropriates $2,600 to the electric lighting of the Baltimore; Senate recedes.

4. Appropriates $2,600 to the electric lighting of the Charleston; Senate recedes.

7. Appropriates $6,000 for electric lighting of the Vermont. The House recedes.

9. Provides for construction of a building for naval war college and torpedo station. The House amended by providing that the sum appropriated should be in full for all expenses of designing, building, and furnishing; and the Senate agrees to the same.

11, 12, and 13. Senate agrees to the House amendment changing the name of the Naval Asylum to Naval Home.

15. House agrees to the amendment of the Senate with an amendment reducing the appropriation for provisions, etc., by $11,000.

16. The House recedes from its disagreement to the Senate amendment specifying $11,000 as the amount to be expended for water for drinking purposes.

17. Is a verbal amendment.

18. The Senate recedes with an amendment, adding to the appropriation for labor and expenses in general store-houses, etc., $11,000. The effect of 15, 16, 17, and 18, as agreed on, is to leave the sum total same as in the bill of the House.

19. Senate recedes from its disagreement to the reappropriation of $17,135.29 unexpended balance of contingent fund.

20. Senate recedes from its disagreement to appropriate and make immediately available $150,000 for the Bureau of Construction and Repair.

21. Senate recedes from its amendment raising the appropriation for construction and repair from $850,000 to $900,000.

25. The House recedes from its disagreement to an appropriation of $90,000 for the purchase of lands, etc., at the Naval Academy, with an amendment providing that it shall be also for inclosing and grading the grounds purchased.

28 and 29. House recedes from its disagreement to the Senate amendment which reduced the appropriation for transportation, etc., Marine Corps, by $2,500.

30. Senate recedes from its amendment refusing allowance of pay to enlisted men employed on constant labor for a period exceeding ten days.

31. The House agrees to the amendments of the Senate to the provision for building a ship according to the plans of Hon. JOHN R. THOMAS with amendments which will cause the provision to read as follows:

"Of the type and according to plans approved and recommended by a naval board in their report to the Secretary of the Navy and by him referred to and approved in his letter to the chairmain of the Committee on Naval Affairs of the House of Representatives, dated January 9, 1889," etc.

32, 33. Senate recedes from its amendments requiring the above-mentioned ship to make 19 knots an hour.

34. The House recedes from its disagreement to the amendment of the Senate providing for the construction of two gunboats of from eight to twelve hundred tons each, one of 2,000 tons, and one ram, with an amendment striking out the vessel of 2,000 tons.

35. The Senate consents to strike out an amendment applicable only to the 2,000-ton cruiser, agreed as above to be stricken from the bill.

36. Senate agrees to strike out another reference to the 2,000-ton cruiser.

37. The House recedes from its disagreement to the appropriation for the purchase of certain guns to be fired with the re-enforced cartridge, with an amendment providing that before the expenditure of any of said money the owners of the patents for the guns and cartridges shall contract, at a price to be agreed upon with the Secretary of the Navy, for the transfer to the United States, if the Government shall desire it, of the exclusive right to manufacture under said patents.

38. The House agrees that the appropriation for construction and repair, instead of being five millions, as provided in the Senate amendment, shall be, including the provision for electric lighting, as heretofore mentioned, $4,055,000.

39. In lieu of the sum proposed by the Senate of $3,000,000 towards armament and armor, the sum of $2,500,000 is agreed on.

HILARY A. HERBERT,
A. C. HARMER,
Managers on the part of the House.

Mr. HERBERT. Mr. Speaker, I desire to state that the bill as passed by the House carried $20,008,577.12. As passed by the Senate it carried $23,080,574.98. As agreed upon by the committee of conference it carries $21,644,979.97.

. I desire to state, further, that the conferees on the part of the House felt themselves constrained to agree, very much against their judgment, to the provision for the construction of three small ships. In the opinion of the House conferees—and I think I speak for a majority of the House committee; I know I echo the sentiment of the Secretary of the Navy—the relative proportion of these small and consequently slow ships to the rest of the Navy is already too large. Hence it was with reluctance that we consented to the provision for these three small ships. The cost, however, is relatively small.

Unless some gentleman desires to ask some question, I will call for a vote on agreeing to the report.

Mr. BOUTELLE. For the sake of information, I wish to ask the chairman of the committee whether I have understood correctly from the reading of the report that the House conferees have yielded to the Senate amendment in reference to the so-called cruising monitor?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. And the bill as now reported will carry an appropriation for that vessel upon the plans and designs indicated in the provision introduced originally in the House bill?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. But under a different nomenclature?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. What action have the House conferees taken in regard to the speed of the ship?

Mr. HERBERT. That remains as it was in the original bill—17 knots an hour.

Mr. BOUTELLE. Then the provision of the original bill, which was that this vessel should be required to make a speed of 17 knots an hour, and that there be a bonus or premium of $50,000 for every quarter knot in addition thereto, and a deduction of $50,000 for every quarter knot below that speed—which provision was amended in the Senate by the substitution of 19 knots as a minimum—has been stricken out by the Senate receding from its amendment to that effect.

Mr. HERBERT. It has been reinstated by the Senate receding.

Mr. BOUTELLE. The Senate agrees to place the limit of speed back at 17 knots, and pay a bonus of $50,000 for every quarter of a knot in excess of this speed?

Mr. HERBERT. Yes, sir; and I desire to say again, as I said when this question was before the House, when a monitor carrying armor such as this does, with 3,000 tons displacement, shall succeed in making a speed of 17 knots an hour, she will be the fastest coast-defense vessel afloat in any navy in the world.

Mr. BOUTELLE. We have not time now to enter into a discussion of that question. I merely wished to have the record clear upon that point.

Mr. HERBERT. I demand the previous question on the report.

The previous question was ordered, under the operation of which the report was agreed to.

Mr. HERBERT moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the passage with amendments, in which the concurrence of the House was requested, of the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL as conferees on its part.

It also announced that the Senate had agreed to the joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan; and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania.

It also announced that the President having returned to the Senate the bill (S. 139) to credit and pay to the several States and Territories and to the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861, with his objections thereto, the Senate had proceeded to consider said bill, and that he had been directed to communicate to the House the proceedings thereon.

INDIAN APPROPRIATION BILL.

The SPEAKER. If there be no objection, the Chair will cause the Senate amendments to the Indian appropriation bill to be printed.

The Chair desires to state, however, that the Clerk has already caused the amendments to be printed in advance, and this order is made to cover the action heretofore taken.

There was no objection, and it was so ordered.

Mr. PAYSON. Regular order.

Mr. PEEL. Mr. Speaker, I desire to ask unanimous consent, if the gentleman from Illinois [Mr. PAYSON] withdraws his demand for the regular order, to enable me to ask to non-concur in the Senate amendments to the Indian appropriation bill, and agree to the conference asked by the Senate thereon.

Mr. PAYSON. Without prejudice to the existing status of the pending report from the Committee on the Public Lands, I will agree that the gentleman may make that motion.

Mr. PEEL. Then I ask unanimous consent to non-concur in the Senate amendments and agree to the conference.

There was no objection, and it was so ordered.

The SPEAKER announced the appointment of Mr. PEEL, Mr. ALLEN of Mississippi, and Mr. PERKINS as managers at the conference on the part of the House.

COURSE AT NAVAL ACADEMY.

Mr. WISE. I ask the gentleman from Illinois [Mr. PAYSON] to yield to me to submit a conference report.

Mr. PAYSON. With the same understanding I have no objection to the gentleman presenting the report.

Mr. WISE. I submit a conference report, of which I ask present consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9674) to regulate the course at the Naval Academy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 13, and 14, and agree to the same.

That the Senate recede from its amendments numbered 6, 7, 8, 9, 10, 11, and 12, with an amendment as follows:

Strike out, in line 9, page 2, from and including the word "but" down to and including the word "years," in line 19, of page 2, and insert:

"But nothing contained herein or in the naval appropriation act of August 5, 1882, shall reduce the number of appointments of final graduates at the end of their six years' course below twelve in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid, occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available. And it is provided that in addition to the appointments to the Engineer Corps of the Navy hereby authorized, there may also be appointed five assistant engineers from the graduates in the order of merit of the Naval Academy of the class which finished its six years' course in January, 1886, to take rank and receive pay only from the date of their appointment; and the said Engineer Corps is hereby enlarged for the purpose of the additional appointments hereby authorized.

"SEC. 2. That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be fifteen years and the maximum age twenty years."

GEORGE D. WISE,
WILLIAM ELLIOTT,
A. C. HARMER,
Managers on the part of the House.

J. D. CAMERON,
W. E. CHANDLER,
J. C. S. BLACKBURN,
Managers on the part of the Senate.

Mr. WISE. I demand the previous question on the adoption of the report.

The previous question was ordered.

Mr. PETERS. Mr. Speaker, I wish to ask the gentleman from Virginia a question. Does this change the minimum age from fourteen to fifteen, and the maximum from eighteen to twenty?

Mr. WISE. Yes, sir.

Mr. PETERS. I approve that. I wish to know if there has been any change made in the examination and the degree of attainment necessary to pass the examination?

Mr. WISE. None whatever.

Mr. PETERS. Now, I wish to say that there is an inconsistency between the requirements for admission to Annapolis and the requirements for admission to West Point that has a tendency to shut out many applicants from passing the examination. In the first place, the standard is somewhat higher, and in the next place there is no reason why a cadet for admission to Annapolis should be required to pass an examination in algebra and not be required to do so to obtain admission to West Point.

Mr. WISE. I can——

Mr. PETERS. But the ages are against the requirements for algebra. Thus the institution at Annapolis requires an examination in algebra in order to obtain admission, but at West Point that requirement is not necessary.

Mr. WISE. I would suggest to the gentleman from Kansas that it would be better to let that subject go over to the next session. This bill has nothing to do with that.

Mr. PETERS. I think it ought to.

Mr. BOUTELLE. This bill has nothing to do with the requirements for admission.

Mr. CANNON. Mr. Speaker, has the statement accompanying this report been read?

The SPEAKER. The Chair is advised there is none.

Mr. CANNON. I would like to know what there is accomplished in the way of legislation if this report is adopted.

Mr. WISE. It changes the age at which cadets may be entered at the Academy; and when they arrive at the fourth year of their term of

service the cadets are divided into two divisions—one division that can be promoted to the line and the Marine Corps, and promotions from the other division to be to the Engineer Corps.

Mr. CANNON. What is the change as to age of admission?

Mr. WISE. The age of admission will be fifteen for the minimum and twenty for the maximum.

Mr. HEARD. What are the ages now?

Mr. WISE. Fourteen and eighteen.

Mr. CANNON. What is the term—six years?

Mr. WISE. Six years—the same as now.

Mr. CANNON. How does it change the law as to the admission of cadets upon previous service, if at all?

Mr. WISE. It does not change it at all.

Mr. STEELE. Does it not change the number that may be graduated?

Mr. WISE. Oh, yes. As the law at present stands at least ten from every class must be admitted each year. If this amendment shall be adopted, at least fifteen must be admitted every year.

Mr. STEELE. May not more than that number be admitted?

Mr. WISE. Yes, sir, if a larger number of vacancies occur; but there must be fifteen every year. I will say to the gentleman from Illinois that it is almost absolutely certain that there will not be in the future a less number of vacancies than fifteen each year—the number provided for in this bill.

Mr. STEELE. But does not the bill increase the number of offices?

Mr. WISE. The bill makes provision to correct an error and an injustice which was done by an interpretation of Secretary Chandler upon the act of August 5, 1882. By his decision a certain number of cadet engineers were ousted from the Navy. They carried their cases to the Court of Claims, and from that court an appeal was taken to the Supreme Court of the United States, and the decision is that Secretary Chandler was in error. The object of this amendment is to correct that error and to restore these young men to the rights which they would have had if he had not made an erroneous decision.

Mr. CANNON. That means to put them in the Navy.

Mr. WISE. That means to put them in the Navy.

Mr. CANNON. How many of them?

Mr. WISE. Five.

Mr. CANNON. And they should have gone in at what time?

Mr. WISE. They should have gone in in 1886.

Mr. CANNON. Now, I desire to ask the gentleman how many cadets are there annually graduated from the Naval Academy?

Mr. WISE. Some thirty or forty, I believe.

Mr. CANNON. And this bill makes place for at least fifteen?

Mr. WISE. For at least fifteen.

Mr. CANNON. Now, I wish to ask the gentleman one further question. How many officers are there now in the Navy?

Mr. WISE. I am not able to answer that question.

Mr. PAYSON. Seventeen hundred.

Mr. CANNON. How many at sea?

Mr. WISE. I can not answer these questions. I will repeat to the gentleman from Illinois that the number provided for—fifteen a year—is no greater than will be needed in the future. We have information from the Navy Department that it is almost absolutely certain that there will be more vacancies than fifteen every year to be filled by promotions from the Naval Academy.

Mr. CANNON. Does the gentleman think with one thousand six hundred or one thousand seven hundred officers in the Navy, taking into consideration the size of our Navy, that it is best to change the law from what it now is, as it was made, I believe, in 1882 or 1883, so as to increase that number?

Mr. WISE. In reply to that I will state to the gentleman that the recommendation which we have made to the House is in accordance with the recommendation of the Navy Department, and the report which we make is unanimously concurred in by the committees of both Houses.

Mr. ALLEN, of Mississippi. I wish to ask the gentleman whether it is any part of the purpose of the Department to make up in officers what we lack in ships? [Laughter.]

Mr. WISE. The gentleman can address that inquiry to the next administration.

Mr. SOWDEN. I wish to ask the gentleman from Virginia a question. At West Point all applicants for admission are first examined physically and the mental examination comes second, while the opposite course is pursued at the Naval Academy, the mental examination being first and the physical examination afterwards. I wish to ask the gentleman whether that is a matter of regulation or a matter of law, and, if it is a matter of law, whether any change is proposed by this amendment in that particular?

Mr. WISE. I do not know of any law regulating that matter, but I will say to the gentleman from Pennsylvania [Mr. SOWDEN] that this bill has nothing to do with examinations for admission.

Mr. BLOUNT. As the law now is, ten of these cadets go into the Navy by force of law.

Mr. WISE. Yes, sir.

Mr. BLOUNT. And this proposition puts fifteen in by force of law. Now, without this law, if vacancies exist, will there not be more than ten who will go in any way?

Mr. WISE. Yes, sir.

Mr. BLOUNT. Then this proposition is not intended to meet any emergency of the Navy, but simply to declare that so many shall go in whether they are needed or not.

The conference report was agreed to.

Mr. WISE moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PAYSON. I call for the regular order.

Mr. SOWDEN. I ask the indulgence of the gentleman from Illinois for a moment.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] insists on the regular order. The regular order is the amendment moved by the gentleman from Wisconsin, that the House take a recess until 11.40 instead of 11.30.

The amendment was rejected—aye 1, noes 165.

The question was taken on the motion that the House take a recess until 11.35, and it was rejected—ayes 8, noes 100.

Mr. STONE, of Missouri. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from New York [Mr. PARKER] and the gentleman from Missouri [Mr. STONE].

The House divided; and the tellers reported—ayes 3, noes 96.

The SPEAKER. Does the gentleman still insist upon the point of no quorum?

Mr. STONE, of Missouri. Yes, sir.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent that this order be suspended long enough for me to present a conference report.

Mr. PAYSON. Regular order.

Mr. LAWLER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The regular order is insisted on.

Mr. LAWLER. I desire to ask unanimous consent for the present consideration of Senate bill No. 2626, granting a pension to Catlena Lyman.

Mr. PAYSON. Regular order.

Mr. LAWLER. I ask permission to make a statement in regard to the bill.

The SPEAKER *pro tempore* (Mr. STONE, of Kentucky). The gentleman from Illinois [Mr. LAWLER] asks unanimous consent to make a statement in regard to the bill which he desires to have considered. Is there objection?

Mr. PAYSON. Regular order.

Mr. LAWLER. Who objects?

The SPEAKER *pro tempore*. The gentleman's colleague, the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Regular order.

Mr. SOWDEN. Mr. Speaker, does it appear from the vote recorded by the tellers that a quorum is present?

The SPEAKER *pro tempore*. It does not.

Mr. SOWDEN. Then I move a call of the House.

Mr. DUNHAM. The members are here, and what is the use of a call of the House?

The count was resumed; and the tellers again reported—ayes 3, noes 113.

Mr. SOWDEN. No quorum. Mr. Speaker, I move a call of the House.

Mr. ANDERSON, of Kansas. Pending that I move that the House do now adjourn.

The question was taken on the motion to adjourn; and there were—ayes 45, noes 65.

Mr. SOWDEN called for the yeas and nays, but subsequently withdrew the demand.

The tellers resumed their places.

Mr. CLARDY. Pending this division, I ask unanimous consent to present a conference report.

Mr. PAYSON. I object.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes; and

Joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of Lewis Cass, etc.

IMPEACHMENT OF JUDGE BARNES, OF ARIZONA.

Mr. STEELE (during the count by tellers). Mr. Speaker, I ask unanimous consent to withdraw from the files of the House papers looking to the impeachment of Judge Barnes, of Arizona, no report having been made.

There being no objection, leave was granted.

ORDER OF BUSINESS.

Mr. KEAN. I ask unanimous consent for the consideration of a little bill I have here which has been recommended by the Postmaster-General. I do not think there is any objection to it. There is no money in it.

A MEMBER. That is the trouble. [Laughter.]

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois as objecting.

Mr. FARQUHAR. I object.

Mr. KEAN. No member rose in his place and objected.

The SPEAKER *pro tempore*. As the Chair understands, objection is made.

Mr. HERMANN. Has the result of the count been yet announced?

The SPEAKER *pro tempore*. There has been no final report.

Mr. HERMANN. I ask that the result be announced.

The SPEAKER *pro tempore*. On this question the ayes are 4, the noes 130.

Mr. HERMANN. Then there is no quorum. I move a call of the House.

Mr. ANDERSON, of Kansas. That was the last motion put.

The SPEAKER *pro tempore*. The Chair thinks that is no reason why the motion should not be entertained, as there has been other business intervening.

Mr. HERMANN. In the belief that a quorum will soon appear I withdraw the motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage without amendment of House bills and joint resolution of the following titles:

A bill (H. R. 6411) granting a pension to Sarah Jackson;

A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota;

A bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre; and

Joint resolution (H. Res. 252) appointing H. H. Markham, of California, a manager for the National Home for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

It also announced the passage with amendments of bills of the following titles; asked a conference with the House on said bills and amendments, and had appointed on the part of the Senate conferees as indicated respectively:

A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims—conferees, Mr. HOAR, Mr. QUAY, and Mr. FAULKNER.

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.—conferees, Mr. SPOONER, Mr. HOAR, and Mr. FAULKNER.

It also announced the passage of the bill (S. 3929) to provide for the erection of a public building at New Berne, N. C.; in which concurrence was requested.

ST. JOSEPH COMMERCIAL COLLEGE, ST. JOSEPH, MO.

Mr. DOCKERY. There has just been returned from the Senate, with amendments and a request for a conference, a bill which was introduced by my late colleague, Mr. Burnes. It is for the benefit of a college in the city of St. Joseph, Mo. I ask unanimous consent that the amendments of the Senate be non-concurred in and the conference asked by that body granted.

The SPEAKER *pro tempore* (Mr. MCMILLIN). There is a matter pending before the House; and the request of the gentleman from Missouri [Mr. DOCKERY] can not be entertained except by unanimous consent.

Mr. DOCKERY. My request is for unanimous consent.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

Mr. PAYSON. I call for the regular order.

The tellers resumed the count.

Mr. DOCKERY. The gentleman from Illinois [Mr. PAYSON] withdraws his objection to the proposition I made a few moments ago.

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from Missouri?

Mr. MACDONALD. I think I will demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. DOCKERY (after a pause). The gentleman from Minnesota withdraws his objection.

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from Missouri that the amendments of the Senate to the bill indicated be non-concurred in and that the House agree to the conference asked by the Senate. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I rise to a privileged motion. I believe it is now in order under the rules of the House to make at any time a motion to suspend the rules for the passage of a bill.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that there is——

Mr. HATCH. The Chair has already recognized me. I move to suspend the rules and pass the bill which I have sent to the Clerk's desk.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri that there is now pending a question on which the House is dividing, and it is impossible to entertain his motion.

Mr. HATCH. "The gentleman from Missouri" will state to the Chair that he is satisfied there will be no objection to this proposition. I am assured that the tellers who are now acting will not object.

The SPEAKER *pro tempore*. But the regular order has been demanded, which cuts off all matters of that kind.

Mr. HATCH. I appeal to the gentleman from Illinois [Mr. PAYSON] to allow this bill to be read.

Mr. PAYSON. The appeal is overruled. [Laughter.]

Mr. HATCH. Mr. Speaker, this is simply a proposition——

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Missouri that the regular order having been demanded debate is not in order.

Mr. HATCH. This is a Senate bill now on the table, and I am satisfied no gentleman will object to it when it is understood. [Cries of "Regular order!"]

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. What is the motion on which the House is now dividing?

The SPEAKER *pro tempore*. On the amendment to the motion for a recess, the amendment naming the hour at 11.35.

Mr. DIBBLE. What was the original motion?

The SPEAKER *pro tempore*. Eleven o'clock and thirty minutes.

Mr. DIBBLE. Then I make the point of order that that time has passed.

The SPEAKER *pro tempore*. That is a matter for the House.

Mr. HATCH. The gentleman from Illinois [Mr. PAYSON] withdraws his objection; and both the gentlemen who are acting as tellers tell me they will not object to the consideration of the bill I now desire to bring up.

The SPEAKER *pro tempore*. The regular order has been demanded by other gentlemen. Any member may demand the regular order. The House is now dividing on a motion to take a recess; the point of no quorum has been made; and pending the count by the tellers no other business is in order.

Mr. HATCH. But I rise to a question of unanimous consent, and I state to the Chair that the gentleman who objected has withdrawn his objection.

The SPEAKER *pro tempore*. But the regular order has been demanded, which cuts off all requests for unanimous consent.

Mr. MILLS. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. HATCH. By whom is the regular order demanded?

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The gentleman from Texas [Mr. MILLS] demands the regular order. No quorum has voted.

[The Speaker resumed the chair.]

The House again divided; and the tellers reported—ayes 5, noes 158.

So the amendment was not agreed to.

Mr. OUTHWAITE. I move that the House take a recess until 11 o'clock and 55 minutes to-morrow morning.

Mr. MILLS. I move to make it 1 o'clock.

The SPEAKER. There is a motion pending and an amendment to an amendment.

Mr. OUTHWAITE. I withdraw my amendment.

The SPEAKER. The gentleman from Texas [Mr. MILLS] moves that the House take a recess until 1 o'clock to-morrow. [Cries of "Question!"]

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3951) to establish a railway bridge across the Illinois River between a point within 5 miles of Columbiana, in Greene County, and a point within 5 miles of Kampsville, in Calhoun County, in the State of Illinois;

A bill (S. 2886) granting increase of pension to Joseph B. Sellers;

A bill (S. 2182) to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;

A bill (S. 3818) for the establishment of a light-house and fog-signal at Old Orchard Shoal, in Princess Bay, New York, and for other purposes; and

A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes; when the Speaker signed the same.

JOHN SAYLOR.

The SPEAKER appointed as conferees on the disagreeing votes of the two Houses on the bill (H. R. 5436) granting a pension to John Saylor, Mr. DOCKERY, Mr. BROWER, and Mr. KERR.

ORDER OF BUSINESS.

Mr. HATCH. I ask that the pending motion be withdrawn until I can ask to call up a private bill which has passed the Senate and been favorably reported to the House. [Cries of "Regular order!"]

Mr. HATCH. I move to suspend the rules and pass the bill.

The SPEAKER. The regular order has been demanded, and a motion is also pending for a recess. A motion to suspend the rules therefore is not in order.

The question was put on Mr. MILLS's motion that the House take a recess until 1 o'clock to-morrow; and the Chair announced that the ayes seemed to have it.

Mr. KEAN. Division.

The House divided; and there were—ayes 68, noes 37.

Mr. KEAN. I demand the yeas and nays.

Mr. DIBBLE. No quorum.

Mr. PAYSON. Does the point of no quorum take precedence of the demand for the yeas and nays?

The SPEAKER. That is one of the means of obtaining a quorum. The point remains that no quorum is present.

The yeas and nays were ordered, 31 voting in favor thereof—more than one-fifth of the last vote.

Mr. ALLEN, of Michigan. Will a motion that the House take a recess until 9 o'clock in the morning be in order?

The SPEAKER. It will be in order as an amendment to the pending motion.

Mr. ALLEN, of Michigan. Then I make that motion.

Mr. SPRINGER. Is that in order when the yeas and nays have been ordered?

Mr. CRISP. I move to reconsider the vote ordering the yeas and nays.

The question was put; and the Speaker declared the ayes seemed to have it.

Mr. CHIPMAN. Division.

The House divided; and there were—ayes 76, noes 4.

Mr. DIBBLE. No quorum.

The SPEAKER. It does not require a quorum to dispose of the yeas and nays.

So the motion to reconsider was agreed to.

The question recurred on the demand for the yeas and nays.

The yeas and nays were not ordered.

PERSONAL EXPLANATION.

Mr. HATCH. I rise to a question of personal privilege.

The SPEAKER. There is a question of privilege before the House.

Mr. WHEELER. I rise to a question of higher privilege, affecting the character of a member.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Mr. Speaker, I rise to a question of privilege. I send to the Clerk's desk an extract from the speech of the gentleman from Illinois [Mr. PAYSON], taken from the RECORD of this morning, which I ask to have read.

The Clerk read as follows:

Mr. WHEELER. Who speaks for the grantees of the navigation company?

Mr. PAYSON. I will tell the gentleman, gladly; yes, I will answer him, and promptly. Who speaks for the millionaires and the navigation company's title to these lands, not an acre of which was legally earned? The gentleman wants to know. I will tell the gentleman and the House. The paid attorneys and the lobbyists for the navigation company's title, who have been about the Halls of Congress ever since this legislation has been pending. [Applause.]

They speak for the navigation company. And when the gentleman from Alabama says, as he said in his earnest speech, that he never saw them, I will undertake to correct his recollection, for he knows the fact, and I know the fact, that ex-members of Congress, with the money of the navigation company in their pockets, as their paid attorneys, in defiance of their privileges as ex-members of this House, have come upon this floor in violation of its rules to stifle and defeat this legislation, and these men have conferred with you during this session of Congress.

* * * * * * * *

Mr. PAYSON. I refer to ex-members of Congress coming here as paid attorneys; and the bill which the gentleman from Alabama says ought to have been passed, and which he had the honor of offering, was draughted by an ex-member of Congress and presented by that ex-member, and was taken charge of by him, as I know, and as he knows I know.

* * * * * * * *

Mr. WHEELER. The gentleman states that this bill was sent to me by an ex-member——

Mr. PAYSON. I do.

Mr. WHEELER. The gentleman is mistaken.

Mr. PAYSON. Egbert L. Viele or Benton J. Hall, both ex-members, wrote that bill; and Mr. Viele has all the time been here representing the company title before the committee, and on the floor of the House; and you told me so. [Applause.]

Mr. WHEELER. The bill was handed to me by Mr. OATES; I revised it with the gentleman from Illinois [Mr. PAYSON], and then I introduced it.

Mr. PAYSON. Well, what difference does it make? Mr. Viele counseled with you time and again about this. You have shown me telegram after telegram received from Mr. Viele, a former member of this House, and now attorney for the navigation company's title, asking postponement of the hearing by the committee of the bill. You showed me the telegram, and afterwards Mr. Viele came here.

Mr. WHEELER. I never knew he was the attorney for the company.

Mr. PAYSON. Oh, I have seen him around here often; and he has more frankness than the gentleman from Alabama has; for he openly avows that he is their attorney and here in their interest. There has never been any concealment about his relation to this bill since he went out of Congress; none whatever.

Mr. WHEELER. Now, Mr. Speaker, I send to the Clerk's desk a telegram which I wish to have read.

The Clerk read as follows:

NEW YORK, *March* 2, 1889.

General JOSEPH WHEELER, *Washington:*

PAYSON'S statement is utterly false. Am not and never have been attorney in fact or in name for any legislation of any kind. Have no interest of any name or nature, pecuniary or otherwise, in Des Moines bill, except sympathy for orphaned children of a life-long friend.

Have this read by Clerk.

EGBERT L. VIELE.

Mr. WHEELER. The statements contained in the extract from the speech of the gentleman from Illinois [Mr. PAYSON] which have been read from the desk are made without any qualification and with an apparent confidence which would lead one to believe their author was perfectly satisfied as to their verity.

It is true, Mr. Speaker, that some time last spring I received a telegram, and possibly two, from General Viele, asking that some day should be set apart for the consideration of that bill before the committee. I presented those telegrams to the committee for their consideration.

I will state, Mr. Speaker, that General Viele had been my colleague upon the Committee on Military Affairs of the House. He and I were the only members of the House, who were formerly officers of the Army and graduates of West Point. This fact made a bond between us which seemed to make it proper that I should be the channel through whom he should communicate with a committee of this House of which I am a member. So much for that part of the charge made here by the gentleman from Illinois regarding the telegram.

The bill to which the gentleman referred was bill H. R. 8389, and simply sought to give relief to some who are the apparent beneficiaries of the bill then under consideration. But it was so framed as not to injure the thousands of farmers who during the last twenty-five years had purchased homes from the Des Moines Navigation and Railroad Company. I submitted the bill to the gentleman from Illinois [Mr. PAYSON], and I certainly thought, from his language and manner, that it commanded his full approval. I will state now that he tells me he never approved of the bill.

It was a copy of a bill previously introduced by my distinguished colleague [Mr. OATES]. His bill, or rather the two bills he introduced (bills H. R. 3276 and 8023) which related to this subject, having been referred to the Committee on the Judiciary, I made some slight changes in the more perfect of his two bills, which I submitted to the gentleman from Illinois to get his approval of the changes, and then introduced the bill and had it referred to the Committee on Public Lands. The sole beneficiaries of this bill would have been the settlers of whom the gentleman from Illinois talks with such moving pathos.

There was no lobby interested in the bill, and no one but the settlers could have benefited by it to the extent of one penny.

This bill was framed strictly in accordance with the President's veto message of March 11, 1886. His suggestion was in these words:

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right nor lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

These views were substantially reiterated in the veto message we are now considering.

The bill advocated by the gentleman from Illinois [Mr. PAYSON], I think it is clear, did have a lobby interested in its success, and my examination led me to the conclusion that the lobby would have been its greatest beneficiaries.

Mr. PAYSON. The gentleman from Alabama, I am sure, desires to be accurate, and if it will not interrupt him, as he has prepared his remarks——

Mr. WHEELER. Of course I desire to be entirely correct, and I beg the gentleman to correct me if I fall into error. It will not interrupt me at all to be corrected.

Mr. PAYSON. I am satisfied the gentleman wishes to be set right. I will state to him that I have never seen any one here representing the settlers upon the Des Moines River lands from the time that my connection with it began down to this hour. I never heard of such a thing until I heard it from the gentleman from Alabama in his speech the other day.

I have seen and received letters myself from people there representing themselves as poor people unable to employ attorneys, men I never heard of or saw, and only know of their position by reference of such letters as I have received to the gentleman from Iowa, Mr. WEAVER, the gentleman from Iowa, Mr. HENDERSON, and the gentleman from Iowa, Mr. HOLMES, all of whom corroborated the statements made

to me that they were humble farmers. If there has ever been such a lobby I never heard of it.

Mr. WHEELER. I make no charge whatever against the gentleman from Illinois. I simply state these facts in reply to the attack upon myself. But the gentleman from Illinois said this in his speech:

His judgment as to the right as well as the policy of this bill is met and opposed by the judgment of Legislature after Legislature in the State of Iowa, by the judgment of her executive officers, and the judgment of the leading lawyers in the United States who have for years been attorneys for these settlers and for the Settlers' Union, which has been declaimed against so much here by the gentleman from Alabama [Mr. WHEELER].

The Settlers' Union made a contract, which I read yesterday, which I think established the fact that the farmers have agreed to pay $1 an acre for the lands in case this legislation was provided.

Mr. PAYSON. Let me ask the gentleman if that is what he understands to be the object of the Settlers' Union?

Mr. WHEELER. Yes; that is what the paper itself says; and my information led me to the conclusion that the Settlers' Union would be benefited more than the farmers themselves.

I desire to say in justice to myself that any gentleman who, by direct statement, by insinuation, or by innuendo, endeavors to convey, or does convey, the impression that I have ever been an associate of lobbyists, or have ever lent my aid to secure the passage of any measure which was not avowedly in the interest of good government and honest purposes, is either ignorant of my public career or designedly misrepresents it.

I have had read a statement from General Viele emphatically denying the charge made against him, and I have, but a short time since, seen Hon. Benton J. Hall, who authorized me to state for him that he has never lobbied with any Congressman in opposition to the bill disposed of yesterday, and that he is not an attorney for the Des Moines company. I will state further, that so far as I can remember the gentleman, Mr. Hall, never spoke to me about the measure until my interview with him this evening.

If General Viele was the attorney of the navigation company he would in all probability have been here during the present week, and certainly as such attorney he would have been here when the bill was put upon its passage.

If he was in the city during either of these periods I have no knowledge of the fact. I think this entirely refutes the insinuations which appeared in the gentleman's speech, and this, Mr. Speaker, is all I wish to say upon the subject.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President, by Mr. PRUDEN, one of his secretaries, was received.

Approval of House bills of the following titles was also announced:

An act (H. R. 4581) for the relief of Thomas Mathews and others;

An act (H. R. 6591) for the relief of S. Dillinger & Sons;

An act (H. R. 329) for the relief of Chambers & Brown;

An act (H. R. 10481) for the relief of Rev. William Gregston;

An act (H. R. 834) for the relief of the heirs of John H. Newman, deceased;

An act (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River;

An act (H. R. 11901) to authorize the City of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes;

An act (H. R. 7028) to admit to registry the steamer George H. Parker;

An act (H. R. 285) for the relief of the legal representatives of H. Corths, deceased;

An act (H. R. 565) for the relief of Mary A. Howse and Lula H. Howse;

An act (H. R. 8053) to extend the time for the redemption of school-farms in Beaufort County, South Carolina;

An act (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes;

An act (H. R. 12301) providing for the establishment of certain lights on the coast of Mississippi;

An act (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor of Chicago, Ill.;

An act (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Tex.;

An act (H. R. 11527) to establish lights on the western end of Coney Island, New York;

An act (H. R. 7066) providing for the establishment of a light-house at Heceta Head, near the mouth of Siuslaw River, in the State of Oregon, and not to exceed in cost the sum of $80,000;

An act (H. R. 5032) to extend the limits of the port of Memphis, Tenn.; and

An act (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

ORDER OF BUSINESS.

Mr. PAYSON. Regular order.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas to take a recess until 1 o'clock p. m. to-morrow.

Mr. ALLEN, of Michigan. I do not think it necessary to be here to-morrow—Sunday. I have made another motion, for a recess until 9 o'clock on Monday morning.

Mr. MILLS. I withdraw my motion.

Mr. ALLEN, of Michigan. Then I withdraw mine.

Mr. OUTHWAITE. I move to amend the motion so as to take a recess until 12.30 this morning.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. OUTHWAITE. Division.

The House divided; and there were—ayes 11, noes 59.

Mr. OUTHWAITE and Mr. VANCE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from New York [Mr. WHITE].

REPORT OF THE DIRECTOR OF THE MINT.

Mr. RICHARDSON. Mr. Speaker, the Committee on Printing have two or three little matters that I think ought to be passed, and I hope gentlemen will not object to the request which I make now to pass a resolution to print the report of the Director of the Mint on the production of precious metals. It is the usual report for last year, 1888. It ought to be printed.

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw his demand for the present to permit the gentleman from Tennessee to make a report from the Committee on Printing?

Mr. OUTHWAITE. I temporarily withdraw the point of no quorum for that purpose.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1888 be printed, and that 9,000 extra copies be printed, 4,000 for the use of the House, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

The question was put upon agreeing to the report; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. JACKSON. Division. [Cries of "Oh!" "Oh!"]

The House divided; and there were—ayes 49, noes 10.

Mr. JACKSON. No quorum.

Mr. RICHARDSON. Then I withdraw the report.

ORDER OF BUSINESS.

Mr. PAYSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded, and the tellers will resume their places.

Mr. KERR. I move that the House take a recess until 6 o'clock on Monday morning. [Cries of "Oh!" "Oh!"]

The SPEAKER *pro tempore*. The House is now dividing on a motion to take a recess until 12.30.

After some time spent in the count,

Mr. WILLIAMS said: I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIAMS. The motion is to take a recess until thirty minutes past 12. That time has now arrived.

The SPEAKER *pro tempore*. The House has not yet decided whether it will take a recess.

Mr. WILLIAMS. The clock has decided it. That time has arrived.

The tellers reported—ayes 2, noes 40.

Mr. OUTHWAITE. No quorum.

NEW YORK CENTENNIAL.

Mr. BAKER, of New York. I ask unanimous consent to consider the resolution in reference to the centennial committee, which was pending on my motion at 11 o'clock this morning, at the close of the hour for unanimous consent.

The SPEAKER *pro tempore*. The House is now dividing.

Mr. BAKER, of New York. I suppose by unanimous consent it could be done.

Mr. MILLS and Mr. JACKSON. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. SOWDEN. I ask unanimous consent that further proceedings on the division be dispensed with.

The SPEAKER *pro tempore*. The regular order is demanded, which is an objection.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES.

Mr. RICHARDSON. This morning when the Speaker of the House laid before the House a Senate concurrent resolution to print the report of the Commissioner of Fish and Fisheries the gentleman from Pennsylvania [Mr. RANDALL] objected to its consideration. He informs me now that he does not object, and withdraws the objection which he made. He authorizes me to say that to the House, and I want to ask the House to concur in the Senate resolution. [Cries of "All right!"] It is the annual report of the Commissioner of Fish and Fisheries.

Mr. JACKSON. Regular order. I object.

The SPEAKER *pro tempore*. Objection is heard.

Mr. RICHARDSON. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. RICHARDSON. No gentleman arose and objected to the consideration of this bill. I think the rules require that a gentleman shall rise to make the objection.

Mr. SOWDEN. I rise to a point of order. The point of order is this: That the gentleman from Pennsylvania [Mr. JACKSON] remained in his seat and demanded the regular order.

The SPEAKER *pro tempore*. The gentleman did not address the House, but simply objected. That is simply a refusal to give unanimous consent or a unanimous vote; and the gentleman is not required to rise in his seat to vote or to object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska; and

A bill (H. R. 9674) to regulate the course at the Naval Academy.

It also announced that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, requested a further conference, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN conferees on the part of the Senate.

It further announced that the Senate had passed House bills of the following titles:

A bill (H. R. 9718) for the relief of J. W. Parish & Co.;

A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell; and

A bill (H. R. 9455) granting a pension to Benjamin F. Clayton.

Mr. SOWDEN. I move that the House take a recess until 12 o'clock and 1 minute to-morrow. The gentleman from Pennsylvania, my colleague [Mr. JACKSON], has conscientious scruples about the transaction of any business during the interval between 12 o'clock to-night and 12 o'clock to-morrow night, and therefore I move that the House take this recess.

Mr. OUTHWAITE. I make the point of order that there is pending a motion to take a recess, upon which the House is dividing.

The SPEAKER. There is a motion pending to take a recess until 12.30, and the tellers are on the floor taking the votes.

Mr. SOWDEN. I move to lay that motion on the table.

The SPEAKER. That can not be done.

Mr. STEWART, of Vermont. I raise the point of order that it is impossible to move to take a recess until 12.30, that hour having already passed.

The SPEAKER. That is a question for the House to determine by its vote, not for the Chair to decide.

Mr. DORSEY. I ask unanimous consent that the House take up the bill S. 3810, and put it upon its passage.

Mr. JACKSON. I object.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. About a month ago Senate bill No. 3325 was reported favorably by a committee of the House and the previous question was ordered upon it——

The SPEAKER. That is not a question of privilege.

Mr. WHEELER. But the bill is privileged, and I wish to explain why it is so. Last evening the previous question was ordered on the passage of the bill, but the hour of adjournment arrived before the vote could be taken, and as that was the only bill I called up last night, I now move that it be put upon its passage.

The SPEAKER. The Chair thinks that is not a question of privilege, and the House is now engaged in taking a vote upon a motion to take a recess.

Mr. WHEELER. I ask unanimous consent that the bill be put upon its passage.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The tellers will take their places.

Mr. MILLS. Mr. Speaker, I move that the House take a recess until half past 3 p. m.

Mr. OUTHWAITE. I withdraw the point of order.

Mr. MCCOMAS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCOMAS. There has just been a disagreement on the deficiency bill and the committee of conference will be here in five minutes. If we take a recess now, can the conferees be appointed during the interval?

The SPEAKER. The conferees can not be appointed until the House disposes of the report, and there is no quorum present, so the House can not dispose of it at this time.

Mr. DUNHAM. Nobody has demanded a quorum, Mr. Speaker.

The SPEAKER. But there are three or four controverted points upon which serious disagreement exists and upon which votes will have to be taken.

Mr. FITCH. Mr. Speaker, is it in order to move a call of the House?

The SPEAKER. It is.

Mr. DUNHAM. It seems to me that we had better do one of two things, either have a call of the House and bring the members here, or else take a recess.

The SPEAKER. The question is on the motion of the gentleman from Texas, that the House take a recess until half past 3 p. m.

Mr. DIBBLE. I renew the point of order, Mr. Speaker.

The SPEAKER. What point of order?

Mr. DIBBLE. That there is a recess pending.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE], who made that point, afterwards withdrew it.

The House divided on the motion of Mr. MILLS that the House take a recess until half past 3 p. m., and there were—ayes 67, noes 4.

Mr. DIBBLE. No quorum, Mr. Speaker.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers, the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Missouri [Mr. DOCKERY].

Mr. CANNON. Mr. Speaker, I want to make an inquiry. I would be glad to know of the gentleman from Texas [Mr. SAYERS], or of somebody else who has the knowledge, whether it is necessary for the House to remain in session to-night in order to dispose of conference reports. If it is not, then clearly it is better for us to take a recess until some hour to-day, so that we may get a little sleep in the interval.

Mr. SAYERS. I will say in reply to the gentleman from Illinois that from a conversation which I had with the chairman of the Committee on Appropriations [Mr. RANDALL] I understood that he would not call up the sundry civil bill until some later hour to-day; and I do not think that in the present condition of the House it would be worth while to call up the deficiency bill when it comes from the Senate.

The SPEAKER. The Chair will add that he has information from the chairman of the Committee on Indian Affairs that the Indian appropriation bill will not be ready to-night.

Mr. CANNON. Then I want to make a suggestion. It behooves us to act sensibly, and if we can get a little sleep in the mean time and finish up the business of this session by meeting a few hours later, I think it would be well to do so.

Mr. MCMILLIN. The gentleman is right about that.

Mr. CANNON. Therefore I now ask unanimous consent that the House take a recess until whatever hour is agreeable to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Say 3 o'clock p. m.

Mr. JACKSON. Half past 3 was the suggestion of the chairman of the Committee on Ways and Means [Mr. MILLS]. I do not think myself that we ought to sit here to-morrow at all.

Mr. CANNON. Then say half past 3 o'clock. I ask unanimous consent that we take a recess until that time.

Mr. DUNHAM. I object to that.

Several MEMBERS. Do not object.

Mr. DUNHAM. I do object. I will not allow one man to come into this House and undertake to dictate to it and have all the rest of the House yield to him in this way. One man has demanded a quorum here on account of religious scruples, and if he can dictate to the House in that way, then any other man can also dictate to this House.

Mr. MCMILLIN. But the gentleman [Mr. JACKSON] says that the proposition to take a recess until half past 3 is satisfactory to him.

Mr. DUNHAM. Exactly. The arrangement is satisfactory to him, and this House is yielding to the dictation of one man.

Mr. MCMILLIN. But you are about to make it yield to the dictation of one man by raising the point of no quorum.

Mr. DUNHAM. Yes; but I do not do it on any religious ground.

Mr. CANNON. I hope my colleague [Mr. DUNHAM] will allow me a suggestion——

Mr. DUNHAM. I demand the regular order.

Mr. CANNON. I hope my friend will allow me to make a suggestion. Most of us are tired——

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage with amendments of the bill (H. R. 4624) for the relief of the estate of John W. Whitfield, asked a conference with the House on said bill and amendments, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. HOAR, and Mr. PASCO.

It also announced that the Senate further insisted on its amendments, disagreed to by the House, to the bill (H. R. 12571) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The tellers will resume their places.

Mr. MILLS. I ask unanimous consent that the House take a recess until 1 o'clock.

The SPEAKER. Objection has just been made by the gentleman from Illinois [Mr. DUNHAM].

Mr. PETERS. I understand the gentleman from Illinois will not object to a recess till 1 o'clock.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House now take a recess until 1 o'clock p. m.

Mr. JACKSON. I object to that.

Mr. MILLS. Then, I will say 3 o'clock.
Mr. JACKSON. I will not object to that.
Mr. DUNHAM. That I object to.
Mr. OUTHWAITE. Say 2 o'clock.
Mr. MILLS. As a compromise, I ask unanimous consent for a recess till 2 o'clock.
The SPEAKER (at 1 o'clock and 25 minutes a. m.). Is there objection to the request for unanimous consent that the House now take a recess till 2 o'clock p. m.? The Chair hears none; and it is so ordered.

SUNDAY'S SESSION.

The recess having expired, the House (at 2 o'clock p. m., Sunday, March 3) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. There are in the hands of the Chair a number of Senate bills, executive communications, and other papers which ought to be laid before the House at this time if they are to be presented at all. A few days ago, by unanimous consent, the regular order was suspended and certain veto messages were withheld by the Chair. The Chair will either present those now or at a later hour, as will suit the convenience of the House.
Mr. MILLS. I suggest that those messages be deferred until a later hour.
The SPEAKER. The Chair will then withhold them, and will lay before the House Senate bills, that they may be disposed of in some way.

LAND DISTRICTS IN NEBRASKA.

The SPEAKER laid before the House the bill (S. 3810) to establish two additional land districts in the State of Nebraska; which was read a first and second time, and referred to the Committee on the Public Lands.

FARAN & M'LEAN.

The SPEAKER also laid before the House the bill (S. 308) for the relief of Faran & McLean.
Mr. BUTTERWORTH. I believe this bill has been favorably reported to the House several times. I would be glad if it could be taken up now and passed. It relates to the refund of internal-revenue taxes which were wrongfully and unjustly claimed and collected and were paid under protest. There is no doubt about the money being due. I ask unanimous consent that the bill be now considered.
The SPEAKER. The Chair understands that the bill simply directs the accounting officers of the Treasury to re-examine the account. The bill will be reported, after which there will be opportunity for objection.
The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and reconsider the claim of Faran & McLean for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected, namely, for the amount of $2,260, as claimed by them in the papers now on file in the Treasury Department; and if, upon reopening and reconsidering the claim, said Commissioner shall find said taxes, or any part of the same, to have been illegally or improperly assessed and collected from said claimants, it is hereby made his duty to audit and ascertain the amount of taxes so illegally and improperly collected from said claimants, deducting, however, any legal unpaid taxes which claimants should have paid and did not, if any there shall be, under section 103 of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes;" and the Secretary of the Treasury is hereby authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, the amount of taxes so found by said Commissioner of Internal Revenue as aforesaid to have been illegally and improperly assessed and collected to the said Faran & McLean.

Mr. BLAND. I reserve the right to object until I hear some explanation.
Mr. BUTTERWORTH. I will state to my friend that Messrs. Faran and McLean were illegally and improperly assessed for certain taxes, which they paid under protest. They now make claim for repayment. A bill for their relief has been favorably reported several times. This bill simply refers the matter to the accounting officers of the Treasury to re-examine the account, and if the taxes were illegally assessed and collected——
Mr. BLAND. Were they internal-revenue stamp taxes?
Mr. BUTTERWORTH. Yes, sir.
Mr. BLAND. I make no objection.
The SPEAKER. Is there objection to the present consideration of the bill?
Mr. STONE, of Missouri. I will not object if it does not affect the status of the question already pending.
The SPEAKER. It does not; none of these proceedings affect that.
There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading; and it was accordingly read the third time, and passed.
Mr. BUTTERWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

PUBLIC BUILDING AT DETROIT.

The SPEAKER also laid before the House the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

Mr. CHIPMAN. I ask by unanimous consent that this bill be now put on its passage.
Mr. BLAND. The bill and report had better be read.
The bill was read, as follows:

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Detroit, Mich., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building, including cost of last site purchased therefor.
SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.
SEC. 3. That the sum of $500,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The report (by Mr. NEWTON) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 2442, increasing the appropriation for the public building at Detroit, Mich., respectfully report as follows:
The increased appropriation called for in the pending Senate bill creates a limit of $1,500,000 as the total expenditure for the purchase of a site and the erection of a building at the important and growing city mentioned in said bill. Under appropriations made in the Forty-eighth and Forty-ninth Congresses the Secretary of the Treasury has purchased a commodious site for the proposed public building at Detroit, and after having designated the limit of money which the Government would expend in the purchase of a site, the people of Detroit cheerfully contributed the excess necessary to secure the splendid location now at the disposal of the Government. There is now left, out of appropriations heretofore made, the sum of about $700,000 for the completion of the proposed building, and the Secretary of the Treasury directed the Architect to proceed with plans for the construction of the building.
Having in a measure compassed the needs of the Government at Detroit and estimated the space to be made available for the proper transaction of the public business, it is found by the Architect, and by him in turn reported to the Secretary of the Treasury, that a building with a stone foundation and with a brick and terra-cotta superstructure is the best that he can do in the composition of the building. The Secretary in turn, but with deeply expressed regrets, is obliged to accept such a plan, and the people of Detroit as well as the Government are now in imminent danger of having this anomalous structure forced upon them.
Not only is the structure itself in its composition objectionable, but it is demonstrated to the satisfaction of your committee that in size it is not adequate to the present needs of the Government at Detroit. It fails to supply space for all of those departments of Government relating to the survey of the lakes, the Light-House and Life-Saving Services, the improvement of rivers and harbors, the Marine-Hospital Service, the inspection of steam and other vessels, and the storage of the Treasury's merchandise in bond. In other words, provision for the immediate present is barely made for the postal, customs, and internal-revenue services, and for the judicial department of the Government.
The bare statement of these facts carries with it a conclusion that need not be argued. That the Government should proceed in its operations of this character with the care, prudence, and wise economy that would characterize a business man in the conduct of his business is the simplest logic. That all of these elements appear to be lacking in the projection and prosecution of this public work appears to be equally plain, and the responsibility clearly rests in the unwise economy that withholds from them (the administrative officers of the Government) the necessary funds to begin, continue, and end this work.
The city of Detroit has a population of at least 225,000 souls. It is the metropolitan city of the State of Michigan. It is a growing city, not lacking in enterprise or beauty. The Government of the United States can poorly afford to refuse a fair measure of emulation of private enterprise in that city. It is situated upon the frontier. It is upon a river which is a link in a chain of great lakes, the tonnage of whose commerce exceeds that under our flag upon the high seas. Every department of governmental work that is conceivable has its governmental agents at Detroit, and it is to provide a workshop for these as well as the convenience to its people that calls for this public improvement at Detroit.
The revenues of the Government, both postal, customs, and internal, are very large and steadily increasing, the amount collected in the fiscal year aggregating about $2,500,000, and yet the total cost of a permanent structure for the accommodation of the Government business at that point, and as called for in the pending bill, is but three-fifths of this amount.
In other words, the revenues of the Government at that point, laid aside for eight months, would complete the entire undertaking. A comparison made by your committee and presented by those who advocated the claims of the city of Detroit shows that the ratio of appropriation for a completed structure at the cost of a million and a half is less than the minimum allowed to thirty-two cities of the Union by nearly $1,000,000, reference being had to population, revenue, and governmental needs at these various points selected, while in the number of cities less than one-half dozen will stand a fair comparison with the present and future of the city.
Your committee would therefore earnestly urge the prompt adoption of the Senate act, herewith reported, without amendment.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading; and it was accordingly read the third time, and passed.
Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

BRIDGE OVER WHITE RIVER, ARKANSAS.

The SPEAKER also laid before the House the bill (S. 3728) authorizing the Midland Railroad Company to build a bridge over White River at Aberdeen, Ark.
Mr. CRISP. I have examined this bill; it contains all the usual provisions for the protection of navigation. The gentleman who introduced it is very anxious that it should be passed. I ask unanimous consent that it be considered at this time, and if there be no objection, I will ask that the reading of the bill be dispensed with.
The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent to dispense with the reading of this bill and consider it at the present time.
Mr. LYNCH. I object.
Mr. CRISP. Is objection made?
The SPEAKER. Does the gentleman from Pennsylvania [Mr.

LYNCH] object to the consideration of the bill or only to dispensing with the reading?

Mr. LYNCH. Both.

The bill was referred to the Committee on Commerce.

YELLOWSTONE PARK.

The SPEAKER also laid before the House the bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. HOLMAN. Mr. Speaker, all persons who are interested in the preservation of the timber lands, and the scientific men of this country, are exceedingly anxious that this bill shall be considered. I ask unanimous consent that it be taken up now and put upon its passage.

Mr. PAYSON. I can not agree to that.

Mr. CANNON. Let us understand first what this is.

Mr. HOLMAN. I ask that it be read.

Mr. PAYSON. Is that the bill which was returned at the request of the Senate a few days since?

The SPEAKER. This is the bill, and it has been amended by the Senate.

Mr. PAYSON. I object to its consideration.

Mr. HOLMAN. Then I ask that it be allowed to remain on the Speaker's table for the present.

There was no objection, and it was so ordered.

CHEROKEE CENTRAL RAILWAY.

The SPEAKER also laid before the House the bill (S. 3721) to grant a right of way to the Cherokee Central Railway Company through the Indian Territory, and for other purposes; which was read twice, and referred to the Committee on Indian Affairs.

MRS. MARY B. HUNT.

The SPEAKER also laid before the House the bill (S. 3960) granting a pension to Mary B. Hunt; which was read twice.

The SPEAKER. By an indorsement upon this bill it would seem that it had been referred on yesterday to the Committee on Invalid Pensions; but the Chair thinks that is a mistake, because it was not laid before the House on yesterday.

Mr. REED. I ask unanimous consent for the present consideration of the bill.

Mr. LYNCH. I object.

Mr. REED. Will the gentleman from Pennsylvania allow a brief explanation in regard to this bill?

Mr. LYNCH. Certainly.

Mr. REED. It simply provides a pension of $50 per month to the widow of General Hunt. The amount is very small and the services of General Hunt were very distinguished, as all gentlemen here know. I hope the gentleman from Pennsylvania will not interpose a formal objection to the bill, but that he will allow it to come before the House for consideration.

The SPEAKER. Does the gentleman from Pennsylvania withdraw the objection?

Mr. LYNCH. I withdraw it.

There being no objection, the bill was considered.

It is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary B. Hunt, widow of Bvt. Maj. Gen. Henry J. Hunt, deceased, and pay her a pension at the rate of $50 per month, from and after the passage of this act.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

USE OF CERTAIN LANDS, HOT SPRINGS RESERVATION.

The SPEAKER also laid before the House the bill (S. 3938) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association.

Mr. HOLMAN. If this is the bill I think it is I believe there is no objection to it, and I would ask unanimous consent for its present consideration. I think it was before the Committee on the Public Lands.

Mr. BRECKINRIDGE, of Arkansas. I think the gentleman from Indiana is mistaken, and that this is not the bill to which he alludes.

Mr. HOLMAN. Then I ask unanimous consent that it be allowed to remain on the Speaker's table until it can be examined.

There was no objection, and it was so ordered.

PUBLIC BUILDING, NEW BERNE, N. C.

The SPEAKER also laid before the House the bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.

Mr. SIMMONS. Mr. Speaker, a precisely similar bill has been reported by the committee of the House, and I ask unanimous consent that this bill be now taken up and put upon its passage.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults extending to each story, for the use and accommodation of the post-office, the United States courts, custom-house, internal-revenue offices, and other Government offices, at the city of New Berne, in the State of North Carolina. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $100,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil processes therein.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLAND. Let the report be read.

The Clerk proceeded to read the report.

Before the conclusion,

Mr. BLAND. I understand there is a court held there, and I do not ask the reading of the report.

Mr. COWLES. Yes, and a custom-house and post-office.

Mr. HOLMAN. I ask that the bill be again reported.

The bill was read.

Mr. HOLMAN. I believe that this town is the site of a Federal court, and as the amount proposed is small I shall not interpose objection to its present consideration.

The SPEAKER. The question is on the third reading of the bill.

Mr. WARNER. Mr. Speaker, I do not wish to object to the consideration of this bill. It is a bill that I think ought to pass; but this is the second bill this morning upon the opposite side of the Chamber for the erection of a public building, and while I do not object to that, I wish to make a statement which will not detain the House more than two or three minutes. I ask the gentleman from North Carolina also to give me his attention.

I hold in my hand a Senate bill providing for the erection of a public building in the city of Kansas City, Mo., a bill that passed the Senate over a year ago——

The SPEAKER. There is a bill before the House——

Mr. WARNER. I wish to say, Mr. Speaker, but a word in that connection. Of all the post-offices in the United States the post-office at Kansas City ranks ninth in the number of pieces of mail matter handled. In the net revenue received by the Government it ranks thirteenth; and it paid into the Treasury of the United States for the year ending June 30, 1888, $365,664, and in the quarter ending December 30 last it paid in $100,000. This is an increase of over 100 per cent. in ten years.

I do not object now to the consideration of the bill called up by the gentleman from North Carolina, for I am not in the habit of objecting in the House, but I do hope when this bill is through that this matter shall be given consideration, when all of these other large bills have passed.

Mr. MILLS. I hope we will find some way to get up several of these meritorious bills and give them consideration.

Mr. BROWNE, of Indiana. Now, Mr. Speaker, if diplomacy is to be inaugurated here in order to secure the consideration of a bill I want to ask the attention of the House to a little matter of my own. [Laughter.] I have had a bill here for years and years making but a small appropriation for a public building, and I have never been able to get recognition to ask its consideration by unanimous consent, or even to move to suspend the rules and put it upon its passage.

I do not expect now to secure the passage of this bill during this Congress, but I would like to have a vote upon it so as to show to my constituency that even this Congress, Democratic as it is, is disposed to do justice to my Republican constituents.

The SPEAKER. There is a bill pending before the House.

Mr. DOUGHERTY. Like the other gentlemen who have risen here [laughter] I ask unanimous consent to make a brief statement.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage with amendments of the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia; asked a conference, and had appointed as conferees Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS.

It also announced the passage of bills of the following titles:

A bill (H. R. 6862) for the relief of John R. Wood, John F. Ballard, and John F. Belew;

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd;

A bill (H. R. 2070) for the relief of the widow of Arno Voss; and

A bill (H. R. 2598) for the relief of William Whitehouse.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. DOUGHERTY. Now, Mr. Speaker, I concur in every word that the gentlemen who have just taken their seats have said. I, too, have a bill here. It is a Senate bill. It is a matter of economy on the part

of the Government, because labor is cheaper in the State of Florida following the epidemic than it will ever be for several years. Everybody on this floor knows what a terrible time we had in Jacksonville, and I think that it would now be a benefit to the laborers of that country and would also be a matter of economy on the part of the Government to spend public money there at this time. Labor is cheap, and I give notice now that unless I can be recognized to call up that bill and ask unanimous consent I shall object to any unanimous consent being given for any purpose.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Pennsylvania. There is a list of bills for increase of pensions upon which the previous question has been ordered, and I propose to ask the House to take up the bill to increase the pension of Mrs. Buchanan, a lady of eighty-three years of age. It is a Senate bill which passed more than one year ago.

Mr. COX. I rise to a parliamentary inquiry.

The SPEAKER. There is a bill before the House.

Mr. COX. Is the New Berne bill before the House?

The SPEAKER. It is.

Mr. COX. Then I call for the regular order.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that bills with the previous question ordered are not privileged, but are simply part of the regular order, and can not interrupt questions of privilege.

The previous question was ordered on the passage of the New Berne public-building bill; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

Mr. SIMMONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The SPEAKER also laid before the House the joint resolution (S. R. 83) for the relief of the Venezuela Steam Transportation Company.

Mr. WHITE, of New York. I ask for the present consideration of that bill.

Mr. LYNCH. I object.

Mr. BLAND. Let us have the bill and report read. [Cries of "Regular order!"]

Mr. BROWNE, of Indiana. Mr. Speaker, is it not in order during the last six days of Congresss to move a suspension of the rule on the passage of a bill?

The SPEAKER. It is whenever matters are not before the House, but not to interrupt matters that are privileged.

Mr. BROWNE, of Indiana. I would ask, then, whether I may not ask recognition?

The SPEAKER. The Chair can not recognize the gentleman to interrupt matters of privilege and in pursuance of the regular order.

PUBLIC BUILDING AT ALLENTOWN, PA.

The SPEAKER also laid before the House the bill (S. 3381) for the erection of a public building at Allentown, Pa. [Laughter.]

Mr. DIBBLE. I ask that that bill be taken up.

Mr. BLANCHARD. I object.

Mr. RANDALL. Then let it remain on the table for the present.

Mr. BLANCHARD. That privilege has been granted already at the request of the gentleman from Pennsylvania [Mr. RANDALL] and I decline to grant it a second time. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The question was taken; and the Speaker announced that the noes seemed to have it.

The SPEAKER. The bill remains, of course, where it was before.

I. N. BUNTON.

The SPEAKER also laid before the House the bill (H. R. 6050) to refer the claim of the owners of the steamer I. N. Bunton to the Court of Claims, with Senate amendments.

Mr. BAYNE. I ask, by unanimous consent, to concur in the Senate amendments to that bill.

Mr. KILGORE. I would like to inquire of the gentleman from Pennsylvania the amount involved in this bill?

Mr. HOLMAN. I hope the amendments will be read.

The SPEAKER. The amendments will be read, after which the Chair will ask for objection.

The amendments were read at length.

Mr. KILGORE. I understand the purpose of the bill——

Mr. SPRINGER. I reserve the right to object.

Mr. KILGORE. I object.

Mr. BAYNE. Then I ask unanimous consent that the House nonconcur in the Senate amendments, and request a conference.

Mr. BRECKINRIDGE, of Kentucky. I will ask the gentleman from Pennsylvania if this is the bill which we had before Congress in which he attempted to have a bill passed allowing action to be brought in the Court of Claims for the loss of a steam-boat on the Ohio River near the city of Pittsburgh, where the claim was made that the contractors in building work had not put out the necessary and proper lights? If so, I would object to anything that would facilitate its passage.

Mr. BAYNE. It is.

Mr. BRECKINRIDGE, of Kentucky. I object, then.

Mr. BAYNE. All right; we will attend to it in the next Congress.

ESTATE OF JOHN W. WHITFIELD.

The SPEAKER also laid before House a bill (H. R. 4624) for the relief of the estate of John W. Whitfield, with an amendment of the Senate thereto.

Mr. SAYERS. I ask, by unanimous consent, that the amendment of the Senate be concurred in.

Mr. HOLMAN. Let the amendment be read.

Mr. McCOMAS. I would like to know what the Senate amendment is.

The SPEAKER. The Chair will cause the amendment to be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1889.

Resolved, That the bill of the House for the relief of the estate of John W. Whitfield do pass with the following amendment: Strike out all after the enacting clause and insert:

"That it is hereby made the duty of the Attorney-General of the United States to dismiss the suit now pending in the circuit court of the United States for the western district of Texas brought by the United States against Sarah B. Whitfield and John A. Whitfield, heirs at law of John W. Whitfield, deceased, as a surety on the official bond of William W. Dennison, dated March 10, 1857, as Indian agent; and the said John W. Whitfield, deceased, and his heirs at law be, and they are hereby, released from any and all obligations under said bond, and that Sarah B. Whitfield, administratrix of the estate of the said John W. Whitfield, deceased, late register of the land office of the Delaware land district of Kansas"——

Mr. McCOMAS. Mr. Speaker, I do not ask for the further reading of the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SAYERS] that the amendment of the Senate be concurred in?

Mr. OATES. Mr. Speaker, I would like to hear some explanation of this bill.

Mr. SAYERS. The explanation of the case is this: John W. Whitfield was surety upon the bond of an Indian agent in 1857. At the same time he was a register of the land office. The Indian agent defaulted, and what was due to Whitfield from the Government as register of the land office was retained to meet his obligation upon the bond. The House passed a bill to enable the estate of Whitfield to plead what was due him from the Government as register of the land office against what he was responsible for as surety on the bond of the Indian agent. That bill went to the Senate, and the Senate amended it by simply providing for the dismissal of both suits. The Government has got the money that was due to this man as register of the land office.

Mr. OATES. Are the amounts nearly equal?

Mr. SAYERS. Yes, sir. There was more due him from the Government than was lost by the defalcation.

The amendment of the Senate was concurred in.

BOUNDARY BETWEEN ALASKA AND BRITISH COLUMBIA.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report of the Secretary of State, and accompanying documents, relative to the undetermined boundary line between Alaska and British Columbia.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

AFFAIRS IN MADAGASCAR.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I herewith transmit a report from the Secretary of State, in further response to the resolution of the House of Representatives of the 22d of December last, touching affairs in Madagascar.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

CIVIL SERVICE REFORM.

The SPEAKER also laid before the House the following message from the President; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Congress:

I herewith transmit the fifth report of the Civil Service Commission, also covering the year which ended June 30, 1888. The cause of civil service reform, which in a great degree is intrusted to the commission, I regard so firmly established and its value so fully demonstrated, that I should deem it more gratifying than useful, if, at this late day in the session of Congress, I was permitted to enlarge upon its importance and present condition. A perusal of the report herewith submitted will furnish information of the progress which has been made during the year to which it relates in the extension of the operations of this reform and in the improvement of its methods and rules. It is cause for congratulation that watchfulness and care and fidelity to its purposes are all that are necessary to insure to the Government and our people the benefits which its inauguration promised.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 2, 1889.

LEAVE OF ABSENCE.

By unanimous consent, Mr. TOWNSHEND was granted leave of absence for the remainder of the session, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. SPRINGER, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the claim of Frederick Klor by leaving certified copies thereof as required by the rules of the House.

ORDER OF BUSINESS.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker——

Mr. PAYSON. Regular order.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent——

Mr. PAYSON. I demand the regular order.

Mr. SAYERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas [Mr. SAYERS] rise?

Mr. SAYERS. To present a conference report on the deficiency appropriation bill.

The SPEAKER. There is a matter of privilege pending before the House.

Mr. HOLMAN. The pending order, I believe, is Senate bill No. 1430, to declare the forfeiture of certain lands. I ask permission to withdraw that bill temporarily, so that the appropriation bill may be considered.

The SPEAKER. The Chair thinks the gentleman has the right to withdraw it, because the House has not yet determined even to consider it.

Mr. HOLMAN. I withdraw it then temporarily, until this appropriation bill is disposed of. The bill which I now withdraw will not, I presume, lose any of its rights at all.

The SPEAKER. None whatever; it is a privileged report which the gentleman can make at any time.

Mr. SAYERS. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. HOLMAN. I yielded only for the presentation of conference reports on appropriation bills.

The SPEAKER. The Chair so understood.

Mr. SPRINGER. I rise to a parliamentary inquiry: On the conference report which the gentleman from Texas proposes to submit, will it be in order to raise the question of consideration after that report has been read?

The SPEAKER. Of course; that is the proper time.

Mr. SPRINGER. Let the report be read, then.

Mr. SAYERS. I yield for a moment to the gentleman from Missouri [Mr. DOCKERY].

The SPEAKER. The gentleman from Indiana has yielded only for conference reports on appropriation bills.

Mr. HOLMAN. I will yield for a moment to hear what the bill of the gentleman from Missouri is.

ST. JOSEPH COMMERCIAL COLLEGE, ST. JOSEPH, MO.

The Clerk read as follows:

A bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.

Mr. HOLMAN. I ask that the bill may be read, reserving all rights.

Mr. DOCKERY. This matter will not create any discussion at all; if it does I will withdraw it. It is a conference report that I desire to present.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

ALEXANDER M. DOCKERY,
CHARLES F. BOOHER,
DANIEL KERR,
Managers on the part of the House.

JOHN C. SPOONER,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 5426 recommend that the House recede from its disagreement to the amendment of the Senate. The amendment of the Senate provides that the Secretary of War shall ascertain the actual value of the use and occupation of St. Joseph Commercial College by United States troops during the war and certify such amount to the Secretary of the Treasury for payment. The bill as it passed the House made an appropriation of $12,000 for said use and occupation during the war.

A. M. DOCKERY,
C. F. BOOHER,
DANIEL KERR,
Managers on the part of the House.

Mr. HOLMAN. I yield for the consideration of this matter.

The report of the committee of conference was adopted.

Mr. DOCKERY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER O BUSINESS.

Mr. McCREARY. Mr. Speaker——

The SPEAKER. The gentleman from Texas [Mr. SAYERS] has the floor. The gentleman from Indiana withdrew his report, stating that he did so only to allow conference reports on appropriation bills to be presented.

Mr. KILGORE. I demand the regular order as fixed by that arrangement.

Mr. McCREARY. I only want to report a resolution to go on the Calendar; it can be done in a second.

The SPEAKER. But the gentleman from Texas [Mr. KILGORE] demands the regular order.

Mr. PAYSON. I call for the regular order.

The SPEAKER. The regular order is demanded on both sides.

Mr. BLAND. The only way we can get the appropriation bills through is to insist on the regular order.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 12, 17, 18, 20, 22, 30, 34, 39, 40, 43, 49, 53, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 82, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 10, 13, 14, 15, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 35, 38, 41, 44, 45, 50, 51, 52, 54, 55, 56, 57, 59, 60, 67, 77, 78, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 100, 101, 102, 104, 105, 106, 107, and 108, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amended paragraph the words "ex-Secretaries of the Navy Borie and Woodbury and insert in lieu thereof the following: "Adolph E. Borie and Levi Woodbury;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out all after the word "eighty-nine" in line 11 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And for preparing suitable rooms and other necessary accommodations for the United States court at Muscogee, in the Indian Territory, and the expenses (including fees of jurors) of said court for the current year, $5,300; in all, $10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Insert as a new paragraph after said amendment the following:

"To pay Henry Talbott, clerk of the Committee on Ways and Means, House of Representatives, for extra services rendered during the Fiftieth Congress, $1,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of the State of Florida reported in the letter of the Secretary of War, dated May 22, 1882, and under previous acts of Congress, and to make a report upon the same to the next regular session of Congress, and in connection therewith to report the amount of all claims in favor of the General Government against the State of Florida, and in said report to state the account between the General Government and the State of Florida."

And the Senate agree to the same.

On amendments numbered 36, 37, 103, 109, and 110 the committee of conference have been unable to agree.

JOSEPH D. SAYERS,
SAMUEL J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12571)

making appropriations to supply deficiencies in the appropriations for 1889 and prior years, and for other purposes, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

The bill, as it passed the House, appropriated $14,728,954.31; as it passed the Senate it appropriated $18,683,508.19, being an increase of $3,954,653.88, proposed by the Senate amendments.

Of this sum it is recommended that the Senate recede from amendments making a net reduction of $223,909.48. The principal items involved in this amount are the following: Repairs of light-houses, $20,000; fuel, lights, and water, public buildings, $10,000; collecting internal revenue, $25,000; Coast Survey items, $4,500; fees and expenses of United States marshals, $116,000; payment of judgments under act of March 3, 1887, $16,304; printing and binding, $18,000; Signal Service, $5,900; rent, Washington city post-office, $5,000.

The amendments upon which it is recommended that the House recede from its disagreement appropriate $1,494,305.35. The principal items involved in this sum are the following: Expenses collecting internal revenue, $50,000; pay of the Army, $355,888; payment to the States of Kansas, Colorado, and Nebraska, on account of 5-per cent. fund, $95,290; improvement Missouri River, $62,060; expenses of the Senate, $42,289; judgments Court of Claims, $59,292; payment of claims audited after passage of the bill by the House, $611,397.

The committee of conference have been unable to agree upon amendments involving the appropriation of $2,236,439.05, namely:

On amendments 36 and 37, relating to the water supply of the District of Columbia, $585,000.

On amendments 109 and 110, providing for the payment of French spoliation claims in the sum of $1,651,439.05.

The committee have also been unable to agree upon amendment numbered 103, to pay to the employés in the Congressional Library and to the Senate Reporters a sum equal to one month's pay.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. KILGORE. I want to make an inquiry, as I could not hear distinctly the reading of the report. I wish to know whether the conference committee has agreed to the item put on the bill by the Senate authorizing the payment of certain spoliation claims.

The SPEAKER. That is not a parliamentary inquiry.

Mr. SAYERS. That is one of the subjects on which the conferees have been unable to agree.

Mr. CUMMINGS. The point of order I raise is in reference to the employés of the Congressional Library.

Mr. RANDALL. That item was disagreed to.

The SPEAKER. There is so much confusion on the floor the Chair will have to suspend the business and request members to resume their seats, and that conversation shall cease on the floor and in the galleries. The gentleman from Texas is entitled to the floor.

Mr. SPRINGER. For the purpose of reserving the right of special action on the French spoliation claims I raise at this time the question of consideration.

The SPEAKER. There must be separate action on the amendments undisposed of by the report of the conference committee. The Chair understands from the conference report the matter referred to by the gentleman from Illinois has been disagreed to by the House, or that no agreement has been reported in reference to it, and it must be disposed of by separate action.

Mr. SPRINGER. I wish to give notice, Mr. Speaker, that I shall resist the previous question being ordered, and that I shall object to other items being taken up and disposed of outside of the conference report.

Mr. SAYERS. I demand the previous question on the adoption of the report.

Mr. KILGORE. What becomes of the other questions?

The SPEAKER. After the report of the conference committee has been disposed of they will be open to the action of the House.

Mr. SPRINGER. I shall resist in every way agreement to the spoliation claims.

The SPEAKER. The Chair desires to state to the gentleman from Illinois that when the report has been agreed to, if it shall be agreed to by the House, the mattor on which disagreement has been reported will be before the House for consideration on motions to recede or to insist.

The Chair desires further to state that the question of consideration can not be raised against a motion to recede or a motion to insist, because they are questions of privilege and one vote decides them. The question of consideration can not be raised against a demand for the previous question or a motion to lay on the table or a motion to adjourn, which are similar questions of privilege.

Mr. SPRINGER. Then the adoption of the report involves only the matters in reference to which the committee report disagreement.

The SPEAKER. That is all.

Mr. SPRINGER. Can amendments to which I object come up afterwards?

The SPEAKER. They do; and the Chair has made the statement in reference to the matter so that gentlemen may not be misled.

Mr. SPRINGER. I know the question of consideration is not debatable; but I wish to say to the House that while I have no objection to agreeing to the report of the committee where the committee has recommended agreement I do object to any parliamentary condition being reached in the progress of the bill by which it would be in order to move to recede from the disagreement of the House and agree to the amendment of the Senate in favor of the French spoliation claims. In other words, I wish to give notice, Mr. Speaker, that I shall resort to every parliamentary means to defeat that measure before it has been ingrafted upon the bill.

Mr. BLAND. What does the gentleman want?

Mr. SPRINGER. I want the House to insist upon its disagreement to the amendment of the Senate.

Mr. McCOMAS. Is it not in order to move to recede from our disagreement?

The SPEAKER. When the report has been disposed of all matters outside of that report will be before the House for action.

Mr. McCOMAS. Are they not questions of the highest privilege?

The SPEAKER. They will be before the House and must be disposed of.

Mr. SPRINGER. I have opposed the French spoliation claims by every parliamentary means, and having so said I now withdraw the question of consideration against the adoption of the report.

The conference report was adopted.

Mr. SAYERS moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER rose.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] is entitled to the floor.

Mr. SAYERS. I ask that the first amendment in reference to which there has been no agreement by the conferees be read.

The Clerk read as follows:

Insert the following:

"Water supply, District of Columbia: To enable the Secretary of War to cause to be constructed and put in operation a 48-inch cast-iron main from the present distributing reservoir above Georgetown, easterly to Rock Creek at M street; and thence along M street to New Hampshire avenue; thence northeasterly along New Hampshire avenue to R street north; thence along R street, to connect with the present 48-inch main from the new reservoir at R and Fourth streets, and to make the necessary connections and to provide the necessary apparatus for thereby specially supplying the present deficiencies of water at the higher levels of the city, and in general to increase the water supply, $575,000. The said work shall be done under the direction of the Chief of Engineers, in the shortest practicable time. If it shall appear to the Secretary of War, on the report of the Chief of Engineers, that for any cause the work can not be carried on, or material therefor can not be obtained as rapidly as is necessary for the best and most vigorous prosecution of it, he is authorized to provide material by purchase in open market or by special contract for the fabrication thereof, and to carry on the work by days' work or otherwise, as it may seem to him expedient. This appropriation shall be charged against the revenues applicable to the expenses of carrying on the government of the District of Columbia, so that one half will be paid from the Treasury of the United States and the other half from moneys derived from taxation in the District."

Mr. SAYERS. Inasmuch as the proposition involved in that amendment was one quite new, the House conferees were quite unwilling to assume the responsibility of advising the House to appropriate so large a sum of money without taking the wishes of the House on the question. I should be very glad to hear from the gentleman from Georgia [Mr. CLEMENTS] on the subject.

Mr. CLEMENTS. Mr. Speaker, if I can have the attention of gentlemen for a few minutes only, I think we can show the propriety of adopting the amendment which has just been read.

The joint select committee to investigate the condition of the tunnel and the question of the water supply for this city have spent as much time as they possibly could during the session, and even before the session began, in making a very thorough and exhaustive examination of the subject, and for the purpose of aiding them in the investigation employed three of the most eminent civil engineers that could be found in the country to make an examination of the work done and report upon the feasibility of finishing the tunnel so as to make it available for the purposes originally contemplated.

We have the report upon this subject, printed only within the last few days, and I will read but a few lines from the report of the committee merely to show the condition of the tunnel. The pressing business of the House at this time will not allow me to quote at length either from the report or the testimony, but a few lines from the former will show the condition of the tunnel as we find it. I quote the following:

It appears, from the report of the experts and from the testimony taken, to be beyond all question that substantially the whole and every part of the lining of the tunnel is absolutely and enormously defective, and that it is scarcely too much to say that there is hardly any continuous length of 10 feet in the whole lining where the backing, particularly over the arch of the lining, is not either absolutely wanting, or only partly filled in, or, when fully filled in, so badly constructed as to make the whole backing of the lining entirely worthless.

The expert engineers estimate the expense of putting a lining and a solid, sufficient backing into a condition of solid contact with the whole and every part of the solid, rocky surface of the tunnel, as excavated, so as to retain and convey the water from one reservoir to the other, to be $929,720. Then they say:

Even if this work were carried out with the utmost integrity, and the closest inspection to insure proper construction, there would still remain some liability to leakage through defective places which might have escaped discovery, or which, if discovered, might be imperfectly filled where pumping grout into them had to be resorted to. While the loss of water would not be seriously felt, the danger of injury to property would still exist.

The experts also present estimates for other plans of water supply. One is the use of the tunnel as a chamber for a steel pipe 6 feet in di-

ameter at a cost of $852,780. This plan would involve an additional cost, not estimated, for a permanent pumping establishment to keep the tunnel clear of water. Another alternative suggested is a gravity conduit, the construction of which would, exclusive of land damages for right of way, cost not less than $1,247,920, and would take two years for completion. The joint committee recently charged with the investigation and required to report to Congress what in their opinion should be done do not believe that it is practicable at this juncture to secure that consideration necessary to a wise and judicious determination as to which, if any, of these plans should be finally adopted.

The committee therefore concluded that, in view of the whole situation and in consideration of the very urgent and pressing necessity of an immediate increase of the water supply, especially in the higher parts of the city—a necessity which is recognized by all—this committee has with unanimity agreed to recommend another plan to meet the present urgent demand, which, it is estimated, will be sufficient by the means suggested for the next ten or fifteen years—that is, by laying a 48-inch water-main, as suggested by the amendment, such as will bring in a supply of about 20,000,000 gallons per day and which will carry the water to the highest points on Capitol Hill, and according to the opinion of the experts the amount of the flow through such a pipe will be sufficient for the city for the next ten or fifteen years.

Now, Mr. Speaker, the reason why the committee has suggested this, which we admit is not intended as a permanent supply for the city for many years to come, is that the necessity for increasing the supply by some means is very pressing and very urgent. The question, then, that confronted us was how best to meet that demand.

We did not feel justified in asking Congress to continue the experiment of this under-ground tunnel and complete it, which work, according to the estimates of the experts, in a manner sufficient to be at all available for the purposes intended, would involve an expenditure of nearly or quite a million of dollars, especially when so completed it would be more or less dangerous to the surrounding property by reason of leakage. It is true, they say, it may be finished up according to the plans in the engineer's office on the 1st of July at a cost of $190,000; but they say in connection with it that the plans are wholly insufficient because the packing is not good and a large amount of the work done has been what is called "dry packing" behind the brick lining; and it is believed that the immense pressure of water, which is estimated to be about 60 or 70 pounds to the square inch, making an average pressure from the interior of about 8,000 pounds to the square foot, would be beyond the capacity of the tunnel as at present constructed to stand; and in view of this condition, and because this plan, if it were carried out, would be, in the opinion of the expert engineers, in some measure an experiment, we thought that for the present at least something should be done which was not in the line of experiment, but which would meet the demand of the city for this additional supply of water. We thought that it would be better upon the whole that we should adopt a plan which would give a supply for ten or fifteen years, and at the end of that time it will be entirely feasible to lay another pipe of about the size of the first one, at about the same cost; and if Congress saw proper, after a careful survey, to adopt the gravity-conduit plan or to complete the tunnel, this expenditure as at present proposed could be utilized in the distribution of water.

This is, of course, a well-known plan, and has the indorsement of General Casey, the Chief of Engineers, as well as the several engineers employed by the joint committee, as entirely feasible for the amount of increase of supply I have stated.

That is the situation, and I will state again in favor of this plan, that if hereafter a different method is adopted for a greater and more permanent supply, the expenditure for this pipe will not be a waste, for it will be of value in connection with the distribution of water throughout the city.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question? I wish to know if the experts employed hold that the present plan upon which the work has been done would be unsatisfactory if completed?

Mr. CLEMENTS. They express doubt, after it is finished in the best possible manner and at a cost of nearly a million of dollars, as to its safety; because there is a question as to the possibility of its standing the immense pressure, which they fear may force the water out in the surrounding neighborhood and cause damage to adjacent property.

Mr. HENDERSON, of Iowa. Are they convinced that if the work had been done as contracted for it would be insufficient?

Mr. CLEMENTS. They think it would not be. They expressed doubt as to whether it would be sufficient if completed in a manner much better than according to the contract.

Mr. LONG. Then, on the whole, you think we had better recede?

Mr. CLEMENTS. That is my judgment.

Mr. McCOMAS. Is it not true that the reservoir to hold the water has already been constructed at great expense, and our purpose now is to have this pipe to utilize the right of way for the higher levels and supply them with water from the reservoirs pending the settlement of the tunnel question?

Mr. CLEMENTS. That is the purpose of this amendment, to put in a pipe which will supply the city for the next ten or fifteen years.

Mr. McCOMAS. From a reservoir already built?

Mr. CLEMENTS. It is not intended to bring the water from that reservoir.

Mr. HENDERSON, of Iowa. Does this amendment make the amount immediately available?

Mr. CLEMENTS. It does. The amendment was put there on the suggestion of the joint committee as the best solution of this question for the present.

Mr. SAYERS. I now yield to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I will ask the indulgence of the House for a moment to make a statement concerning the abandonment of the extensive and expensive plans carried on by the Government to supply the city of Washington with water, and in explanation of the proposition now before the House looking to the supply by a pipe-line. It is strange that a plan upon which has already been expended about $2,000,000 should have been inaugurated and worked on for more than six years without ever having been adopted by Congress or a board of engineers of the Army; and yet that is the fact.

I may qualify that statement only thus far, that the only adoption of the plan that has ever been made is that acquiescence which continued the appropriations to do the work, and a qualified or conditional approval of the Chief of Engineers, wherein the plan was approved on condition that the rock was found, after test, to be suitable.

Mr. WILSON, of West Virginia. Will the gentleman allow me right there? I think the gentleman will find that the original act authorizing the construction of this extension of water-works provided that it was to be made by the Secretary of War; and I think he will further find that the plan of a subterranean tunnel was first approved by the Chief of Engineers and then by the Secretary of War.

Mr. McMILLIN. It was approved by the Chief of Engineers provisionally and by the Secretary of War; but I stand by my original statement that there was never called into consultation a board of engineers on this important work; no plan was submitted to Congress for the tunnel on its present plan, or for its completion after the present plan, so far as I know; and the only recognition of the work after it was commenced has been by continuing to appropriate for it.

Now, what is the nature of the work, if I may ask the indulgence of the House upon that question? Originally when Congress entered upon it it had been represented that it could be carried out by inserting this tunnel 85 feet below the level of the earth, which would give a much slighter pressure than that to which it will be subjected as now constructed. Major Lydecker, who undertook the work, found that at a depth of 85 feet the rock was not such as to contain the water with certainty and to make the tunnel permanent. Being exposed to the atmosphere, the rock decomposed. Hence it was thought better to go down deeper and get into better rock.

It seems it was never dreamed by the projectors of this plan that it would be necessary to line the greater portion of this tunnel, and to make the lining sufficient to resist the pressure to which it would be subjected, to wit, more than 8,500 pounds to the square foot. The average depth below the reservoirs is now about 150 feet. In other words, beginning at the old reservoir, where the supply comes down from Great Falls—under a plan which was inaugurated in 1859—a shaft has been sunk, and the water was to be poured into the tunnel; then taken through it 20,700 feet to the distributing reservoir near the city.

Now, the pressure, as I have said, would be eight thousand five hundred and some pounds to the square foot, and the committee that was appointed to investigate the question had great doubt whether the work when finished would be sufficient to stand that pressure. In fact, we were satisfied it would not, and hence that the tunnel would be a failure. We went out there, put on water-proof clothing, waded through the water in the tunnel and looked at the openings that our experts had made. We first sent experts there to see whether the backing had been put in according to contract. Soundings and openings were made at intervals for miles, so as to see the extent of defective work, and it was ascertained. We found that there were spaces on the top of these three rounds of brick masonry upon which any member of this House could stand erect.

There are places as long as across this Hall, where, but for the bulkheads which seem to have been put in for the purpose of deceiving the inspectors or those who casually went into the tunnel, a man could walk erect or by bowing slightly. It is a serious question whether, if the water had ever been turned in there, the linings would not have been rent and destroyed. Much of the water would inevitably have found exit elsewhere. Now, that is the condition of the work.

Experts estimate that to complete the work in such a way as to come up to the original design would cost $929,000. They estimate that if the contractors performed their work according to the contract, all through, it would cost $190,000 additional to complete it. But no bonds were taken of them when the contracts and plans were changed. I pass no judgment upon the liability of the bondsmen who undertook for the contractors under the first contract. Here is what the engineers say:

In view of the great cost of reconstructing the tunnel, $925,000, so as to prepare it for carrying water under pressure, and in consideration of the fact that,

even if the work be well done, some elements of danger, loss and damage to property, and possible failure in parts of the tunnel would still remain, the board would hardly be justified in recommending this plan.

We find that after spending two millions of money we can now, for $550,000 only, a little over one-half of what it would require to complete the tunnel, by a plan about which there is no doubt, through a 4-foot cast-iron main, supply the city of Washington amply for ten or fifteen years to come. And even after the ten or fifteen years have elapsed, if the tunnel should be completed or some other plan for supplying the city devised, this 4-foot main can be utilized through most of its length in supplying water from the new aqueduct. It would therefore be no loss in any event.

The engineers make another report, in which they say that the tunnel in its present condition might be patched up and used for the insertion through it of a steel pipe 6 feet in diameter, which would supply the city for thirty-odd years to come, or possibly for fifty years. That, if it is desired, can be done in the future. The steel pipes would unquestionably resist the pressure, and if, after a most careful investigation, I had to make a suggestion to the House as to whether the steel-pipe plan or the original plan should be carried out, I would unquestionably recommend the adoption of the steel pipe, because it would cost about $100,000 less than the other plan and would be unquestionable in its result.

Now, gentlemen will probably want to know how it was possible that the work could be done in this way under the eye of the inspectors who were appointed by the Government of the United States to watch and supervise its progress. The original contractors, Beckwith & Quackenbush, sublet the work to other parties, and the committee discovered the astounding fact that, under assumed names, the inspectors appointed by the Government were paid by these subcontractors in addition to what the Government paid them.

In view of that fact it is not strange that the tunnel is found to be improperly constructed.

Now, Mr. Speaker, three plans are suggested as practicable: First, the completion of the tunnel on the original plan at a cost of $929,000; second, the use of the present tunnel as a receptacle for a steel pipe 6 feet in diameter, at a cost of $825,000, and, third, the plan of supplying the city for ten or fifteen years from the present reservoir by means of a cast-iron main along a line which I could describe in detail if time permitted, and which would be found to go through the high parts of the northwest section of the city, now thickly settled, and to be capable of supplying Capitol Hill, even, with smaller pipes and with sufficient pressure, at a cost of $550,000 or $575,000.

That the House may have full information as to the proposed plan embraced in this bill and recommended by the joint select committee, I submit the following report on the subject by General Casey, Chief of Engineers:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 19, 1889.

DEAR SIR: In reply to your verbal request of the 16th instant that I should locate a 48-inch main from the distributing reservoir to this city, furnish an estimate of its cost, and give its probable effect upon the water supply of the city, I have the honor to state:

1. The route recommended is shown on the accompanying map. From the distributing reservoir it follows the line of the existing mains, to the intersection of M street and Pennsylvania avenue; thence along M street to New Hampshire avenue; thence to R street and along R street, connecting with the 48-inch main from the new reservoir at R and Fourth streets. The reason for selecting this route is that if a conduit is constructed to the new reservoir at any future time, this main will then form a valuable addition to the water system of the city, dividing the small mains which have been laid in the northwest section; while if one is laid on L or M street (the shortest distance to New Jersey avenue) it would merely reinforce the 36-inch main, without cutting down the loss of head which results from long lines of small distributing mains. In this position it will also reduce the area in the northwest in which pumping will be required.

The length of the line recommended is about 23,200 feet. The length of the 48-inch main already laid from Fourth street and R to New Jersey avenue and L street is about 3,300 feet, making a total length of 48-inch main proposed of 26,500 feet.

There are two ravines along the proposed lines; *i. e.*, at Foundry Branch and Rock Creek, for which the plans for crossing will require more extended study than can be given in the limited time at my disposal. The existing mains cross Foundry Branch in a trench cut in the rock. To place a fourth pipe in this trench would make it very difficult to make repairs should any break occur at this point. To enlarge the trench by blasting might endanger the mains already laid. It is possible that the 48-inch main may be laid across the road bridge which crosses the stream. Rock Creek can be crossed either by a siphon under the stream or by an arch of 48-inch pipe similar to those under the Pennsylvania-avenue bridge or possibly upon trussed iron beams.

2. The portions of the city to be supplied by this main.

On the accompanying map the 75-foot contour of the city has been drawn in a broken red line. This forms a natural division between a high and low service. The position of the mains already laid will modify this dividing line to a slight extent, and the full red line marks the division between a high and low service recommended; the 48-inch main to supply the high level, and the existing mains of the city the low. It will be seen that there are two sections of the high service, one on Capitol Hill, and the other in the northwest, separated by a low service which extends across the city. To supply the eastern part of the low service, the part east of New Jersey avenue, connection must be made with the 36 or 30 inch main under the line which supplies Capitol Hill.

3. The effect this arrangement of mains will have upon the city service.

The formula for determining the flow of water in pipes give results very unsatisfactory, due to the difficulty of determining the value of a coefficient dependent upon the roughness of the pipe and the modifications due to bends and connections. I have therefore adopted the following method for determining the flow in the 48-inch main: The pressure on the 36-inch and 30-inch mains measured at the aqueduct office, is 32 and 28.5 pounds, respectively, per square inch. This would correspond to a flow of 37,455,000 gallons, by Fanning's formula for clean straight pipes without bends or valves. By actual measurement of the flow at the reservoir it has been found not to exceed 30,000,000 gallons. A coefficient corresponding to the heading slightly changed in Fanning's tables would very nearly give this result, and it is assumed that a new main would soon be in the same condition as the mains already laid. If a 48-inch main extended to Rock Creek, and the city used but 30,000,000 gallons of water, the supply would be distributed between the 30, 36, and 48 inch mains in the proportion of 1, 1.58, and 3.24, the $\frac{5}{2}$ power of their diameters, and the velocities with which the water would flow under the new conditions would be approximately as $\sqrt{1}:\sqrt{1.58}$, or less than one-half as fast, and as the loss of head is proportional to the square of the velocity the loss of head at this point would be one-quarter that which it is at present; *i. e.*, 5 feet instead of 20.

The following table showing the relative capacities of the different mains under the conditions specified, computed for clean pipes will also indicate the effect of introducing a 48-inch main, the water in the distributing reservoir being at the level of 146:

Size of main.	Length feet.	No. of gallons delivered at elevation 135 per day.	Elevation at which 12,000,000 gallons can be delivered per day.	Elevation at which 15,000,000 gallons can be delivered per day.
30 inches.....	28,000	5,500,000	100.57	76.34
36 inches.....	28,000	9,000,000	127.63	118.43
48 inches.....	28,000	20,000,000	141.25	139.20

With a complete supply to residences the daily expenditure of water will be largely increased, probably to at least 35,000,000 gallons, and a yearly increase of at least 1,000,000 of gallons is to be anticipated. The distribution of that increase can not be determined, but assuming that it will be largely in the higher levels, the 48-inch main will afford ample relief until there will be required from 45,000,000 to 50,000,000 gallons of water per day, say a period of from ten to fifteen years.

4. The cost of the 48-inch main.

Basing the estimate on the cost of the 48-inch main laid in 1884–'5, it being the 48-inch main from the new reservoir, the following will be the cost per running foot:

Cast-iron pipe	$12.67
Labor and calking	2.39
Tools and material	1.63
Hauling pipe	.43
Relaying pavement	2.00
	19.12
23,200 feet at $19.12	443,584.00
Special castings	15,000.00
4 48-inch gates at $1,700	6,800.00
20 6-inch gates at $22.10	440.00
4 20-inch gates at $200	800.00
2 12-inch gates at $59.50	119.00
Crossing Rock Creek and Foundry Branch (estimated)	10,000.00
	476,743.00
10 per cent. contingencies	47,674.30
	524,417.30

5. The necessary connections.

A 36-inch connection should be made with the 36-inch main at Rock Creek, so as to utilize either main in case of a break in the other. The 12 and 20 inch crossing the main at Twenty-second and Seventeenth streets, respectively, should be connected with it, and at Twelfth street 24-inch openings with valves should be placed for 24-inch pipes, though these pipes will not be required for several years. A 30-inch connection with the 36-inch main should be made under the line in New Jersey avenue for the purpose of supplying the eastern section of the low service.

The 30 and 36 inch mains must be shut down at New Jersey avenue and the gate at the intersection of New Jersey avenue and B street north must also be closed. One large connection, say 24-inch, should be made between the 30 and 36 inch mains in Fourteenth street. Under this arrangement the 12, 30, and 36 inch mains will supply the low service (all below 75 feet elevation) while the 48-inch will be devoted to the high service above 75 feet elevation. It is estimated that $575,000 will cover all expenses for the 48-inch main with these connections.

6. The time necessary to put in this main.

It is believed the main could be put in use in twelve months from the signing of the contracts for the pipe, provided the pipe is delivered in that time.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Senator GEORGE F. EDMUNDS,
Chairman Joint Commission, Senate Chamber.

The committee approve the 4-foot cast-iron main because there is no doubt about the efficiency of the plan, the adequacy of the supply it will yield, and because whilst sufficient it is cheaper. Other pipes can be added when desired. I will not further tax the House after the patience with which the members have favored me.

Mr. RYAN. Mr. Speaker, I want to supplement the remarks of the gentleman from Tennessee by adding that this proposed expenditure of $500,000 to secure this temporary supply for ten or fifteen years will not be lost when we come to secure a permanent supply, because we can utilize that pipe for the distribution of water.

Mr. MCMILLIN. I had so stated. I have stated that it could not only be used, but that much of it, in fact most of it, could be used without even taking it up, could be used in the position in which we would now place it. I do not wish to take up further time in this connection.

Mr. SAYERS. I now yield ten minutes to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON, of West Virginia. Mr. Speaker, I did not know that this question was to come before the House at this time; otherwise I should have refreshed my memory as to some of the facts connected with this tunnel. Having had charge of the District of Columbia

appropriation bill in the Forty-ninth Congress in association with the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Maryland [Mr. MCCOMAS], who are also members of this Congress, it fell to our duty to inquire into a deficiency appropriation which was asked for by the engineers in charge of the tunnel construction.

We then found that Congress had passed in July, 1882, an act to increase the water supply of the city of Washington and had made an appropriation of nearly a million and a half of dollars for that purpose. Included in that appropriation was the sum of about $600,000 for the construction of a tunnel or a conduit to convey the water from the present reservoir to some high point for distribution over the city of Washington, the difficulty at present being not only that the water supply is inadequate but that it has not sufficient head to reach houses in the highest elevations of the District.

The act of 1882, making an appropriation, as I have said, of a million and a half of dollars, went 10 per cent. beyond the estimate submitted to Congress from the Engineer Department. It took the highest estimates that were submitted, and then added 10 per cent. to those estimates in order to meet all contingencies in the construction of the work. The estimates, however, were made for a surface conduit, which was to carry the water from the present reservoir to some distributing point, either upon Capitol Hill or at the point where the new reservoir is being constructed.

The engineer in charge of this work reported to the Chief of Engineers in favor of changing the plan upon which the original estimates were made, and instead of having a surface conduit, going under Rock Creek as a siphon, proposed that there should be a tunnel which would begin at the present reservoir and go nearly 4 miles to the reservoir out beyond the Howard University. The report made contemplated that this tunnel was to be driven through solid rock for the entire distance of 4 miles, and that this rock would be a perfect tunnel in itself, strong and water-tight, needing no lining and no extra expenditure of any kind. That proposed change in the plans was submitted to the Chief of Engineers and approved by him. It was then submitted to the Secretary of War, upon whom the duty of constructing this work was imposed by the act of Congress, and approved by him.

Mr. CLEMENTS. The gentleman will find upon close examination that the approval of the Chief of Engineers and the Secretary of War was a provisional one; it was to the effect that that plan should be adopted in the event that, upon the sinking of trial shafts at necessary points and after a thorough examination, sufficient solid rock generally throughout the whole length of the tunnel should be found to answer the purpose without lining. After such examination the plan never was absolutely approved, but the matter just drifted along.

Mr. WILSON, of West Virginia. Well, that may be an attempt on the part of somebody to lessen the responsibility for the approval of this plan; but it was testified before the subcommittee when I had charge of the District of Columbia appropriation bill, by such engineers as Colonel Casey, Colonel Craighill, and General Meigs, whom we called in to consult, that you could not tell what was to be the character of the rock between the two ends of that tunnel unless you should examine it from one end to the other; that no sinking of shafts a mile or half a mile apart could give you any information as to the rock through which the tunnel was to be carried throughout its whole extent.

Mr. CLEMENTS. I do not wish to be understood as saying that anybody should be excused from any responsibility in this matter, because I think it was the duty of the Secretary of War and the Chief of Engineers at that time to have sufficient tests made to ascertain what could be done; and after this provisional approval some step ought to have been taken by the Department or by the Board of Engineers such as is usual in all such matters to ascertain whether or not the conditions required by the conditional approval existed or not. This was never done; and in point of fact the rock turned out to be full of seams and cracks——

Mr. WILSON, of West Virginia. I am coming to that.

Mr. RYAN rose.

Mr. WILSON, of West Virginia. I have only ten minutes and I can not yield.

The original act directed the Secretary of War to extend the Washington Aqueduct from its present eastern terminus to the high ground north of Washington, near Sixth street, extended; and the estimates upon which the original appropriation was made, which were prepared in the office of the engineer commissioner of the District of Columbia, contemplated in general terms the extension of the aqueduct by a 9-foot conduit from the distributing reservoir to an available site east of Seventh street.

Instead of the work being done according to the plan on which the appropriation was made, this more ambitious plan of driving a 4-mile tunnel through what was expected to be solid rock from the distributing reservoir to the reservoir east of Seventh street was adopted, first by the Chief of Engineers and then by the Secretary of War. Captain Hoxie was in charge. He was soon transferred to some other point and Major Lydecker left in charge of its construction.

In the Forty-ninth Congress application was made for a deficiency for this tunnel construction amounting to about $400,000. It was found when they sank these shafts and attempted to drive through the intervening rock that much of it crumbled as it was exposed to the air or moisture, and the tunnel had to be lined. Captain Hoxie contended, in a letter addressed by him to the chairman of the Committee on Appropriations, that if the tunnel had been sunk deeper solid rock would have been found, and also that the proper lining was of concrete for the surface walls of the tunnel, and not the more costly lining of brick with packing behind it.

These were the two points investigated by the Committee on Appropriations having the District of Columbia appropriation bill in charge in the first session of the Forty-ninth Congress. We reluctantly recommended to the full committee the appropriation asked for as a matter of necessity, but using the following language:

> But recognizing the difficulty, the novelty, and the importance of these questions, and the expediency of submitting them to competent experts, the committee have, in recommending the amount called for by the estimates, provided that the Secretary of War shall forthwith take the advice of the highest Engineer Board of the Army upon the plans and methods heretofore pursued.

Accordingly we incorporated into the law making it, the appropriation, the following provision:

> But the Secretary of War is instructed forthwith to submit to the Board of Engineers for Fortifications and for River and Harbor Improvements whether any changes are demanded for reasons of safety or economy in the method of lining said tunnel heretofore adopted and pursued, and whether any changes are required in the method of lining and perfecting the reservoir.

Thus bringing under the critical examination of that board the entire construction of this tunnel from one end of it to the other.

> *Provided*, That said board shall make full report thereon, and pending such examination the work shall proceed upon such parts thereof as the Secretary of War shall direct.

In other words, we suspended the work on the main part of this tunnel until this highest Board of Engineers in the Army should examine it personally and report to the Secretary of War as to the lining of the tunnel and reservoir.

Now, sir, there is abundant responsibility from the beginning of this work to the present time if there had been any error or blunder in its construction.

[Here the hammer fell.]

Mr. SAYERS. I now yield to the gentleman from Pennsylvania [Mr. RANDALL].

The SPEAKER *pro tempore*. For how much time?

Mr. RANDALL. Not at length, for as a rule I am brief.

Mr. Speaker, after the discussion this morning it must be manifest that the House conferees exhibited wisdom in refusing to take the least responsibility in this connection. For myself I was on my guard in this connection, for as chairman of the Committee on Appropriations I had come to know all the facts stated by the gentleman from West Virginia [Mr. WILSON] in reference to this matter, which makes me doubt as to what Congress should do.

The conferees halted in this particular and determined to come back to the House with this proposition, because it had never been discussed or considered in any way except in the joint committee. The report thereon was but recently made. I think it not unwise to say to the House that we had better hesitate before we go too far in the direction that is recommended.

I confess I have not the information or knowledge in this regard to give any advice to the House upon it, but so far as I am concerned, I propose now and here to say, as a conferee, I mean to free myself in every particular from any responsibility in this matter. Two millions of money have already been expended there. Past appropriations are to all intents and purposes of little public benefit. I am not able yet to decide for myself, at least, how this $575,000 is going to benefit the people of Washington, and give the desired water to the sections of the city now not properly supplied.

I am not altogether sure whether it is not better to wait until another session of Congress and we have read the report. I do not believe one in ten of our members has yet read the report from the joint committee appointed to inquire into this matter. I have absolute confidence in the purposes of the gentlemen who have spoken from that committee, and I have almost full confidence in their judgment; but, Mr. Speaker, I would like to have, as one member of this body, a little more knowledge than I now possess or than any of us possess on this question before I could be willing to advise this expenditure.

Mr. COX. Will the gentleman allow me a question?

Mr. RANDALL. Certainly.

Mr. COX. I would like the gentleman from Pennsylvania to tell the House upon whom he fixes the responsibility for this atrocious job.

Mr. RANDALL. I fix it in part upon the contractors.

Mr. COX. That is what I supposed.

Mr. RANDALL. That is where I place a part of the responsibility.

Mr. COX. I want it fixed there.

Mr. RANDALL. I have no doubt that that is primarily the place where it should be fixed.

There has been gross neglect on the part of the officials of the Government in connection with this work, and the very report of the committee which I have hastily glanced over shows a degree of fraud almost unequaled in the past.

The question is, what had we better do? That is the proposition that confronts us at this time. Shall we wait awhile and obtain further in-

formation before going further in that direction, or shall we proceed still deeper?

Mr. BUTTERWORTH. Does not the inadequacy of the water supply, in the opinion of the gentleman, require prompt action?

Mr. RANDALL. I think it does. I think early action should be taken. I know that to be the case, for I am myself a resident of that part of the city which will be, as I understand, benefited in this connection. But we had perhaps better wait.

There is another suggestion I want to make. I am not at all certain that this Government can not pursue these contractors and compel them to return some of the money which they have improperly taken. I do not know whether the bondsmen are responsible.

Mr. LONG. That is another question.

Mr. RANDALL. I admit that it is another question.

Mr. LONG. Another issue entirely.

Mr. RANDALL. I know; but there are so many bad issues about it it should cause us to pause and consider with a great deal of care what steps we take, so as to prevent further injury.

Mr. COX. Will the gentleman from Pennsylvania be kind enough to tell us how, from his information upon this subject, he would advise us to vote on this proposition now pending between the two Houses?

Mr. RANDALL. I would advise delay.

Mr. COX. That would be a vote, then, to insist upon the disagreement to the Senate amendment?

Mr. RANDALL. Yes, sir.

Mr. BUTTERWORTH. And while we are delaying we are without water.

Mr. RANDALL. The House conferees came back here feeling this: that they would not assume the least responsibility on this question. We wanted to free ourselves from the responsibility which action upon this amendment would entail; and I want to say now publicly that the conferees in this connection will feel themselves entirely free from any word of censure or criticism whatever may be the action of the House in regard to the amendment of the Senate.

Mr. SAYERS. I now yield to the gentleman from Maryland [Mr. McCOMAS] ten minutes.

Mr. McCOMAS. Mr. Speaker, it seems to me that if the proposition involved in this amendment, which is a proposition coming from the committee, be taken with proper limitations it is all right. If the committee now undertake to say that after having expended two millions of dollars under-ground, because they have found a contractor who has cheated the people in working at a depth of 160 feet under-ground, the very best place possible for a contractor to cheat anybody, that because in the lining of the tunnel there has been fraud and irregularity that therefore we shall have delay in securing a supply of water for the present; I say if that is the logic I must disagree.

I was a member of the committee who investigated this matter, in connection with my friend from West Virginia [Mr. WILSON], the gentleman from Iowa [Mr. HENDERSON], and others, and the same experts were before us; and while there was some difference of opinion, the general trend of opinion, as expressed before the committee, was, as engineers, that after the Government had digged the great hole for 4 miles under-ground from a reservoir into a big city, at some time or other it would be only a proper thing to turn the water into the hole and see what the result would be, and what the millions of dollars expended amounted to.

Now, pending that, if it be desired to further investigate the question, because they have a tunnel of that sort in Boston and they are now lining one of the same kind in New York—I say if they want to further investigate the question they can wait for it, but the water supply of the city will not wait. Something must be done to meet that pressing demand, and this proposition on which we are now called to act means that the people need not wait. It means that the people who can not get water in the upper stories of their houses, or even, in some parts of the city, an adequate supply on the lower floors, although there is plenty of water at the source of supply, shall not be compelled to wait.

The reservoir is in good condition; the machinery for distributing it is available, and pending the consideration of the whole subject the Senate amendment proposes to expend a half million of dollars to have a 48-inch cast-iron main laid so that we can have water while we are discussing the feasibility of the tunnel. This Congress will adjourn, and if this bill and the sundry civil bill pass it may not meet until December next; but meanwhile the Secretary of War, under the guidance of the Chief of Engineers, can have the pipes laid and give a present supply, and then examine further into the tunnel question.

It will not do to say, because there are rascally contractors and because there may have been careless observers and watchers of the Government work, that this need of the people shall not be supplied. It will not do for this Congress, which has put upon the people of this city and District this enormous expenditure in adopting and carrying out this plan, to wipe out the whole thing after wasting, according to this theory, a million of money belonging to the Government and a million of their money without getting any water.

Mr. BUTTERWORTH. If the gentleman from Maryland will permit me, I want to ask if I understood the gentleman from Pennsylvania to intimate that he doubted the practicability of the means proposed to supply the water?

Mr. RANDALL. I say this, that I have not had time, nor have I the knowledge or the information which enables me to make a recommendation whether this is right or wrong, but I have taken the evidence of the gentlemen who have made this investigation.

Mr. McCOMAS. The amendment is:

To enable the Secretary of War to cause to be constructed and put in operation a 48-inch cast-iron main from the present distributing reservoir above Georgetown, easterly to Rock Creek at M street, and thence along M street to New Hampshire avenue; thence northeasterly along New Hampshire avenue to R street north; thenee along R street, to connect with the present 48-inch main from the new reservoir at R and Fourth streets.

Now, there is already one 48-inch pipe, and you are going to increase the supply by putting in another 48-inch pipe. There is no great problem in that. The question of utilizing the tunnel can afterwards be considered. The general belief of the engineers was that if they dug 60 feet they would find a solid rock; but it was found that the rock was not good, as it decomposed when it was exposed to the air. Now General Meigs says if they had gone below the frost-line and laid a pipe instead of a tunnel 6 miles long it would have been far less expensive to supply the water.

Mr. BUTTERWORTH. Is there any question that if we adopt the pending proposition it will secure to Washington the needed supply?

Mr. McCOMAS. None whatever. There is no question but what the supply will be ample for ten or fifteen years; and if the water will run through one 48-inch main will it not run through another 48-inch main, if you put the other down? This is a temporary expedient. I must dissent from the proposition of the gentlemen here to let that tunnel go. I believe it ought to be inquired into in the future, and an effort should be made to try and line it; and pending that we can get this supply and give this water which the people ought to have. Therefore I shall move directly, and take the responsibility as a member of this House, and also of this conference, to recede from this amendment, but not to amendment 37, and leave the question of completing the tunnel for future action of Congress.

In a few years, if the tunnel is ultimately available, then the large amount of money that has already been expended will not be wasted. Meanwhile the additional 48-inch pipe will supply the country and supply the city. While it supplies a temporary purpose, it is a proper expenditure at all times.

Mr. BAKER, of New York. If this pipe is laid down I understand it will be useful in connection with the tunnel.

Mr. McCOMAS. It will be a supplement to the tunnel.

Mr. BAKER, of New York. And will be worth all it cost.

Mr. SAYERS. I now yield to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, I request this time more for the purpose of asking questions of the gentlemen who have been members of this committee of investigation than for the purpose of making observations. I want to ask the members of the committee who investigated this tunnel whether or not this plan is recommended by them. I wish to ask that of the gentleman from Tennessee [Mr. McMILLIN] or the gentleman from Georgia [Mr. CLEMENTS].

Mr. McMILLIN. I will state to the gentleman from Iowa that it is recommended by the committee. They thought that if any plan for additional water supply for the city of Washington is to be adopted this is the one that should be adopted. Whether any shall be adopted is of course for Congress to determine.

Mr. HENDERSON, of Iowa. Did the committee of investigation, from the information they obtained, consider that this water is now needed for the supply of the city?

Mr. McMILLIN. The committee say it ought to be done to supply the city with water.

Mr. HENDERSON, of Iowa. One question more. I understand that eminent experts from the ranks of civil engineers in the country were employed by your committee.

Mr. McMILLIN. They were.

Mr. HENDERSON, of Iowa. They report in favor of this plan, do they not?

Mr. McMILLIN. They gave two plans outside of the present tunnel, either one of which may be adopted. The first was, as I said in my remarks a few minutes ago, to use the present excavation as a receptacle or conduit for a steel pipe 6 feet in diameter. They say that either of these plans can easily be adopted. They also say that a permanent supply of water for the city of Washington can be obtained by laying many of these pipes instead of laying one, and that this pipe that is now proposed to be laid may be added to by others, and by that means we can get an ample supply of water, and that the cost would be about $1,100,000.

Mr. HENDERSON, of Iowa. Did the Government engineers agree with the civil engineers?

Mr. McMILLIN. We did not consult the engineers in charge of this work a great deal.

Mr. HENDERSON, of Iowa. But your committee had them before you.

Mr. McMILLIN. We had them before us as witnesses. I will state

to my friend from Iowa that General Casey, who is now in charge, recommends this plan above all others.

Mr. HENDERSON, of Iowa. One more thing I want an answer to: First, whether the supply is needed and needed now; and, secondly, the judgment of the committee that have specially investigated this matter. They state here as the result of their investigation that it is recommended by engineers employed at a great expense; and we have got to depend after all upon expert testimony. They unite in recommending it, the Government engineers recommend it, and those who have given it special investigation recommend it.

Water is not a thing that can be lightly disregarded in the service of the needs of a great city. We are the city council for the city of Washington and the District of Columbia. We are loaded down with a duty which we owe to the people here, and we can not afford to adjourn this Congress without making ample provision for the tables and the pots and kettles of the people of this city and this District. Now, after patient investigation, we have light given to us. Bear in mind, too, the further fact that the laying of these pipes in the tunnel will not destroy the tunnel or prevent its future utilization if further investigation, as suggested by the chairman of the committee, shall show that it may be profitably utilized.

Mr. BELDEN. It is not proposed to lay the pipes in the tunnel.

Mr. HENDERSON, of Iowa. Well, wherever they may be laid the same remark applies. I submit, Mr. Speaker, that our duty is clear, as business men, to concur in this amendment in order to supply to the people of this District the water which they need.

Mr. RANDALL. I wish the gentleman from Tennessee [Mr. MCMILLIN] would give us his own judgment, after hearing all these plans discussed, as between the two plans—the 72-inch pipe to go within the tunnel or the 48-inch pipe to go on the surface.

Mr. MCMILLIN. The gentleman asks my individual opinion as to which of those plans would best give an adequate and permanent water supply to this District, and I do not hesitate to say that I should favor the placing of a 6-foot pipe in the present tunnel. I believe it would perform the required work. There is only one objection to it, and that is that it would be subject to the collection of silt or deposits from muddy water, just as the tunnel itself would be without the pipe. But, nevertheless, at the present I think the best thing that can be done is to adopt the proposition to lay the 48-inch main, and I will state to my friend from Pennsylvania [Mr. RANDALL] that I am influenced in coming to that conclusion by the fact, which is generally admitted, that a good portion of the 4-foot main which would be utilized, to wit, from the intersection of M and Fourth streets, running in the direction of the Capitol, some three thousand and odd feet, can be used without any additional cost. In addition to that, the 4-foot main from where it strikes the intersection of Georgetown and M street after leaving the present main could be used for all time to come to supply that part of the city with water.

Mr. WILSON, of West Virginia. I wish to ask the gentleman whether it is proposed to connect the surface conduit with the reservoir out at Howard University.

Mr. MCMILLIN. It is not.

Mr. WILSON, of West Virginia. You propose to abandon that entirely?

Mr. MCMILLIN. Under this plan that would have to be abandoned, because instead of connecting with that reservoir it is proposed to connect with the present 4-foot pipe which leads from that, and it would, of course, be useless to pour the water in there only to draw it out into the same pipes that are to distribute it.

Mr. SAYERS. I now yield the balance of my time to the gentleman from Kansas [Mr. RYAN].

The SPEAKER *pro tempore*. The gentleman has five minutes remaining.

Mr. RYAN. Mr. Speaker, as a member of the joint committee appointed to investigate the subject of fraudulent work in the tunnel and the subject of water supply for this city, I desire to say a word regarding the situation. So far as the tunnel is concerned, all the engineers agree that danger will result to property and to the health of the city from its completion or from its utilization. They differ on this point only: Some of the engineers say that danger is imminent, while others say that it is only possible. In any event there is doubt whether it could be utilized for the purposes for which it was designed.

Some one said—I think it was my friend from Maryland [Mr. MCCOMAS]—that some of the Army engineers were in favor of turning the water in and trying the tunnel, but they tell us that it must first be suitably lined, and that would cost about a million dollars. Then what have we? Simply an experiment. It may be a success or it may not. So much for the tunnel. Now, what is the condition that confronts us? It is this: A great city, dependent on us for all legislation, and of course for water supply, is now absolutely suffering in health because of the want of an adequate supply of water. By reason of the absence of water in this city fevers have raged during the last year, I am informed, as never before, resulting in most extraordinary mortality.

Now, what do the engineers tell us? All of them, without any difference of opinion, say that if we will adopt this 48-inch pipe it will afford an ample supply of water to this city for the next ten or fifteen years at a cost of half a million dollars, or certainly not to exceed $600,000. About that they all agree. That will be no experiment. That will secure the people an adequate supply, absolutely beyond any question whatever. Hence, while the expert engineers recommend other methods of securing a permanent water supply, I need not discuss them now. It is sufficient to say that they involve an expenditure of about $2,000,000, and for obvious reasons can not be considered by this Congress at this late hour of the session.

All the engineers concur, and the joint committee concur, in recommending that this 48-inch pipe method of supply be adopted at once in order that the people of the District may have with as little delay as possible this greatly needed relief. There is another feature of the matter to which I wish to call the attention of gentlemen. That is, that when Congress shall hereafter undertake to furnish some method of permanent water supply for this city, every dollar that we expend here in securing this temporary supply for ten or fifteen years can then be utilized without any loss whatever.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SAYERS. I now move that the House insist upon its disagreement to the amendment of the Senate.

Mr. MCCOMAS. I move that the House recede from its disagreement to the amendment of the Senate numbered 36 and agree to the same, and upon that I move the previous question.

Mr. RANDALL. And on that we ask for the yeas and nays.

The SPEAKER *pro tempore*. The Chair will state the proposition. The gentleman from Texas [Mr. SAYERS] moves that the House insist upon its disagreement to the Senate amendment, and upon that he demands the previous question. Pending that, the gentleman from Maryland [Mr. MCCOMAS] moves that the House recede from its disagreement to the Senate amendment and concur in the same, and upon that motion he demands the previous question. The question is, Will the House order the previous question upon the motion made by the gentleman from Maryland [Mr. MCCOMAS]?

The previous question was ordered.

Mr. CLEMENTS. Now, Mr. Speaker, if it is in order, I wish to be heard for about five minutes on this question.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Georgia that general debate has been running on this question for a few minutes over an hour, and unless by unanimous consent the gentleman can not be heard at this time. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. The gentleman is entitled to debate this motion. The motion just now submitted by the gentleman from Maryland [Mr. MCCOMAS] has not been submitted heretofore, and the previous question is pending upon it, and upon that the gentleman from Georgia is entitled to be heard.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] does not state the situation as it is. The Chair will state that no motion was pending. Both propositions were discussed, by general consent, under the rule of general debate, and the previous question cuts off all debate except by unanimous consent. The gentleman from Georgia [Mr. CLEMENTS] asks unanimous consent that he may be heard for five minutes.

Mr. PAYSON. I object.

Mr. COX. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. I make the point of order that the gentleman from Georgia [Mr. CLEMENTS] does not require unanimous consent to speak at this time.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The Chair hears no objection and the gentleman from Georgia will proceed.

Mr. BAYNE. I shall object unless five minutes be given for reply.

Mr. HOLMAN. Regular order.

Mr. BAYNE. I withdraw my objection.

Mr. CLEMENTS. The gentleman from West Virginia has referred to the approval of this plan by the War Department. I wish to say that I have no dispute with him as to the question of responsibility. The War Department was charged with the responsibility of seeing that the law was carried out in good faith in this whole matter; and the responsibility for entering upon and prosecuting this under-ground plan, under conditions which it has been shown did not warrant it, must lie at the door of the War Department. I do not mean in anything I have said to intimate that there is any apology or excuse for this great neglect of official responsibility.

The gentleman from Pennsylvania [Mr. RANDALL] expresses doubt as to what we should do, and says that he does not know but that we should pursue the sureties. On the contractor's bond I have no doubt that we ought to pursue the sureties; they ought to be held to their responsibility on their bond as far as possible. But that will not bring a water supply to the people of Washington. The gentleman from Pennsylvania testifies, what every member must know from personal experience as well as from information, that there is an urgent necessity for an additional water supply. It is well known here that I am not in the habit of advocating extravagant appropriations for this District, for I believe there are many unnecessary appropriations made in this behalf; but this is not an expenditure of that character. It was seen by Con-

gress so far back as 1883 that there was this necessity; and this project was set on foot to bring about an additional supply; yet with this necessity increasing each year until the present time there is still no increase of supply.

Now it is proposed by the gentleman from Pennsylvania that we halt here and leave this whole question open for further investigation and longer delay. In view of the fact that we are not prepared to adopt any of these other plans, and in view of the fact that there is a pressing necessity for increased supply, and in view of the fact that the engineers, both in the Army and out of it, agree that this plan is perfectly feasible, that it is not an experiment, that it will bring an additional water supply sufficient for the next ten or fifteen years, it seems to me that our duty is perfectly clear.

In coming to this conclusion I have no pride of opinion in regard to our report. It has been a serious matter to make any recommendation on this question as to what should be done; but the necessity is pressing and urgent; and this is the only way out of it that will give the people of this District promptly a sufficient supply of water. And I repeat it is not experiment; it has been tried; there is no difficulty about it. I think the House ought not to hesitate.

Mr. BELDEN. Will the gentleman allow me a single remark? Contracts have been made under authority of act of Congress for this work, the work has proceeded under those contracts, and now after an investigation it is proposed that a new plan be adopted, although the effect of this change of plan must be to let the contractors out entirely.

Mr. CLEMENTS. We do not propose to let them out.

Mr. BELDEN. You can not do otherwise, if you change the plan.

Mr. CLEMENTS. We do not let them out. The contractors have failed in every particular to carry out their contract, and they are liable on their bond so far as the bond is sufficient; it is only for $200,000. There was a supplemental contract for which no bond was taken.

Mr. BELDEN. I have done work of this character a large part of my life; and I assert that this work can be completed more quickly by following and enforcing the existing contracts than it can be by adopting the proposed change of plan.

Mr. CLEMENTS. If the work were continued under the present contracts the whole thing would be a failure, as has been shown by the examination of experts. The specifications under which much of the work has been done were not sufficient, in the opinion of the experts, to make it secure under such great pressure. If the contract were carried out according to the specifications it would still be insecure; but this in no wise relieves the contractors from the consequences of their default. Nor does this amendment in any manner relieve them; it simply provides for a new and different work entirely distinct from the old plan or the existing contract.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Maryland [Mr. MCCOMAS] that the House recede from its disagreement to the amendment of the Senate and agree to the same, on which motion the gentleman from Pennsylvania [Mr. RANDALL] has demanded the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. I hope the Chair will state that an "ay" vote on this question is in favor of adopting the 48-inch surface pipe.

Mr. BAKER, of New York. An "ay" vote gives us water, and a "no" vote no water.

Mr. MCCOMAS. An "ay" vote means a 48-inch main; a "no" vote means no arrangement whatever.

The question was taken; and it was decided in the affirmative—yeas 164, nays 55, not voting 104; as follows:

YEAS—164.

Adams,	Cogswell,	Hemphill,	McMillin,
Allen, Mich.	Compton,	Henderson, Iowa	Merriman,
Anderson, Kans.	Conger,	Henderson, N. C.	Morrill,
Arnold,	Cooper,	Henderson, Ill.	Morrow,
Atkinson,	Cowles,	Hermann,	Morse,
Baker, N. Y.	Crisp,	Hiestand,	Nichols,
Baker, Ill.	Crouse,	Hires,	O'Donnell,
Bayne,	Culberson,	Hitt,	O'Ferrall,
Bingham,	Cutcheon,	Holmes,	O'Neill, Pa.
Blanchard,	Dalzell,	Hooker,	Osborne,
Boothman,	Davenport,	Hopkins, Ill.	Outhwaite,
Bound,	Davidson, Ala.	Hunter,	Perkins,
Boutelle,	Davidson, Fla.	Hutton,	Perry,
Bowen,	Dougherty,	Johnston, Ind.	Peters,
Breckinridge, Ark.	Dunn,	Kean,	Plumb,
Breckinridge, Ky.	Elliott,	Kennedy,	Pugsley,
Brewer,	Enloe,	Kerr,	Reed,
Browne, Ind.	Farquhar,	Ketcham,	Rice,
Brown, J. R., Va.	Felton,	Kilgore,	Robertson,
Buckalew,	Finley,	Laidlaw,	Rockwell,
Bunnell,	Funston,	Landes,	Romeis,
Burrows,	Gaines,	Latham,	Rowell,
Butler,	Gear,	Lawler,	Russell, Conn.
Butterworth,	Gibson,	Lehlbach,	Ryan,
Bynum,	Glass,	Lind,	Sawyer,
Campbell, Ohio	Grimes,	Lodge,	Scott,
Candler,	Grout,	Long,	Scull,
Cannon,	Guenther,	Mansur,	Seymour,
Caruth,	Harmer,	Mason,	Shaw,
Catchings,	Hatch,	McClammy,	Smith,
Chipman,	Haugen,	McComas,	Snyder,
Clardy,	Hayden,	McKenna,	Sowden,
Clark,	Hayes,	McKinley,	Spooner,
Clements,	Heard,	McKinney,	Springer,
Steele,	Thomas, Ill.	Weaver,	Wilkinson,
Stephenson,	Thomas, Wis.	West,	Williams,
Stewart, Tex.	Vance,	Wheeler,	Wise,
Stewart, Vt.	Vandever,	White, Ind.	Woodburn,
Stone, Ky.	Walker,	White, N. Y.	Yardley,
Struble,	Warner,	Whiting, Mass.	Yoder,
Taulbee,	Washington,	Wickham,	Yost.

NAYS—55.

Anderson, Miss.	Fitch,	McCreary,	Russell, Mass.
Anderson, Ill.	Foran,	McRae,	Sayers,
Bacon,	Forney,	Mills,	Seney,
Belden,	French,	Moffitt,	Sherman,
Bland,	Hall,	Montgomery,	Shively,
Blount,	Herbert,	Moore,	Stockdale,
Booher,	Holman,	Oates,	Stone, Mo.
Campbell, F., N. Y.	Howard,	Parker,	Taylor, J. D., Ohio
Caswell,	La Follette,	Peel,	Tracey,
Cobb,	Lanham,	Penington,	Turner, Ga.
Cox,	Lynch,	Pidcock,	Wilber,
Cummings,	Macdonald,	Randall,	Wilson, Minn.
Dockery,	Martin,	Richardson,	Wilson, W. Va.
Dorsey,	McCormick,	Rowland,	

NOT VOTING—104.

Abbott,	Davis,	Jones,	Payson,
Allen, Mass.	De Lano,	Kelley,	Phelan,
Allen, Miss.	Dibble,	Laffoon,	Phelps,
Anderson, Iowa	Dingley,	Lagan,	Posey,
Bankhead,	Dunham,	Laird,	Post,
Barnes,	Ermentrout,	Lane,	Rayner,
Barry,	Fisher,	Lee,	Rogers,
Biggs,	Flood,	Lyman,	Rusk,
Bliss,	Ford,	Maffett,	Simmons,
Bowden,	Fuller,	Mahoney,	Spinola,
Brower,	Gallinger,	Maish,	Stahlnecker,
Browne, T. H. B., Va.	Gay,	Matson,	Stewart, Ga.
Brown, Ohio	Gest,	McAdoo,	Symes,
Brumm,	Glover,	McCullogh,	Tarsney,
Bryce,	Goff,	McShane,	Taylor, E. B., Ohio
Buchanan,	Granger,	Milliken,	Thomas, Ky.
Burnett,	Greenman,	Morgan,	Thompson, Ohio
Campbell, T. J., N. Y.	Grosvenor,	Neal,	Thompson, Cal.
Carlton,	Hare,	Nelson,	Tillman,
Cheadle,	Hogg,	Newton,	Townshend,
Cockran,	Hopkins, Va.	Norwood,	Turner, Kans.
Collins,	Hopkins, N. Y.	Nutting,	Wade,
Cothran,	Houk,	O'Neall, Ind.	Weber,
Crain,	Hudd,	O'Neill, Mo.	Whiting, Mich.
Dargan,	Jackson,	Owen,	Whitthorne,
Darlington,	Johnston, N. C.	Patton,	Wilkins.

So the motion to recede was agreed to.

During the roll-call,

On motion of Mr. MCCOMAS, the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. TOWNSHEND with Mr. KELLEY, on all political questions, for this calendar day.

Mr. TILLMAN with Mr. CHEADLE, on this vote.

Mr. WILKINS with Mr. BROWN, of Ohio, on all political questions, for this day.

Mr. BIGGS with Mr. HOPKINS, of New York, on this vote.

Mr. ROGERS with Mr. MCCULLOGH, on all political questions, for this day.

Mr. THOMPSON, of California, with Mr. BOWDEN, on this vote.

The vote was then announced as above recorded.

Mr. MCCOMAS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I ask that amendment number 37 be now read.

The Clerk read as follows:

For the survey of a line for a substantially surface gravity conduit from the present distributing reservoir above Georgetown to the new reservoir in the city of Washington, to be made by the Chief of Engineers under the direction of the Secretary of War, $10,000, or so much thereof as may be necessary. This survey when made shall be reported to Congress, together with detailed plans and drawings, showing its location, character, and statement of the length of time required for its construction, with a detailed estimate of its cost, including land damages, and all other things pertaining thereto, for the information and consideration of Congress.

This appropriation shall be charged against the revenues applicable to the expenses of carrying on the government of the District of Columbia, so that one half will be paid from the Treasury of the United States and the other half from moneys derived from taxation in the District.

Mr. SAYERS. I move further to insist on the disagreement of the House to this amendment, and on that motion demand the previous question.

The previous question was ordered, and under the operation thereof the motion was agreed to.

Mr. SAYERS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I ask that amendment 103 be read.

The Clerk read as follows:

Page 66, line 14, insert, after the word "police," the words "the employés of the Congressional Library and the Senate reporters."

Mr. SAYERS. I move that the House further insist on its disagreement to that amendment, and on that motion demand the previous question.

Mr. CUMMINGS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUMMINGS. I would like to know if that includes the whole paragraph.

The SPEAKER *pro tempore*. It does not, but is a disagreement to what the Senate proposes to insert.

The previous question was ordered, and under the operation thereof the motion was agreed to.

Mr. SAYERS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAYERS. I now ask for the reading of the amendments 109 and 110.

The Clerk proceeded to read.

Mr. SPRINGER. I move, by unanimous consent, to dispense with the reading of the amendments, as they refer to the French spoliation claims.

Mr. RANDALL. I object to anything passing this House which has not been read so members may hear it.

Mr. SPRINGER. I made that request by unanimous consent. If the motion that the Senate amendments be further disagreed to be voted down I shall object to proceeding further with this bill.

The Senate amendments are as follows:

FRENCH SPOLIATION CLAIMS.

SEC. 4. To pay the findings of the Court of Claims on the following claims for indemnity for spoliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," namely:

On the schooner Industry, Benjamin Hawkes, master, namely:

Thomas Cushing, administrator of Marston Watson, $6,555;

Charles F. Adams, administrator of Peter C. Brooks, $3,000;

William Sohier, administrator of Nathaniel Fellowes, $1,000;

H. W. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000.

On schooner Delight, Stephen Curtis, master, namely:

George Holbrook, administrator of Edward Holbrook, $6,302;

Charles F. Adams, administrator of Peter C. Brooks, $4,000;

Ebenezer Gay, administrator of executor of the assignee in bankruptcy of Thomas English, $500;

Charles F. Hunt, administrator of Joseph Russell, $1,000;

W. H. Blagge, administrator, and Susan B. Samuels, administratrix of Crowell Hatch, $1,000;

On schooner Little Peg, William Auld, master, namely: Francis King Carey, administrator of Samuel Hollingsworth, $5,960.50;

On ship Theresa, James Brown, master, namely: R. Stewart Strobel and Henry L. Bruns, administrators of Thomas Stewart, $6,350:

On the ship Eliza, John Borrowdale, master, namely: The president and directors of the Insurance Company of North America, $4,900;

On the schooner Industry, Joseph J. Knapp, master, namely: William Gray, administrator *de bonis non* of William Gray, jr., $5,882.67;

On the schooner John, John C. Blackler, master, namely: William Gray, administrator of William Gray, deceased, $9,152.90;

William R. Hooper, administrator of William Blackler, deceased, $3,741.70:

On the brig Eliza, Daniel Francis, master, namely:

John K. Myers, administrator *de bonis non* of Nathaniel Eaton, deceased, $7,008.15;

Thomas J. Boardman, administrator *de bonis non* of Daniel Francis, deceased, $325.75;

On the schooner Industry, Benjamin Hawkes, master, namely: The New York Insurance Company, by T. B. Bleecker, jr., and Charles C. Leary, receivers, appointed February 19, 1887, in place of former receivers, deceased, $7,000:

On the brig Anna, Peter Bingham, master, namely: The Insurance Company of the State of Pennsylvania, $14,700;

On the brig Dolley, Arnold Higgins, master, namely: The Insurance Company of the State of Pennsylvania, $6,031.51;

On the ship John, Levi Putnam, master, namely: William Gray, administrator *de bonis non* of William Gray, jr., deceased, $45,318.66;

Fisher Ames, administrator *de bonis non* of Fisher Ames, deceased, $3,500;

Fisher Ames, administrator *de bonis non* of John Worthington, deceased, $1,993;

On the brig Volante, Thomas Barker, master, namely: William Gray, administrator with the will annexed of the estate of William Gray, jr., of Massachusetts, $11,356.65;

On the schooner The Helena Plumsted, Thomas Corry, master, namely: The Insurance Company of the State of Pennsylvania, $9,506;

On the schooner Sallie, Benjamin Russell, master, namely:

William Gray, administrator, etc., $8,597.08;

Benjamin Russell, administrator, etc., $869.95;

On the ship Accepted Mason, Eph. Delano, master, namely:

John P. Delano, administrator of Eph. Delano, $8,017;

Richard H. T. Taylor, administrator of Joshua Hilton, $8,017;

Thomas H. Perkins, administrator of John C. Jones, $640;

William Sohier, administrator of Nathaniel Fellowes, $700;

On the schooner Nancy, Augustus Black, master, namely:

Francis King Carey, administrator *de bonis non* of the estate of Samuel Hollingsworth, $1,961.12;

Sands Smith, administrator of William Respass, $2,210;

On the schooner Two Brothers, H. Fry, master, namely:

Francis King Carey, administrator *de bonis non* of the estate of Samuel Hollingsworth, $2,384.57;

On the brig Fortune, William Tuck, master, namely:

Thomas H. Perkins, administrator of John C. Jones, $1,500;

Charles Francis Adams, administrator of Peter C. Brooks, assignee of Boardman, Gorham, and Homer, $2,000;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000;

William Sohier, administrator of Nathaniel Fellowes, $1,000;

Francis M. Boutwell, administrator of Benjamin Cobb, $1,000;

William Vernon, administrator of Samuel Brown, $1,000;

On the schooner Expedite, Samuel Clapp, master, namely: The Insurance Company of the State of Pennsylvania, $7,519.66;

On the brig Mary, John Choate, master, namely:

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of William Smith, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Stephen Gorham, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Daniel Sargent, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Isaac Rands, administrator of Caleb Hopkins, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of John Brazer, $500;

Charles Francis Adams, administrator, etc., of Peter Chardon Brooks, assignee of Tuthill Hubbart, $500;

Thomas H. Perkins, administrator of John C. Jones, $500;

Robert C. Mackay, executor of William Mackay, $500;

Ebenezer Gay, the younger, executor of Ebenezer Gay, the older, assignee of Thomas English, $500;

William Sohier, administrator of Nathaniel Fellowes, $500;

The president and directors of the Insurance Company of North America, $9,310;

Napoleon Harvey, as administrator of the estate of Samuel Welch, $1,368.05;

Napoleon Harvey, as administrator of the estate of Ezra Welsh, $1,368.05;

On the schooner James, Hugh Gemmill, master, namely:

William E. Woodyear, administrator *de bonis non* of Jeremiah Yellott, deceased, $7,176.34;

The Insurance Company of the State of Pennsylvania, $11,760;

On the ship Hope, John Rogers, master, namely:

Susan Buchanan Shaeffer, administratrix, with the will, etc., of James Buchanan, $22,262;

George M. Gill, administrator of Gabriel Wood, $19,776;

David Stewart, administrator of Henry Lee, $2,432;

On the schooner Bethia, John Lanier, master, namely:

John O. G. Allmand, administrator, $3,113.33;

R. Manson Smith, administrator of Francis Smith, $6,233.33;

Gilbert R. Fox, jr., administrator *de bonis non* of Thomas Willock, $6,233.33;

The president and directors of Insurance Company of North America, $3,920;

On the schooner Neutrality, Thomas Gray, master, namely:

Charles Francis Adams, administrator *de bonis non* of Peter C. Brooks, deceased, assignee of Tuthill Hubbart, $600;

Charles Francis Adams, as assignee of Isaac Rands, administrator of Caleb Hopkins, $600;

William Sohier, administrator *de bonis non* of Nathaniel Fellowes, deceased, $600;

Pelham Holmes, administrator *de bonis non* of Ebenezer Lobdell, deceased, $5,058.34;

On the brig Marcus, Isaac Miles, master, namely:

Charles F. Adams, administrator of Peter C. Brooks, assignee of Tuthill Hubbart, William Smith, David Green, and Caleb Hopkins, $1,201;

William Sohier, administrator of Nathaniel Fellowes, $210;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $300;

On the schooner Phœnix, Solomon Babson, master, namely:

Thomas Cushing, administrator of Marston Watson, $10,846.57;

William Sohier, administrator of Nathaniel Fellowes, $2,000;

Charles Francis Adams, administrator of Peter C. Brooks, assignee of Stephen Gorham, David Greene, and William Smith, $2,500;

Thomas H. Perkins, administrator of J. C. Jones, $1,000;

Charles F. Hunt, administrator of Joseph Russell, surviving partner of Jeffrey & Russell, $1,000:

Francis M. Boutwell, administrator of Benjamin Cobb, $1,000;

Frederick O. Prince, administrator of James Prince, $500;

James C. Davis, administrator of Cornelius Durant, $300;

On the brig Mary, Alexander Ross, master, namely:

Charles Francis Adams, administrator of Peter C. Brooks, assignee of William Smith, Daniel D. Rogers, David Greene, Benjamin Bussey, Benjamin Homer, and Tuthill Hubbart, $5,460;

Francis M. Boutwell, administrator of Samuel Cobb, $840;

William Vernon, administrator of Samuel Brown, $2,100;

H. Burr Crandall, administrator of Thomas Dickason, $1,050;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,050;

William S. Bowden, administrator of James Scobie, $5,271.76;

On the ship Hannah, Richard Fryer, master, namely:

George H. Gorman, administrator of John Cox, deceased, $14,465;

John A. Brimmer, administrator of John Gilliat, deceased, $35,840.44;

On the ship John of Richmond, Edward Watson, master, namely: Robert M. Banks, administrator *de bonis non* of John Banks, deceased, $28,349.83;

On the ship Triumph, Thomas McConnell, master, namely:

Safe Deposit and Trust Company of Baltimore, administrator of Alexander Mactier, $2,300;

Henry L. Dashiell and David Steuart, administrators of James Corrie, the older, $2,300;

On the ship Catharine, John Farraday, master, namely:

Charles Biddle, administrator of John Craig, $5,565;

The Insurance Company of the State of Pennsylvania, $14,373.34;

On the schooner Betsey, William Dennis, master, namely: William B. Ropes, administrator *de bonis non* of Hardy Ropes, $6,334;

On the ship Louisa, Holden Tallman, master, namely: Samuel Wells, administrator of John Clark, $15,650;

On the ship Joanna, Philip Fosdick, at first, afterward Zebdiel Coffin, master, namely:

Gardner S. Lamson, administrator *de bonis non* of Paul Gardner, George Gardner, Lubni Gardner, and Zenas Gardner, $19,746.62;

Philip Macy, administrator *de bonis non* of Obed Macy, $4,936.65;

David P. Eldridge, administrator *de bonis non* of Sylvanus Macy, $4,936.65;

Robert F. Gardner, administrator *de bonis non* of Prince Gardner, $9,873.31;

T. B. Bleeker, jr., Charles C. Leary, receivers of the New York Insurance Company, $2,940;

On the brig Sally, James Crowdhill, master, namely: Cassius E. Lee, jr., administrator of William Hodgson, $8,926;

On the brig Betsey, John Cushing, master, namely:

James F. Breuil, administrator of Francis Breuil, deceased, $11,941.76;

The president and directors of the Insurance Company of North America, $28,420;

The Insurance Company of the State of Pennsylvania, $19,600;

On the brig Amelia, Benjamin Houston, master, namely:

Richard C. McMurtrie, administrator of John Bohlen, deceased, surviving assignee in bankruptcy of Ross & Simson, $5,475.08;

The president and directors of the Insurance Company of North America, $12,740;

The Insurance Company of the State of Pennsylvania, $2,450;

On the ship Raven, Thomas Reilly, master, namely:

D. Fitzhugh Savage, administrator of John Savage, deceased, $9,494;

Henry Lisle Waln, surviving executor of Jacob S. Waln, deceased, surviving assignee in bankruptcy of Thomas Murgatroyd, $9,298;

Henry Pettit, administrator of Andrew Pettit, deceased, surviving assignee of Ambrose Vasse, $784;

J. Bayard Henry, administrator of Andrew Bayard, deceased, surviving assignee of Pragers & Co., $784;

James Crawford Dawes, administrator of Abijah Dawes, deceased, $784;

M. H. Messchert, administrator of Jacob Garard Koch, deceased, $980;
James Crawford Dawes, administrator of James Crawford, deceased, surviving partner of James Crawford & Co., $784;
Richard C. McMurtrie, administrator of John Bohlen, deceased, surviving assignee of Ross & Simson, $784;
George Blight, administrator of Peter Blight, deceased, $539;
William A. M. Fuller, administrator of John Leamy, deceased, $539;
D. Fitzhugh Savage, administrator of John Savage, deceased, surviving assignee of Rundle & Leech, $784;
George W. Guthrie, administrator of Alexander Murray, deceased, surviving partner of Miller & Murray, $784;
Francis A. Lewis, administrator of John Miller, jr., deceased, $784;
Henry Pratt McKean, surviving executor of Henry Pratt, deceased, surviving partner of Pratt & Knitzing, $784;
James S. Cox, administrator of James S. Cox, deceased, $688;
The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, surviving partner of Willing & Francis, $784;
William Rumford Howell, administrator of Samuel Howell, deceased, $490;
Samuel Bell, administrator of John G. Wacksmuth, deceased, $980;
Francis R. Pemberton, administrator of John Clifford, deceased, surviving partner of Thomas & John Clifford, $490;
On the brig Pratt, Joseph Hawkins, master, namely:
Joseph T. Brobson, administrator of James Brobson, deceased, $3,777.50;
Joseph T. Brobson, administrator of Isaac Starr, jr., deceased, surviving partner of the firm of Starr & Pritchett, $3,777.50;
Craig D. Ritchie, administrator of Joseph Summerl, deceased, surviving partner of the firm of Summerl & Brown, $3,777.50;
Sidney J. Rumford, administrator of Isaac Hendrickson, deceased, $3,777.50;
On the brig Susan, Major Lines, master, namely:
Jeremiah A. Bishop, administrator of Richard Cutler, deceased, $1,827.48;
Jeremiah A. Bishop, administrator of Jeremiah Atwater, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Jeremiah Townsend, second, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Major Lines, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Andrew Hull, deceased, $628.72½;
Jeremiah A. Bishop, administrator of Seth De Wolf, deceased, $314.10;
The New Haven Insurance Company, $3,822;
On the brig Hope, Richard Toppan, master, namely:
James G. Freeman, receiver of the Boston Marine Insurance Company, $3,465;
Catherine C. Woodside, administratrix of William Stanwood, deceased, $2,785.11;
Francis A. McKeen, special administratrix of Richard Toppan, deceased, $4,654.11;
David D. Gilman, administrator *de bonis non*, will annexed, of estate of John Dunlap, deceased, $1,856.74.
On the brig George Washington, John Devereaux, master, namely:
S. Kingston McCay, administrator *de bonis non cum testamento annexo* of Stephen Kingston, deceased, $5,462.48.
The Insurance Company of the State of Pennsylvania, $7,840;
On the schooner Mary, John Douglass, master, namely:
George G. Sill, administrator of Daniel Douglass, $2,202.98;
George G. Sill, administrator of Josiah Douglass, $2,202.98;
The Rhode Island Hospital Trust Company, $3,300;
On the brig Sally, John Cruft master, namely:
Charles F. Adams, administrator of Peter C. Brooks, deceased, $9,900;
Henry W. Blagge and S. B. Samuels, administrators of C. Hatch, $2,000;
Francis M. Boatwell, administrator of Mungo Mackay, deceased, $600;
David Greene Haskins, jr., administrator of D. Greene, deceased, $500;
John C. Ropes, administrator of Thomas Amory, deceased, $300;
John H. Moriarity, administrator of James Scott, deceased, $200;
Thomas H. Perkins, administrator of John C. Jones, deceased, $500;
William Sohier, administrator of Nathaniel Fellowes, deceased, $3,000;
On the sloop Farmer, Samuel Freeman, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, $1,850;
David Greene Haskins, jr., administrator of David Greene, $3,638;
Blagge and Samuels, administrators of Crowell Hatch, $1,100;
On the ship Speculator, John S. Billings, master, namely:
Charles Francis Adams, administrator of Peter C. Brooks, deceased, $867.50;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $433.75;
William Sohier, administrator of Nathaniel Fellowes, deceased, $1,433.75;
John W. Apthorp, administrator of Caleb Hopkins, deceased, $1,000;
William S. Carter, administrator of William Smith, deceased, $1,000;
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500;
Robert Grant, administrator of William H. Boardman, deceased, $400;
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $600;
On the schooner Elizabeth, Thomas Trott, master, namely:
Frederick J. Huntington, as administrator *de bonis non* of the estate of Jabez Huntington, deceased, $3,583.09;
Charles Francis Adams, jr., as administrator as aforesaid, $1,600;
Henry W. Blagge and Susan B. Samuels, as administrators as aforesaid, $800;
On the brig Anthony, John Garrett, master, namely:
The president and directors of the Insurance Company of North America, $15,461;
James Crawford Dawes, administrator of James Crawford, surviving partner of James Crawford & Co., $3,796.32;
On the ship Arethusa, Robert McKown, master, namely, William Keith and Ormus B. Keith, surviving executors of Samuel Keith, $4,212;
The president and directors of the Insurance Company of North America, $10,780;
The Insurance Company of the State of Pennsylvania, $1,764;
On the brig Clarissa, Alexander Thomas, master, namely:
The Insurance Company of Pennsylvania, $11,363.13;
On the ship Confederacy, Scott Jenckes, master, namely:
Henry Pierrepont, executor of the will of Hezekiah B. Pierrepont, the last surviving partner (deceased) of the firm of Leffingwell & Pierrepont, $160,478.29;
T. B. Bleecker, jr., and Charles C. Leary, receivers of the New York Insurance Company, $12,000;
On the schooner Isabella, Robert Mercer, master, namely:
M. H. Messchert, administrator of Jacob Gerard Koch, deceased, $4,034.54;
The president and directors of the Insurance Company of North America, $9,900;
On the brig Maria, Samuel Taylor, master, namely:
The president and directors of the Insurance Company of North America, $5,880;
Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $14,916.93;
On the scow Polly, Anthony Sankey, master, namely:
James F. Brueil, administrator of Francis Brueil, deceased, $2,968.19;
The president and directors of the Insurance Company of North America, $23,228.94;
On the ship William, Richard Barker, master, namely:
William F. Gardner, administrator with the will annexed of Caleb Gardner, deceased, $41,578;
The president and directors of the Insurance Company of North America, $2,940;
William Vernon, administrator of Samuel Brown, deceased, $10,394.50;
Philip Harwood Vernon, administrator *de bonis non* estate of William Vernon, deceased, $31,183.50;
On the schooner Alert, Jacob Oliver, master, namely: William Gray, administrator of William Gray, jr., $2,892.66;
On the ship Betsy, Josiah Obear, master, namely:
William Gray, administrator of William Gray, jr., $14,141.13;
Francis A. Gray, administrator of Samuel Gray, $7,214.08;
On the brig Alert, Robert Gray, master, namely: William Gray, administrator with the will annexed of the estate not administered of William Gray, deceased, $1,500;
On the schooner Elizabeth, Thomas Trott, master, namely:
John Wetherbee, administrator of the estate of James Tisdale, deceased, $600;
On the schooner Frederick, John Gilbert Clark, master, namely:
Marion Adeline Caverly, administratrix *cum testamento annexo* estate of John Gilbert Clark, deceased, $43,660;
The Union Trust Company of New York, administrator of Jacob Doty, deceased, $21,830;
William Milligan, administrator of George Wattles, deceased, $21,830;
On the brig Ruby, William Bartlett, master, namely:
Jeremiah Nelson, administrator of Jeremiah Nelson, deceased, $2,192.22;
Charles Savory, administrator of Moses Savory, $2,674.22;
Charles G. Wood, administrator of Abner Wood, $2,150.79;
Charles Francis Adams, administrator of Peter C. Brooks, assignee of William Smith and David Green, $2,000;
Charles H. Ladd, surviving executor of Nathaniel A. Haven, $400;
Amos Noyes, administrator of Zebedee Cook, $100;
William Sohier, administrator of Nathaniel Fellowes, $1,000;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,000;
On the ship Light Horse, John Hoff, master, namely:
Julia M. Sands, administratrix of Comfort Sands, $7,318.66;
On the ship Eliza, James Odell, master, namely:
Wilmon W. Blackmar, administrator *de bonis non cum testamento annexo* estate of Francis Armory, deceased, $12,341.40;
Charles Francis Adams, administrator of Peter Chardon Brooks, assignee, $2,739;
William Sohier, administrator of Nathaniel Fellowes, $664;
William Vernon, administrator of Samuel Brown, $498;
Francis M. Boutwell, administrator of Benjamin Cobb, $166;
Abel H. Bellows, administrator of Fred. W. Geyer, $166;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $166;
Francis M. Boutwell, administrator of Joseph Blake, $166;
William Gray, administrator of William Gray, $332;
William G. Perry, administrator of Nicholas Gilman, $332;
Charles K. Cobb, administrator of John Codman, $166;
John H. Moriarity, administrator of James Scott, $83;
Edward I. Browne, administrator of Israel Thorndike, $83;
John C. Ropes, administrator of Thomas Amory, $664;
Thomas Cushing, administrator of Marston Watson, $332;
Robert Grant, administrator of William H. Boardman, $166;
David G. Haskins, administrator of David Greene, $166;
Horatio H. Hunnewell, executor of John Welles, $166;
William Powell Perkins, administrator of Thomas Perkins, $166;
Horace B. Sargent, jr., administrator of Daniel Sargent, $83;
Horatio H. Hunnewell, administrator of Arnold Welles, jr., $116.20;
Horatio H. Hunnewell, administrator of Arnold Welles, $332;
Edward I. Browne, administrator of Moses Brown, $66.40;
Frank Dabney, administrator of Samuel Wyllys Pomeroy, $166;
Lawrence Bond, administrator of Nathan Bond, $83;
Edward Hooper, administrator of Benjamin Bussey, $332;
On the ship Rosanna, John Pollard, master, namely: James S. Humbird, trustee, etc., $66,560;
On the ship, Rebecca, Daniel Brazier, master, namely:
Stephen L. Stephenson, administrator of Samuel Stephenson, deceased, $2,176.21;
William Gray, administrator of the estate of William Gray, deceased, $2,000;
On the brig Mary, Thomas Boyle, master, namely:
John Mervin Carrere and David Stewart, administrators *de bonis non* of John Carrere, deceased, $2,207;
John Stewart, receiver of the Baltimore Insurance Company, $11,000.
On the brig Two Sisters, Joseph Hubbert, master, namely:
Sarah S. Owings and Francis R. Griffith, administrators *de bonis non* of Nicholas Owings, surviving partner of Rogers & Owings, $5,638.25;
William E. Woodyear, administrator *de bonis non* of Jeremiah Yellott, deceased, $5,638.25;
John Stewart, receiver of the Baltimore Insurance Company, $10,000.
On the ship Friendship, John Rodgers, master, namely:
Mary Ann B. Smith, administratrix *de bonis non* of John Smith, jr., $13,519;
John Stewart, receiver of the Maryland Insurance Company, $24,566;
On the ship Port Mary, Thomas Hewitt, master, namely:
Alexander Maitland, administrator *de bonis non* of Robert Lenox, $6,833;
James K. Gracie, administrator *de bonis non* of Archibald Gracie, $6,833;
John N. A. Griswold, trustee of the United Insurance Company of New York, $35,280;
On the brig Virginia, Mark Butts, master, namely:
Samuel R. Adams, administrator of Richard Veitch, surviving partner of Thompson & Veitch, $19,762;
E. Francis Riggs, administrator of James Laurason, surviving partner of Shreve & Laurason, $3,934.33;
Anthony Hyde and Charles M. Mathews, executors of W. W. Corcoran, $79.09;
James M. Johnston, administrator *de bonis non* of George W. Riggs, $79.09;
Robert I. Chew, administrator of Richard Smith, $79.09;
On the schooer Hero, Thomas Hammett, master, namely:
Ann Elizabeth Marshall, administratrix *de bonis non* of William Robb, $8,475;
On the sloop Endeavor, James Miller, master, namely:
Henry J. Gardner, administrator of Matthew Cobb, $5,452.39;
On the schooner Eliza, William Cheever, master, namely:
William Gray, administrator of William Gray, jr., $6,000;
William P. Andrews, administrator of Samuel Page, $5,651.50;
On the schooner Trial, Daniel Ropes, jr., master, namely:
George M. Whipple, administrator *de bonis non* of John Norris, $11,867;
On the schooner Richard and Edward, Ebenezer Giles Evans, master, namely:
William Gray, administrator of William Gray, jr., $3,430;
Richardson Knowland, administrator of E. G. Evans, $3,139;
On the schooner Eutaw, William Smith, master, namely:
John Merven Carrere and David Stewart, administrators of John Carrere, $1,344.50;
The president and directors of the Insurance Company of North America, $11,760;
John Stewart, receiver of the Baltimore Insurance Company, $10,000;

On the schooner Sisters, John Bradish, master, namely:
Robert S. O. Griffith, administrator of Nicholas Owings, surviving partner of the firm of Rogers & Owings, $682.50;
Henry W. Rogers, administrator of John Bradish, $3,414.50;
John Stewart, receiver of the Baltimore Insurance Company, $4,410;
On the ship Lydia, John Moore, master, namely:
Augusta H. Chapman, administratrix of Reuben Shapley, $8,270;
James W. Emery, administrator of Thomas Manning, $100;
J. Hamilton Shapley, administrator of Edward Cutts, $100;
George W. Haven, administrator of Moses Woodward, $100;
Stephen Decatur, administrator of Samuel Stover, $100;
Francis E. Langdon, administrator of Clement Stover, $100;
Fred. P. Jones, administrator of Martin Parry, $100;
On the brig Minerva, Samuel Endicott, master, namely:
William Gray, administrator of William Gray, $10,419.28;
On the schooner Emily, William Emerson, master, namely:
John Stewart, receiver of the Baltimore Insurance Company, $12,860;
Robert T. Owings Griffith, administrator of Beale Owings, $3,822.12;
On the schooner Lucretia, John Grant, master, namely:
William D. Lee, Thomas D. Lee, Henry A. Lee, Joseph A. Lee, and Virginia Waters, administrators *de bonis non* estate of William Duncan, $10,407.27;
John Stewart, receiver of the Maryland Insurance Company, $8,000;
On the brig General Wayne, William Allen, master, namely:
Charles Francis Adams, administrator estate of Peter Chardon Brooks, $3,456.40;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, $1,018.80;
Thomas H. Perkins, administrator of John C. Jones, $509.40;
William Sohier, administrator of Nathaniel Fellowes, $1,018.80;
Francis M. Boutwell, administrator of Benjamin Cobb, $509.40;
On the sloop Cicero, Thomas Faggart, master, namely:
Mary T. Latrobe, administratrix of Thomas Tenant, $8,953.18;
John Stewart, receiver of the Maryland Insurance Company, $20,000;
On the schooner Sally, Gideon Rea, master, namely:
William Gray, administrator with the will annexed of the estate not already administered of William Gray, deceased, testate, $2,000;
William P. Andrews, administrator with the will annexed of the estate not already administered of Samuel Page, deceased, testate, $6,593; in all, $1,651,439.05.

During the reading of the amendment,

The SPEAKER *pro tempore*. If there be no objection, the list of claims mentioned in the amendment will not be read.

Mr. RANDALL. I object to dispensing with the reading of any part of a claim which may involve the Government in millions of dollars.

Mr. WILSON, of Minnesota. In many millions.

The SPEAKER *pro tempore*. Does the gentleman insist upon the reading of the list of names?

Mr. RANDALL. Everything that is embodied in the amendment.

The Clerk resumed, and concluded the reading of the amendment as above.

INDIAN APPROPRIATION BILL.

Mr. PEEL. Mr. Speaker, I rise to submit a privileged report, a conference report on the Indian appropriation bill.

Mr. SAYERS. I will yield temporarily for that purpose.

Mr. LODGE, Mr. McCOMAS, and others demanded the regular order.

Mr. PEEL. This will take but a few moments. It is a full report, there being no disagreement between the conferees.

The SPEAKER *pro tempore*. The Chair is informed that the report submitted by the gentleman from Arkansas is a final report, and it simply suspends the order before the House for the time being.

Mr. McCOMAS. Can that be done without unanimous consent?

The SPEAKER *pro tempore*. The Chair thinks it can be done if the gentleman from Texas, in charge of the report, yields for that purpose.

Mr. SAYERS. I have no objection.

Mr. PEEL. It is not necessary, Mr. Speaker, to read the report of the conference committee, but I ask that the statement of the House conferees be read, which covers all the points of difference between the two Houses.

Mr. STEELE. What becomes of amendment No. 62?

Mr. PERKINS. It was not mentioned in the report; but as a matter of fact the words "not including transportation" were stricken from the bill.

The SPEAKER *pro tempore*. If there be no objection the reading of the report will be dispensed with.

There was no objection.

The statement submitted by the House conferees is as follows:

The managers upon the part of the House on the disagreeing votes of the two Houses on H. R. 12578, making appropriations for the current and contingent expenses of the Indian service and fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1890, and for other purposes, beg leave to submit the following statement:

The Senate recedes from amendments 2, 60, and 62.

Nos. 2 and 62, merely verbal.

No. 60 removed the limit of $175 per pupil at Grand Junction Indian school, in Colorado.

The House recedes from its disagreement to Senate amendments 1, 3, 10, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 61, 63, 64, 65, 66, 69, 70, 72, 73, 74, 76, 77, 80, and 81, all being immaterial and not changing the object or purpose of the bill.

43. Adds clause authorizing Secretary Interior to disburse certain moneys appropriated last session of Congress to certain freedmen, adopted Shawnees and Delawares, in Cherokee Nation, etc., in which House concurs.

47. Adds $5,000 for support and civilization of Seminole Indians in Florida, in which House concurs.

5. Strikes out from House bill $600 to pay Charles A. Ruffee, late Indian agent in Michigan, due on salary, from which the House recedes.

26. Strikes out depredation claim of the individual Pottawatomies, as reported by the Secretary of the Interior, amounting to over $48,000, from which the House recedes.

29. Strikes out increase to Sioux Indian subsistence funds, from which the House recedes.

39. Strikes out clause in House bill authorizing Secretary Interior to negotiate with various tribes in regard to making full payment of trust funds held in United States Treasury, from which House recedes.

6. Increases compensation of Indian inspectors who serve without compensation, for traveling and contingent expenses, from three to five thousand dollars.

7, 8, and 9. Strike out claim of Chickasaw Nation.

11, 12, and 13. Substitute same thing except as to claim of assignee of one Quinn, in which the House concurs.

17. Strikes out amount to pay transportation and subsistence of certain Creek Indians who claimed to have moved and subsisted themselves for one year in the West, amounting to $12,000.

53, 54, and 55. Appropriates $10,000 to complete allotments of lands to Indians as provided in last appropriation.

67. Appropriates $10,000 to purchase what is known as Keam's Cañon property for school purposes.

68. Appropriates small amount to erect shops and house, etc., for Indian school in Ormsby County, Nevada.

71. Appropriates $5,000 to remove Kansas Pottawatomies to Indian Territory.

75. Authorizes commission to negotiate with Cœur d'Alene Indians in Washington Territory for cession to United States for part of their reservation.

79. Relates to defining duties of school superintendent, to all which the managers upon part of the House concur.

Having thus briefly stated the nature and substance of the Senate amendments and the conference action thereon, we ask the adoption of the report.

S. W. PEEL.
B. W. PERKINS.

Mr. PEEL. I ask the previous question upon the adoption of the report.

Mr. LANHAM. Before action is taken upon this report, I wish to ask a question of the gentleman from Arkansas. Is there anything in the conference report with reference to the lands embraced in what are known as the "Oklahoma lands" which in any way affects the controversy between the State of Texas and the United States as to that portion of country known as "Greer County?"

Mr. PEEL. Not at all.

Mr. LANHAM. It does not prejudice the claim of the State of Texas in any respect?

Mr. PEEL. No, sir; it does not allude to it in any manner. I demand the previous question on the adoption of the report.

The previous question was ordered, and under the operation thereof the conference report was adopted.

Mr. PEEL moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I ask unanimous consent that gentlemen having reports to make from committees or resolutions from committees may be permitted to hand them in at the Clerk's desk for proper reference.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

WILLIAM H. CAYCE.

Mr. HOLMAN, from the Committee on the Public Lands, reported back adversely the bill (H. R. 12288) for the relief of William H. Cayce; which was referred to the Committee of the Whole House on the Private Calendar.

He also, from the same committee, reported as a substitute for the foregoing joint resolution (H. Res. 269); which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS F. RILEY.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9533) for the relief of Thomas F. Riley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRUSTS, ETC.

Mr. BACON, from the Committee on Manufactures, submitted the testimony taken by them in relation to the whisky trust and the combination affecting the article of cotton-bagging; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INTEROCEANIC CANALS AT THE ISTHMUS OF DARIEN, ETC.

Mr. McCREARY, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 122) "declaring the sense of the Government of the United States in respect of the connection of European Governments with interoceanic canals at the Isthmus of Darien and in Central America;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

O. P. PHILLIPS.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 378) for the relief of O. P. Phillips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the House of the following titles; when the Speaker signed the same:

A bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes;

A bill (H. R. 3106) for the relief of Lieutenant-Colonel Eyre;

A bill (H. R. 5426) for the relief of the St. Joseph Commercial College, St. Joseph, Mo.;

A bill (H. R. 9455) granting a pension to Benjamin F. Clayton;

A bill (H. R. 2875) for the relief of Louisa H. Hasell;

A bill (H. R. 9674) to regulate the course at the Naval Academy;

A bill (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota;

A bill (H. R. 9718) for the relief of J. W. Parish & Co.; and

Joint resolution (H. Res. 252) appointing H. H. Markham, of California, a manager for the National Home for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

Also the following Senate bill:

A bill (S. 3993) to provide for the protection of the salmon fisheries of Alaska.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2070) for the relief of Arno Voss;

A bill (H. R. 4624) for the relief of the estate of John W. Whitfield;

A bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew;

A bill (H. R. 2598) for the relief of William Whitehouse; and

A bill (H. R. 8127) for the relief of Lucy M. Swinnea and Mary E. Hanserd.

Also the following Senate bills:

A bill (S. 308) for the relief of Faran & McLean;

A bill (S. 3960) granting a pension to Mary B. Hunt;

A bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.; and

A bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C.

THE HOUSE GALLERIES.

Mr. BAKER, of New York. Mr. Speaker, I ask unanimous consent that the Diplomatic and Executive galleries may be opened to visitors for the remainder of this day.

Mr. SPRINGER. Reserving the front seats, as was done on yesterday?

Mr. BAKER, of New York. Very well.

The SPEAKER *pro tempore*. If there be no objection, the Chair will direct the Doorkeeper to open the galleries named to the public, reserving the front seats in each gallery as under the order of yesterday.

There was no objection, and it was so ordered.

THE DEFICIENCY APPROPRIATION BILL.

Mr. SPRINGER. Now, Mr. Speaker, I ask unanimous consent that an order be made that the House insist upon its disagreement to the amendment of the Senate in regard to the French spoliation claims which has just been read, and agree to the further conference asked thereon.

Mr. McCOMAS. When I can be recognized I wish to move to recede from the disagreement.

The SPEAKER *pro tempore*. The Chair will first submit the request of the gentleman from Illinois to the House so that the members can hear it. The gentleman asks unanimous consent that the House insist upon its disagreement to the Senate amendment which has just been read and agree to a further conference.

Mr. McCOMAS. I object, unless I can be recognized to submit the motion I have indicated.

Mr. SPRINGER. Then I move that the House now take a recess until 8 o'clock this evening.

Mr. CRISP. I move to amend, that the recess extend to 8.30.

Mr. WEAVER. And I move a further amendment, until 8.35.

[The Speaker here resumed the chair.]

The SPEAKER. The gentleman from Iowa moves that the House take a recess——

Mr. RANDALL. Let us have a vote on the proposition to take a recess until 8.30, as that is a convenient hour.

Mr. WEAVER. Very well; I have no objection to withdrawing my amendment.

The SPEAKER. The Chair will submit the question.

LIGHT FOR OTTER CREEK, LAKE CHAMPLAIN.

Mr. CLARDY. Mr. Speaker, I ask the gentleman to yield to me for one moment to submit a conference report.

The SPEAKER. It is in order, pending the motion for a recess.

Mr. BURROWS. How long will it take?

Mr. CLARDY. Not more than two or three minutes.

The SPEAKER. The report will be read.

Mr. CLARDY. I ask unanimous consent that the reading of the report be dispensed with, and that the statement accompanying it be read.

Mr. O'FERRALL. I object.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3.

MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON,
Managers on the part of the House.

S. M. CULLOM,
M. W. RANSOM,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

Your conferees report that the Senate recedes from its first amendment, which provides for the erection of a light-house at Gray's Harbor, Washington Territory, at a cost not to exceed $60,000; and that the House recede from its disagreement to the amendment of the Senate numbered 2, establishing a light-house at Patos Island, Washington Territory, at a cost not to exceed $12,000.

Amendment numbered 3 is merely a change of the title of the bill.

MARTIN L. CLARDY,
R. T. DAVIS,
JNO. A. ANDERSON.

The report was agreed to.

Mr. CLARDY moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED PEORIAS AND MIAMIES.

Mr. PERKINS. I present a privileged report.

The SPEAKER. Is it a conference report?

Mr. PERKINS. It is.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11634) to provide for the allotment of land in severalty to the United Peorias and Miamies in Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 4, and that the House recede from its disagreement to amendments of the Senate numbered 1 and 3, and agree to the same.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

H. L. DAWES,
J. K. JONES,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

There were but four amendments to the bill.

The first was not very important, but was a limitation of the powers given to the Indians to lease their lands, and to this the House conferees agree.

The third amendment gives the right of an appeal to the Supreme Court of the United States, and to this the House conferees agree.

From the second and fourth amendments the Senate conferees recede, leaving the bill as it passed the House, with the exceptions suggested in the first and third amendments.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

The report was agreed to.

Mr. PERKINS moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I withdraw my motion for the present to enable the gentleman from Kentucky [Mr. McCREARY] and the gentleman from Vermont [Mr. GROUT] to present matters.

The SPEAKER. There is a privileged matter pending. The gentleman from Kentucky asks unanimous consent to make a report at this time. Is there objection to the request?

Mr. McCREARY. Mr. Speaker, I now make a privileged report. This House authorized the Committee on Foreign Affairs to report at any time the Senate resolution "declaring the sense of the Government of the United States in respect of the connection of European Governments with interoceanic canals at the Isthmus of Darien and in Central America."

The SPEAKER. Leave has already been given to-day to present reports.

Mr. McCREARY. Permission was given the Committee on Foreign Affairs some time ago to report this resolution, and three hours were allowed for debate, but appropriation bills, conference reports, and measures of higher privilege than the Senate resolution have prevented its consideration. It is now apparent that the resolution, which is of both national and international importance, and which should have full and fair consideration, can not be properly considered and discussed on this the last legislative day of the Fiftieth Congress. I therefore re-

port the bill favorably from the Committee on Foreign Affairs so that it may be placed on the Calendar and the report be printed. The gentleman from Georgia [Mr. NORWOOD] desires to submit the views of the minority.

Mr. MCCOMAS. I demand the regular order.

Mr. GROUT. I hope the gentleman will withdraw the demand for a moment. I desire to present a matter.

The SPEAKER. But the gentleman from Maryland demands the regular order.

Mr. SPRINGER. The regular order is the motion to take a recess until 8.30.

Mr. GROUT. The gentleman from Maryland withdraws the demand for the regular order.

Mr. CASWELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CASWELL. I wish to inquire whether the veto message of the President on the direct-tax bill has not lain on the table an unusual time? I desire now to take that up.

The SPEAKER. The Chair has several messages from the President returning bills with objections to their passage. Some of them have been on the table for three or four days. This afternoon when the House met the Chair stated that these messages were on the table and unless there were objection he would place them before the House. The gentleman from Texas asked unanimous consent that they should be withheld, which was given. The Chair is ready to present them to the House if there be no objection.

Mr. MCMILLIN. Would they not, under the regular order, if laid before the House, have to be considered in the order in which they arrived?

The SPEAKER. They would.

Mr. CASWELL. Then I ask that that message be considered at this time.

The SPEAKER. The Chair will lay them before the House; but there is a matter of privilege pending before the House. The Chair will state the situation to the gentleman from Wisconsin. Two or three days ago the Chair laid before the House a veto message, which was read. Its consideration was demanded by the gentleman from Indiana [Mr. HOLMAN]. Thereafter, by unanimous consent, it was suspended for the purpose of going on with a conference report and other matters before the House, and that is the first message before the House for consideration. Pending that the conference report which has been disposed of and the amendments to which there was a disagreement between the two Houses have been presented. These amendments, as privileged matters, are now before the House. If gentlemen will suspend the consideration of this measure so as to consider the messages the Chair will lay them before the House.

Mr. BLAND. I understand that the gentleman from Indiana has withdrawn his land-grant bill merely for these appropriation bills.

The SPEAKER. The Chair so understood; but the gentleman might present it against this measure. The Chair does not know what course the gentleman will take.

Mr. MCCOMAS. I demand the regular order.

The SPEAKER. Then, the regular order is the motion to take a recess. The question is on the motion of the gentleman from Georgia to take a recess until 8.30. [Putting the question.] The noes seem to have it.

Mr. SPRINGER. I ask for a division.

The House divided; and there were—ayes 37, noes 63.

Mr. SPRINGER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Maryland [Mr. MCCOMAS].

The House again divided; and the tellers reported—ayes 41, noes 125.

Mr. SPRINGER. I will modify my amendment so as to provide for taking a recess until 9 o'clock this evening.

Mr. O'FERRALL. I move that the House do now adjourn.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If the motion to adjourn should carry, would not that be a *sine die* adjournment?

The SPEAKER. It would be a *sine die* adjournment, the close of the Congress.

The question was taken on the motion to adjourn, and it was rejected.

The SPEAKER. The question now is on the motion of the gentleman from Illinois [Mr. SPRINGER] that the House take a recess until 9 o'clock p. m.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were refused, only 17 members voting in favor thereof.

Mr. SPRINGER. I demand a division.

The House divided; and there were—ayes 40, noes 51.

Mr. SPRINGER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Maryland [Mr. MCCOMAS].

The tellers took their places.

Mr. SPRINGER. With the leave of the House I will withdraw my motion.

Mr. MCCOMAS. I ask unanimous consent that the House take a recess until 8 p. m.

Mr. PAYSON. I object.

Mr. MCCOMAS. Then I move that the House take a recess until 8 o'clock p. m.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. PAYSON. I ask for a division.

The House divided; and there were—ayes 91, noes 9.

Mr. PAYSON. No quorum.

Mr. SPRINGER. I demand the yeas and nays.

Mr. PAYSON. I withdraw the point of no qourum.

Mr. SPRINGER. I withdraw the demand for the yeas and nays.

The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman from Illinois [Mr. PAYSON] withdraws the point of no quorum; the gentleman from Illinois [Mr. SPRINGER] withdraws the demand for the yeas and nays; the ayes have it, and the House stands in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] is recognized.

Mr. CRISP. I rise to a parliamentary inquiry. Would it be in order now to call up the contested-election case?

The SPEAKER. There is a matter of privilege before the House.

Mr. CRISP. Is not the election case a matter of higher privilege?

The SPEAKER. The Chair thinks that the matter of privilege before the House can only be taken away from the consideration of the House by the presentation of conference reports. This is a matter of disagreement between the two Houses, and is regarded as a question of very high privilege.

Mr. CRISP. But is not the question of the right of a member to his seat a question of still higher privilege?

The SPEAKER. The Chair thinks not, under the practice of the House.

Mr. CRISP. The Chair will observe that the matter now pending is not the report of a committee of conference but a mere disagreement between the two Houses with a request on the part of the House for a new conference. It has not reached that stage where it is the report of a committee of conference, and I submit to the Chair that it is not entitled to the same high degree of privilege that it would have if it were a conference report.

The SPEAKER. The Chair has stated that it is not a matter of as high privilege as a conference report, because, as the gentleman from Georgia says, it is not itself a report from a committee of conference, but is a matter merely of disagreement between the two Houses. But it has reached the privileged stage under the practice of the House and under the rules of parliamentary law; and being a matter of privilege, and actually under consideration by the House, the Chair thinks it can not be displaced by any other matter of privilege except a conference report, to which by the rules is given the highest degree of privilege known in the practice of the House. The gentleman from Texas is entitled to the floor.

Mr. SAYERS. I yield to the gentleman from Illinois.

The SPEAKER. What motion does the gentleman make?

Mr. SPRINGER. I desire to ask the gentleman to permit me to move that the House take a recess until 9 o'clock this evening.

The SPEAKER. The gentleman from Texas is recognized.

Mr. SAYERS. I yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. MCCOMAS (to Mr. SAYERS). Do you yield to the gentleman from Illinois for that motion?

Mr. SPRINGER. I move that the House take a recess until 9 o'clock.

Mr. MCCOMAS. I understand that the gentleman from Texas has the floor by virtue of his right as being in charge of the bill——

The SPEAKER. The Chair has recognized him.

Mr. MCCOMAS. And being in charge of this bill he yields for a filibustering motion.

Mr. SAYERS. I assume all the responsibility for what I do.

Mr. CASWELL. I desire to ask the gentleman from Texas whether he intends by this course to cut off the consideration of executive messages and vetoes which lie on the Speaker's table?

Mr. MCCOMAS. Especially the direct-tax bill.

Mr. CASWELL. Which the whole country is watching and which two-thirds of this House stand ready to vote for.

Mr. SAYERS. I will say to the gentleman that I intend if I can to pass this bill——

Mr. CASWELL. And we are willing to help you; but we are not willing to give you the floor in order that you may yield for a motion which is clearly for the purpose of delay.

Mr. SAYERS. You can not help yourself.

The question being taken on the motion of Mr. SPRINGER for a recess till 9 o'clock,

The SPEAKER said: The noes seem to have it.

Mr. SPRINGER. I call for a division.

The question being again taken, there were—ayes 15, noes 36.

Mr. BLAND. No quorum.

Tellers were ordered; and Mr. BLAND and Mr. MCCOMAS were appointed.

The tellers took their places and proceeded with the count.

Mr. RICHARDSON. Pending the division of the House, I ask unanimous consent to present two or three resolutions from the Committee on Printing in regard to the printing of some of the current annual reports of the different bureaus. I have no personal interest in these matters, but they are published every year by order of Congress. This session we have been late in getting them before the House.

Mr. MCCOMAS. I have no objection to the gentleman from Vermont [Mr. GROUT] presenting a request, and then the gentleman from Tennessee [Mr. RICHARDSON] submitting these propositions for printing, provided there is no debate on any of these matters.

PAWNBROKERS IN THE DISTRICT OF COLUMBIA.

Mr. GROUT. I ask that the House non-concur in the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, and ask a conference with the Senate.

Mr. HOLMAN. I ask that the amendments be read.

The amendments were read.

The SPEAKER. If there be no objection, these amendments will be non-concurred in and a conference with the Senate requested. The Chair hears no objection; and it is so ordered. The Chair will appoint in a few moments the managers on the part of the House.

The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent for the consideration of resolutions for the printing of certain public documents. Is there objection?

Mr. MCCOMAS. I do not object provided these matters can be acted on without debate.

Mr. RICHARDSON. I will withdraw any proposition upon which there is debate.

PRODUCTION OF PRECIOUS METALS.

The following resolution, called up by Mr. RICHARDSON, was read:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1888 be printed; and that 9,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. RICHARDSON. I move the previous question.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. RICHARDSON. I now ask consideration of the concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1887 be printed; and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer; the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

The concurrent resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATISTICAL ABSTRACT.

Mr. RICHARDSON. I now ask the adoption of the concurrent resolution I send to the desk:

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed, in addition to the usual number, 15,000 copies of the eleventh number of the Statistical Abstract of the United States for the year 1888, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

The concurrent resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF ENROLLMENT, DEFICIENCY BILL.

Mr. RANDALL. Mr. Speaker, I desire to offer a concurrent resolution, providing for a correction in the enrollment of that part of the deficiency appropriation bill to which the House and Senate have already agreed. This is to correct two errors in the bill so as to enable it to be enrolled.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House is hereby directed, in the enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, to omit the following provision in lines 18, 19, and 20, on page 23 of the engrossed copy of said bill:

"Bureau of Construction and Repair: To supply deficiency in the appropriation for the construction and repair of vessels, $150,000."

And to omit the following provision in lines 3, 4, and 5 on page 5 of the Senate amendment numbered 108, and agreed to by both Houses:

"For pay of the Navy $201,443.71."

Mr. RANDALL. As to the first item, the Committee on Appropriations did not report it in the deficiency bill, but it was put on at the instance of the Naval Committee in the Committee of the Whole. I find by an examination that the same item appears in the naval appropriation bill. Out of abundant anxiety to make provision for that appropriation it appears in both bills, and of course it should be stricken from this one, the naval bill having passed both Houses. Hence this had better go out of the deficiency bill.

As to the second paragraph, it is an error. The bill as reported to the Senate embraced an item for "audited claims, pay of the Navy." In considering it in the Senate an amendment was offered in the nature of a substitute, but in engrossing the amendments to be transmitted to the House of Representatives the engrossing clerk of the Senate made an error and left both items in the bill. This amendment is to provide the necessary correction.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 12154) in relation to pawnbrokers in the District of Columbia Mr. HEMPHILL, Mr. COMPTON, and Mr. GROUT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes, and on the bill (H. R. 11634) to provide for the allotment of lands in severalty to the United Peorias and Miamies in the Indian Territory, and for other purposes.

It further announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 9271) for the relief of James A. Stewart, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. HOAR, and Mr. PASCO as managers on the part of the Senate.

It further announced that the Senate had passed without amendment bills of the House of the following titles, namely:

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton;

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

A bill (H. R. 9949) for the relief of Patrick C. McQueeny;

A bill H. R. 3765) for the relief of James Devine; and

A bill (H. R. 8307) for the relief of John T. Higgins.

It also announced that the Senate had passed a resolution requesting the House to return to the Senate the bill (H. R. 6050) referring the claim of the owner of the steamer I. N. Bunton to the Court of Claims.

It further announced that the Senate had agreed to the House concurrent resolution for the printing of Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt.

It further announced that the Senate had passed the bill (H. R. 7800) for the relief of John D. Bree, executor of Margaret T. Higgins.

I. N. BUNTON.

The SPEAKER *pro tempore*. The Chair will lay before the House the resolution just received from the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1889.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 6050) referring the claim of the owner of the steamer I. N. Bunton to the Court of Claims.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will be directed to return the bill to the Senate. The Chair hears none, and it is so ordered.

JAMES A. STEWART.

The SPEAKER *pro tempore*. If there be no objection, the House will agree to the request of the Senate for a conference on the bill (H. R. 9271) for the relief of James A. Stewart.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* announced the appointment of Mr. STONE of Kentucky, Mr. LANHAM, and Mr. BUTTERWORTH as managers on the part of the House.

DEFICIENCY APPROPRIATION BILL.

Mr. SPRINGER. I withdraw the motion for a recess until 9 o'clock.

Mr. SAYERS. Mr. Speaker, I move that the House further insist upon its disagreement to the amendment under consideration in the deficiency appropriation bill——

Mr. MCCOMAS. And I move that the House recede.

Mr. SAYERS. I have the floor and decline to yield to the gentleman.

Mr. BLAND. Pending that I move that the House take a recess for one hour.

Mr. MCCOMAS. Have I not the right to make a motion to recede?

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The Chair will recognize gentlemen in order.

The gentleman from Texas moves that the House insist upon its disagreement, and upon that demands the previous question.

Mr. SAYERS. No, sir; I did not demand the previous question on the motion.

Mr. MCCOMAS. I have moved that the House recede from its disagreement to the Senate amendment and agree to the same; and on that I demand the previous question.

Mr. SAYERS. But I have the floor.

Mr. MILLS. The gentleman from Texas has the floor and declines to yield.

Mr. REED. But the motion of the gentleman from Maryland is a privileged motion.

Mr. MCCOMAS. I have the floor for the motion which I have submitted.

The SPEAKER *pro tempore*. The Chair will state there is no difficulty about it. Pending the motion of the gentleman from Texas, the gentleman from Maryland moves that the House recede——

Mr. MILLS. But the gentleman from Maryland has not got the floor to make that motion.

The SPEAKER *pro tempore*. The Chair thinks it is a privileged question, and the gentleman from Maryland has the right to submit his motion, and the Chair will recognize the gentleman from Texas, who is entitled to the floor.

Mr. MCCOMAS. And upon that I move the previous question, and claim the floor.

Mr. REED. The gentleman from Maryland having the right to make a privileged motion must have charge of that motion and be entitled to the floor. It seems to me that the Speaker has not noticed the fact that the making of a privileged motion gives to the person who makes it the right to the floor and not to another person.

The SPEAKER *pro tempore*. There is no question about the right of the gentleman from Maryland to take the floor upon his own motion; but the gentleman from Texas was on the floor to make his motion.

Mr. REED. But his motion is prior to that and takes precedence. The Chair upon reconsidering the matter will see that it must be so. The rules of the House give to the gentleman from Maryland the right to make his motion, which is privileged. That is prior in consideration, and it can not be that the floor is to be given to a man whose motion has passed out of sight. It would be like permitting a bill to come forward and then give to a gentleman in charge of another bill the right to the floor.

Mr. MCMILLIN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MCCOMAS. I demand the previous question on the motion to recede; and upon that I demand the floor.

Mr. MCMILLIN. Mr. Speaker, the point of order I make is this: The gentleman from Texas makes a motion which is debatable, and for its debate holds the floor. He does not yield it, nor indicate a purpose to yield it; but, on the contrary, desires to hold it. Now, while the motion to be made by the gentleman from Maryland takes precedence when we come to the vote upon it, that motion can not take the gentleman from Texas off the floor.

The SPEAKER *pro tempore*. There is no question about the proper construction of the rules or the former practice of the House. The gentleman from Texas in charge of the bill submits a motion that the House insist upon its disagreement to the Senate amendments, and is entitled to the floor for one hour in his own right upon that proposition. Pending that proposition the gentleman from Maryland submits a motion——

Mr. MILLS. But the gentleman from Maryland had not the floor.

The SPEAKER *pro tempore*. If the gentleman from Texas will allow the Chair to state the proposition fully [applause], the Chair will state the gentleman from Maryland had the right to submit his motion, which was that the House recede from its disagreement; but the effect of that is not to take the gentleman from Texas off the floor.

Mr. MILLS. Then how could he make a motion that would take him off the floor?

The SPEAKER *pro tempore*. When the hour of the gentleman from Texas has expired the Chair will recognize the gentleman from Maryland. When the question comes to submit the vote upon the proposition, then the proposition submitted by the gentleman from Maryland must be first put to the House. That has been the universal practice. The gentleman from Texas is recognized for one hour.

Mr. REED. Can it be possible that a gentleman is entitled to address the House upon a motion that he has not before it?

The SPEAKER *pro tempore*. The motion of the gentleman from Texas is before the House, and pending that motion the gentleman from Maryland offered a motion.

Mr. MCCOMAS. Then what becomes of my further motion for the previous question upon the motion to recede?

The SPEAKER *pro tempore*. That will have to be put by the Chair to the House when the gentleman from Texas yields the floor.

Mr. CASWELL. If the motion of the gentleman from Maryland should be adopted it would supersede the motion of the gentleman from Texas.

The SPEAKER *pro tempore*. The Chair is determining the point in accordance with the universal practice of the House.

Mr. CUTCHEON. I call the attention of the Chair to a ruling upon that point. It is stated in the Manual, on page 439:

The motion to recede takes precedence of the motion to insist and ask a conference and to adhere. (And even though the previous question may be pending on either of the last motions, the motion to recede may be entertained—

Even though the previous question may be pending, the motion to recede may be entertained—

because, if it prevails, the disagreement between the Houses is removed and the bill is passed.)

I submit if it is to be entertained, and if it prevails, it cuts off the other motion, and thus the gentleman who makes the motion which takes precedence shall have the floor upon the motion, because, if it prevails, then the other matter is entirely disposed of.

Mr. CASWELL. Let me read a little further——

Mr. SOWDEN. I rise to a question of order.

Mr. CASWELL. I want to read exactly in point:

On a motion to insist or to adhere—

Which is the motion of the gentleman from Texas [Mr. SAYERS]—

a motion to recede, which removes the disagreement between the Houses and passes the bill, may be made.

Now, the gentleman from Maryland [Mr. MCCOMAS] makes that motion, and therefore I insist that it is in order.

The SPEAKER *pro tempore*. The paragraph read by the gentleman from Michigan [Mr. CUTCHEON] and the point made by the gentleman from Wisconsin [Mr. CASWELL] are in the same line with the ruling of the Chair. The Chair simply recognized the gentleman from Maryland [Mr. MCCOMAS] to submit his motion pending the motion of the gentleman from Texas [Mr. SAYERS]. The effect of it is not to take the gentleman from Texas off the floor. He is entitled to the floor for one hour.

Mr. CUTCHEON. I submit, Mr. Speaker, that if a motion is privileged to be made it is also privileged to be considered, because it takes priority of the other, and if it prevails the debate must occur upon the motion which has precedence.

The SPEAKER *pro tempore*. There is no precedent in the rules or the practice of the House that would give the gentleman from Maryland the right to take the gentleman from Texas off the floor after he had been recognized by the Chair.

Mr. CUTCHEON. It is a question of precedence. The debate is substantially the same debate in any event.

The SPEAKER *pro tempore*. It is simply a question of precedence when it comes to taking the vote. Does the gentleman from Missouri [Mr. BLAND] insist upon his motion for a recess?

Mr. BLAND. I insist upon the motion.

Mr. REED. Mr. Speaker, I understand that the gentleman from Texas [Mr. SAYERS] has the floor.

Mr. SAYERS. I have the floor.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Missouri [Mr. BLAND] to state that the gentleman from Texas [Mr. SAYERS] had yielded to him.

Mr. BLAND. I want to make a statement. When the gentleman from Texas [Mr. SAYERS] made his motion, I made a motion, pending that, to take a recess, and I also renewed it at the time the gentleman from Maryland [Mr. MCCOMAS] made his motion.

Mr. MCCOMAS. But the gentleman from Missouri had not the floor.

Mr. SPRINGER (to Mr. MCCOMAS). You have not the floor either.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] had no right to take the gentleman from Texas off the floor to make his motion unless the gentleman from Texas yielded to him. The gentleman from Texas is entitled to the floor for one hour.

Mr. BLAND. If the gentleman from Maryland [Mr. MCCOMAS]

could take the gentleman from Texas off the floor, then the gentleman from Missouri [Mr. BLAND] could take them both off the floor. [Laughter.]

Mr. SAYERS. Mr. Speaker, before I begin to use the hour which I am entitled to under the rule I would inquire of the Chair whether, under his ruling, the gentleman from Maryland [Mr. MCCOMAS] was entitled to make the motion that he did, I holding the floor at the time?

The SPEAKER *pro tempore*. Upon reflection, the Chair is of opinion that the gentleman from Maryland [Mr. MCCOMAS], under the strict rule, really had no right to submit his motion until the expiration of the hour. [Applause on the Democratic side.] But the Chair had recognized the gentleman from Maryland simply to make his motion pending the motion of the gentleman from Texas, and the result is the same. The Chair has recognized the gentleman from Texas [Mr. SAYERS] for one hour.

Mr. MCCOMAS. Then, Mr. Speaker, as my motion was recognized it is pending, is it not?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Maryland at the proper time to submit his motion in order.

Mr. MCCOMAS. But is not my motion now pending?

Several MEMBERS. Oh, no.

Mr. MCCOMAS. I ask the Chair. I want to know whether my motion to recede is not now pending.

The SPEAKER *pro tempore*. The Chair will rule upon that at the proper time. The gentleman from Texas [Mr. SAYERS] is recognized and will either proceed or yield the floor.

Mr. SAYERS. Mr. Speaker, I will occupy the floor in my time in accordance with my own judgment within the rules of the House. I now yield fifteen minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. MCCOMAS. I ask the gentleman in charge of this bill [Mr. SAYERS] whether he intends to consume the whole hour upon one side of this question?

Mr. SAYERS. I will divide with the gentleman.

Mr. MCCOMAS. Half an hour?

Mr. SAYERS. Half an hour.

Mr. MCCOMAS. Then I will take charge of the half hour?

Mr. SAYERS. No, sir.

Mr. MCCOMAS. I ask the gentleman to yield me half the hour.

Mr. SAYERS. No, sir; I will give it out myself. You select your speakers and I will give out the time. [Laughter.]

Mr. MCCOMAS. Under the ordinary courtesy of debate I am entitled to half the time.

A MEMBER. Mr. Speaker, I hope the Chair will preserve order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SAYERS] himself, who has the floor, is indulging in this conversation, and the Chair can not control it. It comes out of the gentleman's time.

Mr. SAYERS. I am not indulging in it at all.

The SPEAKER *pro tempore*. How much time does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. SAYERS. I yield fifteen minutes to the gentleman from Pennsylvania [Mr. BUCKALEW].

JAMES A. STEWART.

The SPEAKER *pro tempore* laid before the House a bill (H. R. 9271) for the relief of James A. Stewart, with an amendment of the Senate thereto.

Mr. BUTTERWORTH. I ask unanimous consent that the House non-concur in the amendment of the Senate and agree to a conference.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. MCMILLIN. Let us have the bill reported, so that we will know what it is, or let the gentleman make an explanation.

Mr. BUTTERWORTH. It is a bill passed to pay James A. Stewart for services rendered as a pilot of Government transports from 1863 to 1865. It passed the House and went to the Senate and was there amended, and I ask unanimous consent that we non-concur and agree to a conference.

Mr. MCMILLIN. What is the amount involved?

Mr. BUTTERWORTH. Twenty-five hundred dollars.

Mr. MCMILLIN. What amendment did the Senate make?

Mr. BUTTERWORTH. The Senate reduced the amount to $2,500. The House passed the bill *nem. con.* for $4,000, or about that sum, and the Senate reduced the amount to $2,500.

Mr. MCMILLIN. Is that the bill that was up here to-day before?

Mr. BUTTERWORTH. Oh, no; this bill passed some time ago.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio [Mr. BUTTERWORTH]?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. STONE of Kentucky, Mr. LANHAM, and Mr. BUTTERWORTH.

DEFICIENCY APPROPRIATION BILL.

Mr. BUCKALEW. Mr. Speaker, on behalf of the people of the United States, represented by us on this floor, I demand that there shall be a full and fair debate on the subject-matter of this Senate amendment, carrying, according to information from the office of the Attorney-General, in the neighborhood of $30,000,000 in principle—$1,600,000 of immediate appropriation, and the remainder to be voted by Congress in future years if this bill be passed. It is not reasonable, it is hardly decent, that claims, involving such a vast amount of money as this, should be passed upon at 2 o'clock of a night session in the Senate without a word of debate and should be presented in the House for consideration under a call for the previous question with thirty minutes' debate, one-half for and one-half against the measure. Nor is it proper and just that such a measure should be placed as a rider upon an appropriation bill carrying $15,000,000 for the support of the Government in its various branches of administration, having therefore enlisted in its behalf all the interest which members may feel in the success of other portions of this bill.

What a shame it is that at this time and under these circumstances, and when any useful or prolonged debate is impossible, this House should be called to vote on this ancient claim—a claim now ninety years of age, which has survived three generations, and which, unfortunately, is not as well understood in this House as it ought to be—as it can be at the approaching session of Congress, because preliminary investigations during the Fiftieth Congress in committee and some little debate in the House and the individual efforts of gentlemen curious in historical matters have prepared the way for a full and fair debate and just decision on this subject at the approaching session of Congress.

Observe, sir, you have in this bill only a small part of the whole amount—a million and a half. The remaining twenty or twenty-five millions, whatever the amount may be, is not involved at present, but is to be acted on hereafter.

There is no reason why this decision should not be postponed until a larger mass of these claims shall be before us and we shall be enabled to judge better than we can now judge their true character and the pretension which is so strongly made in their behalf that our Government made itself liable for the payment of this great amount of money in the year 1800.

Sir, this bill is out of time, as I have already explained; it is out of place also; and if I may be permitted the remark, it is an ungenerous and disallowable proposition for the Senate to make to us under these circumstances and at this time; and if it be indorsed by both Houses of Congress, can there be any question that it is absolutely insulting to the Executive of the United States, who is called upon to approve or disapprove our measures as a constitutional duty? The Constitution gives him, under ordinary circumstances, ten days to determine the question whether he will give his approval. To be sure, at the end of a session many bills go to him which he is required to act upon promptly and without the lapse of ten days.

But observe that your rules in this House confine appropriation bills, to outlays already authorized by law. In ordinary cases, according to your own rules, you vote in those bills to fulfill existing obligations of the Government. Here is a proposed appropriation for an object not provided for or covered by existing law. You have simply an advisory report from the Court of Claims; and the President-elect of the United States put upon the bill in the Senate, when he was a member of that body, one of the stringent limitations upon the powers of that Court of Claims; so that complete jurisdiction over this subject is retained by Congress; the act of 1885 expressly provides that no recommendation either of law or fact by the Court of Claims shall preclude the judgment of Congress upon the whole subject.

And to conclude upon this point: This proposed appropriation of $1,600,000 could not under our rules be put on this bill by the House. Any member objecting, the Speaker would be bound to rule it out of order. Nine-tenths of the members could not put it on by their assent as an amendment proposition in this House. It is therefore now proposed that we shall permit the Senate to overrule the spirit and purpose of the House rules, and irregularly, out of time and under circumstances which constitute the measure a palpable outrage, we are called to vote upon these claims.

I repeat, then, what I said in the outset of my remarks, that as a representative of the people, as a member of this House, as a prospective member of the next House, I demand that this great measure shall receive fair and reasonable consideration—not at this time, because that is impossible, but from the next House when it shall have met and shall have organized under somewhat changed political conditions.

Now, Mr. Speaker, it is utterly impossible, as I have already stated, to enter into debate on this measure upon its merits. Do members know that $15,000,000, if the whole amount be thirty millions—that whatever the amount may be, one-half of this whole mass of claims is held by insurance companies, by insurance companies that charged war premiums in 1798 and 1799—premiums in many cases of from 15 to 30 per cent., premiums collected off the misfortunes of commerce?

According to the report from the Attorney-General's Office, one-half of this whole money, whatever the amount may be, will pass to insurance companies. Whatever has been said or might be said upon the merits of individual claimants, is there a man in this House, coming to this subject unprejudiced and without bias of mind from suggestions which have been made to him, or from a partial examination of the subject, who will not say that at least this one-half of the whole

amount no Congress ought to vote? There is no equity in it. How will you vote it? Will you vote it to the insurance company of 1889? Will you vote it to the present stockholders? Will you vote a quarter or a half a million of dollars to stockholders of some of these insurance companies who never paid a penny for their stock with any reference to this claim? Will you hand over to them the treasure of the people without condition, without reason, without cause? Is it to be paid to the present companies? The old stockholders of 1798, a generation or two ago, sold their stock, or it was divided or transferred as the assets of their estates. Will you go back, can you go back, and endeavor to hunt up these old stockholders of 1798?

But of course the merits of this proposition, which ought to be a separate bill, have not been considered and can not be considered at this late hour of the session. I point out one of the great departments of inquiry which it will be the duty of the next Congress to undertake. The Court of Claims does not give that information to the House which it must possess in order to act intelligently upon such a proposition as that presented. It does not decide who are the parties to whom the money is to be paid. In a large portion of the cases they merely determine the question of the original liability, and the legal custodian of the fund, an assignee in bankruptcy, an assignee under a trust, an administrator of an estate, etc. The court say that it is for Congress to determine to whom the money shall be paid in each case.

It is like bringing a suit in court. You put a legal party on record, but the actual party in interest, the beneficiary or use party, does not appear. Now, it is for Congress to determine how these moneys shall be paid and to whom. Take the case of a bankrupt and payment made to an assignee. The claims of creditors now are barred by the statute of limitations, many of them. Will you have the assignee, under such circumstances, disregard the statute and pay the creditors notwithstanding? Will you have him pay over to the bankrupt himself so as to escape payment to his creditors?

However, Mr. Speaker, I can not go into all of these details. Thus briefly I have sketched some of the difficulties that present themselves. It is a subject too great in itself to be determined in this manner. We are not ready for a bill upon the subject, even if prepared. We are not ready to vote intelligently upon it because the House does not understand the subject, and there is not time now to consider it intelligently.

Mr. Speaker, in the hoarse condition of my voice to-night, and under the circumstances, the natural impatience that members feel to secure action, and in the manner that this subject comes before us, I will not detain the House by another word. I will leave it to the good judgment and the sound sense of the members of this House whether this midnight or 2 o'clock amendment thrust into this bill, where it is an intruder, shall be retained or rejected.

Mr. SAYERS. I yield thirty minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Of the thirty minutes I yield ten to the gentleman from Missouri [Mr. MANSUR].

Mr. MANSUR. Mr. Speaker, four weeks ago I would not have trusted myself to undertake to debate this question at all. During that time I have studied it carefully. I have studied it until after midnight night after night, and I have even violated the law of the Sabbath to consider it, and this for the purpose of preparing a report, as directed by order of the Committee on Claims of this House. Limited to ten minutes' time for reply, I do not undertake any argument to show the absolute justice of these claims. It is a conviction of my mind that no man who will come to the discussion of this subject without prejudice and will give it a careful investigation from beginning to end can refuse to be irresistibly driven to the conclusion that justice demands that these old claims shall be paid.

There are only two points urged against them: One, that this generation ought not to assume and pay the debts of another generation; and the other point is that these claims originated in a state of war. This last proposition I can not for want of time now discuss. If it be true, or if the argument be worth anything that this generation ought not to pay the debts of another generation, then ten years from now it may be urged against the bonds of the United States originating in the late war that they should not be paid because the generation then existing had not created them and was therefore not liable. But parties come and go, individuals live and die, and yet this Government goes on forever; and when, as in this case, it owes a debt, that debt exists in the mind of every man of justice until it is eventually paid and discharged.

Daniel Webster, in his speech in the Senate on these claims in 1835, stated that there were just six hundred and fifteen of these vessels captured. It is, in my opinion, an exaggeration to say, in regard to these claims, that under the act of 1885 conferring jurisdiction upon the Court of Claims the aggregate of these demands will reach anything like the sum of $30,000,000. I feel myself justified in saying that the cases which have been presented to the Court of Claims and passed upon by that body up to this time are the choice—the select cases, the ones in which the claims can be most readily established. What is the result? One hundred and forty-two vessels have been adjudicated out of the six hundred and fifteen, and the total valuation found is something over $1,600,000.

Assuming, then, that all of the balance of these vessels shall on the same ratio be found to be of the same value, it will take only something over seven millions, not quite eight millions, to discharge the whole of the indebtedness. But I believe myself, from the investigation I have given to the subject and the inquiries I have made, that in many of these cases which are still unadjudicated the same ratio will not prevail, but a smaller percentage be allowed, and the probabilities are that the total findings of the Court of Claims under the act to which I have referred will not exceed the sum of between five and six millions of dollars.

The Attorney-General in his report in December, 1886, expressed the opinion that the amounts of all the claims would be about $15,000,000.

What is certain, however, is that up to date the Court of Claims has tried 282 petitions on 142 vessels; that the aggregate amount prayed for in these cases was $3,346,726.26, and that the total amount allowed by the court was $1,604,681.99, and that in addition thereto petitions amounting to $8,380,000 have been dismissed for want of any evidence whatever, naming no vessel, being "general" petitions.

So much for their value. I agree that ordinarily these claims would be out of place on this bill. But these are extraordinary claims, and I feel that when surrounded by extraordinary circumstances we may venture upon extraordinary exceptions. It is not new legislation in any fair sense of the term. And why? At the very beginning of this Congress, within ten days after the House assembled, by an overwhelming vote, the House instructed the Committee on Appropriations to report an appropriation on a bill making provision for the payment of all these claims. You will remember that in the closing hours of the last session these claims were defeated, and the failure was because of a technical ruling and that a large number of the friends of the spoliation claims were not here to advocate and vote for them, and they went by the board.

This session Congress has had several of these claims referred to it from the Court of Claims for investigation, which in its turn referred them to the Committee on Claims. That committee instructed me to make a favorable report, and in report 4151 will be found the views of the friends of these claims. In that shape, with a knowledge that it was thus pending and before Congress, and with the further knowledge of the Committee on Appropriations that in the last session it had been considered and discussed at great length, and I presume further that members knew it would come over to this House from the Senate on the deficiency bill, notice was given in the Senate that these claims would be sought to be placed as amendments on this appropriation bill; and the same were printed. A copy of these Senate amendments were laid upon my desk, as I presume they were upon the desks of all the members.

Take all these facts and couple them with the further fact that Congress by the act of 1885 conferred jurisdiction on the Court of Claims to investigate these claims and report them to Congress from time to time, and we are driven to the conclusion that there was no snap judgment in putting them on this appropriation bill.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. MANSUR. I would prefer not in the short time I have. Referring to the action of the Court of Claims, every one must remember that we sent Mr. Broadhead, a distinguished member of this body in the Forty-eighth Congress, to France to hunt up evidence, and Mr. Sommerville Tuck was sent to Spain and to the Windward Islands to hunt up evidence to aid the Government officials as well as those who had the claims, in order to have these questions fairly investigated and settled on the fullest evidence obtainable.

This evidence was to be submitted to the Court of Claims, and it was not only to decide pending cases, but it was to continue this work from year to year, and make its reports from year to year and from session to session of Congress. It was a continuing order. Surely when that act was passed Congress meant that it was to be something more than a mere investigation. Otherwise it was a trap for all these claimants.

This evidence has been carefully examined, the claims have been investigated in court, and the opinions and decisions of the court are learned. They are almost exhaustive of the whole subject. They are carefully prepared, and in every instance the court has required every person interested in any way, either in the vessel or in the cargo, to be made parties to the suit, over the value of the vessel and its cargo, and in this way had all the parties in interest before it, and frequently with conflicting interests. They have sifted these claims to the very bottom and are able to render judgments that undoubtedly ought to establish these claims and be binding on Congress and the Government.

But limited as I am in time I must pass on as rapidly as possible. Says the gentleman who preceded me, "Much of this will go to the insurance companies."

If I remember rightly, there were only nineteen or twenty insurance companies in the United States at that time, and nearly every one of them engaged in the business of insuring our merchant vessels became bankrupt. The larger amount of the insurance was done by underwriters who were merchants. This was done in this manner: A broker wrote up a contract for, say, $10,000 insurance, at a certain premium, on a certain vessel. Then these merchants underwrote the amount of insurance they would take, and get their share of the premium; this they did by writing at the bottom of the contract their names, say, "John Smith, $1,500; Tom Jones, $5,000;" and so every other man the amount of insurance he took. Nearly all of these insurance claims

will go to the heirs of these underwriters and not to corporations. But it is said that the insurance companies have no real claims to this money, because it was a part of their business and done at high rates of war premiums.

I venture the assertion every lawyer who will examine this question will be driven by the force of the cases, both English and American, to the conclusion that there is no higher principle of natural justice and equity than that of subrogation. If I pay another man's debt I am entitled by law and by the highest dictates of justice and conscience to be subrogated to his rights, to be put in his place, and to have the opportunity to realize out of the property or claim whatever it may be worth. That is a principle of natural justice which commends itself to every man's mind who investigates it, and there is not a case in the law-books to be found to the contrary; and it applies as strongly to an insurance company as it does to an individual.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from Maryland [Mr. MCCOMAS] is entitled to the floor.

Mr. MCCOMAS. I yield five minutes to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, these claims, as every one at all familiar with the subject knows, grew out of the treaty of 1778, under which France furnished the American colonies men and munitions of war in aid of the Revolutionary struggle at an expense, as estimated by the French minister of finance, of some $280,000,000. The equivalent agreement on our part in that treaty was to guaranty to France her American possessions forever. Remember, the guaranty was forever. Those possessions consisted of certain West India or Windward Islands, seven or eight in number, which were very important to France at that time because they furnished her sole supply of sugar. This, remember, was in 1778.

Within eight years from that time the French people, inspired by the success of the American experiment in self-government, struck for liberty themselves and established the republic, first under the Directory and then under the Consulate. This audacious conduct on the part of France—audacious in the estimation of the crowned heads of Europe—led to a combination of all the great European powers against her, and they sought to crush the upstart republic, as they considered it. Great Britain, the chief of those allies, sent an expedition to the West India Islands to take possession of the French colonies there. France appealed to the United States to protect those possessions in accordance with the stipulations of the treaty of 1778, but she appealed in vain. The United States never lifted a finger to protect the French possessions. They professed and maintained absolute neutrality between the contending powers, and Great Britain, almost without firing a gun, took possession of the West India colonies of France.

Now, clearly, under the treaty of 1778, the United States, upon every principle of international law, were liable to France for the value of those possessions. There is no question about that. But France was in no condition to enforce her right by war, and she resorted to the only other method she had at her command, which was to make reprisals upon our merchant marine. Accordingly she let loose her corsairs upon our commerce and captured American ships and American cargoes wherever she could find them on the high seas, and she did this to the amount of millions of dollars—some have said fifteen millions.

That property was lost by American citizens. They could not enforce their claims against the French Government unless the Government of the United States took them in hand. In 1793, in August, Thomas Jefferson being Secretary of State, he issued a circular to the merchants and ship-owners calling upon them for a list of these losses. That list was furnished. The Government then promised to collect the claims from the French Government, and immediately made a demand through the State Department, and appointed a set of envoys and sent them to France to negotiate for payment. The French Government would not receive them. They came home, and meanwhile the spoliations increased. The United States declared for war as the only means of protecting our commerce. France, learning of this, signified her willingness to treat further on the subject. New envoys were sent, and (without going through the whole history of the transaction) it was finally concluded, as the result of the negotiation between the First Consul and the United States Senate, to offset the claims of our citizens, presented by the United States Government, against the claims of the French people, and ever since that time American citizens have been trying to collect these claims, which are justly due.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MCCOMAS. I now yield five minutes to the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. I am somewhat surprised to hear my friend from Pennsylvania [Mr. BUCKALEW] speak of this matter being brought before this House to be acted upon without due consideration, when he no doubt well remembers that from the 1st day of August last until the 21st day of that month this House was occupied with the discussion of this subject upon its merits in connection with the general deficiency bill at the first session of this Congress.

There were twenty-one members of this House who exhausted every branch of this subject during that debate; and I am therefore surprised to hear the gentleman from Pennsylvania [Mr. BUCKALEW], who himself made an exhaustive argument in opposition to these claims, say to this House, after our having been engaged on these measures for eighteen days, that now the matter is prematurely brought before the House.

This House will well remember that after a committee had reported these claims under instructions they went out of the general deficiency bill of the last session, not upon the merits, but on the ruling on a point of order which excluded this House from voting upon them. Nay, more, Mr. Speaker, this subject has been under discussion in Congress after Congress for the last three Congresses. It was discussed on the passage of the bill providing for a consideration of these cases by the Court of Claims. The same vehement opposition was manifested then; but the decision of this House was made on this subject by the act of 1885 by which Congress decided that the Court of Claims should sift the merits of the proposition, should report to this House which of these claims were just, with the facts they found, with their conclusions of law, so that this House, in the exercise of its undoubted authority to vote the people's money for claims that are just and withhold the people's money from claims that are unjust, should, with the process of sifting evidence which the machinery of that court affords, be able to discriminate and to decide rightfully upon this issue.

And what is the state of the matter as it comes to us now? Why, Mr. Speaker, as appears by the able report recently filed by the Committee on Claims of this House, which has given this matter during this session very careful and particular attention, these facts appear: It appears that under the act of 1885 the Court of Claims had passed favorably upon claims in which the claimants demanded $3,300,000.

[Here the hammer fell.]

Mr. DIBBLE. I ask the gentleman from Maryland to give me a minute or two more.

Mr. MCCOMAS. I yield two minutes more to the gentleman from South Carolina.

Mr. DIBBLE. Of the $3,300,000 thus claimed the Court of Claims on the evidence decided that the Government justly owed the claimants—not the amount claimed, but the amount of $1,600,000. So that the Court of Claims has passed upon what are probably the strongest of these claims; it has passed upon them to the amount of nearly three million and a half, and has allowed of that amount about 48 per cent. and rejected 52 per cent. Nay, more, Mr. Speaker, it has passed upon $8,380,000 of claims adversely to the claimants. It has dismissed claims to that amount, without making any allowance at all. In addition to that it has dismissed seven other claims where the amount claimed was not stated. So that, in fact, of claims amounting to $11,000,000 the Court of Claims has allowed only $1,600,000, or 16 per cent. of the amount passed upon.

[Here the hammer fell.]

Mr. MCCOMAS. I now yield three minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, if this were an original proposition appearing here in the House of Representatives now for the first time the argument of the gentleman from Pennsylvania [Mr. BUCKALEW] that this measure ought not to be found upon an appropriation bill would be in accordance with our best judgment and would be in consonance with the general principles of the rules of the House. But, Mr. Speaker, since a time before you and I were old enough to know anything about the politics of this country this question has been discussed in the newspapers and in all the Congresses. The measure for the payment of these claims has passed and repassed—passed in the House of one Congress and in the Senate of another, vetoed by two Presidents, but always coming back and always the subject of discussion and agreement.

The basis of these claims lies in the nature of a contract by the United States Government to stand in the place of men who had been spoliated by attacks upon American commerce by the French cruisers; and though gentlemen now undertake to say that no consideration was received by the Government, it is enough to say that the rule of equitable estoppel operates against the United States on this question. It is enough to say that there never was a time after the treaty when these claimants could have successfully or properly or lawfully prosecuted their claims against the French Government. They would have been met by the stipulations of the treaty itself.

Now, Mr. Speaker, this House understands this question just as well as it ever can. Why, sir, the gentleman from Pennsylvania [Mr. BUCKALEW] occupied a whole hour in this discussion and published a speech which was but the iteration and the reiteration of that which had been said for more than half a century on this subject. The strongest arguments that ever were made against the payment of these claims were absorbed in the gentleman's speech. There can be nothing new under the sun on this question. There is no obligation of this Government which ought to be paid by fair adjustment that stands higher than do these very claims.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. MCCOMAS] has five minutes remaining.

Mr. MCCOMAS. Mr. Speaker, in the five minutes left me I shall

not undertake to go over again the threadbare arguments made by favorable reports in the Senate and the House at different times during nearly a century, or the long series of favorable reports made upon these claims until finally the Forty-eighth Congress sent all these questions to the Court of Claims for final sifting and decision. When they came back to this Congress almost the first effort was to declare on this floor, by a vote of 163 to 83, that the Committee on Appropriations ought to put these claims on an appropriation bill, and the House pointed out this very deficiency bill as the measure on which they ought to go. When this bill was considered in the House the gentleman from Illinois [Mr. SPRINGER], then in the chair, after long debate decided in the most non-partisan manner that they were not admissible; and the House was not allowed to vote upon them, when everybody knows that these claims could command a majority of the votes of the members on this floor—a clear majority on both sides of this Chamber.

Now, the gentleman from Illinois [Mr. SPRINGER], to illustrate the absolutely partisan, extrajudicial temperament of his mind, he who made that ruling, now when the chance comes for a vote of the House is filibustering to prevent a vote by the members of the House, as he did before by his ruling on that point of order.

Mr. Speaker, it ill becomes gentlemen to say this comes at a late period of the session. The gentleman who leads the onslaught of filibustering prevented that vote against the expressed will of the House.

What then? They go to the Senate and that body decided these claims should be put on this bill. They now come here. It was the first action of this Congress and now it comes in the last hour. They have known all about them in the Senate, and they have known all about them in this House. The country has known all about them. Now when a chance comes for a vote in this House gentlemen dare not let them be voted on, because they know that a large majority of the members of this House favor the proposition of the Senate. They keep it back and in order that they may defeat it, not by argument, not by justice, but by filibustering. By such Democratic ineptness they seek to defeat the Senate amendment by filibustering in this House upon this appropriation bill. I do not want my friend from Illinois to blink the issue, for it is fairly presented and he can not evade the responsibility of his action.

Here, Mr. Speaker, is the only chance we can have to consider this matter, and we should consider it in good faith. Vote it up or vote it down, but vote on it. It is the right of the people, it is the right of these claimants, it is the right of this court to have its judgment voted on and put in or put out; and, sir, it is our right to take the responsibility to vote them up or to vote them down.

Now, sir, we find this filibustering carried on upon this bill where we did put them by the action of the House. Is this to be the end of Democratic leadership and Democratic control in this House—afraid of yourselves on an appropriation bill which is the largest this country has ever seen? You fall back and will not vote on this proposition like men. You fall back to your favorite resort, which seems to be the top level of your statesmanship, and pile up motions to adjourn and to adjourn over and to take a recess, varied by demands for the yeas and nays and divisions in the House through the tellers. [Laughter and applause.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. McCOMAS. Gentlemen on the other side of the House seem to be delirious over a motion to take a recess or to adjourn. They seem to give themselves up to filibustering whereby they may defeat a vote on the pending proposition which comes to us from the Senate. [Cries of "Order!" on the Democratic side, and great applause on the floor and in the galleries.]

The SPEAKER *pro tempore* (Mr. HATCH in the chair). If there shall be again any exhibition of applause in the galleries the Chair will direct the Sergeant-at-Arms and Doorkeeper to clear them.

Mr. SAYERS. I yield now for five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, it is now a little over fourteen hours when this Congress will expire. The sundry civil appropriation bill, carrying between twenty and thirty millions of dollars, is not yet agreed to. This bill, the deficiency appropriation bill, carrying an appropriation of eight millions of dollars for the remainder of this year for pensions and carrying many hundreds of items for back pay and bounty for the soldiers of the late war, and many items for the revenue service and almost every branch of the public service, hangs in this contest undisposed of. The bone of contention is this item of one and a half millions of dollars known as the spoliation claims, ninety years old.

I want to be entirely frank and say there are two sides to this question. In former years, when most of us were boys, these claims met after full discussion and passage in the House and Senate with executive veto. A year or two ago we did refer these ninety-year-old claims to the Court of Claims, not to render judgment but to investigate and report to the House. As one member of this House I have read with great care the decision of that court. I believe from the best lights I can get the Government of the United States three generations after these claims are due and payable ought to pay them. When I say that, however, I want to say there is room enough for gentlemen honestly to disagree with me in that conclusion. I stand ready under the light of full discussion, with this measure resting on its own merits, and its own merits alone, to vote for the appropriation of money necessary to pay these claims; but while I say that, I want to say I doubt the propriety in the closing hours of the session of putting this amendment upon a bill which carries pensions and bounty and back pay, and for the service of the Government for the remainder of this year all along the line, and saying those items shall not pass unless these claims shall pass.

For one I am willing to vote on concurrence, or I am ready to vote to insist, but I believe it is the part of wisdom in these the closing hours of this Congress that the House shall send this bill back into conference and let the ninety years of waiting add another year to the investigation of these claims under circumstances where they can be fully and fairly investigated and discussed, and stand or fall upon their own merits alone. [Applause.]

[Here the hammer fell.]

JAMES A. STEWART.

Mr. BUTTERWORTH. I ask the gentleman from Texas to yield to me for a moment to submit a conference report.

Mr. SAYERS. With the understanding that it is not taken out of my time.

Mr. BUTTERWORTH. Certainly.

I submit a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9271) for the relief of James A. Stewart, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

WILLIAM J. STONE,
S. W. T. LANHAM,
BENJAMIN BUTTERWORTH,
Managers on the part of the House.
JOHN C. SPOONER,
GEORGE F. HOAR,
SAMUEL PASCO,
Managers on the part of the Senate.

Mr. HOLMAN. What is the Senate amendment? Let it be read.

Mr. BUTTERWORTH. I can state the substance of it in a moment. My friend will remember that the House passed a bill providing for the payment of $4,000, and the Senate amendment reduces the sum to $2,500——

Mr. HOLMAN. You accept the Senate amendment?

Mr. BUTTERWORTH. Yes, sir.

The report was adopted.

Mr. BUTTERWORTH moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. I now yield five minutes of the time to the gentleman from Iowa [Mr. KERR].

Mr. KERR. Mr. Speaker, these amendments embrace a proposition that for a short time has been before the Committee on Claims of this House. It did not have consideration in committee until a little over a week ago. At that time the Committee on Claims was besieged by the claim agents who represent these several hundred claims that in a body are presented here and to be allowed in a lump, combined as they are with other meritorious provisions in a bill the defeat of which would involve suffering and want to a large number of meritorious claimants, in regard to the justice of whose claims there is no dispute, a large part of which are pension and bounty claims, as has been so forcibly stated by the gentleman from Illinois [Mr. CANNON]. Those claim agents, as I say, besieged the Committee on Claims. They stood by the score at the door of the room of the Committee on Claims, presenting this demand; and I believe it is an admitted fact that in proportion as the actual claimants' interest decreases and the interest of the claim agents increases the claims are pushed for consideration in this Congress and before that committee.

Now, Mr. Speaker, there is no just foundation for these claims in my judgment. The gentleman from Vermont [Mr. GROUT] alleges that this Government was under obligation to maintain the supremacy of France in the West India Islands. I assert that there is no foundation for that statement. That is the basis on which the gentleman from Vermont founds the justice of these claims. But the nation of France, on its own motion and by the act of its own legislative assembly, abandoned all claim to the West India Islands, abrogated all government over those islands, and by that act declared them free. And yet the gentleman, in defiance of that historical fact, says that we were bound as a nation to maintain the supremacy of France in the West India Islands after France had abandoned those islands, and on this statement bases the argument that we also became a guaranty to the claimants for the payment of these spoliation claims.

Mr. Clay in a report submitted in 1826 made the statement that France had never recognized any claim at any time that was based on

the same foundation on which these claims were based; and that being the opinion of Mr. Clay at that time, which is not denied as far as I am aware, I can not see where there is any just basis for the claims now. The allowance of the claims would be a proclamation to the world that the American Congresses for the last ninety years have been faithless to the interests of the American people, and that those Congresses have been dishonest. Now, I protest against such a conclusion being arrived at. No man claimed that these claims ought to be paid until a few years before the report of Mr. Clay was made, and yet after a lapse of ninety years, during which the whole Mississippi Valley has been settled, these men, living along the coast, representing the grandchildren of the men who kindled the blue-lights along our shores, and sympathized with England as against France, ask us to pay their descendants for the losses sustained in that trade which France said was unlawful, and for which she steadily refused to make reparation. [Applause].

[Here the hammer fell.]

Mr. SAYERS. I now yield the floor to the gentleman from Missouri [Mr. BLAND]. [Cries of "Vote!" "Vote!"]

Mr. BLAND. Mr. Speaker, a few days ago, in this House, in the course of a discussion, we heard the expression made use of "that where fraud was law filibustering was patriotism" [applause, and cries of "Vote!" "Vote!"]; and I say where profligacy in the United States Senate is the rule filibustering here is patriotism. [Loud cries of "Vote!" "Vote!"] Very well, if gentlemen insist on this sort of proceeding I am perfectly content, because I can stay here all night.

The SPEAKER *pro tempore*. The Chair will insist that the House shall be in order, and that the gentleman from Missouri may be permitted to proceed without interruption.

Mr. ALLEN, of Michigan. I hope the Chair will insist hereafter on preserving order on the floor of the House.

The SPEAKER *pro tempore*. It will of course be very disagreeable for the Chair to be compelled to enforce order on the floor by the means which every member of the House knows the presiding officer of this body has a right to employ. The Chair hopes that members will assist the Chair in preserving order.

The gentleman from Missouri will proceed.

Mr. BLAND. Because the money involved in this bill, and probably $30,000,000 besides, is owned by millionaire corporations, they have the power to get their claim on an appropriation bill; but one of my poor constituents, who has a claim that has been adjudicated as this has, by the Court of Claims, is denied that privilege. Under the rules of this House it does not belong on this bill. It was ruled out by the Chairman of the Committee in this House, and on appeal sustained by an overwhelming vote. Yet the United States Senate undertakes to coerce this House by putting it on an appropriation bill carrying pensions and various other meritorious claims.

Mr. Speaker, the Senate sends this bill here with the idea that they intend to make it go through this House in this coercive way or this bill shall fail. I meet them on that ground; and I say I will stand here until the 4th of March and all parliamentary means shall be used to defeat the coercive action of the Senate.

Mr. DUNHAM. Oh! you have said that before.

Mr. BLAND. The people of the United States have given the power of the purse-strings to the House, because they are the representatives of the people; and if there is any manhood in this House, and especially on this side of the House, they will not be coerced into this measure by the United States Senate. I move a further recess of two hours. [Laughter.]

Mr. SPRINGER. I move to strike out "two hours" and insert "one hour and thirty minutes."

Mr. STONE, of Missouri. I move to amend that motion by making it one hour and three-quarters.

Mr. McCOMAS. I make the point of order against both those motions, and desire to be heard a moment on the point of order.

The SPEAKER *pro tempore*. The gentleman will state the point of order.

Mr. McCOMAS. My motion is entered on the Journal to recede, and the previous question thereon. The Chair having decided my right to make that motion, I say that the gentleman in charge of the bill can not give up the hour for dilatory motions to cut out a motion of higher privilege—a motion to recede from the disagreement between the two Houses.

Mr. BLAND. I have the floor. The whole time was yielded up to me, and the bill, so far as that is concerned.

The SPEAKER *pro tempore*. The Chair has no hesitation in deciding the point of order.

Mr. DIBBLE. I desire to speak to the point of order.

The SPEAKER *pro tempore*. The Chair will decide the point of order without further debate. There never has been a ruling by any occupant of the chair, so far as the Chair knows, that would give to a member the floor that would hold against a motion to take a recess. The Chair overrules the point of order, and the question is on the amendment to the amendment.

Mr. McCOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. When, then, does my right come in, as the Speaker decided that I had the right to make the motion?

The SPEAKER *pro tempore*. The gentleman can be recognized when the House acts upon the motion now pending before the House, which takes precedence, and when the gentleman gets the floor in his own right.

Mr. McCOMAS. Is my motion now pending?

The SPEAKER *pro tempore*. The Chair will state to the gentleman it is not pending. The gentleman has not obtained the floor in his own right.

Mr. McCOMAS. I will ask the Chair whether the Journal does not show that motion as pending?

Mr. SPRINGER. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. McCOMAS. I rise to the parliamentary inquiry. When shall I have that right?

The SPEAKER *pro tempore*. The Chair has stated to the gentleman that he has not the right at this time to make the motion submitted by him. The Chair recognized the gentleman to submit a motion pending the motion of the gentleman from Texas, which is yet undetermined. [Cries of "Regular order!"]

Mr. McCOMAS. I make another point of order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. My point is that the gentleman from Missouri was only yielded the floor for debate upon this conference disagreement, and not for the purpose of making a motion for a recess.

Mr. BLAND. The gentleman yielded me the floor entirely.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Texas stated that he yielded the floor to the gentleman from Missouri, which placed him in control of all the time and all the rights the gentleman from Texas had.

Mr. DIBBLE. But, Mr. Speaker, I make the further point of order that the gentleman who had charge of the bill had no right to yield his charge of the bill to cut out a member of the committee who had another motion of higher privilege when he could make the motion himself. But it is not in his parliamentary power to make a motion to defeat his own motion.

The SPEAKER *pro tempore*. There is no motion of higher privilege than the motion to take a recess or fix a day to which the House shall adjourn.

The question was taken on the amendment of Mr. STONE, of Missouri, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 16, noes 99.

Mr. BLAND. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Maryland [Mr. McCOMAS].

Mr. CANNON. Mr. Speaker, I desire to make a proposition to the gentleman from Maryland [Mr. McCOMAS] and the gentleman from Texas [Mr. SAYERS]. My proposition is that by unanimous consent the vote be now taken upon the motion of the gentleman from Texas that the House do further insist upon its disagreement to the Senate amendments.

Mr. BLAND. Regular order.

Mr. CANNON. I thought that was what the gentleman from Missouri wanted.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. McCOMAS] and the gentleman from Missouri [Mr. BLAND] will please act as tellers.

Mr. BLAND (pending the count by tellers). Mr. Speaker, I will withdraw the point of no quorum if it is understood that the motion of the gentleman from Texas is to prevail. If the proposition of the gentleman from Texas is voted down, then I want it understood that I shall have the right to insist upon the point of no quorum and upon a vote on the pending motion to take a recess.

Mr. CANNON. The gentleman has that right under the rule.

Mr. BLAND. Well, I want to reserve it now.

Mr. SPRINGER. I object. Mr. Speaker, what was the proposition?

The SPEAKER *pro tempore*. The Chair will state the proposition as the Chair understands it. On account of the confusion on the floor the Chair is not certain that he understands the proposition correctly. The proposition of the gentleman from Illinois [Mr. CANNON], as the Chair understands it, is that, pending the motion for a recess, a vote shall be taken on the motion submitted by the gentleman from Texas [Mr. SAYERS], that the House insist upon its disagreement to the Senate amendments and agree to a conference.

Mr. SPRINGER. That is all right if we can have the vote without taking the yeas and nays.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Missouri [Mr. BLAND] does not withdraw his motion for a recess.

Mr. BLAND. I do not withdraw it unless upon the understanding I have stated. My proposition is that pending these motions for a re-

cess a vote be taken upon the motion of the gentleman from Texas [Mr. SAYERS].

The SPEAKER *pro tempore*. The House will be in order and the Chair will again state the proposition. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that, pending the decision upon the several motions which have been submitted to the House for a recess, a vote shall be taken upon the motion made by the gentleman from Texas [Mr. SAYERS] that the House further insist upon its disagreement to the amendments of the Senate and agree to a conference. Is there objection?

Mr. LYNCH. I object.

Mr. SPRINGER. Mr. Speaker, I did not demand the yeas and nays. I insisted that the vote should be taken without the yeas and nays.

The SPEAKER *pro tempore*. Nothing has been said about the yeas and nays. The gentleman from Pennsylvania simply objects. The Chair does not know upon what ground and has no right to inquire.

Mr. CANNON. I do not suppose the gentleman from Pennsylvania himself knows. [Laughter.]

Mr. SPRINGER. Some gentlemen seem to have misunderstood my suggestion.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the pending amendment be sent again to a committee of conference without instructions.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent——

Mr. McCOMAS. Regular order.

Mr. LYNCH. What is the proposition, Mr. Speaker?

The SPEAKER *pro tempore*. There is no proposition before the House. There is a motion to take a recess for one hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House of the passage without amendment of the bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

It also announced agreement to the concurrent resolution of the House providing for the correct enrollment of the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

It also announced the passage of the bill (H. R. 2896) for the relief of the heirs of John R. Treutlen.

It further announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5716) for the establishment of a light-house at the mouth of Otter Creek, Lake Champlain.

It further announced the passage of the bill (S. 3905) authorizing and directing the sale of certain property belonging to the United States, situated in Pittsburgh, Pa.

It further announced that the Senate had passed the joint resolution (H. Res. 145) to print the Agricultural Report for 1889.

DEFICIENCY APPROPRIATION BILL.

Mr. REED (during the count by tellers). I would like to inquire of the gentleman in charge of this bill why he does not bring it to a vote? [Cries of "Regular order!"] Being in charge of the bill it is his duty to this House to bring it to a vote. [Renewed cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. REED. Perhaps the gentleman from Texas will give us the reason why he does not bring the bill to a vote.

The SPEAKER. Debate is not now in order.

Mr. REED. It is not a matter of debate, but by unanimous consent he could give his reasons. He is in charge of the bill, yet trying to defeat it.

Mr. BLAND. The gentleman from Maine is out of order.

Mr. REED. I think the gentleman from Maine under our rules is in order.

Mr. BLAND. I am always in order and the gentleman from Maine always out of order.

Mr. REED. It is a very strange spectacle to see a man in charge of a bill trying to defeat it.

Mr. BLAND. I would like to know if any gentleman on the floor can interrupt the proceedings by denouncing the member in charge of this bill?

The SPEAKER. Debate is not in order. The tellers will proceed with the count.

Mr. DIBBLE. I desire to ask the gentleman from Maryland, who has entered a motion to recede, to withdraw that motion——

Mr. BLAND. There is no such motion pending.

Mr. DIBBLE. And let the gentleman from Texas, who is in charge of the bill, submit such parliamentary motion as will enable us to proceed with the measure.

Mr. McMILLIN. There is no motion to recede pending, I submit to the Chair.

Mr. DIBBLE. Well, if the gentleman from Maryland will withdraw——

Mr. McCOMAS. I made the motion, and it was entertained once.

Mr. McMILLIN. But the then presiding officer afterward ruled it out.

The SPEAKER. This is not a matter for the Chair. The gentleman from South Carolina [Mr. DIBBLE] is appealing to the gentleman from Maryland.

Mr. SPRINGER. I ask, by unanimous consent, that the amendments to this bill which are not disposed of be referred to a committee of conference—that another conference be authorized without any prejudice.

Mr. McCOMAS. Regular order.

Mr. DIBBLE. As one of those who are in favor of the amendment which is now pending I am perfectly willing, so far as I am concerned, that no motion should be made by the friends of the measure, but that the gentleman in charge of the bill be permitted to submit if he pleases a parliamentary motion to insist, and let the House vote upon it, and dispose of the bill.

Mr. BLAND. Regular order.

The SPEAKER. The regular order is called for.

Mr. REED. Let the gentleman in charge of the bill proceed with his bill.

The SPEAKER. But a motion for a recess is pending.

Mr. REED. It is his friends who are making that motion.

The SPEAKER. The Chair has no control over that.

Mr. REED. The Chair has not, but the gentleman from Texas has. I am trying to reach the gentleman from Texas.

Mr. BLAND. We had better have the regular order.

The SPEAKER. The tellers will proceed with the count. Gentlemen who have not voted will please come forward and vote.

Mr. McCOMAS. I made a motion which was once entertained and afterwards not considered. I am now willing to withdraw it——

Mr. BLAND. It is not pending at all.

Mr. McCOMAS. I will not insist upon making that motion, but withdraw it in order that the gentleman in charge of the bill may take what parliamentary steps he thinks proper to expedite the passage of this important bill.

Mr. BLAND. Regular order.

Mr. REED. Let the gentleman from Texas proceed.

Mr. McCOMAS. So far as I can withdraw the motion I made, I do so for the purpose I have indicated.

Mr. REED. The gentleman from Texas has abandoned the floor to the enemies of his own bill—a spectacle rarely seen in this House.

Mr. BLAND. Let us have the regular order.

The SPEAKER. Gentlemen who have not voted will please come forward and pass between the tellers.

Mr. CASWELL. I ask unanimous consent that the House insist on its disagreement to the Senate amendment.

The SPEAKER. The Chair will state the question. The gentleman from Wisconsin [Mr. CASWELL] asked, by unanimous consent, the House insist on its disagreement. Is there objection?

Mr. DIBBLE. I object.

Mr. REED. I would like to see the gentleman from Texas take charge of his own bill.

Mr. DIBBLE. What motion is pending?

The SPEAKER. None except the motion made by the gentleman from Texas [Mr. SAYERS] that the House further insist on its disagreement to the Senate amendment. Pending that a motion was made that the House take a recess.

Mr. REED. And pending that the gentleman from Texas yielded to the gentleman from Missouri and abandoned his position in charge of the bill and gave it over to its opponents.

The SPEAKER. The House is dividing, and gentlemen who have not voted and desire to vote will do so.

Mr. BLAND. I am taking care of it.

The House divided; and the tellers reported—ay 1, noes 171.

So the motion was disagreed to.

The SPEAKER. The question recurs on the amendment of the gentleman from Illinois [Mr. SPRINGER].

Mr. STONE, of Missouri. I move that the House take a recess for one hour and a half.

The SPEAKER. That is the motion now pending.

Mr. STONE, of Missouri. I will amend it by making it one hour and three-quarters.

Mr. McCOMAS. I appeal to my colleague on the committee to take charge of the bill and expedite business.

Mr. BLAND. I demand the regular order.

Mr. REED. The gentleman from Texas has abandoned the charge of this bill and given it into the hands of its opponents.

Mr. BLAND and Mr. ANDERSON, of Kansas, demanded the regular order.

The question recurred on the motion of Mr. STONE, of Missouri, to take a recess for one hour and three-quarters.

The House divided; and there were—ayes 18, noes 80.

Mr. BLAND. No quorum.

The SPEAKER appointed as tellers Mr. BLAND and Mr. McCOMAS.

Mr. SAYERS. I ask by unanimous consent of the House this bill be referred to the committee of conference without instructions.

The SPEAKER. There is no committee of conference.

Mr. SAYERS. I move, then, that a committee of conference be appointed, to whom the bill shall be referred without instructions.

Mr. SPRINGER. Without prejudice.

The SPEAKER. Is there objection?

Mr. DIBBLE. I object, unless I am permitted to make a statement.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIBBLE. Mr. Speaker, I desire before withdrawing my objection to the proposition which has been made by the gentleman from Texas [Mr. SAYERS] to make some statement in relation to the extraordinary posture in which the gentleman who was in charge of this bill has placed himself. It is a well-known fact, Mr. Speaker, that here assembled on the floor of this House to-night, on both sides of it, a majority of the representatives of the people are ready to do that tardy justice to claimants to whom this country is indebted and who have waited for payment, generation after generation, for ninety years.

It is equally well known this matter has been thoroughly sifted and discussed in two committees of this House. Having seen at the opening of this Congress, and having had some experience in past Congresses of the dilatory tactics of the opponents of the French spoliation claims, I took occasion to move the reference of these claims to the Committee on Appropriations, one of the high committees of this House, as far back as December, 1887.

The members of this House, after a free, fair, and liberal discussion, on a yea-and-nay vote, resolved by a vote of 163 members of this body, a majority of all its members, in favor of the proposition, which I then submitted, and only 84 votes were opposed to it.

Congress referred these matters to the Court of Claims, and that court, after sifting all of the claims, and after a thorough and elaborate examination of all of the evidence, submitted its findings of fact to this body, and the claims were placed upon the appropriation bill, where, by the order of the House, they were directed to be placed, and the question was debated before this House with a deliberation, which I may say has been unexampled in this Congress, day after day, from the 3d day of August, 1888, until the 21st.

In that debate, Mr. Speaker, members on both sides of this House participated, and then the point of order was raised against the claims to prevent a majority of this House from expressing its opinion upon the matter, which is peculiarly within the province of the Representatives of the people.

Now, sir, we have this question again before us to-night, and we have before us this alternative presented at the same time: that either we must give our consent to this request, or one of the great appropriation bills of this country, carrying necessary appropriations for the Departments of the Government, shall fail of its passage, and that another appropriation bill equally important to the country which is behind it, and which can not be reached until this is disposed of, shall also fail. And now, after we, the Representatives of the American people, have deliberately decided upon the moneys we shall vote to carry on the Government, then comes the opposition of a minority, so that we the majority are compelled to say to that minority, "Take what you will, and save the great appropriation bills of the country."

Deprive these claimants, if you will, of the justice that is due to them, and of their rights, after the judges have said that the Government owes them the money; let them go to another Congress and another again, as they have been doing for the past ninety years; or we are told, "The wheels of the Government shall be clogged for the want of money to carry it on, and we, the majority, are to be held responsible for a state well nigh of anarchy." And so, sir, this is the remarkable condition in which we find one House of the American Congress at this time. Here we are within a few hours of the close of this Congress. We have no alternative but to give way to the minority in its unreasonable demand.

But still more remarkable, Mr. Speaker, is the fact that the gentleman of the Appropriations Committee who has charge of this bill makes the regular parliamentary motion, which is the motion that he bona fide supports, that the House insist upon its disagreement to the amendment of the Senate and ask a further conference, and upon that motion, which, if it prevails, would give the opponents of these claims all they ask for, he is entitled to one hour for debate, and then those who favor these claims are entitled on their motion to their hour, and the matter to be then decided by the House.

But instead of that, what does he do? He consumes all but the last few minutes of his time; he is in charge of a great Government appropriation bill, and in his charge of it, after making the motion to insist, the motion which he desires to prevail, he then surrenders the remainder of his time and the floor to a member of this House who is not a member of the Appropriations Committee, and that member makes a dilatory motion, which is followed by other members rising here to make other dilatory motions, the necessary consequence of which will be to consume the remainder of this session, and defeat the appropriation bills.

Now, sir, I say this is not parliamentary; it is not fair; it is not right. Why, then, was it done? Because the gentleman in charge of this bill was afraid to put his own motion before the House, because he knew that on a fair, untrammeled vote of this House, the motion to insist would have been defeated, and the sense of the House expressed in favor of fairness and justice to these claimants. But we are powerless. We have surrendered the bill for them to make any parliamentary motion they might desire to carry it through, and allow us the simple privilege, which we thought we had, as representatives of our respective constituencies, to have a vote upon the amendment, so that when it went into the conference again, it would go as the voice of the members of this body, instead of the voice of three members of the Committee on Appropriations.

That was all the privilege we asked. But that privilege is denied us, and gentlemen of this House, sent here by their respective constituencies to do the public business, stand here and make dilatory motions that the House shall take a recess, and supplement it with similar motions, and thus diminish the little bit of time that is left of the Fiftieth Congress, so that these great bills shall fail, unless the majority will surrender; because some men think that a minority should run the Government, and that the Government can not be carried on properly unless such minority of the House of Representatives runs it.

Against any such doctrine, Mr. Speaker, I protest. I have to yield and give in to the unanimous consent sought, for the sake of passing these bills; but I deem it due to my constituents and to myself that I should in this manner protest against the position in which we are reluctantly placed, and while I will not object to this unparliamentary mode proposed for passing this bill, and now surrender to this minority, I protest against the necessity of doing it, as an abridgment of my right, as a member on this floor, to represent the views and the wishes of my constituents. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. McCOMAS. I desire, Mr. Speaker, to object unless I can make a brief statemeut.

The SPEAKER. Is there objection to the request of the gentleman from Maryland that he may be permitted to make a statement? The Chair hears none.

Mr. McCOMAS. Mr. Speaker [cries of "Regular order!"], as a member of this committee of conference—— [Cries of "Regular order!"]

Mr. WILSON, of Minnesota. I object.

Mr. McCOMAS. Mr. Speaker, my objection is pending.

Mr. KERR. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. KERR. All objection to this proceeding and to the request of the gentleman in charge of this bill was withdrawn except a conditional objection.

The SPEAKER. But still any gentleman on the floor has the right to object. The gentleman from South Carolina [Mr. DIBBLE] rose to speak for himself, and said that he would not object if he were allowed to make a statement. The Chair thereupon asked if there was objection and there was none, and the gentleman from Maryland [Mr. McCOMAS] said that he would not object if he were also allowed to make a statement.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent, which I think is a reasonable request, that the gentleman from Maryland have permission to proceed and make his statement.

The SPEAKER. The Chair recognized the gentleman from Maryland, and he was about to proceed when the gentleman from Iowa [Mr. KERR] stated that he objected, and demanded the regular order. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the gentleman be allowed to make a brief statement. How long?

Mr. McCOMAS. Five minutes or less.

Mr. REED. It is, then, understood that there is no objection, and that that is to finish it.

The SPEAKER. Is there objection to granting the gentleman from Maryland five minutes in which to make a statement?

Mr. ANDERSON, of Iowa. After five minutes are occupied in that way what will be the parliamentary status?

The SPEAKER. The request of the gentleman from Texas will then be acceded to.

Mr. McCOMAS. It has not been my desire, but my duty, as a member of that committee and of that conference, when an amendment was put upon this bill by a co-ordinate body, to insist, out of respect to that body, that this House should take some action either for or against the amendment of the Senate. For hours, in my pleasure, I contended for that right; and as I believed to be right, moved to recede from the disagreement. But after hours had passed, to my very great regret, my colleague, in charge of this bill, suddenly abandoned the bill; and when I gave notice that I would not even insist upon my right to have considered the amendement of the Senate, a co-ordinate body, that bill, in charge of my colleague, as a trust and involving millions, was thrown upon the floor of this House and trampled upon by gentlemen who are filibustering, absolutely disregarding the decorum and orderly conduct of this business.

When notified that I waived any charge of the bill and that my

colleague should proceed to have any motion he desired to advance the business of the House—to either recede or to insist—we had the spectacle of his standing still, in the last hours of the session, and absolutely abandoning this great appropriation bill, until it seems that everybody else who was opposing it was unmindful of the public interest; unmindful of the necessity it would create for an extra session; unmindful of the sundry civil bill; unmindful that this bill contains provisions for the military and naval establishments; $8,000,000 for pensions and pensioners; claims for Army and Navy supplies, and that every interest of this Government and every Department of the administration in the coming current year were involved.

When I found this to be so, that this bill was being abandoned, I believed it to be my duty at such a juncture to surrender the right in the conduct of affairs which gives to this House and the membership here the right to have a vote for or against this measure, and to withdraw and absolutely consent that, without a vote upon the proposition, when that vote would be largely affirmative, for the sake of the country and the appropriation bills, this irregular mode should triumph and the bill go back to conference. That duty is upon those who had the Executive to consider, and I will withdraw my objection.

The SPEAKER. The order is now made, and the Chair will appoint the same managers, the gentleman from Texas, Mr. SAYERS, the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Maryland, Mr. MCCOMAS.

ORDER OF BUSINESS.

Mr. SAYERS. I ask unanimous consent that I may have five minutes to make a statement. [Cries of "Oh, no!" and counter-cries of "That is fair!"]

Mr. PAYSON. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. MILLS. Mr. Speaker, what is the question now pending?

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] was recognized by the Chair and sent up a resolution, and the gentleman states that he moves to suspend the rules and pass it.

Mr. CRISP. Mr. Speaker, I rise to a privileged question. I call up for consideration the contested-election case of Sullivan *vs.* Felton.

The SPEAKER. That is a matter of higher privilege.

Mr. CRISP. I have no objection to the gentleman from Texas having time in which to make a statement.

The SPEAKER. Unanimous consent is asked by the gentleman from Texas for five minutes in which to make a statement.

Mr. PAYSON. Regular order.

The SPEAKER. Objection is made by the gentleman from Illinois.

Mr. REED. I think he ought to have a chance to explain.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. If the request for unanimous consent made by the gentleman from Texas will not prejudice the existing condition of my resolution, I have no objection to his proceeding.

The SPEAKER. It will not.

Will the gentleman from Illinois [Mr. PAYSON] repeat his parliamentary inquiry?

Mr. PAYSON. My inquiry is this: If the request for unanimous consent made by the gentleman from Texas [Mr. SAYERS] shall be acquiesced in, does that prejudice the existing condition of the motion I have made?

The SPEAKER. It does not.

Mr. PAYSON. Then I make no objection.

The SPEAKER. The Chair will state the situation so that the gentleman from Illinois may understand it. The gentleman from Georgia [Mr. CRISP], after the gentleman from Illinois sent up his resolution, rose to a question of privilege, a contested-election case, which, of course, has priority.

Mr. PAYSON. And against that I raise the question of consideration.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to make a statement for five minutes. Is there objection?

There was no objection.

Mr. SAYERS. Mr. Speaker, when the present Congress met and this House was organized you did me the honor to place me upon the Committee on Appropriations. I went to that committee with an earnest desire to perform my duty, not only to the Government and the country, but to each individual citizen. I soon found, after an experience of but a few weeks, that before that Committee on Appropriations there came claims of every conceivable kind and character, both ancient and modern, the great majority of which ought not to be recognized.

When the deficiency bill of the first session of the present Congress came up for consideration what are known as the French spoliation claims were placed upon that bill in obedience to a resolution of this House. As one of the members of that committee I gave those claims my honest and most careful consideration. I believed then, and I believe now, that those claims, which have been repudiated for almost a century, which have been vetoed by two Presidents, ought not to be paid by this Administration. I opposed them at that time and have opposed them during the present session of this Congress.

A gentleman who has spoken here has referred to my action in regard to this deficiency bill. Let me tell my friends upon the other side of this Chamber that if it had not been for me that bill would now be sleeping in the Committee of the Whole on the state of the Union. Through my earnest solicitation and entreaty objections were withdrawn and that bill went into conference for the purpose, if possible, of securing an agreement with the Senate upon all the material propositions involved in the bill. If it be not a violation of parliamentary courtesy I will say to the House that I told the Senators that it would be impossible to pass this bill with those amendments upon it, and I urged them to recede.

Mr. REED. Did you tell them that you had refused to let the House vote on the amendment?

Mr. SAYERS. The gentleman from Maine will keep his seat. I do not yield.

Mr. REED. Why did you not explain to them why you refused to let the House vote upon the amendments?

Mr. SAYERS. I am not responsible to the gentleman from Maine, great a man as he is in his own estimation. I stand responsible to the House and to the country for my action.

Mr. REED. Answer the question, why do you not?

The SPEAKER. The gentleman from Maine can not interrupt the gentleman from Texas without his consent.

Mr. SAYERS. One word more, Mr. Speaker, because I have but a minute longer. So far as my action since this bill was reported from the conference is concerned, I have no apologies to make. Those who know me, those with whom I have lived and who have honored me, know full well that I would take no step unless it should be taken with an eye single to the best interests of the people. There were millions and millions involved in this deficiency bill, not only for the support of the Government but for the payment of pensions and the payment of bounties, and why should they be compelled to bear the weight of claims that have been repudiated for nearly a century?

The SPEAKER. The time of the gentleman has expired.

Mr. STONE, of Missouri. I rise to a parliamentary inquiry. What is the question now pending before the House?

The SPEAKER. The Chair has assumed that the motions for a recess were withdrawn. If they are not withdrawn, they are pending before the House.

Mr. BLAND. I have not withdrawn the motion for a recess.

Mr. REED. I object.

Mr. STONE, of Missouri. I have made a motion for a recess, which has not been withdrawn.

Mr. BLAND. I have not withdrawn my motion, but in the interest of the contested-election case I will withdraw it.

Mr. CRISP. I appeal to my friend from Missouri to withdraw that motion and let us do tardy justice to the contestant in this case.

Mr. REED. The tardiness has been in doing justice to the other side.

Mr. SPRINGER. I withdraw the amendment which I offered.

The SPEAKER. The gentleman withdraws his amendment, as the Chair understands.

Mr. BLAND. I have made the point of no quorum on the motion made by the gentleman from Missouri. That has not been withdrawn; but I now withdraw it, in order that the gentleman from Georgia may call up the contested-election case.

Mr. MCKENNA. I renew it.

The SPEAKER. The gentleman from Missouri [Mr. STONE] declines, as the Chair understands, to withdraw his motion for a recess.

Mr. STONE, of Missouri. I will withdraw it on the understanding——

The SPEAKER. The gentleman can not withdraw it conditionally; he must either withdraw it or not withdraw it.

Mr. STONE, of Missouri. I withdraw it.

Mr. MCKENNA. I move that the House take a recess until 12 o'clock.

Mr. WARNER. Would it be in order for me to ask unanimous consent now that the House concur in the Senate bill to which I called the attention of members this morning?

The SPEAKER. It is in order to ask unanimous consent at any time when the regular order is not insisted upon.

Mr. WARNER. The bill to which I refer is a public-building bill, in regard to which I gave the facts to the House this morning.

Mr. CATCHINGS. Regular order.

Mr. SCOTT. Mr. Speaker, would it be in order for me to ask what has become of the land-forfeiture bill which was reported yesterday afternoon at 4 o'clock, which has had the right of way before this House from that time until now at 12 o'clock to-night, but which the gentlemen who have had it in charge have not called up—have not given us an opportunity to vote upon it or speak upon it? [Cries of "Regular order!"]

The SPEAKER. The Chair will answer the question of the gentleman from Pennsylvania [Mr. SCOTT] by saying that the gentleman from Illinois [Mr. PAYSON] has sent to the Clerk's desk a motion to suspend the rules and dispose of that subject; but pending that the gentleman from Georgia [Mr. CRISP] calls up as a privileged matter

the contested-election case, and pending that the gentleman from California [Mr. MCKENNA] moves that the House take a recess until 12 o'clock.

Mr. CRISP. On that motion I demand the yeas and nays.

The yeas and nays were ordered, 48 members voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 2, nays 191, not voting 130; as follows:

YEAS—2.

	Hiestand,	Plumb.	

NAYS—191.

Abbott,	Crisp,	Ketcham,	Post,
Adams,	Crouse,	Kilgore,	Rice,
Anderson, Iowa	Culberson,	La Follette,	Romeis,
Anderson, Miss.	Cummings,	Laidlaw,	Rowell,
Anderson, Ill.	Cutcheon,	Landes,	Rowland,
Anderson, Kans.	Dalzell,	Lane,	Russell, Mass.
Baker, N. Y.	Darlington,	Lanham,	Sawyer,
Baker, Ill.	Davidson, Fla.	Latham,	Scott,
Bankhead,	Davis,	Lawler,	Scull,
Barnes,	De Lano,	Long,	Seney,
Bayne,	Dibble,	Lynch,	Seymour,
Belden,	Dockery,	Macdonald,	Shaw,
Bingham,	Dorsey,	Mahoney,	Sherman,
Blanchard,	Elliott,	Maish,	Shively,
Bland,	Enloe,	Mansur,	Simmons,
Bliss,	Farquhar,	Martin,	Smith,
Blount,	Fisher,	Mason,	Steele,
Booher,	Fitch,	McAdoo,	Stephenson,
Boutelle,	Flood,	McClammy,	Stewart, Tex.
Bowden,	Fuller,	McCormick,	Stockdale,
Bowen,	Gallinger,	McCreary,	Stone, Ky.
Breckinridge, Ark.	Gibson,	McCullogh,	Stone, Mo.
Breckinridge, Ky.	Grimes,	McKinley,	Tarsney,
Brewer,	Grout,	McKinney,	Taulbee,
Brower,	Hall,	McMillin,	Taylor, J. D., Ohio
Browne, T. H. B., Va.	Harmer,	McRae,	Thomas, Ill.
Brown, J. R., Va.	Hatch,	Mills,	Thompson, Cal.
Bryce,	Haugen,	Moffitt,	Tracey,
Buckalew,	Hayden,	Montgomery,	Turner, Ga.
Burrows,	Hayes,	Moore,	Vance,
Butler,	Heard,	Morgan,	Vandever,
Butterworth,	Hemphill,	Morrow,	Wade,
Bynum,	Henderson, Iowa	Nichols,	Walker,
Campbell, F., N. Y.	Henderson, N. C.	Norwood,	Warner,
Candler,	Henderson, Ill.	Oates,	Washington,
Cannon,	Herbert,	O'Donnell,	Weaver,
Carlton,	Herman,	O'Ferrall,	Wheeler,
Caruth,	Hires,	O'Neall, Ind.	White, N. Y.
Caswell,	Holman,	O'Neill, Pa.	Whiting, Mich.
Catchings,	Hooker,	O'Neill, Mo.	Wickham,
Cheadle,	Hopkins, Ill.	Outhwaite,	Wilkins,
Chipman,	Hopkins, N. Y.	Parker,	Wilkinson,
Clardy,	Howard,	Payson,	Wilson, Minn.
Clark,	Hunter,	Peel,	Wilson, W. Va.
Clements,	Johnston, Ind.	Penington,	Yardley,
Cobb,	Kean,	Perkins,	Yoder,
Compton,	Kennedy,	Perry,	Yost.
Conger,	Kerr,	Posey,	

NOT VOTING—130.

Allen, Mass.	Ermentrout,	Laird,	Rogers,
Allen, Mich.	Felton,	Lee,	Russell, Conn.
Allen, Miss.	Finley,	Lehlbach,	Rusk,
Arnold,	Foran,	Lind,	Ryan,
Atkinson,	Ford,	Lodge,	Sayers,
Bacon,	Forney,	Lyman,	Snyder,
Barry,	French,	Maffett,	Sowden,
Biggs,	Funston,	Matson,	Spinola,
Boothman,	Gaines,	McComas,	Spooner,
Bound,	Gay,	McKenna,	Springer,
Browne, Ind.	Gear,	McShane,	Stahlnecker,
Brown, Ohio	Gest,	Merriman,	Stewart, Ga.
Brumm,	Glass,	Milliken,	Stewart, Vt.
Buchanan,	Glover,	Morrill,	Struble,
Bunnell,	Goff,	Morse,	Symes,
Burnett,	Granger,	Neal,	Taylor, E. B., Ohio
Campbell, Ohio	Greenman,	Nelson,	Thomas, Ky.
Campbell, T. J., N. Y.	Grosvenor,	Newton,	Thomas, Wis.
Cockran,	Guenther,	Nutting,	Thompson, Ohio
Cogswell,	Hare,	Osborne,	Tillman,
Collins,	Hitt,	Owen,	Townshend,
Cooper,	Hogg,	Patton,	Turner, Kans.
Cothran,	Holmes,	Peters,	Weber,
Cowles,	Hopkins, Va.	Phelan,	West,
Cox,	Houk,	Phelps,	White, Ind.
Crain,	Hudd,	Pidcock,	Whiting, Mass.
Dargan,	Hutton,	Pugsley,	Whitthorne,
Davenport,	Jackson,	Randall,	Wilber,
Davidson, Ala.	Johnston, N. C.	Rayner,	Williams,
Dingley,	Jones,	Reed,	Wise,
Dougherty,	Kelley,	Richardson,	Woodburn.
Dunham,	Laffoon,	Robertson,	
Dunn,	Lagan,	Rockwell,	

So the House refused to take a recess.

During the vote,

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced for this calendar day:

Mr. COX with Mr. WHITING, of Massachusetts.

Mr. TILLMAN with Mr. BROWNE, of Indiana.

Mr. LEE with Mr. LODGE.

Mr. ROGERS with Mr. DUNHAM.

Mr. FORAN with Mr. ROCKWELL.

Mr. WISE with Mr. STRUBLE.

Mr. SHAW with Mr. MCKENNA.

Mr. ROBERTSON with Mr. JACKSON.

Mr. BIGGS with Mr. DAVENPORT.

Mr. BLISS with Mr. ALLEN, of Michigan.

Mr. CAMPBELL, of Ohio, with Mr. NELSON.

Mr. GREENMAN with Mr. PETERS.

Mr. HENDERSON, of North Carolina, announced that his colleague [Mr. JOHNSTON] was absent on account of sickness.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

Mr. THOMAS, of Kentucky, by unanimous consent, was granted leave of absence on account of sickness.

Mr. HENDERSON, of North Carolina, moved that his colleague [Mr. JOHNSTON] be granted leave of absence on account of sickness.

The motion was agreed to.

WITHDRAWALS OF PAPERS.

On motion of Mr. BREWER, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of Charles Thom, no adverse report having been made thereon.

On motion of Mr. LAWLER, by unanimous consent, leave was granted for the withdrawal from the files of the papers in the cases of John Marks and others now on file.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House of the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 3321) to incorporate the Washington and Great Falls Narrow Gauge Railway Company; and

A bill (S. 1712) for the relief of G. M. Woodruff.

It further informed the House of concurrence in the House resolution to print 15,000 of the eleventh number of the Statistical Abstract of the United States for the year 1888, and for the printing of the report of the Director of the Mint on the production of the precious metals in the United States for the calendar year 1888.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The question is, Will the House proceed to the consideration of the California contested-election case of Sullivan against Felton?

Mr. CASWELL. I rise for the purpose of submitting a conference report.

The SPEAKER *pro tempore*. Against the proposition of the gentleman from Georgia the gentleman from Wisconsin [Mr. CASWELL] and the gentleman from Illinois [Mr. PAYSON] raise the question of consideration.

Mr. STONE, of Missouri. Pending that I move that the House take a recess for one hour.

Mr. OUTHWAITE. I move to amend by making it an hour and a half.

Mr. WEAVER. I move to amend the amendment by making it two hours.

PAWNBROKERS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Pending these amendments, Mr. Speaker, I desire to submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

That the Senate recede from its amendments numbered 3, 4, 5, and 6.

JOHN J. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Managers on the part of the House.

J. C. SPOONER,
C. B. FARWELL,
Managers on the part of the Senate.

Mr. TAULBEE. Is there a statement accompanying this report?

The SPEAKER *pro tempore*. The statement has not yet been read. Does the gentleman demand the reading?

Mr. TAULBEE. I would like to hear it.

The statement submitted by the House conferees was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on bill H. R. 12154, to regulate and license pawnbrokers in the District of Columbia, make the following statement:

The first amendment limits the persons who may become pawnbrokers under the operation of this law to citizens of the United States.

The second amendment simply omits from the description of the goods given to the person making the loan the description of said person, said description being required to be kept in the books of the pawnbroker.

The third, fourth, and fifth amendments relate to the rate of interest, and the Senate recedes from its amendments, and therefore the bill stands as it originally passed the House.

The sixth amendment relates to the length of time within which the party making a loan and whose property has been sold by the pawnbroker must call for the surplus of cash to which he would be entitled under the act, and from that the Senate recedes.

JNO. J. HEMPHILL,
BARNES COMPTON,
WILLIAM W. GROUT,
Managers on the part of the House.

Mr. HEMPHILL. I demand the previous question on the adoption of the report.

Mr. TAULBEE. I would like to ask my friend from South Carolina a question or two in regard to this bill. What is the rate of interest provided in the bill?

Mr. HEMPHILL. As the bill originally passed the House it provided that the rate should not exceed 24 per cent. per annum for sums of $25 or less, and above that amount not more than 12 per cent. The Senate fixed the rate at 36 per cent. on sums of $25 and less, and 2 per cent. per month on sums over that amount. They have, however, receded from their amendment, so that the bill is in all substantial respects the same as to rates as when it originally passed the House.

Mr. TAULBEE. It provides for the collection by the pawnbrokers of a rate of interest of 24 per cent. per annum?

Mr. HEMPHILL. Yes, not exceeding that. The rate now is 60 per cent.

Mr. McADOO. Did the brokers object to this bill in the Senate?

Mr. HEMPHILL. Well, I do not know whether they did in the Senate or not; they did before the House committee.

Mr. TAULBEE. How much do they want?

Mr. HEMPHILL. I suppose all they can get. The limit up to this time has been 60 per cent.

Mr. McADOO. I suppose they want 100 per cent.

Mr. HEMPHILL. We reduced it to 24 per cent., and that was agreed upon by the conferees.

Of course it is a heavy rate of interest, but you must not make it too low or else these people will not lend upon the kind of security that is presented, and the poor people will be compelled to sell their furniture and other property instead of obtaining a loan upon it with the privilege of redeeming it at some future time.

We also provide that when the brokers sell the property, if it sells for more than the amount of the loan, the balance over and above the loan shall be paid over to the original owner of the property.

Mr. TAULBEE. Let me ask the gentleman if there is any chance or possibility at this stage of the game of reducing the rate of interest for the next ten days? [Laughter.]

Mr. HEMPHILL. I do not think there is.

Mr. TAULBEE. I thought perhaps my friend, being on the committee, might be able to give me that information.

Mr. HEMPHILL. I am not able to do so, I regret to say. I will say to the gentleman, further, that the rate here is as low as any other city in the United States as proposed by this bill.

Mr. HEARD. And it is now 60 per cent.

Mr. TAULBEE. I understand.

Mr. BREWER. I would suggest to the gentleman from Kentucky that this is entirely satisfactory to the people who patronize the pawnbrokers. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Perhaps the gentleman from Michigan will be willing to tell us how he knows that fact. [Laughter.]

Mr. BREWER. Not from personal experience, but these people were before the committee.

Mr. TAULBEE. Mr. Speaker, in view of the fact that this is entirely satisfactory to the people who patronize the pawnbrokers, as I am assured by what I believe to be reliable authority, I do not make any further objection. [Laughter.]

The previous question was ordered, under the operation of which the report was adopted.

Mr. HEMPHILL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TAULBEE. I hope the bill will now be enrolled speedily, and sent to the President of the United States. [Laughter.]

The SPEAKER *pro tempore*. Debate is not in order.

ORDER OF BUSINESS.

Mr. OUTHWAITE. I rise to a parliamentary inquiry. If the motion to take a recess and the amendments are withdrawn, what matter comes first before the House?

The SPEAKER *pro tempore*. The election case called up by the gentleman from Georgia, which is of superior privilege to the motion of the gentleman from Illinois; and if the motion to take a recess and the amendments thereto are withdrawn, the question of consideration will be presented to the House and the vote taken upon that.

Mr. OUTHWAITE. I will withdraw the amendment I offered.

Mr. WEAVER. And I will withdraw the amendment submitted by myself.

Mr. STONE, of Missouri. I wish to ask a question for information.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STONE, of Missouri. I wish to ask, if the vote be against considering the election case, what then would be the pending question before the House?

The SPEAKER *pro tempore*. In the absence of any other motion, under the rules of the House the question would be on the motion of the gentleman from Illinois.

Mr. STONE, of Missouri. I insist on my motion.

Mr. BYNUM. There is another privileged case pending, however, which is entitled to prior consideration to either of these, namely, the veto message of the President called up by the gentleman from Texas [Mr. MILLS].

The SPEAKER *pro tempore*. That case can be passed upon when the election case is disposed of in its order. The Chair will not presume to dispose of it now. Does the gentleman from Missouri withdraw his motion for a recess?

Mr. STONE, of Missouri. I do not.

Mr. BREWER. Who is filibustering against taking up the election case?

The SPEAKER *pro tempore*. The gentleman from Wisconsin raises the question of consideration against the election case called up by the gentleman from Georgia, and pending that the gentleman from Missouri [Mr. STONE] moves that the House take a recess for one hour. The gentleman from Ohio [Mr. OUTHWAITE] moves to amend that motion so as to take a recess for one hour and a half.

Mr. OUTHWAITE. I have withdrawn that.

Mr. STEELE. Then I move to take a recess until to-morrow morning at 9 o'clock.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. WEAVER] has moved to amend the motion of the gentleman from Ohio by moving to take a recess for two hours. Does the gentleman withdraw that motion?

Mr. WEAVER. I do not. [After a pause.] I withdraw my motion for the present.

Mr. STEELE. Then I move to amend so as to take a recess until 9 o'clock.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. SCOTT. Division.

Mr. STEELE. I shall withdraw that motion at the suggestion of gentlemen, and make it 8 o'clock.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. STONE, of Missouri. Division.

The House divided; and there were—ayes 14, noes 55.

Mr. STONE, of Missouri. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Missouri [Mr. STONE] and the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. If I may be allowed I will withdraw that motion.

Mr. JOHNSTON, of Indiana. I object.

Mr. WEAVER. Then I renew the motion.

Mr. TAULBEE. Was the point of no quorum withdrawn?

The SPEAKER *pro tempore*. It was not, but the gentleman withdrew his amendment, which withdrew the point of no quorum.

Mr. TAULBEE. I make the point that it was not in order for the gentleman to withdraw the motion.

The SPEAKER *pro tempore*. The Chair overrules the point of order, and the Chair can not entertain debate upon that. The Chair will state that the rule and practice of the House have been that any gentleman has a right to withdraw a proposition before it has been decided by the House. In conformity with that rule, the gentleman from Indiana withdrew his motion, and the question now is on the amendment.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 11, noes 45.

Mr. WEAVER. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Iowa [Mr. WEAVER] and the gentleman from Kansas [Mr. PETERS].

Mr. CLARDY. Is it in order to call up for present consideration a bill for the relief of John Finn?

The SPEAKER *pro tempore*. That motion would not be in order.

Mr. TAULBEE. I would like to know who he is.

Mr. CLARDY. Is it in order to submit a request for unanimous consent?

Mr. MANSUR. I want to state to the House that I have been here two years and I have never asked to take a bill up by unanimous consent. I will ask unanimous consent to take up John Finn's case. It is a Senate bill passed by the Senate.

Mr. CLARDY. I ask unanimous consent, Mr. Speaker, to call up for present consideration the bill for the relief of John Finn, the bill which my colleague [Mr. HATCH] called up last evening.

The SPEAKER *pro tempore*. Pending the vote by tellers, the gentleman from Missouri [Mr. CLARDY] asks unanimous consent to call up for consideration the bill for the relief of John Finn.

Mr. BRECKINRIDGE, of Kentucky. Let the bill be read, subject to objection.

Mr. PAYSON. Who calls the bill up?

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. CLARDY]. The bill will be read, after which the Chair will call for objection.

Mr. PAYSON. I desire to ask the gentleman from Missouri a ques-

tion. I wish to inquire whether the beneficiary in this bill, John Finn, is in any way related to the celebrated "Huckleberry Finn?" [Laughter.]

Mr. McCREARY. I ask that the bill be read.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Is this in order, even by unanimous consent? My recollection is, that the rule which the House unanimously adopted, against my protest, ten days ago, precluded the Speaker from recognizing anybody for unanimous consent after 11 o'clock.

Mr. TAULBEE. This is a Senate bill.

Mr. MILLS. The rule was changed so that the Speaker was not to be allowed to recognize any gentleman for unanimous consent after 11 o'clock.

Mr. CLARDY. I think there have been several precedents to the contrary since.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read.

The Clerk read as follows:

Resolved, That on and after to-day the House session shall begin at 10 a. m., and after the reading of the Journal, up to 11 a. m., the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent, and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker.

The SPEAKER *pro tempore*. The Chair is of the opinion that under that order the request for unanimous consent can not be entertained.

Mr. CLARDY. The rule has not been enforced.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that body further insisted upon its amendments numbered 37, 103, and 107, disagreed to by the House, to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, and agreed to a further conference.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. I would like to make a suggestion to the Chair.

Mr. CLARDY. I want to submit another request. I ask unanimous consent——

The SPEAKER *pro tempore*. The gentleman has not been recognized.

Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. The rule just read restrains the Speaker from recognizing members to ask unanimous consent to put bills upon their passage except Senate bills laid before the House. That rule operates upon the Speaker, and not upon the House. Now, I ask unanimous consent that the Speaker may recognize the gentleman from Missouri to ask unanimous consent for the consideration of his bill. [Laughter.]

The SPEAKER *pro tempore*. The Chair thinks that that would be attempting to do indirectly what the rule prohibits. The Chair has decided the question.

Mr. CLARDY. I ask unanimous consent that that rule may be abrogated.

The SPEAKER *pro tempore*. The Chair can not entertain that request.

Mr. CLARDY. Let it be suspended, then.

The SPEAKER *pro tempore*. The Chair can not entertain that request.

Mr. BAKER, of New York. Mr. Speaker, I ask unanimous consent——

The SPEAKER *pro tempore*. The Chair can not entertain any business until the House comes to order.

Mr. SCOTT. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SCOTT. Has there not been unanimous consent given since the House met to-day for gentlemen to rise here and make personal explanations?

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The rule does not prohibit other requests for unanimous consent. It applies only to bills. The Speaker of the House has decided this question, and the Chair has no doubt whatever about it, because he is simply following in the wake of the decision of the Speaker.

Mr. WARNER. Mr. Speaker, if I can have the attention of the House I wish to say that there is now upon the Speaker's table a Senate bill providing for the erection of a public building in Kansas City. Two public-building bills were passed this morning by unanimous consent upon this (the Democratic) side of the Chamber, and, as I then stated, Kansas City is the ninth city in this Union as to the amount of mail matter handled in its post-office. Now, I ask unanimous consent that that bill may be taken from the Speaker's table and put upon its passage.

The SPEAKER *pro tempore*. That request is in order under the rule, and if there be no objection the Clerk will report the bill, after which the Chair will ask for objection.

The bill (S. 4000) for the erection of a public building at Kansas City, Mo., was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. LYNCH. I object.

Mr. McADOO. I do not intend to object, Mr. Speaker, but——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania on the right [Mr. LYNCH] objects.

Mr. WARNER. I hope the gentleman from Pennsylvania will withdraw that objection.

Mr. KILGORE. I demand the regular order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. KILGORE] demands the regular order. Tellers will proceed with the count.

Mr. OATES. I ask the gentleman from Texas to withhold that demand for a few minutes in order that I may have an opportunity to make a statement.

The SPEAKER *pro tempore*. If there be no objection, the bill proposed to be called up by the gentleman from Missouri will lie upon the Speaker's table.

There was no objection, and it was so ordered.

Mr. LAWLER. Mr. Speaker——

The SPEAKER *pro tempore*. The regular order has been demanded by the gentleman from Texas.

Mr. KILGORE. Upon what subject does the gentleman from Alabama desire to make a statement?

Mr. OATES. I will inform the gentleman if he withdraws the demand.

Mr. KILGORE. I will withdraw it, and then if I like the statement I will not renew it. [Laughter.]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri [Mr. WARNER] for the consideration of the bill indicated by him?

Mr. CRISP. Regular order. Gentlemen can not pass a bill appropriating $200,000 at this time.

Mr. OATES. I understood, Mr. Speaker, that that request was already objected to, so I asked leave to make a statement which will not consume more than two minutes.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama for leave to make a statement?

Several MEMBERS. On what subject?

Mr. OATES. I will inform the gentlemen if I am allowed to make the statement. [Laughter.]

There was no objection.

Mr. OATES. I want to call attention to a matter which concerns every individual member of the House and Senate, every judge of the United States courts, every lawyer who practices in those courts, the Attorney-General, and every officer in the Departments who has any occasion to consult the statutes. For four Congresses, including this, there has been no consolidation or condensation of the United States statutes. The laws passed during these four Congresses fill several large volumes; and whenever any one desires to know what the law is on any given subject he has to search all through these volumes. The gentleman who prepared the last volume of the Supplement to the Revised Statutes has gone on with the compilation and has completed three-fourths of the work for a second volume, bringing it down to the conclusion of the present Congress.

I have here a bill passed by the Senate authorizing the continuation of that Supplement to the Revised Statutes so as to include this session of Congress. It provides for the distribution of a volume of this supplement when prepared to each Member and Senator. A volume of this character is a great convenience; indeed it is almost an absolute necessity.

But this bill is not on the Speaker's table, and I have not been able to obtain consideration for it because of our inability under the rule recently adopted to get away from the first two or three letters of the alphabet.

Now, it seems to me an anomaly that any rule can be adopted which will deprive this House of the power to consider a measure when every member consents to it. I do not believe the House has power to say that when every member desires to consider any proposition, it can not be entertained by the Speaker or put to the House.

I move, Mr. Speaker, to suspend the rules to put this bill on its passage.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Chair can not recognize the gentleman for a motion to suspend the rules, but will put his request for unanimous consent.

Mr. MILLS. Let us have the regular order.

Mr. OATES. Does not the gentleman from Texas want this bill passed?

The SPEAKER *pro tempore*. The gentleman from Texas demands

the regular order. The time allowed to the gentleman from Alabama [Mr. OATES] for his statement has expired.

Mr. OATES. I wanted to discharge my duty in regard to this bill. If objection is made the responsibility does not rest on me.

Mr. LAWLER. I desire unanimous consent to make a statement occupying not more than three minutes.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from *Illinois* [Mr. LAWLER]? [Cries of "No!" "No!"] The Chair hears no objection; and the gentleman from Illinois will proceed.

Mr. LAWLER. Mr. Speaker, I had a privileged question to present to this House some days ago, but I was earnestly requested by the chairmen and members of the five different Committees on Appropriations not to antagonize their reports, but to allow them to get their measures passed. In deference to the wishes of those gentlemen, I waived my right to bring up as a privileged question the bill now in my hand. I was assured by those gentlemen that just as soon as the appropriation bills were out of the way they would assist me in bringing this bill before the House for consideration.

This is and has been a privileged question. I am sure that I have taken up very little time of the House. I am aware that other members will claim that bills in which they are interested are meritorious, but the bill which I desire to present is one which certainly ought to be considered. I could at various times have prevented the appropriations committees from calling up their bills by demanding the consideration of this privileged question, but I did not do so. This is a Senate bill on which the previous question was ordered four weeks ago last Friday night.

A MEMBER. What is the bill?

Mr. LAWLER. It is a bill to increase the pension of a lady who in the great Chicago fire lost all of her property. Her husband was a surgeon in the war, and this bill proposes to increase her pension from $25 to $50. I wish to say that this lady is now occupying a position in Washington in one of the Departments. Her health is impaired; and she would like to have her pension increased as proposed, and then she will quit the position she occupies to-day and attempt to live on her pension of $50 a month.

A MEMBER. She will make a vacancy.

Several MEMBERS. That is very satisfactory. [Laughter.]

Mr. LAWLER. It was the understanding on the part of gentlemen interested in the appropriation bills that they would assist in the passage of this bill as soon as the appropriation bills were out of the way. I now ask unanimous consent to put this bill on its passage.

Mr. CANNON. I think my colleague [Mr. LAWLER] is correct in his statement. Let us pass this bill.

Several members demanded the regular order.

Mr. LAWLER. I hope that my Republican friends will keep this lady in office during the next four years.

Mr. CRISP. I understand the regular order has been called.

The SPEAKER *pro tempore*. The Chair was enforcing the regular order, pending which the gentleman from Illinois [Mr. LAWLER] rose, and, by unanimous consent, was allowed three minutes to make a statement.

Mr. CRISP. I understand that the call for the regular order continues to operate until it is withdrawn.

The SPEAKER *pro tempore*. The regular order is demanded. The tellers will resume their places and the count will proceed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4856) for the relief of D. M. Sprague and William Tilton;

A bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

A bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

A bill (H. R. 2896) for the relief of the heirs of John R. Treutlen;

A bill (H. R. 3765) for the relief of James Devine;

A bill (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

A bill (H. R. 8307) for the relief of J. T. Higgins;

A bill (H. R. 9271) for the relief of James A. Stewart;

A bill (H. R. 9949) for the relief of Patrick C. McQueeny;

A bill (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory;

A bill (H. R. 5716) for establishing a light at the mouth of Otter Creek, Lake Champlain, and for other purposes; and

A bill (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes; when the Speaker signed the same.

PUBLIC BUILDING, ST. PAUL.

Mr. RICE. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. How long?

Mr. RICE. About as long as the Lord's prayer. [Laughter.]

The SPEAKER *pro tempore*. The gentleman asks unanimous consent to speak for three minutes.

Mr. BOOHER. I object.

Mr. RICE. Who objected?

The SPEAKER *pro tempore*. Some one objected.

Mr. RICE. The member objecting must, under the rule, rise and state his objection.

Mr. BOOHER. I objected, but I will withdraw my objection.

The SPEAKER *pro tempore*. The Chair hears no further objection; and the gentleman will proceed.

Mr. RICE. Mr. Speaker, the city of St. Paul donated a site for a post-office building worth $350,000, and the State of Minnesota ceded jurisdiction over that site to the United States. A bill passed the Senate providing for a public building at St. Paul, and it came to the House, and was referred to the Committee on Public Buildings and Grounds. It was reported back to the House with an amendment reducing the appropriation to $600,000. I ask, by unanimous consent, to rescind the rule adopted the other day which prevents the granting of unanimous consent, so that the bill may be taken up and the amendment of the Committee on Public Buildings and Grounds be agreed to.

The SPEAKER *pro tempore*. That rule can not be rescinded in this way.

Mr. RICE. I ask, then, Mr. Speaker, that the amendment of the Committee on Public Buildings and Grounds be agreed to and that the bill be returned to the Senate for its action, so that the matter may be disposed of before the adjournment.

Mr. KILGORE. I object.

Mr. WHEELER. I ask to make a statement. [Cries of "Regular order!"] I will promise not to wind up by asking to pass a bill. [Great laughter and applause.]

Mr. OUTHWAITE. I withdraw the demand for the regular order at the request of the gentleman from Alabama.

The SPEAKER *pro tempore*. The gentleman withdraws the demand for the regular order. Is there objection to the request of the gentleman from Alabama?

Mr. WHEELER. I ask to have two minutes to make some remarks to the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. HEARD. Mr. Speaker, I do not want to stand in the way of my friend from Alabama, but until the matter affecting our friend from Minnesota [Mr. RICE] is disposed of I do not think it is fair to permit anything else by unanimous consent.

Mr. WHEELER. This is for the benefit of your friend.

Mr. HEARD. Very well, I do not object.

The SPEAKER *pro tempore*. Is there further objection? [Cries of "No!"]

Mr. WHEELER. Mr. Speaker, ever since I have had the honor to occupy a seat on this floor as a member of the House there has been a spirit of liberality extended to all of the members during the closing hours of the session. Within eleven hours of this time this Congress will cease to exist. There are members here who have matters which are of great interest to their constituents and to the people [Cries of "The river and harbor bill!" "The direct-tax bill!"], and I feel that in these last hours there should be that same sort of spirit of liberality manifested to members who have bills for which they wish to ask consideration that characterized the closing hours of former Congresses. [Cries of "All right!"] Within less than half an hour the last two of the great appropriation bills will have passed, and Congress will then have several hours remaining to devote to the interests of the people.

Mr. WILLIAMS. Then we can take up the direct-tax bill. [Laughter.]

Mr. WHEELER. We must not forget that we are the representatives of a great and free people, a people who in a single century by their superb courage, force, and determination made this the greatest country on the face of this earth. [Applause.]

If the bills offered for consideration are not proper in all respects they will be voted down, and if by possibility such a bill should pass it certainly would not receive the approval of the President. Gentlemen who have opposed the consideration of bills upon the ground that it was wrong to do so on Sunday can not now interpose that objection, as Sunday has gone and it is now passed 1 o'clock on Monday morning.

It pained me, Mr. Speaker, when I saw that gentleman whom we all respect—Mr. RICE [applause]—attempt to offer a bill here and secure its consideration, a bill proper in all respects, a bill which has passed the Senate and is waiting in this House, a bill urged by a representative of the people, who asks only that this House shall pass its judgment upon that question and say whether that bill, which had been passed by the Senate, should be passed by the House before it is too late and thus accomplish the purpose and wish of those who feel an interest in the development of the great Northwest. [Applause.]

I want every gentleman in this House who has a matter of importance to his constituents to at least have an opportunity of putting that matter before the House and let the House pass upon it in the proper form prescribed by our rules. [Cries of "Time!"] That is all I desired to say. [Cries of "Regular order!"]

ARRANGEMENTS FOR THE INAUGURATION.

Mr. BLANCHARD. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman from Louisiana rise?

Mr. BLANCHARD. I desire to submit a privileged resolution.

The SPEAKER *pro tempore*. But there is a question of privilege now pending. [Cries of "Regular order!"]

Mr. BLANCHARD. The privileged resolution to which I refer, and which I ask consent to offer, is one affecting the honor and dignity of this House and the rights of its members, and I ask unanimous consent now to submit it—first, that it be read, and then that unanimous consent be thereafter asked for its consideration.

The SPEAKER *pro tempore*. Without objection the resolution will be read, after which the Chair will ask for objection to its consideration.

The Clerk read as follows:

Resolved, That the House protests against that part of the arrangements for the inauguration of the President of the United States made by the Senate which assigns to the members of the House and to members-elect to the Fifty-first Congress a subordinate place in the ceremonies connected therewith.

Resolved, That on all public occasions requiring the use or occupation of the Capitol or Capitol grounds, or any part thereof, it is the right and privilege of the House to participate equally with the Senate in the arrangements therefor, and that on all such occasions the place assigned the members of the House of Representatives and members-elect should be equal and similar to that of the members of the Senate.

[The reading of the resolution was received with great applause.]

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution? [Cries of "No!" "No!"]

Mr. BLANCHARD. Mr. Speaker, the members of the House of Representatives who have read the programme adopted by the Senate in relation to the inauguration ceremonies fixed for to-morrow must have been impressed with a sense of humiliation at the inferior position assigned the members of the House and to members-elect. I am aware, sir, that the arrangements which have been adopted on this occasion are, perhaps, similar to the arrangements adopted on former occasions of this character by the Senate; but, Mr. Speaker, I hold that if this thing has grown into a custom it is time for the House of Representatives to put its foot down upon it and say it shall go no further. [Applause.]

Mr. Speaker, there is nothing in the Constitution of our country, and I know of nothing in the laws enacted by Congress, relating to the ceremonies connected with the inauguration of a President of the United States. The President-elect may go before a magistrate in the county in which he lives and take the oath of office and present himself at the Executive Mansion in this city at 12 o'clock noon on the 4th day of March and must be recognized as the rightful occupant of his exalted position just as though he had been inaugurated by elaborate ceremonies participated in by both Houses of Congress, and amid the pomp and pageantry usual to such occasions.

Mr. BUTTERWORTH. Will the gentleman from Louisiana allow me to suggest that he state that portion of the arrangement to which he refers which is the subject-matter of the resolution; that is, the portion to which the resolution applies and to which he objects?

Mr. BLANCHARD. That which induced me to offer the resolution is the position assigned to members of the House in respect to the inauguration ceremonies. If the gentleman from Ohio has looked at the official programme, a copy of which I hold and which is signed by a committee of the Senate, styled "committee of arrangements," and by the President *pro tempore* of the Senate, he will see that a place is assigned to the members of the Senate at least three degrees higher in honor and dignity than the place assigned to members of the House of Representatives.

In other words, three sets of official personages have been assigned places superior to the places assigned to the members of the House, and between the place assigned to members of the Senate and that assigned to members of the House. The gentleman from Ohio has asked what the place assigned to the House is. I will print as a part of my remarks, by the consent of the House, the whole of this official programme. I will read such portions of it as refer to the question now at issue. It is provided in this programme that—

After the organization of the Senate shall have been completed those assembled in the Senate Chamber will proceed through the Rotunda to the platform on the central portico of the Capitol in the following order, namely:

The marshal of the District of Columbia and the marshal of the Supreme Court.

Ex-President and ex-Vice-President.

The Supreme Court.

The Sergeant-at-Arms of the Senate.

The committee of arrangements.

The President and the President-elect.

The Vice-President and the Secretary of the Senate.

Members of the Senate.

Not members of Congress, but members of the Senate.

The diplomatic corps.

That is set of official personages No. 1.

Heads of Departments.

That is set of official personages No. 2.

The retired General of the Army, the Major-General of the Army commanding, the Admiral of the Navy, and the officers of the Army and Navy who by name have received the thanks of Congress.

That is set of official personages No. 3. Then come—

Members of the House of Representatives and members-elect.

Representatives of the people placed last.

Mr. CANNON. I would like to ask the gentleman if he does not think that the place the members—Representatives and members-elect—occupy is a place of honor superior to the other places?

Mr. YODER. Yes; at the rear end.

Mr. BLANCHARD. Mr. Speaker, I do not consider that a place in the rear assigned to the representatives of the people is a place of as much dignity as that which the members of the Senate have assigned to themselves. Mr. Speaker, I am aware that the reason avowed for this is that at 12 o'clock noon on the 4th of March the House of Representatives as such ceases to exist, and that the Senate is a continuing body. But if members will reflect a moment upon that there is nothing in the distinction.

The Senate meets at the other wing of the Capitol at 12 o'clock noon on the 4th of March in executive session. The Vice-President of the United States, who is the presiding officer of the Senate, is sworn in and members-elect of the Senate are sworn in; but when Senators leave the Senate Chamber and proceed to the portico at the east front of the Capitol for the purpose of participating in the inauguration ceremonies they do not proceed as the Senate of the United States, but merely as members of the Senate.

There is nothing in the Constitution of our country and nothing in the laws enacted by Congress which gives to the Senate of the United States the right or power to arrogate to themselves the fixing of the arrangements for the inaugural proceedings.

Mr. RICHARDSON. Is there not a difference in the number of tickets?

Mr. BLANCHARD. I will come to that.

It has grown up as a custom merely, a custom out of which grows an arrangement in which the House of Representatives is ignored on this occasion as it has been on previous occasions. I hold, Mr. Speaker, that on every public occasion involving the use of the Capitol or of the Capitol grounds or any part thereof it is the right and privilege of the House of Representatives to participate in the arrangements therefor as much as it is the right and privilege of the Senate.

Now, then, if that be true—and no gentleman can question it—why is it that one branch of the national legislative assembly alone has assumed the right to arrange for the public occasions when a President of the United States is to be inaugurated? We saw the same thing four years ago, and eight years ago, and twelve years ago, and further back than that. The fact that it has been done heretofore is not sufficient reason that it should be now or continued in the future. Mr. Speaker, this is a matter that should receive the serious attention of the House and of the members thereof.

Another discrimination which has taken place against the members of the House in this arrangement by the Senate or by its committee on arrangements is that the members of the Senate take unto themselves five tickets of admission to this platform at the east portico of the Capitol where the inauguration takes place, while they generously give to members of the House two tickets each. They have given to the members of the Supreme Court forty such tickets, or nearly five each. Now, these are discriminations against the House, and that, too, in a matter in which the House and the members of the House have as much right to participate as the members of the Senate.

I know of distinction made in our institutions between the Senate and House and the members thereof in point of their respective rights, honors, and dignities.

It has been said that at 12 o'clock noon the 4th of March there is no House of Representatives and that those of us who are members-elect now of the Fifty-first Congress are merely members-elect then. Mr. Speaker, I make this distinction in respect to that. I hold that those of us who are members-elect of the Fifty-first Congress continue to be members-elect until 12 o'clock noon on the 4th of March, when the Speaker's gavel announces the demise of the Fiftieth Congress, and from that time on, until the end of the term, even before we take the oath of office, we are members of the House of Representatives of the Fifty-first Congress, not members-elect merely.

The term of the Fifty-first Congress commences at noon on the 4th day of March and is to continue for two years from that time. We have then lost the character of members-elect and are members of the Fifty-first Congress, and as such we have as much right to participate in these proceedings on an equal footing with the Senate as have the members of the Senate.

Mr. Speaker, I have thought proper to bring this matter to the attention of the House in the resolution offered, and submitted these remarks in explanation thereof. I now move the previous question upon the adoption of the resolution.

Mr. WILSON, of West Virginia. I do not recall exactly the language of the resolution and I wish to ask the gentleman from Louisiana

whether it is simply to be adopted by the House and spread upon its Journal, or whether it is to be communicated to the Senate officially?

Mr. BLANCHARD. I did not think proper to include in the resolution any direction that it should be communicated to the Senate. I considered it the proper and perhaps the more dignified course to simply assert the principle that the House of Representatives have a right to an equal share in these arrangements with the Senate, and to let that go on record as the judgment of the House, so that in the future, when arrangements are to be made for other inaugurations of Presidents, the Senate will take cognizance of the fact that this protest and this declaration of the principle involved and of the rights of the House was adopted by this House of Representatives. I yield a moment to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. I understand the honorable gentleman from Louisiana to state that this inauguration is an unofficial proceeding any way, and I agree with the gentleman.

Mr. BLANCHARD. The gentleman from Louisiana has not stated that quite so broadly as it is put by the gentleman from Georgia. It has at least been made semi-official.

Mr. TURNER, of Georgia. That is my opinion, at any rate, and, while I do not desire to put that opinion into the mouth of the gentleman from Louisiana, I will state to him that I believe that the House of Representatives, if it were an existing body, would have as much right to provide a proceeding, or a ceremonial, for the inauguration of the President as the Senate has. Hence, in my judgment, if we have any existence at all, or any relation to this matter, the proper remedy would be for us to undertake an inauguration of our own. [Laughter.]

Mr. BLANCHARD. Mr. Speaker, I now demand the previous question.

Mr. BAKER, of New York. It will be remembered that four years ago there was a proposition to appoint a committee of arrangements on the part of the House to co-operate with the committee on the part of the Senate, and that it was voted down. On this occasion a committee was appointed by the Speaker, of which I was a member, to confer with the committee of the Senate, but the proceeding of four years ago was alluded to and the only mission performed by the committee of the House was to provide six tickets admitting members and other persons to this end of the Capitol and enabling us to keep the crowd out of the building. Beyond that, nothing remained that the House committee could do. I think that if a joint committee had been appointed earlier arrangements could have been made that would have been entirely satisfactory to both Houses of Congress.

The SPEAKER. The question is on ordering the previous question upon the resolution offered by the gentleman from Louisiana.

The previous question was ordered.

The resolution was adopted.

Mr. BLANCHARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I desire to present a conference report on the deficiency bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, 110 to the bill of the House (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37, 109, and 110.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the said amendment insert the following:

"And the Senate and House Reporters, and all persons paid out of the contingent fund of the Senate for folding speeches and pamphlets who were continuously employed or paid out of said fund from the 15th to the 20th day of October, 1888."

And the Senate agree to the same.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
L. E. McCOMAS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. SAYERS. I demand the previous question on the adoption of the report.

Mr. HOLMAN. I hope the statement will be read.

The SPEAKER. There is no statement accompanying this report. There was, however, a statement accompanying the previous report in regard to the same amendments.

Mr. HOLMAN. Let the gentleman [Mr. SAYERS] state the effect of the amendment.

Mr. SAYERS. The Senate recedes from its amendment numbered 37, and also from the two amendments numbered 109 and 110, in relation to French spoliation claims. As to the other amendment, which provided for the payment of one month's extra allowance to the employés of the Congressional Library, the Senate recedes from that and agrees to the amendment which has been read in the report.

Mr. RANDALL. I desire to say that the written statement was not made out to accompany this report, because its preparation would have taken at least twenty minutes, and would thus have delayed the presentation of the conference report. The original statement submitted when the first conference report was presented was very full and elaborate. If members desire to wait twenty minutes while a statement is written out, we will prepare it; if not the statement will be prepared hereafter and inserted in the RECORD. [Cries of "Vote!" "Vote!"]

The following is the statement referred to:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 37, 103, 109, and 110, to the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year 1889 and prior years, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

On amendment 37: Strikes out proposed appropriation of $10,000 for the survey of a line for a substantial surface gravity conduit for the water supply in the city of Washington.

On amendment 103: Strikes out the provision to pay an additional month's salary to the employés of the Congressional Library and provides for an additional month's salary to certain employés of the Senate engaged in the folding of speeches and pamphlets.

On amendments 109 and 110: Strikes out the proposed appropriations to pay the findings of the Court of Claims in certain so-called French spoliation claims.

JOSEPH D. SAYERS,
SAM. J. RANDALL,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. PETERS. I wish to inquire whether this agreement in regard to the extra month's pay includes one month's additional pay to the employés in the Congressional Library.

Mr. RANDALL. No, sir; they are not in the bill.

Mr. RYAN. They are excluded.

Mr. RANDALL. The bill now includes the regular employés of the House and the Senate; but the gentleman will see at once that if we should go into a separate and independent department to give a month's extra salary to employés who have their thirty days' leave of absence, it is impossible to tell where the thing might stop. If we should now begin with the employés of the Congressional Library, those in the Agricultural Department or some other branch of the Government might next be included, and so we would not know where the matter might stop.

In connection with this question I wish to say that neither of the two conferees on this side of the House voted for this proposition in regard to a month's extra pay; in other words, we were two of the sixteen who voted in the negative. As gentlemen will remember, the vote was 151 to 16. But the conferees have faithfully performed their functions as expressing the voice of the House in this particular.

Mr. TAULBEE. The gentleman from Pennsylvania said that the provision for the payment of a month's extra compensation as embraced in this bill included the regular employés of the House of Representatives. I wish to know whether it includes the session employés.

Mr. RANDALL and Mr. SAYERS. Yes, sir.

Mr. O'NEILL, of Missouri. I can answer the gentleman. They are in.

Mr. WHEELER. I wish to ask one question. If I understand correctly, this bill as it now stands simply omits paragraph 37, page 39, appropriating for this new reservoir, and also omits the provisions in regard to the French spoliation claims; and all the rest of the bill is adopted.

Mr. SAYERS. The other portions of the bill were settled by the previous conference report.

Mr. TAULBEE. I wish to know from the gentleman from Texas whether this provision for a month's extra pay to the employés of the House embraces only the employés of the first session of this Congress, or does it include the session employés for the second session?

Mr. SAYERS. I think it is limited to those of the first session; but if the gentleman wants to be satisfied on that point he had better have the provision read. [Cries of "Oh, no!"]

Mr. TAULBEE. Well, if that is the case I would be glad to know how it is that the session employés of this session are discriminated against.

The SPEAKER. The Chair will state to the gentleman from Kentucky that the provision of the House bill in relation to the payment of one month's extra salary to employés of the two Houses was not in conference at all, having been agreed to by both Houses heretofore; the only matter in conference was an amendment of the Senate in reference to the employés of the Congressional Library. The main provision, which was agreed to by both Houses, was not an open question at all.

Mr. RANDALL. I am inclined to think that the whole paragraph was in controversy.

The SPEAKER. The Chair thinks that only the Senate amendment would be within the jurisdiction of the conference.

Mr. TAULBEE. I do not think that answers my question.

Mr. SAYERS. I move the previous question on the adoption of the report.

Mr. TAULBEE. I want to know whether the gentleman from Texas is willing to answer my question.

Mr. SAYERS. I will say to the gentleman that the provision which passed the House on this subject is word for word in the bill as now agreed upon. If the gentleman will refer to that provision of the bill he can arrive at his own conclusion as to whether it embraces the employés of both sessions or not.

Mr. TAULBEE. Now, will the gentleman answer the question I asked him as to why it is that this bill discriminates against session employés of this session in favor of employés of the long session?

Mr. SAYERS. I will state to the gentleman that I had nothing to do with the adoption of this paragraph; it was the work of the House itself.

Mr. RYAN. Is that subject before the House?

The SPEAKER. It is not.

Mr. RYAN. Has it not already been passed upon?

The SPEAKER. It has.

Mr. RYAN. Then I demand the regular order.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. SAYERS moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to. [Applause and cries of "Regular order!"]

ORDER OF BUSINESS.

The SPEAKER. The tellers will now resume their places.

Mr. MACDONALD. I desire to ask unanimous consent——

The SPEAKER. The regular order is demanded. The question is upon the motion that the House take a recess. The gentleman from Iowa [Mr. WEAVER] made that motion. Unless the gentleman withdraws it, it is still before the House.

Mr. WEAVER. It is not withdrawn. [A pause.] Mr. Speaker, I yield temporarily in order that the gentleman from Minnesota [Mr. MACDONALD] may ask leave to print.

Mr. MACDONALD. Inasmuch as I could not get an opportunity to address the House in regard to the general features of the land-forfeiture bill, I ask leave to print remarks on that subject. I wish to state that I will include in my remarks reasons why I believe the report should be adopted and the House should recede. I desire also to ask general leave for members on both sides to print on this subject.

The SPEAKER. The gentleman from Minnesota [Mr. MACDONALD] asks unanimous consent that all members desiring to do so may print remarks in the RECORD in relation to what is known as the land-forfeiture bill. Is there objection? The Chair hears none; and leave is granted.

CENTENNIAL OF THE INAUGURATION OF THE GOVERNMENT.

Mr. BAKER, of New York. I trust that my friend from Iowa [Mr. WEAVER] will withdraw his motion for a recess in order that I may ask consent for the adoption of a resolution in regard to the centennial proceedings on the 30th of April next.

The SPEAKER. The Chair will state that this resolution was before the House at the expiration of the hour last devoted to the consideration of requests for unanimous consent under the recent order of the House. The gentleman from New York now asks unanimous consent to continue the consideration of the resolution. The resolution will be read.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives designate nine members-elect to the Fifty-first Congress to attend the centennial celebration of the inauguration of the first President of the United States, to be held in the city of New York on the 30th day of April, 1889, and to represent the House of Representatives of the United States at such celebration.

The SPEAKER. Is there objection?

Mr. BAKER, of New York. I ask, by unanimous consent, the gentleman from Alabama [Mr. OATES] be permitted to make a statement.

Mr. KILGORE. Has consent been given for the introduction of that resolution?

The SPEAKER. It has not.

Mr. KILGORE. I wish to ask a question.

Mr. RANDALL. I reserve objection until some explanation has been offered.

Mr. KILGORE. It is impossible that members of Congress should be expected to attend to this duty gratuitously. Is there any pay in it? [Laughter and applause.] Will it take any money out of the Treasury? [Renewed laughter.] Will these gentlemen not come back here and ask for an appropriation?

Mr. BAKER, of New York. There is no appropriation in it.

Mr. KILGORE. But will they not come back and ask to be compensated for these duties afterwards? I do not think members of Congress should be expected to attend to these duties at their own expense.

The SPEAKER. Is there objection to the consideration?

There was no objection.

Mr. OATES. A similar resolution was adversely reported at the present session of Congress, because this Congress expires before that celebration occurs, and we did not conceive we had any right to go beyond our political life in providing attendance at that centennial. It was not the purpose of the Judiciary Committee, in fact, it was a unanimous verdict, in making this report they should not involve any expenditure whatever.

A member of the committee from the city of New York stated a general invitation to attend was not arranged for in the programme, that they did not expect to entertain more than a committee of seven or nine members. The only way we could deal with that question was to provide for the adoption of the resolution; that the Speaker designate nine members elected to the next House of Representatives to go there and represent the House of Representatives. Of course it is optional with them whether they go or not, and their expenses are not to be paid.

Mr. HOLMAN. I would like to suggest to the gentleman from Alabama that the resolution would have more significance if it named one member from each of the States that formed the original Government.

Mr. FARQUHAR. That is a good idea.

Mr. OATES. In answer to the suggestion of the gentleman from Indiana I will state that the gentleman who was authorized to speak for the committee on arrangements, as I understand him, suggested that the committee's plan precluded the idea of entertaining a larger number of members than that named.

Mr. FARQUHAR. It is only four more than that proposed.

Mr. HOLMAN. I would like to have the motion to extend the number put before the House and test the sense of the House upon it.

Mr. OATES. I have no objection whatever myself.

Mr. BAKER, of New York. I understand my colleague desires to move an amendment to make the number thirteen.

Mr. FITCH. Mr. Speaker, I can hardly believe it possible that any gentleman representing the committee on arrangements in New York intended to be understood as wishing to restrict the number of gentlemen who shall be invited from this House, and I move to amend the resolution by striking out the number fixed and making it read "one member from each of the original thirteen States," who shall be named by the Speaker.

Mr. DORSEY. I move to amend by making it one member from each of the thirty-eight States of the Union and one from each of the four Territories which are to be admitted.

Mr. FITCH. I accept the amendment.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Nebraska to the amendment of the gentleman from New York.

Mr. FITCH. I accept that amendment and make it a part of my own.

The amendment of Mr. FITCH as modified was adopted; there being, on a division—ayes 46, noes 22.

The resolution as amended was adopted.

Mr. BAKER, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

ORDER OF BUSINESS.

Mr. CRISP rose.

Mr. O'NEILL, of Missouri. Mr. Speaker, I rise for the purpose of asking unanimous consent—— [Cries of "Go on!"]

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. O'NEILL, of Missouri. Mr. Speaker, this is the only request I shall have to make to this House. I ask unanimous consent to call up a bill for the relief of my friend, John Finn. [Cries of "Who is he?" and laughter.]

Now, gentlemen, don't any of you object. [Laughter.]

A MEMBER. Who is John Finn?

Mr. O'NEILL, of Missouri. I will tell you who he is.

Several MEMBERS. Let us know. [Laughter.]

Mr. O'NEILL, of Missouri. He is one of the best and noblest Irishmen on the face of the earth. [Cries of "All right!"] He is a worthy man, and this bill is all right. It is the only favor I have got to ask this House. Now make that slight concession to me, and let me take this bill up and consider it. [Cries of "Vote!" "Vote!"]

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

Mr. O'NEILL, of Missouri. I refer to Senate bill No. 489.

Mr. MCCREARY. How much does it appropriate?

Mr. O'NEILL, of Missouri. It does not appropriate a single cent.

Mr. KILGORE. What does it do?

Mr. O'NEILL, of Missouri. Why it just lets this man go to the Court of Claims. [Laughter.]

Mr. KILGORE. What does he want when he gets there?

Mr. O'NEILL, of Missouri. Just to give him a chance to prove up his claim. [Laughter.] I do not want him to have a cent if he can not prove what is fair and right. I hope my friend from Texas is not going to object to this. [Laughter.]

The SPEAKER. The Chair will cause the bill to be read.

The bill (S. 489) for the relief of John Finn was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Mr. Speaker, I guess I will have to object.

Mr. OATES. I object.

The SPEAKER. Objection being made, the bill is not before the House.

Mr. CRISP. I call up the contested-election case of Sullivan *vs.* Felton.

Mr. STONE, of Missouri. I believe there is a motion pending for a recess.

The SPEAKER. It is not pending; the gentleman withdrew it.

Mr. WEAVER. Then I renew it.

The SPEAKER. Until what hour?

Mr. WEAVER. Until 10 o'clock

The question was taken on the motion of Mr. WEAVER; and on a division there were—ayes 12, noes 37.

Mr. WEAVER. I will withdraw the motion and yield to the gentleman from Georgia to make his motion to call up this case.

The SPEAKER. The gentleman has made the motion.

Mr. STONE, of Missouri. But there is a motion for a recess pending.

Mr. WEAVER. I withdrew the motion.

Mr. STONE, of Missouri. I renew it.

Mr. MCKENNA. The question of consideration has been raised against this case.

The SPEAKER. It has been, but the gentleman from Missouri moves that the House take a recess.

Mr. STONE, of Missouri. For one hour.

Mr. KERR. I would like unanimous consent to make a statement on an important subject for about two minutes.

Mr. CRISP and others. Regular order.

The SPEAKER. Does the gentleman from Missouri withdraw his motion? If so, the question is, Will the House now proceed to the consideration of the contested-election case?

Mr. WEAVER. I understand that the gentleman from Missouri renewed the motion.

The SPEAKER. He did.

Mr. STONE, of Missouri. I did.

The SPEAKER. The Chair asked the gentleman if he withdrew that motion.

Mr. STONE, of Missouri. I do not.

Mr. PETERS. I move to amend by making it half an hour.

The question was put; and the Speaker announced that the noes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 6, noes 36.

Mr. PETERS. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kansas [Mr. PETERS] and the gentleman from Missouri [Mr. STONE].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12154) regulating the licensing of pawnbrokers in the District of Columbia.

ORDER OF BUSINESS.

Mr. PETERS. I understand that the other appropriation bill will be ready in half an hour. If the House will take a recess until that time we can then consider that bill and take a recess until to-morrow. That was my object in moving the amendment.

Mr. GUENTHER. I ask the gentleman making the point of no quorum to yield to me so that I may make a request to be recognized for unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Georgia has a motion pending, and if the gentleman yields the gentleman from Georgia will be entitled to proceed.

RESOLUTIONS OF RESPECT FOR THE LATE HON. N. T. KANE.

After some time spent in the count,

Mr. TRACEY said: Mr. Speaker, I have a matter that I desire to call up. I am sure that no gentleman will object to it.

Mr. GUENTHER. How do you know?

Mr. TRACEY. Mr. Speaker, at the beginning of the first session of the Fiftieth Congress I introduced resolutions relating to the death of my predecessor, Hon. N. T. Kane. Mr. Kane never had an opportunity to take his seat in the House, and his friends thought that inasmuch as he had not been an active member it would not be desirable that the time of the House should be taken up by asking that a day be set apart for eulogies. But if there be no objection, I would like very much to have these resolutions adopted and unanimous consent to print some remarks in the RECORD.

The SPEAKER *pro tempore*. The Clerk will report the resolutions offered by the gentleman from New York.

The Clerk read as follows:

Resolved, That this House has heard with sorrow of the death of Hon. Nicholas T. Kane, late a member-elect of this House from the State of New York.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the widow of the deceased member.

Mr. TRACEY. I will ask that these resolutions be adopted.

The resolutions were unanimously adopted.

The SPEAKER *pro tempore*. The gentleman from New York desires to print some remarks in the RECORD. Is there objection?

There was no objection, and leave was granted.

ORDER OF BUSINESS.

Mr. WARNER. I now ask unanimous consent to take from the Speaker's table the bill with reference to the Kansas City public building.

The SPEAKER *pro tempore*. The regular order has been demanded.

Mr. WARNER. I understand there is no objection to it now.

The SPEAKER *pro tempore*. If the regular order is not insisted upon the Chair will cause the title of the bill to be read, after which the Chair will call for objection.

The Clerk read as follows:

A bill (S. 4000) for the erection of a public building at Kansas City, Mo.

The SPEAKER *pro tempore*. The bill has been read at length.

Mr. KILGORE. I demand the regular order.

The SPEAKER *pro tempore*. Tellers will proceed with the count. Several gentlemen demanded the regular order, and the regular order being insisted upon, the Chair scarcely feels authorized to submit these requests for unanimous consent, yet he is not inclined to refuse them.

Mr. GEAR. Pending the division, I ask unanimous consent that my colleague [Mr. KERR] be allowed three minutes to make a statement. I hope no gentleman will object.

The SPEAKER *pro tempore*. The regular order has been demanded, but the gentleman from Iowa asks unanimous consent, pending the enforcement of the regular order, that his colleague from Iowa [Mr. KERR] be allowed to address the House for three minutes. Is there objection? The Chair hears none.

Mr. KERR. Mr. Speaker, the country is laboring under great disadvantages on account of the large [applause] surplus in the National Treasury.

Mr. HEARD. I hope this applause will not come out of the gentleman's time. [Laughter.]

Mr. KERR. The gentleman from Alabama a short time ago asked unanimous consent to consider a private bill, and I believe the public interests ought to be preferred to private interest [loud applause]; and that being the case, and there being great danger that the country will suffer unless some measure is adopted to change the great amount that is going into the Treasury all the time [renewed applause]—the country will suffer [continued applause]; and therefore I ask unanimous consent——

Mr. SPRINGER. I object.

Mr. KERR. That the bill known as the Cowles bill [laughter and applause]——

A MEMBER. That is right.

Mr. KERR. Be taken up for consideration, and I hope no gentleman who is anxious on this subject of the surplus will make any objection. [Renewed laughter and applause.] I do this in the interest of harmony in the Democratic party. [Laughter, cries of "Oh, oh!" and applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WARNER. Mr. Speaker, I understand that the gentleman who objected to my request to have the Kansas City public-building bill considered withdraws his objection.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. WARNER] states that the gentleman from Texas [Mr. KILGORE] withdraws the demand for the regular order. Is there further objection to the request of the gentleman from Missouri?

Mr. LYNCH. I renew the objection.

Mr. LANDES. I object.

Mr. MILLS. Mr. Speaker, I understand that it will be twenty-five or thirty minutes yet before the conference report on the sundry civil bill is ready, and I think the House had better take a recess. [Cries of "Regular order!"]

Mr. MILLS. I ask unanimous consent that the House take a recess for thirty minutes.

Several members objected.

Mr. COMPTON. Mr. Speaker, I ask unanimous consent to make a brief statement to the House, and to present for consideration a very small bill.

The SPEAKER. The Chair will entertain no requests until order is restored.

Several MEMBERS. Regular order.

Mr. COMPTON. I ask unanimous consent to make a statement. Consent has been accorded to several gentlemen on this floor to-day to make brief statements.

Mr. MILLS. I will yield to the gentleman from Maryland, and after that I will demand the regular order until the House takes a recess.

Mr. COMPTON. I want to make a statement which will not occupy more than two minutes.

There was no objection.

P. GOUGH EDELIN.

Mr. COMPTON. Mr. Speaker, I hold in my hand a bill which carries the immense amount of forty-two dollars and some few cents. This bill comes within the purview, certainly, of the special order under which this House is acting, and is in accord with its spirit. The bill passed the House without objection and went to the Senate; it passed the Senate with a small amendment, and now I simply ask that the Committee on Claims be discharged from its further consideration and that the amendment of the Senate be concurred in. It is the bill (H. R. 6753) for the relief of P. Gough Edelin.

Mr. KILGORE. How much is involved?

Mr. COMPTON. Forty-two dollars and a few cents.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Maryland?

Mr. BRECKINRIDGE, of Kentucky. I do not like to object, but I want to raise the point of order that that bill is not within the purview of the rule.

Mr. COMPTON. Mr. Speaker, this bill is not properly within the rule, but, as I said before, it is within the purview and pre-eminently within the spirit of the rule.

The SPEAKER *pro tempore*. In the opinion of the Chair this bill, according to the statement of the gentleman from Maryland, is within the terms of the order, which reads:

And it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time, except to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when presented to the House by the Speaker.

Mr. BRECKINRIDGE, of Kentucky. But that is all one sentence. The Chair will remember that the gentleman from Maryland [Mr. COMPTON] stated that this bill had been referred to the Committee on Claims and was now before that committee. Therefore it is not on the Calendar at all, and it could not come within the order because it is not on the Speaker's table, and is not on the Calendar, but is in the Committee on Claims unreported.

The SPEAKER *pro tempore*. But the order does not require it to be on the Calendar. The Clerk will report the order, and the gentleman from Kentucky will see that it contains no such requirement.

The Clerk read as follows:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and after the reading of the Journal up to 11 a. m. the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time except to concur or non-concur in Senate amendments to House bills or to consider Senate bills when presented to the House by the Speaker.

The SPEAKER *pro tempore*. The Chair thinks that this bill, according to the statement of the gentleman from Maryland [Mr. COMPTON], comes within the rule. The gentleman from Maryland asks unanimous consent that the bill indicated by him be taken up, that the Committee on Claims be discharged from its further consideration, and that the amendment of the Senate be concurred in.

There was no objection, and it was so ordered.

Mr. COMPTON moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1208) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 60 and 182.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$456,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of other denominations than those that may be canceled or retired;

"*Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam plate-printing presses;

"*Provided further*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau; and

"*Provided further*, That hereafter the name of each person whose portrait shall be placed upon any of the plates for bonds, securities, notes, and silver certificates of the United States shall be inscribed below such portraits:

"*Provided*, That unless the patentees of said steam-presses shall accept the $500 already paid as royalty on each press and the rate per thousand sheets herein provided, the said presses shall not be used by the Government after the close of the present fiscal year."

And the Senate agree to the same.

SAML. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement, submitted in accordance with the rule, was read:

The managers on the part of the House of the conference on the Senate amendments numbered 60, 61, 62, and 182 to the bill (H. R. 12008) making appropriation for sundry civil expenses of the Government, submit the following written statement in explanation of the action recommended in the accompanying conference report:

On amendments numbered 60 and 61: Limits the royalty to be paid for the use of steam plate-printing presses to 1 cent per thousand impressions, and increases the amount for wages to plate-printers from $376,000, as proposed by the House, to $456,000.

On amendment numbered 62: Leaves the provision touching the use of steam plate-printing machines exactly as proposed by the House.

On amendment numbered 182: Strikes out proposed appropriation of $8,745 to the widow of Chief-Justice Waite.

The bill as now finally agreed upon appropriates $25,277,341.65, being $1,646,640 less than as it passed the Senate, $1,806,511 more than as it passed the House, and $1,043,463.19 less than the law for the current year.

SAM. J. RANDALL,
WM. H. FORNEY,
THOS. RYAN,
Managers on the part of the House.

Mr. RANDALL. I demand the previous question on agreeing to the report.

The previous question was ordered.

Mr. RANDALL. Mr. Speaker, I do not wish to detain the House now further than to ask the privilege of printing in the RECORD a statement summarizing the figures in connection with these various general appropriation bills—a statement of the sort usually submitted at the close of a session.

The SPEAKER *pro tempore*. If there be no objection, the leave requested by the gentleman from Pennsylvania will be granted.

There was no objection.

The question being taken on agreeing to the report of the committee of conference, it was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. This now completes the work of Congress in connection with the general appropriation bills. [Applause.] I move that the House take a recess until 9.55 a. m.

Mr. STONE, of Missouri. There is a motion for a recess already pending.

Mr. MILLS. This is the time that has been arranged with the Speaker and the committees.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A bill (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

The SPEAKER *pro tempore*. The motion of the gentleman fron Pennsylvania [Mr. RANDALL] is in order at any rate as an amendment.

The question being put on the motion of Mr. RANDALL, it was declared agreed to.

Mr. DORSEY. I call for a division.

The question being again taken, there were—ayes 113.

Mr. DORSEY. I withdraw the call for a division.

So the motion of Mr. RANDALL was agreed to; and the original motion for a recess as thus amended was adopted; and accordingly (at 2 o'clock and 15 minutes a. m.) the House took a recess till 9.55 a. m.

MONDAY'S SESSION.

The recess having expired, the House, at 9.55 a. m. (Monday, March 4), resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House of agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 459) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House take a recess for one-half hour.

Mr. STONE, of Missouri. I move to amend that motion so as to take a recess for thirty-five minutes.

Mr. WHEELER. I hope the gentleman from Missouri will withhold that motion for a moment in order that I may bring before the House the bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park. This bill will not involve the expenditure of one cent by the Government. It simply authorizes the city to improve and beautify certain lots of land which belong to the Government so that they can be used as a park. The bill provides that the Government can take possession of the grounds at any time without paying for the improvements. The bill is recommended and ought to pass. The Government will be benefited because the city agrees to improve the ground, and the city will reap benefit from the use of ground for a park which is now useless to every one.

It is a Senate bill introduced and passed through the Senate by Senator CALL. The bill was reported favorably by myself from the Committee on Public Lands. I hope the House will consent to its consideration.

Mr. BLAND. I understand that there is a conference report ready to be presented. If so, I withdraw my motion for a recess.

Mr. WEAVER. I presume it is proper the House should take action on the bill just returned from the Senate.

Mr. STONE, of Missouri. That can be done by unanimous consent.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moved that the House take a recess for thirty minutes, and the gentleman from Missouri [Mr. STONE] moved to amend the motion so as to take a recess for thirty-five minutes.

Mr. ANDERSON, of Illinois. I move to amend the amendment so as to take a recess for forty minutes.

RECEIPTS AND DISBURSEMENTS OF METROPOLITAN STREET RAILWAY.

The SPEAKER. The Chair will present to the House, to be printed and referred to the Committee on the District of Columbia, a paper purporting to be a statement of the receipts and disbursements of the Metropolitan Street Railway Company of this District. It does not appear to be in compliance with the statutes.

ORDER OF BUSINESS.

Mr. WARNER. I ask unanimous consent that the Senate bills upon the Speaker's table be laid before the House, pending the motion to take a recess.

The SPEAKER. The Chair will state that some Senate bills were received during the afternoon——

Mr. MILLS. I hope the motion for a recess will be withdrawn so that the Senate bills and the communications on the Speaker's table may be referred to appropriate committees.

FORFEITURE OF LAND GRANT TO MICHIGAN.

Mr. HOLMAN. I desire to present a report of the committee of conference on the bill (S. 859) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 6, and agree to the same with an amendment as follows: Strike out all after the enacting clause and insert in lieu thereof as follows:

"That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to the State of Michigan by virtue of an act entitled 'An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes,' which took effect June 3, 1856, which are opposite to and coterminous with the uncompleted portion of any railroad to aid in the construction of which said lands were granted or applied, and all such lands are hereby declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

"SEC. 2. That nothing in this act shall be construed as forfeiting any lands that have been heretofore earned by the location and construction of any portion of any railroad hereinbefore mentioned under any act of Congress making a grant of public lands in the State of Michigan: *Provided*, That such lands lie opposite such constructed road, or if indemnity lands are provided in such grants the same shall be selected from the public lands within such indemnity limits lying nearest to such constructed road: *And provided further*, That this act shall not be construed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may now be entitled, nor to prejudice any right of forfeiture, as hereby declared, or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the right of any person claiming adversely to said companies or their assigns under the laws of the United States.

"SEC. 3. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to, or for any cause resumed by, the United States from grants for railroad purposes, heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States or under State selections in Michigan confirmed by the Secretary of the Interior, under color of the public-land laws, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted by actual occupation of the land under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

"SEC. 4. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States now existing to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

"SEC. 5. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same."

And the House agree to the same.

W. S. HOLMAN,
J. L. MACDONALD,
L. E. PAYSON,
Managers on the part of the House.
P. B. PLUMB,
H. W. BLAIR,
Managers on the part of the Senate.

Mr. HOLMAN. This has been agreed to by the whole delegation from Michigan.

Mr. STONE, of Missouri. I desire to ask my friend from Indiana a question.

Mr. HOLMAN. Certainly.

Mr. STONE, of Missouri. It is hard to hear the reading of the bill for information, and I ask for information if in extent this bill refers exclusively to the roads in Michigan?

Mr. HOLMAN. To Michigan alone.

Mr. STONE, of Missouri. Then I think this bill ought to pass.

Mr. ALLEN, of Michigan. Everybody from Michigan has agreed to it.

The report of the committee of conference was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLANCHARD. Mr. Speaker——

The SPEAKER. There is a question before the House and the regular order has been insisted upon.

Mr. ANDERSON, of Kansas. This is a question of the highest privilege.

CONDUCT OF SENATE EMPLOYÉS.

Mr. BLANCHARD. I rise to a question of privilege. It relates to the rights of the members and officers of the House, and if I may be permitted to make a statement, there will be no objection to its consideration.

I am informed that by order of somebody the corridors of the Capitol are closed to the officers of this House, and to the families of members of the House. I hold in my hand an order issued by the Sergeant-at-Arms, which I will read:

To doorkeepers: Admit Mr. Hill, my deputy, to the Senate for this day.
J. P. LEEDOM, *Sergeant-at-Arms.*

Mr. Hill, in the execution of orders of the Sergeant-at-Arms of the House, proceeded through this corridor on his way to the Senate, and was denied admission by the doorkeepers appointed by the Senate wing of the Capitol.

I am further informed that members of the House with their wives sought admission through the corridors on their way to the Capitol, and they were informed that the members themselves could pass, but that their wives could not. Mr. Speaker, I send up this resolution, and ask the House to consider it at this time.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to the officers of the House and to the families of members of the House a way of access through the corridors of the Capitol.

Mr. HATCH. If the gentleman from Louisiana will listen, I will state that the gentleman is mistaken about even members of the House being able to get into the Senate under this order. There is one member in front of me and myself who tried to get in that door, and we were refused admittance to the Capitol on our way to the House of Representatives.

Mr. BLANCHARD. A most extraordinary proceeding.

A MEMBER. I will ask the gentleman from Missouri if he stated that he was the member of the House?

Mr. HATCH. I did.

Mr. BLANCHARD. I yield one minute to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. I wanted to find out if I could, and as I could not find out personally, I want to find out through the medium of the House officers, whether the members of the House have got any rights in the Capitol that are to be respected by employés of the Senate. I have been treated this morning, in going to the galleries of the Senate and simply asking for information, with the grossest insolence and impertinence by Senate employés. I claim nothing more than the ordinary courtesy due to every American citizen; but that I do claim, and I say that they have no right to turn to members of the House and say to them as was said to me this morning, "I do not care whether you are a member of the House or not. I am a Senate employé. You stand out of the way." I think something should be done to vindicate the rights of this House [loud applause] and see that its members get proper treatment. [Renewed and continued applause.] I think it should be understood whether the members of the House are to be shut out of the galleries. I simply wished to go there to get information. I think it should be found out whether we have got to take our wives and families out through the rain, or whether we can lead them through the Capitol here to the Senate. I think that something should be done now, on the spot, to see whether a member is not entitled to some rights somewhere in this Capitol. [Great applause.]

Mr. BLANCHARD. I now yield one minute to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. I have just passed through a similar experience to that of the gentleman from Massachusetts. I can corroborate everything that he says as to the indignity with which members of the House are treated by the employés of the Senate. There is not a doorkeeper in the employ of the House who would treat the meanest tramp in the United States with the insolence with which the employés of the Senate treat the members of the House who go there to ask for the gracious privileges which have been granted them by the extraordinary courtesy of the Senate.

I want to say that, so far as I am concerned, I would like to amend the resolution that was adopted last night by a declaration that this House will stand upon its rights and refuse to participate under the present arrangements for the inaugural ceremonies.

A MEMBER. Did you not have five tickets?

Mr. ENLOE. No, sir; not five. I had two, and I was not even permitted to go and look inside the door to see where the ladies I accompanied were seated. I say, Mr. Speaker, that the Senate has no respect for the dignity and the rights of this body, as is demonstrated by the arrangement of the programme for the inaugural ceremonies, and by the insolent conduct of its employés toward the members of the House. I hope the resolution will be adopted.

Mr. BLANCHARD. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX. Mr. Speaker, I do not know that I should at this time favor such a proposition as the gentleman from Tennessee suggests, that the House decline to participate in the inaugural ceremonies. That might be misunderstood or misconstrued, especially as this House at present happens to be of one party and the Senate of another. But this question, sir, is not altogether new. It is an old question, and it ought to be settled for the future by some protest now. It is not a matter altogether of a constitutional nature. We have the right, in some emergencies a most inestimable right, of going to and returning from the other end of this Capitol. That right has been asserted here again and again, and now, in this time when there is no emergency, it would be a good thing to assert it again, and I hope that by some resolution pertinently written and delivered to this man INGALLS we will teach him and others that we are a co-ordinate branch of the legislative body. It is a matter of domesticity. I am glad to see members of this House rallying to their families somewhat. [Laughter.] It touches the very heart of the American people to know that with all the privations and sacrifices our families are making, going and coming through the rain, as some of my own folks have done for the last day or two, to extend courtesies to others, to assist strangers, they have to go out themselves into the rain to enjoy the privileges in this building, which ought to be accorded to them spontaneously and graciously. I therefore hope, sir, that the resolution of the gentleman from Louisiana [Mr. BLANCHARD] will pass with unanimity, and that we will make the protest now for the future. [Applause.]

Mr. BLANCHARD. I yield to the gentleman from Kansas [Mr. ANDERSON] for one minute.

Mr. ANDERSON, of Kansas. Mr. Speaker, I can express very briefly, by the resolution which I hold in my hand, the substance of that which I desire to say to the House:

Resolved, That, because of the arrogant assumption of the United States Senate and the insolence of its employés, the Sergeant-at-Arms of the House is hereby directed to remove all obstructions in and open the passage ways between the two Chambers.

[Applause.]

Mr. COX. Mr. Speaker, I desire to withdraw a remark that I made a moment ago, as some gentlemen think it obnoxious. I used the expression "this man INGALLS." I withdraw that remark, which has no application just now.

Mr. CUTCHEON. Mr. Speaker, is the resolution of the gentleman from Louisiana before the House?

The SPEAKER. It is, but the gentleman from Kansas [Mr. ANDERSON] proposes an amendment by way of a substitute.

Mr. ANDERSON, of Kansas. No; I propose it as an amendment to the resolution.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Resolved, That, because of the arrogant assumption of the United States Senate and the insolence of its employés, the Sergeant-at-Arms of the House of Representatives is hereby directed to remove all obstructions in and open the passage ways between the two Chambers.

Mr. HOLMAN. I reserve the point of order on that.

Mr. ANDERSON, of Kansas. Mr. Speaker, the fact is well known that this building is under the control of the Congress of the United States, and yet the body at the other end of the Capitol, in the exuberant impertinence of its swell-headed arrogance, undertakes to deprive this House and its officers of the right of way through property which is subject to the Congress of the United States and not to the Senate alone. I do not propose to temper one solitary word in this resolution, and my proposition is that the Sergeant-at-Arms of this House shall take a posse, forcibly remove these obstructions, and open the public passages of the Capitol. This is more than a mere matter of feeling. It is a matter of right, a matter of liberty, a matter for indignant rebuke by the proper Representatives of the people of the unlimited arrogance and insufferable aggressions of that body, and I, for one, propose to meet the insult by force, as it ought to be met. [Applause.]

The SPEAKER. There is so much confusion in the Hall that it is impossible to transact the public business. The Chair will recognize no other gentleman nor attempt to transact any other business until gentlemen resume their seats and cease conversation on the floor.

Mr. CUTCHEON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. Under the rules of this House, Rule I, the Speaker of this House has control of the Hall, of the galleries, and of the corridors surrounding the House. Now, is it not true that, upon a like principle, the Senate has control of the Hall and the galleries of the Senate and the corridors surrounding it, and has proper authority to make rules regarding the same?

The SPEAKER. That is not a question of order. It is, however, a question which the gentleman can properly raise so far as the control of the north end of the Capitol is concerned.

Mr. CUTCHEON. I raise it as a point of order against the amendment of the gentleman from Kansas [Mr. ANDERSON].

The SPEAKER. Oh, the Chair is very clearly of opinion that the amendment proposed by the gentleman from Kansas [Mr. ANDERSON], which proposes that the House shall send its officers into the Senate part of the Capitol to remove the structures which have been put there by authority of the Senate, is out of order, but the point of order was not raised, and of course the Chair did not suggest it.

Mr. CUTCHEON. The House of Representatives of right controls this end of the Capitol and the Senate of right controls the other end.

Mr. BLANCHARD. Mr. Speaker, in view of the necessity for the early passage of this resolution, I now call the previous question and yield a minute to the gentleman from Ohio [Mr. MCKINLEY].

Mr. HOPKINS, of Illinois. The gentleman from Louisiana [Mr. BLANCHARD] has demanded the previous question, and before that is ordered I would like to hear the resolution read.

The SPEAKER. The Clerk will read the resolution offered by the gentleman from Louisiana.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House take the necessary steps to secure forthwith to the officers of the House and families of members of the House free access to the corridors of the Capitol.

Mr. BLANCHARD. Upon that I demand the previous question.

Mr. BAKER, of New York. Let me make a suggestion. Let us first send a respectful resolution to the Senate requesting that they take action to admit members. [Cries of "Too late!"]

A MEMBER. We can do that next Congress.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] has demanded the previous question. Does he insist on the demand or withdraw it?

Mr. BLANCHARD. I do not withdraw it; but pending the demand I yield to the gentleman from Ohio [Mr. MCKINLEY] for a statement. He has just returned from the Senate.

Mr. MCKINLEY. Mr. Speaker, I learned this morning that holders of white tickets who might be in the House of Representatives to-day would be unable to go through the corridors to the Senate and enter the Senate Chamber, under the rights given to them by those tickets. Hearing of this, I called upon the President *pro tempore* of the Senate and he said he would so modify the order that the families of members holding the white tickets would be admitted through the corridors into the Senate. I think it due that I should make this statement. I went over at the request of a number of members whose families are here.

Mr. ANDERSON, of Illinois. How about members who do not have tickets?

Mr. BLANCHARD. I yield to the gentleman from Ohio [Mr. GROSVENOR] to make a statement. He also has a grievance.

Mr. GROSVENOR. Mr. Speaker, I think the difficulty has grown up in a different direction from that indicated in previous remarks. The white tickets which were issued to members of this House, and which it was alleged and supposed would admit at least their wives to the galleries of the Senate upon equal terms with other people, have failed utterly of their purpose. And when I presented myself with my wife at one of the gallery doors, I was treated very much as the gentleman from Massachusetts [Mr. LODGE] was treated only a moment afterward by the same man. I discovered that the galleries were filled with total strangers holding red tickets which had been procured from the Sergeant-at-Arms of the Senate, and that the white tickets were forbidden entry into any of the reserved galleries of the Senate. I thereupon went to the President *pro tempore* of the Senate, and he said he had no control over the subject; that the whole matter was in the hands of the Sergeant-at-Arms.

After a great deal of effort, and after being substantially rebuffed three or four times by people whom I do not know, and whom I hope I never may know, in and about the Sergeant-at-Arms's office, I succeeded in penetrating to the obscurity in which the gentleman had wrapped himself, and I asked him how those tickets were issued and by what authority persons were assuming to exclude the families of members from the galleries. He said he had not one of those tickets left; that they were all issued, and that the order would be strictly enforced.

I have learned from a gentleman here who does not authorize me to use his name—a member of the House—that those red tickets have been on sale at various points in this city—notably at the Metropolitan Hotel—at $10 apiece. They are tickets which, so far as I know, have not been understood as being in existence. I do not understand that the Speaker or the Sergeant-at-Arms or any member of this House as such has received one of those red tickets. But the fact remains that under the control of the Sergeant-at-Arms of the Senate everybody has been excluded from the galleries who does not hold one of those special red tickets issued by him.

I have now said all that I desire to say. I am under no excitement; but I want to put into the RECORD my denunciation of an assumed authority by an officer of the other House to exclude from fair treatment the members of this. That is all I wish to say. [Applause.]

Mr. BLANCHARD. I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I would like to have the resolution read again.

The resolution was again read.

Mr. CUTCHEON. I move to amend by providing that this resolution be communicated to the Senate.

Mr. BLANCHARD. I accept that amendment as a modification of my resolution.

The SPEAKER. The gentleman from Louisiana modifies his resolution as indicated.

Mr. CANNON. Mr. Speaker, I do not know just what the facts are in regard to this matter, but between this time and 12 o'clock the members of this House have an undoubted right of ingress and egress to and from the Capitol, through any of its corridors and out of any of its doors. If that right has been denied, then I am ready to take such action in the shape of resolution or protest as may be meet and proper. I repeat I do not know what the facts are.

Mr. BLANCHARD. Mr. Speaker, I am just informed by a gentleman that a moment ago he was denied admission to the corridor of the Capitol and to the platform on the east portico, notwithstanding the fact that he held one of these white tickets which were given to members of the House, through the generosity of the Senate, for the use of each member. I am also informed by a page, who was charged with three official communications to be carried by him from this House to members of the Senate, that he was denied admission to the corridors to deliver these official communications.

I now demand the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted, there being—ayes 81, noes 7.

Mr. CANNON. I ask unanimous consent to amend the resolution just adopted by striking out the words "and families." We are now adopting a resolution or making a protest touching the legal rights of members of the American Congress; and I think we had better not adopt any resolution touching matters of courtesy. I hope this resolution may be modified to the extent I have indicated. I ask unanimous consent for that purpose.

Several MEMBERS. That is right.

The SPEAKER. If there be no objection, the resolution will be modified as indicated. The Chair hears no objection.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 858) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State;

A bill (H. R. 6753) for the relief of P. Gough Edelin; and

A bill (H. R. 12154) to regulate and license pawnbrokers in the District of Columbia.

ORDER OF BUSINESS.

Mr. ANDERSON, of Illinois. I renew my motion for a recess.

Mr. BUCHANAN. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. I wish to file a report setting forth the views of the minority of the Committee on Manufactures——

The SPEAKER. The Chair will state to the gentleman from New Jersey that that is not a question of privilege. Leave has been given, however, to file reports with the Clerk, as well as the views of the minorities of committees.

Mr. BUCHANAN. I was not present when that leave was granted.

Mr. CHIPMAN. I ask the gentleman from Illinois to allow me to offer a resolution, which will take but a minute.

Mr. ANDERSON, of Illinois. Regular order.

The SPEAKER. The regular order being demanded the Chair will submit the motion of the gentleman from Illinois.

Mr. RYAN. What is the motion?

The SPEAKER. That the House take a recess for forty minutes.

The question was taken; and upon a division there were—ayes 43, noes 11.

Mr. ANDERSON, of Kansas, Mr. WHEELER, and others. No quorum.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. There is a privileged motion pending.

Mr. WHEELER. I rise to a question which might involve the highest privilege that any member ever rose to in this House.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. The communications to which the gentleman from Louisiana [Mr. BLANCHARD] has referred and which he had in his hand a few moments ago—— [Cries of "Regular order!"]

The SPEAKER. The gentleman from Alabama will proceed and state the question of privilege.

Mr. WHEELER. The communications referred to by the gentleman from Louisiana were communications which early this morning I placed in the hands of an officer of this House to be sent to three members of the Senate, and that officer, or his messenger, was refused the liberty of passing through the halls of this Capitol to deliver those communications to the Senators to whom they were addressed. All this trouble arises from either improper orders being given to officials of the Senate, or else those officials have misconceived the true intent of the orders under which they are acting. In either event the matter requires investigation and that measures be taken to prevent a recurrence. There must be free and uninterrupted communication between the Senate and the House of Representatives. I now move, if it be in order, that the Sergeant-at-Arms be directed to take the communications and deliver them to the Senate Chamber, and, if it be necessary, to take a posse strong enough in numbers to enable him to deliver them to the Senate. [Applause.] [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Illinois that the House now take a recess, and the Chair will continue to enforce the regular order until the demand is withdrawn.

Mr. WHEELER. But I have risen to a question of privilege. In the present case the matter may not be important, but we must correct the abuse now, because if we do not a similar case might arise in a matter of the highest importance.

The SPEAKER. The Chair will state to the gentleman from Alabama that he does not specify any particular communication, does not state that any officer of this House has been denied passage through the halls of this Capitol to deliver such communications to the Senate, and the Chair is unable to see any question of privilege presented in the remarks of the gentleman from Alabama.

Mr. WHEELER. The gentleman from Louisiana informs me that an officer of the House notified him that admission was refused to his messenger.

The SPEAKER. The gentleman from Louisiana stated that one of the pages of the House was not admitted on the occasion to which the gentleman from Alabama refers. The Chair does not see that a question of privilege is involved.

Mr. FARQUHAR. That is right. This is all buncombe anyhow, because there is perfect communication between the two bodies.

VISITORS TO UNITED STATES MILITARY ACADEMY.

The SPEAKER announced the appointment, under section 1327 of the Revised Statutes, of the following Visitors to the Military Academy for the ensuing year: Mr. ROBERTSON of Louisiana, Mr. YODER of Ohio, and Mr. STEELE of Indiana.

VISITORS TO NAVAL ACADEMY.

The SPEAKER also, under section 1327 of the Revised Statutes, appointed as Visitors to the Naval Academy for the ensuing year Mr. HERBERT of Alabama, Mr. MCADOO of New Jersey, and Mr. GROSVENOR of Ohio.

ORDER OF BUSINESS.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. ANDERSON, of Illinois, and Mr. ANDERSON, of Kansas, were appointed tellers.

The House proceeded to divide.

Pending the division by tellers,

Mr. CANNON. Mr. Speaker, I ask unanimous consent to make a brief statement.

The SPEAKER. Does the gentleman from Illinois who made the pending motion yield for that purpose?

Mr. ANDERSON, of Illinois. Yes, sir.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House, I wish to state that there is upon the Calendar of the House a bill, unanimously and favorably reported from the Committee on Naval Affairs, providing for the creation of the office of Assistant Secretary of the Navy, at a salary of $5,000 per annum. This legislation is recommended by the Secretary of the Navy, and I have been satisfied for many years that there should be, from civil life, an Assistant Secretary of the Navy appointed to assist that official in the proper administration of the affairs of that great Department of the Government, and to act somewhat as a brake against the combined efforts of the technical knowledge and pressure of naval officers brought to bear upon them. Now that we are building a great navy and spending multiplied millions of dollars this is especially desirable, and I want to ask, Mr. Speaker, unanimous consent to move to suspend the rules and pass that bill.

The SPEAKER. The Chair understood the gentleman from Illinois to yield to his colleague to make a statement only.

Mr. CANNON. Yes; and in that statement I want to ask unanimous consent that I may submit this motion to suspend the rules and pass this bill.

Mr. ANDERSON, of Illinois. If the matter on which the House is now dividing is considered as pending I will yield for that motion.

The SPEAKER. The Chair will submit the request of the gentleman from Illinois for unanimous consent to move to suspend the rules and pass the bill.

Mr. MCCREARY and Mr. KILGORE objected.

Mr. CANNON. Well, then, I move to suspend the rules——

The SPEAKER. The Chair can not entertain a motion for the suspension of the rules. There is a motion to suspend the rules now pending; the contested-election case is pending with the question of consideration raised upon it. There is a motion for a recess pending with several amendments, and of course the Chair can not recognize any gentleman to make any other motion to suspend the rules at this time.

Mr. CANNON. Well, I have done all I could.

MR. STILSON HUTCHINS.

Mr. COX. With the permission of the tellers and the Chair I would like to ask unanimous consent to pass a resolution. I think it will take no time, if it were read.

The SPEAKER. Does the gentleman from Illinois yield to have the resolution read?

Mr. ANDERSON, of Illinois. I yield to have it read.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives in Congress assembled, That the thanks of Congress are due and are hereby granted to Hon. Stilson Hutchins for his gift to the national capital of a statue of Benjamin Franklin, erected by him on Pennsylvania avenue.

Mr. COX. I will state, Mr. Speaker, that this statue of Benjamin Franklin cost this gentleman a large sum of money, and is a very elegant gift to the city. I hope that Congress will take some befitting notice of it like this.

Mr. KILGORE. I would like to have the resolution read.

Mr. BAKER, of New York. It involves no appropriation.

Mr. KILGORE. I do not object, but I am inclined to object.

Mr. BLAND. Mr. Speaker, I desire to make an inquiry. If this resolution pass, would not that permit the gentleman to have the privileges of the floor?

The SPEAKER. It would.

Mr. BLAND. Then I doubt the propriety of giving gentlemen the privilege.

Mr. KILGORE. I object.

Mr. COX. Amend the resolution in that way.

Mr. CUTCHEON (to Mr. COX). Has any communication been made to Congress concerning this monument?

Mr. COX. There has.

Mr. CUTCHEON. I have never seen any.

The SPEAKER. The gentleman from Texas objects, and the resolution is not before the House.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. MCMILLIN. I ask consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait on the President of the United States and inform him that Congress, having finished its business, unless he may have some further communication to make, the two Houses of Congress are now ready to close its session by adjournment *sine die*.

The resolution was agreed to.

The SPEAKER appointed Mr. MCMILLIN, Mr. C. R. BRECKINRIDGE, and Mr. KELLEY as the committee on the part of the House.

Mr. MCMILLIN moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Tellers proceeded with the count.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had acceded to the request of the House of Representatives.

Several MEMBERS. Let the resolutions be read.

ARRANGEMENTS FOR INAUGURAL CEREMONIES.

The SPEAKER *pro tempore*. The Clerk will report the resolution for information of members.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 2, 1889.

Ordered, That the Senate accede to the request of the House of Representatives, to be executed under such regulations as the President of the Senate shall prescribe.

Mr. GROSVENOR. I move that the resolution lie on the table.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced the approval of sundry House bills and joint resolutions as follows:

Approved on March 2:

An act (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Lousiana;

An act (H. R. 11197) for the removal of the political disabilities of Henry A. Ramsay;

An act (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.;"

An act (H. R. 11165) for the relief of Mary Gray, widow of John Gray;

An act (H. R. 10832) for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York;

An act (H. R. 12524) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company;

An act (H. R. 11917) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

An act (H. R. 5888) for the relief of W. H. Boyd;

An act (H. R. 948) for the relief of William H. Tabarrah;

An act (H. R. 6394) for the relief of Hayem & Taylor;

An act (H. R. 12062) granting an increase of pension to Frank L. Wolford;

An act (H. R. 12575) to increase the pension of James N. Barrett;

An act (H. R. 12482) to increase the pension of Elizabeth L. Snell;

An act (H. R. 12275) to increase the pension of John W. Smith;

An act (H. R. 10725) to increase the pension of Elizabeth M. Allen;

An act (H. R. 12510) granting a pension to George Hunter;

An act (H. R. 12446) granting an increase of pension to Jacob S. Shuman;

An act (H. R. 10167) increasing the pension of Nathaniel Crain;

An act (H. R. 12540) to increase the pension of Theodore White;

An act (H. R. 11884) to grant a pension to William Hawkins;

An act (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company;

An act (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails;

An act (H. R. 11970) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes;

An act (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District, and for other purposes;

An act (H. R. 7777) to provide for the sale of lands patented to certain members of the Flathead band of Indians in Montana Territory, and for other purposes;

An act (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River, in Louisiana;

An act (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11782) to approve and ratify the construction by the

Vicksburg, Shreveport and Pacific Railroad Company of the bridge over the Red River, at Shreveport, La., and the bridge over the Ouachita River, at Monroe, La., and to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions;

An act (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek at a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri;"

An act (H. R. 10588) to authorize the construction of a bridge over the St. John's River in the State of Florida;

An act (H. R. 11573) to authorize the construction of bridges across the Kentucky River;

An act (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

An act (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri;

An act (H. R. 6106) for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico;

An act (H. R. 157) correcting the military history of Robert McNutt;

An act (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico;

An act (H. R. 12420) granting a pension to Lucy, widow of Muck-a-pec-wah-keu-zah, or "John," an Indian who served the United States and saved the lives of many white persons in the Indian outbreak or war of 1862, and died from the effects of wounds received therein;

An act (H. R. 8100) granting a pension to Anna J. Weaver;

An act (H. R. 12489) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa;

An act (H. R. 2070) for the relief of the widow of Arno Voss;

An act (H. R. 12383) making appropriation for the support of the Army for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 10644) granting a pension to Elizabeth Peterson;

An act (H. R. 11663) granting a pension to M. Josie McClain;

An act (H. R. 11651) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11184) for the relief of Jessie Isherwood;

An act (H. R. 12428) for the relief of Martha Rhodes;

An act (H. R. 11043) to restore to the pension-roll the name of Catharine Buchanan;

An act (H. R. 2598) for the relief of William Whitehouse;

An act (H. R. 8995) for the relief of Antonia Wiener;

An act (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Below;

An act (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890;

An act (H. R. 9674) to regulate the course at the Naval Academy;

An act (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior;

An act (H. R. 12324) for the establishment of a light-house station on St. Catharine Island, State of Georgia;

An act (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor;

An act (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo.;

An act (H. R. 12384) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

An act (H. R. 9718) for the relief of J. W. Parish & Co.;

An act (H. R. 5390) granting a pension to John Limeric;

An act (H. R. 3916) granting a pension to Jacob Wolf;

An act (H. R. 2862) granting a pension to William Ford;

An act (H. R. 11707) granting a pension to Gertrude Northrop;

An act (H. R. 11984) granting a pension to Mrs. Helen Sutherland;

An act (H. R. 12491) granting a pension to Lucinda Mewman;

An act (H. R. 8429) granting a pension to W. W. Wilson;

An act (H. R. 3106) for the relief of Lieutenant-Colonel Eyre;

An act (H. R. 11128) for the disposition of the agricultural lands embraced within the limits of the Pipestone Indian reservation, in Minnesota;

An act (H. R. 6411) granting a pension to Sarah Jackson;

An act (H. R. 2875) for the relief of Mrs. Louisa H. Hasell;

An act (H. R. 4203) granting a pension to the widow of Adam Shrake;

An act (H. R. 382) granting a pension to Catherine G. Bodfish;

An act (H. R. 8127) for the relief of Lucy M. Swinnear and Mary E. Hanserd;

An act (H. R. 9227) for the relief of Mary Newton;

An act (H. R. 12608) to pension William J. Martin;

An act (H. R. 12403) granting a pension to Bennett Cooper;

An act (H. R. 12404) granting a pension to Robert W. Andrews;

An act (H. R. 12619) granting a pension to Littleberry W. Baker;

An act (H. R. 9113) granting a pension to Frank M. Martin;

An act (H. R. 12607) to grant a pension to Ira Wells;

An act (H. R. 8327) for the relief of Joseph Lawless;

An act (H. R. 9455) granting a pension to Benjamin F. Clayton;

An act (H. R. 2737) granting a pension to Anna Krumpholz;

An act (H. R. 12604) to restore the pension of Ann G. Barker;

An act (H. R. 8225) for the relief of William S. Kellington;

An act (H. R. 12273) for the relief of Newton C. Ridenour;

An act (H. R. 8276) for the relief of the estate of Benjamin F. Richardson;

An act (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard;

An act (H. R. 7800) for the relief of John De Bree, executor of Margaret T. Higgins;

An act (H. R. 12008) making appropriatians for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes;

An act (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes;

An act (H. R. 8307) for the relief of John T. Higgins;

An act (H. R. 3765) for the relief of James Devine;

An act (H. R. 9949) for the relief of Patrick C. McQueeny;

An act (H. R. 9271) for the relief of James A. Stewart;

An act (H. R. 5716) to establish a light at the mouth of Otter Creek, Lake Champlain, and for other purposes;

An act (H. R. 6050) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims;

An act (H. R. 12571) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and other purposes;

An act (H. R. 8740) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein;

An act (H. R. 11634) to provide for allotment of land in severalty to United Peorias and Miamies, in Indian Territory, and for other purposes;

Joint resolution (H. Res. 268) to authorize the printing of the proceedings in Congress in accepting the statue of the late Lewis Cass, an illustrious citizen, presented by the State of Michigan, and the statues of the late Maj. Gen. John Peter Gabriel Muhlenberg and Robert Fulton, illustrious citizens, presented by the State of Pennsylvania; and

Joint resolution (H. Res. 252) appointing H. H. Markham, of California, a manager for the National Homes for Disabled Soldiers, to fill the vacancy caused by the death of William Blanding.

Mr. CASWELL. Mr. Speaker, I desire to inquire if it would be in order to have read some of the vetoes now upon the Speaker's table, notably that of the direct-tax bill?

The SPEAKER *pro tempore*. The Chair will say to the gentleman that the House is now dividing upon a motion to take a recess, and there are three other questions of the highest privilege pending before the House.

Mr. CASWELL. Are they higher than the constitutional privilege to have a veto immediately read?

Mr. ANDERSON, of Illinois. Mr. Speaker, I insist on the regular order.

CENTENNIAL CELEBRATION OF INAUGURATION OF FIRST PRESIDENT.

The SPEAKER announced the appointment of the following committee to attend the centennial celebration of the inauguration of the first President of the United States:

Hon. WILLIAM C. OATES, of Alabama.
Hon. JOHN H. ROGERS, of Arkansas.
Hon. JOSEPH MCKENNA, of California.
Hon. HOSEA TOWNSHEND, of Colorado.
Hon. CHARLES A. RUSSELL, of Connecticut.
Hon. JOHN B. PENINGTON, of Delaware.
Hon. R. H. M. DAVIDSON, of Florida.
Hon. HENRY G. TURNER, of Georgia.
Hon. A. J. HOPKINS, of Illinois.
Hon. WILLIAM D. OWEN, of Indiana.
Hon. JOHN H. GEAR, of Iowa.
Hon. EDWARD N. MORRILL, of Kansas.
Hon. WILLIAM J. STONE, of Kentucky.
Hon. NEWTON C. BLANCHARD, of Louisiana.
Hon. CHARLES A. BOUTELLE, of Maine.
Hon. CHARLES H. GIBSON, of Maryland.
Hon. WILLIAM COGSWELL, of Massachusetts.

Hon. JUSTIN R. WHITING, of Michigan.
Hon. MARK H. DUNNELL, of Minnesota.
Hon. C. E. HOOKER, of Mississippi.
Hon. ALEXANDER M. DOCKERY, of Missouri.
Hon. GEORGE W. E. DORSEY, of Nebraska.
Hon. HORACE F. BARTINE, of Nevada.
Hon. OREN C. MOORE, of New Hampshire.
Hon. JAMES BUCHANAN, of New Jersey.
Hon. CHARLES S. BAKER, of New York.
Hon. A. ROWLAND, of North Carolina.
Hon. JOSEPH H. OUTHWAITE, of Ohio.
Hon. BINGER HERMANN, of Oregon.
Hon. CHARLES O'NEILL, of Pennsylvania.
Hon. H. J. SPOONER, of Rhode Island.
Hon. WILLIAM ELLIOTT, of South Carolina.
Hon. J. D. RICHARDSON, of Tennessee.
Hon. ROGER Q. MILLS, of Texas.
Hon. WILLIAM W. GROUT, of Vermont.
Hon. W. H. F. LEE, of Virginia.
Hon. WILLIAM L. WILSON, of West Virginia.
Hon. LUCIEN B. CASWELL, of Wisconsin.
Hon. MARCUS A. SMITH, of Arizona.
Hon. GEORGE A. MATTHEWS, of Dakota.
Hon. FREDERICK T. DUBOIS, of Idaho.
Hon. THOMAS H. CARTER, of Montana.
Hon. ANTONIO JOSEPH, of New Mexico.
Hon. JOHN T. CAINE, of Utah.
Hon. JOHN B. ALLEN, of Washington.
Hon. JOSEPH M. CAREY, of Wyoming.

LEAVE TO PRINT.

By unanimous consent, leave to print in the RECORD remarks on the Indian appropriation bill was granted to Mr. WEAVER, Mr. SPRINGER, Mr. RYAN, Mr. PERKINS, and Mr. PETERS.

Mr. LANDES, by unanimous consent, obtained leave to print in the RECORD remarks on the sundry civil appropriation bill.

Mr. WILSON, of West Virginia, by unanimous consent, obtained leave to print remarks on the question of privilege raised by the Senate revenue bill and on said bill.

Mr. MILLS, by unanimous consent, obtained leave to print a letter from the Secretary of the Treasury on the same subject.

WITHDRAWAL OF PAPERS.

Mr. ENLOE, by unanimous consent, obtained leave to withdraw papers on file in the case of A. W. Jones from the files of the House without leaving copies.

Mr. MCCORMICK, by unanimous consent, obtained leave to withdraw from the files the papers filed with the bill (H. R. 2263) for the relief of John W. Howard.

Mr. CUMMINGS, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Patrick Gavin and Cornelius O'Leary without leaving copies.

Mr. RUSK, by unanimous consent, obtained leave to withdraw papers filed with House bill 3739 for the relief of Charles H. Dexter.

Mr. GAINES asked unanimous consent to print in the RECORD remarks on the repeal of the tax on tobacco.

Mr. BRECKINRIDGE, of Kentucky. Let the leave be general.

The SPEAKER *pro tempore*. There is no general request submitted on the part of members. This is an individual request.

Mr. SPRINGER. I make the point of order that the tax on tobacco has not been repealed. [Laughter.]

The request of Mr. GAINES was granted.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent that all members who desire to do so may print in the RECORD remarks upon the bill.

Mr. KERR. I object.

Mr. CANNON, by unanimous consent, obtained leave to print in the RECORD a statement covering the appropriations of this Congress.

Mr. ENLOE. Mr. Speaker, I think we have now provided for enlarging the RECORD to a sufficient extent, and I shall object to further consent to print anything in it that is not part of the proceedings of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that that body had adopted a resolution that a committee of two Senators be appointed to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some further communication to make to them, and that it had appointed Mr. SHERMAN and Mr. SAULSBURY as the committee on its part.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to take up and put upon its passage the bill which I send to the desk.

The SPEAKER *pro tempore*. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (H. R. 3612) donating condemned cannon and small-arms to Naval Post 400, Grand Army of the Republic, Department of Pennsylvania.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. KILGORE. I understand that the committee have reported against all such bills as that, and I object on that ground.

Mr. BLAND. Let us have the regular order.

Mr. WHEELER. Mr. Speaker, I have a bill which I should like to be recognized to call up. [Laughter.]

The SPEAKER *pro tempore*. The regular order is insisted upon, as the Chair has stated to the gentleman more than once.

Mr. WHEELER. If this bill is not considered now it will be lost. [Laughter.]

Mr. BLAND. A great many bills that will be lost ought to be lost.

GEORGE MAXWELL AND OTHERS.

Mr. MORRILL, by unanimous consent, obtained leave to withdraw from the files of the House papers in support of the bill (H. R. 8596) for the relief of George Maxwell, F. C. Buckley, and H. L. Newman.

DONATION OF CONDEMNED CANNON.

Mr. BINGHAM. I ask unanimous consent for the consideration of a bill at the present time.

The SPEAKER *pro tempore*. The regular order has been insisted upon; and the gentleman who made the demand gave notice to the Chair that he would not withdraw it.

Mr. BINGHAM. I understand the objection is withdrawn.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (S. 3612) donating condemned cannon to Naval Post No. 400, Grand Army of the Republic, Department of Pennsylvania.

The SPEAKER *pro tempore*. Is the call for the regular order insisted upon?

Mr. KILGORE. It is.

Mr. BAKER, of New York, addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Missouri stated that he insisted on the regular order; and the gentleman from Texas [Mr. KILGORE] has just renewed the demand.

Mr. BINGHAM. What gentleman from Texas objects to this bill?

Mr. KILGORE. I withdraw my objection under the circumstances.

The bill was read; and there being no objection, the House proceeded to its consideration.

An amendment reported by the committee was read, as follows:

Insert in line 11 the words "twelve muskets and percussion caps."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. BAKER, of New York, by unanimous consent, obtained leave to print in the RECORD remarks on the Canadian reciprocity resolution.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. OSBORNE. I ask unanimous consent for the consideration of the bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.

The SPEAKER *pro tempore*. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. There is.

Mr. ANDERSON, of Illinois. I insist on the regular order.

PUBLIC PARK, ST. AUGUSTINE, FLA.

Mr. WHEELER. I ask unanimous consent to take from the Calendar and put on its passage Senate bill No. 2946. It does not take a cent from the Treasury, and is of considerable importance to the people of St. Augustine. I hope no one will object to its consideration.

The title of the bill was read, as follows:

A bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. MILLS. Let us have the regular order.

Mr. BUCKALEW. It is useless for gentlemen to have bills passed now. It will be utterly impossible to present them to the President.

Mr. WHEELER. The objection has been withdrawn.

Mr. DAVIDSON, of Florida. And I hope the Speaker will again submit the request for unanimous consent.

The SPEAKER *pro tempore*. The Clerk will again read the title of the bill, and the Chair will ask for objection.

The Clerk read as follows:

A bill granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes.

The SPEAKER *pro tempore*. Is there objection?

Mr. BUCKALEW and Mr. LYNCH objected.

Mr. O'NEALL, of Indiana. I wish to ask unanimous consent to print some remarks in the RECORD on the Sullivan-Felton contested-election case.

Mr McKENNA, Mr. STEELE, and others objected.

The SPEAKER *pro tempore*. Objection is made.

Mr. O'NEALL, of Indiana. Do I understand objection is made?

The SPEAKER *pro tempore*. Several gentlemen objected.

Mr. O'NEALL, of Indiana. Who objected? I did not see any one rise to object.

The SPEAKER *pro tempore*. The gentleman from California [Mr. MCKENNA] rose in his place and with other gentlemen objected to the request.

Mr. O'NEALL, of Indiana. Then I call up that case and ask its present consideration as a matter of privilege. Am I heard by the Chair? [Laughter.]

The SPEAKER *pro tempore*. This case has already been called up and the question of consideration is pending upon it, pending which there is a motion that the House take a recess, and the regular order is insisted upon.

Mr. O'NEALL, of Indiana. By whom?

Mr. STEELE. Well, I insist upon it.

THANKS TO THE SPEAKER.

Mr. REED. Mr. Speaker, I desire to offer a privileged resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to Hon. JOHN G. CARLISLE, the Speaker, for the courtesy, ability, and fairness with which he has presided over the deliberations of the Fiftieth Congress.

[Applause.]

The SPEAKER *pro tempore* (Mr. HATCH). Gentlemen of the House of Representatives, for the third time in three consecutive Congresses the present occupant of the chair has had the privilege and the pleasure of submitting a similar resolution to that now presented to the House of Representatives for adoption. I am sure that with the knowledge that the present Speaker of the House will retire from the high position he has occupied for three consecutive terms this resolution will not only be adopted with unanimity, but with the cordial feeling of every member of this House as to the justice and propriety of its adoption. [Applause and cries of "Rising vote!"]

The question was taken on the adoption of the resolution.

The SPEAKER *pro tempore*. Three hundred and ten votes in the affirmative, none in the negative, and the resolution is unanimously adopted. [Prolonged applause.]

THANKS TO OFFICERS AND EMPLOYÉS.

Mr. BLAND. On behalf of the other officers of the House, I present the following resolution and ask its adoption.

The Clerk read as follows:

Resolved, That the thanks of this House be, and they are hereby, extended to the Clerk, the Doorkeeper, the Sergeant-at-Arms, the Postmaster, the Chaplain, and other officers and employés of the House for the faithful and efficient performance of their duties during the present Congress.

Mr. HOOKER. Mr. Speaker, I move to include by name the Official Reporters of debates of the House of Representatives. [Cries of "That's right!"]

The SPEAKER *pro tempore*. Without objection the resolution will be so modified.

There was no objection.

The resolution as modified was unanimously adopted.

[The Speaker here resumed the chair.]

APPROPRIATIONS.

Mr. RANDALL. Mr. Speaker, I do not wish to detain the House now further than to ask the privilege of printing in the RECORD a statement summarizing the figures in connection with the various general appropriation bills—a statement of the sort usually submitted at the close of a session.

Chronological history of appropriation bills, second session of the Fiftieth Congress; estimates and appropriations for the fiscal year 1889–'90; *and appropriations for fiscal year* 1888–'89.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1890.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1889–'90.	Law, 1888–'89.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Amount.	Amount.
Agricultural	$1,686,160.00	1889. Feb. 2	$1,631,010.00	1889. Feb. 8	$1,631,010.00	1889. Feb. 21	$1,699,470.00	1889. Feb. 22	$1,701,470.00	$1,669,770.00	$1,716,010.00
Army	24,970,658.24	Jan. 25	24,466,615.73	Feb. 8	23,978,115.73	Feb. 22	24,057,615.73	Feb. 26	24,320,115.73	24,300,115.73	24,471,300.00
Diplomatic and consular	1,947,565.00	1888. Dec. 20	1,427,025.00	Jan. 12	1,427,025.00	Jan. 25	2,050,325.00	Jan. 31	2,080,325.00	1,980,025.00	1,428,465.00
District of Columbia*	5,949,535.61	Dec. 6	4,927,193.61	1888. Dec. 10	4,943,193.61	Jan. 22	5,981,806.91	Jan. 25	6,296,139.91	5,687,406.91	5,046,410.32
Fortification	5,552,000.00	1889. Jan. 2	890,000.00	1889. Jan. 19	915,320.00	Feb. 8	1,136,094.00	Feb. 9	1,336,094.00	1,205,594.00	3,972,000.00
Indian	5,475,410.50	Feb. 13	5,637,893.05	Feb. 27	7,878,361.07	Mar. 1	7,852,571.35	Mar. 2	8,027,524.78	8,035,724.78	‖8,263,700.79
Legislative, etc	21,087,485.25	1888. Dec. 14	20,802,245.81	1888. Dec. 18	20,803,145.81	Feb. 4	20,864,405.81	Feb. 8	20,885,125.81	20,840,535.81	20,758,178.07
Military Academy	1,026,776.69	Dec. 18	904,266.69	1889. Jan. 12	904,266.69	Jan. 25	902,766.69	Jan. 25	902,766.69	902,766.69	315,043.81
Navy	26,767,277.74	1889. Jan. 21	19,909,010.27	Feb. 2	20,009,010.27	Feb. 8	22,855,574.98	Feb. 12	23,080,574.98	21,692,510.27	19,942,835.35
Pension	81,750,700.00	1888. Dec. 7	81,757,500.00	1888. Dec. 10	81,740,000.00	Jan. 25	81,758,200.00	Feb. 8	81,758,200.00	81,758,200.00	81,758,700.00
Post-Office†	66,812,073.02	1889. Feb. 2	66,595,344.28	1889. Feb. 21	66,595,344.28	Feb. 27	66,605,344.28	Feb. 29	66,700,344.28	66,605,344.28	60,860,233.74
River and harbor	‡5,677,000.00	1888. Dec. 12	11,906,850.00								22,397,616.90
Sundry civil	28,574,448.46	1889. Jan. 8	22,852,996.47	Jan. 29	23,470,830.65	Feb. 18	26,137,881.65	Feb. 22	26,923,981.65	25,277,341.65	26,320,804.84
Total	277,285,090.51		263,707,950.91		254,295,623.11		261,902,056.40		264,012,662.83	259,955,335.12	277,251,298.82
Deficiency, 1889 and prior years	§20,000,000.00	Feb. 12	14,568,281.77	Feb. 26	14,728,954.31	Mar. 1	17,670,290.24	Mar. 1	18,659,652.84	16,423,360.60	¶19,563,383.26
Total	297,285,090.51		278,276,232.68		269,024,577.42		279,572,346.64		282,672,315.67	276,378,695.72	296,814,682.08
Miscellaneous	§6,500,000.00									§5,500,000.00	10,170,862.55
Total regular annual appropriations	303,785,090.51									281,878,695.72	306,985,544.63
Permanent annual appropriations	108,691,055.95									108,691,055.95	115,640,798.90
Grand total regular and permanent annual appropriations	412,476,146.46									390,569,751.67	422,626,343.53

Amount of estimated revenues for fiscal year 1890	$377,000,000.00
Amount of estimated postal revenues for fiscal year 1890	62,508 658.12
Total estimated revenues for fiscal year 1890	439,508,658.12

* Fifty per cent. of the amounts appropriated for the District of Columbia is paid by the United States. The amount for the water department (estimated for 1890 at $237,125.64) is paid out of the revenues of that department.

† This amount includes $2,858,798.62 for payment of judgment of Court of Claims in favor of the Choctaw Nation.

‡ The appropriations for the postal service are paid out of the postal revenues (estimated for 1890 at $62,508,658.12), and any deficiency in the revenue is provided for out of the Treasury of the United States.

§ This is the estimate submitted for rivers and harbors for 1890. "The amount that can be profitably expended," as reported by the Chief of Engineers, is $32,012,250. (Book of Estimates, page 177.)

‖ This sum is approximated.

¶ This is the aggregate amount of the four deficiency acts passed during the first session of the Fiftieth Congress.

ADJOURNMENT SINE DIE.

The SPEAKER. Gentlemen of the House of Representatives, under the circumstances I will detain you but a moment to return my thanks for the resolution you have just adopted, and to express my grateful appreciation of the kindness and courtesy which have characterized all your intercourse with me as the presiding officer of this body.

After a continuous service for three terms I will leave this chair to-day with sentiments of the warmest friendship and the most profound respect, not only for the gentlemen who compose the present House, but for all who have preceded them since I have been its presiding officer; and while the termination of my official labors and responsibilities affords of itself no occasion for regret, I can not without reluctance sever the connections which have so long existed between us. [Applause.]

Looking back over the scenes of excitement and contention which necessarily occur, from time to time, in a body like this, it is impossible not to remember with regret many hasty words and unpleasant incidents; but it is gratifying to know that no feeling of resentment survives to disturb our friendly personal relations in the future. And now, gentlemen, in declaring an adjournment which closes the first century of our legislative history under the Constitution, I may be permitted to express the earnest hope that when another hundred years shall have rolled around, the Union of these States, under which the capacity of the people for self-government has already been demonstrated, will still endure [prolonged applause], and that the Representatives then assembled in this or in some other and greater Hall may have constituencies as intelligent, as patriotic, and as free as those who have sent us here.

The House now stands adjourned without day. [Prolonged applause.]

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. JEHU BAKER: A bill (H. R. 12660) for the relief of James Stack—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 12661) for the relief of Stephen Garton—to the Committee on War Claims.

By Mr. JEHU BAKER: A bill (H. R. 12662) granting a pension to Daniel P. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12663) for the relief of Ferdinand Siegle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12664) granting a pension to George W. Miller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. JEHU BAKER: Petition of D. B. Evans and others, favoring an increase of pension for James Slack—to the Committee on Invalid Pensions.

Also, petition of Allen Brown, Company H, Second Ohio Volunteers, for relief—to the Committee on Invalid Pensions.

Also, affidavit of John Boman, in support of his pension claim—to the Committee on Invalid Pensions.

Also, petition of Hubbard Post, No. 534, Grand Army of the Republic, in favor of pensioning all honorably-discharged soldiers—to the Committee on Invalid Pensions.

Also, petition of Charles C. Roesch, for special-act pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Randolph County, Illinois, and other papers, favoring a pension for Daniel P. Roberts—to the Committee on Invalid Pensions.

Also, resolutions of the Peoria Board of Trade, favoring Government telegraphy—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of board of supervisors of Bureau County, Illinois, relative to swamp and overflow lands—to the Committee on the Public Lands.

Also, petition of John L. Seargeant, for payment of his war claim—to the Committee on War Claims.

Also, petition of Ferdinand Siegle, with accompanying papers, for a pension—to the Committee on Invalid Pensions.

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania, for a general pension—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Petition of Robert O. Nobbs Post, No. 521, Grand Army of the Republic, in favor of the publication of the official records of the rebellion—to the Committee on Printing.

By Mr. BYNUM: Petition and affidavit of Joseph Yager, Company G, Sixty-ninth Regiment Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of the American Export and Trading Company, of New York, for encouraging American shipping—to the Committee on Commerce.

By Mr. DUNHAM: Petition of John N. Jewett and 19 others, citizens of Chicago, Ill., favoring the copyright bill—to the Committee on Patents.

By Mr. JACKSON: Memorial of the Legislature of Pennsylvania, in favor of a general service-pension bill—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Papers in the claim of Mrs. Margaret Turberville, of Fairfax County, Virginia, for relief—to the Committee on War Claims.

By Mr. McMILLIN: Petition of citizens of Tennessee, for increase of compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. MONTGOMERY: Petition of administratrix of Govey Hood, deceased, late of Marion County, Kentucky, for reference of his claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of George W. Skelton, and of Jacob H. Lindsay, of Rockingham County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Petition of J. P. Allen and others, citizens of Kansas, for the establishment of a silk station at Wichita, Kans.—to the Committee on Appropriations.

Also, petition for the relief of Hosea Stone—to the Committee on Military Affairs.

Also, resolutions of Kansas Legislature, relative to Fort Hayes military reservation—to the Committee on the Public Lands.

By Mr. RYAN: Resolution of the Legislature of Kansas, for a deep-water harbor on the coast of Texas—to the Committee on Rivers and Harbors.

Also, resolution of the same, relative to pension legislation—to the Committee on Invalid Pensions.

Also, resolution of the same, relative to the assassination of John M. Clayton—to the Committee on Elections.

Also, resolution of the same, in favor of House bill No. 11697—to the Committee on the Public Lands.

By Mr. SENEY: Petition of Thomas Allen Post, Grand Army of the Republic, No. 578, for publication of war records—to the Committee on Printing.

By Mr. J. D. TAYLOR: Petition of Thoburn Post, No. 72, Grand Army of the Republic, Martin's Ferry, Ohio, in favor of publishing the official record of the Union and Confederate armies, and of General Lander Post, No. 482, Grand Army of the Republic, in favor of publishing the official records—to the Committee on Printing.

By Mr. VOORHEES: Petition of 2,133 citizens of Washington Territory, for the immediate admission of the Territory into the Union under the name of Washington—to the Committee on the Territories.

By Mr. WHEELER: Petition of Jesse Cargyle, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. E. P. ALLEN: Of 182 citizens of Wayne County, Michigan.

By Mr. BREWER: Of 30 citizens of Michigan.

By Mr. KENNEDY: Of J. J. Hustin and others, of Ohio.

By Mr. McKINNEY: Of citizens of New Hampshire.

By Mr. PIDCOCK: Of citizens of Kingston, N. J., and of citizens of New Jersey.

By Mr. PLUMB: Of 1,209 citizens of Illinois.

By Mr. STONE, of Missouri: Of A. J. Holmes and others, citizens of Missouri.

By Mr. VANCE: Of 484 citizens of Connecticut.

By Mr. VOORHEES: Of citizens of Anacortes, and of Colfax, Wash., and of the Woman's Christian Temperance Union of Washington Territory.

By Mr. YARDLEY: Of 588 citizens of Pennsylvania.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BREWER: Of 28 citizens of De Witt, Mich.

By Mr. FORD: Of 96 citizens of Fennville, and of 23 citizens of Kent County, Michigan.

By Mr. GROUT: Of 24 citizens of Cambridgeport, Vt.

By Mr. MACDONALD: Of citizens of Meeker County, Minnesota.

By Mr. PERKINS: Of Benjamin J. Green and 69 others, citizens of Crawford County, Kansas.

By Mr. WILLIAM WHITING: Of 49 citizens of Sunderland, and of 129 citizens of Wendell, Mass.

By Mr. WILLIAMS: Of 57 citizens of Piqua, Ohio.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Claims under the Eight-Hour Law.

SPEECH

OF

HON. JAMES E. COBB,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 5, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 1539) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law—

Mr. BLOUNT said: I yield fifteen minutes to the gentleman from Alabama [Mr. COBB].

Mr. COBB. Mr. Chairman, notwithstanding the discussion given to the pending measure at the last session of Congress, its great importance justifies additional scrutiny of its provisions. I read the bill in full in order to give it, as I shall attempt to do, fair and just analysis:

Be it enacted, etc., That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, whether engaged at per diem compensation or piece or task work, without any redution of pay on account of the reduction of the hours of labor.

SEC. 2. That all claims for labor so performed in excess of eight hours per day are hereby referred to the Court of Claims, to be adjudicated upon the basis that eight hours constitute a day's work, and are to be paid for at the price per day as provided for in the first section of this act, and judgment given against the United States in favor of each claimant for the amount found due, to be paid as other judgments of the Court of Claims against the United States; and no statute of limitation, agreement, or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section of this act, shall bar the right of recovery: *Provided*, That all suits under this act shall be commenced within two years from and after its passage; and any number of said claimants may join in the same suit.

I also read in connection the act of Congress of the 25th of June, 1868, known as the eight-hour law:

Be it enacted, etc., That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now enployed or who may be hereafter employed by or on behalf of the Government of the United States. (U. S. Stats. at Large, volume 15, page 77.)

This bill is remarkable in several particulars.

It construes the act just read, and makes the new construction operate retrospectively for more than twenty years.

It enlarges the act in that it authorizes its application to piece and task work, which is not within its original scope; and gives the enlargement also retroactive effect.

It repeals statutes of limitation, destroys agreements, and nullifies receipts.

Its whole tenor and scope are in contravention of the wisest and best established principles and rules of the common law.

What an invitation to litigation is here presented, if not to perjury and fraud.

In many suits likely to be brought under the provisions of the bill, if it becomes a law, the court will of necessity proceed on the *ex parte* evidence of the claimants. For in very many of the transactions of the past twenty years in which it may be alleged that laborers, workmen, and mechanics were employed by or on behalf of the Government of the United States no record was made, either as to the rendition of services or as to the character, quantity, or quality of the labor performed. This view is especially applicable to the provisions of the bill with reference to piece and task work, and with reference to employments made on behalf of the Government and not directly by it.

We may well pause at the threshold of legislation like this to consider its foundation and scope and consequences.

So far as the bill extends the eight-hour law to piece and task work heretofore done, it operates to bestow gratuities on individuals; and if such legislation is within the constitutional power of Congress, it is certainly ill-advised and improvident.

But gentlemen disclaim purpose of this sort. They urge that in no respect does the bill confer gratuity on any one. They say that the payment of additional compensation to the employés mentioned should be made because of existing right in them to demand it. The contention is that the act of Congress of June 25, 1868, was misconstrued—purposely and arbitrarily misconstrued by Government officials; that this law was in the nature of a contract with all laborers, workmen, and mechanics then employed, or thereafter to be employed by or on behalf of the Government, that they should receive a full day's pay for eight hours of labor; and that against its positive and inflexible command in this regard no contracts or agreements or settlements should stand.

In the face of such attitude, assumed with seeming confidence by the friends of the bill, what necessity exists, I pause to inquire, for its passage? What need is there for supplemental legislation if existing law is plain? Construing statutes are resorted to to remove obscurities, and are, let me observe, not favored when they are intended to have retroactive effect. If it is answered that statutes of limitation and rules of prescription bar the enforcement of just claims, these can easily be removed.

But no, sir; this bill is more far-reaching in its design than to remove limitations. Its purpose is to destroy the force and effect of decisions of the Supreme Court of the United States, and to give to the eight-hour law a construction it was not intended to bear.

To this extent it is new legislation on the subject embraced in the eight-hour law, and is vicious because, if for no other reason, it is so extensively retroactive.

I do not propose to discuss the merits or demerits of the eight-hour system. Such discussion is not in the line of my argument, nor is it involved in the pending issues.

The question I now consider is whether or not the pending bill is a proper construction of the law of July, 1868. Much has been said in debate of the opinions of prominent men. The committee reporting the bill quote largely from these opinions, and seem to rely on them to gain favorable consideration in this House. It may be conceded that the authority of the names cited is great, but it becomes of no value in presence of authoritative judicial decisions.

In Martin's case, several times cited in this debate, we have such decision, as will clearly appear by careful consideration of it. The court in that case construe the eight-hour law, and in the light, too, of the subsequent act of the 18th of May, 1872.

The court say:

On the 25th of June, 1868, Congress passed an act (15 Statutes, 77) declaring "that eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States." (Revised Statutes, section 3738.)

This was a direction by Congress to the officers and agents of the United States establishing, the principle to be observed in the labor of those engaged in its service. It prescribed the length of time which should amount to a day's work when no special agreement was made upon the subject. There are several things which the act does not regulate which it may be worth while to notice.

First. It does not establish the price to be paid for a day's work. Skilled labor necessarily commands a higher price than mere manual labor, and whether wages are high or low depends chiefly upon the inquiry whether those having labor to bestow are more numerous than those who desire the services of the laborer. The English statute-books are full of assizes of bread and ale, commencing as early as the reign of Henry II, and regulations of labor; and many such are to be found in statutes of the several States.

It is stated by Adam Smith, as the law in his day, that in Sheffield no master cutler, or weaver, or hatter could have more than two apprentices at a time, and so lately as the 8th George III, an act, which remained unrepealed until 1825,

was passed, prohibiting, under severe penalties, all master tailors in London, or within 5 miles of it, from accepting more than two shillings seven pence half-penny a day, except in the case of general mourning.—*Smith's Wealth of Nations*, 125 (6th Oxford ed. of 1869).

A different theory is now almost universally adopted. Principals, so far as the law can give the power, are entitled to employ as many workmen and of whatever degree of skill and at whatever price they think fit, and, except in some special cases, as of children or orphans, the hours of labor and the price to be paid are left to the determination of the parties interested. The statute of the United States does not interfere with this principle. It does not specify any sum which shall be paid for the labor of eight hours, nor that the price shall be more when the hours are greater, or less when the hours are fewer. It is silent as to everything except the direction to its officers that eight hours shall constitute a day's work for a laborer.

Second. The statute does not provide that the employer and the laborer may not agree with each other as to what time shall constitute a day's work. There are some branches of labor connected with furnaces, foundries, steam or gas works, where the labor and exposure of eight hours a day would soon exhaust the strength of a laborer and render him permanently an invalid. The Government officer is not prohibited from knowing these facts, nor from agreeing, when it is proper, that a less number of hours than eight shall be accepted as a day's work. Nor does the statute intend that, where out-of-door labor in the long days of summer may be offered for twelve hours at an uniform price, the officer may not so contract with a consenting laborer.

We regard the statute chiefly as in the nature of a direction from a principal to his agent, that eight hours is deemed to be a proper length of time for a day's labor, and that his contracts shall be based on that theory. It is a matter between the principal and his agent, in which a third party has no interest. The proclamation of the President and the act of 1872 are in harmony with this view of the statute.

We are of the opinion, therefore, that contracts fixing or giving a different length of time as the day's work are legal and binding upon the parties making them.

In the case before us the claimant continued his work, after understanding that eight hours would not be accepted as a day's labor, but that he must work twelve hours, as he had done before. He received his pay of $2.50 a day for the work of twelve hours a day, as a calendar day's work during the period in question, without protest or objection.

At that time ordinary laborers under the same government received but $1.75 per day at the same place, and those engaged in the same department with the claimant in a private establishment at the same place received but $2 for a day's work of twelve hours, and the finding adds, "they had more work to do than the claimant had when similarly employed." The claimant's contract was a voluntary and a reasonable one, by which he must now be bound.

Mr. MCADOO. Which Department of the Government did the laborer who brought that case belong to?

Mr. COBB. I will see.

Mr. BUCHANAN. Was not that the case of an engineer who was exployed at Annapolis and employed under a stated agreement?

Mr. TARSNEY. And a voluntary agreement.

Mr. COBB. I will read the facts if the gentlemen desire it.

In the year 1866 or 1867 the claimant was employed by the foreman of the steam-heating and gas works at the Naval Academy, at Annapolis, to work for the defendants at $2.50 a day, with the understanding that during the season of steaming, which was from the 1st of October to the 1st of June, his time of labor was to be twelve hours a day. During the seasons of steam-heating he was fireman at the steam-boilers, and at other times he was employed in assisting in repairing pipes, digging, shoveling, or in ordinary labor and work.

Second. In July, 1868, upon the passage of the act constituting eight hours as a day's work for all laborers employed on behalf of the Government, called the "eight-hour law," 15 Stat., 77, the claimant and other laborers at said Academy spoke about that law to the foreman, who put on an additional man in the gas-works (where the claimant was not employed), and reduced the time of the labor of the men in said gas-works to eight hours a day. Soon afterwards the men told him they would rather have half a dollar a day additional than to have the eight hours' work.

Admiral Porter, then Superintendent of the Academy, was informed of what the men said, and het old the foreman that he would not give more pay, and that if any one would not work the full hours he would put some one in his place. The claimant was present and heard this conversation. Nothing more was said or done in the matter, and the claimant went on with his work, laboring the number of hours per day as before, according to the original understanding.

Now, Mr. Chairman, mark what gentlemen so strenuously insist was a special contract in this case. I repeat the portion of the statement of facts bearing on this point:

Admiral Porter, then Superintendent of the Academy, was informed of what the men said, and he told the foreman that he would not give more pay, and that if any one would not work the full hours he would put some one in his place. The claimant was present and heard this conversation. Nothing more was said or done in the matter, and the claimant went on with his work, laboring the number of hours per day as before, according to the original understanding.

This and this alone was Martin's contract, and it was no more a special or voluntary agreement than was had in the case of every laborer covered by the provisions of the bill, as I will show presently.

Mr. ROCKWELL. Will the gentleman allow a question?

Mr. COBB. Yes, sir.

Mr. ROCKWELL. If that case decides that the principal directs his agent and a third party has nothing to do with the direction, then, there being in this case upon the statute-book an eight-hour law, has not the workingman, the employé, an equitable right to come before us and ask us to relieve him equitably from the action of the agent? Congress itself being the principal, and having given the direction to the agent, has not the third party in this case a right to come and ask us to relieve him?

Mr. COBB. I will come to the matter of that question presently. It is in my line of argument. The point I wish to emphasize before reaching that raised by the gentleman from Massachusetts [Mr. ROCKWELL] is this: that inasmuch as the Supreme Court of the United States have deliberately and emphatically declared the true intent and meaning of the eight-hour law, we must rest upon the interpretation thus given as final and conclusive. It makes no difference what gentlemen, however distinguished and learned, may have thought to have been the purpose of Congress, provided we have a clear and explicit decision by the judicial department of the Government. That is the point. I assert and maintain that in Martin's case we have such a decision, and this decision is to the effect that in the eight-hour law there is no direction, positive and controlling, to the agents of the Government to stipulate for only eight hours of labor per day. That there may be no mistake as to the meaning of the Supreme Court, I quote again its language:

We regard the statute chiefly as in the nature of a direction from a principal to his agent that eight hours is deemed to be a proper length of time for a day's labor, and that his contracts shall be based on that theory. It is a matter between the principal and his agent in which a third party has no interest.

* * * * * * *

We are of the opinion, therefore, that contracts fixing or giving a different length or time as the day's work are legal and binding upon the parties making them.

What could be clearer? As said in the head-notes of this case, the act of Congress—

Is not a contract between the Government and its laborers that eight hours shall constitute a day's work.

It is a direction merely from the Government to its agents, in which direction a third party—the laborer—has no interest. Now, then, if there is no legal claim existing on the part of these laborers there is no equity. I am using technical language. I will come in the course of my argument to consider the term equity in its broader significance.

No one pretends that the agents of the Government resorted to fraudulent practices with the laborers to secure their services. There was no deception nor concealment. The laborers knew what they were doing; they knew what the Government required and what it proposed to pay; they accepted employment on the Government's terms; they were capable of contracting, and they were paid according to contract. All this being true, no equities can arise in their favor in the absence of foundation for legal demand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. Mr. Chairman, I am willing that the gentleman shall continue his remarks.

Mr. COBB. Let us look a little more into this matter of agreement. I am not aware that the facts just stated are controverted, and such facts make a contract binding in law and equity alike.

It may be true that there was not, in every instance, a specific contract entered into with the individual laborer, but after the passage of the eight-hour law the various Government agents advised the laborers under them, by proclamation or orders regularly issued, that they would receive such an amount of pay for so many hours' work. Thus advised they continued to labor and to receive remuneration according to the terms of the orders. Behind such executed contracts—call them contracts by implication, if you please—the parties to them may not go.

It is not pretended that there is a single instance in which there was not either a special agreement between the laborer and the Government agent, or such implied contract as I have described.

And how, let me here observe, incidentally, in answer to the suggestion of the gentleman from Massachusetts [Mr. ROCKWELL], can a man have an "equitable right" growing out of a matter in which he has no interest? I might rest on this one expression of the Supreme Court. But to proceed.

Mr. GEST. Will the gentleman allow me to inquire what was the purpose of Congress in the passage of the eight-hour law?

Mr. COBB. The Supreme Court in the case just read tells you the purpose.

Mr. GEST. Was it not the purpose that the hours of labor in Government employ should be changed from ten to eight hours per day, and that the pay should continue at the same rate?

Mr. COBB. If you take my construction—I do not know whether it is worth anything——

Mr. GEST. If you will refer to page 9 of the report upon the pending bill you will find that this House on the 9th day of May, 1878, passed a resolution which clearly states the purpose of this law. Its purpose was to reduce the hours of labor to eight hours per day without any reduction of wages.

Mr. COBB. But the Supreme Court of the United States has fixed the construction of the law, which is binding on us——

Mr. GEST. I would like the gentleman to answer my question.

Mr. COBB. In regard to the purpose of the law, I assume that it was the purpose of Congress to declare that, in the absence of special agreement to the contrary, eight hours should be an ordinary day's labor, and that if employés of the Government, under such circumstances, saw proper to work only eight hours in a day they should receive a day's pay. So say the Supreme Court.

Mr. FARQUHAR. Will the gentleman permit me to amplify the suggestion of the gentleman from Illinois [Mr. GEST]? The resolution of Congress to which reference has been made is in this language:

Resolved, etc., That according to the true intent and meaning of section 3733 of the Revised Statutes all laborers, workmen, and mechanics employed by or on behalf of the Government shall hereafter receive a full day's pay for eight hours'

work; and all heads of Department, officers, and agents of the Government are hereby directed to enforce said law as herein interpreted.

That is the conclusion of Congress in this matter.

Mr. COX. My friend from Alabama [Mr. COBB] yields to allow me to ask him one question. It seems to me that he confuses the distinction between law and equity. Now, my idea, on which I predicate my question, is that where the law is deficient equity comes in. And there is a larger element of equity in this case. The Government having had two hours of labor daily for which it has not paid, does not that raise an equity in favor of the laborer? The Government has received the labor, but has not paid for it. Is it not equitable that it should pay for it? Now come right down to this matter.

Mr. COBB. I will answer with pleasure.

Mr. COX. You are one of the fairest men I ever saw in debate in this House; and I ask you that question—whether it is not fair and equitable to pay these men for the labor they have given to the Government and for which they have never been paid?

Mr. COBB. I will answer the question if the gentleman will allow me. The words "equity" and "equitable" are used oftentimes in common speech somewhat loosely. When in arguing propositions of law we use them, they bear a different meaning from their ordinary acceptation. I have been talking about "equity" as recognized in the courts; and I submit this as a proposition which can not be controverted—that where two parties, capable of contracting, do contract, both of them understanding all the surrounding circumstances pertaining to the contract, and each fair and open in his dealing with the other, equity will never intervene in favor of either.

Equity, in other words, is always founded upon some subsisting right which may be termed a legal right in the sense that it would have recognition and enforcement in a court of common law if the rules of such court had sufficient flexibility—less "universality," if you please. Equity follows the law. It is not an indefinite kind of power which takes cognizance of whatsoever may be loosely designated as "fair."

Strangely enough the gentleman from New York [Mr. COX], whose profound and varied learning, keen perception, and acute powers of analysis are known of all men, permits himself to trip on a distinction with which, I am sure, he is quite familiar.

But can the provisions of this bill be considered even "fair?"

The line of my argument, from which I have been somewhat diverted, was leading me in the direction of this inquiry. I recur to it. But before doing so, I will notice more specifically the suggestions of the gentleman from Illinois [Mr. GEST] and the gentleman from New York [Mr. FARQUHAR].

The resolution to which these gentlemen refer was not a resolution of Congress. It never passed the Senate, and hence did not become a law. It has no force whatever, except as indicating the opinion of certain gentlemen of the then House of Representatives. Had it been otherwise, had the resolution become law in due form, it would have had no retroactive operation. "Shall hereafter receive" is its language. And by the very use of such language there was recognition of the correctness and binding force of the decision of the Supreme Court.

It was legislative recognition—if gentlemen will persist in deeming it legislation—of the propriety of regarding past settlements had with laborers as final. Under well-recognized rules of statutory construction, it confirmed these settlements. This resolution passed the House on the 9th May, 1878. A large portion of the claims which would be made under the pending bill is for labor performed before that day. Hence it is clear that, in any view, the resolution can have little effect on this discussion and little weight in determining our course in acting on the pending measure.

I have attempted to establish the proposition that the beneficiaries under this bill have no legal claim against the Government, and no equity that could possibly be recognized in any court. In the absence of such legal claim and equity, what is the case presented? In what respect is it just or proper that this legislation be had?

Although the persons sought to be benefited performed their labor under contract, either express or implied, as I have stated, it is urged in their favor that they were under some sort of constraint; that they were compelled to accept the terms imposed on them by the Government; and that, therefore, common fairness demands the granting of the relief here proposed. "Is it not fair and equitable," says my friend from New York [Mr. COX], "to pay these men for the labor they have given the Government, and for which they have never been paid?" We have even heard from other gentlemen the term "starvation" used in this connection.

How strange it is that learned gentlemen, especially those of them who so recently descanted eloquently on the prosperous condition of American laborers, should permit themselves to hold such language. We are told, one day, of the ever-increasing opportunities for remunerative employment in all the branches of industry in all parts of our country, and, on the next, that a few individuals must accept Government employment at Government prices or starve.

Suppose the eight-hour law had never been enacted, is it to be supposed, does any one believe, that these men would have ever conceived the idea they were badly treated?

On two assumptions—putting aside the legal view—are the so-called equities of this measure pressed; first, that the laborers were under necessity to remain in Government employment; and, secondly, that they were not fully and fairly paid. Neither assumption can be supported. The former carries with it a reproach to the independence and manhood of a body of free, intelligent American citizens; the latter, a charge against the officials unjust because unfounded.

It is common knowledge that service under the Government of the United States, in all branches of its employment, is eagerly sought.

For this service men are ever ready to abandon other fields of remunerative labor. This is true for the reason, simply, that the Government is the most liberal employer in the world. Its exactions are not harsh; its scale of wages is above the ordinary standard; and its payments are prompt and certain. This is as it should be, and is a matter of just pride to every lover of his country. Inasmuch, then, as every one of the classes described in the pending bill has received to the last farthing the money promised him; and inasmuch as every one of them received better wages than were paid by other employers for like labor, wherein is the foundation for the claim that they are "equitably" or "fairly" entitled to more?

Gentlemen will pardon me for saying that they seek to make by legislation an "equity" not now existing, and to provide extraordinary remedies for its enforcement. Mr. Chairman, look at this matter from any standpoint you please, it is, in its last analysis, a provision for the bestowment of largesses on a favored class.

There are no means of estimating with accuracy the amount of money which will be required to be expended under this bill if it shall pass. It is quite certain to be many millions of dollars, exclusive of costs. And who is to pay this enormous sum? I am of those who believe that the money in the public Treasury comes from the pockets of the people, whether procured by direct or indirect taxation.

I further believe that, under existing laws, the burdens of government press most heavily on those least able to bear them—the farmers, the mechanics, the laborers, and wage-workers of the country. These are they to whom the hand of the Government—unseen, but not unfelt—is ever extended; not to bestow bounty, but for the inevitable taxes. Taxes for what purpose collected? For the support of the Government only? Not so, verily. The ever-accumulating surplus, whose presence in the public Treasury is, among other evils produced by it, a standing invitation to extravagant and unconstitutional expenditure, demonstrates the contrary.

Month by month are unneeded millions collected by the Government from the people, while, through the same agency, millions more are being directly transferred from the scant earnings of the many to the pockets of the favored and protected few. These many—the farmers especially—have been long patient because conservative and slow to demand change in existing systems. But let no man deceive himself. They are arousing now. The spirit of inquiry is among them. They are denouncing governmental favoritism. They are demanding reform, and woe be to him who stands in the way of its accomplishment.

This measure is pressed in the name of labor; in the name of labor and in the true interest of laboring men I protest against its enactment.

Refund of the Direct Tax.

SPEECH

OF

HON. WILLIAM C. OATES,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, December 6, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861—

Mr. OATES said:

Mr. CHAIRMAN: I do not intend at this time to do more than state substantially the grounds of my opposition to this bill. When it was under consideration before I occupied the floor for about one hour, and then gave my reasons very fully for opposing it. The arguments which I will now present are to some extent substantially a repetition of the arguments then made, with some additions which have occurred to me since.

The first ground of my opposition to this bill is that there is no authority in the Constitution of the United States for Congress to pass it, or to make the appropriation provided for by it. I do not believe that there is any power of appropriation of the public money vested in the Congress independent of constitutional grant, and there is no power granted by the Constitution to pass this bill. I do not contend for a narrow, restricted, foolishly strict construction of the Constitution, but I do contend for an observance of it. This appropriation is not within any of the express grants of power in that instrument, nor is it within

any of the implied grants of power. I concede that there is an implication of power in Congress where there is no express grant in all cases where it is necessary to exercise such implied power in order to give force, effect, and efficacy to the express grant.

Further than this, any exercise of power by the Congress or any department of this Government is a naked usurpation and dangerous to the public weal. So long as there is a strict observance of the Constitution by all of its departments this great Government of governments will continue to be the wonder of the world and the greatest blessing to men. I want it preserved and perpetuated, and the only way in which that can be done in its original integrity is to keep carefully and squarely within the grants of power. I believe that such an observance of constitutional limitations makes it the best government in the world. When in all of its departments, legislative, judicial, and executive, every act is done within constitutional warrant by fair interpretation, it is exactly the government its framers and the States which adopted it intended it should be. I believe that such an observance of constitutional grants of power is the best security for the liberties and rights of the American people that was ever secured to any people in the civilized world; but, sir, when these limitations are disregarded and the unbridled will of Congress is substituted therefor, the people no longer have any guaranty of their rights or that large body of rights reserved by the tenth amendment to the States and to the people.

Taxes are laid and money is collected by the United States either to pay their debts, to provide for the common defense, or for the general welfare of the United States, not of the people at large, but for the "welfare of the United States," and money legally collected and paid into the Treasury can only be taken therefrom by appropriations to effectuate some one of these purposes. The money collected by the direct tax in 1861 was legally collected. That was a constitutional enactment and the money was legally collected so far as collected under that act. That money was expended for a legal purpose—the common defense. It does not, therefore, in any sense, nor by any kind of strained construction, constitute a debt or obligation which this Government owes or has not discharged. This bill, therefore, is a donation, and there is no grant of power which can justify it.

It is claimed by some of its advocates that this is a bill to refund to those who paid it the direct tax which was collected. That is a false pretense recited in its title. The money collected was expended years ago, and the appropriation which this bill proposes is of money collected from the people to be used generally for the purposes enumerated in the instrument which authorizes Congress to lay and collect taxes. It is also contended that the power of Congress over the whole subject of taxation is absolute and unlimited, and hence it is competent for them to do whatsoever they choose with the money collected.

This is a false assumption. The power of Congress over the subject of taxation is unlimited only in respect to the amount or sum to be raised and as to whether this shall be done by the direct or indirect method. But as to the expenditure of the revenue, when raised by either method of taxation, it can only be done "in consequence of appropriations made by law" and in pursuance of some of the powers granted to Congress by the Constitution, or to perpetuate the existence of the Government.

And I would like to say that no Democrat could hold otherwise; but we have some very queer kinds of Democrats, and hence I can not say it. If Congress has absolute power over the whole subject of taxation from first to last, with the "exclusive right" to "refund" and expend the money after it is collected, it follows as a logical conclusion that the Constitution contains no limitations or restraints on Congress in the matter of appropriation and expenditure of the public money. Strange Democracy!

The gentleman from Ohio [Mr. SENEY] says that the opponents of the bill deny that there is any power vested in Congress by the Constitution "to remit or refund a tax legally laid." No one said anything of the kind. The gentleman fails to state the proposition by omitting the words "and collected." Our position is that a tax legally laid, collected, and applied, as the direct tax was, can not be "refunded," which means "repaid, or restored, as money given or received; to pay back." That gentleman further says "that Congress has the same power to remit or to refund a tax that it has to lay and collect it," and that "if Congress can not remit a tax or refund a tax, then it has not either exclusive or absolute power over the subject of taxation. If the power to remit or refund a tax be not in Congress, then it has no existence." The gentleman is guilty of the wildest kind of a confusion of terms.

If he means by the word "remit" to release or forgive a tax not collected, I admit the power of Congress to do that, because, as to that, the power continues until collection is completed, but I deny that there is any power to "refund" a tax legally collected and applied. When money is legally collected by any of the authorized methods and covered into the Treasury, Congress has no power over it except to appropriate it or by law authorize its payment out of the Treasury for some one or more of the purposes for which the Constitution authorizes its expenditure.

The Constitution invests Congress with power as follows: "To lay and collect taxes, duties, imposts, and excises," and then proceeds to express the purposes for which the power is given. It will be observed that the power is to "lay and collect," and not to "remit and refund." It seems to me that this language expresses the power with which Congress is clothed as clearly as any words in the English language can do it. The appeal of the gentleman from Ohio to the shade of Webster can not help him. His argument is outside of the Constitution.

My second objection, Mr. Chairman, is that this bill is unjust in its provisions. I shall not attempt to point out in detail or to specify all the instances of injustice. It certainly will without argument occur to the mind of every well-informed man that taxes collected from the people can never be returned and even-handed justice be done to them. The money can never be made to reach the pockets of those who paid it. As time passes on, as years roll by, the difficulty of replacing the money in the pockets of the people who paid it increases, and at this late day, after the lapse of more than a quarter of a century since the tax was paid, it is impossible to restore it to those from whom it was taken. It is said, however, by the advocates of this bill that it is necessary to pass it in order to mete out justice to the people of the United States, for the reason that this tax has never been collected from some of the States. About two and a half of the twenty millions have never been collected.

But has this claim any higher ground for an appropriation from the Treasury to pay back to the people who paid the seventeen and a half millions of this tax than that the people of the Northern States should be reimbursed any other taxes that they paid during the war? Have not the people of the States which adhered to the Union during the great war the same right to have an appropriation made out of the Treasury to refund to them the income tax, or the internal-revenue tax, or any other tax which was collected from them during that period, on the ground that the people of the Southern States did not pay any part of it? Wherein is the difference? Their argument is absurd. If, however, this House determines to pass this bill for the purpose of evening up this matter of taxation and doing justice, as the supporters of the bill claim, to the whole people of the United States, then I insist that you shall go further and adopt the amendments which I expect to offer. I insist that you shall go further back and correct other inequalities more glaring than any to which this bill applies. I do not wish to be misunderstood. I want to see this bill defeated. But if it is to pass, why should the State of New York be paid under its provisions over $2,000,000, when, on the books of the Treasury, New York owes this Government $4,000,000 and upwards, which she received on deposit under the act of 1836? Why should the State of Missouri receive over $700,000 under this bill when she has on deposit subject to call belonging to the United States something over $300,000 which she received from the distribution of 1836? Gentlemen will find on examination that the older States, those which were most populous at that time, received a much larger share of that distribution than the Western and Southern States, and in the same way they will take a larger share under this bill. Now, if this measure is to be passed why not take into the account the $28,000,000, so far as any State is by this bill entitled to share in this distribution, and to that extent set off one against the other, and in that way reach a settlement of the books of the Treasury in accordance with the recommendation of the late Secretary Folger?

In 1836, when there was a surplus in the Treasury and a disposition pervaded Congress to divide it among the States, on careful examination it was found and determined that no power existed to authorize such appropriations or distribution, and recourse was had to the enactment of a statute or a section of a statute which deposited that $28,000,000 of surplus with the States as the money of the United States subject to call, where it remains to this day.

The gentleman from Ohio [Mr. SENEY] said in respect to this act of 1836 by which the surplus in the Treasury was deposited with the States:

> Is it wrong to return to the States for the use of their people money which the Government has but does not need? Fifty-two years ago the Treasury had idle money in its vaults. Through the States it was returned to the people, and the law under which this was done had the approval of President Jackson. Was Andrew Jackson a Treasury raider, or was he what history tells us, a bold and determined champion of the rights of the people?

The learned gentleman attributes to General Jackson a doctrine which he repudiated and condemned. Let the sage of the Hermitage speak for himself and see how emphatically he condemns the very thing which he is said to have advocated. I quote from his last annual message to Congress:

> The consequences apprehended, when the deposit act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State treasuries for safe-keeping until they may be wanted for the services of the General Government, it has been extensively spoken of as an act to give the money to the several States; and they have been advised to use it as a gift without regard to the means of refunding it when called for.
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> But, independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.
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> To collect revenue merely for distribution to the States would seem to be

highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. * * *

A distribution to the people is impracticable and unjust. * * * It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of or would be likely to be adopted), inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute unequally, and a rule therefore that would distribute to them equally would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the Constitution.

Another striking inequality and injustice done by taxation to a large part of the people of this country was the tax imposed on raw cotton by the acts of 1862 and 1866, by which the cotton producers of the Southern States were made to pay the enormous sum of $68,000,000, which reached the Treasury of the United States, and perhaps quite as much more which was stolen or embezzled by the rascally collectors. I believe, and the people of the Southern States who paid that tax believe, that the law under which it was collected was an unconstitutional enactment.

The question was once very ably argued on both sides before the Supreme Court of the United States. If the tax laid was a direct one, then it was admitted on all sides to have been unconstitutional for the want of uniformity in apportionment. If the tax laid was indirect, its constitutionality was admitted unless it was a tax upon exports.

When these questions were before the Supreme Court in a case which came up from Tennessee, eight judges sitting, four of them held that those acts were unconstitutional and four held that they were constitutional. The Chief-Justice, being sick or absent at the time, did not sit, so no decision was reached, as the court was equally divided.

Mr. HOPKINS, of Illinois. Did not that result affirm the judgment of the lower court?

Mr. OATES. Not as to the constitutional question. I am talking about that question now.

Mr. HOPKINS, of Illinois. But was not that the effect?

Mr. OATES. The constitutional question was not decided. The judgment of the court below, as every lawyer knows, stood because there was no decision of the Supreme Court; and in order that there might be no decision reached on the constitutional question thereafter, or perhaps because of the odiousness of the law, Congress immediately wiped it from the statute-book, and that is, I presume, the reason why no decision has ever been had upon the constitutional question.

At the proper time I will offer an amendment, which I send to the Clerk's desk and which I will ask to have read presently, to refund the cotton tax, and if that is voted down I will then offer another with a view of testing the constitutional question. The second one, however, I shall offer only in the event that the first is not adopted. The second amendment will present the question to this House whether they will open the Court of Claims so that a case may be made and the constitutionality of the law tried and determined by the Supreme Court of the United States; because I here affirm that if the law is constitutional, then no man who paid that tax is entitled to have it refunded. I would not vote to return one dollar of it if I did not believe that the court would hold that the law was unconstitutional. I will now ask that the Clerk read the amendments which I will offer to the bill at the proper time.

The Clerk read as follows:

SEC. —. That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit and pay to each State a sum equal to the amounts collected therein respectively as a tax or duty on raw cotton under the provisions of the act approved July 1, 1862, and the supplemental and amendatory acts thereto; which sums when so credited and paid shall be accepted and held by such States to be disposed of as their respective Legislatures elected next after such payment may direct.

Mr. OATES. Mr. Chairman, the amendment which the Clerk will next read is one which I propose to offer, if the one just read, the adoption of which I prefer, be not adopted.

The Clerk read as follows:

SEC. —. That any citizen of the United States who owned raw cotton grown or produced in any one or more of said States, and who was required by any officer or agent of the United States to pay, and did pay, on such cotton any money as a duty or tax under the act approved July 1, 1862, or the acts supplementary thereto approved July 13, 1866, entitled "An act to reduce internal taxation and to amend an act entitled 'An act to provide internal revenue to support the Government and pay interest on the public debt, and for other purposes,' approved June 13, 1864, and acts amendatory thereof," may at any time within one year after the approval of this act file his or her petition and bring suit in the Court of Claims against the United States for the recovery of the money so paid and collected from him or her as a duty or tax on such cotton; and the said Court of Claims shall hear all legal evidence and render judgment in such case; and within sixty days thereafter either party, the petitioner or the United States, shall have the right of appeal from such judgment to the Supreme Court of the United States for decision therein: *Provided*, That whenever any case is tried before said Court of Claims which fairly presents the question of the constitutionality of said acts laying a duty or tax on raw cotton as aforesaid and an appeal is taken from the decision and judgment of said court to the Supreme Court of the United States, no other suit shall be commenced or prosecuted under this act in said Court of Claims until the said Supreme Court decides such appeal and passes judgment upon the constitutionality of said laws, and in the event that said Supreme Court holds the said acts to be unconstitutional all persons who paid such tax aforesaid shall have two years thereafter to bring their suits in the said Court of Claims as aforesaid.

Mr. OATES. The next proposition which I desire to have read is one referred to by the gentleman from Arkansas [Mr. ROGERS], which is designed to come in as a proviso to the bill.

The Clerk read as follows:

Provided, That the Secretary of the Treasury, in making payment and settlement with any State, shall take into account and set off against the amount made due by this act to such State any amount which may be due by such State to the United States under an act approved June 23, 1836, entitled "An act to regulate the deposits of public money."

Refund of the Direct Tax.

SPEECH

OF

HON. S. Z. LANDES,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 12, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861—

Mr. LANDES said:

Mr. CHAIRMAN: I am opposed to the bill under consideration for several reasons. The direct taxes were more than a quarter of a century ago collected under authority of the Constitution, and were then used in defraying expenses necessitated by the exigencies of war. The tax-payers did not then expect the return of the money, and as a matter of fact it can not be returned to the people individually from whom it was collected. And to a very small percentage of the people who paid these taxes will this bill directly or indirectly return an unexpected and very small modicum of the amount they individually paid. Hence there is but a shadow of justice in the measure, if its constitutionality is conceded.

In 1862 the population of Illinois numbered 1,750,000 souls, and paid of the direct taxes $1,146,551. We know that a large percentage of these people have died in twenty-six years, and a larger number have sought homes in the West, in States since erected and in the Territories. The population of the State now numbers about 3,500,000, and to whom it is proposed to pay the $974,568 (which is the net amount to be returned) under the pretense of doing justice to those who paid the taxes. It seems to me a bare statement of the situation shows the plea of justice to be a sham and a pretense only, and in fact a mere cover under which to reduce the Treasury surplus, in the interest of the tariff barons and against the interest of the overtaxed people.

I am opposed to the bill for the reason that the several States have no legal claim against the United States for the return of this money. These were necessary taxes and were collected under the authority of the highest attribute of sovereignty; hence there can be no legal nor equitable principle fairly invoked to justify this legislation.

It is also an admitted fact that the several States are prepared to meet their current liabilities independent of this money. In fact they are not prepared to dispose of it; and, as all history attests, money which so unexpectedly comes into the treasury of a State or into the pockets of an individual is in a large majority of cases not put to the best of uses, and I suspect the part that Illinois would get under this bill would not lessen the taxes of the State the fraction of a mill. And this rule may be expected to apply with more or less force to the other States.

It is said some of the States have failed to pay their proportion of the direct taxes, and that over $2,000,000 are still due from the delinquents. I admit the truth of this statement and the injustice of the situation, a situation brought about by the Republican party in Congress at the behest of protected interests of the country, on whose shoulders the responsibility rests; but I contend the remedy proposed by this bill is fourfold greater injustice on the people than is the present situation. Rather than refund as proposed, I favor the collection of the uncollected balance against the delinquent States.

Personally I would vote for direct taxation under the Constitution, knowing full well its unfairness to the poor populous States, as a substitute for so much of our present system as is distinctively protective.

The amount to be disbursed by this bill seems to be $17,359,685.51, and to be taken out of the money in the Treasury collected within the last ten months. Of this amount it will be safe to say $11,000,000, in round numbers, were procured under the oppressive protective-tariff laws. Under this system the taxes are paid by the people for revenue for the Government, and for protection to the manufacturers in the proportion, as I count it, of $1 for the Government and $4 for the manufacturers. So that the people paid $55,000,000 under the protective feature of the tariff laws, and $6,359,685.51 under the other modes of raising revenue, making a total of over $55,359,685 which it cost the people to put $17,359,685.51 in the Treasury of the United States and which it is now proposed to disburse.

What is the economy of taking from the people over $55,000,000 in order to return to them a little over $17,000,000? How can I justify my vote to take from the agricultural and laboring people of the West $4 in order to return to them $1? I denounce it as a species of robbery. Doubtless every protectionist here will vote for the bill because it is a money-making deal for the mill-owner. Under the protective system of taxation, let us suppose for illustration, the farmer pays $5, while the mill-owner pays $5 to the tax-gatherer at the respective stores where they deal; $1 of the $5 paid by each respectively goes into the Treasury of the United States, and $4 paid by each, being an aggregate of $8, goes into the pocket of the mill-owner for protection. Under this bill the $2 that gets into the Treasury from each of these tax-payers is paid back to them respectively. And now how does the account stand? The farmer has paid out $4 for $1 and the millionaire mill-owner has paid out $4 for $9. And this illustrates the practical operation of the theory of justice involved by the supporters of this measure.

I suppose it was similar considerations which animated President Jackson to say, when discussing the project to distribute the surplus among the States:

> Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which created it, and any system into which it enters must have a powerful tendency to increase rather than diminish the tariff.

And speaking of the greed and clamor for protection that his prophetic mind foresaw, he exclaimed in his farewell address as a warning to the people:

> Rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a heavy tariff and produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor, and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters.

He seems to have had in contemplation the Dudley scheme of purchasing floaters in "blocks of five" in the doubtful State of Indiana.

The law is clearly unconstitutional. That instrument specially enumerates the purposes for which taxes may be laid to raise revenue, and to refund money raised constitutionally as revenue is not enumerated as one of these purposes; hence, the proposed law is unconstitutional, and on this ground alone I am willing to justify my vote against it.

Refund of Direct Tax.

SPEECH

OF

HON. THOMAS R. STOCKDALE,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 12, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861—

Mr. STOCKDALE said:

Mr. CHAIRMAN: I do not desire to consume the time of the committee, but simply to say a word in reference to this amendment. I believe that the proposition in that amendment to the substitute will elicit more favorable consideration of this bill for the refunding of the cotton tax than any that has been offered, and for that reason I urge its adoption.

I had this amendment prepared when my colleague [Mr. ALLEN] announced that he would offer an amendment to make the cotton tax an educational fund, and I waited to see what it would be. I concur in that amendment as far as it goes, but believe that this substitute I have offered will be acceptable to a greater number of the members of the House, because it is more specific as to the disposition and safe custody of the money and provides that it shall be applied equally for the benefit of all the educable children of the several States.

This bill is to equalize the war tax, as is claimed by its promoters, and its claims for support put solely on that ground.

That the direct war tax was legally levied and collected and used by the United States Government is admitted on all hands, and it will also be admitted that no obligation was or is upon the Government to refund the money any more than a State is under obligation to refund the taxes collected by it. There is no pretense now that any debt was created, nor that any obligation, legal or moral, was incurred on the part of the United States Government by the collection of that tax. The payment of this money, therefore, to the States is wholly voluntary and without consideration.

It is a donation pure and simple, not for any national purpose, not for any charitable purpose, but stands out as the one naked and bald and lonely act in the history of this Government, of taking money out of the United States Treasury and giving it to the States. Suppose there was no surplus in the United States Treasury, and the Government would have to levy a direct tax to get this seventeen millions of money to give to the States, how ridiculous the whole thing would appear. It would present the spectacle of the General Government levying a tax on the people of each State and collecting the money and putting it into the treasuries of the several States. No sane man would vote for the proposition nor tolerate the scheme. Every one would admit that the Government had no such power under the Constitution.

Whose money is this out of which we propose to donate seventeen millions to the States? It is the money of the people, collected for a specific purpose, to wit, to defray the expenses of the Government. It is on deposit in the Treasury for that purpose, and we are trustees of the people, with the right to appropriate it to that use, and no other. We now propose to misapply it, give it away to some of the States because others failed to pay a debt they owed the Government.

If this be the correct view the proposed legislation is in violation of the trust conferred upon Congress, in violation of the fundamental law of the land, and therefore wrong.

There is one class of men here that must be accredited with perfect honesty. They stand out in bold relief in this discussion as grand men. I mean the men who oppose this bill and who live in States which will get the money. They must act from pure convictions.

The friends of the bill undertook to justify it on the ground that it is the only mode of equalizing the war tax, and it is plain that there is a large majority in this House favorable to the passage of the measure. Then I say the same rule should apply to all war taxes.

What was the cotton tax but a war tax? Cotton never was taxed before nor since. I presume there is not a gentleman in this House that will deny that the additional cotton tax was put upon the cotton States in 1866 and 1867 because they had been in rebellion—not only to make them pay to the Government what they failed to pay of the direct war tax, but twenty-fold more. It was intended to apply to certain States and no others, and therefore unconstitutional. It would be as sincere to lay a tax on the output of anthracite coal and contend that it applied to all the States as to say that the cotton tax was meant to be general.

This additional reason exists why the cotton tax ought to be refunded: because it was taken without authority of law, and the Government owes it back; for whatever is taken without authority of law, in violation of the Constitution, did create a valid debt, and the Government was and is morally and legally bound to pay it.

This was not a tax upon personal property. The law of 1866 was passed when the crop was half advanced; it did not even give notice before planting time, so that the planter might vary his crop and plant less cotton and more of something else, but after his crop was planted and half made, too late to change it, too late to plant anything else to compensate for this increased loss, when it was well known that nearly all cotton-planters depended on that crop to purchase provisions with.

In that unprecedented way, in that unjust way, this law came upon them stealthily, and with strong hand took away from an impoverished people their means of procuring bread. I have said it was a tax levied upon a growing crop. Every boll that opened let in upon the fiber the lien created by that tax law. From that hour that lien clung to each fiber like sin to the human soul until it was washed off by the payment of 3 cents per pound. It was in effect a tax on the realty, selected by fields that were wicked enough to have cotton growing on them. Land that made a bale to the acre, of 450 pounds, was taxed $13.50.

The colored man who rented these lands at eight or ten dollars per acre, to be paid out of his crop, and purchased his supplies on credit and promised to pay out of his crop, and made his arrangements to squeeze through in this his first enterprise as a freeman, was startled to find that the Government had laid an additional embargo upon his venture that inevitably destroyed his ability to meet his engagements and served to impair his credit in the beginning of his new life—compelled him to bear the odium of broken promises and burdened him with debt carried over.

There was not a very large proportion of the colored people at that time who had set up for themselves; but there was a considerable number in the rich alluvial lands. A large portion of them worked on shares, as they call it, with their former owners; in that the owner furnished the land, and implements, and seed, and the team, and feed for the team as his part—and a house for the colored man to live in also—free of charge. The colored man did the work and got half the crop. He also had to purchase his provisions on credit, and when he came to dispose of his cotton he was surprised to find that the Government had increased the burden on his crop while it was growing silently in the field; that this insidious tax lien had in the hot days of July crept up every cotton-stalk and into every boll, nestled in every lock, and entwined itself around every fiber, so that nothing but gold would loosen its hold; and he discovered in consternation that the Government, instead of setting him up with a small farm and plow stock, took from him by force nearly one-third of his cotton crop, and he, too, had to

return home with drooping countenance and sad heart unable to liquidate his debts, instead of, as he had hoped and expected, with money in his pocket. The first money he made as a free man was taken from him.

The balance of the colored people, more than half perhaps, worked for wages and suffered nothing by that tax, the whole falling on the employer, so that three-fourths or more of that tax was paid by the white people; but they are willing that it shall go into the school fund and be disbursed equally for the benefit of white and colored children alike.

The people of the South are making a vigorous and an honest effort to educate the colored people and raise them in the scale of civilization and morality. The school laws and school system of Mississippi afford equally facilities for both races, and I want to test the sincerity of the philanthropists who insist that they want to help on the education of the negro.

"Pay what thou owest" and we will have enough money to put the school fund on a safe basis for many years to come, and we will have the pleasure to know that we spent our own money in a good cause and not a donation from the General Government.

My colleague [Mr. ALLEN] in his graphic, humorous way has described how that cotton was made in 1866 and 1867. We can laugh over it now, but I tell you he did not draw on his imagination for the picture. Memory furnishes it all, and far more. He said he would not undertake to describe the desolation and the woe of those times, and the hardships and obstacles among which the people then labored. No human tongue or pen could do that. It was the quiet of Warsaw.

If we could open the grave and rehabilitate the meteor soul of Prentiss, his matchless tongue would not be equal to that task, and history can never tell the story. None but the people who passed through the furnace and the God who looked down upon them know the facts. Money taken unlawfully from people under such circumstances constitutes a debt that appeals to both the conscience and the heart of generous men for payment as well as to the honesty of the nation. And the purpose to which this substitute I offer will appropriate it adds strength to the more than just demand.

I want the prayers of good men to aid me in search of light brilliant enough to show me how gentlemen whose consciences are so acutely sensitive to the touch of justice that they can not allow the Government to keep money legally collected and feel required to give back as a conscience fund seventeen millions of money to some of the States already teeming with wealth because others failed to pay three millions, and for no other reason—how they can complacently allow the same Government to pocket and keep sixty-eight millions wrongfully taken from the people of a devastated and impoverished part of the country.

It is said by some friends of the tax bill that the cotton-planter got a high price for his cotton and it did not hurt him—he did not really pay the tax. Better tax it again if it will raise the price as much as it is taxed, and the Government will have all the money it wants without any other source of gain.

If because the planter got a high price for his cotton is to be received as a reason why the cotton tax should not be refunded, then for shame the Northern States should not ask for the direct tax to be refunded; for the Northern farmers made more money during the four years of the war than they did in any ten years before or since.

The manufacturers then laid the foundations of the colossal fortunes that have absorbed half of the wealth of the country. All the business of the South was by the war transferred North. The North had a hundred per cent. more money and was far more prosperous after the close of the war than when it commenced. The South had no money at all and was a thousand per cent. worse off than when the war commenced. For every dollar collected from the Northern States in the direct tax they made ten. And yet they turned round after the war was over and levied a war tax on the cotton States, impoverished as they were, that yielded to the Treasury $68,000,000, but which cost the cotton States at least one hundred and ten millions in the two years of 1866 and 1867; for if we say there were but 5,000,000 bales made each year, at 400 pounds to the bale, the tax of 3 cents per pound would amount to $60,000,000 in 1866, and at 2½ cents per pound in 1867 would amount to $50,000,000, one hundred and ten millions in the two years.

What became of the remaining forty-two millions? Ask the officials through whose hands it passed. That it was paid, every dollar of it, by the men who produced the cotton there can be no question.

And now, when we ask that the amount actually received by the Government be returned—when we ought to ask for and receive the other forty-two millions received by its officers as well—we are answered by these States, whose wealth is already fabulous, and who take to themselves this direct-tax money, that the cotton States got a good price for cotton.

They remind one of the man whose wife cooked and put upon the table twelve large, fine apple-dumplings for dinner. He wanted to go out early and sat to the table alone to take his dinner in advance of the family. When he had eaten eleven of the dumplings his little boy, who had watched the operation and was very hungry, seeing it was his last chance, asked for a dumpling. The father thrust his fork into the last and twelfth dumpling and removed it to his own plate, saying, "Go 'way, my son; daddy's sick."

French Spoliation Claims.

SPEECH
OF
HON. OSCAR L. JACKSON,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 18, 1888,

On the bill granting indemnity to citizens of the United States for French spoliations on American commerce.

Mr. JACKSON said:

Mr. SPEAKER: The claims of a number of our citizens against the Government of the United States, based on losses sustained by them by reason of French spoliations on American commerce, a part of which are provided for in this bill, have at many different times been under consideration by Congress. These claims all grow out of matters occurring prior to the ratification in 1801 of our treaty with France, and but few of the present generation of our people are at all familiar with their character and history. It is fortunate that for their full and complete consideration, so far as Congress is concerned, the official records of the Government furnish the most satisfactory evidence that could be required.

Having given that evidence in connection with contemporaneous history as careful examination as the time at my disposal would permit, I have arrived at the conclusion that these claims are just and binding on the Government, and should be promptly paid. All that should now be required is to ascertain fairly the amount of each claim and the party to whom it legally belongs.

In my judgment the act of 1885 referring these matters to the Court of Claims is sufficient legislation on this subject, and that the claims reported to us from that court should be treated as conclusively determined and at once paid.

Mr. Speaker, with the indulgence of the House, I will endeavor to briefly repeat the history of these claims and give some of the reasons that have led me to the conclusions I have just stated. I am persuaded that all that is necessary to satisfy any impartial mind of their justness is an examination of the law and the testimony. I assume that to be satisfied on this point is sufficient to secure the passage of this bill, and that the sanction and approval of the American people will as certainly follow our action. Be that as it may, Mr. Speaker, having determined for myself that these claims are just, I shall vote for their payment without inquiring how far that vote is likely to meet with popular approval. I may be allowed to say, however, in this connection that I fully believe that if popular approval be desired, as without doubt we all do desire it, that the safest plan is to vote for that which we believe to be right and just.

The first popular impressions may sometimes be wrong, but the deliberate after-thought and judgment of the people is generally right, and even as a question of policy we can always afford to vote in favor of the Government doing justice and acting honestly as a responsible moral agent.

HISTORY OF THE CLAIMS.

The story of these claims is intimately connected with the most interesting events in our country's history. They grow out of facts connected with the very foundation and organization of our Government. To properly understand them we must first recall the darkest hours of the Revolution, when success seemed almost beyond hope—the time when, after long, patient, and persistent appeal, our fathers secured the assistance of France which made our independence a certainty.

In the second place, the liability of our Government to the individual citizens arises from a later treaty, by which peace and permanence were assured to the young republic when it was most seriously threatened with foreign complications.

The close of the year 1777 was without doubt the most desperate and discouraging time of the Revolution. Philadelphia was in possession of the British, whose soldiers were comfortably housed, clothed, and fed; Washington's army, of less than nine thousand men, was in winter quarters at Valley Forge, enduring severe cold, poorly fed, and, if possible, worse clothed. Many of the civilians at home, without thought as to the condition of the patriot army, somewhat after the manner of their descendants at a later day, violently assailed Washington for not prosecuting an active winter campaign. Gates, who had become the president of the executive board of war, was using his influence against Washington, and securing the appointment of officers in the army who were unfriendly to him.

In Congress there was discontent and sharp criticism upon the conduct of the Commander-in-Chief. At Valley Forge one-third of the army was barefooted and otherwise naked. For days in succession the men were destitute of either bread or meat.

Washington wrote to Congress that unless something could be done to relieve it, the army must either "starve, dissolve, or disperse." Other high officers said "the men must be supplied, or they can not be commanded." The financial condition of the country was as bad

as the physical condition of the army. The currency was at a great discount—almost worthless. (Sparks's Washington, volume 5, pages 193–203.)

This was the condition of affairs at home when Franklin, after long and patient supplication, succeeded in negotiating treaties with France that brought joy to every American heart. These treaties were two in number, both signed February 6, 1778, by which France bound herself to "guaranty to the United States their liberty, sovereignty, and independence absolute and unlimited."

We at this day can scarcely realize the joy and gladness with which the news of these treaties was received. New hope inspired every patriot.

In the camp at Valley Forge cheers, shouts, and rejoicing were heard, such as had never been heard in this land before, equaling, if not excelling, the final surrender at Yorktown. Never has an American army since received such joyful news, unless we may compare it to Grant's and Sherman's veterans at Appomattox and Raleigh. How well France kept the guaranty of her treaty let history answer. La Fayette was then present for duty, and other able officers with veteran regiments, well armed and equipped, soon joined Washington. French fleets, able to cope with the British navy, appeared on our shores.

According to the report of their finance minister, France expended in war in the support of her guaranty fourteen hundred and forty million of francs, or about $280,000,000, an immense sum at that time. But not that alone; the best French blood was freely shed on land and sea, and mingled with the blood of the patriot soldiers of our own army, until at last the British army surrendered at Yorktown to the allied forces of Rochambeau and Washington under the guns of the fleet of De Grasse, and the war closed by the recognition of the independence of the United States. Provisional articles of peace were signed on the 30th of November, 1782, a cessation of hostilities was declared on the 20th of January, 1783, and on the 3d of September, 1783, the definitive treaty of peace was concluded.

France had kept her treaty. She not only guarantied but performed those things necessary to secure to the United States independence and sovereignty.

It adds additional luster to this glorious history to bear in mind that the action of the French Government was from first to last fully and enthusiastically approved and supported by the French people; that the love of liberty and a firm belief in the justice of our cause was the principal motive that prompted their action, and not simply a desire to cripple an ancient enemy.

It is well to recall the great services rendered our country by the French people. This is a part of our history that even after the lapse of a hundred years should be familiar to every American citizen. We might in some way repay the treasure spent in our behalf, but only by many hundreds of years of gratitude and friendship can our nation repay the greater debt we owe France for the blood she shed in our behalf and the friendship she bestowed on us in our time of need. This is a debt we scarcely can repay.

CHARACTER OF THE TREATIES.

But the engagements we made with France by the treaties of 1783 were not all on the side of France. There were express obligations assumed by the United States, and these obligations were the consideration for the great contract.

As before noticed, the treaties of 1778 were two in number, executed at the same time, and are in effect one and the same instrument. The first embraced the treaty of alliance and guaranty of independence, of most importance to us; but it contained also obligations which the United States assumed toward France. The second was called a treaty of amity and commerce, and provided especial privileges by each party to the other as to ships of war and privateers bringing prizes into ports, privileges that each nation bound itself to not grant any other nation.

The obligation that the United States assumed by the treaty of amity was—

To guaranty to France forever against all other powers all the possessions of France in America, as well as those it might acquire by any future treaty.

It is thus apparent that the treaty was not one-sided, and that it imposed on the United States a duty that was liable at any time to become a very serious burden and responsibility. It is further to be observed that this guaranty was to continue "forever."

The possessions of France in America at this time were the islands of St. Domingo, Martinique, Guadaloupe, St. Lucia, St. Vincent, Tobago, Deseada, Marie-Galante, St. Pierre, Granada, and Cayenne on the mainland, each and all of which the United States agreed to guaranty to France forever.

Nothing but our extreme necessities in 1778 could have induced us to assume such serious obligations. The consideration, however, that France gave to the United States for making this agreement was ample and sufficient.

That the obligation the United States assumed was understood at the time can not be doubted, for the treaty in express terms further provided that our guaranty to France was "to begin in case of rupture between France and England," and was to be effective after "the cessation of the war between the United States and England," then existing, and was to continue "forever."

Our Secretary of State, on 15th July, 1797, in his instructions to our plenipotentiaries, Messrs. Pinckney, Marshall, and Gerry, who were urging these claims against France, said:

Our guaranty of the possessions of France in America will perpetually expose us to the risk and expense of war, or to disputes and questions concerning our national faith.—*French Spoliation, Executive Document No. 1827, page 457.*

The treaty of amity and commerce bound the United States, first, to protect and defend by their ships of war all vessels belonging to French subjects "against all attacks, force, and violence in the same manner as they ought to protect" the vessels of citizens of the United States; second, to open their ports to French ships of war and privateers with their prizes, and to close them against those of any other power at war with France; thirdly, to allow French privateers "to fit their ships and sell what they have taken," but privateers in enmity with France were forbidden to even victual, in ports of the United States.

These were the solemn obligations of the United States, sanctioned by treaties, under which we had obtained the aid and alliance of France to secure our independence.

It is easy to see how these obligations would attract but little public attention so long as France remained in peace, especially with Great Britain. But that the United States had assumed an obligation that imposed upon us a serious duty and burden is recognized repeatedly by the highest officials of our own Government, and is persistently pressed and claimed by the representatives of the French Government from time to time, as is abundantly shown by numerous state papers in our possession. (See Spoliation, Report 41, Thirty-eighth Congress, first session.)

But France soon became involved in war. A revolution drove her king from his throne, executed him, and established a republic in the place of the monarchy. England and the other European monarchies combined against the new republic.

Early in 1793 several of the West India islands were lost to France, taken from her by war, and although requests for aid were made by the colonists on these islands and by French officials, the United States did nothing to save them or to keep the treaty she had made. From this time on for several years, as might well be expected, the relations between the United States and France were far from friendly.

France, not entirely without cause, I regret to be compelled to say, felt that we did not return to her in her need the assistance she had given us in our war for independence. Our only justification seems to be that under the circumstances it was impossible to do what we had agreed to do.

The difficulties and embarrassments that surrounded our Government then were so great that I am not willing to criticise now the justice, patriotism, and wisdom of the American statesmen of that time. We are to-day a nation of thirty-eight States, eight Territories, and a population of more than 60,000,000 people. Nowhere on the earth are intelligence, comfort, industry, and wealth so general to all classes as among our citizens. The situation is so changed we can hardly do justice to the wisdom, energy, and patriotism of the men who brought thirteen struggling colonies of less than three million people through a war with one of the mightiest and bravest nations of Europe and made possible the United States of to-day.

Our fathers, when they decided these questions, were responsible for the welfare and future of the then weak Republic. They were exhausted by seven years of war for independence, environed on this continent by the three great monarchies of the Old World, poor in money, weak in population, and an object of jealousy to every king, emperor, and aristocrat. History accords these eminent men such a high sense of justice and honesty that we must believe they decided this question, in the light of the information they had, discreetly and fairly according to their best and experienced judgment. We may regret that they were unable to deal more liberally with an ally and friend, but that is at least no reason why the Government now in its prosperity should neglect to do justice.

To make our relations with France still worse, the United States felt compelled in 1794 to conclude a treaty with Great Britain known as the Jay treaty, ratified in October, 1795, by which Great Britain was given in our ports with her ships of war, privateers, and prizes the very same rights and privileges that by the treaty of 1778 we had agreed to give exclusively to France. The conflict of these treaties was fully known at the time, and we thus openly transferred the exclusive privileges we had guarantied France to her bitter enemy, Great Britain. I do not stop now to either explain or inquire further why this was done. It is sufficient for the argument in this case to know that it was in fact done.

THE SPOLIATIONS.

We come now to the more immediate consideration of the spoliations on which these claims are based. From 1793 to 1800 the ocean swarmed with privateers representing the nations engaged in war. Our Government had issued proclamation of neutrality, but these privateers were not discriminating, and our merchant vessels suffered capture and loss to some extent from all. France at first alleged, so far as she was concerned, that the captures of our vessels were made by mistake on account of our people speaking the same language as the people of Great Britain. But when the necessity to obtain provisions and supplies became great she did not hesitate to seize our merchant

vessels by virtue of decrees made by her that were wholly illegal and unauthorized by international law.

England and her allies undertook to starve France, and issued proclamations forbidding neutrals to carry provisions or supplies to any of her ports. France retaliated by issuing decrees forbidding neutral vessels to carry English goods anywhere. Numerous proclamations and decrees were issued by both sides that were not authorized by international law, but their violation was made the pretext for capture and condemnation of our ships and their cargoes.

Our Government protested against these outrages, but without avail, at the time. Our merchants were so much alarmed that they well hesitated to risk vessels and cargoes on the high seas. To encourage our shipping the National Government came forward with assurance of protection and redress. In a circular letter, dated August 27, 1793, Mr. Jefferson, then Secretary of State, issued the following:

I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce that our attention will be paid to any injuries they may suffer on the high seas contrary to the law of nations.

Washington adopted this circular in his message of December 5, 1793, and promised that due measures should be taken to obtain redress for the past and security for the future.

These promises and assurances our Government has kept to all sufferers except the ones now under consideration. As early as 1794 our citizens obtained from Great Britain nearly $10,000,000 on account of British spoliations.

Similar indemnities have since been obtained from Spain, Naples, and Denmark, but the French spoliations prior to 1800 alone remain unpaid. It is a part of the history of those times that the difficulties with France induced conflicts that almost amounted to a state of war on the ocean, and that whilst actual hostilities did not occur between the two nations as such, that the United States passed laws contemplating a declaration of war, and that provision was made for increasing the Army in case war should be declared; that our minister left the French capital, and that all commercial relations between the two countries was suspended.

But actual war was averted, and after years of negotiation peaceful relations were again secured between the two nations, and France abandoned her claim of right to seize our merchant vessels. In these negotiations the United States demanded from France payment for the spoliation inflicted on our merchant vessels. It does not appear that France disputed the justness of this claim, but admitted she had made illegal seizures and captures for which she was liable. But at the very outset of these negotiations France set up as an offset her counter-claim for damages against the United States by reason of our failure to keep with her the treaty of 1778.

France claimed damages because we had allowed her American possessions to be taken from her and had deprived her of rights to our ports we had promised. We could not well dispute these claims against us, and there was beside a great desire on the part of our Government to be released from all further liability under the treaty of 1778. The history of these negotiations shows that our plenipotentiaries were authorized to offer a sum of money to secure our release from the old treaties, which France refused to accept; and that we looked upon this release as of the utmost importance to the United States.

France insisted on holding us to the treaty of 1778 and in claiming damages for our failure to comply with it up to that time.

Without repeating the details of these long negotiations, it may be briefly stated that a treaty was agreed upon and ratified finally by the First Consul of France 31st July, 1801, and by United States 21st December, 1801, by which France released all future claims on the United States under the treaty of 1778; and further, that the United States released all claims for spoliations on her citizens, and France released all claims for damages by reason of our breach of the treaty of 1778. In short, that the United States set off and used the spoliation claims of her citizens to settle and pay the damages she, as a nation, owed France for the breach of the treaty of 1778, and to obtain a release from future liability under it.

CLAIMS ASSUMED BY THE UNITED STATES.

The natural consequence of this set-off and use of these claims by the United States was an assumption of them by our Government. It must be conceded that these claims were good and valid against France, and that it was the duty of our Government to see that they were collected for our citizens. The United States did undertake their collection, spent years of negotiation for this purpose, but eventually found it convenient to use them in payment of a national obligation. On the plainest principles of honesty and according to all public law this makes the United States Government liable for their payment to the citizen.

There seems to be no doubt but that our plenipotentiaries who negotiated this treaty so understood it, and that they so represented it at the time; that other high officials of the Government, including Mr. Pickering, Secretary of State, and Chief-Justice Marshall, who were familiar with all the facts, entertained the same views; that the claimants themselves had the same expectation, and very soon after the ratification of the treaty applied to Congress for their payment, and through the long intervening years have continued to press their claims without relinquishment; that many of the ablest statesmen of our country, who have from time to time examined and reported on these claims, including Clay, Clinton, Livingston, Everett, Webster, Cushing, Choate, and Sumner, have agreed that the claims are just and that our Government should pay them.

The late Senator Sumner, in a very able and elaborate report made by him to the Senate of the United States on behalf of the Committee on Foreign Relations in the Thirty-eighth Congress, on this point uses the following language:

The natural consequence of this set-off and mutual release was the assumption by our Government of the original obligations of France to American citizens, and its complete substitution for France as the responsible debtor. Had the claims on each side been national no subsequent question could have occurred, but each would have extinguished the other in all respects forever. It was the peculiarity of this case that on one side the claims were "national" and on the other "individual." But a set-off of "individual" claims against "national" claims must of course leave that government responsible which has appropriated the "individual" claims to this purpose. It is according to common sense that any "individual" interest appropriated to a "national" purpose must create a debt on the part of the nation.

It is according to reason that any person intrusted with the guardianship of particular interests becomes personally responsible for his conduct in regard to them, especially if he undertakes to barter them against other interests for which he is personally responsible. In this case our Government was attorney to prosecute the "individual" claims of its citizens, and compelled to regard all it obtained as a trust-fund for the claimants. Duty enjoins upon government the protection of its citizens against foreign spoliation and prosecution of their claims to judgment. A waiver of national duty, especially when made for the national benefit, must entail national obligation. The Constitution also plainly requires what has seemed so obvious to common sense, reason, and duty, when it declares that private property shall not be taken for public use without just compensation. Public law is also in harmony with the Constitution in this requirement. According to Vattel, the sovereign may in the exercise of his right of eminent domain dispose of the property, and even the person of a subject, by a treaty with a foreign power; but as it is for the public advantage that he thus disposes of them, the state is bound to indemnify the citizens who are sufferers by the transaction.—*Vattel, Law of Nations*, book 4, chapter 2, section 12.

Edward Livingston, the distinguished jurist, statesman, and diplomatist, knew these claims as a cotemporary, and afterwards, as a member of the United States Senate, made a report in regard to them in which he used this language:

The committee think it sufficiently shown that the claim for indemnities was surrendered as an equivalent for the discharge of the United States from its heavy national obligations and for the damages that were due for their preceding non-performance of them. If so, can there be a doubt that the sufferers are entitled to indemnity? To lessen the public expenditure is a great legislative duty; to lessen it at the expense of justice, public faith, and constitutional right would be a crime. Conceiving that all these require that relief should be granted, they beg leave to bring in a bill for that purpose.

In the long and tedious negotations for the settlement of these claims, and in the extensive correspondence between the two governments and their representatives, two points are clearly settled. First, that our Government at all times earnestly asserted that these claims were just. Second, that France at no time denied her liability for them, but insisted on her right to set off against them her claims against the United States under the treaties of 1778. That France as well as our own Government understood that these claims were in fact set off the one against the other is shown by the statement dictated by the Emperor Napoleon to Gourgaud at St. Helena. Speaking of the second article of the convention, which was suppressed, he says:

The suppression of this article at once put an end to the privileges which France had possessed by the treaty of 1778 and annulled the just claims which America might have made for injuries done in time of peace. This was exactly what the First Consul had proposed to himself in fixing these two points as equiponderating each other.—*Gourgaud's Memoirs*, volume 2, page 129.

We thus see that the testimony of representative men of both governments is in harmony, and corroborates the official records and current history, showing conclusively that these individual claims were originally just, and that the Government of the United States appropriated them for a national purpose.

OBJECTIONS.

When we examine the objections made to the payment of these claims by the United States we find little, if any, dispute as to facts. The history and character of the claims are settled beyond any reasonable question or doubt. In the course of this debate we find those who oppose their payment neither arguing against the justice of the claims originally nor undertaking to show that they were not used by our Government in way of set-off; but the opposition confine themselves to offering excuses for further neglect. The distinguished member from Pennsylvania [Mr. BUCKALEW] says their payment has been so long delayed that payment now would be a reflection on the honesty of our fathers.

This is truly a very remarkable way to avoid payment of old debts, debts that he must believe are entirely just, for he intimates he would be willing to consent to so far reflect on the fathers as to pay a percentage of these claims. It is most unfortunate that justice has been so long delayed. Many of the original owners of these claims went down to bankruptcy and died in poverty—direct results of these losses. To pay now their descendants and legal representatives is still justice, and these extreme cases show the great unfairness of the rule the Government adopts, that it will not pay interest on claims against itself.

The delay in these cases has not been the fault nor on the part of the claimants. The convention with France by which they were released was promulgated by the President December 21, 1801, and at the first session of Congress afterward, in February, March, and April, 1802, a large part of the claimants petitioned Congress for relief.

The official records of the House and Senate show that the claimants have not only persistently urged their claims on Congress since that time, but that twenty-four reports on the subject by committees have been made in the Senate and over twenty in the House, all of which, except three, have been in favor of their payment. And it is worthy of notice that no adverse report has been made since the publication in 1826 of the correspondence which showed the facts in regard to their settlement with France. Bills to provide for their payment in whole or in part have at eight different times passed the Senate; three of them also passed the House. One was vetoed by President Polk and another by President Pierce. The other is the act under which they have been referred to the Court of Claims.

The Legislatures of each of the thirteen original States have passed resolutions in favor of their payment, some of them more than once. In view of all these facts I insist that Congress can not claim their age as an excuse for still longer neglecting their payment.

Again, it is suggested as an excuse for non-payment that these claims have mostly been bought up by speculators, and are holden by these purchasers. This statement, whilst not a valid defense to their payment and in no respect a release of the United States, is yet well calculated to diminish the favor with which they might otherwise be considered. But it is not true in fact. They are now all presented to the Court of Claims that can be under the provisions of the act of 1885. The third section of that act requires the court to determine their present ownership, and, if assigned, the date of assignment with the consideration paid for the same. This makes it necessary that the court shall require the true ownership to be set out in the petition and be proved by the papers, vouchers, and other evidence. An inspection of the records of this court will satisfy any one that the statement that these claims have been largely bought up by speculators is an error. They have been assigned in some instances, mostly in settlement of family affairs. They have been transmitted from parent to child by will and inheritance, and carefully preserved through several generations by those who have relied in the belief that some day the good faith and honor of the Government would be maintained by their payment.

In some cases they are held by the assignees of insolvent debtors or by insurance companies who paid the original losses, and who, by the universal commercial law of the world, succeed to the owner's right; but there is no evidence whatever that any considerable number of them have passed into the hands of speculators. If there be any such cases the owners must prove in court the amount they have paid for the claims, and Congress will be able to do justice as each particular case seems to require.

AMOUNT OF THE CLAIMS.

It has been urged here that these claims are at this late day incapable of accurate and honest determination, and that they are of almost fabulous amount. These statements are not supported by the facts, but on the contrary the circumstances surrounding them are such that their numbers are well known and their authenticity easily determined. The act of the Forty-ninth Congress, under which they were referred to the Court of Claims, limits the time for filing to two years ending January 20, 1887. No claim can be favorably reported from that court until it is proven to be a just and legal claim.

Our Government, as early as Washington's administration, began collecting lists of these claims, with proofs, for the purpose of presenting them against France, and these records are still preserved. Investigations of different committees of Congress with other Government reports show, without room for doubt, their character and amount. The vessels, when captured, were taken into prize courts and their ownership, value, and value of cargo, together with alleged cause of capture, made a matter of judicial investigation, determination, and record. These records must form the basis of every claim, and of themselves render it absolutely impossible to now originate or prove fictitious claims.

Mr. Webster, in 1835, estimated the amount of these claims at $10,000,000, which was not perhaps on a basis of full value. Other gentlemen concerned in this investigation have since then estimated their amount at from fourteen to sixteen million dollars, and there is the best reason to believe from the petitions filed in the Court of Claims that these latter estimates can be relied on as reasonably accurate. The most liberal estimate of these claims shows that their amount is but a small part of the sum that France spent in our behalf in the war for independence.

Her claims against us for failure to comply with the treaty of 1778 would certainly not be less than the amount of money she had spent, and reasonably could be claimed to be much more. In any view of the case we set off these claims against a much larger sum than any one now pretends they can amount to. I do not concede that their size affects either their justice or validity. Our Government is able to pay all it owes, and I would insist on payment of just liabilities without regard to their size. But as size has seemed to be urged as an excuse for non-payment, I think it proper that the facts should be made known.

WE ARE IN HONOR BOUND TO FRANCE TO PAY THESE CLAIMS.

In addition to doing justice to our own citizens, there is another reason affecting the nation's honor why these claims should be paid. France, our friend and ally in the war of the Revolution, beside precious blood, had spent in our behalf a large sum of money. By solemn treaty in 1778 we had agreed to repay this by defending her possessions in America, and by giving her vesssels special privileges in our ports. We broke our agreements and failed to repay in either way. By the convention of 1800 France generously agreed to release our Government from both damages for past neglect and future liability under the treaty of 1778 on condition that she should be released and we would assume and pay the spoliation claims for which she was liable.

We cheerfully accepted these terms, as a proper construction of the agreements will show, and are in honor bound to France to pay them. They are in amount a small part only of the sum France expended in our behalf, but if we paid them we could at least say we have done that much to reimburse her, and she agreed to accept it as in full. As it stands to-day the young men and young women of the United States who study the history of their country are unable to find wherein their Government has ever made the slightest recompense to France for the moneys she expended in its behalf in the Revolution. They are further compelled to learn with regret that for some cause their Government has failed to keep its twice-made solemn agreements to make recompense for these expenses. By payment of these claims Congress can at least to that extent redeem the nation's honor. It can not be denied that except by the assumption of these claims the United States never gave nor promised France anything to be released from the heavy responsibilities of this treaty of 1778.

DID WAR EXIST BETWEEN THE UNITED STATES AND FRANCE?

It has been said that at the time of these spoliations war existed between the United States and France; that this justified France in making the captures, and our citizens could have no valid claim against her for indemnity.

It is true that these seizures were by force; that they were contested, in many cases, by our seamen, and that our people fitted out armed vessels to defend the merchantmen, and in some cases actually recaptured vessels that had been taken, and that these contests amounted to a partial naval war. But that there was a general public war between the two nations either on land or sea is inconsistent with the facts, and was never so claimed by either.

France at no time defended these seizures on the ground of war. The records of the prize courts do not show any condemnations on the ground of war. They are based on alleged violations of the French decrees, and in most cases on the arbitrary decree requiring all neutrals to carry a "crew-list," which our vessels never had been accustomed to do. There was no declaration of war on either side. As stated by Mr. Clayton, the civil courts of both France and the United States were at all times open to the citizens of each other as in times of peace. The courts of France did not treat our citizens as alien enemies, and French citizens were not considered alien enemies in the courts of the United States.

There was undoubtedly a strained condition of affairs that tended to war. Our Government made some preparation for a war that seemed imminent, but which was happily averted. On the part of the United States the declarations are explicit that war did not exist. Congress was convened in May, 1797, to deliberate on the threatening aspect of affairs, and passed at that session and in 1798 and 1799 several acts looking to the public defense, every one of which negatives the idea that war actually existed. The act of May 28, 1798, after reciting that—

> Armed vessels of France have committed depredations on the commerce of the United States, and have recently captured vessels and property of citizens thereof on and near the coast—

proceeds to authorize the seizure of any such armed vessel, but nothing is said of war. Another act of same date authorizes a provisional army "in the event of a declaration of war." The act of June 25, 1798, authorizes our vessels to subdue and capture any French armed vessel "from which an assault or other hostility shall be first made." The act of July 6, 1798, begins with "whenever there shall be a declared war." The act of March 2, 1799, authorizes an increase of the Army "in case war shall break out." An act passed the next day provided that certain troops already authorized shall not be raised "unless war shall break out."

And as late as February 10, 1800, another act was passed, providing that further enlistment should be suspended—

> Unless in the recess of Congress and during the continuance of the existing differences between the United States and the French Republic war shall break out between the United States and the French Republic.

These are the solemn statements of Congress, which alone under the Constitution has power to declare war, made at the very time when these spoliations occurred. It certainly can not be claimed that it was the understanding of our Government that war actually existed.

The declarations of the French Government are equally explicit. Her plenipotentiaries, in a communication to ours, August 20, 1800, called the difficulties—

> A state of misunderstanding which has existed for some time, but has not been a state of war, at least on the side of France.

Afterward they speak of the condition of affairs as "almost hostile." (French Spoliation, 1826, pages 559–561.)

The terms of the convention which settled these claims exclude the

idea that there had been a war, and in no part of the negotiations did the representatives of France rely on the claim of war for a defense. It is somewhat remarkable that it has been left to Americans, many years after the occurrences, to discover a defense to these claims on the ground of war, a defense that was never thought of by the French plenipotentiaries and statesmen of that day, skilled and learned as they were in diplomacy.

But this defense has no foundation in fact, and I am surprised that it should be seriously urged by any one. The United States has so constantly denied that there was a state of war that, in any event, it should be estopped from setting up such a claim now.

It will certainly astonish the people of the United States, who supposed they were familiar with its history, to learn that it is seriously asserted in Congress that their Government once had a war with France.

CONCLUSION.

It seems to me, therefore, that it has been clearly established that these claims were originally just and valid debts of our citizens against France; that it was the duty of the United States to collect these debts for its citizens, and that it did undertake to do so; that, through several years of negotiation, the United States urged their payment by France as just and legal liabilities; that France did not deny her liability to pay them, but set up a counter-claim against the United States, under the treaties of 1778, which the United States could not successfully dispute; that finally the United States used these claims of her citizens as a set-off against her liabilities for breach of the treaties of 1778, and to obtain a release of the continuing obligations under them; that, by reason of the use of these claims of her citizens, the United States became liable to indemnify and pay them for so taking and using them, and that, therefore, these citizens have just claims for the amount of their losses against the United States.

This claim of the citizen against the United States, although just and valid, is not one that can be enforced in the courts in the ordinary sense for the reason that the citizen can not sue the Government without its consent.

But there is the highest duty and obligation resting on the Government to do justice to its citizens. The Government should set an example of honesty and good faith to the citizen. It demands of him a payment of all liabilities, a strict rendering of every duty, and if it would inculcate and stimulate loyalty and respect in the citizen, it should be prompt and exact to do him justice.

It is the duty of Congress to decide on the justice of these claims and fix the liability of the Government. We can refer to the Court of Claims the question of finding facts and amounts, as we have done, but the question of duty or liability of the Government to pay remains with Congress, and Congress can not relieve itself of this responsibility by referring that question to the courts, as has been suggested by some on this floor.

These claims, in my opinion, are as just as any that were ever presented against the Government. I trust there will be no further delay in providing for their payment. Our full and overflowing Treasury and our present great ability to pay may appear by comparison as some excuse for past neglect, but afford additional reasons for prompt action now. The nation has a reputation to maintain for honesty, integrity, and morality, and its highest honor and the honor of all its citizens will be promoted by a payment of these national obligations.

Refund of the Direct Tax.

SPEECH

OF

HON. RICHARD W. TOWNSHEND,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 12, 1888,

On the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

Mr. TOWNSHEND said:

Mr. CHAIRMAN: This bill has been so grossly misrepresented by some and misunderstood by many others, I have concluded to briefly state the reasons which shall govern my vote. In doing so it will be proper to explain its nature and history.

The majority of the Judiciary Committee, over which the distinguished gentleman from Texas [Mr. CULBERSON] presides, has reported it back to this House with a favorable recommendation. The report accompanying the bill furnishes the following statement of facts and reasons why it should pass:

The Committee on the Judiciary, to whom was referred the bill S. 139, "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," submit the following report:

The act of Congress approved August 5, 1861, levied and apportioned among the inhabitants of the several States and Territories a direct tax of $20,000,000, and provided machinery for its collection.

Under that act and amendments thereto subsequently enacted, collections were made from individuals residing in various States, and many of the States assumed the amounts apportioned to their respective inhabitants, and paid such amounts, less 15 per cent. thereon allowed them by law to cover the expense of collection and losses in making the same. Some of the States and Territories have paid the entire sum allotted to their citizens, others have paid but part, and one Territory (Utah) has paid nothing.

In some instances debts due to a State from the United States have been credited as a set-off to the tax, by consent of the States, or by a sort of compulsion. The legality of the act assuming the tax has in some instances been questioned and denied, and unpleasant controversies have arisen in consequence between some of the States and the General Government. Certain of the States borrowed the money with which they paid the tax and have been paying interest on it, or on a part of it, ever since, while other States have neither assumed nor paid the tax, except so far as some of their citizens have been compelled to pay by levy and sale.

The collection of the tax, so far as it is unpaid, has, for many years, been suspended, and a feeling of injustice in bearing unequally the burdens of the Government has become wide-spread and is increasing.

The tax should be collected in full or abandoned, and restitution made those who have paid. It is not difficult to discern which course is wise and practicable.

Direct taxation under the provision of the Constitution is onerous by reason of the means required to collect it, and bears unequally because it is apportioned among the States according to population without regard to the means of payment.

This bill proposes to repay to the citizens and to the States the amounts by them respectively paid, and to remit and relinquish the tax so far as it is unpaid.

The following is the bill as it has been amended and now stands before the House for final action, except the second section, which I omit because it relates only to the taxes collected in South Carolina:

An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States, and the District of Columbia, a sum equal to all collections, by set-off or otherwise, made from said States and Territories and the District of Columbia, or from any of the citizens or inhabitants thereof or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto.

SEC. 3. That all moneys still due to the United States on the quota of direct tax apportioned by section 8 of the act of Congress approved August 5, 1861, are hereby remitted and relinquished.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to them under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same to the governors of the States and Territories and to the commissioners of the District of Columbia: *Provided*, That where the sums, or any part thereof, credited to any State, Territory, or the District of Columbia have been collected by the United States from the citizens or inhabitants thereof, or any other person, either directly or by sale of property, such sums shall be held in trust by such State, Territory, or the District of Columbia for the benefit of those persons or inhabitants from whom they were collected, or their legal representatives: *And provided further*, That no part of the money collected from individuals and to be held in trust as aforesaid shall be retained by the United States as a set-off against any indebtedness alleged to exist against the State, Territory, or District of Columbia in which such tax was collected: *And provided further*, That no part of the money hereby appropriated shall be paid out by the governor of any State or Territory, or by any other person, to any attorney or agent under any contract for services now existing or heretofore made between the representative of any State or Territory and any attorney or agent. All claims under the trust hereby created shall be filed with the governor of such State or Territory and the commissioners of the District of Columbia, respectively, within six years next after the passage of this act, and all claims not so filed shall be forever barred, and the money distributable thereto shall belong to such State, Territory, or the District of Columbia, respectively, as the case may be.

Accompanying the report is a table furnished by the Treasury Department, as follows:

Statement of the condition of the direct-tax accounts of the several States and Territories and the District of Columbia, under acts of August 5, 1861, *and June* 7, 1862, *as appears from the books of the Register of the Treasury to date.*

15 per cent. allowance.	State or Territory.	Amount imposed.	Amount collected.	Balance due United States.
.....	Alabama	$529,313.33	$18,285.03	$511,028.30
.....	Arkansas	261,886.00	184,082.18	77,803.82
.....	California	254,538.67	254,538.67	.....
.....	Colorado	22,905.33	22,189.96	715.37
$46,232.10	Connecticut	308,214.00	261,981.90	.....
.....	Dakota	3,241.33	3,241.33	.....
4,350.50	Delaware	74,683.33	70,332.83	.....
.....	District of Columbia	49,437.33	49,437.33	.....
.....	Florida	77,522.67	43,529.81	33,992.86
.....	Georgia	584,367.33	106,963.17	477,404.16
171,982.70	Illinois	1,146,551.33	974,568.63	.....
135,731.30	Indiana	904,875.33	769,144.03	.....
67,813.20	Iowa	452,088.00	384,274.80	.....
.....	Kansas	71,743.33	71,743.33	.....
107,054.30	Kentucky	713,695.33	606,641.03	.....
.....	Louisiana	385,886.67	268,515.12	117,371.55
63,123.90	Maine	420,826.00	357,702.10	.....
65,523.50	Maryland	436,823.33	371,299.33	.....
123,687.19	Massachusetts	824,581.33	700,894.14	.....
75,264.50	Michigan	501,763.33	426,298.83	.....
16,278.60	Minnesota	108,524.00	92,245.40	.....
.....	Mississippi	413,084.67	101,717.04	311,367.63
114,169.10	Missouri	761,127.33	646,958.23	.....
.....	Nebraska	19,312.00	19,312.00	.....

Statement of the condition of the direct-tax accounts, etc.—Continued.

15 per cent. allowance.	State or Territory.	Amount imposed.	Amount collected.	Balance due United States.
.....	Nevada	$4,592.67	$4,592.67	.....
32,761.00	New Hampshire	218,406.67	185,645.67	.....
67,519.17	New Jersey	450,134.00	382,614.83	.....
.....	New Mexico	62,648.00	62,648.00	.....
390,587.81	New York	2,603,918.67	2,213,330.86	.....
.....	North Carolina	576,194.67	386,194.45	$190,000.22
235,063.40	Ohio	1,567,089.33	1,332,025.93	.....
.....	Oregon	35,140.67	35,140.67	.....
292,007.90	Pennsylvania	1,946,719.33	1,654,711.43	.....
17,544.56	Rhode Island	116,963.67	99,419.11	.....
.....	Tennessee	669,498.00	387,734.31	281,763.69
.....	Texas	355,106.67	130,008.06	225,098.61
.....	Utah	26,982.00	.....	26,982.00
31,660.20	Vermont	211,068.00	179,407.80	.....
.....	Virginia	729,071.02	515,569.72	213,501.30
27,172.72	West Virginia	208,479.65	181,306.93	.....
.....	Washington	7,755.33	4,268.16	3,487.17
39,346.43	Wisconsin	519,688.67	454,944.84	25,397.40
.....	South Carolina	383,570.67	377,961.30	.....

ROS. A. FISH,
Assistant Register.

TREASURY DEPARTMENT,
Register's Office, March 22, 1886.

It will be seen from this statement that Illinois paid the full amount of the quota of the direct taxes apportioned against that State, which, after deducting the 15 per cent. allowed as a credit, aggregated the sum of $974,568.63, or nearly $1,000,000. This statement also shows that, notwithstanding the sum of $529,313.33 was at the same time apportioned against the State of Alabama, yet only $18,285,000 was actually paid by Alabama, leaving a balance due from that State of $511,028.30. Georgia owes over $477,000; Mississippi owes over $311,000; Tennessee owes over $281,000; Texas owes over $225,000; Virginia owes over $286,000. Arkansas owes 40 per cent. of her qouta. Florida paid $5,000 on her quota of $77,385. Utah has not paid anything.

Now, owing to the fact that the Treasury is overflowing with an enormous surplus it is deemed unnecessary to collect the balances due from the eleven States in arrears; and it is proposed to remit or relinquish the quota apportioned against them. These amounts have been due from the States in arrears since 1861. It must be admitted by all who are just that, as declared in the report of the committee, "the tax should be collected in full or abandoned and restitution made those who have paid." Under these circumstances why should any member refuse to refund the amounts paid by the State of Illinois and twenty-seven other States. It strikes me that it is wrong for members from the States that have refused or neglected to pay their quota to the Government in its distress to refuse the return of the sums collected from other States. Certainly, sir, I feel that fidelity to the State I represent demands that I shall so cast my vote as to secure that measure of simple justice provided in this bill.

It is said that the policy of the incoming administration will be to diminish the surplus in the Treasury by purchasing outstanding bonds before maturity at high rates of premium, as has been done to some extent in the past. I prefer to see the direct tax which was exacted from my State returned to her tax-payers rather than see it used in paying a high premium to the bondholders. Justice and good conscience require that the tax-payers of Illinois should be placed upon an equality with the States that have failed to pay their quota of the direct tax. This equality is a requirement of the Constitution of the United States. (See section 8, Article I.) Every tax-payer in Illinois will be benefited by the return of this money to her treasury. It will be unfair to them if this is not done.

Some of the newspapers have grossly misrepresented this bill in many particulars. I will notice two of such misrepresentations.

First. It is asserted that this bill is pressed in the interest of attorneys or claim agents who expect to obtain a commission on allowances to the States they claim to represent. This is untrue. Illinois has employed no such agent or attorney, and therefore no such benefit can accrue to any one claiming to serve in such capacity for that State. I do not know whether any other State has such an agent or not; but if it has, no such agent or attorney can receive any such benefit from this bill, because the amounts provided in the bill are to be paid over directly to the States respectively entitled thereto, and for the further reason, as will be seen by reading the clause of the bill—

That no part of the money hereby appropriated shall be paid out by the governor of any State or Territory, or by any person, to any attorney or agent under any contract for services now existing or heretofore made between the representative of any State or Territory and any attorney or agent.

The bill itself refutes that false charge.

Second. It is asserted that this measure is of a political character. This is absolutely false, and is made by the enemies of the bill in order to confuse the public mind. It is in no sense whatever a political measure, and can not be so construed. This bill is strongly advocated by Senators and members of this House belonging to both political parties, and until the bill came here at this session such an intimation was never heard. It will be seen by the following facts that when it was first acted upon in the Senate during the last Congress every Senator who voted supported the bill except one—Mr. Van Wyck, a Republican, as will be seen by a reference to the proceedings of the Senate February 5, 1887. The following is the roll-call on the passage of the bill at that time:

YEAS—53.

Aldrich,	Dolph,	McMillan,	Sherman,
Allison,	*Eustis*,	*McPherson*,	Spooner,
Beck,	Evarts,	Mahone,	Stanford,
Blackburn,	Farwell,	Manderson,	Teller,
Blair,	Frye,	Mitchell of Oregon,	*Vest*,
Bowen,	*George*,	Morrill,	*Voorhees*,
Call,	*Gorman*,	Palmer,	*Walthall*,
Cameron,	Gray,	*Payne*,	*Whitthorne*,
Cheney,	*Hampton*,	*Ransom*,	Williams,
Cockrell,	Hawley,	Riddleberger,	Wilson of Iowa,
Coke,	Hoar,	Sabin,	*Wilson of Md.*
Conger,	*Jones of Arkansas*,	*Saulsbury*,	
Cullom,	Jones of Nevada,	Sawyer,	
Dawes,	*Kenna*,	Sewell,	

NAY—1.

Van Wyck.

ABSENT—22.

Berry,	Edmunds,	Ingalls,	Platt,
Brown,	*Fair*,	*Jones of Florida*,	Plumb,
Butler,	*Gibson*,	*Maxey*,	*Pugh*,
Camden,	Hale,	Miller,	*Vance*.
Chace,	*Harris*,	Mitchell of Pa.,	
Colquitt,	Harrison,	*Morgan*,	

The names of the Democratic Senators are in Italics.

This vote shows that only one vote was cast against it, and that every Democrat voting was in favor of the bill. When the bill was finally acted upon in the Senate during the present Congress, on January 19, 1888, the vote upon it was as follows:

YEAS—48.

Aldrich,	*Colquitt*,	*Hampton*,	*Ransom*,
Allison,	Cullom,	*Harris*,	*Reagan*,
Bate,	*Daniel*,	Hawley,	Sawyer,
Beck,	Davis,	Hiscock,	Sherman,
Blodgett,	Dawes,	Hoar,	Spooner,
Bowen,	Dolph,	Ingalls,	Stanford,
Brown,	Evarts,	Jones of Nevada,	Stewart,
Butler,	Farwell,	Manderson,	Stockbridge,
Cameron,	*Faulkner*,	Mitchell,	*Turpie*,
Chace,	Frye,	*Payne*,	*Voorhees*,
Cockrell,	*Gorman*,	*Pugh*,	*Walthall*,
Coke,	Hale,	Quay,	Wilson of Iowa.

NAYS—10.

Berry,	Paddock,	*Saulsbury*,	*Wilson of Maryland*.
Blair,	Platt,	Teller,	
Jones of Arkansas,	Plumb,	*Vest*,	

ABSENT—18.

Blackburn,	*George*,	*McPherson*,	Riddleberger,
Call,	*Gibson*,	*Morgan*,	Sabin,
Chandler,	*Gray*,	Morrill,	*Vance*.
Edmunds,	*Hearst*,	Palmer,	
Eustis,	*Kenna*,	*Pasco*,	

From this ballot it will be seen that as many Republicans as Democrats voted against the bill.

I quote the following extracts from some of the speeches of Democratic Senators and Members of the House favoring the passage of the bill. The views of these distinguished and leading members of both Houses of Congress have had great weight in strengthening my conviction that this bill is right, and that no one can truthfully charge that such a just and constitutional measure can be considered undemocratic. I have no hesitation in reaching this conclusion when I find the bill is supported by such able and distinguished leaders of the Democratic party as Senators BECK, VOORHEES, HAMPTON, BUTLER, COCKRELL, REAGAN, COKE, GORMAN, HARRIS, RANSOM, TURPIE, Representatives HOLMAN, HEARD, MANSUR, MATSON, OUTHWAITE, SENEY, TILLMAN, and other prominent Democratic members of both branches of Congress.

On February 5, in 1887, Senator BECK, of Kentucky, said in debate on this bill:

Mr. BECK. I had the honor to serve for, I believe, six years upon the Committee on Ways and Means of the House and eight years in this body, and this has been a bone of contention and annoyance ever since I first came to Congress, and I see no other equitable way to settle it unless the way we now propose, We are able to do it. We shall never do it in any other way. It has been a contention all the time. Any attempt to give up what is charged to the Southern States when the others have paid the tax would be utterly impracticable, and such a proposition never could approach success. We can not do it in any other way than this. The Senator from Massachusetts [Mr. DAWES] knows that when he was chairman of the Committee of Ways and Means in the House, and I served under him, we had the subject before us, and at last, I believe, there is no way to do it but this.

Mr. VAN WYCK. If the Southern States had directly paid their quota under this law, does the Senator think there would ever have been a proposition to repay the other States what they paid?

Mr. BECK. I think not. I think there would have been no necessity for it in that contingency.

And on January 19 last Senator BECK said, when this bill was before the Senate:

Mr. BECK. As one of the members of the committee which reported this bill two or three times, I have supposed that it was a fair measure of justice to restore to the States which had paid their proportion of the direct tax the money they had paid, or else to put the machinery of the Government, with all the force that could be brought to bear, to collect the tax not yet paid off the prop-

erty of the people of the States which did not pay the amount. One thing or the other ought to be done; and as far as my vote will go, if this refund is not agreed to, I will enforce the tax against every State that has not paid if there is any power to do so, because uniformity among the States in that class of taxes is required by the Constitution, and ought to be carried out.

I submitted heretofore a statement of the condition of the account. I submitted a report of Secretary Folger, which appears in the RECORD of January 11, 1888, which exhausts the whole argument, and if Senators will read it carefully they will find the whole case stated fully. Among other things, he says:

"Indeed, it would be unjust to the people of the loyal States to release the people of the once insurrectionary States from their liability without refunding to the former the sums paid by them, and there are analogies in the legislation of Congress.

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"It can scarcely be expected that there would be cheerful aid from the State authorities in the enforcement of it. It may be doubted whether there would be any. Indeed, it would, without further legislation, have to be enforced by the machinery provided by the act under which it was laid. This would call for the appointment of numerous Federal officials who would go among the people as obnoxious exactors. I think it must be conceded that there is, and ever will be, great reluctance to eyer setting about the collection of this tax. That it never had great favor is shown by that it was never put in force but one year. In practical effect, then, the law for it is obsolete. Why, then, should there remain this unenforced liability a menace to the people, the enforcement of which is called for by no public need nor by any public opinion?

"In my judgment the people and the property of the States in default should be relieved and discharged from it."

He argued it from that standpoint, and that is the standpoint from which the Committee on Finance regarded it, that we ought not to put the machinery of the Federal Government in motion to endeavor to collect this tax at all, and that as we were required to have uniformity, justice required that the States which had paid it should receive back just what they had paid, because nearly every State, as shown by the statement furnished, had paid it with the 15 per cent. discount, which we do not propose to allow. This may not work exact justice; all the money may not go exactly into the hands of the people from whom it was taken, but this is the nearest approach possible, and I am for it, standing on the report of Secretary Folger, to which I again call attention. I think Senators will find the argument substantially exhausted there.

Senator VOORHEES, of Indiana, speaking at the same time, said:

Mr. VOORHEES. I desire to say a word or two in explanation of the vote which I shall give on this question. That bill I look upon as a measure of high justice, and very creditable to the gentlemen who have been most active and prominent in bringing it forward. I am not about to discuss any of its features or provisions. It is a matter, however, that has been considered in the Committee on Finance more or less for the last two or three years, and is a measure of substantial relief in some respects, and of absolute justice in all.

The question is not always, Mr. President, what is just, but what is practicable and attainable. I look upon the bill as presented here as a practical measure, settling and closing up a difficult subject, one that has embarrassed the Treasury in its accounts, and one which has worked inequality, irregularity, and injustice in many States.

Senator HAMPTON, of South Carolina, said:

Mr. HAMPTON. Mr. President, I do not propose to discuss the bill brought in by the Finance Committee; I did so at the last session; but I would like to call the attention of the Senate to two or three facts to show the peculiar hardship under which the citizens of my State labor.

The quota of South Carolina was $363,000. By the report of the Treasury it is shown that, by the sales of lands and the payment of money, the State actually paid $377,000, an excess of $14,000 above the quota. In addition to that there were 53,000 acres of the most valuable sea-island lands. The whole county of Beaufort was sold, and the profit which the Government has made from the resales of land amounts to $315,000, so that practically the State of South Carolian was assessed $363,000 and actually paid within a fraction of $700,000.

Senator GEORGE, of Mississippi, said, February 5, 1887:

Mr. GEORGE. I do not care anything about this bill. I think they ought not to charge the State of Mississippi with this amount; but I see they are going to do it; I see they have been doing it all along; I see that the present Administration will not change the rule on that subject; and there is some sort of equity, I suppose, in the idea that as these Northern States paid their money to whip us fellows down there, and we did not pay our share of the cost of the whipping, now after the whipping is all over we ought to return to them the money which they paid for whipping us.

The gentleman from Ohio [Mr. SENEY], a member of the Judiciary Committee of this House, said, in his advocacy of this bill:

Mr. Chairman, the legislation proposed by the bill now before the House can not be intelligently understood unless we have in mind the condition of the country at the time this direct tax was levied and in part paid. We were then in the midst of a great civil war, and to maintain the Union side in that struggle vast sums of money were required. The public Treasury was empty and the public credit was low. The revenues of the Government, sufficient in peace, were insufficient in war. Bonds were made, paper money issued, duties on imports increased, internal taxes imposed, and a direct tax was levied. This direct tax, amounting to $20,000,000 a year, was levied in August, 1861.

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Most of the States assumed the payment of their shares of this tax, and for so doing the law provided a discount of 15 per cent. It will be observed that the law required the payment of $20,000,000 each year; but it is to be remarked that no payments or collections were made except for the year ending in August, 1862. It is to be remarked, also, that the law has no provisions respecting the time it shall continue in force, nor has the law, to my knowledge, been repealed.

At the Treasury Department the books show that $17,359,685.51 of this tax is paid and $2,640,314.49 thereof is unpaid. These books show also that twenty-seven States, two Territories, and the District of Columbia paid in full, and that eleven States and two Territories are delinquent.

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Mr. Chairman, with this condition of the direct-tax account there is great discontent. The eleven non-paying States and two non-paying Territories and their 13,209,325 people are apparently satisfied, but the twenty-seven paying States and two paying Territories and the District of Columbia and their 36,813,460 people are dissatisfied. The tax-paying States do not complain of the law under which this direct tax was levied, but they do complain of the manner in which the law has been executed. The fact is before us that the administration of this law has not been uniform. Against twenty-seven States the law has been enforced and against eleven States it has not been enforced.

One State has paid less than 4 per cent. of her tax, another State less than 7 per cent., another about 20 per cent., another 27 per cent., two States less than 36 per cent. each, one about 52 per cent., two 61 per cent. each, while from all of the other States full payment was exacted. Had this law been executed differently these inequalities would not exist, and that they do exist is proof that great injustice has been done. The fact that some of the States have paid their respective shares of this tax and other States have not suggests that some legislation is needed to make equal the burdens imposed by the direct-tax law of 1861. Whether or not Congress, at this late day, ought to compel the delinquent States to pay what they still owe of this direct tax is a question which ought to be thoughtfully considered.

These tax debts, for obvious reasons, ought to be either collected or released, and what is to be done in this respect ought to be done now. If we were to insist on their collection, the delinquent States could not in fairness complain, nor could they of right complain if, to the sums they ought to have paid twenty-six years ago, interest be added from then until payment is made. It is safe to assume that no part of these delinquent taxes will be voluntarily paid, and for several reasons their payment ought not to be enforced.

Twice did Congress suspend the collection against the non-paying States; the first time in July, 1866, until January 1, 1868, and again in July, 1868, until January, 1, 1869, and since the last suspension, now twenty years ago, nothing has been done upon the part of the Government to compel either of the non-paying States to make good its deficiency. Indeed it would seem that all purpose to collect these arrearages was long ago abandoned by the Treasury Department, and this policy, whether it be wrong or be right, appears to have had the favor of Congress, if not the approval of the people.

Again, the delinquent States were greatly impoverished by the war, and to exact from them at this time two and a half million dollars would be no inconsiderable hardship. Then, again, the Government is not in need of money unless it be to make larger the large idle surplus now in the Treasury. While there may be no intention at this time to collect these unpaid taxes, yet the obligation to pay them is in full force; and unless it be otherwise enacted it is possible, if not probable, that their payment may be enforced at some future day. The intention of which we speak as long as it exists is, perhaps, as an effectual release from the payment of what is due as any law we might pass for that purpose. Still, in the absence of a statute remitting these debts, the questions before us to-day will remain open, and as the years come and go be more and more difficult to close.

Sir, the equalization of the burdens imposed by the direct-tax law of 1861 ought not to be longer delayed. The plan of equalization proposed by the bill now under consideration seems to be equitable and just, and no reason occurs to me at this time why it should not have a cordial support.

The bill, it will be noticed, proposes to refund all of the direct tax paid, and it proposes also to remit all that is unpaid. This is equitable, this is just.

If it were proposed to refund what has been paid without remitting what is unpaid, or if it were proposed to remit what is due without paying back what has been paid, then the bill would be manifestly inequitable and unjust and would have no favor at my hands. To the eleven delinquent States and to the two delinquent Territories this bill is a generous measure. It is generous because it releases them from the payment of a large sum of money which they owe to the Government, and which the Government, if so disposed, could compel them to pay.

The bill is just because it proposes to refund what has been paid as well as remit what is unpaid. The seemingly settled purpose of the Government not to collect this delinquent tax creates an obligation, equitable at least, to refund all taxes paid, and to this obligation we ought not to be indifferent. This controversy is between States having equal claims to legislative regard. Upon the basis of perfect equality all existing differences may be readily and satisfacterily adjusted. If we can put the States upon an equal footing respecting this direct tax our whole duty is done. This bill if enacted into a law will place each and every State where it stood in 1861, when this direct tax was levied. As every court in our country treats copartners or the members of a corporation where assessments are made to promote a common interest and some are paid and some are not paid, so let us treat the States in legislating respecting these paid and unpaid tax levies.

Mr. Chairman, the purpose of this measure is grossly misrepresented to the people. In the newspapers and at political gatherings it is said that this bill is a mere raid by the so-called loyal States upon the Treasury of the United States.

Read the bill; read also the law imposing the tax, and then examine the direct-tax account, and it will be seen that the so-called disloyal States will receive their due proportion of the money. The loyal States, including Delaware, Kentucky, Maryland, and Missouri, paid $15,022,773 of this tax, and therefore they would be entitled to receive this sum. The disloyal States paid $2,336,911 and would get back this sum, and in addition would be released from their existing obligation to pay $2,305,727. In other words, to the disloyal States the bill, if it becomes a law, has a value of $4,642,638, and if twenty-seven years' interest be added to their unpaid tax, then the value is $6,747,915, and to the loyal States the value is $15,022,773.

These facts show plainly that the eleven disloyal States have more to get out of this so-called scheme than the twenty-seven loyal States.

It is true, sir, that this bill if it becomes a law will take from the Treasury surplus $17,359,685.51, but it will be observed that this money is not to be wasted or squandered or go into individual or corporate hands, for the bill directs that it be paid to the States, and by the States it will be used in the interests of their tax-paying people.

The money this bill appropriates belongs to the people, and the sooner it is legislated out of the Treasury and into their pockets the better it will be for the Government, and the better, too, will be the condition of the country. This money the people need, and for it the Government has no use. In the Treasury at Washington it does harm rather than good, while in the different State treasuries it will help in no small degree to lighten the tax burdens of the people. The State of Ohio paid $1,332,025.98 of this direct tax, and if this sum be paid back it will go into her treasury and thus directly benefit all of her people.

The direct tax paid by other States, if returned, will go into their treasuries and thus benefit all who pay taxes under their laws. Refunding to the States what they paid to the Government as a direct tax during the war will directly or indirectly benefit each and every one of our people. Is it wrong to return to the States for the use of their people money which the Government has but does not need? Fifty-two years ago the Treasury had idle money in its vaults. Through the States it was returned to the people, and the law under which this was done had the approval of President Jackson. Was Andrew Jackson a Treasury raider, or was he what history tells us, a bold and determined champion of the rights of the people?

The raising of revenue by a direct tax is in no particular favor with the American people. While the Constitution provides for laying such a tax, it is worthy of remark that but twice in our history have direct taxes been levied. In 1812 Congress laid a direct tax, and again in 1861. These years are remembered as years of war. When we are at peace, at peace with ourselves and the rest of the world, other methods for raising revenue are employed. A levy of a direct tax in war, and for war purposes only, has every appearance of a compulsory loan. This tax, it will be remembered, was not collected from the people, but the amount of tax, less 15 per cent., the loyal States paid to the Government. Were these payments advances? Ohio laid no tax upon her people to pay her share of the direct-tax levy. By a pledge of her credit she had raised money and used it in putting her sons into the Union army until advances for the Government footed up in the millions.

From Ohio's account against the Government for these advances an amount equal to the amount of her direct tax was taken and put to her credit. Is Ohio raiding on the Treasury in asking that what she thus advanced to the Government be paid back?

Mr. Chairman, it will be remembered that this bill passed the Senate at the last session after a brief debate and with only ten opposing votes. When the bill reached the House in April last it met with an opposition which resulted in what is known to parliamentary bodies as a dead lock, and this dead lock continued for ten consecutive days. During this period it was quite apparent that the House by more than a two-thirds majority favored the bill, but the small minority opposing it succeeded by divers and sundry parliamentary maneuvers in preventing its passage; and, strange to say, Representatives from the non-paying States led in these revolutionary movements.

Mr. Chairman, in the course of this debate much has been said about the Constitution of the United States, but no more, perhaps, than is said about that instrument in most of the debates of this body. The Constitution, for mere talking purposes, is a great favorite, not only in the House, but in the Senate.

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Sir, the enemies of this bill tell us that Congress has no constitutional power to make it a law. Point out, say the honorable gentlemen, the clause of the Constitution which authorizes Congress to remit or refund a tax legally laid. We read in the Constitution that Congress has sole power to lay and collect taxes, duties, imposts, and excises, to pay debts and provide for the common defense and general welfare of the United States. From this clause alone it is clear that the taxing power of the Government is vested in its legislative department, and therefore it is that over the subject of taxation, from first to last, the Congress of the United States has exclusive, if not absolute, power.

If this be the power of Congress respecting taxation, it necessarily follows that Congress has the same power to remit or to refund a tax that it has to lay and collect it. If Congress can not remit a tax or refund a tax, then it has not either exclusive or absolute power over the subject of taxation. If the power to remit or refund a tax be not in Congress, then it has no existence. What an oversight upon the part of the Constitution makers, and what an opportunity for Constitution amenders. The power to refund or remit a tax is a lawmaking power. Upon the well-settled principle that the less is in the greater, the power to remit and refund is in the power to lay and collect. The power to remit or refund is a part of the power to lay and collect. From the express power to lay and collect the power to refund and remit is necessarily implied. The power to remit or refund a tax is but an incident to the power to lay and collect it.

From whence comes the power to suspend the collection of a tax if not from the same clause of the Constitution which authorizes it to be laid and collected? Twice did Congress suspend the collection of this direct tax, and its power so to do no one has questioned. If Congress may suspend the collection of a tax, why may it not refund a collection or remit what is not collected? The direct-tax law of 1861 is still upon the statute-book, and therefore its force at this time is the same that it was on the day it was enacted. Unquestionably Congress has power to repeal the law, and if this were done what would be the effect of the repeal upon the uncollected portions of this direct tax? In my judgment the repeal of the law would remit every dollar and every cent.

Then, upon the question of remitting the unpaid part of this tax it is plain that Congress has power so to do, either by a law remitting the tax or by repealing the law levying the tax. What would be the effect upon the collected portions of this direct tax if the law imposing the tax was repealed, presents a question more difficult to determine. While it may be that the repeal of the law would not place the Government under a legal obligation to refund what it received while the law was in force, yet, having repealed the law and thereby remitted what is unpaid, in good conscience and just judgment it could not retain what had been paid.

But we are told by those opposing this bill that in the courts of the country a tax legally levied and voluntarily paid can not be recovered back, and therefore they argue that a tax thus levied and paid can not be refunded by Congress. That the judicial power of the Government can give no relief in such a case is no reason why the relief is not to be had elsewhere. The courts may relieve against an illegal tax, but against a legal tax relief must come from the power imposing it. In the one case the power is in the courts, and in the other case the power is in Congress. The Congress, as well as the courts, may relieve against an illegal tax before or after it is paid. In refunding a tax because it was illegally assessed, or for other cause, or for no cause at all, Congress exercises taxing power, and in so doing neither the executive nor judicial power can, of right, interfere.

But the more active opponents of this measure give us reason to believe that they are not sincere when they say Congress has no constitutional power to make it a law. Their two amendments to the bill show their purpose to get out of the Treasury what is known as the proceeds of property captured from the enemy during the war, amounting to $10,000,000, and what is known as the cotton tax, amounting to $68,000,000. In effect these gentlemen say to the friends of this bill, "Vote for our amendments and we will change our views and believe as you believe, that there is power in the Congress to remit and refund a legal tax, and we will so vote." The time at my command does not permit a discussion of the validity or the invalidity of the cotton tax, or the propriety of voting the amount of the tax out of the Treasury. At some other time, if the opportunity offers, my views upon this subject may be presented to the House.

Another objection made to this bill is that if this tax be refunded now it will not reach the hands of those who paid it twenty-seven years ago. So far as twenty-seven States are concerned the money will go back to the same place it was paid out in 1861. The sum of $15,022,773 which these States paid as their direct tax was in 1861 in their State treasuries for State purposes, and for the same purposes it is proposed by this bill to put back an equal amount in 1888.

The people of 1861 made the public debt, yet the people of 1888 are obligated for its payment. We appropriate money for purposes which had no existence at the time the money was paid into the Treasury. The surplus revenue distributed to the States in 1836 was money which had been collected from the people in former years. Duties on imports are now and then refunded and in some instances years after their payment. The duty is paid by the importer, but he gets the duty back when he sells the import, so that he is not out a penny, but in case the duty or a part of it is refunded the importer gets it and puts it low down in his pocket, for it is his clear gain.

Less than five years ago duties were levied upon a heavy importation of silk goods. The importer thought the duty excessive and unauthorized, but he paid it under protest. He, however, was not out a cent, for he got back the duty he paid when he sold the goods to the jobber. The importer sued for the excess, recovered it, and with the money he is importing more silk. This case was heard of frequently in the late political campaign. Of this case the opponents of the bill, if consistent, must say that the excessive part of the duty ought not to be refunded, because the importer, instead of those who in the end wear out his goods, gets the money.

Mr. Chairman, no wrong will be done if we remit and refund this direct tax. The Constitution will not be violated, nor will any statute law be broken. This measure carries benefits for the whole people, and it is their interests that our legislation ought to promote. It is to be hoped, sir, hoped confidently, that neither the jealousies of sections nor the memories of the past will be in the way of this House being generous to the erring and just to those who did not go astray.

The gentleman from Missouri [Mr. HEARD] said on April 3 last:

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This bill rests upon no issue or question of party politics. It is not in the interest of any section or class. It is an effort to equalize, as far as may be done, the inequalities, the hardships, and the injustice of the enforcement of the collection of the direct tax levied under the exigency which rested upon the General Government in 1861. The purposes of this bill have the indorsement and commendation of the present as well as of past administrations. No one favored it more earnestly than the lamented Secretary of the Treasury, the late Judge Folger, and the then First Comptroller. Of their published letters I shall again speak, but I desire now to invite your attention to the reasons for the legislation proposed by this bill.

Section 14 of the act to protect the revenue, etc., of July 28, 1866 (14 Stats., 331), suspended the further enforcement of the direct tax until January 1, 1868. And on July 23, 1868 (15 Stats., 260), this suspension was extended until January 1, 1869. In a special communication to the Secretary of the Treasury, dated May 3, 1880, the Commissioner of Internal Revenue forcibly pointed to the various inequalities which had arisen in the collection of the direct tax, and that large balances remained uncollected, and strenuously recommended that the collection of such balances be enforced, as such enforcement had been suspended merely until January 1, 1869, and that the period of legal suspension had expired.

The Commissioner of Internal Revenue was in the position of an officer commanded to do a certain thing, and the act of suspension which saved him from dereliction for the non-enforcement of the act according to its express terms had expired. He rested, then, under the responsibility of enforcing the law, and as to the proper methods of enforcement he properly called upon Congress for direction.

Similar recommendations were made in the regular annual reports. The justice and fairness of collecting these balances was apparent, as is conceded by my friend from Alabama; for he makes no point on that. Yet, Mr. Chairman, the inadvisibility of enforcing the collection when the money was really no longer needed was manifest.

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But, Mr. Chairman, the money is not needed, and the enforcement of its collection would be attended with such hardship as necessarily to create great friction; but the question remains whether it is just and right, when the other States have paid seven-eighths of these taxes, that these States in default shall continue to withhold the balance of their quotas.

Ought not they to come and tender to the Government the amount of the original quotas assessed against their States, or else not contend against the equity of an enactment which would adjust the matter so as to give them a complete acquittance and return to us simply the dollars and cents that we paid into the Treasury?

Every dictate of reason and suggestion of fairness demands that either these balances should be collected or that the sums already paid shall be refunded.

Equality is equity, and one or the other of these alternative propositions will come nearer working equity than any which can be suggested; and nothing can be more unequal or unjust than the present situation of affairs relating to this business.

It is on account of the great injustice done by these inequalities that so many public officers of high position, who have been called on in the discharge of their public duties to deal with these questions, have recommended that something be done to equalize this tax, either by collecting the balances or else to remit the balances and return the sums collected to the States who have paid it. This bill provides for this, and provides that if the sums have been paid out of the common treasury of the State, then it should be returned to the States for public use. If it was paid by individuals or collected by the sale of the lands of individual citizens, then in that case it is paid to the States respectively in trust for the citizens who paid it. This is equitable, and the States can be trusted to deal honestly with their citizens, and I submit that sound statesmanship demands the passage of this bill as both a wise and a just measure.

APPENDIX.

The final vote on the passage of the bill in the House, is as follows:

YEAS—178.

Adams,	*Dibble*,	Kerr,	Rowell,
Allen, Mich.	Dingley,	Ketcham,	*Rowland*,
Anderson, Kans.	Dorsey,	La Follette,	Russell, Conn.
Arnold,	Dunham,	Laidlaw,	*Rusk*,
Atkinson,	*Elliott*,	*Latham*,	Ryan,
Baker, N. Y.	Farquhar,	*Lee*,	Sawyer,
Baker, Ill.	Fenton,	Lehlbach,	Scull,
Bayne,	Finley,	Lind,	*Seney*,
Belden,	*Fitch*,	Lodge,	*Seymour*,
Biggs,	Flood,	Long,	*Shaw*,
Bingham,	*Ford*,	Lyman,	Sherman,
Boothman,	Funston,	*Macdonald*,	*Simmons*,
Bound,	Gaines,	*Mahoney*,	*Snyder*,
Boutelle,	Gallinger,	*Mansur*,	*Sowden*,
Bowden,	Gear,	Mason,	Spooner,
Bowen,	Gest,	*Matson*,	Steele,
Brewer,	*Gibson*,	*McClammy*,	Stephenson,
Brower,	Grosvenor,	McComas,	Stewart, Vt.
Browne, T. H. B., Va.	Grout,	McCullogh,	Struble,
Browne, Ind.	Guenther,	McKenna,	Symes,
Brown, Ohio	Harmer,	McKinley,	Taylor, E. B., Ohio
Brown, J. R., Va.	Haugen,	*Merriman*,	Taylor, J. D., Ohio
Buchanan,	*Heard*,	Moffitt,	Thomas, Ill.
Bunnell,	*Hemphill*,	Morrill,	Thomas, Wis.
Burrows,	Henderson, Iowa	Morrow,	Thompson, Ohio
Butler,	*Henderson, N. C.*	Nelson,	*Thompson, Cal.*
Butterworth,	Henderson, Ill.	Nichols,	*Tillman*,
Campbell, F., N. Y.	Hermann,	Nutting,	*Townshend*,
Campbell, Ohio	Hiestand,	O'Donnell,	Turner, Kans.
Campbell, T. J., N. Y.	Hires,	*O'Ferrall*,	Vandever,
Cannon,	Hitt,	*O'Neall, Ind.*	Wade,
Caswell,	*Holman*,	O'Neill, Pa.	Warner,
Cheadle,	Holmes,	Osborne,	Weber,
Clark,	Hopkins, Ill.	*Outhwaite*,	West,
Cogswell,	*Hopkins, Va.*	Patton,	White, N. Y.
Compton,	Hopkins, N. Y.	Payson,	Whiting, Mass.
Cooper,	Houk,	Perkins,	Wickham,
Cothran,	Hovey,	*Perry*,	Wilber,
Crouse,	*Hudd*,	Peters,	*Wilkins*,
Cutcheon,	Hunter,	Phelps,	*Wilkinson*,
Dalzell,	Jackson,	Plumb,	Williams,
Darlington,	Johnston, Ind.	Post,	Yardley,
Davenport,	Kean,	Pugsley,	Yoder.
Davis,	Kelley,	Rockwell,	
De Lano,	Kennedy,	Romeis,	

NAYS—96.

Abbott,	*Bankhead*,	*Bland*,	*Bryce*,
Allen, Miss.	*Barnes*,	*Blount*,	*Buckalew*,
Anderson, Miss.	*Barry*,	*Breckinridge, Ark.*	*Burnett*,
Bacon,	*Blanchard*,	*Breckinridge, Ky.*	*Bynum*,

Candler,	Glass,	McKinney,	Smith,
Carlton,	Grimes,	McMillin,	Spinola,
Caruth,	Hatch,	McRae,	Springer,
Catchings,	Hayes,	McShane,	Stewart, Tex.
Chipman,	Herbert,	Mills,	Stewart, Ga.
Clardy,	Hooker,	Montgomery,	Stockdale,
Clements,	Howard,	Morse,	Stone, Ky.
Cobb,	Hutton,	Neal,	Tarsney,
Collins,	Johnston, N. C.	Norwood,	Tracey,
Cowles,	Jones,	Oates,	Turner, Ga.
Cox,	Kilgore,	Peel,	Vance,
Crain,	Lagan,	Penington,	Walker,
Crisp,	Landes,	Phelan,	Washington,
Cummings,	Lane,	Randall,	Weaver,
Davidson, Fla.	Lanham,	Richardson,	Wheeler,
Dockery,	Lawler,	Robertson,	Whiting, Mich.
Dunn,	Maish,	Rogers,	Wilson, Minn.
Enloe,	Martin,	Russell, Mass.	Wilson, W. Va.
Foran,	McAdoo,	Sayers,	Wise,
French,	McCreary,	Shively,	Carlisle, Speaker.

NOT VOTING—50.

Allen, Mass.	Fisher,	Laird,	Reed,
Anderson, Iowa	Forney,	Lynch,	Rice,
Anderson, Ill.	Fuller,	Maffett,	Scott,
Bliss,	Gay,	McCormick,	Stahlnecker,
Brumm,	Glover,	Milliken,	Stone, Mo.
Burnes,	Goff,	Moore,	Taulbee,
Cockran,	Granger,	Morgan,	Thomas, Ky.
Conger,	Greenman,	Newton,	White, Ind.
Culberson,	Hall,	O'Neill, Mo.	Whithorne,
Dargan,	Hare,	Owen,	Woodburn,
Davidson, Ala.	Hayden,	Parker,	Yost.
Dougherty,	Hogg,	Pidcock,	
Ermentrout,	Laffoon,	Rayner,	

Amendment of the Rules.

SPEECH

OF

HON. THOMAS M. BAYNE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 14, 1889,

On the resolution to rescind the order made the 11th day of May, 1888, providing the session of the House shall close each day at 5 o'clock.

Mr. BAYNE said:

Mr. SPEAKER: The rules of the House as construed by the present Speaker make dilatory motions and consequent filibustering easily practicable. The language of the rules seems to justify the Speaker's interpretation. In the usual and ordinary proceedings of the House a motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess are always in order. Thus preferred and privileged by the language of the rules, it is difficult to understand how the Speaker could do otherwise than he has done, if the rules are to be interpreted by him according to their plain language.

It would have been a simple and an easy matter when the rules were being framed to have deprived the motion to adjourn to a certain day, or to take a recess, of its privileged character. The motion to adjourn should have the right of way, but the rules could easily have been so constructed as to permit but one such motion to be made until certain progress had been made in the consideration of the pending measure, or until a certain hour in the day had arrived. There are various ways by which all motions used for the purpose of delay could be excluded in express language in the rules. I hope the next Congress will see to it that such rules shall be adopted, so that a majority of the House may proceed with the transaction of the proper business of the House.

While our present rules are according to their language only susceptible of the construction which the Speaker puts on them, it would be unfair to impute to the present House the intention that they should be used by one or two members to defeat entirely the progress of legislation. Unless such an intention be justly imputable to the present House, it seems to me the Speaker attaches too much importance to the mere language of the rules, and not enough to those obligations of duty which are put upon us by the Constitution. It is our duty to enact necessary and proper laws. If, without such intention, we have adopted rules which preclude the performance of that duty, should the rules nevertheless be enforced?

To insist upon such a proposition is at variance with the precedents in all directions. Even the Constitution itself has been construed by the Supreme Court of the United States in opposition to such a theory of construction as the Speaker puts upon these rules of ours.

In that instrument there is not one line with reference to the removal of any officer of the Government except the provision relating to impeachment. Yet the Supreme Court has held that an officer could be removed for inability to perform the duties of his office, and the court justified such removal on the ground of necessity. Are the rules of the House more sacred than the Constitution? And if the Supreme Court can sustain its decision on the ground of the necessity of having the duties of an office discharged, could not the Speaker justify himself in declining to recognize purely dilatory motions on the ground of the necessity of the House of Representatives doing its duties? This law of necessity is ample enough for all emergencies, and even constitutions are at times subordinated by it.

It is said, however, that it would be dangerous to recognize the right of the Speaker to determine where and when the law of necessity should supervene. Not at all. The majority of the House would thus always get an opportunity of deciding. As the rules are now interpreted the majority is powerless.

I voted against the proposition to rescind the order fixing 5 o'clock as the hour of adjournment, because it is a mere makeshift, and a poor one at that, for the difficulties in our way. Instead of remedying matters, it interposes a test of physical endurance or a trial by battle, as it were, for practice. I have heard ourselves compared with a lot of school children. It is possible, the way things are drifting, we may some day surprise and delight the onlookers by becoming a lot of acrobats, athletes, or gladiators.

I think it high time an unbridled minority should be brought to a realizing sense of the fact that the majority should have its way. Since there is little or no prospect of a change of the rules which will give genuine relief, I hope the Speaker, whose good intentions no one will dispute, will see his way clear to so interpret the rules from this on as to enable the majority to control the proceedings of the House.

Amendment of the Rules.

SPEECH

OF

HON. GEORGE E. ADAMS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 14, 1889,

On the resolution to rescind the order made on the 11th day of May, 1888, providing that the session of the House shall close each day at 5 o'clock.

Mr. ADAMS said:

Mr. SPEAKER: It is claimed that this proposed amendment to the rules would tend to enlarge the powers of the majority of the House. To me it is simply an enlargement of the scope of the proceedings on suspension Mondays. That is a very different thing. I believe the rules of this House ought to give control of the business of the House to the majority of the House, and not to any one member or any five members, even if they constitute the Committee on Rules. It is the fault of the Committee on Rules that this House has not at least tried to frame such a code of rules.

At the beginning of this Congress, on a partial report from the Committee on Rules, this House adopted most of the rules of the Forty-ninth Congress, without deliberation, on the general understanding that the Committee on Rules would make a further report and give this House an opportunity to decide with deliberation under what rules it would transact its business. That opportunity never came. The Committee on Rules did not choose to permit it. From that day to this the Committee on Rules has been in the habit of bringing forward propositions, frequently relating to a particular day or a particular bill, and having these propositions treated, not as suspensions of the rules, which they usually are, but as amendments to the rules.

When such a resolution is brought forward, the usual course has been to move the previous question upon it at once, in order to cut off amendments, lest the House should be guilty of the indiscretion of taking control of the subject, and actually presuming to make its own rules for the transaction of its own business. That course has been followed in the present instance. The decision of the Chair this morning that a proposed amendment of one rule can not be amended by a proposition to amend another rule has a similar effect. It enlarges the already too large power of the Committee on Rules.

What is the effect of passing this resolution at this particular time? Its main effect is generally believed to be to facilitate an anomalous proceeding, by which on the first and third Mondays of each month we attempt to suspend the rules and pass bills, sometimes without printing or reference to a committee, without the power of offering amendments and almost without debate. Further, it is not in the power of two-thirds, or three-quarters, or seven-eighths of the members present to determine that a particular bill shall be voted on in this way.

The power to decide without appeal whether a particular bill shall or shall not be voted on in this way rests with a single member of the House, the chairman of the Committee on Rules. However fairly it

may have been exercised by the present Speaker, it must be admitted that it is a one-man power as vast, as potential to defeat the wishes of a majority of the House, as is the one-man power exercised by any other member who makes dilatory motions, or sits here on suspension Mondays and introduces long printed bills and has them read by the Clerk.

Now, why has this extraordinary proceeding been tolerated so long? Simply because the rules of this House are so cumbrous and their pressure is so galling that it is deemed necessary to suspend them regularly on two Mondays in each month in order to relieve what would otherwise be an intolerable pressure. It is a makeshift remedy at best. In the long run it may be better to let the galling pressure of the rules bear equally on the first and third Mondays as on other days until the House is forced to free itself from its thralldom to a bad system of rules by changing the system itself.

If the proceedings on suspension Mondays shall be nullified for the remainder of the session, and if it shall follow that in the next Congress a code of rules shall be framed which do not need to be suspended regularly two days out of every twenty-four; if, in short, in the next Congress the control of the business of the House shall rest with the majority of the House and not with any one or five members thereof, Congress and the country are likely to gain more in the long run than can possibly be lost by the failure to pass a few favored bills under suspension of the rules during the present session.

Admission of New States.

SPEECH

OF

HON. WILLIAM M. SPRINGER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 15, 1889.

The House having under consideration the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota—

Mr. SPRINGER said:

Mr. SPEAKER: I hope I may have the attention of the House during the discussion of this question, which is one of great importance. In view of the crowded condition of our Calendars I desire to move the previous question upon the pending amendments as soon as possible. I can not state now the exact time that I shall take the floor for that purpose, for I do not know how much time will be required by gentlemen in the debate. I hope, however, that the whole subject can be disposed of to-day, and I will ask gentlemen who are now present to remain in their seats that this important question may be considered here in the hearing of all, and that we can come to an understanding and vote upon all the disputed or controverted questions in reference to the proposed new States without unnecessary delay.

Mr. Speaker, in the course of the discussion of this bill I shall confine myself exclusively to the provisions of the measure now pending before the House and the substitute which I will offer hereafter; and I desire to give notice now to the House that at the proper time I shall move as a substitute for this bill the substance of House bill No. 8466, which is known as the "omnibus bill," together with provisions contained in section 3 of the substitute, which provide a mode for the division of Dakota into two States and their admission into the Union as the States of North and South Dakota if the provisions of that section shall be agreed to by the people of both North and South Dakota.

Mr. MACDONALD. Before the gentleman proceeds I would like to ask what time has been fixed for the general debate.

Mr. REED. There is no time fixed.

Mr. SPRINGER. None has yet been agreed upon.

Mr. BAKER, of New York. If the gentleman from Illinois will allow me, I understand that the gentleman from Minnesota has some amendments which he proposes to offer to the substitute if it be adopted.

Mr. MACDONALD. Yes, or to the bill itself if the substitute is not adopted.

Mr. SPRINGER. There will be plenty of time for the gentleman to offer the amendments and have a vote upon them.

Mr. MACDONALD. I simply want that right reserved.

Mr. REED. It is reserved; it belongs to you.

THE SIOUX FALLS CONSTITUTION.

Mr. SPRINGER. At the election of a Delegate to this Congress held in the Territory of Dakota in 1884, Mr. GIFFORD, the present Delegate, received in round numbers 71,000 votes and, Mr. Wilson, his Democratic competitor, 15,000 votes, making a total number of votes cast in the Territory at that time of 86,000. The Legislature at that time elected consisted of twenty-four members of the council, all of whom were Republicans, and forty-six members of the house of representatives who were Republicans, and two Democrats, so that it was almost unanimously Republican in both branches.

Mr. REED. Is that the reason you did not admit her as a State at that time?

Mr. SPRINGER. That had nothing to do with it, and has nothing to do with it; and I hope my friend from Maine will not anticipate the partisan features of this question, for I shall endeavor to keep entirely aloof from them.

Mr. REED. I see you will.

Mr. SPRINGER. The Legislature met at Bismarck in January, 1885, and passed an act for the constitutional convention for South Dakota, or, in other words, an act to authorize the convention for the formation of a new State to be known as the State of Dakota, to be composed of that portion of the Territory south of the forty-sixth parallel. Twenty thousand dollars were appropriated to pay the expenses of the convention, to be taken out of the treasury of the Territory of Dakota.

A LIGHT VOTE.

At the election for delegates to the convention in South Dakota there was comparatively a small vote, only about 16,000 voters participating in the election of the delegates to that convention. The constitutional convention met on the 8th day of September, 1885, at the city of Sioux Falls, and proceeded to formulate a constitution for the State of South Dakota, or rather for a State to be called Dakota, to be carved out of the southern half of the Territory. This convention remained in session but eighteen days, and submitted to a vote of the people a constitution to be ratified or rejected on November 3, 1885. That constitution was ratified by a vote of 25,000 in the affirmative and 6,500 in the negative, showing a total vote at that time of only 31,500. There was also submitted at the same time a separate proposition known as the prohibitory amendment, an amendment which prohibited the manufacture and sale of spirituous and intoxicating liquors as a beverage in the State of Dakota. That amendment received 15,570 votes, and there were 15,337 votes cast against it, having been adopted by a slender majority of 233. At that time—that is, at the time this vote was taken—there were embraced within the limits of the proposed new State of South Dakota as now named at least 65,000 voters, and of that number only 31,000 participated on the day of election in voting for or against the constitution, and only 25,000 of the 65,000 voted in favor of the adoption of the constitution. There were more than 40,000 voters in the Territory that is embraced within the limits of the proposed State who either voted in opposition to the constitution when the question was taken or who were so indifferent as to remain away from the polls and not vote at all.

DEMOCRATS TOOK NO PART.

I desire to call further attention to the fact that the Democratic party in South Dakota did not participate, as a rule, in this election for delegates or for ratification of the constitution. It appears that an address was promulgated and published to the Democratic voters by the Democratic Territorial committee, dated October 15, 1885, in which it is stated that the committee declined to call a Democratic convention for the nomination of officers for the proposed State of South Dakota, or Dakota, as it was then called, and recommended "that the Democrats of Dakota and all law-abiding citizens within the Territory should decline to take any part whatever in the proposed election and the proceedings looking to the formation of a State government for the southern half of the Territory."

It is evident, therefore, that the great mass of Democratic voters in that Territory declined to participate in the election of November 3, 1885, when the constitution was submitted to the vote of the people, and when State officers, the Territorial Legislature, two representatives in Congress, and county officers to compose the new State were voted for. Now, I have called attention to this fact, Mr. Speaker, not for the purpose of showing that this is a partisan constitution, because in its provisions it is not, but for the purpose of showing that a small portion of the voters of that Territory participated in the formation of it, which I shall call hereafter the Sioux Falls constitution of 1885. A very small portion of the electors voted for delegates to the convention, only about 16,600 participated, and only 31,500 voted at the election for the ratification or rejection of this constitution. There were at that time over 65,000 voters in that part of the Territory. So small a portion, therefore, having participated in forming this constitution, I insist, after four years have elapsed and admission under that constitution has not been secured, that justice to the people of North Dakota and to the people of that part of Dakota desiring to be embraced in the new State requires that proceedings should be instituted by Congress allowing them to begin anew, and that all these proceedings should be set aside and a new convention be had for South Dakota as well as for North Dakota. I will refer to that feature of the case further on.

APPROPRIATES THE NAME OF "DAKOTA."

I now desire to call the attention of the House to the provisions of the constitution which was adopted by that convention. I hold a copy of the constitution in my hand. It begins with this declaration: "That the people of Dakota," etc., while only the southern half of that Territory was represented, and that, too, by less than one-fourth of the voters in that part of the Territory; and after the convention ap-

propriated the name of "Dakota" and gave it to the southern half of the Territory, it then proceeded to form it into a State and to fix the boundary upon the north as the forty-sixth parallel. That boundary and this name are now not satisfactory to any of the friends of this movement. In fact South Dakota has been compelled to abandon that claim in deference to the unanimous protest of North Dakota, and all desire, as proposed in the Senate bill now before us, to change this name and also to change this boundary so as to make the name "South Dakota" and the boundary the seventh standard parallel, which is about 6 miles south of the other, and is the surveyor's boundary which divides the townships and counties of the Territory, and therefore more convenient.

THE CONSTITUTION HASTILY FORMED.

I desire to call attention to the fact that this constitution was formed very hastily, the convention having been in session only eighteen days. Many of its provisions are worthy of the highest commendation, but there are several inaccuracies and errors that have crept into it, owing perhaps to the haste manifested at the time, which ought to be corrected before it becomes the law of the State. One of these errors is on page 45 of Senate Report 75, and shows that in the constitution the word "excluding" is printed in this text as "including the Indians," so that the Legislature is required to apportion the Senators and Representatives according to number of inhabitants, "including Indians" not taxed, and the soldiers and officers of the United States Army and Navy. This is an error that has crept into this copy, and it ought not to be passed in this shape.

Mr. ADAMS. Is it a fact that that was an error in the constitution?

Mr. SPRINGER. It is an error, because the Constitution of the United States uses the phrase "excluding Indians not taxed," etc.

Mr. ADAMS. Are you able to state as a matter of fact that it is in the constitution?

Mr. SPRINGER. The engrossed copy is in Dakota and I have not seen it. I presume it is a mere typographical error.

Mr. GIFFORD. It is a typographical error. There is an engrossed copy of the constitution on the files of the House.

Mr. SPRINGER. It may be all right; I only spoke of the copy before us.

The constitution provides that the sessions of the Legislature of Dakota shall be limited to sixty days, and it further provides that bills shall be read at length at least twice, on different days—the first and third reading. This will make legislation very slow. We have similar provision in the constitution of Illinois. Our Legislature begins on the first Wednesday in January and generally remains in session until the middle or latter part of June by reason of that provision, which is copied into this constitution, requiring the bills to be read at length twice; and before a final vote is taken the bill shall be printed, and no bill passed except upon a vote of the yeas and nays, and must receive a majority of all the members elected.

Mr. ADAMS. That is a part of our constitution.

Mr. SPRINGER. That is a part of our constitution, but I want to call attention of the gentleman to the fact that when that provision was put in our constitution there was no limitation as to the time that the Legislature should remain in session. If this provision is retained it necessarily lengthens the time the Legislature must remain in session, and you must make provision for longer sessions if you would obtain any good out of it.

Mr. WARNER. Will my colleague permit a question?

Mr. SPRINGEB. Certainly.

Mr. WARNER. I understand my colleague to point to this as one of the reasons why the Senate bill should not be adopted. Has the gentleman any assurance or any information from the inhabitants of Dakota that they would not re-enact that provision in any constitution which they might adopt?

Mr. SPRINGER. Oh, no. I am simply calling attention to some of the provisions of this constitution to show the great haste with which it was adopted, and am giving this as one of the reasons, not sufficient in itself, but one of the reasons why the people should have an opportunity to form another constitution.

Mr. REED. Well, they seem to have had plenty of time, owing to the repressive measures which have been adopted.

WOMEN ELIGIBLE TO OFFICE.

Mr. SPRINGER. I will call attention to another provision of this constitution which I think was the result of the hasty action of the body which framed it. On page 54 of this report, in which the Sioux Falls constitution is printed, it will be seen that women are made eligible to all the offices in the Territory except governor, lieutenant-governor, and member of the Legislature. They may be elected to the supreme court; the chief-justice may be a woman; the justices and the county officers and the judges may be women; the auditor of public accounts, the secretary of state, and the attorney-general—all these officers may be women; and as the framers of this constitution have gone so far in that direction, I do not see why they have made an exception in the case of governor, lieutenant-governor, and member of the Legislature. I call the attention of my friend from Dakota [Mr. GIFFORD] to that feature, so that it may be amended if that is thought desirable.

Mr. GIFFORD. I do not wish to interrupt the gentleman, but I want to say that the provision he refers to was taken from some twenty constitutions and is identically the same provision as the provision found in those constitutions.

Mr. SPRINGER. The gentleman is mistaken about that, and I will point out the mistake.

This provision refers in the first place to the qualifications for voters, and the qualifications for voters in the new State of South Dakota allow an alien to be a voter after he has lived in the United States one year and has resided in the State six months. I refer now to pages 53 and 54 of this document.

Mr. ROGERS. Does that mean after the declaration on the part of the alien of his intention to become a citizen?

Mr. SPRINGER. I was coming to that. After the alien has declared his intention to become a citizen of the United States he may immediately qualify as a voter, if he has resided in the proposed new State six months and has been one year in the United States.

Mr. ADAMS. It is so in Wisconsin and in several States.

Mr. SPRINGER. Yes. I am simply calling attention to this fact that it is in the constitution, and also to the fact that an alien woman may even be elected chief-justice of South Dakota after she has been one year in the United States and six months in the State.

Mr. REED. But she would not be elected unless the people wanted her.

Mr. SPRINGER. Oh, no. But I think this provision was put in hastily or inadvertently, and therefore I call attention to it.

CORPORATIONS.

Now, as to the provisions with reference to corporations. On page 60 it will be found that the Legislature is prohibited from chartering railroads or other corporations except those of a charitable, educational, penal, or reformatory character; but there is a provision in section 3 of this article that the Legislature shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any special or general law for the benefit of such corporation, except on the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution. So that, if a corporation is willing to accept that limitation, the Legislature may pass any law it pleases with regard to the corporation.

Again, section 9 of this article seems to me to be an error. It ought to have related solely to municipal corporations, but in fact it relates to all corporations. So that provisions here with reference to corporations, which would be otherwise very wholesome, are virtually nullified by other provisions.

Mr. ROGERS. Either I am unusually obtuse this morning or else my friend does not exhibit his usual lucidity in his explanation of the provisions in relation to corporations. I would like to understand that subject a little more clearly.

Mr. SPRINGER. I will explain. I am passing rapidly over these points in order to save time. The first section of this constitution in reference to corporations (page 60) provides as follows:

SECTION 1. No corporation shall be created or have its charter extended, changed, or amended by special laws, except those for charitable, educational, penal, or reformatory purposes, which are to be and remain under the patronage and control of the State; but the Legislature shall provide by general laws for the organization of all corporations hereafter to be created.

This section is clear and not subject to criticism. But section 3 of the same article in reference to corporations permits the Legislature to alter or amend any charter which may exist or be created by general law, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of the constitution. That there may be no mistake as to this provision I will read it. It is as follows:

SEC. 3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing, nor alter nor amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

Under this provision if any railroad company should be formed under a special law before the adoption of the constitution, or under a general law thereafter, its charter could be altered or amended by the Legislature if accepted under the provisions of the constitution. That would follow, of course. All laws are made subject to the constitution. The power to alter and amend, therefore, opens up the whole field of special legislation.

I call attention also to section 9, which provides that the Legislature shall have power to revise, alter, or annul any charter of any corporation existing at the time of the adoption of this constitution, or any that may be hereafter created, whenever in their opinion it may be injurious to the "cities of the State," in such manner, however, that no injustice shall be done to the corporators. So that while the provisions of this section, section 9, are evidently intended to be confined to municipal corporations, they in fact relate to any corporation whatever. What I desire to call attention to is the fact that, whether by design or by accident, this constitution contains conflicting provisions on this subject.

Mr. ROWELL. Is not that like the constitution of our State?

Mr. SPRINGER. No, sir; not in that respect. I have carefully compared the article on corporations in the constitution of Illinois with the Sioux Falls constitution of 1885, and I find that section 1, which I have already quoted, is the same precisely in both constitutions; but sections 3 and 9 of the Sioux Falls constitution is not found in the Illinois constitution, nor any similar provisions whatever.

THE LEGISLATIVE APPORTIONMENT.

Now I desire to call attention to another provision of this Sioux Falls constitution. It is found on pages 62 and 63 of this report. It relates to the apportionment which was made in this proposed new State of Dakota for the election of members of the first Legislature. This apportionment, you will remember, was made four years ago on the basis of the population then existing. Since that time there has been a great change in the population of various parts of South Dakota, so great a change that it would be manifestly unjust to have this apportionment go into effect at this time and to have the first Legislature of the new State elected under it.

I will call attention to some of the features of this apportionment so that members may see how glaringly inaccurate and unjust it would be to adopt that as the present basis for an election of members of the Legislature. Take for instance the county of Yankton, which, under the Sioux Falls constitution, is entitled to four members of the Legislature. That county at the last election for a Delegate to Congress, in November, 1888, cast only 2,084 votes. The county of Lawrence—the county in which the city of Deadwood is located—cast at the election last fall for Delegate in Congress 4,490 votes, there being at that time a full vote. Yet that county which cast 400 more than twice as many votes as the county of Yankton is entitled only to the same representation in the Legislature—namely, to four members. In other words, Yankton County, with 2,084 votes, would be entitled to four members of the Legislature, while Lawrence County, with 4,490 votes, would be given only the same number of members.

Mr. BAKER, of New York. My friend will admit that the very first Legislature to be elected can correct that.

Mr. SPRINGER. Oh, yes. I am showing what would be the effect of this apportionment with reference to the first Legislature to be convened under this constitution—the Legislature which is to set the new State in motion and to elect the Senators who are first to represent that State in the Congress of the United States. For the election of this Legislature there ought to be an apportionment at least reasonably just.

I call attention also to the county of Beadle, in which is located the town of Huron. At the election for Delegate last fall this county cast but 2,200 votes; yet by this constitution it is allowed five members of the Legislature, while the county of Minnehaha, which cast nearly 4,000 votes, is allowed only four members of the Legislature—in other words, one member less although having twice as many voters.

I have prepared a table showing a number of instances of this kind—showing that either this apportionment was unjustly arranged at the time or else that this proposed commonwealth has rapidly grown out of the narrow limits in which some of its counties were placed by the Sioux Falls constitution, and such counties are now entitled to be habilitated in garments equal to their proportions.

INDIAN LANDS.

I desire to call attention further to page 66 of this constitution. It will be seen that in the ordinance which this convention adopted and which is to be irrevocable without the consent of the United States, as it relates to the disposition of the public lands in that new State, it is provided that—

> The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands of the United States lying within said State; and the same shall be and remain at the sole and entire disposition of the United States, etc.

Now, that is all right so far as it goes; but if gentlemen will observe the recent provisions on this subject, and especially those which are contained in the substitute I shall offer for this bill at the proper time, they will find that this provision is entirely inadequate to our present condition. In other words, instead of limiting this reservation to the sale of undisposed of lands, it should be further provided, as is provided in the substitute I shall offer, that the United States reserve jurisdiction over Indian lands in that new State. It will be remembered that in South Dakota is the greater portion of the great Sioux reservation—a reservation as large in area as the great State of Ohio. By the terms of the substitute which I have prepared Congress retains complete jurisdiction over those Indian lands, as was done in the case of Colorado in reference to the Ute reservation, and in the case of other States with regard to the Indian reservations therein.

The allotment law heretofore passed by Congress provides that the lands allotted to the Indians shall be held by the United States in trust for the Indians taking them, and they will thus be exempt from taxation until such time as Congress may deem it safe to allow the States in which those lands may be located to tax them. In the substitute I shall offer there is a reservation that Congress may exempt these lands from taxation after they have been allotted to the Indians for such time as Congress may deem just to the Indian, in order that he may not, by reason of failing to pay his taxes, be despoiled of his heritage.

Mr. ADAMS. From what part of the constitution is the gentleman reading?

Mr. SPRINGER. From the top of page 66 of this report, article 22.

THE EXECUTIVE COMMITTEE.

I desire to call attention to another provision in this bill. It will be seen, Mr. Speaker, that the Sioux Falls convention distrusted the Territorial officers then in existence in the Territory, and for the purpose of counting the votes and making the returns upon this constitution an executive committee was provided, consisting of a number of gentlemen whose names are placed in this schedule, the chairman of this committee being Hugh J. Campbell. The chairman and the executive committee were clothed with extraordinary power. All the returns were to be made to them and they were to issue the certificates of election. This committee was also empowered to provide the funds for defraying the necessary expenses connected with the performance of their duties and to issue certificates therefor. This executive committee has issued certificates for such expenses, I presume, and in section 5, I believe, of this Senate bill now pending you will find a provision for the payment of those certificates out of the Treasury of the United States.

Section 5 of the Senate bill for defraying the expenses of the constitutional convention held by the people of said State, and of elections held therefor and thereunder, appropriates the sum of $25,000, or so much thereof as may be necessary, out of any funds in the Treasury not otherwise appropriated, to be paid to the treasurer of said State upon the requisition of the Legislature thereof, setting forth the items and particulars of such expenses so incurred. Therefore this extraordinary committee, which was created by the Sioux Falls convention of 1885, clothed with the powers to examine all the returns of elections and to issue certificates to members of the Legislature and all the State officers, and issue also certificates of indebtedness, is now to be relieved by this Senate bill, which makes an appropriation of $25,000 to pay their expenses.

Section 26 of the schedule of the Sioux Falls constitution is as follows:

> The governor, Representatives to Congress, and Senators of the United States, whose election is provided for in this schedule and ordinance, shall, together with two other persons to be selected by the State executive committee, constitute a committee whose duty it shall be, in case of the ratification of this constitution by the people, to present this constitution to the President and the Congress of the United States and request admission of the State thereunder into the Union of States. And they shall have power to do and perform all things necessary and proper to carry into effect the purposes for which they are thus appointed.

The $25,000 appropriated by the Senate bill will doubtless be used, if the bill should pass, or a part of it, to pay the expenses of this high official commission to visit Washington and present the Sioux Falls constitution to the President and Congress. It could have been sent by mail or express just as well.

If gentlemen will read pages 68, 69, and 70 of this constitution they will find most extraordinary powers were confided to the executive committee.

TEMPORARY SEAT OF GOVERNMENT.

But I desire to call your attention to another matter. One of the articles submitted was in reference to locating the temporary seat of government for the new State. The electors voted their preference for any town in the State, and the town having the greatest number of votes was to be the temporary seat of government until otherwise provided in the constitution. The town of Huron received the greatest number of votes under that provision.

Now, it is remarkable by the terms of the Senate bill, and under the amendments submitted by the Delegate from Dakota [Mr. GIFFORD], every provision of this constitution is resubmitted to the vote of the people, including the prohibitory amendment or the provision which prohibits the sale of intoxicating liquors as well as their manufacture in the State, every single provision of that constitution of the new State——

Mr. STRUBLE. What objection can the gentleman from Illinois have to the people of Dakota deciding on that question for themselves?

Mr. SPRINGER. I am not objecting to their doing so, as the gentleman will know if he will hear me through. It will appear every provision of that constitution is resubmitted to the people of South Dakota for ratification or rejection, including the prohibitory amendment and the provision in reference to minority representation, every one of them, everything except the provision in reference to the temporary seat of government. Out of all this Sioux Falls constitution nothing is preserved or nothing is made sacred beyond the touch of the voters of South Dakota except that part of the proceedings which located the seat of government temporarily at the town of Huron.

Mr. STEWART, of Vermont. I must beg leave to correct the gentleman from Illinois. The gentleman from Dakota sent to the Clerk's desk an amendment providing for the resubmission to the vote of the people of that question of the temporary seat of government.

Mr. SPRINGER. I beg the gentleman's pardon. It was not printed with the other amendments.

Mr. GIFFORD. No, it was not; but it was sent up and is now in the Clerk's hands. It simply changes the phraseology and provides for the resubmission of that question to the vote of the people.

Mr. SPRINGER. In that amendment you propose to submit that question again to the vote of the people?

Mr. GIFFORD. Yes, sir; to resubmit that question.

Mr. SPRINGER. I am glad to know the conclusion in reference to this point which was reached by me several days ago has commended itself to the good judgment of the Delegate from Dakota. He has surrendered on that point even before we reached it, and I am glad all this work, therefore, is to go back to the people for ratification or rejection.

Mr. GIFFORD. I feel highly complimented. [Laughter.]

Mr. SPRINGER. It only shows what I am now suggesting in regard to this constitution ought also to be agreed to by the gentlemen on the other side, and I believe it will be agreed to as soon as they understand what it is I propose by the substitute which I will offer at the proper time.

THE ARCHIVES, RECORDS, AND BOOKS.

Now, Mr. Speaker, I want to call the attention of the House to a further provision embraced in the Sioux Falls constitution, which it is proposed to resubmit to the people of South Dakota and not to the people of North Dakota. Section 28 of the schedule provides:

All existing archives, records, and books belonging to the Territory of Dakota shall belong to and be a part of the public record of the State of Dakota—

Or of the State of South Dakota, as it is now called—

and be deposited at the seat of government in the said State with the secretary of state.

So that if this constitution is resubmitted to the people in the manner provided and is voted on and adopted, and so declared by the President to be adopted, and the State is admitted into the Union, as this bill provides, immediately thereafter this provision becomes operative, and in consequence thereof the secretary of state of South Dakota will be authorized to go to Bismarck and denude the capital of the Territory of Dakota of every scrap of paper relating to its previous history—all existing archives, all the records, all the books, the library, the law library, the court records, everything. All the public archives are to be gathered together, boxed up, and shipped to Huron, in South Dakota. Everything that relates to the public business belonging to the Territory will be taken from the people of the Territory by this provision and transferred to the new State.

I may say, however, in this connection, that there is a provision somewhere that, at the convenience of the new State, they will make copies of such records as North Dakota may desire or require, and let them have the copies.

But here is a most remarkable instance of the overreaching desire of the delegates in that convention in reference to this new State. They not only appropriate at that time the name of Dakota, South, but all of the original records and archives of the Territory.

Mr. STEWART, of Vermont. The gentleman from Illinois would not divide them, would he?

Mr. SPRINGER. No, sir; I would not divide them, but I would leave them where they are and allow the State formed out of this Territory to come to the capital, have access to these records, and take such copies as are necessary or may be desired for their new State. But the Territory of Dakota is continued in existence under the provisions of the bill under the name of North Dakota, but is to be denuded of all its records and archives and everything touching its previous history.

Mr. HENDERSON, of Illinois. Will my colleague permit me to ask whether the first State admitted should not be entitled to these records?

Mr. SPRINGER. No, sir; the first State admitted does not embrace the whole Territory. It leaves the Territory in existence to be known as the Territory of North Dakota, organized with a Territorial form of government, all the machinery of government provided, its boundaries defined, its officers named, its capital located, but all of its archives are to be taken away from it and deposited with the new State.

I hold, sir, that they should be left just where they are now, and the new State, which has its existence from the time of its admission into the Union, should be permitted to go and take copies of the records at its own expense.

Mr. SYMES. Will the gentleman allow a question?

Mr. SPRINGER. Yes; I will yield for a short question.

Mr. SYMES. Does not the Senate bill provide for having copies made and furnished to the Territory of North Dakota?

Mr. SPRINGER. Oh, yes; the constitution, as I stated, contains a provision which will permit North Dakota to go there and get them at the expense of South Dakota. But where are the books? Where is your law library—the Supreme Court reports—what about them? South Dakota will not be expected to make copies of them. South Dakota will have taken them away, and North Dakota will have to buy other books if it wants them.

Mr. ADAMS. And we will appropriate for that.

Mr. SPRINGER. My colleague says Congress will appropriate money for that. But Congress is not obliged to pay South Dakota or North Dakota for making copies of records or for books and libraries.

These, Mr. Speaker, are some of the objections I have discovered to the Sioux Falls constitution, and the people of South Dakota ought not to be required to adopt this constitution in its present form or be kept out of the Union as a State. Under the provisions of this Senate bill the people of South Dakota must take this constitution as it is. I have pointed out only a few of the objectionable features.

FIVE PER CENT. OF SALES OF PUBLIC LANDS.

But, sir, in this connection I wish to call attention to another provision of the bill. The Senate bill now before us, No. 185, in section 11, provides—

That 5 per cent. of the net proceeds of sales of all public lands made by the United States within the limits of the said State, prior or subsequent to the passage of this act, after deducting all expenses incident to the same, be, and the same is hereby, granted to the said State of South Dakota for the support of public schools.

This provision relates back to the time at which the first lands—public lands—were sold in the Territory, and gives to the new State 5 per cent. of the net proceeds. I addressed a letter to the Commissioner of the General Land Office and requested him to furnish me a statement, and I will print it as a part of my remarks, of the receipts of the sales of the public lands in the Territory of Dakota from its foundation to the present time, and the statement that he furnishes me shows the enormous sum of $16,000,000 and over. Of that the proportion which would be paid, after deducting certain expenses, to Dakota would be $790,000.

It will of course occur to gentlemen that the whole of this $790,000 would not go to South Dakota under the bill, for a portion of it would belong to North Dakota. But when we come to the admission of North Dakota we would be compelled to treat her in the same manner, and hence this bill means, if it be adopted, the appropriation from the public Treasury of 5 per cent. of the sales of all the public lands in the Territories from the time of their organization until their admission into the Union as States. It not only relates to the Territory of Dakota and the proposed new State, but it would also embrace Montana, Washington Territory, New Mexico, and all of the others that come into the Union, for of course it would form a precedent upon which they are all to be admitted, and hence instead of three-quarters of a million dollars, as here proposed, we will find the total sum running up to four or five millions in the near future. The letter of Commissioner Stockslager is as follows:

WASHINGTON, D. C., *January* 14, 1889.

SIR: I am in receipt of your letter of to-day, and in reply thereto you are informed that the amount received by the United States on account of sales of public lands in the Territory of Dakota from the date of the first sales to June 30, 1888, is $16,330,856.76.

The net receipts from such sales are estimated to be about $15,800,000, and 5 per cent. thereon would be $790,000.

S. M. STOCKSLAGER, *Commissioner.*

Hon. W. M. SPRINGER,
House of Representatives.

The substitute which I have proposed allows the Territories or the new States 5 per cent. on the sales made after the admission of the States into the Union, and not prior to the admission. That is the difference.

PRICE OF SCHOOL LANDS.

Another provision to which I desire to call attention is that in Senate bill 185 the State is allowed to sell the school lands at the price of $5 per acre; but in the substitute that I have offered, and I think in this respect it is much better, the State can not sell them for less than $10 an acre; and in both bills these proceeds are to be a permanent fund for free schools. And it will occur to every gentleman that we ought to look well to these provisions from the fact that they are not made for this generation only, but for posterity also. The principal is not to be used, but only the interest, and the principal is to remain as a permanent investment for school purposes.

Mr. SYMES. Are you criticising the South Dakota bill or the omnibus bill—which are you talking about?

Mr. SPRINGER. I am talking about both of them. I am speaking of the Senate bill and this bill which I propose to offer as a substitute.

Mr. SYMES. Are not these mere matters of detail which can be acted upon by amendment, and do they furnish any serious objection to one bill or the other?

Mr. SPRINGER. I am simply presenting gentlemen with all the facts in this case, if I can do so, and then they can act as they see fit.

Mr. SYMES. Are you opposing the South Dakota bill?

Mr. SPRINGER. I am doing so.

TERRITORIAL INDEBTEDNESS.

Another provision in the Senate bill is that Congress may hereafter, or must hereafter, apportion the indebtedness of the Territory of Dakota between the new State of South Dakota and the present Territory of Dakota, or the new Territory to be created by this bill. That is to say, that Congress is to take charge of a matter purely local and determine how much of this indebtedness shall be paid by these several States here. But Congress has no power to compel such payment. South Dakota should agree to pay her share before admission. Congress can not compel her to pay after admission.

The substitute which I will submit provides that the two conventions, while in session, shall appoint a joint commission of not less than three members of each body who shall assemble at the present seat of

government of the Territory and determine upon the proper disposition to be made of the public records, archives, and property of the Territory—because it has a great deal of property, many State institutions, charitable and otherwise; and also to agree upon the disposition to be made of the debt and liabilities of the Territory, and that the agreement shall be placed in the respective constitutions so that the new States shall assume this indebtedness agreed to and thus avoid any difficulties in the future on this subject.

This is very important, Mr. Speaker, for we have a precedent in history where it was neglected. West Virginia was set off as a new State, and there were no provisions made in regard to the indebtedness of the old Commonwealth. The State of Virginia apportioned off the indebtedness which it assumed to be properly payable by the new State of West Virginia, and informed that State that the State of Virginia would expect West Virginia to assume that proportion of the indebtedness. The State of West Virginia declined to do it, and there was no power in Congress to compel her. She never did assume it. The consequence was that old Virginia, the old Commonwealth, repudiated that part of her indebtedness. The recurrence of such an event is provided against in the substitute which I shall offer.

DATE OF ADMISSION.

It is provided in section 28 of the Senate bill that the result of the election at which the Sioux Falls constitution is resubmitted shall be declared by the chief-justice and the governor, and, after it has been declared by them, that it shall be sent to the President of the United States, and if the majority shall be in favor of the constitution, then the President of the United States shall issue his proclamation declaring that the State of South Dakota is admitted into the Union on an equal footing with other States. Now, if you will look at section 29 and tell me what would be the date of the admission of South Dakota into the Union under its provisions, you will do more than I can do; and this is a very important question. The date of the admission into the Union will be the time when South Dakota as a State comes into existence, and all offenses and crimes that may be committed within her territory would be punishable by the State. The Territory of Dakota would cease to exist from that time in the southern part of the Territory. It is very important, therefore, that there should be no doubt about that subject.

A NEW CONVENTION.

Now, Mr. Speaker, I have very briefly called attention to the present state of the bills pending in this House in regard to this question of the admission of Dakota. From the fact that so few persons participated in the election of delegates to the Sioux Falls constitutional convention, from the fact that so few participated in its ratification, from the fact that the boundaries and the name must be changed, and the whole subject resubmitted to the people again, and as no delay can be caused thereby, I have believed, and the Committee on Territories have believed, that the whole matter should be remitted to the people of South Dakota as well as to the people of North Dakota in order that they may pass upon the question anew.

Mr. JOSEPH D. TAYLOR. How much time is required for the admission of South Dakota under the substitute?

Mr. SPRINGER. Just the same time that is required for the admission of North Dakota.

Mr. STRUBLE. Oh, no; the substitute does not propose that South Dakota shall be admitted at all. It proposes only that "Dakota" shall be admitted. Your omnibus bill does not provide at all for the division of Dakota.

Mr. SPRINGER. I beg the gentleman's pardon. The omnibus bill, as reported from the Committee on Territories, provided for only one Dakota, but in section 3——

Mr. BAKER, of New York. The gentleman from Illinois [Mr. SPRINGER] has experienced a change of heart on that subject.

Mr. STRUBLE. I had forgotten about the last proposition; the gentleman has made so many.

DAKOTA MAY BE DIVIDED.

Mr. SPRINGER. In section 3 of my substitute it is provided that at the election for delegates in May next electors in the Territory of Dakota on both sides of the line may have written or printed upon their ballots the words "For division" or the words "Against division;" and if a majority of those in both North Dakota and South Dakota shall be in favor of the division of the Territory into two States, as will be indicated by that vote, then, instead of one constitutional convention assembling, two conventions will assemble, and the delegates elected north of the seventh standard parallel will meet in convention at Bismarck and form a constitution for the State of North Dakota, and the delegates elected south of that line will meet at Sioux Falls and form a constitution for South Dakota. The bill also provides that those two conventions shall assemble at the same time, at the different places indicated, and proceed to formulate constitutions for their respective State governments, to be submitted to a vote of the people of both proposed States for ratification or rejection at the election to be held in November next, the general election in the Territory.

Mr. ADAMS. Supposing that two constitutions are formed, one for North Dakota and the other for South Dakota, and the people ratify them next November, what would the next step be?

Mr. SPRINGER. The next step would be, as provided in this bill, that the constitutions would be certified by the governor to the President and Congress, and that on the reassembling of Congress in December next the propositions would be laid before it, and the States would then be admitted into the Union by act of Congress.

Mr. SYMES. Will the gentleman from Illinois yield for a question?

Mr. SPRINGER. I desire to dispose of this part of the subject first.

Mr. ADAMS. The point is, that Congress would still have to raise the question whether these new constitutions, hereafter to be framed, were republican in form, and therefore the State could not be admitted except by a legislative act of the Fifty-first Congress.

Mr. SPRINGER. That is right. I want to speak about that very point. The Constitution of the United States provides that new States may be admitted by Congress and not by proclamation of the President. Congress may admit new States into the Union and their constitutions must be republican in form. Congress is the judge of the constitutions after they are made. There is no constitution existing for North Dakota for Congress to pass upon. There is no constitution for Washington, there is none for New Mexico, there is none except one formed several years ago for Montana, and this one for South Dakota. Congress might pass now upon the constitutions of Montana and South Dakota, and admit them upon conditions to be imposed by Congress. But we can not tell what provisions may be put into the constitutions not yet made. For instance, in regard to the public lands which we are donating in this bill—and it is a princely heritage which Congress proposes to give them in the form of public lands—we ought to have the privilege of seeing hereafter, when these propositions for permanent government are formulated, that they are republican in form and that they comply with this act of Congress, or with the act of Congress which we may pass, in order that Congress may exercise, in the very last instance, its supervising power over the admission of States into the Union, and may determine whether the constitutions which they present are such as ought to be received and such as ought to entitle them to be included in the family of States.

Mr. SYMES. Will the gentleman yield now for a question on this subject?

Mr. SPRINGER. Yes, sir.

Mr. SYMES. Is it not a fact that Colorado was admitted into the Union by proclamation of the President without coming here and presenting her constitution, and that no act of Congress was required to accept her constitution?

Mr. SPRINGER. That is true.

Mr. SYMES. And are there not other States that have been admitted in the same way?

Mr. SPRINGER. There are. The gentleman can name them; I have not looked up that matter.

Mr. SYMES. There are several others, you admit?

Mr. SPRINGER. Yes, sir.

Mr. SYMES. Just another suggestion. Now, then, the difference between the Senate bill and the "omnibus bill" as it affects South Dakota is simply this: that we now have before us the constitution adopted by the people of South Dakota, and we are called upon by the Senate bill to pass upon that constitution. We know what it is.

Mr. SPRINGER. I concede all that. I trust the gentleman will not take up my time with a speech.

Mr. SYMES. That constitution has been conceded by the Senate and by many others to be a most perfect constitution. Why should we send this constitution back and take the chances on something else—we know not what it may be?

Mr. SPRINGER. You do send it back, at any rate. The Senate bill sends it back. Every word has to be resubmitted to the people.

Mr. SYMES. We send it back only for the purpose of allowing the people to vote on that constitution.

Mr. SPRINGER. Certainly.

Mr. BAKER, of New York. But gentlemen will remember——

Mr. SYMES. Wait a moment. The change of name does not affect the question of the constitution being "republican in form." Now, is it not the fact that this bill provides for a vote by the people of South Dakota on this constitution, which the Senate has said is a good constitution and republican in form, and which is so in fact, and no gentleman in this House will presume to deny it? Then why not admit South Dakota on that constitution if the people will adopt it instead of sending the question back on the chance of getting something new?

Mr. SPRINGER. I hope my friend will not exhaust my time by making a speech.

Mr. SYMES. I want the House to understand the difference.

Mr. SPRINGER. The House will understand it.

Mr. SYMES. It can not possibly from your statement understand much about it.

Mr. SPRINGER. I know how much more lucid my friend from Colorado is in his statement than I am.

Mr. SYMES. You pass from one bill to the other so as to confuse them.

Mr. SPRINGER. The gentleman is always lucid in his statements, and I have great regard for his opinion. When he takes the floor he

can no doubt explain this matter more clearly than I can. But I desire in the brief time I have remaining to state this question so that it can be understood. As to the constitution of South Dakota, which I distinctly state that we know what it provides, yet delegates to the convention which framed that constitution were elected by only 16,000 voters, the question being voted upon by only 30,000, while there are now in South Dakota, according to the last vote, over 70,000 voters.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. TURNER, of Georgia). The time of the gentleman from Illionois has expired.

Mr. COX obtained the floor.

Mr. SPRINGER. I hope my friend from New York will yield me a moment or two.

Mr. COX. With pleasure.

Mr. SPRINGER. In conclusion, I desire simply to say that the reason for requiring this question to go back to the people is that there is no necessity in the present condition of things for organizing the Territory of North Dakota to continue for three or four months only; and in justice to North Dakota, as well as to all the people of South Dakota, we ought to start anew in this matter, bringing both these new States into the Union at the same time, as would be done under the proposition I advocate, at the meeting of the next session of Congress. Thus all the difficulties would be harmonized, all liabilities met; Congress would treat both of them precisely alike. The substitute which I shall propose at the proper time disposes not only of South Dakota but would bring North Dakota into the Union as a State at the opening of the next session, if division is desired by the people of both proposed States. It would also bring Montana, Washington, and New Mexico into the Union.

Thus under the substitute which I shall offer at the proper time we may have five new States instead of merely the State of South Dakota and the Territory of North Dakota, as provided by the Senate bill.

Mr. Speaker, I do not deem it necessary to refer separately to the Territories embraced in the proposition which I shall submit. The Delegates from those Territories will each set forth the claims, respectively, of their Territories. I will ask the House to give careful attention to the remarks which may be made by them. They will show conclusively that Dakota, Montana, Washington, and New Mexico have the requisite population, resources, and other conditions for statehood. These four Territories were embraced in the House bill for the reason that they were all the Territories which had a population equal to the ratio for a member of this House, except Utah, which, for reasons well known, should be disposed of in a separate bill.

Admission of Territories.

SPEECH

OF

HON. ISAAC S. STRUBLE,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 16, 1889.

The House having under consideration the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota—

Mr. STRUBLE said:

Mr. SPEAKER: I regret to say, sir, that I have not had time to place in writing such remarks as I wish to offer upon the pending bill and substitute. Indeed, I feel like apologizing for appearing in this body unaccompanied by manuscript; for after the very elaborate remarks of gentlemen who have preceded me, it is due the House that those who follow should, as far as possible, present their remarks as concisely, orderly, and as forcibly as possible. In my case the onerous clerical duties of the past few weeks have made it impossible for me to pursue the course I had planned, namely, to write out my remarks at length. Therefore, if my observations shall be broken and desultory, I beg the indulgence of the House upon the ground and for the reason stated.

Mr. Speaker, for six years past I have had the honor to be a member of the House Committee on the Territories, and to my certain knowledge this is the first time in all that period that the lower branch of Congress has been afforded an opportunity to speak or vote upon the great question of Territorial interests as represented in a bill for admission of new States into the Union. It may be much like analyzing a last year's bird's nest to say anything about the utterances of our Democratic friends at the late St. Louis convention, and it may be regarded by some as bringing into this discussion a partisan element; but I can not forbear reminding the House—in view of the fact that for six years neither side of this Chamber has had an opportunity to discuss or vote upon such bills as those now before us—of the inconsistency of the Democratic party in convention assembled at St. Louis last June, when by solemn resolution that convention declared the Republican party to be guilty of a denial of the rights of self-government to the four Territories whose names appear in the pending substitute. Here is the resolution to which I refer:

Resolved, That a just and liberal policy should be pursued in reference to the Territories; that right of self-government is inherent in the people and guarantied under the Constitution; that the Territories of Washington, Dakota, Montana, and New Mexico are, by virtue of population and development, entitled to admission into the Union as States, and we unqualifiedly condemn the course of the Republican party in refusing statehood and self-government to their people.

Here is the plain charge against the Republican party of denial of right of self-government to the people of these Territories named. But what is the fact about it? For six years the Democratic party has controlled this House and has had ample power over questions relating to the admission of Territories into the Union. At any of its five previous sessions to this it could have placed on the Calendar and brought forward such measures as would have shown the friendliness of the party toward the Territories and compelled a Republican Senate to disclose its disposition on the same subject.

Instead of reporting suitable bills in the Forty-eighth and Forty-ninth Congresses illustrative of the patriotic spirit of the resolution I have quoted, no measure like the pending bills or of similar purpose was reported, and although the bill (S. 185) was placed on the Calendar on March 13, 1888, no attempt to bring it up for consideration was ever seriously made, but, on the contrary, the combined energies of the chairman of the Committee on Territories and others friendly to the measure have been exercised to secure the passage of a bill marking out and establishing new Territorial lines in a section of the country in the greater part of which there are no lawful civilized inhabitants, except those pertaining to the operation of railroads, and to the military and Indian service of the country. Such is Democratic consistency.

Now, sir, I am in favor of the Oklahoma bill. I believe that something should be done, and speedily, to change the anomalous and disgraceful condition existing in the Indian Territory, but at this time, and confronted as we are by the facts in relation to the greater questions concerning over a million of people, I do think that the inconsistency of our friends on the other side in denouncing the Republican party as responsible for the denial of the rights of these people deserves at least passing comment and criticism.

Mr. Speaker, when the Springer substitute was originally reported from the Committee on Territories, the difference between the members of the committee, Republican and Democratic, briefly stated, was this: The Republicans concurred with the Democrats in respect of Montana and Washington Territories, but differed with them upon the proposition to deny the people of Dakota the right of division and the early admission of the south half as a State and the organization of the north half as a Territory.

In other words, the position of the Republican members of the Committee on Territories since the question was first presented to that committee has been that Dakota should be divided as proposed by the people in the convention held at Huron, in the south half of the Territory, in 1885, and that the south half should be speedily admitted under the constitution framed in convention assembled and called for that purpose.

Our Democratic friends on the committee originally took the position that Dakota should not be divided; that the south half of the Territory should not be admitted; but they were willing—and the chairman of the committee [Mr. SPRINGER] introduced a bill for that purpose, which was afterwards considered by the committee—to admit the Territory as a whole, or rather to pass an enabling act which might lead to the admission of the whole Territory as now constituted into the Union after further proceedings by the people and further legislation by Congress.

Another point of difference, Mr. Speaker, between the Republican and the Democratic members of the Committee on Territories was this, that the Republican members did not, and do not now, as I understand it, regard the condition of New Mexico, in respect of most material and important considerations, such as to entitle that Territory to be admitted at this time into the Union. Therefore, the Republicans united in a report presenting their views in opposition to the ground taken by the majority of the committee and to the views expressed by the Delegate from that Territory [Mr. JOSEPH]. I am happy to remind the House that since the report of the committee to which I have alluded was filed, the Democratic members of this House in sufficient numbers (if we may judge from what has been said and what has been done here by way of proposing amendments within the past few days) have concluded that they will yield to the very proper claim and desire of the people of Dakota, and accord to them the privilege of having their Territory divided into two States instead of one, provided the people thereof in both North and South Dakota shall vote for division.

I am glad to note the changed position of our Democratic friends upon this question, for it seems to me that it is turning back from a technical, and my friend, the chairman of the committee, will pardon me if I say narrow, view to that other and broader one which many Democrats entertained in years past concerning the right of the people of our great Territories to govern themselves. And I am glad, Mr. Speaker, that we have exhibited here in this House and on the Democratic side

a disposition on the part of so many of our Democratic friends, after looking out over that great and wonderful Territory called Dakota, taking into view its wonderful advancement, its rapidly growing population, its farms, its railroads, its cities, its schools, its colleges—I am glad, I say, that, looking out and seeing these things, a goodly number of them have concluded to abandon the position occupied by my friend from Illinois, the chairman of the Committee on Territories, and have made up their minds to adopt a more liberal policy than that which has been advocated by that distinguished gentleman. In view of this change of attitude on the part of the majority here, I shall not spend time in arguing in favor of the admission or the division of Dakota; but I do wish in passing to notice certain propositions which the chairman of the committee has advocated in relation to the proceedings to be had under the substitute which he proposes.

It will be seen that on the most vital point of interest to the people of the south half of Dakota it is not proposed to divide this Territory unless on a vote taken in each part, north and south; it is found that a majority of the people in each section shall vote for division. Under the theory of this bill South Dakota may cast a majority of ten to twenty thousand in favor of division, and yet if the north part should cast one majority against division it shall remain one Territory, as now. That such a proposition is illiberal and manifestly unfair, and contradictory of the past dealing of Congress with the Territories, I shall not waste time to prove. I am not one who believes in doing outrage to a reasonable sentiment among the people of a Territory who may be opposed to having their Territory divided, but on taking an expression of their views on this or any other question, I would not cast reproach on the good old democratic principle of the will of majorities by dividing a given Territory into districts and requiring all districts to show majorities before conceding anything to them.

This to my mind is a serious objection to this bill, and should prevent its passage. Let the old principle be applied to the present unit of Territorial organization as is usual. Another objection to this; it is proposed to force upon the people of all the Territories concerned—the recognition and adoption temporarily, at least, of the minority principle—the principle of minority representation now and for some years past obtaining in the State of Illinois, which in part is represented by the author of this substitute, Mr. SPRINGER. It is not pretended either of these Territories has signified a desire for, or a willingness to try this principle.

Mr. Speaker, I, for one, do not feel that minority representation ought to be forced upon the people of these Territories against their will, but rather that they should be left, in such proceedings as they may be compelled to take to secure admission into the Union, to the usual and ordinary principles obtaining under our democratic form of government, and that until they wish and so signify, they should not be compelled to adopt the principle of minority representation or any other not in general use. There are other objections to this bill, but I will not stop to notice all of them now, but conclude my remarks in this line by a declaration of hostility to the omnibus character of the substitute as a scheme adopted to make certain the admission of an unfit Territory in arbitrary and unnatural association with others, each of which is amply meritorious.

I am opposed to any such wholesale grouping of two distinct classes—the unqualifiedly meritorious with the unworthy; and I maintain that in such important action as this each Territory should stand or fall on its own merits, and particularly unless it be generally conceded that all alike possess equal claims for admission; and certainly no gentleman will hazard his reputation by asserting that New Mexico presents an equally clear and strong case as a candidate for State honors as does each of the other Territories named in the substitute bill.

Mr. Speaker, I had hoped to find in the RECORD this morning the remarks of the gentleman from Illinois [Mr. SPRINGER] made yesterday, but I notice they are withheld for revision. Nevertheless I shall occupy a moment in making a brief and somewhat general reference to his observations upon the constitution of South Dakota framed by the people in convention assembled in 1885.

The gentleman assumed to make numerous criticisms upon various propositions embodied in that constitution; and I see, by reference to a second substitute which I understand he is not now pressing—one of his two substitutes—he would undertake to direct the people of these Territories as to certain declarations, namely, upon the religious question, upon the adoption of the Federal Constitution, and upon references to the Declaration of Independence, if I am not mistaken.

Mr. SPRINGER. Those are in every enactment we have heretofore made in bringing new States into the Union.

Mr. STRUBLE. I do not wish to question the claim that those things ought to be in some form embodied or suitably recognized in State constitutions, but rather to show to the House that this constitution framed by the people of South Dakota was so carefully considered and framed as that all these points are fully covered already. Take, if you please, an important enunciation adopted from the Declaration of Independence upon the subject of the equality of all men and the inalienable rights of person and property which is found in their bill of rights. There is no lack on this point. On the contrary—if I am not mistaken—Jefferson's language defining the equality of men and the purpose of government is copied almost *verbatim*. They also guard the religious question carefully. They recognize as the supreme law of the land the Constitution of the United States. I challenge any gentleman who may listen to me to examine the bill of rights embodied in that constitution and say whether it is not most full and ample in respect of the great principles which are now embraced in the various State constitutions of the country as they are in our Federal Constitution.

And now I wish to argue briefly in favor of the qualification and competency of the people of this Territory, acting under the influence of our national and various State constitutions, in their deliberations pertaining to the framing of a constitution to pass upon those questions without the dictation of Congress in respect of them, because the whole trend of the public thought in that Territory, and for that matter without doubt in all the Territories, is in favor of the truest allegiance to the national Constitution and to all the great principles to which as Americans we are so much devoted and of which we are so justly proud.

But, Mr. Speaker, I do not wish to talk much more of Dakota. I live near her border; and hence, as a near and friendly neighbor, feel inclined to enlarge my remarks with reference to her. I know personally many of her citizens who went from the good State of Iowa, citizens who filled distinguished places in the Legislature of our State, as my colleague [Mr. GEAR] knows very well; men, some of whom sat in our senate and house of representatives, or occupied other important places. Others of less prominence in political affairs, as well as thousands from our farms, professions, business, and labor avocations, have cast their lot with the good people on those prairies in the faith and understanding that the policy of the National Government would be in favor of early consideration of the claims of the people to statehood, and that at a time when they should in point of material and educational development, and in other respects bearing on just claims to statehood, show themselves ready for that relation, the Congress of the United States, following in the well-established line of precedents, would then grant them the same common rights which we enjoy as citizens of the various States from which we come.

I hope that no question which may be brought in here in connection with Dakota, or for that matter, Montana and Washington, will make it impossible to admit the southern half of Dakota at an early day and the northern half at a period following soon after. What I say for South Dakota I would say for Montana and Washington, because I believe there is no condition existing within those two Territories amounting to a serious objection to their admission; on the contrary, both are clearly prepared now for statehood. But after examining into the condition of New Mexico; after resorting to the best sources of information available to us; after giving the fullest consideration to the evidences illustrative of her present suitability and qualification for admission, it was, as I have before remarked, the voice of the Republican members of the Committee on Territories that the time had not yet come when it would be proper and right to admit it as a State.

Mr. Speaker, I beg to say, in all seriousness, that the minority of that committee were not, and are not to-day, actuated by any sentiment or feeling of hostility with reference to any religion or class of people in New Mexico; and when the attempt is made, as it has been by at least one gentleman on this floor to-day and heretofore, to make it appear that the opposition to the admission of this Territory is founded upon objection and unfriendliness to a religion and to a people believing and practicing a given religion, I wish to say to the gentleman and to the House, knowing as I do the sentiments of my colleagues on this committee as I certainly do my own, that such an idea is altogether foreign to the truth. I could not find words to express my abhorrence of a purpose on the part of a member of this body to question the religion of any people in any State or Territory within our great national limits unless it be that of the Mormons, and as to this the case is altogether exceptional. I would be ashamed of myself if it could be truly said of me that I objected to the admission of New Mexico because many of her people are believers in a church and a religion to which I do not and can not subscribe.

I deem it proper at the beginning of a discussion of the claims of New Mexico to notice the stipulation found in the treaty of Guadalupe Hidalgo, of date February 2, 1848, being the treaty of peace and cession under which the United States became possessed of this and other territory. It has been maintained by the gentleman from New Mexico that upon a fair construction of this stipulation to which I have referred the Territory is now entitled to admission.

The following is the language, being article 9 of the treaty:

> Mexicans who, in the territory aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) according to the principles of the Constitution; and in the mean time shall be maintained and protected in the enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

No one will for a moment controvert that it was agreed by and between the high contracting parties that such of the people and their descendants as remained in the territory of which New Mexico is now a part and did not preserve the character of citizens of the Mexican Republic should be citizens of the United States, and, at a time to be judged of by the Congress thereof, be admitted into the Union.

Since then, without objection on the part of the inhabitants of the original Territory, in so far as I know, it has been divided, and that now remaining is but a fraction of the former area known later as New Mexico. Arizona was carved out of New Mexico and organized into a Territory February 24, 1863.

The last official census taken was in 1885, when the population was 134,141, and while the present governor of the Territory estimates that the population was in the fall of 1887 nearly 160,000, it is evident to my mind the number of present population is not by any means such as, on that account, to entitle it to serious consideration, for the fact is that of this population nearly or quite 10,000 are Pueblo Indians, who live apart by themselves and take little if any interest in political affairs.

Now, the rule of population alone has never been admitted to be the sole criterion governing the admission of States, but a far weightier consideration than this has been and is that of the condition of the people, the state of development, the capacity of the Territory to maintain permanently a large population, and the qualifications of the people for self-government.

What, then, was meant by the reservation to the United States of the time when this Territory should be admitted? Not alone population, but that and every other element material to State government.

In all these years New Mexico has been unable to increase her population to a point of excessive number above the ratio of representation, and certainly in point of advancement, in intelligence, and material development in all its practical phases she lags greatly in the onward march of progress.

On this point I conclude by maintaining that the reservation in the treaty was intended to signify a purpose on the part of this Government to retain the substantial right to pass on all questions relating to the adaptation and qualifications of the people of New Mexico, and that Congress, without being held to severity of policy or judgment, should first be convinced that the requisite qualifications for statehood are now possessed by the people who seek its benefits.

Mr. Speaker, the House has already been advised very forcibly of one reason which our friends on the other side deem to be conclusive and all-powerful as estopping the Republican side of this Chamber from objecting to the admission of New Mexico at this time. The learned and eloquent gentleman from New York [Mr. COX], so familiar with all our history in regard to Territorial legislation, as it seems to me he is with almost every question in the wide range of legislative subjects, took the position that we on this side of the Chamber are estopped and can not now question the right of these people to immediate admission into the Union. The reason stated was the support given fourteen years ago in this House by such Republicans as Mr. Kasson of Iowa, Mr. McKee of Mississippi, and other members of the House, and by distinguished members of the Senate of the United States to a bill then proposing to admit this Territory into fellowship with the other States.

I have the greatest respect for the judgment of such men as these, and I desire always to be governed by that liberal and manly spirit which recognizes the right of a man at any proper time and place, whether in official station or otherwise, to form and express freely his opinions on any subject; but the opinions of those gentlemen, eminent though they were and as many of them still are, should not, it seems to me, be the arbitrary guide of those of us who are here to-day charged with the responsibility of passing on important interests arising in course of our duties as members of this body. Therefore at this time, while declaring my respect for the opinions and official course of others, I decline to assent to the claim that I should be, and that we on this side of the Chamber should be, governed by the opinions of members of our party sitting fourteen years ago in this body or at the other end of the Capitol.

Mr. Speaker, I wish to remark, before discussing the questions in relation to New Mexico, that I hope I may not say a word, and I aim not to say a word, that can be properly construed into an unfriendly or personal reflection in an offensive sense on any man, woman, or child living within the borders of that Territory. But while I shall have this aim in view, still I propose to talk plainly and frankly about the conditions existing to-day in that Territory, and urge these conditions upon the attention of the House.

You have heard, Mr. Speaker, the eloquent portrayal of the agricultural development of New Mexico by the gentleman [Mr. JOSEPH] who has the honor to sit upon this floor as the Delegate from that Territory. You have seen the picture he has drawn, not only of the genial and beneficent climate of that region, but you have also heard in forcible and eloquent language his description of the agricultural development of the Territory. He has told you in enthusiastic terms of the splendid condition existing there to-day, and of course he speaks as one knowing well whereof he affirms. Now, if he has not allowed his imagination to lead him too far we ought all to pack up as soon as Congress adjourns and go down to that Territory and live there. [Laughter.]

If the picture the gentlemen has sketched is not exaggerated, there are about sixty millions of people in this country who are comparatively unfortunately situated. They should have sought homes in New Mexico or its adjacent and similar territory. From what he has said one might suppose that nearly all the land within the limits of New Mexico is not only rich in soil, but well adapted to easy and successful cultivation, and that all kinds of cereals and fruits are produced in richest abundance; in short, that in addition to the most congenial climate, the fairest skies, and the most healthful natural influences, suggestive of extremest longevity, in point of profligate display of creative power the Almighty had never spread out a more charming landscape than the actual arid plains of New Mexico. For allegiance to one's people no Member or Delegate can justly be criticised, nor for making an earnest defense of his country and constituents. Indeed, as we all know, large latitude of imagination and portrayal of the many and desirable features of a section from which a speaker hails, as well as the character and virtues of his constituents, is here tolerated, but one should not, as it seems to me, ascend into the region of the stars nor scale loftiest peaks in flights of fancy when practical questions of statesmanship are involved. That the gentleman from New Mexico has not come far from doing both I will attempt to show before concluding my remarks.

I wish to say to this House to-day, at the very outset of my discussion of this Territory, that in my opinion what New Mexico needs most is the fostering and friendly hand of this Government to aid it in the development of its agricultural possibilities, and in the settlement of the vexed question now pending in reference to its complicated system of land grants. I do not believe—and I think I will be able to show to the satisfaction of gentlemen who will do me the honor to listen to me—that in the present condition of the Territory of New Mexico (and the facts I will produce will show it) it can be reasonably expected that if left to themselves and clothed with statehood the people of that Territory would be found equal to their change of condition and the duties and responsibilities it would involve.

It has not been fifty minutes, or at least not more than one hour and a quarter, since my friend from New Mexico who sits opposite to me, in his very smooth and able address to the House on behalf of his people, charged upon the minority of the committee, not in terms but by very plain inference, that those who attempted to maintain a contrary existence of things opposed to those described by him in relation to New Mexico exhibited their ignorance of the facts. Mr. Speaker, as I was intrusted with the preparation of the minority views on the "omnibus" bill, so called, now under consideration, I sought certain sources of information in reference to the conditions existing in the Territory of New Mexico, and the very first question which addressed itself to my mind was this: What is the agricultural condition of that Territory and what is the possibility in reference to the development of her agricultural capabilities?

In my investigation I did not have to go far to find information of a reliable character. I came early in contact with my esteemed friend, the Delegate from that Territory. He is a member of the Committee on Territories and a very efficient one. He understands, as he plainly said in his speech to-day, that the greatest of all needs of his Territory is a suitable and a proper system of irrigation. He knows very well that instead of agriculture smiling from all the hill-tops and in all the valleys of New Mexico, while they have the native elements of a fertile and highly productive soil, still they require the helpful agency of water before it will respond with abundant yields of fruits and grains. They have not that agency now in anything approximating sufficiency, as I will show by the admission of the gentleman himself as well as by the testimony of the governor of the Territory.

During the first session of this Congress there was introduced by the Delegate from New Mexico a bill proposing an appropriation by Congress of $50,000 to be used in sinking artesian wells in the Territories of Arizona and New Mexico, in aid of their efforts to make more successful cultivation of their soil, and demonstrate, as I suppose, whether such means of supplying water are practicable. As a very proper thing, the chairman of the Committee on the Territories referred the bill to Mr. JOSEPH to make examination and report upon it. Let me say first that every man on the committee, as I remember, voted in favor of the proposition.

Let me say further that the committee is unanimously in favor of granting liberal aid to the Territories of New Mexico and Arizona in the settlement of disputed land questions, and in aid of the development against the serious condition of nature existing there and occasioned by insufficient water-supply, by which these Territories are most seriously hampered. No illiberal spirit on the part of any member of that committee in dealing with the many and important measures before it calculated to promote the prosperity of the people of the Territories can be justly charged, unless it be in the matter of advancing them to statehood, and on this point I have already made admissions and endeavored to place the blame where it rightly belongs; and so, when it came to appropriating money for artesian wells, all were found willing to make the experiment.

Well, we had, as I have said, this question before us, and the gentleman from New Mexico made a report in harmony with the unanimous vote of the committee. He commenced with a statement of facts in relation to Arizona; and now please listen to what he said as to that Territory, and later of his own:

From the census of 1880 it appears that the Territory of Arizona embraced an area of 112,920 square miles, or 72,268,800 acres of land, of which vast area less

than 2,000,000 acres are susceptible of cultivation for want of water, and even this small area is entirely deprived of irrigation, thus leaving utterly without water supply and without any means of irrigation the enormous body of over 70,000,000 acres of land which under the present land laws must forever remain unfit for the habitation of man, unless a supply of water can be obtained by artificial means.

Now, listen to what the gentleman said in regard to his own beloved Territory of New Mexico:

The same conditions exist in the Territory of New Mexico, which embraces an area of 122,460 square miles, or 78,374,400 acres of land, of which, as appears by said census, only 5½ per cent. is susceptible of cultivation, for the reasons already stated, leaving 94½ per cent., or 74,063,808 acres forever unfit for human habitation unless water can be obtained to irrigate the same.

Mr. JOSEPH. Will the gentleman permit an explanation of that?

Mr. STRUBLE. Gladly, if it does not come out of my time, and with the indulgence of the House. But if my time is to be consumed at any length———

Mr. JOSEPH. I will consume but a moment.

Mr. STRUBLE. Very well.

Mr. JOSEPH. That was the condition in 1880, before the advent of railroads to any extent in the Territory and before the advent, of course, of the large influx of immigration now scattered all over the Territory. Since that period many corporations have constructed canals or ditches and water reservoirs, and thereby reclaimed a great deal of these arid lands.

Mr. STRUBLE. That is, since the railroads entered the Territory there has been a great agricultural development by reason of improved irrigation?

Mr. JOSEPH. Yes, sir.

Mr. STRUBLE. But I will remind the gentleman that the report was made but a few months ago.

Mr. JOSEPH. But it referred to that time.

Mr. STRUBLE. Does the gentleman claim that this wonderful change, to which he has now alluded, has taken place since he made that report to Congress?

Mr. JOSEPH. No, sir; but since the year 1880, to which the report the gentleman has read refers.

Mr. STRUBLE. Well, does the gentleman claim now—and I advance to this for the purpose of another point in the argument—that since the introduction of railroads the system of irrigation obtaining there before their introduction has been largely and efficiently extended?

Mr. JOSEPH. Yes, sir.

Mr. STRUBLE. The gentleman does so claim?

Mr. JOSEPH. Yes, sir.

Mr. STRUBLE. How does it come, then, that no allusion was made to these things in the gentleman's report to the committee, but that the gentleman in that report should plant himself squarely and fairly upon the statement to the House and to the country that 94½ per cent. of the total lands in that country are without sufficient irrigation for purposes of cultivation, or that they are in such a condition as to be, to quote the language of his own report, "unfit for human habitation?" That was pretty strong language at the time the report was written.

But to go still further, and as effectually refuting the gentleman's theory, let us see what he said in that report of the number of farms in his Territory, as compared with those in 1860; and gentlemen will not, I think, have much trouble in appreciating the embarrassment in which the gentleman from New Mexico is now placed. Continuing in his report, he said:

The Territory of New Mexico was organized in 1850, and in thirty years thereafter it had a population of only 119,565 souls, or less than one person to the square mile, and its population during the two decades preceding 1880 only increased 26,000, all of which increase occurred after 1870, and consisted largely of persons connected directly or indirectly with the construction, maintenance, and operation of railroads leading through said Territory to the Pacific Ocean. While population increased as above stated, and also by reason of large mining enterprises, yet, as shown by said census, there has been an actual decrease of the agricultural element, the number of farms in 1880 being actually less than in 1860. This can be accounted for only on the fact of scarcity of water for agricultural purposes.

The same conditions exist in Arizona, except that its population is about one person to 2 square miles of area. The waters of that Territory have been almost entirely appropriated to agricultural purposes, yet millions of acres of most fertile land is uninhabited, because the poverty of the people will not permit experiments in water development, and does actually prevent any effort towards reclamation of these vast deserts.

This certainly does not show that irrigation and cultivation have been greatly extended within recent years.

And later on I will present from the last annual report of Governor Ross evidence showing that in the opinion of that official the present system of irrigation in New Mexico is a failure and will have to be abandoned; in fact, he says so in plain terms.

Now, Mr. Speaker, this is one source of information to which I went to obtain my facts. I regarded it then, and still regard it, as a matter beyond dispute that improved and enlarged irrigation is necessary. But right here let me emphasize as I go on that my purpose is not to depreciate New Mexico, but to make plain and unmistakable the position I have taken, that more than anything else New Mexico needs liberal appropriations from the Government of the United States to develop her soil by means of an ample and liberal system of water distribution, so that this wonderful soil may blossom with all the grains, fruits, and flowers for which it is undoubtedly adapted when it is properly provided with an abundance of water.

Mr. MACDONALD. Will the gentleman permit a question just here?

Mr. STRUBLE. Well, my time is very brief. I will yield for a question, but not for a speech.

Mr. MACDONALD. I am not going to make a speech. What I want to know is if the gentleman wishes to give us to understand that he opposes the admission of New Mexico notwithstanding that its people are willing to assume its burden of the obligation for this purpose?

Mr. STRUBLE. Not for this reason alone. The question of irrigation, however, without which the agricultural resources of the Territory to which the gentleman from the Territory has alluded this morning can not be successfully advanced, amounts, in my opinion, to something worthy of our consideration. And the question of material resources is, in my judgment, a proper element to be considered in discussing such a question. I may be mistaken, and if I am mistaken then I desire to be set right.

Mr. MACDONALD. I hope the gentleman will answer my question before leaving this point.

Mr. STRUBLE. I will answer the question now and frankly. It is one thing to be willing to assume heavy burdens and responsibilities and quite another to be able to properly and successfully bear and discharge them. If the gentleman from Minnesota will carefully read the report of Governor Ross, of New Mexico, for 1888, he will find, if the governor is correct, as no doubt he is, that the agricultural future of that country is wholly dependent on the establishment and maintenance of an extensive system of water-storage and irrigation. To provide such a system as the governor regards necessary will require the expenditure of large sums of money, and while no doubt can exist that New Mexico will, before many years, be capable of dealing successfully with such a vast project of legislation, I am forced to the conclusion from documentary evidence available to all of us, some of which I will submit before concluding my remarks, that the time has not yet come when this great scheme of improvement and others for which provision would undoubtedly be deemed desirable to be made at an early period should be undertaken. To be plain, I say to the gentleman that I will have more confidence in the ability of the people of New Mexico to properly and wisely deal with these important subjects when the number of her English-speaking citizens has greatly increased. I mean American as distinguished from Mexican.

Returning to the line of my remarks, what I maintain is, that we have the right and it is our duty to inquire into the agricultural, mineral, educational—every condition, in fact, bearing upon the question of fitness at this time for admission of a Territory into the Union. The distinguished member from New York [Mr. COX] said upon the pending proposition that population should be the criterion.

Mr. COX. I did not say so.

Mr. STRUBLE. I so understood the gentleman.

Mr. COX. I said the resources and character.

Mr. STRUBLE. I beg the pardon of my friend from New York. He did touch upon the question of population, unless I have entirely forgotten his remarks, and indicated a favorable view of that criterion when he spoke of the question of the admission of New Mexico and his attitude toward her application for admission in 1874. He certainly planted himself on population equal to the ratio of a member as a rule or criterion for admission.

A MEMBER. He objected to Utah absolutely.

Mr. STRUBLE. He made Utah an exception to all rules to be applied, and I am glad that he did so. We all make that exception, unless it be a very few, who would admit Utah without any question concerning its social, religious, or other institutions.

But I am not, as I said a moment ago, endeavoring to cast reflection upon this Territory, but rather to make manifest that the Government should be considerate and helpful to it and all Territories needing assistance that may be now and for many years unable of themselves to provide means to sink artesian wells and to establish such systems of irrigation as will bring from the mountains the surface water and place it within reach of these seventy-four millions of acres of untillable land in New Mexico and seventy millions in Arizona, and thus enable their people to move forward in the development of their country and thereby contribute to their early preparation for admission into the Union.

Mr. MACDONALD. Would the gentleman make admission dependent upon the water supply?

Mr. STRUBLE. Oh, no, not solely, if in all other respects there are found sufficient qualifications. But if the gentleman has given any serious consideration of the situation in New Mexico, he will not endeavor to depreciate the importance of the water supply there. I am urging this as one of the considerations in this case. And it being admitted by both the governor and the Delegate that without an improved and vastly enlarged water system nothing by way of cultivation and habitation of 74,000,000 acres can ever be had, is this not a proper subject of discussion when it is proposed to admit the Territory as a State?

But in order that the House may see that I am speaking not alone of what the gentleman from New Mexico [Mr. JOSEPH] said in his report on this point, I desire to call attention to what the governor of that Ter-

ritory has recently said in his report to the honorable Secretary of the Interior of the necessity for aid to provide water—aid towards a very laudable purpose—to enable these people to be what they ought to be, and what they will at no distant day become, if properly helped.

I call attention to this report, which I hold in my hand. There are two things to which the governor calls special attention. He presents at the outset two questions which he deems of supremest importance to the condition and welfare of the people of New Mexico. What are these? The disputed land titles is one; and he goes on and presents forcibly and ably the necessity for some legislation by Congress which will bring about a settlement of these questions. On this point let me say that every Republican member of the Committee on Territories united with the Democratic members in support of a measure that came before us in the Forty-ninth Congress, and again in this, to aid in the settlement of these land titles; and we believe that Congress ought to complete legislation in that direction and without delay. There ought to be something done to bring these people out of that unfortunate condition of dispute which arises in a country where title to property is not settled; for it is a matter of undisputed fact that there exist in New Mexico now, and have for years, numerous and serious conflicts respecting titles to Spanish and Mexican land grants.

But it will the better subserve my purpose to present in full what the governor says in his last annual report to the honorable Secretary of the Interior on this subject:

You will pardon me for departing in a measure from the order of topics to be discussed, suggested in your letter of instruction, in the introduction, at the opening of this report, of two subjects of paramount importance to New Mexico—the settlement of our land-grant titles and water storage and irrigation—as those precede, in their importance to the development and future welfare of the Territory, every other topic of an economic character that could be suggested, and to them particularly, as matters of transcendent moment to every interest and industry of this people, I ask the earnest attention of the Department and of Congress. First, in the order of its consequence and as the basis of subsequent development, is the need of Congressional legislation for the settlement of our

LAND-GRANT TITLES.

Compared to the aggregate acreage of the Territory, the area of the lands in dispute is not large, but comprises several thousand holdings, and, confined mainly to the valleys where water is accessible for cultivation and located in the vicinity of towns and railways, is the most valuable in the Territory. The greater proportion of these claimed grants are but illy defined as to exterior boundaries, in no way conforming to the public-land surveys, and in the increasing pressure of settlement and demand for land the unoccupied portions of these grants are liable to be settled upon by the incoming tide of migration in the absence of title papers on the part of the holders, under the impression that they are public lands, in many instances having been surveyed as such, and endless and serious frictions ensue, to become more serious from year to year, so long as legislation for settlement is delayed.

It is almost impossible to say, as to lands in the vicinity of known grants, who are or who are not on grants, while as to disputed grants the confusion is correspondingly greater. It is, to a degree, unsafe to go upon the public lands even, in some sections, for location of homestead and pre-emption, as it has not infrequently occurred that after such location and attending improvements have been made, and thus specific value given to the land, real or manufactured grants of such lands have been developed and a condition of chronic litigation established, which, under existing legislation, only a judicial tribunal especially provided for the settlement of this class of titles can finally adjudicate.

It is true that there are many millions of acres of good agricultural public lands in the Territory, but as a rule they are isolated from water and railways, and from settlements and the advantages of schools, and points of supply, and often not susceptible of successful cultivation without irrigation, while the lands in the vicinity of the grants usually possess all these advantages, and thus are naturally more generally sought and in active demand, though comparatively valueless for the lack of governmental recognition of title, or by reason of disputed title, and a consequent condition of litigation becoming constantly more intricate and threatening.

This condition has reached a point where it has become impossible for the Territorial courts, in the crowded state of their calendars, even were they to be given jurisdiction, to ever determine; so that the prospect of settlement is rendered hopeless in the absence of special provision by act of Congress.

It was in view of this state of the case that an organization of prominent citizens of the Territory, composed of both races and all political creeds, representing all the interests and industries of the Territory and all shades of opinion on the grant question, was effected in the autumn of 1887 for the purpose of formulating a bill for presentation to Congress for its action, and a delegation appointed by the executive to personally make that presentation and urge that action, to the end that we might secure the speediest possible relief from this depressing condition.

The two bills now pending in the Senate of the United States, one of them having passed the House of Representatives, embody in the main the features of the measure prepared and presented by that delegation. These two bills combined, as they can readily be, retaining the most valuable provisions of each, would speedily settle all controversy on this subject, and as satisfactorily to all interests as it would be possible for any measure of legislation to do—far more so than any that has been heretofore proposed.

This measure has been pending in Congress since last January, now nearly a year, and it is noticeable that no suggestion but of indorsement and commendation of the plan of settlement proposed therein has ever been made by any party or interest permanently or actively identified with or interested in the development of New Mexico.

This fact, it would seem obvious, ought to be sufficient to silence opposition and secure the prompt adoption of this or some similar measure.

This continuance of doubtful titles to many of the best and most available lands in the Territory has become a serious bar to the successful development of an empire in extent and in fertility of resources rarely equaled anywhere and excelled nowhere, and that condition has been aggravated solely by the delay of Congressional action, and is becoming more so by continued delay, till the case as it now stands constitutes a chronic denial of justice by the Government to a large community of its people who have staked their lives in behalf of American institutions and the spread and establishment of American civilization, and have expended largely and liberally of their means and their energies in the founding here of American homes.

As I have already remarked, in the Forty-ninth and again in the present Congress the Committee on Territories reported favorably a bill authorizing the establishment of a special tribunal in the form of a court to hear and determine all disputes concerning these unsettled titles, and one of the strong arguments in favor of deferring admission of the Territory, in my mind, is this, that in the condition of things existing in the Territory it seems to me far better and more conducive to a speedy adjudication of all controversies respecting these grants that the differences shall be passed upon by a tribunal of learned jurists, chosen by the President from citizens not residents of either of the Territories—Arizona and New Mexico—that they may be entirely removed from all local prepossession or prejudice, and hence in position to give in the first instance decisions which it may be hoped, from the confidence felt in the court rendering them, will be, as a rule, accepted as just, and thereby many appeals prevented, which, were the court of less learning and more exposed to local influences, could not reasonably be expected.

If New Mexico is admitted now, all these vexed and important questions must go into the State courts and be there determined by tribunals which in many cases, while possibly possessing considerable knowledge of the history and law of the land grants, may be too much influenced one way or the other by considerations irrelevant to a fair hearing of the causes.

Passing from the point made by the governor as to land titles, the next question presented was that of headwater storage and irrigation, and the manifest importance of adequate water supply for these millions of acres of lands, the character and value of which were so splendidly pictured by my friend, Mr. JOSEPH, that the full development of which they are capable may be obtained, but which at this time certainly lies in the future. In dealing with the subject of water supply, etc., the governor says:

WATER STORAGE AND IRRIGATION.

Next to the settlement of our land-grant titles, the question of greatest importance to New Mexico is that of water storage and distribution for irrigation. While in some portions of the Territory, notably in the timbered mountains of the north and the southeast, successful agriculture without irrigation is not uncommon, it is not possible in very large areas, especially in the central and southern portions, though even in these there are occasional seasons when fair crops are realized in localities by the natural rainfall.

Yet, in view of the fact that a failure of crop is not possible with a reasonably complete system of water storage and distribution, whereby the farmer can compute his crop practically to the pound, in advance, year by year, with a given extent and thoroughness of cultivation, it follows that that system of cultivation will pay all, or more, the additional cost of irrigation, as the liability of failure of crop is thereby reduced to the minimum.

New Mexico differs materially from all the Western Territories in that, lying in the southern foot-hills of the Rocky Mountains, it has few of the continuous, rugged ranges that characterize much of the north. The country here is broken into alternate valleys, mesas, mountain peaks, and short ranges. Excellent facilities are thus afforded for the gathering and storage of water, and at elevations that permit its distribution, by the force of gravitation, to practically every tillable acre of land in the Territory.

The area of New Mexico is 79,000,000 acres. Of this it is estimated that not less than 60,000,000 acres may be classed as tillable with sufficient appliances for placing water thereon. This can be done only by a general system of storage in the higher altitudes, so disposed as to gather and hold the surplus that comes down from the mountains and runs the streams bankfull at certain periods of every year, and thus reserve it for distribution during the dry periods of the later spring and earlier summer months.

The general flow of most of the water-courses of the Territory is southward—generally rising in the mountains of the north, gathering volume from lateral tributaries as they flow, usually at a descent of from 10 to 20 feet per mile. This fall, in connection with the general prevalence of natural basins and arroyas in proximity to the streams suitable for storage, affords excellent facilities for the establishment of reservoirs and the conveyance of water by high line canals therefrom, which, by necessary deflection to maintain water level and elevation, would afford irrigation for very large areas of land on the dry mesas lying below, otherwise impossible of cultivation.

The practice of taking water directly from the streams into irrigating canals, while practicable in the limited cultivation of the past, is inadequate even for the present, and utterly impossible for the future, as the lands that can be reached by such canals come into demand. Much confusion and friction is now caused every year, in river neighborhoods, by that practice, and the embarrassments are becoming more serious from year to year, as the demand for water increases with increasing settlement and cultivation, as very few of the streams afford sufficient water to supply the demand at periods when irrigation is most necessary.

It is thus becoming more and more apparent that the present system of independent ditching must be abandoned, and that in its stead the State must assume jurisdiction of the water supply and its distribution by a carefully devised and adjusted system that shall economize the water supply and guaranty to all equal rights in that supply.

It is estimated, and the estimate is deemed reasonable, that during the high-water periods of every year enough water runs down the Rio Grande alone to afford an entire summer's irrigation to every tillable quarter-section of land lying in the water-shed of that stream and its tributaries. Instead of that water being utilized by storage, the devastating sweep of the flood destroys every year property values sufficient to pay the cost of a system of storage for the entire water-shed, embracing probably 20,000,000 acres.

How best to store that valuable and much-needed, but now destructive, surplus of water, and save it for distribution at the seasons when its value is greatest, is a problem that demands the earliest possible solution.

The practice of damming the streams for the diversion of the water into canals is quite as mischievous as that of miscellaneous, independent ditching, as both methods at times deprive those below of their rightful share of water.

Of the various devices that have been suggested for storage without the incurrence of these objections, one particularly seems to promise all the advantages desired, free from the objections named, and to be at once practicable and economical.

That plan is the construction of wing-dams, or piers, constructed from the bank for a short distance up the center of the stream, to turn the surplus water through lateral ditches running therefrom by easy grades and curves to mitigate the force of the flow and to secure elevation into depressions, or natural basins, that abound at convenient distances in the vicinity of all the streams. Constructed in this way these wing-dams will be sufficient to resist the force of the flood without great cost, and located at intervals along the stream and built from both sides alternately, as the demand for or supply of water may require or warrant, would catch and gather practically all the surplus flow with-

out diminishing the regular supply, at any season of the year, to the local acequias below. The surplus water from the melting snows of winter and the heavy rainfalls of the rainy season could thus be stored away and saved for the supply of the upland or mesa districts, while the summer flow of the stream would not be estopped to the valley farms at the low or dry season stages of water.

The governor proceeds to discuss the advantage of the reservoir plan of storage and the obstacles in the way of putting the plan into execution. He does not propose that Congress shall be invited to appropriate money for this purpose, but that the Territory be granted 250,000 or more acres of lands to be devoted to the establishment of these contemplated reservoirs. So we have it that, with the incapacity of the native Mexican population for successful self-government—as I maintain to be the fact—the governor, and it is presumed the people of the Territory as well, are willing to have these great questions assumed by the new State now and their determination entered upon, when, if the testimony of the governor can be accepted as literally true, the last Legislature was so incompetent for their duties as to be found lacking in capacity to frame simple revenue laws by which to meet the limited fiscal requirements of the Territory.

If she were admitted in her present condition it would throw upon that State the great outlay of establishing, maintaining, and developing such a system of water supply as the governor contemplates, and this, too, in advance of sufficient settlement of the country and also of sufficient intelligence and capacity for wise legislation to justify reasonable expectation of success. In my opinion Congress should aid these people, and, prior to admission, place these great schemes for water supply in such state that there will be less danger of ultimate failure. They should be devised in wisdom and all plans relating thereto be most carefully matured, and if not fully executed be placed on such safe foundation as would afford ground for considerable assurance of successful completion by the people of the new State within reasonable time after admission.

Now, Mr. Speaker, I must pass to the educational feature, but before I do that it may not be uninteresting to have the opinions of some of the former governors of this Territory upon points referred to by my friend the Delegate [Mr. JOSEPH]. I suppose if I go back to the authority of a certain Democratic official thirty years ago, I may be criticised as being somewhat antiquated in my sources of information. Nevertheless I shall read first from a former Democratic United States official of that Territory, and then supplement that testimony with more recent opinions as to the condition and progress of agriculture among that people, and I hold, Mr. Speaker, that before they are admitted into the Union there ought to be established agencies sufficiently helpful to bring them forward out of the old antiquated status of three hundred years ago into those more modern, and, as I believe, more helpful and profitable, and conforming more nearly to those found in other Territories as well as Western States outside of New Mexico and Arizona. A former Democratic official of New Mexico, Hon. W. W. H. Davis, for two and a half years prior to 1856 United States district attorney in the Territory, and now, as I am credibly informed, sufficiently in the confidence of the Democratic party to hold the important position of pension agent at Philadelphia, in a volume written by him entitled "El Gringo," and found in one of the public libraries here in the Capitol, treating of the primitive and ancient condition of the Mexican people as to methods of and development in agriculture and their situation as to manufactures, said:

The manner of cultivation is exceedingly rude and primitive. Until within a very few years all their agricultural implements were wooden, and the use of iron for this purpose was hardly known. At the present day many of the peasantry cultivate with the hoe only, and plows are alone seen among the larger proprietors. The native plow is a unique affair, and appears to be identical with the homely implement used in the time of Moses to turn up the soil of Palestine. The following description of one of them is a true picture to the very life:

"The Mexican plow is an implement of a very primitive pattern, such as perhaps was used by Cincinnatus or Cato; in fact, it is probably a ruder instrument than the plow used by these ancients. It is not seldom the swell, crotch, or knee timber of a tree, one branch of which serves as the body of the plow, and the other as the handle; or, still more frequently, it is made out of two sticks of timber. The body is beveled at the point, which is shod with a piece of sharp iron, which answers for a share. It has also, mortised into its upper surface about midway of its length, an upright shaft, called a *franca*, which plays vertically through the plow-beam. This beam, which is a ponderous piece of timber not unlike a wagon-tongue, is fastened to the plow at the junction of the handle with the body, and, being raised or lowered at pleasure upon the *franca*, serves to regulate the dip of the share-point. To this beam is attached a yoke of oxen, no other plow-beasts being known here."

The above implement is in general use where the hoe has been laid aside, except with the wealthy proprietors, who have purchased more modern plows from the United States, but not of the latest pattern. In some instances as many as twelve or fifteen of these homely affairs, drawn by as many yoke of oxen, will be in use at the same time in a single field. Two men are required to each plow, one to hold up the handle and guide the machine, while the other is employed in goading up the oxen with a long pole shod with a piece of sharp iron. Such is plowing in New Mexico.

There are a few carpenters, blacksmiths, and jewelers among the natives, but, if ever so well skilled, it would be impossible for them to accomplish much with the rough tools they use. The gold and silver smiths excel all the other workmen, and some of their specimens, in point of ingenuity and skill, would do credit to the craft in any part of the world. Nearly all the lumber used for cabinet-making and building is sawed by hand, and carried to market on burros, two or three sticks or boards at a time, and sold by the piece. The heavier scantling is dressed with an ax, and sold in the same manner. Before the Americans occupied the Territory saw-mills were unknown, and their place was entirely supplied by hand labor; but since that time two or three mills have been erected, which do a good business. A few flour-mills have also been built, and the grain is better ground than formerly. In building they have no idea of architectural taste, but they construct their houses in the same style as their ancestors—rather comfortable, but very homely affairs.

All the implements used in husbandry are of the rudest description, and until within a few years the hoes and spades were made of wood. I do not recollect to have ever seen a wagon of Mexican manufacture. The vehicles in common use for farm purposes, and for hauling produce to market when burros and pack mules are dispensed with, are called *carretas*, a rude cart, made in the style of two centuries ago, among the first settlers. If exhibited in the States they would attract as much attention as the hairy horse or the sea-serpent. They are generally made without iron, being fastened together with strips of raw hide or wooden pegs. The wheels are frequently solid pieces of wood, being a section of a large cottonwood tree, with a hole through the center for the axle. Sometimes they consist of three parts; the middle one with a hole through it, and the two sides, segments of a circle, pegged onto the first. An undressed pole of the proper length is fastened to the axle for a tongue. The body of the *carreta* consists of a frame-work of poles, much like a crockery-ware crate, which is made fast by being tied to the tongue and axle. The machine has no bottom, and, when necessary to prevent the load falling out, a bull-hide is spread down.

These carts are universally drawn by oxen, and sometimes three or four yoke are hitched to one at the same time. The ox-yoke is in keeping with the vehicle, and consists of a straight piece of wood laid across the head of the oxen behind the horns, lashed fast with raw-hide, and is secured to the tongue in the same manner. For the peasantry of the country these primitive carts answer every purpose, and on feast and holy days you will often see the whole family pleasuring in them, or driving to the nearest town to attend mass. The wheels are never greased, and as they are driven along they make an unearthly sound, which echoes through the mountains far and near, being a respectable tenor for a double-bass horse-fiddle. Some of the wealthiest proprietors have purchased American-made wagons of late years, and only use the clumsy cart for ordinary purposes around the farms. Among the *ricos* there are a few old-fashioned Spanish carriages, cumbrous and uncouth vehicles, which are drawn by four or six mules, with outriders and postilions.

When a Mexican travels he carries with him both bed and board, and encamps on mountain or plain where night overtakes him. He and all his attendants go armed, which is a precaution highly necessary in whatever part of the country you travel. In New Mexico there are no public houses by the wayside in which the traveler can find rest and food for the night, and, unless he is able to reach some village where there are friends, he is obliged to encamp out. In some of the towns Americans have opened places of "entertainment for man and beast," where a few can find tolerable accommodations at New York prices. Before the public house in Albuquerque hangs a sign-board, on which is painted, in large letters, "Pacific and Atlantic Hotel," being considered the half-way house between the two oceans.

There is no capital invested in domestic manufactures, which do not exist as a separate branch of industry. The few articles that are made are of a coarse texture, and are manufactured in families. The leading fabric is a coarse woolen blanket, called *serape*, which is made to some extent for domestic use and sale. At times a considerable trade is carried on in it with the neighboring Mexican States and the Indian tribes. It forms an important article of clothing among the peasantry, and many of the better classes use it instead of cloaks and overcoats. A few of a finer texture, in imitation of the *serape saltillero*, are also manumactured, some of which sell for $40 and $50 each. They are woven in bright and handsome colors and are quite beautiful. The *serape* is a leading article of domestic manufacture in Southern Mexico, and the costume of a *caballero* is hardly considered complete without one. Mier, on the Rio del Norte, in the State of Tamaulipas, is famous for this article, whence they are sold into all parts of the country.

The New Mexicans also make an article of wool, called *gerga*, a stout and coarse twilled stuff; it is woven in checkers and stripes, and is much used for carpeting, and also for clothing among the common people. This has become quite an article of traffic between the merchants and peasantry, and as it is made with little expense the latter derive considerable profit from the trade. It is retailed in the stores at from 25 to 40 cents per *vara*, and is manufactured for less than half that sum. The few articles of domestic manufacture are made wholly of wool, or nearly so, very little cotton being used, and neither flax nor hemp having yet been introduced into the country. Their spinning and weaving apparatus is exceeding rude, and illy suited to the purpose. A machine, if it can be so called, known as a *huso* or *malacate*, is in common use; the spindle is kept whirling in a bowl with great dexterity, while the operator draws the thread and weaves the fabric.

But, lest it be concluded this authority is too aged to form a reliable basis for present estimate, I submit another of more recent date.

In a volume entitled "New Mexico," by Professor Charles R. Bliss, at one time, and possibly now, a professor in one of the Colorado colleges, and written in 1879, he says:

NEW MEXICO—THE PEOPLE.

These are of several races—the Americans, the Indians, and the Mexicans. Of Americans there are about 10,000, engaged in grazing and mining and in conducting the general business of the Territory.

The Indians number about 20,000; half of them are nomadic. A few years ago they were restless and fierce, but of late they have become satisfied with their reservations and occasion no trouble. The most advanced of these nomadic Indians are the Navajoes, numbering about 8,000, who possess the art of dyeing wool and weaving fine blankets. They have large flocks, and are pursuing the business of grazing with much skill and success.

The Pueblo Indians are considerably higher in the scale of civilization than the nomadic tribes. They are descendants of the old Aztecs, though some of them are supposed to be descended from the Toltecs, a still older race. They retain many of the characteristics of the people whom Cortez conquered. They live in large structures, four or five stories high, made of sun-dried bricks, and capable, sometimes, of sheltering more than two hundred people. Acoma, a cut of which is given on the cover of this pamphlet, is one of the most interesting of their towns. It is built on a plain 69 acres in extent, upon the top of a sandstone rock 200 feet high, and is approached by a winding stairway cut in the rock. It was founded before the Spanish occupation, and, if captured, was left to itself, and is to-day inhabited by the race that have possessed it at least three hundred years. The Taos pueblo is of almost equal interest. A building, not wanting in symmetry, five stories high and perhaps two centuries old, serves as their principal dwelling.

The Pueblo Indians cultivate the soil, sustain themselves without the aid of Government, and have been declared by judicial authority to be citizens. They speak the Spanish language, and also an Indian tongue which they are not willing to impart to others. They are, apparently, fervent Catholics; but beneath their Catholic faith they retain their old beliefs of sun worshipers. When they yielded to the invader they took the religion that was imposed upon them, but retained their own. Humboldt says: "I have seen them, masked and adorned with tinkling bells, perform savage dances around the altar, while a monk of St. Francis elevated the host." The emblems of heathen idolatry are seen in the homes of these fellow-countrymen of ours to-day, and utter as loud a call for missionary aid as reaches our churches from any other quarter.

The Mexicans are by far the most numerous portion of the population, reaching 100,000. Varying in blood from nearly pure Castilian to nearly pure Indian, they possess qualities of great diversity. Some have all the alertness and acuteness of the Spaniard; others all the stolidity and grossness of the Indian.

A few are well educated, shrewd, and successful in business, and intelligent upon current affairs; while the great mass are ignorant, superstitious, and, so far as fitness to discharge the duties of American citizenship is concerned, probably lower in the scale than any other class upon whom such duties have been imposed. They speak a foreign tongue and are actuated by a foreign spirit. Their arts of life belong to the sixteenth rather than the nineteenth century, and to mediæval Europe rather than modern America. Their methods and implements of agriculture, the structure of their dwellings, and their means of intercommunication are of a very rude and primitive type.

Their beliefs are like those generally entertained in Christendom three centuries ago. Fables that the rest of the world has outgrown are current among them; and monkish practices, which ceased among civilized men long ago, are in full vigor there. The Penitentes, an order widely diffused among them, believe that the sins of the soul may be atoned for by lacerating the body; and at a fixed time in the spring they assemble at a church or in some desolate cañon, and, armed each with a scourge, made of cactus or thorns, or whatever else is fitted to tear the flesh, they inflict the severest cruelties upon themselves. They then form a procession, headed by a man bearing a heavy cross, and, arriving at an appointed spot, they halt, bind the bearer of the cross upon it, and raise him from the ground, in imitation of the closing act in the life of Christ. The crucifixion not unfrequently ends in death. In 1877 four young men are reported to have ended life in this way in Southern Colorado.

But let us come now to official sources, that we may have the most reliable information. In 1879 Governor Wallace, in his official report to the Secretary of the Interior, in describing the condition of New Mexico as to agriculture, used the following language:

Agriculture in New Mexico is yet in its primitive condition. The wooden plow of the Mexican fathers holds preference with the majority of farmers. Development is barely sufficient to serve anticipation. Corn, wheat, oats, barley, and the table vegetables generally are raised with a view to the home market, which is quite limited. Corn is produced best in the valleys along the banks of streams. I have seen wheat and oat fields six and seven thousand feet above the sea-level as rich as any in Illinois and Minnesota. It is not possible to state even approximately the area of such productions. All irrigable lands, wherever they may be in the Territory, belong to the productive or farming class. The depth of the soil is something wonderful. With rains as in the Mississippi Valley the results of intelligent labor would astonish the world; as it is, no one thinks of land for cultivation except it be irrigable. In this sense water is king.

Not more than one-tenth of the soil is actually occupied. A considerable portion of it is unfortunately covered by grants claimed or confirmed.

And in 1881 Governor Sheldon, in reporting to the Interior Department, stated:

Agriculture is chiefly confined to the valleys, where irrigation can be made available. Some of the mountain parks produce the more hardy and short crops without irrigation.

There is sufficent agricultural land, if cultivated, to supply the home market.

The present methods of cultivation are primeval and do not properly indicate the productiveness of the soil.

The same official, in his report for 1884, on the subject of agriculture said:

The people of the Territory have not for several years in the past been producing enough to supply the necessaries of life, so far as food articles are concerned, but have been purchasing breadstuffs abroad, which has depleted the country of cash. For several years the construction of railroads in the Territory was extensive, which gave employment to a large number of people, and reliance was placed on this source of revenue to supply their wants. During the last eighteen months there has been little railroad building, and the cultivation of the soil having been neglected, the people find themselves without much money. Hence trade is light and times are dull.

This year there has been a considerable increase in agricultural and fruit productions. From the best information at command I am of the opinion that the production of cereals, vegetables, and fruits is nearly, if not quite, sufficient to supply the consumption of the people. There seems to be a general appreciation of the importance of these interests, and it may be expected that in future no money will be sent out of the country for articles of food that can be raised at home.

In 1886 Governor Ross reported progress in this important line of industry, and in his last official communication to the Secretary of the Interior made this reference to the subject:

AGRICULTURAL DEVELOPMENT.

Marked progress has been made in the agricultural industries during the last year. Not only have many thousands of acres of land been brought under cultivation, and the industry systematized by the introduction of the improved methods peculiar to American immigration, but with a large part of the native farmers there has been manifest a spirit of improvement in the abandonment of the primitive ways that have so long prevailed among them.

The wooden plow, the sickle, the thrashing stockade, and the winnowing-fork are being discarded, and in their places is coming the improved machinery that has made a successful science of American agriculture. Once ventured, these people are quick to see the disadvantages of their old ways and the advantages of the new to enable them to successfully compete with the newcomers.

Our agricultural-implement establishments are thoroughly equipped with the latest improvements in that class of machinery, and it is a most welcome fact that they find ready and extensive sale.

So that it appears, if in 1856, as Davis said, their manner of cultivation was exceedingly rude and primitive, and their implements of a pattern suggestive of those in use among the ancients; in 1879, according to Professor Bliss, "their arts of life belonged to the sixteenth rather than the nineteenth century, and to mediæval Europe rather than modern America;" in the same year (1879), according to the official report of Governor Sheldon, agriculture was yet primitive, and the wooden plow of the Mexican fathers held preference with the majority of farmers; and their primeval methods of cultivation continued in 1881 according to the same governor, yet in 1886, it would appear from the report of Governor Ross, "the wooden plow, the sickle, the thrashing stockade, and the winnowing-fork" were being discarded and improved machinery coming in their stead.

So, Mr. Speaker, it appears that from 1850 down to this time, now nearly forty years, the people of New Mexico have adhered to these old, antiquated methods of cultivation, and the governor now says that "the wooden plow, the sickle, the thrashing stockade, and the winnowing-fork are being discarded and in their places is coming the improved machinery that has made a successful science of American agriculture." Just coming in 1886, these improved methods of agriculture, and I confess to me it is made a matter of congratulation that they are coming even now, though at so late a day.

Mr. Speaker, much stress was laid by the gentleman from New Mexico upon a point which I now desire to touch. I know it is a delicate one, but I shall treat it respectfully and with an entire absence of feeling toward any person within the borders of that Territory. We will not keep New Mexico out of the Union because she is composed largely of a people foreign to our own. In the best sense they are not foreign to us, because they are of us and we propose to afford them every encouragement for becoming more like us, and when they shall have become so to an extent to justify such action, we will welcome them into the Union. But what is the fact about the language of this people? I do not question or criticise the desire or the disposition of any people of any race to use any language other than the English, to retain their language, to continue to write it, and to speak it; but I do maintain that this is a Republic of English-speaking people; that we are Americans in the sense of having as our permanent language the English, and that the prevailing language in all the States and Territories should be the English.

And while 75 to 80 per cent. of the native people of New Mexico, as is shown by the governor's report for one year, speak a foreign tongue and speak it only—and can not understand the English language—I do feel that it is asking considerable of the American Congress to demand the admission of this people into the Union while this condition of things exists.

Why, Mr. Speaker, it is well known that the laws of that Territory are printed in both languages, the English and the Spanish. Their legislation is carried on in the Spanish tongue. In most of the schools the instruction is in the Spanish language. At all public meetings, if addressed by Americans, the agency of an interpreter must be had. This is the condition of things there. I do not speak of it as implying any disgrace, but to emphasize the proposition which seems to me to be one worthy of consideration that until in respect to education, and in respect of all those things which are essentially and fundamentally of our Americanism, those people shall have become further developed in the line of the American language and American civilization, they are not entitled to claim admission into the Union.

Mr. JOSEPH. I would like the gentleman to state what percentage of English-speaking people he would think sufficient to entitle the Territory to admission? I would be glad to have him draw the line, so that we may prepare ourselves to comply with the requirement.

Mr. STRUBLE. I am not going to attempt to lay down any exact line or rule on this question. It is stated here in a report from the governor made a few years ago that three-fourths of the people of this Territory speak only that language which is peculiar to them.

Mr. JOSEPH. And that they do not understand a word of English?

Mr. STRUBLE. And that very largely they do not understand the English language.

Mr. JOSEPH. Well, I claim that 75 per cent. of those who are known as native Mexicans in that Territory not only understand the English language, but speak it.

Mr. STRUBLE. And I, in reply to that, quote from the official report of Governor Sheldon dated October 31, 1881, in which is found this sentence:

Only a few of the natives can understand or speak the English language, and the same is true as to the bulk of those who have emigrated since the acquisition of the country in regard to the Spanish language.

And from the report of the same official of date September 6, 1883, the following:

Probably three-fourths of the population are natives of the country and speak the Spanish language.

Now, these people—I mean the masses—are not to be censured for this whatever may be the merited censure due their leaders. No blame should be put upon them or anything which implies disgrace. They were in that country when we acquired the territory; they can not avoid their nationality or their language. I want to be understood rightly on this point. I know I am liable to misconstruction by some; but it does seem to me that when a people have only adopted the public-school system since 1871, which school system while making some progress—perhaps gratifying progress—is yet inadequate and insufficient, being largely carried on in the Spanish tongue—it does seem to me that on this important point we may question whether in this state of things—unavoidable as it may be and implying no blame on the part of these people—they are entitled now to admission, or to an enabling act, contemplating early admission.

I am happy to say that the latest reports indicate good progress in the extension of common schools; but in 1856 that Territory rejected our common-school sytem by popular vote; they would not have anything to do with it; and not until 1871, when a sort of compulsory school law was passed, was there the least progress made in the establishment of a free-school system for the education of youth either in the English language or in their own common tongue.

I have here statistics showing the number of schools, the number of teachers, and the amount of money expended, which will be of interest in this discussion; but before going to those let me remark here in all friendliness that such is the apparent lack of interest in reference to the public-school system there that our Commissioner of Education is hardly able to get from any officer in New Mexico reports on the condition of the schools. This morning I went to the Bureau of Education and asked for the latest report on schools in New Mexico. The gentleman to whom I applied—one of the subordinates—informed me that the bureau had not been able to get a report from that Territory, to be incorporated in the next educational report to be issued by the Commissioner. Now, I suggest whether it would not be well for my friend from New Mexico, who is so much interested in the admission of the Territory, to help, by his influence with the appropriate officer, whoever he may be, in having a report made to the Educational Bureau this winter, so that the actual facts may be known, and that we may determine whether anything more should be done by Congress toward facilitating or helping along the cause of education in that Territory. In my judgment this ought to be done.

Mr. JOSEPH. If the gentleman will permit, I will inform the House that such a report was made last December. Whether it was to the bureau to which the gentleman refers, I know not.

Mr. STRUBLE. Does not my friend refer to the report which appears in this volume which I hold in my hand, being the report of the Commissioner of Education for 1886–'87? An employé in that department informed me this morning that this report from that Territory was only obtained by writing to the auditor, who sent a copy clipped from a newspaper of a published annual report made to his superior officer, the governor, showing, as it does imperfectly, the condition of things there as to schools.

Right here let me call attention to a matter of school statistics. I have not much time, but on this point a great deal of ground might be gone over. Here is what purports to be a report from the auditor of the Territory on the schools in New Mexico. What does it show? Here is what is stated in this report, embodied in that of the Commissioner of Education:

No complete statistics of education in New Mexico have been collected since the United States census of 1880. Those given in the educational report of the Territorial auditor for 1886-'87, a summary of which appears below, are not only very defective as regards the number of counties reporting, but bear internal evidence of unreliability. The school population (five to twenty years) is less than reported by the census of 1880, one county reporting a school population of only one-fourth of the enrollment. Sierra County reports an average daily attendance more than three times as large as the enrollment.

Superintendent Parker, of that county, makes some very pertinent suggestions tending to more complete and accurate reports by teachers and school officials.

Then follows a table showing school population (five to twenty); number of counties reporting—all. According to these figures the school population in 1886–'87 was 36,435. In 1880 the whole school population in the Territory, according to the census of that year, was 40,415. So that it appears that the present school population is nearly four thousand less than that reported by the last census—that of 1880.

Of course I am willing to agree that this report, when considered as showing the educational condition, is quite unreliable. I hope in this one particular it is unreliable as indicating the real condition of education and prosperity among the people whom my friend has the honor to represent upon this floor.

Mr. JOSEPH. I can explain that to the gentleman from Iowa by saying that since then the private schools, mission schools, both Catholic and Protestant, have increased, and we not only have one school in every voting precinct, but we have two mission schools, one Catholic and one Protestant. That accounts for the decrease of attendance in the public schools.

Mr. STRUBLE. That may account somewhat for the decrease, and if it does, it relieves the situation.

Mr. WARNER. The decrease is not in that respect, but the decrease is in the number of scholars attending the public schools.

Mr. STRUBLE. Yes; that is so. The point to which I refer is the decrease in school attendance. I am obliged to the gentleman from Missouri for correcting me on this point. The school attendance before was over 40,000, and we see from the reports covering 1886 and 1887 that it had decreased from over 40,000 of school attendance to some 36,000.

Mr. JOSEPH. That is evidently a mistake.

Mr. STRUBLE. There certainly is a mistake somewhere, I readily grant.

Mr. WARNER. I do not believe the school population of New Mexico is decreasing.

Mr. JOSEPH. It has been increasing all the time.

Mr. STRUBLE. I have no doubt such is the case. The only point I wish to make right here is that all the information we can get as to the actual condition of affairs in the Territory of New Mexico shows your people are not interested in common-school education as they ought to be, that is all; and yet it is due to this people to say they are progressing in school matters, and perhaps when all things surrounding and attending them are considered the progress in a comparative sense should be regarded as satisfactory, for this incomplete report to which I have referred exhibits a decided increase in attendance upon the schools, the average daily attendance in ten of the thirteen counties being 10,024 as against 3,150 in 1879. Let the good work go on. We will all greet its continued advance with a hearty God-speed.

Mr. Speaker, I shall have to pass by a number of points I desired to make, and will now come to the consideration of a delicate question, but one of vital importance in view of the proposition to bring in New Mexico at an early day, and that is the competency and qualification of the people of the Territory, as now populated, for the successful administration of State government. I have presented already some facts as to its agricultural condition and development; I have presented the opinion of the governor of that Territory that the present system of irrigation is a failure and that they must have help for the establishment of an enlarged and improved system. I have also presented some facts as to their educational affairs.

Now, as to whether the people of New Mexico are sufficiently qualified to successfully carry on a State government. I have only to allude to the fact that for three hundred years and more the people of New Mexico have had opportunity to fully demonstrate that they have that capacity for popular self-government which should be required of the people of any Territory before it should be received into fellowship with the other States of this Union, and during the last one hundred years they have had the illustrious example of the American Republic under the Constitution—as well as that of the various States—to guide them, having, on February 2 next, themselves been forty-one years one of its Territories. Nevertheless, as I feel justified in maintaining, those of the people of New Mexico who are natives taken as a body of citizens have not yet by their past and present history demonstrated their fitness to now assume the important responsibilties pertaining to the foundation-work of one of the great States of the Union.

Time will not admit of more than one illustration being presented. I instance the fact that notwithstanding this Territory was organized in 1850, and the fact that ample opportunity and example have been afforded them in so practical and essential a matter as establishing a fairly adequate revenue system, as well as the enactment of laws on other subjects closely connected with their advancement, they have utterly failed.

As relevant to the financial condition of affairs in that Territory, I wish to call attention to the Territorial Legislature to which reference is made by Governor Ross in his report for 1887, and to read an extract or two from that report to show what was done there by a Republican Legislature, because I was amazed to find, in view of the statement to which I shall presently refer, that it was a Republican Legislature, and content myself now by saying in passing that if that condition of affairs was exhibited under a Republican Legislature what would not have been the condition had the Legislature been Democratic? [Laughter.] I repeat, I was disappointed to find the last Legislature Republican, and I may say I was a little chagrined, too. But now let us see what Governor Ross said in his report of a year ago on that question, and after I have concluded with that I will not further occupy the attention of the House. He says:

This Territory presents the anomalous spectacle of a community possessing remarkable natural resources and in a generally prosperous condition, but with an empty public treasury.

Now an empty treasury, particularly in some States and municipalities, is not, as we all know, a rare thing, but if that were the condition under a Republican Legislature, my query is, what under heaven would have been the condition of things had there been a Democratic Legislature? [Laughter.]

Mr. HERMANN. Ask us an easier question.

Mr. STRUBLE. I admit the question is somewhat perplexing, but let me read further from this report:

The rains have been copious and timely, cattle are in excellent condition for market, the wool clip has been largely increased, the mines have yielded better than ever before, agriculture has been largely extended and the yield unusually abundant, there has been no public turmoil or disaster of any sort, and the general state of trade and business has been good. Yet there is no money in the public treasury, and that has been practically its condition for years. The secret of that condition is that there has been scarcely a semblance of a system of revenue, or method in the legislation regulating the administration of the public finances. The result has been for years a chronic depreciation of the paper of the Territory, a condition aggravated as the expenses of the Territory have increased with the increasing magnitude of its interests.

The attention of the last Legislative Assembly was earnestly directed, at the beginning of the session, and repeatedly during its continuance, to the urgent need of devising and establishing a coherent system of revenue and finance for the recuperation and maintenance of the public credit, and the saving of considerable sums now lost annually by reason of the necessity of paying for purchases in depreciated treasury warrants.

Large sums of money have been thrown away annually and lost to the taxpayers, for which the Territory is now in debt to a large amount over and above what would have been the cost of government, for the lack of a uniform and intelligent system of taxation and financial administration, and is daily falling deeper in debt from the same cause.

It was confidently hoped that the presentation of this state of facts would insure the preparation and adoption of measures of legislation which would obviate further embarrassment in that direction. But in that expectation the public was disappointed. Conspicuous parties inside and outside of the Legislature seemed to be inspired with the conviction that their duties were more of a partisan and personal than of an economic and public character, and those parties seemed to dominate the action of the body, though against the earnest protest and effort of the minority.

That is the way they spent their time. Instead of attending to the

public business, they were discussing partisan and personal questions, rather than those of an economic and patriotic character.

Hence the time of the session was largely consumed in the preparation and discussion of matters of little relevancy to general public affairs—of schemes for the satisfaction of partisan and personal antagonisms and of individual aggrandizement and greed. But little was done for the betterment of affairs, and that little so crude and ill-digested that it has become a serious question whether the work of the session, summed up, has not been productive of more evil than good.

That is a Democratic picture of the condition of affairs, I concede, and we must make all due allowances for the picture for that reason, because the artist is a Democrat, but they were legislating, or presumed to be legislating, in the interest of the people of the Territory. It seems that they were unable to devise any plan or adopt any scheme for raising revenue for the support of the Territory. Their disposition seemed to be to engage in personal and partisan schemes instead of devoting themselves to great public concerns.

This is the solemn declaration of a Democratic governor and his judgment upon the representatives of the people assembled under the influence of solemn oaths to do their duty to the people of the Territory. I cite it, Mr. Speaker, as an evidence of the want of capacity of that people for self-government. Our friends on the other side can make what they please of it. They may say it was a Republican Legislature. Very good, the people of New Mexico chose them from the body of the people of the Territory as their representatives and to legislate for them. They voiced, I argue and believe, the intelligence and capacity of the people for the serious question of self-government.

Notwithstanding the example of the older States and the other Territories, with which these representative men must certainly have been quite well acquainted, they were utterly unable to devise any plan or scheme for raising revenue for the Territory and enacting other wholesome laws, and hence the disgraceful condition of affairs, according to the report of the governor, who has thus deliberately pictured it. Allowance should be made, of course, for disputed and unsettled land titles, for the condition of agriculture, as it was and is in its limited development, and also for a civilization slow of advancement, yet it seems to me these people ought to have been sufficiently intelligent to legislate more successfully upon a practical question like raising the necessary money for the current requirements of the Territory and to meet the ordinary expenses of the government, and thus upon a most practical question exemplified their capacity, in connection with other lines of legislation, to lay the foundations of a State and erect its superstructure thereon. [Applause.]

[Since delivering his remarks Mr. STRUBLE has received from Albuquerque, N. Mex., by mail the following copy of a memorial, which has been forwarded to a Senator, and which it is desired may accompany his observations as printed.]

To the honorable Senate and House of Representatives of the United States:

The undersigned, your petitioners, would respectfully represent that it is not to the business interests, nor is it the desire of the great majority of New Mexico's citizens, who are engaged in commercial pursuits, that New Mexico should at the present time be admitted into the Union as a State.

Your petitioners would further represent that New Mexico is at present totally unfitted for the responsibilities of statehood, because, first, the greater part of her population are unfamiliar with the English language, and though honest and of good intentions, are a class of people over whom the designing, dishonest, and untruthful politicians readily acquire a power that enables the latter to sway the former almost without limit; second, because, up to the present time, it has been demonstrated that political power in our Territory has been controlled and held by those whose movements and whose apparent aims are inimical to an honest, upright, and intelligent administration of public affairs, and that the average character of our Legislatures has been such as causes the gravest fears that if left to enact laws which the people could not take to your honorable bodies to have annulled, that our code of statute laws would become a disgrace to us as a State, and to our sister States, with whom we would be associated in the National Government, and would bring ridicule upon us from the entire civilized world; third, that our political leaders have been politicians for revenue only; the only limit to their rapacity has been the amount of money raised by taxation and the amount of indebtedness they could heap upon the Territory at a profit to themselves, and the only check to their unconscionable schemes has been a realization of the fact that our governors and judges have been appointed by the different Presidents and were not subject to the whims and caprices of these political vampires.

Your petitioners would further respectfully represent that they are not office-holders, but are, and for a long time have been, residents of the city of Albuquerque, and are all personally engaged in business pursuits in Albuquerque, which is now the commercial center of New Mexico; and that it is your petitioners' earnest belief that before our Territory should be admitted to statehood your honorable bodies should provide some convenient, speedy, inexpensive, and certain method to settle the present anomalous condition of title to the vast area of our most valuable lands, which are now claimed largely by unscrupulous and designing persons, as grants from the Mexican and Spanish Governments; and that your honorable bodies should enact such laws as would compel our Territorial officers to transact all public business, and keep all public records, in the English language, and require the English language to be taught in our public schools, and make it a qualification of teachers, jurymen, and officials of all kinds that they should be able to speak and write the English language. When you have done this, when the masses of citizens come to thoroughly understand the true responsibilities and privileges that are theirs as voters and citizens of the United States, and would be theirs as citizens of a State, when our wonderful agricultural, timber, and mineral lands have the present clouds, in the shape of land grants, removed from their title, so that an intelligent immigration will come among us, to take advantage of our productive soil, unsurpassed resources, and salubrious climate, and when we can be assured that the spoilsman and the political mountebank no longer has the masses fettered, bound, and under his control, and we know that honesty, economy, and virtue will prevail in the administration of public affairs, then will your petitioners be most urgent in the claim that New Mexico should be admitted to statehood, and to assume the duties and responsibilities of State government, but until then we will ever most earnestly protest against our Territory being admitted into the Union as a State.

During the delivery of Mr. STRUBLE'S remarks the following proceedings were had:

The SPEAKER *pro tempore* (Mr. DUNN in the chair). The gentleman's time has expired.

Mr. STRUBLE. I ask consent of the House to extend my remarks in the RECORD.

Mr. WARNER. I ask by unanimous consent that the gentleman from Iowa [Mr. STRUBLE] be permitted to finish his remarks.

Mr. STRUBLE. I wish to make one point more, which will take perhaps ten minutes.

Mr. SPRINGER. I move that the gentleman be permitted to go on ten minutes longer.

Mr. BAKER, of New York. I ask that the gentleman be permitted to proceed until he has finished his remarks.

Mr. DINGLEY. The same courtesy was allowed to other gentlemen.

The SPEAKER *pro tempore*. Is there objection to allowing the gentleman to proceed for ten minutes longer?

Mr. BAKER, of New York. I move that he be allowed to proceed until he has concluded his remarks.

Mr. STRUBLE. I am a member of the Committee on the Territories and have not intruded myself upon the House but very little heretofore.

Mr. SPRINGER. I ask the gentleman have all the time he may desire.

The SPEAKER *pro tempore*. How much?

Mr. SPRINGER. He says ten minutes.

Mr. BAKER, of New York. Let him go on until he has finished his remarks.

Mr. BURROWS. I understand the gentleman from Iowa only asks for fifteen minutes.

Mr. STRUBLE. I will try to conclude in fifteen minutes.

Mr. SPRINGER. I understood the gentleman to ask for only ten minutes.

Mr. TOWNSHEND. Let me ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. When is the final vote to be taken on this proposition?

The SPEAKER *pro tempore*. That is not a parliamentary question. Is there objection to allowing the gentleman from Iowa to continue his remarks fifteen minutes longer?

Mr. TOWNSHEND. I wish to know from the Chair whether any resolution has been adopted by the House fixing the time the final vote is to be taken on this subject.

The SPEAKER *pro tempore*. There has not.

There was no objection, and Mr. STRUBLE was allowed to proceed for fifteen minutes longer.

The Sugar Bounty.

SPEECH

OF

HON. JOHN C. SPOONER,

OF WISCONSIN,

IN THE SENATE OF THE UNITED STATES,

Friday, January 18, 1889.

The Senate having under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue—

Mr. SPOONER said:

Mr. PRESIDENT: I desire to give, as briefly as I may, the reasons which induce me to vote for the pending amendment. Before proceeding, however, to a discussion of the specific question before the Senate I venture to remark that this subject, in general and in detail, is one upon which men may well honestly differ. We upon this side of the Chamber represent one school of political economy; our friends on the other side, with one or two exceptions, represent another, and we are wide apart in our views. The Senator from Missouri [Mr. VEST] alluded yesterday, in discussing this amendment, to the fact, and so far as I am concerned I have no disposition to conceal that it is within certain limits a fact, that there are, in a sense, dissensions among Republican members of the Senate as to certain details of this bill.

I can not say that every item in this bill meets my unqualified approval. It would be difficult, I fancy, to frame a bill thoroughly revising the tariff upon all the items of which Republican Senators would coincide. But I am in favor of reducing the revenues of the Government upon the line which has been observed in the formation of this bill; in other words, on the line of protecting American industries, increasing the demand for American labor, building up in every way our own country to the uttermost, and winning in the completest possible sense our industrial independence. It is my firm belief that the tenets of Senators upon the other side will lead away from the accomplishment of this great purpose.

They object vehemently to being called free-traders. In a technical and absolute sense they may not be such. In a practical sense, having reference to the commercial systems of the world to-day, they are in no position to successfully impeach the justice of this designation. They are in favor, they tell us, of raising revenue by levying customs duties, but they are in favor of raising those duties for revenue only. In other words, they are—and that constitutes the free-trader of to-day—in favor of a tariff for revenue only. Aside from the general denunciation of the protective system, in which, with few exceptions, they have indulged, I do not recall in all this great debate in either House a word said in its favor, except by two or three in the Senate.

The best definition I have recently heard of such a tariff is that given by the Senator from Texas [Mr. REAGAN] at the last session. He said, as I remember his speech, that whenever the duty reached a point where it became protective—in other words, whenever it reached a point where it discouraged the importation of foreign products—he was opposed to it, his theory being that the duty should be levied to encourage the importation of products from abroad in competition with those of our own country. That is not the theory of this side of the Chamber, nor is it the theory of the people, at least of the Northern people. For myself, I am in favor of putting on the free-list whatever we want in this country which we do not here produce, and of reducing the revenues of the Government by requisite duties upon the importation of those foreign products which come into unfair competition with our own because of the differences in condition between labor abroad and in this country.

I have been somewhat surprised at the bitterness which has many times been manifested on the other side of the Chamber in the discussion of this question. We have been charged with being in favor of monopoly, but certainly our friends have had a monopoly in this debate of vituperative words. Almost every Senator who has spoken in opposition to this bill has denounced the protective system as one of robbery, and the word "steal" has not been of infrequent use nor of limited application. It must seem strange to the country that in this great legislative body discussion of an economic policy is so fruitful of acrimony. It is a fair concession to those of us who do not believe in tariff for revenue only that we are sincere, and it is of course an equally fair and just concession for us to make, and I cheerfully make it, that those on the other side of this Chamber who advocate a different policy are sincere.

It is a mistake, Mr. President, for our friends to assume that the American people in the last election did not consider this question and did not decide between these two policies. Whatever else of principle was involved in that great contest, and there was much, the difference between the two great parties upon the question of an adequate protective tariff and free trade, or a tariff for revenue only, was a governing factor. There never was a campaign in which there was so complete and earnest debate from every rostrum upon this subject as that from which we have just emerged. Every speech that was made in the House of Representatives and in the Senate upon this question was sent broadcast throughout the country.

The press, great and small, metropolitan and rural, of both political parties, for months before the election laid before the people elaborate and analytical articles upon the tariff. There was hardly a schoolhouse in the North in which again and again the question was not discussed and the differences between the two parties pointed out. Distinguished orators from Texas, including the chairman of the Ways and Means Committee of the House of Representatives, and his Democratic confrères upon that committee from the South, were heard in many Northern States and accorded a respectful hearing.

The intensity of the interest manifested by every grade of our people in the subject, in its varied aspects, might well excite wonder among any other people; and between the two systems, that represented by the President's message and the Mills bill, and that represented by the Senate bill and the report of our Finance Committee upon it, the people solemnly and deliberately chose at the ballot-box in November. So that we may fairly take it as settled from that election that even though the people might not be satisfied with all the details of this bill, or of any tariff bill which may be formulated, they are not willing to let go the protective system, under which this country has so grown, despite unfavorable conditions, that to-day its equal in wealth and prosperity and strength and in the happiness of its people is not found upon the earth.

I say to the Senator from Texas and to his associates that the people of the North will not take kindly to the assertion made by him the other day and repeated by others in this debate that they have been educated wrong, and that in a single canvass of a few months there has not been time to correct the errors into which they have been led. Senators are mistaken. The great reading, thinking people of the North understand this subject, and they know in what direction their interests lie, and their decision at the last election can not be impeached or overthrown by any such suggestion.

So that, Mr. President, I feel certain that I shall be representing fairly the greatly preponderating judgment of my constituency in voting for this bill, though there may be in it, as there are, items which do not meet with my approval.

Mr. President, our friends seem to think that whenever they are able to show that a duty levied to encourage an industry in this country constitutes, for the time being, a tax upon the people, however slight, it is the end of all argument, and that the American people when they shall once understand that the price to the consumer is thus increased by the levy of a duty will repudiate it as a betrayal of their interest. I think they misunderstand in this the temper of the people, and that they underestimate the patriotism of the people. It is a fundamental error to assume that the destiny of the Anglo-Saxon race on this continent is to be able to buy for a time this or that article a little cheaper.

It is wiser statesmanship, and more in harmony with the patriotism and judgment of our citizens, to take a broader view of such a subject. If we can by the levy of a duty encourage a new industry; if we can plant factories where they do not exist; if we can draw capital into new fields of investment; if we can increase the demand for labor, and thus add to the rewards of labor, and elevate the standard of living among those who labor; if we can diminish the dependence of our country upon any other country for that which we want, I believe the American people are quite willing, not only willing but anxious, to endure the temporary tax which that may involve. They look beyond to-day to the future, and are not disposed to reduce everything on this earth to the standard of the penny.

Now, as to the proposed bounty:

First. Is it constitutional? It is not to be expected that we will agree on this side of the Chamber with the principles of constitutional construction maintained by the Senator from Texas, and many of those associated with him. He belongs to the old school of strict constructionists. We on this side of the Chamber do not. He belongs to the school of constructionists whose object from the beginning was to so construe the Constitution as to enlarge the powers of the States, and to shrink the powers of the United States. He belongs to the school of constructionists who could find in the Constitution power in the State to overturn the Government, to destroy the Union under the Constitution, but could never find in that instrument any power in the National Government to enforce the laws or to maintain its integrity.

If that school of constructionists had been successful we would have had no united country and little need of a Constitution. But that school is fast going to pieces. Every now and then some distinguished member breaks away from it. There is not a Senator on that side of the Chamber who has voted for what is called the "Blair bill" who has not openly abandoned and deserted that school of strict constitutional construction. Since the war at least it ought to be taken as forever settled in this country that the broader construction of the Constitution, under which the Congress of the United States may preserve the Union, and build up its industries, and subserve the purposes of good government, is no longer to be hampered by such views as those announced by the Senator from Texas.

There can no longer be any doubt of the constitutional power of Congress to enact a protective tariff, and so far as the mere question of constitutional power is concerned, the distinction is not easy to discover between a prohibitory duty, or a duty levied with especial reference to building up an industry or to maintaining it against unfair foreign competition, and the granting of a bounty for the same purpose. It is too late for the Senator from Texas, or any other Senator, to successfully establish the proposition that Congress has not the power to do the former. I do not intend to spend any time upon it. It is enough to say that the first Congress which sat after the adoption of the Constitution, and which numbered among its members many of the most distinguished statesmen who took part in framing that instrument, adopted a protective-tariff law, and that from that day to this it has been in practice the legislative policy of this Government.

The preamble declares the purpose of the act, and affords conclusive evidence that the Congress had, by it, in contemplation the encouragement and protection of manufactures. It can not be too often quoted. It is as follows:

Whereas it is necessary for the support of the Government for the discharge of the debts of the United States and the *encouragement and protection of manufactures*, that duties be laid on goods, wares, and merchandise imported.

Not much "tariff for revenue only" in this famous preamble!

Certainly those men knew as well as the Senator from Texas the purpose and scope and true construction of the Constitution and were as unfaltering in their fealty to it.

Such a long-continued, practical exposition of the Constitution certainly ought to be sufficient to put an end to all question upon the subject.

But, Mr. President, the Senator from Texas argued, and I think he read from Mr. Clement C. Clay, of Alabama, and from Judge Cooley's work on Constitutional Limitation, to show that this proposed bounty is a violation of the fundamental principles of Government. As the Senator states the proposition for which he contends, and if reference is had only to the quotation from Judge Cooley, without regard to the context, and to the cases to which he refers, the Senator would not be far wrong. He argues that Congress has no power to raise money by taxation for a purely private purpose, and that the grant of this bounty is a purely private purpose, and that therefore it is unconstitutional.

If one were to grant the premises of the Senator he could hardly escape his conclusion. He quotes from Judge Cooley the following:

We think it clear, in the words of the supreme court of Wisconsin, that the Legislature can not, * * * in the form of a tax, take the money of a citizen and give it to an individual, the public interest and welfare being in no way connected with the transaction. The objects for which money is raised by taxation must be public, and such as to subserve the common interest and well-being of the community required to contribute, or, as stated by the supreme court of Pennsylvania, the Legislature has no constitutional power to * * * levy a tax, or authorize a municipal corporation to do it, in order to raise funds for a mere private purpose.

No such authority passed to the Assembly by the general grant of legislative power. This would not be legislation. Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected with the public interest or welfare it ceases to be taxation and becomes plunder from the owners of it into the possession of those who have no title to it. Though it be done under the name and form of tax, it is unconstitutional for all the reasons which forbid the Legislature to usurp any other power not granted to them.

No one questions the correctness of the proposition here laid down. The Wisconsin case to which Judge Cooley refers was one in which the city of Milwaukee undertook, by an ordinance, to exempt from taxation the hotel property of a citizen in that community. The statement of the case vindicates the conclusion and language of the court. The Pennsylvania case was one of the same kind.

The Senator also quotes from a decision of Mr. Justice Miller, in the case of Loan Association against Topeka (20 Wallace, 664), the following, which is a favorite quotation of the modern tariff reformer:

To lay with one hand the power of the Government upon the property of the citizen, and with the other to bestow it upon favored individuals, to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law, and is called taxation. This is not legislation. It is a decree under legislative form.

The case in which this decision was rendered was one in which the common council of the city of Topeka issued $100,000 of bonds, as a donation to a particular company located in that city, to encourage that company in establishing a manufactory of iron bridges there, the bonds to be paid by taxation. Judge Miller says, as a result of his examination of the authorities to which he referred, and of the reasoning of his opinion:

We have established we think beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

It is obviously dangerous and misleading to cite isolated sentences from an opinion of a court as maintaining a general proposition of law without any regard to the case in hand or to the reasoning of the opinion as a whole. It is singular that the Senator will not distinguish between a case in which an attempt was made to levy taxes for a purpose concededly private and one like that which underlies this proposition for a bounty, which invites the whole people of the United States into a new industry—to engage in the culture of the sugar-beet, of sorghum-cane and of the sugar-cane, and the establishment all over the land of sugar manufactories, which, if successful, shall make us entirely independent of all the peoples of the earth in the production of this necessary of life, besides vastly increasing the wealth of our whole people and widening the field for labor. Is this not a public purpose? Is it in any sense a narrow and private one, like that to which the Senator adverted?

I ventured to call the attention of the Senator, as bearing upon his proposition that the bounty was a violation of the fundamental principles of government and a tax for purely private purpose, which the State can not any more do than the National Government, to a decision of the Supreme Court of the United States (Salt Company *vs.* East Saginaw, 13th Wallace, 373), which seemed to me to meet and overthrow his proposition. It grew out of this state of facts: Some years ago it occurred to the Legislature of Michigan that it was important to the people of that State to encourage and build up the salt industry. Thereupon, and for that purpose, they enacted a law declaring that all companies or corporations formed, or that might be formed, "for the purpose of boring for and manufacturing salt in that State, and any and all individuals engaged, or to be engaged, in such manufacture, should be entitled to the benefits of the act, and that all property, real and personal, used for said purpose should be exempt from taxation, and that there should be paid from the treasury of the State, as a bounty, to any individual or company or corporation the sum of 10 cents for each and every bushel of salt manufactured by such individual, company, or corporation from water obtained by boring in the State."

Mr. REAGAN rose.

Mr. SPOONER. Does the Senator desire to ask a question?

Mr. REAGAN. I desire to ask a question. I wish to know if the Senator does not recognize that there is a difference between the limited and delegated power of the Federal Government and the general grant of legislative power to a State?

Mr. SPOONER. I will get to that in a moment, when I shall have concluded the statement of facts. The law had the effect intended. It induced a large number of firms, and of individuals, to procure the necessary plant, and to engage in the manufacture of salt. After the industry had been largely developed (and the development was brought about confessedly by this bounty law), the Legislature of Michigan repealed the law, and the property thus purchased was subjected to taxation. The question was raised whether that law, as to the individuals and companies which had acted under it prior to its repeal, was not a contract of exemption and bounty, and therefore whether this act of Michigan repealing it was not violative of the Constitution of the United States as impairing the obligation of a contract. The supreme court of Michigan held that it was a bounty law, pure and simple. The supreme court say (19 Mich., 274):

The act of 1859 is clearly, in its nature and purpose, a bounty law, and nothing else. For the encouragement of the manufacture of salt it promises an exemption from taxation and for the payment of a sum of money for each bushel of salt produced after the quantity shall have reached a certain prescribed limit. When a bounty is earned it becomes a vested right, and we fully agree with the former decision of this court in People against Board of State Auditors (9 Mich., 327), that the party earning it can not then be deprived of the right.

It did not occur to the court that this law, which was a "bounty law, and nothing else," for the encouragement of the manufacture of salt, was unconstitutional, or a violation of the fundamental principles of the Government, or that it took the property of the people and transferred it to individuals for a merely "private purpose," which even a State can not do. The opinion is one of much learning, and was delivered by Chief-Justice Cooley, the distinguished author of the work on Constitutional Limitations, from which the Senator from Texas read. The court held that the law, though a valid law, was not in the nature of a contract, and therefore might be repealed as to those who had not yet earned the bounty. The Supreme Court of the United States took the same view, not intimating at all any doubt as to the validity of the law. They say, in short:

The law does not, in our judgment, belong to that class of laws which can be denominated contracts, except so far as they have been actually executed and complied with. There is no stipulation, express or implied, that it shall not be repealed. General encouragements held out to all persons indiscriminately to engage in a particular trade or manufacture, whether such encouragement be in the shape of bounties or drawbacks or other advantage, are always under the legislative control, and may be discontinued at any time.

Mr. REAGAN and Mr. GRAY addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. REAGAN. I desire to ask the Senator if he does not make the distinction, even under that decision, between the limited and delegated power of Congress to do only what it is authorized to do, and the general power of the State to do what is not prohibited?

Mr. SPOONER. The Senator and myself never will agree so long as we live upon the limitations upon the powers of the General Government in respect of tariff taxation. In other words, he clings to a construction of the general-welfare clause of the Constitution which I utterly repudiate. We can not expect to agree upon that subject. I was attempting to controvert his proposition that it was a violation of fundamental principles of government to give a bounty to encourage or stimulate any industry and his assumption that the purpose of this bounty was a private instead of a public one.

Mr. GRAY. Will the Senator yield to me?

Mr. SPOONER. Certainly.

Mr. GRAY. The Senator from Texas asked the question I was about to ask the Senator from Wisconsin myself. I would be very glad if the Senator from Wisconsin would answer the question of the Senator from Texas as to whether he believes that it is a correct canon of construction of the Constitution of the United States, as distinguished from the rules that govern the construction of a State constitution, that in the latter case all powers inhere in the State government that are not expressly denied it by its constitutional framework of government, while as to the Constitution of the United States no powers are to be considered as granted or implied unless specifically granted. I ask the Senator whether he denies that proposition?

Mr. SPOONER. The Senator merely puts to me in perhaps a little finer and more elaborate phrase the question put by the Senator from Texas, and I must say in reply to the Senator from Delaware what I said in reply to the Senator from Texas, that I think, unlike the Senator from Delaware, that a true and correct interpretation of the general-welfare clause of the Constitution warrants the appropriation by the Congress of the United States of money for education in the States, and for other purposes national in character. In other words, I have never entertained any doubt, as the Senator from Delaware has, of the constitutional power of Congress to pass the Blair bill. I think, under the Constitution of the United States, Congress has the power to give this bounty or any other bounty to all the people, and which will, in the judgment of Congress, encourage and build up a great industry. So, as far as the construction of the Constitution of the United States is concerned, in this respect the Senator and I differ, as he knows.

The Supreme Court of the United States do not sustain the act of Michigan upon such a distinction as the Senator suggests between the power of a State and the power of the Federal Government. They treat it as a bounty law, and, being a bounty law, as valid. If it were what the Senator from Texas argues, no State could pass it. On my construction of the Constitution the Congress of the United States is not prohibited by the Constitution from passing a bounty law, and it seemed to me that this decision might be fairly used in support of the proposition that it violated no fundamental principle of government.

The Senator from Texas seems to think that a bounty necessarily operates to take money from the pockets of the people and put it without consideration into the pockets of a few for a purely private purpose; that it can not be for a public purpose, and therefore within the province of Congressional legislation.

Mr. GRAY rose.

Mr. SPOONER. Does the Senator from Delaware desire to interrupt me?

Mr. GRAY. I do not wish to interrupt the line of the Senator's argument if it is disagreeable to him, and if he so intimates I shall desist. It seems to me that the question put by the Senator from Texas is a pertinent one. From what the Senator from Wisconsin has just said I rather infer that he does not disagree with me as to the fundamental proposition that in the rules of construction which have been applied by courts and by authorized expounders of the Constitution who have treated of the subject, there is a difference between the construction of a State constitution and the construction of the Federal Constitution in this regard, that whereas in the one case the State government has all those powers of legislation which are not denied to it by its constitutional framework of government, in the case of the Federal Government it has no powers except those specifically granted to it, or those which are necessarily implied from the powers that are specifically granted.

Mr. SPOONER. I am familiar with the distinction between State sovereignty and the power of the National Government.

Mr. GRAY. I supposed the Senator was, of course; it is so fundamental and elementary.

Mr. SPOONER. But so far as this amendment is concerned, that seems to me to be a mere abstraction.

Mr. GRAY. If the Senator will yield to me for one moment, I shall not interrupt him again. I thought it necessary to call the attention of the Senator from Wisconsin to the question again because I think he said a while ago, after the Senator from Texas had asked the question, with a great deal of emphasis, that the Constitution of the United States did not deny to Congress the right to grant a bounty, which would seem to indicate that he entertained an opinion in regard to the proper rule of construction which I have just adverted to at variance with what I think he really entertains.

Mr. SPOONER. I said, and I repeat, that under a proper construction of the general-welfare clause of the Constitution of the United States, I think Congress has the constitutional power to grant this bounty.

Mr. BUTLER. May I interrupt the Senator simply for the purpose of making an inquiry?

Mr. SPOONER. Certainly.

Mr. BUTLER. In his opinion is there any limitation whatever upon the power of Congress under the general-welfare clause?

Mr. SPOONER. The limitation upon the power of Congress under the general-welfare clause is not easily defined, in my judgment.

Mr. BUTLER. In other words, then, I understand the position of the Senator to be that whatever a majority of Congress thinks wise and proper and for the general welfare may be done.

Mr. SPOONER. They must be national objects affecting the general welfare.

There has been since the war a popular construction, in a sense, of the general-welfare clause of the Constitution of some significance. I suppose it is fair to assume that the States would not adopt an amendment to the Constitution prohibiting Congress from exercising a particular power, except upon the theory that that power exists and might lawfully be exercised unless prohibited. After the war the States found it necessary, or thought it wise, to adopt an amendment to the Constitution prohibiting Congress from paying for slaves or assuming the Confederate debt, implying that without this prohibition it might be done.

Mr. BUTLER. The Senator and I differ in one respect. I had always supposed that the Constitution and laws of this country were construed by the judicial department of the Government and not by popular opinion. It seems, however, that he is trying to put on a different construction. He says, as I understand him, that the popular opinion of this country has settled several questions of construction of the Constitution since the war; that, among other things, Congress has been prohibited from paying for slaves, and has been prohibited from assuming the Confederate debt, and that, therefore, upon all questions, as I understand him, it is only necessary to get the popular judgment in order to obtain a correct construction of the powers of Congress under the Constitution.

Mr. SPOONER. I have not said that. The Senator, however, ought to be, and I presume is, familiar with the proposition of law that a long-continued and uninterrupted practical exposition of a statute by a legislature or by executive officers is often taken by the courts as equivalent to a judicial construction. I referred, as I have good right to refer, as bearing upon the proposition that it is difficult to define the precise limit of power under the general-welfare clause, to the fact of the popular interpretation of that clause as to be inferred from the action upon the constitutional amendment to which I alluded, and my friend must not forget that this construction by the States is by the Constitution-making power of this country.

Mr. HOAR. Will my friend from Wisconsin allow me to make a suggestion?

Mr. SPOONER. Certainly.

Mr. HOAR. I desire to suggest to my friend from Wisconsin, and to call to the recollection of the Senate (in order to show that this is not a partisan or even a local or sectional view of this matter), that when the present Attorney-General of the United States was a highly honored and distinguished member of this body he advocated in the strongest terms the constitutional view which my friend from Wisconsin has stated, to wit, that in the expenditure of money under the general-welfare clause Congress has the constitutional power to expend money from the Treasury without limit for national objects which are in its judgment for the general welfare.

Mr. MITCHELL. That it is not prohibited?

Mr. HOAR. It is not prohibited.

Mr. SPOONER. Of course it is not.

Mr. GEORGE. Will the Senator allow me to ask him a question so that I may understand his exact position; that is all? I do not want to interrupt him, except to get a clearer idea in my own mind of his position. Will the Senator allow me?

Mr. SPOONER. Certainly.

Mr. GEORGE. There are two general-welfare clauses in the Constitution. One is found in the preamble. Under that I have not understood that any jurists of late years have claimed that any specific power or any substantive power was granted. There is another, contained in section 8 of the first article of the Constitution:

> The Congress shall have power:
> 1. To lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defense and general welfare of the United States.

Under that clause, since the time of Mr. Monroe, a great many persons who belong to the school of what are called strict constructionists of the Constitution have believed that pure expenditure of money and nothing else might be made outside of the specific powers granted by the Constitution to Congress merely upon the ground that such expenditure was for the general welfare of the people of the United States.

The question I desired to ask the Senator was, whether in deducing a power of Congress under what he calls the general-welfare clause he alluded to the general-welfare clause as stated in the preamble, which would give a general power of legislation over all subjects, whether relating to an expenditure of money which Congress might deem for the general welfare or otherwise, or whether he confined himself to the clause which I have read in the eighth section of the first article, confining the power of Congress under what he calls the general-welfare clause of the Constitution simply to an expenditure of money for the general welfare?

Mr. SPOONER. I am now taking no account of the preamble.

Mr. REAGAN rose.

Mr. SPOONER. I intended to be brief, and these interruptions are taking time. I would be glad to be permitted to go on.

Mr. REAGAN. Will the Senator allow me to say one word on the subject presented?

Mr. SPOONER. Certainly.

Mr. REAGAN. My understanding is that Mr. Story, in commenting upon what is called the general-welfare clause in the eighth section of the first article of the Constitution, assumes that it is not a substantive grant of power, but that it is a limitation upon the grants of power, and in arguing that question he says if the general-welfare clause of the eighth section was a grant of power, then it was useless to go on with the article and mention the various grants of power contained in that interesting article, because all else would have been surplusage.

Mr. SPOONER. I do not so read Mr. Story, but that is the view of the school of which the Senator is a disciple.

But, Mr. President, it is a waste of time to further discuss this question of constitutional power, or to refine upon it at this day. In the earlier days of the Republic bounties were frequently granted by Congress. The first law that ever was passed upon the subject of a tariff contained them.

The question ought to be considered at rest.

Second. Is it expedient to grant the bounty proposed by this amendment of the Finance Committee? As a matter of first impression it seemed to me open to the objection that being a bounty upon an agricultural product it might be deemed among agriculturists invidious, in that it offered encouragement to one product of agriculture which it denied to others, such as wheat and cotton and corn and the like, but it has seemed to me, upon reflection, that there would be no ground for dissatisfaction in that respect. The others are all well established in this country, and have been for a great number of years, and there is none certainly of more universal consumption, or more to be regarded as a necessary of life, than sugar.

I think if by any means we can stimulate the sugar industry, so as to be able in the course of time to produce in our own country, by the employment of our own capital, and by means of our own labor, all of the sugar which its vast and rapidly increasing population needs, at the same time adding what is of infinite importance, one more element in the diversification of our agricultnre, no one will deny that

it is important to do so. Other countries have done so, whose soil and climate are not better adapted to the growth of products rich in sugar than portions of the United States. What has been done in Germany, and France, and Russia, and Austria, and in Denmark is worth trying in the United States. The industry is already started, and has made fair progress. The subject is not a new one in this country. Attention has been frequently called to it by very learned, elaborate, and practical reports from the Agricultural Department.

Congress has, from time to time, for some years appropriated large sums of money for making and reporting experiments, in order that the processes of other countries might be adopted here, and perhaps even improved. The people have taken great interest in it. The facts as to the manufacture of sugar from sorghum in the State of Kansas were laid before the Senate quite fully by the Senator from Kansas [Mr. PLUMB] in his able and instructive speech of yesterday. The experiment in the growth of the sorghum cane, and in the manufacture of sirup from it, has been tried with success, flattering under the circumstances, in the by no means tropical region from which I come.

In the year 1884 over 321,000 gallons of this sirup were produced in Wisconsin. What the possibilities are in that region in the culture and utilization of the sugar-beet is, of course, yet problematical, although a comparison of the rainfall and the conditions essential to the successful raising of the sugar-beet, and the manufacture of sugar therefrom, in Denmark, where it is now a profitable industry, with portions of Wisconsin and Minnesota and Illinois does not exclude those regions from flattering possibilities in that direction. The manufacture of sugar from the beet in California has made great advancement. In truth, with our infinite variety of soil and climate, with the courage, intelligence, industry, and ingenuity of our people, and the abundance of our capital, who will dare to say that the field is not fairly open to us for the successful manufacture of sugar in our own country, and that all inducement and encouragement in that direction may well cease? Certainly it would not be fair to that industry to-day, or just to the people of the United States, to withdraw from it all measure of protection.

This protection must be afforded in one of two ways: Either by maintaining an adequate duty upon it, or by lowering the duty and in lieu of it affording the needed protection by bounty. It is strenuously insisted by those representing sugar-producing States that a protection of less than 2 cents a pound will not be sufficient. As between the two plans I do not hesitate, under the circumstances, to choose the Senate proposition. I am not in favor of maintaining the duty as fixed by the present law, or even as fixed by the Mills bill, upon sugar.

This matter was much considered by the people during the last campaign. In demonstrating the sectional character of the Mills bill, and by way of impeaching the sincerity of the Democratic party in demanding a reduction of duty on the necesaries of life, we "many times and oft," and everywhere, called attention to the fact that the Mills bill had reduced the duty on sugar, which is a necessary of life, and of universal consumption, but a trifle, and we called attention to the fact, as we had a right to do, as evidencing sincerity upon the part of the Republican party in this respect, that the Senate bill reduced the duty on sugar one-half. I feel warranted in saying that so far as my participation in the campaign gave me opportunity of observation the proposition to thus reduce the duty upon sugar, as proposed by the Senate bill, was one which met universal popular approval.

The duty upon sugar is a purely revenue duty. It is a tax, and is added to the cost to the consumer of every pound of sugar, for the reason that the domestic production is, as compared with the amount of sugar imported into the country, absolutely trifling, and the home product being so slight it affords no competition with imported sugar, and therefore does not tend even to bring down the cost of sugar to the people. In this respect it differs from most protected articles.

It was stated here in debate yesterday, and I will repeat it, that our importation of dutiable sugar during the year 1887 was 2,781,159,695 pounds. The value of the imported sugar was $68,882,884. The duty or tax paid upon it by the people of the United States was $56,507,4[illegible], a little over 80 per cent. of the value. The sugar product of Louisiana for 1887 was 181,123,872 pounds. This, it will be observed, is a mere bagatelle. Manifestly it is asking too much by way of encouragement to the sugar industry of Louisiana, or of this country, that the duty on sugar shall be maintained at its present rate, or even as it is fixed by the Mills bill. To make it at the rate fixed by the latter, even, would be affording to that industry a greater measure of protection than any ever given under any tariff to any other industry in the United States. It is out of all reason and utterly indefensible.

The Mills bill reduces in the aggregate this tax upon the people about $11,000,000 per annum; the Senate bill reduces it about $28,000,000 per annum. The difference in the annual reduction, upon the basis of the importation of 1887, is in favor of the Senate proposition about $17,000,000. The bounty proposed would amount to between three and four million dollars. My friend from Iowa [Mr. ALLISON] informs me that it would amount to about $3,500,000. Call it $4,000,000. Now, it is manifest that by giving this bounty of 1 cent per pound and reducing the duty 1 cent per pound we will make an annual saving upon this necessary of life to the people of the United States of about $24,000,000 a year over the present law, and of at least $13,000,000 a year over the Mills bill, and at the same time afford to the sugar industry of the country all of the encouragement and protection which would be afforded by the Senate bill fixing the duty at 2 cents a pound. This vast sum of money is worth saving.

Mr. REAGAN. Will the Senator allow me to ask him a question for information? I understood him to say that the imports last year were 2,781,000,000 pounds, and that the same year the domestic product was 189,000,000 pounds.

Mr. SPOONER. Oh, no; I said the same year the Louisiana product was 181,123,872 pounds. The other domestic product was 10,158,400 pounds, and the dutiable importation was 2,781,159,695.

Mr. REAGAN. It was stated by the committee that our imports of sugar for the year 1887–'88 were 3,330,000,000 pounds. The amount produced in the United States the same year was 290,000 hogsheads, equal to 580,000,000 pounds, making an aggregate of 3,880,000,000 pounds for consumption.

Mr. SPOONER. I am not talking about what the bounty would be if we raised all our own sugar; I am talking about what the bounty would be based upon the present domestic product. I was undertaking to show that we could pay this bounty, which would amount to about $4,000,000, reduce the duty on sugar one-half, and still save to the people of the United States each year about $13,000,000 over the Mills bill, and about $24,000,000 over the present law.

Mr. REAGAN. I suggest to the Senator, if he will allow me, that the production of last year would certainly amount to 580,000,000 pounds.

Mr. SPOONER. I think the Senator is mistaken. That is a mere matter of arithmetical calculation, however. I am quite sure that my figures are correct.

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. REAGAN. I said 580,000,000 pounds.

Mr. SPOONER. I was informed by the Senator from Iowa that on the domestic product the bounty would be between $3,000,000 and $4,000,000.

Mr. ALLISON. On the basis of any production hitherto in this country from sugar-cane, beets, and sorghum, three millions and a half; and three millions and a half is a high estimate.

Mr. GIBSON. If the Senator from Wisconsin will allow me——

The PRESIDENT *pro tempore*. The Senator from Louisiana appeals to the Senator from Wisconsin.

Mr. REAGAN. In one moment. I want to state that the committee have brought in a report here in which they say the production last year was 290,000 hogsheads, and that would make 580,000,000 pounds.

Mr. ALLISON. Where has the committee brought in such a statement as that?

Mr. SPOONER. That is tobacco, is it not?

Mr. REAGAN. I did not mean tobacco; I meant sugar. I have the committee's statement about the amount of sugar, and it shows the bounty must go over $5,000,000.

Mr. GIBSON. The Senator from Wisconsin predicates the amount of sugar produced in this country on the present production of sugar, but the object of the amendment is largely to increase the production of sugar. If that be the case, we may assume that the bounty, instead of being $3,000,000, as it would be, laid on the present production, will increase fivefold every succeeding year, so that in five years from now the bounty paid out of the Treasury of the Government of the United States to sugar-producers would probably exceed the amount now levied under the tariff.

Mr. SPOONER. If I did not suppose that the home production would increase, I certainly should not vote for this amendment. The object of the proposition is to secure, if it be possible to do so, such a growth and development of the sugar industry of the United States as to necessarily increase the annual bounty.

Mr. GIBSON. If the Senator will permit me, I assumed that he was proceeding in his remarks upon the assumption that the bounty method would be more economical to the people of the United States in the long run than the protective policy.

Mr. SPOONER. Possibly not in the long run. It might be necessary to reduce it or to abandon it. I was attempting to demonstrate this proposition: Conceding that the sugar industry of Louisiana and of the United States needs the measure of protection in order to its encouragement and development that is afforded by the 2 cents a pound, as a matter of economy to-day to the people who buy sugar and who pay this tax, we could save $13,000,000 a year or thereabouts over the Mills bill, by reducing the duty as it is proposed by the Senate bill and giving this bounty.

Mr. ALLISON. As compared with the Mills bill?

Mr. SPOONER. As compared with the Mills bill, and we can save, as compared with the present law, about $24,000,000 a year.

Mr. GIBSON. I fear the Senator misapprehended me. I admit that on the basis of the present production it would be an economy, but when the production increases, the amount of the bounty must also increase to correspond with it. Then the Senator leaves out from his calculation entirely the amount of tariff duty imposed by this bill on the foreign importation of sugar.

Mr. SPOONER. I do not leave that out.

Mr. GIBSON. It should be added to the bounty that is paid as against the Mills bill.

Mr. SPOONER. That 1 cent duty per pound is an element in my estimate.

I must admit that the annual amount of this bounty may increase. I hope it will increase. That is the object of the proposition, as I before stated. All I want to say is that as between protecting the Louisiana sugar industry and the sugar industry in Kansas and the beet-sugar industry in California and in other parts of this country by maintaining the 2 cents a pound tariff and reducing it one-half, as the Senate bill does, and giving this bounty, I am in favor of the reduction of one-half and the payment of the bounty, because it will accomplish two purposes: it will give the needed protection to this industry, the needed encouragement to it all over the United States wherever the conditions are such that its production is possible, and at the same time it will vastly reduce the annual tax upon the people which to-day they pay for sugar.

Mr. GIBSON. I will not interrupt the Senator, but I take issue with him. I may take occasion to make some remarks on the subject hereafter.

Mr. DANIEL. Will the Senator from Wisconsin allow me to ask him a question?

Mr. SPOONER. I have allowed almost everybody to ask me a question, and I do not like to refuse the Senator from Virginia.

Mr. DANIEL. I am much obliged to the Senator for not discriminating against me. Why is it that sugar is selected to be promoted by a bounty? The same system of bounty is not applied to cotton-ties and tin-plate and other articles of manufacture, so that the whole people can share the taxes instead of putting them on the consumer.

Mr. SPOONER. That is an industry which is already in existence and has been protected many years by the levy of duties, and the situation as to sugar is exceptional. It has not been for the last few years——

Mr. DANIEL. Why is not the manufacture of steel rails promoted by a bounty as well as the manufacture of sugar? That is an old industry.

Mr. SPOONER. The same answer I made to the Senator as to cotton-ties applies to steel rails.

Mr. DANIEL. Not only cotton-ties but tin-plate. There are no cotton-ties or tin-plate manufactured here.

Mr. SPOONER. The iron is manufactured here and the steel out of which the tie is made, and that industry has adequate protection in another form.

Mr. DANIEL. But the tie is not, neither is tin-plate. Now, why select sugar to be promoted simply by a bounty and not any other industry, which is as old as the sugar industry or any new one that you want to bring into existence by a bounty?

Mr. SPOONER. I wonder why the Mills bill, if there is anything in the argument of the Senator from Virginia, has reduced sugar so little and puts cotton-ties on the free-list. But there is a clear distinction, as I said before, between this and other items. Sugar occupies an exceptional situation. The people do not eat cotton-ties, but they eat sugar all over the United States, the poor——

Mr. BUTLER. Mr. President——

Mr. SPOONER. I hope the Senator will allow me just to finish my sentence.

Mr. BUTLER. I beg the Senator's pardon. I thought he had concluded it.

Mr. SPOONER. As well as the rich. The duty which has been levied upon sugar has not operated to increase the sugar production in Louisiana. The statistics show that before the war it was much greater than it has been since the war, and the production of sugar from the sugar-cane is confined to that State, and, as I understand it, to Texas. The disproportion between the domestic product and the importation is so great that there never was anything that was more like robbery, apart from the necessity for revenue, than to ask the people of the United States to pay year after year fifty-six or sixty millions of dollars by way of tax upon sugar in order to protect Louisiana sugar-planters in a product which in 1887 amounted to only 181,000,000 pounds or thereabouts. I want to protect that industry. I want to protect the sugar industry in the whole United States. I want it encouraged, and we can much better afford, as I have been attempting to show, to give this bounty of 1 cent a pound than we can afford this protection by maintaining the 2 cents duty on sugar.

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. SPOONER. Yes, sir.

Mr. EUSTIS. If this high tax on sugar is robbery and is a burden upon the people who consume sugar, I would ask the Senator why in 1883 the conference committee, which was composed exclusively of Republican Senators, departed from the rule and the rate which had been established by a vote of the Senate, and by their report recommended an increase of 25 per cent. on sugar?

Mr. ALDRICH. So far as that is concerned, I will say, if the Senator from Wisconsin will allow me, that the statement now made by the Senator from Louisiana is not true.

Mr. EUSTIS. I took it from the statement made by the Senator from Kentucky [Mr. BECK] in his minority report.

Mr. ALDRICH. I do not know what the inference to be drawn from it would be if it was true, but I repeat it is not true.

Mr. EUSTIS. That is the statement made by Senator BECK in his minority report.

Mr. ALDRICH. Not as now stated by the Senator from Louisiana.

Mr. EUSTIS. Perhaps you misunderstood me. As I understand it, the report of the Finance Committee fixed the rate at 2.40.

Mr. ALDRICH. The Senator is now referring to a particular kind of refined sugar, not to the duties on raw sugar.

Mr. EUSTIS. I refer to the kind of sugar the American people eat, and to no other kind.

Mr. ALDRICH. The proportion of the grade of sugar now referred to by the Senator from Louisiana which is used by the American people is very small, and is probably not more than 5 per cent. of the total consumption.

Mr. EUSTIS. That is a grade of sugar, I maintain, that the American people consume and eat.

Mr. ALDRICH. I contend, in contradiction, that they do not consume over 10 per cent. of the grade of sugar referred to, between Nos. 13 and 16 Dutch standard in color.

Mr. EUSTIS. Why, Mr. President, sixty miles from New Orleans you can go into any hotel or any boarding-house, and that is the grade of sugar that you will find upon the table.

Mr. ALDRICH. I do not know what may be true in the State of Louisiana, but in the Northern States you can not go into a hotel or house anywhere in the country where you will find that grade of sugar upon the table.

Mr. EUSTIS. Above No. 13?

Mr. ALDRICH. Between No. 13 and No. 16; that is the particular grade in question.

Mr. EUSTIS. I maintain that is the grade consumed in this country.

Mr. ALDRICH. I can not speak for Louisiana. After hearing that sugar was still made there by the open-kettle process, which was discarded years ago everywhere else, except in China and India, I do not know what may be done in Louisiana.

Mr. EUSTIS. Why was the duty raised?

Mr. ALDRICH. I will answer that later.

Mr. EUSTIS. I should like to know.

Mr. ALDRICH. As I say, the only change made by the conference committee in any grade of sugar was a change in the rate on sugar between No. 13 and No. 16 Dutch standard. The statement made by the Senator from Kentucky [Mr. BECK] was that we had raised the rates above those fixed by either House. The sugar schedule was not considered in the House of Representatives in 1883, and therefore no rate was fixed there. The Committee on Ways and Means recommended a rate of 3 cents a pound on sugars between 13 and 16 Dutch standard of color. The Senate voted originally to make the rate 2.40 cents, and afterwards 2.50 cents per pound.

This was the situation when the subject went to the conference. The House committee had recommended 3 cents, the Senate had fixed the rate at 2½ cents. The House conferees asked for 3 cents, and as a matter of compromise, and because the committee believed that this was a just and equitable rate, they fixed the rate at 2¾. This is the whole story, and the change applied only to sugars between 13 and 16. The Senator is certainly very much mistaken if he supposes that in the North or in any other part of the country, I think, outside of Louisiana sugars of that color and grade go into general consumption. The refiners of the North produce but a small quantity of this grade and usually sell it at a loss.

Mr. SPOONER. Mr. President, the Senator from Louisiana put into my mouth a sentence which I did not utter. I did not say that this duty upon sugar was a robbery of the people. I said it was more like robbery than any other item upon the tariff list, leaving out of view necessity for revenue and having reference to the protection of the domestic product. The word "robbery" I get from the other side, for they have again and again denounced the duty upon almost every item in the list as a robbery. As I understand, both of the Senators from Louisiana are in favor of the Mills bill and of maintaining the duty on sugar provided by that bill.

Mr. President, aside from the Government need of the revenue, the people of the United States any year for the last twenty years could have afforded to buy the entire Louisiana sugar product at current prices and to have sweetened the waters of the Gulf with it and we would have made millions of dollars saving each year by the operation, because their product is so trifling (and it is decreasing instead of increasing) compared with the immense importation and the immense amount of money each year which the people of the United States are compelled to pay by way of duties.

If we could spare the revenue to-day I would offer an amendment to this bill putting sugar upon the free-list and giving to the Louisiana planters and others who could produce sugar in this country a bounty equal to the 2 cents a pound. We would then afford them all the pro-

tection to which they are entitled; we would then give to the sugar industry in the United States all the encouragement which this bill would give it, and we would save annually upon the present basis to the people of the United States about $50,000,000.

The Senator from Louisiana said we were abandoning our position in proposing to reduce the duty on sugar 1 cent and giving 1 cent bounty. Is not that equivalent to protection by a duty of 2 cents a pound? Does it not leave the Louisiana planters just as fully protected and cared for as if the duty were levied at 2 cents a pound? The only difference is that we pay out of the money coming into the Treasury from the imposts upon sugar this bounty upon your production instead of paying for the sake of protecting that industry there the 1 cent per pound upon the vast importation.

Mr. ALDRICH. Will the Senator allow me to interrupt him a moment?

Mr. SPOONER. Certainly.

Mr. ALDRICH. The Senator has stated two or three times in the course of his remarks that the Senators from Louisiana support the proposition of the Mills bill upon sugar. Now, does he understand that those Senators, or either of them, admit that they shall vote for the provisions of the Mills bill in regard to sugar as a protection to the sugar industries of Louisiana? Has either of them ever admitted that the ground upon which he bases his vote is the fact that the sugar industry of Louisiana needs protection and that he votes for it as a protective duty?

Mr. SPOONER. I suppose these Senators vote for it because they say it is a purely revenue duty, but being a purely revenue duty and they having the monopoly of the domestic sugar manufacture, it amounts to the greatest measure of protection to their State that is anywhere accorded in the whole world to an industry. I do not care upon what ground they put it, whether they vote for it to protect the sugar industry or because it is a revenue duty, it is a protection to the Louisiana industry, and as between maintaining that duty to the cost of the people of the United States and giving the half duty and the bounty proposed here, I am in favor of saving these millions to the people.

For myself I think we have admitted too much about the excessive revenues of the Government, and am inclined to think the time will come when it will be seen that the revenues of to-day are not so far excessive when the wants and development of this country are considered, as our Democratic friends have asserted and as we have complacently admitted; but if the purpose is to reduce the revenues, why not begin by striking off the list the purely revenue duty on an absolute necessary of life which must go into every man's house?

Mr. President, I must say that I am surprised at the attitude of the Senators from Louisiana. They want the sugar industry protected, no matter what it costs the people of the United States, in preference to this bounty. They taunt us with abandoning our principle of protection in this proposition, and yet those Senators are willing to vote with their confrères each time, almost, to cut down the duty upon every Northern industry. They do not care for any protection on wool; they are quite willing to put that upon the free-list. They are willing to put the iron of Pennsylvania and of the rich fields in the region in which I live—and I think there are none richer in the world—upon the free-list. Talk about the selfishness of the North! Talk about the selfishness of manufacturers, their avarice, their study of their own interests, their willingness to tax the people with sole reference to their individual benefit! I know of nothing which savors more of selfishness—and I do not use the expression in an offensive sense—than the attitude of Senators coming from the State of Louisiana asking that the duty as fixed by the Mills bill on sugar shall be maintained as against this bounty proposition, and yet joining with their Democratic brethren to strike down every Northern industry that is on this list. Keep the protection on sugar, whatever it costs, but put the salt of Michigan and New York on the free-list!

I was somewhat astonished that our friends from Louisiana were not satisfied with the 1 cent duty and the 1 cent bounty, because the protection would be the same to them as if the duty were 2 cents a pound. I can account for it in but one way, and that a fear that by this bounty Kansas and other States will be encouraged in the manufacture of sugar from sorghum and the sugar-beet; that the beet-sugar industry will be so developed in California, Iowa, Illinois, Nebraska, and other States that the cane-sugar of Louisiana will be a lost industry.

Mr. President, I did not intend to occupy the attention of the Senate more than twenty minutes, and the Senate must charge up the time I have occupied to the interruptions to which I have been subjected, and have cheerfully submitted.

Mr. FRYE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Of course.

Mr. FRYE. I desire to ask the Senator a question before he sits down. There has been a heavy duty for the protection of sugar manufacturers for a good many years. Has it succeeded in making a success of the manufacture of sugar from cane?

Mr. SPOONER. Under it, as I have repeatedly stated, the product has diminished since the war to about half of what it was before the war.

Mr. FRYE. Then it is really a failure in the purpose of protection, is it not?

Mr. SPOONER. That question would seem to answer itself as to cane-sugar, looking alone to the annual production.

Mr. FRYE. As to cane-sugar. Then I should like to ask the Senator from Wisconsin how he justifies himself in voting for a bounty to be paid for the manufacture of sugar from cane when it is acknowledged all over the country that it is utterly impossible to so encourage that industry that it shall be a success?

Mr. SPOONER. Well, Mr. President, it is an industry, and it exists in this country, and I have felt that perhaps the comparison as to sugar manufactured in Louisiana and the growth of sugar since the war compared with the period before the war was not quite fair to Louisiana. It is not absolutely certain that the diminution in the sugar product in Louisiana is not due in large part to the war and to the disastrous effects of the war.

Mr. MORRILL. And the rise in the wages of labor.

Mr. SPOONER. And also the rise in the wages of labor. Louisiana was left, like the other Southern States, more or less impoverished, with her industries broken up. Take the years during the war. In 1864 Louisiana produced but 84,500,000 pounds of sugar; in 1860 she produced 255,115,750; in 1861, 265,063,000; in 1862, 528,021,500 pounds; in 1863 there is no record at all; in 1864, 84,500,000; in 1865, 10,800,000; in 1866, 19,000,000; in 1867, 42,900,000; in 1868, 41,400,000; in 1869, 95,000,000; but it has been, taking the years as they go, increasing since the war. These statistics show that there was a time when the effect of the war upon that industry in Louisiana was exceedingly disastrous. Moreover, I have heard it said somewhere and at some time that the sugar culture in Louisiana had been interfered with and injuriously affected by the Mississippi River floods. I presume that is true.

So it is not fair to say, all things considered, perhaps, that that industry can no longer be benefited by extending to it a fair measure of protection. I hope it is not true that it is at a standstill. With the new processes that have been adopted, with the interest the Government has taken in experiments, and in view of what the Senators from Louisiana say as to the present condition of their State and the prospect of development and increase, I am not prepared to say that the time has come when I should withdraw from that industry a fair measure of protection. I am willing to try it longer. I want to give Louisiana and every other Southern State more even than a fair chance. I would not be willing to withdraw protection from any of their industries so long as they need it, and for that reason I am willing to vote for this bounty even upon cane-sugar.

Mr. President, this duty has been a revenue duty, at the same time having been a protective duty to Louisiana to an extent which few probably realize. Permit me to call attention to the statistics I hold in my hand. A comparison of the domestic product with the imported sugar for a period commencing with 1851 and ending with 1887 reveals in a striking way the immense disproportion between the two. The total amount of sugar imported and used by the people during those years was 47,587,912,647 pounds and the Louisiana product for the same period was 7,559,053,405 pounds. The amount of money paid for duties on sugar during those years was $961,318,340.30, or nearly a thousand million dollars.

I was, I confess, at first very reluctant to support this proposition, and on general principles I am not in favor of granting such bounties out of the Treasury, but the situation as to sugar is exceptional, and I feel compelled under the circumstances to vote for this amendment.

Post-Office Buildings.

SPEECH

OF

HON. GEORGE E. SENEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 9, 1889,

On the bill (H. R. 3319) to provide for post-office buildings.

Mr. SENEY said:

Mr. SPEAKER: The bill before the House proposes to set apart a small portion of the postal revenues each year for several years for the purpose of constructing a post-office building in each of the cities and towns of the United States at which the gross postal receipts for the two preceding years exceed $3,000 annually. The amount set apart for this year is $2,000,000. The maximum cost of a building the bill fixes at $25,000 and the minimum cost at $15 000. Subject to these limitations,

the bill provides that where the gross postal receipts at a city for each of the two preceding years exceed $25,000 the cost shall not be more than $25,000; where they are more than $20,000 and less than $25,000 the cost is limited to $20,000, and where such receipts are $3,000 and less than $20,000 the cost shall not exceed $15,000.

In addition to the cost of a building the bill authorizes an expenditure not exceeding $5,000 for the purchase of a building site. These buildings are to be fire-proof and constructed under the direction of the Postmaster-General, and according to plans to be approved by him and the Secretaries of the Treasury and the Interior. Provision is made in the bill by which donations for a site or for a building may be received by the Government.

This bill, Mr. Speaker, would be more satisfactory to me if it fixed the maximum cost of a building at $30,000 and the minimum cost at $20,000, and authorized $7,000 to be spent, if necessary, in procuring a site; and it would be still more satisfactory if it was so changed as to make it possible for all of these buildings to be up and occupied within the next three years.

When this measure was under debate at the last session it was said that $5,000 would not buy a desirable site, nor would $25,000 put up a suitable building in the larger cities for which this bill provides. This may be true, yet it is no reason why $30,000, or $25,000, or $20,000 should not be expended for post-office buildings in cities of less size. For these larger cities, if $30,000 be insufficient, an additional sum may be appropriated at any time by special bill.

The larger cities referred to, no doubt, are those at which the gross postal receipts exceed $25,000 annually. We have forty-five of these cities, and if the sum of $1,350,000 will not provide them with post-office buildings, certainly $2,000,000 will, and this would make the average cost less than $45,000 each—a sum, it is to be observed, much less than that which is ordinarily appropriated by special bill for a post-office building.

It was said, also, in the course of that debate, that while a building constructed as this bill provides might serve all present demands the subsequent growth of a town or city might require a larger and more costly structure. This objection is well met by that part of the bill which provides that the building shall be so constructed that additions or extensions may be made from time to time without injury to the harmony of the design or the usefulness of the constructed portion.

The gentleman from Arkansas [Mr. ROGERS] in his remarks objects to the bill becoming a law, because Judge Story said fifty-five years ago that the Post-Office Department of the Government is susceptible of abuse, and, in bad hands, might corrupt the people and prostrate their liberties. My honorable friend seems to fear that the discretionary power given to the Postmaster-General might be used by that high officer to control elections and corrupt the ballot-box. We have had since the organization of the Government thirty-four Postmasters-General, and I beg to inquire which one of the number used his high trust for such purposes?

Since the days of Judge Story the postal business of our country has increased many fold, and proportionably have increased the powers of the head of that Department of the Government. When the distinguished jurist referred to by my friend expressed his fears respecting the power exercised by the Postmaster-General the Post-Office Department was in its infancy. Then we had 8,450 post-offices; now they number 57,376. The revenues of that Department in 1830 were $1,850,583; at the close of the last fiscal year they were $52,695,176. Then our population was less than 13,000,000; now it exceeds 58,000,000.

In Judge Story's day the postal service employed, perhaps, 10,000 persons; in our day it employs 75,914. Where there was one pound of matter transmitted through our mails fifty years ago there are now transmitted thousands of pounds. Judge Story paid the Government from 6 to 25 cents, according to the distance, for carrying a letter; now the sum paid is 2 cents for any distance, and it is to be hoped that before long the charge will be reduced to 1 cent. Fifty years ago our mails were carried on horseback or in wagons, traveling at a gait of 7 to 8 miles an hour; now they are transported through the country by steam at a rate of speed little less than a mile a minute.

In 1830 our post-offices were places to receive and discharge mail; in 1889 they are used for the additional purpose of issuing and paying money-orders and postal-notes. In other words, the post-office of fifty years ago was a post-office and nothing more; to-day it is a post-office, a bank, and an express office combined. During the fiscal year ending June 30, 1888, the postmasters of the United States issued 6,668,006 postal-notes, amounting to $12,134,459, and during the same period they issued 9,959,207 money-orders, aggregating $119,649,064, for payment in this country, and 759,636 money-orders, aggregating $11,293,870, for payment in foreign countries; and 236,992 money-orders, aggregating $4,169,675, were drawn abroad for payment at post-offices in the United States.

It is estimated that during the past fiscal year nearly 372,900,000 parcels of merchandise were transmitted through the mails. Wonderfully great has been the growth of our postal system during the past fifty years, and although every year of this period has added to the powers of the Postmaster-General, we have yet to learn of any attempt upon the part of any of those who have filled that high office to interfere with the liberties of the citizen or use his position to influence elections.

To say that the construction of the post-office buildings proposed by this bill would have a tendency to make Postmasters-General bad men, or make the voters in the towns or cities where they are located corrupt men, is a very strange utterance. How the influence of the Postmaster-General can be greater if the building used for postal purposes is owned by the Government than if rented from a citizen, is not clear to my understanding. While these buildings are in course of construction the Postmaster-General, if a bad man, might possibly influence a few voters in the localities where they are building, but when they are completed and in use his influence could be no greater at those localities than it is now.

If this bill should become a law, within a few years these buildings will be built and in use and then the power of the Postmaster-General during construction will be at an end. After their completion the Postmaster-General will have no more control over them than he now has over other post-office buildings owned or leased by the Government. So that after all it is merely a question as to whether within the next few years the Government shall for all time to come own a post-office building in the larger towns and smaller cities of our country with every convenient appointment for the transaction of its postal, express, and banking business, or whether it shall continue to use buildings in these places owned by some citizen, pay high rentals, move, probably, every four years, and suffer, and the public also, from indifferent accommodations.

This subject is presented in the last annual report of the late Postmaster-General Vilas with marked force. From that report the following is taken:

> A large majority of the post-offices in the United States are so wretchedly lighted and ventilated, so hampered by scant or ill-shaped area, by the isolation of divisions or sections in different and widely-separated rooms upon the same or different floors, by rickety and antediluvian furniture, screens, and other equipments, and badly located and insufficient lobby space, that the expense of operation is frequently more than 25 per cent. higher than it would be were all these facilities up to a maximum standard.
>
> Were it possible to secure Congressional enactment which would enable the Postmaster-General or the Secretary of the Treasury to purchase a lot and erect upon it a suitable fire-proof building for every first and second class office in the United States, specially adapted to the necessities of the respective localities, a much better as well as more economical service could be secured them than in the rented premises now occupied, which in a majority of cases are not such as the Department needs, while the high rents and additional expenses required to keep up the grade of efficiency are a heavy tax on its revenues.

Postmaster-General Dickinson in his annual report made in December last speaks of the pending bill in these words:

> This measure is one of the highest merit. Its policy is dictated by sound business principles, and as a measure of economy it is to be preferred to the present system of leasing buildings for postal purposes. At the expiration of leases it is almost invariably the case that strife arises among citizens of towns over the fixing of a new site for the post-office.
>
> Real estate values are, to some extent, unsettled by such changes, and it is frequently difficult for the head of the Department to determine whether the case presented for the location has strong popular support in the interest of the general convenience of the community or whether it is made up in the interest of mere real estate speculation. From my experience in the matter of making new leases or renewing old ones I am led to present this subject to Congress with much earnestness.

Mr. Speaker, it will be seen that this bill contemplates the erection of 1,433 post-office buildings at an estimated cost of $17,775,000 and the purchase of 1,433 sites at a cost of $7,165,000—or a total cost of buildings and sites, stated in round numbers, of $25,000,000. Donations will no doubt be made for sites, if not for buildings, in some of the cities and towns, and these, there is reason to believe, will materially reduce the cost of these structures to the Government. Stated in other words, the bill contemplates that a building in every way adapted for use as a post-office shall be erected in 1,433 of the larger towns and smaller cities in the United States.

Sir, in my opinion these cities and towns are as much entitled to Government buildings suitable for postal purposes as the cities which now have such structures. Ought we to refuse them because of their cost? Bear in mind that what these buildings cost, less donations, is to be paid out of the postal revenues. These towns and cities contain near 10,000,000 of our 60,000,000 population, and they are the post-office address of full 2,000,000 people who live adjacent.

The postal receipts at these 1,433 towns and cities for the last fiscal year were $14,492,900. Upon the double ground, then, of population and business, these people have rightful claims upon the Government for better postal accommodations—postal accommodations equal to those which the Government furnishes in the more populous cities. In the ten principal cities of the United States having a population of 4,881,188 and with annual postal receipts amounting to $14,668,400, the Government has expended the sum of $46,766,804 in buildings for court and for postal purposes.

What proportion of this sum was for court purposes and what proportion for postal purposes it is impossible to state. Much less than this sum, if expended in the judicious manner prescribed by this bill, would provide every town and city in the United States having a population of 2,000 and upward (the few principal cities excepted) with

a substantial and commodious post-office building, handsome without and handsome within. We have one hundred and sixty-five other cities, with an aggregate population of 4,210,928 and with yearly postal receipts amounting to $12,654,210, in which the Government has spent for public buildings $27,522,674.

These cities, it will be observed, have less than half of the population of the cities and towns for which this bill provides and their annual postal receipts are nearly $2,000,000 less. The expenditure of a like sum in the towns and cities covered by this bill would put these cities and towns upon the same postal footing. All of these expenditures, bear in mind, have been made with tax-money collected from the people. The revenues of the Government come from every section of our country, and in the same sections, so far as it is possible, they ought to be expended.

At the last session, and thus far at the present session, the House voted $6,107,000 for the construction of public buildings in thirty-eight cities, whose aggregate population is 1,204,978, and whose aggregate postal receipts for the last fiscal year were $2,826,657. These cities have no more right to these buildings than have the other cities of the country, and the sum thus appropriated would, under the provisions of this bill, provide post-office buildings for two hundred and forty-five cities, whose postal receipts for the last year were $6,124,632, and whose population is 3,614,280.

It is very far from my purpose, sir, to complain about the construction or the cost of the public buildings which the Government has erected in the more populous cities. Every citizen, whether he be poor or rich, feels proud when he looks upon these evidences of his country's power and greatness. Some of them are magnificent structures, and no one would have them otherwise. When they were built the people did not complain of their cost, nor do they complain now, nor will they complain of the buildings for which this bill provides, if they are constructed not for show but for the better accommodation and convenience of the public, and at a cost, as the bill provides, from $15,000 to $25,000.

The sole purpose of this line of remark is to call the attention of the House and of the country to the fact that the benefits of our postal system are very unevenly distributed. It must be conceded that the Government is more mindful of the postal wants of those who live in the larger cities than it is of the postal wants of those who live in less populous localities. In three hundred and fifty-eight cities mail matter is delivered within city limits by carriers free of charge, and in the same cities boxes are provided at convenient points for the deposit of mail matter, and for this service the Government paid during the past fiscal year the sum of $5,422,356. To maintain this free-delivery service the people in the other cities and towns, and those not in cities or towns, are directly and indirectly taxed; yet it is to be observed that they do not have either of these postal advantages.

Why, sir, should the Government provide for those who pay less than half of its postal revenue the best of postal accommodations, and to those who pay more than half be indifferent when they ask for equal advantages? In my opinion this bill, in case it becomes a law, will go far toward equalizing the benefits of our postal system. The people of the district I have the honor to represent, like the people in other districts, contribute their full share to the revenues of the Government.

In some of these districts no part of the public revenues are expended, while in other districts much larger sums are paid out than are received. In my district there are no Government buildings, no navigable waters, or other objects upon which any portion of the public revenues are expended. The district has a population of 200,000, and its postal receipts for the last fiscal year were $96,286. Less population and less revenue have secured the best postal accommodations in other sections of the country; why, then, ought not the population and revenues of my district to secure to its people equal accommodations?

The buildings which this bill, if a law, will put into my district may not be as costly or sightly as those built by the Government in other parts of the country, nor will they be, perhaps, in other respects all that may be desired by a people who have $200,000 and $300,000 court-houses, $50,000 and $75,000 colleges, academies costing $40,000, churches $80,000, and common-school houses $100,000, yet they will be warmly welcomed. That Government structures more imposing than those for which this bill provides ought to be erected in this district no one familiar with its present industrial condition will dispute. In business and in population its growth for two years past has been wonderfully great, and there is every reason to believe that it will be a very populous and a very busy section of our country in the immediate future.

The district is known as the largest gas and oil producing region upon the American continent, if not in the world. In no other part of the globe are oil and gas gushing in inexhaustible and incalculable quantities to the earth's surface from twelve hundred feet below.

It is these developments, sir, developments of so much interest to the industrial world, that are attracting the mechanical laborer and the manufacturing capitalist of this and of other countries to this region, which is now rapidly filling up with manufacturing industries and with a stirring and busy population.

Under the provisions of this bill Government buildings suitable for postal purposes would be constructed in eight cities of my district, Bucyrus, Crestline, Findlay, Fostoria, Galion, Ottawa, Tiffin, and Upper Sandusky, and at an aggregate cost to the Government, including sites, of $160,000. The present population of these cities is estimated at 66,000, and full 17,000 more people live close to their boundaries. The postal receipts at these cities for the year ending June 30, 1888, were $62,796.

It will be seen, therefore, that the postal receipts at these cities for thirty months would be sufficient to meet the entire cost of the buildings and sites, and with increased receipts, which may be reasonably expected, the expenditure may be met in two years. When it is remembered that these postal receipts represent the sum which the people of these places pay the Government in a single year for doing their postal business, their demand for postal accommodations equal to those enjoyed by the people in larger cities is from every point of view reasonable and ought not to be longer denied.

No one, not even my honorable friend from Arkansas, need fear that harm will come to my people if these eight Government buildings are constructed so near to their homes. If it be thought that the presence of the ten Government buildings to which Arkansas will be entitled in case this bill becomes a law will make the liberties of her citizens insecure or the ballot-boxes in that State impure, build them in Ohio; build them in the Fifth Congressional district of my State, where wrongs against liberty or the ballot-box are unknown, and where, as memorials of governmental regard, they will ever have the highest appreciation.

Mr. Speaker, this bill, in my judgment, is a money-saving measure—a step in the direction of true economy. In the smaller cities and larger towns of the country it is cheaper in the long run for the Government to own a post-office building than to rent one. With a vast sum of money lying idle in its Treasury it pays many heavy rentals. Such a policy is unsound. The Government ought to be the landlord and not the mere tenant at will. The post-office is an institution as enduring as the Government itself, and therefore its place ought to be permanently fixed.

The erection of these buildings will give better postal facilities to the public, and this the public have the right to demand. The money to put up these buildings is to be taken from the yearly postal revenues of the Government, and thus will a small part of the money paid by the people for their mail service be expended in bettering that service. The bill appropriates less than 4 per cent. of this year's postal receipts; and to what better use can this money be applied than in providing for a more satisfactory mail service? In lieu of the money expended the Government will have other property of equal value and the expenditure will add largely to the visible and tangible property of the country.

There can be no waste or extravagance in the use of this money, and there can be no chance for any undue advantage over the Government. Every State and every community of considerable size in each State will share in the public good for which this bill provides. All interests, and particularly those of labor, will be greatly benefited by the construction of these Government buildings. There are public buildings in these towns and cities for municipal purposes, many of them have buildings for county purposes, and some no doubt for State purposes

The General Government is far greater in resources than all of our towns and cities and States, and its authority is over them all. Why, then, ought it not to have in these places its own building well and conveniently appointed, in which its business with the people may be transacted? The people of the cities and towns for which this bill provides, and the people adjacent thereto, number millions, and all have postal business to transact; and for this purpose many are obliged to make visits to the post-office daily, or oftener; others again, once, twice, or thrice every week. For them it is the duty of the Government to provide every reasonable facility at the post-office for their convenient accommodation. This is done in the larger cities of the country, and the same ought to be done in cities of less size. Through the post-office every citizen is brought into frequent and immediate contact with his Government, and to many the post-office is the only visible evidence of the Government's existence.

Sir, as the town building reminds the citizen of his town government, the county building of his county government, and the State building of his State government, so do the custom-house, the United States court-house, and the post-office building remind him of his General Government and impress him with the majesty and might of his country. The number of these buildings is increasing year by year, and the people are demanding that more and more be constructed.

It is better, sir, that we have some definite and well-matured policy respecting their construction than to legislate year after year by special laws favoring a few localities at the expense of others equally meritorious. The passage of this bill will relieve the Congress of a constant pressure for the erection of public buildings, and in no small degree will it prevent extravagant appropriations for this purpose.

The policy proposed by this bill is, in my judgment, a wise one; and the Congress that adopts it and the administration that executes it will be memorable in our history.

Nicaragua Canal.

REMARKS
OF
HON. J. B. WEAVER,
OF IOWA,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, February 6, 1889,

On the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

Mr. WEAVER said:

Mr. SPEAKER: As general leave has been given to print remarks upon this bill, I wish to submit the following observations concerning the same: The conference report does not contain all the safeguards which I deem desirable in a great measure of this character. But I have given the measure very careful consideration, and think it should pass. I find the Pacific railroads present in great force, opposing the passage of this measure with all their power. The reason for this opposition is plain. The measure takes from them their monopoly of the transcontinental carrying trade of this great people. In a word, I think the country will be infinitely better off if the present measure be adopted, notwithstanding it may be defective. This canal should be built by the Government of the United States, and the day will come when the wisdom of this suggestion will be appreciated; but it is impossible to secure such action at this time. Let me suggest also that the day for the construction of this great commercial enterprise has arrived. If we do not authorize its construction Germany or some other foreign power will do so at once. I trust the measure may pass, and that this great route, which shortens our pathway to the Orient between eight and ten thousand miles, may speedily be constructed.

Smalls vs. Elliott.

SPEECH
OF
HON. RALPH PLUMB,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, February 13, 1889,

On the contested-election case of Smalls *vs.* Elliott, from the State of South Carolina.

Mr. PLUMB said:

Mr. SPEAKER: In what I may say upon the question before the House I shall not undertake to analyze the votes cast for the contestant and contestee for the seat due to the Seventh Congressional district of South Carolina, nor do I propose to examine into the methods pursued by the officers of the law in counting the votes and making up the returns in this particular case. The majority and minority reports of the Committee on Elections and the able presentation by the latter so fully disclose these facts as to leave but little to be added, and they demonstrate, it seems to me, that to refuse to seat the contestant would be not only to do an injustice to Robert Smalls, but likewise to inflict wrong upon every citizen of the United States.

It is evident that Mr. Smalls was not only duly elected, but that if he had been a white man and a Democrat instead of a colored man and a Republican, and had been voted for precisely as shown in the evidence in this case, no certificate of election would have been given Mr. Elliott, and no contest would have been here to occupy the time of the House. In other words, I contend and shall undertake to show that the denial to Robert Smalls of his seat in Congress is but a part of a well-defined plan, inaugurated and persistently prosecuted in six States of this Union, the purpose of which is to rob colored men and Republicans of their political rights by violence and fraud.

In the election of the members of the Forty-ninth Congress Mr. Smalls and the contestee, Mr. Elliott, were opposing candidates, and the result then was the choice of Smalls by a majority of 3,835, while in the election to the present House the returns give Elliott a majority of 533, which exhibits the remarkable change of 4,368 votes in Smalls's support in elections only two years apart.

Why this change? Was it in consequence of any new light coming to the supporters of Smalls as to what he was in standing and character among them? They knew that he was born in their Congressional district; they knew he had served them faithfully through ten sessions of Congress; they understood well the distinguished services rendered by Mr. Smalls for the Union cause as a naval pilot in Charleston Harbor, as a captain of a Government steamer, and in various capacities as a soldier and civilian; and yet, suddenly, without apparent cause, a very extraordinary change seems to have come over the minds of some four thousand of his adherents, a remarkable defection in the support which had so long been given him.

The Seventh Congressional district of South Carolina in 1880 had a population of 187,536, of which 31,520 were white and 156,016 were colored. Of these, 7,695 were white voters and 32,893 colored, making a total of over 40,000 electors; but it appears that in the election under consideration only 12,454 votes were cast and counted, while, as a matter of fact, the possible colored vote alone in that district was over 32,000.

Concede now that every vote counted for Smalls was deposited by a colored man, there remain nearly 27,000 colored electors in the district who for some unexplained reason did not vote, or if they did their votes were not counted. Is it not strange that such indifference should be manifested by the colored electors in regard to the affairs of the Government of which they are a part and in which they have so deep an interest?

Mr. Speaker, if this was the only Congressional district in the Southern States in which this remarkable indifference appears, it might be accounted for by something peculiar to that particular district, but there are too many such to admit of an explanation in this manner.

I have here a carefully prepared statement from official data, which demonstrates that this failure on the part of the voter to express himself at the polls extends over a large portion of the States lately in rebellion. It also shows the difference between a group of six of those States North, and another group of equal size South, in the proportion of actual votes cast to the population in the two sections. I will append this table in full, and print it with my remarks, as it will materially aid in getting at the true reason for this disparity.

These returns, be it remembered, are made by the members of this very Congress, each for his own district, and reported by them to the Clerk of the House of Representatives, and therefore are not to be questioned. They show that there are no less than twenty-three members now having seats on this floor, from the Southern group of States named, against whom practically no votes were counted in the election returns upon which their certificates were granted. To be exact, eleven of these members had 2, 5, 6, 7, 11, 17, 23, 27, 27, 55, and 58 votes respectively recorded against them, while twelve seem to have been elected without an opposing vote. In contrast with these returns look now at the number of votes against each member of this Congress from the six Northern States named in the table and you will see that their average is 15,436, while in the six planting States it is only 1,888.

Mr. Speaker, is there one here who will pretend that these twenty-three members hold their seats as a result of the free choice of a majority of the electors residing in their respective districts? Why, sir, such a proposition can not for a moment be sustained. In the one case votes cast show conclusively that in that section government is "by the people," for there parties are equally free to act, and their members are expected to express their honest convictions by their vote; while in the other, the evidence is just as conclusive that no such freedom and equality exist at the polls. One is republican in fact, the other is republicanism outraged. In one group of these States the rights of voters are respected and enjoyed in the manner provided in the Constitution and in the other they are utterly disregarded.

Mr. Speaker, this outrage upon the rights of free colored people must be regarded as the result of a purpose deliberately formed, which is intended to rob the colored man of the protection the ballot affords; and I make this statement here not only for the reason that the returns in the table demonstrate its truth, but because such a purpose has been declared again and again to me personally by men of responsibility residing in the States named; and what is more, the intimidation and fraud which has been denied by the perpetrators is now generally confessed and unblushingly avowed.

There are, however, exceptions to these denials. Why, sir, it was only recently in this House, while a point of order was being debated, that the gentleman from Georgia [Mr. CRISP], the distinguished chairman of the Committee on Elections, took occasion to say to the gentleman from Maine [Mr. REED] that he—

> Need not be disturbed about Georgia. I can assure him and other members of this House, and the people of this country, in the utmost sincerity, that in no State in this Union is the right accorded by the laws and by the people to all classes of voters, to go to the ballot-box and deposit their ballots for the candidates of their choice, more fully and freely than in Georgia.

Mr. Speaker, when the gentleman from Georgia makes a statement here and declares that he does so "in all sincerity," I have no desire to question that sincerity; but, sir, when the statement made is so very different from what seems fairly deducible from the public records, to which all have access, and upon which we depend for accuracy, I must be permitted to quote from these records and at least ask for an explanation.

Now, the record shows that Georgia has ten Representatives on this floor, and the total number of votes cast against them in 1886 was 1,950, while the same number of Representatives from ten districts in the State of Michigan had cast against them 197,895 votes. In Georgia the average opposition vote was 195 to each member, while in Michigan it was 19,789.

Nor is this all. You will observe that in three of the Georgia districts the vote recorded in opposition to the sitting members was 11, 17, and 55, respectively, while in five other districts there was not one op-

posing vote recorded, and, strange to say, among the five stands the name of Hon. CHARLES F. CRISP. The total number of votes cast for that gentleman were only 1,704. Now, I ask "in all sincerity" whether it is probable in a Congressional district in which there must be a population of at least 150,000, and not less than 35,000 voters, that only 1,704 voters of all classes went "to the ballot-box and deposited their ballots for the candidates of their choice freely and fully?" If this be so, why is it that the votes in Georgia differ so widely from those in Michigan? Look at the figures! Seventeen hundred and four voters elect a member of Congress in Georgia! Why, sir, at the town in which I reside in Illinois at the last election there were cast at the polls 2,700 votes, enough to elect a member of Congress in Georgia and a thousand votes to spare; and in the Eighth Congressional district of Illinois, which I have the honor to represent, there were 5,000 more votes cast than the returns show were counted for the entire State of Georgia.

Why this difference? It can not be explained upon any ground save this: That in Georgia violence and fraud keep one class of voters away from the polls through fear, and another class is kept away because of the utter disappearance from elections in that State of that fairness which alone satisfies the mind of the manly citizen, while in Michigan and Illinois public sentiment will not tolerate either violence or fraud at the polls.

CHARACTER AND PROOF OF THESE OUTRAGES.

Mr. Speaker, volumes could be filled with the sickening details of the manner in which portions of the six States I have been considering—on a mere pretense of any wrong done by colored people, they have been driven from their homes and hundreds shot to death just "to make them know their place," which means to so terrorize them that they dare not go to the polls. In other portions of those States, by means of laws made for that special purpose and regulations arbitrarily adopted, difficulties are thrown in the way of colored voters which make a full, free, and fair expression of the citizens of those States at the polls an impossibility. It is not uncommon for all the officers of an election to be of the dominant political party, and so seated that their doings are seen by none but themselves. The methods used are preventing registration, rejecting registered votes, rejection of polls, rejection of ballot-boxes, theft of ballot-boxes, and stuffing of ballot-boxes.

Proof of these shameful wrongs has been made again and again before committees of investigation, and despite all efforts to conceal the nature and extent of a recent campaign of violence conducted by white citizens of Mississippi against its colored citizens, honestly conducted, public journals acknowledge the truth of the charges and protest against the wrong.

Sir, if a tithe of these outrages had been committed on American citizens, either native or foreign born, in any other country on the globe, the resources of this Government both in men and money would have been levied upon to any required extent to redress the wrong, and woe be to the party that would object.

CONFESSED AND JUSTIFIED.

Now, as I have already said, these assaults upon a free ballot and a fair count are now generally confessed and, I am obliged to add, justified by many who are sworn to support the Constitution of their country and to faithfully execute the laws. This justification is based upon the declaration that "this is a white man's government," in which the citizen who has a colored skin shall take no part. It is, moreover, claimed that there is in the very nature of things a race antagonism which renders it impossible for whites and blacks to live under and participate in the same government. History is quoted to sustain the proposition that either the whites or the blacks must become a subject race; that both can not have the elector's right to the enjoyment of a free ballot without producing social equality between them. It is also insisted that white supremacy and colored subserviency are rendered necessary by the existence among us of the negro population.

Mr. Speaker, if this be so, if it is still a fact that "a colored man has no rights that a white man is bound to respect," should we not in the name of honesty and fairness erase from the Constitution and the statutes all the provisions that have been placed therein for the protection of these people? If this be so, the people of this country should acknowledge that the proclamation of emancipation was a blunder, if not a crime; a curse, and not a boon to the colored man. If this be so, the friends of freedom ought to ask forgiveness for having protected the Territories from what they honestly believed was a blight to every foot of soil on which it rested. If this be so, the spirit of the age is only a phantom of diseased imaginations, and the past half century of struggle now culminating in an honest attempt to apply the doctrine of man's right to liberty to every portion of the Republic is only a misuse of man's noblest powers, a sad record of blood and treasure spent in vain. Thank Heaven, a just consensus of public opinion declares that never before in history has equal advance in the right direction been made, and it proclaims that the duty of the hour is to "go forward."

DENIAL OF A SACRED CIVIL RIGHT.

What, now, is the real proposition? Why, sir, it is this: Seven millions of people, American born, to whom the Constitution guaranties the rights of citizenship and equality before the law, guilty of no crime, peaceable and law-abiding, must be deprived of the ballot for no other reason than the color of their skin, and as if conscious that violence and fraud can no longer be relied upon to accomplish it, disfranchisement is by some gravely proposed.

Mr. Speaker, the proposition is entirely untenable, and can not be adopted without destroying the fundamental principles of free government. Our Bill of Rights declares that governments "derive their just powers from the consent of the governed;" and our fathers not only proclaimed that truth, but framed this Government upon that doctrine. The right to become a citizen and the right to discharge the duties of a citizen does not depend upon nationality, race, color, or sex. In a republic the ballot belongs of right to every adult who needs the protection of government. Every such person stands alone on the earth, as it were, with wants akin to every other person, and must depend upon his own exertions for their supply. Each has a body to clothe, a stomach to be supplied with food, and a mind that needs intelligence; in short, the mission of his life is to promote the highest possibilities of his own being. By labor man supplies his needs out of the store-house of materials with which the earth is filled. To be secure in the right to labor for himself he must have around him the shield of law, which means order and safety established and maintained by the government under which he lives, and of which, in a republic, he is a part, and as such every citizen has the right to be heard in person in the establishment of the order that is to be his shield.

In a republic the citizen can speak effectively only through the ballot; those who are deprived of its free use are deprived of protection, and the more dependent the individual citizen the greater his need of the ballot. He may not be highly cultured; he may not be able to calculate the distance to the fixed stars; he may fail to describe correctly important particulars respecting his own country; nay, he may not be able to read or write, but with a ballot in his hand though ignorant he has a scepter that he can wield in a way that will insure protection to himself while he struggles for advancement. He knows well enough whether his home, however humble, is secure from violence, and he also understands whether for his honest toil he has a fair wage or is made the victim of fraud.

The shield of the law, which should surround every citizen, is often denied to those who can not vote, but the lawmaker, as well as the magistrate whose duty it is to enforce the law, will be sure to guard the rights and interests of the voter, who has power to dismiss them from office in case they fail to give him protection. This, in fact, is the legal redress of the citizen of this Republic, and it is all he requires. If he is law-abiding, it is all he cares to have. This is the very rock on which all our institutions rest. To deny it to a single citizen is a crime against liberty, for it robs him of protection, and subjects his life, his labor, and his prosperity to the caprice and avarice of others.

EXCUSES FOR DEFRAUDING THE COLORED MAN.

Mr. Speaker, there be many who, while assenting to the principles I have laid down, deny their applicability to seven millions of the people of the United States because of the color of their skin. It is, moreover, claimed that it is a question of social equality; that if the colored man is allowed to vote the result will be that he must become the social equal of the whites; that the races must intermarry, must dine and wine together, etc. A graver misapprehension than this was never entertained by mortal man. It is a mere scare-crow of imagination, as a little reasoning will clearly show.

Social equality is not and can not be made by law, nor can it result from the enjoyment by any one of any right which the law confers. It is always a matter of choice between individuals, and be the number concerned great or small, each must give free consent to such equality or it can not exist. Think for a moment of the absurdity of the proposition that if any man in any given community has conferred upon him all of the civil rights pertaining to citizenship, it must follow as a consequence that such an individual on that account must be acknowledged by every other man in that community as his social companion. No one outside of the penitentiary can be obliged to accept another as a social equal; it must be a result of a deliberate choice of those who become social equals. Those who oppose negro voting lest it break down all social distinction confuse themselves by thinking that civil status and social status mean the same thing, while nothing is more erroneous.

The civil status of any individual in a community or State is a public condition, while the social status of that individual is a personal and private affair; the one is the proper subject of law, the other can not be reached by statute. In the Northern States of this Union men in every social condition vote side by side, but the thought that the enjoyment by each of these voters of his complete civil rights implies or necessitates any change in their social relations never once enters the minds of either party. Why, sir, there is not a community in this land, North or South, but that furnishes a complete refutation of such a claim. Those who allow themselves to think that social equality has anything to do with equality before the law do but deceive themselves. They need to search for some other reasons on which to base their objections to conferring equal political rights upon all men.

WHO OBJECTS TO NEGRO SUFFRAGE?

Mr. Speaker, it is a significant fact that those who formerly opposed granting freedom to the negro as a class now object to giving him his civil rights. It is also significant that the existing scheme to rob the colored citizen of his constitutional rights by violence and fraud is for the most part confined to that section of the country in which the great conspiracy had its birth, it is insisted upon by the very men under whose leadership the entire South has already suffered enough. I refer to the planting States, namely, Arkansas, Mississippi, Louisiana, Alabama, Georgia, and South Carolina, comprising the old planting portion of the South. The soil, climate, and natural advantages of these States fated them to become the theater on which the great contest between freedom and slavery was to be both begun and ended.

In these States more than elsewhere in the South the system of slavery worked out its inevitable results and produced there its legitimate effect on both master and slave. However great the sum of misery and woe that fell to the lot of the colored man during the centuries of his servitude, it fell far short of the lasting injury that slavery inflicted upon the white men of those States. It made it difficult for them to regard labor as honorable, natural for them to despise it. It put it beyond their power to subscribe to the doctrine of equal rights to all men. It led them to deny the faith of their fathers in the doctrine of human freedom. It caused them to believe that it was desirable to maintain a subject race as an integral part of the people, and led them to deny the fundamental principles that in a republic the majority must rule.

It prepared those States to furnish the leading spirits of the late rebellion, and after its collapse with ruinous consequences to themselves and to their cherished institution, it seems to have made it impossible for them to see their duty and do it. Evidently they do not now realize either their own weakness or the strength of the forces they are vainly striving to overcome. Nay, more, they seem unconscious of the cool effrontery they are exhibiting to the world in their attempt to defraud not only the colored man of his rights, but the people of the other States of this Union of the political power which the Constitution confers upon them.

INJUSTICE TO OTHER SECTIONS.

The white population of that group of States (census of 1880) was 3,800,150. Now, Illinois alone has a white population of 3,034,503. It will be seen, therefore, that in States where the colored citizen is practically disfranchised the total white population is but little more than that of the single State of Illinois. The Constitution (fourteenth amendment), by declaring in effect that in States where the right to vote is denied to any male inhabitant thereof, or in any way abridged, the basis of representation therein shall be reduced in the proportion of such denial, has settled the principle of equality as to representation in Congress and in the electoral college as it ought to be settled; and yet what are the facts as we find them to-day? Why, sir, the six States we have been considering have forty-three members of Congress, while Illinois has but twenty; the former has fifty-five electors of President and Vice-President and the latter only twenty-two.

Now, I appeal to you, Mr. Speaker, have these forty-three members on this floor and the fifty-five members of the electoral college who have recently cast the vote of these six States for President and Vice-President a right to twice as much power as lawmakers and electors as have representatives and electors of Illinois with an actual voting constituency essentially the same.

Why should the Fifth Congressional district of Arkansas, with only 4,746 votes cast therein have a Representative, when it is a fact that there are not less than 32,000 voters residing in it, and no less than 20,000 of them have been kept from the polls by violence or their votes fraudulently thrown out?

Is there not something wrong when, as in a Kansas district, Hon. B. W. PERKINS is backed by 36,716 votes cast, 19,614 of which were in his favor, while in Arkansas, in Mr. PEEL'S case, only 4,746 votes are recorded in any way?

In Michigan my Democratic friend TARSNEY represents 37,846 actual votes, while Mr. OATES, of Alabama, is backed by only 4,660, and not one against him.

In the First Mississippi district, represented by Mr. ALLEN, only 3,169 votes were recorded as cast, and all but 27 are for that gentleman, while Mr. BYNUM, from the Seventh Indiana, represents 43,990 votes recorded, with 21,108 against him.

The chairman of this committee has a seat on this floor with only 1,704 votes participating in his election, every one of whom voted for that gentleman; while Hon. J. H. ROWELL, a member of the same committee from Illinois, had 15,319 votes in his favor to 14,703 against him, a total of 30,022 votes cast.

I will not take the time to further show the amazing difference in the number of votes actually cast in these two sections. The table tells the story and it demonstrates that as a rule elections in the planting States are worse than a farce; they are covered all over with violence and fraud and carry with them no valid constitutional right to seats on this floor.

Sir, it would not, I greatly fear, be presuming too far to say that the condition which now exists in each of the several Congressional districts in the States I have named, by which the election of their present Representatives was made possible, was brought about by the murder of white men as well as black men, political murders, committed solely for the purpose of securing political supremacy.

WHERE DOES THE BLAME REST?

Mr. Speaker, it is not in my heart to speak unkindly of the honorable gentlemen who represent on this floor the States under consideration. Their learning and ability, no less than their gentlemanly conduct and social qualities, place them in as high a position here as any other members can fairly claim. They are rather to be commiserated than blamed, for they are in a situation replete with difficulties. Circumstances beyond their control fastened upon their fathers before them a system of human chattelism under which, necessarily almost, unrepublican ideas of government and the rights of man have come to control their political action. The States they represent are vexed by an evil spirit which still clings to the scenes of its earth life and haunts the very region in which before the suicide of its body it held undisputed sway. The system it once animated was an embodiment of a disease which the preservation of our national life required should be removed by the sword, and it was done.

That disease was human slavery—a system that could not exist except by violence and fraud. Since the removal of slavery neither violence nor fraud is necessary to secure to a free people every needed good. If in any section these agencies are still invoked you may be sure that some of the old virus rankles there and awaits restoration of perfect soundness.

> Before the curing of a strong disease,
> Even in the instant of repair and health,
> The fit is strongest; evils that take leave
> On their departure most of all show evil.

We are accustomed to hear these gentlemen declare with a gusto received with applause that they are "in the house of their fathers and have come to stay." Sir, no man on this floor more heartily welcomes back into this Union the States from which these gentlemen come than I. That they are here, and here to stay, can neither be doubted nor defeated; but the question is not as to those States; it is as to the gentlemen who essay to represent them. They, too, are here, as we all well know. They are not only here, but they hold the balance of power in this body. They are the leading spirits of the party to which they belong, and through that party they shape every national measure that comes before the House of Representatives. How came they here? is the question. Was it in the way contemplated by the Constitution? Was it in an honest, legal way, and did they bring with them a title that will bear inspection? What right have these gentlemen to represent their respective districts here, when, as everybody knows, the body of the legal voters of such districts never chose them as their Representatives?

THIS QUESTION MUST BE MET.

Mr. Speaker, I warn these members and the States they essay to represent that such a condition of things is repugnant to every idea of fairness, and is not to be tolerated. The people of this country are fair-minded and considerate, but they will not willingly allow any great wrong to be done to any class, nor will they suffer to exist an outrage upon the principle on which the Government is founded. Whenever the attention of the voters of this country is concentrated upon an existing wrong, you may be sure it will not be diverted until the wrong is righted. The time is coming, and now is, when the violence and fraud by which the colored man's rights are denied him, must endure the searching ordeal of public opinion. The perpetration of these acts of violence and fraud raises a question that can not be blinked down, but must be met and settled in a manner worthy of the Republic. How will you meet it? Two ways are open—one by State action, the other by national legislation.

The Constitution has put it beyond the power of any State to exercise its legislative functions in a way that shall destroy, or even abridge the citizens' franchise; but it is within the powers granted to a State to make the necessary rules for holding elections for Representatives in Congress, subject, however, to the control of the General Government. In proof of this proposition I quote section 4, Article II, of the Constitution, which reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulation except as to the place of choosing Senators.

Now, it will be seen that each of these States have the power to end these outrages upon the citizen's right to vote, and to have his vote honestly counted. They can enact and enforce the laws that will insure fairness in all elections. If, however, they fail to do this, the Congress has a duty to perform that it can not neglect. That duty is to make such regulations as are necessary to protect every citizen in his right to vote for the candidate of his choice, and to have that vote counted.

The Constitution in the article just quoted confers the power upon Congress to enact such laws, and by further provisions defines who are citizens and restricts any State from abridging their rights as electors. The language used is as follows:

> That all persons born or naturalized in the United States and subject to the

jurisdiction thereof are citizens of the United States and of the States where they reside, and no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States.

And it further declares:

That the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. Speaker, it is still insisted by some that the States being sovereign have a right to manage their domestic concerns in their own way, and elections held under regulations made by the States being domestic concerns the General Government can not constitutionally interfere. This doctrine has somehow a familiar sound to us who were conversant with public affairs before the rebellion, but I submit that the war has settled all controversy on that point, and especially as to the franchise.

State sovereignty can not now be used to cover these election outrages any more than the States in which they are committed can escape responsibility for them by charging that they are the work of their own irresponsible citizens. Each State has the right to manage its municipal affairs in its own way, provided always that it be done in a manner not in violation of the Constitution of the United States nor in derogation of the rights of its citizens; but a careful reading will show that the statesmen who framed that instrument never intended to confer upon the States the power to abridge or in any way interfere with any of the sacred rights of citizenship, nor was any such reserved to the people.

WHAT STATES MOST RESPONSIBLE.

Mr. Speaker, I have already given the names of these States in the table appended, and have likewise shown their responsibility for the commission of these outrages on the civil rights of the colored people. If the States named were beyond seas, scarce anything would be left to disturb that oneness of purpose so desirable among the people of this great country, but I am pleased to know that they are here and are surrounded with influences that tend to perfect homogeneity in our system of States. They are a part of the Republic, the government of which is not in keeping with their long years of education under a false system of labor, which after a hundred years of constant struggle to maintain, it has been swept away. The trouble is these States have not yet adopted the only method by which they can come into harmonious relations with a Government administered on the idea of protecting all ranks and conditions alike.

They are still out of line with true democratic republicanism and have yet to overcome the deep-seated prejudices which their peculiar institution has left so strongly imbedded in the minds of those who control their political action. They are "now in the house of their fathers, and are here to stay," and with confidence I appeal to them. That they are brave men, most of them have demonstrated by facing death on many a battle-field. The cause for which they fought was not lost for lack of valor on their part, but because they strove against forces of civilization and progress which though often resisted, are too powerful for the bravest to overcome. They were conquered, but are still combating in a new form the same forces to which they have been obliged to yield, and undoubtedly the same fate awaits them now. Let them calmly address themselves to the consideration of the inevitable.

Stripped of all disguises, what they contend for now is not chattel slavery—the entire South is satisfied with its destruction. They want instead a subject class; subjects instead of citizens; and this is the real purpose they now have in hand.

Sir, it was natural that the old-time abettors of slavery should enter upon such a work, one so thoroughly at war with democratic-republican doctrines, and that they should attempt to accomplish it by violence, for it is the natural ally and chief reliance of tyranny. Violence is invoked wherever the rights of man are disregarded, but a people who are willing that a majority shall rule will repudiate and reject it as their worst enemy. Right does not need violence to make itself secure, nor can that method be relied upon to establish the wrong, as our own history abundantly demonstrates.

The slave power invoked violence and shot down a Lovejoy, hoping to destroy the freedom of the press. The result is the press is free. It invaded the Senate Chamber and struck down a Sumner, hoping thereby to destroy free speech. The result is freedom of speech. It invaded territory sacredly consecrated to freedom, intending thereby to fasten upon its soil forever a blighting curse. The result is that every acre of our domain is free soil. By violence it even attempted to destroy the Union of these States in order that a confederacy with slavery for its corner-stone might be built up. The result is "liberty and union are one and inseparable now and forever." And last, but not least, comes this scheme of the planting States, which, in pursuance of a deliberate plan, instigates and employs violence against the citizens, both white and colored, that the freedom of the ballot, that the very rock on which our entire governmental fabric is built, may be removed.

To this end lawlessness, pursuing its attack on a free ballot, has assassinated John M. Clayton, of Arkansas, for daring to attempt in a legal and peaceful manner to secure the seat on this floor to which he had been elected. Will this execrable violence succeed after failing so signally in these several assaults upon liberty?

Sir, it is impossible; this Republic is for human liberty, and for equal human rights; it stands upon a basis too broad to admit of the exclusion of any citizen from the exercise of his rights on account of his color.

BE WISE IN TIME.

Mr. Speaker, have we yet to learn that retribution is a law from which nations can not escape; that the rights of each are dependent upon their being vouchsafed to all; that if we consent to outrages on the weak, the wrong will be avenged upon the strong? Violence licensed to rob and kill a negro will not stop until white men are robbed and white men are killed—a proposition which is abundantly verified in the history of the planting States for the last fifteen years. Shall these murders and outrages be permitted to continue? Is this the pathway that leads to prosperity and peace, or to permanent political supremacy even? Can any State build on such a foundation and be safe? Is it certain that the colored man will always submit to these outrages?

The wronged colored voter is still a man, he carries in his breast every feeling common to man's nature; and you may be sure that sooner or later he too will conclude that "resistance to tyranny is obedience to God."

A BETTER WAY.

Before the law the colored man is in all respects the equal of the white man. That is the platform on which the Constitution places him, and on it he must stand. All the privileges and immunities and rights of citizenship are his as well as ours, and what is necessary is to heartily and sincerely accord to him his true position. Dismiss at once and forever the heresy that this is a white man's Government; it is not that; it is man's Government in the largest sense.

Let us begin at once a new deal with the colored man, treat him as an equal citizen, encourage him because he needs encouragement; in matters of business and employment deal with him fairly; pass the bill now before the Committee on Education, and in that way enlarge and strengthen the common-school system of the South, and make it what it now is in the Northern States—a means of elevation and increased prosperity to all classes. Give the colored people education and their degradation will rapidly disappear.

While slavery existed a system of free common schools in the South, such as was the strength and glory of the North, was impossible. Then the education of white children was attended with difficulty, and to teach a colored child to read was a crime; but when emancipation came the way opened for the common schools—as great a boon to the white as to the colored people, especially of the planting States. The testimony of those who know most on the subject goes to prove that a great advance has already been made in the improved condition and education of the colored people.

Rev. Dr. Haygood, of Georgia, says:

Not far from $50,000,000, all told, has been expended in the education of the negroes since 1865. More than half of this has been paid by the South in the support of fifteen thousand public schools for negro youth. * * * Nearly one million of these people are at school in the South, and about two millions of them can read.

Vast sums of money have yearly been contributed by the people of the North for the support of colleges and the lower grades of schools for colored people in the South, and hundreds of self-sacrificing men and women have devoted their lives to the work of educating and preparing them to become teachers of common schools among their own people. These institutions are located in nearly every Southern State, and are already recognized as very important factors in the solution of what is called the negro question.

Mr. Speaker, I have before me a document just issued by the National Bureau on Education in North Carolina, by Professor Charles Lee Smith, of Johns Hopkins University. The eighth chapter of this interesting circular contains a list of eight prominent institutions of learning in that State, giving the course of study in each, with the names of their professors and teachers, some of which are directed, controlled, and officered entirely by colored people. Beside the higher institutions there are a number of academies, high schools, normal, and industrial schools.

Professor S. G. Atkins, of Livingston College, who furnishes this chapter, concludes his interesting account in these words:

In all schools, high, intermediate, and primary, the attendance is increased this year by from 15 to 30 per cent., in some cases it is nearly doubled. This is significant. This fact can not arise from any lax tendencies in the management of the schools, for the schools have rather raised their standards, broadened their scope of work, and made their discipline more circumspect. These observations taken all in all, it seems to me, teach that the North Carolina negro is making his way slowly but truly to the position of a useful, intelligent, Christian factor in the body-politic of this progressive, intelligent, and Christian Commonwealth.

The colored man is not only making progress in education; he is slowly but surely learning that lesson which too many white people need to learn, namely, that prosperity is conditioned upon sobriety, integrity, and industry. Many of them have already become owners of real estate, some are wealthy, and multitudes more everywhere are filling positions of responsibility, and have the confidence of the community. Let them feel the full responsibilities of citizens and it will be to them, as it is to every American citizen, an incentive for good. It is a mistake to suppose that these influences fail to operate upon a human being because he is black.

Mr. Speaker, by what authority can we say that the negro is and

will continue to be an inferior race? Who can say that all the possibilities of intellectual attainments and ability which Caucasians in the long centuries have evolved out of their natures may not by similar processes be reached by the colored man? Why, sir, evidence exists all around us, and is accumulating on every hand, which justifies the prophecy that not many decades will pass before these newly made citizens will vindicate their claim to all that is highest and best in human character.

The story of the colored people of this country from the time their ancestors were captured in their native jungles in Africa and brought manacled to our shores to lead a life of bondage, hopeless alike to themselves and to their children, their progress even while slaves, their emancipation, and the vital relation they have from the beginning sustained to our national life, may well be termed the romance of history. That story with all the great principles it has served to emphasize in our institutions and all the illustrious characters it has developed within the period of our national history will be studied with increasing interest by the people of every country as the ages go by.

To trace the growth of "the peculiar institution" from its introduction to its overthrow, to rehearse its many assaults upon human liberty, its attempt to appropriate to its own use and behoof the public domain, to refer to its efforts to cleave down free speech, and to imprison those who dared to obey God rather than man, is useless now except to enable us upon whom rests the responsibility of deciding the question of suffrage aright to get at the full meaning of that Providence by which human affairs are guided and the better to understand the duty of the hour. That duty is to maintain at all hazards the right of every citizen to vote and to have that vote counted. The suffrage must be maintained inviolate. It is the foundation on which our Government rests. Destroy it and the Republic falls. If there is a man anywhere who by violence or fraud, by intimidation or bribery, is kept from voting as his own judgment dictates, and Government is powerless to redress the wrong, we are lost as a nation. An educational test will not answer, even could one be applied. A citizen guiltless of crime has a right to vote that no lack of learning can take away. It is manhood that the ballot represents. In this country we must have no privileged class; none who can dictate to others how they shall vote, or that they shall not vote.

We have no right by the decision we are about to record here to settle a question of honor or profit between the contestant and the contestee; we ought not to decide what that vote shall be by our personal preferences or tastes; the facts relating to this contest, and they alone, should decide our action. To deny the suffrage to the humblest citizen upon whom the Constitution confers it, to abridge its exercise or permit fraud or violence to strike down this great right, is a high crime against liberty and a menace to our form of government. Let one State, section, or political party permit the commission of this crime, and the knowledge obtain that the honest votes of another section or party are thereby neutralized, reprisals in kind will begin at once. This, Mr. Speaker, is the condition of this country to-day, and it ought to fill the patriot with alarm. Returns made by officers in elections ought to be so carefully and honestly made as to be received with perfect confidence in their verity by all concerned; but, sir, how rapidly in almost every section of the country is distrust taking the place of this needed confidence. The public conscience in respect to fair elections is becoming diseased, and if there be not a speedy return to honest ways it will soon be utterly destroyed.

The South charges the North with corrupting the ballot by money, and that in every Northern city multitudes of unnaturalized foreigners are made to vote just as the political machine directs; while the North insists that the South practices violence and fraud in elections; and to our shame it must be conceded that both charges are true. "Oh, for a bugle call" that shall arouse the North and South alike to the danger that threatens us. It is a pleasure to know that in several of the Legislatures of the North now in session needed reforms in election methods are being introduced and doubtless will be carried through, for the people demand it.

Mr. Speaker, if the States themselves do not at once provide for honest elections, at least of members of Congress and electors for President and Vice-President, it will be the duty of Congress to exercise the power conferred upon it by the Constitution and enact laws that will accomplish that end, and such a movement has already been entered upon in both ends of this Capitol, which I trust will result in securing for all time the right of every elector, however humble, to a free ballot and a fair count.

The question now is, shall we falter at this crucial period in our career as a nation and permit obstructionists to stand in the way of establishing in practice what the theory of our Government demands? Let us have the courage to apply the principle of equality which pervades our system to the low as well as to the high, to the weak as well as the strong, to the poor as well as the rich, and the result will be a Government so strong that the gates of anarchism can not prevail against it. Let us realize that we have as a nation enlisted the earnest criticism of the civilized world. Professor Bryce, of England, in his noted work on the "American Commonwealth," speaking of our institutions, says they—

Are something more than an experiment, for they are believed to disclose and display the type of institutions towards which, as by a law of fate, the rest of civilized mankind are forced to move, some swifter, others with slower, but all with unresting feet.

Mr. Speaker, every great event in our history as a people, every conflict of arms from Lexington to Appomattox, every State constitution adopted within the century just closed, and our unexampled growth in wealth and population alike give evidence that a wise and good Providence has in the order of things ordained that we here and now are to establish principles of human freedom as applied to government upon the foundation laid by our fathers "that all men are created equal and endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness." "All men," says the great Bill of Rights, not white men only. Be it so that the fathers builded better than they knew, and did not foresee the test that time would bring to the import of these two words, "All men," yet the purpose of the Infinite was that in a single century they should become the talismanic words of the Republic. To emphasize this it was that in the long ago the colored man was brought to our shores. The object of those who brought him was only sordid gain, regardless of the rights of their victim, and yet the design of Providence was in this way accomplished. It brought the Republic face to face with this supreme test of its devotion to the principle on which it was founded. The acknowledgment of the white man's right was not enough to establish that principle; it must needs be applied to a people with "a skin not colored like our own" in order that it might come to be, through our example, for the uplifting of the human race.

APPENDIX.

Comparison of votes cast in the following States.

District.	Member.	Votes for.	Votes against.	Total vote cast.
	IOWA.			
1	J. H. Gear	16,115	15,078	31,193
2	Walter J. Hayes	15,309	16,611	31,920
3	D. B. Henderson	18,676	15,889	34,565
4	William E. Fuller	17,063	15,132	32,195
5	Daniel Kerr	16,756	16,048	32,804
6	J. B. Weaver	16,593	16,027	32,620
7	E. H. Conger	15,167	14,231	29,398
8	A. P. Anderson	17,969	15,757	33,726
9	Joseph Lyman	16,953	14,792	31,745
10	A. J. Holmes	16,767	12,868	29,635
11	I. S. Struble	15,356	10,919	26,275
	Total	182,724	163,352	346,076
	ILLINOIS.			
1	R. W. Dunham	14,008	15,359	29,367
2	Frank Lawler	7,369	11,329	18,698
3	William E. Mason	13,721	6,774	20,495
4	George E. Adams	12,147	12,477	24,624
5	A. J. Hopkins	14,222	8,370	22,592
6	R. R. Hitt	13,106	10,528	23,634
7	T. J. Henderson	12,586	9,027	21,613
8	Ralph Plumb	16,827	13,893	30,720
9	L. E. Payson	13,753	11,642	25,395
10	P. S. Post	15,186	16,026	31,212
11	William H. Gest	16,733	17,533	34,266
12	George A. Anderson	18,718	13,834	32,552
13	William M. Springer	17,423	17,819	35,242
14	J. H. Rowell	15,319	14,703	30,022
15	J. G. Cannon	16,739	16,124	32,863
16	S. Z. Landes	16,424	16,284	32,708
17	Edward Lane	14,947	12,704	27,651
18	Jehu Baker	15,396	14,943	30,339
19	R. W. Townshend	16,316	12,730	29,046
20	J. T. Thomas	16,246	15,658	31,904
	Total	297,186	267,757	564,943
	INDIANA.			
1	A. P. Hovey	18,258	16,901	35,159
2	J. H. O'Neall	16,095	14,866	30,951
3	J. G. Howard	12,458	13,568	30,766
4	William S. Holman	15,777	14,989	30,766
5	C. C. Matson	16,694	16,162	32,856
6	T. M. Browne	20,397	12,253	32,650
7	William D. Bynum	22,882	21,108	43,990
8	James T. Johnston	20,918	19,816	40,734
9	J. B. Cheadle	22,437	19,021	41,458
10	William D. Owen	18,114	16,041	34,155
11	George W. Steele	19,649	19,241	38,890
12	J. B. White	17,900	15,416	33,316
13	B. F. Shively	21,037	19,989	41,026
	Total	242,616	219,371	461,987
	OHIO.			
1	Benjamin Butterworth	15,522	13,166	28,688
2	Charles E. Brown	17,009	15,210	32,219
3	E. S. Williams	17,235	19,362	36,597
4	S. S. Yoder	16,959	11,689	18,648
5	G. E. Seney	16,996	6,652	23,648
6	M. M. Boothman	19,476	19,444	38,920
7	James E. Campbell	15,303	15,301	30,604
8	R. P. Kennedy	18,080	18,344	36,424
9	William C. Cooper	17,659	17,690	35,349

Comparison of votes cast in the following States—Continued.

District.	Member.	Votes for.	Votes against.	Total vote cast.
	OHIO—continued.			
10	Jacob Romeis	17,180	15,592	32,772
11	A. C. Thompson	17,550	14,140	31,690
12	J. J. Pugsley	18,283	18,581	36,864
13	J. H. Outhwaite	20,310	19,005	39,315
14	Charles P. Wickham	13,835	14,340	28,175
15	C. H. Grosvenor	15,794	14,324	30,118
16	Beriah Wilkins	20,258	17,608	37,866
17	J. D. Taylor	17,623	15,958	33,581
18	William McKinley	18,776	16,217	34,993
19	E. B. Taylor	17,707	10,122	27,829
20	G. W. Crouse	15,777	16,741	32,518
21	M. A. Foran	14,899	14,160	29,059
	Total	362,231	323,646	685,877
	KANSAS.			
1	E. N. Morrill	17,347	13,832	31,179
2	E. H. Funston	18,037	16,755	34,792
3	B. W. Perkins	19,614	17,102	36,716
4	Thomas Ryan	21,961	17,123	39,084
5	J. A. Anderson	19,240	16,986	36,226
6	E. J. Turner	19,624	11,807	31,431
7	S. R. Peters	34,515	26,537	61,052
	Total	150,338	120,142	270,480
	MICHIGAN.			
1	J. Logan Chipman	17,367	16,677	34,044
2	E. P. Allen	16,518	17,945	34,463
3	James O'Donnell	20,215	19,093	39,308
4	J. C. Burrows	18,257	17,743	36,000
5	M. H. Ford	18,567	21,206	39,773
6	M. S. Brewer	19,034	20,575	39,609
7	J. R. Whiting	13,777	14,556	28,333
8	T. E. Tarsney	18,301	19,545	37,846
9	B. M. Cutcheon	17,226	16,591	33,817
10	S. O. Fisher	15,047	13,964	29,011
11	Seth C. Moffatt	16,467	9,045	25,512
	Total	190,776	186,940	377,716
	MISSISSIPPI.			
1	John M. Allen	3,140	27	3,169
2	James B. Morgan	7,858	3,792	11,650
3	Thomas C. Catchings	4,518	2,382	6,900
4	F. G. Barry	2,964	122	3,086
5	C. L. Anderson	3,500	27	3,527
6	Thomas R. Stockdale	8,284	3,825	12,109
7	Charles E. Hooker	4,508	6	4,514
	Total	34,772	10,181	44,953
	ARKANSAS.			
1	Poindexter Dunn	6,092		6,092
2	Clifton R. Breckinridge	8,612	4,380	12,992
3	Thomas C. McRae	8,909	6,512	15,421
4	J. H. Rogers	8,314	5,077	13,391
5	S. W. Peel	4,746		4,746
	Total	36,673	15,969	52,642
	LOUISIANA.			
1	Thomas S. Wilkinson	11,350	1,651	13,001
2	Matthew D. Lagan	7,930	6,537	14,467
3	Edward J. Gay	14,782	11,692	26,474
4	N. C. Blanchard	5,747		5,747
5	C. Newton	13,618	495	14,113
6	S. M. Robertson	6,707	2,550	9,257
	Total	60,134	22,925	83,059
	ALABAMA.			
1	James T. Jones	4,220		4,220
2	H. A. Herbert	5,659		5,659
3	William C. Oates	4,660		4,660
4	A. C. Davidson	14,913	6,045	20,958
5	James E. Cobb	5,558	775	6,333
6	John H. Bankhead	7,938	4,369	12,307
7	William Henry Forney	7,549	4,608	12,157
8	Joseph Wheeler	11,684	8,639	20,323
	Total	62,181	24,436	86,617
	GEORGIA.			
1	Thomas M. Norwood	2,061	17	2,078
2	H. G. Turner	2,411		2,411
3	Charles F. Crisp	1,704		1,704
4	Thomas W. Grimes	2,909	330	3,239
5	John D. Stewart	2,999		2,999
6	James H. Blount	1,722		1,722
7	J. C. Clements	5,043	1,537	6,580
8	H. H. Carlton	2,377	55	2,432
9	A. D. Candler	2,355	11	2,366
10	George T. Barnes	1,944		1,944
	Total	25,525	1,950	26,475

Comparison of votes cast in the following States—Continued.

District.	Member.	Votes for.	Votes against.	Total vote cast.
	SOUTH CAROLINA.			
1	Samuel Dibble	3,315	2	3,317
2	George D. Tillman	5,212	23	5,235
3	James S. Cothran	4,402	7	4,409
4	W. H. Perry	4,470		4,470
5	John J. Hemphill	4,696	5	4,701
6	George W. Dargan	4,411	58	4,469
7	William Elliott	6,493	5,983	12,476
	Total	32,999	6,078	39,077

Recapitulation.

State.	Counties.	Districts.	Population.		Total vote cast.	Vote for.	Vote against.
			White.	Colored.			
Iowa	99	11	1,614,600	9,516	346,076	182,724	163,352
Illinois	102	20	3,031,151	46,368	564,943	297,186	267,757
Indiana	92	13	1,938,798	39,228	461,987	242,616	219,371
Ohio	88	21	3,117,920	79,900	685,877	362,231	323,646
Kansas	104	7	352,155	43,107	270,480	150,338	120,142
Michigan	78	11	1,614,560	15,100	377,716	190,776	186,940
Total	563	83	12,269,184	233,219	2,707,079	1,425,871	1,281,208
Mississippi	74	7	479,398	650,291	44,953	34,772	10,180
Arkansas	75	5	591,531	210,666	52,642	36,673	15,969
Louisiana	57	6	454,954	483,655	83,059	60,134	22,925
Alabama	65	8	662,185	600,103	86,617	62,181	24,436
Georgia	137	10	816,906	725,133	26,128	24,525	1,603
S. Carolina	33	7	391,105	604,332	39,077	32,999	6,078
Total	441	43	3,396,079	3,274,180	332,476	251,284	81,192

	North.	South.
Average vote cast in each district	32,616	7,732
Average vote for each successful candidate	17,179	5,844
Average opposition vote for each successful candidate	15,436	1,888
Per cent. of opposition vote to population	10.25	1.21
Number of districts in which no opposition		12
Number of districts less than 60 votes		11

Agricultural Appropriation Bill.

SPEECH

OF

HON. JOHN D. STEWART,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 8, 1889,

On the bill (H. R. 12485) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes.

Mr. STEWART, of Georgia, said:

Mr. SPEAKER: I am much surprised that any member on this floor should oppose this bill. If it does carry an increased appropriation over former years, if the agricultural condition of the country should thereby be increased, I should only wish that the appropriation was larger.

It has well been said that our national as well as our individual prosperity is largely dependent upon agriculture, and when we remember that more than sixty millions of our people in a great measure are dependent upon the successful prosecution of agriculture for food and raiment how important, then, that we should give the subject due consideration, and do all within our power for its vigorous and successful prosecution.

I admit that we, as an agricultural people, can look with pride to what has been accomplished in the past, and we can not fail to regard the present as most auspicious; and if we do our whole duty the future is most full of promise.

It may be urged with propriety that Congress has manifested a deep concern in this subject in having recently made the head of this Department a Cabinet officer. I admit that Congress has sought to give this Department that dignity which its great merit demands. And will we not appear most inconsistent if we now withhold needed appropriations? As a test of our sincerity and earnestness we should deal with the Department with a liberal hand.

Farmers pay taxes; they furnish a majority of soldiers in time of war. In every crisis we admire their conservatism and energetic support of the Government; in progress they have led the advance guard; they have faced dangers, trials, and hardships, and have borne the banner of civilization aloft in its westward march. From the Atlantic to the Pacific, from the Northern Lakes to the Gulf of Mexico, they have established schools and churches and many happy homes. Have they not a right, then, to demand at our hands such appropriations as will make this bureau most efficient? Will not the toiling millions hold us to an account for our conduct in dealing with that which most deeply concerns them?

Some complain of the amount appropriated by this bill. How insignificant is it when compared with appropriations made for the maintenance of other interests and other departments of the Government; and in this connection it may not be uninteresting to give a statement of the appropriations for the last fiscal year for the following purposes:

Pensions	$90,000,000
Post-offices	63,860,000
Navy	20,000,000
Army	24,500,000
Indian affairs	5,500,000
Rivers and harbors	22,397,000
Ministers and consuls	1,428,000

We appropriated millions for the construction of ships and engines of war. I had rather vote twice the amount to be used in methods which will facilitate the feeding of the hungry and clothing the naked than vote for appropriations designed for the destruction rather than the preservation of human life. While it may be proper to provide for the public defense, yet I refer to this to show that we should not be timid in making appropriations for other matters equally meritorious.

With reference to the matter of appropriations we might profit by looking to the conduct of other countries. Last year France expended for agriculture and commerce $20,000,000; Brazil, $12,000,000; Russia, $11,000,000; Austria, $5,500,000; Japan, $1,000,000; England, $22,000,000; while our Government only expended $1,716,000.

It was not the object of those who constituted this bureau that it should simply distribute seeds. It was their declared purpose that the bureau was organized for the promotion of the following objects:

For promoting the science and practice of agriculture.
For gathering information in natural history connected with agriculture.
For promoting agricultural chemistry.
For instruction in agricultural mechanics, manufactures, and commerce, and statistics.

And we might add, forestry and animal industry.

Since this bureau was established, in 1862, much good has been accomplished, and if the means had been furnished much more could have been done.

Most valuable information has been obtained in this and other countries in the science of agriculture; the best modes of tilling the soil, together with the best and most improved implements to be used; the composition of the soil and its needs, and proper fertilization. In addition to this much has been done to ascertain how the greatest yield can be obtained with the least cost and labor; and this information has been distributed, to which I will more specifically call attention when I refer to the last year's work of this bureau.

We have reached that period in our history in agriculture where all must admit that old processes will not do, and where science, in harnessed forces, must hitch on to our every-day methods in sowing and reaping, and urge them forward with the same speed that propels machinery in mechanics and in our methods of conducting commerce.

Farmers know that it is a truth sustained by observation that natural disabilities, although great, are less injurious than bad cultivation, and they can measurably be overcome by the intelligent farmer with improved implements of husbandry.

It is the crop of the unskilled cultivator which drought, insects, or early frosts usually destroy, and it i the poorly-cultivated crop which brings the lowest price in market.

From this day forward we should understand that farming must be directed by sense and science; and that without skill to improvise the best machinery and without science to understand the nature and needs of the soil, the supremacy of agriculture will be greatly diminished if not broken down.

I venture to suggest that we will fail to meet the expectations of the country if we do not do all in our power to foster this industry.

Among other provisions of the bill under consideration it provides for the establishment of experimental stations in agriculture. Who can estimate the benefits which may be derived from these? for it will be remembered that agricultural chemistry now forms a part of the curriculum of studies in most of our schools and colleges. And the same advancement has been made in agricultural mechanics. Who could have foretold a few years ago what can now be accomplished by the reaper and other improved agricultural implements?

As agriculture furnishes about 82 per cent. of the commerce of the United States, I beg to submit a table showing its rapid development for a given number of years. This of itself seems to me to be a sufficient reason why we should do all in our power to encourage those engaged in agriculture, since it is seen that they contribute so largely to the general prosperity of the country.

Years.	Exports.	Agricultural exports.	Per cent.
1820	$51,600,000	$41,600,000	80
1830	58,500,000	48,000,000	82
1840	111,600,000	92,500,000	83
1850	134,900,000	108,600,000	80.5
1860	316,100,000	256,500,000	81
1870	455,200,000	361,200,000	79
1880	824,000,000	683,000,000	83

Years.	Increase of production for a number of years in—		
	Breadstuffs.	Provisions.	Cotton.
1830	$7,100,000	$3,000,000	$29,700,000
1840	13,500,000	3,500,000	64,000,000
1850	13,000,000	11,000,000	72,000,000
1860	24,500,000	16,600,000	192,000,000
1870	72,000,000	29,000,000	227,000,000
1880	288,000,000	127,000,000	211,500,000

Increase of crops from 1870 to 1880.

Cotton:			
1870	bales	...	4,352,317
1880	do	...	6,000,000
Corn:			
1870	bushels	...	761,000,000
1880	do	...	1,755,000,000
Wheat:			
1870	bushels	...	288,000,000
1880	do	...	408,000,000
Tobacco:			
1870	pounds	...	263,000,000
1880	do	...	446,300,000
Oats:			
1870	bushels	...	282,000,000

From the foregoing table and other information it has been ascertained that the capital invested in this industry amounts to $28,000,000,000, and that the annual productions of the farms amount to $9,000,000,000; that in 1880 the United States sold of farm products to other nations $683,010,976, constituting about 82 per cent. of our exports. When our great western countr shall be thickly settled who can estimate what the value of our farm products will be?

I am of the opinion that our people have not been thoroughly informed as to the character, nature, and extent of the work which this bureau has performed, and I ask permission to incorporate as a part of my remarks a letter received from the Department, and containing a synopsis of the work done during the last twelve months, together with other matters contained in said letter.

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 7, 1889.

SIR: In reply to your inquiries of this date, I have the honor to say:

1. This institution was established as a branch of the Patent Office on the 4th of July, 1836.

2. The act establishing the Department of Agriculture, became a law on the 15th of May, 1862.

3. The "annual expenditures since 1862" have been computed only to 1877. From that date forward I give the annual appropriations.

Expenditures for the fiscal year ending June 30—

1862	$74,000.00	1870	$149,500.00
1863	79,633.51	1871	184,268.00
1864	104,840.70	1872	191,362.91
1865	155,104.05	1873	206,941.77
1866	167,487.82	1874	227,403.11
1867	189,400.00	1875	319,939.19
1868	259,018.20	1876	208,021.14
1869	237,779.67	1877	192,134.12

Appropriations for the fiscal year ending June 30—

1878	$227,640.00	1884	$428,140.00
1879	215,900.00	1885	677,690.00
1880	212,000.00	1886	598,452.50
1881	264,300.00	1887	673,684.10
1882	371,500.00	1888	1,046,730.00
1883	487,780.00	1889	1,754,972.28

Five hundred and eighty-five thousand dollars of the appropriation for 1889 is to be disbursed by the officers of the experiment stations.

4. The "quantity of seeds distributed the past year" aggregated in the number of 4,655,519 packages.

5. The "nature and quantity of the literature distributed the past year" may be summarized as follows:

From the statistical division eleven bulletins on the acreage, condition, and yield of cereals, potatoes, and tobacco; distribution and consumption of corn and wheat; the number of farm animals; freight rates of transportation; progress and result of cotton planting; condition of crops in Europe and America; wages of farm labor, etc.; in all, 200,000 copies.

From the botanical division four reports, on the downy mildew and grape rot, on the grasses of the arid regions, fungicides or remedies for plant diseases, and the annual report of the botanist; in all, 30,500 copies.

From the chemical division three bulletins, on experiments in the manufacture of sugar, on sugar and sugar-producing plants, and analyses of commercial fertilizers.

From the entomological division thirteen reports and bulletins, on the character, habits, and means of extermination of insects injurious to agriculture; on

the chinch bug, mulberry silk-worm, shade trees and their defoliators, annual report of the chief, catalogues of the exhibition at New Orleans, and of North American insects, with seven bulletins on insect life; in all, 58,600 copies.

From the Bureau of Animal Industry, the annual report of the chief, and circulars on diseases of animals and their remedies; in all 30,000 copies.

From the forestry division, report of the chief, the forest condition of the Rocky Mountains, increasing the durability of timber, and on new forage plants; in all, 16,000 copies.

From the division of ornithology and mammalogy, report of the chief, and on bird migration; in all, 6,500 copies.

From the division of pomology, report of the chief, and bulletin on the adaptation of Russian and other fruits; in all, 26,000 copies,

The annual report of the Department, 400,000 copies.

Aggregating 790,600 copies.

In addition to this printed matter, a vast amount of agricultural literature has been disseminated in manuscript, by reports and letters, to different regions of the United States, as well as abroad, in response to inquiries; as well as new facts, without special inquiry, which have been collated by the Department, relative to desirable products, their names, characteristics, with climatic and other conditions necessary to successful culture.

6. The "general scope" of the work has been, in accordance with law, the distribution of seeds adapted to the different sections of the Union; the dissemination of useful information in regard to the cultivation of different products, and the names and characteristics of new and rare varieties; the collection of agricultural statistics; the collation and publication of scientific and practical details relative to botany, entomology, and agricultural chemistry; the cause of, and remedies for, the diseases of domestic animals; the development of the silk industry by the collection of cocoons and the operation of successful machinery; pomological information as to the nomenclature and merits of different fruits; collating information as to the nomenclature and merits of different fruits, both native and foreign; facts and fallacies relative to the dairy industry; and causes of the denudation of our forests, with suggested remedies for their preservation; and suggestive facts in ornithology and mammalogy, with kindred labors of the different divisions to promote our agricultural interests.

7. The recent establishment by Congress of experiment stations in the different States has met the unqualified approval of all parties interested in agriculture, and there are now forty-six of them established and engaged in active work, with which this Department is in hearty co-operation. Though they are yet in their infancy the results so far fully certify the wisdom of Congress in its appropriation for the purpose. These results, taken in connection with those from similar institutions in other countries, warrant me in anticipating a value from their work vastly in excess of the cost of their establishment and maintenance.

8. "General remarks." In general, it may be safely said that the impetus given to the better production of our agricultural values, as evidenced by the correspondence of the Department from all sections of the country, certifies without qualification to the great benefits everywhere resulting from its labors; and it has thus been able to keep up with the development of the agricultural economies desired by our people. It has so well commended itself to the country and to Congress that it now has no less than twenty separate divisions, which are sending broadcast numerous reports and bulletins, showing what science and experience has to teach of the different problems that present themselves to the cultivators of our varied soils, of the insects which depredate, and diseases which devastate, making, as a whole, an aggregation of scientific and practical effort which is not paralleled in the agricultural history of any other nation.

The Department of Agriculture now presents a striking and instructive contrast with its status when established as a separate Department in 1862. The organic law but faintly outlines the present labors and purposes of the Department. At its organization there were but three divisions and but few employés; indeed, but one, the seed division, was generally known to exist, and to many minds its one object, the gratuitous distribution of garden seeds to miscellaneous applicants, comprised the beginning and the end of its aims and efforts.

The position which the Department now occupies is that of an adviser in those investigations and enterprises which are to have an important bearing upon the future agriculture of this country. Its development has been natural, and there is a valuable lesson in its evolution. Its position requires and deserves recognition not through the mere changing of a name, nor by any radical legislation which may meet the favor of one class and the disfavor of another, but rather through a well-endowed Department, fully authorized to employ scientific experts and specialists in its several lines of investigation, and well equipped with the latest and most approved apparatus, with conveniently arranged buildings in safe and healthful surroundings. Science and experiment are to be the handmaidens of our future agricultural independence and supremacy.

I have the honor to be, sir, very respectfully, your obedient servant,

NORMAN J. COLMAN, *Commissioner.*

Hon. JOHN D. STEWART,
Member Congress Fifth District Georgia.

In addition to the information contained in the letter of Hon. Norman J. Colman, I desire, if possible, to call the attention of the public to one other matter which I insist has resulted from experiments conducted by the Agricultural Department. I refer to the manufacture in this country of sorghum and beet sugar.

The sorghum plant is believed to be indigenous to most temperate and subtropical countries. And yet how little is known to the great mass of our agriculturists respecting its culture and utilization as a producer of saccharine matter. It may be profitably cultivated in nearly every State in the Union; and the sugar made from its stalks is, under the new processes of manufacture, just as good as that from the tropical cane.

The testimony before the Senate Finance Committee, taken in January last, discloses the fact that in one little district in Kansas a single local manufacturer made last year 700,000 pounds of best crystallized light-brown sugar from the hitherto neglected sorghum plant. The plant was cultivated within an area of 3 miles of the manufactory, and was a source of fine profit to farmers. It paid them better than their corn crops. It was less uncertain and less exhausting to the soil. The factory bought it in bulk from the planters at $2 per ton, stripped it by machinery, utilized the leaves for provender and for the manufacture of paper, and made from the juice of the stalks a sugar which sells readily at 6 cents a pound. An acre of ground, it has been found, will produce 10 tons of sorghum in the gross; that is, stalks, leaves, seeds, and all. The seed was sold for $1.10 per bushel, and used for the manufacture of glucose, for which purpose it is preferable to corn. And it has been demonstrated that with proper facilities an excellent and salable article of light-brown sugar can be made from sorghum at a cost of from 2½ to 3 cents per pound. With a bounty from the State government, as, for instance, in Kansas, it has been made at a cost of about 1 cent per pound. This was brought to light by the evidence to which I refer. In response to a question by the committee whether sugar could not be made as low as 1 cent per pound, Mr. Parkinson (a sorghum manufacturer at Fort Scott, Kans.) said:

That depends, of course, entirely on the price of the by products. If you will give me $1 a bushel for the seed and 20 cents a gallon for the sirup, I think I can produce sorghum sugar for nothing. But then, of course, I can not say what a pound of sugar costs unless I know what I am to get for the seed, and for the leaf, as even it is valuable for food. That, however, we can get at very accurately. But the molasses and the food products are very important, and their value must be determined, of course, before the price of sugar can be determined.

Senator ALDRICH. Does this molasses go into domestic consumption to any great extent?

Mr. PARKINSON. No, sir.

Senator ALDRICH. On account of the flavor?

Mr. PARKINSON. No; the flavor is not disagreeable to all, but the people in the West have been educated to a lighter colored sirup and to a mixed sirup. People do not want pure sirup. It is too sweet. I believe that is true everywhere. We work some of it into "Vermont maple" by doctoring it up a little, and it goes off very well.

Senator HISCOCK. How many bushels of sorghum seed does it take to plant an acre?

Mr. PARKINSON. About a pound and a half is enough.

Senator HISCOCK. And the yield of seed is about 20 bushels to the acre?

Mr. PARKINSON. Yes. If the price of sugar is maintained at about what it is now there is a great future for sorghum, unquestionably. I am not speaking theoretically, because we have solved this problem of extraction, and we are improving every year, not only upon the quality of the product, but upon the increased amount of sugar. Take this cane of Western Kansas that averages 15 per cent. of sucrose; we certainly ought to get 150 pounds of sugar out of such cane, and I believe we can with more intelligent processes than we have been able to apply.

The CHAIRMAN. How far is this sorghum hauled by the farmers to your factory?

Mr. PARKINSON. About 3 miles is as far as it can be profitably hauled.

The CHAIRMAN. Would a circle of 3 miles radius support a sugar factory in the center and supply it with sufficient cane for seventy days, say, at Topeka?

Mr. PARKINSON. Yes; very much more. Three miles square would be 9 square miles, nine sections; say 3,000 acres. The Topeka factory works about 2,000 acres. We have made some experiments this year in drying these chips for preservation, so that they could be transported and worked during a portion of he year when we can not work them. We have macerated them and dried them with hot air, and we have had some very hopeful results, but have done tnothing on an extended scale.

The CHAIRMAN. How do the farmers find your $2 a ton pays them as compared with a good crop of corn at 80 bushels to the acre?

Mr. PARKINSON. We call 80 bushels to the acre a very fine crop of corn in Kansas.

The CHAIRMAN. Say 50 or 40?

Mr. PARKINSON. It pays them better.

The CHAIRMAN. Better than to raise corn at 40 bushels to the acre?

Mr. PARKINSON. Yes.

Senator HISCOCK. That is, 40 bushels of shelled corn?

Mr. PARKINSON. Yes. I think I can say this with safety: that we could secure almost any given quantity of cane contracted for to-day at $1.50 a ton. At $1.50 a ton it would pay the farmer better than any crop he raises, considering the uncertainty of corn, and then considering the certainty of sorghum.

Senator HISCOCK. What time do you plant sorghum in the spring?

Mr. PARKINSON. About the 1st of May, about the same time that corn is planted.

Senator HISCOCK. And commence cutting it in August?

Mr. PARKINSON. Yes; an early cane will mature in ninety days with favorable weather.

Senator HISCOCK. Has it ever been raised enough so that you know to what extent it exhausts the soil?

Mr. PARKINSON. Yes; I think I can say that it has. I have a piece of land that has had ten successive crops of sorghum, and I think it is the best sorghum in the neighborhood. In other words, it is not an exhaustive crop.

The CHAIRMAN. Does it have practically the same effect as corn?

Mr. PARKINSON. It is not so hard on the land as corn is. One secret of its standing the drought is that it has a tap root that goes down deeply into the soil, and the sugar all comes from the atmosphere. It is something like a crop of castor-beans. We make three successive crops of castor-beans in Kansas, and keep the ground well manured.

Being asked whether the saccharine matter in the cane depended to any great extent upon the method of culture, the manufacturer replied that it did; the better and more carefully the cane was cultivated the greater would be the average yield per ton of saccharine matter. The average yield was about 80 pounds to the ton.

Another branch of agricultural industry that might be rapidly developed in nearly all parts of our country under the provisions of this bill is the sugar-beet culture. The climate of Georgia particularly seems well adapted to it, and so, indeed, of the other Southern States. It is shown by the testimony from which I have been quoting that this industry is already being rapidly developed on the Pacific coast, where the natural facilities are not so great perhaps as in Georgia.

Mr. Spreckels, the great sugar manufacturer, testified before the committee that in California he paid about $5.50 per ton for sugar-beets. The average crop per acre was about 35 tons. This, of course, makes it a very profitable crop to the farmers, while it enables the manufacturers to make an excellent article of sugar at a fair profit. Forty-four tons of sugar are made from 350 tons of beets, or say about 11¾ per cent. The manufacturer thus makes about 220 pounds of sugar from every 2,000 pounds of beets. He sells the residuum or pulp to cattlemen, who have discovered it to be an excellent food for their stock. In other words, the pulp can be utilized here, as in Germany, by the dairymen.

The chairman asked Mr. Spreckels if he had any knowledge of soils

that would enable him to express an opinion with reference to the production of sugar-beets, to which Mr. Spreckels replied:

I have not, but I could very easily ascertain from my own chemist. I am not myself so far advanced as that.

The CHAIRMAN. You only know that it will do in California?

Mr. SPRECKELS. I know that it is successful in California, Oregon, and Washington Territory, because we have had beets from there, and we have sent seed there. I think Oregon and Washington Territory are fully as good as California, if not better.

Senator ALDRICH. In selecting a location for your factory, was it done with any regard to the adaptability of soil for producing beets?

Mr. SPRECKELS. We knew that we could raise there potatoes, and could raise a certain crop on good land; so I thought they could raise beets; I knew they could.

Senator ALDRICH. But you made no special examination with that purpose in view?

Mr. SPRECKELS. No. Beets will not thrive on all lands. A beet will tell you in a short time what your land is, that it ought to have a fertilizer of some kind. It indicates the character of the land right away.

Senator HISCOCK. Does the beet crop exhaust the land rapidly?

Mr. SPRECKELS. No, sir; in fact, in Germany the more beets the more grain.

Senator HISCOCK. I mean can you repeat the beet crops?

Mr. SPRECKELS. Yes; you can repeat them in rich land every other year for a long time, and perhaps even every year; but then it would be the same as if you raised the same crop of grain for successive years; the grain will not be so good in after years as it was at the start.

Senator HISCOCK. What I was after was this: Whether the saccharine matter comes from the air or from the earth?

Mr. SPRECKELS. It comes from the air and the sunshine. We take out the salts of potash, and that we can give back in the fertilizers and lime.

The CHAIRMAN. In Germany, I understand, they rotate the crops. That is, they plant beets but once in four years.

Mr. SPRECKELS. Once in three years. For instance, after beets they raise a very big crop of grain, and in Germany they get 1½ cents more from the brewers for the barley.

The CHAIRMAN. That is, after the beet crop?

Mr. SPRECKELS. Yes. Then after the barley they put on fertilizers, costing from $10 to $15 an acre. Then they have wheat or some other grain after the fertilizer, and then they put on beets again. You must never fertilize your beets the same year that you plant them; the year before will do.

Mr. Speaker, the foregoing testimony shows that beet culture can be made a most profitable industry contiguous to an establishment for the manufacture of beet sugar, and that a beet-sugar manufactory may be profitable anywhere where lime and water and fuel and beets can be had. In other words, a good article of sugar may be made in the United States as cheaply from the sugar-beet as from the tropical and sub-tropical sugar-cane; and with the conditions as to labor being equal, beet sugar may be manufactured as cheaply here, nay, even more cheaply, than in Germany, where it has grown into an enormous and profitable industry.

I would, if possible, emphasize the successful experiments that have been made in the manufacture of sugar, hoping that other portions of this great country will undertake like experiments; and I trust that at no distant day we will manufacture all the sugar that our people consume. What a blessing this would be when it is remembered that we are now paying $55,000,000 of duty annually on imported sugar.

Mr. Speaker, in conclusion I here now assert that successful agriculture is as much dependent upon scientific investigation as is steam in propelling machinery or electricity in producing light; and if we desire the prosperity of this the greatest of all known Republics, we should contribute whatever means are necessary for the prosecution of these investigations for the purpose of bringing agriculture, the greatest American industry, to the highest perfection that can be attained by the exercise of human skill.

Death of Hon. Edward W. Robertson.

SPEECH

OF

HON. CHARLES E. HOOKER,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 19, 1889.

The House having under consideration resolutions of respect to the memory of Hon. Edward W. Robertson, late a Representative from the State of Louisiana—

Mr. HOOKER said:

Mr. SPEAKER: The invitation of the Louisiana delegation upon this floor requesting me to participate in these service in commemoration of the memory of our departed fellow-member occurs out of the fact I had the honor to serve with him in this body in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses.

Representing, as he did, a coterminous State to my own, with similar interests, we were naturally thrown much together, and I had the honor to be called "his friend." We served together for a long period in the Congress of the United States, and I am gratified to be able to avail myself of this occasion, without preparation in writing, to express the sentiments I held towards this deceased brother of our body.

He came into the Congress of the United States one session after I had become a member, and as has been well said by his distinguished colleague [Mr. BLANCHARD] who has just addressed you, the appreciation of his services and of his ability and his fitness for the position to which his people had elected him was demonstrated by the fact that the unusual honor was conferred upon him of being made the chairman of one of the most important committees on this floor. He was selected to preside over that committee which had in charge the interest particular to the valley of the Mississippi River, being the Committee on the Mississippi Levees. As chairman of that committee he was the author of the bill, which finally became a law, creating the Mississippi River Commission. He was the originator, Mr. Speaker, I may say, of that tardy act of justice to the largest body of water which flows through our continent, embracing so many thousand miles of navigable waters. It had been the recipient of but little of patronage on the part of the Government in the way of improvement of its navigation and commerce. And as chairman of that committee he is entitled to the honor of inaugurating the policy of making adequate improvements for the great stream, draining, as it does, with its vast tributaries, twenty-four States and six Territories of the Union, and containing within its water-sheds a vast proportion of the population of this country.

He had been previously honored by his State, as has been well said, by being selected as its representative in its Legislature. He had twice been chosen its auditor of accounts. He served with distinction in no high rank in the Army in Mexico, for he belonged to the rank and file of minor officers and men whose valor forges the epaulets which adorn the shoulders of the commanding general. He served with equal distinction in the late war between the States; again in his modesty declining a high position, and seeking simply to discharge his duty, he assumed the humble rôle of captain of his company, declining to be the colonel of his regiment. He served in the Walnut Hills of Vicksburg side by side with myself during the entire siege of that great city. His services there are familiar to me, and his esteem amongst the men with whom he served I was cognizant of.

The last occasion I had, sir, the pleasure to grasp him by the hand was when he came with his comrades from Louisiana on the 11th of June, 1887, to Vicksburg to present to the good ladies of that city the monument which the affectionate regard of the survivors erected over the gallant men of Louisiana who lay buried on those battle-fields. I there had the pleasure for the last time to see him when the good ladies of that city of Vicksburg assembled to receive at the hands of the delegation from Louisiana the monument their gratitude reared to the valor of their comrades who had fallen by their side. I congratulated him on his splendid health. I congratulated him on his recovery from the accident which had prostrated him. He had then been elected a member of this Congress, and I had hoped to have the pleasure of greeting him here as I had the honor of doing in former times and to work side by side with him in behalf of the common interests of our common country. But that pleasure, by the fiat of Him to whose decree we all bow with humility, has been denied to me as to other members of this body who knew him so well. He was suddenly taken away. But his mantle has fallen upon the shoulders of that son who represents in this House the same Congressional district, being, I believe, among the youngest of its members; and I can wish him no better fortune than to inherit the principles of right and justice, of equity and fair dealing, and the high moral sense of duty which distinguished his eminent father. And as I had the pleasure to enjoy the friendship of the father, I hope also that I shall share with him in the same affection that it was my honor to share with his father.

It has been said, sir, by the great poet, whose magic hand sweeps across the chords of the human heart, and evokes from it every emotion that agitates it from the cradle to the grave, that there is nothing which men fear so much as death. To use his own memorable expression,

> The weariest and most loathed worldly life,
> That age, ache, penury, and imprisonment,
> Can lay on nature, is a paradise
> To what we fear of death.

That may be true, Mr. Speaker, in a general sense. But to the firm and true man, to the man of honest convictions and upright actions, to the brave man who can die only once, if he be armed with those convictions of right, those sentiments of morality which so prominently distinguished our dead brother, death has few terrors. For while Mr. Robertson was not one who thrust his religious views upon those with whom he was associated, he possessed such convictions in an eminent degree. In common with the whole of humanity he acknowledged our dependence upon the great Master whose arm sustains us all; and while it is not wonderful that among the intelligent, the educated, the right-thinking a sense of religion should govern, I doubt whether there be in all the world one so vile that when the hour of affliction and trial comes upon him, he does not in his inner heart acknowledge his dependence upon Him who rules us all. It is but the re-echoing of the sentiment which came from one of the Master's apostles. When undertaking to walk upon the water, he sank to the arm-pits, and heard the gurgling waters singing the requiem of death, he uttered that sentiment which comes from the heart of all in the hour of affliction, "Save, Lord, or I perish."

To the brave, I have said, it comes to die only once, and Edward W. Robertson was brave in his convictions, brave in his sense of right,

brave in his actions; courageous possibly to a fault; firm in his convictions; he never yielded what he thought was right, either on this floor or wherever else he had to perform the duties of a man to his fellow-citizens, to his country, and to his God. I know of no one whom it has been my good fortune to meet here among many distinguished men with whom I have associated on this floor who better deserves that magnificent comment which was made by the old Latin poet hundreds of years ago when, in describing the just, true, virtuous, upright, unconquerable man, he used these memorable words:

Justum ac tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solida.

The Postal Clerical Service—Classification and Pay.

Nothing to hope for or labor for, nothing to sigh for or gain;
Nothing to light in its vividness, lightning-like, bosom and brain;
Nothing to break life's monotony, rippling o'er with its breath;
Nothing but dullness and lethargy, weariness, sorrow, and death.
—*Denis Florence McCarthy.*

SPEECH
OF
HON. S. S. COX,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 16, 1889.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890—

Mr. COX said:

Mr. CHAIRMAN: I have the honor and the pleasure to take, perhaps, an unusual interest in the Post-Office Department. That interest has been special, and on certain lines it is somewhat limited. The delivery system has long been associated with my duties here, and, I may say, even my anxieties abroad. But the letter-carriers have had not an unreasonable, on the contrary, quite a kindly, provision made for them from time to time as to the increase of their pay, their vacation, their recreation, and their hours of service.

FREE DELIVERY.

But how superbly have they recompensed the Government for its benefactions. As the facts justify our pride over my previous efforts in their behalf, may I be permitted to present now and here the last results of this free-delivery or letter-carrier service? Facts furnish the vindication of this system. They simply astound the mind as well as please the heart.

According to the last report of the Postmaster-General, during the last fiscal year that system was—

Extended to 169 additional places under the act of January 3, 1887, making a total of 358 free-delivery cities. The number of carriers was increased from 5,310 to 6,346, adding 1,036 to the number. The whole number of pieces of mail handled by the carriers was 2,630,861,758, against 2,234,564,658 the preceding year, showing an increase of 396,297,102 pieces, or 17.73 per cent. The percentages of increase were as follows: Letters delivered, 11.53; newspapers, etc., delivered, 25.22; letters collected, 23.19; postal-cards collected, 31.69; newspapers, etc., collected, 25. The total cost of the service was $5,422,356.38, being an increase of $803,664.29, or a percentage of 17.40 over the preceding year.

There is a largely-increased estimate for the fiscal year ending June 30, 1890, called for by the eight-hour law. The superintendent estimates that the amount required to carry out the provisions of that law will approximate about $1,462,000, of which amount $1,345,000 is for the pay of carriers, including promotions and $117,000 for incidental expenses, additional carriers, and pay of substitutes for carriers on vacation. If the law had not been enacted the appropriation required for the next fiscal year would have been about $6,538,000, whereas the estimate is $8,000,000.

Independent of the eight-hour law—

Says the report—

with the present number of offices, and the usual number of additional offices to be added annually, the annual increase would be about $500,000.

There is a special pride, Mr. Chairman, in the results of this free-delivery service as it affects the city of New York. New York does not arrogate, and therefore does not derogate from its sister cities. All are beneficiaries of this splendid system. The tables below illustrate what I say. Among the 358 offices where the system is operating, and with the 6,346 carriers, for 1888, the work done presents a net result which forever establishes the wisdom of Congress in increasing the service and extending its operations to the smaller cities. The excess of postage on local matter over the total cost of the service has increased, from 1887 to 1888, 15.39 per cent., or $1,030,435.47. Of this net gain New York makes a gain of $1,322,680.53. New York adds to the fund for other places over several hundred thousand dollars.

There is an unusually large increase of new offices under the act of January 3, 1887. That act extended the free delivery to cities of 10,000 population or to any post-office where the gross revenue was not less than $10,000; so that New York and a few other sister cities have been useful in this service beyond our most sanguine hope in aiding other places.

Let the tables from the Postmaster-General's report present the results:

The following table gives the aggregate results of the operations of the free-delivery system for the fiscal year, and the comparison of the results with the preceding year:

Aggregate results of the free-delivery service for the fiscal year ended June 30, 1888.

Statistics of free delivery.	1887.	1888.	Increase.	Per cent.
Number of offices	189	358	169	84.12
Number of carriers	5,310	6,346	1,036	19.51
Registered letters delivered	3,706,346	4,271,105	564,759	15.23
Letters delivered	783,393,058	873,760,692	90,367,634	11.53
Postal-cards delivered	215,934,009	212,426,703	*3,507,306	*1.60
Newspapers, etc., delivered	342,361,621	428,710,933	86,349,312	25.22
Letters collected	617,016,182	760,113,963	143,097,781	23.19
Postal-cards collected	170,079,552	223,980,437	53,900,885	31.69
Newspapers, etc., collected	102,073,888	127,597,925	25,524,037	25.00
Whole number pieces handled	2,234,564,656	2,630,861,758	396,297,102	17.73
Pieces handled per carrier	420,882	415,563	*5,259	*1.25
Total cost of service, including post-office inspectors	$4,618,692.07	$5,422,356.36	$803,664.29	17.40
Average cost per carrier	†$867.67	$852.05	*15.61	*1.79
Average cost per piece, in mills	†2.2	2.0	*.2	*9.09
Amount of postage on local matter	$6,691,253.69	$7,721,689.16	$1,030,435.47	15.39
Excess of postage on local matter over total cost of service	$2,072,561.62	$2,299,332.80	$226,771.18	10.94

*Decrease.

†Based on the aggregate, $5,407,203.16, paid carriers, and for incidental expenses, and not including $15,156.20 paid post-office inspectors.

The receipts from local postage exceeded the cost of service in 38 of the 358 offices (an increase of 8 over the previous year), as shown by the following table:

Post-offices at which the local postage exceeded the cost of the service.

Name of office.	Receipts from local postage.	Cost of carrier service.	Net gain.
Atchison, Kans	$6,652.35	$5,360.80	$1,291.55
Atlanta, Ga	19,867.32	16,852.13	3,015.19
Baltimore, Md	198,501.15	144,336.52	54,164.63
Birmingham, Ala	12,460.15	5,211.36	27,248.79
Boston, Mass	475,751.75	333,564.36	142,187.39
Brooklyn, N. Y	353,030.47	244,795.68	108,234.79
Buffalo, N. Y	85,998.82	73,498.86	12,499.96
Chicago, Ill	633,500.72	364,256.49	269,244.23
Cincinnati, Ohio	137,170.69	114,851.05	22,319.64
Denver, Colo	44,053.07	24,504.33	19,548.74
Detroit, Mich	66,899.71	60,479.94	6,419.77
Duluth, Minn	11,431.19	8,141.27	3,289.92
Elizabeth, N. J	9,493.27	8,756.63	736.64
Hartford, Conn	22,993.10	17,671.49	5,321.61
Helena, Mont	3,349.69	2,585.40	764.29
Kansas City, Mo	58,030.49	47,307.41	10,723.08
Leavenworth, Kans	10,158.40	7,189.10	2,969.30
Lexington, Ky	5,389.70	5,161.68	228.02
Lowell, Mass	23,254.13	16,455.38	6,798.75
Montgomery, Ala	7,265.98	4,587.80	2,678.18
Newark, N. J	53,219.13	42,931.29	10,287.84
New Haven, Conn	38,506.90	24,142.85	14,364.05
New Orleans, La	78,694.78	58,999.99	19,694.79
Newton, Kans	2,128.04	1,942.85	175.19
New York, N. Y	2,034,849.99	712,169.46	1,322,680.53
Omaha, Nebr	67,491.20	23,754.49	43,736.71
Philadelphia, Pa	1,184,048.90	444,864.34	739,184.56
Pittsburgh, Pa	85,966.16	62,166.38	23,799.78
Providence, R. I	46,107.80	42,789.58	3,318.22
Rochester, N. Y	49,267.80	43,421.13	5,846.67
St. Louis, Mo	459,639.13	186,160.74	273,478.39
St. Paul, Minn	58,674.75	49,660.40	9,014.35
San Francisco, Cal	168,329.94	114,834.17	53,495.77
Syracuse, N. Y	23,850.88	23,276.80	574.08
Topeka, Kans	10,853.14	10,085.00	768.14
Troy, N. Y	28,965.18	23,624.47	5,340.71
Wilkes Barre, Pa	12,252.82	9,326.08	2,926.74
Tacoma, Wash	2,076.57	1,810.37	266.20

The free-delivery system of the Post-Office Department was inaugurated July 1, 1863. The following table showing its growth in detail is herewith submitted:

Showing the growth of the free-delivery service from its inauguration, July 1, 1863.

Year.	Number of offices.	Number of carriers.	Cost of service.	Postage on local matter.	Excess of cost.	Excess of postage on local matter.
1863–'64	66	685	$317,063.20			
1864–'65	45	757	448,664.51			
1865–'66	46	863	589,236.41			
1866–'67	47	943	699,934.34			
1867–'68	48	1,198	995,934.59			
1868–'69	48	1,246	1,183,915.31			
1869–'70	51	1,362	1,230,079.85	$681,864.70	$548,215.15	
1870–'71	52	1,419	1,353,923.23	758,120.78	595,802.45	
1871–'72	52	1,443	1,385,965.76	907,351.93	478,613.83	
1872–'73	52	1,498	1,422,495.48	1,112,251.21	310,244.27	
1873–'74	87	2,049	1,802,696.41	1,611,481.66	191,214.75	

Showing the growth of the free-delivery service, etc.—Continued.

Year.	Number of offices.	Number of carriers.	Cost of service.	Postage on local matter.	Excess of cost.	Excess of postage on local matter.
1874-'75	87	2,195	$1,880,041.99	$1,947,799.54	.....	$67,517.55
1875-'76	87	2,269	1,981,186.51	2,065,561.73	.....	84,375.22
1876-'77	87	2,265	1,893,619.85	2,254,597.83	.....	360,977.98
1877-'78	87	2,275	1,824,166.96	2,452,251.51	.....	628,084.55
1878-'79	88	2,359	1,947,706.61	2,812,523.86	.....	864,771.14
1879-'80	104	2,688	2,363,693.14	3,068,797.14	.....	705,104.00
1880-'81	109	2,861	2,499,911.54	3,273,630.39	.....	773,718.85
1881-'82	112	3,115	2,623,262.74	3,816,576.09	.....	1,193,313.35
1882-'83	154	3,680	3,173,336.51	4,195,230.52	.....	1,021,894.01
1883-'84	159	3,890	3,504,206.52	4,777,484.87	.....	1,274,278.35
1884-'85	178	4,358	3,985,952.55	5,281,721.10	.....	1,295,768.55
1885-'86	181	4,841	4,312,306.70	5,839,242.97	.....	1,526,936.27
1886-'87	189	5,310	4,618,692.07	6,691,253.69	.....	2,072,561.62
1887-'88	358	6,346	5,422,356.36	7,721,689.16	.....	2,299,332.80

Remarking upon these tables, the First Assistant Postmaster-General, Hon. A. E. Stevenson, commends its popularity and efficiency and recommends the improvement of the service in many feasible ways.

CLASSIFICATION OF CLERKS.

When gentlemen like my honorable friend from Illinois [Mr. CANNON] are reluctant to add to the postal efficiency as to the pay and classification of postal clerks, may I not ask them to ponder these tables? They will remind that affable gentleman of our early struggles pro and con on this interesting phase of the postal service. He will be gratified with the stupendous success.

I quote these figures in the way of a supplication to my friend not again to impede the progress of the postal service. I pray him not to obstruct the classification system in other regards. He will note, and the House will note also, the recommendations of the Postmaster-General and his First Assistant in this direction. They but follow the testimony of their predecessors as well as that of the Chief Magistrate regarding the classification and salary of clerks in the larger post-offices. The results came from the investigation of a commission. The report of that commission is found in the documents connected with the report of Postmaster-General Vilas for last year.

GROWTH OF SYSTEM.

I can not, therefore, Mr. Chairman, but take an interest in the growth of every fiber of this postal system. Because of my association with the letter-carrier system I was requested to present other kindred reforms. Among them was that of the railway postal clerks and the clerks in post-offices. At the request of the railway postal clerks I introduced a bill looking to the amelioration of their condition. I trust in time the good sense and justice of Congress will reach their case. It is not pertinent to this occasion to discuss it.

MODIFICATION OF MEASURES.

In relation to the clerks in post-offices I became by the partiality of that class of public officials their organ for the presentation of their bill and memorials. That bill was introduced on January 23, 1888. At the request of the executive committee of the National Post-Office Clerks' Association, on the 21st of February, 1888, and after consultation with the officials of the Department and the Board of Civil Service Commissioners, the bill was modified. The modification was laid before our Committee on the Post-Office and Post-Roads. As presented by them it provided—

That the clerks employed in the first-class post-offices (except assistant postmasters, cashiers, superintendents, and assistant superintendents) shall be divided into six classes, and shall be distinguished as first, second, third, fourth, fifth, and sixth classes.

SEC. 2. That it shall be the duty of the Postmaster-General to separately arrange in classes, in conformity with the preceding section, the clerks employed in the post-offices mentioned in said section, except those clerks who are in their probationary period of service, who shall constitute the clerks of the first class; and said probationary period shall comprise the first six months after the date of appointment.

SEC. 3. That the annual salaries of clerks classified in pursuance of this act shall be as follows, to wit: To clerks of the first class, $600; to clerks of the second class, $800; to clerks of the third class, $1,000; to clerks of the fourth class, $1,200; to clerks of the fifth class, $1,400; to clerks of the sixth class, $1,600: *Provided*, That no clerk shall by such classification receive a less salary than he is paid at time of such classification.

SEC. 4. That there are appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary for said salaries, and such appropriations shall be deemed annual appropriations.

It is unlike the provisions of the proposition now before us in the annual postal appropriation bill, but its object is substantially the same. I shall regret it if the difference between them prove an obstacle to the success which we hope for as to some measure of relief.

Let us do what we can to reach some legislation, and if we can not obtain all we want do the best for the present.

The Postal Association represented at that time fifty-five of the (then) eighty-two of our first-class post-offices. In presenting their grievance they received rebuffs from certain postmasters; but I may say for them that generally they have received the good will of their superiors, and especially the earnest endeavors of the Postmaster-General (Mr. Dickinson) and his First Assistant (Mr. Stevenson) and their coadjutors.

Speaking for these hard-worked clerks I may say that it is with satisfaction that they applaud the effort being made, through the unanimous consent granted to the gentleman from Georgia [Mr. BLOUNT], who is the chairman of the Committee on the Post-Office and Post-Roads, to reach something, if not all they desire for the betterment of their condition as Government officials. Time and fair statements, together with the past history of the Post-Office Department and the recommendation of its chiefs, have brought the matter promptly, favorably, and pertinently before Congress for its action now on this annual appropriation bill. Notwithstanding the efforts made by the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Tennessee [Mr. ENLOE] to prevent this much-needed legislation, and notwithstanding the opposition of the gentleman from Illinois [Mr. CANNON], and notwithstanding the proposition may not be in all respects up to the standard of the clerks' executive committee, or up to my own standard of proper legislation, it is such a fair and just plan as to challenge our best attention.

REBUFF TO THE CLERKS.

I am not unaware of the manner in which the attempt on the part of these worthy and hard-worked people in the way of organization for their own benefit was received by the cynical and sinister action of the postmaster of New York. But the right of the clerks under him to unite for their own benefit and that of their families could not be eclipsed by any little scornful indignation on his part. Their unity of action has been vindicated. The control of these postal matters, it would seem, belongs to Congress in the first instance, and to the Department, as its organ and agent, and not to the self-appointed judge of our postal laws in New York City.

On the presentation of the Post-Office appropriation bill with this classification system embodied in it, as presented by the gentleman from Georgia, some gentleman inquired as to the necessity or urgency of the measure. He was answered by that gentleman that the business interests of the country, through memorials and through the press and other media, demanded attention to this matter.

CLAMOR FOR THE LEGISLATION.

In reply to the incredulous remark of the gentleman from Indiana [Mr. HOLMAN], the chairman [Mr. BLOUNT] remarked:

Oh, my friend sometimes does not hear of these things, but they have been heard of all over this House and all over this country. The Postmaster-General who preceded the present Postmaster-General had a clamor about his ears from offices all over the country; that complaint was voiced here through members upon this floor, and it was to the effect that the post-office clerks were paid insufficient compensation because the allowance was too low. The business men of the country were clamorous about that condition of things, the press and the people everywhere were clamorous about it, yet my friend from Indiana never heard about it!

This is not an overstatement of the public anxiety and sympathy in behalf of this movement.

What, then, Mr. Chairman, is the mischief connected with this peculiar service and what is the remedy therefor? It is an old maxim that—

The harder the work and the longer the day,
The more important the task, the smaller the pay.

The work in our first-class post-offices illustrates this adage. The postal employés of whom I speak number some five thousand in the country. They receive less pay, work more hours, perform more onerous and indispensable duties than perhaps any other officials in the Government service. The mischief consists in the lack of fair remuneration for such work. The mischief commanded organization for the right remedy. It demanded equitable remuneration. The clerks had a right, inalienable to freemen and formidable to tyrants only, to make their just request known to Congress in any respectful form or body they chose.

I said, in speaking upon this subject the other day—holding up a large bundle—that the facts had been accumulating since my bill was first introduced. I knew that there was a universal request for the remedy. That bundle consisted partly of extracts, which I had clipped from various newspapers all over the land. These sentiments came up, not by pumping, but like a fountain, to the source of power. These extracts reflect the public sentiment. They do not ask for inordinate pay. They do not disregard economy, but they do express their dislike of that parsimony which would destroy the service altogether, and that meanness which would belittle the attempt for a remedy.

HOURS OF POSTAL LABOR.

I called attention to the number of hours of labor per day of these clerks in about a score of these principal offices. I reproduce the list here in order to give it proper emphasis:

Statement showing the number of working hours per day in various sections of the country.

Brooklyn, N. Y., ten to twelve hours (until the work is up).
Bridgeport, Conn., twelve hours.
Boston, Mass., eight and one-half to thirteen hours (until the work is up).
Charleston, S. C., 5 a. m. to 7 p. m. (time for meals).

Cleveland, Ohio, eight to twelve hours.
Erie, Pa., twelve hours.
Hartford, Conn., nine to ten hours.
Jersey City, N. J., nine to eleven hours.
Minneapolis, Minn., ten to fourteen hours.
Newark, N. J., nine to ten and one-half hours.
New Bedford, Mass., nine to ten hours.
New York City, N. Y., eight to ten hours.
Philadelphia, Pa., nine to twelve hours (until the work is up).
Portland, Me., 5 a. m. to 10 p. m., with intermissions, making nine hours.
Rochester, N. Y., eight to twelve hours.
Springfield, Mass., twelve hours.
Worcester, Mass., twelve hours.

If the remuneration for this extraordinary service were adequate there would be no complaint. But inasmuch as these unusual hours of labor are increased now and then, owing to circumstances connected with the arrival or delay of vessels and trains, and as the labor has been growing in great disproportion to the pay, owing to the growth of the postal system in the first-class offices, is it not best to recur in detail to the unsuccessful efforts of the Department to distribute the allowances under existing law and to its detrimental and disastrous effects to both employés and the service? May we not be permitted to denounce the rule of favoritism or the occasion of importunity which combine to make the necessity for legislative action immediate and urgent?

PUBLIC OPINION.

It might not be amiss to glance at a few of the extracts from the newspapers as the reflection of that public sentiment which should find its reflection upon our statute.

The Boston Herald exclaimed against the meanness of expecting men to work twelve hours a day, with only a fraction of rest on Sundays and holidays, on an average pay of about $600 per year.

The Baltimore American regarded the demand of these employés as based on substantial grounds and entitled to recognition.

The New York Press regarded the compensation as the poorest paid to skilled labor in the country. The efficiency of the service depended, in its judgment, more upon this class of public servants than any other class in the Post-Office, whether postmasters, heads of bureaus, or carriers. It asks for substantial justice without unnecessary delay.

The Cleveland Leader pointed out the inadequacy of the compensation and urged the adoption of a better system.

The New Bedford Mercury regarded the post-office clerks who did duty about fourteen hours a day, beginning at 6 in the morning until 8 at night, as an overworked class.

The Ohio State Journal asks for the equalization of their salary, and regarded it as an outrage that with a surplus in the Treasury this important service should be crippled at so important a point as the capital of Ohio. It regarded the compensation as in no wise commensurate with the exacting duties.

The Toledo Blade, looking at the civil-service examination which these clerks were compelled to pass, their education, intelligence, good memory, and quick movement, made an urgent call upon Congress in their behalf.

The Chattanooga Sun, the Brooklyn Standard-Union, the New York Observer, the Scranton Truth, the Kansas City Journal joined with the great dailies East and West in the demand for fair, square, and intelligent remuneration. The latter journal could see no sense in leaving the salaries of the clerks undetermined and dependent entirely on the amount of the appropriation available.

The St. Joe Herald, the Chattanooga Times, the Springfield (Mass.) Union, the Baltimore Sun, the Boston Journal, the Philadelphia Ledger, the Florida Times-Union, the San Francisco Chronicle, and the Boston Traveller urged that the bill which I had the honor to offer should be passed so as to place the service on a satisfactory footing; so that the men should be graded according to the quality of their work and their pay arranged with an approach to justice. There was no exception in the press of every section. All united to denounce the niggardly inequality of this most shameful and inadequate pay.

The Argus and Press of Portland, the Kansas City Star, the Brooklyn Eagle, the Cleveland News and Herald, the "War Memories" of Hartford, Conn., the Hartford Telegram, the Charleston News and Courier, added their views to the chorus of public sentiment. They regarded the measure as a fair and thoughtful one, and the classification and salary proposed, depending upon efficiency, as having the moral support of the people.

One of the newspapers of Jersey City pointed out the fact that the chief clerk of that office received only $700 a year, while the same position in Trenton gave $1,500. This was an evidence of a discrepancy which was unbusiness-like and unjust, inasmuch as the business at the former post-office was greater than at the latter in the proportion of 5 to 1.

In Jersey City, according to the facts as they have been sent to me, there are ten men employed in handling the mail, whose average rate of wages is only $560, the highest being $700, while the lowest salary is $425. Could any fact show more cogently the necessity for classification? And that, too, in a city where there are 150,000 inhabitants! Compared with other officials in the postal service this was glaringly inadequate. The postmaster at that point has done what he could to forward the reform.

The city of Portland, represented by the gentleman from Maine [Mr. REED], who has shown such an interest in the matter, is another instance of the need of some such system as that embodied in the bill.

The constant and close attention and study and the long day's work—over fourteen hours in some offices—call for some business experience to remedy the wrong.

The number of employés in the ninety-seven first-class post-offices of the country are some five thousand. They have justly complained of the neglect of Congress to care for them. They have no complaint of the successive Postmasters-General, and none of their superior officers, except at New York. Unless we give a just measure of relief to satisfy their reasonable demands they have a right to complain of Congress.

In the Springfield (Mass.) office the annual allowance for clerk-hire is $9,500. From this sum $1,200 was deducted for the assistant postmaster. The rest is apportioned among the remaining fourteen clerks. This makes the pitiful average of $592.85 per clerk. Compared with their service the salaries are not commensurate with the labor or with the salaries of their co-laborers.

Why, a man in the Boston post-office may serve twenty-four years and be a conspicuously valuable officer, yet have a salary of but a few dollars over a thousand. The highest amount paid for clerks there is less than $1,200. The proposition in this bill makes but a meager increase. It should, to be just, perhaps make more.

The San Francisco Examiner regards the provisions of the bill which I introduced, and would likely regard the provisions of the amendment to the Post-Office appropriation bill, as but a small concession, yet just in so far as it goes.

The outside world, which enjoys the privileges of the postal service, are in comparative ignorance of the manner in which the mail is handled, or the exactitude and dispatch which is required, regardless of the quantity which is to be handled, the readiness with which these clerks are called to their duty at all hours of the day or night regardless of the size of the mails, as well as of the hours of their delivery, and of the discomfort of the twelve or fifteen hours of work, which is by no means an unusual occurrence at that post-office. Why should not the service of these men, some of them veterans in this postal army, conscientious, honest, and faithful, be graded and the salary fixed as in other branches of the Government service? Why should a postal clerk depend on the whim of a superior for his dole, little or big? No wonder the public mind and press are full of sympathy for this remedial legislation.

The Philadelphia Record thought it very unwise that we should undertake to reduce letter-postage before we brought up the numerical strength of the post-office force. It said:

Such experiments should not be swamped at the outstart by the insufficiency that grows out of the attempt to thrust upon one underpaid man the labor of two.

The absence of any regular system, which is evidenced by the fact that two men working side by side at the same desk, one of whom receives $200 more than the other, is the result of an uncertain and inequitable classification. It makes the rewards of ability and attention doubtful. No promotion brings, with certainty, an increase of pay. It often, however, brings a decrease. It is the law of equity, the law of God, that men should be paid according to the quality of their work. Then the Government pays fairly for what it gets; then the officials know that excellent service may bring promotion with increased compensation.

APPORTIONMENT OF MONEY.

What kind of a business arrangement is it—what kind of an annual act of appropriation can that be called which, by a single item for "compensation to clerks in post-offices," turns the amount over in bulk to the Post-Office Department for apportionment among the different post-offices which are entitled to clerks? What kind of distribution is that which, by a series of orders, allows so much to one office and so much to another; which allows an Assistant Postmaster-General to make his best effort at a guess of the proper sum for each importunate postmaster to expend? What kind of a system is that which would turn that distribution over to a subordinate who in turn redistributes the allotments according to any caprice of fancy which he may be pleased to indulge?

WORK AND WAGES.

What kind of justice is that which sometimes pays 50 per cent. more to one than to another for performing the same kind of work? What kind of business arrangement is that which makes the pay of each clerk to depend on the appropriation, the allotment, and the pleasure of his own postmaster? What kind of a limitation upon power is that which gives to a postmaster appointed through favoritism or partisanship the right to assist the inexperienced at the expense of the experienced? Does such a system tend to efficiency? Does it tend to the promotion and correct disposition of mail matter? Is there anything rational or comforting in such a custom, according to our rules of business or equity? Men who work must be made content, and are only so with a *quantum meruit*. Requited toil makes the bread light and the butter sweet and golden. It lightens labor to have its result remunerative and applied to the comforts of home. That home is no solace to which the tired

husband and father "wends his weary way" conscious of being a servant, without adequate reward for his service. He is then a slave—not a servant. Money thus gotten with pain is worse than poverty.

Do you want, Mr. Chairman, further particular instances? Take the case of Kansas City. I am advised that the appropriations for that post-office have always been far below its needs. What is the consequence? Clerks receive $400 per year, and make long hours. They are competent and faithful clerks. They have no prospect of any rise commensurate with the work required. Other post-offices may have managed to secure more liberal moneys. But the system has not tended toward justice, for in many cases the appropriations have been too small and the salaries, as a consequence, meager. In Kansas City there are experienced clerks who handle money and who have heavy responsibilities, who receive $300 less per year than the mail carriers of the third grade. It is unfair for such places as Kansas City, growing so rapidly, that it should be thus cramped. The chief clerk of that office says that when he took charge of the stamp-window, twelve years ago, the receipts did not average $100 per day. Now they average over $30,000 per month. There are sixty-three clerks in that office. They ask that the classification and salary be fixed by law as an encouragement to work and a just recompense for faithful service.

I have had personal interviews, Mr. Chairman, with friends of the clerks of the Baltimore post-office. It was about this post-office that Mr. Vilas, the recent Postmaster-General, remarked that they could find no regulation fixing a system or practice for the expenditure of the vast sum for clerk-hire. No matter by whom made the distribution was not well made. Finite intelligence could not make a just allotment of such a fund; infinite intelligence could not be obtained for fourth-class clerks.

There is no service as to which complaints are more constant than that of the postal service. There is no service for which there should be more charity. Why, do you ask? Because the mail matter must be disposed of in the shortest possible time, or else the business of the community at once suffers. There is a constant mental strain upon the clerk. It has no parallel in any other pursuit. These clerks must have not only health, but an intelligence of more than average ability.

A report made by the commission under Mr. Vilas to which I have referred recognized the value to the Government of classification of employés and recommended radical change in the system. The uncertainty of the pay makes the appropriation uncertain. Any change in that regard would rid the service of that favoritism among subordinates, or at least reduce it to a minimum and thus elevate the standard.

Mr. Chairman, when this matter was first brought to my attention I prepared certain memoranda, but the delay in considering the matter has rendered many of my data indefinite. The necessity for legislation remains and the facts accumulate. If the members of this House could only spend an hour in the New York, Boston, or Baltimore post-office, or, if you please, take an average post-office—say Toledo, for which I have substantial facts—there would be no difficulty, no carping, no harsh criticism against this effort of the Post-Office Committee to classify and equitably distribute their appropriation.

A PICTURE IN THE TOLEDO OFFCE.

Go, if you please, into the Toledo post-office. Observe how the mails are handled. Think of the hard work and the poor pay, and you will find that the postal clerk's lot is not entirely happy.

Let me make a picture of this office. The mail matter is deposited for delivery. It is being handled by two sets of clerks, those in the office and those on the route. Letters without end, newspapers beyond weight or measure. Omit the newspaper, it is such a ponderosity. Observe what is done with the letters. They come in by the car-load. They are made up of every kind of communication. The business man mails his hundreds of circulars without a thought of the work which they engender or the frequent handlings to which they are subjected. The young man and the young maiden interchange their love missives. They never reflect upon the fact that their sentiment is more or less disenchanted in passing through the hands of a score of weary clerks. But, nevertheless, the letters are dumped. All find, like death and love, their level. Here they lie on a large table. The clerks begin their work. The missives are placed in rows, the directions up. They must be readily read. The city letter is separated from the country letter. The latter is stamped by the canceler. This is done with a canceling iron, with the name of the post-office, date, and time. Then the letters are pushed by, after a smart blow from the clerk. The cancellation is as rapid and as precise as that of a machine. The average of stamps is five thousand to the hour, eighty to the minute. If, in the hurry, the stamp is placed anywhere but on the upper right-hand corner of the envelope, the left hand of the clerk is more apt to suffer than the letter. If, in addressing this House, a member should be compelled to pound his desk five thousand blows every hour and keep on, "by unanimous consent," pounding for eight successive hours, and keep it up with the regularity of a nail machine, he certainly would develop considerable muscle, even if he did not lose his mind.

After the cancellation the letters reach the separator. He or she arranges them for the case-men. Here comes in another diversion. Some letters are to be forwarded to other points for separation. These are tied up and then pouched. The separators, too, have to work like rattling machines. Each separator must handle twenty-five hundred letters per hour. Does he stop in this rapid work? Has he no hesitation as to the addresses upon the letters? Every one would suppose so from our own experience in handwriting; but if the clerk hesitates he is lost. Every possibile quality of chirography decorates the outside of the letter. An error occurs. Who suffers? The service? Yes, and the clerk, too, for he must account for the error with his head.

The case-men handle letters for States that are separated. They also have no light duty. Their packages are made up and afterwards again separated on the railroad by the railway postal clerks. And these railroads are divided into several post-roads or railway post-offices. The clerk must know the counties. The mail is pouched. It is dispatched. It must be on time. Every error is detectable. It is charged to the clerk. His position depends upon his record. Thus this confusing, incessant, everlasting work goes on as to the letters. What as to the newspapers, and matter other than letters and circulars? They are worked in what is known as a "dock." It is a large iron frame-work. On it are hung the sacks. Into this the clerks deftly throw the matter. They work the same as the case-men. They stand not exactly like the criminal in the dock, but at the end of the day they feel much in the same position of degradation if they fail of their work. They fling the matter into the pouch and have to be as accurate in their aim as a sharp-shooter.

In this Toledo office the mail department has ten men. They handle in twenty-four hours over fifty thousand pieces. They are paid on the average $600 per year. Six hundred dollars per year for all this wear and tear of hand and brain, mind and memory, and all the anxieties incident to this incessant life. The clerk may well sing the refrain of the "Old Kentucky Home:"

A few more days to tote the heavy load,
No matter, it will never be light.

Besides, there is a city division, if I may continue to remark about Toledo. It is subdivided into several other departments. It is under one head. It receives mail from every city distributing throughout the city. It also receives the mail matter from the street boxes. Five clerks are in this department, two special messengers, and twenty-six carriers. The mail matter handled by this force in the Toledo office was twenty-six thousand pieces—nearly ten millions of pieces a year.

But why go into detail further? The mail arrives. The strings are cut. The packages are opened. The time of arrival is stamped on the back of the letters and on the face of the postal-cards. They are placed in the cases. They are separated by the file clerks. Twenty-six carrier districts must be known correctly and filed rapidly. An employé must remember every alley and street and every byway and highway. There are four hundred box-holders to remember, to say nothing of the individual names connected with the firms. The changes must be remembered. No error must be tolerated. Work! Work! Work! The eyes wearied under the poor gas-light and poorer accommodations, the memory fatigued with a million figures, the body wearied with perpetual movement, and all for the magnificent sum of $600 or less per annum.

Do not forget the registry system. It transmits valuable matter. It must be done with security, the utmost security. I had occasion, as chairman of the Committee to Investigate the New York Post-Office some years ago, to look into the marvelous accuracy of this department. By it millions of money and bonds were transmitted. No one is reluctant to use it. It is more certain on the whole than any other mode of transmission. The mode of keeping the accounts of this registry matter is a part of that system which imperatively demands every precaution possible to human skill and prudence. And this must be done by men of quickness, done incessantly, done beyond the ordinary hours of labor, and all for, say, $500 per year.

A system so thoroughly ramified, involving so much labor and responsibility, with so many hands, minds, and memories ever at work, should receive the decent consideration of a fair government. Yet how exacting and critical is public opinion in our country on the Post-Office officials!

AN EXACTING PUBLIC.

I opened my newspaper this morning—the Post, of this city. Under the heading of "Lost for four hours" I read of two letters which have been delayed, it is said, unnecessarily. The anxious writer of the letters has done all he can, as well as the postmaster, to find the cause of the dereliction. Perhaps no postmaster is more vigilant than Mr. Ross, but he is unable to detect the cause of the delay. Two letters lying four hours or more before receiving the post-office stamp, astounds him. None of his subordinates understand it. They think it impossible. Fifteen minutes in the post-office, and the stamp should have been on. And yet there was no reason to doubt the statement of the sender of the letters.

GROWTH OF BUSINESS.

Perhaps the true solution is the utter weariness and exhaustion of the clerks in an office which has been constantly growing, and, there-

fore, the clerical force has become insufficient. The superintendent of the mailing division illustrates this general increase, for he shows the amount of sacks of printed matter handled in 1888 was 13 per cent. over that of 1887, and printed matter over 10 per cent., and special-delivery letters 29 per cent. Besides, new distributions have been added. From this office mail is distributed direct to sixteen States, for Canada, and for Mexico, to a total of thirty-six thousand offices. The entire State of Illinois has been added to it, and other additions are contemplated, and yet no addition to the clerical force.

This may account generally throughout the country for much of that seeming negligence as to which the public is very critical, if not harsh, and as to which we are all apt to be too exacting. Let us pay the clerks better and complaints will be fewer.

It is a service which is alluring to every interest of the community—social, mercantile, and industrial. It involves trusts and confidences; and, therefore, as a preliminary, requires of its agents a rigid examination and the best testimonials. The very diversity of the work demands a studiousness which has to be thorough. It requires an expertness which only can be gained by industrious habitudes. It requires a geographical knowledge which taxes the memory while it wearies the brain. The employé should have his recreative hours of rest in order that he may be bright and energetic. His pay should be significant of his work, and there should be before him the ambition of promotion and the incentive to trustworthiness.

POOR PAY.

The present system does not come up to these prerequisites. The rates of pay fixed by the rosters established by the postmasters should not depend upon the mere whim of the postmaster. A good postmaster will, of course, do what he can to correct inadequacies. But the law should do that, so as to render the equalization certain. Sometimes under the present system of allowances postmasters retrench from the salaries of clerks to pay for extra labor made necessary by the increase in the volume of the matter. This brings about irregularity as to salary. Sometimes the postmasters resort to long hours to remedy the neglect and to overcome the difficulty. But any injury to the social and physical condition of the clerk injures the agent while it detracts from the service.

Mr. Chairman, it seems incomprehensible that this system should have gone on so long and yet so little complaint from the employés of this service. Here are five thousand clerks, receiving for their service sums ranging from $300 to $700 annually. The character of the work has been shown. The comparative payment to others in the same departments may be well scrutinized in this connection. The employments of civil life, by corporations, manufacturers, and business men generally might also be examined to show the utter inadequacy of this official compensation.

No wonder the Postmasters-General from time to time have protested against this defective system. Postmaster-General James in his report for 1881-'82, page 63, called attention to the absolutely necessary obligations of postmasters for allowances for clerk-hire. Postmasters-General Howe, Gresham, Hatton, Vilas, and Dickinson have urged not only an increase in the pay of the post-office clerks, but additional clerical labor.

DEPARTMENT RECOMMENDATIONS.

The gentleman from Georgia [Mr. BLOUNT], in addition to his cogent statement, presents to us the recommendations of these prominent officials. He said in his remarks on the 9th instant (RECORD, page 1833):

> We have here fixed the salaries of postal clerks, because we have found that by a failure to do it in the past, when insufficient appropriations have been made, the clerks have been cut down to a meager amount of compensation and the service itself has been rendered unsatisfactory to them and less permanent in the character of its employés. So with the letter-carrier service; it was so delicate in its nature and so important that the Congress of the United States saw fit to classify the letter-carriers in the several cities of the country entitled to them into various classes, which I will not now stop to enumerate. Not only that, but leaves of absence were given to them, and then the eight-hour law was passed. We have gone on in this line of legislation, prompted by a desire for the betterment of the public service, until the clerks in the post-offices only have been left at the mercy of an arbitrary assignment of salary, made perhaps by a clerk in the Department who has but few facilities for informing himself or for forming a judgment in that connection. In the report of 1883 the then Postmaster-General, Judge Gresham, transmitted to Congress the report of the First Assistant, which contained the following language:
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> "As evidence of the increased requirements of the service and the close surveillance of this important subject, your attention is called to the fact that 2,758 allowances for clerk-hire were made during the last fiscal year—an increase of 478, or 20.9 per cent., as compared with the previous year, and 1,422, or 106.4 per cent., more than was made in 1880-'81. Two thousand six hundred and four applications for clerical assistance were declined, chiefly because the appropriation was exhausted. In fact, in order to keep the urgent demands of the service within the limited appropriation at the disposal of this Department, it was necessary to 'create' a fund by making reductions at 195 offices."
>
> In other words, the fund was given by Congress; he was required to conduct the service with it; and when the service was growing he could only carry it on by reducing the salaries of the employés. At the very time when the service was requiring better capacity the exigencies of the appropriation demanded poorer compensation.
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> In 1884 the then Postmaster-General used the following language:
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> "The increase of the postal service, especially the large increase of letter-mail occasioned by the reduction of postage from 3 to 2 cents, has made additional clerical assistance absolutely necessary in almost every office of the first, second, and third classes. From the best data obtainable it is estimated that in all the offices the additional clerical labor required is about 20 per cent. Post-office clerks as a rule are underpaid; their duties are exacting and require close attention."
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> In this very same report Mr. Hatton goes on to make the very same complaint that was made by Judge Gresham. Mr. Vilas, in his report of 1887, discusses this subject in the same way, reaching the same conclusion. The present Postmaster-General again calls the attention of the House to it in the report of last year. And the President of the United States, in his last annual message, has seen fit to direct the special attention of Congress to this class of employés.

THE CLERK'S OUTLOOK.

What has a clerk to look forward to who labors in this service? Is he to become a wreck, with nothing laid up for old age? Are his faculties to be benumbed and his very limbs to be paralyzed during the best years of his life in the service of his Government, and no reward as a consequence, adequate, stimulative, and just? The five thousand clerks look for an abatement of this system. They are honest men. They are intelligent men. They think they are working for a grateful country 365 days in a year—a grateful country which gives them from $300 to $600 per annum. They have families. They desire to educate their children. They are more or less proud of the service whose first administrator was Benjamin Franklin. They have received the compliments of their superiors. But, alas! compliments do not clothe their children nor give comfort to their wives. They work from day to day, trudging the same old treadmill from year to year, now and then pleased with the hope of better reward. They sing, as they trudge and tread, the old song:

> I slept and dreamed that life was Beauty,
> I woke and found that life was Duty.

They find their hope a "shadowy lie."

Mr. Chairman, since the bill I introduced in January, 1888, has drawn the attention of our people, and especially of our business men, to the necessity of this increase of remuneration to these clerks and to the reformation of the system, it might be well at once, before their condition grows worse and the service becomes more crippled, to listen to their murmurs and complaints. They come to you with the sympathy of the people. To ignore this sympathy is ungenerous on the part of any member because his special postmaster or assistant postmaster may not be helped to a full *quantum meruit*, or because through inadequate legislative appropriations a deficiency may possibly be created which a subsequent Congress must supply. Such reasons are sophistical when used to defeat the valuable system of classification and compensation proposed by the committee.

THE AMENDMENTS NOT PERFECT.

The amendments of the committee may not reach the standard of the bill which I had the honor to introduce for the clerks. Indeed, in some classifications it would make the salaries of the letter distributors range from $600 to $1,400, while those of the assorters and separators range from $600 to $1,200, and this may subject the amendment to criticism. It may be an unjust distribution between the clerks who perform the same mechanical and intellectual work. This is particularly the case in the New York office. If I can not remedy that special defect at this time, if I can not obtain the sums named in my original bill—$600 to $1,400 all around for these classes—I will not attempt to defeat the system. I know that a clerk who has to memorize five thousand and more names of box-holders in New York City, besides the continual changes in the scheme of separation, should not be discriminated against by any bill, and the clerk against whom the discrimination is made may feel keenly the injustice proposed. But I am content for the present, since I can not get all that I desire, to do the best I can, trusting to future experience to remedy the scheme as it may be developed by the judgment of the two Houses of Congress and a fair administration of its provisions. I am led thus to hope from the happy results of the free-delivery system.

ELEVATION OF THE SERVICE.

The elevation of the postal service is a theme not merely for prose but for poetry. These manifold ramifications of the postal system concern the most refined sympathies of our nature. There is no possible branch of human enterprise, no fiber, leaf, or bloom of social life that is not more or less interlaced with the efficient, fleet, vigilant execution of our postal system.

It was said by one of our Postmasters-General—Hon. Joseph Holt—in his annual report for 1859—

> That the Post-Office Department mingles with the throbbings of almost every heart in the land. In the amplitude of its beneficence it ministers to all climes and creeds and pursuits, with the same eager readiness and with equal fullness of fidelity. It is the delicate ear-trump through which alike all nations and families and isolated individuals whisper their joys and their sorrows, their convictions, and their sympathies, to all who listen for their coming. Naturally enough such an institution has ever been, and still is, a cherished favorite with the American people. The country has constantly manifested the most intense solicitude for the preservation of its purity and the prosperity of its administration, and it can not now be disguised that the guilty abuse of its ministrations and the reckless waste of its hard-earned revenues, connected with the humiliations to which it has in consequence been exposed, have deeply and sadly impressed the public mind.

Mindful of this tribute to this universal agent of our political and social order, we can only do justice to those who are associated in the benevolence which it implies, by enacting here that they should receive that encouragement and remuneration which a clement and just government is bound to bestow.

Maritime Canal Company of Nicaragua.

REMARKS

OF

HON. THOMAS WILSON,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 5, 1889.

The House having under consideration the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua—

Mr. WILSON, of Minnesota, said:

Mr. SPEAKER: In the remarks which I propose to submit I shall confine myself to one feature of this question. I am in favor of granting the charter to build this canal. I think this a public improvement of vast importance to our country. I would be glad to vote for this bill with what I believe to be proper and necessary limitations.

When the bill was before the Committee of the Whole House on the state of the Union I offered an amendment intended, and I think calculated, to provide against the issuing of stock without any consideration, or for a merely nominal consideration. This was adopted in the committee and afterward by an ay-and-no vote in the House. It has not been entirely stricken out by the conference committee, but it has been so emasculated that it is worthless. Indeed, Mr. Speaker, the conference committee have made, by the amendments which they have agreed upon, the issuing of watered stock very easy and more probable than it would have been under the original Senate bill.

The learned gentleman from Maryland [Mr. RAYNER], who is one of the conference committee, admits that there are great opportunities for fraud in this respect under this bill, but he asserts that the company would not accept the charter with the House amendment, and therefore that to insist on it would defeat the building of the canal; and, on the other hand, he asserts that if the amendment is stricken out and the conference report adopted the canal will be built. He did not see fit to give us his authority for these assertions. If they are merely expressions of his own opinion, a mere prediction or prophecy, they should not be permitted to control our conduct, notwithstanding the great respect which we all entertain for the views of that learned gentleman. Whereas if they are authorized by these incorporators or their agents, that fact should, in my opinion, put us on our guard and cause us to hesitate. If these men say that they would not engage in the enterprise, if by that charter the power to issue unpaid-for stock is taken away, we have a right to infer, or at least to fear, that they intend to exercise that power.

It must be unnecessary, Mr. Speaker, to dwell at length before this House on the magnitude of this evil. It is not possible to believe that any man can have lived in this country for the last quarter of a century without seeing and feeling it. We are frequently shocked by the bold and stupendous frauds and peculations practiced on the people by the defalcation and dishonesty of the fiscal officers of municipalities, and of public and private corporations. But where the people have thus been defrauded of hundreds of dollars they have by the fraudulent issue of stock in corporations created to act as common carriers been defrauded of hundreds of thousands.

I do not believe that any intelligent man who has carefully considered the subject will doubt but that the agriculturists of the Northwest have had extorted from them by the illegal issuing or watering of stocks hundreds of millions of dollars. It would be easy to refer by name to those who have accumulated in this manner fortunes of proportions until lately unheard of, and what they have so gained the people have lost. This has become an evil so notorious and of such magnitude that it is almost criminal for legislators to ignore it.

The issuing of such stock is unjust to honest stockholders. Those who invest their money in the construction of canals and railroads and in other corporations created to develop the wealth or commerce of the country do so for the interest or dividends which they hope to realize on their investment. Such investments are laudable and for the interest of the whole people. And any scheme that deprives the honest investors of a fair return is not only unjust, but against public policy.

If it costs $100,000,000 to build this canal, and that sum is subscribed and paid in, the stockholders are entitled to have the net earnings of the canal divided among them. And the rates of toll should be so fixed that the net earnings would pay a reasonable and fair interest on the investment, and no more. But if those now having control of this project are permitted to issue to themselves or their favorites stock for which no value has been paid, the consequence will be that that stock will be put on the market and pass into the hands of bona fide holders having no means of ascertaining its fraudulent character, and it will for all time to come stand on a par in every respect with the stock for which the full consideration was paid. This consequence will therefore be inevitable—the tolls must be increased so as to pay a dividend on the whole of the stock, honest or dishonest, thus levying an increased burden on the commerce of the country and on the whole people, or else the dividends justly due to the holders of stock fully paid for and honestly issued must for all time be divided with the holders of the fraudulent stock.

But I assume, Mr. Speaker, that those who invest their money in such public improvements will insist that the rates of tolls and freights shall be fixed and kept so high as to give a fair return on their capital invested in the enterprise. It is not to be expected that men should invest their means on any other condition, nor is it honest or fair to deny them such a return. And if this be so, then, as I have attempted to show, there will be a perpetual tribute necessarily laid on the whole people and on the commerce of the country to pay tribute to certain gentlemanly confidence men who have the impudence to impugn the motives of those who would place a limit to their power to prey upon the people.

But not only is this amendment forbidding the issuing of watered stock demanded in the interest of the honest stockholders and of the people at large, but it is specially demanded in the interest of the creditors of the corporation. If stock and bonds may be issued by such a corporation in excess of the money paid in or used in the enterprise, the experience of the past teaches us that the income of the corporation will soon be found inadequate to meet the ordinary expenses, interest, and maturing obligations. Foreclosure and sale will follow, and all the property of the corporation will be absorbed by the secured creditors, while the unsecured creditors, whose labor or means may have largely contributed to the improvement, will lose all. Mr. Speaker, it would be easy to prove by the records of our courts that this is neither fancy nor exaggeration.

While the issue of stock of such corporations without consideration is under all circumstances and everywhere wrong and generally intended to overreach or defraud the honest and unwary, perhaps above all others the people of the Northwest have been and are liable to suffer by such a wrong. Cheap transportation is essential to their prosperity. We of the West are so far from the seaboard and markets that the value of our products depends largely on the cost of transportation. If it costs 10 cents per bushel more to carry a bushel of wheat or a barrel of flour, or a dollar more to carry a steer to market, the bushel of wheat or barrel of flour brings to the shipper 10 cents and the steer $1 less. And if we are to have cheap transportation we must have cheap railroads and cheap canals, and we must insist that the producers of the country and the commerce of the country shall not be compelled to bear any unnecessary or unjust burdens, or to pay interest on a merely fictitious capital.

Nor is this all. It is understood that the books of the company are to be opened for the subscription of stock not only in the United States, but in other countries. This canal is to be not the property of or under the control of any one country; it is to be an international improvement. This is required by the concession obtained by the company from the Republic of Nicaragua. Appeals will be made to all classes to take the stock—to the rich out of their riches, and to the poor out of their scanty earnings—with the promise and hope that it will be a good investment and yield reasonable returns. I believe it will if we incorporate into the charter proper limitations and safeguards; but judging of the future by the past, if no such safeguards are incorporated it is possible that the investors may learn their fate by inquiry of those who were deluded by fair promises to invest in the stock of the Pacific railroad companies, and we may be compelled to again blush for the injury done to the reputation of our country.

Some gentlemen on this floor seem to intimate that it is not our duty to guard against such consequences. I am unable to assent to this. Since when has it been true that it is not the duty of the law-makers of the people to so frame the laws that scheming trickery may not impose upon unsuspecting honesty—that no stain may be placed upon the reputation or credit of our country or people? It is said that we can not place any restrictions that may not be evaded. True, but the same reason might be urged against a law to prevent any other fraudulent act or against any law forbidding or punishing crime, for all such laws are at times evaded. The amendment adopted by the House will, I believe, greatly lessen this pernicious practice. That amendment was, as I understand, drawn by Senator EDMUNDS, and adopted by the Senate in the Forty-ninth Congress, and made a section of the bill then passed by the Senate to incorporate a company to build this canal. I therefore claim no credit for originality in this amendment. But I think it a wholesome and necessary one, and therefore I offered it and advocate it. It provides—

That no certificates for stock shall be issued till at least 10 per cent. of the same shall be fully paid for in money at the par value of said stock and the money deposited in the treasury of said company; and said stock so subscribed shall not be assignable until the whole of the same shall be so paid in; and no payment on account of the capital of said company shall be made except in money; and said company is hereby prohibited from returning or repaying any part of the money so paid. No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $5,000,000. No part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation. Every person violating or aiding in the violation of the foregoing provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $10,000, or by imprisonment not exceeding five years, or by both said punishments, in the discretion of the court.

As to the first clause, requiring the prepayment into the treasury of 10 per cent., the learned chairman of the Committee on Commerce says that with that amendment on the bill we can not pay to the Republic of Nicaragua the 6 per cent. of the stock which under the concession goes to it unless we pay it also 10 per cent. of the amount of that stock in money. He argues that Nicaragua is not required under the concession to pay and would not pay this 10 per cent., and therefore before the issue of the stock the canal company would be required to pay it. I deny this. According to the most narrow construction of the charter and amendment this result would not follow. The whole statute must be construed together, each section and provision by the light of every other. In section 1 of the charter authority is conferred on the canal company—

To exercise such other powers as have been conferred by the Government of Nicaragua by the concession of that Republic, etc.

One of the powers conferred by that concession is to issue this stock to the Republic of Nicaragua without the payment of any money consideration therefor. And as by reference that provision is incorporated into the charter and becomes a part of it, the power to issue this stock to that Republic is clearly authorized. The contention of the gentleman from Missouri is clearly, therefore, not tenable. In any view it is a mere verbal criticism, and even if technically justified by the language, it could readily be obviated by incorporating the words "export the stock issued under the concession to the Republic of Nicaragua."

Mr. CLARDY. Let me interrupt you there.

Mr. WILSON, of Minnesota. Certainly.

Mr. CLARDY. I deny the construction which the gentleman places upon the House amendment being a proper one. In point of fact the amendment which he is now considering was adopted before the other amendment and before there was anything in it that excepted the concession from the operation of the bill.

Mr. WILSON, of Minnesota. I know it was adopted before the other amendment referred to by the gentleman from Missouri, but that does not touch the point which I make, namely, that under section 1 of the original bill or charter, and which has always been a part of the bill, the delivery of this stock to Nicaragua without the payment by it of any money consideration therefor is guarantied.

As I proceed I wish to call the attention of the gentleman from Missouri to the fact, too, that as this bill was originally introduced and as it went to the committee of conference it did not authorize the issuing of stock in payment for work or labor performed, whereas, as modified by the conference committee, it does provide for this, which is merely making possible and even more probable the frauds that the amendment adopted in the House was intended to guard against and prevent.

Mr. CLARDY. I deny that.

Mr. WILSON, of Minnesota. You deny that? I do not wish to misrepresent my friend or his report. I shall therefore read——

Mr. CLARDY. You say for material.

Mr. WILSON, of Minnesota. I said for work and labor.

Mr. CLARDY. Then you may be right about that.

Mr. WILSON, of Minnesota. In the proposed charter as originally introduced it was provided as follows:

It—

The canal company—

may receive, purchase, hold, and convey such real and personal estate, property and right of property, or concessionary rights as may be necessary to carry into effect the purposes of this act; may issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full paid, etc.

By the House amendment it is provided, as has been shown, that except as above stated "no payment on account of the capital shall be made except in money," the object of this being to prevent the acceptance of materials or property at a fictitious value. By the amendment or report of the conference committee it is provided that—

It—

The canal company—

may issue stock to the amount of the just value of such estate, property, and rights, and for work and labor done, or materials provided in the execution of the work of constructing said ship-canal, and the stock issued for these purposes shall be deemed paid-up stock.

It is also provided that—

No certificate for stock, except as otherwise provided in this act, shall issue till at least 10 per cent. thereof shall be fully paid for in money.

The words "except as otherwise provided" in this act take from this clause any vitality or value, for it is "otherwise provided" that on almost any excuse or pretext stock to an almost unlimited amount may be issued without the payment of one dollar in money therefor.

It will be seen, therefore, that the report of the conferees is not only in direct opposition to the letter and spirit of the House amendment, but even much worse than the original Senate bill. The language of the amendment proposed by the conferees almost suggests a "construction company," which is usually, or at least often, a favored ring within the company, created to swallow up all the property of the company.

Let me call attention a little more particularly to the language of the report of the conferees. It will be seen that it authorizes this issue of stock—

To the amount of the value of such estate, property, and rights, and for work and labor and material, etc.

Any one familiar with the course not infrequently pursued in such cases knows that the provision which we find above, namely, that stock may be issued to the amount of the just value of the property, etc., taken, is by no means a guaranty against fraud. The only guaranty that approximates to security against fraud or that guards the rights and interests of honest stockholders or creditors or of the people is the requirement that the stock shall be paid for in money only. If stock is traded to one for property while another pays money therefor, it must be apparent that the door is thrown wide open for favoritism and fraud. And it is significant, and a fact not to be overlooked, that the report does not even insert the restrictive words "at the just value thereof" in the clause providing that stock may be issued "for work and labor done and material provided."

This provision is therefore for all practical purposes merely a suggestion to the corporators that may be disregarded with impunity. It is enforced by no sanction. Under an exact compliance with the language, all of the $200,000,000 of stock and all the bonds authorized and not before subscribed and taken might be delivered to a construction company, and all the property of the company, including the rihtg to be a corporation, might be transferred or mortgaged to such a company under some construction compact.

He is little acquainted with the doings of such companies who does not see the possibility and even probability under such a charter that no stockholder, though he may have honestly subscribed and paid in full for his stock, may ever realize one farthing therefrom, and that no creditor of the company may be able to enforce any claim against it.

In the light of the experience of the past I think such power to confiscate the property of others should not be conferred on any body of men. And, as I have above said, this is not all. The construction company, which would have the power to become the canal company, with an almost unlimited issue of stock, would, so far as I can see, only be restrained by a sense of justice in fixing the rates of freight and tolls to be exacted from the public. And I fear this would not be sufficient to guard the people against extortion.

Under the circumstances, Mr. Speaker, if we adopt this conference report, if a construction company does not after awhile own this property and freeze out all the stockholders and creditors, it will not be because we have made such a result impossible or difficult. It will be only because they do not take a hint.

Mr. BRECKINRIDGE, of Kentucky. Or because they can not make any money out of it.

Mr. WILSON, of Minnesota. I see before me gentlemen who know something about transactions of this kind. I have seen something about the working of construction companies myself. My friend from Pennsylvania [Mr. SCOTT] knows something about them, although I never knew him to be interested in or connected with one, and I think he will bear me witness that what I have predicted may happen, is neither impossible nor improbable. I fear that if this report is adopted those who purchase or pay for the stock of the company and its creditors and the people at large may have reason to realize the truth of the old saw that corporations have no souls. And we should bear in mind that we are making not only a law for this case, but a precedent that may be invoked in all like cases in the future.

Another objection is raised to this House amendment. It is said that the provision that the stock shall not be transferred until fully paid for would operate hardly in many cases. I am free to admit that this clause of the amendment is not in my judgment of so much importance as that requiring the payment for the stock in money only, and the prepayment of 10 per cent.

If those provisions are retained we shall have some reasonable guaranty of honest administration. I shall therefore advert but briefly to this clause.

It is argued that if a person having purchased a block of stock and paid in part therefor should die or become unable to pay future calls his legal representatives in the first case, and he himself in the latter, would lose the stock and what had been paid. This position is clearly untenable.

When we look at the charter of the company it is seen that transfers of stock can be made only on the books of the company. This is required for reasons understood by every one familiar with corporation law. Under this amendment the stock could not be legally or formally transferred until paid for; but the interest of any one therein, or of his legal representatives, would not be forfeited unless for some violation of law or of the by-laws of the company. They or their successors in interest would have a right to pay any unpaid installment and to have a legal transfer of the stock on the company's books.

The class of persons that this provision would principally affect are the stock speculators who do not subscribe for stock as an investment or with a view to pay for it.

Mr. SCOTT. Will my friend from Minnesota allow a single suggestion?

Mr. WILSON, of Minnesota. Certainly.

Mr. SCOTT. I will give the gentleman credit for great originality in this provision which he has proposed; but I say to him that he can not point to any case in this country or in any other where the limitation which he proposes to put upon the transfer of the stock of this company has ever been put upon the stock of any corporation by any legislative body of which history gives us any account. While the gentleman's idea may be a magnificent one, and perhaps would revolutionize the whole stock business, yet a little experience is worth more than a great deal of theory; and I would rather see it tried on some other institution than this.

Mr. WILSON, of Minnesota. That may be so, but it is also true that we have had experience; and hardly any other experience has cost this country so much or collected such heavy tribute from the masses of the people as that which we have gained from the granting of charters to corporations with power to issue their stock to favorites without any money consideration or for a mere nominal consideration. If with that experience before us we go on and repeat that which has done so much in this country not only to place unnecessary burdens upon the people, but to bring disgrace on our corporations and sometimes on our country—I say, after this experience, if we do not try to profit by it and to protect our people when we are incorporating this company, we have not the excuse that our predecessors had that their attention was not called to the matter, for ours has been.

We have seen that the consequences of the rule which they adopted has been evil, and that continually. It is quite recent that we have had any statutes against trusts and such combinations, or against unjust discriminations or extortions by such corporations. And by parity of reasoning my friend from Pennsylvania might argue that no law should at this late day be enacted against such attacks on the rights and interests of the people. I think otherwise. It is our duty to meet and thwart, so far as we can, the ingenuity of crafty speculators who strive to compel the people, without consideration, to contribute to their enrichment. The never-ceasing, ever-increasing power of corporations must be limited and controlled by legislative enactments or else they will acquire a dangerous power.

Few powers conferred on such artificial persons are more prejudicial to the people than that to issue stock without a full consideration; for experience has shown us that when they have the power they exercise it, and that the consequences are evil.

Mr. REED. What is the difficulty?

Mr. WILSON, of Minnesota. The difficulty I have before explained. If the corporation issues to its pets and favorites $100,000,000 of stock for $100,000 worth of work, or for nothing——

Mr. REED. How?

Mr. WILSON, of Minnesota. Permit me to answer your last question. If the tolls are so cut down as only to allow a reasonable return or interest on the amount of stock that should have been issued, namely, on the amount of capital actually put into the enterprise, then, as the good can not be separated from the bad stock, the honest investors, whose money builds the canal, must be compelled to divide the returns that are justly theirs with the holders of stock issued for a partial or nominal or for no consideration. That this is essentially unjust seems clear. Or if the tolls are placed so high as to pay a dividend on all the stock issued, then the people are compelled to pay dividends not only on the actual capital invested in the enterprise but also the stock which represents no capital, and the burdens on commerce and on the people are unjustly increased. It is wrong to so legislate as to permit scheming speculators, without consideration, to levy tribute on the commerce of the country or on any class of the people or on the whole people.

Mr. REED. How much would it levy?

Mr. WILSON, of Minnesota. It would levy just as much as the owners of the watered or illegal stock realize out of it. When one person by any legal legerdemain obtains money without any equivalent, some other person is wronged and loses just so much. If the canal is made for $100,000,000, but by reason of the laxity of the provisions of the charter an additional $100,000,000 of stock is issued, the tendency will be to double or increase the amount of the tolls.

Mr. REED. How?

Mr. WILSON, of Minnesota. Because, as I have said, the illegal stock not being distinguishable from the legal, any dividend that is paid on the latter class must also be paid on the former; hence if the tolls are put at such a rate as to allow a reasonable dividend, their aggregate amount must be increased in proportion to the issue of illegal stock. It is reasonable to suppose that the honest investors in the stock of the company should insist that the tolls should be fixed at such a rate as to pay a reasonable rate of interest on the investment. This is merely justice.

Mr. REED. If a railroad can fix the rate, as you seem to think it can fix it, on all its stock, watered or not——

Mr. WILSON, of Minnesota. My proposition is that after the watered stock is issued and put on the market it is not possible to distinguish it. If dividends are paid it receives its share the same as if it were issued for a valuable and full consideration.

Mr. REED. You mean to say that the railroad company can fix the rate?

Mr. WILSON, of Minnesota. I do not. Railroad rates are subject to legislative supervision and regulation. But that has no bearing on this question.

Mr. REED. Do you mean to say that any international canal company can fix its rates arbitrarily; that that is human experience in these matters?

Mr. WILSON, of Minnesota. I think no one but this canal company has the right or power to prescribe or fix its rates.

Mr. ADAMS. Here is a canal. Here is a certain amount of international traffic which under favorable conditions will go through that canal. But if the canal tolls are too high a part of the trade will not go through the canal; it will go around Cape Horn or by some other route. It is not true, therefore, that the canal company can fix the canal tolls to suit themselves. The laws of trade fix a certain maximum beyond which they can not go. Within that limit they will, of course, make the tolls as high as they can. They will do this whether the nominal capital is $100,000,000 or $200,000,000. I do not mean to say that stock-watering does no harm. The harm it does is this: It tends to conceal from the careless observer the rate of profit which a corporation is making on the real amount of capital invested. That is an evil, I admit.

But it is not true, as the argument of the gentleman from Minnesota seems to imply, that when the stock is nominally doubled the company is thereby induced or enabled to double the rates of toll on the canal. What will be, according to the gentleman's opinion, the methods according to which the rates will be fixed?

Mr. WILSON, of Minnesota. That is a very difficult question to answer. Indeed, any answer given in advance will be largely surmise. If the amount of business will admit, it is safe to assert that the rates will be fixed so high that the dividends on the stock will be equal to a reasonable rate of interest on it. It would not be safe for any one positively to affirm or deny that the business of the canal will not be such as to enable the directors of the company to fix the tolls at such a rate as would pay interest on all the stock, or to affirm or deny that competition may be such as to necessarily keep the tolls down to a reasonably low rate.

It would seem very probable that a very large commerce must pass through that canal. The route round the Horn being 7,000 miles or more longer, it could hardly be considered a competing route for the carriage of merchandise of great value compared with its bulk and weight, or of any merchandise in the carriage of which time is an important consideration. So far as can be foreseen there may not for a long time, or ever, be any direct competing route. Even if another canal were built across the Isthmus, experience has taught us that that would be no guaranty of such competition as would essentially lessen the rates of toll.

Although we have competing lines of railroad almost everywhere in the country, we find we can not safely rely on just competition alone as a sufficient regulator of rates or preventive of extortion. It is found necessary in almost every State by legislative enactments to control and limit the power of these corporations to levy excessive tolls. And if on the railroads of the country competition is not effective for this purpose, much less have we reason to suppose it would be on this canal.

By the fifty-second article of the concession of the Republic of Nicaragua to the canal company it is provided:

From the receipts of the enterprise the company shall take in the first place the necessary amount to cover all the expenses for maintenance, operation, and administration; all the sums necessary to secure the interest, which shall not exceed 6 per cent., and the amortization of the obligations and of the shares, and what remains shall form the net profits, of which at least 80 per cent. shall be divided among the shareholders, it being agreed that after the lapse of ten years after the completion of the canal the company shall not divide among the shareholders in payment of dividends, directly or indirectly, by issue of shares or otherwise, more than 15 per cent. annually, or in this proportion, from dues collected from the aforesaid canal, and where it shall appear that these dues yield a greater profit, they shall be reduced to the fixed limit of 15 per cent. per annum.

What we who support the House amendment insist on is that this charter shall be in such guarded terms that the commerce of the country and the people of the country shall not be compelled to pay those rates on stock which should not be issued and which represents no capital, and that honest investors and the creditors of such corporation may not be left at the mercy of a class of shrewd and unscrupulous speculators who insist on reaping where they have not sown and gathering where they have not strewn.

Mr. BUTTERWORTH. Did not the House incorporate an amendment as a sort of safeguard to prevent the construction company from getting control?

Mr. WILSON, of Minnesota. Yes, but it is gone, or so emasculated that it amounts to nothing.

I wish, Mr. Speaker, to take the time of the House but a moment longer, to call attention to another singular feature of this conference report. By the amendment of the House before referred to a penalty was provided for the purpose of preventing the issuing of watered or unpaid-for stock as above shown. The House amendment punishes the guilty.

That is omitted, and instead we have inserted the following provision:

Any violation of the provisions of this section shall subject the charter to forfeiture.

That is, as a punishment of the illegal acts of certain officers it is proposed to forfeit the rights and property of honest stockholders, bondholders, and creditors who have not transgressed. Such a provision as this carries with it no terrors to the actual wrong-doer, and would not have a tendency even to correct the evil complained of.

Irrigation of Public Lands.

SPEECH

OF

HON. MARCUS A. SMITH,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 26, 1889.

The House being in Committee of the Whole on the state of the Union, and having under consideration the sundry civil appropriation bill—

Mr. SMITH, of Arizona, said:

Mr. CHAIRMAN: It pains me very much, in the light of the great interests involved in the reclamation of the arid lands of the United States, to hear expressions in this debate which of necessity argue a want of information on the part of those who are honestly and vigorously opposing this increase of this appropriation from $150,000 to $250,000. This is a very small sum to expend annually in such a humane, beneficent, and statesmanlike measure. Do not the opponents of this increase of appropriation in this stirring age of steam find themselves on a narrow-gauge railroad run by horse power? [Laughter.] Have they opened their eyes on the magnificent country spreading before them? Have they contemplated the possibilities of its future power?

It would ill become me to criticise either the ability, wisdom, experience, or patriotism of the distinguished gentlemen who are opposing not only this increase of appropriation but are opposing any appropriation for this purpose. Their names have justly become a part of our national history. For them I, in common with my fellow-citizens, entertain the sincerest admiration. Hence I approach the objections emanating from such a source, I trust, with due modesty. But I may be pardoned for an emphatic dissent from the principal reasons urged against this appropriation. We are told to wait. We are assured that nothing can be lost by waiting. How long are we to wait? Are we to sit quietly down until population grows so dense in the Eastern States that their prayer for daily bread becomes a tragic invocation? Are we to await an attack before we build our defenses against it? Must we delay action until aggregated capital has actually monopolized the water of that land? Shall we, as has been here urged, wait until "proper restrictions" can be thrown around the expenditure of this pitiful sum of money, so reluctantly doled out to the just demands of posterity? We of course are equally anxious with you that all needful restrictions against reckless expenditure should be imposed, for on a proper expenditure of liberal appropriations for this purpose rests more of this country's future prosperity and happiness than on any question which this or any other Congress has had or will have under consideration.

We do not object to waiting for restrictions on the expenditure of the money, but we do object to having this amendment defeated by "restrictions." There are gentlemen on this floor whose commendable care of the public Treasury has been so vigilant that this House need never borrow a fear that "proper restrictions" will not go hand in hand with this bill as they have forced it to attend all others. Delays are as dangerous in public matters as in the important affairs of private life. Much time and a large sum of money must necessarily be consumed in this enterprise. There is no danger of starting it too soon. You have already delayed it too long.

The honored chairman of the Committee on Appropriations [Mr. RANDALL] has said that nothing can suffer by delay in this matter. I say to him that something can suffer; for, as I have already said, delay on the part of the Government will induce aggregated capital to take hold of the problem and solve it, to the great damage of the home-seeking people. I make the statement advisedly. I commend the energy and enterprise of those who go into the desert and at the expense of hundreds of thousands of dollars convey the water to the thirsty sands and convert the waste places into gardens of beauty. In absence of action by Congress these people are public benefactors.

But it is a shame that Congress should permit this to go on, instead of taking hold of it for the common good. Recognizing this fact, the chairman of the Committee on Public Lands [Mr. HOLMAN] has all through this Congress attempted to secure the repeal of the desert-land act. But against that policy I have always inveighed. It is not a proper solution of the great problem confronting us, as I shall endeavor to show when that question comes regularly before the House for consideration. Of the two horns of the dilemma I would accept the one granting the lands to anybody who would redeem them rather than leave them in their present unproductive state by a repeal of all laws looking toward their settlement. I repeat, private capital is gradually acquiring the most accessible water privileges; and, while again commending the enterprise, I instance here the case of the Walnut Grove Water Company, which has, as I am informed, located the first water-storage reservoir constructed in Arizona. The Walnut Grove Storage Company is a New York enterprise. What has it accomplished? I read an extract from a pamphlet lately published by our Territorial commissioner of immigration:

It is intended to hydraulic the gold-gravel deposits on the Hassayampa, 20 miles away, and to furnish water for the irrigation of several hundred thousand acres of agricultural land. The dam is given as follows: 110 feet high from the bed rock, and 400 feet long on the top; the base line of the dam is 135 feet thick at the bottom and 10 feet at the top. The front or apron wall 12 feet at bottom and 6 feet at 100-foot line. The back or down-stream wall is 15 feet thick at bottom and 9 feet at the 100-foot line, both walls being of rough, heavy, dry stone masonry, the space between the walls being filled in with the smaller stones. The apron or skin is composed of two thicknesses of 3 by 8 planks securely fastened longitudinally to heavy cedar butts, the entering wall being 8 feet and 8 by 8 vertical timber between the same, the first skin being fastened to the inner by a 6-inch galvanized wrought-iron spike, and the entire face of the apron painted with No. 3 paraffine paint, thus making a strong water-tight face on the water side. The dam is constructed to resist a water pressure of 23,000 tons, with flushing gates and service gate complete. It will impound 3,000,000,000 cubic feet of water, equal to a discharge of 3,000,000 miner's inches daily for one year, including loss by evaporation. The water will be conveyed by flume to the mining and agricultural land.

Such is the work that private energy is accomplishing in the line of water storage. Who owns the lands to be irrigated by this water? Whoever does must pay whatever tribute is demanded by the owners of the water. I am not complaining of this. It is better that such work should be done by anybody than that it should be left forever undone. I commend the tact, energy, and enterprise of this company, but while doing so suggest the wisdom on the part of the Government of taking hold of this great question and by proper law prevent vast holdings of land by dividing irrigated tracts into small farms, and thus not only add to the sum of human contentment, but give force, energy, and solidity to the nation.

Mr. SYMES. If the gentleman will permit, I would like here to ask him whether our controlling the water does not absolutely control at the same time all land susceptible of irrigation by that water?

Mr. SMITH, of Arizona. Unquestionably. There is no earthly doubt of the fact suggested by the gentleman. The first appropriation of water in all desert countries is superior in right. By every reason it should be so. When water is taken from a stream for beneficial purposes the usufruct becomes a vested right with which Congress has no power to interfere, except by the questionable one of condemnation for public use under the right of eminent domain and by compensating the owner to an extent usually far in excess of the real value of the property involved.

Many members of this House seem to be laboring under the false impression that this question of irrigation is a Western scheme, born of a Western desire to enrich the inhabitants of the West. Nothing could be farther from the truth. The West, in common with you, and to at least an equal if not greater extent, glory in the achievements of this wonderful Republic. They in common with you yearn to see humanity take its highest stand on this free soil. They desire the prosperity of the whole people with an ardor equal to yours. They love their whole country and take pride in the hope which its future holds out to the world, and from this pride and patriotism springs the energy which the people of the West have exhibited in this cause. They are asking nothing at your hands for their personal aggrandizement, but are, from a standpoint of knowledge of the conditions, beseeching you by every argument to do this to your whole country for your country's sake.

How is any man now living in the Western States or Territories to be personally benefited by the proposed legislation above any of yourselves who shall wisely see fit to go there? If a scheme to make money in this matter is sought, you will find it in the non-action of Congress, for by its refusal to act the land-grabber can, as I have before frequently said, take unto himself whatever amount of land he can find the water to irrigate.

There is another matter to which I desire to call the attention of Congress and also the attention of those having this work in charge. It is this: if this survey be confined to streams alone and to sites for reservoirs fed by streams, it will fall far short of accomplishing the full purpose to which this proposed expenditure should lead. The great watersheds should be surveyed. The mountain ranges surrounding the fertile valleys of Arizona should be utilized as sheds, conveying water from its gorges and cañons to reservoirs on the higher parts of the valley below, thence to be distributed over the land.

I know of no valley in Southern Arizona that could not thus be reclaimed. The rainfall is fully equal to our wants if it could be secured from waste. This I conceive to be the ultimate design of this survey.

It should not fall short of this. That land now known as the Western Desert ages on ages ago supported a dense population by this means. The silent footsteps of this prehistoric people are found in every county of Arizona. Desolation now in its awful silence abides where a prosperous people pursued the noisy avocations of life long before Cheops was born or the history of Asia had taken note of time or man.

In the very heart of the desert are found evidences of once populous cities and ruins of ancient reservoirs and canals. Are we less able in the closing days of the nineteenth century to cope with adverse nature than were those whom we dimly discern moving in the dawn of time? The water courses of our desert country will not furnish a sufficient supply to redeem the land. The rainfall must be gathered and held for use in the dry season.

It has been found by actual experiment that less and less water is required each year to irrigate the same field, and it is no flight of fancy to assume that the same water supply will gradually increase the area of irrigated land, and the substitution of cool vegetation for the hot sands of these inclosed valleys will increase the rainfall to an amount sufficient of itself to produce quick growing crops. The warm, dry air rising from the sands of these valleys absorbs and dispels the approaching winter clouds so that little or no rain is precipitated except in the general heat of the summer months. By a change of these conditions our rain will be distributed through a greater number of months and insure many crops without artificial irrigation. This may be deemed speculative, but I submit that it is not unreasonable.

When this same item of this bill was under consideration at the first session of this Congress I submitted some remarks on the general history of irrigation, and attempted then to forecast the glowing future awaiting the irrigation of our arid lands. I may, I trust, be pardoned for here repeating something of the substance of what I then said.

It seems a work of supererogation in this presence to go fully into the history and proclaim the results of irrigation as practiced since Cain made his unaccepted offer of the first fruits of the ground. Husbandry was man's first occupation on the earth, and has since been the source of all life to the teeming millions inhabiting the globe and the source of every nation's revenues.

All history, sacred and profane, attests the fact that man first flourished in desert countries where successful husbandry depended on artificial supply of water to the land. That irrigation was the oldest system of successful farming known to man is fully demonstrated not only in the Old World, but in the so-called New World as well. This evidence exists to-day on the most sterile land of this continent.

Herodotus, who wrote many centuries before Christ, assures us that Assyria and Babylonia, Chaldea and Mesopotamia, Media and Persia were supported by this means. He gives us an account of a reservoir constructed by the Egyptians which was almost equal in extent to the great Lake Ontario. We know that the great flow of the Euphrates was turned miles out of its course for irrigation purposes, and the channel of the ancient Tigris was simply a natural canal from which its own waters and the heavier flow of the Euphrates were distributed over the adjacent lands.

Herodotus estimates an ancient population of 70,000,000 people on lands which from subsequent neglect of irrigation now support a population of less than 20,000,000. Ptolemy is in the same field equally fruitful to the careful student of history. As I said in a former address to the House when this bill was under consideration, you who consider the present scheme chimerical and visionary have been careless in your study of man's conflict with nature and his marvelous victory over the most terrible obstacles.

Irrigation is no new question. It existed in Egypt before the pyramids were erected. It has fed the millions of Asia since the creation of the world. It nurtured Rome into existence, and was practiced in America ages before the birth of Columbus. The Moors introduced the system into Spain, from whence we have derived our imperfect western system.

The valley of the Nile for countless ages has yielded its abundance through this means, and Cato, in a language now dead, wrote in learned advocacy of its introduction into Italy. The Great Mogul gave it a grand impetus during the magnificence of his reign.

The wealth and grandeur of royal Babylon, of Nineveh, Thebes, Bagdad, Cairo, and Memphis, around which as centers the civilization of great periods of time revolved, were due to and dependent on the agricultural perfection surrounding them and made possible only by irrigation. The Nile supported the Roman world, and irrigated Egypt was the granary of the empire. To recur to the extent to which irrigation was practiced in Egypt I can not forbear giving the actual dimensions of the reservoir spoken of by Herodotus 454 years before Christ. He refers in his history to the pyramids, but gives them no such prominence as he does the reservoir, which, to use his own language, "excelled all other human productions."

The circumference of this reservoir, according to this historian, was 60 schoenes, or 3,600 furlongs. A furlong, he states, was 100 fathoms, or 600 feet. Reduced to our measurement, we find the circumference to be over 415 miles. The depth he states to be "one-half of a hundred fathoms" or half a furlong, 300 feet. Five centuries later Diodorus, from Sicily; Strabo, from Asia Minor; Mutianus and Pliny, from Rome, repeat the wide belief of this well-ascertained fact. I have somewhere seen in my reading a full confirmation of the facts stated by Herodotus, from the pen of a comparatively modern French engineer who traced the boundaries of this reservoir, and was, from close observation, convinced of the accuracy of the historian's seemingly marvelous statements, and of the further fact that the reservoir was fed from the Nile. Diodorus said:

> Considering the benefit and advantages brought to the government by this great work, none could ever sufficiently extol it according to what the truth deserved.

But we need not content ourselves with the statements found in the history of foreign countries, for we have in Northern Mexico and Southern Arizona evidences of vast irrigating reservoirs and endless canals and ditches constructed by a people who antedate all history. My country is full of these silent evidences of this potent fact. And it is now becoming a question with the student whether Asia was not first peopled by aboriginal Americans who drifted in their canoes across Behring's Strait. Ours is probably, after all, not the New World, but the Old. But in this matter we are luckily not forced to rely on ancient facts to demonstrate the utility of the proposed amendment.

Modern times have made their grandest achievement in the improvement of the system of irrigation in the East Indies by the British government of India. By scientific construction of reservoirs and by digging canals aggregating over 3,600 miles in length what was once a land of famine has become the granary of the world. What was once a scene of desolation and want now delights the eye with waving fields of green and gladdens the heart in the richness of its harvest. So will like enterprise and like statesmanship redeem the waste places of the West.

The question then is, will this Congress wisely learn of the experience of other ages and nations and proceed at once with a definite purpose and fixed determination to the reclamation of our desert lands?

I am led to believe from what I have heard said by so many of you in private conversations on this subject, as well as by your careful attention to the discussion on the floor of the House, that the time is not far distant when the full importance of this great question shall appeal to all alike, and each will hasten to do to our common country and our common interest the justice so long deferred. But, Mr. Chairman, the Constitution itself has been invoked to prevent this appropriation. Has any lawyer within my hearing, or any lawyer anywhere, the temerity to assert that Congress has no power under the Constitution to expend money in the improvement of public property? If such power is wanting what becomes of your enormous river and harbor bills, your public-building bills, and hundreds of others of a similar nature passed at every session of Congress?

We are no more taking public money for private interests in this appropriation than we did in any single item of the river and harbor bill. No lawyer can on constitutional grounds seriously defend the one and condemn the other. To your incorrect charge that we are taking your money to improve our lands, we answer with as much accuracy that you for years have been taking our money to improve your rivers and build your houses. Before repeating this charge, brethren, I charge you to cast out the beam in your own eye, so that you can see clearly the mote in your brother's eye.

Mr. Chairman, there can be no possible question of power successfully raised against this appropriation, and no power save the brute force of a majority will defeat this measure. It is right, and, like all right, conquers in the final conflict. You may postpone the day, but the day will come to curse your tardiness and proclaim its victory.

I am delighted to see a disposition on the part of Congress to take firm grasp of this mighty problem and solve it to the great good of our country. There is one other aspect in which I desire to present this question before taking my seat. During a long, learned, and interesting debate on the tariff bill at the first session of this Congress each side of the question and each man in the case vied with the other in honest and manly expressions of sympathy for the laboring classes of America. I am glad to believe that all were sincere, for that class not only engages our sympathy but should at our hands receive proper and fair consideration.

We have before us now a true test of that professed sympathy, for in the present amendment is found more to alleviate their condition by relieving the overcrowded labor marts than in all other public questions combined. American labor has been kept up to a decent living point by no charity of the employer, by no exercise of grace on the part of the capitalist, but by the intelligence and industry of the laborer himself and by the vent which our vast public domain gave to crowded localities. Wages have been high comparatively in our country because good land was cheap. That character of land is almost exhausted. When it shall have been fully occupied, can you conceive of any mere enactment of Congress that will prevent the poor and ignorant from being still deeper steeped in poverty and ignorance?

Will any law drive want from the door of unemployed labor? What, then, is the remedy? The field is too wide for discussion here. One plain answer, however, is open to us, which will for years to come postpone the ultimate catastrophe. It is simply more land for the land-

less unemployed, more homes for the homeless. More land can be reclaimed, and cheaply reclaimed, by wise and speedy action in the line of this amendment than is now occupied in the whole valley of the Mississippi. In its present unwatered state it is useless. When reclaimed it will support more people than now inhabit our whole country. Is it not more than worthy of your most attentive consideration? Posterity demands action at your hands, and action much more liberal than has yet been taken or proposed on this floor.

The Senate, I hope, may yet increase this amendment to at least $350,000 for the present year. I shall labor to that end, for I know that money can not be more wisely expended. In the light of the manifold blessings to accrue, why should we with sparing hand grudgingly dole out pitiful sums of money from our overburdened Treasury when every instinct of statesmanship, every impulse of patriotism, every voice from the past, and the sublimest hopes of the future alike demand decent generosity at our hands? The pittance we pray for is, like the river at its fountain, small, but in flowing to the vast sea of the future it will meet and yield largely accumulating revenues of glory and felicity to our common country by rearing happy homes in desert places—homes from which in peace we draw prosperity and in war find protection.

Direct Tax.

It is a step toward a complete and just reunion of the hearts of the people of the country. Not a reunion forced by law nor controlled by legislative enactment, but controlled and promoted by the wish and purpose of both sides of the country to do equal and exact justice toward each other.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 11, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill S. 139, being "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," and the question being upon laying the bill aside and recommending it for passage—

Mr. GROSVENOR said:

Mr. CHAIRMAN: I had intended to occupy the time of the committee for a few moments in responding to the peculiar arguments that were presented in opposition to the passage of this bill by the gentleman from Georgia [Mr. STEWART] and the gentleman from Georgia [Mr. BARNES], but I had the misfortune to only hear a sort of outline of those speeches, my attention having been distracted more or less during the delivery of each of them, and I trusted to the presumption that the time might come within a reasonable limit when I would have an opportunity to read them in the RECORD, and read the exact and peculiar arguments that were made by these gentlemen, and then be better prepared to reply thereto. These arguments were made on the 6th of the current month and they have not made their appearance in the RECORD yet, and I am not aware of the time when they probably will appear.

Mr. KERR. The speech of Mr. STEWART is in the RECORD.

Mr. GROSVENOR. I have not seen it. When did it appear?

Mr. KERR. This morning, I think.

Mr. GROSVENOR. It is suggested that the gentleman from Georgia [Mr. STEWART] had published his remarks. I have not seen them and therefore I am in exactly the same position as I was before, except, of course, that there is no force in my suggestion that his remarks have not been published in the RECORD.

Now, sir, this is a question of very simple character to me, and I am going to discuss it for a few moments in a very elementary and simple sort of way.

By the law of Congress, the validity of which and the binding force of which nobody, I believe, has ever questioned, there was assessed upon the people of the United States $20,000,000 as a direct tax; and I may be permitted to turn aside here for a moment and say that it was a tax levied peculiarly in the direction that ultimate "free trade," and I put these words in quotation because they are the declarations of the conservative wing of the Democratic party of this country, would ultimately compel the Government to support itself by. Because I have always taken the ground that if 40 per cent., on the average, is robbery, then 5 per cent. is robbery, *pro tanto*, and you can not escape; therefore the proposition that a direct tax is standing across the pathway and seems to be the ultimate goal of the men—the statesmen of America—who are inveighing against the idea of taxation upon the articles which are consumed by the American people.

Money must be raised for the support of the Government and for the purposes of the Government, and if taxation upon imports is robbery at a high per cent. it strikes me that it is robbery in a degree in a lower scale. There is no more odious form of taxation known within the power and scope of the taxing authority of the Government than that of a direct tax. It is unpopular. Our people do not want to see that sort of taxation resorted to. But there was in this case an emergency upon the country, and this remedy seemed to be the only remedy, this relief the only relief within the scope of the taxing authority of the Government. We had no commerce; bad administration had destroyed it; we had no importations that we could tax with any assurance of estimating what would be produced, and there was an emergency therefore upon the country that some of our friends seem to have forgotten, or if they have not forgotten it, the full force and power of the emergency does not seem at this time to be properly and adequately estimated.

That emergency was nothing else, nothing less than the question of the existence of this Government itself, the union of these States, the supremacy of one flag, the question of whether or not there was inherent in this Government, not in its written Constitution, but inherent and inferable, because of its existence, the right and power to maintain its existence by all the means of defense and offense known to the Constitution certainly, and whether with the approval of American people the Government might do some things to sustain its life not written in the Constitution.

It was a strain upon the Constitution. There was war under the circumstances; the Democrats construing the Constitution strictly denying the power of the Government to save its own life. Abraham Lincoln, upon a broader and more statesmanlike view of the Constitution, called for troops and declared that the law of self-preservation inherent in every individual man was inherent in the great aggregation of men. And so, among other things, a tax was assessed of $20,000,000 in the following sums against the several States:

State or Territory.	Amount imposed.	State or Territory.	Amount imposed.
Alabama	$529,313.33	Missouri	$761,127.00
Arkansas	261,886.00	Nebraska	19,312.00
California	254,538.67	Nevada	4,592.67
Colorado	22,905.33	New Hampshire	218,406.67
Connecticut	308,214.00	New Jersey	450,134.00
Dakota	3,241.33	New Mexico	62,648.00
Delaware	74,683.33	New York	2,603,918.67
District of Columbia	49,437.33	North Carolina	576,194.67
Florida	77,522.67	Ohio	1,567,089.33
Georgia	584,367.33	Oregon	35,140.67
Illinois	1,146,551.33	Pennsylvania	1,946,719.33
Indiana	904,875.33	Rhode Island	116,963.67
Iowa	452,088.00	Tennessee	669,438.00
Kansas	71,743.33	Texas	355,106.67
Kentucky	713,695.33	Utah	26,982.00
Louisiana	385,886.67	Vermont	211,068.00
Maine	420,826.00	Virginia	729,071.02
Maryland	435,823.33	West Virginia	208,479.65
Massachusetts	824,581.33	Washington	7,755.33
Michigan	501,763.33	Wisconsin	519,688.67
Minnesota	108,524.00	South Carolina	363,570.67
Mississippi	413,084.67		

These were the total assessments, and the aggregate of $20,000,000 was the so-called "direct tax."

It was very largely paid by the loyal States, as I am proud to call them, Mr. Chairman, and the time will never come while I live that I will not draw a distinct line between loyalty in the present, the probability of loyalty in the future, and, Mr. Chairman, the loyalty of the past, to the flag and Constitution of this country, and the acts, sentiments, and opinions which were not expressive of loyalty. These taxes were paid by these States, as a general thing, as a voluntary offering of the people of this country upon the altar of their country's peril without process of collection or distraint.

A portion of this amount was wrung from the people of some of the States, which I trespass on no man's feelings in saying, were disloyal States of this country. And there has stood upon the account-books and upon the records of the Treasury Department a debit and credit side of that assessment. It has stood alone. It was of its own species, a peculiar account of all the money received by the Government upon the only direct tax within the memory of living man that had been assessed in this country. It stood at the time as a monument of a single effort of the Government in an unpopular direction to raise money by an unpopular process, but as a last resort and to save the Union and make the present condition of this country possible. Some of the States did not pay their share, and they stand charged with it. Others of the States did pay their share, and they stand credited with it. The following is a statement of the amounts unpaid by the respective States and Territories, and the statement in full of the accounts in the language of the Treasury officials:

The amount of direct taxes which has been paid is not stated in any summary, but I have collected from the report the amount of taxes paid and the amount of credits allowed, or to be allowed, and the amount now due, which may be summarized as follows:

State.	Quota charged.	Amount credited.	Amount due.
Alabama	$529,313.33	$18,285.03	$511,028.30
Arkansas	261,886.00	154,701.18	107,184.82
California	254,538.67	254,538.67	
Colorado	22,905.33	22,189.96	715.37
Connecticut	308,214.00	308,214.00	
Dakota	3,241.33	3,241.33	
Delaware	74,683.33	74,683.33	
District of Columbia	49,437.33	49,437.33	
Florida	77,522.67	4,760.30	72,762.37
Georgia	584,367.33	117,982.89	466,384.44
Illinois	1,146,551.33	1,146,551.33	
Indiana	904,875.33	904,875.33	
Iowa	452,088.00	452,088.00	
Kansas	71,743.33	71,743.33	
Kentucky	713,695.33	713,695.33	
Louisiana	385,886.67	314,500.84	71,385.83
Maine	420,826.00	420,826.00	
Maryland	436,823.33	436,823.33	
Massachusetts	824,581.33	824,581.33	
Michigan	501,763.33	501,763.33	
Minnesota	108,524.00	108,524.00	
Mississippi	413,084.67	111,038.46	302,046.21
Missouri	761,127.33	761,127.33	
Nebraska	19,312.00	19,312.00	
Nevada	4,592.67	4,592.67	
New Hampshire	218,406.67	218,406.67	
New Jersey	450,134.00	450,134.00	
New Mexico	62,648.00	62,648.00	
New York	2,603,918.67	2,603,918.67	
North Carolina	576,194.67	377,452.61	198,742.06
Ohio	1,567,089.33	1,567,089.33	
Oregon	35,140.67	35,140.67	
Pennsylvania	1,946,719.33	1,946,719.33	
Rhode Island	116,963.67	116,963.67	
South Carolina	363,570.67	222,396.36	141,174.31
Tennessee	669,498.00	392,004.48	277,493.52
Texas	355,106.67	180,841.51	174,265.16
Utah	26,982.00		26,982.00
Vermont	211,068.00	211,068.00	
Virginia	729,071.02	442,408.09	286,662.93
West Virginia	208,479.65	208,479.65	
Washington	7,755.33	4,268.16	3,487.17
Wisconsin	519,688.67	519,688.67	
Total	20,000,000.00	17,359,685.51	2,640,314.49

Quota	$20,000,000.00
Paid or credited	17,359,685.51
Amount due	2,640,314.49

The second column includes taxes collected, amount of 15 per cent. deduction, and credits allowed.

The books of the Treasury Department now contain, and constantly, all the time, and under all circumstances that may arise in the future, will contain this statement of debt and credit, and the Government is in a condition to be always annoyed by it in all the varied transactions between the States where the Government becomes obligated to pay to a State a sum of money—there stands upon the account book of the Treasury, if the State failed to pay, this amount, which nobody wants to collect, and yet blocking the way to a business-like adjustment of the financial relations between the States and the General Government.

To illustrate, should the General Government become obligated to the State of South Carolina for a sum of money and the same is passed to the credit of South Carolina upon the books of the Treasury, on the other side of the ledger stands an acknowledged debt of the State of South Carolina to the Government. Does the present generation of South Carolina—loyal, I trust, to the Government, ambitious and hopeful of the future—desire that their obligations, the obligations of the Government to them, shall be canceled by an old-time debt that South Carolina has not paid to the Government? Does the gentleman from Mississippi [Mr. ALLEN] propose that hereafter, always and under all circumstances, any claim that Mississippi may assert against the Government in the form of money shall remain unpaid and stand ever against the unpaid debt of Mississippi in this behalf? Is that his view of it?

But the other side of the question is that we will "wipe it off; sponge it off." I heard some gentleman on the other side talk about "sponging it off." Our proposition is that we will sponge off all accounts of the Government that relate to this unpopular, undemocratic, un-American, unusual tax; and how are we to do that and have fair play between the different sections of the people of this country? The proposition is a very simple one. It is this: Just as certainly as a promissory note of any individual on earth is an obligation that he shall pay a sum of money to the holder of it, just so certain do these States of the South, in law and in equity and in morals, owe to the General Government this sum, aggregating about $3,000,000.

Why do we not collect it? We do not want to collect it. Do you want it collected? Does the eloquent and witty member from Mississippi [Mr. ALLEN], who does me the honor to sit in front of me and listen to what I am saying, desire that that question shall be made, and that the General Government shall coerce Mississippi to pay that debt? Or does he desire that this question of account shall stand unsettled between the National Government and the State government?

It is said that the General Government can not collect this debt. If it can not, if this remaining balance can not be collected, if by any act of these States or of the General Government, or both combined, whether acts of commission or of omission, whether overt acts or mere laches, the right to collect this unsettled balance has ceased, then by a much stronger reason equity demands that this Government shall refund to the States that did pay, and that the States that did not pay shall be silent.

Our proposition is that we will expunge, in so far as it can be done at this late day, all record of that transaction. It is a tax we do not like. Our proposition is to raise money for the support of the Government in a better way, in ways more popular with the people of this country, in ways more just to all the interests of the people of this country. And we say you have not paid. You did not put your money in. You are here now. You are in the original sisterhood of States. No man feels more happiness than I do in the fact that you are here now. You come here because you could not go anywhere else. You come here because we invited you by a process of invitation that while you attempted and tried to decline you were finally coerced to accept. It was an invitation in kindness. It was an invitation in obedience to law, and to-day you are glad that you are here, that you did accept our invitation to come back, stained though the invitation was by the blood of some of your best men, stained though it was by the blood of some of the men who went to carry the message to you.

But here stands an instance upon the records of this country where you have not done your share and we have done ours. We paid money and saved you from your folly—I will not say crime, because I am not here to rekindle the smouldering embers that the gentleman from Georgia [Mr. STEWART] seems to be so disposed to stir up on this occasion. We paid our money to save you from the consequences of your indescribable folly. Now, out of the common fund we propose to withdraw that which we paid in and leave you without a record of defalcation. You stand defaulters to your country. You stand owing this debt; you stand here in the record that in the hour of your country's peril you did not pay your money to save your country that the laws and the Constitution of your country demanded you to pay. What do we say? We say we have reached a time now when we can afford to obliterate all that debt; that we will get even with you, and get even by the most complete and perfect system of equity possible so far as you are concerned. You shall not pay that money; you shall not be charged with it; the records will be clear of it. We ask simply to draw out of the fund the principal which we paid more than a quarter of a century ago, and we do not charge you one cent of interest on it.

The people of my State paid nearly a half million dollars in good cash promptly out of the treasury of the State. We did not collect it off of our people, but now we want to return it to the treasury of the State of Ohio. We want to lift the burden of taxation from the shoulders of our people there. I want the farms and the houses and the property of the people of my district to be relieved to that extent of future taxation. It is fair that it should be, because we paid the money and you did not. It is fair in one sense and unfair in another. We paid the money a generation ago; we are to go without the interest on it; but the interest has come to us in a hundred fold by the blessing of a reunited Government, and one of the grandest triumphs of to-day is that the blessings of that Government which came in a restored form to us by reason of our patriotism we are able to divide in equal moieties with you.

What is the interest on that money, Mr. Chairman? What is the interest which the States that are protesting against the passage of this bill have drawn upon that fund which we put in and which they did not? It was our principal, but they have drawn their share of the interest. Can anybody compute it? The interest upon the fund itself in dollars and cents is immaterial, but the interest which has accumulated and been distributed upon that $17,000,000 and the other funds that we paid into the Treasury, put in by the loyal people of this country, not by the disloyal, has grown until it has become the mightiest accumulation of wealth upon the face of the earth. It has come to us in the form of this magnificent tree of liberty, and in the branches of that tree in profound safety rest the people of the States which to-day are unwilling that justice shall be done upon this great question, a question involving simply the repayment to those who contributed it of the sum of $17,000,000, which was put into the Treasury more than a quarter of a century ago.

They are willing to take the benefit of that money, but we are not to have it. They are willing to take the interest upon it, and we are glad to aid in distributing it to them; we are glad to divide it with them. We raise no question upon their right here. We are glad they are here. We are proud of it. They are glad that that money was put up and they are glad that that money was effectual. They are glad that that $17,000,000 with the other millions that followed crushed the rebellion, destroyed slavery, saved the Union, restored the Constitution, brought back the old flag. Who are most benefited by it, the men who paid it or those who to-day are back as States in the Union, honored members of the great family of the great Union of States?

Why should those gentlemen contend, therefore, that at this late day the little financial substructure upon which this great, magnificent, and glorious result was achieved is to be withdrawn from the Treasury for the double purpose of restoring imperfectly the consideration which our people paid and getting rid of the charge against the people who never did pay? It is a very unimportant thing to the people of the North that the $17,000,000 which they paid honestly and loyally shall be returned to them, but it is a great and magnificent thing to the people of the South that there shall be blotted out of the books of this country the evidence that in the hour of this country's peril they did not do their duty according to the laws and the Constitution.

I understood the gentleman from Georgia [Mr. STEWART] to say something about the equities in the case, and he used language pointing in the direction of a subject which under no circumstances on the floor of the House will I ever be driven to comment upon. He said that it was inequitable to restore to the people of the North the money which they had expended, because the expenditure had resulted in the desolation of the firesides and the destruction of the industries of the South.

Mr. STEWART, of Georgia. Will the gentleman permit me to ask him a question, as he is greatly mistaken in quoting my language?

Mr. GROSVENOR. I am not purporting to quote the gentleman's language. I quote the logic and effect of his remarks.

Mr. STEWART, of Georgia. You are mistaken as to that, too.

Mr. GROSVENOR. I want to know what in the name of common sense any mention of desolation of firesides has to do with this bill?

Mr. STEWART, of Georgia. I can not suppose that the gentleman intends to misrepresent me, and therefore I desire to correct him. I referred to the desolation of the South as being the condition of things when the cotton tax was imposed.

Mr. GROSVENOR. I am not discussing the cotton tax at all, and it has nothing to do in this connection. It is no more germane to this bill than the tobacco tax, or the income tax, or the tax upon doctors and lawyers in the North, or any other tax. We might as well come here and complain of sore feet that we had, and the hungry days and sleepless nights we passed during the war, as for these gentlemen to come and talk in this way about the cotton tax or the tobacco tax.

Mr. Chairman, this is a question of dollars and cents, and if the people of the North were to be heard here, they could very well reply to the gentleman from Georgia by saying two things which I by no means utter here except in reply to him. The desolation of homes in this country was not confined to the South. There may have been greater desolation of homesteads and the material prosperity of the South than there was in the North, but there was desolation of hearts, there was desolation of homes, there was desolation of families at the North in the same degree as in the South, and you can never discuss this question, Mr. Chairman, without reviving a spirit which I would not invoke here and now.

I warn the gentleman from Georgia [Mr. STEWART] never again to introduce it while he has the honor to be a member of Congress, for this reason: ultimately, behind all these questions of suffering and sacrifice stalks the great question which he does not want to discuss, the question of who was right and who was wrong.

Without going into that question now, I warn the gentleman that I hope that while I am a member of this House I may never again hear, from the Southern side of the Union at least, an equitable consideration put forward in answer to a just claim that the Government has; never again will it be put up against the question of the war on the part of the Government that somebody in the South suffered by reason of the war. No man ever complains of his injuries or his sufferings without being logically met by the question, how came those injuries and those sufferings; and the gentleman from Georgia does not want to discuss that question with me. That question has been decided. It is *res adjudicata*, and ought never to be opened up again on a question like this. If it is desired to do so—if the question is pressed here—I am ready to discuss it; but I pray I may never be called upon to do so.

Now, Mr. Chairman, the gentleman from Georgia, as I understood, said—and that has been the line of argument running all through this discussion on the other side—that a tax once collected can never be refunded by the judgment of a court. I certainly do not misquote the gentleman.

Mr. STEWART, of Georgia. Yes, sir. The gentleman will pardon me; I do not wish to interrupt him.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. Yes, sir.

Mr. STEWART, of Georgia. I said that a tax once collected and appropriated destroyed all legal obligations to recover it back.

Mr. GROSVENOR. I so understood the gentleman. We are not standing here upon any legal right of recovery. The supreme court of Ohio never made the decision which my friend from Alabama [Mr. HERBERT] said it did, taking the ground that upon the theory of a legal right a tax once collected could never be refunded. It based its decision upon the ground that as a matter of law no legal right accrued to the party who has paid a tax, and that he could not recover it back by judgment at law, but the same court has said over and over again that when a tax has once been collected the questions growing out of a proposition to refund it are questions to be remitted to and decided by the legislative department of the Government, and that the Legislature has full power to meet a question of that kind. That is exactly what we are claiming here now. We are claiming that here is a great question of equitable consideration. We can not sue in the courts to recover this money. But we appeal to the legislative department of the Government to do equity to the people of these States.

Mr. Chairman, what limitation is there upon the power of Congress to appropriate money in the Treasury, no matter where it came from? I do not understand that the question of the power to appropriate money is in any wise influenced by the question whence the money came. If there is any constitutional question here it can only be this question: What limitation is there upon the power of Congress to appropriate the money in the Treasury? Has it been shown that Congress may not look about the country and discover some claim—equitable it may be, legal it may be, a matter of generosity it may be—and appropriate money to meet the demand? Is there authority anywhere that limits the power of Congress in this behalf? I deny it. This is the one issue here which can by any possibility involve a constitutional question. It has not been pretended that this money in the Treasury stands in any other attitude or relation to the legislative power of the Government than any other money in the Treasury. The money is there, and it is the fund of the Government. The question is raised, how can you control the legislative discretion of the Government by saying that some time and somewhere they collected an unjust and unlawful tax?

I will not discuss the question of the cotton tax. I will not discuss another question which has been raised. I want simply to say to these gentlemen that there are a number of matters that are to come in here if we are to have a general overhauling of the books and a general statement of the equities between the Government and the people of the different States. I have in my hand a statement of the Treasury Department showing that a great many years ago—away back before the war—there went into the Government's hands a number of bonds of the States of this country representing what is known as the Indian trust fund; that the interest was not paid upon those bonds away back at the beginning of the war or before the war by these States, and the Government has never received the money. It was money for which the Government was liable. It was substantially money that the Government loaned these States, and they have never paid it, and never paid the interest. We have been paying these States' claims that they asserted; we have paid them without regard to these charges against them.

The following is a statement of these claims:

State bonds in Indian trust fund.

State.	Amount.	Per cent.	Interest from—	Amount of principal and interest to January, 1889.
Arkansas	$77,000.00	6	July 1, 1874	$146,300.00
	91,000.00	6	January 1, 1875	167,440.00
Total	168,000.00			313,740.00
Florida	53,000.00	7	January 1, 1868	130,910.00
	79,000.00	7	January 1, 1867	200,660.00
Total	132,000.00			331,570.00
North Carolina	147,000.00	6	July, 1879	235,200.00
	17,000.00	6	October, 1860	39,780.00
	28,000.00	6	April, 1861	65,040.00
Total	192,000.00			339,820.00
South Carolina	118,000.00		1860 and 1871 (averaged 23 years).	280,840.00
	1,000.00		do	2,380.00
	3,000.00		do	7,840.00
	3,000.00		do	7,840.00
Total	125,000.00			298,900.00
Tennessee	125,000.00		1861 and 1869 (averaged for 44 years).	455,000.00
	92,000.00		do	334,880.00
	1,000.00		do	3,640.00
	66,666.66		do	506,666.66
	19,000.00		do	69,160.00
Total	303,666.66			1,369,346.66
Virginia	1,000.00	6	1861	2,680.00
	90,000.00	6	1861, 1870, 1867 (averaged at 35 years).	279,000.00
	450,000.00	6	do	1,395,000.00
Total	541,000.00			1,676,680.00

RECAPITULATION.

Arkansas	$313,740
Florida	331,570
North Carolina	339,820
South Carolina	298,900
Tennessee	1,369,347
Virginia	1,676,680
	3,684,747

Against which is: United States, debtor, to Florida, Seminole war, $224,648, with interest from January, 1868; South Carolina, war of 1812, amount unknown; Virginia, war of 1812, not determined.

That interest has been in default upon those bonds ever since 1861; not a dollar of it has been paid.

Mr. RYAN. The Government paid it.

Mr. GROSVENOR. The Government has paid it; the Government has discharged its duty, but these States have never paid it. Yet, Mr. Chairman, it is a strange fact that protest against the refunding of this comparatively small amount of money comes from States that stand, by the accounting books of the Treasury, charged with these bonds.

I do not say, Mr. Chairman, that there is any dishonor growing out of this record. There may be, and I think there is, a question of payment; questions of equitable accounting between these States, or some of these States, and the Government, growing out of this Indian bond transaction and other transactions. I only point out that these States ought now to be willing to square up one by one these unsettled balances.

Mr. Chairman, underlying this proposition is the great fact that the passage of this bill, its enactment into law, the payment of this money under it, would put the people of this country just where equity would say they ought to stand, except the account on the side of the States that had paid the money and who received no interest upon it; and, secondly, the grand results that have accrued to the country, and which we share in common with the people of the whole country.

It is a step toward a complete and just reunion of the hearts of the people of the country; not a reunion forced by law nor controlled by legislative enactment, but controlled and promoted by the wish and purpose of both sides of the country to do equal and exact justice toward each other. [Applause.]

[Here the hammer fell.]

Dakota and the New States.

These stones, these magnificent, brilliant, imperishable stones, which the Democratic builders rejected for all these years, the same have become the head of the Republican corner.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 17, 1889.

The House being in Committee of the Whole on the state of the Union on the bill for the admission of the Territory of Dakota, and the question being upon the substitute offered by Mr. SPRINGER, of Illinois—

Mr. GROSVENOR said:

Mr. CHAIRMAN: In the early days of this session of Congress the gentleman from Illinois [Mr. SPRINGER] asked unanimous consent of the House to set apart a day to consider the bill which is now pending in the form of a substitute for the Senate bill under consideration. At that time, believing that I could see in the movement a purpose to delay rather than to forward the interests of Dakota, I objected to the unanimous consent being granted. I did so because at that time I was of the opinion that it was in the power of the majority on this floor to enact any legislation that would be favorable to the early admission of Dakota into the Union if they saw fit to do so, and I insisted that there should be time granted for due consideration before any such action as that proposed should be permitted. That is to say, I desired that a day should be assigned far enough in the future of the session to allow the friends of Dakota and the friends of the speedy admission of the other Territories to be ready to meet the wily movements of the gentleman from Illinois [Mr. SPRINGER].

Time has justified my supposition that it was not the early admission of Dakota that the gentleman was in favor of, but such action as would impede her admission and render it impossible at present that that consummation should be worked out. The presentation of this substitute justifies my opinion, and I say now that not only this proposed action is not calculated, however it may have been intended, to facilitate the admission of Dakota into the Union; but on the other hand, in my judgment, it is a deliberate, well-organized, and most insidious arrangement to hinder and delay——

Mr. ALLEN, of Michigan. And defraud.

Mr. GROSVENOR. And in the future very possibly prevent the admission of the Territory of Dakota into the Union within any reasonable time. I have heard no objection by any gentleman on this floor to the claim of Dakota, as presented in this Senate bill. No one has said that the action of the Senate in this behalf is too precipitous. No one has intimated that Dakota ought not to be granted the relief sought for by this bill; and, on the contrary, the Senate bill represents the voice of Dakota, and it is the voice of the people of the United States, and of each one of them who understands anything about the great question which we are discussing at this time.

Mr. Chairman, so far as this substitute divides and deflects public opinion from the lines proposed in the Senate bill, just so far is it an unnecessary and unwarranted obstruction placed in the way of the admission of Dakota into the Union of States. By the provisions of the Senate bill, by sixty days from this date, the State of South Dakota may be in the Union with all the qualifications, prerogatives, and powers of a sovereign member of this great Union of States. She can be represented at this end of the Capitol by two Representatives, and in the Senate of the United States by Senators chosen pursuant to law. Under the substitute of the Committee on Territories, no man can point out that by any reasonable action that may take place, Dakota will be ready for statehood at any period during the year 1889, and then, after she has complied with all the requirements under this bill, she is subject then after that time to the capricious action of a minority on this floor which may see fit to delay her introduction by measures of a dilatory character which are so easily managed.

Mr. Chairman, we have a right to ask or at least to raise the question of whether or no the same spirit, the same judgment, if you please, that produced the substitute here, may not at that time interpose further delay and impede the action of Congress in its further attempt to admit this Territory? Nobody complains that the Senate bill goes too far. All of the prerequisites have been complied with so far as the Territory itself is concerned, and the necessary precedent steps that ought to be required under any circumstances for the admission of South Dakota have already been taken. Her constitution is approved by the people of the United States. Nobody objects to it. Under this bill if it speedily passes, at an extra session of Congress, should it become necessary to hold one even as early as the 1st day of April, Dakota may be here. Why should she be kept out? Do gentlemen on the other side of the House believe and hug to their breasts the fond delusion that they are going to impose this sort of action upon the people of Dakota and mislead them into believing that the Democratic party has been doing something for the people of Dakota? I misunderstand the intelligence of the people of Dakota if they are not ready to hurl back into the face of Congress a proposition which first makes it impossible for their admission for a year and then subjects them to the expense, trouble, and annoyance of traveling over and over again the pathway which they have already traveled with so much unanimity. Why should Dakota be humiliated in this matter?

Mr. Chairman, I am not opposing any of the other Territories embraced in this omnibus bill. I will cheerfully vote for the admission of Montana and Washington. They are Territories which, in my judgment, some day in the near future are to make two of the great States of the Northwest. Nor do I say that, under the new light which I have been receiving, I will not vote at the proper time and under proper limitations for the admission of New Mexico. She has claims upon us by treaty stipulation, claims by her struggles and efforts to make herself competent, and a suggestion made to me the other day by a distinguished gentleman, a member of this House from Massachusetts, Governor LONG, will have a great influence upon my vote when I cast it. The suggestion is that New Mexico is on our hands with her population, such as it is. Some day she must be a State of the Union. Some day those people must become citizens of the United States, or, in other words, citizens of a State of the United States, and the question presenting itself to the statesmanship of to-day is, which position is the best for her to occupy while the necessary improvement in her population, her customs, her laws, and her purposes which are required to make her a fit State for the great Union shall be going on?

Can all these be best accomplished while she remains a Territory, or will it be best accomplished when she is a State in the Union, with all the duties and obligations of a State. In the condition of her Territorial relation, this improved condition is not calculated to be speedily reached. Not so speedily, certainly, as when as a State in the Union she relies solely upon her independent effort to make herself what she ought to be. This consideration, Mr. Chairman, will probably control my vote on the question of the admission of this Territory at the proper time, but I am unwilling, sir, that this bill now before us shall be loaded down with considerations of that character and crowded out of the pathway of immediate action thereon.

The old idea of balancing one State against another seeking admission into the Union has ceased to be a potent factor in considering these questions. Slavery is dead and gone, and therefore it is not necessary that we shall admit one State free and the other slave in order to keep up the old idea of equilibrium in the Union. Sectionalism ought to be abolished and it ought not to be recognized in the question of the admission of States. Pass this bill and admit Dakota under the precise terms of the Senate bill and there is ample power given to the House under this order, which is continuing and which can be maintained by a mere vote of a majority, to go straight forward and admit all of these Territories, each upon its own merit, and do what is right and just to each of them. There is no occasion for an omnibus bill for the admission of States now. These Territories should be considered

one by one, and if there is one of them which can not stand upon its individual merits I protest that there is no reason why it should be loaded upon any bill and put through Congress in that way.

Mr. Chairman, it is too late for the Democratic party to shield themselves from the wrath of the people due to their betrayal of their trust in the matter of these Territories, for lo these four full years of Democratic administration the Territory of Dakota has been ready for admission into the Union. She has a population of 700,000. Her wealth and enterprise is manifested from one end of that magnificent domain to the other. Her towns are built with taste, regularity, and business enterprise. Her school-houses and public improvements everywhere manifest the sterling prosperity and enterprise of a great people. Her churches and institutions of charity everywhere mark the presence of Christian civilization. No better population holds possession of any State in this Union. She has been kept out of the Union because she is not barbarous and treacherous, nor Democratic. She has been kept out of the Union with the hope that the power of the Democratic party might be projected four more years over the people of this country. She was kept out of the Union to prevent the possibility that her four electoral votes might turn the scale of the Presidential election and turn Mr. Cleveland and the Democratic party out of power.

The scheme has failed. The effort has been abortive. The people of the country have understood the bad faith of the Democratic party, and one of the most powerful agencies by which the Republicans carried the country was by its manly appeal everywhere to the justice and fair play of the American people to protest indignantly against the course of the Democratic party in this behalf. Now, smarting under the lash of political disaster, whipped by the rod of public justice, the Democratic party comes here and seeks now, while obstructing Dakota, to blind the eyes of the people of the country with the notion that they are the champions of the admission of the Territories.

Why was not the vote of Washington Territory counted in the great question of the election of a President? Simply, Mr. Chairman, because it was feared that she would vote the Republican ticket, as she would have done. Why should not Washington Territory be in the Union, with her magnificent soil, with her magnificent mountains, her beautiful plains, her alluvial soil, her beautiful inland ocean, her magnificent forests, her patriotic people, her enterprise, her civilization—why should she not be in the Union? Away out there she is upon the Pacific coast standing guard upon the entrance from the Pacific Ocean into our great inland sea, standing sentinel upon the rock-bound coast of the Pacific, guarding jealously the approach of a foreign enemy upon our Western shore. She is grand in the present, she is glorious in her just anticipation of the future, and it is a shame to stand in her way and keep her out.

Montana, with her beautiful plains, her mountains, her fields, her patriotism, why should she not be here?

Mr. Chairman, it is the voice of the recent election, it is the thundertones with which the American people have repudiated the Democratic party, that has caused the gentleman from Illinois [Mr. SPRINGER] to hasten to undo the work that he more than any other man contributed to do in the last session of Congress.

These stars that are to be added to the crown of our rejoicing, these diadems which are to take their places in the coronet that crowns our nationality, these stars which are to take their places upon the flag of the country, all these are the evidences, the testimonials of the triumphs, of the glories of the Republican party. Peopled as these magnificent Territories are by the men who have gone forth from the Republican States of the Union, they are the just recompense of the great patriotism of the Republican party, and it is a consummation devoutly to be hoped for that they may be kept out of the Union no longer. They will strengthen the Republican party. Nobody can doubt that. They owe their creation as Territories to the Republican party. They owe their possibilities as States to the Republican party. It was the triumph of the Republican party in 1888 that has forced the American people and the Democratic party to concede the justice of their claims to statehood. These stones, these magnificent, brilliant, imperishable stones which the Democratic builders rejected for all these years, the same have become the head of the Republican corner. [Applause.]

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The bill having passed, Mr. SPRINGER made a motion to amend the title, and upon that motion demanded the previous question; thereupon Mr. GROSVENOR asked unanimous consent to offer an amendment to the amendment, which was refused; thereupon debate ensuing upon the amendment to the title to the bill,

Mr. GROSVENOR said: Mr. Chairman, I wanted to have offered what I conceive to be the true title of this bill and one that would have conveyed to the people of the United States the idea which they have already formed. My amendment is as follows:

An act to try to convince the people of Dakota that the Democratic party is willing that Dakota may come into the Union, but, in fact, to keep that Territory and all others which have a Republican majority out of the Union for an indefinite length of time.

Now, Mr. Chairman the fulsome efforts as to the magnificent Territories of the Union by the gentleman from Illinois [Mr. SPRINGER] will not deceive anybody as to what was and what is the deliberate purpose of the Democratic party on this floor. This bill to admit the Territories on this ground was reported to this House away in March last, and the gentleman from Illinois [Mr. SPRINGER] and his party resisted at every step every attempt made here by the friends of Dakota to call up that bill or to assign any day for its consideration, and they went on in that way through the long session of Congress, baffling every effort that was made by this side of the House to admit Dakota into the Union of States, and that long session, which extended away past the middle of October, ended without a single effort being made by the Democrats to act upon this bill. They presented a solid front in opposition to the admission and in opposition to everything that would enable us to act on any one of the Territories. But gentlemen have heard a voice, not "as one crying in the wilderness," but it has been the voice of a magnificent uprising of the same people whom the gentleman from Illinois now so fulsomely and eloquently describes. I imagine that they have given an utterance that fully vindicates his phrases, but they have said in tones of thunder that the Democratic party is not fit to rule this Government, and that it has no disposition to deal fairly with the people of the Northwest.

What fact is it that has come to the knowledge of the Democratic party within the last two or three years? Why has their policy changed towards the Territories? Why is it that they, after having been silent, inactive, and refused to aid the admission of the Territories, now suddenly are alert and active and willing to do anything to pretend that they are the friends of the Territories? The single fact is that the people of the Northwest in thunder tones at the recent election condemned the course of the Democratic party; and now what do they offer?

The people of those Territories have asked for bread in the form of an enactment by Congress which will allow a splendid Territory to come into the Union now, and the Democratic party, through its caucus in this House and through every vote of every Democratic member on this floor, has given them a stone.

There is nothing in this bill but delay. Its purpose is delay and deceit. Its proposition is to delay and, in the language of a gentleman here yesterday, "defraud" the people of that Territory out of their rights to come into the Union.

The people of the country and of the Northwest say they shall come in: their rights are undeniable and they shall not be chained to all these other Territories and delayed as they have been.

This bill will go to the Senate of the United States now. It will be revised, altered, improved, rehabilitated, reconstructed, upon the basis of the Republican willingness that two Dakotas, Montana, and Washington shall come into the Union as speedily as possible, and the bill will pass in that form, or substantially in that form, or it will not pass at all.

The admission of the Territories is the legitimate work of the Republican party and it will be done by the Republican party. The Democratic party will take back seats in this work of enlarging the domain of the magnificent empire of freedom and Republicanism. [Applause.]

Oklahoma.

I will consent to the disposition of no foot of the public domain for any purpose on earth outside of the necessities of the Government for its own uses except for free homes under the homestead laws.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 30, 1889.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes—

Mr. GROSVENOR said:

Mr. CHAIRMAN: Before commencing my remarks I will ask unanimous consent to be permitted to proceed for ten minutes without interruption, as it will be more satisfactory to me to know at this time that my time is to be extended than to have to depend upon the uncertainties at the end of the five-minute speech.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Ohio.

Mr. GROSVENOR. Mr. Chairman, I do not address the committee as a Grand Army man, although I have had the honor to be a member of that organization for a great many years; but I deny, sir, that any man has the right to come here and attempt to represent that organization upon the floor of this House and to use his position therein to push to successful issue interests wholly foreign to the purposes and aims of that great body of patriotic citizens. I am here as a representative of the people, and am trying to do what is right and just be-

tween and for all the interests involved here. Of course I am like others; I may be mistaken in my judgment, but my purpose is to do the best I can for all the great interests which seem to be in conflict in the bill under consideration.

Now, Mr. Chairman, we have before us for the first time in a good many years a splendid opportunity for the representatives of the people in Congress to make good some of their profuse and oft-repeated pledges to the soldiers of the country—pledges which have been made in many an election contest only to be broken when success has crowned the efforts of the party making the promise.

Mr. SYMES. Will the gentleman allow an interruption?

Mr. GROSVENOR. Only that the time I have is very brief I should not object.

Mr. SYMES. I understand that, and I dislike to interrupt the gentleman for that reason.

Mr. GROSVENOR. I will yield for a question.

Mr. SYMES. I was going to suggest that I had pointed out the fact that during ten years past there had been many such opportunties of which the gentlemen had not availed themselves.

Mr. GROSVENOR. Well, the gentleman's speech has been accurately reported, I presume, and it was certainly delivered with great effect and it will show for itself. I may remark, however, that the failures of duty in the past will not condone for a failure now. Now is the accepted time, and now is the last day of salvation to the great soldier interests for which we have so often professed affection. Very often the parties in this country have said to the soldiers that they were in favor of donating to them the public lands of the country, and nine out of every ten of the soldiers, survivors of the late war, to-day understand and believe that when they entered the service they were promised 160 acres of land.

There has not been an important gathering of soldiers in the United States for twenty years where a majority or a very respectable minority have reported and sustained resolutions demanding of Congress that they make good what they claim to have been a pledge to the soldiers. Their claim is and has been that they were to have given to them 160 acres of land outright and without terms or conditions. It is true that I have never so understood the situation, and it is true that I have never advocated the outright giving of 160 acres by land warrant to the soldiers of the country, for I feared the transfer of those warrants to monopolists, and rings, and combinations in the country, but these promises of politicians and these platforms of political parties have become as sounding brass and tinkling cymbals, and have been the subject-matter of a hundred thousand broken promises by the men who have been elected to Congress representing or pretending to represent the soldiers.

Mr. KERR. Can the gentleman mention a platform that it has been mentioned in?

Mr. GROSVENOR. Hundreds of them have said so.

Mr. KERR. Mention one.

Mr. GROSVENOR. The gentleman certainly is not in the highest good faith. It has been done over and over again, pledging the party to give to the soldiers 160 acres of the public lands. I have not at my command here at my desk any political platform, and if the gentleman should ask me a hundred questions upon the subject of party platforms I might not be able to designate one of them, but the fact remains. And now, Mr. Chairman, as time has gone on, the soldier has at last found himself remitted under the favor which Congress has given him to the right to locate upon the public lands as a homsteader and have the benefit of the time he served in the Army counting to make up the term of his occupation in order to secure him a title. But to-day, sir, if he desires to carry out and enjoy that condition of affairs, he finds himself driven to the fractions of broken up and substantially valueless lands along the lines of the great railroad companies.

The best lands are occupied, and thousands of soldiers have been unwilling to go to the colder climates of the Northwest to locate, and have waited hopefully and patiently for the opening up of this beautiful territory farther south, in the more genial climate of the Indian Territory, with the hope that they may be allowed to go there upon such terms as would indicate the generosity of the Government, and make for themselves homes, and erect for themselves roof-trees, and leave for their posterity the alluvial lands of that favored climate. They have looked forward to it with confidence, and the petitions from soldiers and Knights of Labor with which we have been favored in this Congress have been forwarded to us, in my judgment, ninety-nine times out of a hundred, upon the theory that the opening of this territory was to afford to the soldiers of the country an opportunity to secure homes. Not only so, but the laboring men of the country have saved a small sum of money equal to the expense of a removal to that country and the building of a house and the procurement of agricultural implements, and have believed and understood that the organization of the Oklahoma Territory was to be a provision for the occupation by actual settlers under the homestead laws of the country of the land in controversy. And now the opportunity is presented to Congress to carry out this beneficent idea.

The amendment proposed by the gentleman from Illinois [Mr. PAYSON] proposes that the Congress of the United States will not discriminate against the soldier and will leave him to stand just exactly where he does now with relation to the public lands. That is all we ask. We say, acquire this land by purchase, by treaty, by any other way short of larceny, and when it is acquired by the Government give it to actual settlers; and if you refuse to give it to the settlers at least, I stand here and say, give it in homestead lots to my comrades of the battle-field. Could there be a better nucleus for a growing State than the presence in the Territory of the loyal hearts and brawny arms and the intelligent and patriotic posterity of the men who saved the Union, made that Territory valuable, and made it possible for the United States Government to donate this pitiful sum of $1.25 an acre to establish a magnificent State? Let us send a grand column of the old soldiers and the sons of veterans, too, down into that Territory, lying as it does, surrounded by Arkansas and Texas and the other States and Territories surrounding it, and, Mr. Chairman, there will be one grand assurance to the people of the country, there will be a loyal constituency, a loyal nucleus, a rock of patriotism against which the waves of vagabondism and the tide of disloyalty may set and break in vain. The claims of pure patriotism will be erected in the form of a State edifice, a State within the meaning of the word "State" as used in our political literature.

What constitutes a State?
Not high-raised battlements or labored mound,
Thick wall or moated gate,
Not cities proud, with spires and turrets crowned,
Not bays and broad-armed ports
Where laughing at the storm rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride;
No! Men, high-minded men,
With powers as far above dull brutes endued,
In forest, brake, or glen,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights; and knowing dare maintain,
* * * * * * *
These constitute a State.

But it is said, Mr. Chairman, by the gentleman from Colorado that this land does not become the property in law, in equity, of the Government of the United States, but that it is taken in trust by the Government, the Government being the trustee and somebody else the *cestui que* trust. It is a fiction to say that this land becomes a trust in the hands of the Government. There is nothing of it. It is a pure, unqualified, ingenious invention. Has the gentleman from Colorado read this language of the bill?

That whenever Indian lands are purchased by the United States with the consent of the Indians and upon the settlement of said territory.

And so it runs all through the bill. A proposition only to put the land in the hands of the Government as a trustee; it is not to create a trust; it is not to transform this land into a trust fund; but the proposition is to put the money received from the sale of the land into the hands of the Government, and the trust character, if there is a trust, adheres to the fund and not to the property itself.

The land becomes the property of the United States Government just as much as do the other and all other lands acquired by treaty or purchase or by any other process by which the Government can obtain public lands. Why, Mr. Chairman, follow out the suggestion of the gentleman from Colorado. After the Indian title is extinguished in the land what claims have they upon the land? Who then is the *cestui que* trust? For whom does the United States Government hold the land? It is the land of the Government, subject to such disposition as the Government may see fit to make, and limited by no consideration of the source from which the Government derived the title.

Mr. SYMES. Will my friend pardon me here for mentioning that an amendment has been adopted by the committee removing all doubt upon that, to the effect that no land shall become railroad land under the claim of vested rights, and it is provided that it shall not become public land under any circumstances?

Mr. GROSVENOR. I am informed that no such amendment has been adopted, and notice has just been served that such an amendment will be offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. SYMES. If the gentleman will pardon me, I will state that it is the Committee on Territories, not the Committee of the Whole, as he seems to understand.

Mr. GROSVENOR. I hope the gentleman will not interrupt me. I am saying that no lawyer will say that in this act lying before me the land does become a trust in the hands of the Government, nor does it purport to do so. It simply proposes that the Government shall acquire title to the land and then it stands on all fours with all other public lands. What court would entertain a bill in equity by the Indians after parting with the title, seeking to control the action of the Government as a trustee? To whom would the Government be amenable as a trustee for any failures of duty? The whole theory is a fallacy.

Now, Mr. Chairman, what we appeal for to this committee is to give the soldiers of the country who are willing to go to Oklahoma and settle there the right to go and settle on this public land, to acquire the title of 160 acres of this magnificent soil by the usual processes of homestead entry, and giving the credit to the soldier for all the time

which he served in the Army, not exceeding four years, as against the five years of occupation requiring him to obtain a title.

It is said that that is too much money to invest in the soldier, and gentlemen coolly sit here professing to be the representatives *par excellence* of the soldiers of the country and say 160 acres of land, costing the Government $1.25 an acre, is too much money to lavish upon the soldiers.

The gentleman from Colorado says in one breath that that is his position, that it is an extravagant expenditure of money, and in the next breath he inveighs against the dereliction of certain parties on this floor because the dependent pension-bill, which was vetoed by the President, has not been passed over that veto.

The dependent pension-bill would give to every soldier the value of this $200 in a year and a quarter all his life at $12 a month; but, sir, here is an opportunity to give to everys oldier 160 acres of land upon the mere occupation, it being but $1.25 an acre. It will save many a poor soldier from the poor-house. There is more in it to this country than in the dependent-pension bill. There is more in it for the benefit of the soldier to-day and his posterity in the future than any bill that has been pending in this House since I became a member of it. It gives to these soldiers, the men who are anxious to go into this Territory, an opportunity to go there and locate their homes and erect their roof-trees and build up that State, which in my judgment will soon become one of the brightest stars which surround the diadem of this Republic. The Government will make money by it. The States will make money by it. The aggregate possibilities of the future generations of the descendants of soldiers will be benefited to an extent that can not be computed in money.

I demand, therefore that there shall be no longer doubt and hesitation upon this subject, and let us have a vote, Mr. Chairman, and let us know what in the future we may depend upon. Let us know who they are upon this floor who are more anxious for the hordes under the command of "Pawnee Bill" than they are for the soldier and his children. Let the lines be strictly drawn. Let there be no evasion. The issue was never more clearly presented upon any question in this House than upon this one, and the soldier of the country, with that intelligence which has never failed him, will look upon this record and say, "He that is not with me is against me, and he that gathereth not with me scattereth." And, Mr. Chairman, at the next Grand Army meeting, when a resolution is presented demanding 160 acres of land, let our friends here who voted against this amendment be ready and able to rise and explain why it was that they were unwilling to give 160 acres of this land, which is to cost the Government under circumstances $200, to the soldier and his family.

Mr. PERKINS. Will the gentleman permit me to ask him a question here?

Mr. GROSVENOR. Certainly.

Mr. PERKINS. I would like to ask the gentleman if he is in favor of this bill?

Mr. GROSVENOR. If that provision is to be in this bill I will vote for it.

Mr. PERKINS. I am glad of that.

Mr. GROSVENOR. But, Mr. Chairman, without it I will never vote for it. I will stand where I have ever stood, opposed to the transfer of one acre of the public domain to any other purpose than that of free homesteads to actual settlers. It makes no difference to me what the rights, what the interests of certain great corporations may be in this land. Gentlemen tell us that the bill is so guarded that there must be actual settlement in order that title can be acquired under this bill. Actual settlement, Mr. Chairman, is the fraudulent rock upon which the lands of this Government have been shivered into pieces in so far as the rights of homesteaders have been concerned, and it is the fatal delusion by which the Congresses of the United States have been beguiled into handing over to syndicates and corporations and combinations of individuals the fairest portions of this heritage of ours.

Mr. Chairman, the policy of homesteads for actual settlers is the policy of the Republican party. The first bill for its attainment was vetoed by a Democratic President; the first bill that finally settled the question in favor of homesteads was signed by a Republican President, and to-day it is the settled policy of the Republican party. Millions of acres of this land have been deflected. Land grants to railroads was a policy supported by both political parties, and I do not complain of it. By far the greatest advantage that has ever come to this country from the use of the public lands has come from the policy of subsidizing the trans-continental lines. I know that. No man to-day is a wise statesman who inveighs against the original grants by the Government in this behalf, but the time has come when we ought to look about us and reclaim every foot of land that has not been justly earned, reassigning it to the public domain, and guard it with all the jealous care that patriotic duty enjoins and parcel it out only to men who desire it for actual homestead purposes.

My career in Congress, Mr. Chairman, may be short. Life is uncertain and political tenure can not be counted upon, but while I am here, with charity to all men who differ, I will consent to the disposition of no foot of the public domain for any purpose on earth outside of the necessities of the Government for ordinary public purposes of the Government excepting to give to the people of this country homes. I would foster the American home, and I would foster it upon land the fee-simple title to which is in the holder of the home. A man is a better citizen, more independent, more willing to risk something for the Government when he owns the roof over his head.

And in conclusion, let me say there is no class of men on earth to whom the general public of the United States can so well afford to be generous as to the men who conquered this territory, made it a part of the priceless estates of the Republic, and made it possible for the Treasury of the United States to buy this Indian title at this nominal sum; and on their behalf, and on behalf of their children and their children's children, and on behalf of the best interests of the great Republic I demand the adoption of this amendment. [Applause.]

Maritime Canal Company of Nicaragua.

SPEECH

OF

HON. JAMES E. COBB,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 5, 1889.

The House having under consideration the report of the committee of conference on the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua—

Mr. COBB said:

Mr. SPEAKER: My purpose is to oppose this conference report, and I believe that the House owes it to itself to reject it. It seems to me that the demand for such action follows from a consideration of the proceedings in the House taken on the pending bill when it was under consideration on a former day. It will be remembered that, while the bill was on its passage, certain amendments were incorporated in it by a yea-and-nay vote, and by a very decided majority. These amendments, some of them at least, which were adopted by the House in this deliberate and decided manner, were stricken out by the conference committee; and when we examine their report we find that the amendments which they have thus dealt with are those which are peculiarly obnoxious to the promoters of this enterprise.

The Holman amendment, for instance, which provides that the Government of the United States shall be in no way, pecuniarily or otherwise, responsible for the obligations incurred by the proposed corporation is, it is true, allowed to remain; but that part of the amendment, the purpose and effect of which is to advise the world of the action of the Congress of the United States in this regard, has been stricken out by the conference committee, and we are confronted with the remarkable fact that neither the committee nor the chairman in charge of the report deigns to give us any reason for this action.

Mr. RAYNER. We will give you the reason at the proper time.

Mr. COBB. Well, I would like to have it now.

Mr. RAYNER. The reason was simply this—you refer now to the amendment which provides that upon every certificate of stock a provision had to be printed declaring that the Government of the United States was not responsible—is that it?

Mr. COBB. That is it.

Mr. RAYNER. Well, the reason is this: We did not see a particle of sense in an amendment of that character, after considering and reflecting upon it, that a corporation should go to work with a provision in its charter that the Government of the United States should not be held responsible in any way for the acts of the incorporators, and then insert the same provisions upon every paper of every character issued by the company, for the reason that if you did not bind the Government in the charter itself it would not be responsible any way. It there was not a word in the charter declaring that the Government was not responsible, you could not hold it responsible; and in view of that we did not think it proper to put the stock upon the markets of the world with the clause printed upon it that the Government of the United States should not be responsible when it was not responsible by the legislative enactment incorporating the company, and when there is an express provision in the charter that it should not be responsible. And the reason we came to that conclusion was this, that such a provision was put in with the object of intimidating and frightening the people from buying stock with the design of breaking up the company and defeating the enterprise.

Mr. DUNN. There is no more reason for it than printing the Ten Commandments on the stock.

Mr. RAYNER. There never was a certificate of stock issued by any corporation in the world which contained such a provision.

Mr. FARQUHAR. Never in the world.

Mr. O'NEILL, of Pennsylvania. I will state in addition——

Mr. COBB. I believe I have the floor, Mr. Speaker.

Mr. O'NEILL, of Pennsylvania. I wish to state, in addition to what my colleague on the committee has said——

Mr. HOLMAN. I demand the regular order. The gentleman from Alabama is entitled to the floor.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The gentleman from Alabama is entitled to the floor, and the gentleman from Pennsylvania is out of order.

Mr. O'NEILL, of Pennsylvania. I think the gentleman will yield to me for a moment.

Mr. COBB. I do not desire to consume much time, and I do not want this interruption to be taken out of my time. What is the gentleman's suggestion?

Mr. O'NEILL, of Pennsylvania. I was only going to add——

The SPEAKER *pro tempore*. The gentleman from Alabama is entitled to the floor and the gentleman from Pennsylvania is out of order.

Mr. O'NEILL, of Pennsylvania. The gentleman from Alabama has yielded to me. I do not want to be out of order, Mr. Speaker, and would not interrupt the gentleman without his consent.

Mr. COBB. I do not yield for a speech.

Mr. O'NEILL, of Pennsylvania. I only want to add to what has been said by my colleague on the conference committee, just a word, that no one involved in this great enterprise by subscribing to the stock but would familiarize himself with the charter of the company, and understand the obligations of the company; and hence, there would be no necessity for printing on the back of every certificate this condition.

Mr. COBB. Well, I have said I did not yield for a speech.

The SPEAKER *pro tempore*. The Chair has endeavored to protect the gentleman in his right to the floor.

Mr. O'NEILL, of Pennsylvania. I have got through. [Laughter.]

Mr. COBB. Mr. Speaker, the answers which I received to the criticisms I have been disposed to make of the committee because of the fact that they have refused or failed to advise us of the reason of certain action taken by them when the rules of the House absolutely require them to give us the reasons, are but in line with the pretense of reasons which have already been given in debate. When we recur to the statement made by the conferees at this point, and a very important point it seems to me, we find this:

> The striking out of the words in the latter part of the amendment relieves the company from the necessity of printing on every bond, on every contract, and on every certificate of stock, and on any other obligation, the words of the amendment.

The gentleman ought to obtain a patent for discovering that sort of an answer to the requirements of a rule of this House. Rule XXIX of the House says——

Mr. CLARDY. The rule says the effect shall be stated.

Mr. COBB. Exactly.

Mr. CLARDY. Is that not a statement of the effect?

Mr. COBB. I think not, Mr. Speaker. Let us see.

Mr. CLARDY. Are you demurring to the statement?

Mr. COBB. I hope the gentleman will allow me a few moments to prosecute my argument. Every intelligent man of this House understands perfectly the meaning of Rule XXIX. This rule, in speaking of conference reports, says:

> And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositio.s will have upon the measure to which they relate.

Now, the chairman of the conference committee says he has given us the effect mentioned in the rule, by stating that striking out a portion of the amendment to the bill will relieve the company of a little extra printing. The intention of the rule is that the House shall be advised of the effect of the action of the conference committee upon the "measure to which it relates;" that is, on the law, if the bill becomes a law.

The committee answer the demand of the rule by stating simply that the corporation will be relieved of a little extra printing. To call that a compliance with Rule XXIX is simply—begging the gentleman's pardon—absurd. Now, the gentleman from Missouri [Mr. CLARDY], who is in charge of this bill, seemed to suppose on yesterday that I was attempting to obstruct its consideration. In this he was mistaken. I was entirely willing that the consideration should proceed as speedily as might be; but I did desire to have from the conference committee a statement embodying their views of the effect of their action on the law proposed to be enacted. They have been tender-footed at this point from first to last; and when called upon now to tell us why they struck off a part of the Holman amendment what is the answer? Why, the distinguished gentleman from Maryland [Mr. RAYNER] says it was absurd to put it there; and that is his reason. The House of Representatives, by a yea-and-nay vote deliberately taken, put it on this bill with a majority of one hundred in its favor; and yet the gentleman—a member of the conference committee—says it was perfectly absurd for the House of Representatives to act in such a manner, and therefore such action of the House was not worthy their consideration.

The chairman of the committee says it is a unique provision, and that is his answer. Is it more "unique" than the spectacle we have presented to us to-day of a private business corporation appealing to the Congress of the United States for a charter? And while we are on the question of uniqueness let us consider for a moment what this conference committee saw proper to allow to remain upon this bill—that is, the amendment introduced by the gentleman from New York [Mr. BAKER], providing that this corporation shall report annually to the Secretary of the Interior. Now, let us see about that for "uniqueness." A private corporation, a corporation erected only for private business purposes and to protect private business interests, called upon to report annually to one of the Departments of the Government of the United States! How is that for the "unique?"

Mr. RAYNER. A public corporation.

Mr. COBB. A public corporation, is it?

Mr. RAYNER. It certainly has nothing which defines it to be a private corporation. It is a quasi-public corporation.

Mr. COBB. I would like the gentleman to name any authority by which a report, even from a quasi-public corporation, should be filed with the Secretary of the Interior.

Mr. RAYNER. I do not think there is any State in the United States in which private corporations are not required to file reports of this character. They certainly are in my State.

Mr. COBB. There is no analogy between what a State may require in this particular and what the United States should require; but I will assert there is not on the statute-books of any of the States a provision like the one incorporated upon this bill by the Baker amendment.

Mr. RAYNER, There is hardly a State in the Union in which life and fire insurance companies are not required to render reports to the proper officers of the State every year, and the reports that they are compelled to make are always open to public inspection. The law in my own State requires banks and other corporations of the State to file a report so that the public can see and the stockholders and creditors can know all about their condition.

Mr. COBB. There are provisions in State laws, I am aware, which require private corporations, or some of them, to make reports to certain designated State officers of their financial standing, to show their assets and liabilities, so that the world may be advised as to their solvency. There are such provisions of law in reference to peculiar corporations, principally those of life insurance; but here you have a provision giving authority to the Secretary of the Interior to prescribe any rule he pleases in respect to calling on this company to make their report. It is absolutely in his discretion.

Now, Mr. Speaker, if a greater stride than this can be made towards centralization, I should like to know what it is. Think of it! Hold up this amendment and look at it in a clear light and with unobscured vision, and what does it mean? It means that the Government of the United States, through its Interior Department, shall gather to its supervision, at least, the private business interests of citizens of the United States. It means that and nothing more; for, let it be understood, it is not claimed that this annual report is required because the corporation is to be a Government agent; and yet this is not "unique!" The committee could not have reported anything more "unique;" and let me here express the hope that this law, if enacted, will long remain on the statute-books solitary in its "uniqueness."

But, Mr. Speaker, I think there is a reason for striking out the amendment, and I think it is a reason that these gentlemen do not care to have brought to the light of an open investigation. I am not impeaching their good faith, of course. They believe this scheme to be right; they believe that we have the authority to pass the bill, and these are matters for their determination. So I suppose it is with these other gentlemen who have made haste to go into the public prints of the country to criticise harshly men who in the exercise of their honest judgments have seen proper to oppose this legislation. I pause here long enough to say that the cause, whatever it may be, which seeks its promotion in an appeal to the instrumentalities of misrepresentation and slander can not be just, and that the men who deliberately use such agencies are not to be trusted.

Mr. KERR. Will the gentleman yield for a question?

Mr. COBB. If it will not take too much time.

Mr. KERR. Is it not proper, in the interests of those outside of this corporation, that the corporation should be required to file reports showing the condition of its affairs?

Mr. COBB. I will deal with that further on. I do not care to stop to discuss it now, because my time is limited.

Now, Mr. Speaker, what is the true object and purpose of these gentlemen prompting them to come to Congress to be incorporated? Is it in order that they shall be erected into a body corporate? Is it simply that and nothing more? That was proclaimed upon this floor to be their object when the bill was under consideration the other day, but is it true? If so, why should we act in the premises? It is a known fact, an admitted fact on all hands, that the very men who are seeking this charter of incorporation from the Congress of the United States are already a body corporate. In an interview published only a few days ago of one of the principal managers of the company, he says that they applied to the Legislature of the State of Vermont for a charter of incorporation and received it; and further, that they had organized under the charter granted by the State of Vermont; and still further, that they proposed to construct the canal under that charter if the Congress of the United States should refuse their request as made in this bill. Here is another little matter of the "unique;" a body corporate, men already erected into a corporation, and working under the charter

granted them, coming to the Congress of the United States to ask it to incorporate them again, when everybody knows, who knows anything about our system of government, that every State in the American Union has the same right and the same power over this matter, regarding it as a private concern, that the Congress of the United States has—even if the Congress have any power over it at all, which I shall deny.

It can not be, then, that these gentlemen came here merely in order to be erected into a body corporate and without any ulterior designs. What else can be their purpose? Is it that the world may know that, inasmuch as this corporation is composed in part of citizens of the United States, therefore the Government will extend its protecting care over them wherever they go? Is that it? We had an answer to this question on yesterday in the remarks of the distinguished chairman [Mr. CLARDY], who has charge of the bill. You heard his eloquence, and, by the way, in his zeal he went a little farther than perhaps most of us would be willing to follow him. "Once an American, always an American," was his enthusiastic language. If I read history aright we had a little fuss some years ago, growing out of our assertion of the contrary doctrine. But let that pass. The chairman says in effect—I do not quote his language; I have not time to refer to it in the RECORD—the world knows that everywhere an American citizen goes the strong arm of our Government goes with him for the protection of his person and his property. He admits that. Then this charter of incorporation is not required in order to secure to these American citizens the protection of the American Government abroad. I am glad the world does know it. I am glad that it is true that we protect our citizens abroad. It is not necessary to proclaim our purpose in this regard by granting a charter of incorporation. The world knows it already, and every American citizen who goes into this enterprise, whether incorporated or unincorporated, goes with the assurance that over his person and over his property is extended the protecting ægis of the Government of the United States against improper and illegal menaces.

What, then, is this charter needed for? Is it that hereafter when financial embarrassments come to this company there shall exist a basis of moral appeal, at least, to the Congress of the United Stares for relief; that the corporation may be in condition to say to this Government with plausibility, "You granted our charter, you made us a quasi—to quote my friend from Maryland [Mr. RAYNER]—public institution with which the United States is directly connected, and therefore should see to it that our enterprise is sustained?" Is that the object?

Mr. RAYNER. Why, certainly not.

Mr. COBB. The gentleman from Maryland says, "Why, certainly not." He denies that. Then what is the object? One answer and one alone can be given; that is, that by this mere act of incorporation we put it into the power of these gentlemen to go into foreign countries and secure sale for their bonds and stock upon the idea that they are backed by the Government of the United States.

This is a private corporation, mark you, Mr. Speaker, which it is proposed we shall create. We must never lose sight of the fact that this is a private enterprise, undertaken by private citizens—a private business interest, which is seeking to be promoted by the moral influence of the Government of the United States. Shall we in this day enter upon that kind of legislation? Shall we take this stride toward centralization—consolidation of the General Government? Shall we make this precedent of the interference of the General Government in private business interests? These are grave questions which address themselves to members of this House in considering the propriety of passing this bill.

Mr. SCOTT. Will the gentleman allow me a question—a short one?

Mr. COBB. Yes, sir.

Mr. SCOTT. As the gentleman has said that this is a "private corporation," I wish to call his attention to the fact that the Clayton-Bulwer treaty between the United States and Great Britain relates entirely or mainly to the construction of this canal; and if this canal is simply a "private enterprise" in the sense in which the gentleman speaks of it, what was the necessity of our Government entering into a treaty such as the Clayton-Bulwer treaty for the purpose of controlling and regulating the construction of this canal in the future and the manner in which it was to be operated?

Mr. COBB. Mr. Speaker, if my time is sufficient I propose to answer the gentleman in the line of my argument when I come to deal with that part of this question relating to the powers of the General Government under the treaty-making clause of the Constitution. I have not reached that point yet; I fear I shall not have time to discuss it; but if I have I shall deal with the question suggested by the gentleman from Pennsylvania.

But, Mr. Speaker, I was about to urge that it is not fitting, it is not in accord with the dignity of a great government like that of the United States, to put in the hands of any man, or any set of men, the power to go abroad and get money upon false pretenses; that is, to enable the corporation to secure in the money markets of the world the prompt sale of its stock and its bonds upon the idea that the Government of the United States, with its vast power and wealth, will see to it that the enterprise shall become a success. Is nothing of this sort in contemplation? If not, how is to be explained the inconsistency of the deliberate utterances of the friends of this bill, made on this floor and through the public press? They object to having a negation of Government responsibility indorsed on the bonds of the company. They tell us this is a "unique provision," a "useless requirement," for the reason that everybody in the world must take notice of the provision inserted in the act of incorporation, that the United States is not to be responsible for the obligations of the company. And yet, in the next breath, they assert that if such indorsement is required to be made, the value of the franchise will be thereby destroyed.

But, Mr. Speaker, I must hasten on. I am considering this as a private enterprise. Heretofore the claim has been on the part of all those who have advocated the measure that it is a private enterprise; that this is to be simply a private corporation. Now, Mr. Speaker, if that be true, or even if it suits gentlemen to term it a quasi public corporation, then we have no constitutional right to pass this bill. There is nothing more clearly established (at least to my apprehension) by judicial decisions, both of State courts and of the Supreme Court of the United States, than that the Congress of the United States has no constitutional right to erect a private business corporation for merely private business purposes. This was clearly decided in the case in which Chief-Justice Marshall delivered that magnificent opinion, which has been quoted perhaps oftener than any other opinion that ever emanated from that great judge, who was *primus inter pares* of American lawyers—the case of McCulloch *vs.* The State of Maryland.

This opinion contains a learned and lucid exposition of the power of Congress in the matter of erecting corporations. It will be remembered that the Bank of the United States, incorporated by Congress, had established a branch bank in the State of Maryland. Shortly thereafter the Legislature of that State enacted a law requiring all banks doing business in the State, and not incorporated by itself, to pay a license tax. The payment of the tax was resisted by the Bank of the United States on the grounds that it was rightfully incorporated by the United States, and that no State could impose a tax on the business of a corporation thus created. The case thus arising went to the Supreme Court of the United States, and was there ably argued.

The opinion of the court is before me, and I ask attention to one or two extracts which I will read. Let me first, however, call attention to an expression in the brief of Mr. Pinkney, who represented the bank. It is significant, to show the current opinion of the legal leading minds of that day touching the limitations of the Constitution in the matter in question and to show the progressiveness of more modern ideas.

Mr. Pinkney says:

> An express authority to erect corporations generally would have been perilous, since it might have been constructively extended to the creation of corporations entirely unnecessary to carry into effect the other powers granted. We do not claim an authority in this respect beyond the sphere of the specific powers.

Such is the guarded language of the eminent lawyer whose duty was to sustain the power of Congress in giving life to his client, the Bank of the United States.

In delivering the opinion of the court Chief-Justice Marshall discusses with great clearness and force the distinction between express and implied powers contained in the Constitution, and shows that the latter exist only when they are means necessary to be used in the execution of express grants. Coming to the particular of the erection of corporations by Congress and the influence of the Constitution on the exercise of such authority, he says:

> Nor does it prohibit the creation of a corporation if the existence of such a being be essential to the beneficial exercise of those powers—

Meaning by "those powers" the powers expressly granted. Further on he says:

> The power of creating a corporation, though appertaining to sovereignty, is not, like the power of making war or levying taxes or of regulating commerce, a great substantive and independent power, which can not be implied as incidental to other powers, or used as a means of executing them. It is never the end for which other powers are exercised, but a means by which other objects are accomplished.

Again he says:

> No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.

And yet further:

> Had it been intended to grant this power as one which should be distinct and independent, to be exercised in any case whatever, it would have found a place among the enumerated powers of the Government. Being considered merely as a means to be employed only for the purpose of carrying into execution the given powers there could be no motive for particularly mentioning it.

Following this line of reasoning is the announcement of this principle:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution are constitutional.

I have read these extracts from this able opinion to show that the creation of a corporation is not a substantive power conferred on Congress either expressly or by implication, but is only a means to be used in the execution of a granted power, and further to show that the "legitimate end" of Congressional legislation is to be found in some one or more of the expressed powers contained in the Constitution, and nowhere else.

Therefore, I say, Mr. Speaker, that if by this bill it is sought to

create a body-politic for private purposes solely, and not that it may be used as a means by which some express power may be executed, we have no constitutional authority in the premises, unless, indeed, we accept the doctrine announced by my colleague [Mr. OATES]. I admit that if he is right we need talk no more about constitutional prohibitions or limitations. By one bold stroke he has destroyed them all; and this Government is a nation uncontrolled and unfettered by constitutional restrictions when it is acting in affairs not pertaining to our domestic relations. Here is his language:

The powers delegated to the United States to make treaties, regulate commerce, etc., with foreign nations, meant upon the part of the States that they renounced these sovereign and unlimited powers and transferred them in all their original plenitude to the National Government.

The Constitution created a national government with limited powers over, among, and between the States who created it, but with unlimited powers toward all other nations and peoples. Each of the parties to its creation was before its adoption a sovereign and independent State or nation, and was so acknowledged by Great Britain at the peace. Each possessed the right to make treaties and regulate commerce with foreign nations without limit until they delegated or granted that right to the United States, and ever since they have had no power over either.

If the States had these powers without limit, all that they possessed passed by the grant, and it follows as a logical sequence that the United States, in dealing with foreign powers, is not restrained by constitutional limitations nor restricted to affirmative grants. Other nations do not recognize New York or Georgia as sovereignties. They do not recognize any State or any number of States as having any right to deal with them in any respect whatever. They deal with the United States as a single sovereignty, as one of the nations of the earth. They take no note of any limitation of its power or want of power. They know nothing of the Constitution and its restraints, and care less. And when the United States make treaties, regulate commerce, or transact any other business, they act as though they were but one State—a solid body—as though Congress and the President were sovereign or empowered without limit, save their own discretion, which is in fact no limit at all, except that their policy may be condemned by the people at the next election.

This idea is not altogether new; it did not originate with me. I have seen that it was advanced in debate as far back as 1848 by Mr. Calhoun, when he was called upon to cite constitutional power or authority for the appropriation which was proposed for the relief of the starving Irish people, and he said that there was no constitutional question involved, because the powers of this Government as to foreign nations were not restricted to constitutional grants; and I think he was right.

I can not discuss at length the views here presented. When I examine carefully the language of the Constitution, and when I study in connection the history of its formation and adoption, I am constrained to dissent from these views.

My colleague thinks that he is in accord with the sentiments of Mr. Calhoun. I must beg again to dissent. I do not read the great Carolinian aright if he ever conceived the idea of tracing any of the powers of Congress to other source than the grants contained in the Constitution.

It is true that in 1847, I believe it was, when the question of sending supplies to Ireland was under discussion in Congress he had somewhat to say, and is thus reported in the Congressional Globe:

Mr. Calhoun made some remarks in so low a tone that he was very indistinctly heard in the gallery. He was, however, understood to say that he was as happy as any gentleman on that floor to co-operate in measures of relief for the suffering people of Ireland, but he wished very much that they had more time at their disposal to give it consideration.

* * * * * * *

He suggested that a national vessel should be sent to Great Britain and to France to carry the bounty of this country; and he was understood to say that no constitutional difficulty interfered to prevent it. He drew a distinction between the foreign and domestic policy of this Government.

That is all; and how slight it is as a foundation for the belief that this eminent statesman entertained the views now advanced by my colleague, that there exist in this Government powers outside of and beyond the grants in the Constitution contained. Mr. Calhoun was understood to say he drew a distinction between the foreign and domestic policy of the Government; but what distinction is not stated, nor how derived.

Mr. OATES. Will my colleague allow me to interrupt him for a moment?

Mr. COBB. Certainly.

Mr. OATES. I would like my colleague to state what limitation there is under the Constitution for the war-making power of this Government, for the treaty-making power, or the power of this Government to regulate commerce with foreign nations. I beg him to state what good purpose could possibly be subserved by the limitation of the power of the Government when it goes outside of the States which formed it in dealing with foreign nations.

Mr. COBB. I will answer every question if the House will give me the opportunity to do so. Every one of these question I will deal with because they are in the line of my argument, if I can get time for that purpose.

Against the declaration of my colleague I put not only the language of Chief-Justice Marshall in McCulloch *vs.* Maryland, but the not less emphatic utterance of Justice Story in the case of Martin's Heir *vs.* Martin's Lessee, reported in 1 Wheaton:

The Government, then, of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given or given by necessary implication.

And, further, I put the language of a jurist of later times, whose niche in the temple of fame is hard by that of Marshall himself. I refer to the opinion of Chief-Justice Chase in the causes known as the legal-tender cases.

Mr. OATES. My colleague will remember the question in the legal-tender cases was one of domestic policy, and not one of dealing with foreign nations.

Mr. COBB. It was a national question.

Mr. OATES. Oh, national; but not international.

Mr. COBB. And the authorities go to the effect that in all questions of national import, and of which Congress may rightfully take cognizance, no distinction is recognized between foreign and domestic affairs. The Supreme Court of the United States so pronounced in a dozen different decisions. Here is the language of Chief-Justice Chase, which I was about to quote, and his language is not restricted. He does not limit his constitutional views in this behalf to matters of internal concern, as a cautious judge would if he intended his views to have such restricted application:

It is unnecessary to say that we reject wholly the doctrine advanced for the first time, we believe, in this court by the present majority that the Legislature has any "power under the Constitution which grows out of the aggregate of powers conferred upon the Government or out of the sovereignty instituted by it." If this proposition be admitted, and it be also admitted that the Legislature is the sole judge of the necessity for the exercise of such powers, the Government becomes practically absolute and unlimited.

A MEMBER. Where do you quote from?

Mr. COBB. I quote from 12 Wallace, page 582, in the legal-tender cases.

Mr. OATES. He was speaking for the minority.

Mr. COBB. He was speaking for the minority of the court, but in speaking for the minority he was reiterating in substance what the majority had said when the same question was before the court in the case of Hepburn *vs.* Griswold.

It is true that the language here quoted is in a dissenting opinion; but the same doctrine is advanced which was enunciated by the court before that change in its *personnel*, which is so well remembered; and the question is now, which opinion will my colleague take? Will he stand by the opinions of Chase and Nelson and Fields and Clifford and Grier, and which I know are in accord with his life-long convictions, or will he go over to the majority of the court as it was constituted when changed by new appointments?

Mr. OATES. If my colleague will permit me to interrupt him I will say that I think they were all right on the domestic question, but not where it had reference to foreign matters.

Mr. COBB. Well, I deny the distinction drawn by my colleague, and still insist that, if it has rightful existence, it would have been noticed by such careful jurists as those from whom I have quoted, when they were making solemn expositions of the Constitution from the bench.

Now, Mr. Speaker, I have been turned aside from the line of thought I intended to pursue, and my time, rapidly expiring, is not sufficient to permit recurrence to it.

Let me say briefly that I proposed to discuss at greater length the expediency of the proposed measure and to show that, harmless as it appears on the surface, it contains elements of most dangerous character. I proposed to show, by reference to the concessions granted by the Government of Nicaragua to the gentlemen here desiring to be incorporated, that that Government granted the concession to them as individuals and with a view to the prosecution and accomplishment of a private business enterprise; and that the restricted nature of these concessions precludes the possibility of security being given by the corporation to the United States for such aid as I apprehend will be sought in the not distant future.

I proposed to emphasize the danger of this new departure in legislation by which our General Government, limited in its powers, restricted in its purposes and sphere of operation, is not only to become the foster-mother of private commercial ventures, but is to carry this fostering care beyond its jurisdiction and within the dominions of independent foreign powers.

Interesting and important as these lines of thought and inquiry are, I am constrained to leave them that I may give attention to the suggestion of the gentleman from Pennsylvania [Mr. SCOTT] and my colleague [Mr. OATES] as to the express grants in the Constitution under which this legislation is justified. These gentlemen would lead me into abstractions. I have based my argument as to the legal view of this bill on the want of power in Congress to erect a corporation for private purposes solely, and have attempted to show that in no sense is this legislation sought for the purpose of creating a Government agency. But I do not fear to enter the field to which I am invited. If, then, we seek in the Constitution for the power whose exercise is now invoked we must find it, if at all, under one of three grants, the war clause, the treaty-making clause, or the commerce clause.

Mr. OATES. Before my colleague leaves the other branch of the subject, will he permit an interruption?

Mr. COBB. Certainly.

Mr. OATES. I only wish to interrupt the gentleman to ask if he does not convict Mr. Calhoun of inconsistency when he voted for sending supplies to the starving Irish and to the sufferers by the earthquake at Caracas in violation of the Constitution unless he drew the distinction which I have endeavored to call to the attention of my colleague as regards the construction to be placed upon that instrument?

Mr. COBB. We are left in doubt as to Mr. Calhoun's reasons for his support of the measures referred to by my colleague. Had he given

them, I am quite confident they would have been based on his construction of some clause in the Constitution. It is not impossible that his failure to present his views in argument may have been the result of his inability to square his convictions with his generous and tender regard for the distressed.

Be this as it may, we are not confined in the argument of the pending bill to the acceptance of Mr. Calhoun's views on a case so exceptional as the extending of relief to starving thousands. If we are to rely on him, I prefer to take his deliverances carefully made and the conclusions in support of which he brings the reasonings of his master mind.

Mr. OATES. If my colleague will permit another question I will not again interrupt him.

Mr. COBB. Certainly.

Mr. OATES. Will my colleague point out any case of dealing between the United States and any foreign government in which the Constitution puts a limitation upon the power of the United States? If there is such a limitation in the Constitution I would like to see it.

Mr. COBB. My colleague is too good a lawyer to believe that the Constitution of the United States is in its essential features a limitation upon power. He would not, I am sure, take that position in this House. The Constitution of the United States is a grant of power, and no power not granted expressly or by implication exists in any department of the Government. True, it contains certain words and clauses of limitation; but my meaning is, that distinct and definite powers are not to be presumed to exist in the Government because the exercise of them is not in terms prohibited. I referred a moment ago to the case of Hepburn *vs.* Griswold. I will quote from the opinion delivered in that case:

> But the Constitution is the fundamental law of the United States. By it the people have created a government, defined it powers, prescribed their limits, distributed them among the different departments, and directed in general the manner of their exercise. No department of the Government has any other powers than those thus delegated to it by the people. All the legislative power granted by the Constitution belongs to Congress; but it has no legislative power which is not thus granted. And the same observation is equally true in its application to the executive and judicial powers granted respectively to the President and the courts. All these powers differ in kind but not in source or limitation. They all arise from the Constitution and are limited by its terms.

Mr. OATES. I will change the question, since my colleague is so critical, and put it in this form: Is there any emergency or has such an occasion ever arisen between the United States Government and any other power where the United States is wanting in power or has not power under the Constitution to deal with the question?

Mr. COBB. The United States is not wanting in power to deal with each and every question which legitimately belongs to the Government under its Constitution. Power enough exists to meet every emergency and to accomplish all proper purposes of national character. The war power is broad; the treaty-making power is broad; the commercial power is broad, and these have thus far been sufficient to enable the Government to meet the exigencies of its foreign relations.

But I can not prosecute this line of general discussion, as I find my time is going very rapidly. Let me say that no one who has yet spoken upon this measure has sought for authority to pass it beyond the grants in the Constitution except my friend and colleague [Mr. OATES] and I can not go with him. He is good authority, I admit, and I believe this is the first time in our lives that we have separated upon a constitutional question.

Mr. OATES. We would not now, but you are not broad enough.

Mr. COBB. I claim to be as broad as the limitations of the Constitution will permit. I believe that I am bound by these limitations, and I believe that to conscientiously respect them is to the greatest interests of the people of the whole country.

Mr. OATES. You speak of the limitations of the Constitution. I thought you said there were no limitations.

Mr. COBB. When I use the word "limitation" I mean the absence of granted power. That is limitation. I thought I had made myself plain on this point when I announced my unequivocal adherence to the doctrine of Marshall and Story and Chase as judicially declared, that all authority in the Government is to be derived from the express powers of the Constitution, or from the right to use the means necessary to carry into execution the enumerated powers.

Now, Mr. Speaker, to return from this extended digression into which I have been seduced, let me again attempt to prosecute brief inquiries concerning the nature and extent of the constitutional powers which are thought to have bearing on the measure before the House.

I have mentioned the three powers from which alone can be derived authority to pass this bill; and my purpose is to show, if I can, that the authority can be found under neither of them.

It can not be found under the power to declare war, for the reason that thus to derive it is to presuppose the constitutionality of a war of conquest. The power to declare war is conferred on Congress in general terms; but it is unnecessary, I apprehend, to frame arguments to prove that to undertake a war solely for the acquisition of territory, does not consist with the spirit of the Constitution nor the genius of our Government.

We are at peace with Nicaragua; no cause for quarrel with that power exists, and we can enter its territory peaceably only by its consent. That consent can be had only by treaty, and hence to the treaty-making power, or to the power to regulate commerce, or to both combined, we must look for authority to pass this bill.

Indeed, I may say that every acquisition of territory made by the United States, whether by purchase or as the result of war, has been sustained as constitutional only by virtue of the power to make treaties.

Mr. OATES. Suppose the United States Government has a treaty with Nicaragua in this case, is it not competent for the Congress of the United States to pass an act chartering this corporation for the purpose of carrying out the provisions of that treaty?

Mr. COBB. That is a question of grave doubt with me. But we need not discuss it as an abstract proposition, for such it is in the absence of a treaty.

Mr. OATES. Does the gentleman deny that there is a treaty with Nicaragua for the construction of this canal?

Mr. COBB. I do. There was a treaty of "friendship, commerce, and navigation" made between the United States and the Republic of Nicaragua in 1867, and which is, perhaps, still of force. But it contains no word which can be construed as conferring on the United States authority to construct, or authorize to be constructed, any canal. The only clause that can possibly bear in this direction is Article XXIX, which reads as follows:

> The Republic of Nicaragua grants to the United States and to their citizens and property the right of transit between the Atlantic and Pacific Oceans through the territory of that republic on any route of communication, natural or artificial, whether by land or water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens; the Republic of Nicaragua, however, reserving the rights of sovereignty over the same.

There is no authority here given to the United States to construct a route of communication, and none has since been conferred. The United States and its citizens can claim, therefore, no other right under this clause of the treaty than the right of transit. Now, then, how can this Government confer an authority which it does not possess?

I have shown, I hope conclusively, that Congress can not erect a corporation except to be used as a means by which the Government may execute some enumerated power. Gentlemen point to the power to make treaties as one sufficient for present purposes. I answer that the treaty-making power, if broad enough, must first be exercised by the negotiation of a treaty before a means to execute it can be created.

It is absurd to say that we may create a means under a power that is dormant in order to execute something which may never exist. We may incorporate the Nicaragua Canal Company because we may in the future make a treaty which the company is to execute. Such is the reasoning. But if the treaty is not made when the corporation is erected what becomes of the corporate powers and privileges? The orporation must take whatever of life and authority it receives from Congress by pending legislation at the moment this bill is signed by the President. If it can take nothing then, it can take nothing because of after-occurrences. At that time or never it must receive the breath of life. Under the treaty clause of the Constitution, Congress can now give it no life, because there is no treaty.

But the gentleman from Pennsylvania [Mr. SCOTT] mentions the Clayton-Bulwer treaty. Waiving consideration of the question whether or not that treaty is of force, it is sufficient to say that a treaty between two independent powers can confer no authority on either to enter the territory of a third.

I pass, Mr. Speaker, to a consideration of the commerce clause of the Constitution. This is the clause invoked by the Committee on Commerce, who report this bill. Its language is:

> The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Before proceeding to an examination of its meaning, I call attention to the fact that it can have no effect to authorize the passage of the pending bill, in the absence of treaty stipulations with Nicaragua.

It is clear that the United States can not regulate commerce in its passage through foreign countries.

Be the commerce clause, then, ever so broad it can not of its own independent force authorize this Government to create a means to regulate commerce beyond the limits of its own sovereignty.

In this view the treaty and commerce clauses of the Constitution are so connected that they can scarcely be considered separately. But my objection goes deeper. I shall contend that the language of the Constitution just quoted conveys a meaning different from what the advocates of this bill ascribe to it.

In the report accompanying the bill the majority of the Committee on Commerce say:

> To facilitate commercial intercourse is to regulate it. To open a highway by water from the Atlantic to the Pacific across the center of the continent of America is an act that necessarily regulates commerce, because it creates a shorter way of navigation by thousands of miles between different parts of the earth and brings commerce under conditions that did not exist before. It affects the maritime traffic of the whole world by compelling it to abandon previous routes by water for a new and shorter one, thereby creating infinite regulations adapted to a different state of things.

On this reasoning are based the right and duty of Congress to grant the charter of incorporation asked for.

The Constitution contains a clause which reads as follows:

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

How does the reasoning of the committee tally with this constitutional prohibition? And yet their reasoning is the line of argument

pursued by all those who contend for the existence of power in Congress to construct channels of commerce.

To construct these channels is to facilitate commerce; to facilitate commercial intercourse is to regulate commerce. So smoothly runs the argument. What a pity it is that its course should be interrupted by such a trifle as a prohibitory clause of the Constitution! Still, to a plain mind it is difficult to see just how the Government can interpose to shorten the lines of commercial intercourse, especially of foreign commerce, without giving preference to the ports of one State over those of another. And then it must not be overlooked that Congress has the same power to regulate domestic as foreign commerce. So, as the wealth of the country increases, and the centers of wealth change, there is the ever-increasing demand for shorter lines of transportation, and Congress can construct them all, if the views of my friends are sound. Reasoning can not be accepted as sound that leads to such consequences.

I am reminded that there is now before Congress, and has been presented to preceding Congresses, a scheme in which my friend from Maryland is deeply interested.

Mr. RAYNER. I am not interested in any scheme.

Mr. COBB. Enterprise, then, if that is the better word. I refer to the proposition to construct a canal across Maryland to connect the waters of the Chesapeake with Delaware Bay.

Mr. HEARD. You mean that the gentleman from Maryland's constituents are interested in it.

Mr. COBB. Now, Mr. Speaker, I remember that my friend from Maryland urged that enterprise before the Committee on Railways and Canals upon the ground that, if we should dig that canal, it would shorten the line of travel from Chicago and the West to the ocean; and he argued that, inasmuch as it would shorten that line of travel, we ought to build the canal! That was his argument. Do not you see where it runs to? If "to regulate commerce" means to provide these facilities for commerce, then there is no end to our power in that direction.

But such is not the true doctrine. I will show that to regulate commerce is not to provide its channels, but to prescribe rules for its government while it is being carried on along the channels it provides for itself.

Mr. RAYNER. I would like to ask the gentleman whether he holds that digging dirt out of Mobile Bay is a "rule?"

Mr. COBB. No; that is not a rule and it does not necessarily come under the commerce clause.

Mr. RAYNER. It does not? What clause does it come under? There is no other clause to which you can refer it.

Mr. COBB. Well, perhaps not, but I have not time to deal with that question now. I could deal with it satisfactorily to myself at least; but I have only a few minutes left, and the other question I deem more important than the one raised by the gentleman from Maryland.

I was entering on an inquiry as to the meaning of the clause in the Constitution known as the commerce clause, which I have just read. I called attention to the interpretation of it made by the Committee on Commerce in their report on this bill, and I have attempted to show the fallacy of their reasoning.

Mr. SCOTT. Will the gentleman from Alabama, under the construction of the Constitution as he applied it, say that Congress has the right to regulate the rates of transportation between the States or to establish rates?

Mr. COBB. The power, in the language of Chief-Justice Marshall, is to prescribe rules for the government of commerce.

Mr. SCOTT. And if there is a right to prescribe rules, then the right to construct a railroad or canal going so close together, so far as the canal and rates are concerned, how can you make a difference when you come to construe it?

Mr. COBB. "Close together!" They are as wide apart as the poles. How it can be said that the digging of a canal is to prescribe a rule passes my comprehension. The Supreme Court is emphatic that to regulate commerce is to prescribe rules. What sort of a rule is a canal? [Laughter.]

Mr. SCOTT. What sort of a rule is a rate?

Mr. COBB. That is a rule in the just and proper sense. To fix a rate is to establish a rule. The rate is a thing immaterial and intangible. It is something that may be prescribed, as all laws are prescribed, under the operation of which things material are controlled and governed and intercourse is regulated.

The rate over a road is something quite different from the road itself, and the right to prescribe the former is in no way analogous to the right to construct the latter.

By no proper speech can it be said we build a rate, or prescribe or enact a canal.

In addition to the views I have presented, that the position of the Committee on Commerce is untenable because it contravenes the express language of the Constitution, and because it leads to consequences which can not be supposed to have been in the contemplation of its framers or of the people who adopted it, I might appeal with confidence to the emphatic deliverances of the most learned and cautious of the eminent statesmen whose learning and patriotism illustrated the earlier history of our country. I will content myself, however, with another quotation from Chief-Justice Marshall, taken from the case of Gibbons *vs.* Ogden, reported in 9 Wheaton. After defining commerce as "intercourse," and saying:

> It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse;

and after showing that—

> Commerce, as the word is used in the Constitution, comprehends navigation,

he proceeds:

> We are now arrived at the inquiry, what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed.

Now, this is a substantive, expressly granted power, and I am free to admit that Congress may do whatever is necessary to fully execute it. For the great judge further says:

> This power, like all others vested in Congress, is complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

But the question is, what are the means necessary for the execution of the power to prescribe rules?

Surely it is a stress of language beyond its extremest limit to say that to enact a regulation—to prescribe a rule—it is necessary to construct a canal or railway; and as has been decided over and over again, the language of the Constitution is always to be taken in its plain, common-sense meaning.

Besides, if, as just shown, commerce includes navigation, why may Congress not build ships for commercial purposes with as much propriety as it can construct a canal? And, indeed, where is the limitation of power, if we enter this broad field of liberal construction, short of absolute dominion over all the instrumentalities of commercial intercourse, domestic and foreign?

We may take of the people's money freely and build at our own sweet will. We may construct lines of travel, by direct appropriation of the money of the tax-payers, from any commercial center to the furthest limits of our dominions, ay, and beyond; and we can change them to meet an ever-varying popular demand.

Sir, against this rising and growing sentiment, threatening, too surely, if carried to practical legislation, to endanger the best interests of the people—their right to local self-government, and to the management of their private affairs—I raise my voice, feeble as it is, in earnest protest.

The SPEAKER *pro tempore*. The time of the gentleman from Alabama has expired.

Mr. HOOKER. I ask unanimous consent that the gentleman from Alabama be allowed fifteen minutes in which to complete his argument. There was no objection, and it was so ordered.

Mr. COBB. I thank the gentleman from Mississippi [Mr. HOOKER] for asking, and the House for granting me, extension of time; and I will take advantage of the courtesy to the extent of presenting one or two additional suggestions which would properly have come when considering the expediency of passing this bill.

There is, however, one other legal proposition I desire to notice. In the instance of the Bank of the United States, the constitutionality of the act of incorporation was sustained, as I have stated, on the ground that the bank was a fiscal agent of the Government.

Now, this connection of the Government with the bank was disclosed on the face of the charter of incorporation. In his brief Mr. Pinkney, in order to show the purpose of Congress in incorporating the bank, and in that way sustain the constitutionality of the law, sums up the evidences of this connection in the following words:

> In the bank which is actually established and incorporated the United States are joint stockholders and appoint joint directors; the Secretary of the Treasury has a supervising authority over its affairs; it is bound upon his requisition to transfer the funds of the Government wherever they are wanted; it performs all the duties of commissioners of the loan office; it is bound to loan the Government a certain amount of money on demand; its notes are receivable in payment for public debts and duties; it is intimately connected, according to the usage of the whole word, with the power of borrowing money and with the financial operations of the Government.

There is no such connection shown in this bill between the Government and the "Maritime Canal Company of Nicaragua." The Baker amendment is not sufficient to disclose it; and, indeed, it will be remembered that the strongest advocates of the amendment disclaim all intention to have it so construed. And I have shown that the effect of the amendment is to bring under the supervision of the United States the private affairs of its citizens.

It will not do to say that the connection of the Government with the canal company as its agent may hereafter be formed, and that the act of incorporation is sought with such view. Gentlemen do not dare to so assert. In the present temper of this House such assertion would endanger the bill. Nor would the existence of such undisclosed purpose affect the legality of the present legislation. I have attempted to show in another connection that the constitutionality of this bill must be determined by the existing status.

Now, then, if there is nothing on the face of our proceedings to show the intention of Congress that this corporation is erected as a means, in part at least, to carry into execution some granted power, but much to negative such intent, how can constitutional warrant be claimed in support of this bill? As well might it be urged that Congress may create any kind of corporation for purely private purposes on the ground

that the corporation thus created may, in the future and in some undefined way, become useful as a Government agency. But I will not enlarge here.

Now, Mr. Speaker, we are told that this is a very harmless proceeding. Nothing is asked except that we give to certain responsible and distinguished gentlemen the little, innocent boon of being a body politic; and in return, it is said, they are to accomplish wonders in extending abroad the power and glory and influence of the American Government.

I can not eliminate from the proposed legislation, if it is constitutional, the idea of government responsibility. I do not mean legal liability, against which we seem careful to guard. But when we consider the whole situation; when we reflect that if we have authority to pass this bill, it is because the corporation is to be a means by which a power granted in the Constitution is to be executed; when we further reflect that the operations of this Government instrumentality are to be carried on in a foreign country, and that the necessary capital is to be gathered abroad, and when, too, the United States is to be the immediate beneficiary of the grand results, it seems to me not befitting the dignity of a great government to deny responsibility.

The friends of the bill say the corporation is in no sense to be a Government agent; and, taking them at their word, I have advocated that this fact be printed in the law and on the bonds of the company that the world may readily know it. If the principle settled in the case of McCulloch and Maryland is too old-fashioned for the present day, and the corporate existence can be sustained on the assumption that the United States have the unlimited power of the States to create corporations, well and good. Take your corporate privileges, gentlemen, in that view, and with the distinct understanding that the credit and Treasury of the Government are forever barred against you.

But I do not accept the new departure in constitutional construction. I decline to follow the lead of those who advocate it. I believe this bill is wholly without constitutional warrant to support it; and that to pass it will be otherwise ill-advised and dangerous legislation. Hence, I shall vote against it. But my point here is, that when Congress shall deliberately enter on legislation with the purpose of creating a means, whether by the erection of a corporation or otherwise, by which a constitutional grant is to be executed in foreign territory, there should be no evasion of responsibility of any character; but that the means selected—the agency created—should be sent to its mission with the power of the Government to sustain it at any cost, to any extent, and in any way which the necessities of the case may demand.

Government agency and Government responsibility should be blended in indissoluble union. You say in this bill no Government responsibility; you hence put a negative on the idea of Government agency; and by so doing stamp the whole proceeding with the brand of unconstitutionality.

One other thought and I am done.

If the "Maritime Canal Company of Nicaragua," as a private company, to carry on private business solely, can be and is constitutionally created a corporation by Congress, then it will enjoy immunities not possessed by corporations of like character created by the individual States.

It was settled in the case of McCulloch *vs.* Maryland that a State can not control the operations of a company incorporated by Congress, nor impose a tax on its business. During the running debate I have had since I took the floor, stress has been laid by some of my friends on the power of the States over corporations. I have avoided as much as possible being led into discussion along this line, because it seems to me that the difference between the attitude of the Legislatures of the States and of Congress in this regard lies on the surface.

The power of a State to erect private business corporations is well-nigh unlimited. The State exercises this power, not to create a means for executing a constitutional grant, but that by the formation of these artificial beings the convenience and interests and prosperity of its citizens may be promoted. The constitutional idea, so to speak, as applied to the government of the States and of the United States, is distinct and different, for while the United States can exercise no power not granted, the States can exercise all power not withheld. Hence the importance of the preservation of State control over corporations in restraining them within the privileges and authority given them, and this importance increases with the growth of corporate wealth and strength.

This control is exercised in various ways. The taxing power residing in the States may reach the business of corporations; and especially is it not unusual for a State Legislature to impose a license tax on corporations not created by itself for the privilege of doing business in the State.

Every State in the Union, so far as I am advised, discriminates in this way between home and foreign corporations. The Legislatures of the different States say to foreign corporations, "Before you can come within the limits of our sovereignty and do business you must pay a tax upon your business, a license tax for the privilege which we grant you to do business within the State."

Mr. HEARD. That is not general throughout the States?

Mr. COBB. I think it is very general. It is so to some extent in Alabama; it is so in some of the other States; I think it is so in New York. I will not assert it absolutely. But if it is not so it may be so. The Legislature of the State of New York may at any time adopt the idea that they ought to put this tax upon the operation of foreign corporations. Now, here is a foreign corporation, a corporation erected by a power other than the Legislature of New York, a corporation having its headquarters in New York, doing business from New York, operating this canal from New York, because the charter gives the power not only to construct but to operate; yet when the law of New York says to this corporation, "You must pay us a license tax for this privilege," they may say, "You can not demand it of us because we have been erected a corporation by the Congress of the United States."

Mr. HEARD. Does the gentleman know that the Supreme Court has decided that the incorporation of a company by Congress does not exempt it from the operation of the laws of any State in which it seeks to exercise such corporate rights as Congress may have given it?

Mr. COBB. No, sir; I do not.

Mr. HEARD. Well, I will inform the gentleman that in a case in which the Atlantic and Pacific Railroad Company, in the State of Missouri, pleaded exemption from the statute of the State of Missouri subjecting them to double liability for the killing of live-stock, etc., it was held that the corporation was not exempted from the operation of that law of the State. And I think that is now accepted as the law.

Mr. COBB. I see the gentleman's point. The corporation was not exempt from the operation of that law, because the law did not operate to enforce the taxing power or power of general control, but was in the nature of a police regulation.

Mr. COX. The gentleman from Alabama will also allow me to say that as early, I think, as 1818 the Supreme Court of the United States sustained the taxation of the State of Ohio upon the branch bank of the Bank of the United States, and that tax was enforced by execution.

Mr. COBB. The gentleman from New York [Mr. COX] is entirely mistaken. There is no such decision in the books. I will tell my friend what the courts have decided, what was decided in the Ohio case, what was decided in the McCulloch case. They decided that the State had the right to tax the property of United States banks within the borders of the State. The State may tax the real and personal property of the corporation; but when it comes to putting a tax upon its business operations, such as a license tax, the States must keep their hands off. That was the decision in the case of McCulloch *vs.* The State of Maryland. If the gentleman has not refreshed his mind lately in reading it, I commend to him the opinion of Chief-Justice Marshall in that case. In that opinion the court says that the State of Maryland may tax the property of the bank; but the State of Maryland undertook to exercise the power which it constitutionally has with respect to all other corporations except those erected by the Congress of the United States; it undertook to put a license tax upon this bank, and it was restrained from so doing by the Supreme Court of the United States.

Mr. Speaker, if we follow to their logical results the various lines of thought connected directly and indirectly with the pending measure, we will be led to startling consequences, which the rhetorical pyrotechnics and sentimental extravagances of my eloquent friends can not obscure. Some enthusiastic gentlemen, looking alone at the vast possibilities, as they think, opening to us by the construction of a water way from ocean to ocean, are impatient at the suggestion of constitutional obstacles to the passage of this bill. They refuse to consider these. The people, they say, want the bill to pass; some one has pronounced it constitutional; and they feel no further concern in this direction.

If I may be pardoned, I will make an observation here in parenthesis, premising that it has no application to the distinguished gentlemen who have engaged with me in this debate, and disclaiming intention of harsh criticism of any one. It is this: Whether we are always as solicitous to make close investigation of questions of constitutional construction, that we may redeem intelligently and faithfully the obligation required of us when we enter this House, as we are to know the views of our constituent?

Mr. HEARD. Let me ask the gentleman from Alabama if he does not regard it as the duty of a representative to inquire what his constituents want, and then inquire whether there is authority under the Constitution to do it?

Mr. COBB. No, sir; or rather I would reverse your rule in its application, at least to pending measures. As to these, the first duty of a representative, both to himself and his constituents, is to know whether he has authority conferred by the Constitution to do an act—if its constitutionality is questionable. Having decided that in the negative, he need not go further. He can not go further with the view of determining his course, if he is an honest man. But having decided the measure in question to be constitutional, it is his right and duty to consult his constituents as far as he may as to how the measure will meet their wishes or affect their interests. That is what I hold.

I recognize in full measure our responsibility to our constituents. Their views, their wishes, their interests, especially, it should be our constant care to ascertain and promote. At the same time, we are something more than mere agents. We are representatives, chosen because we are supposed to possess intelligence and honesty enough to form convictions on great questions continually arising, and to possess the courage of our convictions. Intelligent constituents expect their representative to be diligent in inquiry and investigation, and prompt and strong

to advance the right and resist the encroachments of the wrong, whether open or insidious.

They recognize our superior opportunities, because we are set apart for the work, to understand the relation and bearing of legislation, and they expect us to cry aloud and spare not when they are being misled by the selfish and designing, or when measures of seeming present advantage to them, but of far-reaching consequences of evil, are being pressed. Woe be to our country, a country under representative government, when the high relationship of mutual confidence and respect between constituents and representatives shall be destroyed.

He best conserves and promotes the interests of his constituents who is diligent to ascertain and faithful to discharge the duties which his situation imposes. In this instance I am glad to believe that in opposing the bill I am subserving the best interests of my constituents. For while I am fully alive to the advantages to accrue to the Gulf States from interoceanic water communication; while I am far from seeking to put the slightest barrier in the way of its proper prosecution, I do not believe that its accomplishment is dependent on such legislation as is now sought, nor if it did, that we can safely purchase present advantages at the price of a violated Constitution.

But the departure, if such the passage of the bill is, from strict observance of the Constitution is so slight, it is said in some quarters, what can the harm be? I have attempted to show the harm to some extent. It should not be forgotten that no departure of this kind can be a matter of light concern; for while the Constitution of the United States can not be changed in its true intent and meaning by vicious construction, as statutes sometimes are, yet every such construction becomes an excuse for enlarging Congressional power without regard to the limitations which the nature of our system and the language of the Constitution impose on Congressional action.

These considerations are of vital concern to the people of every section of the Union; but to those of the Gulf States, some of whom are blinded by the glamour thrown around the pending measure, most of all. The South is the weaker section, and unfortunately for her, and unfortunately, I hesitate not to say for the whole country, she has enemies who menace her with the strong hand of Federal control.

Her security from unjust and illegal interference with her domestic affairs; her safety from threatened wrongs; the full realization of the promises now hers of material, social, and intellectual advancement, can come to her only under the protection of the Constitution of our fathers as interpreted by the fathers.

Sir, I have been drawn into a broader field of discussion than I had proposed to enter. The real question before us lies in narrower limits. It is whether or not the bill as now presented by the conference committee should be enacted. The broader questions, whether the United States have constitutional power and whether Congress should exercise it to construct a canal across the Isthmus, do not arise.

I have not undertaken to say that such power does not exist; nor will I now affirm that it should not in proper manner be exercised. When these propositions are fairly presented I will gladly consider them; and I will be found, I hope, in strict accord with those who in sentiment and action are for the promotion of the dignity and power and glory of the United States.

Smalls vs. Elliott.

SPEECH

OF

HON. WILLIAM E. MASON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 9, 1889.

The House being in Committee of the Whole, and having under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890—

Mr. MASON said:

Mr. CHAIRMAN: There are some reasons why this bill should not become a law. I propose to address myself in the time allotted to two reasons: First, the effect it will have upon the service in the Chicago post-office; but more generally to the effect it will have upon the Seventh Congressional district of South Carolina. There is a contest pending before this House that has been pending for two years nearly, between the sitting member from the Seventh district and the colored gentleman (Mr. Smalls) who sits here beside me, which has been delayed from time to time, and the old adage exemplified, that "justice delayed is justice denied." The fact that this contest comes from South Carolina naturally excites the suspicion of every honest man who is familiar with the history of that State; and an examination of the record of this case is conclusive that the most gigantic fraud and the most outrageous and disgusting scheme to rob the Republicans of a Representative in the Fiftieth Congress ever known to modern politics has been practiced in that district. That is my charge and this is my proof.

In the first place the laws of South Carolina were framed for the express purpose of allowing the Democrats to cheat Republicans at the polls. I charge that they are so framed and passed, and I will quote from the laws of that State so as to convince any disinterested, fair-minded man. The present governor of that State, a worthy executive of a corrupt law, in a communication to the people within the State of South Carolina, furnishes the evidence to substantiate that charge. Four years ago the contestant in this case (Mr. Smalls) had the temerity to ask him to give a Republican judge in each precinct in the district known as the "Black district," and his response was a brilliant flash of silence. This time the Republican executive committee asked the governor of the State to give them a fair election by appointing at least one supervisor and to give one judge or clerk of election in each precinct, and this is his response. He absolutely declined to do so. This is the request:

COLUMBIA, S. C., *September* 27, 1888.

SIR: At a meeting of the executive committee of the Republican party of South Carolina, held in the city of Columbia on the above date, this committee was appointed to wait on you in person and present for your consideration and action the following preamble and resolutions:

Whereas a general election will be held on the 6th of November, at which time candidates for electors and Congress will be voted for by the people; and

Whereas the whole election machinery, commissioners of election, managers, clerks, etc. (with the exception of Georgetown County), being entirely in the hands of the dominant party of South Carolina, has been productive of the suppression of a free vote and honest count; and

Whereas, by virtue of a vastly preponderating number, we think it would be but an act of simple justice and in the interest of a fair, full, and honest election that representation be granted to the Republican party: Therefore,

Be it resolved, That it is the sense of this committee that his excellency John P. Richardson, governor of South Carolina, be waited on and requested to appoint at least one Republican commissioner of election in each county and through them one Republican manager at each of the voting precincts for electors and Congressmen throughout the State.

And whereas in the Seventh Congressional district of South Carolina (known as the Black district) which was set apart by Democratic legislation for the Republicans, but which has been invaded by the Democrats and an almost solemnly implied pledge broken, and the free will of the electors sifted by the partisan actions of boards of election officers composed entirely of Democrats:

Therefore, we respectfully and earnestly appeal to your excellency in the interest of fair play and an honest election, and in the name of 150,000 Republican voters representing over 700,000 people, to accord us representation in the management of the approaching elections.

Resolved, That we ask this as American citizens and representatives of one of the great parties of the Republic, believing that we are entitled to it as an act of simple justice.

E. M. BRAYTON.
STEPHEN A. SWAILS.
THOMAS E. MILLER.
THOS. A. SAXON.
G. E. HERRIOTT.

To his Excellency JOHN P. RICHARDSON,
Governor of South Carolina.

And the governor's reply thereto, which is in the following words:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, September 29, 1888.

To E. M. BRAYTON, THOS. E. MILLER, STEPHEN A. SWAILS, THOMAS A. SAXON, G. E. HERRIOTT, *Committee on the part of the Executive Committee of the Republican party:*

GENTLEMEN: I have carefully considered the preamble and resolutions which in behalf, as you claim, of the Republican party of South Carolina, you yesterday presented for my consideration and action, as well as the remarks made by Mr. Thomas E. Miller, a member of your committee, in advocacy of the same.

In announcing to you the conclusion at which I have arrived, it would answer no good purpose that I can perceive to expose what must be so evident to those thoroughly acquainted with the condition of parties in the State, the fallacious statements of the one and the unsound reasonings of the other. It will be sufficient simply to say that in my judgment a departure from the wisely established methods and principles upon which these appointments are made would endanger the continuance of the perfectly free, fair, and peaceful elections—the professed object of your desire—that are the proud boast and the highest achievement of Democratic rule in this State.

It may with great truth be said that honest elections are the true test of pure government, and constitute the only faithful expression of the popular will, which it is their sole mission to elicit. No machinery, however perfect, can accomplish a result so essential to representative government without the instrumentality of agents both intelligent enough to thoroughly understand the law and to carry out its provisions, and of that high probity of character that will command the confidence of the elector and be a sure guaranty against the evil and corrupt practices once so dominant in this State.

These disgraceful scenes and unscrupulous manipulators of elections, so confessedly prevalent during the days of Republican rule, are now, happily, things of the past, and can never return under the benignant sway of Democratic principles to curse and blight with their horrors the peaceful, prosperous course of all the people of South Carolina. To the eternal honor of our State and the Democratic party, it can now be said that our elections are the freest and fairest in the world, and that not a single citizen of hers, no matter what his rank, color, or condition, can, under her just and equal laws, impartially administered as they are, be, by any perversion or intimidation, debarred at the polls from the free and full exercise of his suffrage. There is not only perfect freedom in voting, but the amplest protection afforded the voter.

I shall therefore, with a deep sense of the responsibility resting upon me to preserve to the best of my ability the purity of the ballot so happily restored in this State, appoint to the important position of commissioners of election in the several counties men of such known intelligence, high character, and unquestioned patriotism as will give the people of South Carolina the confident assurance of having in the coming elections the fullest, freest, and fairest expression of their will. To the boards will be intrusted the designation of precinct managers, a duty that I am sure they will not only discharge faithfully, but the responsibilities of which they will justly appreciate.

I have thus frankly and succinctly stated the main consideration that will guide my action in the appointment of these election boards, but I can not re-

frain from bringing to your attention in this connection the fact that your committee can scarcely be said to represent an organized party, as the comatose condition of the remnants of the Republicans in this State for many years past would surely justify the non-recognition of alleged rights and consequences so urgently demanded and strongly asserted by you. I will only add that the whole people of South Carolina, every voter within her borders, can safely rest in the absolute assurance of having at the coming elections the fullest opportunity of expressing their will through the constitutional and American method of a perfectly free ballot and fair count.

Respectfully,

J. P. RICHARDSON, *Governor.*

Think of it, Mr. Chairman. He could not give one judge or clerk of election to promote an honest election, and refused an honest representation at the ballot-box. That is the sort of thing which invites the stuffing of ballot-boxes. If that is the "proudest achievement" of a South Carolina Democrat, then where this side of eternal, everlasting hell can you find a place to record the ordinary action of a South Carolina Democrat?

Why, in Illinois both Democratic and Republican clubs united in asking the Legislature to pass a law which would give the people a fair election—two Democrats and one Republican in one precinct, and in the next, two Republicans and one Democrat, the clerks being evenly divided; but the governor of South Carolina says another thing after his election.

I desire to call the attention of the committee to the difference in his inaugural address and the letter written by him before the election. This is the inaugural address. I shall not read it all, but I shall read enough to show the point I desire to illustrate. He stated before the election—

That they should have an honest ballot and a fair count.

That was the high achievement of the Democratic party in South Carolina, and he addressed that to the negroes, colored Republicans. This is what he says after he was elected. After discussing the tariff issue, which he considers as a minor affair as compared with the race question, he says:

To us of the South—

And I wish some of you gentlemen who are at all familiar with the fact would listen so that you may explain the action of the governor. He says:

To us of the South it must remain an unrealized dream—

That is, free trade—

until finally the question of race dominion shall be settled in the highest and truest interests of humanity. The laws of God—

Says he—

with the impress of inferiority which they have stamped upon the race, have decreed that the true interests of humanity demand, and the sacred memories of the past enjoin, and the high duty that we owe to posterity irresistibly impels, that we declare with a determination as fixed, as immovable as the stars of heaven, that never again shall any other than the Anglo-Saxon rule in this fair, beloved, and beautiful Southland of ours.

How does that remark suit you gentlemen who are going to talk about the Smalls case, if you ever get a chance to do so?—and I do not think you ever will unless you get in on an appropriation bill. How does that agree with your principles in regard to a free ballot and a fair count? How will it keep time with you who will claim that the negro has a fair chance to vote and have it counted in the South? Ah, he says that God Almighty has stamped the imprint of inferiority upon the black race, and that the Anglo-Saxon must rule in South Carolina.

I have been in South Carolina and have seen negroes, so called, who were as white as any man who sits upon the floor of this House. The father of the contestant here was as white as any man upon this floor. Who is going to analyze the Anglo-Saxon blood? If it is the Anglo-Saxon blood that votes, are you going to have blood-testers down there, so that when a man comes up and offers his vote, they can examine him and say, "Fifty per cent. negro, 50 per cent. Anglo-Saxon; two of you fellows can cast one vote?" [Laughter on the Republican side.] If those blood-testers are ever invented down there, you will find a corner on blood-testers, and every one of them in the hands of Democratic inspectors of election to insure "a free ballot and a fair count." [Laughter on the Republican side.] Can they tell how much is negro blood and how much is American or Anglo-Saxon blood, put there by the crimes and the lusts of the Anglo-Saxon race?

The governor of South Carolina is wrong or else the Constitution is wrong. It was not the law of God that put the imprint of inferiority upon the negro. It was the iron barbaric heel of the Anglo-Saxon, our fathers and our brothers, who for more than a hundred years held him in slavery, stooping below their own natural manhood to keep him there; but in this new birth of freedom, in this march of civilization that has shaken the shackles from the slave, which bound us as surely and as tightly as it bound him, there is no skin test of citizenship; there is no blood test of American manhood. The past is wiped out so far as that is concerned, and in the future, if honesty shall govern and if the Constitution shall be enforced, men will be measured by a different standard than the color of their skin; they will be measured by that better, higher standard—their personal worth and their honorable citizenship.

Mr. Chairman, I suppose a great many members of this committee have seen a map of the Seventh Congressional district of South Carolina. I wish you could all see it now. It would furnish a text for a splendid sermon on honest elections. While we do not contend that the shape of the Seventh district of South Carolina is absolute evidence of fraud, we do say any man or any party that will make a district like that ought to be watched, whether they are Republicans or Democrats. [Laughter.] I would like to set out here as an exhibit a map of the Seventh district of South Carolina.

I am not going to discuss the evidence in this case very long, because I want to get to the Chicago post-office. [Laughter.] But let me give you some examples in the matter of registration. Let me give you an example of the way they cheat colored men in that respect. A colored man comes up to vote, and this is what occurs: "Where do you live?" "I live on John Smith's place." "Well, John Smith is dead, isn't he?" "Yes; he is dead, but his son owns the place now." "Well, that isn't the place now that it used to be. Your registration certificate is void." "But I haven't moved." "That doesn't make any difference; the title of your place is changed. You don't live on John Smith's place now." [Laughter.] The evidence shows such a case as that.

The mere shifting of the title to the place on which a man lives destroys the identity of his residence! Another colored man comes to vote and is going to vote for a Democratic governor—for some reason or other, I do not know what; maybe a side of bacon and a bushel of grits—at all events he decides to vote for a Democratic governor and he does vote for him. Then, with the same certificate in his hand, he offers to vote for a Republican Congressman, and then the certificate is found defective! The certificate which permits a man to vote for a Democratic governor and Democratic county officers is not good enough to permit him to vote for a Republican Congressman! But why should we deal in petty larceny when the great field of grand larceny is open before us? I say "grand larceny" advisedly.

I know that some of my critics and some of my friends will say to me "You ought not to talk in that undignified way and call the matter of stealing a seat in Congress grand larceny." But, Mr. Chairman, I come from a district which did not hire me for this job on account of any superfluous amount of dignity that I ever had or hope to have. [Laughter.] I have come here to represent them, and I have never learned to call a spade "an agricultural implement." Larceny is larceny. A man who will steal a vote will steal a horse if he can get the chance, and the man who robs me of my franchise treats me as meanly and cowardly as the man who robs me of my horse or my pocket-book. For God's sake let us quit this artificial indirectness and get down and talk what we mean. It is time for some of you gentlemen on the other side to do that, and it is time for some of you gentlemen on this side to do that.

Men are murdered; there is one day's ripple of excitement, and then it is over. In regard to this district I had intended to say that if you would search all the annals of crime, you could not find a single one that the Democracy of the Seventh district of South Carolina has not resorted to to deprive this negro of his seat in the House. I should have stated that, if the people of Arkansas had not furnished an additional crime and an invitation to the Seventh district of South Carolina to look out in the future and murder—murder, if necessary—to give them a majority in this House.

Let some one older and more experienced—some man who stands more prominently before the people than I do, on either side of the House—not a new man or a young man—speak on this subject. For God's sake speak; and let the people know what they are doing there. Our peers are murdered; all honest people of all parties stand aghast. In the community where it occurred public sentiment is not above it. The crimes go unpunished, and the bloody stain of crime is upon the fair garments of the country we love. An officer taking evidence in the case, with the ballot-box in his possession—an officer of this Congress attempting to open the ballot-box, is absolutely bulldozed out of it; and it is taken away from him by force. And the evidence in this case shows that while he had possession of that as an officer of this body, the attorney for Mr. Elliott—an honest gentleman, as far as I know—and I make no personal charge against any man—gentlemen seem to smile at that; I said I made no charge against any man; I am not assuring anybody that they can not be made successfully; if that is any comfort to you you are welcome to it—the officer in charge of this box is assaulted by the attorney of the contestee in this case, and the box is taken forcibly from him.

If I had my way I would adopt the rule that is adopted in all courts of justice. He should purge himself of that contempt before he was allowed to take his seat here or even be heard. I say that one box was taken by force from an officer of the law furnishing the information to this House; and until the attorney of Mr. Elliott returns the stolen property, he should stand in contempt before the bar of this House, and not be permitted to open his mouth in his own defense until he has purged himself and his attorneys and agents of that contempt.

Now, briefly upon one other branch of this case. There are a large number of precincts, Mr. Chairman, in which they adopted this gentle, unsuspecting plan. Remember, they were all Democratic judges, all Democratic clerks of election—not a Republican officer there. With 400 or 500 Republicans in line waiting to vote, they get timid; oh, they get so frightened! They are intimidated, Mr. Chairman! They are

afraid of those negroes and they refuse to hold an election! The governor of South Carolina refuses to give them a Republican board or any Republican member of the board; and then the Democratic board assembled within a mile or two of the precinct, and for no other purpose under God's heaven than to disfranchise four or five hundred voters at a time they declined to hold an election, because they were afraid—intimidated!

This was done in Biggin's Church precinct, Richland County. Four hundred voters assembled to vote for Smalls; the managers were all Democrats, all sworn to produce books, boxes, etc., for election, yet none were provided, and 400 Republican voters disfranchised.

In Gadsden precinct, same county, the same trick was attempted, but at 10 o'clock, seeing the managers would not serve, the Federal supervisors swore in three managers, who conducted the election in all ways in accordance with the law, and contestant received 451 votes and contestee none. This box was also thrown out.

This precinct has been discussed fully. No unprejudiced man can read the evidence of these shambling, shiftless scoundrels without being convinced of the utter falsity of their pretense of fear.

Intimidation—think of it! Did you ever see a canary bird intimidate a snake? Did you ever see a bootblack intimidate a policeman? Did you ever see a hungry, blood-thirsty lamb go roaring into a den of defenseless lions? Did you? If you have then you have seen a South Carolina Democrat intimidated by a negro. [Laughter and applause on the Republican side.]

Now, when they could not keep the Republicans from voting on registration and when they could not do anything else, they resorted to stealing the box. Now, we have had men steal boxes in Illinois—two of them, both good Democrats and both doing time at Joliet, our favorite resort for gentlemen of that kind. [Laughter.]

But in this whole district, the Seventh district of South Carolina, reeking with fraud, where all the constitutional rights of the citizen are trampled upon—that very Constitution that rolls like a sweet morsel under the tongue of most of you gentlemen from South Carolina—with all this violation of these constitutional rights, not one man has been arrested, not one man put upon trial. The governor is in favor of this sort of a deal. He shows it by his message; and there is not public sentiment enough in your State to convict a man who is known to be guilty.

"Well, what are you going to do about it?" That is what you gentlemen who sit smiling over there seem to ask. I do not know. I have not been long in this business. I will tell you what I should do about it if I had my way. If I live to take my seat in the next Congress, and I am feeling reasonably well now, I would put a stop to it; I would teach you gentlemen that we understand you; I would quote to you, to start with, the leading editorial in the Columbia Register. Some of you gentlemen may have read it. I am not saying, you understand, that there are no honest men in South Carolina. I know some of the members of Congress that seem to be mighty nice, honest gentlemen. I see by reading these papers that some editors down there are honest. But after I read the evidence in the Smalls case I wonder, if there are any honest men in South Carolina, why in the name of God you can not get an honest man to act as a judge once in awhile in an election.

This is what the Register, a good Democratic paper, says:

> We have carried this sort of thing as far as it can possibly go; and the result is that we are fast getting to be a set of rascals, if we have not got there already.

[Laughter.]

It goes on:

> The Register means every word it says, and what it wants is simply a plain recognition of the facts of the case and an honest desire to meet them in a way that will have done with the sharpers' tricks and the political swindling which are ruining the men of our own race and lowering every standard of proper manhood.

So the Columbia Register wants a stop put to it. You members from South Carolina all want it stopped, and if I had my way I would stop it. Believing that right to be the most sacred guarantied by the Constitution, I would have a fair ballot and a fair count in South Carolina if it took a regiment of blue-coats in every one of your counties and every dollar in the United States Treasury to do it. [Applause on the Republican side.]

That is what I would do. We can not trust you. You know we can not trust you. You know the people believe you are fast becoming a set of rascals.

If you will be frank about it, if you will be honest about it, you will say, we do not want the negro to vote; then offer an amendment to the Constitution and we will discuss it with you; but do not pretend to be friends of the Constitution while you are all the time trying to count out the negro vote in the South.

We now come to the discussion of one of the practices of the South Carolina Democrats in the matter of stealing ballot-boxes. [Laughter and applause on the Republican side.] I can not stop to describe every ballot-box that was stolen; the field is too full; but take the one known as Adams Run. There they were all Democrats; every one of the managers was a Democrat. There was 130 majority for Mr. Smalls. The returns were completed and signed by all but one man with an unpronounceable name. I have it written down here, but can not read it. There was 130 majority for Smalls there. They left the box at some store, naturally. [Laughter.] It was never heard of again; but that is what was expected.

The vote was not counted by the commissioners, and Mr. Smalls does not get the benefit of it. That is one hundred and thirty violations of the Constitution in one spot.

That is one of the methods of a South Carolina Democratic returning-board—the box stolen, and no vote counted by the returning board of South Carolina.

With all respect I have for gentlemen on this committee, the Democratic members of the committee, I can not understand for the life of me how this committee can return 130 votes against Mr. Smalls or not count them when every Democrat there certifies to 130 majority for Smalls.

Another box was known as Fort Motte box; that is the box I have spoken of. That was the box forcibly taken away from the officer of this Congress, who was proceeding to return it to this House.

When by way of diversion they did not think it was perfectly easy to steal a box they would do what is ordinarily known as stuffing a box. They have a simple process of stuffing a box and then of purging it. They have some sort of a medicine when administered to a ballot-box the purgative powers of which removes all the Republican votes. [Laughter and applause on the Republican side.] And in this place all the managers were Democrats, every one of them.

I will give you a sample of some of the purgative qualities of South Carolina law, what they call purging the boxes. Here is one case. This is the Providence box, and it will give some of the gentlemen on the other side of the House an idea of the simplicity and beauty of what is called in South Carolina the purging process. [Laughter.]

At the Providence box there were 119 votes cast in all—119. But when they came to count these votes—and remember, they were all Democrats, Democratic judges, Democratic managers, and Democratic clerks—when they came to count the poll there they found 199 votes, and the box had 90 too many in it. How did they get there? Who put them in? Some Republican who was not near the box? Let somebody answer that conundrum when he gets a chance. I would like to know. Now, under the law, when they found they had more votes in the box than were voters registered as voting it was their duty to draw the surplus by chance. They put the Smalls vote in one pile and the Elliott vote in another pile. This, you will understand, is the "purging" process. [Laughter.]

They had 90 votes too many there, and they had to throw out 90 for some reason. So they put Mr. Elliott's votes (by mere chance) in the very bottom of the box and Mr. Smalls's votes at the top of the box. Then either a blindfolded boy or some entirely disinterested person, just like the blindfolded goddess, inserted his hand and drew out from that box every one of Mr. Smalls's votes. [Laughter and applause.] Why, Mr. Chairman, the boy who drew out those votes could beat anybody at "drawing" that I ever heard of in my life. If Mr. Schenck could meet him he would be tempted to move into some other country. [Laughter.] By this purging process, by which they succeeded in putting all of Mr. Elliott's votes in the bottom of the box and Mr. Smalls's votes on top, an innocent child was able to make a "draw" which would paralyze any poker-player on the face of the earth. [Renewed laughter.] Now see the predicament you are in. There is not a single Republican voter in that precinct, and yet you admit there has been ballot-box stuffing going on down there. Your own testimony shows it.

Who did it, then? There was no Republican vote. There was not one cast according to your returns. You do not return a single vote for Smalls. There was not a single Republican as a judge or officer of election, and, therefore, I hope that some of you good guessers of conundrums will tell me who stuffed that box. [Renewed laughter.]

Now, let me show you where they threw out three or four hundred at one lump, and I can not give you the exact number without referring to the papers—267, to be exact, at the Brick Episcopal Church precinct.

At this point Mr. Elliott received 3 votes. He does not seem to have been particularly popular in that precinct. [Laughter.] But there was such a majority against him there that it furnished a substantial reason for throwing out the whole box, and that is the reason that no votes were counted. They could only find 3 for Elliott against 267 for Smalls.

Berkeley County is in the Seventh district, all except one little corner, I think a town known as Mount Pleasant. Some gentleman, who, like myself, has been preparing upon this question for the last two years, can probably correct me if I am wrong. We have only had two years to think over the subject and study it up, but I want to be exact.

Mr. WHITE, of New York. The doubt arises from the infirmities of old age.

Mr. MASON. Yes; the case is a pretty old one, as I have been preparing for it for two years. Now the Mount Pleasant precinct is placed in one corner of the county and in one corner of the voting precinct, and there are two voting places in that precinct. They go up to Mount Pleasant to vote for county officers or State officers, but if you wish to indulge

in the American franchise of voting for a Congressman and you are determined to vote for a Republican Congressman, which is usually discouraged there, you can by walking 6 miles, a little distance in that country, a delightful walk, cast your vote in the same precinct for Congressman. [Laughter.] They are presumably arranged in that manner so that the negro will not injure or surfeit himself with too much voting in one day, and undoubtedly also for the purpose of encouraging the healthy exercise of pedestrianism in that country. [Laughter.]

Nobody ought to attempt to vote down there without he has practiced pedestrianism, and I take it that anybody who will attempt there to exercise the privileges of an American citizen would have to imitate O'Leary for awhile. [Laughter.] Now, sir, in that precinct, the two voting places in that one precinct—one for State officers, the other for a member of Congress—as I have said, are fixed just 6 miles apart. You can not locate there and exercise your right as an American citizen by voting for both without exercising the further privilege of walking or riding 12 miles for that privilege, the polls being just 6 miles apart.

Well, the Democratic managers living at Mount Pleasant had the boxes, and the judges at the other place in the same precinct did not send the poll-books which were kept at the other precinct, and every man who voted had to produce a certificate; every man before being allowed to vote produced it, and there were cast at that poll 267 votes for Smalls.

And yet, when they found that by taking that away from Smalls it would leave Mr. Elliott just enough votes to warm a Congressional chair for two years, they decided, because the Democratic judge did not send the poll-book to the precinct, that therefore there was an irregularity and it could not be counted. That is what I call grand larceny. It is stealing by wholesale. It is easier than stealing under the registration plan.

There is a large amount of the majority report against Smalls in this case. They tell you how he was convicted of a crime; and then tell you that the negroes are too ignorant to understand that fact; yet, notwithstanding their ignorance, they voted for him. I have not time to go into that case, but I know this: He was charged with a crime and convicted of it—I believe convicted by a jury selected for the purpose of convicting him, and employed to convict him—and when he attempted to prosecute his appeal before the proper tribunal the Democratic governor of South Carolina denied him that privilege of appeal by granting him a free and unconditional pardon.

I know that while you fellows were trying to destroy this country, or most of you—and that is all forgotten and washed out, you are back now, but it is not your fault you are here [laughter]—I know while you were trying to destroy the Government this colored man, Smalls, was trying to save it. I know he stands here to-day unconditionally pardoned by a Democratic governor. I do not know what his object was. That he did it is sufficient for me. You complain in your report bitterly because you caught two or three negroes down there committing perjury. Why, they are great imitators, these colored people. [Laughter.] They learn a lesson. You call it intelligence down there. You say that intelligence must govern. You show your intelligence by stuffing ballot-boxes and in stealing them, or in committing murder, if it is necessary to win, and then say that is "intelligence," and "intelligence must govern." Did you ever think that with so large intelligence if it was a little mixed by putting a little more honesty into it and a little less intelligence it would be a considerable improvement? When we catch a man up North committing perjury, we call it a crime; but you call it intelligence down there in a political way.

This is a question, Mr. Chairman, that has got to be settled some time or another. It is one of the relics of slavery; it is one of the things the people of the country have got to get rid of, and I say it with no animosity to gentlemen on the other side; you have got to settle the question, and you know, if you know anything of the history of the world, that a question is never settled until it is settled right. I care not what your religious belief may be. There is no vicarious atonement for a political crime. We pointed with pride at the wealth piled up in this country by slaves, but history has taught us that the first touch of his unsandaled foot was a curse to the American soil. The plaintive song of the slave destroyed the harmony of the national music for a century. No picture could be painted of the genius of America in which the whipping-post and the slave-pen did not rear their hideous heads. We boasted of our liberty-loving country and the other countries of the world pointed their fingers at our slaves and proved us to be a nation of liars.

It was a violation of the law of nature. The law of compensation demanded settlement. The slave-pen will not furnish material to fence our cemeteries, nor will the auction-block make headboards for our graves. The prophecy of Lincoln was fulfilled; every drop of blood drawn by the lash was repaid by one drawn by the sword, and the wealth piled up by the unrequited toil of the slave under the providence of a just God is scattered to the four corners of the earth.

You can help settle this question if you will. I will admit that they are what you have made them. They are not residents of this country by their own free will. Their fathers were brought here by the Anglo-Saxon race, and I desire to call your attention to this fact: You know there is American blood in their veins. You know that they have begun to taste the sweets of liberty; you know that they have learned to whistle the "Star-Spangled Banner," and their Fourth of July will come to them some time. I hope and pray it will come peaceably. The record in this case shows one continued persecution and abuse. But if blood shall flow and houses burn the responsibility will rest upon you. You will not admit it now, but history will so write it, and your children who come after will so read and so understand it.

If I have offended any gentleman I am sorry. I have no apology to make for it, however, unless they can show that I have gone outside of the record in this case. You have it in your power, gentlemen, to settle this matter.

Mr. WASHINGTON. Nobody gets mad when a dog bays the moon.

Mr. MASON. I did not understand what the gentleman said.

Mr. WHITE, of New York. He says that nobody gets mad with a dog that bays the moon.

Mr. MASON. I thought I heard a beer-bung start. I did not know what there was in it.

Now, Mr. Chairman, I say this: While I have no apology to make for what I have said unless some gentleman will convince me I have gone outside of the record in this case, you gentlemen have the power to say to these ignorant colored people, "Hereafter we will give you a fair ballot." Put in an educational clause if you want to; put in a property clause as a qualification; do what you will, but be honest with them if you want to help them. If you are offended at what I have said here to-day, take it out of me some time when you get a good chance, but do not take it out of my poor colored friend here (Mr. Smalls), who has been waiting two years for his seat, kept out of it by the "intelligent" action of the Committee on Elections. That is a fine species of intelligence.

If 276 men can be disfranchised by the "intelligent" action of one man, then the committee which can keep a man who is elected out of his seat for two years is more than intelligent; it rises to the rank of genius [laughter], and if the Democratic party keeps on growing in intelligence in this way it will be composed of intellectual giants; it will ultimately reach the heights of unlimited intelligence and everlasting power. [Laughter.] But, gentlemen, your time is short. I have heard it said that even a bad man when he comes to die will do a good action. Is it so with a party? [Laughter on the Republican side.] You are on your last legs. The 4th of March will see the Democratic party marching out for the last time to its everlasting resting place. [Laughter on the Republican side.] We approach your deathbed, as it were, and we ask you for justice for a poor man elected in a district which you intended to be Republican. Do it as your last act, and let the last act of the Democratic party differ from all its previous acts by being an act of justice. [Laughter on the Republican side.] I appeal to you for the sake of the peace and comfort of this country, I appeal to you in behalf of our children who shall inherit this country after we are gone and whose grandest heritage is their citizenship. Rise above party lines and look at the evidence in this case. Rise above the color line. Ay, gentlemen, rise above everything but the upholding of the law and the doing of even and exact justice. [Prolonged applause on the Republican side.]

Road to National Cemetery at Dover, Tenn.

SPEECH

OF

HON. JOSEPH E. WASHINGTON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 19, 1889,

On the bill (H. R. 11694) to construct a road to the national cemetery at Dover, Tenn.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Pennsylvania.

Mr. FELIX CAMPBELL. What has become of my motion to take a recess?

The SPEAKER *pro tempore*. It will be in order when the gentleman is recognized. The Chair has recognized the gentleman from Pennsylvania [Mr. MAISH] to call up a bill.

Mr. MAISH. I call up the bill (H. R. 11694) to construct a road to the national cemetery at Dover, Tenn.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, under the direction of the Secretary of War, a macadamized road from the river landing or its vicinity, in the town of Dover, Tenn., to the national cemetery near old Fort Donelson: *Provided*, That the right of way, not less than 50 feet in width, shall first be secured to the United States to any part of the ground over which said road shall run, not now owned by the United States.

Mr. FELIX CAMPBELL. Now, Mr. Speaker, I ask to be recognized for my motion.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. MAISH] has the floor.

Mr. MAISH. Now, Mr. Speaker, I yield to my friend from Tennessee [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I will not take up the time of the House by having the report which accompanies the bill read, but I wish to make a brief statement. This bill proposes to provide for the construction of a road only 1 mile in length, from the river landing at the town of Dover to the historic battle-field of Fort Donelson, which is now used as a national cemetery. Around that silent city of the dead cluster a thousand glorious memories. On those lofty heights sleep hundreds of heroes in their final resting place.

The story of how bravely they fought, how nobly they died, will forever illumine one of the most thrilling pages of American history, and will fill with pride the hearts of our youth long after we are gone. This battle was one of the turning points in the great struggle between the States. Here the immortal Grant won his first great laurels. Well do I remember the bleak day in February when it was said "There is a battle raging at Fort Donelson." I was a little boy, and the dull, sullen thud of the cannon, which reached my ears and jarred the window-sash, filled me with a vague, indefinable dread. I was not old enough to understand fully what war and battle meant, but by the anxious look on the faces of those about me I knew that some dread calamity impended.

A few days afterwards the straggling bands of unarmed soldiers who had escaped in the night passed our home on their retreat to Nashville. Their hunger and thirst, their soiled and tattered garments told more plainly than words their condition. Recently I visited that fateful field. At every turn marks of the conflict are still to be seen. Here and there great pits yawn with open mouths. These, I was told, were the graves into which, after the fight, without coffin or shroud, the dead had been thrown, a dozen or more together, and from which the remains were later removed to the neighboring cemetery. The shattered trunks of trees whose tops had been riven and carried away as if by the fierce lightning of heaven showed where the cannon shot had done its terrible work. The bosom of the earth still bore the scars where it had been plowed by the missiles of death, and the occasional minie-ball which I picked up in the bed of some little gully bore mute testimony to the leaden hail of death that had rained around. Nature, rejuvenescent nature, however, had been at work as if striving to obliterate the remaining traces of that bitter day. The green grass had sodded over the rampart and the rifle-pit; the young growth of the forest, thick and tangled like the jungle, was springing up to hide the places where contending lines had advanced and receded, and advanced again only to be mowed down by the fire of death.

On the highest point commanding for miles a view of the winding river and its wide, fertile valley, on the site of the old fort, is this cemetery. The waters of the Cumberland as they pass sing a silent requiem to the dead. The breeze softly sighing across the hills, musically rustling the leaves of the neighboring forest, seems to gently caress the flag of the Union as it floats above the white monuments and grassy mounds. There they lie.

> On Fame's eternal camping-ground
> Their silent tents are spread,
> And glory guards, with solemn round,
> The bivouac of the dead.

In the thicket, in the fields, on the hillsides, almost where they fell, lie unmarked the bones of those who wore the gray. The sentinel trees stand guard above them, and every autumn when the rude kiss of the frost king makes their foliage blush with the myriad hues of the brilliant rainbow they gently drop a covering over the nameless graves. The mocking-bird soaring skyward and dropping back on graceful wing in his weird, varied, and shrill but musical notes sings his lullaby to them in their eternal sleep.

Barely clay enough was hastily thrown upon them to hide their blanched faces from the light of day, and after a torrent of rainfall, a fresh, broken wash, on some declivity, frequently lays bare the bones of some brave boy who never returned to the empty, waiting arms of an anxious, loving mother.

The only way to reach this historic spot is by boat on the Cumberland River. It is many miles remote from the nearest railroad. Those attracted thither, whether as tourists or to do homage at the shrine of glory and to fitly commemorate the valor of the dead, must follow a rough and rugged way from the river to the fort.

This bill proposes to authorize the Secretary of War to construct a macadamized road from the river landing to the cemetery, a distance of 1 mile, and appropriates $10,000 for that purpose.

The county court of Stewart County, in January last, unanimously passed a resolution and had it recorded and properly certified by the clerk, giving the United States the right of way and absolute control over the ground, and all the easements necessary to construct and maintain this highway. I have already transmitted that resolution to the Quartermaster-General, who has it on file in his Department.

Now, as this is a local bill for my people, and at the same time is for the benefit of all the people of the Union, I appeal to the gentleman from New York [Mr. FELIX CAMPBELL] not to obstruct the passage of this little measure. To obstruct it will not facilitate the passage of his bill to erect a monument to the memory of the victims of the prison-ships in the Revolutionary war. The passage of this bill will not do any injustice to his constituents. It will not set back his measure, but it will do justice to the dead, the sacred dead, the nation's dead, in whose behalf I make this appeal here to-night. A survey for the road has been made by the War Department. All the necessary expenses have been estimated. Everything is in order; everything is in form. I have in my desk a map showing the route of the proposed road, and I appeal to my friend from New York [Mr. FELIX CAMPBELL] and to my friend from Texas [Mr. KILGORE], both of whom I know are "loaded" with objections, to let this bill pass.

We are all aware that there is no quorum here to-night, but that is not the fault of those of us who are here; and it is true that any gentleman exercising a right which every member has under the rules of the House to call for a quorum on the final passage of a bill can defeat any measure, no matter how meritorious, at one of these night sessions.

As the days of this Congress are already numbered and are rapidly drawing to a close, as this is the last opportunity I shall have to call up this bill, I appeal again to the gentleman from New York not to visit his wrath on this meritorious and unoffending measure. [Applause and cries of "Vote!" "Vote!"]

Mr. HOLMES. I understand the gentleman from Tennessee to say that the county has released the right to the Government.

Mr. WASHINGTON. Yes, sir.

Mr. HOLMES. Does the gentleman understand that the county can release such a right?

Mr. WASHINGTON. In Tennessee it can give such a right, and there is also a bill pending before the Legislature of Tennessee to further confer and secure the right of way for this road.

Mr. HOLMES. I understood the gentleman's statement to apply to the ground on which the cemetery stands.

Mr. WASHINGTON. Oh, no; I meant the right of way for the road. The Government owns the cemetery in fee.

Mr. Speaker, I shall append to my remarks the report made on this bill by the gentleman from Pennsylvania [Mr. MAISH], and who has so kindly yielded me his time to consider it to-night.

The SPEAKER *pro tempore* (having put the question on the amendment reported by the committee) said: The ayes seem to have it.

Mr. FELIX CAMPBELL. I call for a division.

The question being again taken, there were—ayes 43, noes 1.

Mr. FELIX CAMPBELL. No quorum.

Mr. MAISH. I withdraw the bill from the consideration of the House at this time.

The following is the report:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11694) for the construction of a road to the national cemetery at Dover, Tenn., submit the following report:

The national cemetery near Dover, Tenn., occupies the site of Fort Donelson, on a beautiful hill overlooking the winding Cumberland River. This historic spot, having been the scene of one of the most decisive battles of the war, is annually visited by hundreds of travelers drawn thither no less by the desire to view this memorable battle-field than to do honor to the nation's dead. The only way to reach this cemetery is by boat to Dover, a little village of about 300 inhabitants, and from the river landing to the cemetery, a distance of 1 mile, there is no thoroughfare, except a rough country road, after passing a few hundred yards along one of the village streets.

Your committee attach to this report a letter from the Quartermaster-General's Office, giving a full and detailed statement of the cost and construction of this road, and recommend the passage of the bill with the following amendment:

Strike out the word "ten," in third line of the bill, and insert "seven," making the amount to be appropriated $7,000 instead of $10,000.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 15, 1888.

COLONEL: In accordance with your instructions of the 21st ultimo I have made a preliminary survey for the proposed Government road from the Cumberland River, at Dover, Tenn., to the Fort Donelson National Cemetery, and have the honor to report as follows:

The best, and indeed the only practicable route, is by the present traveled road through the village of Dover, which follows the crest-line of a ridge and is therefore drained at small cost.

The distance by this route from the landing to the inner cemetery gate is exactly 1 mile.

Stone for macadam and masonry is abundant and cheap, as is also gravel.

I recommend a metaled roadway 30 feet wide and 12 inches deep, one-half stone, one-half gravel.

As large numbers of people visiting the cemetery come by boat and have to walk, I recommend one line of curb and a graveled sidewalk.

The citizens of Dover will probably put in another curb and sidewalk on the opposite side.

I submit below an estimate of cost.

Estimate of cost.

3,500 cubic yards earthwork, at 25 cents	$875
2,800 cubic yards broken stone, foundation, at $1.50	4,200
4,700 cubic yards gravel in roadway and sidewalk, at 50 cents	2,350
4,000 linear feet stone curb, 4 by 16 inches, set, at 30 cents	1,200
90 cubic yards dry rubble-stone masonry in culvert, at $4	360
100 cubic yards dry rubble-stone masonry, retaining wall, at $3	300
180 linear feet 8-inch terra-cotta pipe, laid, at 40 cents	72
110 linear feet 12-inch terra-cotta pipe, laid, at 60 cents	66
2,000 bricks, at $15	30
Engineering	547
Total	10,000

It is very desirable to add $1,500 more for 7,000 linear feet of stone-paved gutters.

As there are places on the route where a greater width than 50 feet can not be obtained without interfering with buildings and with a citizens' cemetery, and that width is sufficient for a good roadway, I recommend that width for the road.

Dover is not incorporated. It is a small village of 200 or 300 inhabitants, and is not in a prosperous condition.

There is no way (except private subscription) by which money can be raised to keep this road in proper repair unless it is kept up by the Government. Very little work is done on county roads, and I do not think the county officials could be depended upon in this case. Fort Donelson is a point of great historical interest, visited by thousands of people from all parts of the Union. It is not only desirable, therefore, that a good road should be built by the Government from the river to the cemetery, but that reliable provision be made for keeping it in repair. The cost will not be great. If neglected the road will soon be destroyed.

I submit map and profile herewith.

Very respectfully, your obedient servant,

W. H. OWEN, *C. E., Q. M. D.*

Lieut. Col. G. B. DANDY,
Deputy Quartermaster-General, U. S. A.

The Nicaragua Canal.

REMARKS

OF

WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 7, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration Senate bill No. 1305, entitled "A bill to incorporate the Maritime Canal Company of Nicaragua"—

Mr. HOLMAN said:

Mr. CHAIRMAN: I submit the following proviso, to be added to the first section of the bill:

Provided, however, That nothing in this act shall be so construed as to commit the United States to any liability whatever for or on account of said company; nor shall the United States be held in any wise liable or responsible in any form or by any implication for any debt or liability in any form which said company may incur, nor be held as guarantying any engagement or contract of said company, or as having assumed, by virtue of this act or otherwise, any responsibility for the acts or proceedings of said company in any foreign country, or contracts or engagements entered into in the United States.

The pending bill proposes to incorporate a company to construct a canal through the territory of Nicaragua, and perhaps Costa Rica, in Central America, to unite the waters of the Atlantic and Pacific Oceans. The corporators are to be in part citizens of the United States and in part citizens of other nations. The capital stock of the corporation is fixed at $100,000,000, but may be increased to $200,000,000 at the discretion of the corporation. It may issue bonds absolutely without limit, and execute on its property of all kinds and franchises a mortgage to secure their payment. The following is the provision which confers this unlimited power:

And to aid in the construction of said canal and to carry out the purposes of this act, the said Maritime Canal Company of Nicaragua is hereby authorized to issue its bonds, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation.

The "property of all kinds, real, personal, and mixed," which this corporation is to be authorized to mortgage under an act of Congress, will be property situated in a foreign government, in the main real estate in a foreign nation, and "franchises" only in part granted by our Government, but mainly by a foreign government, and subject to the regulation and control of a foreign power.

The bill, except that it deals with foreign land titles and franchises, reads like the grants of lands and bonds and franchises made by Congress to corporations twenty-five years ago and authorizing them to mortgage their property and franchises, opening up opportunities for the enormous frauds which humiliated the nation, yet enabled the unscrupulous corporators to amass colossal fortunes.

But by this extraordinary bill we are proposing to confer on some enterprising gentlemen the opportunity to employ these methods of acquiring fortune in a foreign country where responsibilities may fall upon our Government vastly greater than those which we encountered in granting special privileges and great opportunities for fortune in our country.

The extraordinary grants made by Congress here at home were matters of our own; they were within our own jurisdiction and under our control. We could declare forfeitures, regulate assets, and protect the rights of citizens against the rapacity of incorporated power without hindrance or embarrassment. We could determine for ourselves the extent of the liability of Government on account of such grants and give our own interpretation to them, and no power beyond that of the great Departments of our Government could have a voice in any question that could arise.

The advent of our Republic into the family of nations, it was believed by our fathers, began a new era in the history of the world, the presence of a nation in the family of nations, where the avowed and only purpose of government was the equal promotion of the interests of the whole people, where the great powers of government should not be employed to promote the interests of favored classes or to open up special opportunities to acquire fortune to the favored few—the special mission of all former governments—but a government "wise and frugal," resting upon the natural equality of mankind, which, in the language of one of its most illustrious founders—

shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.

Before the founding of this Republic the powers of government from the beginning had been employed in advancing the fortunes of the favored few, the privileged classes, and this, too, under the ever-present, plausible pretense of promoting the public good. In the condition of the world in the eighteenth century it is obvious that if our portion of the North American continent had been within the reach of European domination a perfect example of republican government and of the nobility and strength of free institutions could never have occurred in the settlement of our globe.

If this portion of North America had ever been brought within the dominion of the policies of Europe, when the petty ambitions of reigning families, fostered by the centuries of the feudal age, furnished a pretext for enslaving the masses of mankind, the agonies of successive revolutions could only have broken the iron despotism of tradition. The struggles of France for free institutions through a century illustrate the overmastering force in the policies of Europe of the old ideas of government where the prosperity and happiness of the people is made subordinate to the glory and power of the state.

In organizing our Republic our fathers, exulting in the opportunity which a beneficent Providence had offered, cut loose from Europe and its state-craft of feudalism and organized a government for the people and for their benefit, and not for the power and glory of the nation. The power and glory of the nation, which had made Europe a land of lords and serfs, was the principle in feudalism our fathers cut loose from; the petty ambitions of kings and the wretched rivalry of nations, in which the people only suffer, was to be left to Europe and other quarters of the globe, while the United States entered upon its grand career with but one purpose in view, the happiness and prosperity of its people.

I think Washington was greater in statesmanship than in arms. In the inauguration of the Government there was the greatest peril of our Republic being complicated with European affairs. No influence less powerful than that of Washington could have prevented it. France, indulging the presumption that her valuable aid in the Revolutionary war entitled her to interfere in the affairs of the feeble nation she had sheltered, sought to involve us in the political affairs of Europe, but the earnest words of Washington kept the infant Republic true to the new departure in statesmanship—government for the well-being of the whole people, not for the rivalry and ambition of nations.

In the Farewell Address of Washington he expresses a sentiment which in other forms he had often expressed:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

This reference to former "engagements" of course refers to our engagements with France in the Revolutionary struggle. "Fulfill these," but "here let us stop," are the words of the greatest statesman of the Republic. From this sprang up the maxim "Commercial relations with all nations, entangling alliances with none."

From the days of Washington down to the present period the foreign policy of this Government has remained unchanged. While by honorable purchase of contiguous territory from France, Spain, and Mexico the territorial limits of our country have been enlarged to their present grand proportions, every effort of personal ambition, every scheme for individual aggrandizement, which has been organized seeking to involve the nation in foreign affairs by the possession or control of foreign possessions has signally failed to receive the approval of the American people.

We have refused opportunities which a monarchy would have grasped at, even if it involved the most hopeless impoverishment of its people. Years ago such opportunities were presented. Hayti, Samoa, and the Hawaiian Islands are examples—feeble powers which might well seek the shelter and beneficent protection of a government which only sought to secure the happiness of its people. If this nation had been a monarchy, inspired by the mean ambition which has controlled monarchies from the beginning, and had reached the power and greatness this Republic has attained—if such a thing could have been possible, its hopeless and impoverished people would already have seen its iron heel on every state of this continent, like Ireland under the dominion of the British power, and its lords and barons rioting on its extended and poverty-stricken dominions.

The distinctive glory of this Republic is that it has employed its powers in promoting the happiness and prosperity of its people and scorned the petty ambition of extending its dominion over feebler states, and thus opening up in America the old highway of fortune to the fortunate few and poverty to the many—the story of the Old World repeated.

I think, considering the natural tendency of great power, whether it be in government or in any form of incorporated wealth, to enter upon enterprises where the benefit and fortune of the few only are considered, without regard to their effects on the multitudes of men who are to bear the burden, that the early admonitions of the founders of the Republic have up to this time, through more than a century, except at least as to enterprises within our own limits supposed to involve public interests, kept the prow of the ship of state—the object of government—steady to one point, the prosperity and happiness of the whole people.

There is no century in all history where a government has been so true to the whole of its people as ours has been during the past hundred years. No wretched clamor that the Republic should assert its power among the nations, no plausible pretense that we were lagging behind in the progress and glory of the nations in failing to seize upon great opportunities for prominence in the affairs of the world, have as yet caused a departure from the high policy of our fathers, a government for the happiness of the people, not for the ambition and fortune of a few.

Admitting the importance of a canal across the Isthmus from the Atlantic to the Pacific Ocean through Nicaragua and Costa Rica, equally important to Europe as to America, if this body of gentlemen who propose to enter upon that enterprise wish simply and in good faith an act of incorporation to enable them to prosecute their enterprise, they have already obtained from the State of Vermont, where no constitutional objection exists, for the constitution of a State only imposes a limitation on the powers of its Legislature, and no limitation such as this exists in the constitution of any State—they have not only obtained a charter from that State in the exact terms of the bill before us as it came from the Senate, but it is said have already issued bonds under that corporate organization to the extent of $1,000,000 to inaugurate their enterprise.

In applying to Congress for an act of incorporation of so extraordinary a character as this, conferring unlimited power of issuing bonds, with stock at the beginning at $100,000,000, to be enlarged at discretion of the corporation to $200,000,000, it must be obvious that the object is to involve our Government directly in this enterprise. What other object could there be?

It is admitted that even as to the capital stock of this corporation it will in the main be a foreign enterprise. Judge Daly, of New York, one of these gentlemen, addressed the Senate committee as follows:

Now, it is necessary that there should be certain provisions in the act of incorporation that will satisfy persons abroad, from whom a large part of the money should be raised. There is nothing more difficult in enterprises of this kind than to get money. It is the hardest thing to get, and it is obtained only upon a thorough security.

"A thorough security." The State of Vermont can grant the charter, but it possesses no power to operate outside of its territorial limits; its resources would not be sufficient to meet the coming emergency; therefore the resources and power of the United States must be invoked!

It is not the necessary corporate power these gentlemen are seeking for; they have that already. It is to obtain at once the moral and ultimately the financial and political resources and power of the United States that these enterprising gentlemen are aiming at—the old story repeated, the power and resources of government employed to enrich the few at the expense of the many.

Let us consider for a moment the proportions this enterprise is likely to assume which the United States are sought to be made responsible for in their first venture to open up commercial highways in a foreign country. To begin with, $100,000,000 of capital stock, which these gentlemen may increase and water at their pleasure to $200,000,000, and then under the almost unlimited corporate powers granted by this bill these gentlemen can issue their bonds absolutely without limit. Let us see how their operations are to be carried on.

Judge Daly, of New York, one of these gentlemen, and the agent of the so-called "Maritime Canal Company of Nicaragua," expressed the object fully as to how this canal would be constructed before the Senate Committee on Foreign Relations on January 25, 1888, when this bill was pending in the Senate. Judge Daly's statement appears in the report of that committee, No. 221, first session Fiftieth Congress, made to the Senate on the 9th day of February, 1888:

The way it is done in enterprises of this kind, and I know of no exception—enterprises that involve a large amount of money—is to issue bonds in the nature of mortgage bonds. They are a security upon the work as it is finished, and are paid only as the work progresses, and not otherwise. They are not paid in advance; and as a compensation for the risk, in addition to the interest on the loan, a certain amount of the stock will have to be given. That is the way it has invariably been done. That has been the way with our great Western undertakings to the Pacific. One of the first questions they will ask will be whether we have lawful authority to issue bonds as a corporation. If we should tell them what our laws are, they would answer at once, "We know nothing about your laws," and it is to guard against this that we have incorporated in the charter the right to issue bonds.

The next question would be whether the stock issued for the work as it progresses would be regarded as paid-up stock, and for that reason a provision to that effect is made in the bill.

Those are the only two important provisions we have inserted in the bill. We can then say there is the charter which authorizes us to issue bonds, and also authorizes stock to be issued for property and work done. Now, those are the two essential things to put in the charter. Beyond that we ask nothing but the recognition which is implied by the granting the charter.

And further on Judge Daly says:

Judge DALY. There is one consideration in that point of view; our association will be large stockholders by virtue of the concession made to us by Nicaragua, and the State of Nicaragua will also be a large stockholder by virtue of the concession. If a large proportion of the bonds is taken up in Europe, the amount of stock given to the foreign bondholders will be comparatively small. Practically, as a general result, they might have control, but that would only be in co-operation with American holders. I presume that would be the case here.

And such, gentlemen, is the enterprise this Government, through a corporation created by it, is to engage in in a foreign country. So, sir, the stock, $200,000,000, if the corporation so determines—and, of course, it will so determine—is to be given to the bondholders "as a compensation for the risk in addition to interest on the loan." And this enterprising gentleman tells us above that "that has been the way with our great Western undertakings to the Pacific." And such is to be the character of this enterprise from the beginning, openly avowed.

Is this a pleasant remembrance? Was the Crédit Mobilier, which defrauded this Government out of millions of dollars, overwhelmed this House with dishonor, and drove from this Hall never to return members once highly honored, so pleasant an incident in our history that Congress shall authorize its repetition under its sanction in a foreign country? And so Nicaragua is to be a large stockholder of paid-up stock, and the suggestion is made that a large portion of the bonds are to be taken in Europe. And the people of the United States are by this bill called upon to stand behind and be prepared to bolster up an enterprise for the benefit of both European and American capitalists and adventurers and officials of Nicaragua in possible sums of such magnitude as to dwarf into a trifle the enormous sums involved in the frauds of the Crédit Mobilier and the Union Pacific corporation.

During our past history Congress, legislating on subjects within our own exclusive jurisdiction, could determine what remedy was proper for frauds committed under color of its enactments, or restrain the attempt to commit fraud, and could determine in such case what justice demanded in behalf of the United States or its citizens with no power to interfere. But, by this bill, if it becomes a law, you invite in express terms capitalists of all nations to become the holders of stocks and bonds issued by a corporation you have created, operating in a foreign country and beyond your jurisdiction. When $200,000,000 of stock shall have been issued and bonds without limit held by citizens of Germany, France, England, and the other nations of Europe, and questions shall arise, as they will arise, how far the United States is responsible, they will not, as in all former years, be able to determine the questions as those of internal policy, for the rights of citizens of other nations will be involved in the enterprise we have authorized. Thus the United States, leaving the old path of safety, will become involved in foreign affairs, and lose the impregnable position of neutrality in foreign conflicts which has been the foundation of our safety from the beginning.

Besides all this, Nicaragua and Costa Rica, through whose territory this canal will pass in its course from the Atlantic to the Pacific, are feeble governments, not controlled by an intelligent people, already mixed up by treaty and otherwise with the European governments; and gentlemen will readily see from the nature of the concessions alleged to have been made to this "maritime canal company," and the nature of the rights those governments have retained, that within a few years the United States will have to employ its powers in protecting this corporation in the rights it claims, a corporation in fact more foreign than domestic; and yet the United States, having granted these corporate powers, will be compelled to maintain them.

The probabilities are that the United States will be compelled at an early day to occupy the country with land forces and a naval force on each border. No one can say that this will occur, but it can be readily seen that such will almost certainly be the result, and if it does this Republic will become as completely involved in the wretched contests and still more wretched methods of government which have impoverished the many and enriched the few as if it had been a part of the European system. If this Government once leaves its impregnable position of fostering only the well-being of its own people, which resulted in its present greatness, who shall predict, in the light of history, its effect on our free institutions?

If this enterprise shall be successful under the policy of this bill, these enterprising corporators and others will reap a rich harvest and amass wealth; if disaster shall befall it, such as all enterprises of magnitude and all others are exposed to, these corporators of Europe and America and others connected with them will amass fortunes out of the stocks and bonds you authorize this corporation to issue, for when you enter upon this work in the manner and form proposed by this bill you can not escape the inevitable consequences. The judgment of the nations whose citizens you invite to invest their capital in this enterprise will demand that this Government shall be held responsible for

a great foreign work it has authorized to be constructed by a corporation composed of citizens of all nations, implying support and protection of this Government.

Besides all this, with the national honor involved, and the great capitalists of this country who have become the holders of the stocks and bonds of this corporation demanding, on the many plausible pretenses that will be suggested, amongst others, that this Government having induced capitalists of all nations to engage in the enterprise, and that unexpected obstacles had been met, as in the case of the Panama Canal, the Government ought, in common honesty and in respect to national honor, to furnish proper relief, will Congress be able to resist their demands? I answer, no; and if this bill becomes a law the early future will confirm my statement.

And thus, sir, this canal will be, even if this corporation shall fail, completed. Another great brood of ingenious and skillful financiers who live off of the labor of other men will amass kingly fortunes through the employment of Government in the old method, at the expense of the toiling millions. And yet the hundreds of millions of dollars which will be drawn in taxation from the mass of men of our own country will not add one cent to the value of their daily labor or in any possible degree ameliorate the hard fortune to which labor is subjected by these methods which have centralized the wealth of the world and consigned the great multitude of men to poverty. If the capitalists of Europe and America wish to construct this canal let them do so, for it will greatly foster the capital interests of both continents; but I protest against the purpose which this bill aims to accomplish, to cast the ultimate burden on the labor of this country while the benefits and profits will inure to capital of Europe and America.

It is manifest this bill will become a law. It is easy to disguise such an enterprise and hold out delusive hopes to the laboring men who constitute the great mass of our people and of the world, but I will attempt in the best way I can to prevent this stock-jobbing enterprise from being made a source of fortune to these corporators of Europe and America at the expense of the laboring men of this country, even if the greater evil of this measure can not be averted. I will press the amendment which I have already named:

Provided, however, That nothing in this act contained shall be so construed as to commit the United States to any liability whatever for or on account of said company; nor shall the United States be held in any wise liable or responsible in any form or by any implication for any debt or liability in any form which said company may incur, nor be held as guarantying any engagement or contract of said company, or as having assumed, by virtue of this act or otherwise, any responsibility for the acts or proceedings of said company in any foreign country, or contracts or engagements entered into in the United States.

I freely admit that in an enterprise of this magnitude, authorized by the United States in a foreign country, involving the commercial enterprises and the great capital interests of the world, the restriction which I have proposed may be almost as feeble as the spider's web; I admit this. The force of this movement, the struggle of the great interests and great capitals that will be involved in this enterprise will, if our former experiences are considered, render such a restriction or declaration of little avail, and yet, hoping for the best, I offer this amendment. It may possibly meet some wily argument that from the nature of the unlimited powers conferred on this corporation the United States in the beginning intended to assume, financially and otherwise, responsibility for this foreign enterprise and guaranty the investments of the skillful financiers and enterprising capitalists of all nations, who are seeking to use the power and resources of the United States, for their own aggrandizement.

If it is adopted it will at least stand as a protest of this present House of Representatives against the claim that will be made that the United States intended such guaranty. The times that are coming can only determine the strength of such a declaration as to the purpose of the United States in granting such an extraordinary charter when the corridors of this Hall shall be crowded with a powerful lobby demanding that the United States Treasury shall uphold and validate the hundreds of millions of dollars in stocks and bonds which its corporation shall have issued for the enrichment of the financial adventurers of Europe and America. I at least hope that the amendment I have suggested will be adopted.

But, independent of these questions of policy, I deny that Congress, under the Constitution, has the power to grant such incorporate powers. There is no precedent for this. In our history of more than a century Congress has never dared to assume such power. What provision of the Constitution confers such power on Congress?

It is claimed by some gentlemen under section 8, clause 3, of the Constitution—

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

"To regulate commerce." Can Congress, or the executive department, or the Supreme Court of the United States declare that under this general power "to regulate commerce" the United States, directly or by a corporation deriving power from them, might enter a foreign nation and engage in constructing in such nation works of local improvement, canals or railroads? I deny that any decision of the Supreme Court of the United States in relation to the commerce between the States could have any relation to "foreign nations," especially and in view of the fact that from the beginning Washington and his great associates, whose counsels for at least a third of a century directly guided the affairs of this nation, with unwavering firmness resisted any entangling relations whatever between our Government and foreign nations. Would these great statesmen have conferred a power on Congress which from the very beginning they were determined should not be employed?

I deny that the United States can, under the Federal Constitution, go beyond the States and Territories and District of Columbia and exercise its powers, except in protecting it citizens and its commerce, and, under the power to make war, assailing their enemies for national defense.

This Government—a new departure in the history of the world—was designed for the purposes expressed in the preamble of the Constitution:

To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Not one word of this grand declaration of our Constitution indicates a purpose of the authors of the Constitution that this nation should imitate the ambitious policy of the then nations of the world in the fields of foreign enterprise, the policy which had even then reduced Europe to a land of palaces and huts, the very policy from which our fathers sought to cut loose forever.

I protest against this bill as in direct conflict with the policy under which our nation has grown and prospered without any example in history for more than a century, and because this departure from the policy of our fathers imperils our now impregnable standing as a republic and the untrammeled power of our people to control the affairs of the Republic. This power when our Government becomes complicated with the affairs of other nations is gone.

NOTE.—Mr. HOLMAN'S amendment was adopted, and the bill passed.

Naval Appropriation Bill.

SPEECH

OF

HON. PRESTON B. PLUMB,

OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

Tuesday, February 12, 1889.

The Senate having under consideration the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes—

Mr. PLUMB said:

Mr. PRESIDENT: The general idea which the Senator from Colorado has spoken upon was recognized in the fortification bill of last year, in the following paragraph:

The board is authorized—

That is, the Board of Ordnance and Fortifications created by that act—

The board is authorized to make all needful and proper purchases, investigations, experiments, and tests, to ascertain with a view to their utilization by the Government, the most effective guns, including multicharge guns and the conversion of Parrott and other guns on hand, small-arms, cartridges, projectiles, fuses, explosives, torpedoes, armor-plates, and other implements and engines of war; and the Secretary of War is hereby authorized to purchase or cause to be manufactured, such guns, carriages, armor-plates, and other war materials and articles as may, in the judgment of said board, be necessary in the proper discharge of the duty herein devolved upon them: *Provided*, That the amount expended and the liabilities incurred in such purchases, investigations, experiments, and tests shall not exceed $500,000, which sum is hereby appropriated.

The Senator from Colorado asks me if that became a law. It did.

Mr. HALE. What was the amount carried by that?

Mr. PLUMB. A half million dollars; and that was the result of very considerable investigation on the part of the Appropriations Committee in relation to the general question of what was due to private inventors, not as persons, but with reference to the encouragement of the inventive genius of our people in the matter of armament and munitions of war, and I have been told that under this provision the inventor of the Hurst gun, of whom the Senator from Colorado has spoken so eloquently and effectively, is about to enter upon a series of experiments under the direction of the Board of Ordnance and Fortifications, whereby he expects to be able to convince that board that it should avail itself of the opportunity provided in that appropriation for the purchase of some of his guns for the use of the Army, and also of the larger ones for the purpose of coast defense.

Mr. HALE. I wish the Senator would state right there what the committee did in the construction of this board in amplifying its *personnel*, so that it might not be subject to the complaints that had been made that merely Army circles were inclined to reject the claims of meritorious inventors.

Mr. PLUMB. That was a subject that went through very considerable investigation at the hands of the Appropriations Committee, with the result that this board was formed consisting of the commanding general of the Army and a member each of the Ordnance, the Artillery, and the Engineer Corps, all acting under the direction and supervision of the Secretary of War, with a view of getting away from that obstructive condition of things existing in the Ordnance Bureau of the Army, which has been so much complained of by inventors and others.

I am not prepared to say, in view of the present light I have on the subject, that we have got quite as far away from those influences as we ought to have done; but there is this trouble: The inventors of this country are legion, and they have invented ingenious machines covering every form and entering into every domain of human activity, and if the Government were to take up and experiment with every invention of improved gun or missile or engine of war or other thing designed to protect or to destroy we should use up the entire amount of our appropriations and still be without armament or munitions. The line must therefore be drawn somewhere. Discrimination is necessary, and it has been deemed advisable heretofore to submit the entire question of experiments, of purchase, and of construction to the Ordnance Bureaus of the Army and Navy, respectively, in the belief that those bureaus would be found sufficiently receptive, and that they would choose that which was on the whole best calculated to meet the situation without involving themselves in unnecessary experiments, and with due regard to the rights of inventors.

It became apparent, however, that the Army Ordnance Bureau did not meet the situation properly. It discouraged inventors and inquiry and acted as a close corporation, spending considerable sums of money without practical result, and so it was thought advisable to put offensive and defensive preparations under control of a board consisting of the General of the Army and one officer from each of the great subdivisions of the Army, the Engineers, the Artillery, and the Ordnance, all under the general direction of the Secretary of War. This it was thought would be a great improvement on existing conditions. It may be too early to say that these expectations will not be wholly met, but up to date it seems evident that the board has yielded too much to the control and methods of the Army Ordnance Board, and that it may prove necessary to add some members from civil life.

It seemed to have been demonstrated by the recent investigation by the Committee on Appropriations or by a subcommittee of that committee that there was a determination on the part of the Ordnance Bureau of the Army to deprive inventors of the rights due to them as such by denying them the use of their inventions, at the same time making use of them in the shape of modifications and alleged improvements on the ideas which they had developed in such a way as to obtain credit for bureau and other officers of the Army. It seemed to have been demonstrated, for instance, in regard to wire-wound guns, that after the inventor of this gun had brought his invention in all its details to the attention of the Ordnance Bureau, and Congress had provided an appropriation for the purpose of manufacturing and testing the gun, the officers in charge of that bureau determined to go outside of the inventor and to make a gun of their own, modeled upon the principle and plan of the inventor, possibly somewhat improved, which would illustrate their superiority and give them the credit due to another.

It seemed also to have been practically demonstrated in the case of the Hurst gun that the very estimable gentleman at the head of the Ordnance Bureau of the Navy Department had predetermined that this inventor should have no advantage through Government sources on account of his invention, and that he would interpose all possible obstacles to the demonstration of the value of the invention, and has seemed intent upon preventing its adoption by the Government by copying its central idea and entering upon the production of a similar gun himself.

The Army and Navy each constitutes a very close corporation, not only unreceptive, but wholly determined to recognize no process, suggestion, or invention which comes from outside. What they do not originate is not worth considering.

In order to get the best results we shall manifestly have to get away from these influences. We have done something in that direction by the creation of the board I have mentioned, but more remains to be done.

I do not agree with the Senator from Colorado that we have got no small-arm that is worthy of the name, and that on account thereof we should be at a great disadvantage in the case of a war, because I have the testimony of General Sheridan and numerous other competent Army officers to the effect that the Springfield rifle now carried by the United States troops is one of the best weapons carried by the troops of any nation; not the longest range, nor for rapid firing, but for all purposes as a practical weapon, a weapon not easily disarranged, and one which has advantages which measurably compensate for its disadvantages.

There has always been a difference of opinion among army men as to whether the best small-arm should be a magazine or an ordinary breech-loader. A Springfield rifle is at least a fair compromise among all these different kinds of weapons, and by means of it the United States Army is at least fairly provided for the needs of modern warfare.

I do not feel especially put out because Mr. Hotchkiss and Mr. Maxim went abroad to find purchasers for their patents. The business of foreign governments is warfare to a much greater extent than ours is. We can well afford to let our ingenious citizens go abroad with their inventions. We know perfectly well if we should need in an extremity to use them we can do so. In time of war, I take it, we should not respect the rights of the patentee or of the purchaser of a patent in the person of a foreign government. Therefore, if these patents are developed abroad, it is for the benefit of ourselves among others, and while we may not be able to make as immediate use of it as other governments do, we should still have it if we needed it. And meanwhile we have the benefit growing out of the prosperity of our inventors. National wealth is nothing more or less than the aggregate of the individual wealth of our people.

One objection to this amendment is that it names a particular weapon, and thereby forecloses inquiry and judgment and discretion on the part of the Secretary of the Navy, or of such board or instrumentalities as he may have at his command, for determining in what direction we should make investment in arms for naval purposes; and yet it may be desirable in this case to ignore these instrumentalities and to name the particular weapon, in view of the non-reciprocity of the Ordnance Bureau of the Navy Department, and compel the purchase, to a limited extent at least, although I imagine if we were to take this question up in that way at the demand of inventors who have apparently a very meritorious invention, we should soon have on hand an assortment of warlike instrumentalities which would be of varying degrees of merit, and probably very many of them entirely useless in view of new conditions.

I should prefer, therefore, instead of naming this particular weapon, that some of its characteristics should be mentioned, and that the Secretary of the Navy should be authorized to purchase after proper test weapons possessing those characteristics. Upon that point, however, I do not desire to make and shall not offer any amendment.

But, before taking my seat, I desire to say something on the general subject of the construction of the Navy as carried on during the past four years. It has been at once the fortune and the misfortune of the American people to have during the past fourteen years a Congress so divided politically that there could be no unanimity of action, and in place of confidence there has been mistrust. This has possibly prevented the doing of many improvident and improper things, but has likewise operated to prevent action upon important lines material to national defense.

The House of Representatives having alone the power, according to practice, to originate appropriation bills, was till recently at political variance not only with the Senate but with the Executive, and it chose for purposes of its own, well or ill, to say that the executive department could not be trusted to make the expenditures necessary to construct a navy designed to meet modern conditions. I remember very well when during the Hayes administration the eminent Senator from Kentucky [Mr. BECK], now absent, a member of the Committee on Appropriations, rose in his place and in support of the then pending naval appropriation bill said that he had great pleasure in saying that every item in that bill was just as proposed by the Secretary of the Navy, that it met with his concurrence, and he was glad to know that there was an officer at the head of that Department who could be trusted.

And yet, Mr. President, there was not in that naval bill one single dollar for new construction, but there were millions of dollars for ineffective repairs, it being the policy of those who controlled the initiative of these appropriation bills to give not millions of dollars for defense in the shape of the construction of modern ships of war, but millions of absolutely useless dollars for the repair of ships, which, when repaired, were of no use whatever; and the various Secretaries who estimated for funds for naval uses, as they could get no money for new ships, were constrained to ask for repairs to old ones so that the flag might be kept afloat and opportunity be afforded for the service and instruction of our naval forces.

Against this policy the Senate protested and contended in vain for years. When in the spring of 1885 the administration changed and the Executive and the House of Representatives were in harmony, the Senate then had a chance to get back at its political opponents by changing its policy and adopting the tactics of the House of Representatives, refusing to make appropriations for naval construction to be expended by a Democratic administration, but it did not do so.

It adhered to the policy which it had pursued from the beginning, of proceeding each year to do something upon the then best approved lines, not asserting that what was then known was the best ever to be had, but believing that what was best at the time was better than nothing, that it was time to begin to prepare for the inevitable—begin to instruct our mechanics, our people generally, and stimulate both capital and inventive genius to enter upon the great work of building an American Navy which should be worthy the American nation, going ahead gradually but steadily toward the provision of those means of offense and defense which are absolutely necessary for every first-class power.

It so happened that when the Democratic Administration came in the Democratic House of Representatives was pleased to say, in effect, that it had such confidence in that Administration that it would commit to it the expenditure of sums of money for the purpose of constructing a Navy, which it had denied to Republican administrations, in every respect as worthy as the present Democratic one, and the Senate met the House not only half way, but went farther than the House was willing to go. It adhered to the policy which it had before announced. Where the House proposed to build two ships the Senate, following its old policy, proposed to build four, and insisted so strenuously that the House yielded, and there was given to the Democratic Secretary of the Navy twice more than even his own political associates were willing to give.

I am bound to say that this money was given into good hands. Omitting mention now of some of those things which I felt called upon to criticise in the early period of the administration of the Navy Department by the present head of it, I am glad to say in the closing hours of Mr. Whitney's administration that the affairs of that Department have been well administered. They have not only been well administered, in the sense that everything has been honestly and faithfully done, but there has been a stimulus given so far as it could be done by executive direction to the production of the best types of ships and of the highest form of manufacture, and more than all that, to the encouragement of the inventive genius of our people and to the performance of all possible work, not in navy-yards, where they might be most surely made the instrument of political strength, but in private ship-yards and manufactories, to the effect that we have got to-day enlisted in this great work of building an American Navy not only the Navy Department backed by Congress, but we have got the keen competition of American manufacturers and the inventive genius of all our people, so that we may confidently expect not only the best results, but great improvement each year.

I am glad to say that during the past four years the Navy Department has been administered in a practical, level-headed, judicious way, and the result is such that, quoting a remark made to me by the Senator from Maine [Mr. HALE], and after a careful examination of the reports of the Secretary of the Navy as to what has been done, I am prepared to believe and to say that within ten years we shall have the best navy in the world—not the navy with the most ships, not the navy with perhaps the greatest variety of ships, but the navy which will have the most ships of modern and useful type, the ships which will not only constitute a formidable fleet for offense and defense, but which by reason of their speed will make them the greatest menace to the commerce of such power as we may happen to be at war with—a fleet worthy to carry the national ensign and to be manned, guided, and fought by the worthy succession of the American Navy in its best estate heretofore.

Mr. President, if this work could have been undertaken under any one, perhaps, of the Secretaries who preceded the present Secretary of the Navy, under the same generous auspices we might have had the same or a similar result long since. But fortunately no serious result has grown out of the delay, and it is one of the satisfactory results of the past four years' administration of the Navy Department, not only that we have made a good start toward a navy, but that a unity of sentiment upon this great question has been brought about which makes the future as secure as the past. Henceforth there will be no party divisions to hinder adequate appropriations—not to do all that remains in one year, but something and the best each year, availing ourselves of what is best, until within a reasonable period we shall have a navy equal to all demands upon it and in every respect worthy of the greatest people in the world.

Pension to Widow of General Sheridan.

SPEECH

OF

HON. JOSEPH B. CHEADLE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 22, 1889,

On the bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan.

Mr. CHEADLE said:

Mr. SPEAKER: I realize the fact that my opposition to the pending bill will be misrepresented, that I shall be charged by those who are dwarfed and warped in their reasoning with opposition because the beneficiary is the widow of an officer and not the widow of an enlisted man. It may be asserted that in opposing it I am reflecting upon the name and fame of one of earth's most brilliant military men, or at least that I do not properly appreciate the services rendered the Government by General Philip H. Sheridan. That can not be true, because I, too, was an humble comrade in that great war which developed in him those marvelous qualities of leadership which have made his name immortal.

In that contest I, a private soldier, tried to do the work given me faithfully and well, while he, having been educated and prepared for such an emergency, by virtue of his ability and this education and preparation, achieved for himself and his country a fame which shall endure so long as the history of that war shall be recorded. Philip H. Sheridan was born sole heir to poverty. Under the influences of this incomparable American system, which in its purity grants to the sons of poverty an equal chance in the race of life with the sons of the rich, he was enabled to break away from his environments.

He was tested in a crucible of fire, and he emerged therefrom purified and strengthened, so that in every emergency he was master of the situation, and I would not if I could and could not if I would detract one jot or tittle from his world-wide fame. In the presence of such a character I stand uncovered to pay my humble tribute of respect to his worth and genius, and I desire to concur in advance in all that may be said by my colleague, Mr. KERR, of Iowa, in reference to the achievements made and the honors that are due General Sheridan. They are a part of the heritage of that great contest, and as one of the survivors of it, I rejoice in and am honored by the laurels conferred upon Sheridan.

We are not considering to-day, Mr. Speaker, the question of Sheridan's name and fame in history, of his marvelous march from obscure poverty to fame immortal. That is not the question. Upon that question there could be no division. We are in perfect accord upon that. The question we are to consider to-day is a plain one. It is a simple question. It is so plain and direct and simple that even a child can fully comprehend and solve it. The question is, Was the victory of that contest from 1861 to 1865 a real one? We entered it and fought it to a finish to secure for every citizen of the Government liberty and equality before the law, and now the question is, is there equality before the law here in America? Not social equality, not mental equality—no sane man will contend for that—but is there equality before the law, equality in the right of recognition for services rendered and of the right to receive equal remuneration for equal sacrifices? I shall not be led aside to discuss any other question.

If there be equality before the law, then in that event every widow of our dead heroes is entitled to so much pension, and not one cent more than is authorized by the general pension laws of the United States. There is no escape from this conclusion. Thus it follows that instead of detracting in the least from the name or fame of any man who fought for the preservation of the Union, I am demanding that their sacrifices shall not have been made in vain. I seek to carry into complete execution the fullest possible fruits of their great victory.

I would emphasize, if possible, the fact that this is a Government by the people, for the people, and of the people, wherein there is guaranteed in the organic law of the Government absolute equality in all civil and political rights before the law, instead of special favors and benefits for the select few. I would also emphasize the fact that class legislation, of which the pending bill is a striking sample, is in my judgment the beginning of the end of this Government by, for, and of the people. Our only security lies in a rigid adherence to those fundamental principles upon which rests the whole theory of our Government. Any departure must be fatal, because in our political system precedents are followed closely, and if we shall set up precedent after precedent in this line we shall soon have fastened upon us a system that is at variance with every fundamental theory of our Government.

The pension system is now firmly established. The whole theory of pensions being predicated upon the idea that like disabilities must receive like or equal pensions. There has been established a system which, in the judgment of those who framed the laws, provided what was thought by them to be a just and equitable difference on account of the differences in their positions in the Army and Navy. Thus to the widow of a private soldier is given $12 per month; to the widow of all lieutenant-colonels and officers above that grade, $30 a month, or two and one-half times more than is given to the widow of an enlisted man.

I say, and no man can disprove the statement, that no man can formulate an argument upon any constitutional, legal, equitable, or moral ground to sustain this difference, and yet in the face of these facts the advocates of this measure propose to increase this difference from $12 a month to $3,500 a year. And why? Is the widow to be benefited homeless? Ah, no, Mr. Speaker; she lives in a more elegant home than can be found in the great district I have the honor to represent. Is she in want? No; the statements made by the friends of the measure show that she is far from being in want. Did her husband die in battle? No; the war was ended and his military fame was achieved before the relation of husband and wife was entered upon.

Have all other widows whose husbands either died in service or lost their health and have since died been granted the amount of pension authorized by the general laws? Oh, no! There are scores of thousands of them all over the North, homeless and in actual want of the absolute necessaries of life. Then why, Mr. Speaker and gentlemen of the House,

propose to give to one widow who has an elegant home and an abundance to live upon for years the princely pension of $3,500 a year, while you decline to relieve, under the provisions of the general laws, all these thousands of other equally meritorious widows who are homeless and penniless, subsisting upon the charity of the localities where they live?

I should like to read in cold type the answer to this inquiry. Says one, "My dear sir, your early education has been defective in this, that you forget that the widow of an officer who is accustomed to live in official style can not come down and live upon $30 a month." Notwithstanding the defects in my early education I reply, the Government of the United States does not propose to pension any one in order that they may live in official style; to do that would not be American. It would require that every principle of our whole theory of government be trampled into dust before that could be legally done.

I want to see every pension granted by a general law. I repeat, every pension. I want to see the necessity cease for grouping special bills in pairs—one Republican and one Democrat—in order that they may become laws. Such proceedings are not commendable, either in law or as precedents. I want to see the custom ended, once and forever, of filling the RECORD with statements that certain men who were educated, appointed, and commissioned as officers of the Army and Navy actually did their duty, because even the law presumes that every one of these men does his duty, while as a matter of fact it is the pride and boast of our Army and Navy that every man does his duty conscientiously and well, as his oath and honor admonish him to do. How could any honorable officer fail to do less than his whole duty?

I need not pause after so many years of pension legislation to argue the proposition that all pension laws should be general and uniform, granting in each and every case like pensions for like disabilities, for the reason that the proposition is so true and correct and just that, like an axiom in mathematics, its mere statement will demonstrate its absolute justice and correctness, not only as a constitutional and legal proposition, but also as a wise, honest, and impartial rule for the Government to pursue toward all those persons who are recipients of its bounty.

I hold, Mr. Speaker, and so must every one who desires his official actions to be in harmony with our theory of Government, and as the great mass of the people hold, that like disabilities should and must entitle the pensioner to receive like pensions. This, sir, and gentlemen of the House, is the inexorable logic upon which rests the whole fabric of our pension system, and this is the only just, ay, the only legal ground upon which we can demand that pensions be granted at all.

I am in favor of the most liberal pension policy. A pension for every honorably discharged veteran, and for every widow of our dead comrades; but, Mr. Speaker, I demand, as all the rank and file of my comrades and the great mass of the common people demand, that all of these pensions shall be granted by general pension laws uniform in their ratings and granting to all persons like pensions for like disabilities.

The letter and spirit of our written Constitution, the whole theory of our political system, demands the enactment of general laws which shall be of equal force and effect upon all the people; it therefore follows that if pensions are to be granted at all to the widows of the men who are in our military and naval forces that these laws be so framed that the widow of one soldier or sailor shall receive the same amount of pension that is paid to the widow of any officer of the Army and Navy, including the widow of the General of the Army.

Under our theory of government I deny, Mr. Speaker, that there can be any class or caste in widowhood. If our people are as we declare them to be, sovereign and equal before the law, then such a thing as classes or caste in widowhood is an impossibility in this land of equal rights. Mr. Speaker, I think this safe and patriotic and just ground upon which to stand. This is the safest possible ground upon which to predicate an argument. A position which is in perfect harmony with both the theory and letter of the written Constitution of our country; and one who is thus grounded in the letter and theory of the written law need have no fear about immediate results. Objections may be urged, fault may be found, but he at least is secure.

Upon this highest, this patriotic, this thoroughly American position, I have, Mr. Speaker, taken my stand, and from this vantage ground I desire to call a halt and urge upon my colleagues the imperative duty of ending at once and forever this class legislation, sustained in this position as I am by the written Constitution, and by the general theory of our whole system of government, and by the public opinion of the soldiers and other citizens of the district I have the honor to represent in this House.

I urge upon this Congress, representing as it does all the people, a body which exists by reason of the sacrifices and sufferings not of any one, or of any select few, but which exists by reason of the sacrifices of all the Union heroes who stood in line under the starry banner of the free until it was once more accepted as the emblem of our nationality. I repeat, I urge upon this Congress, to whom has been committed the high prerogative of enacting laws for the government of all the people, not to trample under foot the whole theory of our Government and the Constitution itself, made to protect the rights of the many, upon any plea of sentiment or for the benefit of the select few.

I protest here and now, in behalf of all the dead and living heroes, against all forms of class legislation, and, disguise the fact as we may, the bill under consideration is one of a class of similar bills in a series of most pernicious class legislation in this, that while the general law grants to the widows of Union heroes the sum of $144 a year, this bill proposes to give to the widow of another one of our Union heroes the princely sum of $3,500 a year, and this, Mr. Speaker, in a land the proudest boast of which is that all American citizens are sovereigns who are made by our theory of government absolutely equal before the law. It is against this granting of special aid that I protest.

The question of who is to be the recipient is of minor importance. The principle involved is the thing I want to strike until it shall never again rear its hydra head in Congress to insult all the widows of our enlisted men who, without regard to their condition, can only be granted $144 a year. There are widows of enlisted men who have given to the country one, two, three, four, and in one case six sons and husband too, to die in order that this temple of constitutional liberty might not perish. Has Congress granted any one of these the princely pension of $3,500 a year, or even $2,000, or $1,000 a year? No, no! Mr. Speaker, they are only of the common people. Their husbands did not ride to fame in that contest. They died on the lonely picket-post, in the fierce and terrible charge, or perchance in hospitals of pain or in prisons of torture which no words can portray, yet their sacrifices were much greater than any one of the claimants in any one of these special bills.

Why have not these widows and mothers been specially remembered? Let me tell why. Because we worship at the shrine of the world's so-called heroes instead of standing close by the shrine of principle; because the majority here takes for its heroes the men of renown and their loved ones, while I, Mr. Speaker, would take for mine the enlisted men and their loved ones. Rev. H. S. Taylor, of Illinois, has, in a poem of rare sweetness, set forth this sentiment in the following words:

I knew him! By all that is noble, I knew
This commonplace hero I name!
I encamped with him, marched with him, fought with him, too,
In the swirl of the fierce battle flame!
Laughed with him, cried with him, taken a part
Of his canteen and blanket, and known
That the throb of this chivalrous prairie boy's heart
Was an answering stroke of my own!
Your man is the man of the sword and the plume,
But the man of the musket is mine.

I knew him, I tell you! And also I knew
When he fell on the battle-swept ridge,
That the poor battered body that lay there in blue
Was only a plank in the bridge
Over which some should pass to a fame
That shall shine while the high stars shall shine!
Your hero is known by an echoing name,
But the man of the musket is mine.

I commend this sentiment to those of my colleagues who have been voting princely pensions only to the widows of the men of the "sword and plume." Let us hereafter take for our heroes all of those who are entitled to pensions, and here and now let us highly resolve that our patriot dead shall not have died in vain. That we to whom has been committed the duty of guarding the citadel of liberty and equality before the law will now stand as resolutely by the principles for which they contended as they did by the flag of freedom in that great contest.

I can not be made to think, Mr. Speaker, that the almshouse is a fit place for a Union veteran, his widow, or his children to live. The sacrifices made by these heroes entitle them to receive the gratitude and substantial aid of the nation their valor saved from destruction. Nor can I believe, Mr. Speaker, that the potter's field is a suitable burial place for these veterans, when at last life's march is ended and they are at rest. To care for all of these while living and to give them a soldier's burial when they die is the first duty of the Government, and I am in favor of doing our whole duty by them without regard at all to its cost. I shall oppose any and all material reduction of war taxes until all these veterans and their widows and children are provided for.

If it was necessary, I should not hesitate to resort to every known means of taxation in order to redeem our pledges to care for all these heroes, their widows and orphans. To-day the national Treasury is bursting beneath its weight of gold and silver, while scattered all over the North are thousands, yes, scores of thousands of these old soldiers, their widows and orphan children, in hovels of want or in the almshouses, who are not receiving one cent of pension, while there are scores of thousands of their widows living in need of the absolute necessaries of life, while their children cry for bread. All this in the land these heroes died to save and in the face of the most solemn obligations to care for all of them.

Mr. Speaker, so long as I retain my reason and have the courage of my convictions, and so long as all these comrades are unprovided for, and so long as so many thousands of the widows and children of my dead comrades are in want of the necessaries of life and are not pensioned at all, I shall, though I stand here in this tribune of the people alone, without the aid of one colleague, not only oppose, but shall vote against any proposition to pension the widow of any Union soldier at

the rate of $3,500 a year, in order that she may live in luxury and rear her children in ease and opulence, not even though that widow was my own mother.

I trust that I am as thoroughly imbued with Americanism as I am with love for my comrades. I trust that, in all the word can imply, I am an American. I detest with all the intensity of an ardent nature all forms of official class and caste. I hate official snobbery. If, Mr. Speaker, there shall be created an official pension class, who shall demand that they be pensioned at the public expense at such rates as will enable them to live here in the capital of the nation in luxuriant ease, amid the whirl of official society, other members must be responsible. I shall not vote for any of them. I shall oppose every measure of that kind. Such pension legislation would be an insidious encroachment upon the rights of the people. It would be at variance with the whole theory of our Government. It would be a direct insult to every widow of our dead heroes who is now living in poverty and knows by sad experience what actual want means. It would be, Mr. Speaker, an outrage infinite upon every child of poverty whose father died fighting for the perpetuity of the Union, and for these reasons I shall resist each and every attempt made to trample into the dust the essence and life of the principles for which all our heroes contended from Belmont to Appomattox.

Mr. Speaker, I ask in all candor, what right or by what authority do we, as representatives of all the people, take the people's money and appropriate it so that the children of one of the nation's defenders shall be reared in ease and splendor, while so many thousands of the children of other defenders of the Union, who are entitled by every known principle in our system of jurisprudence to the same aid and protection, are not pensioned at all, many of whom are crying for bread?

Can it be possible, Mr. Speaker, that in the land of Washington and of Lincoln, founded as it is upon the Declaration of Independence, wherein the doctrine of the equality of citizenship is fundamental, a nation that was saved by the most marvelous expenditure of blood in modern ages, and by the sacrifices endured by the grandest army that was ever marshaled in battle, composed, as it was, of men who did not fight for conquest nor for subjugation nor for military glory—an invincible host whose only battle cry was—

> We are coming, Father Abraham, six hundred thousand strong,
> Shouting the battle cry of freedom—

and of equality for every citizen of the Republic before the law. Can it be true, Mr. Speaker, that in this tribunal of all the people—with all these historic facts fresh in our memories, and with all these hallowed thoughts indelibly engraved upon head and heart—it will be contended for a single moment that the widow and children of one soldier of that grand army are entitled to privileges and protection from the Government which are not the absolute right of all the other widows and children of the soldiers who were his comrades. Are the widows and children of our dead comrades sovereigns of the Republic? If they are, then we must end at once and forever all this class legislation.

We must enact only general pension laws, and thereby secure equal protection to each and every pensioner and grant equal pensions for like disabilities. Let me emphasize this proposition by an experience in pension legislation of recent date. The general law grants a pension of $2 per month to the minor children of pensioners until they arrive at the age of sixteen years. The other evening a private pension bill was called up in the House, submitted by the unanimous report of a committee, to grant a pension of ten, not two, dollars a month, to the minor children of an officer in the Life-Saving Service until they should arrive at the age of twenty-one, not sixteen years. Such is special pension legislation. Can any member desire further investigation? Will any one ask for more evidence of the imperative duty of calling a halt? If this does not convince, then argument and facts will not avail.

Mr. Speaker, in conclusion I desire to say that in my judgment we can only hope to maintain and preserve the priceless boon of constitutional liberty by adhering strictly to those bed-rock principles upon which rests the whole theory of our Government. Ours is a government of consent. It is true that the majority rules, and it is equally true that the minority consents that it shall rule. In our system that minority is ever changing. To-day it is upon one side of this House; next month it will be upon the other side. These frequent changes make the necessity all the greater for the enactment only of just and equal laws which shall bear equally upon all the people, and no general law appeals more strongly to both head and heart for absolute justice and equality than the one which is to make provision to care for those who have risked life itself in defense of the Government.

No man can make a greater tender of devotion to country than to offer his life if need be. This supreme offering was made by all our Union heroes. They who died in battle, in hospital, or in prisons of torture made a common, an equal sacrifice; they who gave up health, life's choicest blessing, and are now racked by pain and disease, made an equal offering; they who are widows have made an equal sacrifice, sustained an equal loss. Their husbands were all heroes, comrades in a common cause, in behalf of liberty protected by law. Their right to be recognized and to receive aid from the Government is a common one. Then let us as representatives of all, not a few, of the people grant these widows pensions only by the enactment of general laws giving equal pensions to all who have sustained like disabilities.

We can not afford to make favorites of the select few. We can not afford to grant these large pensions only to the widows of men of renown. Let us not forget that in our Government all its soldiers were heroes. When they enlisted they were all sovereigns. While in the Army the enlisted men surrendered that sovereignty in order that military discipline might be enforced, and through organization and discipline win a victory. When the Army was disbanded the badge of equal sovereignty was restored to all, and here in this tribunal of the people there are no classes nor can there be casts. Here the people are equal and must be equal before the law. If we shall be true to those who send us here, we will not enact laws that will confer special favors upon the select few. I plead for justice to every pensioner, and for equal pensions for the widows of all our Union heroes, whether their husbands were officers or enlisted men.

Indebtedness of Pacific Railroads.

SPEECH

OF

HON. WILLIAM M. STEWART,

OF NEVADA,

IN THE SENATE OF THE UNITED STATES,

Saturday, February 9, 1889,

On the bill (S. 3401) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. STEWART said:

Mr. PRESIDENT: The subject of the Pacific railroads has been so much discussed that I hardly feel authorized in occupying any considerable time; but inasmuch as all the propositions that have been made since the roads were constructed have had a tendency to impose additional burdens upon the people of my State and upon the people inhabiting the adjoining States and Territories, I think it well to examine briefly the origin of these roads and their objects, for the purpose of showing the very unequal burdens that must be borne by the people living along the line of these roads if any of these bills pass as proposed. In other words, if the debt is exacted from these roads it must be collected from the local traffic along their lines.

There are several other continental roads that are completed, so that none of these roads can make money to pay this debt or to pay their other debts by through business. That will be reduced to the minimum by competition necessarily, and consequently the money has to be paid by local traffic. Is that just? Is it just under all the circumstances to burden those localities in the way proposed?

If my proposition could be carried out and this indebtedness used in the construction of branch roads and in improving the main lines, and where there is no business now to create business by appropriating a portion of the money for hydraulic works for irrigation, so that the people can occupy the lands, great good would be accomplished, not only to the people there, but to the whole United States.

The Central Pacific Railroad has now an enormous debt, the first-mortgage bonds on 150 miles of it amounting to $48,000 a mile; the balance of it through my State $32,000 a mile. That is the first mortgage. The principal of Government claim is equal to the first mortgage When the Government enforces its lien with the accumulated interest it not only doubles the debt, but increases it at least threefold, being an average debt on the whole line of something over $100,000 a mile, which, if exacted from the local trade, must necessarily prevent the development of Nevada and the interior part of the country. If used for the development of the country, building more branch railroads which shall be free from debt, with limitations by Congress so that they can carry cheap freights, that country can be developed and will prosper, but not otherwise.

Now, in order that the burden of this enterprise may not fall upon a few and to show that it ought to be borne generally by the country, I want to remind the Senate of the circumstances under which this road was built, for it is claimed that as early as 1834 the question of building a Pacific railroad was agitated—long before the Mexican war.

It was the dream of many enterprising men, rather enthusiastic, perhaps, that a railroad from New York to the mouth of the Columbia River would certainly be constructed. This was agitated from time to time. I need not go into the history of it in detail, but it finally at-

tracted the attention of Congress. In 1853 the first act of Congress looking to the construction of a Pacific railroad was passed, as follows:

SEC. 10. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to employ such portion of the corps of topographical engineers, and such other persons as he may deem necessary, to make such explorations and surveys as he may deem advisable, to ascertain the most practicable and economical route for a railroad from the Mississippi River to the Pacific Ocean, and that the sum of $150,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray the expense of such explorations and surveys.

In the deficiency bill which passed the next year the following provision was contained:

For deficiencies for the railroad surveys between the Mississippi River and the Pacific Ocean, $40,000.

In 1854 another appropriation was made in the following words:

For continuing the explorations and surveys to ascertain the best route for a railway to the Pacific, and for completing the reports of surveys already made, the sum of $150,000.

Under these appropriations five routes were surveyed, explored, and reported upon. The reports contain much valuable information and show great diligence and research. They are contained in thirteen quarto volumes about the size of the CONGRESSIONAL RECORD, in which each route is reported upon, and all the peculiarities of climate, soil, topography, etc., are set forth. When the surveys were completed, on the 27th of February, 1855, Mr. Jefferson Davis, then Secretary of War, transmitted a report to Congress of these surveys, together with the estimates of the cost of the various routes. The northern route, about the forty-seventh parallel, was the first route which was agitated and discussed, it having been considered prior to the Mexican war, as I before observed, with a view of having a railroad constructed from New York City to the mouth of the Columbia River. It is the first one mentioned in the report.

After stating in general terms what the report contains Mr. Davis says that the estimated cost by the engineers was $117,000,000. He then states that there must be added to that about 25 per cent. on account of additional cost over the construction of Eastern railroads between St. Paul, the starting point, and the Rocky Mountains, and that through the mountain regions it would be required to make an additional allowance of about 100 per cent. He therefore concludes that it would cost $140,000,000 to construct the road without equipment, but with the equipment, rolling-stock, etc., it would cost $10,000,000 more, making $150,000,000.

The central route is next considered, from Council Bluffs to Benicia. The engineers' estimate in the office, Mr. Davis said in this case, was $116,000,000. He did not state how much additional allowance should be made on account of its being more difficult to construct than in the Eastern country, but observed that it was more difficult than the northern route, because they could only build from the two ends, while on the northern route transportation on the Missouri and Columbia Rivers would enable the construction of this route to be advanced from different points; consequently the required additional allowance would certainly be as great on the central as on the northern route. It is true the estimate was $1,000,000 less than the northern route, but from the facts given by Mr. Davis it would certainly have been equal to the northern and perhaps greater; that is, $150,000,000 for the construction and equipment of this road.

The next route was from a point on the Missouri River at the mouth of the Kansas River, so as to make a comparatively straight line from St. Louis to San Francisco. The obstacles on this route were found so great that it was regarded as impracticable.

The next route was the thirty-fifth parallel. The estimate of the engineers of this route was $169,000,000; but Mr. Davis says that must be a mistake; that they overestimated it; but he does not say to what extent, and, as subsequent events showed, he was correct in disagreeing with their estimates on that route.

The fifth route was on the thirty-second parallel, to start from a point on the Gulf in Texas, at a place called Fulton, and running from there to San Francisco. The estimated cost of this route was $93,000,000, and the reasons are given at considerable length by Mr. Davis why it could be built cheaper on this route than any other. But it will be observed if it had been built on that route it would not have answered the purpose of commerce. It would have been a long way in getting around from New York and it would not have served the purposes desired.

These estimates were had before any act was seriously proposed for the construction of the Pacific railroad, but many speeches were made on it during the time of these appropriations when it was regarded as a military necessity. The two political parties, following up the explorations which had been made by the Government, declared from time to time that it was both a commercial and a political necessity and should be aided by the Government. The Democratic convention that was held in 1860 in Charleston so declared; the convention that was held in Chicago, which nominated Mr. Lincoln, so declared; and some seventeen or eighteen of the States, if I recollect aright, passed like resolutions. It was the general sentiment that the road should be constructed by the Government, and these estimates of cost were made for that purpose.

While I am speaking of these estimates of the cost I will anticipate a little and refer to what the roads did actually cost. The Government bonds issued in aid of the construction of the main line amounted, in round numbers, to $55,000,000. The roads were authorized to issue a like amount of first-mortgage bonds, making an aggregate from Council Bluffs to San Francisco of about $110,000,000.

The road was actually constructed under circumstances about which I shall hereafter speak, under the estimate of the War Department, after the Department had made a survey for the purpose of ascertaining the cost. The estimate of the War Department, or of Mr. Davis, at $150,000,000, which would be the same basis upon which he estimated the cost of the Northern Pacific, would make a saving in the actual construction of $30,000,000 below the estimate of the engineers of the War Department. I am thoroughly of opinion if it had been constructed by the Government under the charge of the engineers of the Army, and they had taken their usual time in doing it and had discharged their duties faithfully and deliberately, as they generally do, it would have cost the full amount that was estimated by the engineers. I have never known any work constructed by them to be done much more cheaply than the estimate. It generally exceeds the estimates. It must be remembered that this road was constructed not as anticipated, deliberately, when the engineers made their estimate, but it was constructed in a time of war, when prices were from two to three times as much as they were before the war, and when the discount on the paper that was used which was issued by the Government was about 30 per cent.

So it will be seen that the construction of the railroad was secured more cheaply than was anticipated by the Government and by Congress when the act was passed, because Congress had before it when the original acts were passed the estimates of its own officers as to the probable cost.

Much has been said about the extravagance of these appropriations, and we have investigations into little things that are very annoying and expensive as to how these roads were constructed and how the various expenditures were made. It seems to me in dealing with the grand result we have no time to consider all these details. We should take the situation as presented in a larger sense and see whether the result obtained was all that could have been reasonably anticipated. I think it was.

Not only that, but this road was constructed seven years before the time limited in the act for its construction. There are matters connected with that which would add very much to the cost. But the reasons for constructing the road at that time, as given by every man who addressed either House of Congress, were of a national character. The principal reason assigned was the urgent military necessity to enable the Government to protect the Pacific States and retain them. All the national advantages that were pictured during that discussion, to which I will call attention, have been fully realized. There is no question about that. An empire has been created west of the Mississippi, and between that and the Pacific coast, which will furnish many important States of this Union, the development of which was advanced for a generation by this appropriation. No man at the time this was done was able to picture anything like we now see. The expectations have been more than realized. If it is said that the roads could be built cheaper now after the country is developed and when there is business, we shall not deny it; but we must take into consideration the time when the contract was made, the circumstances under which it was made, not only of the Government, but of the parties who undertook the work, in coming to a conclusion whether there has been an unreasonable expenditure of money.

The fact that after the road was constructed the country commenced filling up was natural, both in California and at this end, and the road finally became a sufficient success to make the stock valuable, which nobody would take, to my certain knowledge, at the time it was done. I say the unexpected success of the enterprise was such that the stock became of some value, and consequently those engaged in the enterprise made money. But this was not anticipated by anybody. On the contrary, the projectors were regarded as fanatics for undertaking such a hazardous scheme.

Without going into detail in regard to the situation of my constituents, I suggest that they are not able to pay the enormous debt of the Central Pacific Railroad. They are not able to pay this money back to the Government, because if this company is forced to do it it never can or will build branch lines. Others can not without some aid go into the interior and build branch lines, because it is an unproductive country for the present. The result is that we must live in a great basin there, with high freights and without relief and be taxed during the next fifty, sixty, or one hundred years, to pay for this great national war measure, which has developed a vast region and added thousands of millions to the wealth of the nation and its taxable property and its resources and demonstrated the fact that a trans-continental road could be built, and induced others to engage in like enterprises. This and the other land-grant roads have caused the construction directly of about 20,000 miles of road, and indirectly, it is estimated, of as much more.

This expenditure of $55,000,000 having been paid by the Government for this national object, and it having accumulated now to $100,-

000,000 or more, it seems to me that the use of this $100,000,000 in building branch lines and constructing reservoirs and other hydraulic works for irrigation under such regulations as Congress shall hereafter prescribe would be better than eking it out of the people living along the line of these roads. It, I say, would give a better return than any money that we shall ultimately collect. It would yield more money to the Government in the way of taxable property, and it would furnish that region with roads and cheap transportation.

We have gone all wrong. We have not followed the spirit of the original act in our legislation. The original act provided that when the net proceeds of the road exceeded 10 per cent. of cost of construction Congress might reduce fares and freights. During all this agitation there has never been any effort made to reduce fares and freights, or to ascertain whether Congress had reached a point where it might do it; but there has been every effort made to further incumber the roads. The legislation has been in that direction.

The Thurman act was the most hostile measure to the people living along the road that could have been devised. It was not in the interest of the people nor of the Government. Under it there has been invested for these railroads in bonds $4,108,621.17, the price of the bonds at the time the investment was made. That is the cost of the bonds which were purchased. It was the market price at the time they were purchased. The market value of these bonds now is $3,820,902.50, a decrease in the value of the bonds by nearing the hour of maturity of $287,759.17, making a loss to the company of something like $969,-621 17.

Nobody has been benefited by it. It simply has increased the obligations of the company and made it more difficult for it to pay, and has not increased the chances of the Government to collect the balance, but has diminished the chances and made it necessary to tax the people still further.

There is no greater evil than to have a railroad running through a country which nobody has an interest in. If the Government is going to lay such burdens upon it that nobody has any interest to take care of it and nobody can build branch roads and keep along with the times, it is a very bad thing to have such a road in a State.

What we want is more branch roads, and we want those branch roads free from incumbrances, and we want Congress to make terms as to the rates of freight so that we can have cheap freights. That is what Nevada wants. That is what every one of the Territories wants. That is the legislation that ought to be had.

The idea of collecting this debt from the roads never entered into the head of any member of the Congress that passed the act otherwise than by services rendered by the roads to the Government. The only provision in the original act of 1862 for reimbursement was 5 per cent. of the net earnings and the amount of transportation and telegraphing to be performed for the Government. The compensation for that was to be deducted from the principal and interest, and it was figured up by various parties, as I shall show, that this provision would not only pay the interest, but it would pay the debt and redeem the bonds long before maturity.

Many inquiries were made during the debate as to how the bonds would be paid. The answer invariably was that the bonds would be paid in Government service, and the bill so provided.

The act of 1862 was not liberal enough in terms to induce parties to engage in the enterprise. The Central Pacific undertook it and built a short piece of road near Sacramento. The Union Pacific did not undertake it at all. They had organized, but did not undertake the work. In 1864 the act was amended and much more liberal provisions were inserted. It was provided that these roads might make a first mortgage equal to the bonds issued by the Government. It was provided also that instead of being required to build 40 miles the bonds should issue for the construction of every 20 miles. It was provided also that instead of retaining all of the freight and transportation only one-half of it should be retained and paid on bonds; and it was contended then that one-half of the freight and other Government service would pay the bonds before they were due. But the Government in all these acts insisted upon the Government service being done by the transportation of munitions of war and all other Government supplies and telegraphing. That was not changed in the later act, but it was required; and in the act of 1864 the Government agreed to pay half to the companies as they went along. Under this changed contract the road was constructed.

To show that it was not anticipated that this money should be paid by the local traffic on the roads I shall read some extracts from the debate. I want it paid as much as any one, but I want it paid in such a manner as that it shall develop the country and answer the original purpose. I do not want it paid by my State or by the other localities through which the road runs, for it can not be paid in that way. If you increase the obligations of the road no branches will be built, the freights can not be reduced, and the people of my State will continue to suffer. On the contrary, if the indebtedness of the Central Pacific to the Government, which now amounts in round numbers to abont $50,000,000, is expended in building branch lines to be approved by the Government, in constructing reservoirs and other works for irrigation along those branch lines, so that the people can go there and there will be some business to sustain them—if that is done a great good will be accomplished.

I am not in favor of appropriating money from the Treasury to go into any extravagant schemes of development of that new country, but this is exceptional. The money has been loaned by the Government for a great national purpose. It never was expected to be returned in any way except in Government service. It has not been so returned, but it has saved the Government all that was expected in giving it good mail facilities and cheapening transportation. It has saved more than the debt over and over again.

That having been done and there being an obligation on the part of these roads, as we assume, to pay the whole of this debt, both companies appear willing to attempt to pay the debt, but the companies are not the only parties interested. A vast country between the Missouri River and San Francisco is interested. Its prosperity is involved in it, its development is dependent upon the correct policy to be pursued.

If this indebtedness is paid by requiring the companies to pay every dollar and put it into new roads that are freed from incumbrances, and into irrigation works, to furnish business for the roads they will be strong enough to pay it, because as the population increases there will be somebody there to bear the burden, and in that way we will be sure to get the debt paid. There will be no defalcation if you let our enterprising people have a place to make homes and develop our mines and develop the agricultural resources; the burdens will be easily borne by our people. The road can pay this debt to the Government in a way that will add more to the resources of the country and relieve the people more of taxation generally than any scheme of collecting it in long bonds. We should hardly feel the little driblets that would go into the Treasury in that way, besides every dollar that you drew would tend to depress business along the line and tend to impoverish that country; but if the money that the Government advanced to the railroads, with interest, can be put into new lines and into irrigation works then you will build up the country and have somebody to pay fares and freights to sustain it.

As I said before, the railroad land grants and these money subsidies directly secured the construction, in round numbers, of 20,000 miles of railroad, and indirectly of as much more, according to the estimates of the statisticians and persons engaged in collecting the facts upon the subject. That is the accomplishment of a great deal, and it only involved an expenditure of $55,000,000 on the part of the United States and the donation of land otherwise inaccessible.

The English Government, in dealing with India, found a similar problem to what we have, and they solved it by direct appropriation, or by Indian bonds indorsed by the Government of Great Britain. They have spent during the last thirty years about one thousand millions of dollars in railroads, irrigation works, and other internal improvements, and they report that so far from burdening the treasury it has relieved the treasury several millions each year, besides the great prosperity that it has given that country.

We are not in a condition to conduct business as they do. We have no strong despotic government to do that, but we have made a little experiment in making investments, and the whole nation appears to be endeavoring to get it back. We have made a little investment to secure internal improvements of this kind and the development of this great region which is entirely similar to India, and now we have the power of the Government trying to get back at all hazards the money and to collect the debt, and they have lost sight of the real objects and purposes for which the money was expended, for whose benefit it was expended, and how payment was to be made, and we are trying to make the people along this particular line pay the whole burden of this great national enterprise.

I will read just a paragraph from the "Finances and Public Works of India, 1869–1881." They have continued since 1881 quite as vigorously as before in expenditures, particularly with regard to expenditures for irrigation. The extract that I wish to read is as follows:

> The magnitude of the work that has been accomplished is extraordinary. The England of Queen Anne was hardly more different from the England of to-day than the India of Lord Ellenborough from the India of Lord Ripon. The country has been covered with roads, her almost impassable rivers have been bridged, 9,000 miles of railway and 20,000 miles of telegraph lines have been constructed, 8,000,000 acres of land have been irrigated, and we have spent on these works, in little more than twenty years, some £150,000,000.

That is about $750,000,000. In this work also they estimate that the railroads to be constructed will amount to 20,000 miles, and the amount of land to be irrigated to many millions of acres. When they first proposed to revive the old irrigation works and construct new ones to stop famines in India they had an estimate made. The first estimate was $115,000,000. They have expended much more than that already and they are going on with the work, and they report that it has improved the revenue and that the income is much greater than the interest on the outlay. The scheme is entirely satisfactory from the reports that they make from year to year.

It is not expected that this country will engage in expending like sums of money to redeem the 1,200,000 square miles of arid land of our country, which is as good as India, and exceeds British India in area about one-third. British India has 800,000 square miles and sustains a population of over two hundred millions. It is not expected that our

Government will imitate in all respects the example of Great Britain in India, but this money having already been expended for a great national purpose which has been attained, it seems to me that it would be reasonable to use the indebtedness of the companies in such a manner that it will not only carry out the great purpose for which it was originally designed, but develop the country through which it passes. I told my constituents that on the railroad question I would do that which I thought would be for the good of my State and the people generally, and I will be governed by those rules throughout. I shall not be moved by clamor against or partiality for the railroads, for I think that they are in a position where they can pay this money in the way I have indicated in this resolution.

For the purpose of showing that we are attempting now to realize a different consideration from what was anticipated by either party at the time this contract was entered into, I propose to read a few extracts from speeches that were made when the bill was under consideration in the two Houses of Congress. Mr. Campbell, in the House of Representatives, April 2, 1862, in discussing the question, said:

In a recent imminent peril of a collision with a naval and commercial rival, one that bears us no love, we ran the risk of losing, at least for a time, our golden possessions on the Pacific for want of proper land transportation.

Mr. Stevens, of Pennsylvania, in the same debate, said:

In case of war with a foreign maritime power the travel by the Gulf and Isthmus of Panama would be impracticable. Any such European power could throw troops and supplies into California much quicker than we could by the present overland route. The enormous cost of supplying our army in Utah may teach us that the whole wealth of the nation would not enable us to supply a large army on the Pacific coast. Our Western States must fall a prey to the enemy without a speedy way of transporting our troops.

Mr. Wilson, of Massachusetts, when the bill was pending in the Senate, said:

I have little confidence in the estimates made by Senators or Members of the House of Representatives as to the great profits which are to be made and the immense business to be done by this road. I give no grudging vote in giving away either money or land. I would sink $100,000,000 to build the road, and do it most cheerfully, and think I had done a great thing for my country if I could bring it about. What are seventy-five or a hundred millions in opening a railroad across the central regions of this continent, which will connect the people of the Pacific and the Atlantic and bind them together?

Again he said during the same debate:

As to the security—

And I want to call particular attention to this—

As to the security the United States takes on this road, I would not give the paper it is written on for the whole of it. I do not suppose it is ever to come back in any form except in doing on the road the business we need, carrying our mails and munitions of war. In my judgment we ought not to vote for the bill with the expectation or with the understanding that the money which we advance for this road is ever to come back into the Treasury of the United States. I vote for the bill with the expectation that all we get out of the road, and I think that is a great deal, will be the mail carrying and the carrying of munitions of war and such things as the Government needs, and I vote for it cheerfully with that view. I do not expect any of our money back. I believe no man can examine the subject and believe that it will come back in any other way than is provided for in this bill; and that provision is for the carrying of the mails and doing certain other work for the Government.

Mr. Clark, of New Hampshire, expressed his views upon this question and how he understood the effect of the bill, as follows:

The Senator from Massachusetts may be entirely right, that the Government may never receive back this money again; and it may be that we make the loan for the purpose of receiving the services. But it will be well to take a mortgage, to secure the building of the road through, and then to secure the performance of those services which we expect them to perform in the transmission of mails and munitions of war after the road is built. I think we had better adopt the amendment of the committee. It will make it safer for the Government; safer in this regard, that we shall have the road built and have the service performed.

Mr. Clark further remarked:

Whether I am right or not, I do not build the road because I think it is to be a paying road. I build it as a political necessity, to bind the country together and hold it together; and I do not care whether it is to pay or not. Here is the money of the Government to build it with. I want to hold a portion of the money until we get through, and then let them have it all.

He did not care whether it was to pay or not; we were going to have these other advantages. And now it is not proposed to make the people of the United States pay it, but to make the people who live on the line of the road pay it. The company is willing to pay it if we give them time enough, no matter what the consequences may be.

It seems to me that if this money is to be paid, and it can be easily paid if it is expended to build up the country and enable people to live there, there would be no difficulty about paying it in that way.

Mr. Ten Eyck, of New Jersey, expressed himself in this wise:

The great object of the Pacific railroad bill is to have a national means of communication across the continent. That is the idea which the public have entertained for years past, and the only idea; a great national measure to cement the Union, to bind with a belt of iron the Atlantic and Pacific. * * * This is the inducement which the old States have in doing what they believe will be for the benefit of the common country, to the prejudice of the Treasury, so to speak, yet the general returns may be beneficial in the long run.

Will anybody pretend to say that it was anticipated that the local business along this road should pay all this debt? Certainly not. It was anticipated that there would be through business, but not any particular local business. However, the through business is divided up among rival roads, also aided by the Government. The Northern Pacific, the Atlantic and Pacific, and now the Canadian Pacific, come in, dividing up the through business and bringing it down to the lowest possible point, so that there is no profit in it, and the payment has to come out of the local business.

I do not complain of the policy which subsidized the other lines. The Northern Pacific land subsidy was worth twice as much as all the subsidies given to the Central and Union roads, including bonds and land. I do not object to that. It has built up the country there and made States that we are about to admit into the Union. Dakota, Montana, and Washington are coming into the Union without a dissenting voice. It has created four great States on the line of the Northern road. I advocated that; but the direct effect of it was to draw its share of the business away from the other subsidized lines and throw the burden of paying the debt upon the people living along the line, which they can not bear.

The Union Pacific is better situated than the Central. It passes through a great deal of good country. But if you load the debt on the Union Pacific I predict that it will be a failing institution; that it can not compete with its rivals; that it will be impoverished; and carrying this load is going to be a tax and a burden upon the people living along that line that they ought not to bear.

The Central Pacific has no resources except the line in Nevada, and comparatively a short line in California. It is without branches in Nevada. The construction of the road was exceedingly expensive. It was regarded almost as impossible. Most engineers thought it was a wild scheme to attempt to build it at all.

Loaded with this great debt, any scheme to collect it without allowing the money to be used for the development of the country is an unequal and unfair distribution of the burdens of this Government, and was never anticipated when the law was passed.

Here is what Mr. Collamer, of Vermont, said. A clearer-headed man never was in the Senate. He was a fair-minded, judicial man. He was here when I first came to the Senate, and I learned to reverence him for his wisdom and candor and fair-mindedness. Mr. Collamer said in the course of this debate on the passage of the first bill:

This bill carries the idea, and in this section provides for the repayment of the loan, as gentlemen call it. In a subsequent section it is provided that the payment shall be made in the carrying of the mail, supplies, and military stores for the Government at fair prices, and also 5 per cent. of the net proceeds or sums to be set apart for the Government. That is all the provision there is in the bill for repayment.

Mr. Latham, of California, then remarked:

The loan of the public credit at 6 per cent. for thirty years is for sixty-five millions—

That was within the estimated cost. It turned out to be ten million less than was actually used—

with absolute security by lien, with stipulations by sinking fund from profits for the liquidation of the principal. Official reports and other authoritative data show that the average annual cost, even in times of peace, in transportation of troops, with munitions of war, subsistence and quartermaster supplies, may be set down as $7,300,000. The interest upon the credit loan of $65,000,000 will be annually $3,900,000, leaving a net excess of $3,400,000 over the present cost, appealing with great force to the economy of the measure, and showing, beyond cavil or controversy, that the Government will not have a dime to pay on account of its credit, nor risk a dollar by authorizing the construction of this work.

It was costing them over $7,000,000. I investigated that afterwards and made a report in which I showed how this expense came. Subsequently the service performed by the roads for the Government was ten times greater than what was formerly required, but the amount paid has been merely nominal. It has been performed at the same rates charged on Eastern roads. Besides, much of the Government business, and perhaps the larger part, has been diverted from this road to other continental roads, including the Canadian road.

The amount paid to the subsidized roads for this service has been a mere bagatelle. It did very little towards keeping down the interest, much less paying the principal, of the bonds. The Government saved all the money it anticipated, but it did not allow it to the railroads. In fact, it diverted freight from the roads and made a limited allowance, so that the carrying of mails and the service done for the Government did not pay off the bonds as was anticipated. That is the reason, not because the roads did not serve as good a purpose as the most sanguine ever anticipated.

Mr. McDougal, of California, a clear-headed lawyer and a man who understood what he was saying, made the following remarks:

As I have had occasion before to remark, the Government is now paying over seven millions per annum for the services which this road is bound to perform. That is about 100 per cent. more than the maximum interest upon the entire amount of bonds that will be issued by the United States when the road is completed. The Government is to-day on a peace establishment, without any war necessity, paying for the same services 100 per cent. more than the entire interest on the amount of bonds called for by the bill. Besides that, it is provided that 5 per cent. of the net proceeds shall be paid over to the Federal Government every year. Now, let me say if this road is to be built, it is to be built not merely with the money advanced by the Government, but by money out of the pockets of private individuals. * * *

It is proposed that the Government shall advance sixty millions, or rather their bonds at thirty years, as the road is completed, in the course of a series of years; that the interest at no time can be equal to the service to be rendered by the road as it progresses; and that the Government really requires no service except a compliance on the part of the company with the contract made. It was not intended that there should be a judgment of foreclosure and a sale of this road on a failure to pay. We wish it to be distinctly understood that the bill is not framed with the intention to have a foreclosure. * * * In case they failed to perform their contract, that is another thing. That is a stipulation; that is a forfeiture, in terms of law; a very different thing from a foreclosure for the non-payment of bonds. The calculation can be simply made that at the present amount of transportation over the road, supposing the Government did no more business, that that alone would pay the interest and the principal of the bonds in less than twenty years, making it a direct piece of economy if the Government had to pay for them all. However, I am not disposed to discuss this matter. I say it was not understood that the Government was to come in

as a creditor and seize the road on the non-payment of interest. It is the business of the Government to pay the interest because we furnish the transportation.

Mr. Sargent, of California, said:

When the road is fully completed and we are experiencing all the security and commercial advantages which it will afford, the annual interest will be less than four millions, and that sum will be but gradually reached year after year. The War Department has paid out, on an average, five millions per year for the last five years for transportation to the Pacific coast, and the mails cost $1,000,000 more at their present reduced rates. The saving to the Government will be two millions a year on these items alone.

The case has been before the courts and they have reviewed these laws and stated the manifest purpose of them. In 1 Otto, 91, Mr. Justice Davis, commenting upon this contract between the roads and the Government, said:

Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and, owing to complications with England, the country had become alarmed for the safety of our Pacific possessions. The loss of them was feared, in case those complications should result in an open rupture; but, even if this fear were groundless, it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every government owes to its citizens. It is true the threatened danger was happily averted, but wisdom pointed out the necessity of making suitable provision for the future. This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country and furnish a cheap and expeditious mode for the transportation of troops and supplies. If it did nothing more than afford the required protection to the Pacific States, it was felt that the Government, in the performance of an imperative duty, could not justly withhold the aid necessary to build it; and so strong and pervading was this opinion that it was by no means certain that the people would not have justified Congress if it had departed from the then settled policy of the country regarding works of internal improvement, and charged the Government itself with the direct execution of the enterprise.

This enterprise was viewed as a national undertaking for national purposes; and the public mind was directed to the end in view, rather than to the particular means of securing it. Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion, besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento Rivers, which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction, the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians. It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable. * * * Of necessity there were risks to be taken, in aiding with money or bonds an enterprise unparalleled in the history of any free people, the completion of which, if practicable at all, would require, as was supposed, twelve years; but these risks were common to both parties. Congress was obliged to assume its share and advance the bonds, or abandon the enterprise, for clearly the grant of lands, however valuable after the road was finished, could not be available as a resource for building it.

And again, Justice Miller, in the case of the United States against the Union Pacific Company, in 98 United States Reports, page 619, says:

There are many matters alleged in the bill in this case and many points ably presented in argument which have received our careful attention, but of which we can take no special notice in this opinion. We have devoted so much space to the more important matters that we can only say that under the view which we take of the scope of the enabling statute, they furnish no ground for relief in this suit. The liberal manner in which the Government has aided this company in money and land is much urged upon us as a reason why the rights of the United States should be liberally construed. This matter is fully considered in the opinion of the court, already cited in the case of the United States *vs.* The Union Pacific Railroad Company (91 U. S., 72), in which it is shown that it was a wise liberality, for which the Government has received all the advantages for which it bargained, and more than it expected. In the feeble infancy of this child of its creation, when its life and usefulness were very uncertain, the Government, fully alive to its importance, did all that it could to strengthen, to support, and to sustain it. Since it has grown to a vigorous manhood it may not have displayed the gratitude which so much care called for. If this be so, it is but another instance of the absence of human affections which is said to characterize all corporations. It must, however, be admitted that it has fulfilled the purpose of its creation and realized the hopes which were then cherished, and that the Government has found it a useful agent, enabling it to save vast sums of money in the transportation of troops, mails, and supplies, and in the use of the telegraph. A court of justice is called on to inquire, not into the balance of benefits and favors on each side of this controversy, but into the rights of the parties as established by law, as found in their contracts, as recognized by the settled principles of equity, and to decide accordingly.

Now, when it is so perfectly manifest that the whole United States has had the benefit of this expenditure, shall its payment be charged upon a particular locality, or shall the whole people bear their portion of the burdens and use this money which is owing to the United States for the benefit of the country through which this road passes? If this road was the only through line, if it made money out of its through business, if the Government transportation was anything near what was anticipated, this state of things would never have occurred, and Congress would not be called upon to act. They would have paid off the debt long ago. But the amount estimated to be paid for freights and Government service was not paid; it was saved and better service got without the expenditure of money. That having been done and the Government having received the benefit which it contracted for, that was to have the mails, etc., carried and not have anything charged for it, because it did not cost them much—it went on other roads—having got that and the debt still remains, why not allow this money to be expended, all of it, every dollar of it, in such works of internal improvement along the line of the roads and in that region as will enable them to build up that country? These roads are loaded down, and I think, if you pass this Union Pacific Railroad bill, they will be here every session to get further relief. You will have a difficult time in collecting it

You may ultimately drive that road into insolvency with its million of people tributary to it. It has severe competition. Instead of loading the people down in this way give them the money and let them build more branches; let them build hydraulic works in the Rocky Mountains.

There is on the eastern slope of the Rocky Mountains an arid region which is an empire of itself. It is in length nearly a thousand miles from British Columbia to Mexico and in width about 300 miles. Vast streams head in this great range of mountains with flats and places for artificial lakes. We hardly know what may be done by irrigation.

The works of irrigation four thousand years ago were superior to any works constructed in modern times previous to English engineering in India during the last twenty-five years. We read of Egypt and its vast population, and we wonder at the prominent place it occupied in the world at the time of the Pharaohs. Recently English engineers have discovered a defile leading from the Nile, whether natural or artificial they can not tell, but across it there is a dyke constructed of masonry, with regulating gates, and they describe it as equal to if not surpassing any work of modern times. Below where this ends there is a basin of 250 square miles and of great depth. Evidences all around this basin show where the ancients resided. There is a vast country below this basin, which was once irrigated and sustained a large population. The English scheme is again to repair this work and utilize this basin, and reclaim a large part of Egypt which has been a desert for thousands of years.

By the way, this Egyptian work is pretty authentically ascertained to have been constructed eighteen hundred years before the commencement of the Christian era. By references to it by Greek writers and other evidences its age is pretty accurately ascertained.

In the little island of Ceylon we have authentic history of their works of irrigation for about five hundred years before the commencement of the Christian era, and for nearly fifteen centuries every ruler of that island vied with his predecessor and tried to surpass him in irrigating works and making lakes to save water, and they increased the population so that it rose to be between fifteen and twenty millions, and when these were destroyed, not having modern means of communication and means of supplying the inhabitants with food, the people died and were reduced to less than 2,000,000, which has been increased somewhat since the British rule, and is now about two and a half millions, largely supplied from India.

In India there are works of very ancient origin which show the highest state of engineering. The map of India shows a large portion of the surface covered with reservoirs and artificial lakes, which supported a vast population. In Palestine, Professor Marsh tells us, at every step you see ruins of hydraulic works that have been destroyed, and the people perished with them, showing it had once been densely populated.

So of Persia and parts of Southern Europe. More than half the people that have ever lived have subsisted by irrigation. I think that more than two-thirds of the people now living pursue that practice.

We are especially benefited, especially blessed here with an area larger than any other on the globe where there is sufficient rainfall to prosecute farming without the necessity for irrigation. Between the ninety-ninth parallel of west longitude and the Atlantic Ocean the country will generally produce crops without irrigation. West of that to the Pacific Ocean it requires irrigation. There is but a narrow strip that does not require it, the northwest corner of California and that portion of Oregon and the Territory of Washington that lie west of the Cascade Mountains. The arid region has an area of more than 1,200,000 square miles and is capable of sustaining, on any reasonable calculation, a population of 200,000,000 people, perhaps more. This railroad is in this region, and it has produced vast results. The people on their own account, without surveys by the Government adapted to it, without laws making it convenient, have already irrigated 6,500,000 acres.

Mr. COCKRELL. What States?

Mr. STEWART. In the United States, all the States put together. I have been examining that and had Professor Powell assist me, and I find there is an area approximating 6,500,000 acres under irrigation in the United States.

Mr. GEORGE. Is the soil of that irrigated area good?

Mr. STEWART. The best in the world. The country seems to be a barren desert, utterly worthless, where nothing but horned toads can subsist. You put water upon it and it will produce beyond anything you can comprehend. You have only seen the cultivation by rainfall.

Mr. CHANDLER. How about the sage-brush?

Mr. STEWART. Wherever you can find sage-brush you can rely upon fertile land. The land there is as productive as any other land in the United States. It is not leached to the same extent. There is a better combination of mineral matter that is washed down, and when you irrigate, if the irrigation is properly conducted, you fertilize the land. The water that washes from the mountains brings down silt and fertilizing material, which is just suited to produce large

crops, and you can irrigate land, if you do not drown it out and only put on what will properly evaporate from running streams that come from the mountains—you can irrigate and get crops for thousands of years without any other fertilizer. The valley of the Nile, that has been cultivated, according to history, more than four thousand years, is as rich to-day as it was when the first plant was cultivated. It renews it; it refreshes it; and there is no end to the fertility of this vast region if you can irrigate it. Irrigated land will produce such enormous crops and so continuously that I would hardly dare tell what I have seen, because I do not want to entirely lose my reputation for veracity on this floor.

Now, we have this great field. It is barren, and it is the common fate of man to be at war with the desert. The desert has driven him back and he has subdued the desert in turn, and the whole history of man from his first attempt to cultivate the soil has been a struggle with the desert. We never have been brought face to face with that, but, as I said before, we occupy the largest area of land suitable for cultivation without irrigation in the world. You can not get any other section on this habitable globe equal in extent to the land in the United States which can be cultivated without irrigation; but mankind first chose the desert. The deserts were easier to cultivate, easier to subdue than the forests. The region from the Atlantic to the line of the prairie on the west—say to Indiana, about that latitude—that region all through the Atlantic and in the South which is heavily timbered was much more difficult to reclaim than this desert, as we call it. Those timbered regions required a greater expenditure of labor, of toil, and of time, and are a great deal more difficult to reclaim than the arid regions.

If California had been first settled the immigration would have spread over the desert, it would have been occupied at once, and the Atlantic coast would have been untouched; hardly any of the Atlantic country would have been touched. The chance we have for the settler in the West is better if we can understand it and enable him to understand it. It is as great a heritage as we had for him in the prairie, for 40 acres of land properly irrigated anywhere in the arid region will support a family as well as 160 acres in a region cultivated by the rainfall, because then you have it fertilized. On land cultivated by rainfall you must constantly use fertilizers. Fertilizers do not hurt any land, but they can be dispensed with to a greater extent where you irrigate.

Now, I want Congress to take this subject up deliberately and see whether it is proposed to collect the debt from my State when nobody ever expected that it should pay it, when no member of Congress when the contract was made ever expected that my people would be called on to pay this debt. The only provision was that it should be paid in freights and fares in the Government service, and it has not been so paid, and I want a wider view of it. The amount expended is a small amount compared with the expenditures of Great Britain. I am opposed to making the expenditures Great Britain did in developing India, because our people can get along with much less. Our people understand the principle of co-operation, and they can do a great deal if we have the proper surveys and railroad facilities in that country. They can as a rule, and I think in nearly all instances, construct these works, if you make the law so that it is possible to comply with it. The principle of co-operation has been developed in that country beyond the comprehension of ordinary men. I have seen the Feather River, a river larger than the Potomac, running in a flume miles in length, and the whole work done by young men associating themselves together without a dollar of capital but what they dug from day to day out of the gravel and the sand along the banks. The water would not be low enough so that it could be carried in flumes until about the 1st of July, and they would have to stop on the 1st of October, giving only three months' time for mining the bed of the stream, the water of which was carried in flumes along the banks and over the heads of the miners working the gravel beneath.

There is not money enough in the Bank of England or in the Treasury of the United States to hire that done by men in the short season of low water.

Nothing but vigorous co-operation of young men with a high purpose could accomplish it. If you let me take you over that region I will show you tunnels through rock from several hundred feet to several miles, through hard rock, and they were constructed before we had the appliances of machinery and giant powder and other means of rapid construction that we have now, but they were constructed by the hand-drill, and the men doing it simply combined, and they had not a dollar of capital when they began. Part of them would work at that and part of them would mine somewhere else, and thus they would be enabled to obtain the provisions and tools for the others and they would go on for years and accomplish that work.

I can take you to the mountain ridges of California and show you aqueducts and canals on the very highest peaks of mountains where they had to keep at a high altitude to supply the mines. They had to build flumes across great chasms and blast into the side of the rocks for miles and miles in order to do it. Hundreds of miles of this kind of work has been done by men thus co-operating together. They understand the principle of co-operation. I will go into the interior States and Territories where mining has been pursued, and I will show you how these people understand co-operation, and if you will show them 20,000 acres or 1,000 acres of good land and tell them, "Under proper regulations you may have this land if you will construct these works according to the Government's survey," making such regulations as shall not breed monopolies, providing that each man shall have his home under proper regulations—that is the question to be studied—that can be done. Let our American people be allowed to co-operate and they will accomplish more in developing this arid region than all that has been or can be done with British capital in India.

India has not the same kind of people. They do not understand it. The people of the East can hardly credit the results which have been brought about in conducting great enterprises in mining and other enterprises that have been conducted by co-operation. Co-operation is a great power and combined labor is capital. All the fixed capital in this country would not feed the people a year. The wealth is in labor, in the productive power of the country. Stop the production and everybody would starve at once; but what the productive power of co-operation in a country like that will make possible is immense.

I say this sum that the Government invested as a war measure we should let go and not try to collect it, because it will retard the development of a large section of our common country. Let it be distributed in running branch roads and in what is necessary under such regulations as Congress may prescribe, the new roads not to be incumbered, so that they may carry freight as cheaply as possible, Congress fixing the rates; and then the roads will be run so as to do the people some good. Then let some of the money be expended in hydraulic works. Then the land can be sold at a higher price. Under the direction of Congress use the money for that purpose, and do not try to collect from the people of our State the debt of the nation. It is unjust. Whether these companies are willing to pay it or not, Congress ought not to consent to do it. Perhaps it will bridge over for the time-being their difficulties and enable them to float their bonds or do something. Perhaps it will; but it is not a matter of bridging over or a matter of the collection of a debt that now confronts us.

We made this appropriation originally for a great national purpose. That purpose has been subserved. Now we find these companies indebted to us largely—more largely than they can pay. Their business has been taken away by rival roads with our consent and by the legislation of Congress, and very properly, too, and we find this vast debt which will oppress that region and put it behind the other regions that have roads constructed with less debt.

Mr. BLAIR. I should like the Senator's opinion upon a project of this kind: Suppose that the Government claim should be discharged, wholly discharged, and then the mileage or fares, and perhaps freights, also, limited accordingly as in the case of the limitation of charges along the line of the New York Central Railroad, so that the country at large by diminution of charges would get the real benefit of this discharge of the debt, collecting it in that way, by a reduction of the expense of travel and transportation. Has that project ever been considered?

Mr. STEWART. I am considering a kindred project to that right now. My instructions propose to improve these roads by building long tunnels, making double tracks where necessary, and building branches with this debt so far as it goes, and to supply the branches with business, have them construct hydraulic works, to use this money for that purpose, and at the same time keep them free from debt and pass such laws as will insure cheap transportation. I have that idea embodied in the resolution of instructions I offered. Simply releasing the debt would not accomplish what I want. I do not want the debt released. I want the money used to build more roads.

Mr. BLAIR. That is to say you would continue the tax on the transportation of the entire country for the development of that locality?

Mr. STEWART. No, I would not; and I will tell you why I would not.

Mr. BLAIR. I thought that was the Senator's suggestion.

Mr. STEWART. If the Senator had studied geography, and if he knew what had been done, he would not make that suggestion. The transportation of the country is not taxed. Railroads have brought the rates so low that there is no profit in the through business, and these roads have to depend on the traffic right along the line of the roads.

Mr. BLAIR. May I ask the Senator a question?

Mr. STEWART. Yes, sir.

Mr. BLAIR. I should like to have the Senator explain why it is, if the road is relieved of debt or of a portion of its debt of sixty-five or seventy million dollars, it will not be able to do the business that passes over it at a lower charge than it would if it was obliged to take from that business this sixty-five or seventy million dollars to pay the debt?

Mr. STEWART. If you take off the debt and trust to them to build the roads——

Mr. BLAIR. I would suggest to the Senator before he finds fault with my construction of his plan that he understand the question I asked. My question, which I see the Senator did not understand, was how, in his judgment, it would operate upon the interests of the coun-

try and of his locality to discharge the Government debt entirely—discharge it at once, discharge it absolutely, and then let the country take its benefit by a legalized reduction of fares and freights analogous to what prevails in the case of the New York Central road?

Mr. STEWART. I admire the Senator's liberality in discharging the debt at once; but if we give up the debt what assurance have we that the branch roads will be built?

Mr. BLAIR. Then my suggestion was correct, that the Senator wishes the debt to continue in order that transportation may cost as much as or more than ever, and the money thus raised, instead of being paid by the country at large, to be used in the still further development of that locality.

Mr. STEWART. The transportation will cost less, of course, if they have branch roads. They have got little business of any kind along there, and they are compelled to charge for what little they do about all there is in it to carry it.

Mr. BLAIR. Is it not a fact that the through business is now the business very largely and that the present prices for fares and freights are paid by the people of the central and eastern portions of the country?

Mr. STEWART. The through business amounts to very little comparatively. It is the local business on which they must depend.

Mr. BLAIR. If there is no through business across these trans-continental routes, for what purpose were they constructed and for what use are they now?

. I did not fail to understand that the Senator dwelt upon the great and patriotic purpose for which this line was originally constructed. I have always understood that to be the cause of the nation's contracting this high debt or giving this system assistance. But the debt remains and the nation is undertaking——

Mr. STEWART. Let me ask the Senator a question now that he has asked me so many.

Mr. BLAIR. Will the Senator hear what I say in reference to the suggestions?

Mr. STEWART. All right.

Mr. BLAIR. I want him to understand me. I will say to him that I understand the reason why the Government became interested pecuniarily was to keep the country together, to keep it united, and that purpose has been attained, and that the public did not generally expect to collect this debt originally. It remains, and now the public having obtained its first grand purpose insists upon its money also. That money must be collected out of the fares and freights of the roads, so that it is a burden upon those who pay the fares and freights. Now, I understand that about one-half of this debt the payment of which the Government guarantied and which has got to be paid to private individuals or corporations any way, and beyond that is an additional debt of perhaps the same amount more which is due direct to the Government.

Now, I make this suggestion, and ask the Senator's view of it: whether for the general good of the road and of the country it would or would not be a good measure to discharge all that is owed to the Government directly, leaving only that which is due on the first original primary mortgage, which must be paid, and the payment of interest on the Government mortgage, as I understand, so that it must be paid anyway, but which is charged upon the Government directly, and then make a corresponding and unequalized reduction of fares and freights so that the whole country or whoever pays a passage over the road will have the benefit of it? That was the suggestion I made.

Mr. STEWART. I ask the Senator if he is in favor of that?

Mr. BLAIR. I have not thought very much about that. I asked the Senator the question. But I am inclined to think I would be in favor of that; but in my belief there are others who understand that great subject better than I do, and as a result of my belief I was questioning the Senator himself, thinking he was one of those who knew more about it than I do.

Mr. STEWART. My opinion is that this debt was not intended to be paid. I know it was not, because we all said so, and the contract shows it. It was to be paid out of the Government service, and the Government service has been performed so cheaply that it has not been paid, and the debt is still in existence.

Mr. EDMUNDS. I wish the Senator from Nevada would speak so that we can all hear him.

Mr. STEWART. As I before stated, the benefits we expected to the Government have been realized, but the debt has not been paid and the people at large have got the benefit they anticipated. So far as through freights are concerned, they amount to little now, because it is the local freight of these roads which gives them the revenue, for the reason that there is so much competition, so many rival lines, in through freight that none of them can pay out of that. If they attempt to pay the debt out of their through freights it will drive all through freights off the road, and it can not be done that way. If the debt is paid it must be paid by the people living along the line. It is a vast country, most of it consisting of public lands. Much of it is regarded as desert land, and there is no inducement to build roads on account of the population, for population does not go in advance of the building of the roads and does not go in advance of irrigation. It has to follow.

I propose to enable the people to go into this country to extend the railroad with this debt, and to build more roads that shall be unencumbered, so that they can run them cheaply, and I propose where the railroads can not pay without irrigation works that the money may be spent for that purpose.

Great Britain started first to build railroads, and built them all through India. They found that the roads without irrigation were useless, and they then devised a scheme to irrigate the land so as to supply business for their railroads. They first estimated one hundred and fifteen millions for irrigation. Much more than that has already been expended, and the result has been entirely satisfactory.

In the railroads and in the works of irrigation they constructed they spent a thousand millions in round numbers, and they increased very much the revenues of India. I do not propose appropriations by this Government on any such scale, but I claim that it is wrong to tax a portion of the arid region to pay for a great national enterprise, in which the whole country is interested, and oppress the people and prevent its development. But inasmuch as the Government has gotten its consideration I say use every dollar of this money for public improvements in that country under such regulations as Congress may hereafter prescribe. In that way we shall have carried out the original design of the act and at the same time develop the interior of the country, and the resulting benefit to the United States will be immense.

About 300 miles of the Central Pacific Railroad is in the Valley of the Humboldt, in Nevada. This valley, before any portion of it was irrigated, was the most forbidding in appearance of any section of the overland line. A small part of it has been irrigated and has proven it to be equal in fertility to any land in the United States. There is sufficient water running to waste in the Humboldt River and its branches to irrigate this entire valley. If this water were stored and conducted over the land by proper hydraulic works during the irrigating season at least 6,000,000 acres of land could be reclaimed in this valley alone. The irrigated land would be worth at least $50 an acre and would support a population of more than 600,000. The entire farm area of Massachusetts and Connecticut combined, according to the Tenth Census, is not equal in extent to the land susceptible of irrigation in the Humboldt Valley alone.

A few millions of the debt of the Central Pacific, if used in works of irrigation for this valley, would create wealth and support a population sufficient to contribute annually to the revenues of the United States more money than could be collected from the company by any funding bill that could be devised. The Central Pacific Railroad, as before stated, occupies this valley. There is no inducement for a parallel road; and in many places the road occupies the sites which will ultimately have to be used for reservoirs, etc., and the road-bed must be changed before the valley can be reclaimed. If the Government insists upon the payment of the debt without any portion of it being expended for the development of the country or the improvement of the road the road will remain where it is, and the greater portion of this valley will also remain a desert. Congress can remedy all this by requiring the company to change its road-bed and expend a portion of the money due the Government for that purpose, and also for the construction of the necessary hydraulic works. The Central Pacific Railroad also passes through the valley of the Truckee River, the outlet of Tahoe, Donner, and other lakes. Here again is a vast area of several hundred thousand acres of land that can be easily reclaimed by storing the flood-waters in the mountain lakes and distributing it by canals on the fertile lands below.

Nevada has numerous other fertile valleys susceptible of irrigation which will supply business for this road and branches to be constructed from it. If the policy I indicate could be pursued Nevada in a very few years would be a wealthy and populous State, and the revenues she would pay to the Government would far exceed the amount of money that can be collected by the proposed funding of the debts of all the aided roads combined. To make this central continental road capable of doing the business of the country cheap and expeditiously tunnels are necessary to be constructed to avoid heavy grades and the deep-snow line in the Sierra Nevada Mountains, where over 30 miles of snow-sheds are now maintained. These tunnels have been surveyed, and in the aggregate will be several miles in length. It is entirely practicable to enter the mountains below the deep-snow line on the east side and avoid the deep snow on the west side of the summit of the mountains by following along the sunny slope which forms the northern bank of the North Fork of the American River.

By these tunnels over 1,100 feet of altitude would be avoided, the snow-sheds dispensed with, the cost of operating the road greatly reduced, much time saved, and travel made more comfortable and safe. A portion of the debt ought certainly to be used for this much-needed improvement, and unless this is done these tunnels will never be constructed and the interior will be deprived of cheap freights, travel and mails delayed, and Government transportation, particularly in time of war, greatly embarrassed. Before any bill is passed adjusting or funding the debts of these roads it seems to me that the committee charged with that subject should make a personal examination of the country through which the roads pass to enable them to devise some scheme whereby these roads may be a benefit to the country and not an insuperable obstacle to its development.

Smalls vs. Elliott.

SPEECH

OF

HON. JONATHAN H. ROWELL,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 11, 1889.

The House having under consideration the contested-election case of Smalls vs. Elliott, from the State of South Carolina—

Mr. ROWELL said:

Mr. SPEAKER: If the right of a member to a seat on this floor is of any value, the evidence upon which he bases that right is entitled to a fair consideration by the whole House. I heartily agree with my colleague, the chairman of the committee [Mr. CRISP], that this case ought to be tried upon legal evidence and ought to be decided upon legal principles, and it is for that reason that I joined with my associates on the committee in filing the views of the minority in this case. The chairman of the committee has seen fit to arraign the minority for incorporating in their report a part of the record taken from a newspaper in South Carolina, and has insisted that that was not legal evidence and that it illustrated no fact in the case, and then he has devoted himself for three-quarters of an hour to discussing the question of whether or not Mr. Smalls was guilty of the crime of bribery, a question which had no more bearing on this case than the question whether the moon is inhabited.

It might have been permissible to illustrate the proposition that Smalls might have been unpopular by showing that he had been charged with that offense, but the question whether he was guilty or not is not a material question in this case, and no one knows that better than the distinguished chairman of the Committee on Elections.

It is brought in from the outside, like the bulldozing question, for the purpose of justifying a vote to keep a man out of a seat to which he was elected. No lawyer understanding the first principles of evidence will for one moment contend that the question of the guilt or innocence of Mr. Smalls illustrates a single proposition bearing upon the rights of either claimant to a seat here.

Now, I propose to discuss this case from this record, and from those facts of public history as connected with this district and the laws of the State of South Carolina which are legitimate to be considered in the case. I lay down this first proposition, because it is best to get at those points on which we agree: The laws of South Carolina were made with express reference to disfranchising the Republican vote of that State so far as they could possibly effect that end. The laws of South Carolina were made so as to make it difficult if not impossible for the body of Republican voters in that State to cast their votes either at a State or a Federal poll. And I shall refer to some features of those laws.

First, the whole election machinery of the State is in the hands of the governor of that State. He appoints a county board, which board appoints the managers of elections in each precinct. He appoints the board which takes charge of the registration of voters in every precinct. It is a machinery controlled absolutely by the governor and his appointees; and all management of election affairs under the law is taken away from the people in the various communities. As a result, in nearly every instance every manager, every officer of a county having charge of registration or having charge of the appointment of election judges is a Democrat; and every election manager or judge, and every clerk and every sheriff or constable at the election is a Democratic officer.

Again, the laws of registration require that each voter shall be registered; that if he move from one place to another in the district he shall be re-registered, and that when he comes to vote he shall not only produce his registration certificate, but shall swear in his vote besides. It further provides that if he in any way disposes of his registration certificate he shall never have another. If some country grocer induces a colored man to leave his registration certificate as security for his bill, that registration certificate promptly gets into the hands of the registration officer, and that colored man is forever thereafter debarred from exercising the right of suffrage in South Carolina.

Now, this particular district—it has been talked about a great many times—is peculiar in its formation. It is a striking illustration of gerrymandering—noted everywhere where people read about the formation of Congressional districts. It runs around corners, divides townships and villages, passes around the outside of other districts; in short, it is made of a form that was never dreamed of in heaven or earth—made to include, as far as possible, the colored voters of South Carolina. And it is the custom, when there are not quite enough voters in the district, for some of the others to loan the Democratic candidate a few of their voters, and have them counted by the State board.

Now, the law goes a little farther. While providing for absolute control of the election machinery by the Democrats it provides that the county board can eliminate out of the return such votes as they deem proper to be eliminated; and when they get up to the State board, the State board composed of Democratic officers can go to work and further eliminate—not in the form of an election trial, with all the evidence heard, but in their judgment sitting as a returning board and hearing evidence *ex parte*, they may eliminate enough more votes to enable the governor to award the certificate to whomsoever they desire to have returned as elected. So that it only requires a partisan board, imbued with the idea that this is a white man's government and that a negro has no right to have his vote counted in South Carolina, to secure, always, the return of a Democrat from that district.

Now, this district is composed of some 7,000 white voters and some 32,000 colored voters. In this last election, for some reason or other, nearly all of the white voters cast their ballots, and 25,000 colored voters failed to cast their ballots. Now, that is a patent fact. For some reason 25,000 out of the 32,000 colored voters in that district did not get their votes into the ballot-box. "Oh, there is a free election; the bulldozing is all on the side of the colored men; there is no trouble in an honest voter getting his vote into the ballot-box and having it counted." But somehow—in some way—the great body of the colored voters of that district have been induced, persuaded, or compelled away from the ballot-box, either by disfranchisement, by failure to hold elections, by refusal of registration, or by the danger which surrounds the colored voter.

Now, you can not escape from this fact—the result of something. And this record discloses the further fact that the colored people of that district have not given up the idea that a colored vote may count and that therefore there may be some use in casting it. Up to the election which is called in question here those people had yet retained a belief that there was a possibility of having a colored man's vote counted when it was cast; and they were desirous of casting their votes.

We are told that Mr. Smalls some years ago received a larger vote than he did two years ago, and it is argued that because his vote has fallen off therefore he has become unpopular or the colored voters have ceased to be Republicans.

It is true that some years ago the great body of the Republican voters of the district voted. They had not then been persuaded not to vote. Their votes were then counted, and on failure of the State board to count them the House supplied the omission by awarding the seat in Congress to the man elected by the people.

In the Congress preceding this their candidate had been elected and seated. Unlike the colored men of some other sections of the country, the men of this district had not lost faith in the efficacy of the ballot as representing the popular will.

They did not, therefore, remain away from the polls under the belief that it was useless to vote.

Some other reason prevented the 25,000 colored men from casting their ballots, and that reason is to be found in the laws of South Carolina deliberately enacted to disfranchise them, in the failure to hold elections in populous precincts, in falsification of returns, and in that kind of persuasion which amounts to force, well understood by the white Democrats of South Carolina.

When you talk about "intimidation," when you talk about "bulldozing," when you talk about "social ostracism," I meet you with the fact that no social ostracism has prevented the 7,000 white voters from casting their ballots. I meet you with the fact that 25,000 colored voters, by some means or other, have been kept from casting their ballots. And you can not escape this fact; you can not get around it; it exists, it stares you in the face, and it meets with no answer except the answer that by means improper, unlawful, and criminal the body of these 25,000 men have been kept from exercising the right of suffrage granted to them by the Constitution.

The governor of South Carolina, in his recent communication to the Legislature, announced that the paramount political question in South Carolina was the maintenance of Anglo-Saxon control in that State. It was not the paramount question that the majority might rule; it was not a paramount question that each legal voter might have his vote cast and counted; but the paramount question to which the attention of the Legislature was directed was, whatever might be the minority or the majority, to maintain and preserve Anglo-Saxon control—that is to say, to suppress the majority wherever that majority did not happen to be Anglo-Saxon. That is one patent fact, in answer to your talk of "intimidation." I have here a quotation from a South Carolina newspaper, recently published, which I propose to read—a Democratic paper proclaiming the sentiment of the white people of the State; a sample of the daily utterance from the press of the State.

THE CHALLENGE OF A SOUTHERN EDITOR—HE ADMITS EVERYTHING CHARGED AGAINST SOUTH CAROLINA AND QUOTES MR. TWEED.

[Special.]

COLUMBIA, S. C., *January* 15.

In commenting on the recent address issued by E. M. Brayton, chairman of the Republican State committee, the Greenville News to-day says:

"It is not worth while to challenge ex-Collector Brayton's counterblast to the South Carolina election law. We prefer to declare boldly that most of what he says is true, and that the law he describes was and is intended to keep the control of this State with the white people, who are a minority in numbers, but who pay nineteen-twentieths of the taxes and represent ninety-nine one-hun-

dredths of the intelligence and moral force. Then we can say to Mr. Brayton and to the partisan Republican politicians to whom he appeals, 'What are you going to do about it?' These laws are constitutional. They are the laws of the State of South Carolina, representing the will of the sovereign ruling people of the State, who rule because they have the mental, moral, physical, and financial power to rule.

"The entire Republican party in the United States, with all the power of the Government behind it, can not make South Carolina a Republican State, because it can not make the Republican party here respectable. The gaunt and unkempt Southerner who pokes a shotgun in a voter's face to chase him from the polls is a better man than the sleek, portly Northern manufacturer who offers the poor devil of a workman the choice between voting for high protection and starvation. The most reckless red-shirt riders who ever pulled a trigger are less guilty than the wealthy hypocrites who gave and the heelers who handled the money that corrupted the ballot last November. They may send troops here as they did before, to stand at our polls and purify the ballot with the bayonet, but for all that there will be no more good stealing in South Carolina. The crookedness in Southern elections is to save the credit and preserve the lives of the States, and to secure the safety and prosperity of the people, the churches, and the schools. They may steal our Congressmen and keep them while they can; they may steal our electors, but they never will steal our State."

Here is a bold declaration added to the declaration of the governor in his message that the purpose of the law is to prevent the exercise of the right of suffrage by the colored people.

I refer you to the law as it is made to show you the difficulties of it. The law requires a man to be registered where he lives. He registers on a plantation in a particular house, but if the man who owns it places him in another cabin the day before election, side by side with the one he has occupied, the ruling is he can not vote. My brother, chairman of the committee, happens to be mistaken in the law when he says certificates provide at what polls he shall vote; where there are two polls in one precinct it takes but one certificate.

The same certificate upon which a man votes at a State poll is the certificate he presents and votes on at a Congressional poll. The law does provide the polls may be separate—the State and Congressional polls—and whenever there is a large colored vote in any precinct the authorities put them 5 or 6 miles apart, and appoint a separate judge or separate manager for the Congressional ticket, so that he who would vote at both must pass from one to the other. That is another method of suppressing the colored vote and making it difficult to have it counted.

There is another method, and that is, where the colored vote solidly Republican is overwhelming, to appoint some judges who will not hold the election. That is what took place in several precincts at this election. Where there are five or six or seven hundred Republican voters three Democratic voters are appointed judges. They go to the place of holding the election, they stand around awhile, they go home, they refuse to open the polls, and in that way disfranchise the voters. That is a good deal easier than to shoot voters. That is a good deal easier than to stuff the ballot-box. That is a good deal easier than to issue tissue ballots. That is a good deal easier than to falsify the returns. There is less danger of criminal prosecution, and I suppose there is less shock to the conscience of the man in South Carolina who believes it a part of his duty to suppress the colored man from voting.

Mr. BURROWS. Is that done in any precinct in this case?

Mr. ROWELL. Yes, in several of them.

Mr. BURROWS. I understand that is mere imagination; that it does not exist.

Mr. ROWELL. If it is imagination then this record is false. The testimony is ample, and it is absolutely uncontradicted by anybody.

Mr. BURROWS. Let us have the facts.

Mr. ROWELL. Mr. Elliott is seated on this floor, not by virtue of the majority of the votes cast at that election. We agree to that. That is one of the undisputed facts of this case. Had the legal votes cast and returned been counted by the State officers Mr. Smalls instead of Mr. Elliott would have received the certificate of election and occupied a seat on this floor. This seat, held as it is now, is not held by virtue of an election by the people, but is held by virtue of an election by the Democratic returning board of South Carolina. There is no question about that. The gentlemen representing the majority of the committee, as well as those representing the minority, have agreed to that state of facts.

Now, how did that come about? Let us examine for a moment. Two thousand and ten votes cast for Smalls were not counted for him. They were not counted for him, and upon the theory that the tail goes with the hide 152 votes that were cast in the same precinct for Elliott were also thrown out. Had the votes as they were actually cast been counted in that election, not including Pocotaligo precinct and the stuffed boxes, Smalls would have been returned by a majority of over 1,300. Bear in mind, now, I say that not including the three precincts where there were stuffed boxes, not including the precincts where there was no election, yet by taking the whole of the votes that were actually cast by legal voters, men having been registered, holding certificates of election, holding and presenting their registration certificates and swearing in their vote under an additional provision of the law, had these votes been counted Smalls would have received his certificate by a majority of over 1,300.

So, Mr. Speaker, this is not an election by the people. It is a returning-board election. That returning board rejected boxes enough and threw out precincts enough to declare Elliott elected by a majority of 532 votes. But it did not give him a majority of the votes cast. He was not elected by the legal votes of the district. His certificate was issued upon a minority of the votes actually cast; and in this I do not include false returns; I do not include a single precinct where the people had gathered by the hundreds for the purpose of depositing their ballots under the law, but who could not do it because the judges refused to open the polls; and I do not include three precincts where the ballot-boxes were stuffed in his interest.

Now, there were cast on that day, taking the stuffed ballot-boxes and the amount of votes returned after eliminating the extra number found in the boxes, 14,616; not cast, 25,000.

I come down now to the precincts whose votes were not counted; first, the precinct known as the Brick Church precinct, in Beaufort County. There were there cast 503 votes for Smalls. The next is the precinct of Brick Episcopal Church, 267 votes for Smalls; the next, Sandy Island, 53 for Smalls; the next, Cedar Creek, 17 for Smalls; the next, Grier, 65 for Smalls; the next, Santee, 212 for Smalls; the next, Adams Run, 117; the next, Fort Motte, 236; the next, Gadsden, 451, and the next, Grahamville, 48, making, as I have said, an aggregate of 2,010 votes. I have also said, Mr. Speaker, that in addition there were 152 votes in these various precincts which went out with the boxes which had been cast for Elliott.

Now, the committee rejected in their report two polls that were accepted by the returning board of the county and the State returning board; two precincts that run the gauntlet of the Democratic returning boards of South Carolina are thrown out by the committee; one is Ladies' Island in St. Helena precinct, I believe, where Smalls got 139 votes and Elliott 77—that is to say, in a precinct where there were not a half-dozen white men, more than one-third of the colored voters freely voted for Elliott, and yet this committee recommended the throwing out of that precinct because of "intimidation!" Now they throw out another one—they throw out Beaufort, where there were 271 votes for Smalls and 135 for Elliott, or more than half as many cast for Elliott as for Smalls, and yet they also threw that precinct out because of intimidation. The very fact of 77 colored voters, more than two-thirds of Ladies' Island, freely voting for Elliott insures that the question of intimidation does not arise there, even if it were not answered by fifty witnesses produced, which have not been referred to by the chairman or the committee. Now, the committee agree that at Fort Motte there are 236 votes which were cast for Smalls that were improperly rejected, and I refer to it, not because it is not settled here, but to show the disposition on the part of the election boards of South Carolina to reject polls where there are Republican majorities, and to determine on the part of the returning-board that Smalls, who was elected, should not have the certificate, and that Elliott, who was not elected, should have the certificate.

The committee think and say that there is no question but that this Fort Motte precinct ought to be counted. Why? An attempt was made to defeat the holding of an election there because two of the judges refused to hold it, leaving but one, and that one associated himself with himself, because he did not yet quite reach the point of refusing to do his duty, and held an election absolutely fair, returns made exactly in accordance with law, and yet these returns were thrown out.

No; I am mistaken. This is one of the precincts where the ballot-box was stolen.

The committee also agree that the ballots should be counted at Adams Run, where there were 177 ballots for Smalls, at Cedar Creek 18 for Smalls, at Grier's 65 for Smalls, making 496; and in these precincts Elliott got 99, and the committee state that all these 496 for Smalls and 99 for Elliott ought to have been counted. Now, there are two of these where a portion of the judges undertook to destroy the election by refusing to serve, and only one of the judges, associating others with himself, held the election. Two others were on account of refusal to open the ballot and on account of stealing of the ballot-boxes. One of the Democratic judges of one of these precincts took his ballot-box up to the headquarters; but instead of delivering it to the proper returning board he delivered it to a leading Democratic politician in the headquarters building, and, lo and behold, that ballot-box disappeared from sight and was never heard of thereafter. The other was delivered in the same way, but the man who received it was honest enough to deliver it, but the judges refused to open it or count it.

Here I call attention to a little incident in this case. My colleague, the chairman of the committee, undertakes to bind the contestant here by a concession that his attorney might have made upon a question of law. Let me apply his rule to contestee. When the evidence was being taken in this case, when this ballot-box was produced, when the judge who made the return swore that if they would open the box so that he could see the return he could identify it, and when the commissioner who was taking the testimony undertook to open the ballot-box, Mr. Elliott, through his attorney, dared the officer to open that ballot-box at his peril. In other words, the contestant himself, through his attorney, taking his testimony, stands before this House with a threat of personal danger to the commissioner, the lawful officer taking this testimony, and thereby suppressed the testimony before him that ought to have gone into this record.

Mr. CRISP. Will the gentleman allow me to ask him a question there?

Mr. ROWELL. Certainly.

Mr. CRISP. Does not the gentleman know that both of these boxes to which he has referred have been counted; and that the majority of the committee, in their report, have given Smalls all that he claims in both of those precincts of which he is now speaking?

Mr. ROWELL. Certainly. I stated that; and said that I gave this to illustrate the conduct of this contestee, and to show whether he was willing that the truth might be exposed, that the light of day might be let in upon this contest, and I show that he stands there and dares the officer of the law to open that box at his peril, and that the officer of the law too well understood the peril in which he placed himself if he dared to turn the key in that box—and it was the representative of Mr. Elliott, speaking and acting for him, who thus defied the law in the interest of his client, and with deliberate purpose to suppress the truth. It is the fact which I comment on as an illustration of the methods pursued in this district.

Mr. HEMPHILL. Do you claim that he had authority from Mr. Elliott?

Mr. ROWELL. I claim that he was acting as the attorney for Mr. Elliott.

Mr. HEMPHILL. But was he doing it by his authority?

Mr. ROWELL. I hope in God's name that he was not.

Mr. HEMPHILL. I think you had better prove it before you make the charge.

Mr. ROWELL. I have looked through this record, but find no disclaimer anywhere from Mr. Elliott or anybody representing him. He got the advantage of it. This contestee would not allow Smalls to have the advantage of having that ballot-box opened. The United States supervisors of both parties made a report, so the committee, of course, have to admit the vote in spite of this act.

Mr. HEMPHILL. How did he get the advantage, then?

Mr. ROWELL. I did not refer to it because they were not counted by the committee. I referred to it to illustrate the spirit in that district, the lawless spirit, when an attorney representing the contestee here would dare to threaten a man with personal danger there, threaten his life, when that man held a commission of the law, under the authority of the law, and was about to produce legitimate and lawful testimony.

Mr. OUTHWAITE. Will the gentleman permit an interruption there?

Mr. ROWELL. Certainly.

Mr. OUTHWAITE. Will you read any evidence that shows that that was a threat of personal violence, and not a threat as to the legal result?

Mr. ROWELL. The language was that he dared him to open it at his peril.

Mr. OUTHWAITE. And you say that that threat is against his life; and that is not the fact.

Mr. ROWELL. When a man says that, whether it is in the North or in the South, he understands that it is at his personal peril. In view of what we know of that chivalric people down there, and their effort to carry on an honest election, I would say that in that country it was more in the nature of a personal threat than any other thing; and it had the effect of preventing the opening of that ballot-box. It was a threat of personal violence, and no other meaning can be given to the language.

Now, there is another precinct that stands precisely on the same footing with these admitted precincts that the committee rejected, because they say it was not in the notice. That is the precinct of Sandy Creek. If gentlemen will refer to the notice on the first page of the record they will find that Sandy Creek is mentioned both in the second and third clauses of the notice.

If they will refer to another notice to be found in the record claimed to be a copy of the original, they will find that Sandy Creek is, by some error, left out of the second, but is included in the third section of the notice.

Mr. CRISP. If my friend will permit me I want to state that he will find in the record more than one notice.

Mr. ROWELL. Yes, there are two.

Mr. CRISP. But you will find an agreement between Elliott and Smalls as to which is the notice in this case, and that notice contains no reference to Sandy Creek.

Mr. ROWELL. Yes, it does. If you will read the third clause you will find it.

Mr. CRISP. If it does then I am mistaken, but I think the gentleman is wrong.

Mr. ROWELL. I am not wrong, as the gentleman will find on examination.

Mr. ROWELL. Now, Mr. Speaker, as I was saying, there is another precinct that stands precisely upon the same ground in regard to a portion of the judges refusing to hold the election. If you will read the third clause in your second notice you will find that Sandy Island is there. That added to the 496 gives Smalls 529 and Elliott 99, and overcomes 430 of the 532 majority reported for Elliott.

The next precinct that I come to is the precinct of Santee, with 212 votes for Smalls. The committee reject that because they say that the polls were not held in a house, that they were held outside under a tree. The election was regularly held by competent judges; the electors were required to produce a certificate of registration. They were obliged to swear also that they had continued to be legal voters and that they resided where they did when they registered, and the returns were properly and legally made.

There are two objections made to counting those 212 votes. One is that the election was not held inside of a house. Now, there is no law of South Carolina requiring that to be done. Another objection is that there was not a space fenced in so that the voters could pass in one at a time. That is true; but the testimony shows that the crowd were kept away, that every regulation was observed and every care taken, and that there was no interference with voters. The clause in relation to fencing off a space is simply a directory clause in the statute with no penalty denounced for the failure to build up a pen through which the voters shall pass. The election is proven to have been regular and fair and to have been properly held, and there is no more reason in the law for throwing out this poll than there would be for throwing out any other poll in the whole district. Why, sir, the supreme court of South Carolina, long before there was any necessity to disfranchise colored men, had decided that an election held with a gourd for a ballot-box in the open air was a good and valid election.

It was the duty of the officers, and not the voters, to have the space fenced off through which the voters should pass. Neglect in this regard was the neglect of the officers—a neglect nowhere held to invalidate the election, provided the proof showed that otherwise the election was fair.

Now I lay down this proposition of law as being well settled, both by the courts of the country and by this House:

When the voter has done all that is required of him by the law in the way of qualifying himself so as to entitle him to vote, and then has gone to the place of voting and in a lawful way tendered his ballot, no neglect of the officers of the law to comply with directing provisions of the law can deprive such voter of the right to have his vote counted.

The neglect of the officer may make it necessary to make proof of the vote; but that is a question of evidence and not of legal right. Counting Santee makes 212 more for Smalls. Elliott got 4 votes at that poll. Subtract Elliott's 4 and it makes the number 208 majority for Smalls. Add that to the 430 and you get 638. Subtract 532, the returned majority for Elliott, and you leaves Smalls, up to this time, a majority of 106 votes. Now, Mr. Speaker, so far I have dealt only with those precincts rejected by the State board, but which are acknowledged by the committee to have been improperly rejected, with one additional precinct which is in the same category, namely, the Santee precinct, with its 212 votes for Smalls and 4 for Elliott. Smalls, I say, is now 106 votes ahead. Next I come to the Brick Episcopal Church, with 264 majority for Smalls. I will tell you how they came to throw that out.

In South Carolina, under the election laws, they have a right to put a Congressional poll at a distance from the State poll; so in this precinct they passed an order making the Brick Episcopal Church the place for the Congressional poll. It was not a new precinct, it was not a place where the State vote was to be cast, but it was the Congressional voting place for this precinct, and it was 6 miles away from the State voting place. I want to emphasize this statement. Brick Episcopal Church was and is a voting precinct. It was the place where the Federal offices were to be voted for in the precinct of Mount Pleasant, and located 6 miles away from the voting place for State offices in the same precinct.

Now, the registration officer sent his book of registration to the State voting place, but neglected to make a copy and send that registration down to the Congressional voting place. But the voters appeared there with the proper judges of election; they showed their certificates of registration; they took the required oath; they voted; the election was fair and free; and none but legal voters were permitted to vote under the forms of law; the returns were correct in form; yet these 264 votes for Mr. Smalls were ruled out because it is said there was not any book of registration at that poll, and the committee now claim that these voters, when there had been established a new polling place for the Congressional district, ought to have gone and got themselves reregistered as Congressional voters. There is no such thing known to the law of South Carolina as a registration for Congressional or Federal votes and a registration for State votes. These voters were registered in that precinct. A new poll was created for the Federal election, to keep it away from the State election.

These men were legal voters; they were properly registered; the election was held under the forms of law; it was a fair, free vote, properly returned. Yet this contestee, through his attorneys and the majority of this committee, reports that, the voters of the precinct having done all that was required of them by the law, having been properly registered, having preserved their registration certificates, having gone to the place provided by law and tendered their ballots and having them received, the neglect of the partisan friends of the contestee to send down the book of registration to that poll is to be taken advantage of by the contestee and that the contestant is thus to be deprived of these 264 votes. The law never was that way. The law requires the voter to do everything prescribed to be done by him, and if he

fails to do this he fails to qualify himself to vote; but the law does not require that the voter shall discharge the duties of the public officer, and that when the public officer neglects, either willfully or ignorantly, to discharge his duty, the voter is thereby deprived of the vote which he has cast. The ruling out of these 264 votes was simply the high-handed outrage of the returning board of South Carolina, by which 264 legal voters, having done all that was required of them, were deprived of the right to have their voice in this election.

The committee can find no well-considered precedents upon which to base their action in this precinct, because none such exist.

I know of no excuse for this rejection except the excuse of necessity. Now, if you will add 264 to the 106 majority we already have, we then have 370 majority for Smalls up to this stage of the case.

Now, the next vote rejected was that of Brick Church, in Beaufort County. It cast 503 votes for Smalls and 45 for Elliott, leaving Smalls a majority at that precinct of 458 votes, which, if added to the 370 we have already found as his majority, will make that majority 828. But this precinct is rejected because they say that the voters were "bull-dozed," were "intimidated." And some evidence has been brought into this record, some witnesses have sworn that previous to this election there was vigorous talk in public meetings. But nowhere has any man been assaulted; nowhere has any man been prevented from expressing his free and uncompelled choice by his vote.

Now let us consider this precinct. It was not rejected for bulldozing; it was rejected because the returning board said that for twenty or twenty-five minutes during that whole day the polls were closed. Now, the judges of that election—two white men and one colored man—all testify against any intimidation at that poll. The white owner of the building, a doctor, testifies to the same thing. The Democratic marshal or constable presiding there testifies to the same thing. Two Democratic colored ticket-peddlers, peddling tickets for Mr. Elliott all day long, testify to a free, fair, and unintimidated election. I am not surprised that the chairman of the committee says, "We will reject the testimony of Chance Green" (the star witness in this case), "we will throw that out of consideration;" because it is the testimony of Chance Green and one or two like him against fifty witnesses testifying as to the same poll that has made the basis of the committee's action in ruling out the more than five hundred votes for Small. Here is Chance Green testifying that in the morning a certain man, naming him, attempted to go up through the chute and vote, and the Republicans pulled him out and took his ticket away and would not let him vote; yet by and by, on cross-examination, he changed the time to the evening. And the person named as having been thus treated comes up and shows that he was no voter at all; that he had not any registration; that he would have voted for Smalls if he had been entitled to vote, but that he did not attempt to vote and nobody touched him.

This same witness testifies that another colored man had a ticket and wanted to vote for Elliott, but the Republican leader went and snatched the ticket out of his hand and would not let him vote. The man referred to in this testimony comes upon the witness-stand and says, "I have not any certificate; I was not a registered voter; I did not try to vote; and the only basis for this lying statement was that I picked up a torn ticket from the ground and one fellow asked me to see what that ticket was."

It is upon such testimony as this, overwhelmingly contradicted by the Democratic judges of the election, by other white men who were around the polls, by Mr. Elliott's Democratic ticket-peddlers, and by witnesses who were called in swarms—it is upon such testimony that the charge of bulldozing is based. Nobody killed, nobody assaulted, nobody hurt, either then or before, in the vicinity of that precinct.

But Smalls was guilty of the unpardonable offense of telling colored women they ought not to allow their husbands to go home if they voted the Democratic ticket. I have heard in public meetings very strong advice given to young ladies not to allow any young gentlemen to visit them if they tasted of the cup that inebriates. That was intimidation; that was bulldozing. There was a colored club came over from Ladies' Island to Beaufort, and some colored girls threw bricks at three of them. That intimidation extended down to and over the water to Ladies' Island and prevented these people from holding a fair and honest election. [Laughter on the Republican side.] In the month of October last I happened to march in a procession down in my brother SPRINGER'S city of Springfield and some dirty fellows threw eggs at us, but we caught them and turned them over to the police. [Laughter.] If, therefore, colored girls throwing bricks at a colored club going along the streets of Beaufort is to destroy the election at Ladies' Island then my friend [Mr. SPRINGER] should withdraw his certificate and retire from the House on account of bulldozing down in the great capital of Illinois. [Laughter.]

And this, Mr. Speaker, is the kind of evidence upon which the majority of the committee justify themselves in throwing out the precincts of Beaufort, Brick Church, and Ladies' Island.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. CUMMINGS in the chair). The gentleman's time has expired.

Mr. CRISP. I move the gentleman's time be extended until he closes his remarks.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

Mr. ROWELL. Now, Mr. Speaker, I freely admit—and I want to be absolutely fair in this case—I freely admit that the colored people of that district, as in every other district North and South where their spirit has not been crushed out of them, are honest Republicans. I freely admit that a colored man in a colored community who votes the Democratic ticket loses caste just in the same way that a white man down in my brother's district loses caste if he votes the Republican ticket. They are earnest Republicans. They have good reason to be. They remember how they came to be men in this country; they remember how they ceased to be chattels. They have not forgotten that a colored man has now the right to marry him a wife, to raise him a family of children, and not to be separated from them because of their being chattels. Hence it is these men are earnest Republicans. Preachers talk it in the pulpits. The stump-speakers talk it on the stump.

If the doctrine of the chairman of the committee holds good, whoever goes on the stump and denounces his opponents, and declares the salvation of the country depends on the success of the party which he adheres to is an intimidator, and the election held after such a speech is not a legal election.

I say there is evidence down there of some violent talk, but there is no evidence of any assault or of any injury. But one single man comes here and swears he went away from the polls and failed to cast his vote because of any fear of the colored people on Ladies' Island.

Seventy colored men on Ladies' Island went to the polls and voted the Democratic ticket. Just think of this. One-third of the colored voters led by intelligent white men freely cast Democratic ballots at that poll without the pretense of interference. Forty of them have been organized into a Democratic club and have held meetings for weeks before the election, and yet the precinct is thrown out on account of intimidation—intimidation, as I understand, the chairman of the committee, because of something said or done before the day of election—something whose influence extended down to that day and operated upon the minds of the voters, and that finding is based not upon the evidence of any witness who testifies that he was so influenced, but upon the testimony of witnesses as to certain speeches and acts which, in their opinion, did influence voters. Avoiding the best evidence, that of the voters themselves, the committee rest their conclusions upon opinions, a convenient resort when there is no possibility of proving the fact because the fact does not exist.

A warm political canvass followed by a peaceful election, according to this precedent, must necessarily result in electing the man who receives the fewest votes.

One colored man who voted the Democratic ticket testified that he was turned out of church for so voting, but on cross-examination he was forced to admit that it might have been on account of a woman. [Laughter.] He voted once for Mr. Elliott, but because of that church trial and the "woman in the case" Mr. Smalls must lose the vote of Ladies' Island.

But we are told colored women left their husbands after the election, their husbands having voted the Democratic ticket. Mr. Elliott did not lose their votes because these colored women left their husbands. They went away and remained for three weeks, but each of the husbands set himself up as a good Samaritan to the other, and so their wives were persuaded to live with them again. That is the extent this testimony reaches as to suppressing honest votes. I imagine these two men were worthless fellows, hardly deserving to have wives, not alone because they voted the Democratic ticket, although that is persuasive evidence of the fact, but because of other facts in their own statements. But the material thing in this record is that Mr. Elliott got their votes.

How does it come that the churches, the women and the people generally, come up here and show their earnest desire for the interest of the Republican ticket, and then a witness comes in and gives it as his "opinion" that they so express themselves because of intimidation, when they can not find any witness to come in and testify that he was prevented from voting? Nor were they prevented. But while there is evidence tending to show that there was some violent talk long before the election, there is an overwhelming preponderance of testimony contradicting the same witnesses as to the character of that talk at the same meetings, ten to one. This committee comes here with the testimony of one witness and rejects the testimony of ten, and thereby succeeds in throwing out these five hundred and odd votes at Brick Church, and going to Beaufort do the same, and to Ladies' Island, and there the same; at each of which precincts one-third or thereabouts of the votes were cast for Elliott, and they were all colored votes. They were the places where Smalls had incurred the enmity of some of the leaders of his race, one of them who has been quoted here who had always been a bolter from the ticket ever since he become a voter, and who testifies that he is a Republican, but in each Congressional election for years and years had opposed the fellow who was nominated.

Now I have not time to go over both sides of this testimony, but I assert, and I know I can not be successfully contradicted by any one who has looked into the record, first that no violence occurred anywhere on election day, that no violence occurred anywhere else except

some time before the election where some colored girls brickbatted three colored men; that nobody was ever turned out of a church because he voted the Democratic ticket; that nobody was compelled to vote the Republican ticket by virtue of the influence of his wife so far as discovered, except in the "opinion" of two or three witnesses. An all-sufficient answer to all this talk about intimidation is the historic fact that the colored men are in a vast majority in this district; that 25,000 of them failed in some way to vote, and that the Democratic leaders there believed they were voting the Republican ticket, and therefore tried to prevent the holding of an election and did so, whereby two or three thousand votes were excluded, men who had congregated around the polls and who were prevented from casting their votes by the refusal of the judges to open the polls.

Let me say right here that under the laws of South Carolina no provision is made whatever for the appointment by the people of a judge or manager of election where the appointed manager fails or refuses to act. In other words, if there is not the inherent right to appoint the managers on the part of the people, then you may always prevent an election in that precinct where the Republicans are in a majority by a simple refusal of the judges appointed to open the polls. In this case the notice of appointment reached them too late to send back a refusal to act and to make the appointment of others, and so thousands of men at the polls, qualified to vote, ready to cast their ballots for Smalls, were deprived of the right to do so by the Democratic judges appointed going to the polls, standing around awhile, and then saying, "There are too many people around here; there will be a riot," and refusing to open the polls, and thus preventing the holding of an election. I say you may do away with tissue ballots; you may do away with the shotgun and the red shirt; you may do away with the false count and the stuffed ballot-box; you may do away with preventing registration, and do away with all other methods which may be practiced of defeating the privilege of the electors to exercise the right of suffrage, by simply appointing judges of election with the understanding that they are not to hold the election where the Republicans are in a majority, and thus the governor of South Carolina will have his problem solved and will know that they have discovered the method by which Anglo-Saxon supremacy in South Carolina and in all districts therein may be preserved.

Now, Mr. Speaker, I come to the Gadsden precinct. The judges of election went down to the voting place, but declined to open the polls. The United States marshal waited an hour and then organized an election board, and that board went on under the forms of law and received 451 votes for Smalls, every man being required to produce his registration certificate and swear in his vote, every formula of the law being complied with. The returns were made up and sent to the headquarters, but headquarters refused to acknowledge or receive them. It is true that in the committee my brother Ellis, who argued this case, made this proposition of law, that because the election laws of South Carolina declared the polls should be open from a certain hour of the morning to a certain hour of the evening, that because the people were collected around the polls, and because of the fact there was an hour intervening when people might have voted, that that would prevent the votes from being counted for Smalls, but that it invalidated the election of Elliott. In other words, the proposition was, as a maxim of law, laid down that it would invalidate the election of Elliott, but that the votes could not be counted for Smalls.

In the committee I questioned that construction of the law. I know now that it is not correct. If an hour did intervene, if the evidence shows as in this case that nobody came and went away, that nobody was prevented from voting because of that hour, then no voter has been injured, and therefore the votes of this precinct are entitled to be cast and counted according to law.

And I repudiate the idea that the committee is bound by an admission on a question of law of the attorneys on either side of the case. That admission seems to be the only ground for excluding these 451 ballots.

The law of South Carolina makes no provision for the appointment of judges, as I said; but there is an inherent right in the people—legal voters of any precinct—when officers of the law refuse to do their duty to appoint managers in their places to hold the election, proving that it is fair, proving that the votes cast were legal, in order that those votes may be preserved as evidence showing the choice of the people, and in order that they may be counted as the choice of those voters. Such is the law, and such has been the ruling in very many of the courts of this country, and it is the settled law. The people, having discharged their full duty, are not to be deprived of their voice and vote by the criminal negligence of the officers of the law. In this case for the contestee to take advantage of the wrong of his own party friend and insist that these votes should not be counted is to declare that in South Carolina the minority and not the majority are to rule. This is the only one of the precincts where the people, having failed to get judges, took their legal right, and appointed their own judges and held the election. They ought to have done it in every one of the other precincts in order that the evidence might be preserved; that the ballot might be opened and counted and Congress have the means to see that these people are not deprived of their legal rights. They did their duty as they understood it. They violated it in no regard; and therefore their votes are to be counted. Now, you have added to this majority over 800, 451 more, carrying it up to over 1,300 majority for Smalls, after giving the 152 for Elliott.

Now, I have not stopped here. These are the districts where the vote was cast, and where it was legal, where it ought to be counted, and where it was not counted. Now, there is another place where there were forty-odd votes thrown out because they were said to be marked or mutilated. Six of them had on them pencil marks that were caused by one of the judges thrusting them into the ballot-box with his pencil. All but one of them were for Smalls. The judges say that the ballots were torn. They were thrust into the fire and burned, so that you could not see whether they were mutilated or not. They destroyed the evidence in violation of law. Thus were 41 votes for Mr. Smalls thrown out and burned up, and the evidence destroyed which would have settled the question whether they were mutilated or not. That was by the returning board.

The judges sent them up in an envelope to the county seat, and the returning board formally ordered the envelope with its ballots thrown into the fire and burned up; so destroying the testimony. The means of determining whether these ballots were mutilated or not having been destroyed by contestee's party friends he can not now be heard to say that these votes shall not be counted. That is 41 votes more to be counted for Smalls in this contest. Now, I come to the question of making the ballots in the box and the tally-sheets correspond. I will take the precinct of Pocotaligo, and two or three other precincts where the ballot-boxes were stuffed. The committee say the managers followed the law in drawing out the excess of ballots in the boxes. The law requires that if there happen to be a larger number of ballots deposited in the ballot-box than there are names on the poll-list, then they have to throw out the excess and bring the ballots down to the number of names on the poll-list. That law is for an accidental increase in the number. That law is not for the stuffing of ballot-boxes. That law is not in order to condone a fraud by the judges and managers of an election. That law does not mean that you add may a hundred to the hundred and fifty ballots lawfully in the box, and then draw out a hundred ballots and make up your returns from the ballots remaining. The law was made for accident and not for fraud.

The committee seem to have entirely misapprehended the situation when they say "the managers seem to have followed the law."

These ballot-boxes with such large excess of ballots over the number actually voted were presided over by Democratic managers and clerks, Democratic constables, and two or three other Democratic officials unlawfully present in the polling-room, while all Republicans were excluded.

There was only one way for the excessive number of ballots to get into the box, and that way was for the Democratic officers having the box in charge to put them there for the purpose of having them drawn out "according to law," as the committee say, and so in any event increase the vote of Mr. Elliott and diminish that of Mr. Smalls. And I repeat, the law for drawing out the excess was not made for a box tainted with this kind of fraud; and I am surprised that the committee has fallen into such an error. Oh, but my friend, the chairman, says there is no evidence of how Pocotaligo was counted, and that the poll-list and return found in the record was not certified to by the secretary of state, and because of that omission we can not take advantage of this wrong and have this vote corrected according to the facts.

It is true that in the package of precinct returns paid for and sent down to contestant by the secretary of state this return does not bear his official certificate. An accidental omission, no doubt, and not discovered until offered in evidence. It is, however, on the official return blanks of the State.

But, Mr. Speaker, we are not without the very best evidence as to how this precinct was counted and returned; we have the positive testimony of how it was made up at the polls and returned; we have the certified record testimony that it was counted by the State returning board, because the record shows that the protest of contestant against this poll was not allowed, or rather was overruled.

There were 143 votes cast at this poll. The box contained an excess of 105. The returns gave Mr. Smalls 57 and Mr. Elliott 86 after drawing out the 105. One hundred and eighteen witnesses, unimpeached, testify to voting for Mr. Smalls, and the poll-list shows that these 118 voted.

This purges the act of fraud by the best evidence and determines how the vote ought to be counted. It takes 62 from Mr. Elliot and adds them to the Smalls column, and so increases Mr. Smalls's majority by 124 votes more, and this conclusion is reached by the only legal method of ascertaining the correct vote, where fraud is conclusively proved, as in this particular case. In this case there is no conflict in the testimony; the facts stand admitted, the fraud conceded, and we get for an answer, "The secretary of state did not properly certify the returns."

I remember that in a case before this Congress, which came up from Alabama, the records contained the testimony of men who stood outside and watched the ballots as they were handed in by the voter and noticed how many there were, and the committee said, "You can not prove it in that way; you should call the witnesses and prove how they voted." And the committe said amen. So in this case the witnesses

are called, and instead of 56 it is found that there were 118 votes for Smalls in that precinct, and now we are told that we can not prove a thing in that way. The committee tell us, "You can not prove a fraud, because they followed the letter of the law and took a stuffed ballot-box instead of one having one or two ballots in excess accidentally. These men followed the technical law, and therefore you have no right to complain."

Now, allow that to be the law, and you may always make a minority into a majority. You have only to put in every ballot-box where there are, say, 150 votes, 100 Republican and 50 Democratic—you have only to put in 100 Democratic votes and then mix the ballots and draw them out and you have got the advantage so that you can make the minority into the majority. This is not a case of an accidental overnumber getting into a ballot-box; it is a case of the fraud of the election officers themselves and the two Democratic officers, one of them the collector of the port down there, who stood in the room and helped to perpetrate the fraud. In this case they knew exactly just how many ballots there were in excess. Having drawn the number of votes that were on the poll-list, they insisted that all the balance should be destroyed. For a good while they refused to put the ballots back into the box and have a draw made. They insisted upon counting the ones that they had taken out and destroying the balance. They knew exactly the condition before they opened the ballot-box. The evidence shows the condition of things, the action of the parties, the trepidation, the fear of detection, it is all set out in the evidence, and yet the committee say the law was followed.

So in another case, in the Providence precinct, where there were 80 votes in excess, the report by some mistake says 90, the way they corrected this box was this: They separated the Smalls votes and the Elliott votes, and then they put the Elliott votes back in the box and put the Smalls votes back into the box on top of the Elliott votes and then drew out the Smalls votes [laughter], and the committee say they pursued the law.

I want to say to the chairman of this committee that the law never was made to cover up fraud. I want to say to him that a hundred ballots in excess in a ballot-box never got there by accident. They got there by corrupt fraud. That is how they got there. They tainted the ballot-box, and the law was not made to draw out that kind of ballot and count the balance. If it was, then you have again solved the problem of Anglo-Saxon supremacy in South Carolina. A number of witnesses were brought to show that they voted the Republican ticket at this precinct.

This was so palpable a fraud that no candid man can claim that the box ought to be counted as returned, 119 for Mr. Elliott.

As there is no evidence of what the actual vote was, the law disposes of the box by rejecting it entirely and deducting 119 votes from the Elliott column.

At Green Pond was another box fraudulently tampered with, so that according to the witnesses 99 votes should be deducted from Mr. Elliott and given to Smalls, increasing his majority by 198. Now, I admit that some of the witnesses at this precinct were ignorant, and that some of the testimony is unreliable on that account, but the fact of the fraud remains, and to say the least 99 votes must be taken from Elliott.

Now, Mr. Speaker, when you add these figures, as I have said, and the 47 votes that were destroyed, it gives Smalls 1,316 majority, not counting any changes made in the three precincts which I have been discussing, where the frauds were perpetrated. You will run the number up to 2,000 when you take account of the changes there; but taking the votes absolutely cast by legal voters at legal polling-places you get a majority of 1,316 for Smalls, leaving out Pocotaligo, leaving out Providence, and leaving out Green Pond, where these frauds were perpetrated. I stated awhile ago that there were several precincts here where no election was held. I do not ask that those votes shall be counted here on the question of seating Mr. Smalls.

But the very fact that elections were not held in those precincts, the very fact that the officers of election were the partisans and friends of contestee, that the machinery of election was in the hands of the partisans and friends of contestee, simply shows that it was a part of a preconcerted purpose to prevent the voice of the majority of the electors of that Congressional district from being heard, and it destroys all right or claim on the part of Mr. Elliott to represent that district upon the floor of this House without any reference to Smalls's claim to represent it here. It taints the title which he holds here with fraud perpetrated by his partisan friends. It destroys the validity of the election on his side. And the only way that the American Congress can teach this and every other district that elections must be fair, and that votes cast must be counted, is to refuse to allow anybody to take advantage of crime against the elective franchise, and thereby to hold a seat upon the floor of this House. That is what it means.

Now, in the Providence box there are 80 votes which ought to be taken from Mr. Elliott and given to Mr. Smalls. In these three ballot-boxes there ought to be a change of some 500 or 600 votes in view of the law and the facts. If you take them and throw out Beaufort, throw out Ladies' Island, throw out Brick Church, Mr. Smalls will still be elected; and there is no way you can count Mr. Elliott in, even by throwing out what they call the intimidated precincts, unless you violate the rights of the people, unless you reject an honest poll, unless you disfranchise the voters who did everything in their power to cast their votes; unless you condone fraud and crime and hold out inducements for corruption you can not count Mr. Elliott in. You may juggle with figures, you may juggle with evidence, you may take one witness and count him against ten, and still this record stares you in the face, this count is against you. Yet by virtue of this returning-board certificates the Seventh district of South Carolina has, nearly to the end of the Fiftieth Congress, been represented by a man never elected by the people. I say unless you reject the law and the evidence you must give Mr. Smalls his seat.

You say he ought not to have it because back in 1877 he was convicted by a South Carolina jury—after he had been elected to Congress and after his seat was being contested. Now, I am not going to discuss the evidence upon which he was convicted, because it is utterly immaterial here. But I know that in most courts the uncorroborated testimony of a confessed accomplice is never permitted to convict anybody. I know, too, that Robert Smalls did not stop with South Carolina; I know he came as of right to the Supreme Court of the United States to have the law of this case determined; and I know that the governor of South Carolina cut up the case by the root by pardoning Mr. Smalls without his asking it.

Mr. BUCHANAN. Pending the appeal?

Mr. ROWELL. Pending the appeal.

Mr. CRISP. My friend will permit me to say that the record does not sustain his position. The contestant in his evidence says his case was tried by the supreme court of South Carolina, and he appealed it to the Supreme Court of the United States. All I know about the matter is from the record which is put in here, and which shows that pending a hearing of the case in the supreme court of the State he was pardoned, that court never having passed upon the case. I merely wanted to correct the gentleman in that matter.

Mr. ROWELL. That is a mistake in the record, if you have any such record. You have put in your side of the record.

Mr. CRISP. Not at all; the whole record is there.

Mr. ROWELL. But the record of the supersedeas which went from the supreme court is here.

Mr. CRISP. I speak of the record in this; that is all I know about it.

Mr. ROWELL. But it does not make any difference whether it was pending a hearing in the supreme court of South Carolina or in the Supreme Court of the United States. Suppose it was pending the hearing in the supreme court of the State that the governor cut that case up by the roots and prevented a hearing; it is all the same. But that matter is so utterly immaterial upon any question involved in this case that there is no excuse for dragging it into the record except the excuse that a man with a bad case before a jury has when he attempts to get in illegitimate testimony in order to prejudice the jury. The only object of introducing the matter here must be with a view to influencing some man whose conscience pricks him and who is willing to vote against his party on this contest, according to the law and the evidence; the object must be that such a man may have some excuse to violate the law and disregard the evidence in this case by voting to permit Mr. Elliott to retain the seat to which he never was elected except by the Democratic returning board of South Carolina.

By a free and fair election, under election laws acting with equal force on all classes and honestly administered, I believe Robert Smalls would have received at this election not less than 10,000 majority, and that belief is based upon the record in this case and public history so recent as to be known by all reading men, and I believe that you on the other side agree with me. It is useless to manufacture excuses. The facts are patent. I do not stop to read from the record. It is too voluminous. I state conclusions. Most of the facts are admitted by the majority.

These facts have gone into history and made another page in the record of crime against the elective franchise perpetrated in the name of Anglo-Saxon supremacy. If the only effect was in the State of South Carolina and upon the local government I would say that is your affair. If you can afford to lay up wrath against the day of wrath, upon you be the consequence. But this is another and different matter we are considering—a Federal question—and it will not do for you to say, "This is our business, let us alone;" "Hands off, and let us work out this race problem."

The laws enacted here affect all sections of our common country, and hence all have a right to see to it that the voice of the nation, as expressed by its lawful voters, is heard and felt in our legislation and that no district or section shall be permitted to nullify the law.

The public conscience is already awakened, and men who live away from the colored belt will do well to heed its admonitions. It will not do to shield yourselves behind the report of a committee of your party friends. The facts admitted by them will not permit you to do so; nor can you afford to accept either the reasoning or the conclusion of that report.

When you tell me that the white men of the colored sections are bliged to stand together to protect themselves against the colored, I answer that is your business, and I do not object, if you think it wise. But when you go further and so manage your elections as to have your vote counted and the vote of the colored man suppressed through any unlawful means, then I answer that is the nation's business, and the

nation will see to it in some way that this thing shall cease in Federal elections.

Race feeling you may have within the law, but not above and against it. Ours is a government of the people. The ballot is a sacred thing in this country, because it is the expression of a freeman's will, and whoever commits crime against it proclaims himself the enemy of popular government.

Somehow, in some way, I tell you now, this question of an honest ballot is to be settled and settled right, and the man or the party that stands in the way of that settlement will be repudiated.

I present this case to the majority side of the House for consideration, not with the fullest confidence, because I have learned how hard it is for the Democratic party to accept the fact that colored men are really voters in this country, or to believe there is any wrong in defeating the operation of the laws which proclaim them such. Interested as I am and as are all thinking men in the race problem, I do not think it has a place in this case. The voting part of the problem was settled by an amendment to the Constitution, and here we have a vote problem, not a race problem, if you would only believe it.

Now, Mr. Speaker, I have talked a great deal longer than I intended to. There are a great many other matters connected with the case which I would like to discuss, especially the several hundred voters duly registered, whose votes were rejected under the slightest pretenses, and which should be added to Mr. Smalls's majority. I would like also to speak of the refusal to register Republican voters, except when they practiced deception and induced the register to believe they would vote the Democratic ticket.

But I can not. I have attempted to confine myself to the case which is before us. There are a good many other things in the air—matters of public notoriety that might perhaps legitimately and properly be talked about here—but that is not my way of conducting a lawsuit or a contested election. I am satisfied to try the case as it is and submit it to the conscience and judgment of those judges who are to determine, not upon the character of these two men, but to determine under the law and the evidence whom the people elected to represent them from the Seventh Congressional district of South Carolina. Thanking the House for its attention, I bring my remarks to a close. [Applause on the Republican side.]

Repeal of the Tobacco Tax.

REMARKS

OF

HON. CHARLES W. McCLAMMY,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 23, 1889.

Mr. McCLAMMY said:

Mr. SPEAKER: In the RECORD of yesterday I find that just before the announcement of the vote on the resolution against which the question of consideration was raised, and in which the repeal of the tobacco tax was involved, my colleague [Mr. COWLES] announced that if present I would vote "no." I was absent because of sickness, and by the express direction of my physician. I, however, reached the House at a later hour, owing to my interest in this question, in direct opposition to my physician's advice. The statement of my colleague was substantially correct, but in this connection I desire to say for myself that I think and believe that it is the duty of Congress to remove the burden of taxation, first, on the necessaries of life; that I am not now nor have I ever been in favor of taxing food and clothes and the other necessaries of life, while luxuries are permitted to go without at least a partial aid in bearing the necessary burden of government.

It is, however, true, Mr. Speaker, that I prefer an indirect tax to a direct tax, such as the internal-revenue tax is, and therefore I wish to say for myself that I am ready to vote, and shall vote, to remove the tax from tobacco whenever an opportunity is presented. Therefore, had I not been confined to my room by sickness, I should have been present, and if present would have voted "no" on the question then under consideration. I desire further to state that I would have so voted because my party had formulated and announced no policy on the question under consideration. Should my party formally determine in caucus that the repeal of the tobacco tax at this time was injudicious, I should abide its decision and vote in obedience to its registered decree, holding as I do that the path of safety is found alone in party organization and discipline, and that every Democrat should yield, in these questions of national policy, obedience to the will of the Democratic party.

State Rights.

State rights the source of Republican success, New England influence, and domestic tranquillity.

National popular vote for President:	
For Cleveland electors	5,536,524
For Harrison electors	5,441,923
Majority for Cleveland	94,601
State-rights electoral vote for President:	
For Harrison	233
For Cleveland	168
Majority for Harrison	65

SPEECH

OF

HON. JOHN W. DANIEL,

OF VIRGINIA,

IN THE SENATE OF THE UNITED STATES,

Saturday, February 23, 1889.

The Senate having under consideration the resolution reported by the Committee on Privileges and Elections directing inquiry whether Louisiana has a republican form of government, and for other purposes—

Mr. DANIEL said:

Mr. PRESIDENT: State rights have elected Benjamin Harrison President of the United States and have recalled the Republican party to power. A majority of 94,601 of the voters of the United States gave their suffrages in favor of the electors who had pledged themselves to vote for Grover Cleveland for the Presidency.

Mr. HOAR (in his seat). That is the very fact we want to inquire into.

Mr. DANIEL. I did not hear the observation.

Mr. HOAR. I beg the Senator's pardon; I did not propose to interrupt him.

Mr. DANIEL. I thought the Senator was addressing his remark to me, it was so loud. I would be very glad to answer any question the gentleman may ask.

Mr. HOAR. I think I owe an apology to the Senator from Virginia, which I will make.

Mr. DANIEL. Not at all.

Mr. HOAR. I made, in rather too loud a tone, addressed to some Senators near me, a comment on something that he had said. What I said was that that was the very fact we desired to inquire into. But I should not have made the observation if I had supposed my remark would reach the ear of the Senator from Virginia.

Mr. DANIEL. The inquiry of the Senator would have been very felicitous if he had made it before the vote was counted for Mr. Harrison, and I might further observe that it would have been a little more felicitous if the Senator himself had not given his judgment as a member of the Electoral Commission that it was a thing that could not be answered. So, sir, speaking by the record, I beg leave to observe again that a majority of 94,601 of the voters of the United States gave their suffrages in favor of the electors who had pledged themselves to vote for Grover Cleveland for the Presidency.

If this were a nation pure and simple, and if one man's vote counted just the same as another man's vote, if, in short, public opinion, which the Senator from New York calls "the life-blood of our institutions," could find its expression at the polls echoed in the verdict of the law, then Mr. Harrison would remain a private citizen, then Mr. Cleveland would be President for four years from the next 4th of March, then the Republican party would be relegated to retirement, and then Democratic ascendency would be established.

It is a fact notable and indisputable that the majority of the American people have indorsed the administration of Grover Cleveland, and have cast their ballots and had them counted in favor of Democratic rule and in favor of Cleveland for President; but it is conceded that the man to whom the majority of the voters refused their suffrages shall be installed as Chief Magistrate of the Federal Government, and that the minority party shall assume the reins and responsibilities of power.

A result so disappointing to the hopes of the majority of the people of the United States who are Democrats, and so in conflict with what to the surface view would seem to be the just and right conclusion from such a suffrage, can not be otherwise than annoying to those who polled their votes against it. But this sense of annoyance should be consoled in beholding the perfect mechanism of our Federal system of government—the success of free institutions and the triumph of those principles of "home rule" which the Federal Constitution embodies.

If the Democratic party has not succeeded in its aims of policy and

in its personal aspirations the fundamental principles of Democracy stand unshaken, and are illustrated in the very act by which its champions fall. Scarcely a ripple passes over the surface of society, not a commotion disturbs its depths. Quietly and without other excitement than that which is the unavoidable concomitant of every contest, with scarce so much excitement as the Greeks of old displayed in witnessing the contests of the Olympic games, we see the scepter of power over sixty millions of people change hands at the dictate of the minority; and while that minority enters the councils of state the majority bow to the Constitution and the law. Why is this? It is because this is a constitutional republic, and because what has been done is in conformity with the Constitution. It is because the Constitution rests on the sovereignty and the equality of States; the sovereignty of the States in their undelegated sovereign powers, and the equality of States in their relations with each other, in their determination of their own actions, and in their participation in national affairs.

THE ELECTORAL SYSTEM BASED ON STATE RIGHTS—HOW THE PRESIDENT IS ELECTED.

The constitutional expression of this doctrine, which was translated to the country at the polls on the 6th of November last, is found in Article II of the Constitution, which amongst other things provides:

SEC. 1. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

These electors, 325 for the number of Representatives and 76 for the number of Senators, constitute the electoral college or convention which chooses the President; and it happening on the 6th of November last that twenty States appointed 233 Republican and eighteen States 168 Democratic electors, the result is that although 94,601 more votes were cast for the Democratic electors than for the Republican electors, the choice of the Republicans will soon become President of the United States.

It is not within the scope of my present purpose, Mr. President, to discuss fully the wisdom of a system which places power in the hands of the minority of the people of the United States. The system exists. We are familiar with its workings. It is riveted in the Constitution which "we, the people," ordained. It is the voice of the people which ordained that Constitution, which gives it sanction now, and whatever may be its merits or demerits there it is, known to all, and all of us unite in bending to its mandate, the Republican party gladly accepting power through the State-right agencies it created, and the Democrats yielding up power gracefully at their shrine.

THIS A GOVERNMENT IN WHICH THE PEOPLE HAVE LIMITED THEIR OWN POWERS AND THE POWERS OF ALL THEIR AGENTS.

The most conspicuous event which we are soon to contemplate, the forthcoming inauguration of the President chosen by the minority of the people, would lose the better part of its significance if we refused audience to the instruction it conveys. It freshly impresses upon us that this is a constitutional Government and that the Constitution is the supreme law of the land. It reminds us that the Constitution is so dear to all the people and is held by them as so sacred that the majority of them look on with unmurmuring submission even when by its operation power is denied to them and bestowed upon a minority.

It further reminds us that ours is a Constitution that limits the powers of all the agencies, which are by it established to execute specific trusts, and that it has indeed limited the powers of its own creators, the sovereign people themselves, and denied to a majority of them the privilege of selecting their chief ruler, unless, indeed, that majority be so diffused throughout the States as to be enabled through State authority to secure the choice of the majority of the electors.

It reminds us that statehood is fixed in absolute integrity and is so guarded that it may override, as it has now overridden, the majority votes of the people of the Federal nation. And it should cause us to pause and consider what manner of nation the Federal nation is.

THE NATION OF NATIONS, THE STATE OF STATES.

I use the word "nation" here, Mr. President, by preference, for I am not one of those who think or who have ever thought that the word "nation" is inapt to describe the character in which the people are united, or the word "national" to describe their form of government.

The fathers of the Republic called the United States a nation. The writings of Washington, Adams, Jefferson, and Hamilton and their compeers are filled with the term.

When Chief-Justice Taney declared that—

For all the great purposes for which the Federal Government was formed we are one people, with one common country (7 Howard, page 492, The Passenger cases)—

he defined a nation as I understand the word, and as the American people accept it.

"One people with one common country" possess a common government. This may be said of the people of each State and of the people of the United States. Maine is a nation of Maine people, and Texas a nation of Texas people, because each people possess a common government of sovereign powers, and the people of the United States are a nation of the American people, because they also possess a common government with sovereign powers.

But the government of a State or of many States united ceases to be a common government if it rules by one law in one part of its territory and another law in another part. Whosoever assails the community or the authority of the government that belongs to one State or nation that composes the Federal nation assails the integrity of all the people of all the States or nations that compose it. In our very nationality as one people, with a community of government, is found that guaranty of equal rights and equal protection which we should ever be upon the alert to guard.

While it is evident, then, to my mind, Mr. President, that we are a nation, it is also evident that we are a peculiar kind of nation. We are not simply a nation of individuals, for if our nationality were predicated upon the equality of our citizens in political power the consolidated majority of voters who cast their ballots for Cleveland would have elected him. We are, therefore, not only a nation of individuals, but a nation of nations and a state of states, and in this double aspect of nationality and federal statehood we have appeared in the recent election and disclosed to the world the operations of our system so plainly that they may be readily seen and understood.

STATE RIGHTS THE SOURCE OF THE DOMESTIC TRANQUILITY WE ENJOY.

As the Republican party owes a debt to State rights for its incoming President, so the country owes a debt to State rights for the domestic tranquility which has attended the election of that President and for the universal acquiescence with which the announcement of the result was received.

When the Federal Constitution says that "Each State shall appoint" the Presidential electors "in such manner as the Legislature thereof may direct," it necessarily confides to each State the settlement of all questions as to the identity of the electors by it appointed. As was well said by Commissioner HOAR, of the Electoral Commission, in the Florida case, in anticipating a question which he has to-day asked of another: "There must enter into the act of appointment the power of determining who is appointed." When the electors of the States are chosen there is no power anywhere outside of the State that can look behind the certificates and question the title of the electors upon whom they have conferred commissions to vote for the President of the United States.

If there were such power in the Federal Congress or in any tribunal established by it, who can doubt that instead of the serenity that now blesses our country there would be turmoil and tribulation?

When the news of the November election came there came with it rumors of fraud and corruption in many parts of the country. Vast sums had been contributed for election purposes and ambitious men were aspiring to Presidential favors which they evidently believed would be ingratiated by the gifts they brought.

It was charged by Democrats that votes had been bought in New York State as hucksters would buy their goods in the market, and that in Indiana a scheme had been organized to isolate and debauch the suffrages in "blocks of five." It was also charged that the Prohibition party in New York had been betrayed and defrauded by the illicit sale of the subscription lists of their chief newspaper organ and the illicit sending of Republican campaign literature with the Prohibition papers in the mails. In one State, West Virginia, alien voters had been colonized by the hundred and had well nigh changed the electoral vote. On the other hand, Republicans brought their counter-charges. It was alleged that in Virginia and elsewhere the colored vote had been suppressed; and for every charge by Democrats, "You are another" was the Republican reply.

What a pandemonium of outcry, of crimination and recrimination; what an outbreak of passion; what a terrible suspense would there have been in the popular mind; what a disastrous paralysis of business interests would have followed had not "State rights" exercised their conservative and healing sway. But by act of Congress of February 3, 1887, it had been provided that the final determination by any State by laws enacted prior to the day fixed for the appointment of electors—

Of any controversy or contest concerning "such appointments of electors" shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution.

This Congressional and conclusive enunciation of the Democratic doctrine of State rights nipped in the bud the outcroppings of controversy.

The gate of "State rights" closed upon its hinges and barred out instantly the clamors of partisans, which once under similar circumstances led the country in 1876 well nigh to the verge of civil war.

General Harrison's title as President was sealed and delivered with the seal of law and the seal of right, and the great seal upon it is not that of the Federal Government nor that of the majority of the people, but the seals of the sovereign States which have commissioned him as their Chief Magistrate.

THE RIGHT TO VOTE NOT A FEDERAL BUT A STATE RIGHT.

And now, sir, we have another fact which may be fitly regarded in this connection. The right to vote is not the right that attaches to an American citizen by reason of his citizenship. Citizenship and suffrage are distinct things. A man may have the right to vote without being a citizen. He may also be a citizen without the right to vote. There is no established relation between citizenship and suffrage.

The Constitution of the United States does not confer the right to vote upon any single human being, male or female, native born, naturalized, or alien.

The qualification and right to vote are matters that have ever belonged, and do yet belong, entirely to the sovereign power of the several States. The Federal Government has never undertaken to confer the right of suffrage, and can not do so, without constitutional amendment or gross usurpation.

With its hundreds of thousands of office-holders, military, naval, and civil, the people of the United States do not directly elect a single one of them, nor is power conferred upon them as a whole to elect indirectly a single one of them. The only election agencies employed by the Federal Constitution are State agencies, and they are exercised only with relation to the Presidential electors, the Senators, and the Representatives. The electors are "appointed" by "the States," the Senators are "chosen" by "the Legislatures of the States," and the Representatives by "the people of the several States." The appointment of electors by the States may be in any way that the Legislatures direct. The Senators are chosen directly by the Legislatures and the Representatives directly by the people; but the appointment of Representatives by districts is the customary and almost universal method, though by no means the necessary method, under the Constitution.

As to the Senators, it is provided by the Constitution, Article I, section 3, that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

As to the House of Representatives, Article I, section 2, provides that it—

Shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

And as to both Senate and House, it is provided by Article I, section 4, that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Thus it will be seen that the Constitution of the United States in no wise touches the right of suffrage further than to require that "the qualification of electors for members of the House of Representatives shall be the same as those which the States themselves have prescribed for the election of the most numerous branch of the State Legislature;" and that Congress is given power to "make or alter" the regulations as to "the time" and "manner" of holding elections for Senators and Representatives.

Commenting on these provisions of the Constitution, Pomeroy, an able legal writer, uses in his Book on Constitutional Law language which I quote, as follows, from section 207:

Here we perceive that the General Government has no voice in deciding who shall be privileged to vote for Representatives in Congress. The whole subject is controlled by State laws. The States will, of course, in their own constitutions or statutes, declare which of their inhabitants may take a part in choosing members of the popular branch of their local legislatures, and such persons are entitled also to vote for Congressmen in that State.

We are thus met by this peculiarity of the organic law that it nowhere attempts to define what persons may exercise the right of suffrage, nor does it confer upon the General Government any such power. In the only instance where provision is made for a popular election the States are left to designate the individuals who may unite in electing.

I read again from section 209:

It is plain, therefore, that mere citizenship of the United States does not involve the right of suffrage. It is also plain that the United States have no power or authority to interfere with the discretion of the States in determining what class of persons possess the "qualifications" for electors. The State laws may throw open the door as wide as possible or may place any limitation which is not inconsistent with a republican form of government. In some a property qualification has been demanded from the voter, and this practically was almost universal in the earlier years of our Government; in a few a literary or educational qualification is required.

THE AMENDMENTS DO NOT CONFER THE RIGHT OF SUFFRAGE, AND DO NOT AUTHORIZE FEDERAL INTERFERENCE UNLESS A STATE LAW HAS ABRIDGED IT.

Mr. President, it may be contended that the fourteenth and fifteenth amendments of the Constitution have to some extent modified or changed these constitutional principles. The fifteenth amendment is in a few lines and reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The fourteenth amendment, in so far as it bears on this issue, is as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Both of these amendments refer to actions by the States. Their commands are to the States. Their prohibitions are upon the States.

I beg leave to read from a decision of the Supreme Court of the United States rendered since those amendments were adopted and in construction of them. The first case I shall read from is the opinion of the Supreme Court in the civil rights cases, 109 United States Reports, page 11. In that decision the court is going on to speak of what may be an invasion of the civil rights guarantied by the amendments to the Constitution, and Judge Bradley, giving its opinion, used the following language:

It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the amendment. It has a deeper and broader scope.

Then, on page 13, he says:

And so in the present case, until some State law has been passed or some State action through its officers or agents has been taken adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority.

Now, sir, upon the authority of the decision of the Supreme Court of the United States, I would ask any Senator who advocates the pending resolution, in contemplation of legislation which it is expected shall emanate therefrom, to point out to me the statute of any State against which he directs his denunciation or any act done under State authority which has elicited his criticism; and unless, as the Supreme Court of the United States has said, the act complained of was done by State legislation or State authority, it is not one that comes within the purview of the fourteenth amendment.

Mr. President, I shall read now from the case of Minor *vs.* Happersett, 21 Wallace, pages 171–175, in which Chief-Justice Waite, of the United States Supreme Court, gave its unanimous opinion upon the question of suffrage:

It is clear—

Said the court—

we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted.

And still again, after the adoption of the fourteenth amendment it was deemed necessary to adopt a fifteenth, as follows: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude."

The fourteenth amendment had already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities why amend the Constitution to prevent its being denied on account of race, etc. Nothing is more evident—

Concludes the court—

than that the greater must contain the less and if all were already protected why go through with the form of amending the Constitution to protect a part?

Again the court says:

By Article IV, section 2, it is provided that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

If suffrage is necessarily a part of citizenship, then the citizens of each State must be entitled to vote in the several States precisely as their citizens are. This is more than asserting that they may change their residence and become citizens of the States and thus be voters. It goes to the extent of insisting that while retaining their original citizenship they may vote in any State. This we think may never be claimed.

Thus, Mr. President, the Supreme Court of the United States dismissed the proposition that, under the Constitution as it originally stood or under any of its amendments, the Government of the United States had anything to do in conferring the right of suffrage.

THE SENATE CREATED BY STATE RIGHTS.

I have thus dwelt, Mr. President, upon the terms of the Constitution and upon its construction that thereby it might be made apparent how it impresses upon us as our duty to recognize and enforce the rights and guaranties of statehood which are recognized throughout that instrument.

In the presence of Senators who owe their commissions to the sovereignty and equality of States, and who indeed were created to represent them in the Congress of the Federal nation, and in the presence of a party which owes its supremacy both here and in the Executive chair to the prerogative of statehood secured in the Federal Constitution, I may well anticipate that no taunt of "bourbon" or "moss-back" will be hurled upon him who fixes attention upon the State right muniments from which the title to individual commission and party power has been derived.

"State rights" held the ladder for Benjamin Harrison to ascend to the Presidential chair. "State rights" give you, the Senators of little and large States alike, your prerogatives here. "State rights" lifted up the Republican party out of the "slough of despond," helped it over "the hill of difficulty," and has brought it within sight of the goal of its pilgrimage.

It is an old proverb which tells us that the traveler should praise the bridge that carries him over the stream; and now that the State-rights bridge has landed the Republican party safely over the turbulent stream

of conflict, it is time for that party to confess that it is a pretty good bridge after all.

Ingrate and unnatural, indeed, would be the Republican who turned back to destroy the bridge that has served him and his party so good a turn. And astonishing, indeed, would it be if New England Senators should unite to break down and eradicate principles which they were sent here to represent, and which are the sources of the influence and power that their section exercises in the affairs of the Federal Government.

Mr. HOAR. Will it be agreeable to the Senator to allow me to ask him a question?

Mr. DANIEL. Certainly.

Mr. HOAR. I desire to ask the Senator, in order that his view may be complete in regard to two matters, if he will allow me to put the questions at the same time rather than to interrupt him twice. One is whether in his judgment Congress has authority to make an inquiry into the existence of crimes against elections to the House of Representatives, with a view of ascertaining whether there be or be not a necessity for legislation for the protection of the suffrage. I speak now solely of members of the House of Representatives.

Second, I ask whether in his judgment Congress has or has not the right to make inquiry into the existing facts with a view of dealing with the provision of the fourteenth amendment which says that "when the right to vote at any election for the choice of electors for President and Vice-President of the United States" and so on, "is denied to any of the male inhabitants of such State * * * or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion," etc. I will not detain the Senate to read it all.

Perhaps I may as well make a third inquiry—and I should like to have the Senator's view, under the Constitution, of each of these questions—whether it is not perfectly competent for Congress, having the power to initiate amendments to the Constitution, to make inquiry into the existing facts in the country with a view to see whether the Constitution does or does not work according to its intent in any particular, especially in relation to elections, and whether an amendment should not be proposed to the people of the United States?

I should like to ask the Senator, whose views we all listen to with so much deference, what his opinion is in regard to the right of Congress to initiate inquiries into those three aspects of the subject.

Mr. DANIEL. Mr. President, I had intended to touch in my remarks upon each of the points the Senator has suggested in his inquiries. I shall answer them with entire frankness. I do not doubt the constitutional authority of Congress to inquire into the state of the suffrage where it is alleged in such manner as to command its respect and attention that the Constitution of the United States has been violated in reference thereto, but endeavoring to answer the Senator's questions as near as I could collect them and speaking in reference to his first inquiry as to whether or not this body has the right to inquire into the last election of members of the House of Representatives, I will say that while there is no higher power than the United States Senate which can lay its hand upon its procedure and arrest it—[a pause].

I only wish to wait until the Senator from Massachusetts can hear my reply to his question—until he is otherwise disengaged.

Mr. HOAR. The Senator from Connecticut [Mr. HAWLEY] is obliged to leave the Senate to attend the funeral of a friend, and spoke to me with reference to making arrangements for a pair.

Mr. DANIEL. I know the Senator from Massachusetts would not be guilty of any discourtesy, and I can well appreciate these little interruptions in a long speech; but I wish the Senator from Massachusetts to hear my reply to his first question, as to whether or not the Senate of the United States has the constitutional authority to examine into the question of the election of members of the House of Representatives.

INFRINGEMENT OF THE FUNCTIONS OF THE HOUSE OF REPRESENTATIVES.

There are times, places, circumstances, and conditions under which such an inquiry might not be improper (with a view, for instance, to a constitutional amendment), but with my conception of the prerogatives of the House of Representatives, which is the only body in this Government which directly represents the people, I can conceive of nothing more improper, more indecorous, more usurpatory of the proper functions of this Government than pending the contest of election cases in that House for the Senate to undertake by a partisan committee to throw its authority and prestige in favor of one side. And, sir, I was amazed and astonished when I read a resolution proceeding from the hand of the Senator from Massachusetts in which he gravely requested the Senate of the United States to enter into an inquiry of the election of members of the House of Representatives. If anything more un-American or more in conflict with the spirit of the American Constitution could have been suggested, I am at a loss to conjecture what that thing is.

Let us see how this would operate. Here are two or three members from our sister State of Maryland who are engaged in a contest, Republicans and Democrats, and while they are in the course of trying their cause without undue suasion, intimidation, or influence from an outside source, while they are taking their testimony to submit to the only body which is competent under the Constitution of the United States to judge of the election and qualification of its members, here comes the Senator from Massachusetts, with the Treasury of the United States behind him, and a committee of the Republican Senate following him, to prepare the testimony for his partisan friends, and to cultivate a public sentiment which may override the fair and deliberate decision of the House of Representatives.

Sir, that resolution of the Senator from Massachusetts is revolutionary, for it indicates a tendency upon a part of the Senate to usurp the functions of the House of Representatives, and it would be just as competent for the House of Representatives, of its own motion, to send a committee into the State of Massachusetts to take testimony in its cities and towns and to throw the weight of its organization and its treasury in a contest of the Senator from Massachusetts for his seat. This is my answer to one question which the Senator has submitted.

WHAT IS AN ABRIDGMENT OF SUFFRAGE IN CONTEMPLATION OF THE CONSTITUTION?

Another question the Senator asks me is whether I dispute the constitutionality of an inquiry if it is addressed to the question whether or not the suffrage has been abridged in contemplation of that word as used in the fourteenth amendment? I had anticipated that inquiry, when I read from the decision of the Supreme Court of the United States in the one hundred and ninth volume of United States Reports, in which it is laid down by that tribunal that the predicate of action upon such a subject is the interference by the legislation of a State or by State authority, and I would answer that question of the Senator from Massachusetts further by asking him another. I should like to know, sir, if it has been anywhere alleged in this body that there is any law upon the statute-books of Texas or Louisiana or any other State which is in conflict with the fourteenth and fifteenth amendments or any other portion of our Constitution.

I should like to ask the further question whether it is alleged or pretended here that by State authority of Texas or Louisiana or any other State the suffrage has been interfered with; and if this be not the case, I should like to understand why it is that a mere row between a few individuals in one State or another authorizes the Congress of the United States to take those Commonwealths into custody; why is it that similar riots and similar disturbances in States nearer to the Senator from Massachusetts than either Texas or Louisiana have so long escaped his close attention?

Now, Mr. President, I want to go along with the thread of my discourse as I was endeavoring to make it and to speak about the organization and the function of the Senate.

EQUALITY OF STATES AND INEQUALITY OF VOTERS REPRESENTED IN THE SENATE.

In this body, Mr. President, there is not felt the exercise of any power that can be traced to the doctrine that "all men are free" or that "all men are equal."

If the equality of citizens were a Federal doctrine the Senate would be to-day a Democratic body and the President-elect would be a Democrat.

No idea of the consolidated nationality of the American people and no idea of their individual equality of citizens has found any the least expression in the constitution of the Senate. It is here as a Senate solely because the United States are a Federal nation composed of equal and sovereign States. The States differ so widely in area that Maine, New Hampshire, or Vermont might be tucked up in a corner of Texas. They differ so widely in population that if New Hampshire were to pour her entire people into New York they would only make a flourishing suburb of her great city. But they are equal in sovereignty as a principle and equal in power only in the Senate, which was created to represent, cherish, and defend that life principle of its being.

Thus we see that the little State of New Hampshire, with only enough population to send 2 out of 325 Representatives to the House, sends 2 out of 76 Senators to the Senate, and the same identically may be said of Florida, Vermont, and Rhode Island. The States of Colorado, Delaware, Nevada, and Oregon have each but 1 Representative and yet each have 2 Senators.

I need say no more to make it patent that if the States rights were to disappear from this body with the 8 Senators who represent populations so small that they have but 4 Representatives, the Republican party here would disappear in its ascendancy with them.

There may be something apparently incongruous in seeing four little States like Colorado, Delaware, Nevada, and Oregon, with an aggregate population of less than 1,000,000 people, given equal representation in the Senate with New York, Pennsylvania, Illinois, Ohio, and Missouri, with many times their number of voters.

But through this agency the equality and dignity of statehood is preserved, and the balances of sectional power are adjusted; the people are secured in the provision of conservative influences in this Government, and transient ebulitions of popular passion are resisted.

The Senate stands to-day in authority as a Senate by virtue of the equal rights of the States to elect their Senators, by the declaration of the Constitution that each Senator shall have one vote, and by the absolute extinguishment, so far as Federal political power is concerned, of the equality of voters.

The measure of Federal political power given to a voter differs with the subject-matter of his vote and with the State he lives in.

A voter of New York is a factor in the selection of 36 electors; a voter of New Hampshire is only a factor in the election of 4; and voters of Colorado, Delaware, Nevada, and Oregon are factors in the election of but 3.

The States of New Hampshire, Nevada, Rhode Island and Vermont have each 2-325 of Federal legislative power in the House, 2-76 in the Senate, and 4-401 in the college of electors.

Colorado, Nevada, Delaware, and Oregon have each 1-325 of Federal power in the House, 2-76 in the Senate, and 3-401 in the college of electors.

The five great States, New York, Pennsylvania, Illinois, Ohio, and Missouri, have Federal power as follows in the House, Senate, and electoral college:

States.	Population.	House.	Senate.	Electoral college.
New York	5,082,874	34-325	2-76	36-401
Pennsylvania	4,202,841	27-325	2-76	29-401
Ohio	3,198,002	21-325	2-76	23-401
Illinois	3,077,871	20-325	2-76	22-401
Missouri	2,168,380	14-325	2-76	16-401

If you will multiply the denominators of these fractions by the number of the voters in the respective States you will have the precise proportional voting power of each voter, and it will be seen that instead of being an equal power the vote varies as much as the muscular or mental power of individuals.

EQUALITY OF VOTERS A STATE RIGHT.

So while each voter has an equal right conferred by his State to cast his vote, equality ends in the act and does not extend to the force and effect of the vote. The vote cast in one State does not exert itself in the same degree as in another in respect to the number of electors voted for, and the proportion of political power is a quantity as variable as the conditions of the State in which it is deposited.

The voter, then, under the Constitution of the United States, is not a unit of political power, but only a variable fraction, to be determined by his surroundings.

Statehood and State rights are the elements that determine the value of the fraction. Each vote in a State has the same relative power as another vote in the same State, but not so in the Government of the United States. There its power varies, as we have seen, and the fact appears that the equality of voters is a principle of statehood and not of nationality. The exact equality of voters exists only within State limits, and exact equality of the States is represented only in the Senate.

THE POTENTIAL INFLUENCE OF NEW ENGLAND DUE TO STATE RIGHTS.

No portion of our country has derived such great benefits from "State rights" as that group of States known as New England. Small in area, thin in population for the most part, and not increasing in numbers as rapidly as other sections, its power in this body is greatly in excess of its due proportion, if any other idea than the sovereignty and equality of its States were considered.

The following table displays the population and potential power of the six New England States:

State.	Population.	Representative power.	Senatorial power.	Electoral power.
Maine	646,936	4-325	2-76 or 1-38	6-401
New Hampshire	346,994	2-325	2-76 or 1-38	4-401
Vermont	332,286	2-325	2-76 or 1-38	4-401
Massachusetts	1,783,085	12-325	2-76 or 1-38	14-401
Rhode Island	276,531	2-325	2-76 or 1-38	4-401
Connecticut	622,700	4-325	2-76 or 1-38	6-401
Total	4,008,532	26	12-76 or 6-38	38-401

In round numbers, the census of 1880 shows that the United States contains 50,000,000 people, and that the six New England States contained 8 per cent. of the entire population. Twenty-six representatives would be its due proportion in a body of 325 members, and in the House of Representatives has no more than its just proportion looking at representation as a national matter based upon population.

But in the Senate it has 12 out of 76 members, or over 18 per cent. of Federal political power; that is to say, the national idea has given New England 8 per cent. of the entire Federal legislative power in the House, and the State-right idea has given it 18 per cent. of the entire Federal political power in the Senate.

If its representation in a Senate of 76 members were divided in proportion and based purely upon the idea that "this is a nation," it would have no more than 5 Senators instead of 12 to represent it here.

STATES RIGHTS ADD SEVEN SENATORS TO THE FIVE WHICH NEW ENGLAND RECEIVES FROM THE NATIONAL IDEA.

In brief, 5 of the 12 New England Senators represent the power of that section in a purely national Senate, and it is indebted to State rights for the 7 in excess of that number which give it here so potent a voice.

How is it in the electoral college? In that body the six New England States have 26 members according to population and according to representation in the House of Representatives. But State rights have added to the college of 401 electors 12 electors from New England; 2 represent the statehood of each State, and it has 38 electors. If in an electoral college of 401 members its representation were reduced to the basis of population, and to the idea "this is a nation" pure and simple, it would have but 32 electors. State rights have given to the New England States 6 additional electors in the electoral college according to its present membership, and if the number were reduced to 325 it would have but 26.

After counting South Carolina, Louisiana, and Florida for Hayes as President in 1876, he was given 185 electoral votes, and Samuel J. Tilden was given 184 electoral votes. The majority of the electors then counted for Hayes was a majority which represented "States rights;" and notwithstanding he held then the majority of the electors, he held, like Harrison, only a minority of the popular vote, the poll standing for Tilden.

THE FEDERAL POLITICAL POWER OF THE NEW ENGLAND AND SOUTHERN SECTIONS CONTRASTED.

Let us now compare the Southern and the New England States with reference to their population and political power. The six New England States, with 4,000,000 of people, in round numbers, contain 8 per cent. of the entire population of the United States, and the fifteen Southern States contain 18,000,000 of people, in round numbers, or something over 36 per cent. of the entire population of the United States.

The following table shows the population and proportionate political power of the fifteen Southern States:

The Southern States and their political power.

States.	Population.	Representative power.	Senatorial power.	Electoral power.
Maryland	934,943	6-325	1-38	8-401
Virginia	1,512,565	10-325	1-38	12-401
North Carolina	1,390,750	9-325	1-38	11-401
South Carolina	995,577	7-325	1-38	9-401
Georgia	1,542,180	10-325	1-38	12-401
Florida	269,493	2-325	1-38	4-401
Alabama	1,262,505	8-325	1-38	10-401
Mississippi	1,131,597	7-325	1-38	9-401
Louisiana	936,946	6-325	1-38	8-401
Texas	1,591,749	11-325	1-38	13-401
Arkansas	802,525	5-325	1-38	7-401
Missouri	2,168,380	14-325	1-38	16-401
Kentucky	1,648,690	11-325	1-38	13-401
West Virginia	618,457	4-325	1-38	6-401
Tennessee	1,542,359	10-325	1-38	12-401
Total	18,348,718	120-325	15-38	150-401

A Representative in a House of 325 Representatives is the representative on an average throughout the United States of 151,000 people. In New England and the Southern States there is a little loss in proportionate representation by State lines. A New England Congressman represents 154,000, and a Southern Congressman represents some 152,000. But it is different in the Senate and the electoral college, in each of which the chief gain goes to the New England section. A New England Senator represents only 334,000 people, whereas a Southern Senator represents 611,000 people.

So, then, if the Senator from Massachusetts speaks of public opinion, he, representing a great State, large in population, would represent many voters behind him, whereas the Senator from a small State would gather the force of his voice not from the number of votes of his constituency, but from the dignity of the State, which has equalized number by the sovereign equality of the body-politic, called "the State."

If the representation of the six New England States and the fifteen Southern States in the Senate were proportionate according to the aggregate population of 22,000,000 which makes 30 Southern and 12 New England Senators, New England would have but 9 Senators and the South would have 33. A New England elector represents but 105,000 people, whereas a Southern elector represents 120,000 people. So that more than the South, and more than any other section of the United States, the New England section is the greatest gainer by the State-rights doctrines upon which the Federal Constitution is based.

IF ENTIRE COLORED POPULATION WERE ELIMINATED THE SOUTH WOULD STILL GAIN IN THE SENATE IF REPRESENTED AS NEW ENGLAND IS.

If no vote were given to colored people, and the Senate were based on white population alone, the South would gain six Senators as compared to New England. And so greatly does New England gain in comparison with the Southern States, that if the entire negro vote of the South were eliminated, and Southern Senatorial representation were based entirely upon the white population, the South would have more Senators here than it now has, provided the scale of population were applied proportionately to that which now gives Senatorial representation in New England.

The following table, from the Tenth Census, represents the white and colored population of the fifteen Southern States:

Population of the fifteen Southern States.

States.	Whites.	Negroes.	White majorities.	Negro majorities.
Maryland	734,693	210,430	524,263	.....
Virginia	880,858	631,616	249,242	.....
North Carolina	867,242	531,277	335,965	.....
South Carolina	391,105	604,332	.....	213,227
Georgia	816,906	725,133	91,773	.....
Florida	143,605	126,690	16,915	.....
Alabama	662,185	600,103	62,082	.....
Mississippi	479,398	650,291	.....	170,893
Louisiana	454,954	483,655	.....	28,701
Texas	1,197,237	393,384	803,853	.....
Arkansas	591,531	210,666	380,865	.....
Missouri	2,022,826	145,350	1,877,476	.....
Kentucky	1,377,179	271,451	1,105,728	.....
West Virginia	592,537	25,886	566,651	.....
Tennessee	1,138,831	408,151	730,680	.....
	12,351,087	6,018,415	6,745,493	412,821
	6,018,415		412,821	
	6,332,672		6,332,672	

This table shows that of the fifteen Southern States there are but three in which the colored people are in a majority, and it will be seen at a glance that of the 18,000,000 Southern people more than 12,000,000 of them are white people, or over three times as many white people in the South as there are of people of all kinds in the New England section. If these 12,000,000 of Southern white people had proportionately as many Senators as the 4,008,532 New Englanders have, the Southern States would have thirty-six Senators instead of the thirty who now represent them, and to which number they are diminished by the doctrine of State rights.

THE LOSS OF SEVENTY-ONE SENATORS IS THE SOUTHERN TRIBUTE TO STATE RIGHTS IN NEW HAMPSHIRE.

Furthermore, if the 18,000,000 Southern people were in a consolidated nation where population was represented in the Senate instead of State rights, and if they had a Senator here for every 173,000 people, as New Hampshire has, they would have 106 Senators, each one of them on a perfect equality with the Senators from New Hampshire. If only the Southern whites were represented in the Senate in proportion as the people of New Hampshire of all races are represented here, then they would have 71 Senators to advocate their rights and interests, instead of 30, to which number the entire Southern people are confined by the doctrine of State rights and to which they are limited as between New Hampshire and themselves by the scale accorded them. The loss of 76 Senators is the tribute which the South pays for the enjoyment of State rights by New Hampshire, and the loss of 41 Senators would be its tribute if only Southern whites were represented here instead of all the races.

NEW ENGLAND SENATORS UNDERMINING THE PROPS OF THEIR POWER.

Nothing could make more plain the fact that the great and disproportionate power exercised by New Hampshire in the Senate, and the small power exercised by Southern Senators in comparison with it, is attributable solely to the dignity, the sovereignty, and the equality of the States; and I approach the consideration of the resolutions which have been offered, and which are now pending before the Senate, wondering that Senators from a section which has aggrandized its power and maintained its national sway by drawing so plentifully from the fountain of State rights should be foremost in endeavoring to destroy the source from which their own commissions and from which their Federal potentiality spring.

[Here the unfinished business was laid before the Senate; and then, the Senate having resumed consideration of the resolution upon which Mr. DANIEL was speaking, he resumed his remarks.]

Mr. DANIEL. Mr. President, I was just commenting, when the interruption occurred, upon what seemed to me a strange and almost unaccountable fact, that the Representatives of States which derive their political ascendancy from the doctrine of States' rights, and whose own commissions bore the seals of those States which had sent them here to represent, defend, and cherish them, should be the chief promoters of a scheme to so consolidate and nationalize all the powers of this Government as to diminish the power and predominance of their own people. While I am not a prophet nor a son of a prophet, I undertake to suggest that on the day when the Federal Government shall assume charge of elections in the States it will swing open a broad gate to an avenue which will not end until it has reached thorough consolidated nationality; and hereafter, in my humble judgment, if it shall become the duty of the philosophic historian to recount the decline of New England influence in the Federal Government and to analyze the causes thereof, it is likely that he will date the beginning of that decline to the time when, through the agency of her Representatives in Congress, the Federal Government assumed control in State elections, and will attribute the chief cause thereof to the consequential destruction of the constitutional State-right principles upon which New England ascendancy was founded and had been so long preserved.

Behind the pending resolutions which are now before this body, and the measures which they foreshadow, there rises in the haze of the future, to my vision, the figure of a consolidated nation with a representation in both Houses of Congress based on the equality of population and suffrage.

EQUAL RIGHTS OF SMALL STATES IN THE SENATE DUE TO A COMPROMISE WITH THE SLAVE POWER.

While I am discoursing upon this point I beg leave to read a paragraph from the book of Henry Wilson on the history of the slave power of America, in which he goes on to show how it was that States were made equal in the Senate as population was represented in the House. Says Mr. Wilson in this volume:

There was a great struggle in the convention touching the basis of representation in Congress, in which the question of slavery largely mingled. It originated in the strife between the larger and smaller States, the latter contending for an equal and the former for a proportional representation. The Virginia plan proposed to base the representation on free inhabitants and three-fifths of all other persons. Twice the convention voted in favor of a proportional representation. Having failed to secure an equal representation in the House, the party representing the smaller States made a strenuous effort to secure an equality of representation in the Senate, but the proposition was defeated by a tie vote. The State-right members being defeated manifested much dissatisfaction. On motion of Mr. Sherman, of Connecticut, a committee of conference of one from each State was appointed. In this committee Franklin proposed that the States should be equally represented in the Senate while for the House the Virginia plan should be adopted, allowing one Representative for 40,000 inhabitants, slaves being counted in the ratio of three-fifths.—Volume 1, page 42.

Just here I should like to call the attention of our New England and Republican friends to the fact that their power and ascendancy in the Senate of the United States to-day is based upon their traffic with the slave power which they here so often denounce, and singularly enough, while they are yet holding the consideration which was paid them when they swore to a constitution which put slavery in it, while they have not hesitated to denounce the institution and every State, great or little, that got any advantage by it, I have yet to hear the first of them come forward and offer to return the consideration which they received for swearing their own support. But I must presume that since the Senator from New Hampshire and the Senator from Massachusetts and other Senators are now here endeavoring to destroy whatever immunities of States' rights are yet left in the Constitution, they are contemplating that view of the consolidated nation in which their own States shall lay down the advantages which they derived from States' rights when they trafficked with the slave power in the formation of the Constitution.

AN UNGRACIOUS ASSAULT UPON VIRGINIA.

Mr. President, I shall drop the thread of my remarks for a moment, as I see the Senator from New Hampshire [Mr. CHANDLER] in his chair, that I may answer in his presence an imputation which he saw fit in his remarks upon the distant State of Louisiana to make in reference to the honored Commonwealth of which I am one of the representatives. When I looked into that Senator's remarks, partisan as I knew him to be, and filled with no kind feelings, as I feared, to those people who are nearest and dearest to me, I confess, sir, that I was astonished that in a body of this character he should have taken an opportunity to fling his objurgations at so many States which were not involved in the inquiry which he sought to institute.

There was no State south of Mason and Dixon's line in which he did not search for some act that he might lift up to opprobrium; and having discovered in some newspaper somewhere a statement in which there was a list of colored persons who had been lynched within a year in various communities, he placed Virginia at the head of that list, which he held up in the Senate to ignominy, it having been upon her soil that two persons of African descent had been executed without the formality of law.

For my State, sir, I seek and do most sincerely desire the respect of this body and of her sister Commonwealths. I do not believe that anywhere in the American Republic there is a people who have more loyalty to law or who will go further to see the scales of justice held in even balance than in the old Commonwealth whose son I am. I feel it, therefore, necessary to answer the assault of the Senator from New Hampshire, ungracious and gratuitous as it was, that I may relate to the Senate the circumstances under which these lynchings occurred, that their fair and impartial minds may judge whether the name of Virginia is by them sullied.

THE ALLEGED OUTRAGES IN VIRGINIA.

The Senator in his remarks gives a chronicle of the lynching of a colored man in the simple words, "Reuben Cole, at Surry Court House, Va.," and the context of his speech contains the intimation that the lynching was one item in the Southern scheme to carry the election by killing negroes. If the Senator from New Hampshire or any of his colleagues of the Republican party shall claim that this negro was a Republican he will have no one to envy or to rival him in the claim. I reply to his assertion that it is true that Reuben Cole was executed by the hands of an indignant people for ravishing the person of a white woman.

His next allegation of outrage is the alleged lynching of William

Smith near Christiansburgh, Va. It is inaccurate. No one imagined that the Senator from New Hampshire would be otherwise than inaccurate. He had searched for his facts through newspapers with their hasty and often partisan-tinged reports, and when such sources of information are solely relied upon every one knows from the beginning that the person who is content with them does not especially seek to be accurate. William Smith was not lynched at or near Christiansburgh, Va., nor even in the county of which Christiansburgh is the county seat, but he was lynched near Wytheville, Va., for having assaulted a white lady after unsuccessfully attempting the like offense upon the person of another, and after being an accomplice in the murder of a third.

Neither Smith nor Cole suffered because his skin was black or because he was an actual or a presumed Republican. Notwithstanding that the utterance may bring upon me the malediction of that class of men who hate their own race and studiously suppress history in their eagerness to degrade it, I do not hesitate to say in this presence that a crime so awful in the sight of God and man merited the swift and condign punishment that followed it; and even if it leads to sectional inquiry, whether or not Virginia has a republican form of government, I give it as my deliberate opinion that in that State the brutal effigy of human nature who commits that dread, unpardonable sin may expect justice to be meted out to him in strict conformity to the fifteenth amendment without regard to race, color, or previous condition of servitude.

One of these outrages to which the Senator from New Hampshire has alluded here occurred in the district which I had the honor to represent in the Forty-ninth Congress of the United States. I passed through the town where one of these outrages was committed while it was yet fresh in the minds of the people, and while the blood of maidenhood was red upon the ground, and as there is a misunderstanding in this body of nearly all the bearings of the Southern question, I propose to tell a plain, unvarnished tale.

In the city of Roanoke, in the county of Roanoke, and within 50 miles of my own home, amongst the people whose Representative I was at that time, there was located a man by the name of Wilson, who was a mechanic from Carlisle, in Pennsylvania, who had recently made his residence there. He had just builded his home upon the suburb of that thriving and industrious town. One afternoon his wife had sent their daughter, Lizzie Wilson, a fair and blooming girl of sixteen years of age, upon a mission to one of the stores. The twilight was descending; the housewife was awaiting her husband's return and that of her little daughter with her two companions, when suddenly she heard a shriek near by the doorway of her home. She recognized her daughter's voice. She ran out to find what was the matter, and when she got there she found that her daughter was lying in the street of Roanoke, and there was that across her throat which the Senator from New Hampshire would not have cared to see. She was murdered in cold blood at her mother's and father's door, her throat cut from ear to ear, her young life spilled upon the ground. Two colored men who were seen at the time were arrested. The evidence against them was almost, and yet not quite, conclusive.

To show you, Mr. President, and to show all who may question it, that the people of that State and of that community have a self-possession and a self-restraint which are nowhere surpassed, the supposed murderer was arrested and carried through the streets of Roanoke and was turned over to the hands of the law. He was tried once and the jury hung. He was tried a second time and the jury hung. He was tried the third time. There were two colored men upon the jury and ten white men, and the jury hung; and that man who was believed by all people to be the man who committed the offense walked out of jail after three trials and no man laid his hand upon him.

But, Mr. President, there is an end to human patience. There are some things which might even stir the blood of the Senator from New Hampshire if they were to occur anywhere else than a thousand miles or so away from his home. In this vicinage a little later there was a respectable lady. She was in that situation in which all nature bows in reverence and tenderness to woman, "she held within a second principle of life;" and this brute, William Smith, who was one of the accomplices in the murder of this beautiful Northern girl, assailed the matron and murdered her infant and herself.

Does the Senator from New Hampshire mean to say that the good name of Virginia is to be derided and her people to be held up to indignity in the Senate of the United States because this bloody-handed and three-times murderer of woman and childhood and innocence met his fate at the hands of men who could not restrain their indignation? I did not believe that there was a community in the civilized world where the Anglo-Saxon still lifts up his white brow that would have produced a Senator to deliver a eulogy upon these murderers, or to have wept his crocodile tears over the fictitious wrongs presumed to have been committed, nor do I now believe that any one will envy the Senator from New Hampshire in the self-imposed rôle which he has assumed on this floor.

SOME REPUBLICAN DISTURBANCES IN VIRGINIA.

Mr. President, I am not here to speak against the colored race. I was reared amongst them. I have respect for them. I voted in the Legislature of Virginia in 1869, before the constitution of my State required it, to educate them, and I would endeavor to exercise every office of Christianity and kindness towards them. But, sir, I am tired of hearing the oft-repeated tale in the United States Senate that all the wrongs which are committed between the races in the Southern States are committed by white men, and that the people of my political faith are the only ones who do them. I will speak of things which have come under my own observation, but yet to which I have never heard a Republican Senator upon this floor allude, and which have been strangely dropped from the chronology of Southern occurrences.

In the year 1883 I went to the city of Richmond to join my brother Democrats in celebrating the restoration of Democratic power in Virginia. In the procession which was formed on Main street in Richmond there were two colored clubs, about two hundred colored men, who were Democrats from Charlotte and Halifax Counties, in their regular club organization; and no sooner did they march forth on Main street in the capital city of Virginia than they were assailed with sticks and stones by colored men, who sought thus to persecute them because they had the courage to walk in a Democratic line, and the mounted police of the city of Richmond had to be called out to prevent a general riot.

I was again in the city of Richmond in the year 1884, to join again with my fellow-Democrats in celebrating the election of Grover Cleveland. Those colored men from Halifax and Charlotte had voted for me in the election as a member of the House of Representatives, and they were there to march openly in that procession. They were threatened on every hand, as they had been in the year 1883, but in company with other Democrats I went to them and at their head I marched through the city of Richmond, deeming it an un-American and an unjust thing and a disgrace to Virginia and her capital city if it could be ever said, through the persecutions of the Republican party, or of colored men, or otherwise, that an American citizen or a Virginian could not march in line in exhibition and declaration of his political opinions.

These things occurred under my own observation, and yet whenever in the United States Senate there is an allusion to anything south of Mason and Dixon's line it is always with epithets of objurgation against the white man and a closure of ear and eye as to the colored man.

I beg leave to inform the Senate that since the Senator from New Hampshire stood in his place a few months ago and delivered his speech upon the eve of the election, of my own knowledge nine white men have been shot down in Virginia by the hands of colored men. There were four of them shot down in the streets of Norfolk on the day after the election. There were two of them shot in the streets of my own town while I was there pending our short vacation. There was one shot the other day in the county of Stafford. There was another shot in the county of Fanquier. There was yet another, an officer of the law, shot in the town of Charlottesville.

I shall presently ask to have some extracts read from some of our newspapers, but in doing so I must make an explanation of the reason why. I am sorry that the Senator from Massachusetts [Mr. HOAR] is not in his seat that I might ask him the question upon what testimony he has based the assumption and allegation that Louisiana is not as republican a State as Massachusetts, or that its government is in conspiracy, or that its people are not obeying the laws of the United States as much so as any other?

A TRUMPED-UP CASE.

It was observed when this question was first introduced to the Senate that there was no memorial here from the State of Louisiana Louisiana is always ready in its Republicans to respond to orders from Washington. They stand ready to make a case to order whenever it may be desired. They did it in 1876, and they are ready to do it again in 1889.

There are some things in this country which are grand, gloomy, monumental, and peculiar. We have the great Rocky Mountain range, we have the great Niagara Falls, we have the great Yellowstone Park, we have the great Mississippi River. But we have something that is greater than either one of them or than all four combined. It is the Louisiana liar. Munchausen, John Falstaff, Ovid Bolus, and Ananias rolled into one would hide his diminished head in the presence of Eliza Pinkston and other monumental Louisiana liars of national and world-wide repute.

There is nothing in the history of this nation which is better known than the lying that was done in 1876. Now that a Republican President is about to go into office, and will have opportunity to do as Mr. Hayes did in 1876, that is, to say prayers over civil-service reform in his inaugural address and then march every perjured scoundrel from Louisiana into an office, these fellows from that country are pricking up their ears, and are again on duty. I can not conceive it possible that Mr. Harrison will be ready to follow the distinguished example, but those people who do not know him as yet are evidently of the opinion that, under the lead of the Senator from New Hampshire, who was so conspicuous a figure then, the good time is coming again, and they are going to be in at the beginning.

A PARTISAN AND UNJUST PROCEEDING.

Mr. President, this is a serious proceeding, and I wish the Senator from

Massachusetts was in his seat that I might ask him upon what basis it is founded. There has been a very peculiar little political—what shall I call it—maneuvering going on in the Senate for the last week or so. First we had a Louisiana resolution. That resolution was spoken to for a long time and then glided into the committee. Then forth from that committee came a Texas resolution. Now Texas is on the way to Louisiana in this debate; and I should like to make a few remarks about the Texas resolution and the manner it has been treated in the Senate before I get to Louisiana.

There occurred away off in one corner of one county of a State with 198 counties an election and race conflict. The net result of that conflict was that one white man was murdered, and three negroes. I do not condone the act of the colored man who murdered the white man or of the white men who lynched the negroes; but when that matter was inquired into by the Committee on Privileges and Elections they came out with a report in which, on account of this incidental circumstance, they recommended a revision of the entire election system of the United States. That committee made a report in vindication of their action, and as the spokesman of the committee the honorable Senator from New York [Mr. EVARTS] took the floor and delivered to the Senate an address which was dignified, which was decorous, which in all of its manner of delivery and all of its matter was worthy of the Senate of the United States. But from the report of that Senator there was a striking absence of all the palliating circumstances, of all the significant and controlling facts which would enable a fair mind in reading his report to reach a just and fair conclusion.

I put it to any Senator who sits upon that side of this Chamber, to any man who feels a pride in his own people and who would have a natural impulse to defend and vindicate their good name, if a committee of Democrats or Southern men sitting upon this side of the Chamber had gone to the State of New York, or Maine, or New Hampshire, and had summed up all the testimony on one side of a case, had left entirely out of consideration the facts and views which might enable others justly to understand it, if he would not have gotten to his feet and if he would not have criticised with severity the partisan and one-sided conduct by which injustice was done to his State and to his people?

If a committee of Democrats on this side of the floor had undertaken, as to any State represented by a Republican, here to make so unfair and so unjust a report, I state it without hesitation, as a Democrat, as a fair and honorable man, and as one who loves justice, I would have repudiated that report and would have said "it is not a fair exhibit of the justice of this cause." But I have waited with patience. Levity and haste unseemly have characterized the course with which the majority has proceeded. No man has stood forth from amongst them to say, "I want justice, and I who seek justice will do justice," but the report itself has glided back into the darkness from which it sprang as if even its authors and sponsors were unwilling to continue the debate, and the Senator from Massachusetts has brought on another horse in these resolutions that concern Louisiana and other States, while Texas is relegated to the background.

THE GRAVITY OF THE PROPOSITION.

Mr. President, I have some extracts from the press which I wish to have read, but I do not ask that they may be read as the basis of any action of this body, and I do not wish to be misunderstood as to the view in which I present them or as to the measure of force and effect which, in my judgment, they should be accorded. There is nothing here to inform us upon what basis the report of the Senator from Massachusetts to make the inquiry whether or not Louisiana has a republican form of government is rested. We must leave to our imagination to define what has been his and the committee's provocation for putting before the Senate a resolution so grave in its import.

Mr. President, if this were a resolution to impeach the President of the United States and to dismiss him from his high office it would not be a resolution of more serious aspect. If this were a resolution to declare war against Great Britain and commit the power of the Army and the Navy and the people of the United States to a long and bloody struggle it would not be a resolution which should cause men to reflect more deeply or to be more serious and deliberate in their reflections.

What is it, Mr. President? It is a resolution which impeaches the character of a sovereign State, which seeks to undermine one of the pillars of the Constitution of the Federal Government, which seeks to obliterate from our flag one of the stars that glitter upon its folds.

WHERE IS THE EVIDENCE WHICH HAS ELICITED THIS PROCEEDING?

I ask Senators who represent the Committee on Privileges and Elections to permit me as a Senator here to know upon what information it is that the Senate condescends to make this indictment and to take this step in so important a procedure? Has our Government sunk into such looseness in its deliberations of business, and is the Senate of the United States, which ought to be the highest and greatest parliamentary body in the whole civilized world, gotten down to so low a plane of action that a committee without any state of facts to lay before its colleagues can rely upon a partisan majority to put through any resolution gravely assailing the statehood of Louisiana and initiating steps to degrade her in the sisterhood of States?

It will not do to answer by the allegation that this is merely a preliminary step. It is the first step that costs in all such controversies as this, and it is the first step that should be more deliberate than any other. You can not arrest the humblest individual who walks the streets of Washington, you can not impugn his good name, without an allegation, without first putting yourself under the range of law, making your affidavit as to his violation thereof, or in some formal manner producing in a preliminary fashion and foreshadowing the testimony upon which you rely for his conviction. Mr. President, there is no preliminary testimony here; there have been no preliminary witnesses here; there is not a single affidavit behind this procedure—nothing but the sweet will of a Republican partisan majority.

It is true that one Senator upon this floor did get up and read a good many letters, and some of them were anonymous letters—anonymous letters read to the Senate of the United States! Is there a man here, Mr. President, who would be willing that his own character should be judged by an anonymous letter? Is there any man upon this floor who does not feel in his breast an absolute contempt for the sneaking, cowardly people who indulge in anonymous letters? Yet, sir, can we believe our own eyes and ears when we see a Senator of the United States ask his colleagues to indict a people and put a cloud upon their form of government because at some time and from somewhere he received an anonymous letter?

But the anonymous letter has been supplemented, and we have in the only document which gives us any inkling of the provocation of this procedure a number of petitions filed by Republicans in contested elections in Louisiana. The petitions are not even evidence in the case in which they are filed. If they are evidence, all a man would have to do in this country would be to file petitions to help him into office. They are not evidence in any court in Christendom, or in any parliamentary body in Christendom, and yet in order to poison the minds of the Northern people against their brethren of the South, in order to prejudice the judgment of this judicial Senate, candidates for office in Louisiana have had their petitions filed here in speeches made by the Senator from New Hampshire [Mr. CHANDLER].

Mr. GIBSON. Will the Senator from Virginia permit me?

Mr. DANIEL. Certainly.

Mr. GIBSON. There has been no petition or no memorial from any contestant for any office in the State of Louisiana, so far as I know, addressed to any member of the Senate or to the Senate itself.

Mr. DANIEL. I do not know——

Mr. TELLER. Mr. President——

Mr. DANIEL. I will yield to the Senator from Colorado in a moment.

I do not know that the Senator from Louisiana understood my remark. My remark was that the Senator from New Hampshire, in order to prejudice this case before the Senate and before his people, had filed in his speech the petitions of defeated candidates for offices in Louisiana addressed to the courts of Louisiana. I am not speaking about the contested election for Senator or for anything that we have anything to do with, but for offices in Louisiana.

Mr. GIBSON. There may have been in the case of a sheriff in some parish in the State, but there is no petition, I will say to the Senator from Virginia, from any member of the Legislature of Louisiana, or from any candidate for the governorship of Louisiana, or from any candidate for any representative office claiming that he has a title or a right to a seat of which he has been deprived.

Mr. TELLER. I do not desire to take any part in this discussion, and I only wish to say that the Senator from Louisiana is not well informed as to what is before the committee. At least a petition from respectable citizens of Louisiana is now before the Committee on Privileges and Elections, praying for an investigation.

Mr. GIBSON. If the Senator from Virginia will permit me, I did not say that there was no petition here from any citizen of Louisiana in my response to the suggestion of the Senator from Virginia, but I do say now, in reply to the Senator from Colorado, that there is not from any citizen of the State of Louisiana any petition claiming that he on the day of the election was interfered with in the exercise of his rights. The paper to which the Senator from Colorado alludes was filed a few days ago, nine months after the resolution for investigating the State election for State officers in the State of Louisiana had been offered in the Senate by the Senator from New Hampshire [Mr. CHANDLER]. The paper which the Senator from Colorado alludes to, if the Senator from Virginia will permit me, is in the nature of a resolution adopted by the Republican State committee of the State of Louisiana, recommending that the Senate of the United States adopt the resolutions which had been offered in May or June last, I think in June, by the Senator from New Hampshire.

Mr. DANIEL. I must decline to yield further because this misunderstanding is hardly of my provocation. The Senators did not understand me in what I said, and I will make it a little plainer. I see how they have misconstrued it.

I will yield, however, to the Senator from Colorado for a moment, as he desires the floor.

Mr. TELLER. I do not undertake to state what the paper contained. I only want to say that there is before the committee, not only

the papers referred to, but numerous letters, and it has been a matter of publicity. I do not understand that these people claim that they themselves have been individually affronted or injured, but they claim that there is a condition of affairs there which deprived the people of their choice for members of the State Legislature.

Mr. DANIEL. Does the Senator know the writers of those letters?

Mr. TELLER. I do not know any of them.

Mr. DANIEL. Would you be willing to have your own concerns acted upon on such information—serious and grave concerns?

Mr. TELLER. Whenever the whole mass of my opponents in the State that I represent come up and say with one voice that there has been a fraudulent election in my State, I shall be quite ready, however irregular it may be, to have an investigation. That is what comes up from the State of Louisiana.

Mr. DANIEL. What the whole mass said then, and not upon the testimony before the committee.

Mr. President, the point which I was endeavoring to make clear was not what testimony or petitions were before the Committee on Privileges and Elections as a direct request for this procedure, but I was endeavoring to analyze and to show what were the component parts of the document which was put in the form of a speech by the Senator from New Hampshire, and I endeavored to point out to the Senator that in his speech, with a view to poisoning the minds of the Northern people, and with a view to prejudicing the judgment of his colleagues in this body, he had embodied the petition of Louisiana candidates for local offices, and referred to their statements in their petitions as embodiments of fact.

NEWSPAPER SCRAPS, ANONYMOUS LETTERS, AND ELECTION PETITIONS IN LOCAL CASES RELIED ON AS EVIDENCE.

Now, sir, apart from the general observation that these petitions are not evidence in any court and can not be looked to as sources of any information upon which action is to be taken, it seems to my mind that it was a peculiarly indelicate and improper procedure for a Senator of the United States in this body to take part in pending litigation before a State tribunal. If those petitions proved anything they proved one thing, and that was that there were courts in Louisiana, and that her republican form of government had all the machinery in readiness for action. If they showed anything they showed another, that Republican suitors in that State had confidence enough in the courts to become plaintiffs in them and to rest their rights of character and rights to office to their decision. So far they indicated the existence of a state of things which the Senator denies; and further than that, neither this body nor anybody else has a right to look after them.

The idea of putting a petition in a contested-election case in a distant State as an element of testimony before the United States Senate could never have occurred to any mind that did not feel itself in a condition of absolute beggary for something to predicate a pretension upon. If there is one character of document more than another that the wide world over is recognized as entirely unreliable, it is the petition in a contested-election case. You need not go further than the other end of the Capitol, if petitions in election cases are evidence, to show that there is no republican form of government in any State, that there is no republican form of government in the United States, or to prove that every man who was elected was unworthy of trust and that every community is in a state of anarchy and chaos.

But, Mr. President, anonymous letters and contested-election petitions were not relied upon alone to pad this record and to swell up a ponderous volume of pretentious testimony against the people of the South. The newspapers were looked to. Without being told who were the correspondents, who wrote the dispatches, without being told who were the editors who presided over the columns that published them, without being told what was the politics of this person or another, the post-bag of anonymous letters was emptied upon the Senate floor, and then another post-bag of old and new newspaper scraps.

I should like to know right here if the Senate of the United States is going to do in the exercise of a somewhat judicial function what no court would do, what no fair man would do in the determination of his judgment, and if there is anybody upon that side listening to my poor discourse who is ready to speak for the Committee on Privileges and Elections I should like to know from him if these newspaper scraps and these anonymous letters are the grounds upon which they have predicated this indictment of Louisiana; and if these are not the rocks upon which they have built this edifice I beg leave most respectfully to inquire of them upon what did they base it?

I do not wonder that there is no Republican there to answer. I do not wonder that no Republican does answer, for there is not upon that side of the Chamber one who would not rise in indignation and who would not resent the proposition if Democrats and Southern men upon this side of the floor were to assail the character of their States and their people by anonymous letters, contested-election petitions, and newspaper scraps, and ask upon the basis of them that serious procedure be taken.

IS THE SENATE JUDGE OF STATE LEGISLATIVE ELECTIONS?

One of the inquiries called for in this resolution of the Senator from Massachusetts is that this committee shall inquire into the election of a certain State Legislature. I do not know upon what point of our constitutional law there rests any authority in the Senate to inquire into the election of a State Legislature. The legislators of a State are like the electors of a State, and Mr. Commissioner HOAR said when he sat as a judge upon the Electoral Commission that the power of a State to select the person involved of necessity the power to determine the identity. So in the very nature of things and by the very theory and genius of their being there can not rest on the part of the Government of the United States power and authority to investigate the election of members of a State Legislature any more than there can be power and authority to investigate the election of electors.

I was astonished when the Senator from Massachusetts said that the investigation of the electoral vote was the very thing contemplated by this resolution when he could not then nor can he now reply to the counter proposition that if the Republican party had proposed to go into an inquiry as to the election of Presidential electors it would have been a little more graceful and a little more decorous, and would have had a higher appeal to the indorsement of public judgment if they had gone into the inquiry before they counted and sealed the vote which gives their candidate the Presidential office. And, sir, it was quite a notable and remarkable coincidence that while on the morning of the 13th day of February, when the Senate had gone to the other side of the Capitol and had witnessed the final counting of the electoral vote, on the afternoon of the same day, when the game was well by the stand, the distinguished Senator from New York [Mr. EVARTS], now followed by others, should rise and inquire whether or not electors whose votes had just been counted were elected. It is a kind of *ex post facto* procedure which can not commend itself to the wisdom of public judgment.

SOME ACCOUNTS OF OUTRAGES IN VIRGINIA.

Now, Mr. President, I do not ask that the newspaper extracts which I have here may be read for the purpose of founding any action upon them, but as they are straws floating upon the great waves of public opinion, I offer them to the Senate that it may be seen that all the criminals south of Mason and Dixon's line are not those whose skins are of the same complexion as those of the Republican majority of the Senate.

The PRESIDING OFFICER (Mr. BERRY in the chair). If there be no objection, the Secretary will read the papers forwarded by the Senator from Virginia.

The Chief Clerk read as follows:

[Norfolk Virginian, Thursday, November 8.]

FOUR MEN WOUNDED—PISTOLS FIRED BY NEGROES WOUND FOUR WHITE MEN—A LIVELY SKIRMISH ON HIGH STREET—GREAT EXCITEMENT IN THE CITY AND EVERYBODY ARMED.

There was a genuine riot on High street about 8 o'clock last night between whites and blacks, in which the latter were routed, but only after they had succeeded in wounding four citizens. There was a crowd of about five hundred standing in front of the Democratic headquarters, when, about 8 o'clock, twenty negroes, evidently under the influence of liquor, passed and gave three groans for Cleveland. Shortly afterward a crowd of three hundred put in appearance, many of them wearing white paper hats. They were singing, "Hang Grover Cleveland on a sour apple tree," and a white boy got in a wrangle with one of them. Some one fired a shot, which was quickly followed by about fifteen more. Then the negroes ran, the whites pursuing and firing several shots at them. The first fusilade wounded four white citizens. Adjutant Jenkins, staff of the Fourth Virginia Regiment, was shot in the shoulder; Frank Reiger, confectioner, was shot in the leg; Samuel Oast, of J. W. Oast & Brother, was shot in the arm, and Mahoney in the thigh.

Immediately after the shooting the white men made a rush for the gun-stores and thoroughly armed themselves. The fire-bells were rung for some minutes, and then the military alarm turned in. Mayor Baird telegraphed to Governor Lee a report of the riot, and after consultation with Captain Binford, the latter gentleman called out the Old Dominion Guard. A large number of good citizens volunteered to do police duty and were at once sworn in.

At 10 o'clock Mayor Baird and Capt. R. C. Marshall drove to the third ward, and talked to the colored people, advising them to keep indoors and not congregate in crowds on the streets. The excitement was intense, and about five hundred white citizens were assembled around Democratic headquarters at 11 o'clock discussing the riot and receiving the returns.

[Norfolk Virginian, Friday, November 9.]

DESERVED TO BE COMPLIMENTED.

The little handful of police that our city has deserves to be highly complimented for their brave and courageous acts on Wednesday night. They acted nobly and showed that they were men who did not fear danger when their duty called them, but that they were calm, quiet men, willing to protect all classes of citizens, even at the risk of their lives. At times they were liable to be shot down without any warning, but this did not deter them. They made a number of arrests upon suspicion, but there was no evidence against the parties, so they had to be dismissed, although some of them may have been guilty. One great trouble in this city is, if there are extra men needed, there are no equipments to furnish them, which should not be the case.

GREAT EXCITEMENT IN THE COUNTY.

Wednesday night a colored man who was very boisterous and insulting at Churchland was arrested by a constable. The crowd of negroes took him away, knocked the constable down, and would have killed him had not some five or six white men come to his assistance. One of the white men fired a pistol in the crowd wounding one of the colored men; the balance of them ran, but were fired at several times, with what result they could not learn. An effort was made by the magistrate to find out who did the shooting, but nothing could be learned.

About 1.25 o'clock yesterday morning the white people of Scottsville were awakened by a resident and told that a posse of about 200 negroes, all well armed, were marching down the road and were going to make an attack on the white people in about ten minutes. One hundred and twenty-five men with Winchester rifles and shot-guns were scattered on the road from the Scott's Creek bridge to the Western Branch bridge all prepared for an attack. Fortunately there was no disturbance, but the people were very much excited yesterday.

[Washington Star, January 15, 1889.]

MURDER IN VIRGINIA—A CHARLOTTESVILLE POLICEMAN SHOT DEAD BY A NEGRO PRISONER—THE PRISONER ESCAPES—A COLORED MAN WHO BOARDS A TRAIN AT BRANDY STATION IS ARRESTED ON HIS ARRIVAL IN THIS CITY ON SUSPICION.

A telegram was received at police headquarters last night asking for the arrest of Willie Musco, a colored man, wanted at Charlottesville, Va., for the murder of Policeman Seal in that city. Musco had been seen about that place for a week or two, and it is alleged that last evening he stole three umbrellas, and then went to another store and stole some collars and cuffs. Policeman Seal was called, and as he was about to put the nippers on Musco the prisoner drew a pistol and fired, the ball taking effect in the left breast of the officer, causing his death in about fifteen minutes.

PURSUIT OF THE MURDERER.

The murderer started down the street with the pistol in his hand, and when pursued by another officer turned and fired at him. The officer emptied his revolver firing at the fugitive, who continued his flight and got away. The affair caused much excitement at Charlottesville. It was at first supposed that the murderer had gone to Lynchburgh. A party at once started for that place well armed, and the country was thoroughly searched. With the party was a piece of rope. This party returned this morning, being unsuccessful.

ARRESTED ON THE ARRIVAL OF THE TRAIN HERE.

The train, arriving here at 11.13 o'clock this morning, bore a colored man who boarded the train at Brandy (about 35 miles from Charlottesville), and a telegram was sent by the train men to Officer Acton, in this city, and he, on the arrival of the train here (in company with Special Officer Augustus Lane) took the colored man in charge and carried him to headquarters. He gave the name of Henry Mitchell, and protested that he had been in Culpeper County on a visit, and that he was on his return to his work at Terra Cotta. The description given of the murderer in the circular, containing a notification of a reward of $100, is as follows:

"Willie Musco, about eighteen, dark ginger color; height, 5 feet 10 inches; weight, about 145 pounds; square shoulders, large mouth, flat nose, smooth face, scar on forehead, hair short. Came from St. Louis and killed Policeman Seal to-night. Wore several suits of clothes at the same time. Was dressed in dark clothes, new laced shoes, wide brim slouch hat. Carried two large dice in his pocket; was well armed."

Mitchell, as the man who is arrested calls himself, corresponds in some particulars with this description, and his appearance indicates that he has walked a long distance over muddy roads. He was taken to the first precinct station.

THE PRISONER A DISTRICT MAN.

Mitchell states that he lives in the county of Washington, District of Columbia, near Terra Cotta, with his mother, who is the wife of Rev. Richard Washington.

Passengers on the train stated that he got on at Rappahannock about 9 o'clock this morning. Persons who live there stated that he was never seen in that locality before he turned up there this morning. It is further stated that after he got on the train he showed considerable uneasiness, especially when the train was approaching or stopped at a station, when he would look with anxiety to the doors of the car, and it was his actions as much as anything else which caused the conductor to suspect him and to send a telegram ahead of the train.

[Norfolk Virginian.]

ATTEMPTED MURDER AND ROBBERY—A LIFE AND DEATH STRUGGLE—THE ASSAILANT CAPTURED AND JAILED.

[Special dispatch to the Virginian.]

BOYKINS, VA., *January* 12.

A diabolical attempt at murder and robbery was made at Rich Square, N. C., on the Roanoke and Tar River Railroad last night about 1 o'clock. Mr. W. H. Farmer, a prominent citizen, heard some one forcing a window in his chamber. He asked who it was, and not receiving an answer got out of bed to investigate. He saw a negro outside, and the negro perceiving that he was discovered sprang through the window, breaking out the glass and landing in the room with a razor in his hand, when a life and death struggle ensued.

The would-be murderer attempted to cut Farmer's throat, but just as the weapon pressed against his neck he grasped it by the blade, breaking it from the handle and nearly severing two fingers. The negro then beat Mr. Farmer in the face until it was black, but he held on and succeeded in inflicting several gashes on the intruder. The struggle had been carried on in the dark, and Mrs. Farmer, who was asleep, did not hear it until both parties were nearly exhausted. She, thinking her husband had a fit, got up to assist him. As she left the bed the negro grabbed her and helped himself up from the floor. She still thinking it was her husband, assisted him until she placed her hand on the woolly head of the brute. Mrs. Farmer then realized her situation and screamed for help. The fiend struck her several blows and then sprang through the window, making his escape. The neighborhood was aroused and a searching party started out to capture him. Mr. Farmer recognized the man to be Eli Ward, a worthless negro, who lives about 5 miles from Rich Square. At daybreak a trail of blood was found leading from Farmer's house towards the road, and several gates through which he had to pass had blood on them. A search of the latter's house showed that the negro had been at home, saddled his horse, and left for parts unknown.

Later in the day the searching parties went to Jackson, and as the constable walked into a doctor's office Ward ran out of the back door. He was pursued and shot in the shoulder, but managed to get to the swamp, where, at last reports, he had not been captured. The doctor who dressed his wounds says that one of Ward's hands was cut nearly off, a deep gash in his throat and one in his thigh, showing how manfully Mr. Farmer fought for his life.

Mr. Farmer is well known in Norfolk, is about fifty-five years old, and about six weeks ago married Miss Bettie Powell, who lives just back of Norfolk. The excitement is very high, and if Ward is captured and carried to Rich Square he will adorn one of the trees of that place.

Later.—Ward was captured late this evening near Jackson and carried to a doctor's office, but made his escape.

Later.—The negro Eli Ward has been caught, and is now in jail at Jackson.

VANC.

[Lynchburgh News, January 11, 1889.]

ATTEMPTED MURDER.

[Special to the News.]

ROANOKE, VA., *January* 10.

William Grasty, alias Robert Morris, a notorious Lynchburgh negro, attempted to kill the city jailer, J. B. Traynham, by shooting at him in the jail here to-night. Grasty was brought here to-day from Lynchburgh, where he has been confined in jail awaiting trial for larceny, to testify in the case of Cornelius Lane, charged with receiving stolen property. After the trial he was taken to jail, but not locked in a cell. When the jailer entered the prison to-night to give the prisoners their supper he saw Grasty standing behind a partly opened cell door, pointing a revolver at him. Traynham drew his pistol and fired, but without effect, before the negro could pull the trigger. Grasty's shot went wide of its mark and the jailer fired again, at the same time calling for help. Traynham's nephew, Ernest Moore, came to his uncle's assistance and with a quick rush closed the cell door on the would-be murderer. Andrew Wimbish, another prisoner, was in the cell during the shooting, and when Grasty fired, he threw a lock at the latter, striking him in the head and making a slight wound. Grasty made no further resistance, but delivered up the weapon to Wimbish.

The shooting created considerable excitement for awhile among the prisoners in jail. Grasty says that he intended no harm to Traynham, but merely tried to frighten him, so that an escape might be effected. This is the second instance within the past two weeks where a prisoner in the city jail has been known to have a loaded revolver. The negro says that a fellow-prisoner in the Lynchburgh jail gave him the weapon.

[Richmond Times.]

WILLIAM HENRY BONAPARTE—A LEADING VIRGINIA POLITICIAN JAILED.

HAMPTON, VA., *January* 18.

W. H. Bonaparte, a leading colored politician, was jailed here to-day, charged with assaulting a twelve-year-old white child, daughter of a merchant here, on last night. There is considerable excitement, and his examination is postponed to Monday.

[Fredericksburgh Star.]

INDICTED FOR THE AFFRAY AT TACKETT'S MILL, IN STAFFORD COUNTY, VIRGINIA.

At the regular term of the county court of Stafford, held on last Thursday, Henry Brown, colored, was indicted for murder in the first degree, and George Black, colored, for assault with intent to kill, and Warren and Thomas Heflin for misdemeanor. These parties were engaged in the affray that took place at Tackett's Mill during the Christmas holidays, and which resulted in the death of Mr. Benton Heflin, from a pistol ball fired by Henry Brown. Several other parties in the affray received slight injuries. The cases will be tried at the next regular term of the court.

[Richmond Times.]

A BLACK FIEND FOUND GUILTY OF A CAPITAL OFFENSE.

[Special to the Times.]

CHATHAM, VA., *January* 23.

Jed Pritchett, the negro fiend who committed rape on the little seven-year-old girl, Jennie Pollock, near Danville, last May, and made his escape and was caught near Ruffin, N. C., Christmas eve and sent to Lynchburgh to prevent being lynched, was brought back here yesterday by the sheriff, under a strong military guard. He was tried in the county court here to-day. The evidence was positive, his own statements proving him guilty.

The jury was out but a few minutes, when they brought in the following verdict: "We, the jury, find the prisoner, Jed Pritchett, guilty of the felony charged in the indictment, and ascertain his punishment to be death." The judge will fix the day of execution during this term of the court.

[Lynchburgh News, February 13, 1889.]

George Booker, colored, of Russell County, was received at the penitentiary Monday to serve a term of ten years for highway robbery. Booker stopped a thirteen-year-old boy on a public road and demanded his money. The boy refused, whereupon Booker cut his throat and took a watch and chain and other valuables found on the boy's person and left him in the road in what he supposed to be a dying condition. Fortunately the boy was found by some persons passing along the road, and he was taken home and medical assistance called in, and his life was saved. The negro highwayman was captured, tried, and convicted.

A NEGRO FIRES ON AN ELECTRIC CAR CONDUCTOR.

[Special to the Virginian.]

RICHMOND, VA., *February* 8.

A great excitement was created here this morning by Thomas Hewlett, a young negro man, firing four pistol shots in rapid succession at F. P. Jones, an electric car conductor. Hewlett lives in Boston, but was raised in Richmond, and was here on a visit to his mother. He attended a wedding in the county last night and when returning early this morning he boarded an electric car going in the direction of his mother's house. When the conductor asked for the fare Hewlett ripped an oath at him and said: "Why don't you wait until I sit down." A war of words followed and Hewlett was ejected. He took the next car through and went to the sheds on Church Hill, and there engaged in another quarrel with the conductor, and finally drew his pistol and threatened to shoot. Jones made a break at him and Hewlett pulled the trigger, but the weapon snapped or there might have been a murder. Hewlett retreated from the house, and Jones picked up a rock to defend himself. Seeing Jones's friends coming to the rescue, Hewlett fired four shots, but none of them took effect. The negro was chased to a house where he took refuge, and was held in bay until an officer arrived. The prisoner was taken before court and sent on to the grand jury and fined $20 for carrying concealed weapons.

Mr. DANIEL. The extracts which I have caused to be read from newspapers, the names of which are given with them, will show that in many instances the people of the State which I represent have had occasion to be very forbearing towards representatives of the colored race, and that they have been. As these matters which I have just caused to be read concern the State which I represent in part here, I might fittingly call attention to the fact that that State is doing a great and a good work through taxation chiefly paid by its white people for the education and for the promotion of the interests of the colored race.

EDUCATIONAL WORK IN VIRGINIA.

A little comparison of that Commonwealth with some of her sister Commonwealths in reference to the matter of schools would indicate at a glance that instead of being backward it is in the very front line of the educators of the United States. I was told by a member of the Civil Service Commission that the applicants from the State of Virginia for civil-service appointments rated 15 per cent. higher than the applicants from any other Commonwealth. The result of the educational work which is going on in that State is one which is not only felt among its more refined class of citizens, but one which permeates the whole mass and carries the light of knowledge, as King Alfred carried justice, to the humblest door.

The census of 1880 shows that Virginia, with a population of one million and a half of people, had 4,405 school buildings; that Georgia, with something like the same population, had 4,529 school buildings; that North Carolina, with 1,399,000 people, had 4,216 school buildings; and that the great State of Massachusetts, with a population of 1,783,000, or over 200,000 population more than any of these three States, had only 3,343 school buildings. I know that the State of Massachusetts, by reason of her smaller territory and of the congregation of her population in manufacturing towns and cities, could probably accommodate a larger number of students in one building than could a Commonwealth whose population was more scattered; but still when we see that a poor population comparatively, and one so scattered, has erected so many more educational institutions than the Commonwealth which is the light of New England, we have one fact at least to weigh in the scale to show that those States of the South which were desolated by war and which were thrown back almost to the condition of nature have taken giant strides in the last twenty years and have already placed themselves abreast of the powerful and wealthy Commonwealths which were accumulating fortunes while theirs were being dissipated.

In other words, while the population of Virginia is less than that of Massachusetts by 270,000, she has more school buildings than the latter by 1,062. Georgia, less in population by 240,000, exceeds Massachusetts in school buildings 1,186. While North Carolina has a population of 383,000 less, she exceeds Massachusetts in school buildings by 873.

WHY NO REPORT, NO EXPLANATION, NO PRODUCTION OF THE GROUNDS OF ACTION IN THIS CASE?

While I see the Senator from Massachusetts in his seat I hope he will allow me permission to submit to him an inquiry, which I make simply for the purpose of acquiring that information by which I may ascertain upon what views the resolution which has his name attached to it has been submitted. It is a very peculiar and a striking circumstance that a resolution so grave in its import and concerning such large and such sensitive interests should have had no report accompanying it to enlighten the minds of the body which is invoked to pronounce judgment upon it. I should like to know what facts have been testified to before the Committee on Privileges and Elections or upon what view of the Constitution under which we live it has been suggested that there is a doubt in the minds of the people of this country whether the State of Louisiana is possessed of a republican form of government; and I would ask the Senator from Massachusetts, who is the author of the resolution, to point out to me for my information as a Senator the facts upon which he predicates the question, is there a republican form of government in Louisiana?

Mr. HOAR. Does the Senator put that question rhetorically or because he wants a reply at this time?

Mr. DANIEL. I shall be most happy to know. I put it as a matter of fact in good faith and not rhetorically.

Mr. HOAR. I have no doubt the Senator puts it in good faith, whether rhetorically or otherwise, but I did not know whether he would be willing to lose the time.

Mr. DANIEL. I put the inquiry, and the Senator can apply the adjective.

Mr. HOAR. I will answer the Senator with great pleasure. In the first place, I will inform the Senator from Virginia that this resolution embraces the resolution of the Senator from Louisiana [Mr. GIBSON], himself a Democratic Senator from that State, demanding an investigation into his State, and what the Committee on Privileges and Elections offer is an amendment to that resolution. Afterwards, when there was a technical objection to the matter going at once to the Committee on Contingent Expenses and coming back to be debated, it is true I offered a separate resolution, which involves the same thing and which is technically an original resolution. But that is a very narrow answer, as I agree, to the Senator, because it is true that the proposition for this investigation preceded the offer of the resolution by the Senator from Louisiana, and the Senator from Louisiana undoubtedly proposed it understanding that another proposition had come from this side of the Chamber and desiring to expand it by including some other State or States. So the Senator from Virginia will not understand that I attribute very great consequence to so much of the answer as I have yet made; but still that is the precise parliamentary attitude of the case.

We base this resolution, Mr. President, upon three constitutional powers which are given to this body, the exercise of which, as of all constitutional powers, is our sworn constitutional duty when fitting occasion shall arise. An authority given to a public officer is a duty, an authority given to a legislator is a duty, if the facts require its exercise. We have devolved upon us the duty of preserving constitutional liberty and constitutional government by majorities according to the method and within the limits prescribed by the Constitution of the United States. The Constitution of the United States supposes that State Legislatures will be elected according to the forms and principles and methods of republican government, and that they will send Senators to this body to legislate for the whole people; and it authorizes us to determine the title of those Senators to their seats. The Constitution of the United States supposes that the national power of legislation is to be exercised in part by another great constitutional assembly, whose members are to be elected by the vote of a fair majority of the lawful electors of their districts, who are to be permitted to vote and to have their votes counted fairly and justly and according to their legal rights, and the ascertainment of whose title to their seats is lodged in the House of Representatives.

If that constitutional mechanism does not work out constitutional liberty according to the law prescribed by the Constitution it is our duty to propose to the people of the several States to change the mechanism of the Constitution in accordance with its general principles, and we have a perfect right and it is our duty to get at the facts to see whether that thing is necessary.

We have a right also, and it is our duty, to provide by law for the protection of the popular elections of members of Congress in the different States, and if the facts require any change in the existing safeguards and sanctions of that law each House of Congress has an equal right to initiate that change, and it is equally its duty; and we have a right to see what the facts are with reference to that.

Further, the fourteenth amendment, to which I called the attention of the honorable Senator from Virginia a little while ago, while it gives to the Congress the right to protect the constitutional rights of persons which are denied by any State on account of their race, color, or previous condition, as the Supreme Court of the United States have expressly affirmed, puts no such limit on the constitutional power or the constitutional duty of Congress when it comes to ascertain the number of Representatives to which any State shall be entitled. Therefore, if the rights of a large class of persons, white or black, are in any way abridged, not merely by the denial of the State, but if they are abridged by crime, by fraud, by a failure to administer proper election laws of the States, by contrivances in the election laws of States intended for that purpose even while the laws of the States are absolutely just and righteous in form, and still by a consent of the men who wield the power in those States by a conspiracy private, but one which executes its dread decrees with a certainty and a terror to which the administration of law in this country never reaches, it is our right and our constitutional duty to inquire into that fact also and to be ready for the next apportionment of representation in this country according to the constitutional mandate.

There is abundant constitutional authority for this investigation. Are we to determine what shall be our course in regard to these great legislative and constitutional functions, knowing the facts, as this side of the Chamber desire, or in ignorance of the facts, as that side of the Chamber and as the Senator from Virginia seem to desire?

Mr. President, there is no question of an invasion of State rights here. Gentlemen on the other side claim sometimes to be the exclusive champions in this country of State rights, and of local self-government, and of letting people manage their domestic concerns that are close to them at home. I utterly deny that claim. I tell the Senator from Virginia that in those portions of the country, and among those people who entertain the political beliefs which attribute to the Constitution of the United States the fullest and the most vigorous national functions, the love of State rights and the love of local self-government burn with an intensity which will not be found anywhere in the section of country to which he belongs. You can not find on the face of the earth a place where local self-government and the love of personal independence exists, and where that government is administered in that love so completely as it is among the towns of New England and among the communities of the great West, of which your own State, sir, is so conspicuous and brilliant an example.

The thing which these gentlemen assail and which is in peril in this country is not local self-government. It is government. The thing which the Senator from Virginia and those who think with him are trying to break down in this country at this time is the right of citizens of the United States to be protected anywhere, locally or nationally, in the exercise of the simplest constitutional rights.

The Senator asks us what facts we depend on when we bring forward this proposition for an investigation which makes us think it is necessary. Does not that Senator know that within six weeks a man contesting a seat in the other House has been shot down while he was making his contest? Does not the Senator know the history of these political offenses all over certain States of the South? In the State of Louisiana alone, General Sheridan, some years ago, declared that the number of Republicans who had been murdered for their political opinions was greater than the number of men who had fallen in battle on both sides in the Mexican war.

The Congressional Directory, which is laid on our tables, shows us a fact which, I think, somebody would like to have explained, and which can only be explained by a fair investigation. Take the Territory of Dakota. The Senator from Virginia talks, whether in sarcasm or in earnest, of a popular majority which they have kept knocking at the door. That Territory cast two years ago in one single election for a Delegate, on the two sides, 104,811 votes. According to the Congressional Directory, our official document, 104,811 votes were cast there. Now, compare that with what the Senator talks of as making popular majorities in this country. The First district of Alabama gave 4,220 votes for a Congressman; the Second district 5,659 votes.

Mr. BLAIR. Both sides?

Mr. HOAR. Yes, all the votes cast. I took the figures down while

the Senator from Virginia was making his speech. The Third district of Alabama cast 4,660 votes; the Fourth district 6,045 votes; the Fifth district 6,335 votes; the Fifth district in Arkansas 4,746 votes; the First district in Georgia 2,078 votes; the Second district in Georgia 2,411 votes; the Third district in Georgia 1,704 votes; the Fourth district in Georgia 3,139 votes; the Fifth district in Georgia 2,995 votes; the Sixth district in Georgia 1,722 votes; the Eighth district in Georgia 2,932 votes; the Ninth district in Georgia 2,366 votes; the Tenth district in Georgia 1,944 votes.

Mr. DANIEL. At what election was that?

Mr. HOAR. At the same election for members of Congress, two years ago, in 1886. The First district in Mississippi cast 3,167 votes; the Fourth district in Mississippi 3,086 votes; the Fifth district 3,527 votes; the Seventh district 4,514 votes; the First district in South Carolina cast 3,317 votes; the Second district 5,235 votes; the Third district 4,407 votes; the Fourth district, 4,470 votes; the Fifth district 4,701 votes; the Sixth district 4,469 votes; making in twenty-five Southern Congressional Democratic districts a total of 93,353 votes against 104,811 votes in a single election for Delegate in disfranchised Dakota. It seems to me that taking that alone there is reason enough to make this inquiry.

But does the Senator from Virginia suppose we do not know of the complaint which comes to us from our political brethren all over those States? Has he read the appeal of the Republican State committee of the State of Louisiana? Has he read the appeal which comes from South Carolina? Has he read the resolution of the Legislature of the State of Kansas, which borders on Arkansas? Does he suppose we do not know something of the current history of our country?

The Constitution of the United States declares in substance that men shall have these rights without regard to race, color, or previous condition; and Senators take the oath to support those constitutional provisions. The constitution of the State of Alabama, and so of Arkansas, and so of Texas, has the declaration of the equality of these with their white neighbors without regard to race or color in as strong terms as it can be put into language, and every officer in those States, I suppose, swears to support those provisions. In Alabama every registered voter had to do it a few years ago, down to 1874. Yet an honorable leader of the Senator's party in this body has contributed to a Northern magazine within six weeks an article, the title of which is "Shall negro majorities rule?" Now, what does that mean? There is no such thing as "negro" in regard to these constitutional rights, and it means nothing more nor less than this, "Shall majorities rule?" I have not the article here at this time, but I shall produce it before this debate is over.

The Senator proceeds to say in substance that the right of the white people to prevent the rule of such a majority, if it happened to be in the majority in any place, justifies the same kind of method of prevention which the instinct of men approves when a negro or a Chinaman commits an outrage on a white woman—swift, summary vengeance, and punishment without waiting for the law.

It is sought to make out that this is a sectional question. The honorable Senator from Tennessee [Mr. HARRIS] spoke of this debate as a sectional debate, and some other Senator made the same remark in one of the preliminary motions that took place. I utterly deny it. There is nothing sectional in it. It is not an attack on these States. These States, if these charges be true (and if they are not this investigation will show it), are lying helpless and bound at the feet of a band of conspirators. The charge that comes to us is not that Louisiana has done wrong, but that Louisiana is suffering wrong, which she has the right within constitutional limits to call upon the National Government to interpose to protect her from. That is the question.

One gentleman said we were trying to revive the old issues of the war. I deny that. There never was an utterance in the heated time of that war against the gallant and brave men who fought on the side of the Confederacy so insulting to them as the suggestion that the right to adhere to these election methods was a right that they fought for or that they stood by at all.

This is not sectional. This is not an issue of the war. It is a question whether, in certain parts of the country, the Democratic party is trying to keep itself in power and has succeeded in keeping itself in power by raising this old spook, the fear of the negro, and by election processes, which no one of the gallant men who went into the war would consent, in my judgment, to have stated as anything he was fighting for.

The issues of the war were, in the first place, slavery, and that has gone; in the next place, the right to carry slavery into the Territories, which went with it; and in the third place, the right of a State to go out of the Union at will. That, I understand, is abandoned now.

Mr. President, I did not intend to take the floor, but I do not want the Senator from Virginia to suppose that there is anybody afraid to encounter, in all honor and courtesy, his challenge and show the ground, both of constitutional law and of public fact, notorious history, on which the faith which is in us is based.

I should like to read a sentence or two before I sit down from the article of the honorable Senator from Alabama [Mr. MORGAN], to which I referred. I think that article warrants the inquiry whether the doctrines that it advocates are in force or not in Alabama by anybody who is sworn to support and defend to the best of his ability the Constitution of the United States:

But the further we draw away from the slave era—

Says this article:

the greater is the aversion of the white people to negro rule, and the weaker the negro becomes in the use of political power. We may attribute this to the perverseness of the white race, and ascribe to the negro the virtue of integrity in his purposes and meek submission in his conduct, if we prefer to revile our own race in order to make excuses for the impotence of the negroes as a ruling class. But in that case it is plainly a hopeless task to reform the white people so as to render them capable of doing justice to the negroes as joint rulers of the States, or to elevate the negro race so as to make them capable, aside from mere race proclivities and race advantages, of estimating the privileges and power of the ballot. It is still more hopeless to attempt to compress into one the races of men that God has separated into great families, to each of which he gives the ideas of self-government best suited to its development into a higher civilization.

The Southern people are not mistaken as to the dangers of the ballot in the hands of the negro race.

* * * * * * *

They are no more amenable to moral censure for attempting to avoid that desperate fate——

Mr. MORGAN. If the Senator will allow me, if he is reading from my article he ought at least not to skip.

Mr. HOAR. I will read the few lines I left out.

The Southern people are not mistaken as to the dangers of the ballot in the hands of the negro race. Twenty years of experience, beginning with eight years of the horrors of enforced negro rule, has demonstrated to them that a relapse into that condition would be the worst form of destruction. They are no more amenable to moral censure for attempting to avoid that desperate fate than are the people who, in all parts of our country, punish with instant death the Indian or Chinaman or negro who inflicts a worse fate than death upon an innocent woman.

Then I skip to another paragraph:

A plan looking to some personal fitness of the negro for the high duties and corresponding powers of citizenship would not have shocked the common sense of the people, and would have collected into the body of voters in the States those negroes who had at least some idea of the uses and value of the ballot. The plan we adopted of transferring the whole of this inferior race into the body of our citizenship, with the powers of government, was a rash experiment that has not succeeded in accomplishing any good to either race.

As the Senator from Virginia I think observed, there are but three States in this country where the negro is in the majority. I believe that if the white Democrats of the South, instead of standing aside, surly and sulky, during the period which is called the period of reconstruction, had taken hold in good faith and done their best to make this experiment successful, they would have maintained and would have retained all the influence which their superiority of race, which their training in political lessons, which their aptness for command would have given. When you have tried through a single generation, when you have tried for a single decade, when you have tried for a single Presidential term education and justice, if these two races do not live together in peace, it will be time to call the reconstruction policy a failure.

I do not believe that race prejudice, race aversion, race hatred is the dominant principle in the bosom of men anywhere, least of all in this country. I believe these two races can live together in peace, in affection, in glory, as neighbors, as brethren, as equals—men of different occupations, men of different localities, men of different capacities, men of different tastes, men of different inclinations, dividing among the political parties which exist in this country as the people of the white race have done.

Mr. President, I do not expect these remarks to be so received, but I make them in no spirit of hostility; I make them with full knowledge of the difficult problem that awaits us, and the problem that especially concerns our friends south of Mason and Dixon's line; but I remember when I make them that the person hears the sound of my voice this moment who in his lifetime will see fifty million negroes dwelling in those States. If you go on with these methods which are reported to us on what we deem pretty good evidence, you are sowing in the breast of that race a seed from which is to come a harvest of horror and blood to which the French Revolution or San Domingo is light in comparison.

We desire, those of us who live in the North, to do everything that we can to help you if you will only accept our help and not spurn it. We will pour out our money like water; you may tax us by the ten million or the hundred million or the thousand million, if it is needed, to give these people the intelligence and education which is necessary to fit them to live with you as citizens.

I know, too, when I say these things that I am saying them of my countrymen. I am saying them of men with as gallant, noble, and honorable traits, where this race prejudice does not get possession of their souls, as ever existed on the face of the earth. They have some qualities which I can not even presume to claim in an equal degree for the people among whom I myself dwell. They have an aptness for command which makes the Southern gentleman wherever he goes not a peer only, but a prince. They have a love of home; they have, the best of them and the most of them, inherited from the great race from which they come the sense of duty and the instinct of honor as no other people on the face of the earth. They are lovers of home. They have not the mean traits that grow up somewhere in places where money-

making is the chief end of life. They have, above all and giving value to all, that supreme and superb constancy which, without regard to personal ambition, without yielding to the temptation of wealth, without getting tired, and without getting diverted, can pursue a great public object in and out, year after year, and generation after generation.

In the great future which the hundred million and the two hundred million who are to inhabit and rule this continent are to enjoy, the greatest and the most glorious part, my brethren, is to be acted by you. But I do not believe it is a good thing that a generation of young men anywhere shall be brought up to believe that the election methods which we hear of and which we know of are honorable or reputable.

However that may be, let us know the facts. Let us have the benefit of the Senator from Delaware [Mr. GRAY], the Senator from North Carolina [Mr. VANCE], the Senator from Louisiana [Mr. EUSTIS], and the Senator from Alabama [Mr. PUGH], who live far down towards the Gulf, to aid the majority of this committee, and to let us know whether these stories that come from Democratic papers are true. Why not good proof? This whole case, if proved at all, is proved by the declarations of the leading Democratic papers of the South. But I am not speaking now of proving the case; I am speaking only of the inquiry. Let us know whether this thing is a falsehood or is truth. We stand, in my opinion, on the solid ground of constitutional law, of constitutional duty, and of proved facts when we demand that the Congress of the United States should let the country know something about these things.

Mr. DANIEL. Mr. President, the answer of the Senator from Massachusetts to the question I asked him was, as he himself conceded, a very narrow one. The answer of the Senator to a question which I did not ask, but which his mind evolved in order to get rid of the one propounded him, was exceedingly broad and ample. But if the Senator has given no response, either broad or narrow, to the question I asked him, I have, nevertheless, been gratified to hear some of his remarks in lieu of an exposition of the resolution of which he is the author.

The Senator has expressed so many noble sentiments in his speech with such tasteful eloquence and with such a high appreciation of those with whom I am more nearly identified, that I could but forgive him ere he got through for what he said in the beginning, and I could but feel that in any argument I might submit I was appealing to a mind which was not only capable of justice, but which on some sides of it would be quick to respond to generosity.

This query occurred to me when I heard his eulogy upon the character of Southern men, their love of home, their sense of honor, their constancy and devotion to duty, I wondered whether the Senator would not add the additional reflection that men of such a character, and of such intelligence, and of such sense of honor, right present with a question and dealing with it, were perhaps as well aware of the facts concerning it and were as competent to judge of the methods by which it could be dealt with as a Senator a thousand or so miles away who had to look through a glass darkly in the medium of partisan newspapers.

IS TRIAL BY NEWSPAPER THE NEW FORM OF PROCEDURE?

I have no doubt that the Senator can prove anything by newspaper. When trial by newspaper has succeeded those forms of trial which have been handed down to us by the common and parliamentary law of England, I have no doubt that he can prove by that method anything which his imagination could suggest or which his desire might wish for.

I can prove by newspapers that the white slave-trade is going on today in Massachusetts, and I have the proof before me in such a way that if the white slave-trade is inconsistent with republican government an unsectional Senator ought to inquire in this resolution whether there is a republican form of government in Massachusetts.

I can prove by newspaper that in the State of Ohio not only have white men during the past year but colored men been driven out of that State and hounded by mobs lest they might give testimony in court. I can prove by newspaper, and I have the witness on my desk, to prove to the satisfaction of the mind of the Senator from Massachusetts that colored school-children have been driven from school in Ohio, and that there is a conspiracy there to drive their fathers and mothers from the land that they inhabit and to evict them from their tenements as the poor Irish are being evicted in Great Britain, because they seek to educate their children at white schools. As the Senator from Massachusetts has proclaimed that he is not sectional, I shall ask him to join me ere this resolution is voted upon, in having an inquiry instituted into the condition of things in the State of Ohio, that the colored people of the South may know whether the fourteenth and fifteenth amendments were provided as a delusion and a snare north of Mason and Dixon's line.

WHY DOES THE SENATE COMMITTEE ON ELECTIONS REFUSE TO REPORT ANY GROUNDS OF ACTION?

Mr. President, I can not answer so long a speech as the Senator from Massachusetts has interjected into mine, except by following it somewhat into detail, but I call his attention to the fact and I call the attention of the Senate to the fact, which the Committee on Privileges and Elections shall not escape from answering, if it has any answer, that it has neither informed the inquirer nor has it deigned to let the American people know, nor has it even laid a paper before the Senate that the minds of their colleagues may be enlightened upon what condition of facts or upon what testimony they predicated an assault upon a sovereign State. I asked the Senator from Massachusetts the question why it was that it was put in this resolution that an inquiry should be made as to whether the State of Louisiana possessed a republican form of government, and without giving any answer to that question, without defining what to his conception was a republican form of government, without saying that there was one spicula of testimony before him upon which to rest a doubt, without pointing me to any source of information in which I might enlighten my own mind for intelligent justice, the Senator went to Dakota and to Mississippi and then responded to something which had been written by the Senator from Alabama.

Is there upon the part of that committee a constancy of evasion and an unwillingness to stand before the Senate and hold up the hand upon which they rely for judgment? Why is it that that committee in so serious and grave a concern as an assault upon the government of a sovereign State have not deigned to say one word to the Senate as to why so serious an inquiry should be made?

I hope, indeed, sir, that the Senator from Massachusetts is not sectional. There is breadth and scope and liberality and generosity in his mind; but I wonder that he does not himself perceive that while he may seek to evade sectionalism he has been sectional in selecting one far-off State when the like conditions, so far as the evidence is concerned, exist in many States. Would the Senator from Massachusetts be pleased if a serious inquiry were made by the American Congress whether or not Massachusetts has a republican form of government and at the request of a Democratic committee?

WILL THE SENATE BOW TO THE BEHEST OF A PARTISAN POLITICAL COMMITTEE IN A FAR-OFF PLACE?

There is, indeed, a memorial here from Louisiana. It is a fashionable, tailor-made suit. It recites the fact that the Senator from New Hampshire had offered these resolutions. When his attention was called to the fact that they were spontaneous resolutions, apparently unprovoked by the petition or remonstrance of anybody in Louisiana, the pleadings had to be amended. A certain form of public decorum had to be observed by the makeshift methods which are so usually adopted in reference to Southern affairs; and when the news went back to Louisiana that the Senator from New Hampshire stood here without any memorial of course the memorial was furnished. I have read that memorial, and I have it before me now. It rests upon the responsibility of one man, William Viger, corresponding secretary of the Republican State committee, who says: "Whereas the following resolution is now pending before the United States Senate;" and then the resolution of the Senator from New Hampshire is produced, and "whereas" and "whereas," "*Resolved*, That this committee is confident that the facts which will be adduced by said investigation will show," and so on.

That is to say, a Republican committee in the State of Louisiana, after having months and months of prompting and suggesting from a Republican Senator in Washington, have responded to a call at the capital of the United States and have indorsed a bad note. That is about the result of it. Did anybody doubt that the Republican committee in Louisiana, the land of so many distinguished model Republican statesmen, could furnish their indorsement to a proceeding in the United States Senate when called upon by their political colleagues to unite with them in attacking the other party? Why, of course they would do it. But this makeshift response from Louisiana shows a consciousness on the part of the Senate that it was proceeding with indecorum, and is a very poor pretension of putting itself in order.

WHY WILL THE SENATE COMMITTEE MAINTAIN DARKNESS AND SILENCE?

I would still like to know upon what predicate a committee of this body has reached the *prima facie* conclusion that there is not in the State of Louisiana a republican form of government. It may be that there are frauds in Louisiana, it may be that there is here and there violence in Louisiana, it may be that there is race prejudice in Louisiana, and it may be that the Senate may reach the conclusion that under the broad powers of amending the Constitution and giving us a different one from that we sit under, an inquiry may be made into the condition of all affairs in the United States. But after all the question recurs, and the answer has not been made, upon what ground does this committee predicate its inquiry as to whether there is a republican form of government in Louisiana. If I could ascertain from that committee, composed of profound lawyers and publicists who have studied the Constitution, what is their idea of a republican form of government I might perhaps seek in my humble way to assist their labors by pointing out some other Commonwealths that did not meet the standard; but their idea of a republican form of government is one which they have kept closely in their own bosoms, and the facts upon which they predicate the inquiry, is there a republican form of government in Louisiana, are facts which, in my judgment, have never reached their own bosoms under any responsible name. They have got their facts from newspapers, current rumor, and the so-called confessions of Democratic correspondents and editors, newspapers unnamed, editors unnamed, facts unspecified.

The committee sitting to look into a particular State and to adjudicate the rights of a particular people have looked all around through

the general newspapers of the United States and through the magazine articles from public men from other States; they have informed themselves of what was done in Kansas and Arkansas; they know the condition of the vote in Dakota; they have an inkling of what is going on in Mississippi; but they can not tell the Senate a single fact about Louisiana.

Why did you not investigate Arkansas if that was the testimony which was before you? Why did you not investigate Alabama if there arose the thing that provoked you? .Why did you not investigate Mississippi if that was the testimony which actuated you? You look after the testimony of other things and then, *ex mero motu*, by spontaneity, you landed in Louisiana. That is the position in which the Committee on Privileges and Elections of the United States stands before the country—

Shrine of the mighty! can it be
That this is all remains of thee?

This is a body that was once the grandest in the world and which ought to fix the highest standards for its action that have ever been fixed in the ideal imagination of human nature; and yet here is a committee, judicial in its character, high and exalted in its prerogatives, standing before the country as the accusers of a sovereign State, and unable to point a colleague in the Senate to a single fact on which they have predicated their opinion!

Mr. President, I have some ideas of my own as to what constitutes a republican form of government. I have not had the advantage of consultation with the distinguished gentlemen who constitute this committee or of hearing their views upon the subject, but I have some feeble glint, gathered from the early writers upon our Constitution and from the Supreme Court of the United States, of what constitutes a republican form of government. My own opinion on that subject would weigh but lightly.

Mr. TELLER. If the Senator will allow me to ask him a question, I should like to do so.

Mr. DANIEL. I shall be most happy to respond, sir, if I can.

Mr. TELLER. Does the Senator think the Committee on Privileges and Elections are authorized, without the direction of the Senate, to enter upon an investigation as to whether Louisiana has a State government republican in form?

Mr. DANIEL. I do not.

Mr. TELLER. Then I should like to suggest to the Senator from Virginia that the offense the committee seem to have committed in his eye is that the committee have failed to investigate this matter before they came to the Senate to ask authority to do so.

Mr. DANIEL. I beg the pardon of the Senator for differing with him. That is not the point I make.

Mr. TELLER. If the Senator will allow me, I will suggest in this connection that the whole argument the Senator has made for the last half hour as a charge against the committee is that they have brought no evidence here. The Senator now says, what everybody knew before he must say, that the committee had no authority to take any evidence until the Senate had directed them so to do.

Mr. DANIEL. I knew that the committee could not feel otherwise than uneasy in the attitude in which they have placed themselves, and I will endeavor to make my point so plain that every one of them can understand it. I do not complain that they have not investigated the State of Louisiana without the authority of the Senate. I do complain that they have recommended to the Senate and have urged it to pass a resolution to investigate Louisiana without presenting to the Senate any reasons for so doing. Does the Senator understand that? Whether the Committee on Privileges and Elections understand it or not, the Senate can not fail to understand it nor will the country fail to take notice of it.

Mr. TELLER. If the Senator will tolerate an interruption——

Mr. DANIEL. I am happy to have it.

Mr. TELLER. I will say that if we had come here with any kind of testimony of any character the Senator would have been a very poor lawyer making his side of the case if he would not have said, "Without jurisdiction, without authority to inquire, without authority to administer an oath, without authority to call a witness, without authority to investigate at all." That he would have said. Now he says that we ought to have investigated without authority, and by reasoning as he does, in a circle, not having authority, if we had produced this testimony he would have said, "It does not justify the Senate in making the inquiry." Now he says because we do not produce the authority it does not justify the Senate to make the inquiry. Therefore it would be impossible to make an inquiry at all.

Mr. DANIEL. My point is not because you have not the authority, but because you do not produce your grounds, so that the Senate may have the same opportunity to judge of them that you have.

Mr. President, I do not intend that anybody shall misunderstand my position, and I repeat it. I complain of this committee because it has asked the Senate to make an inquiry impugning a sovereign State and has not deigned to give to the Senate any statement of the grounds for so doing, either orally or written, except inferences of the Senator from Massachusetts from newspapers, and except a memorial from a partisan Republican committee.

Then the question comes before the Senate, if the machinery of this great federation of States is so light and is so easily set in running order that by the invitation of an unorganic body of a partisan kind, naturally infected with prejudice and naturally ambitious for the results which might follow, and if this great Government and this most dignified and permanent branch of legislators hold their powers and their prerogatives so lightly that at the beck of a committee hundreds of miles away it stands ready to do its partisan bidding against a sister Commonwealth of the Union. What would the Senator from New York think, what would the Senator from Colorado think, what would the Senator from Nebraska think if the United States Senate were here seriously to resolve that one of those Commonwealths should be put upon a trial for its life as a State in this Union because a Democratic committee chairman in one of those Commonwealths were to invite the Senate to say that it does not possess a republican form of government—without an affidavit, without a specification of any history, without a statement of either the facts or the principles of law upon which it is predicated?

I did not suppose that there was an intelligent justice of the peace between the Canadian line and the Potomac, or between the Mississippi and the Pacific Ocean, who would allow the process of his court and all of its expense and machinery to be set in motion by the suggestion of a local partisan committee whose motives at least are subject to be questioned. What is the hope of republican institutions living and enduring down the ages in this country, what is the hope of putting men in the fair and equitable frame of mind in which every one feels the desire to do the other justice, what is the hope of elevating the Commonwealth upon which we must rely for local rule, if a partisan chairman in the State of Louisiana can lift his little finger, address the United States Senate, and see a majority of a great party, without a fact adduced or a principle stated, bow to his beck and go forward to do his bidding?

Talk about partisanry, Mr. President. I am somewhat of a partisan by nature, and I have always admired and honored the true and noble partisan who has convictions and stands by them. But, sir, the whole history of this country, from the day when the Constitution was established one hundred years ago to that centennial day near at hand which the Senator from Massachusetts is so anxious to celebrate, has never witnessed a more paltry piece of partisanry than the attempt of the majority of the Senate to arraign a State before its bar upon the suggestion of a partisan chairman of a Republican committee.

THE SUPREME COURT'S IDEA OF A REPUBLICAN FORM OF GOVERNMENT.

Now, sir, I will read a little from the Supreme Court of the United States and endeavor to ascertain what that tribunal considers to be a republican form of government. This is a decision made as late as 1874 after the days of reconstruction were over. There were many things, hundreds of them, on each side, whether the men who did them were Democrats or Republicans, there were hundreds of things done through all those bleak years from 1861 to 1871 which can not be justified by Constitution or law anywhere. The war of 1861 struck this country as an earthquake might have struck it, breaking up its old boundary lines and throwing the titles to all things in confusion, and when reconstruction was over, when each State had taken its place again in the federation which our fathers established, when Constitution and law held their mild sway from the Rio Grande to Canada, then, sir, all lifted up their hearts and minds to the Supreme Court to hear its decision as to the new titles and the new establishments, and to turn their faces to the perpetuation of that Republic which I love today as much as the Senator from Massachusetts, and would fight for it as quick as any man who wore the blue, that it might stand and shine as a great federation of the people, guarantying popular rights, elevating the weak and the poor, holding up the flag as a flag of humanity, and respecting law and order everywhere according to the lines which the Constitution had marked out for their obedience.

COMMISSIONER HOAR VERSUS SENATOR HOAR.

Mr. President, the Senator from Massachusetts seems to think that there is some deficiency of comprehension, or mayhap some indifference to the moral element in the Southern Senators, that they are not quick to respond to him in joining to press this matter or that, here or there. I can not unite with him in his invocations, I can not follow him in all the things to which he would summon me, because with a pencil of light, with a finger of judgment, which will stand as a landmark in this country for many years to come, he and his colleagues have pointed out exactly where Senatorial and Congressional authority ends and where the demarkations of State lines become impregnable, and I read from the Senator's judicial decree in deciding the greatest question which was ever submitted to a judge in this country, and out of his own lips and out of the deliberations of his own mind he will find my answer.

It is—

Said he, in giving his judgment in the case of the Electoral Commission—

It is asked is there no remedy if the officers to whom the States intrust the power of ascertaining and declaring the result of the election act fraudulently or make mistakes? The answer is that the Constitution of the United States gives no jurisdiction to Congress when the certificates are opened and the votes are to be counted to correct such mistakes or frauds. A like question may be put as to every public authority in which a final power of decision is lodged.

And he adds:

The danger of mistake or fraud is surely quite as great if the final power be lodged in Congress, and the framers of the Constitution acted in nothing more wisely than in removing from Congress all power over the election of President.

"Sittest thou here to judge me after the law, and commandest thou me to be smitten contrary to law; contrary to law as thou thyself hast written it?" Wisely, said the Senator from Massachusetts, applauding the far-reaching sagacity of the able men who "reared the arch and laid the architrave" of this great nation, wisely did they take away from Congress the power to do the very thing which he invites and summons them now to do without fact in one hand or without doctrine in the other.

Mr. HOAR. Will the Senator pardon me for calling his attention to the fact——

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield?

Mr. DANIEL. With pleasure.

Mr. HOAR. I call the Senator's attention to the fact that there is no sort of resemblance between the two cases. I did not ask the Senate of the United States to count the vote of Florida or the vote of South Carolina, or any other Southern State. The question whether we may have constitutional or legislative processes which will prevent these frauds in the future is a different thing.

Mr. DANIEL. That is to say, when the title of the President of the United States is concerned it is entirely beyond the jurisdiction of Congress to look into anything but what has been the result of the State machinery in evolving it.

Mr. HOAR. When the vote is counted?

Mr. DANIEL. When the vote is counted.

Mr. HOAR. That is true after the fact.

Mr. DANIEL. But it is entirely within the jurisdiction of Congress, as the Senator would have it, to look into the vote of the State Legislature of Louisiana after the vote has been counted, after the vote which made its governor has been counted, to go and look behind those returns, even if they are a year old!

Mr. HOAR. May I ask the Senator a question?

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield?

Mr. DANIEL. I shall be most happy.

Mr. HOAR. I suppose the Senator and I agree that in determining the title to the seat of a member of the House of Representatives the right is exclusively lodged in that body?

Mr. DANIEL. I supposed we agreed on that until I saw your resolution.

Mr. HOAR. Does the Senator doubt that we may pass a law to change the manner of elections or to punish persons who commit frauds or crimes against that right or are guilty of bribery? Does the Senator doubt that?

Mr. DANIEL. Not at all. Propose your law and I shall be glad to consider, possibly vote for it.

Mr. HOAR. Then I think the Senator will see that it is quite one thing to say that when the votes are counted the body to whom the Constitution has committed the power—the two Houses, not the law-making power of the two Houses and the President, but the two Houses alone, to whom the Constitution has committed the mere power o counting something else that somebody else sends out; that is to say that they can not, when they count, look to see anything except what has been sent out—does not at all involve a denial that they may, in their legislative capacity, inquire whether those persons so acted as to deprive the people of their States of their lawful right to elect on that occasion, and whether there is any constitutional or legislative amendment needed to prevent their having that power.

Mr. DANIEL. Mr. President, the opinion which the Senator from Massachusetts has delivered answers his question in a much more condensed form and in much better language than I could use upon an impromptu occasion. The Senator here not only speaks as to the construction of the Constitution, but he elaborates the wisdom of having it that way, and, consistently with the doctrine which he then laid down in this grave matter, he has since advocated the passage of a law, which nearly all of us voted for, making determinate the action of the State as to who was its elector, and he says in his opinion as an electoral commissioner:

The danger of mistake or fraud is surely quite as great if the final power be lodged in Congress, and the framers of the Constitution acted in nothing more wisely than in removing from Congress all power over the election of President.

Never was a finer or more sententious encomium pronounced upon that Constitution which lies before us now, and never did man seek with so savage an appetite to devour his own offspring than has the Senator from Massachusetts in this debate to dispute the dignity and authority of the great commission upon which he served as a judge.

At the time when that commission sat, in the heat of that campaign, and having had the honor to be one of the electors of my State and casting my vote for Samuel J. Tilden for the Presidency, I was scarcely well prepared to be a fair and impartial judge of that conclusion, but I have read these opinions in hours which I might give to reflection and study and I have endeavored as fairly and justly as I could to estimate the weight of arguments which were given upon the one side or the other, and when I cast my vote in this body not long ago for that act of which the Senator was the advocate, which puts the determination of the electors conclusively and finally in the hands of the State, I but did so following the judicial philosophy which had held sway in the conclusions of the Electoral Commission. I stand by it, let it hit where it may. But it seems to me a peculiar incongruity, it looks as if all judgment had given sway to the dictates of a partisan committee in Louisiana and to the momentary passions of a fleeting hour when conspicuous statesmen like the Senator from Massachusetts, when learned lawyers and ex-Cabinet ministers such as sit in this body, shall stand before the United States Senate and endeavor to egg it on to the passage of a resolution which is in the teeth of the principles which their jurists have enunciated, in the teeth of law which they have freshly enacted, and in the teeth of the habitual practices which have governed them for more than a decade.

OLIVER P. MORTON STANDING FOR STATE RIGHTS TO CONSTITUTE LEGISLATURE AND DETERMINE ITS LEGALITY.

Mr. President, if I do not intrude too much on the patience of the Senate, I hope I may be permitted to read something from the pen of Oliver P. Morton. Every one knows who Oliver P. Morton was—a man who possessed a great mind, and it was a mind well informed. I beg leave to commend to the consideration of his brother Republicans, many of whom were his colleagues in this Chamber, some words which have fallen from his lips. Says Mr. Morton:

Murder is the highest crime; but it is not every court that has jurisdiction to punish it; and one court can not assume such jurisdiction upon the ground that another, to which it has been granted, will not properly exercise it; and Congress has not the jurisdiction to examine and redress every great wrong that may take place in a State. Where, by the constitution and laws of a State, legal remedies are provided for the redress of all wrongs that may take place in regard to elections, it would be inconsistent with the independence and integrity of the State governments for the United States to interfere and assume jurisdiction upon the ground that the State tribunals have acted wrongfully and fraudulently, or will so act. The Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country; but is a Government limited and restrained in its jurisdiction by the charter of its creation, and that charter distinctly recognizes the existence of State governments to be constituted legally by the States themselves, subject only to the provision of the higher law that they shall be republican in form. This doctrine in nowise recognizes the blood-stained theory of State sovereignty, which has been the evil spirit in our political system, and to which the present troubles in Louisiana may be traced back, but springs from the great fact that the States have a vast body of rights distinctly guarantied and recognized by the Constitution of the United States, and that among these is the right to constitute their own Legislatures, and determine by their own tribunals the legality of their organizations.—*Taft's Senate Election Cases*, volume 2, page 476.

And, if I might be permitted to interpolate a few reflections of my own, let me say, sir, that considering the comity and good will which should be cultivated between all the States and the Federal Government and between the States themselves, while contested-election cases were in progress in Louisiana and while the judges of that Commonwealth were holding the scales in even hand, it does seem to me that the proprieties of life such as would regulate the conduct of gentlemen in their social relations with each other and that etiquette which should certainly reign where sovereigns are concerned, should induce the Senate of the United States to refrain from the use of a passionate hand to disturb affairs that were then pending in litigation, and that decency and common right would at least declare that they should await the adjudication ere they pronounced sentence upon the judge.

THE OPINION OF THE SUPREME COURT AND THE VIEWS OF OLIVER P. MORTON ON A REPUBLICAN FORM OF GOVERNMENT.

I was about to read when the Senator from Massachusetts asked me a question, something from the text of a decision of the Supreme Court of the United States as to what constitutes a republican form of government, and if it be known to any member of the Committee on Privileges and Elections or to any Senator here as matter of fact that there is something about the government of Louisiana which makes it fail to meet the standard which is here laid down, I will thank that committeeman or that Senator if he will point it out to my mind that I may be enlightened in delivering my judgment as he is by reason of the occult information which has reached him through other channels which are not open to public observation and use.

Says the Supreme Court of the United States in the case Minor *vs.* Happersett, 21 Wallace, page 175, decided in 1874:

The guaranty is of a republican form of government. No particular government is designated as republican, neither is the exact form to be guarantied in any manner especially designated. Here, as in other parts of the instruments, we are compelled to resort elsewhere to ascertain what was intended. The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all the people participated, to some extent, through their representatives elected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution. As has been seen, all the citizens of the States were not invested with the right of suffrage.

The fact that Louisiana has a republican form of government was not only passed upon when she was originally admitted into the federation of States, but it was again passed upon and again approved and confirmed when Louisiana came out of war reformed and remolded with

every condition to meet the amendments to the Constitution and the then established views. I look in the archives and find that Louisiana has a constitution such as this body has approved as republican in form. I see that it has a Legislature which is performing all the functions of a legislative body. I look to the other House and I find its Representatives there, showing that the people of Louisiana have acted. I stand here in the Senate and I see two Senators, each with one vote, admitted here as your peers and mine. I look to the Presidential house and I see that in all Federal connections and relations Louisiana is recognized as a co-equal sovereign State of the American Union, panoplied with that guaranty of equal rights which was intended for her protection and for yours, for my State and for all the Commonwealths that constitute the federation.

Now, sir, where did this committee get information that this form of government is not extant in Louisiana? What witness has come up to testify before it, what memorial has been presented, what public intelligence of a notorious and general form has come to its ears that the Senate of the United States, which should be the most conservative body in the whole Union, which should go slowly and deliberately in all its actions, which should set an example to States and to Legislatures and judges by its orderly procedure, by its fair-mindedness, by its excellent temper, by its judicial bearing, by its calm weighing of all facts and circumstances—where did this committee of such a body as this get information which is going to lead it to put itself at the head of a revolution to undo the government of a State?

It looks to me as if this body, which owes its existence to statehood, in which two Senators represent each State simply because they are States, and who were sent here by the people and their constitutions to guard that sacred element of State sovereignty which has this branch of the Government only, to keep special watch and ward over it—it looks to me as if the Government had turned itself upside down when this Senate puts itself at the head of a revolution to destroy the very principles of the Constitution and the very elements of statehood to which it owes its being.

Mr. HARRIS. Will the Senator yield to me to submit a motion?

Mr. DANIEL. In one moment. I will finish, before I yield to the motion of the Senator from Tennessee, the observation of Mr. Morton, which I wish to read to the Senate. He speaks now on this specific point. He says:

> This great power to guaranty to each State a republican form of government is intended only for the highest and most solemn occasions. If it is invoked for every disorder in a State, it must result in the absorption of the State governments and subvert the whole theory and plan of our political institutions. While we are a nation, in which alone the sovereignty resides, yet local self-governments, which preceded the Constitution, and are recognized and continued by it as a part of the great plan of political salvation, are indispensable to our liberty, progress, and happiness, and must be preserved. It should be exercised only upon well-defined principles, in cases coming clearly within their limits, and with all the more caution because it is political in its character, and the use or abuse of it can not be reviewed by the courts. While it would be imprudent to attempt to define the cases that come within its scope, it may be safely said that it does not comprehend a disorder in a State arising under its own constitution and laws, for which those laws provide remedies, a State in which there is profound peace, and in which the State government is republican in its form, and discharging its functions in every department without interruption. Even in cases that come within its scope it should not be exercised except in the last resort, and the States should be left to work out their own relief and reformation as long as there is any hope.

These are the words of an eminent statesman and a great man. Evidently to his mind and evidently to the mind of any man who will give to this subject due discussion and reflection, the power to upturn a State and remold its government is a power of revolution transferred from the people of that State to the Federal Congress in certain instances, and only as the act of last resort, to be called into action when every process of law has failed, when every expostulation and procedure has been in vain.

Mr. President, so grave a thing as this, so mighty a proposition as the revolution of the government of an American Commonwealth, which in stability should be like that of the Federal Government of which it is a part—so serious and grave a matter as that has been hastily dragged into the Senate at the fag end of a four years' administration and has been sought to be dragooned to its passage by appeals to partisan feeling and to the readiness of men to fall in line with the companies in which they drill, without even the Committee on Privileges and Elections having enough respect for the Constitution under which they live or the people of this country who will be involved in difficulty if difficulty should come, and without so much as a regard for the people of Louisiana as to state to them in writing or to speak upon the floor of the Senate the grounds which have actuated them in so doing.

The Senate at 5.40 adjourned.

In the Senate, Monday, February 25, 1889.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business, being the resolution reported by the Senator from Massachusetts [Mr. HOAR] authorizing the Committee on Privileges and Elections to investigate alleged election outrages in certain States, upon which the Senator from Virginia [Mr. DANIEL] is entitled to the floor.

Mr. ALLISON. I move to lay aside the pending order in order that I may call up the Army appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator move that, or ask unanimous consent?

Mr. ALLISON. I will ask unanimous consent, to begin with.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the unfinished business may be informally laid aside to enable him to move the consideration of the Army appropriation bill.

Mr. DANIEL. I had expected at this hour to-day to resume my remarks upon the resolution in regard to the investigation of elections in Louisiana, but I recognize the fact that the public business is of a more important character than that, and I am perfectly willing to enter my consent that it may be unanimous that the appropriation bill referred to by the Senator from Iowa may be taken up, with the understanding, which I suppose it is hardly necessary to state, that if either the Louisiana or the Texas resolution should at any time at this session be called up I may be recognized as entitled to the floor.

The PRESIDENT *pro tempore*. The Chair will recognize the right of the Senator from Virginia to resume the floor when the consideration of the resolution is again proceeded with by the Senate. The title of the bill the consideration of which is moved by the Senator from Iowa will be stated.

SPEECH

OF

HON. ROBERT P. KENNEDY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 26, 1889.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1890, and for other purposes—

Mr. KENNEDY said:

Mr. CHAIRMAN: On the 12th day of July last I delivered in this House a speech on Southern elections and election frauds in the South, and during the course of my remarks I had occasion to refer to the States of Mississippi, Alabama, and Georgia, and other portions of the South. I was notified almost immediately afterward that the gentleman from Georgia [Mr. TURNER] would answer those remarks, and I was also informed that Mr. CRISP would make a reply.

Mr. TURNER, of Georgia, rose.

Mr. KENNEDY. I will yield to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER, of Georgia. I affirm the statement of the gentleman from Ohio [Mr. KENNEDY] of having served him with the notice to which he has referred, but as the brunt of his attack was aimed at my colleague [Mr. CRISP], who had just returned about that time, I left the matter with him.

Mr. KENNEDY. The gentleman from Georgia will understand I am making no reflection upon him. From that time to this, Mr. Chairman, with the exception of the remarks made by the gentleman from Georgia [Mr. CRISP] the other day, no attempt has been made to answer that speech.

The gentleman from Georgia [Mr. CRISP] the other day informed this House that during his absence a gentleman from Ohio [Mr. KENNEDY] had made a speech on elections in the South, and in answer to that speech he impeached the statement I made there in which I said the Speaker of this House had appointed the Committee on Elections, and that one of the grossest infamies ever perpetrated upon this House or the nation was in the selection of a man to the chairmanship of that committee who had been elected by 1,704 votes, the fewest number of votes that had ever presented a man to this floor. The gentleman does not deny the assertion. The records of this House show that he was chosen to the chairmanship of that committee, and the records of the election show that he was chosen by 1,704 votes as a Representative on this floor.

What I objected to, Mr. Chairman, was the selection of the gentleman from Georgia as chairman of that committee, whether selected by the Speaker of the House or by the House itself.

I ask now why was it necessary to defend the Speaker of this House? If the selection of the gentleman from Georgia was what I denounced as an insult to this House and the intelligence of the great people of this country, was it not as much an outrage to have selected him by a Democratic caucus as to have him selected through the Chair of this assembly?

But I might content myself by referring to the Journal of this House, where on page 246 I find the Speaker of this House announces his committees, but I am not ready, nor am I willing or content, to let it abide there. I find by the record of the Forty-eighth and Forty-ninth Congresses Mr. TURNER, of Georgia, was appointed the chairman of this committee, a gentleman elected by the same sorts of fraud and the same sorts of infamy which returned the gentleman from Georgia [Mr. CRISP] to this floor. If it were an infamy to this assembly to appoint the gentleman from Georgia [Mr. CRISP] I ask gentlemen on this floor whether

it was not an infamy to appoint Mr. TURNER in the Forty-eighth and Forty-ninth Congresses?

I want to give what I believe to be a portion of the unwritten history. The gentleman from Georgia [Mr. TURNER] desired no longer to continue at the head of that committee, and, as I am informed, asked the Speaker to relieve him from the chairmanship. I do not believe that the Speaker was willing to offer an insult to the gentleman from Georgia, but at his own request transferred him to the Committee on Ways and Means; and Mr. CRISP, of Georgia, who was the second member of the Committee on the Pacific Railroads, Mr. Throckmorton having gone out, by the unwritten law of this House became chairman of that committee and should have been appointed. But instead of that, Mr. CRISP was chosen chairman of the Committee on Elections, and the Democratic caucus ratified and sanctioned it, and he became its head. And thus not only was he made chairman of it, but in the cold blood of a Democratic caucus the people of the United States were insulted and outraged by the selection of a man whose own election was challenged by every sense of decency and honor.

Now, sir, I desire to say further that this committee was appointed for a purpose. I find by the records of this House on the 13th day of December, by a resolution presented by Mr. CANNON, of Illinois, this committee was chosen, and on the 5th day of January it was formally announced by the Speaker. I find further that there was a contest in this House, and that the seat of JOHN G. CARLISLE, of Kentucky, was contested. I find, too, that this committee, headed by Mr. CRISP, and selected for a purpose, with undue haste, on the 20th day of January, reported that case back to the House.

Mr. TAULBEE. Will the gentleman allow me a moment?

Mr. KENNEDY. I have no time to yield.

Mr. TAULBEE. I simply desire to state [cries of "Regular order!" on the Republican side] that the gentleman from Kentucky [Mr. CARLISLE] is not present. [Renewed cries of "Regular order!"]

Mr. KENNEDY. I decline to yield. I say that on the 20th of January the committee reported back to the House the case of JOHN G. CARLISLE. Now, sir, on the 23d day of January that case was brought into the House of Representatives, and under the lead, and championed by the chairman of the Committee on Elections, it was decided in favor of the Speaker of this House, the gentleman from Kentucky, Hon JOHN G. CARLISLE.

ROBERT SMALLS CASE.

I ask now that you contrast the action in this case with the action of the same committee in the case of Robert Smalls.

I desire now, Mr. Chairman, to say that the gentleman from Georgia who was at the head of that committee did not treat this case in the same manner and with the same kindliness that he did that of the gentleman from Kentucky. For I find that on the 7th day of December the committee reported the contested case of Robert Smalls, of South Carolina, nearly eleven months after it had reported the case of Thoebe *vs.* Carlisle.

I repeat, that I simply call attention to the fact that on the 7th day of December this same committee reported, eleven months afterwards, the case of Robert Smalls to this House, and on the 13th day of February of 1889, nearly thirteen months afterwards, permitted the vote upon that case.

I call attention to this to show that the Democratic side of this House has never done and never can do justice to the black man upon this floor. [Applause on the Republican side.]

BUTTERWORTH AND YOUNG CASES.

I was speaking of the Carlisle case. [Laughter.] Now, I desire, Mr. Chairman, to refer to an occurrence which took place on this floor in 1879. On the 20th day of March, 1879, a memorial of twenty-three citizens of Cincinnati impeached the seats of BENJAMIN BUTTERWORTH and General Thomas L. Young. No contest had been made, and yet these gentlemen, instead of remaining silent, arose in their places in this Chamber and demanded an investigation at the hands of this House, and the House of Representatives appointed a committee to investigate these two seats, so challenged by twenty-three citizens of Ohio, and at the head of that committee of investigation it placed the gentleman from Kentucky [Mr. CARLISLE], and under his leadership that investigation was had.

MR. CARLISLE'S CASE.

Now, when forty-five hundred Kentuckians stood at the door of this House and demanded a hearing in the matter of the right to the seat occupied by him, what did the Speaker of this House, who was the contestee, do? He remained as silent as the Sphinx, and the committee of this House, headed by Mr. CRISP, of Georgia, reported back and denied the contestant the right to a hearing on this floor.

Other men have been quick to demand investigation when their honor was at hazard. Never but once before in the history of this Government was such a proceeding witnessed.

THE PAYNE CASE.

Mr. Chairman, I say that only once before in the history of our Government has there been such a case as that. I need not mention names, but I may say that my own State of Ohio furnished the unfortunate and disgraceful precedent—when a seat of one of her Representatives in one of the Houses of the National Congress was challenged by her people, not only through her Legislature, but by the governor of the State, acting officially, demanding a hearing and an investigation, when the press of my State of Ohio, secular and religious, Independent, Democratic, and Republican, demanded that that case should be heard. Not only Republicans, but Democrats, State officials and others, demanded that that case should be heard.

But the gentleman himself remained silent, and was content, with lips sealed, to continue to occupy a seat that was clothed with dishonor. That gentleman will go into private life condemned by his political associates and despised by his political enemies, without society save that only which wealth can purchase, too low for pity and beneath contempt. [Hisses on the Democratic side.] I refer now to a case in this House, and I ask is it any wonder that the contestee in that case which was reported upon this floor on the 20th of January last should, after that report was made, be covered with humiliation and shame? Was it any wonder that it required the exhilarating and stimulating influences of Washington and the balmier breezes of Old Point Comfort to restore him to his mental and moral equilibrium?

Mr. Chairman, I leave the question to him, to the country, and to the people of Kentucky. [Hisses on the Democratic side.]

A DISTINCTION WITH A DIFFERENCE.

The gentleman from Georgia [Mr. CRISP] asks whether I have ever been in Georgia. I desire to say to him that in 1863 and 1864, if he had not been moving so swiftly to the South, he might have made my acquaintance in Georgia. [Hisses and jeers on the Democratic side.] I presume, sir, that my standing in Georgia will not be as high as that of the gentleman from Georgia——

Mr. McMILLIN. Or anywhere else.

Mr. KENNEDY (continuing). Because he wore the Confederate gray and I wore the Union blue in that great contest. I have no desire to compare records with the gentleman from Georgia, but I believe that in the estimation of every loyal man in this land my record is as high above his in that great contest as the angels of light are above the angels of darkness. [Derisive laughter and jeers on the Democratic side.]

Mr. Chairman, the gentleman's distinction at home comes from this. His distinction abroad comes from the fact that in this House he is elected by a smaller number of votes than any other man was ever elected by to a seat on this floor, and I trust, sir, that the national distinction which he has thus achieved will never again be achieved by any man within the limits of this great Government of ours.

FAIR ELECTIONS IN THE SOUTH.

The gentleman tells us that the elections are fair and honest in Georgia. I desire to call his attention to the fact that in 1884 4,286 Republicans voted, while in 1886 no Republicans voted in his district. I say that he is impeached by the record of the election in 1886 which comes to us from the State of Georgia.

The gentleman from Georgia does not attempt to answer the statements of facts and figures in my speech of July 12 last, and I challenge him or any gentleman upon that side of the Chamber to controvert or deny them. I have in my hand a list of twenty-five districts which voted in 1886 to return members of this House. That list includes the first and second districts in Alabama, the first and fifth in Arkansas, the ten districts of Georgia, the fourth of Louisiana, the fourth, fifth, and sixth of Mississippi, the first, second, fourth, and fifth, and sixth, of South Carolina, and is as follows:

District.	Democratic vote.	Opposition.
First Alabama	4,120	16
Second Alabama	5,659	None.
Third Alabama	4,660	2
First Arkansas	6,092	None.
Fifth Arkansas	4,746	None.
First Georgia	2,061	17
Second Georgia	2,411	None.
Third Georgia	1,704	None.
Fourth Georgia	2,909	330
Fifth Georgia	2,999	None.
Sixth Georgia	1,722	None.
Eighth Georgia	2,377	55
Ninth Georgia	2,355	11
Tenth Georgia	1,944	None.
Fourth Louisiana	5,747	12
First Mississippi	3,140	27
Fourth Mississippi	2,964	122
Fifth Mississippi	4,289	27
Seventh Mississippi	4,508	6
First South Carolina	3,315	2
Second South Carolina	5,212	23
Third South Carolina	4,402	7
Fourth South Carolina	4,470	None.
Fifth South Carolina	4,696	5
Sixth South Carolina	4,411	58
Total	93,013	720

Twenty-five members of Congress elected by a total vote of 93,733! Twenty-five electoral votes controlled by less than 100,000 votes, who suppress the votes of at least 100,000 colored voters.

In those twenty-five districts, casting ninety-three thousand and odd ballots, the entire Republican vote was 720, an average of 29 votes to a district. And yet gentlemen over there tell us that their elections are free and honest and fair. And in this list I find the district of the gentleman from South Carolina and the district of the gentleman from Georgia. What shall we say to gentlemen who, with the assurance of the thimble-rigger, continue to say that these elections are free and fair?

GOVERNOR LEE, OF VIRGINIA, AT NEW YORK BANQUET.

The other day, at the New York banquet, Governor Lee, of Virginia, made this expression:

It remained with the North to decide whether the national improvement and prosperity can best be promoted by a union of American white-governed States or white American through African sections in the great whole. The whole thing depended upon the South being recognized as a white-governed portion and that there shall exist no African sovereignty. "We do not care to take the tomahawk from the red man and give it to the negro. We have provided for the negro, built homes and schools for him, and given him all his condition requires, but when it becomes a question whether those States are to be governed by blacks or whites, I say," the governor exclaimed, "we want a white government."

I refer this matter to the gentleman from Georgia; and I say to him that the governor of Louisiana, the governor of Virginia, and the governor of South Carolina have made the record on this question; and all of them refute his statement.

Governor Lee wants "a white man's government;" I want an honest man's government. I say to-day that I would rather have an honest black man's government in this country than a dishonest white man's government. [Applause on the Republican side.]

LOYALTY OF BLACK PEOPLE.

I am not here to speak for the colored man; at another time I shall be glad to do so. But I say now that while the begloved and bejeweled fingers of a Southern aristocracy were trying to tear down this Government, were attempting to pull down its flag and clutching like blood-hounds at the throat of the nation, not a single instance can be cited where the colored people of this country, when opportunity offered, were not loyal to the Constitution and devoted to the flag. Gentlemen on the other side may sneer at it as they will, but history will forever record the fact that a black man ran the boats past the batteries at Moultrie; that black hands uplifted and black hands sustained the flag of the Union on the top of Fort Pillow. [Applause on the Republican side.]

ANOTHER WITNESS CALLED.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KENNEDY] has expired.

Mr. PERKINS. I yield fifteen minutes to the gentleman from Ohio.

Mr. KENNEDY. Now I desire to call another witness.

Hon. W. H. Skaggs, a Democrat, of Talladega, Ala., prints in the Montgomery Daily Advertiser the following:

We can not go on forever stealing the negro's ballot. There must be a wiser and more honorable solution of the question. We have gone too far in our election frauds, and soon we shall learn that success founded on fraud can not be permanent. In the black belt, where the negroes are in the greater majority, the tactics by which the negro has been deprived of his vote have also served the purpose of depriving the white men of fair representation. The negro vote has been used to count the South Alabama Democrat in and the North Alabama Democrat out.

I commend this to the gentleman from Georgia, and I commend to gentlemen of the other side the fact that in Arkansas only last week four members of the State Legislature resigned their places because they were there by fraud and intimidation and violence; and I call attention to the fact that the same election which returned them to the Legislature returned a member to this House who has not yet tendered his resignation so far as I know.

A WORD FOR MASSACHUSETTS.

The gentleman from South Carolina the other day referred to Massachusetts. I am not here to defend Massachusetts. Her honored Representatives on this floor and her sons everywhere are abundantly competent for her defense. But I want to say here for old Massachusetts that while she stood at the cradle of liberty and rocked it until it grew into a vigorous manhood, from that hour until the present it can not be said, and history does not record the fact, that a single one of her sons, true as they are to old Massachusetts, has ever lifted his hand against the Constitution or attempted to tear down the flag. They were found on every battle-field from Lexington to Yorktown, and in that later struggle they were found on every field where blood was shed, from Baltimore to Bull Run and from Bull Run to Appomattox. The history of the past will be written, and the history of old Massachusetts will be a part of this nation's great record.

And I want to say to gentlemen on the other side that the Meccas of the future will not be in the Southern clime or under a Southern sun, but will be the sacred resting places of the illustrious and patriotic dead, where Lincoln sleeps, where the silent warrior of the century is resting, and that place on the hillside at Arlington where gallant Phil Sheridan is sleeping. I say to you that in the future there will be lifted above old Bunker Hill and Lookout Mountain and Missionary Ridge and Round Top the record of a nation's glory, and with it the history of old Massachusetts.

Our children and our children's children will stand with uncovered heads where Logan rests, where Prescott stood, and Warren fell.

GENERAL ROSSER AT BALTIMORE.

The other day, over in the city of Baltimore, General Rosser made a speech, and he said:

That it was his purpose to show that the reason the South was able to maintain an unequal combat against the North for years and why the South was victorious in every battle in Virginia from first to last, and finally yielded only to starvation, was the fact, and is still the fact, that a Southern gentleman can whip a puritanical Yankee every time.

Mr. Chairman, at the point of the bayonet and the end of the saber on three hundred battle-fields of this Union we punched that idea out of them. [Laughter and applause on the Republican side.]

I want to tell who this General Rosser is who was never whipped, according to his own statement. He is the man whom Torbert with his Union cavalry drove 26 miles up the Shenandoah, and in that case, with rebels ahead and Union soldiers behind, Thomas L. Rosser, like a good general, led his Confederate cavalry up the valley in defeat.

If I may be permitted to paraphrase a familiar line:

And lo! Tom Rosser's steed led all the rest.

I want to call attention to another thing that General Rosser said; and I wish to say that three United States Senators and a member of this House from Mississippi were present on that occasion. This is what he said:

I feel that I am, and I believe that every brave Confederate soldier living to-day is, more loyal to the constitutional Government of the new United States than are the rank and file of the Grand Army of the Republic (so called), and I believe that we are more loyal to the flag of the new Union than they.

This banner [waving a Confederate battle-flag], under which we so gloriously fought, is now the badge of our loyalty to ourselves. This is the cross which we bore with a courage, patience, and fortitude which entitles every brave, true, and tried Confederate soldier to wear a patriot's immortal crown.

THE MISTAKE OF THE WAR.

Mr. Chairman, England, in her great contest with the rebels in India, blew them from her guns. Germany, after her war with France, compelled the French nation, as an indemnity, to pay the entire expenses of the contest. But after six thousand millions had been expended, after blood and treasure beyond measure had been poured out, this Government extended amnesty without price and without any conditions to the Southern people.

I want to say that I believe that if Lee, and Davis, and Beauregard, and Rosser, men educated at the public expense and who led the young men of the South into rebellion and treason, had been hung to the gibbet, as they ought to have been after that contest was over, they would not now be teaching disloyalty and treason to the young men of the South.

RULE OF THE REBEL BRIGADIER ABOUT OVER.

General Johnson said up to a short time ago in Baltimore that this Government was controlled by the Confederates.

Several MEMBERS. You mean General Bradley Johnson.

Mr. KENNEDY. Yes; General Bradley Johnson.

But thank God, Mr. Chairman, the hour is passing away when they can control this Government. They will be compelled to take back-seats. There is a brighter day coming for the South, freed from the hands of Confederate despotism, rebellion, and disloyalty.

I not only congratulate the country, but I congratulate that side of the Chamber, that they will be freed from the dictation to which they have been subjected for the last two years, a dictation humiliating, not only to this House, but to the entire country. I trust, sir, it will catch the inspiration of freedom.

I desire to point further to the fact, Mr. Chairman, that it comes with bad grace from gentlemen half shot away on rebel battle-fields to come here and attempt to teach us loyalty, and to tell us what our duties are under the Constitution and under the old flag.

A BRIGHTER DAY COMING FOR THE SOUTH.

The South has been throwing away her opportunities. Let them quit sneering at New England. Let them cease snarling at her heels. Let them be inspired with some of New England's energy and enterprise. With a warmer sun, beneath whose rays the earth gives forth her richest fruits, with a softer clime that New England can not know, with a wealth of mines waiting for the pick and drill, with streams and rivers flowing unvexed to the sea, waiting for the spindle and loom, the South has been casting away her opportunities as a reckless spendthrift would throw priceless jewels into the sea. [Applause.]

Let her catch some of New England's pluck and courage. Let her quit whining at New England's wealth and power. Let her quit regretting the lost cause—a cause that went down in dishonor and degradation and death. Let her cease crying forever over her pride, poverty, and despair. Let her imitate Massachusetts enterprise and grit and there will be a Lowell on every river, a Lawrence on every stream. [Applause.] Let her open the doorway and bid wealth and labor come and share with her her richest blessings. Let her accord to all an equal chance in this race of life. Let her cease flaunting her disloyalty in the faces of the people, and learn once for all that the rebellion is ended, and that but one flag is recognized as the emblem of our unity and power.

Let her come to know that slavery is dead and forever buried by the irrevocable enactments of the Constitution. Let her do equal and exact justice to all her people, black and white, rich and poor. Let her assure all within her borders that the laws shall be supreme, that all shall be protected in their rights, that person and property shall be secure, that the privilege of the citizen shall be accorded him in its fullest sense.

Then, Mr. Chairman, this new South will have solved the problem of her future. Then this new South, new not only in name but in spirit, in fortune, in promise, in progress, in wealth and power, will start on the highway to the greatest and grandest march of all the centuries.

> And thus full roused, each giant limb awoke,
> Each sinew strong, the great heart pulsing fast,
> She shall start up and stand on her own earth.
> Then will her long triumphant march begin,
> Thence shall her being date—thus wholly roused,
> What she achieves shall be set down to her.

[Applause.]

Just Pension Laws.

SPEECH

OF

HON. OSCAR L. JACKSON,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 15, 1889.

The House having under consideration bills granting pensions to Union soldiers of the war of the rebellion—

Mr. JACKSON said:

Mr. SPEAKER: It is almost twenty-four years since the close of the great war that suppressed the slaveholders' rebellion against the Government of the United States. A generation has been born and grown to manhood and womanhood that only knows of that great struggle to defend our Government from the assault of traitors and to preserve free institutions on this continent as they read of it in the pages of history or hear the story from those actors who are spared to see the present peace and great prosperity of our beloved land.

The great benefits secured to our nation by that war, in preserving for it "a government by the people," in establishing a respect for law and order, and in the removal of the curse and blight of human slavery, will be better appreciated and higher regarded as generation succeeds generation in after years. We may even hope that some of the far-reaching results of that war will aid in extending the Christian civilization of the nineteenth century which we enjoy to other portions of our race.

But, Mr. Speaker, the character and extent of that war, its cost in money and property, its sacrifices of ease, comfort, health, and most precious human life was scarcely comprehended and realized at the time, but is to-day by a large part of the people of the United States almost unknown. The heroic devotion to the flag, the voluntary relinquishment of the happiness of home and family, the privations and hardships of the march and field, the horrors of the prison pen, the ruined health, the painful wounds of the many times ten thousand individual soldiers never have been, and never can be, fully known.

Still less can we comprehend, as we ought, the sacrifice of the more than four hundred thousand who gave "the last full measure of devotion," their lives, that the Government might live. But I have not words to speak fittingly of the unnumbered homes whose firesides were shrouded in mourning and bathed in tears. The widowed wives, the helpless orphans, the sisters lacking a brother's care, and the aged fathers and mothers who lost the support of their declining years.

This history should be better known. Many of the great lessons of the war are likely to be lost for want of better knowledge of them by the generations that are coming to take our places. If men knew more of the dread realities of war we would hear less talk in this Hall and elsewhere of war as a remedy for trifling wrongs. I call attention to the fact that in the discussions in Congress in the last few years of difficulties with other nations it has not been the men who saw service in the field who hastily suggested our ability to obtain redress by force. This place in the debate has, at least for the most part, been left to those who never advanced with a line of battle under fire and never felt a wound.

We may not expect that in the near future conflicts of arms will entirely cease and nations learn war no more. But war more than ever in the past should be a last resort, accepted only in case of supreme necessity. I count as one of the advantages of our great war that it ought to enable us to maintain peace with other nations for the reason that we have shown the world our great ability to make war in a just cause. This reputation, without doubt, enabled us under Grant to arbitrate the most perplexing question with the strongest of nations.

Never again will ambitious, scheming men be able to organize a rebellion in this country on the theory that the Government will not use the strong arm of force to subdue it. That lesson has been learned for all time. The general bravery and tenacity of the American people has been so well attested it will not be questioned for a hundred years. I wish that the individual character of the best soldiers was as well known. The lesson should be taught in every school-room—that the most intelligent, industrious, law-abiding citizen at home made the most reliable and gallant soldier in the field; that the bravest man in a just cause is the man who has most respect for himself; that the highest type of manhood is that which enables men to endure hardships and make great sacrifices for the welfare of their fellow-men. In every neighborhood the example of its citizens who made these sacrifices should be pointed out to the young to encourage them in unselfish acts for the public welfare and in works of charity and benevolence. Let loyalty to country be taught as a duty, as it should be, and we will never again hear men claiming the action of their State as an excuse for treason and rebellion.

But, Mr. Speaker, whilst this general subject is important and worthy of more consideration than it has received, I desire to confine my remarks more particularly to the question of pension legislation in behalf of the Union soldiers of the war.

NEGLECT OF CONGRESS.

In reviewing the action of the Congress of the United States during the past four years, in which I have been a member, I am forced to the conclusion that it has been grossly negligent in not passing just pension laws for the relief of Union soldiers and their dependent relatives.

The political party that has had a majority in this House and has controlled legislation here is responsible for that neglect. The facts have been well known to every member that the Government, in good faith to the men who saved it as soldiers, should have passed additional pension laws.

The necessities of disabled soldiers and their dependent relatives demanded this. Justice and good policy united in requiring this at the hands of the Government. When the records of the last two Congresses are made up history will record this as their greatest neglect.

The Democratic majority, which has controlled all legislation that has been had, must be held responsible as a party for this, and they are, in fact, responsible for the negative votes that have defeated good bills, and for the refusal and objection to fixing time for consideration of other worthy measures. I know that there have been Democratic members of Congress from Northern States who have been true friends of soldier legislation, but, unfortunately for that kind of legislation, their party and the machinery of this House has been controlled by members from the States that were engaged in rebellion.

So far as I can now recall no Democrat from a State that was in rebellion has in the four years voted for a single general law that would place another Union soldier's name on the pension-rolls. During that time no general law has been placed on the statute-book that would enable additional names of Union soldiers to be enrolled as pensioners. Some few general laws have been passed increasing rates of pensions for disabilities already provided for, and on the passage of these the votes of the solid South will, as a rule, be found recorded in the negative.

We have been accustomed to hear in this Hall most eloquent tributes to the magnanimity and leniency of our Government towards those who engaged in causeless rebellion against it. It must be conceded that our people have been disposed to go to the very extreme in this direction. It is certainly the better side to err upon; but to the broken-down, disabled soldier it must seem a little hard to have just pension laws defeated by Representatives in Congress who only obtained their seats by the leniency of the Government in defense of which he fought and suffered.

AN UNFRIENDLY PRESIDENT.

Whilst I attribute great neglect to Congress for its failure to enact just and reasonable pension laws, to be fair I must charge that we have had an Executive still more blamable who has vetoed much of the legislation on that subject that has been presented to him. I give Congress credit for the passage of a large number of meritorious private bills that have brought joy and comfort to the humble fireside of many a deserving soldier. I know with what patience, fairness, and care the Committee on Invalid Pensions has examined and disposed of these cases.

I give those who have opposed all general legislation the credit they deserve for having permitted as many of these private bills as they did to pass. I have only regretted that the still larger number of most worthy and deserving ones presented to Congress, and which might very readily have been passed, have failed because these men would not permit final action upon them.

I give due credit to the 37 Democrats from loyal States who cast their votes with the 138 Republicans in the Forty-ninth Congress to pass the dependent-pension bill over the veto. That bill was not all I wanted, but it was carefully prepared by men of large experience in

pension legislation, true friends of the soldier, and it would have brought relief to a large number of deserving men.

It is to this day but imperfectly known by the people, but it was a better and much more liberal bill than is generally understood. I believe that a fair and liberal construction of its provisions would have given pensions to a very large part of the men who had seen severe service in the Army. I regard its veto as the most severe blow given from any source to pension legislation during the four years.

My objection to this bill was that it did not cover all cases that deserved pensions, but it was vetoed on the ground that it was too liberal. And the enemies of pension legislation everywhere hailed this veto as an assurance that no general pension law whatever could receive the approval of the present Executive.

Considering his antecedents no one could expect President Cleveland to bring with him to the executive chair any very high appreciation of military service to the country. He had not shown much interest or sympathy in the defense of the flag during the war. But every citizen had a right to expect that whilst he occupied the office he would treat pension legislation, as well as all other kinds, with fairness and dignity becoming the high position he held.

But in this we were disappointed. From the organization of our Government down to the present time no such state papers have ever been prepared as his pension vetoes. You may go over all the vetoes of his predecessors as they are published in book form, and in not a single one can be found a sneer, a coarse remark, or an effort at wit. He is the first to attempt this style of paper, and then to think it is upon the subject of the wounds, injuries, and disabilities of soldiers received in the service of their country!

The vetoes by their substance, language, tone, and temper admit of no construction but that he dislikes all pension legislation. He evidently sees no merit in having served the country in the field; he does not regard it as deserving of recompense because a man was wounded or otherwise disabled in the line of duty as a soldier. They were written, so far as they had a purpose, to please the men who have no desire that the Government should deal justly with the men who saved it.

OTHER OPPOSITION.

To the example set by the President of reckless, unsupported statements, we may fairly attribute many of the city newspaper articles which attempt to throw discredit on all applications for pensions. A very general effort has been made by certain classes of journals to have it appear dishonorable to receive a pension. This is done not by direct charge, but by falsely and maliciously intimating that the larger part of the claims are fraudulent.

I know that the great majority of the loyal people of this country are right on this subject. They heartily approve of just and even liberal legislation. But in the North during the war there was a minority that sympathized with the rebellion and rejoiced at the defeat of our armies. This class are still as ready as ever to circulate slanders against Union soldiers. The strictly commercial part of the country has no conception of loyalty as a principle. To save trade it was ready, as Horace Greeley saw in 1861, to agree to the dismemberment of the country. The valor of our armies protected its property and made it possible to repay with liberal interest the loans made during the war, and now this selfish class complains and objects to doing even half justice to the soldier.

The scheming, selfish office-seeker of to-day who was of proper age to enter the Army and managed by bounties, substitutes, and technicalities to evade military service is jealous of the partiality and preference shown soldiers by the people, and is, of course, lukewarm on the subject. You can find men of this kind in every neighborhood. Many of the younger people of the country, as I have already stated, do not fully comprehend the real services rendered by the soldiers to the country, and for this reason are not as zealous in urging just and fair pension laws as they should be.

AN HONOR TO RECEIVE A PENSION.

Among all civilized nations it is to-day and always has been considered an honor to receive a pension for military services rendered one's country. It is justly regarded as a recognition of wounds and disability incurred in line of duty or of long service. To the American soldier more than any other is it a high honor, for his services were rendered voluntarily.

A pension is not a gift or gratuity. It is a part of the implied contract made by the Government with every citizen when it accepts his service as a soldier. It comes from that high duty devolving on the nation "to care for him who has borne the battle, and for his widow and orphans." So far as it may be regarded as a recompense for services rendered no money is so dearly earned. Indeed, money can not pay men for the injuries of wounds, which every year grow more severe, and no man would consider any amount of it as an equivalent for ruined health or broken constitution.

There is not a man in the sound of my voice that could to-day be hired with any amount of money to take for one hour the risk of being shot, such as the ordinary soldier took for days on a dozen battle-fields; neither would any amount of pay induce men to undergo the horrors of Southern prison-pens. Yet there are now supported as paupers in the poor-houses of this country large numbers of men who for love of their country and its flag faced death on many a battle-field of the rebellion, and for long months endured starvation in Andersonville. It certainly does not require argument to show that the Government owes these men much, the giving of which would be justice, not charity.

PRESENT PENSION LAWS NOT LIBERAL.

Those who oppose pension legislation say the present laws are unusually liberal, but this is not correct. I go further and assert that they are not even just. If a soldier is disabled in line of duty so as to deprive him of his ordinary ability to earn a living the Government ought at least to pay him a pension sufficient to obtain with it the usual common necessaries of life.

If the husband, father, or son lost his life in the service of his country the dependent relatives who have thereby lost their natural support should receive a pension of like character. Will any one dispute either of these propositions? The principal nations of the world, even where they obtain their soldiers by conscription and forced levies, recognize these principles as just and binding upon them. Without considering for the present the defect in our laws, which prevents many deserving disabled men from obtaining pensions at all, let us examine briefly the amount of pensions given those who succeed in having their names placed on the roll, and see whether the amount is liberal.

Without referring to special provisions for specific injuries, such as amputations and helplessness requiring a constant attendant, where larger amounts are allowed, I find that the general law gives every enlisted man for "total disability" incurred in service $8 per month. This is a little less than $2 a week. Does any one think this is unusually liberal?

As I have said, a number of specific disabilities are rated higher, but the great mass of all pensions are rated to-day on the basis of $8 per month for that extent of disability that the Pension Office classes as a total disability to earn a living by manual labor. A mere pittance, not sufficient to furnish food and clothing of the plainest kind for the soldier himself. But if he have a wife or little ones, an aged father or mother, or a helpless sister, who, according to the best attributes of our nature, have a right to look to him for aid and support, he is unable to extend the slightest assistance.

That the Pension Office construes this rule strictly as to extent of disability the published reports leave no room to doubt. From the report of the Commissioner of Pensions for the year 1888 I find that there are 272 men who are rated at $1 per month. How exact the discrimination of a generous Government, which requires its soldiers applying for pensions to prove disability incurred in line of duty by official records, or by at least two witnesses who have knowledge of the facts, examines them by at least one board of surgeons, and grants a pension of 3⅓ cents per day.

Upon 31,392 men, many of whom we may well suppose followed Grant from Donelson and Shiloh to Vicksburg, and Sherman from Chattanooga and Atlanta to the sea, or fought with Rosecrans at Corinth, Stone River, and Chickamauga, the Government bestows a pension of $2 a month—6⅔ cents per day. Upon 68,563 men our Government bestows a pension of $4 per month. Embraced in this number beyond doubt are many of the men who stood in front of Longstreet at Gettysburgh, who dashed with Hancock upon Johnston and Early at Spottsylvania, charged the heights at Fredericksburgh, were at the front at Malvern Hill, Bull Run, and Antietam, followed Sheridan at Winchester, and heard the last shot fired at Appomattox.

I will not stop now to read the numerous other subdivisions of $8 that are allowed as pensions, many of them parts of a dollar, and in several cases even down to the fractions and part of a cent per month. These are the pensions that are bestowed, recollect, only upon men disabled in the line of duty, and they are also the pensions that President Cleveland referred to in his veto of the dependent bill, when he used these words:

> The bounty of the Government in the way of pensions is generously bestowed when granted to those who in this military service, and in the line of military duty have, to a greater or less extent, been disabled.

A most remarkable and unjustifiable statement when placed side by side with the facts. Let the truth be known and it will be admitted by all fair-minded people that so far as the size of pensions is concerned our laws are not liberal, but the very reverse. Indeed a large part of them are so small and trifling that they reflect no credit on the Government that pays them.

It has grown to be a somewhat common expression that our Government has at least been more liberal with pensions than any European government. The people of our country receive so much higher wages than those of Europe and as a class live so much better that it is difficult to make a fair comparison between them. It would be but reasonable that pensions here should be higher than there, but I find that at least in some countries that is not the case. The Republic of France fixes the lowest pension to a private soldier at 600 francs per year, being equivalent to $10 per month. An increase is allowed above this to non-commissioned officers, whilst the United States rates non-commissioned officers the same as all other enlisted men, at $8 per month for total disability.

There is a still greater difference as to the higher offices, France giving an increased pension for all increase in rank. She pays the lowest

grade of lieutenant-colonel $740 per year, and a major-general as high as $2,100 yearly. The United States laws recognize no difference in rank above lieutenant-colonel, and the highest pension paid any officer by general law, no matter how useful or distinguished his services may have been, is $30 per month.

Despotic Russia, when either enlisted men or officers become disabled in her military service, pays them not less than one-third of their regular pay, and increases this, according to disability, up even to full pay. Spain pensions her soldiers on about the same basis; and whilst their applications for pensions are pending she pays and rations them as soldiers, a rule which I have no doubt hastens the disposition of cases.

All countries whose laws I have been able to examine make provision for the widows and orphans of soldiers dying in service, and all provide for a full pension after a long term of service without requiring any proof of disability. These terms of service are generally much longer in time than those of our volunteer soldiers, but as a rule none of them see anything near as much fighting or campaigning in the field as was done by the veterans of our late war.

I have not been able to obtain a copy of the pension laws of Great Britain, but I understand they are as liberal as any I have referred to, and that the British soldier who served with his regiment in India, when he receives a final discharge, comes home knowing he shall receive as a matter of right a pension for life that will at least prevent him from ever being sent to the poor-house.

Our pension laws ought to be more liberal than those of any other country, but taking into account the difference in pay, usual wages, and conditions of the men who have been soldiers I am satisfied our present laws are not so. Indeed, before we have a right to be proud of them they require very great amendment. We pay the largest pensions to men who have suffered amputations of limbs. They are none too large; are, in fact, as nothing compared to the losses for which they are given. The men who receive them are comparatively few in number, and this has always been urged on Congress as a reason for making them liberal. But a much larger number of men whose disabilities and sufferings are fully as great as if they had lost limbs are paid less than half as much.

Nothing but additional laws can correct this great injustice. I concede to the Forty-ninth Congress the credit of giving me and others an opportunity to vote for the law that increased the pensions of widows whose husbands were killed or died from injuries received in the Army from eight to twelve dollars per month, a mere pittance yet. Is there a man on this floor who thinks the sum too large? Yet on final passage of that law a large number recorded their votes against it. We pay the aged father and mother, when the son on whose strong arm they depended for support in their declining years sleeps in a soldier's grave on the battle-field or starved in Andersonville, $12 per month, a little less than $3 per week, for all the necessaries for their support as they linger on the down-hill of life, recalling the memory of their boy who, full of hope and high resolve, went to the Army and came not back again. You will allow me to remind you that father and mother can only at present obtain a pension after they prove that they are without property or other means of support. Still worse is that provision of the law which requires a father or mother, no matter how great may be their necessities now, in order to obtain a pension to prove that they were dependent on their son when he died.

When it is recollected that a large part of our best soldiers enlisted in the Army when mere boys, when their parents were still in health and strength and felt no need of their assistance, but, parent-like, were still striving to aid the child, this provision amounts in many cases to a prohibition. I recall a case in the district I have the honor to represent on this floor where the only child of a widowed mother, a bright boy of sixteen, away from home on a visit, enlisted in a regiment that followed Grant from Belmont to Vicksburg. His comrades buried him on the banks of the Mississippi. For years that mother made every effort to obtain a pension, only to have it rejected by the Pension Office at last. She was very poor; had no means of support but the hardest labor.

It would bring tears to the eyes of almost any one to read the depositions she filed in the Pension Office to prove her dependence on her son at his death; showing by some how her boy had earned and given her small sums when he was a child, by doing chores and little jobs for the neighbors. By others she proved how the boy said when he became a man he intended to go away and work and get his mother a home. After all her efforts she failed, because dependence at date of death was not sufficiently proven to satisfy the law and practice of the Pension Office.

I count it as one of the most gratifying acts of my official life, that without either her knowledge or request I introduced in Congress a private bill which became a law and put this mother's name on the pension-roll. As we hear frequent complaints against Congress for passing so many private pension bills, I cite this as a fair example of the worthy cases these bills provide for.

When a soldier is killed in battle or dies from causes incident to his Army service the law allows a pension of $2 each per month for the support of his babes and little ones until they arrive at the age of sixteen years. This is 50 cents per week less than will pay their support at any public or charity institute in the country.

There are other provisions of our laws on this subject that I would like to call attention to, but time will not permit. If any who hear me are not now satisfied that our present pension laws should not be called liberal I can not hope to convince them.

LARGE APPROPRIATIONS FOR PENSIONS.

It is urged as an objection to additional legislation that our appropriation for pensions is now very large, much more than was paid the soldiers of our other wars. We are told that we pay out annually more than any other nation, and that it is time to stop. It is true we have paid in the aggregate a very large sum for pensions, but it has gone to men who deserved it. We ought to pay out more than was ever paid before and more than any other nation pays, for ours was the greatest war of modern times.

Nowhere else on the earth within one hundred and fifty years have such battles been fought with such great destruction of human life as in America from 1861 to 1865. Never have such large percentages of the men engaged been killed and wounded. No armies have ever fought so many battles in such short space of time.

I recently saw a statement of an English regiment that has an organization dating back for one hundred and eighty-four years. It has inscribed on its banners the names of thirty-eight engagements in which it took part in that time.

We had plenty of regiments that saw more real fighting in four years than this, had more battles to inscribe on their flags, and could show a longer list of killed and wounded. If you compare the war of the rebellion with the Revolutionary war, the war of 1812, and the war with Mexico, they sink into insignificance. *Not only is this the case* in the size of the armies, but in the proportion of killed and wounded.

The average strength of the Union Army in 1862 has been calculated at about 550,000 men. The returns of thirty-nine battles fought in that year, in which the loss exceeds 500 each, make the aggregate of killed, wounded, and missing 138,709. Add to this the casualties in the long list of minor engagements in which the losses were less than 500 each, and it will appear that in a single year about one man in every three who was borne on the rolls was killed, wounded, or taken prisoner. But this was only one year of the war. The following two years the armies were larger, the fighting more continuous and terrible, and the proportion of killed and wounded in the aggregate of losses was larger.

The wars with Great Britain were mainly fought by militia called out by the Governors to meet some emergency, and who, after a short service, returned to their homes. The collisions were only moderately destructive of life. Monmouth was one of the most severe battles of the Revolution. In it the 13,000 Americans had 69 killed and 160 wounded, a much smaller loss than the Union army of three divisions sustained at the battle of Iuka, 19th September, 1862. The Revolutionary army did no more real fighting after Monmouth until at Yorktown, three years afterward. But the three divisions of the Western army that fought the battle of Iuka two weeks afterward, in the battle of Corinth, October 3 and 4, had 30 per cent. of their survivors killed and wounded. In the war of 1812 we had enrolled about 500,000 men. In none of the battles of that war did the loss of life equal an ordinary skirmish in Grant's or Sherman's army in 1864.

The entire loss of that war was 1,877 killed and 3,737 wounded; less than the loss of Grant's army of 35,000 in the two days' battle at Shiloh. The entire loss of the 101,282 men who enlisted for the war with Mexico was 1,567 killed and 3,420 wounded, about what Sheridan's 25,000 men lost in a single day at the Opequan.

In several instances not a single man was killed in all of a State's quota in the Mexican war. Much has been said of the great fighting the Texans did. Texas had in her quota 8,018 men; of these in the whole war 46 were killed and 29 wounded. Many of our regiments lost as much in the late war in a single battle.

Buena Vista is regarded as the great battle of that war. The entire loss of the 5,000 Americans was 746, less than losses sustained by a single division in one day in many half-forgotten battles of the rebellion. In Sherman's army organized for the campaign of 1864, of a little over one hundred thousand men, were the men who in the preceding year had gone through the Vicksburg campaign and fought its great battles. Other portions of it were the survivors of the men who fought and won the great battle of Chickamauga and made the campaign under Rosecrans that secured the starting point of Chattanooga. These united armies, just before starting on the campaign of 1864, fought the battles of Missionary Ridge and Lookout Mountain, which of themselves far exceeded any battles fought on this continent prior to 1861.

On the Atlanta campaign of less than four months Sherman's army had 5,284 men killed and 26,190 men wounded. By making allowances for the non-combatants in the quartermaster, commissary, and other departments, who were not usually exposed, it appears that of the men who carried muskets and carbines and stood by their guns, and the officers who commanded them, more than one man out of every three was either killed or wounded. This makes no account of the thousands who fell by the way or were sent to the rear disabled by sunstroke, disease, and the severity of the campaign, worn out by fatigue, exposure, and the terrible strain of such battles.

The eastern army, under Grant, in the campaign of 1864, was the largest army of the whole war. There is not a shadow of doubt that

it fought more battles and had a larger percentage of killed and wounded than any army ever had in the same length of time that fought under Wellington or Bonaparte. It, too, was composed of men who had in a short time previous seen the most severe and terrible service. Its regiments carried flags inscribed with that long list of battles extending from Charles City Cross Roads to Malvern Hill; from Antietam and Fredericksburgh to second Bull Run. They were the survivors who within a year had fought the great battles of Chancellorsville and Gettysburgh.

The campaign of 1864 was almost one continual battle from the Rappahannock to Petersburgh. In either one of the three battles of the Wilderness, Spottsylvania, and Cold Harbor the Union Army had more men killed and wounded than there are men in an average-sized county in Pennsylvania or Ohio. Yet all of these three battles were fought within a few weeks time. I refer to these two great campaigns because they are better known than others, and yet I am satisfied the greater part of our citizens to-day have no correct idea of the losses sustained in them.

But there are a hundred other battles, East, West, and South, on ocean, river, and field, whose names were scarcely known at the time or are now half forgotten, where smaller armies and detachments did as hard and useful duty and contributed as large a percentage of their number to the list of killed and wounded.

We have gathered in our national cemeteries the remains of over 300,000 of the fallen. This includes the thirty thousand graves at Andersonville and Salisbury; but there never will be known even approximately the number of Union soldiers who went down to death in the slow horrors of the prison-pens at Richmond, Belle Isle, Savannah, Columbia, Charleston, Florence, Millen, and a dozen others.

Thousands stricken in the field reached home to die, and sleep now in every cemetery and church-yard of the North. Every regiment has its list of men in unknown graves. Every soldier can recall the comrade killed in the skirmish or who died in the camp, who was hastily buried uncoffined in field or wood, in out of the way spots, an unmarked grave never again visited by man or woman who knew him. These are the thousands—

> Who are resting where they wearied;
> They are sleeping where they fell.

I call attention to these facts that Congress and the country may not forget the great number of wounded and disabled men who ought to have liberal pensions and who to-day are unable to obtain them. I make these statements that we may to some extent at least comprehend the vast number of widows, orphans, and dependent fathers and mothers who by the war lost the dear one on whom they had a right to rely for support and have for this reason a just claim on the Government for relief.

It is not my purpose to follow at any great length the comparisons of losses in our war with those in battles in other countries. I find, however, from published statistics that at Waterloo the loss was only 12 per cent., but at Shiloh was over 30 per cent. At Wagram, 5 per cent.; at Zurich, 8 per cent.; at Ramillies, 6 per cent.; at Ligny, 6½ per cent.; at Contreras, 10 per cent.; at Marengo, 15 per cent.; at Austerlitz, 13 per cent.; at Magenta, 8 per cent.; at Solferino, 6 per cent.; at Gravelotte, 12 per cent., and at Sedan, 15 per cent. Whilst at Corinth, Perryville, Chickamauga, the Wilderness, and Spottsylvania the average losses of those engaged exceeded 30 per cent.

The regiment with which I served had 45 per cent. of its numbers engaged killed and wounded in one day's battle at Corinth, October 4, 1862. I recollect that on the Atlanta campaign the regiment at one time had casualties of killed and wounded by musketry for nine consecutive days, and suffered severely in different other engagements. I mention this not because it is exceptional, but because it comes within my own personal knowledge. For although the regiment served throughout the war in the general operations of the Army of the Tennessee, and took part in many battles, I know from authentic reports that many regiments, both in the eastern and western armies, had still larger losses. The same bravery and endurance seems to have been exhibited by all our armies wherever they served.

The question may well be asked, What was the cause of such extraordinary fighting and such heroic endurance? Military training and discipline will not account for it. Our people as a class are as brave as the bravest, but they have very little pure military taste. Our armies of more than a million men, at the close of the war, went back to peaceful occupations in the course of a few months.

The best answer that can be given is that our armies were composed of the most intelligent men that were ever organized. To a large extent they entered the Army voluntarily from a sense of duty. They believed that there was a question of right involved in the war and that we must succeed no matter what it cost.

PRISONERS.

The sacrifices and sufferings of prisoners in the hands of the enemy were so extraordinary that in my judgment they should have special laws in their favor. I want to see general laws that will do justice to all, but I hope to see some laws that will give prisoners a per-day allowance in addition for the time they were in prison. They richly deserve it. No part of the sufferings and sacrifices of the war is so poorly known as that which is attributable to the barbarous and inhuman treatment given to our prisoners of war.

This is not the time or occasion to enter upon a statement of the details of these atrocities. I only refer to them so far as they bear on the question of pensions. No excuse ever can be given for the barbarity of starving men when plenty of food was within reach of the authorities having them in charge. Sherman's army found plenty to eat in the vicinity in November and December afterward. History will record that this brutality was premeditated and intentional, for, outside of the question of food, the crowding of men in pens, without shelter, on bare ground too small in extent to even allow them to lay down comfortably, admits of no defense.

I only refer to this subject now to call attention to the great sufferings endured by the soldiers of our Army and to show that our laws are not liberal to them. We have all a general knowledge of the horrors of Andersonville, and this diverts attention from the large number of other prisons, where in the aggregate still greater sufferings were endured. The men buried at Andersonville are only a small part of those who died in prisons during the war. It was used a comparatively short time the latter part of the war, and the men confined there were mostly old veteran soldiers inured to exposure and hardships, so that there is no room to doubt the malicious character of the treatment they received.

I have only time to give a few facts. The stockade was 1,100 feet long and 799 feet wide, about the amount of ground that would usually be occupied for a camp of one regiment of a thousand men with officers' quarters and sinks. Twenty feet inside the stockade was a dead line, reducing its size, and to step or reach across this was to be shot. The only water it originally contained was in a swamp at one end, which reduced the size, was from necessity used as sinks, and soon became one mass of filth. In this inclosure during the months of July and August, under a burning southern sun, without shelter, were confined over 30,000 men, the ground which they could occupy giving scarce room on which they could all lie down at once.

No particle of meat or fresh vegetable was ever issued as rations within the inclosure. But one article of food, such as corn-bread, corn-mush, or coarse beans, was issued in any one day, and that in quantities so small that the men wasted to skeletons and died of actual starvation. When mush was issued one bucketful was all one hundred men received for a day, and this the starving, half crazy men had to divide among themselves as best they could.

This stockade was used from March 1 to November 1, but principally from the middle of May to the middle of September, 1864. The total number of men confined in it was 49,485; the highest number at any one time, 33,006; died whilst in confinement, 12,926. The following are the numbers at end of each month, respectively:

March	4,603
April	9,577
May	18,454
June	26,367
July	31,678
August	31,693
September	8,218
October	4,208

It thus appears that the larger part of the men were there but a few months, but that one man out of every four that set foot within the stockade died and was buried there.

In September and October, when the bulk of the survivors were sent to other prisons to get them out of the way of Sherman's approaching army, they were in such horrible condition that vast numbers of them died on the trains moving them, at stations, or soon after arrival at the prisons to which they were taken. By the records kept by the rebel authorities themselves it appears that of the survivors that remained from month to month there died as follows:

April, one out of every	16
May, one out of every	26
June, one out of every	22
July, one out of every	18
August, one out of every	11
September, one out of every	3
October, one out of every	2
November, one out of every	2

Of the detachments and organizations that were taken there early and remained late by far the larger part died. Of 63 men of Company L, Sixteenth Illinois Cavalry, captured in the West, 48 died. Of 49 enlisted men of Company C, One hundred and first Pennsylvania Infantry, captured at Plymouth, N. C., 42 died, 2 escaped, and 5 were returned to the Union lines. It is a portion of the history of this blackest part of the slaveholders' rebellion that these men, with scarce an exception, enduring their terrible sufferings, remained true to their Government and its flag, refused to purchase food by taking an oath of allegiance to their enemies, and refused even to send a delegation when requested to their own Government asking for special relief.

REASONS FOR GRANTING PENSIONS.

There are many good reasons why the Government should pension the soldiers of the late war. I have already stated that it was a part of the implied contract when the men enlisted that they should be. In addition, by their hard and severe service they have earned it. It re-

quired the highest order of courage and self-sacrifice to enter the Army after the war was fairly begun.

The men who remained at home and now talk lightly of the services of the soldier did not talk that way when the Government was calling for more troops. Nothing could then induce these men to enter the Army voluntarily, and oh, how they did dread a draft! If one of them was drafted he would give all he had, if necessary, for a substitute. Men at home devised ways and means to get others to volunteer, such as had never been thought of for any other purpose.

Men who had generally been supposed to be strong and healthy suddenly developed a multitude of disabilities. Boards of surgeons were besieged by men striving to get exempt. Thousands of men ran off to Canada or the Territories, where they could not be found. Rich men sent their sons to Europe. No one talked then disparagingly about enlisting when every train brought back from the South maimed and disease-wasted men and every day's papers told of slaughtered thousands, while sad-garbed mourners going about the streets and homes robbed of their firstborn were confronting them on every hand.

If the soldier did not lose his life or health he earned a pension by his loss of the comforts of home and ease, by his endurance of the hardship and privations of the service. The pay he received was merely nominal; he could save scarcely any of it. Men went from the best employments, trades, business, and professions in life. They received far less pay than common laborers at home. During the war was the best time to make money that has ever been in this country. The men in the Army lost this opportunity, and the men at home had all the benefit of it. The service of the soldiers saved to the Government and the nation in money, stores, and public lands vastly more than pensions to all of them would amount to.

Every soldier who served any considerable time exhausted his vitality and lessened his ability to earn a living after he reached home. Years of exposure, sleeping on the ground in cold rain and storm, without fire, shelter, or sufficient clothing and covering, must wear out a man very fast. Add to this the most severe fatigue and exertion, night after night without sleep, for long periods deprived of food and drink, at no time receiving nourishing palatable food, and for the most part receiving what he did at irregular times, carrying a heavy load of gun, cartridges, rations, and knapsack on long marches in mud and dust, over hills and through swamps, and you can understand how the youngest, strongest soldiers came home broken in health, and grow prematurely old.

Every man who was in prison any considerable time is permanently disabled; they are all physical wrecks. It could not be otherwise, and this fact is apparent everywhere. The common experience of all soldiers is that every man who has a wound finds it growing worse and worse every year. Each season it hurts him more. The number of men who have died since the close of the war of wounds received in battle is very large. It may be fairly said that every wound deprives a man of a portion of his vitality, and unless he can save himself in some other direction, inevitably shortens his life to a greater or less extent.

There is one way that men were injured in the Army that I think has never been sufficiently taken into account. I mean the nervous strain and exhaustion of battle. At the time the men themselves did not observe its effects. At home a man who encounters a single instance of great peril and bodily danger frequently receives a shock that gives him a spell of sickness or unfits him for his duties for a considerable time.

In the Army, under a high sense of duty, men met these perils and dangers frequently and bore up under them. But this must have been a great tax on men's health, and oftener than has been allowed the cause of men breaking down and yielding to disease. When you think of the long, continuous endurance of battle and danger, such as at Vicksburg, Atlanta, and the Potomac campaigns, it must have told fearfully on the health and nervous systems of all engaged.

All these things combined explain why so many soldiers came home at the close of the war in apparent fair health and soon after began to break down. The incidents of the service had exhausted their vitality, broken their health, and brought on nervous disorders that shorten their lives. The soldier finds himself suffering with numerous different ills and disabilities. It is exhaustion, the result of his severe service, simply attacking the parts it finds weakest. He finds himself each year getting worse and less able to follow his usual business.

He knows his disability in some way originated in the service, he is unable to support himself and make money like his neighbors, and he applies for a pension. He knows that we already have laws to pension men for disabilities received in the Army, he knows he received his there, and he commences the very difficult task of proving the particular time, place, and circumstance of the origin of the disease that is now disabling him.

DIFFICULTIES IN OBTAINING PENSIONS UNDER PRESENT LAWS.

All laws now in force granting pensions to soldiers of the late war require that disability incurred in the service shall be proven.

The impossibility of securing the proof required by the Pension Office of matters that occurred twenty-five years ago prevents a very large number of the most deserving men from obtaining pensions at all. Many of the rules of the office are harsh, arbitrary, and unjust, and the strongest argument in favor of additional laws is that many of them are justified by the present law. Some of them, however, could be, and ought to be, changed at once.

In proof of a disability the Pension Office requires, if the applicant can not obtain the testimony of an officer, that every fact must be sustained by testimony of two enlisted men. No other tribunal makes such a discrimination as to the value of testimony. Every witness's testimony should be considered as to his reliability, intelligence, and means of knowledge. In most cases a soldier's comrade had better opportunity of knowing when and how he was injured and when he took sick than his officer.

The officer had to do with a large number of men; he could not see or know all that was going on. It is impossible for him to recollect the vast multitude of incidents of a campaign, still less of three or four years' service. On the march, the skirmish line, and battle-field the officer's duty was with the living fit for duty. From necessity the disabled man, whether from bullet, shell, exhaustion, sunstroke, or other sickness, dropped by the way or was carried to the rear. A good officer on duty has but little opportunity at the time to know particulars of injuries to his men. The most intimate comrade frequently could not stop to even see how seriously a soldier was hurt, but the better qualities of human nature induced him to make all efforts afterward to learn what he could of his friend's condition.

The old rule of treating an officer's testimony as worth twice as much as an enlisted man's should have no application in our army of volunteers. There were just as reliable, intelligent men in the ranks as had commissions. Their social, business, and moral standing at home since the war, as a rule, is as good. In no court or tribunal except the Pension Office is this distinction recognized.

Too much weight is given to what is called record evidence, which includes the hasty, careless, and often negligent entries on hospital books and memorandums. It is proper these should be considered *prima facie* evidence of the character of injuries. But I have known a case where a soldier wounded in battle, as was well known to his comrades, was unable for years to obtain a pension because when he was placed on a hospital steamer, with hundreds of disabled men, a hospital steward marked opposite his name by mistake "fever" instead of gunshot wound.

The difficulty of men recollecting at this late day the time, place, and circumstances under which soldiers were hurt or took sick renders such proof very difficult in any case. But when you consider that by far the larger part of the surviving soldiers of the war have changed their places of residence since the war, and that a very large part of the witnesses are already dead, it ought to satisfy any one that to require positive proof amounts in most cases to a refusal of the pension.

There are thousands of good soldiers who went to the Army young and strong. They returned at the end of their service, or sooner, broken down, disabled, mere wrecks, the direct result of disease, exposure, long fatigue, insufficient food, want of rest, and the terrible nervous strain of battle. The best of them bore sickness and injuries uncomplaining, refusing often medical attendance in camp, and, with a soldier's dread of hospital, dragged themselves along with their regiments, scarcely allowing the comrade with whom they messed to know of their suffering. These men, of course, have no hospital records.

They have not seen a well day since they returned to their homes. They are unable to compete with their more fortunate neighbors in the struggle of life. They endure poverty uncomplaining, just as they endured their sufferings in the field. Many of their applications for pension have been rejected for want of sufficient proof, whilst thousands of others are still pending. Every Congressional district in the North has several hundred of these cases.

Year after year as we inquire as to the condition of these claims we get the same answer, that the Pension Office is still waiting for proof by an officer or two comrades who have personal knowledge of the facts, of the particulars, when, where, and under what circumstances the claimant incurred the disabilities. He has no hospital record, and no presumptions are allowed in his favor. He may have started on the campaign sound and well, did long and severe service, and at the end have in his body every evidence of disability.

Yet this generous, liberal Government will not pension him now in his need unless he can prove the very particular time and circumstance under which he contracted fever at Vicksburg, incurred rheumatism on the Atlanta campaign, show the particular one of the many campaigns in Virginia that brought on the disease that is carrying him slowly to his grave, or how six months or more starvation in prison happened to break down his health.

Every member of Congress who hears me knows I do not overstate the facts. I think our present laws ought to be more liberally administered; but the only safe plan is to pass additional laws that will render these things impossible.

THE VIGOROUS AND STRONG ENTERED THE ARMY.

It was the most healthy, strong, and vigorous men that entered the Army. The men of most enterprise and energy. None other could have endured the exposure, fatigue, and privations. As it was, vast numbers died of exhaustion. The presumption ought to be that those

who survived these severe services and got home were certainly healthy men when they entered the Army. I insist it would only be fair wherever you find one of these old soldiers disabled now that he should be given a pension sufficient to keep him from want without asking him to prove the particular place he incurred his disability. The truth is all who saw any considerable service are in fact to a greater or less extent disabled by it. Few came home after long service without bringing with them the seeds of disease in their bodies.

SMALL NUMBER OF PENSIONS NOW GRANTED.

Many people have an idea that we have already granted for disabilities a large and liberal number of pensions, so that they think most all disabled men are receiving pensions of some size now. This is a great mistake, and a single statement ought to correct it. It is a well-established fact that in battle about four or five men are wounded to every one killed.

It is fair to conclude that at least four to six men would be disabled by disease and be injured in health in the service to each one that died of disease in the service. Yet there have not in all been granted pensions to Union soldiers on account of wounds and disease contracted in the service to a greater number than there were men killed and died of disease whilst in the service. This shows beyond question that a large number of wounded and disabled soldiers are not yet pensioned. The difficulties in obtaining pensions under the present laws have prevented many worthy men from applying, others can not obtain evidence to complete their claims. The last report of the Commissioner of Pensions shows that 131,773 applications are pending and undetermined, whilst 106,784 have been rejected. Pensions granted since 1861, in all, 403,267. The number of soldiers who lost their lives in the Army will exceed this latter number.

NEW LAWS.

Mr. Speaker, I thank the House for the courtesy that has enabled me to present my views on this important question at such length. I propose briefly to state the legislation that I believe justice and good policy demand from Congress. If pensions, as at present, are to be based on disability alone some very important changes should be made in the law. Among these changes I would suggest:

First. That active service in the field should, in the absence of fraud, be conclusive evidence of soundness prior to enlistment.

Second. That evidence of enlisted men should be put on an equality with that of officers, and each be tested by their means of information and credibility as men.

Third. That official records should be considered only as *prima facie* evidence, and that when the soldier desires to either correct or disprove such records that he shall, on request, be furnished with their contents. At present when the records do not agree with the proof as to how the soldier was hurt he is simply informed of the fact by the officials in charge, and that the Government declines to furnish an applicant a statement of the record or with information to enable him to contradict them; in short, that the Government will not aid him in making out a case.

Fourth. That one credible witness of good character to any fact shall be sufficient when the circumstances show that it is not practicable to obtain two.

Fifth. That the applicant for a pension shall be permitted to testify in his own case and his evidence be received as it is in courts of justice, subject only to his credibility.

Sixth. That the arrears-limitation act shall be repealed and all pensions date from discharge of the soldier. The Pension Office requires the soldier to prove that his disability was incurred in the service. He must further prove that it has continued every year since his discharge, and it is but simple justice that he should have a pension during all the time he has been disabled.

Seventh. That fathers and mothers shall not be required to prove dependence at death of the soldier. Dependence now is all that should be asked. That the widows of pensioners shall continue to draw the soldier's pension without being required to prove that his death was caused by injuries received in the service.

That the lowest pension given any soldier shall be $8 per month. That no longer shall a soldier be insulted by having his disability from wounds or disease rated at 3 or 6 cents per day.

Eighth. That a sound man who entered the Army and did good service if he is now disabled should have a pension without being required to prove when and where he contracted disease and disability, as this is now almost impossible to do.

EQUALIZATION OF BOUNTIES.

At this point I would suggest as further appropriate legislation that our bounty laws should be amended so as to pay men who entered the Army in the early part of the war as much bounty as those who enlisted later. Let the bounty by the General Government be equalized and paid in proportion to the length of time each man served. As it is now, the men who went out early and did the longest, hardest part of the service received the least bounty. This is an unfair discrimination against the men who were most prompt to come to the help of the Government.

UNFAIR TREATMENT OF CLAIMANTS.

It seems to be the general practice of all Departments of our Government to refuse to give claimants information of what the records show in regard to their claims. If the books and records show conclusively that a citizen has a good claim, and that the Government is plainly indebted to him, no official is allowed to so inform him. Indeed, Government officials in the Departments at Washington seem to consider that it is not so much their duty to properly adjust and settle honest claims as it is to prevent, so far as they can, any claim whatever from being allowed against the Government.

I have at different times on this floor denounced this practice as a species of dishonesty on the part of the Government and beneath its dignity. This rule works particularly hard with the soldier who is applying for a pension. The records in the field were made out hurriedly, frequently very carelessly, but the Pension Office attaches great importance to them; too much, I think, in most cases. The private soldier had no means of knowing their contents at the time, and the Government has had exclusive possession of them ever since.

So far as the practice I have referred to is concerned I do not think the Pension Office is any worse than other Departments of the Government. But I want to call attention to a matter of legislation that expressly discriminates against soldiers' claims. It is a well-known general proposition that a citizen can not maintain a suit against the Government without its consent; that no matter how just and honest a claim he may have against it he is compelled to abide by the willingness, equity, and good faith of the Government whether it shall be paid or not. The result was that with the limited discretion allowed to officials by law and practice in the early history of our Government very great injustice was done many claimants of all classes.

To remedy what was admitted to be a great evil Congress created what is known as the Court of Claims. In this court any citizen who alleges that the Government owes him for services rendered in any capacity, for goods sold and delivered, or for almost any other cause, is graciously permitted to appear and prosecute his suit against the United States. The court will hear, determine, and decide according to justice and equity. In this court, from time to time, appear men whose claims have been refused by the Treasury, Quartermaster, and other Departments of the Government of the United States, and if they can succeed in showing a just or equitable claim they obtain a judgment against the United States.

But in the act of Congress giving this court jurisdiction it is expressly provided that claimants for pensions shall be excluded. Can any one give a good reason why a claim for pension for wounds and disability incurred serving the Government in the Army, rejected by the Pension Office, should not be as sacred as one for a clerk's salary, or for transporting the mails in time of peace, or for beef, hard tack, or mules sold in time of war? But so it is written. The broken-down, disabled soldier is not permitted to enter the court where other claimants go as a matter of right. In the language of the law this court has jurisdiction to hear and determine—

All claims founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an Executive Department, or upon any contract, express or implied, or for damages liquidated or unliquidated, except for pensions.

NEW SYSTEM OF PENSION LAWS.

Mr. Speaker, the new legislation which I have now urged upon the attention of Congress is all in the line of amendments to our present system based on the disability of the soldier. I have done this because it would meet the worst objections to our present laws, and because it would seem easier to amend them than adopt an entire new system, and I have seen the difficulty of getting any legislation.

The more important of these changes I have repeatedly advocated on this floor. It would be a great gratification to me if I could see them enacted into law. They would bring relief to many thousand soldiers and their dependent relatives who are suffering from the neglect of the Government. The importance of early legislation can not be overestimated. On scarcely any subject is the importance of time so great.

In my judgment, however, it would be still better if Congress would adopt an entirely new system of pensioning soldiers of the late war, based on the service of the soldier, and give pensions to all. At this time I can not enter very fully into the details of this subject, but I submit the following as the general features of a system that I think Congress should adopt:

First, give a minimum pension of $8 per month to each soldier who served at least three months. To those who served longer than three months give an increased amount per month for each additional month served, so that the men who served longest would receive the highest pension. Give also an addition to the pension, within certain limits, for specific disabilities incurred in the service. To those who served less than three months and were actually disabled in service give a pension according to the extent of disability. Give additional above the minimum to those who were prisoners, or pay them a per day allowance for the time they were in prison.

This system would embrace all the advantages to men who served long terms of what have been called the one-cent-a-day graded pensions, but remedies the great defect in those bills which give but a trifling pension to men who served short terms. As a rule, the men of long terms are most disabled and should have the largest pensions. But many men of short terms saw very hard service, were good soldiers, and

should be fairly provided for. A minimum pension of $8 per month to every man who served his country at least three months, with increased rates on the basis I suggest, will be sufficient to keep all from want, and is no more than a fitting recognition of the services rendered.

The Government owes this much to her soldiers, is well able to pay it, and, in fact, considering the services rendered, it is not as liberal pensions as have already been granted to the soldiers of other wars. For any service, no matter how short, in the Revolutionary war, fourteen days' service or one day's participation in battle in the war of 1812, a pension of $8 per month was granted. For sixty days' service in the Mexican war, even if the time was put in going or coming, or in camp, a pension of $8 per month is granted for life. Many soldiers who are receiving pensions under this law never even reached Mexico, and four years fighting afterward against the Government in the rebel army does not deprive them of it. The President who approved this bill vetoed the one which would have pensioned disabled Union soldiers.

It is objected by some that a service pension will give poor soldiers as much as good ones. That is true to some extent; and so will any system, but it is not a good reason for neglecting to pension the deserving. As well might you have refused to pay a regiment in the field because some worthless men would get pay as well as the best. No system is perfect, and a service pension will come nearest doing justice to all, is least difficult to adjust, and can largely be granted from an inspection of the rolls. It would save soldiers a large expense and trouble from hunting witnesses and save the Government the expense of keeping at least a thousand clerks and special examiners.

The President, in at least one of his numerous vetoes of pension bills, says that it is now too soon to give pensions for services in the late war. That means wait until the larger part of the soldiers are dead and past all need of a pension. Why do this? Because it will cost less. A most cruel and heartless reason. A service pension granted any considerable time after this will only reach those who were last to enter the Army or saw but little service. The men who endured the long campaigns, won the great battles, and suffered most severely will nearly all be gone. The opportunity for the Government to do justice is fast passing away.

In the last year ten thousand of the old veterans went to their long homes and joined that grand army of five hundred thousand who sleep the sleep that knows no waking. Many of them died in poverty, their last days embittered by the thought that the Government they gave their best days to serve had neglected them. They are beyond care and trouble, and no poor-house has now a dread to them.

It is a disgrace to the Government of the United States that twelve thousand men who wore its uniform as soldiers and followed its flag in the great war are to-day supported as paupers.

This is a shame, I am told, no other great nation bears. France allows no soldier who has upheld her honor in battle to be treated as a pauper. Selfish Britain and Imperial Germany follow with a tender care the declining years of every son who has served them in the field. We can not disguise the fact, and future generations will know it to our shame, that many of our soldiers who served their country, to the sacrifice of health and worldly interest, have been compelled to seek shelter in the poor-house.

I am greatly concerned for the future welfare of my country when I contemplate the record it is making in this respect. Each generation that follows us will have its perils and trials to encounter. We hope and trust that peace may long be within our borders. But who knows? It may not be many years till the Government will need soldiers as bad as ever it did.

Men may be appealed to, just as they were in our time, to risk their lives in battle, to exchange home and comfort for the privation and exposure of the field, and to endure the horrors of other prison pens. Possibly the protection of wives and little ones, the safety of homes, and the very existence of Government, law, and order may induce patriotic men to again risk all and give all.

But who will then address in eloquent words the departing company or regiment and assure its members that a grateful Government as a reward for their services will care with a liberal hand for the disabled soldier and his dependent relatives? The page of history will make such addresses sound like mockery. How could you again expect to put a million volunteers in the field if you do not do justice to the soldiers that did serve you?

It is now too late to remedy the neglect of the last few years, but a patriotic people may forget this if we make prompt provision for the present and the future. What is done should be done quickly. Dependent fathers and mothers are generally above three score and ten. In the course of nature they can only be with us a few years more. The widow with children she is striving to preserve a home for must have it now if it is to be of any use to her. The soldiers of greatest service will not want your bounty but for a few years at most, and their number is growing less at the rate of ten thousand a year.

No one except those who have kept a record of the survivors of some company or regiment since the war can have any correct idea of how rapidly the men who saw severe service in the field are passing away. I am confident that if a census of the survivors is taken by the Government next year, as is now contemplated, that it will be found that the popular estimates of their number have been far too large.

The money required to pension all the soldiers of our Army is not as large a sum as is sometimes represented; but no matter what it costs, the Government owes it to itself to do justice. We have the money. It is not lost when paid out in pensions; it is most evenly distributed in small sums, is used in the purchase of the necessaries of life, and at once goes into circulation in every neighborhood into which it is sent.

DEBTS WE PAY.

War can not be carried on without money. Ours was the greatest war of modern times, and no nation ever borrowed as much money as we did in the four years of war. No nation has ever paid off a great debt like the United States has done since 1865. We announced to the world that we could and would pay all our debts promptly. We have already paid in round numbers to the bondholders of debt and interest the enormous sum of $3,652,000,000.

We have the money and are ready and willing to pay more. But the bonds are not due, and their holders will not sell except at a large premium. We are paying back all the money we borrowed and heavy interest with it. This is right; we ought to pay our debts. But is not the debt to the soldiers just as sacred as the debt to the bondholders? Was not the service in the Army fully as important as the service of loaning money? Was not the promise in 1861 to 1865 to care for the soldier, his widow and orphan, if he would go to the front, just as loud and as positive as the one then made to pay the 5-20 and the 7-30-bonds?

The Government has only paid out about one-fourth as much for pensions as it has for bonds, but we hear men who demand we shall pay every bond with full interest in gold say it is time to stop this pension business. Why do they not say it is time to stop paying bonds? There were two classes of creditors to the Government. I insist we should pay both. One gave money, the other gave ease, health, limbs, and life. Which is most sacred? Which required most sacrifice to give?

Mr. Speaker, when our scarred and veteran regiments, with thinned ranks, carried their tattered battle-flags in front of the Capitol at the grand review after the war I recall one banner which we passed that had inscribed on it:

The only debt the nation can never pay—gratitude to its defenders.

This noble sentiment had been made familiar to soldiers in the field by the public press, by addresses, and private letters. Good Abraham Lincoln sent the thanks of the nation to the soldiers on many a battle-field, and they were not surprised to meet in this public manner such kindly greetings on their return. More than this, they believed it to be the general feeling of the people toward them. But times are changed. To-day in the Congress of the United States it is necessary to plead for justice in behalf of the maimed and disabled men whose valor saved the Government from destruction.

There was a day when Congress would have pledged all the revenues of the Government to the soldiers for pensions if they would only bring back the flag in honor.

Gentlemen, they brought it back not a star erased. They placed it where it waves and will continue to wave, honored on every sea and the symbol of authority and power over the whole land. They brought it back cleansed from the stain of slavery and hallowed by the blood of nearly half a million men, who died that the Government might live.

All I ask for the memory of the heroic dead is that history shall record that they were right and that the cause for which they fell was just and noble. Our duty is to the living; with them we should deal liberally. I have asked for them, as I firmly believe, nothing but justice.

Grants of Public Lands in Aid of Railroads.

REMARKS

OF

HON. OSCAR L. JACKSON,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, June 22, 1888.

The House being in Committee of the Whole, and having under consideration that part of the sundry civil appropriation bill relating to surveys of public lands—

Mr. JACKSON said:

Mr. CHAIRMAN: I move to strike out the last word.

I desired yesterday to submit some further remarks than I did relative to the public lands for the purpose of having printed a collection of the acts making grants of land to corporations, and especially to railroads, but the number of gentlemen who sought the floor was so great I could not secure a hearing before the time for debate was exhausted. I think a correct statement of the facts will show that it was the Democratic party which originated the policy of making grants of public

lands in aid of the construction of public works. I am not proposing to discuss the question whether it was justified in what it did or not. But I am not willing that the oft-repeated claim of the Democratic party to be the only real protectors of the public domain should go unchallenged.

I am not to-day prepared to submit full lists and statements, but I would like to be heard briefly on the subject. I think it is due to the facts of history that there should be incorporated in the debate which took place on yesterday upon this question a statement showing what party was in power and had control of the legislation of this country when the policy of granting public lands in aid of corporations, and especially to railroad corporations, was first introduced. After the assertions we have heard of Democratic purity, it perhaps would be received, Mr. Chairman, with somewhat of surprise when the real facts become known that the original acts inaugurating this policy were passed prior to the induction into power of the Republican party in 1860. But such is the truth. It is beyond question.

Why, the very act—the well-known act, granting to the Illinois Central Railroad Company lands for the construction of that public highway, the grant being combined with a large number of grants which became known, not always in very complimentary terms, as a "combination," and which enabled all of these acts to become laws, was passed by the Democratic party. It may, perhaps, excite some surprise to know, after what we have heard on the other side, that it was the settled policy of the Democratic party at that time (and this is beyond any question) to grant lands for such purposes. I was a little astonished yesterday at the attitude assumed by the gentleman from Illinois and others. Of course I knew that his party had been trying to make capital of such claims. But he is usually so fair and accurate in his statements that I did not expect him to follow his party in this line.

Mr. TOWNSHEND. Will the gentleman permit me?

Mr. JACKSON. No, sir; I can not yield, my time is so brief. If I had the time I would do so cheerfully.

Mr. TOWNSHEND. I merely want to say that there was not a single acre of land granted to the Illinois Central directly when the Democratic party was in power and control of this Government. There was a grant to the State upon the express condition that if used for railroad purposes within the State, such road should pay 7 per cent. of its gross earnings.

Mr. BUCHANAN. Where is the difference? Was it not a grant?

Mr. JACKSON. The gentleman from Illinois has simply anticipated what I was about to say, and what he would have heard if he had only waited patiently for a moment. I know that the grants were made in the name of the States for the very reason that the gentleman's party, in power at that time, desired to make the power of the States as great as possible. The gentleman's party was at that time so imbued with the importance of this State power and States rights, under color of which the leaders of the party were at that very time plotting and seeking to overwhelm the country in war and break up the Union, that they were willing and anxious to add to this power by every possible means. It is no credit, but to the shame and disgrace of the Democratic party that this was done in that manner.

But whilst the grant was made through the State for the purpose, as I think, of magnifying the importance of the State as against the General Government, yet gentlemen interested in this railroad legislation took great care to see that the legislation was so guarded—yes, I may say so carefully guarded—that the lands donated to the States could only fall into the hands of the railroad corporations. In all of these grants there was an express provision somewhere that the States must apply the lands to the construction of railroads. The result is well known. These lands were donated to railroad companies with a lavish hand with but few safeguards. To-day, after a lapse of some thirty years, many of the roads are not yet built, and apparently never will be.

"But, ah," said the distinguished gentleman from Indiana [Mr. HOLMAN] on yesterday, whose long experience in this House has made him especially acquainted with all subjects of legislation and capable of talking upon them intelligently, "when the Democratic party in 1860 resolved that the Government should lend its aid in the construction of railroads throughout the country they did not mean by the donation of lands." I ask, Mr. Chairman, what had the Democratic party to give but the lands?

The gentleman very well knows that what I have stated is true—that his party had been making these immense grants through the States. His remarks remind me that the party had, I believe, announced in its platforms that it was in favor of giving aid to public works. For years his party had been granting lands in this indirect way to construct railroads, and at that time the Treasury was bankrupt.

We all recollect that the Democratic party left the Treasury at the beginning of 1861 empty. For the preceding few years the country had been passing through a panic. Buchanan's administration had great difficulty in getting sufficient money for the ordinary expenses of the Government.

What had it to give railroads to aid in their construction, except lands? Why, nothing; not a dollar.

Gentlemen say that when the grants were made to the Pacific railroads by Congress that the Democratic party opposed them. To some extent that is true. They were in a minority then, but I do not believe the party can get much credit for principle on the ground that they opposed what the Republican party was doing.

It will not do for the Democratic party to quote its negative action in the later years following 1861 up to 1864 or 1865, for the purpose of proving anything. It does not do them justice, I repeat, to quote their negative votes, for they were in the habit of voting "no" on all important questions about that time. You can not take up any important legislation in that period covered by the years 1861 and 1865 without finding that party recorded solidly in the negative against it, and I apprehend if it had been proposed at that time to re-enact the Decalogue that you would have found the Democratic party voting "no" and appealing to the platforms to sustain it.

Mr. BUCHANAN. And to the record.

Mr. JACKSON. Yes; and as my friend suggests, appealing to the record.

But I simply want to call attention to these land grants, showing the action of the Democratic party upon this question. At some future time I may publish some statistics in detail upon the question. The Republican party, it is true, under a policy sanctioned by the highest and best men throughout the country, made grants of land to railroad corporations for the construction of railroads. It was in the midst of war. Lines of communication to the far West were needed. They resulted in the great development of the country.

I think it is likely that at this late date we can see where some mistakes were made. With the light of experience we could guard against difficulties that have arisen. Some, I doubt not, now think that these grants were mistakes in the light of recent events; but conditions have arisen since the grants were made that none could have foreseen at the time the grants were made, and we are not now actuated by the motives which actuated the men who voted the grants between the years 1861 and 1865. The afterthought is simply better than the forethought.

Immigration.

REMARKS
OF
HON. RICHARD GUENTHER,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 26, 1889,

On the bill (H. R. 12291) to regulate immigration.

Mr. GUENTHER said:

Mr. SPEAKER: In a minority report, as a member of the committee to investigate immigration, I have briefly stated the main reasons that prompted me to dissent from the views of the majority.

I am ready to go as far as any reasonable citizen to restrict, and if possible to suppress entirely, the immigration of all people whose presence would deteriorate our political and social structure. I object most emphatically to having our fair land made the dumping-ground of all the undesirable elements of other countries. I do not want to have all the refuse, the scum, the despicable, vile, and worthless elements of other nations unloaded upon our shores. I do not want to have this country continue to be the shelter of the thieves of foreign countries, the Canada of their defaulters and cheats, a safe haven for all their rascals, and an asylum for their paupers, idiots, and lunatics.

Every country owes it to its own welfare, its integrity, and prosperity to refuse admission to debasing foreign elements, and any measure having this in view will meet with my unqualified approval and heartiest support. I stand ready now, and I always did since I first entered this House as a member of the Forty-seventh Congress, to remedy all defects in our immigration laws and to place immigration under strict Federal surveillance, and in doing so I know that I voice the sentiment of a vast majority of our population, both native and adopted. I propose, in common with the American people generally, in common with the millions of foreign-born citizens, to discuss this proposition to regulate immigration from a calm, unbiased, patriotic, and statesmanlike standpoint.

It is far from my purpose to indulge in flattery, praise, or adulation of those who, like myself, are adopted citizens. In view of the fact, however, that recent occurrences in Samoa have not only aroused the patriotism, but to some extent also the prejudices of a certain class of the American people against a portion of their adopted fellow-citizens, I feel it my duty to assert the truth that the great mass of our adopted citizens take as keen an interest in our welfare, in our national honor, in our dignity, in our prosperity, in our greatness and supremacy, as those whose ancestors landed at Plymouth Rock. It is true that blood will tell. A foreign-born citizen will sympathize with his kin on the other side of the Atlantic when they are in distress; his heart, his

soul, his best wishes will go out to them when they are battling for their rights. He will share the joy of his kinsmen across the water when they triumph over their enemies in a just cause.

But when there arises a question involving the rights, the honor, the dignity, or the welfare of the United States, the country of their choice and adoption, as against any other nation whatsoever, you will find the adopted citizens where they belong, standing shoulder to shoulder with the native-born American, yielding to no one in devotion to their country—this country, America—ready to sacrifice as much as he whose great-great-grandfathers, or even their ancestors, came as immigrants. The foreign-born citizen utterly repudiates the idea that the patriotism of the American citizen, whether native or adopted, should be measured by the length of his residence in this country or by that of his ancestors.

I make these remarks in view of the utterings of certain newspapers and people who in connection with this question of regulating immigration have intimated that Americans, meaning native-born only as distinct from adopted citizens, should frame a law for this purpose or are alone competent to do so. These bigots seem to think that the adopted citizen has not the same interest in our national prosperity as they; that they hold a first mortgage upon every idea for the promotion of our welfare. I think that that kind of talk ought to cease, because it has no foundation in fact. The great mass of the foreign-born citizens take the utmost pride in the country of their adoption.

Their aim is to contribute all they can to make this country a model republic; their desire is to make the word "American" the synonym for intelligence, enterprise, prosperity, happiness, humanity, and for law and order. They have no sympathy whatever with lawlessness, whether committed by the McCoys of Kentucky, the White Caps of Indiana, the assassins of Colonel Clayton in Arkansas, or by criminals of their own nationality. When a handful of crazy anarchists preached their pernicious doctrine on the Haymarket in Chicago, and some fiend, more devilish than the rest, threw that bomb, these zealots, who look upon every one not born in this country as a barbarian, wanted to hold the whole foreign-born population responsible for these outrages, despite the fact that the doctrine and the misdeeds of the anarchists were by no one more severely condemned than by the foreign-born citizens generally, and in no city were these anarchistic law-breakers more speedily and effectively dealt with than in Milwaukee, a city with a population two-thirds of which are foreign-born, or the children of foreign-born parents.

The captain, Mr. George Traemer, himself a foreign-born citizen, commanding a militia company composed almost exclusively of foreign-born young men or the sons of foreign-born parents, implicitly obeyed the instructions of Gov. Jeremiah M. Rusk, and he ordered his men to fire with a result that is well known, and which, in Milwaukee at least, has killed anarchy for all times to come.

The foreign-born citizens want to shut the doors of their country against all lawless characters, and especially against those of their own nationality who will bring reproach and disgrace upon their name, and every measure calculated to check the coming of all such characters meets their approbation.

But, on the other hand, they, in common with that great mass of broad-minded, liberal, native-born Americans, deprecate any attempt to lessen the immigration of honest, industrious, intelligent, law-abiding foreigners who come to this country on their own free will, who sever all the sacred ties that bind them to the country of their birth, who look forward to the land across the storm-beaten waves of the vast expanse of the Atlantic Ocean as the home of the generous, the noble-hearted, the cosmopolitan, the philanthropic, the kind and benevolent American, who, as he so often has been told, reaches out his right hand of fellowship, warm with the full pulsations of a humane heart, and bids welcome to every honest son of toil who wants to found for himself in hospitable America a new and a happier home.

Have all these noble sentiments, so often uttered by you, been but meaningless phrases and Fourth-of-July declarations? Why do you propose to throw obstacles in the way of immigrants who come in good faith and violate none of the provisions of this law? I have no sympathy with that kind of unkind legislation. I do not propose to be influenced by the boisterous clamor of professional labor agitators, who, prompted by narrow and selfish motives, are in favor of restricting immigration generally by imposing unnecessary burdens upon those who seek our hospitable shores to found a permanent home, and are anxious, willing, and able to earn their daily bread in the sweat of their brow, and who will make good, useful, and law-abiding citizens of the United States. Instead of making the coming of such people difficult, I would, wherever it can be done with perfect safety, facilitate their coming in every possible way. If this bill should become law, which I sincerely trust will not be the case, it would keep many immigrants whom we of the Northwest would like to have come to us and settle upon our lands from coming to the United States. Many would choose Canada instead as their future home.

Again, thousands, ay, I believe hundreds of thousands, per year would come via Canadian ports, instead of landing in New York. Canadian brokers, Canadian merchants, Canadian railroads would reap the profits that Americans should make. The effect of such a law would be very detrimental to our people from every standpoint, while the people of Canada would have cause to congratulate themselves that the shortsightedness of American legislators is doing what they never have been able to accomplish by their wisest efforts.

But I will proceed and call your attention to some specific provisions of the bill to which I object. The bill provides that no alien should be admitted to land "who comes, or undertakes to come, on a prepaid ticket." I can see no good reason why an alien, who is not disqualified from immigrating to the United States under all the other provisions of this act, who is a healthy, moral person, not coming under contract to perform labor in this country, should be refused admission solely because some one—a father, brother, or some other relative or friend—had presented him with a ticket.

The word "Nihilist" ought to be stricken from the bill. I would amend by substituting therefor the words:

Or a person seeking to change or overthrow our political, economic, or social system by forcible means.

There are many persons called Nihilists in Russia whose only crime consists in advocating a constitutional monarchy for Russia in place of the autocratic, despotic absolutism of the Czar.

I doubt whether there is a gentleman on the floor of this House who, if he spoke his sentiments on government of civilized nations, would not summarily be sent to Siberia as an administrative exile and would forever be designated a Nihilist by the Russian Government.

Section 3 of the bill provides that no vessel shall bring more passengers than one to every five registered tons of such vessel. I object to this provision as uncalled for, unwise, and unjust to the immigrants as well as to the transportation companies.

The present law, the passenger act of 1882, makes ample provisions for the space to be allotted to steerage passengers, from 100 to 120 cubic feet for each; also for their comfort and sanitary condition, food, treatment, etc. The law has worked well, and I have not heard of a single well-founded complaint by steerage passengers or those interested in their well-being that the space allowed by law is insufficient.

This section would materially decrease the carrying capacity of passengers by vessels and correspondingly increase the passage money. A vessel which under existing law is entitled to carry from 900 to 1,000 passengers would not be allowed to carry more than from 500 to 600.

It seems to me that this provision is not dictated by a desire to promote the comfort or hygiene of passengers, but solely for the purpose of indiscriminately reducing the volume of immigration. This section ought to be stricken from the bill.

Section 4 of the bill of the majority levies a tax of $5 upon every alien who comes to the United States, ostensibly for the purpose of defraying the expenses of executing this act. When it is borne in mind that under the present 50-cents tax for the years 1887-'88 there was collected at New York $202,702.50, and that the expenses for carrying out existing law and for the care of immigrants at Castle Garden and Ward's Island for the same period amounted to $196,905, it is obvious that a tax of from 75 cents to $1 ought to be amply sufficient to meet all the additional cost a more thorough inspection would necessitate, and then even leave a surplus for emergencies.

An admission fee of any sum not needed for the purpose of executing this law or for the protection and care of immigrants is unwarranted; it is dictated by an unfriendly spirit; it is unbecoming the greatness and dignity of our country. It is a piece of littleness, of meanness, of petty extortion that should find no response on this floor and no place in American legislation. Personally I would favor the total abolition of the head-money tax, but I am free to admit that it would be impracticable to do so at the present time, and for that reason only do I advocate any tax at all. The more attention, however, I have paid to the subject the more I have become convinced that a tax of $1 levied upon every immigrant over fifteen years of age would be more than sufficient to carry out the provisions of this act, and I am not certain whether 75 cents would not be adequate. But whether the tax is fixed at 75 cents or $1, any surplus that may accumulate after executing this law should be used solely for the benefit of immigrants, for their care, comfort, and protection.

Section 5 of the bill places the supervision under the control of our diplomatic and consular officers, making it incumbent upon every immigrant to be supplied with a certificate from a diplomatic or consular representative. As I have stated in my minority report, I regard this inspection as utterly impracticable and an unnecessary expense. The consular inquiry would annoy and harass that class of immigrants most who are most desirable.

The plan which I propose is simple, and, I believe, would be effective. It places the burden of proof that an immigrant is entitled to land under our laws upon the immigrant himself and upon the transportation companies. Instead of being a source of expense to the Government, it provides that the transportation companies must elicit all the information whether an alien is entitled to immigrate into the United States.

The provision that aliens, with certain exceptions, must be able to read the questions submitted to them in their native language and answer them in their own handwriting I have inserted after much hesitancy.

But when I considered that this minimum test of educational qualification would exclude the very elements who, by their crowding into

our large cities, have become a serious burden upon the respective communities, and who have enabled selfish employers of labor to force down the wages of American labor and thereby created discontent and uneasiness among our people, I thought that it would be perfectly proper to insist upon such a test, which would simply demand that immigrants must not be utterly ignorant, but must have received so much instruction as to be able to read and write, in the most primitive manner at least, in their own tongue. Many of the States of this Union have now a compulsory-education law.

The children of American citizens are obliged to learn to read and write; why then should we allow people totally ignorant, the most ignorant of all the people of Europe, to come into our country a hundred thousand strong every year?

I have a few minor amendments to the bill which I will offer when the bill is considered by sections.

In conclusion I want to reiterate what I have said before, that it would be more desirable to pass no bill at all than to pass the one submitted by the majority of the committee.

Agricultural Appropriation Bill.

SPEECH
OF
HON. CHARLES W. McCLAMMY,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,

Friday, February 8, 1889.

The House being in Committee of the Whole on the state of the Union, and having under consideration the agricultural appropriation bill—

Mr. McCLAMMY said:

Mr. CHAIRMAN: But for the closing remarks of the gentleman from Massachusetts [Mr. BURNETT] I would have been contented to remain silent that a vote on the bill might be had without further delay. But, sir, I feel compelled now to occupy a limited time to reply to that gentleman, and vindicate that great and most important class of citizens of this great Government from the damaging and injurious and unjust effects of the legislation now attempted to be enacted against their interests.

I claim, Mr. Chairman, the right to be heard in defense of the farmer and in the interest of agriculture. I have the honor to represent on this floor an agricultural district composed of a body of intelligent, faithful, and patriotic men, who follow the plow and smell the sweet incense which fills the air where the robin and the lark sing their songs of rejoicing in the fresh and mellow furrow of the fallowed land. These farmers are my friends and associates at home, and it is my pleasure and delight to speak for them here in the Capitol of this nation. For several years it has been the duty, as well as the privilege, of members of Congress to receive and send to their constituents various kinds of agricultural and garden seeds purchased by authority of law for distribution to the people.

Has any delegation of farmers visited the national capital to protest against this seeming beneficent course? Is there any complaint from the agricultural sections of the country against this system? No, Mr. Chairman, no complaint has come up from the people; and the effort to change the law comes, I think, from some of the Congressmen themselves, who do not care to be further worried and bothered with the labor and trouble of sending out and distributing to the people—their constituents—these select seeds, purchased by the Government for the fair and equal distribution to the farmers and gardeners of the country.

I know personally something of the working of the present plan of distribution. I know in what high regard these seeds and their present plan of distribution are held by the agriculturists and the people generally, and I am unwilling to sacrifice their wishes and their interests. The whole question contained in the proposition to strike out the present method of distribution and establish another mode of distribution of these seeds can be put in a nutshell.

It is a thin disguise and an indirect way in which Congressmen may avoid a little labor and work for their constituents, and it is a work of pleasure and delight to me to oppose and expose it. Congressmen do not cease to be freemen because of their duties here, and when duties to the people become burdensome and laborious and tiresome and oppressive it would be becoming and quite respectable for such to forward their resignations and give way for those who are not so easily overworked and tired.

The object of the present law was wise and full of the best possibilities. This is pre-eminently an agricultural country, and its capabilities and powers surpass all the balance of the habitable earth. Stretching from ocean to ocean and from the lakes to the Gulf, in climate, transportation, and fertility of soil we are able with proper efforts to feed the world and establish the granary of the habitable globe, and it should be not only a duty but the highest pleasure of patriotism as Congressmen to aid and add to the efforts of our farmers and gardeners and working classes to develop the land, improve its products, and aid and assist in bringing our country to its highest state of perfection.

Then, Mr. Chairman, what better plan can be established to send out these select and carefully prepared seeds than the one we already have? Members of Congress are for the most part, many of them, fresh from the people. We know the people and the people know us, and will and do hold us to account for our manner and conduct while here as their representatives. Why change the plan for an irresponsible central appointment that may neither know or care for the people?

In North Carolina eleven Congressmen, including the two Senators, stand for the people in this distribution. But if this system is changed and this duty is devolved upon some unknown superintendents of experiment stations to be established somewhere, nobody knows where, and in charge of some one, nobody knows whom, then, sir, we may bid farewell to all benefits to farmers, in a degenerate giving out of these seeds to a few favorites and to such persons as partiality and favoritism may select and rapacity and cupidity may devise.

The Tariff.

REMARKS
OF
HON. JAMES D. RICHARDSON,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 28, 1889,

On the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and upon the Senate substitute for said bill.

Mr. RICHARDSON said:

Mr. SPEAKER: The Fiftieth Congress is rapidly drawing to a close. The duty Congress owed the people when it assembled in December, 1887, to reduce the taxes to the economical requirements of government, has so far been neglected. This duty was paramount to all others. The importance of reducing the burdens on the country was peculiarly emphasized by the President of the United States in his memorable message addressed to this Congress at its opening. I do not anticipate that words of mine at this late hour will bring about the relief legislation so urgently demanded. The imperative necessity of the situation and an appreciation of the vast responsibility resting on us as legislators, to whom the country alone can look for relief measures, prompt me to offer a word more on this great question. The vast surplus now in the Treasury of the United States which can not be applied to any necessities of Government, amounting to about one hundred million dollars, is a constant menace to economical administration and an invitation to corrupt or extravagant legislation.

This surplus is increasing at least ten millions per month. No such surplus should be in the Treasury. If not needed for governmental purposes this money should be in the pockets of the people from whom it has been improperly wrung. It could then be advantageously employed in trade or business. I insist that the responsibility for the existence of this surplus rests upon the Republican party. This party, recognizing the necessity for the reduction of the revenues in party platforms and its legislative declarations, has studiously refused to pass laws to effect such reduction, and refuses to agree to any act, however reasonable in its results, presented by the Democratic party for that purpose.

The House of Representatives by Democratic votes passed the bill known as the "Mills bill," to reduce taxation and simplify the laws in relation to the collection of the revenue, on the 21st day of July, 1888. This fair and conservative measure was sent to the Senate very soon after its passage by the House. The Senate did not consider this bill, but did consider a substitute for it, which passed that body on the 22d day of January, 1889. The difference between the House bill and the Senate substitute is fundamental. The former measure attempts to reduce the revenue by reducing the taxes or duties on imported goods. The latter attempts the reduction by increasing the taxes or duties on imported goods, and in this way prohibit the importation of goods.

That the revenues can be reduced in this way is admitted. The justice of such manner of reduction is most seriously denied. I shall discuss in as simple a manner as possible the present tariff law, and will endeavor to show in a plain way the difference between a tariff for revenue and a tariff for protection, assuming that Congress has no power to lay taxes except for revenue purposes. That Congress has no such power or authority is not an open question. The courts of the country, the highest in the land, have expressly decided this question, and I will not now argue it.

What is tariff? It is a tax imposed by the Government upon goods imported into our country from abroad. The object of such tax is to raise revenue for the necessities of the Government. It follows

as this is the object and only object for which the tax can be levied and collected no more revenue should be taken than is necessary for purely governmental purposes.

What is a protective tariff? A tariff is called protective because it forces all persons who import dutiable goods to pay the tax, and in this way gives a margin of profit in favor of home manufacturers of the article taxed. In other words, gives them protection. The object, therefore, of protection, or a protective tariff, is to give this advantage to the home manufacturers. If not, why call it protective? It is properly called protective. But first, protection against whom; second, against what; and third, how does protection protect?

First, it is protection against foreign importers. Second, it is protection against low prices. Third, if there is protection given, it consists alone in allowing home manufacturers to charge a higher price for their goods than the same goods imported would cost if there was no tax imposed upon them as tariff or duty. Protectionists say the object of the protective-tariff law is to cheapen goods, and this they say is the effect. Then, I ask, why call it protection? If, as these advocates of protection say, it does cheapen the goods it is meant to protect, then the whole project or idea of protection is as insane as the dream of the wildest lunatic. Who gets the benefit of protection? Of course it is the home manufacturer. Yet, strange to say, these advocates of protection claim that it is not the manufacturer but the consumer of goods who is benefited. It is a fact that the manufacturer adds to the price of his goods the tax imposed on the imported article in nearly every case, yet the consumer of the home article is told he thereby gets the goods cheaper. And stranger still is it that some people believe the story. So with the laborer. He is told that his wages are higher because of the protective tariff. This may be true so far as some of the industries which are protected are concerned, but not so as to laborers generally.

It will not be denied that though in some cases the wages in protected manufactories are higher by reason of protection, yet in no case is this difference in wages anything like the protection given by law. Protection is demanded that labor may be paid the difference between wages in our country and in Europe. Our workingmen are told that the high duty or tariff we pay, all the way from 50 to 150 per cent. on the necessaries of life, is necessary on account of the high wages paid here. Such statements are misleading and false. This is conclusively shown by the census of 1880:

In 1880 the total production of manufactured goods in the United States was in value $5,369,579,191. The wages paid to produce those goods were $947,953,795, which is less than 18 per cent. of the production.

A forcible tariff writer puts it in this way: If our manufacturers are protected 18 per cent., and this is certainly all labor gets, and the foreign pauper labor would be entirely gratis, that we would then be even as far as wages go. But, as foreign labor costs something, any protection over 20 per cent. is simply for the enrichment of monopoly. And when such protection is carried higher than even 50 per cent., then it becomes simply an oppressive tax robbery, and the workingman is made the excuse of the impudent story that such taxes are necessary for his protection. He only gets 18 per cent. of the protection now given by law, while the monopolist gets the remainder, some 40 or 50 per cent. on an average.

The protectionist gets himself into the most absurd positions in defending his theory. The tariff, he maintains, protects the manufacturer by giving him higher prices for his goods. If it does not do this it is not protection for him. This is certain and sure. At the same time he tells the great army of consumers in our land they get these very goods cheaper because of protection. If it does not do this, that is, cheapen goods to consumers, it is surely not protection to them. Then the laborer is told he gets higher wages by reason of this tariff for protection. If this is not true then it is not protection for the laborer. Hence the inevitable result is reached by the arguments of the protectionist, that by reason of protection, the manufacturer of goods gets higher prices therefor, the consumers of these goods gets them cheaper, and the laborer, who works and toils in the manufactory, gets higher wages for his labor.

Protection must bless all alike, or it fails of its object and design as taught by its advocates. They dare not admit that it is partial and not universal in its blessings. Can all these things be true? Certainly not if the laws of nature and the rules of common sense which obtain in every-day life in every other business and calling in the world are observed. And why is it these laws and rules are all to be violated and set aside when one considers the effect of tariff laws? No reason can be assigned which is not chimerical and easily exploded if men would only apply a little common sense in the matter. The time will come when the appeal to the consumer and the laborer in behalf of protection will not avail. They must see that it can not benefit them for the manufacture of goods which they must consume to have their price enhanced by reason of a protective law. If the manufacturer does not get a higher price then he is not protected. If he does get a higher price, from whom does he get it? The only answer is, the consumer.

If the consumer gets his goods cheaper by reason of protection, who loses because of this reduction? Surely the manufacturer. The manufacturers are all clamoring for protection. But why the consumer should do so is inexplicable.

So with the laborer. Pass the Mills bill, says the manufacturer, and down will go wages. I was struck with the little dialogue I read recently between the manufacturer and the laborer. Said the manufacturer: "Patrick, if you vote for these men who pass the Mills bill, I will get your labor for $1 a day; whereas I am now paying you $2 a day." Pat: "Faith, and if you believed that to be true, you would yourself be voting for these very men."

So they tell the consumer that if the Mills bill passes he will be forced to pay the home manufacturer higher prices for his goods, which, if true, would only be a reason why the manufacturer would put forth his voice and his money for the passage of the bill. But he is trying to defeat it; and why? Because he knows protection protects him and gives him higher prices. Why can not the consumer and the laborer see this?

There was a time when the great Clay and other advocates of American industry asked for protection for the "infant industries" of our country on the true ground. They said frankly that thereby the American manufacturers would get higher prices for their goods; that in this way, and only in this way, could our young country encourage and foster the growth of manufactures. The argument made honestly by Clay was that the peculiar object of protection was to benefit the manufacturer; but the claim is now arrogantly put forth that the benefit is to the consumer.

The friends of protection in Clay's time argued for protection as a temporary measure to aid our then "infant industries." They are yet called infant industries. But it is a misnomer. They were then infants only because our country was in its infancy, so to speak. But that time has passed, and there are no infant industries now, because our country has become a full-grown man and is able to compete with the world in every handiwork, art, and industry. The country was an infant, hence we had infant industries. Now our country is not in its infancy, and we therefore have no such thing as an infant industry. If an industry is to be called an infant simply because the men are new who begin it, then so long as new men enter upon this line of work (which will be always), there will be infant industries. Thus you make the argument for a protective tariff which Mr. Clay and his contemporaries said was only temporary relief for home manufacturers, that is, while they were infants, absurd and ridiculous. An infant will be born every time a new man begins to manufacture something, no matter if that something has been manufactured by his neighbors for a hundred years. Mr. Clay taught no such doctrine as this.

The tariff will not, does not, reduce the price of goods. Only in a few instances does it increase the wages of the laborer, and in these cases it does not increase wages to the amount of the difference afforded by protection allowed under our tariff laws. Labor is governed in this way by supply and demand. If there are in a town ten mechanics, and there is a demand for the full work of fifteen mechanics, then the ten will get work at remunerative prices; the manufacturers will bid higher for their labor. But on the contrary, if there are fifteen mechanics in the town and only work enough for ten, the inevitable result is low wages and some of them have no work. They will bid against each other, and this competition will put down the wages they receive. No manufacturer will pay more than the market price for labor, no matter how high the tax and the degree of protection given. Increase the demand for labor, then, is the remedy, if high wages are wanted. How can this be done? Not by contracting our markets; not by reducing the number of buyers of goods we manufacture and have to sell; not by building a Chinese wall around our country, which prevents us from shipping away and realizing therefor paying prices for our agricultural products. We want the markets of the world within which to sell, but those markets are not open to us while we refuse to let in the goods which we need, and which our laborers and consumers would get at low prices but for the subsidy (which is only another name for protection) given to our manufacturers under the form of law.

Free trade is not demanded, but we do need freer trade. We must have a tariff, but it should be a tariff for revenue and not for protection. A tariff law is a revenue law. A tariff for protection ceases to be a revenue law because where protection begins revenue ceases. When the law becomes protective it excludes the importation of goods, and, of course, when importation ceases revenues cease. The very object of the law is therefore defeated when you make it protective, and you have the inconsistency of a revenue law which does not raise revenue, but only affords subsidy to home manufacturers. They are given under the form of law an increased price for their goods, which increase goes alone into their pockets, and not one cent of it into the Treasury of the United States. The consumption of home-made goods in the United States being about five times as much as that of foreign-made goods, as the statistics show, we have the anomaly of a law which forces our consumers to pay $5 in subsidy to home manufacturers to get $1 of revenue into the Treasury.

Much more can be said and not exhaust the subject. Protection can not bless and protect the manufacturer who strives his utmost for high prices for his goods, and at the same time bless and protect the consumer of those very goods who strives his utmost to buy them as cheaply

as possible. The law can not bless the two alike who stand so diametrically opposed to each other in interest, one being a seller and the other a buyer. This is the boast of the protectionists. Such a law would be an anomaly, and the claim of its friends that this is the effect of the present law is unwarranted, unjustifiable, unnatural, and untrue.

With the foregoing simple statements of what a tariff is, I call attention of the House and of the country to the difference between the plans proposed by the two Houses of Congress for the reduction of the revenues. The House bill, as the Committee on Ways and Means happily express it, was framed upon the principle that taxes are burdens borne by the people for necessary support of the Government; that they should at all times be limited by the just requirements of an honest and efficient administration; that in selecting the articles upon which duties are to be imposed and fixing the rate which each is to bear regard should always be had to the pecuniary ability of the consumer; that luxuries and articles consumed by the wealthy should bear a higher rate of duty than the necessaries of life which are consumed by the poorer people; that when the existing rates of taxation bring to the public Treasury more revenue than is required for an efficient administration, the rates should be reduced, the burdens lightened, and the obstructions to commerce and the interference with the business and employments of the people should be remembered as far as possible.

The principle upon which the Senate substitute is framed is that duties are levied primarily to raise revenue for certain favored classes of citizens and incidentally for revenue for the Government; that in imposing duties Congress should select such articles as will bring the largest revenue to the favored classes while they bring to the Government the amount required for annual expenditure; that when existing rates are bringing a surplus revenue to the Treasury the excess should be first expended and new channels of appropriation should be found and reduction postponed as long as possible; that when reduction must be made it should be on those articles that bring the least amount of revenue to the pockets of the favored classes and at the same time make the largest reduction in the surplus revenue of the Government.

The House bill proceeds upon the idea that the proper mode of reducing the surplus and the revenue is to reduce the rate of duty or taxation to a strictly revenue basis; that is, put the rate at the sum which will raise just enough money for public purpose. If too much revenue is had, reduce taxation. The Senate substitute proceeds upon the plan of reducing the surplus and the revenues by increasing the rate of duty or of taxation until the importation of foreign goods is prohibited. When, as stated, this is done; that is, when importations cease, there will be no revenue. This is the point of radical difference in the two pending measures.

The Senate committee in the report which was submitted with the substitute say they have not hesitated to erect or to maintain defensive barriers against the natural right of the people to trade when, where, and with whom they please. The Senate substitute raises and advances the rates on manufactures of cotton, wool, iron, and steel to a point so high as to prohibit importation of these goods, and, as a necessary result, compel the people to buy them from home or domestic manufacturers at protective or combination prices or do without them. The protectionists are becoming bolder in their demands. They no longer contend as in former years that Congress in laying duties should discriminate in favor of the home producer, but they now demand that the tax shall be so high as to prohibit the importation of foreign goods in order that the home market shall be kept for the home producers, where they may combine and sell to the consumers at prices as high as the traffic will bear.

Without a protective tariff prohibitory in its effect it would scarcely be possible for this new enemy to the great army of consumers in the country, the "trust," to organize and exist. We now have trusts in salt, lumber, sugar, bagging, rubber, envelopes, steel, earthenware, Bessemer steel, zinc, paper bags, window-glass, leather, whisky, oil, and other things, nearly all of which are articles protected by the tariff. These trusts are simply associations or combinations of manufacturers or producers banded in their own interests to compel purchasers to pay more for their supplies. They are monopolies. They are nourished and supported by the high tariff. If duties were lowered prices would be lower and the combination prices could not exceed them.

The substitute of the Senate is, in my judgment, radically wrong in another feature. It provides a bounty of 1 cent per pound for every pound of sugar manufactured from cane in the United States. The annual production of sugar in the country from cane is about 300,000,000 pounds. A bounty of 1 cent per pound would require about $3,000,000 to be paid annually as a permanent appropriation. I am opposed to this feature and am unwilling to vote bounties in this way to a special class. Why should this bounty be given alone to producers of sugar? Why not extend it to the producer of corn, wheat, rye, oats, barley, hay, cotton, hogs, mules, sheep, cattle, and, indeed, every other article and animal? If this principle of paying a bounty by the Government to its citizens is to be adopted then let all classes and kinds be fostered, encouraged, and protected.

The bounty system is radically wrong, and is only one of a number of vicious methods in sight for reducing the surplus in the Treasury. The Republican party seems to prefer to make raids on the Treasury for such purposes, and thus empty it of the surplus, rather than pass relief measures for the country in the shape of a reduction of taxation. This is only one of the methods. Another is by passing educational bills, by which nearly one hundred millions are to be taken out of the Treasury. The duty of the State to educate is admitted, but the General Government should not usurp the function of the State in this matter of educating the people. Then there is the bill to refund the direct tax; bills to pay enormous pensions in many special cases in addition to the general appropriation of nearly $90,000,000 for pension purposes.

All or nearly all these schemes are poorly disguised raids on the public Treasury to exhaust its funds and remove from the minds of the people their belief in the urgent necessity for a revision of our tax law and a greater reduction in the rates at present imposed. I have opposed these schemes and shall continue to do so while I occupy a seat on this floor.

In adjusting the tariff rate I shall at all times insist that it shall be placed as low as it can be to raise the revenue for the economical administration of the Government, and I will not lend my vote or voice in favor of any scheme to take money out of the Treasury for any purpose not clearly within the letter and spirit of the Constitution.

Commercial Union with Canada.

SPEECH

OF

HON. ROBERT R. HITT,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889,

On the joint resolution (H. Res. 129) to promote commercial union with Canada.

Mr. HITT said:

Mr. SPEAKER: This joint resolution, for calling up which I desire to thank the gentleman from Iowa, to promote commercial union with Canada, is a timely and practical response, in liberal spirit and full regard of the dignity and independence of all, to a widespread and extending movement now going forward in the Dominion, friendly to us in tendency and aiming at larger and freer intercourse. It is true the present administration of the Dominion is Tory and hostile to commercial union with us. Sir John McDonald, the prime minister and real ruler, desires to bind Canada as closely in trade as in political connection with Great Britain; and every appliance of power and appeal to sentiment have been used against this movement. Yet the material reasons, the business advantages to every one, are so evident that it goes on. In the Canadian Parliament last spring sixty-seven members, representing districts that contain more than half the wealth of Canada, voted for unrestricted reciprocity. The bye-elections since then show the increasing strength of the movement. The executive officers and prime ministers of the provinces, something like our States, have declared for it.

It is time that we give some assurance that such a powerful movement of such immense consequences interests our people, and will be considered in as liberal and practical a spirit on our side.

Since this resolution was introduced by me one year ago, March 5, it has been most carefully, scrutinizingly discussed, and almost universally approved by the press of the country. The Committee on Foreign Affairs, after much consideration, reported it to the House without a dissenting voice, recommending its adoption. It provides, in few words:

That whenever it shall be duly certified to the President of the United States that the Government of the Dominion of Canada has declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties upon trade between the United States and Canada, he shall appoint three commissioners to meet those who may be likewise designated to represent the Government of Canada, to prepare a plan for the assimilation of the import duties and internal-revenue taxes of the two countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

What is commercial union with Canada? It means as set out in this resolution the adoption by both countries of precisely the same tariff of duties, or taxes to be levied upon goods coming from abroad, abolishing altogether our line of custom-houses on the north by which we collect tariff duties on goods coming from Canada, abolishing their custom-houses along the same line by which they collect duties upon goods we send into Canada, and leaving intercourse as unrestricted between this country and Canada as it is between the States. The line of custom-houses would follow the sea and include both countries. The internal-revenue systems of taxes on liquors and tobacco in the two countries would also have to be made uniform in both. The pro-

ceeds of taxation thus collected would be equitably divided, and the fairest way would seem to be in proportion to population.

The Canadian tariff now levies duties upon goods coming into Canada from all sources, including England. It is not quite as high in the rates of duties as the tariff of the United States; but it is, like the tariff of the United States, a protective tariff, framed for the express purpose of fostering Canadian industries. If Canada entered into commercial union with the United States its tariff, then the same as our own, would no longer be laid upon goods sent from the United States into Canada, but would fall upon everything coming from England and other countries. To illustrate: In the year 1887 we sold to Canada $44,802,732 of goods. Of this amount $30,578,332 consisted of articles on which they levied duties, the average rate being 23.76 per cent., amounting to $7,265,135.73. This burden of over seven millions of tax imposed upon goods we sent to Canada to sell would be swept away.

England, competing with us for the Canadian market, sold nearly the same quantity of goods in Canada during the year, and as they were manufactures of a higher grade, cost, and process, they fell under the provisions of the Canadian tariff imposing still higher rates of duty than those imposed upon the imports from the United States.

The advantages which would accrue to us from commercial union can readily be seen. If in one hundred millions of imports purchased by Canada during the year the United States were able to sell forty-five millions in that market in spite of the duties imposed upon them, competing with the English, who sold goods of nearly similar value, how much greater share of this hundred millions of trade would our people enjoy if they could send their manufactures and other goods into Canada as freely as they now send them from one State to another, while the English manufacturers and merchants, competitors with ours, would have to submit to the tariff when they landed, amounting to from 25 to 40 per cent. ?

Is it not evident that the sales we would make to Canada would speedily leap to seventy-five or perhaps a hundred millions of dollars per annum? The advantages which would be reaped by Canadians—farmers, artisans, and mechanics—from the enormous impulse given to business and to every element of prosperity are for them to consider. I am now discussing the proposition only from the point of view of the people of the United States. In all trade arrangements which have been made by our statesmen heretofore with Canada—the reciprocity treaty of 1854 and several subsequent attempts with the same purpose—the result has been one-sided. Reciprocity was provided for natural products which the agriculturists of Canada desired to sell to us, but ours could never sell to them, as that is not a market for agricultural products. They only sell and send away. But good care has been taken to never admit the goods produced by our manufacturers to the great market of Canada. That market, if opened to us by commercial union on terms of perfect freedom, would be to the business interests of this country of enormous value; but our people will never again consent to any partial or one-sided arrangement by which Canadians shall enjoy our market for their products, while our manufacturers shall be to a great extent excluded from Canada, to be still supplied from England.

The advantages we give to Canada should be for advantages received, and I have therefore opposed the policy which would strike off duties amounting to $1,800,000 per annum on Canadian products sent to this country without any concession being made on their part in striking off duties upon goods we send to Canada. If such an improvident policy is pursued, all motive on the part of Canadians to give us any advantage whatever in their markets will be taken away. English business influence and English capital will remain dominant in Canada while our laws are being changed to conform to their interests and wishes. When they permit our iron and steel, cotton and woolen manufactures free entry into their market it will be time to talk of free lumber, free fish, and free salt, but until then no jot or tittle of our tariff upon imports from Canada should be abated.

The assimilation of the Canadian tariff to our own would not be a violent change. An elaborate computation made at my request by the Bureau of Statistics, issued May 31, 1888, giving the rates of duty imposed by Canada upon each article making up the $30,000,000 of dutiable articles which were sold to that country in the last year, averaged 23.76 per cent. The duty estimated under our own tariff which would have been collected had it been applied would have amounted to 26.49 per cent., being a difference of only 2.73 per cent. The difference between our internal-revenue taxation (which like that of Canada falls upon spirits, beer, and tobacco) and that of Canada is also not wide, and like the slight difference in the respective tariffs could be assimilated into one revenue system without any violent change.

The division of receipts from tariff and internal revenue, if based upon the respective populations, would make scarce any change at all. We collected last year by tariff and internal revenue together $6.70 per capita of our population, while Canada collected from tariff and excise $6.65. Let me give the precise facts in detail from the official reports. During the year ending June 30, 1887, our Government collected by the tariff $217,286,896, and from internal revenue $118,823,391, making altogether $336,110,287 from a population, according to the census of 1881, of 50,155,783 persons, making $6.70 from every person in the United States.

During the same year the Canadian Government collected by its tariff $22,378,801, and from internal revenue, or excise as they term it, $6,308,201, making together $28,687,002 which was collected from the population of Canada, that according to the census of 1881 numbered 4,324,810, or a fraction above $6.60 from every person. As the amounts collected from the respective peoples are almost exactly identical per capita, differing by a decimal scarcely appreciable, would it not be the simplest and the fairest way when the revenues are to be all collected under a common tariff and a uniform internal-revenue system to divide the proceeds by population? This would leave the revenues of each Government derived from tariff and internal revenue exactly as they stand now, and each treasury would receive next year from these sources the same sums proportionally for the support of the Governments that they received in 1887. I do not mention receipts from other sources, such as public lands, post-offices, public works, etc. Each Government would manage them to suit itself. Undoubtedly the receipts from duties at Canadian ports might change, because the market of Canada being largely supplied with goods from the United States, the large sums they now collect upon importations from across the sea might be decreased, but the equitable division of revenue by population would maintain the Canadian Government in undiminished financial resources.

The Dominion of Canada, vast as it is in territorial extent, contains but a long string of feebly connected groups of population upon the southern border. The power and value of a country are measured by its strength in men and by their activity, not by square miles within its borders, whether they be capable of high cultivation or wide stretches of icy desolation. The maritime provinces, containing 870,696 people, are separated by an uninhabited waste of hundreds of miles and by the wedge-like State of Maine from the central provinces, Quebec and Ontario, containing 3,282,255. Then comes the long, rocky journey around the lakes to Manitoba, which has probably a hundred thousand people. They again are separated by more than a thousand miles on the west by plains and mountains from British Columbia. Each of these groups of population lies close upon the people of the United States, and enormous effort by great expenditure has been made to introduce interprovincial trade over Government railroads and subsidized roads, but in vain.

The laws of nature and the laws of trade are against it, and the $200,000,000 spent for this purpose could not accomplish it. The provinces had almost the same things to sell. How could they sell them to each other? Each one of them is interested in every way in the affairs, in the markets, in the business of the great near neighbor on the south, to whom they wish to sell, from whom they wish to buy, rather than from any other province, the nearest hundreds of miles away. The products of Canada, from Quebec to the mountains, are so nearly the same that they can not sell to each other nor supply each other's wants. They export agricultural products and wish to purchase their merchandise from abroad, either from England or the United States. The natural lines of commerce are North and South, each supplying what the other lacks, rather than East and West along lines of similar products.

Nature herself sends the Canadians to our market, so near at hand, to purchase what they need, to sell what they have to dispose of. In spite of the tremendous influences against it, the spirit of their government, the dominant social forces there, and the invested English capital, all endeavoring to constrain the people to trade with England, half their commerce is still with us; and in spite of the high duties levied by them upon our goods and by us upon their products, we sold them in 1886 over $50,000,000, largely of manufactured goods. Can there be any question that it would be in the interest of our people to have free admission to that market for the sale of American goods, to have the preference, in fact, in that market by the establishment of the tariff against importations from any other route?

It is said that the price of labor in Canada is now lower than in the United States, and we would have cause to dread the free admission of Canadian products in competition with our own. That criticism would appeal to me as an American and as a protectionist if the price of labor in Canada was made lower than here because of the overpopulation of the country. If there were scores of millions there, as in Europe, contending for existence and pressing for employment, then to let in the flood of their products would be unwise. But, in fact, population in Canada is sparse, and the reason the price of labor in Canada is low is not because there are millions seeking employment and crowding each other, but because business there is stagnant, money is scarce, and profits are low. They suffer for want of a market, for want of capital; enterprise not being encouraged, the price of labor is in some places lower than here. Those who lived in the Western States in the earlier days when we had no access to markets can remember a similar state of things, when abundance of land and raw material and a vague splendid future in sight were all ineffectual to bring good prices for anything. Labor was ill paid, wages were low, money was scarce, business was dull. But when the railroads were opened and the market came to our Western farmers, an era of good prices, general prosperity, and rapid, steady growth ensued, as it would to the vast depressed agricultural regions of Northwestern Canada if a market were afforded them.

The prosperity of our Western farmers did no injury to New Eng-

land or any part of the East. It increased the prosperity of all, afforded them abundant supplies, gave to them a wider market for the products they had to sell, and promoted the growth of both the East and the West with immense strides. So the opening of the great agricultural regions of Canada, now sparsely peopled and depressed in business, will widen our market, give new regions to American enterprise and profitable investment, and benefit all parties. The price of labor in Canada as soon as activity and prosperity touched those lands would rise as in the Western States. This is not a question of admitting the millions of European pauper laborers to our market nor anything akin to it. I have faith that the capital and labor of the United States, sixty millions strong, can easily take care of themselves in the opening of the market with five millions of Canadians.

Would the adoption of a common tariff along the seacoast and unrestricted intercourse over the inland border lead to fraud? Would goods be admitted by Canadian custom-house officials without paying duty and thus evade our tariff? Would it be safe to allow a part of our custom-houses, those along the Canadian border, to be beyond the control and jurisdiction of our Treasury Department? I answer, what ground is there to apprehend fraud? The Canadian custom-house system bears a good name and is well administered. I know it is said that in the countries on the south of us there is much looseness in custom-house systems, and in any such arrangements with them much precaution might be necessary; but there is nothing in the history of Canadian administration to warrant a distrust of their officials by us any more than they might distrust ours. However, there is no practical difficulty in having officers of the United States revenue service in their ports with function of inspection to prevent losses to revenue, or injury to our merchants. That is done to-day by our Treasury Department, which has its officers at Vancouver, in British Columbia, and in Ontario, and in Quebec, and elsewhere throughout Canada, done with the permission of that Government, to protect our custom-house revenue from losses in the transit trade.

Commercial union is in substance a proposition to extend our tariff system, modified reasonably upon consultation, over Canada; to remove the custom-houses of both governments from the frontier and put them along the line of the sea; to have our protective system include the continent from the Gulf of Mexico north; to give to our manufactures and other products as free access to the markets of Canada as they have throughout the States, and allow the Canadians to sell and buy here as freely. Undoubtedly they, in being subjected to the same tariff with us, would in all fairness be consulted as to its provisions; but we, sixty millions, would in all fairness generally have the prevailing voice in determining what the rates should be. The particular methods in which questions of detail should be treated need not now be discussed. The commissioners contemplated by the resolution are for the express purpose of getting all the views and all the facts bearing upon this question.

The amount of our imports from Canada in most of the articles we purchase there is so small compared with the vast consumption of our people that it does not affect the price perceptibly, and as Canada is comparatively depressed in business the prices of articles sold us and on which we lay a tariff are generally lower in Canada by just the amount of our tariff. This is not the case with all articles, but it is true in many cases, and there the Canadians will get an immediate benefit. And, on the other hand, there would be a large absolute gain in market range and in prices for American manufactured goods purchased from us by Canada in place of purchases now made by them in Europe.

The business advantages on both sides are so evident on examination that the more this is discussed the stronger the movement. It is now going forward at such a rate that before long public opinion in Canada and in the United States will be in accord that new and better arrangements than the present can be made; and once the people have reached this conclusion they will quickly find a way of carrying it out.

Already the precise question—a common tariff and excise system—is becoming familiar to the people, and it is discussed in a friendly spirit. We have in the United States perhaps one million Canadians born, and they are excellent citizens. There is a friendly feeling generally. The recent discussions in Canada have awakened discussion here, especially on the business aspect. Less interest is felt in annexation, for we know our country is now very large, and there is enough to do in assimilating the diverse elements we already have. But the enlargement of trade and improved business both north and south of us everybody welcomes, because everybody expects to profit by them.

It is easy to conjure up difficulties of detail that will arise in arranging a common tariff, but these are questions similar to those we have been dealing with a century, and certainly they are very slight compared with the difficulties certain to arise in the future between the two nations if we continue the barrier, 4,000 miles long, with parallel lines of custom-houses and fortifications, between peoples almost exactly alike in business, in feelings, and in race. There will be and there must be an enormous and immense intercourse consequent upon their geographical position and the mutual business interests of both sides; and if vexatious barriers are kept up, irritation and trouble must constantly arise.

Will it be said that England will not consent to any arrangement which would give a preference in one of her colonies to American goods over British goods? Her Government, in a noted instance, did this very thing not many years ago. In 1874, when the reciprocity treaty was being negotiated by Minister Thornton, the English Government instructed him to modify it at the suggestion of the Canadian ministry and make such additions to the list of American goods to be admitted free into Canada as the Canadians desired. He did so, and made out a long list of American articles to be admitted free of duty, so long that it was almost free trade. Not one of these articles coming from England was to be admitted free of duty. This draught of a treaty was sent to Lord Derby, who answered that the whole proceeding was approved, and the English Government assented to the arrangement admitting American goods free to a British colony, where a tariff of 20 to 40 per cent. was to be laid upon the same kind of goods coming from England or any other country than the United States.

Commercial union is not in hostility to England. She has no better customer than the United States, and the entrance of Canada into our commercial system and our business activities would stimulate her prosperity and make her trade in all directions more valuable. The five hundred millions of English capital invested in Canada would be immediately enhanced in value to English owners.

The irritating questions that have arisen between our Government and England have nearly all originated in our relations with Canada, and they have often disturbed our vast business with Great Britain and even endangered peace. They would be removed and that great trade, many hundred millions annually, would enjoy assured permanent peace.

These, in brief, are some of the practical business reasons in immediate view for the step proposed by this resolution. Every intelligent and thoughtful mind will see the far-reaching effects of commercial union upon the two peoples in the long hereafter, the security it will give to continuing peace, the solution it will afford at once to all the exasperating differences that have been in dispute for generations, the vastly extended prosperity it assures to the English-speaking people of this continent dwelling together in harmonious activity, increasing power, and unbroken peace.

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Mr. HITT, from the Committee on Foreign Affairs, March 16, 1888, submitted the following report to accompany joint resolution (H. R. 129):

The Committee on Foreign Affairs, to whom was referred House joint resolution 129, to promote commercial union with Canada, beg leave to submit the following report:

Our commercial relations with Canada have recently awakened a deeper interest and received a more thorough discussion than ever before, on both sides of the border. The tendency of public opinion is plainly towards the enlargement of trade between the two countries. In Canada the movement has advanced from what was a few years ago an effort for partial reciprocity, to a wide expression in favor of unrestricted intercourse and commercial union. The evidence of this fact is abundant.

The Right Honorable Joseph Chamberlain, high commissioner from Her Majesty's Government, is reported to have recently stated in a speech:

"The arrangement between the colonies and Great Britain is essentially a temporary one. It can not remain as it is. * * * Already you have in Canada, the greatest of all the colonies, an agitation for what is called commercial union with the United States. Commercial union with the United States means unrestricted trade between the United States and the Dominion of Canada, and a protective tariff against the mother country. If Canada desires that, Canada can have it."

And speaking of the relation of Canada to the United States and Great Britain on a subsequent occasion the right honorable gentleman further said that—

"Commercial union with the United States meant that Canada was to give preference to every article of manufacture from the United States over manufactures from Great Britain. If the people of Canada desired an arrangement of that kind he did not doubt that they would be able to secure it."

Within in a few weeks a conference was held at Quebec of the prime ministers of all the provinces constituting the Dominion of Canada, and after a very full exchange of views these representatives of the executive powers of all portions of the Dominion unanimously adopted the following declaration:

"This conference, comprising all political parties, is of the opinion that a fair measure, provided under proper conditions, for unrestricted trade relations between the United States and the Dominion of Canada, would be of advantage to all the provinces of the Dominion, and would, in connection with an adjustment of the fishery dispute, tend to happily settle the grave difficulties which have from time to time arisen between Great Britain and the United States."

The chambers of commerce and boards of trade of the leading cities of Canada, and more than fifty farmers' institutes and conventions, have adopted resolutions declaring in favor of commercial union or unrestricted trade between the two countries.

The answer made by their opponents and those most closely attached to English trade and English rule has been that the United States has given no indication that it would receive or even consider any proposal, however friendly in spirit or however favorable to us in its terms it might be.

The joint resolution now submitted does not contemplate any action on our part at present; but whenever the Dominion of Canada shall have declared a desire for commercial union, with a common tariff, like internal-revenue taxes, like duties on articles imported into either country from abroad, and no duties on trade between the United States and Canada, then the President is authorized to appoint three commissioners to meet those who may be designated to represent Canada, in order to prepare a plan for commercial union, by assimilating the tariffs and internal-revenue taxes of the two countries, now not very widely different, and an equitable method of dividing the receipts, which they shall report to the President, who shall lay it before Congress. The whole subject of our relations with Canada is kept under the control of Congress.

It is not deemed necessary to here discuss the great merits of commercial union or the details of arrangement that will be necessary. Your committee believe that the power herein conferred upon the President can do no harm, that it will be wisely used, and will lead to beneficent results, promoting the independence, prosperity, and peace of two great peoples.

The committee therefore recommend the adoption of the joint resolution.

March 1, 1889, the joint resolution was taken up by unanimous consent, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Eulogies on Hon. James N. Burnes.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 23, 1889.

The House having under consideration the following resolutions, to wit:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. James N. Burnes, late a Representative from the State of Missouri.

"*Resolved*, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent abilities and distinguished public services, the House at the conclusion of these memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate,"

Mr. GROSVENOR said:

Mr. SPEAKER: My acquaintance with the deceased began with my entry into the House of Representatives of the Forty-ninth Congress, and was not at any time intimate, but always friendly. I shall not, therefore, discuss the character of the deceased from the standpoint of one intimate with him, but I shall give my testimony as the testimony of one who observed him closely and estimated his character and qualities by observation of his daily life in this Hall.

I may turn aside at this point, Mr. Speaker, to say that I know of no position occupied by men which in its very nature and character more surely develops the good or the weak in character than the position which we have the honor to hold here. Charged by the people of our districts in our representative capacity with the duty of speaking for them and in their name upon the great public questions before the country, we are nevertheless exposed to the weaknesses and foibles of men uncertain as to the effect of their personal conduct upon their future standing.

Between the general purpose and desire which we all have to correctly represent the current sentiment of our districts, we can not shut our eyes to the fact that the matter popular and approved by our constituents to-day may become unpopular and be disapproved on another day. So it is that a member of Congress constantly exhibits to his fellows, unconsciously it may be, but certainly and surely, the elements of his true character. If he is a brave man, actuated by conscientious regard for duty and putting duty higher than temporary success, you may look with confidence that his action will be an exhibit of his best judgment upon the great questions involved in legislation. If he is a weak man, afraid to do right, afraid to be governed by principle, trimming and turning and vibrating as the wind of public opinion seems to trim and vibrate, we recognize in such a man a character unworthy of our emulation and by no means fitted to be a teacher of his fellows.

So it comes about that in this Hall the mirror is held up to nature, and in the daily comings and goings of members, their attitude to each other, and their discharge of duty toward the public, we learn to estimate by a standard almost unerring the character of men.

James N. Burnes was a striking figure in this Hall. Massive, robust, grand, as it were, in physical proportions and physical structure, he presented rugged but attractive elements of mental character as well. It was natural, and indeed inevitable, consequently, to the student of human nature that he would attract attention, and he did attract my attention. I early formed the opinion of him that he was a man of sterling integrity; not only a man of integrity in the commercial sense, not alone a man who would pay his honest debts according to his promises, not alone a man who stood by his word in business affairs, but I estimated him to be a man of unswerving fidelity to what he believed to be right—right in commerce, right in business, right in politics.

I never saw him avoid a duty; I never heard him complain that a duty lay before him; I never heard him intimate that he would prefer not to take sides upon this or that, but he appeared to me to be a man who met a duty as an incident that could not be abandoned, could not be modified, an incident of his daily life and an incident of his duty to himself.

It was not long after his entry into Congress that it was easily discerned by the careful observer that he was to take rank above the ordinary member. As the line of battle was formed on each successive day Burnes advanced more nearly to the skirmish line. He found his position more nearly in the line of active duty. He advanced from the mere file-closer of the column to the position of leadership in the duty assigned him.

More than once I approached him in the moment of excitement here to consult about matters of agreement, matters of accommodation to the different sides of the House. I can not remember an occasion, and I am sure one never happened, where the feeling of animosity was so strong that it carried Burnes away from his attitude of absolute fairness and absolute justice. In the moments of greatest excitement he was always judicial, always willing to accommodate, always willing to fight fairly, and he always did fight fairly. He was a man, therefore, of generous impulses and a man with a head that he never lost.

I can not speak of him in his private life at home; I did not know him there. But that duty has been better done by those who knew him better. My testimony is simply the effect that his daily actions here made upon a man who hitherto had been a stranger.

James N. Burnes was one of the men who make party politics bearable. A man who carries on political warfare as a matter of enmity and hostility to others who oppose him makes party politics in this country a nuisance to himself and an annoyance to everybody else. A man who can not appreciate the good qualities of his opponents, who can not estimate the integrity of a man who does not believe as he does, is not only an ineffective political soldier, but is an effective personal annoyance to himself and to every one else. We have brilliant specimens in America of men who have adopted political views either from honest motives or from mercenary ones who forthwith become champions of their peculiar notions in such a way as to offend and drive off others. Men who speak upon the public stump with a challenge and a defiance in the very tone of their voices, men who figuratively carry chips on their shoulders upon the hustings and hurl defiance and thunderbolts at imaginary foes, foes whom they have never seen, foes in many instances that they have constructed from the fertility of their own imaginations, men who select the utterances of isolated political opponents here and there scattered over the country, and hasten to class all their opponents as believers in the same doctrine, constantly ride astride of the hobby of their own imagination and abuse every man who opposes them.

These men are not effective in politics; these men may achieve temporary brilliancy; these men may have temporary supports; these men may have the unthinking crowd cheering them as they intrude themselves constantly before public notice, but such men are not the pillars of strength around which party greatness and party success is formed. The men of judicious minds, with a just appreciation of the opinions and sentiments of all other men, are the men who lay the foundations and build the structures of political party success. Men who aggregate their opponents, not segregate, and discuss the tendency and drift of party politics from the tenor and effect of the history and platform of the party, its present attitude, and who do not seek to take advantage by holding up awful examples of bad members of a party, are the men who grow strong in America and make party politics available as safeguards and assurances to our free institutions.

Such a man was James N. Burnes. He did not rely for his political success or that of his party upon the fact that the party of his opponents contained here and there a bad man, nor was he a sporadic politician—one of this kind, Mr. Speaker, who suddenly, by accident or design, strike a key-note and then attempt to bend all the energies of their party to the vindication of the peculiar music of that peculiar strain. He was a man of sturdy, indomitable devotion to Democratic politics and Democratic policies. It never occurred to him that he could make a sudden utterance of a platitude, and shaking it into an aphorism, make himself a leader of a great political party and oust the men who for more than a quarter of a century had led and developed the principles to which he adhered.

Mr. Burnes was a man of tenacity of purpose. When he once formed a purpose he never abandoned it except for good cause. That he was not succeeding in his first attempts to establish the idea he held was a matter of no consequence to him so long as he believed it was the right thing, and he held on with a will that made opposition difficult.

But he is dead; his lifework is done, and we can do no less than drop here a tear of affection and testify to our high appreciation of his grand qualities of manhood, courage, and virtue. If in politics there was an honest man in this House, a man who believed what he advocated and advocated what he believed, that man was James N. Burnes. If there was a man in this House who held in high esteem the principles of his own party and the attitude of himself and his fellows, and yet had due appreciation and wise and judicious consideration for the men of other parties who opposed him and who accorded to them honesty of purpose side by side with himself, that man was James N. Burnes. Massive in figure, strong in intellectual characteristics, panoplied in virtue and integrity, he passed away—the spirit that God has given returned to the God who gave it.

I will not discuss the question of the future of that spirit. I could not be induced to believe that the death of such a man or any man is the end of that man's career. If I believed that a man died like an animal, and that his future was the same, I would not give a straw for life. I would not use it as a justification for bad morals, bad living, injustice to others; but this struggle, this unceasing, unvarying, unyielding struggle that we are making here would not be worth the making. I will not be driven into a definition of my views as to the future; they would interest nobody. I would not attach specifications to my faith. But I love this world and its surroundings, the men and the women I meet here, the duties and responsibilities I assume here, largely and almost exclusively because I believe that there is a better world beyond.

I do not confine my belief, Mr. Speaker, to the revelation. There is something better than that. There is something more conclusive than

that; it is the inspiration in the soul of man. Tradition may fail; revelation may be a fraud; but human nature, the aspirations of men, the inspirations that grow with his growth, that strengthen with his strength, indicate to him as an unerring proof that beyond this life, beyond this grave, beyond the end of this brother, there is upon another shore somewhere, in some clime, another and a better existence. It is enough for me that I believe the truth of this statement, that it is within me and around me.

And so, Mr. Speaker, when I stand at the grave of our fellow-brother I stand buoyed up with the hope and the confident belief that in another world, in a higher sphere, in a better life, James N. Burnes will continue the growth and development of a character to which to-day we can not avoid, if we would, rendering tribute.

Forfeiture of Unearned Railroad Lands.

SPEECH
OF
HON. RALPH PLUMB,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889.

The House having under consideration the bill (S. 1340) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes—

Mr. PLUMB said:

Mr. SPEAKER: To my mind it is clear that a most proper thing for the House to do is to agree to this bill as passed by the Senate, and in that way secure a saving to the people of as much of the public domain as now seems possible to do; but, sir, there are other and important measures by which much larger saving could be secured.

Mr. Speaker, $20,000,000 have been taken from the United States Treasury and paid to holders of the bonds of the Government in premiums ranging from 7 per cent. to 30 per cent. This vast sum has been so used, not only without the authority of law, but in derogation of the plain provision of the statute which reserves to the Government the privilege of either paying said bonds at par and accrued interest, or refunding them whenever bonds bearing a less rate of interest than the bonds to be redeemed can be sold at par in coin, a condition that now most certainly has transpired.

On the 24th of January, 1888, I had the honor to offer to this House the following resolution:

Resolved, That a committee of five members of this House be appointed by the Speaker, whose duty it shall be to make a careful examination of all the facts relating to the passage, engrossment, and enrollment of the funding act, so called, and all acts in force bearing upon the question of the right of the Government to redeem its outstanding obligations, with a view to taking such steps as may be required to ascertain the true state of the law on that subject, and for that purpose the committee have power to send for persons and papers, examine all records and original documents, and to obtain true copies of the same, as well as to administer oaths; the committee to report to this House with such recommendations as may be deemed advisable in the premises.

The mere introduction of this resolution was objected to by a leading Democratic member, Mr. BRECKINRIDGE, of Kentucky, on a former occasion, but was afterward referred to the Committee on the Judiciary.

Five minutes was asked to explain the object of the resolution, but objection was made by the same gentleman, and the explanation was refused; and nearly eight weeks was allowed to pass away before any report came from that committee, and when it came it was evident that the most important requirement of the resolution had not received the attention of the committee, namely:

To examine all acts in force bearing upon the question of the right of the Government to redeem its outstanding obligations with a view to taking such steps as may be required to ascertain the true state of the law on that subject.

The conclusion of the report was that the resolution lie upon the table, which was done when I was not in my seat, and as I felt, for the purpose of stifling inquiry upon a question of manifest importance.

In this connection it seems proper to add that I respectfully asked to be heard on the merits of my resolution, but the hearing was not granted. I did, however, get consent to print an argument addressed to the committee, but I think I am justified in concluding that my printed argument somehow failed to receive the attention of a majority of its members.

Failing in my first attempt, I tried another method of bringing forward the question of the Government's rights in this matter; this time by a joint resolution, as follows:

Joint resolution to authorize the Secretary to purchase and cancel certain outstanding bonds.

Whereas by the terms of existing law the right to redeem or pay before maturity any of the outstanding interest-bearing obligations of the United States whenever bonds bearing a less rate of interest can be sold at par in coin has been reserved to the Government; and

Whereas the condition upon which such option can be legally exercised now exists: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, directed to use any money now in the Treasury of the United States, or which may hereafter accumulate therein applicable to the payment of the public debt, for the payment of any of the outstanding interest-bearing obligations of the Government known as the 4½ per cent. and 4 per cent. bonds at par and accrued interest, said bonds to be called and canceled in the manner prescribed by law.

Had the Ways and Means Committee reported back this joint resolution, as the rules of the House require, the whole subject would have been discussed, and no doubt light would have been thrown on it that would have greatly interested the people of this entire country; but for some occult reason and purpose no report was ever made.

Mr. Speaker, it is not for me to know what motives may have influenced the action of the committee, but I can safely say that had the resolution passed it would have disposed of the surplus in the Treasury in a way so just and so complete that no occasion for attacking the principle of protection would have remained to vex political parties on this floor or in the country.

Mr. Speaker, we are often told by his party adherents on this floor that President Cleveland is an honest man, and, sir, I am free to confess that never in the public life of that gentleman have I known of his making a more determined effort to be honest than on this very question of paying to bondholders premiums at the expense of the tax-payers of the country; and I can but deeply regret that his virtuous purpose was utterly destroyed by cross purposes in the direction of his determination to destroy protection. Read the President's attack on protection in his so-called annual message, and you will be struck with the apparent struggle going on in his honest heart in respect to the legal right to pay premiums on the bonds. Again and again did he refer to the lack of authority to so use the public funds, and repeatedly did he ask for legislation by Congress that would clearly confer on the Secretary of the Treasury the power to pay premiums.

At length a bill was rushed through this House with indecent haste, which, without repealing existing statutes, was intended to confer on the Treasury Department adequate power; but it failed to pass the Senate with a single feature of the original bill left in it, so that when it came back here it was sent to the Ways and Means Committee to keep company with the joint resolution to which I have referred, to sleep there the sleep that knows no waking. Meantime the situation became alarming. The surplus had to be reduced. The Treasury was congested and a financial disturbance was thought to be near. The Administration came into power on the promise to pay out more money on the public debt than there was in the Treasury, but instead it had suffered the surplus to increase beyond anything before known in our history, and something must be done, and done at once; so in the dire extremity that so seriously threatened the country and so seriously strained the honesty of the President the Ways and Means Committee came forward with the following resolution, which was passed by the House:

Resolved by the House of Representatives, That it is the sense of this House that section 2 of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, approved March 3, 1881, which is as follows: "That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be redeemed and canceled," was intended to be a permanent provision of law; and the same is hereby declared to have been since its enactment, and to be now, in the opinion of the House, in full force and effect.

Mr. Speaker, the President is not only an honest man, but he is a lawyer as well, and of such good repute, too, that in a few days he will doubtless be at the head of a distinguished firm of lawyers, with an office at the great commercial metropolis of this country, and he knows, as well as we all do, that the resolution just quoted conferred no legal authority whatever on him or the Secretary of the Treasury to pay one single dollar of the twenty millions now paid as premium on the interest-bearing obligations of the United States. Sir, the course of this administration on this question is in strong contrast with what has been recently done by the President in respect to the rights of the settlers on what is known as the Des Moines River Navigation Company's lands in Iowa, in which case the President persists in vetoing the bills passed by Congress to give these settlers a chance for a fair hearing before the courts of the United States for redress for the threatened loss of their homesteads.

In these cases the Government had sold the settlers the identical homes now claimed by the corporation which assails them, and for these lands the settlers have paid their money and received the Government patents therefor, and yet they are being evicted on the claim of the corporation that the law as it stands on the statute-book and the decisions of the courts thus far is on the side of the corporation. Congress proposes, by a bill passed by decided majority in both branches, to give the relief asked for, but our honest President is so faithful to law that he repeats his veto as often as Congress passes the bill; but, sir, in the bond case I have discussed he sees fit to disregard laws which clearly reserve to the people the right to redeem or refund these bonds at par, a fact that evidently did not escape his legal eye, for which reason he earnestly asked Congress to change the law, and so take from his shoulders the

responsibility of what may well be termed a robbery of the tax-payer.

Mr. Speaker, it is by no means a pleasure to me to know that the course of the President and of Democratic leaders on this question is in violation of plain provisions of law and of the interests of the people. The law as it stands was enacted by a Republican administration, and no repeal of its provisions has ever been effected. It is a Republican measure and I advocate it as such.

I can not know how soon the Republican party may follow the bad example of its rival by forsaking the interests of the many and promoting the interests of the few, as has already been done in paying premiums to the holders of the 4½ and 4 per cent. bonds, but, sir, I think it is but fair to presume that the same political party by whose action the Government was made to reserve the right to redeem or refund those bonds at par and accrued interest would have enforced that right had that party been in power when the exercise of it became a practical question.

This solemn promise of the Government to make a possible saving of more than $200,000,000 to the tax-payer was for a consideration of not less than $600,000,000, every dollar of which was a burden laid on the backs of the people at the very time that promise was made, a promise which stands on the statute-books unrepealed. The Democratic party here has not only persistently refused to permit the verity of this proposition to be looked into, but it has by the payment of $20,000,000 in premiums to the bondholder made it enormously difficult to retrace the step, especially so when the history of our legislation shows we have been more careful of the interests of the bondholder than of the tax-payer.

Mr. Speaker, as legislators we shall do well to remember that the time has come for revising this history. If there is to be discrimination it should be in favor of that large class who constitute the body-guard of the Republic, those who by their patriotism protect it in every time of peril and by whose labor its Treasury is always prepared to meet every just demand.

But for one I protest against discrimination, and against favoritism to any class, and it is because of my adherence to this thought that I avail myself of this last opportunity in my official life to put on record here my protest against the continued payment of premiums on the interest-bearing obligations of the Government known as the 4½ and 4 per cent. bonds.

Des Moines River Lands.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889.

The House having under consideration the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, returned by the President with his objections thereto—

Mr. WHEELER said:

Mr. SPEAKER: On June 12, 1838, the Territory of Iowa was organized. It was mostly a wilderness, the entire Territory having but about 20,000 inhabitants.

On August 8, 1846, the population having increased to about 100,000, Congress enacted a law donating certain lands to the Territory for the purpose of improving the Des Moines River. This act was the beginning of a controversy of more than forty years' duration, which has culminated in the measure now under discussion.

My first intimate knowledge of this bill was obtained in this Congress. As a member of the Committee on Public Lands it became my duty to carefully examine all measures submitted to the consideration of that committee, and when my attention was demanded by this bill, which sought to forfeit the lands to which it referred, I speedily discovered that it contained features I could not approve.

I found that the President, during a previous Congress, had vetoed a similar bill, and I was surprised to be informed in the committee that the President had since admitted he was mistaken, and that if he had known the facts, he would not have interposed his veto. Upon that statement the bill swept through the committee.

After examining his veto I called upon the President in connection with the matter, because I was amazed to find that a paper so sound in law had been recanted by that laborious, painstaking, and vigilant Executive; and when I told him of the current report upon the subject he was astonished, and said there was no question which he examined more closely than this, and none in regard to which he was better satisfied.

When an effort was made to report the bill as a privileged measure I opposed the motion, and the distinguished gentleman from New York [Mr. COX], who had been elected Speaker *pro tempore*, decided the bill was not of a privileged character. I regarded that decision as a termination of the controversy, but took the precaution to request that in the event the ruling of the Chair should be reversed I should be permitted to file a minority report, having previously notified the Committee on Public Lands that such was my intention.

THE BILL RUSHED THROUGH THE HOUSE.

On December 5, 1888, I walked upon the floor of the House and was startled to find the bill under discussion, and in answer to my inquiries was informed that the Speaker [Mr. CARLISLE] had reversed the decision of his predecessor *ad interim*, and that the bill was being put upon its passage.

The gentleman from New York [Mr. PARKER] had not reached Washington, but I learned that his gallant colleague [Mr. WHITE] had endeavored to stem the torrent, and had been battling bravely against his opponents, sustaining his position with arguments, facts, and judicial decisions, but apparently without effect, as they had swept him along before a resistless avalanche of declamation and sentimental sophistries, and the ardent impulses they enkindled. I was forcibly reminded of the written accounts of the Commune in Paris, sweeping law and order under the raging waters of passion.

I succeeded in obtaining the floor, and in the few moments accorded me protested against the measure with all the earnestness and vigor of which I was capable. But the time was so short it was impossible to clearly explain the objectionable features of the proposed legislation.

I then endeavored to amend, and finally to recommit the bill, but so ignorant was the House of the actual merits of the question at issue that the vote was almost unanimous in favor of the passage of the bill. On the vote by tellers to recommit but 4 members beside myself voted yea, while 160 voted no.

I had not heard the fervent appeals in favor of the bill and could not imagine what strange infatuation or hallucination had seized upon this body.

I appealed to Democrats to respect the President's veto, and was astounded to discover the remarkable change of opinion regarding our distinguished Executive which had taken place since the disastrous 6th of November.

I appealed to the House to postpone action upon the bill for a single day to give the gentleman from New York [Mr. PARKER] an opportunity to be heard, but that was refused.

I endeavored, unavailingly, to explain the injustice of asking a reversal of the decision of the gentleman from New York [Mr. COX] while I was absent.

INACCURACIES REGARDING THE MEASURE.

The following day I learned with some surprise that the gentleman from Illinois [Mr. PAYSON] in his earnest speech advocating the bill had given some members of the House the impression that the bill was not similar to the one vetoed by the President, but was framed in accordance with suggestions contained in the veto message. I will read the gentleman's language as published in the RECORD:

* * * In the last Congress when the President vetoed the bill upon grounds which I regard as not very substantial, but which I do not care now to discuss, as this bill meets the point that the President made, that a simple bill allowing action where action can not be had would not be objectionable. This bill does this.

This statement would indicate that the gentleman from Illinois [Mr. PAYSON] had been misled, as a careful comparison of the two bills shows that, in effect, they are substantially the same. To show that the President entertained a similar opinion I will read a paragraph from his veto of the Des Moines bill now before the House:

This bill is to all intents and purposes identical with Senate bill No. 150, passed in the first session of the Forty-ninth Congress, which failed to receive Executive approval. My objections to that bill are set forth in a message transmitted to the Senate on the 11th day of March, 1886. They are all applicable to the bill herewith returned, and a careful re-examination of the matters embraced in this proposed legislation has further satisfied me of their validity and strength.

Some days since, I was thunderstruck when I heard that the President had been told that this bill was entirely different from the one passed last year, and that it met the objections of his veto, whereupon I went to him and asked him if that were true, and he said it was.

Mr. PAYSON. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. It is clearly out of order for the gentleman now addressing the House to detail to the House what occurred between himself and the President of the United States with reference to this bill.

Mr. WEAVER. I hope he will tell how he convinced the President, and make it a part of his statement. [Laughter.]

The SPEAKER *pro tempore* (Mr. HATCH). The point of order is not well taken. It is a question of propriety to be determined by the gentleman from Alabama himself, how much of any conversation which he may have had with the President of the United States he will detail upon this floor.

Mr. WHEELER. I have not intimated that I attempted to convince the President. He is too good a lawyer to need advice on such a point, and a mere suggestion that a comparison of the two bills would show them to be the same, or substantially so, was all that the occasion called for. I only refer to the matter to illustrate the inaccuracies which have crept into the history and management of this remarkable measure.

THE TWO BILLS COMPARED.

The changes made in the bill under consideration—comparing it with that which was vetoed during the last Congress—were these: 1, the

preamble was omitted; 2, the words "prior bona fide" are inserted after the word "with," in the thirteenth line; 3, the word "and" is substituted for the word "or," in the seventeenth line; 4, the words "or their heirs" are substituted for the words "their heirs or their proper assigns," thereby omitting the words "or their proper assigns," in the twenty-first line; and 5, the words "as soon as practicable and within three years" are substituted for the words "within ninety days," in second line of second section.

These changes do not justify the statement that the bill we are considering meets the points made by the President in his veto message of March 11, 1886. The bill in its new form does not meet one single objection urged against the old one by the President.

The first section of the bill vetoed March 11, 1886, and the one vetoed February 22, 1889, both state that "certain lands are hereby declared to be public lands of the United States."

The second section directs the Attorney-General to institute suits at the expense of the United States in the terms I read:

SEC. 2. That it is hereby made the duty of the Attorney-General * * * to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands, and remove all clouds from its title thereto.

In his veto message of March 11, 1886, the President said:

This bill declares that certain lands which, nearly twenty-four years ago, the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands, because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

If a law of Congress could, in the manner contemplated by the bill, change, under the Constitution, the existing rights of any of the parties claiming interests in these lands, it hardly seems that any new question could be presented to the courts which would do more than raise false hopes and renew useless and bitter strife and litigation.

It seems to me that all controversies which can hereafter arise between those claiming these lands have been fairly remitted to the State of Iowa, and that there they can be properly and safely left; and the Government, through its Attorney-General, should not be called upon to litigate the rights of private parties.

It is very clear that these objections apply just as forcibly to the bill we are now considering as they did to that which Mr. Cleveland vetoed during the Forty-ninth Congress, and I assert that the bill now under consideration does not meet one single objection urged upon our consideration in the first veto message.

THE PRESIDENT'S SYMPATHY.

The President did not, in that message, manifest any want of sympathy for those settlers who located on these lands under the Browning decision. On the contrary, he carefully pointed out a proper, legal, and entirely adequate means of relief for them, in these words:

It is not pleasant to contemplate loss threatened to any party acting in good faith, caused by uncertainty in the language of laws or their conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as prevent them from appealing to the courts for a redress of their wrongs, a plain statute, directed simply to a remedy for such disabilities, would not be objectionable.

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right nor lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

Pursuant to that suggestion, I introduced the bill H. R. 8389, which in my opinion would have insured full indemnity to every bona fide settler who in good faith entered upon these lands under the belief that they were legally subject to homestead entry. That bill would have done justice to all injured parties and could have worked injustice to no one.

The bill now before the House declares a vast tract of land to be public land, and therefore the property of the United States. By far the greater part of these lands are occupied by farmers who purchased from the Des Moines Navigation and Railroad Company years ago. Many of them made their purchases after the supreme court of Iowa and the Supreme Court of the United States had repeatedly decided that the title of that company was valid and unassailable. On these lands they have made homes for their families and in them their entire fortunes are invested.

EVILS OF SUCH LEGISLATION.

With certain limitations, or exceptions of very doubtful meaning, the bill declares that these lands, improved by the toil and self-denial of their honest owners through many years, are in fact public lands; that they are not the property of the citizens whose arduous labors have converted a waste into one of the garden spots of earth, but that those who have wrought this marvel are mere squatters and trespassers on the public domain.

The principal daily paper, published in the very heart of the section where these lands are located, says there are seven hundred such farmers in Webster County alone who would lose their homes should this bill become a law.

This, Mr. Speaker, is not legislation. It is confiscation under nominal legal forms. It will, if the advocates of the bill are successful, establish a precedent which shall not be set while I am a member of this House if it be possible for me to convince the reason or to reach the consciences of my fellow-members.

The gentleman from Iowa [Mr. HOLMES] has exhibited a patent purporting to have been issued to one George Nest on the 15th day of June, 1866. In referring to the issuance of this patent the distinguished gentleman says:

These registers of the land office and the Government officers did not know whether the lands had been withdrawn from market.

THE MOST EFFECTUAL REMEDY.

The proper remedy for this patentee and the few others whom the Government officials improperly and illegally allowed to enter "reserved" land—land not subject to lawful entry—is suggested by the President and supported or indorsed by those who oppose this bill, and that remedy is a money compensation as indemnity for any loss they may have sustained.

The letters and petitions received by the Committee on Public Lands indicate that such an adjustment of the difficulty will be far more satisfactory to all the parties interested than the privileges which are conferred by this bill. There were quite a number of petitions from settlers before our committee last session, but I can not lay my hand upon them just at this time. My friend from Arkansas [Mr. MCRAE] hands me a letter from one Erastus R. Irving, who states that he was led to settle on the land in 1867 by the ruling of Secretary Browning. As evidence of the feelings of such settlers in the matter I will read part of Mr. Irving's letter:

Now, what we want to call your attention to is this: Many of us think an indemnity to the settlers will mete out more satisfaction and justice to them than such a law as the bill the President vetoed last session of Congress. An indemnity would give immediate relief, which has been delayed too long already. The bill vetoed gave us the privilege of going to law in the Supreme Court at Washington. Where is the poor river-land settler that has time or money to attend court in Washington? I know of none. And we think the same influence that has defeated all legislation on the river-land question for the last twenty years will do the same for the next twenty years. All we can see in the bill vetoed by the President is the privilege of lawsuits, and that means lawyers and big pay, so after a number of years the settlers will find the lawyers will own the land or more fees than the land will bring. Yes, give us an indemnity—or why not give us an optional indemity? Then if there are any that desire to have it the old way—of having it brought up year after year in Congress—let them have it, and let us that are entitled to and desire an indemnity have it immediately. Hoping you may see this matter as many of us do, and will introduce or recommend an optional clause in all bills introduced. Why our Representative urges the old vetoed bill we do not understand.

Very respectfully,

ERASTUS R. IRVING.

I think Mr. Irving will find that the old vetoed bill is urged because of the heavy pressure exerted by a strong lobby, the members of which hope to receive a large sum of money if their efforts prove successful.

LEGAL STATUS OF THE QUESTION.

Mr. Irving and others similarly situated know that the courts have invariably decided, in the many cases involving the question, that the land having been "reserved," the title obtained in 1867 is invalid. This is clearly expressed in Bullard *vs.* Des Moines and Fort Dodge Railroad, 122 U. S., 167. On pages 170–171 the court says:

On April 6, 1850, Secretary Ewing * * * issued an order withholding all the lands then in controversy from market, * * * which order has been continued ever since. * * * This court has decided in a number of cases, in regard to these lands, that this withdrawal operated to exclude from sale, purchase, or pre-emption all the lands in controversy.

On page 172 the court says:

During all of this controversy there remained the order of the Department, having control of the matter, withdrawing all the lands in dispute from public sale, settlement, or pre-emption.

After considering the plaintiff's contention that the joint resolution of March 2, 1861, terminated this reservation, the court decides that such was not the fact, and on page 174 says:

We do not think the joint resolution had the effect to end the reservation of these lands from public entry.

And on pages 175 and 176 the court disposes of the entire matter in these words:

The title of the plaintiff, therefore, rests upon settlements upon odd sections of land within 5 miles of the Des Moines River, which were reserved from sale or pre-emption at the time the settlements were made. Two of the settlements, which are the foundation of plaintiff's title, were made in May, 1862, only a few days before the passage of the act of July in the same year; and one of the settlements under which plaintiff claims was made after the passage of that act. The title was transferred by that act to the State of Iowa for the original purposes of the grant of 1846.

The object of this bill is to have a declaration of the court that the title of the plaintiff under those settlements and pre-emptions is superior to the title conferred by Congress on the State of Iowa and her grantees under the act of July 12, 1862. If the lands were, at the time of these settlements and pre-emption declarations, effectually withdrawn from settlement, sale, or pre-emption, by the orders of the Department, which we have considered, there is an end of the plaintiff's title, for by that withdrawal or reservation the lands were reserved for another purpose, to which they were ultimately appropriated by the act of 1862, and no title could be initiated or established, because the Land Department had no right to grant it. This proposition, which we have fully discussed, will be found supported by the following decisions, which are decisive of the whole controversy: Dubuque and Pacific Railroad *vs.* Litchfield, 23 How., 66; Wolcott *vs.* Des Moines Company, 5 Wall., 681; Homestead Company *vs.* Valley Railroad, 17 Wall., 153; Williams *vs.* Baker, and Cedar Rapids Railroad *vs.* Des Moines Navigation Company, 17 Wall., 144; Woolsey *vs.* Chapman, 101 U. S., 755; Dubuque and Sioux City Railroad *vs.* Des Moines Valley Railroad, 109 U. S., 329, 334.

The judgment of the supreme court of the State of Iowa, founded on the same view of the subject as above set forth, is therefore affirmed.

MISTAKES OF EAGER ADVOCATES.

Mr. Speaker, the gentleman from Iowa [Mr. HOLMES] has made some statements here to which I now wish to refer. He has stated that no

deed to this land was ever made to the company. Why, sir, here in the report is a regular indenture making an absolute deed to the company. This was in 1858.

My friend from Iowa [Mr. HOLMES] has not stated the case as clearly as he should. I read the deed as embodied in the report which was made by the gentleman from Illinois [Mr. PAYSON], pages 11 and 12:

This indenture, made this 18th day of May, 1858, by and between the State of Iowa, party of the first part, and the Des Moines Navigation and Railroad Company, parties of the second part, witnesseth that the party of the first part, for and in consideration of $1 paid by the parties of the second part, and in pursuance of the contracts and agreements between the State of Iowa and the said Des Moines Navigation and Railroad Company for the improvement of the navigation of the Des Moines River, in the State of Iowa, and in pursuance of a joint resolution of the General Assembly of the State of Iowa, approved the 22d day of March, 1858, does hereby sell, grant, bargain, and convey to the said Des Moines Navigation and Railroad Company the following-described lands, to wit: All lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold and conveyed or agreed to be sold or conveyed by the State, by its officers and agents, prior to the 23d day of December, 1853, under said grant; and said company or its assigns shall have right to all of said lands so herein granted to them as fully as the State of Iowa could have under or by virtue of said grant, or in any manner whatever, with full power to settle all errors, false locations, omissions, or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the costs and charges of said company, and the State to hold all the balance of said lands, and all rights, powers, and privileges under and by virtue of said grant, entirely released from any claim by or through said company. And it is understood that among the lands excepted and not granted by the State to said company are 25,487.87 acres lying immediately above Raccoon Fork, supposed to have been sold by the General Government, but claimed by the State of Iowa.

To have and to hold the above-described lands and each and every parcel thereof, with all the rights, privileges, immunities, and appurtenances of whatever nature thereunto belonging or appertaining, unto the Des Moines Navigation and Railroad Company, their successors and assigns forever, in fee-simple.

In testimony whereof I, Ralph P. Lowe, governor of the State of Iowa, have caused the great seal of the State of Iowa to be hereunto affixed.

Given under my hand at the city of Des Moines the day and year first above written, and of the State of Iowa.

[L. S.] RALPH P. LOWE.

By the governor:

ELIJAH SELLS, *Secretary of State*,
By JNO. M. DAVIS, *Deputy*.

The report then asserts:

This is the deed under which the navigation company and its assigns claim.

After that, at the December term, 1859, the Supreme Court declared that the grant to the State of Iowa of 1846 did not include the lands above Raccoon Fork.

Mr. WEAVER. And these lands are above the Fork?

Mr. WHEELER. Yes, sir.

The case is reported in 23d Howard, page 66. The style of the case is Litchfield *vs.* Railroad.

Mr. HOLMES. Will the gentleman allow me one question? Will he tell us how much of these lands were ever patented by the United States to this company?

Mr. WHEELER. Well, the deed was made to the navigation company which conveyed all the title of the State of Iowa.

Mr. HOLMES. How much of the land was ever patented to this company by the United States; one acre?

Mr. WHEELER. I can not stop to talk about those things. [Laughter.] I have but a few minutes to discuss this branch of the subject. The deed was made by the State of Iowa to this company for a valuable consideration.

Even if patents were not issued it does not invalidate the title of the land company.

I read from 5th Wallace, page 681. The case is Wolcott *vs.* Des Moines Navigation Company.

This decision holds that the Des Moines Navigation Company have a good title to the lands in controversy, and these are the lands the bill we are considering proposes to declare to be public lands.

The syllabus says that the clause of the act of May 15, 1856, which referred to reserved lands, operated in connection with subsequent legislation to reserve for the purpose of aid in the improvement in the navigation of the Des Moines River an equal moiety, in alternate sections, of the public lands on and within 5 miles of the said river, between the "Raccoon Fork," so called, and the northern boundary of the State.

The decision, page 686, says:

The question as to the true construction of this grant of 8th August, 1846, and in respect to which such great diversity of opinion existed among the executive officers of the Government, came before this court, and was decided at the December term, 1859-'60. The court held that it was limited to the Raccoon Fork, and did not extend above it. (22 How., 66, Dubuque and Pacific Railroad Company *vs.* Litchfield.)

Whereupon, on the 2d of March, 1861, Congress passed a joint resolution providing that "all the title which the United States still retain in the tracts of land along the Des Moines River, and above the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State." And on the 12th July, 1862, Congress enacted "that the grant of lands to the then Territory of Iowa for the improvement of the Des Moines River by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State. Such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa approved March 22, 1858."

If the case stopped here it would be very clear that the plaintiff could not recover; for, although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company, yet, having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to their conveyance to the plaintiff. This is in accordance with the laws of the State of Iowa.

The gentleman has said that the company did not do the work. The Supreme Court in its decision says they did the work. In the case of Bullard against Des Moines Railroad, page 171, the court says that "large sums of money have been spent by the company." The decision also says that "no money was used for all this work except what was used by the navigation company."

In alluding to the resolution of March 2, 1861, and the act of July, 1862, the Supreme Court used these words:

That the propriety of some action by Congress, and the demand for it was pressing, is obvious, when we consider that the Des Moines Navigation Company, under contract with the State, had spent large sums of money beyond what they had received from the State, and beyond the value of the lands certified to the State by the Secretary. The work, with all the materials and implements on hand, was suspended, and the danger of the works being swept away and ruined by the floods in the river was imminent.

This decision also says (page 169) that the work progressed for a number of years, several dams and locks being built from the mouth of the river upward, and the means of payment came solely from the sale of lands granted to the State for that purpose.

The exact language of the court (pages 169, 170) was:

The contract for the execution of the work came into the hands of a corporation called the Des Moines Navigation Company. The work progressed for a number of years, several dams and locks being built from the mouth of the river upwards, the means for paying the contractors coming solely from the sales of lands granted to the State for that purpose.

In the Wolcott case, page 689, the decision says:

The improvements of this river were in progress at the time of the passage of the act of 1856, and had been for years, but were suspended soon after, on account of the refusal of the Land Department to certify any more sections under the act of 1846, and, as appears from the certificate of the governor of Iowa, the sum of $332,634.04 had already been expended by these defendants under their contract.

I call especial attention to the fact that the Bullard decision says (page 170):

The State made no appropriations and furnished no means from any other source than this for the prosecution of the enterprise.

Certainly no one will deny that this sum was spent by the company prior to 1856, and it is contended that the total amount expended by them was $1,300,000. The gentleman also says there is no politics in this. Why, sir, the report itself, made by the gentleman from Illinois [Mr. PAYSON], says that there is a great deal of politics in it. On page 25 of the report he declares that it is *the* political question in that country. It says:

The question of the validity of this title has been the principal subject of discussion in the locality for now nearly a generation, and has lost nothing of intensity by the lapse of time. At local elections it is the one supreme issue, overshadowing all others.

The gentleman from Iowa [Mr. HOLMES] says that this navigation company got indemnity lands. My information is to the effect that they did not get one acre of indemnity lands. Those lands were given to the State of Iowa; but that could not affect the navigation company, who had the deed for the lands, having spent, as is claimed, about $1,300,000 in improving the river.

The President in his veto message alludes to this claim for indemnity in these words:

It is claimed, I believe, that in a settlement of land grants thereafter had between the United States and the State of Iowa lands were allowed to the State in lieu or indemnity for some of the lands which it had conveyed to the Des Moines Navigation and Railroad Company. But if the title of the company is valid to lands along the river and above the Raccoon Forks under the deed from Iowa and the joint resolution and act of Congress, it can not be in the least affected by the fact that the State afterwards, justly or unjustly, received other lands as indemnity.

THE SUITS NOT COLLUSIVE.

At the time when the grant was made Iowa was a Territory; there were but twenty thousand people there, and the land was probably worth only about 25 cents to $1 an acre, and the company agreed to take those lands and advanced their money to accomplish the work which the Supreme Court says was done. Something has been said about collusion. The gentleman from Iowa [Mr. HOLMES] and the gentleman from Illinois [Mr. PAYSON] state that these suits were collusive. Here are ten suits in the Supreme Court of the United States, every one affirming the title conveyed by this deed, made thirty-one years ago, giving an absolute title to the navigation company. The decisions also expressly assert that when the act was passed in 1861 and 1862, extending the grants above the Raccoon Fork, it inured to the benefit of the navigation company.

The Bullard case originated in a county court in the State of Iowa. It was decided by a State judge, the decision was affirmed by the supreme court of the State of Iowa, and was finally affirmed by the Supreme Court of the United States. Many of the other cases came from the State courts of Iowa, and the gentleman from Illinois [Mr. PAYSON] and the gentleman from Iowa [Mr. HOLMES] would have Congress believe that during thirty years the courts of Iowa and the Supreme Court of the United States have been guilty of the great impropriety of deciding collusive cases for the purpose of aiding and abetting fraud.

Such insinuations are an insult to the people and the judiciary of the State of Iowa and of the United States.

The advocates of this bill assert that there is no question as to the propriety of its passage. When the gentleman from Illinois [Mr. PAYSON] made the report he was not so confident. In that report he says:

The committee, while believing that the claim of the settlers is well founded, do not claim that the case is free from doubt. It is possible the Government has no title and that that of the navigation company is good in law.

LOBBYISTS EAGER FOR THE BILL.

The gentleman also said something about lobbying. There has been no lobbying that I have heard of to defeat this bill, but I hold in my hand one of the blanks of the "Settlers' Union," which I am informed is a lobbying organization. Parties were sent out there, so I am informed, and got the settlers to make this contract with them, agreeing to give a dollar an acre upon their lands if this legislation could be effected, and that obligation was made a lien upon the land, and that is the explanation of the lobbying that is being done here to get this bill through, to declare to be public lands these lands which the gentleman from Iowa himself [Mr. HOLMES] says are now worth a hundred dollars an acre.

Note to Settlers' Union.

FORT DODGE, IOWA, ——— —, 187-.

Sixty days after the resumption of the so-called river lands, by act of Congress, as Government land, by which acts, as a bona fide settler, I may perfect my title under Government to the following lands, to wit:

The ——— ——— of section No. ——, township No. —— north, of range No. —— west, fifth P. M., Iowa.

I promise to pay to treasurer of Settlers' Union, or bearer, the sum of ——— dollars, being at the rate of $1 per acre on said tract so confirmed by Congress in me by means of resumption of the so-called Des Moines navigation and railroad lands. Said sum so owing by me shall be and become and remain a mortgage lien on said piece or parcel of land claimed by me until said note is paid. Also, said note is and shall be a special lien on any compensation or indemnity that may be granted by Congress and accepted by Settlers' Union or myself in lieu of said land, and be paid as soon as such compensation or indemnity is set apart for such purpose by such act, and retained out of such moneys by the "Settlers' Union" for payment of this note.

But in case the Settlers' Union fails to secure the title as above, or compensation or indemnity, then this note is null and void.

STATE of IOWA, ——— *County, ss:*

On this —— day of —— 187-, before me, a —— in and for said county, personally appeared ——— ———, to me well known to be the identical person whose name is signed to the foregoing instrument, and acknowledged same to be his voluntary act and deed.

Witness my hand and seal the day and date herein written.

It will therefore be seen that under this contract the Settlers' Union could, within sixty days after this bill became a law, collect $1 per acre from all holders of lands who entered into this agreement, and I am informed that the land affected will aggregate 200,000 acres. But I wish it distinctly understood that I only make this statement from information.

THE HOME PRESS ON THE BILL.

I have here a paper from the very field of controversy. It is the Daily Chronicle, of Fort Dodge, Iowa, a recent editorial in which asserts that this bill if passed will work ruin to that country. It says that there are not more than twenty-five men who can be benefited by the bill; that in one county alone, Webster, there are seven hundred farmers who bought their lands of the navigation company after the Supreme Court had six times said the title of the navigation company was good—men who built their homes on those lands, and who, if the title of the navigation company be declared invalid, will be ruined.

Mr. PAYSON. Will the gentleman permit a single suggestion? I know he desires to be accurate.

Mr. WHEELER. Yes, sir.

Mr. PAYSON. Does not the gentleman know that this bill in express terms validates the title of every man who is in possession under the navigation company?

Mr. WHEELER. To the extent only of 160 acres; and it does it in such terms as to make it very doubtful what will be the result. Some of the very best lawyers say that it will not validate the title; and this paper says so. I will read the article:

RIVER LAND BILL—HOW IT WILL AFFECT THE INTERESTS OF WEBSTER COUNTY.

The Chronicle has deferred expressing any opinion upon this important question until all parties had been heard and the views and opinions of those familiar with it and its probable bearing upon the growth and prosperity of our county had been fully canvassed. It has been a subject of discussion abroad by those unacquainted with the facts, as well as at home, and the Chronicle has spared neither money nor time to acquaint itself with the facts and details, that its readers as well as the public at large may understand the significance of the bill and its probable effect upon property interests in this county as well as Polk, Boone, Dallas, and other counties touched by the Des Moines River land grant.

THE HISTORY OF THE GRANT,

without going into detail, is substantially as follows:

Congress in 1846 granted to the then Territory of Iowa, for the purpose of improving the Des Moines River from its mouth to the Raccoon Forks, certain lands, consisting of each alternate section in a strip 5 miles in width on each side of said river. The State, after having entered upon the improvement, made a contract with the Des Moines Navigation and Railroad Company to carry on the work, they to succeed to all the rights of the State under the grant.

Afterwards a question arose as to the extent of the grant, the State and river land company claiming it extended to the extreme limits of the State, the contract between the State and river land company having been entered into under this construction of its terms, but the Government Land Department held it did not extend above the Raccoon Forks, and refused to certify any further lands above said forks, it having already at that time certified about 297,000 acres above the Raccoon Forks (which are the lands in controversy). Thereupon, and in 1858, by a joint resolution of the Legislature of Iowa, a settlement was had between the State and the river land company, by which the State conveyed all the lands thus certified above the Raccoon Forks to the river land company and released said company from any further prosecution of the work.

In 1860 the United States Supreme Court found the original grant did not extend above the Raccoon Forks, thus invalidating the title of the State and its grantees, the river land company, to the land that had been certified above the Forks. But March 2, 1861, Congress released to the State for the benefit of its grantees (the river land company) all lands which had been certified to the State above the Raccoon Forks. During the controversy between the State and river land company on one side and the Government Land Department on the other as to the extent of the grant the lands in dispute had been reserved from entry. Yet notwithstanding such reservation parties entered and located upon many of the lands, and in some instances patents were issued. The Supreme Court again being called upon to pass upon the validity of the river land title held that under the act of Congress of March 2, 1861, it was confirmed and made valid, and that the lands not being subject to entry at the time of settlement (having been reserved from sale and entry) the patents issued to settlers were void.

NO LESS THAN TEN DECISIONS

of the United States Supreme Court have been rendered upon this title, each time confirming the validity of the river land title as against the settler, besides decisions of our State supreme court to the same effect. The bill now before Congress proposes in effect to

DECLARE THESE LANDS AS PUBLIC LANDS

of the United States; it proposes further to issue patents, upon the payment of the usual fees, to all persons "who, with intent in good faith to obtain title thereto under the laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding 160 acres."

No record evidence of the entry upon the land or of the intention to enter is made necessary by the terms of the bill; nor is it necessary that they should be upon or have remained upon the land any specified time, having gone upon it with the intention of entering, etc., being sufficient.

It again proposes to quiet the title of the river land company and its grantees to all lands "which do not come in conflict with persons who, with intent in good faith to obtain title thereto under the laws of the United States, settled upon said lands prior to January, 1880." To accomplish the purposes of the bill it authorizes the bringing of an action by the Attorney-General within three years after its passage, "to assert and protect the title of the United States," thereby relegating the question to that tribunal, the courts, which have already repeatedly affirmed the title of the river land company. But it is not the intention of the Chronicle to consider the legal question involved in the bill, but only the effect its passage will have upon our national prosperity and property generally throughout our county.

There were certified under the grant and above the Raccoon Forks lands aggregating 297,000 acres. Of these 90,746 acres are located in Webster County. The aggregate number of acres of land in Webster County approximates 450,000, so that one-fifth of the lands in this county are directly affected by the bill.

ONE-FIFTH OF OUR FAMILIES

are owners and occupants of the lands purchased from the river land company and its grantees. The aggregate vote of Webster County for secretary of state at the late election, exclusive of Fort Dodge, was 3,281, deducting 500 for the votes in the smaller towns, and we have approximately 2,781 farmers in our county. Of this number one-fifth, or 756 of our farmers, are directly affected by the bill. A careful canvass of the county shows that there are to-day less than 75 farmers claiming and occupying lands adverse to the river land company (and Webster County contains more than any other county); of this number about 30 are claiming as assignees of the original occupants, having purchased the claims for a mere nominal consideration; about 20 have claims inclosed which they cultivate or pasture, having adjoining farms; the remaining 25 being bona fide settlers who have made improvements under an abiding faith in the Government title, against whom though, with perhaps one or two exceptions, judgments exist for possession, and they may be evicted at any time, nor would the bill prevent this, as it could not stop the process of the court.

We have then in this county approximately

SEVEN HUNDRED FARMERS

who are actual bona fide purchasers from the river land company and its grantees, each and every one of whom, under the present bill if passed and sustained by the courts, would lose their farms, providing they had at any time formerly to purchase been occupied by any one with the intention of entering, pre-empting, etc., as stated in the bill; and what means have they of ascertaining whether their farms were ever so occupied? Absolutely none. They must wait and see if any such claim is made; and what means have they of controverting such claims when made? Absolutely none. When we consider that most all these lands have at some time been claimed adverse to the river land company, the claimants now being scattered to the four winds, we appreciate the magnitude of the dangers. Any one crossing our prairies twenty-five years ago, and who pitched his tent over night on the land now transformed into a beautiful farm, may appear with his family, swear to a state of facts as to his intentions, etc., that would entitle him to the land. We do not think the rights of property should be jeopardized by such loose legislation.

But again, an examination of the records show there are existing to-day in this county over $400,000 of mortgage loans upon these lands, being an average of nearly $5 per acre for all river land in this county, made by our farmers as grantees of the river land company to almost every individual and loan company that lend money in Webster County. The Ætna Life Insurance Company, the Northwestern Mutual Life Insurance Company, the Scott County Savings Bank are a few of the companies the Chronicle saw upon examining the mortgage record. What is to become of these mortgages if the river-land title is not good? A decision of the courts such as the bill seeks to procure

WOULD WORK UNTOLD HARDSHIPS

to hundreds of farmers who have purchased their lands from the company in this county and thousands of farmers in Polk, Dallas, Boone, and other counties touched by the grant. But would not the naked passage of the bill work almost an equal hardship? We have seen that hundreds of thousands of dollars are loaned upon these lands in our county alone to purchasers from the river land company. Under the terms of the bill no action need be brought for three years. Well-informed lawyers say that not less than four years are required to procure a hearing in the United States Supreme Court, its docket being so crowded. Allowing three years for delays and trials in the lower court, a moderate allowance, and we can not hope for a decision short of ten years.

The loans mature, the mortgagees refuse to renew because of the litigation, foreclosures follow, and hundreds of farmers in this county and throughout the extent of the grant lose their farms. It would not do to say the courts will again sustain the river land title, for loan companies will not enter into an examination of facts, or pass upon the merits of a legal controversy. But again the treasurer's books show that there have been paid by the river land company and its grantees in this county alone $277,000 of taxes up to and including the year 1886, the settlers having paid no taxes. This amount with 6 per cent. interest from the time of payments, aggregating in round numbers $500,000, would represent the amount Webster County would be called upon to refund

should the lands be declared Government lands by our courts, for, in the opinion of many of our best lawyers who have been consulted regarding this phase of the question, we can not take the taxes and the land both; if they were Government lands they were not subject to taxation. Webster County had an assessed valuation in 1887 upon real estate of $3,225,150; the amount of the tax which we would be required to refund under a finding of the court as sought by the bill would be equal to nearly one-sixth of the assessed valuation of our real estate—an amount sufficient to

BANKRUPT OUR COUNTY

and every farmer within our border, for this would fall upon all property alike. We ask, can the property interests of our county have such a cloud resting over it and the county itself prosper and grow? Would not the fear of this contingency arising drive emigration from us? Would not the many farmers who are selling their high-priced farms in the East, and seeking homes and cheaper lands in Iowa, pass us by and go into those sections where no such dangers threaten? Would not the fear of such a judgment against the county and its consequent lien upon all landed and property rights practically close the channels of real estate operations in our midst until the questions were finally determined, which would not, we fear, be within the lifetime of many of the Chronicle subscribers?

While there are some few remaining who have suffered hardships by reason of the failure of their title, could not some remedy be provided that would sufficiently compensate them and at the same time work no injustice or hardship upon the many who have purchased, cultivated, and improved their farms under their faith in the river land title as established by the decisions of our courts? Would not the chaos arising from the passage of the bill in the litigation it would produce, the conflict of title, the clamor for the payment of mortgage loans, the fear of a recovery for taxes check our growth and ruin our prosperity, and would not the passage of the bill alone, regardless of any decision of the court, be attended with all these evils? We believe that these are questions vital to our prosperity as a community, that these are dangers now threatening us and should be considered by all those having the good of the whole community at heart.

I think this article shows conclusively that the passage of this bill would inflict untold hardships upon the people of Des Moines valley.

Mr. HOLMES. Does not the gentleman know that the man making that statement has a "large slice of the pork?"

Mr. WHEELER. No; I do not know it and I do not believe it. But even if he did, it would not prove the statements untrue. The paper from which I have quoted is dated January 13, and if the assertions it makes were not true they would have been authoritatively denied long before this date.

Mr. HOLMES. I refer to John F. Duncan, of Fort Dodge.

Mr. WHEELER. This is not from Mr. Duncan. The Daily Chronicle is edited by W. E. Duncombe.

Other papers have expressed similar views. I have made no effort to procure them, but I have the Washington Post of this city, which contains a press dispatch which I will read:

THE DES MOINES LAND BILL VETO.

FORT DODGE, IOWA, *February* 24.

News of the veto of the Des Moines River land bill was received here with general surprise. Lawyers sustain President Cleveland from a legal standpoint, while the opinion of business men as to the merits of the veto are divided.

Mr. McRAE. I want to say, with the consent of the gentleman from Alabama, that the bill itself confines this confirmation of titles to those who are claimants under the homestead or pre-emption laws——

Mr. WHEELER. Exactly. And I think that if the persons sought to be benfited have ever exercised their right to enter land under the homestead law they would be excluded from any advantages under the act. It would be a bad law at best.

Mr. McRAE. And does not pretend to confirm the title of settlers who purchased from the company. I called the attention of the gentleman in charge of the bill to that point when it was under consideration, and he refused to permit an amendment. That class of settlers are not protected.

POSSIBLE INJUSTICE TO OCCUPANTS.

Mr. WHEELER. This paper says that under the terms of the bill any person who crossed the country twenty years ago and spent one night on those lands can, should this bill become law, now come in and swear that he intended to settle, enter the land, and take a title away from a man who paid $100 an acre and spent all his fortune building up a home for himself and his family.

In regard to the statement about some one being dismissed from Congress because he advocated some bill in connection with this matter, I wish to say that I know nothing about it; this is the first time I have heard of it. I do not believe the case if it existed had anything to do with this bill, because if so it certainly would have come to light during some of these discussions.

To refer again to the charge of collusion between litigants in the cases I have cited. Is it possible that a case could come up in the Supreme Court and a decision be had by collusion? Take the Bullard decision. That case commenced in the State of Iowa in a county court. That court held that the land belonged to the navigation company. The case then went to the supreme court of Iowa. That court said that the land belonged to the navigation company. Then it came to the Supreme Court of the United States, which affirmed the decision.

Mr. HOLMES. Did the navigation company earn the land?

Mr. WHEELER. They did earn it.

Mr. HOLMES. How?

Mr. WHEELER. The Supreme Court says that they spent $332,634.04 prior to 1856, and the contract called for the expenditure of $1,300,000, and I presume the officials of Iowa required a compliance with the terms of the contract. If they did not they neglected their duty.

Mr. HOLMES. That is what they were to spend.

The SPEAKER *pro tempore*. The Chair requests the gentleman from Iowa [Mr. HOLMES] not to interrupt the gentleman from Alabama without his consent.

Mr. WHEELER. The Supreme Court of the United States affirmed the Bullard case after affirming nine previous decisions. This article in this paper of January 13, which I have read to the House, shows that the navigation company and their grantees in Webster County had already paid $500,000 as taxes. If their title is declared invalid they will have a claim against the State of Iowa for that amount. This paper also states that all these persons, or most of them, have mortgaged the lands and that the mortgages are being foreclosed because of this very legislation. If there are men who are harmed by conflicting decisions on the part of the Government, let the Government compensate them and not ruin seven hundred farmers in Webster County alone in order to give a possible advantage to twenty-five, the number of persons actually interested. The gentleman from Illinois [Mr. PAYSON] himself says in his report that the number does not exceed two hundred and fifty; and that report was made four years ago. Mr. Viele, a gentleman who is well informed, says that there are but thirteen left who can possibly be benefited by the bill, and this paper says that under no circumstances can the number exceed twenty-five.

Now, is it possible that this Congress will proceed in a line of legislation which is worse than anything ever proposed by the commune of France—taking property from one set of men for the purpose of making it possible that it may be acquired by others?

SETTLERS WOULD DERIVE NO BENEFIT.

Mr. COX. I would like to ask the gentleman a question. Of what benefit would the passage of this bill be to these occupying claimants, or to the remnant of them, in the face of the past decisions and the future decisions of the Supreme Court of the United States in parallel cases?

Mr. WHEELER. As the President says, it would simply hold out delusive invitations to them, and they would be deceived and defeated when they came to the Supreme Court. The President in his message says:

It is by no means certain that this proposed legislation relating to a subject peculiarly within the judicial function, and which attempts to disturb rights and interests thoroughly intrenched in the solemn adjudications of our courts, would be upheld.

He also says:

I do not believe that the condition of these settlers will be aided by encouraging them in such further litigation as the terms of this bill invite, nor do I believe that in attempting to right the wrongs of which they complain legislation should be sanctioned mischievous in principle, and in its practical operation doing injustice to others as innocent as they and as much entitled to consideration.

The State courts have decided the same way as the Supreme Court over and over again; and it seems to me impossible for any case to arise where benefit would result to the parties from this legislation.

The courts have decided that the title of the navigation company under the conveyance made by the State is valid and absolutely unassailable, and certainly no one will contend that Congress can enact a law which would deprive the company of their vested rights judicially established. But suppose the navigation company had never acquired title to these lands. Even then the settler would not have been in any better position, for, as we have seen, the courts have, over and over again, decided that the lands were lawfully "reserved" in 1849, and therefore they were never thereafter subject to entry or pre-emption. It seems to me that no one could be benefited by the passage of this bill except the "Settlers' Union" and the lobby which represents them.

A MODEL AND STAINLESS EXECUTIVE.

Now, Mr. Speaker, when this case was up before, when I was appealing to the House not to pass this bill, and when I spoke of the former veto, I was pained to hear gentlemen around me say, "Oh, who cares for Mr. Cleveland now, he is defeated." Mr. Speaker, I care more for him now than I did in the hour of his triumph. I care more for that great man and admire him more in this day of his defeat, for the grandeur of his action, than I did when men hailed him as the manifest child of a glorious destiny.

Is there a man within the sound of my voice—or throughout this broad land—who can honestly question my assertion that Mr. Cleveland exercised all of his undoubted talents and ability in a sincere and unselfish effort to advance what he believed to be the best interests of the Republic.

Politically he may have made some mistakes. He probably felt that the masses of the people would have a higher appreciation of his honest endeavors to serve them than is shown by the result.

It is melancholy to reflect that there were a sufficient number of voters—nominally American freemen—who for a few dollars could be induced to cast their ballots so as to compass the defeat of so admirable and so blameless a President as Grover Cleveland had proved himself.

No President, sir, ever devoted himself more faithfully and laboriously to his duties; no President was ever more scrupulous in informing himself of the actual merits of every legislative measure submitted for his approval; no President was ever more rigorously consistent in fulfilling every pledge upon which he was elected; no President has

ever vacated his high office with a more stainless record for unswerving honesty, unimpeachable integrity of act and purpose, and unshrinking devotion to duty as he understood his obligations to himself and to the people. [Applause.]

Mr. SENEY. Are you not giving the President taffy?

Mr. WHEELER. No; I am not. Mr. Cleveland merits the loftiest encomium that could be passed upon his official services by the most eloquent gentleman who ever stood upon this floor, and I only regret that I am not equal to the task of dealing fitly with so inspiring a theme.

I appeal to the House to uphold the President, a most careful official, who examined the case thoroughly two years ago and vetoed the bill which had passed through Congress, and who, after three years' further consideration, going over and reviewing the whole matter in all its bearings and aspects, has again vetoed it, entering largely into the complicated questions involved, submitting to us additional and cogent reasons which controlled his action.

HISTORY OF THE CONTROVERSY.

In order that the House may fully understand and vote intelligently on the question now before us, I ask attention to a detailed statement of the legislative and judicial history of this extraordinary and protracted controversy.

This controversy originated in conflicting constructions of the intent and purpose of Congress in making the original grant to the Territory of Iowa, August 8, 1846. The phraseology, it will be seen, is perhaps somewhat ambiguous, and therefore each side to the controversy may claim to have been justified. The original grant is in these words:

An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory.

Be it enacted, etc., That there be, and hereby is, granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork (so called), in said Territory, one equal moiety, in alternate sections, of the public lands (remaining unsold and not otherwise disposed of, incumbered, or appropriated), in a strip 5 miles in width on each side of said river, to be selected within said Territory by an agent, or agents, to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

SEC. 2. *And be it further enacted*, That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State to be formed out of the same, except as said improvement shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of $30,000, and then the sales shall cease until the governor of said Territory or State shall certify the fact to the President of the United States that one-half of said sum has been expended upon said improvements, when the said Territory or State may sell and convey a quantity of the residue of said lands sufficient to replace the amount expended, and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

SEC. 3. *And be it further enacted*, That the said river Des Moines shall be and forever remain a public highway for the use of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service passing through or along the same: *Provided always*, That it shall not be competent for the said Territory, or future State of Iowa, to dispose of said lands, or any of them, at a price lower than, for the time being, shall be the minimum price of other public lands.

SEC. 4. *And be it further enacted*, That whenever the Territory of Iowa shall be admitted into the Union as a State, the lands hereby granted for the above purpose shall be and become the property of said State for the purpose contemplated in this act, and for no other: *Provided*, The Legislature of the State of Iowa shall accept the said grants for the said purpose.

Approved August 8, 1846.

The discussions in Congress at the time of the passage of this act showed that it was well understood that the Territory would soon become one of the States of the Union.

The act admitting it as a State became a law March 3, 1845, more than one year and a half before August 8, 1846, and on December 28, 1846, less than four months after the enactment of the grant, Iowa became a State, and her Senators and Representatives were admitted to seats in Congress.

SPECIFIC PURPOSE OF THE GRANT.

The grant of land was made for the specific purpose of improving the Des Moines River. It seems that Congress did not think it judicious to permit the granted lands to be sold faster than the continued and uninterrupted progress of the work required, and the second section of the act of 1846 contained this provision:

The said Territory or State may sell so much of said lands as shall produce the sum of $30,000, and then the sales shall cease until the governor of said Territory or State shall certify the fact to the President of the United States that one-half of said sum has been expended upon said improvements, when said Territory or State may sell and convey a quantity of the residue of said lands sufficient to replace the amount expended, and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

By the language of the act the improvement contemplated was to extend only from the mouth of the Des Moines River to Raccoon Fork, but a fair and reasonable construction of the words defining and specifying what was donated shows that the grant itself was subjected to no such limitation, for it embraced—

One equal moiety, in alternate sections, in a strip on each side of said river.

Not on each side of any designated part or portion of the river, but "on each side of said river," the intention being, if language is to be construed according to its ordinarily accepted signification, on each side of the river throughout its entire length within the Territory. And this rule of how language must be construed was laid down by Chief-Justice Marshall when he insisted upon that construction—

Which the words of the grant, as usually understood, import. (Gibbons *vs.* Ogden, 9 Wheaton, 139.)

The facts and conditions touching the public lands in the Territory existing at the time of the grant, which must have been known to Congress, clearly show that it was not intended to confine the grant of alternate sections to that portion of the river between its mouth and Raccoon Fork. The larger part of the lands lying below Raccoon Fork had been entered and disposed of, and the portion remaining in the control of the Government could not possibly have been made to realize a sum sufficient to complete the improvement contemplated. On the other hand, the great bulk of the lands lying above Raccoon Fork were then unsurveyed, and the undisputed title must still have remained in the Government. The actual figures, according to the estimates of the General Land Office, showed that below the Fork the Government owned, in round numbers, 200,000 acres, while above that point the Government owned, in the Territory of Iowa, about 800,000 acres.

THE CONTROVERSY OPENED.

In his latest veto the President states that—

The Acting Commissioner of the General Land Office, on the 17th day of October, 1846, instructed the officers of the land office in Iowa that the grant extended only to the Raccoon Fork.

But it has always been contended by the State of Iowa, and by her Senators and Representatives in Congress, that the grant embraced the designated lands on each side of the river from its mouth to the northern boundary of the State, and this construction has been sanctioned by many of the leading jurists of the United States.

The Legislature of Iowa accepted the grant in January, 1847, and appointed agents to select the lands specified in the grant under the direction of the General Land Office, which agents selected no lands lying above the junction of Raccoon Fork with the river.

The State, in the mean time, had appointed a board of public works, and a contract had been entered into with one O'Reily for the construction of the works designed to effect the improvement of the Des Moines River, under the direction and control of said board.

About this time the question of construction of the terms of the grant arose, and the matter was referred to the General Land Office, and under date of February 23, 1848, the Commissioner, Richard M. Young, gave the board his construction of the grant in these words:

A question has arisen as to the extent of the grant made to Iowa by the act of 8th August, 1846, and the opinion of this office has been requested on that point.

By the terms of the law the grant is of an equal moiety in alternate sections of the public lands remaining unsold and not otherwise disposed of, incumbered, or appropriated, in a strip 5 miles in width on each side of the river, to be selected within said Territory, etc., and the proceeds are to be applied in the improvement of the navigation of that river from its mouth to the Raccoon Forks. Hence the State is entitled to the alternate sections within 5 miles of the Des Moines River, throughout the whole extent of that river, within the limits of Iowa.

This apparently settled the question as to the extent of the grant, but in fact it was the starting point in that remarkable conflict of opinion which has culminated in the bill under consideration. The President disagreed with the Commissioner, and on June 19, 1848, issued a proclamation authorizing the sale of all the lands above the mouth of Raccoon Fork, under which some 25,000 acres were preempted and sold; but none of these lands are involved in the existing controversy.

In referring to this the President, in his veto message, says:

On the 23d day of February, 1848, the Commissioner of the General Land Office held that the grant extended along the entire course of the river.

Notwithstanding this opinion, the President, in June, 1848, proclaimed the lands upon the river above the Raccoon Fork to be open for sale and settlement under the land laws, and about 25,000 acres were sold to and pre-empted by settlers under said proclamation.

SECRETARY WALKER'S CONSTRUCTION.

The State of Iowa, through its board of public works, protested against this action of the President, which protest was supported by remonstrances from the Senators and Representatives, who appealed to the Secretary of the Treasury, Hon. Robert J. Walker, in whose Department—the Department of the Interior not having been organized—the General Land Office formed a bureau. The Secretary construed the grant as his commissioner had done—that is, that the grant extended throughout the extent of the river in Iowa, and pursuant to his instructions Mr. Young addressed a letter to the register and receiver of the land office at Iowa City, dated June 1, 1849, which was in these words:

GENTLEMEN: The Secretary of the Treasury having decided that the grant to the State of Iowa under the act of the 8th of August, 1846, extended along the Des Moines River to its source, and that it did not stop at the Racoon Fork, as this office had previously decided, you are hereby directed to withhold from sale all lands situated on the odd-numbered sections within 5 miles on each side of that river above the Raccoon Fork. Inclosed I send you a diagram, upon which the State selections above that point are colored yellow.

I have also to request that you will make out a list, showing the sales and locations which have been made within these selections, as it is designed to endeavor to procure some legislative action on the part of Congress confirmatory of them. The diagram inclosed extends 83 north, 26 west, being as far as the surveys have progressed in that direction.

It will be observed that this order expressly withdraws from sale, or "reserves," "all lands on the odd-numbered sections within 5 miles on

each side of that river above the Raccoon Fork," and if the officers to whom it was addressed performed their duty properly it constituted the most complete notice to the public that could be devised, warning them that the lands thus withdrawn or "reserved" could not be entered by or disposed of to any person whomsoever. Of course if the local officers neglected their duty and failed to check off the "reserved" sections on their maps and records, or in some other way to indicate unmistakably the fact that the Government had relinquished the right to convey these lands, the notice to the public was imperfect, but surely no one will maintain that the unfaithfulness or inefficiency of an official of the General Government could prejudice the right of the State of Iowa and its grantees. But in this instance there was no such neglect, for it is in evidence that the lands designated in the order were checked off on the maps as rapidly as they were surveyed, and all persons seeking to obtain them by private entry were advised of the fact that they were no longer at the disposal of the Government.

THE RESERVATION LEGAL AND PROPER.

It has been argued that this order of withdrawal from private entry or the "reservation" of these lands was improperly made and could not rightfully be pleaded in bar of any alleged rights subsequently acquired. But in any aspect of the case this position is untenable.

If in the opinion of the distinguished then Secretary of the Treasury the proper construction of the act was that the grant did extend from the mouth of the Des Moines River to the northern boundary of Iowa, due regard for the rights of the Congressional grantee required that the designated lands should be "reserved." And even if the executive officer charged with the decision of the disputed question had doubted whether the grant terminated at the mouth of Raccoon Fork or extended along the entire length of the river to the northern boundary of Iowa, it would still have been his duty to direct the "reservation" of these lands by the local offices so that applicants seeking to obtain them by private entry would be prevented from taking possession of land from which they might be evcited.

Homes within the new State were being eagerly sought, and a faithful and honest officer who was in doubt as to the proper construction of the grant, regardful of the true interests of the new settlers, was bound to proteet them against the acquisition of nominal property rights which a subsequent judicial construction of the grant might render absolutely void.

It is evident, therefore, that whether we regard the rights of the State under the grant, or of the settlers who were flocking into it, the "reservation" of these lands was eminently just and proper.

In the veto message now before us the President refers to this executive order of 1849 in these words:

> In 1849, and before the organization of the Department of the Interior, the Secretary of the Treasury decided, upon a protest against opening said lands for sale and settlement, that the grant extended along the entire course of the river.
>
> Pursuant to this decision, and on the 1st day of June, 1849, the Commissioner of the General Land Office directed the reservation or the withholding from sale of all lands on the odd-numbered sections along the Des Moines River above the Raccoon Fork.
>
> This reservation from entry and sale under the general land laws seems to have continued until a deed of the lands so reserved was made by the State of Iowa, and until the said deed was supplemented and confirmed by the action of the Congress in 1861 and 1862.

REVERDY JOHNSON'S CONSTRUCTION.

That deservedly eminent and justly distinguished lawyer, Hon. Reverdy Johnson, Attorney-General in President Taylor's Cabinet, held the same view as did Secretary Walker as to the proper construction of the act of 1846, as will be shown by the opinion rendered July 19, 1850, which I will read:

> The grant of alternate sections of land on the Des Moines River to Iowa by the act of 8th August, 1846, extends the entire length of the stream, as well above as below the Raccoon Fork. The purpose of the grant was to aid Iowa to improve the navigation of the said river from its mouth to the Raccoon Fork, but the grant itself is not limited to the section thus improved.
>
> But the question was disposed of by a former Secretary of the Treasury while the Land Office belonged to his Department, and the subject is now *res adjudicata* and beyond the control of the Secretary of the Interior.

In support of his position that by the action of Secretary Walker the question had been finally disposed of and was beyond the control of the succeeding superior of the Commissioner of the General Land Office, Mr. Johnson cited the case of The United States *vs.* Bank of the Metropolis (10 Peters, 401), where it was held:

> The successor of Mr. Barry had the same power, and no more than his predecessor, and the power of the former did not extend to the recall of credits or allowances made by Mr. Barry, if he acted within the scope of official authority given by law to the head of the Department. This right in an incumbent of reviewing a predecessor's decisions extends to mistakes in matters of fact arising from errors in calculation and to cases of rejected claims in which material testimony is afterwards discovered and produced. But if a credit has been given or an allowance made, as these were, by the head of a Department, and it is alleged to be an illegal allowance, the judicial tribunals of the country must be resorted to to construe the law under which the allowance was made and to settle the rights between the United States and the party to whom the credit was given.

RESERVATION CONTINUED BY SECRETARY EWING.

The Department of the Interior was established by act of Congress approved March 3, 1849, and the General Land Office was transferred from the Treasury to the new Department, Hon. Thomas Ewing, of Ohio, becoming its first Secretary on March 8, 1849, under President Taylor. Shortly thereafter Secretary Walker's construction of the grant of 1846 was challenged, and was reversed by Secretary Ewing in a letter to the Commissioner of the General Land Office bearing date April 6, 1850, from which I will read:

> SIR: Having considered the question submitted to me connected with the claim of the State of Iowa to select, under the act of August 8, 1846, lands for the improvement of the Des Moines River, I am clearly of the opinion that you can not recognize the grant as extending above the Raccoon Fork without the aid of an explanatory act of Congress. It is clear to my mind, from the language of the act of August 8, 1846, itself, that it was not the intent of the act to extend it farther. My construction is confirmed by the report of the committee and the accompanying papers. If in any report to Congress you have recognized the grant as extending to the source of the river it will be proper to correct it, that Congress, if they see fit, may extend the grant. The opinion expressed by the late Secretary of the Treasury on the subject is entitled to great respect; but I can not concur in it, and the law not having been carried into effect by him, his opinion, merely expressed, is open for revision.
>
> The lists of selections and other papers submitted with your letter of the 13th ultimo are herewith returned.
>
> As Congress is now in session and may take action on the subject, it will be proper, in my opinion, to postpone any immediate steps for bringing into market the lands embraced in the State's selections.

One noticeable feature of this letter is the fact that while Secretary Ewing reversed the construction of Secretary Walker, he deemed it judicious and proper "to postpone any immediate steps for bringing into market the lands embraced in the State's selections," his reason being, according to the context, that "as Congress is now in session" he expected that the question of the proper construction of the original grant would be definitely settled by that body.

When Hon. A. H. H. Stuart, of Virginia, became Secretary of the Interior, September 12, 1850, the question of the proper construction of the grant of 1846 was just where it had been left by Secretary Ewing; that is, the General Land Office held that the grant did not extend above Raccoon Fork, but the lands claimed by the State above that point were still "reserved."

SECRETARY STUART'S OPINION.

The question was submitted to Mr. Stuart, and in his decision of July 26, 1851, he held that the grant was coterminous with the improvement, but he did not direct that the lands "reserved" above Raccoon Fork should be opened for private entry. In another letter to the Commissioner of the General Land Office, dated October 29, 1851, he reaffirmed his former decision, adding that as he regarded it more as a judicial than executive question, which could be finally settled only in the courts, the Commissioner should permit the State of Iowa to continue to make selections, under the grant, above the Raccoon Fork. His letter is in these words:

> SIR: I herewith return all the papers in the Des Moines case, which were recalled from your office about the first of the present month. I have reconsidered and carefully revised my decision of the 26th of July last, and, in doing so, find that no decision which I can make will be final, as the question involved partakes more of a judicial than of an executive character, which must ultimately be determined by the judicial tribunals of the country; and although my own opinion on the true construction of the grant is unchanged, yet, in view of the great conflict of opinion among the executive officers of the Government, and also in view of the opinions of several eminent jurists which have been presented to me in favor of the construction contended for by the State, I am willing to recognize the claim of the State and to approve the selections without prejudice to the rights, if any there be, of other parties, thus leaving the question as to the proper construction of the statute entirely open to the action of the judiciary.
>
> You will please, therefore, as soon as may be practicable, submit for my approval such lists as have been prepared, and proceed to report for like approval lists of the alternate sections claimed by the State of Iowa above the Raccoon Fork as far as the surveys have progressed, or may hereafter be completed and returned.

Acting upon these instructions the Land Office allowed the State, under the grant, to select lands above Raccoon Fork as far as they were surveyed, a distance of some 80 miles, and these selections were formally approved by the Secretary in an order of October 30, 1851, which I will read:

> The selections embraced in the within list (No. 3) are hereby approved, in accordance with the view expressed in my letter of the 29th instant to the Commissioner of the General Land Office, subject to any rights which may have existed at the time the selections were made known to the Land Office by the agents of the State, it being expressly understood that this approval conveys to the State no title to any tract or tracts which may have been sold or otherwise disposed of prior to the receipt by the local land officers of the letter of the Commissioner of the General Land Office communicating the decision of Mr. Secretary Walker, to the effect that the grant extended above the Raccoon Fork.

The President deals with this phase of the controversy in these words:

> In April, 1850, the Secretary of the Interior—that Department having then been created—determined that the grant extended no farther than the Raccoon Fork, but in view of the fact that Congress was in session and might take steps in the matter, the Commissioner of the General Land Office expressly continued the reservation.
>
> In October, 1851, another Secretary of the Interior, while expressing the opinion that the grant only extended to the Raccoon Fork, declared that he would approve the selections made by the State of Iowa of lands above that point, "leaving the question as to the construction of the statute entirely open to the action of the judiciary."

This undecided view of the proper construction of the grant, it will be observed, coincides with that held by Mr. Johnson, supported by the opinion of Justice Wayne in The United States *vs.* The Bank of the Metropolis, which I have already cited, and acting upon it the General Land Office permitted the State to continue making selections of the land in controversy, until, by December, 1853, there had been cer-

tified to the State of Iowa 291,572 acres of land lying above the Raccoon Fork, to all of which the State deemed its title just as legal and valid as its title to the lands below the Fork.

THE WORK OF IMPROVEMENT BEGUN.

Prior to this time, December, 1853, the State had taken the initial steps in the work of improving the river, and had entered into a contract with an individual contractor to prosecute the work under the supervision of the board of public works. Experience soon demonstrated the impracticability of carrying out the work on the plan contemplated in the original grant. Sales of the particular lands certified to the State could not be readily effected, though the State was rapidly filling up with settlers. From this it necessarily resulted that there could be no certainty that the funds required for the continuous prosecution of the work would be forthcoming when needed.

As the only means of surmounting this difficulty the State terminated its agreement with the individual contractor, and entered into a new contract with the Des Moines Navigation and Railroad Company, an Eastern corporation possessed of ample means to carry on the work and wait until an actual demand would enable them to dispose of the certified lands.

By the terms of this agreement the Des Moines Navigation and Railroad Company bound itself to expend the sum of $1,300,000 in making the improvements in the navigation of the river between its mouth and Raccoon Fork, and as compensation for the work done and the money advanced the State was to convey to the corporatian all the lands to which it was entitled under the grant of August 8, 1846.

THE LEGALITY OF THE CONTRACT ESTABLISHED.

It can not be questioned that this contract was a proper one to be made, as experience had shown that by no other means could the State of Iowa execute the trust it had accepted from the United States. That the State of Iowa was a trustee of the United States for the accomplishment of a specific and clearly defined purpose there can be no question. The General Government has legally exclusive control of all navigable streams. The Des Moines River had been declared navigable, and therefore it could be improved only by the United States. Recognizing its obligation the General Government selected the State of Iowa as its trustee, in its place and stead, to discharge this particular duty, agreeing, under certain restrictions, to relinquish to its trustee, as compensation for the service performed, certain specified and clearly designated lands, and to convey said lands to its trustee, the State of Iowa. The State, in the execution of the trust, contracted with the Des Moines Navigation and Railroad Company to carry on, at the contractor's cost, the work of improvement which the State, as trustee of the General Government, had undertaken, and as compensation for the work performed and the cost incurred transferred all right and title to all the lands ceded by the General Government to its trustee. By this contract the contracting corporation became the purchaser of all the lands in question, the consideration received by the trustee being the performance of certain work and the advance of a stipulated sum.

Could there be the slightest irregularity or impropriety in such a contract entered into under such circumstances?

I have dwelt at some length upon the propriety, regularity, and absolute legality of this contract, because it laid the foundation for the title to these lands which the Navigation and Railroad Company subsequently acquired, and the validity of the corporation's title has been attacked upon the ground that the contract was not a proper one for the State to have entered into, and that the corporation was not a bona fide purchaser of the lands in question.

I confidently assert that if the Des Moines Navigation and Railroad Company did not, by this contract, become a bona fide purchaser of the lands subsequently conveyed to it by the State, then no individual settler who bought and paid cash for any of the lands certified to the State of Iowa under the grant of 1846 was a bona fide purchaser.

The State contended that it had a valid title to the lands under the grant of 1846, which was known of all men. Under the instructions of Secretary Walker, and two successive Secretaries of the Interior, the lands had been certified to the State by the proper executive officer, duly empowered by law to make such certification. The State of Iowa being the trustee, as vendor, received a full and sufficient and satisfactory consideration for the lands from the purchaser thereof.

If this does not constitute a bona fide purchaser I am unable to conceive what would.

The appearance of the Des Moines Navigation and Railroad Company as a contractor for the work of improvement is referred to by the President in these words:

In this condition of affairs selections were made by Iowa of a large quantity of land lying above the Raccoon Fork, which selections were approved and the land certified to the State. In the mean time the State had entered upon the improvement of the river, and, it appears, had disposed of some of the land in furtherance of said improvement. But in 1854 the State of Iowa made a contract with the Des Moines Navigation and Railroad Company for the continuance of said work at a cost of $1,300,000, the State agreeing in payment thereof to convey to the company all the land which had been or should thereafter be certified to the State of Iowa under the grant of 1846.

CERTIFICATION OF LANDS STOPPED.

Under this contract the Des Moines Navigation and Railroad began work on the improvement and carried it on uninterruptedly until about November 10, 1856, when the Government officials refused to certify to the State, under the grant, any more lands above Raccoon Fork. As the State was not bound by the contract to give the company any other consideration than the lands it should acquire under the grant of 1846, and the company was bound to expend $1,300,000, the contracting corporation foresaw the possibility of complications in obtaining a settlement with the State, and demanded that a new arrangement should be entered into which would give them protection in the event the Department of the Interior should persist in refusing to certify any more lands above the Fork.

An additional complication of a sufficiently vexed and complex question was also threatened by the fact that even at that early date and in a frontier State people were looking forward to the time when the comparatively slow-moving steam-boats should be supplanted by swiftly-flying trains of cars, and men of sagacity and foresight had begun to question the advisability of expending additional sums of money to secure a water way which in all probability would speedily be practically superseded.

Controlled by these considerations on each side it was not difficult for the parties to come to an understanding, and an accounting was had between the State and the contracting corporation which was mutually accepted. This adjustment of accounts developed the fact that, under the contract, the State of Iowa was indebted to the Des Moines Navigation and Railroad Company in the sum of $332,644.04 for work done and money expended, and to meet this obligation the State agreed to convey to the contracting corporation all the lands that had been certified to the State under the grant of 1846, not already so conveyed.

The amount of the State's indebtedness to the company, $332,644.04, and the land, 266,107.23 acres, with which it was proposed the State should pay said debt, were certified to the President by the governor of Iowa April 28, 1858, according to the requirements of the grant of 1846.

To prevent any confusion of ideas, it may be well at this point to call the attention of the House to the fact that the provision in section 2 of the original grant, requiring that sales of the granted land should stop when the sum of $30,000 had been realized, and should not be resumed until the governor of the Territory or State should certify the fact to the President that one-half of that sum had been expended on said improvements, did not conflict with the certification to the President which I have just recited. The object of the restrictive provision was only to make it certain that the work of improvement was carried on, *pari passu*, with the sales of the granted lands, and it did not require that separate certification should be made for each $30,000 realized from such sales.

THE LANDS CONVEYED TO THE COMPANY.

The adjustment of the accounts between the State of Iowa and the Des Moines Navigation and Railroad Company was submitted to the Legislature of the State, which body, March 22, 1858, affirmed and ratified the settlement, and directed the governor to carry it into effect by executing a conveyance of the lands to the contracting corporation.

The legislative ratification of the settlement is in these words:

Joint resolution containing propositions for settlement with the Des Moines Navigation and Railroad Company.

Whereas the Des Moines Navigation and Railroad Company have heretofore claimed and do now claim to have entered into certain contracts with the State of Iowa, by its officers and agents, concerning the improvement of the Des Moines River in the State of Iowa: and

Whereas disagreements and misunderstandings have arisen and do now exist between the State of Iowa and said company, and it being conceived to be the interest of all parties concerned to have said matters and all matters and things between said company and the State of Iowa settled and adjusted: Now, therefore,

Be it resolved by the General Assembly of the State of Iowa, That for the purpose of such settlement, and for that purpose only, the following propositions are made by the State to said company: That the said company shall execute to the State of Iowa full releases and discharges of all contracts, agreements, and claims with or against the State, including rights to water-rents which may have heretofore or do now exist, and all claims of all kinds against the State of Iowa and the lands connected with the Des Moines River improvement, excepting such as are hereby, by the State, secured to the said company, and also surrender to said State the dredge-boat and its appurtenances, belonging to said improvement; and the State of Iowa shall, by its proper officer, certify and convey to the said company all lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold or conveyed or agreed to be sold or conveyed by the State of Iowa, by its officers and agents, prior to the 23d day of December, 1853, under said grant; and said company, or its assignees, shall have right to all of said lands so herein granted to them as fully as the State of Iowa could have under or by virtue of said grant, or in any manner whatever, with full power to settle all errors, false locations, omissions, or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the cost and charges of said company; and the State to hold all the balance of said lands, and all rights, powers, and privileges under and by virtue of said grant, entirely released from any claim by or through said company; and it is understood that among the lands excepted and not granted by the State to said company are 25,487.87 acres lying immediately above Raccoon Fork, supposed to have been sold by the General Government, but claimed by the State of Iowa; and it is further agreed that said company release and convey to the State of Iowa, or its representatives, all materials of every kind and description prepared for or intended for the construction of locks or dams in said improvement, wheresoever the same may be, and the State shall take the existing contracts, but no other liabilities of any name or nature excepting as herein provided, for constructing or repairing the works on said improvement at Keosauqua, Bentonsport, Plymouth,

and Croton, and no other or different, with all liabilities and advantages arising upon said contracts and percentage retained thereon, excepting that the company shall pay all estimates for work done or material prepared up to this date, beyond the percentage retained from the contractors under their agreements; and the said company shall be discharged from all claims against the State or the said improvement, or any of its officers or agents, arising from or growing out of any agreement or liability prior to the 9th day of June, 1854; and said company shall be discharged from all liability for the claims of the officers of the State for services or salaries. The said company hereby agree to pay the State the sum of $20,000, which sum shall be paid to the order of the commissioner of the Des Moines River improvement as fast as he may require the same, to liquidate existing liabilities against said Des Moines River improvement, on thirty days' notice given to said company at their office in the city of New York; and any bonds or certificates of indebtedness against said improvement not exceeding in amount the sum of $11,000, which are now due and unpaid, are to be received in part payment of said sum of $20,000: *Provided*, That no liabilities assumed by the State in this contract shall be a charge against the State in her sovereign capacity, but all such liabilities, if any, shall be chargeable upon and payable out of the remaining lands belonging to the Des Moines River grant: *And provided also*, That if Congress shall permit a diversion of the lands of said Des Moines River grant, or the title thereto shall become vested in the State, so as to become subject to grant, the said remaining lands, after the payment of all the liabilities as aforesaid, against said improvement and the completion of such locks and dams in the Des Moines River as the Legislature shall direct, shall be granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad, up and along the valley of the Des Moines River upon such terms and in such manner as the Legislature may provide; one-fourth of which said lands shall be applied by said company to aid in the construction of said road above the city of Des Moines: *And provided further*, That if the Des Moines Navigation and Railroad Company shall ratify and accept these propositions for a contract by filing a written acceptance thereof in the office of secretary of state within sixty days from the passage of this joint resolution, then this contract shall be in force and bind both of the parties thereto.

Approved March 22, 1858.

Under this joint resolution of the Legislature of Iowa the governor made a conveyance to the company of all the lands to which the State had title, the terms of which I have already recited. This transaction is thus alluded to by the President:

On November 10, 1856, further certification of lands above the Raccoon Fork, under the grant to the State of Iowa, was refused by the Interior Department. This led to a dispute and settlement between the State of Iowa and the Des Moines Navigation and Railroad Company, by which the State conveyed by deed to said company—

"All lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold and conveyed or agreed to be sold and conveyed by the State, by its officers and agents, prior to the 23d day of December, 1853, under said grant."

This exception was declared in the deed to cover the lands above the Raccoon Fork disposed of to settlers by the Government in 1848 under the proclamation of the President opening said lands to sale and settlement, which has been referred to; and it is conceded that neither these lands nor the rights of any settlers thereto are affected by the terms of the bill now under consideration.

In both the legislative ratification of the adjustment of the account between the State and company and the authorized conveyance by the governor special care was taken to except from the operation and effect of the latter all the 25,487.87 acres of land claimed by the State, but disposed of by the Government under the proclamation of President Polk before the lands were withdrawn from private entry and "reserved" by the order of Commissioner Young of June 1, 1849, issued pursuant to the instructions contained in the letter of Secretary Walker of March 2, 1849, and the rights or titles of the holders of these particular lands are not involved in the pending controversy.

RAILROADS SUPPLANT STEAMBOATS.

I have adverted to the fact that even as early as the period when the General Government declined to certify to the State any more of the lands above Raccoon Fork, November 10, 1856, thoughtful and far-sighted men were expecting that railroads would, in the near future, supersede river navigation as a means of travel and transportation, and we see that in the joint resolution of March 22, 1858, a proviso was inserted to the effect:

That if Congress shall permit a diversion of the lands of said Des Moines River grant, or the title thereto shall become vested in the State, so as to become subject to grant, the said remaining lands * * * shall be granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad up and along the valley of the Des Moines River.

The effect of this proviso was that immediately after the execution of the governor's conveyance of May 18, 1858, an effort was made to secure Congressional approval of the State's construction of the original grant of 1846.

By the conveyance of May 18, 1858, the title to 271,572 acres of land was vested in the Des Moines Navigation and Railroad Company, and its relations with the State being terminated that corporation proceeded to close up its business, and divided the lands it had acquired between the various parties in interest, by whom it has since been held in severalty, selling it from time to time to a large number of purchasers, who are now in possession, and have been cultivating and improving their lands and paying taxes upon them during a period of at least twenty-eight years.

The President refers to this settlement in these words:

The amount of land embraced in this deed located above the Raccoon Fork appears to be more than 271,000 acres.

It is alleged that the company, in winding up its affairs, distributed this land among the parties interested, and that said land, or a large part of it, has been sold to numerous parties now claiming the same under titles derived from said company.

OTHER LAWS "RESERVE" THESE LANDS.

To understand clearly the exact status in law and in equity of the lands thus conveyed to the Des Moines Navigation and Railroad Company, and to understand and appreciate the decisions of the courts I shall hereafter cite, it is necessary we should now consider some of the laws authorizing selections of and settlements and entries upon the public domain under which, at a later date, litigation arose with those claiming title to lands under the original grant of 1846.

The pre-emption law of 1841 authorized any citizen, anywhere in the Union, to enter upon and locate public lands, secured them the title upon proving up their pre-emption claims and otherwise complying with the provisions of the law. There was, however, a proviso in the law respecting lands that were legally "reserved" by proper authority, and the pre-emption or private entry of all such lands was absolutely prohibited.

There was also the act of September 4, 1841, granting 500,000 acres of the public lands to the Territory of Iowa to aid in public improvements, and this act also contained provisions as to lands that had been "reserved."

Then there was the swamp-land act of September 28, 1850—and there was a good deal of swamp land along the Des Moines River—which act also contained prohibitory provisions respecting lands that had been "reserved" by proper authority.

There was also the act of May 15, 1856, granting lands, in alternate sections, to the State of Iowa in aid of certain railroads in said State, under which act railroads were located, running east and west, which intersected and overlapped the grant the State claimed to have been made along the Des Moines River above Raccoon Fork; but this act also contained provisions expressly declaring that lands properly "reserved" could not be acquired under the grant it made.

It is clear that under none of these laws—all enacted prior to the conveyance of the State of Iowa to the Des Moines Navigation and Railroad Company—could a legal title to lands properly "reserved" be acquired by any one; and we have seen that, acting upon the letter of Secretary Walker of March 2, 1849, the Commissioner of the General Land Office had directed the register and receiver to—

Withhold from sale all lands situated on the odd-numbered sections within 5 miles of that (Des Moines) river above the Raccoon Fork.

We have also seen that Secretary Ewing and Secretary Stuart, of the Interior Department, though dissenting from Secretary Walker's views as to the extent of the grant, both directed that the lands claimed by the State of Iowa under the grant should be withheld from the market, that is, "reserved," and that under these orders as to "reservation," 271,572 acres of land above Raccoon Fork were certified to the State of Iowa, and by that State conveyed to the Des Moines Navigation and Railroad Company in acquittance of the State's ascertained indebtedness to that corporation.

How any one cognizant of these statutory provisions expressly prohibiting the acquisition of valid titles to lands lawfully "reserved" by proper authority, and informed as to the facts, can contend that any one but the Des Moines Navigation and Railroad Company and its grantees can have the shadow of a legal title to any part of these 271,572 acres of land is beyond my comprehension.

JUDICIAL LIMITATION OF GRANT.

The next step in this remarkable controversy was a decision rendered by the Supreme Court of the United States in Dubuque and Pacific Railroad Company *vs.* Litchfield, 23 How., 66, in which it was held that the grant of 1846 did not extend above the mouth of Raccoon Fork. The effect of this decision was not only to invalidate the title of the Des Moines Navigation and Railroad Company to the lands situated above the Fork conveyed to that corporation by the State May 18, 1858, but likewise the titles of settlers to some 40,000 acres sold to them by the State. The result was that these settlers united with the Des Moines Navigation and Railroad Company and the Senators and Representatives of the State in an effort to induce Congress to set at rest the conflicting views as to the proper construction of the original grant of 1846 by confirming the titles of the settlers to the lands sold them by the State, as well as the title of the Des Moines Navigation and Railroad Company to the lands conveyed to it by the State in payment of an indebtedness of over $330,000, and to authorize the State to apply all the remaining lands, whether below Raccoon Fork or above it, to the construction of a railroad up the valley of the river.

THE GRANT CONSTRUED BY CONGRESS.

As a result of this combined movement on Congress that body adopted a joint resolution to quiet title to lands in the State of Iowa in these words:

Joint resolution to quiet title to lands in the State of Iowa.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the title which the United States still retain in the tracts of land along the Des Moines River and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchaser under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

Approved March 2, 1861.

There are two noticeable features in this joint resolution, the latter of which has been the prolific source of trouble. The first is that the United States relinquish to the State of Iowa any and all title in the tracts of land along the Des Moines River above Raccoon Fork, which have been certified to the State "improperly" as a part of the grant of 1846. The second is that the relinquishment extends only to that part of the grant "which is now held by 'bona fide purchasers', under the State of Iowa."

It was promptly claimed that the Des Moines Navigation and Railroad Company were not bona fide purchasers within the meaning of the law, though it had paid more than $330,000 for the land it held under the State of Iowa. I have already shown that this position is wholly untenable, if not absurd, but none the less has it found ardent supporters.

An important fact to be remembered in connection with this resolution is that up to the date of its passage all the lands claimed by the State to have been included in the grant of 1846 had been withheld from entry—"reserved"—as I have previously pointed out, and if these lands had been certified to the State of Iowa "improperly," the title to them remained as clearly vested in the United States when this joint resolution was approved as it did prior to the original grant of 1846, and they were as free to make a grant of these lands to whomsoever they desired as they might have done originally by avoiding any ambiguity in the language of the original grant.

Whatever the purpose, the effect of this joint resolution was to validate and confirm the title of the Des Moines Navigation and Railroad Company, as I will show from repeated decisions of the Supreme Court.

At the time of the passage of the joint resolution, March 2, 1861, there existed great doubt as to where the title to many of the remaining lands along the Des Moines River and above Raccoon Fork resided. The Supreme Court held in Dubuque and Pacific Railroad Company *vs.* Litchfield, already cited, that the State had acquired no title, and it was thought by many that under the act approved May 15, 1856, granting lands to the State to aid in the construction of certain railroads running east and west, the State was empowered to grant to railroads yet to be located any lands coming within the limit of the grant along the Des Moines River.

This was the uncertain status of these lands north of Raccoon Fork when Congress, in July, 1862, attempted to settle the whole question definitely by an act in these words:

That the grant of lands to the then Territory of Iowa for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa approved March 22, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: *Provided*, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to and be held as a trust fund for the benefit of the person or persons, respectively, whose titles shall have failed as aforesaid.

Approved July 12, 1862. (12 United States Statutes at Large, 1862, page 543.)

In this instance, as in that of the joint resolution of March 2, 1861, the fact that the lands in question had been "reserved" gave the General Government absolute power to vest the title in the State of Iowa, though some of them had been occupied by settlers.

THE PRESIDENT THINKS THESE ACTS CONCLUSIVE.

The President's views regarding the joint resolution of 1861 and the act of 1862, resulting from the decision in the Litchfield case, is expressed in these words:

In December, 1859, the Supreme Court of the United States decided that the grant to the Territory of Iowa, under the law of 1846, conveyed no land above the Raccoon Fork, and that all selections and certifications of lands above that point were unauthorized and void, and passed no title or interest in said lands to the State of Iowa. In other words, it was determined that these lands were, in the language of the bill under consideration, "improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846."

This adjudication would seem to conclusively determine that the title to these lands was, as the law then stood, and notwithstanding all that had taken place, still in the United States. And for the purpose of granting all claim or right of the Government to said lands for the benefit of the grantees of the State of Iowa, Congress, on the 2d day of March, 1861, passed a joint resolution providing that all the title still retained by the United States in the land above the Raccoon Fork, in the State of Iowa, "which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be, and the same are hereby, relinquished to the State of Iowa."

Afterwards, and on the 12th day of July, 1862, an act of Congress was passed extending the grant of 1846 so as to include lands lying above the Raccoon Fork.

The joint resolution and act of Congress here mentioned have been repeatedly held by the Supreme Court of the United States to supply a title to the lands mentioned in the deed from the State of Iowa to the navigation and railroad company, which inured to the benefit of said company or its grantees.

No less than ten cases have been decided in that court, more or less directly establishing this proposition, as well as the further proposition that no title to these lands could, prior to said Congressional action, be gained by settlers, for the reason that it had been withdrawn and reserved from entry and sale under the general land laws. It seems to be perfectly well settled also, if an adjudication was necessary upon that question, that all interest of the United States in these lands was entirely and completely granted by the resolution of 1861 and the act of 1862.

The proviso for indemnifying those who had acquired titles to any part of these lands which had proved invalid was necessitated by the uncertainty as to title to some portions of these lands having been vested in and transferred by the State under the railroad act of 1856, to which uncertainty I have just alluded. All such doubt was subsequently removed when the courts decided that these lands having been duly "reserved" by proper and competent authority, they could not be affected by the railroad act. It is true, as a matter of fact, that under this proviso the State did select nearly 500,000 acres of indemnity lands, but the courts subsequently held that this act of 1862 validated, to the full extent for which the State of Iowa had always contended, the original grant of 1846, and invested the State with the title, the lands to be used for the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, which road actually obtained these lands, together with the indemnity lands, and their selection was subsequently confirmed by act of Congress.

THE HARVEY SETTLEMENT.

The State now appointed a commissioner to investigate, determine, and settle with the United States the exact amount or quantity of land it had received under the various acts and grants: (1) Under the 500,000-acre grant of 1841; (2) under the original river grant of 1846, and (3) under the railroad grant of 1856.

The settlement was effected—the indemnity lands just spoken of being included—and the adjustment was submitted to and approved by the State Legislature.

One would have thought that the act of July 12, 1862, followed by an adjustment of the land account between the State and the General Government, would have terminated the controversy. But such was not the case. The controversy was still to be carried on in the courts, was then revived in Congress, where, as we see, it is still to be found.

THE WOLCOTT CASE.

At the December term, 1866, the Supreme Court announced its decision in the case of Wolcott *vs.* Des Moines Navigation and Railroad Company, 5 Wall. 681. The plaintiff had received from defendant a warranty deed of conveyance to one of the tracts of land above Raccoon Fork of date August, 1859, being part of the land conveyed by the State of Iowa to defendant under the deed of May 18, 1858, which I have already cited. Plaintiff claimed there had been a breach of warranty, and that defendant had never had any title to the land assumed to be conveyed.

The court held, first, that the title was valid under the joint resolution of March 2, 1861, and the act of July 12, 1862, and that these acts inured to the benefit of the grantees of the State and to their grantees. After citing the history of the controversy, the joint resolution of 1861, and the act of 1862, the court said:

If the case stopped here it would be very clear that the plaintiff could not recover; for, although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company, yet, having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to their conveyance to the plaintiff. This is in accordance with the laws of the State of Iowa.

The court then decides that the withdrawal of these lands from sale by the executive officers of the Government was a perfectly valid act, although the original grant did not extend above the mouth of Raccoon Fork, and that it brought them within the proviso of the railroad act of May 15, 1856, granting land to the State of Iowa for railroad purposes which excluded from the operations of that act any lands "reserved," or "withheld by competent authority."

The decision of the court was that the title of the Des Moines Navigation and Railroad Company was a valid title, and judgment was rendered against the plaintiff.

In Des Moines Navigation and Railroad Company *vs.* Burr, 5 Wall., 689, the decision of the court was to the same effect.

The title of the Des Moines Navigation and Railroad Company to the lands conveyed to that company by the State of Iowa, in payment of a large debt, was thus judicially decided by the highest court in the Republic, and the decision was that the title was perfectly valid. This was a judicial settlement of the protracted controversy, and one would have thought it finally closed. But the judicial settlement of a purely legal question was very shortly disturbed by the opinion of an executive officer, and the controversy was reopened and has been continued ever since with singular acrimony.

SECRETARY BROWNING REOPENS THE CONTROVERSY.

In a letter addressed to Mr. Joseph S. Wilson, Commissioner of the General Land Office, dated May 9, 1868, the Secretary of the Interior, Hon. O. H. Browning, held that by the joint resolution of March 2, 1861, Congress relinquished to the State of Iowa only those lands which had been improperly certified to the State under the original grant of 1846 and which were then held by bona fide purchasers from said State; that, as the resolution did not cover all the lands claimed by the State under the original grant, Congress passed the act of July 12, 1862, which was a new grant to the State of the lands claimed above Raccoon Fork, to be held and applied in accordance with the original grant,

except that a portion of the lands might be used to aid in the construction of a railroad up the Des Moines Valley, it being provided that if any of the lands so newly granted have been sold or otherwise disposed of by the United States—saving and excepting those expressly released under the joint resolution—an equal amount of lands within the State are to be set apart and certified in lieu thereof. The Secretary then finds that a settlement had been made between the State and the United States under this new grant and the several acts prior thereto, which settlement showed that the State had received 558,000 acres of land, which was all it was entitled to under the indemnity proviso of the act of July 12, 1862, and consequently the title to the lands in alternate sections along the river, under the original grant, was not confirmed or validated, and arrives at the conclusion which I will read:

The Supreme Court of the United States at the December term, 1866 (5 Wallace, 681), rendered a decision to the effect that said proviso operated to exclude from the railroad grant the odd-numbered sections within 5 miles of the Des Moines River, above the Raccoon Fork, and that the same passed to the State under the acts granting lands to aid in improving said river.

At the date of that decision the Des Moines River grant had been finally adjusted.

The State had, as before remarked, received all the land to which she was entitled on account thereof, and she is thus estopped from setting up a claim. Although this fact does not appear in the record of the case, I have shown that it is incontrovertibly established by the records of your office.

It is the duty of the Department in administering the acts of Congress to give full effect to the settlement, otherwise the State would first obtain, in lieu of lands which she alleged had been "otherwise disposed of," an indemnity amounting to an equal quantity of such lands, and then, when her right to land selected by way of indemnity had been recognized and confirmed to her, she would assert her title to the lands she alleged had been disposed of. The effect of this would give her more than she originally claimed. The effect of that decision is, therefore, only to exclude from the railroad grant lands lying north of the Fork, and to restore them to the public domain, at least so far as to subject them to the operation of the pre-emption and homestead laws. Further, by act of June 2, 1864 (13 Stat., 98), amendatory of the grant of 1856, additional lands were granted to the State and new provisions were ingrafted upon the original law.

One of these, the last proviso to the fourth section, excludes from the railroad grant any land "settled upon and improved in good faith by a bona fide inhabitant under color of title derived from the United States or the State of Iowa, adverse to the grant," and the railroad company are authorized to select other land in lieu of tracts so settled upon and improved. These bona fide inhabitants need not necessarily be pre-emption settlers, but they must be bona fide settlers claiming from the United States or the State of Iowa. Consequently, the State could have no valid claim under the railroad grant to any tract settled upon and improved in good faith by a bona fide inhabitant. Furthermore, it is certified by the executive of the State, that the State has not transferred this tract, and he relinquishes any title or color of title to it by virtue of its having been approved and certified under that grant.

EFFECT OF THE BROWNING DECISION.

Under this construction, and inferential instructions, of Secretary Browning, on May 20, 1868, the Commissioner of the General Land Office vacated the original order under which these lands were withheld from the market—"reserved"—and issued an order which I will read:

GENTLEMEN: Under date of the 9th instant the honorable Secretary of the Interior reversed the decision of this office of July 23, 1867, rejecting the claim of Herbert Battin to the southwest quarter section 3, township 83 north, range 27 west, and awarding the same to the Iowa Central Railroad Company, from which ruling an appeal was taken by J. Browns, esq., representing the Des Moines River Navigation Company.

In view of this decision of the honorable Secretary the Des Moines company will not be regarded as having an interest touching any pre-emption or homestead claim to lands not embraced in the settlement of May 21-29, 1866, with the State of Iowa on account of the various grants of land for the improvement of the Des Moines River. A copy of the decision of the Secretary is herewith inclosed for your information and that of all persons interested in this or similar cases.

The pre-emption cash entry No. 21240, of Herbert Battin, covering the tracts described, has this day been relieved from suspension, approved, and filed for patenting.

By this decision of the Secretary of the Interior, the executive branch of the Government undertook to void the title of the Des Moines Navigation and Railroad Company to any of the lands granted to them by the State of Iowa under the several acts of Congress, unless they were included in the adjustment of 1866, known as "the Harvey settlement," and the effect was to declare invalid the company's title to the 271,000 acres of land for which it had paid the State $332,000; and this, too, right in the teeth of the decision of the Supreme Court that the company—

Having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to their conveyance to the plaintiff (Wolcott).

By thus setting aside a judicial decision of a purely judicial question Mr. Browning led all those who had entered upon these "reserved" lands to believe that their titles were perfectly valid, when in fact and in law they were trespassers, and induced others to enter upon and locate other of these lands, thus laying the foundation of the bitter and protracted litigation and controversy which has endured to the present moment.

This action of Secretary Browning was followed up on August 28, 1868, by an order which practically threw all those lands open to private entry, so far as the executive branch of the Government could do so, and as a result of this executive action many of these lands were entered and some patents actually issued.

THE JUDICIARY AGAIN INVOKED.

The courts were again appealed to, and at the December term, 1869, the Supreme Court handed down the decision in the case of Hannah Riley, appellant, *vs.* William B. Welles, which again established the validity of the Des Moines Navigation and Railroad Company to the lands in question, and expressly declared that settlers upon these lands occupied them—

Without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements and to make the entry under the pre-emption laws, were acts in violation of law and void, as was also the issuing of the patent.

In this case appellant claimed under the pre-emption law of September 4, 1841, while appellee claimed to hold a valid title as grantee of Wolcott, one of the grantees of the Des Moines Navigation and Railroad Company. As the case is not to be found in the reports, I will read the full text of the decision, which is in these words:

December term, 1869. Hannah Riley, appellant, *vs.* William B. Welles. No. 379. Appeal from the circuit court of the United States for the district of Iowa.

Mr. Justice Nelson delivered the opinion of the court:

This is an appeal from the circuit court of the United States for the district of Iowa.

This case is not distinguishable from that of Wolcott *vs.* The Des Moines Company (5 Wall., 681). Welles, the plaintiff below, derives his title by deed from this company, the same as Wolcott in the former case. The suit in that case was brought to recover back the consideration money from the Des Moines company, the grantors, on the ground of failure of title. The court held that Wolcott received a good title to the lot in question under his deed.

In that case it was insisted that the title was not in the Des Moines company, but in the Dubuque and Pacific Railroad Company.

In the present case the defendant claims title under, and in pursuance of, the pre-emption act of September 4, 1841. Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which this lot in question was a part, had been withdrawn from sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of the patent.

The reasons of this withdrawal of the lands from public sale or private entry are stated at large in the opinion in the case of Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.

The decree below affirmed.

The decisions in the cases of Railroad Company *vs.* Fremont County, 9 Wall., 89, and Railroad Company *vs.* Smith, *Id.*, 95, were to the same effect.

THE NAVIGATION COMPANY'S TITLE REAFFIRMED.

At the December term, 1872, the Supreme Court announced the decision in Williams *vs.* Baker. Williams, the appellant, claimed title under the railroad act of 1856, and Baker, the appellee, under the Des Moines Navigation and Railroad Company. The court declared that certified lists, such as were issued to the State of Iowa under the grant of 1846, were proper evidences of the title of the State under such acts, and held that the proviso in the railroad act withholding the land in dispute from entry excluded all the lands previously certified to the State of Iowa under the grant of 1846 from the operations of the railroad act; and that the subsequent joint resolution of 1861 and the act of 1862 confirmed and validated the original grant to the State, and vested the title to the lands in question in the Des Moines Navigation and Railroad Company as grantee of the State. After referring to former decisions, the court reaches the conclusion which I will read:

We therefore reaffirm, first, that neither the State of Iowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River grant of 1846; and, second, that by the joint resolution of 1861 and the act of 1862, the State of Iowa did receive the title for the use of those to whom she had sold them as part of that grant, and for such other purposes as had become proper under that grant.

This decision finally and irrevocably settled the fact that under the joint resolution of 1861 and the act of 1862 the State of Iowa did receive an absolute title to the lands in controversy, and therefore the grantees of the State possessed an unassailable title, and since then the General Land Office has made no further attempt to disturb the settlement.

Unfortunately, however, they could not arrest the evil they had precipitated when the decision of the Supreme Court upon a purely judicial question was set aside, and suits almost without number, to settle the title to lands entered under the Browning order, were instituted. At one time, notwithstanding very many cases had been compromised and withdrawn, hundreds of cases remained on the docket of the circuit court of the State of Iowa. Test cases were agreed upon and carried to the Supreme Court of the United States, and in every instance the decision was in favor of the validity of the title held by the Des Moines Navigation and Railroad Company and its grantees.

THE HOMESTEAD COMPANY'S CASE.

At the same term, December, 1872, the court handed down its decision in the case of the Homestead Company *vs.* Valley Railroad Company, 17 Wall., 153. The Valley Railroad Company was the successor of the Keokuk, Fort Des Moines and Minnesota Railroad Company, the original beneficiary of the indemnity act of 1862, which company commenced the construction of the railroad up the Des Moines

River valley, a work which was completed by its successor, the Valley Railroad Company. The adjustment of the public-lands account between the State of Iowa and the United States known as the Harvey settlement and the indemnity proviso of the act of 1862 are both involved in this case. I will read a part of this decision:

It is therefore no longer an open question that neither the State of Iowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River grant of 1846, and that the joint resolution of 2d of March, 1861, and act of 12th of July, 1862, transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant.

The court then proceeded to consider the claim of the Homestead Company to any portion of the indemnity lands granted the State by the act of 1862 and secured pursuant to the Harvey adjustment, and held that the Homestead Company was not entitled to any of these lands and that the title thereto was in no way affected by the settlement between the State and the United States. It was held further that the effect of the act of 1862 was merely to extend the original grant of 1846 above the Raccoon Fork, and only placed the State in the position it would have held regarding these lands had there been no ambiguity in the phraseology of that grant.

THE RAILROAD ACT INTERPRETED.

In Wolsey *vs.* Chapman (101 United States, 755), decided at the October term, 1879, in which Wolsey claimed title as from the State under a patent for lands ceded to the State under the act of 1841, granting the Territory 500,000 acres for internal improvements, it was held that the lands above Raccoon Fork having been lawfully withheld from entry—"reserved"—by competent authority they came within the proviso of the act of 1841 exempting from the operation and effects of that act all lands properly "reserved." It was also held that the joint resolution of March 2, 1861, inured only to the benefit of the grantees under the act of 1846, and Wolsey not being a purchaser under that grant, he had no valid claim. Held, also, that the Harvey settlement affected no rights but those of the State and the United States, that the settlement in question did not invalidate or impair the title vested in the Des Moines Navigation and Railroad Company, and that the State of Iowa had an absolute right to convey the lands to that company. The opinion of the court upon this latter point is expressed in these words:

As to the right of the governor to convey the lands in question to the Des Moines Company under the joint resolution of March 22, 1858, authorizing a conveyance upon settlement with the company:

The original contract between the State and the company contemplated a conveyance of all the river-grant lands not sold by the State on the 23d of December, 1853. This should be construed in the light of the fact that the act making the river grant provided for sales of the granted lands to furnish the means of making the required improvement, and if this contract stood alone, we should have no hesitation in holding that the sales referred to were such as had been made in the execution of the trust under which the lands were held, but if there could be any doubt upon that subject, the resolution which authorized the settlement removes all grounds for discussion. By that resolution all the lands which had before that time been approved and certified to the State under the river grant were to be conveyed to the company, excepting such as had been sold or agreed to be sold by the officers of the State prior to December 23, 1853, "under said grant." The land now in controversy had been so certified, and it had also been sold under that grant. Therefore, the governor was expressly authorized to include it in his conveyance.

At the same term the court decided Litchfield *vs.* Webster County, 101 United States, 773, to the same effect.

At the October term, 1883, the court handed down its decision in Dubuque Railroad Company *vs.* Des Moines Valley Railroad Company, 109 United States, 329, in which the Dubuque company claimed under the railroad act of 1856 and the Des Moines company under the original grant of 1846. The absolute validity of the Des Moines company's title was again affirmed, as will be seen by the decision, which I will read:

The following are no longer open questions in this court:

1. That the grants of land to the Territory of Iowa, etc., made by the act of August 8, 1846, did not extend above the Raccoon Fork; Dubuque Railroad Company *vs.* Litchfield, 23 How., 66.

2. They did not pass under the railroad statute of May 15, 1856.

3. The act of July 12, 1862, transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant. Citing Wolcott *vs.* Des Moines Company, 5 Wall., 681; Williams *vs.* Baker, 17 *id.*, 144; Homestead Company *vs.* Valley Railroad Company, *id.*, 153; Wolsey *vs.* Chapman, 101 U. S., 755, 767.

THE LAST UTTERANCE OF THE SUPREME COURT.

So far as my investigations have been carried, the last decision of the courts in this protracted litigation is the case of Bullard *vs.* Des Moines and Fort Dodge Railroad, 122 United States, 167. This was an action in equity in a State court in Iowa to quiet title to land. Complainant set up a pre-emption title. Respondent claimed under the act of July 12, 1862. The bill was dismissed; on appeal the decree was affirmed by the supreme court of the State, and complainant sued out a writ of error.

Mr. Justice Miller delivered the opinion of the court. In his admirable history of the controversy growing out of the original grant of 1846, the learned justice recites that law, the execution of the contract with the navigation company, the beginning and progress of the work of improvement under that contract, and emphasizes the fact that in the prosecution of this work of improvement—

The State made no appropriations and furnished no means from any other source than this—the sale of lands certified to the State under the grant—for the prosecution of the enterprise.

The conflict of construction of the original grant is then recited, and particular stress is laid on Secretary Ewing's order withholding the lands in dispute from market, "which order," observes the learned justice, "has been continued ever since," and the court in a number of cases has decided—

that this withdrawal operated to exclude from sale, purchase, or pre-emption all the lands in controversy.

The court then refers to the complication resulting from the railroad act of 1856, the decision in the case of the Dubuque and Pacific Railroad Company *vs.* Litchfield, 23 Howard, 66, in which it was held that the grant did not extend above Raccoon Fork, as claimed, the call upon Congress for the passage of an act—

which would secure the grant to the State and its grantees in the full extent which they (the Congressional delegation from Iowa) believed Congress had originally intended by the act of 1846—

The propriety of such action by Congress in view of the proved indebtedness of the State to the company, the suspension of work on the improvement, and the damage and loss likely to result therefrom, and then recites the joint resolution of March 2, 1861, and the act of July 12, 1862.

At this point the learned justice recurs to the lawful "reservation" of the lands from—

public sale, settlement, or pre-emption—

Which had been held to be effectual against the railroad grant of 1856 because of the restrictive proviso, which is recited, and the cases wherein this had been decided are cited.

The order of the Commissioner of the General Land Office of May 18, 1860, continuing the reservation of the lands notwithstanding the decision of the Supreme Court in Dubuque and Pacific Railroad Company *vs.* Litchfield, is then cited in connection with the argument that the joint resolution of 1861 "ended the withdrawal of these lands," upon which the court remarks:

We do not think the joint resolution had the effect to end the reservation of these lands from public entry—

And concludes that the resolution went to the extent of—

securing to innocent purchasers under the State, so far as the United States could do so, their title to the lands that they had bought under the sanction of this action of the Department.

The broader and larger question of the title to the lands within 5 miles of the Des Moines River above Raccoon Fork, which had not been certified to the State and which were declared by the decision of Dubuque and Pacific Railroad *vs.* Litchfield not to be included within the grant of 1846, Congress retained for further consideration, and at its next session after this joint resolution was passed it completely disposed of the whole subject, so far as it was in its power to do so, by validating the grant of 1846 to the full extent of the construction claimed by the State of Iowa. If the order of the Commissioner of the General Land Office of May 18, 1860, was in force up to the passage of the joint resolution it is not possible to perceive why it terminated then.

The opinion of the court is that the act of July 12, 1862—

was, for the first time, a conclusion and end of the matter so far as Congress was concerned.

THE COMPANY'S TITLE IS RES AJUDICATA.

The title of the plaintiff is asserted to rest upon settlements upon lands which were reserved from sale at the time the settlements were made, the title to which lands had been transferred to the State of Iowa, and the learned justice reaches the conclusion which I will read:

The object of this bill is to have a declaration of the court that the title of the plaintiff under these settlements and pre-emptions is superior to the title conferred by Congress on the State of Iowa and her grantees under the act of July 12, 1862. If the lands were at the time of these settlements and pre-emption declarations effectually withdrawn from settlement, sale, or pre-emption, by the orders of the Department, which we have considered, there is an end of the plaintiff's title, for by that withdrawal or reservation the lands were reserved for another purpose, to which they were ultimately appropriated by the act of 1862, and no title could be initiated or established, because the Land Department had no right to grant it. This proposition, which we have fully discussed, will be found supported by the following decisions, which are decisive of the whole controversy.

And fortifies it by citing many of the decisions to which I have previously referred.

This closes the judicial history of this remarkable controversy, and if the question can not properly be classified as *res adjudicata* it would be difficult to say what matter may not be properly reopened.

INFLAMMATORY DISPATCHES PROVEN TO BE UNTRUE.

The gentleman from Illinois [Mr. PAYSON] in his speech, to which I had no opportunity to reply, had two very inflammatory dispatches read, alleging that James B. Weaver, attorney for the Des Moines company, had stated he had seven hundred judgments in his possession, and that in the first week in March every one of them would be served and evictions made. One of the dispatches was from the Chicago Tribune of February 26 and the other from the Washington Evening Star of February 27. By leave of the House I print with my remarks an article from the Iowa State Register of February 28, utterly denying the truth of both of the dispatches to which I have referred. The article is in these words:

A CORRECTION—KEEPING THE RECORD STRAIGHT IN REGARD TO THE DES MOINES RIVER LANDS.

The dispatch yesterday morning from Fort Dodge created some comment around the city and much surprise. Mr. J. B. Weaver, jr., returned from Webster County last evening, where he had been on business, and on being shown the dispatch stated that it is wholly false and that he knows of no reason why it should have been sent out unless to try and influence Congress in pending

legislation. The following card was handed for publication by Colonel Gatch, who has been for many years the attorney for Mr. Litchfield:

"*Editor Register:*

"The report telegraphed from Fort Dodge to the Register and Chicago papers, and published in yesterday's Register, as to contemplated evictions by Mr. Litchfield from Des Moines River lands, is a sheer fabrication. Mr. Litchfield has, instead of seven hundred as stated by the lying correspondent, probably forty or fifty judgments for possession against parties who made no claim of title in defense, and who have now no claims for improvements, all that were filed having been disposed of. Last fall writs of possession were issued and executed in fifteen or twenty of these cases, when, the weather becoming inclement, their further execution was suspended, but with the intention of having the remainder executed as soon as the weather would permit, regardless of what Congress or the President might or might not do in the matter of the bill then pending, but which has since been passed and vetoed, knowing, as every lawyer knows, that nothing that Congress can do can affect his title so repeatedly held valid by the Supreme Court of the United States. Mr. Weaver's presence at Fort Dodge had nothing whatever to do with the contemplated evictions, and he pronounces the report, so far as related to himself, wholly untrue.

"C. H. GATCH."

The Navy.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

February 2, 1889.

The House having under consideration the bill (H. R. 12239) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes—

Mr. WHEELER said:

Mr. CHAIRMAN: I move, *pro forma*, to amend by striking out the last word. I adopt this method of submitting a few remarks because, as we all know, it is often found to be the case, as it has been to-day, that when the members of the committee have elaborated their views upon a bill there is but little time left for any one else to say anything upon the questions involved in the proposed legislation.

The subject upon which I desire to speak is the resolution introduced by myself to provide for a board of visitors on the part of Congress to the naval torpedo station and War College on Goat Island. The resolution to which I allude is in these words:

Resolved, etc., That a joint committee of two members of the Senate and three members of the House of Representatives, to be known and designated as a Board of Visitors, be appointed by the President of the Senate and the Speaker of the House of Representatives, whose duty it shall be to attend the commencement exercises at the Navy War College and naval torpedo station, near Newport, R. I., and, by such means as the board may deem best adapted to the purpose, inquire into the methods and system of instruction in vogue in said college, the proficiency and standing of the students, and the advantages to the public service resulting from the maintenance of said college, and report the same to Congress at its next ensuing session, together with any suggestions they may desire to make with a view to increase the efficiency of the college and rendering it a more valuable agency in providing learned and skilled officers for the Navy of the United States.

SEC. 2. That the mileage and other necessary and indispensable expenses of the board of visitors hereby created shall be paid in the same manner and at the same rate as similar expenses of the board of visitors to the Naval Academy.

Mr. ROGERS. I thought you had had a day set apart for the consideration of that subject.

Mr. WHEELER. I have not had a day set apart because the Committee on Ways and Means and the Committee on Appropriations have absorbed so large a proportion of the time of Congress.

Mr. Chairman, for the last three hundred years the great military men of the world have endeavored to formulate what they call the art of war, or grand tactics. A few works have been published on this subject, one of the most noted being that by Jomini, an officer who was very prominent during the great war period from 1796 to 1815. An attempt has been made during very late years to prepare a similar work which would enunciate the principles that should govern naval warfare, but as yet no authoritative work has been published on that subject. A few years ago some of the enterprising officers of the Navy succeeded in getting a meager appropriation of $10,000 for the establishment and maintenance of a War College near Newport. Up to that time all that could be learned with regard to this most important subject was to be obtained by reading of the naval battles which are recorded in the history of the world; and from them something could be adduced of what actions brought with them success and what actions and maneuvers have been followed by disaster.

I do not think I am wrong when I say that appearances indicate that the Navy will perform a very great part in future wars; and I think all will admit that the important question before the American people is not only the building up of a Navy, but the taking of every means in our power to educate our officers to manage these great machines of war which are now being floated upon the ocean.

When our young Republic had but five millions of people, with no Army, with no Navy, surrounded by the powerful military nations of the earth, Washington declared that we must avoid entangling alliances and foreign intrigues; and it is remarkable that this expression of the Father of our Country has been echoed in every Congress from that time to the present. The last time I heard it was yesterday, it being laid down as the doctrine which should govern our country at the present time.

Now, Mr. Chairman, I say that this expression should no longer be quoted as an axiom of our foreign policy, or, at least, our people should remember that it has no application to a nation which to-day is the most powerful on earth, and which ought to establish and maintain such a policy as should perceptibly influence if not control the action of every people on earth in dealing with anything outside of their own borders.

[Here the hammer fell.]

Mr. HERBERT. I fear from a remark of my colleague [Mr. WHEELER] that he thinks I have been, in some way, guilty of discourtesy.

Mr. WHEELER. By no means.

Mr. HERBERT. I was not aware of any such thing, and had no such intention. I asked whether anybody else desired to speak, and my colleague did not respond. Now I desire to be recognized in order that I may yield my time to my colleague. I certainly did not intend to cut him off from the opportunity of speaking.

Mr. WHEELER. I am much obliged to my colleague. I did not mean to make any such intimation as he suggests.

The CHAIRMAN. The gentleman from Alabama [Mr. HERBERT] asks that his colleague [Mr. WHEELER] be permitted to proceed five minutes longer. Is there objection? The Chair hears none.

Mr. WHEELER. I am much obliged to my colleague.

Mr. HERBERT. I would ask for ten minutes if the gentleman desired it.

Mr. WHEELER. I do not think I shall occupy any more time than is suggested by my colleague.

I had no intention, Mr. Chairman, when I entered the Hall to-day of making a speech, and my reason for now addressing the House is that within the last half hour I have received a letter from Admiral Luce, from which I will read a paragraph, because it pertains to this subject. He writes from the steamer Galena, Key West, Fla., January 30, 1889:

UNITED STATES STEAM-SHIP GALENA,
Key West, Fla., January 30, 1889.

MY DEAR GENERAL: I was very much gratified by reading in a paper just received from the North a notice of joint resolution No. 255, introduced recently by you, providing for the appointment of a joint committee of the two Houses, to attend the commencement exercises of the Naval War College. I trust with all my heart the resolution may be adopted. For I am morally certain that such a committee as you propose will find the plan upon which that college is based such as to commend itself to the most unqualified approval of Congress and the country. Your committee will find that the institution of the college was a step, and a very great step, in the direct line of progress, and that its continuance is essential to the full development of modern naval science in this country.

It is a curious fact that in these days, when the popular cry is "Protection for home industries," that Congress should in each annual appropriation bill for the Navy insert an item "for cost of special instruction abroad," and yet give no encouragement for "special" instruction at home. Congress, by the deficiency bill approved March 3, 1883, appropriated $900 for tuition of two naval cadets at the Royal Naval College, Greenwich, England, and absolutely refused in 1887 to appropriate a penny for the maintenance of a like institution in this country. Moreover, since 1882 Congress has not failed to recognize in the most substantial manner, namely, by its annual appropriations, the great value to our Navy of the English Naval College; nor, with equal constancy, has it failed to turn a deaf ear to the advocates of the American Naval College.

Your resolution, my dear general, is the first note of encouragement we have had. I sincerely trust you will push it through to a favorable vote.

* * * * * * *

Very truly yours,

S. B. LUCE,
Commanding United States Naval Forces, North Atlantic Station.

General JOSEPH WHEELER,
United States House of Representatives.

The omitted portion of the letter refers very pleasantly to an episode of the war in which the distinguished admiral and myself were both actors.

When I was interrupted by the expiration of my time I was alluding to what I think should be the policy of the United States, a republic of sixty to seventy millions of inhabitants, the most powerful and enterprising people on earth in everything which makes a country great.

I do not wish to be understood as advocating rash or aggressive action, but only that when any one of the rights of our people is infringed or any American interest is jeopardized, we shall be prepared, in the most courteous manner, but with unflinching firmness, to demand the fullest redress, from which demand we will not recede, even to the millionth differential of a line.

I do not criticise our officials. They may have been as firm as the action of Congress would seem to suggest or permit, particularly when we consider the defenseless condition of our coast cities and the inferiority of our naval ships and their deficiencies of armament.

Two years ago I very minutely called the attention of Congress to this subject. We are now doing something toward naval armament, but even now other nations are annually appropriating ten times the amount we apply to that purpose.

Two years ago there were afloat in foreign navies one hundred and twenty-nine guns capable of throwing a projectile 10 miles and upward. The caliber of these high-powered guns ranges from 12 to 17 inches, and they can throw a shot or shell weighing 2,000 pounds. In addition to these fearful engines of destruction there were also to be found in foreign navies at that time sixty-six guns capable of throwing projectiles weighing from 900 to 1,250 pounds a distance of 9 miles. The largest of the guns I refer to requires nearly 1,000 pounds of powder for its charge; 83 pounds of powder are used to explode the immense mass of metal which constitutes the projectile, and they can be fired every ten or fifteen minutes. In this connection I beg the attention of the House while I read a table giving the nationalities and names of the vessels carrying these guns. The official reports from which this table has been compiled is more than three years old, and it is believed by those familiar with the subject that the number of these heavy guns in actual service has been largely increased.

GUNS AFLOAT RANGING POSSIBLY TEN MILES OR UPWARD.

Nation.	Ship.	Maximum armor.	Draught.	Guns.	Caliber.
		Inches.	*Ft. in.*	*No.*	*Inches.*
England	Conqueror	12	24 0	2	12
	Colossus	18	26 3	4	12
	Edinburgh	18	26 3	4	12
	Collingwood	18	26 3	4	12
	Rodney	18	25 3	4	13.5
	Benbow	18	27 0	2	17
	Camperdown	18	27 3	4	13.5
	Howe	18	27 3	4	13.5
	Anson	18	27 3	4	13.5
	Hero	12	24 0	2	12
	Renown	18	27 3	2	16.25
	Sansparell	18	27 3	2	16.25
France	Amiral Duperré	21.6	26 9	4	13.4
	Dévastation	15	24 11	2	10.6
	Foudroyant	15	24 11	4	13.4
	Terrible	19	24 7	2	16.5
	Tonnant	17¾	16 9	2	13.4
	Vengeur	13¾	16 9	2	13.4
	Am. Baudin	21½	26 0	3	16.5
	Formidable	21½	26 0	3	16.5
	Furieux	19½	21 7	2	13.4
	Indomptable	19½	24 7	2	16.5
	Caïman	19½	24 7	2	16.5
	Requin	19½	24 7	2	16.5
	Marceau	17¾	27 3	2	13.4
	Hoche	17¾	27 3	2	13.4
	Magenta	17¾	27 3	2	10.6
	Neptune	17¾	27 3	3	13.5
	Brennus	17½	26 8	4	13.4
	Charles Martel	17½	26 8	4	13.4
Italy	Italia	18.9	30 3	4	17
	Lepanto	18.9	29 6	4	17
	Ruggiero di Lauria	17.7	25 11	4	17
	Andrea Doria	17.7	29 6	4	17
	F. Morosini	17.7	25 11	4	17
Germany	Salamander	8	10 2	1	12
	Natter	8	10 2	1	12
	Hummel	8	10 2	1	12
China	Ting Yuen	14	20 0	4	12
	Chen Yuen	14	20 0	4	12
Russia	Catherine II	24	27 0	4	12
	Tchesme	24	25 0	4	12
	Sinope	24	25 0	4	12
Denmark	Tordenskiold	8	15 0	1	13.8

GUNS AFLOAT RANGING POSSIBLY NINE TO TEN MILES.

England	Inflexible	24	25 4	4	16
France	Friedland	7⅞	29 4	2	10.6
	Redoubtable	14	24 10	4	10.6
	Dugueselin	9⅞	24 10	4	9.5
	Bayard	9⅞	24 10	4	9.5
	Turenne	9⅞	24 10	4	9.5
	Vauban	9⅞	24 10	4	9.5
	Fulminant	13	21 4	2	10.6
	Tonnerre	13	21 4	2	10.6
Italy	Duilio	21.7	28 0	4	17
	Dandolo	21.7	28 9	4	17
Germany	Sachsen	17.25	19 8	4	10.2
	Baiern	17.25	19 8	4	10.2
	Wurtemberg	17.25	19 8	4	10.2
	Baden	17.25	19 8	4	10.2
	Wespe	8	10 2	1	12
	Viper	8	10 2	1	12
	Biene	8	10 2	1	12
	Mücke	8	10 2	1	12
	Scorpion	8	10 2	1	12
	Basilisk	8	10 2	1	12
	Cameleon	8	10 2	1	12
	Crocodil	8	10 2	1	12
Brazil	Riachuelo	11	20 0	4	9

Any one of these vessels could easily take up a position beyond the range of any gun we possess and have any vessel in our Navy entirely at her mercy. Any one of these vessels carrying the highest-powered guns could float in 30 feet of water off Coney Island and destroy the cities of Brooklyn and New York without fear of injury from any gun we have.

Another could find 30 feet of water within 5 miles of Faneuil Hall and rain these massive shots and shells upon Boston and the many prosperous towns which constitute its suburbs.

Another could easily find a point 3 or 4 miles northeast of Portland, Me., from which in more than 30 feet of water she could easily destroy the largest city upon our extreme eastern coast.

New Bedford, Providence, New Haven, Norfolk, and Baltimore are all equally exposed and equally powerless to even resent, much less successfully resist, an attack from an enemy's vessel carrying these high-powered guns and having a draught of 15 feet and upward. And it must be remembered that some of the vessels armed with guns of 10 miles' range draw but 10 to 15 feet of water.

Even the capital city of the Republic would be vulnerable to such an attack, for though it is 200 miles from the sea vessels of 19 feet draught can come up to the city.

And all the cities on or near our Atlantic and Gulf coast—Richmond, Charleston, Savannah, Pensacola, Mobile, New Orleans, Galveston, Brownsville, Clarksville, Brazos Santiago, Appalachicola, St. Marks, Tampa Bay, Cedar Keys, Key West, St. Augustine, Jacksonville, Fernandina, St. Mary's, Port Royal, Georgetown (S. C.), Smithville, Wilmington, Beaufort, Plymouth, New Berne, Edenton, Annapolis, Hampton Roads, Lewes, Atlantic City, Little Egg Harbor, Perth Amboy, Bridgeport, New London, Stonington, Bristol, Newport, Fall River, Vineyard Haven, Nantucket, Provincetown, Barnstable, Plymouth, Lynn, Marblehead, Salem, Gloucester, Rockport, Newburyport, Portsmouth, Saco, Bath, Camden, Bucksport, Bangor, Belfast, Rockland, Eastport, and Calais—are in the same deplorably defenseless condition, and would fall an easy prey to a single hostile vessel armed with such guns as I have described.

If we look at our Pacific coast we find the same discreditable inability to defend our seaboard cities from naval bombardment. San Francisco could not escape even were her magnificent harbor—one of the finest in the world—rendered inaccessible to an enemy's vessel; the city could still be shelled by vessels carrying high-powered guns, from a distance of six or seven miles, with water sufficient to float the deepest ship ever constructed. And what I have said of San Francisco is equally applicable to Port Townsend, Steilacoom, Seattle Harbor, Olympia, New Dungenness, Astoria, Kalama, Portland, Newport, Empire City, Crescent City, Trinidad, Mendocino, Benicia, Vallejo, Santa Cruz, Monterey, San Luis Opispo, Santa Barbara, and San Diego, with this modification of the statement: They do not all afford 30 feet water within six or seven miles; but there is, within that distance from each of the cities or towns on the Pacific coast, sufficient water to float a vessel which could destroy them in absolute safety.

In my speech on this subject of two years ago I gave the tonnage used to transport armies on several occasions, showing that only 3 or 4 tons per man was required, and that about double that tonnage per man would suffice to transport soldiers with their horses, stores, ordnance, and other equipage.

Some gentlemen will say that the course I think it advisable we should adopt might involve us in war. I am as much opposed to the evils and ravages of war as any one upon this floor, but I say if such a course involves this country in war, then the sooner it comes the sooner the skill of our officers and the valor of our soldiers will terminate the conflict in one of the greatest triumphs, military and naval, ever achieved by any nation, and from that moment the power and vigor of this country in war as well as its energy in peace will be more fully recognized, appreciated, and understood.

It will not cost us anything. It will bring about a development of our resources, and the opening and building up of our commerce and trade all over the world, the profits of which during one single year would pay all the expenses of the greatest conflict in which we could be engaged.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERBERT. How much more time does the gentleman desire?

Mr. WHEELER. Two minutes.

Mr. HERBERT. I ask that the gentleman's time be extended.

There was no objection, and it was ordered accordingly.

Mr. WHEELER. In some remarks I made last summer, after careful calculation, I showed that the products of our farms and factories exceeded all possible power of purchase by Americans to the amount of $5,000,000,000 annually, and the only possible way to meet this unfavorable commercial and industrial condition is either to reduce the days of labor to not more than two or three days in the week, or to open to the enterprise of our laborers the markets of the world, where 1,000,000,000 people are waiting to purchase the products of our arts and industries. And this can best be brought about by the United States so asserting its rights, so manifesting its dignity and power, that on sea and land she will ever command the reverential respect, as she has already won the admiration, of all the nations of the earth. [Applause.]

Rivers and Harbors.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 2, 1889.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 11765) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—

Mr. WHEELER said:

Mr. CHAIRMAN: There are few questions to be acted upon by Congress so intimately connected with the material interests of the people as the improvement of the rivers and harbors of the country.

Our forefathers provided in the Constitution that—

The Congress shall have power * * * to regulate commerce with foreign nations and among the several States—

and that body has ever retained the full control of all the navigable waters of the United States.

The Supreme Court has uniformly held that this express grant of power necessarily carries with it the power to regulate the instrumentalities of commerce, the means whereby it is carried on, and to control or govern the acts of persons engaged in commerce between or among the several States.

It is, therefore, manifest, from legislative practice and judicial construction of the Constitution, that Congress alone can improve the navigation of our rivers, deepen our harbors and make them more safe, and do whatever is requisite to facilitate commerce within our own borders as well as with those nations which send their vessels across the ocean to the great centers of trade upon our gulf and ocean seaboard.

As nations advance in civilization they necessarily increase their efforts to secure greater facilities for transportation and intercommunication.

LARGE EXPENDITURES BY FRANCE.

Eighty years ago the average depth of the river Seine, in France, was only 2½ feet. As the people of that country progressed in civilization they found this insufficient to meet their greater requirements, and works were begun and prosecuted which secured a depth of 4 feet. Continued progress demanded better means of communication, and the work was carried on until a depth of 5 feet was attained. But the people moved forward with steady strides toward a higher civilization, while the river channel remained unchanged, and the work of improvement had to be resumed and prosecuted until a depth of 6½ feet was secured. With this greatly better water way the commerce of the country was greatly stimulated, and to meet the requirements of the altered conditions of trade, the work of improving the river was again undertaken and persevered in until from Paris to the sea the Seine at low water had a depth of 10½ feet—sufficient to enable vessels of 800 tons burden to ascend the river from the ocean to the wharves of the capital city.

The river Rhone, which has a fall averaging 32 inches per mile from Lyons to the sea—a distance of 200 miles—was not a navigable stream until improved by the government. Now vessels ascend to Lyons, and works now being carried on will secure not less than 5 feet 3 inches at low water from that city to the Mediterranean, and at most seasons the depth will be much greater.

A report made by M. Kuntz, a member of the national assembly, states that prior to 1878 France had expended $230,000,000 upon her canals, rivers, and harbors, and yet, so impressed are the French people with the advantages to the country resulting from an outlay of the public money for this purpose, that a further prosecution of works of this character is advocated at an estimated cost of nearly $200,000,000.

France has about 30,000 miles of railways, and it must be recollected that her area is only 204,030 square miles—about three-fourths of the size of the State of Texas. With this area it might be presumed that the 30,000 miles of railroads would furnish her people with about all the means of national intercommunication they would need, but experience has satisfied the statesmen and publicists of that country that these means must be supplemented by, and subjected to, the salutary competition of improved water ways, and they unhesitatingly and ungrudgingly determine to devote these immense sums to insure the people of France uninterrupted and unimpeded water communication between interior points and between the centers of manufacture and trade and the sea.

In 1887 France expended 176,046,604 francs (about $35,209,321) upon public works, a very considerable portion of which sum was applied to still further improving her rivers and harbors.

THE EXAMPLE OF ENGLAND, BELGIUM, AND HOLLAND.

The United Kingdom of Great Britain and Ireland has a smaller actual railway mileage than France (19,332 miles), but in proportion to the areas of the two countries it is much greater, the area of the United Kingdom being but 121,571 square miles, little more than one-half that of her Gallic rival. Her rivers are mostly arms of the sea, having great depth of water and requiring but slight improvement to make them available for purposes of intercommunication and commerce. And yet, with so little necessity to resort to artificial means for the betterment of the advantages nature had lavished upon them, that cultured and progressive people, realizing and appreciating the importance of availing themselves to the utmost of all possible means of fostering, developing, and stimulating the internal interchange of their products and their exchanges with foreign nations by perfecting their means of water communication and improving their harbors, have already expended for this purpose a sum nearly as great as has been applied to the rivers and harbors of the United States, though we have a territory more than thirty-two times larger. According to the "Statesman's Year Book" for 1888, page 230, the expenditures for public works were £1,708,524 ($8,542,620, about).

It would take three hundred countries the size of Belgium to equal the area of the United States, and yet that country has expended upon rivers and harbors one-fifth as much as has been devoted by us to that purpose.

The area of Holland is but 2,128 square miles. Multiply that eighteen hundred times and the product would be about the area of this country. And yet this nation of enterprising though thrifty merchants have expended for public works about one-fourth of the sum we have spent for the same objects.

GERMANY, RUSSIA, AND ITALY.

Germany, with an area much less than that of our single State of Texas, and with 25,000 miles of railroads, has almost entirely reconstructed the river Danube, and, in addition to that great work, on a stream not larger than the Clinch, that people have expended $20,000,000. And yet members of this House criticise Congress for extravagance in improving Clinch River when the total amount expended has been only $15,000.

Russia has the best natural inland navigation of any civilized country except our own, having about 19,000 miles of navigable streams and in addition double that length of water ways available for rafts and flatboats. But as civilization has advanced among the Russians they have expended millions of dollars to improve their arteries of commerce, and have supplemented this vast and expensive work by constructing nearly 1,000 miles of canals, one single canal, the St. Petersburg, having cost over $7,000,000.

From the "Statesman's Year Book" for 1888, page 422, I learn that in 1887 Russia expended 25,642,469 rubles (75 cents of our money) for public works—about $19,231,852.

Italy is not abundantly supplied with water courses, being able to boast of only about 1,100 miles of navigable streams, the Po being the longest and most important. That country has, however, at great expense, constructed 435 miles of navigable canals, beside which they have 7,000 miles of railroad. Yet the spirit of improvement may be said to have just commenced, as I find from the "Statesman's Year Book," page 344, that in 1887 that country expended for public works 81,152,562 lire. A lira being about equivalent to 20 cents in our money gives in round numbers $16,230,000.

EXPENDITURES IN THIS COUNTRY.

I will now submit to the House a carefully-compiled tabulated statement showing the total expenditure of the United States for this great purpose:

Table showing the aggregate appropriations for the improvement of rivers and harbors during the century beginning 1789 *and ending* 1889.

States.	Total amount.	States.	Total amount.
New York	$18,898,736.28	New Jersey	1,768,038.00
Michigan	12,502,877.25	Kentucky	1,608,000.00
Wisconsin	6,413,541.74	Rhode Island	1,351,950.00
Texas	5,690,700.00	Indiana	1,109,953.92
Ohio	4,581,147.29	Minnesota	851,250.00
Massachusetts	4,378,749.08	Arkansas	835,400.00
Illinois	4,040,205.00	Mississippi	719,525.00
Delaware	3,958,164.69	Vermont	715,480.20
North Carolina	3,824,338.92	Tennessee	681,500.00
California	3,515,750.00	Louisiana	664,400.00
Maryland	3,096,092.50	New Hampshire	394,500.00
Oregon	3,033,950.00	Montana Territory	300,000.00
Virginia	2,971,380.00	Missouri	76,500.00
West Virginia	2,666,675.00	Washington Territory	58,500.00
Georgia	2,624,205.41	Idaho Territory	15,000.00
South Carolina	2,473,500.00	Miscellaneous	64,807,155.90
Connecticut	2,437,176.83	Surveys	5,838,430.40
Maine	2,260,134.48	Repairs, etc.	4,107,877.12
Alabama	2,140,001.82	Dredging machines, etc.	1,251,257.54
Florida	1,921,850.09		
District of Columbia	1,866,500.00		
Pennsylvania	1,828,792.23	Total	182,049,156.69
Iowa	1,770,000.00		

The item of $64,000,000, designated as "miscellaneous," is for rivers which traverse more than one State, or harbors which are adjacent to or between more than one State, and therefore can not be accurately apportioned. I have also prepared a table showing the amount expended in the improvement of the individual rivers, which I will read. These rivers flow through or between two or more States, and the table shows some other expenditures which can not properly be charged to any single river or any one harbor.

Table showing the expenditures on certain rivers from 1789 *to* 1889.

Name of river or harbor, etc.	States adjacent, etc.	Date of first appropriation.	Total amount appropriated from March 4, 1789, to January 1, 1889.
Arkansas River	Arkansas, Indian Territory, and Kansas.	July 3, 1832	$372,875.00
Bayou Bartholomew	Arkansas and Louisiana	Mar. 3, 1881	28,000.00
Black River	Arkansas and Missouri	June 14, 1880	61,000.00
Cattahoochee and Flint Rivers.	Alabama, Florida, and Georgia.	Feb. 24, 1835	145,000.00
Choctawhatchee River	Alabama and Florida	Mar. 2, 1833	112,000.00
Coosa River	Alabama and Georgia	Aug. 14, 1876	515,000.00
Cascades of Columbia River (canal).	Oregon and Washington Territory.	Aug. 14, 1876	1,442,500.00
Columbia River	do	June 10, 1872	330,000.00
Cumberland River	Kentucky and Tennessee.	July 3, 1832	1,041,000.00
Cumberland Sound	Georgia and Florida	June 14, 1880	405,000.00
Current River	Arkansas and Missouri	June 10, 1872	7,000.00
Cypress Bayou	Louisiana and Texas	June 10, 1872	112,000.00
Dan River	Virginia and North Carolina.	June 14, 1880	50,500.00
Delaware River	Delaware, New York, New Jersey, and Pennsylvania.	July 4, 1836	2,012,000.00
Entrance to the Dismal Swamp Canal.	North Carolina and Virginia.	July 4, 1836	35,000.00
Escambia River	Alabama and Florida	Mar. 2, 1833	72,500.00
French Broad River	Tennessee and North Carolina.	Aug. 14, 1876	51,500.00
Little Narragansett Bay	Connecticut and Rhode Island.	Aug. 14, 1876	36,000.00
Menomonee Harbor	Michigan and Wisconsin	Mar. 3, 1871	175,000.00
Mississippi River		Mar. 3, 1879	36,713,380.53
Mississippi and Missouri Rivers.		July 2, 1836	100,000.00
Mississippi and Ohio Rivers.		May 24, 1824	677,711.64
Mississippi, Missouri, and Ohio Rivers.		July 3, 1832	223,000.00
Mississippi, Missouri, Ohio, and Arkansas Rivers.	Mississippi, Missouri, and Arkansas.	Aug. 23, 1842	2,750,000.00
Missouri River	Dakota, Iowa, Kansas, Missouri, Montana, and Nebraska.	Aug. 30, 1852	4,439,000.00
Monongahela River	Pennsylvania and West Virginia.	June 10, 1872	327,900.00
New River	Virginia and West Virginia.	Aug. 14, 1876	112,000.00
North Landing River	Virginia and North Carolina.	Mar. 3, 1879	55,500.00
Falls of the Ohio and Louisville Canal.		Aug. 30, 1852	1,291,562.91
Ohio River	Ohio, Pennsylvania, West Virginia, Kentucky, Indiana, and Illinois.	Mar. 3, 1827	5,211,479.25
Osage River	Missouri and Kansas	Mar. 3, 1871	200,000.00
Ouachita River	Arkansas and Louisiana	Mar. 3, 1871	327,500.00
Pawcatuck River	Rhode Island and Connecticut.	Mar. 3, 1871	50,000.00
Red River of the North	Minnesota and Dakota	Aug. 14, 1876	193,000.00
Red River of the South	Arkansas, Louisiana, and Texas.	May 23, 1828	1,513,265.50
Rock River	Illinois and Wisconsin	July 7, 1838	1,000.00
St. Croix River	Wisconsin and Minnesota.	June 18, 1878	83,500.00
St. John's and St. Mary's Rivers.	Florida and Georgia	May 23, 1828	78,000.00
Staten Island Channel	New York and New Jersey.	June 23, 1874	184,000.00
Tennessee River	Kentucky, Tennessee, and Alabama.	Mar. 3, 1827	3,376,456.94
Wabash River	Indiana and Illinois	May 23, 1828	615,500.00
Waccemaw River	North Carolina and South Carolina.	June 14, 1880	44,400.00
Warrior and Tombigbee Rivers.	Alabama and Mississippi.	June 10, 1872	336,000.00
White, Black, and St. Francis Rivers.	Arkansas and Missouri	Mar. 2, 1833	2,500.00
Yellowstone River	Dakota and Montana	Mar. 3, 1879	118,750.00
Repairs and extensions of public works on rivers and harbors.		July 25, 1868	3,500,000.00
Repairs of harbors on the Lakes.		June 11, 1844	270,000.00
Preservation and repair of harbors and river improvements.		Mar. 3, 1841	85,000.00
Repair and contingencies.	Atlantic coast	Apr. 30, 1852	110,000.00
Transportation, fuel, etc		Aug. 30, 1852	12,127.00
Surveys	Atlantic coast	June 23, 1866	60,000.00
Do	Pacific coast	June 23, 1866	50,000.00
Do	Northwestern lakes	June 23, 1866	175,000.00
Do	Western and Northwestern rivers.	June 23, 1866	275,334.40
Do	Atlantic and Pacific coasts lakes and rivers.	July 11, 1870	1,790,000.00
Hydrographic survey of the lakes.		July 3, 1841	2,955,379.00
Youghiogheny River to Cumberland.		June 23, 1874	210,000.00
Norfolk to Atlantic Ocean.		June 18, 1878	20,000.00
Steam-dredging machines for the lakes.		July 2, 1836	122,682.96
Snag-boats and dredge-boats.		Aug. 30, 1852	796,000.00
Construction of an iron steamer.		Aug. 5, 1854	60,000.00
Charts, etc		Mar. 3, 1849	108,000.00
Removal of sunken vessels.		June 14, 1880	207,233.15
Purchase and management of Louisville and Portland Canal.		Mar. 3, 1873	1,250,000.00
Purchase of Shreve's patent.		Jan. 13, 1881	50,000.00
Total			78,136,038.28

THE TENNESSEE RIVER.

It will be noticed that $3,376,456 has been expended upon the Tennessee River, and the larger part of this sum has been used in removing the barrier which, for all time, has separated the 400 miles of navigable water above from that below the obstruction.

I now ask attention to a rapid summary of what has been accomplished on this special work.

As far back as 1824, Mr. Calhoun, then Secretary of War, referred to the improvement of the Tennessee River so as to connect the upper waters with those below Muscle Shoals as a work of such value as to be subordinate in importance to but two national works of improvement, and directed a survey to be made as the first step in undertaking the work.

General Andrew Jackson frequently crossed the Tennessee at Muscle Shoals, and during a considerable period owned and cultivated land near the head of the obstruction. When he became President he had the river resurveyed at that point by Colonel Long, of the Corps of Engineers.

In 1828 Congress determined to remove the obstruction and enacted a law appropriating 400,000 acres of land to carry out the important project. A large sum, estimated as high as $2,000,000, was expended in constructing a narrow canal 14½ miles in length, but before improvements were begun at other points one of the dams gave way, and there being no money available for the continuation of the work, or to even make the slightest repairs, the entire work was abandoned.

DESCRIPTION OF THE CANAL.

A few years since the work of improvement was resumed and much has been accomplished. Commencing about 12 miles below Decatur, Ala., the plan adopted to secure sufficient water required excavations through solid flint rock which formed an impassable reef in the bed of the river. This involved the blasting and removal of over 1,000,000 cubic feet of the hardest rock. Four miles below the initial point of the work a rock wall, 2½ miles in length, was built to confine the water between the wall and the southern shore. A canal 1½ miles long, with two locks, was then constructed, which carried the work to a point whence, with but little additional labor, navigation could be secured for a distance of 7½ miles. Here the main canal, 14½ miles long, begins. The fall of the river within this distance of 14½ miles is 84½ feet. At some points the fall is very great, being as much as 18 feet in a single mile, and for short distances the fall is at the rate of 40 feet to the mile.

Altogether there are eleven locks, 60 feet wide and 300 feet in length, between the gates. They vary in lift from 5 feet to 12 feet, and are all of the most superior workmanship and will last while the rock of which they are built shall endure.

To aid members of the House to fully realize how detrimental these shoals are to the interests of the citizens affected by this obstruction, I would like to ask how long the people would tolerate an impediment to the navigation of the Hudson 40 miles above New York, or in the vicinity of Philadelphia in the Delaware?

Yet, so wonderful has been, and will be, the development of the Tennessee Valley that, with 5 feet of water, unobstructed, from Chat-

tanooga to the Ohio River, it is as certain as any future event can be that within a few years the tonnage transported on the Tennessee River will approximate, if it does not equal, the large aggregate now carried over either of those great highways of trade.

A MAGICAL TRANSFORMATION.

When the present work of improving this great water way was inaugurated the products which it was expected would seek this avenue to find a market were presumed to be confined to cotton and cereals. In the last few years, however, the industries of the localities designed to be immediately benefited have undergone a most surprising transformation. During the last ten years iron and coal mines have been opened, and great manufacturing cities of 60,000 inhabitants are now seen where, at the beginning of that period, there were only broad fields of yellow corn or continuous rows of the South's great fleecy staple. As if by magic these hives of mechanic skill and the artisan's persistent and toilsome, though beneficent, labors have sprung into existence.

The forge stands to-day where but yesterday the plow ran noiselesly through the loamy soil; the furnace chimney soars now to the stars that a short while ago shone down upon the quietude of a purely agricultural scene. And with the completion of the improvement which the people of my district demand as their right, and toward which I now ask the representatives of the people to devote a portion of the public treasure now lying idle in the money vaults of the nation, this miraculous development will be followed by still greater marvels of American industry and enterprise, with the result that ere many years have waned the tonnage on the Tennessee will be increased many hundred fold—perhaps many thousand fold.

A FORCIBLE ILLUSTRATION.

To illustrate: Four years since Sheffield was a corn-field, and the seven great furnaces in that place and on the opposite bank will furnish more tonnage than the aggregate of the entire cotton crop of the United States, and that would be a tonnage at least one thousand times greater than the cotton produced in the country above the shoals and which is tributary to the Tennessee River. To enforce this proposition I will read a letter from the energetic and distinguished manager of the Florence Improvement Company:

FLORENCE, ALA., *December* 31, 1888.

DEAR GENERAL: In reply to yours, making inquiry about the tonnage that would seek water transportation if the Tennessee River was so improved as to allow steam-boats to reach this point all the year, it is difficult to form anything like an exact estimate, more especially since the work on the Muscle Shoals Canal will soon be completed, and open up such a large extent of country with its mines of coal, ore, and marble, its forests of timber, and its extensive agricultural products. I feel confident that the prediction of Judge Nixon, of Tennessee, made many years ago, is now being rapidly fulfilled. He said that it would not be a quarter of a century before the banks of the Tennessee River from the Muscle to the Colbert Shoals, would be lined with furnaces, rolling-mills, cotton-mills, and almost every other kind of manufacturing enterprise.

The Florence Improvement Company have located nearly a million dollars of capital in industrial enterprises at this place in the last six months; and the prospect is that it will be double that amount in the next six months. One of the greatest inducements, perhaps the greatest, which enterprising men see in locating their plants here is the Tennessee River, when assured that all obstructions to navigation will be removed.

You will not fail to observe that I am building the Florence Northern Railway, and it might seem that the railroad and river would conflict; and to some extent they will, but I favor cheap and easy transportation, and if railroads can not compete with the river they ought not to be built. The country needs the river, and the opening of the Colbert Shoals will give as much employment for as many steam-boats as run the Ohio River below Cincinnati. It may look strange, but the seven furnaces now nearly completed at Sheffield and Florence will give more tonnage than the whole cotton crop of the United States. A calculation will show the correctness of this statement.

Now, it is not unreasonable to suppose that in less than five years there will be three or four times as many furnaces in this locality, to say nothing of the other manufactories, mines, and quarries that will give employment to steam-boats, barges, etc.

I give you this general estimate of the amount of business which would be on the river if all obstructions were removed; the furnaces at present built would load two or three steam-boats every day with their products.

We very much hope that your efforts to secure the appropriation for this most important work will be successful. I know of nothing that would prove so great a benefit to so large a section of country as the opening of the Tennessee River for first-class boats all the year.

Very truly, your obedient servant,

W. B. WOOD.

General J. WHEELER, M. C.,
Washington City.

A PROPHECY INDORSED.

The prediction referred to in this letter is abundantly supported by many very distinguished citizens. Among them I will mention the sagacious and enterprising General Samuel Thomas, who has carefully studied the resources of our country, and as a result of his investigations prophesies that the time will come when the Tennessee Valley will be the center of manufacturing industry, not of the South or of this country alone, but of the entire world.

In March, 1888, a convention was held at Decatur to consult as to the best means of securing the speedy completion of the work at Muscle Shoals. That enterprising and sagacious gentleman, Maj. E. C. Gordon, who has done so much in the way of developing the resources of the South, was appointed chairman of a committee selected by the convention to memorialize Congress. In presenting the memorial he accompanied it with a letter, which is in these words:

WASHINGTON, D. C., *March* 21, 1888.

To the Congress of the United States:

I beg leave, in this manner, to submit the accompanying memorial, prepared and presented by order of a convention representing nearly every State in the Union, held at Decatur, Ala., January 18, 1888, asking for a liberal appropriation for the Tennessee River improvements, now already so far advanced.

Representing also the committee appointed by that convention, I beg leave to add a few remarks to the point made in the memorial herewith submitted.

One or two illustrations will serve to demonstrate that the one and one-half millions of dollars, or thereabouts, necessary to complete the work already begun, is only a very small proportion of the annual amount saved to the people in the several States interested.

It will be seen from the memorial that seventy-eight iron furnaces, either already built or in process of construction, in the territory contiguous to the Tennessee River in Alabama, Tennessee, and Georgia, will have, in 1889, an estimated capacity of 1,500,000 tons of pig-iron. Without trying your patience with figuring out details, it can be easily demonstrated that at least $1 per ton average in the cost of transportation can be saved to the commerce and prosperity of that region by the opening of the Tennessee River—a saving of fifteen hundred thousand dollars annually on the transportation of pig-iron alone—all of which will find its way into the ordinary channels of commerce and add to the welfare and prosperity of the entire population of the country. In every case these iron furnaces are located so as to easily reach the river by short existing railway lines or are built upon its banks.

It will serve to show the vast importance of the iron industry of that region when it is seen that, assuming the production in 1889 will reach 1,500,000 tons annually, and estimating the average selling price of the iron at the furnaces at $14 per ton, it will place in circulation from production $21,000,000 annually.

The impetus given to the coal and coke industry by the opening of the Tennessee River to navigation will doubtless double the present output within twelve months, with constantly accelerated production, and will save in the cost of transportation not less than 12½ cents per ton average, or an equal to $750,000 upon the productions of the second year.

Another item to which I beg leave to call your attention, and by which to briefly illustrate the importance of this work as a national enterprise is, as to saving upon the 500,000 bales, at least, of cotton, worth $22,500,000, which will naturally find its outlet by the Tennessee River. An investigation will demonstrate that with the opening of the Tennessee River 40 cents per 100 pounds, or $2 per bale, will be saved to the planting interest contiguous to the Tennessee River, or an equivalent of $1,000,000 annually saved to the farmers and laborers of that region.

While the coal, iron, and cotton-producing industries included in the 46,200 square miles of territory drained by the Tennessee River amount in productions to more than $45,000,000 annually in these three items alone, yet the great importance of these industries is surpassed by the enormous lumber-producing capacity, the general manufacturing interests, and the agricultural resources other than cotton of that most favored region, and which industries, as great as they are now, will go on increasing in volume and value of their production in proportion to the increase in the facilities for cheap transportation; while the cost of living would be greatly cheapened to the people by the less cost of transportation on all articles of necessity and luxury bought and brought in from other regions, and this saving would amount to millions of dollars per annum to the people of the many States directly interested.

In anticipation of the opening up to navigation of this great national highway, not only are the older towns, such as Chattanooga and Knoxville, greatly prospering, but new ones are springing up and growing into great importance along the banks of the Tennessee River at Sheffield, with its five large furnaces in process of erection, and Florence with two, and other industries in course of erection, with a population growing commensurate with these great enterprises, where a few years ago only agricultural pursuits were known; and when you remember that the town of Decatur, which, a year ago, was a little village of 1,000 people, now has a population of 7,000, and with manufacturing industries employing 3,500 skilled mechanics in process of erection, while growth and prosperity characterize the whole region, will give you some idea of why the citizens of the several States interested, and especially the citizens of that portion of the new South, are so earnest in their appeals to the Government to open up to navigation, with all reasonable expedition, that great national highway.

I beg leave to suggest that the opinion of the citizens represented in the convention above referred to was to the effect that the opening up of the national water ways to commerce was one of the most effectual, if not the most potent, means by which the commerce between the States can be satisfactorily regulated, and that such a policy, fully known to the Congress of the United States, has been in accordance with the wisest and best statesmanship since the formation of the Government to the present time.

A copy of the memorial referred to, published in the Times newspaper, Chattanooga, Tenn., page 3, column 3, March 18, 1888, accompanying also a memorial from the Chattanooga Chamber of Commerce, is herewith submitted.

Respectfully,

E. C. GORDON, *Chairman.*

THE RIVER CONVENTION MEMORIAL.

To the Congress of the United States:

At a convention held in the city of Decatur, Ala., January 18, 1888, the undersigned were appointed a committee to memorialize you to obtain necessary appropriation to remove the obstruction to the navigation of the Tennessee River.

We submit:

First. It is the sixth in size and third in national importance of any river in the United States.

Second. Since 1868 it has been recognized by the Government as of national importance, and has been embraced in the river and harbor bills.

Third. Two million seven hundred and fifty thousand dollars has already been expended; $180,000 additional is required to complete the improvements at Muscle Shoals and remove the obstructions (except that known as Colbert Shoals) from its mouth to the head of navigation.

Fourth. One million dollars is required for removing the obstruction at Colbert's Shoals, which are located 300 miles from its mouth and 30 miles below Florence, Ala.

Fifth. When opened according to the present plan, adopted long since by the Government, it will afford to commerce as follows:

Main River, Knoxville to Loudon, 60 miles.
Main River, Loudon to Kingston, 24 miles.
Main River, Kingston to Chattanooga, 110 miles.
Main River, Chattanooga to Boiling Pot, 19 miles.
Main River, Boiling Pot to Bridgeport, 41 miles.
Main River, Bridgeport to Guntersville, 74 miles.
Main River, Guntersville to Decatur, 51 miles.
Main River, Decatur to Brown's Ferry, 10 miles.
Main River, Brown's Ferry to Florence, 39 miles.
Main River, Florence to Waterloo, 33 miles.
Main River, Waterloo to Paducah, 222 miles.
Main River, total navigable, 757 miles.
Tributaries, Hiwassee River, 33 miles.
Tributaries, French Broad River, 90 miles.
Tributaries, Powells River, 159 miles.
Tributaries, Clinch River, 315 miles.
Tributaries, Emory River, 7 miles.
Tributaries, Duck River, 68 miles.
Tributaries, Little Tennessee River, 13 miles.
Tributaries, total navigation, 685 miles.
Main river and tributaries navigable 1,442 miles.

Sixth. When completed the Government plan will offer to commerce navigation as follows:

Six feet of water all the year round from its mouth to Decatur, Ala., 378 miles.
Five feet of water the year round, Florence to Chattanooga, 195 miles.
Three feet of water all the year round, Chattanooga to Knoxville, 194 miles.
Two and one-half feet of water all the year round on its tributaries, 685 miles.
Total main river and tributaries navigable, 1,442 miles.

Seventh. In addition to the above, tributaries to this river which should be improved by slack-water navigation not yet recommended or adopted amounting to more than 600 miles.

Eighth. Navigable river in the present plan now adopted by the Government and slack-water navigation, which should be adopted, 2,042 miles.

Ninth. When completed it will open up 2,042 miles of the river with the 35,000 miles navigable waters of the Mississippi River and its tributaries.

Tenth. This river is free from ice. It passes through a limestone formation where its bottom is not at any point a shifting sand. Obstructions once removed do not require again to be cared for.

Eleventh. Area drained by this river and its tributaries, 46,200 square miles. It traverses eight States. It is longer, drains a greater area, is a more reliable water stream than the Ohio or Upper Mississippi. It bisects about 1,300 miles of veins of iron ore, 11,000 square miles of coal, every variety of marble and cololitic limestone, zinc, lead, 10,000 square miles of virgin forest, containing the finest qualities of hardwoods of America practically untouched; its valleys producing the largest crops of breadstuffs, and other food products, its ridges and mountains producing the finest fruits of America, renders it one of the richest undeveloped portions of the United States.

Twelfth. Coal output tributary to this river in 1880 was 1,010,000 tons. The same during 1887 was 3,000,000 tons. Gain, 300 per cent.

Thirteenth. Pig-iron produced contiguous to this stream and its tributaries in 1880, 150,000 tons. The same during the year 1887, 592,076 tons. Gain, 300 per cent.

Fourteenth. Twenty-two new furnaces in process of construction, to be completed in 1888, will increase the product 660,000 tons annually.

Fifteenth. Forty-nine furnaces now in blast; twenty-two new furnaces being erected. Estimated product for 1889, when new furnaces are in blast, 1,500,000 tons, an increase of 1,000 per cent. in less than ten years.

Sixteenth. Experience has demonstrated that the opening and improvement of the navigable waters of the United States is the most effective interstate-commerce law Congress can adopt for the protection of those residing and doing business on the rivers of the United States which are now navigable or capable of being made navigable. The American people will never consent that any individual, private corporation, or State shall levy any toll or tribute upon commerce carried over any of the navigable waters of the Government. For this reason none other than the Government can improve these rivers. We ask the Government to do so, and it is the duty of the Government to apply a part of the accumulating surplus now in the Treasury for that purpose.

E. C. GORDON,
Chairman of Committee.

Very recently a convention was held in Knoxville, Tenn., composed of delegates from many States of the Union. A committee of sixty-nine prominent citizens, headed by Hon. C. W. Charlton, was appointed to present a memorial to Congress, urging the great importance of this work.

The resolutions adopted by the convention, and which are embodied in the memorial, are in these words:

RESOLUTIONS OF THE RIVER CONVENTION.

Whereas the Tennessee River with the tributaries is third in size and national importance, and drains an area nearly as large as the New England States of the richest undeveloped part of the globe, and has received less in proportion to its claims than any other river now recognized in the Government plan for the improvement of the rivers and harbors; and the small amount asked can, therefore, and ought to be at once expended;

Therefore, we, the representatives of the people who reside in that portion of the United States drained by the Tennessee River and its tributaries, in convention assembled at Knoxville, this day respectfully petition the American Congress:

1. That all navigable rivers be made national highways free from any toll.

2. That all obstructions to the navigation of the Tennessee River and its tributaries, as high as the same can be improved by slack-water navigation, be removed therefrom.

3. That said river with its tributaries be improved so as to give us at least 4 feet of water all the year round from its mouth to Chattanooga; at least 3 feet of water all the year round from Chattanooga to Knoxville, and by slack-water navigation to the headwaters of all its tributaries.

4. That no bridge be allowed to cross said river or its tributaries, so as to interfere with the free use of the same as hereinbefore set forth.

5. *Resolved*, That a committee, consisting of eleven at large and one from each county and city represented, be appointed to prepare and submit to Congress, now in session, a memorial in our name, setting forth the claims of our river and its tributaries to their consideration and petitioning as hereinbefore set forth.

Resolved, That our Representatives and Senators be requested to aid us and our memorialists to obtain what we ask.

Resolved, That the Legislatures of Kentucky, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Tennessee, be requested to take action favoring the improvement of our rivers.

After presenting an exhaustive exhibit of the wonderful and until recently little understood resources and wealth of Tennessee, the committee conclude in these words:

Without further consumption of your time and attention, we will conclude by briefly summarizing what we have said.

A SUMMARY STATEMENT.

First. The upper waters of the Tennessee River open to the world the best and largest coal-fields in the United States.

Second. To these same waters are easily accessible the best and largest deposits of iron ore east of the Mississippi.

Third. The coal-fields and iron deposits are nearer together than any others of like quality and quantity in North America, if not in the world.

Fourth. On the waters of this same great river are hundreds of quarries of the most beautiful and most durable marbles in America, and immense forests of the best merchantable timber.

Fifth. This river and its main tributaries can be made, at small expense, capable of cheaply transporting all of this coal and iron, marble and timber, to the markets of the world.

Sixth. While the seven great States of Tennessee, Mississippi, Alabama, Georgia, North Carolina, Virginia, and Kentucky will be directly benefited by the improvement of these rivers, nevertheless, in the indirect benefits the whole people of the United States will prove to be largely the partakers.

And for these reasons, and in obedience to the resolutions under which we act, we respectfully memorialize your honorable bodies to make prompt and adequate appropriations for the removal of all obstructions to the navigation of the Tennessee River and its tributaries, as high as they can be improved by slack-water navigation, so as to give 4 feet of water all the year round from Paducah to Chattanooga; at least 3 feet of water all the year round from Chattanooga to Knoxville, and a good slack-water navigation on all the tributaries up to their headwaters.

It will be observed that the Knoxville convention confine themselves almost entirely to a discussion of the resources of Tennessee. They do not exaggerate them, and they clearly show that if their tonnage alone was involved the largest appropriation ever suggested for improving the Tennessee River would be advisable. But when we couple this with the fact that Alabama will give five times the tonnage supplied by Tennessee in ore and coal, all will admit that the paramount importance of the question has passed beyond the sphere of discussion and argument. This wonderful development has been followed by a demand for the improvement of the river below Florence and Sheffield.

COLBERT AND BEE TREE SHOALS.

In its natural condition the navigation of the river below Florence was good during from eight to ten months of the year, but for from two to four months the reefs and obstructions entirely closed the river to all transportation. Some little work of improvement was done many years ago, but it has not proved to be of any appreciable advantage.

I do not think that I can better illustrate the necessity for the continued prosecution of this work, and the importance of the proposed work at Bee Tree and Colbert Shoals, than by reading a letter which I prepared, and a copy of which I sent to every member of Congress.

This matter being of importance to other States, other Representatives joined with me in the petition.

The letter was in these words:

HOUSE OF REPRESENTATIVES, *Washington, D. C., March* 1, 1888.

MY DEAR SIR: The report of the Chief Engineer, General J. C. Duane, of date October 22, 1887, in reference to the importance of improving the Tennessee River at Colbert Shoals, says (Report, page 231):

"The funds now available and amount asked for can be profitably expended in completing the work of opening the canal and in improving the channel at Bridgeport and Guntersville Bars, and at other points, especially at Colbert Shoals, which is urgently recommended by the engineer officer in charge as worthy of immediate consideration and action, owing to the necessity of its improvement in connection with the early opening of Muscle Shoals Canal."

Col. J. W. Barlow, in his report, bottom of page 1743, especially urges improvement of Colbert Shoals, so that the canal can be more fully utilized, and near middle of page 1744 he speaks of the value of this improvement as well nigh incalculable.

The importance of improving Colbert Shoals was so manifest that after this report was made the Secretary of War directed a survey of that portion of the river.

The report of Col. J. W. Barlow, transmitting such survey reached Washington in January, 1888, and is printed in appendix to the report of the Chief Engineer, page 1747.

The report says:

"Without a corresponding improvement at Colbert and Bee Tree Shoals the costly canal and locks around the Muscle Shoals will be comparatively useless during a large share of the year.

"Above Colbert Shoals large iron manufacturing interests have been recently developed, which demand water transportation for their products, and this having been provided by nature in an almost perfect condition, there is needed but a comparatively small improvement to make it entirely satisfactory.

"The force of this statement will be realized upon consideration of the fact that from the Muscle Shoals to the mouth of the river the distance is 255 miles, and with the exception of the obstructions offered by Colbert and Bee Tree Shoals, the impediments to navigation are of an insignificant character; in fact, the river is navigable to the foot of these shoals throughout the entire year. The propriety, therefore, of an adequate improvement here to connect the lower section of the river, some 235 miles in length, with the 400 miles above seems manifest."

The letter from the Secretary of War, dated March 3, 1888, transmits a letter from General Duane, which states that Colonel Barlow strongly recommends that $923,175 be appropriated in this bill for the completion during the year ending July 1, 1889, of the works at Colbert and Bee Tree Shoals.

General Duane himself recommends that $500,000 be appropriated for this work. This was in addition to the $500,000 recommended by him for the Tennessee River below Chattanooga.

We have the honor to most respectfully urge that the $1,000,000 thus recommended and asked for by the Chief Engineer for the year ending July 1, 1889, for this work be appropriated.

If the entire amount of $1,000,000 can not be appropriated in this bill, we respectfully urge that this important work be given at least as large a pro rata as is appropriated for any other work.

We are impelled to make this request from the fact that the improvement of the Tennessee River at this point materially affects large interests of citizens residing on or near the Tennessee and Ohio Rivers, and in a great measure all citizens who are interested in traffic from the Northwest to the South Atlantic coast.

These improvements of the Tennessee River being on solid rock bottom the work proposed will be permanent and everlasting.

This work is not local in its character, but its completion will be beneficial to more than half of the States in the Union.

A convention composed of citizens from nearly every State met in Decatur, Ala., in last January, and passed resolutions asking Congress to make this appropriation. The proceedings of the convention are transmitted herewith.

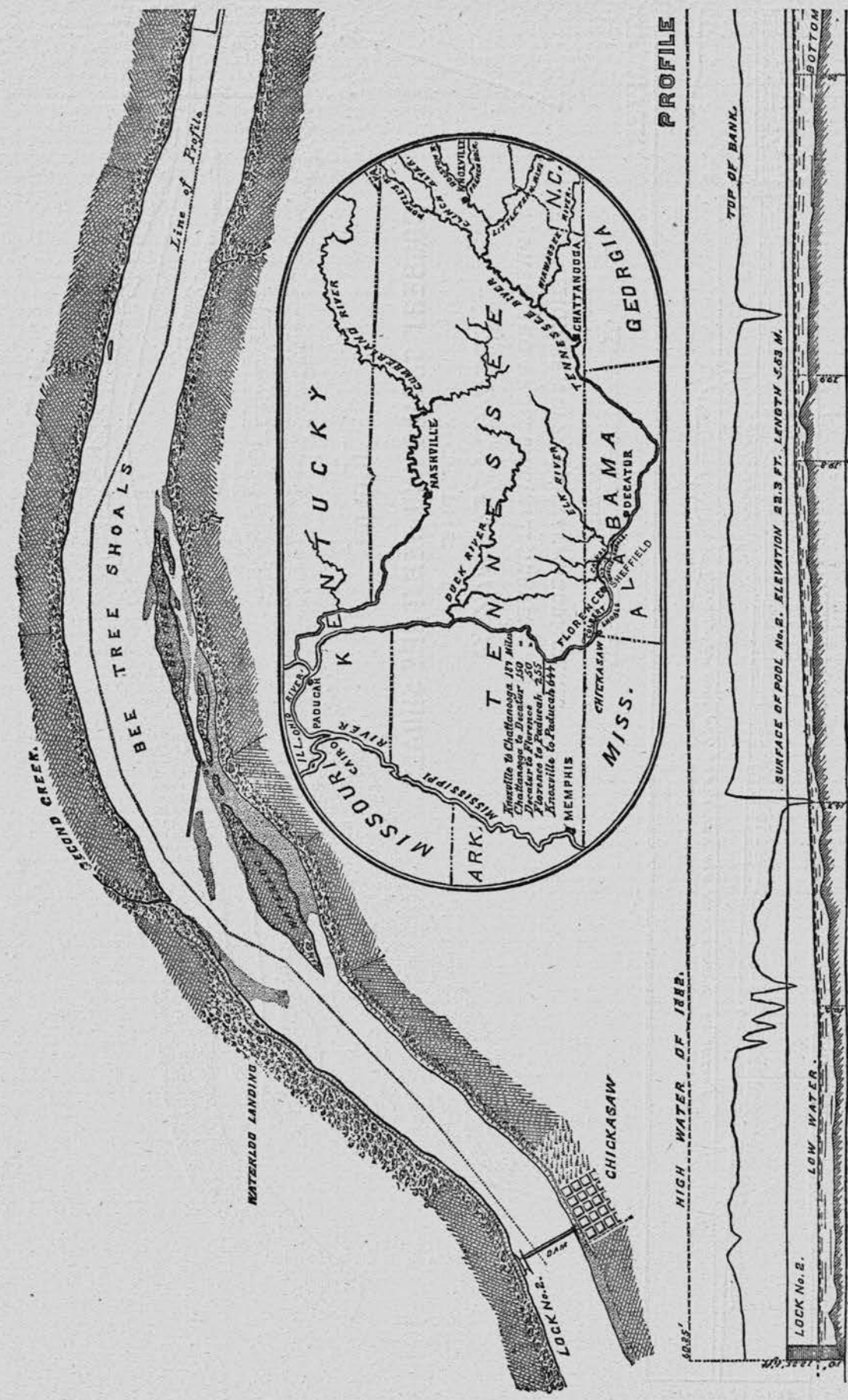
Very respectfully,

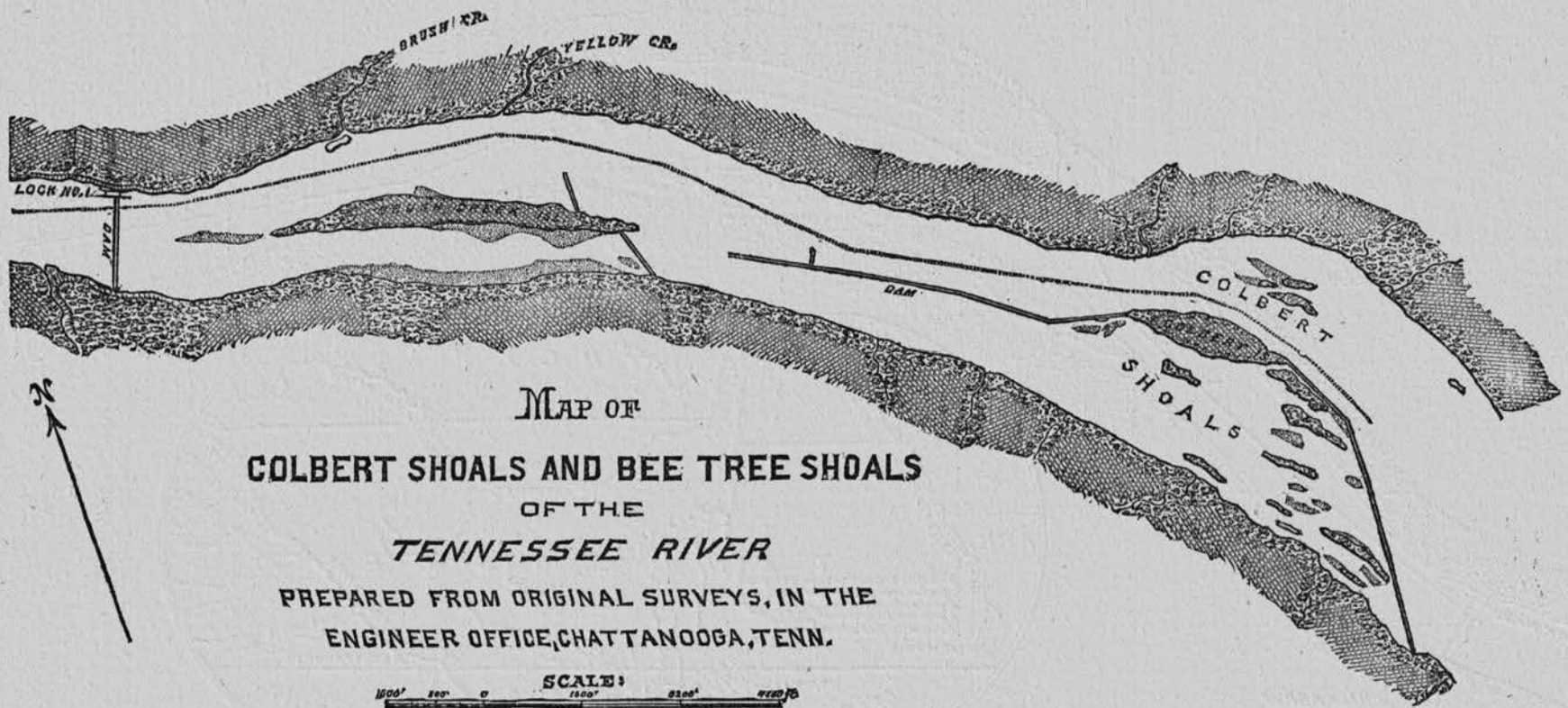
JOS. WHEELER.

I am happy to state that the Chief Engineer and the Secretary of War in their report for this year both recommend that $1,000,000 be appropriated for improving the navigation at Colbert and Bee Tree Shoals.

If this could be done it would be difficult to estimate the great advantages which would accrue to a large area of our country, and at the proper time I will ask the House to consider the propriety of increasing the appropriation so as to conform to the views of these distinguished officials.

In order to give Congress a better understanding of the proposed work I beg to call attention to a map.


SECOND CREEK.
BEE TREE SHOALS
Line of Profile
WATERLOO LANDING
CHICKASAW
LOCK No. 2.
DAM
KENTUCKY
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
MISS.
ARK.
MISSOURI
CAIRO
RIVER
PADUCAH
ILLINOIS RIVER
CUMBERLAND RIVER
NASHVILLE
DUCK RIVER
ELK RIVER
TENNESSEE RIVER
CHATTANOOGA
DECATUR
SHEFFIELD
FLORENCE
MEMPHIS
Traverse to Chattanooga 127 Miles
Chattanooga to Decatur 150 "
Decatur to Florence 50 "
Florence to Paducah 255 "
Knoxville to Paducah 644 "
PROFILE
HIGH WATER OF 1882.
LOW WATER.
LOCK No. 2.
TOP OF BANK.
BOTTOM
SURFACE OF POOL No. 2. ELEVATION 22.3 FT. LENGTH 5.63 M.
SECOND CREEK.
HEAD OF BEE TREE ISLA
FOOT OF SHOALS.



MAP OF

COLBERT SHOALS AND BEE TREE SHOALS

OF THE

TENNESSEE RIVER

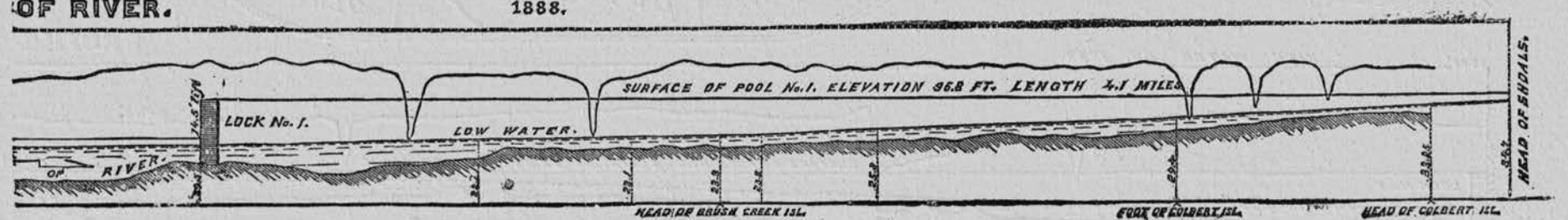
PREPARED FROM ORIGINAL SURVEYS, IN THE

ENGINEER OFFICE, CHATTANOOGA, TENN.

SCALE:

1888.

OF RIVER.



It will be seen that at the extreme low stage of water we have but 11 inches of depth as it passes over the reefs in the locality I have indicated. It is therefore proposed to build a lock and dam at each reef so as to raise the water sufficiently for navigation at all seasons.

At the lower point an effort will be made to construct the dam between an island and the south bank. This channel would then be used only during low water, and the main river would be left unobstructed during the period when there was sufficient depth without causing a rise by artificial means. If this plan can be adopted it will give a marked advantage during the high-water period in saving the time which would otherwise be lost in passing through the lock.

A JUDICIOUS EXPENDITURE.

The bill we are considering proposes to appropriate for the improvement of all the rivers and harbors in the United States a sum which would not exceed 30 cents per capita of our population, while the benefits which all must derive from the expenditure can hardly be estimated. Those residing along the line, or in the vicinity, of the water-ways which the labors of our admirable Corps of Engineers will have made navigable throughout their entire length will be able to ship their surplus at such reduced rates as will annually save hundreds of dollars to these producers.

Those gentlemen who oppose this bill on the ground of alleged economy do not reflect that the judicious expenditure of money to improve our means of intercommunication by water, by lessening the cost of transportation and thereby reducing the price of the products transported, must prove of immense benefit to the laboring people—people of the most moderate means.

Honest and well-considered expenditure like this is real economy, and it is real, not false, or seeming economy which the Democratic party is bound to uphold.

There is one consideration connected with the opening of the Tennessee River which should be borne in mind. The bottom of that stream is solid rock, and its banks are not subject to washouts and changes. Work that is finished on such a stream is permanent, durable, lasting, and there is no danger that money expended in improving that river will be lost—provided the work be not suspended half or one-quarter finished and allowed to deteriorate for want of sufficient appropriations to prosecute it steadily and continuously.

That is not the case with some rivers upon which vast sums have been expended. A sand-bar removed in the summer is often re-established by the floods of the succeeding winter; a channel cut through at great expense may be filled up by one angry freshet a few months later.

If because of these admitted and undeniable facts some gentlemen should be disposed to condemn and oppose the whole system of river improvement, they must see that such objections can not apply to the Tennessee. Work completed there ten years since is the same to-day, and a century hence will find it unimpaired.

GREAT DEVELOPMENT ON THE TENNESSEE RIVER.

Congress does not need to be reminded of the wonderful progress of the great South, and no sage can be needed to foretell its more wonderful future.

One year since I mentioned that pig-iron could be produced in Alabama for from $8 to $9 per ton; that the average price paid in England for the pig-iron imported thence in 1887 was $15.58 per ton; and that the average price of anthracite foundry pig-iron in Philadelphia during the first four months of last year was $20.56 per ton. I beg now to call the attention of the House to a table showing the quantities of coal, iron ore, pig-iron, finished iron, and steel produced in the various countries of the world, the enormous consumption of these staples, and the percentage of these products furnished by the United States.

Country.	Coal.	Iron ore.	Pig-iron.	Finished iron.	Steel.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Great Britain	162,119,812	*14,110,013	7,441,927	1,701,312	3,145,507
United States	120,146,739†	†11,300,000	6,417,148	2,311,160	3,339,071
Germany (including Luxemburg)	*73,637,596	9,299,500	3,907,364	1,507,100	1,685,400
France	*20,014,597	†2,600,000	1,580,851	774,250	440,956
Austria-Hungary	*20,779,441	†2,000,000	679,224	318,978	276,920
Belgium	19,216,031	†200,000	754,481	532,103	206,390
Russia	*†4,650,000	†1,500,000	‡498,400	‡291,800	‡225,140
Spain	*†1,000,000	†6,000,000	‡159,225	†75,000	†10,000
Sweden and Norway	†300,000	*872,499	*442,457	*†250,000	*78,231
Italy	‖220,000	*220,014	*12,291	*161,633	*23,760
All other countries	‡7,000,000	†2,000,000	†160,000	†125,000	†35,000
Total	429,084,216	50,102,006	22,053,368	8,048,336	9,466,375
Percentage of the United States	28	22	29	28	35
United States	120,146,739	11,300,000	6,417,148	2,311,160	3,339,071
Great Britain	162,119,812	14,110,013	7,441,927	1,701,312	3,145,507
Total all other countries	146,817,665	14,691,993	8,194,293	4,035,864	2,981,797

*1886. †Estimated. ‡1882. §1885. ‖1884.

Considering how recently industrial pursuits of the manufacturing or mechanical class have been developed in Alabama, that State has reason to congratulate herself upon the proportion she contributes of some of those products to help make up the gratifying percentage of the United States. A few years ago she had scarcely any manufactures whatever. In 1887 she produced 292,762 tons of pig-iron, and in 1888 449,492 tons. Last year nearly thirty new furnaces were started within her borders, and the day is not far distant when she will lead all the States and all the countries of the earth in this industry.

COTTON MILLS ON THE TENNESSEE RIVER.

The 139 feet fall of the Tennessee River will necessarily be made available very shortly to spin the cotton which is grown upon its banks and convert that great staple into cloth. When that is done America will supplant England as the chief seller of cotton goods in the great marts of the world, and to fully understand and appreciate the entire significance of this revolution in trade we have only to remember that England's exports of cotton goods average $400,000,000 annually, while our yearly average does not exceed the comparatively pitiful sum of $12,000,000.

No one can doubt that the great bulk of this trade will eventually belong to the South.

As a means of showing at a glance the extent and magnitude of this cotton-goods trade of the world I have prepared a tabulated statement of the consumption of raw cotton by England, by the other European peoples, and by the United States during a period of twenty-one years, from 1866-'67 to 1886-'87.

[Consumption—bales 400 pounds.]

Years.	Europe.			United States.			Total world.
	Great Britain.	Continent.	Total Europe.	North.	South.	Total United States.	
1866-'67	2,560,000	1,703,000	4,263,000	746,000	76,000	822,000	5,085,000
1867-'68	2,369,000	1,730,000	4,099,000	894,000	65,000	959,000	5,058,000
1868-'69	2,465,000	1,461,000	3,926,000	965,000	88,009	1,053,000	4,979,000
1869-'70	2,663,000	1,584,000	4,247,000	913,000	99,000	1,012,000	5,259,000
1870-'71	2,805,000	1,906,000	4,711,000	1,009,000	100,000	1,109,000	5,820,000
1871-'72	3,015,000	2,057,000	5,072,000	1,108,000	132,000	1,240,000	6,312,000
Average 6 years	2,646,000	1,740,000	4,336,000	939,000	94,000	1,033,000	5,419,000
Per cent. 6 years*	†17.8	†20.8	†19.0	†48.5	†76.3	†50.9	†24.1
1872-'73	3,084,000	2,032,000	5,116,000	1,157,000	152,000	1,309,000	6,425,000
1873-'74	3,128,000	2,064,000	5,192,000	1,299,000	141,000	1,440,000	6,632,000
1874-'75	3,088,000	2,240,000	5,328,000	1,169,000	159,000	1,328,000	6,656,000
1875-'76	3,176,000	2,403,000	5,579,000	1,344,000	159,000	1,503,000	7,082,000
1876-'77	3,183,000	2,378,000	5,581,000	1,418,000	161,000	1,579,000	7,140,000
1877-'78	3,038,000	2,509,000	5,547,000	1,558,000	167,000	1,725,000	7,272,000
Average 6 years	3,116,000	2,271,000	5,337,000	1,324,000	157,000	1,481,000	6,868,000
Per cent. 6 years†	§1.5	†23.5	†8.4	†34.7	†9.9	†31.8	†13.8
1878-'79	2,843,000	2,506,000	5,439,000	1,615,000	169,000	1,784,000	7,223,000
1879-'80	3,350,000	2,750,000	6,100,000	1,779,000	202,000	1,981,000	8,081,000
1880-'81	3,572,000	2,956,000	6,528,000	1,884,000	234,000	2,118,000	8,646,000
1881-'82	3,640,000	3,198,000	6,838,000	1,931,000	266,000	2,197,000	9,035,000
1882-'83	3,744,000	3,380,000	7,124,000	1,993,000	382,000	2,375,000	9,499,000
1883-'84	3,666,000	3,380,000	7,046,000	1,865,000	379,000	2,244,000	9,290,000
Average 6 years	3,469,000	3,043,000	6,512,000	1,845,000	272,000	2,117,000	8,629,000
Per cent. 6 years‖	†28.9	†30.2	†29.5	†15.5	†124.3	†25.8	†28.6
1884-'85	3,433,000	3,255,000	6,688,000	1,608,000	301,000	1,909,000	8,597,600
1885-'86	3,628,000	3,446,000	7,074,000	1,890,000	388,000	2,278,000	9,352,000
1886-'87	3,707,000	3,588,000	7,295,000	1,972,000	451,000	2,423,000	9,718,000

*This line gives the increased percentage in the consumption of 1871-'72 compared with the consumption of 1866-'67.

†Increase.

‡This line gives the increased percentage in the consumption of 1877-'78 compared with the consumption of 1872-'73.

§Decrease.

‖This line gives the increased percentage in the consumption of 1883-'84 compared with the consumption of 1878-'79.

The percentage of increase in the consumption—that is, the manufacture—of raw cotton in this country is very gratifying, and especially so is the marked increase of manufacturing in the South, but as we furnish fully three-fourths of the raw cotton manufactured in Europe, the actual proportion of our manufactures is really insignificant. This will be apparent from a table I submit as part of my remarks, showing the quantity of raw cotton furnished to Europe by the different cotton producing countries of the world during the years 1884, 1885, and 1886, the figures representing the number of bales:

Country.	1884.	1885.	1886.
United States	4,170,150	3,850,760	4,417,570
Brazil	315,390	234,330	223,960
Egypt	425,160	482,340	419,870
West India, etc	141,970	148,210	124,050
East India	1,617,510	967,720	1,332,550
Total	6,670,180	5,683,360	6,518,000

It has been suggested that the South will at no distant day find India a formidable competitor in the production of raw cotton. But a careful examination of the subject does not, in my opinion, justify any such apprehension. I have investigated the question as thoroughly as I was able, and find that after years of most determined efforts the cotton-grower in India has not been able to produce more than 50 pounds of inferior staple per acre, while in our more favorable climate, and with a soil far better adapted to cotton culture, we readily produce an average of from 175 to 200 pounds to the acre.

As the exact statistics bearing upon this question may be interesting and instructive, I submit a tabular statement, which I will read:

Years.	Acreage planted in the United States.	Pounds produced in the United States.	Average net pounds per acre in the United States.	Acreage planted in India.	Pounds produced in India.	Average net pounds per acre in India.
1879–'80	12,680,000	2,615,600,000	206½	10,708,002	586,638,640	54½
1880–'81	16,123,000	3,038,645,000	188½	11,204,630	569,152,528	50⅞
1881–'82	16,851,000	2,455,221,600	145⅝	12,924,196	735,230,072	56⅞
1882–'83	16,276,000	3,266,075,290	200⅝	13,851,179	809,535,104	58½
1883–'84	16,780,000	2,639,498,400	157½	13,352,536½	500,925,600 4/16	37⅝
1884–'85	17,426,000	2,624,835,900	150½	12,397,055½	536,740,378	43¼
1885–'86	18,379,444	3,044,544,933	165½	13,533,025	775,561,093½	57⅜

VALUE OF MANUFACTURED COTTON.

During the cotton year ending September, 1879, Great Britain manufactured 2,843,000 bales of cotton of 400 pounds each, equivalent to 2,254,000 bales of 500 pounds each. The average price of uplands cotton in New York for the year 1879 was 10⅝ cents per pound; but as England consumed considerable India cotton, as well as American cotton of a lower grade lower than upland, I think we may safely assume that, delivered at the mills, it did not cost her spinners more than an average price of 10 cents per pound for her raw material, at which price the aggregate cost was $112,700,000.

In his Cotton-goods Trade of the World, Mr. Blaine asserts that after these 2,843,000 bales of cotton of 400 pounds each were converted into fabrics England sold them for $561,170,000—five times the cost of the raw material.

Last year's cotton crop in the United States was about 7,000,000 bales, which, at an average price of 10 cents per pound, would be worth $350,000,000, and if we could manufacture it all and sell the fabrics to the world at five times the value of the raw material it would realize to the country the almost inconceivable aggregate of $1,750,000,000.

We of the South must not admit that we are inferior to Englishmen in pluck, energy, and enterprise, and in my humble judgment we should without delay commence to compete with that country in supplying the world with cotton fabrics. We have the cotton at our doors, while England must transport it across the sea; and this is but one of our manifold advantages.

If we should manufacture all our 7,000,000 bales of cotton and thus increase its value in the same proportion that it is increased in England, the result would be that the South would speedily become tenfold more wealthy than any other people on the globe.

If we can not attain all we desire, we can approximate that end, and should we succeed in dividing this trade with England we would still be the wealthiest of all the wealthy people of the earth.

One of our greatest needs is American ships and American sailors to bear their part in securing for us that great commerce with foreign peoples without which no country can hope to reach its maximum prosperity.

Des Moines Lands.

SPEECH

OF

HON. JOSEPH WHEELER,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 5, 1888.

The House having under consideration the bill (H. R. 1368) to quiet titles of settlers on Des Moines River lands, in the State of Iowa, and for other purposes—

Mr. WHEELER said:

Mr. SPEAKER: I was very much surprised on returning from the office of the Attorney-General to find this bill under consideration. At the last session of this House the question was raised as to the privileged character of this bill. A decision was rendered that it was not privileged. An appeal was made, but no argument was presented on the question, except by Mr. PARKER and myself. We are the only persons who spoke on the subject. I am told on my return to the House this afternoon that the decision has been overruled and the bill precipitated before the House.

At the time the appeal from the ruling of the gentleman from New York [Mr. COX], the Speaker *pro tempore*, was taken, I made a special request that in case the decision should be reversed I should have permission to file a minority report. I prepared that report and have been waiting for the decision so as to have the report filed and printed and brought properly before the House.

It seems to me, Mr. Speaker, that in a case of this kind, where the lands were disposed of by the Government some thirty years ago, and where the Supreme Court of the United States has, in some ten decisions, extending through the last twenty-five or thirty years, declared the validity of every right that is sought now to be assailed, this House ought to deliberate before proceeding to vote upon a measure which will have the effect to unsettle those rights.

When this bill was before the House at the last session numerous petitions were sent to the Committee on Public Lands, protesting against its passage—petitions from the very settlers whose rights this bill professes to protect.

Mr. HOLMES. Have these petitions ever been made public or seen by anybody?

Mr. WHEELER. Those petitions were exhibited and seen by some members of the committee, and were intended to be made public and presented to the House in case this bill came up, but on sending to the Committee on Public Lands we were unable to procure them, the report being that they were locked up, and the clerk gone, so they could not be had.

Now, Mr. Speaker, before a vote is had upon this bill, I shall ask the House to postpone action upon it for one week, or at least for one day. It is due to the House that all the facts should be submitted to them before they are asked to vote on a bill of this magnitude, involving as it does the interests of thousands of settlers and also the interests of many persons who have invested their all in these lands. It will be recollected that in the last Congress this same bill passed the House and was vetoed by the President, and I say with confidence that it can be demonstrated to the House that every position taken by our distinguished Executive in that veto is based upon the soundest principles of law and justice.

After that veto had been sent to the House and had been sustained here, a bill was introduced which sought to do justice to every settler, to every claimant, and to every party having any connection with this matter. That bill still awaits action, and I am confident it would have been brought before the House by the Committee on Public Lands had they imagined that the previous ruling of the Chair would not be sustained.

Mr. HOLMES. Will the gentleman tell us whether the condition has ever been complied with by this company, and whether they ever earned the lands?

Mr. WHEELER. I do not know that I can discuss that matter in the short time I am entitled to the floor. It is a transaction which occurred some thirty years ago. But I will say this, that the Supreme Court of the United States in more than ten different decisions, with every fact brought before them, have decided that that company is entitled to those lands.

Mr. HOLMAN. Do not all those cases go upon the single proposition that those settlers were settlers on lands which were reserved and that they were not entitled to take the lands either under the pre-emption or the homestead law, and therefore had no standing in court? Was not that the sole ground of those decisions?

Mr. WHEELER. I do not think so. It was the ground in some cases, but in the course of those ten decisions every phase of the matter that has ever been brought before this House was presented and passed upon by the court. There have been probably twenty or more decisions.

Mr. PAYSON. Does the gentleman remember any case where the constitutional provision of the State of Iowa was ever presented to the court?

Mr. WHEELER. I can not say that I do. It is not material to the questions involved in the bill.

Mr. PAYSON. The gentleman says he knows of twenty cases; does he really know of more than five that were ever presented——

Mr. WHEELER. I think there have been at least twenty cases in the State courts of Iowa and the Supreme Court of the United States.

Mr. PAYSON. Presented in the Federal courts? I will say to the gentleman from Alabama, who is generally so accurate, that this time he is very badly off, as there have been just five cases.

Mr. WHEELER. In a paper which I prepared for the minority report there are set forth, I am quite confident, a great number of cases, some of them by the Supreme Court of the United States and six or seven of them by the circuit court of the State of Iowa.

Death of Hon. Nicholas T. Kane.

REMARKS

OF

HON. CHARLES TRACEY,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889,

On resolutions of respect to the memory of Hon. Nicholas T. Kane, late a member-elect to the House of Representatives from the State of New York.

Mr. TRACEY said:

Mr. SPEAKER: In asking that these resolutions be adopted I desire, for the information of the Fiftieth Congress, to give some details in the history of my predecessor, and to comment upon his useful career. Nicholas T. Kane was born in Ireland forty-two years ago, and when but two years old was brought by his parents to West Troy, N. Y., where the family took up a permanent residence. Although still a boy when the war broke out, young Kane, at the age of seventeen, enlisted with his older brother in Captain Bridgeford's company, Twentieth New York Cavalry.

Before one year had passed the elder brother was killed while bravely leading a charge in battle. Nicholas continued in the Army and was mustered out after three years' service. He took part in many engagements and was distinguished for his courage and devotion to duty. Returning to the home of his parents he sought employment and found work as a spinner at the Kenwood Mills, near Albany. For years after he worked hard at Stillwater, Greenwich, Hudson, and Cohoes, N. Y., and for a time in Rhode Island.

Ambitious, as well as industrious, he saved his wages until, in 1878, he leased, and later on bought, woolen mills at Sandlake, N. Y. In this undertaking he prospered, and after paying off the debts on his property he purchased mills at Albia, N. Y., and also became interested in other manufacturing enterprises. Although on some accounts it was not altogether convenient for him to live at West Troy, he was so much attached to his home and companions that he became the owner of a beautiful residence in that village.

His aged parents continued to reside with him until their decease, a few years ago, and his devoted wife still lives at the homestead, continuing the works of charity which, up to the time of her husband's death, she had carried on in common with him.

As his business grew Mr. Kane became the employer of many hundred people. It is a remarkable fact that during the troubled times which brought strikes and bitter feeling throughout that section of the country, Mr. Kane retained the affection and respect of all the working people. Capable and upright in business life it was natural that he should be called upon to interest himself in public affairs. He served three terms in the board of supervisors of Albany County, the last term as chairman of the board.

In the Forty-ninth Congress the Nineteenth district of New York was represented by a gentleman belonging to the Republican party, and such extraordinary popularity did he possess that the Democratic party managers were fearful of not being able to reclaim the district. At this juncture Mr. Kane was selected as the man who might possibly succeed. After a vigorous campaign he was victorious, but the labors of the contest probably hastened the progress of the disease of which he died. Concerning everything that affected the interests of his village he was earnestly solicitous.

The United States Government had for some years contemplated establishing a gun factory for the Army at one of the arsenals, and I do not doubt a belief that, if elected, he could press to success the project of selecting the Watervliet arsenal, at West Troy, was a great incentive to Mr. Kane in deciding to enter the field for Representative in Congress. He visited Washington early in 1887, and then hoped to be able to take his seat the following December. But his health steadily declined, although, aided by his strong will, he did at intervals surprise his physicians by unexpected temporary improvement. Finally he saw that it was useless to hope for recovery, and then the end came rapidly. He met it bravely, clear-minded to the last.

The strong will-power asserted itself the day he died, and in the beautiful eulogy pronounced by his pastor and friend, Father Curtin, at the funeral mass, marked allusion was made to this incident. The good priest stated to us that while the prayers for the dying were being read the suffering patient responded in a clear tone until the litany was finished; then, placing his head back upon the pillow, he showed that he was ready, and at once passed away.

There is in one of Faber's beautiful hymns a verse which says:

> I would the light of reason, Lord,
> Up to the last might shine,
> That my own hands might hold my soul
> Until it passed to Thine.

In Mr. Kane's death-bed scene that prayer was granted. Mr. Speaker, I shall never forget that clear, bright September day when my predecessor was carried to the tomb. From the cities of Albany, Troy, and Cohoes, and from all the surrounding country, thousands had come to unite with the people of the village in paying their tribute of respect to the honored dead. They walked from the home he had loved to the church for which as a faithful member he had done so much.

The services were most impressive. Since that day there has been erected in this house of God a beautiful altar, placed there in memory of her husband by Mr. Kane's widow. I have tried to do justice to my friend without making exaggerated statements of his ability and purity of character. Were he living it would offend him to hear expressions of undue praise, and I wish to speak as though he listened to my words. He was obliged to work and struggle hard to secure the fortune he accumulated and the position he attained in the community.

Had he been spared to sit with his colleagues in this Chamber he might have proved a valuable member; it is fair, in the light of his past experience, to suppose he would have been thoroughly efficient. But whether so or not, I do feel well assured his record would have been one of untarnished integrity and free from even a suspicion of insincerity. But after all, his family and friends have a consolation greater than could be obtained by any possible triumph for him in public positions; for, reflecting upon the incidents of his life, we must realize that Mr. Kane possessed in wonderful abundance those choicest gifts of God, faith, hope, and charity.

Production of Sugar.

SPEECH

OF

HON. PRESTON B. PLUMB,

OF KANSAS,

IN THE SENATE OF THE UNITED STATES,

Thursday, January 17, 1889,

On the amendment of the Committee on Finance to the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, proposing a bounty of 1 cent per pound on sugar produced in the United States until January 1, 1890.

Mr. PLUMB said:

Mr. PRESIDENT: The Senator from Missouri [Mr. VEST] seems to be troubled in his mind about the fairness of this amendment. I did not discover from his remarks whether his main objection to it was its unfairness as to the amount of protection, or because he thought it violated a proper principle.

He made a tolerably plain reference to one or two Senators, whose names have been frequently used in the newspapers without any warrant whatever, as being in a contumacious frame of mind about this bill and demanding concessions before they would give it their support, of whom I am alleged to have been one. Except for the reference which he made to this subject himself and a remark made by the Senator from North Carolina [Mr. VANCE] yesterday or the day before, the subject would not be worth bringing to the attention of the Senate.

The Senator from North Carolina, somewhat hardly driven, I thought, to justify his general raid upon this bill, while taking the benefit in it in the shape of nice fat things for the people of his own State, spoke about the unaccountable disappearance of an amendment I had offered reducing the duty on structural steel as indicating that I was not myself entirely sincere on this subject.

Mr. President, I have no hesitation in saying that I am here to get out of this bill and out of all legislation pending or proposed everything I can in reason for the people whom I chiefly represent, and I am the more willing to do this because I know that around me on both sides of the Chamber are men similarly minded for their own people; and in the contention which thus arises, and which is an inevitable accompaniment of all legislation, we arrive at, if not the exact truth, at least a fair average and that adjustment of interests which is essential in legislation affecting a great people widely scattered with diverse interests, which bring the necessity for compromise and adjustment, if the interests of one section or class are not to wholly prevail to the destruction of all other interests. This necessary principle is applied in all our important legislation. It should be subordinated to but one condition, that no adjustment or compromise of contending interests shall be made which works harm to the general interest.

I therefore feel not only free to advocate those things which I think are of special interest to the people I represent, but also to inquire and determine as to things in which other people are more especially interested than I am; that is to say, in the sense of their nearer relation to them geographically or otherwise.

I have enjoyed the discomfiture of some of our friends on the other side, who have been beguiled and misled by newspaper publications into the belief that somewhere in the Republican stomach there is disturbance over this tariff bill. Mr. President, there is disturbance over

it as there is over everything that requires the concurrence of a majority of the Senate in order to be enacted into law; but the gentlemen who are so mindful of the disturbance which they say exists on this side should refresh their recollections by going back to the files of the newspapers and observing the disturbances that occurred in the Democratic caucus of another body when the Mills bill was under consideration, when wood-screws, glue, and other things were tossed about right and left to the individual members of that caucus in order to get votes so that that bill might be passed; and that bill would not have been passed if it had not been reconstructed in the caucus by conceding protective duties to the articles above mentioned and others, in defiance of the report of the Ways and Means Committee putting these articles on the free-list. And the Senator from Rhode Island [Mr. ALDRICH] reminds me especially that upon this very sugar question there were some contumacious members from Louisiana who were more concerned about sugar than they were about ballet-dancers, and who, therefore, insisted that the provision as it existed in the Mills bill should be modified, and it was modified to meet their views, and in consideration of that modification the bill received the votes of the Louisiana delegation in the other House.

Now, I want to say, once for all, that all this talk about the supposed attitude of myself and one or two others, so far as I know, in regard to this bill, as stated in the newspapers, is entirely without any foundation. I have never under any circumstances been solicited or expected to vote in any other way than as my judgment should dictate upon each one of the items of this bill as they came up for consideration in the Senate. I have not been vain enough to suppose that I should have my own way about everything. Many of the provisions in this bill do not meet my approval as abstract propositions, and I shall not vote for the bill, unless when it comes to be put in its final shape, passing judgment on all these provisions as a whole, as such whole they meet my views, at least fairly, as to what the bill ought to be. But when I say that I do not mean to say that I shall apply to everything contained in the bill that precise scrutiny I might do if we had more time and if I felt that assurance, which I should be glad to feel, that this bill would finally become a law. That it is better in its present shape than anything offered us I do believe. Being mindful that the millennium will not come during my time, I propose to take as I go along the best that I can get.

My friend from Louisiana [Mr. EUSTIS] in his argument against this bill began with sugar, but it was plain to be seen that his chief concern was not about sugar, for he left that saccharine subject in a few moments, and, using the ascending scale of expression, came to the ballet dancers. I know that the Senator from Louisiana and the great party which he represents is devoted to free trade, and will take anything free which they can get rather than have nothing. [Laughter.] Why, Mr. President, I can conceive of the horror which must have overcome that Senator at the moment when his mind first came to the belief that the Republican party, backed by the great tide of public sentiment at the North of which he spoke, intended actually to put legs on the dutiable list. Let the Senator spare himself. Legs will be free. He need not worry about that. We mean to treat the Democrats fairly. At all events we shall spare to them that which seems to be for their special delectation, ballet dancers.

There is no theory of the imposition of tariff dues that I know of which requires those dues to be levied according to the demands of the manufacturers. I am not bound to take the unsupported word of a Louisiana sugar planter as to his needs and rate duties accordingly, nor do I mean to take the word of a Pennsylvania or other manufacturer as to the protection which he needs in order that he may make what he is pleased to call adequate profits and meet generally the situation by which he is confronted. All these things are to be resolved upon the facts and arguments which may be addressed to us from time to time with the view of arriving at a certain conclusion, which, according to my own ideas and convictions, is this: That whatever is necessary in the way of the imposition of duties resulting from the financial needs of this Government and in the fair execution of our financial system in order that there may be produced on American soil, out of American material, and by the use of American labor and capital, the essential things for the use of the American people, shall be done.

Mr. EUSTIS. Are there not exceptions?

Mr. PLUMB. There are exceptions to all rules. In monarchical governments the vices of the people are always made special objects of kingly concern, and there are people whose allegiance to the government must be constantly invited and retained by giving free license to certain of their vices, usually those of appetite. I am willing to accept the allegiance of the Democratic party upon that basis, and to make exceptions of certain things, such as beer, if the Senator wants it—he spoke of beer as the only thing that should be drank in this country—and matters and things of that kind which may operate to keep the Democratic party faithful to the Government and also aid to wash out the indigo stain which the Senator spoke of a moment ago as having been the result of the November election. He said, as I understood him, that the indigo he got on him was a fast color and had not washed out and is still decidedly blue. [Laughter.]

Mr. President, when we come to the execution of the principle I have stated, all that remains is the determination of what is necessary in each individual case, and that is bound to produce controversy, assertion and denial, argument, appeal to testimony, and as the result of such a tariff bill must finally be constructed.

I would myself be willing to continue the imposition of the present duty on sugar if it could be produced in no other part of the country than Louisiana if only I could be made to believe that the people of that State could within a reasonable time produce all the sugar, or even nearly all the sugar, necessary to supply the home market. But for the purpose of the vote that I shall give I propose to leave Louisiana out of account entirely.

Mr. EUSTIS. I supposed so.

Mr. PLUMB. Mr. President, I propose to do that because I find by an examination of the facts that the Louisiana people have made no substantial progress in the manufacture of sugar during the past ten years. It was in testimony before the Finance Committee that a very large portion of the sugar made in Louisiana was still made by the primitive processes in use forty years ago; that there was not probably on a single plantation, with one or two exceptions, anything that could be called modern machinery in the light of the developments of the last few years. The people of Louisiana have not fairly met their responsibilities; they have been sluggish and indifferent.

Profiting by a duty of over 100 per cent. upon their production of sugar, they have made no effort to supply the home market, and they have practically made no effort to make money even.

Mr. EUSTIS. With the Senator's permission, I should like to interrupt him.

Mr. PLUMB. Certainly.

Mr. EUSTIS. I do not suppose for a moment the Senator wants to create a wrong impression.

Mr. PLUMB. Certainly not.

Mr. EUSTIS. He says the people of Louisiana in regard to the manufacture of sugar have been sluggish. The machinery that is used to-day, and which the Senator from Iowa alluded to, makes two-thirds of the sugar and is called the old open-kettle process, and it produces just as much sugar as you can produce from machinery so far as the quantity is concerned. The only difference is as to the quality. The production of sugar is the same to-day as it ever was, with some improvements. I understand the old open-kettle sugar and the vacuum-pan sugar are made from the same character of mill. So the quantity of sugar which is made by the open-kettle process is as great as that produced by the other.

Mr. PLUMB. I was not talking alone about the quantity of sugar produced from a ton of cane, but about the quantity proportioned to the demand.

Mr. EUSTIS. I understood the Senator to speak of the quantity.

Mr. PLUMB. Mainly with reference to total product, though the process the Senator speaks of does not result in the production of all the sugar in a ton of cane; but I complain, in addition, that by their failure to adopt modern methods of manufacture they have made no profit, have not contributed to bring down the price of sugar, or furnished inducement for the extension of its manufacture. They have not, in short, acted up to their responsibilities as highly-protected manufacturers.

It was demonstrated years ago in France and Germany that the process of diffusion, as there applied, easily adaptable to the production of sugar from sugar-cane, would extract practically all the saccharine matter from the cane; and this process has been tried for the last three years in this country, under both Government and private auspices, but the Louisiana planter has ignored everything, although from 25 to 35 per cent. more saccharine can be extracted from the cane than by the old methods.

Mr. ALDRICH. Will the Senator from Kansas allow me to put in on this point the testimony of Mr. John Dymond before the committee? I understood the Senator from Louisiana to say that just as much sugar was produced by the open-kettle process from a ton of cane as by the vacuum-pan process.

Mr. EUSTIS. With the exception that they use additional mills.

Mr. ALDRICH. I asked Mr. Dymond what was the average yield per ton of sugar by the vacuum-pan process. He said 120 pounds per ton. Then I asked him:

Is the open-kettle process used to any considerable extent in Louisiana?
Mr. DYMOND. Quite largely; yes, sir.
Senator ALDRICH. What percentage of the sugar of Louisiana is made by that process?
Mr. DYMOND. About one-half.
Senator ALDRICH. What would be the yield by the open-kettle process?
Mr. DYMOND. About 90 pounds of sugar to the ton of cane.

Showing 90 pounds product in one case as against 120 in the other.

Mr. EUSTIS. Of course the Senator will understand that the open-kettle sugar contains an immense quantity of molasses.

Mr. ALDRICH. I was simply traversing the Senator's statement.

Mr. EUSTIS. The saccharine matter, whether it be in the form of molasses in the open-kettle process or whether it has been expelled enables you to produce the refined sugar.

Mr. ALDRICH. It is never recovered by the open-kettle process. It does not crystallize.

Mr. EUSTIS. The refiners make sugar out of it, and, of course, they make much more out of open-kettle sugar than the vacuum-pan sugar, because the open-kettle sugar contains a large mass of molasses.

Mr. ALDRICH. Then I should like to ask the Senator if the progressive sugar producers all over the world do not use the vacuum-pan process in the manufacture of sugar.

Mr. EUSTIS. Of course.

Mr. ALDRICH. In all the tropical islands this process is used; and I was absolutely amazed to hear the chairman of the delegation from Louisiana state that one-half of the sugar produced in Louisiana was by the open-kettle process.

Mr. EUSTIS. It is not a question of sluggishness, if the Senator will allow me. It is a question which pays the best. It is still a disputed question. The Senator may laugh, but I assure him that is the fact, whether or not the open-kettle sugar manufacturer makes more money by making his raw sugar with the molasses in it and saves the expense of refining it, which he has to do if it goes into the vacuum-pan. It is merely a question of dollars and cents. Some planters maintain that one is better; others that the other is better.

Mr. ALDRICH. I do not understand what the Senator means by having to refine it.

Mr. EUSTIS. That is a refining process.

Mr. ALDRICH. There is no refining about it.

Mr. BUTLER rose.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. GIBSON. Will the Senator allow me——

Mr. PLUMB. I yield to the Senator from South Carolina first.

Mr. BUTLER. I merely rose for the purpose of putting an inquiry to the Senator from Kansas. The drift of his argument appeared to be an arraignment of the people of Louisiana for not having made progress in this matter of the production of sugar, and he rather complainingly stated that they had not advanced. Now, I should like to inquire of the Senator how long it has been since this diffusion process was discovered in any part of the world; and, furthermore, at whose instance was that discovery brought into this country? In other words, did not the discovery result from the investigations made by the Department of Agriculture through one of its own officers in Europe, who was sent there to examine into the making of sugar out of beets?

Mr. PLUMB. The diffusion process, in one shape or another, has been in use in France and Germany for over a quarter of a century as applied to the extraction of saccharine from beets, and it has been, of course, from time to time modified and improved, and it has been probably ten years since the most highly improved machinery has been brought into use, and since that period of time, not materially modified, it has been in common use in the great factories of France and Germany.

Mr. BUTLER. Ten years?

Mr. PLUMB. Yes; although it has been in use in one shape or another for a much longer period.

Mr. BUTLER. Has it ever been applied to cane before?

Mr. PLUMB. Not that I know of until it was applied in this country. In regard to the genesis of that application here, all I know about it is that some four or five years ago a gentleman whom I well knew, since deceased, a citizen of Kansas, came to Washington after a trip to France and Germany, in which he had inspected the sugar factories there, and in the course of which inspection he had become powerfully impressed with the belief that the process of diffusion as applied there would be available for the extraction of the saccharine from cane, and would thereby enable the manufacturer of cane sugar to obtain from 25 to 30 per cent. more saccharine than under what is known as the pressure process as then and now applied in Louisiana and in the manufacture of sugar and molasses from sorghum elsewhere in this country.

Prior to that time, however, some Louisiana planter had set up a small diffusion battery on his plantation in Louisiana, and after some experiments had abandoned the whole thing. But the result of this matter being brought to my attention by Mr. Alfred Taylor, the gentleman whom I have mentioned, and by Mr. W. L. Parkinson, who accompanied him, an appropriation was made on my motion in the succeeding agricultural appropriation bill, from which appropriation, followed by others, and all of them except one having originated in the Senate (and I may say, perhaps without any egotism, as the result of my effort), the diffusion experiments in this country have been carried on to a point of demonstration that, with a not very material, that is, a not very great, modification of the processes used for the extraction of saccharine from beets, it has been fully demonstrated that the saccharine can be wholly extracted from the ribbon cane of Louisiana and from the sorghum of this country, and this at a cost not greater than under the old process is required for the extraction of from 25 to 35 per cent. less saccharine.

These facts have been practically settled for the last three years by experiment in Louisiana and elsewhere. The modifications necessary in the cells used for diffusion and in the connecting machinery have been adopted; new machinery for cutting and macerating the cane preparatory to its treatment in the diffusion batteries have been invented and perfected; Government aid and official skill have been joined to private enterprise in the work, and the result is highly satisfactory. More remains to be done, no doubt, but it will come in connection with the practical work of sugar making soon to be carried on in hundreds of places in Kansas and elsewhere in the Northern States, where sugar will be made from sorghum in increasing quantities. And I am not without hope that the Louisiana planters will in time contribute their share to this. During last year, at the request of the Sugar Planters' Association of Louisiana, the Government set up an experiment station on Magnolia Plantation, owned by Governor Warmoth, and the result fully met all expectations. I have been told that Governor Warmoth's machinery before that time, and the plantation itself in all respects a model, was the best in Louisiana. He had succeeded in extracting about 70 per cent. of the saccharine from cane on his plantation by means of it, but with the diffusion process he is able to extract 98 per cent.

Mr. BUTLER. Ninety-nine.

Mr. PLUMB. Ninety-nine per cent., or practically all of it. There is practically no residuum after the case has been treated by diffusion. Since that, with the consent of the Department, Governor Warmoth enlarged the cells in the diffusion battery in order to do the work more economically, and this year he has got from his cane a production 50 per cent. greater than he ever obtained before, notwithstanding the perfection of his machinery of the old kind, with which the saccharine was extracted from the cane by pressure. The usual percentage of extraction by old methods is only about 60 per cent.

Mr. GIBSON. The general establishment of central factories in the State of Louisiana, which have been very largely increased in the last four or five years, has largely diminished the number of sugar houses that converted cane into sugar for sale by the old open-kettle process. The small individual planters or farmers convert their cane into sirup and convey it by pipes 5 or 6 miles, and even 8 or 10 miles long, to these central factories. The sugar houses of these individual farmers or planters have the outside appearance of being used on the old plan, but nevertheless the crop really is converted into a high grade of sugar by the central factories.

I trust the Senator from Kansas will not criticize the farmers and planters of Louisiana as lacking in intelligence and energy. They lack in means, because I can state to Senators that the usual rate on money which the planters of Louisiana have been compelled to pay for many years past has been about 12 per cent.

Mr. PLUMB. I ought to say in this same connection that a Mr. Cunningham, of the State of Texas, probably the largest sugar producer in that State, and a very enterprising, active, and intelligent man, after a thorough investigation of the diffusion process as used at Fort Scott, put it in operation on his plantation in Texas. But the most significant fact which has grown out of these experiments, in addition to the advanced processes of manipulation of which I have spoken, has been the discovery that sorghum is to be a powerful factor in the production of sugar in the Gulf States. It is not only a thrifty sugar-producing plant there, but as it ripens earlier than the ribbon cane, the working season can be very much extended.

The season for the working of the ribbon cane is about sixty days, I believe, and during all the remainder of the year the machinery lies idle. By the use of sorghum cane the length of the working season is fully doubled and a large increase of the sugar product thereby insured, as well as greater profit, for the machinery lies idle not one-half the time it does under present conditions. The Mr. Cunningham of whom I have spoken planted a large area in sorghum last year, but was prevented from working it by reason of the fact that his diffusion battery proved defective at first. But another year probably half the sugar product of Mr. Cunningham's plantation and mills will be from sorghum. Sorghum is to be a main factor in the production of the sugar supply of the United States, and Texas, Louisiana, Mississippi, and Florida will be largely indebted to that plant for their increased supply.

I look upon the future of the sugar industry of Louisiana and the Gulf States generally with great hope, notwithstanding, I think, as I said before, that the planters of that section have not heretofore done as much as they should have done towards its development, and especially in view of the high duty which has been maintained upon sugar for their benefit and to the great cost of the people of the United States. The burden would have been well worth maintaining if there had been such increase in the supply of sugar as to give promise, even at this late date, that a sufficient production to meet the needs of our own people would shortly be brought about. I do believe, however, that the Louisiana planters will within the next few years at least double their production, as the result of the new processes of manufacture which I have mentioned and the use of sorghum. But I call attention to the remarkable fluctuation in the domestic production of sugar as shown in Spofford's almanac for 1888.

Of course there was a falling off during the latter period of the war and immediately succeeding. The largest product ever made was in 1862, when the number of tons produced was 191,000. There were only 28,000 tons produced in 1864, 5,000 in 1865, coming up gradually to 8,500 in 1866, and so on, until 1879, when it reached 112,000 tons. But it had had violent fluctuations before that. In the preceding year, 1878, only 71,500 tons were produced; in 1880, 88,822 tons were pro-

duced; in 1881, 127,367 tons; and then the product in 1882 fell off to 76,373 tons. In 1883 it went up with a bound to 142,298 tons; in 1884 it fell to 135,443 tons; and in 1885 it fell to 100,876 tons; and in 1886 it went up again to 135,158 tons. The statistics for the preceding years I have not at hand.

Mr. EUSTIS. Has the Senator the figures of the crop of 1887?

Mr. PLUMB. I have not.

Mr. TELLER. The production in Louisiana in 1887 was 181,123,872 pounds, and in all the other States about 10,000,000 pounds.

Mr. PLUMB. According to the Statistical Abstract, prepared by the Bureau of Statistics, the amount in pounds for 1887 produced in Louisiana is given at 181,123,872 pounds, as the Senator from Colorado has stated. That, as I roughly figure it, is less than 80,000 tons. The falling off between 1886 and 1887 is over 100,000,000 pounds.

So there is not, either in the gross product to-day as compared with that of preceding years or in its gradual and steady increase, such as we find in other branches of manufactures, the hope we ought to have in order to enable us to justify the imposition of a large duty with the expectation that that duty will result in the production of sufficient sugar in Louisiana or in the region of ribbon-cane to supply the people of the United States. Therefore I turn from that to the manufacture of sugar from sorghum.

I am aware as much as anybody can be of the difficulties which lie in the way of the production of sugar from sorghum. The road is not a royal one. But it can be traveled, and at the end of it will be found sugar in ample supply for all our needs.

Sorghum sugar will necessarily be manufactured by small factories. It is not practical to transport the cane to any considerable distance in order to reach the factory and leave to the producer of it the profit which he ought to have. There will be, therefore, a multiplication of factories, and the business will be scattered over a large area and in a multiplicity of hands. Fully 90 per cent. of the product under present processes of manufacture will be of from 92 to 98 per cent. saccharine strength and sufficiently clear and light colored to go direct from the factory to the consumer or retail dealer without being refined. It is practically what is known as "C" sugar.

It is a grade which goes more universally into consumption than any other. Therefore the larger portion of the sugar manufactured from sorghum will not only go directly from the factory to the consumer, but it can never become the subject of trusts and combinations whereby the price can be controlled arbitrarily and to the disadvantage of the consumers, but it will go into consumption from ten thousand small factories scattered all over the country and insuring competition and reasonable prices as an inevitable result.

This fact is in the way of the rapid extension of the industry, because it does not furnish the inviting field to large capital which exists in enterprises where combinations to take the place of competition can be made.

The manufacture of sugar from sorghum is bound to be chiefly in small factories, costing from fifty thousand to one hundred thousand dollars, but there can be one such every 5 miles along every line of railroad in Kansas, and the same is true practically of the State of Missouri. I do not mention these States as the only localities in which sorghum sugar can be made with profit, but they are likely to be the center of the industry.

The chemist of the Department of Agriculture and others who have given special attention to this subject believe that as we go west into what is known as the plains region—the longitude of Central and Western Kansas—into a dryer climate and a higher altitude, the percentage of saccharine in the sorghum increases, which adds to its value for the manufacture of sugar.

But sorghum is one of the hardiest plants known to our agriculture, and it can be successfully produced in all portions of our country, and it is the greatest forage plant in the world. It has one great advantage over the Louisiana cane because of the value of the seed for feed, and the blade can be similarly used. Both these by-products are of value, and combined are probably worth the cost of producing the cane. So the farmer who raises sorghum for a sugar factory will have as profit all he gets for his cane there, and while raising a readily marketable product will also be providing feed for his stock. So also in case of the failure of the mill to take that portion of the cane which is convertible into sugar the farmer can use it profitably at home as forage.

The seed product is from 10 to 12 bushels per acre in Kansas, and it is equivalent in value to an equal amount in weight of corn, the constituent elements of each being substantially the same. In addition, the fiber from the stalk makes a paper pulp which has been determined by actual experiment to be the equivalent of the best wood pulp.

Mr. VEST. This is a very interesting question to those of us who live in the West, and I should like to ask the Senator, for information purely, one question that has presented some difficulty to me. In the present status of the machinery that is used in regard to this sorghum, is it not practically at present prices out of the reach of the average community of farmers in the West? Is it not very expensive, and is there any probability of the reduction of the expense of the machinery? That is very important to us.

Mr. PLUMB. That is a very important point. A factory which will work up from 200 to 250 tons of cane per day can now be erected for $60,000 and put in full operation. I believe it can be erected for less, but $60,000 is undoubtedly an entirely safe estimate. I believe, too, that as the demand for this character of machinery increases and it comes to be manufactured more generally it will not only be improved in quality and effectiveness but will also be very considerably cheapened. There are now only two or three places where the complete outfit necessary for a factory is manufactured; one of the manufacturing firms being located in New York and one in Wilmington, Del. I think Mr. Cunningham's machinery was made in New Orleans. A large portion of the machinery for one manufactory in Kansas was made upon special order in the Senator's own city of Kansas City.

All the machinery except the diffusion battery, the cutting apparatus, and the conveyors is substantially the same as used in the production of sugar from Louisiana cane. The process of evaporating, of crystallizing, etc., are of universal application.

New and better machinery is constantly being made. One of the most considerable items of expense in sugar manufacturing is fuel. New devices for saving in this direction are constantly being perfected. Evaporating pans are used in Kansas, which in effect enable the heat to be used three times; and I am told that in Germany an evaporating pan is used which in effect makes use of the heat four times over.

In Louisiana the bogasse or offal is largely used for fuel. Until some new and inexpensive process is devised whereby the water can be extracted from the sorghum chips they can not be thus used. Diffusion means the extraction of the juice by the application of water. This water, in addition to the moisture already in the cane, must be removed by evaporation, and this requires a large amount of fuel. But shortly, I have no doubt, the saturated cane chips from which the saccharine has been exhausted will be used for fuel and this item of expense be wholly or at least mainly eliminated.

The multiplication of sugar factories means that American workshops must supply increasing quantities of machinery. The machinery to manufacture the sugar used by our own people would cost probably $200,000,000. The home production of sugar therefore means a great stimulus to other manufacturing industries.

Mr. EUSTIS. I will suggest to the Senator from Kansas, in answer to the question of the Senator from Missouri, that it is not necessary that everybody who raises sorghum should have a sugar factory. A central system can be established.

Mr. PLUMB. I will come to that in a moment. The plan observed in Kansas, and which I have no doubt will continue, is for the farmer to sell his cane delivered at the mill. The price paid there for a ton of cane is $2. The number of tons produced per acre has rarely been less than 9, while the maximum has been as high as 20. At $2 per ton the financial return from the production of cane is better than that from corn at 40 cents per bushel, and corn in Central Kansas is selling now at 20 cents per bushel.

The production of an acre of cane is not more expensive than an acre of corn. Plowing, planting, cultivation are the same. Handling the cane after maturity is somewhat more expensive than caring for and marketing corn; not that the labor is greater, but that as it must be done more promptly, more will have to be done by hired labor. The final harvesting of corn is a process that often extends over the entire winter months, and, of course, in that case the domestic help about the farm is used to the greatest advantage, and the farmer can often carry on a very large farm without hiring any outside help whatever; but the cane must be taken off the ground at once and must be treated at the mill within a period of thirty-six hours, and thus there must be prompt delivery, which means much work for teams and hands. If the cane remains unmanufactured beyond the period named inversion or fermentation begins, and thereafter the saccharine can not be crystallized, and its value, except for making sirup, is gone.

The one thing which is lacking more than anything else to enable this industry to go forward rapidly in the direction of producing an ample supply of sugar for our people is not so much capital as skill. There could be this coming season erected and put in operation in Kansas alone thirty new factories; that is, the money would be forthcoming for that purpose if the skill could be had equal to the requirements of erecting and operating them. Given thirty men who can give positive assurance that they possess the requisite skill for this purpose and the money for the erection of these factories in Kansas would be forthcoming on short notice. The process of development of this new and important industry if it be undertaken is to be slow unless some process of instruction is undertaken through private or public sources, or both, whereby this skilled labor can be had.

Mr. President, during the last ten or fifteen years, the period in which the country has had the greatest development of its manufacturing industry, the greatest extension of its railroad system, the greatest growth of cities, the most considerable addition to its wealth, the prices of farm products have declined and the value of farming lands per acre has either remained stationary or gone down. The country has had what it calls prosperity, but one-half of the people have had only a small share of it. The prices of manufactured articles have also declined, but this does not represent a diminution of the manufacturers' profits. The farmers of the interior can not afford to pro-

duce corn at present prices unless they submit to a much lower capitalization of land values. Beef and all other agricultural productions have correspondingly declined. The elements of competition have been set in motion from all quarters of the globe, which are destined to still further exclude the American farmer from outside markets for what might be called the raw products of the soil. He can no longer rely upon the foreign market taking his wheat at satisfactory prices.

In India, in Egypt, in Africa, in South and Central America immense areas are being opened up to agricultural production by means of the introduction not merely of civilization in the shape of colonized emigration, but by means of new facilities for transportation, whereby the table-lands of those countries are brought into communication with the seaboard. This brings into market the products of new areas of cheap lands tilled by cheap labor—by labor which is content with mere subsistence and which pays no taxes to support schools and churches and is subject to no expensive tastes or habits.

The dependence of our farmers is therefore to be more than ever upon the home market. Our agricultural productions must be further diversified. We must not only take more full possession of the market already inadequately supplied, but we must produce our own sugar as the one great direction in which we can turn the labor and capital already shut out of foreign markets. The American farmer must contemplate a condition of things in which the foreign market is practically left out of account. It is true, as our New England and Pennsylvania friends say, that if we manufactured more largely we should have greater capacity for the consumption of agricultural products. But agricultural productions will more than keep pace with manufactures, and it is not fair to put new burdens upon the farmer with a view to the benefits to be derived in after years. They are too weak to stand more taxes.

We must cut off the importation of agricultural products, and the only way to do this is to increase the home supply to the full measure of home needs.

The sugar which the people of the United States consume costs them more than the bread they eat. The duty on that imported amounts to $60,000,000. The production of this sugar at home would mean that one-half the area now devoted to bread products could be devoted to sugar. The effect on the prices of farm products would be great, the stimulus to all kinds of business would be immense.

Sugar is not exclusively or even mainly a tropical product, although such has been the idea with many people. What is known as sugar cane—the ribbon cane, as it is called—is a tropical plant. But sorghum is not, and it is a plant especially adapted to the great grain-producing belt of this country. The German people have shown that the beet thrives well in cold latitudes, and from this they have made an amount of sugar which has not only greatly aided them in becoming prosperous but has also practically revolutionized the industry. When a few years ago the German Government undertook to encourage the production of sugar from the beet, the beets which were used had a saccharine strength of only 4 per cent. To-day they have an average saccharine strength of about 16 per cent.; and Governor Warmoth told me that when he was in Germany last year, I think it was, he saw a chemical analysis of a variety of beet which had a saccharine strength of 22½ per cent; that is to say, 22½ per cent. of the weight of the beet was saccharine.

That has been the result of the patient, careful, skillful work of the German farmer and of the German manufacturer under the wise, fostering care of the German Government. The country of William and Bismarck could not afford to be dependent on the outside world for sugar. The home needs have not only been supplied, but a large amount is annually exported. They have demonstrated in that field of effort what has been abundantly demonstrated in others—the benefit to be derived from a subdivision of labor. The manufacturer does not raise the beets, and the farmer who raises the beets does not raise the seed which he plants. Raising the seed, producing the beet, and manufacturing the sugar are three separate operations carried on by different and wholly disconnected persons. Subdivision means competition, and it also means development. The result of one man's labor is not merged in that of another, but that of each must stand on its own footing.

The result is the best seed, and of varieties covering all the necessities of the situation, and more especially those of saccharine strength and proper periods of ripening. It is also the greatest quantity of beets to the acre produced at the periods when they are needed for manufacturing and containing the greatest percentage of saccharine, for their value depends upon both these things; it is also the best possible for extracting the saccharine from the beet and converting it into sugar. The culmination of all was the prosperity which it brought to the German farmer. He got greater profit from his labor and his land increased in value. He learned how to prevent the inversion or fermentation which set in ordinarily shortly after the beets were taken from the ground, and he arrested this by burying them in trenches, from which he could take them as they were required by the manufacturer. These three factors in the manufacture of sugar from beets have each done their proper share, whereby the industry has not only become successful and permanent, but whereby the prosperity of all has been enhanced. The wise prevision of the German Government has brought about all this. It was done by customs duties and bounties.

Mr. President, there is just as much hope, in my judgment, for the manufacture of sugar from beets in this country as from sorghum. It is certain at least that there are some localities in this country where, by reason of climatic conditions and the character of the soil, the sugar-beet can be successfully produced. I have in my hand a copy of a statement made by the Western Sugar Works in California, which shows that last year, the first year of the existence of the factory, a profit of 7 per cent. was made on the investment in the manufacture of sugar from beets. Five dollars a ton was paid to the farmers for beets.

This price bears practically the same relation to the value of other agricultural products in that country as $2 a ton for sorghum does to the average value of corn in the localities where corn and sorghum are both produced. It is profitable, therefore, to the farmer. It turns his activities in a new direction. It devotes fields and areas to the production of sugar needed at home that are now devoted to corn and to wheat, the production of which is in excess of the demand.

Mr. President, I am willing to vote as I have heretofore voted, for the imposition of the duties that may be necessary in order that we may make perfectly certain of the manufacture, with our great natural facilities, of all the things essential in the line of manufacture. I would not draw the line as the Senator from Maryland [Mr. GORMAN] seemed to draw it. I would say, given the greater necessity for the article, given its more universal consumption, if the natural facilities exist in this country, I would afford protection enough on that article to make sure that it was produced, rather than to leave it off because of its universal consumption and put the duty upon articles of less universal use.

Mr. President, the Senator from North Carolina [Mr. VANCE] had some experience in the Confederacy. He says salt is an article of universal use, and I think his tongue was sharpened when he made that statement by a knowledge of the fact that he himself probably endured some privations during the war because the Confederacy did not produce salt enough to go round. It was because the Confederacy did not avail itself of the opportunity—and when I say "the Confederacy" I mean to say the Southern States—did not avail themselves of the opportunity which the tariff had given them of producing salt to such an extent that when the time for separation from the North came they should have had that essential at their own doors, produced by their own labor, and thereby been freed from the privations which fell to their lot during the war.

If the South had taken a lesson from what was going on in the North the issue of that great controversy might have been different. If the natural facilities for manufacturing had been availed of so that there had been manufacturing establishments all over the South with skilled mechanics in abundance, they would not have been dependent upon foreign people for the guns and materials necessary for war.

General Dick Taylor, in summing up the matter in the book which he wrote on the civil war, said, addressing the North, "You beat us because you had a protective tariff." I would not let that protective idea become the shield for monopoly or oppression, and I would not forbear to press by means of the reduction of duties so closely upon the manufacturer each year as to make perfectly certain that he should not under any circumstances be permitted to exact prices greater than such as would yield him a fair profit at the expense of the people, collecting at the same time only the money that was necessary to carry on the Government economically administered.

But when we come to apply this principle it is not fair that we should take into consideration only the comparatively limited number of people who are directly engaged in manufacturing. Seven-twelfths of the people of the United States are more or less directly engaged in agriculture. They are not and will not be willing to have their chance in the advantage which comes from this system limited to the indirect advantages which come from the proximity to certain markets, which may be created by manufactures. Their productions are as much entitled to be taken into account as those of the manufacturer. If the adjustment of duties is to be made with a view to protection it should be as nearly as possible for the benefit of all. Schools, churches, and all the appliances of civilization all cost money.

The American farmer can no more contribute to these in competition with the cheap lands and cheap labor of South America, of Africa, and India than the American manufacturer can. Here is a new avenue opened to him. He should be encouraged to enter it and should be adequately protected when once there.

I am not myself entirely agreed to this idea of a bounty. I have not been able to see any reason why, looking at it from a wide standpoint, the manufacture of sugar should be put on a different footing from the manufacture of any other article which may be deemed necessary to be protected; but of course there has grown up this feeling from time to time during these years in which the production of sugar has been going on in the way spoken of in Louisiana until there has come to be

a very great and strong public feeling that we are not to manufacture sugar and that we are keeping up the duty without even the hope of the result which has been realized in other branches of manufacture.

We make all our own steel rails, we make the larger portion of all the products of iron which our people use; and so of wood, of copper, of cotton, and largely of wool; and the result justifies the means. The production of sugar has, however, lagged behind; it has had the largest protection, but the product has not sensibly increased. It is to-day less than 9 per cent.—I guess less than 8 per cent.—of the total amount of sugar consumed by the people of the United States. If it were even increasing in the ratio of the increase of population there would be some ground of hope; but it has not, and out of this has grown the feeling that there is no relation between the protective system and the production of sugar, and that it must be looked to solely as a source of revenue, without any hope or expectation that the quantity produced at home will ever equal the home demand.

Now comes this new hope that by means of sorghum and the beet the field of production may be widened, and a supply of sugar equal to home needs be produced. The hope is a reasonable one. I believe that within five years enough will have been done to give all needed assurance as to the final result. There is enough in it to warrant the continuation of the present measure of protection. It affects those who most need and deserve it. Why should not the law do for the farmer what it does for the manufacturer?

I have talked this matter over candidly with the members of the Committee on Finance. They have been anxious to do, as I believe, what they thought they were justified in doing. I have not been able to communicate to them the contagion of my own belief to any very considerable extent. They are still doubting Thomases, but they have come up to the consideration of this question with a proposition which they think will answer the purpose as well as a duty would, at the same time giving to the American people the benefit to be derived from a lower duty on sugar.

I have been disposed to accept it, and yet under protest, for I have been hoping that perhaps the Senate might take the view that for a few years at least, until we come again to the consideration of this question—and we shall shortly no doubt—the present duty or something like it might be maintained. If the Senate will not do so, then believing that in this direction of the encouragement of the manufacture of sugar lies safety and profit to the agriculturists of great sections of this country, I am willing to accept the bounty, as proposed—1 cent per pound added to a duty equivalent to one-half that now imposed.

Indian Appropriation Bill.

SPEECH

OF

HON. PRESTON B. PLUMB,

OF KANSAS.

IN THE SENATE OF THE UNITED STATES,

Saturday, March 2, 1889.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes—

Mr. PLUMB said:

Mr. PRESIDENT: It does not seem to me that it makes any great difference whether the Senator from Missouri [Mr. VEST] is correct in saying that the Cherokee Indians have no title to the lands it is proposed to acquire or whether the Senator from Nevada [Mr. STEWART] is correct, who says they ought not to have anything for their interest because they have got too much of this world's goods already.

All of this discussion is entirely apart from anything that is before the Senate now or ever has been before it.

Congress has never proposed to take possession of these lands except as the result of negotiation and purchase. Some years ago I was led to believe that these lands might be disposed of without further negotiation, and introduced a bill for that purpose, but the Committee on Indian Affairs disagreed with me, and the Attorney-General and three successive Presidents, and Judge Parker's court at Fort Smith, did the same thing, and I thereupon made up my mind that the Indians had an interest, and one which could only be disposed of by purchase and with their consent. Subsequently, in 1885, Congress, adopting that view, provided in the Indian appropriation act of that year for negotiations to be carried on by the President of the United States for the purpose of securing the title or right, whatever it may be, from the Indians, in order that the lands under consideration and other lands might be opened to settlement.

The Senator from Missouri will remember that after that law was passed he and I called on the President of the United States and that we urged him to carry it into effect immediately. He may remember that the fact that we did so got into the newspapers, where things do not generally get, and he and I were abused roundly from the standpoint of those who claimed the Indians had no title or interest, and the people were warned that he and I were in the interest of the cattle-men, while we were both sincerely desirous of having the lands opened to settlement and wanted the President to act promptly in the way of negotiation, in order that there might be as little delay as possible in bringing about this inevitable result.

The President was bidden by that act of 1885 to negotiate with these Indians. To show that there was no doubt at all in his mind, or that there could be no doubt about the construction of that law or his authority under it, he has recently negotiated with two of those tribes; and I say now what I have said on this floor and elsewhere repeatedly heretofore, that if the President had done his duty as I conceived it to be and as he now admits it to have been, this question would not now be here, but the Indian Territory would be open to actual settlers and thousands of men would be there in the possession of their homes under the homestead law, as was contemplated by the act of 1885.

Mr. President, all this noise and all this application to Congress instead of to the President was gotten up for ulterior purposes in which the actual settlers were not taken chiefly into account. They were a mere make-weight. The real secret of much of the agitation has been the desire of certain people to speculate out of town sites in the Territory. The bill which the Senator from Illinois reported from the Committee on Territories reserves a mile wide along every mile of railroad in the Territory constructed or to be laid out before the passage of the proposed act for town-site purposes, and excludes that much land from actual settlement. As proposed in the House of Representatives it gave these town sites over to speculation instead of limiting their disposal for the benefit of the occupants as provided under the general law regulating the disposal of town sites.

The men who have been steadily maintained in Washington upon this subject for the past two or three years have been paid by men who have sold the town shares of which the Senator from South Carolina [Mr. BUTLER] spoke in order that their expenses might be paid and by those who hoped to make future profit out of town-site entries and by the railroad companies interested.

Now, what happened? To show that there was no opposition in Congress to the opening of Oklahoma to actual settlers, when the President of the United States actually did negotiate with the Creek Indians, as he did on the 19th day of last January, for the cession of the rights of those Indians in the Territory, quietly and without discussion, the Committee on Indian Affairs of the Senate took up that agreement and reported a bill ratifying it. To it was attached a legislative provision providing that the lands should be opened to settlement under the homestead law, and not on the payment of $1.25 per acre as under the Springer bill. It went through the Senate unanimously; it went to the other House, and it went through that body unanimously. Where were the cattle barons and where were all these impediments to legislation opening that Territory to settlement of which the Senator from Missouri has spoken?

The bill which went through the Senate in this easy, perfectly natural, and obvious way, and which went through the House of Representatives in the same way, did not provide for any town-site speculators—not an acre for town sites, but every single acre for the settler free of cost.

That is the difference, Mr. President, between legislation by mass-meeting, legislation by lobby, legislation by denunciation and defamation, and honest, straightforward legislation in the public interest and in the decent and orderly way in which all legislation ought to be carried on.

This matter has been pending before the House of Representatives for more than three years. There never was any opposition there to the passage of a bill solely designed to acquire the lands and open them to settlers. If it had been a bill for that purpose and had been properly presented it would have passed two years ago, and unanimously. There was not a particle of opposition. But certain gentlemen had aspirations who belonged to the then dominant party as to who should be governor and so on, and it ripened into a determination to make political capital for use in the campaign of last year. The bill was held back and was intended to be passed in the last hours of the last session by the House, so that it could not be reached for consideration in the Senate during that time, and the gentlemen who had charge of it then expected to go on the stump and make the welkin ring with denunciation of the Republican Senate because it did not pass the bill, and in laudation of the Democratic House because it did.

Finally when it came up and its true character was exposed, in order to get it through the House at all they had to throw overboard some of these obnoxious provisions, but it still contains a reservation of about a half million acres of land for town-site purposes along the railroad lines.

The impression has been created that the House bill opened the Oklahoma lands to settlement at once. While its purposes are concealed in a mass of verbiage, it provides distinctly that no one shall enter upon the land until the title has been acquired from the Indians and until they have been opened to settlement by the proclamation of

the President; not only can no one legally enter upon the lands, but the person doing so can never acquire any title or interest to the lands. These provisions are repeated in the amendment adopted by the House to the Indian appropriation bill now under consideration. Yet the Senator from Illinois rises in his place and says if we do not pass the Springer bill murder will be committed down there. Why? Does the Springer bill that he wants to pass open that land to settlement until the Indians can be negotiated with? Not at all. Every single settlement upon that land is made illegal unless it occurs after the date when, by proclamation, the President of the United States, having made a bargain with the Indians and secured payment to them of the money to which they are entitled, opens that land by that proclamation to settlement.

Mr. President, the tide of a great immigration has beaten upon the Sioux reservation for years while we have been negotiating with those Indians for the possession of their land, a negotiation not yet concluded, and there has been no bloodshed and no disturbance. The people of Dakota have not threatened that they would kill somebody; they have not threatened that they would violate the laws of the United States if those lands were not opened to settlement before the Indian title was acquired in the usual way.

I beg the Senator from Illinois to understand that the people of the Southwest, of Kansas and Missouri, are just as law-abiding as the people of the Northwest are. There has been no demand from the beginning that the lands should be opened except in conformity with law. It is true there has been a desire that they should be opened as speedily as possible. They ought to have been opened years ago, and they would have been if the President had done his duty and carried out the law of 1885 as he has now commenced to do; and, secondly, it would have been done by another negotiation to be provided for by a new bill if that negotiation had not been hampered by the town-site speculation of which the Senator from South Carolina spoke, and by a needless assertion of the right of the United States to do certain other things which the Indians and those who speak for them deny the right of the Government to do without negotiation, things unnecessary to settlement and which will come along in their order after the lands have been acquired and settled upon.

Just as quick as the President performed his duty the Senate and the House did their duty and passed the bill providing for the payment of the money, and solemnly consecrated those lands to homestead settlements without requiring the homesteader to pay the Government the price that the Government paid.

There is the difference between these two processes and between these two measures, one for the settler and the other for the speculator.

As to the provisions of the pending bill upon the subject, those of the House and those proposed in lieu by the Senate Committee on Appropriations are both identical in legal effect and in proposed results. Both of them require negotiation precedent to occupation. No one has yet risen on this floor to say that that was not a necessary prerequisite, neither did any one rise in his place in the other House to say so. Both require acquisition of the lands yet to be acquired and proclamation by the President before settlement can be made. The Senate committee changed the House provisions, first, so as to bring them all together in the same place in the bill; second, to put them together in a more orderly and compact form; and third, to make plain some portions which were ambiguous.

Whether we shall negotiate with these Indians in the ordinary way, leaving price and terms of payment open for consideration, or whether we shall submit in addition another proposition to pay a sum certain, and if they will not take that, ask them what they will take, is a matter of no consequence to the settler who is to get land free of cost in any event, and is, in any view, leather and prunella. The main thing is, according to the concession of everybody, that negotiation has got to precede acquisition and that acquisition has got to precede settlement.

My belief is that we shall get the lands quicker and easier, more in accord with national honor (however little that may count for), and cheaper by negotiating with the Indians for the cession of whatever rights they have got, just exactly as we negotiate with other people, and just as the President has already negotiated with the Creeks. We want the land. We ought to have it. It has been a part of the policy of this Government ever since the tide of population set westward to acquire useless Indian reservations for the purposes of white settlement. Oklahoma, one of the last reservations of consequence that can be acquired for settlement, should be opened at the earliest possible date. It is of great consequence to the people who want homes; to the people of Kansas, who will get the larger share of the lands when opened, to the people of all the neighboring States and to civilization.

It is in accordance, as I have said, with national policy, and I am only sorry to say that this great and beneficent purpose in accordance with national policy should have been marred in its beginning, in its progress, and is liable to be in its conclusion, by speculation and by political considerations, in which the rights of the Government, the rights of the settlers, and the rights of the Indians have been wholly subordinated.

But when the bill under consideration has passed the beginning of an end near at hand will have been reached, and in a peaceful, orderly, and ordinary way homes will have been provided for many thousands, and those who have remained at home, and who shall remain there until the President's proclamation is issued, will have the same chance as those who have fretted themselves in useless waiting on the border, and not an acre of land will have been saved for speculation.

Maritime Canal Company of Nicaragua.

SPEECH

OF

HON. THOMAS R. STOCKDALE,

OF MISSISSIPPI.

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 7, 1888.

The House being in Committee of the Whole on the Private Calendar, and having under consideration the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua—

Mr. STOCKDALE said:

Mr. CHAIRMAN: I desire to say in favor of this amendment that it looks to obviating one of the objections which I made to this bill in the closing part of the last session. These concessions of the Nicaraguan Government upon which gentlemen rely so confidently as the basis of the operations of this company when it shall be chartered are grants to that company, with no obligation to any government on the face of the earth that they will not be changed by the consent of this company without consulting any other government or any other authority except Nicaragua. These concessions provide, it is true, that the franchise and the property of this company shall not be sold to a foreign government; but that does not prohibit the sale to citizens of a foreign government, nor does it prohibit this company from releasing the Nicaraguan Government at any time from one or all of these concessions, and the Nicaraguan Government and this company may alter, amend, or abrogate all the stipulations concerning the canal and make new ones at will, and the United States Government would have no more right to interfere than it would in the management of the Suez Canal. And while it is true that a majority of the directors are to be American citizens, with the main office in the United States, there is no prohibition in these concessions or in the bill to prevent American citizens from selling the stock of the company in the markets of the world; and American citizens are very apt to sell whatever they have in the markets of the world for the highest price they can get.

Without meaning disrespect to gentlemen who argue that the fact that this company is chartered by the American Congress and chiefly composed of American citizens with its main office in America is a security against the objection I make, that this charter leaves open to foreign powers to compete for the control of this canal, I may be allowed to say, the argument is unworthy of the occasion and the grave magnitude of the subject, in view of the facts that surround us. When the Government itself already writhes in the grasp of corporations whose offices and property are entirely within our jurisdiction, one set of which has robbed the people of a hundred millions of acres of land, and now when the Government would recover the 56,000,000 still in sight, finds itself in a grasp that it has struggled for ten years to loosen and to which it is now about to yield and take what it can get.

A hundred other corporations clutching at the Treasury in open day under cover of cunning schemes, others making corners on bread and meat, trusts on sugar, on bagging, on all the necessaries of life—all making colossal combines to oppress our own people, with salaried agents in the galleries acting in concert with great journals to persuade and threaten the Government into such legislation as will further their schemes. Congress all the last session trying to devise some measure to shield the people from these giant combinations that are throttling the interests of the agricultural classes with the commission created to control some of them scarcely felt. In the face of it all we are asked by these gentlemen to believe in our innocence—in our stupidity I might say if we do it—that we may trust the interests of the American people to a corporation, because more than half of its directors are Americans, and nine-tenths of its members may be foreigners at the same time.

Why, one of the chief arguments put forward by the agents of this corporation, already chartered by Nicaragua and by the State of Vermont, as a reason for wishing a charter by the United States Government is that the United States charter will give it standing abroad and foreign capital will invest in the stock. The concessions of the Nicaraguan Government provides (article 9): "The people of all nations shall be invited to contribute the necessary capital to the enterprise."

Here is a bold proclamation that foreigners will build this canal.

Are we to believe again that foreign capitalists will build this canal and then not control it? Will they hand over their capital to Americans to manage for the interests of the United States Government, or will they elect a board of directors composed of such foreigners and American citizens as will do their bidding?

The American citizens who are to compose the majority of the board of directors of this corporation may all be foreign born, or may be naturalized for that purpose between this and the time the canal will be completed.

How sublime is this faith of gentlemen in the patriotism of English and German capitalists for America, particularly in view of the present relations of these governments with the United States! We are to have a canal built with foreign capital, on foreign soil, and because a majority of the board of directors, consisting of fifteen (eight men who may each own a hundred dollars of stock), are to be American citizens, with the main office in New York, and as many more offices as they please in whatever places and in whatever countries they please. If it were all American it would be the same. They would sell out for cash to the highest bidder, be he Jew or Greek.

These very corporations that are now contending with this Government for mastery over it, grew out of the misfortunes of the nation at a time when the people were spending money and blood to restore the Union. The men who afterwards formed those corporations then drove the hardest bargains that the necessities of the Government and the excited public mind would enable them to impose. When with superhuman efforts the people succeeded and peace was restored those contracts were enforced to the last ducat.

These speculations and peculations constituted the sinew and the blood of the corporations that have grown into the present colossal combinations that stalk abroad with more than giant tread, trampling upon the rights of the people, with no conscience to restrain them and no soul to be saved or damned, before whose unbridled career the Government already quails. Yes, to the protection of one of these sons of God we are to intrust the interests of the Government at a most vital point.

I was asked the question if these concessions are not as full and ample as the concessions to the Suez Canal Company. I answered then and concede now that they are, and if it is conceded that this canal is to go the same way as the Suez Canal, and is to be controlled by Great Britain within ten years after it is finished, then we are going in the right direction.

Now, suppose that this company be organized, if it is to be organized in good faith to build this canal, that the company is formed, and under whatever influences may be brought to bear upon the corporation, the directors by resolution release the Nicaraguan Government from the provision of the concession that the property or franchise of the company shall not be sold to a foreign government. You say that would be in violation of the understanding with which this bill is passed, as these concessions are present before the members of the House in voting upon the bill. If that be true, then I say this amendment ought to be incorporated in the bill to express that understanding.

The gentleman from New Jersey expressed in his remarks sentiments to which I heartily assent; and probably there is no gentleman on this floor who would go farther by his vote to procure some crossing of that isthmus either by canal or railway than I would go. I recognize fully the importance of this interoceanic communication to the commerce of this country. I was an enthusiastic advocate of the Tehuantepec ship-railway enterprise, and I pause to call attention to the difference between the provisions for that enterprise and this scheme. I am in favor of any feasible plan likely to effect a crossing of that isthmus and a commercial passageway between the two great oceans, preserving always the prestige of the United States Government there. And I am as unalterably opposed to any scheme that will curtail the rights of the United States Government on that isthmus or the adjoining waters. It needs no oratory to induce this House to assent to the importance of a commercial highway through there. Four-fifths of the members, I presume, are of that mind now; nor can eloquence divert the public mind from the serious defects of this bill, some of which, I admit, have been cured by amendments to-day, and I hope others may be, for I want to vote for its passage if I can consistently——

[Here the hammer fell.]

Mr. HOLMAN. I hope that the time of the gentleman from Mississippi [Mr. STOCKDALE] will be extended.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Mississippi be extended. Is there objection? The Chair hears none.

Mr. STOCKDALE. I thank the gentleman and the House for this courtesy. Mr. Chairman, I say that the Government of the United States has no control over this canal, and will not have after it is built. We simply say to this corporation, depart with our blessing; go thy way in peace, and dwell in tents in the land of the sun, and perform a mighty work before the Lord—for civilization. Make the land to rise up and depart; join the two great oceans in marriage, and give them to commerce to have dominion over them. Deal with the Philistines if thou likest, and we will not molest thee or them; build great cities beside the new waters, and we will have neither lot nor part in them; neither the ships on the waters, but will dwell in our own land, and this is all of it, and ought to be settled in tones of the past and sluggish ages, unless we add to that chapter in unmistakable English, that at some convenient season we will have need of them. If we do not, when we would go that way in future years with our fleets, we will discover in consternation that by this loose and bungling legislation we have said "Sibboleth."

Much has been said about the constitutional features of the measure. I do not propose to discuss that. I am willing to rely upon the opinion of the profound lawyers in both ends of the Capitol who have assented to its constitutionality; nor do I believe it at all important, unless it be unconstitutional to do a foolish thing. This company already has complete corporate existence by act of the Congress of Nicaragua; it has been again chartered by the Legislature of Vermont; it now wants to be born again, ambitious to be the offspring of two republics and one State for a sort of godmother, I suppose.

Which charter will it act under? It is maintained here that it can not act under more than one. If under this charter or the Vermont charter it must abandon the Nicaragua charter, and then it will have a name but no local habitation; it would have no grants, no privileges, no existence in Nicaragua. If it acts under the Nicaragua charter, as it of course will do, it has no use for this proposed charter except as a bargain on the part of the United States with an already existing company, abandoning all rights of control of or interference with that canal in the future, a bargain this Government should not make.

I desire to call attention of the House to what every member knows, that with the present friendly relations between the United States and Nicaragua treaty stipulations could be negotiated that would prevent the canal, when built, from going into the hands or under the control of any foreign power and absolutely avoid any complication of this Government with other nations in reference to the policy known as the Monroe doctrine. And then I want to call attention to the contrast between the sagacious policy of Nicaragua, as exhibited in her concessions, and the folly of the United States, as exhibited in this bill.

Article 4 of the concessions limits the charter to ninety-nine years.

Mr. CLARDY. That is as long as we will want it.

Mr. STOCKDALE. We who are living, yes; but the boast of our ancestors and our race has been that they provided for posterity. Suppose the treaty that closed the Revolutionary war had conceded the independence of America for ninety-nine years—suppose the Louisiana purchase had been for ninety-nine years—the time will soon be here when the great Northwest and the Mississippi River would pass under the control of Great Britain.

Had that been the character of the treaty that closed the Mexican war our children would see California relegated back as a Mexican state, and that government fighting for the control of Texas. Our grandchildren will see the termination of this charter.

By article 9 of the concession 5 per cent. of all the stock is reserved for the Central American republics and the citizens thereof if they desire to subscribe.

By article 11 of concessions it is reserved to the Government of Nicaragua the perpetual right (not for ninety-nine years) of naming one director.

By article 50 it is provided that the Government of Nicaragua shall receive without cost to itself 6 per cent. of all bonds, shares, and certificates issued by the company to raise the corporate capital, to be regarded as paid-up stock and not to be called on for contribution, but are simply a gift.

By article 44 the Central American Republics and their citizens can ship their products through the canal at one-half the prescribed tariff of tolls, and their war vessels will pay no toll, but pass through at will free of all charges, while the United States will have no stock, no director, pay full tolls, and her war vessels, by article 6 of the concessions, will be rigorously excluded from the canal if perchance we may be at war with any Central American Republic—a state of affairs that any great power of Europe could produce if occasion required.

Article 53 provides for forfeiture to Nicaragua of the canal with all its franchises, lands, and improvements upon conditions that are almost sure to happen.

It will be noticed that all these concessions, conditions, and stipulations are entirely between the Government of Nicaragua and the Maritime Canal Company created by that Government, and the United States Government not mentioned. I concede that they had the uncontrolled right to make them as between themselves, but when these stipulations are presented to this Government with the request that it indorse them and all that is expressed or implied in that language, thus committing this Government to the plainly implied right of the company to transfer the whole interest to citizens of a foreign government, and with the consent of Nicaragua to a foreign government itself, which can be done with facility under the provision that the stock is to be personal property.

I say there is no escape from the conclusion that the passage of this bill without amendment negativing that idea will be held to be and construed as an expression of this Government that it abandons any

claim to a voice in the future control of that canal, and as an abandonment of the Monroe doctrine to that extent. I am safe in saying that is not in accordance with the sentiments of the American people.

The bill, if it shall pass at all, ought to be so amended as to clearly negative that idea, so that the Government may be free to act in future as occasion may demand without being charged with bad faith. If that be done, I will vote for its passage, although it will then be imperfect. The amendment I have offered will effect that object, in my judgment, and it or some similar amendment ought to pass.

But I have been struck with the fact that amendments looking in that direction are obnoxious to this maritime canal company, and the friends of the bill are prompt and persistent in warding off all such amendments as will express the idea that the Government does not abandon any claim to future control of or interference with the company or the canal. Such amendments, they say, will defeat the objects of the bill, and, if I am correct in my apprehension, they would. If the objects of this company in getting this expression of the Government committing it to non-interference with that canal, knowing full well that citizens of foreign governments would pay a large bonus for the franchise containing such committal, which is an implied promise not to interfere, and a consent to the sale and consequent control of the canal by foreigners without molestation on the part of the United States, certainly an amendment expressly negativing that idea would be fatal to the objects of the bill. If that be not the purpose this legislation is without object and therefore foolish, for the company has legal existence now as much as it will have after the passage of this bill; and it will be admitted that this Government can not give any force to any act in a foreign jurisdiction except as permitted by treaty stipulation.

There is no statesmanship in the measure, but simply another step in submission to the demands of another great corporation that desires to use the Government in aid of a great speculating scheme.

Gentlemen talk here as though there was no other chance on the face of the earth to have the canal built except by this company, and that the company will not build it unless we walk right up to their terms, and gentlemen who fail to embrace this last chance are obstructing commerce and do not comprehend the needs of the country. I do not believe that tale. It is easier to believe that the sagacity of these great financial operators recognizes that the property would be worth more by many millions in foreign markets if freed from all claims incident to the Monroe doctrine, and this bill is skillfully drawn to accomplish that purpose. It can accomplish no other purpose, and that is the reason, I take it, that foreign capital will not invest in the enterprise until this bill becomes a law.

If it does become a law without amendment it will put this Government in a far worse attitude in reference to that canal than it now occupies in reference to the Panama Canal, which necessitated the Edmunds resolution, and that is bad enough in all conscience—forced into the attitude of a bulldozer towards a sister Republic after the work is half advanced. I desire to quote from my eloquent friend from New Jersey [Mr. MCADOO], one of the most learned and accomplished lawyers of this House, if the Reporter will hand me the notes. He said:

> Why look at it! The governments of Europe are already awake to the situation. This canal is necessary in order to enforce the Monroe doctrine. The governments of Europe are land hungry. The population of Europe is congested. They are looking for land, military, commercial, and political outlets in every quarter of the globe. India has been exhausted. Russia is assuming control of the vast territories in the eastern part of Europe and Western Asia. She is threatening English, Turkish, and Oriental supremacy alike. The eyes of all Europe are turned to this continent, and the feeble republics of South America can only be preserved from foreign aggressions and from subservience to foreign interests by the moral, political, the financial, and, if necessary, the military power of the great Republic of America. [Applause.]
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> Why, Mr. Chairman, the flag of Britain is already posted on naval stations at this very center. Spain, in Cuba, has military control of the Great Gulf and our Mississippi Delta. France is getting a foothold there; and Bismarck, having accomplished the unity of the German Confederacy, and having laid down its military and financial policy, is now finding an outlet for the German arm and the German brain in South America and in the islands of the Pacific. Yet we are asked to remain supinely neutral! I preach no blatant jingoism. I am conservative of the conservatives, but I am neither blind, deaf, nor unobserving.
>
> We only ask to mind our own affairs and make happy our own people; but the bedeviled and tottering systems of Europe look with jealous eyes on these Americas. We have nothing to do with the cruelty, pomp, and artificiality of European politics, but the millions of freemen on these continents will never permit the flags of monarchical power to float on additional acquisitions on these continents. In the Northern Pacific, in the Southern Pacific, and the islands of the Great Gulf we are alive to the restless activity of European aggression, open or insidious.

The novice in history knows that European aggressions are both open and insidious, as occasion requires. And if this canal is necessary in order to enforce the Monroe doctrine, as my friend says it is, and I concur in that, why, may I ask? The answer comes to every man's lips, "It is in order to have quick and easy transit for American ships in that region." These enterprising, bold, daring, and powerful governments that my eloquent friend has described will hardly be expected to foster the Monroe doctrine. It is the most hateful thing to European powers on the western hemisphere.

The United States Government should watch with zealous vigilance this canal, so vital to her interests, never letting it pass from under her eye nor beyond her ready grasp. And yet amid these startling surroundings, brought so vividly to view by the gentleman from New Jersey, it is proposed by this bill to yield the ownership and control and management of that great highway to a foreign begotten and born corporation, with all its property and franchises and operations in a foreign jurisdiction, and to be built by foreign capital, and therefore owned and controlled by foreign capitalists. It is proposed to commit these great interests, so vital to the future prestige of this great country and the future glory of this majestic race and American civilization, to a corporation whose only interest in this Government will be to get rid of its interference.

An amendment offered making the Government say that it reserves the right to be consulted about the operation and control and disposition of this canal is a red blanket to the company, and the advocates of the bill in its present form throttle it as an enemy.

But I am asked, as a puzzle I presume, to suggest some means by which the Government may encourage the construction of that canal and avoid the objections I urge. I answer that a delay of six or twelve months not being important in so great an enterprise, I would suggest that this legislation be not consummated now, but time be given the Government to negotiate a treaty with Nicaragua and Costa Rica, making the Government of the United States a party to be consulted before any changes are made in the conditions put upon the management of the canal by Nicaragua, and before the stock and the consequent control of the canal goes into foreign hands. Stipulate that American vessels should have, if not 50 per cent., at least some reduction in tolls in consideration of her guarantying the neutrality of the Isthmus, with this new temptation to foreign powers added to the risk, and modification of article 44 so that our war vessels should pass without paying tolls for the same reason.

Procure modification of article 6 of the concessions so as not to exclude American war vessels from the canal, except when this country was at war with Nicaragua; stipulate that in case the canal be forfeited to Nicaragua the right of this Government to a voice as to the ownership of the land should remain intact notwithstanding the forfeiture and have that perpetual—not for ninety-nine years. That this could all be done within twelve months I have no doubt. If Congress is too impatient to wait that long, then I would amend the bill so as to make it clear and explicit that the Government in granting this charter, or whatever it is, yields no right of supervision and control over the transisthmian commerce and to preserve the canal to the American governments and peoples out of the hands of European powers.

This can be accomplished by adopting the pending amendments. Whether my amendment be included or some other one to be offered that will serve the same purpose I do not care a farthing. I have no pride of opinion about it. What I want is to see the bill in such a shape that I can vote for it and defend my action before my constituents, who want to see the canal built but do not want the Government to abandon the control of it so as to let it pass into the hands of foreigners.

They would rather wait longer than to give it away. If these pending amendments or similar ones be adopted I will vote for the passage of the bill, but will do it reluctantly, feeling, indeed knowing, that better terms can be had by a little delay and diplomacy, and ought to be had.

I will detain the House no longer, but append to my remarks some of the articles of concession of the Nicaraguan Government.

They are as follows:

THE PRESIDENT OF THE REPUBLIC TO THE INHABITANTS THEREOF.

Know ye that congress has ordered as follows:

The senate and chamber of deputies of the Republic of Nicaragua do hereby decree.

Only article.—The contract for a maritime interoceanic canal, entered into the 23d of March ultimo, between Dr. Adam Cárdenas, commissioned especially by the supreme government, and Mr. A. G. Menocal, member and representative of the Nicaragua Canal Association, organized in New York, is hereby ratified. This contract shall be a law of the Republic if Mr. Menocal accepts it as soon as he be notified, with the following modifications and upon the following terms:

The undersigned, Adam Cárdenas, commissioner of the Government of the Republic, party of the first part, and Aniceto G. Menocal, representative of the Nicaragua Canal Association, party of the second part, both having sufficient powers, have entered into the following contract for the excavation of an interoceanic canal through the territory of Nicaragua:

ART. 1. The Republic of Nicaragua grants to the aforesaid Nicaragua Canal Association, and Mr. A. G. Menocal, representative of the said association, accepts on its behalf, for the purposes set forth in article 7, the exclusive privilege to excavate and operate a maritime canal across its territory, between the Atlantic and Pacific Oceans.

ART. VI. The government of the Republic declares, during the term of this concession, the ports at each extremity of the canal, and the canal itself, from sea to sea, to be neutral, and that consequently the transit through the canal in case of war between two powers, or between one or more and Nicaragua, shall not be interrupted for such cause; and that merchant vessels and individuals of all nations of the world may freely enter the ports and pass through the canal without molestation or detention.

In general, all vessels may pass through the canal freely, without distinction, exclusion, or preference of persons or nationality, provided they pay the dues and observe the regulations established by the grantee company, for the use of the said canal and its dependencies. The transit of foreign troops and vessels of war will be subjected to the prescriptions relating to the same established by treaties between Nicaragua and other powers or by international law. But entrance to the canal will be rigorously prohibited to vessels of war of such powers as may be at war with Nicaragua or with any other of the Central American Republics.

ART. IX. The people of all nations shall be invited to contribute the necessary capital to the enterprise, and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty consecutive days in one of the principal daily papers of each of the cities New York, London, and Paris.

ART. X. The company shall be organized in the manner and under the conditions generally adopted for such companies. Its principal office shall be in

New York, or where it may be deemed most convenient, and it may have branch offices in the different countries of Europe and America, where it may consider it expedient.

Its name shall be the "Maritime Canal Company of Nicaragua," and its board of directors shall be composed of persons, one-half at least of them shall be chosen from the promoters who may yet preserve their quality as such.

ART. XLIV. As compensation for the privileges and concessions that Nicaragua grants by this contract, it is hereby stipulated that the Republic shall enjoy the special privilege that Nicaraguan vessels sailing under the Nicaraguan flag may navigate the canal at a reduction of 50 per cent. from the general tariff while engaged in the coasting trade, or in the reciprocal trade with the other republics of Central America. It is declared that the vessels referred to in the preceding paragraph must be exclusively of the register of the Republic, and that they must not be owned, either in whole or in part, by citizens of other countries.

A reduction of 50 per cent. from the general tariff is also granted to vessels that begin their voyage for a foreign country in any of the ports belonging to the Republic, with a cargo wholly composed of products of the country. All the privileges to which this article refers shall be extended to the other republics of Central America whenever Nicaragua shall find itself free from international obligations which may prevent it, or whenever one or more of the said republics shall form a single nation with Nicaragua. The company can not collect any navigation dues whatever upon vessels and craft navigating the Lake of Nicaragua and its prolongations without passing out of the locks. The Nicaraguan vessels of war, and in the case above provided those of the Republic of Central America, shall not pay any dues on passing through the canal.

ART. L. In consideration of the valuable privileges, franchises, and concessions granted to the company by this contract, the Republic shall receive in shares, bonds, certificates, or other securities which the company may issue to raise the corporate capital, 6 per cent. of the total amount of the issue.

Such shares, bonds, certificates, or other securities shall be free of all payment on the part of the Republic, being considered as paid in full. The 6 per cent. shall in no event be less than $4,000,000; that is to say, forty thousand shares or obligations of whatsoever kind of $100 each.

Of said shares, bonds, certificates, or securities of whatsoever class, two-thirds shall not be transferable; but all shall participate in the benefits, interests, partitions, dividends, sinking fund, rights, privileges, and in all the advantages given to paid-up shares without any distinction. The Government in its capacity of shareholder shall besides have the right to appoint one director who shall represent its interest in the board of directors of the canal company from the time of its definite establishment. The shares referred to in this article shall be delivered to the agent the Government may appoint to receive them, and as soon as the company shall be ready to issue the certificates for its capital.

ART. LIII. The present concession shall be forfeited:

First. Through the failure on the part of the company to comply with any of the conditions contained in articles 8, 46, 47, 48, and 49.

Second. If the service of the canal, after its completion, be interrupted for six months, except in cases of main force.

When the concession shall have been declared forfeited, from whichever of these causes, the public lands granted by this convention will revert to the Republic, in whatsoever state they may be, and without compensation even in the case that buildings may have been erected thereon.

Such lands shall be excepted as may have been alienated to private parties by the company, with the formalities prescribed by law, provided that such alienations shall not have taken place within six months preceding the date on which the company may have become legally liable to the penalty herein established.

ART. LIV. On the expiration of the ninety-nine years stipulated in this concession, or in the event of the forfeiture contained in the preceding article, the Republic shall enter upon possession, in perpetuity, of the canal, of works of art, light-houses, store-houses, stations, deposits, stores, and all the establishments used in the administration of the canal, without being obliged to pay any indemnity to the company.

There shall be excepted from this condition the vessels belonging to the company, its stores of coal and other materials, its mechanical workshops, its floating capital, and reserve fund, as also the lands ceded to it by the State, excepting those in which are established the works indicated in the first part of this article, and which will revert to the State, together with their immediate appurtenances, as necessary for the service of the canal, and as an integral part of the same.

But the company shall have the right, at the expiration of the aforesaid term of ninety-nine years, to the full enjoyment of the free use and control of the canal in the capacity of lessee, with all the privileges and advantages granted by the said concession, and for another term of ninety-nine years on the condition of paying 25 per cent. of the annual net profits of the enterprise to the Government of the Republic, besides the dividends due to it for its shares in the capital stock.

The company furthermore shall have the right to fix at its discretion the dues referred to in article 43 of this concession, so that the shareholders still receive dividends not to exceed 10 per cent. per annum on the whole capital after deducting the payment of 25 per cent. of the net gains to the Government.

At the expiration of this second term of ninety-nine years the Government shall enter into perpetual possession of the canal and other properties referred to in the first part of this article, including also in this possession all that which is included in the said first part with the exception of the reserve and amortization funds. The failure to comply with any of the terms of the lease shall terminate it, and the State shall enter into possession of the canal and other works belonging to it, in accordance with the provisions of the preceding paragraph.

Maritime Canal Company of Nicaragua.

REMARKS

OF

HON. THOMAS R. STOCKDALE,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 6, 1889.

The House having under consideration the report of the conference committee of the two Houses on the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua—

Mr. STOCKDALE said:

Mr. SPEAKER: I avail myself of the privilege granted by the House to say that I opposed this bill as it came from the Senate for reasons heretofore expressed. I now oppose the adoption of the report of the conference committee for the same reasons.

The amendments adopted by the House, while they left the bill a very imperfect measure, made it tolerable, and I voted for its passage in that shape. But the conference committees have receded from all the valuable amendments, and the adoption of their report will leave the bill substantially as it came from the Senate in the beginning and subject to the same objections.

Propositions to insert in the bill under consideration any expressions showing that this Government does not intend to yield all right of a voice in the future conduct of the ship-canal met at all times with vigorous opposition, and when forced in by members of the House have been promptly expunged by the conference committee.

If this report be adopted the Maritime Canal Company, acknowledged by its advocates to be the creature of foreign capitalists, will have adroitly thrown off the Monroe doctrine so far as the proposed canal is concerned, and freed itself from any intermeddling with its future management or ownership by the United States Government. Therefore the report should not be adopted. As I have said before, it is not in accord with the sentiments of the American people, as I believe. I further believe that if the House will reject this report and insist on its amendments and ask for a further conference, better terms can be gotten, and that is the proper phraseology, since it is usual for the House to recede as far as the final demands of the Senate require. I will not cast the vote of the people I represent in favor of releasing one rood of that isthmus from the operation of the policy of this Government known as the Monroe doctrine, and will therefore vote against the adoption of this report.

Forfeiture of Wagon-Road Grants.

SPEECH

OF

HON. THOMAS R. STOCKDALE,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES.

Friday, March 1, 1889.

The House having under consideration the bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon—

Mr. STOCKDALE said:

Mr. SPEAKER: In explanation of this bill and of this report I desire to state certain facts. By act approved July 2, 1864, a grant of land was made to the State of Oregon to aid in the construction of a military wagon-road from Eugene City, in that State, by way of Willamette Valley and the most feasible pass in the Cascade range of mountains, to the eastern boundary of the State of Oregon, which is as follows:

"CHAP. CCXIII. An act granting lands to the State of Oregon, to aid in the construction of a military road from Eugene City to the eastern boundary of said State.

"*Be it enacted, etc.*, That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of Middle Fork of Willamette River, and the most feasible pass in Cascade range of mountains near Diamond Peak, to the eastern boundary of the State, alternate sections of public land, designated by odd numbers, for 3 sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever: *And provided further*, That any and all lands heretofore reserved to the United States by act of Congress or other competent authority be, and the same are, reserved from the operations of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted.

"SEC. 2. *And be it further enacted*, That the said lands hereby granted to said State shall be disposed of by the Legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

"SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, gradation, and bridges as to permit of its regular use as a wagon-road, and in such other special manner as the State of Oregon may prescribe.

"SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of only in the following manner; that is to say, that a quantity of land not exceeding 30 sections for said road may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any 10 continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed 30 sections, may be sold, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the lands remaining unsold shall revert to the United States.

"Approved July 2, 1864."

In pursuance of that act the Legislative Assembly of the State of Oregon, by act approved October 24, 1864, put the said act of Congress in operation. The act of the State of Oregon, after reciting the act of Congress as a preamble, is as follows, to wit:

"*Therefore be it enacted by the Legislative Assembly of the State of Oregon*, That there is hereby granted to the Oregon Central Military Road Company all lands, right of way, rights, privileges, and immunities heretofore granted or pledged to this State by the act of Congress, in this act heretofore recited, for the purpose of aiding said company in constructing the road mentioned and described in said act of Congress upon the conditions and limitations therein prescribed.

"SEC. 2. There is also hereby granted and pledged to said company all moneys, lands, rights, privileges, and immunities, which may be hereafter granted to this State, to aid in the construction of such road, for the purposes and upon the conditions and limitations herein mentioned or which may be

mentioned in any further grant of money or lands to aid in the constructing such road.

"SEC. 3. Inasmuch as there is no law upon this subject at the present time, this act shall take effect from and after its passage.

"Approved October 24, 1864."

In pursuance to the above-recited acts of Congress and of the State of Oregon, the said Oregon Military Road Company went to work on said line to construct the road, commencing at Eugene City and working eastward; completed 50 miles by July 27, 1866, as shown by the certificate of the governor of the State of Oregon of that date, which is as follows, to wit:

"STATE OF OREGON, EXECUTIVE DEPARTMENT, *Salem, July 27*, 1866.

"SIR: I hereby certify that in accordance with an act of Congress approved July 2, 1864, entitled 'An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the southern or eastern boundary of said State,' and in accordance with the act of the Legislative Assembly of the State of Oregon approved October 24, 1864, entitled 'An act donating certain lands to the Oregon Military Road Company,' I have passed over and carefully examined the first 50 miles of the Oregon Central military road, beginning at Eugene City and extending eastward and toward the southern or eastern boundary of the State of Oregon.

"And I further certify that the first continuous 50 miles of said road, beginning at Eugene City, are completed in accordance with the requirements of said act of Congress and the laws of Oregon.

"In witness whereof I have hereunto set my hand and caused the great seal of the State of Oregon to be affixed.

"ADDISON C. GIBBS,
"*Governor of Oregon.*

"By the governor:
"[SEAL.] SAMUEL E. MAY, *Secretary of State.*

"The SECRETARY OF THE INTERIOR."

On the 26th of November, 1867, the then governor, Hon. George L. Wood, certified to the completion of 42½ miles further of said road, as follows:

STATE OF OREGON, EXECUTIVE OFFICE, *Salem, November* 26, 1867.

To all to whom these presents shall come, greeting:

This certifies that the section of the central military road extending from the point to which it has already been approved to Crescent Lake, in the valley of the Deschutes, being 42½ miles, more or less, having been carefully inspected and found to be well and faithfully built and fully up to the requirements of the law, therefore the same is approved and received.

In witness whereof I have hereunto signed my name and caused the seal of the State of Oregon to be affixed, the day and the year first above written.

GEO. L. WOODS.

Attest:
[SEAL.] SAMUEL E. MAY, *Secretary of State.*

After these certificates had been furnished to the Interior Department, showing 92½ miles of said road to be completed, to wit, March 3, 1869, Congress extended the time for the completion of said road to July 2, 1872, thereby giving out that the Government was satisfied with the work as far as it had progressed and wanted it to continue, and extended that time three years to enable the company to proceed.

The whole road was completed within that time, as appears by the certificate of the governor of Oregon, as follows:

STATE OF OREGON:

I, George L. Woods, governor of the State of Oregon, do hereby certify that this plat or map of the Oregon Central military road has been duly filed in my office by the said Oregon Central Military Road Company, and shows that portion of the said road commencing at Eugene City, Oregon, and ending at the eastern boundary of the State, which has been completed as required by the act of Congress approved July 2, 1864, entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," and the act of the Legislative Assembly of the State of Oregon approved October 24, 1864, entitled "An act donating certain lands to the Oregon Central Military Road Company," granting lands to said company.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at Salem on this the 12th day of January, A. D. 1870.

GEO. L. WOODS, *Governor.*

By the governor:
[SEAL.] SAMUEL E. MAY, *Secretary of State.*

Therefore the record showed on the 12th day of January, 1870, that the Eugene City road to the eastern boundary of the State of Oregon, and which became to be known by the name of "Oregon Central military road," had been completed according to law.

I desire now to call the attention of the House to another grant similar. By act of Congress, approved July 5, 1866, alternate sections for 3 miles on each side of the road were granted to the State of Oregon to aid in the construction of another military wagon-road from Albany, in said State, to its eastern boundary. That act is as follows, to wit:

An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State.

Be it enacted, etc., That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Albany, Oregon, by way of Canyon City and the most feasible pass in Cascade range of mountains, to the eastern boundary of the State, alternate sections of public lands designated by odd numbers, 3 sections per mile, to be selected within 6 miles of said road: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever: *And provided further*, That any and all lands heretofore reserved to the United States by act of Congress or other competent authority be, and the same are, reserved from the operations of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the said lands hereby granted to said State shall be disposed of by the Legislature thereof for the purposes aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States.

SEC. 3. *And be it further enacted*, That the said road shall be constructed with such width, gradation, and bridges as to permit of its regular use as a wagon-road, and in such special manner as the State of Oregon may prescribe.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of only in the following manner, that is to say: That when 10 miles of said road shall be completed, a quantity of land not exceeding 30 sections for said road may be sold coterminous to said completed portion of said road; and when the governor of said State shall certify to the Secretary of the Interior that any 10 continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed 30 sections, may be sold coterminous to said completed portion of said road, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States.

Congress on July 15, 1866, amended this act so as to make the road go by way of Camp Harney instead of Canyon City (16 Stat., 363).

By act approved October 24, 1866, the Legislative Assembly of the State of Oregon conferred said grant upon the Willamette Valley and Cascade Mountain Wagon-road Company, which, after reciting the act of Congress of July 5, 1866, granting these lands to the State, provides as follows:

SECTION 1. *Be it enacted by the Legislative Assembly of the State of Oregon*, That there is hereby granted to the Willamette Valley and Cascade Mountain Wagon-road Company all lands, right of way, rights, privileges, and immunities heretofore granted or pledged to this State by the act of Congress, in this act heretofore recited, for the purpose of aiding said company in constructing the road mentioned and described in said act of Congress, upon the conditions and limitations therein prescribed.

SEC. 2. There is also hereby granted and pledged to said company all moneys, lands, rights, privileges, and immunities which may be hereafter granted to this State to aid in the construction of such road for the purpose and upon the conditions and limitations mentioned in said act of Congress, or which may be mentioned in any further grants of money or lands to aid in constructing such road.

SEC. 3. Inasmuch as there is no law upon this subject at the present time, this act shall be in force from and after its passage.

On June 25, 1867, the company, by vote of its directors, accepted the grant.

Afterwards the route described by the Congressional act was changed by act of Congress, dated July 15, 1870, as follows:

Be it enacted, etc., That an act entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," be amended so as to strike out the words "by way of Canyon City," in the first section of said act, and insert instead thereof the words "by way of Camp Harney." (16 Stat., 363.)

The governor of the State of Oregon certified to the completion of the parts of said road, made a final and complete certificate on the 2d day of October, 1871, and gave it the form and flourish of a proclamation. It is as follows, to wit:

The State of Oregon to all to whom these presents shall come, greeting:

Know ye that by an act of Congress of the United States of America, entitled "An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," approved July 5, 1866, and an act amendatory of said act, approved July 15, 1870, the Government of the United States of America granted unto the State of Oregon in aid of the construction of a military wagon-road from the city of Albany, by way of Great Harney Lake Valley, to the eastern boundary of said State, 3 full sections of land, of 640 acres each for each, mile of road that should be constructed under the provisions of said grant, the lands to be selected along the line of the road and within a distance of 6 miles on either side thereof. That the State of Oregon, by an act of its Legislature, entitled "An act donating lands to the Willamette Valley and Cascade Mountain Wagon-road Company," approved October 24, 1866, donated and granted unto the said Willamette Valley and Cascade Mountain Wagon-road Company, a body corporate under the laws of Oregon, all the lands granted by the act of Congress aforesaid, and all lands that might be thereafter granted in aid of the construction of said military road.

That said company, pursuant to the provisions of said grant, constructed said road from the city of Albany through the Great Harney Lake Valley and to the eastern boundary of the State of Oregon, a distance of 448 miles.

And the road so constructed by said company has been duly and formally accepted by the Government of the United States and by the State of Oregon, and in the manner by said acts of donation and grants prescribed. And the lands along the line of said road to the extent of 860,000 acres have, under said donation and grant, passed to and become the absolute property of said Willamette Valley and Cascade Mountain Wagon-road Company, and are subject to said company's disposal.

In testimony whereof I, L. F. Grover, governor of the State of Oregon, have hereunto set my hand and caused the great seal of State to be affixed.

Done at Salem this 2d day of October, A. D. 1871, and of the Independence of the United States the ninety-fifth.

[L. S.] L. F. GROVER, *Governor.*
Attest:

S. F. CHADWICK,
Secretary of State.

This certificate and proclamation were put on record in the State of Oregon, and in the Land Office in this city, and there remained during the subsequent transactions that I will have occasion to mention.

I desire to call the attention of the House to the language of the granting act by Congress to the State of Oregon:

And when the governor of said State shall certify to the Secretary of the Interior that any 10 continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed 30 sections, may be sold coterminous to said completed portions of said road, and so from time to time until said road is completed.

What function was this certificate of the governor intended to perform, may I ask of the opponents of this bill? If it was not intended to be evidence that the road had been completed according to law it was an idle and therefore foolish ceremony that the governor was required to play. It was not intended to be partial evidence. The act is positive that when the certificate of the governor of Oregon shall be given to the Secretary of the Interior, the lands shall be sold. A sale means the conveyance of a title, and all a purchaser was required to

do was to look at the record to see if that certificate was there, and then make his purchase, and a lawyer employed to examine the title would not have gone beyond that point.

The governor of Oregon took that view of it, evidently when he promulgated his proclamation of October 2, 1871, addressed not to the Interior Department, but—

To all to whom these presents shall come, greeting:
Know ye—

Know ye what? Why, know ye, the world—

that said company, pursuant to the said grant, constructed said road from the city of Albany through the Great Harney Lake Valley and to the eastern boundary of the State of Oregon, a distance of 448 miles.

And the road so constructed by said company has been duly and formally accepted by the Government of the United States and by the State of Oregon, and in the manner by said acts of donation and grants prescribed; and the lands along the line of said road to the extent of 860,000 acres have, under said donation and grant, passed to and become the absolute property of said Willamette Valley and Cascade Mountain Wagon-road Company, and are subject to said company's disposal.

That document was sent to the Interior Department in the General Land Office, and no complaint was heard that the governor exceeded his power, or that he misstated the facts when he said the United States Government and Oregon had formally received the road. And it will be borne in mind that the governor of Oregon was the agent of the United States Government, accredited to ascertain and certify the completion of the road. While the records were in that condition, to wit, August 19, 1871, the Willamette Valley and Cascade Mountain Wagon-road Company conveyed the lands of this entire grant to one H. R. W. Clark, for a consideration of money alleged to have been paid. On the 1st of September, 1871, Clark conveyed the same lands to David Cohn in trust for T. Edgerton Hogg, Alexander Weil, and said Clark. Up to this time no complaint had been made in reference to titles so far as the evidence shows.

What happened then? Why, the purchasers went on in peaceable possession of their rights until 1874, nearly three years, and then the Congress of the United States, with one Representative in this House and two Senators in the other end of the Capitol from the State of Oregon, enacted the following law, and I quote it at length and invite special attention to it in this connection. Here is the law, to wit (18 Stats., 80):

Whereas certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in said State, and there exists no law providing for the issue of formal patent for said lands: Therefore,

Be it enacted, etc., That in all cases when the roads, in aid of the construction of which said lands were granted, are shown by the certificate of the governor of the State of Oregon, as in said acts provided, to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon the payment of their necessary expenses thereof: *Provided*, That this shall not be construed to revive any land grant already expired nor to create any new rights of any kind, except to provide for issuing patents for lands to which the State is already entitled.

It is quite evident, Mr. Speaker, that the sales of these lands and the recorded conveyance thereof were well known to Congress from the language of the act of June 18, 1874, which provides, after referring to the said granting, that patents should issue to the State of Oregon, or to such corporation to which Oregon had conveyed its interests. Its language is:

In all cases when the lands, in aid of the construction of which said lands were granted, are shown by the certificate of the governor of the State of Oregon to have been completed and constructed.

Here was a declaration as broad and solemn as the Government could make it, with the certificate of the governor and those two conveyances before its eyes, that a purchaser could get a good title, and that the patents would be issued to said purchaser.

Subsequent to the passage and promulgation of that act of Congress, with all the before-recited muniments of title on record, to wit, on the 18th of February and 9th of April, 1879, two years and a half after this last declaration of Congress, Alexander Weill purchased the whole interest of said lands for the valuable consideration of $375,000, as he claims. The statute was an announcement in effect to all purchasers that they need not examine that long stretch of road to see whether it had been properly built, but should go to the records and see if the certificate of the governor was there, and upon that evidence of title he could invest.

A lawyer employed to examine the title at that time would have, and probably did, go to the records for the title, and would be justified in pronouncing it complete in the absence of fraud or knowledge of it. It will be remembered that up to that time no complaint had been made of the work on these roads, so far as the record discloses, as will appear by reference to the report of the Secretary of the Interior.

These lands were in the open market during all these years, with all these statutes and records spread out before purchasers, to be read of all men, and were a standing invitation to purchasers to invest their money; and they did invest and purchased a large portion of the lands in question after June 18, 1874, and before any complaint was made about the title. In some instances the owners died and the heirs sold the lands; not sold in bulk, but in several instances individual interests were sold, and finally the whole interest of the Willamette Valley road grant came into the ownership and possession of one Alexander Weil for the consideration of $375,000, and without notice of any fraud, as he alleges under oath. And I say there is not a lawyer in this House but would have advised a client that he would get a complete title to those lands in the absence of fraud on his own part or the knowledge of it in others.

It seems to be conceded on all hands, because no one maintains the contrary, that there is no reason for divesting these titles except the alleged fraud in the original grantees of the State of Oregon in not completing the roads according to the provisions of the granting acts, and that is the sole ground upon which the Government seeks to resume the title to said lands in face of all these acts and records and its own title, deliberately made and given out to the world accredited with its great seal.

Then, I say again that every lawyer here would advise his client that the party alleging fraud, as a means of divesting a citizen of his legal title to lands, must prove the fraud and prove notice as to subsequent purchasers.

After the Government parts with its title to lands it has no power to resume it; if it were otherwise, why is it constantly purchasing sites for buildings and navy-yards, etc., from individuals of the same lands once owned by the Government? And when the Government alleges that its title was obtained by fraud and in equity ought to be returned to it, the Government must submit herself to the jurisdiction of equity. She can not afford to do equity like a vigilance committee. Equity was not made by governments, but by God Almighty, and is as high above the Government as it is above a tramp.

The Government can not make a see-saw of justice because it is big and can weigh down its end. Even if it was tricked out of its lands it can not afford at the end of twenty years to jump on innocent purchasers and with violence and strong hand deprive them of their property and drive them into the courts in a vexatious and unequal contest, and then use the great power of the Government to prevent them reclaiming their rights by resisting their suits. However much the people have set their faces against corporations, the Government can not afford to strain the law and apply it with scrupulous regard to vested rights. I have not the time to discuss the Dalles City road grant, which extends from Dalles City, on the northern boundary of the State, southeastward diagonally across the State to its eastern boundary, crossing the Willamette Valley and Cascade Mountain road near the eastern boundary. The grant was made to build that road February 25, 1867 (see Stat. 14, 509), and on October 20, 1868, the Oregon Legislature conferred that grant to the Dalles Military Road Company.

On June 23, 1869, the governor of Oregon certified to the Secretary of the Interior that said road was completed in compliance with the requirements of the granting act.

The fact that this certificate of the governor bears date only eight months after the date of the act of the Legislature of Oregon granting the lands to said company is regarded by some as a circumstance going to show fraud, sufficient to put purchasers on their guard and upon inquiry, and that seems a reasonable conclusion.

This road is about 375 miles long, and it would seem unreasonable that it should be built in that time, but it was not impossible, and when the governor certified that he had made a careful examination of said road since its completion, and that the same was built in all respects as required by the granting act, and as this certificate was filed with the Secretary of the Interior in 1869, in June or July, and the Government took no notice of that fact, but passed a law on the 18th of June, 1874, five years later—passed that now famous act—ordering patents to issue for it, it would not be unreasonable to suppose that purchasers who might have held off on account of that suspicious circumstance during those five years, finding that the Government, whose duty it was to notice that suspicious fact and investigate it, had investigated and found the certificate to be true, when it pronounced its emphatic indorsement of the title by the said act of the 18th of June, 1874, issuing patents.

This presumption is strengthened by the fact that not long after that statute was published and had time to circulate, to wit, March 31, 1876, these lands were sold for the sum of $125,000. These are the three grants, involving over 2,000,000 acres of land, about which so much agitation has occurred. A careful examination of the mass of evidence laid before Congress by the Secretary of the Interior, consisting of about three hundred and fifty pages of closely-printed matter, and referred to the committee that I now represent, beside other testimony, shows conclusively in my judgment that a large proportion of the lands in question can not be forfeited unless other evidence of important character can be had. The owners of the land insist that no such evidence exists and that they are innocent purchasers for a valuable consideration, without notice of any fraud, if there was any.

This evidence shows that there are several stretches of 10 miles and more each that are beyond the power of Government to forfeit. There are other portions that may be forfeited. It is fair to presume here at

least that Congress wants to do right in view of all the facts. Congress can not be a partisan in favor of the Government nor against it. By our system we can not serve the Government by oppressing citizens, but in that act we wrong both. It is fair that the Government recover what lands she has been defrauded of, not with high hand, but in a legal and just way. It is not fair for the Government to recover lands that it has conveyed away without fraud, and it is not honest to attempt it.

The Government ought not to recover lands that were conveyed away under misrepresentations, and hence fraudulently, where the innocent must suffer irreparable damages by the fault or folly of the Government.

Whoever examines carefully the evidence that was before the committee will readily concede that the records show a complete legal title in fee in the present claimants, and therefore they can be divested for fraud only. When a citizen voluntarily parts with the title and conveys realty and vests in another the legal title thereto, if he undertakes to cancel that legal title for fraud he must allege wherein the fraud exists, and the burden will be on him to prove it. Then if he finds the title in a subsequent purchaser he must connect that purchaser with the fraud or knowledge of it before he can be divested of title.

The Government can not in conscience—if it had the power—go further in dealing with its own citizens than in equity and good conscience one citizen would be allowed to go in dealing with another citizen. It can through its legislative department simply administer equity, and it is not relieved from that rule when it is one of the parties, but should all the more carefully observe it. If an individual embark in an enterprise of that sort he would be required to give bond to indemnify the defendant in case of failure, and as the owners of these lands have no remedy against the Government we ought to be more careful not to inflict them. Now, then, these two bills are before us as remedies for the evils growing out of these immense stretches of land, and at this point I desire to quote from the report of the majority, which I had the honor to prepare and submit by instructions of the committee, as follows, to wit:

House bill No. 9854, introduced into the House May 7, 1888, by the chairman of your committee, Mr. HOLMAN, proposes to repeal all of said granting acts and forfeit all rights accruing or claimed under them, excepting only such specific lands as shall have been conveyed to settlers or occupants for the purpose of using or improving them, upon payment of compensation in good faith therefor by either of the several corporations upon which said lands were respectively conferred by the State of Oregon, or by some subsequent grantor of said land grants from said companies, not exceeding in any case 1 section in quantity. This bill is also before the committee by reference of the House.

These are the two bills before the committee as remedies for the evil complained of.

The paramount object of Congress in the proposed legislation ought to be, and doubtless is, to protect the rights of the Government so far and no farther as that can be accomplished honestly and honorably, and with fair dealing towards these several groups of claimants.

To ascertain what lands are severally held by these groups of people should, in the opinion of the majority, be the first, not the last, step in the proceedings; who are guilty and who are innocent, before punishment. And if there are people holding portions of these lands by indefeasible title, for the Government to make an onslaught upon and destroy the evidence of their title, and drive them to suits to re-establish title and then make the Government officer obstruct the suit, and bring in upon them a multitude of other vigorous claimants, it does seem like punishment, cruel, if not wicked, when all questions can be settled without trouble or even hardship.

Each of the several granting acts provides that when 10 miles of the road shall have been finished, 30 sections may be sold, and further on in this report reference will be made to the evidence, showing that some of the 10-mile stretches were actually finished according to law, and the lands opposite sold, and no subsequent fraud could attach to such title.

This provision in each of these granting acts clearly indicates that Congress did not expect a great corporation, with large means, to build the whole road before realizing from the lands, but did intend to put it within reach of smaller companies or individuals in that new country, and therefore authorized the constructors of the roads to sell the lands when 10 miles should be completed. Sales could not be made without purchase, and this law was in its terms an invitation to purchasers to invest.

Need I say to lawyers that, however steeped in fraud the original transaction, subsequent purchasers in good faith, without notice and for value, will not be affected by the original fraud.

It is a doctrine older than the Government that such persons take, free from fraud, of original grantees the original conveyance. It was applied in the case of Colorado Coal and Iron Company against The United States (123 U. S., 307), at the October term, 1887, in which the court say (page 313):

It is fully established by the evidence that there were, in fact, no actual settlements and improvements on any of the lands, as falsely set out in the affidavits in support of the pre-emption claims and in the certificates issued thereon. This undoubtedly constituted a fraud upon the United States sufficient in equity as against the parties perpetrating it, or those claiming under them with notice of it, to justify the cancellation of the patents issued to them, but it is not such a fraud as prevents the passing of the legal title by the patents. It follows that to a bill in equity to cancel the patents upon these grounds alone the defense of a bona fide purchaser for value without notice is perfect.

In United States *vs.* Minor (114 U. S., 233, 234) the court say:

Where the patent is the result of nothing but fraud and perjury, it is enough to hold that it conveys the legal title, and it would be going quite too far to say it can not be assailed by a proceeding in equity and set aside as void if the fraud is proved and there are no innocent holders for value.

This language is quoted as authority (Colorado Coal Company *vs.* United States), and the court follows that by the following language:

It is, indeed, an elementary doctrine of equity that where a grantor has been induced by fraud to part with the legal title to his property he can not reclaim it from subsequent innocent purchasers for value. (123 U. S., 314.)

The extent to which the charges against these grants go is, that the Government was shamefully defrauded in 1864 to 1867 or 1868, and that the Government did not find it out for many years; but on June 18, 1874, proclaimed to the world by public statute that the grants were all right and the title to the lands all right, and ordered patents to issue to whomever the State of Oregon had conveyed it to, and patents were issued for large quantities of those lands, and quantities of the lands were sold after that again. Several years later, some time between that and 1881, it dawned upon this Government that it had been more or less swindled, and now, in 1889, the Government can not honorably and justly destroy vested rights that have accrued in pursuance of its own acts to its own citizens.

It is claimed that these frauds were so glaring that people could not be innocent purchasers. And yet the United States Government, with Senators and Representatives in Congress from Oregon all those years, did not know it, but took occasion to publicly proclaim the contrary in 1874 by said statute. The State of Oregon, with representatives and senators in her several Legislative Assemblies during those years from all parts of that great State crossing these roads to get to the State capital, made its first utterance on that subject by memorial to Congress in 1885. In the mean time these lands had been bought and sold, in some instances descended to heirs and the heirs sold again to others, and all these people had not discovered that the Government and the State of Oregon had been swindled out of these strips of land extending across that great State, and yet want to arbitrarily destroy titles because purchasers in California did not know it. It would seem but justice that these purchasers should have a day in court, the only tribunal known to our law competent to ferret out all the circumstances that may constitute fraud and what is notice of fraud in any case and deal justly with each individual. The opponents of the Senate bill and the advocates of the absolute-forfeiture bill claim that the frauds were so palpable and glaring and notorious that purchasers were bound to know and take notice of it. And yet the State of Oregon convened her Legislature year after year and its members had to cross these wagon-roads in going to and from the capital; sent its Representative and two Senators to Congress; Congress itself considered the matter of these land-grants in 1874; said they were all right, and issued patents, and it never got into the heads of the Oregon people, nor Congress, nor the President, nor the Interior Department, until 1881, when a multitude of settlers flocked out there in view of a prospective railroad and wanted these lands, and Congress wants to rise up in its indignant wrath and say to those purchasers, "We will sweep the evidence of your titles from the statute-books and take your lands and not wait for a trial in court according to the constitutional mode, because you did not know more than Congress and the President and the Secretary of the Interior and the governor and Legislature of Oregon."

No man can examine this evidence and deduce from it that all these lands can be forfeited—others may be. What then is the duty of the Government, who held out inducements to people to go there and buy lands and gave them titles and confirmed some at least? Why, it seems to me clear that it ought to do what an honest man would do—when he had given out titles to land—go into court itself and clear up the confusion, and get such lands as he was entitled to and confirm the title of those that honest people own—and the whole controversy will be speedily and quietly and properly settled, in one suit perhaps. That is the object and purpose of Senate bill 1939.

The House bill No. 9854, if it shall become law, will start by wiping out the evidence of all the titles to all those lands, the honest and dishonest owners alike, except settlers and occupants. This is to be done on evidence taken by agents of the Land Department, which, however fairly done, was taken in mass and not in individual cases—those who had notice and came before the agents were heard; but there was no attempt, and could not be, in the scope of their authority, to ascertain and notify each owner or claimant and get his witnesses for him. The object of that commission was to get general information to show the Congress that it ought to act, and was so treated and used by the Interior Department.

The House bill undertakes on this evidence, taken in that hurried and general way in 1888 to overturn titles that really passed from the Government twenty years ago on evidence then taken on the ground by respectable authority and of credible witnesses; and then, after twenty years have intervened, with their effacing effects on land and memories; and that, too, without opportunity to the owners to have their day in court to show what may have happened in the vicissitudes of those eventful twenty years, and to test the credibility of witnesses as to character, memory, prejudices, and interest.

The destruction of titles by arbitrary edict upon *ex parte* evidence, and without the owner being allowed a trial, and without notice even, is not in keeping with our institutions.

The Government can not afford to say to these people, "We will destroy by arbitrary edict your title that we induced you to purchase and pay for and issued the patents, and then let you re-establish it by expensive lawsuits, which we will obstruct, and require you to prove your title, because it is cheaper to the Government;" but rather say to these people, "We held out inducements to purchasers of these lands, but frauds have been perpetrated and we will first ascertain which of

you participated in the frauds, and forfeit your lands at your costs, and will ascertain who are innocent owners and dismiss the suit as to them without cost to them."

1. It is fair and honest and will inflict no hardships.

That is what the Senate bill is intended to do, if it becomes a law.

2. It will quietly and peaceably proceed to determine, by judgment of the courts, the rights of citizens to lands claimed by them, and when that shall have been done the forfeited lands can be settled by homesteads settlers, and those who are bona fide owners will not be harassed with expensive suits to establish their titles wrongfully and oppressively destroyed.

3. The quieting of the titles to those lands—a result so ardently desired—can be speedily and quietly accomplished without injury to any one.

To pass into a law House bill No. 9854 will subject the Government to the just criticism of trampling upon the rights of its own citizens without a trial. Again, from the great anxiety for lands that is known to exist in the Northwest we may expect that the population there will presume that Congress acted intelligently, and they will rush in and occupy these lands and make improvements on them, only to be ejected after years of expense and vexation and hate—engendering suits at law, in case the present owners shall establish their claim to the land; and even if the present owners should fail in the end, they will not rest under these summary proceedings until they shall have made a vigorous and prolonged effort, which will be a great wrong on settlers and citizens, and will produce a very undesirable state of society in those extensive localities.

A government should never give out her titles upon which a doubt rests, and no lawyer who has examined this evidence will claim that the validity of this bill is free from doubt when it is tested by the Constitution. It is the policy of t. e Government to discourage litigation, and it seems not unfair to predict of this measure, if it shall be enacted and approved, that it will be prolific of harmful litigation; whereas all the possible good that can come of it can be accomplished by the Senate bill far sooner without incurring the dangers and delay and suits that seem to hang around the House bill.

There seems to be no reasonable urgent demand for such summary and hasty action, likely to result in so much harm and delay. If the Senate bill becomes a law the suit will be instituted at once, and that will be notice to the world, and no lands can be sold except subject to the rights of the Government.

I believe, therefore, Mr. Speaker, that justice to the Government in its present attitude as to these land grants and to the owners and settlers of these lands, as well as good faith and sound policy, demand that the Senate bill do pass the House, and that House bill 9854 lie on the table.

Refund of Direct Tax.

SPEECH

OF

HON. HILARY A. HERBERT,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 11, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861—

Mr. HERBERT said:

Mr. CHAIRMAN: In 1861 Congress, for the purpose of carrying on the war, imposed upon the people a direct tax of $20,000,000. This tax, according to the provisions of the Constitution, was distributed so much to the people of each State, according to population as shown by the last preceding census. All the Northern States paid it. It was subsequently collected from the people of South Carolina, and a portion of it due from some of the other Southern States was also paid in. But from most of the other Southern States it has remained uncollected ever since the close of the war, now twenty-three years. No effort was ever made after the war to collect from these States the sum (about $2,500,000) still claimed to be due from them. Previous Congresses have seemed to think that other burdens imposed on these States more than satisfied these claims.

But now there is a surplus in the Treasury, and this bill proposes to take from that surplus about $17,500,000 and divide it out among the States which paid that tax on the plea that they are in equity entitled to have it refunded. This is urged on the ground that the law of 1861 in terms applied to all the States, as well those which had attempted to secede as those which remained loyal to the Union. So did every other law imposing taxes. The stamp law, and the income-tax law as well, applied to all the States alike. There has never been any proposition that I know of to refund to the States which paid the income tax, or to the States which paid the stamp tax, during the time the laws of the United States were practically inoperative in the seceding States, any portion of the amounts so paid by the people of the loyal States and not collected from the inhabitants of the seceding States.

Now, can any reason be given why the income tax should not be refunded or why the stamp tax should not be refunded just as well as the direct tax? On what ground do gentlemen say that under the Constitution there is power to refund this tax? The only argument I have heard made on that subject is the assertion by the gentleman from Ohio [Mr. SENEY], who spoke this morning, that the power to tax implies necessarily the power to remit, and that the power to remit implies also the power to refund the tax, when it is inequitable for the Government to retain it. I have heard no other argument. If that argument be sound then it can only go this far: that in order to prevent injustice, in order to prevent inequality, the Government must retain the power to refund. I think the gentleman from Ohio himself will not contend that his argument would carry him beyond that proposition; and if it does not, it can not sustain the bill now before the Committee of the Whole, for this bill certainly works more inequality, more injustice, than would be suffered by allowing the *status quo* to remain. Under existing circumstances, if this sum of $17,500,000 should remain in the Treasury, it is there to pay per capita for every inhabitant of the United States to whom this money properly belongs a certain portion of the debt of the Government, and it would pay upon that debt about 27 cents for every inhabitant.

I ask gentlemen from the West to listen to me while I give them the figures showing what will be the effect of this bill. When this direct tax of $20,000,000 was imposed it was apportioned not to the States as such, not upon the States at all, but among all the people of the United States. Under the government of the confederation, the government under which the people of the United States lived from the days of the Revolution until the adoption of our present Constitution in 1787, taxes were apportioned to the States; the States collected and the States paid over the taxes to the General Government; that General Government had no right to tax the people directly; but under our present Constitution there is no power to tax a State as such, and this act of 1861 did not intend or purport to do anything of that kind. This was a direct tax which, according to the rule laid down in the Constitution, was to be apportioned among all the inhabitants of the United States according to the last census enumeration. That rule was imbedded in the Constitution for the purpose of securing equality. Now, this $20,000,000 distributed among 30,000,000 inhabitants, according to the census of 1860, which furnished the apportionment, would be, if distributed per capita, a tax of 66 cents upon every inhabitant of the United States. This tax was imposed upon the people, or rather upon their lands, in the proportion of so much for each person.

Now, sir, if the power to refund that tax exists as incident to the power to lay the tax, the refunding, as I have intimated, must be by a law which refunds in like manner and in equal proportions to the inhabitants of the several sections of the Union the same tax which was laid upon them; in other words, it must operate with something like equality.

I have had prepared some figures showing how much per capita the present inhabitants of the several States which are to be the beneficiaries will get under this bill. These figures have been made with reference first to the census of 1880. I wish to show first how much each inhabitant of these favored States would get if that census of 1880 represented truly the present population of those States. But there have been great changes since 1880. So I have made a second calculation, by which I attempt to arrive at the actual present population of some of these Northeastern and Northwestern States. I do this by taking the votes in those several States at the recent election and multiplying in each case by five, estimating, as we safely may do, that there are five times as many people as there are votes cast.

Let me have the attention of gentlemen here who represent Western States, especially those States which have grown to power and importance since this tax was laid and collected. Here are the figures. According to the census of 1880 the State of Illinois, if this bill be passed, will receive for its people per capita 37½ cents. But I will omit the fractions. The State of Indiana will receive 45 cents per capita, Iowa 27 cents, Kansas 7 cents, Maine 64 cents, Massachusetts 45 cents, Nebraska (let me call the attention of the gentlemen representing that State to these figures) will receive 4½ cents for each inhabitant under the census of 1880, New Hampshire 62 cents per capita, and New York 51 cents. According to the population of to-day the inequality will be still greater. Illinois would get 30 cents per capita, Indiana 33 cents, Iowa 22 cents, Kansas 4 cents, Maine 65 cents, Massachusetts 47 cents, Nebraska 1½ cents. But that is the way in which you propose to distribute it.

A quarter of a century ago these taxes were imposed—66 cents per capita upon all the people of the United States. Now, in 1888, twenty-seven years later, because the Treasury is full, a bill is offered here, and is sustained by the gentleman from Ohio on the ground, as he puts it, that it will work equality—a bill that pays to the inhabitants of the State of Nebraska 1½ cents per capita and to the inhabitants of the

State of Maine about 65 cents per capita. And let me say to my friend from Iowa who advocated this bill that his State will get, for the benefit of her inhabitants, 22 cents per capita, whereas other States will get 45 cents, and some even as high as 65 cents per capita. Is there any equality or justice in this? You have the power, as it is claimed, to go to the Treasury and by law make a donation for the purpose of equalizing, and this is the result! If you allow this money to stay in the Treasury it will, as I have said, pay 27 cents per capita for every inhabitant of the United States on the public debt. Take the sum carried in this bill and divide it by the number of inhabitants of the whole United States and you have 27 cents. That is the interest each inhabitant of the United States has in this money.

Is it better for the people whom the gentleman from Iowa represents that we should pay 22 cents a head to them or allow this money to remain in the Treasury? Is it better that the gentleman from Nebraska should carry 1½ cents a head to his constituents or to go home and tell them he left it in the Treasury of the United States, where it belongs, and where it represents to them as a debt-paying fund 27 cents per capita?

But, Mr. Chairman, I know very well that argument is useless. A majority of the House are determined to pass this bill. Nothing but a Presidential veto can prevent it. It proposes to take money out of the Treasury and distribute it among the Northern States. Only about two Southern States will get any considerable share in this plundering of the Treasury. The money is, the bulk of it, to go North and the States which are to share in the division have the votes on this floor to pass it. If you are to do it, let me ask in the name of justice that you pass at the same time the amendment proposed by my colleague [Mr. OATES], a member of the committee to which this bill was referred.

That amendment proposes that while you refund to the States the direct taxes paid by their people you refund at the same time the cotton tax to the people who paid it. The direct tax you gentlemen all admit was constitutionally laid. The only ground on which it is proposed to refund it is that of inequality. You say it bears unequally because while it was laid equally on the people of all the States it was paid only by a part of the States. The others escaped.

That seems plausible on its face, but how much more plausible, how much more reasonable is the case of those who paid the cotton tax? The direct tax was paid by people who were able to bear the burden; the cotton tax was paid by people prostrated, bankrupted, ruined by a war which devastated their lands, revolutionized their social and their labor system. It left them in a plight so pitiable as to excite the commiseration of all mankind. The direct tax was laid equally and intended to be fairly and justly apportioned among all the people.

The cotton tax never was fair, never was equal, never was just. On the contrary, it was so unfair, so unequal, so unjust that when a case was made to try it the Supreme Court was equally divided as to its constitutionality. On that Supreme Court bench there sat at the time no single judge whose sympathies had been with the South in its disastrous struggle with the North. The question before them was sectional in its character. It grew out of a law imposed upon the South, an unrepresented South, by a Congress elected from the victorious North—a Congress composed of men still exasperated by the war, for no other than just such a Congress would ever have passed a law so partial, so cruel, so unjust. And this Supreme Court so composed, sitting at a time when the fires of sectional hate had not yet died out, this court was unable to say that the law was constitutional. Its members were equally divided. They could come to no conclusion, and so the case of Rolfe *vs.* Sanders was affirmed by a divided court. Now, sir, since the passions that stirred men's souls in those days have, or ought to have, died out, I desire to appeal to the calm, sober sense of this House and ask for justice, first upon the ground of constitutional right.

I undertake, sir, to maintain that the cotton tax was unconstitutionally laid for two reasons. In the first place it was not uniform. There are only two classes of taxes authorized in the Constitution; one is the direct tax, and the rule laid down in the Constitution is that such a tax should be laid per capita. The other is excises, imposts, and duties, and these the Constitution declares must be uniform.

It is said the cotton tax was an excise tax and that it was uniform because laid on all the cotton wherever found in the United States. But it is well known that cotton can not be grown anywhere except in the southern portion of this country. It is not like tobacco that is grown in Virginia, Connecticut, Wisconsin, and Alabama. It is not like the tax on a manufactured article. An excise on a manufactured article is one which the manufacturer may assume or not. He may manufacture or not as he sees proper; but a tax on cotton is a tax upon the only industry by which the people of the Southern States can live. They have no choice; they must grow cotton, and the tax is directly on that. Never during the whole war, although this Government was in great stress for money, did it lay a tax on wheat or oats or on any other agricultural product. I have had the question examined, and there never was a dollar of tax raised on any agricultural product, unless it was on tobacco. Even then the tax was not on raw tobacco, but only on the tobacco when manufactured. Not only is it true that there never was in this country, even during the war, any tax on any raw agricultural product except cotton, but there never was any tax on any other product of the soil except on coal and petroleum. For a little while coal and petroleum were taxed, but they are not the products of any section exclusively.

But suppose I admit that coal and petroleum stood on the same ground as being raw products of the soil. If they were alike why were they not treated alike? Why was it that after the close of the war, in July, 1866, the tax was taken off of coal and off of petroleum and still left upon cotton? Let gentlemen look at the record. It was during that month of July, 1866, that a general tax bill was brought into the House of Representatives, and Mr. MORRILL, who reported it, said in explaining it that the purpose was to reduce taxation by $75,000,000, and Congress passed that bill and reduced taxes by that amount. But in that very same bill that reduced taxes for other people, the tax on cotton was increased from 2 cents to 3 cents per pound.

Mr. Chairman, that was not all. That very same act declared in express terms that there should be no drawback on cotton. The Constitution forbids any tax on exports. Carrying out the spirit of this provision and in order not to tax exports either directly or indirectly the uniform rule of legislation has been—a rule departed from only in one or two instances of hasty legislation influenced by the late war—to allow drawbacks on all exported articles; and the exporter of every other article from that month of July, 1866, down to this hour has been allowed a drawback at the custom-house of an amount equal to the internal-revenue taxes paid; but it was expressly stated in that act that there should be no drawback on cotton.

This is a direct and palpable violation of the provision of the Constitution that there shall be no tax on exports. The gentleman from Illinois [Mr. HOPKINS] said it was not a tax on exports, because the cotton might be consumed here and manufactured. He knows, and everybody knows, that three-fourths of the cotton made in the United States is exported. It is made for exportation. The price abroad regulates the price here. I said that the law expressly declared that no drawback should be allowed, but I stated the case too broadly. A drawback was allowed in one case, and that exception makes the law still more palpably unjust. Just mark this. Will gentlemen give me their attention. The manufacturers of that cotton, on exporting the article they manufactured, were allowed to draw back a tax they never paid. The law made the cotton liable to the tax in the hands of the producer. He was to pay it on removal. If he did not pay it his merchant was to pay it for him. The charge was on and and the tax came out of the farmer. Then the manufacturer was allowed to draw back—mark the words—to draw back the tax that had been paid by another.

But the enormity and the iniquity of the thing did not even stop there. Wherever an excise duty has been imposed heretofore by the Government there has been a tariff duty placed upon the importation of the same commodity into the United States to protect the citizen in the payment of the excise tax as against the foreign producer or importer. But at that time, in the year 1866, when this tax was levied upon cotton, cotton was allowed to be and was imported into the United States at 2 cents a pound. Over 15,000 bales of cotton were imported at 2 cents a pound during the year 1866; and at that time this law imposed upon the owners and producers of the cotton at the South 3 cents a pound, and did not give them the right to drawback when exported, but did give the drawback to the manufacturer.

"Drawback"—what is the meaning of that? Why a drawback means to draw back something that you have once paid out or given away. I would like some gentleman who favors or believes in the constitutionality and justice of this law to invent a term to fitly characterize that provision which permitted the getting back by one man of what was paid out by another.

The gentleman from Illinois undertakes though to justify this upon the ground that the Southern States were in rebellion. You say that by attempting to secede we sinned—and sinned grievously. I say, Mr. Chairman, that most grievously have we answered for what we did, whether it was wrong or not. It has been said in this debate that though the courts denominate the war a rebellion, yet on account of it little or no punishment has been inflicted upon the people of the South. Do gentlemen who speak in this manner really understand what they say? Look at the facts. We lost four million of slaves, worth $500 a head, amounting altogether to $2,000,000,000. The money indemnity paid by France to Germany, the greatest money indemnity for war, I believe, of which history makes any record, was only half of that sum.

We were left, as the gentleman from Mississippi [Mr. ALLEN] has said, without horses, without cattle, without any means whatever even to make a crop. That gentleman has given you a lively picture of our condition. I give you figures. The lands in the ten Southern States which did not pay the tax, according to the census of 1860, were valued at $1,657,000,000. In 1870 these same lands were valued, according to the census of that year, at only $848,000,000, making a loss in value of the lands, a loss resulting from freeing the slaves, of $809,000,000. When you add this sum to the value of our slave property and then remember that we fed in large part the great armies of the Union that were devastating our soil, and then add the value of cattle and horses taken and houses burned, and the loss in money to the South fully equaled the enormous sum of four thousand millions of dollars.

Now, Mr. Chairman, no constitutional lawyer can undertake to jus-

tify, as the gentleman from Illinois [Mr. HOPKINS] seems somewhat inclined to do, the imposition of unequal taxes on the South in 1865 and 1866 on the ground that prior to that date we had been engaged in a war against the Union. That war had ceased. We were living under the Constitution. We were entitled to its protection. And even if we had not been at peace no law of attainder, no law of any kind, could itself constitutionally impose punishment. If gentlemen claim we had committed treason, then we were subject to trial in the courts. We were entitled to fair and impartial trials before juries of our countrymen.

The very purpose of those grand rules of the Constitution, that direct taxes should be according to population, and that all other taxes should be uniform, was to prevent just that kind of legislation that should have punishment for its object in laws imposing taxes. No matter how much wrong may have been done by a citizen or by a section, no matter how much prejudice may exist, no matter how well founded it may be, the citizen who is subject to our laws is entitled to the protection of the Constitution—the shelter of these rules.

Now, gentlemen, this argument is not for the purpose of complaining about the results of the war. I am not here for that purpose. We made the fight. The world says we fought bravely. We accept the result without a murmur.

But let me ask you to look back at those times, glance over the whole field, and then answer the question: Why was not that direct tax collected out of the non-paying Southern States after the war had ceased, after the authority of the Union had become supreme? Why was it not collected in the year 1865? Why not in 1866? Why not in 1867? In a word, gentlemen, why has it been allowed to remain uncollected for now nearly a quarter of a century?

It was not collected because Congress did not find it in its conscience to insist upon its payment.

I think I have shown that this cotton tax was unjust. I believe I have demonstrated that it was not only unprecedented in our history but unwarranted by our Constitution. I know it must appear to every right-thinking man that it was a hardship. Now, of that tax the people of Alabama, the State I in part represent, paid $10,388,000. Her population in 1860 was 964,000. It was not greater than this in 1865–'66. Her taxable property in 1870 was only worth $201,000,000. It was not greater than this in 1865–'66.

Now take and consider together the nineteen States, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Ohio, Indiana, Illinois, Delaware, Iowa, Kansas, Michigan, Minnesota, Nebraska, and Nevada. These nineteen States had in 1860 a population of 17,987,237. Their taxable property then amounted to $8,838,699,922.

The amount of direct taxes paid by all these nineteen States, which now they claim it was a hardship to pay and which they ask Congress to refund in this bill, was $10,176,446.29. The amount of cotton-tax paid by Alabama was $10,388,000, making about $212,000 more of cotton tax paid by 964,000 people than was paid of direct taxes by 17,987,000 people who, taken altogether, had forty-three times as much property as had the people of that State whose inhabitants this bill proposes to tax that these nineteen States may enjoy the benefit of a distribution of a portion of the Treasury surplus.

Mr. Chairman, the bill is to pass this House. The fiat has gone forth. In the name of justice and equity let the amendment be put on to refund the cotton tax. The direct tax was constitutional. The cotton tax was unconstitutional. Will you, can you refund the one and at the same time retain the other?

Naval Appropriation Bill.

SPEECH

OF

HON. HILARY A. HERBERT,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES.

Thursday, February 28, 1889.

The House having under consideration the report of the committee of conference on the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes—

Mr. HERBERT said:

Mr. SPEAKER: I now ask unanimous consent that all general debate upon this report and amendments be closed at fifteen minutes before 4 o'clock to-day, the time, including that already consumed in the debate, to be equally divided between the opponents of the report and those in favor of it.

Mr. MCADOO. May I ask the gentleman how long he proposes to occupy the floor?

Mr. HERBERT. I expect to get through in forty minutes.

Mr. MCADOO. I shall be compelled to object to limiting the debate unless I may be allowed the privilege of occupying fifteen or twenty minutes at least.

Mr. HERBERT. I will limit myself to forty minutes in reply to the speech of the gentleman on the other side who has just taken his seat. He occupied an hour and a quarter.

Mr. MCADOO. I will want at least twenty or twenty-five minutes.

Mr. HERBERT. The time occupied in the debate is to be equally divided, so the gentleman will have ample opportunity of being heard.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The Chair will submit the request of the gentleman from Alabama to the House. Is there objection to closing the debate on this report at fifteen minutes before 4 o'clock to-day, the time, including the time already occupied, to be equally divided between the friends and opponents of the report.

There was no objection, and it was so ordered.

Mr. HERBERT. Mr. Speaker, I am a little surprised at the change of mind which seems to have come over my colleague on the committee, the gentleman who has just taken his seat. While he had some criticisms upon the new vessel, the Vesuvius, in the speech made on this bill when it was first reported from the committee two weeks since he was then very complimentary to the Secretary of the Navy. I read from page 1527 of the RECORD what the gentleman then had to say. After quoting from the Secretary, he said:

> I have adverted to this simply as a matter of historic justice and to enable me to congratulate with all frankness and candor the Secretary of the Navy, who has been alert, as I believe, in seizing upon the best ideas that have been presented, and to whose efforts in bringing about the administrative measures that have been requisite to produce this result the country is indebted.

To-day the gentleman takes the floor to make a political speech, arraigning not only the Secretary of the Navy, but the Democratic party as well. It has not been my purpose, sir, to enter into a political discussion at this late hour of the session, when we are so much pressed for time. The House will bear me witness that I have sought rather to avoid such a debate upon this bill, but I will not refuse to take up the gauge of battle the gentleman has thrown down. I welcome rather the attack he has made, for if there be any one point upon which the Democracy can proudly challenge comparison with its political adversary it is upon the administration of naval affairs. I defend the record of this Democratic House in refusing, as the gentleman says it did for years, to vote money for a Republican administration to build up a modern navy. It was during that period that Great Britain and France spent millions of money in building ships that have since been cast aside as useless. We have begun our new Navy with the experience of twenty years behind us. We profit now by the losses sustained by other nations. We avoid the mistakes they made in experimental ship-building.

How many millions of the people's money would Republican administrations have thrown away during that experimental era if Democrats had only been willing to vote the appropriations? Sir, no man can tell. It is matter of wild speculation. We can only guess how many millions they stood ready to waste on new ships by looking at the appalling sums of money they actually did expend in pretending to repair and keep afloat our old navy. Look at the facts and figures and let them answer the question. Was it wise for this House to distrust Republican management of naval affairs?

During the decade from 1866 to 1876, inclusive, Republican administrations expended on the Navy of the United States $234,000,000, or in round numbers twenty-three and a half millions every year; and yet during that time the Navy was going down from the proud position it occupied at the close of the war, when Admiral Porter said we were able to meet either the navy of France or England on the high seas, until it got into such a pitiable plight that the same distinguished officer said at the close of that decade that we had just "no navy at all." Was not that sufficient cause to inspire with distrust the Democrats on this floor and make them unwilling to vote money to be expended by a Republican administration for the rebuilding of a navy?

After that decade had passed another decade of Republican administration had almost expired before the Democracy came into power. Then in the beginning of the Forty-ninth Congress the Democratic House Committee on Naval Affairs, investigating the condition of things in the Navy Department, found that we had on hand, bought by a Republican Secretary of the Navy since the close of the war, without warrant or excuse, except a desire to expend corruptly Government money, nearly two millions of dollars' worth of timber; sailors' monkey jackets enough to last the Navy, at the rate they had been taken the year previous, for fifty years; boots enough to last, at the rate they were being consumed, for twenty years, and of sail cloth we had enough to give two sets of sail and a fore-topsail to every ship in the British navy. Were these things not calculated to inspire distrust? Sir, we had cause enough to hesitate.

But when a Democratic administration came in we did turn ourselves to the work of rehabilitating the Navy; and here the gentleman from Maine is really amusing.

In one breath he seeks to maintain that nothing worth exulting over has been done by this Administration, and in the next he makes a labored effort to prove that the Republican party is entitled to all the credit for everything that has been done during the last four years.

One charge he makes is that Secretary Whitney is slow, that progress is not sufficiently rapid, and to substantiate this he enumerates the ships which he says have been laid down, and undertakes to give those that are launched. Did the gentleman in giving his list say anything about the Petrel or the Bennington, which are building in Baltimore, and which are more than two-thirds completed? Did he say anything of the San Francisco, which is building at the Scott Works in the city of San Francisco? Did he say anything about the Newark and Philadelphia, which are being built at Cramp's yard in Pennsylvania? No, sir; not one word. In his carefully prepared speech he omits all reference to them in his efforts to show how few ships have been launched.

Then he institutes a comparison between the time it took to lay down and launch the Roach cruisers and the time Secretary Whitney took to lay down and launch the vessels he enumerated. The gentleman does not seem to see how inconsistent his argument is. He certainly must know that when the Roach cruisers were being laid down and built there was no law to prevent the importation from abroad of shafting and everything else necessary to complete a ship.

But the Forty-ninth Congress passed, and the gentleman from Maine claims—and I will advert to that hereafter—the credit of first proposing himself a law which provided that every part of our modern ships, hulls, engines, machinery, guns, and all, should be of domestic manufacture. So the case stands thus: Roach could and Roach did go abroad to those establishments already in operation to get his shaftings and whatever else was necessary for the completion of the vessels the gentleman speaks of. We were forbidden by law to go abroad for anything. We never desired to do it. But it was necessary to put up works in this country that could cast shafting for a first-class engine before the Baltimore's engines could be built and before the engines of the Philadelphia or any of those ships could be constructed, and the gentleman from Maine knows well enough that most of the delays that have been caused resulted from the very law that he himself boasts that he was the first to propose, and which he claims the Republican party is entitled to the credit of.

But, sir, let me now examine for a moment that claim the gentleman makes and show how shallow it is. The idea that we ought to manufacture at home everything pertaining to our new navy did not originate with the gentleman from Maine. Secretary Whitney was always of that opinion, and the Committee on Naval Affairs of this House were always in accord with him, both in the Forty-ninth and Fiftieth Congresses. We reported a bill in March, 1886, providing, as the gentleman from Maine has said, that everything going to make up these ships, the shaftings and all, should be of domestic manufacture, except in one contingency, which was that home manufacturers should be unwilling to contract at a reasonable price. What did that phrase mean in that act which was to be construed by that Secretary who was urging upon us the importance of domesticating in this country these industries necessary to the building of modern ships? What would be a reasonable price? Why, sir, of course it would be reasonable that a manufacturer should be allowed a fair compensation for the expense of erecting new plant and a fair price to cover the risk involved in the development of a new industry. This reasonable price—a price sufficient to cover all expenses and all risks—a majority of the committee were willing to pay; but if the demands of bidders should be unreasonable, then, in that contingency, the power was to be left with the Secretary to protect the Treasury—the power to go abroad and purchase in case a combination was made against the Government. It was not expected that the power would ever be used. It was simply to be lodged in the Secretary's hands to be held *in terrorem* over the home manufacturer; and everybody knew, who knew the sentiments of the Secretary of the Navy; everybody who had read his report knew, that if the bill passed in that shape he would in good faith so use it as to domesticate in this country the industries necessary to the building of first-class ships and first-class guns.

But the Senate saw proper, as the gentleman from Maine has said, to amend the bill we sent over to them by striking out this safeguard. The bill as amended and sent back to us provided absolutely and without qualification that everything should be of domestic manufacture, thus putting us absolutely at the mercy of home bidders. I, for one, consented to the Senate amendment with reluctance, because I foresaw what might be, and indeed what has been, the result.

There has been in one case, in the judgment of the Secretary, a combination between manufacturers, or at least an unreasonable demand, on the part of a company that was practically the sole bidder, a demand that never would have been made if the law had been as the House Committee on Naval Affairs originally proposed it should be. I allude to the bids for construction of tools for the plant for the manufacture of 12 to 16 inch guns at the Washington navy-yard.

When it became evident to the Secretary that there was no offer to furnish these tools at a reasonable price he refused to accept the bid; and, in consequence, a serious delay has resulted in the construction of that plant. If the Secretary had been armed with the power in the first instance to say "unless you offer to construct these tools at a reasonable price you can not have the contract," who can doubt that a fair contract with an American bidder would long since have been made? As it is, the hands of the Government are tied, and that is what the gentleman is boasting of as a Republican achievement. The Secretary has made another proposition for bids, but unless, from some unknown quarter, new competition shall spring up we are at the mercy of this bidder, and after all the delay may be compelled to employ him and let him fix his own figures. The gentleman is right welcome to all the credit he and his party are entitled to for this achievement.

Now let me pass on. The gentleman even has the audacity to claim for himself and his party the credit for all the bills that have been passed in Congress during the last four years for rebuilding of the Navy.

Is that claim well founded? I remember very well that when I first moved here, in March, 1886, from my seat, under the two-thirds rule, to fix a day to consider the first bill for an increase of the Navy, proposing two days for its discussion and consideration, that, although I had with me the great majority of my party, the resolution did encounter the opposition of some influential Democrats, including, as the gentleman has said, my friend from Indiana [Mr. HOLMAN]. But on the other side the resolution also encountered the vigorous opposition of the gentleman's colleague from Maine [Mr. REED], the acknowledged leader here of the Republican party. It was evident that if the day was fixed the bill would pass and Democratic ships would be authorized. So the leader of the Republican party criticised the resolution because it did not provide for consideration of the bill in Committee of the Whole. When I offered to amend in that particular he then objected that two days were not enough in which to consider the bill. The result was that, though the resolution had a majority in its favor, it failed because, by reason of Republican opposition, it did not receive the sanction of two-thirds of the House. If I mistake not, I made two unsuccessful efforts to get up the bill before I finally succeeded. But in that first session of the Forty-ninth Congress we did finally pass a bill to increase the Navy. We thus made a beginning.

But the gentleman boasts that the Senate at one time added for increase of the Navy on a House bill $20,000,000. So they did. But when did the Republican Senate make this liberal appropriation of which the gentleman now boasts with so much pride? Was it when I and others were making such an effort in this House during the first session of the Forty-ninth Congress to rebuild the Navy? Oh, no; so long as it was a doubtful question here, with opposition on the one side and on the other, whether any bill would ever get through, so long as it seemed likely that the Democrats would fail to pass through a Democratic House a bill to authorize new vessels, not one step was taken in the Republican Senate. It was well understood around these corridors and in this and the other wing of the Capitol that if the Democratic House should fail in this matter the responsibility would be on the Democratic party. We were to get no help from a Republican Senate.

But the first session of the Forty-ninth Congress had expired, and during that session we had passed a bill to construct new vessels for the Navy. We, the party in control, had demonstrated that we could pass such a bill here. At the next session we put upon our appropriation bill as it passed the House $12,784,726 for increase of the Navy. This included money for docks, ships, gun steel, armor, plant for navy-yards, and plant for gun-manufacturing. It was as much as the Secretary estimated for, as much as could be used economically and advisedly. Had the Republican Senate shown any disposition to aid those of us who in this end of the Capitol were struggling to increase the Navy during the first session of that Congress when we seemed to need help? Oh, no, Mr. Speaker; but now on this second bill they dumped $20,000,000 in addition to what we had already put there; more money, as they well knew, than could be properly expended or even pledged by judicious contracts in any one year. Why was it that in the preceding session they were not disposed to come to our help, and then why was it that the very moment it was shown that we were able to help ourselves they came over with an increase on the bill of $20,000,000 at one time?

Sir, it was simply because a Democratic House had shown that it was equal to the duty of the hour. Then it was that captious Republican objections to the consideration of Democratic bills for the increase of the Navy ceased in this end of the Capitol; then it was that a Republican Senate at the other end repented itself of its supineness during the first session of the Forty-ninth Congress; and now it sought to make amends in public opinion by proffering a needless and extravagant sum of money, which, of course, Senators knew the House would not consent to, and which, of course, we rejected. The policy of the House committee has been to appropriate money for the Navy as rapidly as it could be judiciously and economically expended. The art of building modern ships of war is new in this country. We must not only utilize the experience of foreign nations, but gain experience of our own. We want the very best possible ships, and here, if anywhere in the world of business, great haste would mean great waste.

I come now to the criticisms of the gentleman on the Yorktown. My recollection is very different from his. I was satisfied he was mistaken in the figures he gave, and while he was speaking I telegraphed to the Department, and here is the answer:

NAVY DEPARTMENT, *February* 28, 1889.

To H. A. HERBERT:

Telegram received. Yorktown's trial was not for speed, but for horse-power Neither the law nor contract has any requirement as to speed. If it had been a

trial for speed she would have been entitled by custom to smooth water, whereas her trial was at sea. She averaged, however, a speed of 16.4 for the four hours; maximum speed, 17.2.

Horse-power developed considerable above the guaranties.

T. D. WILSON,
Chief Constructor, U. S. N.

But the gentleman says the English ship Archer has made over 17 knots. That is true, but the trials of the Archer were made, if I am not mistaken, as Constructor Wilson says in his telegram the custom is, in smooth water. In smooth water I am satisfied the Yorktown can make over 17 knots. I know, too, sir, that the English ships of the Archer class have all given great trouble. It is difficult to keep them in running order. The Yorktown will in all probability prove to be, when fully tested, superior to the English Archers.

The gentleman compares the Yorktown with the Dolphin. What is the Dolphin? A despatch boat, that is all. A boat not intended for a cruiser, but simply a boat to carry messages. She was built for speed and nothing else, and her main battery is only one 6-inch breech-loading rifle. The Yorktown, only 200 tons heavier, has four 6-inch breech-loading rifles, four times the armament of the Dolphin. The Yorktown has an effective protective deck, the Dolphin has none. The Yorktown carries more than twice as much coal, has more than twice the endurance, carries more crew, and fully six times as much ammunition, and yet with all this additional weight she makes more than a knot and a half greater speed than the Dolphin.

Mr. Speaker, I must hurry, because this House is impatient at this late hour in the session, but I feel that I must take time to reply to the gentleman's comparison of the achievements of Secretary Chandler and Secretary Whitney. There is no task that can be more grateful to me.

When the charge is made against Secretary Whitney that he is slow I propose to let him defend himself, and he is able to do it. Here is what he says in his last report about the reasons that induced him to exercise caution. It was by proceeding cautiously that he has succeeded in deserving, and not only in deserving but in winning, the praise of the country. He says:

An examination of the condition of the Department in 1885 regarding the production of power by machinery showed clearly that the matter required most careful investigation and thorough consideration before entering upon new work. There were pending in March, 1885, contracts for the construction of the machinery of the double-turreted monitors Puritan, Terror, and Amphitrite. The contracts were entered into in 1883. Specifications were furnished by the Bureau of Steam Engineering. From an examination of the characteristics of the machinery of those vessels, as shown in the last table, it will be seen that the weight of the machinery as compared with the resulting power is as follows:

Vessel.	Weight of machinery.	I. H. P.
Puritan	1,260	3,058
Terror	516	838
Amphitrite	560	1,000

This machinery was at least a quarter of a century behind the age. Tested by the amount of power produced by it, and making allowance for nature of trial, etc., the best that could be expected would be an average of 2½ indicated horse-power per ton of machinery. At that rate, in order to obtain a 19-knot ship, the machinery would require the entire tonnage displacement of the ship.

An examination of the state of the art in 1885 led to the conclusion that the machinery of naval vessels ought to be so designed as to produce 10 horse-power for each ton of machinery; and it was determined to make that the standard, and to enter into no contracts that were not based substantially thereon.

So much for this spot of work of Secretary Whitney's predecessors, to which the gentleman from Maine did not allude. Now for the Roach cruisers, to which he did refer. That those Roach cruisers, the Chicago, the Boston, the Atlanta, and the Dolphin were laid down rapidly is true; and that they were laid down without due care is, I think, equally as true.

I ask attention to the following table, which was made out at my instance in the Bureau of Intelligence on the 22d day of August last. I refer to it first for the purpose of showing that the Roach cruisers were not up to the times in which they were built—that the Secretary under whom they were laid down or the board of officers designing them were at fault, one or both, in not taking more time to consider what was being done abroad and what ought to be done here.

Look at the comparison. The Roach cruisers were laid down in 1883. They were four in number. In 1882 the Esmeralda was laid down for Chili, the Severn for the British Government, and the Sfax and Milan for France. Now compare the machinery of these four foreign vessels with the machinery of the four Roach vessels. The Esmeralda, 2,920 tons' displacement, developed an average "indicated horse-power" of 6,282. The Severn, of 3,550 tons, had 6,385 indicated horse-power, while the Atlanta, of 3,000 tons, developed only 3,780 indicated horse-power, and the Boston, of 3,000 tons, developed but 3,348 indicated horse-power. The Sfax, of 4,488 tons, developed 6,400 indicated horse-power, while the Chicago, with 4,500 tons, developed only 5,080.

But a better method, and one which indicates more clearly the inferiority of the Roach cruisers, is to average the four foreign and the four American ships about which the gentleman from Maine is boasting, and see how many pounds of machinery in the Roach cruisers was required to produce a horse-power and how many in the ships that were laid down abroad in the same and a previous year. Making this calculation from the table, we find that abroad 258 pounds of machinery produced one horse-power. At home it required 414 pounds to reach the same result. Secretary Whitney, seeing these things, sent abroad and purchased plans of machinery, and he has required contractors to produce results similar to those achieved in foreign countries. Which is the better for the country, the haste of Secretary Chandler or the care and caution of Secretary Whitney? I insert here the table in full. I commend gentlemen to examine it carefully and see what there is in the comparison the gentleman from Maine has ventured on.

Relation of indicated horse-power to weight of machinery in ships of war.

Name of ship.	Nationality.	Date of contract.	Displacement.	Average indicated horse-power.	Weight of machinery in lbs. per I. H. P.	I. H. P. per ton weight of machinery.	Nature of trial.
			Tons.				
Dolphin	United States	1883	1,500	2,253	403	5.56	Six hours.
Boston	do	1883	3,189	3,780	393	5.70	Do.
Atlanta	do	1883	3,189	3,348	445	5.03	Do.
Chicago	do	1883	4,500	5,080	417	5.38	Do.
Baltimore	do	1886	4,400	9,000	224	10.00	11.95*
Charleston	do	1886	3,730	7,000	227	9.87	10.57*
Newark	do	1887	4,083	8,500	224	10.00	10.15*
Philadelphia	do	1887	4,400			10.50	12.00*
San Francisco	do	1887	4,083			10.50	12.00*
Yorktown	do	1886	1,700	3,000	239	9.37	10.30*
Petrel	do	1886	890	1,100	265	8.45	10.00*
Concord	do	1887	1,700	3,400	224	10.00	10.30*
Bennington	do	1887	1,700	3,400	224	10.00	10.30*
Esmeralda	Chilian	1882	2,920	6,282	247	9.07	
Severn	English	1883	3,550	6,335	195	11.49	
Sfax	French	1883	4,488	6,400	341	6.56	
Milan	do	1883	1,550	3,880	250	8.96	
Surprise	English	1884	1,400	3,018	262	8.55	
Naniwa	Japanese	1884	3,730	7,510	210	10.67	
Panther	Austrian	1881	1,550	6,984	176	12.73	
Dogali	Italian	1885	2,050	8,045	168	13.33	

* I. H. P. expected.

R. P. RODGERS.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Office of Naval Intelligence, August 22, 1888.

Here is another table I had made at the same time. It compares the Roach cruisers and the Whitney ships, their estimated displacement, weight of machinery, indicated horse-power, speed, and protection.

The Dolphin, of 1,485 tons, has machinery weighing 411 tons; the Concord, of 1,700 tons, has machinery weighing 340 tons. The Dolphin's 411 tons of machinery gets 2,240 horse-power; the Concord's 340 tons is to produce 3,500 horse-power. The Chicago, of 4,500 tons, with 930 tons of machinery, gets 5,084 horse-power and 16 knots speed, while the Baltimore, with 930 tons of machinery, is to get 10,750 horse-power and 19 or 20 knots speed, and the Philadelphia, of 4,324 tons, with 900 tons of machinery, is to get 10,750 horse-power and over 20 knots speed.

Here is the table. It compares all the ships. The comparison is made not by me, but by the officer at the head of the Bureau of Intelligence, who has made the figures officially.

Of course he did it at my request, for I thought it was barely possible the gentleman from Maine might invoke this comparison. Let gentlemen read and study these tables if they wish to know something of what Secretary Whitney has accomplished.

Comparative statement of relative power and speed of United States war-ships built or building since 1883.

Name.	Displacement.	Date of contract.	Weight of machinery.	I.H.P.	Speed.	Protection.
	Tons.		*Tons.*		*Knots.*	
Dolphin	1,485	1883	411	2,240	15.0	None.
Atlanta	3,189	1883	698	3,356	15.5	1½ inches.†
Boston	3,189	1883	698	3,780	14.9	1½ inches.†
Chicago	4,500	1883	930	5,084	16.0	1½ inches.†
Petrel	890	1887	130	1,350*	13.00*	¾ inch.†
Yorktown	1,700	1886	320	3,500*	17.00*	¾ inch.‡
Charleston	3,730	1886	710	7,500*	18 to 19*	2 to 3 inches.
Baltimore	4,413	1886	900	10,750*	19 to 20*	2½ to 4 inches.†
Newark	4,083	1887	850	8,500*	18 to 19*	2 to 8 inches.‡
Philadelphia	4,324	1887	900	10,750*	20 to 21*	2½ to 4 inches.‡
San Francisco	4,083	1887	900	9,500*	20 to 21*	2½ to 3 inches.‡
Concord	1,700	1887	340	3,500*	17.00*	¾ inch.‡
Bennington	1,700	1887	340	3,500*	17.00*	¾ inch.‡
Vesuvius	725	1887	247	4,000*	20 to 21*	
Maine	6,600	1888 N. Y.	.....	8,750*	17.00*	
Texas	6,700	1888 N. Y.	.....	8,600*	17.00*	

* Estimated. † Machinery and boilers. ‡ Complete.

Respectfully forwarded to Mr. HERBERT.

R. P. RODGERS.
Lieut. U. S. N., Chief Intelligence Officer.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Office of Naval Intelligence, Washington, August 22, 1888.

But, now, as to the Vesuvius, the gentleman returns to the charges he made against this vessel when this bill was first before the House, and he reads now from the statement of somebody who he thinks is an expert (I believe he did not give the name), a gentleman who says that the engine-rooms of the Vesuvius during the speed trial were like a Turkish bath. I can not conceive that the man who made a criticism of that kind can possibly have been an expert. If the gentleman from Maine himself will think for a moment he must know that during that trial they were taking indicator cards, as they are called, every few moments; that is, cards which indicated how much horse-power was being developed. In the engines of the Vesuvius there are eight cylinders. Each cylinder has two indicator pipes. Through each one of those pipes, before an indicator card is taken, it is necessary to blow in order to see that the steam passes through it perfectly clear. Of course, this blows out the steam. There are sixteen of these pipes. Through those sixteen pipes the air was blown continuously all the time the trial was being had, and that fact alone is enough of itself to account for the steam.

Mr. BOUTELLE. Who took those indicator cards?

Mr. HERBERT. Naval officers of the United States detailed by the Secretary of the Navy.

Mr. BOUTELLE. On board the Vesuvius?

Mr. HERBERT. Certainly.

Mr. BOUTELLE. Do you state that as a fact?

Mr. HERBERT. I state that these naval officers made a report upon the speed——

Mr. BOUTELLE. Do I understand the chairman to say that there was an engineer officer of the Navy on board the Vesuvius?

Mr. HERBERT. I have not said anything of the kind. I do not know whether there was or not.

Mr. BOUTELLE. Well, I make the statement in my remarks that there was not.

Mr. HERBERT. What I do say is that the inspection was properly done by officers competent to do it. The gentleman from Maine talked about an engineer officer. What has this to do with the point I am making that the steam in the engine-room came from the sixteen indicator pipes through which the steam was passing all the time? He certainly must have known that was the prime cause of the steam of which he complains; and now I ask him why he said nothing about it?

Mr. BOUTELLE. Do I understand the chairman to urge that these line officers were proper persons to take the indicator card?

Mr. HERBERT. I do say that the officers appointed were competent to take the indicator cards. I have their names here. They were William S. Cowles, lieutenant, United States Navy; Seaton Schroeder, lieutenant, United States Navy; Bradley A. Fiske, lieutenant, United States Navy—as intelligent and competent officers as can be found in the Navy.

Mr. BOUTELLE. But there was no engineer officer on board?

Mr. HERBERT. I do not know whether there was any officer of the Engineer Corps present or not. I have repeated that twice, but I will say it again if it is any satisfaction to the gentleman from Maine. This board, I say, was as competent a board as could have been assembled, and now let me go on with my answer to the gentleman's argument about escaping steam. Not only did this steam come from the indicator pipes, but it came also from the relief valves on the connection pipes. These pipes carry the steam from cylinder to cylinder. The relief valves are really safety valves. When the pressure is greater than the pipes are intended to bear they rise and let the steam escape. That is what they are for. That is the office they were performing, and performing well. To maintain the almost phenomenal speed the boat was making it was necessary to crowd on steam. That is what was done, and it was done with safety, because the valves performed well their intended office. They discharged the surplus steam. It appears that the gentleman's friend, whom he regarded as an expert, had never seen anything of that kind. If so, it was because he had never seen a well-constructed modern vessel. So much for that.

Then the gentleman talked about the spraying.

Why, sir, the spraying of cold water in little streams to keep cool certain parts of the machinery where the friction is greatest is part and parcel of the design in every modern high-power engine. It is specified in the contract for the Vesuvius, for the Baltimore, for every one of our fast vessels. There is not one of those fast ships that race across the ocean to-day in which sprays of that kind are not continually playing. The gentleman to whom my friend refers has perhaps never been across the ocean in one of these vessels; and yet it is upon criticisms of that kind that the gentleman from Maine relies to sustain him in this attack upon the Secretary of the Navy.

Mr. BOUTELLE. Will the chairman please state whether he has any information as to why there was no engineer officer on board at the trial?

Mr. HERBERT. I have answered the gentleman on that point. I hope he will not ask that question again.

Mr. BOUTELLE. I did not understand the chairman to answer that question.

Mr. HERBERT. Well, I have repeated the answer two or three times, and I do not think it is necessary to repeat it again.

Mr. BOUTELLE. I beg the chairman's pardon; I did not understand him.

Mr. HERBERT. Now, then, the gentleman makes another charge, a charge that would seem in some sort to reflect upon the motives of Secretary Whitney; and he makes this charge upon the authority of some anonymous person whom he sees proper to trust. When I ask him for the name of that person he does not give it. Here in this Congress an out-going Secretary of the Navy, who has received the praise of Republicans and Democrats alike in the press, in this House, and in the Senate, and of whom the gentleman himself not two weeks ago, as I have proven from the RECORD, spoke in high terms on this floor—this Secretary is to be defamed by an anonymous detractor. I shall not attempt to answer the charge. I simply denounce it as willful defamation—not on the part of the gentleman from Maine, for I admit such a statement has been made to him, and I admit further that he believes it——

Mr. BOUTELLE. I do.

Mr. HERBERT. For there is nothing evil of his opponents that he is not ready to believe on the very slightest possible amount of evidence. I never in my life saw a gentleman so easily convinced of any charge against his political opponents as my friend from Maine. I say this advisedly, for I know him well.

I do say that this is a charge brought here, nobody knows from whom, and nobody could be prepared against it. It is, so far as I know, entirely new, and so far as I believe, was manufactured by his informant out of the whole cloth——

Mr. BOUTELLE. Oh, you do not mean that.

Mr. HERBERT. I do say that whoever, skulking in the dark, undertakes to defame the honorable Secretary of the Navy, or to impute to him motives so contrary to the whole tenor of his life, ought to be denounced, and I do denounce him here as a calumniator.

Now, Mr. Speaker, I think I have answered in a brief and desultory way everything that the gentleman from Maine has said that seems to require an answer.

Oklahoma.

SPEECH

OF

WILLIAM S. HOLMAN,

OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 30, 1889.

The House being in Committee of the Whole and having under consideration House bill No. 10614, to organize the Territory of Oklahoma, and for other purposes—

Mr. HOLMAN being recognized by the Chair—

Mr. BAKER, of New York. I ask the gentleman to yield to me for a moment.

Mr. HOLMAN. I hope the gentleman will permit me to occupy the time now.

Mr. BAKER, of New York. Then I will follow.

Mr. HOLMAN. Very well. Mr. Chairman, the amendment I have offered is as follows:

That no provision of this act shall be construed to authorize the extinguishment of the Indian title to any lands in said Indian Territory which by virtue of any existing law would inure to the benefit of any railroad corporation or the title to which would vest in any such corporation on the extinguishment of the Indian title thereto or on the same being a part of the public lands of the United States; but all such lands shall be held by said Indians as tribes or in severalty, or shall be held by the United States in trust for the benefit of the Indians interested therein in pursuance with such agreement with such tribes in said Territory as shall be entered into consistent with this provision and in conformity with the several provisions of this act; but said lands shall not become a part of the public lands of the United States or inure to the benefit of or vest in any such railroad corporation or any assignee or mortgagee thereof. Any act done by any officer or agent of the United States or treaty contract or agreement entered into by any such officer or agent with any Indian tribe, in conflict with the foregoing provision, or which shall validate or give effect to any grant of land in said Indian Territory made to any railroad corporation, or shall tend to validate or give effect to any such grant or to any assignment or mortgage of any such land, shall be null and void, and this provision shall be construed as controlling any provision of this act that may be in conflict therewith.

The gentleman from Maine [Mr. REED] and the gentleman from Arkansas [Mr. MCRAE] both misapprehend the purpose of this amendment, and they both misapprehend the effect of this bill so far as it concerns these land grants. The state of these grants is simply this: In 1866 two grants of land were made to proposed railroads running north and south through the Indian Territory. Upon one line the road was constructed, the road now known as the Missouri, Kansas and Texas. That was completed within the time prescribed by law. The other road has not been constructed, and its right to enter the Indian

Territory depends on the further action of Congress. The titles of the acts granting lands to these corporations are as follows:

"An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River," approved July 25, 1866, and "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and Telegraph Line from Fort Riley, Kansas, to Fort Smith, Arkansas," approved April 26, 1866. The former railroad is the one completed in time and known as the "Missouri, Kansas and Texas Railroad."

Mr. WARNER. The Missouri, Kansas and Texas road does not run into what is known as Oklahoma.

Mr. HOLMAN. I am not now saying so; I am going to explain that hereafter.

The other road is not constructed; and the Government has not as yet authorized the corporation to enter the Indian Territory. Both grants are conditional. The ninth section of each of said acts is in the exact words following:

SEC. 9. *And be it further enacted*, That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act: *Provided*, That said lands become a part of the public lands of the United States.

On the 26th day of July, 1866, the Atlantic and Pacific Railroad Company was incorporated with a grant of lands extending from "at or near Springfield, Mo., to the Pacific Ocean." The grant apparently extended through the Indian Territory east and west 350 miles. Before Congress declared the forfeiture of this Atlantic and Pacific grant in the year 1886, as to the portion of the railroad not then completed, two events, as to that road, had transpired. First, the road had been constructed westward through the Indian Territory to the Arkansas River and was constructed through a portion of the land "not actually occupied" by any civilized Indian tribe.

Next, on the 20th day of April, 1871, Congress passed an act granting to this same railroad company the power to mortgage its road and franchises to secure bonds to be issued, and bonds to the amount of $30,000,000 were issued under the authority of that act. Both these grants running north and south and that running east and west involved just this state of things except as to the mortgage. That mortgage of the Atlantic and Pacific Railway Company is operative and the grant is operative when you extinguish the Indian title to that land and the land vests in the United States. As to the other two grants they are operative when the lands become "public lands of the United States."

Now, gentlemen will see the point involved. The only object of this amendment is to prevent these great strips of land from becoming "public land" of the United States and to prevent the extinguishment of the Indian title in such a manner as to vest title in the United States. That is the object of the provision. You can only secure these lands to actual settlers by not validating these railroad grants which I believe to be fraudulent.

Now, one word further. Under the circumstances connected with this mortgage it is claimed by the Atlantic and Pacific Railroad Company and by the mortgagees in Europe and America that the mortgage covers every acre of land in the Indian Territory of that grant coterminous with those 350 miles of completed and uncompleted road. That is their claim. It is claimed by the other roads that they are entitled to their land grants as soon as the land shall vest as "public lands" in the United States. In the case of one road the amount of land involved is said to be some 4,600,000 acres; in the case of the other two roads about 2,500,000 acres; in all, some 7,000,000 acres of land, the most valuable part of the Indian Territory. I am told that the road running east and west, and also the roads running north and south, do not touch the lands involved in this bill, but they may and will do so under the provisions of this bill, for it covers all lands "not actually occupied" by the civilized tribes.

Mr. HOOKER. I desire to inquire whether there was not ceded to those roads 40 miles, on each side of the road?

Mr. HOLMAN. Certainly; that is the claim of the Atlantic and Pacific; the grant to the other roads is specific, 5 miles in one instance, 10 in the other on each side of the railroad.

Mr. HOOKER. And bonds secured on these very lands to the amount of $14,000,000 are now held in Amsterdam.

Mr. HOLMAN. Will gentlemen listen a moment while I read from the pending bill? Let us see how far it extends. Let us not be deceived as to the effect of this bill.

And all that part of the United States included within the following limits—

With certain exceptions—

including what is known as the Public Land Strip, and including all that part of the Indian Territory not "actually occupied" by the five civilized tribes.

"Not actually occupied." I undertake to say that every one of these three roads, one of which is not yet constructed, passes through regions of country "not actually occupied" by the civilized tribes.

Mr. McRAE. When the gentleman states that the Missouri, Kansas and Texas road passes through lands not occupied by those tribes, I call his attention to the fact that, as the map clearly shows, the road does not go within 50 miles of the eastern line of the proposed Oklahoma Territory.

Mr. HOLMAN. I am not speaking of what is shown on the map. I am speaking of the facts and of the scope of the pending bill. If the gentleman would go through that region of country as I have done he will find any quantity of land not "actually occupied" by the five civilized tribes, not only east of the Arkansas, which is the western terminus of the Atlantic and Pacific, but also east of the Missouri, Kansas and Texas Railroad.

Mr. McRAE. It belongs to them, and is not covered by this bill.

Mr. HOLMAN. In express terms it covers the "unoccupied" lands of the civilized tribes.

Mr. HEARD. Will the gentleman allow me a question?

Mr. HOLMAN. Certainly.

Mr. HEARD. Does not the gentleman agree that the language to which he has referred means lands over which these tribes have no jurisdiction.

Mr. HOLMAN. Oh, no; lands "not actually occupied" is the expression of the bill. I undertake to say—and this matter has been submitted to the investigation of the ablest lawyers of the House who could be consulted—that if this bill passes in its present form there is reason at least to apprehend—I will use no stronger term—that each one of these land-grant railroad corporations will have at least a colorable claim to the great grants they claim were made to them in 1866, and it is the belief of good lawyers that the effect of the provision I now offer will be to prevent such a result—that instead of producing complications as to title it will have exactly the reverse effect. It will extinguish the claims of these corporations and secure the lands to the settlers.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. BRECKINRIDGE, of Kentucky. If I understand the second paragraph or clause of this amendment it renders void not only every act which may be hereafter done by any officer or agent of the United States——

Mr. HOLMAN. Under this act.

Mr. BRECKINRIDGE, of Kentucky. But also any act heretofore done, not under this act, but under any act, or under any treaty, contract, or agreement entered into by any such officer.

Mr. HOLMAN. Would the gentleman prefer to have the word "hereafter" inserted?

Mr. BRECKINRIDGE, of Kentucky. It seems to me there ought to be some modification of that kind as a matter of safety.

Mr. HOLMAN. I am willing to modify the amendment in the manner suggested by the gentleman. Let the word hereafter be inserted in the proper place. The acts to be done hereafter imperil these lands as against the actual settlers.

The CHAIRMAN. The gentleman from Indiana modifies the amendment in the manner indicated.

Mr. HOLMAN. I wish to say, Mr. Chairman, that as to the mere declaration of forfeiture contained in the fourteenth section of the bill and in the amendment of the gentleman from Arkansas, it is quite manifest that the forfeiture amounts to absolutely nothing. If the title to these lands vests in the United States, then the lands go to these corporations under rights already vested by the operation of the former laws and made operative by this bill, if it becomes a law, and which the Supreme Court will hold can not be divested by an act of Congress. You must prevent the rights from becoming vested in these corporations if you would save the lands for the actual settlers.

I wish to add but a few words: I do not offer this amendment in hostility to this measure. On the contrary, the main objection I have had to this bill from the beginning arises from the apprehension I expressed years ago to this House in a report I made in regard to this Territory, that this land, under provisions such as this bill as first drawn contained, which are still, in fact, in the bill, the pretended claims of these corporations would become vested, and I know that result ought to be prevented. I therefore urged that the lands should be held in trust and not become a part of the public domain. With the adoption of this amendment to the bill the main objection I have had to the measure is removed, and yet I sincerely regret that an open, honorable policy could not have been adopted of negotiating with these tribes for the surrender of their lands. The honor of the nation demanded this.

It would be a mortifying result if in this extraordinary struggle of our people to obtain possession of these Indian lands which were, by solemn treaties and patents attested by the great seal of the Government, more than half a century ago set apart forever for their residence, a large part of this fragment of land which our fathers gave them as the final remnant of their once imperial possessions, which they had defended with a courage equal to that displayed by the patriot warriors of antiquity whom the world never forgets to honor, should become the spoils of merciless corporations! Whatever sympathy may be felt for a heroic and crushed people, the fact still remains that it may be that injustice to them (and yet I can not believe it) is demanded by the general interests of mankind. But it would be mortifying indeed if it should be found that the faith of the nation had been broken, under the urgent demand for homes for our people, and yet railroad corporations which by ambiguous expressions of laws which they fabricated,

by legislative enactments which they secured by craft and fraud, shall secure a large part of the valuable lands we will wrest from these feeble remnants of the Indian tribes—that, if it shall occur, will humiliate the American people.

It is said in justification of the policy of this bill and against the measure I introduced more than three years ago at the instance of the President, which sought to open up this Indian Territory or a part of it to white settlement by honorable negotiation and without coercion, that the Indians do not use the lands and do not need them; but the same may with equal truth be said of the greater and more valuable portion of the public lands now held by railroad corporations without right, and which Congress still refuses to open up to the settlement of our people. These corporations speak a more persuasive language than do these friendless remnants of the Indian tribes!

Public Lands—Land-Grant Forfeitures.

SPEECH

OF

WILLIAM S. HOLMAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889.

The House having under consideration the report of the conferees of the two Houses on the disagreeing votes on the amendments of the House to Senate bill 1430, "to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads"—

Mr. HOLMAN said:

Mr. SPEAKER: In presenting this report and the statement accompanying it to the House, I wish to submit some remarks. For the first time in the history of this land-grant legislation a clear and direct issue has been made between the two Houses on propositions involving the entire scope of forfeiture of the railroad land grants within, or believed by the House to be within, the reach of Congressional action.

In all former attempts to declare the forfeiture of land grants the effort has been to declare the forfeiture of particular grants. No former effort had been made by the action of both Houses to cover the whole subject of land grants. The issue presented in the present Congress is that which I sought to present in the Forty-seventh Congress, when, on the 16th day of January, 1882, I introduced House bill No. 2878, to declare the forfeiture of all grants then subject to forfeiture, just before the period fixed by law for the expiration of the last grant had expired, that was the grant to the "Texas Pacific Railroad Company," the time for the completion of which expired on the 2d day of July, 1882, with no part of the road constructed.

That bill, although introduced in each successive Congress, was never reported on, but during the Forty-eighth and Forty-ninth Congresses bills declaring the forfeiture of particular grants were finally considered and passed where corporate rights did not intervene.

So the measure now pending is the first that has reached both Houses involving the whole system and seeking to restore to the public domain the lands in fact forfeited by the failure of the railroad corporations to comply with the laws under which the grants were made.

The issue presented is one that ought to arrest the attention of the country, but I am compelled to admit that for the present it will not. History will record the singular and remarkable indifference of the people of the United States to their "public domain" at a period when it was manifest that the enlargement of the number of freeholders and the securing of homes to the landless and homeless was of vital moment to the Republic. This state of things is the more remarkable in view of the powerful organizations of the laboring men of the country, the members of which, of all others, have an especial interest in this question.

But it is a fact that while the House of Representatives at the opening of the Forty-eighth Congress adopted rules which gave to bills declaring the forfeiture of land grants and securing the public lands to actual settlers high privilege in the House, comparatively little has been accomplished, and the remorseless and unpatriotic proceeding still goes on under which the public lands which ought on high reasons of public policy to be secured to actual settlers for independent homesteads in the main become the wealth of unscrupulous speculators, the estates of merciless monopolists.

This state of things in regard to a matter of great public interest is remarkable. It was not the result of general indifference by Congress, for it must be admitted that the records of this House since the opening of the Forty-eighth Congress, when the Democratic party resumed power in this House, show an unusual interest in this matter of the public lands. At an early hour of that House resolutions were adopted covering the question of public lands, not only as to the forfeiture of grants, but also declaring a homestead policy which should cover all land adapted to agriculture.

Th se resolutions expressed the earnest purpose of the House to declare the forfeiture of all railroad land grants that were subject to forfeiture and to secure to actual settlers all that remains of the public lands valuable for agriculture, and denounced the existing policy of permitting speculation in or the monopoly of the public lands, and gave the Committee on Public Lands the same high standing in the House as the great Committees on "Ways and Means" and "Appropriations," with the same right to report bills at any time and with the same right of way for their consideration. Such for the last six years has been the attitude of the House on the land question, covering the Forty-eighth, Forty-ninth, and Fiftieth Congresses.

It can not be charged on the House of Representatives that the interests of the people in the public lands have been neglected. Members of the House "in season and out of season" have pressed measures of reform. The time for the completion of the last land-grant railroad expired on the 2d day of July, 1882 (the Texas Pacific), with not a mile of that railroad constructed. In anticipation of that event, on the 16th day of January, 1882, I introduced House bill No. 2878, to declare the forfeiture of all lands granted to railroad corporations not earned within the time prescribed by law for their completion, and before this, on the 9th day of January, 1882, I had introduced House bill No. 2752, to secure all the remaining public lands adapted to agriculture to actual settlers under the provisions of the homestead law. This bill I had introduced in the House many years before, but it never had received consideration by committee or House. These two bills covered the whole domain of this great land question.

These bills were introduced in the Forty-seventh Congress, a Congress in which both House and Senate were Republican, and received no consideration, nor did any other bills seeking to secure the public lands to actual settlers or to forfeit railroad land grants. The whole subject of the public lands was ignored by the Forty-seventh Congress.

Since the commencement of the Forty-eighth Congress, when the Committee on Public Lands was given exclusive jurisdiction of the land question, including the forfeiture of land grants (a jurisdiction before that time divided between the Committee on the Judiciary, the Committee on the Pacific Railroads, and the Committee on Public Lands), the House has steadily pursued the policy expressed in the resolutions to which I have referred, the forfeiture of the land grants subject to forfeiture and the securing of the public lands to actual settlers. On the part of the House through the entire period of the Forty-eighth, Forty-ninth, and Fiftieth Congresses there has been "no variableness or shadow of turning" on this land question. The House at leasthas sought to carry out in good faith the line of policy to which both of the great parties of the country have been for years committed, securing of the public lands to actual settlers.

During this period of six years events have occurred that must have convinced all men of the high importance of securing to the largest number of the people of the United States possible freeholds in the land of our country, even if the experience of all the past ages had not forced that conviction. We have indulged in high exultation over the growth and splendor of our great cities and prosperous towns, yet all men must know that the conservative power and enduring hope of the Republic is in the freeholders of the country, the people with independent homes, and that any measure of policy which tends to enlarge the number of happy and prosperous homes ought to be of the most vital concern to Congress.

How can such a policy be so effectually promoted as by a dedication of our public lands for homes for our people? How can monopoly of the public lands be more effectually defeated than by declaring forfeited back to the public domain the millions of acres heretofore wantonly and wickedly granted to corporations now justly subject to forfeiture and dedicating all the public domain to the single purpose of securing homes to our landless people? Did any other nation ever possess an opportunity to secure justice to its people and permanency to its institutions such as that which the Government of the United States even now at this late hour possesses? For, notwithstanding the enormous waste by entries for speculation and the infamous monopoly which has been permitted of our public domain during the last twenty-five years, there are still millions of acres remaining, and yet those millions of acres are rapidly being reached by the speculator and are rapidly being withdrawn by speculative entries from settlement by the landless and the homeless.

The position of the two Houses of Congress on this land question ought to be understood by the people of the United States. The subject involved is of infinite more importance than any of the questions which have aroused the fierce and vindictive passions of the political parties of recent years. The tariff and the spoils of office are of temporary yet ever-recurring concern, but a question of the just distribution of the most valuable of the common wealth—the public lands—the question of independent homes, involves the very life of our free institutions.

The people of this country ought not to deceive themselves. It is the ever-growing multitude of their landless and homeless people who will imperil their free institutions. I would devote every acre of the public domain to enlarge the number of freeholders. Every section of land you give over to monopoly and speculation, enhancing the price beyond the reach of laboring men, enlarges the number of your discontented people, whose poverty and wretchedness will cry aloud against the injustice of their Government which gives over to capital and spec-

ulation the lands which ought to be without price the homes of its people, thus promoting the true wealth of the nation—happy and prosperous homes.

Mr. Speaker, while it may be charged that I only repeat the sentiments I have often expressed in relation to the public lands, I feel so much anxiety on this land question that I venture still further to state the action of the two Houses of Congress on this subject. I ought not to apologize. The people of the United States have not taken the interest in this land question which its importance has demanded and still demands. It has always been a subordinate question in the politics of the country, and no party has ever been held responsible for the violation of its promises in relation to the public lands.

The first clear declaration of policy in regard to the public lands was made by the Free Soil party, out of which grew the great Republican party. That party at their convention held at Pittsburgh, Pa., thirty-seven years ago adopted the following plank as a part of their platform:

Resolved, That the public lands of the United States belong to the people and should not be sold to individuals, nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers.

I quoted this resolution in remarks I made in this House on the land question on the 7th day of July, 1882. It is one of the noblest utterances (I think the noblest) that has ever been made by a public body in the United States since the declaration of the independence of the thirteen American colonies was pronounced on the 4th day of July, 1776.

If that declaration of policy had been adhered to by the great party, of which that Pittsburgh convention of Free Soilers was the beginning, for a century to come the landless American citizen would find a home and fertile lands in the public domain within his reach without price. You will say that the progress of the country would have been delayed. Certainly; great private estates would not have been carved out of the public wealth, imperial landed possessions would not have grown out of acts of Congress. Artificial legislation was necessary for that. But in the natural course of events millions of happy and prosperous homes would now be found, in the progress of time, where now the curse of land monopoly reigns and where the possessors of hundreds of thousands of humble homesteads tremble before the claims of grasping and sordid monopoly asserting rights under the extraordinary grants Congress has made.

THE ISSUE BETWEEN THE HOUSE AND SENATE.

But I come to the issue in the present Congress between the two Houses of Congress on the land question.

When the present Congress met in the organization of the House I was honored with the chairmanship of the Committee on Public Lands. Two subjects were specially demanding attention—the forfeiture of the railroad land grants subject to forfeiture, and a measure that should secure to actual settlers the remaining public lands. This involved the repeal of all laws under which public lands could be entered for speculation or monopoly—"the pre-emption law," "the timber-culture law," "the commutation clause of the homestead law," "the timber-land law of the Pacific coast," and a radical change in "the desert-land law" so as to conform it as far as possible to the homestead policy; also, as a measure of high public policy, the reservation of the great forests at the heads of the great rivers, the Mississippi, the Missouri, the Columbia, Yellowstone, and Snake Rivers, and elsewhere, with a view to preserve the natural flow of their waters and their influence on climate and the public health; also, the protection of the coal-fields on the public land and the water-courses from monopoly.

On the 27th day of June, 1888, the bill No. 7901, "to secure to actual settlers all the public lands of the United States adapted to agriculture, to protect the forests, and for other purposes," which I had the honor to introduce, passed the House after months of consideration without, I believe, a dissenting vote. This bill covered the whole subject of the public lands except the land-grant forfeitures. It dedicated the whole of the remaining public lands adapted to or valuable for agriculture to settlement under the homestead law only, and repealed all laws, the pre-emption law, the timber-culture law, the commutation of the homestead law, the timber-land law, and all other laws that authorized the sale of agricultural lands and dedicated all agricultural lands to the single purpose of securing homes without price to our landless people.

The bill also protected the coal-fields and water courses in the public domain from monopoly and the forests at the sources of our great Western rivers from destruction, and brought our so-called "desert lands" under the homestead policy. This bill is admitted by all men to be a complete homestead measure, covering the whole subject of the public domain. Its provisions were cordially approved by the Commissioner of the General Land Office, whose intelligence and capacity in that great bureau is universally admitted, and by the Secretary of the Interior.

Leading provisions of the bill, especially the repeal of the pre-emption law, the timber-culture law, the commutation clause of the homestead law under which the lands might be acquired by purchase instead of complying with the provisions of the homestead law, and all other laws authorizing the purchase of public lands without bona fide settlement on them, have been urgently pressed upon Congress by every Commissioner of the General Land Office and every Secretary of the Interior for the last eight years or more, alike under Republican as well as Democratic administrations, on account of the fact that under those laws the public lands, to the extent of many millions of acres annually, were being entered under countless fraudulent devices by capitalists of both America and Europe for speculation and monopoly and the honest homestead settler was placed at their mercy.

It was shown by the public reports that millions upon millions of acres of valuable agricultural lands were being annually obtained by fraud under those laws, robbing thousands of landless people annually of an opportunity to obtain homes, and yet the Senate of the United States did not honor this bill of the House, passed by the immediate representatives of the people after full consideration with such unanimity, with even a respectful consideration so far as the public records of that House disclose. So the carnival of fraud, by which for years the most valuable portion of the remaining public lands have been secured in the interest of speculation and monopoly, still goes on.

The discovery, by the vigilance of the General Land Office, during this Congress of a scheme by which a land syndicate of Scotland, composed of men never in the United States, acting through an agent, had secured under the Pacific coast timber-land law the entry at a nominal price of 49,000 acres of the most valuable timber lands of California, and other instances equally striking, under all the laws sought to be repealed in the interest of the honest homestead settler, have produced no result, and frauds upon the land laws sought to be repealed for the benefit of capital and speculation will still dishonor our public records. Under the homestead law, where settlement and cultivation are necessary to a title, honest homes are secured and the public good is promoted. Under the laws sought to be repealed capital, by fraud, appropriates the wealth in lands which a wise government ought to apply to the highest purpose of government—homes for its people.

THE FORFEITURE OF THE RAILROAD LAND GRANTS.

I have spent much more time than I had intended on a general statement of the land question. The subject before the House is the report of the House conferees on the bill declaring the forfeiture of the railroad land grants. I have signed the report of the conferees of the two Houses to the end that the measure should be reported back to the Senate and House with the real point in contention alone presented.

The Senate bill No. 1430 declares the forfeiture of all lands heretofore granted to aid in the construction of railroads coterminous with portions of the railroads now uncompleted.

The House substitute for that bill declares the forfeiture of all lands so granted coterminous with portions of the railroads not completed within the time expressly named in the laws making the grants within which the respective road should be completed. The real question in issue is as to the extent of the forfeiture.

The House substitute for the Senate bill passed the House on the 6th day of July, 1888, and the conferees of the two Houses were named soon after that date, Senators PLUMB, DOLPH, and WALTHALL on the part of the Senate, Representatives HOLMAN, STONE of Missouri, and PAYSON on the part of the House, so that this conference on the disagreeing votes of the two Houses has lasted over six months during their sessions. This land-grant system has resulted in such serious complications, especially in Michigan, Florida, and Mississippi, that it was important that the details of each measure should be agreed upon, so that the real point in issue should be presented to the two Houses in the conference report.

The complications were serious and natural; for the whole system of land subsidies was not only an inexcusable blunder, if nothing more, in the beginning, but was attended in the entire progress of its development with dishonorable complications and corruption and fraud. By the terms of the grants, as a general rule, the lands reverted to the United States when the railroad was not completed within the period named, generally ten years, at least the lands through which the railroads were not completed within the time named.

The Commissioner of the General Land Office, assuming in former years that when the period named in the grant had expired the lands opposite uncompleted portions of the railroads had reverted to the public domain (and in many instances when the time expired not a step had been taken to construct a railroad), proceeded to treat the lands granted as a portion of the public domain and subject to entry at the land offices. So that in Alabama, Florida, Mississippi, Michigan, and Iowa, and other States, large portions of these lands had been entered under the authority of the General Land Office by homesteaders and pre-emptioners and others, and patents actually issued. And then came the extraordinary and unexpected decision of the Supreme Court that all these grants vested at once in the corporations which obtained them an absolute title whether they had constructed any railroad or any part of a railroad or not within the time prescribed by law, an absolute title until the grant was annulled.

This extraordinary decision which astonished every lawyer in the United States, annulled every patent the General Land Office had issued during the period it treated these grants as forfeited by the force of the laws making the grants. Of course Congress in some way must protect these parties who had been permitted to enter lands and obtain patents under the authority of the Government. In the case of the grants in the State of Michigan, a State specially cursed by this infa-

mous system, the complications were such that it was impossible to obtain an adjustment that did not leave at least a suspicion that unfair if not dishonest advantages were being obtained, either against the Government or the bona fide settlers on the lands granted by the unscrupulous and skillful parties interested.

I have, however, after this long conference, agreed to the matter of detail in issue between the House and the Senate. I have done the best I could in these details in protecting the rights of the Government and the settlers, and have not hesitated to sign the report to the two Houses as to these subordinate matters, with a view to reporting a disagreement on the real question at issue.

But the real issue is left for the decision of the House and Senate. That issue is presented by the first section of the Senate bill, which declares all granted land forfeited coterminous with or opposite now uncompleted land-grant railroads, and by the first section of the House substitute declaring the forfeiture of all lands opposite to portions of such railroads not completed within the time prescribed by the laws making the grants. This is the real issue between the House and Senate. The effect of the two propositions will be seen in the following statement: The Senate bill would forfeit 5,627,436 acres; the House bill would forfeit 54,323,996 acres.

The following statement of the Commissioner of the General Land Office presents the facts in detail:

Name of railroad.	Estimated number of acres which will be forfeited—		
	By Senate bill.	By House bill.	In event of forfeiture of entire grant.
Gulf and Ship Island	652,800	652,800	652,800
Coosa and Tennessee	140,160	140,160	140,160
Coosa and Chattanooga	144,000	144,000	144,000
Mobile and Girard	536,064	651,264	858,624
Selma, Rome and Dalton*	89,932	258,624	642,624
Atlantic, Gulf and West India Transit	76,800	676,000	1,171,200
Pensacola and Georgia	None	679,680	1,178,880
Vicksburg, Shreveport and Texas	None	364,800	725,760
Jackson, Lansing and Saginaw	None	176,256	898,560
Marquette, Houghton and Ontonagon	294,400	294,400	627,200
Ontonagon and Brulé River	211,200	288,000	288,000
La Crosse and Milwaukee	None	195,724	235,773
Chicago, St. Paul, Minneapolis and Omaha	None	1,446,400	1,446,400
Wisconsin Central	406,880	464,480	1,800,000
St. Vincent extension St. Paul and Pacific (now St. Paul, Minneapolis and Manitoba)	None	1,113,600	2,009,600
Western railroad	None	243,712	243,712
Southern Minnesota Railway Extension	None	832,115	1,787,955
Hastings and Dakota	None	819,840	1,293,440
Northern Pacific	2,000,000	36,907,741	46,947,200
California and Oregon	None	1,740,800	3,686,400
Oregon and California	None	2,086,400	4,608,000
Southern Pacific	1,075,200	4,147,200	7,116,800
Total	5,627,436	54,323,996	78,503,088

*Lands certified to State for this road prior to May 23, 1872, amounting to 440,700.16 acres, were confirmed to State by act of that date (17 Stat. L., 159) for sole use and benefit of the Selma, Rome and Dalton Railroad Company. The lands so confirmed may not be subject to forfeiture.

So it will be seen that the issue between the House and Senate involves a difference of 48,696,560 acres of land, a territory twice as large as the great State of Ohio.

Permit me to say, however, that the House proposition of forfeitures, in the interest of fair dealing, protects the rights of all third parties. If the Government of the United States enters upon a system of bounties to enrich a few of its citizens at the expense of its whole people, especially its landless and homeless people, it should not act with injustice towards third parties who act on the faith of the supposed rights granted by the Government. The House therefore presents in its proposition of forfeiture a clean issue between the United States and these defaulting corporations.

Can any fair-minded man say that the House does not occupy the stronger, the more just position in this contention? What claim have these corporations to lands not earned in conformity with the laws making these grants? Did they not know the terms and conditions on which the heritage of the people—the lands of the people—were granted to them? But the land-grant advocates say the Government did not declare the forfeitures when the time expired, and these corporations had a right to presume that the Government intended to waive the right to declare the forfeiture. "Had a right to presume." Were not bills pending in Congress to declare these forfeitures? Shall any class of men claim that the neglect of public agents to perform their duty extinguishes rights and limitations fixed by law? Did not these corporations know the exact conditions on which the grants were made?

The claim that injustice is done to these corporations by holding them up to the law is absurd.

I claim and insist that these grants were made in violation of the spirit of republican government, that the purpose of the whole system was to enrich a few men at the expense of the homeless and landless people of this country, to bring about an unnatural and artificial development of the country through which the great grants passed to enable the favored few to amass fortunes; but I waive all that, and only demand that these corporations, powerful as they are, shall be subject to law. The measure of the House is fair and just, and I sincerely hope the House will not falter.

The House of Representatives represent directly the whole people, the Senate the States. In such a legislative body it would naturally occur that at least on all economic questions especially affecting the masses of the people, questions immediately affecting the homes of the people, the House, as directly representing the people, would be at least the equal of the Senate. Such at least is the theory of our Government. It is but a theory. Practically the two Houses are not equal. The Representatives of the people of both of the great political parties of the country have for years declared that the public lands should be disposed of to actual settlers only under the homestead law; the Senate steadily ignores any measure tending to secure that result. The country has for years demanded the forfeiture of these land grants as proposed by the House, and this House, with great unanimity, for the last six years has requested the co-operation of the Senate in demanding these grants forfeited, but all in vain.

The Senate proposition practically amounts to almost nothing. It is, in fact, in perfect harmony with the view of the land-grant railroad corporations. They are in fact pressing the passage of the Senate bill, as it will enable them at once to close up their great landed interests in your General Land Office. They attach, I see, no importance to the tenth section agreed to by the conferees reserving to the Congress all rights of further forfeiture as they now exist, because, as they claim, their rights, so to speak, will be adjusted on the basis of the first section of the Senate bill if it becomes a law, and with patents issued for these vast millions of acres of land it would be folly to talk about future relief for the people.

I admit that this Congress is a failure in all that concerns the securing of homes, through existing public resources, to the landless people of this country. All the laws under which imperial landed estates have been secured in recent years by capitalists and speculators remain in force except the law that authorizes the entry of "offered lands" at $1.25 per acre, mainly applicable to the five public land States of the South, which happily has been repealed. The land grants to railroads in the State of Michigan will be forfeited, no doubt, before this Congress closes, when it becomes manifest that this general forfeiture bill can not become a law. This at least will restore to the public domain and secure to actual settlers 505,600 acres of land. And this will be all this Congress will accomplish in the interest of an honest settlement of the public land by those justly entitled to occupy them—our landless people. What a strange commentary is this on the solemn pledges made, time and again, by both of the great parties of the country, that the public lands should be secured to actual settlers under the homestead law!

It is urged with great earnestness that as the Senate will concede nothing more it is better to accept the proposition of the Senate and forfeit the 5,627,436 acres. But this is the measure of the land-grant corporations themselves; the value of the land proposed to be forfeited is readily seen in the fact that to secure the adjustment of their great land grants they are more than willing to surrender these 5,627,436 acres.

These lands are comparatively worthless. It seems in truth that the wishes and decision of these land-grant corporations is to be the law. I for one will not accept their legislation.

The House conferees offered to refer the whole question to the Federal courts as to the extent of the power of Congress to declare the forfeiture of these grants with provisions of law for a prompt decision in view of the public interests involved; also to adjust on an equitable basis all the grants except the great grants to the North Pacific and the so-called Southern Pacific railroad companies and let those grants remain for future action, but these propositions were declined. The Senate adheres to the first section of its bill. There is, therefore, no alternative. You must accept the Senate proposition or the whole measure must fail.

I hope the House on that main issue will not recede. I have not felt justified as one of the House conferees in embarrassing the House and Senate on the questions of details or in defeating by delay the right of the two Houses to pass judgment on the real point in issue, but I hope the House will not recede from the position it has occupied during the last six years. If the 48,696,560 acres of valuable lands at issue between the two Houses are to be surrendered up to monopoly and greedy speculation let the measure fail! Let the party which made the imperial grants in the interest of wealth and in derogation of the rights of the people wind up, untrammeled, this miserable system of subsidies which will render multitudes homeless and wretched who else would have had happy homes, and will build up on their rightful inheritance monopolies of lands and imperial estates!

Des Moines River Lands.

SPEECH

OF

HON. ABRAHAM X. PARKER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889.

The House having under consideration the bill (H. R. 1368) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, returned by the President with his objections thereto—

Mr. PARKER said:

Mr. SPEAKER: I wish to say at the commencement that I am opposed to the bill because it is wrong, and also because it is contrary to the decided and settled law of the country. I am in favor of sustaining the Presidential veto because, in my opinion, that veto is right; and I am also in favor of sustaining it because it is in accordance with the settled law, as it has been settled for many years, and by decision after decision.

The bill itself, having been shorn of its sky-scraping introduction, such as it embodied when it went to the committee, consists of two sections, and these provide for the validating of certain claims of individuals now in possession of the lands in question without regard to their right to be on them, and without regard to the question of whether they have any business to be there except as "squatters," and proposes to allow them to take the lands as homesteads upon paying the Government price; to turn out those who hold under the decisions against them, and to put, in fact, their own men in possession of lands which other men have bought, which they have paid for and now hold.

But here is one peculiar feature of this first section of the bill to which I wish to call your attention. It says:

That the title of all bona fide claimants under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, settled upon the said lands prior to January, 1880, are confirmed and made valid.

Thus they will make valid parts of the grant, while they render void other portions of the same grant. So, also, Mr. Speaker, as to the other classes in which they validate their titles, they bring them down to the year 1880, all who got on by some subterfuge, or some trick, some "management," by sweeping off the buildings of men who lived there and going upon the lands themselves; their claim of title is validated. Why is this date of 1880 fixed upon? To find an answer to this you must look at the report of the committee itself, drawn by the gentleman who sits in front of me [Mr. PAYSON], which says:

The bill proposes to remove the reservation by declaring all lands for which the State received indemnity, public lands, to validate all bona fide entries made before January 1, 1880, this date being fixed to prevent "speculative squatting" on the land since this legislation has been pending.

What is the bill then for? It is to protect "speculative squatting" made before January 1, 1880, and this is the class of men represented here, and this is the fair inference from the report of the committee. But why fix the date at January 1, 1880? It is a mere matter of discretion with the committee, and the discretion was, they say, to cut off "legislative squatting" after that date. Then they propose to validate the claims of all "legislative squatters" made before that date, and these words are not my own, they are the words of the committee. That is the signification of the limit to 1880, and this is the explanation of the committee in regard to it.

The second section of the bill provides:

SEC. 2. That it is hereby made the duty of the Attorney-General, within three years after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands and remove all clouds from its title thereto; and until such suits shall be determined, and Congress shall so provide, no part of said lands shall be open for settlement or sale except as hereinbefore provided. And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

Therefore the United States is instructed to assert its title, and against whom? Why, against its own grantees—against the State of Iowa and those holding under it. It puts the United States in the position of the bold rascal, who, having sold his property, which has gone into the hands of others who have paid for it, takes possession of it again and taxes the whole people of this country, those who own these lands with the rest, to litigate under this bill for the property.

The effect of withholding the lands from sale pending the litigation will tie them up for years, for every one knows it will take five or six years to get through the Supreme Court a decision in reference to the title of the lands under this act, and thus again will the rights of these grantees be interfered with. So much for the pending proposition.

The original act was passed in 1846, when Iowa was a Territory, and when her people sought to improve the Des Moines River. That was the day of canals and when they were being projected all over the country, when it was believed that canal transportation was the transportation for the country, and these people fell in with the general sentiment of the country and wished to have the Des Moines River improved. With that view Iowa came here, as she properly might, and asked the grant of certain public lands which nobody then seemed to call for for resident purposes, to enable her to improve the river, asking that her people should have the same privilege in this direction of using the public lands for such improvements as has been given in other cases. Congress respected their wish by enacting the law of 1846.

This was the grant. The Territory of Iowa accepted of this grant. After it became a State, and in the year 1847, the acceptance was duly made. Now, what were the facts as to this land? Why, at that time below the Raccoon Fork or below the present city of Des Moines, there was but little land then left that could have been used for this improvement; and no man at that time was so careless as to assert that this grant was then limited to that land. The amount then south of Raccoon Fork and below that was then estimated to be 217,616 acres, while the amount above the Fork was estimated at about 800,000 acres and afterwards the measurement showed it to be 580,000 acres. No man then supposed that they were going to carry on this vast improvement for 217,616 acres of land, an improvement which would require four times the value of this land as valued at that time.

But there was an ambiguity in the phraseology of the law and the question was soon presented as to whether the grant was not limited by the extent of the line of improvements. Conflicting decisions were made by different officials. During the controversy there were decisions made which induced some of these men now on these lands to go on under the apparent authority of the Government; and these men ought to be recompensed by the Government. They are bona fide settlers, there in good faith, and they ought to have justice done them; but they should not draw after them the mass of men who have gone upon other men's lands recently in hope of gobbling up this land at a very small price or under the homestead acts.

The men who went upon the land under the wrongful ruling of Secretary Browning from the 1st of May, 1868, to the last of December, 1869, are entitled to full compensation and Congress owes them this reparation. But these men are few in numbers, while the "speculative squatters" are now numerous.

As to the original settlers who went onto the land in good faith the following statement has been made:

Abstract from "Executive Document No. 25, Forty-third Congress, first session, House of Representatives," being the "Report of Iowa Land Commissioners," dated November 20, 1873, showing the names and number of persons holding lands north of Raccoon Fork, Iowa, "either by entry or under the pre-emption or homestead laws of the United States," and the exact sections and parts of sections claimed at the date aforesaid, to wit: November 20, 1873:

The number of names foots up (pages 4 to 13)	344
The number of acres is stated at (page 13)	39,549.46
The value, November 20, 1873 (page 13)	$464,228.49

It will be observed that of these 344 persons only 12 filed their entries prior to March 2, 1861, the date of the joint resolution confirming the grant of 1846, to the grantees of the State of Iowa (see pages 9, 11, and 13), and to the same effect see also Senate Report 609, Forty-third Congress, second session, made by Senator Pratt from the Judiciary Committee.

Of these 344 persons, it appears from H. R. Report No. 583, part 2, Forty-sixth Congress, second session, dated May 31, 1880, made by Mr. Ketcham from the Committee on Public Lands (at page 14), that over 270 had before that date bought their claims from the navigation company or their grantees, leaving but 74 then not settled with, and of these 74 it is believed that only 10 or 12 remain not settled with at this date.

In 1886 the company's lands are found to be in this condition:

It is ascertained that over fourteen hundred conveyances of these lands have been made by the principal grantees of the navigation company to as many persons—actual occupants—in farms of 40 to about 320 acres, averaging somewhat under 80 acres each, covering about 100,000 acres, besides some five hundred contracts to that number of persons not yet gone to deed, covering nearly 30,000 acres; in all, about 130,000 acres in the occupation of nearly nineteen hundred bona fide purchasers and occupants.

This leaves about 83,000 acres (now worth nearly $2,000,000) of the 213,000 acres, the smaller portion of which is not occupied at all, and by far the larger portion of which is occupied by naked squatters and repudiating contractors, said to be several thousand in number.

These "naked squatters," or, as others might designate them, "speculation squatters," comprise most of those who have organized the famous "settlers' union," which has protracted this struggle through so many years, and whose purposes and methods are so clearly indicated by the agreement entered into by the "speculation squatters," a skeleton of which agreement I have here in this:

NOTE TO SETTLERS' UNION.

FORT DODGE, IOWA, ——, 187—.

Sixty days after the resumption of the so-called river lands, by act of Congress, as Government land, by which acts, as a bona fide settler, I may perfect my title under Government to the following lands, to wit:

The —— of section No. ——, township —— north, of range No. —— west, fifth principal meridian, Iowa.

I promise to pay to treasurer of Settlers' Union, or bearer, the sum of —— dollars, being at the rate of one dollar per acre on said tract so confirmed by Congress in me by means of resumption of the so-called Des Moines navigation and railroad lands. Said sum so owing by me shall be and become and remain a mortgage lien on said piece or parcel of land claimed by me until said note is paid. Also, said note is and shall be a special lien on any compensation or indemnity that may be granted by Congress and accepted by Settlers' Union or myself in lieu of said land, and be paid as soon as such compensation or indem-

nity is set apart for such purpose by such act, and retained out of such moneys by the "Settlers' Union" for payment of this note.

But in case the Settlers' Union fails to secure the title as above, or compensation, or indemnity, then this note is null and void.

——— ———.

——— ———.

STATE OF IOWA, —— *County, ss:*

On this —— day of ——, 187 , before me, a —— in and for said county, personally appeared ——— ———, to me well known to be the identical person whose name is signed to the foregoing instrument, and acknowledged same to be his voluntary act and deed.

Witness my hand and seal the day and date herein written.

——— ———.

The schemer who prepared this form was sharp enough to make the amount that should be filled in "a special lien on any compensation or indemnity that may be granted by Congress * * * in lieu of said land," thus "casting an anchor to the windward" in time.

The entire contention arises under the act of Congress approved August 8, 1846, the principal sections of which are as follows:

An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory.

Be it enacted, etc., That there be, and hereby is, granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork (so called), in said Territory, one equal moiety, in alternate sections, of the public lands remaining unsold and not otherwise disposed of, incumbered, or appropriated, in a strip 5 miles in width on each side of said river, to be selected within said Territory by an agent or agents, to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

* * * * * * *

SEC. 4. *And be it further enacted*, That whenever the Territory of Iowa shall be admitted into the Union as a State the lands hereby granted for the above purpose shall be and become the property of said State for the purpose contemplated in this act, and for no other: *Provided*, The Legislature of the State of Iowa shall accept the said grant for the said purpose.

Approved August 8, 1846.

On the 23d of February, 1848, Richard M. Young, Commissioner of the General Land Office, communicated to the board of public works of the State of Iowa his construction of this grant, as follows:

A question has arisen as to the extent of the grant made to Iowa by the act of 8th August, 1846, and the opinion of this office has been requested on that point.

By the terms of the law the grant is of an equal moiety in alternate sections of the public lands remaining unsold and not otherwise disposed of, incumbered, or appropriated, in a strip 5 miles in width on each side of the river, to be selected within said Territory, etc., and the proceeds are to be applied in the improvement of the navigation of that river from its mouth to the Raccoon Forks. Hence the State is entitled to the alternate sections within 5 miles of the Des Moines River, throughout the whole extent of that river, within the limits of Iowa.

In pursuance of the instructions of Hon. Robert J. Walker, then Secretary of the Treasury (who then had control over the General Land Office), Mr. Young, the Commissioner of the General Land Office, directed the register and receiver at Iowa City to withhold from sale the land north of the Fork. The following is his letter of June 1, 1849:

GENTLEMEN: The Secretary of the Treasury having decided that the grant to the State of Iowa under the act of the 8th of August, 1846, extended along the Des Moines River to its source, and that it did not stop at the Raccoon Fork, as this office had previously decided, you are hereby directed to withhold from sale all lands situated on the odd-numbered sections within 5 miles on each side of that river above the Raccoon Fork. Inclosed I send you a diagram, upon which the State selections above that point are colored yellow.

I have also to request that you will make out a list, showing the sales and locations which have been made within these selections, as it is designed to endeavor to procure some legislative action on the part of Congress confirmatory of them. The diagram inclosed extends 83 north, 26 west, being as far as the surveys have progressed in that direction.

This was the original order withholding the lands in controversy from sale, and from that date to this day these lands have been held in reservation, and not subject to sale by the Government nor subject to entry by homesteaders or otherwise.

By an act of Congress approved March 3, 1849, the Department of the Interior was organized and jurisdiction over the subject of public lands was transferred from the Department of the Treasury to it. Hon. Thomas Ewing, of Ohio, became Secretary of the Interior on the 8th day of March, on the accession of the administration of President Taylor. Soon after his installation the construction which had been placed upon the grant by the Secretary of the Treasury was challenged, and on the 6th of April, 1850, Secretary Ewing reversed the ruling of Mr. Walker and held that the grant was limited to the lands below the Raccoon Fork.

The conclusion of his letter is as follows:

As Congress is now in session, and may take action on the subject, it will be proper, in my opinion, to postpone any immediate steps for bringing into market the lands embraced in the State's selections.

It will be seen that Mr. Ewing, while differing in his construction of the act, saw proper to continue the order of his predecessor, withholding these lands from market. He evidently anticipated that the uncertainty would be resolved by some act of Congress which was then in session.

This construction given to the act by the Secretary of the Treasury and Commissioner Young, of the General Land Office, was sustained by the opinion of the then Attorney-General, Mr. Johnson, rendered July 19, 1850, to whom the matter had been referred by the President. This opinion is shown by the following extract:

The grant of alternate sections of land on the Des Moines River to Iowa, by the act of 8th August, 1846, extends the entire length of the stream, as well above as below the Raccoon Fork. The purpose of the grant was to aid Iowa to improve the navigation of the said river from its mouth to the Raccoon Fork, but the grant itself is not limited to the section to be thus improved.

But the question was disposed of by a former Secretary of the Treasury while the Land Office belonged to his Department, and the subject is now *res adjudicata* and beyond the control of the Secretary of the Interior. (Bank of the Metropolitan *vs.* The United States, 15 Peters, 401).

The State of Iowa contended that the grant extended to the Minnesota line. Many eminent jurists sustained the claim in elaborate and carefully considered opinions.

October 29, 1851, Mr. Secretary Stuart said:

In view of the opinions of several eminent jurists which have been presented to me in favor of the construction contended for by the State, I am willing to recognize the claim of the State and to approve the selections without prejudice to the rights, if any there be, of other parties, thus leaving the question as to the proper construction of the statute entirely open to the action of the judiciary.

You will please, therefore, as soon as may be practicable, submit for my approval such lists as have been prepared, and proceed to report for like approval lists of the alternate sections claimed by the State of Iowa above the Raccoon Fork as far as the surveys have progressed, or may hereafter be completed and returned.

Under this ruling of Secretary Stuart the lands north of Raccoon Fork for a distance of 80 miles, which was as far as the lands had been at the time surveyed, were certified as inuring to Iowa under the act of 1846, and these selections were formally approved by the Secretary of the Interior in an order dated October 30, 1851.

There were approved in October, 1851, March, 1852, and December, 1853, lists of lands above the Fork which were certified to the State of Iowa, covering lands amounting to 271,572 acres.

After the State of Iowa had expended $475,000 upon this Des Moines River improvement, and while it was indebted for expenses incurred in the work, and after freshets and floods had destroyed or greatly injured many of the improvements made by the State under the stimulation of this very national grant, then the State entered into a contract with the Des Moines Navigation and Railroad Company, which undertook to receive payment in land and go on with the expenditure and continue the work.

By the terms of the contract the company bound itself to expend the sum of thirteen hundred thousand dollars in the construction and improvements contemplated, and to receive in payment for the money thus advanced conveyances of these lands, which had been certified to the State of Iowa under the grant of 1846. This contract was regarded as being a proper execution of the trust under that act, because whenever $30,000 or more of the money advanced by the company had been invested in the improvement, it was regarded the same as if the company had purchased the lands and paid that sum of money to the State and the State had then used it for the purposes of the improvement.

There seems never to have been any question but that this contract was valid and proper under the act of Congress. It is to be observed, however, that by the terms of this contract the State of Iowa incurred no personal obligation whatever, and made no agreement to pay to the company any sum of money or other consideration as a State; it simply obligated itself to convey to the company, in accordance with the terms of the contract, the lands which the State had received from the Federal Government under the original act of Congress, and such conveyance by the State was to be a full compensation and acquittance for the moneys advanced by the company.

Particular attention is called to this contract, because it constitutes the initial right which the Des Moines Navigation and Railroad Company acquired to these lands. As already explained, at that time it was the accepted opinion in Iowa that the State had acquired a valid title to the lands and that the grant extended above the Raccoon Fork, and this contract constituted an executory bond on the part of the State to convey these lands to the company upon the performance of certain precedent conditions by the company, and their claim to the lands as bona fide purchasers originated in this contract, which, as will hereafter appear, was executed and carried out by the State by a formal deed which would have the effect of vesting in the company all the legal title which the State possessed.

After the company had entered upon its performance of the contract, and after it had expended thereunder, as was agreed between the State and the company, the sum of $332,644.04, all began to doubt whether the river could be made navigable, and railroad projects and other interests began to make themselves felt, and further work was abandoned and a settlement between the State and the company was concluded in the execution of the following deed:

This indenture, made this 18th day of May, 1858, by and between the State of Iowa, party of the first part, and the Des Moines Navigation and Railroad Company, parties of the second part, witnesseth that the said party of the first part, for and in consideration of $1 paid by the parties of the second part, and in pursuance of the contracts and agreements between the State of Iowa and the said Des Moines Navigation and Railroad Company for the improvement of the navigation of the Des Moines River, in the State of Iowa, and in pursuance of a joint resolution of the General Assembly of the State of Iowa, approved the 22d day of March, 1858, does hereby sell, grant, bargain, and convey to the Des Moines Navigation and Railroad Company the following-described lands, to wit: All lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold and conveyed, or agreed to be sold or conveyed, by the State, by its officers and agents, prior to the 23d day of December, 1853, under said grant; and said company or its assigns shall have right to all of said lands so herein granted to them as fully as the State of Iowa could have under or by virtue of said grant, or in any manner whatever, with full

power to settle all errors, false locations, omissions, or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the costs and charges of said company, and the State to hold all the balance of said lands, and all rights, powers, and privileges under and by virtue of said grant entirely released from any claim by or through said company. And it is understood that among the lands exempted and not granted by the State to said company are 25,487.78 acres lying immediately above Raccoon Fork, supposed to have been sold by the General Government the day and year first above written, and of the State of Iowa.

[L. S.] RALPH P. LOWE.

By the governor:

ELIJAH SELLS, *Secretary of State*,
By JNO. M. DAVIS, *Deputy*.

It will be noticed that this deed purports to convey to the navigation company all of the lands granted by Congress and certified to the State by the General Government, and the company is vested with all the rights of the State to such land under said grant or in any manner whatever.

Iowa claimed the lands above the Fork. These lands had, under limitations, been certified to her by the General Government, and in contemplation of all possibilities of decisions and legislation, all possible rights of the State were transferred to the company in settlement of all matters existing between the parties.

The amount of land conveyed by the deed comprised about 270,000 acres (different reports vary as to the precise amount), and it was the purpose of the Legislature of the State of Iowa that the remaining land intended to be conveyed by Congress and extending north of the Fork should be applied, with the consent of Congress, to the construction of a railroad along the Des Moines Valley.

Following these grants, expenditures, and settlements came the decision, in 1860, in the Supreme Court of the United States, of Denver and Pacific Railroad Company *vs.* Litchfield (23 How., 66), holding that the Congressional grant of 1846 carried no land above Raccoon Fork.

This decision unsettled the title to over 40,000 acres sold by the State to individuals, and also the grant to the navigation company, much of which had passed into the hands of grantees.

The whole Iowa delegation in Congress besought Congress to confirm these titles and protect the grantees of the State, including the company.

In response to this movement the following joint resolution was passed:

[12 Stat. at Large, 251.]

Joint resolution to quiet title to lands in the State of Iowa.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the title which the United States still retain in the tracts of land along the Des Moines River and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

Approved March 2, 1861.

July 12, 1862, Congress, in order to terminate the whole matter, and being moved thereto by the Representatives of the State of Iowa and the others interested, passed the following act:

That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers), lying within 5 miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa approved March 22, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: *Provided*, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act shall inure to and be held as a trust-fund for the benefit of the person or persons respectively whose titles shall have failed as aforesaid.

Approved July 12, 1862. (12 United States Statutes at Large, 1862, page 543.)

These lands were publicly and notoriously held in reservation from the issuing of Commissioner Young's letter of June 1, 1849, until this final grant by Congress, July 12, 1862. The terms of this Congressional grant are unequivocal, yet the vetoed bill before us assumes to validate the titles of those who managed to get upon the land previous to 1880 and claim title thereto; and provides that the Attorney-General shall seek to destroy the grant which was finally made perfect by this act of July, 1862.

An unbroken line of decisions supports and confirms the claim of the holders under the navigation company to the lands above the Fork.

At the December term, 1866, was announced the opinion of the Supreme Court in Wolcott *vs.* Des Moines Navigation and Railroad Company, 5 Wallace, 681. It was an action upon a warranty in a deed of conveyance by the company to Wolcott of one of the tracts of land above Raccoon Fork, being a part of the land conveyed by the State to the company under the deed heretofore set forth, and by the latter conveyed to Wolcott by warranty of date August, 1859, and it was claimed by the plaintiff that there had been a breach of the warranty, and that the company had never had any title to the land. The court held, first, that Wolcott's title was valid under the joint resolution of March 2, 1861, and the act of July 12, 1862, and that these subsequent acts inured to the benefit of the grantees of the State and to their grantees. After citing the history of the subject, the joint resolution of 1861, and the act of July 12, 1862, the court says:

If the case stopped here it would be very clear that the plaintiff could not recover; for, although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company; yet having an after acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to their conveyance to the plaintiff. This is in accordance with the laws of the State of Iowa.

After this followed Secretary Browning's unfortunate and wrongful holding in May, 1868, by which he encouraged settlers to enter upon the land and ignored the navigation company's title to the 271,000 acres that had been received by the State deed as confirmed by the Congressional act of 1862.

The only settlers in good faith concerned in this controversy who do not hold under the navigation company are those who went upon the land under the ruling of Secretary Browning, and from May 20, 1868, to January, 1870, as in December, 1869, the Supreme Court again rendered a decision upon the questions involved, and this decision disposed of the rulings of Mr. Secretary Browning:

December term, 1869, Hannah Riley, appellant, *vs.* William B. Welles. No. 379. Appeal from the circuit court of the United States for the district of Iowa.

Mr. Justice Nelson delivered the opinion of the court:

This is an appeal from the circuit court of the United States for the district of Iowa.

This case is not distinguishable from that of Wolcott *vs.* The Des Moines Company (5 Wall., 681). Welles, the plaintiff below, derives his title by deed from this company, the same as Wolcott in the former case. The suit in that case was brought to recover back the consideration money from the Des Moines Company, the grantors, on the ground of failure of title. The court held that Wolcott received a good title to the lot in question under his deed.

In that case it was insisted that the title was not in the Des Moines Company, but in the Dubuque and Pacific Railroad Company.

In the present case the defendant claims title under and in pursuance of the pre-emption act of September 4, 1841. Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which this lot in question was a part, had been withdrawn from sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of the patent.

The reasons of this withdrawal of the lands from public sale or private entry are stated at large in the opinion in the case of Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.

The decree below affirmed. (See also Railroad Co. *vs.* Fremont County, 9 Wall., 89; Railroad Co. *vs.* Smith, *Id.*, 95.)

These cases were followed by that of Williams *vs.* Baker, announced at the December term, 1872. This was an action by Baker claiming under the Des Moines Navigation and Railroad Company, and Williams claiming under the railroad act of 1856. The court, recognizing the principle that a plaintiff must recover upon the strength of his own title, declared that the certified lists, such as were issued to the State of Iowa under the act of 1846, have always been considered the proper mode of evidencing the title of the State under such acts. It was held that in consequence of the land having been previously withdrawn or reserved for sale, as explained in the proviso in the act of 1856, known as the railroad act, and that the subsequent joint resolution of 1861 and the act of 1862 confirmed and validated the original grant, and invested the Des Moines Navigation and Railroad Company with the title, and after a review of the former decision, the court say:

We therefore reaffirm, first, that neither the State of Iowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River grant of 1846; and, second, that by the joint resolution of 1861 and the act of 1862 the State of Iowa did receive the title for the use of those to whom she had sold them as part of that grant, and for such other purposes as had become proper under that grant.

The next decision in order of the Supreme Court of the United States is that of Homestead Company *vs.* Valley Railroad Company, 17 Wallace, 153, decided at the December term, 1872. The Valley Railroad Company was a company which had succeeded to the rights of the Keokuk, Fort Des Moines and Minnesota Railroad Company, which was the original beneficiary of the indemnity act hereinbefore alluded to, and which began the construction of the railroad up the valley of the Des Moines River, that was completed by its successor, known as the Valley Railroad Company; and this case involves the effect of the Harvey adjustment of the indemnity land under the act of 1856 to the railroads and the State of Iowa, and that part of the act of July 12, 1862, which provides for an indemnity, if any of such lands above Raccoon Fork shall have been sold or otherwise disposed of and the title thereto proved invalid, etc.

In this decision the court declare:

It is therefore no longer an open question that neither the State of Iowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River

grant of 1846, and that the joint resolution of 2d of March, 1861, and act of 12th of July, 1862, transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant.

But the Homestead Company in this case claimed that if they could not recover the identical lands they should be entitled as *cestui que trusts* to a portion of the indemnity lands obtained by the State under the act of July 12, 1862, and the Harvey adjustment. The court then proceeds to consider that question, and held that the Homestead Company was not entitled to such indemnity, and that that adjustment between the State and the Federal Government had no effect whatever upon the title to these lands. The court also held that the act of July 12, 1862, was intended to place the State exactly where it would have been had the original grant of 1846 extended above the Fork, and that—

The State of Iowa had always maintained that the original grant, properly construed, extended above the Raccoon Fork, while on the contrary the United States had, at different times, both admitted and denied the claim of the State.

At the October term, 1879, was announced the decision of the Supreme Court in Wolsey *vs.* Chapman, 101 U. S., 755. It was a suit in equity, by Chapman, who claimed under the river grant and sought to quiet title against Wolsey, who claimed under the State, under a patent for lands ceded to the State under the act of 1841, granting 500,000 acres for internal improvement, approved September 4, 1841. Held that by the action of the departments in withdrawing these lands under the act of 1846, above the Raccoon Fork, from entry, etc., they came within the proviso and reservation of the act of 1841, and that the grant of the 500,000 acres did not authorize settlement of any of the lands so withdrawn under the act of 1846. The order withdrawing them was valid and effectual. Also held that Wolsey could not take under the act of March 22, 1861, for the reason that that act inured only to the grantees under the river act of 1846, while he was a grantee under the act of 1841. He was not a purchaser under the river grant. Also held that the adjustment made by the State as to the indemnity lands settled no rights between any other parties than the State and the United States, and left the title which had been conveyed to the Des Moines Navigation and Railroad Company valid and unaffected; and that the State had the right to convey the lands to the Des Moines Navigation and Railroad Company.

The court said:

As to the right of the governor to convey the lands in question to the Des Moines company under the joint resolution of March 22, 1858, authorizing a conveyance upon settlement with the company:

The original contract between the State and the company contemplated a conveyance of all the river-grant lands not sold by the State on the 23d of December, 1853. This should be construed in the light of the fact that the act making the river grant provided for sales of the granted lands to furnish the means of making the required improvement, and if this contract stood alone, we should have no hesitation in holding that the sales referred to were such as had been made in the execution of the trust under which the lands were held, but if there could be any doubt upon that subject, the resolution which authorized the settlement removes all grounds for discussion. By that resolution, all the lands which had before that time been approved and certified to the State under the river grant were to be conveyed to the company, excepting such as had been sold or agreed to be sold by the officers of the State prior to December 23, 1853, "under said grant." The land now in controversy had been so certified, and it had also been sold under that grant. Therefore, the governor was expressly authorized to include it in his conveyance.

This case was followed by Litchheld *vs.* Webster County, 101 U. S., 773.

Then follows another case where the points decided are very distinctly specified:

Dubuque, etc., R. R. *vs.* D. M. V. Railroad, 109 U. S. Reports, 229.

Mr. Chief-Justice Waite delivered the opinion of the court, saying:

The following are no longer open questions in this court:

1. That the grant of lands to the Territory of Iowa for the improvement of the Des Moines River made by the act of August 8, 1846 (c. 103, 9 Stat., 77), did not extend above Raccoon Fork. (23 How., 66.)

2. That notwithstanding this the odd-numbered sections within 5 miles of the river on each side above the Raccoon Fork and below the east branch to which the Indian title had been extinguished were so far reserved "by competent authority" for the purpose of aiding in the improvement of the Des Moines that they did not pass under the act of May 15, 1856 (c. 28, 11 Stat., 9), granting lands to the State of Iowa to aid in the construction of certain railroads; and

3. That the act of July 12, 1862 (c. 161, 12 Stat., 543), "transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant," citing 5 Wall., 681; 17 Wall., 144; 17 Wall., 153; 101 U. S., 755, 767.

The conclusion of the court as stated by Mr. Chief-Justice Waite in this subdivision 3 practically determines the law governing the questions heretofore raised in this contention and also the issue sought to be revived by this act now under consideration.

Finally, since the election of the members of the present Congress, and since the discussions upon and the veto of an act similar to the one before us in the Forty-ninth Congress, and in May, 1887, comes the decision of the Supreme Court of the United States in the case of—

BULLARD VS. DES MOINES AND FORT DODGE RAILROAD.

Error to the supreme court of the State of Iowa. Argued May 4, 1887. Decided May 23, 1887.

In equity, in a State court of Iowa, to quiet title to land. The complaint set up a pre-emption title. The respondent claimed under the act of July 12, 1862 (12 Stat., 543). The bill was dismissed, and on appeal the decree was affirmed by the supreme court of the State. The complainant sued out this writ of error. The case is stated in the opinion of the court.

Mr. Justice Miller delivered the opinion of the court.

This is a writ of error to the supreme court of the State of Iowa.

The case originated in a suit in equity brought in the district court of that State, for the county of Humboldt, by Edward F. Bullard, who is the appellant here.

The object of the bill was to quiet or remove clouds upon the title of the plaintiff to certain lands in that State, to which the defendant filed an answer and cross-bill, asking that its own title might be declared to be good and established by the decree of the court. The district court of that county made a decree in favor of the defendant, which, on appeal to the supreme court of the State, was affirmed.

There were many questions considered in the State courts of which this court can take no jurisdiction. But the main question raised there, and the only one here, has relation to a subject which has been often considered by this court. It arises out of what is called the Des Moines River land grant, which was originally made by the Congress of the United States to the then Territory of Iowa. A short history of the matters growing out of that grant, with some references to the decisions of this court, will simplify the complex record presented in this case.

By the act of Congress of August 8, 1846 (9 Stat., 77), there was "granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork (so called) in said Territory, one equal moiety, in alternate sections, of the public lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated), in a strip 5 miles in width on each side of said river; to be selected within said Territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States."

Soon after the passage of this statute the State of Iowa created a board of public works to take charge of this river improvement under a system of slack-water navigation on that stream. The contract for the execution of the work came into the hands of a corporation called the Des Moines Navigation Company. The work progressed for a number of years, several dams and locks being built from the mouth of the river upwards, the means for paying the contractors coming solely from the sales of the lands granted to the State for that purpose. These lands, as the work went on and the money was needed, were certified to the Secretary of the Treasury, and by it either sold to purchasers or conveyed to contractors who did the work. The State made no appropriations and furnished no means from any other source than this for the prosecution of the enterprise.

So long as no request on the part of the State for the certification of lands lying above the mouth of the Raccoon Fork was made of the Secretary of the Treasury, no question arose as to the extent of the grant. Afterwards, however, when a demand was made on that officer that such lands should be certified, he objected on the ground that the grant of lands did not extend beyond that point; that, as by the language of the statute making the grant it was "for the improvement of the Des Moines River from its mouth to the Raccoon Fork," it was not intended to grant lands lying above that point, although the same river ran through the entire length of the State, from near its northwestern corner in the Territory of Minnesota to the southeast corner, where it flows into the Mississippi River.

This question became the subject of active negotiations and controversy between the State of Iowa, through its governor and members of Congress, and the Treasury Department, as well as the Interior Department, which was created during this time and succeeded to the charge of this subject. Meanwhile one of the Secretaries certified to the State a part of the land in dispute, running to a certain range of townships above the Raccoon Fork. It may as well be stated here that the lands now in controversy were not among the lands so certified, but are among the odd sections lying north of those thus certified and within 5 miles of the Des Moines River.

On April 6, 1850, Secretary Ewing, while concurring with Attorney-General Crittenden in his opinion that the grant of 1846 did not extend above the Raccoon Fork, issued an order withholding all the lands then in controversy from market "until the close of the then session of Congress," which order has been continued ever since, in order to give the State the opportunity of petitioning for an extension of the grant by Congress. This court has decided in a number of cases, in regard to these lands, that this withdrawal operated to exclude from sale, purchase, or pre-emption all the lands in controversy, and unless the case we are about to consider constitutes an exception, it has never been revoked.

In 1856 Congress granted to the State of Iowa, for the purpose of aiding in the construction of several railroads across that State, from the Mississippi to the Missouri River, every alternate section, as shown by odd numbers, of the lands on each side of said roads, each of which, when the line was fixed, crossed the Des Moines River and ran through the lands which the State claimed had been granted to it for the purpose of improving the navigation of that stream.

Pending this controversy between the State of Iowa and the authorities of the United States as to the extent of the grant a suit was brought by one of these railroad companies that the question might be decided by this court. The case is reported as the Dubuque and Pacific Railroad Company *vs.* Litchfield, 23 How., 66, decided in 1860, and it was held that the grant did not extend above the Raccoon Fork. As soon as this decision was made the State, through its Congressional delegation, sought the action of the Congress of the United States to obtain the passage of an act which would secure the grant to the State and its grantees in the full extent which they believed Congress had originally intended by the act of 1846. That the propriety of some action by Congress and the demand for it was pressing is obvious when we consider that the Des Moines Navigation Company, under contract with the State, had spent large sums of money beyond what they had received from the State, and beyond the value of the lands certified to the State by the Secretary. The work, with all the material and implements on hand, was suspended, and the danger of the works being swept away and ruined by floods in the river was imminent. The whole subject was before Congress, but, without waiting to dispose of it entirely, that body, by way of immediate relief, passed the joint resolution approved March 2, 1861, 12 Stat., 254.

* * * * * * * *

At the next session of Congress a statute was passed, approved July 12, 1862.

By this joint resolution and this act of Congress the United States relieved, so far as it could, the misfortune of the construction of the grant to the Territory of Iowa of 1846, made by this court, and ratified the construction which had always been claimed by the State.

During all this controversy there remained the order of the Department having control of the matter withdrawing all the lands in dispute from public sale, settlement, or pre-emption.

* * * * * * * *

The broader and larger question of the title to the lands within 5 miles of the Des Moines River, above Raccoon Fork, which had not been certified to the State, and which were declared by the decision of Dubuque and Pacific Railroad *vs.* Litchfield not to be included within the grant of 1846, Congress retained for further consideration, and at its next session after this joint resolution was passed it completely disposed of the whole subject, so far as it was within its power to do so, by validating the grant of 1846 to the full extent of the construction claimed by the State of Iowa. If the order of the Commissioner of the General Land Office of May 18, 1860, was in force up to the passage of the joint resolution, it is not possible to perceive why it terminated then. It was declared by the Commissioner that the order or notice was made to protect these lands from location by any species of scrip or warrant, notwithstanding the decision of the Supreme Court to afford time for Congress to further consider the case.

This is not the way in which a reservation from sale or pre-emption of public lands is removed. In almost every instance in which such a reservation is terminated there has been a proclamation by the President that the lands are open for entry or sale, and, in most instances, they have first been offered for sale at public auction.

It can not be seen, from anything in the joint resolution, that Congress either considered the controversy ended or intended to remove the reservation instituted by the Department.

Its immediate procedure at the next session to the full consideration of the whole subject, shows that it had not ceased to deal with it; that the reason for this withdrawal or reservation continued as strongly as before, and it can not be doubted that the subject was before Congress, as well as before its committees, and that the act of July 12, 1862, was, for the first time, a conclusion and end of the matter so far as Congress was concerned.

The title of the plaintiff, therefore, rests upon settlements upon odd sections of land within 5 miles of the Des Moines River, which were reserved from sale or pre-emption at the time the settlements were made. Two of the settlements, which are the foundation of plaintiff's title, were made in May, 1862, only a few days before the passage of the act of July in the same year; and one of the settlements under which the plaintiff claims was made after the passage of that act. The title was transferred by that act to the State of Iowa for the original purposes of the grant of 1846.

The object of this bill is to have a declaration of the court that the title of the plaintiff under those settlements and pre-emptions is superior to the title conferred by Congress on the State of Iowa and her grantees under the act of July 12, 1862. If the lands were at the time of these settlements and pre-emption declarations effectually withdrawn from settlement, sale, or pre-emption by the orders of the Department, which we have considered, there is an end of the plaintiff's title, for by that withdrawal or reservation the lands were reserved for another purpose, to which they were ultimately appropriated by the act of 1862, and no title could be initiated or established because the Land Department had no right to grant it. This proposition, which we have fully discussed, will be found supported by the following decisions, which are decisive of the whole controversy: Dubuque and Pacific Railroad *vs.* Litchfield, 23 How., 66; Wolcott *vs.* Des Moines Company, 5 Wall, 681; Homestead Company *vs.* Valley Railroad, 17 Wall, 153; Williams *vs.* Baker and Cedar Rapids *vs.* Des Moines Navigation Company, 17 Wall, 144; Wolsey *vs.* Chapman, 101 U. S., 755; Dubuque and Sioux City Railroad *vs.* Des Moines Vally Railroad, 109 United States, 329, 334.

The judgment of the supreme court of the State of Iowa, founded on the same view of the subject as above set forth, is therefore affirmed.

After these proceedings, expenditures, enactments, and decisions he would be a very bold lawyer indeed who, possessing the intelligence requisite for admission to the bar of the Supreme Court, should now argue before that court that the question of the title of the navigation company, or of its grantees, is an open one; or that the lands covered by such titles can, by an act of Congress, be taken from the grantees of the State of Iowa and given to squatters or constituted a portion of the public domain.

Now, gentlemen have said here that the grantees have never earned this land. It has been repeatedly asserted that there was no money laid out here in any improvements for the navigation. These gentlemen must be mistaken. Their statement is direct, but it is entirely erroneous. Their statement is not based upon facts as the record gives them.

Here are the facts, and I ask attention to them. They can not be controverted. The State of Iowa itself paid out and expended on these Des Moines improvements under this act of Congress $475,000. What do gentlemen mean by saying that there has been nothing done under this act of 1846 that we have under consideration?

Mr. HOLMES. Nothing by the river company.

Mr. PARKER. Does the gentleman deny my statement that the State of Iowa paid out this money?

Mr. HOLMES. Certainly it did that. That is all right. That had nothing to do with this land whatever.

Mr. PARKER. Now the new company were intending to expend, according to their deed, $1,300,000. Therefore, add what that deed contemplated to what was expended by Iowa and that would amount to $1,775,000, to be expended, according to their theory, for lands below the Fork, of which there were only a little over 217,000 acres; or, in other words, the theory of our opponents involves the conclusion that those who improved the river should give one and three-fourths millions dollars for lands worth less than three-fourths of a million dollars.

Now I go on to what was expended by the Des Moines Company. The Des Moines Company expended, as shown by their statement, as certified by their officers, and as agreed upon by the State of Iowa, the sum of over $362,000.

Mr. HOLMES. Has the gentleman any evidence of that except the certificate of the governor?

Mr. PARKER. I have the evidence here in my hand under the signature of Edwin Manning, who was the commissioner for the State of Iowa. Does the gentleman deny that the State settled upon that basis?

Mr. HOLMES. I deny that the company expended the money——

Mr. PARKER. Do you deny that the State settled upon that basis?

Mr. HOLMES. I deny the truth of the certificate of the governor. It was collusive and fraudulent from the start.

Mr. PARKER. The gentleman does not deny my statement that this amount was agreed upon between the State and the company as having been expended by the company, and I hold in my hand the certificate of the commissioner of Iowa showing that it was expended, and here are some of the items showing the places where the expenditures were made. At St. Francisville, $6,115.04; at Bellfast, $15,933.03; at Croton, $19,114.08; at Plymouth, $37,053.39; at Keosauqua, $36,491.36; at Pittsburgh, $5,000.74; at Litchfield, $9,409.70; at Cyrille, $10,238; at Jordon's or Iowaville, $15,937.74; at Alpine, $6,276.44; at Whitebreast, $3,076.70; aggregating over $167,000 of the amount expended by the company.

Mr. HOLMES rose.

Mr. PARKER. If the gentleman thinks he can make this speech better than I can, he had better take my place. If he proposes to go tandem upon it, I reject the association. [Laughter.] I do not propose that my time shall be used by the gentleman.

Mr. HOLMES. I do not want to use the gentleman's time.

Mr. PARKER. Now, Mr. Speaker, to show the ideas that obtained in those times, I will read an extract from the certificate of this man who represented the State of Iowa. He says:

> The progress of the work to this time shows an aggregate outlay by the State and the company of nearly $800,000, and that portion constructed by the company is mostly in an unfinished condition.
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> * * * * * * *
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> The great and fundamental principle of this grant, and that which is paramount to all others, is to spread and diffuse the blessings of commerce and navigation throughout this entire valley; all other advantages being contingent thereto. If we fail of the first and main object aimed at—to bring the commerce of the world to our own doors, on a scale that places us on an equality with our commercial neighbors—then the object of the grant will be thwarted, the commercial and agricultural interests languish, and the citizens of the valley become crippled in their enterprises generally.

All parties then believed that the improvement of the Des Moines River would, as the State commissioners phrased it, "spread and diffuse the blessings of commerce and navigation throughout the entire valley."

That all parties misjudged does not justify one party to the contract in repudiating it after the money has been paid out in its performance by the other.

The purpose was to create navigation and bring commerce along this stream which ran through a secluded and then almost valueless portion of the now wealthy and powerful State.

This was the object that they were then working for. They believed honestly that it could be done by this navigation company. The navigation company believed it could be done. They went on and spent their money. They spent it against nature, and against the commercial developments of the time. The floods came and swept away the improvements. The railroads came across in the other direction and took away the freight and did the carrying, and the whole project failed, as other splendid projects have failed many and many a time.

Now, Mr. Speaker, I ask attention for a moment to another point. I suppose it will be contended here that great injury and injustice is being done to individuals who are upon these lands. I have seen a slip handed around here, which, after the time had been fixed when this case should come before us, was printed in our papers here, a slip headed "Worse than Ireland." What is it? Why, it is a statement that the landholders, immediately after the adjournment of Congress in March, will drive out and evict the settlers, because if they do not do so this bill will become a law later and they can not obtain possession of these lands; that is, you are asked to believe that these men are undertaking to cut their own throats by sending a notice here and having it printed in the Washington Star that immediately after the adjournment of Congress, if this bill passes, they are going to evict six or seven hundred people in order to avoid the effect of the thing which the article is intended to bring about. What does it mean? It is simply a back fire, and carelessly placed. It probably comes from the same source as the opposition to the veto. I say it is simply a back fire. We are told that one of the members of the Sixth Massachusetts Regiment, accounting for his absence at a critical moment during the famous encounter in Baltimore in 1861, explained that he had been creating a diversion. "What were you doing?" he was asked. His reply was: "I was creating a diversion." "What sort of diversion?" "I went around a corner and set a building on fire." [Laughter.] These men are "creating a diversion." An analysis of the statements contained in this printed list furnishes strong evidences that the friends of this bill are having telegrams sent from Des Moines and from different parts of Iowa to excite feeling here on this subject, so that feeling and prejudice may control our action against the decisions of the courts, which have been given time after time affirming the rights of this company and of the hundreds of individual settlers who have purchased from the company.

Another circumstance must be remembered. Of the squatters who are now complaining not one in forty, probably, ever paid a dollar upon the land they claim. A few—and there are hardly a dozen of these that have not been settled with—went on under Secretary Browning's rulings; a few have honestly settled as pre-emptors or homesteaders; but the great mass of the claimants have occupied and do occupy, rent free and tax free. The representatives of the company have paid for the land and pay the annual and other taxes, while the squatters, who have never paid a dollar, occupy the land and gather the crops untroubled by calls for purchase-money, rents, or taxes.

They may well afford to organize a "Settlers' Union" and pay $1 per acre into a common fund to keep them in possession, rent and tax free.

In one case the State of Iowa obtained a judgment against one of the holders under the navigation company for taxes in an amount exceeding $10,000, and the class of such holders have paid taxes upon lands

which our opponents claim never passed to Iowa, to the amount of hundreds of thousands of dollars.

Another fact must be considered in contemplating this proposed enactment. Large amounts of money have been loaned upon these lands to the holders of title under the State of Iowa as established by the act of 1862. I have here a printed schedule of nearly a dozen pages, showing an abstract of claimants, holders, mortgages, etc., in Webster County, but it is sufficient to say that the mortgages upon these lands situated in Webster County amount to $400,000, and such mortgages upon the total of such lands in the valley is estimated at not less than $2,000,000. The holders of these securities are scattered throughout the country.

The veto should be sustained, this bill should be defeated, and Congress at some future time should amply compensate all who went upon the lands that have been subject to contention, upon the invitation or under the encouragement of officials of the United States.

Commercial Union with Canada.

REMARKS

OF

HON. CHARLES S. BAKER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889.

The House having under consideration the joint resolution (H. Res. 129) to promote commercial union with Canada—

Mr. BAKER, of New York, said:

Mr. SPEAKER: The relations between the United States and our Canadian neighbors have given rise to much discussion of late. With many of our own people the question has been whether friendly feelings could much longer endure the strain to which they have been subjected for some years. The pending resolution is perhaps well enough so far as it goes, but while liberalizing the policy governing between the two countries in respect of their trade relations it should not be forgotten that several matters growing out of the past dealings between our citizens and the Canadian Government demand consideration and adjustment.

It always tends to promote good feelings to have past wrongs righted. It is my purpose in a few brief observations to call attention to some of the matters to which I refer. It would hardly serve a good purpose to assert that our friends residing north of the imaginary line that separates the United States with their sixty millions of people from the Dominion of Canada with her much smaller population have been wronged and cheated under every treaty that has ever been made between the two countries.

It is not necessary to repeat any of the language used by members on this floor during the discussion of the fishery question last summer. It will be remembered, however, that on the 2d day of April last year I introduced certain preambles and resolutions in the following words:

Whereas "Her Majesty, by and with the advice and consent of the senate and house of commons of Canada," did by due statutory enactment, assented to May 15, 1879, provide that "any or all of the following articles, that is to say, animals of all kinds, green fruit, hay, straw, bran, seeds of all kinds, vegetables, including potatoes and other roots; plants, trees, and shrubs, coal and coke, salt, hops, wheat, pease and beans, barley, rye, oats, Indian corn, buckwheat, and all other grain; flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain; butter, cheese, fish (salted or smoked), lard, tallow, meats (fresh, salted, or smoked), and lumber, may be imported into Canada free of duty, or at a less rate of duty than is provided by this act, upon proclamation of the governor in council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada;" and

Whereas the Senate and House of Representatives of the United States of America in Congress assembled did, by act approved March 3, 1883, duly provide that plants, trees, shrubs, and vines of all kinds, and seeds of all kinds, fresh fish, fruits, green, ripe, or dried, eggs, and a large number of articles specifically named, should be admitted into the United States free of duty; in consequence whereof it appears that large quantities of plants, trees, shrubs, vines, and seeds, eggs, aggregating in value in the year 1885 $1,831,000; in the year 1886, $1,728,000; in the year 1887, $1,827,000, and great quantities of fish and other products of the Dominion of Canada have been imported into the United States duty free, while that Government has neglected, failed, and refused to keep or observe Her Majesty's standing offer of reciprocity in respect of the articles specified, or of many of them, and have, as is alleged, exacted large sums by way of duty upon many of the articles specified, which have been imported into Canada from the United States; and have, as is alleged, levied and assessed ad valorem duties upon American goods at the actual retail price or value at which such goods are sold for home consumption even when shipped, imported, and sold in large quantities at wholesale prices, notwithstanding and in disregard and violation of the spirit and letter of the Canadian statutes; and

Whereas it is claimed on the part of Canadian officials that the citizens of the United States can avail themselves of the privileges of reciprocity under the act first above quoted only after all the articles therein specified shall be admitted free of duty by United States laws: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report as speedily as practicable to this House the kinds and quantities of goods and products imported into the United States from Canada free of duty during the past five years, and also the quantities of similar goods and products exported from the United States into Canada during the same period, together with a statement in detail, showing the amount of duties, specific and ad valorem, paid thereon, to the end and purpose of ultimate recovery thereof, and of an adjustment of the differences resulting from such breach of faith on the part of the Canadian Government.

Resolved further, That the Committee on Ways and Means report to the House within ten days a bill providing:

First. For an ad valorem duty of 25 per cent. upon all plants, trees, shrubs, and vines of all kinds imported into the United States from the Dominion of Canada.

Second. For a specific duty of 5 cents per dozen upon eggs so imported.

Third. For a specific duty of 1 cent a pound upon all fish so imported.

Fourth. That in all cases a duty shall be imposed upon all goods and products now on the free-list whenever similar goods and products are subject to duty under the laws of Canada, at a rate equal to that imposed thereunder.

Fifth. That ad valorem duties imposed by the laws of the United States on goods, wares, and merchandise imported from foreign countries shall be assessed upon the actual retail price or value at which such goods are sold for home consumption in the country of production or export, whenever in the country of such production or export ad valorem duties upon goods, wares, and merchandise imported into such country by the United States are assessed upon the retail price or value at which such goods are sold for home consumption in the United States.

It may not be known to all the gentlemen of this House that within three days thereafter "the governor-general in council" issued the proclamation in accordance with the obligation imposed by good faith—the proclamation which should have been issued several years before.

It should be borne in mind that during the long delay practiced in performing its duty in respect of the matters referred to our people were subjected to payment of large sums by way of duties upon nursery stock, seeds, and other things, which ought of right to be refunded. We shall fail of our duty to our own industries and to the good and loyal citizens whose energy and enterprise hath made us great as a people if we do not take some steps looking to the repayment of the duties thus wrongfully imposed and collected. It will be noticed that the Secretary of the Treasury was directed to make a report to this House which would form the basis of intelligent action in respect of such wrongfully imposed duties.

But the majority of the Committee of Ways and Means, pressed as it was during last summer, charged by the self-imposed duty of legislating in the interest of foreign rather than home industries, failed to report back the resolution, but the same, unlike their bill, sleeps temporarily, to be acted on, let us hope, early in the next Congress. Credit should be given the Dominion Government for its partial performance of duty. That credit, however, is of doubtful value when we consider that an honorable member of the Dominion Parliament on the 18th day of last April proposed the passage of a bill in the following language:

An act to prevent practice of fraud by tree peddlers and commission men in the sale of nursery stock.

Whereas it is necessary and expedient to prevent the practice of fraud by tree peddlers and commission men in the sale of nursery stock: Therefore Her Majesty, by and with the advice and consent of the senate and house of commons of Canada, enacts as follows:

1. No person, and no agent of any corporation or association, shall sell or offer for sale any tree, plant, shrub, or vine or other nursery stock not grown in Canada without first filing with the secretary of state an affidavit setting forth his name, age, occupation, and residence, and, if an agent, the name, occupation, and residence of his principal, and a statement as to where the nursery stock aforesaid to be sold is grown, together with a bond to Her Majesty in the penal sum of —— dollars, conditioned to save harmless any citizen of Canada who is defrauded by any false or fraudulent representations as to the place where such stock sold by such person, corporation, or association was grown, or as to its quality, variety, or hardiness for climate: *Provided*, That the bond aforesaid shall, when the principal is a resident of Canada, be given by such principal and not the agent.

2. The secretary of state shall, on full compliance with the foregoing provisions, give to the applicant aforesaid a certificate under his official seal setting forth in detail the facts and stating that there has been full compliance by the said applicant with the provisions of this act, and such applicant shall exhibit the same or a certified copy thereof to any person to whom stock is offered by him for sale.

3. Every person, whether in the capacity of principal or agent, who sells or offers for sale in Canada, either as principal or agent, any foreign-grown nursery stock, shall furnish to the purchaser of such stock a duplicate order, with a contract specifying that such stock is true to name and as represented.

4. Every person who sells or offers for sale in Canada, either as principal or agent, any foreign-grown nursery stock without first complying with the requirements of this act, or refuses to exhibit the certificate mentioned in section 2 of this act, whenever demanded, or by means of any advertisement, circular, notice, or statement, printed or written, published or posted, or circulated by the agency of any officer, agent, or other person, or by any other means, falsely represents to any person or to the public that such nursery stock is grown in Canada, and is hardy, and is adapted to the climate thereof, is guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than $25 nor exceeding $100, or to imprisonment for a term not less than ten nor more than sixty days.

At the same time steps were taken looking to the reimposition of duties on nursery stock. Moreover, it appears that even now the introducer of the bill just read is endeavoring to secure consideration and passage thereof by the Dominion Parliament, while interested parties in Canada are procuring and presenting daily to the house of commons in Ottawa petitions—

for reimposing duties on fruits and nursery stock removed last session, and for increasing the duty on all vegetables, including melons, to 30 per cent. ad valorem "when imported from the United States."

The question of the export duty on logs has also attracted, indeed even now attracts, much attention on both sides of the line. In view of these things can it be wondered that our relations are somewhat strained? I have introduced and urge upon Congress the passage of a bill which is now before the Committee on Ways and Means, which I ask to read. It is entitled "A bill to regulate commerce between the

United States and foreign countries." Its preamble and provisions read as follows:

Whereas the Dominion of Canada did by proclamation of date of April 13, 1888, declare that under the provisions of chapter 33 of the customs act of Canada green fruits, certain seeds, trees, shrubs, plants, and vegetables, all specifically prescribed, should from that time, and until otherwise provided, be admitted into Canada free of duty; and

Whereas the Canadian Government is now contemplating the rescinding of such action and the restoration of the duties on the above-mentioned articles, and further has exhibited a disposition to favor other legislation of a hostile character; and

Whereas there has been introduced into the Canadian Parliament a measure known as the Boyle bill (No. 105), which places the sale of nursery stock grown by American nurserymen under certain restrictions and regulations, with the intention of excluding such American nurserymen from Canadian territory, and thus crippling an important branch of American industry; and

Whereas by recent legislation the Canadian Government has imposed an increased export duty on pine saw-logs and round unmanufactured timber, with the intention of making the exportation of such merchandise prohibitory: Therefore,

Be it enacted, etc., That all articles imported into the United States, in addition to the import duties now or which may hereafter be imposed by the laws of the United States thereon, shall pay an additional duty equal in amount to any export duty which may be imposed on the shipment of like articles to the United States.

SEC. 2. That in case any foreign country shall impose an export duty upon logs, shingle bolts, or other kinds of wood that may be designed for or used as the raw material of any American saw-mill, mill, or factory, that the sawn lumber, shingles, or other manufactured product of such kinds of logs, bolts, or wood as may have an export duty imposed upon it by such country shall, when imported from such country, be subject, in addition to the regular duty provided by law, to an additional duty equivalent to the amount of such export duty.

SEC. 3. That all articles, on shipment into the United States, whether embraced in the free-list of the United States or otherwise, shall pay no less rate of duty than is or may be chargeable by the laws of the country of export on like articles imported into said country from the United States.

SEC. 4. That the following articles shall, on importation into the United States, be subject to the following rate of duty:

Eggs, 5 cents per dozen.
Hay, 25 per cent. ad valorem.
Straw, $3 per ton.
Potatoes, 25 cents per bushel.
Fish (fresh for immediate consumption), 1 cent per pound.
Apples (green), 40 cents per bushel.
Apples (dried), 2 cents per pound.
Poultry and game of all kinds, 20 per cent. ad valorem.

SEC. 5. That all ad valorem duties imposed by the laws of the United States on goods, wares, and merchandise imported from foreign countries shall be assessed upon the actual retail price of or value at which such goods are sold for home consumption in the country of production or export, whenever in the country of such production or export ad valorem duties upon goods, wares, or merchandise imported into such country from the United States are assessed upon the retail price or value at which such goods are sold for home consumption in the United States.

SEC. 6. That should any country impose a duty on the packages in which are contained goods, wares, and merchandise imported into that country from the United States, there shall be imposed a like duty on similar packages in which goods, wares, and merchandise are imported into the United States from the country imposing such duty.

SEC. 7. That this act shall take effect from and after the date of its passage.

Now, I appeal to the House and to the country if it is not fair and just to ourselves and to those we represent that we should enact this or some other just measure in the way of precaution at the very earliest date? As to the log question I have said:

It is not merely the rate of duty we object to. We have adopted the principle that if any country imposes an export duty on logs or the product of the forests the amount of such export duty shall be added to the prevailing duty upon lumber imported from that country into the United States. This principle is too sound to be abandoned. For instance, our present customs duty on sawn lumber is $2 per thousand feet. If the Canadians continue their export duty of $3 per thousand upon logs we will add that $3 to our duty, making the import duty on lumber $5 per thousand. Ten times as many logs are shipped from the United States to Canada as are imported into this country, yet our Congress is prohibited by the Constitution from putting an export duty on anything. That disadvantage we hope to overcome in another way, unless the Canadians agree to treat the business of exporting logs as we do.

Our policy with respect to that question is embodied in the tariff measure lately passed by the Senate. We propose to reduce the lumber duty from $2 to $1.50 per thousand feet; but in the case of countries imposing an export duty on timber or woods of any kind we will add the amount of such export duty to our duty on the sawn lumber imported from such country. For instance, the Canadians impose $3 a thousand feet export duty. If they continue doing so or impose any rate of export duty the duty on Canadian sawed lumber brought into the United States will, under our bill, be $4.50 per thousand feet. If they reduce the export duty to $2, the American duty on lumber will be $3.50 per thousand. If the Canadians abolish the export duty altogether, then of course Canadian lumber will only be subject to the regular duty of $1.50 per thousand feet.

We do not desire or intend to dictate to a friendly power any course of legislation they may in their judgment deem it for their interest to maintain. We simply desire to enact such laws as will be constitutionally protective of American interests. There is no retaliation involved in the question. Export duties on raw material is a relic of barbarism.

Our logs in immense volume go out free to any country which desires them and always will. Fair play is a jewel. We want it and must have it.

The course it is proposed to adopt in the bill is a means to an end. Read it very carefully and see in it a beacon light for the commercial world and all governments alike.

Now, suppose the Dominion Parliament reimposes the duty on our nurserymen and enact the pending bond bill. True they hurt both themselves and our people at the same time. It may be said that they will suffer in the greatest degree. I think they would, but we owe it to "humanity" to prevent even our Canadian friends from inflicting wrongs upon themselves. But to enact the pending legislation referred to in the Dominion Parliament would be a flagrant wrong—an act of bad faith on the part of the Canadian Government that would seriously impair existing friendly trade relations. Its very proposal seems to demand and justify the legislation by Congress now proposed.

The great need at this time on the north side of the line is wise counsels, statesmanlike leadership.

In a few days we shall pass out from the "dreary waste and desert" through which the country has been traveling for four years, and will come once more into the sunlight of a new and wiser administration. One "by the people, of the people, and for the people," and if our neighbors on the north will afford us the opportunity we will teach them wisdom and give their representatives, if they will spend a little time here as our guests, an opportunity to study our institutions on the spot.

I remember, Mr. Speaker, that when in the dark days of rebellion our call went forth to the brave men of the North to volunteer in defense of the Union, over forty-six thousand Canadians enrolled themselves among its defenders. The time is coming when they will be in the Union themselves, a part of us, they and their children and their lands. God speed the day! I am hoping to see the day of Canada's richest blessing when she becomes a part of our confederation. Her people are ready. Let them speak and their leaders must heed. "Commercial union" we will not favor, except as a means to a speedy end. Meanwhile, Mr. Speaker, I conceive it to be our imperative duty to enact such legislation as will enable our Government to afford speedy protection to our own vast interests at the instant of any hostile or unfriendly legislation by the Dominion Parliament.

We have always met our Canadian neighbors in a generous spirit, and ever will. The trouble is and has been that we have not been treated in good faith. We notice with unconcern the development of the British scheme which is said by some to be a menace to the navigation, transportation, and commercial interests of the United States, and we are not unmindful of the military preparations of the British Government on this continent. The people of the United States, who fought the greatest war of all ages and at its close sent back to the pursuits of peace a million trained soldiers and in two decades achieved the material victories that they have, need have no concern, while ever watchful of the affairs of our neighboring nation. As a people we wish them well, but for our own we demand justice and fair play.

Interstate Commerce.

SPEECH
OF
HON. CHARLES H. GROSVENOR,
OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889.

The House having under consideration the bill S. 2851, being an act to amend an act entitled "An act to regulate commerce," approved March 4, 1887, and the question being upon agreeing to the report of the conference committee—

Mr. GROSVENOR said:

Mr. SPEAKER: The amendment which I had the honor to offer, and which is to be abandoned by the report of the conference committee, is in the following words:

Add at the end of section 1 the following:

"*Provided, however*, That it shall be unlawful for any common carrier subject to the provisions of this act to carry refined oil or other petroleum products, cotton-seed oil, or turpentine, for any shipper, in tank or cylinder cars, except upon the condition that said carrier shall charge the same rate, respectively, for the transportation of said products in wooden packages or barrels, in car-load lots, as in said tank or cylinder cars, the said tank and cylinder and said wooden packages and barrels being carried free in each case."

I do not occupy the ground which has been so eloquently covered by the gentleman from Iowa [Mr. ANDERSON], nor do I join that gentleman in the criticisms of the railroad corporations of the country. My position upon that subject is perfectly well known and understood. I believe that all railroad corporations brought into existence in response to public demand were ready, willing, and capable of transacting the business of the country in a manner entirely just to all the business interests of the communities; and if left to themselves that competition would have better regulated the whole subject than any enactment of law.

I had the distinguished honor, and it gives me great satisfaction, of voting against the interstate-commerce bill at every stage; and I have voted against this bill and shall continue to do so. I voted against the original act known as the interstate-commerce law. I did it because I believed that it would result in just what it has resulted in—absolute failure to accomplish its purpose.

Whatever may have been the original purpose of the inventors or projectors of this special legislation, it is very certain that the people of the United States have received no possible benefit from it. It has placed upon their shoulders the burden of an enormous increase of public expenditure, but has resulted in nothing valuable whatever. I speak with some feeling about this provision in its effect upon the section of the country where I live. I know that it has deranged the

business of the country; that it has injured shippers—ruined many of them—to enable the corporations which saw fit to do so to shield themselves behind the provisions of the law, to do injustice wherever they saw proper to do so.

At the time the original act was pending I called the attention of the House to the presence in the bill of this remarkable language, "Under substantially similar circumstances and conditions," and I said then that if I were permitted to do so I would move to strike that language out of the bill; but I was not permitted to do so, for I was gagged by the previous question, and the dragon's teeth of these words thus sown under our own observation have produced a crop of bad results. That language was skillfully conceived and adroitly inserted in the enactment. It could have but one effect, and that was to disorganize and to create misunderstanding. But it was adhered to with great tenacity by the sponsors of this legislation at the other end of the Capitol, and even greater than was any other enactment of the bill. It was the favored legislation, it was the favored enactment, it was the bantling of somebody's ingenuity, and it was adopted by all the promoters of this bill and no argument could effect any change of purpose. Out of it has grown all the wrong of which we complain in Ohio. If it was not put into the bill for the purpose of enabling certain shippers to procure certain discrimination, then the constructors of that bill builded wiser than they knew.

And now, Mr. Speaker, I make the broad charge here that there has been no step taken under this enactment that has ever resulted in breaking down discrimination by railroad corporations throughout the country, and that there exists to-day, fortified behind this legislation, a system of discrimination more flagrant, more glaring, more outrageous, and more inconsistent with the original pretended purpose of this legislation than any discrimination that was ever attempted or dared to be attempted by any corporation prior to this enactment. Jurisdiction has been assumed by this commission, and I cast no aspersion against that body. It rises just about as high as its source; it bears about the same comparative relation to effecting a valuable legislation in this behalf as a eunuch bears to the human family; it has no power in itself. It is a mere fulminating machine to utter platitudes to the people of the country without any power of enforcing its judgment.

I undertake to say that this assumed power over the railroads of the country has operated in one way or another to exclude the jurisdiction of State Legislatures and State tribunals to such an extent as to leave the shippers of the country substantially without protection, and I call attention to the fact, which must be an impressive one to the men who hoped that some good was to come of this legislation, that notwithstanding the presence of this law for nearly two years and its operations in all directions, no case has been made that has reached a final result. The best legal minds of the country doubt the constitutionality of many provisions of this law. I doubt them, although I do not class myself with the best legal minds of this country. I never did believe that certain provisions of this law were constitutional, and yet, Mr. Speaker, no railroad company has ever been put into a position such that it desired the question of the constitutionality of this law tested, so far as I know. They have been quite content with the muddle that has been produced by it, and are willing to go on stirring the muddy waters of uncertainty while great interests are crushed to death.

Now, Mr. Speaker, after a great deal of consideration a provision was brought here to relieve the difficulty growing out of the original act, and the House of Representatives introduced the amendment about which I am speaking into the bill, a very simple provision, a provision to compel railroad companies to carry and transport oils, turpentine, etc., in barrels, in car-load lots, at the same rate as they carry a similar quantity in tank car-load lots; but the moment that this was put into the bill, just so quick the distinguished gentlemen at one end of the Capitol or the other, who had been posing as the friends of the people and insisting upon equal rights to all, and who were hostile to the greediness of the railroad corporations, shrank from their duty in this behalf and ran away. No matter that appeal after appeal came here from the manufacturing interests of the country; no matter that it was pointed out from one end to the other that the discrimination was glaring and outrageous, they started at the other end of the Capitol with the proclamation that it was class legislation, and some distinguished authorities in this country have gotten it into their heads that where you legislate upon provisions to carry oil and turpentine and name it, that that is class legislation.

Why, we have legislated upon the subject of classes; but to get rid of their position the suggestion is made that the "naming" of oil is a great political crime in this country. This is the proposition that was made:

That it shall be unlawful for any common carrier subject to the provisions of this act to transport cars for any shipper who shall own or control the same, except upon condition that the same shall carry by such car the property of all shippers without discrimination or favor, or shall furnish similar cars to all shippers upon the same terms and conditions.

Now the charge of class legislation was gotten rid of; here was general legislation—a general topic, but it met with exactly the same fate. It was a proposition looking to put into plain English language what was alleged, but fraudulently alleged in my judgment, to be the original purpose of this act. There it stands, embodied in plain English. It meant simply this: There shall be no discrimination among shippers; one man shall have as fair a chance as another; all men shall stand alike in this country with relation to the common carriers of the country. It is an embodiment of all that ever was worthy of an honest man's consideration for one moment. It is all there. It is the gist and marrow of the whole plan, and these projectors, its high priests, its sponsors, ran from its cradle and fled with the precipitancy of ancient Peter from the guard. They ran away from the whole business and let it die, and let the evil stand.

The whole miserable muddle, gentlemen of the House of Representatives, is this: It is the putting upon the statute-book a thing "without beginning of days or end of years;" without authority to enforce the opinions of its tribunal, barring the right of citizens to enter tribunals near the homes and business places of the injured, fencing up the avenues of redress in such a way as to make them impossible of travel by the persons interested, and when traveled valueless as means of redress. It created a board, as I have said, for the mere purpose of fulmination, and it now appears that whenever there is an amendment suggested to this legislation that is likely to touch anything, accomplish anything, hit anything, its authors flee from it. This amendment is the first proposition that has ever been made to steer this law up against anything. It has gone wending its way through the mazes of Congressional complication, and has successfully avoided putting its finger on anything, and now when an effort is made that is practical these gentlemen jump up and figuratively shout: "Look out, you will hit something if you do not mind!" There is something in the way. What is it that is in the way? Great monopolies, enormous enterprises are in the way.

So we came here with an amendment meeting the identical case, applying it to oil, turpentine, etc., just the things to which they had called attention. Then, when the great posers and imposers upon the public of this country denounced it in the other end of the Capitol, we said, "We will shear it; it shall be shorn of all special features and we will make a general, sweeping, equitable provision, which shall say that the railroad company, if it carries for A a car-load of oil in a tank, at a given price, shall also carry for B a similar quantity, or furnish him a car and do the same by him." There is no way, my countrymen, but for this House, the Representatives of the people, with the intelligent knowledge which we now have, to stop further proceedings, defeat this bill, and some time or other secure the passage of legislation that will cure the evils under which the people are complaining.

I denounce, as an outrageous betrayal of the confidence of the people of this country, the rejection of this amendment. I am not complaining, Mr. Speaker, of the Committee on Commerce of this House. I accord to them the utmost fair dealing and intelligent consideration of this great problem. In their deliberate judgment, patriotically reached I agree, they have said it is better to take something than to get nothing. My opinion is, however, that they will grasp at a shadow of something, and will find when they have taken hold of what they think is something, in fact it is nothing. It is a shadow, it is a myth, it is an apparition of justice, and not justice; and the strongest argument against what is left in this report, to my mind is that it has received the sanction of the members of the conference committee at the other end of the Capitol.

I do not believe they would have consented to anything that would have the slightest effect on God's earth except creating a commission to draw their salaries. But I do not complain of this commission, as I have already said; a stream does not rise any higher than its source. We have been living under this act for, lo! these many months, and I have here in my hand an utterance of this very commission saying that in the decision of this very question in the case of Rice against a railroad company there was an opening in the statute, a defect that ought to be filled up and improved by legislation; and we came here with that identical legislation—the very thing the commission said ought to be put into the constitution, and this conference committee rejects it.

Mr. BUTTERWORTH. I understand that the amendments proposed by my colleague met just the requirements suggested by the commission.

Mr. GROSVENOR. Coming to the fact that there was a discrimination which they could not cure with the law as it stood, the commission said:

These facts are noted for the purpose of placing the whole subject distinctly before the National Legislature. If it is the will of Congress that all transportation of persons and property by rail should come under the same rules of general right and equity, some further designations of the agencies in transportation which shall be controlled by such rules would seem to be indispensable.

From this—this is a commission that has not any power except to talk—they talk and speak in plain English—they said that this discrimination by tank-car business was a violation of the law, and they said if it is the will of Congress that all transportation of persons and property shall come under the same rules of general right and equity, then this thing ought to be relieved against, and I stand here to-day and say in plain English that the action of these men in refusing this amendment justifies me in saying in the very language of this demand—these gentlemen do not desire, do not intend, will not have it, "That all transportation of persons and property by rail shall come under the same rules of general right and equity."

There never was a more simple proposition made to anybody, never a proposition more easy of accomplishment, never a betrayal more unjustifiable. We simply say to the railroad corporations, if you carry a car-load of oil in a tank at a given price, you shall either furnish another the same car at the same price or else you shall carry a similar quantity in barrels at the same price.

Mr. Speaker, it was said by my friend from New York [Mr. WHITE] in the debate a few days ago that the presence of these corporations in this matter had cheapened oil everywhere, and I grant that there is much in the figures or history of all transactions to justify his statement; but I desire to put into my speech some figures which will go very far to show that the gentleman's statement must be taken with many grounds of allowance.

It is true that by reason of the pipe-line system and the enormous increase in the production, and many other reasons, this product has been greatly cheapened; but in a trial upon one of these questions in a court in Ohio evidence was offered, and not contradicted, showing the effect which the competition of one individual, Mr. George Rice, a citizen of my district, had upon the market; and I append here a table showing the effect of this competition upon the market in a large number of places.

Now, it is a well-known fact that the Standard carries its oils almost wholly in tank-cars and dumps same into iron reservoirs at central points in all the States, and distributes same into barrels and tank-wagons, and yet with these great advantages in their favor of 12 cents to $2.39 per barrel (between barrels and same number gallons in tank-cars, 50 each barrel), one George Rice has sent his oils (per his own sworn statement before the Manufactures Committee of last session) to far-off distant points and reduced the price of Standard oils from 5 to 11 cents per gallon, as the following statement shows:

Prices made by Standard Oil Company before the oils of Geo. Rice entered the points below, and also prices to which they were cut by the Standard after entry of said oils.

Names of towns.	Kinds, and how delivered.	Prices.	
		Before entry.	After entry.
Paris, Tex	110° fire test, in barrels.....per gallon	$0.15	$0.10
Do	175° fire test, in barrels.....do	.20	.13
Corpus Christi, Tex	110° fire test (two 5-gallon cans in boxes), per case.	2.30	1.40
Laredo, Tex	.....do	2.40	1.65
San Antonio, Tex	.....do	2.30	1.75
San Marcos, Tex	.....do	2.60	1.50
Calvert, Tex	.....do	2.50	1.50
Weatherford, Tex	110° fire test, in barrels.....per gallon	.18	.10
Do	110° fire test, two 5-gallon.....per case	2.20	1.80
Victoria, Tex	.....do.....do	2.30	1.50
Athens, Tex	.....do.....do	2.20	1.50
Flatonia, Tex	.....do.....do	2.20	1.50
Jacksonville, Tex	.....do.....do	2.40	1.70
Whitesborough, Tex.	(No competition.)		
Do	110° fire test, two 5-gallon.....do	2.40	.....
Clarksville, Tex	110° fire test, in barrels .....per gallon	.15	.....
Do	(No competition; same freight rate as Paris.)		
Cleburne, Tex	110° fire test, two 5-gallon .....per case	2.20	1.70
Austin, Tex	175° fire test, two 5-gallon .....do	3.20	1.50
Do	175° fire test, barrels.....per gallon	.22	.10
Galveston, Tex	110° fire test, barrels.....do	.13½	.10
Do	110° fire test, two 5-gallons .....per case	1.60	1.40
Round Rock, Tex	.....do.....do	2.30	1.70
Do	175° fire test, two 5-gallons.....do	3.30	2.20
Honey Grove, Tex	110° fire test, two 5-gallons.....do	2.20	1.80
Jacksonville, Tex	110° fire test, barrels.....per gallon	.20	.15
Ennis, Tex	110° fire test, two 5-gallons.....per case	2.20	1.50
Tyler, Tex	.....do.....do	2.20	1.30
Navasota, Tex	.....do.....do	2.20	1.50
Hubbard City, Tex	.....do.....do	2.20	1.60
Gilmer, Tex	.....do.....do	2.30	1.75
Little Rock, Ark	150° fire test, in bulk .....per gallon	.16	.05
Morrillton, Ark	150° fire test, in barrels.....do	.18	.08
Searcy, Ark	.....do.....do	.15	.11½
Selma, Ala	115° first test, in barrels .....do	.15	.08
Birmingham, Ala	.....do.....do	.13	.09
Anniston, Ala	.....do.....do	.14	.09½
Mobile, Ala	110° fire test, in barrels.....do	.12½	.09
Huntsville, Ala	.....do.....do	.16	.08½
Memphis, Tenn	150° fire test, in barrels.....do	.16	.08
Union City, Tenn	.....do.....do	.16	.12
Nashville, Tenn	.....do.....do	.16	.08½
Jackson Tenn	.....do.....do	.15	.10
Knoxville, Tenn	.....do.....do	.16	.09½
Chattanooga, Tenn	.....do.....do	.13	.09
Jackson, Miss	110° fire test, in barrels .....do	.16½	.13
Vicksburg, Miss	.....do.....do	.11½	.09
Holly Springs, Miss	150° fire test, in barrels .....do	.17	.12½
Winona, Miss	.....do.....do	.16	.12
Grenada, Miss	130° fire test, in barrels .....do	.14	.10
Aberdeen, Miss	150° fire test, in barrels .....do	.13½	.11
Natchez, Miss	110° fire test, in barrels .....do	.11	.08½
Meridian, Miss	.....do.....do	.14	.09
Water Valley, Miss	.....do.....do	.15	.11
Paducah, Ky	150° fire test, barrels .....do	.10½	.07½
Atlanta, Ga	120° fire test, barrels.....do	.15	.09
New Orleans, La	110° fire test, barrels.....do	.12	.08½
Shreveport	.....do.....do	.14	.08

Which conclusively proves that competition is the sole and principal reason for low prices; and if a gallon of oil in a barrel is allowed to be carried as cheap as a gallon in a tank-car there will be freer competition and much lower prices. Increased production has also helped to lower prices.

Oils ought to be carried cheaper by the gallon in a barrel than in a tank-car, because it is worth one-third as much to haul back an empty tank-car as it is worth to carry the load forward, based on low-class freight like oil, coal, pig-iron, etc. Tank-cars are not adapted to return freight except in a few isolated cases from the South, turpentine and cotton-seed oil—which the Standard has the monopoly of.

It is also said that each case must stand on its own bottom, which means that one must enter complaint against every road in the United States on one plain state of facts, as there is no difference in any case, except as the commission has construed, where return loads are applicable, which is not 5 per cent. of all in the United States, but at the same time these return loads, what there is, is absolutely controlled by the Standard Oil Company.

This assertion is sufficient of itself of a denial of justice to the people. This broad principle should be asserted: That the roads must carry a gallon of oil in a barrel as cheap as a gallon in a tank-car, until they furnish the tank-cars to all shippers who apply or provide the two methods.

Page 15, First Annual Report of the Commission, places the same before Congress for their action.

Mr. Speaker, there is no way to remedy this evil but for this House, with the intelligent knowledge which we now have, to stop further proceedings upon this bill, and at some time or other to secure the passage of legislation which will cure the flaws in it of which the people are complaining. I do not believe that any good result has grown out of this intermeddling with the business affairs of the country, and if this law is here to stay, if a law born of prejudice and misunderstanding is to remain a permanent fixture upon the statute-books, then let us remedy it, let us build it up as other laws have been built.

It is not strange, Mr. Speaker, that this enactment failed in its first enforcement. Other great departments of legislation have had similar results. Most of our statutes in the States have been matters of growth. The municipal laws of our States consisted originally of but a few sections. The laws regulating the construction, repairs, and maintenance of the different railroads of the country were all embodied in a few paragraphs, and time suggested to wise statesmanship here another idea to be put on, and there another, and here some new feature developed, and so the municipal laws of the country and the various regulations and the great system of legislation of the country have been matters of growth. They have been built by the push, study, and application of wise and just statesmanship, and so it is not wise that the progenitors of this law stand across the pathway of this reform.

The interstate-commerce law as it was passed and as it has been attempted to be enforced has impeded, disarranged, and destroyed business. It has made it possible for great corporations to combine more secretly and securely than ever before to produce the destruction of smaller ones; it has given them intrenchments behind which they could terrify the country with their exactions and discriminations, and it has done no good whatever.

Here is an extract or two from a letter I received to-day from one of the leading miners and shippers of coal in the Northwest:

As I stated to you in a personal conversation in Columbus, this whole interstate-commerce act is a delusion and a snare, and helps no one except the wealthy railway companies of the country. You can see from the recommendations of Judge Cooley, appearing from time to time in the public press, that he is far more solicitous for the welfare of the stockholders of railroads than for that of the general public. Although almost every railway in the country has violated, and is daily violating, the provisions of the interstate-commerce act, not a single fine or penalty has yet been imposed for any violation of this law. Indeed, the commission have rendered certain decisions not only in violation of the interstate-commerce law but in violation of every principle of justice. Coal mined in your district, and indeed in Ohio and Pennsylvania, is now excluded from large markets in Minnesota, Dakota, and elsewhere in the Northwest by reason of the Interstate Commission upholding a most unjust discrimination in favor of coal mined in Illinois and Indiana.

About a year ago certain of the railway general managers of lines running from here to the Northwest, in order to favor in a special manner the sale of coal along their lines from mines in which they and their friends own stock and have controlling interest, made a certain schedule of rates from Chicago to points west of the Mississippi River that for like distances and under like conditions gave an advantage of 40 cents a ton to Illinois coal over that mined in Ohio. As an illustration, when coal is shipped from Wilmington, Ill., to St. Paul, Minn., it comes here over the Alton road to Chicago at a cost of 40 cents per ton. From here it is shipped to St. Paul at a rate of $2 a ton. The Northwestern Railway pays back to the Alton road the entire cost of the carriage of this coal to Chicago. As a consequence the net rate to St. Paul is $1.60 on Illinois from Chicago and $2 on the Hocking Valley coal. Other railroads running to the Northwest allow a similar rebate on coal mined in Southern Illinois and in Indiana, but refuse to make any rebate on Eastern coal.

This case of discrimination was laid before the Interstate Commission, and the facts were admitted by the company against which the complaint was made. If this is not a case of discrimination it would be impossible to find a case of railway discrimination. Suit was brought in accordance with the unanimous wish and upon the request of the coal operators of Ohio and Pennsylvania. In the face of the admitted facts Judge Walker rendered a decision against us and in favor of the railway company, alleging in substance that it was not deemed policy to disturb existing relations between the railway lines in the Northwest. At the very time this decision was rendered statements appeared in the public press that this very Judge Walker was the choice of the Northwestern and other railroads as their pool commissioner. It appears, then, that at the very time he rendered this decision he was negotiating for a lucrative position with the very railway company in whose behalf the decision was rendered. At a meeting

held in Indianapolis of the miners and operators of several States this matter was taken up, and a resolution was unanimously passed to lay before the Congressmen of the States of Ohio and Pennsylvania the facts of the discrimination here alluded to, and also the injustice and wrong done by the decision of Judge Walker. Will you kindly let me know in what shape it would be best to present this matter?

It seems to me it is high time that some Representative in Congress shall inaugurate some action looking to the abolishment of this colossal farce known as the interstate-commerce law.

The writer is a shipper and is interested in low freights and fair dealing.

And now, for the first time, the Congress of the United States is brought face to face with a practical proposition, a practical effort to do a practical thing. The question is: Shall one man, or, if you please, one individual, crush everybody else and break them down, and then when they appeal to the courts, or appeal to Congress, shall they be met by the statement that what they propose is class legislation?

Whatever may have been the original purpose and intention of the originators of this enactment, surely, if it was a wise and good purpose, it has failed, and the reason I say this now is that when these men are confronted with the manifest evils which have resulted in a large degree from this enactment, then you are presented with a plan by which relief can be had; a plan proposed by the commission of the law itself; a commission which they have called upon to administer this law that refuse to do anything.

The whole law is class legislation, and if my friend from Georgia [Mr. CRISP], the able chairman of the conference committee, occupied an antagonistic position to mine, I would challenge him to say here to the hearing of the whole country whether this whole law is not class legislation. The pretext of class legislation for the breaking down of wholesome enactments is the battle cry of the uneducated and the ignorant. The man who fortifies himself behind the cry of class legislation nine times out of ten will be found to have a small investment of intellectual capital, and that what he has is largely prejudice, and appeals to prejudice, and the great defect of his character is his total ignorance of what he is talking about. The railroads themselves are a class of property. Goods to be transported by railroad are a class of property as contradistinguished from all the property of the real estate of the country; and so you can not legislate upon any of these subjects without being just as open to the charge of class legislation as in the present case.

We come here, Mr. Speaker, with a case—a case that no man has broken down, a case that comes within the scope of the legislative power of Congress. if it ever had any power in this direction. We have made a case that no man has offered or sought to gainsay as to its equity and justice. We have appealed on behalf of a great class of manufacturers in this country that they shall not be destroyed by a single power, and that is our proposition here to-day, simply and plainly stated. I hope this House will adhere to its amendment and put the onus upon the other end of the Capitol of defeating this legislation.

Land-Grant Forfeitures.

REMARKS

OF

HON. JOHN L. MACDONALD,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889,

On the report of the committee of conference on the disagreeing votes of the two Houses as to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of certain railroads, and the amendments of the House to the same.

Mr. MACDONALD said:

Mr. SPEAKER: To better understand the questions involved, it will be well to recall to our minds what has been the difference between the Senate and House upon this subject of forfeiture of lands heretofore granted to railroads.

In May last the Senate passed the bill (S. 1430) under consideration. The effect of that bill will be (according to the report of the Committee on the Public Lands, made by its chairman, Mr. HOLMAN) to forfeit to the United States the lands heretofore granted to railroads to aid in their construction, which pertain to and are coterminous with the portions of such railroads as are not now completed and in operation. This would be to declare a forfeiture of portions of the following grants, which are now understood to be claimed and controlled by the following railroad companies:

First. The Florida Railroad Company; that part of the grant lying between Plant City and Tampa, and that portion of the Cedar Keys branch of said road lying between Waldo and Cedar Keys, a distance of 20 miles of railroad, now unconstructed.

Second. The Tennessee and Coosa Railroad Company; that part of the grant from Gadsden to Guntersville, Ala., a distance of 36 miles, unconstructed.

Third. The Coosa and Chattanooga Railroad Company; that part of the grant from Gadsden to Georgia State Line, a distance of 37.5 miles, unconstructed.

Fourth. The Mobile and Girard Railroad Company; that part of the grant from Troy to Mobile, a distance of 139.6 miles, unconstructed.

Fifth. The Alabama and Tennessee Rivers Railroad Company; that part of the grant from Jacksonville to Gadsden, a distance of 23.42 miles, unconstructed.

Sixth. The Marquette and Ontonagon Railroad Company; that part of the grant from L'Anse to Ontonagon, a distance of 45 miles, unconstructed.

Seventh. The Ontonagon and State Line Railroad Company; that part of the grant from Rockland to Wisconsin State line, a distance of 55 miles, unconstructed.

Eighth. The Amboy, Lansing and Traverse Bay Railroad Company; that part of the grant from Jonesville to Amboy, a distance of 20 miles, unconstructed.

Ninth. The Gulf and Ship Island Railroad Company; that part of the grant from Brandon to Mississippi City, a distance of 170 miles, unconstructed; being the entire line of the road.

Tenth. The Minnesota and Pacific Railroad Company; that part of grant opposite to and coterminous with remainder of line uncompleted, 5.37 miles.

Eleventh. Southern Minnesota and Minnesota Valley Company; that part of the grant from St. Anthony via Minneapolis to Shakopee, west of Mississippi River, a distance of 25 miles, uncompleted.

Twelfth. The Southern Minnesota Railroad Company; that part of the grant from Houstan to Rochester, a distance of 58.5 miles, unconstructed.

Thirteenth. The Portage and Winnebago Railroad Company; that part of the grant from Ashland to Superior City, a distance of 84 miles, unconstructed.

Fourteenth. The Sioux City and St. Paul Railroad Company; that part of the grant opposite to and coterminous with, a distance of 26.91 miles, is unconstructed.

Fifteenth. The Northern Pacific Railroad Company; that part of the grant from Wallula Junction, Washington Territory, to Portland, Oregon, a distance of 225 miles, unconstructed.

Sixteenth. Southern Pacific Railroad Company; that part of the grant from Tres Pinos to Huron, a distance of 84 miles, unconstructed.

So that the aggregate number of miles of the uncompleted railroads to aid in the construction of which lands had been granted by Congress is, according to the report of the General Land Office, 1,049.23 miles.

When this bill was received here from the Senate it was referred to the Committee on the Public Lands, and that committee, in June last, reported it back to the House with an amendment in the nature of a substitute, which the majority recommended being adopted, and which was as follows:

An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Be it enacted, etc., That all lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line opposite to and coterminous with the portion of any such railroad not constructed and completed within the time specified in the law making the grant for the construction and completion of the whole of such railroad are hereby declared forfeited to the United States, and the United States resumes title thereto, and all such lands so granted lying opposite to and coterminous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad as provided for by such act, is hereby restored to the public domain and declared to be a portion thereof: *Provided, however*, That the forfeiture hereby declared shall not extend to the right of way through the remainder of the route, including the necessary depot grounds, switches, side-tracks, and turn-tables of any such railroad corporation as now occupied and used by such corporation, or to lands included in any village, town, or city within the limits of the lands hereby declared forfeited.

SEC. 2. That the forfeiture hereby declared shall not extend to lands adjacent to and coterminous with any portion of any such railroad which is now completed which were sold by the company controlling or owning such railroad prior to January 1, 1888, to bona fide purchasers for a valuable consideration, but the title to such lands are hereby confirmed to such purchasers, their heirs or assigns, upon condition that all persons claiming the benefit of this section shall, within one year from the passage of this act, make and file before the register and receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office, proof of the good faith, consideration, date, and extent of his or her purchase; and after hearing such proofs and investigating each case the register and receiver shall determine whether any alleged purchase was in fact made in good faith, for a good and valuable consideration, prior to January 1, 1888, and shall note the finding in each case on the records of the local land office, and shall thereafter certify the same to the Commissioner of the General Land Office: *Provided*, That nothing herein contained shall be construed to confirm any such purchases of land upon which there were prior bona fide pre-emption or homestead claims, valid and subsisting on the 1st day of January, 1888, arising or asserted under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

SEC. 3. That all settlers upon any of the land forfeited by this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case, as a homestead, under and pursuant to the laws relating thereto, and in making final proof of such homestead the settler shall be allowed for the time he has already resided upon and cultivated the same.

SEC. 4. That no land declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States to have other lands granted by them as recited in the first section forfeited for any failure, past or future, to comply with the conditions of the grant.

SEC. 5. That all lists of lands heretofore certified and all patents issued to any State and all patents heretofore issued to any corporation for lands embraced in any grant beyond the portion thereof coterminous with the railroad actually completed within the time prescribed by law for its entire completion are hereby declared inoperative and void, and proper proceedings shall be instituted by the Attorney-General to annul the same.

SEC. 6. That all acts in conflict with this act are repealed.

It should also be stated that two members of the majority of the committee (Messrs. STONE, of Missouri, and MCRAE) united in a separate report, in which they approved of the majority report as far as it went, but insisted that it should have provided for a forfeiture of all lands where the railroad has not been built within the time provided in the granting act.

The minority of this committee made a report dissenting from the views of the majority, and recommending the adoption of a substitute proposed by them, which was substantially the same as the Senate bill.

Soon after these reports were made the bill and proposed amend-

ments came before the House, and after discussion the substitute proposed by the majority of the committee was adopted by the House and passed and sent to the Senate as the views of this branch of Congress upon the subject of railroad land forfeiture. It was at an early day taken up by the Senate, and that body by vote refused to recede and asked for a committee of conference; which was granted, and on the 6th day of July last, nine months ago, this committee (consisting of Messrs. HOLMAN, STONE of Missouri, and PAYSON) was appointed.

This important matter has therefore remained in the hands of the conference committee until yesterday, when the report now under consideration was made.

The gentleman from Missouri [Mr. STONE] having by his "filibustering" tactics succeeded, with the aid of two or three other gentlemen, in defeating any action upon the report of the committee of conference upon this bill, providing for a forfeiture of all lands pertaining to the uncompleted portions of all the land-grant roads, I feel it incumbent upon me as a member of the Committee on Public Lands, and in justice to myself, to make some remarks upon this action of these gentlemen, and upon the bill and report and statement of the conferees on the part of this House.

I feel, sir, that in failing to secure the forfeiture and return to the public domain of any of the public lands subject to forfeiture we have signally failed in the performance of an important public duty incumbent upon us, and that the country will hold us responsible for this; and feeling, as I do, that the responsibility for this failure should be placed where it belongs, I am prompted to thus attempt to place it there.

To begin with, the passage of this bill or any similar measure at this session of Congress has been defeated by the inexplicable delay of the members of the conference in reporting upon it to this House, and withholding both until the last day but one of the session. The members of the conference were appointed as long ago as the 6th of July last, and it has been held by them nine months and not reported until within one day of the final adjournment of this Congress. The majority of the conferees on the part of the House (Messrs. HOLMAN and STONE) have submitted a statement purporting to be an explanation of the report—a statement that, everything considered, I regard as of the most remarkable character—but no where in it do they attempt to explain or give any reason for this long delay and failure to report this very important measure before this very late hour. Desiring to do perfect justice to all and to misrepresent no one, I must state that the Senate conferees claim that they have been at all times ready and willing to meet with the House conferees and to consider this measure and the differences which have existed between the bill which we passed and the one the Senate adopted, and that the gentleman from Illinois [Mr. PAYSON] claims that he himself has ever since the appointment of the conferees occupied a similar attitude, and has been not only willing but desirous to meet with the Senate conferees and perform the duty assigned to them.

The chairman of the House conferees [Mr. HOLMAN] has frequently, in response to frequent inquiries by me as to what they were doing, and to urgent appeals for them to do something, given me to understand that he was waiting until he could secure the co-operation of the gentleman from Missouri [Mr. STONE], while in justice to the gentleman from Missouri [Mr. STONE] it must be stated that he claims that he has at all times been ready and willing to meet any conference and act upon this measure, and has been only waiting the invitation or call of the chairman of the conferees [Mr. HOLMAN]. It would be a useless and unprofitable task to attempt to determine from these conflicting statements as to who of the three members, if any, have been determined to prevent action upon this measure by the conference committee. It is enough to say that it was the bounden duty of the chairman of the House conferees [Mr. HOLMAN] to have months ago secured action upon this measure or to have reported to the House that they were unable to agree. I regret to have to say this, but it is due to myself, and, I might add, every member of the Committee on Public Lands, that this statement should be made.

As I have already remarked, the chairman of the House conferees and of our Committee on Public Lands has not attempted in that statement any explanation or excuse for this long delay, and if those of us who have been anxious to secure some action which would result in the forfeiture of at least the land about which there was no controversy feel prompted in our disappointment to thus severely criticise his delay and to regard it as conclusive evidence that he was opposed to the taking of any action which would result in an agreement between the House and the Senate upon the subject of land forfeitures he must not complain. Equally significant with this long delay is the fact that during all the time members of this House have struggled to secure action upon this eleventh-hour report and have been prevented by the obstructive tactics of the gentleman from Missouri [Mr. STONE], he [Mr. HOLMAN] has remained quietly in his seat, and, although expressing himself as in favor of some action being taken, has not uttered one word or raised his voice in advocacy of any proposition or in opposition to the dilatory and obstructive tactics of the gentleman from Missouri and his two or three associates and their action in defeating the forfeiture of any railroad lands at this Congress.

I came to this Congress desirous that some action would be taken which would result in restoring to the public domain at least that portion of the public lands which pertained to the uncompleted portions of the several land-grant railroads, and which are generally denominated "unearned" lands. I was in favor of securing the forfeiture of more land if we had the legal and constitutional power to secure such forfeiture, but knowing that it is claimed by many able lawyers, and has recently been decided by more than one court, that our power to declare a forfeiture was limited to lands pertaining to the uncompleted parts of the roads, I have had serious doubts as to our power to do more than this. But not wishing to be an obstructionist, and in the hope that out of whatever action we in this House and in the Committee on Public Lands would in the first instance take there would come an agreement to secure at least these unearned lands, I silently acquiesced in the action of the majority of the Committee on Public Lands and the majority of the members of this House at the last session; stating, however, and upon all occasions, to persons with whom I conversed upon the subject, that I did so for the purpose of securing some such result as I have indicated and an agreement between the Senate and the House upon some forfeiture measure, and that if the Senate refused to adopt and pass the forfeiture bill which we sent to them as an amendment, and substituted the one first passed by them and sent to us, that I should be in favor of yielding, as far as it was necessary, to secure some definite results in the form of a forfeiture of some portion of these railroad lands. I was aware that because of a disagreement between the Senate and House in former Congresses the amount of these so-called unearned lands has been largely reduced, by several millions of acres, in consequence of the railroads, to aid in the construction of which they were granted, having been in the mean time built.

It is manifest to any one that this statement of the majority of the House conferees has been prepared for the purpose of influencing the members of this House against the adoption of the Senate proposition to forfeit over 5,627,000 acres of land. For no other purpose could the table purporting to show the number of acres which will be forfeited by the Senate proposition, and which would be forfeited by the bill passed by the House at the last session of this Congress, as well as what would be forfeited in the event of forfeiture of the entire grant of the several railroads, have been inserted in this statement. That my remarks in relation to this table may be fully understood, and that I may not misrepresent any one, I will here present it entire:

Name of railroad.	Estimated number of acres which will be forfeited—		
	By Senate bill.	By House bill.	In event of forfeiture of entire grant.
Gulf and Ship Island	652,800	652,800	652,800
Coosa and Tennessee	140,160	140,160	140,160
Coosa and Chattanooga	144,000	144,000	144,000
Mobile and Girard	536,064	651,264	858,624
Selma, Rome and Dalton*	89,932	258,624	642,624
Atlantic, Gulf and West India Transit	76,800	676,000	1,171,200
Pensacola and Georgia	None	679,680	1,178,880
Vicksburg, Shreveport and Texas	None	364,800	725,760
Jackson, Lansing and Saginaw	None	176,256	898,560
Marquette, Houghton and Ontonagon	294,400	294,400	627,200
Ontonagon and Brulé River	211,200	288,000	288,000
La Crosse and Milwaukee	None	195,724	235,773
Chicago, St. Paul, Minneapolis and Omaha	None	1,446,400	1,446,400
Wisconsin Central	406,880	464,480	1,800,000
St. Vincent extension, St. Paul and Pacific (now St. Paul, Minneapolis and Manitoba)	None	1,113,600	2,009,600
Western Railroad	None	243,712	243,712
Southern Minnesota Railway Extension	None	832,115	1,787,955
Hastings and Dakota	None	819,840	1,293,440
Northern Pacific	2,000,000	36,907,741	46,947,200
California and Oregon	None	1,740,800	3,686,400
Oregon and California	None	2,086,400	4,608,000
Southern Pacific	1,075,200	4,147,200	7,116,800
Total	5,627,436	54,323,996	78,503,088

*Lands certified to State for this road prior to May 23, 1872, amounting to 440,700.16 acres, were confirmed to State by act of that date (17 Stat. L., 159), for sole use and benefit of the Selma, Rome and Dalton Railroad Company. The lands so confirmed may not be subject to forfeiture.

Now, sir, with all due deference and respect to the gentlemen signing this statement of the majority of the House conferees, I must say that it is not only remarkable but misleading, and I must also say here that this table of lands purporting to show how many acres would be forfeited under the different propositions indicated is equally misleading and very incorrect. This may appear singular language for me to use with reference to a table which was incorporated and made a part of the report of the majority of the Committee on Public Lands and generally adopted by us in the discussion of the different land forfeiture measures which were considered at the last session, but the fact is that it was not seen by me until long after the report was made to the

House. The members of the committee were informed, when the report was authorized to be made, that such a table would be prepared and published and I took it for granted that it would be so prepared with a reasonable degree of accuracy as to the amount of land which could be forfeited in either case, having in view the legal questions involved.

Being a new member, I relied with confidence upon the statements of my associates upon the committee who had had long experience in Congress, and whom I supposed to be thereby capable of advising me. In answer to my inquiry as to what were the principal railroads that would be affected by the forfeiture proposed by the House measure, I was advised that they were the Northern and Southern Pacific Railroads and the Oregon and California and California and Oregon Railroads, and that as to all the other railroads the lands pertaining thereto were insignificant in amount, and that as to the State that I in part represented, there was but little to be affected by the bill. In this connection I wish to state that when I made my remarks in support of the bill to provide for the forfeiture of lands granted to the Hastings and Dakota Railway Company, and which passed this House at the last session, I stated that I would incorporate this table in my remarks. I had not then examined it, but having stated that I would incorporate it in my remarks I felt in duty bound to do so. I make this statement in explanation of the appearance and publication of this table in my remarks upon that bill.

I have said that this table was misleading and incorrect. To prove it I will refer to what it shows with reference to certain railroads in Minnesota. It represents that the House bill would forfeit 1,113,600 acres which were granted to the St. Paul and Pacific (now St. Paul and Manitoba) Railroad Company. Now, the facts with reference to this road are that the road for the construction of which these very lands were granted has been completed and in active operation for over fifteen years, and that before being built the original company to which they were granted defaulted in its obligations, and the railroad was placed in the hands of a receiver, and that nearly all of the road to which these lands pertain was constructed by that receiver under and pursuant to an order of the United States court for the district of Minnesota, and that the money was raised to build the same upon debentures issued pursuant to the order and direction of that court, the payment of which was secured by mortgage upon these lands which these gentlemen now seriously and deliberately propose to declare forfeited, and insist that it should be done by the rejection of the proposition to now forfeit only that which pertains to the parts of the several railroads which are now uncompleted. It also includes in it lands granted to the railroad now called the Chicago, St. Paul, Minneapolis and Omaha Railway, amounting in the aggregate to 1,446,400 acres, which is the entire amount of the grant.

Now, included in that estimate are the 10 sections per mile granted to aid in the construction of the formerly called St. Paul and Sioux City Railroad Company, 25 miles of which (being from St. Anthony's to Shakopee City) has not been built. This grant to aid in the construction of this 25 miles amounts in the aggregate to 160,000 acres of land. But it is unfortunate for the accuracy of this statement that there can not be found one acre of land within the limits of this grant to apply thereto which has not been certified to other parts of the road. All of the lands within these last-mentioned granted limits have been applied to the construction of the line of that road which extends from St. Paul to the Iowa line, and it is a notorious fact that a great portion, if not all, of these lands stated as subject to forfeiture, which pertain to the Chicago, St. Paul, Minneapolis and Omaha Railroad Company, have been decided to be not subject to forfeiture.

As to the lands granted to the Hastings and Dakota Railroad Company, and which I claim should be forfeited, I will simply now say that they were in a different condition as to forfeiture from that of the others. I insist that they were by the express terms of the grant, and without further legislation, to revert to the United States if not earned in the time specified in the grant, and without an act of forfeiture, and that for this reason, and because of the further facts upon which the supreme court of the State of Minnesota declared the charter of this railroad company to be forfeited, that company had placed itself in a position where it was not entitled to be considered as having earned these lands before the Government of the United States, through its legislation or judicial branch, had taken any steps to declare a forfeiture of the same.

I have here shown enough to satisfy me of the great incorrectness of this table and the claims based upon it that the House bill, if passed, would secure a forfeiture and restoration to the public domain of 54,000,000 acres of land, as is claimed in this statement of the majority of our conferees. I have no doubt that if the same examination is made into the condition of other grants made in aid of the construction of roads other than those which I have mentioned, that the number of acres specified will as seriously, and to as astonishing a degree, be diminished and reduced.

It is evident that this table is made to produce this large aggregate of 54,000,000 acres of land as the amount which the House bill would forfeit by, in the first instance, multiplying the number of acres stated in the act to be granted per mile with the total number of miles, and then deducting therefrom the number of acres which the several companies have received for that portion of their several roads which was completed within the time specified in the granting act. No allowance whatever is made for deficiencies, although it is a notorious fact that there are very few land grants the total amount of which can be found within the granted limits.

To state these facts is all that is necessary to show how utterly unreliable this table is. Further than that, it specifies as the amount which the House bill would forfeit, which pertains to the Northern Pacific Railroad Company, as 36,000,000 acres, which amount is of course ascertained by the application of the rule of multiplication which I have suggested. Now, any person who has traveled over that railroad, or who is at all familiar with the Rocky Mountains, and the character of the land embraced within the limits of that grant, knows as well as I do that the proportion of the lands granted to that company, which are so rocky, barren, and sterile as to be wholly unfit for agricultural purposes, is very great. No allowance is made for this class of barren and waste lands when the majority refer to the lands embraced in the House bill, while at the same time they do not hesitate to characterize nearly all of the lands embraced in the Senate proposition as very poor, if not worthless. I have referred to these matters as much for the purpose of presenting the case fairly to the country as to show the unfairness, if I may so use the term, of the statements presented in connection with this conference report.

But, sir, there are other and more serious and weighty reasons why we should not wait any longer in the hope of doing better than this and why we should recede from our position and agree to that submitted to us by the Senate in the conference report now under consideration. There is such a thing known to the law as vested rights, and since the last session of this Congress I have been to considerable pains to investigate as to the legal status of these lands, and particularly those of the Northern Pacific Railroad Company. I was prompted to make this investigation because the discussion which followed the making of our report at the last session satisfied me that I ought not to have relied upon the opinion of others, and should have investigated more thoroughly for myself. I found by investigation that an act was passed by Congress on the 1st day of March, 1869, authorizing that company to mortgage its railroad and telegraph lines to secure means to construct its road, and that thereafter and on the 31st day of May, 1870, Congress, by joint resolution, granted to it an additional 10-mile indemnity, and authorized it to issue its bonds to aid in the construction and equipment of its road, and to secure the same by mortgage of its property and rights to property of all kinds and description, real, personal, and mixed, including its franchises, as a corporation, etc.

After these resolutions mortgages were issued, as follows:

1. The mortgage of July 1, 1870, now represented by the preferred stock of the company.
2. The Missouri Division mortgage of March 1, 1879.
3. The Pend d'Oreille mortgage on that portion of the line of September 1, 1879.
4. The general mortgage of June 1, 1881, at the rate of $25,000 per mile, now the first mortgage on the greater portion of the main line.
5. The second mortgage of November 20, 1883, for $20,000,000.

The outstanding mortgage bonds of the company were as follows, by July 30, 1885, the close of last financial year:

General first-mortgage bonds	$43,403,000
General second-mortgage bonds	18,857,000
Missouri Division mortgage bonds	2,233,500
Pend d'Oreille Division mortgage bonds	3,240,000
Total	67,833,500

And this is only what has been done in the case of the St. Paul and Pacific, and presumably the others, except the Hastings and Dakota Company, which sold the road and retained the lands.

Now, if these acts and resolutions of Congress, authorizing the Northern Pacific to mortgage its property, are ever brought into court to be construed as I am now considering them, I have no doubt but that this authority to mortgage, which was given to this railroad company by the United States, will be held to be a consent that this railroad company shall go on and construct and complete its road within such a time as it could reasonably do so, all things considered, and that it will be held to be in equity an assent on the part of Congress to whatever extension of time was necessary to enable this company to complete its road within this reasonable time mentioned.

Considering them as an impartial tribunal will, who is the member of the legal profession—in good standing—who is willing to hazzard his reputation as a lawyer by declaring that, in his opinion, the rights of these mortgagees in and to these lands and other mortgaged property have not become vested, and that the courts would not protect them from any legislation that would attempt to interfere with these rights?

My investigation has led me to the further discovery that the decisions of the courts already made are much more emphatic and explicit, upon the point in controvery, than I previously supposed; and I find that the opinion of the report in the recent case of Denney *vs.* Dobson, decided in the circuit court of the United States for the district of Oregon, and delivered by Mr. Justice Fields of our Supreme Court (who was then presiding), in express terms, held that lands lying opposite roads constructed and accepted, but constructed out of time, were not subject to

forfeiture, and were relieved from the possibility of forfeiture for breach of conditions of the grant, as to time.

The case is reported in volume 32, Federal Reporter, page 899.

In that, the court holds that the grant was *in præsenti;* that the title to the land passed by the grant under condition; that—

While a legal title to the sections described, as distinguished from a merely equitable or inchoate interest, passed to the railroad company by the act, it was not a title that could be disposed of by the company without the consent of Congress, except as each 25-mile section of the road was completed and accepted by the President, so as to cut off the right of the United States to compel the application of the lands to the purpose for which they were granted, or to prevent their forfeiture in case of the company's failure to perform the conditions of the grant.

Speaking of the construction, acceptance by the President (and issue of patents where the statute provides for patent, but which, all the committee agree, does not make additional title), the court says:

They would identify the lands which are coterminous with completed road; they would be evidence that the grantee, in the construction of that portion of the road, had fully complied with the conditions of the grant, and to that extent the grant was relieved of the possibility of forfeiture for breach of its conditions.

The lands were granted to aid in the construction of the road.

The road opposite the premises in controversy having been completed and accepted, the title however imperfect, whilst incumbered, if it may be so termed, by the uses to which the lands were to be applied, has become perfect and indefeasible; and the costs of surveying, selecting, and conveying the lands having been paid, the only remaining obstacle to their sale, or other disposition, has been removed.

It is not a violent presumption that, in delivering this opinion in a case of this importance, Mr. Justice Fields had some knowledge as to the views of his distinguished associates upon the Supreme Bench, if he did not actually consult them.

This, then, is the legal status of these lands, according to the last decisions rendered, and it can only be said, in answer to this assertion, that there is a bare possibility (with no probability) that the Supreme Court might reverse this decision of one of its members. Considered in connection with the fact that with all the forfeitures that have already been declared by Congress, aggregating over 50,000,000 acres of land, not one has involved an acre opposite constructed road, any court would be likely to conclude that it is the sense of Congress, and in the nature of a legislative determination, that forfeitures should be limited to lands pertaining to unconstructed roads.

The following is a list of the grants heretofore declared forfeited:

Name of railroad.	Congress.	Acres.
Oregon Central	Forty-eighth	810,880
Texas Pacific	do	18,500,000
Iron Mountain of Missouri	do	300,000
Atlantic and Pacific	Forty-ninth	23,871,360
Tuscaloosa and Mobile		
Mobile and New Orleans		
Elyton and Beard's Bluff		
Memphis and Charleston		*7,000,000
Savannah and Albany		
New Orleans and State Line		
Iron Mountain of Arkansas		
Total		50,482,240

*Estimated.

Now, sir, in view of all these facts, is it not holding out a shadow of hope of the faintest character to claim that we can in the future succeed in securing a forfeiture of more than the 5,627,436 acres covered by the proposition now under consideration? And is it not wrong, as well as impolitic, to hold out to the country that there is within the reach and power of Congress to forfeit the enormous amount of 54,000,000 acres when in fact there is no such number of acres, and every reasonable inference is that an attempt to forfeit that amount or whatever there is over and above that involved in the proposition pending would be declared void by the courts, as has already in effect been done?

For these reasons I have been in favor of receding from the position which we took when we passed the substitute to the Senate bill, and of thus being able to say when I return to my constituents that we succeeded in restoring to the public domain and for homestead settlers these 5,600,000 acres. I am unable to understand why the gentleman from Missouri [Mr. STONE] and the few assisting him should feel it to be their duty to prevent this being done by resorting to that reprehensible practice known now as "filibustering." It is no excuse to say that this is a closing of the matter, for, if Congress has the power to forfeit all that these gentlemen claim it has, this right is expressly reserved in the provisions of the bill agreed upon. They are manifestly determined to continue the practice of insisting upon "the whole or none," but I do not believe that their constituents or the country will approve of this action.

I predict that no more than these 5,627,436 acres will be forfeited; and it is very probable that that amount may be reduced by the further construction of some of these uncompleted roads before Congressional action can again be had upon this subject. I have always believed that in a matter of this kind it was the part of wisdom to endeavor to secure all that was desired, and if you were likely to fail in this, to then labor to secure as much as could be; and if this had been the policy in the past of those favoring these forfeitures there would have been three times as much of these granted lands that could have been restored to the public domain as "unearned," and which would be conceded by all to be forfeitable, than there is now.

Our clear duty was to forfeit what we can now (these 5,627,436 acres), and let future Congresses decide as to those about which there is dispute. But this opportunity is lost, and I have endeavored to place the responsibility of this failure where it belongs.

I feel and speak thus because I have become fully convinced that the effect of delay in the settlement of the status of these land grants will be to prolong a very damaging condition of affairs which now exists. I have, in common with every member of this House, no doubt, received a letter from three gentlemen representing themselves as a committee on legislation of the Knights of Labor, advising against the passage of a bill forfeiting less than the lands pertaining to that portion of the roads unbuilt and those built out of time for reasons assigned, which show that they have little or no knowledge of the actual situation of the most of these lands, or the important questions of constitutional law which must control Congressional action. For precisely the same motives which I understand to actuate these gentlemen in their opposition, namely, restoring as much as possible of the public lands to homestead settlers, I have favored forfeiting what we could now and letting succeeding Congresses settle the question still undetermined. I now predict that subsequent events will vindicate the wisdom of the policy I now advocate.

If gentlemen realized how injurious the present unsettled condition of affairs are as to these lands they would not be surprised at my advocacy of doing what we can, and only that which we are confident will be sustained by the courts. The recent action of ex-Commissioner of the General Land Office Sparks, in deciding that the Northern Pacific Railroad Company was not entitled to select lands within the so-called "second indemnity belt," is a case in point. His decision was sustained by the Interior Department, and hundreds of settlers rushed upon these lands and made homestead entries, often ignoring rights of prior good-faith purchasers. Subsequently this decision was reversed by the Attorney-General, and these deluded settlers had the only alternative of abandoning the land or buying it from the company, while some had an action for trespass staring them in the face.

The common people rely upon the regularity and legality of the action of our Department officials, and the validity of laws passed by Congress, and act upon it as such, and it is only a want of careful consideration, on the part of either branch of the Government, that will produce such an unfortunate condition of affairs. To such hasty and ill-considered action must be attributed the unfortunate condition in which the settlers upon the "Des Moines River Improvement" lands find themselves, and which we have ineffectually tried to remedy at this session.

Can any of us say that—in the face of the decision of Denny *vs.* Dobson—it is not reckless for us to do more than absolutely forfeit the lands about which there can be no dispute, and leave it to a future Congress (it is too late for us now to do this) to provide for an adjudication by the Supreme Court of the power of Congress to do more than this? For one I regard this as the only safe and wise course.

French Spoliation Claims.

SPEECH

OF

HON. SAMUEL DIBBLE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, August 21, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes—

Mr. DIBBLE said:

Mr. CHAIRMAN: Spoliations of our commerce by both the British and the French occurred during the existence of the war between France and England, which broke out on February 1, 1793; but we are now concerned only with the claims of our citizens for French spoliations committed prior to July 31, 1801, as the cases reported from the Court of Claims have been determined by that court under the act of Congress of January 20, 1885, which limits the jurisdiction of the court to that period, embracing about eight and one-half years.

THE JURISDICTION OF THE COURT.

The act of January 20, 1885, gave jurisdiction to the Court of Claims to "determine the validity and amount" of all such claims "according to the rules of law, municipal and international, and the treaties of

the United States applicable to the same." The act further provides for periodical reports to Congress, for final action, of all such conclusions of fact and law, as may affect the liability of the United States to the several claimants, and declares that the finding and report of the court shall be merely advisory as to the law and facts found. Ultimate action, therefore, remains for the Congress of the United States, enlightened by knowledge of ascertained facts, and assisted by the legal opinions reported by the Court of Claims.

THE LIABILITY OF THE UNITED STATES.

We have a number of these claims now reported, and the liability of the United States to the claimants is based upon two propositions: First, that these were valid claims of our citizens against France for indemnity, which the United States undertook to collect from the French Government; and secondly, that by the convention between the two Governments, signed September 30, 1800, and ratified July 31, 1801, the United States released France from further liability for them, in consideration of the renunciation by France of certain claims against the United States.

The claims thus far reported are included in this bill, by virtue of a resolution of instruction to the Committee on Appropriations, offered by myself, and adopted by the House on December 19, 1887. They embrace demands aggregating $1,088,000, of which sum $740,606.63 has been allowed by the court, and the rest has been rejected. The court excluded all claims arising from spoliations committed between September 30, 1800, and July 31, 1801, holding that only claims in existence at the time of signing the convention were embraced in its terms. The court also held that no claims later than July 7, 1798, depending upon violations by the French of the treaties of 1778, could be allowed, because on July 7, 1798, Congress declared the treaties of 1778 should thereafter be no longer binding. Other cases were dismissed for want of evidence.

RELATIONS WITH FRANCE.

In discussing the liability of the United States, it is necessary to review briefly the state of affairs which existed when these spoliations were committed. The treaty relations between the United States and France are set forth in the treaty of amity and commerce, and in the treaty of alliance, both of which were signed February 6, 1778, and in the consular convention of November 14, 1788.

TREATY OF AMITY AND COMMERCE.

First, there was the treaty of amity and commerce. In its first article, it was agreed that there should be perpetual peace and friendship between the United States and France.

By the second article, both powers agreed to grant no favor to any other nation, either in regard to commerce or navigation, which shall not by the grant to the third nation apply equally to each. This was a favored-nation clause.

Then Articles VI and VII in that treaty provided, that the armed vessels of each should protect ships of the other, and that ships of either, taken within the jurisdiction of the other, should be restored.

The twelfth and thirteenth articles provided, that vessels of either, bound to a port belonging to an enemy of the other, and having goods contraband of war, should be deprived of the contraband of war, and then allowed to proceed upon their voyage; and the contraband goods were to be carried on shore, and inventoried by the officers of the admiralty.

The fourteenth article provided, that the goods of either, on the ships of an enemy of the other, were to be confiscated after two months from the declaration of war against such enemy. But within two months, even the contraband of war should be restored to owners ignorant of the existence of war, simply with the provision that they should not be carried to the enemy.

The fifteenth article was an important one regarding these spoliations. It provided as follows: That the ships of war and privateers of one shall be prohibited from doing injury to the ships of the other; and if they do, they shall make full reparation with interest thereon. The damage was to be met and interest was to be paid for the spoliation.

The seventeenth article of the treaty was, that ships of war and privateers of either may enter freely into the ports of the other, with their prizes, and depart at will, simply showing their commissions, and shall pay no duties; that such as have made prizes of the property of the one party shall have no refuge or shelter in the ports of the other, and if driven in by stress of weather, vigorous means shall be used to send them out as soon as possible. The substance of this was, in case France became engaged in war with England, that France should have the right to come with her ships of war and her privateers with their prizes into our ports; that England, as an enemy of France, should not be allowed to bring her prizes into a port, nor should any of her war vessels that had taken French vessels be allowed asylum in an American port.

The twenty-first article prohibited citizens of one from taking commissions and letters of marque to act as privateers against the other, on pain of being punished as pirates.

The twenty-second article provided that no foreign privateers, the enemy of one, should be allowed to fit out in the ports of the other, or sell captured property there, or even purchase victuals, except enough to carry them to the nearest port of their own sovereign.

By the twenty-third article, freedom of trade was allowed either party with the enemy of the other, between neutral ports and such enemy's ports, or between enemy's ports; and that free ships should make free goods, except contraband of war.

The twenty-fourth article designates what is contraband of war, and says, that clothing and provisions and naval stores are not to be contraband of war, except to besieged and blockaded ports.

The twenty-fifth and twenty-seventh articles of the treaty provided another point, upon which contention arose with France, and it was this: That ships must have passports or sea letters, and certificates as to what comprised the cargo, which was to be examined when it was put on board. A certificate was to be made of the cargo, and it was to be considered as final, and ships of war must remain out of cannon-shot, and send a boat, with not more than two or three persons to go on board of the merchant vessel, and they should examine her passport and certificate, and see if the form of the passport was that which was prescribed in the treaty. All American vessels carried passports of that form.

THE TREATY OF ALLIANCE.

On the same day that the foregoing treaty was made, there was also concluded a treaty of alliance. And the main provision of that treaty, with which we are at present concerned, is found in the eleventh article, and it consisted in a mutual guaranty, made by the King of France on the one side, whereby he guarantied the independence of the United States of America, as well in matters of government as of commerce; and the United States on their side guarantied that if France was involved in war with Great Britain in consequence of her treaty of alliance with us, then the United States would guaranty the West Indian and other American possessions of France against capture by the enemy, and that this should apply also to any war in which France should thereafter be engaged at any time; and that guaranty was to be a perpetual one. She on the one side guarantied our independence, and on the other side we guarantied the integrity of her American possessions.

THE CONSULAR CONVENTION.

The consular convention of November 14, 1788, provided, that consuls should have power to arrest deserters from the ships of their own nation in the territory of the other, and on application should be assisted by the courts and officers of the country; and should be allowed to adjudge differences between citizens of their own country, with an appeal to the tribunals of their own country; and that consuls of either party should have all additional privileges allowed consuls of any foreign power in the territory of the other.

FRENCH AID DURING THE REVOLUTIONARY WAR.

In addition to these treaties, France lent the United States 18,000,000 livres, and guarantied the Holland loan of 10,000,000 livres, and it was agreed by the contract of 1782, that the loan which was made by France directly to this country was not to bear interest until three years after a treaty of peace. It was to be paid in twelve annual installments, with interest commencing three years after such treaty of peace as guarantied the independence of the United States from Great Britain, and France also assumed to pay the Holland loan in the first instance, and the United States was to pay it back to France in ten annual installments.

This shows that at the outbreak of the war in 1793, the United States and France were allies, bound in an alliance consecrated by the achievement of our independence with the aid of French armies and ships of war, on which France expended for the independence of the United States $280,000,000 for which she made us no charge at all, as this last expenditure was made to carry out her guaranty of our independence, under the eleventh article of the treaty of alliance.

THE SPOLIATIONS.

It is unnecessary, Mr. Chairman, to do more than to refer briefly to the nature of the depredations upon our commerce during the existence of the conflict between France on the one side, and England, with a large part of continental Europe, on the other. Early in the struggle, England and her allies determined to treat provisions and clothing on neutral vessels as contraband of war, contrary to the law of nations; and this course provoked similar action on the part of France. American merchants, who had the right as neutrals to trade with either of the belligerent nations, suffered the unjust seizure of their vessels, and their condemnation in British prize courts, or in French prize courts held in French or Spanish ports.

So general were these depredations on our commerce, that, in order to encourage our ships to go to sea, Mr. Jefferson, Secretary of State, in a circular letter issued August 27, 1793, declared:

I have it in charge from the President, to assure the merchants of the United States, concerned in foreign commerce or navigation, that our attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations and existing treaties, and that, on their forwarding hither well-authenticated evidence of the same, proper proceedings will be adopted for their relief. (*French Spoliations, Ex. Doc.* 1826, page 217.)

In accordance with this declaration, the Government of the United States presented the claims of our citizens against England and France, and also against Spain, for permitting French prize courts in Spanish ports to condemn American vessels and cargoes, carried there by French cruisers and privateers. These claims were acknowledged, and England and Spain have long ago made payment of the estimated damages.

Spain, in accordance with her treaty with France, similar to ours, having in it provisions by which French ships could carry prizes into her ports, permitted the French vessels, which had spoliated our commerce, to carry American ships into Spanish ports, and permitted French tribunals in Spanish ports to condemn those ships as prize, for violation of the laws of neutrality; and what was the result?

Spain, by the treaty of 1819 with the United States, engaged to pay the damages sustained by our citizens by spoliations, which differed neither in time nor in circumstances from these under discussion, except in one particular—that, instead of being carried to French ports for condemnation, they were carried to Spanish ports for condemnation. Spain admitted these claims for such French spoliations as resulted in condemnation in Spanish ports; and under the treaty of 1819 it was provided that Spain should pay to this Government $5,000,000, which was the estimated amount of these claims; while this Government agreed to distribute this to that particular class of claims; and the United States under the treaty further agreed, that we would turn over to Spain, on demand, the evidence on which we distributed the money, so that Spain might demand repayment from France, if she felt disposed so to do at any future time.

THE CLAIMS AGAINST FRANCE.

It seems strange, under these circumstances, that it should be averred that the claims against France for similar outrages are not valid. And to my mind, Mr. Chairman, it appears still more unreasonable to magnify these outrages, and the protective measures which we adopted against them, into such a state of war, as absolved France from all liability to make indemnity for them. And yet the opponents of this measure, driven from every position assumed by them, by the application of principles which they can not even plausibly avoid, have made their final rally upon this doctrine, as their last ditch in this struggle.

SPOLIATIONS WERE NOT WAR.

We have already considered the treaty relations existing between the United States and France in 1793. And what was one of the first acts of France after her war with Great Britain began?

She passed a decree on the 19th of February, nineteen days after that war commenced, in which it was decreed by the National Convention of France, that French ports should be open to American vessels on precisely the same terms as to French colonial vessels, and that our goods should pay only the duties which goods from French colonies paid.

On the 3d of September, 1794, a year later, Mr. Monroe, who was then the accredited minister of the United States to the French Republic, in a letter in which he was presenting complaints about spoliations made by the French upon our commerce, and complaining of the Bordeaux embargo, where many of our ships had been seized, did not recognize these acts as constituting a condition of war with France; but says in that letter, "Besides, we are the allies and, what is more, the friends of France."

There was some question, in the negotiations in France, as to the execution in full of the treaties of 1778, and whether, by mutual consent, for mutual convenience, they would waive for a time some of their stipulations, and it was submitted to the French National Convention and on the 13th day of January, 1795, Mr. Monroe writes to the Secretary of State of the United States:

A decree has passed the convention since my last, whereby it is resolved to carry into strict execution the treaty of amity and commerce subsisting between the United States and this Republic. I beg leave to congratulate you upon this event.

But there was a still more significant illustration of the fact that the spoliations, up to that time, had not disturbed the friendly feelings between the United States and France. That illustration occurred on 1st day of January, 1796, three years after the war between France and England commenced. Adet, the minister accredited to the United States from the French Republic, brought over with him, in accordance with a resolution of their legislative body, the colors of France, to be presented to the United States, with a statement, that in their legislative hall the colors of the United States were floated beside the colors of France, and as a New Years' offering of good-will and affection from France to the United States, presented them to Washington; and Washington, in accepting the colors, said:

The transaction will be announced to Congress, and the colors will be deposited with those archives of the United States, which are at once the evidences and the memorials of their freedom and independence. And may the friendship of the two republics be commensurate with their existence.

Yet gentlemen on this floor say that during all that time, these spoliations upon our commerce had created a state of war between France and the United States!

But there is still more striking evidence that no state of war existed, to be found in the diplomatic correspondence on the 15th day of November, 1796. Minister Adet had addressed four questions to the Secretary of State, Timothy Pickering. There had been diplomatic controversy and complaint, and claims pro and con that each side owed indemnity to the other for what had occurred during this time, but which did not amount to war, as will be shown by the extract which I will now have read. Minister Adet, as I have said, submitted four questions to the Secretary of State, Timothy Pickering, to which the Secretary made this answer, which I will ask the Clerk to read.

The Clerk read as follows:

To the four questions stated in your letter, be pleased to accept the following answers:

First. Will the prizes made by the ships of the Republic upon the English continue to be sold here?

I have had the honor in some former letters to state to you the sense of the Government on this point, with the reasons to support it. Permission to sell prizes was considered by the Government not demandable as of right. The power permitting could therefore restrain the sales. The only restraint yet imposed has respected captures made by privateers.

Second. Will the prizes made by the privateers of the Republic upon others than the English be sold?

As the original permission to sell prizes extended to those taken from all the enemies of the French Republic, and as the restraint lately imposed refers merely to British vessels, pursuant to the article of the treaty just mentioned, so the indulgence is to be considered as remaining at present on its original footing.

Third. Shall we unconditionally enjoy the right of unloading prizes in case of damage, and of having them repaired?

The right of unloading prize vessels, when they are so damaged as to be unfit to proceed to sea without repairs, will not be controverted; but the unloading and storing of the cargoes must be under the inspection of the proper officers of the United States as a necessary precaution against the transgression of our laws. And in case the prize vessels are really irreparable, and in consequence are regularly condemned as unfit ever to proceed to sea, their cargoes may be exported as French property in other bottoms.

Fourth. Can a part of the prize, sufficient only for the expense of repairs, be sold?

So much of the prize cargo may be sold, as shall bona fide be necessary for the repairs, without which the vessel will be unfit to proceed to sea. But such sales must be made under the inspection of the collectors, pursuant to instructions from the Treasury Department, for securing the duties on imports, and confining the amount of the sales to the necessity of each case.

With respect to the ship Amity at Charleston, the collector of that port will be instructed to permit her departure as a French prize.

This letter, in substance as it now appears, was prepared to be sent you in the last month, but doubts arose on some points, concerning which legal opinions were taken, and occasioned the further delay to this time.

I have the honor to be, with perfect respect, sir,

Your most obedient servant,

TIMOTHY PICKERING.

Mr. DIBBLE. Now, Mr. Chairman, that letter shows that as late as November, 1796, all prizes of British ships captured by French public men-of-war were permitted to be brought into our ports, and to be sold as prize of war, recognizing the treaty; that the only restriction was as to privateers that had captured British vessels; and that a distinction was made on account of the treaty of 1794 in favor of the English as to prizes captured by privateers of the French—no further; that as to all other enemies of France, France was at liberty to bring her prizes in, and to sell them in American ports. Yet gentlemen say a state of war existed.

Why, sir, take the inaugural address of President Adams in 1797, in which he says that he will maintain "peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by the Government." He goes on to say, that his intention is to "pursue by amicable negotiations a reparation for the injuries that have been committed on the commerce of our citizens by whatever nation—to maintain peace, friendship, and benevolence with all the world." And even when, in consequence of strained diplomatic relations, the French Government, deeming that she had been wronged by us, refused to receive Pinckney as a minister, and sent Monroe from France, she states that although she refuses to hold diplomatic relations through a minister with the United States—these are the words of her minister of foreign affairs—"the ordinary relations subsisting between the two peoples in virtue of the convention and treaties shall not on this account be disturbed. The consuls will remain charged to superintend them."

Such was the position of France. What was the position taken by the United States at that time? Although Pinckney was not received, President Adams at once sent three ministers—Pinckney, John Marshall, and Elbridge Gerry—to attempt to open further negotiations with France. He called a special session of Congress in 1797, and reported that he had taken this step; and the Congress of the United States, in an address to him in reply to his message, said that they approved of it. This address goes on further to say:

We therefore receive, with the utmost satisfaction, your information, that a fresh attempt at negotiation will be instituted, and we cherish the hope that a mutual spirit of conciliation, and a disposition on the part of France to compensate for any injuries which may have been committed upon our neutral rights, and on the part of the United States to place France on grounds similar to those of other countries in relation and connection with us, if any inequalities should be found to exist—

Alluding to the claim which France made, that, by the British treaty, we had violated the clause which gave to France the privileges of commerce and navigation accorded to the most favored nations, and that from this cause damage had resulted to her in her war with England.

I could refer, if time permitted, to the letter which was written at that time confidentially by the Secretary of State to Mr. Murray, the minister to The Hague, in which he says that the address to President Adams, as first drawn up, was not accepted by the House of Representatives, until they had inserted in it that clause relating to the wish of the House that justice should be done also to France.

Such was the condition of things, during the war between France and England, up to the time when our measures were taken in 1798. Let us see what measures were then taken. We come now to the part of this case which embraces what gentlemen have called the period of limited war. But before going into that, I will call the attention of the House to this: I think I have thoroughly established the proposition that the treaties of 1778, and the condition of friendship and alliance with France, existed in full force up to July 7, 1798. On that day, Congress passed an act, in which it declared that, in consequence of the continued violation of the law of nations and of these treaties, the treaties should not thereafter—that is, from that date, July 7, 1798—be recognized as binding upon the United States.

I wish the House to look into the question in view of these dates, and to notice that when the Congress of the United States took that position the greater number of these spoliations had already occurred; that they occurred while a state of absolute peace existed between the two countries; that the United States did not consider them as constituting even such a state of hostility as would suspend the treaties, because in this act of July 7, 1798, Congress does not say that these treaties have long since been abrogated; that the action of France has abrogated them but that because of the action of France and her not having given reParation to this country, they shall not "henceforth" be binding; that from that time the relations between the United States and France shall be those of the law of nations, not those of treaty.

I will say here, Mr. Chairman, that the Court of Claims, in accordance with the act of July, 1798, have rejected some claims, conforming their decision to this declaration of the political branch of the Government.

As a matter of fact, how do these claims stand in relation to that period? Of the claims actually decided and now submitted for your consideration and vote in the deficiency bill, amounting to $740,606.63, we find that $397,735.99, or in round numbers say $40,000 out of $740,000, are for claims prior to that period, when the Congress of the United States, the President of the United States, and the French Government, all united in the declaration that the treaties were still in force, and said that amity existed between the United States and France.

Mr. COBB. Were not the treaties annulled by the Congress of the United States because of the commission of the acts out of which these very claims arose?

Mr. DIBBLE. I would like to answer the gentleman from Alabama later. I propose to discuss further on in my remarks why the treaties were repealed. Can any member on this floor allege, under the condition of amity which existed between the two Governments, although it was recognized that both sides were violating those treaties, that because armed ships of the two countries afterwards met and exchanged shots with each other—can any one hold that the very first time that French and American war vessels got into conflict—such single conflict wiped out all of the claims of the United States for spoliations committed in time of peace?

Are we ready, as the branch of the Government representing the sovereignty of the people, to declare to the world by our action, that, in any future war between powers with which the United States may have treaties, if they violate our neutral rights when engaged in such war, and continue violating our neutral rights until we send out ships of war to defend our commerce—are we ready to say that, by the act of resorting to force to defend our commerce on the high seas, we "wipe out" all claim for spoliation previous to that period?

Mr. HEARD. I do not rise for the purpose of interruption, but merely to see whether I understand the position of the gentleman from South Carolina, and I hope he will not object.

Mr. DIBBLE. Certainly not, if you will not take up too much of my time.

Mr. HEARD. If I understand the gentleman, he says that by the act of 1798, that by the enactment of that statute by our Congress, there can be no doubt about the amicable arrangements and the absolute force of treaty according to that statute. I understand the gentleman to say further that these claims, for which appropriation is asked, amounting out of the $740,000 to $397,000 or $400,000, in round numbers, are on account of losses which occurred before this act of 1798 was passed. I understand him to say still further that the Court of Claims felt called upon to reject some claims because they had occurred subsequent to that date. If $400,000 of these claims occurred before that time, out of the $700,000—if they occurred before the act of 1798, I take it then that $300,000 of these claims covered the remaining period.

Mr. DIBBLE. I merely wish to state that of the claims now in this bill, there are more than one-half in amount which accrued while the treaties of 1778 were admitted to be of force by both sides.

Mr. HEARD. I merely wanted to understand the difference between those claims which have been accepted and those claims which have been rejected.

Mr. SENEY. I was not present during the time the gentleman from South Carolina was discussing the point referred to by the gentleman from Missouri, but I would like to have his opinion. Why is it these claims compose the bill from the Court of Claims?

Mr. DIBBLE. The claims subsequent to July, 1798, will be considered in the line of my future remarks, and I expect to treat that portion of the bill before I get through. I now desire to proceed to the consideration whether a state of war existed or not after July, 1798.

Mr. SENEY. It is a very material question whether Congress ought to appropriate money to pay these claims without first being satisfied by the judgment of the highest court in the land as to their validity, for that is a disputed question of such a nature and so complicated by questions of maritime and international law that nothing will satisfy the people, save and except the judgment of the Supreme Court of the United States.

Mr. DIBBLE. I am prepared to give my views on that question.

Mr. BRECKINRIDGE, of Kentucky. Are not those of us who are members and who are interested in the claims responsible whether we shall establish the precedent of submitting political questions to the Supreme Court?

Mr. SENEY. I can answer the gentleman from Kentucky by saying these are not political questions at all.

Mr. BRECKINRIDGE, of Kentucky. They are in my view.

Mr. SENEY. But not in the view of others.

Mr. DIBBLE. I simply wish to state that I do not consider claimants as coming to Congress to say where this matter shall be determined, but as I look upon it, that the Congress of the United States is to decide the whole matter itself.

From my standpoint of view, we are the proper ones to determine it. I do not feel like shirking any of the responsibilities of this floor. It appears to me this is a question to be settled here; not because the claimants prefer it, but because this is the proper place, in my judgment.

But allow me now to proceed as I was proceeding when interrupted.

Mr. SENEY. I would be glad to have the gentleman explain why he proposed to send these claims to the Court of Claims in the first instance, in view of what he has just said. I would like to have information upon that point.

Mr. DIBBLE. I stated the reason for this in the outset of my remarks; and I refer the gentleman to the opinion of Chief-Justice Taney in Gordon *vs.* United States:

> Congress may undoubtedly establish tribunals with special powers to examine testimony and decide, in the first instance, upon the validity and justice of any claim for money against the United States, subject to the supervision and control of Congress, or a head of any of the Executive Departments. In this respect the authority of the Court of Claims is like that of an auditor or comptroller, etc. (117 U. S., 699.)

The reports of the Court of Claims are merely advisory; but they assist Congress in ascertaining the facts in the manner of a judicial tribunal, and protect the Government by a more rigid scrutiny of these claims, and a classification of them, by which all claims concerning each vessel and its cargo are heard together, thus preventing exaggeration of amounts, and duplication of the same claim by separate claimants.

I was going on to say, Mr. Chairman, when interrupted, that a majority of these claims occurred during the period when there could be no question of war. The fact of their being valid claims against the Government of France is undoubted. It is undoubted that France seized our vessels in violation of the treaties. It is undoubted that she carried them into her ports, and under decrees which violated the treaties she condemned the vessels, and had them sold; and more than half of the claims embodied in this bill are claims arising at a time when there was no pretense on either side of the existence of war.

Furthermore, it is well to state here that the number of these claims is very much exaggerated. I took occasion to send to the clerk of the Court of Claims for some information on the subject.

A great deal has been said here about the claims aggregating thirty or forty millions of dollars. In reply to this, it is enough to say that the claims for spoliation committed on our commerce during that war were variously estimated at that time by those who knew as between fifteen and twenty millions. It appears all through the dispatches, sometimes more than fifteen millions and sometimes approaching twenty millions. But of the claims so classified we made Spain pay for five millions of them, and we made Great Britain pay for a large proportion of them, while a great many of them were committed after the 30th of September, 1800, which came under the treaties of 1803 and 1831. So that there only remained the claims that originated prior to September 30, 1800, and I will cite a few figures to show the status of them.

There have been filed 5,569 petitions. Of course a great many of these relate to the same ships—one for the cargo, for instance, another for the ship, another for another portion of the cargo, and so on. But a very significant fact is, that, although the bar of the statute of limitations has now prevailed for a year and a half, out of the 5,569 claims filed, the parties have not been able to find evidence in more than a little over 2,000 of them, or less than half of the whole number. The clerk of the Court of Claims states, that on July 6, 1888, out of the claims filed, there are 3,292 claims in which no evidence has been furnished up to this date.

So that these claims may be well presumed either to be unfounded in fact, or to have failed from the loss of evidence, and that will very materially reduce the aggregate. If the Government paid all the claims, they would amount to about $10,000,000.

Again, it is not fair to draw comparisons from the amounts stated in the claims themselves, because a very large number of the claims were filed at the last moment, in the rough, to prevent the bar of the statute of limitations operating against them. Persons came forward, who said they had claims, but could not give the particulars, and an attorney would put in a petition, in order to avoid the bar of the statute, with the hope of obtaining the evidence afterwards to substantiate it. Of course, in claims of this character, the amounts were exaggerated.

Now, of the claims which have been filed, it is reasonable to presume that the claimants would put the best claims in front, to get decisions upon them in the first instance. But the amount of the claims, as I have it from the clerk of the court, whose communication on the subject I will publish, was $1,088,000, whereas the amount allowed by the court was only $741,000, or about 68 per cent. So that there will be a reduction, as all of the claims have to go through a judicial scrutiny. Thus the House will see that the question of amount, with all the disadvantages around it, is a question of about $8,000,000. The further question is, whether the United States Government will consider the amount of $8,000,000 as an element in settling the controversy whether claims justly due ought to be paid or not. That is the vital question, and not the amount involved.

Mr. Chairman, the claims of this country arose in the first instance, as history shows, and as the French Government explained, in a great many instances from mistaking Americans, who spoke the same language, for the English, and very likely, too, there may have been English ships on the sea which would carry American colors. But the advantage of this scrutiny of the Court of Claims is that ships of that kind will not be paid for, because they require proof before that court of the American register, of the American ownership of the vessel, of the American ownership of the cargo which was seized, and other complete particulars; so that the rights of this Government will be fully preserved, in dispensing justice simply to American citizens.

Then the French Government proclaimed an embargo at Bordeaux, but she apologized to the minister of the United States for the detention of American ships, and actually promised indemnity in the case of the Bordeaux ships. In some few instances, that indemnity was paid, but the great majority still stand open as unpaid claims against France. Then there was another class of claims, which arose after we had made a treaty with England—the Jay treaty in 1794—which was ratified in 1795, and established with England a different rule in regard to search of neutral ships from the rule of our treaty with France. Under the French treaty, free ships made free goods, and provisions and naval stores were not counted as contraband of war. Under the English treaty, we acknowledged that Great Britain should have the right to go on our ships, not only to impress seamen, as she did, but further, that she should search our ships, and that naval stores should be regarded as contraband of war; that provisions on our ships bound to a French port should be so far regarded as contraband of war that they would have the right to seize and carry them into an English port, paying the owner for them; rules which were denied to France.

And France complained, that, while the nations of Europe by actual treaty, as shown by the treaty of England with Prussia, and England with Russia, and other European powers, with whom she had formed alliances, attempted to starve out France, France did not have the right to stop American vessels carrying provisions into English ports, while they had the right to stop and seize American vessels carrying provisions to French ports; and for that reason France passed a decree that the French should treat neutral vessels in like manner as such neutrals permitted the English to treat them.

And she passed a further ordinance, that every vessel that was not identified as an American vessel by a crew list, which was signed by officers in this country, would be considered not an American vessel for failure of proof, and would be treated as an enemy's vessel. This decree was passed in consequence of our treaty with Great Britain, and I am not afraid to say, what was said at the time by Congress, and what was said in the correspondence, that the treaty had operated to the disadvantage of France while France was our ally, and while we had agreed by treaty with her that we would not give any other nation, either in commerce or in navigation, any advantage that we denied to her.

The French decrees, nevertheless, were violative of our treaty with France, because they were not justified either by treaty or by the law of nations, and we had rightful claims for indemnity against her.

And these indemnities have been recognized. I will show by the correspondence that they were positively admitted by France.

CONGRESSIONAL ACTION.

But I must return from my digression, Mr. Chairman, and consider the effect of the legislation by Congress in 1798 upon our relations with France, and upon the liability of France for depredations upon our commerce after such legislation.

As introductory to this inquiry a brief sketch of the state of affairs existing just before such legislation will assist materially in arriving at correct conclusions.

THE NEGOTIATIONS OF 1797-'98.

In 1797, Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry were constituted envoys to the French Republic; and Timothy Pickering, Secretary of State, on July 15, 1797, formulated their instructions, from which I will make a few extracts:

Not only the recent depredations, under color of the decrees of the Directory of the 2d of July, 1796, and the 2d of March, 1797, or under the decrees of their agent, or the illegal sentences of their tribunals, but all prior ones, not already satisfactorily adjusted, shall be put in this equitable train of settlement. * * *

Although the reparation for losses sustained by the citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed, yet it is not to be insisted upon as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens. * * * Such extensive depredations have been committed on the commerce of neutrals, and especially of the United States. * * *

The proposed alterations and arrangements suggest the propriety of revising all our treaties with France. In such revision, the first object that will attract your attention is the reciprocal guaranty in the eleventh article of the treaty of alliance. * * * But if France insists on the mutual guaranty it will be necessary to aim at some modification of it. * * * On the part of the United States, instead of troops or ships of war, it will be convenient to stipulate for a moderate sum of money or quantity of provisions at the option of France, the provisions to be delivered in our own ports, in any future defensive wars. The sum of money, or its value in provisions, ought not to exceed $200,000 a year during any such wars. * * *

To state the cause and pretenses that have been already advanced by the Government of France, its agents and tribunals, as the grounds of the capture and condemnation of American vessels and cargoes, would doubtless give pain to any man of an ingenuous mind, who should be employed on the part of France to negotiate another treaty, or a modification of the treaties which exist. * * *

From these extracts it will be observed that the envoys were to obtain a modification of existing treaties, or a new treaty, if possible. They were instructed to offer money or provisions up to $200,000 a year during any defensive war in place of the guaranty in the treaty of alliance. They were to obtain indemnities for the wrongs done our citizens, if possible; and while they were authorized to postpone these claims, if they could not otherwise make a new treaty, they were forbidden to renounce them.

On October 19, 1797, the envoys reported to the Secretary of State the substance of a conference with representatives of the French Government, from which I call attention to the following extracts:

The subject of the *rôle d'équipage* was also mentioned. * * * M. Bellamy said that he did not assert the principle of changing treaties by municipal regulations, but that the Directory considered its regulation concerning the *rôle d'équipage* as comporting with the treaty. We observed to him that none of our vessels had what the French termed a *rôle d'équipage;* and that if we were to surrender all the property which had been taken from our citizens, in cases where their vessels were not furnished with such a *rôle*, the Government would be responsible to its citizens for the property so surrendered, since it would be impossible to assert that there was any plausibility in the allegation that our treaty required a *rôle d'équipage.* * * *

On January 17, 1798, our envoys presented in a letter to Talleyrand the American claims, describing them as follows:

These claims consist—

Of claims uncontroverted by the Government of France, and

Of claims founded on captures and condemnations, the legality of which has not yet been admitted.

In the first class are arranged—

First. Those whose property has been seized under the decree of the National Convention of the 9th of May, 1793;

Second. Those who are entitled to compensation in consequence of the long detention of their vessels at Bordeaux, in the years 1793 and 1794;

Third. The holders of bills and other evidences of debts due drawn by the colonial administration in the West Indies;

Fourth. Those whose cargoes have been appropriated to public use without receiving therefor adequate payment; and

Fifth. Those who have supplied the Government under contracts with its agents, which have not yet been complied with on the part of France.

* * * * * * *

They pass to complaints still more important for their amount, more interesting in their nature, and more serious in their consequences. On the 14th Messidor, fourth year of the French Republic, one and indivisible (July 2, 1796), the Executive Directory decreed "That all neutral or allied powers shall, without delay, be notified that the flag of the French Republic will treat neutral vessels either as to confiscation, as to searches, or capture, in the same manner as they shall suffer the English to treat them." This decree, in any point of view in which it can be considered, could not fail to excite in the United States the most serious attention. It dispenses at once, as they conceive, with the most solemn obligations which contract can create, and consequently asserts a right on the part of France to recede, at her discretion, from any stipulations she may have entered into. * * *

This power has been exercised by France on the rich and unprotected commerce of an ally, on the presumption that that ally was sustaining the same injuries from Britain, at a time when it is believed that the depredations of that nation had ceased, and the principle of compensation for them had been recognized. In the West Indies similar depredations have been experienced.

The envoys then proceeded to complain of the colonial decrees of August 1, 1796, November 27, 1796, and of February 1, 1797, and the wrongs done to American ships and cargoes thereunder.

The envoys then denounce the requirements of a *rôle d'équipage*, on the ground that the treaty of 1778 enumerates the form of passport required to establish the neutrality of a vessel and her crew, as between the United States and France.

On March 18, 1798, Talleyrand replied to the American note, contending that the conduct of France became necessary, from inexecution of treaties by the United States, and from the British treaty, which gave Great Britain rights denied to France, and unfriendly conduct of the United States since the British treaty, for all of which he claimed

indemnity. Talleyrand refers for details to numerous official communications made to the Government of the United States by the French ministers, from time to time.

We thus have the claims on both sides duly formulated; and it is to be observed that they are based by both parties on the continued existence of the treaties, and that the decrees of which the American envoys complained were decrees against neutrals, not against enemies of France.

But the negotiations failed, and the envoys withdrew from France, first Pinckney and Marshall, and afterwards Gerry. But before the departure of Gerry, and before the act of Congress of July 7, 1798, abrogating the treaties, Talleyrand, on June 10, 1798, writes to Gerry as follows:

All negotiations between France and the United States must essentially rest upon three principal points:
1. Frank and amicable declarations concerning certain circumstances, which malevolence has and may yet misrepresent. * * *
2. Fixing the meaning of several articles of the treaties between the two countries, and the absolute enjoyment of the rights which flow from them. * * *
3. The impartial examination of the damages which have resulted from the deviation from the treaties of 1778.

THE POSITION OF FRANCE.

We have already stated that every seizure made by the French was under color of some one or more of the French decrees against neutrals, so that France did not commit a single one of these grievances as an act of war. And this is true for the entire period from 1793 to 1800, inclusive; and after our legislation in 1798, the French Government modified materially its instructions to its cruisers.

The Executive Directory on July 31, 1798, in a decree, declared that vessels fitted out in the French colonies as cruisers had violated the law of nations and rights of neutrals and of allies, and withdrew from the colonial government the right to issue letters of marque.

On August 16, 1798, they decreed that embargo on American vessels should be immediately raised.

On March 18, 1799, the Directory declared that the decree of March 2, 1797, as to *rôles d'équipage* had been improperly interpreted as to American vessels, and that obstructions to navigation of vessels of that nation should be removed, and decreed that American vessels should not be subject to other conditions than all other neutrals.

I desire to call attention, also, to Talleyrand's letter to our consul-general at Paris, dated August 6, 1798, in which he says:

You will have seen in No. 961 of the Redacteur a copy of a decree made by the Directory, in order to cause privateers to return within the rules and limits, whence they ought never to have departed.

Observe also the following extract from the circular of the French Minister of Marine and the Colonies, Bruix, to the agents of the marine in the ports of the Republic, dated August 11, 1798, concerning detention of crews of American vessels:

The intentions of the Government were very badly understood, when a measure was adopted, which, in the first place, hazards the safety of these vessels, and in the second place appears to place us in a hostile attitude towards the United States, whilst the acts of the Government evince, on the contrary, that it desires a good understanding between the two Republics.

The same minister, on August 16, 1798, issued another circular to all the principal officers of the ports, civil and military, in which he uses the following language:

Our political situation with regard to the United States not having as yet undergone any change which can affect the respect due to neutral nations—

Copies of these two circulars of the french minister of marine were officially transmitted to Mr. Skipwith, our consul-general at Paris, August 20, 1798, by Talleyrand, with a letter, in which he remarks:

Their contents will prove to you the intention of the Government to remedy the abuses committed against its intentions.

The policy of France is illustrated in a letter of Talleyrand to M. Pichon, French secretary of legation at The Hague, dated August 28, 1798, in which he comments as follows:

What, therefore, is the cause of the misunderstanding, which, if France did not manifest herself more wise, would henceforth induce a violent rupture between the two Republics? * * *
The Government of the United States surrounds itself with precautions against an imaginary attack. To stretch the hand to deluded friends is what one republic owes to another, and I can not doubt that the dignity of that attitude will convince the President of our pacific intentions.

Here we find that the French Government distinctly says that a "violent rupture" might come in the future but for the pacific policy which France was pursuing.

So that France, by all her actions and declarations, was estopped from defending any of the claims of our citizens for indemnity, on the ground that the French spoliations were acts of war.

THE ACTS OF CONGRESS.

Let us now examine the position of the United States during the years 1798, 1799, and 1800.

The act of May 28, 1798, reciting in its preamble that armed vessels, sailing under authority or pretense of authority from France, had committed depredations on the commerce of the United States, and captured vessels and property of our citizens on and near our coasts, in violation of the law of nations, and of the treaties between the United States and the French nation, authorized the President to instruct our Navy to seize vessels committing such depredations, or hovering on our coast for the purpose of so doing, and to retake American vessels captured by them.

This was manifestly in maintenance of our neutral rights, and in protection of our commerce. No French merchant ships were to be molested, nor even armed vessels, except such as were preying upon our maritime trade.

On June 13, 1798, Congress passed an act to suspend commercial relations with France and her colonies, and forbade American vessels to sail for French ports, or French vessels to enter American ports without the President's permission, or in stress of weather, and it provided that French vessels be ordered to depart from our ports; with the penalty of forfeiture against American vessels, and seizure and detention, at the expense of the United States, by the collector of customs, of French vessels violating the act. This was an act authorizing civil process for its violation; and the penalties were more severe for American than French vessels; and the fourth section limited the act to the end of the next session of Congress; and the fifth section provided that the President might dissolve these prohibitions whenever France disavowed and refrained from these violations of treaties and the law of nations, and acknowledged our—

just claims to be considered in all respects neutral and unconnected in the present European war.

The act of June 25, 1798, authorized the commander and crew of any vessel, owned wholly by American citizens, to resist depredations committed under French colors, to capture the depredators, and to recapture American merchant-vessels captured by vessels under French colors; and provides that in case of capture of any vessel sailing under the French flag, condemnation proceedings may be instituted in United States courts, and the crew and commander shall be turned over to the collector of the port, to be held at the expense of the United States, until the pleasure of the President of the United States shall be known. The act is limited in duration to one year, and to the end of the next session of Congress thereafter; and the President is authorized to suspend it, whenever French armed vessels "refrain from lawless depredations and outrages" against our merchantmen, and observe "the laws of nations." This act is not a declaration of a state of war between the United States and France; for, if war existed, the French depredations would no longer be "lawless," or contrary to the "laws of nations."

Next in order comes the act of July 7, 1798, which we have before alluded to, and which recites in its preamble that the treaties have been repeatedly violated by France, our just claims for reparation have been refused, and our attempts to negotiate have been repelled with indignity; and that "a system of predatory violence infracting the said treaties and hostile to the rights of a free and independent nation" is yet pursued under authority of the French Government. This act declares:

That the United States are of right freed and exonerated from the stipulation of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

And then comes the act of July 9, 1798, entitled "An act further to protect the commerce of the United States," which authorized the President to instruct commanders of public armed vessels, and to grant special commissions to private armed vessels of the United States, authorizing the capture of any French armed vessels in the jurisdictional limits of the United States, or on the high seas, and the condemnation "as forfeited" of the vessels and their armaments, and other French property aboard of them; and also authorizing private armed vessels, so specially commissioned, to recapture American vessels, in like manner as public armed vessels could lawfully do; and providing that all French persons, and others acting on board captured French vessels, should be reported to the collector of the first port entered, and should—

be delivered to the custody of the marshal, or of some civil or military officer of the United States, or of any State in or near such port, who shall take charge for their keeping and support, at the expense of the United States.

It is from this act of July 9, 1798, and the deeds of our cruisers and private armed vessels under it, that there arose what has been termed a condition of "limited hostilities" or "imperfect war," which gentlemen here have attempted to magnify into the existence of a general public war between the two countries.

There is no doubt that the Congress of the United States, when it passed the act of July 9, 1798, realized that it might finally result in the breaking out of war; but it is equally clear that it was not intended as a declaration of war with France.

This is shown by other acts of the same Congress. For instance, the second section of the act of July 16, 1798, authorized the President to raise twelve regiments of infantry and six troops of cavalry (additional to the regular military establishment)—

to be enlisted for and during the continuance of the existing differences between the United States and the French Republic, unless sooner discharged.

And the act of March 2, 1799, provided that—

in case war shall break out between the United States and a foreign European power—

the President might still further increase the regular Army, and accept and organize a volunteer force: a power that was not exercised, because the authority was "eventual," as stated in the title of the act, and the event (*i. e.*, the breaking out of the war) did not occur.

Let us merely notice, in addition, the act of March 3, 1799, "vesting the power of retaliation, in certain cases, in the President of the United

States," a power which it did not require legislation to bestow upon the commander-in-chief in time of war.

But in the act of Congress of February 20, 1800, the distinction is more strikingly set forth than in any other. This act suspended further enlistments under the second section of the act of July 16, 1798, above cited, authorizing the increase of the regular Army—

unless in the recess of Congress, and during the continuance of the existing differences between the United States and the French Republic, war shall break out between the United States and the French Republic.

When we consider that by Article I, section 8, of the Constitution, the power "to declare war" is a legislative power, these acts of Congress are "the supreme law of the land," and are conclusive upon this subject, and estop the Government from saying to these claimants that war then existed; especially when Congress, as late as February 20, 1800, declared that war had not yet broken out.

But against these acts and declarations of the war and treaty-making powers of both Governments are presented two decisions of the Supreme Court of the United States. I allude to the cases of Bass *vs.* Tingy, 4 Dallas, 37, and Talbot *vs.* Seeman, 1 Cranch, 1. I propose to show that these decisions are not contrary to the views I have maintained, but assist in their correct analysis.

But were they contrary to the determinations of the war-making branch of the Government of the United States, as set forth in the acts of Congress which I have cited, the political decision of them must prevail, for the reason given by Justice Miller in the Clinton Bridge case, when, in delivering the judgment of the court, he used the following language:

Questions of this class are international questions, and are to be settled between the foreign nations interested in the treaties and the political department of our Government. When those departments declare a treaty abrogated, annulled, or modified, it is not for the judicial branch of the Government to set it up, and assert its continued obligation. If the court could do this, it could annul declarations of war, suspend the levy of armies, and become a great international arbiter, instead of a court of justice for the administration of the laws of the United States.

But let us see what the case of Bass and Tingy was. The Eliza, an American ship, was taken by a French privateer on the 31st of March, 1799, and recaptured on the 1st of April, 1799, by the United States ship Ganges. There was a claim of salvage, and the question was, whether France could be considered as an enemy. I wish to call the attention of the committee particularly to the language, which is used by the members of the Supreme Court, who delivered opinions in that case. Judge Moore said, in the first place, that our condition had no precedent, and that the case presented was one that would have to be decided now for the first time. His language is:

Our situation is so extraordinary that I doubt whether a parallel case can be traced in the history of nations.

Judge Washington stated that a "perfect state of war" was not intended by the United States—

That the hostilities were limited as to places, persons, and things, and this is more properly termed imperfect war; because not solemn, and because those authorized to commit hostilities act under special authority, and can go no further than to the extent of their commissions.

Judge Chase, in delivering his opinion, said:

Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in objects, and in time. If a general war is declared, its extent and operations are only restricted and regulated by the *jus belli*, forming a part of the law of nations; but if a partial war is waged, its extent and operations depend on our municipal laws.

Judge Patterson said:

The United States and the French are in a qualified state of hostility. An imperfect war, or a war as to certain objects, and to a certain extent, exists between the two countries; and this modified warfare is authorized by the constitutional authority of our country. It is a war *quoad hoc*. As far as Congress tolerated and authorized the war on our part, so far may we proceed in hostile operations.

Let us apply these principles to the case of the American vessels, engaged in peaceful commerce, and which, unresisting, succumbed to armed cruisers and privateers of France.

Under that decision, I grant that if an American vessel, even though she had on board goods for the purpose of trading, should be commissioned under the act of Congress to recapture prizes from French vessels, and in such an attempt should be seized, she would then come within the state of limited hostilities. But that is not the case of these ships. They were not going out to recapture prizes from France, they were not going out as privateers to war on French commerce; but they were the private ships of the country, proceeding on the lawful and peaceful missions of trade; and they did not come within any class of vessels which were committing hostilities against the vessels of France. And, as Justice Patterson remarked, only so far as Congress authorized the war on our part, only to such extent did this limited or imperfect war exist.

Apply to this case also the tests furnished by the opinions of Justice Washington and Justice Chase. Judge Chase says that this was "a limited, partial war," "limited in place, in objects, and in time." Judge Washington says it was an "imperfect war," "limited as to places, persons, and things." The only objects of the war were defense of our commerce; the only place was on the high seas, and no vessels were engaged in it on our part, except the public armed ships or privateers, and such private armed vessels of this country as attempted to recapture a prize from a French vessel.

The only objects against which hostilities were directed were French armed vessels, either public vessels of war or French privateers. Our vessels had no right to attack private vessels of France. There was nothing allowed in the nature of reprisal against French merchantmen. Chief-Justice Ellsworth, a member of the Supreme Court, when envoy to France, on the 11th day of April, 1800, united with Davie and Murray in a letter addressed to Joseph Bonaparte and the other French plenipotentiaries, in which he stated:

With respect to the acts of Congress of the United States, which the hard alternative of abandoning their commerce, ruin imposed, and which far from contemplating a co-operation with the enemies of the Republic, did not even authorize reprisals upon her merchantmen, but were restricted solely to the giving of safety to their own, until a moment should arrive when their sufferings could be heard and redressed—

thus distinctly repudiating any co-operation with the enemies of the Republic of France, and asserting that the measures adopted by this country were simply defensive.

But let us see what there was on the side of France. Was the act of France an act of war? I say emphatically, and I am prepared to prove by the decision of our own Supreme Court, that the act of France, while it was an outrageous act, while it was an act for which we had a right to claim indemnity, was not an act of war. Take, in the first place, the French decrees. The French were proceeding in obedience to their laws. Every one of their decrees is a decree, not against an enemy, but against neutrals. One of them says, "We will treat the vessels of neutral powers as those ships allow the British to treat them." Another one says that any vessel claiming to be a neutral vessel must have a crew-list in a certain form, or be condemned. France herself, under her law, did not commit these acts as acts toward an enemy, but in every instance as acts toward neutrals.

But we have an express decision of the Supreme Court of the United States on this point, and it is the very case which has been cited by gentlemen on the other side, in order to include this matter within the limits of war. I allude to the case of Talbot *vs.* Seeman. What was that case? A ship (the Amelia) belonged to a citizen of Hamburg, a foreign free city, which at that time was at peace with us, and at peace with France. France did not devote her attentions exclusively to the United States at that time in depredating on commerce. She depredated on the commerce of Denmark, Sweden, and Hamburg as well as on that of the United States. This was a Hamburg ship; and it was taken by a French war vessel; and being sent off as prize, was recaptured by an American ship, the Constitution. Our law provided that in case of recapture, certain salvage was to be allowed; the expression used in the act of Congress was 'recaptured from the enemy." On that phrase, "the enemy," turns one point of the decision, which bears out the position I take. The salvage to be allowed was one-half of the value of the ship. Our vessel recaptured from the French this Hamburg prize, and brought it into our ports for salvage; and they claimed one-half of the value of the ship as salvage, under the act of Congress which spoke of "recaptures from the enemy."

And, while the court decided that the Constitution, a public armed ship of the United States, was within the terms of the acts of Congress, in recapturing from a French prize crew the Hamburg ship, and could recover salvage, yet the salvage could not be measured on the basis of recapture "from the enemy," because France, in seizing the Hamburg ship and putting a prize crew aboard of her, did not thereby assume the relation of an enemy to the Hamburg vessel or its government. From which follows inevitably the conclusion, that if the act of a French armed vessel, acting under the French laws, in the seizure of a merchant vessel of Hamburg on the high seas, and in claiming it as prize, was not an act of war towards Hamburg, then a similar act, under the same French laws, could not be an act of war towards the United States.

Such is the doctrine of Talbot *vs.* Seeman. It simply indicates that while we could not have claimed indemnity from France for damages sustained by our cruisers or our privateers from French armed vessels, because such of our vessels were, by express designation, included in the terms of the acts of Congress authorizing the limited hostilities; nevertheless, the vessels which were engaged in the peaceful voyages of commerce, and which suffered seizure, and were condemned and sold as neutrals by the decrees of French courts, are entitled to all the rights of neutrals as much as if no state of limited war existed, embracing other classes of American ships.

But in conclusion let me refer to a case in the English admiralty (The Santa Cruz, Rob., 54), where Sir William Scott spoke of the relation between the United States and France as "the present state of hostility (if so it may be called) between America and France." In this case the presiding judge doubted whether the words "state of hostilities" were applicable to the situation.

And still spoliations of our commerce, under color of the decrees affecting neutrals, continued; but, as will reasonably be seen, they were not so frequent, because of the French orders of marine, and more especially because our cruisers prevented depredations in many cases. For instance, on April 24, 1799, Mr. Pickering, Secretary of State, writes to our minister at The Hague that—

our vessels trading to the West Indies are generally convoyed home by the public armed vessels, which are cruising in that region. We have not heard of a French privateer on our coast since the capture of one last summer.

And yet some gentlemen of the committee have said in their report that these claims "originated mostly in the years 1798 and 1799."

THE WITHDRAWAL OF THE PINCKNEY EMBASSY.

But let us resume an examination of the negotiations between the two countries.

In April, 1798, negotiations for a new treaty, or a modification of the old ones, having failed, Pinckney and Marshall left France. Gerry remained until July or August following, having received from Mr. Pickering, Secretary of State, a positive recall.

But before his departure news of the vigorous action of Congress, authorizing French cruisers hovering upon our coasts to be attacked, and suspending commercial relations with France and its colonies, had reached Paris. In this state of affairs, Talleyrand writes to Gerry of the intentions of the French Directory, as follows:

In the present crisis, it confines itself to a measure of security and self-preservation, by laying a temporary embargo on American vessels, with a reserve of indemnities, if there be occasion for them. It is yet ready, it is as much disposed as ever, to terminate by a candid negotiation the differences which subsist between the two countries.

Let me call attention to the fact that Talleyrand, the great diplomatist of France, informed Gerry that France would reserve a right to indemnity against our Government in case our cruisers attacked French cruisers. How can this be reconciled with the position, assumed by those opposed to these claims, that indemnities could not be claimed against France, in face of the fact that France announced her intention to claim indemnity against the United States?

And a few days afterwards Talleyrand reiterates the pacific inclinations of the French Government:

By information which it has just received, it indeed learns that violences have been committed upon the commerce and citizens of the United States in the West Indies and on their coasts. * * * A remedy is preparing for it, and orders will soon arrive in the West Indies calculated to cause everything to return within its just limits, until an amicable arrangement between France and the United States shall re-establish them respectively in the enjoyment of their treaties. This period, sir, can not be too near at hand.

And again, in his final communication to Mr. Gerry, dated August 3, 1798, he says:

Presuming, sir, that you have not yet embarked, I address to you a decree of the Executive Directory, wherein you will find a part of the measures which I announced to you the 4th of this month (Thermidor). Its solicitude will not be confined to that. Neutrals, in general, will have reason soon to be convinced of its firm attachment to the principles to which it is desirous that all maritime nations might agree. It depends upon the United States in particular to cause every misunderstanding immediately to disappear between them and the French Republic.

CONSULAR RELATIONS CONTINUED.

After Gerry's departure, Talleyrand continued this correspondence with Mr. Skipwith, our consul-general at Paris, who writes to Mr. Pickering, Secretary of State, as follows:

With a copy of a letter I have just received from the minister of foreign affairs, I have the honor, under cover hereof, to transmit to you copies of two letters which have been officially communicated to me from the minister of marine to all principal civil and military officers at the different ports of this Republic, concerning the safety and protection of American citizens in general, and those seamen in particular who were detained or are in confinement at those ports. Agreeably to the intimations contained in the Minister's letter to me, I have this day made application to the minister of police in favor of the American seamen, who, by means of one of the public authorities at L'Orient, had been arrested as Englishmen, and are at present confined at Orleans as prisoners of war. In a few days I expect to obtain their liberation, and shall procure their passages home. I have likewise the pleasure of forwarding to you an official copy of an *arrêté* of the Directory for raising the embargo, imposed by Government on all vessels belonging to the United States in the ports of the Republic.

And on January 23, 1799, Mr. Skipwith writes to the Secretary of State that he has reason to think that—

the rights and property of neutral nations will be considerably more respected than they have hitherto been.

DIPLOMATIC RELATIONS RESUMED.

About the same time the Secretary of State wrote to our consul at Havana that it was a mistake to suppose that it was unlawful for American vessels to bring Frenchmen as passengers to the United States.

On March 6, 1799, Mr. Pickering inclosed, in a letter to Mr. Murray, United States minister at The Hague, a commission constituting Chief-Justice Ellsworth, Patrick Henry, and himself envoys to renew negotiations with France. Patrick Henry did not serve, and Mr. Davie was substituted. This was done in consequence of overtures made by Talleyrand through M. Pichon, French secretary of legation at The Hague, to Mr. Murray, as early as August, 1798.

In June, 1799, the President proclaimed renewal of commercial intercourse with St. Domingo.

On May 5, 1799, Mr. Murray announced the appointment of the American envoys in a letter to Talleyrand.

Our envoys were instructed explicitly by the Secretary of State to demand indemnity for the spoliations. Observe Mr. Pickering's language:

First. At the opening of the negotiation, you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make to the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color or authority from the French Republic or its agents. And all captures and condemnations are deemed irregular or illegal when contrary to the law of nations generally received and acknowledged in Europe, and to the stipulations of the treaty of amity and commerce of the 6th of February, 1778, fairly and ingenuously interpreted, while that treaty remained in force. * * *

Second. If these preliminaries should be satisfactorily adjusted, then for the purpose of examining and adjusting all the claims of our citizens, it will be necessary to provide for the appointment of a board of commissioners. * * * The board should take cognizance of the claims which may be presented to them by American citizens. * * * The claims of the United States as distinguished from those of their citizens. * * * As the French Government have heretofore complained of infringements of the treaty of amity and commerce by the United States or their citizens, all claims for injuries thereby occasioned to France or its citizens are to be submitted to the same board. * * *

The American envoys left the United States early in November, 1799, but, owing to delays incident to voyages in those days, did not reach Paris till March, 1800. After being duly received, and the exchange of credentials, the American envoys, on April 7, 1800, presented the following general proposition:

To ascertain and discharge the equitable claims of the citizens of either nation upon the other, whether founded on contract, treaty, or the law of nations. The way being thus prepared, the undersigned will be at liberty to stipulate for that reciprocity and freedom of commercial intercourse between the two nations which must essentially contribute to their mutual advancement.

To which the French ministers replied:

They think that the first object of the negotiation ought to be the determination of the regulation and the steps to be followed, for the estimation and indemnification of injuries, for which either nation may make claim for itself, or for any of its citizens. And that the second object is to assure the execution of treaties of friendship and commerce made between the two nations, and the accomplishment of the views of reciprocal advantages which suggested them.

Two main points of difference are brought to view by an analysis of these declarations. The American proposition did not embrace claims of nation against nation, but only claims of citizens of either nation against the other, while the French proposal embraced both national and individual claims. And the French minister suggested that the treaties were still of force, while the American envoys proposed a new treaty.

After further correspondence the American envoys presented their proposals in the form of the first six articles of a new treaty, in which provision is made for a commission to examine and decide upon claims of citizens of either nation against the other nation, according to the law of nations, and for claims arising prior to July 7, 1798, according to the treaties and consular convention.

Replying to this, the French ministers, after agreeing to the principle of mutual compensation and indemnity, still insist upon including claims of nation against nation, and "see no reason for the distinction between the time prior to July 7, 1798, and the time subsequent," and add:

When the undersigned hastened to acknowledge the principle of compensation, it was in order to give an unequivocal evidence of the fidelity of the French Government to its ancient engagements, every pecuniary stipulation appearing to it expedient, as a consequence of ancient treaties, and not as the preliminary of a new one.

The American envoys, adhering to their original positions, sent thirty additional articles of a general treaty to complete their proposals.

But correspondence and interviews failed to bring the parties together in their views, and finally, on August 11, 1800, the French ministers present to the American envoys two propositions:

Either the ancient treaties, with the privileges resulting from priority, and the stipulation of reciprocal indemnities; or a new treaty, assuring equality, without indemnity.

After this communication, the American envoys perceived (as they state in their journal and in a letter to the Secretary of State) that the negotiation must be abandoned, or their instructions deviated from. After much deliberation and discussion, they determined upon making a new proposal, "predicated on the adoption of the first alternative in the overture of the French ministers." This was presented August 20, 1800, in six propositions, substantially as follows:

1. The former treaties are renewed and confirmed, and shall have the same effect as if no misunderstanding between the two powers had intervened, except so far as they are departed from in the present treaty.
2. Either party, within seven years, may pay the other 3,000,000 francs, and thereby reduce the rights of the other as to privateers and prizes to those of the most favored nation; and during the time allowed for this option such rights shall be so limited.
3. The mutual guaranty of the treaty of alliance limited on both sides to furnishing military stores or provisions in any defensive war to the amount of 1,000,000 francs; and either party may exonerate itself from this guaranty by paying within seven years a gross sum of 5,000,000 francs.
4. The articles of commerce and navigation, except seventeenth article of the treaty (as to prizes and privateers), may be modified on the basis of the most favored nation, and limited to twelve years.
5. A reciprocal stipulation for indemnities, limited to the claims of individuals; public ships taken on either side shall be restored or paid for.
6. All property seized by either party, and not yet definitively condemned, or property seized after the signing and before the ratification of present treaty, to be restored, or if condemned after treaty signed, but before notice of it, to be paid for without delay.

To this new overture, the French minister responded, proposing—

First. The ancient treaties shall be continued and confirmed to have their full force, as if no misunderstanding between the two nations had ever occurred.
Second. Commissioners shall be appointed to liquidate the respective losses.
Third. The seventeenth article of the treaty of commerce of 1778 shall be continued in full force, with a single addition, immediately after these words, to wit: "And on the contrary, no shelter or refuge shall be given in their ports or harbors to such as shall have made prize of the subjects of His Majesty (*i. e.*, France) or of the citizens of the United States," there shall be added: "If it be not in virtue of known treaties, on the day of the signature of the present, and subsequent to the treaty of 1778," and that for the space of seven years. The twenty-second article subject to the same reservation as the seventeenth article.
Fourth. If during the term of seven years the proposal to establish the sev-

enteenth and twenty-second articles be not made and accepted without reserve, the award for indemnities determined by the commissioners shall not be allowed.

Fifth. The guaranty stipulated by the treaty of alliance shall be converted into a grant of succor for two millions. But this grant shall not be redeemable unless by a capital of ten millions.

To this, the American envoys offered a slight modification of their former proposal, to which the French ministers, without comment, replied:

We shall have the right to take our prizes into the ports of America.

A commission shall regulate the indemnities which either of the two nations may owe to the citizens of the other.

The indemnities which shall be due by France shall be paid for by the United States; and in return for which, France yields the exclusive privileges resulting from the seventeenth and twenty-second articles of the treaty of commerce, and from the right of guaranty of the eleventh article of the treaty of alliance.

The American envoys declined to accede to these propositions, and on September 6 presented the following substitute:

First. The former treaties shall be renewed and confirmed.

Second. The obligations of the guaranty shall be specified and limited, as in the first paragraph of their third proposition of the 20th of August.

Third. There shall be mutual indemnities and a mutual restoration of captured property not yet definitely condemned, according to their fifth and sixth propositions of that date.

Fourth. If, at the exchange of ratifications, the United States shall propose a mutual relinquishment of indemnities, the French Republic will agree to the same; and in such case the former treaties shall not be deemed obligatory, except that, under the seventeenth and twenty-seventh articles of that of commerce, the parties shall continue forever to have, for their public ships of war, privateers, and prizes, such privileges in the ports of each other as the most favored nations enjoy.

Two days after submitting the foregoing, the American envoys requested an interview with the French ministers to learn—

whether it can be made the basis of a treaty; or, if not, whether any further overtures are to be expected on the part of France.

The interview was held. There were present on the part of the United States our plenipotentiaries, Ellsworth, Davie, and Murray, and on the part of France Joseph Bonaparte, Fleurieu, and Roederer. The American propositions of September 6 were considered *seriatim*. The French ministers insisted on having the option of getting rid of the indemnity by offering to abandon the exclusive privilege, and openly avowed that their real object was to avoid by every means any engagement to pay indemnities, giving as one reason the utter inability of France to pay, in the situation in which she would be left by the pending European war.

The American envoys pressed the subject of modifying the guaranties. Joseph Bonaparte declared that they had no powers to accede to such a stipulation; but if the Government should instruct them to make a treaty on the basis of indemnities and a modification of the old treaties, he would resign sooner than sign such a treaty. It was in the heat of this discussion that he used the argument that the existing state of things was war on the part of America, and that no indemnities could be claimed. And yet this impatient utterance of an irritated minister is seized upon by the opponents of this measure as proof that war existed between the United States and France, although the whole course of the negotiations contradicts the position, and although, a day or two later, the French ministers addressed another note to the American envoys, in which they state:

They firmly adhere to these principles: First. That a stipulation of indemnities carries with it the full and entire admission of the treaties; and second, that the relinquishment of the advantages and privileges stipulated by the treaties, by means of the reciprocal relinquishment of indemnities, would prove to be the most advantageous arrangement, and also the most honorable to the two nations.

Agreement being impossible, the American envoys wrote to the French ministers as follows:

The discussion of former treaties and of indemnities being for the present closed, it must of course be postponed till it can be resumed with fewer embarrassments. It remains only to consider the expediency of a temporary arrangement.

From this suggestion was finally evolved the convention of September 30, 1800, which contained the following article:

ART. II. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1778, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.

THE RATIFICATIONS.

When the convention was submitted for the advice and consent of the Senate, they authorized its ratification, with the second article expunged, and a proviso limiting the convention to eight years. The President ratified it in that form, and commissioned Mr. Murray to act for the United States in the exchange of ratifications, while Joseph Bonaparte, Fleurieu, and Roederer represented France.

Mr. Murray, formally communicating to the French plenipotentiaries a copy of the ratification, and referring to the omission of the second article and the limitation of eight years, suggests that these changes—

show a disposition on the part of his Government to render it more adequate to those views of amity and permanent concord which at present are so happily felt by both nations.

In reply, the French ministers inquire what are the motives of reciprocal interest inducing the suppression of the second article.

Mr. Murray replied:

That article promised a negotiation upon treaties and mutual indemnities.

* * * * * * *

These are precisely the things which, had the *casus foederis* been claimed, must have tended to disturb the peace and to throw the friendship of the two nations out of its natural course. * * * To have retained it (*i. e.*, the second article) would have been, in the result, less to authenticate a claim to disputed rights than to lay up a future quarrel on points in which each party supposed itself just.

Fleurieu and Roederer, after twelve days' delay, responded, that if the private opinion expressed by the American minister was to bind his Government, it may be made to appear conducive to the interests of both parties; but otherwise they would not agree to the suppression of the second article.

Mr. Murray writes to Mr. Madison, our Secretary of State, as follows:

I found that the objection to the suppression of the second article would be in this idea: That they thereby would resign their claim to the treaties, and yet not exonerate themselves from the claim of indemnities. * * * I believe they would not hesitate if the indemnities were abandoned.

Again, on July 1, 1801, Mr. Murray writes to Mr. Madison:

I wish I had been authorized to subscribe to a joint abandonment of treaties and indemnities. As claims, they will always be set off against each other by them; and I consider the cessation of their claim to treaties to be valuable.

Finally, on July 23, 1801, after much fruitless negotiation, a conclusion was reached, and it was communicated by Mr. Murray to Mr. Madison, as follows:

At length they will ratify, but with a declaration in the body of their act, that the omission of the second article and the addition of the new one of limitation, to both of which they will formally assent, are to be considered as an abandonment respectively of the pretensions under that second article.

Convinced, sir, as I am, that nothing better can be gained, and confiding in a liberal judgment in Government upon the situation in which I am placed, I shall exchange upon these terms.

The form of the French ratification is as follows:

Bonaparte, First Consul, in the name of the French people * * * approves the above convention in all and each of the articles which are therein contained; declares that it is accepted, ratified, and confirmed, and promises that it shall be inviolably observed.

The Government of the United States having added to its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French Republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

With this form of ratification accepted by Mr. Murray, in behalf of the United States, the President received the same and submitted it to the Senate, who resolved:

That they considered the said convention as fully ratified, and returned the same to the President for the usual promulgation.

It was then, on December 21, 1801, proclaimed by the President, Mr. Jefferson, with the ratifications and a statement of the final action of the Senate.

There is a circumstance to be noticed, in relation to the exact words used by Bonaparte, which are translated by the word "*provided.*" The ratification by Bonaparte was in the French language only, and Mr. Murray thus accepted it, although it was usual to have it expressed in both English and French. This was done to save several days' delay; and Mr. Murray so explained to the Secretary of State, in forwarding the instrument. The words used by Bonaparte were "*bien entendu*," literally meaning—"it being well understood." This is much more significant and emphatic than the word "*provided*," used in the English translation afterwards made.

Can there be any doubt that the action of the Senate, and the promulgation by the President of the declaration of Bonaparte as to the effect of retrenching the second article, amounted to an acquiescence in the French interpretation? But in addition, Mr. Livingston, our minister to France, officially communicated a copy of the President's proclamation to Talleyrand, and declared such acquiescence in the French proviso in the following words:

By this it will appear that the Government of the United States did not consider the explanation annexed by that of the French Republic as occasioning any change in the treaty, or as requiring a new ratification.

And a week later, Mr. Livingston reiterated this concurrence in these terms in another letter to Talleyrand:

The qualified ratification can certainly extend only to the objects of the article, and puts an end to a discussion that was only postponed.

This construction had been given to the ratification of the convention by Talleyrand, in an official letter written to Pichon, then French minister to the United States, when he informed Pichon that the ratification had taken place, and inclosed him a copy of its form. After referring to the American ratification as irregular, and as justifying a refusal on the part of France to ratify, he adds:

The Government has preferred to terminate this debate in the manner the most conformable to the interests and to the sentiments of the two nations.

However, as in ratifying without explanation the two Governments would have found themselves in an unequal position relative to the pretensions expressed in the suppressed article the suppression of this article releasing the

Americans from all pretensions on our part relative to ancient treaties, and our silence respecting the same article leaving us exposed to the whole weight of the eventual demands of this Government relative to indemnities, it has become necessary that a form be introduced into the act of ratification, in order to express the sense in which the Government of the Republic understood and accepted the abolition of the suppressed article.

It will be noticed that Bonaparte first ratifies the convention in full, in the same manner as if the second article had not been stricken out by the United States. This was a ratification of the convention with the second article in it. I will read this part of the ratification, for the information of the House:

Bonaparte, First Consul, etc., approves the above convention in all and each of the articles which are therein contained.

The words are "all and each of the articles." These words embrace the second article, as well as the rest of the convention, and constitute the first part of the French ratification.

It is manifest that, in order to make the American ratification conform to this, it would be necessary for the Senate to advise, and for the President to sign, an additional ratification (*i. e.*, of the second article), for otherwise the convention would be fully ratified by France, but not fully ratified by the United States.

But the French Government offered an assent to the ratification of the convention as amended by the omission of the second article and the addition of the eight years' limitation, provided that by such omission both parties renounced the claims of the treaties and indemnities. Bonaparte offers an alternative ratification, equivalent to saying: "I will take this convention as a whole, and will ratify it as a whole, with the second article in; or, I will ratify it with the second article out, provided this is interpreted as a mutual renunciation, instead of a postponement of our disputes."

In this shape, the ratification comes back to Jefferson as the President of the United States. And here I would call attention to the fact that the President ratifies, and the Senate simply advises and consents. Jefferson accordingly sends the convention to them for their advice and consent. When this was done the Senate could have advised the ratification of the second article of the convention, and the revocation of the eight years' limitation; and to do this would have required a further ratification on the part of the President. Or the Senate could have advised the President not to promulgate the convention unless the French Consul should withdraw the proviso attached to his ratification of the eight years' limitation, and of the convention with the second article stricken out; and this also would have required a further ratification on the part of France. Or the Senate could advise the President to acquiesce in the declaration of France, and promulgate the convention in the shape in which it then stood, without further ratification. The Senate adopted the last-named course, and the convention, with its ratification, was promulgated by the President.

Subsequently, in negotiations between the two Governments as to indemnities for spoliations committed after the signing of the convention of September 30, 1800, Talleyrand, the French minister, thus wrote to Mr. Livingston, the American minister at Paris:

You will recollect, sir, that the second article owed its birth to claims founded upon provisions contained in treaties previously existing between the two nations. That the Government of France was willing to admit those claims, provided the connection created by those treaties were re-established; but that the commissioners of the United States, conceiving they were not empowered to treat on this subject, it was mutually agreed to suspend the negotiations relative to both these objects. * * * The qualified ratification can certainly extend only to the objects of the article, and puts an end to a discussion which was only postponed.

To this Mr. Livingston, our minister, on April 17, 1802, replied:

It will, sir, be well recollected by the distinguished characters who had the management of the negotiation, that the payment for illegal captures, with damages and indemnities, was demanded on one side, and the renewal of the treaty of 1778 on the other; that they were considered of equivalent value, and that they only formed the subject of the second article. * * * I am ready, sir, on the other hand, to admit the justice of your remark, so far as relates to indemnities for captures and condemnations, which had been made previous to the signature of the treaty.

Again, Mr. Madison, Secretary of State, wrote to Mr. Rufus King, our plenipotentiary to Great Britain, on December 10, 1801, as follows:

The ratification of the convention by the French Government having a declaratory clause inserted in it, the President thought proper that the instrument should not be proclaimed as a law until the Senate should see and sanction it with that ingredient. There is no reason to believe that any further delay will be occasioned by this course than what belongs to the usual form of proceeding.

It will be borne in mind that this was written while the Senate was considering the French ratification; and that a few days after this letter was written, the Senate did sanction it, as was expected, and it was proclaimed by Jefferson accordingly.

It is therefore beyond further controversy that the United States undertook to obtain for her injured citizens the indemnification due to them from France, and being met with counter claims of France against the United States, agreed to exonerate France from the payment of these indemnities, in return for the release of equivalent demands of France against the United States.

It is only necessary, in conclusion, to say that these indemnities due by France to our citizens were their private property, which could not be lawfully taken for public use without just compensation.

Sullivan vs. Felton.

REMARKS

OF

HON. JOHN LYNCH,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889,

On the contested-election case of Sullivan *vs.* Felton, from the State of California.

Mr. LYNCH said:

Mr. SPEAKER: I desired to make a few remarks on the contested-election case of Sullivan *vs.* Felton. But as the case has not been taken up I wish to say that the report of the views of the majority meets my approval, and therefore I use it in place of any remarks or arguments which I would have made if opportunity offered:

The committee to whom was referred the papers and the question of contest in the above entitled cause, after having carefully examined the questions of law and fact involved therein, beg leave to submit the following report thereon:

Frank J. Sullivan, Democrat, and Charles N. Felton, Republican, were opposing candidates for Representative in the Fiftieth Congress at the election held November 2, 1886, in said Fifth Congressional district of California, composed of the counties of San Mateo, Santa Clara, Santa Cruz, and the southern half of the county and city of San Francisco.

At that election the vote, as certified by the various local and State election and returning boards, gave Felton 16,328 votes, and Frank J. Sullivan 16,209 votes; Felton's certified majority, 119.

The record in the case covers over nineteen hundred pages of evidence of closely printed matter, besides which the parties have furnished very elaborate briefs, covering fully seven hundred pages. To properly analyze the evidence, eliminating therefrom such testimony as, under the rules of law, has been deemed inadmissible and irrelevant, and to give proper weight and consideration to that which is admissible and relevant, has required a very great amount of labor. To make a full report of all the evidence bearing upon the controversy would extend this report beyond the limit that would likely secure much examination from the average member of the House. The committee therefore content themselves with pointing out what they regard as the salient and controlling points.

The notice of contest, as presented by the statement of contestant, consists of allegations of bribery; of forgery; of illegal votes; of false counts; false returns; of intimidations; of frauds, and other violations of the election laws of California and of the Federal Government, committed and perpetrated by contestee, his agents and party friends, all of which resulted in wrongfully securing to be issued, in favor of contestee, the certificate of election which has secured to him the privileges of a sitting member. Contestee makes no counter-charges, but contents himself with a general traverse of the allegations of contestant. No charges of fraud or other wrong or violation of law or of the rights of the elector being made by contestee against contestant, the committee might well have passed over the evidence without looking for anything upon which such averments might have been based. But, in view of the magnitude of the cause and of the importance of dealing out equal and exact justice, the committee have industriously and in a painstaking manner examined to ascertain whether any evidence existed upon which such allegations could have been made, and none is found. In fact, nothing is found to warrant a suspicion of fraud against Sullivan or the vote by him received:

FIRST.

Eighth precinct, forty-sixth assembly district.

First in order, because first in magnitude and importance in arriving at the merits of this controversy, is the result of the vote as certified to in the returns made from this precinct, as compared with the legitimate bona fide vote of the same, as found by this committee.

This precinct is composed of well and easily understood limits in the city of San Francisco. It is bounded by Sixth and Seventh streets and by Bryant and Brannan streets, forming a block through which three small streets run from Bryant to Brannan streets. The territorial limits at the election in 1886 were precisely the same as at former elections, and, judging from the evidence, neither increasing nor decreasing in population; the only changes taking place in the politics of the inhabitants being those that result from a change of opinions or a change of population by persons moving in or out. At former elections more than 65 per cent. of the electors in the precinct voted the Democratic ticket and less than 35 per cent. voted the Republican ticket.

At the election in 1884, when the same parties—Sullivan and Felton—were opposing candidates for Congress, and when the conditions and result in the whole State and in every Congressional district in the State were more favorable to the Republicans than at the election in 1886 by an aggregate of over 13,000 votes in the State at large and by 1,200 votes in the Fifth Congressional district, Sullivan's vote in this precinct was 183 and Felton's vote was 98; majority 85. In the election in 1886 Sullivan's returned vote was 130 and Felton's 128, making a majority of only 2, as against a majority of 85 votes in 1884, when the vote in the whole State and in every one of the six Congressional districts of the State, including this, the Fifth Congressional district, was much more favorable to the Republicans and to Felton than the vote of 1886.

This, to start with, was well calculated to create surprise, if, indeed, not to arouse suspicion—well calculated to lead to inquiry and investigation. Fraud, though studious to cover up its tracks, like the slimy serpent that drags its slow length through the dust, usually leaves its trail in the dirt to such an extent that an expert finds little difficulty in following it to its hiding-place.

O'Shea (see Rec., pages 67-72) testifies that the election board, in counting out the tickets—Democratic tickets—would call out and count the name of Felton, instead of that of Sullivan when Sullivan's name, and not Felton's, was on the ticket. (O'Shea was a Republican, and was hired as a Republican watcher.) O'Shea's evidence is corroborated by a recount of the tickets—actual tickets cast—made in pursuance of an order of court obtained by Sullivan upon and as result of a petition for a writ of mandate. Upon this recount it was found that instead of 130 votes Sullivan's vote was 167, and that instead of 128 votes Felton's vote was only 73. This result—167 to 73—evidenced by the recount, was more in accord with the result of votes thrown for others who were candidates with Sullivan and with Felton on the respective tickets at said 1886 election. At that election a long list of offices was to be filled. Those on the Democratic ticket with Sullivan received from 150 to 179 votes, while those on the ticket with Felton received from 63 to 100 votes. John P. Dunn, candidate on the Democratic ticket for comptroller, received 179 votes; J. F. Sullivan, for judge of the supreme court, received 171 votes; George A. Johnson, candidate for attorney-general, received 169 votes, etc., and by the recount Frank J. Sullivan received 167 votes.

Why Frank J. Sullivan should run so far behind his party friends on the same ticket as to only receive 130 votes, and why Charles N. Felton should run so far ahead of his as to receive 128 votes, one will hunt through the record for evidence in vain, except upon the hypothesis that the Democratic tickets with Frank J. Sullivan's name thereon were called out and counted for Charles N. Felton. That such tickets were so called out and counted, O'Shea testifies; that O'Shea testifies correctly, is corroborated by D. M. Gavigan (see Record, page 196). Gavigan testifies that when he began to watch about 30 votes had been counted, of which Sullivan had 4, and Felton 26, a majority for Felton of 22, while the other Democrats on the ticket had about 20 votes to 10 votes for the Republican candidates, a majority of 10 the other way, making a difference of 32 when only 30 votes had been counted; that members of the board objected to his (Gavigan's) standing where he could see the tickets as they were called off, but finally agreed he might do so; that while he thus watched Sullivan received all the votes but 2, and gained on Felton's vote. This testimony is corroborated by the evidence of Finigan (Record, page 30) and McGowan (Record, page 16).

It is very evident from the testimony and the position of members of the board that, except at intervals, a close watch was not kept by Sullivan's bona fide friends. The testimony as a whole shows that the election board was illegally organized, and in the light of all the evidence it is very plain that the illegal organization was in the interest of Felton. The law of California requires, in the city of San Francisco, that the election board shall be composed of an inspector and of two judges, and an additional inspector and two additional judges, six in all; that these inspectors and judges should belong equally to the parties casting the most votes; that all should be electors in the precinct where appointed. A man by the name of James Hughes was Democratic committeeman of this precinct, or Democratic "captain," as he was called. He it was that selected the Democratic or reputed Democratic members of the election board, D. D. Sullivan and Thomas J. Barden.

His own evidence (see Record, page 962) shows that he received Felton's money. He screens himself, however, under the plea that the money was distributed to certain parties, of whom he was one, who had suffered loss from fire. Most singular, other sufferers from that fire received none of it and heard nothing of it until it dropped out in the evidence of Mr. Hughes in this contest. When asked under oath how he voted, whether for Sullivan or Felton, he refused to answer. Barden also under oath refused to testify how he voted (see Record, pages 404 and 405). Barden was not a resident of the precinct, not a legal elector therein, and for that reason was not eligible to act as judge. (See Barden's own testimony, Record, page 956; and see also evidence of John Hardiman and Thomas Donnelly, pages 90, 92, 376.) Another circumstance coupled with Barden's pretended right to vote and act as judge is that we find him for a few days—not the necessary thirty days under the laws of California—boarding and pretending to reside at the residence of this Democratic "captain," James Hughes, 21 Clinton street, while his (Barden's) wife was absent from his own home (which was in another precinct) over the bay, visiting in Alameda County. (See Barden's testimony, Record, page 957.)

Again, one D. D. Sullivan, the other Democratic judge, was not a resident of the precinct, but imported, brought into the precinct, and also domiciled with the aforesaid Hughes at 21 Clinton street for a few days only. Hughes resided in a little house of four rooms, and did not keep boarders except at this particular time, and only kept these Democratic judges just long enough to give coloring to the question of residence. The pretense that either Sullivan or Barden was a bona fide resident at 21 Clinton street is too gauzy to enlist the belief of the most credulous.

Thomas Donnelly and John Hardiman testify to the non-residence of Sullivan and Barden, the aforesaid judges. (See Record, pages 90, 92, and 376.) Sullivan is not called to rebut this testimony, and Barden, though called, shows that he was not a resident of the precinct.

In short, no one can read the testimony in relation to the election in this precinct without being convinced that Hughes was hired to import, and did import, these men—D. D. Sullivan and Thomas J. Barden—for the purpose of having them placed on the election board to deliberately assist in counting Frank J. Sullivan out and Charles N. Felton in, and that had no recount been called for and had, the purpose would have been accomplished to the extent of a change of at least 92 votes.

Testimony is not wanting to show still 6 more votes that were illegal. After the ballots were all in the box, and before the count was begun, the tickets were dumped on a table and counted, when it was found that there were three more tickets in the pile than the number of names on the poll-books. (See evidence of O'Shea, pages 67-72, and Ragen, page 242.) To properly adjust this difference some one deliberately adds three names, namely, Edward J. Hunt, Daniel McQuaid, and Patrick Smith, to one of the poll-books.

These men, though living in the precinct, and possessed of the qualifications of electors, being called to testify as witnesses in this contest, severally swore they did not vote. And upon examination it was found that their names were not upon the duplicate poll-list kept by the inspector. (In California, as in many of the States, the names of the electors as they vote are recorded by two clerks on separate poll-books, which, if correctly kept, are duplicates of each other. One of these the laws of California require shall be returned to and filed with the county clerk and the other kept by the inspector. In this case the one returned had the three extra names, while the one retained, when produced, did not contain them.)

Besides these three there were other names, to wit: Patrick Madden, Sheldon C. Griffith, and John H. Flood, who did not vote, but whose names are recorded by each of the clerks as having voted. Madden died October 24, nine days before the election. The other two parties, when called to testify, swore they did not vote at the election. Counsel for contestee, in his brief, concedes the illegality of these 6 votes, but contends that they should be deducted from contestant's vote, because, as he says, contestant had the majority in the precinct, and for that reason is presumed to have received these votes. All the fraud perpetrated in this precinct, so far as shown by any evidence, was perpetrated in the interest of Felton, and in the judgment of the committee the presumptions are the other way. Leaving these 6 votes alone, the recount gives Sullivan 94 instead of 2 majority over Felton. Under every rule of law we are compelled to give Sullivan at least 94 majority.

The organization of the election board and the manner of holding and certifying to the election in this precinct is so tainted with fraud as to warrant the throwing out of the precinct vote as returned *in toto*. The evidence in the case would fully justify such a course. That being done, under well-established rules of law (see McCrary on Elections, sec. 442) each party would have the right to prove his vote *aliunde*. Should this course be adopted Felton's entire majority of 119 would be more than overcome by this precinct alone. Sullivan called more than enough of the electors of this precinct and by them proved that they voted for him to overcome Felton's majority of 119, while Felton did not call a single voter of the precinct to prove a vote for himself. By accepting the result as shown by the recount we think, under all the circumstances, the ends of justice will be best subserved. Hence we here deduct 92 from Felton's 119 majority.

SECOND.

Before proceeding to the second important item in determining the result at which we arrive—unseating Felton and seating Sullivan—we will quote such of the statutory provisions of California as are thought necessary to a full understanding of the facts in relation to this second item, which have influenced us in our deliberations. The references are to the political code of the State, to wit:

"SEC. 1185. A ticket is a paper upon which is written or printed the names of the persons for whom the elector intends to vote, with a designation of the office to which each person so named is intended by him to be chosen.

"SEC. 1186. A ballot is a ticket folded in such a manner that nothing written or printed thereon can be seen.

"SEC. 1187. Every ticket must be of paper, uniform in size, color, weight, texture, and appearance.

"*Election tickets and ballots.*

"SEC. 1191. No ticket must be used at any election or circulated on the day of election, unless—

"1. It is written or printed on paper furnished by the secretary of State or upon paper in every respect precisely like such paper.

"2. If printed, the names of the persons voted for and the offices designated are printed in black ink and in long capitals, the names of the offices in small capitals and of the persons in large capitals, and both without spaces except between the different words or initials in each line, and between the numbers and initials.

"SEC. 1192. No ticket or ballot must, on the day of election, be given or delivered to or received by any person except the inspector or a judge acting as inspector, within 100 feet of the polling place.

"SEC. 1193. No person must, on the day of election, fold any ticket or unfold any ballot which he intends to use in voting within 100 feet of the polling place.

"SEC. 1194. No person must, on the day of election, within 100 feet of the polling place, exhibit to another in any manner by which the contents thereof may become known any ticket or ballot which he intends to use in voting.

"SEC. 1195. No person must, on the day of election, within 100 feet of the polling place, request another person to exhibit or disclose the contents of any ticket or ballot which such person intends to use in voting.

"SEC. 1196. No ballot must be used at any election, or circulated on the day of election, having any mark or thing on the back or outside thereof whereby it might be distinguished from any other ballot legally used on the same day.

"SEC. 1197. No ballot or ticket must be used or circulated on the day of any election having any mark or thing thereon by or from which it can be ascertained what person or class of persons used or voted it, or at what time of the day such ballot was voted or used.

"SEC. 1203. When, upon a ballot found in any ballot-box, a printed name, and a name written with ink or with pencil appears, and there are not so many persons to be chosen for the office the printed name must be rejected and the written one counted, and the fact must at the time be noted on the back of the ballot and such note must be signed by a majority of the election board.

"SEC. 1204. When, upon a ballot found in any ballot-box a name has been erased and another substituted therefor in any other manner than by the use of a lead pencil or common writing ink, the substituted name must be rejected, and the name erased, if it can be ascertained from an inspection of the ballot, must be counted; and the fact therefor must be noted upon the ballot, and such note must be signed by a majority of the election board.

"SEC. 1205. When a ballot found in any ballot-box bears upon the outside thereof any impression, device, color, or thing, or is folded in a manner designed to distinguish such ballot from other legal ballots deposited therein, it must, with all its contents, be rejected.

"SEC. 1207. When a ballot found in any ballot-box bears upon it any impression, device, color, or thing, or is folded in a manner intended to designate or impart knowledge of the person who voted such ballot, it must, with all its contents, be rejected.

"SEC. 1208. When a ballot found in any ballot-box does not conform to the requirements of section 1191, it must, with all its contents, be rejected."

Having quoted the above sections of the political code of California, we desire now to call attention to the vote of the Fourth ward in the city of San José, in Santa Clara County, Fifth Congressional district, when and where Sullivan received 397 votes and Felton 311 votes, majority 86. This is shown to be a very strong Democratic precinct at previous elections, and usually gave from 150 to 200 Democratic majority. In 1884 Sullivan and Felton, contestant and contestee herein, were opposing candidates for Congress and received 414 and 253 votes respectively, being a majority of 161 votes for Sullivan. From natural causes in the whole State as an aggregate the election was more favorable to the Democrats in 1886 than in 1884 by more than 12,000 votes, and in the Fifth Congressional district more favorable in 1886 than in 1884 by 1,200 votes. A like favorable result in the Fourth ward would have increased Sullivan's vote in 1886 over that of 1884 by from 25 to 40 votes, but instead of an increase there was a falling off of just 75 votes.

A close examination of the evidence in the record shows most conclusively that such result was brought about by the use of such questionable methods as to make it the duty of the committee and of the House to purge the precinct of fraud by eliminating 53, if not 66, of the votes received by Felton—53 votes at the very lowest. Fifty-three added to the 92 above completely overturns the 119 majority claimed by and certified to Felton without other matters hereinafter pointed out, and gives to Sullivan 26 majority.

In this precinct the evidence shows that one J. H. Barbour, Congressional Republican county committeeman for the county of Santa Clara, was furnished a large sum of money. Upon that subject Mr. Felton, contestee, testified as follows, to wit:

"Q. Do you know Mr. J. H. Barbour, of San José?

"A. Yes, sir.

"Q. Did you have any conversation with him in reference to the distribution of funds which you would contribute towards election purposes?

"A. No, sir; but I know he represented the committee down there.

"Q. Did you give him any money directly, outside of your check to the committee, to spend for political purposes?

"A. I think I sent Mr. Barbour some money direct; I told the committee what I had done; it was a part of the money that I gave to the committee.

"Q. How much did you give him?

"A. I would not have any great objection to tell the amount of money that I spent.

"Q. I do not want to know what you contributed for campaign purposes.

"A. The amount that I sent Mr. Barbour?

"Q. Yes.

"A. I do not recollect; but I do recollect this, having given some of those committees much less money than they thought was sufficient and necessary for the campaign." (See Rec., pages 1011, 1012.)

Mr. Felton evaded the question as to how much money he paid Mr. Barbour direct.

Mr. Barbour himself was examined, but with no better success. The following is a fair sample of his testimony on this point, to wit:

"Q. What sum, or moneys, or sums of money did you invest in this county in the Congressional fight?

"A. That is none of your business; the proceedings of the Congressional committee are privileged matters there—their expenses and disbursements—and no part, in my opinion, of the investigation here, and I shall not give you any information as to the disbursements of that committee in any shape, way, nor manner.

"Q. Why are those matters privileged, Mr. Barbour, in your judgment?

"A. Simply because they always are.

"Q. Under what law or statute are those matters privileged in this State?

"A. The law of ordinary common custom. Your own committee—the committee of both parties—never published the statement of any expenses, or no other political committee that I ever heard of did.

"Q. Mr. Barbour, the Congress of the United States will be a better judge as to that matter than interested parties. I will now ask you from whom you received any sum or sums of money for the purpose of spending it legitimately or otherwise in the conduct of the Congressional campaign at the last election?
"A. From the Congressional committee.
"Q. From what member of the committee?
"A. I do not remember who it was sent it to me. (See Rec., page 806.)
"Q. In what manner was it sent?
"A. I do not know that that is any part of the matter.
"Q. I will ask you again, was that sent by check or in coin to you?
"A. I do not know whether there was any of it came by check or in coin; my present impression is that not a dollar of it came to me in coin.
"Q. It came by check?
"A. I am not confident how it came.
"Q. On what bank or through what banking-house were any check or checks drawn in your favor as a member of the Congressional committee of the Fifth Congressional district for the last campaign expenses?
"A. I could not tell you, sir.
"Q. Do you swear that you do not know?
"A. I swear I do not know beyond this, that my impression is that a draft for $250 on behalf of the county committee here was passed through the Commercial and Savings Bank, but I am not perfectly confident that it went that way.
"Q. Was that the only money that came through the Commercial and Savings Bank on that behalf to you?
"A. I think it was.
* * * * * * *
"Q. Was $250 the only sum of money that you received on that behalf during the campaign?
"A. That is none of your business; that is a privileged matter that belongs to the Congressional committee, and no part of this investigation, in my estimation.
"Q. I ask you again to state whether or not you received more than $250 with reference to that matter as expenses to be expended here on behalf of Mr. Felton in the last campaign?
"A. I shall reply just as I did before.
"Q. Do you now state, on your oath, that the sum of $250 was the only sum you received on that behalf?
"A. I have replied to that already. (See Rec., page 807.)
"Q. I will ask you to reply again.
"A. I shall make no other reply to it.
"Q. You make your reply.
"A. I shall make no other reply whatever.
"Q. You decline to answer that question—is that it?
"A. I decline to make any further reply than I have; it is none of your business.
"Q. 'It is none of your business?'
"A. Yes, sir.
"Q. Now, do you state, Mr. Barbour, that every dollar that you expended in the last Congressional fight came from the members of the Congressional committee?
"A. I say that every dollar that I expended in the last Congressional fight came from the Congressional committee and was properly and legitimately spent and accounted for.
* * * * * * *
"Q. How much was given to the county committee?
"A. That is none of your business.
"Q. Was it not a fact that you and the county committee had some trouble over the money that was sent here with reference to the Congressional fight?
"A. No, sir; beyond this, that the county committee desired Mr. Felton to contribute to that organization, and I urged Mr. Felton to do so; and the county committee, as county committees usually do, got in pretty deep water, and felt that the Congressional nominee ought to stand the burden of it, and urged that the amount should be made larger than Mr. Felton thought the proper thing. That is the only criticism that I have heard.
"Q. From whom was that criticism made, and by whom?
"A. I think by members of the committee.
"Q. State any one of them that you remember who criticised in that manner.
"A. I can not do that. I was present at the meeting of the committee when the matter was canvassed. I think there was six or seven there, and the subject was discussed as to the contribution of Mr. Felton towards the expenses of the county committee; and I do not know whether the chairman was there. My impression—Judge Wallis, the chairman, was there, and I think Mr. Britton, the secretary, was.
"Q. I will now ask you again, Mr. Barbour, to state whether you will now swear that $250 was the only sum of money received by you and expended on the behalf of the Congressional candidate, Mr. Charles N. Felton, at the last election, or prior thereto, namely, the election of November 2, 1886?
"A. I will swear that I consider it is none of your business.
"Q. Have you ever accounted to the Congressional committee of this district with reference to these expenses during the last Congressional campaign?
"A. If I have not, the inference is I sank it.
"Q. Have you ever done so?
"A. That is none of your business.
"Q. Have you ever been called upon by the Congressional committee to account to it for sums of money you spent?
"A. That is none of your business.
"Q. Have you been to Honolulu recently?
"A. I have.
"Q. How long ago?
"A. I left the 6th of December and come back about the 20th of January. (See Rec., page 808.)
"Q. Were you accompanied by any member of your family?
"A. I was; by my daughter.
"Q. On what vessel did you sail or steamer?
"A. I went over on the steamer Australia.
"Q. One of the Spreckles steamers?
"A. One of the Oceanic Steam-ship Company's line.
"Q. One of the Spreckles Brothers?
"A. I do not know; I think it belongs to the Oceanic Steam-ship Company.
"Q. Spreckles Brothers are interested in that steamer?
"A. I suppose they are.
"Q. Were you not a passenger on their steamer, and did not you go over there and return as a guest of the Spreckles?
"A. I did not, sir; I never was a guest of the Spreckles. I never met but one or two of them in my life.
"Mr. MOORE. You are not compelled to answer any such question as that.
"Mr. BOWDEN. Didn't you go over on passes and return?
"A. That is none of your business. That is my private business.
"Q. Did you not ask a gentleman in this city whether or not he would not accompany you to Honolulu in that manner?
"A. On a pass?
"Q. In that manner?
"A. In what manner?
"Q. As a guest of the steam-ship company?
"A. No, sir; I asked three or four men to go with me over there.
"Q. Will you state, Mr. Barbour, now, on your oath, that you did not have the freedom of the steamer on which you sailed, without fear, without pay?
"A. I state that I consider that private business, and none of your business.
"Mr. BOWDEN. I now claim that Mr. Barbour is in contempt of this commission, for refusing to properly answer and show due courtesy to the commission, refusing to answer questions properly put and properly belonging to this investigation, and for that reason, and on that behalf, contestant asks that this proceeding be certified to the sheriff, and a warrant for the arrest of J. H. Barbour for contempt be prepared by the commissioner and handed to the sheriff of the county of Santa Clara.
"The WITNESS. Please note, Mr. Notary, that Mr. Barbour claims that the investigation transcends the limits that it is entitled to go into or extend; to that while he refuses to answer these questions, he does not consider that he is committing any contempt, or showing any contempt for the commission so far as it may be a legal body; he has the most profound contempt for the method of conducting it.
"The notary takes the matter of the application for the issuance of the warrant above referred to under advisement, and indicates that he will announce his decision upon the matter to-morrow at 12.30 p. m.
"J. H. BARBOUR."
(See Rec., page 809.)

From the above it will be seen that Barbour testifies he received $250 from the Congressional committee, but refused to say whether he received more than $250, or whether he received any money from Felton direct. Felton, however, testifies that he sent money to Barbour direct, but to some of the committee "less money than they thought was sufficient and necessary."

Now, let us inquire further into the methods practiced at this precinct. We find one Bailer and one McKenzie hired a room on election day, in the Cosmopolitan Hotel, in which to buy up such of the purchasable vote as could be inveigled therein. This room was in the same building in which the polling place was located, and was less than 100 feet from the polling place. Ingress to this room was by a stairway just two doors from the polling place; and the bulk of the witnesses describe the stairway as being from 20 to 40 feet from the polling place, and the room into which the voters were invited as being on the floor next above the polling place, and in less than 100 feet therefrom. No witness pretends to describe the room as being as far as 100 feet distant from the polling place. Mr. Bailer, whose evidence shows that he was a most unwilling witness, evades the question as to distance. In answer to a direct question, he said: "Oh, about 100 to 150 feet, more or less; I can not tell." Several other witnesses, and all who testify, say the room was not 100 feet from the polling place.

The evidence, as a whole, makes it clear to the committee that at least 53 votes polled at this precinct for Mr. Felton should be rejected, for three reasons, to wit: First, because they were corruptly bought; second, because in this room, within less than 100 feet from the polling place, these 53 electors received the tickets by them voted; and, third, because the tickets here in this room received by these electors, and by them voted, were "branded" by said Bailer and McKenzie and their "pals" with marks made by a red pencil.

To prove this, we will refer to some of the evidence. We first quote from Bailer's testimony, which begins on page 1848 of the record. We quote:

"Henry Bailer, a witness called on behalf of the contestant in rebuttal, after being sworn, deposes and says:

"Examination-in-chief by Mr. BOWDEN:

"Q. Where do you live, Mr. Bailer?
"A. Seventeen or 19—I forget the number exactly—West San Salvador, between Market and First.
"Q. In this city?
"A. Yes, sir.
"Q. How long have you lived here, Mr. Bailer?
"A. Well, ever since I was born—thirty years.
"Q. You are thirty years of age, are you?
"A. Yes, sir.
"Q. Were you at the Fourth ward at the last general election, November 2, 1886?
"A. Yes, sir.
"Q. Whereabouts was your headquarters, Mr. Bailer?
"A. Well, I did not have any headquarters. I was on the street, and then I had a little room all to myself.
"Q. Whereabouts?
"A. Cosmopolitan Hotel.
"Q. What number was the room; do you recollect the number, Mr. Bailer?
"A. I think that it was No. 9.
"Q. A furnished room, Mr. Bailer?
"A. Yes, sir.
"Q. The Cosmopolitan Hotel; that was close to the polling place, was it?
"A. Well, I do not know how close it was.
"Q. About how far do you think it is from the window from where the ballots were being cast and the stairway going upstairs into the Cosmopolitan room?
"A. Oh, about 100 or 150 feet, more or less; I can not tell.
"Q. Don't you know the exact distance?
"A. No, sir.
"Q. What was your plan, now, Mr. Bailer, up there? What were you principally engaged in?
"A. Well, I was engaged in influencing my friends for the Republican ticket.
"Q. Did you have any method in fixing your tickets, Mr. Bailer; any special method of marking them or picking them out?
"A. No special method at all. I was working for the whole ticket.
"Q. Well, I mean was there any method adopted by you?
"Mr. CROSS. We object to any evidence given by this witness, on the ground that there was no proper notice of the taking of his testimony served.
"Mr. BOWDEN. You will find a notice there, served yesterday morning.
"Mr. CROSS. Well, that is not sufficient notice.
"Mr. BOWDEN. Well, we will go on and take the testimony.
"Mr. CROSS. Well, we make our objection. We protest against this testimony being taken, on the ground that no sufficient notice of the taking of the testimony has been served.
"A. Well, if there is any protest, I quit right here, gentlemen. That is all there is about it.
"Q. (By Mr. BOWDEN.) Well, what it is goes in the record.
"Mr. CROSS. That is the protest.
"Q. (By Mr. BOWDEN.) You can go on answering the question.
"Mr. CROSS. We protest taking the testimony of this witness, as no proper notice was given of the taking of the testimony.
"Mr. BOWDEN. Note the protest.
"Q. Now, Mr. Bailer, state what special plan you adopted in order to designate or mark the tickets which you 'influenced' your friends to vote for the Republican party.
"A. Well, what mark do you mean?
"Q. Well, did you mark tickets in any manner at all?
"Mr. CROSS. Wait just a moment, Mr. Bailer. We further object to this evidence on the ground that it is not admissible in rebuttal, and that if it were com-

petent evidence at all it was competent evidence only in chief, so that if there is anything in it that was of any relevancy we might have had an opportunity in giving our evidence in reply. It is taken now at a time when there is no opportunity to meet it or reply to it, and that therefore it is not admissible at this stage of the proceedings, and we protest against taking any such evidence at this time concerning such matters.

"Mr. BOWDEN. You have your protest. Now, Mr. Bailer, please state what manner, if any, you adopted in marking your tickets that you influenced your friends to vote; was there any special way? Did you use a red pencil in marking them; how was that?

"A. Well, the red pencil—of course there was myself and a friend of mine we used the red pencil—of course, because there was certain kickers in the ward that thought they were polling all the votes, and we wanted to show what we could do. That is all there was about that.

"Q. Now, I understand you, Mr. Bailer, I think that there was certain Republican kickers—is that it—people who claimed to do lots of work in the wards?

"A. Well, I won't say who they were.

"Q. Well, I don't ask who they were, but there were certain Republican tickets and you wanted to show your Republican friends, the candidates, that you were a worker yourself and you and your friend did work; is that it?

"A. Of course.

"Q. And in order to do that, as I understand you, Mr. Bailer, you marked these tickets with red pencil; was that the way?

"A. Well, we marked some of them. Some of the workers would forget and mark them with a black pencil.

"Q. Some of the ones you influenced were marked with red pencil?

"A. Certainly.

"Q. Mr. Bailer, I will show you a ticket marked 'Contestant Exhibit No. 727 in Rebuttal, A. K. W.,' marked also in printing 'Regular Republican Ticket, San José, Fourth ward.' I ask you if that is one of those tickets which you and your friend marked in that manner?

"A. Well, of course myself or my friend did not mark all these tickets.

"Q. No, sir; but you did mark some of them?

"A. We marked some of them, of course.

"Q. I will state to you, Mr. Bailer, that this is one of the ballots which has been brought here by the county clerk, and was cast in the fourth precinct, San José, at the last election. That was the manner, was it Mr. Bailer, in which you fixed those matters up?

"A. Well, of course the friend of mine and myself we got a little bit missed; there were parties there wanted to claim the honors, and we got in about 11 o'clock and wanted to show what we could do—that is, by influencing men to vote our way, of course—so we marked the tickets.

"Q. And by that means, as I understand it, Mr. Bailer, you could tell, when the tickets came out of the box and were counted, how many you and your friend had influenced; was that the idea?

"A. Certainly.

"Q. So that you could state hereafter that you had done so much work on that election day; was that the plan?

"A. Wanted to show we did all we could.

"Q. And you did do all you could, did you?

"A. I should think so.

"Q. What are your politics, Mr. Bailer?

"A. I am a Republican.

"Q. And what are the politics of your friend whom you spoke of?

"A. A Republican.

"Q. You were working in the interests of the Republican party, were you, at that election?

"A. Certainly.

"Q. Were there any special candidates that you were interested in—county candidates or State candidates in that manner, you and your friends?

"A. I was working for the whole ticket.

"Q. Well, were there any special candidates; were you specially interested in Mr. Felton?

"A. Well, of course I wanted Felton, certainly.

"Q. Mr. Sweigert?

"A. I wanted him, certainly.

"Q. At that time you were in the sheriff's office, were you not, Mr. Bailer?

"A. I was.

"Q. As one of the deputies?

"A. Yes, sir; I got fired afterwards.

"Q. Got fired after your man was put in?

"[The witness laughs.]

"Q. Were you specially interested also in Mr. Rea?

"A. Yes, sir.

"Q. So that the people you were specially interested in, as I understand it, were Mr. Rea, Mr. Sweigert, and Mr. Felton—those that you specially favored?

"A. Well, of course I worked for the head of the ticket. I would get all I could for the whole ticket, and if I couldn't do anything else I would get it for the head of the ticket.

"Q. Now, Mr. Bailer, I will ask you how it is that occasionally, as you will see in this exhibit, there was a name erased, and a name from the opposite ticket put on there; as in this case, No. 23, coroner and public administrator, J. G. Saxe, regular nominee, was erased and the name Tomkins put in its stead, and No. 30, city justice, L. L. Cory, marked, and Buckner put in its stead; how did it happen that occasionally those tickets were voted?

"A. Well, I suppose some men that agreed to vote for those parties and wanted to vote for them wouldn't vote otherwise than to get the head of the ticket; leave them have them.

"Q. You took, then, as I understand it, important offices, and took the head of the ticket?

"A. Oh, I didn't do the whole thing.

"Q. Well, I know; but that that you did do; that was the plan, was it, Mr. Bailer?

"A. Oh, the plan was to get all you could.

"Q. If you couldn't get a whole loaf you took a half one?

"A. Take a half one, certainly.

"Q. Now, Mr. Bailer, how many votes did you understand you and your friends got out of that box when the count was made?

"A. I didn't get any out myself.

"Q. I mean how many were there of these red-marked ballots that you and he obtained in this manner?

"A. I don't know how many there were.

"Q. Did you and he talk about that? About how many were there, as near as you remember now, of these red fellows?

"A. Well, between 40 and 50, something like that; not any less than 40, anyhow.

"Q. Might have been 50 or a few more?

"A. Might have been, more or less; I don't know; of course I didn't keep any account of them; that is, I did keep an account of them; I had a little memorandum made, but then of course it is destroyed by this time; that is, I had them on cards.

"Q. You have not got that memorandum, have you?

"A. No, sir; I have not.

"Q. Can you state the names of the people you 'influenced,' Mr. Bailer?

"A. No, sir; I will not state that.

"Q. What politics were they mostly of, so far as you know, the people that you influenced?

"A. Well, some Republicans, other Democrats, but principally Democrats, of course; we got a Republican, he is all right; and if we could catch a Democrat, of course we would make a Republican out of him.

"Q. That would roll up two votes, wouldn't it, Mr. Bailer?

"A. Why, of course.

"Q. Well, now, did you and your friend, in following this plan, get any votes in that were not Republican votes, that were not marked, especially in this way; did you get any more besides the red votes?

"A. I don't understand you, Mr. Bowden.

"Q. I mean by that, did you 'influence'—I believe that is the word you used—any of the Democrats to vote the Republican ticket without having been marked with those red marks?

"A. Oh, I suppose there were some influenced; yes.

"Q. Without having the red marks on?

"A. There were certain parties around there that were rustling, as we call it, at the same time, and would get excited and forget the red pencil.

"Q. Along towards the latter part of the day would that be the case, Mr. Bailer; towards the time of closing the polls?

"A. A person absent-minded might have done that in the forenoon; I couldn't tell. They might have thought they had a red pencil, but it might happen to be a black, or they did happen to find a red one there.

"Q. These red marks made at the bottom of the ticket where it was 31 and No. 32 for amendment No. 1 and against the amendment No. 1, how was that?

"A. Well, we didn't care anything about the amendment. Put the mark on there as a kind of a brand, you know.

"Q. How long did you keep up the work, Mr. Bailer, up there in the room?

"A. Well, I staid there, I think, from about 8 o'clock until the polls closed.

"Q. You did?

"A. I generally did until the last.

"Q. You put in a pretty good day's work, Mr Bailer?

"A. Oh, I always do that wherever I work. Lots of fun getting people up here.

"Q. Were you subpœnaed to appear here as a witness?

"A. Yes, sir; but I believe I ought to have had a few days' notice.

"Q. I believe you have been told, since you came here to-night, that you were entitled to a longer time, have you not?

"A. No; I have not been told so, but I think so myself.

"Q. Well, you understand you could have refused to come unless you had five days' notice; did you understand that?

"A. Well, I wasn't certain about it; if I was certain about it I wouldn't have come, that is to tell the truth about it.

"Q. Then you are not willing to come here and be a witness, and are not here willingly?

"A. I am not here willingly, not by any means.

"Q. Mr. Bailer, how many people were employed with you about the Cosmopolitan Hotel there, about how many about the room No. 9?

"Mr. BURCHARD. I object to the question on the ground it is leading, and on the further ground that the witness has not stated he was employed or that any one was employed with him.

"Mr. BOWDEN. How many men were employed and worked with you in this matter, as you remember it at the present time, on that day at room 9, Cosmopolitan Hotel?

"A. I don't know how many were employed; I don't know whether any of them were employed or not.

"Q. How many of them were working with you in this matter?

"A. I suppose there was about three.

"Q. Three or four besides yourself?

"A. Yes, sir.

"Q. Republicans?

"A. Yes; they were working for the Republican ticket.

"Q. Mr. Bailer, how did you 'influence,' what means were used to 'influence' these red fellows?

"A. Oh, get around them like a Sheeny, you know, and tote it into them.

"Q. Give them soup?

"A. Why, cert.

"Q. Who did the most of this work? Who did the most of this red-pencil work, as you now understand it, yourself or your friend that you speak of?

"A. Well, I don't know who did the most of it.

"Q. You didn't work any Democratic votes in, did you, Mr. Bailer?

"A. That was what we were playing for.

"Q. I mean you didn't vote any Democratic tickets?

"A. Why, certainly not, no. [Laughing.]

"Q. But you were chiefly after Democrats, undertaking to 'influence' them?

"A. Why, of course; certainly, I wanted to get the Democrats.

"Q. What kind of people were these mostly, these men that you 'influenced?'

"A. Oh, well, they were different nationalities.

"Q. Well, mostly what kind were they, Mr. Bailer, the larger portion of them, the people whom you influenced in this way in room No. 9 of the Cosmopolitan Hotel?

"A. I don't know; I guess it would be a draw between the Irish and the Spanish.

"Q. You think it is about a stand-off between the Irish and the Spanish?

"A. Yes, sir.

"Q. The Irish mostly, Mr. Bailer, are Democrats when they are not 'influenced' specially?

"A. Yes; they are Democrats, certainly.

"Q. And are not a good many of the Spanish who vote in the Fourth ward Democrats, Mr. Bailer?

"A. Well, I guess they are Democrats.

"Q. But they can be 'influenced' if they are properly approached?

"A. Now, take it as a rule, they are Republicans.

"Q. The Irish are Democrats, and the Spaniards, you think, as a rule, are Republicans; is that so?

"A. Yes, sir.

"Q. How many do you suppose of that crowd—that gang of men—that were reached in that way, Mr. Bailer, were Irishmen?

"A. In what way do you mean?

"Q. Well, that were influenced in the way you speak of?

"A. By talking to them?

"Q. How many were there of the Irish, do you suppose, as near as you can guess?

"A. Well, I would say about fifteen—that is a rough guess, you know.

"Q. Yes; and how many were there of the Spanish, do you suppose?

"A. Well, twenty-five, thirty, or thirty-five; along there.

"Q. Well, of those 30 or 35, more or less, Mr. Bailer, from your acquaintance with them and the ward, how many of those, I mean the Spanish, had a Democratic leaning or tendency?

"A. Well, I will just tell you the truth about that; they don't know how they do lean—just as they take a notion.

"Q. How long have you lived in the Fourth ward, Mr. Bailer?

"A. Well, not very long—about thirty years.

"Q. You have always lived there, have you?
"A. I was born there.
"Q. Born in the ward and have always lived there?
"A. Can't drive me out.
"Q. Can you speak Spanish?
"A. Yes, sir.
"Q. You can make yourself understood with Spanish people, can you?
"A. Certainly.
"Q. You also speak German, don't you?
"A. Certainly.
"Q. Were there many people came up there on that occasion to No. 9, Mr. Bailer?
"A. Oh, yes; quite a number came up there; they thought there was something to drink in it, but they got left.
"Q. You did not have anything to drink there?
"A. Not a drop.
"Q. You did not have anything to drink there?
"A. Oh, no; a place to have a sociable chat.
"Q. Well, now, in your judgment, Mr. Bailer, how many Republican tickets were voted by you or obtained?
"A. Republican tickets?
"Q. I mean, how many Republican tickets were voted by you and your friend, and obtained in this matter, now, as you recollect, that were not marked with the red marks?
"A. Oh, well, I couldn't tell.
"Q. Well, as near as you could guess, Mr. Bailer; of course, a man couldn't keep these things upon his mind for months, but as near as you recollect?
"A. I might guess 20 off or 50 off.
"Q. How near would—say as near as you remember?
"A. Now let me understand you.
"Q. You stated, Mr. Bailer, that there were somewhere between 40 and 50 with the red marks on or marked in red pencil.
"A. Yes.
"Q. Then you also stated that there were other votes which you 'influenced' that were marked in black pencil, or other than in red; about how many of those do you think there were that you and your friend got in?
"A. Well, that would be a hard question to answer, because I couldn't tell; of course there were several workers there, and I couldn't tell what they did.
"Q. But I mean you specially.
"A. Myself individually?
"Q. Yes, sir; of those not marked in red, but in black, or the straight tickets without any marks on?
"A. Well, I couldn't answer that.
"Q. Well, just make an estimate as near as you remember, Mr. Bailer; of course you had means of ascertaining the number of these that you got in [referring to tickets with red marks], but now, as you remember, please state how many of the others.
"A. It is so long since a man can't remember, you know. A man might mark with a black pencil for a while there; you could not tell; and there might be 3 or 4 or 4 or 5 at a time and before you got your red pencil back to scratch on again.
"Q. Then, as I understand you, there were sometimes as many as 4 or 5 in a bunch that you fixed up in this way and they went down, is that it?
"A. Well, sometimes there would be; certainly.
"Q. Well, now state as near as you can remember, Mr. Bailer, about the number of these Republican votes that you got that you 'influenced' in this way that were not marked in red pencil. Just make an estimate.
"A. Republican votes?
"Q. Yes, sir; that were not marked in red that you influenced; I mean that voted the Republican ticket; that is what I mean; how many were there of these people whom you 'influenced' to vote the Republican ticket, that the tickets were not marked in red pencil, but may have been marked in black, or without any marks?
"A. Well, I tell you, probably I might miss it five or might miss it ten; I couldn't say.
"Q. Well, as near as you can state, Mr. Bailer.
"A. Well, we will say 15; of course, it is kind of a rough guess; of course, you can't tell, but I will say that, you know, for a kind of a rough guess.
"Q. So that, altogether, Mr. Bailer, assuming that there were 40 or 50 votes with the red-pencil marks which you have stated, you think there were——
"A. I think there was 40 or 50.
"Q. And 15——
"A. Of course, I wouldn't say 15 for certain, nor 40 or 50 for certain, for that matter.
"Q. And 15, say, estimating, of the others, would you now state as your best recollection and judgment that there were 65 or 75 of these votes, including the red and black marked ballots that you influenced on that occasion altogether?
"A. How much?
"Q. Seventy or 75.
"A. Well, not less than 70 anyhow, altogether.
"Q. You speak Spanish very fluently?
"A. I do; yes, sir.
"Q. And are well acquainted with all the laboring people in that ward, are you not?
"A. Yes, sir.
"Q. This gentleman, your friend you speak of, has also lived there for years, has he not?
"A. Yes, sir,

* * * * * * *

"Cross-examined by Mr. BURCHARD:

"Q. Now, did not the Democrats over there have a room also where they entertained their friends?
"A. Well, that I don't know; I didn't see it and I wasn't into it.
"Q. Well, didn't you understand that?
"A. I heard there was, and I don't know.
"Q. Isn't it customary every year there for both parties, and in fact in all the wards, for both parties to have workers at the polls?
"A. It is in the Fourth ward; I don't know about the rest of them; I don't bother myself about the rest.
"Q. Well, you live in that ward and work for your party in that ward?
"A. Yes, sir.
"Q. Don't you know that at other wards that is done?
"A. I know that both parties have workers.
"Q. And peddle tickets; and this was simply peddling tickets and speaking to your friends, was it not?
"A. That is what was done.
"Q. You found the numbers for your friends?
"A. Certainly.
"Q. And they went and voted the ticket?
"A. Yes, sir.
"Q. They could have voted any ticket they wanted to, could they not?
"A. They could, if they did not want to vote the way I wanted them to.
"Q. They could have gone and voted as they pleased, couldn't they?
"A. Certainly.
"Q. And whomever you could get to vote for a man on the Republican ticket you got them?
"A. Certainly.
"Q. If a man wanted to vote for every man on the Democratic but Swift for governor, you would get him, would you?
"A. Yes, sir.
"Q. And get him in the same way?
"A. Yes, sir.
"Q. You can't determine who voted each of these tickets, can you?
"A. No, sir; I can't.
"Q. And you don't know whether down at the table where they had also tickets, whether these amendments were likewise scratched?
"A. I don't know.
"Q. You weren't down there, were you?
"A. No, sir.
"Q. And wasn't it true that these amendments were overwhelmingly defeated?
"A. Yes, sir.
"Q. Both Democrats and Republicans voted alike against them?
"A. Yes, sir.
"Q. And the Democratic tickets had printed against the amendment, were they not?
"A. Yes, sir.
"Q. And the Republican tickets were printed so that a man could vote as he pleased, but most every one voted against them, didn't he?
"A. Yes, sir.
"Q. And the amendments only received a few votes?
"A. That is all.
"Q. And you had a personal pride, as I understand you, to rustle in there and show what work you could do, you and your friends?
"A. Well, of course we liked to make a good showing.
"Q. Now, Mr. Brittan was over there, was he not, working?
"A. Yes, sir.
"Q. He was a member of the central committee?
"A. I believe he was at that time; I am not sure; I could not state whether or not he was; I am not sure.
"Q. He has stated already he was; he was likewise working for the Republican ticket, was he not?
"A. Yes, sir.
"Q. Do you know whether Democrats were working there in the interests of their tickets?
"A. Certainly.
"Q. And you did the same work that they did?
"A. Why, of course.

"Redirect examination by Mr. BOWDEN:

"Q. Mr. Bailer, I will ask you to just cast your eye along here and look on No. 10 of these ballots as I bring them out—Representative for Congress; and I will ask you to state whether the name of C. N. Felton is on that ticket with a red pencil mark at the bottom [exhibiting ballots to the witness, referring to Exhibit 674]. And I will ask you now, as I run over those, and see whether you find on any of these tickets with the red mark at the bottom the name of C. N. Felton erased and that of Frank J. Sullivan instead [exhibiting ballot to witness]: just watch them carefully, Mr. Bailer.
"Mr. CROSS. We object to the question on the ground that the ballots are themselves the best evidence whether Mr. Felton's name is scratched.
"A. I guess there won't be any of them scratched.
"Q. (By Mr. BOWDEN.) You won't find any of them, Mr. Bailer. I will ask you to state when I run them through. You can state in advance, Mr. Bailer, that there will none be found with Felton's name erased, will there?
"A. I don't think there will be; there [showing] is a Democratic ticket.
"Q. With Felton's name on it?
"A. Yes, sir.
"Q. That is a Felton ticket, isn't it?
"A. That [showing] is the Democratic ticket; that [showing] is the Sullivan ticket.
"Q. Well, Sullivan's name is erased?
"A. Yes, sir.
"Q. And Felton's name is on?
"A. Yes, sir.
"Q. You find none of those with the name of Felton erased and Sullivan put on?
"A. No, sir.
"Q. You find two Democratic tickets there with the name of Sullivan erased and Felton put on?
"A. Yes, sir.
"Q. Will you please count those, Mr. Bailer, those tickets, and state how many there are with the red-pencil mark at the bottom?
"A. You want me to count the red-pencil marks?
"Q. Count the number of ballots there.
"A. The whole ticket?
"Q. No; the number of ballots.
[The witness counts.]
"Q. Fifty-four; is that right, Mr. Bailer?
"A. Well, it is 53 or 54, I don't know; I might have made a mistake; somebody else can count them over.
"(The ballots here counted by the witness are the ones exhibited to him in his examination and concerning which he testified, and are marked as 'Contestant's Exhibits in Rebuttal, No. 674 to 727, inclusive.')
"Q. Mr. Bailer, do you know of any person besides you and your friend whose name I have not mentioned who marked with red pencil or with red marks; anybody else besides you and your friend who marked your work, your election work, with red pencil or red marks?
"A. I know; yes, sir.
"Q. Who else was there; were there more than two of you; I will put it in that way, then?
"A. Yes, sir.
"Q. Who used the red pencil?
"A. Yes, sir.
"Q. How many were there of you who used the red pencils or the red mark?
"A. Two of us.
"Q. Two besides you?
"A. No, sir; one besides me.
"Q. Then you know of no person excepting yourself and your friend who used the red pencil on their work?
"A. No, sir.
"Q. Did you ascertain how these people, these other people who were working, marked their work, or did you know?
"A. I did not.
"Q. Do you know whether or not they marked their work at all so as to designate it when it came out of the ballot-box?
"A. No, I do not.
"Q. How many people, in your judgment, came up into No. 9 on election day?
"A. Well, I couldn't tell; there might have been three or four hundred come up there.

"Recross-examination by Mr. BURCHARD:

"Q. You know these people, these Spanish people, very well, do you not, and their characteristics, do you not, Mr. Bailer?
"A. Yes, sir; I am acquainted with most all of them.
"Q. Well, do they not, as a class, when they know a man who speaks the Spanish language, when they have any business or especially at elections or other times, do they not go to them generally for favors of any kind?
"A. Yes, sir.
"Q. Do they not go, for instance, to them to look over the numbers on the register?
"A. Yes, sir.
"Q. Isn't that frequently true in the primaries?
"A. Yes, sir.
"Q. And come up to you to get the number on the register and ask you in Spanish to hunt it for them?
"A. Yes, sir.
"Q. That is true with a large population, is it?
"A. Yes, sir.
"Q. A great many Spanish people over there?
"A. Yes, sir; there are a good many over there; I guess more than any other ward in the city.
"Q. About 120, isn't there, Mr. Bailer?
"A. Yes; well, about 125 or 130 altogether, I guess.
"Q. And the Spanish people organized last fall a Republican club, did they not?
"A. Yes, sir.
"Q. And they are Republicans, are they not?
"A. Most of them are Republicans.
"Q. And they came to you, most of them, knowing that you spoke the language?
"A. Yes, sir.
"Q. And you are the only Republican over there that takes an active interest in politics that does speak Spanish, are you not?
"A. I believe I am; yes, sir.

"Redirect examination by Mr. BOWDEN:

"Q. Mr. Juan Edson, you know him, do you not?
"A. Yes, sir.
"Q. Does he not speak the Spanish language?
"A. Yes; but he is not living in the ward at the present time.
"Q. Didn't he work in the ward at the last election, Mr. Bailer?
"A. I believe he did work in the ward some; I guess he was in all of the wards.
"Q. But he was in the Fourth ward principally, wasn't he, working?
"A. Oh, I saw him around there occasionally.
"Q. Wasn't Mr. Agaton Castro working in the Fourth ward quite considerably?
"A. Well, he is generally around.
"Q. He speaks the Spanish language, does he not?
"A. Well, he ought to; he is Spanish.
"Q. So is Mr. Edson?
"A. He is half Spanish.
"Q. And half English?
"A. Yes, sir.
"Q. His father was an Englishman?
"A. I believe so.
"Q. Now, Mr. Bailer, didn't those two gentlemen mix up with the Spanish voters in the Fourth ward, and did they not consult with them or talk with them there in No. 9 of the Cosmopolitan Hotel?
"A. No; they never were around there much.
"Q. Were they there at all, Mr. Bailer?
"A. I don't believe they were.
"Q. Neither of them?
"A. No; I don't think they were.
"Q. Do you know whether they were on the streets; on Market street?
"A. They were on the street; I see them on the street, but I did not see them up there.
"Q. Were they working in No. 9, Cosmopolitan Hotel, that you know of?
"A. No, sir.
"Q. Whose plan was it, Mr. Bailer, to have that room opened on that election day; whose plan was that, whose suggestion?
"A. Well, I adopted that plan two or three or four years ago, six years ago; because if you get on the street and you want to influence a man somebody else comes up and wants to take him away from you and then, consequently, there will be a row; so I have a little room up there, and then you can take them there and not be molested, and if an objectionable character comes in there you can fire him out.
"Q. You can say to him, 'Please excuse me, sir, this is my room; I would like you to leave, for I am busy at the present time?'
"A. Yes, sir.
"Q. Was that the plan?
"A. That was the idea exactly.
"Q. And your arrangements were perfect, were they, in that direction at the last election?
"A. Yes, sir.
"Q. So that you could work quietly and influence your friends quietly in No. 9 of the Cosmopolitan?
"A. Yes, sir.
"Q. Without being interfered with or interrupted?
"A. That is it.
"Q. Were there a number of people at the same time in the room coming up there to see you and be influenced?
"A. Oh, there were a good many coming up there to see me.
"Mr. BOWDEN. Contestant now offers in evidence as a part of the deposition of the witness, Henry Bailer, all the tickets exhibited here from the Fourth ward of the city of San José, and marked, respectively, Contestant's Exhibits in Rebuttal, Nos. 674 to 727, both inclusive, and asks that they and each of them be made a part of the deposition of the witness and attached thereto.

"Recross-examination by Mr. BURCHARD:

"Q. Now, this room you speak of, that was an open room, was it not, Mr. Bailer?
"A. Yes, sir.
"Q. A room that any one could go in and come out of at pleasure, could they not?
"A. Anybody.
"Q. Was there any secrecy about the room?
"A. No, sir.
"Q. That was open that any one could go in there?
"A. Anybody could come in.
"Q. Democrat or Republican?
"A. Democrat or Republican.
"Q. A Democratic candidate could come in if he wanted to?
"A. Certainly.
"Q. There was no one requested not to come in or to stay out?
"A. No, sir.
"Q. As open as any hall?
"A. Certainly; unless there would be some roughs or somebody come up there who wanted to make a disturbance.
"Mr. BOWDEN. Did you see any Democratic candidates in No. 9 when you were there on that occasion?
"A. I don't remember of any of them.
"Q. Don't remember seeing any of them?
"A. No, sir.
"Q. Did you see any Republican candidates up there?
"A. There was one or two of them stole up there occasionally.

"HENRY BAILER."

A careful reading of Bailer's testimony, coupled with other testimony hereinafter referred to, shows that he (Bailer) and one McKenzie had a room rented in the Cosmopolitan Hotel and within less than 100 feet of the polling place. To this room electors willing to make merchandise of their right to vote were invited and taken; that the price paid started at $2.50 per vote in the forenoon and increased to $4 later in the afternoon. The tickets given to the voters in this room were, for the purpose of "branding" them, "marked" with a red pencil across the items:

"31. For the Amendment No. 1; and
"32. Against the Amendment No. 1."

Of this class of tickets, 53 were found in the ballot-box, and were all Republican tickets, with the name of Charles N. Felton thereon. To say nothing of the fact that they were bought and paid for in a most shameful and unblushing way by Mr. Bailer and his friend McKenzie, who would get around the voter "like a Sheeny," and "tote" "influence" and "soup" into him. The tickets are in contravention of section 1197 of the political code, which reads:

"No ballot or ticket must be used or circulated on the day of election having any mark or thing thereon by which it can be ascertained what persons, or what class of persons, used or voted it, or at what time in the day such ballot was voted or used."

Contestee insisted that to come within the purview of this statute the mark or thing must be placed on the back of the ticket, and that the object and purpose of the statute was to secure to the voter the right of a secret ballot, and to prevent intimidation by rendering it impossible for the looker-on to determine how the elector, when depositing his ballot, was voting. If we could persuade ourselves that such was the only object and purpose of the statute we might so conclude. To hold that only on the back or outside of the ticket was contemplated would make it "permissible" to place a mark "on the inside of a ticket to indicate the person or class of persons who voted it," and thus encourage "combinations of voters engaged in the greatest of all outrages against the elective franchise and free government—selling their votes—and to make proof of their perfidy." (Note of the code commissioner to section 1197, Political Code, California.)

If the Legislature had intended these "marks or things" to invalidate only when on the back or outside, the language "no ballot or ticket must be used, etc.," would not have been used. The word "ticket" would have been left out, and the word "ballot" only used. Section 1185 defines a ticket to be "a paper upon which is written or printed the names, etc." "Upon which is written or printed" does not mean "written or printed" on the back or outside. No more can it be said that the mark or thing shall be placed on the back or outside to invalidate the ticket. "Irregularities beyond the voter's control do not vitiate his ballot." (Kirk *vs.* Rhoads, 46 Cal., 404.) A statute in relation to such irregularities as want of uniformity in size, color, texture, or appearance of ticket, or something of that character, under the control of those clothed with the power and duty of providing tickets, would and should be construed as directory. But an irregularity in contravention of a statute intended to protect the purity of the ballot-box against frauds, which irregularity is within the control of the voter himself, must not be tolerated. A statute applied to such irregularities is by the courts, and of right should be, construed as mandatory.

Mr. Bailer says these "marks" placed upon the tickets were placed there as a "brand," and that memoranda was kept of them, but that the memoranda had been lost six months later, when he was testifying. The statute (sec. 1192, Political Code) which provides that "No ticket or ballot must, on the day of election, be delivered to, or received by, any person except the inspector, or a judge acting as inspector, within 100 feet of the polling place," was intended to enable the elector to cast a free ballot and to prevent fraud, and hence must be construed as mandatory.

In violation of this statute, in this room tickets were given to electors who were then marched to the polling place by Mr. McKenzie, one of the "Bailer-McKenzie pair," and watched to see that the tickets were put into the ballot-box. Was a statute ever more systematically and shamefully violated?

In support of the above, we refer to the testimony of Mr. J. Moser, Rec., page 777; Mr. Richard Healey, Rec., page 772; Mr. T. Heft, Rec., page 767; Julius Kraig, Rec., page 779, and others.

Much of the testimony of these witnesses is hearsay. Aside from the hearsay the facts testified about and of which the witnesses had knowledge, and properly constituting a part of the *res gesta*, sufficiently and abundantly establish, first, that a room within 100 feet of the polling place was being used to deal in "merchantable" votes, and that such voters were marched up and down and watched when depositing their ballots; and, secondly, that 53 marked Republican tickets are found in the box and that they were "fixed" in that room, and that when these tickets were being counted out they were so well understood that they were denominated the "McKenzie tickets;" and when so denominated, McKenzie, who was standing by, "smiled." (See Record, page 780, testimony of Julius Kraig, a member of the election board.) As to these electors who voted these 53 tickets, the testimony shows that most of them were Democrats.

In addition to these 53 tickets there were, in this Fourth ward of San José, 13 other tickets—Democratic tickets—with Sullivan's name erased with blue or red pencils, and with the same kind of pencil Felton's name written in place of Sullivan's. The testimony sufficiently shows that these tickets were likewise "fixed" in the Bailer-McKenzie room. Baller testifies that when they (himself and McKenzie) could not induce an elector "to go the whole hog" by "toting influence" and "soup" into him, they would get him to vote for Felton and as much of the ticket as possible.

To say nothing of the testimony showing the corrupt influence used to secure these votes, let us examine them in the light of the California statutes. Section 1191, specification 3, provides: "That the names of the persons voted for, and the offices designated, are printed in black ink." Section 1204 provides: "When upon a ballot found in any ballot-box, a name has been erased and another substituted therefor in any other manner than by the use of a lead pencil or common writing ink, the substituted name must be rejected, and the name erased, if it can be ascertained by an inspection of the ballot, must be counted." These requirements are that it must be printed in black ink, and when so printed all erasures must be made with lead pencil or common writing ink. Common ink is black ink. A ticket printed in red ink would not conform to the requirements of the statute, but as to a ticket so printed and furnished the voter by the authorities, the statute might be construed as directory. But when the voter himself undertakes to change the uniformity of the ticket, then that is under his control, and the statute must be construed as mandatory. The letter and spirit of the statutes were intended to secure uniformity in the appearance of the

tickets, and we think the tickets should be written and printed in common black ink or common lead pencil, and that all the erasures and substitutions should be made with like black ink or pencil.

Placing this construction upon the intention of the law we might deduct 13 votes from Felton and give them to Sullivan, thus adding 26 more to the majority already found for Sullivan.

This accords with the justice of the case, because if 13 Democrats were bought to vote these tickets 13 were taken from Sullivan and given to Felton, making a difference of 26. We insist for that reason and for the reason that Sullivan's name was erased with red or blue pencil, and Felton's name substituted with such pencil, that they should at least be deducted from Felton's vote.

First precinct, forty-seventh assembly district, San Francisco.

What we have said as to the "branded" tickets in the Fourth ward of San José, Santa Clara County, to wit, the 53 tickets and the 13 tickets, applies with equal force to the 35 red-marked Republican tickets called the "sugar-house" tickets in the first precinct of the forty-seventh assembly district in San Francisco. The evidence shows that the red marks were made by the same person, and were scratched and written in a similar manner. It further appears that they were voted by the employés of the Spreckels sugar-house exclusively, and were counted for contestee. In some cases, if not in all, the red lines showed through the backs of the tickets. For these reasons these 35 red-marked tickets should be deducted from contestee's vote.

ALMSHOUSE VOTE.

The next question to which we desire to call the attention of the House is the almshouse vote in the fifth precinct of the forty-eighth assembly district, in the city and county of San Francisco, and in the San Mateo precinct in San Mateo County.

The evidence shows that from 25 to 30 paupers voted for Felton in these two counties in the respective precincts wherein the almshouses were located, and the most of these paupers are shown to have been Democrats. Contestant insists that these should be excluded on the grounds: First, because paupers; and second, because they were bought for contestee. The evidence establishes the fact of bribery; but from the view we take of the matter, they should be excluded for the reason they are shown to have resided elsewhere than at the almshouse. Contestee does not deny having received these votes, but insists that they had a right to vote. To show the view taken by contestee, we quote from the brief of his counsel, to wit: "In Judge Tucker's Brief, page 71, it is stated that paupers have no residence, and hence their vote must be rejected."

This is not the law in California. It is not sustained by either the constitution or the code. Article 2, section 4, of the constitution, and section 1239, subdivision 2, of the political code, both provide that persons do not gain or lose a residence while residing in an almshouse at the public expense. There is provision of law that persons lose their citizenship by being in an almshouse at the public expense. If they have a residence in the county in which the almshouse is situated, the provisions of the constitution and code expressly state that they do not lose such residence. There is not a word of testimony that the inmates of the almshouse in San Francisco (Platt's Brief, page 34) or of the almshouse in San Mateo (Platt's Brief, pages 86, 87, 88) were not residents of the said counties, respectively. Per contra, it must be presumed from the fact of their being registered in said counties (or else they could not vote) that they were legally registered. It is, moreover, hardly fair for contestant to attack the registry of those in San Francisco, as he has proven that they were registered as Democrats, and at the expense of the Democratic committee (Platt's Brief, page 34).

From the above it will be seen that contestee wants to plead an estoppel against contestant as to the paupers in the San Francisco almshouse, "because," he says, "it is hardly fair for the contestant to attack the registry of those in San Francisco, as he has proven that they were registered as Democrats and at the expense of the Democratic committee." This is certainly begging the question very badly. There is no evidence to show how they were registered, whether as Democrats or Republicans, beyond the fact that the Democrats looked after having them registered. Electors do not register as Democrats or Republicans. The law requires that the registration of an elector shall show the correct residence of the elector.

These paupers were registered as residing at the almshouse. We judicially know that they did not reside there, because the constitution and laws of the State expressly provide that persons do not gain or lose a residence while residing in the almshouse at public expense. At whose expense does the evidence show these paupers were residing at the almshouse? At the public expense, of course. Then they do not gain any residence there, nor do they lose the residence from which they came, while residents presumably, of the county, still under the laws of the State, electors can not vote anywhere in the county wherein they reside, but must vote only in the precinct of the county wherein they reside. It would seem from the evidence in this case, and from the briefs of contestant and contestee as well, that these paupers are treated as residing at the almshouse.

Without any proof whatever on the point, we judicially know otherwise. Thus, by judicial knowledge, we know these paupers did not reside at and could not be registered and vote from the almshouse on account of any residence therein. Then, can it be presumed that these men were legal residents of the precinct in which the almshouse is located? We think not. From the evidence in the case, and by reference to the statutes of the State, it appears that there is but one almshouse in a county. That part of the county of San Francisco in this Fifth Congressional district, described in the record and the evidence as the southern half of the city and county of San Francisco, contains some eighty precincts. If the northern half contains as many, that would make one hundred and sixty in all.

In view of these facts, can we presume that these paupers, prior to being domiciled at the almshouse, all resided in the fifth precinct of the forty-eighth assembly district? We think not; and if not, when shown to have registered and voted from a place where they did not reside, does not that of itself shift the burden upon the other side to show that, notwithstanding they did not live at the almshouse, still that they lived in the precinct where the almshouse was located. We think the burden is thus shifted. There being no evidence offered on that point, it is our duty to throw out these votes, to the number at least of 25.

GENERAL CONSPIRACY.

Before going further in the presentation and discussion of the various irregularities and fraudulent and corrupt methods of the party friends of the contestee, as connected with and bearing upon this contest, we desire to call attention to the evidence tending to show an organized conspiracy, and purpose upon the part of a majority and controlling number of the board of election commissioners to seize and control the election machinery in the city and county of San Francisco. The board consisted of five officials—two Democrats and three Republicans, namely, the mayor, a Democrat; the auditor, a Democrat; the city and county surveyor, a Republican; the tax collector, a Republican, and the city and county attorney, a Republican.

Upon this board was conferred the power and given the jurisdiction to appoint all inspectors and judges of the various election boards. How the three Republicans undertook to appoint all the officers from the rank and file of the Republican party we will let Fleet F. Strother, the auditor, and *virtute officii* a member of said board, explain. We quote from his evidence (see Record, pages 365, 366, 367, and 368), which is as follows:

"Fleet F. Strother, called as a witness on behalf of contestant, after being duly sworn, deposes and testifies as follows:

"Direct examination by Mr. SULLIVAN:

"Q. Where do you reside, Mr. Strother, in this city and county?

"A. Seven hundred and twenty-eight Post street, the corner of Post and Leavenworth.

"Q. You are now auditor of the city and county of San Francisco?

"A. Yes, sir; I am.

"Q. What position, if any, did you hold on the board of election commissioners of the city and county of San Francisco, on or prior to the 2d day of November, 1886?

"A. I was one of the election commissioners, *virtute officii*.

"Q. By virtue of your office?

"A. Yes, sir.

"Q. Will you please state if any attempt was made by the Republican majority of the board of election commissioners to appoint all the members of the boards of election in this city and county?

"A. Yes, sir.

"Q. How was that scheme frustrated?

"A. Do you want me to state the actual truth about that? It was frustrated by my efforts.

"Q. It was frustrated by your efforts?

"A. Yes, sir; I was the main one that opposed it, and after I succeeded in getting the mayor to see what they were about, he joined me.

"Q. Who were the Republican members of that board of election commissioners?

"A. John Love, city and county attorney; Luman Waldham, tax-collector; Charles S. Tilton, surveyor; these were the majority.

"Q. And the Democratic members were yourself and the mayor, Mr. Bartlett?

"A. Washington Bartlett and Fleet B. Strother.

"Q. What, in your opinion, was the object aimed at by these three Republicans in trying to appoint Republican members on the election boards of the city and county of San Francisco?

"A. To wield the election machinery.

"Q. To wield the election machinery?

"A. That is what I thought then; that is what I think now.

"Q. Didn't the press of San Francisco openly denounce this bold attempt—the Republican press as well as the Democratic press—to steal the election machinery?

"A. I think they did, without regard to party.

"Q. Didn't the Evening Bulletin, in three or four issues, fulminate some of its thunderbolts against this attempt?

"A. I think it did; that is the best of my recollection.

"Q. How were the members of the election boards chosen by the election commissioners, after the scheme was defeated?

"A. They were chosen, the Republicans taking a majority and we taking a minority of the board.

"Q. Who presented the names of the Democratic members of the election boards to the commissioners?

"A. The ones we did appoint?

"Q. Yes.

"A. As I understood it, the Democratic State central committee and the county committee both. Both the State central committee and the county committee, as I understood it.

"Q. Do you recollect, during the canvassing of the board of election of the city and county, a question arising as to the returns from the second precinct of the forty-eighth assembly district, and if so, state what it was?

"A. I recollect, when we were canvassing the vote, there was a question as to the irregularity of the returns from the outlying district; I think it was the forty-eighth.

"Q. The second of the forty-eighth?

"A. But I don't recollect the exact number of the district, but it was the outlying district. I objected to the returns myself.

"Q. What did these returns show on their face?

"A. They showed that they were irregular, and, to my mind, fraudulent.

"Q. Didn't the majority of the election board come up and testify before the election commissioners that they didn't sign their names to these returns?

"A. They did, sir; that is my recollection. I discovered it from the fact of the handwriting—the similarity of the handwriting. It appeared to be as if the signatures had been made by one person.

"Q. As if the signatures had been made by one person?

"A. Yes, sir.

"Q. Didn't it appear before the board that the Republican inspector, one Lincoln, had retained the ballots longer than the time allowed by law?

"A. Yes, sir; it did. That is my recollection. I know that the whole conduct and manner of the election out there, to my mind, was fraudulent, and I made a motion that we reject the ballots on that ground.

"Q. Reject the returns?

"A. Reject the returns.

"Q. That was the only precinct in the city of San Francisco where the returns seemed to be attended by fraud, was it not?

"A. I don't recollect about that. I know there was a good deal of irregularity out there. How many precincts were objected to I don't know; it seems to me there was more, but I don't recollect or charge my mind at all. I know I made a very strenuous effort to throw out the returns, because I thought they were fraudulent and had been tampered with. I believed so then, and I believe so now.

"Q. The majority of the board of election did admit these returns, did they not?

"A. They did, sir; in fact, I believe they all admitted them. I think I stood alone in that proposition, but I succeeded in having testimony taken in shorthand; and before this question of the admission of the returns was arrived at I succeeded, on my motion, in having the testimony taken in shorthand and made part of the records of the registrar for future reference. I succeeded in that, but in the second attempt I failed, because I believe I stood alone. I was simply interested as a partisan in having a fair election, and, if possible, fairly to have a Democratic Congressman.

"Q. I believe you stated then, Mr. Strother, that if Charles N. Felton had a vote in the board on that occasion that he would have united in throwing out the returns?

"A. I stated that from my knowledge of Mr. Felton and because I have served with him on a board of directors for a year, and believe him to be an honorable, upright gentleman, and I believe if he was there and was cognizant of the facts that I was, he would have aided me in my attempts to reject the returns. I believed so then, and I believe so now.

"Cross-examination by Mr. PLATT:

"Q. The organization of the different boards of election were made by the board of election commissioners, as is the custom—the majority of the board of election commissioners taking the majority of the boards?

"A. Yes, sir; that is the custom.

"Q. And this year the Republican majority gave the Democratic party the same representation that the Democratic party gave the Republican party previously when the majority was reversed?

"A. They didn't give us anything until we made them through the intervention of the court. They didn't want to give us a point at all.

"Q. I am not talking of what you prevented, but what did happen?

"A. Oh, subsequent to this, after the intervention of the courts, they then consented to give us the minority of the board, as had been the custom heretofore, we having the minority in the commission.

"Q. So that the election was not held under an attempt that you prevented, but was held under a board organized as has been the custom in this city?

"A. Yes, sir; I believe it was—that is, after we had succeeded in frustrating their designs to steal the election commissioners. Then being in the minority, we could not ask only for a minority representation. That is all we asked for.

"Q. Of course you know that the election was held under the board as organized, and not under something you prevented?

"A. Yes, sir.

"Redirect examination by Mr. SULLIVAN:

"Q. In each of the election boards of the precinct the Republicans were in the majority, were they not?

"A. Yes, sir.

"Q. That is, they had the majority of the board of election commissioners, and they appointed their own people?

"A. Yes, sir.

"Q. And any irregularities that necessarily occurred were, of course, not in the interest of the Democratic party, but in the interest of the Republican party?

"A. That would be a fair interpretation, they having control of the majority of the boards, of course.

"Q. How do you account for the fact, as appears from the evidence in this contested-election case, that in the outlying districts the Republican inspectors took the ballots with them to their homes and retained them for a longer period than allowed by law, in spite of the protest of the Democratic United States marshal?

"A. How I can account for it?

"Q. Yes.

"A. There is only one way to account for it—the desire to commit a fraud, that is all in plain English—the desire to make fraudulent returns. Men always have a reason for their actions, and that is a fair interpretation of the action.

"Q. Didn't this exposé, in connection with the action of Lincoln, the Republican inspector in the second precinct of the forty-eighth assembly district, show clearly what was intended by holding these election returns for a longer period or as long as the time allowed by law?

"A. It was; and that was the reason and the cause of my action, as one of the commissioners, taking the ground I did, that the returns should be rejected. That was the reason; that was the argument I made.

"Q. Do you recall the circumstances, in connection with the evidence in connection with the second precinct of the forty-eighth assembly district, that the envelopes were changed and that the Republican inspector, Lincoln, brought an envelope to the registrar's office without any signatures upon it; that that envelope was rejected; that he came to a grocery store and took out the contents of the envelope and put them in another and asked the grocery man and the shoemaker to forge the names of the election officers?

"A. I do recollect that.

"Q. And that thereupon the returns were left at the baker shop and some of the election officers signed them and others didn't?

"A. Yes, sir.

"Q. But some other person, unknown, signed all the names of the majority of them to the envelope, which was presented to the board of election commissioners?

"A. I recollect all that, and that the shoemaker said that they wanted him to sign somebody's name and he said no; he didn't want to go to the penitentiary; he didn't want to sign anybody else's name. He said he wouldn't sign anybody else's name, and they told him it was a matter of form, but he told them he didn't want to risk his liberty in any such proceeding as that. My convictions are that it was a worse fraud than was perpetrated in Louisiana. I think men ought to be sent to the penitentiary that would do such a thing. I said so then; I say so now.

"Q. Had you ever known from your political experience where so many irregularities occurred?

"A. Never where I was an actual participant in the election. I was reading the other elections and I say I think they exceeded in infamy those that were perpetrated in Louisiana. I say so then; I say so now. From the beginning to the end of election it was characterized by just that kind of business. I frustrated the first attempt and I tried to frustrate the second and I failed. I congratulate myself on one thing, and I feel proud of it; I have got the acknowledgment of the State central committee and the county committee that had I not been one of the election commissioners we would not have a United States Senator and would not have a senate or a Democratic governor.

"Q. That is, if you had not been on the board the Democrats would not have succeeded in electing George Hearst?

"A. No, sir.

"Q. They would not have elected Bartlett or anybody?

"A. No, sir; they would not have elected them, but they might have elected the mayor and auditor.

"By Mr. PLATT:

"Q. You were a candidate for auditor?

"A. Yes, sir; and had an immense majority.

"By Mr. SULLIVAN:

"Q. The failure to elect would have been from the manipulation of the election boards?

"A. Yes, sir.

"Q. And what is known as the counting-out system?

"A. Yes, sir; the first man they appointed for election officer served five years in the penitentiary.

"Q. The first man they appointed served five years in the penitentiary?

"A. Yes, sir; they brought in an entire list of the Republicans for every solitary precinct, and they made a motion to declare those the Democratic judges, and I protested again against it, and the mayor then joined with me, and the mayor refused to put the motion. Love put the motion himself, and they voted on it and declared it carried. And I protested against the registrar making such an entry, and told him if he did he would be in contempt of court, he would be aiding this fraud, too, and he did not make the entry.

"Q. You say that the very first man that was appointed by these Republicans to serve upon the election board was a villain who had been convicted of a felony?

"A. Yes, sir; he was so charged, and it was afterwards published in the papers.

"Q. Were the men selected by the Republicans to act as Democratic and Republican judges of election of a similar kind and character?

"A. I don't remember anything about them; I only know of the list they tried to cram down our throats—I only know the result of the examination by the county committee, what they told me, and was not controverted, that the first man that was presented, I believe his name was Fitzgerald, I forget it now, that he had served five years in the penitentiary; and that was one of the Democratic judges they proposed. And I didn't propose to submit to that kind of business if I could help it, and by my persistent efforts I claim and am very happy to say it, and it did me more good than the election anyway, although that is $4,000 a year, the other did me more good in feeling that I prevented that fraud.

"Recross-examination by Mr. PLATT:

"Q. I suppose you are aware of the statements in the papers that so good a man as Grover Cleveland appointed to office a man who it was found had only been a few months or a few weeks out of the State's prison; the newspapers reported some such appointment in Utah or Colorado?

"A. Yes, but the President might be imposed on. In a great country like this it is not fair to presume that he would be acquainted with every man's character. He came from Buffalo and this man from Utah, and he being from Utah Cleveland might be imposed on.

"Q. Do you know the record of every Democrat who was on that list that was handed in by the Democratic county committeemen for appointment on this election board?

"A. I know them in this way: That I would not vote for any persons that were presented, unless the Democratic committee would vouch for them; but I presume that they selected the men they would know. I could not know the men.

"Q. You were like President Cleveland, you had to trust the vouchers of others?

"A. No; it was not; simply because Cleveland lived in Buffalo and this man in Utah, a long ways apart.

"Q. (By Mr. SULLIVAN.) The cases are not analogous at all?

"A. No, sir.

"By stipulation of counsel on both sides the signature of the witness in the above deposition is waived."

The testimony of Mr. Strother—and this is not denied—shows that the Republican members were bent on securing to the Republican party all the inspectors and judges, and this notwithstanding section 1143 of the political code of California provides: "The judges appointed must not be of the same political party." To prevent this attempt, and to secure participation in the appointment of and a representation on the precinct boards, the Democrats were compelled to sue out a writ of mandate and appeal to the courts. When this was done the Republican officials acquiesced in a division.

To what extent the Democrats failed to secure honest representation upon these precinct boards has already been shown in part by the evidence in the first precinct taken up in this report—the eighth precinct of the forty-sixth assembly district—where the Democrats left the selection of the Democratic members of the election board to James Hughes, Democratic committeeman, who, as shown, imported and boarded for a few days, and at his own house, two men, D. D. Sullivan and Thomas J. Barden, of whom we have already spoken.

SECOND PRECINCT OF THE FORTY-EIGHTH ASSEMBLY DISTRICT.

In this precinct the returns, or, more appropriately, the pretended returns, showed that Felton received 172 votes and Sullivan 117 votes; Felton's majority, 55.

In the judgment of the committee the vote and returns from this precinct were so tarnished with fraud and uncertainty as to require the same to be rejected. We deem it fair to say that when the board of election commissioners of San Francisco were called upon to compile the vote of this precinct quite a spirited contest arose over what was claimed on the one side as an apparent fraud such as to justify its rejection, and on the other side only as an irregularity that should not prevent its being counted. As heretofore stated, the board of election commissioners was composed of two Democrats and three Republicans; the Republicans and one of the Democrats holding what appeared before them as an irregularity only, and they therefore favored counting the vote; while the other commissioner, a Democrat, insisted that it was not a mere irregularity, but was a fraud of such a character as to require its rejection. From the evidence before the board we are not prepared to say that the vote by them was improperly counted. Additional evidence taken in this contest, however, which evidence did not appear before the board, would not only have warranted but called for its rejection.

The evidence before the board was taken down in short-hand, and was transcribed into long hand, spread upon the records of the board, and is brought before us by duly authenticated transcript, and may be found in the record of this case, beginning on page 1621 and ending on page 1665. We are unable to find any statute in the State of California, and we know of none to be found elsewhere, requiring or authorizing that board to make any such record. It comes here, therefore, only as hearsay. It seems to have been made a part of the record in this contest, if not by express at least by tacit consent of both parties. Contestee, in his brief, especially refers to this part of the record approvingly, and cites us to it in support of his deductions.

To understand the merits of the controversy had before the board it will be necessary to refer to the statutes of California, which provide that in each precinct there shall be an inspector and two judges, an additional inspector and two additional judges, two clerks, and two additional clerks. The inspector, additional inspector, judges, and additional judges—six in all—constitute the precinct board. At least four of these, a majority, must sign certain papers and returns hereinafter stated. As the election progresses the clerks make and keep a list of the voters as they vote and these lists are duplicates. At the close of the polls two tally-sheets are made out. These are duplicates of each other. When the count is completed the tickets are placed in an envelope, provided for that purpose, sealed, and the board, or a majority—which requires at least four members—sign their names across this envelope, which has printed thereon "Envelope No. 1." One of the duplicate copies of the poll-lists and tally-sheets, and certain registration papers, are placed in a second envelope, which is sealed, and the names of the members of the board signed thereon, as on the first envelope. This envelope bears upon it the printed words "Envelope No. 2." The other tally-sheet and poll-list are placed in a third envelope, "Envelope No. 3," which is not required to be signed or sealed.

Envelopes numbered 1 and 2 the law requires the inspector to file with the county clerk within eighteen hours after the close of the count. The other envelope, No. "3," the inspector is required to retain.

The evidence before the board showed that so far as the signatures were concerned the names of all six members of the election board were placed on one of the poll-books, one of the tally-sheets and lists attached. Dr. Humphrey and E. J. Morrison, not being present, their names were signed by one of the clerks. Not a single one of the judges testify to having examined the poll-books, tally-sheets, and lists attached before or at the time of signing. They all, the four members who were there, testify that they signed envelopes Nos. "1" and "2." The clerks likewise testify that the envelopes "1" and "2" were signed; Lincoln himself testifies to this. These envelopes and returns were then turned over to Lincoln, the inspector, who took them home with him.

It was then 9.30 o'clock p. m. of Thursday, November 4, 1886. The next day, about 10 o'clock, Lincoln appeared at the office of the registrar to place on file that portion of the returns which it was incumbent upon him to so file. The clerk refused to receive envelope No. "2," because not signed. In fact, Lincoln,

or some one else, had made away with envelope No. "2," and had substituted an unsigned No. "3" therefor. Of this fact the evidence is overwhelming. Lincoln himself, to be sure, testified before the board that he took the returns home with him, placed them on a bureau in the room in which he slept, and that the identical papers untampered with were carried to the clerk's office. As against the overwhelming evidence before that board on this point, and in the light of other evidence not before the board, but in the record in this contest, it requires a stretch of credulity more than we possess to believe Mr. Lincoln.

Lincoln himself testified that the envelope he offered to deliver to the clerk was signed, or he thought it was, and that the only objection made by the clerk against it was, not because it was not signed, but because it was the wrong envelope—a "No. 3" instead of a "No. 2." The clerk testified positively that his chief reason for not receiving it was not because in a "No. 3" envelope, but because not signed; and that he expressly and emphatically called Lincoln's attention to this fact. Lincoln went back to the polling place, got a "No. 2" envelope, broke the seal of the "No. 3," took out the contents and placed them in the "No. 2," calling the attention of Strozynski, a shoemaker, and Jurgens, a groceryman, to witness the performance. He then sealed the "No. 2," wrote his own name thereon, and coolly requested both Jurgens and Strozynski to sign the names of certain other members of the board under his own (Lincoln's) name. Jurgens, thinking he wanted his name as a witness merely, took the pen and innocently inquired, "Where do you want my name?" "Well," says Lincoln, "sign Sweeney's name first." (Sweeney was a member of the board.) "What," says Jurgens, "you don't want me to sign some other man's name?" "Oh, yes," rejoined Lincoln, "it is nothing but a form." Jurgens thought otherwise.

A like request was made of Strozynski with a like result, both of these men, telling him that it would be forgery, and for him to sign them himself. "No, it won't do for me to sign more than one name," said Lincoln. Later, Morrison, one of the members of the board, and one who up to this time had signed nothing, was hunted up and procured to sign it. The names of the other members of the board were thereafter signed by some one, by whom the evidence does not disclose. The members themselves testify that they were not signed by them, or by any one by them authorized. The envelope "No. 2," purporting to be signed by the members, was returned to the clerk's office, by him received and placed on record. In canvassing the returns, it was claimed before the board of election commissioners that their functions were simply ministerial and not judicial. This view seems to have been held by a majority of the board, for they failed to call attention to anything connected with the returns, or to go into any investigation further than to examine the signatures of the members of the precinct board. From the evidence, these names had been affixed in a most careless manner.

Envelope No. 3, removed by Lincoln, was hunted up, and most indubitably identified, and made profert of before this committee. That it was not signed, as by Lincoln claimed, is patent upon its face. The only possible explanation is that during Lincoln's custody, after the polls were closed, some one removed the envelope signed by the board and substituted another. What more was done does not appear.

When the additional evidence is examined, of which the election board of California heard nothing, we think every fair-minded man will concede that there is so much fraud and uncertainty involved about the vote of this precinct that in all fairness it should be thrown out, and the parties contestant and contestee left to prove the vote *aliunde*.

To that additional evidence we desire now to call the attention of the House.

LINCOLN'S CROOKEDNESS.

In addition to the evidence adduced before the board of election commissioners, showing irregularities and crookedness in the second precinct of the forty-eighth, we refer to the testimony of the following witnesses, namely: James Kavanaugh, Record, pages 110, 111; Morrison, Record, page 1535; J. J. McAuliffe, Record, pages 245, 250; O'Connor, Record, page 123; John Lycett, Record, pages 901, 905; O'Day, Record, pages 272, 273.

Kavanaugh testifies that some days before the election this man Lincoln was hunting for an opportunity to make merchandise of himself. In a conversation with Kavanaugh he said that he would like to get on the precinct election board. Kavanaugh told him the way the Democratic party was doing, and that he understood the Republicans were doing the same way, namely, that the committeemen selected the members of the precinct boards. "Well, by George," says Lincoln, "I have got no one from my precinct on the county committee. I must get on, because there is going to be plenty of money this year." Kavanaugh asked him "who was going to use the money this year." Lincoln answered, "Felton is going to throw out a big 'sack,' and I guess, Sullivan, too." Kavanaugh then told him that the only way to get on that he knew of would be through Mr. Charles Tilton, city and county surveyor, and *ex officio* a member of the board of election commissioners. "You know him," says Kavanaugh; "he is your friend." "Yes; he is my friend," says Lincoln, "and I will see him."

Lincoln afterward told Kavanaugh that he had seen Tilton, and that he (Tilton) had promised to put him on. Lincoln was a Republican in politics, and he was put on as inspector. What part of the "sack" Lincoln was given, if any, does not appear from the evidence. That he received his reward a person not extremely incredulous would readily presume upon a close analysis of all the evidence. After the election was over, and when there was some talk about the "crookedness," and it "had come out in the papers," Kavanaugh said to him, "What the deuce were you doing with the ballots home all night?" Lincoln laughed and said, "Oh, that is all right; I have 'fixed' them all right."

In another conversation with Kavanaugh, he told him (Kavanaugh) that the Republican "bosses" were after him—watching him—afraid that he would go to Frank Sullivan and give the "business away." He says, "I don't propose to starve, and wait for them to come up with the money. They promised me money, and they did not do as they agreed, and I don't care a damn for them anyhow. They promised to 'fix' me all right, and they have fooled me and kept me fooled too long. I am out of money, and am not going to starve to death waiting for them." This statement was made in reference to Spreckels and William Center, a member of the firm of Spreckels Brothers. (See Rec., page 3.)

Strozinski testified that Lincoln said to him, "I have a notion to sue Felton." (See Rec., pages 66, 67.) Other evidence shows that for three hours after the polls opened at this precinct the clerks had no poll-books, but were keeping the names of voters on a piece of brown paper; that the ballot-box was not locked; that Lincoln, when he received a ticket of an elector, would raise the lid of the ballot-box and throw the ticket in, and that at 1 o'clock he was drunk. The evidence clearly shows these facts, and is wholly uncontradicted.

Morrison, a Democratic judge on this election board, was paid money the night before the election by Lycett and Spreckles, who knew that he (Morrison) was one of the judges. (See Rec., pages 247-249; again, page 381; again, page 1535; again, page 272, 273, and again, 901.) In fact, the conduct of the officers and others connected with this precinct was so steeped in fraud, and surrounded with so much uncertainty as to honest and fair methods as to make it impossible to tell anything about the vote there cast. Hence we feel called upon to throw it out.

FORTY-SIXTH ASSEMBLY DISTRICT.

In this district, composed of some eight election precincts, fraud and bribery seem to have run riot—a perfect carnival of corruption. Richard Schumacher, Mitchell Phillips, and other active agents and Republican partisan workers, in the local slang of that "coin" country, were loaded down with "sacks" full, and ready to give a "piece" to every man willing to sell. Schumacher was very active in the use of money for Felton, and, according to his own evidence, induced 36 Democrats to vote for Felton. That he used money, and used it corruptly and effectively, his own evidence, when carefully and critically read, abundantly shows. (See his own evidence, Rec., page 323; evidence John Twigg, page 32; James Lowney, page 381; John T. Crummey, page 354.)

Dan Dougherty was a "first lieutenant" under Schumacher, and rendered most "valuable aid." The whole "gang," however, was under Mitchell Phillips, who seems to have been middle-man between Spreckels, Felton, and Center. (Spreckels Brothers and Center were furnishing a large part of the "sack.") After a thorough examination of the evidence it is hard to believe that at least two or three hundred voters were corruptly influenced to vote for Felton in this assembly district alone. Without attempting to go further into details we may say that the evidence as a whole presents an amount of fraud all over the whole Congressional district, and especially in the cities of San Francisco and San José, that could not have existed without a well-organized scheme to perpetrate the same.

SPRECKELS BROTHERS.

Why the Spreckels Brothers should feel such concern about the result of the election as to contribute so largely to the campaign fund it may be some satisfaction to state. The Spreckels family are largely interested in the sugar industry on the Hawaiian Islands, and in the importation of sugar to the United States, free of duty, under what is known as the Hawaiian treaty. Out of the money made therefrom their colossal fortune is being greatly augmented from year to year.

After a couple of vain attempts to have a clandestine interview with Mr. Sullivan on the subject of that interest, it is easy to see that they had no further doubts as to his feelings and intentions on that matter. Hence John D. Spreckels became chairman of the Congressional committee, and besides exercising a general supervision of the district, he assigned to himself the "special charge" of two of the assembly districts of San Francisco, containing some six or eight precincts each. And one William Center, a member of the Spreckels firm, "spread" himself around in a very active sort of way. A number of witnesses testify to the fact of having received money from these men, Spreckels and Center.

INTIMIDATION.

Before concluding this report we feel that we should be derelict in duty if we failed to refer to the question of intimidation and bulidozing in a number of the precincts where these methods were most potent in results—at several precincts, but more particularly at the Almaden precinct. At this precinct Felton received some 209 votes, and Sullivan 45; majority for Felton, 164. See sections 5506, 5507, 5508, and 5520 of the United States Revised Statutes, and sections 1192, 1193, 1194, 1195, 1196, 1197 of the political code of California, which latter read as follows, to wit:

"SEC. 1192. No ticket or ballot must on the day of election be given or delivered to or received by any person, except the inspector, or a judge acting as inspector, within 100 feet of the polling place.

"SEC. 1193. No person must on the day of election fold any ticket or unfold any ballot which he intends to use in voting within 100 feet of the polls.

"SEC. 1194. No person must on the day of election within 100 feet of the polling place exhibit to another in any manner by which the contents thereof may be known any ticket or ballot which he intends to use in voting.

"SEC. 1195. No person must, on the day of election, within 100 feet of the polling place, request another person to exhibit or disclose the contents of any ticket or ballot which such other person intended to use in voting.

"SEC. 1196. No ticket must be used at any election or circulated on the day of election having any mark or thing thereon by or from which it can be ascertained what persons or what class of persons used or voted it, or at what time in the day such ballot was voted or used."

If any virtue whatever be attached to these provisions of the Federal law, and of the political code of California, they were most wantonly disregarded. The greater portion of the voters voting at Almaden precinct were employés of a company engaged in mining quicksilver. The evidence shows that the employés of this company are under the complete domination of the managers and operators of this mine. The whole thing is one close corporation. The only privilege an employé has is "to quit." For fifteen years not a political speech has been allowed or made, and not a single candidate has dared to invade the "sacred territory" to electioneer for an office with the employés.

The candidate who wants the vote of these employés must see the managers or some of the "bosses." "Here is a ticket; go vote it, and get back to your work," is the command given by the "bosses." While the manager and bosses are intensely Republican, woe be unto the candidate on that ticket whom these men oppose. With a nonchalance that is amazing in a free country, the bosses the night before the election will take a lot of Republican tickets, scratch out the names of one or more of the candidates, and insert others in place thereof, and without consulting one employé, will, the next day, hand it to him, folded up, and say, "Here is a ticket; go and vote it, and get back to your work."

The provision of the California statutes which provides "that no ticket must, on the day of election, be given to or received by any person, except the inspector or judge acting as inspector, within 100 feet of the polling place," is a "dead letter" at the Almaden voting precinct.

At this place the managers and the bosses are the "lords of all they survey." Though quite a village, every house therein belongs to the owners of the mine. No business is allowed therein except by permission of these men. Employés are given to understand that all supplies, clothing, and provisions must be bought at the "company's store" under pain of being discharged for violation. Meat must be bought from the "company's butcher." Single men must board at the "company's boarding-house." Married men occupy the company's houses and pay rent therefor. Things are sold and furnished at higher rates than such things can be had for elsewhere; liberty of purchase is not tolerated. These employés are compelled to receive their pay in what are known as "boletos," or store orders. Out of the two hundred and fifty or sixty voters voting in this precinct about two hundred are employés of this company.

On the day of election employés were driven to the polls in wagons, which were stopped within 100 feet of the polling place. On getting out of the wagons these employés were handed folded tickets by the bosses within 100 feet of the polling place, and by them carried to the inspector and handed to him and by him placed in the ballot-box.

Except as to the mere privilege of "quitting," no slave-driver in *ante-bellum* days ever exercised a more complete domination over his slaves than these bosses exercise over their employés. Just to what extent these methods influenced the result of the election at this precinct it is impossible to tell, but we are convinced that it did change from 50 to 100 votes; at least 50 votes, if not more.

In other precincts similar methods of boss influence prevailed, notably in the Spring Valley Water Company in the county, and in the town of San Mateo, and the Sutter Street Railroad Company in San Francisco.

In conclusion we beg to say that the evidence discloses a number, 20 to 30, of very clear cases of single votes counted for Felton, which, by reason of bribery, illegality, and other reasons, should not have been so counted, and a few votes, 8 or 10, which should have been counted for Sullivan, but were not. These are

so insignificant in comparison with the other great offenses against the elective franchise, that we deem it unimportant to refer to them in detail. If there ever existed a case where the right to "a free election and a fair count" should be vindicated this case of Sullivan *vs.* Felton is one.

"*Recapitulation.*

"1. In the eighth precinct, forty-sixth assembly district, San Francisco, votes out of which Sullivan was counted, 92.

"2. In the fourth ward, San José, we find votes bought for Felton in a room within 100 feet of the polling place, and the tickets 'branded' with a red pencil to the number of 53.

"3. In the same ward, and in the same room, 13 other votes bought and Sullivan's name erased and Felton's substituted, with red or blue pencil. These we think might not only be deducted from Felton, but counted for Sullivan, but we simply deduct them from Felton, 13.

"4. In the second precinct, forty-eighth assembly district, San Francisco, because of frauds and uncertainty, we throw out the precinct with its majority for Felton of 55.

"5. Illegal pauper votes bought for Felton, at least 25."

This makes 238, twice Felton's certified majority, without going into the Sugar-House votes and tickets, the Almaden, Spring Valley Water Company, Sutter Street Railroad Company, or the single votes and other facts, all of which tend strongly to add to the merits of the contest in favor of Sullivan.

Finally, in the language of contestant's learned counsel, Judge J. Randolph Tucker:

"If the votes actually cast for Sullivan be counted, and illegal votes counted for contestee be excluded, Sullivan is elected.

"If the ballots which are marked, and which were handed electors within 100 feet of the polls, are excluded, Sullivan will be elected.

"If the precincts tainted by coercion and intimidation of workingmen be purged of fraud and illegality, he will have a good majority.

"Open and flagrant bribery on the part of contestee's friends permeates the whole case. To allow him to occupy the seat would give countenance to these election methods in the future."

The committee, therefore, recommend the adoption of the following resolutions:

1. *Resolved*, That Charles N. Felton, the contestee, was not elected a Representative in the Fiftieth Congress from the Fifth Congressional district of the State of California, and is not entitled to a seat on this floor.

2. *Resolved*, That Frank J. Sullivan was duly elected to represent the Fifth Congressional district of California in the Fiftieth Congress, and is entitled to a seat therein.

Forfeiture of Wagon-Road Grants in Oregon.

SPEECH

OF

HON. BINGER HERMANN,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889,

On the bill (S. 15) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

Mr. HERMANN said:

Mr. SPEAKER: I can not adequately express my grateful appreciation for the kindness of the gentleman from Iowa, who permits a suspension of the special order of this House provided for the consideration of a measure of great interest to the people of his own State, in order that I may have the action of this House on the bill reported from the Public Lands Committee in relation to the forfeiture of the three leading wagon-road grants in my own State. I gave him an assurance that there would be little if any discussion on this question in order not to consume the precious moments of this now expiring Congress. Debate under the rules has progressed further than it was my province to prevent. Substitute bills have been proposed, and various motions entertained, but still I ask the continued indulgence of my friend that we may conclude the consideration now begun. I know his kindness of heart and his amiable courtesy, and I feel assured that he will interpose no objection, and I pledge him the grateful thanks of thousands and thousands of settlers and home-seekers in my State who are so vitally interested in the present or near adjustment of the questions involved in these wagon-road grants.

I can not better emphasize the universal desire of the people along these grants than to hold up to the gaze of gentlemen of this House these petitions which I hold in my hand and which they send me, begging, pleading—yes, and demanding, too, the immediate attention of Congress. I know these people; I have traveled among them, conversed with them, and I believe I know their sentiments and desires. Nearly one thousand of them unite in these petitions. They are an intelligent, patriotic, law-abiding, energetic, and yet a patient people. They tell us that the country represented in these grants is retarded in its settlement and development by reason of the uncertainty of the grant title; roadways are not improved, schools are not established as they should be, and all over that vast region a spirit of discouragement prevails, instead of that ambitious and progressive development which should pervade every community within the exterior limits of the grants. The soil is fertile, the climate excellent, the water pure and plentiful.

Remove the land-grant clouds and settle the controversy one way, if not another way, but let it be fairly and justly settled and finally determined. I have united with those favoring a radical policy in committee and out of committee, and have advocated a direct action by Congress and an outright forfeiture of each and every one of those grants so far as the unearned and unpatented lands are concerned, and which amount to 1,457,090 acres, reserving, excepting, and confirming the rights of settlers, users, and occupiers of these lands to the extent of 640 acres, and as to the patented lands, amounting to 911,227 acres, an absolute forfeiture of every part not earned or owned by a bona fide and innocent purchaser. Such a policy would in my opinion end the controversy so far as Congress can end it, and it would protect the innocent and punish the guilty. It would confirm titles to those entitled to confirmation to the extent of our power to do so.

This is not a new question to the people of my State. It has been discussed in the public press, in conventions, and through mass-meetings.

The settlers of the country finding the most beautiful and valuable lands of the State patented to rich syndicates and monopolies, the most of them non-residents, represented that no roadways were constructed and no bridges built as contemplated and expressly provided, and they uttered their dissatisfaction in loud complaints, in petitions for investigations, and through their representatives in State and National Legislatures. An investigation was ordered by the State Legislature as to the construction of these roads, testimony was taken, and so conclusively was it shown that gross frauds existed and the granting acts scandalously evaded and violated that a memorial was addressed to Congress by the Legislature in special session in 1885, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislative Assembly of the State of Oregon, respectfully show that, whereas, by an act of Congress approved July 2, 1864, certain lands were granted to the State of Oregon to aid in the construction of a military wagon-road from Eugene City to the eastern boundary of the State; and by an act of Congress approved July 5, 1866, other certain lands were granted to the State of Oregon to aid in the construction of a military wagon-road from Albany, by the way of Canyon City, to the eastern boundary of the State; and by an act of Congress approved February 27, 1867, other certain lands were granted to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, by way of Camp Watson, Canyon City, and Mormon, or Humbolt Basin, to a point on Snake River opposite Fort Boisé; and

Whereas by several acts of the Legislative Assembly of the State of Oregon provision was made for the transfer of said grants respectively to certain private corporations organized within said State upon certain conditions of benefit to said State of Oregon and its inhabitants to be performed by said corporations respectively; and

Whereas by an act of Congress approved June 18, 1874, provision was made for the issuing of patents for said lands by the United States directly to said corporations upon proof of their compliance with the conditions imposed upon them by the acts of the Legislative Assembly of the State of Oregon as aforesaid; and

Whereas it appears to us, your memorialists, from the report of the commissioners heretofore appointed to investigate said wagon-road and affidavits herewith presented, that said corporations have in no manner complied with said condition, but on the contrary thereof have failed, neglected, and refused to build or repair any roads along the routes over which they should have constructed them, in accordance with the intent and meaning of the acts of Congress and of the Legislative Assembly of the State of Oregon aforesaid; and

Whereas by means of false and fraudulent representations, and evidence of such compliance, said corporations have already obtained and are obtaining patents and lists for large portions of said land, and by means of similar false and fraudulent evidence are about to obtain patents and lists for other large amounts of said lands, and under a claim of privilege and right of selection of lien lands within 6-mile limits on either side of the route of said patented roads, are withholding other large amounts of land in fraud of the Government and to the great detriment and injury of the State of Oregon and its inhabitants:

Your memorialists therefore pray that the grants of lands heretofore granted by the acts of Congress aforesaid be, so far as the same is not heretofore patented or listed, by the act of Congress abolished, vacated, and annulled, and considered lapsed, and also all grants, rights, and privileges of selecting lien lands within 6-mile limits on each side of such granted lands be abolished, vacated, and annulled, and considered lapsed by an act of Congress; and in case patents have already issued by the United States for all or any part of said lands to said corporations, that your honorable body authorize suits to be instituted in the courts of the United States to vacate said grants and annul said lists and patents so issued, except where lands have been acquired in good faith, for that through the fraud of said corporations in not building said roads there is no consideration for said grants, and the lists and patents have been obtained under representations which are not true.

And your memorialists will ever pray, etc.

This was followed by still another memorial from a still later session of the Legislature, which memorial was passed January 19, 1887, and is as follows:

Resolved by the senate (the house concurring), That the following memorial be directed to the Senators and Representatives from the State of Oregon, in Congress assembled, and that they be instructed to urge upon Congress an early action thereon:

To the honorable Congress of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, represent—

That within the grants of land made by Congress to the various railroad and wagon-road companies, to aid in the construction of their roads, there are vast arrears of excellent agricultural land lying within the States and Territories through which said roads were intended to pass, which by reason of said grants have been for years and now are withheld from settlement, to the great detriment of the public interest of the whole country and especially the State and Territories in which said lands are situated.

That said companies have, in a great many instances, failed to construct their roads through many portions of said lands in accordance with the conditions upon which said grants were made to them.

That, in the judgment of your memorialists, because of the non-compliance of said companies with the conditions of their respective grants, they have justly incurred a forfeiture of such portions of their respective grants through which such roads still remain unconstructed.

Therefore your memorialists, on the part of the people of Oregon, urge upon your honorable body, as a matter which the people of this State and all the States and Territories may justly demand as right, to adopt some speedy legislation

declaring such lands as have not been earned by said companies in accordance with the conditions imposed by Congress withdrawn from such grants, and that the same be speedily thrown open for settlement by the people.

Adopted by the senate January 19, 1887.

J. C. CARSON, *President of the Senate.*

Concurred in by the house January 19, 1887.

J. T. GREGG, *Speaker of the House.*

Numerous petitions from the people and resolutions of inquiry were submitted to Congress and referred to committees, together with these several legislative memorials, and at different sessions bills were reported looking to a forfeiture of the grants with various saving clauses and provisos. The Interior Department at last ordered an examination in the field, and at great expense detailed two of the most trusted and experienced officers of the Department to proceed to Oregon, and there to make a personal examination by following along the supposed lines of the alleged roads, examining witnesses on both sides as to the construction of the same. A fair and open examination was had, the road companies being represented by their attorneys and the United States by the officers of the Department. The testimony, when transcribed, fills an entire volume. We find there the evidence of old settlers who had been residing along and in the vicinity of these grants ever since the acts of Congress creating the grants were passed.

We recognize among them men of integrity, men of close observation, and men whose truth and veracity none can impeach.

After this painstaking examination the commission reports that these roads are not built according to law.

The Secretary of the Interior, after examining the sworn statements of witnesses on both sides, reports to the President of the United States March 13, 1888, that—

This testimony appears to conclusively establish that none of these wagon-roads were constructed according to law, and that by a rightful administration of the grants and the trust no lands should ever have become the property of the companies on whom they were attempted to be bestowed by the State.

So deeply impressed was the President as to the apparent outrage perpetrated on the people by these gigantic schemes to secure over 2,000,000 acres of the public domain, much of it by high-handed and undisguised evasions and violations of the law, that he transmitted on March 20, 1888, a special message to Congress, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 13th instant from the Secretary of the Interior, with accompanying papers, and submitting the draught of a proposed bill to forfeit lands granted to the State of Oregon for the construction of certain wagon-roads, and for other purposes.

The presentation of facts by the Secretary of the Interior, herewith transmitted, is the result of an examination made under his direction, which has developed, as it seems to me, the most unblushing frauds upon the Government, which, if remaining unchallenged, will divert several hundred thousand acres of land from the public domain and from the reach of honest settlers to those who have attempted to pervert and prostitute the beneficent designs of the Government. The Government sought, by the promise of generous donations of land, to promote the building of wagon-roads for public convenience and for the purpose of encouraging settlement upon the public lands. The roads have not been built, and yet an attempt is made to claim the lands under a title which depends for its validity entirely upon the construction of these roads.

The evidence which has been collected by the Secretary of the Interior, plainly establishing this attempt to defraud the Government and exclude the settlers who are willing to avail themselves of the liberal policy adopted for the settlement of the public lands, is herewith submitted to the Congress, with the recommendation that the bill which has been prepared, and which is herewith transmitted, may become a law, and with the earnest hope that the opportunity thus presented to demonstrate a sincere desire to preserve the public domain for settlers, and to frustrate unlawful attempts to appropriate the same, may not be neglected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 20, 1888.

This message was accompanied by the following draught of a bill:

A bill to forfeit certain lands granted to the State of Oregon in the construction of certain wagon-roads, and for other purposes.

Be it enacted, etc., That the several acts of Congress entitled—

"An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," approved July 2, 1864;

"An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," approved July 5, 1866;

"An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boisé, on the Snake River," approved February 25, 1867;

"An act to amend 'An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Albany, Oregon, to the eastern boundary of said State,' approved July 15, 1870;"

"An act to amend an act entitled 'An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State,' approved December 26, 1866;"

"An act to authorize the issuance of patents for lands granted to the State of Oregon in certain cases," approved June 18, 1874,

be, and the same are hereby, repealed, and that all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under the said several acts and provisions of law be, and they are hereby, declared forfeited and determined, and all lands within the terms and scope of said several acts of Congress be, and they hereby are, restored to the public domain: *Provided, however*, That all such sales of any of said lands as in the next section are declared to have been made to innocent purchasers by any grantee of the United States, or subsequent grantee, are hereby excepted, and as to such lands the patents heretofore given by the United States are herewith confirmed.

SEC. 2. *And be it further enacted*, That within six months from the passage of this act the Attorney-General of the United States is directed to cause to be brought in the circuit court of the United States for the district of Oregon such suit or suits as may be necessary to cancel all patents, certifications, or other evidences of title heretofore issued for any of the lands mentioned in any of the granting acts hereinbefore set forth, and to restore the title thereto to the United States, saving and excepting only such specific lands as shall have been conveyed to settlers or persons occupying the land for the purpose of using or improving it, upon payment of compensation in good faith therefor, by either of the several corporations upon which said grants were respectively conferred by the State of Oregon, or by some subsequent grantee of the said land grants from said companies, not exceeding in any case one section in quantity.

The Senate passed a bill which is the one now before us, and is as follows:

A bill providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

Whereas the United States have heretofore made various grants of public lands to aid in the construction of different wagon-roads in the State of Oregon, and upon the condition that such roads should be completed within prescribed times; and

Whereas said grants were transferred by said State to sundry corporations, who were authorized by the State to construct such wagon-roads and to receive therefor the grants of lands thus made; and

Whereas the Department of the Interior certified portions of said lands to the State of Oregon upon the theory that said roads had been completed as required by the granting acts of Congress, and upon the certificate of the governor of the State of Oregon as to such completion; and

Whereas the Legislature of the State of Oregon has memorialized Congress and therein alleged that certain of said wagon-roads, in whole or in part, were not so completed, and that to the extent of the lands coterminous with unconstructed portions the certifications thereof by the Department of the Interior were unauthorized and illegal: Therefore,

Be it enacted, etc., That it is hereby made the duty of the Attorney-General, within six months after the passage of this act, to cause suit or suits to be brought, in the name of the United States, in the United States circuit court for the district of Oregon, against all persons, firms, and corporations claiming to own or to have an interest in the lands granted to the State of Oregon by the following-enumerated acts of Congress, to wit:

"An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State," approved July 2, 1864;

"An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State," approved July 5, 1866;

"An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boisé, on the Snake River," approved February 25, 1867,

to determine the questions of the seasonable and proper completion of said roads in accordance with the terms of the granting acts, either in whole or in part, the legal effect of the several certificates of the governors of the State of Oregon of the completion of said roads, and the right of resumption of such granted lands by the United States, and to obtain judgments, which the court is hereby authorized to render, declaring forfeited to the United States all of such lands as are coterminous with the part or parts of either of said wagon-roads which were not constructed in accordance with requirements of the granting acts, and setting aside patents which have issued for any such lands, saving and preserving the rights of all bona fide purchasers of any portion of said grants for a valuable consideration, if any such there be. Said suit or suits shall be tried in like manner and by the same principles and rules of jurisprudence as other suits in equity are therein tried, with right to writ of error or appeal by either party as in other cases; and if any person, firm, or corporation having or claiming an interest in any of said lands shall be made defendant in such suit or suits, and in the judgment of the said court be a necessary or proper party defendant, and shall not be an inhabitant of or found within the said district, and shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing said absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served upon such absent defendant or defendants in the manner provided by section 8 of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875: *Provided*, That both in the said circuit court and upon appeal in the Supreme Court said suit or suits shall be advanced to hearing in preference to all other civil cases on the dockets of either of said courts: *And provided further*, That no right of appeal shall exist after six months from the entering of a final decree in said circuit court.

SEC. 2. That the State of Oregon, and any person or corporation claiming any interest in the lands to be affected by said suit or suits, and whether made a party thereto or not, may intervene therein by sworn petition to defend his interest therein, and may, upon such petition for intervention, also put in issue and have adjudicated and determined any other question, whether of law or of fact, which may be in dispute between said intervener and the United States, and affecting the right or title to any part of the lands claimed to have been embraced within the grants of lands by the United States to or for either of said wagon-roads: *Provided further*, That the lands actually settled upon or occupied and used as a homestead or for agricultural or grazing purposes, in cases in which such settler or occupant has acquired the title of the State of Oregon under the grants recited in the first section of this act to the same, not exceeding one section to any one settler or occupant, shall not be included in such suit, and such settler or occupant shall not be made a party thereto, anything in this act to the contrary notwithstanding.

This bill is recommended without amendment by a majority of the Committee on the Public Lands of this House, and is now before us. Its passage by the Senate indicates the sentiment of that branch of Congress, and from this it is safe to assume, as well as from the opinion so far ascertained of this House, that no measure more radical than the pending bill can obtain the approval of a majority of this Congress. The magnitude of the interests at stake, the vast extent of country affected by these grants, as well as the rights of the Government on the one hand and individual and corporate bodies in interest on the other, all these remind us that much is lost and nothing gained by the continual postponement of some method of final adjudication and settlement.

The extent of the interests embraced in the measure before us can be seen from the following statement:

OREGON CENTRAL MILITARY WAGON-ROAD GRANT.

[Grant made July 2, 1864, to State of Oregon. Legislative transfer to road corporation October 24, 1864.]

Line of road location	miles...	420
Grant aggregates	acres...	803,400
Patented by United States to road company	do.....	235,568
Not patented	do.....	570,831

WILLAMETTE VALLEY AND CASCADE MOUNTAIN WAGON-ROAD GRANT.

[Grant made to State July 5, 1866. State transfer to road corporation October 24, 1866.]

Line of road location	miles...	456½
Grant aggregates	acres...	876,480
Patented to road company	do.....	548,749
Not patented	do.....	327,730

DALLES MILITARY WAGON-ROAD GRANT.

[Grant made to State February 25, 1867. State transfer to road company October 20, 1868.]

Length of road location	miles...	357
Grant aggregates	acres...	685,440
Patented to road corporation	do.....	126,910
Not patented	do.....	558,529

RECAPITULATION.

Total road location	miles...	1,233½
Total of land grants	acres...	2,368,320
Total amount patented	do.....	911,227
Total amount unpatented	do.....	1,457,090

I can not, in conclusion, better express my position than to quote the views of the minority of our committee on this question, which I insert as a part of these remarks. In the minority report the gentleman from Indiana [Mr. HOLMAN] and myself unite. It sets forth the facts as well as the law which control our action thus far. It is as follows:

The minority of the Committee on the Public Lands, to whom was referred the bill (S. 1939) forfeiting wagon-road grants in the State of Oregon, dissent from the majority and submit the following as their report:

There are now two bills before this Congress in reference to these lands: the one a bill coming from the Senate and now favorably reported back to this House by a majority of this committee, and which proposes to remit all questions of law and fact to the district court of the United States for the district of Oregon, and which involve the compliance or non-compliance with the granting act, and the legal effect of the certificates made by the governors of Oregon, in acknowledgment and certification of the construction of the said roads, the fact of which is denied by the great body of people residing coterminous with these alleged roads, which are found to have no existence by the investigation of the commission appointed by the Secretary of the Interior, the findings and report of which are before this Congress, accompanying the message of the President of the United States as per Executive Document No. 124, and dated March 20, 1888, on the same subject.

The President says of said investigation that it has developed, it seems to him:

"The most unblushing frauds upon the Government which, if remaining unchallenged, will divert several hundred thousand acres of land from the public domain and from the reach of honest settlers to those who have attempted to pervert and prostitute the beneficent designs of the Government. * * * The roads have not been built, and yet an attempt is made to claim the lands under a title which depends for its validity entirely upon the construction of these roads."

The other bill, and that which your minority recommend, and which has the earnest approval of the entire Interior Department, provides as to the said three granting acts that—

"The same are hereby repealed, and that all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under said several acts and provisions of law be, and they are hereby, declared forfeited and determined; and that all lands within the terms and scope of said several acts of Congress be, and they are hereby, restored to the public domain."

The Attorney-General is directed to bring suits to cancel all "patents, certification, or other evidences of title" issued for any of said lands, excepting such lands as shall have been conveyed to settlers or persons occupying the land for the purpose of using or improving it, not exceeding one section in quantity.

We think that this saving as to lands which were patented at time of purchase or since might be extended to all purchasers in good faith and for valuable consideration and their titles confirmed by amendment to the substitute; but as to lands not so patented at time of purchase, that a saving should be made of only such lands as were purchased by settlers who occupied the land and used or improved the same, not exceeding 640 acres, and that in like manner their titles should be confirmed, and to this extent the substitute should be amended.

It appearing from the report of the commission appointed to visit the alleged roads and make examination as to the actual condition of affairs, and to take testimony and "investigate all questions of fraud touching the construction of said roads" that the same were not constructed according to law, it rests with us to consider what rights of third parties claiming to be innocent purchasers may be affected by the substitute proposed by the minority.

There are two classes of purchasers, the one embracing the settlers, the bona fide seekers of small homes, they who do not buy for speculation but for actual grazing or agricultural use and occupation; the other class, who constitute great syndicates, corporations, and monopolies, who purchase for purely speculative purposes and take either the entire grant or immense blocks of the same.

The first class are protected and excepted from the provisions of the substitute and are confirmed in their holdings, while the second class are included in the forfeiture.

In the language of the Department:

"Where the conveyances are made in bulk there are such terms of description and notice of the grant as carried to the grantee not only knowledge of the nature of the title and the conditions upon which alone the lands could be rightfully obtained, but even by the terms of the grant a notice as to the right to its possession only upon compliance with such terms."

We conclude as a necessary result that the present claimants of these grants stand in no better relation to the title, legal or equitable, than the companies upon whom the conditions of the grant originally rested for compliance. Gross deception was practiced by the companies pretending to construct these roads, and only a semblance at occasional points of a roadway was made along the entire route, so that in most places without a guide no line could be seen. The whole object seemed to be to acquire title to the largest bodies of land in the shortest space of time and with the least outlay of expense, and in total disregard of the intention, the conditions, and purpose of the act of Congress.

The most scandalous evasion of the law in this respect is shown in the case of The Dalles Military Wagon-Road grant. This involves 685,000 acres. The line of the alleged road is 357 miles approximately. The State conferred the grant upon the road corporation October 20, 1868; yet this roadway over mountain, gulch, desert, and plain, and through timbered regions, was certified as fully constructed and completed by June 23 following—only about eight months—the most of the time being winter and in snow, and with but a limited number of hands to do the work. The finding of no road there now is commentary enough. Already 127,000 acres have been patented to the company, and the entire 685,000 acres would likewise have been parted with had it not been for the determined attitude of the people on the one hand and the Department on the other to investigate the suspicious surroundings, and then, with the facts before Congress, hope for an unconditional forfeiture.

To this effect the Legislature of Oregon has earnestly memorialized Congress and recapitulated the frauds underlying the certificates of construction, as found by investigations instituted by State authority. The various conveyances from the State to these companies contain this clause:

"That said road shall be constructed with such width, gradation, and bridges as to permit of its regular use as a wagon-road, and in such other special manner as the State of Oregon may prescribe."

The evidence shows that neither of said roads were constructed as to width, gradation, or bridges as required, and in most of the distances there can be found neither road, width, gradation, bridges, or anything else to designate a road.

In providing authority to the State to dispose of the granted lands, the act of Congress conferring the grant prescribed the following notice and limitation:

"And if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States."

And in the grant of the State to the companies we find in the legislative acts the following language:

"SEC. 2. There is also hereby granted and pledged to said company all moneys, lands, rights, privileges, and immunities, which may be hereafter granted to this State to aid in the construction of such road for the purpose and upon the conditions and limitations mentioned in said act of Congress, or which may be mentioned in any further grants of moneys or bonds to aid in constructing such road."

"For the purpose and upon the conditions and limitations mentioned in said act of Congress" are the words of the grant itself, and these were a continual and significant notice to all grantees or subsequent purchasers of what Congress required as an imperative condition, and when they purchased they were put on their notice, and can not now claim to be protected as innocent purchasers as to any portion of the grant, which an imperfect observation would have disclosed was in no instance earned in view of the conditions required. Therefore, as to these parties, they stand in no better relation than the original grantees from the State, by whom the express conditions of the grant have been so flagrantly violated and ignored.

These conveyances do not profess to confer any greater title than such as is warranted by the original grant of Congress. We believe, in view of all the facts before us, that the main body of these lands should be restored to the public domain, and be open to the American home-seeker, under the provisions of the homestead act; that that rich empire, in which these grants overshadow the most fertile spots, should be made to prosper with a happy and prosperous and industrious population, and these not be discouraged and driven off by the avarice and grasping conditions of wealthy corporations and syndicates; and we think, as Congress has the power, that an immediate forfeiture, subject to the limitations herein suggested, should be had by this body, it being in our opinion the quickest and most satisfactory relief to the great body of people interested.

With these views of the facts, the law, and the equities, and in the interest of a speedy adjustment, and for the purpose of producing a unity and harmony of sentiment between the pending measures now before us, we submit the foregoing views and recommend the passage of the substitute as modified thereby.

W. S. HOLMAN.
BINGER HERMANN.

But, as has been shown, these views can not to their full extent obtain the concurrence of the two Houses of Congress, and hence it behooves us to adopt that policy and that measure as will reach some harmonious conclusion, and in the end prove, if not the best and most expeditious, yet a just and deliberate and final adjudication of the long-pending disputes. This ultimatum is now before us, and with a firm conviction that this alternative will meet the approval of my constituents and terminate all further delays and painful doubts, I advocate the passage of the pending bill and earnestly solicit the co-operation of gentlemen to this end.

Copyright Law.

SPEECH

OF

HON. THOMAS R. HUDD,

OF WISCONSIN.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889,

On the copyright law of the United States as amended by the Chace bill, passed by the Senate May 9, 1888.

Mr. HUDD said:

Mr. SPEAKER: Glad indeed would I be, happy, in fact, would be the hundreds of thousands of intelligent reading and thinking citizens of the United States, as well as other thousands in the lands and nations beyond seas, were the measure under consideration a real international copyright law; but it is not, although often so termed when it is referred to. It is at its best a more liberal American copyright law, that in the absence of international action or treaty is to compensate and protect foreign authors who will print their works first in this country, as we protect native authors. A still greater regret now arises, that at this late day in the legislative history of the Fiftieth Congress no such measure will arrive at the dignity of a law.

Here I desire that the full text of the proposed law appear, which compilation of the existing and proposed amendments to the copyright law of the United States is prepared by a person competent to deal with the matter under consideration and to whom due credit is given, namely:

THE COPYRIGHT LAW OF THE UNITED STATES CONTAINED IN THE REVISED STATUTES, SECTIONS 4948 TO 4971, INCLUSIVE, AS AMENDED BY THE CHACE BILL (PASSED BY THE SENATE MAY 9, 1888).*

[Prepared by Thorvald Solberg, corresponding secretary of the International Copyright Association of the District of Columbia.]

SEC. 4948. All records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the super-

* The new text is inclosed in brackets.

vision of the Joint Committee of Congress on the Library shall perform all acts and duties required by law touching copyrights.

SEC. 4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

SEC. 4950. The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of $5,000, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

SEC. 4952. Any * * * [1]author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, of a painting drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person, shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. [Authors or their assigns shall have the exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States.[2]]

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 4954. The author, inventor, or designer, if he be still living, * * *[3] or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks.

SEC. 4955. Copyrights shall be assignable in law by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

[SEC. 4956. No person shall be entitled to a copyright unless he shall, before publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress at Washington, D. C., a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts, for which he desires a copyright; nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress at Washington, D. C., or deposit in the mail within the United States, addressed to the Librarian of Congress at Washington, D. C., two copies of such copyright book or dramatic composition, printed from type set within the limits of the United States, or in case of engraved works, photographs, or other similiar articles, two copies of the same, or in case of a painting, drawing, statue, statuary, model or design for a work of the fine arts, a photograph of the same. During the existence of such copyright the importation into the United States of any book or other article so copyrighted shall be, and it hereby is, prohibited, except in the cases specified in section 2505 of the Revised Statutes of the United States,[4] and except in the case of persons purchasing for use and not for sale, who import not more than two copies at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation: *And provided*, That any publisher of a newspaper or magazine may, without such consent, import for his own use, but not for sale, not more than two copies of any newspaper or magazine published in a foreign country. All officers of customs and postmasters are hereby required to seize and destroy all copies of such prohibited articles as shall be entered at the custom house or otherwise brought into the United States, or transmitted to the mails of the United States. In the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted.[5]]

SEC. 4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: Be it remembered that on the —— day of ——, A. B., of ——, hath deposited in this office the title of a book (map, chart, or otherwise, as the case may be, or description of the article), the title or description of which is in the following words, to wit (here insert the title or description): The right whereof he claims as author (originator, or proprietor, as the case may be), in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

SEC. 4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees: 1. For recording the title or description of any copyright book or other article, 50 cents. 2. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, 50 cents. [3. For recording and certifying any instrument of writing for the assignment of a copyright, $1. 4. For every copy of an assignment, $1.][1] All fees so received shall be paid into the Treasury of the United States. [*Provided*, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or resident of the United States, shall be $1, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles to be printed by the Secretary of the Treasury, at intervals of not more than a week, for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails; and it is hereby made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury the material for the publication of such weekly lists, for which service he shall be authorized to employ an additional clerk, at a salary of $1,200 per annum; and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum of not exceeding $5 per annum; and the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles copyrighted under this act during the term of the copyright.]

SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, D. C., within ten days after its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made.

SEC. 4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections 4956 and 4959, the proprietor of the copyright shall be liable to a penalty of $25, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

SEC. 4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, namely: "Entered according to act of Congress in the year ——, by A. B., in the office of the Librarian of Congress at Washington;" or, at his option, the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus: "Copyright, 18—, by A. B."[2]

SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of $100, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States.

SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish [dramatize, translate], or import, or knowing the same to be so printed, published [dramatized, translated], or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish [dramatize, translate], or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published [dramatized, translated], or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit $1 for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit $10 for every copy of the same in his possession or by him sold or exposed for sale; one half thereof to the proprietor and the other half to the use of the United States.

SEC. 4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than $100 for the first and $50 for every subsequent performance, as to the court shall appear to be just.

SEC. 4967. Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, * * *[3] shall be liable to the author or proprietor for all damages occasioned by such injury.

SEC. 4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

SEC. 4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

SEC. 4970. The circuit courts, and district courts having the jurisdiction of cir-

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[1] The words of the original law omitted are: "citizen of the United States or resident therein, who shall be the."

[2] The words in brackets are substituted for "and author may reserve the right to dramatize or to translate their own works."

[3] The words struck out are: "and a citizen of the United States or resident therein."

[4] Section 2505 of the Revised Statutes is the free-list, and the paragraphs relating to books (the only portions of the list to which this act can refer) are as follows:

"Books which shall have been printed and manufactured more than twenty years at the date of importation.

"Books, maps, and charts, imported by authority for the use of the United States or for the use of the Library of Congress. But the duty shall not have been included in the contract or price paid.

"Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States.

"Books, professional, of persons arriving in the United States."

"Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, not for sale."

[5] This section, previous to amendment, reads as follows:

"SEC. 4956. No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, D. C., a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statute, statuary, or a model or design for a work of the fine arts, for which he desires a copyright, nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress at Washington, D. C., two copies of such copyright book or other article, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same."

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[1] The clauses in section 4958 inclosed within brackets are made to accord with section 2 of the amendatory act of June 18, 1874; the full text of which is printed on page 873.

[2] The text of section 4962 given here is that of section 1 of the amendatory act of June 18, 1874. This section was further amended by the act approved August 1, 1882 (22 Statutes at Large, chapter 366, page 181), to the following effect: "Manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright mark prescribed by section 4962 of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturers, merchants, and trade-marks thereon."

[3] The parenthetical clause, "if such author or proprietor is a citizen of the United States, or resident therein," is stricken out.

cuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

SEC. 4971. [Repealed.][1]

The fourth section of the "Chace" amendatory act reads as follows:

["That for the purposes of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical, shall be considered an independent publication, subject to the form of copyrighting as above; and the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new editions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above, unless they form part of a series in course of publication at the time this act shall take effect."]

Section 5 provides that the act shall go into effect on July 1, 1888.

The amendatory act of June 18, 1874 (18 Statutes at Large, chapter 301, pages 78–79), which, through error, was not incorporated into the Revised Statutes, second edition, prepared in accordance with the act of March 2, 1877, is to the following effect:

"SEC. 1. [This section is given above as section 4962 of the Revised Statutes, which it amends.]

"SEC. 2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, $1; and for every copy of an assignment, $1; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

"SEC. 3. That in the construction of this act, the words 'engraving,' 'cut,' and 'print' shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, $6, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

"SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be, and the same are hereby, repealed.

"SEC. 5. That this act shall take effect on and after the 1st day of August, 1874."

It thus appears that this measure will, if enacted into a law, protect the foreign author to a like extent as the American one—a citizen of the United States—provided the foreign writer will first put his work in type in the United States. Our country is to this date the only nation having a literature that is recognized and of value to mankind that has neglected to make some provision looking to the honest and fair compensation of authors whose works are worth preserving or perusing who are not citizens of the United States. Near thirty years ago Charles Reade, an illustrious author of England, now of the world, wrote a powerful book in the interest of an international copyright law, and he well named it The Eighth Commandment—"Thou shalt not steal." It had a wonderful effect in Europe. In that work he speaks of the United States in this connection as follows:

A single great nation has spared me feeble illustrations. The United States of America, a country young enough to make fanciful experiments in law, and elastic enough to survive them, has drawn an arbitrary distinction, in the teeth of her own excellent jurists, and all great lawyers, alive or dead, between the mechanical inventor and the literary inventor. They are brothers throughout the creation; but she chooses to take a nap, and dream that they are no relations at all. Strange to say, she will not allow any foreigner copyright, and she concedes to any foreigner patent right. And as she is not one of those who do things by halves, she is generous as well as just, to the foreign mechanical inventor, with respect to fees; she regulates them by the price charged her people in the foreign nation. And when a foreigner's patent shall happen to be declared invalid, she returns two-thirds of the money. (*Coryton*, page 353.)

A British holder of an American patent has surer and easier remedies against piracy in the United States than he has in his own island. Now, here is a double phenomenon of legislation, which, being opposed to reason, to equity, to all theory of law, to common sense, and also to almighty cant, never occurred before, and probably never will happen again while man shall be upon the earth. While it lasts, then, let us put it to profit.

What is the effect on the American author and on the American mechanical inventor respectively?

American genius is at this moment at the head of all the nations for mechanical invention. I learn from Coryton, the last English writer on patents, that she took out her first patent in 1790. In 1800 took out 39 patents; in 1810, 222; in 1830, 551; in 1840, 452; in 1849, 1,076. At this last date she headed Great Britain and has maintained the lead ever since.

Europe teems with the products of her mechanical genius. Her inventors draw large percentages from England, and no Englishman grudges them, for they leave us still their debtor. The pre-eminence this nation has attained in mechanical invention rests on the rock of statistics, and my little paltry experience can neither contradict nor confirm statistics; still I can not help remarking that I am sitting in London at this moment in a shirt which I happen to know was sewed by Mr. Singer's patent, and that there are three English newspapers on the table, two of which, the Times and Lloyd's, were printed by Mr. Hoe's patent, the other was probably worked off either by Mr. Adams's press, invented, I think, at Boston, United States, or else by the Columbian press, which is still in vogue here, though long ago exploded in the leading nation.

The constructive genius of this people, stimulated by sound legislation, teaches us lessons at every turn. Look at their hotels—the wonder of the world; ours are only the terror. Look at their cities, reticulated with telegraphic wires, so that at the first alarm of fire an engine is rung for; here it is run for, and that is why it often finds the house on the ground floor, and drenches the smoking ruins, which hiss it for not managing better. I go through the docks at Liverpool and point out the biggest and smartest ships, and ask a sailor from what ports they come. It is always, "Yankee, sir; Yankee, Yankee." We had been sailing yachts many years more than they had when they sent over the "America" and beat our fleet; and observe, the victory was achieved by mechanical construction, not by an extra cloud of canvas. * * *

[1] Section 4971, which is repealed, reads as follows:

"Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein."

Now, what is the position of the American literary inventor in the world? Does it correspond with the American patentee's position? On the contrary, it is a complete contrast—a contrast the more striking that the American mechanical inventor has only the same materials as our inventor, yet leads him and eclipses him; whereas the American literary inventor, three times out of four, is content to imitate us, though his own materials are so much larger, more varied, and more abundant than ours.

There are invention and construction in all immortal books; but take the novelist and dramatist, who correspond more obviously with the mechanical inventor than some other writers do; what materials has an English novelist compared with that gold mine of nature, incident, and character, real life in the great American Republic?

At the Himalaya Mountains you can have all the climates of the world. Scorched at the foot by a vertical sun, you can go up a little and pitch your tent in Spain. Another mile, you can build your hut and live in France. Above, you are braced by the air of Savoy; and you may mount to Greenland. Here you command all the climates of the earth.

The United States offer to the writer a phenomenon as rare. On one rail you may run from the highest civilization to the very lowest, and inspect all the intermediate phases. You may gather in a week, amidst the noblest scenes of nature, the history of the human mind, and watch its progress. Here are red man, black man, and white man. Contrasts more piquant than occur at all in England spring up like weeds in the United States. Larger and more natural topics are discussed with larger and freer eloquence, and every moment the passions of well-dressed men burst the bonds of convention, and nature and genuine character speak out in places where with us etiquette has long ago subdued them to a whisper. Yet with all this their novelists produce no rich American fruit, and the country does not possess a single famous dramatist.

Read the American papers. You revel in a world of new truths, new fancies, and glorious romance. Read their fiction. How little, how stale by comparison, how unworthy of the swelling themes life supplied in this nation that is thinking, working, speaking, living on a scale of grandeur, and at a rate of march without a present rival or a past parallel beneath the sun!

The reason is this: Nine-tenths of their heaven-born writers are forced to be ephemeral writers, driven into the newspapers by uneven legislation, the newspaper being the only form in which intellectual labor can not be undersold by stolen labor. In Great Britain there are five hundred and five newspapers. In America there are four thousand, and there lies buried for the present many an immortal genius—buried, but to me not hidden. I can see their fitful gleams in reading those papers.

Mr. Emerson, in course of a public speech last year, made use of these words:

"There are men in this country who can put their thoughts in brass, in iron, in stone, and in wood, who can build the best ships for freight and the swiftest for ocean race. Another makes revolvers [many a British officer's life saved in the Crimea by this patent], another a power-press," etc.

But in another part he said: "A New York novelist should regard the world in a different point of view from his London cotemporary. But the truth is, scarcely one of our authors has yet thrown off his swaddling clothes. The great secret of the world-wide success of Uncle Tom's Cabin was the fact that it was a novelty; that it had something peculiarly American in it.

"The works of American authors have been smothered under the works of English authors in the American market. Not only has the wholesale system of mal-appropriation most injuriously affected the interests of living American authors, but it has had a tendency to dwarf down the original literature of the United States to a servile copyism, and to check the development of the natural mind."

America would at this moment be just as low in mechanical invention if the statesmen of the United States had encouraged the theft of foreign patents. And in one generation under even rights they are as sure to beat our heads off at fiction as the sun is to rise to-morrow.

This arraignment—mingled praise and censure—is just and no more than we deserve; more than liberal to foreign inventors through our patent laws, we turn not only the cold shoulder to the foreign author but we enact the role of the footpad and highwayman and take his genius, which is life, and his writings, property, without compunction or compensation. I will now present and make part of my remarks the utterance of a most distinguished American jurist, George Ticknor Curtis, who has written so well and exhaustively on this question. Says Mr. Curtis, under date of April 10, 1888—and this extract from that distinguished lawyer's letter to the American Copyright Association is the entire argument in favor of this measure—all who speak on this subject can only follow its line and illustrations:

Nothing can be more fallacious than the idea that intellectual property is in any degree less to be regarded as capable of ownership than land or merchandise, because it requires a peculiar system of legislation to secure for it the rights and advantages of property. It is just as true of literary property, which I should define as the exclusive right to multiply and sell copies of an intellectual production, as it is of all other forms of property, that it is founded in natural law. There are many kinds of property which are founded in natural law, but which require to be protected by the positive law of society. In the cases of inventors and authors, the natural right extends to an indefinite period of time; but there has been a compromise between the claims of the inventor and author and the interests or supposed interests of the public. In consideration of the advantage afforded by a positive law, in the better security given to this kind of property, the natural right of the author or inventor to the indefinite enjoyment of what he has created has been curtailed to a fixed term of years, after the expiration of which his property ceases to be *privati juris* and becomes *publici juris*. Power to give this security to authors and inventors was conferred on Congress by the Constitution of the United States, like many other powers which belonged to the State sovereignties before that Constitution existed, in order that the laws might be uniform throughout the country.

Patents for useful inventions and copyrights of books were granted by the States before the Federal Constitution; and they were granted upon a recognition of the natural right in intellectual productions, and upon the expediency, for the public benefit and the benefit of authors and inventors, of substituting a fixed term of years for, and a definite remedy in the place of, the indefinite duration of that right and the uncertain remedy that existed at common law. Twelve of the original thirteen States passed copyright laws before the Federal Constitution was adopted. But of course these State patents and copyrights had no territorial operation outside of the States which granted them. Hence the surrender of this power to Congress by Article I, section 8, of the Federal Constitution, which is so framed as to impose upon Congress a duty as well as to confer upon it a power. The object for which the power is conferred is "to promote the progress of science and useful arts." The means by which this is to be done is "by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

The provision is so broad and the purpose is so comprehensive that it can not be claimed to embrace only native authors and inventors. It has not been so construed in regard to inventors. We have long had legislation which has permitted foreign inventors to take patents in this country. The reason why we

have treated foreign authors differently has been partly from neglect, partly from the fact that at an early period a popular habit grew up of considering a foreign book as public property, and partly from the necessity of legislation, about which no agreement could be made as to the principles on which it ought to be framed. But if our legislators will consent to treat the foreign author as they treat the native author there need be no difficulty in bringing about a satisfactory state of things. There are a great many reasons for this, among which the following are the most important:

1. The foreign author has the same natural right to control the multiplication of copies of his book as the native author; but he must submit to the same surrender of his indefinite right that the native author has to make of his indefinite right, in order that their rights, as recognized by our local law, may be equal; and if he is required to manufacture here the copies of his book that are to be sold here, he must be, and in all probability will be, willing to accept this condition, because he will gain something by it which he could not otherwise have.

2. With regard to the natural right of the foreign author, which is only another mode of expressing the obligations of justice, there can not, it seems to me, be two opinions. If an alien friend sends a bale of merchandise to this country, we do not seize upon it as public property or allow any one to interfere with his control of it, provided it in no way injures the public health or endangers the public safety, and provided the owner pays the taxes which we impose upon it. Why is this? It is not because we have specially legislated for the protection of his property, but it is because in all civilzed states the natural right in movable property, introduced into their dominions by an alien friend, is universally recognized. The only difference between the bale of merchandise and the right to multiply copies of a book is that the former is a specific and substantive chattel, while the latter is an incorporal chattel. But we recognize the latter, by our municipal law, as a right of property, in the case of the native author, just as we recognize the former.

It is not true that this extended copyright will enhance the price of books to the reader and purchaser in the United States. True the publisher here will have to pay the foreign writer an agreed royalty, but that royalty, while considerable to the author, is not added to the cost of the book to the general purchaser, for in opening the field to foreign authors the field is so broad that so many copies will be printed that the percentage or royalty, if added, will be so small that no purchaser will feel it. This is most forcibly illustrated in our midst today. I clip from the current news of the day the following facts to sustain the point that liberal copyright will not enhance the price of books:

The late E. P. Roe was probably the most popular writer of romances that this country has produced, unless Fenimore Cooper may be excepted. As an illustration of the great facility with which this author's books sell, Messrs. Dodd, Mead & Co., his publishers, state that his last novel, "Miss Lou," published in September, has already had a sale of 35,000 copies at $1.50 a copy. In addition to this they have just issued a cheap edition of 100,000 copies, which the American News Company has purchased entire. So that in the short period of four months 135,000 copies of this book have been sold by the publishers. It is claimed that 150,000 copies of Robert Elsmere have been sold in this country. But this was a cheap reprint, which paid no royalty and sold at from 15 to 20 cents a copy. Mr. Roe's book, selling at a much higher price and paying full royalties, has sold nearly the same number and in a shorter space of time. The attention of those people who fear that an international copyright law will make books dear is called to the fact that the publishers of this popular novelist's books find it to their advantage to issue cheap editions of them, notwithstanding that they are protected by copyright.

This measure will not only benefit foreign authors and do justice where justice should be done, but it will be of great benefit to that worthy class of our fellow-citizens, the printers of the United States, the men and the women—and there are many type-setters and intelligent compositors now of the female sex in our nation—and the speaker on this occasion is proud to remember that he in the long ago in that wonderful city by the lake, the interocean metropolis of the United States, Chicago, stood at the same case with perhaps the first woman printer of this continent, as she, stick in hand, aided to put in type a reprint for a weekly newspaper of the then being published chapters of Uncle Tom's Cabin, as taken from the National Era, a weekly of that period issued here at this capital city of these United States.

In these days when labor demands and should be allowed a fair and equal voice in the industrial legislation that is to remunerate or ennoble their handiwork the American printer should not be forgotten or neglected. These men and women are the very artists of fame and architects of reputation. Their nervous fingers that catch at the alphabet in leaden images to form the sentence or point the paragraph of your speech, sir statesman, likely have better spelled and more correctly punctuated, and your nonsense made sense by the intelligent compositor. All honor to the noble craft, from Ben Franklin down to the last little Ben or Jack that is the office devil to-day.

It has occurred to me more than once that in that wonderful creation of Shakespeare, Prince Hamlet, wherein the prince commends to the lord chamberlain, Polonius, the care and attention of the players he intended so soon to use in his fearful impeachment of the murderer of his father, that Hamlet's author had in his mind's eye the printer, the type-setter, the author, and was in his (Shakespeare's) mind a forecast of the future:

POLONIUS. Look whether he has not turn'd his color, and has tears in's eyes.—Pr'ythee, no more.

HAMLET. 'Tis well; I'll have thee speak out the rest of this soon. Good my lord, will you see the players well bestowed? Do you hear, let them be well used; for they are the abstract, and brief chronicles, of the time: After your death you were better have a bad epitaph, than their ill report while you live.

That some foreign publisher and a few newspaper and book concerns in this country are opposing the so-called Chace copyright bill from an interested and seemingly monopolistic view is made most evident by the acts and resolves of some of our foreign relations. As part of the history of this opposition I will here insert in full the text of the statement presented by the printing and kindred trades representatives in Edinburgh (one of the great book-making marts of Europe) to Lord Salisbury, a short time since:

To the most noble the Marquis of Salisbury, K. G.,
Her Majesty's secretary of state for foreign affairs:

The Chace copyright bill, now before the American House of Representatives, proposes to give a copyright in America to foreign (*i. e.*, British) authors. The result of this undoubted boon will be the opening to British authors of an additional market—the American. But this concession is given to them on the condition that the books shall be printed from type set within the limits of the United States. What will be the result of this? Most authors will naturally desire to avail themselves of the double market thus opened, and will send their books to America to be there set up in type, in order to secure the copyright offered them in America. Consequently, for editions required for Great Britain, either the books will be printed in America and sent to the British market, duty free, or stereotype plates will be sent over to print the British edition.

This will vitally affect the interests of the British compositor, type-founder, and stereotyper, and to a lesser but still serious extent the other trades connected with printing. But the evil by no means ends here, and it is very important to notice the full extent of it. Authors will naturally desire to get the full benefit of the new copyright open to them, and will quickly see the advantage of arranging with American houses to print and publish their works. Editions will consequently be printed in America, but copyrighted in both countries. In this way the supremacy of the British publishing trade as the center and seat of English book production will be destroyed, and the headquarters of English literature will be transferred to New York. The magnitude of such a disaster to this country will be obvious.

The bearing on the trade in Edinburgh and its neighborhood is briefly this: The production of books is the staple trade of the city and district. There are engaged in type-founding, printing, book-binding, paper-making, and cognate trades upwards of eleven thousand persons. A very large portion of the book printing done in Edinburgh comes from London publishers. The paper mills of Edinburgh and neighborhood also, to a great extent, supply the English metropolitan and provincial markets. It has been calculated that, should the Chace bill pass, one Edinburgh printing house alone, employing upwards of four hundred persons, will require to reduce by at least one-fourth its whole staff of employés; and this proportion may be taken as the average rate of the reduction in the printing trade. It would probably be higher in the type-founding trade and lower among book-binders.

REMEDIES.

In order to settle the question of preserving the book-manufacture for the British market and the British Empire, all that is necessary is to add to the copyright act a provision that the book must be printed from type set in the British Empire, and published within its limits; or that Her Majesty may, by order in council, direct copyright to be given to authors whose books have been printed in a foreign country, provided that such foreign country gives copyright to books printed from type set up here. It would be futile in the present state of American feeling to reason with the Americans on the bill. Senator CHACE has desired to settle a question, which is really international, entirely with an eye to American national interests. But the British nation can and must act with a view to its own national interests.

The present copyright acts make it a necessity that, to obtain a British copyright irrespective of nationality, a book must be first published in Great Britain. This law was made when there was no prospect of British books being printed in America, and the idea of publishing included printing. A settlement of the question on the lines of either of the foregoing remedies would, under existing circumstances, be the most satisfactory solution of the question. The British author would retain the same rights he has at present in the British Empire, and such a provision as is now proposed would open to him the great American market from which he is at present excluded. The American author would enjoy in this country equal privileges with the British author—subject only to the safeguarding of British labor interests in the manner now submitted. Negotiations might thereafter be initiated, under more favorable conditions, for concluding with the American Government a thoroughly satisfactory international copyright treaty.

So out of their own mouths (foreign publishers) we find comes the strong argument for honest copyright in the interest of American labor.

Mr. Speaker, there is a fable that never yet has appeared in print or speech that I can find, but is so apropos to the matter in hand, namely, honest copyright, that its production now will add point if not pith to the argument for honesty in literature as well as in any other business.

An oyster lay ripening and fattening on the Norfolk sands; it was a sagacious bivalve if not brainy. Oysters, it is said, have no brains, but some considerable value, according to size and flavor. This one was a third-termer, and could open or close its shells at pleasure.

Sailing over those waters near the famous Monitor and Merrimac ironclad dueling grounds was the splendid yacht of a first-rate amateur sailor, convoying the fair Clara Belle just engaged to the make-believe "gallant tar" aforesaid. This fair maid, after the manner of other maids in like cases circumstanced, was contemplating a diamond ring that then and there adorned the regulation engagement finger. Leaning over the side of her lover's ship she essayed to catch the water as it kissed the vessel's side, when—"Oh, listen to her tale of woe!"—the brilliant slipped its moorings and fell into those laughing waters and landed most marvelously in the just-then-opened roof of that oyster's habitation, and was quickly made a member of that colonial cabinet, in the interior department.

Now, here was a valuable work, improved by the lapidary's art—a gem, a jewel on which hands and brains had wrought to make it a perfect gift for the pleasure and profit of the world. It might have been a book, a picture, or a statue of foreign or domestic creation—but was likely one of Tiffany's best—imported—but it is taken in and absorbed by this silent gatherer of sea-gases and other unknown qualities that go into the make-up of a close corporation like this and some other Norfolks of trade and commerce that cater to taste in the useful, ornamental, and instructive dining-room or library. Opened at Harvey's the other day, on a statesman's sudden call for more of the "raw material," the astonished artist of the knife, crackers, and horse-radish cup found the sparkler virgin in its purity, as when it fell from

beauty's finger. "Mine," cried the dusky opener of this treasure-trove. "Nay," said the hungry statesman who had ordered the opening—"mine," for I have purchased it or have agreed to pay for it. "It should belong to the one who finds it," said the knife holder. "It must go to the one who ordered it opened," says the statesman.

Here the poor oyster, dumb, it is said, by nature, burst into voice and said, "Gentlemen, oyster-men, hear me: The ring is the property of the maid; she dropped it into the ocean; I gathered it as it fell and held it for safety, not ransom. I only gave harborage to the gem; you give nothing, but propose to appropriate this valuable work without compensation to the owner. Pirates do the same on sea and land; 'they take because they have the power and keep because they can.' You shall deal justly with the maid by restoring to her the custody of her own or pay to her an equivalent for the right to use or display her property. The original copyright that came the eighth in the table of the law via Sinai was, 'Thou shalt not steal,' we may add, brain-work nor hand-work." At the point of the knife that oyster spake no more. Its departure was peaceful; it went the usual way.

MORAL.

Honesty is not only policy but justice. The product of mind as well as of hands, the book writers as well as the book makers and binders, should have a fair and just remuneration for the labor expended, the art, genius, and invention exercised in any particular production. Our patent and home copyright laws are admitted to be proper and just to our own citizens and in furtherance of the idea that that government is best which conserves the equal rights of all and that tends to aid in material and intellectual development of both mind and matter; hence our liberal home patent, trade-mark, and copyright laws.

We consider it a right thing to do, as it is, that Washington Irving's prose and Edgar A. Poe's verse should receive a protection against literary piracy; that they, like the weavers at Lowell, Mass., or the paper makers at Appleton, Wis.—they who weave the beautiful in cotton, or resolve the fibers of wood into the white surfaces for printer's ink—and the morning news that is educating the world simultaneously with the morning's coffee, shall also, for the fancy they weave into poesy, history, and emotions that resolve from their imagination into the solid food of books that we class histories, biographies, and fiction, not be infringed upon, but shall bear a fruit of profit to such author as well as to the more realistic inventor of a new web in muslin or a new gift in paper materials. Let this bill become a law, and then let us hymn its praise, altering a little the original verse—

Ah! the few shall not forever sway,
While the many toil in sorrow.
Monopoly may reign to-day,
But right [copyright] to-morrow.

Commercial and Political Union with Canada.

SPEECH

OF

HON. BENJAMIN BUTTERWORTH,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889.

The House having under consideration the joint resolution (H. Res. 129) to promote commercial union with Canada—

Mr. BUTTERWORTH said:

Mr. SPEAKER: I regret that the limited time we may devote to the consideration of the pending resolution will prevent that full discussion of the points involved which the importance of the subject obviously demands. The resolution reported from the Committee on Foreign Affairs by my honorable friend [Mr. HITT] is a move in the right direction. It looks to extending the area of the trade and commerce of our country and extending it in a direction which promises the best possible results.

I cordially indorse what my friend has said touching the great advantage which would result to the people of the United States and to the people of Canada from removing the barriers which now intercept the sweep of our commerce towards the north. The resolution suggests commercial union. I believe that business relation would be of advantage to both countries. I have advocated full and unrestricted reciprocal trade. That relation being promptly rejected by Sir John McDonald's government, political union is proposed as an alternative for imperial federation and as presenting advantages which are greater and more permanent than would result from any other possible arrangement.

I have never doubted, and do not doubt now, that unrestricted reciprocal trade is desirable; that commercial union is desirable; and that political union is still more desirable. I wish, in discussing the resolution, to consider the relation of these two countries to each other. The question is one of transcendent importance to the Canadians and to ourselves. It involves something beyond a mere exchange of commodities. It has direct relation to the permanency of free institutions upon this continent. It has immediate relation to the destiny of the English-speaking race, and the part that race will take in shaping the course and destiny of both Canada and the United States. In considering the various aspects of this question, the geography of the situation becomes an important factor.

The character of our institutions, the relation of the territory of the United States to that of Canada, the location of our lakes and rivers, the direction of the natural highways of traffic, the language and traditions of the people, the various interests that conflict, the possibilities and probabilities of maintaining peaceful relations between the two nations, are all potent factors in the problem to be solved.

In proceeding with the discussion we must not for a moment forget that we are not dealing with matters which endure merely for a day, a year, or a decade. We are not dealing with the interest of a few individuals, whether they control a government or are engaged in some speculative enterprise. We are treating of the life, the duties, and the responsibilities of governments, which are, we hope, to endure for centuries. We are dealing with the opportunities, the duties, and responsibilities of an entire race, and hence the view we take of the situation must be broader and more comprehensive than if the problem to be solved involved factors less potential and results of smaller significance.

I wish first to call attention to the Dominion of Canada—its territory, its resources, its people, and its government. I deem this important because there is no nation in Europe of which our people know less than they do of the Dominion of Canada, and there is no country upon the map concerning which more erroneous impressions obtain.

In presenting a view of Canada I will utilize some extracts from an article which recently appeared in the North American Review from the pen of my honored friend Erastus Wiman, of New York. It is such an admirable presentation of the subject with which it deals that I regret the necessity which compels me to abridge it. Mr. Wiman, in the article from which I quote, says:

THE GREATER HALF OF THE CONTINENT.

The United States, prior to the purchase of Alaska, was included within 3,036,000 square miles, while Canada stretches out to fill 3,470,392 square miles. It would perhaps help to convey some conception of the magnitude of Canada when the statement is made that, in area, it comprises very nearly 40 per cent. of the entire British Empire, the extent of which is recalled by the boast that the sun never sets on British possessions. A still further rather startling statement in relation to Canada is that, including the great lakes which encircle it, and which penetrate it, and the rivers of enormous size and length which permeate it, in it is found more than one-half of the fresh water of the entire globe.

The impression of magnitude, so far as Canada is concerned, is, however, always accompanied by a conviction, born of ignorance, that the Dominion is a region of frost and snow; that it is a sterile and inhospitable waste—simply a section of the north pole. So far as the climate of Canada is concerned, it should never be forgotten that, within the parallels of latitude which include the greater portions of the Dominion, the development in the United States has been the most marked. Indeed, no development in the history of the world is more rapid than the growth of the commerce of the Great Lakes, which to-day act as a barrier, dividing the two countries, but which, under happier conditions, should be the bond that united them. Reference to the extent of this lake commerce brings out another startling comparison, which, creating surprise, shows after all how little the average man knows even of his own country, much less of the regions alongside of his own land. This statement is that the tonnage and value of products which passed through the Sault Ste. Marie Canal, compressed within seven months of the season of navigation of 1888, equaled that which passed through the Suez Canal in the entire year.

Here, in the northern part of North America, between two inland lakes, with only one shore of these developed, a commerce has been created which equals that between two oceans, whose traffic is almost as old as the universe, and contributions to which are made from every clime and country of the globe. Recall, also, the fact that the water communication of the lakes is competed with by the most perfectly equipped railway systems of the age, while the commerce of Suez is practically without a competitor. This development of the States and cities bordering upon the Great Lakes, and the growth and productive forces which have been set in motion, not only on the shores of these inland seas, but on the wide stretches of country tributary to them, is a testimony to the advantages of a northern climate that it is impossible to ignore.

Perhaps the best test of climatic advantage is found in the ability to produce, in the largest quantities, and of the best quality, the most valuable and the most universally used article of commerce. Certainly, in this respect, there is nothing surpassing the article of wheat, which may be said to be the basis of civilized existence. The steady movement toward the north of the wheat-producing regions of this continent is remarkable. Wheat is a plant so delicate, and so easily affected by frost and adverse conditions, that it might be supposed to be cultured safely only in the most temperate zones. Yet the movement of the wheat-producing areas towards the north pole has been as steady as the movement of the needle in the compass in that direction. The milling activities of Minnesota, the marvelous railroad development in the Northwest, both toward the west and north, and more recently toward the east, for the special accommodation of this flour and wheat trade, tell the story that so far as climatic advantage is concerned wheat has found its greatest success in States to the extreme north.

Is it to be supposed that there is something magical in the forty-ninth parallel that bounds Minnesota towards the north? Its steady trend in this direction for so many hundreds of miles makes it highly probable that beyond it wheat should be produced largely and profitably. Indeed, this is certainly so; for it so happens that north of the Minnesota line and within the Canadian territories are wheat areas possessing all the advantages of the regions to the south, but in richness, fertility, and extent infinitely greater. It would be a startling statement to make, as showing the advantages of the much-derided Canadian climate, that even in its extreme northern latitudes the Dominion possesses a greater wheat-producing area than does the entire United States; that the soil of this wheat area is richer, will last longer, and will produce a higher average of better wheat than can be produced anywhere else on the continent if not in the world. Wheat is known to have been grown in the vicinity of numerous Hudson's Bay Com-

pany's stations for twenty consecutive years without rotation, without fertilization, and annually producing crops averaging 30 bushels to the acre!

Climate is much more the result of altitude than it is of latitude. According to Humboldt Europe has a mean elevation of 671 feet and North America a mean elevation of 748 feet. It is a significant circumstance that the Canadian portion of North America has an altitude of only 300 feet. In the extreme northwest of Canada the falling off from the height of land toward the vast body of water known as Hudson's Bay is shown in the fact that from even within the Minnesota line the rivers all begin to run towards the north. This low altitude, in its influence upon the climate, is second only to the effect of the marine currents, which are singularly favorable to Canada. These influences are shown in the startling fact that the mean temperature of Hudson's Bay is 3° warmer during the winter than that of Lake Superior, and that it is on the southern and western shores of Lake Superior where the most important development of American enterprises has taken place—developments that have yielded in lumber, in iron and copper, riches of greater magnitude than produced elsewhere in the country, and within parallels of latitude included in this lake an agricultural development more remarkable than that elsewhere in the world.

The moderating influences of vast bodies of fresh water that never freeze over are well known. In the great chain of lakes that surround Canada, and the vast number of lakes and rivers that diversify her surface, there is a fresh-water area of 130,000 square miles, and as above stated, comprising nearly one-half of the fresh water of the globe. The effect upon the climate of this vast aggregation is most beneficial, so that in altitude, and in other influences that mitigate the extreme northern location of the land, there are found considerations of the greatest weight. These influences are shown in the warmer climate of the great territory of Alberta, which lies directly north of Wyoming, from the latter of which and into the former stock is being regularly driven at the beginning of each winter, because of the presence within the Canadian border, the year round, of an abundance of grass. The experience of last winter showed conclusively that while throughout Manitoba and the Canadian northwest territories the winter of 1888 was not excessively severe, so far south as Iowa and Nebraska the severest cold was felt, and as far east as even New York in the famous blizzard, which never found its equal even in Winnipeg, the most northern of Canadian cities. It is true that in the northwestern portions of Canada the winters are long; that the frost is severe and continuous; but it is equally true that the climate is dry and invigorating.

But aside from this continued severity of the climate in the winter, there are compensations and advantages in the summer months in the extreme northern region of Canada which must not be ignored. For instance, what would be thought of a device that should provide, underneath the whole surface of a vast and fertile wheat-producing area, of a well-spring of moisture that should continuously exude and feed the delicate tendrils of roots that the wheat plant sends down into the earth for sustenance? Yet this is precisely what nature has provided in the thousands of square miles of wheat areas of the Canadian northwest. Ages of long winters, continuous and often severe cold, have produced a frost line in the earth far down below the surface, which being thawed out during the summer months is full of force. What seems, at first glance, a barrier to the productive powers of nature is, in this case, found to be contributory in the highest degree to man's advantage. For this vast area of ice, far enough below the surface to permit the growth of plants, holds in suspense and readiness for the land above the needed element of moisture, constant and assured, which in other regions comes only in the rains and dews that fall from the sky—a supply uncertain and uncontrollable.

But there is still another advantage in these northern wheat-fields of Canada incident to the climate; and that is, that while these latitudes imply long winter days, they equally imply the longest days in summer. Thus there is an average of two hours per day more of sunshine during the period of the growth of wheat in the Canadian northwest than is vouchsafed in any other locality where wheat can be produced. Not only is two hours of sunshine in each day an inestimable advantage, but the sun is stronger and more forceful at this period and in this region, not only helping rapidly forward the ripening process, but the heat is continuously sufficient to cause an exudation of the moisture from the ice in the ground beneath. It so happens, also, that the soil which enjoys these advantages of moisture beneath and long, forceful rays from above, is particularly rich and inexhaustible. Lord Dufferin, an observant and reliable authority, said that throughout his whole journey of weeks through the Canadian northwest he was constantly reminded of the English kitchen gardens in the vicinity of London. Cauliflowers grow large enough to serve for three meals for an ordinary family, while potatoes 4 and 5 pounds in weight are nothing extraordinary.

The average crop of wheat in 1887, in Manitoba, was 30 bushels to the acre, while nowhere else on the continent did it exceed 20 bushels to the acre, and in Minnesota and Dakota did not average more than 15 bushels. A mere handful of settlers in Manitoba produced in that year a surplus of twelve millions of bushels of wheat, seven millions of barley, and two millions of bushels of potatoes—the latter crop being a failure so great in the States as to command throughout the greater portions of the year a rate as high as $1 per bushel, while at points of production within Manitoba they could be had for one-eighth of that price. It is true that early frosts in August of the present year have partially injured the crop of 1888, and that there is this contingency always present in the northern regions; but early frosts are equally dangerous in Minnesota and Dakota, while this year, as far east as Massachusetts, there was serious damage done.

The accomplished head of the statistical department of the Dominion Government at Ottawa makes some comparisons regarding the size of the Dominion that are very instructive. He says:

"It is difficult to afford an adequate conception of the vastness of this country. England, Wales, and Scotland form together an area of 88,000 square miles; you could cut forty such areas out of Canada. New South Wales contains 309,175 square miles, and is larger by 162 square miles than France, continental Italy, and Sicily; Canada would make eleven countries the size of New South Wales. There are (in extent) three British Indias in Canada, and still enough left over to make a Queensland and a Victoria. The German Empire could be carved out of Canada and fifteen more countries of the same size."

In the light of such comparisons, the statement made in a previous page, that Canada comprises 40 per cent. of the area of the entire British Empire, is not so incredible as at first sight appears. Judged by standards of American areas the comparison was quite as interesting. Thus the province of Ontario, the fairest land of all the North American continent, is larger than the six New England States, with New York, New Jersey, Pennsylvania, and Maryland, by 25,000 square miles. Ontario, extending over 10 degrees of latitude and 20 degrees of longitude, the single province covers an area larger by 10,000 square miles than Ohio, Indiana, Illinois, and Michigan combined; larger than Iowa, Minnesota, and Wisconsin by 11,000 square miles. The basin of the Hudson's Bay comprises 2,000,000 square miles, in which are the fertile plains of the Saskatchewan Valley, measuring 500,000 square miles, and which, according to Lord Selkirk, are capable alone of supporting thirty millions of people.

That he was right in this contention is proved by the indications of the enormous productive forces of this region since developed; and that a European area, similarly situated east of the tenth degree of longitude, comprehends very nearly the whole of England and Ireland, the northeast corner of France, the whole of Belgium and Holland, and the greater part of the valley of the Rhine.

The vast expanse of Canada may be judged by the extent of her rivers and bays. The St. John, in New Brunswick, the largest river on the Atlantic coast south of the St. Lawrence, is 500 miles in length, and is navigable for 230 miles. The St. Lawrence, one of the noblest of the great rivers in the world, has a length of 750 miles, entirely navigable. The Ottawa, which is a mere affluent of the St. Lawrence, joining it 600 miles from its mouth, is in itself 550 miles long. The chain of Great Lakes is familiar to all who look at the map, but not so, to the north, in an almost unknown land, are the lakes Shebandowam, and Rainy Lake and River, a magnificent body of water 300 miles broad and 200 miles long.

The Lake of the Woods, too, is almost unknown outside of Canada, yet it is a vast stretch of water of almost marvelous beauty, especially its westernmost portion, of 80 miles, consisting of land-locked channels—a lacustrine paradise. Then comes the Winnipeg River, of which Lord Dufferin said: "Whose existence in the heart and center of the continent is itself one of nature's most delightful miracles, so beautiful and varied are its rocky banks, its tufted islands; so broad, so deep, so fervid is the volume of its waters, the extent of their lake-like expansion, and the tremendous power of its rapids." Here empties the great Red River of the North, starting from the northern portions of Minnesota, and the equally great Assiniboine, one 500 miles and the other 480 miles in length. Far beyond these is the Lake Winnipeg, a fresh water sea 300 miles long, from the northwest angle of which starts the Saskatchewan. The entrance of this noble river has been called "the Gateway of the Northwest," for here is a navigable stream, 1,500 miles in length, flowing nearly due west and east, between alluvial banks of the richest soil. Reaching the Rocky Mountains by this stream, beyond this range are the Athabasca and the Mackenzie Rivers, the navigation of the latter alone exceeding 2,500 miles, while the Frazer River and the Thompson River to Vancouver are streams of great magnitude.

This enumeration of principal streams will give some faint idea of the vast areas of land through which they flow. But no better idea of magnitude can be formed of the extent of Canada than by the contemplation of the Hudson's Bay. This bay would seem like a projection of Providence for the good of mankind, by which is introduced into the heart of the continent an ocean in itself, midway between the great Atlantic and Pacific Oceans. Fancy a bay so long as to extend from New York to Chicago, so wide as to extend from Washington to the Lakes, projected like a huge tongue of the sea into the land. What would remain of the fairest part of the United States? Yet this is the proportion of the Hudson's Bay, say 1,000 miles long and 600 miles wide, running from the north into the heart of Canada, carrying with it enormous riches in sea wealth for the supply of fish-food, so greatly benefiting, if permitted, the prairie States to the south.

In a report on the trade between the United States and the British possessions in North America, made by J. R. Larned, of the United States Treasury Department, in 1871, it was observed that—

"Ontario possesses a fertility with which no part of New England can at all compare, and that particular section of it around which the circle of the Great Lakes is swept forces itself upon the notice of the student of the American map as one of the most favored spots of the whole continent, where population ought to breed with almost Belgian fecundity."

Another American, the Hon. David A. Wells, many years ago, wrote as follows:

"North of Lakes Erie and Ontario and the River St. Lawrence, east of Lake Huron, south of the forty-fifth parallel, and included mainly within the Dominion Province of Ontario, there is as fair a country as exists on the North American continent, nearly as large in area as New York, Pennsylvania, and Ohio combined, and equal if not superior to those States as a whole in its agricultural capacity. It is the natural *habitat* on this continent of the combing-wool sheep, without a full, cheap, and reliable supply of the wool of which species the great worsted manufacturing industries of the country can not prosper, or, we should rather say, exist. It is the land where grows the finest barley, which the brewing interests of the United States must have if it ever expects to rival Great Britain in its present annual export of over $11,000,000 worth of malt products. It raises and grazes the finest of cattle, with qualities especially desirable to make good the deterioration of stock in other sections; and its climatic conditions, created by an almost encirclement of the Great Lakes, especially fit it to grow men. Such a country is one of the greatest gifts of Providence to the human race, better than bonanzas of silver or rivers whose sands contain gold."

In the matter of the fisheries alone, Canada stands unrivaled. Very few realize the vast stretches of coast line along which Canada controls the greatest fisheries in the world. Bounded as the Dominion is by three oceans, it has beside its numerous inland seas over 5,500 miles of seacoast, washed by waters abounding in the most valuable fishes of all kinds. The older provinces of the confederation have 2,500 miles of seacoast and inland seas, while the seacoast of British Columbia alone is over 3,000 miles in extent! It is impossible to take these figures in and all that they imply without realizing at once the enormous magnitude of this interest. But it is not alone in the matter of extent of seacoast line that Canada has a surplus in fish wealth; but, in the extreme northern location which she occupies she possesses an advantage which is of immense value, and this is that the fish are not only better and firmer in northern climates, but that the supply of fish-food, owing to the extreme northern location, is inexhaustible.

In timber, Canada possesses a wealth of very great importance to the United States. When the wide stretches of treeless prairies which this country contains are recalled, and the rapidly disappearing forests within the United States, it is with a sense of satisfaction that one turns to the northern half of the continent, containing as it does the finest forests and the greatest supply of this most essential element of human protection and comfort. Within the catalogue of the woods of Canada there are sixty-five species of forest trees, including nineteen of the pine family, while the space covered by timber within the Dominion is something enormous. Excepting the great triangular prairie east of the Rocky Mountains, lying between the United States boundary and a line drawn from the Red River to the Upper Peace River, the whole of Canada, up to the northern limit of the growth of trees, presents one vast forest area, except where it has been cleared by the hand of man.

Fully one-half of the lumber consumed in many Western States is now derived from the Canadian forests, climbing as it does over a wall in the shape of a duty of 20 per cent. The protection thus afforded practically operates as a stimulant for the destruction of American forests. The hard and white woods in Ontario, almost within sight of the border, are of inestimable value in the manufacture of furniture; and there are enormous supplies of the beautiful bird's-eye maple, black birch, oak, basswood, black ash, and other highly ornamental woods, which, in this country, are of great value for the highest grade of furniture and interior decoration.

Perhaps of all the surprises which the average American encounters in discussing the wealth of Canada nothing will startle him to a greater degree than this statement: That no country in the world possesses so much iron as Canada, in no land is it so easily mined, and nowhere is it quite so accessible to manufacturing centers. This is a statement which no doubt will challenge contradiction, and it is to be regretted that the space is too small to describe at length the location and precise advantage which the iron supply of this greater half of the continent would afford to the United States. Take the instance at New Glasgow, in Nova Scotia, where, within a radius of 6 miles, there are found deposits of iron ore of the highest quality, equal to that of any other portion of the world, side by side with limestone, chemically pure, in the immediate presence of coke in abundant quantities, from seams 30 feet thick, lying directly on a railway and within 6 miles of the Atlantic Ocean! Could there by any possibility be a combination more fortuitous than this? Throughout Nova Scotia there are deposits of ore of the greatest possible value; but in Quebec, and especially in Ontario, the value of the iron deposits is something enormous.

Near the city of Ottawa there is a hill of iron called the Haycock mine, which would yield an output of 100 tons per day of ore for one hundred and fifty years without being exhausted. On the line of the Ottawa, on the St. Lawrence, in the eastern townships, on the Kingston and Pembroke Railway, on the Central Ontario Railway, through Lake Nipissing, in Lake Winnipeg, on Big Island, and on Vancouver Island there are enormous deposits of ore, all possessing the singular advantage of almost a freedom from phosphorus. It has been truly said that "what the devil is to religion, that phosphorus is to iron." The peculiar advantage of the Canadian ore in this respect is sufficiently demonstrated by the fact that in the face of a duty of 75 cents per ton this iron is being steadily introduced, for the purpose of mixing with other ores, at Joliet, Ill., at Pittsburgh, Pa., and at other points. A market such as the United States would afford if it were free, and the introduction of enterprise and capital, would create for these deposits the same development and the same value that have followed the activity in the Vermillion, Menominee, and Gogebic regions. These latter deposits are almost within sight of Canada, and are but the edge of the great Laurentian range or belt of minerals which, starting on the Labrador coast, covers the vast area of Canada, paralleling the St. Lawrence and the Great Lakes till they find an ending in the Algoma district—a locality that has been aptly described a great treasure house of minerals, waiting only the touch of American enterprise and stimulated by an American market, to yield results far exceeding those of any mineral development on the continent.

Coincident with the presence of these great deposits of iron ore are discoveries of even greater importance in copper and nickel and in other metals hitherto nameless but of surpassing value. The copper development at Bruce mines, and especially and recently at Sudbury Junction, on the north shore of Lake Superior, is likely to be even more profitable than that of the famous Calumet and Hecla mines on the south shore of the same lake, whose payment of thirty millions of dividends on a capitalization of two and a half millions of dollars is a realization beyond the dreams of avarice. Already Ohio capitalists have invested over a million of dollars on the line of the Canadian Pacific Railway in these deposits. The development of nickel, of which there are only two or three known deposits in the world, is of great significance; while in gold and in silver, especially the latter, very excellent success has rewarded the efforts of the prospectors. Perhaps the most marvelous yield of silver that the world has ever seen was at Silver Islet, within the Canadian border on the Lake Superior shore, where, for a space of two or three years, an output was realized that enriched the owners with a rapidity equaled only by dreams in the Arabian Nights.

In British Columbia immense quantities of gold are known to exist, and the fact that over $50,000,000 worth has been mined from only a dozen localities, hardly yet developed, is full of the deepest significance, as indicating what yet remains in that distant region to reward the adventurous effort of the denizens of this continent.

But it is not alone in these prominent metals that Canada is rich in natural resources. In phosphates she possesses enormous quantities of the purest character. No country in the world needs fertilizers more than large portions of the United States, and no country is better able to supply them than Canada. Analysis shows that Canadian phosphates contain phosphoric acid up to 47 and 49 per cent., equivalent to 80 to 88 per cent. of phosphate of lime. No contribution to the wealth of the continent is of greater value than the development of the Canadian phosphates. In asbestos, in mica, antimony, arsenic, pyrites, oxides of iron, marble, graphites, plumbago, gypsum, white quartz for potter's use, siliceous sandstones for glass, emery, and numerous other products, Canada possesses enormous quantities awaiting the touch of man. In the matter of lead, it is found in almost every province, especially in British Columbia, the lead ore there containing as much as 15½ ounces of silver to the ton. The deposits of salt are the largest and the purest on the continent.

Again, another surprise awaits the observer in that in the article of coal Canada possesses the only sources of supply in the Atlantic and on the Pacific, and that between these two there are stretches of coal deposits amounting to 97,000 square miles! The magnitude of the interests involved in this question of the supply of coal, its contiguity and economy of handling, are of vast importance to the United States. It is significant testimony to the important position which Canada holds on the question of coal supply, when it is recalled that away down on the Atlantic the manufacturing coal of Nova Scotia should without doubt supply the manufacturing centers of New England at a minimum of cost, while midway across the continent, in wide stretches of territory of the lowest temperature, supplies should be drawn from the sources which Providence has placed within the Canadian border; and still further, that on the distant shores of the Pacific, San Francisco and contiguous cities should at this time be drawing their supply of artificial heat from the mines of British Columbia, and paying a tax to the overburdened Treasury of the United States of 75 cents a ton!

It will be observed that Canada is not the sterile waste many suppose it to be. Careful investigation will disclose that the Dominion presents to enterprising effort opportunities that are boundless. It only needs that the obvious interest of the mass of the people on both sides of the boundary line be consulted, and that such action be taken as their necessities demand, to render those vast opportunities available.

The natural channels of trade must be opened. The barriers which shut the source of supply from its market must be removed.

The necessities, the convenience, the prosperity, and happiness of the people as contradistinguished from the designs and ambition of those in place and power, should shape the policy of Canada and the United States in dealing with the questions under consideration.

There is something inherently wrong in that form of government which regards the open advocacy of the best interest and the highest good of the people as disloyalty.

Governments on this continent are for the people and not the people for the government.

I have advocated removing every barrier and hinderance to full and free trade between Canada and the United States. I have believed, and do now, that such unhampered trade relations would lead to political union. I have deemed political union indispensable to the peace, prosperity, and happiness of our race in North America. I have believed, and do now, that we can no more avert it than we can change the course of the seasons.

The attitude of some of our Canadian friends toward political union is amusing and in some cases ridiculous.

Occasionally some patriot breaks voice and becomes violent at the thought of what he in patriotic frenzy denounces to be a scheme to induce Canadians to sell their country, etc. As if the proposed union had in it any element of humiliation for our kinsman across the border. How absurd to suggest that a proposition to admit a Canadian province, or the Canadian Provinces, each to an equal share with the empire States of New York, Pennsylvania, Ohio, and Illinois in the control and management of the American Republic could work the humiliation of such province or provinces. If there is in it anything that smacks of humiliation it is not on the side of Canada. The proposition looks to the exaltation of Canada, not to her abasement. It looks to enlarging the opportunities of her people, not to restricting them.

Many protectionists in the United States regard the proposed union as a war upon the protective system. Nothing could be farther from the fact. It is not putting it too strongly to say many earnest protectionists know less of the philosophy upon which our protective system rests than they do of Canada, about which they know next to nothing. There is an impression that the system carried to its logical sequence would erect a Chinese wall around our country, and approach as nearly as possible to destroying all foreign competition, no matter what its character, as if a protective tariff dealt with boundary lines instead of those conditions which affect the cost of production.

I will not stop now to discuss the relation of union to protection, except to say that they are not antagonistic. I have frequently called attention to the error involved in supposing that the proper function of a protective tariff is to destroy and not to secure equality and fairness in competition.

What we complain of in the field of productive effort is not the competition itself, but that kind and character of competition which is unequal and unfair. We ask no odds of the Old World in an even field of competitive effort.

So the objection on our side to political union must find some better foundation to rest upon than the tendency of such union to restrict the opportunities of our people in the matter of producing and selling.

I know of no governmental policy that is more deserving of commendation than that which multiplies the facilities and enlarges the opportunities of the citizen. I hope we are not of those who would create a famine to raise the price of food, or would in anywise by legislative power arbitrarily limit the supply in order to stimulate the demand.

We are not likely to suffer by reason of too great abundance of those things which are essential to the health and comfort of the people. If our economic system is good for half the continent it is good for the whole of it. And those who are frightened at the competition which would result from bringing into our market the product of Canadian fields, forests, factories, and mines have studied only half the problem involved in the practical operation of the law of supply and demand.

I can not at this time discuss in detail or at length the several points involved in the proposition to unite the Dominion of Canada and the United States under one government. I have never doubted that such union would take place, and I have even less doubt that such union would be of advantage to the citizens of both countries.

I am frequently asked what has given rise to the general interest which is being manifested both in the United States and Canada in regard to the negotiations looking to a reunion between the two countries, and if I deem reunion attainable at an early day, and whether closer trade relations, such as unrestrained reciprocal trade, should precede the proposed reunion? And if we can not attain the last, can we the first?

I shall give my impressions in brief. We are witnessing a manifestation of the interest in reunion that has been felt for more than half a century.

The feeling is not new; the expression of it is more outspoken and aggressive than formerly. It is not improbable that both the Tories and Liberals of Canada were somewhat surprised at the introduction of resolutions proposing negotiations looking to political reunion. Not because the question is new to Canadians, for the truth is it has not been out of their minds for a hundred years, and they realize that it is as inevitable as it was at the beginning of this century that the United States would ultimately control the mouth of the Mississippi River. It is not always easy to say just what will set in motion the elements which will produce a given result, though it may be palpable that when these elements are stirred into action that that result will follow. We know what the final solution of the vexed questions which have been for a hundred years a source of unrest to both sides of the line will be.

The inevitable logic of the situation is not obscure. What the progressive steps may be which lead up to it may not be so clear; but the man who supposes that the pending international questions can be settled wisely and finally until they are rightly settled pays a doubtful tribute to his judgment, and he has not rightly apprehended the controlling factors in the pending problem who supposes that any settlement outside of reunion can be a right or permanent settlement. The logic of the situation, the commercial interests involved, the law of the mutually dependent interests, which always is and always will operate powerfully in shaping public policy, argue for reunion. The relation of source of supply to its natural market, the direction of the arteries of trade, the absence of natural boundaries, make the advantages, yes, the necessity, of reunion obvious; and these conditions speak

to the people on both sides of the line in tones more persuasive and convincing than the eloquence of a corps of jingos, most of whom talk as if disloyalty in the Dominion consisted in advocating the highest interests of Canadians.

As has been said, the logic of the situation constantly points to the proposed political reunion, and hence the resolution recently introduced by me only gave voice to thoughts that were present in the minds of citizens on both sides of the line.

Will it come speedily? That depends upon whether the ambition of politicians, supplemented by the folly of jingos, control, or the wisdom of statesmen shall prevail. I have no doubt, have never had a doubt, of the wisdom and advantage of unrestricted reciprocal trade between Canada and the United States, and it is observed that the liberals of Canada and many conservatives outside of Parliament labored to bring it about.

But Sir John Macdonald opposed the measure, and Sir John Macdonald is to-day the impersonation, or rather, let me say, the incarnation of the Government of the Dominion of Canada. He was strong enough to control his partisans in Parliament to vote to restrict Canadians in their opportunity to prosper. His policy, as expressed in that vote, is to leave Canadians so situated that they can not purchase what they need and have no market in which to sell their surplus products. Their privileges seem to be summed up in and limited to the right to vote for Sir John's candidates, pay taxes, and sing "God save the Queen."

It is a significant fact that more than one-fifth of the Canadian people have already marched to this side of the line, controlled by a prayerful anxiety to have Providence prosper the people. We are waiting for the other four-fifths to join us in the interest of the progressive development and liberty of the continent. This done, our Canadian cousins will at once be freed from the condition which compels them to contemplate the possession of vast resources which they can not utilize, the highways of their commerce blocked by themselves, the gateways to their natural markets closed against them by ambition, and kept closed by the piping of jingos who mistake noise for patriotism. The natural course of their trade leads into the midst of sixty millions of people, their neighbors and kinsmen, whom their governors insist are and must continue to be regarded as the inhabitants of a hostile country.

It will be noticed that their railroad system is so related to our transcontinental lines that they are enabled to nullify our interstate-commerce law. The trouble in regard to the fisheries stays continually to torment us. The use in common of the canals which form connecting links in the chain of our trans-continental commerce is not infrequently a source of misunderstanding and bitterness. Disputes in regard to jurisdiction on the west coast may prove a fruitful source of contention. The suggested danger and menace of an imaginary boundary three or four thousand miles long, which may serve as a base line from which to operate against us in case of war; all these things are factors in the problem.

In the presence of these factors in a problem which we are trying to solve, and which must be solved in peace or war, a move was made on both sides of the line by patriotic men to accomplish two things, to wit, to open up the natural highways and channels of trade and commerce between Canada and ourselves and to remove all obstructions by adopting a system of unrestricted reciprocal trade or commercial union, thus putting far from us all probability of hostile conflict. The move was palpably in the interest of the people on both sides of the line, however much it may have warred against the ambition of a few or the selfish interests, mainly local, of a very few more. The ruling powers in the Canadian Government opposed and, as stated above, refused to even consider the proposition, although its adoption confessedly tended to enlarge the opportunities of Canada and increase her prosperity, while binding the two branches of the great English-speaking people on this continent more closely together.

The Government of Canada has no patience with any arrangement that will remove all cause of attrition between Canada and the United States. I do not mean that Sir John Macdonald desires a conflict with us; but it would seem that he appreciates the importance of maintaining a strained relation, which enables him to appeal to his party in the name of loyalty. We observe that he can start a full chorus into voice in twenty-four hours, by announcing that their loyalty is called in question. He knows how easy it is to get up a cheap demonstrative exhibition of boisterous patriotism. It is always on tap, and passes current for loyalty. It costs nothing and is worth little, and the violence of the demonstration is, ordinarily, in inverse proportion to the amount of intelligent thought involved.

The resolutions proposing negotiations appeal to intelligent patriots. When closely scanned this jingo patriotism, which is so effusive and noisy, is like the froth on beer—it indicates neither the quality nor quantity of the article beneath. Sir John plainly told us by the votes of his partisans in Parliament that commercial union was not a possibility—that unrestricted trade was not desired, a closer and more friendly relation with the United States was not to be favorably considered. The logic of his official acts point unerringly to the real object he and his officials have in view. It is manifestly to treat us as a hostile nation while seeking a closer relation with the European powers, the ultimate object being to bring about imperial federation, thus establishing on this continent a government positively hostile to our institutions and standing as a constant menace to our peace. Does he in this represent the intelligent conviction of our kinsmen across the border? I do not believe he does, but whether he does or not the solution of the problem will not be found in what his policy suggests. Mere sentimentality will not long offer a successful barrier to the obvious demands of progressive civilization. The two branches of the great English-speaking family will find their opportunity, greatest prosperity, and securest liberty in unity.

There is not an intelligent Canadian who is not ambitious for knighthood who does not realize that he would find in political reunion enlarged privilege, increased prosperity, and a fuller measure of happiness. If we were separated by difference in race, language, or natural boundary, widely different institutions, the tendency to reunion might be controlled by astute politicians, even against the high behests of trade and commerce; but the conditions would have to be squarely reversed to indefinitely postpone the union of the Provinces and the States under one government.

I dissent utterly from the proposition that the first move should be made on the part of Canada. The position, in fact, is not tenable, for it will be observed that Canada could not inaugurate the movement without a suggestion, at least a suspicion of technical disloyalty. But since the controversies between the United States and Canada can not remain unsettled, and since they can not be settled in peace or by war without regard to the obvious logic and controlling law of the situation, but must be the result of giving to each potential factor its due weight and influence, a common destiny seems inevitable. One government is indispensable to that common destiny, so we need not wait for them to take steps to inaugurate negotiations to secure a union. The proposition to open such negotiations is honorable alike to our country and the Dominion.

I need hardly call your attention to the relation of the two countries in matter of character and location of natural resources, and how admirably they supplement each other. As you are aware, they bear to each other the same relation the two blades of a pair of shears do, and are most highly useful when working together. I am gratified at the interest felt in the early consummation of this union. I have received a large number of letters from all parts of the United States on the subject, one of which I will print in connection with my remarks, and a number from different parts of Canada—only one in opposition. I refer to this only as indicating the direction of the current of thought.

The election in Windsor, Canada, was very significant. Side issues were injected into the contest to break the force and influence of the strong popular voice for reunion. As it was, Mr. White, an avowed unionist, was beaten by only 38 votes, and if I may credit the statements of the daily journals a clear majority would, on the single issue of union or non-union, have been for union. The question is one for the people and not merely for those who enjoy both honor and emolument in the midst of abridged opportunity and financial disaster among the many. The following item, taken from the Toronto Globe, indicates that the people are fully alive to the importance of this matter:

A Grey County correspondent, signing himself anti-annexationist, writes as follows to the Galt Reformer: You and your numerous readers will be pleased to hear what the trend of public opinion is in this northern part of our fair Province on the questions of commercial union or annexation to the States, and imperial federation. The incident which I am about to relate has more than ordinary significance from the fact that part of this county of Grey is represented by Mr. Creighton, in the double capacity of member of the Provincial Legislature and manager of the Empire newspaper. If any part of this Province of Ontario more than another should be loyal it should certainly be the county of Grey, and especially the conservatives therein. Not very long ago a meeting of Conservatives was held in a certain village in this county, at which forty-one persons were present. The meeting was called to discuss in a quiet and friendly way the political situation. After various propositions were made one leading Conservative declared himself in favor of commercial union, but he could not think of joining the Grits to obtain it. Others expressed themselves as opposed to commercial union, and at last it was agreed that a secret ballot be taken to test the meeting on the question of annexation to the United States, when, to the surprise of many, thirty-six out of the forty-one ballots were for annexation. I would commend this state of matters to the manager of the Empire (or, as he is sometimes called, the "Emperor)." If this is the result of the leading editorials in the Empire for months past, in denouncing the "vile Grits" as annexationists, is not a change of base worthy of consideration on the part of the Empire and its manager?

Sir John Macdonald has few peers in any nation. He is able, astute, and, above all, a thorough politician, with kindliness and grace of manner which is quite captivating. Canada has for a generation been his political chess-board, and he has possessed the rare advantage of playing for both sides. He first plays for Sir John, and then moves around to the people and plays for them, and thus, for obvious reasons, he is uniformly successful. When the people begin to demand a highway to market, full and free commerce with sixty millions of people at their doors, and as visions of long-coveted opportunity and unexampled prosperity begin to open up before them, Sir John and his corps of officials cry out, disloyalty, and at once start a chorus to chanting "God save the Queen;" as if Providence, in order to save the queen, had to sacrifice the subjects.

The queen has no worthy interests that can be subserved by encouraging or permitting the continuance of a condition of things on this

side of the Atlantic which operates to estrange the Dominion and the United States. Imperial federation would have that result. England's natural allies are on this side of the water. Canada will never again become and remain a base line for hostile observation or aggressive movements in any conflict which the United States may have.

I do not pretend that the proposed union would be of personal advantage to each official connected with the ruling powers in Canada. I could not conceive it possible for them to have a more satisfactory arrangement than they have at present, so far as the individual rulers are concerned. They have place and power; they have honor and emolument; and by a shrewd system of taxation they can pay subsidies enough to retain what they have of place, power, honor, and emolument.

But two forces are operating to change the situation. One is the inexorable necessity for enlarged opportunity to develope and utilize their vast resources, which now only mock them. They will insist on either lighter burthens or increased strength to bear them; and they know that the situation is such that their market lies immediately to the south, and that they could not and will not continue to climb over a barbed fence to reach it, and pay half the value of their product as the price of reaching a market with the other half. These barriers must come down, in the interest of all concerned. The questions in dispute between us must be settled. They can not remain a constant menace to our peace much longer. The immediate representatives of the people in the several provinces have declared in favor of commercial union.

The council of premiers, if I may use that term, which met some months ago at Quebec or Montreal, was unanimously in favor of commercial reunion, and their constituents sustain them. This shows what the law of trade and commerce will do, and that the highest good of the people will ultimately control. Commercial union was, I repeat, spurned by Sir John. Everything in that direction was put under his feet. If he continues master in Canada there can be no settlement on that line. There are two ways for adjustment left open. One is to let matters drift and estrangement work its result. It is apparent what the result would be. There is left the other way, the people's plan. This Sir John may defeat by dissolving Parliament and holding an election at once, and in the usual manner secure and hold his majority. This will be laying up wrath against the day of wrath.

In referring to political union I use the term reunion. I do so because we were one from the date of the conquest of Canada until the treaty of Paris. The colonists did their full share in acquiring that territory. The fame of Wolfe and Montgomery is our common heritage. The embarrassment in Canada in the matter of joining the colonies was found in the terms of the treaty between England and France which followed the conquest. But a treaty made one hundred and twenty-five years ago, palpably against healthful progress, will soon be disposed of in the presence of the controlling necessities of the situation presented now. The fisheries should be common territory. The natural market of Canada should be opened to her people. Her vast resources, her boundless riches, now hidden as in a vault, should be opened to the enterprise of the people of this continent. Neither Government should stand as a menace to the other. This chain of lakes, these canals, should be the common highways of our commerce. They will be. Whatever may be said to the contrary, it is as palpable to the student who reflects as that like causes produce like effects.

The reason this should be consummated speedily is that the result may be attained in a manner worthy of the civilization of the age; worthy of the members of one great family, who are, whatever their affected differences may be, bound together by indissoluble ties, which can not be severed without destroying one or both and leaving scars which a century of peace could not heal. But I repeat again, this is the people's question. It is not wise to let it rest until the consummation of this great event will be made to serve the ambition of a few or to lay the foundations of vast fortunes for a few more. It is the people's highway of commerce that we ask to open. It is for the opportunity for the people to become enriched that we plead. It is for the broader and fuller privilege of the people on both sides of the line that we seek this consummation. A man's first loyalty is to his God. Next, to his country and his home. That loyalty which is constant to God and the home circle is sure to be in consonance with the well-being of the country to which loyalty is due.

I hope the questions raised by the pending resolution will be discussed in a broad and liberal spirit on both sides of the line. Their right solution is of transcendent importance to us, to our children, and to generations to come. I append to my remarks a letter received from a gentleman who has given every phase presented by the pending measure careful thought. He cites many interesting facts and figures, and each citation is an argument in favor of that reunion to which manifest destiny unerringly points.

I have often referred to the material advantage that would result to my countrymen if this union of the Dominion of Canada and the United States under one government could be consummated. It enlarges the opportunities of our people an hundred-fold. It secures to us with the blessings of lasting peace upon this continent the permanent supremacy of free institutions founded upon suffrage. It establishes upon an enduring basis an enlightened civilization based upon the precepts of Christianity. It would unite on this continent in indissoluble bonds the two great branches of the English-speaking family. The swelling tide of our commerce toward the north would cease to break upon the line which marks our northern boundary and roll back upon ourselves, but would grow with each coming month, and rushing on find new and ever-increasing markets, while sources of wealth in great variety and exhaustless in quantity would be opened up to the enterprise and industry of our people.

Our Canadian kinsman should discuss this proposition in the light of all the factors involved in its right solution. Loyalty to country is a noble sentiment, but a sentiment that should call practical common sense to sit in judgment with it. The view we take should sweep the whole horizon. The consideration we give the subject should embrace the many and varied interests affected. The conclusions reached and action taken should be for the centuries and the whole people, and not for a few years and a small number of individuals.

The proposition which meets with such general favor among us, and, as I believe, on the other side of the line, in nothing savors of mere territorial aggrandizement or the exaltation of the United States. The proposed union is in the interest of the peace, prosperity, and happiness of all the people of both nations. Its consummation detracts nothing from the dignity and honor of either. It is the people's matter, and its accomplishment will show to the world "that Peace indeed hath her victories no less renowned than war."

As I remarked a moment since, I will append to my remarks the letter of a thinker and reasoner, one who has vast interests on both sides of the line and can therefore realize the disadvantages of the present condition, and the advantages that would come to both nations as a result of political reunion, accomplished under the pressure of an intelligent appreciation by the people of the necessities of the situation and the inexorable decree of destiny—a destiny which guides and controls the progressive spirit of the age.

LETTER OF HON. S. J. RICHIE.

AKRON, OHIO, *February* 20, 1889.

MY DEAR SIR: The change of the geographical outlines of our country contemplated by the resolutions offered by you for the reunion of the territory now comprising the United States and that comprising the Dominion of Canada may excuse a reference to a considerable number of figures and data which embrace the history and growth of the two countries from their infancy up to the present time.

The area of the original thirteen States was 420,892 square miles, but they claimed an adjoining territory of 406,952 square miles, making a total of 827,844 square miles. This was acquired by the war of the Revolution, and ratified by the treaty with Great Britain in 1783. It included the States of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Georgia, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina. Maine was afterward formed out of Massachusetts, and Vermont out of Massachusetts, New Hampshire, and New York, and West Virginia out of Virginia.

In 1803 we purchased from France the great territory of Louisiana, having an area of 1,171,931 square miles, at a cost of $15,000,000. This territory included the States of Louisiana, Arkansas, Missouri, Iowa, and Oregon. It also included large parts of Alabama, Mississippi, Minnesota, Nebraska, Kansas, and Colorado, and parts of the Territories of Wyoming and all of the Territories of Dakota, Montana, Idaho, Washington, and the Indian Territory. In short, about one-third of our whole present domain, including Alaska.

In 1819 we purchased, by treaty with Spain, the territory of Florida. It comprised 59,268 square miles, and we paid for it $6,500,000. It included all the present State of Florida, part of Alabama south of latitude 31°, and a strip of Louisiana east of the Mississippi River.

In 1845 we acquired Texas by annexation and purchase at a cost of $10,000,000. Her territory comprised 376,133 square miles, and included all the present State of Texas and also parts of Kansas, Colorado, and New Mexico.

In 1848, by the treaty of Guadalupe Hidalgo, we acquired a great slice of territory from Mexico, comprising 545,789 square miles. The cost of this war to the United States was estimated at $100,000,000, and we paid Mexico a further sum of $15,000,000 for this cession. This territory included all the States of California, Nevada, and Utah, and also parts of Arizona, New Mexico, Wyoming, and Colorado.

In 1853 we made a further acquisition from Mexico of 45,553 square miles at a cost of $10,000,000. This territory comprises parts of Arizona and New Mexico, and also of the States of Nevada and Colorado.

Lastly, in 1867, we acquired the Territory of Alaska from Russia. It embraces an area of 577,390 square miles, and we paid for this purchase the sum of $7,200,000.

In brief, the above are the dates, the amounts, and terms upon which the various acquisitions of territory now comprising the United States were made. The outlying territories claimed by the several States at the time of our treaty with Great Britain in 1783 were ceded to the United States on the following dates:

In 1784 Virginia ceded all her western territory. It included the State of Kentucky, part of Ohio, Indiana, and Illinois south of latitude 41°.

In 1785 Massachusetts ceded her territory west of New York and Pennsylvania to the Mississippi. This included parts of Michigan, Illinois, and Wisconsin.

In 1786 Connecticut ceded her territory in the Northwest, which also included part of Ohio, Michigan, Indiana, and Illinois, and for this cession the United States paid to her school-fund the sum of $1,200,000.

In 1787 South Carolina surrendered a strip of territory comprising parts of Georgia, Alabama, and Mississippi.

In 1790 North Carolina ceded her western territory, which included the whole State of Tennessee.

In 1802 Georgia surrendered her western territory, which included part of Alabama and Mississippi north of latitude 31°.

If to the above we add the four new States just admitted into the Union, we will have noted the changes in the map of the United States, and in the map of the several States during the first one hundred and fifteen years of our national existence, the whole comprising an area of 3,603,884 square miles.

The moneyed cost of this great domain may be briefly stated as follows:

War of the Revolution	$135,193,703
War with Mexico	100,000,000
Cost of treaty purchases	64,990,000
Or a total cost of	300,090,703

How insignificant these figures, representing the purchase price of our great empire, appear when contrasted with the enormous sums which our great civil war cost the Government, in maintaining and cementing this vast territory together as one strong, free, and undivided nation.

The Treasury Department shows a direct expenditure on the part of the Government, for the war of the rebellion, from the year of 1861 to 1879, of the enormous sum of $6,189,929,909. To this must be added the expenditure of the ten years between that time and the present. This would include the pensions paid, interest on the public debt, and many other incidental expenses, which would swell the amount to more than another thousand million. We are simply dazed in the presence of such stupendous figures; but we are not yet done.

The cost to the States in rebellion, although there is no record of it to be had, must, during the continuance of the war, have been quite as great as that of the Government, as the war was waged in their territory; and especially is this true if we concede to them the loss of their human chattels, estimated by them at $2,000,000,000. Still we must pile up this towering column of figures by the loss of all the property destroyed by both parties to the contest during the four years of this terrible war. There yet remains to be added the larger item of this great expense account of our national heritage. The records of the War Department show that from the Union Army there were—

Killed in battle	61,362
Died of wounds	34,727
Died of disease	183,287
Or a total of	279,376

There is no accurate statement of the loss of life in the Confederate army The nearest thing to it is their published statement of the number known to have died of wounds and disease to have been 133,821.

These figures give a total of 413,197 human beings who laid down their lives in the war for and against a united country. Such, in part, is the history and the cost in blood and treasure of the great nation known as the United States, a country of which we are all proud to be citizens; a country from which nobody emigrates; a country to which the inhabitants of every other country in the world not absolutely barbarous continually immigrate.

Right beside us and stretching along our whole northern boundary line for a distance of nearly 4,000 miles is a country once a part of us, or we a part of them—if it pleases them better—which has also, during the time we have been going over, been changing her map and making a history for herself.

It may be said that prior to the declaration of our independence, in 1776, the whole of the territory now included in the Dominion of Canada was claimed by Great Britain, and in fact a great portion of it had been ceded to that power sixty-three years previous to that time by the treaty of Utrecht, in 1713. France, however, did retain very considerable possessions until the year 1763, when, by the treaty of Paris, she ceded all her possessions in this part of North America to Great Britain. This was the result of her war in North America.

It is not important for the purposes of this letter to go over the history of the several provinces now comprising the Dominion of Canada. Suffice it to say that in 1887 they formed a confederation under the provisions of what is known as the British North American act, which is the present constitution of the Dominion of Canada.

The Hudson's Bay Company is a corporation chartered in 1670 by King Charles. It held vast possessions between ill-defined lines for nearly two hundred years, and up to the treaty of 1842 between the United States and Great Britain it claimed much territory belonging to the United States south of the forty-ninth parallel of latitude and between the Rocky Mountains and the Pacific Ocean. In 1869, for the consideration of $1,500,000, the Dominion acquired all the territory belonging to this company except one-twentieth of the land between the Red River and the Rocky Mountains.

Canada, or the Dominion of Canada, may be said to have no war history and no war debt. Nearly the whole of her present debt was incurred in internal improvements and the building of her railways and canals. It will therefore be seen that material prosperity has not been as great in Canada as in the United States. She has had no waste of wars, and yet her per capita debt is much larger than the per capita debt of the United States. Had her material prosperity been as great as our own she would to-day be without any public debt.

The United States, as we have seen, have spent at least eight thousand million dollars in wars. Allowing the population of Canada to be one-twelfth that of our own, which is just about the relative proportions of the two countries when they started out in their separate existence, if the financial growth had been equal in the two countries, Canada having no wars and no waste of war, either in money or blood, should have somewhere to show to her credit one-twelfth of the sum we have wasted in wars. One-twelfth of $8,000,000,000 would give her $666,000,000. This sum would just about wipe out her whole foreign debt, which is represented in her Government, railway, and municipal securities. Why has her prosperity not been as great as our own?

In the first place, her climate is much more rigorous than the average of our own climate, and, second, until comparatively recently she has not been a country of varied industry. She has shipped the raw materials of the farm and the forest in exchange for the manufactured articles of all the necessaries and luxuries of life. Even to-day all her great mineral wealth, except what little coal has been mined in Nova Scotia, remains substantially where it was a hundred years ago; but she is a country of great material possibilities, with boundless resources of forest and farm, of mines, and of seas, which only requires capital and men to work them, and a market in which to sell the product of their labor. Without either or both of these her great latent possibilities must continue to remain substantially where they now are.

Who can stop to think for one moment of the great wheat-field north and west of Lake Superior and the forty-ninth parallel of latitude, a field from 200 to 300 miles in width and from 800 to 1,000 miles in length; of the 40,000 square miles of coal which underlies this same great field; of her deposits of silver, copper, nickel, and iron; of her wealth of forest, farm, and lake and seas; of her great area, equal in extent to our own, all occupied by less than 5,000,000 people, without inquiring why are there so few to occupy and utilize so great resources?

There is but one answer. It is hard to fight against geography, and Canada is and has during the whole period of her existence been engaged in a warfare of sentiment against geography. That this burden has been greater to her than the burden of all our wars has been to us is shown by the fact that we have paid the great debt and losses incurred by our wars and now carry a much lighter per capita load than she does, who has never paid any war debt or suffered anything from the ravages of war. Can any thinking man believe that this state of things will continue when people are continually casting about for additional means of bettering their condition and asking why it has not already been accomplished?

There is no great mountain barrier to separate her from us, and after which we might fashion the artificial barrier each country has erected and is still engaged in repairing and building higher in order the more successfully to fence each other out. The great mountain chains, as if in mockery of this, run north and south instead of east and west, and insist by their strong bands in fastening the countries together instead of separating them. A little more than a hundred years ago the two countries started out on their separate missions in the New World, one under a colonial existence, which she still maintains, and the other an independent country.

It is needless for me to enumerate here the various treaties which have at different times adjusted the boundary lines and other commercial questions between them. They are all well known to you. Suffice it to say, that they have one and all been weak, artificial, and ephemeral efforts to overcome the natural current and course of events. Can any one for a moment believe that of the one hundred and ten million of English-speaking people in the world, sixty-five millions of them, with their rapidly-increasing numbers, can have a permanent mission south of an imaginary line of latitude, while three millions of people with their increasing numbers who speak the same language and are of the same blood can have a permanent and separate mission north of the same imaginary line? If there are such, I frankly confess I am not of that number, and I make this statement without in the least indicating what my own wishes may be about it.

I may, however, say that if Canada does not desire to unite her destiny with the United States, I for one would not give $100 to have her do so. I see how restlessly Alsace and Loraine sleep in their German beds. The case of Canada and the United States is wholly different. The energy which has impelled and driven on the people of the two countries, side by side, from the eastern to the western sea, will not become exhausted when it touches the waters of the Pacific. It will exert itself in lateral expansion which will mock the statecraft which seeks to establish a barrier between people of one origin, one blood, one aim, and one destiny.

The measures you propose are in exact keeping with the line of our growth from our birth as a nation until the present day. This statement is equally true with regard to Canada. Both countries have been engaged in gathering up and cementing together all that lay, respectively, north and south of their national boundary line and the Atlantic and Pacific Oceans. This having been done, what remains but a victory of peace, greater than the victory of any war the world has ever known, to blend these united efforts into one grand and homogeneous whole—a great nation of one people reaching from the Gulf to the pole, and from sea to sea, and one which could furnish within herself not only every necessity but every luxury man can desire.

I had not the least idea of running to this length when I sat down to write you, and must apologize for the crude manner in which these suggestions and data are thrown together, without a moment's thought further than to refer to a few figures while writing. But I want to impress upon you the magnitude of the undertaking contemplated by your resolution, and to express my strong desire that your name shall ever be identified with such happy results of their operation as can only come from a most cordial acquiescence of all parties to the great transaction. Nothing short of this would be desirable or worth having. I fully believe that a wider range of knowledge of the people of the two countries of each other will bring with it a solution of every question affecting their common weal, outside and above the narrow lines of partisan policy.

Sincerely yours,

S. J. RITCHIE.

Hon. BENJAMIN BUTTERWORTH.

Commercial Union with Canada.

REMARKS

OF

HON. OSCAR L. JACKSON,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889,

On the joint resolution (H. Res. 129) to promote commercial union with Canada.

Mr. JACKSON said:

Mr. SPEAKER: I am opposed to what I suppose is the ultimate purpose and design of this resolution. I could have prevented its consideration at this time by an objection, but I do not want to place any obstruction in the way of the House disposing of it as the majority shall determine. I will add further as one reason I did not object that I feel that the gentleman from Illinois [Mr. HITT] who introduced this resolution, by his careful examination of the subject and great familiarity with all matters relating to our foreign affairs, as well as his uniform courtesy to others in the House, is entitled to have the resolution discussed and voted upon.

If we could have a yea-and-nay vote upon it I would content myself with voting against it. But as that is not possible under the circumstances, I avail myself of the indulgence of the House to very briefly state some of the objections I have to it.

In and of itself the resolution has no legal effect. It changes no law, and binds neither Canada nor the United States to any particular line of policy. It is but little if anything more than a declaration of sentiment. But it represents an idea, and I see in this resolution the forerunner of a policy that, if it should ever be adopted, will, in my judgment, bring only evil upon this country.

If commercial union alone is contemplated I consider that impracticable, so far as a joint collection of import duties and internal revenue is concerned. One great difficulty now in the United States is to harmonize the local interests in a country so large as ours. To attempt to combine them under one system, with a vast territory like Canada added, must increase this difficulty very much. We never could have any assurance that Canada would collect tariff duties fairly when there would be free opportunity to send goods imported across the line into the United States.

The thinly-settled country and extensive coast of Canada renders it very difficult to prevent smuggling.

When once the great markets of the United States are open free to goods inside of Canada the inducement for fraudulent importations will be too great to be withstood.

The result of a joint arrangement with Canada to collect import

duties means, in my judgment, the practical destruction of our tariff system in a very short time. There is an equal difficulty in the way of a binding agreement to levy and collect internal taxes.

Internal taxes in the United States are for the most part collected for expenses to run the Government and pay off debts. To some extent they are collected to restrict sales and to give Government supervision of some kinds of traffic.

Our plan is to pay off our debts and restrict taxation. Does any one suppose that the theories of internal taxation that would suit Canada for a long term of years would be satisfactory to our people? It is impossible.

The saving of tariff to our people on goods taken to Canada by the proposed arrangement is a small matter.

We will generally get back more tariff duties than we pay, and besides it would be poor policy to open our markets free to the products of the poorer paid Canadian labor.

My objection to this resolution goes further than the question of tariff, trade, and industry, important as I believe these to be.

If this resolution tends to anything it is to governmental union with Canada. It means in the future what is popularly termed annexation of Canada to the United States. To any such a purpose or design I protest and object. I do not stop now to inquire whether the people of Canada either favor or object to it. Neither do I care to discuss whether such a union would be desired by the people of the United States. I only know that the subject of late years is discussed frequently in the public press and elsewhere—discussed for the most part in a reckless, thoughtless manner, as if it were only a question of advantage and aggrandizement by the United States. If this question is to be debated before the people of this continent let both sides be heard.

In my judgment the annexation of Canada to the United States is much more likely to result in injury to the people of both countries than good. The United States has now territory enough when densely populated to test the strength of our form of government to its utmost limit. We believe that it is so wisely framed that it will endure for ages.

But we all know that a diversity of local interests is one of the greatest strains upon it, and that we have no need of taking increased risks in this direction. With the present territory the United States Government may reasonably expect to be considered in the coming years the greatest and strongest nation on the globe.

We do not need the vast territory of Canada to attain this position. We might absorb and govern Canada, but why run the risk of the additional complications and difficulties that its acquisition would bring?

Would it not be better than annexation to have a friendly neighbor on our north, a strong and powerful nation; a nation like ourselves in language, habits, and thought; a people with a republican form of government, proud of their institutions, and who would for many ages be willing to unite with us in saying to the nations of Europe and Asia that Americans must be allowed to govern and control the affairs of America?

We have now a sufficient heritage on which to work out for the people of the United States the problem of self-government. Our territory is ample, compact, and ocean bounded.

We have no right to imperil the success of free institutions by greed in acquiring new territory. We have at home, and fairly within the proper operations of our Government abroad, sufficient questions of importance to engage our attention.

No good reason can be given why we should go out of our way to try experiments and seek new complications.

Oklahoma Lands Opened to Settlement by the Indian Appropriation Bill.

REMARKS

OF

HON. WILLIAM M. SPRINGER,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, March 1, 1889.

The House having under consideration the report of the conferees on the disagreeing votes of the two Houses on the bill making the appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes—

Mr. SPRINGER said:

Mr. SPEAKER: I desire to call attention to the important legislative provisions incorporated upon this bill relating to certain lands in the Indian Territory.

THE OKLAHOMA BILL.

It is well known to the House that there has been under consideration during this Congress (and I also say during several Congresses heretofore) a bill to organize the Territory of Oklahoma. The bill of the present Congress passed the House of Representatives February 1, 1889, by a vote of 147 in the affirmative and 102 in the negative. The bill has been pending in the Senate from that time until the present, and I regret to say with very little or no prospect at this time of its becoming a law.

The bill provided for opening to settlement under the homestead laws of the United States, with slight modifications, and through agreements hereafter to be made with Indian tribes, of certain lands in the Indian Territory known as the Cherokee Outlet, and the Creek and Seminole lands, in what is known as Oklahoma proper. It also included within its boundary the Public Land Strip lying north of the Panhandle of Texas, containing 3,672,000 acres of land. The Oklahoma lands, as embraced in that bill, amounted to nearly 2,000,000 acres, and the Cherokee Outlet contains over 6,000,000 acres. While the boundaries of Oklahoma, as described in the Oklahoma bill, embraced all the lands in the Indian Territory west of those owned and occupied by the five civilized tribes, including the Cherokee Outlet, yet all lands which were in any way incumbered by Indian titles or claims were excluded from the boundaries of the Territory, except for judicial purposes, until agreements could be had with Indians making such claims for the relinquishment of their rights.

The bill also, in section 13, declared that the leases heretofore executed in favor of the Cherokee Strip Live-Stock Association to what is known as the Cherokee Outlet were void and contrary to public policy; and it was made the duty of the President to cause the lessees of said lands and all other persons illegally occupying the same to be removed at once. The bill also established a Territorial government over the Public Land Strip and such of the lands of the Indian Territory as might by agreement with the Indians be opened to settlement under and by virtue of the provisions of the bill. This Territorial government was to be based upon the provisions of Title XXIII, chapter 1, of the Revised Statutes, relating to the government of all the Territories. These were substantially the provisions of the bill.

It is well known to all members of this House and to the country that this bill has been denounced in most severe terms both in this body and in the Senate. The criticisms generally have been directed to those provisions which look toward opening to settlement the Cherokee Outlet and other lands in the Indian Territory. One member of this House denounced these provisions as legalizing grand larceny; another member denounced these provisions as infamous, and as intended to rob the Indians of their lands. In the Senate the same reckless denunciation was indulged in. One of the Senators from the State of Kansas, chairman of the Committee on Public Lands [Mr. PLUMB], in a speech upon the Oklahoma bill in the Senate on yesterday, which he withholds for revision, said that the Oklahoma bill was the most infamous measure ever introduced in Congress, and frequently characterized it as "this infamy."

Such remarks ill became a Senator who had pledged himself solemnly to his constituents before his recent re-election to the United States Senate to favor this bill, and who had in numerous letters to his constituents and in private interviews with them assured them that he would vote for it. Yet at the last moment, when his influence would have been sufficient to have carried it through the Senate if exerted in its favor, he sought the closing hours of the debate in the body of which he is a member to thus vilify a measure which had received the indorsement of a large majority of this House, and the passage of which was demanded by the best interests of the country. It is believed that he could not have been re-elected Senator, as he was during this last winter, unless he had given positive assurance to his constituents that he would favor this bill. He gave such assurance, and thus obtained a re-election for six years to the Senate of the United States; and on the first opportunity, when it was in his power to have secured its passage, he assassinated it in the Senate of the United States and denounced it as "an infamy."

I regret that I have not the text of the Senator's speech before me, as it has not yet appeared in the RECORD. When it does appear I presume he will avail himself of the privilege of a liberal revision and suppression of objectionable expressions. He will doubtless eliminate the offensive word "infamy" as applied to the Oklahoma bill, and insert such new paragraphs as will convey the impression to his constituents that he has always been an earnest advocate of the opening of the Oklahoma and other surplus lands in the Indian Territory to settlement. He will doubtless appear as the author and defender of the provisions which the conference committee have engrafted upon the Indian appropriation bill, when, in fact, he aided the Senate committee and the Senate in striking down these very provisions. He voted in the Senate on a yea-and-nay vote to strike out of the Indian appropriation bill the very provisions which the conference committee have agreed to and again restored to the bill.

TOWN SITES.

The Senator from Kansas had much to say about the provision in the Oklahoma bill, section 9, in reference to town sites. He spoke of this provision as being in the interest of speculators, and asserted that town shares had been sold to support a lobby here in the interest of that bill. He seemed to base his entire opposition to the Oklahoma

bill upon the town-site section. It is due to the friends of the Oklahoma bill to state that the town-site section of that bill was prepared and introduced by my colleague from Illinois [Mr. PAYSON], and was adopted on his motion. It did not originate with the friends of the bill, but was forced upon them by one of its opponents, who claimed that he was perfecting the bill to prevent speculation, and—

to secure to the inhabitants of all towns, cities, and villages in said Territory the benefits and profits arising from the sales of lots therein.

This was the language incorporated in the section itself. It is a remarkable coincidence that the enemies of the bill in this House, claiming that their purpose was to make the bill perfect and honest, should have secured the adoption of an amendment to it which in the Senate the opponents of the bill seized upon as a most objectionable feature, and one framed in the interest of speculators and town-site jobbers.

I was not in favor of the Payson amendment myself, but was compelled to accept it at the time it was moved to prevent unreasonable and dilatory opposition to the bill. The provision could have been enforced in the interest of the people if all the officials charged with its execution would have acted honestly; but it left open a wide door for fraud and speculation, if the Secretary of the Interior had been disposed to connive at its abuse. I thought it better to rely upon the President to appoint an honest Secretary of the Interior than to imperil the bill by resisting the adoption of the provision. I leave, however, its author, my colleague from Illinois [Mr. PAYSON], and the Senator from Kansas [Mr. PLUMB], who has denounced it so mercilessly, to settle for themselves and with themselves the question as to whether the town-site section is a scheme for speculation or an honest measure in the interest of the people. When they do meet to settle the matter there need not be the slightest apprehension of any breach of the peace. They will doubtless felicitate themselves upon the fact that the one succeeded in setting up a man of straw in order to enable the other to easily knock it down.

I beg pardon for referring to remarks and votes of the members of the other body, and know that such reference is not within the strict rules of parliamentary procedure on ordinary occasions. But when a Senator so far forgets all sense of propriety as to brand with infamy a measure which has received the indorsement of a large majority of the representatives of the people, and which he pledged himself to support before his recent election to the Senate, I feel authorized in making this departure, and in thus calling the attention of the Senator's constituents and of the country to the course which he has pursued in reference to the Oklahoma bill.

PROVISIONS ON THE INDIAN APPROPRIATION BILL.

During the pendency of the Indian appropriation bill in this House the supporters of the Oklahoma bill, suspecting the treachery of its pretended friends and fearing its defeat in the Senate, determined to incorporate as many of its provisions as possible upon the Indian appropriation bill; and in this respect we were successful in securing the substance of all provisions in the Oklahoma bill which opened the Indian lands contemplated to settlement, leaving out only the provisions establishing a Territorial organization, and section 13, which struck down the cattle leases. When these provisions were considered in the Senate they were all stricken out, and the same Senator to whom I have called attention aided in thus eliminating from the Indian appropriation bill as it passed the House the provisions to which I have referred. The House disagreed to this amendment and a committee of conference was ordered. The conferees on the part of the House have succeeded after a long struggle in having restored to the Indian bill the leading provisions of the bill as it originally passed the House. These provisions are embraced in what will be known as sections 12, 13, 14, and 15 of the Indian appropriation bill. I will print these sections in full as an appendix to my remarks, and also the Creek cession and Indian court bills which passed at this session, and some public documents relating to the Cherokee Outlet.

The twelfth section of the Indian appropriation bill appropriates nearly $2,000,000 to pay the Seminole Nation for its right, title, and interest in certain lands ceded by article 3 of the treaty between the United States and said nation of June 14, 1866. The act passed at this session to ratify and confirm an agreement with the Muscogee or Creek Nation of Indians appropriates $2,280,000 for the purpose of extinguishing all right, title, and interest which that nation had in certain lands heretofore ceded to the United States by various treaties, and especially by an agreement recently entered into between Pleasant Porter and other delegates of the Creek Nation and Secretary of the Interior William F. Vilas.

OKLAHOMA LANDS OPENED TO SETTLEMENT.

By the provisions of these recent treaties with the Creeks and Seminoles nearly 6,000,000 acres of land in the very heart of the Indian Territory have been secured to the United States free from any Indian claim whatever, and are to be opened to settlement under the homestead laws as soon as the President of the United States shall issue his proclamation fixing the time for settlers to enter upon it. Sections 16 and 36 of the lands are reserved for school purposes. The rights of honorably discharged Union soldiers, as heretofore provided in the laws of the United States, are also preserved; but the commutation provisions of the homestead law are repealed. The lands are therefore held for homesteads only, and persons entering upon them must reside upon them and cultivate them for five years before obtaining a title thereto. But Union soldiers may reduce this time, as provided in the bill, by the length of time served in the Army, but to not a less time than one year.

It is to be hoped that the President of the United States will issue the proclamation at a very early day. There can be no valid excuse for delaying the issue of such proclamation. The people should be permitted to enter within two or three weeks from this time—certainly not later than the 1st of April—in order that they may be permitted to raise a crop during the ensuing season.

FREE HOMESTEADS.

While under the Oklahoma bill, in order to indemnify the Government for the money paid to the Indians, settlers were required to pay $1.25 an acre, in four installments, yet under the provisions contained in the Indian appropriation bill, to which I have referred, this requirement is omitted and settlers are permitted to take these lands without payment of anything except fees for entry.

A COMMISSION TO BE APPOINTED.

It is further provided in section 14 of the Indian appropriation bill that the President may appoint three commissioners to negotiate with the Indians in the Indian Territory for the cession of all their right, title, and interest of every kind to lands lying west of the ninety-sixth degree of longitude, and to report the result of any agreement reached to the Congress of the United States for future consideration. But it is further provided in the same section that the commission is authorized to submit to the Cherokee Nation the proposition that said nation shall cede to the United States all the rights of said nation in what is known as the Cherokee Outlet upon the same terms as is provided in the agreement made with the Creek Indians, of date of January 19, 1889, and ratified by the present Congress. (See act in Appendix.) And if the Cherokees shall accept and ratify such agreement the lands in the Outlet shall thereupon become a part of the public domain, to be disposed of as the other lands heretofore mentioned; and the President is authorized, as soon thereafter as he may deem advisable, to issue a proclamation opening said lands to settlement, in the same manner and to the same effect as is provided in regard to the lands acquired from the Creek Indians.

TWO LAND OFFICES ESTABLISHED.

By section 15 of the Indian appropriation bill the President is directed to create not to exceed two land districts embracing the lands which may be opened to settlement as provided in the bill, and he is authorized to locate land offices and to appoint registers and receivers for the purpose of executing the law and for the purpose of enabling titles to be acquired at once to the lands. It is believed that a commission properly composed will be able to conclude the agreement with the Cherokee Nation at a very early day for the cession of all their claims in and to what is known as the Cherokee Outlet, embracing over 6,000,000 acres of land.

THE OKLAHOMA BILL AND THE INDIAN APPROPRIATION BILL.

It will thus be seen that in so far as acquiring lands from the Indians is concerned, and the opening of these lands to settlement under the homestead laws of the United States, the provisions on the Indian appropriation bill are quite as ample and sweeping as were those contained in the bill to organize the Territory of Oklahoma. These provisions upon the Indian appropriation bill have received substantially the unanimous indorsement of this House, and I believe will receive the approval of the Senate. In fact, all of these provisions were incorporated upon the bill while it was pending in the House, by unanimous consent, and they were each and every one of them subject to a point of order, which any one member could have made. The avowed opponents of the Oklahoma bill in this House were all present when these legislative provisions were incorporated upon the Indian appropriation bill, and not one of them made the point of order, and they have therefore acquiesced in their enactment.

I will not say that these gentlemen have changed their views in regard to this legislation, although when the Oklahoma bill was under discussion similar provisions in that bill looking to acquiring Indian lands and opening them to settlement were denounced as infamous and as intending to rob the Indians of their lands. I am inclined, however, to the opinion that the denunciations of the Oklahoma bill, while nominally directed against the provisions to secure title to the Indian lands, were really intended for section 13, which struck down the cattle leases. Surely they could not have been aimed at that part of the bill which provides for Territorial organization, for the provisions are merely parts of the Revised Statutes of the United States which apply to-day to all the Territories and have received the sanction of Congress and the acquiescence of the people, many of them for nearly one hundred years. These provisions were not objectionable, although they have been denied the people who are to go upon these lands and make homes. The provision in the Oklahoma bill which provoked the wrath of certain Senators and Members of this House, and caused it to receive an opposition which no other measure before Congress ever did receive that finally passed, was that provision, in my judgment, which de-

cleared null and void and contrary to public policy the lease of the Cherokee Live-Stock Association to 6,000,000 acres of lands in what is known as the Cherokee Outlet.

TERRITORIAL GOVERNMENT.

It is a matter of regret that the conferees on the Indian appropriation bill did not incorporate a provision enacting Title XXIII, chapter 1, of the Revised Statutes of the United States relating to the government of all the Territories, and making this chapter applicable to the lands embraced in the Creek and Seminole cessions and to the Public Land Strip, and to such other lands in the Indian Territory as might be open to settlement, including the Cherokee Outlet, in pursuance of agreements with Indians for relinquishment of their titles.

Section 2 of the Oklahoma bill adopted the provisions of this chapter of the Revised Statutes, with some slight modifications. It also by section 3 provided that the Constitution and laws of the United States should have the same force and effect in the new Territory to be organized as elsewhere in the United States.

The Congress of the United States having failed to provide a government for the people who may locate upon these lands, it will be their duty to form a government for themselves. In doing so they will doubtless adopt as the basis of their government Title XXIII, chapter 1, of the Revised Statutes, as far as the provisions of this title may be applicable. If the Oklahoma bill had passed and the provisions of this title had been applied or extended to the lands opened to settlement by the Indian appropriation bill, the President would have been authorized to appoint a governor, a secretary, three judges of the district and supreme courts, and an attorney and marshal of the Territory, and the governor would have been authorized to call an election for members of a legislative assembly. As Congress has failed, however, to provide such a government, it will be the duty of the people to establish a government for themselves, and the officers provided by such government can and will be elected by the people.

The people of this country, schooled in the principles of the Declaration of Independence, have always been equal to every emergency into which they have been placed. They recognize that among the inalienable rights of men are the rights of life, liberty, and the pursuit of happiness, and that governments are instituted among men for the purpose of securing these rights. When Congress shall fail to furnish the people of the Territories with governments which will secure these rights, they are authorized, in fact required, to establish such governments themselves. But in doing so the people of this new and embryotic Territory, I feel assured, will not violate any of the laws of the United States, but will establish a government strictly in accordance with all the provisions of the Constitution and laws. It will be within the power of the government which the people will establish there to deal with all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

A UNITED STATES COURT.

Congress, at the recent session, passed an act to establish a United States court in the Indian Territory. That court will have civil jurisdiction throughout the entire Territory and over what is known as "No Man's Land" in all cases between citizens of the United States who may be in the Indian Territory where the matter in controversy shall amount to $100 or more. It will have criminal jurisdiction in all cases where the punishment is not by death or by imprisonment in the penitentiary. For these capital and penitentiary offenses criminals will still be punished in the courts at Wichita and Fort Scott in Kansas, at Fort Smith in Arkansas, and at Paris in Texas, as heretofore. This court may hold two or more terms each year at Muscogee, in the Creek Nation, and the President of the United States is authorized to appoint a judge, an attorney, and marshal of this court.

With the aid of this court, and with the jurisdiction already conferred upon United States courts in Kansas, Arkansas, and Texas, and with such provisions as may be established for territorial and municipal government by the people who may go upon the lands in the Indian Territory, as provided in the Indian appropriation bill, there need be no apprehension that law, order, and security will not prevail there. It will undoubtedly happen that crimes will be committed as heretofore in other communities of the United States; but I am of the opinion that after the new Territorial government of the people shall be established the per cent. of crimes there will not be greater than in other parts of the country. Hence we may assume that the people who go upon these lands will have a government, and that the government will be adequate, for the present at least, to the protection of life, liberty, and property.

THE CHEROKEE OUTLET.

As already stated by me, the commissioners who are to be appointed under the provisions in the Indian appropriation bill are authorized to conclude an agreement with the Cherokee Nation for the relinquishment of all their right, title, and interest in what is known as the Cherokee Outlet. Such relinquishment would have been secured ere this had it not been for the presence upon that outlet of two or three hundred thousand head of cattle owned by large cattle syndicates, members of which reside in all parts of the United States, and who are in many cases wealthy and influential citizens. They have importuned Representatives and Senators to protect them and their leases, and they have resisted every effort to open these lands to settlement under the homestead laws of the United States.

The Cherokee Strip Live-Stock Association had a lease running through five years of time, by the terms of which they paid the Cherokee Nation $100,000 a year as rental for the Outlet. That lease expired on the 1st day of October last, and has since been renewed by the Cherokee Nation, the rental being increased to $200,000 a year. If the Cherokees should, however, agree to the terms upon which the Creek lands were ceded to the United States, and which the commission referred to is authorized to make, they would obtain for these 6,000,000 acres the sum of $7,500,000, which would be placed in the Treasury of the United States for their benefit, and upon which they would receive interest at the rate of 5 per cent. per annum, or an annual interest of $375,000 a year. This amount, which the Government proposes to pay the Cherokee Nation in the way of interest, exceeds by $175,000 per annum the amount which the cattle companies are now paying for the use of those lands. Hence, it occurs to me that if the opponents of the Oklahoma bill were working in the interest of the poor Indian, they would recommend the adoption of the provision which would pay them $375,000 a year, rather than allow them to be swindled by the cattle companies by the payment of the inadequate sum of $200,000 a year for the use of the lands.

A LIBERAL OFFER FOR THE OUTLET.

I maintain, Mr. Speaker, that the offer which this bill makes, and which was substantially the offer in the Oklahoma bill, to the Cherokee Nation for the Cherokee Outlet, is one of the most liberal provisions ever tendered by the Government of the United States to an Indian tribe, and if the Cherokee Indians—I mean the masses of their people who constitute that nation—could be made to understand the munificent offer which the Government makes them they would embrace it with alacrity. If they should accept the terms which the Government offers them in this bill they would become the richest people per capita in the United States. They would have a perpetual income which would support their government without any taxation whatever being imposed upon them, which would furnish them ample schools for the education of their children, keep their bridges and highways in repair, and pay all the legitimate expenses of the government.

THE TITLE TO THE CHEROKEE OUTLET.

Much has been said during this session as to the nature of the title by which the Cherokees hold the Outlet. I will print in the appendix to my remarks the patent of the United States to the Cherokee Outlet and other lands in the Indian Territory. I will also print certain extracts from the remarks of Senator VEST, of Missouri, and the gentleman from Missouri [Mr. WARNER] in this House, and his colleague [Mr. MANSUR]. Also, the opinion of Attorney-General Garland as to the validity of leases to Indian lands; and the letter of Secretary Vilas notifying the Cherokee Nation that any lease which they might make to the Outlet would be disregarded by the Government. It is unnecessary at this time to discuss the legal questions involved in this title. It is enough to say that the Government proposes to purchase whatever title these Indians may have, be it one of occupancy, of outlet, or a title in fee-simple; and that the Government proposes to pay an ample price for the lands under all the circumstances.

But I may be pardoned for calling attention to the letter of Secretary of War John C. Calhoun, written in 1821, in which he notified the Cherokees that they acquired no right to the soil, but merely an outlet, so far as lands west of the ninety-sixth meridian were concerned.

And I desire also to call attention to the provisions of the treaty of 1828, in which this letter of the Secretary of War was referred to specifically and its provisions made a part thereby of the treaty. I further call attention to the able opinion of Judge Brewer, in 1887, in the case of the United States against Soulé and others, reported in 30 Federal Reports, page 918.

It is manifest from these provisions and authorities that the Cherokees acquired only a right of way in what is known as the Cherokee Outlet. It was described as an outlet, and not as a place for occupancy. By leasing these lands to cattle companies for grazing purposes, which companies have inclosed them by barbed-wire fences, the Indians have ceased to use these lands as an outlet, or as an easement, and they have, therefore, reverted to the United States; and in my opinion the Indians have no right or title in them. But, in order that we might not even be suspected of injustice to the Indians, we propose to allow them $1.25 an acre for their title, visionary and shadowy though it may be, to these lands. If they shall promptly conclude an agreement with the United States through the commission authorized to be appointed, that amount will be paid them or accounted for to them, and the Government will meet that obligation.

But I want to say here and now that if an agreement to that effect is not concluded by the time Congress may reassemble in December next, I for one will feel at liberty to resist, and shall resist, thenceforth any payment whatever to the Cherokee Nation for the lands embraced in what is known as the Cherokee Outlet. The Government will then be justified in opening these lands to settlement without further attempt at negotiation with those Indians, and I shall in that event favor a bill to that effect.

THE TREATY OF 1866.

In 1866, after the close of the late civil war, the Government of the United States made a treaty with the Cherokee Nation which embraced thirty-one separate articles. The Cherokee Nation had seceded from the United States and joined the Confederate States during the late war, and had thereby forfeited all their rights under treaties theretofore made with the United States. This treaty, therefore, was for the purpose of having a new understanding with that nation, and provided general amnesty for all their offenses.

Article 16 provided that the United States might settle friendly Indians in any part of the Cherokee country west of the ninety-sixth degree. Said lands thus disposed of were to be paid for to the Cherokee Nation at such price as might be agreed upon between the parties in interest, subject to the approval of the President, and if they could not agree, then the price was to be fixed by the President. In pursuance of that treaty the President of the United States appraised these lands at 47.47 cents per acre. On the 19th of August, 1868, a treaty was proclaimed, which had been made by the United States and the representative chiefs and headmen of the Cheyenne and Arapaho tribes of Indians, by which the United States agreed that the district of country west of the Arkansas River, south of the State of Kansas, east and north of the Cimarron River, should be set apart for the absolute and undisturbed use and occupation of said Cheyenne and Arapaho tribes of Indians, and for such other friendly tribes or individual Indians as they might be willing, with the consent of the United States, to admit among them. In that treaty the United States solemnly agreed that no person except the Indians mentioned, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations, shall be permitted to pass over, settle upon, or reside in the Territory described in this article.

By reference to a map it will be seen that the boundaries of this Cheyenne and Arapaho reservation embraced the greater portion of what is known as the Cherokee Outlet—all of the Outlet west of the Arkansas River and all of the Outlet east of the Cimarron River. This treaty was ratified by the Senate, and is therefore the law of the land to-day, and has never been repealed nor superseded by other treaty made with those Indians. So that in legal contemplation all that part of the Cherokee Outlet between the rivers named is now an Indian reservation upon which are legally located the Cheyenne and Arapaho Indians. And the Government owes the Cherokee Nation 47.47 cents per acre for this land, and owes interest thereon at 5 per cent. per annum from the date of that treaty, 1868, to the present time. Hence, so far as the legal status of this part of the Outlet is concerned, the claim of the Cherokees to it has ceased to be one properly made upon the land, but can only be maintained as a money demand under their treaty with the United States of 1866; and I am of the opinion that even this money demand has ceased to be a valid claim against the United States, by reason of the facts I have heretofore stated.

It is true that the Secretary of the Interior, by Executive order, has located since 1868 the Cheyennes and Arapahoes upon lands west of the ninety-eighth degree of longitude and south of the lands embraced in what is known as the Outlet. But such Executive order can not operate as a repeal or abrogation of a treaty.

THE INDIAN COMMISSION.

It will be the duty of the commission which the President is authorized to appoint to enter into negotiations with all of the tribes in the Indian Territory who may set up any claim to lands in the Territory west of the ninety-sixth degree of longitude. It will be especially their duty to treat with the Cherokees for the relinquishment of their claim upon what is known as the Outlet. They are authorized to conclude an agreement, as I have already stated, upon the same terms as that embraced in the agreement made with the Creeks. This would allow the Cherokees $1.25 an acre for the 6,000,000 acres embraced in the Outlet.

I know it has been frequently stated upon this floor and elsewhere that the Indians can get $3 an acre for this land from private parties, and that the Government ought to pay as much as private individuals would pay. This suggestion is without proper reflection, and its absurdity will appear upon a moment's reflection. The Government has granted no absolute titles to Indian tribes. All Indian titles are of a limited nature, the Government granting the land for occupancy, and when such land shall be abandoned, or the tribes shall become extinct, the land shall revert to the United States. And Indian tribes have always been prohibited by acts of Congress from leasing or disposing of their lands in any way to private individuals. Congress has maintained, and still maintains, the right to the final disposition of the soil embraced in Indian reservations. It would be contrary to public policy, and in violation of the spirit of our institutions, to authorize sales of large bodies of lands to private individuals in this country, thus establishing a landed aristocracy and land monopolies, not in accordance with the spirit of our institutions. The Indians can sell only to the United States, and the United States in purchasing their claims or title should deal justly with them, but should not be brought into competition with the greed of private individuals.

If the Cherokees shall refuse to accept the liberal offer which the commission is authorized to make of $1.25 an acre, it has been suggested (and this is merely a suggestion) that the Arapahoes and Cheyennes be replaced upon that part of the Cherokee Outlet lying between the Arkansas and Cimarron Rivers, and that the Government pay 47 cents an acre for such lands for that purpose under the treaty with the Cherokees of 1866, and that the lands now occupied by the Cheyennes and Arapahoes should be opened to settlement under the homestead laws of the United States. Either this proposition, or the one which the commission is authorized to make, is the most liberal arrangement which the Government can make. If both of these propositions are rejected by the Cherokees I should favor the policy of resuming possession and control of the outlet without further efforts at negotiation with the Cherokee Indians, and opening such lands to settlement as a part of the public domain.

OPPOSITION OF THE CATTLE SYNDICATES.

The responsibility for delaying so long the opening of Oklahoma to settlement rests with the cattle syndicates. Their influence has been exerted in all parts of the country to obstruct all legislation having in view the extinguishment of Indian titles, the formation of Territorial government, and the opening of the lands to homestead entries. Had there been no cattle in the Cherokee Outlet, the Indian Territory west of the lands owned and occupied by the five civilized tribes would to-day be covered with the homes of a half a million people, and this wilderness and refuge for criminals would now be dotted with villages, towns, and cities; the wild lands would have been converted into productive farms, and civilization would have taken the place of barbarism.

I desire to call attention to the fact that these leases can not protect the cattle syndicates much longer in the occupancy of the Outlet. Section 13 of the Oklahoma bill declared the lease to the Cherokee Outlet void and contrary to public policy, and made it the duty of the President "immediately after the passage of this act to cause the lessees of said lands, and any other persons illegally occupying the same, to be removed from said lands." On the 31st day of January last the gentleman from Mississippi [Mr. HOOKER] moved to strike out that section from the Oklahoma bill. On that motion the vote was taken by yeas and nays, as follows: Yeas 53, nays 187. That vote expressed the deliberate judgment of the representatives of the people of the United States as to the validity of the lease to the Outlet. If the cattle syndicates shall be in possession when Congress assembles in December next I shall introduce a bill embracing section 13 of the Oklahoma bill only, and on the first opportunity will move to suspend the rules and pass it. Such a measure would undoubtedly pass both Houses by a three-fourths vote. Hence sooner or later the cattle barons will be driven from the Indian Territory.

IN CONCLUSION.

It is a subject of congratulation that, notwithstanding the great opposition which has been interposed to the opening of the Indian Territory, or of any portion of it, to settlement under the homestead laws of the United States, we are about to realize now, under the operation of the provisions which have been incorporated upon the Indian appropriation bill, the beginning of a new and liberal policy toward the Indian Territory.

Within a few weeks all citizens of the United States who are entitled by the provisions of the homestead laws to make settlements upon the public domain will be permitted to enter into the very heart of the Indian Territory and establish homes upon these fertile lands. The barriers to the progress of civilization in that locality have been broken down. The people will soon be authorized to go in and possess the land, and we may confidently expect that within a few years the Indian Territory will become one of the most populous and wealthy portions of our country, and that a new State, or perhaps two new States, may be formed out of it and be admitted into the Union on equal footing with the original States.

All this will be accomplished without any wrong being perpetrated upon the Indians. They will soon cease to be bound in the fetters of barbarism by their tribal relations. They will become citizens of the United States, and the Constitution of the United States and the laws of Congress will be extended over them and will protect their persons and property. They will become a part of the body politic. They will vote, hold office, and send their children to the public schools. They will enjoy all the blessings of civil and religious freedom the same as other citizens. Their white neighbors will become their friends and co-workers, and lend them a helping hand in all their efforts to better their condition. The lawlessness which has prevailed in the Indian Territory will soon disappear and law and order and security to persons and property will take its place and become firmly established there as in other parts of the Union.

APPENDIX.

THE CREEK AND SEMINOLE LANDS.

The following sections of the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes, provide for opening to

settlement the lands recently acquired from the Creek and Seminole Indians:

SEMINOLE LANDS.

SEC. 12. That the sum of $1,912,942.02 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article 3 of the treaty between the United States and said nation of Indians, which was concluded June 14, 1866, and which land was then estimated to contain 2,169,080 acres, but which is now, after survey, ascertained to contain 2,037,414.62 acres, said sum of money to be paid as follows: One million five hundred thousand dollars to remain in the Treasury of the United States to the credit of said nation of Indians, and to bear interest at the rate of 5 per cent. per annum from July 1, 1889, said interest to be paid semi-annually to the treasurer of said nation, and the sum of $412,942.20 to be paid to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation, to be immediately available; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, specially empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole Nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release, conveyance, and extinguishment shall not inure to the benefit of or cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands, and all laws and parts of laws so far as they conflict with the foregoing are hereby repealed, and all grants or pretended grants of said lands, or any interest or right therein now existing in or on behalf of any railroad company, except rights of way and depot grounds, are hereby declared to be forever forfeited for breach of condition.

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections 16 and 36 of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established within the limits of said lands under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply): *And provided further*, That any person who having attempted to, but for any cause failed, to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged: *And provided further*, That each entry shall be in square form as nearly as practicable and no person be permitted to enter more than one quarter section thereof, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town sites, under sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture, shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, in the year of our Lord 1889.

SEC. 14. The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same for ratification, and for this purpose the sum of $25,000, or as much thereof as may be necessary, is hereby appropriated, to be immediately available: *Provided*, That said commission is further authorized to submit to the Cherokee Nation the proposition that said nation shall cede to the United States in the manner and with the effect aforesaid, all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January 19, 1889, and ratified by the present Congress; and if said Cherokee Nation shall accept, and by act of its legislative authority duly passed, ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided, and the President is authorized as soon thereafter as he may deem advisable, by proclamation to open said lands to settlement in the same manner and to the same effect as in this act provided concerning the lands acquired from said Creek Indians, but until said lands are open for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto.

SEC. 15. That the President may whenever he deems it necessary create not to exceed two land districts embracing the lands which he may open to settlement by proclamation as hereinbefore provided, and he is empowered to locate land offices for the same, appointing thereto, in conformity to existing law, registers and receivers; and for the purpose of carrying out this provision $5,000, or so much thereof as may be necessary, is hereby appropriated.

Approved March 2, 1889.

THE CREEK LANDS.

[Public—No. 82.]

An act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes.

Whereas it is provided by section 8 of the act of March 3, 1885, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," "that the President is hereby authorized to open negotiations with the Creek, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress;" and

Whereas William F. Vilas, Secretary of the Interior, by and under the direction of the President of the United States, on the part of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation, did, on the 19th day of January, A. D. 1889, enter into and conclude articles of cession and agreement, which said cession and agreement is in words as follows:

Articles of cession and agreement made and concluded at the city of Washington, on the 19th day of January, A. D. 1889, by and between the United States of America, represented by William F. Vilas, Secretary of the Interior, by and under direction of the President of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereunto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation;

Whereas by a treaty of cession made and concluded by and between the said parties on the 14th day of June, 1866, the said Muscogee (or Creek) Nation, in compliance with the desire of the United States to locate other Indians and freedmen thereon, ceded and conveyed to the United States, to be sold to and used as homes for such other civilized Indians as the United States might choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south, which should be surveyed as provided in the eighth article of the said treaty; the eastern half of the lands of the said Muscogee (or Creek) Nation to be retained by them as a home;

And whereas but a portion of said lands so ceded for such use has been sold to Indians or assigned to their use, and the United States now desire that all of said ceded lands may be entirely freed from any limitation in respect to the use and enjoyment thereof and all claims of the said Muscogee (or Creek) Nation to such lands may be surrendered and extinguished as well as all other claims of whatsoever nature to any territory except the aforesaid eastern half of their domain;

Now, therefore, these articles of cession and agreement, by and between the said contracting parties, witness:

I. That said Muscogee (or Creek) Nation, in consideration of the sum of money hereinafter mentioned, hereby absolutely cedes and grants to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation lying west of the division line surveyed and established under the said treaty of 1866, and also grants and releases to the United States all and every claim, estate, right, or interest of any and every description in or to any and all land and territory whatever, except so much of the said former domain of the said Muscogee (or Creek) Nation as lies east of the said line of division, surveyed and established as aforesaid, and is now held and occupied as the home of said nation.

II. In consideration whereof, and of the covenant herein otherwise contained, the United States agree to pay to the said Muscogee (or Creek) Nation the sum of $2,280,857.10, whereof $280,857.10 shall be paid to the national treasurer of said Muscogee (or Creek) Nation, or to such other person as shall be duly authorized to receive the same, at such times and in such sums after the due ratification of this agreement (as hereinafter provided) as shall be directed and required by the national council of said nation, and the remaining sum of $2,000,000 shall be set apart and remain in the Treasury of the United States to the credit of the said nation, and shall bear interest at the rate of 5 per cent. per annum from and after the 1st day of July, 1889, to be paid to the treasurer of said nation and to be judiciously applied under the direction of the legislative council thereof, to the support of their government, the maintenance of schools and educational establishments, and such other objects as may be designed to promote the welfare and happiness of the people of the said Muscogee (or Creek) Nation, subject to the discretionary direction of the Congress of the United States: *Provided*, That the Congress of the United States may at any time pay over to the said Muscogee (or Creek) Nation the whole, or, from time to time, any part of said principal sum, or of any principal sum belonging to said nation held in the Treasury of the United States, and thereupon terminate the obligation of the United States in respect thereto and in respect to any further interest upon so much of said principal as shall be so paid and discharged.

III. It is stipulated and agreed that henceforth especial effort shall be made by the Creek Nation to promote the education of the youth thereof and extend their useful knowledge and skill in the arts of civilization; and the said nation agrees that it will devote not less than $50,000 annually of its income derived hereunder to the establishment and maintenance of schools and other means calculated to advance the end; and of this annual sum at least $10,000 shall be applied to the education of orphan children of said nation.

IV. These articles of cession and agreement shall be of no force or obligation upon either party until they shall be ratified and confirmed, first by act of the national council of said Muscogee (or Creek) Nation; and, secondly, by the Congress of the United States, nor unless such ratification shall be on both sides made and completed before the 1st day of July, A. D. 1889.

V. No treaty or agreement heretofore made and now subsisting is hereby affected, except so far as the provisions hereof supersede and control the same.

In testimony whereof we, the said William F. Vilas, Secretary of the Interior, on the part of the United States, and the said Pleasant Porter, David M. Hodge, and Esparhecher, delegates of the Muscogee (or Creek) Nation, have hereunto set our hands and seals, at the place and on the day first above written, in duplicate.

[SEAL.] WILLIAM F. VILAS,
Secretary of the Interior.
[SEAL.] PLEASANT PORTER.
[SEAL.] DAVID M. HODGE.
[SEAL.] ESPARHECHER, his x mark.

In presence of—
JOHN P. HUME.
ROBERT V. BELT.

Whereas the Muscogee (or Creek) Nation of Indians has accepted, ratified, and confirmed said articles of cession and agreement by act of its national council, approved by the principal chief of said nation on the 31st day of January, A. D. 1889, wherein it is provided that the grant and cession of land and territory therein made shall take effect when the same shall be ratified and confirmed by the Congress of the United States of America: Therefore,

Be it enacted, etc., That said articles of cession and agreement are hereby accepted, ratified, and confirmed.

SEC. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, but they shall only be disposed of in accordance with the laws regulating homestead entries, and to the persons qualified to make such homestead entries, not exceeding 160 acres to one qualified claimant. And the provisions of section 2301 of the Revised Statutes of the United States shall not apply to any lands acquired under said agreement. Any person who may enter upon any part of said lands in said agreement mentioned prior to the time that the same are opened to settlement by act of Congress shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

SEC. 3. That for the purpose of carrying out the terms of said articles of cession and agreement the sum of $2,280,857.10 is hereby appropriated.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the appropriation hereby made, the sum of $280,857.10 to the national treasurer of said Muscogee (or Creek) Nation, or to such person as shall be duly authorized to receive the same, at such time and in such sums as may be di-

rected and required by the national council of said nation, and the Secretary of the Treasury is hereby further authorized and directed to place the remaining sum of $2,000,000 in the Treasury of the United States to the credit of said Muscogee (or Creek) Nation of Indians, to be held for, and as provided in said articles of cession and agreement, and to bear interest at the rate of 5 per cent. per annum, from and after the 1st day of July, A. D. 1889; said interest to be paid to the treasurer of said nation annually.

Approved March 1, 1889.

A UNITED STATES COURT IN THE INDIAN TERRITORY.

[Public—No. 98.]

An act to establish a United States court in the Indian Territory, and for other purposes.

Be it enacted, etc., That a United States court is hereby established, whose jurisdiction shall extend over the Indian Territory, bounded as follows, to wit: North by the State of Kansas, east by the States of Missouri and Arkansas, south by the State of Texas, and west by the State of Texas and the Territory of New Mexico; and a judge shall be appointed for said court by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for a term of four years, and until his successor is appointed and qualified, and receive a salary of $3,500 per annum, to be paid from the Treasury of the United States in like manner as the salaries of judges of the United States district courts.

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, an attorney and marshal for said court, who shall continue in office for four years, and until their successors be duly appointed and qualified, and they shall discharge the like duties and receive the same fees and salary as now received by the United States attorney and marshal for the western district of Arkansas. The said marshal may appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshal shall give bond, with two or more sureties, to be approved by the judge of said court, in the sum of $10,000, conditioned as by law required in regard to the bonds of other United States marshals.

SEC. 3. That a clerk of said court shall be appointed by the judge thereof, who shall reside and keep his office at the place of holding said court. Said clerk shall perform the same duties, be subject to the same liabilities, and shall receive the same fees and compensation as the clerk of the United States court of the western district of Arkansas; and before entering upon his duties he shall give bond in the sum of $10,000, with two or more sureties, to be approved by the judge of said court, conditioned that he will discharge his duties as required by law.

SEC. 4. That the judge appointed under the provision of this act shall take the same oath required by law to be taken by the judges of the district courts of the United States; and the oath, when taken as in such cases provided, shall be duly certified by the officer before whom the same shall have been taken to the clerk of the court herein established, to be by him recorded in the records of said court. The clerk, marshal, and deputy marshals shall take before the judge of said court the oath required by law of the clerk, marshal, and deputy marshals of United States district courts, the same to be entered of record in said court as provided by law in like cases.

SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States or of any State or Territory therein and any citizen of or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money claimed shall amount to $100 or more: *Provided*, That nothing herein contained shall be so construed as to give the court jurisdiction over controversies between persons of Indian blood only: *And provided further*, That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, or either of them, from lawfully entering into leases or contracts for mining coal for a period not exceeding ten years, are hereby repealed; and said court shall have jurisdiction over all controversies arising out of said mining leases or contracts, and of all questions of mining rights or invasions thereof where the amount involved exceeds the sum of $100.

That the provisions of chapter 18, Title XIII, of the Revised Statutes of the United States shall govern such court, so far as applicable: *Provided*, That the practice, pleadings, and forms of proceeding in civil causes shall conform, as near as may be, to the practice, pleadings, and forms of proceeding existing at the time in like causes in the courts of record of the State of Arkansas, any rule of court to the contrary notwithstanding; and the plaintiff shall be entitled to like remedies by attachment or other process against the property of the defendant, and for like causes, as now provided by the laws of said State.

The final judgment or decree of the court hereby established, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds $1,000 may be reviewed and reversed or affirmed in the Supreme Court of the United States upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court.

SEC. 7. That two terms of said court shall be held each year at Muscogee, in said Territory, on the first Monday in April and September, and such special sessions as may be necessary for the dispatch of the business in said court at such times as the judge may deem expedient; and he may adjourn such special sessions to any other time previous to a regular term; and the marshal shall procure suitable rooms for the use and occupation of the court hereby created.

SEC. 8. That all proceedings in said court shall be had in the English language; and bona fide male residents in the Indian Territory over twenty-one years of age and understanding the English language sufficiently to comprehend the proceedings of the court shall be competent to serve as jurors in said court, but shall be subject to exemptions and challenges as provided by law in regard to jurors in the district court for the western district of Arkansas.

SEC. 9. That the jurors shall be selected as follows: The court at its regular term shall select three jury commissioners, possessing the qualifications prescribed for jurymen, and have no suits in court requiring the intervention of a jury; and the same persons shall not act as jury commissioners more than once in the same year. The judge shall administer to each commissioner the following oath:

"You do swear to discharge faithfully the duties required of you as jury commissioner; that you will not knowingly select any one as juryman whom you believe unfit and not qualified; that you will not make known to any one the name of any juryman selected by you and reported on your list to the court until after the commencement of the next term of this court; that you will not, directly or indirectly, converse with any one selected by you as a juryman concerning the merits of any cause or procedure to be tried at the next term of this court; so help you God."

SEC. 10. That the jury commissioners, after they have been appointed and sworn, shall retire to a jury room, or some other apartment designated by the judge, and be kept free from the intrusion of any person, and shall not separate without leave of the court until they have completed the duties required of them; that they shall select from the bona fide male residents of the Territory such number of qualified persons as the court shall designate, not less than sixty, free from all legal exception, of fair character and approved integrity, of sound judgment and reasonable information, to serve as petit jurors at the next term of court; shall write the names of such persons on separate pieces of paper, of as near the same size and appearance as may be, and fold the same so that the names thereon may not be seen. The names so written and folded shall then be deposited in a box, and after they shall be shaken and well mixed, the commissioners shall draw from said box the names of thirty-seven persons, one by one, and record the same as drawn, which record shall be certified and signed by the commissioners, and indorsed "List of petit jurors."

SEC. 11. That the said commissioners shall then proceed to draw in like manner twelve other names, which shall be recorded in like manner on another paper, which shall be certified and signed by the commissioners, and indorsed "List of alternate petit jurors." The two lists shall be inclosed and sealed so that the contents can not be seen, and indorsed "List of petit jurors," designating for what term of the court they are to serve, which indorsement shall be signed by the commissioners, and the same shall be delivered to the judge in open court; and the judge shall deliver the lists to the clerk in open court, and administer to the clerk and his deputies the following oath:

"You do swear that you will not open the jury-lists now delivered to you; that you will not, directly or indirectly, converse with any one selected as a petit juror concerning any suit pending and for trial in this court at the next term unless by leave of the court; so help you God."

SEC. 12. That within thirty days before the next term, and not before, the clerk shall open the envelopes and make a fair copy of the lists of petit jurors and alternate petit jurors, and give the same to the marshal, who shall, at least fifteen days prior to the first day of the next term, summon the persons named as petit jurors and alternate petit jurors to attend on the first day of said term as petit jurors, by giving personal notice to each, or by leaving a written notice at the juror's place of residence with some person over ten years of age and there residing.

That the marshal shall return said lists with a statement in writing of the date and manner in which each juror was summoned; and if any juror or alternate legally summoned shall fail to attend he may be attached and fined or committed as for contempt.

That if there shall not be a sufficient number of competent petit jurors and alternates present, and not excused, to form a petit jury, the court may compel the attendance of such absentees or order other competent persons to be summoned to complete the juries.

SEC. 13. That if for any cause the jury commissioners shall not appoint or shall fail to select a petit jury as provided, or the panels selected be set aside, or the jury list returned in court shall be lost or destroyed, the court shall order the marshal to summon a petit jury of the number hereinbefore designated, who shall be sworn to perform the duties of petit jurors as if they had been regularly selected; and this provision shall also apply in the formation of petit juries for the first term of the court. The want of qualification of any person selected as juror under section 10 of this act shall not necessarily operate as cause of challenge to the whole panel.

SEC. 14. That the fees of the jurors and witnesses before said court herein created shall be the same as provided in the district court of the United States for the western district of Arkansas.

SEC. 15. That in all criminal trials had in said court, in which a jury shall be demanded, and in which the defendant or defendants shall be citizens of the United States, none but citizens of the United States shall be competent jurors.

SEC. 16. That the judge of the court herein established shall have the same authority to issue writs of habeas corpus, injunctions, mandamus, and other remedial process, as exists in the circuit court of the United States.

SEC. 17. That the Chickasaw Nation and the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said boundary line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary line of the Choctaw Nation, the same being the northwest corner of the said nation; thence south on the boundary line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning; and all that portion of the Indian Territory not annexed to the district of Kansas by the act approved January 6, 1883, and not set apart and occupied by the five civilized tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the eastern judicial district of the State of Texas, for judicial purposes.

SEC. 18. That the counties of Lamar, Fannin, Red River, and Delta of the State of Texas, and all that part of the Indian Territory attached to the said eastern judicial district of the State of Texas by the provisions of this act, shall constitute a division of the eastern judicial district of Texas; and terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris on the third Mondays in April and the second Mondays in October; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed against the laws of the United States within the limits of that portion of the Indian Territory attached to the eastern judicial district of the State of Texas by the provisions of this act, of which jurisdiction is not given by this act to the court herein established in the Indian Territory; and all civil process, issued against persons resident in the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts shall be made returnable to the courts, respectively, to be held at the city of Paris, Texas.

And all prosecutions for offenses committed in either of said last-mentioned counties shall be tried in the division of said eastern district of which said counties form a part: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions thereof.

SEC. 19. That the judge of the eastern judicial district of the State of Texas shall appoint a clerk of said court, who shall reside at the city of Paris, in the county of Lamar.

SEC. 20. That every person who shall, in the Indian Territory, willfully and maliciously place any obstruction, by stones, logs, or any other thing on the track of any railroad, or shall tear up or remove, burn, or destroy any part of any such railroad, or the works thereof, with intent to obstruct the passage of

any engine, car, or cars thereon, or to throw them off the track, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment at hard labor for any time not more than twenty years:

Provided, That if any passenger, employé, or other person shall be killed, either directly or indirectly, because of said obstruction, tearing up, removing, burning, or destroying, the person causing the same shall be deemed guilty of murder, and, upon conviction thereof, shall be punished accordingly.

SEC. 21. That any person aforesaid who shall, in the Indian Territory, willfully and intentionally destroy, injure, or obstruct any telegraph or telephone line, or any of the property or materials thereof, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be fined in any sum not more than $500 and imprisoned for any time not more than one year.

SEC. 22. That every person aforesaid who shall, in the Indian Territory, maliciously or contemptuously disturb or disquiet any congregation or private family assembled in any church or other place for religious worship, or persons assembled for the transaction of church business, by profanely swearing or using indecent gestures, threatening language, or committing any violence of any kind to or upon any person so assembled, or by using any language or acting in any manner that is calculated to disgust, insult, or interrupt said congregation, shall, upon conviction thereof, be sentenced to imprisonment for any time not exceeding sixty days, or to a fine not exceeding $100, or both such fine and imprisonment.

SEC. 23. That every person aforesaid who shall, in the Indian country, feloniously, willfully, and with malice aforethought assault any person with intent to rob, and his counselors, aiders, and abettors, shall, on conviction thereof, be imprisoned at hard labor for a time not less than one nor more than fifteen years.

SEC. 24. That every person who shall, in the Indian Territory, knowingly mark, brand, or alter the mark or brand of any animal the subject of larceny, the property of another, or who shall knowingly administer any poison to or maliciously expose any poisonous substance with the intent that the same shall be taken by any of the aforesaid animals, or shall willfully and maliciously, by any means whatsoever, kill, maim, or wound any of the aforesaid animals, shall be deemed guilty of malicious mischief, and, on conviction thereof, shall be sentenced to imprisonment for a period of not more than six months, or a fine of not more than $200, or both such fine and imprisonment; and in case the animal shall have been killed or injured by said malicious mischief the jury trying the case shall assess the amount of damages which the owner of the animal shall have sustained by reason thereof, and, in addition to the sentence aforesaid, the court shall render judgment in favor of the party injured for threefold the amount of the damages so assessed by the jury, for which said amount execution may issue against the defendant and his property.

SEC. 25. That if any person in the Indian country assault another with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than $50 nor exceeding $1,000, and imprisoned not exceeding one year.

SEC. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies in the Indian Territory, with the intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding $500, or be imprisoned not more than six months, or both, at the discretion of the court.

SEC. 27. That sections 5, 23, 24, and 25 of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

SEC. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved March 1, 1889.

PATENT OF THE UNITED STATES TO THE CHEROKEE OUTLET AND OTHER LANDS.

The United States of America to all to whom these presents shall come, greeting:

Whereas by certain treaties made by the United States of America with the Cherokee Nation of Indians of the 6th of May, 1828, the 14th of February, 1833, and the 29th of December, 1835, it was stipulated and agreed on the part of the United States that in consideration of the premises mentioned in the said treaties, respectively, the United States should guaranty, secure, and convey, by patent, to the said Cherokee Nation, certain tracts of land, the description of which tracts and the terms and conditions on which they were to be conveyed, are set forth in the second and third articles of the treaty of the 29th of December, 1835, in the words following, that is to say:

"ART. 2. Whereas by the treaty of May 6, 1828, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured, to be conveyed by patent to the Cherokee Nation of Indians, the following tract of country: Beginning at a point on the old western Territorial line of Arkansas Territory, being 25 miles north from the point where the Territorial line crosses Arkansas River; thence running from said north point, south on the said Territorial line, where the said Territorial line crosses Verdigris River; thence down said Verdigris River to the Arkansas; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand River, at its junction with the Arkansas; thence running south 44 degrees west 1 mile; thence in a straight line to a point 4 miles northerly from the mouth of the north fork of the Canadian; thence along the said 4-mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the line assigned the Senecas; thence on the south line of the Senecas to Grand River; thence up said Grand River as far as the south line of the Osage reservation extended, if necessary; thence up and between said South Osage line, extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make 7,000,000 acres within the whole described boundaries.

"In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres, as far west as the sovereignty of the United States and their right of soil extend: *Provided, however*, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees. And letters patent shall be issued by the United States, as soon as practicable, for the land hereby guaranteed. And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States in consideration of the sum of $500,000, therefore, hereby covenant and agree to convey to the said Indians and their descendants by patent, in fee-simple, the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same, and runs north along the east line of the Osage lands 50 miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south 50 miles; thence west to the place of beginning; estimated to contain 800,000 acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

"ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such posts and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds, for the construction and support of the same, as may be necessary: *Provided*, That if the private rights of individuals are interfered with, a just compensation therefor shall be made."

And whereas the United States have caused the said tract of 7,000,000 acres, together with the said perpetual outlet, to be surveyed in one tract, the boundaries whereof are as follows:

Beginning at a mound of rocks 4 feet square at base and 4½ feet high, from which another mound of rocks bears south 1 chain, and another mound of rocks bears west 1 chain, on what has been denominated the old western territorial line of Arkansas Territory, 25 miles north of Arkansas River; thence south 21 miles and 28 chains to a post on the northeast bank of the Verdigris River, from which a hackberry, 15 inches diameter, bears south 61 degrees 31 minutes east 43 links, marked C. H. L., and a cottonwood, 42 inches diameter, bears south 21 degrees 15 minutes east 50 links, marked C. R. K. L.; thence down the Verdigris River on the northeast bank, with its meanders, to the junction of Verdigris and Arkansas Rivers; thence from the lower bank of Verdigris River, on the north bank of Arkansas River, south 44 degrees 13 minutes east 57 chains to a post on the south bank of Arkansas opposite the eastern bank of Neosho River at its junction with Arkansas, from which a red oak, 36 inches diameter, bears south 76 degrees 45 minutes west 24 links, and a hickory, 24 inches diameter, bears south 89 degrees east 4 links; thence south 53 degrees west 1 mile to a post, from which a rock bears north 53 degrees east 50 links, and a rock bears south 18 degrees 18 minutes west 50 links; thence south 18 degrees 18 minutes west 33 miles 28 chains and 80 links to a rock, from which another rock bears north 18 degrees 18 minutes east 50 links, and another rock bears south 50 links; thence south 4 miles to a post on the lower bank of the north fork of the Canadian River at its junction with Canadian River, from which a cottonwood, 24 inches diameter, bears north 18 degrees east 40 links, and a cottonwood, 15 inches diameter, bears south 9 degrees east 14 links; thence down the Canadian River on its north bank to its junction with Arkansas River; thence down the main channel of Arkansas River to the western boundary of the State of Arkansas, at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south branch of the Arkansas River, 4 chains and 54 links east of Fort Smith; thence north 7 degrees 25 minutes west, with the western boundary of the State of Arkansas, 76 miles 64 chains and 50 links to the southwest corner of the State of Missouri; thence north on the western boundary of the State of Missouri, 8 miles 49 chains and 50 links to the north bank of Cowskin or Seneca River, at a mound 6 feet square at base and 5 feet high, in which is a post marked on the south side. cor. n. ch. L. d; thence west on the southern boundary of the lands of the Senecas, 11 miles and 48 chains, to a post on the east bank of the Neosho River, from which a maple, 18 inches in diameter, bears south 31 degrees east 72 links; thence up Neosho River, with its meanders, on the east bank, to the southern boundary of Osage lands, 36 chains and 50 links west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho River; thence west on the southern boundary of the Osage lands to the line dividing the Territory of the United States from that of Mexico, 288 miles 13 chains and 66 links, to a mound of earth 6 feet square at base and 5½ feet high, in which is deposited a cylinder of charcoal 12 inches long and 4 inches diameter; thence south along the line of the territory of the United States and of Mexico, 60 miles and 12 chains to a mound of earth 6 feet square at base and 5½ feet high, in which is deposited cylinder of charcoal 18 inches long and 3 inches diameter; thence east along the northern boundary of Creek lands 273 miles 55 chains and 66 links to the beginning; containing within the survey 13,574,135 acres and .14 of an acre.

And whereas the United States have also caused the said tract of 800,000 acres to be surveyed, and have ascertained the boundaries thereof to be as follows: Beginning at southeast corner of Osage lands described by a rock from which a red oak 20 inches diameter bears south 27 degrees east 76 links, and a burr oak 30 inches diameter bears south 59 degrees west 1 chain and another a burr oak 30 inches diameter bears north 8 degrees west 1 chain and 37 links; and another burr oak 40 inches diameter bears north 30 degrees west 1 chain and 81 links, and running east 25 miles to a rock on the western line of the State of Missouri, from which a post oak 10 inches diameter bears north 48 degrees 30 minutes east 4 chains; and a post oak 12 inches diameter bears south 62 degrees east 5 chains; thence north with the western boundary of the State of Missouri 50 miles to a mound of earth 5 feet square at base and 4½ feet high; thence west 25 miles to the northeast corner of the lands of the Osages described by a mound of earth 6 feet square at the base and 5 feet high; thence south along the eastern boundary of Osage lands 50 miles to the beginning, containing 800,000 acres.

Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,135.14 acres: To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the Western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject also to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above-recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

In testimony whereof, I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of December, in the year of our Lord 1838, and of the Independence of the United States the sixty-third.

[L. S.] M. VAN BUREN.

By the President:

H. M. GARLAND,
Recorder of the General Land Office.

AN OUTLET ONLY WAS GRANTED.

[Extracts from the speech of Senator VEST, of Missouri, in the Senate, March 3, 1889.]

To show the nature of this grant, as early as October 8, 1821, John C. Calhoun, then Secretary of War, wrote the following letter to the chief of the Arkansas Cherokees:

"SECRETARY CALHOUN'S LETTER.

"DEPARTMENT OF WAR, *October* 8, 1821.

"BROTHERS: I have received your communication of the 24th of July last, complaining that the promises of the Government in relation to intruders upon your lands and to an outlet to the west have not been performed. It has always been its intentions to carry into effect fully every promise made to you, and which I was under the impression had been done, particularly upon the points complained of, as orders were issued some time since for the removal of the whites from your lands and from the tract of country to the west of your reservation commonly called "Lovely's purchase," by which you would obtain the outlet promised. Copies of these orders are herewith inclosed for your information.

"Governor Miles, who is now here, on his return to the Arkansas Territory, informs me that he knows of but one person who has settled upon your lands, and he believes that person resides there with the permission of the nation.

"He is, however, authorized to call the attention of Major Bradford to the orders above referred to, and if they should not have been previously carried into effect, to request him to do so, without further delay. It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the west you acquire thereby no right to the soil, but merely to an outlet, of which you appear to be already apprised, and that the Government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country. * * *

"J. C. CALHOUN.

"TEKE-E-TOKE, JOHN JOLLY, BLACK FOX, W. WEBBER, THOS. GRAVES,
"*Chiefs of the Arkansas Cherokees.*"

Now, to show that the Indians understand that this was an outlet and that at that time they could not possibly have thought they had this fee-simple title or anything like it, I read from the treaty of 1828, which is the substratum of all their right, upon which all subsequent treaties have been based and upon which they must stand to-day in regard to their claims in that patent.

In the treaty of 1828, as I was proceeding to say, they accepted the construction of Mr. Calhoun upon this grant of the Cherokee Outlet.

"And whereas the present location of the Cherokees in Arkansas being unfavorable to their present repose, and tending, as the past demonstrates, to their future degradation and misery; and the Cherokees being anxious to avoid such consequences, and yet not questioning their right to their lands in Arkansas, as secured to them by treaty, and resting also upon the pledges given them by the President of the United States and the Secretary of War of March, 1818, and 8th October, 1821, in regard to the outlet to the West."

That is the letter incorporated in their treaty, which I have read, from Mr. Calhoun to the Cherokee chiefs, and in which he tells them that they do not own the soil, and tells them that it is only an outlet to the hunting grounds in the West, and yet they succeeded afterwards in the turmoil and confusion and uncertainty that followed the war in obtaining this treaty of 1866, in which there was a quasi recognition of what is called now a fee-simple title to the Cherokee Outlet.

[Extracts from the speech of Hon. WILLIAM WARNER, of Missouri, in the House of Representatives, January 30, 1889.]

In an able opinion delivered by Judge Brewer in 1887 that distinguished jurist used this language:

"Manifestly Congress set apart the 7,000,000 acres as a home, and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west. But while the exclusive right to this outlet was guarantied, while patent was issued conveying this outlet, it was described and intended obviously as an outlet and not as a home." (U. S. *vs.* Soule *et al.*, 30 Fed. R., page 918.)

The language of Mr. Calhoun with reference to the Cherokee title in and to the "outlet" was:

"You"—

The Cherokees—

"acquire thereby no rights to the soil, but merely an outlet."

The language of Judge Brewer in the opinion just quoted says of the "outlet" and the intent of Congress:

"Congress was intent upon securing a permanent home; beyond that the guaranty was of an outlet—not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west."

There is nothing in the case of Holden *vs.* Joy (17 Wall.) in conflict with the position taken by the Secretary of War in 1821 or the opinion of the learned jurist, Judge Brewer, rendered in 1887, the case of Holden *vs.* Joy having been decided in 1872. The Supreme Court passed on the title which the Cherokees acquired in and to the "Cherokee neutral lands" under the treaty of December 29, 1835 (7 Statutes at Large, 479). None of these lands are or ever were embraced in what is known as the "Cherokee Outlet." There were 800,000 acres of these neutral lands. For them the Cherokees paid $50,000; by the terms of the treaty of 1835 they were to be conveyed to the Cherokees "by patent in fee-simple."

In 1880 Attorney-General Devens held that the Cherokees had no right to settle those of their own nation on the lands in this Outlet, and further that—

"No person attempting a settlement on these lands can justify under any authority given by the Cherokee Nation." (16 Attorney-Generals' Opinions, 470.)

[Extract from the speech of Hon. C. H. MANSUR, of Missouri, in the House of Representatives, February 25, 1888.]

After I had read and examined these treaties and learned that a patent had been issued embracing the "Outlet," I began to hunt for the authority by which it was made to embrace the Outlet, and especially the authority that prescribed its boundaries, its metes and bounds; and to my mind I find no sufficient authority therefor in any law or treaty for a patent in fee to the lands in the Outlet. When we remember that in 1828 the entire country west of Arkansas was wild and unorganized, the home of roving bands of Indians, a country unknown except to the hunter and ranger, while vast droves of buffalo covered the face of the earth, which were to the Indians bread, meat, clothing, wealth, we can at once understand the necessity to the Cherokees of an outlet from their reservation, and the right to hunt, kill, and appropriate at will the buffalo of the plains. I began to inquire for the origin of the Outlet, thinking if I could find it that I would surely learn that it was intended to be a mere right of passage over certain lands, an easement granted to the Cherokees for the purpose of passing to the great hunting plains of the West. After divers inquiries I was referred to the letter of Mr. Calhoun, which I have read in your hearing above, and, lo! the riddle was expounded. Mr. Calhoun states:

"It is to be always understood that in removing the white settlers from Lovely's purchase"—

For what?—

"for the purpose of giving the outlet promised you to the west, you thereby acquire no right to the soil, but merely to an outlet of which you appear to be already apprised."

Now, here the soil is expressly reserved. But this is not all. The Secretary, proceeding further, says: "The Government reserves to itself the right to make such disposition of the Outlet as it may think proper with regard to salt springs." This was seven years before the first treaty of 1828 was made, and this reservation of salt springs and of the right of other Indians, at the pleasure of the United States, to go to the salt springs and use the same, and thereby use the Outlet also, is expressly reserved in the treaty of 1833 and reiterated in that of 1835.

An examination of the treaties or inquiry upon my part where the authority for locating the Outlet existed has so far resulted in failure. I went in person to the Land Office some days ago and explained fully the character of the information I desired, and in due time received the letter of the Land Commissioner just read in your hearing. To my mind the letter does not give or cite any due authority for granting in fee the lands of the Outlet, or establishing its boundaries by metes and bounds, as now constituted.

The act of Congress of May 28, 1830, does not suffice. It simply calls for the patent to be made in certain cases by the Government to the Indians; nothing more. By article 2 of the treaty of 1835 it is stated:

"Whereas by the treaty of May 6, 1828, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country: Beginning at a point, * * * to said due west line, to make 7,000,000 of acres within the whole described boundary. In addition to the 7,000,000 of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres, as far west as the sovereignty of the United States and their right of soil extends: *Provided, however*, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plains in common with the Cherokees, and letters patent shall be issued as soon as practicable for the land hereby guarantied."

In article 3, same treaty, is reiterated as follows:

"The United States also agree that the land above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830."

I call attention that by the terms of article 3 the lands ceded by two treaties, including the Outlet, but not the lands of the Outlet, are all to be included in one patent. I now call attention to the language of article 2, just read. The United States guaranty and secure to be conveyed by patent a tract of country (describing it) to contain 7,000,000 acres; then the Government proceeds and says, "In addition to the 7,000,000 acres thus provided for and bounded, we further guaranty to you a perpetual outlet west and a free and unmolested use of all the country west of the western boundary of your 7,000,000 acres as far as the sovereignty of the United States and its right of soil extends."

Now, in the case of the 7,000,000 acres, the treaty uses this language, "guarantied and secured to be conveyed by patent." What? The 7,000,000 acres, bounded as stated. Then when it comes to the outlet uses this language, "In addition to the land we guaranty a perpetual outlet west." A marked distinction in language and meaning.

And in a prior treaty made with the Cherokee Nation in 1834 they use this language:

"The United States agrees to possess the Cherokees and to guaranty it to them forever, and that guaranty is hereby pledged, of 7,000,000 acres of lands, to be bounded as follows, namely."

After describing the land, the article proceeds:

"The United States further guaranty to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country lying west."

And the article concludes as follows:

"And the letters patent shall be issued to the United States for the land hereby guarantied."

Saying nothing about the Outlet.

It will thus be seen in the passage the "letters patent" do not really call for any outlet to be included.

I have been unable to find any other law or treaty bearing upon this question, and without further comment state that I see no sufficient reason in law or equity to include the fee of the lands in the Outlet in the patent issued by the Government to the Cherokee Nation. Nor do I find anywhere any valuable or other consideration emanating from the Cherokee Nation to the United States to support a change of the easement or right of passage over and on top of the lands of the Outlet into a fee or full ownership of the land.

OPINION OF ATTORNEY-GENERAL GARLAND AS TO THE VALIDITY OF THE LEASES OF THE CHEROKEE STRIP LIVE-STOCK ASSOCIATION AND OTHER CATTLE COMPANIES IN THE INDIAN TERRITORY.

DEPARTMENT OF JUSTICE, *Washington, July* 21, 1885.

SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:

"Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of the ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapaho reservation in the Indian Territory.
3. The Kiowa and Comanche reservation in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *vs.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)

Thus, in 1783 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the ex-

press authority and direction of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the provision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such a title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded by the force and effect of the statute from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease, or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *vs.* Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful or valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision applicable to the particular reservations in question that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned. No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government, to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases."

The act just cited is, moreover, significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

The SECRETARY OF THE INTERIOR.

LETTER OF SECRETARY VILAS ON THE RIGHT OF THE INDIANS TO LEASE THEIR LANDS TO CATTLE COMPANIES.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 28, 1888.

SIR: In view of the information of this Department that some steps have been taken by you, or by the council or other authorities of the Cherokee Nation, with a purpose either to renew the lease which was heretofore made with certain parties, calling themselves the Cherokee Strip Live-Stock Association, or with an association or corporation of that name, and which it is understood is about to expire or has expired, or to execute some other lease or agreement for the use or occupancy of the lands of the Cherokee Outlet or some part thereof, and that a session of the Cherokee Council is about to convene with a view to the enactment of measures to that end, I have the honor to advise and inform you, and through you the Cherokee Council and authorities of the Cherokee Nation, that the United States Government will recognize no lease or agreement for the possession, occupancy, or use of any of the lands of the Cherokee Outlet as of any legal effect or validity upon the rights of the United States or as conferring any right or authority or privilege over said lands upon any lessee, but that any such lease or agreement, if any should be made, will be without the authority or consent of this Government thereto, will be subject to cancellation, and any use or occupation by any lessee, or any person under such lessee, subject to instant termination by this Department at any time whenever any such action shall be for any reason deemed proper by the President or this Department, and will be subject to any legislation whatever, general or special, which Congress may enact affecting that portion of the Cherokee country or affecting the occupancy of any Indian lands for any purpose whatever, whether for grazing, pasturage, or otherwise.

I desire that this notice of the views and rights of this Government shall be communicated to the council and to any persons who may be in or contemplating negotiation, or may enter into negotiation, with the authorities of the Cherokee Nation for any such use or occupancy, in order that there may be no misconception or misunderstanding upon the subject.

Very respectfully, yours,

WM. F. VILAS, *Secretary.*

Hon. J. B. MAYS,
Principal Chief, Cherokee Nation,
Tahlequah, Indian Territory.

Suppressing of Labor-Saving Machines by Act of Congress—Uses and Abuses of Opportunity.

SPEECH

OF

HON. BENJAMIN BUTTERWORTH,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889.

The House having under consideration the conference report on the bill making appropriations for sundry civil expenses of the Government, on the item with reference to the use of steam plate-presses in the Bureau of Engraving and Printing—

Mr. BUTTERWORTH said:

Mr. SPEAKER: In regard to the character of the work these steam-presses do I beg to call the attention of the House to one controlling fact. It is this: The experts who were called by the organization which is seeking to have these presses thrown out having placed before them a number of bills, a part of which were printed by the steam-presses and a part by the hand-presses, that part of each bill by an inspection of which they would be enabled to tell whether it was printed by hand-press or by the steam plate-press being concealed, and the expert interrogated as to which was the better work, three times out of four selected the bill printed by the steam plate-press as being the better work, as it doubtless was.

Mr. FORAN. Will the gentleman allow me a question?

Mr. BUTTERWORTH. I beg my colleague's pardon, but I have only three minutes, and must decline to yield. I repeat, the experts selected the bills printed by steam-presses as being the better work.

Mr. WHEELER. Because they were fixed up for that purpose.

Mr. BUTTERWORTH. Yes, sir. They were fixed up by the steam plate-presses, and in that way only.

Mr. GALLINGER. That was not true of the examination before the House committee.

Mr. BUTTERWORTH. There are not, as this committee knows, hand plate-printers enough in the United States to do the work that must be done. The use of the steam-press has multiplied over and over again the quantity of this character of work. This increased amount of work results from the fact that the cost has been cheapened and this character of printing is used in many instances because useful and beautiful where plainer or an entirely different kind of work had been used before, so that to throw out of use this labor-saving machinery is simply to confirm by law the establishment of a trust or combine which will control this great industry more fully than the Standard Oil Company controls the oil business or the sugar trust controls the sugar market. I call attention to this because gentlemen upon this floor are accustomed to denounce trusts, syndicates, and combines with great earnestness, and I join with them in the denunciation of these powerful organizations, but I desire that gentlemen should be consistent. The necessity of preventing a trust from throttling the law of supply and demand in one case is equally apparent in the other.

The investigation by the Senate committee, not made under the controlling influence of the necessities of a political campaign, leaves no trace of doubt that the interest of the Government and the interest of the people, and, in fact, the highest interest of both, if they are indeed separable, demands that these labor-saving machines be utilized hereafter as heretofore. To say that they shall not be is simply to say that all labor-saving machinery wars against the interest of American workmen. Such a statement would be absurd, although there are a vast number of persons who believe that the influence of the introduction of labor-saving machinery is to reduce the number of men employed and reduce the wages of those who obtain employment. The exact reverse of the proposition is true, as I can abundantly prove.

The destruction of these plate-printing presses is a plain step toward throwing the Hoe press out of the public printing establishment, driving reapers and mowers from the fields, breaking cotton gins, cutting down telegraph lines, and destroying the improved methods for doing away with human drudgery and increasing the comfort, convenience, and happiness of our people. I do not hesitate to say that it would be a more manly thing, in comparison with what is proposed in this bill, to authorize forcible methods to be used against the men who stand at these steam plate-printing presses, to deprive them of their opportunity to earn bread.

Mr. Speaker, I have given careful consideration to this matter, and I feel keenly the humiliation involved in the step we are urged to take. My friend from New York [Mr. FARQUHAR] says we want this work printed in the highest style of art. I agree with the gentlemen that we want this work well done, but his remark seems to imply that the work is not well done; but there he is in error. He constantly calls attention to the fact that the face of the bills which circulate in lieu of money can not be printed upon this press. I repeat again, nobody has claimed that it could be, and it is not attempted to do it, because the character of the work is different. But it is a startling proposition

that because a certain printing-press will not do one kind of work, it shall not be used for doing another kind of work which it does do well. The fact is the opposition resort to special pleading, and what is said smacks of an excuse for doing an act against which we naturally revolt.

Mr. FARQUHAR. One moment.

Mr. BUTTERWORTH. I would yield if I had time, but I have not.

Mr. FARQUHAR. The hand-press prints both the face and the back of the notes, and they have never been printed so well by the steam-press. That is my proposition.

Mr. BUTTERWORTH. My friend fails again to draw the line between the two classes of work. We have not contended, I repeat, that these presses print the face of the bill, but as to the back and the part of the work that they are designed to do, the gentleman's own witnesses do not sustain him in the assertion he makes, for not only is the testimony of the several Secretaries of the Treasury during several administrations, and all of those whose duty it is to see that this work is well done, that these machines meet every requirement, but the experts who were summoned to denounce the work of the steam-presses testified that it was superior to that of the hand-presses. They came to scoff but remained to praise.

The SPEAKER. The three minutes of the gentleman from Ohio [Mr. BUTTERWORTH] have expired.

Mr. BUTTERWORTH. I want one minute more.

Mr. LONG. I yield the gentleman a half a minute more.

Mr. BUTTERWORTH. The pending proposition involves something beyond a question of price. The course proposed is not in an open, manly way to break these printing-presses with a hammer, or throw them out into the street, but to fix the rate of compensation for the printing at a nominal sum, which is equivalent to saying that if the presses are used their use will be without compensation, thus doing indirectly that which we hesitate to do directly, for the strong reason that the act is against the civilization of the age; it is a fight against progress; it is an effort to appeal from the methods of civilization to those of barbarism, and this House can not afford to do that.

I beg to call the attention of the House, and of the country, to the fact that the real question underlying this proposition is one of transcendent importance. Our action to-day will tend to uphold or deliberately strike down the independence and manhood of American workmen. We will determine to-day whether Congress is the champion of the freedom and the dignity of American labor or the friend of trusts and combines.

The fact that the throwing out of this labor-saving machinery is demanded by a labor trust does not sanctify the demand any more than if the request was preferred by a sugar trust or beef syndicate. The fact that the former controls a number of votes and the latter does not may serve as an excuse for our votes, but can not justify our action in omitting to vindicate the most important rights of an American citizen.

Do not fail to keep in mind that there is something involved beyond a mere determination whether the Government shall pay one price or another for having certain work done. Beyond all this it opens up the whole question of the rights and duties of the individual citizen. The most sacred rights of American workmen are involved. We are called upon to-day to decide whether the authority of the Government may be successfully invoked to prevent the use of labor-saving machinery and whether syndicates, trusts, and combines are to be fostered and encouraged, and whether the freedom, dignity, and independence of American labor is to be maintained. A question more vital to the interests of the freemen of this country has never been discussed in this House, and I may be pardoned for expressing surprise at the seeming indifference manifested by many gentlemen upon this floor, and confess to being humiliated in observing there is too much reason to believe that vote-catching is regarded as of higher consequence than the preservation of the rights, liberty, and the independence of the individual citizen. But this vote-catching policy may in good time operate the other way, and lose instead of gaining votes.

It will be observed, as I have stated before, that these steam plate-presses have been used for a number of years, have been thoroughly investigated time after time by the Secretary of the Treasury and those whose duty it is to know what is required to protect the public interest and see to it that that interest does not suffer.

Over a hundred thousand dollars a year is saved by the use of this press. Not only that, but probably more than five times that sum is saved by reason of the influence of these presses to prevent an absolute monopoly, or close combine, or well-managed trust, to control arbitrarily all this class of work. So fully and clearly was it shown before the Senate committee that these power-presses not only did their work well, but did it better than the average run of hand-work, that the Senate committee was unanimous in favor of retaining these presses, though, under the threat of the House that the sundry civil bill would be lost and an extra session result, they backed down and allowed the House, in a spirit of demagogy, to put aside the labor-saving machinery and uphold a monopoly or close combine, and that although members on this floor have been for years earnestly denouncing monopolies, trusts, and combines as ulcers on the body politic.

Who are interested in having this wrong done, and what influences will secure it? Two organizations are anxious to have these power-presses destroyed. First, the organization of plate-printers, in order to secure absolute control and a complete monopoly of this industry, and, acting in the same direction, and in aid of the accomplishment of what the plate-printers propose, is a bank-note company of New York. Once destroy this power-press and the Government will be at the mercy of this New York corporation and this association of hand plate-printers. The result will be that the people of this country will be taxed half a million, or a million dollars or more each year as the work grows, and that sum will go to the American Bank Note Company and a certain number of individuals who form this labor trust. In other words, these men will have succeeded in striking down or controlling all competition, and exercising more power in this industry than any trust or combine in this country now exercises with reference to any other. Its power will be the same, and its influence just as bad as that of the Standard Oil trust, or the beef trust, or the sugar trust. They are one and the same in spirit, principle, and purpose, no matter what the thing supplied is—whether labor or wheat—whether labor or sugar or oil. The result of the arbitrary control of the supply by a combine is dangerous to the well-being of the community.

It is proper to say here that a committee of this House was appointed to look into this matter. They were appointed in the midst of a national political battle, the Presidential contest, and I do not make any mistake in asserting that it was not unnatural that the honorable gentlemen should have reasoned in the direction of their desires, and, without any disrespect to the members of that committee, I assert that it is not violent to suppose if they had been in private business, and had nothing to do with politics, and no active personal concern about the result of the political contest, the investigation might have resulted differently. There would have been an absence of disposition to merely respond to the demands of an organization which it was believed controlled a vast number of votes, which votes would be cast in favor of the party which was most subservient in building up the trust or combine.

I am concerned about this matter, not because the Government can not stand the loss of a half a million or a million or several millions of dollars, but because American freemen can not afford to have their independence and manhood, and the rights and privileges which appertain to both, sacrificed by this House, in the hope and expectation that members indulging in that pastime may receive the suffrages of the members of certain organizations as a compensation.

I have listened with a great deal of interest to arguments and suggestions in regard to the rights of American workmen, and have noted how common it is to pay tithes of anise, mint, and cumin, while leaving the weightier matters of the law undone. There is nothing so good to conjure with now as the word labor. There has not been an act passed by this body which had in it the leaven of injustice to American workmen since I have been a member that has not been urged in the name of labor. The freedom and independence of the American workman has not been abridged in a single instance by any law of Congress since I have been a member, except in the name of the very men whose rights were abridged. It recalls to my mind the course of the Roman senate. It is known to gentlemen upon this floor that whenever that body of Roman legislators desired to commit a wrong upon the citizens of Rome, to restrict their liberties, or impose additional burdens upon them, it was the invariable custom to couple the name of the people with the decrees of the senate.

Gentlemen may think I am discourteous in using language that is severely plain, but no other language will fairly meet this case. When this question was considered on the 23d of January, the discussion naturally took a somewhat broader range than the consideration of the merits of these printing-presses. It involved the influence on the well-being of the country, of the peculiar methods often resorted to by labor organizations on the one hand, and trusts, syndicates, and combines on the other. This is an opportune time for me to say a word of the relations of these two agencies to the rights and liberties of the people; not the well-being of a few, but the well-being of the many—the masses. The criticism I make is not upon individuals, but upon methods and practices which individuals utilize improperly to attain wealth or power or both. The broadest opportunity consistent with the rights of the citizen should remain, but the abuse of it should be prohibited.

A statement was made at that time, by some gentlemen who were more anxious to find an excuse for an unwise vote than to state the precise truth, that I had opposed labor organizations. The statement was entirely at variance with the fact. There is not a syllable in my remarks of the 23d of January that even squints in that direction. The exact reverse is true. I believe in organization to promote the good of all concerned, to disseminate intelligence, to prosecute needful investigation, for the purpose of developing the best methods, securing the largest opportunity, and increasing the prosperity and happiness of all. It was not with the organization, but with certain methods of the organizations that I had my quarrel.

To oppose an organization is one thing; to oppose the unwise methods of an organization is quite another. An organization may be not only defensible, but in the highest degree commendable, its purposes wise, and most of its methods may be such as to challenge our approval and even admiration, and yet there may be other methods it adopts which are not defensible, or even excusable. That against which I protested

was the disposition of these organizations, whether it be the sugar trust, the Standard Oil trust, beef trust, or labor trust, no matter for what purpose it was organized, to resort to force or fraud to accomplish its object. I complain of the disposition to absolutely control and destroy all competition, to limit and in large measure abridge the most important privileges of the citizen by the far-reaching power of wealth on the one hand, or the use of intimidation or violence upon the other.

Both methods are equally inexcusable. They are as dangerous to the permanency of free institutions and point to the anarchy of the approach of which they are the ominous harbingers. One controls the market in which the farmer sells his cattle, the other controls the market in which I want to dispose of my service. The one says I shall not sell my cattle or oil or sugar except by its permission; the other says I shall not contract for my labor except with its permission. The beef trust says I shall not carry on the occupation and trade of a butcher except it please the syndicate to permit it. The other says no boy or man in America shall learn the trade of a plate-printer or carpenter or machinist except the combine consent. The result is that butchers are compelled to quit business or conduct it with and on the terms dictated by the Chicago dressed-beef trust, and farmers receive for their cattle what the trust is pleased to pay, and the consumer of beef must pay for his meat such price as the trust sees fit to demand. Our boys can not learn the carpenters' or any other trade without the permission of a labor trust; and thus American freemen are reduced in the matter of their natural rights to the condition of slaves. I am perfectly aware that no such thing is intended by any labor organization. But what I point out is the fact that the rules and methods I object to tend to do just that thing, and will in the end destroy the freedom of the individual citizen. The only safe methods are those which are in perfect harmony with the personal liberty of the individual.

The Standard Oil trust is often defended because, as is said, whether truly or not, that it has reduced the price of oil to the consumer. The sugar and beef trusts are defended because, they tell us, they are engaged in a mere business venture, and it is nobody's business but their own how they conduct that business so they do not violate the letter of the law. They are working to promote their individual interests, which is, of course, their right, as an abstract proposition. But we find the danger in the manner in which they accomplish results. It will be observed that they succeed by the utilization of great wealth and certain public agencies, such as corporations, railways, ship lines, telegraphs, telephones, etc., in throttling the law of supply and demand, and, within a certain range, fixing the price of the commodity to the consumer. As intimated the beef trust fixes the price of cattle at the pasture of the farmer, and it is needless to say that he is in hard lines in the presence of the low prices received for his cattle. They also arbitrarily fix the price of meats to the consumer, and we are living witnesses to the fact that, while the price of cattle in the pasture is so low as to suggest bankruptcy among the farmers and producers of cattle, meat is so high in the markets of the country as to suggest not only the bankruptcy of the consumers, but scant allowance on the table of the citizen.

The same condition obtains with reference to the producers and consumers of sugar and oil, and these agencies, by which the law of supply and demand is paralyzed, are becoming so powerful that they control legislative bodies and defy any and every attempt to regulate their authority or abridge their power. It is not of the first consequence whether they reduce the price of a given commodity or not. It is true, however, that they do not do anything of the kind. But whether they do or not, this is not a country in which the liberties of the people, their rights and privileges, can be secure in the presence of the arbitrary exercise of the one-man power.

I do not hesitate to assert that our system of Government is seriously threatened from several directions. One danger proceeds from the power and influence of aggregated capital and combined wealth. Its power to-day in this country is unlimited. He is a brave man who dares call in question the right of individuals to employ their own capital according to their pleasure and without reference to the opportunities or rights of others. The agencies mentioned, which are at the command of combined capital, to wit, railroads, telephones, telegraphs, and the thousands of other instrumentalities by which communication can be had and the facility with which that can be consummated in an hour or a few hours which a few years ago required days, weeks, and even months, not only suggest but in the light of our daily observation and experience leave no doubt that far within the range of the opportunity and privilege authorized, or rather permitted by law, combined capital may and in fact does exert an influence and wield a power absolutely at war with the liberty and rights of the citizen.

The startling announcement has been made, as the result of careful investigation, that within ten years from to-day, if we move steadily along the line we are now pursuing, 75 per cent. of the wealth of the United States will be controlled by 1 per cent. of our people. I am stating the condition clear within the limit warranted by the facts. It is needless to say that that condition of things could not continue long, not because it would be impossible to have all the property in the United States under the control of one man and yet the people enjoy the largest liberty and the fullest measure of happiness, but because, while such a condition of things is remotely possible, it is not in any wise even remotely probable.

Wealth has always been in every nation the fruitful source of corruption, in public and in private life, and that corruption insures the decay of the civic virtues in the wake of which swiftly follows the overthrow of free institutions and the establishment of despotism. I believe to-day that Congress is powerless to successfully combat these agencies. I have read articles in which it is claimed that trusts, syndicates, and combines are a positive advantage; that they tend to cheapen products and to prevent that destructive competition which ends in the bankruptcy of the competitors. The argument does not go to the root of the matter nor suggest the real point of danger. There is something of vastly more importance to the people of the United States than a difference of a few cents in the price of a gallon of oil or pound of sugar. It is the preservation of that homogeneity of privilege and opportunity among the citizens in the absence of which freedom is a farce and so-called independence a delusion and snare.

A writer in one of the magazines recently tried to make it clear that there is no danger in trusts. They will run their course and perish, said he. That is true; and it is equally true of locusts and cholera and yellow-fever and the potato bug, but that is no excuse for permitting either to exist if we can prevent it and still less an excuse for encouraging the plague. It is gratifying to know there will be an end of each. The extent of the ruin each may work before perishing is an important inquiry.

Admitting that the price of the article is reduced, which is not the fact, for capital is as heartless as a wolf; but suppose it were true; it destroys the opportunity of the individual citizen; it enthrones the president of a combine and the manager of a trust as a king, who exercises in this country more power, or as much, as a crowned head exercises in Europe.

Homogeneity among our people in the matter of their opportunities and privileges is absolutely indispensable to the permanency of free institutions based upon popular suffrage. It is a melancholy spectacle to see one individual owning one hundred homes, and ninety-nine citizens homeless, particularly when half the one hundred are quite the peers, morally and intellectually, of the citizen who owns the one hundred houses. Wealth is now so readily utilized in multiplying itself that it can absolutely, or at least in large measure, control the law of supply and demand. We witness it every day. It has the power to forestall every market, whether it be the cattle market, the sugar market, or the real-estate market. The great mass of the people are compelled to pay large tribute to the few, nor would this be cause of complaint if in exacting that tribute the opportunities, privileges, and rights of the many were not abridged in a manner which may not be lawless, but lacks the spirit of Christian philanthropy and the leaven of unselfishness. These organizations are fortified, and whether they will ever be destroyed, except by revolution, is problematical.

Of the same character and not less dangerous we have organizations which attempt, and in fact succeed, by intimidation and violence, in controlling the law of supply and demand in the matter of labor. These organizations exist all over the country, and arbitrarily deprive the men, women, boys, and girls of the United States of the highest right of an American citizen—a right that is more sacred or as sacred as any that pertain to American citizenship.

The highest right of an American citizen is to be permitted to mind his own business, and the highest obligation that rests upon an American citizen is to mind his own business and let that of his neighbor severely alone. The only interference which ought to be tolerated is that which the law, which is the formulated will of the people, permits or sanctions.

These organizations, being similar in every respect to the trusts and combines they would overthrow, yet deny my right to make a contract for my labor except with their permission and on such terms as they are pleased to dictate; and if I, being a carpenter, a blacksmith, or a mechanic, engaged in my calling where these organizations exist, dare to disregard their mandate and attempt to exercise the right of a freeman by contracting for my labor with my neighbor on such terms and subject to such conditions as we agree upon, I am not only in danger of being starved, but in danger of having my head broken. And for what? Simply because I have exercised a right which ought to pertain to every freeman, and in the absence of which he is a cowardly and contemptible slave.

Nor is this all. These organizations deny me the right to teach my boy my trade, and to-day, if I am a carpenter or a machinist engaged in my own shop, I can not take my boys into my shop to help me earn bread, or to learn to earn their own bread, without the permission of one of these organizations. The result is that my boys must go out into some other vocation than that pursued by their father, and if he persists in exercising a right above that of a galley-slave he is put under the ban and is in danger, not only of losing his employment and property, but of suffering bodily injury. I do not state it too strongly. If I can not buy supplies of a farmer on such terms as he and I agree upon; if I can not contract to build a house upon terms satisfactory to me and the citizen who wants the house built; if I can not utilize my powers, mental and physical, within the law as I deem best in winning bread, but must first obtain permission of some organization, in what sense am I a freeman? and what criminal folly it was to fight the battles of the Revolution to establish free institutions.

I was severely criticised by Mr. Powderly for my observations upon the floor of the House in denying the right of any organization to say what trade I should learn or what contract I should make as a free man for the work I might perform. I have no doubt Mr. Powderly believes that he is the especial champion of the workingmen of this country, and I will, for the sake of the argument, agree that he believes his method and his policy are right, and that those men who stood in front of the bakery owned by the poor widow of New York and tried to starve her and her children into submission and obedience to the mandates of the bakers' union were doing God's service. The woman was guilty of hiring a baker that suited her and paying him a price that they could agree upon, and thereupon a choice collection of individuals, having no conception of the spirit of free institutions and no right appreciation of the privileges of an American citizen, stationed themselves in front of her door, to warn off customers, break up her business, and starve the poor creature into submission, her offense being the exercise of a right and privilege, in the absence of which she would be worse than a slave upon a cotton plantation before the war.

I am not forgetful of the fact, and I want to treat all parties to this controversy fairly, that these associations are organized in the interest of labor and in the interest of the American workman. My criticism is not of the purpose, not of the organization; they are both worthy. But the methods I criticise are tyrannical and often cowardly, since it is a war of the many with one. I denounce the system that refuses to permit me to learn any trade I please and to teach my boy any trade he wants to learn as not being in the interest of free, independent, honorable labor. Organized tyranny can never be in the interest of freedom. A combination which arbitrarily deprives citizens of their highest and most sacred right can never be a suitable instrument to guard the liberties of the people.

I repeat and reiterate only that I may not be successfully misrepresented. My quarrel is not with the organization of this craft or that or the other; but when they seek arbitrarily, by fraud, by violence, or by other coercive method to starve or force men into subservience to rules which restrict the opportunities of the boys of this country to learn trades and devote themselves to useful avocations in life, then that organization and those organizations, so far as that method is concerned, is committing a grievous blunder—in fact, something worse than a blunder. It is a crime against the freedom and independence of the American citizen, and to-day there are a hundred thousand tramps upon the highways, driven into idleness and want by the arbitrary exercise of this tyrannical power.

It is a sad spectacle for a citizen to see his own son driven from his side to the highway by the threat that the father will be forced out of employment and starved with his family if he permits that son to assist him in earning bread by learning the calling of his father. And yet such scenes are of daily, yes hourly occurrence. What is the character of the freedom and equality before the law where such tyranny can be successfully practiced?

I have received, since I made my remarks upon the floor of the House on the 23d of January, over three hundred and fifty letters in regard to the tyranny I then condemned, such as the boycott and sometimes violence, to compel observance or the rules of some organization. Every letter except one approved most heartily of my language, condemning the methods that I denounced. These letters were from as many as twenty different States. They were from carpenter and doctor, lawyer and machinist, banker and shoemaker, bricklayer and merchant, hod-carrier and plowman, priest and layman, minister and parishioner. There was but one dissent in all these letters. They were from the freemen of the country, and some of the recitations were full of instruction.

One was from a soldier who had eight children, several of them boys. He endeavored to have these boys learn some trade, in order that they might earn bread. Each boy was turned away from the shops where he applied, kept out by the rules of labor organizations, which limited arbitrarily the number of apprentices that might be employed, and to-day not one of those boys has been able to learn a trade in the land and under the Government his father fought to save. And in some instances a majority of the mechanics in the shop from which the boys were turned away were unnaturalized foreigners, who secured employment on arrival on our shores, while the native-born man and boy were excluded, or if he entered did so at his peril. And I am told that for denouncing this iniquity I will damn myself politically. I reply emphatically, the man who upholds it stands in great danger of being damned here and hereafter.

Just at this point I want to call the attention of Mr. Powderly and his staff to a grievous error upon which they are constantly stumbling. It is that no man can be a champion of the freedom, independence, and dignity of labor unless he turns a grindstone, makes shoes, or, in other words, is employed daily in working with his hands as contradistinguished from working with his brains. And as a result of such teaching citizens are to be divided into classes according to their several occupations and arrayed against each other. And we witness every day as a result of that teaching (no trace of which, thank God, had its origin in a free country or under our Constitution) exhibitions of bitterness and unrest in the community. The test of devotion set up by many so-called champions of labor is the degree of willingness to yield to slavish subserviency to the mandates of the chiefs of certain organizations. As if I had less interest in the freedom and independence and the maintenance of the true manhood and dignity of the American workman (I do not use the word American as descriptive merely of native-born citizens, but the whole body of workmen in the United States) than Mr. Powderly or any one of his aids.

Any intelligent citizen who will use his common sense will see that, to say the least, I will have as much, and I will add ten times as much, interest in upholding the individual liberty and retaining securely the broad opportunities which are our inheritance as citizens of the United States than the grand master workman of the order of the Knights of Labor; and it is a piece of arrogance to assume that he is more the friend and champion of my countrymen than I am. I am aware that the manner in which he at times applies the lash to legislators, and the slavish manner in which they cringe beneath it, is well calculated to induce the belief that legislative bodies are in the main the embodiment of conspiracies against the people. Mr. Powderly seems to think that criticism of his methods are assaults upon the individuals composing labor organizations. That to differ with him is treachery to my countrymen, and to condemn the methods he upholds is not to be tolerated. I am quite willing to concede that he desires to promote the good of the members of his order. But when he arraigns others who dare to differ with him as to the wisdom and expediency of certain methods which he approves as the enemy of American workmen he ceases to be entitled to respect.

But let us inquire upon what foundation rest the claims of some of these champions of labor who pose before the country as if before their advent darkness brooded over all the homes in the land. What have they and theirs at stake more than I have? Instance Mr. Powderly, who criticises me with vindictive spirit. I have ten and possibly a hundred relatives to each one of his who would suffer by reason of the abridgment of the rights, privileges, and opportunities of the citizen. I have four children who are dependent for their success in life upon maintaining in the fullest degree the freedom, independence, and dignity of American workmen. There has not been a war waged in this country within two hundred years for the establishment or maintenance of freedom and equality in which my ancestors and kinsmen did not take part on the side of freedom. Every relative I have in the world depends upon his labor for home and bread, whether that labor be performed with hand or pen or both. The same is true of nineteen-twentieths of the members on this floor.

And in this connection it is well to note that those who denounce me and others for differing with them in regard to what the best methods are for promoting the good of all are usually of that class who never struck a blow for freedom in the land they came from, and come to the United States and attempt to teach the people who established free institutions how to be free, and are impudent enough to denounce all who exercise the rights of freemen as enemies of the workmen of America.

I have little patience with these exhibitions of arrogance, and still less with the intolerance that accompanies them. Organization is important, intelligence is indispensable, and, supplementing these, free and fair discussion is the best avenue to right conclusions, and we have the ballot to correct abuses, and unless it is corrupted it offers adequate means to redress such grievances as can be corrected by legislative enactment.

Mr. Powderly, in a letter addressed to me, said, impliedly, that the course pursued in admitting apprentices in the several mechanical industries is similar to that established by the lawyers for regulating admission to the bar. He is mistaken in his facts and conclusion. Students are examined for admission to the bar to determine whether they are competent to conduct a cause in court where the interests of clients are or the liberty of a citizen is at stake; but lawyers never boycott a lawyer for having his son read law or permitting a neighbor's boy to read law in his office, nor do doctors employ that course.

Let us apply this system to the farmer. Suppose those who labor on farms should arbitrarily fix the price of that labor, draw the rule rigidly, and exclude everybody from the harvest field by force, unless they received $3 or $5 a day. How many would there be at work in the fields, and what would be the price of the potatoes, carrots, cabbage, and wheat produced. Suppose the farmers should form an association and declare that they would limit the number who would be permitted to raise corn, wheat, potatoes, beans, cabbage, pigs, chickens, and other articles grown and produced on the farm, and by force compelled observance of their rule of seclusion, and suppose, further, that the farmer fixed the price of wheat at $2, potatoes at $1.50, eggs at 30 cents per dozen, etc., and enforced the decree by boycott and violence, overturning market wagons, and hammering a farmer occasionally, tearing down barns and the like, how would the consumer fare, and how long would a free people submit to it?

But this is as legitimate and proper as a system of boycott, as that which shuts me out of a machine-shop, or my boy out of a machine-shop, or fixes the price of any commodity arbitrarily. I am not intimating that workingmen may not strike, singly or in a body; that is legitimate and legal, though frequently unwise and inexpedient. But whether it is wise in any given case is matter of judgment. It is a palpable right. But the boycotting is quite another thing, and is, in

my judgment, indefensible. The boycott is an appeal from law to lawlessness, from courage to cowardice, from the manly to brutal methods. It will soon become known who are in fact the sufferers from these bad methods and who bears the burdens. First, the workmen will in the end suffer, and secondly, the people outside of these organizations suffer. They tax every farmer in the country. They tax every man, woman, and child in the United States. Nine-tenths of the citizens of the United States pay tribute to these organizations by reason of their arbitrary exercise of power. The farmer's son is by force shut out from profitable avocations, and in defiance of law. And yet those who practice this tyranny number only about one-sixtieth of the population. And yet one would suppose from the dictatorial manner in which they deprive citizens of their highest rights that they constituted fifty-nine-sixtieths instead of being one-sixtieth part of our population.

Would it not be well for us in our solicitude about votes to consider the interest of the great mass of the people who are interested in maintaining the absolute freedom of the citizen.

Suppose the farmers, teamsters, doctors, and laborers in unskilled occupations, and the great army in other callings should conclude to hold their Representatives to a strict account for surrendering the rights of the many to secure special advantage to the few, there would be an end of time-serving or of the political existence of the member.

Take the case under consideration. There are not a sufficient number of hand plate-printers in the United States to do the work. The organization permits only a certain number, a few, to learn the trade, so you see they establish a trust and have that industry by the throat. They say if we allow a larger number of persons to become skilled hand plate-printers, the supply may become too great, and wages be reduced. Suppose that was true, as it is not, does that confer upon some combine or association the right to arbitrarily shut others out, and if so why may not the farmer do the same, and the lawyer, and doctor, and so on, and if all trades, callings, and crafts may do so, what will we do with the boys and girls who are idle? How will they live, how will we keep them? Or shall they be knocked in the head as redundant population? How short-sighted, not to use a harsher term, they must be who suppose that the permanent freedom and well-being of the people can be subserved by such tyranny.

The vote to suppress the labor-saving machines in the Bureau of Engraving and Printing will deal the independence and highest rights and interests of labor a blow from which they will not recover in years.

I observe that Mr. Powderly in a speech just delivered in Cincinnati denounced all labor-saving machinery as at war with the interest of American workmen. If he has only investigated enough to reach the absurd conclusion that labor-saving machinery wars against the interest of American workmen he has hardly got beneath the bark of the question he is considering. If he will pursue his investigations intelligently and diligently he will discover that the exact reverse of his proposition is true. The fact that American workmen are to-day receiving high wages, and that so many are employed, is due in the main to the inventive genius of my countrymen. Labor-saving machinery never reduced the wages of workmen. But a larger number of mechanics in the United States are employed and each employé is receiving increased wages by reason of the introduction of labor-saving machinery, and the cost of all he buys is reduced, and not only that, but drudgery has practically ceased. Men instead of being mere beasts of burden are intelligent, cultivated workmen and operatives, whose homes bear witness of the education and refinement of the occupants.

I can readily understand why Mr. Powderly, as grand master, speaks with such confidence, and assails with audacity all who criticise the methods, or any method, of the organization at the head of which he is. He is accustomed to see Legislatures run before his threat and obey with promptness, as if he owned the members of the body. He may witness just such a spectacle here to-day; men abandoning their own judgment and imposing burthens upon the people and consenting to deprive American citizens of their inestimable rights in the belief that Mr. Powderly, and those who represent him, as master workmen and walking delegates, can absolutely wreck the political fortunes of any man in public life by simply denouncing him as an enemy of labor and turning loose upon him all who will obey the dictates of their chief.

I beg to call the attention of Mr. Powderly, and I do it respectfully, for I am glad to admit that many good things have fallen from his lips and much wise counsel from his pen, but, I repeat, I beg to call his attention to the fact that the people are awakening to the necessity of arresting every system of wrong and oppression in this country, whether it come from a trust which arbitrarily restricts our right to get a fair price for beef in the market, or compels us to pay an extravagant price for a steak at the butcher shop, or refuses to permit men to attend to their own business without the officious intermeddling of others.

Possibly these legislators who run so humbly before the threats of master workmen and walking delegates will be called to an account by the other and larger number of citizens whose rights and privileges are outraged. Let me see how many there are who dictate legislation; how many there are who are engaged in this business of restricting the rights of all our people. We know where to locate the syndicates, trusts, and combines that are robbing us in the markets of the world and abridging our privileges there. We are able also to locate the other combines and trusts that are tyrannizing the citizens in their highest right, which is to fight the battle of life like free men in their own way, utilizing all the powers of brain and muscle that the Lord has given them. Those who are operating on either flank of the great mass of the people in the form of oil trusts, the sugar trust, the steel trust, the coal trust, or the labor trust are not numerous. They do not represent altogether 3 per cent. of our people, and the time will come when those who yield to either and consent to restrict the rights and privileges of the vast majority will be held to a strict account.

I have been notified, and the notification amuses me, that I am to be sat upon for daring to call in question any method of a labor organization, as if I had no right in the interest of my children and my neighbors' children to combat error, and so strive for better methods and happier conditions. Two of my intimate newspaper friends have expressed solicitude, because I have dared to defend the dignity and independence of American manhood. I appeal to every citizen outside of these combines, to every farmer who holds a plow, in fact to every one who favors personal liberty and the broadest opportunity to see to it that blind and selfish subserviency to the very few involves treachery to the vast number of people whose interests are affected, and that while public servants are seeking to escape from the Scylla of the threats of the trusts and combine on the one hand they may be dashed to pieces on the Charybdis of the righteous wrath of the vast number whose interests they have betrayed.

The methods we complain of are so entirely un-American, so utterly at war with the spirit of our institutions, that they could not be tolerated without incurring the danger to which they inevitably tend. Let me put the case in a nutshell. An organization in this country assumes the right to say, arbitrarily, that the sons of American citizens shall not acquire a trade as a means of earning a livelihood, under penalty of receiving bodily harm if they attempt it. The same organization insists upon its right, and does now exercise the tyranny of preventing American citizens from getting employment according to their own desire and necessities, and this under penalty of punishment both for the employer and the employed.

They assume, also, and exercise the right of fixing the price at which men may work. They assume, also, and exercise the right of taking charge of a man's business, refusing to permit him to have any potent voice in its management. All this abridges the liberty and right of every citizen in the United States, imposes needless burdens upon them, increases the number of paupers and criminals, lines the road with tramps, and tends to the subversion of free institutions. Other organizations are able, some through the lawful and others through the lawless and corrupt use of wealth, to drive out of business thousands and thousands of merchants, tailors, and manufacturers by competition which is unjust or absolutely inhuman and lawless.

They arbitrarily, by reason of the power of their organizations and the far-reaching and corrupting influence of money, depress the market where the producers of the farms, the fields, and forests, and mines sell their products, and enhance the price in the market of the consumers by an unconscionable exercise of power, within the law it is true, but none the less dangerous to the rights of our people. All these agencies, whether they operate in the name of labor or in the name of so-called legitimate business enterprise, are effective instrumentalities in hurrying this country into revolution.

Our people will not long permit the one system or the other. Naturally enough, each extreme makes the other the excuse for its existence. They are so strong to-day that Congress—that part of it which is not interested with one extreme or the other—does their bidding. What will be the result? I am not a pessimist. The man who recognizes the tendency of existing conditions, and studies with care the signs of the times, and points to danger signals that are the legitimate result of what is observed, can not properly be called a pessimist; nor can the indifferent, thoughtless citizen, who observes none of these things, and has no appreciation of the situation, fairly be called an optimist. He is more nearly a simpleton than an optimist.

I have talked with thoughtful observers from every part of this nation, with capitalists and communists, with law-abiding citizens and anarchists, with the law-abiding and those who are restless even under needful restraint, and nine out of ten have reached the conclusion that we must either speedily throttle these agencies and influences or the result will be civil commotion and possibly a plutocracy, and our children will behold, even if we do not, the country controlled by bayonets in the hands of men recruited from the ranks of those who stood in one of these labor combines, and were instrumental, unconsciously, of destroying the very liberty they deemed they were protecting.

Capital is said to be timid. It can not die nor be wholly destroyed. It neither eats nor drinks, and when the labor trust and the trusts for the use and abuse of capital have, through their joint efforts, brought us to the verge of civil strife, capital will call out for protection, and, as the security of despotism is better than the rule of a mob and anarchy, armies will spring up at the command of the law and liberty will be smothered between the corrupt use of capital on the one hand and the unwise or foolish abuse of power by those who were devoted to freedom but unappreciative of what was essential to preserve it on the other.

I have endeavored to be candid in dealing with the subjects I have discussed, being conscious of desiring only the freedom, prosperity, and happiness of my countrymen. I can not consent to appear blind to what is passing before my eyes, even though that affected blindness might inure to my political advantage. I know that in a contest with capital labor has an unequal battle at the best, but it will go worse with it if it shall organize a tyranny in its own ranks as oppressive as that charged against combined capital. I have, in the interest of my countrymen, endeavored to point out how organized capital on the one side and organized labor on the other are undermining the foundation upon which rests the liberty of the people. To say I am unfriendly to labor because I differ with certain gentlemen as to the best methods of protecting its interests is stupid, and unworthy of honest men. Those who suppose that the workmen of America are too ignorant or too much blinded by prejudice to appreciate the true philosophy of the situation either underestimate the intelligence of our people or I pay them a compliment to which they are not entitled.

Before I close I want to call attention again to this disposition among Mr. Powderly's friends to divide the people of this country into classes according to their avocation, as if a man is better or worse by reason of being a plowman or a priest, a butcher or a banker. Perfect homogeneity among our people must abide with us or freedom will depart. Moral and intellectual worth must be the standard by which good citizenship is measured, and any other standard is incompatible with the spirit of our Constitution and system of government.

Those who arrogate to themselves the exclusive right to speak for the laborers of this country ordinarily know little of the country, and a very large per cent. of them are not citizens, and it is a little bit—in fact, it is a good deal presumptuous in them, to arraign men whose lives have been lives of toil and of unceasing effort, and whose fathers and mothers before them spent their lives in honorable employment, whose ancestors, in fact, gave us a country and free institutions, and secured to these very critics and self-appointed champions of labor the opportunity to enjoy the privileges which they abuse and the liberty which they will, I fear, help, albeit unconsciously, to destroy.

No man who is intelligent and can study and reflect will or can be convinced that the well-being of each individual is not inseparably connected with the well-being of all. There is not one man out of ten in any community who does not live by his labor, whether that labor be of the head or hand, and what we witness of a few organizing themselves to enjoy peculiar privileges and opportunities, and in so doing by force or fraud shut out others from the privileges which every freeman ought to enjoy in this country, is a thing which will not be tolerated, if, in fact, we can properly be regarded as free citizens of a free country.

The free school and the honest, intelligent exercise of the elective franchise afford us a shield against the permanent abridgement of any important right.

How far short we come of fully realizing the healthful potency of a right use of the ballot. And least of all do we appreciate the fact that unless guided by intelligence and virtue popular suffrage is liable to become the parent of despotism.

Ignorance is the mother of folly, and folly may tear down in a day that which it has taken philosophy centuries to build up.

The point is to draw the line between use and abuse. Large capital is essential to many useful enterprises, but its use should be so controlled that while it brings blessings in one hand it does not scatter curses with the other. Let organizations so conduct their business as not to destroy their usefulness by palpably abridging the liberty of the citizen in a manner incompatible with the spirit of free institutions.

Bills for Raising Revenue.

The Senate bill shows that protection has wrought upon its beneficiaries the full effects Mr. Madison predicted of the bank upon the stock-jobbers. They have "become the pretorian bands of the Government, at once its tools and its tyrants, bribed by its largesses and overawing it by clamors and combinations."

REMARKS

OF

HON. WILLIAM L. WILSON,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 2, 1889,

On the constitutional right of the Senate to amend House bills for raising revenue, and on the Senate substitute for H. R. 9051.

Mr. WILSON, of West Virginia, said:

Mr. SPEAKER: This House devoted several months of its first session to the preparation and final passage of a bill designed to relieve the Treasury of excessive revenues by relieving the people of excessive taxes. Having retained this bill for exactly six months the Senate returns it to us with the official message that it "has passed the same with an amendment." An examination of this so-called amendment shows that the Senate has run its pen through every line and paragraph of the House bill, and under the pretext of amendment substituted a bill of its own, original and complete, more comprehensive in its scope, very different in its purpose and effect. Of all the work so laboriously done by the representatives of the people there is returned to us but the title and the enacting clause, and the title itself is no longer a true and appropriate one.

The bill which this House passed was properly entitled "A bill to reduce taxation and simplify the laws for the collection of revenue." The bill which the Senate returns to us is, in effect, a bill to increase taxation, and create new machinery for the collection of revenue.

This, Mr. Speaker, is in the language and meaning of the Constitution a "bill for raising revenue," and the seventh section of the first article of the Constitution provides that—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

We are thus confronted with the question whether the Senate bill is in form and in fact an amendment to the House bill, or a new and original bill in itself, and therefore an invasion of the constitutional privileges of the House. This is a question not to be settled by the rules of either House, or by appeals to any manuals of parliamentary practice.

It must be decided by examining into the history of the constitutional provision I have quoted, and the interpretation of it asserted by the House whenever called upon to maintain its prerogative under it. I need not remind the House that the idea embodied in this clause was not original with the framers of our Constitution. It was borrowed by them from a provision, which, from time immemorial, has existed in the English constitution, under which the House of Commons, as the immediate representative of the English tax-payer, has claimed and exercised the exclusive right to frame money-bills; that is to say, bills imposing taxes on the people or appropriating their money.

One of the most ancient and valued rights of the commons—

Says a high authority, Mr. May—

is that of voting money and granting taxes to the crown for the public service. From the earliest time they have made this right the means of extorting concessions from the Crown and advancing the liberties of the people. They upheld it with a bold spirit against the most arbitrary kings, and the bill of rights crowned their final triumph over prerogative. They upheld it with equal firmness against the lords. For centuries they resented any "meddling" of the other house with "matters of supply," and in the reign of Charles II they successfully maintained their exclusive right to determine as to the "matter, the measure, and the time" of every tax imposed upon the people. (1 May, 440.)

That exclusive right is as firmly maintained to-day as it was two centuries ago, and does not allow amendment, alteration, or rejection of a money bill in the House of Lords.

HISTORY OF CLAUSE IN OUR CONSTITUTION.

Let us now trace the history of the introduction of this principle in its modified form into our Constitution. Mr. Speaker, the distribution of the powers of government was not a matter of secondary consideration with the framers of the Constitution. By such distribution, wisely made and clearly defined, they aimed to establish a system in which energy of administration should not imperil, but promote and secure the liberties of the people. Their threefold partition of political power into legislative, executive, and judicial, with the safeguards by which they sought to protect each from the encroachment of the other, and to protect the people from the encroachment of them all, has established a fundamental rule or principle of American constitutional law. On this principle, as a basis, twenty-five American Commonwealths have since been erected in this country, some already possessing, many others destined soon to possess, more inhabitants than the twelve States whose deputies framed the Constitution.

But, Mr. Speaker, scarcely less important in the eyes of those deputies, and as the event proved very closely connected with their most difficult and protracted controversy, was the distribution of the powers of legislation granted to Congress between the two Houses of which Congress was to be composed.

The great statesman whose services in framing the Constitution, in securing its ratification, and in making the laws through which it was put into operation have given him the not unmerited title of "Father of the Constitution," vividly portrays in a contemporary letter to Mr. Jefferson the chief controversies of the Federal Convention after its members had agreed upon the groundwork of a government which should operate, not upon the States nor through their intervention, but directly upon the people. These controversies were upon four subjects:

First. To unite proper energy in the executive and proper stability in the legislative departments, with the essential character of republican government.

Second. To draw a line of demarkation which should give to the General Government every power requisite for general purposes, and leave to the States every power which might be most beneficially administered by them.

Third. To provide for the different interests of the different parts of the Union.

Fourth. To adjust the clashing pretensions of the large and small States.

Each of these was so pregnant with difficulties and all of them so involved in diversity of opinion that the final concord reached seemed to Mr. Madison to be not less than a miracle. But he declares that the controversy which created more embarrassment and more alarm for the issue of the convention than any other, than all the rest put together, was the adjustment of representation as between the larger and smaller States.

The small States took their stand for equal representation, according to the rule of the confederation, in both branches of Congress.

The large States were not less determined upon proportional representation in both branches. The latter were Massachusetts, Pennsylvania, Virginia, the two Carolinas, and also Georgia, which had as yet but a sparse population but cherished great expectations of future growth.

The small States were New Hampshire, Connecticut, Delaware, New Jersey, Maryland, and, all unsuspicious of the imperial greatness in store for her, New York.

They were thus six to six—Rhode Island refusing to participate in the convention—but New Hampshire was absent during the earlier stages of the controversy.

The "Virginia plan" proposed to the convention as the basis of its deliberations, and in its main features adopted by it as the outline of its work—really the plan of Mr. Madison, but presented by the governor of the Commonwealth, Edmund Randolph—provided for a legislature of two branches, the first branch chosen directly by the people, the second by the first from persons nominated by the Legislatures of the States.

Suffrage was to be proportioned in both branches to the quotas of contribution or to the number of free inhabitants, and each branch was to have the right to originate acts.

When these provisions were reached in considering the plan in the committee of the whole, there was a long and excited debate, but by a vote of 6 to 5, New Hampshire being absent, the large States carried a resolution for proportional suffrage in both branches, and in this shape the committee reported it back to the convention, with the clause allowing each branch to originate acts. Before this was done, however, Mr. Gerry, of Massachusetts, moved to restrain the Senatorial branch from originating money bills, arguing that the other branch was the more immediate representative of the people, and it was a maxim that the people ought to hold the purse-strings. This motion, made after the committee of the whole had decided in favor of proportional representation in both branches of Congress, was lost, receiving the votes of New York, Delaware, and Virginia.

When the resolutions reported back by the committee of the whole were considered in the convention there was little serious conflict of opinion until it reached those relating to the rules of suffrage in the two branches. The large States were still in the majority and able to carry through the convention the resolutions which they had carried through the committee, but so firm and threatening was the stand taken by the smaller States that they hesitated to force the decision. I have already quoted Mr. Madison's testimony that this was the most embarrassing and dangerous controversy of the convention. It was during its pendency that Dr. Franklin made his memorable motion that prayers invoking the assistance of Heaven and its blessings upon their deliberations should be held every morning before proceeding to business. It was of this period and this controversy that Luther Martin, in his address to the Maryland Legislature, spoke as follows:

I believe near a fortnight, perhaps more, was spent in the discussion of this business, during which we were on the verge of dissolution, scarce held together by the strength of a hair, though the public papers were announcing our extreme unanimity.

And it is almost ludicrous to find that Mr. Martin deemed it his duty to report that:

During this struggle, to prevent the large States from having all power in their hands, which had nearly terminated in a dissolution of the convention, it did not appear to me that either of those illustrious characters—the Hon. Mr. Washington or the president of the State of Pennsylvania (Dr. Franklin)—was disposed to favor the claims of the smaller States against the undue superiority attempted by the larger States.

Suffrage in the first branch was made proportional by the vote of 6 to 5. This concentrated the entire struggle upon the rule of suffrage in the second branch. Judge Wilson, the great Pennsylvania jurist, proposed a compromise, allowing a Senator for each hundred thousand population, States not having that population to have one Senator each.

Dr. Franklin said:

The diversity of opinion turns on two points: If a proportional representation takes place, the small States consider that their liberties will be in danger; if an equality of votes is to be put in its place, the large States say their money will be in danger—

And suggested a compromise whereby the States were to have equal representation in the Senate, but in voting money or taxes to have suffrage in proportion to their contributions to the Treasury. Upon a test vote, the States, for the first time, were exactly divided, as one of the Georgia deputies, fearing, doubtless, a dissolution of the convention, separated from his colleague. There was no way out of the controversy but through a compromise, and General Pinckney moved for a committee of one from each State to devise and report some compromise.

Mr. Luther Martin had no objection to a commitment, but declared that no modifications whatever could reconcile the smaller States to the least diminution of their equal sovereignty.

Mr. Roger Sherman said:

We are now at a full stop.

And nobody, he supposed, meant that they should break up without doing something. A committee he thought most likely to hit on some expedient.

Mr. Wilson and Mr. Madison opposed commitment, but Mr. Gerry said:

Something must be done or we shall disappoint not only America, but the whole world.

A committee of one from each State was elected by ballot, as follows: Mr. Gerry, Mr. Ellsworth, Mr. Yates, Mr. Patterson, Dr. Franklin, Mr. Bedford, Mr. Martin, Mr. Mason, Mr. Davy, Mr. Rutledge, Mr. Baldwin, and thereupon the convention adjourned for two days.

The compromise agreed upon by this committee and reported by Mr. Gerry consisted of two propositions, which were—

Recommended to the convention on condition that both shall be generally adopted.

The propositions were—

First. That in the first branch of Congress each State should have one member for every forty thousand inhabitants, counting all the free and three-fifths of the rest, and that this branch should be invested with the sole power of originating bills for raising or appropriating money or fixing the salaries of the officers of the Government, which were not to be altered or amended by the second branch.

Second. That in the second branch each State should have an equal vote.

In other words, the compromise secured to the smaller States equal representation in the Senate by giving to the House, in which the large States had proportional representation, exclusive power over money bills.

This report was finally adopted after some days' debate, during which the number of representatives to which each State should be entitled in the first branch, prior to the taking of a census, was definitely fixed. The provision for equality of votes in the Senate, however, was not made acceptable to many of the representatives of the larger States, particularly to Mr. Madison, and they omitted no opportunity afterwards of opposing it directly, or indirectly through the provision as to money bills in exchange for which it was supposed to be granted to the small States. Mr. Gerry said if no compromise took place he foresaw a secession, on which some gentlemen seemed decided.

Colonel Mason said the report was meant as a general ground of accommodation.

There must be some accommodation on this point or we shall make little further progress in the work. The consideration which weighed with the committee was that the first branch would be the immediate representatives of the people; the second would not. Should the latter have the power of giving away the people's money, they might soon forget the source from whence they received it. We might soon have an aristocracy.

Dr. Franklin said that the report could not be considered separately, the committee having reported several propositions as mutual conditions of each other. It was always of importance that the people should know who had disposed of their money. It was a maxim that those who feel can best judge. This end, he thought, would be best attained if money affairs were to be confined to the immediate representatives of the people. This was his inducement to concur in the report.

When Mr. Rutledge, of South Carolina, a large State, proposed to reconsider the two propositions touching the origination of money bills in the first and the equality of votes in the second branch, Mr. Sherman, of Connecticut, and Mr. Martin, of Maryland, insisted on reconsidering the whole plan. It was a conciliatory plan, they said, and if any part were now altered it would be necessary to go over the whole ground again, and Mr. Gerry sustained them, saying he did not approve of a reconsideration of the clause relating to money bills. It was of great consequence. It was the corner-stone of the accommodation; but his colleague, Rufus King, thought it would be better to do nothing, to submit to a little more confusion and convulsion than to submit to such an evil as the allowance of an equal vote. Mr. Strong, of Massachusetts, replied that the small States had made a considerable concession in the article of money bills and were entitled to concessions on the other side.

The whole report was agreed to by the votes of five States in the affirmative, to wit: Connecticut, New Jersey, Delaware, Maryland, and North Carolina. Four States voted against it. Pennsylvania, Virginia, South Carolina, and Georgia. Massachusetts was evenly divided, and the deputies from New York had retired from the convention.

The large States had clearly not given up the fight.

The convention having agreed upon a series of general resolutions referred them to a committee of detail to prepare and report the Constitution. That committee made its report August 6, 1787, and the fifth section of the fourth article of the Constitution was in these words:

All bills for raising revenue or appropriating money and for fixing the salaries of the officers of the Government shall originate in the House of Representatives and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury but in pursuance of appropriations that shall originate in the House of Representatives.

The fight against equality of representation in the Senate was reopened over the report of the committee on detail. Accordingly when the above section was reached a motion was made by Mr. Pinckney, of South Carolina, to strike it out, in which he was seconded by other deputies from the large States. This motion was intended to clear the way for an assault upon the section giving equality of votes in the Senate, soon to be reached.

Colonel Mason said he was unwilling to travel over this ground again. To strike out the section was to unhinge the compromise, of which it made a part. The duration of the Senate made it improper. He did not object to that duration; on the contrary, he approved it; but joined with the smallness of the number it was an argument against adding this to the other great powers vested in that body. His idea of an aristocracy was that it was the government of the few over the many. An aristocratic body, like the screw in mechanics, working its way by slow degrees and holding fast whatever it gains, should ever be suspected of an encroaching tendency. The purse-strings should never be put into its hands.

The motion to strike out prevailed, but on the next day Governor Randolph, whose anxiety for the success of the convention was now greater than his desire for a victory of the large States, gave notice of a motion to reconsider this action as endangering the success of the plan and extremely objectionable in itself.

When the clause relating to votes in the Senate was reached he wished to postpone until this motion was acted upon, declaring that if the section as to money bills were not reinstated his plan would be to vary the representation in the Senate. Dr. Franklin again stated that the two clauses, the originating of money bills and the equality of votes in the Senate, were essentially connected by the compromise which had been agreed to.

Mr. Williamson said the State of North Carolina had agreed to an equality in the Senate merely in consideration that money bills should be confined to the other House.

Colonel Mason said that unless the exclusive right of originating money bills should be restored to the House he should—not from obstinacy, but duty and conscience—oppose throughout the equality of representation in the Senate. The section, however, was not postponed, but acted upon favorably.

At a later day Mr. Randolph brought up his motion to reconsider the action striking out the clause as to money bills, and it was carried, Maryland alone voting against it, and South Carolina being divided.

The whole ground was fought over again. Mr. Randolph proposed to amend by making the section read "bills for raising money for the purpose of revenue."

Colonel Mason was again the chief speaker. He argued that the Senate did not represent the people but the States in their political character. It was improper, therefore, it should tax the people. It was not like the House, chosen frequently and obliged to return frequently to the people. "Senators are chosen by the States for six years—will probably settle themselves at the seat of government, will pursue schemes for their own aggrandisement, will be able, by wearying out the House of Representatives and taking advantage of their impatience at the close of a long session, to extort measures for that purpose—particularly extort an increase of their wages." Mr. Gerry said: "Taxation and representation are strongly associated in the minds of the people; they will not agree that any but their immediate representatives should meddle with their purses; the acceptance of the plan would fail if the Senate be not restrained from originating money bills." Again the clause was stricken out, but at a later and appropriate point Mr. Strong, of Massachusetts, moved to insert the following provision:

Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue, or for appropriating the same and for fixing the salaries of the officers of the Government, which shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other cases.

No vote was taken on this; but at a later day it was, together with other matters, referred to a committee of one from each State.

As reported back, it was in this form:

All bills for raising revenue shall originate in the House of Representatives and shall be subject to alteration and amendments by the Senate.

Again, Mr. Gouverneur Morris moved to postpone this clause. It had been agreed to in the committee on the ground of compromise, and he should feel himself at liberty to dissent from it, if on the whole he should not be satisfied with certain other parts to be settled.

Mr. Sherman was for giving immediate ease to those who looked on this clause as of great moment and for trusting to their concurrence in other proper measures, but those who were withholding action on this clause to extort other measures prevailed and once again it was temporarily postponed. This is well explained by Mr. Madison in a foot note in the Madison papers:

Colonel Mason, Mr. Gerry, and other members from large States set great value on this privilege of originating money bills. Of this the members from the small States, with some from the large States who wished a high-mounted government, endeavored to avail themselves by making that privilege the price of arrangement in the Constitution favorable to the small States and to the elevation of the Government.

This note explains the successive postponements and occasional striking out of this provision. When it had served these purposes as long and as much as possible, it was taken up and passed in its present form, the words "but the Senate may propose or concur with amendments" being taken from the constitution of Massachusetts. At the final vote it received the support of all of the States except Maryland and Delaware.

I have thus been at some pains, Mr. Speaker, to trace the history of this provision through its ups and downs in the Federal convention, from its first introduction to its final adoption, in order to show the value and meaning given to it by the framers of the Constitution. That history shows that some of the wisest members, such as Mr. Mason and Mr. Gerry, deemed it a matter of great moment in itself; that it was used to settle the most dangerous dispute by becoming the price paid by the smaller States for equality of representation in the Senate, and that its potency as a solvent of such controversies being discovered, the combination mentioned by Mr. Madison used it again to secure accession of power to the General Government and finally to balance and offset the special prerogatives of the Senate, namely, the power to ratify treaties, confirm appointments, and try impeachments.

It thus stands in our Constitution to-day as the compensation received by the large States for equality of votes in the Senate, and in the coordination of the two branches of Congress as the special privilege of the House to offset and balance the special privileges of the Senate. Clearly, then, it is not a trivial or insignificant provision. If this House fails to maintain its rights under it in the spirit of the framers of the Constitution and according to the precedents of former Houses, we shall be faithless to the people who send us here and forfeit the respect of those who come after us.

ACTION OF HOUSE IN FORTY-FIRST CONGRESS.

Having spent so much time in tracing the history of this clause I can not, as I had intended, refer to all the controversies or discussions which have arisen upon it in the course of our legislative history. They are easily accessible, and show that this House has never failed, unless it be in the Forty-seventh Congress, to maintain and defend its prerogatives, temperately, firmly, and fully. I will allude to the three latest occasions when the question has arisen. On the 26th of January, 1871, the Senate passed a bill originating in that body to repeal the income tax. The House on receiving the bill immediately passed a resolution returning it to the Senate—

With the respectful suggestion on the part of the House that section 7, Article I, of the Constitution, vests in the House of Representatives the sole power to originate such measures.

The Senate asked for a conference. Its conferees, Messrs. Scott, Casserly, and Conkling, contended that the language of the Constitution, "bills for raising revenue," meant bills whose direct purpose was to raise revenue by the levy of taxes, imposts, duties, or excises, and that the Senate could originate a bill to repeal a law imposing such taxes, even if such repeal made necessary the imposition of other taxes. The House conferees, Messrs. Cooper, ALLISON, and VOORHEES, maintained in reply that the clause in the Constitution vested in the House the right to originate all bills relating directly to taxation, whether to impose or to remit taxes, and that in the exercise of this right the House should—

Decide the manner and time of the imposition of and remission of all taxes, subject to the right of the Senate to amend any of such bills originating in the House before they have become a law.

I call the attention of the House to the able and elaborate report made by the House conferees, through Mr. Hooper, chairman of the Committee on Ways and Means, in which they set forth the grounds, historical and otherwise, of their position, and recommended to the House the following resolution, which, after consideration, was adopted by the House without division:

Resolved, That this House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue whether such bills be for the imposition, reduction, or repeal of taxes; and in the exercise of this privilege, in the first instance, to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to "propose or concur with amendments as in other bills."

I will not quote from the debate, which was necessarily brief, because the report was called up by Mr. Hooper on the last day of the session, but I can not pass it over without directing especial attention to a very full and carefully prepared speech in maintenance of this report which General Garfield under leave printed in the Globe, and which may be found in the Appendix to the Congressional Globe, third session, Forty-first Congress, page 264, in which he examines into the history of the constitutional provision in question and collates the precedents which had arisen in either House up to that time. In closing this review he used this language:

The tendency of the Senate is constantly to encroach, not only upon the jurisdiction of the House, but upon the rights of the Chief Executive of the nation. The power of confirming appointments is rapidly becoming a means by which the Senate dictates appointments. The Constitution gives to the President the initiative in appointments as it gives to the House the initiative in revenue legislation.

Evidences are not wanting that both these rights are every year subjected to new invasions. If in the past the Executive has been compelled to give way to the pressure, and has in some degree yielded his constitutional rights, it is all the more necessary that this House stand firm and yield no jot nor tittle of that great right intrusted to us for the protection of the people.

The resolution thus unanimously passed by the House settled its interpretation of the Constitution as to originating revenue legislation, and asserted its prerogative no less fully and firmly as to bills professing to repeal or reduce than as to bills professing to impose or increase taxes.

ACTION OF HOUSE IN FORTY-SECOND CONGRESS.

There yet remained ground for dispute between the two Houses as to the extent of the power of the Senate under its right "to propose or concur with amendments as on other bills," which is the question raised by the present Senate bill. Fortunately this very question arose and was passed on by the House at the next session of Congress.

The House passed and sent to the Senate a bill "to repeal existing duties on tea and coffee." The Senate substituted for the House bill, under the form of an amendment, a bill of its own, containing a general revision of revenue laws, both as to import duties and internal taxes.

The Committee on Ways and Means, through Mr. DAWES, its chairman, submitted to the House a resolution declaring this action of the Senate in conflict with the true intent and meaning of the clause of the Constitution which requires that all bills for raising revenue shall originate in the House, and directing that the Senate substitute should lie upon the table, and the Senate be notified of the passage of this resolution.

Nothing could be more directly in point so far as the present controversy is concerned than this resolution. The cases are exactly parallel. In that case the House originated a bill relating to special subjects; the Senate struck out all except the enacting clause and substituted a general revenue bill of its own under the guise of an amendment to the House bill. In the present case the House originated a revenue bill much more comprehensive, to be sure, than that originated in the Forty-second Congress, but still a bill confined to special subjects or items, and not affecting or touching several entire schedules and many subjects of taxation, both under the tariff and internal-revenue system. The Senate struck out all of this bill except the enacting clause, and substituted a general revenue bill of its own under the guise of an amendment to the House bill.

I wish, Mr. Speaker, I could quote more largely from the remarks made in the House upon the resolutions submitted by Mr. DAWES, especially as several of the speakers are now prominent Senators, and have participated in framing the bill sent us by the Senate.

The important point, however, is to ascertain the opinion of the House as to the extent of the power of amendment possessed under the Constitution by the Senate.

Mr. DAWES himself said that they could not fail to recognize the fact that an uneasiness is begotten among the people from observing the growing tendency of the Senate to gather to itself all functions of the Government of the United States.

The assertion is now made by the other branch that, under the form of an amendment to any bill that reaches them upon the subject of revenue, jurisdiction is given to that body to legislate to any extent in originating new objects of revenue, modifying the modes of collecting the revenue, reducing the revenue upon such objects as they please, or entirely repealing, on the one hand, the duties imposed upon foreign goods or, on the other, the taxes levied for the purposes of internal revenue. That provision of the Constitution which guaranties to the people's representatives the right to originate all bills of this character seems, if the view of the Senate is correct, to be entirely nugatory.

There is no value in the provision to the people's representatives on this floor if under the form of an amendment the Senate has entire jurisdiction of the subject and can substitute any bill touching the revenue in any form that they please. * * * The history of this provision of the Constitution, the modification which it introduced of the corresponding provision in the British constitution, the early construction of the clause as well as the debates upon it, so far as they relate to the subject, convince me that originally it was the intention of the framers of the Constitution to confine the power of amendment on the part of the Senate to the subject-matter of the bill itself. The right to originate bills of this nature in the House of Representatives ceases to be of any value if the moment such a bill leaves this House the Senate may, under the form of an amendment, originate everything that is of value or importance in a revenue bill and compel the House of Representatives to pass upon, under the form of an amendment, a substitute from the Senate, measures of revenue which they have refused to originate.

And he very forcibly summed up:

If in the form of amendment this can be done there can be no bill sent to the other branch in any respect touching the revenue which does not imperil the rights of the people's representatives here, touching any source of existing revenue or any imaginary source of revenue upon which legislation is possible.

Mr. COX with equal emphasis maintained the same view.

Mr. Garfield said the House could not overrate the importance of the issue raised by the sending of the bill to the House, and continued:

The case now before us is new and difficult. I think the same point has never come into controversy. It raises the question how far the Senate may go in asserting their right "to propose or concur with amendments as on other bills." If their right to amendment is unlimited, then our right amounts to nothing whatever. It is the merest mockery to assert any right.

What, then, is the reasonable limit to this right of amendment? It is clear to my mind that the Senate's power to amend is limited to the subject-matter of the bill. That limit is natural, is definite, and can be clearly shown. If there had been no precedent in the case, I should say that a House bill relating solely to revenue on salt could not be amended by adding to it clauses raising the revenue on textile fabrics, but that all the amendments of the Senate should relate to the duty on salt.

Mr. HALE, now a Senator from Maine, said:

Now, this restriction as to the right of originating revenue bills is worth nothing to the House unless it carries with it—and it seems to me this is the force of the restriction—a limitation on the right of the Senate to amend. The House has the sole right of originating revenue bills. If that right is good for anything, it must carry with it the right of selecting the objects upon which revenue is to be raised, and if that is the force of the privilege given to the House, then the privilege of amendment must necessarily be restricted to the subject-matter which the House has selected and embraced in its revenue bills.

Mr. HOAR, now a Senator from Massachusetts, said:

This is a matter, I think, of deep importance. The position which the Senate has taken on this and kindred questions threatens the permanence of the Senate itself. If this legislation be admitted, this House, who represent the people, give to the Senate, who represent the States, the great equivalent which in the formation of the Constitution was given by the small States to the large States in consideration for their equality in the Senate. * * *

Now, Mr. Speaker, what is the position of the Senate of the United States? First, by undertaking to make a revenue bill sent there by this body substantially a new measure, it claims to originate, for all practical purposes, a money bill in defiance of the express provision of the Constitution.

Similar views were urged by Messrs. Maynard, B. F. Butler, F. Wood, Campbell of Ohio, Clarkson N. Potter of New York, and others, and the resolution offered by Mr. DAWES was adopted by a vote of 153 yeas to 9 nays.

Of those voting in the affirmative the following are now members of the Senate: Mr. BECK, Mr. DAWES, Mr. FARWELL, Mr. FRYE, Mr. HALE, Mr. HAWLEY, Mr. HOAR, Mr. PLATT, Mr. SAWYER. Thus the House decided promptly and almost unanimously on the first occurrence of the question that the right of the Senate to amend a revenue bill was limited to amendments to the subject-matter, and tabled, without considering it, a so-called amendment of the Senate to a House revenue bill which, like the one now sent to us from that body, was in purpose and effect an original bill.

ACTION OF FORTY-SEVENTH CONGRESS.

A similar question arose in the second session of the Forty-seventh Congress, when the Senate, under the form of an amendment to a House bill, entitled "An act to reduce internal-revenue taxation, and for other purposes," passed a substitute containing a general revision of our tax laws.

The majority of that House was more anxious to please the protected interests of the country, at whose bidding the Senate had acted, than to maintain and defend the rights of the people, yet it declared by a vote of 117 to 36, in a preamble to the resolutions agreeing to a conference, its opinion that the Senate substitute was in conflict—

With the true intent and purpose of the Constitution, which requires that all bills for raising revenue shall originate in the House of Representatives.

I have thus considered, Mr. Speaker, the history of the special prerogative of the House, not only in the deliberations of the Federal convention, but in the debates and resolutions of the House itself whenever the question now in issue has been raised. That question is one for the House, and for the House alone, to determine. It alone must in every instance determine what are its own constitutional rights and privileges. The Senate can not decide that question for the House. If the exclusive privilege of the House to originate revenue bills is the price by which the small States purchased equality of representation in the Senate; if it is also the weight thrown into the scale to keep the balance even, when the exclusive privileges of the Senate as to treaties, appointments, and impeachments were placed in the opposite scale—and no one who investigates its history will doubt that it is both—then it is a most substantial and important prerogative.

But it is only substantial and important if the right of the Senate to "propose or concur with amendments" be limited to amendments directly to the subject-matter of the House bills. A looser or wider interpretation of the right of the Senate emasculates the prerogative of the House; turns the whole question into a quibble of legislative etiquette, and has no higher concern than an enacting clause. It was not on a question of legislative etiquette, of mere precedence in suggesting a subject of legislation, nor on a contest over an enacting clause that the framers of the Constitution spent so much earnest contention, and it was not by any such barren and empty device that they conciliated the most dangerous and difficult strife of the convention.

THE HOUSE ALONE THE FULL AND IMMEDIATE REPRESENTATIVE OF THE PEOPLE.

The right which they secured for this House was the right of control by the people themselves over their own taxes and largely over their own expenditures. It puts the taxation of the people in that branch of the Government where alone is found representation of the people.

The Senate represents the States in their political capacity. The House represents the people, the tax-payers, in their individual capacity. In the words of Mr. Benton, we of the House are "the full and immediate representatives of the people."

In the great prerogative of laying taxes there can be, according to the true principles of free government, no other representation than that which is "full and immediate."

Full representation, Mr. Speaker, means equal and proportionate representation. It does not mean that the six million inhabitants of the State of New York shall have the same voice and no greater than the fifty thousand inhabitants of Nevada in determining the measure and subjects of taxation for the American people. Yet in the Senate the vote of Nevada is exactly the same as the vote of New York.

To-day there are nine States entitled on the basis of a proportional representation to but 15 votes out of 325 in this House, that have 18

out of the 76 votes in the Senate; there are twenty States having forty Senators, or a majority of the Senate, which are entitled to but seventy-six representatives in this branch.

The four Territories for whose admission as States we have recently provided, will send five representatives to this House, then to consist of 330 members, and will possess one sixty-sixth part of its membership. They will send eight representatives to the Senate, making its membership eighty-four in all, and possess nearly one-tenth part of its strength. In this Hall their united representation will exactly equal that of the State of Arkansas. In the Senate it will equal that of New York, Pennsylvania, Ohio, and Illinois, which have a population of 18,000,000, or nearly one-third of that of the entire Union. To give the power of taxation to a body constituted as the Senate is would put it in the power of a small fraction of the people to tax the entire people, thus introducing a false principle into our system of government, which, like every other false principle, would ultimately work derangement and discord.

But not only do the people find in this branch alone their "full" representation. Here and here only are they "immediately" represented. Members of the House are chosen directly by the people and for a brief term of official service. Every alternate year the House dissolves and its entire membership goes back to the people, who thus hold in their hands the power of swift punishment for official faithlessness. It was this idea which Mr. Jefferson expressed when he said of the House, "Taxes and short terms will keep them right." Senators are chosen not by the people, but by the Legislatures. They hold office for six years. The Senate is a continuing body. It never dissolves, but renews one-third of its members biennially. Its limited membership and long term of service inspire and aid those encroachments upon other branches of the Government which Colonel Mason so clearly anticipated and illustrated by his striking comparison of the screw in mechanics, and which General Garfield so forcibly described in the words I have already quoted.

We have seen during this session of Congress an example of its encroachment on the constitutional right of the Executive to make appointments beyond anything which General Garfield had observed. How many hundreds of nominations made by the President since last December are now hung up in the Senate, not acted upon, the vacancies reserved for the incoming Administration. In this way a Republican majority in the Senate to-day has, by an unpatriotic and partisan abuse of its power to confirm nominations, actually curtailed for three months the constitutional term of office of a Chief Magistrate elected by the people, as to one of his highest prerogatives. According to the statement made by Senator HARRIS, of Tennessee, in the Senate a few days ago, President Cleveland has sent in to the Senate at the present session 458 nominations, of which 179 have been confirmed; and of these 131 were regular promotions in the Army and Navy, thus showing but 48 confirmations of other appointments made by the Executive. President Arthur, after the election of a Democratic successor, sent in 612 nominations, of which the Senate confirmed 592.

And, Mr. Speaker, the wretched and paltry partisanship of this action of the Republican majority in the Senate is emphasized by the fact that the vast majority of the nominations made by the President have been for offices in which he had permitted the post-election appointees of his predecessor to serve out their terms.

But the fact most prominent in our recent history, which has arrested the attention of every intelligent and awakened the anxiety of every thoughtful citizen, is the fact that the Senate in its membership is drifting away from the people, is less in touch and sympathy with them; less regardful of their burdens; more the representative of the corporate wealth of the country and of that spirit of privilege against which the spirit of Democracy has been contending ever since the foundation of our Government.

I disclaim all intention to speak discourteously of that body. I gladly admit that it has still many Senators in both parties worthy of adorning its rolls at any time in its history, but I refer to the fact which every thinking American citizen must regard as one of the danger signals of our times, that it is becoming the fashion to regard a seat in the Senate not as requiring statesmanship, nor yet even as the reward of political training and service, but as a dignified retirement for the successful business man who has accumulated great riches. Immense wealth acquired in any of those ways for which the rapid development of such a country as ours offers unusual facilities, or by the control of the great transportation systems of the country, or by those privileges which our revenue laws secure to great corporations or combinations to levy taxes and tribute upon the mass of the people, has become a recommendation, and, more ominous still, a passport to such a seat.

In more than one State in the Union the influence of railroad corporations is all powerful in the selection of the representatives in the Senate. It may be that the number of those who hold their seats in the Senate by virtue of their individual wealth or by the favor of great corporations is as yet smaller than the people believe. But it is a steadily increasing, not a diminishing class. A body thus constituted can not be safely joined on terms of equality with the immediate representatives of the people in imposing taxes on the people. It is out of reach of their immediate chastisement and displeasure, out of sympathy with them in their burdens. Indeed, such men as I have described too often have interests adverse to the interests of those whom they assume to represent. Not only are all their sympathies and associations with corporate wealth, but they are enriched by the taxes which they help to place or help to keep upon the people. They represent their own pockets, which are overflowing with gains taken by unjust laws from the pockets of their people, and they refuse to change or to modify those laws. Sir, the old Federalists when driven by the people from every other branch of the Government made their last stand and vainly tried to entrench themselves permanently in the judiciary.

To-day the great monopolies of the country and the trusts, privilege and law-made wealth, have chosen the Senate as that branch in which they will entrench themselves and through whose control they will defeat all efforts of the tax-payers to escape from unnecessary burdens, nay will even add to those burdens. Unable because of the plain prohibition of the Constitution to originate a revenue bill, the Senate eagerly seize upon any bill sent them by the representatives of the people to increase and add to the bounties awarded the beneficiaries under our tariff. Sir, the very bill lying before me carries absolute proof of this charge. We sent to the Senate last July a bill for the relief of the people from needless taxes, a measure so moderate in its details that selfishness itself seemed challenged to make way for its passage. It proposed some lessening of taxes on the necessaries of life, so that the great mass of the people might not feel the weight of the Government thrown so heavily upon them in their daily battle with hunger and cold. It proposed some removal of taxes on the materials of industry, so that the American workingman might not feel the needless exactions of the Government narrowing the market for the products of his labor, and at the same time the field of his employment, lessening his wages and at the same time his personal independence.

But this bill of the people's representatives was thrown aside, every provision of it summarily rejected, and the majority of the Senate, certainly including among its numbers enough direct beneficiaries of tariff taxes to make it such majority, has substituted a bill of its own, adding to the burdens of the tax-payer by increasing the cost of the necessaries of life, and hardening the lot of the laborer by increasing the cost of the materials of industry.

Urged on by the close combination of protected interests which receive the larger part of the taxes exacted from the people, they have met the just and long deferred request of the people for relaxation of burdens in the insolent spirit of the son of Solomon, who, rejecting the counsels of the elders, and listening to the words of his presumptuous associates, replied to a like request of the people—

> Whereas my father did lade you with a heavy yoke I will add to your yoke; my father hath chastised you with whips, but I will chastise you with scorpions.

Mr. Speaker, I turn from an inviting field when I forbear an extended examination of the bill sent us by the Senate, but I will append to my remarks a letter from the Secretary of the Treasury which fitly portrays its general features and accurately analyzes its conflicting and monstrous details.

In view of the circumstances under which this bill was prepared it may well be likened to a bottomry bond given by the leaders of a great party then tossing on a dangerous and uncertain sea at the exorbitant rates which heartless usurers extorted for insuring a successful voyage. Its subsequent protracted consideration and deliberate passage by the Senate makes it not a just and equable scheme of general taxation, but an attempt to place upon the earnings of the American people a usurious mortgage *in perpetuam* as the consideration exacted by the protected interests for returning the Republican party to power.

It shows that protection has wrought upon its beneficiaries the full effects which Mr. Madison predicted the bank would have upon the stock-jobbers:

> They will become the pretorian bands of the Government, at once its tools and its tyrants, bribed by its largesses, and overawing it by clamors and combinations.

How unmistakably they have overawed the framers of the Senate bill by their clamors and combinations, an example or two, taken at random, will convince us.

Let us take the cotton schedule. I find in Bradstreet's for January 5, 1889, a statement of the dividends declared by the chief cotton mills of New England for the year 1888, all of which show "a period of great if not unexampled prosperity" in that industry. Let the American farmer listen to some of them.

The Pepperell mills having declared a dividend of 12 per cent. yearly since 1873, last year advanced it to 14 per cent. The Dwight mills declared 10 per cent. The Androscoggin 10 per cent. The Manchester 12½ per cent.

The Amoskeag mills, whose manager, if I am not wrong in my recollection, fired a broadside against tariff reduction in the shape of a report to the stockholders in the height of the last campaign, declared a dividend of 10 per cent. in money, according to its custom for many years past, and in addition thereto a dividend in stock. At Fall River, Mass., eighteen companies increased their dividends, which reached 30 per cent. for the Union mills, 20 per cent. for the Troy, 22 per cent. for the

Granite, 22½ per cent. for the American Linen, 16 per cent. for the Bourne, 15 per cent. for the Seaconnet, and others follow in close succession. This journal adds that—

The various mills are running in full, with their output sold up to production, if not indeed well ahead of it, and all branches of the industry begin the year under remarkably favorable conditions and with exceptionally bright prospects.

Yet, Mr. Speaker, the Senate bill sent over to us after the declaration of these dividends is not even content with the tariff rates under which they are possible, but actually increases the bounties paid by the farmer and the laborer to these mill-owners. Look also at the increase of taxes on some of the most widely used raw materials and its effect on the cost of the necessaries of life to the people of the country.

The increase in the rates upon wool is made the pretext for enormous increases in the rates upon woolen goods and for a merciless aggravation of the discriminations already existing against the coarser and cheaper qualities of goods which are necessaries of life to so large a mass of the people.

Women's and children's dress goods, woolen or worsted, valued at 15 cents per square yard, now pay 68 per cent.; valued at 37 cents per square yard a tax of 59 per cent. The Senate bill retains the latter rate, while advancing the taxes on the cheaper goods from 68 to 85 per cent.

Woolen cloths valued at 64 cents per pound now pay a tax equal to 90 per cent. Under the Senate bill they would pay 110 per cent., while cloths twice as valuable would pay 77 per cent. Worsted cloths valued at 24 cents per pound pay 76 per cent. Under the Senate bill they would pay 180 per cent.! Those of finer quality valued at $1.10 per pound are advanced only from 72 to 80 per cent.

So with woolen shawls, of which the cheaper qualities would pay under the Senate bill 41 per cent. more taxes than those of finer quality. Equally indefensible and cruel discriminations against the consumers of cheaper goods are found in the rates proposed on blankets, flannels, hosiery, underwear, and knit goods of wool.

And what can be said in defense or excuse of the proposed increase of more than 100 per cent. on tin-plate, an article not made at all in this country, of which we import $20,000,000 worth annually, exchanging for it the products of the American farmer and dairyman? Nothing whatever, Mr. Speaker, except that some members of the protected combination desire to enter upon the manufacture of tin-plate, and think they can not do so with profits equal to their demands unless the tax upon imported tin-plate is increased from 1 cent per pound to 2.15 cents per pound. Let me dwell for one moment on this proposed tax, for it concentrates in itself the "sum of all the villainies" of the protective system. It is—

First. An unjust and burdensome tax upon one of the necessaries of life, as it would add at once over seven millions of dollars taxes to the consumers of tin.

Second. It will cripple an important and rapidly-growing American industry, which employs many more laborers than will ever find employment in the manufacture of tin-plate—the canning trade in fruits, meats, vegetables, fish, and other articles, both for home consumption and for exportation—by added taxes on one of its raw materials.

Third. It will strike a disastrous blow at the prosperity of the American farmer, now able to find a market for $20,000,000 worth of his farm products, exchanging them for tin-plate, by diminishing and gradually altogether prohibiting the introduction of the article for which he exchanges them, and this at a time when every man who watches our foreign trade knows there is a narrowing market for our farm products abroad, because our restrictive laws are forcing our chief customers to look eastward for the supplies of grain and flour they have hitherto taken from us. Thus in one tax are struck three hurtful and needless blows at American industry: increased cost of living to the laborer by added taxes on his kitchen and his table; diminished employment in the great canning industry by added taxes on one of its raw materials; and lessening prices for the American farmer by closing one of the outlets for his surplus products.

All these burdens upon the people, all these blows at American labor, will secure us what, Mr. Speaker? A few more protected manufacturers added to that gigantic combination of tax-devourers, the American Iron and Steel Association, and a so-called "home market" for less than one-twentieth part of the agricultural products we are now able to exchange for tin-plate.

With what biting force may the American laborer address to the framers and supporters of the Senate bill the words uttered by Mr. Webster in April, 1846:

On the raw material which is to come here and furnish occupation and employment to the manufacturers and artisans of the country you have raised the duty. You indulge in the luxury of taxing the poor man and the laborer. That is the whole tendency, the whole character, the whole effect of your bill.

One may see everywhere in it the desire to revel in the delight of taking away men's employment. You reduce the wages of labor by taxing the raw materials.

And who can wonder that Secretary Fairchild, after exposing the selfish greed which has everywhere filled the Senate bill with incongruous and conflicting taxes, should exclaim:

If the people are to be forever tortured by taxation, then "call in the Cossacks," lay on the knout, put on the manacles, and apply the thumb-screws in an earnest, orderly, and straightforward manner.

Could a more signal proof than this bill be offered of the wisdom of the early statesmen who sought to restrain by constitutional provisions the power of the Senate in framing money bills, or a more signal warning against any relaxation of the prerogatives we hold as to such bills, not for ourselves, but as the prerogatives and safeguards of the people?

Let us, Mr. Speaker, catching the spirit of the framers of the Constitution and of those representatives who have preceded us in this Hall, reaffirm the resolution so promptly and decisively adopted by the House in the Forty-second Congress, determined that the Republic shall suffer no detriment by any failure on our part to maintain the right of taxation as the special trust and responsibility of the representatives of the people.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 27, 1889.

DEAR SIR: I am in receipt of your note of the 23th instant, requesting me to communicate to you any further information I can give as to the general effect the Senate substitute for House bill No. 9061 would have upon the customs revenue.

Any approach towards a full or satisfactory dissection and analysis of this bill would require much more time than the present situation affords. Therefore only a brief reference to a few of the more singular features of the measure will be attempted.

The Senate Finance Committee, in their report upon the substitute as originally presented, gave as the primary reason for "a careful and thorough revision of our revenue laws," the need for a reduction of the national revenues.

There is general agreement among reasonable men that there is urgent need for a reduction of the revenues.

It can not be fairly denied that this accumulation represents money which has been unnecessarily and cruelly taken from the people of the United States by excessive and oppressive taxation. Hence all fair-minded and patriotic men should agree that the prime duty of Congress is to reduce such taxation to the extent at least of the surplus revenue. In other words, the relief the people need is a reduction of taxation. A mere reduction of the surplus would only relieve the Treasury. Manifestly the governing idea of the Senate committee was to reduce the surplus, not as a rule by the reduction of excessive and burdensome taxes, but by an increase of such taxation, for in their tariff schedules increases of rates largely exceeds reductions, in number and percentage. At the same time their increases are generally made upon articles commonly and necessarily used by the masses of the people, while, with few exceptions, the reductions relate to articles none, or comparatively few, of which are imported, and in which the domestic producer has supremacy in our market.

REDUCTION OF TAXATION.

The only articles of consequence, in every day and necessary use, and which are imported in considerable quantities, upon which the rates of customs duty are reduced, are: Beams, girders, and other structural iron or steel; iron and steel railway bars; white-pine lumber; sugar and molasses, and rice. And the reductions on these, except on sugar, molasses, and rice, are not sufficient to enable the foreign producer to compete with the domestic article to such an extent as to materially reduce the cost to the American consumer, and thereby to relieve him from onerous customs taxation.

INCREASE OF TAXATION AND PROHIBITION OF IMPORTS.

1. Prominent among the articles commonly and necessarily consumed by the people generally upon which customs taxes are increased, either by direct advances in rates of duty or indirectly by the restoration of duties on coverings, packing charges, etc., or by the abolition of damage allowances, are the following:

Blacking, by duty on covering, etc., increased, say 15 per cent.; Portland cement, from 20 to 31 per cent.; glue, from 20 to 25 per cent. and upwards; orange mineral, from 70 to 82 per cent.; Prussian blue, from 25 to say 40 per cent.; Frankfort black, from 20 to 25 per cent.; chrome green and chrome yellow, from 25 per cent. to average, say 50 per cent.; other common paints and colors, variously from 25 to say 30 per cent. and above; cod-liver oil, from 25 to over 28 per cent.; medicinal preparations, increased by duty on coverings, etc., say 15 per cent.; spirit varnishes, from 95 to 124 per cent.; earthenware, tiles and brick, and slates and slate-pencils, increased by duty on coverings, freight, etc., say 10 per cent.; glass bottles and other glassware, by change of rates, duty on coverings, and abolition of damage allowance, increased, say 10 to 30 per cent.; common window and plate glass, looking-glass plates and mirrors, increased by change of rates, abolition of damage allowances, etc., say 2 to 10 per cent.

Boiler and other plate iron and steel, from 31 to 40 per cent.; hoop-iron and steel for baling purposes and barrel-hoops increased variously, say 10 to 73 per cent.; common black sheet-iron and taggers' iron, thinner than No. 29 wire gauge, from 30 to 64 per cent.; tin-plates, terne-plates, and taggers' tin, 34 to 73 per cent.; fence-wire rods, from 41 to 48 per cent.; iron and steel wire, valued over 5 cents per pound, variously from 10 to 35 per cent.; bronze powder, from 15 to 30 per cent. and above; cutlery of all kinds, and shotguns and pistols, increased variously from 10 to 100 per cent.; pins and needles, by duty on packing charges, etc., say 15 per cent.; small wood-screws, from 45 to 52 per cent.; britannia, japanned, and plated ware, from 35 to 45 per cent.; machinery of all kinds, increased by duty on packing charges, etc., say 15 per cent.; various unenumerated manufactures of copper and other metals, and house furniture, say 5 per cent. by duty on inland freight, etc.; osier and willow baskets, from 30 to 35 per cent.; horses, mules, cattle, and hogs increased variously 2 to 17 per cent.

Beans, from 10 to 24 per cent.; peas, from 20 to, say, 30 per cent., and cabbage from 10 to, say, 40 per cent.; green and dried fruits, increased by abolition of damage allowances say 10 per cent.; hops, from 43 to 53 per cent.; prepared vegetables, from 30 to 35 per cent.; cotton thread and yarn and cotton cloths of various kinds, increased by change of rates and duty on packing charges, variously, say 5 to 20 per cent.; cotton hosiery and knit goods of all kinds, increased by change of rates and duty on packing charges, etc., say 20 to 60 per cent.; cotton damask and articles of wearing apparel, from 35 to 40 per cent.; cotton velvets, velveteens, and canton flannel, variously, from 10 to over 100 per cent.; cotton cords, braids, lacings, webbing, suspenders, and various other manufactures of cotton, by advanced rates and duty on packing charges, etc., increased 10 to 20 per cent.

Flax, hemp, and China grass yarn, variously 5 to 20 per cent.; flax or linen thread and twine by duty on packing charges, etc., and increased rates, say, 5 to 20 per cent.; bags and bagging, from 40 to, say, 50 per cent.; burlaps, grass cloth, and other manufactures of jute, ramie, China grass and sisal grass, from 35 to 40 per cent.; sail duck or canvas for sails, from 30 to 40 per cent.; Russia and other sheetings, from 35 to 40 per cent.; brown and bleached linens, canvas, table-cloths, crash, toweling, handkerchiefs, etc., and various other manufactures of flax, hemp, jute, manilla, grass, etc., increased by duty on freight, packing charges, etc., say 5 per cent.; collars and cuffs for men's wear increased, say 20 to 30 per cent., by change of rates and duty on packing charges, etc.; oil-cloth, linoleum, etc., by change of rates and duty on charges increased, say 5 per cent.;

woolen and worsted yarns, increased variously 2 to 73 per cent.; cloths, increased variously 8 to 104 per cent.

Shawls, increased 8 to 15 per cent.; flannels, increased 5 to 33 per cent.; blankets, increased 9 to 55 per cent.; hats, increased 5 to 32 per cent.; dress goods, increased 5 to 17 per cent.; ready-made clothing, increased 5 to 16 per cent.; hosiery and other knit goods, increased 10 to 197 per cent.; balmorals, increased 8 to 62 per cent.; felts and plushes, increased 9 to 25 per cent.; trimmings, increased, say, 10 per cent.; carpets, increased 5 per cent.; and other manufactures of wool, goat hair, etc., increased 10 to 20 per cent.; blank books and other manufactures of paper, increased 5 to 20 per cent.; brushes and brooms, increased 5 per cent.; leather gloves, increased 5 to 25 per cent.; fur hats, from 30 to 50 per cent.; leather and manufactures of leather, increased 5 to 10 per cent.; lime, from 10 to 35 per cent.; manufactures of India rubber and gutta-percha, increased 5 to 10 per cent.; matches, from 35 to, say, 43 per cent.; lead-pencils, by packing charges, etc., say, 10 per cent.; pearl and other buttons, increased by change of rates and packing charges, etc., say, 35 per cent.; clocks, from 30 to 45 per cent.; and saddlery and harness furniture, from 35 to 45 per cent.

2. As to many of these articles the very refinement of severity in taxation has been attained by making the rates either absolutely or practically prohibitive, thereby forbidding competition from abroad and subjecting the consumer here to the inexorable exactions liable and likely to result from combinations of domestic producers. Conspicuous among these articles the importation of which is prohibited by this bill are chrome paints, spirit varnishes, hoop iron and steel for baling purposes, and barrel hoops, common black sheet-iron, cutlery, shotguns and pistols, small wood-screws, heavy machinery, cotton and linen thread, certain cotton cloths, cotton hosiery and other knit goods (fashioned, etc.), woolen and worsted yarn, cloths, shawls, hosiery and knit goods, common leather gloves, fur hats, manufactures of India rubber, pearl and other buttons, and saddlery and harness furniture.

3. With respect to Portland cement; certain manufactures of glass, common black sheet (taggers') iron, tin-plates, certain kinds of hosiery and other knit goods, cotton velvets and velveteens, burlaps, sail canvass, brown and bleached linen, table-cloths, toweling, handkerchiefs, etc., some descriptions of wool dress goods, certain kinds of brushes and leather gloves, pearl and shell buttons, and some other articles, the advance in rates fails of justification even upon the pretext of protecting established home industries; for the articles are either not produced here at all, or only in such limited quantities and defective quality as not to meet the demand, and in the nature of things can not be successfully and economically produced here.

INEQUALITIES, ANOMALIES, AND INCONGRUITIES.

One of the avowed purposes of the framers of this singular bill was to correct the inequalities and remedy the anomalies and incongruities of the existing tariff, yet in many ways they have multiplied and intensified these defects. For example:

1. Actual relief from taxation is not afforded to the masses of the people even as to most of the articles added to the free-list, since the rates of duty on the manufactures into which they enter as materials are either not correspondingly reduced or not reduced at all, but are in instances actually increased. This is true as to chlorate of soda, crude baryta or barytes, beeswax, crude coal tar, potash in various forms, hemp seed and rape seed, jute, jute butts, manilla, sisal grass, sunn, and other fibrous grasses, old scrap and refuse India-rubber, braids, plaits, flats, etc., of straw, chip, etc.; bristles, sour-orange juice, feathers, and downs, watch-jewels, human hair (raw, etc.); and olive oil and other oils used for soap making and other manufacturing purposes. The same rule holds good where the rates have been reduced on materials used in manufactures, and the rates on the latter have not been reduced or correspondingly reduced. This applies to crude glycerine, refined nitrate of potash, copper, and hatters' plush. By the transfer of the following articles of common use from the free to the dutiable list at the high rates proposed, there would result not only a cruel and unnecessary increase of customs taxation, but also an increase of revenue, namely: Fresh fish, at 16 per cent.; macaroni, vermicelli, and similar preparations, at 35 per cent.; sugar of milk, at 33 per cent.; gold size or japan, at 40 per cent.; lead in silver ore, at 59 per cent.; horses, at 13 per cent.; cattle, at 18 per cent.; hogs, at 3 per cent.; sheep, at 25 per cent., and other animals for breeding purposes, at 20 per cent.

No 2 furnished.

3. While almost uniformly and largely increasing customs taxes on articles of common and necessary use by the people generally, this bill reduces the rates on the following articles of luxury:

Pearls, from 50 per cent. as "beads," or 25 per cent. as "jewelry," to 10 per cent.; oil of bay leaves or bay-rum essence, from 59 to 25 per cent.; fruit ethers, oils, and essences, from 229 to 115 per cent.; beads and bead ornaments, from 50 to 40 per cent.; confectionery, from 71 to 50 per cent.; leaf-tobacco, not suitable for wrappers, from 35 to 20 cents per pound; ground spices, from 50 to 40 per cent.; filberts and walnuts, from 55 to 37 per cent., and certain other nuts from 44 to 33 per cent.; oil of cognac, from 533 to 14 per cent.; gelatine, from 30 to 25 per cent.; artificial flowers and dressed and finished birds for millinery ornament, from 50 to 40 per cent. At the same time straw and chip laces and ornaments and certain fashion plates are added to the free-list.

4. The rates of duty are advanced, either directly or indirectly, upon the following articles used in the domestic arts and manufactures, and some of which are not produced at all, or are not successfully produced in this country, namely:

Boracic acid, from 77 to 95 per cent.; cobalt oxide, from 20 to 27 per cent.; coal-tar dyes and colors, by duty on packing charges, etc., say 5 per cent.; extracts of logwood and other dye-woods, from 10 to 15 per cent.; extracts of sumac, from 20 to 26 per cent.; and of hemlock bark, from 20 to 50 per cent.; extracts of indigo; black taggers' iron or steel, from 39 to 64 per cent.; steel ingots, blooms, slabs, billets, bars, strips, hoops, sheets, etc., variously from 20 to 45 per cent., and from 45 to 63 per cent.; fence wire rods, from 41 to 48 per cent.; type metal, from 20 to 59 per cent.; zinc in blocks or pigs, from 46 to 54 per cent.; umbrella and parasol ribs, frames, and sticks, from 40 to 45 per cent.; antimony, from 10 to 12 per cent.; quicksilver, from 10 to 14 per cent.; bronze powder, from 15 to above 30 per cent.; rattans or chair cane, manufactured but not made up into completed articles, from 10 to 15 per cent.; sawed boards, planks, etc., of mahogany and other cabinet woods, from about 2 to 20 per cent.; glucose, from 20 to 37 per cent.; leaf-tobacco for wrappers, from 71 to 85 per cent.; whale and other fish oil, from 25 to 30 per cent.; plaster of paris, ground, etc., from 20 to above 21 per cent.; wools and the hair of the goat and other animals, increased variously 5 to 16 per cent.; wood pulp, from 10 to 22 per cent.; leather and skins for morocco, increased 5 per cent. and upwards.

5. The following articles in the same category are transferred from the free to the dutiable list: Mica, at 35 per cent.; artificial indigo, at 20 per cent.; lead in silver ore, at 59 per cent.; gold size, at 40 per cent.; mother of pearl, when sawed or cut, at 40 per cent.; brier root, or brier wood, for pipes, etc., at 20 per cent.; reeds, at 10 per cent.; and chair cane, at 15 per cent.

6. The rates on merino and similar wool, the like of which are successfully grown here, are advanced about 5 per cent., while the rates on the yarn, cloths, and other manufactures made from them are increased all the way from about 5 up to near 200 per cent. At the same time, the rates on wools of class 3 (carpet wools), the like of which are either not produced here at all, or only in limited and diminishing quantity (and of which we must import some 80,000,000 pounds per annum) are advanced from about 26 to 42 per cent., while the rates on the carpets made from them are increased only 5 per cent.

7. The rate on wood pulp is advanced from 10 to above 22 per cent., while the rates on the papers made from it remains as at present.

If the domestic carpet manufacturers and paper makers have now, as they claim, only the protection they need, surely their industries must seriously suffer, if not utterly perish, if this bill shall become a law.

The existing inequalities in the schedule of manufactures of wool, particularly those which discriminate so severely against the consumers of the coarser and cheaper qualities of goods, have been the subject of universal complaint. Nevertheless this bill augments and aggravates these very inequalities.

8. According to the importations for the fiscal year 1887, woolen cloths valued at only 64 cents per pound paid customs tax equal in round numbers to 90 per cent. ad valorem. Cloths of the same value would, under the Senate bill, be taxed equal to 110, while woolen cloths of the value of $1.21 per pound, and now paying equal to 69 per cent., would be taxed 77 per cent., or 33 per cent. less than those costing only about half as much, the advance in one case being 20 per cent. and in the other only 8 per cent.

9. Worsted cloths valued at only 24 cents per pound paid tax equal to 76 per cent. Under this bill these same cloths would be taxed equal to 180 per cent. (an increase of 104 per cent.). Yet worsted cloths valued at $1.10 per pound, and taxed equal to 72 per cent. (in 1887), would be taxed equal to 80 per cent. (an increase of only 8 per cent.), or 100 per cent. less than the poor man's cloth, worth less than one-fourth as much.

10. Woolen shawls of the value of 65 cents per pound are now taxed equal to 88 per cent., while those valued at $1.51 per pound pay the equivalent only of 62 per cent. Under the Senate bill the cheap shawl would pay tax at 101 per cent., while the article worth more than twice as much would pay only 70 per cent.

11. Woolen and worsted yarns, valued at 29 cents per pound and at $1.22 per pound, pay substantially the same rate of customs tax, 69 per cent. But under this bill the former would be taxed equal to 143 per cent. while the latter would pay 71 per cent. Thus the cheap yarn would pay double the tax imposed on yarn costing more than four times as much.

12. Balmorals of the value of 37 cents per pound are now taxed at practically the same rates (equal to about 67 per cent.) as those valued at $1.33 per pound. Under this bill, however, the cheap article would pay tax equal to 130 per cent., while the one costing nearly four times as much would pay 74 per cent., the increase of tax in the one case amounting to 63 per cent. and in the other only to 7 per cent.

13. On flannels valued at 73 cents per pound the present rate of customs taxation is the equivalent of 68 per cent., and on the article valued at $1.06 per pound is equal to 73 per cent., whereas by the Senate bill the rate on the former would be 101 per cent. (an increase of 33 per cent.), and on the latter 82 per cent. (an increase of only 9 per cent).

14. The rates ad valorem on blankets, valued at 70 cents per pound and at $1.15 per pound, are now substantially the same (70 per cent). But under this bill the 70 cent blanket would be taxed equal to 104 per cent. and the higher priced ones at 79 per cent.

15. Wool hats of the value of 77 cents per pound pay tax now equal to 66 per cent., and those valued at $29 per pound pay 52 per cent. According to this bill, however, the coarse article would pay a tax at 98 per cent., an increase of 32 per cent., and the fine one at only 55 per cent., being an increase of only 3 per cent.

16. On women's and children's dress goods (woolen or worsted), valued at 15 cents per square yard, the tax collected in 1887 was equal to 68 per cent., and on such goods valued at 37 cents per square yard it was equal to 59 per cent. Under the Senate bill the rate on the cheap goods would be increased to 85 per cent., while on finer ones it would remain as now, 59 per cent.

17. Hosiery, underwear, and other knit goods of wool valued at 19 cents per pound, paid customs taxes in 1887 equal to 88 per cent.; those valued at 40 cents per pound paid 65 per cent.; those valued at 53 cents and at 69 cents paid equal to about 69 per cent., and those valued at $1.55 paid 63 per cent. Under the Senate bill these goods valued at only 19 cents per pound would be taxed equal to 285 per cent. ad valorem, an increase of 197 per cent.; those valued at 40 cents per pound would pay 158 per cent., an increase of 93 per cent.; those valued at 53 cents per pound would pay 120 per cent., an increase of 51 per cent.; those valued at 69 cents per pound would pay 110 per cent., an increase of 41 per cent.; while those valued at $1.55 per pound would only pay 73 per cent., or an increase of only 10 per cent. Thus there is a marked and uniform decrease in taxation as the value advances, and an astounding multiplication and aggravation of existing inequalities in these articles so necessary to the comfort of the people. The poor man's underwear, costing only 19 cents per pound, is taxed at the rate of 285 per cent., while these goods worn by the wealthy, and worth eight times as much, pay only one-fourth as much tax.

18. Paragraph 324 of this bill imposes the enormous tax of 10 cents per square yard and 20 per cent. ad valorem on "plushes, velvets, velveteens, and all pile fabrics composed of cotton or other vegetable fiber." Common canton flannel, worth at wholesale, say, 5 cents per yard, would fall under this provision, being a "pile fabric."

19. The bill (paragraph 332) makes cables or cordage and twine, composed wholly of manilla or sisal grass, dutiable at 1½ cents per pound, or equal to, say, 15 per cent. ad valorem; whereas these same articles composed wholly or partly of hemp, flax, istle, jute, or other vegetable fiber would pay duty at 40 per cent.

20. The duty on raw cabbages is increased from 10 per cent. to about 40 per cent., while sauer-kraut made from cabbages is on the free-list.

21. Bologne sausages are on the free-list, but the duty is increased on live hogs and retained on dressed pork and other meats.

22. Artificial alizarine is on the free-list, while anthracine, caustic soda, and other materials from which it is made are dutiable at from 20 to upwards of 50 per cent.

23. The rate on ordinary lime (now 10 per cent.) is increased to 35 per cent., while chloride and citrate of lime are free.

24. All medals of copper are free, but the copper from which they are made is dutiable at 35 per cent.

25. Silk bolting-cloths are on the free-list, while thrown silk and yarns pay duty at 30 per cent.

26. Orange, lemon, and lime juice are free, yet oranges, lemons, and limes are dutiable at from 13 to 34 per cent.

27. Paper, ink, engravers' tools, and engraved, lithographed, and stereotype plates are dutiable at high rates, while fashion plates, colored or plain, are on the free-list.

28. Bulbs and bulbous roots are made free of duty, yet garden-seeds pay 20 per cent.

29. Dried currants are put upon the free-list, while fresh fish are transferred from the free to the dutiable list.

30. Brazil nuts and cream nuts are free, but maccaroni and vermicelli are made dutiable at about 36 per cent.

31. Straw and chip laces and ornaments are added to the free-list, while the rates on common woolen hosiery and other underwear are more than trebled.

32. Cloves and spices are free, yet common salt pays duty at 80 per cent.

33. Olives are on the free-list, while potatoes are dutiable at 40 per cent.

34. Oil of cinnamon and ottar of roses are free, but cod-liver oil and whale and other fish oils pay duty at about 30 per cent.

35. Diamonds and other precious stones, rough or uncut, are made free, while freestone, sandstone, marble, granite, and other building and monumental stone and grindstones in the rough pay duty at from 15 to 53 per cent.

36. The rate of pearls is reduced (from 50 per cent. as "beads," etc., or 25 per

cent. as "jewelry") to 10 per cent., while the rates on the coarse worsted cloth are more than doubled.

37. Chinese matting is put on the free-list, yet all other matting and mats are dutiable at 40 per cent. and upward.

38. The Christians' Bible pays duty at 25 per cent., while the joss-stick or joss light which the Chinaman burns before his idol is exempt from duty.

All these strange, grotesque, contradictory, and oppressive things distinguish this bill, prepared, it is said, "to remedy the defects, anomalies, and incongruites which have been from time to time discovered in the tariff schedules," * * * "to secure the proper readjustment and equalization of tariff rates," * * * and "to give relief and protection to many industries which are now suffering on account of the inadequate rates levied on competing products."

AMBIGUOUS AND CONFLICTING PROVISIONS.

Although its framers claim for it simplicity of construction and freedom from ambiguities and conflicting provisions, this bill retains many of these infirmities of the present law and has introduced many new ones. Here are a few examples:

1. There is an article much used in printing or drying cotton fabrics, which is variously known in the trade as alizarine assistant, or soluble oil, or oleate of soda, or Turkey red oil. Not being enumerated in the present law, it has been classified under section 2499 Revised Statutes as assimilating to castor oil at duty equal to 198 per cent., it being composed chiefly of that article. It is specifically provided for in this bill at the rate of 3 cents per pound, equal to perhaps 20 per cent., when "containing not more than 50 per cent. of castor oil." It is understood that the commercial article as bought, sold, and used contains from 65 to 75 per cent. of castor oil, and that if not containing more than 50 per cent. is unfit for the use intended, and is not in fact the article described. Such being the case is not the provision nugatory, and how shall the true article be classified? The question is now before the courts on appeal from its classification as castor oil. It is claimed that it should be classified as a chemical compound (at 25 per cent.), otherwise as a non-enumerated manufacture (at 20 per cent.).

2. Paragraph 176 (page 127) provides that silver ore containing lead shall pay duty on the lead therein contained "according to sample and assay at the port of entry." There are comparatively few ports of entry where the Government could have proper assays made. According to the terms of this provision it would not be competent to have the assay made elsewhere than at the "port of entry."

3. Paragraph 156 (page 123) provides that no allowance for damage on account of rust, etc., shall be made on iron or steel or manufactures thereof. Why this provision, when section 44 of the bill abolishes all allowances for damages?

4. Paragraph 158 (page 124) is a marvel in the way of ambiguity and faulty construction. "All articles not specially enumerated, etc., * * * shall not pay a lower rate of duty," etc. (?)

5. Paragraphs 180 and 181 (page 128) provide for muskets, sporting rifles, double and single barreled breech-loading shotguns, and for revolving pistols. There being no provisions made, however, for muzzle-loading shotguns, pistols other than revolving, and other fire-arms, how is it intended these articles shall be classified for duty?

6. Paragraph 198 imposes duty at 45 per cent. on all articles not especially enumerated in the act, composed wholly or in part of iron, steel, or other metal. This clause in the present law has been a constant source of vexation to Treasury officials and customs officers, and has been productive of numerous disputes, protests, appeals, and pending suits. Under it articles made of wood, and fairly dutiable at 35 per cent., or of paper, and properly dutiable at 25 per cent., if containing the least bit of metal—as, for example, a ferrule on a walking-stick, a strip of hoop-iron about a packing-box, or a simple wire-brace in a paper lamp-shade—would be subject to duty at 45 per cent. The question has also arisen, whether a few metal threads running through silk and woolen piece goods, or employed in embroidery on goods composed of wool or silk, would not subject these fabrics to duty as manufactures composed "in part of metal."

7. Paragraphs 199 and 200 (page 130) provide, respectively, for "timber, hewn and sawed, and timbers used for spars and in building wharves," at 20 per cent.; and for "timbers squared or sided," etc., at 1 cent per cubic foot, or equal to 10 per cent. Timbers squared or sided may be used, and is often used, "for spars in building wharves." Where an article like this is fitted for various uses, how is the customs officer to know its precise intended use or its possible ultimate use?

8. Paragraph 200 (page 132) imposes duty at 30 per cent. on house furniture not finished, and the next paragraph duty at 35 per cent. on house furniture finished. A bedstead, for example, packed in pieces, as is usual, and lacking only the castors, or perhaps a coat of varnish, would be entitled to admission at the lower rate.

9. Paragraph 209 also makes "reeds" dutiable at 10 per cent., whereas paragraph 731 (pages 195, 196) makes "reeds" free of duty.

10. The same paragraph (page 209) imposes duty at 15 per cent. on "chair cane," while paragraph 731 exempts the same material (bamboo and rattan) from duty.

11. Paragraph 353½ (page 157) provides for "woolen and worsted yarns, made wholly or in part of wool, worsted," etc. Would yarns be "woolen or worsted" if not made "wholly or in part of wool?" Yarns made from the hair of the Angora goat are not known as "woolen and worsted yarns," but are known as "mohair yarns," while those made from the hair of the alpaca, the common goat, the camel, the cow, or other animals are not "woolen and worsted" yarns. How, therefore, would these hair yarns be classified for duty?

12. Note the faulty phraseology in the first three lines of paragraph 355 (page 158), namely, "flannels, blankets, and hats of wool, composed wholly or in part of wool, the hair of the goat, alpaca, or other animals."

13. Also note the obscure, ambiguous, and conflicting clause in paragraph 356, namely, "but all the above-named goods which are composed in part of silk, or which contain an admixture of silk, and in which silk is not the component material of chief value," etc. Would the kinds of goods described in the paragraph, "composed in part of wool," etc., but in which silk is "the component material of chief value," be dutiable at the rates therein prescribed, or at the rates prescribed in "Schedule L" for silk piece-goods?

14. Observe the clause in paragraph 357 (page 160), which reads: "And all such goods with selvedges, made wholly or in part of other materials, and all such goods in which threads, made wholly or in part of other materials, have been introduced in the warp or in the filling for the purpose of changing the classification for duty," etc. How shall it be determined whether the "selvedges" were put on, or threads introduced in good faith or "for the purpose of changing the classification for duty?" The similar clause in the present law has been the subject of vexatious disputes ever since it took effect. The Treasury officials have held that the mere introduction of a few threads of cotton or other material, or the admixture of a small percentage of such materials, with the wool, etc., would not relieve the goods from classification under this provision, as if "composed wholly of wool," etc. Suits have in consequence been brought involving vast sums of money.

Meanwhile these goods have been sold to the people at prices based upon the rates of duty exacted, and the domestic manufacturers of similar goods have made their business arrangements as if they were securely "protected" under the higher rate. Within the past few days, however, a suit involving this question was decided in the United States court for the southern district of New York in favor of the importer. Therefore, if this decision is sustained the consumers of the goods will have suffered, the domestic manufacturers will have been deceived and injured, the Government will have been put to much expense and trouble, and nobody will have been benefited except the venturesome importers and their attorneys and customs-house brokers, with whom it would almost seem that the real authors of the provision in question were in league.

15. Paragraphs 358 and 359 provide for the same class of articles at the same rate of duty. The first paragraph would cover all.

16. There are two provisions in the free-list for bulbs and bulbous roots (paragraphs 493 and 535). Also for "peltries and other proper goods and effects of Indians." (See paragraph 651 and section 2512, pages 189 and 208.)

AD VALOREM AND SPECIFIC DUTIES.

Notwithstanding the pronounced declaration against ad valorem duties and strong arguments in favor of specific rates contained in the report of the Senate Committee on Finance, the bill has substituted purely specific for ad valorem duties on few articles compared with the number on which it has actually increased existing high ad valorem rates. At the same time it has vastly extended that most vicious and mischievous system known to customs taxation, namely, specific duty dependent upon values. A system apparently devised to invite evasions and encourage frauds, and which almost invariably imposes the higher rate on the cheaper quality of goods of each particular class.

Take for example cotton hosiery provided for in paragraph 321 (page 151). If a dozen pairs of hose worth 75 cents should be invoiced and admitted at 60 cents or less the revenue would lose, and the defrauder gain, 41 cents, or 9 cents more than the amount collected; whereas if the rate of duty was simply 55 per cent. ad valorem the loss to the revenue and gain to the defrauder would only be a fraction over 8 cents.

On the other hand, hose valued at 75 cents per dozen pairs would under this bill pay duty equal to 95 per cent. (or 40 per cent. more than if this duty were 55 per cent. ad valorem); while if valued at $2 per dozen pairs it would only equal 55 per cent., and if valued at $8 per dozen pairs it would only equal 45 per cent., or 50 per cent. less than on the 75-cent goods.

Take also cotton thread and yarn, embraced in paragraph 313. Should 100 pounds of the yarn worth $30 be invoiced and admitted at a valuation of $25, the revenue would thereby suffer a loss and a dishonest importer secure a gain of $8. If, however, duty was 40 per cent. ad valorem, the revenue would only lose and the importer gain $2 by such an undervaluation. At the same time yarns correctly invoiced at a valuation of 30 cents per pound would under this bill pay duty equal to 60 per cent., while if valued at 40 cents per pound the duty would be equal to 45 per cent.

There are two classes of men who favor this system of duty, also very high ad valorem rates pure and simple. These are unscrupulous importers who are sure to, and crafty manufacturers who hope to, secure undue advantage therefrom. And it is a notable fact that in most cases these beneficiaries are adventurous aliens who have established themselves here temporarily for this purpose only.

The advocacy of specific duties by our Government is warranted not only by our experience but by the abandonment of ad valorem rates and the adoption of this system by the principal manufacturing and commercial nations of continental Europe. It is true that the rates of duty imposed by those countries are, as a rule, but trifling compared with ours, and that for this reason it is practicable to levy specific rates there without discriminating against articles of cheaper quality to a degree so seriously hurtful as would apparently be the case here, under our exceptional system of high customs taxation. Yet my experience since coming to this Department has taught me that it is practically impossible to apply such high ad valorem rates as have come down to us from our late war period without such attendant inequalties, injustice, fraud, immorality, and scandal as has hitherto disgraced the Government and as still prevails. This condition of affairs is in my opinion more injurious to us as a people than would be the inequalities likely to result from the substitution of specific for ad valorem duties. Let it be understood that I am considering a choice between two evils. No form of taxation has ever been devised that has operated with strict fairness and equality. Certainly this is impossible under our system, born of war and as cruel as war.

If, therefore, it shall be the policy of the Government to continue and to aggravate, as is proposed, this merciless system of customs taxation, it would be better, I think, that the barbarism be made complete by the adoption of specific rates than that the present carnival of fraud and deceit shall continue. If the people are to be forever tortured by taxation, then "call in the Cossacks," lay on the knout, put on the manacles, and apply the thumb-screws in an earnest, orderly, and straightforward way. The resolute purpose to obstruct our commercial intercourse with other countries by restricting and prohibiting importations, which is so manifest in the several schedules of the bill, is also adhered to in certain of its administrative sections. I shall content myself with merely pointing out such of these as impress me as being particularly objectionable.

Section 2900, Revised Statutes, imposes an additional duty of 20 per cent. upon all merchandise which, upon appraisal, is found to have been entered 10 per cent. or more below its true market value. The framers of this law clearly had in mind cases where, from various reasons, goods might be fairly invoiced and honestly but erroneously entered below their actual market value at the period of exportation to this country. Therefore the imposition of the additional duty was for the purpose of inflicting such punishment only upon the importer as would cause him to be careful in entering his goods in all cases at their proper value, and was not intended as a penalty for a willful attempt to defraud the revenue.

Section 30 of the bill substitutes for this provision in section 2900, Revised Statutes, a penal duty of 2 per cent. for each 1 per cent. of the increased valuation ascertained by the appraiser in excess of 5 per cent. of the entered value. And furthermore, if the appraised value exceeds the entered value more than 20 per cent. the entries shall be held to be presumptively fraudulent, and the goods shall be seized and proceeded against for forfeiture. It is scarcely necessary for me to call attention to the fact that it is practically impossible for the most accomplished experts to determine within 5 per cent. the actual foreign market value of many classes and qualities of imported goods. In fact, it frequently occurs that our customs examiners, as well as experts in the trade, differ more than 10 per cent. with respect to the foreign value of imported articles. You will readily see, therefore, that this amendment is a radical change of the present law, and that the hardships it would cause would necessarily restrict regular importations by our merchants, and would be prohibitive of consignments here on foreign account.

Section 31 provides, in effect, that in all cases where merchandise is consigned to the United States for sale on account of the manufacturer thereof, there shall be presented on entry, in addition to the certified or consular invoice, etc., a statement signed by such manufacturer showing in detail the cost of production of the merchandise, or if consigned for sale on account of a person other than the manufacturer, there shall be presented as a part of the entry a statement declaring that the merchandise was actually purchased by him or for his account, and showing the time, place, and from whom purchased, and in detail the price paid therefor.

It is plain that a bona fide and actual compliance with these requirements would be practically impossible as a rule. Consequently, the result would be either the presentation of false and misleading statements or that the goods

would be falsely invoiced and entered as having been actually purchased for the account of the consignee. So that the effect would be not only to increase the volume of custom-house frauds, but to drive the more honest men from the consignment business, and at the same time to restrict importations, and to injuriously affect our commercial relations with foreign countries. When the Government has been furnished an invoice duly authenticated by one of its own consular officers, together with the consignee's entry under oath, and also has the importer's goods in its own hands for examination and appraisal, it would certainly seem to be in position to collect its duties.

The clause in section 41 (page 231, lines 13 to 17) providing for the addition to the dutiable value of "the cost of transportation, shipment, and transshipment, with all the expenses," etc., would so largely increase the customs taxes on such articles as earthenware, tiles, bricks, roofing slate, machinery, and other heavy and bulky goods subject to ad valorem rates, as to measurably, at least, prohibit their importation. Unlike coverings, packing charges, etc., these additions to the dutiable value are not necessary to prevent frauds or abuses, nor to secure fair and uniform appraisements, and were manifestly made for the express purpose of so increasing the domestic manufacturer's "protection" as to relieve him entirely, at the expense of the consumers, from foreign competition.

There is obscurity as to the intent and meaning of the words "additional duty shall be levied," etc., in the clause providing for the imposition of duty on such coverings of "imported merchandise, whether dutiable or free," as are of unusual character and "designed for use otherwise than in the bona fide transportation of merchandise to the United States." The purpose of the section is to include "the value of all cartons, cases, crates, boxes, sacks," etc., in determining the dutiable value of goods subject to ad valorem rates only. Clearly, it was not intended to assess duty upon the usual and necessary coverings, etc., of free goods or goods subject to purely specific rates. How, therefore, are the words "additional duty," as applied to such goods, to be understood?

With the exception of these two objectionable clauses, this section (41) is substantially as originally prepared and recommended by this Department.

Respectfully, yours,

CHARLES S. FAIRCHILD.

Hon. R. Q. MILLS,
House of Representatives.

Repeal of the Tobacco Tax—Blair Educational Bill.

SPEECH
OF
HON. WILLIAM E. GAINES,
OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 4, 1889.

Mr. GAINES said:

Mr. SPEAKER: Almost three years have elapsed since I accepted a nomination to a seat in this body. My formal acceptance of the honor carried with it a pledge to support two great measures in which the people of my State felt more real concern than in all other measures then likely to be considered by the Fiftieth Congress. That interest has not abated but intensified. Virginia earnestly desires the repeal of an unjust, un-American, unequal, and unnecessary tax upon her main farm product—tobacco. In her poverty she favors help from the General Government in her most commendable undertaking to educate her thousands of illiterate children. I have before me the last census showing in round numbers three hundred and forty thousand children in Virginia of school age who never saw the inside of a primer. It is strange that this grand old Commonwealth should invoke the aid of the Federal Government to assist her in raising the pall that rests upon her. Is it not natural that she should demand that tobacco, her great farm product, should be as free as the farm products of other States of the Union? Why should the tobacco raisers of a few States of the Union submit to having the product of their farms taxed $54,000,000 annually while other agricultural products are as free as the air we breathe?

Mr. Speaker, tobacco has contributed its share of the tribute to the necessity that imposed this un-American tax upon a farm product. The raiser, the dealer, manufacturer, and consumer are united in an effort to free this industry of the espionage and restraining burdens to which it has been so unjustly subjected for so many years. Upon this staple depends a large section of the State which I have the honor in part to represent on this floor. Its growth and manufacture enter very largely into the trade, commerce, and wealth of Virginia. It should be remembered that 18 per cent. of all persons engaged in agriculture in Virginia are employed in raising tobacco, in round numbers 49,000 farmers, while there are nearly 600,000 taxed dealers engaged in the trade in the United States; nearly 8,000 establishments, employing $41,000,000, giving employment to 90,000 persons, whose wages aggregate $26,000,000 annually. Tobacco represents fully 71 per cent. of the merchandise balance exported by the United States, bringing in return $32,000,000 in gold.

It is an industry of no mean importance in nineteen States of the Union. There exists no longer a pretext that tobacco is a luxury which should be subjected to proscriptive legislation. It is used in one form and another in all parts of the civilized world. This universal use forbids any such classification. It is estimated that the world uses 70 ounces per capita. Coffee and tea are not classed as necessaries of life. The consumption of coffee per capita is almost double that of tobacco, while that of tea is about one-fifth. These articles are not more essential to man's comfort, yet they pay no internal tax. If tobacco is a luxury, why burden its production and the trade resulting from it, thus keeping it beyond the reach of the masses? It is conceded by all political parties that the money derived from the internal tax is no longer a necessity for maintenance of Government. Nothing is more distasteful than this system of taxation. Nothing is more unjust. The fields of agriculture should be relieved of this burden.

The people of every State of the Union are educated to the belief that this Congress would reduce the surplus in the Treasury by an outright reduction of taxes. They are weary of the promise of a reduction of burdens so long endured. They will hold to account the party responsible for the retirement to the Treasury, to lie in idleness, the currency needed for circulation.

Mr. Speaker, there can be no tariff legislation by this Congress; it would at this moment be a grand and patriotic act to relieve the agricultural interest of this hinderance. Why, sir, the tobacco crop of 1888 is now being marketed at an average of 50 per cent. less than the cost of production, a sum per hundred less than one-half that collected by the Government as a tax thereon.

Mr. Speaker, we are about quitting this Hall. In a short period the sands of time will announce the dissolution of the Fiftieth Congress. Who is responsible for the failure to repeal the tax on tobacco? Can it be charged to this side of the House? I am sure it can not. The Democratic party of this House through its Speaker and Committee on Ways and Means have persistently fought every measure looking to this repeal. With a dozen or more bills introduced at the commencement of the first session of this Congress in the hands of the Committee on Ways and Means; with resolution after resolution from the Republican side of this House; with petitions and delegations from farmers, manufacturers, and dealers, this august committee has maintained the silence of a stone in utter contempt of the will of the people. That committee has so far forgotten its own functions as to fight with relentless hand all effort on the part of the distinguished chairman of the Committee on Appropriations to whom had been referred what is known as the Cowles bill. For the past ten days that grand old commoner, Mr. RANDALL, of Pennsylvania, has been watched and dogged by his party friends on this floor and in caucus—every effort known to modern legislation has been resorted to by an almost undivided Democratic party to prevent recognition of him by the Chair. On this floor it is openly threatened that no man who will join the Republicans to repeal this tax will be countenanced by his party again. The fight waxes warm; the Virginia farmer remains at home, too poor to subscribe to a newspaper which would correctly chronicle events here. Democracy thus holds clutched in the vice of death the liberties of my people. The question is asked, why can not the Virginia farmers be instructed as to the position of the two parties on these questions in which they are so much interested. I answer, Mr. Speaker, that I have never seen as many as a dozen Virginia Democratic farmers who have read Cleveland's message to this Congress in which he so plainly defined the position of the Democratic party on the question of the repeal of the tobacco tax. From it I read as follows:

> It must be conceded that none of the things subjected to internal-revenue taxation are, strictly speaking, necessaries. There appears to be no just complaint of this taxation by the consumers of these articles, and there seems to be nothing so well able to bear the burden without hardship to any portion of the people.

I am not sure, Mr. Speaker, that this message was ever published in the Democratic newspapers of my State. None but Democratic journals can live there. It was necessary to Democratic success in that State that the farmers be kept in ignorance of the position of the Democratic party on the repeal of the tobacco tax and the Blair educational bill. No party can live in Virginia in opposition to these measures, hence the necessity for the suppression of that message as well as the action of this Congress.

I do not wish to be understood as imputing ignorance on general subjects to the Virginia farmer; to the contrary, no State can furnish his superior intellectually. Yet, Mr. Speaker, no sane man can believe that this class of Virginia people would have voted the Democratic ticket last fall had they read the tobacco clause of Cleveland's message, or known that the Blair educational bill, donating the magnificent sum of $76,000,000 for public education, had been three times defeated in as many years by the Democrats sent here to represent them. Nor did they understand that their forests and vegetables had been put on the free-list. I am unprepared to believe that Virginia farmers will knowingly persist in the support of a party when it is understood they starve themselves and forever keep their children in ignorance by so doing.

It is reckoned admissible for the clergy of Virginia to vote twice a year to keep three hundred and forty thousand Virginia children in ignorance, thereby entailing crime and shame. They forget the heathen at home on election day, while on every other day of the week they invoke aid for the foreign heathen. Such is the state of politics in the old Dominion that one needs be a Democrat to have listeners to the gospel; but few Republican divines make bread in that State. The farmers' Democracy, however, leads him in another direction. Mr. Speaker, I have not been deceived by the failure of the majority party of this House to repeal the tax on tobacco. In fact, I have never for a moment thought they would do so. But, thanks to the will of the

American people, the Republican party will be seated in this Hall on the 1st of December next, clothed with power and disposition to grant to the people of this Union Federal aid to public education, protection to American industries, protection to American agriculture, protection to North and South alike, protection to Americans at home and abroad.

Here is the platform of God's people as relates to Virginia tobacco raisers and her three hundred and forty thousand illiterate and indigent children.

Mr. Speaker, the verdict must come sooner or later. The truth can not always remain suppressed. How stands it with my Democratic colleagues from Virginia? Allow me to say to you that the part you have played in this great drama was correctly portrayed when three years ago it was charged upon you that you would by your action on the first day of the first session of the Fiftieth Congress betray the trust imposed on you by voting for the present Speaker of this House. You did not thus defeat Virginia's hopes without warning and full knowledge of the effect of your action.

One or more of you must have known from experience in the Forty-ninth Congress that to make Mr. CARLISLE Speaker meant to perpetuate the tobacco tax, to the repeal of which you were solemnly sworn. You lent your vote to the election of the distinguished chairman of the Committee on Ways and Means with the full knowledge that he had abused and vilified Virginia Democracy for adopting a platform favoring the repeal of the tax on tabacco and the passage of the Blair educational bill. I will remind you and instruct the House by reading the language of Mr. MILLS upon reading the last platform adopted by Virginia Democrats. Here it is:

CONGRESSMAN MILLS, OF TEXAS, ON VIRGINIA DEMOCRATS.

That platform adopted by the so-called Democratic party of Virginia was something extraordinary. It must disgust every Democrat both in and out of the State. The present leaders of the Democratic party in Virginia are the queerest set of imbeciles that ever ruined a State.

The present Speaker of this House said of that platform: "The Virginia Democrats have adopted a Republican and not a Democratic platform."

Again, the Courier-Journal, the mouthpiece of Mr. CARLISLE, said of that platform: "If a set of political pirates ever deserved defeat for cowardly utterances, these so-called Virginia Democrats certainly do. The platform is an outrage upon Democratic principles and a fraud upon the Democracy of that State. It is a lie and a cheat from the beginning to the end."

Now, Mr. Speaker, I would ask if the support given to Messrs. Mills, Carlisle & Co. on this floor by Virginia Democrats is not an acknowledgment on their part that the State platform upon which my colleagues were elected was all that was ever claimed for it by Messrs. MILLS and CARLISLE.

That it was a lie, a fraud, and a cheat no one ever doubted in Virginia, since it claimed to favor principles which would not last to cross the Potomac, and which were known to be in direct opposition to the platform of the national Democratic party in this, that the one demanded the repeal of the internal-revenue laws and favored aid to public education, while the other reads that this tax shall be continued for the payment of pensions to United States soldiers, and that it was opposed to collecting taxes of the people to be distributed among the States for educational purposes.

Mr. Speaker, national Democracy and Virginia Democracy did not come out of the same box. The latter is the Republican platform as enunciated by Virginia Republicans and afterwards adopted by Virginia Democrats without the dotting of an "i" or the crossing of a "t." As degrading as this may appear it is nevertheless so, and no attempt was ever made to conceal the fact. In contrast with this humiliating spectacle, Mr. Speaker, I thank God that when a Virginia Republican proclaims in favor of a repeal of the tobacco tax and the passage of a bill giving Federal aid to public education he can go and open the national Republican platform upon which Benjamin Harrison was elected President of these United States and find his faith confirmed in the following language. I read from the Republican platform:

The Republican party would effect all needed reduction of national revenue by repealing the taxes on tobacco, which are an annoyance and burden to agriculture.

EDUCATIONAL.

In a republic like ours, where the citizen is the sovereign and the official the servant, where no power is exercised except by the will of the people, it is important that the sovereign, the people, should possess intelligence. The free school is the promoter of that intelligence which is to preserve us as a free nation. Therefore the State or nation or both combined should support free institutions of learning sufficient to afford every child growing up in the land the opportunity of a good common-school education.

In addition to the above, Mr. Speaker, the world can judge of our sincerity by our actions. Three times has our Republican Senate echoed the language of the above platform by passing the Blair educational bill. And with a full knowledge of the language I employ and in contradiction of the statement made by one of my colleagues in a newspaper interview in the city of Richmond, Va., a few days since, I defy any member of this House to name a Republican member of the Fiftieth Congress who is not honestly and earnestly in favor of the repeal of the tax on tobacco.

I extend my challenge further. I defy the production of a dozen Democrats in this House who favor either the educational bill or the repeal of the tobacco tax.

Mr. Speaker, Virginia Democracy upheld by Northern Copperheads reminds one to exclaim "The voice is Jacob's voice, but the hands are the hands of Esau." In the Pilgrim's Progress it plays the part of the gentleman who followed Christiana so devoutly for her silver slippers.

Direct Taxes.

SPEECH

OF

HON. WILLIAM ELLIOTT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 11, 1888.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861—

Mr. ELLIOTT said:

Mr. CHAIRMAN: On the 5th August, 1861, Congress passed an act entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes." Section 8 provides:

That a direct tax of $20,000,000 be, and is hereby, annually laid upon the United States, and the same shall be, and is hereby, apportioned to the States, respectively, in the manner following.

Then follows the apportionment, which will be hereafter given. Section 53 provides that any State or Territory may assume the payment of its quota, and thus relieve its citizens from the payment of the amounts charged against their lands, and that any State so paying should be entitled to a deduction of 15 per cent. of the sum apportioned to it.

All the Northern States, excepting Delaware, assumed and paid their quotas. Delaware's quota was collected directly from her citizens by the machinery provided by the act. In the Southern States no collections were made under this act, nor until after the passage of "An act for the collection of direct taxes in insurrectionary districts, and for other purposes," approved June 7, 1862. Under this the President was authorized to appoint for those States three tax commissioners for the purpose of collecting the tax to be assessed against each lot of land therein, and in case of sale the certificate of the commissioners could—

Only be affected as evidence of the regularity and validity of sale by establishing the fact that said property was not subject to taxes, or that the taxes had been paid previous to sale, or that the property had been redeemed according to the provisions of this act.

Under this act, during the war and after its close, collections were made in all of the Southern States either by voluntary payment or by sales of property, so that to-day the account of each State and Territory stands as follows:

State.	Quota charged.	Amount credited.	Amount due.
Alabama	$529,313.33	$18,285.03	$511,028.30
Arkansas	261,886.00	154,701.18	107,184.82
California	254,538.67	254,538.67	.....
Colorado	22,905.33	22,189.96	715.37
Connecticut	308,214.00	308,214.00	.....
Dakota	3,241.33	3,241.33	.....
Delaware	74,683.33	74,683.33	.....
District of Columbia	49,437.33	49,437.33	.....
Florida	77,522.67	4,760.30	72,762.37
Georgia	584,367.33	117,982.89	466,384.44
Illinois	1,146,551.33	1,146,551.33	.....
Indiana	904,875.33	904,875.33	.....
Iowa	452,088.00	452,088.00	.....
Kansas	71,743.33	71,743.33	.....
Kentucky	713,695.33	713,695.33	.....
Louisiana	385,886.67	314,500.84	71,385.83
Maine	420,826.00	420,826.00	.....
Maryland	436,823.33	436,823.33	.....
Massachusetts	824,581.33	824,581.33	.....
Michigan	501,763.33	501,763.33	.....
Minnesota	108,524.00	108,524.00	.....
Mississippi	413,084.67	111,038.46	302,046.21
Missouri	761,127.33	761,127.33	.....
Nebraska	19,312.00	19,312.00	.....
Nevada	4,592.67	4,592.67	.....
New Hampshire	218,406.67	218,406.67	.....
New Jersey	450,134.00	450,134.00	.....
New Mexico	62,648.00	62,648.00	.....
New York	2,603,918.67	2,603,918.67	.....
North Carolina	576,194.67	377,452.61	198,742.06
Ohio	1,567,089.33	1,567,089.33	.....
Oregon	35,140.67	35,140.67	.....
Pennsylvania	1,946,719.33	1,946,719.33	.....
Rhode Island	116,963.67	116,963.67	.....
South Carolina	363,570.67	222,396.36	141,174.31
Tennessee	669,498.00	392,004.48	277,493.52
Texas	355,106.67	180,841.51	174,265.16
Utah	26,982.00	.....	26,982.00
Vermont	211,068.00	211,068.00	.....
Virginia	729,071.02	442,408.09	286,662.93
West Virginia	208,479.65	208,479.65	.....
Washington	7,755.33	4,268.16	3,487.17
Wisconsin	519,688.67	519,688.67	.....
Total	20,000,000.00	17,359,685.51	2,640,314.49

Quota	$20,000,000.00
Paid or credited	17,359,685.51
Amount due	2,640,314.49

The second column includes taxes collected, amount of 15 per cent. deduction, and credits allowed.

In South Carolina the amounts collected in the several parishes and districts are as follows:

Collection of direct taxes, interest, and penalties in South Carolina, by parishes.

Parishes.	Direct taxes.	Interest.	Penalties.
St. Philip and St. Michael	$168,350.53	$25,327.04	$132.76
Prince William's	2,048.25	398.81	
St. John's and St. Andrew's	6,963.73	1,304.53	
St. James, Santee, and St. Andrew's	946.77		
St. Stephen's	662.71		
Marion district	2,492.40		
Prince George	1,216.01		
St. Peter's	2,398.25		
St. Paul, St. Thomas, and St. Denis	6,551.26		
Horry district	691.10		
St. John's	3,88[illegible].85	3.41	
Goose Creek and Williamsburgh	4,151.18		
St. George	1,556.74		
St Bartholomew	4,393.00		
All Saints	233.07		
Christ's Church	2,936.90		
St. Luke's	793.05	251.20	
St. Helena	513.52		
Total tax	210,789.32	27,284.99	132.76
Tax collected by sale of land	11,855.04		
	222,644.36		
Deduct duplicate entry	248.00		
Total tax collected exclusive of penalties and interest	222,396.36		
Interest collected	27,284.99		
Penalties collected	132.76		

Except in the parishes of St. Helena and St. Luke's, in Beaufort district, these collections were all made by voluntary payments shortly after the close of the war. In St. Helena and St. Luke's parishes, excepting $513.52 in the former and $793.05 in the latter, paid by landowners resident at the North, the collections amounting to $11,855.04 were made by sale of lands during the war. This sum of $11,855.04 is the entire tax charged against the lands and town lots in these two parishes which were sold by the commissioners in the manner hereinafter described.

Although the act of 1861 provided for an annual direct tax of $20,000,000, yet no effort has ever been made to collect the tax for any but the first year; nor have any collections been made for twenty years past on account of the uncollected balances of the first year's tax.

The present bill proposes to repay to the States and Territories the entire amount collected and to release whatever is still due, and the payments are to be made to the States and Territories directly, whether the tax was paid by them to the United States, as in the North, or was collected from the people, as in the South—the latter States being made trustees for their citizens from whom the tax was collected.

I do not propose to discuss the general features of this bill, which have been so ably presented by gentlemen who have preceded me, but to call the attention of the committee to a case of special hardship arising out of the enforcement of the law in the parishes of St. Helena and St. Luke's in South Carolina.

After the capture of Port Royal in 1861, and after the passage of the supplementary act for the collection of this tax in the insurrectionary districts, some time in the year 1862, commissioners were appointed and sent into that section of the State, and as the result of their operations 110,000 acres of land in these parishes and the entire town of Beaufort, consisting of some 500 lots containing valuable improvements, were sold.

There has been no reversal of these acts, and, except in cases where the owners have redeemed their property from the Government under the redemption act, passed in 1872, or have repurchased it, the entire property is held by the tax purchasers and those claiming under them.

I will propose by an amendment to the bill, which the Judiciary Committee have instructed their chairman to accept, some provisions calculated to undo the great injustice which has fallen upon these people far in excess of anything suffered by the people in other sections of the country.

All the facts cited in support of any amendment are based upon the official publications of the Government, most of which are included in the report of the Judiciary Committee on this bill. By a careful examination of that report it will be seen that the grossest irregularities were committed by the commissioners intrusted with the execution of the law.

ASSESSMENT AND TAXATION.

At the very outset in assessing the property and fixing the rate of taxation upon it the commissioners acted in a most extraordinary manner, as will appear by the following extracts from a report made in 1886 by a commission appointed by the Secretary of the Treasury, and included in the committee's report:

For taxation the State was divided under State laws into the "upper division" and the "lower division," in the latter of which alone was the direct tax attempted to be levied and collected.

The commissioners fixed the entire taxable property of the State at $30,833,322.10$\frac{1}{10}$, and still imposed upon the several parishes and districts constituting the "lower division" of the State for taxation an aggregate assessed valuation of $33,750,000, or nearly $3,000,000 more than the entire estimate for the State, leaving unassessed the "upper division," which, under the State law, constituted more than one-fourth the taxable value of lands in the State and about three-fourths the State's area.

The commissioners imposed upon farming lands—all property not in towns, etc.—a tax of "$2 ad valorem for each $100 valuation," and "upon the city, town, village, and borough lots the sum of 80 cents ad valorem on each $100 valuation." This has very recently been the subject of judicial inquiry before the Court of Claims, where it has been held that the assessment should have been the same for all classes of property, and that any assessment in excess of such a levy is erroneous, and the amounts collected thereunder in excess of the proper sums should be refunded to the landowners paying the same.

Further on the report proceeds:

The report of the comptroller-general of South Carolina for 1860, adding thereto the assessment for Union County for the next fiscal year, which is substantially correct, as no return for this county seems to have been received or incorporated in the first of the said reports, shows as taxable real estate in the entire State $41,924,074, of which $30,090,507 was in the "lower division." Then, if $41,924,074 should pay $363,570.67, the quota of the State, $30,090,507 should pay $260,948.53. But upon this lower division the commissioners levied $348,283.34, $87,334.81 more than its proportion. Should the rate of taxation have been uniform, each land-owner has been compelled to pay 33.8 per cent. more than could be imposed under the law.

The same figures will show that the assessment for this State should have been 80 cents (about) on each $100 valuation. Town property has, then, paid 6 cents too little and country property $1.14 too much on each $100 valuation.

It is probable that there will yet be presented numerous claims for refunding amounts erroneously collected, both here and in other States. Each sum refunded, and which was heretofore credited to the State on account of tax, will necessarily affect the amount due from the State. And hence the necessity of the observations upon this point.

Thus it appears that the commissioners assessed the "lower division" alone at nearly $3,000,000 above the entire assessment for the whole State, and that they made a distinction in the mode of levying the tax between town property and planted lands, whereby they taxed the plantation lands $2 for every $100, being, as against town property, 6 cents too little, and as against county property $1.14 too much on the $100.

ADVERTISEMENT.

Next, as to the advertisement. For a hundred years the lots in Beaufort had been designated on the town plat by numbers, from 1 up to about 500, without reference to blocks. Although the commissioners found this plat, they nevertheless made a new one, conforming in general to the old subdivision but changing entirely the designation—numbering the blocks and lettering the lots in each block. Thus, for instance, a lot which under the old plat might be known as No. 10 became under the new lot A in block 4. It is impossible to conceive of a more radical change. No owner could by any possibility have recognized his property by the description. And the change was as needless as it was illegal. No good reason for it can be imagined. Its only object was to obliterate landmarks as well as titles, and yet luckily it may prove a blessing to its victims by helping to redress a great wrong.

GENERAL HUNTER STOPS THE SALE.

A few days before the day fixed for the sale Major-General Hunter, then commanding the Department of the South, ordered the commissioners not to proceed with it. They, nevertheless, commenced the sale, and the minutes of the commissioners show that the following orders were then issued:

HEADQUARTERS UNITED STATES FORCES, PORT ROYAL ISLAND,
Beaufort, S. C., February 12, 1863.

SIR: I am instructed by the colonel commanding these forces to inform you that if you attempt to continue the sale of land, or sell another lot, without orders from the department headquarters, to arrest you and send you there under guard.

I am, sir, very respectfully, etc.,

S. S. STEPHENS,
Lieutenant Sixth Connecticut Volunteers, A. A. A. G.

Mr. A. D. SMITH,
Direct-Tax Commissioner.

Brig. Gen. R. Saxton this day transmitted to this commission the following order, to wit:

"HEADQUARTERS DEPARTMENT OF THE SOUTH,
"*Hilton Head, Port Royal, S. C., March* 1, 1863.

"Brig. Gen. RUFUS SAXTON,
Commanding post, Beaufort, S. C.:

"GENERAL: All sales of land for non-payment of taxes having been suspended in this department by general orders from these headquarters, until the pleasure of the Government in the premises should be made known; and the direct-tax commissioners themselves having decided that such suspension vitiated the original four weeks' advertising prescribed by law, you will take immediate measures to secure that no further sales of land in this department shall be either publicly or privately made until previous advertising for 'four weeks next preceding the day of sale' shall have been had, the advertising heretofore had of these lands having been vitiated by the prohibition of sales. And you will notify the commissioners of taxes that any sales of land they may have made since the issuing of the general orders from these headquarters prohibiting such sales shall be held null and void, and are so declared to be; and that no purchaser shall be allowed to claim benefit under the same. And you will further notify the commissioners that any further attempt on their part to contravene these orders until the new four weeks' advertising shall have been had, and until the reservations prescribed by Government have been made, will be severely visited.

"This order you will communicate by certified copy or otherwise to the tax commissioners without delay; and you will be kind enough to apprise me of your action in the matter and of its results. All this by command of Maj. Gen. David Hunter.

"Very respectfully, General, your most obedient servant,

"CHAS. G. HALPINE,
"*Asst. Adjt. Gen., Dept. of the South and Tenth Army Corps.*"

W. E. WORDING,
WM. HENRY BRISBANE,
Commissioners.

JNO. C. ALEXANDER, *Clerk.*

These orders disclose a strange condition of things. First, an officer of the Army undertakes to control and direct the sale of lands under an act of Congress—purely a civil proceeding; and, in the second place, the terms of the orders show very clearly that General Hunter not only had good reasons for suspecting that his orders had been disobeyed (perhaps properly), but that the commissioners had been selling property "privately," that they intended to sell the remainder without proper advertisement, and that the Government intended to "reserve" some of the lands.

THE GOVERNMENT "SELECTS" PROPERTY.

Subsequently a board of selection, as it was called, was appointed, consisting of two generals and the direct-tax commissioners, who were directed to select, for purposes of the United States Government, certain property, and they selected about 60,000 acres of land, and with the exception of four unimportant lots, which were owned by colored people who were present at the sale and purchased them, the entire town of Beaufort, consisting, as I have said, of about five hundred lots, with improvements, and valued by the commissioners themselves for purposes of taxation at $515,700. The following extract from the report of the board of selection fully explains what was done:

The report of the board of selection of lands for war, military, naval, revenue, charitable, educational, and police purposes, etc., is herewith communicated marked C.

From this it will be seen (that for these purposes, on which the Government should bid), that there were selected, as necessary for Government use, for the purposes aforesaid, as follows:

Lands selected by the board of selection to be bid in for war, naval, military, revenue, charitable, educational, and police purposes, acres	39.703
The assessed value of which is	$115,492.00
Bid in for the sum of	13,505.00
Average price paid per acre	.34

Upon the sale of these lands the Government became, of course, a common purchaser with others at the tax sale and bid in competition with individuals.

Besides the lands selected for the use of the Government, there were purchased by the commissioners for the United States, under the amendment authorizing the commissioners to bid for the Government up to two-thirds of the appraised value, 19,619 acres, the assessed value of which is $78,476 for the sum of $10,950, averaging nearly 56 cents per acre. * * *

In addition to the plantation lands selected for Government use, the board of selection deemed the situation of the town of Beaufort so important for military operations as to require the absolute control of the Government. It was bid in accordingly, except two or three small tenements previously sold to residents thereon, and a few unimportant lots, the assessed value being $515,700, for the sum of $17,512.

There were bid in by the United States plantation lands, in all 57,322 acres, at a cost of	$24,455.00
The town of Beaufort	17,512.00
Total cost	41,967.00

So the entire town, with the exceptions I have named, passed into the hands of the United States Government at a most insignificant cost, the entire property valued at over a half a million of dollars having been purchased for $17,512, or about one-thirtieth of its assessed valuation for taxation. They also selected for Government purposes over 39,000 acres of land, bidding it in at a nominal figure, the average price being 34 cents an acre; and also 19,000 other acres of land which they bid in at an average price of 56 cents an acre, all of this land having been worth in 1861 from $20 to $40 an acre.

The following extract from the minutes of the commissioners throws additional light upon their manner of conducting these sales:

BEAUFORT, S. C., *March* 21, 1863.

A meeting was held this day, all the commissioners present. The motion of Commissioner Wording, which was recorded on the 19th instant, was reconsidered and indefinitely postponed, and Commissioner Brisbane offered the following, which was agreed to:

"Whereas the advertisement for the tax sales on Hilton Head and Pinckney Islands appears with the names of only two of the commissioners signed thereto, and it being questionable whether the withdrawal of a name while the advertisement is under publication may not shake the confidence of the community in the validity of the sales: Therefore,

"*Resolved*, That the sales of the land on Hilton Head and Pinckney Islands be postponed until a more favorable time, or until the pleasure of the Government in the premises be communicated to the commissioners, and that the notice of sales be for the present withdrawn from publication."

The meeting was then adjourned.

W. E. WORDING,
WM. HENRY BRISBANE,
Commissioners.

So far as regards the withdrawal of the advertisement is concerned, I concur. The reasons therefor stated above are, as I am informed, stated under a misapprehension of the facts. It is understood that General Hunter had ordered the discontinuance of the advertisement before the above resolution was passed. I did not sign my name to the original advertisement. Was absent in Washington when it was done, and on the reappearance of the advertisement in the New South I directed the publishers to omit my name, placed there without authority, but was informed that the commanding general had already given orders to suspend the publication. Pinckney Island being more a "debatable ground" than a proper field for civil operations, I declined the use of my name in the matter of publication.

I make this statement, lest it may be thought that I concur with the preamble as well as the resolution.

A. D. SMITH.

It does not require a moment's reflection to see that this interference by the military with the civil authorities, the postponement of the sales. the peculiar methods of the commissioners, as disclosed in General Hunter's orders, the "selection" and "reservation" by the Government of more than one-half the property—all done in the midst of war—must have exercised a very chilling effect upon the sales. The result has been especially injurious to the land-owners, because in the Taylor case, which came to the Supreme Court from Missouri, it was decided that the owners were entitled to recover from the United States the surplus arising from the sales over and above the tax, costs, and penalties, and the Secretary of the Treasury has for years been paying these balances. Where private parties were the purchasers the former owners have, in some instances, recovered amounts compensating them to some extent for their losses, but in hardly any case where the Government "selected" the property has the surplus been large enough to make it worth while to apply for it.

Another harsh feature in the enforcement of this law was the selling of each piece of property for the tax imposed upon it, regardless of the fact that the owner was possessed of other pieces, either one of which was more than amply sufficient to pay the tax upon all.

Thus in one case where a party owned 2,550 acres of land, divided into four tracts, and a house and lot in the town of Beaufort, valued at $8,500, the whole of it being worth $72,250, all of it was sold for the purpose of collecting a tax of only $296.

I have endeavored, Mr. Chairman, in the short time allowed me, to state the most striking features of the enforcement of this law in South Carolina. Harsh as they were, there may have been some compensation to the sufferers if the sacrifice of their property had brought relief to the rest of the State, but it was not so to be. This ancient town and these 110,000 acres, worth, at a reasonable valuation, $2,500,000—these homes of an entire community—were all sacrificed to raise the pitiful sum of $11,855.

RESALES.

Subsequently many plans for disposing of the Government property were carried out. In the year 1864 the Government, under the same act—the thirteenth section—resold much of the property, and thus gave to the soldiers and sailors of the United States, many of whom were then in and around the town of Beaufort, special terms of purchase, to wit, one-fourth cash and the balance in three years. When the three years expired many of the purchasers, being unable to pay the three-fourths of the purchase money still remaining due, the property was retaken by the Government, without legal proceedings, and has since been sold again, realizing another profit. The soldiers and sailors lost the entire amount of cash paid for the property. The amendment provides that the amount so paid, $47,000, should be repaid to them. If the entire amount of tax collected is to be returned to the States, and everything that has been done is to be undone, it seems but just to refund this amount also.

SALES TO FREEDMEN.

By the amendment of 1866 to the Freedman's Bureau act Congress further legislated relative to this matter, and directed that a large amount of the lands which were held by the Government should be cut up into small parcels and sold to freedmen, who were not allowed to pay more than $1.50 per acre, and no person of any other race was allowed to purchase at any price. I mention this for the purpose of showing that not only did the Government at the outset select this property at merely nominal prices, but that subsequently it disposed of it far below its market value in undertaking to carry out a certain policy of its own. The land was never allowed to bring anything like its full market value. By the provisions of the same act certain portions of the land which had been reserved for the purpose of establishing schools were ordered to be sold for not less than $10 an acre, and many of them were sold for more than that price. This shows the value of the land at that time.

PROFIT BY THE GOVERNMENT.

Although the Government substantially gave away much of the land, yet by the army and navy sales, sales to heads of families, by rents, sales of school farms, sales to loyal citizens, and other transactions, it made a profit of $418,414.93. This will appear by the following figures, taken from pages 28 and 29 of the committee's report:

Total collections by—		
Commissioners		$764,937.27
W. R. Cloutman		53,511.33
A. I. Ransier		2,934.29
		821,382.89
Deduct—		
States' quota	$363,570.67	
Penalties	132.76	
Interest	27,284.99	
Sale of maps	24.00	
Certificate fees	4,465.50	
Miscellaneous collections	365.15	
Balance	248.00	
Cash from predecessors	3,444.45	
Miscellaneous sales	604.30	
Cash from predecessor	2,514.71	
Miscellaneous collections	52.25	
Due collector	255.18	
Miscellaneous sales	6.00	
		402,967.96
		418,414.93

And the Government has had the use of nearly the whole of this amount for a quarter of a century.

I know of no case in history, Mr. Chairman, parallel to this. Shall

this be allowed to stand as the sole exception to the generous policy pursued by the Government since the war? Gentlemen must realize that it demands a remedy. No remedy can be given except of the kind provided by this amendment. The lands can not be recovered, because the Supreme Court has decided, in the case of De Treville against Smalls (98 U. S., 513), that the direct-tax acts were constitutional and that the courts can consider no other points than those allowed by the acts, to wit, that the land was never liable to taxation, or that the tax had been paid, or that the land had been redeemed since sale.

While this has been decided, yet the Supreme Court have rendered several decisions subjecting the Government to claims of various kinds because of the manner in which the law was enforced. Thus, in the Taylor case, already mentioned, it was held that the Government must refund to the owner the surplus proceeds arising from the tax sale, over and above the tax and charges. Also, it has been decided in subsequent cases that in South Carolina the assessment and rate of taxation were illegal, and that the commissioners made illegal charges of interest, and that the Government was liable to the land-owners therefor, and the Treasury Department is constantly engaged in paying such claims. So it will go on year after year, the Government harassed by multiplicity of suits and the claimants deriving no substantial benefits from them. This amendment proposes to settle these claims once for all and to redress, as far as may be, the hardships which these people have suffered.

The argument presented for the appropriation of the many millions of dollars covered by this bill is that the tax was collected from some States and people and not from others, and this inequality must be corrected by a return of all the money collected, and a large majority of both Houses of Congress favor the passage of the bill upon that ground. Can any gentleman who favors the bill refuse to vote for the amendment? You propose to refund to the Empire State her two and a half millions, and to the great State of Pennsylvania her nearly two millions, and to the rich State of Ohio her million and a half, and yet hesitate to give back to these impoverished people, whom I have the honor to represent, a mere pittance of what has been taken from them! Why return to the citizens of the Southern States the taxes paid by them and refuse to the people of Beaufort any compensation for the loss of their entire property? That property, sacrificed by the tax-gatherers to collect something over $11,000, would have sufficed to have paid the taxes of the wealthy State of New York!

The profit made by the Government by its purchase of these lands exceeds the tax quotas of twenty-four out of the forty-three States and Territories; and it has been in the Treasury for a quarter of a century! If you pass the bill and reject the amendment what reason can be assigned for the glaring inconsistency? The question is, gentlemen, not whether the American Congress can afford to redress this wrong; it is whether we can afford to leave it unredressed.

The details of the amendment are few and simple. The value of each class of property is fixed by the amendment so that each member can readily understand its scope; and, moreover, there will be no opportunity for making exorbitant claims against the Government based upon extravagant values. The lots in the town of Beaufort are valued at the rates placed upon them by the commissioners themselves for taxation. Planting lands of the best class are valued at $10 per acre—not one-half their former value. All other lands are rated at $1 per acre. Each person receiving payment for their lands is required to execute a release to the Government and to the holders under the tax titles of all claims of every kind and description whatever arising out of the enforcement of these acts.

Mr. Chairman, there is hardly a State in this Union that does not shelter some of these unfortunate people. Many have passed away in strange lands yearning for their beautiful homes, others linger on the stage oppressed with poverty and borne down with increasing years. Soon they will all cease to wonder at the strange fate that made them wanderers without homes—they of all others whose homes were their world. A few years more and they will all be alike, beyond the greedy grasp of the tax-gatherer and the kindly help of the American Congress. While there is yet time let us, the representatives of a generous people, see to it that no possible reproach attaches to their name by giving millions to wealthy States and yet refusing all aid to the only people in this broad land whom the law has made homeless.

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